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PROCEEDINGS AND DEBATES OF THE *103^d* CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 3, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, May 3, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to understand more clearly the happiness and fulfillment that can come from daily responsibilities and chores that often seem insignificant and tiresome. Remind us always, O God, that the ordinary events of life can become extraordinary when touched with Your blessing and with our awareness. May all the simple actions of life be seen as gifts to be enjoyed and used to Your glory and for the service of people everywhere and may we learn to mark every moment as uncommon with extraordinary opportunities. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from Louisiana [Mr. HAYES] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. HAYES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION TO ENSURE A STRONG, COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 Note), as amended by Public Law 103–13, the Chair, on behalf of the speaker, appoints to the National Commission To Ensure a Strong, Competitive Airline Industry the following Members on the part of the House:

As voting members:

Miss Sandra Pianalto of Akron, OH;

Capt. J. Randolph Babbitt of Oakton, VA; and

Mr. John Peterpaul of Silver Spring, MD.

As nonvoting members:

Mr. GEPHARDT of Missouri;

Mr. BORSKI of Pennsylvania; and

Ms. CANTWELL of Washington.

There was no objection.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION TO ENSURE A STRONG, COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, as amended by Public Law 103–13, I hereby appoint the following individuals to serve on the National Commission to Ensure a Strong, Competitive Airline Industry:

Representative Newt Gingrich of Georgia (Nonvoting);

Representative Bud Shuster of Pennsylvania (Nonvoting);

Mr. Daniel Kasper of Massachusetts (Voting); and

Mr. John Robson of Washington, DC (Voting).

Sincerely,

BOB MICHEL,
Republican Leader.

CONVENING OF CONFERENCE ON VIOLENCE IN TEENAGERS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, imagine the stark horror this weekend of a Denver grandmother and two Denver aunts as they went to the Denver zoo and were standing in front of the polar bear cage when the young 1-year-old they had escorted there got hit in the head with a bullet.

What did that bullet come from? It came from some young boys playing with guns in the park.

It is absolutely outrageous what has happened in our society with this kind of violence, and it is time we all stand up and say we will not take it anymore. Violence has become a tremendous disease in this society that is going to consume it and leave it with no civilization at all.

This weekend I am convening in Denver a conference on violence in teens to find out how we make my great city once again a violence-free zone, but it is not only my city, it is every part of America.

This should never, never have happened, and it shall never happen again.

UNITED STATES MILITARY ACTION IN BOSNIA

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. ROTH. Mr. Speaker, President Clinton seems intent on getting the United States even deeper involved in Bosnia. Before he does, this Congress must insist that the President provide answers to four strict tests, four strict questions, that his Secretary of State, Warren Christopher, has proposed. These are absolutely, I think, essential.

First, the goal must be stated clearly to the American people as to the purpose for our involvement; second, there must be a strong likelihood of success; third, there must be an exit strategy; and fourth there must be sustained public support for this program.

Only after the four tests have been met should this Congress acquiesce to the President's demand for action, military action, in Bosnia. The initiative in Bosnia must have the imprimatur of this Congress. The War Powers Act demands no less.

LESS GOVERNMENT, NOT MORE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I have just returned from a weekend in Wyoming, as is usual, and with renewed concern about some of the things that we do here.

The 100 days are over, but it does not appear that things are going to change. Every week the Clinton administration puts forth a new idea to create a new bureaucracy, a new program, even new agencies, all with new costs and new taxes. I hope the process does not continue.

We have had 14 new tax proposals in 14 weeks in this administration. The President apparently has never seen a tax he did not hike.

This huge amount of new spending makes you think that the Clinton administration has backed away from the notion of deficit reduction which is what the people in Wyoming feel most strongly about. If you ask the folks in my State what they are concerned about, the deficit is at the top of the list. Folks know that the deficit is dragging down the economy and stalling jobs.

So it is a curious thing when the President challenges Congress for spending cuts. The Republicans have had real spending cuts, and the President proposes new agencies.

There are lots of details we could talk about, but the real principle is: Do you want more Government, or do you want less? In Wyoming, we want less.

GOALS 2000: EDUCATE AMERICA ACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, one of the major initiatives of the Clinton administration is education. The bill which has been produced on behalf of the administration is called Goals 2000: Educate America Act. It embodies many goals that all of us agree upon, and among them are that by the year 2000 our people would be literate, our children would be at the head of the world's classrooms in math and in science, we would have violence and drug-free schools in our communities, and at least 90 percent of our children would graduate from high school.

Mr. Speaker, I cannot believe or think of anything more important to the future of America, as we enter the last part of this decade and are looking into the next century, than an educated population, our youngsters as well as our grownups.

This education initiative dovetails very well with what is going on back home in Kentucky both under the Kentucky Education Reform Act which was passed in 1990 and also in the literacy efforts we are making in Kentucky.

So I commend the administration and look forward to working with it on making sure we educate America by the year 2000.

☐ 1210

IN OPPOSITION TO H.R. 5, STRIKER REPLACEMENT

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, "drumhead trial" could be used to describe how the labor unions have conducted their campaign for H.R. 5, the striker replacement bill.

The term "drumhead trial" originated many years ago on the battlefield. Soldiers would use an upturned drum for a table to conduct trials for offenses committed during battle. Those early trials seldom had any regard for fact or reason, and they often resulted in the execution of innocent soldiers.

Keeping with history, in the drumhead trial being conducted by the labor unions, fact and reason have been ignored. For example, they've chosen to ignore such facts as that in only 4 percent of the strikes between 1985 and 1989 were permanent replacement workers used, one indication that H.R. 5 is not needed.

But the drumhead trial goes on, and the labor unions are zeroing in on those on trial—American business and nonunion workers. They are the innocent victims, and the passage of H.R. 5 would be their execution order.

We should put an end to this sham. We should give consideration to fact and reason in the debate on H.R. 5. And then, we should kill the bill and give a reprieve to American businesses and workers.

BILL CLINTON OUGHT TO "TAKE A LICK AT THE TAX REFORM SNAKE"

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, I know they have the same expression in Mississippi that we have in Alabama, and that expression is, "He didn't hit a lick at a snake." When there is a snake laying on the ground, there is sort of a natural inclination to reach over there and hit that snake.

Well, I was in Cindy Dee Restaurant, across from Harpers Ferry, WV, yesterday, and I found out that they had not heard that expression.

We were talking about Bill Clinton and tax reform, and the guy said, "You know, the President promised he would cut our taxes. He hasn't done T Turkey about that." I said, "That is right." I told him, "He really hadn't hit a lick at a snake." He did not know what that meant. But we both agreed that Bill Clinton hasn't hit a lick at a snake or whether he hadn't done T Turkey about it. He promised a middle-class tax relief, and has done absolutely nothing about it.

I hope in the next 100 days he will start taking a hit or a lick at the snake and start giving the middle-class tax relief.

ORDER OF BUSINESS

Mr. HAYES. Mr. Speaker, I ask unanimous consent to transpose the name of the gentleman from Michigan [Mr. BONIOR] in the Special Order Calendar with the name of the gentleman from New York [Mr. SERRANO] on May 4, 1993.

Mr. Speaker, I do this with the concurrence of my colleague, the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPORT ON TERRORIST ASSETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. HAMILTON] is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, I would like to call to my colleagues attention a report required by the Foreign Relations Authorization Act for fiscal years 1992 and 1993 which was received by the Committee on Foreign Affairs yesterday. This report by the Department of the Treasury's Office of Foreign Assets Control lists the value of known assets in the United States of countries which the Secretary of State has determined are sponsors of terrorism.

DEPARTMENT OF THE TREASURY,
Washington, April 19, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is the Annual Report to the Congress on Assets in the United States Belonging to Terrorist Countries or International Terrorist Organizations.

Sincerely,
GAIL E. PETERSON,
Deputy Director,
Office of Legislative Affairs.

ANNUAL REPORT TO THE CONGRESS ON ASSETS IN THE UNITED STATES BELONGING TO TERRORIST COUNTRIES OR INTERNATIONAL TERRORIST ORGANIZATIONS

Section 304 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, Public Law Number 102-138, Section 304, enacted on October 28, 1991, requires the Secretary of the Treasury to provide annual reports to Congress concerning the nature and extent of assets held in the United States by terrorist countries and organizations engaged in international terrorism. This report is being submitted to the Committee on Foreign Relations and the Committee on Finance in the Senate and to the Committee on Foreign Affairs and the Committee on Ways and Means in the House. It was prepared by the Treasury Department's Office of Foreign Assets Control ("FAC"), which has the responsibility for administering and enforcing economic sanctions programs mandated by the President pursuant to his declaration of a national emergency with regard to particular foreign countries.

State Sponsors of Terrorism

State sponsors of terrorism are those countries designated by the Secretary of State under Section 40(d) of the Arms Export Control Act, Title 22, United States Code, Section 2780(d). States currently listed as sponsors of terrorism are: Cuba, Iran, Iraq, Libya, North Korea, and Syria. Of those six countries, FAC currently administers a comprehensive embargo or other sanctions program against all but Syria. These existing assets freezes, trade embargoes, and travel- and transportation-related restrictions are promulgated under the authority of the Trading With the Enemy Act, Title 50, United States Code, Appendix 5 (Cuba and North Korea), the International Emergency Economic Powers Act, Title 50, United States Code, Section 1701 *et seq.* (Iran, Iraq, and Libya), the United Nations Participation Act, Title 22, United States Code, Section 287c (Iraq and Libya), and the International Security and Development Cooperation Act, Title 22, United States Code, Section 2349aa-8 & -9 (Iran and Libya).

Information concerning the known holdings in the United States of those six state sponsors of terrorism is reported below at Exhibit A. It should be noted that, with the exception of Syria, these figures represent aggregate totals of assets blocked in the United States and that such assets are not subject to attachment by any claimant until such time as a claims settlement process has been established in conjunction with the lifting of United States sanctions against the target state.

International Terrorist Organizations

Section 304 of Public Law 102-138 also requires the Secretary of the Treasury to report to the Congress annually on the asset holdings in the United States of international terrorist organizations. For purposes of this report, Treasury has utilized as a working list of international terrorist organizations those thirty-nine (39) entities described in Appendix B of the April 1992 document "Patterns of Global Terrorism: 1991" (the "Patterns Report"). The Patterns Report is prepared annually by the Department of State's Office of the Coordinator for Counterterrorism, in compliance with Title 22, United States Code, Section 2656f(a). It is considered to be the most authoritative reference available for the purposes of Treasury's annual report to the Congress on the nature and extent of assets held in the United States by terrorist countries and organizations engaged in international terrorism. The entire 1991 Patterns Report is attached as Exhibit B of this report.

The Treasury Department has no information to report with regard to the assets held in the United States by international terrorist organizations. Treasury does not compile information on the holdings of private individuals or organizations in the United States unless those assets are subject to sanctions imposed under one or more of the authorities discussed above.

Treasury is currently examining the list of organizations contained in Appendix B of the 1991 Patterns Report to determine whether their connections to states identified as sponsors of international terrorism may provide a basis for further action by the Office of Foreign Assets Control under existing economic sanctions programs.

ASSETS IN THE UNITED STATES BELONGING TO STATE SPONSORS OF TERRORISM

The following list contains information on the nature and extent of assets in the United States belonging to counties identified as state sponsors of terrorism. It should be noted that assets blocked under the authority of an existing United States economic sanctions program are not subject to attachment by any claimant until such time as a claims settlement process has been established in conjunction with the lifting of sanctions against the target state.

The Treasury Department does not compile information on the holdings of private individuals or organizations in the United States, unless those holdings are subject to an assets freeze imposed under the authority of the Trading With the Enemy Act or the International Emergency Economic Powers Act.

[Amounts in millions of U.S. dollars]

Country	Amount	Explanation
Cuba	$111.2	Government of Cuba's blocked assets. Primarily bank accounts. Source: Office of Foreign Assets Control ("FAC"), Treasury.
Iran	22.3	Government of Iran's diplomatic properties remaining blocked since 1979–1981 hostage crisis. Primarily real estate. Source: FAC, Treasury.
Iraq	1,108.0	Government of Iraq's frozen assets. Primarily bank deposits. Source: FAC, Treasury.
Libya	903.0	Government of Libya's frozen assets. Primarily bank deposits. Source: FAC, Treasury.
North Korea	2.8	North Korea's frozen bank deposits. Source: FAC, Treasury.
Syria	249.0	Total liabilities of U.S. banks ($245) to official Syrian institutions and ($4) in total liabilities of U.S. nonbanking institutions to Syria. Source: Treasury Bulletin, March 1993.

DECLARATION OF OFFICIAL LANGUAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, on the Great Seal of the United States is inscribed our national motto, "E Pluribus Unum," "From the Many, One." This phrase sums up the promise of America—a nation which welcomes people of all origins to join together in the quest and pursuit of our common American ideals.

As people emigrated from throughout the world to America, they came for different reasons—fleeing persecution and poverty, seeking freedom, and hoping for a better future. But whatever their origin, they all proudly adopted the name "Americans."

Indeed, as Americans, we represent every language, every culture, every heritage on Earth. Yet, we are one people, one Nation. What is the essential element that mixes new immigrants into the melting pot of America? That allows them to compete and take hold of the American dream? One factor stands out above all else. Wherever they came from, whatever their native tongue, they all adopted the English language—as their own.

Now, unfortunately, we are losing this cohesion, this unique American blessing. One need only look at our schools to see this in dramatic fashion. In Chicago schools, 100 languages are spoken. In Denver schools there are 89 languages in use. The list goes on—80 languages in Los Angeles, 47 languages in Broward County, FL, and 115 languages in New York City.

America is fast becoming a society divided by language, and with it we will inherit all the problems that stem from this development—ethnic strife, more discrimination, and entrenched poverty—the creation of an entire subculture that is unable to compete in the American economy.

The stakes could not be higher. The National Clearinghouse for Bilingual Education estimates that 40 million Americans will be non-English-language-proficient in just 8 years—40 million Americans. About one-sixth of our population.

These 40 million Americans are increasingly isolated—split off from the American dream—and we are doing nothing to stop it. Theodore White adeptly summed up this tragedy when he said: "It is distasteful that a nation whose seal bears the inscription E Pluribus Unum should be asked to divide itself from the one nation into many tribes."

How can we put a halt to this fragmentation? How can we reunite the diverse peoples of America into one Nation—unified in purpose, dreams and opportunities?

We must go back to our roots, our common foundation, the English language. Considering America's historical legacy, it is not surprising that most people assume English to be our country's official language. In fact, whenever I raise the official language issue, I am asked again and again: isn't English our official language now? The American people are surprised to learn the answer to that question is "No."

Americans believe the benefits of knowing our national language should be obvious to anyone. It is the world's and our Nation's language of commerce, diplomacy and opportunity. We must recognize this reality through a formal declaration that English is America's official language. In addition, we must reexamine the failed policies that have brought us to this precipice.

The 40 million Americans mentioned earlier who are being segregated from the American economy and society are not just recent immigrants, but in many cases Americans who were born in this country. What is especially tragic is that our own Government is encouraging this trend through failed policies, including:

Bilingual education programs;

Multilingual ballots; and

Other government language services.

These programs create the fiction that you can compete in this country—and take hold of the American dream—without learning English. This is fantasy.

For most of our history, America gave the children of immigrants a precious gift—an education in the English language. As each new wave of immigrants arrived on these shores, the first task they wanted to complete was to make certain that they and their children had a chance to learn English.

The dreams these immigrants embraced are dear to all of us. Perhaps that is why a short scene in the film "Casablanca" touches our hearts. A husband and wife at Rick's Cafe announce they are moving to America. They add that because they are going to America, they must learn English.

That couple represents the ancestors of many of us here in this Chamber. People who spent long days in backbreaking toil and then spent their evenings learning English so they could get their piece of the American dream. The men and women in this Chamber might not be here today had their parents or grandparents been denied the opportunity to learn English—an opportunity that in many instances we deny a large segment of our society today.

Mr. Speaker, a majority in every American ethnic group recognizes the vital importance of the English language to be successful in America. The Latino National Political Survey released on December 15, 1992 showed that over 90 percent of Hispanics nationwide agreed that all U.S. residents should learn English. Further, a recent San Francisco Chronicle poll found that 90 percent of Filipinos, 78 percent of Chinese and almost 70 percent of Hispanic immigrants in California support declaring English as our official language.

Thomas Sowell, in his book "Inside American Education," cited numerous surveys proving that the great majority of Hispanic parents—more than three-fourths of Mexican-American parents and more than four-fifths of Cuban-American parents—are opposed to the teaching of Spanish in the schools at the expense of English. The Latino National Political Survey found a similar result.

If immigrants have not changed, then what has changed? I would suggest, Mr. Speaker, that during the 1960's a small group of self-styled elitists decided that it was more important to dwell upon what divides America than what unites America.

The 1960's and 1970's were a time when Canada adopted language laws which threaten that Nation's unity today. During the same period in our nation the elite decided that learning English wasn't important for new Americans.

Accordingly, laws and regulations were passed that, regardless of their good intentions, segregated Americans on the basis of language. The programs mentioned earlier—bilingual education, bilingual ballots, and language services—were the result.

The special interests who sought these changes have succeeded in dividing our Nation. Instead of bringing us together, language now tears us apart—economically and culturally—into segregated enclaves.

What are we doing to help the 40 million Americans I mentioned earlier who need help with their language skills? Instead of a first-rate education in English, our Government now provides failed bilingual education programs. Let's take a closer look at these programs.

In the case of bilingual education, we have allowed special interests to keep afloat a program which wastes millions of taxpayer dollars while failing to give students an adequate education in any language. Congress is a prime defendant in this indictment. This institution has misguidedly supported policies that are guaranteed to condemn the children of today's immigrants to the second-class status of the non-English-proficient.

It was estimated in 1985 that the Federal bilingual education program had already cost American taxpayers over $1.7 billion. This vast sum was spent with little to show for it. Billions of dollars later, there remains little evidence that these programs have accomplished what Congress asked them to do—assimilate immigrant children into American society.

Supporters of bilingual education readily admit this. They don't want the success of bilingual education to be measured by how well it teaches children to speak, read, and write English. Instead, in the words of Prof. Walter Secada:

> Proponents of * * * bilingual-education programs [think they] should be evaluated against broadly construed standards of success: development of English and native language skills, development of dual-language literacy, academic achievement in either language, enhanced student self-concepts and understanding of other cultures, lowered drop-out rates, post-secondary education and employment, and other similar criteria.

Prof. Lily Wong Filmore, who is such a strident advocate of bilingual education that she criticizes preschools for not being bilingual, has gone even further. She claims that to test students in the bilingual program using English is a "subversive activity," since "children who are being taught to read in Spanish are unlikely to make a good showing on English reading tests."

Make a target big enough and close enough and anything can hit it. By the criteria listed by Professor Secada, bilingual education would "succeed" if a student learned no English but kept coming to school and could read Chinese. And Professor Filmore's test of success omits English proficiency altogether.

Contrast these attitudes with the commonsense approach of Dr. Henry Gradillas, the highly respected principal of the east-Los Angeles High School shown in the film "Stand and Deliver." Dr. Gradillas objects to the emphasis placed on bilingual education because it diminishes a student's vision and future. In his words:

> The bilingual proponents hate me because I disagree with almost everything they are trying to push on these kids. I don't want to teach students math in Spanish for the simple reason that the college entrance tests are not given in Spanish, neither are students allowed to fill out a job resume in Spanish.

Still quoting Dr. Gradillas:

> When I voice these concerns, educators look at me like I am some kind of traitor. They seem to have already stereotyped me as being pro-bilingual just because I am Latino.

Our country could use a lot more of Dr. Gradillas' commonsense approach.

Being fluent and proficient in other languages is laudable. But we dare not lose sight of a fundamental truth: the future in America belongs in large part to those who read and write English well. Learning English well must be the first priority of anyone's education, whatever their heritage.

Robert Reich, our new Secretary of Labor, stated in his 1991 book, "The Work of Nations," that the most skilled workers—he calls them symbolic analysts—will be the most successful in the 21st century economy. Symbolic analysts include computer programmers, lawyers and such—all of whom must have top-notch communications skills.

The Germans, the Japanese, and others are busy learning English. In the meantime the Government of the United States is denying American-born children the same opportunity. And the American taxpayers are paying for the privilege as well. The Federal Government and State and local governments spend at least a half-billion dollars on bilingual education each year.

What have these many billions purchased Mr. Speaker? Future symbolic analysts? No. Instead, these billions have funded programs which produce children who are illiterate in English.

One mother in New York City, Gregoria Jiminez, came to the attention of the press recently because she was forced to hire a private tutor for her son. Why? Because after 3 years of bilingual education, her son could not read or write in any language.

Congress has known for years that bilingual education has problems—at least dating back to the first real research on this issue released in 1978. Rudolph C. Troike of the Center for Applied Linguistics and National Clearinghouse for Bilingual Education admitted as much that year when he said:

> When the Bilingual Education Act (title VII) was launched in 1968, it was, unlike the Moon landing program or Federal efforts in public health, undertaken largely as an act of faith, with little research to support it * * * (and) we have very little more of a research base for bilingual programs than we did 10 years ago.

But we have done nothing except study the programs further. How many more generations of English-language illiterates will we allow bilingual education programs to produce before we demand changes?

Bilingual education has succeeded at just one thing: it has created well-paying jobs for professional ethnic activists and bilingual education bureaucrats. The Bilingual Education Act is a cash cow for a vast, well-funded national bureaucracy. The bilingual lobby includes bilingual education program administrators and professional ethnic activists who represent no one but themselves.

These people know all too well that they are without a constituency. Consider the recent case of New York City's Schools Chancellor Joseph Fernandez. Fernandez tried to impose a new school curriculum that among other things would have insisted that schools maintain the native language of all students, even at the expense of English. Did the parents of these children rally behind him? No. In fact, Hispanic parents were among the leaders of the successful effort to drive Fernandez from office.

The bilingual lobby's disinterest in teaching English to the students in bilingual programs appears to be motivated by pure self-interest. After all, if the bilingual education program is dismantled, the bilingual bureaucrats would have to find honest work. More importantly, newly English-proficient immigrants might just integrate into the American economy and cause these bureaucrats to lose their dependent constituency.

Thus New York City, like most States and cities, employs an entire staff of bilingual bureaucrats whose job it is to convince reluctant parents of the virtues of bilingual education. Were a businessman to do what these people do, he or she would be indicted for consumer fraud. In Los Angeles, CA, these people tell concerned parents that transitional bilingual education is the best way for their children to learn English. They don't tell them that the children will learn English late in their school career and probably never adequately learn English.

Bilingual education instead of easing the transition for new immigrants to America actually imprisons its pupils below a glass ceiling of at best functional literacy and substandard English. An article in the Washington Post on this topic earned the headline "No English, No Future."

What a travesty. New immigrants who want to share the American dream and create a better future for their children are being defrauded by the American Government. Their new country is endorsing programs which will keep their own children in poverty.

No more poignant statement of this problem can be found than in the words of Ernesto Ortiz, a foreman on a south Texas ranch who said:

> My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can grow up to be doctors and lawyers.

I say again, Mr. Speaker, that English is still the language of opportunity in America. America's business—and increasingly much of the world's—is transacted in English.

Consider the plight of the non-English speaker in America. The daily newspaper is irrelevant to him or her. The vast majority of the books in the public library are useless. Classified ads offering jobs and products might as well not exist as far as he or she is concerned. Filling out a job application or writing an effective résumé is impossible.

This Congress has stood firm against English-language illiteracy among Americans who understand only English. Why are we less concerned about English-language illiteracy among Americans who understand no English? This is misguided multiculturalism. It sacrifices the futures of generations of immigrants to the politically correct view that learning English is not important.

Bilingual education is not something Congress has done in response to a demand from parents. In fact, all too often the Government requires parents to put their children into bilingual programs despite the parent's strenuous objections.

In one case, Charles Pacheco, an ex-marine and native born American, found his daughter placed in a Spanish-based bilingual educational program strictly because her last name was Hispanic in origin. Even after Mr. Pacheco informed the school that no one in his home spoke Spanish his daughter was trapped in the bilingual class.

Congress supposedly made this kind of discrimination illegal. But bilingual bureaucrats continue to assign kids to bilingual classes on the basis of their last name. And in San Francisco, after complaints arose that bilingual classes were segregated, American-born, English-speaking, African-American children were assigned to bilingual classes in which most of the instruction was in Spanish.

As the evidence continues to mount up that bilingual education is simply indoctrination for a life in a linguistic ghetto, a broad consensus is emerging. Thoughtful academics with many advanced degrees and new immigrants struggling to learn English agree that bilingual education actually hinders the process by which new Americans adapt to our society and prosper.

President Clinton issued a challenge to this body in his State of the Union Address. He said:

> We are eliminating programs that are no longer needed. * * * Many of these programs were justified in their time. But if we're going to start new plans, we must eliminate old ones. Government has been good at building programs. Now we must show that we can limit them.

Accordingly, the Declaration of Official Language Act which I have proposed would eliminate the hundreds of millions of dollars spent on behalf of bilingual education, a program that has certainly outlived any reasonable time it had to prove its effectiveness. If we cannot eliminate the millions spent annually for bilingual education programs, we have no business asking the American people to make the sacrifice of paying higher taxes.

Bilingual education is not the only linguistic deception perpetrated on the American people. The argument supporting federally funded bilingual ballots is equally fraudulent.

Bilingual ballots were renewed by Congress last year despite a lack of proof that bilingual voting materials were needed. This has been a continuing problem for advocates of these programs.

Abigail Thernstrom's book, "Whose Votes Count?" demonstrates that the need for bilingual ballots was scarcely evident even during the hearings Congress held on the issue in 1975. She notes that the Mexican-American Legal Defense and Education Fund [MALDEF] had a tough time finding any witnesses able to honestly testify as to their need for bilingual voting services. A MALDEF representative later said:

> We were able to produce those [needed] horror stories, but not many of them. * * * We did it really by the skin of our teeth.

Thernstrom also notes that many of the charges came from a handful of witnesses reporting on very few Texas counties. "What we found," one lobbyist later frankly admitted, "we portrayed * * * as a giant State-wide pattern, which it really wasn't."

Bilingual ballots are not only a solution to a nonexistent problem, they are also costly—a point underscored by the unwillingness of supporters of the renewal last year to vote to require the Federal Government to pay for these bilingual services it was mandating. Sacramento County, CA, calculates that the bill will add $50,000 to the cost of every election just for bilingual ballots because it will be required to provide these services not simply for those few who request them. Consider the huge cost which Los Angeles must bear, where the ballots were printed in six languages for the last election.

Bilingual ballots are not only unnecessary and costly, they may also be misleading the same voters they are meant to help. The bilingual requirements of the Voting Rights Act apply to localities with native American populations over a certain proportion of the population. The locality must provide all materials in the language(s) of the affected tribes—even if the language does not have a written form.

This opens the door to fraud and misrepresentation of issues by interpreters. Such fraud has already been documented by U.S. Assistant Attorney General John Dunne during the 1988 and 1990 elections.

According to his testimony on this issue last year:

> Even when translators were available, the message conveyed to minority language voters often did not resemble the issue on the ballot and it was impossible for a minority language individual to cast an informed vote.

In his testimony that same day, Mr. Dunne noted that a victim's rights initiative was translated as referring to any number of things instead of what the issue was about. He added that many Indian languages did not even have English equivalent words for complicated ballot questions.

Lifelong English speakers often disagree about the proper wording of controversial ballot initiatives. How can it be taken for granted that translations will be accurate?

The language being translated need not be uncommon to cause translation problems, especially when precise legal terminology is required. In a 1983 California case, People versus Diaz, the court noted:

> [W]e examined four different Spanish translations * * * of the Miranda advisement at issue. We discovered that none of the translations were identical.

Bilingual ballots were a well-intentioned gesture, meant to help people vote. But a program without evidence of its need that is costly and inaccurate can hardly be continued on the basis of good intentions.

Bilingual government services of all kinds suffer from the flaws I have outlined. They also share a fundamental problem: Bilingual government services remove a strong incentive to learn English and be a more productive citizen in our democracy.

Because of a few misguided special interest groups, our country no longer encourages new Americans to become proficient in English. Thanks to these special interest groups, people today can file government forms, get their driver's licenses and collect welfare all without being able to speak a word of English.

Our Nation's future is in jeopardy if we allow the anti-English lobby to continue to dominate the Federal Government. Immigrants and their children will continue to be denied an effective knowledge of the English language. Without that knowledge, immigrants will be left at the margins of our society, unable to fully pursue the American dream.

When immigrants to our country find themselves without the basic opportunities other Americans have, America's unity and strength is threatened. Linguistic division will tear at the very fabric of the American Nation. Historically, such divisions have been the forerunner of violent clashes.

The recent turmoil in the Balkans has demonstrated to me the pressing need for action. America may never disintegrate the way Yugoslavia has, but dare we take the risk of encouraging that result by the policies of today?

The separatist movement in the Canadian Province of Quebec has also reinforced my belief that we must act now to safeguard our country's unit. Declaring English our official language will ensure that our country will continue to enjoy its harmony of cultures.

My bill, the Declaration of Official Language Act, is an attempt to redirect our focus on English as our national language. Some groups will label any attempt to change the current system as extreme. However, my bill takes a moderate, reasonable approach to reform.

The bill is not, as some would have you believe, an attempt to eliminate the speaking of non-English from our country. In fact, the study of foreign languages should be encouraged. Multilingual language ability broadens an individual's horizons and is essential for the future competitiveness of our Nation. But the official language of the United States must be English.

Neither is the bill an attempt to wipe out cultural diversity. Our Nation is stronger because of the diverse heritage of its people. People should be encouraged to maintain the traditions of their families and forefathers.

What then does the Declaration of Official Language Act do? The legislation focuses on four goals.

First and foremost, it designates English as the official language of the United States of America. In so doing, it states that English is the preferred language of communication among American citizens and that the Federal Government shall support and promote the use of English within its borders.

My bill instructs the Immigration and Naturalization Service to establish an English language proficiency standard for all citizenship applicants and administer the exam to prospective citizens. This would ensure that new Americans understood the value and necessity of learning English, because their citizenship would depend on it.

This is hardly a new idea. By 1906, Congress had decided to require oral English literacy as a condition of becoming a naturalized American citizen. In 1950, Congress added the requirement that persons who wish to become citizens must "demonstrate an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language."

The problem is that we have not applied this requirement in a consistent and effective manner. A national exam would ensure that the same standards apply to all prospective citizens, whatever their origin.

Third, this legislation would repeal all programs that diminish or discourage the use of English among American citizens. Specifically, the Federal bilingual ballot and bilingual education programs would be repealed, as well as similar programs. These programs must be repealed explicitly, rather than waiting for years of litigation to have an impact. We cannot afford to consign yet another generation to the economic prison created by poor English skills.

The Declaration of Official Language Act also seeks to guarantee that all of America's public schools and government agencies use English to communicate. English is after all the common bond that has kept us one Nation, one people. It's our commonality.

In the past, America has been a shining example of how people from all corners of the world can live and work together in harmony. The world has marveled at how well the American melting pot has performed in fusing many peoples into one.

Today, however, America is in danger of losing its melting pot—and becoming a cauldron of division and separatism. Cultural and ethnic divisions, once swept away by the English language's power to unite, now persist and fester in our country.

Arthur M. Schlesinger, Jr., spoke in his book, "The Disuniting of America" of how: "a common language is a necessary bond of national cohesion in so heterogeneous a nation as America. * * * [I]nstitutionalized bilingualism remains another source of the fragmentation of America, another threat to the dream of 'one people.'"

Our tongue, English, has been the foundation of our collective American citizenship. Professor Schlesinger is correct. The English language has indeed been, and remains, America's common bond.

One of the most insidious problems in our Nation is the erosion of our common language. The English language is one of the moorings to which our society must remain anchored. The more that knot is untied, the more we will see the results in the headlines:

Less toleration for others;
More violence and ethnic strife;
More entrenched poverty; and
More division.

This issue may not grab the headlines each day, but many of the headlines in our papers can be attributed directly to its effects.

The best-kept secret in this entire debate is that most immigrants, like most Americans, agree that English should be our official language. Whenever I've discussed the English language bill in public, such as on the Bob Grant call-in show in New York, I have received hundreds of phone calls giving overwhelming support from all over America. The American people support the Declaration of Official Language bill. Only the minority of those who make their living directly or indirectly from Government bilingualism oppose this bill.

Mr. Speaker, I ask that my colleagues join me today in the fight to preserve the bond that has kept America one Nation, one people. The American people have been speaking out on this issue in record numbers. They understand the critical need to act now.

Since I introduced this bill on February 2, support from all over the country has been expanding with each passing day. This bill has touched off a firestorm, and I urge you all to heed the will of the American people. Join me in declaring English as the official language of the United States of America. Our future, and our children's future, depend on it.

☐ 1250

THE PRESIDENT'S NATIONAL SERVICE INITIATIVE

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, the President has proposed a national service program that will swing open a door of opportunity for anyone who desires a college education while laying a foundation for strengthening ties in our community. It will bring hope to generations and help us to once again believe in the American dream. And we applaud the President for this bold initiative.

We must not forget, however, a similar service initiative that has turned boys and girls into men and women. These men and women protect our country in our Armed Forces. They have dedicated their lives to serving our country and the communities in which we live.

The Montgomery GI bill and the Transition Assistance Program are effective tools in the recruitment of the best and the brightest for our armed forces. But Mr. Speaker, broad knowledge of downsizing the military and a reduced advertising budget make recruiting the best and the brightest more difficult for our military services.

Mr. Speaker, while the benefits offered with the national service program are laudable and worthy of support, we must make sure that national service is not more attractive than military service.

The SPEAKER pro tempore. The time of the gentleman has expired.

THE PRESIDENT'S NATIONAL SERVICE INITIATIVE

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, I yield to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, becoming part of the armed services is a supreme sacrifice and these courageous men and women should know that we appreciate their dedicated and patriotism by not elevating national service to the same dignity as military service.

Mr. Speaker, I thank the gentleman for yielding to me.

GOVERNMENT STUDENT LOAN PROGRAM

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, President Clinton is proposing a marriage between a restructured student loan program and a major new program of national service. I think some prenuptial caution is in order.

The President wants to change the existing guaranteed Student Loan Program to a direct Government loan program. The case for a direct loan program rests on the argument that it would be less costly than the existing program, which relies heavily on the private sector.

Mr. Speaker, at best, this is a dubious argument because the wrong comparisons are being made. Instead of comparing a Government-run program with the existing GSL Program, we should be comparing the proposed program with a revamped GSL Program that keeps the program largely market driven.

The President obviously has more confidence in the Department of Education than I do.

With respect to the national service proposal, the merit of any changes in the GSL Program should be determined on its own, independent of the proposal for a new program for national service. If money can be saved by changing the GSL Program, then we should make the change regardless of any other proposal that may be related to the important issue of student aid.

Tomorrow, I'll take this time to comment on the national service proposal.

AMERICAN NUCLEAR WEAPONS POLICY

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. Mr. Speaker, today I rise with some disappointment and want to bring to the people's attention some history of some legislation last year and a proposal that was seemingly offered by this administration this past Friday that is being discussed and now at the White House level that gives me grave concern.

Mr. Speaker, we all want the day to come when the world will throw away all of its nuclear weapons. The day is here now when we ask all nations that do not have these senseless devices not to get into the nuclear weapons business.

The Washington Post this last Friday reported that the Department of Energy, the Department of Defense, the Joint Chiefs of Staff, and those directors of the three U.S. nuclear weapons labs, have agreed on a plan that would allow the continued testing of nuclear weapons with an explosive force equivalent to 1 kiloton, or 1,000 tons of TNT.

They brag about the fact that this level is a one hundredfold reduction from the maximum blast allowed under a treaty signed by the United States in 1974. I wanted to talk about this proposed policy and urge the President to disavow this proposed plan as quickly as possible because I think it gives great danger to the world community around us, especially with various events that are occurring in places such as Korea and Pakistan today.

The fact is that the United States and Russia agreed to limit the size of nuclear weapons tested to 1½ kilotons. This has been ratified in a treaty in 1990. But for the past 10 years neither nation has tested a bomb greater than this amount, and this has been the practice. So this one hundredfold reduction is just a PR gimmick to help sell a very dangerous change in U.S. policy.

Mr. Speaker, let me also say that this Nation, even after START is fully implemented, will still have in the nature of 5,000 nuclear weapons, certainly enough to maintain our No. 1 leadership in the world militarily and also have the ability to destroy every living thing on this world many, many times.

What we are talking about here is ending the testing business; that we will not develop nor will other nations we hope develop new kinds of nuclear bombs, new kinds of delivery, new kinds of nuclear weapons; that we will all join hands one of these days and get out of the business. That day, unfortunately, is a long way off. But I think a significant step would be made if the world first said that none of us, none of us, would test nuclear weapons.

So I want to take a moment to talk about last year's legislation which President George Bush signed into law. So this is law, this is policy that I want to review.

Last year I introduced H.R. 3636 which was a simple piece of legislation that would impose a 1-year moratorium on the testing of nuclear weapons. It said that as long as other nations did not test, we, the United States, would not test.

At that point the nation of France and the nation of Russia said that they were going to discontinue their testing program and encourage the rest of the world not to test as well.

I had 218 cosponsors of my legislation. When we took this piece of legislation to the floor in the form of an amendment to the Department of Defense authorization bill, we received 236 votes for this Kopetski amendment.

□ 1300

We also added similar legislation to the energy and water appropriation bill. So that the policy and the funding matched, because it is in the Department of Energy budget that the testing program is conducted.

Over on the Senate side, through the leadership of Senator HATFIELD, the senior Senator from my State, and Senator MITCHELL, the majority leader, joined forces with Senator EXON and came up with some even better language, great policy, if you will, that is law today. And they, at a particular point, the other body was not able to move their Department of Defense authorization bill, but these three Members did include their proposal on the Senate's version of the energy and water appropriation bill. It passed. We went to conference committee. And with further refinements, we came up with good policy.

Let me just take a moment to review that policy, as found in the United States Code today.

Mr. Speaker, the policy, which President Bush signed into law this past fall, said that there would be a moratorium of 9 months during which no testing could take place. The moratorium began on September 30, 1992, and ends on July 1, 1993.

Following this moratorium period, tests could only be conducted by the United States when the President had met the following criteria:

That he submit to Congress a schedule for resumption of nuclear testing talks with the nation state of Russia; that the President submit a plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996; that also an assessment of the number and type of warheads that will remain in the United States stockpile of active nuclear weapons be made; and a plan for installing one or more modern safety features in each warhead, and an assessment of the number and type of nuclear weapon tests, not to exceed 5 tests in any one year, for a total of not more than 15 tests before September 30, 1996; and third, that the tests could only occur under the following conditions:

Only to test modern safety features, specifically, in sensitive, high explosive or IHE's, fire-resistant pits and enhanced detonation safety systems, that only the number and type specified in the President's report could be conducted as tests, and only one test of reliability of the nuclear device per year; that this reliability tests would be counted toward the maximum number of tests that the United States is permitted to conduct, and that the reliability test could only be conducted if the President certifies to the Congress that it is vital to the Nation's security interest of the United States, and that Congress does not issue a joint resolution disapproving the President's request.

We also allowed our partners in this, the United Kingdom, to conduct no more than 1 test per year and no more than 3 tests, if and only if the President deems that it is in our national security interest to do so, and that these tests, by the United Kingdom, would count toward the maximum number of tests; that is, 15, that the United States is permitted to conduct under current law. And finally, that the United States could not conduct any more nuclear tests after September 30, 1996, unless a foreign state conducts an explosive nuclear weapons test after this date.

In other words, we are saying to the world, we will end all of our nuclear testing, as long as you do not test as well.

This is a summary of the current law, current policy of the United States. And there are those urging the President this very day to change that policy.

Let us review and analyze the proposal that is coming to us from the National Laboratories who, of course, have a very special self-interest in this whole program. It keeps money flowing to these nuclear labs that keeps these people employed.

Now, it seems to me that with all that we need to have occur in the form of basic research in this country, whether it is in the agricultural community, whether it is in the high-tech community, that these brilliant scientists ought to be able to do something other than to devise better ways to destroy every living thing on this Earth.

We already know how to do that. Let us apply this knowledge some other place that is positive, that will enhance life in this world. Instead, these people at these labs have the limited ability, the limited focus of only devising better ways, better ways to kill people. That is what this is about.

It is about their jobs and their research programs. And the President needs to understand that and not be swayed by this special interest group that only threatens the world's safety.

Let us talk about the elements of the report that are required by the Hatfield amendment, as current law is now known, and let us talk about the proposal. Though it has not been sent to the President, it is my understanding it is about to be. It is already clear that the report's two major recommendations, to allow testing below the 1-kiloton level beyond 1997 and to conduct warhead safety tests without intent to deploy the warheads, are in violation of current law and, more importantly, are bad public and world policy.

As of the above date, the main recommendations and shortcoming of the report are as follows: First, a 1-kiloton threshold limit beyond 1997, possibly leading to a comprehensive test ban treaty. The majority of the interagency group preparing this testing report appears to be recommending the following approach to test ban negotiations: Second, 15 tests for safety, reliability in Britain before September 30, 1996, and then, a 10-year phased approach to a comprehensive test ban, 5 years of testing below 1 kiloton, 5 years of no testing and then a review.

This review might or might not result in a comprehensive test ban. It is unclear how many agencies support this position.

What is known is that the Department of Defense, the Joint Chiefs of Staff and the Department of Energy and State and the laboratories all support testing beyond 1997, at or below 1 kiloton.

The Joint Chiefs of Staff appears to be the main proponent of this 1 kiloton position on the grounds that this level is necessary to maintain warhead reliability.

Mr. Speaker, let me just say that we have many scientists that have already disputed this proposal. We would not have been able to pass our legislation last time, had this been the case. Positions regarding yield and duration of a treaty varied between the various agencies, apparently.

The Arms Control and Disarmament Agency was the only agency that supported a true comprehensive test ban and that presented nonproliferation concerns. The State Department is seeking a comprehensive agreement of a few hundred ton yield limit, 1 kiloton is 1,000 tons.

In terms of violations to the current law, one administration official familiar with this report maintains that this plan does not violate the Hatfield amendment. The rationale for this appears to be as follows:

Although the amendment requires the President to prepare a plan for a CTB by September 30, 1996, if the United States is in the process of negotiating a treaty that includes the above plan, that process would supersede the legislation, would supersede the law of the land. Also because this treaty would allow testing beyond 1996, there would presumably be other nations testing at that time. Would that not be wonderful?

The Hatfield amendment allows the prohibition on U.S. testing beyond 1996 to be lifted if another nation is still testing.

This above interpretation does not follow the letter and certainly not the spirit of the Hatfield amendment. The legislation clearly states that the administration must prepare, by the long-passed deadline on March 1 of this year, "A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996."

□ 1310

The 1996 date refers to the achievement of a comprehensive test ban, not to the preparation of the plan. Let us talk about the faults to this policy. While in clear violation of law, a 1-kiloton proposal is also bad policy.

The overriding purpose of a CTB today is to strengthen the nuclear nonproliferation regime by delegitimizing nuclear weapons and bolstering support for an indefinite extension of the Nonproliferation Treaty, which is due up in 1995 for reauthorization.

Allowing low threshold tests beyond 1996 will undermine these goals. Today we have the nation of North Korea backing out of, backing out of its commitment to nonproliferation. This very day the world community is trying to bring them back into the fold. Imagine this: Senior policy officials in this administration are suggesting that we are going to continue testing bombs. What kind of message is that sending to the North Koreans today? Why should this nation have any credibility in those discussions? I fear, I fear greatly, their response.

Look at Pakistan today, a nation with political turmoil going on, new national elections set for the summer, and at a time when we are urging them to stop development of a bomb. Then we send another message to this nation saying, "It is okay for us to test, because it is just a little one. It is just a baby nuclear bomb, but we still do not want you to get into the business."

Where is our credibility as a nation? What are we doing to our negotiating position when we have these kinds of irresponsible proposals coming out of the administration and actually going to the White House for serious discussion? The President must disavow this dangerous policy as quickly as possible.

Let us talk about, Mr. Speaker, the warhead safety test. The Department of Defense and Department of Energy have long disagreed over the necessity of warhead safety improvements. The Department of Energy, which conducts all the United States and British tests at the site in Nevada, wants to conduct all 15 tests under current law: three safety, one reliability, and one British test each year for 3 years.

The Department of Defense, which is responsible for warhead deployments, and therefore, overall weapons safety systems, does not believe, it is my understanding, that warhead safety upgrades are worth the costs involved. According to the March 1992 congressional testimony of Dr. Robert Barker, the former Assistant to the Secretary of Defense:

> The Air Force and Navy in cooperation with the Office of the Secretary of Defense and the Energy Department, evaluated the safety of all ballistic missiles that carry nuclear warheads. It was determined that there is not now sufficient evidence to warrant our changing either warheads or propellants.

The costs would be considerable. The Energy Department would spend roughly $1.5 billion on research, development, and testing costs alone. In addition, if all the existing warheads lacking insensitive high explosives and fire resistant pits were replaced, as would be planned, the thought of the overall cost, including warhead production and deployment, would be $5.6 billion. The Defense Department is strongly opposed to spending several billion dollars to upgrade the safety features of a weapon that it believes is perfectly safe, according to their public testimony before the Congress.

This disagreement has been resolved in a very convenient way. Energy would be free to carry out the safety tests, produce prototype warheads, and put them on the shelf for potential future use. Defense, however, has made no commitment to ever deploy the warheads, and therefore, will not have to bear any of these costs.

This solution violates current law in two ways: First, the amendment states that only those warheads that will be in the active U.S. nuclear stockpile on September 30, 1996, can be tested. It does not allow for weapons to be tested that have no military requirement, that have not been requested by the Department of Defense, the people responsible for defending America.

The administration maintains that it is unwise to commit to deployment before the tests demonstrate that the modifications were successful. However, there must be an intent to deploy the warheads before the tests are conducted under the law. If no one wants the warheads, they should not be developed.

That is why we have to call to task the national laboratories, because it is only in their pecuniary interests that they want this policy to adopt. It is not good policy for this world, and they ought to be ashamed of themselves.

Second, the law requires cost-benefit analysis comparing the cost of deploying the new warheads to the safety benefits. Since there is no commitment from Defense to deploy the warheads, the safety benefit again from a nuclear test would be nil. A detailed cost-benefit analysis was, therefore, interestingly, not included in the report.

It is our job, it is the Congress' job, Mr. Speaker, to pay very close attention to how this administration is going to define a test. The Department of Energy intends to detonate multiple devices during each safety test; that is, conduct more than one test at a time, and these additional tests would be for the purpose other than safety.

Congress must now decide how to define a test and it must carefully scrutinize DOE's plans for multiple detonations to make sure they are within the bounds of the law. To me, a test, no matter how many phases to it, is a test. A device is a device. A device is a bomb. You set one of those off or three of those off in the same encounter and that is going to count against the 15-test limits.

Mr. Speaker, I have taken the time to spend 2 days, parts of 2 days, at the Nevada test site. I have gone underground. I have walked the mile where they set up these explosives under the great State of Nevada; miles of cable, tons of cement, and it is obliterated to nothing, down to nothing.

These are not inexpensive programs that we are talking about, and for why? We always have to come back and say, "Why are we doing this today, when we already have the capacity to blow up the world 20 or 30 times, I dare say many more times than any other nation in the world?"

There are many faults to this proposed policy. The report recommends resuming nuclear testing primarily for safety purposes, even though neither the DOE nor the DOD have found out that there is a cost-benefit justification for the test. If resumed testing cannot be justified on a narrow basis, it certainly cannot be justified when the political and strategic costs are considered.

Resumed United States testing could bring Russian, French testing back to life and break the international momentum for a comprehensive test ban.

The international isolation necessary to bring China into the CTB fold could be lost, and once testing programs are resumed, they would be harder than ever to stop.

Let me just say that the nation of France recently, once again, stated its desire to stay out of the nuclear testing business, and so, too, our friends, the Russians.

The Russians, on March 22, 1993, this year, the Russian Foreign Minister, at a press conference in Moscow, said that "Russia is prepared to prolong their nuclear testing moratorium."

France, in April 1992, the French Government suspended its nuclear testing program through 1992, and we hope that they will hold off testing, as they have said, as long as the United States and Russia do likewise. So we would be sending the wrong message to both Russia and France.

Here we are, in the midst of a debate with providing aid to Russia, and the last thing they can afford is to get back into the testing business.

□ 1320

And so if they test, we know that it is going to give great drive and force for the United States to get back into the testing business which will cost us, the American taxpayers, a great amount of billions of dollars. So why would we send them the message at this time to "get back into your testing business," and, on the other hand, they are coming to us asking us for foreign aid, asking us for foreign aid? It does not compute. It does not make sense.

We should end our testing program, tell Russia to continue their moratorium, and if we have to provide aid to help their economies, so do it, but Mr. Yeltsin is under great political pressure himself, by his military-industrial complex, by his counterpart in their testing laboratories to get back into the testing business. We do not want to support that movement in Russia today, and yet by this action, were the President to adopt this policy, that is exactly what we would be doing. We would be aiding and abetting the military-industrial complex in the nation-state of Russia, and that would be counter to our policy. It would be counter to what Mr. Yeltsin is trying to achieve in that land.

Well, the British, our friends the British, Mr. Major was here earlier this year, visited with him, and I asked him in a letter about their testing program. It seemed mixed, But I see recently from Mr. Douglas Hurd, the minister of State, Foreign and Commonwealth Affairs Office, that we are making progress with the British as well. Let me just quote from a statement from Mr. Hurd dated April 5:

> In concert with other nuclear countries, we are reflecting whether it might be possible to bring forward that long-term objective or to abbreviate the timetable in some other way.

And he is, of course, referring to the nuclear testing programs.

So we see that we are making progress in this world on this very issue which is so important, so important, Mr. Speaker, to achieving renewal of the nonproliferation agreement.

I think it is important, Mr. Speaker, to say and to remind the Congress and the administration that the intent of last year's legislation is to help the administration implement a multilateral comprehensive test-ban treaty, and that the proposal that was enunciated in the Washington Post the other day is going to hurt. It is going to hurt that goal. It is going to drive such nations as North Korea and Pakistan and other nations the wrong direction.

We have to keep in mind that a nuclear bomb is a bomb regardless of kilotonnage, and that the world has changed, yes, with the dissolution of the Soviet Union, and the danger today is not how many bombs a nation has, nuclear bombs, but whether they have a nuclear bomb. That is what we are seeing in emerging Third World nations is that they feel today that the United States is standing alone, and in so many different ways militarily, and that this can be the great equalizer if they just have one of those little scary devices.

That is why we are at a dangerous crossroads today in world history, because we cannot allow the proliferation of nuclear weapons around the world.

The best way to do that, the best way is to set the best example.

I met last week with the Foreign Minister from Indonesia, Ali Alatas, and he agreed with this assessment, that this kind of proposed testing program sends the wrong message to developing nations who are considering the nuclear option.

Mr. Speaker, this article from the Washington Post dated this past Friday I am submitting into the RECORD. This article, this story, has caused great concern throughout the world and here at home.

There is a petition that is authored by Mr. Randy Forsberg from the Institute of Defense and Disarmament Studies and by Dr. Daniel Ellsberg of Physicians for Social Responsibility and Mr. Kosta Tsipis from MIT of our sending a petition, which I would like also to ask be part of this RECORD, because those involved in nuclear disarmament are not going to stand by and allow good law, good policy that was developed and signed into law by Republican President George Bush this last winter be changed, be watered down, policy dramatically changed, that would allow us back into the testing movement because of the greed of these laboratories because DOD and DOE cannot work out good policy together.

So the President has a full agenda. There is no doubt about it. But this is 1 day, 1 week in which he has to disavow this policy, to send the paper back to DOD, to DOE and say, "Come up with a policy that meets the intent of the legislation that was passed last year, to meet the intent of today's law."

I fully hope and expect that the President will abide by his commitment that he made during the campaign last year on this issue when he announced his support for a nuclear-testing moratorium, and I would like to add that quote to the RECORD at this point as well. He has the opportunity, as President of the United States, to go beyond, to go beyond what we did last year, because it was a compromise, and he could take a leadership position on this.

He was asked about his position, and the President was quoted as saying in March 1992 during the campaign, "A comprehensive test ban would strengthen our vital efforts to stop the spread of nuclear weapons to other countries which may be our greatest future security threat," and that is what I have been talking about, Mr. Speaker, in today's speech, that we cannot continue to send the wrong message with little or no credibility to these other nations.

I am confident that President Clinton fully believes this and will take the action necessary to send this proposal immediately back and say, "Not good enough; we can do better than this as a nation, that we must strive, strive for good policy that will end the testing of nuclear weapons in this country and truly become a leader, become a leader in ending the nuclear madness that still threatens the security of the world."

[From the Washington Post, Apr. 30, 1993]

WHITE HOUSE STUDIES NUCLEAR TEST LIMITS

(By R. Jeffrey Smith)

The Clinton administration is considering an arms control proposal that would allow continued underground nuclear tests but sharply limited the explosive force of such experiments, U.S. officials said yesterday.

The plan, which is scheduled to be discussed today at a White House meeting, has been endorsed by senior officials at the Defense Department, Energy Department, the Joint Chiefs of Staff and the directors of the three U.S. nuclear weapons laboratories, officials said.

The plan would allow continued testing of nuclear weapons with an explosive force equivalent to 1 kiloton, or 1,000 tons of TNT. That level is a 100-fold reduction from the maximum blast allowed under a treaty signed by the United States and the Soviet Union in 1974.

But the plan has angered some Democratic legislators and anti-nuclear testing activists, who said it falls short of the comprehensive ban on nuclear tests endorsed by President Clinton during last year's election campaign and would conflict with recent legislation that calls for such a ban.

The Arms Control and Disarmament Agency also opposes the plan, and some officials at the State Department have urged the White House to adopt a compromise proposal limiting the explosive force of future underground nuclear tests to several hundred tons of TNT, officials said.

Congressional opponents of the plan, which has not yet been reviewed by Clinton, have argued that only a total nuclear test ban would forestall the development of new nuclear arms by the United States and discourage other nations from becoming nuclear powers.

But advocates of the plan have said that more nuclear tests are needed to ensure that U.S. weapons will function properly in wartime, and to conduct experiments aimed at improving the weapons' safety and reliability. The United States has roughly 10,500 nuclear warheads in its stockpile, plus roughly 6,000 awaiting disassembly under recent arms reduction treaties.

No U.S. nuclear tests have been conducted since last September, and Congress last year ordered the executive branch to develop a plan for achieving a multilateral, comprehensive test ban by 1996. The legislation also said no more than 15 new underground tests could be conducted before 1996.

The debate within the administration largely centers on what should happen after that deadline, with some officials urging an eventual phaseout of all nuclear tests and others saying that such tests should be continued indefinitely, although with much less powerful explosions than in the past.

A limitation of 1 kiloton would rule out development of some of the advanced nuclear weapons pursued by the Reagan administration but largely abandoned by the Bush administration, including lasers, particle beams and microwave weapons powered by nuclear explosions. But it would not block development of other, less sophisticated nuclear arms, officials said.

Clinton noted at one point during the campaign that Russia and France had already halted nuclear testing and said, "I think . . . we ought [to] get out there and join the parade on working toward a comprehensive test ban." But at another point, Clinton said he favored achieving such a treaty "through a phased approach," and some officials have said this statement warrants moving toward testing limitations as a first step.

Officials said, however, that several agencies have opposed taking any further step toward a testing ban within at least the next 10 years and have also insisted that various stiff conditions be met before a ban is adopted.

The plan is scheduled to be discussed at a meeting today of the "deputies committee" of senior officials chaired by White House deputy national security adviser Samuel R. "Sandy" Berger.

AN URGENT PETITION TO PRESIDENT BILL CLINTON

As citizens long concerned with the risk of nuclear war, we would like to urge you, in the strongest possible terms, to reject the proposal circulating in the Administration to allow regular testing of nuclear weapons through 30 September 1996, and experimental testing of nuclear devices up to one kiloton strength thereafter.

Instead, we respectfully request that you direct the U.S. government to cease all testing of nuclear weapons no later than 1995, when the Nonproliferation Treaty Review Conference convenes.

As you, Mr. President, stated on September 18, 1992, "the biggest threat in the future [is] the proliferation of nuclear technology . . . [and] to contain that, we ought to get out there and join the parade on working towards a comprehensive test ban."

On June 1, 1992, Secretary of Defense Les Aspin made the same connection: "We've been preaching non-proliferation to other nations, but we haven't been willing to give much on our own nuclear program. International co-operation is at the core of nonproliferation efforts, and that co-operation is going to be difficult if the United States continues insisting on nuclear testing."

To allow low-level nuclear testing under the label of "experiment" and pretend that this is the same as a Comprehensive Test Ban would be disingenuous; it would open the door to similar tests by other nations; and it would betray the promise of your Administration to do your utmost to stop the proliferation of nuclear weapons.

EXCERPT OF LETTER FROM PRESIDENT BILL CLINTON TO PRIME MINISTER JOHN MAJOR

Bill Clinton stated, "Yes, I'm in favor of the one that I think Congress is developing that I believe this administration will finally sign off on which would permit some testing for a few years, working toward an absolute ban, providing testing for safety in the near-term. I know there's a big dispute about this. But let me say that France has stopped testing; Russia has stopped testing. And I perceive the biggest threat in the future to be, as I've said earlier, the proliferation of nuclear technology, as well as other weapons of mass destruction, to other countries. And I think to contain that, we ought (to) get out there and join the parade on working toward a comprehensive test ban, and then focus our energies on this proliferation issue."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROTH) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes each day, on May 4 and 6.

Mr. ROTH, for 60 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON, for 5 minutes, today.

Mr. KOPETSKI, for 60 minutes, today.

Mr. GEPHARDT for 60 minutes each day, on May 5, 6, 12, 13, 18, 20, 26, and 27.

Mr. SERRANO, for 60 minutes, on May 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. PACKARD.

Ms. SNOWE.

Mr. WELDON.

(The following Members (at the request of Mr. HAYES) and to include extraneous matter:)

Mr. SWETT.

Mr. KANJORSKI.

Mr. STUPAK.

Mr. RICHARDSON.

Mr. HALL of Ohio.

Mr. REED.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. STARK in three instances.

Mr. OBEY.

Mr. LANTOS.

ADJOURNMENT

Mr. KOPETSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 4, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1148. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments, pursuant to Public Law 101-510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

1149. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments, pursuant to Public Law 101-510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

1150. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the D.C. Circuit, transmitting an opinion of the Court; to the Committee on Energy and Commerce.

1151. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the D.C. Circuit, transmitting an opinion of the Court; to the Committee on the Judiciary.

1152. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the D.C. Circuit, transmitting an opinion of the Court; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 820. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; with an amendment (Rept. 103-77). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Ohio:

H.R. 1952. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a demonstration program of grants for innovative projects relating to character education, and for other purposes; to the Committee on Education and Labor.

By Mr. MACHTLEY:

H.R. 1953. A bill to prohibit any type of class III gaming on Indian lands within a State except for the type of class III gaming specifically allowed by the State; to the Committee on Natural Resources.

By Mr. ROTH:

H.R. 1954. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 285: Mr. Towns, Mr. Ackerman, and Mr. Gilchrest.

H.R. 286: Mr. Washington and Mr. McKeon.

H.R. 349: Ms. Eshoo, Mrs. Maloney, Ms. Shepherd, and Mr. Stupak.

H.R. 692: Mr. Nadler, Mrs. Unsoeld, Mrs. Mink, Mr. Lewis of Georgia, Ms. McKinney, and Mr. Thompson.

H.R. 726: Mr. Hastings.

H.R. 864: Mrs. Lloyd, Mr. Walsh, Mr. Applegate, and Ms. Molinari.

H.R. 921: Ms. Woolsey.

H.R. 940: Mr. Kopetski, Ms. Furse, Ms. DeLauro, Mr. Hastings, and Mr. Wynn.

H.R. 996: Mr. Dixon.

H.R. 1044: Mr. Owens, Mrs. Meek, Mr. Blackwell, and Ms. Woolsey.

H.R. 1047: Mr. Frost.

H.R. 1158: Mr. Lipinski and Mr. Glickman.

H.R. 1276: Mr. Coble, Mr. Burton of Indiana, Mr. Peterson of Minnesota, and Mr. Smith of Texas.

H.R. 1336: Mr. Bilirakis.

H.R. 1354: Mrs. Schroeder, Mr. Towns, Ms. Pelosi, Mrs. Meek, Mr. Rangel, Mr. Kopetski, Mr. Parker, and Mr. Shays.

H.R. 1407: Mr. Gene Green and Mr. Schumer.

H.R. 1419: Mr. Roemer, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1697: Mr. Andrews of Texas, Ms. Slaughter, Mr. Coppersmith, Ms. Molinari, Mr. Gallegly, Mr. Hutto, Mr. Lipinski, Mr. Moakley, Mrs. Lowey, Mr. Bilirakis, Mr. Richardson, Mr. Frost, Mr. Rangel, Mr. Solomon, Mr. Applegate, Ms. Pelosi, and Mr. Baesler.

H.R. 1811: Mr. Grandy, Mr. Emerson, Mr. Gunderson, Mr. Smith of Oregon, Mr. Allard, and Mr. Dickey.

H.R. 1812: Mr. Grandy, Mr. Emerson, Mr. Gunderson, Mr. Smith of Oregon, Mr. Allard, and Mr. Dickey.

H.R. 1923: Mr. Blackwell, Miss Collins of Michigan, Mr. Fields of Louisiana, and Ms. Eddie Bernice Johnson of Texas.

H.J. Res. 122: Mr. Sundquist, Mr. Duncan, Mr. Hunter, Mr. Ramstad, Mr. Pete Geren of Texas, Mr. Sisisky, and Mr. Romero-Barceló.

H.J. Res. 155: Mr. Bilirakis, Mr. Visclosky, Mrs. Clayton, Mr. Roth, Mr. King, and Mr. Walsh.

H. Con. Res. 85: Mr. Roberts, Mr. Grandy, Mr. Emerson, Mr. Gunderson, Mr. Smith of Oregon, Mr. Allard, Mr. Nussle, and Mr. Dickey.

EXTENSIONS OF REMARKS

CHARACTER EDUCATION ACT OF 1993

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. HALL of Ohio. Mr. Speaker, today I am introducing the Character Education Act of 1993. Character education is the teaching of commonly accepted civic and character values and the principles of democracy that contribute to ethical behavior. These can include honesty, integrity, self-respect, and love of country. These principles are founded in the tradition of our country and need to be taught in our schools to help prepare young people to make judgments of right and wrong.

There are many proposals and goals on how to improve education today. Ten years ago, the report "Nation at Risk" highlighted how our education system was failing our young people. I am convinced if we do not address our Nation's age old principles, we will never succeed in educating students who must grapple with the complexities of the modern world. A mastery over academic subjects is crucial, but that alone will not give the next generation the tools necessary to carry forth the Nation's basic code of ethics.

Mr. Speaker, according to an article in the New York Times of September 26, 1990, 65 percent of high school students said they would cheat by looking at another student's test. According to the National Crime Survey, almost 3 million crimes occur on or near school campus every year, 16,000 per school day or one every 6 seconds. The Federal Bureau of Investigation [FBI] reports show over 4,500 hate-crime incidents in 1991. Every year more than half a million young people attempt suicide, and every school day 6,000 teachers confront physical attacks.

Nearly 80 years ago, Teddy Roosevelt said, "To educate a man in mind and not in morals is to educate a menace to society." In 1991, the final report by the National Commission on Children, known as the Rockefeller Commission, cited as a "perverse result" that "a major social institution (schools) entrusted by most parents with preparing children for adulthood is too often silent on critical moral and ethical issues."

Character education may not solve every problem related to crime and society's problems, but it will attack the root cause. It will help lay a moral foundation which could contribute to behavior later in life. It will help prepare students to know the difference between right and wrong. The Thomas Jefferson Center, a publisher of programs for character values used in over 45,000 classrooms nationwide, recently released an independent study of character education programs in the Los Angeles schools. The study documented a 25-percent drop in major disciplinary problems; a 16-percent drop in student suspensions; an 18-percent in absenteeism; and a 40-percent drop in tardy students.

Mr. Speaker, many excellent character education programs are currently taking place in communities across the country. Many local task forces, with parental participation, are developing consensus lists of principles and character traits to be taught. It is time the Federal Government lend support to these efforts. My bill does two things: First, it establishes a modest Character Education Demonstration Program under the Secretary's Fund for Innovation in Education at the Department of Education. This will allow the Secretary of Education to make character education grants out of an existing fund at the Department, and will spend no new money. Second, my bill calls for a National Conference on Character Education to assess and evaluate character education programs. This will allow the Department to take an in-depth look at what local communities across the country are doing with respect to character education, and what the appropriate Federal support role should be.

Mr. Speaker, I am submitting a copy of my bill and I urge my colleagues to join me in cosponsoring it:

H.R. 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Character Education Act of 1993".

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to explore, assess, and stimulate a variety of approaches to character education;

(2) to lend Federal support to local and State character education programs that seek to promote commonly accepted civic and character values and the principles of democracy.

SEC. 3. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) many Americans of all economic and social levels and ages no longer make determinations of right and wrong as to their own actions or the actions of others in matters of both public and private concern;

(2) educational institutions, which have traditionally played a role in assisting students to make such determinations, no longer receive explicit authority or proper assistance necessary to fulfill this responsibility;

(3) the Nation has witnessed a national moral recession in governmental and political activities, scientific research, and business and commerce, in which individuals have failed to consider the ethics governing their behavior;

(4) statistics show alarming incidents in individual and gang violence, drug and substance abuse, and suicide among both young people and adults;

(5) polls show that Americans overwhelmingly prize values such as honesty, but believe that people are less honest today than in the past;

(6) leaders representing a broad spectrum of political, social, and religious backgrounds believe that education in moral issues contributes to good citizenship and have called for strengthening the teaching of democratic values;

(7) local character education programs have shown positive results in reducing negative student behavior, including violence, vandalism, and disrespect for others, and in promoting an understanding of shared civic and character values;

(8) training in ethics is an ongoing concern in business and industry and in public service; and

(9) while education remains the responsibility of local and State governments, the Congress and the Federal Government may appropriately provide assistance to educational agencies and institutions attempting to promote ethics, civic and character values, and the principles of democracy through character education programs.

SEC. 4. DEFINITION.

For purposes of this Act, the term "character education" means the teaching of commonly accepted civic and character values and the principles of democracy that contribute to ethical behavior.

TITLE I—CHARACTER EDUCATION DEMONSTRATION PROGRAM

SEC. 101. AMENDMENT TO SECRETARY'S FUND FOR INNOVATION IN EDUCATION.

(a) PROGRAM AUTHORIZED.—Paragraph (2) of section 4601(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151(a)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) help stimulate understanding of ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education in accordance with section 4610.".

(b) CHARACTER EDUCATION DEMONSTRATION PROGRAM.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4610 as section 4611; and

(2) by inserting before section 4611 (as redesignated by paragraph (1) of this subsection) the following:

"SEC. 4610. CHARACTER EDUCATION DEMONSTRATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions to conduct character education activities designed to help stimulate understanding of ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education.

"(b) USES OF FUNDS.—Grants made under this section may be used for—

"(1) the development of teaching materials for character education;

"(2) teacher training and seminars;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"(3) the establishment of clearinghouses for character education programs;

"(4) proposals seeking to involve the entire school environment;

"(5) research and followup studies of existing programs of character and civic values and ethics education;

"(6) projects that measure and evaluate the effectiveness of ongoing character education programs;

"(7) character and values education projects demonstrating a beneficial effect on individual ethical behavior and on the incidence of individual and gang violence, drug and substance abuse, and suicide;

"(8) projects that assist in identifying a consensus of values within a community that may be appropriately promoted in schools of the community; and

"(9) projects that seek to develop model programs to promote character and civic values, ethics, and responsible citizenship.

"(c) APPLICATION.—Each applicant desiring to receive a grant under this section shall submit an application in such form, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) identify civic and character values and ethics that receive widespread support from a consensus of individuals in the community served;

"(2) describe the school population intended to benefit from the proposed activities;

"(3) demonstrate how the proposal fulfills the purpose described in subsection (a);

"(4) describe the methods to be used to evaluate the results of the proposed activities; and

"(5) provide assurances that the applicant will appoint an advisory board to assist the applicant in conducting the proposed activities, which board shall consist of individuals representative of—

"(A) parents;

"(B) educators and teachers;

"(C) community leaders;

"(D) social service professionals;

"(E) business leaders; and

"(F) the general public.".

TITLE II—NATIONAL CONFERENCE ON CHARACTER EDUCATION

SEC. 201. NATIONAL CONFERENCE.

"(a) ESTABLISHMENT.—The Secretary of Education shall sponsor a National Character Education Conference

(b) MEMBERSHIP.—The Secretary of Education shall invite individuals who have expertise regarding character education to participate as members in the conference, including—

(1) parents;

(2) teachers;

(3) educators;

(4) community leaders;

(5) social service professionals;

(6) business leaders;

(7) philosophers;

(8) government officials;

(9) representatives of the arts, entertainment, and sports fields; and

(10) the general public.

SEC. 202. DUTIES.

Members of the conference shall—

(1) assess and evaluate what types of character education programs are available at the State and local level;

(2) assess and evaluate programs used by schools to teach students character education;

(3) determine how to measure the content and efficacy of character education programs in preparing students as productive members of society;

(4) determine how the Government can assist with the development and implementation of character education programs; and

(5) evaluate and make recommendations regarding successful teaching methods and models for character education.

SEC. 203. REPORTS.

The Secretary of Education shall submit to the Congress a report which states the findings, conclusions, and recommendations of the conference not later than 180 days after the conference is held.

S. SGT. MICHAEL P. GARDNER HONORED

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to S. Sgt. Michael P. Gardner of Plainfield, NH. Staff Sergeant Gardner is one of five accomplished winners of the Air Force Association's [AFA] 1993 Team of the Year award. Each year the AFA selects a specific career field for recognition. This year's chosen career field is missile maintenance.

Staff Sergeant Gardner is a missile maintenance team chief, assigned to the missile mechanical flight, 351st Organizational Missile Maintenance Squadron, Whiteman Air Force Base, MO. Born in New Hampshire's Upper Valley on November 12, 1962, Staff Sergeant Gardner graduated from Lebanon High School in 1980. He enlisted in the U.S. Air Force in July 1982 and completed basic military training at Lackland Air Force Base, TX, in August 1982. Staff Sergeant Gardner attended technical training as a missile maintenance technician at Chanute Air Force Base, IL, and graduated as an honor graduate in November 1982. In May 1986, he was trained in the topside position, and in February 1991 he was selected to become a missile maintenance team chief and finished the team training course of instruction as a distinguished graduate.

Staff Sergeant Gardner has served with distinction as an expert missile maintenance team chief. He has been evaluated several times by the 3901st Missile Evaluation Squadron, earning all highly qualified grades. He was recognized as a professional performer in 1980. Staff Sergeant Gardner has been described by his superiors at the Whiteman Air Force Base as "by far the most productive and versatile team chief." He proudly wears the Air Force Commendation Medal, Air Force Outstanding Unit Award, Air Force Good Conduct Medal, two oak leaf clusters, National Defense Service Medal, Air Force Longevity Service Ribbon, one oak leaf cluster, Professional Military Education Graduate Ribbon, Air Force Training Ribbon, Senior Missile Badge, and the ICBM Master Technician, Team Chief, and Evaluator/Inspector Awards.

Mr. Speaker, I ask my colleagues to join me in paying tribute to S. Sgt. Michael P. Gardner, who is a recipient of the Air force Association's Team of the Year Award. This is yet another addition to his distinguished résumé.

MEDICINE, MONEY & MORALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. STARK. Mr. Speaker, on April 20, the Ways and Means Health Subcommittee held another of its continuing hearings on problems created when physicians refer patients to facilities in which they have an ownership interest.

One of the many excellent witnesses at that hearing was Marc Rodwin, associate professor of law and public policy at the University of Indiana's School of Public and Environmental Affairs. Dr. Rodwin has just published a new book entitled "Medicine, Money & Morals," which does an outstanding job describing the history of ethics and medical practice in America, but more than a history, it recommends ways out of the current ethical morass that has befuddled the medical profession and done so much to cause the public to lose respect and confidence in the physician community.

I would like to include in the RECORD at this point a shortened version of some of the key findings and recommendations from Professor Rodwin's testimony:

FINDINGS

1. Physicians' financial conflicts of interest exist in nearly every area of medical specialization and nearly every section of the country. My study provides examples and statistic that document these conflicts. The text is supported by over one hundred pages of citations to cases, financial documents and published studies. Physicians' conflicts of interest are pervasive and go far beyond the few "bad apples" often acknowledged by the organized medical profession.

2. Physicians' conflicts of interest are not new. Many similar conflicts existed as far back as the 1890s, including kickbacks, self-referral, dispensing of drugs, and ownership of pharmacies and other products. But the commercialization of medicine in the latter half of the 20th century has made the problem worse.

3. The medical profession's stance on these issues has become weaker as the problem has become more serious.

4. Doctors are less accountable to patients than they are to hospitals, medical suppliers, insurers and other groups.

5. Other professional groups are subject to much stricter conflict-of-interest regulation than doctors.

Is there any compelling reason to treat doctors differently from other professionals with respect to conflicts of interest? I have found none. Other professionals have thrived despite being held to

6. There are several examples of successful government action to address conflicts of interest of doctors. Federal regulations have required that institutions receiving federal funds must create institutional review boards to address conflicts stemming from doctor's divided loyalties as providers of patient care and researchers. Today there is broad support for these regulations. This experience shows that the federal government can effectively protect the public. Doctors working for the Veterans Administration are subject to very strict conflict-of-interest regulations as are other federal employees. Such regulations also have benefitted the

public and serve as a useful model. The restrictions on self-referral for clinical labs, passed as part of OBRA 1989, were another useful beginning in addressing physicians' conflicts of interest, but they only address a small part of the problem, and do not apply to all doctors or patients.

7. Several measures can be used to address conflicts of interest, including broader prohibitions, regulation or oversight, and penalties for misconduct.

8. Current institutions and laws alone are not effective. Several institutions address physicians' conflicts of interest indirectly. Medicare and Medicaid have an anti-kickback statute. There is a Medicare ban on self-referral, but it is only for a few medical services and includes many loopholes. Other federal programs also bear on the problem. These include programs fostering utilization review and quality assurance, IRS policy on payments by non-profit hospital to doctors, federal antitrust laws. Some state laws restrict self-referral or require disclosure. These laws form a patchwork of regulation that is ad hoc, inconsistent and incomplete. They are implemented by institutions that have missions other than addressing physicians' conflicts of interest and they do not effectively cope with the problem.

9. For physician self-referral, the most effective, least costly and easiest approach is to enact a broad federal prohibition such as that proposed in H.R. 345. Extensive monitoring of doctors through utilization review and quality assurance programs would be very costly and not a particularly effective way to cope with conflicts of interest. Disclosure would do more to protect doctors than patients. Using penalties for misconduct to deter improper actions would offer little protection to patients because of the difficulty of detecting and prosecuting suits, and detection would be costly, too. This holds whether the sanctions are for violating the Medicare anti-kickback statute, antitrust laws, state laws or other legislative and common law prohibitions.

10. To achieve workable health care reform, the United States will need to adopt new policies and institutions for physicians' conflict of interest. Our system of financing and organizing medical care has led to uncontrolled increases in medical spending and a large ineffective utilization review bureaucracy. These problems are exacerbated because we have tolerated, even encouraged, perverse financial incentives for doctors. Physicians' conflicts of interest go far beyond issues of professional ethics. They are a central part of why our health care system needs to be reformed. Addressing such conflicts is an integral part of the federal government's responsibility to protect patients, ensure access to health care, control costs and promote quality.

WOMEN IN COMBAT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Ms. SNOWE. Mr. Speaker, yesterday Defense Secretary Aspin issued a new and historic policy on the assignment of women in the armed services. He has opened up many of the most important military jobs that have previously been closed to women.

The old policy of excluding women from combat positions implied that women weren't full players in the forces. We hadn't achieved full citizenship status. And, in our all-volunteer military, many women had to bear the stigma of being considered inferior to their male counterparts.

But the performance of servicewomen has repeatedly met the highest standards demanded of them. The Persian Gulf war exemplified such service, where more than 40,000 American military women served their country with courage and distinction. Women have already proven that they have the right stuff.

Now with Secretary Aspin's policy, women will be able to demonstrate that their military pride, ability, and professionalism are in keeping with the traditions of our Armed Forces.

So I commend Secretary Aspin for his leadership in eliminating more barriers to women and recognizing that recruiting the best talent and assigning the most qualified individuals for military positions is, and must be, gender neutral.

U.S. HOLOCAUST MEMORIAL MUSEUM DEDICATION—SPEECH OF PRESIDENT BILL CLINTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. LANTOS. Mr. Speaker, just a few days ago—on a day that was appropriately overcast, wet, and cold—the U.S. Holocaust Memorial Museum was dedicated before an audience that included the President and Vice President, many of our colleagues in the Congress, a striking array of foreign heads of state, diplomats, an audience of thousands of Americans at the museum, and an audience of millions who participated via television.

Although the events we remember in this museum presentation are now half a century old, the timing for this opening could not be more appropriate. This museum bears witness to this and to future generations of the tragic slaughter of over 6 million of our fellow human beings. Although the overwhelming number of Holocaust victims were Jews, others include gypsies, anti-Nazi political dissidents, the disabled, homosexuals, and others who did not fit into the vile Nazi world view.

At the present time, we are witnessing an upsurge of racial anti-Semitic, and antiforeign activities and violence in Germany, France, Italy, Austria, and other areas. Brutal ethnic cleansing is taking place in Bosnia and other areas of the former Yugoslavia, and we witness the bloodshed, starvation, intolerance, and terror nightly in our living rooms on our television screens. Similar violence and death is taking place now in Armenia and other areas of the former Soviet Union. These sad events worldwide demonstrate the need for this museum and for the sobering message that it conveys.

Mr. Speaker, at the dedication of the Holocaust Memorial Museum, President Bill Clinton delivered a truly outstanding statement. In many ways our new President represents the generations for whom this museum was built. He was born after World War II and he has no personal memory of those tragic and cataclysmic events. His speech at the dedication, however, reflects an acute understanding and appreciation of the moral and practical meaning of the museum.

Mr. Speaker, I include President Clinton's speech in the CONGRESSIONAL RECORD and I urge my colleagues to review and reflect upon his sensitive and thoughtful words.

REMARKS BY THE PRESIDENT AT DEDICATION OF THE U.S. HOLOCAUST MEMORIAL MUSEUM, WASHINGTON, DC, APRIL 22,1993

The PRESIDENT: Thank you very much. Mr. Vice President, Mrs. Gore, President and Mrs. Herzog, distinguished leaders of nations from around the world who have come here to be with us today, the leaders of our Congress and the citizens of America, and especially to Mr. Meyerhoff and all of those who worked so hard to make this day possible, and even more to those who have spoken already on this program whose lives and words bear eloquent witness to why we have come here today.

It is my purpose on behalf of the United States to commemorate this magnificent museum, meeting as we do among memorials within the site of the memorial to Thomas Jefferson, the author of our freedom. Near where Abraham Lincoln is seated, who gave his life so that our nation might extend its mandate of freedom to all who live within our borders. We gather near the place where the legendary and recently departed Marian Anderson sang songs of freedom, and where Martin Luther King summoned us all to dream and work together.

Here on the town square of our national life, on this 50th anniversary of the Warsaw uprising, at Eisenhower Plaza on Raoul Wallenberg Place, we dedicated the United States Holocaust Museum, and so bind one of the darkest lessons in history to the hopeful soul of America. (Applause).

As we have seen already today, this museum is not for the dead alone, nor even for the survivors who have been so beautifully represented; it is perhaps most of all for those of us who were not there at all. To learn the lessons, to deepen our memories and our humanity, and to transmit these lessons from generation to generation.

The Holocaust, to be sure, transformed the entire 20th century, sweeping aside the enlightenment hope that evil somehow could be permanently vanished from the face of the earth; demonstrating there is no war to end all war; that the struggle against the basest tendencies of our nature must continue forever and ever.

The Holocaust began when the most civilized country of its day unleashed unprecedented acts of cruelty and hatred abetted by perversions of science, philosophy, and law. A culture which produced Goethe, Schiller, and Beethoven, then brought forth Hitler and Himmler. The merciless hordes who, themselves, were educated as others who were educated stood by and did nothing. Millions died for who they were, how they worshiped, what they believed, and who they loved. But one people—the Jews—were immutably marked for total destruction. They who were among their nation's most patriotic citizens, whose extinction served no military purpose nor offered any political gain, they who threatened no one were slaughtered by an efficient, unrelenting bureaucracy, dedicated solely to a radical evil with a curiously antiseptic title: The Final Solution.

The Holocaust reminds us forever that knowledge divorced from values can only serve to deepen the human nightmare; that a head without a heart is not humanity. (Applause.)

For those of us here today representing the nations of the West, we must live forever with this knowledge, even as our fragmentary awareness of crimes grew into indisputable facts, far too little was done. Before the war even started, doors to liberty were shut. And even after the United States and the Allies attacked Germany, rail lines to the camps within miles of military significant target were left undisturbed.

Still there were, as has been noted, many deeds of singular courage and resistance. The Danes and the Bulgarians, men like Emmanuel Ringelbaum, who died after preserving in metal milk cans the history of the Warsaw ghetto. Janusz Korczak, who stayed with children until last breaths at Treblinka. And Raoul Wallenberg, who perhaps rescued as many as 100,000 Hungarian Jews. And those known and those never to be known, who manned the thin line of righteousness, who risked and lost their lives to save others, accruing No advantage to themselves, but nobly serving the larger cause of humanity.

As the war ended, these rescuers were joined by our military forces who, alongside the allied armies, played the decisive role in bringing the Holocaust to an end. Overcoming the shock of discovery, they walked survivors from those dark, dark places into the sweet sunlight of redemption, soldiers and survivors being forever joined in history and humanity. This place is their place, too. For them as for us, to memorialize the past and steel ourselves for the challenges of tomorrow.

We must all now frankly admit that there will come a time in the not-too-distant future when the Holocaust will pass from living reality and shared experience to memory and to history. To preserve this shared history of anguish, to keep it vivid and real so that evil can be combatted and contained, we are here to consecrate this memorial and contemplate its meaning for us; for more than any other event, the Holocaust gave rise to the universal declaration of human rights, the charter of our common humanity. And it contributed, indeed, made certain the long overdue creation of the nation of Israel. (Applause.)

Now, with the demise of communism and the rise of democracy out of the ashes of former communist states, with the end of the Cold War we must not only rejoice in so much that is good in the world, but recognize that not all in this new world is good. We learn again and again that the world has yet to run its course of animosity and violence.

Ethnic cleansing in the former Yugoslavia is but the most brutal and blatant and ever-present manifestation of what we see also with the oppression of the Kurds in Iraq, the abusive treatment of the Baha'i in Iran, the endless race-based violence in South Africa. And in many other places we are reminded again and again how fragile are the safeguards of civilization.

So do the depraved and insensate bands now loose in the modern world. Look at the liars and the propagandists among us, the skinheads and the Liberty Lobby here at home; the Afrikaaners resistance movement in South Africa; the Radical Party of Serbia, the Russian blackshirts. With them we must all compete for the interpretation and the preservation of history of what we know and how we should behave.

The evil represented in this museum is incontestible. But as we are its witness, so must we remain its adversary in the world in which we live. So we must stop the fabricators of history and the bullies as well. Left unchallenged, they would still prey upon the powerless; and we must not permit that to happen again.

To build bulwarks against this kind of evil, we know there is but one path to take. It is the direction opposite that which produced the Holocaust, it is that which recognizes that among all our differences, we still cannot ever separate ourselves one from another. We must find in our diversity our common humanity. We must reaffirm that common humanity, even in the darkest and deepest of our own disagreements.

Sure, there is new hope in this world. The emergence of new, vibrant democratic states, many of whose leaders are here today, offers a shield against the inhumanity we remember. And it is particularly appropriate that this museum is here in this magnificent city, an enduring tribute to democracy. It is a constant reminder of our duty to build and nurture the institutions of public tranquility and humanity.

It occurs to me that some may be reluctant to come inside these doors because the photographs and remembrance of the past impart more pain than they can bear. I understand that. I walked through the museum on Monday night and spent more than two hours. But I think that our obligations to history and posterity alike should beckon us all inside these doors. It is a journey that I hope every American who comes to Washington will take, a journey I hope all the visitors to this city from abroad will make.

I believe that this museum will touch the life of everyone who enters and leaves everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility, against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.

I know this is a difficult day for those we call "survivors." Those of us born after the war cannot yet fully comprehend their sorrow or pain. But if our expressions are inadequate to this moment, at least may I share these words inscribed in the Book of Wisdom: "the souls of the righteous are in the hands of God, and no torment shall touch them. In the eyes of fools they seem to die. They're passing away was thought to be an affliction. And their going forth from us, utter destruction. But they are in peace.

On this day of triumphant reunion and celebration, I hope those who have survived have found their peace. Our task, with God's blessing upon our souls and the memories of the fallen in our hearts and minds, is to the ceaseless struggle to preserve human rights and dignity. We are now strengthened and will be forever strengthened by remembrance. I pray that we shall prevail. (Applause.)

IN HONOR OF ROGER BYBEE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. OBEY. Mr. Speaker, today I want to go on record saying "thank you" to a remarkable young Wisconsin man: Roger Bybee, outgoing editor of the Racine Labor paper.

Since the Racine Labor hired Mr. Bybee in 1979, we Wisconsinites have boasted that our State is home to one of the nation's most effective media voices for working people.

Roger Bybee started the path to running one of the country's best labor papers when he grew up in a family that worked for and with labor. He carried on the tradition, paying his UW-Milwaukee tuition working at J.I. Case and Massey Ferguson, a company he'd later fight for moving jobs to the Sunbelt. During his student days, Roger belonged to UAW Local 244.

After finishing his masters degree, Roger worked for social change in numerous Milwaukee agencies, including the Milwaukee Social Development Commission, the UW–M Native American Studies Program, the UW–M Equal Opportunity office and the East Side Housing Action Committee. He also worked for a time at the Milwaukee American Motors plant.

When Mr. Bybee took the helm at the Racine Labor, he set out to achieve these goals: Journalistic excellence and activism. The paper under his editorship won many labor press awards, including first place awards for writing. In 1983, 1986, and 1987 the Racine Labor won the UAW Local Union Press Association first-place awards for general excellence in its category.

Not satisfied just to pursue high editorial standards, Roger successfully started to use the paper to promote working people's causes and educate their supporters.

An early example of Bybee's activist reporting was his exposure of the Vollrath Company, owned by gubernatorial candidate Terry Kohler, and their covert removal of jobs from Wisconsin to the Southern United States. Bybee showed Kohler's firm was exporting the jobs and blatantly disregarding the union's concessions to keep the jobs in Wisconsin.

Bybee's Vollrath/Kohler investigation is credited with turning the tide in Kohler's gubernatorial campaign, leading to his defeat.

Mr. Bybee's most crucial activism as editor, organizer, and advocate centered on the fights to prevent plant closings by Massey Ferguson, McGraw-Edison, Harris Metals, and Chrysler. To these conflicts, Roger devoted huge amounts of his time, energy, and commitment.

Also, Bybee also worked vigorously to lead Wisconsin labor's fight to prevent corporations from further exporting industry and jobs via the Mexican Free-Trade Agreement.

It's plain that what motivates Roger Bybee is mainly his commitment to people. While Roger has been editor the Racine Labor's focus has always included workers in all industries and all geographic areas. His global outlook encompasses all working people as a whole, undivided group interested in earning decent livings in safe environments.

Even though Mr. Bybee will stay in Wisconsin and continue, I hope, to be a leader, I regretfully watch him leave the Racine Labor. The paper has been such an excellent focal point and rallying cry for all Wisconsinites working for laborers' rights. While I'm sure his successor will follow with strength, I want to thank Roger for setting such a fine example. He's shown how much one small local paper and one solitary editor can do to help the big fight for the little guy.

Mr. Bybee, we're going to watch with great interest your next undertakings and successes. Best of luck, and thanks.

IN HONOR OF KAY TOWNE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. STARK. Mr. Speaker, the children at the Del Rey School in San Lorenzo, CA, have wonderful educational opportunities, but there will be something missing after they return from summer vacation in the fall. Like the rest of the schools in my district, Del Rey is home to dedicated teachers who offer students many ways to learn and grow, but this year the students and faculty are saying goodby to a fine educator.

Kay Towne is one of those we speak of when we mention the unsung heroes of our society. She has spent 31 years investing in the futures of our children. In the classroom, Kay teaches her students to be better readers while instilling in them the love of the written word. She gives the children at Del Rey a gift that cannot be lost or broken, a gift of reading that will give back to them throughout their lives.

The Alameda County Reading Association recognized her service when they bestowed on her their highest honor, the David E. Russell Award. Teachers throughout the district benefit from Kay's experience with the lesson plans and activity guides she makes available as a mentor teacher.

On Saturday, May 8, Kay Towne will be honored for her years of service as friends and colleagues show her how much she will be missed. She has touched many lives in the classroom, and I'm glad to be able to take this opportunity to share with my colleagues her achievements. I offer my congratulations on behalf of the people of the 13th District and wish her the best in retirement.

THE RETIREMENT OF CHIEF OF POLICE ALLVIN "WHITEY" LEONARD OF LANCASTER, NH

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. SWETT. Mr. Speaker, I rise today in honor of the retirement of the chief of police for the town of Lancaster, NH, Chief Allvin "Whitey" Leonard. Chief Leonard will be honored on May 21, 1993, at the Lancaster Town Hall Auditorium for his quarter century of meritorious service as chief of police for Lancaster.

Chief Leonard began his career in law enforcement in 1959 when he joined the police department of the town of Littleton, NH. He then moved to the New Hampshire State Police in 1963 where he spent some time as deputy sheriff before becoming the chief of police in Lancaster in 1968. Chief Leonard was also a member of the U.S. Army, both active and reserve, retiring with the rank of lieutenant colonel after 35 years of commended service. During his military career he was recognized with the Meritorious Service Medal, the Army Accommodation Medal, and the Army Achievement Medal.

Chief Leonard comes from a background of law enforcement as both his father and grandfather were also police officers. Indicative of his devotion to police work, Chief Leonard has taken every opportunity to enhance his knowledge and skill as a law enforcement officer. He is a graduate of many police courses, including programs at Babson College, the Defense University here in Washington, the New Hampshire State Police Academy, the FBI Regimental Training School, the University of New Hampshire, and St. Anslem's College in New Hampshire.

Chief Leonard's commitment to law enforcement extends beyond his daily law enforcement duties. He is an esteemed member of the Moose and Elk clubs, the American Legion, the Governor's Commission on Crime and Juvenile Delinquency, and the National and International, New England and New Hampshire Police Chiefs Association. Chief Leonard was likewise one of the founders and the first president of the Coos Country Law Enforcement Association and a past president and member of the executive board for New Hampshire Police Chiefs. Finally, Chief Leonard served as president of the New Hampshire Police Chiefs Association in 1977–78, and more recently he was the president of the New England Chiefs of Police Association during 1991–92.

Mr. Speaker, I would like to add one final historical point on Chief Leonard's career which I think is noteworthy: In 1977, at his swearing-in ceremony as president of the New Hampshire Police Chiefs Association, the future President and First Lady, Bill and Hillary Clinton, were in attendance as guests of then Gov. Hugh Gallen.

Mr. Speaker, I ask you to join with me in recognizing the long and illustrious career of Chief Allvin Leonard of Lancaster, NH. Few individuals can hope to have a greater influence on their community's well-being than Chief Leonard has had on his community in Lancaster.

THE 28TH CELEBRATION OF GASPEE DAYS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. REED. Mr. Speaker, I rise today to pay tribute to the 28th Celebration of Gaspee Days, an event that is as much of our national heritage as Paul Revere's ride and the Battle of Lexington. The burning of the *Gaspee* was the first link in the chain of events that led directly to the Declaration of Independence.

The H.M.S. *Gaspee* was sent by King George III to Rhode Island waters in March of 1772 to enforce the Stamp Act and prevent smuggling. Under the leadership of Abraham Whipple, a small band of patriots rowed eight longboats with muffled care and captured the ship and her crew. Near daylight on June 10, the Rhode Islanders set fire to the *Gaspee*, burning her to the water and exploding her powder magazine.

Public sentiment soared after this venture, this spirit of unity soon spread to the other colonists with the formation of the Committee of Correspondence to prevent further threats. It was but a short step from here to the First Continental Congress and eventually to the Declaration of Independence.

Mr. Speaker, I ask you and my colleagues to join me in saluting the cities of Warwick and Cranston and the 28th Celebration of Gaspee Days. I am indeed proud that this great celebration lies in the heart of my representative district. Congratulations on the 28th celebration of the "first blow for freedom."

TRIBUTE TO MARGARET BOIVIN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Ms. Margaret Boivin, of Menominee, MI, in Michigan's First Congressional District, which I represent. On May 1, 1993, the community of Menominee will honor Ms. Boivin as she retires after 22 years of being the Menominee County district court clerk.

Margaret Boivin has served Menominee County and its citizens with integrity and honor. She has been a leader in the community. The party that will mark her retirement on May 1 does not begin to express Menominee's gratitude and admiration for her years of service. It is our hope, however, that now Margaret will have more time to spend with her family and her friends. I know there are many people starving for the attention that she has given over the years to her job. I'm sure they'll be happy to get her back. On the other hand, Menominee County will sorely miss her for the fine work she has done.

It is not only mine, but all of Menominee County's hope that Margaret will continue to enjoy the fruits of her labor starting with her retirement party. We can never adequately express our gratitude for her tireless service. Congratulations Margaret, and best wishes.

A TRIBUTE TO LEO WATCHMAN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to express condolences to the family of a well-known and respected legislator in New Mexico. Representative Leo Watchman, who served 11 terms in the New Mexico House, died on Tuesday, April 27.

The impact of Representative Watchman's work will be felt for many generations to come. I am personally familiar with his efforts on behalf of Indian people in reapportionment, especially after the 1990 census indicated an increase in the number of Indian voters. He was instrumental in resolving other conflicts between New Mexico tribes and the State.

Representative Watchman will continue to be a role model for native Americans in public service and an inspiration for those who wish to seek public office. He was a shining example of how effective native Americans can be in addressing issues through the State legislative process.

His contributions extended beyond his community and his legislative district. Not only did he serve as an official for the Navajo Nation and a representative for his district, but he was a good friend and a political ally to many of us in Federal and State positions.

Today I wish to commend the work of Representative Watchman and urge my colleagues to join me in paying tribute to this remarkable individual. An article published in the Gallup Independent on April 28, 1993, follows:

COLLEAGUES PRAISE WATCHMAN'S SERVICE

(By Chris Murphy)

GALLUP.—Rep. Leo Watchman, 55, who served 11 terms in the New Mexico House of Representatives, died Tuesday of kidney failure.

Watchman, a Democratic legislator from Navajo, N.M., died at 2:15 a.m. at Rehoboth McKinley Christian Hospital, said hospital chief executive officer David Conejo.

Watchman had been having difficulties recently on a kidney dialysis machine and was admitted to the hospital's intensive care unit, Conejo said.

Born Aug. 19, 1937, Watchman was elected last November to his 11th term in the House. He was first elected to the House in 1968.

Legislative records list his occupation as rancher, but he worked since 1989 in the Navajo Tribal Government Development office in Window Rock, Ariz. He held several other tribal positions during his career.

The state Board of Finance observed a moment of silence in Santa Fe Tuesday. Gov. Bruce King, presiding over the board's regular meeting, said Watchman represented his constituents well.

"I was saddened to hear of the death of Leo Watchman," King said. "He was an outstanding spokesman for the Indian people, especially the Navajos, and he was an outspoken advocate of good government." John McKean, King's spokesman, said the county commissions of McKinley and San Juan counties will each nominate a successor to Watchman, and King will choose between the two.

New Mexico and Navajo officials joined in praising Watchman.

"We've lost one of our great legislators," said state Sen. John Pinto of Tohatchi. "He was a great man and I enjoyed working with him as a state legislator."

"I knew him as a person who really cared about his people," said freshman state Sen. Leonard Tsosie of Whitehorse Lake. "Through all the seriousness, he had, a humor that came with it, and that made him a likable person."

Tsosie said some of Watchman's greatest accomplishments came in the area of reapportionment in Native American legislative districts and resolving conflicts between tribes and states.

Brian Lee, deputy director of the state's Office of Indian Affairs, said Watchman was a hard-working man who contributed a great deal to his home community and to projects for the elderly.

Lee said Watchman played a major role in strengthening the OIA in the early 1970s.

Navajo Executive Press Officer Duane Beyal said President Peterson Zah was saddened by Watchman's death.

"President Zah has worked with Watchman for a number of years on many projects in tribal government," Beyal said. "He sends his condolences to the Watchman family."

A spokesman for the tribe's legislative branch also expressed condolences.

"Mr. Watchman will be long remembered for his leadership and his efforts to bring improvements to the New Mexico portion of the Navajo Nation, as representative in the state legislature for over 10 years," said Ray Baldwin Louis.

Watchman graduated from Northern Arizona University in Flagstaff, Ariz. with a bachelor's degree in business administration. He served twice in the 1970s as Navajo tribal treasurer under then-Chairman Raymond Nakai.

While director of the Navajo Health Authority in 1974, he ran unsuccessfully for tribal chairman, losing to Peter MacDonald.

Watchman resigned from the Legislature in January 1979 after a conservative coalition took his seat on the House Appropriations Committee. He was re-elected to the House in 1982 and continued to serve until his death.

Watchman represented District 9, which includes parts of McKinley and San Juan counties. Most recently, he served on the House Judiciary Committee and the Appropriations and Finance Committee.

ONE HUNDRED DAYS OF TAX AND SPEND

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. PACKARD. Mr. Speaker, today marks the 100th day of the Clinton administration.

These 100 days will surely be remembered in the minds of American taxpayers.

They will look back at this as the beginning of our slide into higher tax policies without spending cuts.

President Clinton has demonstrated during these 100 days that he is a tax and spend President, opposed to his campaign illustration of a new Democrat.

His campaign promises have eroded and now the public can expect $360 billion in new taxes.

Clinton's tax increases are the largest in the Nation's history.

Included in this tax increase are taxes on the middle class, that violates Candidate Clinton's promise of no middle class tax increases.

In addition to this, Social Security recipients will experience increased taxes and Americans will feel the negative impact of a $71.5 billion energy tax.

This energy tax will cost a family nearly $500 per year.

And, if this isn't enough to make us guard our wallets, President Clinton is contemplating a value-added tax on all goods and services produced in the United States.

President Clinton must realize that increasing taxes will not reduce the deficit.

Our deficit is not the product of being taxed too little, it is the product of excess spending.

This equation is not difficult to figure out.

Increased taxes and spending do not translate into a balanced budget, it translates into a $295 billion net increase.

History has demonstrated that for every dollar in new taxes, Congress historically spends $1.59.

President Clinton can not decrease the deficit without spending reductions, and these reductions must not be targeted at the defense industry only.

Clinton's major spending cuts are aimed at the military in an inefficient and chaotic manner which jeopardizes our national security and readiness.

His 5-year plan cuts defense by $114 billion—more than double his campaign pledge.

These cuts will inevitably be absorbed by California since we receive 20 percent of the national defense budget.

These cuts will create significant job and economic losses since California is the Nation's largest supplies of defense goods and services.

My State stands to suffer disproportionately and will experience the Nation's greatest job loss from both defense industry downsizing and military base closure.

President Clinton can no longer use his political rhetoric to shirk fiscal responsibility.

Increasing taxes and spending will not reduce the deficit, it will only increase the tab that President Clinton is forcing American taxpayers to pay.

President Clinton must be held accountable for the path that he has led us down during these last 100 days, a path that we are willing to help him reverse.

This reversal can only be achieved once President Clinton realizes that increasing taxes will not decrease the deficit, cutting spending will.

SAFEGUARDING THE TAX CODE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. WELDON. Mr. Speaker, every time Congress alters our Nation's Tax Code, it creates special tax transition rules. These rules, which are a necessary part of the legislative process, are sometimes misused to give tax breaks to influential friends and large corporations. Although they are intended to correct technical or grammatical problems in the Tax Code, the transition rules also can hide private provisions. For example, it has been estimated that up to $30 billion of tax breaks were stuffed into the 1986 Tax Reform Act.

The problem is not that the Committee on Ways and Means can insert these provisions, but it is the manner in which they do it. Some transition rules are needed to help correct general inequities that affect thousands of taxpayers. Some, however, are designed to benefit only the friends or campaign contributors of Members of Congress. The process holds no one accountable.

In this era of huge Federal budget deficits, the American public has a right to know who benefits from these personalized tax breaks. To correct this serious problem, I have introduced legislation requiring the Committee on Ways and Means to identify the sponsor, beneficiary, and the projected revenue loss of these targeted provisions. It does not prohibit transition rules.

My legislation, which has been sponsored by several of my colleagues on both sides of the aisle, is stalled in committee. But today, we have an important opportunity to reform the way we do business here in Congress. It is important to enact even this watered-down version of a line-item veto because it would give the President at least minimal power to eliminate wasteful Government spending. To make this proposal even stronger, I urge my colleagues to support the Michel amendment, which would allow the President to strike tax provisions as well as appropriations. The purpose of the Michel amendment is similar to my legislation in that it is aimed at greater disclosure and accountability for targeted tax provisions.

As we continue to consider President Clinton's economic plan, it is imperative that we take the important steps to safeguard the Tax Code from special interests. I believe that the current system is grossly unfair to those who pay their fair share of taxes each year. Is it fair that we pay more just so that well connected individuals or corporations can pay less? I do not think so. If you agree, please support the Michel amendment.

MARIE KAISER, A HERO IN EDUCATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1993

Mr. STARK. Mr. Speaker, I want to share briefly with my colleagues the story of a real hero: Marie Kaiser, R.N., M.F.C.C., who has been teaching and helping students for 36 years, 26 of them with the Fremont Unified School District. Marie is the kind of quiet and dedicated teacher who goes about her business changing lives every day.

Over the past 16 years, Marie has coordinated the Young Mother's Program at Robertson High School in Fremont—now housed in the Marie Kaiser Infant Center. This special program helps pregnant students and those with young children stay in school and go on to higher education. Teen pregnancy all too often forces girls to leave school, many never to return, but Marie's program provides them with a positive alternative that helps them finish school and become responsible adults.

Mr. Speaker, many women owe a great deal to Marie, and my constituents and I owe her a profound debt of gratitude for her tireless work on behalf of the students she loves. On May 15, her friends, students, and colleagues will gather on the occasion of her retirement to recognize her leadership, perseverance, and dedication. I am so glad to be able to join them in congratulating her. A recent article in the Fremont Argus tells the story of this hero in education we can all learn from. I would like to insert it in the RECORD at this point.

[From the Argus, Apr. 2, 1993]

YOUNG MOM GOT GOOD EDUCATION

Kristi Mitchell of Fremont graduates from San Jose State University in June. To her pinning ceremony to become a registered nurse, she has invited a special guest: Marie Kaiser, director of the Young Mothers' Program in Fremont that is designed to help teen-age parents remain in school.

"I probably would not have finished high school," says Mitchell, "if it hadn't been for Marie Kaiser. She motivated me."

Since age 5, Mitchell had wanted to be a nurse. Kaiser encouraged her, in a quiet motherly way: "Having a baby doesn't mean you stop living." Then Kaiser worked to obtain scholarships, making the difference in Mitchell's ability to attend college.

Kaiser began to oversee the Young Mothers' program 16 years ago while it was still in its infancy. Unable to attend school without child care, teen parents would bring their babies to school and ask the secretary or a friend to watch their little ones as they gathered up homework.

Kaiser wrote for grants and spoke to service clubs. Her consistent effort has led to more than $1.3 million coming into the program for career education, child care and scholarships for 15 years. Now almost every one of the 15 to 25 students who graduate each year qualifies for a scholarship for college or a trade school and about 60 percent go on to higher learning.

Wayne Crow, principal at Robertson High School, where the Young Mothers' Program is based, says that Kaiser "goes about things in such a quiet manner that you hardly know she is accomplishing so much."

Kaiser attributes her success to Fremont Unified School District's requirement that teachers and administrators plan ahead. Using her daughter Arlene's concept of a planning board, Kaiser began to dream of a program that would meet the needs of students in new ways. One year on the planning board, she wrote the words: child care center.

Through her efforts and those of Tri-Cities Children Center Director Paul Miller, a portable center opened at Robertson High School in 1990. Kaiser was asked to unveil the plaque at the dedication ceremony. It was a moment of tears, as she was caught unaware that the center was being dedicated to and named for her. Today, 34 infants and children are cared for at the center.

Kaiser, who worked first as a school nurse, then as a school counselor before coordinating the Young Mothers' Program, began this week to quietly announce that she plans to retire in June. She and her husband Gus, who died two months ago, had planned a 50th wedding celebration, coinciding with her retirement. She has decided to go ahead with the dinner on May 15.

Mitchell is convinced that Kaiser will continue to support the program, if not directly, through her work on boards like the Northern California March of Dimes. Kaiser laughs, saying Mitchell's right. Kaiser has offered to consult as needed.

The Young Mothers' Program has served as a good role model, says Crow. Students see young parents struggle to stay in school. By observing, students learn it's better to wait to have children.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 4, 1993, may be found in the Daily Digest of today's Record.

MEETINGS SCHEDULED

MAY 5

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on medical programs.

SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-138

Armed Services

Military Readiness and Defense Infrastructure Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the fiscal years 1995-99 future years defense program, focusing on the readiness and sustainability of posture of selected unified combatant commands.

SR-232A

Energy and Natural Resources

Business meeting, to consider the nominations of Robert Armstrong, of Texas, Bonnie R. Cohen, of Massachusetts, Elizabeth Ann Reike, of Arizona, and Leslie M. Turner, of New Jersey, each to be an Assistant Secretary of the Interior.

SD-366

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To hold joint hearings with the House Committee on Appropriations' Subcommittee on the District of Columbia on proposed budget estimates for fiscal year 1994 for the government of the District of Columbia.

H-301, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on S. 299, to revise the Housing and Community Development Act of 1974 to establish a program to demonstrate the benefits and feasibility of redeveloping or reusing abandoned or substantially underutilized land in economically and socially distressed communities.

SD-538

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs, focusing on changing priorities in foreign aid.
SD-419

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine reform of the Federal Aviation Administration's procurement system.
SD-192

Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the performance of unnecessary hysterectomies.
SD-430

Indian Affairs
To hold hearings to examine water and sanitation problems in Alaska.
SR-485

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of Alexander Fletcher Watson, of Massachusetts, to be Assistant Secretary of State for Inter-American Affairs.
SD-419

MAY 6

9:00 a.m.
Office of Technology Assesment
Board meeting, to consider pending business.
EF-100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.
SR-253

Governmental Affairs
To hold hearings to examine Federal regulation of medical radiation uses.
SD-342

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
S-5, Capitol

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD-192

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Park Service, Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of the Treasury.
SD-116

Energy and Natural Resources
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.
SD-366

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Special on Aging
To hold hearings to examine preventive health methods.
SD-562

10:30 a.m.
Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
To hold hearings to examine the health and ecological impacts of certain Superfund sites.
SD-406

11:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations.
SD-419

Veterans' Affairs
To hold hearings on the Department of Veterans Affairs' facilities and construction programs.
SR-418

1:00 p.m.
Small Business
To hold hearings on the nomination of Erskine B. Bowles, of North Carolina, to be Administrator of the Small Business Administration.
SR-428A

2:00 p.m.
Energy and Natural Resources
Business meeting, to mark up S. 775, to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and to consider other pending calendar business.
SD-366

2:30 p.m.
Armed Services
Force Requirements and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on military services' personnel programs.
SD-628

4:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 172 and H.R. 63, bills to establish the Spring Mountains National Recreation Area in Nevada, S. 184, to provide for the exchange of certain lands within the State of Utah, S. 250, to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, S. 489, the "Gallatin Range Consolidation and Protection Act," and S. 577, to resolve the status of certain lands relinquished to the U.S. under the act of June 4, 1897 (30 Stat. 11, 36).
SD-366

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Joint Economic
To hold hearings to examine the employment-unemployment situation for April.
Room to be announced

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Douglas J. Bennet, Jr., of Connecticut, to be Assistant Secretary of State for International Organization Affairs, Elinor G. Constable, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, and John Howard Francis Shattuck, of Massachusetts, to be Assistant Secretary of State for Human Rights and Humanitarian Affairs.
SD-419

MAY 10

2:00 p.m.
Rules and Administration
To hold hearings to examine certain legal issues raised by the petitions regarding the election in Oregon.
SR-301

MAY 11

9:30 a.m.
Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on Trident submarine and missile programs.
SR-222

Energy and Natural Resources
To hold hearings on the nominations of James John Hoecker, of Virginia, Donald Farley Santa, of Connecticut, and William Lloyd Massey, of Arkansas, each to be a Member of the Federal Energy Regulatory Commission, Department of Energy.
SD-366

Joint Printing
Meeting, to review congressional printing and other activities of the Government Printing Office.
SR-301

12:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
H-5, Capitol

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Education.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.
SR-253

10:30 a.m.
Veterans' Affairs
To hold hearings on the nominations of Jerry W. Bowen, of Arkansas, to be Director of the National Cemetery System, D. Mark Catlett, of Virginia, to be an Assistant Secretary (Finance and Information Resources Management), Mary Lou Keener, of Georgia, to be General Counsel, and Edward P. Scott, of New Jersey, to be an Assistant Secretary (Congressional Affairs), all of the Department of Veterans Affairs.
SR-418

MAY 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on proposed authorizations for the Federal Grain Inspection Service, Department of Agriculture.
SR-332

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

Veterans' Affairs
To hold hearings on proposed legislation on veterans' reemployment rights.
SR-418

Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
S-5, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 329, to revise section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and S. 334, to revise the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

2:30 p.m.
Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and to review the future years defense program, focusing on the state of the national defense industrial and technology bases.
SR-222

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.
SD-430

Indian Affairs
To hold oversight hearings on proposed regulations to implement the 1988 Amendments to the Indian Self-Determination and Education Assistance Act.
SR-485

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD-192

MAY 18

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 721, authorizing funds for fiscal years 1994-1998 for the Federal land and water conservation fund.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine U.S. competitiveness in the global marketplace.
SR-253

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

MAY 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on the Department of Veterans Affairs roles in geriatrics and longterm care.
SR-418

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.
SR-253

MAY 20

9:30 a.m.
Rules and Administration
Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994-1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.
SR-301

10:00 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD-192

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD-366

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 27

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S-5, Capitol

MAY 28

10:00 a.m.

Judiciary

Immigration and Refugee Affairs Subcommittee

To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.

SD-226

JUNE 10

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD-192

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

POSTPONEMENTS

MAY 4

10:00 a.m.

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, May 4, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We admit, gracious God, that our spirit of thankfulness and praise often comes slowly, and we are so busy with all that must be accomplished. We confess that we turn to spiritual matters when we face the difficulties and uncertainties of life and then we apply to faith for solace and comfort. Teach us, O loving God, to live lives of gratitude and thanksgiving and praise in all the days of our lives and thus nurture our faith day by day. So we begin this day with thanksgiving for all the wonderful blessings we have been given—for faith and hope and love and for friends and family and colleagues and for Your good spirit that is ever with us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from California [Mr. KIM] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. KIM led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

The message also announced that, pursuant to Public Law 102–581, as amended by Public Law 103–13, the Chair, on behalf of the Republican leader, announces the appointment of Mr. DANFORTH and Mr. GORTON as nonvoting members and Russell W. Meyer, Jr., of Kansas and Abraham D. Sofaer of Washington, DC, as voting members to the National Commission To Ensure a Strong and Competitive Airline Industry.

APPOINTMENT AS MEMBERS OF THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a) of Public Law 94–118, the Chair appoints to the Japan-United States Friendship Commission the following Members of the House: Mr. WISE of West Virginia; and Mr. PETRI of Wisconsin.

FOCUS ON THE BTU

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, while the headlines of the last several weeks have focused on health care because it touches all of us in some way or another, they have ignored another issue that will also have an impact on every single American citizen. This issue is the President's plan to levy a Btu tax.

Not too many people know what this acronym means. It sounds harmless enough. But I am reminded of a meeting a couple of weeks ago with an elderly woman, and she asked, "What is this Btu thing?" I said, "Well, that stands for British thermal unit." She said, "I always thought those British ought to be taxed more than they are."

It sounds, as I said, harmless enough. But let me tell you what it really stands for: big trouble for you. I like to call it the middle-class energy tax that will both kill jobs and hurt consumers.

The National Association of Manufacturers has estimated that this proposal will directly result in the loss of over 600,000 jobs. I thought all of the stimulus talk was on how do we create jobs.

According to J.D. Foster of the Tax Foundation, the Btu tax would cost the typical American family $471 per year.

When President Clinton called for shared sacrifice, I did not think he meant shared economic suicide. But with this so-called Btu tax, I am starting to wonder.

THE DEMOCRATS WILL LEAD THE WAY

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, for an unfortunate number of years now, we have heard a chorus from the Republicans which we should have turned away from sooner: Keep spending in deficit and times would get better; keep letting the S&L's run wild, free of regulators, ripping off the taxpayers with their thievery; let the junk-bond raiders have their whim with American commerce, throwing hundreds of thousands of people out of jobs. And with this all would get better, so said the Republicans.

Well, it has not gotten better. It has gotten worse. The American people are tired of hearing this Republican litany.

We are up to our eyeballs in debt. We have got to get medical costs under control.

The Democrats have been selected to lead the way, and we are going to do it.

CLINTON'S BEST SELLER

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, the headline of the Washington Post reads, "Clinton's Instant Best Seller: The Tax Bill Text." I guess this tome will be placed in the horror section of the bookstore.

Yes, the Clinton tax plan is a hot time inside the beltway today, but it is the American people who should really be concerned.

Most troubling is this provision which was highlighted by the Post, "Created broad-based tax on energy that the administration says would be borne entirely by consumers."

In case you are wondering, consumers actually include everybody. That means this tax on energy will hit everybody, and it has been estimated, as you have heard, to cost the average family up to $500 a year, and this is just one provision of the Clinton tax plan.

I am almost afraid to read the rest. This plan may be a best seller, but I suspect that the reviewers will give it two thumbs down.

JOBS BILL

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I am proud to represent 16 of the 46 counties in my State of South Carolina.

Conversely, I am saddened that four of the seven counties with the worst unemployment rate in my State are in my district.

In Marion County alone, the unemployment rate for the month of March

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was 11.4 percent—the second highest ranking in the State.

Declining profits in the textile and apparel industries, military cutbacks, and seasonal layoffs have contributed to the rise of unemployment in Marion County and throughout South Carolina.

Mr. Speaker, the people of Marion County deserve better.

They deserve job training programs for dislocated workers.

They deserve apprenticeships that will prepare them for the jobs of tomorrow.

But they deserve some immediate action as well.

Mr. Speaker, we should take immediate action to provide much needed stimuli and employment opportunities to those we have sworn to serve.

The people of this Nation need a jobs bill and they need it now.

TO BTU OR NOT TO BTU

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, to Btu or not to Btu. That is the question; whether tis nobler in the wallet to suffer the slings and arrows of outrageous tax proposals or to take arms against a sea of troubles, and by opposing to end them?

To heat, to drive; to eat no more, without pernicious penalty, aye, there's the rub. For in that Btu tax, the ability to sleep with the heat in winter, or with the air-conditioning in the summer, will cost an outrageous fortune.

The oppresser is wrong; the proud people must stand in opposition.

To Btu or not to Btu; that indeed is the question; for my worth, I will oppose them; and work to save the American people from that sea of tax troubles.

THE NSC STAFF SHOULD LEARN TO READ THE LAW

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, I fear for the safety of the world.

Last year I was a principal House sponsor of a law passed by Congress and signed into law by President George Bush in October to end all underground nuclear weapons testing. The law required the President to send Congress this spring a plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

During his campaign, President Clinton called for a test ban in support of this law. In recent days, something has gone haywire. The greedy, life-threatening, narrowminded weapons laboratories in this country along with their sponsors in the Departments of Energy and Defense recommended to the President that the United States continue to test nuclear bombs indefinitely, although they are willing to hold the test yields below 1 kiloton.

□ 1210

This recommendation would completely ignore the law which halts testing in 1996. It says if the new NSC staff member learned the first lesson of the Iran/Contra scandal: Read the law. President Clinton should reject the recommendation. He should tell his national security staff to pay attention to his campaign promises, the danger of proliferation, and the law of the land.

THE INSIDIOUS ENERGY TAX

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, President Clinton has long since abandoned his fall campaign promise of middle-class tax relief and, in fact, he has now embraced a baker's dozen of new taxes that will hurt both middle-class families and dampen the economy.

In 1990 alone, almost 3 million Alabamians used 2.6 billion gallons of gasoline. If President Clinton's Btu tax had been in place then, it would have cost Alabama taxpayers an additional $234 million, $234 million they did not have and could not have afforded.

President Clinton's Btu tax is so frightening because it is cleverly hidden from American consumers. But I say: "Americans, don't be fooled. If you drive a car, heat your home, cool your office, cook in your kitchen, light your front porch, use aluminum, drink out of a glass, it will affect you." The average American family, middle-class American family, will be paying $500 more per year. Mr. Speaker, the American people cannot afford the Btu tax.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will inform our guests in the gallery that we love to have them here, but they may not participate in the debate nor applaud.

EUROPEANS SHOULD HELP PROTECT THEIR OWN CONTINENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, reports say that unless the Serbian Government accepts the peace treaty, foreign leaders want Uncle Sam to attack.

What is going on here, Mr. Speaker? Uncle Sam has fought Europe's wars for the last 50 years. It is time for Europe to play and pay their fair share and to help protect their own continent.

I personally will oppose any plan that has Uncle Sam carrying the majority of the load. This business of foreign countries in trouble dialing 911 and Uncle Sam sending our kids over to die, and a ton of taxpayer dollars, is absolutely, in my opinion, un-American.

Mr. Speaker, the days of John Wayne are over; it is time for the French, the Italians, the Germans, the Russians, and everybody to get involved to help to save Europe, not the taxpayers and the children of the United States of America.

AN ODE TO PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, now that President Clinton has completed his first 100 days in office, I have completed this poem in his honor, which I have entitled "An Ode to President Clinton's First 100 Days:"

He swore his first 100 days would earn him everlasting praise.
He promised the economy
would be transformed and so would we!
He bit his lower lip and vowed
His 100 days would make us proud!
But now, far as the eye can see,
The scene is littered with debris
Of pledges he did not fulfill—
And bills that failed upon the Hill.
He promised action, jobs and power—
But he's given us the Amateur Hour!

REFORMING FEDERAL SENTENCING GUIDELINES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, a decade ago, in order to overcome disparities in criminal sentences, people in one part of the country were treated more lightly for certain types of felonious activity than people in other parts of the country, Congress and the Federal judiciary, working together, came up with mandatory minimum sentencing as well as sentencing guidelines to, again, eliminate the disparities in sentencing for serious crimes.

As we now know, there are many Federal judges who want, and yesterday the Attorney General of the United States has ordered, a review of the way these mandatory minimum sentences, particularly in drug-related crimes, are imposed, and also to examine the sentencing guidelines to see if they are still valid.

Certainly, I think all of us support only putting behind bars the serious offenders, and we certainly do not want to have minor actors in these dramas put away for long periods of time.

But, Mr. Speaker, whatever is done, we have to again be sure we do not go back to the old days when there were these very serious sentencing disparities. It is only fair to treat offenders consistently, and that is what the sentencing guidelines ought to do.

THE TEXAS ADVANTAGE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, while it is too early to tell who will win the Texas Senate runoff race between Kay Bailey Hutchinson and BOB KRUEGER, it sure is not too early to tell who lost the election Saturday: President Bill Clinton. Even though he was not on the ballot, he was on every Texan's mind just as assuredly as he intends to be in every Texan's wallet and pocketbook.

Appointed Senator BOB KRUEGER, soon to be disappointed Senator KRUEGER, while carrying only 20 percent of the vote for the Democrats also had to carry Bill Clinton and his big government and big spending ways. Evidently it was too heavy a burden for the Democrats to carry or for Texans to swallow, because the Republicans took 57 percent of the vote and the Perot candidate took 8 percent. It is to KRUEGER'S political credit, if not his political honesty, that he tried to run away from Bill Clinton, but he couldn't run far enough or fast enough.

The Texas results add up easily. Bill Clinton is not very popular in Texas because twisting words and breaking promises are not very popular in Texas; because bigger Government, bigger spending, and bigger taxes are not very popular in Texas. Despite what Mr. Clinton says, Texans judged him on what he does. My hunch is that the rest of the country is not any different, it is just that Texas had an advantage: we got to vote early.

OFFENSIVE MILITARY ACTION REQUIRES PREVIOUS APPROVAL BY THE CONGRESS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I applaud President Clinton's efforts to end the carnage in Yugoslavia. His efforts to work with the United Nations to bring a peaceful end to the slaughter in Bosnia is in the best tradition of our Nation. But if our response to Bosnia requires the commitment of American military forces, our Constitution requires the approval of Congress. This requirement by our Founding Fathers was put in place so that the American people, through their elected Representatives in Congress, would make the decision as to whether or not we would engage in military action endangering the lives of American military personnel.

Mr. Speaker, last week, I circulated a letter in this Chamber asking President Clinton to be mindful of the fact that the Constitution requires the explicit approval of Congress before American military forces are committed to an offensive military action. Ninety-one Members of Congress, Democrats and Republicans alike, liberal and conservative, signed this letter. It is in the best tradition of the United States.

Mr. Speaker, it is consistent with the provisions in the Constitution. We have said that we will work with the President, but Congress and Congress alone has the authority to commit American troops to offensive military action.

WE NEED AN OMNIBUS CRIME BILL TO CURTAIL THE VIOLENCE IN THE UNITED STATES

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, this past Saturday night, while riding in squad car 404 of the Minneapolis Police Department, I watched a young man die on the streets of north Minneapolis. Ironically, I was riding in squad car 404 with a good cop friend of mine who lost his former wife and the mother of his three children 1 week previously to another murderer.

In the last 100 days, several thousand other people have been murdered in this country, 28,800 women have been raped, and 1 million children have been abused.

No other civilized society tolerates this level of violence. That is why we need to pass an omnibus crime bill now, one that includes President Clinton's promise of the death penalty for cop killers, drug dealing murderers and other violent criminals.

The President said, he promised in his St. Louis debate on October 11, "The crime bill will be one of my highest priorities next January if I become President." But there is absolutely no indication, Mr. Speaker, from the White House that a crime bill is even on the President's agenda.

If the President gave this promise the same priority as putting homosexuals in the military, we would now be holding hearings on the crime bill just like we are holding hearings on gays in the military.

Mr. Speaker, it is time to put politics aside and pass an omnibus crime bill with some real teeth in it.

□ 1220

UNITED STATES INTERVENTION IN THE BOSNIA CONFLICT

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, the President has reiterated his commitment of our Armed Forces to a peace-keeping mission in battle-torn Bosnia and Herzegovina, where the death toll is rising steadily. I urge the administration to do whatever is necessary to reach an accord between the rival Serb, Croat, and Moslem factions and to stop the so-called effort of ethnic cleansing by Serb forces.

We must use caution as we negotiate and try to decide which path to traverse in dealing with the volatile situation in Bosnia, and not ignore our history in every step taken.

We must halt the brutal slaughtering of innocent civilians and strive to bring calm to the strife-filled area, for it not only is a threat to our national security, Mr. Speaker, but it also hampers our efforts to establish global peace and equality worldwide.

USE OF FORCE IN THE FORMER YUGOSLAVIA

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, it is with the utmost of respect that I raise serious concerns with the recent report that NATO plans to dispatch at least 17,000 United States ground troops to help enforce a tenuous peace agreement among rival ethnic factions in Bosnia.

There are still many unanswered questions in my mind. What will we do if the pseudo-Bosnian Serb Parliament rejects this peace treaty? If adopted, what will be the mission of our Armed Forces? How will we distinguish friend from foe? Will rival ethnic factions be able to control their own forces? Will this operation succeed?

In my view, our ground troops will simply be sniper bait for warring factions that have fought each other for centuries. The interjection of foreign troops may widen the conflict when the warring factions decide that one of the 10 cantons in Bosnia is not big enough for them.

Mr. Speaker, I see us becoming mired in a conflict similar to Northern Ireland, multiplied by three. Let us not put our brave uniformed men and women in harm's way to defend a policy that has not been fully thought out.

CELEBRATING THE LIFE OF CESAR CHAVEZ, UNITED FARM WORKERS OF AMERICA

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today to honor the life of a great American, Mr. Cesar Estrada Chavez, who was described by the late Robert F. Kennedy in 1968 as "One of the Heroic Figures of Our Time."

Mr. Chavez, a migrant farmworker who emerged from poverty in the agricultural valley of Arizona went on to organize the United Farm Workers of America.

Using the nonviolent tactics of Ghandi with the organizational skills of his late mentor, Saul Alinsky, Mr. Chavez was able, almost singlehandedly, to organize one of the most successful agricultural boycotts in U.S. history. In 1965, when the average wage of a farmworker was $1.50 an hour with no fringe benefits, no seniority, and no standing to challenge abuses by employers, Mr. Chavez became to migrant farmworkers, Latinos in particular, and African-Americans and civil rights advocates in general, a hero.

Mr. Speaker, it is with a great sense of honor that I offer these few words to celebrate the life of this great American hero.

SECRET POLICYMAKING AT CLINTON WHITE HOUSE

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, on Friday of last week, the Clinton administration Justice Department went before the U.S. Court of Appeals and asserted that the Federal Advisory Committee Act is an unconstitutional infringement upon the powers of the President, in arguing that the First Lady's health care task force be allowed to continue operating in secret.

U.S. Appeals Court Judge Laurence Silberman called this pronouncement by President Clinton a stunning expansion of an unparalleled crusade to overturn Government sunshine laws that every President since Richard Nixon has willingly applied.

President Clinton was elected by calling for the opening of Government policymaking to average Americans. Vice President ALBERT GORE went the furthest when he stated:

> No longer will decisions that should be made in public be made in private. In this Administration, everyone will play by the rules and public decisions will be public information.

Unfortunately, Mr. Speaker, the Vice President's rhetoric does not match this administration's actions. When given the option, President Clinton has chosen secrecy over sunshine.

Mr. Speaker, the President should bring his Government into the sunshine where it belongs. He should listen to his own Vice President and begin playing by the rules.

CRITICAL SITUATION IN ARMENIA

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, about a month ago, a group of us went to Armenia. At that time we observed the plight of the Armenian people who were suffering through the blockade that has been put around that country, with 80 percent unemployment because the people of Armenia cannot work because electrical and gas supplies have been cut off from Azerbaijan and also the fact that food supplies are at a critical state.

We visited refugee camps in Armenia for Armenians who had fled from Azerbaijan where the minimal amount of food they had was not enough to keep people alive and they had to scavenge around the country trying to get additional supplies.

But in addition, Turkey has cut off those Red Cross parcels that were being shipped in on a daily basis into Armenia by the International Red Cross.

I call upon the Turkish Government to lift the blockade and the Azerbaijani Government to lift the blockade and allow medicines and food and electricity and natural gas to flow into that country.

I also call upon the Armenians and Azerbaijanis in the Minsk round to look forward to getting peace in this area; but it is critical at this time that the American Government and all governments of the world urge the end of this blockade of food and medicines to a people who are in a critical situation.

ADMINISTRATION LACKS GAME PLAN ON BOSNIAN INTERVENTION

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, no firefighter I know of would rush blindly into a burning building without some idea of the extent of the fire, who is trapped inside, and what the possible escape routes are.

I am concerned that the administration is rushing blindly into the burning war in Bosnia—without so much as a game plan or strategy.

Make no mistake, the horrors of this war and the atrocities against defenseless civilians demand world condemnation—and world action.

But before we commit American men and women to combat, we should clearly express our national interests and strategy of intervention.

Before we send our soldiers into battle, we should have a thorough understanding of how we will get in, what we plan to accomplish while we are there, what our time table is, and how we will get out.

On the subject of our Armed Forces, all we have been hearing lately from the administration is $127 billion of budget cuts, COLA reductions, and gays in the military, and the story goes on and on.

Mr. Speaker, the administration now must focus its attention on the most important issue confronting the military—developing a strategy and a direction for protecting our national interests and finding a way to fund it.

The administration should consult with the congressional leadership and present a workable plan to Congress for dealing with the crisis in Bosnia before taking any action.

THE NEED FOR ECONOMIC STIMULUS AND JOBS IS REAL

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, last week, the Commerce Department released figures showing that the economy had slowed to a 1.8-percent annual growth rate in the first quarter of 1993.

The U.S. trade deficit increased in the first quarter.

Consumer spending declined in March for the third consecutive month.

Unemployment nationally continues to hover around 7 percent.

All these figures show that the need for economic stimulus and jobs is real.

We really could have used the President's stimulus package that the Senate killed.

In my district, the bad economic numbers come as no surprise. In parts of my district, the official unemployment rate is over 12 percent, but the real unemployment rate is closer to 25 percent.

My constituents want jobs and a real economic recovery.

The President's economic stimulus package would have helped to put people back to work and get the economy going again. It would have created over 200,000 full-time jobs in this year alone. It would have created 675,000 new summer jobs for disadvantaged youth to help get troubled kids off the street and help them become productive members of society.

The Clinton administration has indicated that they will try again for some sort of jobs bill. They are not sure how, or what specific programs they will try to fund, but there will be an attempt to create jobs.

Secretary of Labor Robert Reich has assured me that the Clinton administration would definitely try to get the new summer jobs money through Congress again.

That is a good first step, and good news to my constituents.

□ 1230

CALVERT AMENDMENT TO COMPETITIVENESS BILL

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, later this week, the House will consider H.R. 820—the national competitiveness bill.

While I agree that our Government can play a vital role in helping our industries become more competitive in the global marketplace, I disagree with some provisions of this legislation.

One provision which I believe is particularly misguided is the loan and equity financing provision, a provision which is modeled after the Small Business Investment Corporation of the Small Business Administration.

Along with Congressman ROYCE, I will offer an amendment to delete this provision, for three reasons: First, it is redundant, second, the administration does not want it, and, third, the Commerce Department has an atrocious record in loan programs—having collected less than half of the $1.2 billion it has loaned out to businesses.

I do not think the taxpayers can, nor should, support a program of this type.

OUR TEPID ECONOMIC RECOVERY NEEDS HELP NOW

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, it is time we take another crack at assisting our economy.

This year, Mr. Speaker, our efforts to address this issue have generated plenty of political combat, but no meaningful action. Last week new economic indicators provided compelling evidence that we need to try again. The first quarter's economic recovery was a pathetic 1.8 percent. In March, nine economic indicators actually declined. In my State, Mr. Speaker, the unemployment rate rose in March and now stands at a higher level than it did 1 year ago.

Behind these numbers are millions of individual tragedies. Many women are unable to provide for their families and are losing confidence and, ultimately, hope, as weeks of unemployment stretch to months and then years.

On this issue, Mr. Speaker, let us at last put aside beltway political games and posturing.

The numbers received last week make it very clear. This economy needs help, and it needs help now. We must assist this tepid economic recovery with a program that will put people back to work.

LOOK AT FACTS BEFORE CHANGING POLICY ON HOMOSEXUALS IN THE MILITARY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, this morning the House Armed Services Committee began a series of hearings on the President's recommendation to repeal the existing ban on homosexuals serving in the military.

I hope the hearings on this issue will address some of the points brought to light during the Republican research committee's hearings on this matter over the last several months. As chairman of three such hearings, I heard important testimony which often contradicted much of the conventional wisdom surrounding this issue.

First of all, we have been led to believe that the military's exclusion of homosexuals violates established legal definitions of civil rights. However, a virtually unanimous body of law affirms the special status of the military and the constitutionality of its position on homosexuality. This is because military service is a privilege, not a right and the armed services must protect their right to determine fitness for service based on their expertise.

Second, we have been led to believe that homosexuals have constitutionally protected minority rights that must be protected by repealing the ban. Again, the courts have rejected a fundamental right to homosexual conduct, and there is no legal basis for claims that the ban must be repealed on the grounds of equal rights.

What the three hearings I chaired did show was that the majority of military experts believe lifting the ban would cause intractable problems for the armed services and reduce military morale and readiness.

I hope Chairman DELLUMS' hearings explore these important issues, keeping in mind the true role of our Armed Forces, is protecting all men and women in our Nation.

MFN FOR CHINA SHOULD DEPEND ON THEIR PROGRESS IN THE REALM OF HUMAN RIGHTS

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Virginia [Mr. WOLF], the gentleman from New York [Mr. LAFALCE], and I are introducing legislation to condition most-favored nation [MFN] trade status for China on the attainment of the significance of progress in the realm of human rights, adherence to bilateral trade agreements, and observance of nuclear nonproliferation principles.

The bill we are introducing today is virtually identical to the MFN legislation which was overwhelmingly passed by the House in July 1991, 313 to 112. Our former colleague, Jim Moody, was the author of specific language in that bill which conditioned MFN on the attainment of an end to the practice, of course, of abortion and involuntary sterilization. Regrettably this key provision in the bill was dropped in a House-Senate conference committee before we took up the bill again.

In my view that was a big mistake. Human rights, Mr. Speaker, are indivisible. Protecting women and babies from the crime of forced abortion should not be the orphan human right, the human right abuse that we conveniently overlook or downplay because it is not politically correct. In conscience we cannot ignore this gross abuse or pretend that it does not exist.

The New York Times a week ago Sunday published a page 1 exposé of China's brutal oppression of its women and children as part of its program. My legislation, the legislation we are introducing today, would make coercive abortion and involuntary sterilization a part of the human rights umbrella that we look at in determining whether or not we confer MFN to the People's Republic of China.

PRIVATE SECTOR JOB CREATION AND ECONOMIC GROWTH ACT OF 1993

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, a few minutes ago our freshman colleague from Pennsylvania pointed to the fact that we have seen a dramatic decrease in the index of leading economic indicators, reduction in consumer spending and an unemployment problem that is still hovering around 7 percent. He is right on target in saying that we should have a stimulus package.

Many people on the other side like to throw stones at the Republicans because we blocked the pork barrel package that President Clinton submitted. Frankly, we, as Republicans, have offered a positive alternative. I have introduced H.R. 1885 designed to reduce a capital gains tax rate from 28 to 15 percent, offers a 2-percent solution, basically a freeze on Federal spending, a moratorium on new regulations to be imposed on the business sector and an expansion of individual retirement accounts.

Mr. Speaker, this is the kind of stimulus we need. That is why I call it the Private Sector Job Creation and Economic Growth Act of 1993. I urge my colleagues to cosponsor H.R. 1885 so that we can, in fact, get this economy moving.

BTU: THE KING KONG OF TAXES

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, as the old song has it, "Fish gotta swim, birds gotta fly," and the Democrats apparently gotta tax us until we all die.

The Democrats under President Clinton have now come up with their monster tax, a King Kong of taxes, something called the Btu tax. Btu stands for "British thermal units," but Btu in plain old American English is the big Clinton tax on practically everything American.

I ask my colleagues, "Do your elderly parents heat their home in the winter?" Of course they do. Clinton's tax would raise their monthly bill.

I ask my colleagues, "Do you buy clothes that are made by processes that use energy?" I am sure my colleagues do. Clinton's tax would be included in the price of every garment that we and our children wear.

Further, Mr. Speaker, I ask, "Do you drive a car? Take a bus to work? Are you a farmer? Are you a consumer? Do you deliver by UPS?"

Mr. Speaker, the Clinton tax would be there every day, everywhere, with its hands in our wallets permanently.

Get ready for the Btu, the King Kong of taxes, as it stomps the life out of our recovering economy. I say to the taxpayers, "Let your Representatives know that you want more savings and investment, not a devastating tax increase."

CLINTON'S NATIONAL SERVICE PROGRAM

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, yesterday I commented on the President's proposal to restructure the existing student loan program. Today, I want to focus on the other half of Mr. Clinton's initiative—a major, new program of national service.

I find the concept of national service appealing. It is consistent with the strong American tradition of helping each other. But despite its attractiveness, some important questions arise.

The key question arises in the context of existing student aid programs. At a time when student aid programs are underfunded, it is fair to ask if a large, new national service program linked to the GSL Program makes sense.

As is typical with new initiatives, the budget numbers keep changing. The President put a 5-year, $7.4 billion plug for this program in his original budget, an amount that, quite frankly, is politically infeasible, even for this institution. But as submitted, it appears that the program has been scaled back substantially. This is encouraging. It puts this worthwhile idea in the realm of the fiscally feasible.

Nevertheless, the cost of this particular proposal is crucial because the beneficiaries of the proposed program—young Americans—are also the people most directly hurt by deficit spending. We are incurring bills that they must pay.

National service has an undeniable popular appeal, but we need to pause and look beyond the instant gratification.

☐ 1240

TAX FREEDOM DAY 1993

(Mr. GOSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, for millions of Americans yesterday was the first day this year that Uncle Sam did not take their paychecks. Yesterday was National Tax Freedom Day, the symbolic day on which average Americans have earned enough in 1993 to pay off their tax obligations to local, State, and Federal Governments. It is the day that Americans begin to keep for themselves and their families what they earn.

This year it took 123 days to reach that milestone, 5 days longer than it took just 9 years ago. Let us think back to just how long ago January 1 was this year. We have had a Super Bowl, inauguration, tragedy in Bosnia, the bombing of the World Trade Center, the storm of the century, and many other events we all know about. All this time American workers have been working exclusively to pay their governments.

American workers already dedicate over a third of the year just to pay the taxman, and now they are going to be asked to work more and longer to pay more taxes. Should President Clinton's $350 billion tax increase pass, Tax Freedom Day will fall even later. Enough is enough. We should cut spending now.

A NEED TO CLARIFY THE OBJECTIVE OF MILITARY ACTION IN BOSNIA

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, President Clinton has approved using United States military forces in Bosnia, but one very important thing is lacking so far, and that is a statement by the President of what the objective of this force is.

Without that clear objective, we face the prospect of risking American lives with no long-term benefit.

Is the objective to force Serbs to withdraw from land they invaded and conquered? Is it to just enforce the Vance Owens Peace Plan which rewards the aggressors by letting them keep what they conquered? Is it to bomb a few artillery pieces in the hope that will change something? Is there any clear objective?

We have a President, who pulled every string conceivable to personally avoid wearing the uniform, now proposing to send young American men and women to risk their lives. He owes it to them and the American people to clearly state what objective is to be achieved, at what cost, and when United States forces will be permanently out of Bosnia.

MOVING EXPENSES FOR BUREAUCRATS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, almost every day we hear of ways in which the Federal Government is just out of control. Frequently these reports concern Federal judges or Federal employees who have incurred lavish expenses of one sort or another because there is no incentive to hold costs down.

Last week a column in the Washington Post reported that the Federal Reserve Board has spent more than $2 million to move just 17 officials. These Government officials averaged $118,000 per move. One new vice president received more than $181,000 to move from North Carolina to Cleveland, including $4,950 for house-hunting expenses.

One employee received $121,000 just to move from San Francisco to Los Angeles. Another received $227,000 to move from Kansas City to Los Angeles.

Our protected, unaccountable Federal bureaucracy is taking far too much money from the individuals and families of America. Instead of looking for ways to raise taxes so this lavish spending can continue, this Congress should be leading a tax revolt and returning at least a little money to the people instead of giving more to the bureaucrats.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 995) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.

"4301. Purposes; sense of Congress.

"4302. Relation to other law and plans or agreements.

"4303. Definitions.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.

"4312. Reemployment rights of persons who serve in the uniformed services.

"4313. Reemployment positions.

"4314. Reemployment by the Federal Government.

"4315. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

"4316. Employee pension benefit plans.

"4317. Character of service.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATIONS

"4321. Assistance in obtaining employment or reemployment.

"4322. Enforcement of employment or reemployment rights.

"4323. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"4331. Regulations.

"4332. Reports.

"4333. Outreach.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§4302. Relation to other law and plans or agreements

"(a) Nothing in this chapter shall supersede, nullify, or diminish any Federal or State law (including any local law or ordinance) or any contract, practice, policy, agreement, plan, or other matter provided by an employer which establishes rights or benefits which are greater than or in addition to those provided in this chapter.

"(b) This chapter supersedes State laws (including any local law or ordinance), employer practices, policies, agreements, and plans, and other matters that reduce, limit, or eliminate in any manner rights or benefits provided by this chapter, including the establishment of additional prerequisites to the exercise of such rights.

"§4303. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any aspect of the employment relationship, other than wages or salary for work performed, provided by contract or employer practice or custom, that offers advantage, profit, privilege, gain, status, account, or interest and includes, but is not limited to, pension plans and payments, insurance coverage and awards, employee stock ownership plans, bonuses, severance pay, supplemental unemployment benefits, vacations, and selection of work hours or locations of employment.

"(3) The term 'employee' means any person employed by an employer.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4316.

"(5) The term 'Federal Government' includes the executive branch, the judicial branch, and the legislative branch, with the executive branch including—

"(A) any department, administration, agency, commission, board, or independent establishment in, or other part of, the executive branch (including any executive agency as defined in section 105 of title 5);

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any nonappropriated fund activity of the United States; and

"(D) any corporation wholly owned by the United States.

"(6) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(7) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(8) The term 'other than a temporary position' means a position of employment as to which there is a reasonable expectation that it will continue indefinitely.

"(9) The term 'qualified' means having the ability to perform the essential tasks of an employment position.

"(10) The term 'reasonable efforts' means actions, including training provided by an employer, that do not create an undue hardship on the employer.

"(11) Notwithstanding section 101, the term 'Secretary' means the Secretary of Labor or any person designated by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15)(A) The term 'undue hardship' means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

"(B) In determining whether an action would impose an undue hardship on an employer, factors to be considered include—

"(i) the nature and cost of the action needed under this chapter;

"(ii) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(iii) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(iv) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"§4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d) and to section 4317, any person who is absent from a position of employment (other than a temporary position) by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) except as provided in subsection (c), the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) except as provided in subsection (f), the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable, or

"(B) in the case of a person entitled to reemployment under section 4313 (a)(3), (a)(4), or (b)(2)(B), such employment would impose an undue hardship on the operation of the employer.

"(2) In any administrative or judicial proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or

"(B) any accommodation, training, or effort referred to in section 4313 (a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the operation of the business of the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service or as soon as possible after such 14-day period if submitting such application within such period is impossible or unreasonable through no fault of the person.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service or as soon as possible after such 90-day period if submitting such application within such period is impossible or unreasonable through no fault of the person.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of a period of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury submit an application for reemployment with such employer. Such period of recovery may not exceed two years, except as provided in subparagraph (B).

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the time limit specified in subparagraph (A) impossible or unreasonable.

"(f) A person who fails to report for employment or reemployment within the time limits specified in subsection (e) does not automatically forfeit such person's right under subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(g)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not terminated under section 4317.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3) The failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A) through (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(4) It shall be unlawful for an employer to delay or attempt to defeat a reemployment obli-

gation by demanding documentation that does not then exist or is not then readily available.

"(h) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(i) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service or the nature of such training or service (including voluntary service) in the uniformed services shall not be a basis for denying protection of such training or service if the service does not exceed the limitations set forth in subsection (c), and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§4313. Reemployment positions

"(a) Subject to subsection (b) in the case of any employee and subject to section 4314 in the case of reemployment by the Federal Government, a person entitled to reemployment under section 4312 upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment in accordance with the following priorities:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 91 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 90 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

"(3) In the case of a person who has a disability incurred in, or aggravated by, a period of service in the uniformed services, and if, after reasonable efforts by the employer to accommodate the disability, such person is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who is not qualified to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service or in the position of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason other than disability incurred in, or aggravated by, a period of service in the uniformed services and who cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to reemployment as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, a period of service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"§4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312, such person shall be reemployed in a position of employment as described in section 4313.

"(b) If the employer of a person described in subsection (a) was, at the time such person entered service in the uniformed services, an agency in the executive branch, and the Director of the Office of Personnel Management determines that—

"(1) such employer no longer exists and its functions have not been transferred to another part of the executive branch; or

"(2) it is impossible or unreasonable for such employer to reemploy such person,

the Director shall identify an alternative position of like seniority, status, and pay for which such person is qualified in another part of the executive branch, and the Director shall cause employment in such position to be offered to such person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered service in the uniformed services, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that—

"(1) it is impossible or unreasonable for such employer to reemploy such person; and

"(2) such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(c) of title 5, such person shall, upon application to the Director of the Office of Personnel Management, be considered for and offered employment in an alternative position in the executive branch on the same basis as described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, and such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(d) of title 5, such person shall, upon application to the Director of the Office of Personnel Management, be considered for and offered employment in an alternative position in the executive branch of the Federal Government on the same basis as described in subsection (b).

"§4315. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b) A person who performs service in the uniformed services is considered to be on furlough or leave of absence while in the uniformed services and is also entitled to such other rights and benefits, not determined by seniority, relating to other employees on furlough or leave of absence which were in effect by contract, practice, policy, agreement, or plan at the commencement of such period of service or were established while such person is performing such service. Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to the preceding sentence to the extent other employees on furlough or leave of absence are so required.

"(c)(1) Notwithstanding subsection (b), a person who performs service in the uniformed services shall, at such person's request, continue to be covered by any insurance provided by such employer for up to 18 months. Such person may be required to pay the entire cost of any benefit continued pursuant to the preceding sentence, except that in the case of persons ordered to training or service for fewer than 31 days, such person may be required to pay only the employee share, if any, of the cost of such benefit.

"(2) In the case of employer-sponsored health benefits, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in these benefits, either under paragraph (1) or upon reinstatement, or in connection with a health or physical condition of any other person who is covered by the benefit by reason of the coverage of such person, if—

"(A) the condition arose before or during that person's period of training or service in the uniformed services;

"(B) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the benefits; and

"(C) the condition of such person has not been determined by the Secretary of Veterans Affairs to be service-connected.

"(d) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) if such person's period of service was 181 days or more, within one year;

"(2) if such person's period of service was 31 days or more but less than 181 days, within six months; or

"(3) if such person's period of service was less than 31 days, within a period of time that is equal to the period of service concerned.

"(e) Any person who is absent from or leaves a position (other than a temporary position) in the employ of any employer for voluntary or involuntary service in the uniformed services may utilize, with respect to the employer and during any period of such service, accrued or other leave which the person could have utilized if the person had remained in such position.

"§4316. Employee pension benefit plans

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. The first sentence of this subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) A person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purposes of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1)(A) An employer reemploying a person under this chapter shall be liable to an employee pension benefit plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan shall provide.

"(B) An employee entitled to pension benefits under this chapter, with respect to a period of service described in subsection (a)(2)(B)—

"(i) shall have earnings credited with respect to an employer contribution in the same manner and to the same extent as earnings are credited to other employees during the period of service, subject to paragraph (3), irrespective of when the contribution is made;

"(ii) shall have allocated the amount of—

"(I) any employer contribution that was voluntary; and

"(II) any employer contribution the total amount of which was determined without reference to the number of, or compensation of, plan participants before being allocated to the accounts of participants; and

"(iii) may have allocated the amount of any forfeiture, in the same manner and to the same extent the allocation occurs for other employees during the period of service.

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any payment to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree.

"(3) For purposes of computing an employer's liability under paragraph (1)(A) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide information, in writing, of such reemployment to the administrator of such plan.

"§4317. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATIONS

"§4321. Assistance in obtaining employment or reemployment

"The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"§4322. Enforcement of employment or reemployment rights

"(a)(1) A person who claims that—

"(A) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(B)(i) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter; or

"(ii) in the case that the employer is the Federal Government, such employer or the Office of Personnel Management has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter,

may file a complaint with the Secretary in accordance with subsection (b), and the Secretary shall investigate such complaint.

"(2) In the case that the employer is the Federal Government, subsection (a) of section 4323 shall be applicable to such investigation but not subsections (b) and (c) of such section.

"(3) This subsection does not apply to any action relating to benefits to be provided by the Thrift Savings Plan.

"(b)(1) A person described in subsection (a) may file a complaint in accordance with paragraph (2) and apply to the Secretary for assistance in asserting that complaint.

"(2) Such complaint shall be in writing, be in such form as the Secretary may prescribe, include the name and address of the employer against whom the complaint is filed, and contain a summary of the allegations that form the basis for the complaint.

"(3) Before the receipt of a written complaint, the Secretary shall, upon request, provide technical assistance to the potential claimant and, if the Secretary determines it appropriate, to such claimant's employer.

"(c)(1)(A) Except as provided in paragraph (2), if the Secretary, after investigation, is reasonably satisfied that the employer has failed to comply with the provisions of this chapter, if efforts to obtain voluntary compliance are not successful, and if the claimant requests in writing that the claim be referred for litigation, the Secretary shall refer the case to the Attorney General. If the Attorney General is reasonably satisfied that the person requesting representation is entitled to the rights or benefits sought, the Attorney General shall appear and act as attorney for the claimant in the filing of a complaint and other appropriate motions and pleadings and the prosecution thereof in the district courts of the United States and on appeal.

"(B) If the Attorney General declines to represent a person after receiving a referral from the Secretary or if a person chooses not to apply to the Secretary for assistance or to utilize the Attorney General for representation under this section, such person may be represented before the district court or on appeal by counsel of the person's choice.

"(2)(A) In the case where the employer is the Federal Government, if the Secretary, after investigation, is reasonably satisfied that the employer has failed to comply with the provisions of this chapter, if efforts to obtain voluntary compliance are not successful, and if the claimant requests in writing that the claim be referred for litigation, the case shall be referred to the Office of the Special Counsel, litigation shall be before the Merit Systems Protection Board, and if the Special Counsel is reasonably satisfied that the person requesting representation is entitled to the rights or benefits sought, the Special Counsel shall appear and act as attorney for the claimant in filing an appeal to the Merit Systems Protection Board and in pursuing that appeal.

"(B) If the Special Counsel declines to represent a person after receiving a referral from the Secretary or if a person chooses not to apply to the Secretary for assistance or to utilize the Special Counsel for representation under this section, such person may be represented before the Merit Systems Protection Board or on appeal by counsel of the person's choice.

"(d)(1) This subsection applies only with respect to a State or private employer.

"(2)(A) The district courts of the United States may require the State or private employer, as the case may be—

"(i) to comply with the provisions of this chapter;

"(ii) to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to pay, in addition to the compensation paid under clause (ii), the person an amount equal to such compensation as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation and payment under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not be deemed to diminish, any of the other rights and benefits provided for in this chapter.

"(3)(A) No fees or court costs shall be charged or taxed against any person claiming rights or benefits under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person described in paragraph (2) who obtained private counsel for such action or proceeding, the court, in its discretion, may award any such person who prevails in such action or proceeding a reasonable attorney's fee, expert witness fees, and other litigation expenses.

"(4) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(5) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, not by an employer, prospective employer, or other entity with obligations under this chapter.

"(6) In any action under this chapter, only the employer shall be deemed a necessary party respondent.

"(7) No State statute of limitations shall apply to any proceedings under this chapter.

"(8) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e)(1) This subsection applies only with respect to the Federal Government as employer.

"(2)(A) If the Merit Systems Protection Board concludes that the Federal Government, as employer, has failed to comply with the provisions of this chapter or that the Director of the Office of Personnel Management has not met an obligation set forth in section 4314, the Board shall enter an order specifically requiring the employing agency or the Director to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of the employing agency's or the Director's unlawful action.

"(B) Any such compensation shall be in addition to and shall not be deemed to diminish any of the other rights or benefits provided for by this chapter.

"(3)(A) A claimant under this chapter may petition the United States Court of Appeals for the Federal Circuit to review a decision of the Merit Systems Protection Board denying such claimant the relief sought, in whole or in part, subject to the conditions and in accordance with the procedures set forth in section 7703 of title 5.

"(B) The Secretary and the Special Counsel shall not represent persons with respect to review of decisions of the Merit Systems Protection Board under this chapter in the United States Court of Appeals for the Federal Circuit or the Supreme Court.

"(C) If a person seeks such judicial review, or in any case in which a person is involved in the Board's decision is being appealed by another party, such person may be represented by counsel of the person's choice.

"§4323. Conduct of investigation; subpoenas

"(a) In carrying out investigations under this chapter, the Secretary's duly authorized representatives shall at all reasonable times have access to, for the purpose of examination, and the right to copy and receive, any documents of any person or employer.

"(b) Except as provided in section 4322(a)(2), in carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the Secretary's subpoena.

"(c) Except as provided in section 4322(a)(2), upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter, and the district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"§4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to States, local governments, and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to the Federal Government as employer. Such regulations shall be consistent with the regulations pertaining to the States and private employers, except that employees of the Federal Government may be given greater or additional rights. Nothing in this subsection constitutes authority for the Director to prescribe any matter for which any regulation may be prescribed under paragraph (2).

"(2) Regulations may be prescribed—

"(A) by the Merit Systems Protection Board to carry out its responsibilities under this chapter; and

"(B) by the Office of Special Counsel to carry out its responsibilities under this chapter.

"§4332. Reports

"The Secretary shall, after consultation with the Attorney General and the Special Counsel referred to in section 4322(b)(2) and no later than February 1, 1995, and each February 1 thereafter, transmit to the Congress, a report containing the following matters for the fiscal year ending before such February 1:

"(1) The number of cases reviewed by the Department of Labor under this chapter during the fiscal year for which the report is made.

"(2) The number of cases referred to the Attorney General or the Special Counsel pursuant to section 4322(c)(1) or 4322(c)(2), respectively, during such fiscal year.

"(3) The number of pleadings filed by the Attorney General pursuant to section 4322(c)(1) during such fiscal year.

"(4) The nature and status of each case reported on pursuant to paragraph (1), (2), or (3).

"(5) An indication of whether there are any apparent patterns of violation of the provisions of this chapter, together with an explanation thereof.

"(6) Recommendations for administrative or legislative action that the Secretary, the Attorney General, or the Special Counsel considers necessary for the effective implementation of this chapter, including any action that could be taken to encourage mediation, before claims are filed under this chapter, between employers and persons seeking employment or reemployment.

"§ 4333. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 38.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(2) AMENDMENT TO TITLE 5.—(A) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(B) Subchapter II of chapter 35 of such title is repealed.

(C) The table of sections for chapter 35 of such title is amended by striking out the heading relating to subchapter II of such chapter and the item relating to section 3551 of such chapter.

(3) AMENDMENT TO TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

(c) AMENDMENTS TO TITLE 28.—Section 631 of title 28, United States Code, is amended—

(1) by striking out subsection (j);

(2) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(3) in subsection (j), as redesignated by paragraph (2), by striking out "under the terms of" and all that follows through "section," the first place it appears and inserting in lieu thereof "under chapter 43 of title 38,".

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to benefits under chapter 43 of this title.".

SEC. 4. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(A) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(B) the period of time over which the employee wishes to make contributions under this subsection.

The employing agency may place a maximum limit on the period of time referred to in subparagraph (B), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f)(1) The employing agency shall be required to pay lost earnings on contributions made pursuant to subsections (c) and (d). Such earnings shall be calculated retroactively to the date the contribution would have been made had the employee not separated or entered leave without pay status to perform military service.

"(2) Procedures for calculating and crediting the earnings payable pursuant to paragraph (1) shall be prescribed by the Executive Director.

"(g) Amounts paid under subsection (c), (d), or (f) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(h)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(i) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code, occurs on or after August 2, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is reemployed or restored (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

(4) Deem section 8432b(b)(2)(A) of such title to be amended by striking "ending on the day before the date of restoration or reemployment (as applicable)" and inserting "ending on the date determined under section 4(f)(1) of the Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 5. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

SEC. 6. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an em-

ployee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 4315(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4315. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is hereby repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) REPORTS.—The reports made by the Secretary of Labor pursuant to section 4332 of title 38, United States Code, as provided in the amendments made by this Act, shall be made with respect to cases pertaining to chapter 43 of such title without regard to whether a case originated under such chapter before, on, or after the date of enactment of this Act.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that were begun before the end of the 60-day period referred to in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks, and that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of H.R. 995, as amended. This measure, cited as the Uniform Services Employment and Reemployment Rights Act of 1993, would amend chapter 43, title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services.

For 53 years protection has been provided to the citizen soldier who leaves employment to serve in our Nation's Armed Forces by preserving the former service member's right to return to his or her preservice employment. This protection includes those who serve on active duty and members of the Selected Reserve.

Although the law, as contained in chapter 43, has effectively served the interests of veterans, members of the Reserve components, the Armed Forces, and employers, the current statute is complex and difficult to understand. The activation of thousands of members of the Selected Reserve during the Persian Gulf war illustrated the need to clarify and simplify the veterans' reemployment rights statute. Credit should go to TIM PENNY of Minnesota who, as chairman of the Subcommittee on Education, Training and Employment during the 102d Congress, saw the need to revise chapter 43 and undertook this difficult task. He and CHRIS SMITH of New Jersey, then ranking minority member of the Subcommittee, worked hard on this effort. During the 102d Congress, the House twice passed H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991. Unfortunately, the other body did not act on this measure until the end of the Congress, and not enough time remained to resolve the few, but important, differences between the House and Senate versions of the chapter 43 rewrite.

H.R. 995, as amended, is substantially the same as H.R. 1578, as approved by the House on October 6, 1992. Because the committee report accompanying this bill is very detailed, I will only briefly describe H.R. 995. The major provisions of the Committee bill would:

First, continue to prohibit discrimination against an employee or applicant for employment because of past, current, or future military obligations;

Second, provide that reemployment rights protection shall apply to the individual if such person's period of service, with respect to the employment relationship for which a person seeks reemployment does not, with certain exceptions, exceed 5 years;

Third, require an individual to return to work or apply for reemployment within certain time limits based on the length of time in the uniformed services;

Fourth, reaffirm that the timing and duration of a person's training or service shall generally not be a basis for denying employment or reemployment protection;

Fifth, reaffirm that a protected individual is generally entitled to reemployment in the same position which the person would have attained if he or she had been continuously employed;

Sixth, reaffirm that a person reemployed under chapter 43 is entitled to the seniority that the individual would have attained if the person had remained continuously employed;

Seventh, provide that a protected person would, at the person's request, continue to be covered by employer-provided insurance for up to 31 days at the employer's expense and up to 18 months at the person's expense, unless the employer chooses to fund the entire cost;

Eighth, provide that, in the cost of employer-sponsored health benefits, no exclusion from coverage or waiting period can be imposed for a non-service-connected physical condition of covered persons which developed before or during military service;

Ninth, require an individual, except when it is impossible or unreasonable, to give verbal or written advance notice to an employer regarding an anticipated absence due to military service;

Tenth, require the Secretary of Labor, through the Veterans' Employment and Training Service, to provide assistance in obtaining employment or reemployment to any person entitled to rights or benefits under chapter 43; and

Eleventh, require that Federal employees be provided representation by the Office of Special Counsel before the Merit Systems Protection Board when necessary to enforce reemployment rights with the Federal Government.

I want to emphasize that H.R. 995 is a bill which effectively balances the needs of our Armed Forces, members of the uniformed services, veterans, and employers. Since implementation of reemployment rights protection for service members over five decades ago, the employer community in the United States has understood that, although the responsibilities required of them may occasionally be burdensome, reemployment protection for those who defend the freedoms and liberties enjoyed by all citizens of the United

States is integral to a strong national defense. The committee notes that employer support for those who served during the Persian Gulf war was impressive. Not only did the employer community willingly and in good faith meet their commitments under chapter 43, in countless instances employers went far beyond the requirements of the law and demonstrated their strong support for the men and women who served during Desert Shield/Desert Storm by providing additional benefits such as continued salaries. In this regard, I want to thank the National Federation of Independent Businesses [NFIB] for working with us on this bill. Their comments were constructive and valuable, and we appreciate their support for this legislation.

I want to take this opportunity to again thank the members of the executive branch task force on veterans' reemployment for their continued willingness to assist us in fine tuning H.R. 995. Additionally, very special thanks should be extended to Mr. William Berger, deputy regional solicitor, Department of Labor, Atlanta, GA. Bill is the foremost legal expert on veteran's reemployment rights in the country, and, for over 2 years, he has generously spent countless hours assisting and advising as we developed the committee's reemployment rights bills. Veterans' reemployment rights is a very technical area of law, and Bill's familiarity with both the case law and the practical aspects of enforcing the law have provided the committee with the type of insight necessary to accomplish the committee's goal of clarifying, simplifying, and strengthening the law.

I want to thank my good friend, BOB STUMP, ranking minority member of the committee, for his assistance and support in developing H.R. 995, as amended. Additionally, thanks should again be extended to TIM PENNY and CHRIS SMITH for their hard work on this issue during the 102d Congress.

Finally, my sincere thanks go to the chairman of the Post Office and Civil Service Committee, BILL CLAY, and the ranking minority member, JOHN MYERS, for their help and cooperation. H.R. 995 includes provisions establishing and clarifying rights and benefits for Federal employees who return to civilian employment upon completion of a period of military service. These provisions were developed in cooperation with the Committee on Post Office and Civil Service which generally has jurisdiction over Federal employees. H.R. 995 was jointly referred, and I am grateful to Chairman CLAY and Mr. MYERS for agreeing to the expeditious consideration of the bill on the floor today.

H.R. 995, as amended, is a good bill, and I urge my colleagues to support it.

□ 1250

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY], a member of the Committee on Veterans' Affairs.

Mr. PENNY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993. This legislation is similar to bills passed twice by the House in the 102d Congress, especially to H.R. 1578 which I sponsored. The legislation represents a number of years of arduous and painstaking examination of veterans' reemployment law which is now over 50 years old and in need of clarification and simplification.

The bill before us today makes certain that service members and employers alike clearly understand what is expected when the service member is called to active military service. As we continue to rely more heavily on our Reserve Force, this mutual understanding is critical. I believe it is a tribute to employers and those who served during the Gulf war that the original legislation worked as well as it did and with few complaints. However, it is important to undergird the original language with a restatement of congressional intent that a person may fulfill military commitments without fear of discrimination or retaliation in their normal employment.

It is also important for the law to reflect changes in service requirements and employee benefits, such as health insurance and pension plans, that are operative today. This bill, just as the original law, covers all types of civilian employment from small businesses to the Federal Government and backs that coverage with enforcement mechanisms through the Departments of Labor and Justice.

I urge my colleagues to support this bill and would add my hopes that our Senate colleagues will also act expeditiously to enact this much-needed legislation.

Mr. Speaker, I compliment the gentleman from New Jersey [Mr. SMITH] for his work with me on this issue in the last session, and I want to extend my appreciation to all of my colleagues on the Committee on Veterans' Affairs, but particularly the gentleman from Arizona [Mr. STUMP], the ranking minority member, and our chairman, the gentleman from Mississippi [Mr. MONTGOMERY], for their leadership.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993.

Chairman MONTGOMERY, who has become chairman of the Subcommittee on Education, Training, and Employment, has been most persistent in keeping up the momentum on this legislation to update and improve the employment rights of all of the Federal uniformed services. I commend him for his hard work, as well as TIM PENNY, the former subcommittee chairman, and CHRIS SMITH, the former subcommittee ranking minority member. Mr. PENNY and Mr. SMITH have other leadership positions this session, but their efforts were invaluable in developing and passing the legislation last year. With an early start again this session, hopefully there will be enough time to reach agreement with the Senate.

The chairman has summarized the bill's major provisions. It would effectively clarify and strengthen existing laws, on veterans' reemployment rights. It would cover the active duty forces, reserves and National Guard alike.

The Nation owes its military personnel the protections and peace of mind afforded for their civilian jobs by H.R. 995. Not too long ago our men and women in uniform answered the call for the Persian Gulf, then it was Somalia and now in this uneasy world they could be called upon again for Bosnia. They should not have to worry whether they will have a job waiting at home when they are halfway around the world carrying out the President's orders.

Mr. Speaker, the bill's pension provision were the ones over which the largest differences existed last session with the Senate. They have great significance to employers generally and can be critical to small businesses because of cost factors. Obviously, if anything is going to go to the President for signature this session, the differences must be overcome. I am confident we can reach agreement in a way which recognizes the realities of employer costs in a changing business environment, yet maintains the strong public policy underlying veterans' reemployment rights.

I urge my colleagues to continue their support for veterans' reemployment rights and vote for H.R. 995.

Mr. Speaker, the subcommittee has an outstanding freshman Member from the State of Arkansas [Mr. HUTCHINSON] as its ranking minority member this year. It is an unusual expression of confidence to elevate a freshman member to such a position, but the gentleman inspires that kind of confidence.

Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the distinguished ranking minority member for yielding time to me.

Mr. Speaker, I rise in support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993.

I would commend CHRIS SMITH and TIM PENNY for their outstanding work on this bill.

I would also like to commend both Chairman MONTGOMERY and the ranking minority member on the committee, BOB STUMP, for their leadership on this matter and for their expeditious action in bringing this matter to the floor.

The return of our service men and women from the conflict in the Persian Gulf highlighted our obligation to both clarify and reinforce the reemployment rights of U.S. veterans. When, and if, our Nation calls upon its service men and women to protect United States interests, in Bosnia or elsewhere, they should not have to worry about their jobs and careers back home.

This bill clarifies the rights and obligations of both the employer and employee regarding the veterans' absences for military service and his or her return to work. It establishes that upon returning, a veteran's application for employment be submitted within a certain time limit based on the length of time the individual was in the uniformed services.

If the veteran complies with these requirements they will not have to worry about having a job upon returning. They will not have to worry about loosing ground with regard to any promotions which might have been forthcoming. I could go on and on with similar examples.

This bill will help our forces to concentrate totally on the purpose of their mission. If we are asking our service men and women to risk their lives for our country, we must ensure that their employment rights are easily understood and consistently observed.

Mr. Speaker, I strongly urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. CLYBURN], an outstanding new member of the subcommittee who has dealt with situations like this with the State of South Carolina.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding the time, and I applaud his efforts on behalf of America's veterans.

Mr. Speaker, I am proud to support H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993. This legislation will bring about fairness and equity to those Americans who leave their employment to serve in our Nation's Armed Forces, and some much-needed clarifications to the current laws.

Recent occurrences have demonstrated the need to protect the many service men and women who left secure, well-paying jobs with seniority, to serve in the Armed Forces. During Operations Desert Shield and Desert Storm more than 200,000 members of the National Guard and Reserve answered the call to duty.

The National Guard and Reserve have become integral parts of our military strength, and this legislation will ensure that these components remain an appealing choice for qualified and dedicated individuals.

It is only fair that we provide employment protection to those individuals who have volunteered to serve their country, and often put themselves in harm's way. This service should not be rendered at the expense of losing a job, or being subject to reprisals or discrimination, or losing seniority and other benefits.

In light of the increased downsizing of our active military forces, it is likely that our military will depend even more on the National Guard and Reserve components of the total force.

Mr. Speaker, the National Guard and Reserve components of the U.S. Armed Forces are vital to our overall military strength, and these individuals must be afforded the same job protections as others who are called to active duty.

I am pleased to offer strong support for this important legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am honored to rise in support of H.R. 995, the Veterans' Employment and Reemployment Rights Act of 1993 and I commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the distinguished ranking member, the gentleman from Arizona [Mr. STUMP] for introducing this comprehensive veterans legislation.

Mr. Speaker, H.R. 995 is an invaluable piece of legislation that will ensure our Nation's veterans with comparable reemployment opportunities when they return from military service. This measure will send our veterans an important message. By extending a guarantee of reemployment, as well as entitlement to benefits such as insurance coverage, health care, and pension rights, our Nation's veterans will be provided with the opportunities that they have justly earned. The military service that our veterans provide is invaluable to the security of our Nation. Accordingly, I urge my colleagues to support our Nation's veterans by supporting this legislation.

By reaffirming the rights of our military service men and women, H.R. 995 will prohibit discrimination against employees based on past, present, or future military obligations. This legislation provides that an individual is entitled to the benefits and/or training that he or she would have received had he or she been continuously employed. This measure also proposes substantial reforms. And, in an effort to ensure that employers comply with this program, employers who are found to be in violation will be substantially fined and punished.

Mr. Speaker, I would like to praise the Veterans' Affairs Committee for their leadership and dedication that has been shown during the 103d Congress, in addressing the needs of our Nation's veterans. On April 27, 1993, the Members of the House of Representatives approved H.R. 1032, a measure which will establish an Office of Employment Discrimination Complaints resolution to resolve complaints of unlawful employment discrimination within the Department of Veterans Affairs. Both of these legislative initiatives demonstrate the true commitment that the United States places in fulfilling the needs of our Nation's veterans.

Mr. Speaker, the Veterans' Employment and Reemployment Rights Act is similar to legislation that, along with a majority of my colleagues from the 102d Congress, I was proud to support. I urge my colleagues to continue to advance the needs of our Nation's veterans. By passing this legislation, we will demonstrate that, as a nation, we care. The invaluable military service that our service men and women provide warrants our full support when they return from active duty.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN], who is not on our committee, but he is always here testifying for these veterans bills, and the gentleman from Arkansas [Mr. HUTCHINSON], a new member on the subcommittee that I chair. We are proud to have him.

We also have a great new member on the committee, the gentleman from Georgia [Mr. BISHOP]. We have been to his district, talking to veterans down in Georgia. He comes to all the meetings.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. MONTGOMERY], my chairman, for yielding time to me.

It gives me an opportunity to rise in support of the Uniformed Services and Reemployment Act of 1993, H.R. 995.

This resolution would prohibit discrimination against employees or applicants for employment because of past, present or future military obligation.

When our forces were called to the Persian Gulf war, some 200,000 Americans in the Reserves and the National Guard, some of whom were involuntarily required to be away from homes and families and jobs for an extended period of time, but when they returned, many of them found reprisals and were out of jobs and were discriminated against and had lost their favored positions in the jobs, only because they were involuntarily called to service for their country.

They did us proud in the Persian Gulf, Mr. Speaker. And I think that the Uniformed Services Employment and Reemployment Rights Act of 1993 is a piece of legislation whose time has come. We need to reaffirm the protections that those people are due, and I would like to applaud the chairman and members of this committee on both sides of the aisle for the hard work that they put into this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I rise in support of H.R. 995. One of the sad pictures of the recent ordeal in the Persian Gulf was seeing many of our veterans come back, not being able to go back to work, many of them having lost their jobs and lost employment opportunities.

I think that was really one of the down sides of that great experience that we had as a nation. But it is sad enough that we ignored our Vietnam veterans.

Let us be truthful. I think it is fitting, Mr. Speaker, that the gentleman from Mississippi, Chairman MONTGOMERY has put together and brought out a bill like that that will put to rest those types of problems that have plagued us from the past and could carry on into the future.

I want to commend the gentleman from Minnesota [Mr. PENNY] and the minority leader and staff for their support of this legislation. I also commend the chairman.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for what he has said. We think we have a great bill here, and it would eliminate the problems we have had in the Vietnam war as well as the Persian Gulf war as far as employee-employer. I would urge Members to support the bill.

Ms. BROWN of Florida. Mr. Speaker, I rise in support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993 which ensures that men and women who have risked their lives for their fellow Americans are able to return to their civilian jobs without delay and without penalty. I want to commend Chairman MONTGOMERY for introducing this measure and bringing it to the floor.

Since 1940, veterans, reservists, and members of the National Guard have enjoyed varying degrees of protection that assured their return to civilian employment following military duty. During those 50 years, the law has become increasingly complex and confusing. After the 1991 Persian Gulf war, many employers and veterans were unsure of their obligations and rights under the veterans' reemployment rights law.

H.R. 995 will provide both returning veterans and their employers with a clear explanation of their respective rights and responsibilities. In addition, H.R. 995 will improve and strengthen existing law, particularly enforcement provisions, to help protect veterans' employment and reemployment rights.

I urge my colleagues to support this bill.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 995, as reported by the Committee on Veterans' Affairs, contains provisions which would amend the Internal Revenue Code with respect to qualification of pension plans. In order not to delay the floor consideration of this important measure for our Nation's veterans, the Committee on Ways and Means did not request a referral of this legislation. However, I wish to clearly state that any amendments to the Internal Revenue Code included in this legislation are within the exclusive jurisdiction of the Committee on Ways and Means.

In general, the Committee on Ways and Means supports the Committee on Veterans' Affairs in its goal to clarify the rights to employees who are called away to military service, as well as the responsibilities of employers to such employees when they return to their jobs. Last year, the Committee on Ways and Means worked with the Committee on Veterans' Affairs to facilitate the receipt of additional pension benefits by reemployed veterans without jeopardizing the tax qualification of pension plans. In fact, H.R. 11, the Revenue Act of 1992, contained a number of technical corrections to H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, to accomplish this. The effective date of the technical corrections contained in H.R. 11 was tied to final passage of H.R. 1578. H.R. 1578 died in the Senate on the last day of the 102d Congress and H.R. 11 was vetoed by former President Bush. Early this Congress I reintroduced these technical corrections as part of H.R. 17, the Technical Corrections Act of 1993, in exactly the same form as included in H.R. 11.

H.R. 995, as reported, contains additional tax provisions to those included in H.R. 1578 last year and accommodated by the technical corrections contained in H.R. 17. These additional provisions will directly impact the qualification of pension plans. Because the current technical corrections approved by the Committee on Ways and Means are in conflict with these additional provisions, it is my intention to withdraw those technical corrections at this time.

Mr. Speaker, in light of these recent developments and the continued concern of the Committee on Ways and Means regarding the amendments to the Internal Revenue Code included in H.R. 995, the Committee on Ways and Means respectfully requests to retain the right to be named conferees on this bill and to be consulted in any effort to make conforming amendments to the Internal Revenue Code as will be required upon passage of H.R. 995.

Mr. CLEMENT. Mr. Speaker, I rise today in full support of the Uniformed Services Employment and Reemployment Rights Act of 1993.

Mr. Speaker, this bill introduces stability into the current uncertainty among the members of the military and gives them peace of mind.

The Persian Gulf war gave us our first true test of the All-Volunteer Force and our reliance on the Guard and Reserve Forces. And as the shape of our defense forces continues to change in response to new global and strategic challenges, the National Guard and Reserve components of the military will play an increasingly critical role.

If the men and women of the Guard and Reserve are not protected from discrimination or reprisal on the job as a result of their service, it will be increasingly difficult to recruit Americans to serve. This would seriously jeopardize the All-Volunteer Force concept.

Many of my fellow Guard members served proudly in the Gulf War. Upon their return, some of these individuals experienced additional hardships and inconveniences in the workplace as a direct result of their deployment overseas. These experiences have caused a great deal of skepticism among the troops and a reluctance on the part of others to join the Guard and Reserves.

Willing Americans must have the freedom to serve. This legislation gives the men and women in uniform that freedom, coupled with the certainty that Guard or Reserve service will not be a detriment. Service should be a badge of honor, worthy of respect from employers and fellow employees alike. H.R. 995 is vital to the future of an All-Volunteer Force and I urge its adoption.

Mr. KENNEDY. Mr. Speaker, I rise in support of H.R. 995, the Uniformed Services and Employment and Reemployment Rights Act of 1993. Our Nation's veterans deserve the promise of employment upon completing service to our country and of job security while on military status. H.R. 995 provides important protective measures to veterans with respect to employment and reemployment upon returning from military service.

The Persian Gulf war enlisted the brave services of more reservists than have been called upon in recent history. A national defense increasingly reliant upon reservists highlights the need for an understandable framework concerning employment rights both to our military personnel and their employers. Reservists must feel confident in their job security while serving our country. This bill provides provisions which significantly clarify and strengthen current law.

The bill institutes a ban on employment discrimination because of past, current, or future military service. In addition, it sets in place antiretaliation provisions which seek to protect individuals exercising their rights under this legislation. Veterans' rights under this legislation. Veterans' rights in the workplace would be guaranteed through enforcement by the Departments of Labor and Justice.

In general, the bill expands upon current reemployment rights of our Nation's veterans. Reemployment rights would extend for 5 years with all categories of service counted toward this limit. Current law provides a 4-year limitation on employment rights with only active duty service attributed to this goal.

Mr. Speaker, we must renew our national commitment to the men and women who have served our country so well by supporting their workplace rights throughout all dimensions of military service—from active duty to reservist status. I urge my colleagues to support this legislation.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I would like to commend the gentleman from Mississippi [Mr. MONTGOMERY] for all his hard work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 995, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INVESTMENT ADVISER REGULATORY ENHANCEMENT AND DISCLOSURE ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 578) to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Adviser Regulatory Enhancement and Disclosure Act of 1993".

SEC. 2. ADDITIONAL RESOURCES FOR INVESTMENT ADVISER SUPERVISION.

(a) AMENDMENT.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

"FEES FOR REGISTRANTS AND APPLICANTS

"SEC. 203A. (a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of registration, supervision, and regulation of investment advisers and their activities. Such fees shall be collected, and shall be available, only to the extent provided in advance in appropriations Acts. No appropriation Act may authorize fees to be collected under this section during any fiscal year unless the amount appropriated by such Act for such costs for such fiscal year equals or exceeds the aggregate amount that may reasonably be expected to be collected by such fees. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and may remain available for such purposes for the succeeding fiscal year. The costs covered by such fees shall be limited to the costs of Commission expenses for registration, examinations, and surveys of persons registered or required to register under this Act.

"(b) TIME FOR PAYMENT.—

"(1) NEW REGISTRANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) ONGOING REGISTRANTS.—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay to the Commission the fee specified in subsection (c). Such payment shall be made not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) COST-BASED SCHEDULE OF FEES.—For any fiscal year for which fees are authorized to be collected by an appropriation Act, the amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

"Assets under management	***Fee due:***
Less than $10,000,000	*$300*
$10,000,000 or more, but less than $25,000,000.	*$500*
$25,000,000 or more, but less than $50,000,000.	*$1,000*
$50,000,000 or more, but less than $100,000,000.	*$2,500*
$100,000,000 or more, but less than $250,000,000.	*$4,000*
$250,000,000 or more, but less than $500,000,000.	*$5,000*
$500,000,000 or more	*$7,000.*

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds, after notice, that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the fee (and any penalty due), if such suspension was based solely on the failure to pay the fee.

"(e) RULEMAKING.—The Commission may adopt such rules as are necessary to carry out this section.

"(f) DEFINITION OF ASSETS UNDER MANAGEMENT.—As used in this section, the term 'assets under management' means the client assets with respect to which an investment adviser provides continuous and regular supervisory or management services.".

(b) EFFECTIVE DATE.—This section shall become effective upon the adoption by the Commission of implementing rules, under section 203A(f) of the Investment Advisers Act of 1940, as added by subsection (a).

SEC. 3. EXAMINATIONS AND SURVEYS.

The Investment Advisers Act of 1940 is amended by inserting after section 222 (15 U.S.C. 80b–22) the following new section:

"EXAMINATIONS AND SURVEYS

"SEC. 223. (a) PERIODIC EXAMINATIONS.—The Commission shall establish and periodically revise a schedule for the regular examination of investment advisers. Such schedule shall provide for more frequent examinations of certain investment advisers based on factors that the Commission determines increase the need for examination of those investment advisers, which shall include (at a minimum) each of the following:

"(1) the frequency of customer complaints;

"(2) the risks associated with newly registered investment advisers;

"(3) custody of funds and the authority to exercise investment discretion;

"(4) the existence of deficiencies detected during an examination under this title that may continue to present high risks to clients; and

"(5) the receipt of commissions for the sale of investments recommended to clients.

"(b) SURVEYS OF UNREGISTERED PERSONS.—The Commission shall, within 3 years after the date of enactment of this section and periodically thereafter, provide for the conduct of a survey to determine the extent of, and reasons for, the failure of persons to register as required by this Act. The Commission shall, on the basis of such survey results, establish objectives for the reduction or elimination of such failures and shall include in annual reports to Congress (under section 23(b) of the Securities Exchange Act of 1934) submitted after completion of the first survey, a statement of such objectives, an evaluation of the success in attaining those objectives during the preceding year, and such recommendations as the Commission considers appropriate to assist in the attainment of those objectives. If the survey identifies any pattern of noncompliance with the registration requirements of the title and the rules thereunder, the Commission's objectives shall include such rulemaking proceedings as may be required to correct such noncompliance.

"(c) PROVISIONS NOT LIMITATION.—The provisions of this section shall not be construed to limit the authority of the Commission to prescribe rules under this Act or to conduct an examination or investigation at any time or to institute proceedings under this title or any other title.".

SEC. 4. DESIGNATION OF SELF-REGULATORY ORGANIZATIONS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 223 (as added by section 3 of this Act) the following new section:

"DESIGNATION OF SELF-REGULATORY ORGANIZATIONS

"SEC. 224. (a) DESIGNATION TO CONDUCT EXAMINATIONS.—The Commission, by rule, consistent with the public interest, the protection of investors, and the purposes of this title, may designate one or more self-regulatory organizations registered with the Commission under section 6 or 15A of the Securities Exchange Act of 1934, to conduct periodic examinations of its members, and affiliates of members, that are registered or required to register under this title, to determine compliance with applicable provisions of this title and the rules and regulations thereunder. Such rule shall specify the minimum scope and frequency for such examinations and shall, to the extent consistent with the protection of investors, be designed to avoid unnecessary regulatory duplication or undue regulatory burdens. Such self-regulatory organization may discipline such members and affiliates of members for violations of the applicable provisions of this title and the rules and regulations thereunder pursuant to the standards and procedures set forth in sections 6, 15A, and 19 of the Securities Exchange Act of 1934. The money penalties imposed by a self-regulatory organization for violations of this title shall not exceed those contained in section 203(i).

"(b) LIMITATIONS.—

"(1) PRIMARY BUSINESS LIMITATION.—The Commission shall not exercise the designation authority contained in subsection (a) for members or affiliates of members if the primary business of the member and its affiliates is investment advisory activities.

"(2) LIMITATION WITH RESPECT TO AFFILIATES OF MEMBERS.—The Commission shall not exercise the authority contained in subsection (a) for an affiliate of a member if—

"(A) the primary business of the affiliate is investment advisory activities;

"(B) the affiliate is an affiliate of the member solely as a result of the adviser's (or an associated person of the adviser's) registration with the member as a registered representative; and

"(C) the affiliate is a registered representative of the member solely to enable the adviser to execute transactions that are incidental to the investment adviser's primary business;

unless the Commission determines, in accordance with such other criteria as the Commission establishes by rule, that such exercise of designation authority is consistent with the public interest, the protection of investors, the purposes of this title, and the objectives of the Commission's investment adviser examination program.

"(3) LIMITATION WITH RESPECT TO SAVINGS ASSOCIATION AFFILIATES OF MEMBERS.—The Commission shall not exercise the authority contained in subsection (a) for an affiliate of a

member if the affiliate is a savings association, as such term is defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)).

"(4) DEFINITIONAL RULES.—For purposes of this subsection, the Commission may, by rule, establish criteria for defining the terms 'primary business' and 'incidental to the investment adviser's primary business'.

"(c) AUTHORITY TO IMPOSE FEES.—

"(1) IN GENERAL.—Any self-regulatory organization designated by the Commission to perform the examinations specified in subsection (a) shall have the authority to collect fees in accordance with this subsection.

"(2) LIMITATION.—The total fee paid by a registered investment adviser under this subsection shall not exceed an amount determined in accordance with rules prescribed by the Commission. Such rules shall require that the fees collected by a self-regulatory organization under this subsection—

"(A) cover only the costs of the self-regulatory organization's expenses for examinations conducted pursuant to subsection (a);

"(B) as to any investment adviser, bear a reasonable relationship to the costs of conducting an examination of that adviser pursuant to subsection (a); and

"(C) not exceed such portion of the fee authorized under section 203A as the Commission determines is allocable to the Commission's expenses for conducting such an examination.

"(3) REDUCTION OF SECTION 203A FEES.—The amount of any fee that a registered investment adviser is required to pay under section 203A with respect to any fiscal year shall be reduced by the amount paid to a self-regulatory organization in accordance with this subsection with respect to such fiscal year.

"(d) EFFECTIVE DATE OF RULE.—A rule prescribed by the Commission under this section shall not be effective until 90 days after the date on which the Commission submits to each House of Congress a report—

"(1) containing the text of the proposed rule and the reasons therefor;

"(2) describing the procedures to be used to coordinate the collection of fees by the Commission under section 203A and by a self-regulatory organization under the rule; and

"(3) containing such other information as may be necessary to describe the implementation and enforcement of the rule.

"(e) DEFINITION.—For purposes of this section, the term 'affiliate' shall mean any person directly or indirectly controlling, controlled by, or under common control with a member.".

SEC. 5. SUITABILITY AND OTHER ADVISER OBLIGATIONS.

(a) AMENDMENT.—Section 206 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-6) is amended to read as follows:

"PROHIBITED TRANSACTIONS BY INVESTMENT ADVISERS

"SEC. 206. (a) PROHIBITED CONDUCT.—It shall be unlawful for any investment adviser or any person associated with an investment adviser, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

"(1) to employ any device, scheme, or artifice to defraud any client or prospective client;

"(2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client;

"(3) acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction;

"(4) to engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative;

"(5) to provide investment advice to any client, other than in connection with impersonal advisory services, unless the adviser—

"(A) prior to providing any investment advice, and as appropriate thereafter, makes a reasonable inquiry into the client's financial situation, investment experience, and investment objectives;

"(B) reasonably determines that the investment advice is suitable for the client; and

"(C) maintains reasonable records, in accordance with such rules as the Commission shall prescribe, of the information obtained from the inquiries the adviser made in complying with this paragraph; or

"(6) to guarantee a client that a specific result will be achieved as a result of the advisory services provided by the investment adviser.

"(b) EXEMPTIONS AND SPECIAL RULES.—

"(1) EXEMPTION.—The prohibitions of subsection (a)(3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

"(2) AUTHORITY TO DEFINE AND PRESCRIBE.—The Commission shall, for the purposes of subsection (a)(4), by rules define, and prescribe means reasonably designed to prevent, such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative.

"(3) DEFINITION OF IMPERSONAL ADVISORY SERVICES.—As used in subsection (a)(5), the term 'impersonal advisory services' means any investment advisory services provided—

"(A) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts;

"(B) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or

"(C) by any combination of the foregoing services.".

(b) RULEMAKING REQUIRED.—The Commission shall prescribe rules for purposes of paragraph (5)(C) of section 206(a) of the Investment Advisers Act of 1940 (as added by subsection (a) of this section) within one year after the date of enactment of this Act.

SEC. 6. ADDITIONAL DISCLOSURE OBLIGATIONS OF INVESTMENT ADVISERS.

(a) ADDITIONAL OBLIGATIONS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by striking the heading of such section and inserting the following:

"PERIODIC REPORTS AND OTHER DISCLOSURE REQUIREMENTS";

(2) by inserting "(a) PERIODIC AND OTHER REPORTS.—" after "SEC. 204."; and

(3) by adding at the end the following new subsections:

"(b) BROCHURE REQUIRED.—

"(1) IN GENERAL.—Each person registered under section 203 of this title shall disseminate to each client or prospective client a document disclosing material facts concerning matters listed in paragraphs (2) and (3) and such other matters as the Commission shall prescribe. In order to provide for timely and effective disclosure of such facts and matters to clients, the Commission shall by rule prescribe the format of the document and the timing of its dissemination.

"(2) CONTENTS OF BROCHURE.—The document required by paragraph (1) shall include information concerning—

"(A) the education and business background of such person and of any associated person providing significant investment advisory services to the client,

"(B) compensation arrangements between the client and the investment adviser,

"(C) the nature of services offered,

"(D) business practices,

"(E) methods for obtaining information on the disciplinary history and registration of the investment adviser and persons associated with the investment adviser, and

"(F) conflicts of interest which could reasonably be expected to impair the rendering of disinterested advice.

"(3) PROMINENT DISCLOSURES.—Such document shall also prominently disclose—

"(A) that—

"(i) the registered person receives or may receive, directly or indirectly, sales commissions or other fees in connection with a purchase or sale effected on behalf of a client; or

"(ii) the registered person will not receive, directly or indirectly, any sales commission or other fees in connection with such purchase or sale, but the client may be charged a sales commission or other fee by another person in connection with such purchase or sale; and

"(B) that remedies may be available to the client with respect to disputes arising out of the advisory relationship.

"(4) DEFINITION.—The Commission shall define 'associated person providing significant investment advisory services to the client' by rule for purposes of this subsection.

"(c) TRANSACTION REPORTS.—

"(1) INITIAL DISCLOSURE.—Before a purchase or sale is effected on behalf of any client, each registered investment adviser shall, in accordance with rules prescribed by the Commission, disclose to the client the total amount of commissions, fees, or other charges that may reasonably be expected to be charged in connection with the transaction (or, in the case of payments from third parties, that a payment will be received) and that the adviser or a related person will receive a portion of the commission, fee, charge, or payment. Such initial disclosure shall be in writing if the purchase or sale was recommended in writing.

"(2) CONFIRMATION.—After a purchase or sale is effected, each registered investment adviser shall transmit to each client a written statement that discloses the amount of commissions, fees, or other charges charged in connection with the transaction (or, in the case of payments from third parties, that a payment has been or will be received). Such written statement shall be in such form and contain such information, and be provided in accordance with such rules, as the Commission shall prescribe. Such rules shall, to the extent consistent with the protection of investors, permit delivery of a confirmation statement of a broker or a dealer that includes information that meets the requirements of this subsection (and the rules adopted thereunder) in order to satisfy such requirements.

"(3) WAIVER.—The Commission may, by rule, permit an investment adviser to omit disclosure required by this subsection with the knowing written consent of the client.

"(4) EXCEPTIONS.—This subsection shall not apply—

"(A) with respect to any purchase or sale for which the investment adviser, and any person associated or under common control with the investment adviser, will not receive any portion of the amount charged or deducted in connection with the purchase or sale, and will not receive any payment from a third party required to be disclosed under paragraph (1);

"(B) with respect to accounts for which the person is authorized to exercise investment discretion; or

"(C) with respect to any account for which the person is not acting as an investment adviser.

"(5) SPECIAL RULE.—The provisions of this subsection shall also apply to any person associated with an investment adviser effecting transactions for advisory clients through a broker or dealer with which the person is associated.

"(d) PERIODIC REPORTS.—

"(1) IN GENERAL.—Each registered investment adviser shall provide to each client a periodic written statement in such form and containing such information as the Commission shall prescribe by rule consistent with the public interest, the protection of investors, and the purposes of this title. Such rule shall require the disclosure of—

"(A) commissions, fees, or other charges paid by the client during the period for services provided by the investment adviser and any person associated or under common control with the investment adviser;

"(B) compensation directly or indirectly received during the period by the investment adviser, or any person associated or under common control with the investment adviser, from any third party with respect to any recommended transaction;

"(C) in the case of a client account for which the investment adviser provides investment supervisory services, securities positions held in the account at the beginning and at the end of the period; and

"(D) such other matters as the Commission shall prescribe.

"(2) COMMISSION RULES.—The rule prescribed by the Commission pursuant to paragraph (1) shall require that the format and timing of delivery be designed to present the required information in a manner that readily permits clients to compare the costs charged by the investment adviser with the costs charged by other advisers. In adopting such rule, the Commission shall require an investment adviser whose clients purchase or sell investment products through persons other than such adviser, or persons associated or under common control with such adviser, to disclose to its clients that such information concerning costs charged does not include commissions or other fees paid in connection with such purchases or sales. Such rule shall, to the extent consistent with the protection of investors, permit delivery of a report of a broker or dealer that includes information that meets the requirements of this subsection (and the rules adopted thereunder) in order to satisfy such requirements.

"(3) WAIVER.—The Commission may, by rule, permit an investment adviser to provide the statement required by paragraph (1) no more frequently than annually if the client knowingly waives, in writing, the right to obtain such statement more frequently than annually.

"(4) EXCEPTION.—This subsection shall not apply with respect to any account for which the person is not acting as an investment adviser.

"(e) FACILITIES FOR FILING RECORDS AND REPORTS; ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

"(1) FILING DEPOSITORIES.—The Commission, by rule, may require any investment adviser—

"(A) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

"(B) to pay the reasonable costs associated with (i) such filing, and (ii) the maintenance of the toll-free telephone listing required by paragraph (2).

"(2) LISTING FOR TOLL-FREE INQUIRIES.—The Commission shall require the entity designated by the Commission to receive fees, applications, reports, or notices pursuant to paragraph (1) to—

"(A) establish and maintain a toll-free telephone listing to receive inquiries regarding the disciplinary and other information involving investment advisers and persons associated with investment advisers; and

"(B) respond promptly to such inquiries in writing.

Such designated entity may charge persons, other than individual investors, reasonable fees for the cost of providing written responses to inquiries. Such designated entity shall not have any liability to any person for any actions taken or omitted in good faith under this paragraph.".

(b) RULEMAKING REQUIRED.—The Commission shall prescribe rules for purposes of subsections (b), (c), and (d) of section 204 of the Investment Advisers Act of 1940 (as added by subsection (a) of this section) within one year after the date of enactment of this Act.

SEC. 7. BOND REQUIREMENT.

Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end the following:

"(e) BOND REQUIREMENT.—

"(1) IN GENERAL.—The Commission, by rules for the protection of investors, shall require any investment adviser registered under section 203 who—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account,

"(B) has access to the securities or funds of a client, or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) CONSIDERATIONS IN RULEMAKING.—In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements; and

"(D) any alternative means to protect client assets.

"(3) EXEMPTION AUTHORITY.—The Commission by rule may exempt any person or class of persons, under such terms and conditions and for such periods as the Commission shall provide in such rule, from the requirements of this subsection and the rules thereunder.".

SEC. 8. DISQUALIFYING CONDUCT.

(a) AMENDMENT.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any crime that is punishable by imprisonment for one or more years and that is not described in paragraph (2) of this subsection or of a substantially equivalent crime by a foreign court of competent jurisdiction.".

(b) CONFORMING AMENDMENTS.—Section 203 of such Act is further amended—

(1) in subsection (e)(6) (as redesignated by subsection (a) of this section), by striking "this paragraph (5)" and inserting "this paragraph (6)";

(2) in subsection (f)—

(A) by striking "paragraph (1), (4), (5), or (7)" and inserting "paragraph (1), (5), (6), or (8)"; and

(B) by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in subsection (i)(1)(D), by striking "section 203(e)(5) of this title" and inserting "subsection (e)(6) of this section".

SEC. 9. CONFIDENTIALITY.

Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8), as amended by section 7, is further amended by adding at the end the following new subsection:

"(f) DISCLOSURE OF CLIENT INFORMATION PROHIBITED.—

"(1) ADVISER DISCLOSURE.—It shall be unlawful for any investment adviser to disclose any personally identifiable financial information with respect to any client unless required by law to do so, or unless—

"(A) the client has been adequately informed of the proposed information disclosure, in accordance with rules prescribed by the Commission, and (i) has been afforded the opportunity, in accordance with such rules, to object to the disclosure, and (ii) has not objected or has affirmatively consented;

"(B) the information disclosed is necessary and appropriate in order to establish an advisory or brokerage account or to effect or attempt to effect a transaction for the client;

"(C) the information (i) is requested by representatives of the Commission, a State agency whose primary assignment is the regulation of the securities business, or a self-regulatory organization, or (ii) is requested by subpoena; or

"(D) the information is requested by the client's auditors or accountants.

"(2) SECONDARY DISCLOSURE.—It is unlawful for any person to whom information is disclosed for the purpose described in paragraph (1)(B) to use such information for any purpose other than the effectuation of the client's transaction.".

SEC. 10. CUSTODIANSHIP.

(a) FINDINGS.—The Congress finds that—

(1) most clients of investment advisers who give their advisers discretionary authority over their securities and funds provide for the safekeeping of their securities and funds with a custodian;

(2) it is a customary business practice for custodians to provide reports of the transactions in client accounts directly to clients;

(3) such direct reporting provides an important safeguard against improper use of client assets; and

(4) permitting advisers to serve as the sole recipient of custodial account communications has allowed, and may continue to allow, unscrupulous persons to misuse client assets, causing substantial losses for those clients.

(b) REPORT.—The Commission, within 18 months of enactment of this Act, after consultation with the appropriate Federal banking agencies (as such term is defined in section 3(q) of the Federal Deposit Insurance Act), shall submit a report to Congress—

(1) analyzing the risks to investors when an investment adviser is made the sole recipient of communications from the custodian or when an investment adviser or affiliate thereof serves as the custodian; and

(2) making any recommendations the Commission believes are necessary to eliminate or reduce these risks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 578, the Investment Advisers Regulatory Enhancement and Disclosure Act. This bill, sponsored by Congressman BOUCHER, myself, Chairman DINGELL, and others, is the culmination of a lengthy effort to bring appropriate regulation to the world of financial planning. I would like to commend the gentleman from Virginia, in particular, for his hard work and persistence in pursing this very important investor protection issue.

Investment advisers and financial planners are perhaps the least regulated of all the members of the securities industry. The industry has grown explosively in the recent past, in part in response to demand by consumers who find the investment world scary, complex, and often overwhelming. As bank CD rates have deflated, so more and more consumers are moving into the securities markets, and in doing so are soliciting the advice of financial professionals. Unfortunately, those who are forced to depend on the kindness of strangers for investment advice are not always protected from those that mean them harm. As we have seen time and again in other areas, the law and regulation have not kept up with market developments. The Securities and Exchange Commission, charged with regulating the investment adviser industry, is egregiously underfunded in this area, and the number of inspectors, 48, available to keep tabs on an industry rife with the opportunity, if not in all cases the reality, of abuse, is laughable.

Today, there are about 18,400 investment advisers providing what their clients hope is well-informed and objective advice about how to invest their hard-earned money. Over the 11 years between 1981 and 1992, the number of planners and advisers registered with the SEC skyrocketed by over 260 percent. Assets managed by advisers rose from $450 billion to $9.8 trillion, an increase of more than 2,000 percent. This amount represents almost four times the amount deposited in U.S. commercial banks. Given the explosive growth of this industry, something has had to give, and that something has been regulatory oversight and investor protection.

Clearly, increasing inspections of advisers from once every 30 years to once every 5 years helps, and our bill would accomplish that goal. But increased regulatory scrutiny alone cannot solve the problems endemic to this industry. In my subcommittee's hearings on this issue, we have heard from numerous small investors from all parts of the country who sought the advice of investment advisers in an effort to obtain educated, disinterested and comprehensive advice about how to invest their savings. But instead of an objective assessment of their financial needs and a program designed to meet them, they received self-interested plans that form a veritable roadmap of the highest commissions in the securities business. Better SEC oversight alone cannot stem such abuses. Investors must be equipped with the facts they need to make informed decisions and to arm themselves against predatory practices. Our bill would do just that.

While unsophisticated investors are the easiest targets for unscrupulous financial planners, even relatively sophisticated investors can be taken in by investment advisers who, like modern-day Pied Pipers, play the sweet tune of high returns and low risk. Steven Wymer, president of Institutional Treasury Management, and the perpetrator of one of the most egregious investment adviser frauds in history, was just such a Pied Piper, harming various cities, towns, and governmental entities to the tune of hundreds of millions of dollars. Mr. Wymer is now under indictment and has pled guilty to nine felony counts. He is due to be sentenced tomorrow afternoon, and faces a substantial prison term, but he will never be able to repay the millions of dollars he stole from the people of California, Colorado, and Iowa, many of whose towns are suffering budget emergencies, service cuts, and spending freezes as a result of his actions.

Some might say that in the face of a well-planned and well-executed fraud like Mr. Wymer's, we should just throw up our hands and acknowledge that we can't prevent all crimes. But I take from Mr. Wymer's sordid tale a different lesson. That lesson is that while it is never possible to plug every hole, we have an obligation to do far more than blindly throw money at the problem. The House bill does more:

It bolsters SEC regulation of investment advisers through higher fees dedicated to SEC inspections, risk-targeted examinations, and authority for the SEC to delegate to an SRO certain inspection responsibilities;

It requires investment advisers to recommend only suitable investments to their clients;

It provides for better disclosure of conflicts of interest and other relevant information through a three-tiered disclosure system including a brochure and transaction and periodic reporting;

It requires investment advisers with discretion over or custody of client assets to obtain a fidelity bond;

It safeguards the confidentiality of personally identifiable financial information;

It provides for a toll-free number for investors to call regarding their adviser's disciplinary history; and

It addresses the problem highlighted by the Wymer case where custodians failed to provide account information to their custodial clients, thereby facilitating a dishonest adviser's ability to conceal fraud.

These provisions are critical for the millions of Americans who each year entrust their future and that of their families to investment advisers and financial planners. I urge you to vote for this important legislation.

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Mr. Speaker, this is a solid piece of legislation, and it is one that many people deserve praise for: Consuela Washington, who was counsel for the full Committee on Energy and Commerce; to Merrill Spiegel, working for the gentleman from Virginia [Mr. BOUCHER]; to Steve Blumenthal and Peter Rich, who work with the minority, ensuring that the gentleman from Texas [Mr. FIELDS], the ranking minority member, and the gentleman from California [Mr. MOORHEAD], the ranking minority member on the full committee, were included from step one all the way through the transaction, and on my own staff, to Dolores Daly and to David Moulton and to Jeff Duncan and especially to Elise Hoffmann, who has worked on this legislation tirelessly for 3 years in bringing it to this point.

I want to close by congratulating and thanking the ranking minority member of the subcommittee, the gentleman from Texas [Mr. FIELDS] for making it possible for us to put together legislation in this fashion. It is a tribute to him that we are able to bring legislation out on the floor that has this kind of bipartisan cooperation.

It is our goal to ensure that that be the way in which all legislation be dealt with between the majority and minority.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 578.

As the population of the United States grows older and the need for financing a child's education or providing security in retirement grows more important, financial planning services are sought by more Americans.

Most financial advisers are honest, conscientious people who do a great job for their clients. Unfortunately, we must be sure that we are being protected from the small percentage of frauds and crooks who would take advantage of their clients. H.R. 578 will go a long way toward improving the protection of investors who use the services of investment advisers.

Unfortunately, enactment of this legislation will come too late for some. In hearings before the Energy and Commerce Committee, we listened to painful testimony that large and small California and Iowa cities, counties, and school districts have been defrauded of hundreds of millions of dollars. The losses they suffered occurred because they invested with a 43-year-old investment adviser named Steven Wymer. Mr. Wymer has now plead guilty to stealing $174 million from his clients.

State and local government entities have become big investors. Years ago, idle funds gathered dust, not interest, for the relatively brief period between the time property and other taxes were collected and the revenue was used to pay the bills. Local banks that held the money enjoyed reinvestment revenues, and advocates of good government reasoned correctly that the taxpayers deserved at least a share of that revenue. New laws let government entities shop anywhere for the best deal. This is fertile ground for a fraud like Steven Wymer.

The millions of dollars that were lost to Wymer's fraud came out of the pockets of Iowa farmers struggling to make a living. It came from the profits of small shopkeepers and from the checking accounts of young California families with modest homes. It was money gathered from thousands and thousands of Californians and Iowans, funneled into local treasuries, to a statewide trust, and finally to the personal account of a wheeler dealer. Mr. Wymer's conversion of funds entrusted to him imperils the financial security of the retirement of thousands of dedicated civil and public servants. No one can be proud of the Wymer story.

Unfortunately, investment adviser regulation has not been accorded the high priority it deserves at the Securities and Exchange Commission. Despite the enormous growth of the financial planning industry over the last decade, and the proliferation of new and complex investments, somehow SEC budget dollars and staff allocations have been directed toward programs that seem more important at that moment. That situation may be understandable, but events have underscored the need to bring it to an end.

The SEC is without a program of regular adviser examinations. At our hearings, we learned the Commission actually moved some staff out of the adviser examination program to perform other duties. The agency seems to be without the will to transfer people and funds from other departments and to devote them to investment adviser examinations. Congress cannot micromanage the agency, and indeed, it would not make sense to create manpower and resource shortages in other divisions of the Commission just to staff the adviser examination program. It is bad public policy to force the agency to rob Peter to pay Paul. The only logical answer is to provide additional funding and mandate an adequate examination program. H.R. 578 provides such new funds for the Commission. It also contains a mechanism by which the SEC can call upon the resources of the industry itself, and provide for examination of those investment advisers who are affiliated with brokerdealers. This is consistent with the congressionally approved program of securities industry self regulation and I wholeheartedly support it.

Perhaps the issue that has most focused people on the need for this legislation, however, is the need to build a federal system of regulation for financial planners. Financial planing regulation is the weak underbelly of the financial services community. Frequently the least trained, and certainly the least overseen, financial planner incompetence and breach of duty is collectively a much greater threat to the financial security of investors than a single fraud like Steven Wymer ever could be. The inadequacy of financial planning regulation is a national problem, and it is time that we recognized that it is a congressional concern.

Many of the State legislatures have addressed the issue of who is a financial planner and what is the appropriate regulation of the industry. Most are satisfied their investment adviser acts provide an adequate regulatory framework. But not even the largest States have the budget and manpower resources to enforce a comprehensive scheme of regulation of the large number of independent financial planners. The issue that concerns us as the national legislature, of course, is whether the problem has grown so large that it exceeds the resources of the States to control it. I believe it has. Certainly, State regulation did not deter Mr. Wymer.

I will not minimize my concerns. I am horrified at the abuses that are reported in the studies of the numerous examples of fraud, breach of fiduciary duty, and even outright stealing and embezzlement by people calling themselves financial planners.

We must be careful, however, not to increase the costs of doing business in this country by adding another layer of regulation on top of legitimate professions and industries. Because we are sensitive to the burden compliance with additional regulation places on small businesses and individual practitioners, the most potentially burdensome disclosure requirements have been drafted in a way to minimize the impact on small businesses. We must always be aware of the costs imposed by the additional disclosure and other regulatory requirements contained within this legislation. Investment adviser legislation in the other body differs significantly from the House approach, particularly in the area of requiring additional disclosures, and much remains to be done before a bill can be placed before the President for his signature.

H.R. 578 represents the most significant revision of the Investment Advisers Act in almost 20 years. When passed, it will join other legislation reported by this committee and enacted into law modifying the Securities Act of 1933, and the Securities Exchange Act of 1934, to reform the markets and curb insider trading, provide new SEC additional enforcement remedies, and eliminate the abuses of the penny stock market. Enactment of this legislation brings to a conclusion a bipartisan effort that began 4 years ago with the introduction of a bill by my good friend from Virginia, Congressman BOUCHER. I want to commend him on this fine legislation, and for his persistent and tenacious effort to secure its adoption. I also want to commend Chairmen DINGELL and MARKEY for their efforts. Finally I make special note of the significant contributions to the deliberations of the committee by Congressman MICHAEL OXLEY. In addition to his own work as the ranking Republican on the Subcommittee on Transportation and Hazardous Waste, Congressman OXLEY has been an enormous help to the energy and commerce minority and its full and subcommittee ranking members in leading the effort of the Telecommunications and Finance Subcommittee on this legislation.

In addition, I would like to commend JACK FIELDS, the ranking Republican on the Subcommittee on Telecommunications and Finance and all the members of that panel for their hard work in crafting this legislation.

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Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise today in strong support of H.R. 578, legislation that will provide for more thorough oversight of investment advisers by the Securities and Exchange Commission. Too often during the past several years members of the Energy and Commerce Committee have heard testimony highlighting fraud and manipulation in our financial markets. Whether it is manipulation in the Government securities markets, insider trading, or multimillion dollar pyramid schemes, our Nation's investors have time and again been subjected to the backlash of greedy schemes run by greedy people.

As a credit to the committee, led by Chairman DINGELL, subcommittee Chairman MARKEY and others, including the original sponsor of today's bill, RICK BOUCHER, we in Congress have been able to consistently, and aggressively, address fraud in the markets, in whatever form it may arise. The Investment Advisers Act is simply the latest in a long line of market fraud prevention measures proposed by the committee.

Our hearings on this issue have shown that investment advisers are, perhaps, the least regulated segment of the securities industry. During the past 12 years the number of investment advisers has more than tripled from 5,100 in 1981 to 18,700 in 1992. During the same period, the assets under their management grew from $450 million to more than $8 trillion. Unfortunately this explosion was not matched by anywhere near the proper regulatory response. During the last decade, the SEC, the only industry regulator, struggled to increase the number of examiners overseeing investment advisers from 36 to 48.

H.R. 578 is a well-crafted legislative response to the woefully deficient regulatory framework overseeing investment advisers. The bill, which I am glad to cosponsor, sensibly and effectively protects investors from unscrupulous investment advisers by mandating fuller disclosure, tighter registration requirements, more vigorous SEC enforcement and investigation, strong suitability requirements, and oversight of investment advisers by self-regulatory organizations.

Congress needs to quickly pass this bill so we can protect our constituents from those unscrupulous financial finaglers who like to make a fast buck and do not care how they do it.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I would like to express my appreciation to the gentleman from Massachusetts [Mr. MARKEY], the chairman of the Subcommittee on Telecommunications and Finance, for yielding me this time, and also for his very able assistance and that of his staff in helping to develop this measure which has been a high priority of mine for the last several years.

Mr. Speaker, I would also like to express my appreciation to the gentleman from California [Mr. MOORHEAD] and the gentleman from Texas [Mr. FIELDS] for their assistance and cosponsorship of the measure.

Consumers who are entrusting their financial decisionmaking, and often their life savings, to financial planners need greater protection than the current law affords. It is estimated that investors are losing up to $1 billion annually because of inappropriate conduct on the part of financial planners and investment advisers. These are all avoidable losses.

This money is not lost because of the normal risks that are associated with investing. The losses do not arise from the typical fluctuations of the stock and bond and commodities markets. These losses occurred as a result of malfeasance on the part of financial consultants. Some simply steal the money. Others exhaust their customers' assets through the churning of accounts, earning for themselves fees from an unjustifiably large number of financial transactions.

Some planners lack any specialized training or education, and through their incompetence, make recommendations that result in investor losses.

A more subtle but pervasive problem is the hidden conflict of interest in which the investment adviser receives a special fee or commission anytime a financial product that he recommends is sold. He does not disclose to his customer the fact that he receives that special fee or commission, and as a consequence, the incentive is very great for the investment adviser to recommend products for which he will receive the largest fee or commission, and oftentimes these are the most risky kinds of investments such as limited-partnership interests, an area in which there has been a great deal of abuse.

The other phenomenon that we have noticed is that advisers who receive special fees or commissions very often recommend the same kind of investment to people with very different financial circumstances. Oftentimes the young couple that is just making its way in life will get exactly the same kind of recommendation from an investment adviser that he makes to the senior couple preparing to enter retirement. Obviously that kind of investment is wrong for one couple or the other, and in many instances is wrong for both. That particular financial planner holds himself out as offering objective advice to his clients, but, in fact, he is nothing more than a salesperson for a particular financial product, and it is his own financial interest that he is seeking to foster instead of that of his client.

There is no entrance examination for this industry. In fact, there is no entry requirement of any kind beyond the payment of a one-time fee of $150 and the filing of a registration form at the SEC. Anyone can become a registered financial planner or investment adviser.

Compounding that problem is the lack of adequate personnel at the SEC to oversee the industry.

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During the past decade the number of registered investment advisers has risen from 5,100 to 18,400, and the assets that they have under management have soared from $450 billion to more than $8 trillion. During that same period of one decade, the number of examiners at the SEC devoted to overseeing the industry has risen by only 12, from an inadequate 36 in 1980 to an even more inadequate 48 today.

The typical investment adviser can expect to be examined and have oversight of his activities only once every 30 years.

A reform of the law is obviously needed.

Consumers must have a reliable means of learning more about the financial planner with whom they deal, learning more about the education of that planner, about his business background and his disciplinary history, and learning more about whether the advice they are receiving is really in their interest or is designed to promote the financial interest of the planner himself. The SEC must be provided with adequate resources to oversee the industry.

The legislation we offer today is that comprehensive reform, and it does meet that test. It contains a number of investor protections.

It addresses the problems of the hidden conflict of interest by requiring that all fees or commissions received when a particular financial product is sold be disclosed. It provides that the financial planner must inquire into the financial resources of his client and into the investment objectives of that client and keep a very careful record of those inquiries to make sure that he is giving an eye toward the suitability of particular investments for particular clients.

Any time the financial planner will have custody over his client's funds or investment discretion with regard to those funds, he will be required to obtain a fidelity bond, so that if he through fraud or other means steals the funds, the client will have recourse.

We say that no one who has been convicted of a felony may be a registered investment adviser, and we provide the new resources for the SEC to appropriately oversee this industry. Today there is a one-time registration fee of $150. Our legislation would impose an annual fee that would be based on the size of the assets that the particular financial planner has under management. And we direct the SEC to use those new resources to hire the inspectors and refocus their efforts on newly registered advisers, the advisers who have custody over client funds or discretion with regard to investing those funds, and advisers with regard to whose conduct complaints are generated.

The original bill that I introduced has been significantly strengthened by the efforts of the gentleman from Massachusetts, Chairman MARKEY, and the subcommittee staff, and the gentleman from Texas [Mr. FIELDS] and the gentleman from California [Mr. MOORHEAD] and the staff on the Republican side.

I particularly want to thank Mr. MARKEY for his recommendation that the SEC maintain a special 800 number which can be called by any person in the United States in order to find out about the disciplinary history of the investment adviser with whom that client is dealing. That is a much-needed reform, and a number of the other provisions that Mr. MARKEY has recommended and are a part of this measure strengthen it considerably as well.

Given the busy nature of the subcommittee that the gentleman, Mr. MARKEY, chairs and the various items that are presently on its agenda, I particularly want to thank him for his early attention to this measure, for moving it forward quickly through the subcommittee, the full Committee on Energy and Commerce, and for bringing it today to the floor of the House.

Mr. Speaker, it is a comprehensive reform. It will contain the consumer protections that are so badly needed, given the explosive growth of this largely unregulated industry today. I am pleased to urge our colleagues in the House of Representatives to approve the measure.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS], the ranking Republican on the subcommittee.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 578, the Investment Adviser Regulatory Enhancement and Disclosure Act of 1993.

Congress enacted the Investment Advisers Act of 1940 to protect the public from the unscrupulous investment advisers. Over the five decades of its existence the act seemed to work well. The activities of advisers rarely produced headlines announcing scandals as have the actions of penny stock brokers and insider traders. But events of the last few years have shown us that we were lulled into a false sense of security.

While the regulatory framework for advisers is well conceived, the ability of the SEC to enforce the law has been lacking. The SEC has not had sufficient resources to operate an effective inspection program. At the current levels at which Congress funds the agency, and with the staff allocations to the examination function made by the SEC itself, the 17,000 investment advisers registered with the SEC can expect a routine examination approximately once every 30 years.

If that is not troubling enough, the inattention of Congress sent the wrong message to the SEC. As the Telecommunications and Finance Subcommittee held hearings on this bill, it became apparent the SEC had a policy of not applying even those resources it does have to adviser regulation. Employees responsible for adviser exams were actually assigned to other duties. There is even evidence that the lack of funding for routine adviser examinations lead to superficial investigations in those instances when the agency had cause to examine. This was a prescription for disaster and disaster occurred.

Observers of the marketplace were horrified by news reports of an SEC registered investment adviser, named Steven Wymer, abusing the trust of his investment advisory client. He succeeded in imperiling the financial security and retirement of thousands of employees of States, cities, and municipalities around the country. The SEC actually examined Mr. Wymer for cause on three separate occasions over several years. On two occasions the SEC was incorrectly satisfied that his illegal activities were nothing more than minor administrative violations, to be corrected without enforcement action. When the house of cards was finally brought down, it became clear that Mr. Wymer's fraud had been operating in spite of the SEC cause examinations, and he succeeded in stealing $174 million of the funds of the employee pension and public project funds entrusted to him.

The increased attention our committee has given the inadequacy of the SEC adviser examination program should, hopefully, underscore for the Commission that Congress is not writing a blank check to the agency. We demand significant improvement in the regulation of financial planners. We must end the anomaly of more and more investors using investment advisers while fewer law enforcement resources are applied to adviser regulation.

In enacting this legislation Congress tells the SEC to do more with its appropriation than increase the number of employees on its payroll. We need better regulation, not just more regulation. The bill expands the antifraud provisions of the Advisers Act to include persons associated with advisory firms. For the first time the SEC will be able to move against employees of advisory firms and financial planners operating through contractual agreements with broker-dealers without having to resort to convoluted legal theories.

New and higher levels of disclosure of conflicts of interest are mandated in the bill. Customers will be assured of having regular reports of trading activity to meet their obligations of overseeing their own accounts Some concerns have arisen that the periodic reporting requirements of this legislation could be misinterpreted as authorizing duplicative reports and disclosure. This is not our intent. In writing regulations pursuant to this legislation, the SEC should accept existing disclosure whenever adequate.

We must be careful not to increase the costs of the securities industry in particular by burdening it with inappropriate investment adviser regulation. No matter how well meaning our efforts are to secure additional disclosure of potential conflicts of interest arising from compensation agreements and incentives, we must recognize that we are imposing new costs of doing business on legitimate entrepreneurs. The gains from these additional regulations must be commensurate with the additional costs being imposed, as the costs will undoubtedly be passed on to customers.

We have spent many hours polishing and refining the provisions of this legislation as it proceeded through the Telecommunications Subcommittee. Wherever possible we eliminated burdens that will fall more heavily on the shoulders of the small business professions that make up the bulk of the advisory profession. We will continue to fine tune the legislation we enact today when we go to conference to reconcile this bill with that which will be passed by the other body.

Mr. Speaker, I want to compliment Congressman RICK BOUCHER for his efforts over the years on behalf of this bill. I am happy to be an original cosponsor of the legislation and to see it enacted by the House today. I also commend subcommittee chairman, ED MARKEY, as we well as committee chairman, JOHN DINGELL, and ranking Republican, CARLOS MOORHEAD, for their leadership. I also want to thank my friend from Ohio, Congressman MICHAEL OXLEY, for his efforts on behalf of the subcommittee during its consideration of the legislation.

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Mr. MARKEY. Mr. Speaker, I yield myself the final 30 seconds just to note that the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] is wholeheartedly in support of this and has played an integral role in bringing it to this point.

I want to once again congratulate the gentleman from Virginia [Mr. BOUCHER], the gentleman from Texas [Mr. FIELDS], and the gentleman from Ohio [Mr. OXLEY], and the gentleman from California [Mr. MOORHEAD] and all the rest of the people who made it possible for us to bring this legislation to the floor.

Mr. DINGELL. Mr. Speaker, today the Committee on Energy and Commerce is bringing to the House floor legislation to correct deficiencies in the current framework for overseeing and regulating investment advisers.

Current SEC resources are woefully insufficient to fund an examination and supervisory program adequate to the task of regulating the more than 18,400 advisers currently registered with the SEC, let alone to searching out and taking action against those operating outside the law. Over the past 11 years, the examination cycle for registered investment advisers has slowed from once every 12 years to once approximately every 27 years. Tremendous growth in the adviser industry has been severely undermatched by increases in SEC resources available for regulation of the industry. For example, on average, about 60 percent of the advisers registered for more than 1 year in the SEC's Chicago, Denver, Los Angeles, and New York regions have never been inspected. These regions are responsible for inspecting approximately 59 percent of the total registered investment adviser population.

This is an open invitation to fraud and chicanery against the citizens of this country who increasingly rely on financial planners and investment advisers, as their saving and investing decisions have become more complex and riskier.

Some of the more egregious abuses associated with the investment advisory industry are highlighted by a recent case involving a California investment adviser, Steven Wymer, who managed over $1 billion for more than 60 State and local government entities. Wymer, through his company, Institutional Treasury Management [ITM], had close to 100 clients, of which 12 were financial institutions and 6 were pools of funds—like the Iowa trust, a pool of numerous local Iowa municipalities—whose participants numbered approximately 250. On December 9, 1991, the SEC filed a complaint seeking a temporary restraining order, preliminary and permanent injunctions and other relief, charging Wymer with fraud in connection with his diversion of clients' funds. On January 2, 1992, Wymer was indicted on 30 counts of securities fraud, mail fraud, money laundering, making false statements to SEC staff and obstruction of justice. On September 29, 1992, the SEC and the U.S. attorney's office, central district of California, jointly announced a global settlement of the civil and criminal actions against Wymer. Wymer pleaded guilty in the criminal action to a nine-count felony information and, in the SEC's civil action, he was ordered to pay approximately $209 million to his 19 defrauded advisory clients. Wymer, who is currently awaiting criminal sentencing, faces up to maximum of 100 years incarceration, a 5-year period of supervised release, and other monetary penalties. As a result of Wymer's fraud, approximately 19 of his clients lost all or nearly all of their funds under his management, totaling approximately $174 million.

Wymer preyed upon small towns and municipalities whose funds often were managed by inexperienced treasurers, many of whom worked only part time.

H.R. 578 provides the SEC with additional resources with which to conduct inspections and other regulatory activities with respect to registered investment advisers. H.R. 578 also provides enhanced protection to investors employing the services of investment advisers, including financial planners, by increasing the frequency of SEC examinations of high-risk advisers, by establishing a mechanism for the identification of unregistered advisers, by establishing an express suitability standard, by improving disclosures of conflicts of interest and other pertinent information, by requiring fidelity bonds of certain advisers, by making provision for the establishment of a toll-free telephone listing to receive inquiries regarding disciplinary information concerning investment advisers, and by providing for client financial information to remain confidential unless consent is given for it to be disclosed.

OMB has asked that we confirm that both the collection and expenditure of the fees collected pursuant to authority of H.R. 578 are triggered by appropriations acts, and that no moneys may be collected or expended unless and until appropriated. Separately, with respect to the periodic reports under new section 204(d), we believe that the SEC may require thereunder the disclosure of certain soft dollar practices in order to alert account owners of the extent to which their accounts are affected by such practices. An investment adviser has a duty to disclose to clients all potential or actual conflicts of interest which might influence him, consciously or unconsciously, to render advice which is not disinterested. See current Advisers Act section 206 and rule 204–3 under the act. It is the growth of soft dollar practices and this potential conflict of interest, when an adviser receives research as a result of allocating brokerage on behalf of client accounts, that gives rise to the need to disclose these arrangements to clients. The committee will shortly be conducting a focused inquiry into questions raised by soft dollar practices and payment for order flow.

It is imperative that this legislation be passed by the Congress and signed by the President before any more massive frauds are perpetrated against our vulnerable constituents. The vast majority of the people in this business are honest men and women. We owe it to them to pass this bill as soon as possible in order to maintain much-needed honesty and integrity in the rendering of investment advice.

I thank my colleagues for their support of this bill.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 578, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 578, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TECHNICAL AMENDMENTS TO SECTION 11(a) OF THE SECURITIES EXCHANGE ACT OF 1934

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 616) to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

The Clerk read as follows:

H.R. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITED TRANSACTIONS.

Section 11(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)(1)) is amended—

(1) in subparagraph (E), by striking "(other than an investment company)";

(2) by striking "and" at the end of subparagraph (G);

(3) by redesignating subparagraph (H) as subparagraph (I); and

(4) by inserting after subparagraph (G) the following new subparagraph:

"(H) any transaction for an account with respect to which such member or an associated person thereof exercises investment discretion if such member—

"(i) has obtained, from the person or persons authorized to transact business for the account, express authorization for such member or associated person to effect such transactions prior to engaging in the practice of effecting such transactions;

"(ii) furnishes the person or persons authorized to transact business for the account with a statement at least annually disclosing the aggregate compensation received by the exchange member in effecting such transactions; and

"(iii) complies with any rules the Commission has prescribed with respect to the requirements of clauses (i) and (ii); and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I want to notify other Members that I will consume no more than 2 minutes. I think if the minority will do the same, then we will complete the business on this piece of legislation.

I am pleased to join with Representatives FIELDS and MOORHEAD in bringing H.R. 616 to the House floor today. This noncontroversial legislation eliminates an anachronistic provision in the law which prevents money managers who are members of the New York Stock Exchange or other national securities exchanges from using an affiliated broker to buy or sell stocks for certain accounts over which they exercise investment discretion.

Currently, the managed accounts restrictions in section 11(a) of the Securities Exchange Act of 1934 allow money managers to use affiliated brokers to do everything necessary to effectuate a trade for their managed accounts other than actually executing the buy-and-sell order on the exchange floor. Here, current regulations require money managers to use an independent floor broker to execute trades at the specialist post. H.R. 616, in contrast, would allow money managers to use an affiliated broker to actually execute the buy or sell orders for their managed accounts.

On March 30, the Subcommittee on Telecommunications and Finance heard testimony from the securities industry indicating that passage of H.R. 616 would reduce unnecessary costs imposed on the industry, enhance the equality of trade execution for managed accounts, and reduce certain administrative and compliance burdens. In the 102d Congress, the subcommittee also received testimony from the SEC in support of identical legislation.

H.R. 616 provides the SEC with authority to assure that appropriate investor protections are afforded against the potential conflicts of interest arising from the combination of money management and brokerage functions. First, the SEC has authority to mandate that prior customer authorization be obtained before a money manager uses an affiliated broker to execute transactions for their managed accounts. Second, authority is granted to require regular disclosure of compensation arrangements with the affiliated broker.

I would also note that while the committee report recognizes that this legislation may result in reduced brokerage costs, we are not requiring that any such savings be allocated in any specific way. Rather, as the committee report explains, we expect that the savings resulting from this amendment to section 11(a) will be one of many factors influencing the negotiation of rates within the context of an intensely competitive brokerage industry.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules submitted a privileged report (Rept. No. 103–78) on the resolution (H. Res. 163) waiving points of order against the conference report to accompany the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 820, NATIONAL COMPETITIVENESS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–79) on the resolution (H. Res. 164) providing for consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National institute of Standards and Technology, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman MARKEY has done an excellent job in explaining this legislation. There is no controversy on this side of the aisle.

Once again we appreciate the chairman working in a cooperative spirit with the minority.

Mr. Speaker, I rise in support of H.R. 616, a proposal to amend section 11(a) of the Securities and Exchange Act of 1934.

In considering amendments to the securities laws in 1975, Congress was apprehensive about the possibility that broker-dealers might churn managed accounts to generate commissions. It was also concerned that a firm might pressure managers of advised accounts to purchase a particular security to complete a block transaction, or to close an underwriting of a new issue. Finally, there was also concern that brokers might give preference to managed accounts in the execution of their orders. To resolve these problems, section 11(a) was adopted as part of the Securities Act Amendments of 1975.

The prohibition against an exchange member firm effecting orders for managed accounts, over which it has investment discretion, is a holdover from the days of fixed commission rates. The practical effect of section 11(a) is to require institutions to channel their exchange business through unaffiliated broker-dealers. It also forces exchange members to execute trades for their managed accounts through an unrelated firm. In the absence of demonstrated conflicts of interest occurring, the section introduces unnecessary inefficiency in the order execution process.

Since May 1, 1975, the markets have changed dramatically, and experience has shown that the restrictions of section 11(a) are unnecessary. Although this section of the law does not appear to increase investor protection, it does impose unnecessary administrative costs and market inefficiencies on money managers.

I support H.R. 626 and urge its adoption.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume just to say that the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] and all the Members on the majority side are in full support of this legislation.

I as well would like to compliment the minority. We worked this bill out over the last 2 years in a way which is acceptable to both sides.

My compliments to the gentleman from Texas and to his staff for their excellent job, as well as my own staff, Jeff Duncan, for his work.

Mr. FIELDS of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 616.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 616, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

USE OF CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 71) authorizing the use of the Capitol Grounds for the 12th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 71

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the twelfth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the 137 law enforcement officers who died in the line of duty during 1992.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police

Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 71, the annual Peace Officers' Memorial Service, has special meaning to me. From 1981 to 1985 I served as sheriff of Mahoning County, OH. As a former law enforcement officer and sheriff, I know the enormous sacrifices that have been made throughout this Nation's history by a special group of men and women that defend our communities.

Mr. Speaker, as of last year, seven law enforcement officers in Ohio died in the line of duty, including Millard Williams of the Youngstown Police Department.

So I have experienced also first hand the tragedy of a line-of-duty death.

One of my deputies, Sonny Litch, was shot and killed in an ambush while transporting a prisoner. His name is one of the thousands of names that appear on the wall of the National Law Enforcement Officers Memorial here in Washington.

Mr. Speaker, I would also like to mention one other officer who was killed in the line of duty while I served actively as the Sheriff of Mahoning County.

John Utlak was an officer in the Niles, OH, Police Department in neighboring Trumbull County, OH. John was shot and killed during an undercover drug operation. John's mother, Irene Sudano, is a constituent of mine and a tremendous and beautiful woman who has dedicated her life to assisting other survivors of police officers killed in the line of duty. This year's National Peace Officers' Memorial Service will honor the 137 law enforcement officers who died in the line of duty in 1992, defending our country, our citizens, our cities, our counties and our States. I cannot think of a more appropriate place to honor these fallen heroes than the U.S. Capitol.

□ 1350

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 71, a resolution which will allow the National Peace Officers' Memorial Service to be held on the Capitol Grounds on May 15, 1993.

Mr. Speaker, I join with my distinguished chairman of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT] in supporting this resolution.

Mr. Speaker, this service is the 12th time this event has been held, and the first time it will be held on the Capitol Grounds. The Capitol Police is the sponsoring agency for the event this year.

Before I came to Congress, Mr. Speaker, I practiced law in my hometown of Knoxville, TN, and served 7½ years as a criminal court judge trying primarily the felonies of more serious criminal cases. In that work I got to know almost all of the local law enforcement people on a very close basis, and many of them are close personal friends of mine. I have known over the years police officers who have been killed in the line of duty, and certainly I do not think we do enough to show our appreciation and respect for the work that is done by the brave men and women who serve in our law enforcement agencies around the country.

A very close friend of mine, Willis McCormick, served for many years as the national chaplain for the Fraternal Order of Police and traveled around the country speaking and holding services for policemen and others who have been killed in the line of duty in serving in our law enforcement agencies.

So, Mr. Speaker, I am pleased to join my colleague, the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], in support of this resolution, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support of House Concurrent Resolution 71, to authorize the 12th annual national peace officers' memorial service.

This event will allow thousands of Americans to pay tribute to police officers who have died in the line of duty during the past year.

This year the event is scheduled to take place on May 15, 1993.

I would like to commend the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT] for introducing this most worthwhile resolution and I urge its adoption.

I would also like to commend the gentleman from Tennessee [Mr. DUNCAN], the ranking Republican of this subcommittee, for helping expedite this matter for House consideration.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to commend the distinguished ranking minority member, the gentleman from Tennessee [Mr. DUNCAN], for his leadership on this and many other issues. I think this is a fitting tribute, House Concurrent Resolution 71, and it is fitting for Congress to take this action.

Mr. CLYBURN. Mr. Speaker, I rise in support of House Concurrent Resolution 71, which will allow the use of the Capitol Grounds for the national peace officers' memorial service on May 15.

This 12th annual memorial service honoring our Nation's law enforcement officials who have been killed in the line of duty is an event which serves to remind us of the ultimate sacrifice made too often by the men and women who risk their lives daily to protect each and every one of us here today.

Too often we take them for granted. Let us not forget that each of the 137 slain law enforcement officials we honor today died because they believed in, and were dedicated to their missions, and bravely faced the worst kind of danger.

Mr. Speaker, I would like to submit for the RECORD the names and addresses of the 10 law enforcement officials killed in South Carolina during calendar year 1992.

Hardy Merle Godbold, 2-29-1992, trooper, 1074 Highway Patrol, South Carolina.

John Mark Dial, 4-17-1992, deputy sheriff, 3506 Richland County, South Carolina, S.D.

William Nalley, 6-7-1992, deputy sheriff, 365 Charleston County, South Carolina, P.D.

Hubert Leander Lloyd, 6-7-1992, sergeant, 365 Charleston County, South Carolina, P.D.

Thomas W. Spears, 7-9-1992, corporal, 3866 Florence County, South Carolina, S.O.

Charles Junior Smith, 8-24-1992, chief deputy, 3878 Allendale County, South Carolina, S.D.

James Brent McCants, 10-25-1992, deputy sheriff, 3855 York County, South Carolina, S.D.

Mark Hunter Coates, 11-21-1992, trooper, 1074 Highway Patrol, South Carolina.

Christopher Lee Taylor, 12-7-1992, deputy sheriff, 2917 Anderson County, South Carolina, S.O.

Edward Joseph Alva, 12-24-1992, deputy sheriff, 3506 Richland County, South Carolina, S.D.

All of them were senseless tragedies.

In closing, let me salute the families of these officers: the mothers, the fathers, the wives, and children. Stand tall and keep faith. Be proud of the dedication shown by your lost loved one and know that we in the Congress are proud of them and are humbled by this ceremony which will honor them.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the distinguished chair of the Public Buildings and Grounds Subcommittee. I am proud to join with him as we pass this legislation which will allow Congress to pay its due respect to law enforcement officials who have made the ultimate sacrifice in service to their fellow officers and citizens.

Law enforcement has been accurately described as a thin blue line. In recent years we have been asking law enforcement to do more and more, even as the size of many forces have been cut due to budget problems. Meanwhile, in far too many cases, the thin blue line has been stretched beyond recognition.

Today we are honoring peace officers who were slain in the line of duty. An inscription at the National Law Enforcement Memorial reads, "it is not how these officers died that made them heroes, it is how they lived." How true that is. These officers carried an honorable sense of duty. Their daily lives were geared toward preserving order in our society.

Far too often law enforcement officials have been killed in the line of duty, in fact 13,256 times through 1992. This year, the Dallas Police Department has the unfortunate distinction of placing four of its officers' name on the memorial where their contributions to our Nation will be forever engraved. I appeal in the strongest terms possible to my fellow members and the citizens of our Nation, let us work together so that these officers will not have died in vain.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 71.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 71, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 82) authorizing the use of the Capital grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 82

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 17, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the local soap box derby is a wonderful event that celebrates the family value of parents working with their children on a common goal. I want to commend the distinguished gentleman from Maryland [Mr. HOYER] for his leadership, being the sponsor of this bill.

The Greater Washington Soap Box Derby is for young boys and girls 9 through 16 years of age. The youngsters learn the principles of aerodynamics and mechanics through designing, building, and operating their own racing cars. It is a very popular, well-attended event, and I am pleased to associate myself with the gentleman from Maryland [Mr. HOYER] and this worthwhile family event.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 82, a resolution which will allow the Washington area Soap Box Derby races to be held on the Capitol Grounds on July 17, 1993. This event will take place on Constitution Avenue. The event allows families to participate in a worthwhile endeavor, and allows for a better understanding of aerodynamics, physics, and mechanical engineering.

Mr. Speaker, the sponsor of this resolution, the gentleman from Maryland [Mr. HOYER] is joined by other Washington area Members of Congress, including the gentleman from Virginia, [Mr. WOLF] and the gentlewomen from Maryland, Mrs. MORELLA and Mrs. BENTLEY.

I join my colleagues from both sides of the aisle in support of this resolution.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER], the sponsor of this bill.

Mr. HOYER. Mr. Speaker, I would like to thank the chairman of the House Public Works Committee, Mr. MINETA, the ranking member Mr. SHUSTER and the chairman of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT for their support and expeditious consideration of this bill.

For the past few years, I have sponsored this resolution to authorize the use of Constitution Avenue NE., between Delaware and Third, for the Greater Washington Soap Box Derby Competition. This competition is part of the All-American Soap Box Derby held later this summer in Akron, OH.

The local competition, open to boys and girls ages 9 to 16, offers young people the exciting opportunity to participate in an aged old all-American sport in the heart of the Nation's Capital. Youngsters and their families come from all across the region to take part in an activity that promotes a rewarding sense of achievement, sportsmanship, and camaraderie.

As in previous years, the Architect of the Capitol and the Sergeant at Arms, will negotiate a licensing agreement with the local derby association to assure that there will be complete compliance with rules and regulations governing the uses of Capitol Grounds.

I am pleased to again have the opportunity to make part in this most worthwhile event which provides the participants, tourists, and local residents with a safe and enjoyable day of activities.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, again I thank the chairman, the gentleman from Ohio [Mr. TRAFICANT], and the staff of the subcommittee for their great help on this effort.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I am pleased to join in strong support of House Concurrent Resolution 82, to authorize the use of the Capitol Grounds for the Greater Washington Soap Box Derby Race.

This annual event is instrumental in developing the mechanical skills of this Nation's youth. Boys and girls ranging from 9 to 16 years old participate by first designing and constructing their race cars and then competing in the Soap Box Derby.

In an age of high technology, it is an excellent exercise for our youth to learn firsthand the inner workings and principles of aerodynamics and have fun in so doing.

I thank the gentleman from Maryland, Congressman STENY HOYER, for once again sponsoring this special resolution.

Mr. Speaker, I urge adoption of House Concurrent Resolution 82.

□ 1400

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to commend the ranking member of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], and once again pay special tribute to the subcommittee chairman, the gentleman from Maryland [Mr. HOYER], who has taken his time to look at all facets of life and the young people and the benefits accrued from this resolution. I think this shows all sides of this chairman, and we appreciate his efforts.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 82.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE 1993 SPECIAL OLYMPICS TORCH RELAY

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 81) authorizing the 1993 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 81

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 27, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1993 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Special Olympics Torch Relay has become a cherished event in Washington, DC, each year the Special Olympics is held for handicapped individuals. A torch relay signifies the official start of this wonderful event, which gives handicapped children and adults an opportunity to participate in athletic events. To begin the Olympic games the torch is run from the Capitol grounds to Gallaudet University, which is the site for the Special Olympics.

Mr. Speaker, I urge support of this worthwhile event.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 81, a resolution to allow the running of the Special Olympics Torch through the Capitol grounds on May 27, 1993.

This resolution supports a worthy cause for the District of Columbia's Special Olympics summer games to be held at Gallaudet University. It is an opportunity for mentally handicapped men and women to compete, gain self respect and demonstrate to all their value as great citizens.

Mr. Speaker, I have participated in many Special Olympic events in my own home district in east Tennessee, and I cannot think of a better cause that we in Congress can support. I support this effort and I urge my colleagues to support House Concurrent Resolution 81.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in support of House Concurrent Resolution 81, to authorize the 1993 torch relay of the Special Olympics to be run through the Capitol grounds on May 27, 1993.

The Special Olympics commences its annual summer games with a torch lighting ceremony followed by a relay of law enforcement officers throughout the District of Columbia. The U.S. Capitol police will carry the torch for the first leg of the relay. Like Mr. DUNCAN, I have participated in every one of our Special Olympics in San Jose, having served as a Honorary Chair of our county Special Olympics as well as of our State Special Olympic games.

Our committee is proud to lend its support to the Special Olympics each year by approving this type of resolution. I urge its adoption.

Mr. Speaker, again I would like to commend the chairman of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], and our ranking Republican, the gentleman from Tennessee [Mr. DUNCAN], for their help in bringing this matter to the floor, and I urge its adoption.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the ranking member, the gentleman from Tennessee [Mr. DUNCAN], for his contribution, and I also would like to recommend this worthwhile legislation to the House. It is very good for handicapped children and for adults.

I am pleased to see my neighbor from the district north of me seated there presiding over the House. We are very proud of him.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution House Concurrent Resolution 81.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ROBERT F. PECKHAM U.S. COURTHOUSE AND FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1345) to designate the Federal building located at 280 South First Street in San Jose, CA, as the "Robert F. Peckham U.S. Courthouse and Federal Building."

The Clerk read as follows:

H.R. 1345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 280 South First Street in San Jose, California, shall be known and designated as the "Robert F. Peckham United States Courthouse and Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Robert F. Peckham United States Courthouse and Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1345, a bill to designate the courthouse in San Jose, CA, as the "Robert F. Peckham U.S. Courthouse and Federal Building," is a bill which honors not only the judicial excellence but also the high ethical and moral standards of Judge Robert F. Peckham. Judge Peckham, who recently died, had served 26 years in the Federal courts and was an acknowledged leader in the California judicial circuit. Fairness and wisdom were cornerstones of his judicial practice. Honorable and conscientious were characteristics of the man.

Mr. Speaker, I am sure that when we hear the statement today of Chairman MINETA, we will see some of the sides of our Federal judges that many people do not see, and we may understand the way they have helped many people, not necessarily by just enforcing the Constitution but by supporting humanity.

So, Mr. Speaker, I am pleased to speak on behalf of this bill, and I urge my colleagues to support its enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1345, a bill to name the courthouse and Federal office building in San Jose, CA, the "Robert F. Peckham U.S. Courthouse and Federal Building."

Mr. Speaker, Judge Peckham was an able, dedicated lawyer and judge who served with distinction in the northern district of California. He was a Federal judge for 26 years and was chief judge of the U.S. District Court for the Northern District of California from 1976 to 1988. His father, grandfather, and uncle all practiced law and made an impact on local issues of land ownership.

Judge Peckham passed away February 16, 1993.

I urge enactment of H.R. 1345.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I, too, rise in strong support for this bill. H.R. 1345, introduced by my fine colleague, Mr. EDWARDS and me, will honor one of the most outstanding members of our Federal judiciary; a man whose legacy of integrity, compassion, and justice has left an indelible mark on the Federal judiciary and on the Nation.

When U.S. district court Judge Robert Peckham passed away in February, this Nation lost a jurist of unmatched dedication and skill. San Jose, CA, lost an individual who was a vital part of our community for almost a half century and I lost a treasured friend.

Bob Peckham was born in San Francisco on November 3, 1920, and was raised in Palo Alto. In many ways, law was the Peckham family business. Both his father and grandfather were lawyers, his grandfather having served as a county judge in Santa Cruz.

His uncle, J.B. Peckham, was an attorney and a legendary figure among Japanese-Americans in my hometown of San Jose. During World War II, when we were forced from our homes on the west coast and put into internment camps along with 120,000 other Americans of Japanese ancestry, many lost the homes, farms, and businesses they had struggled to build.

Those of us in San Jose, however, truly had a guardian angel in J.B. Peckham. Immigrants from Asia were prohibited from owning property at the time, so they turned to Mr. Peckham. He held their businesses, farms, and homes in trust until their oldest native-born children reached the age of 21 and could assume ownership.

Legally, he could have sold the property—and many attorneys in California did so. But Mr. Peckham's integrity and careful stewardship ensured that, when we returned home from the camps, our community remained intact. He is given much of the credit for the fact that San Jose's Japantown remains a thriving neighborhood to this day.

That kind of dedication to the principles of fairness, equality, and justice run throughout the career of Bob Peckham, as well.

As a Federal district court judge in the northern district of California since 1971, and the district's chief judge from 1976 to 1988, Bob Peckham established himself as an implacable enemy of discrimination.

For 21 years, he presided over the desegregation of the San Jose Unified School District. For the past 20 years, he presided over the desegregation of the San Francisco Police Department.

In 1989, he ordered the State Department to issue a passport to an Irish woman who had been denied citizenship. Her mother was an American, but at the time she was born, only fathers could transmit their U.S. citizenship to their children.

In 1972, the Stanford Daily was the subject of a police raid in an effort to seize a reporter's notes. It was Bob Peckham's decision that declared such raids to be an unconstitutional violation of freedom of the press.

These and other landmark decisions clearly established him as one of the giants of the Federal judiciary. The legal community knew him as a scrupulously fair and intellectually brilliant judge. I can think of no more fitting memorial to his life and work than naming the San Jose Federal courthouse in his memory, and I urge its approval.

Again, I would like to commend the chair of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT, and the ranking Republican on the subcommittee, Mr. DUNCAN, for their interest in this legislation and in expediting action on this bill to bring it to the House floor for consideration.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], who is the coauthor of H.R. 1345, for the purpose of making a statement relative to that piece of legislation.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], chairman of the subcommittee, and the ranking Republican, the gentleman from Tennessee [Mr. DUNCAN] for their courtesy in hearing this bill and its prompt consideration.

The people of San Jose, California's third largest city, are also very grateful. The gentleman from California [Mr. MINETA] and I, the gentleman from California [Mr. MINETA], of course, is the chairman of the full committee, and he is also a very distinguished ex-mayor of San Jose.

This bill has the total acceptance and approval of everybody in San Jose. We have letters from the Mayor, Susan Hammer. We have letters from the bar association. We have letters from the city council, a passed resolution that was unanimous in favor of naming the courthouse and Federal building after the late Judge Robert F. Peckham.

It is very fitting that it be named after Bob Peckham, who died just in February of this year, because he was a great judge. He was a close personal friend of the gentleman from California, NORM MINETA, and mine.

He was appointed by Lyndon Johnson 26 years ago to the Federal bench in San Francisco. And when he got to the bench, he did wonderful things, not only for the Federal court in San Francisco, but he also thought about his hometown of San Jose, because he knew that we had a lot of Federal business down there and that we needed a Federal judge. We needed a court. And he worked very, very hard.

He worked with the gentleman from California, NORM MINETA, and with me, and we worked with the Committee on the Judiciary and with the administration. And pretty soon we had a Federal court.

And then we found that the burden was enormous, and more and more judges were assigned to San Jose. And we found that we needed a Federal courthouse. We cannot have lawyers and litigants going 50 miles north to hold court. That is justice denied.

And Bob Peckham made that case very well. And the gentleman from California [Mr. MINETA] and I made the very best case we could. And pretty soon, just a few years ago, this beautiful courthouse in San Jose was built.

In the meantime, Judge Peckham had a very distinguished career. He was assigned to handle the San Jose Unified School desegregation case. It was just one of the biggest public school districts in the country, a very, very complicated, fractious challenge, because feelings were running very high, as one might imagine to order the desegregation of an enormous public school district.

To Bob Peckham's credit, he handled and directed the entire desegregation matter. And it worked out very well, and he set aside that case, finished with the case, still remaining the friend of both sides and greatly admired by all of the people of San Jose and, indeed, of the State of California.

Mr. Speaker, it is fitting that we will be able to tell our people in San Jose that we, the Congress, are naming this beautiful building on First Street in San Jose after Judge Peckham, a true son of our area, a gracious, kindly man who also had steel in his bones.

One did not fool around in Judge Peckham's court, and it is certainly a fitting memory that he be honored in this way by naming this beautiful courthouse, Federal building, after the late Judge Robert F. Peckham.

Once again, I thank the gentleman from Ohio [Mr. TRAFICANT] and the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. DUNCAN], the staff and all the members of the subcommittee and the full committee that were so gracious in handling this matter for the people of San Jose and for the people of California.

☐ 1410

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to associate myself with the remarks of the distinguished chairman and pleased to have been able to speak on behalf of this legislation.

I wish to also commend the gentleman from Tennessee [Mr. DUNCAN] for his continuing support and recognition of this bill, an urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1345.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1345, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REDESIGNATING THE "ALMERIC L. CHRISTIAN FEDERAL BUILDING"

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1346) to redesignate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building," as amended.

The Clerk read as follows:

H.R. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located on St. Croix, Virgin Islands, shall be known and designated as the "Almeric L. Christian Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Almeric L. Christian Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman form Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1346, as amended, honors Almeric L. Christian. Judge Christian has distinguished himself throughout his 40 years as a lawyer and judge. He received judicial appointments from Presidents Kennedy, Johnson, and Nixon. In 1969, he became chief judge for the U.S. District Court for the Virgin Islands. It is fitting and proper to honor him by naming the Federal building after Judge Christian.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1346, a bill to name the Federal building in St. Croix, VI, as the "Almeric L. Christian Federal Building."

Judge Christian served with distinction as district court judge in 1969, and chief judge from 1970 to 1986. He took senior status in 1986 and retired from the bench in 1988.

I urge my colleagues to support this naming bill, and I urge enactment.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from the Virgin Islands [Mr. DE LUGO], the author of this bill.

Mr. DE LUGO. Mr. Speaker, I wish to thank my good friend and chairman, the gentleman from Ohio [Mr. TRAFICANT], and the ranking member, the gentleman from Tennessee [Mr. DUNCAN], for their leadership and help in bringing this bill through the committee process and to the floor today.

Mr. Speaker, ours is a Nation of laws, institutions, and people. The success of our Nation is largely predicated on a strong legal institution that is consistently and fairly administered by enlightened people.

Once in a great while there are people, though few in number, who achieve such stature that they come to personify our institutions.

In the Virgin Islands, one of those exceptional individuals is Almeric Leander Christian, the senior sitting judge of the territorial court and the former chief judge of the U.S. district Court of the Virgin Islands.

My bill, H.R. 1346, would designate the Federal building in St. Croix the Almeric L. Christian Federal Building.

Almeric was born on November 23, 1919 to Elena L. (Davis) Christian and Adam E. Christian. Almeric grew up in Christiansted, attending grammar, junior high and high school there before moving onto the University of Puerto Rico at Rio Piedras and then Columbia College in New York City.

He entered Columbia Law School, served in the U.S. Army in World War II, and then returned to Columbia Law to graduate.

After law school Almeric returned to his native Virgin Islands where he entered private practice.

In 1962, President Kennedy appointed Almeric to be the Virgin Islands U.S.

attorney. The following year he married Shirley Frorup of Christiansted. They had two children, Adam Gregory, now an attorney, and Rebecca Therese, who lives and works in North Carolina. By a previous marriage Judge Christian has an older daughter, Donna Christian Green, who today is a distinguished physician and assistant commissioner of health in St. Croix.

In 1966 President Johnson reappointed Almeric Christian U.S. attorney, a position he held until 1969 when President Nixon appointed him judge of the district court of the Virgin Islands, the first native born Federal judge in the Virgin Islands. In 1970, he was appointed chief judge.

As a jurist, Almeric Christian earned the enormous respect of both the legal community and the community as a whole. Greatly admired for his close study of each case that came before him, no lawyer dared enter his courtroom unprepared. In the courtroom Judge Christian was known for his astute and penetrating questions that cut to the quick of an argument. No one worked harder at the district court than Almeric Christian.

Failing eyesight forced him in 1986 to take senior status and he retired from the bench in 1988.

Without question Almeric Christian is the Virgin Islands' most experienced, most revered, and most celebrated jurist. He has devoted more than 45 years of his life to the legal profession and given more than 20 years to the bench. He has dedicated his entire professional career to the law and to ensuring that his community serves it and is served by it.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring this great jurist, Almeric Leander Christian, by voting in favor of my legislation to name the Federal building near his birthplace, Christiansted, St. Crox, for this outstanding Virgin Islander and man of the law.

☐ 1420

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I, too, support H.R. 1346, to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building."

Judge Christian is the first native-born Federal judge in the Virgin Islands, born just a few miles from the Federal building which will bear his name.

Throughout his long and distinguished legal career of nearly four decades, Judge Christian has enjoyed a reputation for fairness, consistency and excellence in the legal community.

It is fitting and appropriate that Judge Christian be honored in this way and I thank Congressman RON DE LUGO, a senior Member of the Public Works and Transportation Committee, for sponsoring the bill.

I wish to thank Mr. TRAFICANT, the chair of our Subcommittee on Public Buildings and Grounds and Mr. DUNCAN, the ranking Republican, for expeditious handling of this legislation for House floor consideration.

Mr. Speaker, I urge adoption of H.R. 1346.

Mr. TRAFICANT. Mr. Speaker, I want to commend the ranking minority member, the gentleman from Tennessee [Mr. DUNCAN], the sponsor of the bill, the gentleman from the Virgin Islands [Mr. DE LUGO], and all members of the subcommittee for this good piece of legislation. I urge my colleagues to support it.

Mr. DE LUGO. Mr. Speaker, ours is a nation of laws, institutions, and people. The success of our Nation is largely predicated on a strong legal institution that is consistently and fairly administered by enlightened people.

Once in a great while there are people, though few in number, who achieve such stature that they come to personify our institutions.

In the Virgin Islands, one of those exceptional individuals is Almeric Leander Christian, the senior sitting judge of the territorial court and the former chief judge of the U.S. District Court of the Virgin Islands.

Today, Mr. Speaker, I rise to speak to my legislation that is appropriate to the man, to the institution, and to the community he has served throughout a lifetime. My bill, H.R. 1364, would redesignate the Federal building in St. Croix the Almeric L. Christian Federal Building.

Christiansted, just a few miles from where the new Federal building now stands, is the place where Almeric L. Christian was born on November 23, 1919, to Elena L. Davis Christian and Adam E. Christian. Almeric grew up in Chrisitansted, attending grammar, junior high, and high school there before continuing his education at the University of Puerto Rico at Rio Piedras and at Columbia College in New York City.

He entered Columbia Law School, served in the U.S. Army in World War II, and then returned to Columbia law to graduate.

After law school Almeric returned almost immediately to his native Virgin Islands where he entered private practice. In the next several years he was admitted to the New York State Bar and the Virgin Islands Bar, and was admitted to argue before the U.S. Third Circuit Court of Appeals and the U.S. Supreme Court.

Almeric Christian became closely involved with the fundamental legal document of the Virgin Islands, the Revised Organic Act of 1954, when President Eisenhower appointed him to a seven-member commission to determine the application of Federal laws to the territory.

In 1962, President Kennedy appointed Almeric to be the Virgin Islands U.S. attorney. The following year he married Shirley Frorup of Christiansted. They had two children, Adam Gregory, now an attorney, and Rebacca Therese, who lives and works in North Carolina. By a previous marriage Judge Christian has an older daughter, Donna Christian Green, who today is a physician and assistant commissioner of health in St. Croix.

In 1966 President Johnson reappointed Almeric Christian U.S. attorney, a position he held until 1969 when President Nixon appointed him judge of the district court of the Virgin Islands, the first native born Federal judge in the Virgin Islands. In 1970, he was appointed chief judge.

As a jurist, Almeric Christian earned the enormous respect of both the legal community and the community as a whole. Greatly admired for his close study of each case that came before him, no lawyer dared enter his courtroom unprepared. In the courtroom Judge Christian was known for his astute and penetrating questions that cut to the quick of an argument. No one worked harder at the district court than Almeric Christian.

Failing eyesight forced him in 1986 to take senior status and he retired from the bench in 1988.

Judge Christian has been a member of the Federal Bar Association, the board of directors of Legal Services, Corp., the V.I. Food Commission on St. Croix, the V.I. Housing and Urban Renewal Authority, the Personnel Board, the Electoral Board of St. Croix and the V.I. Board of Education.

He continues to contribute to his community through service on the V.I. Montessori School Board of Trustees, the Board of Episcopal Charities, the Columbia University Board of Visitors, and the National Bar Association.

Without question Almeric Christian is the Virgin Islands' most experienced, most revered, and most celebrated jurist. He has devoted more than 45 years of his life to the legal profession and given more than 20 years to the bench. He has dedicated his entire professional career to the law and to ensuring that his community serves it and is served by it.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring this great jurist, Almeric Leander Christian, by voting in favor of my legislation to name the Federal building near his birthplace, Christiansted, St. Croix, after this great Virgin Islander and man of the law.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1346, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located on St. Croix, VI, as the 'Almeric L. Christian Federal Building'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1430

JAMES L. FOREMAN COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 791) to name the U.S. courthouse in Benton, IL, the "James L. Foreman Courthouse," as amended.

The Clerk read as follows:

H.R. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 301 West Main Street in Benton, Illinois, shall be known and designated as the "James L. Foreman United States Courthouse".

SEC. 2. REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "James L. Foreman United States Courthouse".

The SPEAKER pro tempore (Mr. FINGERHUT). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 791 as amended, honors Judge James L. Foreman by designating the courthouse in Benton, IL, as the "James L. Foreman U.S. Courthouse." Judge Foreman has served the people of the Southern District of Illinois for over 21 years. Judge Foreman has earned the respect and admiration of his judicial colleagues. He is known for his fairness and for his administrative as well as judicial skills.

Judge Foreman has recently taken senior status but continues to maintain full case load. In light of Judge Foreman's impressive contributions, it is fitting and proper to name this courthouse after Judge Foreman.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 791, a bill to designate the U.S. courthouse in Benton, IL, as the "James L. Foreman United States Courthouse." Judge Foreman, a life-long resident of Massac County, IL, was appointed in 1972 by President Nixon, and retired from the bench in 1992. Judge Foreman still maintains an active case load as a senior judge.

I urge my colleagues to support this bill, and I urge enactment.

Mr. Speaker, I commend my friend, the sponsor of this resolution, the gentleman from Illinois [Mr. POSHARD].

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD], a hard-working member of the Committee on Public Works and Transportation.

Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 791, which will designate the U.S. District Courthouse in Benton, IL, the "James L. Foreman United States Courthouse." I was pleased to introduce this legislation and want to take this opportunity to thank the subcommittee chairman, Mr. TRAFICANT, Mr. DUNCAN, as well as the full committee chairman, Mr. MINETA and the minority spokesman, for their assistance in guiding this bill through the subcommittee and the full Committee on Public Works and Transportation.

Judge Foreman has had an outstanding career on the Federal bench. He was appointed to the Federal bench in 1972, after serving as an assistant attorney general for Illinois and Massac County State's attorney from 1960 to 1964. He became chief judge in 1978 and continued in this position until 1992, when he became a senior district judge.

Originally, the district was known as the eastern district of Illinois because it covered a large area that ranged from the outskirts of Chicago south to Champaign-Urbana, and covered the entire southern section of Illinois. At Judge Foreman's suggestion, the boundaries of the Federal judicial districts in Illinois were reviewed and the present judicial district was renamed the southern district, which is composed of the 38 southernmost contiguous counties in the southern one-third of the State.

Judge Foreman was instrumental in instituting a formal case management system long before the concept was mandated for all Federal courts. The southern district also established court facilities at the maximum security U.S. Penitentiary at Marion, IL, in order to accommodate the special security concerns involved with these prisoners.

Judge Foreman has also served on the Judicial Resources Committee of the Judicial Conference of the United States. On several occasions he has been appointed to sit by designation in cases before the U.S. Court of Appeals for the Seventh Circuit and in the U.S. District Court for the Western District of Kentucky.

Judge Foreman has served with honor and distinction during his tenure on the Federal bench. I believe it would be most appropriate to honor Judge Foreman's many contributions by naming the courthouse in Benton, IL, in his honor and am proud to represent Judge Foreman and the citizens of his judicial district in Congress.

Again, I would like to thank Mr. TRAFICANT and Mr. DUNCAN for their support of this bill.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 791, a bill to designate the U.S. Courthouse located in Benton, IL, as the "James L. Foreman United States Courthouse."

Judge Foreman served as a U.S. district court judge for the eastern district of Illinois from 1972 and became its chief judge from 1978 until 1992. Since that time he has assumed senior status.

Judge Foreman has earned tremendous respect from his legal community and community at large. Such an outstanding career deserves this tribute and I commend Congressman GLENN POSHARD, a member of the Public Works and Transportation Committee, for sponsoring H.R. 791.

I want to thank the chair of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT, and the ranking Republican, Mr. DUNCAN, for bringing this legislation to the floor for House consideration and I join with everyone else to urge passage of H.R. 791.

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the fine chairman, and commend the gentleman from Illinois [Mr. POSHARD] for his efforts. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 791 as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the U.S. courthouse in Benton, Illinois, as the 'James L. Foreman United States Courthouse'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEWIS F. POWELL, JR. U.S. COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1513) to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse."

The Clerk read as follows:

H.R. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.

The United States courthouse located at 10th and Main Streets in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be reference to the "Lewis F. Powell, Jr. United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Judge Powell has enjoyed a long, distinguished, extensive public service career. As chairman of the Richmond public schools during the mid-1950's he presided over the integration of public schools in face of great pressure not to integrate.

He was appointed by President Nixon to the Supreme Court in 1971. He served for 16 years and retired in 1987. It is fitting and proper to name the Richmond courthouse after Judge Powell.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1513, a bill to designate the U.S. courthouse in Richmond, VA, as the "Lewis F. Powell, Jr., United States Courthouse."

Judge Powell is a widely respected lawyer, civic leader, and Supreme Court Justice. He has served his community and the Nation well in all that he has done. Justice Powell was nominated in 1971 to serve on the highest court, and served until his retirement in 1987.

It is fitting to honor Justice Powell with designating the U.S. courthouse the Lewis Powell Courthouse. I urge my colleagues to support this bill and I urge enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 1513, a bill to designate the Federal courthouse in Richmond, VA, in honor of Justice Lewis F. Powell, Jr.

Mr. Speaker, Justice Lewis F. Powell, Jr., was a fine Virginia gentleman and a great American jurist. In 1987, Justice Powell resigned his seat on the U.S. Supreme Court after 15 years as an Associate Justice. Today we wish to honor him by sponsoring a bill to name the Federal Court Building in Richmond, VA, the Lewis F. Powell, Jr. Courthouse.

Born in Suffolk, VA, on September 9, 1907, Justice Powell was educated at Washington and Lee University and Harvard Law School.

Joining the Army Air Corps in 1941, he raised to the rank, of colonel. During World War II, Mr. Powell served has a combat and staff intelligence officer which included 33 months in Europe and North Africa. His service earned him the Legion of Merit, the Bronze, Star, and the French Croix de Guerre with Palm.

Returning to private practice after the war, Justice Powell became active in local and national legal affairs, while continuing his devotion to the city of Richmond. In 1948, he became the president of the City of Richmond Bar Association. He later was elected as president of the Richmond Chamber of Commerce and served on the Richmond School Board. Justice Powell also served on the Special Charter Commission which established Richmond's city-manager form of government.

Nationally, Powell served as president of the American Bar Association in 1964–65. From 1969 to 1971, he served as president of the American Bar Foundation and president of the American College of Trial Lawyers from 1969 to 1970.

In 1966, Powell was appointed by President Johnson to the National Advisory Committee on Legal Services for the Poor. Adding his experience and national standing to the cause, Mr. Powell labored continuously to obtain legal services for the impoverished.

In 1972, Lewis Powell became the first Virginian appointed to the Supreme Court since the Civil War. Justice Powell brought to the Court a careful, thoughtful, and pragmatic approach to the law. While a member of the bench, Mr. Powell sought justice and fairness for each party that came before him.

Let me conclude by quoting a friend of Justice Powell, Judge J. Harvie Wilkinson, who described Lewis Powell's legal persona fittingly when he stated:

> For those who seek a perspective: grounded in realism and leavened by decency; conscientious in detail and magnanimous in spirit; solicitous of personal dignity and protective of the public trust; there will never be a better Justice.

□ 1440

Mr. Speaker, I want to thank my colleague from Richmond, Mr. BLILEY, and others who have cosponsored this bill, and I urge the House to pass H.R. 1513, to designate the name of the Federal courthouse in Richmond in honor of Justice Lewis F. Powell, Jr.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Richmond, VA, and the surrounding area, Mr. BLILEY, who is the ranking member of the Committee on the District of Columbia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am truly honored today to lend my support to H.R. 1513, a bill, as has been pointed out, to designate the U.S. Courthouse in Richmond, VA, as the Lewis F. Powell, Jr. U.S. Courthouse.

Before saying a few words about Justice Powell, let me say that I am pleased to join my colleague from Virginia, Mr. SCOTT, in this endeavor. I would also like to point out that this courthouse is one of the more historic courthouses in the country. It was built in 1858. From 1861 to 1865 it was used as the headquarters of the Confederate Government, and Jefferson Davis had his office in there. Before my colleagues from north of the Mason-Dixon line get upset, let me point out it was also used as the courthouse to try Jefferson Davis for treason.

Following the conversion of the building to a post office, Elizabeth Van Lew became the first Postmistress of Virginia. She was the lady who was the famous Union spy in Richmond during the war of northern aggression.

Lewis Powell is truly an outstanding gentleman. He had an outstanding career. He was the designer of the charter, as my colleague pointed out, for the city of Richmond, a model charter, I might add, for city manager form of government. He served as chairman of our school board. He served on our constitutional commission. He was president of the Virginia Bar, the Richmond Bar, and the American Bar Association. And for all of this, in addition, though he was exempt from the draft in World War II, he volunteered and rose to the rank of colonel.

He is truly an outstanding person. I deem it an honor to have him as a friend and a constituent, and I urge all of my friends and colleagues to support this legislation to name this courthouse, after so many years, after a great American, and certainly after one of Virginia's and Richmond's finest citizens.

Mr. Speaker, I am truly honored today to lend my support to H.R. 1513, a bill which will designate the U.S. courthouse in Richmond, VA, as the Lewis F. Powell, Jr. United States Courthouse. It is a great pleasure for me to speak on behalf of so selfless a contributor to our Nation as retired Supreme Court Justice Lewis Powell. Before I begin, however, let me thank my new colleague for his efforts, Mr. SCOTT of Newport News, with whom I share the honor of representing the city of Richmond, and with whom I share cosponsorship of this legislation.

Mr. Speaker, my pleasure today is multiplied manyfold in being able to recognize Justice Powell, not only for his achievements on the highest Court, but also for his lasting contributions to the citizens of the Commonwealth of Virginia and the people of the city of Richmond. As a fellow native Virginian and son of the city of Richmond, Justice Powell has always been, and continues to be, a source of great pride for myself and my constituents of the seventh district. I can then scarcely imagine a more appropriate and fitting means of acknowledging his distinguished legacy of public service, than to dedicate the Richmond Federal Courthouse Building in his name.

Born in 1907, Justice Powell began his legal studies at Washington and Lee University, going on to Harvard for a masters in law. Justice Powell then returned to Richmond where he soon joined the prestigious firm of Hunton & Williams.

Even though exempt from military duty, Justice Powell volunteered for service in World War II, going on to earn the rank of lieutenant colonel, the Legion of Merit, and the Bronze Star. His wartime experiences left an indelible mark on Justice Powell's view of free government, and his jurisprudence. Justice Powell served his country admirably as a staunch defender of our national security and a steadfast opponent of totalitarian rule. In 1969, at the height of the Vietnam war, Justice Powell was appointed to a blue ribbon panel to study the organization of the Pentagon. It is ironic to note that his highly unfashionable call for a stronger United States effort to counter the Soviet threat, has now been vindicated some two decades later.

Returning home after the war, Justice Powell began his lifelong involvement in the civic life of the city of Richmond and the Commonwealth of Virginia—serving among other offices, as president of the Richmond Bar Association, president of the chamber of commerce, chairman of the Richmond School Board, and a leading member of the State Board of Education and the Virginia Constitutional Commission.

In 1971, at the age of 64, Justice Powell began his second career on the Nation's highest Court. His jurisprudence was marked by an objective, detached legal reasoning that earned him acclaim from the whole of the ideological spectrum. In a time of great political divisiveness, his cautious, pragmatic approach brought a certain balance and sensitivity to Court rulings which served to dignify and elevate the Court's work in the eyes of the American public.

Finally, I wish to add a few words regarding the personal character of Justice Powell. I can think of no more appropriate description than to call Justice Powell a gentleman—for he exemplifies the term. His colleagues and clerks could stand before the subcommittee today and detail countless instances where he displayed that kind, modest, and self-sacrificing manner which so mark a true gentleman.

I, however, will supply just one: In an interview shortly before his retirement, Justice Powell was asked how he expected to be remembered. He replied with characteristic humility and understatement that in the long reach of history I may be a footnote somewhere, but that's the most that I would expect.

Mr. Speaker, the bill before the House today is a small means of recognizing that Justice Lewis Powell's legacy of civic achievement will always rightfully be in the text, and not the footnotes, of our country's history.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Virginia for that very fine statement, and I urge support for this legislation.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I find very informative the remarks of the gentleman from the Richmond area, I think he has let us all know of the realities there, and we appreciate his testimony.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 1513, a bill to designate the U.S. Courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr., United States Courthouse."

Justice Lewis F. Powell was appointed by President Nixon to the U.S. Supreme Court in 1971.

Additionally, Justice Powell held several national positions with distinction. He was president of the American Bar Association, president of the American College of Trial Lawyers, and served as a member of President Lyndon B. Johnson's Crime Commission as well as Johnson's National Advisory Committee on Legal Services for the Poor.

Justice Powell's outstanding career as a jurist is highlighted most by his pragmatic and cautious approach in the midst of great political divisiveness in this country.

It is indeed fitting and proper that the U.S. courthouse located in Richmond, VA, be designated the "Lewis F. Powell, Jr., United States Courthouse."

Mr. Speaker, I urge passage of H.R. 1513 and thank Congressman ROBERT SCOTT for sponsoring the bill and Congressman THOMAS BLILEY for his efforts on behalf of this legislation.

I wish to extend thanks to the Chair of the subcommittee on public buildings and grounds, Mr. TRAFICANT, and Mr. DUNCAN, the ranking Republican on the subcommittee, for bringing this matter through the legislative process for House consideration.

Mr. TRAFICANT. Mr. Speaker, I urge all of our colleagues to support this legislation. It is fitting.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1513.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1513, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CLARKSON S. FISHER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1303) to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Building and United States Courthouse."

The Clerk read as follows:

H.R. 1303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, shall be known and designated as the "Clarkson S. Fisher Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Building and United States Courthouse referred to in section 1 shall be deemed to be a reference to the "Clarkson S. Fisher Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

□ 1450

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Clarkson S. Fisher is a distinguished jurist with over 20 years of public service to the residents of New Jersey. In 1970, President Nixon appointed him to the Federal Bench by naming him to the U.S. District Court for the State of New Jersey. In 1979, he became the chief judge of that court. Judge Fisher is widely respected and held with great esteem by his colleagues. It is indeed fitting and proper to designate the building at 402 East State Street as the "Clarkson S. Fisher Federal Building and United States Courthouse."

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1303, a bill to designate the Federal building and courthouse in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

Judge Fisher served with distinction from 1970 as a district judge, and from 1979 until his retirement in 1987 as chief judge. Judge Fisher maintains an active case load, serving in a senior status capacity.

I urge adoption of H.R. 1303, and I urge my colleagues to support this measure.

Mr. Speaker, also, I would like to thank the chairman of the full committee, the gentleman from California [Mr. MINETA], for his leadership on these bills and for all other legislation which has come before our committee so far during this Congress, and also I would like to pay my respects once again to my very distinguished chairman of the subcommittee and thank him, my friend, the gentleman from Ohio [Mr. TRAFICANT].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I appreciate the comments of the distinguished minority ranking member.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I, too, rise in support of H.R. 1303, a bill to designate the U.S. courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

In 1970, Clarkson S. Fisher was appointed to the U.S. District Court for New Jersey. In 1979, he became chief judge, serving in that capacity with distinction for nearly a decade. Currently, Judge Fisher maintains senior status on the court.

Judge Fisher is respected and held in high regard by his colleagues and legal scholars in the State of New Jersey.

Mr. Speaker, it is fitting and appropriate to designate the building located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

I commend Congressman CHRIS SMITH of New Jersey for his leadership in sponsoring this legislation, and thank Mr. TRAFICANT, chair of the Subcommittee on Public Buildings and Grounds, and Mr. DUNCAN, its ranking Republican for expeditious handling of this bill for House consideration.

Mr. Speaker, I urge passage of H.R. 1303.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman, the gentleman from California [Mr. MINETA], and to commend him for all of his efforts in helping us in the subcommittee to bring this legislation through. I want to thank the ranking member, the gentleman from Tennessee [Mr. DUNCAN], for his leadership and willingness to participate and understand all of these issues and not just receive fax messages.

In addition, I want to thank the staffs on both sides, the majority and minority staffs, who do an awful lot of the work and many times are overlooked.

On behalf of the gentleman from New Jersey [Mr. SMITH], I urge my colleagues to support this legislation.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in strong support of H.R. 1303, a bill to designate the Federal building and U.S. courthouse located in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and Courthouse." This legislation was introduced by my good friend and New Jersey colleague, CHRIS SMITH, who represents the area where this building is located.

Judge Fisher has a long and distinguished career as a jurist. Born in the shore community of Long Branch, NJ, he was educated at St. Benedict's Preparatory School in Newark, and at the University of Notre Dame. In 1970, President Richard M. Nixon appointed Judge Fisher to the U.S. District Court for New Jersey. In 1979, he became chief judge and served for nearly 9 years. He took senior status in 1987, and continues to sit in the district court in Trenton.

As a State legislator who served in Trenton for 13 years, I am well aware of Judge Fisher's sterling reputation. The Seton Hall Law Review describes Judge Fisher as a man "* * * totally without pretense, completely without arrogance, intellectual and otherwise, and at all times, a gentleman. It is easy to see why he has earned the respect, and the affection, of the bench and bar."

Mr. Speaker, I wholeheartedly agree with that assessment of Judge Fisher's character and I urge my colleagues to vote "yea" on H.R. 1303.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to urge my colleagues to pass my legislation, H.R. 1303, which would designate the Federal building and U.S. courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and the United States Courthouse."

Last year, I was pleased that the House passed my bill but, unfortunately, the 102d Congress adjourned before more action could be taken on the bill. I am very grateful to the chairmen and ranking Republicans of the Public Works and Transportation Committee and its Subcommittee on Public Buildings and Grounds, whose expeditious work on this bill has enabled it to be considered so quickly on the floor.

Mr. Speaker, Clarkson Fisher served with distinction and honor as the chief judge of the U.S. District Court for the District of New Jersey from 1979 until 1987. He continues to serve with senior status in the District Court of Trenton.

His dedication to public service, however, reaches well beyond his service as chief judge. After passing the bar in 1951, Judge Fisher worked in private practice serving as a councilman in West Long Branch from 1958 until 1964. After being elected to the New Jersey Assembly in 1963, he was appointed to the Monmouth County Court, where he served until being appointed to New Jersey's Superior Court in 1966. In 1970, President Nixon appointed him to sit on the U.S. District Court, where he has been serving for 23 years as an associate, chief judge, and senior judge.

Clearly, Mr. Speaker, Judge Fisher's work has been of great service to the people of New Jersey and the Nation as a whole. The respect he has earned has transcended those in the legal community and now encompasses people affected by his work.

It is also important to note that the legal work he has done has not been at the expense of his family life. He and his wife Mae have been married since 1949 and have raised four sons. He remains active in family and church activities.

Judge Fisher's humility would prevent him from even considering such a designation. It was left to his fellow judges, those who know his work and his life best, to advance the idea to me, and of course, I was pleased and grateful to introduce this legislation. I am hopeful that H.R. 1303 will be quickly passed and signed into law so that this courthouse can appropriately be renamed in honor of Judge Fisher.

Again, Mr. Speaker, I would like to thank the members of the committee and subcommittee responsible for bringing this legislation to the floor of the House for all their efforts.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1303.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1303, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WORLD WAR II MEMORIAL

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 682) to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war.

The Clerk read as follows:

H.R. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereinafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is hereby established a World War II Memorial Advisory Board, consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of the enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF THE BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) SUNSET.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

The American Battle Monuments Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL

(a) IN GENERAL.—There is hereby created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under section 3. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress a draft of legislation (including technical and conforming provisions) recommended by the Secretary for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the American Battle Monuments Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 682, which authorizes the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, honoring members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war.

During World War II over 16 million men and women served in the Armed Forces of the United States. Of that number over 406,000 died, 130,000 were prisoners of war, and nearly 80,000 are missing in action.

H.R. 682 would authorize the American Battle Monuments Commission to establish the memorial. The bill would require that the Commission build the memorial in accordance with the standards contained in the Commemorative Works Act of 1986.

No public funds would be used in designing and constructing the memorial. The Commission would be authorized to solicit funds and accept private donations.

H.R. 682 would authorize the establishment of an Advisory Board of 12 members whose primary function would be to promote and encourage donations. In addition, when asked to do so by the Commission, the Board could act as an Advisory Board in site selection and design for the memorial.

Members of the Board would be appointed by the President from among veterans and historians of World War II and representatives of veteran organizations, historical associations, and others knowledgeable about World War II.

This measure is the result of over 5 years of hard work and I would like to commend and thank its sponsor, MARCY KAPTUR, for her perseverance and determination.

I urge my colleagues to support this fitting tribute to the men and women who fought and died for freedom.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to rise in support of H.R. 682, a bill, that would establish a memorial to honor members of the Armed Forces who served in World War II, and to commemorate U.S. participation in that conflict. I find it appropriate that this legislation has come before the House today, May 4, because on this day nearly 50 years ago German troops in the north, including Denmark and the Netherlands, surrendered to Montgomery and the 21st Army Group. And 4 days later, on May 8, 1945, the world celebrated what has come to be known as official victory in Europe Day, or VE Day.

Throughout the world there are many memorials to World War II, but not one on American soil that honors all Americans who were in some way involved in the war. I find this surprising as World War II was one of the most significant wars in all of history. Involving more than 16 million Americans, it was the war which preserved freedom for the Western World. Yet, it was not without a heavy toll. The damage and the human suffering were extreme. More than 670,000 Americans were wounded and over 400,000 made the ultimate sacrifice by giving their lives.

This particular war marked a turning point in our Nation's history. The United States emerged as the undisputed leader of the free world. And today we are considering legislation that will serve as a permanent reminder of the victory made possible by the dedicated efforts and sacrifices made by over 1 million Americans in World War II. For almost 50 years now, our Nation has benefited from this victory, and I think the memorial is a fitting tribute to our veterans and their families.

Last year we had two separate proposals for the memorial. One sponsored by Representative KAPTUR and the other sponsored by Representative DICKINSON in the House and by Senator THURMOND in the Senate. This year Senator THURMOND and Representative KAPTUR have reached a compromise and each sponsored companion legislation. Senator THURMOND's companion bill has passed the Senate on a voice vote.

Also, I might add that last year a World War II Commemorative Coin Act was made law. Today's bill permits use of $7 million in proceeds from coin sales to fund the memorial. The coin act requires no net cost to the Federal Government in minting and issuing these coins. It provides for a surcharge to offset costs in designing and issuing coins, including labor, materials, use of machinery, and overhead expenses.

I think it is important to note that the intent of the authorizing committee is that Federal funds not be used for the establishment of memorials. We have an understanding in the Subcommittee on Libraries and Memorials, that no Federal funds be used in the establishment of memorials in our Nation's Capital. In fact, the intent of the Commemorative Works Act of 1986 was that Congress' role in memorials would be to authorize creation of the memorials.

Mr. Speaker, this memorial will not only become a source of pride for many veterans, it will also comfort those who lost someone during the war and will educate generations to come. This education is vital as our young must never forget what has happened in the past, and what the world is capable of becoming again. The terrible memory of World War II and the victory over totalitarianism, highlights the importance of ensuring that America remains strong in defense and in its support of democracy.

With the 50th anniversary celebrations soon approaching, Mr. Speaker, I urge my colleagues to join me in support of this worthy measure for our faithful and deserving veterans.

☐ 1500

Mr. CLAY. Mr. Speaker, the gentlewoman from Ohio [Ms. KAPTUR] is the principal sponsor of this bill and the driving force behind it. Without her tenacity and effective leadership, we would not be considering it today.

Mr. Speaker, therefore, I yield 5 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the chairman of the subcommittee, the gentleman from Missouri [Mr. CLAY], for yielding this time to me, not just for his recognition today but for his staunch support of our efforts as we have tried to move this legislation in the last two Congresses. Believe me, I thank him on behalf of all the veterans of the United States and their families and those here in the Congress who have worked so very hard for this legislation.

I would like to acknowledge also, Mr. Speaker, the chairman of the full committee, the gentleman from North Carolina [Mr. ROSE], who has been vigilant in his efforts. Also, the ranking Republican, the gentleman from Nebraska [Mr. BARRETT], who has been very generous in his remarks here today, certainly for his support.

In a few moments we will be hearing from the gentleman from Mississippi, Chairman SONNY MONTGOMERY, who has worked with us over the last several years both in terms of passing the coin legislation to pay for the memorial, as well as his staunch support of this legislation. I want to acknowledge his leadership throughout these several years.

Mr. Speaker, this bill we are considering today has been 50 years in the making, beginning with the moment Japan bombed Pearl Harbor on December 7, 1941, and the days that victory was declared in Europe and in the Pacific in 1945.

As we move this bill toward House passage today, I would like the RECORD to show that the idea for its creation came from a remarkable veteran from Ohio's Ninth District, Mr. Roger Durbin, who served with the 90th Reconnaissance Unit of the 10th Armored Division during World War II. He is currently a resident of Richfield Township in Lucas County outside of Toledo, OH. His dream was to honor and commemorate all those Americans, over 16 million of them, who fought in defense of freedom at its most compelling moment in this century. His desire was a simple one, to help create a place in America where he could bring his grandson to explain the ideals for which he and others fought, and where Americans in years hence could visit and pay homage and tribute to those who preserved freedom for the Western World.

I would like to read from a letter I received from Mr. Durbin.

> I am Roger Durbin. I served with the 90th Recon., a unit of the Tenth Armored Division. During World War II, the tenth armored fought in three of America's four active armies in Europe. I am a World War II veteran and proud of it. I am not going to stand here and tell you war stories. I will say, that any World War II veteran that saw combat was scared, and done a lot of praying. Those of us that survived, our prayers were answered.
>
> I am here today to ask for your support of H.R. 1624 World War II Memorial Act. We need a World War II Memorial in our Nation's Capital, it is long overdue. We are not asking for your budget dollars, or the taxpayers' dollars. We are asking you to support H.R. 1623 World War II Commemorative Coin Act that will pay the bill.
>
> I think it is kind of ironic for me to stand here and ask you (Congress) to support these two bills, for a World War II Memorial. If it had not been for the World War II veterans, Congress would not be sitting here today, representing the American people. In this, the best form of government in the world.
>
> I do not know how many of you sitting here today are under fifty years of age. I do know, that if you are under fifty, you do not know much about World War II. From what I can find out, very little is being taught about World War II in our schools today. Every year I call the local TV station on May 8th and ask them, why didn't you mention on the news that it was the anniversary of V.E. Day? They answer. Why didn't you call us yesterday, so we could get it in our computer? I get the same story on June 6th when I have to remind them of D. Day and all the other days that I will never forget. And so it goes.
>
> If you are under fifty and did not live through World War II, you don't know we had 16 million people in the service. We had ten million overseas. World War II was the second most bloodiest war this country was ever in. Probably would have been the bloodiest war this country was ever in if it had not been for the modern medicine at the time.
>
> My son turned fifty this year. He was a year and half old when I left for the service. Do you know what he said he remembers about World War II? It was when I came home, he remembers coming to the train station with his mother to pick me up. That was the kind of welcome home we all wanted. We thanked God we were home and still in one piece. There was no parades unless you just happened to be in a large city on V.E. Day or V.J. Day.
>
> President Kennedy said, ask not what your country can do for you, but what you can do for your country? I am sure, he was not speaking to the World War II veteran when he made his famous remark. Now fifty years later, we the veterans of World War II are asking our country for a memorial in our Nation's Capital.
>
> Last year, my grandson and I flew to Washington to be present at the World War II Commemorative Coin Act hearing as Congresswoman Kaptur's guest. That was a proud day for both of us. We thought we were present when history was being made. (So we thought). Being a low level politician myself, I knew the wheels of government turned slow. I was disappointed, my grandson was disappointed, the tenth armored division association was disappointed, and the 405,000 souls that were taken in World War II were disappointed. Today I am here with reinforcements, not only the 405,000 souls that were killed in World War II, but I have all the other deceased World War II vets with me, plus the remaining 8 million World War II veterans that are still living.
>
> Wouldn't it be nice to honor the World War II veterans with the memorial they deserve

> in our Nation's Capital while one half of them are still living? It can be done with your help. I want to live long enough to visit the World War II Memorial in my Nation's Capital.
>
> Thank you,
>
> ROGER DURBIN.

Since this bill was first introduced, in the 100th Congress, its passage has been complicated by its referral to two committees. So I am most grateful to the chairman of the House Administration Committee, the gentleman from North Carolina [Mr. ROSE], for his support and willingness to move this bill and ensure that it complies with the Commemorative Works Act. The gentleman from Missouri [Mr. CLAY], chairman of the Libraries and Memorial Affairs Subcommittee of the House Administration Committee, advised me that this bill would be moved quickly and, with his support, it has. I am especially grateful to and commend Chairman MONTGOMERY of Mississippi of the Veterans' Affairs Committee for his vigilant support over the 6 years it has taken to move this bill to passage. I also want to congratulate the gentleman from Arizona [Mr. STUMP], a Navy veteran himself and the ranking member, who knows the value of recognizing those who have served. When I chaired the veterans' subcommittee charged with memorial affairs, their steadfast support kept this dream alive.

I also want to extend a sincere hand of gratitude to all of the veterans' organizations across our country who have worked so diligently to help gain cosponsorship for this bill and show their support for the memorial, and who have waited through the public hearing process, and through that process of fine tuning the legislation to assure that this memorial's construction will have proper oversight and proper accountability of funds. And so today we thank the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the Purple Heart, the Polish Legion of the American Veterans, the Normandy Foundation, and the Paralyzed Veterans of America, the Battle of the Bulge, the Air Force Association, the Navy League, the American Ex-Prisoners of War Association, the Non-Commissioned Officers Association, AMVETS, the Korean War Association, and the Reserve Officers Association.

Recognizing the difficult budgetary situation in which this country finds itself, I have addressed the need to generate the revenue to finance this memorial. The World War II Commemorative Coins Act, which authorizes the minting of coins to commemorate the 50th anniversary of the U.S. involvement in World War II, was signed into law on October 14, 1992. Proceeds from the sale of these coins, along with private donations, will be used by the American Battle Monuments Commission to establish this memorial. Sale of the coins will begin this month on May 28.

In taking this important step toward construction of this memorial, let us remember that during World War II, countries representing over half the world's population went to war. More civilians and military personnel were killed, more money spent, more property damaged and more sweeping political changes resulted than in any other war during this century. Over 16 million American men and women served this Nation in uniform. Over 405,000 Americans sacrificed their lives in defense of freedom. American GI's fought heroically on all fronts, in the Pacific, the Atlantic, in Europe, Asia, the Mediterranean, and North Africa. The names and places are familiar to us all: Pearl Harbor, Midway, Coral Sea, Bataan death march, Battle of the Bulge, Normandy, Omaha Beach, and dozens of other battles.

Please let us move forward, with passage of this memorial bill, in paying tribute to those who gave their lives for the enduring values to which our participation in that struggle is dedicated.

Mr. Speaker, as you know, we are in the midst of commemorating the 50th anniversary of the United States involvement in World War II. Sixteen million Americans fought in this war and 405,000 made the ultimate sacrifice by giving their lives to the service of our country and its pursuit of global freedom.

Throughout our land over the next 2 years, as we celebrate this anniversary, there will be tributes, speeches, parades, and displays of gratitude to the American men and women who fought for freedom over tyranny around the globe between 1941 and 1945. However, long after the parades have marched and the speeches have ended, it is astounding to realize that, were it not for us, no single monument in our Nation's Capital would recognize the contributions to liberty made by 16 million American veterans of World War II—the most profound and consequential war of this century.

In the Washington, DC area, the Iwo Jima Memorial commemorates one key battle, as well as the Marine Corps. Individual monuments recognizing other specific military units have also been constructed, particularly along Memorial Drive to Arlington Cemetery. Yet there exists no single place in the capital area where the lasting contributions World War II veterans made to freedom are memorialized, and where living veterans and visitors can pay their respects to Americans who served their country during this time of global turmoil.

Only a national memorial can honor veterans both deceased and living who carried this Nation to victory. Therefore, since 1987, when a veteran from Ohio's Ninth District, Mr. Roger Durbin, approached me with the idea of creating such a memorial, I have introduced legislation to authorize its construction in the District of Columbia or its environs.

On December 10, 1987, I introduced H.R. 3742—100th Congress—to establish a World War II memorial and museum. This bill was jointly referred to the Veterans' Affairs Committee and the House Administration Committee. On April 21, 1988, the Subcommittee on Housing and Memorial Affairs of the Veterans' Affairs Committee held a hearing on this bill. On June 21, 1988, the Subcommittee adopted an amendment in the nature of a substitute to H.R. 3742 and recommended that the bill be considered by the full Veterans' Affairs Committee. On June 28, 1988, the Committee ordered the bill favorably reported and on July 7, 1988, filed a report (House Report 100–755). The Committee on House Administration did not take any action.

On June 29, 1989, I introduced H.R. 2807, following a June 15 hearing by the Subcommittee on Housing and Memorial Affairs on an identical bill, H.R. 537 (101st Congress). This bill was also jointly referred to the Veterans' Affairs Committee and the House Administration Committee. The Housing and Memorial Affairs Subcommittee unanimously approved H.R. 2807 on September 20, 1989, and recommended it to the full Veterans' Affairs Committee. The committee ordered the bill favorably reported on September 20, 1989, and filed a report on September 26, 1989, (H. Rept. 101–257). H.R. 2807 was ordered to be reported by the House Administration Committee on September 19, 1990. No further action was taken on this bill.

On March 22, 1991, I introduced an identical bill, H.R. 1624 (102d Congress), which was jointly referred to the Committee on Veterans' Affairs and the Committee on House Administration. The Subcommittee on Housing and Memorial Affairs held a hearing on July 11, 1991, and unanimously recommended the bill to the full Veterans' Affairs Committee with an amendment on July 18, 1991. H.R. 1624 was ordered to be reported by the Committee on Veterans' Affairs on July 23, 1991, and a report was filed on July 21, 1991 (H. Rept. 102–179). This bill passed the House by voice vote on June 22, 1992. The Senate subsequently passed H.R. 1624 with an amendment in the form of the text of the Senate companion measure, S. 2244, on October 7, 1992, but the House had adjourned and no further action was taken.

H.R. 682 authorizes the American Battle Monuments Commission [ABMC] to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war. The ABMC would be responsible for planning, designing, constructing, and overseeing the operation of the memorial. Accessibility and accommodations for the physically handicapped would be required under this bill, as would compliance with provisions of the Commemorative Works Act.

H.R. 682 would establish a World War II Memorial Advisory Board, consisting of 12 members, appointed by the President, to serve for the life of the Board. Board members would be chosen from among World War II veterans, World War II historians, and representatives of veterans organizations, historical associations, and other groups knowledgeable about World War II. The Board would promote establishment of the memorial, encourage private contributions for the memorial, and, upon request of the ABMC, assist the ABMC in selection of the site and design of the memorial.

H.R. 682 would require the ABMC to solicit and accept private contributions for establishment of the memorial. A fund would be set up in the Treasury for deposit of these contributions and the amount of surcharges paid to the ABMC for the memorial under the World War II 50th Anniversary Commemorative Coins Act (Public Law 102–414). The Secretary of the Treasury would be authorized to invest any portion of the fund that, as determined by the chairman of the Commission, is not required to meet current expenses.

A fitting memorial would honor our World War II veterans as well as give us all a sense of the times, the scope of the war, the hundreds of places in which Americans served, the numerous actors in the conflict, the multiple issues, goals, and objectives that came into play in the war and, of course, the enduring values to which our participation in that struggle was dedicated.

The time has come to honor our World War II veterans in a manner that is lasting. Future generations of Americans will benefit greatly from the lessons of World War II imparted by this memorial and will come to honor the millions of Americans whose sacrifices and bravery contributed to the preservation of democracy and the free world.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs and a longtime supporter of this measure.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

Mr. Speaker, H.R. 682 was introduced on January 27, 1993, by a former member of the Committee on Veterans' Affairs, the Honorable MARCY KAPTUR of Ohio. I am pleased to be a cosponsor of that bill.

For many years, she has been leading the effort to establish a memorial to honor members of the Armed Forces who served in World War II. I want to congratulate Ms. KAPTUR for the many hours she has devoted to this bill—for getting it on the floor of the House. A similar bill had cleared both Houses on the last day of the 102d Congress. About 40 bills were blocked by a parliamentary procedure on the last day.

I want to also express my appreciation to the gentleman from North Carolina the Honorable CHARLIE ROSE, chairman of the Committee on House Administration, and the gentleman from Missouri, the Honorable BILL CLAY, chairman of the Subcommittee on Libraries and Memorials, bringing this bill up so quickly, the gentleman from California, the Honorable WILLIAM THOMAS and BILL BARRETT, the gentleman from Nebraska, the ranking minority members for the full committee and subcommittee respectively.

The bill would authorize the American Battle Monuments Commission to establish the Memorial in accordance with the standards contained in the Commemorative Works Act of 1986. The American Battle Monuments Commission operates and maintains monuments throughout the world and is currently involved in building the Korean War Veterans Memorial. The American Battle Monuments Commission takes care of two or three memorials.

No public funds are to be used in designing and constructing the memorial. All costs come from either private donations or from revenues derived from the sale of commemorative coins as set out in Public Law 102-414, which was signed into law on October 14, 1992.

Mr. Speaker, since December 7, 1991, ceremonies have been held throughout the world commemorating events that occurred during this long and critical period in our Nation's history and will continue for the next 4 years. It is time that we paid tribute to those who defended America during this time, and I am pleased to support Ms. KAPTUR and others in her efforts to get this memorial established in our Nation's Capital.

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Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I rise in support of H.R. 682, the bill introduced by my colleague from Ohio, the Honorable MARCY KAPTUR, which would authorize the establishment of a World War II memorial in the District of Columbia.

Congresswoman KAPTUR has been working diligently to bring this project to fruition since 1987. In order not to spend taxpayer dollars, she also worked on a coin bill which was enacted into law last year to fund this memorial.

This bill is strongly supported by veterans organizations and the Congress. H.R. 682 currently has 96 cosponsors.

In essence, the bill directs the American Battle Monuments Commission—which oversees American cemeteries and memorials worldwide—to establish the World War II Memorial in the District of Columbia or its environs. The Commission would be responsible for planning, designing, and construction. The bill also provides for an advisory board appointed by the President to promote the establishment of the memorial and to encourage contributions for its construction.

Mr. Speaker, I believe a fitting tribute to the 16 million Americans who served their country and the over 400,000 who died in service during World War II is long overdue and I urge favorable consideration of the bill.

Mr. KANJORSKI. Mr. Speaker, I rise today in strong support of H.R. 682, a bill to create a memorial honoring Americans who led the United States to victory in the Second World War.

A constituent in my district wrote me last week to ask why there were memorials all over Europe and no national memorial here in Washington, DC, to honor those who served our Nation with such gallantry.

Fifty years ago, America accepted its duty to protect liberty around the world. Tyrants were locking their grip on people everywhere. For a time it seemed nothing could stop the domination of freedom by ruthless dictators.

But the enemies of freedom did not count on the bravery of the men and women of the United States. After Pearl Harbor, our Armed Forces were deluged with volunteers willing to risk all to defend their families, their country, and precious human liberty.

History will forever record the valor of these great Americans. They fought at Guadalcanal, Midway, Sicily, Normandy, in the drive across Europe, at the Battle of the Bulge, in Iwo Jima, Okinawa, and countless other bloody engagements.

Also important to the war effort were the proud Americans here at home who built barracks, typed documents, fed the troops, built the ships, tanks, and planes, worked the mines and production lines, and performed all the other tasks necessary to Allied victory.

Americans went overseas knowing there was danger. Nearly 700,000 were wounded in action.

Many never returned. Four hundred thousand Americans died in service to their country.

The time has come to honor all who contributed to America's success. H.R. 682 will establish a memorial to honor members of the Armed Forces who served in World War II.

I am an original cosponsor on this bill because I believe we must recognize those who serve our Nation when they are needed most. Our country is strong today, indeed our Nation exists today because the veterans of World War II helped topple the forces of oppression across the globe.

Mr. Speaker, we are voting today to raise a memorial honoring the Americans who helped the Allies win World War II. I urge my colleagues to stand behind the veterans of that war. As Memorial Day approaches, let us give them the recognition they deserve.

More importantly, I hope we honor our veterans every day we live in freedom. When we vote; when we criticize our leaders; when we love our families; and every time we are reminded that we live in the greatest Nation on Earth—I truly hope we remember the brave men and women who protected this country in its hour of need.

Mr. GILMAN. Mr. Speaker, as a World War II veteran, I am honored to rise in support of H.R. 682, legislation authorizing the American Battle Monuments Commission to establish a memorial honoring the courageous men and women who served our country during World War II. I commend our distinguished colleague from Ohio, Ms. KAPTUR, for introducing this important measure.

World War II was unlike any other conflict. Having served with the Army Air Force, I can attest to the horrors and ugliness of that war. It is those memories that have motivated me to continually work to protect and promote the liberties and freedoms which, we are privileged to enjoy.

There are many important lessons to be learned from World War II. It therefore is of great significance to preserve the memories of those who perished in upholding their democratic ideals and institutions. A monument honoring our Nation's brave service men and women and survivors, of World War II will be an important reminder of the monstrosities of World War II.

On April 22, 1993, we were privileged to witness an awe-inspiring event in our Nation's Capitol—the dedication of the Holocaust Museum with President Clinton and numerous world leaders and distinguished guests, the world bore witness to the horrors of the Holocaust. Just as the Holocaust Museum will teach future generations of the evil of racism and hatred, a monument to the heroes of World War II will pay an appropriate, and long overdue, tribute to our Nation's champions of Liberty in World War II.

Mr. Speaker, I am pleased that this legislation is being considered as we observe the 50th anniversary of the United States' participation in World War II. Over 16 million members of our Nation's Armed Forces fought in World War II. And, 8 million veterans of that conflict are still alive today. According, it is appropriate that, as a Nation, we pay tribute and honor to these American heroes.

The World War II Memorial Act does just that. As my colleagues will recall, the 102d Congress passed the World War II Coin Act, designating that the Funds generated from the sale of those World War II anniversary coins will be used to finance the construction and maintenance of the World War II monument on Federal land. by utilizing the funds generated by the sale of the anniversary coins, H.R. 682 will provide a lasting tribute to the veterans of World War II. This legislation also establishes a World War II Memorial Advisory Board which will be responsible for the promotion and fund raising that is necessary for the success of this awesome undertaking.

Mr. Speaker and my colleagues, I urge support of H.R. 682. This monument dedicated to the heroes of World War II deserves our recognition and support. Moreover in paying tribute to our past heroes, we will so be educating our children to the significance of our Nation's sacrifices in promoting liberty and freedom.

Mr. BEREUTER. Mr. Speaker, as a cosponsor of H.R. 682, legislation to establish a World War II memorial, this Member would like to offer strong support for passage of this important legislation. H.R. 682 authorizes the American Battle Monument Commission to establish a fund in the U.S. Treasury to accumulate private contributions and proceeds from the sale of World War II anniversary coins.

H.R. 682 would honor our Nation's World War II veterans with a memorial on Federal land within or nearby the District of Columbia. Currently, there is no single memorial in our Nation's Capital dedicated to veterans who served in this war, and to honor the more than 400,000 men and women who gave their lives for our Nation. This is a serious oversight that should surely be corrected.

This Member is also especially pleased to note that no taxpayer dollars will be involved in this project. Last year, the World War II 50th Anniversary Commemorative Coins Act was signed into law, which will pay for the Memorial with the minting of special edition World War II memorial coins.

Mr. Speaker, a national memorial will serve to honor our World War II veterans, both deceased and living, who carried this nation to victory, and ensured the preservation of democracy and freedom. Mr. Speaker, This Member urges this colleagues to support passage of this important legislation.

Mr. BARRETT. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 682.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate bill (S. 214) to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a World War II Memorial Advisory Board (hereafter in this Act referred to as the "Board"), consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) TERMINATION.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

The Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(A) IN GENERAL.—There is created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress draft legislation (including technical and conforming provisions) for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

MOTION OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLAY moves to strike out all after the enacting clause of S. 214 and to insert in lieu thereof the provisions of H.R. 682, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 682) was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 682 and S. 214, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. CLAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on tomorrow, Wednesday, May 5, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INTRODUCTION OF COMPREHENSIVE HEALTH AND RURAL EQUITY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to take a few minutes to talk about an issue that certainly is current, certainly is important to each of us, and that is health, probably more appropriate to be called health than health care. We ought to be putting some emphasis on preventive medicine which would limit the amount of health care.

Most of us, I think most everyone involved in this debate would concede that there are at least two major items and two major goals that we would like to accomplish. One is to have access for all Americans to some basic outline of health care. The other, of course, is to do something about cost. Those two issues I think prevail and are prominent throughout the country. They are the ones that we seek to do something about.

There are a great many notions as to how to do it, a whole spectrum of ideas, ideas that could be borrowed from Great Britain where the people pay taxes, where the Government hires the providers, and it is a total Government program, all the way, of course, to a completely private system where people would be entitled to have IRA's or some kind of tax relief, some kind of buildup, to pay for their own care, and then all in between, including the Canadian system, including changes in the system that we have now.

It seems to me that the two important aspects of doing something, and it is time we do that, is to have a fundamental reform, a fundamental change in the way we do some of the things that provide health care.

The other important element and the one that concerns me some, frankly, with what has been going on in Washington, is that it be doable, that it be something that can be done and can be done in a relatively short time. If we have some kind of esoteric program that turns health care entirely on its head and starts over, when you are talking about a program that costs $900 billion a year, affects each of us one way or another, it is very, very difficult to do that.

On the other hand, if we can develop a vision of where we want to be over some period of time and begin to incrementally make some moves to do it, it seems to me that our chance of doing that is best.

I intend tomorrow to introduce a bill. It will be called the Comprehensive Health and Rural Equity Act of 1993. It is designed to do those things. It is designed to fundamentally change the delivery program, although keeping it basically in the private sector, and it is doable and we can do these things. Many of them have been introduced before. Many of them have been talked about. Many of them are understood and we can do that.

I represent the State of Wyoming. The State of Wyoming has 100,000 square miles with 475,000 people in it. One of the plans that has come forward, interestingly enough, has come from the Jackson Hole group in Jackson, WY. It has to do with managed competition. It is the notion that you bring together pretty large buying units, whether they be employers or private people that come together, to use the leverage of size to find providers who will give good quality, that will give it at a low price. Not a bad idea, and I think we ought to pursue that.

The difficulty is, and it works well in some situations, the model that I saw I think was Cincinnati where large employers put together several thousand into a purchasing group and were able to select from among 17 hospitals as to which gave the best quality, which one gave the best price, and select a provider.

There is one town in Wyoming that has more than one hospital. You know, that sort of selection process simply does not work in rural areas.

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So, Mr. Speaker, we want to do several things. One is incentive to increase access.

When we talk about access, that is not totally a financial kind of a thing. It is also in rural areas the importance of having health care providers located in those small towns, and we are having more and more difficulty getting primary care doctors to be located there. So, this provides some incentive.

It provides help with the interest on loans for medical school for private family practitioners that would move to rural areas. It provides for reimbursement for the extra travel the doctors might have to provide access. It encourages the use of nurse practitioners and physicians assistants as extenders for physicians there.

Second, it guarantees access to affordable health care to everyone for a basic health package, and that is terribly important, first, because it is what we want to do and have everybody covered so that they have access to efficient and effective health care. Most people, frankly, now have some access to health care. Unfortunately, often it is going to the emergency room for routine kinds of things which is very expensive, very inefficient.

This would provide that everyone is insured and goes into the market to buy their own insurance to have some control over the costs. Those that financially cannot afford it would be given vouchers to be able to do that. It fundamentally reforms insurance and the tax program that goes with it.

So, Mr. Speaker, there are a number of steps. Let me just make one final point.

The tax changes that need to be made is to let self-insured people have the same kind of tax breaks as those that are employed. I intend to introduce this bill tomorrow and talk more about it.

MOURNING THE DEATH OF CESAR CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SERRANO] is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, it is with great sadness that I rise as the chairman of the congressional Hispanic caucus to mourn the death of Cesar Chavez.

For more than three decades, Cesar Chavez symbolized the voice for political awareness among Latinos. He carried the cry for farm worker's rights to the fields of California and echoed the call for La Causa, the struggle to raise political consciousness and deliver justice to all Latinos.

With every breath, Cesar Chavez brought passion to his quest for justice. But his triumphs sharpened the bittersweet taste of organizing and unionizing the migrant workers. A step forward in the march was often matched by a step backward, success often mixed with suffering.

It was in 1962 that Cesar Chavez took out his life savings and first organized the National Farm Workers Association in the San Joaquin Valley's agricultural town of Delano. By September of the same year, the NFWA held its first formal meeting in Fresno with 287 participants who came to listen to the powerful ideas of the farm worker's rights movement, lead by the inspiration of Cesar Chavez.

Along the thousands of miles traveled through the California farm land, Chavez brought the message of farm workers unity and unionization. During the late 1960's and early 1970's, the UFW's membership reached its peak with over 70,000 members. In 1975, Chavez delivered his most important legacy to the farm workers rights movement, successfully campaigning for the landmark Agricultural Labor Relations Act which permitted farm workers to organize and bargain collectively for the first time.

The grape picker's struggle took center stage in what Chavez called la huelga—a series of strikes, a call for adequate living conditions and higher wages, and a stop to the exploitation and injustice suffered by Latinos. Chavez is also responsible for one of the first and largest consumer boycotts, persuading millions of consumers to voluntarily abstain from buying California grapes. The boycott gave consumers an active role in opposing the injustices against farm workers across the country.

Throughout his life, Cesar Chavez brought to the public eye the existence of Mexican-Americans as a growing and vibrant population. More than just the political movement, Chavez created a moral, spiritual, and cultural world for Mexican-Americans to explore. With each and every march, Chavez continued to challenge all Mexican-Americans to engage in an active search for their own cultural identity.

By the 1970's the term "Chicanismo"—the identification of Latinos of Mexican decent as a symbiosis of Hispanic, indigenous, and American cultures—first appeared in the lingo of the time. Chicano art brought nourishment to the spirit of farm workers, and to urban life. Cesar Chavez was the inspiration for the Teatro Campesino which made its debut at the picket lines among the farm workers. It was Luis Valdez, Agustin Lira, and others that colored with music and drama with the fight Chavez would come to epitomize. Chavez gave writers, painters, and other artists the strength and inspiration to express the Chicano and Latino struggle for equality. He gave Latinos a voice, a spirit, and a dream: The means to speak a common language through the words of the working poor.

Cesar Chavez spoke in a language that was as dear to Puerto Ricans as it was to Mexican-Americans. I recall my late father who had walked the picket line on behalf of the sheet metal workers in the Bronx. It was my father who often expressed to me and my brother that the one power the working poor have is the right to strike. It was with these ideas that Cesar Chavez became part of the Puerto Rican struggle in the east coast.

Chavez encountered many impediments throughout his struggle but fought his opponent only through words and nonviolent philosophy.

In 1969 Chavez said, "If the strike means the blood of one grower or one grower's son, or one worker or one worker's son, then it isn't worth it." In 1968, Chavez began a 25-day fast. Chavez explained his actions by saying it was "an act of penance, recalling workers to the nonviolent roots of their movement." Even though his fasting lead to physical deterioration, it powerfully communicated the hunger for dignity of the farm worker.

To every one present today and for the thousands of farm workers in the United States, it is difficult to express through words the sorrow felt throughout this Nation. Like Martin Luther King, Jr., who organized African-Americans in the South to stand up against injustice and discrimination, Cesar Chavez stood up against injustice and discrimination, Cesar Chavez stood up against oppression and exploitation in the agricultural fields of California. But Chavez's greatest accomplishment was to unite the Latinos in this country who are children of the Earth, share the common land to sow, and with one united voice await the season when justice may be reaped for the betterment of all.

As a humble voice among Latinos, I take great pride in honoring the memory of Cesar Chavez. In memory of you, Cesar, we pledge to keep your voice alive, and with your words I make the call: Viva la Huelga, viva la Causa, viva la Union.

Thank you, Cesar, you will never be forgotten.

Mr. Speaker, I yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, during his life's struggle on behalf of the repressed, Cesar Chavez exemplified the best qualities of human life. He was a leader for the voiceless masses and challenged all Americans to reflect upon their society and world. Cesar Chavez will live eternally in the memories of the thousands whose lives he touched. It is with profound sadness that I voice this tribute in the wake of Cesar's death.

He rose from such depths and achieved such heights. Born March 31, 1927, near Yuma, AZ, Cesar was faced with and overcame numerous obstacles. When he was young, Cesar's family grappled with the tyranny of farm contractors. As he grew, attending dozens of schools and eventually dropping out in the seventh grade, Cesar never forgot the timeless lessons forged by hardship. Through the Catholic Church and the writings of Ghandi, Cesar came to understand the strength of nonviolent rebellion and the resiliency of human spirit. None will forget the firestorm ignited by La Huelga and the nationwide boycott which ensued. None will forget the simple truth which a modest man dared to expose. Cesar Chavez, father of eight and benefactor to thousands, will remain an ideal for those who continue the struggle.

He was a giant among humankind. He dedicated his life to exposing the inequities of an unjust system. As the pain of his passing ebbs, the accomplishments of this humble man will shine. I join the thousands in expressing my grief and renewing my faith at the passing of Cesar Estrada Chavez.

□ 1530

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from California [Mr. EDWARDS], the dean of the California delegation.

Mr. EDWARDS of California. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SERRANO] for yielding, the chairman of the Hispanic caucus, and for arranging this series of speeches about Cesar Chavez. I am honored to be a part of this important event.

Mr. Speaker, it was with a deep feeling of sadness that I learned of the passing of Cesar Chavez. He had meant so much to me for more than three decades, and I feel as though I have lost a dear member of my family.

My years with Cesar go back to when I first ran for Congress in June 1962. I had known of him, of course. He and his family had lived for many years in San Jose, my hometown, and Cesar began his farm labor organizing work in San Jose.

Anyway, when I started my campaign for Congress in early 1962, I met Cesar through Dr. Ernesto Galarza a distinguished author and professor, who wrote movingly in several respected books about the plight of the farmworkers. We had long talks about the Bracero Program, which Dr. Galarza and Cesar opposed, and one of my first votes in Congress was in favor of legislation that ended the program.

Cesar was gracious enough to endorse my candidacy in the 1962 election, a welcomed gesture of approval I appreciated and one he continued as the years went by.

It was in 1962, also, that Cesar formed the National Farm Workers Association, which later became the United Farm Workers.

We saw each other several times each year, sometimes at marches and rallies in support of the UFW's grape boycott, too often at tragic events like the moving funerals of farmworkers who were murdered because of their political work.

A few years ago Cesar went on a hunger strike to protest the use of poisonous pesticides in the vineyards where the farmworkers labored. Susan Hammer, now the mayor of San Jose, my district director, Terry Poché, and I flew to Delano in a small chartered airplane.

Cesar was lying in his bed, very weak, but still his loving self. He asked us to do what we could for the health of his union members. We promised, hugged him, and left with tears in our eyes.

Mr. Speaker, I don't consider Cesar Chavez as someone who is dead and forgotten. He inspired all who knew him and knew of him because he was absolutely selfless. His only concern was the welfare of farmworkers, whose battles he fought month after month, year after year.

Cesar made enormous differences in their lives, but he was never satisfied and he never gave up the struggle. We are all fortunate that Cesar lived and was our comrade.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from New York [Mr. SERRANO] for organizing this special order as it is so necessary for us to recognize the passing of Cesar Chavez.

Mr. Speaker, last week, America mourned the passing of one of its most charismatic and inspirational leaders: Cesar Chavez. At his funeral, thousands came to honor his achievements. Cesar Chavez's appeal was universal: it transcended our ordinary differences of religion, ethnicity, and ideology. Today, I join my colleagues in honoring Cesar Chavez, a man who served as an inspiration to millions of people around the world.

As a member of the San Diego City Council, I authored a resolution proclaiming April 18, 1989, as Cesar Chavez Day. At his celebration, accompanied by San Diego family members, he marveled, "I never expected a city as conservative as San Diego to designate a day in my honor." That was one of Cesar's endearing traits—his simplicity.

Cesar Chavez spent his life crusading for migrant farmworkers. Himself the son of such farmworkers, Cesar witnessed firsthand the long, hot days workers spent under the blazing California sun, bent over, tilling the fields. He knew too that the workers were denied even basic necessities such as restrooms, drinking water, and work breaks. Cesar Chavez convinced farmworkers, who he saw as the invisible people, to join together and fight for decent working conditions—and respect. The United Farm Workers Union, which he organized, will occupy a permanent place in American history.

Cesar's influence extended beyond better working conditions for farmworkers in rural areas. In urban areas, he organized voter registration drives, and brought complaints against mistreatment of Latinos by police and welfare officials. Cesar galvanized and inspired Latinos to fight against oppression. He helped not only define their struggle, but the entire civil rights movement.

The most remarkable thing about Chavez, though, was how he fought the battle. Cesar taught all of us what it means to give oneself entirely to the struggle. He spent his entire life serving others. He knew that the battle was never ending—and he lived it always.

Cesar Chavez never let himself become satisfied with the progress he had made. Instead, he personally suffered in order to push the movement farther. In his quest to show the dangers facing migrant farmworkers, he would often fast. Many close to Cesar Chavez tried to stop him from endangering his own life. When once asked "Why do you bear the pain of fasting?" Cesar stated that it was "for his purification and an act of penance for those in positions of moral authority and for all men and women activists who know what is right and just, who know that they could or should do more, who have become bystanders and thus collaborators with an industry that does not care about its workers."

We must not let ourselves become bystanders to injustice, but instead continue the work started by Cesar Chavez. We, in Congress, must make certain that the struggle Cesar started will continue. We must all be committed to true equality and dignity for all.

In the words of Cesar Chavez and the United Farm Workers, "Si, Se puede—yes we can."

□ 1540

Mr. SERRANO. Mr. Speaker, I now yield to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from New York [Mr. SERRANO], my friend, for holding this special order. Mr. Speaker, I rise today to pay tribute to a great American, Cesar Chavez. Chavez personified the very best in the American tradition. He displayed an unwavering commitment to improving the conditions of farmworkers.

Chavez led a crusade on behalf of migrant workers that empowered hundreds of thousands of people. He brought attention to the plight of migrant workers in a way that deepened and expanded the civil rights movement. His efforts in voter registration forever changed the face of politics in the West. His nonviolent protests improved conditions in the lives of thousands of workers. The accomplishments of Cesar Chavez were many. His leadership was unparalleled. His devotion to nonviolence was complete.

I knew Cesar Chavez. He was a good and decent man. In 1968, we worked together in Robert Kennedy's Presidential campaign. During that campaign, I got to know this man. He was a leader in the truest sense of the word. He was a crusader for social justice.

His cause was our cause. His fight was our fight.

Cesar Chavez was able to organize the unorganized. He gave many hope in a time of hopelessness. His work and his cause enhanced the dignity of humanity everywhere. He was my friend. He was my brother.

I'll never forget that wonderful time we spent together, 25 years ago, campaigning in California for Senator Robert Kennedy in 1968. Chavez brought tremendous dignity, compassion and commitment to that campaign.

Cesar Chavez was persistent and consistent. He had a vision of a new America, a better America. He had a dream of what America could become. He kept his eyes on the prize. He was a kind and gentle spirit.

Cesar Chavez was the embodiment of love and nonviolence. He followed the teachings of the great teacher. He followed the teachings of Gandhi and Dr. Martin Luther King, Jr. During the labor campaigns of the 1960's, Chavez moved the Nation like few labor leaders had ever done.

Men and women such as Cesar Chavez, Dr. Martin Luther King, Jr., A. Phillip Randolph, former Chief Justice Thurgood Marshall, Fannie Lou Hamer, and former Attorney General Robert Kennedy have inspired me with their leadership abilities. These men and women brought us through one of the most difficult times in modern American history, the civil rights movement.

I came of age during the civil rights movement of the 1950's and 1960's. It was an era in which I found my own courage to try and make a difference in this society. I was inspired by individuals such as Chavez. I drew strength from his examples of leadership.

I am convinced that the lessons of the 1960's are still relevant today. I am a product of that era. I think that many of the difficult experiences that Chavez and others went through should be discussed to remind people of the long struggle that was necessary to strengthen freedom and democracy in the post-World-War era.

I felt a great deal of kinship with Cesar Chavaz. He, like me, started from very modest circumstances. You see, I come from a small southeast Alabama town called Troy. In the 1940's and 1950's, the signs of discrimination and segregation were everywhere. I saw those signs that said white men, colored men, white women, colored women, white waiting, colored waiting.

Chavez experienced great hardships as a child growing up in migrant worker communities. He suffered the harsh sting of discrimination and racism. Because his family traveled from one community to another in search of work, Chavez was not able to finish high school. Life was hard for the migrant farmworking families of the West. It was especially hard for the Mexican families who were subject to great discrimination.

Despite the struggles of his youth, Chavez emerged as one of the most disciplined labor and civil rights leaders of his generation. The grape boycott of 1965 that was led by Chavez proved to be one of the finest hours of the migrant farmworker crusade. It won the support of the Nation and brought Chavez into a highly visible position of leadership in the struggle for civil rights in the Hispanic community.

Chavez will be remembered for his courage and his determination to bring dignity to the lives of workers. His legacy will speak to future generations of Americans. I believe he should be regarded as one of the founding fathers of the New America. This small brown man was a citizen of the world. He was a beautiful human being. He will be greatly missed.

Mr. SERRANO. Mr. Speaker, I now yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am grateful for this opportunity to express my thoughts about Cesar Chavez, but saddened beyond words by the occasion for this special order.

Of all the attributes of our great Nation, the one in which I take the most pride is our Nation's moral compass, which constantly points us toward the goal of justice for all. We have the good grace, rare among nations, to acknowledge our shortcomings, and an abiding determination to work to overcome them.

In few areas is our resolve to do right more severely tested—or betrayed—than our treatment of this Nation's migrant farmworkers.

That is why it is so fortunate that Cesar Chavez stepped into our lives, and more importantly, into the lives of his fellow campesinos.

No workers in this country are more poorly paid than farmworkers, yet I daresay none work harder. Job security is nonexistent. Housing? It may be no more than a hillside. The basic understanding that all of us have about the terms and conditions of our employment is commonly denied to migrant farmworkers.

To evade their responsibilities under those few laws that do afford protection to farmworkers, agricultural employers increasingly resort to the use of crewleaders to bring a workforce to their fields—transported in all too many instances in unsafe vehicles by drunk drivers. Modern day peonage persists: Farmworkers work grueling long days under crippling conditions and end up with nothing in their pockets after crewleaders deduct exorbitant amounts for transportation, and for room and board which no Member of this body would find remotely tolerable.

Cesar Chavez devoted his life to the effort to inspire his fellow farmworkers, and to fire the conscience of us all, to do something about this.

He was a constant inspiration to me in the many years we worked together to enact the Agricultural Labor Relations Act to secure collective bargaining rights for farmworkers, and to block foreign guestworker programs sought by agricultural employers to further depress wages and working conditions.

We as lawmakers must continue to take responsibility for improving and expanding the legal protections available to farmworkers. That is why one of the most appropriate actions we can take to honor the memory of Cesar Chavez is to pass H.R. 1173, the omnibus legislation introduced by my colleague from California, Mr. MILLER, to amend and improve the Migrant and Seasonal Agricultural Worker Protection Act.

But without for an instant letting this body off the hook, when there is so much we can and must do, I must say that Cesar Chavez knew that we cannot put our faith in laws alone to bring a new day for farmworkers.

Officials repay debts to the wealthy growers who elected them, and laws designed to protect farmworkers go unenforced. Such has been the fate of the Agricultural Labor Relations Act. And growers persist in inflating the labor supply to drive down wages. Laws enacted to protect the health of farmworkers and consumers alike are undermined by growers determined to use and abuse toxic pesticides.

That is why the efforts of Cesar Chavez were so critical. He understood that only farmworkers themselves, aided by all of us who support their cause, can achieve lasting justice for farmworkers.

And that is the difficult but essential task of Cesar's colleagues and successors at the United Farm Workers of America: to emerge from their grief to renew Cesar's message that in the union there is strength, and there is hope.

I will miss Cesar Chavez as a lodestar in my own life. He was a great and good man who exemplifies for me the biblical injunction:

> For He has showed thee O man what is good, and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God.

In death as in life, he will continue to inspire us all. For those who pick up his mantle, I pledge my continued support. For Cesar, for his cause, and for the farmworkers he represented so well, I can do no less.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I thank the gentleman for organizing this fine tribute.

Mr. Speaker, I am proud to take to the floor today to honor the memory and life work of one of the most important Americans of the past half-century.

Mr. Speaker, I am talking, of course, about the founder of the United Farm Workers Union of America, Cesar Chavez.

As we all know, Cesar died last week in San Luis, AZ, peacefully and in his sleep. But I want everyone to know that his struggle and quest for civil rights for this Nation's migrant workers did not end in his death.

In the 1960's, Latino workers across our Nation—Latinos who had been discriminated against for decades because of their race and ethnicity were drawn to Cesar's leadership.

Cesar's leadership brought national notice to the injustices that Mexican migrant laborers faced in the agricultural industry.

More importantly, by focusing attention on migrant workers, Cesar allowed millions of Latinos nationwide to organize and demand justice in the workplace.

Cesar was, and will remain, a hero in the Illinois Fourth Congressional District. He made many visits to the Pilsen and Little Village Mexican-American communities, and every time he spoke, the community came in throngs to see and hear him. They loved and greatly respected Cesar and his fight for fairness, his fight for justice.

El movimiento, the movement, was what the Chicano civil rights campaign of the 1960's was called.

While it was a Chicano-based movement, Cesar reminded us that el movimiento was not a struggle based on race, but a struggle based on economic injustice.

Working-class African-Americans, Asians, native-Americans, Latinos, and whites were involved at every level of organizing workers. We should all remain committed to continuing his struggle.

Many have compared Cesar to Martin Luther King, Jr., and Mahatma Gandhi, and they are right in doing so.

I want to remind everyone here today that Cesar was a dedicated advocate of nonviolence and that in honor of his memory we continue to use his peaceful methods of protest.

I will remember Cesar not only for his hunger strikes and grape boycotts, but for what he gave to us all.

He reminded us that all workers deserve fair wages and decent conditions and to be treated with dignity and respect.

He challenged us to bring justice to the workplace and instilled in us a sense of brotherhood.

I am confident that the Mexican, Puerto Rican, and Latino communities in this Nation, and especially in the Illinois Fourth Congressional District, will continue his struggle for economic fairness and social justice.

My prayers and thoughts are with his family and the United Farm Workers of America.

Mr. SERRANO. Mr. Speaker, I yield to our colleague, the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. SERRANO] for yielding to me on this sad but momentous occasion.

Mr. Speaker, I appreciate the time to recognize the passing of Cesar Chavez, a leader in the Hispanic community nationwide, but also for working people everywhere. At age 20 he picketed for workers' rights in 1947, just a few miles north of Delano, CA. I think it is no secret that that was the year a great many of us in Congress were born, but Cesar Chavez was leading the way then. He spoke for the working people everywhere, from California to New York to Texas.

As a fellow trade unionist, we mourn his passing, but are thankful he was on Earth to provide leadership for us all.

A person is judged by his impact, and I am proud to say that Cesar Chavez will be long remembered by farm workers everywhere. I am proud to remember Cesar Chavez, from a person who in the 1960's supported his la causa and remembers him as an hermano in the labor movement.

Mr. SERRANO. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank our colleague, the gentleman from New York [Mr. SERRANO], for yielding me this time and for calling this special order today.

Mr. Speaker, I rise today with great sadness to join my distinguished colleagues in paying tribute to one of America's great heroes, Cesar Chavez. As many have noted, Cesar Chavez was the most important and widely respected civil rights leader in the Hispanic community. Like any great leader, however, the impact of his life and his work have reverberated far beyond his immediate community.

I am particularly pleased that we are having this special order, and so pleased that our colleague, the gentlewoman from California [Ms. ROYBAL-ALLARD] is here, because I am sure she will convey to this Congress and this country that her father worked closely with Cesar Chavez.

I am telling the Members that because I mentioned in San Francisco when we had our own ceremony for Cesar on Friday night, as anyone who has read the papers in the last week knows, tens of thousands of people, indeed, as many as 35,000 people, attended the funeral in Delano earlier in the week. We had our own at St. Peter's Church on Friday night.

At that time, I told those who had gathered, and the church was packed, you could not get anywhere near it, that we would bring the business of Congress to a conclusion this week in memory of Cesar; that we would talk about him here on the floor under the leadership of the Hispanic Caucus of the Congress.

I told my constituents that I would tell this body how enthusiastic they were, how encouraged they were, by the life of Cesar Chavez. From time to time the cry of "Si se puede" would rise up in the church; yes, we can, yes, we can. That is what Cesar taught them.

This man was a man of quiet dignity who respected the dignity and worth of every person and taught each person to expect that respect. He really had an impact, and small children running up and down the aisles were taking the message to another generation.

Those of us who have been involved in organizing at the grassroots level had another loss recently, and that was Mr. Fred Ross, who was a teacher and best friend and mentor of Cesar Chavez. He used to call Cesar "general" and Cesar in turn called him "jefe"; general and jefe, general and chief, the respect that they had for each other.

We will miss them for their commitment, their passion for justice and equality, their energy, and their abiding faith in the human potential.

My sympathy goes out to the family and friends of these great men whose lives were interconnected in so many ways. I was fortunate to be part of the great circle of those gifted and dedicated men who we learned from, and we will miss them both. In their honor we must continue and expand their struggle for justice, equal rights, and basic human rights. Cesar Chavez would expect no less.

Although he did not outlive his opponents physically, he has the ultimate triumph in the memory and esteem in which he is held. I am very grateful to our colleague, once again, for calling this special order in his honor.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I want to thank the gentleman from New York [Mr. SERRANO], the chairman of the Hispanic caucus, for arranging to take this time to laud this great American and leader.

Mr. Speaker, I rise today to pay tribute to Cesar Chavez.

Cesar Chavez was a man of rare moral clarity, and unending human compassion.

No one who encountered his spiritual boldness—whether through television, newspapers, or in person—could help but be humbled by his decency or transfixed by his courage.

His integrity and commitment were palpable. And his crusade to protect the dignity of the faceless men, women, and children who labor in the fields—sunup to sundown—to put food on our tables gripped the very heart of this Nation.

Child labor.

Pesticide poisoning.

Brutality.

He made us understand that these were the underpinnings of the farm abundance we have come to see as our birthright.

And he imbued farmworkers with a sense of their collective strength.

As a result, major corporate interests—for the first time—were forced to negotiate with the farmworkers whose labor they had for so long taken for granted.

As the Chicago Tribune pointed out, Mr. Speaker, John Steinbeck may have dramatized the harsh life of the farmworker in "The Grapes of Wrath," and broadcasting great Edward R. Murrow may have driven home the same point in his "Harvest of Shame" TV program, but it was Cesar Chavez who pursued a solution with doggedness and devotion, using his charisma and considerable skills to win for farmworkers the rights and dignity they had so long been denied.

No farmworker has ever affected both the fields and the corporate boardrooms as Cesar Chavez did, and for many Latinos, he was a combination of Gandhi and King.

This world is indeed a better place as a result of Cesar Chavez having lived.

He shall not soon be forgotten.

Mr. SERRANO. Mr. Speaker, I yield to the gentlewoman from California [Ms. ROYBAL-ALLARD].

☐ 1600

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to thank our chairman of the caucus, Mr. SERRANO, for having these special orders. I know that not only his family, but literally thousands of people who marched in his services, will appreciate this special order.

Cesar Chavez was a Latino organizer who fought to improve the working conditions for migrant workers. He also symbolized the struggle for fair and just treatment for all Latinos.

Cesar Chavez was an example of our Nation's continuing fight for labor and civil rights. He will be best remembered as the founder and president of the United Farmworkers of America. It was in this role that Cesar Chavez gained national notoriety as a labor rights activist. He organized strikes, boycotts, and fasts in an attempt to achieve a better wage and better working conditions for farmworkers.

The contributions of Cesar Chavez, however, were not limited to the fields. His voice reached into the urban areas across America, and particularly into the east Los Angeles area, a district where I was born and raised, and which I have represented both in the Assembly and now in Congress. It was there that he helped create civic groups such as the Community Services Organization. The union he founded has trained young Latinos to be activists at community, State, and national levels. And in addition, he led an organized voter registration drive in Latino communities and helped to empower those communities by getting them more politically involved.

When history looks back upon the great civil rights leaders of this century, a union organizer named Cesar Chavez will be remembered as an example of one who fought for the rights of his people and his work benefited the lives of all Americans. All of us, whether from the largest urban cities or the smallest rural towns, will miss Cesar Chavez.

Mr. SERRANO. Mr. Speaker, I yield to our colleague, the gentleman from Texas [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I would like to thank the gentleman from New York for yielding.

Mr. Speaker, I rise today to join my colleagues in honoring the memory of Cesar Chavez.

As we rise today and honor the memory of this dedicated civil rights leader, it is with the hope that his memory will not only live on, but inspire those that will follow him. To the end, Cesar Chavez continued the struggle that had catapulted him to prominence in 1965, traveling around the country seeking to improve the rights of farm workers and to benefit the Mexican-American community in this country.

With the indelible impressions of a childhood spent in the fields, he grew into a committed spokesman and leader for those who had been discriminated and exploited for much too long. He gave the farm workers struggle a voice and a face, and in so doing brought long deserved rights and improvements to these workers.

The abuses that Chavez fought for so long, made a comeback in recent years and it is somewhat ironic that he died just as he began another campaign. I can only hope that the memory and the dedication of this man will inspire others to continue his struggle.

Again, I join my colleagues in commemorating the memory of Cesar Chavez, an example to the working man, the Mexican-American community and all of us who seek fairness and respect for all Americans.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from Texas [Mr. DE LA GARZA], a member of the congressional Hispanic caucus.

Mr. DE LA GARZA. Mr. Speaker, last week one of the first Hispanic Americans to become permanently etched into our Nation's consciousness died—Cesar Chavez.

During his time here on Earth and in his own uncompromising way, Cesar Chavez came to symbolize and personify the struggle of migrant farm workers for basic rights and dignity.

Through his leadership of the National Farm Workers Association and its successor, the United Farm Workers, Cesar Chavez organized farm workers and fought for improved working conditions. The boycotts and strikes he organized and the fasts he himself undertook focused our Nation's attention on the plight of the migrant farm worker and helped bring about much needed changes.

The legacy Cesar Chavez leaves is that of a caring, selfless advocate for our Nation's farm workers. For that he will always be remembered.

Mr. SERRANO. Mr. Speaker, I yield to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentleman from New York for yielding.

Mr. Speaker, on April 23, our world lost a hero and a champion whose life was typified by struggle. Cesar Chavez's early life was engaged in a struggle against his own poverty and his hard life in the fields of California. His later years were consumed by "La Cause", the struggle to organize farmworkers through a labor union and improve their dismal conditions.

Ironically, while our Government was publicly telling lies and fighting a senseless war in Vietnam with missiles and bombs, Cesar Chavez was fighting a moral battle here in the States. His causes were justice and fairness. His weapons were hunger strikes, boycotts, and the long march.

The Latino community in the United States, and across the globe, laments the death of this courageous role model. But we can learn much from his life's commitment to empower his exploited brothers and sisters in the fields, especially today as we discuss NAFTA and its possible effects on this country's workers.

Mr. Speaker, may the history books note the life of Cesar Chavez, a man of peace and a lover of humanity. Viva la huelga!

Mr. SERRANO. Mr. Speaker, I yield to the distinguished gentleman from Maryland [Mr. MFUME], the chairman of the Congressional Black Caucus.

Mr. MFUME. Mr. Speaker, my congratulations to the gentleman from New York [Mr. SERRANO], for leading us, as he always does, back to our collective conscience.

I would like to, if I might, Mr. Speaker, join with Mr. SERRANO and all the others who have come to this well today to take the time to remember, to remember someone who gave and continued to give long after it was fashionable, a man who never lost his roots, never forgot the capacity to love, never gave up on believing that people were special and, in fact, could in fact make something of themselves.

Cesar Chavez was to the Latinos of this Nation and the world what he was to people of African ancestry, what he was to all men and women who believed that people were special and that they had, by virtue of their birthright, and by their God, a special destiny in front of them. He challenged all of us to live up to that.

Thank God he was as fearless as he was, because he did not fear to die because he loved us so. Cesar Chavez, bigger than life, looms now in this Hall, in this sacred institution as a reminder, a daily reminder of all that we have to do, of all that really is incumbent upon us to make life better in this world for people, who by no fault of their own find themselves locked in an uphill battle.

The late Dr. Benjamin Mays said once that he or she who starts behind in the race of life would either have to run faster or forever remain behind. Cesar Chavez ran faster. He taught us how to fight and how to forgive, how to win and how to lose, how to laugh and how to cry. He taught us really how to live, and in the end, with dignity, he taught us how to die.

Mr. SERRANO. Mr. Speaker, I would like to take this opportunity to really thank the gentleman from Maryland [Mr. MFUME] for those very beautiful words. When we work together in this House, two different caucuses, it is always important to remember those things that bring us together. Mr. MFUME'S words highlight the fact that Cesar Chavez was more than a leader for one community. He was a leader that transcended all communities, and when we lose him we lose someone who fights for all of the people in this Nation.

So that struggle must continue, and I know that Mr. MFUME and I will continue to join hands in bringing a voice to those who may not be heard throughout this country, and hope that in some small way we can continue the work of Mr. Chavez.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. FURSE].

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Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we lost a hero of our time last week. Cesar Chavez was an untiring leader in the struggle for justice for farm workers.

His work for improvement in their wages and living conditions stands as a model for the rest of us who must carry on his struggle.

A quiet pacifist, Cesar Chavez achieved a position of moral and political leadership in civil rights equaled perhaps only by that of Martin Luther King, Jr.

When I first came to this country over 30 years ago, I had the great privilege of working as a volunteer with Cesar Chavez in behalf of farm workers, and that experience changed my life.

Mr. Speaker, too often when a person achieves great fame, they forget their roots. That was not the case with Cesar. He suffered poverty, disappointment, and he suffered great danger, but throughout it all, he never forgot the farm workers.

His life was dedicated. A gentleman, a man of great honor, it was an honor to know Cesar Chavez, and I am proud to join with my colleagues here in the U.S. House of Representatives in paying homage to this great man.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, as I listened to my colleagues who have been inspired by Mr. Chavez, I cannot help but think that if he were sitting here he might well be scowling because he would not want us talking about him. That was the kind of man he was. He would want us, instead, focusing on the people, the plight of the migrant farm workers, that caused him to dedicate his entire life to improving their conditions and to providing a future for their children.

When Mr. Chavez entered the scene about a quarter of a century ago when he became most visible, migrant farm workers were really destined to a life of indentured servitude. They would start in the lower part of California, work their way up the State and then go to Washington or Michigan or wherever their destinations, stay and then work their way back again following the harvest. If the harvest was particularly good, many of the farmers would cut their piece rates to make sure that they could never acquire enough money to break out of that cycle of poverty.

They would be housed off the back roads where no one would see the living conditions in which they had to live.

They had virtually no health care.

The educational system was almost designed to keep their children in that cycle of poverty. I remember being down in the Rio Grande Valley of Texas, and it was the beginning of the fall, and a young kindergarten girl was running home crying. I was sitting with her father, and it turns out that she had been whapped on the backs of her calves; they were black and blue; because she had blurted out in kindergarten in Spanish. The Spanish language was prohibited in the Texas public school system at that time. The teacher could not speak Spanish, and many of the children could not speak English, and many of them, almost by deliberate intent, left the school system and went into the fields to support their family, and never broke out of that cycle.

Cesar Chavez realized what was happening to a large segment of America's population, that there could be no hope unless he spoke out. He devoted his adult life to speaking out. He was a true hero, a true American leader, and truly deserving of the attention of not only my colleagues but of this Nation and those who search for what the real qualities of leadership are in an individual.

Cesar Chavez showed it with his life.

I thank the gentleman from New York [Mr. SERRANO] for having this special order today.

Mr. SERRANO. Mr. Speaker, I yield to our colleague, the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for yielding and for arranging this special order which recognizes an extraordinary man, Cesar Chavez.

I join my colleagues here today to pay tribute and memorialize one of the great labor and civil rights leaders in recent history, Mr. Cesar Chavez.

Mr. Chavez' crusade on behalf of the poor and under represented clearly did not go unnoticed.

Last week an astonishing 35,000 mourners descended upon a desolate farming community in Kern County, CA, to pay their final respects to the man who was for them a hero and a saint.

Mr. Chavez asked that his funeral be held at Forty Acres Union Hall—the site of his first public fast in 1968 and the place where Central Valley grape growers signed their first union contracts in 1970.

Mr. Chavez also requested to be buried in a plain, pine coffin built by his 64-year-old brother, who was a carpenter before joining the United Farm Workers in the 1960's

Cesar Chavez' funeral is in many ways symbolic of his life.

Despite fame and success throughout his life, he chose to live a simple existence, amongst his people, sharing their plight and instilling them with hope and human empowerment.

It was these people who showed up in masses to memorialize what Cardinal Roger Mahoney of Los Angeles called their special prophet.

Among the thousands were such notable people as members of the Kennedy family, former Gov. Jerry Brown, California Assembly speaker Willy Brown, Jesse Jackson, Robert Blake, and Martin Sheen.

Also there was a close friend and political confidant, Richie Ross, who, like so many others, learned the fundamentals of political organization from Cesar. Not only did Richie learn political organization while with the farmworkers, he met his beautiful and talented wife, Juana, while working there.

Both of these people like so many others learned by example the lessons of service and selflessness that Cesar Chavez taught.

Yet the focus was not on the VIP's, it was on the great majority of farm workers and those whose lives were directly touched by him—and this is how Mr. Chavez would have wanted it.

He did not work for money or for fame—he simply worked to bring justice and dignity to thousands of farm workers.

He singlehandedly organized the United Farm Workers in California, and the movement soon spread throughout the Nation and the world.

Gandhian in his philosophy, he never promoted violence.

Rather, his boycotts, strikes, and life-threatening fasts were successful in achieving better wages and working conditions for the rural poor.

He also did not allow his anger to alienate him from society or obscure his love for our country.

He joined the Navy and returned determined to work within the system to change things.

Mr. Chavez serves as an inspiration and a symbol not only for the Latino community, but for all of us.

He was a man of compassion and humility, yet a giant in the struggle for justice, human rights and dignity for all people.

Cesar Chavez' work can be seen in the eyes of all the young people who are well educated and filled with hope, despite being the sons and daughters of migrant farm workers.

Yet for all the people who have been touched by his vision, there remains that many more who need to be empowered and instilled with the promise of a better tomorrow.

Cesar Chavez accomplished more than most in his lifetime, but his work remains unfinished.

The Reverend Juan Romero said at a rosary service for Mr. Chavez that "his death will be that seed in the ground which dies * * * itself and bears much fruit."

Mr. Speaker, I certainly hope that this is the case.

And in mourning Cesar Chavez' death, I urge everyone to capture some of the spirit that Mr. Chavez has left behind.

One of his earliest followers and the union's first female field organizer—Mrs. Jessie de la Cruz simply stated, "We didn't come to bury him, we just came to say goodbye."

I share Mrs. de la Cruz' sentiments, and I pray that Cesar Chavez' mission and vision endure.

Mr. SERRANO. Mr. Speaker, I would like to end this special order today by thanking our colleagues who took time from a busy schedule to join us in paying tribute to this great man, Cesar Chavez.

Mr. Chavez, as we have heard here today, gave a voice to those who did not have a voice. He gave hope to those who felt that there was no hope. And he brought out a movement which really had an effect on all of our lives.

Those of us who were politically born during the 1960's, 1970's, and 1980's know well that Mr. Chavez, Cesar Chavez, was indeed a hero and is a hero in our community and throughout this country.

We have lost a great man, but we have not lost a great idea. We have lost a very decent and kind man, but we still have a lot of work to do.

So I would like to thank our colleagues today. Let us commit ourselves to Cesar's struggle to make sure that his dream is fully realized.

Mr. KENNEDY. Mr. Speaker, I mourn Cesar Chavez' passing not only because he was one of the most admirable leaders in our country, but also because he was my friend. He was a man of much courage, faith, and love; with these he touched people and shared his strength.

The time in which he rose to prominence is not much different from today. Cesar grew up during the Depression, and like many other families, he moved to California in search of a new beginning. That new beginning was the life of migrant laborers. In the 1950's he became active organizing other laborers in the struggle for justice, and he founded the United Farm Workers in 1965 to advance the causes of migrant laborers.

He was one of the leaders of the civil rights movement during the sixties, nonviolently striking, fasting, and demonstrating so that the wages and conditions of farmworkers would improve. Yet his message inspired others who were also being denied justice, and gave hope to people who had for so long felt powerless.

The struggle for justice, while it has changed settings, is far from over. Cesar would want us to continue to help others to help themselves, bettering the lives and the futures of today's generation. His messages must be taken to the streets of our inner cities, to our schools, to all of today's minorities and disadvantaged, wherever justice is being denied.

Cesar Chavez will be sorely missed by all, but his work will never be undone. We must make sure that it is carried on.

Mr. ORTIZ. Mr. Speaker, today this son of migrant farm workers rises to pay tribute to the migrant farm worker who focused the attention of the American public upon the wages and conditions of the men and women who harvested the fruits and vegetables on our kitchen tables—Cesar Chavez.

Everyone can recite the rich legacy of his life—from the early days of organizing a diverse population of exploited workers; to offering the American public the grape boycott in 1965 as a vehicle to show solidarity with the workers; to watching growers sign their first union contract; and finally, to keep going, day after day, to ensure that those whose labor brought us nutrition were not ignored. He kept up the struggle until the moment he died, bringing attention to the plight of America's workers.

But what made Cesar Chavez larger than life was his personal adherence to the principles of truth and courage; and the personal experience of knowing first hand what it was like to be treated without respect, or working all day, everyday, with nothing to show for it. In a lesser man, this may have inspired a burning anger. But what burned inside of Cesar Chavez was a simple love of justice. He wanted only for people to be treated fairly and respected, regardless of position or pigmentation.

Cesar was unique among labor leaders in that he lived among those he led and avoided perks often associated with the glamour of the office of a labor leader. He was a devoted Christian who emulated the teachings of the Bible with voluntary poverty. He raised his children in a simple home, with regular worship and absolute values. Cesar said, "The message of Christ is all about love—not only God—but also one another. Love is really sacrifice." He aligned himself with the principles of Mahatma Gandhi and Dr. Martin Luther King, Jr., by relying on economic boycotts, marches, civil disobedience and fasts. Cesar reinforced his nonviolent message among his followers with the declaration: "Nonviolence is our strength," still the signature slogan for the farm workers union he created.

Presidential candidate Senator Robert F. Kennedy said in 1968 that Chavez "is one of the heroic figures of our time." Some people believe that heroes are only those who risk their lives in battle—others of us believe that a hero is one who continues a lonely, thankless struggle to better the lives of family, community, and country—in the fact of extraordinary odds. Cesar Chavez is a hero for all Americans, and a wonderful role model for young Latinos and Latinas all over North America. As we celebrate Cinco de Mayo tomorrow, let us remember and celebrate the heroism of a gentle peacemaker. Que Viva Cesar Chavez.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in paying tribute to Cesar Chavez, one of the truly great Americans of this century. Cesar Chavez was the son of migrant workers and a farm laborer himself. His struggle for economic and social justice touched the conscience of a Nation and the lives of millions of Mexican-Americans. Cesar Chavez founded the United Farm Workers of America in the mid-1960's, which he faithfully led until his untimely death on April 23, 1993.

Armed only with his conviction in the righteousness of his cause and commitment to better the lot of his fellow man, Cesar Chavez fought tirelessly to improve the working conditions of migrant workers across this land. Throughout his remarkable life, Cesar Chavez spoke the language of the downtrodden, the poor, and the disenfranchised. He raised to national prominence the plight of migrant workers. Chavez dedicated his life and committed his soul to improving the lives and dignity of farm laborers.

Chavez first made his mark in 1968, when he organized a strike and national boycott against the California grape growers of the San Joaquin Valley, where he brought the daily hardships and toil of migrant farm workers to the attention of America. Chavez organized migrant workers into an effective and powerful labor union whose mission was to raise the substandard wage and working conditions of farm laborers across this Nation.

Chavez firmly believed in the power and moral persuasion of nonviolent demonstrations. He believed in it to the point of risking his own health in a number of fasts. His faith in God and his faith in his fellow man never wavered throughout his struggle for social justice. Cesar Chavez gave selflessly of himself for a cause that both enriched and consumed his life.

Cesar Chavez presevered over insurmountable odds in making a difference in the lives of millions of migrant workers who have toiled in the agricultural fields of America. Chavez fought to end substandard wages and housing, pesticide poisoning, child abuse and discrimination. He was the unflagging champion of the dispossessed.

Chavez earned the Nation's admiration in his ceaseless struggle to obtain civil rights for farm laborers. Cesar Chavez' passion and tireless commitment to improving the lives of American's migrant farm workers made him a genuine hero and household name nationwide. Cesar Chavez's legacy will continue to enrich the lives of Mexican-Americans, will continue to give us pride and dignity, will continue to shine brightly as an inspirational beacon for future generations of Americans to follow.

Mr. BECERRA. Mr. Speaker, due to the birth of my first child over the weekend, I am staying in Los Angeles this week, and therefore will not be able to participate in today's remembrances as planned.

These days are a time of both joy and sorrow for me. Even as I celebrate the birth of my child, words simply cannot express my profound sadness over the passing of Cesar Chavez. Chavez was a man of immense dignity, humanity, and integrity, and few individuals will ever touch as many lives as did this great man. Millions have benefited from his work as a civil rights activists, and millions will mourn his death.

Last week at the services in Delano, I joined the thousands who traveled from far and wide to recognize Chavez's lifelong achievements. Being there was an incredible experience for me. It was a time to remember the boycotts, pickets, sing-ins, marches, and personal fasts that Chavez undertook to bring attention to the farm worker's cause.

For decades Cesar Chavez undertook one of life's most difficult callings: Organizing the masses to fight injustice. His fierce determination and strong spirit turned failed struggles into unprecedented successes. As the founder and president of the United Farm Workers of America, Chavez dedicated his life to educating farm workers about their basic human rights and how to effectively demand and receive a better quality of life. His achievements transcended the plight of the farm worker. Chavez's historic struggles for justice changed our world.

We can all learn and live by the values that guided Chavez's work: "Love triumphs over hate, nonviolence over violence, courage over fear, and human dignity over belittlement and abuse."

Although this great leader is no longer here to guide us, his work on behalf of working men and women and consumers—but most importantly farm workers who even today often live and work in harsh conditions—must and will move forward.

Cesar Chavez was a man who kindled our spirits; and he is, in spirit, forever with us. Sí se puede.

Mr. BONIOR. Mr. Speaker, it is with great respect and sorrow that we say goodbye to an exceptional leader and unforgettable man, Cesar Chavez. Mr. Chavez gave unselfishly of his talents and passion for the rights of farm workers.

Throughout his life, Cesar Chavez brought his tireless efforts, his deep faith, and the strength of nonviolent resistance to organizing the poorest of our Nation's poor. Mr. Chavez labored in the orchard fields and vineyards in personal witness to the poor conditions and unfair wages. He inspired and organized his fellow workers to form the Nation's first successful union for agricultural workers, the United Farm Workers. Mr. Chavez continued to stand up for the rights of migrant farm workers until his very last days.

Although Cesar Chavez is no longer with us, his body and spirit will remain deeply embedded in the same soil of his labor, as well as in the hearts and minds of those he represented. His memory will forever be a driving force for the Farm Workers Union, and for all working people.

Mr. DELLUMS. Mr. Speaker, Cesar Chavez was a tireless human rights fighter and a champion of the labor movement. His life and legacy of struggle and determination compels us all to redouble our efforts to achieve social justice.

The son of migrant workers, and one himself, Cesar knew well the daily struggle that these workers face for survival. When telling about his childhood, he recalled that as a child he walked barefoot to school through the mud, fished in canals for wild mustard greens to combat hunger, and lived under bridges for protection against the cold and rain. He never forgot his roots and would not abandon these workers despite criticizms that he should focus more on the problems of urban Latinos. Even as Cesar rose to prominence, he ignored the trappings of power and fame, living in the same small house not far from UFW headquarters in La Paz, near Bakersfield, and wearing the plaid flannel shirts, cardigan sweaters and scuffed walking shoes that those who knew him remember so well.

Cesar was a giant of a person; a man of tremendous integrity and vision; and tireless advocate of nonviolence in the face of oppression. His dedication to improve the lot of those at the bottom of our economic and political structure, to protect immigrants from abuse, and to ensure safe working and living conditions for farm workers, were boundless. His life is on a par with those of Dr. Martin Luther King, Jr., and Mahatma Gandhi, two leaders and advocates in the nonviolent struggle for human rights that he admired and emulated, in that he epitomized the spiritual and political goals of a people.

I will cherish the times that I have spent with Cesar: In Delano, in Oakland and at points of struggle over our respective careers. I was honored that he chose to endorse my first candidacy for Congress; he had never endorsed another candidate and when he came to Oakland to campaign for me it validated our mutual commitment to coalition politics. I have tried in the years since to continue to merit the confidence and support that he demonstrated at that time.

We shall miss Cesar's powerful voice. In a 1948 speech to San Francisco's Commonwealth Club, Cesar said:

> Regardless of what the future holds for our union, regardless of what the future holds for farm workers, our accomplishment cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm.

The example he set in the life he led calls us each to a higher purpose and to a greater resolve to right the wrongs and correct the injustices that continue to plague our communities—whether urban or rural, industrial or agricultural. The best tribute that we can pay Cesar is to continue his work, and not allow "la causa" to fail. It is an honor to remember the man and his valiant life and to recommit myself to our shared struggle.

Mr. UNDERWOOD. Mr. Speaker, I was deeply saddened by the recent death of Cesar Chavez. Leaders like Cesar Chavez, come only once in a lifetime because few are willing to make such extreme sacrifice without any promise of significant financial reward or guarantee of success. Because of his strong conviction and unwavering commitment, Cesar Chavez was able to give migrant workers a sense of hope and dignity. He mobilized this group and others into a force whereby the poor overcame the rich and the weak defeated the strong.

Cesar Chavez left an indelible imprint on this country and most important, he changed the wages and working conditions of migrant farm workers. May his death serve as a lightning rod to renew our moral conscience to right wrongs and to ensure that the talents and strengths derived from diversity are recognized.

Mr. COLEMAN. Mr. Speaker, I rise today to pay tribute to an American legend and folk hero, Cesar Chavez. The sudden death of Cesar Chavez comes as a great shock to the many of us who knew him and admired his work. Americans have lost a great leader who inspired many in his nonviolent campaigns for dignity and economic justice on behalf of farm workers and oppressed people everywhere.

His creative use of strikes, boycotts, marches, and fasts was renown. His struggles ignited a movement of social activism by Chicanos in the Southwest and Latinos everywhere. His efforts attracted worldwide attention and gained the admiration of millions.

In my very own State of Texas, Chavez attempted to organize farm workers in the Rio Grande Valley. He almost gave up after severe confrontations with law enforcement. But he never quit. This was perhaps his greatest strength. He shared this trait with his heroes Mahatma Ghandi and Martin Luther King, Jr.

Chavez visited El Paso about a month ago to remind our community about the farm workers' present-day struggle against the use of pesticides. As he did so many times, he captured the hearts of the many people he encountered. His personal example always reaffirmed the goals of his struggle.

My condolences go out to his family, friends, and followers. They can take comfort in the fact that his efforts will continue to inspire those who seek to help the downtrodden, the powerless, and the disenfranchised.

In death, Cesar Chavez' life can and will be held as an ideal to strive toward, to dream of, and to hope for.

Hermano Cesar, que en paz descanse.

Mr. GEPHARDT. Mr. Speaker, America has lost an invaluable champion in the fight for human rights. Cesar Chavez dedicated his life to improving the lives of others, both within and beyond his community. All Americans owe a debt of gratitude to this man whose life was a testament to the strength and fortitude of the human spirit.

Chavez' family was a victim of the Great Depression. Their story is sadly familiar to many American families today. When Chavez was 10 years, the family fell behind in mortgage payments and lost their 160-acre farm. They took to the roads and became migrant farmers. Cesar Chavez knew the deplorable conditions that existed for migrant farmers first hand. A man of vision and commitment, Chavez was not discouraged by his experience, but encouraged to fight for the rights of migrant farmers who were overworked, underpaid, and unempowered.

In the early 1960's Chavez started the National Farm Workers Association, which became the United Farm Workers of America. Under Chavez' leadership, the union spearheaded a nonviolent campaign to improve conditions for migrant farmworkers. In 1965, the young union struck table grape growers in the San Joaquin Valley. Chavez called for a national boycott of table grapes to call America's attention to the plight of farmworkers who produced the food on their tables. Five years later, the growers agreed to a contract and the union scored a victory for farmworkers all over the United States. Largely due to Chavez' efforts, the State of California passed the Agricultural Labor Relations Act in 1975.

Many have compared Cesar Chavez to other human rights champions of our time. Like Gandhi, Chavez denied himself through numerous fasts to achieve a greater good. Like King, he devised creative, peaceful protests to empower his community to redress the injustices inflicted upon them. Throughout his life, Cesar Chavez led a campaign for justice to restore hope to the millions of farm workers who had been left out of the American dream. Even in death, the lessons of Cesar Chavez' life set an example for all of us to follow.

Mr. STOKES. Mr. Speaker, I want to thank my distinguished colleagues and, in particular, the chairman of the Congressional Hispanic caucus, JOSÉ SERRANO, and the dean of the California Congressional Delegation, DON EDWARDS, for allowing us this opportunity to pay tribute to the late Cesar Chavez. The Nation mourns the loss of a great civil rights leader and an exceptional human being. I am honored to participate in this special order as we focus on the life of Cesar Chavez.

Many articles have been written about the contributions of Cesar Chavez. It is noted that by the time of his death, he had done more than any other person to aid our Nation's farmworkers. In many articles, Chavez has been compared to Gandhi and Dr. Martin Luther King, Jr. These references are quite true and significant. For many of us, however, we will remember Cesar Chavez not only for his efforts to organize farmworkers, but for leading the crusade to give a strong voice to the Hispanic community and challenging America to no longer ignore their plight.

Mr. Speaker, Cesar Chavez organized the National Farm Workers Association, later known as the United States Workers of America, in the early 1960's. Prior to the birth of the UFW, farmworkers in California had no benefits, no seniority rights, and lacked the means to challenge exploitive labor contracts. The UFW attracted national attention in 1968 when Chavez successfully organized a boycott of table grape growers in California. He won the support of mayors in cities across America who directed their purchasing agents not to buy non-union grapes.

I recall that in my congressional district of Cleveland, OH, my brother, Mayor Carl B. Stokes, encouraged major grocery stores to prominently display the UFW symbol, the black Aztec eagle, to encourage consumers to observe the grape boycott.

For the first time, attention was focused on the conditions facing the Mexican-American working community. Chavez utilized his skills as an activist and organizer to secure wage increases, medical and pension benefits, unemployment compensation, and union elections for farmworkers.

At the height of the movement, the United Farm Workers claimed a membership of more than 100,000. For over 30 years, Cesar Chavez committed his life to improving the life of migrant workers and others.

Cesar Chavez believed his cause was just and he inspired others through his leadership. He was a man of great vision who gave hope to Mexican-Americans, African-Americans, and others involved in the struggle for equal rights and economic justice.

Mr. Speaker, I join my colleagues in mourning the loss of Cesar Chavez. He will be remembered as a major figure, not only in the Nation's labor movement, but as a courageous hero to millions of people throughout the world. Those of us who have been involved in the struggle for civil rights and equal rights in this country have lost a friend and colleague. We pay tribute to Cesar Chavez and we pledge to continue the struggle on his behalf.

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to Cesar Chavez, a man who tirelessly fought for those who were unable to fight for themselves. Cesar Chavez, the recently deceased labor leader and founder of the United Farm Workers' Union is being honored in a memorial service cosponsored by the Northwest Indiana Hispanic Coordinating Council and the Labor Council for Latin American Advancement and will take place today at Our Lady of Guadalupe Church in East Chicago, IN.

Mr. Chavez, president of the AFL–CIO United Farm Workers' Union, one of the country's most celebrated labor leaders, the Nation's most celebrated Mexican-American, and one of the most admired men in the world, passed away on April 23, 1993.

Mr. Chavez burst onto the national scene in 1965, when he organized the biggest unionization drive in California history. In the process, he brought national attention to Mexican-Americans as a minority group with a unique history. For the first time in this century, Americans became aware of the plight of the men and women who labor so tirelessly to put food on our tables.

Compared by many to Martin Luther King, Jr., and Mahatma Gandhi, Cesar Chavez adopted a path of nonviolent resistance for his movement. At several points in his career, Chavez drew attention to the farm workers' plight by fasting for 3 weeks or more, and it is believed that a 36-day fast in 1988 seriously weakened his health.

Because of his faith filled commitment to improve the lives and livelihood of America's farm workers, Cesar Chavez had a greater impact than any other individual upon both the fields and the corporate board rooms of agriculture. As a result of his efforts, the Nation's farms will never be the same.

Chavez delivered what could have been his own eulogy in a 1988 speech when he said:

> Regardless of what the future holds for farm workers, our accomplishments cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm.

I join the Northwest Indiana Hispanic Coordinating Council, the Labor Council for Latin American Advancement, and the citizens of northwest Indiana, as well as the entire Nation in celebrating the life of Cesar Chavez, a man who symbolized the possibilities of collective action and hope for all Americans.

Mr. RUSH. Mr. Speaker, I rise this afternoon to pay tribute to one of the great men of our time, Cesar Chavez. His lifetime of visionary leadership and struggle brought hope and opportunity to hundreds of thousands of farmworkers.

Mr. Chavez was far more than just a labor leader, he was a leader of people. He spent his life seeking justice, a better life, and a better world for farmworkers throughout the United States. Mr. Chavez deeply valued the rights of every individual. Forced to drop out of school to support his family at an early age, he rose above his circumstances to launch the United Farm Workers. The UFW became a powerful force working to empower those who had been left out of the economic mainstream.

Tirelessly struggling against all forms of injustice, Cesar Chavez has left a powerful memory in all of us. But more than just a memory, Cesar Chavez has left a legacy and an obligation. We must carry on his work. We must seek to empower all Americans, especially those who continue to be denied the opportunity to fully participate in the American dream.

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to one of the most heroic figures of our times. Cesar Chavez achieved a position of moral and political leadership equaled perhaps only by that of Dr. Martin Luther King, Jr., and Mahatma Ghandi. In placing Chavez alongside the aforementioned individuals, we cannot help but notice the commonality that binds each man together, for all three subscribed to the undying notion that how we as human beings choose to use our lives, determines the type of people that we are. These men lived by the virtuous doctrine that, in the giving of ones life to a just and moral cause we can ultimately find life.

On April 22, 1993, America lost one of its most valuable and praiseworthy leaders in Cesar Chavez. One of five children of Depression-era migrant farmworkers, Chavez saw his family exploited by growers and thus was prematurely indoctrinated into the reality of migrant farming.

In 1962, with the most profound respect for the innate value of each human person, and an unwillingness to see that value diminished, Chavez founded the United Farm Workers Union [UFW]. Among its members were his wife, Helen, and their eight children. Three years later the union launched a 5-year boycott of California table grapes that became a national cause, ultimately winning higher wages for workers. Two more decades of struggle followed; in 1988, Chavez nearly died after a 36-day fast to protest what he claimed were cancer-causing pesticides on California grapes.

Cesar Chavez, on more than a few occasions, directed our Nation's attention to the economic and social plight of migrant farmworkers, revealing blatant inequalities and unfathomable working conditions. This mightly warrior relentlessly reminded Americans that injustice anywhere affects us everywhere. However, Chavez drove home this point not through violent or intimidating means, but through the use of nonviolent tactics employed by one of his heroes, Ghandi. Chavez utilized the power of boycotts, strikes, marathon marches and fasts in order to call attention to the UFW, and to wrest better wages and working conditions from the powerful grape, vegetable and citrus growers of California, the Southwest and Florida.

The untimely departure of this courageous human being from this earth has come at a time when farmworkers' wages and living conditions have deteriorated steadily for more than a decade. The need for better wages more commensurate with their back-breaking labor, and improved living conditions is still a problem faced by migrant farmworkers. The United Farm Workers Union, led by Chavez for over three decades, has struggled not to place a financial strain on growers or to cause them any undue hardship, but merely to keep its members from falling too far behind.

Cesar Chavez' United Farm Workers Union has become a symbol of empowerment and pride for not only farmworkers, but to many individuals around the Nation. This remarkable man will long be remembered because he touched the lives of so many in his own altruistic and meritorious ways. His life as well as his efforts will forever echo his undying devotion to safeguarding the dignity of each human being.

Mr. Speaker, I am honored to have this opportunity to salute the life of this noble and extraordinary civil rights leader, and to say goodbye to a man who for many years seemed to defy all odds due to sheer strength of spirit and an indestructible will to lead farm workers from around the Nation toward economic and social equality.

Mr. CLAY. Mr. Speaker, I want to commend the gentleman from California, DON EDWARDS, the gentleman from New York, JOSÉ SERRANO, and the members of the Hispanic Caucus and other Members who joined in taking this special order to pay homage to the passing of a great American. Cesar Chavez was born in very modest circumstances, but rose to become among the most distinguished Americans of my generation. He accomplished this not by amassing great personal wealth, but by working tirelessly to improve the standard of living of the poorest and most neglected of our society, America's migrant workers.

Cesar Chavez first came to national attention in 1965 when he led a national boycott of grapes in an effort to obtain a bargaining agreement between the United Farm Workers Union and the table grapes growers in the San Joaquin Valley. At that time, farm workers earned less than $1.50 an hour, received no fringe benefits, had no seniority rights, and were without legal status to challenge abusive employment practices by growers and labor contractors. At a time when the farm industry grossed $4 billion dollars annually, farmworkers were earning as little as $1,350 a year.

Cesar Chavez and the United Farm Workers persevered, and, on July 30, 1970, after 5 years of effort, the San Joaquin table grape growers signed a collective bargaining agreement with the United Farm Workers Union. In 1975, California passed landmark legislation intended to protect the right of farmworkers to engage in and benefit from collective bargaining. By the late 1970's the United Farm Workers had negotiated collective bargaining agreements on behalf of an estimated 70,000 California farmworkers and thousands more in other States. For the first time, migrant workers were able to obtain medical benefits, pensions, unemployment benefits, and other basic protections that most Americans take for granted.

Neither the United Farm Workers nor migrant workers benefited from the Reagan era. Many of the gains achieved by the United Farm Workers in the 1970's were lost in the 1980's. George Deukmejian's appointments to the Agriculture Labor Relations Board turned California's farm worker labor law from an asset to a liability. Grievances filed before the board dragged on for months and years. Farm workers could not afford the time; justice delayed became justice denied. The protection the law had sought to extend to farmworkers was undermined. Unable to sustain their rights in the courtroom, it became increasingly difficult to maintain contracts in the face of intransigent employer opposition. Like many other unions across the country, the United Farm Workers lost contracts in the 1980's and, like many other American workers, advances in the standard of living of migrant workers across the country were eroded. If we are to truly honor the memory of Cesar Chavez, it is important that we not forget the work his passing has left uncompleted and the challenges he has left for us to fulfill.

As Americans, we pride ourselves on being a society that offers opportunity for all and encourages each individual to succeed to the best of one's abilities. Too often, we ignore or forget the extent to which reality falls short of this ideal. Sometimes we pat ourselves on our backs and share credit for the efforts of a dedicated few such as Cesar Chavez. Sometimes we don't realize just how hard a few individuals worked, the sacrifices and dangers they suffered, and we overestimate our own contributions to the success of their efforts.

Today, we recollect that Cesar Chavez brought to national attention the plight of farmworkers, and then we boycotted grapes and we helped to bring justice to the exploited farm workers. We tend to forget how throughout his life, Cesar Chavez' efforts on behalf of migrant workers were vigorously and even violently opposed by the growers and by more than a few public officials. As we celebrate Cesar Chavez' great contributions, we must remind ourselves that much remains to be done and we must now carry on in his footsteps.

Just as we cannot afford to forget the challenge that Cesar Chavez' life has left to us, we cannot afford to underestimate the many valuable accomplishments of his life.

Notwithstanding the setbacks of the last decade, the actions of Cesar Chavez and the United Farm Workers have substantially improved the standard of living of farm workers across the United States. As Dolores Huerta has so eloquently stated, "Cesar proved to the world that poor people can solve their problems if they stick together." However, though certainly the most famous labor organizer and union leader of our time, Cesar Chavez will ultimately be remembered for much more. By his deeds, Cesar Chavez symbolized the dignity and worth of the individual. Cesar Chavez was a dedicated advocate of the principles of nonviolence and frequently acknowledged Martin Luther King and Mahatma Gandhi as inspirations and models. His most important legacy is not less significant. As Cesar Chavez stated, "Regardless of what the future holds for our union, regardless of what the future holds for farm workers, our accomplishment cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm." For Latinos across America, within and without the United States, the life of Cesar Chavez will forever serve as a source of pride and as a reminder of their own self worth. No one can leave a more valuable legacy, nor render a greater service to our democracy.

Mrs. SCHROEDER. Mr. Speaker, I rise today to mourn the death of one of the most able leaders this country has known, the late César Chavez. As a labor leader, Mr. Chavez was a advocate for all people, as an individual he served as a symbol of cultural and political unity for Mexican-Americans around the country. His fight to secure reasonable wages, decent housing, and human dignity for all farmworkers stretched our minds and touched our hearts. May his work never be forgotten. Viva la huelga!

[From the New Yorker, May 17, 1993]

CESAR CHAVEZ

(By Peter Matthiessen)

Cesar Chavez was on union business when his life ended quietly in his sleep, at 10:30 or 11 p.m. on April 22nd, in the small border town of San Luis, Arizona, thirty-five miles and sixty-six years distant from the childhood farm in the Gila River Valley which his parents lost at the end of the Depression. On April 29th, in ninety-degree heat, an estimated thirty-five thousand people, in a line three miles long, formed a funeral procession from Memorial Park in Delano, California, to the burial Mass, at the United Farm Workers field office north of town.

With the former scourge of California safely in his coffin, state flags were lowered to half-mast by order of the governor, and messages poured forth from the heads of church and state, including the Pope and the President of the United States. This last of the U.F.W. marches was greater, even, than the 1975 march against the Gallo winery, which helped destroy the growers' cynical alliance with the Teamsters. "We have lost perhaps the greatest Californian of the twentieth century," the president of the California State Senate said, in public demotion of Cesar Chavez's sworn enemies Nixon and Reagan.

For most of his life, Cesar Estrada Chavez chose to live penniless and without property, devoting everything he had, including his frail health, to the U.F.W., the first effective farmworkers' union ever created in the United States. "Without a union, the people are always cheated, and they are so innocent," Chavez told me when we first met, in July, 1968, in Delano, where he lived with his wife, Helen, and a growing family. Chavez, five feet six, and a sufferer from recurrent back pain, seemed an unlikely David to go up against the four-billion-dollar Goliath of California agribusiness. Not until January, 1968, after many hard years of door-to-door organizing of uneducated and intimidated migrant workers, had his new independent union felt strong enough to attempt a nationwide boycott of table grapes, publicized by the first of many prolonged religious fasts. On July 29, 1970, the main Delano growers all but ended the boycott by signing union contracts with the U.F.W.

This historic victory was no sooner won when the U.F.W. was challenged by the Teamsters Union, which rushed in to sign up lettuce workers in the Salinas Valley. Chavez was angered by the perfidy of the growers, who were bent on conspiring with the Teamsters to steal from behind the U.F.W.'s back what it had won in a fair, hard fight. He also resented the hostility of almost all municipal and state officials, from the ubiquitous police to governor Reagan, which exposed his farmworkers to an unrestrained climate of violence and too the lives of five U.F.W. members in the course of strikes and organizing campaigns. For Chavez, that hostility led to a resurfacing of emotional injuries he had suffered as a child, all the way back to the bank foreclosure on the small family farm and the brutal racism in such signs as "No Dogs or Mexicans Allowed." "Getting rejected hurts very deep," he told me once, recalling a time in Indio, California, during his migrant days when he followed his father into a decrepit diner to buy morning coffee, only to be contemptuously ordered out. To this day, he said, he could remember the expression on his father's face, and though it has been twenty years or more since Cesar told me that story, I can still recall his expression when he told it—that seraphic Indian face with the dark, sad, soft eyes and delighted smile turned crude and ugly.

In recent years, beset by the unremitting prejudice of California's Republican administrations, which were elected with the strong support of agribusiness, the embittered Chavez embarked upon a table-grape and lettuce boycott against nonunion growers, protesting the use of dangerous pesticides, which threaten the health not only of farmworkers but of the public. The new boycott never took hold. What was lacking seemed to be the fervor of those exhilarating marches under union flags, the fasts, the singing, and the chanting—"Viva la huelga!"—that put the fear of God in the rich farm owners of California. These brilliant tactics remained tied in the public perception to La Causa, a labor and civil-rights movement with religious overtones which rose to prominence in the feverish tumult of the sixties; as a mature A.F.L.-C.I.O. union, the U.F.W. lost much of its symbolic power. Membership has now declined to about one-fifth of its peak of a hundred thousand.

With the funeral march over, the highway empty, and all the banners put away, Cesar Chavez's friends and perhaps his foes are wondering what will become of the U.F.W. A well-trained new leadership (his son-in-law has been named to succeed him, and four of his eight children work for the union) may bring fresh energy and insight. But what the union will miss is Chavez's spiritual fire. A man so unswayed by money, a man who (despite many death threats) refused to let his bodyguards go armed, and who offered his entire life to the service of others, was not to be judged by the same standards of some self-serving labor leader or politician. Self-sacrifice lay at the very heart of the devotion he inspired, and gave dignity and hope not only to the farmworkers but to every one of the Chicano people, who saw for themselves what one brave man, indifferent to his own health and welfare, could accomplish.

Anger was a part of Chavez, but so was a transparent love of humankind. The gentle mystic that his disciples wished to see inhabited the same small body as the relentless labor leader who concerned himself with the most minute operation of his union. Astonishingly—this seems to me his genius—the two Cesars were so complementary that without either, La Causa could not have survived.

During the vigil at the open casket on the day before the funeral, an old man lifted a child up to show him the small, gray-haired man who lay inside. "I'm going to tell you about this man someday," he said.

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore (Mr. FINGERHUT). Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1620

WE MUST HELP FREE HAITI FROM THE GRIP OF MILITARY COUP LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, for more than 19 months, the leaders of Haiti's military have held democracy in a chokehold here in our hemisphere. It is past time for our Government to enact stricter measures to bring to justice the individuals responsible for the September 1991 overthrow of President Jean-Bertrand Aristide. It is past time to end the terror in which the Haitian people continue to live and which has cost more than 3,000 Haitian citizens their lives since the 1991 coup.

Haiti's army is too busy running a billion-dollar-a-year cocaine business to worry about diplomatic missions and trade embargos. As we listen daily to the pleasant phrases of diplomacy seeking to end this national hostage taking, the situation in Haiti grows even more grim, even more desperate. The military coup leaders in Port-au-Prince have already served us sufficient notice that they do not intend to leave power voluntarily and that they intend to continue to be the main obstacle to the return of democracy.

It is our responsibility to help the Haitian military understand that the civilized world will no longer tolerate the intimidation, beatings, the murders, and the destruction of Haitian civil society. We need a proactive strategy. The United States must lead that effort by pushing for the establishment of an international peacekeeping force, by putting Gen. Raoul Cedras and his senior colleagues on trial, and by having the armed forces and paramilitary lay down their weapons. And we must reconsider insisting upon amnesty as one of the terms for President Aristide's return.

I would like to submit the following article from the Christian Science Monitor, entitled "Haiti Must Be Freed From Military's Grip." It was written by Morris Morley, a senior fellow with the Washington-based Council on Hemispheric Affairs, and Chris McGillion, an editorial writer for the Sydney Morning Herald newspaper in Sydney, Australia. I offer it as an indictment of the administration's Haiti policy as we have seen it carried out up until today.

[From the Christian Science Monitor, Apr. 14, 1993]

HAITI MUST BE FREED FROM MILITARY'S GRIP

(By Morris Morley and Chris McGillion)

It took a phone call from Washington in 1986 to convince Haiti's Jean-Claude "Baby Doc" Duvalier that it was in his best interests to flee. In 1990, it took a visit by the U.S. ambassador to get Gen. Prosper Avril and the armed forces to relinquish their grip on power and agree to democratic elections.

In December 1990, campaigning on an anti-corruption, reformist platform, Jean-Bertrand Aristide overwhelmingly was elected president of Haiti. His democratic experiment lasted only seven months, to be overthrown 19 months ago by a brutal coup costing several thousand lives. Having successfully flexed its "muscle" in the recent past, why did Washington prove so ineffective for so long in ousting those who overthrew Mr. Aristide? Part of the answer has been its ambivalence toward a populist committed to substantial rather than token changes.

The civil strife that has occurred since Aristide's ouster, the worst in modern Haitian history, and in which slum dwellers paid the greatest price, is not so much for electoral democracy as to steer the island's destiny. Before his election Aristide said that, "democratic elections are not a solution" because "elections are a way for those in power to control the people." Washington, for all it professed aversion for the military gotpistas, has meant to ensure that Duvalierist institutions, especially the armed forces, remain intact as a barrier against an imagined mobocracy. At first, the U.S. was content to let a largely ineffective Organization of American States find a "solution" to the Haitian crisis. The UN's diplomatic efforts, begun a number of months ago, dragged on without significant results, aside from allowing scores of foreign human rights monitors to enter the island.

From the beginning, the most discussed formula for a solution would see Aristide return as almost a figurehead president at some unspecified future date. But this was hardly realistic, since there are enough of his opponents in Haiti's rigged Senate to impeach and dismiss him should he step out of line. Meanwhile, would the security forces quietly go back to the barracks as if nothing had happened, their leaders cheerfully giving up access to millions in illicit drug-trafficking dollars and their hatred for Aristide? Not surprisingly, Aristide privately has viewed this scenario with apprehension, as do most Haitians, convinced that fundamental social reform is impossible in the absence of the democratization of the country's basic institutions. That is why, during his brief presidency, he kept rallying support in the streets whenever his reforms were being blocked by the country's self-serving, if tiny, elite.

After the last White House meeting of the two leaders, President Clinton declared his firm support for Aristide's return to power. But no indication of a sharp break with former President Bush's failed policy materialized. In fact, the same man who authored it, Assistant Secretary of State Bernard Aronson, has been held over to do the same for Mr. Clinton. Other senior U.S. officials spoke of Aristide's returning to Haiti "when conditions permit." But they are opposed to his insistence that Army commander Gen. Raoul Cedras and other coup leaders be brought to justice, pressing him to agree to an amnesty for both victims and the victimizers.

As of now, Clinton's equivocations seem to be ending. The current White House initiative of asking donor nations to pledge $200 million a year over five years to help renovate the country's institutions and infrastructure is a step forward, but not a big one. Meanwhile, the Haitian military continues to stonewall, as more demands are made on Aristide.

Like Mr. Bush, Clinton seems to have confused democracy in Haiti with a demand that Aristide be willing to coexist with terrorist individuals and institutions. But the consolidation of Haitian democracy depends on vindication for the victims of the military terror.

Aristide is scheduled to return in a couple of months, but not necessarily with plenary powers. Only by putting General Cedres and his senior colleagues on trial, having the armed and paramilitary forces turn in their weapons, and restoring Aristide to his full constitutional authority under an international peacekeeping force can Haitian society be reliably freed from its unworthy military.

H.R. 1960, THE REVENUE RECONCILIATION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am pleased to introduce, by request of the administration, H.R. 1960, the Revenue Reconciliation Act of 1993. This measure contains the statutory language for the revenue proposals contained in the President's comprehensive economic plan as described in the summary of the administration's revenue proposals dated February 1993.

Mr. Speaker, the statutory language in H.R. 1960 will provide taxpayers with significant guidance in interpreting the technical aspects of the administration's tax proposals. Moreover, the bill will greatly assist the Committee On Ways and Means as it considers the President's program of proposals designed to create jobs, spur investment, enhance long-term economic growth, and reduce the overall budget deficit.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARRETT of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes each day, on May 13 and 20.

Mr. HORN, for 15 minutes each day, on May 11 and 18.

(The following Member (at the request of Mr. SERRANO) to revise and extend his remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 60 minutes each day, on May 3 and 4.

Ms. WATERS, for 60 minutes each day on May 5, 12, 19, 26, June 2, 6, 16, 23, and 30.

Mr. FALEOMAVAEGA, for 60 minutes, on May 7.

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLYBURN, on House Concurrent Resolution 71 in the House, today.

Mr. GILMAN, on H.R. 682, in the House, today.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. LEWIS of California.
Mr. RIDGE.
Mr. MCDADE.
Mr. SAXTON in two instances.
Mr. DUNCAN in two instances.
Mr. WOLF.
Mr. HENRY.
Mr. EWING.
Mr. SMITH of New Jersey.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. STUPAK.
Mr. SLATTERY in four instances.
Mr. DINGELL.
Mr. MANN.
Mrs. KENNELLY.
Mr. DEUTSCH.
Mr. TORRES.
Mr. STUDDS.
Mr. NEAL of North Carolina.
Mr. CLYBURN.
Mr. DEFAZIO.
Mr. FRANK of Massachusetts.
Mr. DOOLEY.
Mr. LANTOS.
Mr. KANJORSKI.
Mr. APPLEGATE.

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. HYDE.
Mrs. MORELLA.

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. GILLMOR.
Mr. DREIER.
Mr. HUNTER.
Mr. MOAKLEY.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Wednesday, May 5, 1993, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1153. A letter from the Acting Director, Office of Thrift Supervision, transmitting the office's 1992 annual report on the preservation of minority savings institutions, pursuant to Public Law 101-73, section 301 (103 Stat. 279); to the Committee on Banking, Finance and Urban Affairs.

1154. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 12th report on the activities of the Multinational Force and Observers [MFO] and Certain Financial Information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

1155. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1156. A letter from the Chairman, U.S. Sentencing Commission, transmitting the Commission's report of amendments to the sentencing guidelines together with the reasons for these amendments, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

1157. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a draft of proposed legislation to extend authorization of appropriations for the U.S. Office of Special Counsel, and for other purposes; to the Committee on Post Office and Civil Service.

1158. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1159. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the status report for the month of March 1993 (The 1998–89 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

1160. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements, and a draft of legislation entitled "Generalized System of Preferences Renewal Act of 1993"; jointly, to the Committee on Ways and Means and Rules.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 163. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes (Rept. 103–78). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 164. Resolution providing for consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology

Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes (Rept. 103-79). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DeFAZIO (for himself, Mr. WILSON, Mr. RAVENEL, Mr. LIPINSKI, and Mr. JACOBS):

H.R. 1955. A bill to require the President to impose economic sanctions against countries that engage in whaling not authorized and approved by the International Whaling Commission; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs.

By Mr. ANDREWS of Texas:

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to modify alternative minimum tax system, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 1957. A bill to amend the base closure laws to require the Secretary of Defense to transfer real property and facilities at military installations being closed or realigned to States and other entities that agree to convert the property and facilities into correctional facilities for youthful offenders to be operated as military-style boot camps and to require the Secretary to develop a program to promote the expanded use of such correctional facilities; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. CLYBURN (for himself, Mrs. MEEK, Mr. HASTINGS, and Mr. FIELDS of Louisiana):

H.R. 1958. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives with respect to enterprise zones and areas affected by military base closings or reductions in military base employment; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1959. A bill to reduce until January 1, 1997, the duty on woven polypropylene cloth; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (by request):

H.R. 1960. A bill to amend the Internal Revenue Code of 1986 to provide training and investment incentives and to provide additional revenues for deficit reduction purposes; to the Committee on Ways and Means.

By Mrs. KENNELLY (for himself, Mr. MEEHAN, Mr. BARLOW, Mr. LEWIS of Georgia, and Mr. MORAN):

H.R. 1961. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Natural Resources, Banking Finance and Urban Affairs, Armed Services, Foreign Affairs, Post Office and Civil Service, and House Administration.

By Mr. KLECZKA:

H.R. 1962. A bill to extend until January 1, 1996, the existing suspension of duty on 6-Hydroxy-2-naphthalenesulfonic acid, and its sodium, potassium, and ammonium salts; to the Committee on Ways and Means.

H.R. 1963. A bill to suspend until January 1, 1996, the duty on DMAS; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. STUDDS, Mr. BATEMAN, Mr. FIELDS of Texas, and Mr. TAUZIN):

H.R. 1964. A bill to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. REGULA:

H.R. 1965. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction from gross income for contributions to health services savings account; to amend the Social Security Act to provide for universal coverage of basic health needs for all Americans; to expand Medicare to include preventive and long-term care services; and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. SLATTERY:

H.R. 1966. A bill to amend the Federal Cigarette Labeling and Advertising Act to require that cigarettes and cigarette advertising bear a label stating the addictive quality of nicotine; to the Committee on Energy and Commerce.

By Mr. SLATTERY (for himself, Mr. McMILLAN, and Mr. SAWYER):

H.R. 1967. A bill to amend the Solid Waste Disposal Act to provide for a scrap tire management and recovery program; to the Committee on Energy and Commerce.

By Mr. SLATTERY:

H.R. 1968. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect to annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Post Office and Civil Service.

H.R. 1969. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for advertising or other promotion expenses with respect to sales of tobacco products; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mr. McMILLAN, and Mr. SAWYER):

H.R. 1970. A bill to establish a scrap tire trust fund to provide financial assistance to States to eliminate current scrap tire piles and to manage the future disposal of scrap tires; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SLATTERY;

H.R. 1971. A bill to amend titles XVIII and XIX to treat qualified respiratory therapists and technicians as licensed health professionals for purposes of applying the nursing home reform requirements relating to the training of nurse aides; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SMITH of Iowa:

H.R. 1972. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mr. STUDDS (for himself, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. MOAKLEY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. BLUTE, and Mr. MEEHAN):

H.R. 1973. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services to the extent such fees exceed 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. WOLF (for himself and Mr. CARR):

H.R. 1974. A bill to amend title 49, United States Code, to provide that the Administrator of the Federal Aviation Administration shall be appointed for a term of 7 years; to the Committee on Public Works and Transportation.

By Mr. QUILLEN (for himself, Mrs. LLOYD, Mr. FORD of Tennessee, Mr. SUNDQUIST, Mr. COOPER, Mr. GORDON, Mr. CLEMENT, Mr. DUNCAN, Mr. TANNER, Mr. MONTGOMERY, Mr. STUMP, Mr. BEVILL, Ms. DANNER, Mr. FROST, Mr. KREIDLER, Mr. McCLOSKEY, Mr. SMITH of Oregon, and Mr. TOWNS):

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1578; jointly, to the Committees on House Administration, Government Operations, and Rules.

By Mr. GEPHARDT (for himself, Mr. KOPETSKI, Mr. MATSUI, Mr. MOORHEAD, Mr. MARKEY, Ms. SLAUGHTER, Mr. EDWARDS of California, Mr. HUGHES, and Mr. SUNDQUIST):

H. Res. 165. Resolution expressing the sense of the House regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations; to the Committee on Ways and Means.

By Mr. HYDE:

H. Res. 166. Resolution establishing a House Security Office; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. GLICKMAN introduced a bill (H.R. 1975) for the relief of Afsar Khanom Tajbakhsh; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of May 3, 1993]

H.R. 820: Mr. HINCHEY, Mr. DICKS, Mr. EVANS, Mr. HUGHES, Mr. LANCASTER, Mr. LAFALCE, Mr. MACHTLEY, Mr. KLINK, Mr. MOLLOHAN, Ms. KAPTUR, Ms. SHEPHERD, and Mr. MEEHAN.

[Submitted May 4, 1993]

H.R. 18: Mr. PICKLE, Mr. BERMAN, Mr. FILNER, Mrs. MINK, Mr. UPTON, Mr. CLYBURN, Mr. ANDREWS of Maine, Mr. DICKEY, and Mr. GREENWOOD.

H.R. 21: Mr. CAMP, Mr. WELDON, Mr. RIDGE, Mr. MURPHY, and Mr. PORTER.

H.R. 115: Ms. NORTON and Ms. ESHOO.

H.R. 123: Mr. RAHALL, Mr. PARKER, Mr. GINGRICH, Mr. ARCHER, Mr. McKEON, Mr. ROYCE, and Mr. CRANE.

H.R. 124: Mr. GALLEGLY, Mr. GINGRICH, Mr. TUCKER, Mr. ROYCE, and Mr. RAVENEL.

H.R. 140: Mr. KNOLLENBERG, Mr. EVERETT, Mr. CUNNINGHAM, Mr. BONILLA, Mr. BARLOW, and Mr. HOEKSTRA.

H.R. 159: Mr. McMILLAN.

H.R. 181: Mr. BAKER of Louisiana.

H.R. 349: Mr. COLLINS of Georgia, and Mr. ANDREWS of New Jersey.

H.R. 357: Mr. OBEY and Mr. KLUG.

H.R. 358: Mr. MANTON.

H.R. 417: Mr. MOORHEAD, Mr. GILLMOR, and Mr. GENE GREEN of Texas..

H.R. 567: Mr. KNOLLENBERG.

H.R. 633: Mr. FISH.

H.R. 656: Mr. Franks of New Jersey and Mr. Deutsch.

H.R. 746: Mr. Payne of Virginia.

H.R. 749: Mr. Pombo.

H.R. 830: Mr. Istook, Mr. Roth, and Mr. Hutto.

H.R. 840: Mr. Miller of California, Mr. Towns, Mr. Stark, Mr. Bonior, Mr. Glickman, Mr. Foglietta, Mr. Blackwell, and Mr. Fields of Louisiana.

H.R. 822: Mr. Pickle.

H.R. 1004: Mr. Jefferson.

H.R. 1077: Mr. Blackwell, Mr. Valentine, Mr. Fawell, Mr. Ewing, and Mr. Gillmor.

H.R. 1096: Mr. Dicks and Mr. Bonior.

H.R. 1141: Mr. McCrery, Mr. Knollenberg, Mr. Hall of Ohio, Mr. Cramer, Mr. Derrick, and Mr. Bartlett.

H.R. 1164: Mr. Markey.

H.R. 1275: Mr. Goss and Mr. Ramstad.

H.R. 1296: Mr. Gordon, Mrs. Clayton, Mr. Cramer, and Mr. Hall of Ohio.

H.R. 1322: Ms. Molinari, Mr. Hoekstra, Mr. King, Mr. Gutierrez, Mr. Bachus of Alabama, and Mr. Blute.

H.R. 1327: Mr. Smith of New Jersey.

H.R. 1402: Mr. Blackwell, Mr. Evans, Mr. McHale, Mr. Santorum, Mr. Applegate, Mr. McCrery, and Mr. Mollohan.

H.R. 1481: Mr. Hancock.

H.R. 1493: Mr. Ravenel.

H.R. 1538: Mr. Jefferson, Mr. Stokes, Mrs. Mink, and Mr. Frost.

H.R. 1555: Mr. Obey.

H.R. 1586: Mr. Wyden, Mr. Gutierrez, Mr. Gene Green of Texas, and Mr. Frank of Massachusetts.

H.R. 1640: Mr. Swift.

H.R. 1670: Mr. Kim and Mr. Inhofe.

H.R. 1718: Mr. Hastings, Mr. Jefferson, and Mr. Fields of Louisiana.

H.R. 1727: Mr. Kildee and Mr. Bonior.

H.R. 1765: Mr. English of Oklahoma.

H.R. 1768: Mr. English of Oklahoma.

H.R. 1772: Mr. Mollohan, Mr. English of Oklahoma, Mrs. Mink, and Mr. Payne of Virginia.

H.R. 1773: Mr. Mollohan, Mr. Barrett of Nebraska, Mr. English of Oklahoma, Mrs. Mink, and Mr. Payne of Virginia.

H.R. 1795: Mr. Towns, Mr. Frank of Massachusetts, and Ms. Eshoo.

H.R. 1814: Mr. Frost.

H.R. 1863: Mr. Thomas of Wyoming, Mr. Coble, Ms. Danner, Mr. Doolittle, Mr. Kolbe, Mr. Quinn, Mr. Gillmor, Mr. Lightfoot, Mr. Stump, Mr. Pombo, Mr. Goss, Mr. Shays, and Mr. Levy.

H.R. 1873: Mr. Miller of California, Mrs. Meek, Mr. Foglietta, Mrs. Unsoeld, Mr. Levy, Ms. Eshoo, Mr. Shays, Mr. Ackerman, and Mr. McNulty.

H.R. 1874: Mr. Coleman and Mr. Holden.

H.R. 1885: Mr. Spence, Mr. Burton of Indiana, Mr. Goss, Mr. Baker of Louisiana, Mr. Solomon, Mr. Armey, and Mr. Levy.

H.R. 1944: Ms. Roybal-Allard, Mr. Young of Alaska, and Mr. de la Garza.

H.J. Res. 68: Mr. Traficant, Mr. Clyburn, Mr. Tucker, Mr. Klein, Mr. Clement, Mr. Payne of Virginia, Mr. Coppersmith, Mr. Hobson, and Mr. Fields of Louisiana.

H.J. Res. 136: Mr. Lipinski, Ms. Danner, Mr. Kleczka, Mr. Volkmer, Mr. Slattery, Mr. Faleomavaega, Mr. Filner, Mrs. Unsoeld, Mr. Andrews of Maine, Mr. Hayes of Louisiana, Mr. Gallo, Mr. Martinez, Mr. de Lugo, Mr. Bilbray, Mr. Schumer, Mr. Waxman, Mr. Frost, Mr. Serrano, Mr. LaFalce, Mr. Thompson, Mr. Kreidler, Mr. Evans, Mr. Fields of Texas, Mr. Frank of Massachusetts, Mr. Spratt, Mrs. Vucanovich, Mr. Cardin, Mr. Neal of Massachusetts, Mr. Foglietta, Mr. Gingrich, Mr. Kildee, and Mr. Fazio.

H.J. Res. 139: Mr. Wheat and Mr. Coyne.

H.J. Res. 166: Ms. Furse.

H. Con. Res. 13: Mr. Gingrich and Mr. Royce.

H. Con. Res. 54: Mr. Inglis and Mr. Doolittle.

H. Con Res. 80: Ms. Eddie Bernice Johnson, Mr. Schiff, Mr. Pombo, Mr. Lantos, Mr. Waxman, and Mr. Tucker.

H. Con. Res. 85: Mr. Hancock, Mr. Bereuter, Mr. McCrery, Mr. Leach, and Mr. Jacobs.

H. Res. 154: Mr. Levy.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

32. By the SPEAKER: Petition of the President of the Legislative Yuan, Republic of China, relative to bilateral trade; to the Committee on Ways and Means.

33. Also, a petition of the Canadian Embassy, the Ambassador, relative to H.R. 1313; jointly, to the Committees on the Judiciary, Ways and Means, and Foreign Affairs.

SENATE—*Tuesday, May 4, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord: * * *—Psalm 33:12.

God of Abraham, Isaac, and Israel, everything good and right about our Nation is rooted and grounded in Judeo-Christian tradition. Faith in God and prayer sustained the colonies through imponderable difficulties and revolutionary war. Faith in God and the Bible conceived the Declaration of Independence, the Constitution and the Bill of Rights. The value system which has made America the greatest nation in history is founded on Biblical values.

But, mighty God, we are losing that faith and the benefits and blessings which accrue from it. Critically we need a restoration of that faith of our fathers. Help us hear the words of the father of our country, George Washington, as he spoke to Congress in 1789 following his taking of the oath of office:

"It would be peculiarly improper to omit, in this first official act, my fervent supplication to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States. * * *"

For the glory of God and the welfare of the people. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 867 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COHEN. I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to have an additional 10 minutes to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 868 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEADLINE FOR FILING OF FINANCIAL DISCLOSURE REPORTS

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended, and Senate Rule 34 must be filed no later than close of business on Monday, May 17, 1993. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings; and will provide automatic written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 11. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

S. 818, THE BEVERAGE CONTAINER REUSE AND RECYCLING ACT

Mr. HATFIELD. Mr. President, I am proud to again be the sponsor of legislation to promote beverage container recycling through the implementation of a refundable deposit on beverage containers. Twenty years ago, Oregon led the Nation with such a system that has been a great promoter of recycling.

Oregonians solidly support the bottle bill. A generation of Oregonians have grown up with the bottle bill and many are surprised and then disturbed when they travel to other States that do not place such a high priority on energy savings, solid waste minimization, and litter reduction. Last year, I conducted an informal poll of Oregonians on this subject and found nearly 97 percent support. It is no coincidence that this number is very close to the beverage container recycling rate in Oregon.

A recent nationwide public opinion poll conducted by Peter D. Hart Research Associates, Inc. shows 76 percent of Americans support beverage container deposits. This study shows a high and consistent level of support. Even in nondeposit States, the survey shows a 74-percent support rate. These numbers show a considerable increase in support since 1990, when the General Accounting Office, at the request of Congressman HENRY, Senator JEFFORDS, and myself, conducted a national public opinion survey that showed a 70-percent level of support.

My purpose in speaking today is to place in the RECORD several letters

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that indicate support deposit legislation. I ask unanimous consent that the following letters be included in the RECORD at the conclusion of my remarks: a letter from Donald M. Fraser, president of the National League of Cities; a letter from Daniel J. Weiss, Washington director of the Sierra Club's Environmental Quality Program; and finally, a letter from Jack Holland, president of the Kansas City Consensus.

These expressions of support are just a small indication of the public support for this commonsense idea. I look forward to the 1993 Environment and Public Works Committee hearings on this issue, kindly agreed to last year by Chairman BAUCUS.

Finally, Mr. President, I am pleased to ask unanimous consent to add the distinguished Senator from New York [Mr. MOYNIHAN] as a cosponsor of Senate bill 818.

Mr. President, this is an issue worthy of the serious consideration and support of my colleagues. President Clinton has made a commitment to support a national bottle bill and I look forward to seeing it enacted into law with his support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
Washington, DC, April 22, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the National League of Cities (NLC) and the 16,000 cities and towns we represent, I am writing to express our support for your efforts to secure federal legislation to impose mandatory deposits on glass bottles.

The disposal of wastes and the conservation of resources are two of the most challenging problems to be solved by this nation. With almost half of our cities running out of current disposal capacity in the next two or three years, America's urban areas face an immediate disposal crisis.

We believe that the crisis of solid waste management must be solved through an aggressive program of source reduction, volume reduction and resource recovery and that the ultimate disposal of solid waste must be compatible with the environment.

NLC's National Municipal Policy (copy attached) supports federal requirements for mandatory deposits on batteries, tires and beverage containers as well as minimum recycled content requirements for items such as newsprint, glass and plastic.

We applaud your efforts to re-introduce the bottle bill and stand ready to support the enactment of such legislation.

Sincerely,

DONALD M. FRASER,
President, Mayor of Minneapolis.

2.04 SOLID AND HAZARDOUS WASTE

A. PROBLEMS

The disposal of wastes and the conservation of resources are two of the most challenging problems to be solved by this nation. With almost half of our cities running out of current disposal capacity in the next two to three years, America's urban areas face an immediate disposal crisis.

Additonally, the improper disposal of hazardous waste and the spills of chemicals, oils, and other hazardous substances as the result of highway, rail and waterway accidents are national problems which can endanger public health and pollute our nation's air, water and land resources. A solution to the hazardous waste and materials problem will require the cooperation of federal, state and local governments as well as the hazardous waste generating industries and materials transporting industries.

B. GOALS

The crisis of solid waste management must be solved through an aggressive program of source reduction, volume reduction, resource recovery, and ultimate disposal all of which must be compatible with the environment.

A national hazardous wastes and materials management strategy must be developed in order to protect human health and the environment. The strategy should encompass the entire life of the waste and material, from reproduction to transportation and temporary storage to final disposition.

C. NATIONAL SOLID WASTE POLICY

A national policy for solid waste management should take an integrated approach to effectively mix and match management options to best meet local needs.

To assist city officials' efforts to effectively address this crisis, the federal government must support the following management options.

1. Source reduction

The federal government should support public education programs to enhance a better understanding of the crisis and to promote public participation in options to reduce the volume of solid waste. Federal packaging standards to limit excess packaging or to require reuse of packaging should be established for manufacturers, distributors and retailers to achieve maximum feasible reduction. Congress should enact legislation which will identify and remove from the waste stream packaging and products which are toxic and not recyclable. Federal regulations should require that all new disposable products and all "advertising mail" be non-toxic, and recyclable. Federal resources should support research and development on packaging materials, biodegradability and techniques to minimize solid waste.

2. Recycling

While municipalities strongly support recycling initiatives, we oppose the imposition of mandatory percent recycling requirements or the imposition of mandatory diversion rates on local governments by the federal government unless there are federal minimum content standards. National recycling goals must take into account economic and regional market variations. To facilitate local recycling programs and attainment of national recycling goals, Congress should define municipal solid waste assuring recognition of the different types of waste, i.e., residential, commercial and industrial.

Congress must recognize that municipal recycling programs will not succeed without well-developed, long-term stable markets. Commodities such as batteries, tires, beverage containers and newspapers represent either significant disposal problems or are uniquely amenable to recycling. NLC supports federal requirements for mandatory deposits on batteries, tires and beverage containers as well as minimum recycled content requirements for such items such as newsprint, glass and plastic.

Federal funding should support research and development and pilot programs to assist localities in the demonstration of new recycling techniques. In addition, federal and state governments should provide tax incentives and technical assistance in order to identify and develop both domestic and international markets for recycled materials, as well as encourage the use of recycled and recyclable materials. To assure a level playing field, the federal state governments should insure that unfair and inappropriate tax incentives for the use of virgin materials are eliminated and favorable tax policies for recycling processing centers must be restored.

SIERRA CLUB SAYS THE AMERICAN PEOPLE KNOW WHAT "THE REAL THING" IS: A NATIONAL BOTTLE BILL

SIERRA CLUB,
Washington, DC, April 22, 1993.

DEAR SENATOR: Sierra Club applauds today's introduction of the National Beverage Container Reuse and Recycling Act of 1993, by Senator Mark Hatfield (R-OR), and Representatives Ed Markey (D-MA) and Paul Henry (R-MI). This national container deposit legislation would reduce garbage, increase recycling, conserve energy, and save valuable raw materials—all necessary objectives for a healthy environment and economy in the 21st century.

To that end, Sierra Club urges Senators to make a 1993 Earth Day pledge to cosponsor the National Beverage Container Reuse and Recycling Act of 1993.

AMERICANS WANT NATIONAL CONTAINER DEPOSIT LEGISLATION

The American people recognize the benefits of a national bottle bill. A recent national survey conducted by Peter D. Hart Research Associates—April 7-12, 1993—reveals that 76% of Americans favor a national bottle and can deposit law. In fact, a variety of opinion polls, over the years, have shown that a majority of those polled in bottle bill states support deposit laws.

On Earth Day 1992, then-Governor Bill Clinton promised that his administration would "pass a national bottle bill to encourage recycling" when discussing the urgent challenge to reduce the amount of solid waste generated. We urge President Clinton to make this goal a reality by strongly supporting the Hatfield-Markey beverage container deposit legislation.

BEVERAGE CONTAINER LEGISLATION HAS BEEN PROVEN EFFECTIVE

Nine states have already proven a beverage container deposit law can significantly reduce garbage. According to the General Accounting Office (GAO), deposit states have reduced the volume of beverage container litter by about 80 percent, and total solid waste by as much as six percent. Deposit legislation does this at no cost to cities or taxpayers.

BEVERAGE INDUSTRY CLAIMS ARE FALSE

The big beer and soda conglomerates will continue to oppose this legislation, as they have since the 1970's. But each of their assaults on this fiscally sound environmental program turned out to be false. First, these special interest opponents charged that state bottle bills will cost jobs. In fact, studies in Michigan, Maine, and by the GAO demonstrated that bottle bills create jobs.

Then the beverage companies claimed that beverage deposit programs actually disrupt curbside recycling programs. Nothing could be further from the truth. A study by the Congressional Research Service found that "enactment of a bottle bill does not appear to prevent operation of curbside programs."

Now, the same companies that produce these throw away products are claiming that the bottle bill is not a comprehensive solution to our garbage crisis. Yet, these same companies opposed comprehensive recycling legislation last Congress.

Last November, the American people voted for a fundamental change in the way that government conducts business. The Hatfield-Markey-Henry National Beverage Container Reuse and Recycling Act would help spur this change by increasing recycling, creating jobs, and saving taxpayers money. President Clinton and Congress should enact this bold proposal. Please join the over 70 members of Congress who have signed on as original cosponsors to national beverage container legislation introduced today.

Sincerely,

DANIEL J. WEISS,
Washington Director,
Environmental Quality Program.

KANSAS CITY CONSENSUS,
Kansas City, MO, April 23, 1993.

Hon. MARK HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Kansas City Consensus Board of Directors and membership, thank you for introducing the National Bottle Bill. Kansas City Consensus is a 700-member volunteer organization committed to the improvement of the Kansas City, Missouri metropolitan area. Consensus works to involve citizens in the democratic process.

Consensus endorsed the concept of bottle bills in a 1990 task force report, entitled "Solid Waste Management: A Metropolitan Opportunity." The Consensus board formally endorsed your bill on April 15, 1993. In support of the National Bottle Bill, we have included an article in our newsletter asking our members to write their U.S. legislators. I have also written Senators Dole, Kassebaum, Danforth and Bond asking them to support the bill. I have enclosed a copy of this letter.

If Consensus can be of further assistance in ensuring that this important legislation is passed, please do not hesitate to call. Steve Schutte is the staff person handing this matter for Consensus and he can be reached at (816) 753-3398.

Again, thank you for introducing this legislation.

Sincerely,

JACK HOLLAND,
President.

TEACHER APPRECIATION WEEK

Mr. LIEBERMAN. Mr. President, May 2–8 is Teacher Appreciation Week. I believe the following statement by Patricia G. Sidas, president of the Parent-Teacher Association of Connecticut, speaks for all parents and everyone who cares about our children's education:

Thank you. A simple expression. One we use quite commonly, often with little meaning behind it. But when we do use it with heartfelt meaning it conveys to the person thanked a deeply felt conviction that we as individuals, as PTA leaders, as parents are the better for having received from the one we thank his or her gift—of time, of self, of intellect, of strength.

Thank you, teachers. Thank you for being so filled with the wonder of humanity that you give your life's work to "leading forth"—educating—humanity's future, our children. Thank you for caring—for the children, for the parents whose struggles sometimes overwhelm their parenting, for the frontiers of knowledge that you always keep before you so that your charges will be ready for the future. Thank you for becoming principals and superintendents and being teachers to your colleagues in the classrooms. Thank you for having the strength to endure the anger, pain, and disrespect of those who are all too ready to condemn but far too unwilling to walk the path you have chosen. Thank you for friendship, for PTA leadership, for tending the great fire of learning. Thank you for going with parents, hand in hand, and heart in heart, to the public for the children. P-T-A * * * Parents and Teachers together. Advocates for children. Together we change the world. Thank you all.

PATRICIA G. SIDAS,
President, Connecticut PTA.

CHAIRMAN JOSIAH NEWTON MOORE, TOHONO O'ODHAM NATION

Mr. DECONCINI. Mr. President, I rise today to pay tribute to Josiah Newton Moore who was chairman of the Tohono O'Odham Nation until his death on April 19, 1993. The State of Arizona, the Tohono O'Odham Nation and this country lost an outstanding native American leader upon the untimely death of Chairman Moore.

Chairman Moore was a native of Ston Shudag which is located in the southwestern corner of the Chukut Kuk District in the Tohono O'Odham Nation in southern Arizona. He was educated at Arizona State University in Tempe, AZ. With a dual degree in elementary and Indian education, he committed himself to improving education programs serving native Americans. His career as an educator included being a counselor and adjunct professor of English at Arizona State University. Chairman Moore also served as the director of the Indian Education Office within the Arizona Department of Education. He was a naturally gifted teacher whose contributions to Indian education will be profoundly felt for generations to come.

In 1983, Chairman Moore was first elected to the Tohono O'Odham Nation's highest public office. Under his leadership, the Tohono O'Odham Nation moved into an era of stronger self-governance with the adoption of a new constitution which separated the tribal government into three independent branches. Chairman Moore also restored to his people their chosen name—Tohono O'Odham—which means the Desert People and ended the practice of having his people called Papagos or the bean eaters in Spanish. Chairman Moore was not one to let historical patterns of public ignorance or neglect go unchallenged.

After being out of office for one term, Chairman Moore was reelected to a second term in 1991, and sought to bring economic stability and autonomy to the reservation communities. He had an unwavering commitment to bettering the lives of the Tohono O'Odham people and proved to be an effective advocate. He was widely respected throughout Arizona and by all who came to know him. He challenged the status quo by insisting upon the fair and equal treatment of all native Americans in his characteristically soft but firm voice.

He demanded respect for the Tohono O'Odham people, and their culture and history. I spoke earlier about how he restored to the Tohono O'Odham people their proper name. I believe that this may perhaps become his greatest legacy. With this single act, he reaffirmed the right of native American people to be treated with dignity and respect. As a result, we all gained a better understanding and appreciation for the Tohono O'Odham people.

Chairman Moore will be missed but not forgotten.

Mr. President, I ask unanimous consent that my entire statement and the April 23, 1993 Arizona Daily Star editorial on Chairman Josiah Moore be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOSIAH MOORE: THE TOHONO O'ODHAM CHAIRMAN TAUGHT WELL

Josiah Moore was a big man with long gray hair and a soft but authoritative voice—the voice of a teacher.

And a teacher is what he was.

That's certainly how his friends said they wanted him to be remembered after his death this week.

He was chairman of the Tohono O'odham nation for six years, presiding over 11 districts in a slice of southwestern Arizona the size of the state of Connecticut.

He guided the reservation into its modern form of government, lured commerce to the tribal capital at Sells and built schools. He was the first tribal chairman under a new form of government and a new name for the 17,000-member tribe, which until 1986 had been known as the Papagos.

Those accomplishments will all endure much longer than the memory of his fight to defend his tribe's right to operate gambling halls—the source of his contemporary fame.

But that fight should be viewed merely as an extension of earlier ones. His life was a struggle not for gambling or supermarkets in Sells or government programs—but a quest for autonomy and a better life for his tribe.

When he first ran successfully for tribal chairman in 1983, Moore said he wanted the tribe to have greater control over its destiny. The road to that goal was a new constitution and centralized tribal authority for a people that for 6,000 years had governed themselves as independent villages.

Some tribal elders complained that the constitutional change to power shared by the chairman, a legislative council and an independent judiciary was a "white man's" system.

To that, Moore simply replied that the model had been first developed by the six Iroquois Nations.

Moore won his crusade for a new constitution that enshrined the tribe's chosen name. "Papago," Spanish for "bean eater," was replaced by "Tohono O'odham," or "desert people."

In the first elections held under the new constitution, a year later, Moore lost his chairmanship in a close election.

He won it back in 1991 and became a leader of the intertribal alliance that was fighting the state and the federal government for the tribes' rights to operate gaming parlors.

Moore saw them as an essential tool for economic development, and he forcefully took on the governor and the attorney general when they resisted tribal authority.

Moore's angry statements about the state's treatment of the tribes were unusual for him. Generally, he spoke softly, and bridged the gap between two worlds that often distrusted each other.

Raised in the reservation town of Santa Rosa and the copper camp of Ajo, Moore was educated at Arizona State University as a teacher and specialist in Indian education.

He spent much of his life teaching and developing programs for the state Department of Education.

He wanted better education, housing, jobs and economic prosperity for the Tohono O'odham—and he understood that progress brought with it the potential for harming traditions.

"Some say that progress brings problems, but there sure are problems now," he said.

Moore's life was spent teaching others how to seek improvement without destroying tradition—how to walk in two worlds with grace and without compromise.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the total Federal debt stood down to the penny, at $4,254,084,170,636.01 as of the close of business on Friday, April 30. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,561.94.

ACCOLADES TO KEN BYERLY OF LEWISTOWN, MT

Mr. BAUCUS. Mr. President, I rise today having learned that a respected Montanan and a great American, Ken Byerly of Lewistown, has stepped down as publisher of the Lewistown News-Argus. He has done so, Mr. President, having spent more than 40 years of his life devoted to keeping central Montanans informed about their community and their world.

Ken and his wife, Scottie, are very good friends of mine. Not only have I enjoyed this friendship, I have enjoyed working with Ken and meeting with him about the many issues that affect Montanans. Many times, in speaking with Ken in person or on the phone, his insights helped me gauge what Montanans think and believe. This wisdom about Montana is consistently evident in his writing as well.

Ken personifies the best of the journalism profession. Beyond reporting the news, Ken has been involved in virtually every aspect of life in central Montana. In short, the people of Lewistown have no greater friend—no more respected advocate—than Ken Byerly.

As a reader of the News-Argus, I am pleased that Ken will continue to contribute opinion editorials to the paper. And I am sure I will be among the many Montanans who try to get him on the phone at the News-Argus in the mornings, when he will be in office.

I look forward to continuing to work with Ken's son, Dave Byerly, who will be taking over the reins as publisher of the paper. Dave has been managing editor of the News-Argus for some time, and I know his father is quite proud of him.

It is heartening to see that a family business such as the Lewistown News-Argus and News-Argus Printing can continue to thrive these days, especially when so many are unable to do so. And I wish Ken, Dave, Scottie, and the rest of the Byerly family the best of luck as they continue in their efforts to keep central Montanans informed.

PRESIDENT WELCOME AT WICHITA BOATHOUSE ANYTIME

Mr. DOLE. Mr. President, I would like to thank the President of the United States for focusing the national spotlight for at least 48 hours on Wichita, KS—the air capital of the world, home of McConnell Air Force Base, Wichita State University, home of well-known companies including Pizza Hut, the Coleman Co., Rent-a-Center, Beech, Cessna, Lear, Boeing Military, and home of a certain privately funded boathouse along the banks of the Arkansas river.

I have seen a lot of stories about a so-called war of words between the White House and the Republican leader. Well, as far as I am concerned, it is all water under the boathouse. The only capsized fact I would like to turn upright is that there are no Federal dollars at stake in the private renovation of the boathouse, a building scheduled to be torn down if it was not rehabilitated. Local officials, the charitable foundation renovating the building, and the area's Democratic Congressman all agree to this fact. And the Arkansas River Foundation has already said that if the Federal Government does not grant the waiver to change the purpose of this building, it will raise private funds to reimburse the Federal Government.

So, when the White House Communications Director said last night that the "cost to the taxpayers is not as high as" the $23 million cited by the President, he really means the cost to the taxpayers is zero—not $1 million, not $850,000, not $1 is involved.

Although some people passed it off as a joke, believe me, the news media recognized it as hard news, whether it was Sam Donaldson on "The David Brinkley Show" or whether it was the Wall Street Journal or CNN or others. and they followed up with serious questions. My office had an obligation to set the record straight.

I believe the President would agree with me that it is time to put words behind us, and set sail toward the future, charting a course for national challenges such as health care reform, fighting drugs and crime, reducing the deficit, and bringing peace to Bosnia, the North American Free-Trade Agreement, and a number of other issues where I hope we can be working together.

I would also point out that the Arkansas River runs through both Wichita and Little Rock, so whenever President Clinton wants to sail up to Kansas, he is welcome to tie-up his boat at our privately funded boathouse anytime.

TRIBUTE TO PRESIDENT RANASINGHE PREMADASA

Mr. PRESSLER. Mr. President, I rise to express my sadness at the tragic events that have just occurred in Sri Lanka. As my colleagues well know, on Saturday, Sri Lanka's President Ranasinghe Premadasa, was assassinated as a result of a bomb blast that killed 24 individuals and injured scores more. This brutal act of political terrorism came on the heels of the assassination of Sri Lanka's leading opposition leader, Lalith Athulathmudali.

I had the opportunity to meet President Premadasa in December 1991. I know the President's son, Sajith, who volunteered in my office here in Washington, and wrote a number of reports for me and members of my staff. I wish Sajith and his family well during this difficult period.

I also extend my best wishes to all the people of Sri Lanka. When I visited Sri Lanka, I witnessed a country that had enormous potential. It was a country of promise fueled by the innovations of its leader, President Premadasa. I recall one such innovation: the Presidential Mobile Secretariat. In an effort to make government more responsive to citizens in remote regions, President Premadasa literally would bring his government to the people. Four times each year, all 28 government ministries would pick themselves up and relocate to an outlying district for several days. My visit happened to coincide with one of these Mobile Secretariats in the State of Kalutara. I witnessed the Prime Minister, the Minister of Public Administration and Home Affairs, the Foreign Minister and others visiting with the local citizens, addressing their grievances and concerns. Complex issues which require additional consideration were initiated with a promise of followup. I was told this followup did occur. Nobody was turned away without an answer.

Mr. President, this Mobile Secretariat was an extraordinary example of grassroots government. It symbolized the can-do spirit of President Premadasa. Can-do describes the life of Ranasinghe Premadasa. He was born in poverty, but defied Sri Lanka's caste and class barriers. Premadasa rose from labor union activist to member of Parliament because he impressed party leaders and fellow citizens with his can-do outlook and initiative.

Premadasa was named Prime Minister in 1978 and was elected President in 1989. His Mobile Secretariat was one element in a government that emphasized health care access, educational opportunities, and improved infrastructure. President Premadasa struggled to bring economic opportunities to his country. He knew that more people could rise from the limitations of caste and ethnicity if greater economic opportunity existed. He encouraged business startups through low-interest loans. As a result of his efforts, Sri Lanka is poised to be a leader with the expected south Asian economic boom.

Tarnishing this bright future is a past and present marred by ethnic violence. To his credit, President Premadasa had struggled to break the death grip of violence in his country. There was great hope that differences could be resolved with ballots, not bullets. Yet, in 1 week, years of struggle and progress may have been lost.

The tensions in Sri Lanka are both ethnic and religious. The Sinhalese make up 75 percent of the population, and are mostly followers of Buddha. The Tamils make up the remainder of the population, with Hundus making up a majority of this group.

For more than a decade, the Sinhalese and Tamils have been engaged in a brutal civil war that has claimed 20 thousand lives. The Tamils—concentrated in the northern and eastern regions of the island—seek concessions from the Sinhalese majority ranging from greater political liberties to complete independence. Suicide bomb attacks like the one that took the life of President Premadasa are common. The intensity of the hostilites can be measured by the willingness of some to strap themselves to explosives, or take cyanide should they be captured before their assassination mission is accomplished.

President Premadasa faced opposition from radical elements within both the Sinhalese majority and Tamil minority. The beginning of his presidency was marked by efforts to wipe out a hard-line Sinhalese group known as the People's Liberation Front. Rather than see his island permanently divided along ethnic lines, he sought for 4 years to find a political settlement. Trying to forge a political settlement in the midst of such great hostility was the ultimate test of President Premadasa's can-do spirit.

President Premadasa was a larger than life figure in his country, which explains why his death was deeply mourned or greatly celebrated. Regardless of how one feels, or one's political or ethnic loyalties, all citizens of Sri Lanka can learn from President Premadasa's successes and failures. Ultimately, he believed that the people of Sri Lanka could overcome their ethnic differences. The test of his beliefs now rests with the people of Sri Lanka, whether they be Sinhalese or Tamils, Buddhists, Hindus, or Moslems. Together, they must begin to pick up the pieces and try to resume the ambitious reforms begun by President Premadasa.

During my recent visit to Africa, I had an opportunity to visit with Yoweri Museveni, the President of Uganda. President Museveni argued that for democracy to succeed in Africa, its leaders must not be perceived by either themselves or their citizens as larger or more important than the democratic institutions they were elected to serve. Leaders may come and go, but the institutions of democracy must remain. Assassination must not topple democracy, but instead trigger the democratic process to fill the leadership void and move on.

I agree with President Museveni. His conclusions are true not just for African countries, but for all nations and all people struggling to establish a civil society based on the rule of law. President Premadasa tried to adhere to these principles as well. The greatest tribute the people of Sri Lanka could give to their fallen leader is to continue his work—continue to move toward a free market economy, continue to push for democratic reforms, and continue to push for the resolution of ethnic tensions. These are enormous challenges. If the people of Sri Lanka adopt their fallen President's can-do spirit, these challenges can be met.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 171, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. GLENN. Mr. President, we are operating under time agreements, I believe, on all the remaining amendments; is that correct?

The ACTING PRESIDENT pro tempore. On some of the remaining amendments, there are time agreements.

Mr. GLENN. Mr. President, I was unaware that we were going to have some amendments that were not under a time agreement. I thought we had an inclusive time agreement on the amendments that would be permitted and the second-degree amendments thereto. Am I incorrect in that?

The ACTING PRESIDENT pro tempore. Under the order, as I read it to the Senator, I note that on the Baucus amendment, there is a time limit of 40 minutes; the Dole amendment, 30 minutes; the Bond amendment, 90 minutes; and on two others, there does not appear to be a time agreement: One offered by the Senator from Ohio and one offered by the Senator from Delaware.

Mr. GLENN. Mr. President, I see Senator BOND on the floor. His amendment would have a 90-minute time agreement under my control and the control of the minority leader; is that correct?

The ACTING PRESIDENT pro tempore. That is correct; equally divided.

Mr. GLENN. I thank the Chair.

Mr. BOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

AMENDMENT NO. 340

(Purpose: To provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands)

Mr. BOND. Mr. President, I rise today to present an amendment with seven cosponsors that will deal with one of the most frustrating bureaucratic hassles that farmers must face in environmental regulation. This measure is similar to the Wetlands Simplification Act that I first introduced in 1991. It provides relief for farmers who now find four different Federal agencies coming on their land and, in many cases giving them four different answers to the question: Is this a wetland? And, if so, what can and what must I do with it?

The 1972 Clean Water Act was the first Federal protection for wetlands, but they were undefined. In the 1985 and 1990 farm bills, Congress created a program known as swampbuster to protect wetland on farmlands. A wetland is defined in the 1990 farm bill.

The lack of consistency resulting from separate determinations made under the swampbuster, the farm bill, and section 404 of the Clean Water Act has led to cumbersome, slow, and unpredictable results.

Congress has created this problem, and it is up to us to fix it, not to rely on Federal agencies to try to work it out themselves.

If you are a farmer, you can be up against four different agencies of the Federal Government: the Army Corps of Engineers, the Soil Conservation Service, the Environmental Protection Agency, and the Fish and Wildlife Service.

Let me give you an example of how sometimes these four different agencies interact. Two farmers in Andrew County, MO, Jerry Lightle and Ray Bleich, had adjacent farms. The Soil Conservation Service looked at their farms and said, "No wetlands." Then the county came along and dropped a bridge into a creek which diverted the creek onto their lands.

They asked the Soil Conservation Service if it was permissible for them to divert the creek back so they could continue to farm the lands, and they did. They thought that was the end of it, until a representative of the corps came on their land, without their knowing about it, and they got a phone call saying they were in violation and they began to talk about a penalty of $10,000 a day for the violation.

Obviously, this caused a great deal of concern and consternation, not only for Jerry Lightle and Ray Bleich, but for all the other farmers in the area and around the State who heard about it.

As a side note, I might tell you that when one of the representatives of the Corps of Engineers came to look at the land, he looked out across the field and advised the very shocked farmer that he had a real problem because he had a whole field that was wetland. And the farmer asked him, "Why do you think it is wetland?"

He said, "Well, look out there; all those cattails growing in the field."

And the unbelieving farmer turned to him and said, "Sir, that is milo; that is grain sorghum. Those are not cattails."

The Corps of Engineers did not know the difference between a cattail and a head of milo.

That is one of the reasons I say we need to have agriculture wetland determinations made by an agency that knows the difference between a cattail and milo.

Let me tell you another example. About 3 years ago, a farmer in St. Louis County came to my office with a real problem. He had some wet pieces of ground on his land and he had four different agencies coming out to that land telling him different things.

I sent representatives out. The four agencies could not agree. They had swampbuster, they had section 404 regulations in hand. We got two different opinions on the particular wetland problem, and the agencies could not agree on what could and what should be done on that land. It took a great deal of time and effort from my staff and myself to work it out. We finally got the problem resolved, but that is a problem that should never have occurred. It is time to end the regulatory nightmares farmers and ranchers have been experiencing.

Mr. President, I have 400 case studies where farmers and ranchers all over the country have been caught up in the bureaucratic nightmare of wetlands regulation.

I think it is time to end the confusion, to clarify the process, and to allow a farmer what anybody would think a reasonable response from one Federal agency telling him what the Federal Government requires him to do.

I know that the Vice President is heading a task force to streamline Government to save the American public some money. I think this might be a good place for that task force to look, because I think it is absolutely incredible that there are four different agencies with two different pieces of legislation and even different definitions of wetlands.

Recently, the EFA made a decision to join the corps in using the 1987 Corps of Engineers manual when defining a wetland, while at the same time the SCS and the Fish and Wildlife Service are using a different definition from the 1990 farm bill. This amendment will stop one agency from going onto a farmer's land and declaring it a wetland after another agency has just given it a clean bill of health—or the converse situation.

I believe it is time for the Federal Government to speak with one clear understandable voice. In 1991 we introduced this same legislation, which was then S. 2018, with 17 cosponsors. This year with 23 cosponsors, it is S. 824. The amendment I offer today would provide a consistent and single agency for making all wetland delineations on agricultural lands. It does not attempt to define a wetland or to change the definition.

This amendment would give the Soil Conservation Service in consultation with the Fish and Wildlife Service—which is the language established under the 1990 farm bill—the authority to provide consistent interpretations and make all technical determinations concerning wetlands on agricultural lands only. It will not alter in any way the current section 404 regulatory permit system administered by the Corps of Engineers and EPA. The corps must continue to issue permits and make wetland delineations on all nonagricultural lands. It applies only to land that is part of a farming or ranging operation. Any wetland on agricultural land that might be proposed for development would still have to deal with the Corps of Engineers and proceed through the regulatory permitting process.

This amendment will not reduce the oversight authority over wetlands but it will adopt the commonsense proposition that one Federal agency with the most experience be the one-stop shop for farmers and ranchers who seek answers on wetland questions.

If the agricultural land was not a wetland no further steps would be required. If an area was a wetland and a nonagricultural commercial development was proposed, then the landowner would still have to go through the normal permitting process.

I believe we can preserve our wetlands without burying family farmers in redtape, bureaucracy, and paperwork. It is clear we have to improve Federal efficiency when dealing with the wetlands and clear up any confusion in the agriculture community.

To me, this is one of the greatest obstacles to assuring willing compliance with environmental regulations when farmers across our country get different views and different answers to a simple question about what is or is not a wetland.

To summarize, this measure provides a one-stop shop to farmers when seeking answers on wetlands; two, it deals only with agricultural lands; three, it does not try to define a wetland; four, if the land is deemed not a wetland, no further steps are necessary; five, if the land is considered a wetland and nonagricultural commercial development is involved, the landowner goes through the normal permitting process—if it is a wetland and it is to be in agricultural purposes, the 1990 farm bill has very specific limitations and provisions for it.

The Federal Government will speak with one voice and not four. Farmers in America, farmers in my State in particular, have been waiting for 8 long years. They believe and I believe that this is in the right direction to cure the problem.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. MCCONNELL, Mr. CONRAD, Mr. COATS, Mr. NICKLES, Mr. SIMPSON, Mr. HATCH, and Mr. GRASSLEY, proposes an amendment numbered 340.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . COMPLIANCE WITH WETLAND CONSERVATION REQUIREMENTS.

Section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)) is amended by adding at the end the following new paragraph:

"(4) EFFECT OF DETERMINATIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a technical determination with respect to wetland or converted wetland on agricultural lands (including the identification of wetland under paragraph (1) and the development of a wetland restoration or mitigation plan developed under paragraph (1)) shall be used in the administration of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) CONSISTENCY.—Any area of agricultural land or any activities related to the land determined to be exempt from the requirements of this subtitle shall also be exempt from the requirements of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) for such period of time as those lands are used as agricultural lands.

"(C) DEFINITION.—As used in this paragraph, the term 'agricultural lands' means cropland, pastureland, native pasture, rangeland, orchards, vineyards, nonindustrial forest land, and any other land used to produce or support the production of an annual or perennial crop of a commodity, acquaculture product, nursery product, or livestock.".

Mr. BOND. Mr. President, this amendment would finally provide the American farmer with a consistent and single agency for making all wetland delineations on agricultural lands.

Farmers make their living from the land, working with it every day. Often their land has been in their family for generations. Many intend to pass it down to their children, God willing. You see, a farm family's land, including a wetland, is precious to them, certainly more precious than it is to any government or environmental group.

Farmers want to protect their lands and comply with the law. It is a heavy-handed government pushed by overzealous activists that makes it difficult. Some people seem more concerned about preserving a wet patch of ground than they are about preserving family farmers.

If you are a farmer with a single wet patch of ground on your land, you are up against four different agencies of the Federal Government, armed with complex and confusing regulations from two very different pieces of legislation overseen by two Senate committees. Even worse, the four Federal agencies probably will not even agree on whether the patch of wet ground on your farm is a wetland or not, let alone how you should handle it. But if you do not handle it right, you could be penalized or fined tens of thousands of dollars.

Any one of these four Government agencies could come on a farmer's land at any time with no warning and tell him one story about his land. The farmer, who works hard every day, struggles to make a living from his land for his family, pays his taxes and obeys the law, then follows this story and does what the Government agent tells him to do. However, the next week another one of these four Government agencies comes on the farmer's land, again with no warning, and tells him a totally different story. Well, that farmer is now surprised, confused and not sure what to do. A week later the farmer gets a letter in his mailbox from the Federal Government threatening legal action and fines.

This is not an isolated case. This story is repeated every day in this country. Farmers across America dread the day they find a Government agent running around uninvited on their land. A neighbor, a friend, someone in the next county—most farmers know or have heard of a story like this. I have heard them all over my State, and enough is enough.

We tried to clear up the wetlands problem during the 1990 farm bill debate. I believe the Soil Conservation Service [SCS] and the Agricultural Stabilization and Conservation Service [ASCS] personnel have done a solid job of educating farmers on sodbuster and swampbuster regulations. I believe the President has announced a common sense approach to wetlands.

Unfortunately, when you throw in section 404 of the Clean Water Act, the wetlands issue becomes mud. The Clean Water Act was designed to prevent pollutants from flowing from one body of water to another. Now regulators use its open-ended terms for a completely different purpose. In less than 20 years, the section 404 program has gone from regulating navigable waters to regulating corn and soybean fields.

Mr. President, here are over 400 case studies where farmers and ranchers all over the country are caught up in bureaucratic wetlands regulation. I want to share a couple of quick stories that took place in my home State of Missouri.

First, a few years ago, I brought four different agencies, corps, SCS, EPA, and the Fish and Wildlife Service, together to work out a wetland program in Missouri. I got two different opinions on this particular wetland and they could not even agree on the proper course of action for this farmer to follow.

Let me cite another example. A little more than a year ago, a Missouri farmer was visited by the corps to discuss a 404 permit problem. The corps representative after looking over the land informed the farmer that he also had a wetland problem which was evident by the standing cattails in his field. The farmer than informed the corps representative that those were heads of milo he was looking at—not cattails.

It is time for legislation that will end these regulatory nightmares that farmers and ranchers have been experiencing. It is time for a commonsense approach to wetlands.

It is absolutely incredible that currently there are four different agencies and two different pieces of legislation that regulate one single wetland.

The inconsistency caused by separate determinations of wetlands substantially burdens farmers and ranchers. The results are unnecessarily cumbersome, slow and unpredictable, and could be alleviated if responsibility for making wetlands determinations was carried out by one agency.

This amendment would give the Soil Conservation Service, in consultation with the Fish and Wildlife Service, the authority to provide consistent interpretations and make all technical determinations concerning wetlands on agricultural lands only.

This amendment will not reduce the oversight authority over wetlands. It is common sense to let the one Federal agency with the most experience be the one stop shop for farmers and ranchers when seeking answers on wetlands.

The Soil Conservation Service has a long history of working with farmers; it knows farmers and farm operations and can apply that understanding to these determinations. With their 3,000 officers nationwide, SCS has a positive working relationship with the farming community in every county of the country.

Out of the nearly 2 million wetland determinations that SCS has made to date, only about 300 have been appealed. This outstanding working relationship is vital to efforts to protect wetland resources because more than 60 percent of the lower 48 States' wetlands are in private ownership.

Wetlands serve as one of our Nation's most valuable natural resources. Protecting and preserving the millions of truly functional wetlands should be a national priority.

However, the 450,000 acres per year that have been largely attributed to agricultural conversion, are inaccurate and does not reflect recent trends. Recent estimates by the USDA, show the total annual wetland losses, both natural and manmade, range from 124,000 to 290,000 acres. Agriculture's share of wetland drainage was only 35 percent of that total.

We can preserve our wetlands without burying family farmers in red tape, bureaucracy, and paperwork. It is clear that we must increase Federal efficiency when dealing with wetlands and clear up any confusion in the agricultural community. This amendment is the cure to the problem.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I compliment the distinguished Senator from Missouri for looking at a problem that really is a problem. I have been approached by many of our farmers in Ohio, and by developers and other people concerned about this same matter: the problem of interpretation of the law as it applies to wetlands and what kind of permitting is required, how penalties are levied, and so on. I think it does need a lot of straightening out.

I agree with the Senator in that regard. I regret I must oppose the amendment offered by Senator BOND, as much as I believe we may need some action in this area, because I strongly believe assigning the responsibility for making wetland jurisdictional determinations for section 404 of the Clean Water Act, the Soil Conservation Service is not the best way to address a problem that I do agree needs to be addressed.

First, the Army Corps and EPA are charged with administering section 404 of the Clean Water Act. That is under the law. Even if SCS makes all wetland determinations, EPA and/or the corps would be involved with making determinations on agricultural land such as applicability of farming exemptions, whether farmers' activities are covered under general permits, and whether or not proposed section 404 discharges comply with applicable environmental criteria.

Adding yet another Federal agency to this section 404 decision process will complicate, not simplify. That is the main point I want to make. It is adding another Federal agency, putting another level of bureaucracy into this mix on section 404 decisionmaking. It will complicate, not simplify Clean Water Act decisionmaking.

For example, SCS representatives unfamiliar with the very complex farming exemptions and general permitting provisions could erroneously lead a farmer to believe that a permit is required when none is. It is also very important that determinations of, waters of the United States, under the Clean Water Act be consistent across all parts of the act.

While SCS would make determinations for the section 404 program, on the other hand, EPA, or delegated States, would be making determinations for other parts of the act including programs such as industrial, municipal, storm water permitting, oil spills, water quality standards. So, this could result in unacceptable inconsistencies and legal complexities in the administration of the Clean Water Act.

In other words we are taking this one part out—and I agree it is a problem and I agree it has to be addressed—but we are taking it out and addressing it in a way that is inconsistent with the rest of the act and in effect putting another level of control in here, another level of bureaucracy, which I believe would complicate and not simplify Clean Water Act decisionmaking.

The Congress has authorized States to assume the section 404 program, and administering that responsibility includes making section 404 wetland determinations. The amendment will continue a larger Federal involvement in the section 404 program after a State has assumed the program. In other words, EPA approves State programs. The States then administer them. This would bring that back in, the Federal involvement in that section after a State has assumed such a program and been approved by the Federal EPA.

Michigan is a good example of this. Michigan, for example, has assumed the program and then the State would have to turn back responsibility in part to the Federal Government.

Moreover, section 404 Clean Water Act determinations often require more extensive field work than SCS determinations because the exact boundary is important to dischargers. An extensive training and developmental program would be required for a SCS work force to assume this level of program responsibility. Until that is accomplished, SCS determinations could introduce new inconsistencies and confusion in the Clean Water Act Program.

The amendment by the Senator from Missouri would also involve SCS in Clean Water Act enforcement actions and other litigation which often develops in the section 404 program. This is a markedly new role for SCS, which would require extensive adjustments and could adversely affect other SCS missions in working with farmers.

Finally, Mr. President, work is underway in looking into this problem. I would repeat, I compliment the distinguished Senator from Missouri for bringing this up. But I just do not believe this is the way to address the problem. The Soil Conservation Service, EPA, and the Army, have been working closely in recent years to ensure consistency, or trying to get consistency in the way agencies make wetland determinations.

I think progress has been made in that area. For example, section 404 guidance was issued to address prior converted crop lands in the same manner as does SCS. The U.S. Department of Agriculture has been actively involved with EPA and the Army in developing a uniform method for identifying and delineating jurisdictional wetlands.

I would add that the rulemaking process is just in the final stages at this time.

The section 404 agencies do already rely upon SCS work as much as is appropriate for the section 404 programs.

Mr. President, I ask unanimous consent to print in the RECORD a letter from Secretary Browner regarding this amendment and the proposal. They oppose it. They feel they can work out these problems within the agency. I agree that it would be good to let them try.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC., April 29, 1993.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that an amendment to the bill elevating the Environmental Protection Agency (EPA) to cabinet status may be offered that would assign the responsibility for making certain wetland jurisdictional determinations and decisions regarding mitigation and restoration for Section 404 of the Clean Water Act to the Soil Conservation Service (SCS) in the U.S. Department of Agriculture. Rather than streamline the Nation's wetlands decisionmaking, such an amendment would inevitably introduce greater confusion, complexity, and delay in the regulatory program, which we are currently working to make more effective and more efficient. I have consulted with the Acting Assistant Secretary of the Army for Civil Works, who directs the Corps of Engineers' Clean Water Act Section 404 responsibility, and he shares these concerns. We believe that this amendment would, in fact, make this process considerably more complex for the regulated community, and more costly to the Nation's taxpayers.

The Army Corps of Engineers and EPA are charged with administering Section 404 of the Clean Water Act. If an amendment is enacted and SCS makes all wetland determinations on agricultural lands, EPA and/or the Corps would still be very much involved with making determinations on agricultural lands. These include the applicability of Section 404(f) farming exemptions, whether or not farmers' activities are covered under general permits, and whether or not proposed Section 404 discharges comply with applicable regulatory criteria. In addition, enforcement efforts would be seriously complicated by the inevitable uncertainty and inconsistency associated with a federal agency, having no Clean Water Act enforcement authorities of its own, charged with establishing jurisdiction or making other determinations in certain cases. Adding another federal agency to these decision processes will certainly complicate, not simplify, all aspects of Clean Water Act Section 404 decisionmaking. For example, SCS representatives unfamiliar with the farming exemptions and general permitting provisions of Section 404 could erroneously lead a farmer to believe that a Clean Water Act permit is required in situations where none is.

It is very important that determinations of waters of the United States for the Clean Water Act be consistent across all parts of the Act. While the amendment would provide that SCS would make determinations for the Section 404 program in certain cases, EPA or delegated States would be making determinations for other parts of the Act, including programs such as industrial, municipal and stormwater permitting, oil spills, and water quality standards. This could result in detrimental inconsistencies and legal complexities in the administration of the Clean Water Act. The existing Section 404 framework provides EPA with ultimate responsibility for establishing Clean Water Act jurisdiction, thereby ensuring consistency across Clean Water Act programs.

To further complicate matters, Section 404 determinations for waters of the U.S other than wetlands, such as ponds and streams, in agricultural areas would continue to be made by the Section 404 regulatory agencies while SCS makes the wetland determinations. As a result, farmers may have to deal with multiple agencies on jurisdictional determinations on the same tract of land—one for wetland determinations and another for open water. The overlapping requirements would likely require site visits by both SCS and the Corps, with attendant increases in cost and confusion.

Congress has authorized States to assume the Section 404 program, and administering that responsibility includes making Section 404 wetland determinations. The amendment would continue a larger federal involvement in the Section 404 program after a State assumes the program than under current law. For example, in Michigan, which has assumed the program, the State would have to turn the wetland identification and delineation responsibility back to the federal government for agricultural lands. Several States are actively pursuing or considering assuming the Section 404 program, and the amendment could be a disincentive to them.

Section 404 Clean Water Act determinations often require more extensive field work than SCS determinations, because the exact boundary is important to dischargers. An extensive training and developmental program would be required for the SCS workforce to assume this level of program responsibility. Until that is accomplished, SCS determinations could introduce new inconsistencies and confusion in the Clean Water Act Program, and would potentially put farmers at risk of citizen suit enforcement actions where wetlands boundaries are unclear.

The amendment would inevitably involve SCS in Clean Water Act enforcement actions and other litigation under the Section 404 program. This would be a markedly new role for SCS, which would require extensive adjustments and could adversely affect other SCS missions in working with farmers.

Finally, the amendment is unnecessary. SCS, EPA, and Army have worked very closely in recent years to ensure consistency in the way the agencies make wetland determinations. For example, Section 404 guidance was issued to address prior converted croplands in the same manner as does SCS. EPA and the Corps are in the final stages of rulemaking on this issue. USDA has been actively involved with EPA and the Army in developing a uniform method for identifying and delineating jurisdictional wetlands. The Section 404 agencies do already rely upon SCS work extensively for the Section 404 program. Moreover, the exemption of normal farming practices under Section 404(f) and the availability of general permits for ditch maintenance and other common activities means that farmers rarely are required to seek Section 404 permits. However, we are unclear whether, under the amendment, land acquired for development purposes by large corporations which is then leased for farming for a period of time would qualify for an SCS, rather than a Corps of Engineers, Section 404 jurisdictional or other wetland determination.

In summary, we are working to make the regulatory program as workable as possible and have taken a number of important steps to respond to farmers' concerns. We share the goal of simplifying the program as much as we can while maintaining important protection for wetlands and other waters. However, based upon our extensive experience administering regulatory programs, we can state with confidence that this amendment will move us away from, not toward, that goal.

Sincerely,

CAROL M. BROWNER.

Mr. GLENN. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? If neither side yields time, time will run equally against both sides.

Mr. CHAFEE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. I wonder if the manager might yield me 5 minutes.

Mr. GLENN. Five or 6, 7? I yield 6 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I rise in opposition to the amendment offered by the Senator from Missouri. This amendment, I think, as has been pointed out already, has nothing to do with the bill being debated before us today. Furthermore, Mr. President, this amendment would override key portions of the Clean Water Act.

The members of the Environment and Public Works Committee are working on reauthorization of the Clean Water Act. As a matter of fact, the chairman of our committee has said that that will be his first priority, and we will take that up very shortly. Indeed, we are going to begin hearings in June on the subject of the Clean Water Act.

It seems to me very clear that this amendment should be considered within the process of reauthorizing the Clean Water Act.

(Mrs. BOXER assumed the chair.)

Mr. CHAFEE. Madam President, the stated purpose of this amendment is to simplify the process of making determinations regarding wetlands on agricultural land.

However, it seems to me very clear that rather than simplifying the Federal review of wetlands activities, this amendment inserts a new organization, the Soil Conservation Service, into the wetlands regulatory role and its complicates rather than simplifies the regulatory process.

This amendment would transfer responsibility for identifying wetlands and developing mitigation. Mitigation is where you develop new wetlands when you are perhaps destroying old wetlands. What this would do is transfer responsibility for identifying these wetlands into developing mitigation and restoration plans on "agricultural lands" under section 404 of the Clean Water Act. They would transfer that from the Corps of Engineers and the EPA to the Soil Conservation Service.

Once the Soil Conservation Service makes a wetlands determination, then the rest of the section 404 process reverts back to the Corps of Engineers and the EPA. So it seems to me what we have is an extremely convoluted and complicated arrangement that is being proposed.

What it would do is require another Federal agency, namely the Soil Conservation Service, to become involved in the 404 permitting process. I am not sure how that simplifies matters. It seems to me, Madam President, important to remember that in most cases, farming activities are not even subject to regulation under sections 404 of the Clean Water Act. Ongoing agricultural activities are usually exempt under section 404(f) of the Clean Water Act.

Furthermore, according to a regulatory guidance letter issued by the corps, prior converted crop lands, as defined under swampbuster language, these prior converted crop lands are no longer subject to regulation under section 404. The corps is planning to incorporate this policy into its 404 regulations, which will be issued in mid-June.

Furthermore, this amendment exempts from section 404 of the Clean Water Act any agricultural land or any activity on agricultural land that is determined to be exempt from the swampbuster requirements under the Food Security Act. What is going to happen here, it seems to me, is the creation of endless arguments about what is "agricultural land" and, therefore, who is in charge of making wetlands determinations and specifying the mitigation activities that have to take place.

For example, under the amendment, does land have to be in agricultural production at the time of the wetlands determination or just in production in 3 of the prior 5 years, as required under the swampbuster language? Only recently, after a long, difficult process, the Army Corps of Engineers and EPA agreed to use the same wetlands deliberation method. We finally got agreement. The Agriculture Department, however, currently uses a different delineation process. So how is that for a complication?

Adopting this amendment will result in less rather than more uniformity in wetlands determination. It seems to me what everybody wants is some uniformity so they can understand what is a wetland. And now we have a common delineation between the two principal players, namely, EPA and the Corps of Engineers. And now they are inserting, or the proposal is to insert, another group that has another definition.

So it seems to me this amendment raises more questions than it answers. Next year, the National Academy of Sciences will issue its report on wetlands delineation. In the meantime, it seems to me ill-advised to once again change the way wetlands are delineated under section 404. So because I think that this amendment will create more confusion than it will simplification in the wetlands regulatory process, I urge that it be rejected.

I want to thank the manager for the time.

Mr. GLENN. Madam President, I reserve the remainder of our time on this side.

Mr. BOND. Madam President, I yield 5 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. McCONNELL. Madam President, wetlands are one of our Nation's most valuable natural resources, but the term wetlands has also become identified with some of the worst regulatory problems within our Government. At least a dozen Federal laws cover the process of protecting or restoring a wetland. A total of four Federal agencies plus various State and local agencies have some jurisdiction over wetlands and their use. The lack of consistency resulting from separate determinations of wetlands has created a bureaucratic nightmare and placed substantial burdens on our Nation's private property owners.

Despite the intent to coordinate and implement a consistent wetlands policy, the four Federal agencies involved in the wetlands management use different guidelines to define a wetland. This inconsistent policy has resulted in a bureaucratic maze through which landowners must maneuver in order to determine if their land is indeed a wetland.

The lead agency for wetlands determinations should be an organization which has knowledge and experience in land use and soils classification. The agency must be accessible to the people most affected by wetland policy, and it should have employees with the technical expertise to understand and implement the regulations in question.

This amendment, which Senator BOND and I are offering today, is intended to clear up some of the confusion which exists in our farm communities over the determination of a wetland. Our amendment would make the Soil Conservation Service [SCS], within the Department of Agriculture, the lead agency in wetland determinations on agricultural lands. The Soil Conservation Service maintains a long history of working with farmers and currently has the experience and technical background to oversee wetland jurisdiction on our Nation's farmlands.

The SCS has been and continues to be in day-to-day contact with many of the wetland areas in our country. One of the primary responsibilities of the SCS is to administer the swampbuster program—the program which gives the U.S. Department of Agriculture the power to deny farm program payments, Federal farm loans, and disaster payments to farmers who drain wetlands. Their hands-on experience and technical knowledge makes SCS the obvious choice for oversight of the wetlands found in our Nation's farms.

There are 98 district conservation offices in Kentucky with a field staff which extends into all 120 Kentucky counties. Each conservation district operates with an elected local advisory committee made up from local residents, and the county and district offices are responsible to a single statewide office. All 50 State offices are then ultimately responsible to the Department of Agriculture. This intimate and direct contact which the SCS has with the stewards of our land makes this agency the logical choice to implement the laws and regulations for wetlands on agricultural lands.

The Kentucky Farm Bureau has documented several instances where farmers have encountered problems with wetlands determinations. The one common denominator in these experiences is the inconsistency of determinations from the four agencies involved. It is not just happening in Kentucky and Missouri, but in almost every State in the Nation. The American Farm Bureau Federation has compiled more than 400 similar examples from 40 States.

The amendment does not intend to reduce the oversight authority of the Government over wetlands, and our amendment does not change the definition of a wetland. We are trying to create consistency, not set aside accountability. It just makes sense to let the Federal agency with the most experience be the one-stop shop for farmers when seeking answers on wetlands.

Ironically, the current hodge-podge of wetlands regulations was never intended to be a comprehensive national wetlands management program. While scientists, politicians, bureaucrats, city planners, landowners, and many others are mired in a debate over the outer limits of defining wetlands, the lack of consistency allows the continued destruction of wetlands and the total disregard of the rights of property owners.

The trend is clear that Government oversight of the use of private lands will continue to increase. While most landowners would not dispute that proper stewardship is essential and protecting our environment is of paramount importance, they are reluctant to trust the Government to fairly and consistently enforce the laws. With more than a decade of inconsistent enforcement and determinations, the mistrust among landowners runs deep. Our amendment will leave no doubt in the minds of landowners as to which agency has responsibility for agricultural wetlands.

Simply put, Federal wetlands protection programs are a mess, and unless we act to streamline and improve the current procedures, thousands of acres of wetlands will be lost and more landowners will be put unnecessarily through the wringer.

Madam President, I want to thank the Senator from Missouri [Mr. BOND] for his leadership on this issue and commend him for his dedication in helping our Nation's farmers. I want to encourage my colleagues to review this legislation and urge their support.

Thank you, Madam President.

Madam President, let me indicate my enthusiasm for the amendment of my good friend from Missouri, Senator BOND. It is our goal with this amendment, which we have both been working on for some time, not to reduce the oversight authority of the Government over wetlands, and our amendment does not change the definition of a wetland.

We tried to create consistency, not set aside accountability. It just makes sense to let the Federal agency with the most experience be a one-stop shop for farmers when seeking answers on wetlands. Let me just say, Madam President, the current situation is simply not workable. Farmers do not know who to deal with. It is the goal of the Senator from Missouri and myself to try to provide one lead agency, to provide coordination in trying to comply with existing law.

We are not trying to redefine the wetlands policy. Frankly, I would be open to that, but that is not what we are doing here in this amendment. Senator BOND is addressing, through this amendment, one of the critical issues in American farming today. This is the biggest issue in western Kentucky, the biggest issue.

I would say to my colleagues who have farmers, who have wetlands issues, the very least we could do for them, it seems to me, is to try to simplify the process so there is some chance of making it through this bureaucratic maze and coming out at the end with some sense of sanity.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has reserved the remainder of the time on that side.

Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I yield myself 5 minutes.

I express my sincere thanks to the Senator from Kentucky, who has been a very active participant and a strong supporter of this effort. I hope that all of my colleagues will read his statement at length because he has put a great deal of time and thought and effort into this measure. It is something that I believe is badly needed.

Madam President, a couple of points were raised by my colleagues on the other side of this amendment, one of the points being that somehow this would make a departure and allow the Soil Conservation Service to make determinations with respect to wetlands.

I would point out that in the Food Security Act of 1990, at 104 Stat. 3576, the language reads:

> Determinatons and Plans. Technical determinations and the development of restoration and mitigation plans under this section shall be made with the agreement of the local representative of the Soil Conservation Service and a representative of the Fish and Wildlife Service.

Madam President, this statute recognizes what is in place today. My amendment simply says that we need to give the farmer a simple answer.

My colleagues who oppose this amendment say they could bring in all kinds of convoluted processes. I suggest, Madam President, that if each and every one of my colleagues were to ask his or her farmers, people involved in soil conservation work in their State, what is a convoluted process, what is a problem, what is a bureaucratic wrangle, they would find it is the current mess, the bureaucratic nightmare of four different Federal agencies with different responsibilities coming onto their land and giving them different opinions. There is a convoluted process and the farmer is the loser because the farmer, the citizen who pays taxes and votes and tries to earn his or her living from farming, has its servant, the Federal Government, giving different answers.

There are still going to be hassles to be resolved, and it is clear in the Food Security Act that the Conservation Service has to work with Fish and Wildlife. They have to adopt the legislation applied for other agencies. They have to resolve all of those hassles and give the farmer a simple answer.

I suggest to my colleagues that we have as much convolution and as much confusion as anybody could ever imagine. There is no greater hassle facing the farmers in my State, and I suspect all other States, than trying to figure out to which Federal agency to listen.

I suggest the time has come to say that one Federal agency needs to play the lead. That is why it ought to be the Soil Conservation Service. The Soil Conservation Service has explicit responsibility to make wetland determinations. The Soil Conservation Service in my State makes determinations of hydric soil throughout the State. They are involved on a day-to-day basis in looking at all the soils of the State. They understand those soils, and they understand agricultural processes. The Soil Conservation Service representatives may have different training than a 404 Corps of Engineers specialist, but I guarantee you they can tell a head of milo from a cattail.

There have been points made that this gives a markedly new role for the Soil Conservation Service and it gets them into new areas. Once again my simple plea to my colleagues is call home. E.T. call home. Ask the people back home what the problem is. Ask the farmers. Ask the people involved in soil conservation work. Does the Soil Conservation Service know what the rules and the regulations are? You will find the answer is yes. Do other farmers have problems when they get conflicting jurisdictional disputes dumped on their heads? Yes. The Soil Conservation Service needs to resolve those hassles so the farmer does not rely on the word of one agency and then turn around and find himself or herself threatened with a major penalty proceeding to charge thousands of dollars for doing something that one Federal agency said was acceptable.

Madam President, I reserve the rest of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Madam President, I yield 7 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I join all my colleagues on the floor in expressing sympathy for the amendment offered by the Senator from Missouri. It is clear that the swampbuster, wetlands matters very much irritate a lot of Americans. No one disputes that. I know in my State of Montana I hear a good number of complaints from farmers about how swampbuster is administered.

I hear some complaints from others who are concerned about section 404 of the Clean Water Act and whether permits are granted to allow areas that are determined to be wetlands to be filled-in. There is a problem here.

Frankly, I thank the Senator from Missouri for raising this issue. It is an issue that must be addressed.

I am reminded, Madam president, of a comment made by a quite famous journalist from the Baltimore Sun, H.L. Mencken, who said, "For every complicated problem there is a simple solution, and it is usually wrong."

I mention that because it is what comes to mind when I think about the complexities under the law—with the EPA, the Soil Conservation Service, the Army Corps of Engineers all involved. It is a very complicated problem. It also comes to mind when I think of the Senator's solution, a very simple solution, with respect to the swampbuster determinations, let the SCS make the decision.

I do not know if this is really what we want to do. I do not know if this is the best solution that we could have for our people back in our home States.

Why do I say that? I say that for several reasons. I think this is going to cause as many, if not more, problems, more complexities, more uncertainties than farmers now already face.

I say that because it is very unclear what will actually happen under this amendment. For example, the Bond amendment would not streamline the Nation's wetlands decisionmaking; it would cause grater confusion, greater complexity, more delay of section 404 regulatory programs, and that, in turn, is going to be very costly. The Soil Conservation Service may make a determination or an exemption for swampbuster lands. Then what is next? How does a farmer then deal with the SCS or with the EPA or with the Army Corps of Engineers on an adjoining wetland that is not swampbuster wetlands?

The Bond amendment will have two agencies the farmer will have to go to: One for swampbuster wetlands determination, another for open wetlands determinations, in seeking section 404 permits.

The amendment sounds like a good solution on the surface. But it probably is not going to come close to resolving the problems that the Senator would like us to resolve.

I have utmost sympathy with the Senator. I understand what he is trying to do. But the USDA has also said that the SCS does not have the resources to do what Senator BOND calls for. I do not see the U.S. Senate rushing to increase the USDA budget, particularly the SCS budget. What I hear, frankly, is cries all across this country, as we try to reduce the budget deficit, to cut USDA employees.

In fact, as we all know, the Bush administration proposed cutting USDA personnel in the field. We thought some of these personnel cuts would be in Washington, DC, for the midlevel management people. But if we are cutting USDA personnel, and we pass this provision, which sounds good, how will it work? We will say we are taking care of the farmers; SCS is going to do this. But SCS does not have the resources and cannot do it.

I asked the head of the Army Corps of Engineers what his reaction was to this amendment. I happened to be speaking with him just yesterday. He said, "Well, I don't mean to sound self-serving, Senator, but I just have to tell you the SCS does not have the capability to do what the Bond amendment purports to do and what it would like the SCS to do. The SCS cannot do it; it does not have the personnel; it does not have the expertise when it comes to nonagricultural lands. I don't mean to be biased," he told me, "but that is my experience."

In addition, Madam President, the Environment and Public Works Committee is going to be reauthorizing the Clean Water Act this year. This is the first reauthorization we are going to report out of the Committee. The Clean Water Act includes wetlands and we will attempt to resolve a lot of the problems that the Senator from Missouri very ably addresses—and they are very legitimate problems.

I hope we can all find a solution to this problem. As the chairman of the committee, and I know Senator CHAFEE knows as ranking member of the committee, if we do not have a solution, the Senator from Missouri very correctly will be back here on the floor saying, "Look, you tried to solve it in the committee and did not do it." He has the right to offer an amendment. In fact, I would expect him to offer an amendment. If he does not, somebody else will.

But I ask all my colleagues, give the Environment and Public Works Committee a chance to do this right, a chance to figure out some of the answers to the problems that this Senator has raised—to simplify the complexities, for example; and to address the lack of resources facing SCS. There is an opportunity for the Environment and Public Works Committee to address it.

Madam President, in addition, the administration now is conducting a very significant review of regulatory issues within the executive branch. Our former colleague, Vice President GORE, is approaching this subject with the same tenacity, the same focus, the same intelligence, the same perseverance, the same perception, that he has devoted to other issues. One example that comes to mind in environmental issues is global warming, where he has been a very, very strong leader. He is approaching this issue of regulatory reform with the same tenacity, and he has said by this fall the administration expects to come out with some suggestions on how to make Government work better.

I am sure the White House is watching this debate. I am sure the Vice President's office is watching this debate. I am therefore quite certain that this issue will be dealt with in regulatory reform, and that they will come up with a way to deal with this problem.

Mr. BOND. Madam President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator has spoken for his 10 minutes. Does the Senator from Ohio yield additional time?

Mr. GLENN. I yield an additional 10 minutes, Madam President.

Mr. BAUCUS. I am happy to yield to my colleague.

Mr. BOND. Madam President, I ask the Senator from Montana, is the Environment and Public Works Committee going to cover wetlands in the discussions of the clean water bill, and is the Environment and Public Works Committee planning on addressing the overlapping responsibilities in the regulatory area?

Mr. BAUCUS. Madam President, if I might respond to my good friend, the very able Senator from Missouri, the answer is yes to all the questions the Senator asked. Absolutely.

Mr. BOND. I thank the Senator.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Will the Senator yield?

Mr. BAUCUS. Yes.

Mr. GLENN. Madam President, I ask the Senator from Montana, the chairman of the committee, is it not correct that EPA and the corps are in the final stages of rulemaking on this issue right now?

Mr. BAUCUS. The Senator is correct.

Mr. GLENN. Madam President, I believe Administrator Browner has indicated that, and has indicated an interest in this particular issue.

A further question I would ask: Is the committee in touch with EPA and the Army Corps on this rulemaking process? I presume that the committee is involved with this and is addressing this question, as well.

I started out by complimenting the Senator from Missouri [Mr. BOND] for bringing this up because it is something that I get asked about all the time back home in Ohio. I complimented him for bringing this up. But I presume the committee is very much involved with the rulemaking over there, to let them know our views about the seriousness with which we take this matter.

Mr. BAUCUS. The Senator is correct, Madam President. I was personally in touch with Carol Browner on this just yesterday. She is very concerned about this general question, concerned from the right perspective, I might add; that is, attempting to find some resolution.

In addition, Madam President, the background of the EPA Administrator, Ms. Browner, very much indicates that she will deal with this honestly, in good faith. When she was the head of the Florida Environmental Department, before she became Administrator of EPA, she was involved in a very important compromise on wetlands in the State of Florida with Disney World.

She worked out an agreement where Disney World, and the State of Florida negotiated with the U.S. Government an agreement to protect wetlands in certain areas and create new wetlands in some other areas, so that Disney and Disney World could go ahead and construct their project in another area.

She worked out an agreement that all sides said was a very good, solid compromise. Therefore, she is very aware of this issue, and her past experience shows that she is committed to finding a good-faith, commonsense, reasonable solution.

Mr. GLENN. Madam President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I wonder if I might have about 5 minutes?

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. GLENN. I yield 5 minutes.

Mr. CHAFEE. I thank the manager for that.

Madam President, let me just say, this whole area of wetlands is extremely complicated. It is fraught with different emotions. For example, if you ask the public of the United States, "Are you for preservation of wetlands," the answer is yes.

The last President of the United States, President Bush, as you recall, campaigned on the policy and spoke frequently on the subject of no net loss of wetlands. That he tried to establish that as a national goal.

So we all believe in that. We recognize the extreme importance not only of saltwater wetlands, but freshwater wetlands, similarly.

Then you get down to the specifics. You get into the situation that the Senator from Missouri is dealing with. What happens to the farmer when he is trying to get approval to plow his fields and there is a prairie pothole that holds some water. In the spring, it is wet; in the summer, it is dry. Is this a wetland?

So I think we are all sympathetic to the situation that the Senator from Missouri is wrestling with. The problem is, it does not present itself of any simplistic solution.

I have a question I would like to ask of the Senator from Missouri in connection with his legislation.

Here it is: Would the alteration of wetlands for agriculture—alterations of wetlands for agriculture that are not covered by swampbuster—as I read his provision, if it is not covered by swampbuster, then it is exempt from the 404 regulations, as I understand his legislation, looking at page 4 of the printed document where it talks, under B, consistency.

So that is the way I read it. But I cannot believe that is really what he means because, for example, would the draining of the Everglades in Florida in order to grow sugarcane be considered exempt from 404? I do not believe he means that, but as I look at his proposal, so it seems to be. As he knows, sugarcane is exempt from the swampbuster regulations because it is not considered a commodity and a subsidized commodity under that definition.

Mr. BOND. Madam President, under the existing Food Security Act, one of the exemptions specifically states, regarding wetlands, that "no person shall become ineligible as a result of production of an agricultural commodity; one, as a result of production of an agricultural commodity"; and subsection (d) "wetland on which the owner or operator of the farm or ranch uses normal cropping or ranching practices to produce an agricultural commodity in a manner that is consistent for the area where such production is possible as a result of natural conditions, such as drought, and is without action by the producer that destroys a natural wetlands characteristic."

So I say that this question really has been addressed in the act passed by Congress, the Food Security Act, where the Agriculture Committee in this body had to deal with the extensive agricultural questions related to wetlands. This entire area has been dealt with. And I believe that only the Soil Conservation Service has the expertise to make those determinations with respect to agricultural lands.

Mr. CHAFEE. Well, I am not sure I understood that. As we all recognize, any time you get into dealing with anything agricultural, it is the most arcane subject known to man. So I have to trespass gently into an area which I know the Senator from Missouri is more familiar with than I.

However, as I understand his amendment, it is that because the growing of sugarcane is exempt from the swampbuster regulations, therefore, if you proceeded into the wetlands, into the Everglades and started draining them, under the Senator's provision, they would be exempt from the section 404 regulations. I am not sure we want that.

The PRESIDING OFFICER. The time yielded to the Senator has expired. There are 15 minutes on the side of the Senator from Ohio and 35 minutes on the side of the Senator from Missouri.

Mr. CHAFEE. Does the Senator think he might answer on his time?

Mr. BOND. Madam President, I yield myself such time as is necessary. First, I say to my good friend from Rhode Island that I understand what he is talking about when he addresses the complexity of farm legislation. But when he is talking arcane, we are talking wetlands. There is nothing more arcane, unintelligible, or more difficult to comprehend than the rules and regulations dealing with wetlands. That is the whole purpose for this amendment, to say to the producer who has to earn a living for a family that, when it comes to arcane complications and interpretations, you do not have to be subject to whipsawing by four different Federal agencies. We will let the Soil Conservation Service give you an answer.

The Food Security Act clearly says it has to be normal agricultural operations. You would have to get approval by the Soil Conservation Service. We do not change the definitions or the limitations existing in law. What we are saying is that the Government servant who works for the SCS has to look at all of the statutes, has to ask all of the Federal agencies, and has to give the farmer a simple answer—yes or no. Somebody has to work it out. It is a confusing nightmare. It is the nightmare that all farmers dread—finding a wetland on their land—knowing they can get hit from four different sides, potentially, with four different opinions.

We are not changing the law; we are not changing the delineation. To my colleagues who say there are a lot of studies going on, yes, the Corps and EPA are in rulemaking, but they are talking about the delineation, what is a wetlands.

We appropriated money last year—$400,000—for a study by the National Academy of Science to say what is a wetland. It does not say who determines it. It does not deal with the question of which body shall make that determination. It deals with what are the methodologies to identify, measure, and compare wetlands functions and values.

Madam President, I ask unanimous consent that Senator BURNS and Senator FAIRCLOTH be added to cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I also would like to say that if Senator WARNER, who is necessarily absent from the Senate today due to official business, were here, he would vote in support of this amendment.

To deal with a couple of more questions that were raised by the distinguished Senator from Montana, he stated that the Environment and Public Works Committee will find a solution. I know the Environment and Public Works Committee has a very heavy backlog. As a matter of fact, in 1991, we asked them to deal with this. We were advised by the EPW Committee in 1991 that they would deal with it. But I note that in the clean water bill introduced last year by the EPA Committee, there was no dealing with wetlands. They overlooked it, and they passed it up.

That is the reason why farmers in my State—and I suspect farmers in other agricultural producing States represented in this body—said 8 years is long enough. We have been hassled and run over. And even if you do not change the regulations—and we have some real battles to go over the regulations and the statistic under the circumstances—at least let one agency give us an answer.

The question has been raised that the Soil Conservation Service does not have the manpower. Nonsense. Talk to the people who are in the soil conservation service in your State. Talk to them and they will tell you, I believe, as they have told me: It would save them time if they could give a simple answer and not have to go through the continuing hassle of being dragged out by some Senator's office to argue with three different Federal agencies over whether this is wetlands or not and what can be done with it. It would be a timesaver for the Soil Conservation Service.

My colleague from Montana spoke very eloquently about the need to cut out unnecessary bureaucrats. I agree. Get the rest of the agencies off of the farmland. Ask your farmers and ranchers in your States, I urge my colleagues, whether they can solve a lot of crop trampling if they got three of the four agencies, now coming on their land to do wetlands determination, off of their land. I am confident they will tell you strongly, as they have told me, "just give us one answer; we at least are entitled to that."

Madam President, I note that my colleague said that the Corps of Engineers says that the Soil Conservation Service does not have the expertise to make wetlands determination.

Now, tell my why I am not surprised about that? Tell me why it comes as no shock that one Federal agency does not want to give up jurisdiction? I understand.

But talking about expertise, does the general know the difference between a cattail and a stock of milo or sorghum?

The Soil Conservation Service is given expertise by congressional enactment, the Food Security Act. They are on agricultural lands today. They are mapping the land. They have to understand it, and they know farming practices a lot better than the Corps of Engineers people, who have great training, but not in agriculture.

Madam President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. CHAFEE. Madam President, I wonder if I might have 2 minutes.

Mr. GLENN. Madam President, how much time is remaining?

The PRESIDING OFFICER. Fifteen minutes and thirty-one seconds.

Mr. GLENN. I yield 2 minutes.

Mr. CHAFEE. I thank the Senator.

Madam President, I do wish to stress the problems that are raised by this legislation. I would return once again to the illustration that I previously used.

If you look carefully on page 4 of the legislation submitted, it says: "Any area of agricultural land * * * determined to be exempt from the requirements of this subtitle"—namely, exempt from the so-called swampbuster provisions—"shall also be exempt from" the provisions of section 404.

Therefore, it would seem to me to be very clear that if one wishes to grow sugarcane in the Everglades, draining of those Everglades for the purpose of growing sugarcane would be exempt from the provisions of section 404.

This is a very, very dramatic step that we are undertaking here, perhaps without fully recognizing it.

I would also like to point out another problem raised by the Senator's provision. As you know, under section 404, the Corps of Engineers and EPA can turn over to the States, those States that wish, to assume the authority under section 404.

Now, what happens to them? Take Michigan, for example. Michigan has accepted the authority to police under the section 404. Does Michigan now have to turn around and cede that authority back to the Soil Conservation Service? That is not clear. And I can only assume they would have to, because that is what the legislation does, although it specifically does not cover the areas when it has been turned over to the States as, for example, in the situation of Michigan.

So, Madam President, I urge my colleagues not to accept this amendment. This is accompanied by a sense of frustration which is understandable, but it just simply does not solve the problems and raises a lot more besides.

I thank the Chair and thank the manager.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has reserved the remainder of his time.

Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask my colleague, Senator BOND, for 5 minutes.

Mr. BOND. I am happy to yield to my colleague 8 minutes if he wishes.

Mr. CONRAD. I thank my colleague and the Chair.

Madam President, we have before us an opportunity to do precisely what the American people are asking us to do: To streamline Government, to make it more efficient, to make it more user friendly, to provide the people that sent us here to Washington a sense that we have the ability to make Government work.

Madam President, I want to salute the Senator from Missouri for coming forward with this amendment, because what it does is capture in one simple amendment precisely what the American people are saying we ought to do—simplify this bureaucratic mess in Washington. Do it in a way that is effective. Do it in a way that allows us to have regulations, that create laws that are important to people across this country. But, for goodness sake, do not burden us with four different agencies to do the same thing. That is what is happening to us with respect to wetlands in this country.

I just want to tell my colleagues, in town hall meeting after town hall meeting in my State, farmers of my State express enormous frustration, even anger with the wetlands provisions that they are expected to follow, not only because the underlying wetlands law has some serious questions about it, but also, Madam President, because they are just very irritated and very frustrated having to deal with four separate Federal agencies.

They say to me: "Senator Conrad, can't you straighten out that mess down there? Can't you give us one place that we can go so we know how to comply with the law? Can't there be one agency of the Federal Government for us to deal with? Do we really have to deal with the Soil Conservation Service, with Fish and Wildlife, with EPA? Do we really have to deal with these multiple agencies on every issue of wetlands? Can't you give us one?"

Madam President, that is a pretty good question. That is a pretty fair question. Can we not give the farmers of this country one agency to go to with respect to wetlands questions? Do we have to truck them around, go from Federal agency to Federal agency to Federal agency, as the frustration and the anger grows?

It really does not make any sense. It does not make any sense for those who believe we need wetlands protection in this country to then put in place a system of regulations that frustrates and angers the very people with whom we need to cooperate in order to protect those wetlands. For those who have a sincere concern about wetlands, they ought to be the first ones to sign up for this amendment. They ought to be the first ones. They ought to be the first ones that come forward and say we ought to make these regulations effective and user fees friendly, because this is the way we are going to get a response from the people. We need to protect those wetlands. That would make sense.

But instead we get this bureaucratic mush. That is what I have heard this morning of the reasons not to support this amendment—bureaucratic mush. And it is exactly what is wrong with Government. It is exactly what is wrong in Washington; every bureaucratic tired excuse or reason why we cannot do it, and that is what the American people are absolutely sick of; every excuse why we cannot make things simpler; every kind of excuse why we cannot make it easier for farmers in this country who want to obey the law, who do not want to be out of compliance, who do not want to be disrespectful. They want a chance just to understand what it is that is expected of them. And now we have the chance.

We have the chance to say: You do not need to go to the Army Corps of Engineers; you do not need to go to Fish and Wildlife; you do not need to go to EPA. You only need to go to one place, Soil Conservation Service, one place that is responsible for wetlands regulations.

Madam President, this makes such simple good sense that I hope to see a unanimous vote. I would like to see a unanimous vote. Perhaps we will not get quite a unanimous vote, but a very strong vote, at least, on this amendment that has been carefully crafted, this just did not come up overnight.

Senator BOND did not wake up yesterday morning and say to his staff: Cook this amendment up and we will put out a press release. That was not the way this was done. We know sometimes that is the way things work around here. That is not where this amendment came from.

Senator BOND has been serious about this issue ever since he came to the U.S. Senate. He has worked year after year to craft an amendment that would do the job, do it carefully, preserve the law that is out there to protect wetlands in this country, but to do it in a way that regulations could be written and administered by one agency. Farmers would have a chance to go to one agency, not four.

Madam President, I am very hopeful that this morning we will start a process that might even spread, because if we would take this step we might be able to do it in other areas as well. We might be able to start to send a signal to the American people that there is some common sense in Washington, that there is an ability to structure Government in a way that would be respected by the American people.

Madam President, I very much hope we take that opportunity and we do it this morning by passing the Bond amendment.

I can tell you that my farmers are so frustrated on this issue that they have been moved to real anger.

I can remember a series of meetings I had all across the State of North Dakota when the wetlands law was first being implemented. I will tell you, there was genuine anger at those meetings because not only did they question the underlying law, because there are some very questionable things in the underlying law, but the implementation of that law was utterly baffling to them. Why are we being expected to go to multiple agencies to find out precisely what it is we are to do?

Madam President, that frustration and that anger is understandable. Instead of reacting defensively to it, we ought to learn from it, we ought to listen and we ought to learn. And that is what Senator BOND has done with this amendment. He has listened, he has learned, and he has put together an amendment that I think deals with the problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. If I may have an additional 30 seconds?

Mr. BOND. I am delighted to yield an additional minute to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. CONRAD. Madam President, I say to those this morning who believe in wetlands law, who believe we ought to reinvent Government, who believe we ought to improve the efficiency and effectiveness of the Federal Government that we have an opportunity to do it this morning.

So I hope, Madam President, we take that opportunity and overwhelmingly pass the Bond amendment.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I yield 7 minutes to the distinguished Senator from California [Mrs. BOXER].

(Mr. GLENN assumed the chair).

Mrs. BOXER. I thank the chairman, the good Senator from Ohio, for yielding me this time and relieving me from the Chair so I may participate in this very important debate.

Mr. President, I rise in opposition to the amendment offered by my colleague from Missouri.

I do not think it is as simple as has been stated on this floor, because this is about a lot more than just changing a lead agency.

With all due respect to my colleague, this amendment, I believe, is inappropriate and it should be defeated. It claims to resolve a complex multibillion-dollar issue with a quick fix that has not even been considered by the appropriate committees.

And I think it is very important that the chairman of the Environment and Public Works Committee, Senator BAUCUS, has stated quite directly to his friend and colleague from Missouri that he intends in that committee, on which I serve, to take up this entire issue. And I think that this type of an amendment should wait until that time.

The Nation's wetlands are extremely valuable, both environmentally and economically, and I am deeply concerned that the effect of this amendment would be the further destruction of our wetlands at a time when wetlands losses are reaching massive proportions.

So I urge my colleagues to reject this amendment and allow the committee to do its job.

As a Senator from California—the State with the dubious distinction of having lost the largest percentage of wetlands—I urge my colleagues to reject any attempt to weaken existing wetlands protections.

I understand that the goal of the Bond amendment is to simplify the regulatory process for farmers. I share that goal of streamlining—I represent farmers—and I hope that we can work together, through the established process, to address the legitimate concerns of farmers and others. I have great respect for farmers and the work they do and their attachment to the land, but they benefit from wetlands, too.

The effect of this amendment may be the destruction of many more thousands of acres of wetlands that we cannot afford to lose. California, I say to my friends, has lost 91 percent of its wetlands. According to the Fish and Wildlife Service, Senator BOND's own State of Missouri runs a close third in the destruction of wetlands, ties with Indiana and behind only California and Iowa, with a loss of 87 percent of its original wetlands.

In the continental United States we have lost approximately 53 percent of our historic wetlands with more being lost every year.

We in Congress have sought to address this dramatic loss by regulating the filing and development of wetlands through section 404 of the Clean Water Act and the wetlands provision of the farm bill.

The Bond amendment does three dangerous things.

First, it would transfer all technical determinations regarding wetlands on ag lands from the Army Corps of Engineers to the Soil Conservation Service.

Second, the amendment would give a blanket exemption to all ag lands subject to exemptions under the farm bill wetland provision.

Third, the amendment would adopt a much broader definition of ag lands than the definition of the agriculture lands in the farm bill.

Now we have dealt with definitions before. You know, people talk about reinventing Government, redefining wetlands. What we do here in this amendment, it seems to me, is redefine what agricultural land is. That can lead to the same problem we found when then President George Bush wanted to redefine what a wetland was. He said he wanted to have a no net loss of wetlands. So what did he do when he changed his mind? He tried to change the definition of what a wetland is.

Here we are changing the definition of what ag land is. And the same thing will happen and that is a problem. Because when you dry up the wetland, it could be used for a parking lot. Let us face it, it could be used for development, and it is lost forever. And wetlands have tremendous value to us.

The Soil Conservation Service is a wonderful agency. I have fought very hard to keep offices open in my communities in California, because they really teach the science of the soil to our farmers.

But this amendment minimizes the role of the Fish and Wildlife Service, which has the expertise needed to make the biological determinations regarding wetlands.

While the amendment would require consultation with the Fish and Wildlife Service, there is nothing in the legislation that would require that the Soil Conservation Service take the expert advice of the biologists of Fish and Wildlife. I do not think we can make decisions on wetlands in an information vacuum.

So, as we look at America today, Mr. President, we see that 50 percent of our wetlands are gone. And I do not think we can or should agree to an amendment today on this Senate floor that deals with such an important and complex issue, when you have a very able chairman of the Environment and Public Works Committee indicating that he will give it all he has to come up with a solution to these problems.

I want to talk about why wetlands are so valuable in the time that I have left. Wetlands prevent floods by detaining excess flows and releasing them slowly so they do little or no damage. As testimony to the value of wetlands for flood control, the Army Corps of Engineers recently purchased a parcel of wetlands in Massachusetts as an alternative to building a dam. The decision resulted in savings of roughly $140 million in construction costs and $2.3 million annually in maintenance costs.

Wetlands also serve a variety of other valuable functions. They temper the impacts of storms, dissipating winds and wave energy. Fish and shellfish populations depend heavily on wetlands; probably two-thirds to three-quarters of all commercially harvested fish rely on wetlands for at least part of their life cycle. By providing habitat, feeding and breeding grounds for fish, waterfowl and other wildlife, wetlands also provide recreation opportunities for millions of Americans.

They help ensure water supply and quality by acting as a recharging mechanism for groundwater and filtering and treating nutrients, bacteria, and even some toxic chemicals.

The PRESIDING OFFICER. The time of the Senator has expired.

Does the Senator need additional time?

Mrs. BOXER. I would appreciate it. Two more minutes would be very helpful.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mrs. BOXER. I thank the Chair.

Economists have clearly established that wetlands are an extremely valuable resource. Their destruction should be weighed as seriously as the loss of any other natural resource, such as forests, rivers, or beaches.

So, I have to say to my friend from Missouri that he has received assurances on the floor of this U.S. Senate that the Committee on Environment and Public Works understands the problems. I agree that we need to streamline procedures here, that we need to give certainty here. What I do not agree with is that this amendment is only about streamlining. It goes much further than that. It really will lead to a redefinition of what ag lands are, and because of that, a redefinition, pragmatically speaking, of what a wetland is.

Wetlands are worth billions of dollars. Economists have put their value at hundreds of billions of dollars, and the national estimate of 1.4 trillion dollars' worth of wetlands does not even consider the costs of wetland destruction such as permanent loss of wetland species and loss of biodiversity.

So, I hope Senators will vote down this amendment, not because it is not offered in good faith, but because the result of it could be loss of more wetlands, when we, in California, are already down to 10 percent of wetlands, and nationwide, 50 percent.

I thank the chairman for yielding me this time. I yield the floor.

The PRESIDING OFFICER (Mrs. BOXER). Who yields time?

The Senator from Missouri.

Mr. BOND. Madam President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BOND. Madam President, there have been a lot of ghosts and goblins raised by this amendment: It is going to get rid of wetlands; it is not going to recognize what a great value wetlands are. I do not need to be told how important wetlands are because I understand and deal with them in my State. The Senator form North Dakota, who spoke so eloquently, has dealt with wetlands and dealt with people who are affected by wetlands. And he agrees that what is wrong with Government is that it is too complicated. This is commonsense amendment. It does not change the underlying law. It does not permit somebody to go in and raid and drain the Everglades. It does not change the definition of wetlands. It simply makes a commonsense provision that a farmer or a rancher with a wet spot of ground, gets a simple answer from one Federal agency rather than being whipsawed among four different agencies as it is now.

The Senator from North Dakota talked about the need for common sense. This is a new trend. People would like to have their Government speak with one voice when it comes to a problem that confronts them. The people of America are tired all right, they are tired of a bureaucracy in conflict with itself that dumps its problems on the backs of average citizens who cannot get an answer. This is just one piece of the reason we need to reinvent Government and come up with a simple answer.

If you want people to comply with laws regarding the protection of wetlands, give them an answer they can understand. That is why we say give the responsibility to the Soil and Conservation Service. The current state of confusion, the status quo, the same old thing, same old bureaucratic mess, the same hordes from four different bureaucratic agencies trampling over the croplands, that is what is wrong with the Federal Government. This is what the people expect us to change.

This is not a quick fix, Mr. President. It has been suggested we should let the appropriate committee work with this. I introduced this bill with the help and the leadership of the Senator from North Dakota [Mr. CONRAD] and the Senator from Kentucky [Mr. MCCONNELL] back in 1991 and asked the committee to hold hearings on it. The bill that was introduced by the EPW Committee last year did not even deal with it. That is why we are here today.

For 8 years farmers have been subject to the hassle of conflicting interpretations. We are not changing the basic law. We are just saying the time has come to give a straightforward, simple answer to people who have better things to do than get caught in bureaucratic disputes over what is or is not a wetland. Let the farmers and ranchers farm, raise their crops, raise their livestock, and make the bureaucrats untangle the mess.

I look forward to working with the EPW Committee as we go about straightening out the definitions and all the other substantive problems. We have a lot of work to do. In the meantime, let us take the burden off the back of the constituent who is getting conflicting answers.

I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Utah.

Mr. HATCH. Mr. President, I rise today in support of Senator BOND's amendment to S. 171, the Department of the Environment Act of 1993. This amendment is quite similar to legislation introduced last week by Senator BOND, which I am cosponsoring.

The issue of wetlands and wetlands management is causing considerable concern among many Utahns. While Utahns realize there is a need to protect our remaining wetland resources—and I think everybody does—there is also a shared belief that the existing Federal wetland policy is extremely confusing and has created much hardship among landowners throughout the country, and especially in my home State of Utah.

The widespread misunderstanding about what is or is not a wetland is causing problems in my home State. Utah is the second most arid State in the Nation. We have about 1.25 million acres of irrigated farmland in our State, or just over 2 percent of our total land area, and the remainder of the farmable land is dry-farmed. Many of the areas of Utah that would qualify as wetlands have been artificially created through our extensive irrigation system. Population increases demand that we improve the efficiency of our irrigation systems. These improvements include repairing leaky canals and piping or lining canals. Each of these procedures will reduce water loss, an absolute necessity in Utah, but they will also dry up artificial wetlands created by the leaks. However, under current Federal wetland regulations, these necessary improvements can be severely restricted and hurt.

In addition, most wetlands in Utah are on private property. In several instances over the past several years, the Army Corps of Engineers has placed restrictions on private landowners that will clearly decrease the value of those private lands. However, no compensation for this taking of property rights has ever been offered. I hope this particular issue related to wetlands management will be addressed during the 103d Congress.

The complaints I have received concerning the substantive and procedural defects in the current wetland regulations have made it clear to me that there needs to be one agency that defines and manages this Nation's wetlands.

Frankly, especially those wetlands located on agricultural lands, as provided by the amendment of the distinguished Senator from Missouri. I believe the Soil Conservation Service [SCS] is the most appropriate Federal agency to identify, control, develop, and manage these types of wetlands.

The Soil Conservation Service has been assigned the responsibility for identifying wetlands on lands whose owners participate in programs of the U.S. Department of Agriculture. Since 1956, the SCS has been responsible for making wetland identification on agricultural lands. This agency assists individuals and units of Government to achieve their objectives for the sustained use of soil, water, air, plant, and water resources. The agency is replete with soil conservationists, soil scientists, biologists, hydrologists, and plant scientists. For these reasons, I believe the SCS is best equipped because of its experience, practice, and ability to undertake the entire responsibility to make wetland identification on all agricultural lands.

My constituents need consistency and constancy welded into wetlands management. Right now, the Army Corps of Engineers, the Environmental Protection Agency, the SCS, and the Fish and Wildlife Service all have some regulatory role that involves the use of differing definitions of agricultural wetlands. Bringing the important responsibility to manage these scarce resources under the auspices of one Federal agency is an important first step toward providing consistent Federal oversight. As I indicated, I believe the most appropriate Federal agency that can effectively carry out this task is the Soil and Conservation Service.

Mr. President, we are really tired of some of the ridiculous holdings and rulings that have been made by others than the Soil Conservation Service. We believe they are unjust, especially in a State like mine, and I believe in a State like that of the distinguished Senator from Missouri.

Something has to be done. We have people back here who have no understanding of our needs. They have no understanding of our problems and yet here they are defining what wetlands are on an ad hoc, impromptu basis and really to the detriment of the people and to the detriment of the value of their lands, lands they have worked for years and years, some for over a century.

I applaud the distinguished Senator from Missouri [Mr. BOND] and I applaud his efforts today. I urge all of my colleagues to support this amendment. It makes sense. Ultimately, I believe the Supreme Court will decide that some of these arbitrary decisions being made today—because we have not had the sense to put those decisionmaking powers in the Soil Conservation Service—some of these arbitrary decisions are going to amount to takings that are going to cost taxpayers across this country very dearly, and that is the way it should be. People should not have the value of their land taken away from them by arbitrary decree by people who do not seem to understand the problems of the individual States with their individuals needs and differences.

Mr. President, again, I really appreciate the distinguished Senator from Missouri offering this amendment. It is so like him to come up with amendments that make sense. I ask all Senators to support him on this amendment.

The PRESIDING OFFICER. Who yields time? If Senators do not choose to yield time, time is deducted equally from both sides.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask the Senator to yield to me 1 minute.

Mr. GLENN. I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am a little surprised to see this amendment offered here today.

Last week, a Member from the other side of the aisle stated, in a committee hearing, that he did not believe that the Soil Conservation Service should become a regulatory agency. He said that he wanted SCS to help farmers—not regulate them.

This legislation increases SCS' regulatory role.

How do the supporters of this amendment propose to pay for the massive increase in the workload created for SCS by these provisions?

SCS is already under a terrible burden to meet their existing responsibilities—they need 2,500 to 3,000 additional staff to completely implement conservation compliance soil erosion control plans required on approximately 130 million acres of cropland, and to meet their swampbuster obligations throughout the country. SCS anticipates that nearly 25 percent of all conservation compliance work will take place in this fiscal year.

And many of the traditional SCS functions are being put on hold during this time of heavy conservation compliance workload. SCS is providing less than adequate help to farmers with range and grazing land improvement, irrigation water management, animal waste management, and other water quality protection efforts. All of these important functions are not receiving enough attention now.

What is SCS to do if this amendment becomes law? Should they put aside all current erosion control and water quality protection activities to become the technical regulatory arm of section 404? Should they and farmers give up all hope of SCS ever returning to the neglected SCS functions after conservation compliance is in place? I would like the supporters of this amendment to explain why they want to cripple SCS's ability to help farmers in their traditional functions in favor of these wetlands activities.

The other reason that I am surprised that this amendment is offered here today is that we passed a farm bill in 1990. We established in 1990 a process detailing how the Soil Conservation Service and the Fish and Wildlife Service would work together on agricultural wetlands matters.

Are we breaking the balanced solution that we created?

In the farm bill we required SCS and the Fish and Wildlife Service to consult on many of these wetland matters. Would this amendment destroy that cooperative arrangement, throw the entire arrangement into question?

Why are we amending the farm bill on the EPA cabinet bill—without hearings, without full consideration, without comment from the Department of Agriculture? That is why I am so surprised.

Finally, the Members should be aware that the Soil Conservation Service is using one set of wetland rules, and the Corps of Engineers is using another set of rules. It makes no sense to require that SCS make these delineation, mitigation and restoration rules until all the Federal agencies are using one set of rules.

If this amendment becomes law, a farmer's farm land might be delineated under one set of rules, his and everyone else's other nonfarm land would be delineated under another set of rules, and all of these determinations would be subject to second guessing by another Federal agency.

In summary, I feel this amendment suffers from a number of very serious problems.

It asks SCS to take an unbelievably large and burdensome workload, and it does not offer any indication as to how this work will be paid for. As a result, we must conclude that all the other SCS functions will suffer, and will likely cause many farmers to be in violation of conservation compliance.

In practical terms, this amendment as drafted will result in a regulatory nightmare, with different rules being applied differently to the same types of lands. The result will be neither efficient nor equitable wetlands policy or regulations.

Mr. President, I feel the amendment before us is overbroad and that there are better ways of achieving its goals. I share the frustration of any farmer or rancher who deals with wetlands at not being able to work with one agency, get one answer, and do it quickly.

I am a tree farmer, and I worry about some of the minor wetlands that might be on my own tree farm. But last week, a Member from the other side of the aisle stated in an Agriculture Committee hearing that he did not believe the Soil Conservation Service should become a regulatory agency. He said he wanted SCS to help farmers, not regulate them. But this legislation would increase their regulatory role.

How are we going to pay for the massive increase in workload for SCS under this? They need 2,500 to 3,000 additional staff as it is to completely implement conservation compliance soil erosion control plans on the 130 million acres of cropland needing plans, and to meet their swampbuster responsibilities throughout the country.

As drafted, I think we are going to find that this amendment will result in a regulatory nightmare, with different rules being applied different ways to different lands. The result will be neither efficient nor equitable wetlands policy and regulation.

I understand the distinguished Senator from Montana will offer a second-degree amendment which asks us to figure out in 90 days how we can achieve the objectives the Senator from Missouri rightly asks for; that farmers and ranchers be able to get answers—complete, quick, definitive answers.

Frankly, before we plunge into something which has the potential to become a regulatory nightmare and that could severely cripple our ability to help farmers with all of their natural resource problems, I think we should adopt the approach laid out in the second-degree amendment that will be offered by the Senator from Montana. This approach will give us the time to develop legislation with minimal delay that will answer the specific question, the question that the Senator from Missouri, the Senator from Montana, others, and myself have raised.

I urge my colleagues to support the second-degree amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Nine minutes and twenty seconds for the Senator from Missouri. The Senator from Ohio has 1 minute and 35 seconds.

Mr. BOND. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I worked very closely with my good friend, the distinguished chairman of the Agriculture Committee, on the 1990 farm bill. Because the wetlands area was so confused, we had to deal with it in the wetlands section of the farm bill. We made the determination at that time that the Soil Conservation Service was the one agency that understood agriculture, agriculture lands, and we gave them explicit responsibilities with respect to wetlands. We said that if they make a minimal effects determination, a farmer can go ahead. If there were opportunities for mitigation, then the Soil Conservation Service could approve mitigation. There is an appeals set up so that the farmers can appeal SCS determinations, something that does not happen elsewhere.

We already have a regulatory system in place, and I urge my colleagues to do what I have done, to ask the Soil Conservation Service in our State, "How much more burden is this going to put on you?" The answer that I get from my State and other States is that it is going to be less of a hassle because they have to look at all the land, they look at all the soil, at least in my State. They find out where the hydric soils are.

It will save them time by getting bureaucrats from three different agencies out of that area. They still have to consult with them; they still have to have the same responsibilities; they still have to be able to say in making the determination that they have taken into consideration all of the laws—the clean water law, the Food Security Act. They look at the definitions.

When the EPW Committee comes forward with a wetland determination or a fixed delineation based on the study that is ongoing, then they will have to comply with that law. There is a responsibility now in the Soil Conservation Service.

We have waited for many years to give the farmers of America a simple answer, and I hope that my colleagues will join with me in approving this amendment, to say very simply, the Soil Conservation Service shall be the final determinant for agriculture land, so long as it is agriculture land.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, is the Senator from Missouri ready to yield back all time?

Mr. BOND. Mr. President, I sense that my colleagues on the other side have something else to say and perhaps something else to do. I am going to save a few minutes to respond to whatever that may be.

Mr. SIMPSON. Mr. President, I am pleased to cosponsor this amendment offered by my colleague from Missouri.

We have heard a spirited debate with regard to this amendment. Almost everyone agrees that we need some changes in the section 404 Wetlands Program. The Senator from Missouri is right on target and this is a most appropriate bill for his amendment.

The central issue here is agricultural wetlands. I hunch that it was never the intent of this body when we passed the Clean Water Act to create a regulatory morass of unnecessary paperwork with regard to wetlands. We are not talking about saltwater marshes rich in wildlife, but instead, we are talking about agricultural activity such as hay meadows and man-made irrigation ditches.

The Soil Conservation Service [SCS] knows agriculture and this amendment would bring the SCS into the process and that would be a great improvement. They have the expertise and the training to make the distinction between a wetland and a ditch with water in it. We need to get some common sense back into the wetland program.

We do not have anything like the Everglades in the West. In fact, Mr. President, Wyoming is technically an alpine desert. We only receive an average of 13 inches of rainfall a year. Compare that with parts or our country where there can be 13 inches of rain in a single week.

The wetlands here in the East are principally natural wetlands—wetlands that result from rain and streams and nature.

In the West, Mr. President, most of our wetlands are created by man and the Government. The Government funded the irrigation projects and the Corps of Engineers projects to improve the land. Some Federal bureaucrats do not really understand these differences.

In many cases, irrigated land is now considered by the bureaucrats to be a wetland. Why, Mr. President? It is because a farmer took some dry land, worked it hard and irrigated, and improved the environment, and is now told, by an entrenched bureaucracy, that suddenly, this irrigation ditch or the area adjacent to it is a rare and environmentally sensitive wetland.

The amendment will not drain the Everglades. Nor would any of us allow such a thing to happen. This amendment, Mr. President, only reduces by a slight amount the paper wetlands—wetlands that exist only by definition in some arcane regulatory manual.

The wetlands program has been twisted and distorted and this amendment would bring some needed simplification into the equation without diluting our efforts to protect the environment. This is a fine amendment and we should adopt it.

Mr. GLENN. There are no speakers on the amendment on this side. I will be prepared to yield back our time if the Senator from Missouri is prepared to do the same on the other side.

Mr. BOND. May I inquire, is there a second-degree amendment to be offered?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. GLENN. I yield such time as the Senator needs.

Mr. BAUCUS. I say to my good friend from Missouri, I do plan to offer a second-degree amendment. Under the rules of the Senate, I am precluded from offering that second-degree amendment until all time has expired on the pending amendment.

Mr. BOND. Mr. President, might I yield the Senator from Montana 1 minute of our time to describe what the second-degree amendment will be?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, essentially the amendment will say that in consultation with relevant departments in the U.S. Government, the President himself shall, within 90 days of the date of enactment, make recommendations and report to Congress measures to—

> provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agricultural lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers.

That is exactly the goal the Senator from Missouri is addressing—

> And provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

This is an amendment designed to accomplish the purposes intended by all Senators here, but in a way that is much more likely to accomplish that result at least in this Senator's judgment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair will note there will be 90 minutes reserved for debate on any second-degree amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself such time as I may require.

I thank the Senator from Montana for explaining that there may well be a second-degree amendment which provides another study.

Mr. President, we do not need another study. We have studies on wetlands. I just happen to have here an appendix of four pages of listings of studies. There is lots of work that has to go into the whole question of wetlands. But one thing we do not need is a study. We do not need to defer to the administration or anybody else to make another study. We need to untangle the Gordian knot and say to the farmers that they can get a simple answer on the question of wetlands or not from the Soil Conservation Service. It just makes common sense to allow a citizen of the United States the honor of getting a simple answer from one agency rather than four conflicting answers from four different agencies.

Mr. President, I urge my colleagues, first, to consult with the farmers and the soil conservation people, the soil conservation districts in their States. We have support from the farm organizations, the soil districts in their States. Ask them whether this makes good common sense. I think the American people know it makes common sense. I urge my colleagues to adopt it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I yield back the remainder of my time.

Mr. GLENN. Mr. President, I yield what time I have remaining to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the chairman of the committee.

I might say to my good friend from Missouri the second-degree amendment I am about to offer is not another study. I very much understand the American public's reluctance for Congress or any executive department or branch to indulge in another study. I agree with that. This is a direction to the relevant departments for an interagency report that the President must make back to Congress in 90 days. That is not some academic study. That is the departments themselves and the President himself making a recommendation on this very issue.

The PRESIDING OFFICER. All time has now expired.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 341 TO AMENDMENT NO. 340

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 341 to amendment No. 340.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

In lieu of the matter proposed, insert the following:

SEC. . WETLAND DETERMINATIONS BY A SINGLE AGENCY.

In consultation with the Secretary of Agriculture, the Secretary of the Environment, the Secretary of the Army, and the Secretary of the Interior, the President shall, within 90 days of the date of enactment of this Act, make recommendations and report to the Congress on measures to—

(1) provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agriculture lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers; and

(2) provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

Mr. GLENN. Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this second-degree amendment is designed to do much more than any other suggestion we have heard so far today to end the confusion over swampbuster, wetlands, section 404, and the uncertainty a lot of farmers and American citizens have as to what agency to go to, SCS, EPA, or Army Corps of Engineers. There is real confusion in America about this wetlands program. We have to solve it.

Again, I commend the Senator from Missouri for raising this issue. It is an issue that must be resolved.

I urge my colleagues, however, to support the second-degree amendment that I just offered, which is a substitute for the Bond amendment. The substitute would direct the President, in consultation with the Departments of Agriculture, Environment, Army, and the Interior, to report back to Congress within 90 days of enactment on measures to reconcile the different requirements of the section 404 program and swampbuster and provide that the Soil Conservation Service be the Federal agency responsible for all wetlands determinations on agricultural lands.

Let me read the amendment because it focuses precisely on the problems we are now discussing. The amendment provides "In consultation with the Secretary of Agriculture, the Secretary of the Environment, the Secretary of the Army, and the Secretary of the Interior, the President shall"—not may—"within 90 days of the date of enactment"—not 6 months, not 1 year;—"within 90 days of the enactment of this act make recommendations and report to the Congress on measures to (1) provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agricultural lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers"—"and (2) provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands."

That is exactly what this debate is all about, Mr. President.

The Bond amendment, unfortunately, could be a major change in Federal and State regulation of wetland activities today. It goes too far. It creates a lot more unnecessary complexities, a lot more confusion for farmers, even more than they face today which, I grant you, is very confusing.

The Bond amendment amends the 1990 Food Security Act to override the Clean Water Act. Let us be very clear about that. The Bond amendment overrides the Clean Water Act. It removes from the Corps of Engineers and EPA the responsibility under section 404 for identifying wetlands and developing mitigation and restoration plans on agricultural lands. This authority would be given to the Soil Conservation Service.

The problem is the Bond amendment expands the definition of agricultural land, thereby creating additional confusion. The farmer is not going to know, a landowner is not going to know, because of the expanded definition of agricultural land under the Bond amendment, to which agency does he go. A parcel of land may or may not be wetland because of the expanded definition under the Bond amendment. Is it forestland? Farmers will wonder, who do I go to now? Do I go to SCS? I do not know. This is forestland. Maybe I go to the Corps of Engineers. Maybe I go to EPA. I do not know what to do. The Bond amendment presents additional complexity and confusion to the landowners.

Now, there is a fairly strict definition of agricultural land. The Bond amendment expands it to include forestland. Who knows what it is going to be. SCS is going to have to write rules and regulations on the expanded definition. How long is that going to take? That is going to take a long time. I do not know whether that is what we want to do to farmers, to have them sit and wait for these rules and regulations to come out.

Also, it exempts from section 404 any area of agricultural land or any activity on agricultural land that the SCS determines to be exempt from swampbuster requirements under the 1990 Food Security Act.

Farmers and landowners will not know what it is. It gives the SCS an unprecedented role in determining the scope of the Clean Water Act, by giving it authority to determine what activities are exempt from the act based on the swampbuster decisions. That raises another confusion for farmers.

Maybe it is agricultural land. Maybe it is not. We do not know because the Bond amendment changes the definition. Say we determine a piece of land to be agricultural land. Even then, under the Bond amendment a farmer may be confused. He might have to go to SCS for a determination under swampbuster. But if he has a stream right next door, SCS cannot do anything about that stream. He has to go to the Army Corps of Engineers to deal with the stream.

Now we have two sets of regulations facing a farmer on his own land from two separate agencies under the Bond amendment. With that additional confusion and complexity, the farmers are going to throw up their hands. I have to deal with SCS on swampbuster, and EPA and the Army Corps of Engineers on the stream right next to the potential swampbuster land. What will I do about that? Additional complexity and confusion is caused by the Bond amendment.

The general goal of the Bond amendment is quite sound. It is an attempt to create some certainty and simplicity in the present system. It is very well intended. But I think in its simplicity it creates unintended consequences, and unintended additional confusion.

I might say that I do not think that the USDA and the SCS, in fact, have the resources to do all of these additional duties.

Let me just read a letter from the acting chief of Soil Conservation Service which I received today. This is from the acting chief, because the real chief has not been appointed yet. The Soil Conservation Service is going to be charged with all of these additional duties.

The letter is addressed to the chairman of the Agriculture Committee.

From the Department of Agriculture, Office of the Secretary:

> Dear SENATOR: This is in response to your request for the Department of Agriculture's views on the proposed amendment to S. 171, the Department of Environment Act of 1993, offered by Senator Bond.

The USDA opposes the amendment at this time.

> The department believes that S. 171 is not the appropriate vehicle in which to attempt to resolve jurisdictional issues relating to section 404 of the Clean Water Act.

They are right. What is the department really saying, Mr. President? If you read between the lines, there is a problem. It has to be resolved. But not here at this time. And this is not the amendment.

The letter further states that reauthorization of the Clean Water Act is currently being considered by the Senate Environment and Public Works Committee, and they say that the department believes that this is the appropriate way to resolve the issue.

The USDA is opposed to the Bond amendment.

They really do not have the resources for the additional duties the Bond amendment would require. A whole new area of confusion is going to arise under the Bond amendment. That is because there are different sets of rules on adjacent agriculture and nonagricultural lands.

Say I am a farmer. I have some proposed swampbuster land in my agricultural land. I go to the SCS. They say there is no swampbuster problem here, go ahead and fill. Right next door there may be nonagricultural land, but now a whole different set of regulations apply.

That is going to occur under the Bond amendment. Do we want that? Do we want that additional confusion? I do not think so.

Mr. President, the basic point is this: there is a real problem. Every Senator agrees with that. The Senator from North Dakota [Mr. CONRAD] spoke very strongly about the problems he faces in his home State of North Dakota. Each of us on this Senate floor could make the same or similar statement.

The question though is what is the solution? The Bond amendment is offered as an amendment to the EPA Cabinet bill. There have been no hearings on the Bond amendment. And as we begin to peel away the onion layers of the Bond amendment, we begin to see all of these problems that were not intended, all of these unintended consequences of the Bond amendment, essentially more complexities and confusion.

So we think this onion is the wrong solution. What is the right solution? The right solution is for us to resolve this issue this year, in the Committee. The Senator from Missouri very correctly voices his frustration saying in 1991 you sought to get a commitment from the Environment and Public Works Committee to resolve it. The Environment and Public Works Committee did not resolve it.

But this is 1993. I am now the chairman of the committee. I am trying to give the committee a new look, a new direction to very directly deal with all of these problems, and particularly the Clean Water Act and wetlands.

I will guarantee to the Senator from Missouri that the Environment and Public Works Committee will take up the Clean Water Act this year; will report out the Clean Water Act this year; will, in the Clean Water Act, include section 404 wetlands provision of the Clean Water Act; will address the overlap problems between swampbuster and section 404; will directly deal with the problems raised by the Senator from Missouri. The Senator has that commitment. I, as chairman of that committee, make that commitment.

I must say, in addition, that this second-degree amendment fits very much in with our committee's deliberations. Why? Because it directs the President to conduct an interagency task force to make recommendations on how best to make SCS the lead agency under swampbuster.

We will have the benefit of this interagency task force's deliberations as they work out some of the legitimate problems that I and others have raised so that we can resolve it in the Environment and Public Works Committee.

Now, if for some reason the issue is not resolved to the satisfaction of any Senator, including the Senator from Missouri, he certainly has the opportunity to offer his amendment or some other amendment on the floor. But I think we, as Senators, owe it to our constituents to not only address problems, not only articuate the problems, not only be the vehicle to voice the frustrations the American people have, whether it is with a U.S. Government agency or whatever it might be, we also have an equal responsibility, perhaps even a higher responsibility, to solve it. That is why we are here.

I very respectfully suggest that the amendment offered by the Senator from Missouri, even though it is intended to address the problem and solve it, in fact does not do so, in fact will create additional problems for Missouri farmers, additional complexities, and additional confusion not just for Missouri farmers but for farmers all across this country. In the State of Montana, the farmers will face those additional problems, too.

This amendment has not been thought through. This amendment was suggested for the first time, at least as far as the committee has been put on notice, just a week ago.

That is not the way to legislate. The way to legislate is for us to use the committee process—I know that is an overworked phrase. But if we use the committee process, we are much more likely to think through the legislation and much more likely to not only voice the concerns people have, but also much more likely to find honest-to-goodness, reasonable solutions. I respectfully suggest the Bond amendment is not the solution. I do suggest that the second-degree amendment I have offered will go a long way in the process of developing honest-to-goodness solutions this year.

This Senator, by no stretch of the imagination, wants to postpone this issue for another year. We want to solve it as much as possible this year. That is my intention.

Mr. BOND. May I inquire of the Senator from Montana. I gather there are 90 minutes set-aside for this second-degree amendment. We have already had a discussion about the basic underlying purpose of the first-degree amendment. While this is vitally important to people who are farmers and ranchers, for others it may be more about frogs than they wanted to know about frogs. Would my colleague be interested in shortening the time allocable on both sides?

Mr. BAUCUS. Mr. President, I would be more than willing to enter into an agreement of the time on the second-degree amendment. I have notice here that several Senators wish to speak on the second-degree amendment. Perhaps after they speak, I might be in a better position to shorten the remaining time on the second-degree amendment.

I now yield 5 minutes to the Senator from California, a member of the committee, and I might add a very great addition to the committee.

Mrs. BOXER. Mr. President, I thank my chairman for yielding. I want to compliment him on this second-degree amendment, because what it really does is not order another study at all. It is a very strong amendment. It says the President shall report to this body within 90 days, as to the very questions that have been raised, very ably by the Senator from Missouri. So it is not another study. It is very clear.

Look at the language: "In consultation with the Secretary of Agriculture, the Secretary of Environment, the Secretary of the Army, the Secretary of the Interior, the President shall, within 90 days"—it does not say may; it says shall—"of the enactment of this act, make recommendations and report to the Congress on measures to provide that a single Federal agency be responsible for making technical determinations on wetlands and provide the Soil Conservation Service with the Federal agency responsible for all such technical determinations."

In other words, the very issues that are raised by the Senator from Missouri are raised right here and will be taken to the highest office in the land, that of the President of the United States, after consultation with all of the appropriate agencies. I think this is a very important amendment, and I am going to support it.

I have farmers in California, I have wetlands in California, and I have agricultural land in California, and agriculture is one of the biggest businesses in California. Yet, I do not want to see us, unwittingly, pass an amendment here—which I believe the amendment of the Senator from Missouri is—that would weaken wetlands protection in the name of streamlining it.

The Senator has said over and over that his amendment is about streamlining. We all want that. But, Mr. President, it goes further than that. In addition to designating the Soil Conservation Service as the lead agency on these wetlands determinations—which may or may not be the wise thing—in my view, the Fish and Wildlife Service are the experts on wetlands. Maybe I am wrong and maybe the study and the report from the President will show that SCS is the appropriate agency. But it does more than that, Mr. President. There is a blanket exemption from section 404 of the Clean Water Act for thousands of acres of lands that would not have a blanket exemption.

Third, there is a redefinition of agricultural lands, as my chairman pointed out so clearly, which means that lands that were formerly considered wetlands may be considered agriculture land, and we can see building on those lands, condominiums on those lands.

We had a situation in my home county where wetlands were destroyed, and do you know what we found? We found that they were worth so much to us in terms of clean air and clean water, and we restored those wetlands.

So let us not leap at something that might have unintended consequences. I am not suggesting that the Senator from Missouri has those consequences in mind. But I am saying that it might result in such a consequence, where we lose more wetlands. I told this body before, when I spoke on this issue, that the wetlands in California are worth over $200 billion. The wetlands in the United States of America, even though we have lost 50 percent of them, are worth over $1 trillion.

So let us not redefine wetlands on the floor of the U.S. Senate. We have a great new chairman of the Environment and Public Works Committee, who wants very much to be fair on these matters and who wants very much to have a recommendation from the President on these matters. I hope we will come together as men and women of good faith in this U.S. Senate today and support this amendment.

Mr. President, I thank my chairman, and I reserve the remainder of my time for later.

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, I ask unanimous consent that Senator MATHEWS be added as a cosponsor to my original first-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, let me correct a few things while my distinguished friend from California is still here.

There was a statement just made that this would redefine wetlands. Let me be clear that it does not redefine wetlands. It does not change the basic laws relating to wetlands. What it does is to say for agricultural lands the Soil Conservation Service shall make the determination. It does not change the basic definition.

No. 2, a question was raised about building condos or shopping centers on this. Let me point out very clearly that this amendment provides for the primacy of Soil Conservation Service determination only—only—for such period of time as those lands are used as agricultural lands.

If somebody wants to move into a farmland and fill a wetland and build a shopping center on it, the land right now is that they would have to go to the Corps of Engineers for a 404 permit.

If my underlying amendment is adopted, they would still have to go to the corps and seek a 404 permit. My colleague from California likes the Fish and Wildlife Service. Perhaps it may not be clear to all of us that the Soil Conservation Service, right now, is required to consult with the Fish and Wildlife Service because in the 1990 farm bill we said that the Soil Conservation Service will have the responsibility for making determinations under the farm bill with respect to wetlands, but in consultation with the Fish and Wildlife Service. We have already made the judgment that the Soil Conservation Service, for all agriculture lands, should have primacy.

My colleague from Montana has said that the USDA opposes this amendment. He suggests that we resolve to send it to the administration, so they can send it back, so that we can resolve it. That is a three-step process. I suggest that the question is simple enough, and that we ought to go ahead and resolve it.

The farmers in my State, the farmers in North Dakota, the farmers in Utah, the farmers in Kentucky, the farmers all across this Nation have been waiting for years as we have kicked this football back and forth. Those who oppose this say it is convoluted and there is confusion. Yes, we know there is confusion, but there is confusion under the current system.

My colleague from Montana said the Soil Conservation Service would have to look at forest land. Well, we provide that nonindustrial, noncommercial forest land should be covered, but they do that now. The Soil Conservation Service already does that.

The Soil Conservation Service has responsibility for looking at agricultural land, and I suggest, across this country they look at all agricultural land. They look at all of the land covered, and they have definitions such as we have incorporated in the legislation.

The Soil Conservation Service now as the authority and are making those determinations to agricultural land. They have definitions for pastureland and rangeland in their working manual.

They are doing the job. And I suggest for anyone who is troubled about this, if we do not vote until after lunch, I understand on this amendment there is plenty of time to do one simple thing—call home. Call home and ask the Soil Conservation Service or ask farmers in your State if this makes good common sense.

Sometimes we are better off asking the people who we represent if something makes common sense. It clears away the fog within the Beltway, because we have worked on this—I have worked with the Senator from Kentucky [Mr. MCCONNELL] and the Senator from North Dakota [Mr. CONRAD] who have been leaders on this. I have worked with the Senator from Alabama [Mr. HEFLIN] who has taken this issue all across the State of Alabama. We have worked for years on this. We have come to the point now where we have an opportunity to make one single commonsense determination and cut three of the four agencies out of the process of telling an individual farmer different things about their land.

The time has come that we ought to move on with this and do something to simplify the process. Instead of four agencies telling a farmer four different things, make one agency responsible.

Now, my colleague from Montana raised a question about a farmer who has some land in a farm program and some land out of the program. He said that land out of the farm program would not go to the Soil Conservation Service or the corps.

Do you know something, Mr. President? He would be better off than he is today, because right now he has to go to the Soil Conservation Service and then he can wait and have the corps, the Fish and Wildlife, or the EPA come on his agricultural land and tell him that he has violated the law.

I believe giving the Soil Conservation Service the responsibility to make the initial determinations will save a lot of hassle. Certainly, there are very, very able legislators who can raise all kinds of questions and ghosts and goblins about confusion and build dream scenarios where it can be more confusing. But if you ask the people in agriculture in America today, they can tell you it is reality, there is mass confusion. It is not just ephemeral ghosts and goblins but real live bureaucrats from different agencies telling them different things today.

We can take a step that will simplify life for the farmer, for the rancher, and not change the law. That is why I urge my colleagues to defeat the second-degree amendment and support the underlying amendment.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. I ask how much time is remaining on each side.

The PRESIDING OFFICER. The Senator from Montana has 22 minutes, and the Senator from Missouri has 38 minutes.

Mr. BAUCUS. Mr. President, I yield myself as much time as I might consume.

Mr. President, I noticed that in the Congressional Daily today, there is an article indicating that several Senators, according to article seven southern Democratic Senators, are urging President Clinton to convene an interagency working group to forge a consensus on wetlands policy. And the article goes on to say that the effort is headed by Senator BREAUX from Louisiana.

The letter asks the President to form a task force comprised of the EPA Administrator, Interior, Agriculture, Defense, Transportation, Energy, and HUD Secretaries to work with Congress and the public on wetlands policy during the Clean Water Act reauthorization. According to the Congressional Daily, this letter was signed by Energy and Natural Resources Chairman JOHNSTON from Louisiana, majority whip, Senator FORD from Kentucky, and Senators PRYOR and BUMPERS from Arkansas, Senator HARLAN MATHEWS and Senator JIM SASSER from Tennessee.

Mr. President, I mention this because the pending second-degree amendment is not identical to that request, but goes very much in the same direction.

The second-degree amendment I have offered essentially directs the relevant departments to come up with a wetlands resolution with respect to swampbuster particularly, finding a good solution where the Soil Conservation Service will be the lead agency.

I think that makes good sense. It makes good sense for the relevant departments to try to find a solution which will provide for SCS to be the lead agency with respect to the swampbuster. I think that is better than the Bond amendment which does not take into consideration the additional complexities which it would create. It would create many more problems than it would solve.

I very much hope, Mr. President, that those Senators will be sympathetic to the second-degree amendment because it goes in the same direction as their request to the President.

As I have already stated, the Environment and Public Works Committee, will report out the Clean Water Act this year. In fact, the Clean Water Act will be the first reauthorization the committee will deal with. And it will necessarily deal with wetlands, and also the question of overlap between swampbuster wetlands on one hand and nonswampbuster wetlands policy on the other.

I know the Senator from Missouri was very frustrated in the past and asked for the committee to deal with this issue. He mentioned 1991. That is when I think he first began this effort and the committee did not respond. But the committee is now under new chairmanship and new committee membership. This is a new Congress, and I can commit and guarantee to the Senator that this committee this year will very definitely respond to his request because it is an issue that affects not only his State but all States.

Mr. President, I now would like, if he is ready, to yield to the Senator from Louisiana 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the distinguished chairman for yielding.

Mr. President, I will say there is probably no person who has been more involved in the question of wetlands than I have because of the nature of the State that I represent. For over 20 years that I have been in the Congress we have been involved in problems dealing with how we use wetlands, what is needed and required to involve either agricultural operations or commercial operations on areas that have been designated as wetlands.

We have struggled over the years for, in fact, what is a wetland and what is not a wetland. I have argued for years there are differing degrees of wetlands although the Federal law does not seem to recognize that, that all wetlands indeed are not created equal. There are some that have the highest value. There are some that are more marginal. And there are some that are only in theory wetlands as we would commonly interpret the meaning of what a wetland is.

Indeed, some areas are very dry that, in fact, are determined to be wetland under the Federal rules, because of the type of vegetation that may grow or propagate on that property when, in fact, the land itself is very, very dry and receives water only rarely.

We struggled for 20 years on this problem, and I have not been really satisfied with the result. Over half of the State of Louisiana that I represent is classified as a wetland under Federal rules and regulations. That means that over half of the property in my State, if you want to do anything, if you want to farm it, if you want to build a house, if you want to add a porch to your house, or if you want to build a shopping center, if you want to build a plant or a factory you have to go through what I think is a very cumbersome Federal rules and regulation procedure to get a section 404 permit under the Federal Water Pollution Control Act before you can do any dredge or fill activity that would be necessary to do any of the things that I have just mentioned.

So it has been a long and a troublesome problem that we have been trying to rectify.

I would suggest that the amendment that is pending and the substitute that is pending to that amendment really are not the best ways to go about solving this problem. It is far more complicated than that. A complicated problem demands more than a simple solution. While it might be easy to propose one, I suggest that this is not the proper approach that is now currently pending.

I commend the chairman for his efforts in offering a substitute amendment which I will support because I think it clearly indicates that this is something that needs to be looked at in much greater detail. It is too important a decision for those of us on the floor, without the benefit of a recommendation of the policymakers or a recommendation from the committees of jurisdiction, to make the determination that, in fact, the Soil Conservation Service is the proper and approprite place to have these permits filed.

I wanted to mention a letter that I sent on April 28 to President Clinton, joined by a number of Senators: My senior colleague Senator BENNETT JOHNSTON; as well as the distinguished Senator from Tennessee, JIM SASSER; Senator WENDELL FORD from Kentucky; Senator HARLAN MATHEWS from Tennessee; and Senator DALE BUMPERS and Senator DAVID PRYOR from the State of Arkansas. In that letter we have sent to the President of the United States, we say that we are concerned about the future of the Federal wetlands policy.

We point out in our letter that we now have an opportunity to resolve this issue as we move forward with the reauthorization of a Clean Water Act, which is now in the process of being looked at in this Congress.

We point out to the President something that I think is very important: That when he was chairman of the Lower Mississippi River Delta Commission, when he was Governor of the State of Arkansas, he recognized—and that report says very clearly—that the Nation's wetlands policy was the source of significant problems for Agriculture, aquaculture, and commercial and industrial development.

The Delta Commission, which President Clinton chaired, made a number of recommendations. One of them was that there would be included a clear and fair jurisdictional definition, a recognition of the differences and functions and values of wetlands, incentives for landowner conservation, the reduction of regulatory duplication, the regulation of activities that drain wetlands, and expanding the role of the States and the Federal regulatory program.

These are the recommendations the Commission of the President of the United States made when he was Governor of the State of Arkansas.

Mr. President, what myself and other Members of the Senate ask the President of the United states to do is to establish a working group of all appropriate member of the Cabinet, including the Administrator of the EPA——

Mr. President, I ask for 2 additional minutes.

Mr. BAUCUS. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator has 2 additional minutes.

Mr. BREAUX. I thank the Senator.

Including the Administrator of the EPA, the Secretaries of Interior, Agriculture, Defense, Transportation, Energy, and Housing and Urban Development, to work together with those of us in the Congress to forge a consensus on this difficult policy issue.

Mr. President, I have been in touch with the administration this morning. They have indicated that they have received the letter. They have indicated, further, that they are prepared to accept out recommendation in our letter and, in fact, to establish a working group of all the appropriate members of the Cabinet in order to discuss this and make a recommendation so that we will have it when we deal with the Clean Water Act.

I suggest that is the appropriate way to deal with the problem the distinguished Senator has raised. And I thank him for raising it. I think the very fact that he has raised it is getting the attention of many Members who are sort of ambivalent about what needs to be done. I think that an accomplishment of his amendment in offering it is to ensure that there will be an interagency task force assigned to this problem that will make recommendations in a timely fashion so an appropriate committee of jurisdiction can handle it.

I think there is more concern about accomplishing a fair and balanced result than when we dealt with the Clean Water Act. I suggest this is an appropriate way to solve this problem. And I indicate my support for the substitute, or an amendment to the amendment offered by the distinguished chairman of the Environment and Public Works Committee, Senator BAUCUS. I think the Senator's amendment is the right way to go.

If the task force does not do the job, if it does not accomplish what we need, we always have the legislative opportunity to fix it.

I suggest we should not legislate before we think. This task force will give us the opportunity to think, but it will also have to make recommendations in a timely fashion. I suggest this is a proper approach and one that I certainly will support.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself such time as I may require.

I commend the distinguished Senator from Louisiana, who has worked long and hard on wetlands. There may be areas with regard to the substantive language on which we would agree, because there are some very real problems in wetlands in his State, just as there are in my State. We do have lots of concerns over wetlands. And I commend the people who have called for an interagency task force and for a study of the underlying problems.

But, Mr. President, we have been studying the underlying problems. We come up with a wonderful interagency solution back in January of 1989—the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

The Fish and Wildlife Service, the Environmental Protection Agency, the Army Corps of Engineers, and the Soil Conservation Service all got together and they started an even bigger fight.

We have heard here today, in comments quoted by the distinguished Senator from Montana, that the Corps of Engineers says there is no way the Soil Conservation Service has the jurisdiction or the technical expertise or the ability to make any judgments with respect to wetlands on agriculture land.

Well, Mr. President, we have already given the Soil Conservation Service that responsibility in 1990 in the Food Security Act.

It is about time we stop waiting to have some agencies with diametrically opposed views, with big turf battles, trying to figure out who is going to be the lead agency for a very, very important question for farmers.

It is time that we gain hold of the institution, instead of asking those in the institution to think about it some more and make a judgment.

I ask my colleagues to remember that we are not getting into the battle over what is or is not a wetland. This process, as it has been outlined, is obviously going to be a massive process. I do not believe that the interagency study is going to come back with a clearcut solution and get a clearcut direction and get legislation back to us on this floor anytime in the foreseeable future.

We have an opportunity to say something that America's farmers and ranchers have been waiting to hear a long time. We have an opportunity to say to them:

> Look, there is still a hassle going on. It has to be fought out by all the different agencies, with different interests and different expertise, but at last you will be able to rely on one single, simple, clearcut answer from the Federal agencies that are supposed to serve you.

We will not be in the position of having a farmer who has corn land in the program getting an answer from the Soil Conservation Service, only to have the Corps of Engineers come on his land and say, "We are going to fine you $10,000 per violation for what you did"—and I add, parenthetically, in conformity with the views of the Soil Conservation Service—"on your land." That is a situation that exists.

The other side can think of all the convoluted ghosts and goblins and complexities that can come about. Mr. President, how can it be more complex and confusing and convoluted than it is right now with four different agencies? If you are a rancher or a farmer, you have no protection from them.

It is time we made one small step toward reducing some of the hassle that afflicts agriculture, food, and fiber production in our country today. That is to say one agency and one agency alone should make the determination on agricultural lands so long as they are used for agricultural purposes.

It is not the intent of this amendment, nor the purpose of this amendment and it will not be because of the outcome of this bill that all of a sudden agriculture land is going to be converted into shopping centers and condominiums and parking lots. The basic provisions of the Clean Water Act still apply. There will be no change in the substance of the law. Those who raise those extraneous points want to take away from focus on the real question, which is making it simple, getting Government simple, giving one agency the responsibility to bear the headaches that the farmer or the rancher has to bear now trying to sort out the different ideas.

I tell you, it will be a battle royal. ESPN ought to film the sessions when the agencies get together to decide what is and what is not a wetland and how to delineate it. That is going to be one for the books. That is always a battle because they always disagree. But right now the farmer and the rancher are left at the end of the process and have to take the different views from different agencies and try to determine what to do.

We are saying in this battle for agricultural lands, so long as they are agricultural lands, at least the farmer can rely on the expertise of one agency. And the SCS has been given explicit authority for making wetland determinations under the provisions of the farm bill with respect to agricultural lands.

Mr. President, I urge my colleagues to not accept the second-degree amendment, not resolve to kick this back into the briar patch and wait, and wait, and wait. We have an opportunity to do something today and that is to simplify the procedure. Vote down the second-degree amendment and support the first-degree amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield to my colleague from Ohio.

Mr. GLENN. Mr. President, I know all last week we talked about the advantages and disadvantages of different pieces of legislation here on the floor and what the costs were going to be. It is my understanding the Soil and Conservation Service has indicated if the Bond amendment passed, it would be somewhat burdensome to them; is that correct?

Mr. BAUCUS. I say to the chairman of the committee, CBO has given a preliminary estimate—they have not had a chance to look into this in any great detail—of several millions of dollars in additional cost to taxpayers. And, in a letter signed by the acting head of the SCS, the SCS is opposed to this amendment. It is not a long letter. I just received it today. Essentially we can tell by reading the letter they are very concerned about this amendment.

Mr. GLENN. Yes. SCS did not make their independent estimate of just how burdensome this amendment would be in dollars?

Mr. BAUCUS. I did not ask the SCS to make that determination, so we do not have it. But it is clear, from reading the Bond amendment, there could be very significant additional burdens, placed upon SCS. We do not yet have a final cost estimate on it.

I might mention another reason why this amendment should not go forward at this time. It has been the spirit of other amendments to this bill, some of which have been passed and some not passed, that before this body takes any action, that we have an analysis of the cost of legislation versus its benefits. I am sure the Senator from Missouri voted for all these amendments. I wonder if the Senator from Missouri could give us an indication of what the dollar cost of his amendment would be to SCS. Does he know? Has CBO—has OMB done an analysis on the amendment of the Senator?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I respond we have had this bill before the EPW committee for 2 years. If there were a good CBO argument to shoot down this bill, you can be confident that argument would have been presented. I can tell you on the basis of common sense, when you say one agency is going to make a determination rather than four agencies, you get at least three of the agencies out of the ballpark and, I suggest, a tremendous saving.

I also say, based on my inquiries to the people in the Soil Conservation Service, it will be saving—it will be a saving because they will get out—they already examined these lands, and they will get out of the hassle of going back and being called by representatives of Senators and Congressmen to refight the battles between the four agencies. So I suggest it is a saving.

Mr. GLENN. Mr. President, whose time is that statement out of?

The PRESIDING OFFICER. The chairman of the committee has the floor.

Mr. GLENN. Mr. President, may I have 1 minute?

Mr. BAUCUS. I yield 1 minute to the Senator from Ohio.

Mr. GLENN. The reason I originally got up was to make certain I understood what Senator BAUCUS was trying to do here. When he says this group will get together and make recommendations and report to the Congress, I want it understood this would include a request for them, by the very nature of this, where possible, to tell us what the cost of this would be that they recommend also.

Mr. BAUCUS. Absolutely.

Mr. GLENN. We spent all last week talking about what things would cost and getting CBO and OMB estimates. I understand that "make recommendations" would include recommendations as to what the different costs are? The bureaucratic options of either saving money or expending more money would be part of their recommendation? Is that the understanding of the Senator?

Mr. BAUCUS. That is my understanding.

Mr. GLENN. I thank the Senator.

Mr. BAUCUS. I would now like to yield to the distinguished majority leader such time as he might require.

Mr. President, might I ask how much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Montana has 5 minutes and 40 seconds.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Maine, the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I will now propound a unanimous-consent agreement regarding the disposition of this bill. I ask that this time not come out of the 5 minutes here. This, as I understand it, has been cleared on both sides.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at 2:15 p.m. Senator DOLE be recognized to speak for up to 30 minutes on the subject of takings; that there be 15 minutes for debate on the same subject under the control of Senator GLENN; that upon the conclusion, or yielding back of this debate time the Senate vote on, or in relation to the Baucus perfecting amendment No. 341; that upon the disposition of the Baucus amendment the Senate vote on, or in relation to the Bond amendment No. 340, as amended, if amended; that upon the disposition of the Bond amendment the Senate vote on the adoption of the committee substitute, to be followed by third reading and a vote on passage of the bill; that immediately upon passage of the bill; the managers' title amendment be agreed to; with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I would like now to address the subject of the underlying amendment and the second-degree amendment.

The amendment offered by the Senator from Missouri is, as I understand it, intended to address the frustration felt by many in the farming community when dealing with wetlands. I am familiar with those concerns, and I understand the basis of the frustration. While this is the intent of the amendment, I think, unfortunately, it would have an opposite effect.

It is difficult to assess because there is no cost estimate for the amendment, no hearings have been held, the debate today is the only time the Senate in whole or in part has ever considered this proposal. This is part of a growing pattern in which amendments are offered in the Senate to which there has never been any estimate of cost, there has never been any debate or discussion, and the Senate is forced to vote on something lacking the information that ought to be essential to such decisions.

The underlying amendment provides that the Secretary of Agriculture, through the Soil Conservation Service, would make critical permitting decisions on wetlands permits on agricultural lands. This represents a major change from current policy.

Now it is the Environmental Protection Agency, the Corps of Engineers, and approved States which may issue permits. The underlying amendment could create more bureaucracy, not less, in the administration of the wetlands program because it adds a third Federal Government agency to the wetlands decisionmaking process. So instead of two Federal and one State agency, we would then have three Federal and one State agency in the process.

In addition to adding yet another agency to the debate, with whatever attendant bureaucracy and costs that entails, the amendment may create more confusion because the Soil Conservation Service would be responsible for wetlands permits only on agricultural lands.

Well, Mr. President, what are agricultural lands? This new definition will undoubtedly create more litigation—this will be good for the lawyers—and, no doubt, more confusion. Even more confusion would result because the underlying amendment creates a conflict between the so-called swampbuster requirements under the 1990 Food Security Act, and section 404 of the Clean Water Act, by exempting swampbuster lands from wetlands requirements.

I assume the concept behind this is to treat all agricultural lands under one regime. That is a sensible goal. But it is possible that the effect of the underlying amendment would be actually to make it more difficult to issue wetlands permits on agricultural lands than it is today. For one thing, implementation of the wetlands program, as applied to agricultural lands, could be stalled completely while the Department of Agriculture prepared regulations to implement the program. Such major regulations could take 2 years or more to fully develop and publish, and then would be open to litigation. So you may have a long period in which nothing could happen with respect to such land.

The underlying amendment may also set aside existing State permitting authority in cases involving agricultural lands. The result would be a larger Federal role. Do we want more Federal jurisdiction and less State jurisdiction? I am not sure that farmers want greater Federal involvement in decisions involving their lands over the State.

The underlying amendment requires the Soil Conservation Service to develop expertise it currently does not have and, therefore, would clearly require additional personnel and more Federal money. Once again, we have an amendment that calls for more Federal employees, more Federal spending on Federal employees with no cost estimate, which makes it, of course, difficult to evaluate.

In sum, the underlying amendment would create more confusion, more bureaucracy, more delay and more costs to the Federal program than currently exists.

I want to say, this does not mean that there are not problems with the implementation of the wetlands program now. There clearly are. And I comment the Senator from Missouri for the concern he has expressed on that point. It does mean that we should spend more than 1½ hours debating a major change to the wetlands program on an amendment that has had no analysis, no cost estimate, no reasonable estimate of the actual impact of the amendment on those it is intended to help.

In order to be sure we know what the impacts of the underlying amendment would be, I support Senator BAUCUS' amendment that requires a report on the implications of authorizing the Soil Conservation Service to issue wetlands permits on agricultural lands. Senator BAUCUS has stated previously his specific intent to address the wetlands issue in the context of the Clean Water Act, which is where it should be considered, and that will be considered in this Congress.

He has made a commitment to review these and all other wetlands issues during the reauthorizing that he, the chairman, has been actively pursuing. Therefore, I support Senator BAUCUS' second-degree amendment that will provide us with the information we need before we create a potentially larger problem. We can apply what we learn under this provision to the reauthorization process.

We can find out the impacts of such a change on the program. We can find out how agencies could assure consistency in the definition and delineation of wetlands. It could include discussion of how State programs would be treated, how agricultural wetlands would be addressed.

I strongly urge all my colleagues, including those who are sympathetic to the goals of this amendment—and I think that includes every Member of the Senate because we are sympathetic to that concern—to support Senator BAUCUS' amendment so we can first determine what the effect, the implications, the costs and, most of all, what benefits will flow from this action.

Mr. President, I thank my colleague for his cooperation, and I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself such time as I may require.

While our good friend, the very able and distinguished majority leader, is on the floor, perhaps since we had discussions earlier on, I might explain to him why we have taken the step of offering the amendment on this bill.

This has been a major concern for farmers and ranchers throughout America ever since we got into the wetlands business. We have had problems and conflicts in jurisdiction with four different agencies telling farmers four different things. So in 1991—with 17 cosponsors, I introduced the wetlands simplification bill. We asked the Environment and Public Works Committee to hold hearings on it, to move on it. Last year, the Environment and Public Works Committee introduced a clean water bill that left wetlands completely out. We were not in a position to hold a hearing because that was in the jurisdiction of EPW. This year we have 23 cosponsors.

This is not something we have taken up lightly. This is something that responds to a legitimate cry of outrage from farmers all across this country: "Why do you have four different agencies coming on my land and giving me four different opinions and directions with respect to what may or may not be a wetland?"

Mr. President, there is no good answer to that. That is why we need to make a simple decision to make one agency responsible for giving the farmer a clear-cut answer until and unless we can simplify this measure so everybody can understand wetlands. That will be the day when we can come up with a simplified answer on wetlands. But I do not think that is going to happen today, tomorrow, or any time in the near future. And in the meantime it makes more sense to say that the Federal agency which deals with the farmers should have that responsibility.

I ask the majority leader to take a look at the amendment that I have presented because it does not change the permits, it does not change the permitting process. If you want a permit to fill a wetland to build a shopping center, you still have to go the 404 route.

He has said that it goes beyond the expertise of the Soil Conservation Service. But, Mr. President, in the 1990 Food Security Act, we explicitly and expressly gave the Soil Conservation Service the responsibility for making determinations on agricultural land. We told them to do it; they are doing it; they are doing it today; they can do it tomorrow; and they do it throughout our States.

This is not a question of giving new responsibilities to the Soil Conservation Service. We mandated them to make wetland determinations and to develop that expertise in the 1990 Food Security Act. This is a common-sense approach to cutting out unnecessary layers of bureaucracy dealing directly with individual farmers and ranchers.

We could send this back for more study, and we could ask the administration to get a big fight going among all the agencies and then come back to us, and it would take them longer than 90 days and it would take us longer than 90 days and we will be here in 1994 and 1995 saying: "Remember when we talked about wetlands simplification in 1993?"

I urge my colleagues to resist the temptation to send the issue to somebody else to discuss it so they can send the issue back to us, and resolve it today by voting down the second-degree or perfecting amendment in supporting the underlying amendment. I reserve the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I inquire of the Chair, it is my understanding that under the previous order the Senate was scheduled to recess for the party conferences at 12:30.

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. And then under a further separate order just obtained, we were to have the 30 minutes for Senator DOLE and 15 minutes to respond beginning at 2:15 p.m.; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MITCHELL. But there remains time for debate on this matter under the control of the Senator from Missouri and the Senator from Montana.

The PRESIDING OFFICER. That is correct.

Mr. MITCHELL. Might I inquire of the Senators, if they wish to use the rest of their time that they do so now before we go into the caucus luncheon. Otherwise, they would be foreclosed from doing so. Or, if they have completed the debate they could yield the time back.

Mr. BOND. Mr. President, we have discussed this at great length, and that may be charitable. Others may have different terminologies. If the other side is willing to yield back, I would be happy to yield back all time on this side.

Mr. BAUCUS. If the majority leader might yield, I believe we can accommodate the leader. It is a bit moot because we do not have much time remaining. We have 40 seconds. The distinguished minority ranking member of the Environment and Public Works Committee might want to speak on the amendment.

Mr. MITCHELL. Will the Senator from Missouri agree to the following: The Senator from Rhode Island being recognized for 2 minutes, and the Senator from Missouri to be recognized for 2 minutes to respond, and then the Senate would go into recess?

Mr. BOND. Mr. President, I would gladly do that.

ORDER OF PROCEDURE

Mr. MITCHELL. I ask unanimous consent that the Senator from Rhode Island be recognized for 2 minutes, the Senator from Missouri be recognized for 2 minutes, and then the Senate go into recess as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I thank the majority leader for these arrangements.

Mr. President, I would like to make one correction if I might in a statement that the Senator from Missouri made; that is, that we reported out a clean water bill that did not cover the situation. There is a little misunderstanding there.

We did not report out a clean water bill. What he might be referring to is that the Senator from Montana and I introduced a bill. In that bill we did not cover the particular situation because we had not had hearings on it, and as we previously indicated this is a very, very complicated matter.

Mr. President, I very strongly urge support for the second-degree amendment that was offered by the Senator from Montana. It seems to me that this covers the situation as we mentioned before. We are getting into an area that, one, there have been no hearings whatsoever on. It is an area where there are already two agencies in on it, the Corps of Engineers, and the Environmental Protection Agency. To have the Soil Conservation Service brought into a matter dealing with the so-called sodbuster sections, which were devised to deny subsidies, if you handle your land in a certain way, to suddenly twist that, shift that around, and give the responsibility to the Soil Conservation Service to declare what is a wetlands problem and what is not, where with great difficulties in the delineation in the definition of what is wetlands, suddenly to toss that over into an agency that has not dealt with this I think raises some very, very serious problems.

Therefore, Mr. President, I would hope that the second-degree amendment by the Senator from Montana would be adopted.

Mr. BOND. Mr. President, I appreciate the clarification of my colleague from Rhode Island. I did mean to say that a measure had been introduced, not reported out.

But the problem remains that this is a tremendous headache for farmers all across this country, who have been waiting for Congress to act for years and years. We introduced the measure, referred it to the Environment and Public Works Committee in 1991. Nothing has been done. The second-degree amendment asks that we send it back so that there can be another all-out, knockdown bureaucratic battle, so they can send it back to us.

I am urging my colleagues today to join with me to say that the second-degree amendment is more of the same. It is sending it back in the process, waiting for them to send something back to us so then we can act.

We need a commonsense resolution to a problem. There is great confusion on wetlands definition. Anyone listening to this debate today would hear that. But what we are saying is that to save the farmer from being caught up in an impossible catch-22 where he or she relies on the advice of one agency and is told by another agency that we are going to fine you $10,000, we say that at least while this mess is going on, let the farmer rely on the word of one agency, which we have already given responsibility to make wetland determinations under the Food Security Act.

If my colleagues support the second-degree amendment, it is a vote for continued confusion, the status quo. If we want a simplified governmental response, a commonsense answer, support the underlying amendment and allow us to have the Soil Conservation Service as the lead agency and give one single answer the farmer deserves.

Mr. President, I ask unanimous consent that Senator COVERDELL be listed as a cosponsor of the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I move to table the second-degree amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERRY].

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Republican leader is to be recognized for a period of up to 30 minutes.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, if we put in a quorum call awaiting arrival of people on the floor, are we charging time against Senator DOLE and the opposition?

The PRESIDING OFFICER. If that is the Senator's intention, and he so requests, time will be charged to both sides.

Mr. GLENN. I was not suggesting that at all. I wanted to know if time was running against either side when I suggested the absence of a quorum.

The PRESIDING OFFICER. Time has not been charged.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

THE PRIVATE PROPERTY RIGHTS ACT OF 1993

Mr. MURKOWSKI. Mr. President, it is my understanding that the minority leader will be discussing very shortly the Private Property Rights Act of 1993. It is my intention to encourage my colleagues to support the private property interests of Americans all over the country whether they be in the mining industry or victims of wetland designations.

The act would indeed ensure that the Government assess whether or not a regulation may result in the taking of private property so as to avoid such taking when possible.

By supporting this legislation, our membership has an opportunity to assume a real leadership role in creating a positive relationship between private property rights and the protection of the environment.

This is of particular concern in my home State of Alaska where we have significant Federal intervention. There are numerous examples of people losing the value of their property without compensation. I can cite specifics relative to wetlands designation where individuals looking forward to retirement suddenly find themselves in front of reality that their property, after having been designated a wetland, no longer carries with it the value. As a consequence they are left in a state of not knowing whether indeed that property has a real value. It has created a confusing situation among local governments where the taxing authorities do not know whether to lower or basically attach levies as a consequence of the designation of wetlands.

Of course, the mining area is the very significant issue where both unpatented claims that have been worked for years and claims that have been perfected are victims of taking by regulatory authority primarily through National Park Service action.

Mr. President, I ask unanimous consent to have printed in the RECORD an extended statement relative to taking of various properties in the Kantishna Hills by the Park Service with no compensation of any kind to the individuals.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REGULATORY TAKING OF GOLD KING MINES, INC.

In 1903, gold was discovered in the Kantishna Hills, which is located in interior Alaska, north of the Alaska Range and Mt. McKinley ("Denali"). The Kantishna Mining District was created around 1905, and the area has been subject of several thousand prospectors ever since. The mining district pre-existed enactment of organic legislation for the National Park Service in 1916, along with creation of Mt. McKinley National Park in 1917.

The Kantishna Hills were open to mineral entry as BLM public land through the 1960s, and early 1970s, depending on location. In 1962, fifteen placer mining claims were located in the Glen Creek drainage of the Kantishna Hills. The original locators were father and son, John H. Wieler and Mark Wieler Rogers. Through the years, the claims were mined profitably by two other sons, Eric and Paul Wieler. In 1976, a closely held corporation, Gold King Mines, Inc., was formed which acquired a portion of the title.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act ("ANILCA") designating the Kantishna Hills as part of Denali National Park and Preserve. The Park Service then took on surface management of the Kantishna Hills mining claimants through the Mining in the Parks Act of 1976. In years 1980 through 1984, Gold King was able to mine its claims and receive regulatory approvals from the Park Service.

In 1985, however, a citizens' lawsuit was brought challenging the Park Service's environmental review of mining plans. The U.S. District Court agreed with the plaintiffs and enjoined the Park Service from approving any further mining in the Kantishna Hills until a cumulative environmental impact statement was approved. It took the Park Service between 5–6 years to finalize its EIS and get the injunction lifted in 1991.

Since 1985, there has been no mining allowed in the Kantishna Hills. Many mining claimants, including Gold King, were forced into, or had already filed for, bankruptcy. As of 1991, the Park Service acknowledged that land acquisition of the mining claims was the preferred management alternative. In the interim, the Park Service was also holding out that "approvable" mining operations would be allowed.

Predictably, the Park Service has refused to allow mining in the Kantishna Hills, despite at least 20 plans of operation having been submitted for its approval since the 1985 injunction. The Park Service's typical response has been that applicants should submit more detailed plans, with engineering details costing several thousands of dollars. Confidentially, however, Park Service personnel have acknowledged that no mining would ever be allowed in the Kantishna Hills.

An additional burden imposed upon the mining claimants is the Park Service's onerous regulations concerning access to in-holdings, including the mining claims in the Kantishna Hills. The Wielers and other mining claimants have been subjected to numerous versions of Park Service rules on who, what, where and when is allowed onto the claims. Moreover, pattern of invidious discrimination can be discerned through the Park Service's favorable treatment of lodge owners and their guests vis-a-vis the mining claimants. This invidious treatment of the Wielers and other mining claimants persists notwithstanding that Congress, through AN ILCA, conferred special rights of access for economic and other purposes upon in-holders.

One mining claimant, K.L.K, Inc., was able to get its mining plan denied on the merits after four years. KLK has since filed a regulatory taking action against the Park Service, and the government has conceded a taking. With this background, Gold King asked the Park Service to rule on its mining plan submitted in 1992. The Park Service has refused to do so, contending that further engineering details are required on the assumption that Gold King's plan is "approvable." Gold King considers the Park Service's treatment of its plan a ruse in order to avoid a regulatory taking.

The bankruptcy trustee for Gold King requested the Park Service make an offer to purchase the mining claims in 1989. Four years later, the Park Service has offered $267,000 for the claims. Gold King considers the Park Service's offer a pittance against its proven or probable mineral reserves. By way of illustration, a lessee operating on only a few of the Gold King claims in 1983 produced 742 ounces of gold in 28 days. This limited 1983 production approximates the Park Service's offer for all fifteen of Gold King's claims.

While the Park Service persists in frustrating Gold King from mining its claims, its land acquisition program is an apparent failure. Since enactment of the Mining in the Parks Act in 1976, the Park Service has been unsuccessful in negotiating a single purchase of mineral estate in unpatented mining claims. Although the Park Service has purchased patented mining claims, it will only recognize surface value for these properties.

Through ANILCA §202, Congress instructed the Interior Department to study and report on the mineral resources in the Kantishna Hills, along with costs of mining claim acquisition. Interior funded a $1.6 million study with substantial field work performed by professional geologists and engineers. Several reports were produced from the ANILCA §202 study process, including one report regarding claim acquisition costs. That report estimates the total value of approximately 240 mining claims in 1984 dollars at $150 million. The Gold King claims were valued at $4.5 million, using a discounted cash flow approach. Needless to say, the Park Service disregards these studies.

The case of the Kantishna Hills mining district, and the Wielers' Gold King claims in particular, demonstrates the hidden costs and havoc that can be wrecked upon private property interests subject to federal legislation. Thoughtful persons would today contend that this historic and economically viable mining district should never have been included within Denali National Park. But the lands management and environmental agenda of Congress dictated otherwise. If public policy of this country supports this result, then Congress should support fair compensation to impacted persons, business and property owners. Unfortunately, it appears that Congress would rather fund an army of Park Service bureaucrats with an agenda to extinguish private property rights.

Submitted by Lawrence V. Albert, Attorney at Law, on behalf of Eric and Paul Wieler, and Gold King Mines, Inc.

Mr. MURKOWSKI. Mr. President, it is my hope that the legitimacy of the reviewing, the reality that we own the public consideration when there is a taking, be directed. I look forward to the statement of the minority leader relative to the Private Property Rights Act of 1993. It is my urging that we consider this matter at the earliest possible time.

I thank the Chair, and I yield the floor.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Republican leader is recognized for a period not to exceed 30 minutes.

Mr. DOLE. Mr. President, at the request of a number of my colleagues, I had intended to offer an amendment comprised of the text of S. 177, a bill I introduced to require Federal agencies to review regulatory actions for any potential of a taking of private property.

Our Founding Fathers deeply believed in the right of American citizens to hold private property and that Government should not invade upon that right. In fact, that right is granted in two places—the 5th amendment which protects citizens against the Federal Government and the 14th amendment which protects citizens against State and local governments.

When I introduced S. 177, I mentioned that its intention might seem curious—requiring Federal employees to uphold the Constitution—an activity in which they swore to engage before they were hired. Maybe we should get everyone in Government to take an oath every year so they would not forget.

I was also somewhat taken aback to learn there was opposition to the amendment. Let me tell you I was startled, because it contains only three very fundamental basic points: First, when issuing regulations, agencies should review them to determine whether it would result in a taking of private property; second, strive to reduce takings; and third, have the Attorney General certify that the first and second points have been undertaken. The amendment does not ban takings, it does not mandate a percentage reduction, all it does is to require a review of regulations so we know what we are requiring of our citizens and what we are doing to their constitutional rights.

I am aware that were I to offer my amendment today, a Senator of the other side of the aisle would offer an amendment in the second degree to gut what little there is in S. 177. I am also aware that the head counters and armtwisters have been turned loose on this effort.

Mr. President, this issue is too important to be lost due to whatever erroneous arguments are being used against it. I have decided, with a number of my colleagues, some on the floor—the Senator from Texas, Senator GRAMM, the Senator from Alaska, Senator MURKOWSKI, and a number of others. We decided, therefore, to engage those Americans who believe in the right to own property without having it seized or otherwise taken by the Government without just compensation.

I can tell you the amendment will be offered later this year, once we have had time to explain it. I think a lot of colleagues who have not focused on the amendment, I think once they have a chance to focus on the amendment on both sides of the aisle they will understand.

It is a very important amendment, but it is not that difficult to understand, and the bottom line is it underlies the importance of protecting the American property owner from overzealous Government agencies. I think that is something very important. I tell you it is very important for property owners in my State, the Sate of Kansas.

I would hope that some time later this year at the appropriate time we could have maybe a bipartisan effort. Maybe the amendment will be acceptable to my colleagues on the other side after we have had some time to educate everyone in the Chamber about the importance of this amendment to the American people, not to the bureaucrats, but to the American people.

I am happy to yield to my cosponsor and colleague from the State of Texas, Senator GRAMM.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the amendment, so it will be available to other Members.

There being no objection, the amendment was ordered to printed in the RECORD, as follows:

At the appropriate place, insert the following new section:

SEC. . PROTECTION OF PRIVATE PROPERTY.

(a) DEFINITIONS.—As used in this section:

(1) The term "agency" means any executive branch agency, including any military department of the United States Government, any United States Government corporation, any United States Government-controlled corporation, or any other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means an activity with respect to which private property is taken in such manner that compensation to the owner of the property is required by the Fifth Amendment to the Constitution of the United States.

(b) PROTECTION OF PRIVATE PROPERTY.—No regulation promulgated after the date of enactment of this Act by the head of an agency shall become effective until the Attorney General certifies that the issuing agency is in compliance with Executive Order 12630, entitled "Governmental Actions and Interference with Constitutionally Protected Property Rights" (commonly known as the "Takings Executive Order"), as in effect in 1991.

(c) REQUIREMENTS.—The requirements of Executive Order 12630, as in effect in 1991, shall apply to any assessment of the potential for the taking of private property in a Federal regulatory activity. The goal of the application of the requirements shall be to minimize the potential for the taking of private property where possible.

(d) JUDICIAL REVIEW.—(1) A judicial review of an action taken pursuant to this section shall be limited to whether the Attorney General has certified the issuing agency to be in compliance with Executive Order 12630, as in effect in 1991, or similar procedures, and shall be permitted in the same forum and at the same time as the issued regulations are otherwise subject to judicial review.

(2) Only a person adversely affected or aggrieved by an agency action shall have standing to challenge an action referred to paragraph (1) as contrary to this section.

(3) In no event shall a review under this subsection include any claim for which the United States Claims Court has jurisdiction.

(4) Nothing in this subsection shall affect any right to judicial review of agency action available under other law.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, our distinguished Republican leader has brought to the floor of the Senate a very fundamental issue, and the fundamental issue has to do with property rights in America.

Basically, what has happened is that the Constitution has been subverted by the evolution of a new kind of takings, regulatory takings. The courts have been very clear that if the Government comes in and says, "I am going to build a highway across your property and I am going to take a certain amount of it," that they have to provide you due compensation.

The Constitution is very clear on this. It says "* * * nor shall private property be taken for public use without just compensation."

But what has happened in recent years is that a new form of taking has become more common than condemnation. That new form of taking is a regulatory taking.

All over the country under new wetland provisions, whole counties in States like Texas and Maryland have found that the Government has changed the designation of what is a wetland and in the process has dramatically changed a property owner's ability to use their property.

In the Northwest, people have found that because a spotted owl, an endangered species, was nesting in their trees, that there has been a taking because they cannot now cut their trees.

In east Texas, a red-cockaded woodpecker could fly into your woodlands and all of a sudden you are subject to a potential taking, where the Government can say, "You planted these pine trees, you made an investment in them, but now we are not going to let you cut them."

So what the amendment of the distinguished Senator from Kansas would do is simply say, in setting public policy, that when the Government is going to engage in an activity that might represent a taking, they have to identify that a taking did occur.

Second, since every official in the country, appointed or elected, swears to uphold, protect, and defend the Constitution, that the Government, to the maximum extent possible and practical, should try to minimize takings.

Finally, it seems to me that this amendment is very important because it refocuses attention on the constitutional rights of the American people.

My position, Mr. President, is simply this: If our society decides to protect wetlands, that may be a rational decision. It may be something that is in society's interest. But if the Government enacts a policy change which takes away from farmers the ability to use land which they paid for and have a right to use, and in the process the change in policy takes away productive value from their land, there has been a taking and farmers should be compensated. If we decide, in a society, that we are going to protect the spotted owl, we have a right to do that. We might debate the rationality of it, but clearly we have a right to do that.

What we do not have a right to do, it seems to me, is to say to someone who planted trees to pay to send their grandchildren to college, to come in and say, "Mr. Brown, I have bad news for you. The bad news is you have the spotted owl nesting in your lumber, and you are not going to be able to cut these trees; but it is for society's good."

Mr. President, my view is, if it is for society's benefit, society ought to pay Mr. Brown for the lost economic value that he has suffered as a result of having his property taken.

There is a big legal debate about this issue. The value of the amendment that Senator DOLE is talking about today, that we will offer later this year—and we are going to ask people all over America to join in this debate to protect private property—the value of this amendment is focusing attention back on the takings provision.

I believe very strongly, Mr. President, that if someone's property is taken or limited by Government action, or if their property to any significant extent is diminished in value by a zoning decision, by a wetlands designation, or by an endangered species designation, and that if society decides that the cost is justified—I believe that society should bear that cost and not the property owner who, in essence, has his property taken for a public benefit.

If we have all of these things we want to do as a society, we as a society should pay for it. We should not impose the cost on people who have their property taken.

I think that is clearly unconstitutional, at least in spirit. I hope this amendment will be a first step toward legislatively defining a taking as any Government action that substantially and significantly diminishes the value of property, and that when the Government takes somebody's property, they ought to have to pay for it. I think the American people are for that.

I would have to say in conclusion, Mr. President, I suspect that the Founding Fathers would never have dreamed that such a debate would be occurring in America. I assert that the Founding Fathers, who put private property in front of virtually every other basic right as fundamental to a free society, would never have envisioned that our Government could evolve policy in such a way that we would be taking people's property and not compensating them for that taking.

It is a great paradox of modern America that any two consenting adults can engage in any kind of behavior and have total constitutional protection as long as that behavior does not involve the use of property or the engagement in business or commerce or job creation; however, when people are exercising their economic rights, they are unprotected. I do not think the Founding Fathers would have foreseen that this could happen.

This amendment is a very enlightened amendment. It is a very important first step.

I congratulate our Republican leader for his leadership on this amendment. I am happy to be a cosponsor of this amendment and a faithful follower on it. I want to pledge to our Republican leader that I want to work with him to help every landowner and to help the working men and women of America who see their property rights trampled on every day in their cities and counties and villages. I want to help them have their voices heard against all the special interests who have these grandiose designs to reengineer society at the expense of the people who own property, who till the soil, and who produce the goods and services in our country.

So I congratulate our leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, before yielding to the Senator from Wyoming, who has also been a leader in this early, long before the Senator from Kansas became involved in it, I wish to say that I want to thank my former colleague, the former Senator from Idaho, Senator Symms, and Senator CRAIG and Senator KEMPTHORNE from Idaho, who sort of picked up where Senator Symms left off.

This was an idea that Senator Symms had. He worked on it very hard. Since he retired from the Senate, the issue has been taken up by others of us who understand—we hope we understand—the full impact of it.

I again commend my former colleague, Senator Steve Symms.

I am happy to yield 5 minutes to my distinguished colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. WALLOP. I thank the Senator from Kansas, and I thank the Chair.

Mr. President, we ought not to be debating this. It ought not to have to occur to us, and yet it is.

All over America, one thing I find taking place is that people are now actively terrified of their Government and its power. The average person cannot afford—cannot afford—to defend his or her right to property. The Federal Government operates at an enormous deficit, and every agency within it is able, through the use of the courts, to contest the average American's right to his property far beyond the capacity of that citizen to defend that right.

This year alone, there are between 100 and 150 takings cases before the Court of Federal Claims. That is up from 69 last year and 52 the year before.

Mr. President, something is desperately wrong when the EPA will go to a person and suggest that they will create a charge of a willful violation if that person seeks to defend a given property right. That has happened in my State.

It has happened with the Corps of Engineers. It has happened around and about, all over this country, where ordinary citizens, thinking they are doing the appropriate thing with their property, believing in their Government and its Constitution, are simply challenged in the right to use their property.

Nobody suggests, least of all the Senator from Wyoming, that the right to use property is without limit. I just do not suggest that. But the problem that we have is that to contest over the amount of the Government's authority to limit the use of property is beyond the reach of Americans. In the Energy Committee today, the nominee to be solicitor of the Department of the Interior is a man whose writings display a very casual, cavalier attitude toward the issue of takings. In my conversations with him, his first concern about the issue of takings was the exposure of the Government. I had hoped to hear that anybody's first concern on the issue of takings was the fairness to the property holder. And that means being extraordinarily sensitive as a government—which this Government and the one which preceded it, I would say to my friends, that of President Bush, became very, very cavalier about. The power to coerce is complete.

All over this land there are national parks with private in-holdings. There probably is not a State amongst us who does not have some national park that has been authorized by this Congress and yet refused to be funded. The owners of those properties are not allowed to build on their property or to use it in ways which take away from its qualities as parkland, and therefore they cannot sell it to anybody else because they cannot use it for that purpose, or for any other purpose, either. They have the privilege of paying tax on it until this Government and this Congress gets around to paying them.

There is a class action suit against the U.S. Government that is terribly close to ripe, Mr. President. It is probably over 5 billion dollars' worth of property of Americans that this Congress has authorized our Government essentially to take but will not appropriate money to compensate for that taking. This amendment, or one like it, somewhere along the line this year, must pass if Americans are to believe that the fifth amendment to the Constitution is a right which they indeed hold and can be defended against a government which cares less and less every day about how seriously that particular right is viewed.

I will have printed in the RECORD some of the writings that caused my concern today about the nominee for solicitor for the Department of the Interior, and I will also have printed in the RECORD some of the statements of the new Secretary of the Interior which give me pause, as to how committed he may be to the issue of takings of private property. But, above all, if the Government of the United States, Republican or Democratic, does not think first of the property holder, then sooner or later there is no right that can be defended by the average citizens of this country to have and to hold property against a Federal taking.

Mr. President, I ask unanimous consent the material to which I referred be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN LESHY QUOTES SOLICITOR NOMINEE FOR DOI

MINING LAW

Reforming the Mining Law: Problems and Prospects, Public Land Law Review, vol. 9, 1988.

"I argued in my book that Mining Law reform is cosmetic if it is wholly prospective; that is, if it does not apply to existing claims. These claims blanket most areas of mineral potential, and abusive or nuisance claims would, if they survived reform, remain as potential roadblocks to mineral development and to sound management of federal lands for other purposes.

"* * * There are any number of ways for these claims to be converted to leases, or even extinguished, without posing problems of unconstitutionally 'taking' private property interests without compensation. A number of modern court decisions * * * make plain that the government's interest in ridding its lands of stale, inactive, nuisance, or abusive claims is generally strong enough to overcome the loss of whatever modest property interests might exist in them.

"Even claims supporting genuine 'discoveries' or active mining operations could be converted to leases and subjected to broader regulation, so long as some opportunity to mine is protected, within relatively broad limits." (pp. 17–18)

"What the constitution protects is the essence of the property right, and in a mining claim, it is only that opportunity to mine in a manner that does not seriously endanger other important values." (p. 18)

"[with regard to oil shale claims] The House * * * has passed such a bill, but it is being held up in the Senate Committee * * * by Wyoming Senator Malcolm Wallop, who relies on the extravagant concern that repeal of the patent provision takes property right." (p. 20)

The Mining Law—A Study in Perpetual Motion, Resources for the Future, 1987.

"Despite the miners' 'property rights' rhetoric, it is plain that Congress may require holders of valid existing claims to convert them to leases or otherwise conform them to the provisions of a reformed hardrock leasing system. If a reasonable period of time is allowed for conversion and the property interest in valid existing claims is not wholly extinguished (even though it may be made subject to substantial new regulation), the constitutionality of such a procedure seems assured." (p. 321)

"This is not to say that existing claims do not deserve careful treatment, both to provide fairness to those who actually have genuine claims and to otherwise comport with constitutional requirements." (p. 322)

"The case for assigning to the claimant the burden of presenting a strong prima facie case showing for the validity of a mining claim is particularly compelling, given the onslaught of environmental regulatory laws in the past few years. * * *

"* * * The imposition of these new regulatory costs should be sufficient, in other words, to place the burden of going forward, as well as the ultimate burden of proof, on the claimant." (pp. 322–324)

NFMA AND FLPMA

Unraveling the Sagebrush Rebellion: Law, Politics and Federal Lands, U.C. Davis law Review, vol. 14, no. 2, Winter 1980.

"Part of the FLPMA's regulatory scheme is designed to achieve environmental restoration and protection on all the public lands and, beyond that, to preserve part of the public lands in their natural condition. This does not go down easily with those who, by experience or cultural inculcation, regard the natural environment as their enemy.

"* * * Increasing competition means increasing regulation * * * Needless to say, such regulations does not please those whose private pursuits re regulated in order that the public's resources may be preserved for use by others, including future generations. It takes a certain maturity or breadth of perspective to appreciate the common good which flows from this kind of regulations." (pp. 345–346)

GENERAL VIEWS OF FEDERAL AUTHORITY

"Sharing Federal Multiple-Use Lands", chap 11 of Rethinking the Federal Lands, Sterling Brubader, ed, Resources for the Future, 1984.

"The continued existence of sovereign power to regulate uses of purely private land suggests that there need be no real concern over removing multiple-use lands from federal ownership. If it turns out, for example, that wildlife or esthetic values are downgraded when a tract of national forest land is sold to a timber company, then the federal government need only enact legislation to provide protection for such values on those lands. The fact that restrictive federal regulation comes after unrestricted transfer should not limit its effectiveness."

[Comparing federal authority over private lands with federal lands] "Although the latter is essentially without limitations, the former is restricted, at least formally, by such constitutional requirements as assuring a connection to interstate commerce and, under the Tenth Amendment, the integrity of state governments." (p. 240)

Litigation and Forest Policy, a Colloquy on the Role of the Judiciary, Journal of Forestry, July 1977.

"I don't think its unethical to bring a lawsuit for purposes of delay, so long as the lawsuit is grounded in some basis of law." (p. 415)

The PRESIDING OFFICER. The Senator from Ohio, under the previous order, is recognized for a period not to exceed 15 minutes.

Mr. GLENN. Mr. President, I yield 10 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. BAUCUS. Mr. President, I listened with great interest to the statement of the distinguished Republican leader as well as the statements of the Senators from Wyoming and Texas. One of the strengths of our country has been the protection of private property rights. A fact that I think distinguishes this country from every other country is the degree to which we Americans protect private property rights. It is enshrined in the Constitution. It is an issue that each Senator takes very seriously. After all, each of us swears to uphold the Constitution of the United States when we take our oath of office. It is an issue that Democrats and Republicans take seriously.

The Senator from Kansas has introduced a bill, S. 177, that deals with this issue. While he is not going to offer it as an amendment today to the EPA evaluation bill, it is fair to say this is an issue that will be revisited.

Mr. President, this debate is not a debate about private property rights. After all, we are all very much in favor of private property rights. Rather, because of the way the Senator's bill is worded, it is a debate about politics, about tying the President's hands, and about denying him the opportunity to put his own program in place.

Why this debate is not about private property rights? The takings clause of the fifth amendment provides that private property may not be taken for public use without just compensation. That is the fifth amendment. Just last year, in the Lucas decision, the Supreme Court strongly reaffirmed that the takings clause applies to Government regulations.

We heard earlier the Senator from Texas wondering about the application of the takings clause, saying that historically it applied to highway condemnation and other obvious takings like that.

But now he alleges that the U.S. Government through regulations is, in effect, taking private property without just compensation. But let me repeat, just last year in the Lucas decision, a South Carolina case, the Supreme Court strongly reaffirmed that the takings clause does apply to Government regulations.

So if a Government regulation deprives someone of the use of their property, that person can then bring a claim for compensation. Obviously, the courts must review claims carefully because takings law is very complex. The scenario develops incrementally through case-by-case decisions. If anyone disputes them, I urge them to go back and read the Supreme Court cases on takings. They are very complex. The circumstances around each taking issue is usually different from the other. There is no absolute definition that automatically determines what is and what is not a taking.

Courts certainly do review takings claims. There are currently 156 takings claims pending in the Court of Claims.

The basic point is clear: In writing the takings clause in the fifth amendment of the U.S. Constitution, James Madison protected private property rights. That was the intent of the provision. That is what it does. We do not need to try to improve upon his work today or certainly under the formulation of S. 177. It sounds good, sounds like the way to help protect private property, but if one begins to look more deeply, more clearly at the actual language of the bill and begins to think through its consequences, one will begin to realize it will probably cause more harm than good.

It looks good on its surface, just as last year's amendment on this subject made surface sense. That was the amendment offered by the Senator from Idaho, Senator Symms. The Senate adopted that amendment. But, in fact, S. 177 is very different from the Symms amendment. It is also much worse.

The key difference is that S. 177 freezes into place a 1988 Executive order, an Executive order promulgated by another President. S. 177 freezes that Executive order by law into place.

That means our new President cannot review it. He cannot modify it. He cannot adopt it to changed circumstances. He is stuck with it. That is unprecedented. I am not aware of any instance in which the Congress has codified, that is, enacted into law, an Executive order, particularly of a previous President. It has never happened before.

Oh, you might ask, so what? What is the big deal? It is simply this: Bill Clinton won the election. He is the President, the Chief Executive, the person responsible for running the executive branch of our Government. Let us give him a chance to do his job.

The 1988 executive order was very controversial. Some commentators believe it was an ideological hatchet job. The Congressional Research Service concluded that the Executive order overestimates the likelihood of a taking. The Congressional Research Service also concludes that Executive order fails to consider many factors relevant to a taking and imposes unjustified demands on Government agencies acting to protect public health and safety.

Now the new administration is reviewing the executive order. Let us give the new administration some time, time to determine whether to apply the same theory of takings, time to determine whether new circumstances justify changes and time to integrate takings considerations with the administration's regulatory review effort.

In fact, the administration says that S. 177 "would greatly hamper the administration's ability to fashion its own approach to regulatory review and instead force us to adhere chapter and verse to a key element of the last administration's regulatory review program."

Attorney General Reno has written that the amendment "represents an unnecessary incursion upon the executive authority of the President and accordingly should not be adopted."

Why is that important? Why is the statement by the Attorney General saying that it should not be adopted so important? Very simply, because the bill designates the Attorney General as the arbiter to ride herd on all Government agencies' rules and regulations that have anything to do with takings. And almost by definition any regulation would have something to do with a potential taking. Our Attorney General does not want that. Our Attorney General says that that bill should not be adopted.

In addition, by codifying the previous administration's Executive order, S. 177 would create judicial and administrative chaos. If this bill were to become law, we would have two versions of the takings clause. One would be the version of James Madison, Oliver Wendell Holmes, and the long line of distinguished jurists who have interpreted the takings clause in scores of Supreme Court decisions and hundreds of lower court rulings.

The other would be the version of a gaggle of faceless bureaucrats in the Reagan Justice Department whose work S. 177 would elevate and enact it into law.

If there is a conflict between the two, whose version applies? The version of Madison and Holmes, evolving through careful case-by-case judicial decisions, or the version of the Reagan Justice Department?

There is another issue. We may be overriding many environmental and other laws without careful consideration. Currently the various legal standards established in executive orders do not override any statutes. As a legal matter, an Executive order cannot override a statute.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I might have 5 more minutes. As I understand, the minority leader was willing to yield back some time to this side because they had 30 minutes and we had 15.

Mr. GLENN. Senator DOLE indicated he would be glad to give us some time if we needed some.

Mr. COHEN. Yes.

The PRESIDING OFFICER. The Senator from Montana is recognized for an additional 5 minutes, of the minority's time.

Mr. BAUCUS. Mr. President, I thank the Senator. Remember I said earlier, Mr. President, under current law, as a legal matter, an Executive order cannot override a statute. Again, the 1988 Executive order is currently in existence, but the Executive order itself cannot override a statute.

But S. 177 provides expressly the entire text of the Executive order "is hereby incorporated by reference and enacted into public law." It codifies and makes a statute a previous Executive order which Congress has never done before.

This could have a significant effect on other laws. For example, the Executive order provides that any Federal action to protect public health or safety which has arguable takings implications may only be undertaken in response to a "real and substantial threat" and must be no greater than is necessary to achieve the health and safety purpose and must not impose restrictions that are disproportionate to public health or safety risks.

(Mrs. MURRAY assumed the chair.)

Mr. BAUCUS. Madam President, those are fine words, but what do they mean and how do they square with other statutes, not Executive orders, but other statutes that apply different health and safety standards? What about section 6(a) of the Toxic Substances Control Act? It requires the administrator to act to protect the public against toxic substances that "present an unreasonable risk or injury to health or the environment."

What about section 3004 of the Resource Conservation Recovery Act?

It provides that the administrator must issue such regulations providing for hazardous waste facilities as may be necessary to protect human health or the environment.

What about section 104 Superfund? It authorizes the President to act whenever there is release of a hazardous substance into the environment.

The point is this: These important provisions were enacted after months, in some cases after years, of careful consideration and compromise. How does the amendment square with our health standards and our environmental laws. Does it replace them? If so, are we prepared to do that total replacement in one fell swoop?

Madam President, I understand that many of us want to provide protection for private property rights. I certainly do. But in doing so, we should not provide less protection for human health and safety. Both private property rights and public health and safety are important and both need protection.

Madam President, I understand many Senators want to go on record to support the private property rights. We all want to. It is the basis of our Constitution. But S. 177 is unnecessary. The Constitution already protects private property rights and the courts enforce it. Moreover, the bill goes way beyond last year's Symms amendment. It ties the President's hands. The Symms amendment did not. It will create judicial and administrative chaos. The Symms amendment did not. And such chaos is not in the interest of property owners, nor in the interest of protection of public health and safety. Though well intentioned S. 177 is not a path that Congress should travel.

Mr. FORD. Madam President, do we have time? Could I have a couple of minutes?

Mr. GLENN. We have 5 minutes left.

The PRESIDING OFFICER. That is correct.

Mr. GLENN. Two minutes.

Mr. FORD. Madam President, I thank the floor manager. I want to just draw the attention of my colleagues to a statement that was made by the distinguished Senator from Wyoming a few months ago. He stood on this floor and admitted previous administrations—at least the Bush administration—had been cavalier in the takings.

I am one who voted for the Symms amendment. I supported the Symms amendment on takings. I am 1 of the 55, I think, that voted for it the last time. This is not the Symms amendment. I want to agree with my distinguished friend from Montana. But also, the Senator from Texas when he said now we have a form of taking. We have had the wetlands. All of these things are bad. When did they start and how did we get them?

Now we find the other side getting up, shaking their fists, and saying we are not going to allow them to trample on the property rights of the working men and women of this country. Yet the Senator from Wyoming says they were cavalier about taking. What has happened here in the 100 days? It seems that this administration is responsible for all of this.

Now we hear the other side coming with all of these amendments saying how bad they were, they want to get them changed. Or, they want the support of this President on the North American Free-Trade Agreement. They want to go to aid for Russia—all those things that were approved under the previous administration, except domestic.

I just want to compliment the Senator from Wyoming for making the point that the previous administrations were cavalier and part of the problem is theirs, and now they are trying to correct their own problems they created.

Mr. GLENN. Madam President, I yield myself such time as may be required.

Madam President, we all agree that we need a lot of additional work on this whole takings problem. I am the first to agree with that. I think a lot of times we implement rules and regulations that have untoward efforts out there. We do not know what they are going to do. We pass something in the interest of whatever group it is, and we think we are helping in this country. It needs help. And yet the impact on that when you get down to the user out there is quite different than we intended here.

So we have to be very careful in this area of regulatory takings, as it is called. This is not the usual takings where we are using the right to eminent domain to take over property or something like that, a takings in the traditional sense of the word. It is a takings, in effect, that comes from something dealing with safety and health or whatever, the impacts on a business, and, in effect, reduces the benefit, reduces the overall value of that property.

That is what we are talking about here. The courts have moved on in this area quite a lot in the last decade or so. In fact, the Executive order that was put out by President Reagan was signed March 15, 1988. So we have had an Executive order out there since this time in 1988, March 15.

This amendment—which I am very glad the distinguished minority leader did not choose to go ahead and put in and bring to a vote right now—what it basically does is to take that Executive order and make it the law of the land. It codifies it. It would lock it in so there could be no change by the current administration or other administrations on down the line unless we change the law here on Capitol Hill.

That was Executive Order No. 12630. It said that each agency of Government, in considering this area of takings, would get its plan into place for that particular agency and get the Attorney General to approve it. When the Attorney General approved it, then that would let the plan be in operation for that particular agency to go ahead through the normal process which is required by Executive Order No. 12291, in which proposed rules and regulations are submitted to the Office of Management and Budget for review.

OMB, in that case, does a cost-benefit analysis. They do a cost-benefit analysis now. That is what is required of them. So what we really need in this, it seems to my mind, is a simple solution. It would be for OMB to include this cost to individuals in their deliberations right now, whether we pass this Executive order or whether we codify this Executive order or not.

Will the Senator yield 5 minutes on the other side?

Mr. ROTH. I yield 5 minutes.

Mr. GLENN. Madam President, what we need is to simplify this and let OMB include their cost to individuals in their analysis that they do right now, and it seems to me that would take care of the whole process.

What is going on in the meantime is, the Vice President has been commissioned by the President to look into this whole area of regulatory review. We have letters here, which I would like to ask unanimous consent to have printed in the RECORD: A letter from the Attorney General of the United States and also from the Vice President of the United States indicating their objection to this approach and asking that they be permitted, the Vice President in particular, to go ahead and conclude his whole review of the regulatory review process and what changes may be made in OMB and to consider this specific item; this specific area of takings that was covered by the Executive order and which would have proposed what Senator DOLE would have proposed had he submitted his amendment for a vote, would have proposed codifying into law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE VICE PRESIDENT,
Washington, April 26, 1993.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR JOHN: I appreciate your asking for my views on how the so-called "takings" amendment (to the EPA elevation bill) might affect regulatory review in the Clinton-Gore Administration.

I feel strongly, as you know, that this amendment should not be adopted, precisely because, among other things, it would greatly hamper the Administration's ability to fashion its own approach to regulatory review and, instead, force us to adhere chapter and verse to a key element of the last administration's regulatory review program.

As you know, the President has asked me to coordinate the Administration's study of the regulatory review process and to make recommendations to him for regulatory review reform. For over two months, I have been reaching out to interested business and public interest groups and Congressional leaders like yourself, working with the policy councils within the White House, and consulting with over 150 agency economists and lawyers. I will be making recommendations to the President in the next four to six weeks and hope that he will be able to begin implementing changes in this area soon thereafter.

In formulating these changes, I would hope that our hand would not be forced. We are considering every aspect of regulatory review, including how to treat the outstanding executive order on "takings." We strongly urge that any amendment to codify that order or otherwise to preempt the administration's review be rejected.

Thank you for your consideration.

Sincerely,

ALBERT GORE, Jr.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 26, 1993.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing to express the Administration's concern about S. 177, legislation that would codify Executive Order 12630 issued by President Reagan in 1988. It is my understanding that an amendment to this effect may be offered when the Senate considers your bill to elevate the Environmental Protection Agency to Cabinet Department status.

This legislation would require federal agencies to engage in an additional, elaborate process of review of proposed regulations. It would prohibit any regulation from becoming effective until the Attorney General has certified that the agency is in compliance with the terms of the Executive Order "as in effect in 1991."

This Administration is, of course, committed to protecting the legitimate property rights of American citizens. We believe, however, that freezing this Executive Order into law would be unwise. Codifying the Order as it stood in 1991 would prevent this and any future administrations from revising the Order to make it consistent with interpretations of the law governing takings, as enunciated by the Supreme Court. Finally, the legislation would create a private right of action that would extend beyond that now available under the Fifth Amendment to the Constitution.

I respectfully suggest that this legislation represents an unnecessary incursion upon the executive authority of the President and, accordingly, should not be adopted. Thank you for your consideration of this important issue.

Sincerely,

JANET RENO.

Mr. GLENN. I am glad that he did not do that today. I think this is something we need to address. It is a problem. I agree with him. I agree with the other statements on the other side of the aisle about the problem that this poses for us for the whole Nation, and something I believe we have to act upon.

I am glad that we are going to have a discussion on this later in the year because I think it is something we really should be addressing.

So, Madam President, since this is not going to be brought to a vote, I yield the remainder of the time I was given by Senator COHEN.

The PRESIDING OFFICER. The Senator from Kansas has 4 minutes remaining.

Mrs. BOXER. Mr. President, I rise in opposition to the amendment offered by my colleague, Senator DOLE.

We in the Congress are justifiably proud of the environmental progress that has been made over the past two decades.

While much remains to be done, it is clear that our air is cleaner, our rivers and oceans less polluted than they were in the early 1970's. There can be little doubt that our land and water are far less polluted than they would be if the Congress had failed to pass landmark environmental legislation such as the Clean Air Act, the Clean Water Act and the Safe Drinking Water Act.

There are not many Senators who would express opposition to those pieces of legislation.

Yet here we are today debating a proposal that would undermine existing environmental law and seriously weaken our ability to respond to current and future environmental problems.

In the guise of protecting private property rights, the Dole amendment would impede important regulations that are necessary to protect not only the environment, but worker safety and public health. This amendment purports to advance the rights of individual property owners, without regard to the rights of others or the community at large. It would divert resources from other important duties of the regulatory agencies and lead to unnecessary delays and litigation.

Mr. President, I am pleased that no vote will be taken on this amendment today, and strongly urge my colleagues to reject this approach should it be offered in the future.

Mr. GLENN. Madam President, what is the parliamentary situation now?

The PRESIDING OFFICER. Under the previous order, the question will now occur on the motion to table amendment No. 341 offered by the Senator from Montana [Mr. BAUCUS].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—40

Bennett
Bond
Boren
Brown
Burns
Coats
Cochran
Conrad
Coverdell
Craig
Danforth
Dole
Domenici
Dorgan
Faircloth
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Johnston
Kassebaum
Kempthorne
Krueger
Lott
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Sasser
Shelby
Simpson
Thurmond
Wallop

NAYS—54

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Campbell
Chafee
Cohen
D'Amato
Daschle
DeConcini
Dodd
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Smith
Specter
Wellstone
Wofford

NOT VOTING—6

Bumpers
Lugar
Nunn
Pell
Stevens
Warner

So the motion to lay on the table the amendment (No. 341) was rejected.

Mr. GLENN. Madam President, I move to reconsider the vote by which the motion was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, may we have order in the Senate, please?

The PRESIDING OFFICER. The Senate will be in order.

(Later the following occurred:)

Mr. GRASSLEY. Madam President, I ask unanimous consent that my vote on rollcall vote 113 on the motion to table the Baucus amendment be changed from "nay" to "yea."

I was not aware that it was a motion to table as opposed to up or down. This request has been cleared with the two leaders and will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 341.

The amendment (No. 341) was agreed to.

Mr. GLENN. Madam President, what is the parliamentary situation? Do we move to final passage now?

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 340, offered by the Senator from Missouri.

The yeas and nays have been ordered.

Mr. BOND. Madam President, I ask unanimous consent that the call for a rollcall vote be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question now occurs on agreeing to amendment No. 340.

Mr. GLENN. I ask that the amendment be agreed to.

The amendment (No. 340) was agreed to.

Mr. SIMPSON. Madam President, I come to the floor today knowing full well that not many Senators are going to vote against this measure. But I do want to speak against the proposal to elevate the Environmental Protection Agency to a Cabinet-level department. I feel that this is neither a necessary nor a prudent move, and I did oppose the creation of the Department of Veterans Affairs as well.

At the outset, let me point out the fact that my opposition to this bill is in no way an indication that I am somehow antienvironment. This is always the peril that you run into when you decide to go against the conventional wisdom that we need a new Cabinet post to protect this group or that. Yet, I did, in fact, devote the better part of a decade, along with the majority leader and later President Bush, to hammer out a clean air act that will not only make our air cleaner, but will do it in such a way that will preserve our Nation's productivity and competitiveness. We just observed Earth Day, and there is no better time than today to remember the Democrats and Republicans alike who fought long and hard for the Clean Air Act, Superfund, the Clean Water Act and other monumental environmental accomplishments. I am proud to have been a part of all that.

Some of the supporters of the bill we are considering today have, and will, argue again that somehow the environment is being neglected or overlooked or ignored in the overall scheme—and nothing could be further from the truth. In budgetary matters, the EPA is very well looked after by this Congress. The President has budgeted the EPA at $6.7 billion—the largest EPA budget ever. We all can agree that environmental protection deserves our support—and it does get it. That should not even be part of this debate.

Let us make no mistake why we are engaging in this exercise at this very moment. There is one reason and one reason alone—good old politics—the creation of a new Cabinet is really a symbolic gesture. That is the only reason to do what the Senate is about to do. As a matter of fact, if, indeed, we must prove our commitment to the environment, then certainly we are simultaneously saying we think less of every other constituency group in the United States. How about a Cabinet post for small business? Do we care less about small business? We keep talking about our concern for small businesses in this country. How about a Cabinet post for minorities? For senior citizens? For the kids?

As the ranking member on the Veterans' Affairs Committee I voted against elevating the VA to a Cabinet-level status. Not because I am antiveteran—I am a lifetime member of the Veterans of Foreign Wars and a member of the American Legion. I am also a member of AMVETS where I was honored and privileged to have received their highest award, "The Silver Helmet." So I really do not need to have my credentials checked whether it be veterans affairs—or environmental protection.

My earnest concern about the environment has been well proven, and I certainly do not need this opportunity to support bad government in order to convey that commitment to a number of particular interest groups. Every once in a while it would do us well to restrain our political appetites by voting responsibly, and I would certainly hope that we might do that today by rejecting this ill-conceived measure.

Mr. ROTH. Madam President, I wish to compliment the chairman for his leadership on the EPA elevation legislation. As I stated nearly 2 weeks ago, when we began consideration of the bill, the President's Cabinet is already rather large. The Cabinet should be reorganized as part of a top-to-bottom restructuring of the executive branch. I have introduced legislation, S. 15, to accomplish that and believe and hope that the Committee on Governmental Affairs will soon be acting on such legislation.

In the meantime, however, it is important and appropriate to point out that no matter what is in store for future restructuring, the environment ranks very high in our Nation's values and should be represented with Cabinet-level status.

The lengthy debate and the multitude of amendments to the bill have reinforced my original belief that the administration and the committee should have opted for a clean bill strategy. While that suggestion was rejected, I still hold firm in my support of EPA's elevation.

It is important to elevate EPA both for domestic policy and international purposes. Domestically, elevation will ensure that environmental regulations and considerations will have an advocate of equal stature to those favoring competing values.

Internationally, elevation will enable America to send officials of the highest rank to negotiate agreements with foreign nations on environmental matters. Such agreement will be of growing importance in the years to come as we seek to compete with trading partners who have lower environmental standards. Upgrading these standards will be one of the major assignments of the Secretary of the Department of Environmental Protection.

In closing, I observe that most of the debate during the past 2 weeks has focused on the end fact of burdensome regulations. This is a subject squarely within the jurisdiction of the Committee on Governmental Affairs. And in passing the elevation legislation, we have hardly seen the last of this issue; it is a vexing issue that troubles the American people.

It is my hope that the committee will address the question of regulatory burden in the very near future and report to the Senate legislation that will allow us to achieve our national goals with a minimum of regulatory burden.

Madam President, I yield the remainder of my time.

Mr. DANFORTH. Madam President, I rise to explain why I am opposing the Department of the Environment Act of 1993.

I believe strongly in the importance of environmental protection. Protecting our Nation's rivers and streams, ensuring safe drinking water and clean air, and enforcing many of the other laws for which the Environmental Protection Agency is responsible are important missions for the Federal Government.

At the same time, I am very concerned about growth in Government and the message we are sending by creating yet another Cabinet department. Mr. President, we have 14 Cabinet departments. Three have been created in the last 16 years. History shows that Cabinet departments grow after they have been created. Outlays for the Department of Housing and Urban Development were $2.5 billion in 1966, the year after it was created. In 1992, outlays were $24.5 billion. In constant dollars, that is more than a 200-percent increase. The Department of Energy, created in 1977, spent $5.3 billion in its first year of operation. In 1992, it spent $15.5 billion, an increase in constant dollars of one-third.

Calling an agency a Cabinet department does not, by itself, increase its size. Congress and the President do that by passing laws and promulgating regulations. However, the act of elevating an agency to a Cabinet department sends the wrong signals. It sends the signal that we are not very concerned about the regulatory burden our businesses face, and that we are not very serious about cutting the budget deficit. President Clinton has promised to reinvent Government, and has signed an executive order which calls for reductions in employment in the executive branch of 1 percent in 1993, 2.5 percent in 1994, and 4 percent in 1995. I look forward to working with the President on this endeavor. I do not believe that creating a new Cabinet department is consistent with this goal. As a result, I am voting against this measure.

Mr. DURENBERGER. Madam President, I rise today to support final passage of this legislation to make the Environmental Protection Agency a Cabinet department. I want to commend the distinguished chairman of the Governmental Affairs Committee, Senator GLENN, and the ranking Republican member, Senator ROTH, for their tireless efforts on behalf of this bill.

Over the past 5 years I have many times urged the Senate to take this step.

I first introduced a bill to elevate EPA to Cabinet status on June 28, 1988. I was joined on that bill by several Republican colleagues including Senator JOHN CHAFEE, the ranking Republican member of the Environment and Public Works Committee which has the principal oversight role on EPA programs here in the Senate.

Also on that bill was Senator RICHARD LUGAR, the ranking Republican member of the Agriculture Committee which has jurisdiction over the pesticide programs administered by EPA. Other Republican Senators, including Senator ROTH, Senator Robert Stafford and Senator John Heinz, joined on that bill. All of the cosponsors were Republican Senators.

Our purpose was to send a message to George Bush about the environment. We were in the midst of a Presidential campaign in June 1988. But at that date serious debate on the environmental issues had not begun. We thought George Bush should be talking about environmental issues and we believed that a proposal to elevate EPA to Cabinet rank would be a good way to get the discussion going. In addition several of the cosponsors were running for reelection to the Senate and it was a way to signal that environmental issues were important to us.

When the 101st Congress convened in January 1989, I introduced the EPA Cabinet bill a second time. By then the effort had become bipartisan. Congressman Jim Florio, now the Governor of New Jersey, introduced the bill on the House side, and on the Senate side, the distinguished Senator from New Jersey, Senator LAUTENBERG, became the principal cosponsor. S. 276 had 25 Senate cosponsors when it was introduced in January 1989.

In January of 1990, President Bush gave the nod to a Department of the Environment and Senator GLENN introduced his bill, S. 2006. A companion bill was introduced on the House side by Representative JOHN CONYERS, chairman of the House Government Operations Committee.

Upon securing the endorsement of the President, I had expected the legislative path for this bill would be clear and enactment would follow shortly. Elevating an existing agency to departmental status is a simple proposition. There was strong bipartisan support for the bill. The chairmen of the committees with jurisdiction took up the issue and introduced their own bills. So, it seemed that Cabinet status might be enacted quickly.

But as sometimes happens, the legislation was loaded down with amendments in the House and the Senate that were controversial and on which there was strong disagreement. Those controversies killed the bill in the 101st Congress.

In the 102d, Senator GLENN again introduced a bill and reported it promptly for consideration in the Senate. Although the bill passed the Senate late in the first session and was sent to the House, it failed to get consideration in that body. Although there was broad support for the policy decision, there was unexplained inertia in the legislative process.

Although the legislative hurdles have been difficult, the underlying proposal is simple. This bill takes what is now an executive branch agency created by President Nixon in 1970 and makes it a Cabinet department headed by a Secretary of the Environment.

The principal benefit to be gained by putting EPA at the Cabinet table is to involve the President directly in setting environmental policies.

President Bush and Bill Reilly worked together and made environmental protection one of the previous administration's highest priorities. Their work to produce the Clean Air Act Amendments of 1990 is an example of why the President should be involved in these questions. By all accounts, it was the President's decision to support clean air legislation that broke a 10-year deadlock here in the Congress on the issue of acid rain and allowed a comprehensive reauthorization of the Clean Air Act to become law.

One might conclude from this example that Presidents can choose to involve themselves on environmental issues without EPA in the Cabinet. That is true. But we can go beyond the example set by one President by establishing that commitment as an institutional arrangement which assures access and involvement by every President in the future.

A second concern is the relationship between the Environmental Agency and the other Cabinet departments. Unfortunately, some of our worst polluters and agencies and departments of the U.S. Government. We have big problems with hazardous wastes sites at Defense and Energy facilities. It may cost DOE as much as $30 billion to come into compliance with environmental laws at its currently operating facilities and many times that amount to cleanup the residue of previous activities.

EPA needs to be on an equal footing with those departments as the cleanup efforts at Federal facilities are designed and carried out.

There is a third dimension of the relationship issue which can be cited in support of this legislation. Environmental protection is a growing aspect of our international relations. We will increasingly see agreements like that recently signed to protect the ozone layer which reflect an international commitment to solve global environmental problems. Many of our most difficult environmental problems—air pollution, global warming, and marine protection—can only be dealt with in an international context.

We are encouraged by the strong role that the United States took in developing the ozone protocol. Although we have fallen behind the aggressive posture of some other nations on the larger question of global warming, Cabinet rank for EPA may be just the kind of signal which is needed to bring the whole of the executive branch into serious consideration of policies that can avert the calamity that current trends foreshadow. And surely our voice in the international arena will be stronger if it is the voice of a Cabinet Secretary with direct access to the President.

On this point it is interesting to note that environmental protection is a cabinet function in almost every developed and many developing nations. Ministries of the Environment are to be found in Australia, Austria, Belgium, Canada, Denmark, Finland, West Germany, India, Ireland, Japan, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Norway, the Philippines, Poland, Sweden, Switzerland, the United Kingdom, and the U.S.S.R. Among the OECD nations we stand with Italy as one of the few who have not made environmental protection a ministerial function.

A review of the cabinets of the American States would demonstrate the same point. In governments in many places and under many different circumstances, environmental protection is accorded the highest rank in the councils which make and implement policy.

Madam President, there is a provision of this bill that I believe is ill-advised. Section 112 of the bill abolishes the Council on Environmental Quality and transfers its functions, principally oversight of the National Environmental Policy Act, to the new Department of the Environment.

Some try to justify the abolition of the CEQ by saying that it will improve environmental policy. At the time he announced abolition of CEQ, President Clinton also indicated that he was establishing a White House Office of Environmental Policy to be headed by a deputy assistant to the President for environmental affairs. It was claimed that this new Office would be much better able to direct the administration's environmental work than CEQ. But a deputy assistant to the President for environmental policy is not a new position. President Bush had one. And President Bush had CEQ, too. It is hard to see how the policymaking process will be improved by this step.

In addition to its role coordinating environmental policy among the Federal departments and agencies, CEQ is also charged with assuring faithful implementation of the National Environmental Policy Act. This is the law that requires preparation of an environmental impact statement, an EIS, for each Federal action that may have a significant affect on environmental quality. CEQ is there to assure that each agency lives up to the NEPA mandate.

President Clinton proposes to transfer this function to the new Department of the Environment. That is troublesome, partly because EPA has a less than commendable record in fulfilling its own NEPA obligations and partly because the Department of Environment will not have the broad policy perspective that CEQ brought to the table. An EIS is intended to assure that all values and interests are balanced. CEQ could perform that balancing function; it is not part of the mission of the new Department.

Madam President, abolition of CEQ is a mistake. But I will nevertheless support this bill to make EPA a Cabinet department.

Elevation of EPA to Cabinet rank has broad public support. It is endorsed by all of the major environmental organizations. All of the previous EPA administrators are in favor of Cabinet status and urge us to adopt this bill. President Clinton is in support of the bill as was his Republican predecessor.

Madam President, it is time to elevate the environmental function of the National Government to Cabinet rank.

Mr. GRAHAM. Madam President, I join my colleagues in support of the second-degree amendment by Senators BAUCUS and GLENN to the amendment offered by Senators BOND and MCCONNELL.

As Senator BAUCUS has stated, I have been chairman of the Clean Water, Fisheries and Wildlife Subcommittee of the Committee on Environment and Public Works for just 3 months. Working with Senator BAUCUS, I have pledged to work quickly to schedule hearings on the reauthorization of the Clean Water Act this summer. We are acting quickly so that we can bring a bill to this floor by the end of the year.

We will be conducting hearings on several issues as part of this important review of the Clean Water Act. This review will include wetlands issues and the very concerns expressed by those who support the Bond amendment. Issues as complex as wetlands delineation on agricultural land should proceed through the committee process. So should any proposal to so significantly impact the regulation of wetlands under the Clean Water Act. The subcommittee can take testimony from all affected parties and bring to this floor a proposal that reflects the best public policy based on full and fair consideration in committee.

That series of hearings will begin in June, just 6 weeks from now.

Madam President, the study called for in the Baucus-Glenn amendment fits perfectly into the schedule we have adopted for consideration of these issues in our committee. For these reasons, I urge my colleagues to support the Baucus-Glenn amendment.

Mr. KERREY. Madam President, I rise today in opposition to S. 171, to establish the U.S. Department of the Environment.

Before we say "yes" to the creation of a new Federal Cabinet position we need to say "yes" to the destruction of a few. Taxpaying citizens are constantly treated to speeches about tough choices and the need to say "no" to special interests. Well, Madam President this legislation is a good place to begin.

Making an observation about changes in baseball, Yogi Berra once said "if Casey Stengel were alive today he would roll over in his grave." The same could be said of our Founding Fathers, Thomas Jefferson, Thomas Paine, and James Madison, who placed great hope in our capacity to keep the size and price of the Federal Government within the reach of our customers. Thomas Jefferson was the most outspoken often stating his support for "a Government rigorously frugal and simple." In an 1824 letter to William Ludlow, Jefferson wrote:

> I think, myself, that we have more machinery of government than is necessary, too many parasites living on the labor of the industrious. I believe it might be much simplified to the relief of those who maintain it.

My opposition to elevating the Environmental Protection Agency to Cabinet level is not a reflection of my views on protecting the environment. Enactment and enforcement of strong, sensible environmental laws is critically important. My opposition reflects my strong will to restructure Government; to streamline the growing bureaucracy, thus enabling our Government to effectively serve its customers, the American people. This effort is not helped by the establishment of another Cabinet department.

On February 24, I introduced the Federal Streamlining and Efficiency Act of 1993 with my colleague from Connecticut, Senator LIEBERMAN. The central message of the Federal Streamlining and Efficiency Act is that Government should do more with less. And the only way to accomplish that goal is to make Government more efficient; to cut wasteful spending and restructure and rethink the way in which Government relates to the people it is supposed to serve.

There is a great deal of support for the restructuring of Government. Besides the legislation introduced by Senator LIEBERMAN and myself, three other major restructuring proposals have been introduced in the Senate. In September, we expect to receive the results from the President's National Performance Review chaired by the Vice President.

In view of all these proposals, the Clinton administration and Senators advocating an overhaul of Government agreed last month to work together to make Government more responsible to the people. The message from Capitol Hill last month signaled to the American people that we are serious about making the long-term structural changes needed to put our Government on the right track. Government is simply too big and inefficient and something must be done.

So what does Congress do? We make our problem bigger by proposing to establish another department in the bureaucracy before any comprehensive reform is taken. A vote for the elevation of the Environmental Protection Agency, or any agency for that matter, to Cabinet level status is a step in the wrong direction. It indicates to the American people that we in Congress say one thing, and then turn around and do another. Instead, we must demonstrate to the American people that we are serious about restructuring and making Government work better for them. At this time, we should be concentrating our efforts on cutting back, not expanding Government.

Our objective ought to be to protect the majority and make the Government accountable in their eyes. When asked about Government restructuring, the majority of Americans will roll their eyes and tell you that it is not possible. With our actions today, there can be no wonder why they feel this way.

The following are some examples which illustrate that taxpayers are not getting their money's worth and makes the case for restructuring of functions rather than simply elevating the agency to a Cabinet department.

There exist several EPA regulations that are created with good intentions, but through implementation, become very burdensome and illogically connected to their original purpose. Just last week, I received a call from the mayor of Fairfield, NE. Fairfield is a town of 450. The mayor informed my office that because of regulations resulting from the 1986 amendments to the Safe Drinking Water Act, his town's water costs will increase from $915 in 1993 to $7,270 in 1995. This is a 700-percent increase. By November of this year, small communities will be required to monitor for 84 contaminants and by 1997, the number will increase to 111. We are asking a great deal of our States and communities. We need to identify and implement a strategy to allow States and localities to focus resources on controlling the most significant real public health risks. Environmental protection should enhance economic growth, not stifle it. Our communities should not be allowed to fail because they don't have resources.

On a larger scale, are the costs of the Superfund Program. The original appropriation for the Superfund in 1980 was $1.6 billion. to date, over $10 billion has been spent, but over half of the $10 billion spent has been for legal actions.

Outside contracting is another serious problem facing the Environmental Protection Agency. President Clinton's budget request for fiscal year 1994 highlights EPA contract management as one of the high-risk areas for wasteful spending, citing persistent, wide-spread problems in contract management. At risk is the $1.2 billion that the EPA will spend in fiscal year 1993 on contracts, environmental safety, and assurance that contract dollars are being spent efficiently and effectively. In fact, the EPA has requested and received $5.4 million for fiscal year 1993 specifically to improve contract accountability for the Superfund Program. Administrator Carol Browner stated before the Subcommittee on Oversight and Investigation of the House Committee on Energy and Commerce that she is "appalled at her agency's total lack of management, accountability, and discipline."

I understand that the Glenn bill establishes a Presidential commission on Improving Environmental Protection which will recommend ways to improve the new department. While the EPA has several serious problems, the examples I just cited are not unique to the EPA. Mismanagement and abuse can be shown throughout our Government. To effectively streamline and improve efficiency of our Government, we must look at the Government as a whole—how various agencies work together, where areas overlap and duplication can be eliminated; and where responsibilities can be better organized. I believe that the Presidential Commission established in Senator GLENN's bill will accomplish some worthwhile improvements, but I believe the correct approach is to look at the problem as a whole and come up with the most efficient overall plan. A piecemeal approach will only provide shortsighted answers.

The protection of the environment deserves our greatest attention and my opposition to the elevation of EPA to Cabinet-level status does not diminish that attention. I oppose the Glenn bill because I believe that Government restructuring is absolutely necessary and it is urgently needed. In my judgment, it makes no sense to add to the problem before we seriously work to resolve it.

Mr. HELMS. Madam President, I must oppose elevating the Environmental Protection Agency to cabinet level status. It will inevitably lead to more bureaucrats, more bureaucracy and more harassment of well-intentioned American citizens.

Every time Congress creates a new department, it costs the taxpayers more money. The Congressional Budget Office estimates the cost of this bill will exceed $39 billion. The bill in part provides raises for five present EPA positions costing $700,000 a year.

This new Department will extend its tentacles across America like an octopus, bringing every farmer and every small business within its grasp. Once the EPA becomes a department, this huge bureaucracy will grow and grow and grow.

Madam President, we should not reward the EPA with a seat at the Cabinet level. There are countless examples of EPA bureaucrats' overzealous enforcement of environmental laws.

Let me cite just a few examples: First, there is the case of Larry Gerbaz, a rancher in Colorado. A river running adjacent to his property jumped its banks, endangering his house and family. Mr. Gerbaz frantically tried to get a permit from the EPA to put stones on the banks to stop the flooding. The EPA refused. And when he tried to protect his property, the EPA prosecuted him for water pollution, and slapped him with millions of dollars in fines.

Madam President, there is also the case of John Pozsgai of Pennsylvania who decided to clean up an old junkyard that he had purchased. Well, the EPA decided to prosecute this Hungarian immigrant for placing topsoil in so-called wetlands. This piece of property was not a swamp or a marsh nor a habitat for exotic animals or rare plants. No, this piece of land was called a wetlands because of the presence of skunk cabbage, which is a common weed.

EPA special agent Blodget videotaped Mr. Pozsgai cleaning up the land and then these so-called special agents stormed his house with guns and arrested him. And for this horrible crime, Mr. Pozsgai was sentenced to 3 years in jail and fined $202,000. The Washington Legal Foundation appealed this outrageous sentence on Mr. Pozsgai's behalf.

I ask unanimous consent that several articles be printed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. HELMS. Then, Madam President, there is the Superfund boondoggle. This is a classic example of bureaucratic mismanagement, cost overruns, and harassment of American citizens. A Washington Post article of June 19 exposed the EPA's abuse of the Superfund money. The article claims that one-third of the $200 million Superfund budget is actually spent on administrative expenses and consulting fees.

An EPA official conceded: "We have a mess on our hands—we have too much equipment out there, we have too many contractors traveling to conferences."

This is merely one example of the type of bureaucratic mismanagement at the EPA.

I ask unanimous consent that an article regarding the Superfund Program be printed in the RECORD at the conclusion of my remarks.

(See exhibit 2.)

Mr. HELMS. Then there is the EPA's questionable policy of risk assessment. The agency has built inaccuracies and over-estimations into the system. As a matter of fact, OMB issued a report last year criticizing EPA's risk assessment methods.

In 1989, the EPA's own risk assessment scientists conceded in a report that the cancer risk of toxic pollutants was overstated by 10 to 100 times.

Madam President, it is no wonder that American businesses are struggling to stay afloat when they are faced with this flood of environmental regulation, which is based on questionable scientific evidence. The EPA's exaggerated risk assessment practices have been described in several newspaper articles.

I ask unanimous consent that several articles describing the EPA abuses be printed in the RECORD at the conclusion of my remarks.

(See exhibit 3.)

Mr. HELMS. Madam President, this EPA policy of fudging the numbers was prevalent during the clean air debate. The EPA actually ignored the 10-year, $500 million NAPAP study which concluded that acid rain caused minimal harm. The report refuted the need for the stringent provisions in the clean air bill. Nevertheless, the EPA pushed for acid rain provisions that will cost $4 to $6 billion a year and tens of thousands of jobs.

CBS's 60 Minutes program did a great exposé on how EPA and Congress ignored the NAPAP report. As Senator GLENN stated on the program, "We spent over $500 million on the most definitive study on acid precipitation * * * and then we don't want to listen to what they say."

I ask unanimous consent that the transcript of that program be printed in the RECORD at the end of my remarks.

(See exhibit 4.)

Mr. HELMS. Madam President, these are merely a few examples of EPA mismanagement. In light of this bad record, it seems highly inappropriate to reward the EPA. We need less government bureaucracy, not more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the Wall Street Journal, Jan. 11, 1990]

PROPERTY BUSTERS

Fans of "Ghostbusters" will recall that the movie featured a pompous bully from the Environmental Protection Agency. Well, life is imitating art in Morrisville, Pa., where a flabbergasted truck mechanic is discovering how little regard the EPA has for property rights. Somehow only Bill Murray could muster the bemused astonishment needed for this role.

John Pozsgai is a 57-year-old self-employed mechanic who bought and tried to improve what amounted to an illegal dump next to his home. For his trouble, he's earned a criminal sentence of three years in prison and a $202,000 fine for fouling U.S. "wetlands." If his experience is the shape of environmental law enforcement to come, Mr. Pozsgai can be forgiven for wondering why he ever fled Communist Hungary in 1956.

Mr. Pozsgai set off on his crime spree when he bought a nearby lot to expand his backyard truck-repair business. The 14-acre lot would remind no one of the Everglades. It's bordered by a tire shop, lumberyard and four-lane expressway, and for 20 years was used by neighbors as an unofficial dump site. Its only endangered species were 7,000 old tires, rusting cars and assorted junk. Mr. Pozsgai proceeded to clear the mess and spread a layer of clean landfill eagerly deposited by area contractors, as the nearby photos attest.

Somehow his enterprise offended the EPA's enforcers, apparently energized by George Bush's "no net loss of wetlands" campaign pledge. Most Americans probably figure that means protecting Cape Cod or the great blue heron. And indeed the Pozsgai parcel was not even listed on the U.S. National Wetland Inventory Map. But the EPA judged that Mr. Pozsgai's vacant lot contained a stream—dry for most of the year—that somehow crossed the expressway and ran into a glorified ditch known as the Pennsylvania Canal. The EPA also cited as evidence the presence of skunk cabbage, a common weed, and sweet gum, a common tree. By this definition of "wetlands," just about any large American rain puddle will qualify as protected.

The Feds began to harass Mr. Pozsgai to get a permit for his property improvement, though Mr. Pozsgai claims state officials told him he could go ahead without one. The doughty Feds even staked out the property with a video camera to tape trucks dumping dirt. After the Feds got a restraining order, Mr. Pozsgai obliged by putting up barricades, but a few uninformed truck drivers still dumped their unhazardous dirt—providing more evidence against the evil emigre.

The Justice Department then charged him with 40 violations of the Clean Water Act, though the act never even uses the word "wetlands." The act merely bans the polluting of "navigable waters" of the U.S. The bar against polluting "wetlands" is a bureaucrat's interpretation of this typically ambiguous congressional law. The jury that convicted Mr. Pozsgai can be forgiven if it was as confused as the prosecutors.

At the sentencing, U.S. Attorney Seth Weber invoked President Bush's campaign pledge and claimed, "A message must be sent to the private landowners, the corporations and developers of this country." Presumably that message is that property owners who offend the government's environmental zealots will end up as indicted felons. Drug dealers can plea bargain, but "landowners" go directly to jail. In a similar case in Pensacola, Fla, a man and his son have been convicted for cleaning out a drainage ditch. Mr. Pozsgai would be in the slammer already if his case hadn't been appealed by the Washington Legal Foundation, a public-interest group. An appellate ruling may come as soon as Friday.

We've thought for some time that environmentalism and property rights are on a collision course. A free society should have room for both, but that's impossible so long as EPA Administrator William Reilly and his crusaders think individual rights have to be sacrificed to their view of the public good. John Pozsgai knows what that means.

[From Forbes Magazine, Jan. 22, 1990]

DANGEROUS CRIMINAL NABBED!

Who is the most notorious environmental criminal in the U.S.? Would you believe a Hungarian immigrant named John Pozsgai? Pozsgai, who owns a small truck repair shop, was convicted in late 1988 of violating the Clean Water Act. His sentence: three years in the slammer and a $202,000 fine, the stiffest penalty ever for an environmental violation. His crime? Filling in 5 acres of a 14-acre parcel he owns in Morrisville, Pa., near Trenton, without a permit.

Pozsgai, 58, came to the U.S. in the aftermath of the 1956 Hungarian uprising. In 1987 he bought the 14-acre tract so he could expand his business. The property had been used as a dump for years, so Pozsgai began cleaning it up, hauling away more than 7,000 used tires and other debris. He also began filling in the land with clean fill and topsoil.

Unfortunately, Pozsgai's property had been classified as federal wetlands because of a small stream that runs along its edge in wet weather. And he got repeated warnings from local and federal environmental authorities that he could not fill in this land without the proper permits. Pozsgai contends that a series of engineers he hired could not figure out how to file the necessary forms.

The sentence was the maximum allowed, unheard of in a case that involved no hazardous chemicals and no prior convictions, according to the Washington Legal Foundation, which has taken up Pozsgai's case. Pozsgai knowingly and repeatedly violated the law, say the feds, and now must pay the price.

The wetland outlaw's appeal is scheduled to be heard this month.

[From the Washington Post, Jan. 3, 1990]

EPA ACCUSED OF MUDDYING ITS "JACKBOOTS" IN PENNSYLVANIA WETLANDS

(By Howard Kurtz)

MORRISVILLE, PA.—With his thick, blackened hands, grease-stained flannel shirt, soiled work boots and pronounced Hungarian accent, John Pozsgai seems the very model of the hard-working immigrant as he fixes trucks at his garage in this small Delaware River town.

Yet this 57-year-old mechanic has the unhappy distinction of fighting the harshest sentence ever imposed in an environmental case—three years in prison and $202,000 in fines.

Pozsgai's problems began when he deposited clean topsoil on a ragged, weed-covered lot bordered by a four-lane state highway, a tire shop, a lumberyard and a junkyard filled with smashed cars. Although no toxic waste is involved, the government contends that the property is wetlands that must be protected under the Clean Water Act.

"I didn't even know why I was sentenced. . . . We never did anything wrong to that property except improve it," Pozsgai said recently in the small kitchen of his wood-shingled home across the river from Trenton, NJ.

Pozsgai's cause has been taken up by the Washington Legal Foundation, a conservative advocacy group that has delighted in portraying him as a gray-haired grandfather victimized by an aggressive Justice Department and by "jackboots" of the Environmental Protection Agency (EPA).

The foundation is representing Pozsgai before the 3rd U.S. Circuit Court of Appeals in Philadelphia, which is to take up his case next week.

"You've got the EPA, the Army Corps of Engineers and a zealous prosecutor trying to make an example of this poor Hungarian immigrant, thinking it's an easy hit," said Paul D. Kamenar, the foundation's executive legal director. "It's overkill. It's bad policy and simply unjust."

But Assistant U.S. Attorney Seth Weber said public sympathy for Pozsgai is misplaced because he ignored "repeated warnings, notices and a court order" not to fill in the 14-acre property across the road from his house.

"The evidence was really overwhelming that his property was a wetland," Weber said. "It's not a Cape Cod kind of wetlands, but it's a wetland under the law. . . .

"He basically said, 'The law doesn't apply to me because it's my land and I can do whatever I want with it.' That's still his attitude," Weber said.

Keith Onsdorff, EPA's acting associate enforcement counsel, said there have been three other criminal convictions since 1986, when Congress changed some Clean Water Act violations from misdemeanors to felonies.

"We've made it a priority because we were dissatisfied with the level of deterrence provided by civil penalties, which could be passed on as a cost of doing business," he said.

Wetlands are valued by environmentalists as habitat for birds and other wildlife and for their role in flood control. But federal and state enforcement has been spotty until recent years, and half of U.S. wetlands once in existence have been lost.

Still, the Pozsgai property along West Bridge Street is no marshy bog where snowy egrets might lay eggs. It is an unsightly stretch of hard brown soil, bordered on one side by a narrow stream where Bucks County residents for two decades have dumped tires and debris illegally.

"I talked to many engineers," Pozsgai said. "This piece of land will never qualify as a wetland. They cannot tell you, actually, what makes it a wetland," he said, pronouncing it "vetland."

A strong-willed man who fled Hungary after the 1956 uprising, Pozsgai said he wanted the property to expand the backyard repair shop that he uses to support himself and his ailing wife, Gizella. Pozsgai works seven days a week at the garage, which he opened after his longtime employer, International Harvester, closed its Trenton plant several years ago.

Pozsgai bought the land in June 1987 and helped to haul away thousands of tires and debris. He then used topsoil, gladly provided by area contractors looking for a place to dump excess dirt, to fill in and grade part of the site.

At his trial, however, several witnesses contradicted Pozsgai's insistence that he never know that the property was wetlands. The real estate agent who handled the sale said the price was reduced from $175,000 to $142,500 after an engineering firm hired by Pozsgai found wetlands at the site.

A Corps of engineers inspector said he told Pozsgai to obtain a permit before filling in the land and later served him with a "cease and desist" letter. A local official said that he warned Pozsgai "seven or eight times" against putting down more topsoil but that Pozsgai told him "to get the [expletive] off the property." Neighbors said their basements had been flooded, and one allowed the EPA to set up a surveillance camera at her home.

Pozsgai disputed these accounts, saying federal officials told him that he did not need a permit. Police arrived at his house in August 1988 with a court order barring further filling of the property.

Pozsgai drove to Harrisburg in a fruitless attempt to resolve the dispute with Pennsylvania officials, saying: 'I didn't know about the law, and I didn't have no lawyer." In the meantime, Pozsgai said, he was unaware that contractors were continuing to dump topsoil on his lot, which he ways was blocked with barrels and tree stumps.

Days later, police handcuffed Pozsgai and took him to jail until his daughter, Victoria, posted $10,000 bail. He was represented at trial by a neighborhood lawyer who he says bungled the case. A jury convicted Pozsgai on the last day of 1988.

Prosecutor Weber said at sentencing that the case was a harbinger of President Bush's policy to prevent net loss of wetlands. "A message must be sent to the private land owners, the corporations, the developers of this country," he said.

U.S. District Judge Marin Katz called Pozsgai a "stubborn violator" of environmental laws and said the prison terms should "serve as a deterrent to others who will doubtless be tempted by economic pressures."

Victoria Pozsgai, 24 a marketing researcher who spends most of her spare time on the case, said that she approached several Washington law firms about handling her father's appeal but that they asked for $30,000 to $40,000 up front. Then she heard about the Washington Legal Foundation, which agreed to handle the appeal without charge.

"It was just a godsend," she said. "We don't have the resources to fight the government. We're a family. We're not a big corporation."

The foundation's brief says Pozsgai's sentence violates the Eighth Amendment ban on "cruel and unusual" punishment and is "grossly disproportionate" to the probation and fines usually imposed in hazardous-waste cases. The Justice Department says the penalty is well within federal sentencing guidelines.

Other parts of the appeal turn on such arcane questions as whether the small stream along the property becomes a tributary of the Pennsylvania Canal and whether that canal formerly was used in interstate commerce.

Pozsgai refuses to concede even inadvertent wrongdoing. "We thought this was a free country here—you buy a piece of land; you use it," he said.

[From the Washington Times Dec. 20, 1989]

WETLANDS FIRST, PEOPLE SECOND

John Pozsgai probably didn't expect any medals for cleaning up an unsightly dump site to put his business there. The Hungarian emigre just wanted a chance to expand his small truck-repair business to help support his wife and daughters. Well, not to worry about the medals. If the Environmental Protection Agency gets its way. Mr. Pozsgai's reward will be three year in prison.

His crime? In removing the more than 7,000 tires, the rusted auto parts and assorted junk that had piled up over the years at his Morrisville, Pa., property, Mr. Pozsgai put down top soil and earth. That, said the EPA, is a violation of wetlands protections laid out in the Clean Water Act.

There is, you see, a small stream that, when it's not bone dry, runs along the eastern edge of the 14-acre property. That supposedly makes a junkyard a wetland, even if it's bounded by two major highways, a tire dealership, and an automobile salvage yard. Never mind that it's not on the Department of Interior's National Wetland Inventory Map. Never mind that, as the government acknowledges, Mr. Pozsgai put no pollutants or hazardous waste on the property. Or that he didn't threaten endangered species or water quality.

Under the prodding of EPA officials waving President Bush's "no-net-loss-of-wetlands" campaign pledge, a district court sentenced him to the maximum three years in jail and fined him more than $200,000. This is the longest jail term ever for environmental violations, even for real polluters.

Mr. Pozsgai's real crime in this case seems to be that neither he nor the engineers he consulted were immediately able to negotiate the regulatory maze that allows you to put topsoil on your property. It takes a permit to do that on a wetland, depending on which regulations you read, whose advice you get and what day of the week it is. Washington Legal Foundation lawyers representing Mr. Pozsgai, who had no prior criminal record, say he didn't need a permit. But EPA undercover-types, who secretly filmed trucks bringing the illicit topsoil to the property, say he did. An appeals court has tentatively scheduled a hearing on the case next month.

Mr. Pozsgai, unfortunately, isn't the only one to run afoul of the wetlands police. A Florida retiree and his son were jailed after putting a half-acre of clean fill and topsoil on his property without permit, although state officials told him none was needed. And Alaska officials are understandably worried that a no-net-loss policy would mean no net growth and no new oil there because more than half the state, and almost all the 37-million-acre oil-rich North Slope, is considered wetlands.

These are the sorts of problems that occur when save-the-whales-style environmentalism jumps off the bumper stickers and starts chasing real people in real life. Acid-rain legislation means throwing coal miners out of their jobs, global-warming activists want to keep the Third World in pristine low-emission poverty—all for uncertain benefit.

Likewise, wetlands worship may be nice in the abstract, but in practice it means putting the nation's energy security on hold and beating up on small businessmen. The irony is that Mr. Pozsgai, who fled communist oppression in Hungary, now finds his freedom trampled under the EPA jackboot. If this is what Mr. Bush and EPA Administrator William Reilly mean by a kinder and gentler America, let them explain it to John Pozsgal.

EXHIBIT 2

[From the Washington Post, June 19, 1991]

ADMINISTRATIVE COSTS DRAIN "SUPERFUND"

(By Michael Weisskopf)

Nearly one-third of the $200 million spent by the federal government since 1988 to clean up the nation's worst toxic waste sites has been spent not to clean up anything, but to pay the administrative expenses of private contractors.

In the jargon of the Environmental Protection Agency (EPA), which runs the clean-up program, the money has gone to "program management"—a loosely defined category of overhead covering everything from fringe benefits to office rents, business cards and parking fees of the engineering firms hired to carry out the work.

Program management is supposed to compensate firms for the costs of paperwork and coordination of cleanup projects under the EPA's "Superfund," created by Congress in 1980 to rescue communities from poisonous debris dumped by industry for decades. But the agency has so broadly defined those costs, and so widely distributed its largess under a new structure set up three years ago that administrative expenses have risen to twice the hourly rate of earlier Superfund contracts and nearly three times the spending target of agency planners.

The payments go far beyond the terms of most government contracts, which they pay only for the actual time and expenses needed to administer their projects. Under program management, the EPA agreed in advance to set up semi-permanent offices for 45 companies hired since 1988 to plan, arrange for and supervise cleanups they are contracted to carry out. Rent and salaries are paid, business costs such as training and recruitment are covered, and profit and bonuses are awarded—regardless of how many cleanup jobs they have to manage.

Congressional critics—frequently complain of too few cleanups—64 of the currently listed 1,200 Superfund sites have been completed with the $7.5 billion spent since 1981. Yet there has been no public examination of how appropriations to one of the nation's largest public works projects actually are spent.

A close look at the Superfund budget since 1988 reveals an increasing share for administration—$62 million in all—paid to some of the nation's largest engineering firms for services only remotely related to the cleanup of toxic waste. Existing 10-year contracts are expected to cost $6.5 billion between 1988 and 1998. At the current rate, program management would consume nearly $2 billion of that.

According to interviews and an extensive review of EPA records obtained by The Washington Post under Freedom of Information Act requests, program management includes a number of questionable expenses, none of which appears to fall outside the broadly drawn EPA limits. For example:

The EPA has paid millions of dollars in "start-up" money to the program management offices of contractors before they had a cleanup project to manage.

Four West Coast firms among them received $855,000 in the spring and summer of 1989 without having to visit a single toxic waste site. For the $260,000 paid one of them—URS Consultants Inc.—its Sacramento, Calif., branch spent four months basically gearing up its administrative apparatus and lining up subcontractors.

The EPA has paid some firms twice as much money to administer cleanups as the firms spent on the cleanups themselves.

One such firm is the New England office of Roy F. Weston, Inc., which has received $635,000 to administer Superfund fieldwork that cost $340,000.

Not everything EPA buys its contractors is obviously related to cleaning up toxic waste. The Dallas office of Fluor Daniel Inc., for example, collected $162 for potted plants, $400 for business cards and $4,200 for technical books and journals.

The EPA has paid for millions of dollars worth of pollution-detection devices for which contractors short of cleanup assignments have no immediate use.

For example, half the $445,000 worth of equipment bought for Malcolm Pirnie Inc., of New York since August 1989 sits unused in a warehouse leased by the EPA for $30,000 a year. Identical devices also were purchased for other firms in the area.

The EPA has awarded tens of thousands of dollars in bonuses for program management, even though agency officials had sharply criticized the same programs for excessive costs, tardiness, wastefulness, sloppiness and unresponsiveness.

In Kansas, for example, Jacobs Engineering Group was criticized in 1989 for failing to demonstrate "cost consciousness" and control of its labor costs. But the firm was given a quarterly bonus of $6,785 for program management. Five months later, the EPA again chided Jacobs for not reining the costs, then approved a $3,000 bonus.

The EPA pays contractors for travel costs, expenses and time spent at professional conferences.

In 1989, the EPA hosted more than 80 new contractor representatives at an orientation session in Dallas. The tab for the two-day conference came to $210,000, all of which was picked up by the agency.

The EPA pays for nearly any activity remotely connected to program management, including the writing of self-evaluation to justify bonuses. The New Jersey office of Ebasco Services Inc. wrote a 70-page appraisal in 1989 that the EPA characterized as repetitious, but for which it paid the firm $6,000 to produce.

In another case, the San Francisco branch of Bechtel Environmental Inc. listed a single item under "significant accomplishments" in its activities report for April 1990—"achieved required target of $60,000" in monthly program management costs. Looking ahead to "major activities" in May, it noted plans to "prepare a new manhour and cost forecast" and "compile data" for an upcoming EPA review of its books.

An EPA analyst cited the entry as reason to "call into question the scope of the [program management] function" and recommended that staffing levels in Bechtel's program management office be reevaluated.

Some EPA officials move beyond criticisms of individual firms to question the cost-effectiveness of a system in which program management expenses have doubled from the 1988 average of $17 an hour to $35 an hour and up to $120 for one firm. As the costs swell, the EPA is scrambling to transfer other work to program management offices and pondering the penalties of breaking the contracts.

WE HAVE A MESS

"We're spending too much money for program management," said David J. O'Connor, the EPA's director of procurement and contracts management. "We have a mess on our hands."

In the Superfund branch, however, officials defend program management offices as necessary to administer contracts of such size and technical complexity. They assure reliable record-keeping, issue monthly reports to the EPA on the progress of site work, purchase equipment to investigate pollution, hire cleanup crews, and make sure that federal guidelines for health, safety and work quality are met.

"We envisioned these would be very large contracts, there'd be a lot of time pressures, dollar pressures, socio-political pressure from working with communities," said Paul Nadeau, acting director of the EPA's hazardous site division. "That kind of contract warranted very careful management."

Nadeau said that costs are high because polluters are doing more of the cleanup themselves, rather than risk a court order to pay for the work of an EPA contractor. The agency can recover cleanup costs if it can identify the polluter, and it has stepped up enforcement in recent years.

Because program management payments to EPA-paid contractors are largely fixed, and payments for cleanup work have declined, the administrative units are eating up a bigger portion of total outlays.

But critics point to the very number of Superfund contracts, each requiring a separate administrative unit with identical obligations, as the reason for high costs.

Each of the 45 program management offices has monthly reporting duties to EPA, regardless of workload; each has to maintain equipment; and each had to draft a series of initial management strategies governing, among many other things, safety and health conditions for employees. The Atlanta branch of CH2M Hill Inc., for example, billed the EPA $28,000 for one plan that largely duplicated the plans of each of the other 44 contractors.

"There's too much redundancy," said O'Connor. "We have too much equipment out there, too many contractors traveling to conferences. Instead of having five jobs under one contractor and five under another, it could be done more efficiently at less cost if one contractor handled all 10."

Initially, the EPA used three engineering firms to oversee Superfund. But because of the slow pace of cleanups, officials decided that breaking their dependence on such a small number of contractors and decentralizing the program would breed efficiency. For the work of the 1990's, 45 firms were thought to be needed. They were signed up in 1988 and 1989 to contracts extending over a 10-year period.

The nation was carved into regions and several firms were assigned for each region to share cleanup assignments from the agency to evaluate pollution levels, design cleanups and hire subcontractors to carry out the plans. In the new generation of contracts, with a budget of $6.5 billion, EPA earmarked about 11 percent of the total for program management.

But because of the unexpected increase in the number of sites cleaned up by the polluters themselves, the EPA overestimated the need for its own contractors. Locked into the 10-year contracts, the agency keeps picking up the management costs, even though the large number of cleanups anticipated never materialized.

Contractor payments were divided into two accounts, one for fieldwork and one for program management. For both services, the EPA agreed to cover costs, guarantee a 2 to 3 percent profit and pay bonuses of up to 7 percent depending on the quality of work.

The Dallas orientation meeting was called in October 1989 to mark the new contracting ers. The EPA was flush with Superfund money, appropriated by Congress at a higher rate than the agency had spent during the previous three years. The time seemed right for a national conference to discuss new management procedures "in a forum that will allow all parties to gain a concurrent and clear understanding of EPA policies," as the EPA invitation letter put it.

When the 84 "guests" filed their expense accounts, the totals came to more than many of their firms would earn for cleanup work for months. Air fare, meals and rooms—the essentials—came to $75,000, EPA records show. But the contractors also claimed wages for the two days of meetings and travel time. And they billed for "indirect" corporate costs. For the program manager and deputy manager of Ebasco's New Jersey branch, the total came to $6,116. This included more than $4,000 for their 41 hours of participation.

One lesson contractors did not need to be taught at Dallas was how to justify the administrative payments from the EPA before the firms had their first job to administer at a toxic waste site.

URS Consultants of Sacramento, Calif., reported a series of "start-up" activities for the $260,754 that it received for program management in the four months waiting for site work. The firm drafted plans and manuals, culled documents, attended meetings and got its staff and subcontractors in place, according to reports filed with the EPA.

A URS spokesman declined further comment, he said, on the advice on the EPA. He said the agency believes it "furnished you with complete information concerning the matter."

HEAVY INITIAL COSTS

The EPA sank heavy initial costs into program management offices before knowing how busy they would be. For Fluor Daniel, the agency rented office space in Dallas for up to $6,500 a month, furnished it and provided three vehicles for $84,000, covered $50,000 in living expense for two company officials to work there the first year and relocated two other employees for $13,000.

But there has not been enough work to justify the full-time presence of the program manager and the contracts manager. So they stay at Fluor Daniel headquarters in Irvine, Calif., and the EPA pays to fly them to Dallas for meetings.

The trips have cost $40,000 in travel and living expenses since 1989, the firm's invoices show, not including labor costs billed for travel time during work hours. Fluor Daniel's long-distance connection also has pushed its phone bills to more than $25,000 since 1989, the invoices show.

A spokesman for Fluor Daniel said the EPA had insisted on putting the office in Dallas, and decided on the long-distance link as the most "cost-effective" way of operating until the workload increased.

For most contractors, the number of cleanup jobs has increased to a point where they have earned the contractor more than program management payments. In other words, for every dollar spent on management, at least another dollar's worth of planning or oversight is done. But several contractors have never caught up.

In the Boston office of Roy F. Weston, $2 of every $3 paid by Superfund has gone to program management. In its first year, the firm got $311,000 for administrative services while devoting less than the time of one full-time employee to site work.

Weston vice president, Peter B. Lederman said the lopsided payments reflect the lack of EPA cleanup assignments, not wasteful program management practices. He said that even in slack times, at least three employees are needed to maintain files and equipment, respond to EPA inquiries and issue reports and invoices.

"We don't get rich off it," he said of program management.

The EPA has criticized Weston's program management office several times for poor cost control and poor performance, concluding in 1990 that despite its "limited workload," the company "has a hard time managing what they have been assigned."

AGENCY PAYS BONUSES

But neither Weston nor any of the 45 contractors has been fired. Instead, EPA officials say, they pay large bonuses to reward efficient program management offices and smaller ones to the less efficient. Each firm used to be evaluated four times a year, now twice a year.

In practice, however, contractors often end up with substantial bonuses despite negative reviews. Even contractors cited for "unsatisfactory" performance have received awards.

EPA officials said bonuses are calibrated to reward any level of achievement in program management, not overall performance. For a good job in three of 10 projects, for example, a firm is entitled to 30 percent of its maximum bonus. A firm may exceed its budget but still get a bonus for timely reports.

The Kansas office of Jacobs Engineering was rewarded with nearly $10,000 over a nine-month period, despite critical evaluations by the EPA. The firm was blamed for an "unacceptable" rate of labor costs—$154,000—for four of the months.

Roger Williams, senior vice president for Jacobs Engineering, said labor costs initially were high because the firm assembled a large administrative staff for what was expected to be a heavy workload. When the cleanup work failed to materialize, the company reassigned superfluous staff members, he said.

Labor is the largest single cost of program management—and the hardest to monitor. Each contractor must have a management team in place, even if part time. That means, for one thing, Superfund pays for 45 health and safety officers and 45 equipment supervisors.

For each hour worked, the staff members claim wages plus a negotiated rate of overhead covering such items as insurance, utilities, rent and fringe benefits. Their labor costs also include the general administrative expenses of the home office, including corporate salaries and corporate-wide services.

What the staff does for its wages is vague. Most monthly invoices list costs of "direct labor" without accounting in detail for hours and tasks performed. A "progress report" is supposed to fill in the details. But it, too, can be vague, listing undocumented activities as "maintained general liaison with EPA project officer" and "preparation of input to monthly progress report."

Without clear-cut guidelines, contractors bill labor costs for such "efforts" as answering EPA inquiries about their bills or drafting complaints about EPA regulations.

Indeed, an EPA official in Boston balked when asked to provide the name of a contractor official to a reporter, fearing the official would charge the EPA for the time taken by an interview.

The $6,000 billed by Ebasco to write its 70-page self-evaluation consumed 72 hours of labor, the EPA said. Although the EPA reviewer criticized the report as "bulky," it was written "in good faith" to demonstrate the scope of the firm's work and not designed to run up labor costs, said Ebasco program manager Dev Sachdev.

Bechtel, the San Francisco firm whose program management activities were questioned by an EPA analyst, did more for its $60,000 payment in April 1990 than meet a spending target, the highlight of its monthly report. It also revised and reviewed health plans for four sites and surveyed its laboratory needs, the report shows.

Company spokesman Mike Kidder said the payment reflects the labor hours needed to "work through very detailed reporting requirements."

But, as a regional EPA official said of Superfund contractors in general, "We really don't know what they're doing. There's really no way to account for their time."

Nor is there precise accounting of routine office costs, such as supplies. O'Connor's staff reviews the billing procedures of firms every two years but, he said, relies on independent auditors for a detailed look. The auditors are years behind on Superfund work.

Fluor Daniel's charges were found in unusually detailed invoices. A company spokesman said the technical journals and books billed to the EPA were needed to handle government contracts, the business cards were printed to identify employees in their Superfund capacity, and the plants were "normal accouterments" of a business office.

The EPA authorized program management offices to buy equipment because Superfund work is so new and complex. But the sheer number of contractors, all needing basic gear from respirators to radios, led to widespread and wasteful duplication, EPA officials conceded.

EQUIPMENT EXCEEDS NEED

A total of $5.5 million worth of scientific instruments, vehicles and protective garb was purchased, too much for the slower-than-expected pace of EPA-sponsored cleanups, records show.

Malcolm Pirnie, for example, has never used $226,200 worth of its equipment, according to an April utilization report filed with the EPA.

On the unused list are eight devices for analyzing organic vapor, bought in June 1990 for $69,500. Four other firms in the same New York region were outfitted with a total of 25 similar devices costing $194,000, EPA records show.

Malcolm Pirnie vice president John Henningson said it bought the equipment on the basis of a company protection of equipment needs sought by the EPA before any cleanup work had been assigned to it and before the need for government contractors declined.

He said the firm expects to use "the majority" of the equipment over the 10-year life of the contract.

Whether the contracts run out their lifetime is uncertain. EPA officials are weighing whether it would be cheaper to break the contracts and absorb penalties expected to run from $500,000 each to several million dollars each.

Nadeau said a spurt in cleanup activity for the contractors is still possible. "It's still premature to terminate," he said.

But O'Connor believes the EPA should cut its losses. Recalling that the reason for expanding the number of contractors was to inject competitiveness into the system, he recommended that as many as a quarter of the contractors be "jettisoned."

"We have too many contractors, and some are not performing well," he said. "We don't need them all."

EXHIBIT 3

[From Inside EPA, Sept. 13, 1991]

INDUSTRY CHARGES INTERNATIONAL PUSH TO CUT LEAD EXPOSURE OVERSTATES RISKS

An EPA-led international effort to reduce lead exposures is moving towards restrictions on low-level lead exposures despite scientific evidence which indicates negligible health risks of such small doses, lead industry sources charge. The effort has also come under fire from environmentalists who charge that the international body is being too cautious in its moves to limit lead exposures.

EPA has taken the lead in drafting a lead risk-reduction strategy for the international Organization for Economic Cooperation & Development, in part, agency sources say, in response to complete bans on toxic substances such as lead suggested by Sweden last year (Inside EPA, April 20, 1990, p2). A draft report prepared by EPA—and expected to be adopted by OECD at a meeting this fall—suggests a variety of international risk reduction strategies for lead, from bans on uses for which there are readily available substitutes to taxes on products for which there are no known substitutes. The draft also suggests encouraging recycling of products containing lead and discouraging new uses of lead where possible.

But an international industry group argues in comments recently filed that the draft is mistaken in its conclusion that "effects associated with low level exposure to lead are (a) harmful and (b) causally related to lead." The industry comments, filed by the International Lead Zinc Research Organization, point out that the draft report acknowledges that "there remains uncertainty in the global scientific community about the casual relationship between low level lead exposure and lead in children." Yet the report also argues that "there is no apparent threshold for developmental effects in children" and provides rough estimates of health benefits expected from various exposure reduction scenarios. But given that lead is a natural element which "is found in the bodies of even the most remote populations at levels close to the mean levels in the U.S. today," the industry comments argue that "it would seem clear that the OECD document has overstated the health impact of low level lead exposure."

An industry source adds that the primary causes of recognized health problems are high blood lead (PbB) levels resulting from discontinued, highly-dispersive uses of lead, such as leaded gasoline or lead paint. This source argues that the international organizations should be spending their resources on abating lead from past uses and locating and treating children with high PbB levels, instead of developing plans for attacking low exposures of questionable concern.

But an environmentalist says "the science is as definitive as science can be," and there can be no reasonable argument that lead is not hazardous even at the lowest levels. This source argues that the only scientific controversy over lead health effects is caused by industry's claims that lead is safe. The flaw in the OECD document, this source says, is that "it is not nearly strong enough." Focussing only on past uses of lead would be a mistake because current uses may prove equally problematic later, this source argues.

An EPA source says the agency "sympathizes more with the environmentalists" on the debate, but that the agency will probably never go as far as the environmentalists would like. Industry "mounted quite an aggressive campaign to discredit the "report," this source says, but EPA is not recommending that countries "go ripping solder out of radios." This source says the report represents a moderate position that unnecessary uses of lead, such as inks and lead solders, should be phased out, while alternatives should be encouraged for uses that have high benefits. This source expects that the report will be largely supported by the full OECD meeting scheduled for November.

[From the Los Angeles Times, Aug. 20, 1991]

SEEKING THE TRUTH IN TOXICS

Whatever else the chemical compound dioxin may do, it is going to haunt efforts by regulators to protect industrial societies from their byproducts for a long time.

Fused in a meeting of heat and chlorine, dioxin has for years been at the head of the list of dangerously toxic chemicals that are loose in the U.S. environment.

It got there because in the 1960s and 1970s guinea pigs died from exposure to it in a matter of weeks. It also got to the top of the danger list because techniques for determining its toxicity to humans were less sophisticated then.

Some scientists now are backing away from previous assessments. The U.N.'s World Health Organization is saying that American standards are 1,600 times tougher than necessary. The Environmental Protection Agency plans to spend a year reviewing the evidence on dioxin.

Some environmentalists are fighting back, claiming that all of the second-guessing is designed to save manufacturers the cost of cleaning up after spills and around their plants.

William K. Reilly, who heads EPA, recognizes that he is hitting a hornet's nest with a stick and that he will be damned if he does look back and damned if he doesn't.

In a gem of understatement, Reilly says, "There is not much precedence . . . for pulling back from a judgment of toxicity," but that new data suggests a lower risk.

Juries have awarded millions of dollars in damages to people who made the case that dioxin ruined their health. Dioxin is blamed for causing cancer among Vietnam veterans, and birth defects in their children. It was a key ingredient of the defoliant Agent Orange, which was sprayed on forests in Southeast Asia.

One scientist who is having second thoughts is Dr. Vernon N. Houk of the Federal Centers for Disease Control. He urged all 2,240 residents of Times Beach, Mo., evacuated in 1982, because its roads were contaminated with dioxin.

He says he had no choice then because his lab was producing chilling reports on dioxin. Now the data says differently. It makes no case for a wholesale review of toxics, but on the matter of dioxin Reilly has no choice, either.

[From the Washington Times, Apr. 10, 1991]

BOMBS AWAY ON POLYSTYRENE?

(By Warren Brookes)

Bombing is something the Bush administration does well. While the Pentagon was blowing the Iraqi economy back into the Stone Age, the Environmental Protection Agency has been unloading regulatory munitions on the U.S. economy from apples to autos, from construction to chemicals, from Detroit to Phoenix.

This week the EPA will "dumb bomb" the polystyrene industry. EPA Public Affairs Director Lewis Crampton confirmed the agency has put polystyrene in the "C" category as a "possible carcinogen," based not on human epidemiology but rodent tests. Even though there is no evidence of any human danger, and no published research, everything from meat trays in supermarkets to coffee cups at the deli will be stigmatized as "carcinogenic."

The campaign against polystyrene foam culminating in the decision by McDonald's last fall to replace foam hamburger containers with some kind of coated paper.

That decision ran so counter to solid scientific analyses done for McDonald's and others that show actual environmental impacts favor foam over coated paper, there is a persistent rumor McDonald's was warned by the Environmental Defense Fund (EDF) that the EPA was soon to make a carcinogenic finding on the product.

Just as the National Resources Defense Council worked closely with EPA in destroying the apple industry with Alar, EPA has apparently cooperated with the EDF to slay the polystyrene monster.

What is gratuitously obscene about this is that it comes on the heels of growing scientific skepticism about the validity of EPA risk models, caused in part by the dioxin case. For years dioxin, the principal ingredient in Agent Orange, has been regarded by EPA as the most dangerous carcinogen extant, many hundreds of times as potent as the next chemical risk.

Based on that "modeled" assumption, Congress and the Bush administration recently awarded what could be as much as $200 million to $1 billion in payments to Vietnam veterans who contract soft-tissue sarcoma. That decision is spurring the legal profession to seek out veterans' cases against the manufacturers. The number of such cases is expected to reach 250,000.

But the modeled assumptions of dioxin risk in these cases are predicated entirely on feeding rodents massive doses (up to 30,000 times human exposures) of dioxin-saturated foods. From these high-dose results, the EPA uses a straight-line "no threshold" (linear multi-stage) basis for extrapolating human danger. In other words, no matter how small the dose, it's dangerous.

But that "no threshold" assumption—which underlines all EPA chemical risk assessments—has been blown away, as one epidemiology study after another has failed to confirm dioxin's alleged toxicity. As Science Magazine reported on Feb. 8, "Even among highly exposed groups, like the people who lived near the chemical plant that exploded in Seveso, Italy, in 1976, the only undisputed effect until recently has been the skin disease chloracne."

Ironically, last January, the first study ever to show even a weak link between dioxin and human cancer published in the New England Journal of Medicine, in fact destroyed EPA's risk model.

That study carried out by the National Institute for Occupational Safety and Health (NIOSH) under the leadership of Marilyn Fingerhut was the most comprehensive look at human dioxin exposure ever done, involving 5,172 workers and at 12 plants in the United States that produced the dioxin-containing pesticides and defoliants.

The average exposure of these workers was 80 times to 500 times U.S. average background levels, and up to 200 times the exposure levels of even the most exposed Vietnam era veterans, the Ranch Hands Air Force personnel who did the Agent Orange spraying.

If the EPA model were correct, these workers should have shown at least 5 to 10 times the expected level of cancers for non-exposed persons. Instead, the researchers found, "Mortality from several cancers previously associated with [dioxin/Agent Orange], stomach, liver, and nasal cancers, Hodgkin's disease, and non-Hodgkin's lymphoma, was not significantly elevated in this cohort. Mortality from soft-tissue sarcoma was increased, but not significantly." (Emphasis ours.)

As Science reported on Feb. 8, scientists meeting at Cold Spring Harbor Laboratory in January agreed that "before dioxin can cause any of its myriad [alleged] toxic effects, be they cancer or birth defects, it must first bind to and activate a receptor. That implies there is a 'safe' dose or practical 'threshold' below which no toxic effects occur."

"And that in turn means that the model EPA uses is wrong. 'It topples the linear multistage model,' exclaims Michael Gallo of the Robert Wood Johnson Medical School in New Jersey."

The whole foolish notion there is no safe level of anything proven to be "toxic" in animals (at thousands of times human exposure or more) has repeatedly been blown away as excessive. While EPA regulates dioxin exposure at 0.006 picograms per kilogram of body weight per day, Canada and Europe have been correctly regulating at 1 to 10 picograms, or 170 to 1,700 times higher.

Given this, one would have thought the agency would be cautious about destroying yet another industry on the basis of an animal test and at least 50 unproven, and unscientific assumptions. After all, they've had to back down on asbestos, dioxin, EDBs and, most recently, fluoride.

But that ignores the fact that today's EPA is under the direction of an ideologue with strong ties to a movement whose deepest conviction is that economic growth is bad for the environment and technology is the enemy of the planet. Bombs away.

[From the Washington Times Nov. 28, 1990]

RADON RISK IN OUR WATER?

(By Warren Brookes)

Even as the scientific community is seriously questioning the Environmental Protection Agency's exaggeration of the risk of residential radon, the EPA was (and may still be) planning an even more preposterous $17 billion to $34 billion boondoggle against state and local water services and their taxpayer/customers.

Until it was temporarily embarrassed by a scathing report from its Scientific Advisory Board (SAB), which surfaced publicly on Nov. 2, the agency was planning to rule that drinking water should not exceed 300 picocuries/liter (pCi/L).

While that may seem high when compared with the present EPA "danger level" for homes (4 pCi/L), the risk factors for water are altogether different because so little water is ingested.

The equivalent risk ratio is 10,000 to 1 air to water, so 300 pCi/L in water is the equivalent to only 0.3 pCi/L in air. The average background level on radon in U.S. homes is about 1.2 pCi/L or 40 times the proposed regulation for water.

To put it another way, the 4 pCi/L "action" standard used by EPA for homes is 133 times as high as the proposed water rule. Yet, as the Oct. 22 editorial in Science magazine pointed out, even that residential standard is now under attack by radiation/cancer researchers who have yet to find any evidence of raised lung cancer death rates even in areas where average residential levels are well over 8 pCi/L. Canada's "action" level is 20 pCi/L because it saw no evidence of public health risk even at that level.

Even if we were to regulate water equivalent to U.S. residential background levels. EPA would have to set a water regulation of 12,000 pCi/L. (See Table.) But the number of wells over 12,000 pCi/L is so tiny such a regulation would be meaningless.

In California, for example, the State department of health services surveyed 252 major ground-water wells operated by some 41 separate water agencies around the state and found only six (2 percent) with levels above 1,500 pCi/L and none above 4,000.

By contrast, under a 300–500 pCi/L standard, nearly 70 percent of its wells would have to be "remediated." The Association of California Water Agencies estimated that as many as 14,000 ground-water wells would be affected. Although radon levels could easily be reduced by charcoal filtration, EPA opposes that method because the filters then would constitute a radioactive waste to be disposed.

The EPA-recommended remediation is construction of aeration towers around every ground-water well feeding more than 10 homes, at an estimated cost of $100,000 to $200,000 per tower, or a cost range for the state of California alone of $1.4 billion to $2.8 billion.

And that is for a state that already has the lowest tested indoor radon levels for the nation. For the nation as a whole, this suggests a cost of $17 billion to $34 billion.

The good news is the SAB report ripped apart the EPA's support for this madness, saying "the overall quality" of this science "was not good." It found that the support documents contained "irrelevant information and incorrect definitions of fundamental technical terms," and "were inconsistent in their approach to risk assessment. . . " The bad news is that the EPA desperately needs to protect the radon risk estimate because theoretically it is by far the most "dangerous" substance it regulates.

The agency's own newsletter "Inside EPA" reported this major embarrassment saying, "the subcommittee's [SAB's] report in the words of one subcommittee member will be 'damning.' saying EPA 'did a lousy job.'" The job was so bad the entire project had to be transferred out of the EPA's water division to its Air and Radionuclides Division, and the EPA's Jan. 21 deadline for complying with a court order had to be postponed.

Once again the EPA has embarrassed itself on a major regulatory issue with bad science. No wonder EPA Administrator William Reilly is reportedly growing nervous that the radon program may become just as big a fiasco as the asbestos removal program.

And just as costly. For example, an analysis by the New England Radon Committee (NERC) estimates that in its six-state region even a 500 pCi/L standard would require mitigation of 678,000 wells, at a total cost for the region of $1.4 billion. That translates into $24 billion for the nation as a whole.

In a March 1989 report to the EPA, the NERC said a standard even as low as 500 pCi/L would make no sense from a health benefit standard "since living area radon concentrations are approximately 1.2 to 1.4 pCi/L and the 500 pCi/L would only add 0.05 pCi/L to this." It said "the financial burdens on affected state programs would be disproportionate to demonstrate health benefits" and "would result in rate increases to consumers which cannot be justified by commensurate health benefits."

A 1988 letter to the EPA by David Brown, chief of toxic hazards for the Connecticut Department of Health Services, calculated "the radon content of a water supply that would have to be exceeded in order for a health effect to be demonstrable" and arrived at a figure of 5,000 pCi/L. That's more than 10 times the level being proposed by the EPA.

The EPA overkill on radon clearly is an act of desperation by an agency now confronted with a very real "hazard" to its own health safety regulation: If as Science now suggests, residential radon is increasingly shown to be a modest risk, the EPA's entire health regulation program is endangered.

That is why the EPA is trying to force the U.S. public to ratify its ridiculous risk models at a cost of tens of billions. It's a growing scandal.

EPA IN YOUR BEDROOM?

(By Warren Brookes)

Liberal Democrats are always complaining that conservatives want to invade our bedrooms when it comes to our reproductive behavior. Now it turns out liberals want the Environmental Protection Agency to invade and inspect our houses for something called "indoor pollution."

No kidding. On April 24, the Senate Environment and Public Works Committee marked up and sent forward S. 657, the Indoor Air Quality Act. Its initial $49 million price tag is a tiny down payment on what could be hundreds of billions of dollars in costs to homeowners. The inventor of this nano-nannyism is Senate Majority Leader George Mitchell who wants to establish an Office of Indoor Air Quality and a Council on Indoor Air Quality.

What will these new bureaucratic meddlers be doing? They will be conducting "a coordinated research program on indoor air contamination, to institute a process for directing and focusing authorities of existing federal statutes to reduce indoor contamination and to demonstrate and develop state and local responses to indoor air contamination problems."

In other words, the same environmental police force the EPA will be assembling from the Clear Air Bill will begin to cast its turf-building eyes toward every household in America.

It's only a matter of time before homeowners who want to sell their houses will have to get an EPA-approved "air-quality test" of their home, and spend thousands of "mitigate" and "problems" before they can sell.

That's already happening on radon. Recently an employee of a very large computer company told us of a horror show in which a relocator service forced him to spend nearly $2,000 trying unsuccessfully to get a 4.3 pCi/1 basement reading down below 4. Yet the living space level was very likely to have been 1 or less, and presented absolutely no health danger. Even though EPA can't "regulate" radon. It is now working with real-estate groups and Congress to make such costly foolishness mandatory.

Mr. Mitchell's 66-page Indoor Air Quality bill calls on the EPA to issue "Indoor Air Contaminant Health Advisories" and develop "National Indoor Air Quality Response Plans" and to work with states to develop similar plans.

The premise for all of this is that "contaminants in the air indoors pose a serious threat to human health." and "federal and state governments have not responded adequately to this problem."

In its 1989 "Unfinished Business" document, the EPA ranked "Indoor Air Pollutants Other Than Radon" fourth in their "Consensus ranking of environmental problems," right behind "pesticide residues on foods." (See Table.)

EPA says its "quantitative assessment estimates 3,500–6,500 cancers annually," from indoor air pollution of which the majority (3,700) comes from secondary tobacco smoke. The rest supposedly come from a whole range of household pollutants from friable asbestos to hair spray and furniture polish.

Since EPA used essentially the same risk-assessment procedures to generate these indoor cancer estimates as to predict 6,000 annual cancer cases due to pesticide residues. Americans can relax about their health if not about the bureaucratic threat from the EPA to make mincemeat of their real-estate values.

Food and Drug Administration's top toxicologist Dr. Robert Scheuplein told the American Association for the Advancement of Science last winter that contrary to the EPA's alarmism, pesticide residues and chemical additives account for less than .01 percent of all cancer deaths. When we asked him if this meant "less than 50" he said, "Oh, much less than 50." When we pressed him for a number he said: "I won't give you one because I don't honestly believe anyone has ever died from consuming pesticide residues on food."

Most serious risk assessors feel the same way about indoor air pollution other than cigarette smoke. Even there, the incidental tobacco smoke estimates are wildly exaggerated on the presumption that you can extrapolate cancer estimates in a straight line from the actual high-dose experience of smokers to the very low exposure of non-smokers.

One of the nation's top risk assessors, Michael Gough, director of the Center for Risk Management at Resources For Future, estimates that the regulatable risk of indoor air pollution is 1,240 cancer deaths, using EPA's risk-assessment formulae, or 124, using the methods similar to those used by the FDA, which he considers more realistic. While most risk assessors like Mr. Gough are glad to have a growing focus on the very real danger of tobacco use, they are skeptical about a "national program" to deal with a problem as simple as opening your window more often.

Indeed, the national push for energy conservation, also federally driven, has produced the more recent problems of "sick buildings" and has increased indoor air contamination in some new construction. As the EPA states it: "The Department of Energy has estimated that air-exchange rates in new construction are, on average, 50 percent lower than the national average."

EPA should know. To this date it has what one leading indoor air consultant in the Washington area told us the "sickest buildings" in the city. Instead of passing this zaniness, Congress should tell EPA to air out its own house, first.

[From the Washington Times, Apr. 25, 1990]

50,000 PREMATURE DEATHS?

(By Warren Brookes)

Advocacy groups routinely exaggerate their cause—and occasionally drift into what amounts to lying. In this respect, the environmental movement runs even more true to form, turning lying into an art form. So much so, we may well be in greater danger from the greenies' "statoxics" (poisonous statistics) than the alleged risks we are being urged to mitigate.

What is troubling is when the government's top environment officer engages in this process. On April 1, two days before the Senate approved the Clean Air Act, Environmental Protection Agency Administrator William Reilly claimed air pollution was causing "50,000 premature deaths a year." This statement stunned the Washington risk assessment community, including many within the EPA itself, where there is absolutely no scientific analysis to support it. Mr. Reilly's spokesman, Lewis Crampton, said his boss was using "a study by the American Lung Association." But that study has no epidemiological foundation and never was peer reviewed or professionally published.

In 1989, the EPA's own risk assessment team of 50 scientists and statisticians developed a report called "Unfinished Business" which concluded that the entire cancer risk associated with "hazardous toxic air pollutants" was from 1,027 to 2,054, and even those numbers are based on risk models that deliberately overstate risk by at least 10 to as much as 100 times.

This means the likely real risk of air pollution is between 100 and 200 additional cancer deaths a year, nationwide, and a major share of those cannot even be remediated by EPA regulation. What's more, EPA knows this. The March 1988 EPA "Regulatory Impact Analysis" on sulfur dioxides (SO2) the precursors of acid rain, reviewed all studies on SO2 and found "none of the available laboratory data support the notion that steady long-term exposure to acid sulphates at levels [characteristic of the United States] produce any measurable health effects." In its cost-benefit analysis, it assigned no dollar value to SO2 controls' ability to reduce mortality risk even at strict interpretation of present SO_2 air-quality standards. Similar EPA analyses exist on surface ozone.

This may come as a shock to a general public that has been frightened to death by exaggerated reports of the dangers of environmental pollution. The other day at a Washington luncheon, a well-educated career woman and mother was holding forth on the health dangers of pesticides and dirty air. We asked her, "What percentage of cancers do you think are caused by the environment?" She paused for a moment, and then said, "Well I guess I would say 60 or 70 percent, but that's probably too low." "Would you believe less than 2 percent?" we asked. "Of course not, she said, "that's ridiculous." Not so. In 1981, the world's two leading epidemiologists, Oxford's Sir Richard Doll and Richard Peto, concluded after exhaustive analysis comparing animal test data with actual health statistical trends that indeed pollution was the cause of only 2 percent of all cancers—while 75 percent were caused by human lifestyle, diet, smoking, sexual and reproductive behavior.

That study was directed by Michael Gough, one of the nation's top risk assessors who was then at the Congressional Office of Technology Assessment. Mr. Gough, now director of the Center for Risk Management at Resources for the Future, points out that despite heavy criticism, "the Doll/Peto estimates have come to be regarded as conventional wisdom."

In fact, EPA has largely accepted the Doll/Peto parameters. In its 1989 "Unfinished Business" analysis, EPA shows a range of 6,214 to 11,054 for all "pollution"-caused cancers, or between 1.2 and 2.5 percent of all cancer risks.

Furthermore, those total risk numbers do not reflect the actual potential benefits of EPA regulation, since so many of them cannot be reached by even the most stringent controls.

In a paper for Risk Analysis last January, Mr. Gough looked at the question "How Much Cancer Can EPA Regulate Away?" and discovered it wasn't very much: "The total number of cancer cases that might be prevented by EPA regulatory efforts . . . range from between 1,200 and 1,600 to between 6,200 and 6,600, depending on how risk from animal data are estimated. Those estimates represent between 0.25 percent and 1.3 percent of the annual cancer mortality of 485,000 deaths." On air pollution, Mr. Gough's numbers range from 231 to 1,028. (See table.)

The range represents Mr. Gough's application of the much more realistic risk assessment method used by the Food and Drug Administration and the Centers for Disease Control compared with the deliberately extreme exaggeration of the EPA methods.

This is not the judgment of an industry shill, but an environmental expert of absolutely impeccable credentials who is frankly surprised by the way in which officials like Mr. Reilly use their office to spread unsubstantiated data.

What is more troubling to risk assessors is that such exaggeration is leading the nation into pouring more and more resources into smaller and smaller benefits. Even as we are turning down $300,000 bone marrow transplants and $500,000 dialysis machines (which actually save real people) we are about to spend another $46 billion on a theoretical risk of less than 200 to 1,000 lives.

[From the Washington Times, Apr. 11, 1990]

HOLE IN SENATE HEADS RIVALS OZONE GAP

(By Warren Brookes)

Two weeks ago, we got an urgent call from a top adviser to President Bush concerning something they had only just discovered in the Clean Air Act compromise: "Did you know the bill calls for the total banning of methylchloroform (MCF) by the year 2000?" he asked.

We asked back, "Where have you been? That passed the Senate back on Jan. 31, 95 to 2. Only Jesse Helms and Steve Symms voted against it."

"Do they realize what this would do to the entire U.S. electronic industry?" he asked. No. But it would send what's left of it to Japan, which has refused to consider such a ban.

The conversation was yet another reminder that, in the current environmental debate on Capitol Hill, the collective hole in White House and legislative heads may be larger and more permanent than the one that shows up every fall in the ozone layer over the Antarctic—and more dangerous to our economic and ecologic health.

The Senate rationale for the total MCF ban was that "scientists say these substances are destroying the stratospheric ozone layer which shields the Earth from the sun's harmful ultraviolet radiation."

Yet MCFs were developed precisely because they are one-tenth as destructive of ozone as chlorofluorocarbons (CFCs) and have a much shorter life in the stratosphere. MCFs have been a godsend to theelectronics industry for which CFCs had been central to the production of computer chips and circuit boards. A total MCF ban would leave this industry and its defense products naked.

When an electronics representative asked a Southern conservative Republican senator why he voted for this ban he said: "My mother died of melanoma (skin cancer) and I have had problems with the same condition."

There are just three little problems with the senator's empathy: "First, the levels of ultra violet-B radiation (UVB) over the United States have actually fallen by about 10 percent since we started measuring them in 1974. Second, the rise in melanoma in this country started in 1935, 25 years before the use of CFCs. Third, the only ozone thinning has been over the South Pole.

In short, neither CFCs nor MCFs have anything to do with melanoma. Indeed, there is very little hard scientific evidence that CFCs have been the significant cause of a thinning ozone layer or even that that alleged thinning is permanent.

The only theoretically predictive evidence comes from the discovery of a large "ozone hole" over the Antarctic in 1985 by British scientists led by Robert Watson. This "new discovery" was immediately seized upon as evidence supporting the 1974 theory of two California scientists, F. Sherwood Rowland and Mario Molina, that CFCs could "eat up" as much as 10 percent of the world's ozone layer.

Since 1985, scientists have measured the size of this ozone hold to see how much destruction was going on while environmentalists successfully pushed the nations of the world to an effective CFC ban by 2000, to keep the hole from "swallowing up our entire ozone layer," as one EPA "scientist" told The New York Times.

Yet in the midst of this political drive, growing scientific evidence suggests the hole is not a new phenomenon and may well have been reappearing periodically throughout Earth's history.

It now turns out that the first discovery of significant ozone thinning over the South Pole was not in 1985 but in 1956, before CFCs were even in general use. It was identified by the world's leading ozone layer researcher Gordon Dobson who at the time said the "ozone hole" appeared to be a natural anomaly.

Indeed no. The ozone layer itself is not something static but dynamically created through the interaction of the sun's ultraviolet rays and the Earth's oxygen. So long as there is sunlight and oxygen, there will always be an ozone layer.

For precisely that reason, however, the layer thins out over the poles during winter seasons when there is very little sunlight, and very extreme cold. While the size of this "hole" seems to have grown substantially in recent years there is still a major controversy over CFCs relative causative role.

Fred Singer, a University of Virginia physical scientist, with some of the longest continuous experience of investigating the ozone layer told us: "The scientific evidence of the relationship between the ozone layer and CFCs is still very incomplete. The remarkable scientific investigation now going on suggests the more we know the less sure we are about making policy."

NASA found this out when with much fanfare in March 1988 they announced that the ozone layer had decreased by a full 3 percent since 1970 and warned the 1988 hole would be even larger than the 1987 episode. But NASA provided no peer-reviewed analysis to back up either its claim or its prediction.

Just six months later we learned the 1988 hole plunged in size by 60 percent largely because of an unexpected heat wave over the South Pole. This confirmed Mr. Singer's simultaneous, peer-reviewed article in Eos, the house journal of the American Geophysical Union, which said the hole itself could be "an ephemeral phenomenon" which could disappear rapidly with changes in the upper atmosphere temperatures and the solar cycle itself.

Later this month, Mr. Singer has been invited to present a scholarly paper to NASA's International Conference on the Climate Impact of Solar Variability in which he will raise the question "Is the reported decline of stratospheric ozone a solar-cycle effect?"

There is a sound basis for his question. NASA's contention of a 3 percent decline in stratospheric ozone since 1970 is not only much larger than can be explained by current CFC levels of theory, but depends entirely on the selection of the time frame. And 1970 just happens to have been a solar-cycle maximum-activity year, while 1986 was a solar-cycle minimum.

This, Mr. Singer will suggest, means "the reported decline could at least be partly due to a secular variation of ultra-violet radiation, matching observed secular trends in solar activity."

He points out that the variability of ozone over recent solar cycles is on the order of 5 percent, far more than the decline supposedly "measured" by NASA in their "unpublished paper." Mr. Singer in short is about to call NASA's bluff, even as the Senate has played its blind man, driving premature stakes through the heart of the nation's already beleaguered electronics industry.

[From the Washington Times, Jan. 17, 1990]

BILLIONS INTO THE AIR-TOXICS BREEZE

(By Warren Brookes)

A top career executive in the Environmental Protection Agency was asked how he would spend his budget to achieve the maximum reduction in premature cancer deaths.

"I would give it all to the American Cancer Society," he is reported to have said without hesitation.

The story which has been circulated widely might well be apocryphal, but it has a serious point, well-illustrated by the Air Toxics section (Title III) of the Clean Air Amendments (S 1630) now before the U.S. Senate.

Industry groups now estimate the likely cost of this section alone to the U.S. economy is between $20 billion and $30 billion. That's 10 to 15 times the $1.8 billion we now spend on the National Cancer Institute for a disease killing 470,000 per year.

Yet, the EPA estimates that even using the most-extreme-risk models only 1,700–2,700 cancer cases are caused by air toxics. Since 900–1,600 of those are blamed on motor-vehicle emissions (covered by other controls) the total range for all industrial air toxics is only 700 to 1,100.

And, because the bill only targets those plants emitting 10 tons or more of any one pollutant, its maximum potential remediation is said to be between 350 and 500, even assuming the Senate bill's insistence on cutting effective risk to 1 in 1 million.

That represents a cost per cancer avoided of between $40 million and $86 million each. If these numbers shock you, read the careful analysis of the air-toxics madness in the winter issue of Regulation Magazine, out next week from Cato Institute.

In it, two engineers, Frederick Rueter and Wilbur Steger, admittedly consultants to industry, nevertheless use the EPA's own data to show the costs and benefits of dealing with just two of the key air toxics, coke oven emissions, and benzene.

The EPA itself estimates air toxics from coke ovens are responsible for 6.9 cancer cases a year nationwide, and benzene emissions for about 3.9 cases. (See Table.)

Last year, the EPA issued a proposed NESHAP (National Emissions Standards for Hazardous Air Pollutants) rule on coke emissions. It said that using "best-available technology" (BAT) coke emissions could be reduced enough to cut cancer incidence from 6.9 per day to 4.0, a net saving of 2.9 cases, at a cost of $19.3 million per year, (an implied capital cost of $200 million). That's $6.8 million per case.

On benzene, EPA's NESHAP ruling last September called for cutting the total cancers presumed from that emission source from 3.9 to .5 per year, a saving of 3.4 cancers per year, at a cost of $200 million a year (an implied capital cost of $2 billion).

Messrs. Steger and Rueter say, "This amounts to more than $58 million per life prolonged. It should not be difficult to find other applications for $200 million per year that would achieve much larger reductions in cancer risk * * *."

That's especially true since "the EPA's cancer risk estimates are extremely overestimates of the actual risks" for air toxics. Why? Virtually all those are extrapolated for the general population from epidemiological studies of workers actually employed on the emitting source sites, or from high-dosage rodent tests.

But as Messrs. Rueter and Steger point out, that assumes a straight-line risk relationship between very high exposure and very low exposure. Now only is there no such connection with low-exposure workers (whose cancer rates are uniformly below EPA risk-model expectations) but none exists in the general population.

For example, they looked at the largest concentration of industrial coke ovens in the nation, Allegheny County, Pa. They calculated the age-adjusted cancer rates for the 30 geographic areas in that county for the period from 1969–1971, well before substantial emissions reductions took place, in order to get the maximum possible health effect.

Even so, they found no pattern of raised rates. Indeed around two of the three coke plants, cancer rates were from 20 to 40 percent lower than the county as a whole. They concluded "the risk levels are so low they cannot even be detected in epidemiological studies of population exposures to outdoor concentrations of coke-oven emissions that were (1969–1971) substantially higher than those prevalent currently."

The EPA admits its technique of extrapolating risk from high to low exposure has "no solid scientific basis." Worse, the EPA risk model assumes the average individual is exposed to the maximum possible ambient level of the pollutant for 24 hours a day through his entire 70-year life span. Since most of our life is spent inside our homes, and since we move on average every six years, such an assumption is a ludicrous exaggeration.

For coke, the two engineers conclude; "EPA assumptions result in the overestimate of those cancer risks by at least a multiple of 100." So, the likely national risk for all coke emissions currently is 0.07 cancers per year. The likely reduction from investing $200 million in capital is 0.03 cancers per year, or about 1 every 30 years or so.

For investing $20 billion to $30 billion on all air toxics, the likely reduction in cancers is not 350 to 500 a year, but something on the order of 3 to 5, or $4 billion to $9 billion per life prolonged.

As the EPA executive suggested, there must be myriad better ways to spend our money on health improvement than this.

EXHIBIT 4

ACID RAIN

Mr. KROFT. Acid rain and ecological catastrophe: two phrases that in many people's minds have become almost synonymous. Acid rain—poisons falling out of the sky, killing our forests and ravaging the countryside, and all of it coming from the sulfur-polluting smokestacks of the Midwest. But the most expensive and exhaustive scientific study even conducted on an environmental problem, which took 10 years, hundreds of millions of dollars and thousands of scientists to conduct, is about to publish its final report, which takes the conventional wisdom about acid rain and shoots it full of holes.

JAMES MAHONEY. Acid Rain Expert. I think we can be very simple about it. Acid rain is definitely a problem that needs improvement. It is not an ecological catastrophe at the levels we see here in the United States.

Mr. KROFT. [voice-over] Dr. James Mahoney is director of the National Acid Precipitation Assessment Program—. NAPAP for short. What he and his scientists found out while conducting the government study is really quite different from what most people have come to believe about acid rain.

Mr. MAHONEY. I think our science clearly shows that the effects are less severe by quite a bit than the most extreme stories we sometimes hear.

Mr. KROFT. [voice-over] And what are some of those stories? Well, here's an example. Earlier this year, Newsday reported that wispy clouds creeping silently through the Northeast's forests are slowly killing off trees.

Mr. MAHONEY. I think that's in the sense of poetic characterization.

Mr. KROFT. Overblown?

Mr. MAHONEY. In a word.

Mr. KROFT. [voice-over] In fact, the NAPAP study says acid rain isn't killing trees—period. We quote: "There is no evidence of a general or unusual decline of forests in the United States and Canada due to acid rain. The study did find that acid rain may be harmful to one kind of tree, the red spruce at very high elevations, but that natural stresses like forest and insects are more significant factors in the loss of those trees.

Mr. MAHONEY. There is a broad view that acid rain kills trees on a broad basis. The scientific community, I believe even the environmentally active scientific community now understands that this is not what we see.

Mr. KROFT. You certainly wouldn't get that impression reading news stores about acid rain.

Mr. MAHONEY. Our job is to carry out these scientific studies and to do the best job we can of being scientific fact-finders. News stories are much more likely to take an extreme position. It's much easier to write a story about a problem and to characterize it as being caused by acid rain.

Mr. KROFT. [voice-over] And what about the effect of acid rain on lakes? Well, for the past 10 years it's been widely reported that lakes in the Northeast are dying by the thousands and a report by the National Academy of Sciences in 1981 predicted that the number of acid-dead lakes would nearly double by the year 1990.

[interviewing] Has that happened?

Mr. MAHONEY. No, definitely not.

Mr. KROFT. What's the increase been?

Mr. MAHONEY. Our best estimate is that the level of—the number of acid lakes is probably just about the same now as it was a decade ago, and that's a fundamental difference compared to the commentary that the National Academy of Sciences made 10 years ago.

Mr. KROFT. [voice-over] The study found that acid rain does contribute to the acidity of lakes and streams, and it did find a large number of lakes to be acidic, particularly in New York's Adirondack Mountains, more than 200 out of several thousand. But most of those affected lakes are small in size, representing about 2 percent of the surface water in the Adirondacks, and many of those lakes were acidic before the industrial revolution, before there was acid rain. Acid rain, the study says, is one of many factors which causes acidity in lakes. The other Leasons: acidic soil and wild vegetation.

Mr. MAHONEY. Interesting, the percentage of acidic lakes and streams is highest in the nation in Florida, by quite a bit. We know that the causation in many of these is natural. It has nothing to do with acid rain.

KROFT. [voice-over] The study did confirm some concerns about acid rain. The sulfur emissions that cause it affect visibility. Acid rain itself does damage buildings and statues. But the problem is getting better, not worse. Sulfur emissions are down more than 25 percent since the Clean Air Act of 1970 went into effect, and those emissions will continue to drop as more and more old coal-burning factories are phased out and replaced.

Soil scientist EG KRUG [sp?] was one of many NAPAP scientists who looked into the effects of acid rain on lakes and he says it's not a crisis.

EG KRUG, Acid Rain Expert. We believe that the effects of acid rain are there, but they are subtle. They're difficult to find. We can see other environmental insults very easily but acid rain—it speaks that it's not a particularly large problem.

Mr. KROFT. The New York Times reported recently that over the last 10 years, while NAPAP has been doing its study, the number of lakes turned into aquatic death-traps multiplied across New York, New England and the South, stretches of forest along the Appalachian spine from Georgia to Maine, once lush and teeming with wildlife, were fast becoming ragged landscapes of dead and dying trees. True?

Mr. KRUG. No. No. I don't know where they got that from. It appears to be another assertion, unsubstantiated, because we've spent hundreds of millions of dollars surveying the environment to see if that was occurring and we do not see that occurring.

Mr. KROFT. [voice-over] To be exact, they spend $570 million of government money and they are more than 3,000 scientists from places like Yale, Pennsylvania, Dartmouth and the National Laboratories at Oak Ridge and Argon [sp?].

Senator DANIEL PATRICK MOYNIHAN. (D-NY).

Good science—world-class science.

Mr. KROFT. [voice-over] Senator Daniel Patrick Moynihan wrote the bill which started this 10-year study because he was concerned about the lakes and the streams in his home State of New York.

Senator MOYNIHAN. We didn't know but what we were going to lose all our lakes and half our forests and God knows what else. It's good news to find that you don't have a devastating problem. It's also good news to know what kind of problem you have.

Mr. KROFT. [voice-over] It's not, however, been received as good news by most environmental groups. David Hawkins [sp?], a lobbyist for the National Resources Defense Council, says there's not much new in the NAPAP study. Hawkins says it confirms that acid rain is a problem and that the scientific community knew that 10 years ago.

DAVID HAWKINS, Environmental Lobbyist. The environmental community has spent almost no effort attempting to even monitor the progress of this program because we felt that this program was essentially a misdirection of resources and that our resources were better spent in trying to deal with the facts that we already have in hand about the damages due to acid rain. We have been working on trying to get legislation in Washington to clean up the problem, actually attack the pollution problem.

Mr. KROFT. So you've been working the political angle of it?

Mr. HAWKINS. I've been working the legislative angel of it, yes, trying to get a new law to control the pollution.

Mr. KROFT. Wait a minute. You seem to be saying it doesn't matter what the scientists say. What matters is passing the legislation.

Mr. HAWKINS. No, what we're saying is that you don't need additional years of documenting facts that we already have enough information about to know that the risks are so great that we should control pollution now rather than wait for additional years of research.

Mr. KROFT. [voice-over] HAWKINS says that even if acid rain isn't a crisis, he considers it serious enough to require action and the legislation he's talking about is the tough acid rain provision of the new Clean Air Act, which his group, other top environmental lobbyists, the President and the Congress pushed through at the end of this last session. It will cost U.S. industries $4 billion to $7 billion a year to cut emissions that cause acid rain in half.

[on camera] What about the NAPAP study? It wasn't even a factor. The study received a one-hour hearing before a Senate subcommittee and was never even formally presented to the House of Representatives.

Senator JOHN GLENN (D-OH). We spend over $500 million on the most definitive study of acid precipitation that's ever been done in the history of the world anyplace, and then we don't want to listen to what they say.

Mr. KROFT. [voice-over] Senator John Glenn is concerned that the new legislation to cut down smokestack emissions will have a devastating effect on his home state of Ohio, not to mention Pennsylvania, West Virginia, Kentucky and parts of Indiana where high-sulfur coal, long blamed for causing acid rain, is not only the main source of energy but a major source of employment. Factories will be forced to install expensive new pollution control equipment. Utility rates are expected to jump by as much as 30 percent and 100,000 people could end up losing their jobs, many of them coal miners.

ROBERT MURRAY [sp?], Owner, Ohio Valley Coal Company. We're out of business. We're out of business. Our jobs are gone.

Mr. KROFT. [voice-over] Robert Murray owns the Ohio Valley Coal Company. He says more than 400 jobs are at stake at his company alone and he can't understand why no one is listening to the scientists.

Mr. MURRAY. The networks, the electronic media, the writter media, have placed acid rain up to the point that our teachers, our students are totally confused about this issue, yet when the NAPAP study came out, you found it on page 34 of *The New York Times*. You didn't find it on CNN, CBS, ABC at all!

Mr. KROFT. You're very upset about this.

Mr. MURRAY. I am damned mad because this political issue is a human issue to me!

Mr. KROFT. [voice-over] About the only person who has written about the NAPAP study is this man, syndicated columnist Warren Brooks [sp?], who's made it a crusade.

WARREN BROOKS, Syndicated Columnist. It's sort of like trying to kill a gnat with a blunderbuss. I mean, it's just—we have this tendency to overdo it in this country. We just throw money at problems and I think we all agree that we don't have that kind of money to throw any more.

Mr. KROFT. [voice-over] Brooks has read the reports, studied the science and his conclusions have become the gospel for a growing number of people convinced that America is suffering from environmental hypochondria and that this acid raid legislation is just the most recent example.

Mr. BROOKS. If it's a crisis, we should act. We should—you know, damn the torpedoes, full speed ahead. What this study shows clearly is it's not a crisis. We should not damn the torpedoes. We should do it sensibly so we don't throw people out of work unnecessarily.

Mr. KROFT. Why has nobody listened to it?

Mr. BROOKS. Well, the point is that once their minds are made up—that is, "We're going to do something on acid rain. We're going to do something"—the politics is, "We're going to do something—

Mr. KROFT. That's happened. That's what's going on here.

Mr. BROOKS. That's what's going on.

Mr. KROFT. [voice-over] Brooks says the political agenda was set by candidate George Bush when he pledged to become the "environmental president" and to do something about acid rain. Brooks claims that Congress, looking at public opinion polls, decided voting against clean air was like voting against motherhood.

[interviewing] So you're saying this has a lot more to do with politics than it does with science.

Mr. BROOKS. Absolutely. Absolutely.

Mr. KROFT. There are votes in it.

Mr. BROOKS. Yeah. Very simple.

Mr. HAWKINS. We live in a representative democracy and if the public believes that environmental protection is important and they are prepared to spend more of our wealth in protecting the environment, then it's responsive to do that.

Mr. KROFT. And you think the American public is well-informed on this issue.

Mr. HAWKINS. I think the American public can look out their windows and see what we're doing to the environment. They can read about it in papers. They can read about it in books.

Mr. KROFT. [voice-over] So what are we going to get for those billions spent to control acid rain, not to mention the lost jobs? Well, according to Warren Brooks, the only certain benefit will be the recovery of about 75 small lakes out of several thousand in New York's Adirondack Mountains.

Mr. BROOKS. Now, that's at $5 billion a year for, whatever, 50 years. That comes out to about $4 billion a lake.

Mr. KROFT. [voice-over] The Bush administration and environmental groups say there's much more to it than that, that what we're getting is cleaner air, better visibility, less damage to buildings and an insurance policy in case there are any unknown effects on human health which simply haven't been seen yet.

Mr. HAWKINS. We have very crude scientific tools. Even though we spent lots of money on it, the idea that a team of scientists can take a few years, wander around the forests and come up with "the answer"—well, the Greeks had a word for it. It's hubris. It's pride. And they're saying that because we spent a few years backpacking around these forests with a lot of instruments and we can't find anything, we should assume there is nothing.

Mr. KRUG. Actually, we do know a lot. We know that the acid rain problem is so small that it's hard to see, so it's the difference between an optimist and a pessimist, the classic example of whether the glass is full or empty. In this case, there's a couple of drops in the bottom of the glass and people are saying it's full and the rest of us are looking down and saying. "It looks mostly empty."

[From the Detroit News, Oct. 24, 1989]

THE ACID RAIN BOONDOGGLE

We invite your attention to excerpts of some congressional testimony reprinted on the opposite page. We stumbled across the testimony in the course of reporting on

President George Bush's proposal to reduce sulfur dioxide emissions from coal-burning power plants by 10 million tons a year, a 45-percent reduction on top of the 31-percent reduction already accomplished since 1973.

The testimony makes for some entertaining reading, conducted as it was by the witty Democrat, Sen. Daniel Patrick Moynihan of New York, and the acerbic Republican, Sen. John Chafee of Rhode Island. But it should also make disturbing reading for American electricity consumers, who would have to fund the Bush proposal to the tune of $4–6 billion a year, or as much as $120 billion over the next two decades. Most of the cost would be borne by electricity consumers in the Midwest and Southeast, with costs ranging between $98 and $180 a year in Michigan, but up to $900 per home in Ohio.

The bottom line on the expert testimony: This vast expenditure will achieve almost nothing. It might—might—help clean up about 75 of America's tens of thousands of lakes, but at a cost of billions—billions—per lake.

President Bush made this decision even though his economic advisers warned him there was no solid scientific or economic cost-benefit basis for such a reduction. The target of 10 million tons of sulfur dioxide was plucked out of thin air as a compromise between an industry proposal for a six million ton reduction and the environmental extremists' position of 14 million tons.

President Bush was advised to wait for the final 1990 report of the National Acid Precipitation Assessment Project (NAAPAP), created by Congress in 1980 to study this problem. It will be the most authoritative, extensive study of acid rain ever conducted. Despite an interim report last year indicating that acid rain might not be the serious problem it is cracked up to be. Mr. Bush's Environmental Protection Agency Administrator William Reilly successfully argued in favor of immediate action.

On Oct. 5, members of the Senate Subcommittee on Environmental Protection found out why Mr. Reilly was so eager to rush ahead. NAPAP Director James Mahoney admitted that the Bush program would do very little, even in 50 years, to change lake acidity in the Northeast. Even if nothing were done, he testified, there "would be no significant change" in the number of acidic lakes.

The senators also learned that NAPAP could find no evidence that acid rain was measurably hurting either crops or forests, and that it was only one of a number of factors affecting lake acidity. Or as Sen. Moynihan concluded: "It suggests to me that the sky is not falling."

Indeed it isn't Sen. Moynihan was particularly shocked to learn that in 20 years only 25 lakes would actually be "de-acidified" by spending $80–120 billion, or $4–6 billion a year on the Bush program. That's $5 billion per lake.

The fact is NAPAP's study completely vindicates the Reagan administration's refusal to spend vast amounts of the consumers' money on sulfur dioxide reduction programs and completely destroys the scientific or economic premise for the Bus program.

The scandal is not only that the administration went ahead despite this, but that so far not a single House committee working on that program has invited NAPAP or Dr. Mahoney to present their findings.

House Energy and Commerce Committee Chairman John Dingell, D-Mich., has expressed concern about the impact of a big acid rain cleanup on Michigan and other Midwestern states. He might want to ask his subcommittee chairman on Energy and Power, Phil Sharp, how he could hold four days of hearings on acid rain in the last three weeks and never include NAPAP, by now the country's foremost expert on acid rain.

Does Rep. Sharp know that Tennesseans face up to $464 more per year in electric bills under the Bush program? Or is his mind made up in advance of the facts?

The exchanges in the Senate subcommittee are so devastating that we decided to print extended excerpts, so the consumers can judge firsthand whether the new regulations are worth it. We think you will be as shocked and outraged at this boondoggle as we are. This country is rich, but it's not rich enough to throw away money like that.

[From Human Events, Nov. 4, 1989]

BUSH'S ACID RAIN PLAN: "EXPENSIVELY FUTILE"

(BY WARREN T. BROOKES)

At a hearing on October 5, members of the Senate Subcommittee on Environmental Protection discovered that the Bush Administration's acid rain program is expensively futile.

A preview of the 1990 final report by the National Acid Precipitation Assessment Project shows the Bush proposal to spend up to $4 billion to $6 billion a year to cut sulphur dioxide emissions will deacidify only 26 lakes in the Northeast after 20 years—and only 75 lakes after 50 years.

This means a 20-year cumulative cost of almost $5 billion per deacidified lake and after 50 years about $4 billion per lake. (By contrast, the 20-year cost of liming the average lake is less than $50,000.)

In his report to the Senate, James Mahoney, NAPAP director, admitted that even this scandalously small projection of benefits from the proposed Clean Air Program was iffy because: "There are significant uncertainties about the role that watershed mineral processes, organic acids and nitrates (in the soils) may play in the acidification and recovery process."

This is "science-ese" for admitting that, despite protestations, NAPAP knows there is very little correlation between acid-rain levels and acid lakes.

For example, Mahoney acknowledged that the highest acid lake concentration in any U.S. state is in Florida. Yet Florida gets hardly any acid-rain deposition, and, as Mahoney noted, its acid lakes were the result of natural causes.

Also contrary to spurious "new [but unreleased] research" by the Environmental Protection Agency, published geological core studies show that more than 80 percent of the acidic Northeast lakes were acidic in pre-industrial times.

Mahoney had to tell the Senate that "determining the precise percentage of acidic waters due wholly or in part to acidic deposition carries with it scientific and statistical uncertainties." This statement directly counteracted the propaganda with which EPA Director William Reilly had practically insisted Mahoney lead off his statement.

Mahoney granted that "the effects of constant, increased and decreased acid-rain deposition are not always statistically significant." Indeed they are not, either here or abroad.

In fact, the EPA's own data show that land use and soil composition are at least three times as statistically significant "causes" of acidic lakes as acid rain.

This is why NAPAP was forced to project that even if we do nothing, the number of acidic lakes in the Northeast will actually *decline* by one in the next 20 years, to a total of 161 and will only rise to 186 by the end of the next 50 years. Mahoney admitted, "What that really means, statistically, is no change at all."

Worse, even if we do as the Bush proposal suggests and cut SO_2 emissions by 10 million tons a year, raising electric bills in the Midwest by as much as $900 a year in Ohio, $630 in Indiana and Pennsylvania, $520 in Missouri, and more than $400 a year in Tennessee, West Virginia and Illinois, little will change.

When Democratic Sen. Daniel Patrick Moynihan of New York, a co-sponsor of the Bush Clean Air Program, heard this, he began to raise some carefully soft spoken hell: "No matter what legislation we pass, about 10 per cent of the lakes are going to be acidic beyond the lifetime of anybody in this room? We have to ask ourselves, is that the best way to spend $4 billion a year?"

It is especially questionable when *all* of the lakes in North America could *definitely* be deacidified immediately by boat-liming at a cost of less than $400,000 a year total!

But what about the other effects of acid rain on forests and crops? NAPAP Director Mahoney admitted: "Research has established that there is no measurable and consistent adverse crop-yield response from the direct effects of acidic rain at ambient levels in North America."

On the contrary, "an evaluation of the nutritional enrichment of some agricultural soils through the input of sulfur and nitrogen from acidic deposition indicates indirect benefits associated with decreased fertilizer requirements."

But what about trees? NAPAP said that "other than for red spruce, extensive surveys of forest condition have indicated no evidence of widespread forest decline in North America related to acidic deposition."

Even on red spruce, NAPAP said the effects were limited to about 6 per cent of the forests, all at high elevations (about 2,600 feet), and added, "Several natural stresses are related to these declines (droughts, freezes, disease, etc); and acid rain *may* intensify the effects of the natural stresses." (Emphasis added.)

In short, the NAPAP analysis shows now what it did in 1987: Acid rain is *not* a serious environmental problem (Moynihan concluded, "the sky is not falling"), and the cost of SO_2 reduction are ludicrously out of line with the benefits.

It's scandal waiting to be legislated.

Mrs. BOXER. Madam President, I rise to express my views on S. 171. Along with my distinguished colleagues, I strongly support the elevation of the Environmental Protection Agency to the status of a Cabinet-level Department of the Environment. Environmental protection is as important to the citizens of our Nation as are adequate programs for health, education, agriculture, commerce, and defense.

This bill will establish a long-overdue permanent place in the President's Cabinet for the EPA—an agency that has accomplished much since its creation in 1970 but which has many important national and international issues to address if we are to enter the next century with an environment that is cleaner, healthier, and better protected for future generations than it is now.

I would be remiss, however, if I did not express concern over one element of this otherwise excellent bill. Section 112 would abolish the Council on Environmental Quality [CEQ] and transfer its authority to oversee implementation of the National Environmental Policy Act [NEPA] to the new Environment Department. This transfer is opposed by most of the national environmental organizations, as well as by other distinguished scholars and practitioners of environmental law, primarily on two grounds.

First, it would remove the statutory basis for any environmental voice within the Executive Office of the President, leaving recognition of environmental concerns within that office entirely at the discretion of the President. Second, it would transfer oversight of our Nation's most fundamental environmental statute from the President's office to one department among many.

The Executive Office of the President has long included offices established in law to advise the President and to coordinate national policy with regard to the budget, national security, economic policy, and international trade, as well as the environmental. It is not at all clear to me why, given the growing importance of national and international environmental issues, we should now agree to repeal the basis in law for such an environmental policy office, or why any newly structured office should not retain a statutory foundation. The purpose for such a foundation is to assure that the office will endure from one administration to the next, providing a stable, professional source of advice and expertise to whoever occupies the White House.

CEQ has fulfilled that purpose for 23 years; I believe that if it is to be replaced by another office, that office should retain at least some of the statutory basis that has allowed CEQ to serve five successive Presidents.

Similarly, the incorporation of environmental concerns into the day-to-day activities of all Federal agencies that has taken place over the past 20 years has occurred in large part because Congress wisely placed the primary responsibility for overseeing and implementing the National Environmental Policy Act within the Executive Office of the President. Since all Federal agencies are required to carry out the requirements of NEPA, it seems only logical that the oversight responsibility for this fundamental statute remain at that level, rather than having it turned over to any one department or agency. There are serious practical and political problems inherent in having one department, no matter how well-intentioned, oversee or criticize the environmental programs and activities of another.

Madam President, we have not yet learned from Administrator Browner how she plans to address the staffing, budget, and administrative problems presented by this proposed transfer of NEPA authority; nor have we yet received a persuasive argument from the White House as to why, alone among the units within the Executive Office of the President, the environmental office should lack statutory authority or direction from Congress. I hope that these issues and concerns will be addressed as this legislation moves forward, and I urge my colleagues in both Houses to seek a resolution that will achieve the streamlining the White House seeks while advancing the cause of environmental protection.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as amended, is agreed to, and the bill is considered read the third time.

The question now occurs on final passage of the bill, as amended.

Mr. GLENN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been deemed read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 15, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—79

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—15

Bennett
Craig
Danforth
Gramm
Hatch
Helms
Kempthorne
Kerrey
Murkowski
Nickles
Pressler
Simpson
Smith
Thurmond
Wallop

NOT VOTING—6

Bumpers
Lugar
Nunn
Pell
Stevens
Warner

So the bill (S. 171, as amended) was passed as follows:

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Environmental Protection Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Establishment of the Department of Environmental Protection.
Sec. 104. Assistant Secretaries.
Sec. 105. Deputy Assistant Secretaries.
Sec. 106. Office of the General Counsel.
Sec. 107. Office of the Inspector General.
Sec. 108. Small business compliance assistance.
Sec. 109. Small governmental jurisdiction compliance assistance.
Sec. 110. Bureau of Environmental Statistics.
Sec. 111. Grant and contract authority for certain activities.
Sec. 112. Study of data needs.
Sec. 113. Miscellaneous employment restrictions.
Sec. 114. Termination of the Council on Environmental Quality and transfer of functions.
Sec. 115. Administrative provisions.
Sec. 116. Inherently governmental functions.
Sec. 117. References.
Sec. 118. Savings provisions.
Sec. 119. Conforming amendments.
Sec. 120. Additional conforming amendments.
Sec. 121. Sense of the Senate.
Sec. 122. Office of Environmental Justice.
Sec. 123. Human health and safety or the environment final regulations.
Sec. 124. Wetland determinations by a single agency.

TITLE II—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

Sec. 201. Establishment; membership.
Sec. 202. Commission responsibilities.
Sec. 203. Report to the President and Congress.
Sec. 204. Commission staff.
Sec. 205. Advisory groups.
Sec. 206. Termination of Commission.
Sec. 207. Funding; authorization of appropriations.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of Environmental Protection Act".

SEC. 102. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves cooperation with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection at the Environmental Protection Agency is commensurate with departmental status; and

(4) a cabinet-level Department of Environmental Protection should be established.

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) Redesignation.—The Environmental Protection Agency is hereby redesignated as the Department of Environmental Protection (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government. The official acronym of the Department shall be the "U.S.D.E.P.".

(b) Secretary of Environmental Protection.—(1) There shall be at the head of the Department a Secretary of Environmental Protection who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(3) Except as described under paragraph (2) of this section and section 104(b)(2), and notwithstanding any other provision of law, the Secretary may delegate any functions including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as determined to be necessary or appropriate.

(c) Deputy Secretary.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the position of Secretary.

(d) Office of the Secretary.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary and such other executive officers as the Secretary may determine necessary.

(e) Regional Offices.—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

(f) International Responsibilities of the Secretary.—(1) In addition to exercising other international responsibilities under existing provisions of law, the Secretary is—

(A) encouraged to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations, relevant to environmental protection; and

(B) authorized and encouraged to—

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment.

(2) The Secretary of State shall consult with the Secretary of Environmental Protection and such other persons as he determines appropriate on such negotiations, implementations, and participations described under paragraph (1)(A).

(g) Authority of the Secretary Within the Department.—Except as provided under section 112, nothing in the provisions of this Act—

(1) authorizes the Secretary of Environmental Protection to require any action by any officer of any executive department or agency other than officers of the Department of Environmental Protection, except that this paragraph shall not affect any authority provided for by any other provision of law authorizing the Secretary of Environmental Protection to require any such actions;

(2) modifies any Federal law that is administered by any executive department or agency; or

(3) transfers to the Department of Environmental Protection any authority exercised by any other Federal executive department or agency prior to the date of the enactment of this Act, except the authority exercised by the Environmental Protection Agency.

(h) Application to the Department of Environmental Protection.—The provisions of this Act apply only to activities of the Department of Environmental Protection, except where expressly provided otherwise.

(i) Issuance of Permits.—

(1) Guides.—At the time a person or small business concern (as defined in section 3 of the Small Business Act), including family farms, contacts an officer or employee of the Department to obtain a permit to engage in an activity under the jurisdiction of the Department, the Secretary shall make available, on request of the person, an employee of the Department to—

(A) act as a guide for the applicant in obtaining all necessary permits for the activity in the least quantity of time practicable; and

(B) facilitate the gathering and dissemination of information with respect to the Federal agencies and departments and agencies of States and political subdivisions of States that have a regulatory interest in the activity to reduce the period required to obtain all such necessary permits.

(2) Duties of secretary.—In issuing a permit to an applicant to carry out an activity under the jurisdiction of the Department, the Secretary shall—

(A) provide assistance and guidance to, and otherwise facilitate the processing of the application for, the applicant; and

(B) set reasonable deadlines for action to be taken on an application for the permit.

(3) Use of guides.—An applicant that chooses to use the services of a guide referred to in paragraph (1) may subsequently choose not to use the services at any time after requesting the guide.

SEC. 104. ASSISTANT SECRETARIES.

(a) Establishment of Positions.—There shall be in the Department such number of Assistant Secretaries, not to exceed 12, as the Secretary shall determine, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities of Assistant Secretaries.—(1) The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(A) enforcement;

(B) compliance monitoring;

(C) research and development;

(D) air;

(E) radiation;

(F) water;

(G) pesticides;

(H) toxic substances;

(I) solid waste;

(J) hazardous waste;

(K) hazardous waste cleanup;

(L) emergency response;

(M) international affairs;

(N) policy, planning, and evaluation;

(O) pollution prevention;

(P) congressional affairs;

(Q) intergovernmental affairs;

(R) public affairs;

(S) administration and resources management, information resources management, procurement and assistance management, and personnel and labor relations; and

(T) regional operations and State and local capacity.

(2) The Secretary may assign and modify any responsibilities at his discretion under paragraph (1), except that the Secretary may not modify the responsibilities of any Assistant Secretary without prior written notification with explanation of such modification to the appropriate committees of the Senate and the House of Representatives.

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

(c) Designation of Responsibilities Prior to Confirmation.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) Continuing Performance of Functions.—On the effective date of this Act, the Administrator and Deputy Administrator of the Environmental Protection Agency shall be redesignated as the Secretary and Deputy Secretary of the Department of Environmental Protection, Assistant Administrators of the Agency shall be redesignated as Assistant Secretaries of the Department, the General Counsel and the Inspector General of the Agency shall be redesignated as the General Counsel and the Inspector General of the Department, and the Chief Financial Officer of the Agency shall be redesignated as the Chief Financial Officer of the Department, without renomination or reconfirmation.

(e) Chief Information Resources Officer.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information resource management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information resource management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

SEC. 105. DEPUTY ASSISTANT SECRETARIES.

(a) Establishment of Positions.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) Appointments.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) Functions.—Functions assigned to an Assistant Secretary under section 104(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 106. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 107. OFFICE OF THE INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.

(a) Establishment.—

(1) In general.—The Secretary of Environmental Protection shall establish within the Department a Small Business Ombudsman Office (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director designated by the Secretary.

(2) Duties.—

(A) In general.—The Director shall report directly to the Secretary. The Secretary, acting through the Director, shall develop and carry out programs of environmental compliance and technical assistance for small business concerns (as defined in section 3 of the Small Business Act), including family farms.

(B) Specific duties.—The duties of the Office shall include—

(i) providing to small business concerns—

(I) confidential compliance assistance;

(II) explanations of environmental regulatory requirements; and

(III) available environmental reports and documents;

(ii) assembling and disseminating to small business concerns information on approaches to achieving compliance with environmental laws and improving environmental performance and product yield, including new environmental technologies and techniques for preventing pollution;

(iii) carrying out the functions assigned to the Small Business Ombudsman under section 507 of the Clean Air Act Amendments of 1990;

(iv) serving as the Department's liaison to and advocate for the small business community;

(v) ensuring, as appropriate, consideration of the concerns of small business in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act;

(vi) coordinating the Department's small business compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(vii) providing assistance in permitting, where appropriate.

(b) Coordination With National Institute of Standards and Technology.—Not later than 180 days after the date of enactment of this Act, the Secretary of Environmental Protection and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Department to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce. Such assistance shall include—

(1) preparing environmental assistance packages for small business concerns generally, and where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sector; and

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of such improvement.

(c) Coordination With Other Federally Supported Extension Programs.—The Secretary of Environmental Protection may coordinate with other small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small businesses.

SEC. 109. SMALL GOVERNMENTAL JURISDICTION COMPLIANCE ASSISTANCE.

(a) In General.—The Secretary of Environmental Protection shall develop and carry out programs of environmental compliance and technical assistance for small governmental jurisdictions as defined in section 601(5) of title 5, United States Code.

(b) Specific Duties.—The duties of the Secretary of Environmental Protection shall include—

(1) providing to small governmental jurisdictions—

(A) compliance assistance;

(B) explanations of environmental regulatory requirements; and

(C) available environmental reports and documents;

(2) assembling and disseminating to small governmental jurisdictions information on approaches to achieving compliance with environmental laws and improving environmental performance, including new environmental technologies and techniques for preventing pollution;

(3) designating liaisons to serve as advocates for small governmental jurisdictions, as appropriate;

(4) ensuring, as appropriate, consideration of the concerns of small governmental jurisdictions in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(5) coordinating the Department of Environmental Protection's small governmental jurisdiction environmental compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(6) providing assistance in permitting, where appropriate.

SEC. 110. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) Establishment.—(1) There is established within the Department a Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of environmental quality statistics which should provide timely summary in the form of industrywide aggregates, multiyear averages, or totals or some similar form and include information on—

(i) the nature, source, and amount of pollutants in the environment; and

(ii) the effects on the public and the environment of those pollutants;

(B) promulgating guidelines for the collection of information by the Department required for the statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(C) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(D) making readily accessible the statistics published under this paragraph; and

(E) identifying missing information of the kind described under subparagraph (A) (i) and (ii), reviewing these information needs at least annually with the Science Advisory Board, and making recommendations to the appropriate Department of Environmental Protection officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, State or local government, or to establish observation or monitoring programs. The Bureau shall not duplicate the information collection functions of other Federal agencies.

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

(b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. The Director shall be a qualified individual with experience in the compilation and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) ENVIRONMENTAL STATISTICS ANNUAL REPORT.—On July 1, 1995, and each July 1 thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include, but not be limited to—

(1) statistics on environmental quality including—

(A) The environmental quality of the Nation with respect to all aspects of the environment, including, but not limited to, the air, aquatic ecosystems, including marine, estuarine, and fresh water, and the terrestrial ecosystems, including, but not limited to, the forest, dry-land, wetland, range, urban, suburban, and rural environment; and

(B) changes in the natural environment, including the plant and animal systems, and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(2) statistics on the effects of changes in environmental quality on human health and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the statistics presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(e) ADVISORY COUNCIL ON ENVIRONMENTAL STATISTICS.—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on environmental statistics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(f) REVIEW OF REGULATIONS.—For each proposed new regulation and each proposed change to existing regulations the Director shall publish in the Federal Register as part of the notice of the proposed rulemaking, a comprehensive assessment of specific costs and benefits resulting from implementation of the proposed new regulation or the proposed regulatory change including an assessment of the total number of direct and indirect jobs to be gained or lost as a result of implementation of the proposed new regulation or the proposed regulatory change. Such assessment shall be required to the extent that the Department of Environmental Protection is not in compliance with any applicable Executive Order requiring an analysis of costs and benefits for proposed regulations submitted to the Office of Management and Budget for review. The assessment required by this subsection shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person.

SEC. 111. GRANT AND CONTRACT AUTHORITY FOR CERTAIN ACTIVITIES.

The Secretary may make grants to and enter into contracts with State and local governments, Indian tribes, universities, and other organizations to assist them in meeting the costs of collecting specific data and other short term activities that are related to the responsibilities and functions under section 108(a)(1) (A), (B), (C), and (D).

SEC. 112. STUDY OF DATA NEEDS.

(a) STUDY OF DATA NEEDS.—(1) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Environmental Protection, in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(A) data collection procedures and capabilities;

(B) data analysis procedures and capabilities;

(C) the ability to integrate data bases;

(D) computer hardware and software capabilities;

(E) management information systems, including the ability to integrate management information systems;

(F) Department personnel; and

(G) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(2) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 113. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(b) REPORTS ON IMPLEMENTATION.—One year after the date of the enactment of this title and again 3 years after the date of the enactment of this title, the Secretary shall report to the Senate Committees on Appropriations, Governmental Affairs, and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been implemented, including a justification of increased staffing not required in the execution of this title.

SEC. 114. TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND TRANSFER OF FUNCTIONS.

(a) TRANSFER OF FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—(1) Except as provided under paragraph (2), all functions of the Council on Environmental Quality under titles I and II of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and under any other law, are transferred to the Secretary. The Secretary is authorized to take all necessary action, including the promulgation of regulations, to carry out these functions.

(2) Referrals of interagency disagreements concerning proposed major Federal actions significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 102(2)(C)) and concerning matters under section 309(b) of the Clean Air Act (42 U.S.C. 7609(b)) shall be made to the President for resolution.

(b) TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—(1) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) is amended by striking out "Council" and inserting in lieu thereof "Secretary of Environmental Protection".

(2) Sections 202, 203, 205, 206, 207, and 208 of the National Environmental Policy Act (42 U.S.C. 4342, 4343, 4345, 4346, 4346a, and 4346b) are repealed.

(3) The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371 through 4375) is repealed.

(4) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) (as amended by paragraph (1) of this subsection) is redesignated as section 202 of such Act.

(5) The heading for title II of the National Environmental Policy Act is amended to read as follows:

"TITLE II

"ENVIRONMENTAL QUALITY REPORT".

(c) REFERENCES IN FEDERAL LAW.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Council on Environmental Quality—

(1) with regard to functions transferred under subsection (a)(1), shall be deemed to refer to the Secretary; and

(2) with regard to disagreements and matters described under subsection (a)(2), shall be deemed to refer to the President.

(d) AVAILABILITY OF FUNDS.—Unobligated funds available to the Council on Environmental Quality shall remain available to the Department until expended for the gradual and orderly termination of the Council and transfer of Council functions as provided in this Act.

(e) SAVINGS PROVISIONS.—(1) All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, by the Council on Environmental Quality, or by a court of competent jurisdiction, in the performance of functions of the Council on Environmental Quality, and

(B) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Environmental Protection, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Council on Environmental Quality at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) The provisions of this section shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(4) No suit, action, or other proceeding commenced by or against the Council on Environmental Quality, or by or against any individual in the official capacity of such individual as an officer of the Council on Environmental Quality, shall abate by reason of the enactment of this Act.

(5) Any administrative action relating to the preparation or promulgation of a regulation by the Council on Environmental Quality may be continued by the Department or the President with the same effect as if this Act had not been enacted.

(6) The contracts, liabilities, records, property, and other assets and interests of the Council on Environmental Quality shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 115. ADMINISTRATIVE PROVISIONS.

(a) ACCEPTANCE OF MONEY AND PROPERTY.—(1) The Secretary may accept and retain money, uncompensated services, and other real and personal property or rights (whether by gift, bequest, devise, or otherwise) for the purpose of carrying out the Department's programs and activities, except that the Secretary shall not endorse any company, product, organization, or service. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be credited in a separate fund in the Treasury of the United States and shall be available for disbursement upon the order of the Secretary.

(2) The Secretary shall prescribe regulations and guidelines setting forth the criteria the Department shall use in determining whether to accept a gift, bequest, or devise. Such criteria shall take into consideration whether the acceptance of the property would reflect unfavorably upon the Department's or any employee's ability to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.

(b) SEAL OF THE DEPARTMENT.—(1) On the effective date of this Act, the seal of the Environmental Protection Agency with appropriate changes shall be the seal of the Department of Environmental Protection, until such time as the Secretary may cause a seal of office to be made for the Department of Environmental Protection of such design as the Secretary shall approve.

(2)(A) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§716. Department of Environmental Protection Seal

"(a) Whoever knowingly displays any printed or other likeness of the official seal of the Department of Environmental Protection, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the Secretary of Environmental Protection and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department of Environmental Protection, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(c) A violation of subsection (a) or (b) may be enjoined at the suit of the Attorney General of the United States upon complaint by any authorized representative of the Secretary of the Department of Environmental Protection.".

(B) The table of sections for chapter 33 of title 18, United States Code, is amended by adding at the end thereof:

"716. Department of Environmental Protection Seal.".

(c) ACQUISITION OF COPYRIGHTS AND PATENTS.—The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(d) ADVISORY COMMITTEE COMPENSATION.—The Secretary is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 116. INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) GOVERNMENT OFFICERS AND EMPLOYEES.—(1) Inherently governmental functions of the Department shall be performed only by officers and employees of the United States. For purposes of this section, the term "inherently governmental function" means any activity which is so intimately related to the public interest as to mandate performance by Government officers and employees. Inherently governmental functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. The Secretary shall promulgate regulations or internal guidance to implement this section. This section is not intended, and may not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department, its officers, or any person.

(b) CONFLICTS OF INTEREST.—(1) The Secretary shall by regulation require any person proposing to enter into a contract, grant, or cooperative agreement whether by sealed bid or negotiation, for the conduct of research, development, evaluation activities, or for consulting services, to provide the Secretary, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Secretary, bearing on whether that person has a possible conflict of interest with respect to—

(A) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons; or

(B) being given an unfair competitive advantage.

(2) Such person shall ensure, in accordance with regulations prescribed by the Secretary, compliance with this section by subcontractors of such person who are engaged to perform similar services.

(3) For purposes of this subsection, the term "consulting services" includes—

(A) management and professional support services;

(B) studies, analyses, and evaluations;

(C) engineering and technical services, excluding routine engineering services such as automated data processing and architect and engineering contracts; and

(D) research and development.

(c) Require Affirmative Finding; Conflicts of Interest Which Cannot Be Avoided; Mitigation of Conflicts.—(1) Subject to the provisions of paragraph (2), the Secretary may not enter into any such contract, agreement, or arrangement, unless he affirmatively finds, after evaluating all such information and any other relevant information otherwise available to him, either that—

(A) there is little or no likelihood that a conflict of interest would exist; or

(B) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement.

(2) If the Secretary determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Secretary may enter into such contract, agreement, or arrangement, if the Secretary—

(A) determines that it is in the best interests of the United States to do so; and

(B) includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

(d) Public Notice Regarding Conflicts of Interest.—The Secretary shall promulgate regulations which require public notice to be given whenever the Secretary determines that the award of a contract, agreement, or arrangement may result in a conflict of interest which cannot be avoided by including appropriate conditions therein.

(e) Disclaimer.—Nothing in this section shall preclude the Department from promulgating regulations to monitor potential conflicts after the contract award.

(f) Central File.—The Department shall maintain a central file regarding all cases when a public notice is issued. Other information required under this section shall also be compiled. Access to this information shall be controlled to safeguard any proprietary information.

(g) Regulations.—No later than 120 days after the effective date of this Act, the Secretary shall promulgate regulations for the implementation of this section.

SEC. 117. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of Environmental Protection;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of Environmental Protection; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of Environmental Protection.

SEC. 118. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Environmental Protection, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) Suits Not Affected.—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the Environmental Protection Agency may be continued by the Department with the same effect as if this Act had not been enacted.

(f) Property and Resources.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

(g) Savings.—The Department of Environmental Protection and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency.

SEC. 119. CONFORMING AMENDMENTS.

(a) Presidential Succession.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) Definition of Department, Civil Service Laws.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of Environmental Protection".

(c) Compensation, Level I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Secretary of Environmental Protection".

(d) Compensation, Level II.—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) Compensation, Level IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection"; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection Agency and by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection (12).

"General Counsel, Department of Environmental Protection."; and

(3) by striking out "Chief Financial Officer, Environmental Protection agency" and inserting in lieu thereof "Chief Financial Officer, Department of Environmental Protection".

(f) Compensation, Level V.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Bureau of Environmental Statistics, Department of Environmental Protection.

"Executive Director of the Commission on Improving Environmental Protection.".

(g) Inspector General Act.—The Inspector General Act of 1978 is amended—

(1) in section 11(1), by inserting "Environmental Protection," after "Energy,"; and

(2) in section 11(2), by inserting "Environmental Protection," after "Energy,".

SEC. 120. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works and other appropriate committees of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of Environmental Protection shall prepare and submit to the Congress legislation which the Secretary determines is necessary and appropriate containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act.

SEC. 121. SENSE OF THE SENATE.

It is the sense of the Senate that building the capacity of State and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of Environmental Protection.

SEC. 122. OFFICE OF ENVIRONMENTAL JUSTICE.

There is established within the Department the Office of Environmental Justice. The Office of Environmental Justice shall—

(1) develop a strategic plan to ensure equality in environmental protection;

(2) evaluate whether environmental policy is helping individuals who suffer the highest exposure to pollution, and identify opportunities for preventing or reducing such exposure;

(3) compile an annual report on progress in achieving environmental equity;

(4) require the collection of data on environmental health effects so that impacts on different individuals or groups can be understood;

(5) identify environmental high impact areas which are subject to the highest loadings of toxic chemicals, through all media; and

(6) assess the health effects that may be caused by emissions in the environmental high impact areas of highest impact.

SEC. 123. HUMAN HEALTH AND SAFETY OR THE ENVIRONMENT FINAL REGULATIONS.

(a) In promulgating any final regulation relating to human health and safety or the environment after the date of enactment of this Act, the Secretary of Environmental Protection shall publish in the Federal Register—

(1) an estimate, performed with as much specificity as practicable, of the risk to the health and safety of individual members of the public addressed by the regulation and its affect on human health or the environment and the costs associated with implementation of, and compliance with, the regulation;

(2) a comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed;

(3) the Secretary's certification that—

(A) the estimate under paragraph (1) and the analysis under paragraph (2) are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

(B) the regulation will substantially advance the purpose of protecting the human health and safety or the environment against the specified identified risk; and

(C) the regulation will produce benefits to the human health and safety or the environment that will justify the cost to the Government and the public of implementation of and compliance with the regulation.

(b) In the event that the Secretary cannot make the certification required under subsection (a), the Secretary shall report to Congress that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the final regulation.

(c) The certification required by this section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person.

SEC. 124. WETLAND DETERMINATIONS BY A SINGLE AGENCY.

In consultation with the Secretary of Agriculture, the Secretary of Environmental Protection, the Secretary of the Army, and the Secretary of the Interior, the President shall, within 90 days of the date of enactment of this Act, make recommendations and report to the Congress on measures to—

(1) provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agricultural lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers; and

(2) provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

TITLE II—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

SEC. 201. ESTABLISHMENT; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established the Commission on Improving Environmental Protection (hereafter referred to as "the Commission") whose 13 members including the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, consisting of—

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the Minority Leader of the House of Representatives;

(4) 2 members to be appointed by the Senate Majority Leader; and

(5) 1 member to be appointed by the Senate Minority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President.

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

SEC. 202. COMMISSION RESPONSIBILITIES.

(a) RESPONSIBILITIES.—The Commission shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs within the jurisdiction of the Department of Environmental Protection in order to enhance the ability of the Department to preserve and protect human health and the environment. The Commission shall make recommendations and otherwise advise the President and the Congress on the need to—

(1) enhance and strengthen the management and implementation of existing programs within the Department;

(2) enhance the organization of the Department to eliminate duplication and overlap between different programs;

(3) enhance the coordination between different programs and offices within the Department;

(4) enhance the consistency of policies throughout the Department;

(5) establish new and enhanced small business and small governmental jurisdictions compliance assistance programs, and to strengthen organizational mechanisms in the Department for providing better compliance and technical assistance to small businesses and small governmental jurisdictions; and

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

(b) RECOMMENDATIONS.—The Commission shall provide specific steps and proposals for implementing the Commission's recommendations including an estimate of the costs of implementing such recommendations, except that the Commission shall not suggest substantive changes in the policy expressed by existing laws.

(c) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

SEC. 203. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this title, and in a final report no later than 24 months after the effective date of this title. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

SEC. 204. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

SEC. 205. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of Environmental Protection and its predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection. The Executive Director is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code. The advisory group shall be subject to the provisions of the Federal Advisory Committee Act.

SEC. 206. TERMINATION OF COMMISSION.

No later than 90 days after the date on which the Commission submits its final report, the Commission shall terminate unless otherwise directed by the President.

SEC. 207. FUNDING; AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 in fiscal year 1993 and $2,000,000 in fiscal year 1994 to carry out the provisions of this title.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect 6 months after the date of the enactment of this Act.

The title was amended so as to read:

Amend the title so as to read "A bill to establish the Department of Environmental Protection, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.".

Mr. GLENN. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOBBYING DISCLOSURE ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the clerk will now report Calendar No. 54.

The assistant legislative clerk read as follows:

A bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak investigative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide for the disclosure of the efforts of paid lobbyists to influence Federal legislative or executive branch officials in the conduct of Government actions; and

(2) afford the fullest opportunity to the people of the United States to exercise their constitutional right to petition their Government for a redress of grievances, to express their opinions freely to their Government, and to provide information to their Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "agency" has the same meaning as such term is defined under section 551(1) of title 5, United States Code.

(2) The term "client" means any person who employs or retains another person for financial or other compensation to conduct lobbying activities on its own behalf. An organization whose employees conduct lobbying activities on its behalf is both a client and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the client is the coalition or association and not its individual members.

(3) The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee of the Executive Office of the President other than a clerical or secretarial employee;

(D) any officer or employee serving in an Executive level I, II, III, IV, or V position, as designated in statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined under section 3232(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential or policy-determining character under Schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.

(4) The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of Congress;

(C) any employee of a Member of the House of Representatives, of a committee of the House of Representatives, or on the leadership staff of the House of Representatives, other than a clerical or secretarial employee;

(D) any employee of a Senator, of a Senate Committee, or on the leadership staff of the Senate, other than a clerical or secretarial employee; and

(E) any employee of a joint committee of the Congress, other than a clerical or secretarial employee.

(5) The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of an organization, but does not include—

(A) independent contractors or other agents who are not regular employees; or

(B) volunteers who receive no financial or other compensation from the organization for their services.

(7) The term "foreign entity" means—

(A) a government of a foreign country or a foreign political party (as such terms are defined in section 1 (e) and (f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 (e) and (f)));

(B) a person outside the United States, other than a United States citizen or an organization that is organized under the laws of the United States or any State and has its principal place of business in the United States; or

(C) a partnership, association, corporation, organization, or other combination of persons that is organized under the laws of or has its principal place of business in a foreign country.

(8) The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended for use in contacts, and coordination with the lobbying activities of others. Lobbying activities include grass roots lobbying communications (as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986) to the extent that such activities are made in direct support of lobbying contacts.

(9)(A) The term "lobbying contact" means any oral or written communication with a covered legislative or executive branch official made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license) except that it does not include communications that are made to officials serving in the Senior Executive Service or the uniformed services in the agency responsible for taking such action.

(B) The term shall not include communications that are—

(i) made by public officials acting in their official capacity;

(ii) made by representatives of a media organization who are primarily engaged in gathering and disseminating news and information to the public;

(iii) made in a speech, article or other publication, or through the media;

(iv) made on behalf of a foreign principal and disclosed under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.);

(v) requests for appointments, requests for the status of a Federal action, or other similar ministerial contacts, if there is no attempt to influence covered legislative or executive branch officials;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or office of Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or office;

(viii) information provided in writing in response to a specific written request from a Federal agency or a congressional committee, subcommittee, or office;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to agency officials with regard to judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or filings required by statute or regulation;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) written comments filed in a public docket and other communications that are made on the record in a public proceeding; and

(xv) made on behalf of an individual with regard to such individual's benefits, employment, other personal matters involving only that individual, or disclosures by that individual pursuant to applicable whistleblower statutes.

(10) The term "lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include lobbying contacts, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client.

(11) The term "organization" means any corporation (excluding a Government corporation), company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations. Such term shall not include any Federal, State, or local unit of government

(other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), organization of State or local elected or appointed officials, any Indian tribe, any national or State political party and any organizational unit thereof, or any Federal, State, or local unit of any foreign government.

(12) The term "public official" means any elected or appointed official who is a regular employee of a Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), an organization of State or local elected or appointed officials, an Indian tribe, a national or State political party or any organizational unit thereof, or a Federal, State, or local unit of any foreign government.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—(1) No later than 30 days after a lobbyist first makes a lobbying contact or agrees to make lobbying contacts, such lobbyist (or, as provided under subsection (c)(2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) Notwithstanding paragraph (1), any person whose total income or total expenses in connection with lobbying activities on behalf of a particular client do not exceed, or are not expected to exceed, $1,000 in a semiannual period is not required to register for such client.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities in a semiannual period;

(B) significantly participates in the supervision or control of the lobbying activities; and

(C) has a direct financial interest in the outcome of the lobbying activities;

(4) the name, principal place of business, and approximate percentage of equitable ownership in the client (if any) [or] *of* any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client;

(B) directly or indirectly, in whole or in major part, supervises, controls, directs, finances, or subsidizes the activities of the client; or

(C) is an affiliate of the client that has a direct interest in the outcome of the lobbying activity;

(5) a statement of the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client and, to the extent practicable, a list of specific issues that have already been addressed or are likely to be addressed; and

(6) the name of each employee of the registrant whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered legislative or executive branch official in the 2 years prior to the date of the registration (or a report amending the registration), the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—(1) In the case of a registrant representing more than one client, a separate registration shall be filed for each client represented.

(2) Any organization that has one or more employees who are lobbyists shall file a single registration for each client on behalf of its employees who engage in lobbying activities on behalf of such client.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which it is registered, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period.

(b) CONTENTS OF REPORT.—Each semiannual report filed under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which the registrant engaged in significant lobbying activities, including a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans, to the maximum extent practicable;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client during the semiannual filing period;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest in the issue, if any, of any foreign entity identified under section 4(b)(4);

(3) in the case of a registrant lobbying on behalf of a client other than the registrant, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person to lobby on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant lobbying on its own behalf, a good faith estimate of the total expenses that the organization and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For the purpose of this section, estimates of income or expenses shall be made as follows:

(1) Income or expenses of $200,000 or less shall be estimated by the following categories:

(A) At least $1,000 but not more than $10,000.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(E) More than $100,000 but not more than $200,000.

(2) Income or expenses in excess of $200,000 shall be estimated and rounded to the nearest $100,000.

(3) Any registrant whose total income or total expenses are less than $1,000 in a semiannual period (as estimated under subsection (b) (3) or (4), or under paragraph (4) of this subsection, as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director, in such form as the Director may prescribe.

(4) In the case of registrants that are required to report or identify lobbying income or expenses under sections 6033 and 6104 of the Internal Revenue Code of 1986, regulations developed under section 6 shall provide that the amounts required to be disclosed under such sections, or a good faith estimate of such amounts, may be reported (by category of dollar value) to meet the requirements of subsection (b) (3) or (4) of this section.

(5) In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor or agent of the registrant who is separately registered under this Act.

(d) CONTACTS WITH CONGRESSIONAL COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a congressional committee, an employee of a congressional committee, or an employee of a member of a congressional committee regarding a matter within the jurisdiction of such committee is a contact with the committee.

(e) EXTENSION FOR FILING.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, on the request of the registrant, for good cause shown.

SEC. 6. ADMINISTRATIVE DUTIES OF THE OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT.—(1) There is established within the Department of Justice an Office of Lobbying Registration and Public Disclosure, which shall be headed by a Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be an individual who, by demonstrated ability, background, training, and experience, is especially qualified to carry out the functions of the position.

(2) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Office of Lobbying Registration and Public Disclosure, Department of Justice.".

(b) DUTIES.—The Director of the Office of Lobbying Registration and Public Disclosure shall—

(1) after notice and an opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such rules, forms, penalty schedules, and procedural regulations as are necessary for the implementation of this Act;

(2) provide guidance and assistance on the registration and reporting requirements of this Act, including, to the extent practicable, the issuance of published decisions and advisory opinions;

(3) review and make such supplemental verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this Act, including computerized systems designed to minimize the burden of filing and

maximize public access to materials filed under this Act;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this Act to be accessed by the name of the client, the lobbyist, and the registrant; and

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced;

(6) make copies of each registration and report filed under this Act available to the public in electronic and hard copy formats as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of registrations until such time as they are terminated, and of reports for a period of no less than 2 years from the date on which the report is received;

(8) maintain a computer record of the information contained in registrations and reports for no less than 5 years after the date on which such registrations and reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed during such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication and other means, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under this Act and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 2 working days) after such material is received or created; and

(12) transmit to the President and the Congress an annual report describing the activities of the Office and the implementation of this Act, including—

(A) a financial statement for the preceding year;

(B) a summary of the registrations and reports filed with the Office in the preceding year;

(C) a summary of the registrations and reports filed on behalf of foreign entities in the preceding year; and

(D) recommendations for such legislative or other action as the Director considers appropriate.

SEC. 7. INFORMAL RESOLUTION OF ALLEGED NONCOMPLIANCE.

(a) ALLEGATION OF NONCOMPLIANCE.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person may be in noncompliance with the requirements of this Act, the Director shall notify the person in writing of the nature of the alleged noncompliance and provide an opportunity for the person to respond in writing to the allegation within 30 days or such longer period as the Director may determine appropriate in the circumstances.

(b) INFORMAL RESOLUTION.—If the person responds within 30 days or other time limit set by the Director, the Director shall—

(1) take no further action, if the person provides adequate information or explanation to determine that it is unlikely that a noncompliance exists;

[(2) treat the noncompliance as a minor noncompliance and, if appropriate, assess a penalty under section 8, if the person agrees that there was a noncompliance and corrects such noncompliance; or]

(2) if the person admits that there was a noncompliance and corrects such noncompliance—

(A) in the case of a minor noncompliance, take no further action; or

(B) in the case of a significant noncompliance, treat the matter as a minor noncompliance for the purpose of section 8; or

(3) make a determination under section 8, if the information or explanation provided indicates that a noncompliance may exist.

(c) FORMAL REQUEST FOR INFORMATION.—If the person fails to respond in writing within 30 days or other time limit set by the Director, or the response is not adequate to determine whether a noncompliance exists, the Director may make a formal request for specific additional information (subject to applicable privileges) that is reasonably necessary for the Director to determine whether the alleged noncompliance in fact exists. Each such request shall be structured in a way to minimize the burden imposed, consistent with the need to determine whether the person is in compliance, and shall—

(1) state the nature of the conduct constituting the alleged noncompliance which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the material so requested may be assembled and made available for inspection and copying or reproduction.

(d) NONDISCLOSURE OF INFORMATION.—Information provided to the Director under this section shall not be made available to the public without the consent of the person providing the information, except that—

(1) any new or amended report or registration filed in connection with an inquiry under this section shall be made available to the public in the same manner as any other registration or report filed under section 4 or 5; and

(2) written decisions issued by the Director under sections 8 and 9 may be published after appropriate redaction to ensure that confidential information is not disclosed.

SEC. 8. DETERMINATIONS OF NONCOMPLIANCE.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 7 indicates that a noncompliance may exist, the Director shall—

(1) notify the person in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days;

(2)(A) in the case of a minor noncompliance, afford the person a 30-day period in which to request an oral hearing before an independent presiding official; and

(B) grant such a request made during such period for good cause shown; and

(3) in the case of a significant noncompliance, afford the person an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code, if requested by such person within 30 days.

(b) DETERMINATION.—Upon the receipt of a written response, the completion of a hearing, or the expiration of 30 days, the Director shall review the information received under this section and section 7 and make a final determination whether there was a noncompliance and a final determination of the penalty, if any. If no written response or request for a hearing was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final and nonappealable order.

(c) WRITTEN DECISION.—If the Director makes a final determination that there was a noncompliance, the Director shall issue a public written decision—

(1) requiring that the noncompliance be included in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis;

(2) directing the person to correct the noncompliance; and

(3) assessing a civil monetary penalty in an amount determined as follows:

(A) In the case of a minor noncompliance, the amount shall be no more than $10,000, depending on the nature and extent of the noncompliance.

(B) In the case of a significant noncompliance, the amount shall be more than $10,000, but no more than $100,000, depending on the nature and extent of the noncompliance.

(d) CIVIL INJUNCTIVE RELIEF.—If a person fails to comply with a directive to correct a noncompliance under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief.

(e) PENALTY ASSESSMENTS.—(1) No penalty shall be assessed under this section unless the Director finds that the person subject to the penalty knew or should have known that such person was not in compliance with the requirements of this Act. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the noncompliance and such other matters as justice may require. The Director shall not assess a penalty in an amount greater than that recommended by an administrative law judge after a hearing on the record under subsection (a)(3) unless the Director determines that the recommendation of the administrative law judge is arbitrary and capricious or an abuse of discretion.

(2) Regulations prescribed by the Director under section 6 shall define minor and significant noncompliances. Significant noncompliances shall be defined to include a knowing failure to register and any other knowing noncompliance that is extensive or repeated.

SEC. 9. OTHER VIOLATIONS.

(a) LATE REGISTRATION OR FILING; FAILURE TO PROVIDE INFORMATION.—If a person registers or files more than 30 days after a registration or filing is required under this Act, or fails to provide information requested by the Director under section 7(c), the Director shall—

(1) notify the person in writing of the noncompliance and a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days; and

(2)(A) afford the person a 30-day period in which to request an oral hearing before an independent presiding official; and

(B) grant such a request made during such period for good cause shown.

(b) DETERMINATION.—Unless the Director determines that the late filing or failure to provide information was justified, the Director shall make a final determination of noncompliance and a final determination of the penalty, if any. If no written response or request for a hearing was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final and unappealable order.

(c) Written Decision.—If the Director makes a final determination that there was a noncompliance, the Director shall issue a public written decision—

(1) in the case of a late filing, assessing a civil monetary penalty of $200 for each week by which the filing was late, with the total penalty not to exceed $10.000; or

(2) in the case of a failure to provide information—

(A) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(B) assessing a civil monetary penalty in an amount not to exceed $10,000.

(d) Civil Injunctive Relief.—In addition to the penalties provided in this section, the Director may refer the noncompliance to the Attorney General to seek civil injunctive relief.

SEC. 10. JUDICIAL REVIEW.

(a) Final Decision.—A written decision issued by the Director under section 8 or 9 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) Appeal.—Any person adversely affected by a written decision issued by the Director under section 8 or 9 may appeal such decision, except as provided under sections 8(b) or 9(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) Recovery of Penalty.—Any penalty assessed in a written decision which has become final under this Act may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

(d) Attorneys' Fees.—In any appeal brought under this section, in which the person who is the subject of such action substantially prevails on the merits, the court may assess against the United States attorneys' fees and other litigation costs reasonably incurred in the administrative proceeding and the appeal.

SEC. 11. RULES OF CONSTRUCTION.

(a) Prohibition of Activities.—Nothing in this Act shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person, regardless of whether such person is in compliance with the requirements of this Act.

(b) Audit and Investigations.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Director, or to authorize the Director to review the files of a registrant, except in accordance with the requirements of section 7 regarding the informal resolution of alleged noncompliances and formal requests for information.

SEC. 12. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by amending subsection (b) to read as follows:

"(b) The term 'foreign principal' means a government of a foreign country or a foreign political party.";

(B) by striking out subsection (j);

(C) in subsection (o), by striking out "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting in lieu thereof "any activity which the person engaging in believes will, or which he intends to, in any way influence";

(D) in subsection (p) by striking out the semicolon and inserting in lieu thereof a period; and

(E) by striking out subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking out "established agency proceedings, whether formal or informal." and inserting in lieu thereof "judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times and extent of such transmittal";

(4) in section 4(b) (22 U.S.C. 614(b))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "(i) in the form of prints or" and all that follows through the end of the subsection and inserting in lieu thereof "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(5) in section 4(c) (22 U.S.C. 614(c)), by striking out "political propaganda" and inserting in lieu thereof "informational materials";

(6) in section 6 (22 U.S.C. 616)—

(A) in subsection (a), by striking out "and all statements concerning the distribution of political propaganda";

(B) in subsection (b), by striking out ", and one copy of every item of political propaganda"; and

(C) in subsection (c), by striking out "copies of political propaganda,";

(7) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2), by striking out "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking out subsection (d); and

(8) in section 11 (22 U.S.C. 621), by striking out ", including the nature, sources, and content of political propaganda disseminated or distributed.".

SEC. 13. AMENDMENTS TO THE BYRD AMENDMENT.

Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2), by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1993 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3), by striking out all that follows "loan shall contain" and inserting in lieu thereof "the name of any registrant under the Lobbying Disclosure Act of 1993 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking out paragraph (6) and redesignating paragraph (7) as paragraph (6).

SEC. 14. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) Repeal of the Federal Regulation of Lobbying Act.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) Repeal of Provisions Relating to Housing Lobbyist Activities.—(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

(c) Repeal of Registration Requirement Relating to Public Utility Lobbying Activities.—Section 12(i) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79l(i)) is repealed.

SEC. 15. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) Amendment to Competitiveness Policy Council Act.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1993)" after "an agent for a foreign principal".

(b) Amendment to Title 18, United States Code.—Section 219(a) of title 18, United States Code, is amended by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1993 in connection with the representation of a foreign entity as defined under section 3(7) of such Act," after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended,".

(c) Amendment to Foreign Service Act of 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1993)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

(d) Amendment to the Federal Election Campaign Act.—Section 319(b) of the Federal Election Campaign Act (2 U.S.C. 441e(b)) is amended—

(1) in paragraph (1) by striking out "or" after the semicolon;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) a foreign entity, as such term is defined by section 3(7) of the Lobbying Disclosure Act of 1993; or".

SEC. 16. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 18. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act.

(b) ESTABLISHMENT OF OFFICE.—The provisions of sections 6 and 17 shall take effect on the date of the enactment of this Act.

(c) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 12, 13, and 14 of this Act shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(d) REGULATIONS.—Proposed regulations required to implement this Act shall be published for public comment no later than 270 days after the date of the enactment of this Act.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry, are we on the bill?

The PRESIDING OFFICER. The Senate is considering S. 349.

THE PRESIDENT'S BUDGET SUBMISSION

Mr. DOMENICI. Madam President, I rise to share a few thoughts with fellow Senators about the budget submission that the President sent to the Congress while we were out on recess a couple of weeks back, and on a few matters that have come to my attention regarding our country's economy.

As often happens with the release of new economic figures, there is great discussion of what they mean. Shortly after the President submitted his in-depth budget, and shortly after the lengthy debates on the so-called stimulus package, the quarterly gross national product and inflation statistics for the country came out. We received information that the GDP growth for the first quarter was 1.8 percent and the President indicated more than once that this means we should have adopted his so-called stimulus package.

Madam President, on that score I want to point out that the Republican leader argues that the quarterly GDP figure explains why we should not adopt the Clinton economic plan.

There is more reason to be concerned about the President's tax plan and it being adopted than there is concern about not having adopted a stimulus package. Let me just be very simple on that score and proceed on to some other objective findings that I believe are there.

First, if you look at the President's budget submission, it is not any different than his vision statement that preceded it. And what Americans and business and those who want jobs, ought to be worried about, is that the President's tax package will impose in the year 1993, $26 billion in new taxes, much of which is retroactive taxation.

Let me point out to anyone with even the slightest concern about jobs, that the so-called stimulus package would have spent—aside from the unemployment compensation—$3 billion in 1993, not $16 billion or $19.5 billion.

Now I ask, will $3 billion, much of which has no stimulus at all, help the economy as much as $29 billion in taxes on that economy would hurt it? Ten-to-one is the ratio, if my numbers are right—about $30 billion in new taxes on businesses and individuals who invest and cause jobs to be created, versus $3 billion in the so-called stimulus.

So for those who were worried about stimulus, you better be worried about the destimulating effect of the $30 billion in the first partial year of new taxes on the American people.

(Mr. ROBB assumed the chair.)

Mr. DOMENICI. From what I understand, you could almost ignore the $3 billion when you look at the $29 to $30 billion that is up against it. Clearly, the answer for why America may not grow as some think it should grow for the remainder of this year has more to do with the taxes to be imposed or the threat thereof rather than the lack of spending more public money.

Let me remind everyone that we already have about $300 billion in stimulus because stimulus is the amount by which you are spending in excess of the revenues. We are $300 billion in the red. So we have already created $300 billion in stimulus, much of which is made up of the same kind of programs as the President asked for in the stimulus package.

So in all of this talk about the 1.8-percent growth, I submit that we ought to not lose sight of our objective, which is to foster economic growth and create permanent private-sector jobs for American workers.

I believe the reasons for not passing the President's economic plan, much less his stimulus package, are as strong as ever. We cannot deficit finance our way to prosperity. We cannot create programs and spend Government money with enough real reliability that it will create new, permanent jobs, no matter how cleverly more Government spending or our economy is characterized.

The economic stage is set for the likelihood of strong growth ahead—and I give the Senate a big "if"—if the Government does not put pressure on American business with taxes and roadblocks to competitiveness. While there is a role for Government in helping to create private-sector growth, that role is not more Government but indeed less Government intervention. It is not more taxes on business but less pressure on business regarding the cost of employing new workers.

In light of the interpretations of recent economic statistics, we need to keep the facts and be straight about this economy. Over eight consecutive quarters, the gross domestic product has grown. It is now $110 billion higher than its previous peak in 1990, just before the recession. Real growth increased 4.7 percent in the fourth quarter, and I remind everyone that is the most significant new growth in 5 years. So we should not be surprised that the GDP growth stepped down from that pace. It probably cannot keep up that pace under circumstances of today's world markets.

In particular, those who look at the numbers say bad weather dampened economic statistics in March, the final month of the quarter, temporarily slumping economies abroad reduced our export sales, and defense spending declined precipitously. With recently improved weather, some statistics already suggest a much more optimistic outlook. So far in April, store sales have picked up, weekly jobs claims continue to come down, car sales are above February's level, mortgage applications remain high, and, yes, just a few days ago we learned that new home sales rose a solid 4.7 percent in March despite this bad weather.

It is really the underlying pace of economic growth that is most important. On this front, I think the stage is set for solid growth if we can formulate a budget that does not put more pressure on American business. The Nation's job machine is American business. Anybody that thinks the American job machine is Government does not understand the American economy. We have to provide incentives for business to hire people by lowering the cost of employment. The challenge before us is to energize our economy and to create stable, long-term growth. We are in a position to do just that. An examination of the recent numbers revealed that this economy may be poised on the edge of a substantial vigorous economic resurgence. I say that because the past 6 months have seen substantial job creation—new full-time job growth. In the past 6 months there has been a real surge in full-time job growth far outpacing the previous 18 months.

There is another fact that is good for America and America's future, but creates an anomaly. Productivity growth of 2.8 percent in 1992 was the fastest in 20 years. Both manufacturing and nonmanufacturing productivity is increasing at dramatic rates. As businesses seek to become leaner operations, and thus more competitive, increased productivity gives American business new muscle to succeed where we asked them to succeed, in competition at home and abroad.

The anomaly is this productivity growth bodes well for America's future, but it bodes not so well for today because it means businesses can produce more goods, service, and manufactured products with less rather than more employees. At this time we must find out not how to prime the pump with more Government spending, but what to do to address an economy that is growing, increasing productivity, but where our businesses will not hire more people, or cannot under current policies.

Next keep in mind that purchases of business equipment have risen at a very strong rate, 14.2 percent over the last year. Rising capital formation questions the need for an investment tax credit. Since late 1991, investment is moving back up, bringing into question whether we need a policy that gives an investment tax credit or a policy that gives small business some kind of relief from the enormous new costs imposed on them for every new worker. With rising health care, Social Security taxes, workmen's compensation, and regulations, business is saying, work overtime, work part time, but before we add new employees let us wait until we know more about the risks and costs of new employees.

We cannot argue with the market on that. We cannot say to business, hire them anyway. They must see daylight and see profits from new employment, not more costs and more risks associated with their businesses.

In addition, the corporate debt rate has come down. The ratio of interest payments to cash-flow has improved. Compared to the low point in 1983, the corporate debt service ratio now is comparatively good and going in the right direction. Whether that will continue is very important.

It does not seem to this Senator that a short-term stimulus package has much to do with improving this situation. It does seem to me, however, that improving investment, jobs, and business debt has a lot to do with new tax impositions, new regulations, and a failure on our part to set policies that will reduce the costs of adding new employees.

The same is true for American households. We all know that consumer debt was too high, along with corporate debt and national debt. Service cost on that debt is moving in the right direction also, coming back down again.

Mortgage refinancing continues to add to households' purchasing power; that has been the case in the last 18 to 20 months. It has continued unabated. Profits continue to rise in the fourth quarter and have risen a strong 24 percent in the past year, boding well for investment demand. We should not adopt policies that pressure American business in the wrong direction with either taxes or worker impositions, that cost higher and higher dollars each year.

These are the good signs that point to renewed economic activity. But, there is a fundamental restructuring now underway in our economy and the world economy. We should not kid ourselves. Job creation has been slow to appear, but it is because of a restructuring, not because of something you can fix with speeches or government spending stimulus, unless you are willing—given our debt-laden American Government, with debt and debt service growing—to spend astronomical amounts of money, which nobody says we should. For those who say let us deficit spend like Japan which has a huge spending program, they are ignoring the fact that Japan has very little debt compared to ours, a very small deficit compared to ours, and gigantic savings compared to ours. If we try what they are trying, we would send the American economy and inflation in the wrong direction. It would have very bad negative effects.

Let me be very clear. More Government spending for public sector part-time, temporary, bureaucratic jobs is no solution for the creation of private sector full-time, permanent, goods and service-producing jobs. That is the very essence of the difference of opinion about the direction of Government. More Government spending for public sector part-time, temporary bureaucratic jobs is not a solution to the problem we have just described in terms of an American economy that is growing or poised to grow; but going through structural reformation.

It is not a mystery why private sector jobs have not developed as quickly as some would like in this current recovery. A lot of it has to do with the cost of doing business, regulations, and health care costs borne by business. I surmise that if there are business people watching what I am talking about today, they are saying: Amen, we cannot hire any more people because between health costs and the other items that I have enumerated, the cost of hiring people is going up so fast that we cannot take the risk. When I talk about this to groups, you see the small business people nodding their affirmation.

Herb Stein, former Chairman of the President's Council of Economic Advisers and a very pragmatic man, made the following assessment:

> The Clinton economics of 1993 goes along with the primacy of growth and the need for investment. But it does not accept the desirability of leaving investment to the private savers and leaving them to reap the main returns from the investment. Instead, it would tax private income recipients more and have the Government do more of the investing. * * * It maintains that the Government can do a larger share of investment better.

This is not to say that the Government should not be a policy partner, helping to build a climate for the future. Government has a role in keeping markets open and free for trade. This is particularly true in a world more interconnected in trade and finance than ever before. Government has a responsibility when collecting revenues, to do so in a neutral manner that does not favor consumption over savings and investments. We are not doing that today. There needs to be a major overhaul of tax policies.

Government has a role in lowering the cost of doing business, with particular attention to small business. One reason Republicans said that in any package we consider we ought to put additional loan money in for SBA is because there is a great demand for investments and it produces jobs. We cannot easily budget for it because demand goes in spurts, but we ought not let it run out of money in making loans to small business.

Unfortunately, while the President says he is for jobs and growth, I do not believe the President's policies and formal budget released early this month truly addresses the issue of the Government's partnership with the private sector, which I believe should be mostly policy, not programs.

I sadly must conclude that the President's policies will exacerbate our economic problems, not solve them. During the last recess, the President released his budget, the first detailed budget we had this year. It was on April 8 that it was presented. As is often the case, "the devil is in the details." I would like to highlight some of the details of that submission, as many have not looked at it because it was submitted during a recess.

First and foremost, the Vice President at a press conference releasing this budget said:

"Combined with the congressional budget resolution," deficit reduction in the plan would total over $514 billion over the next 5 years. Nothing could be further from the truth. This is like combining apples and oranges. The congressional budget resolution rejected some of the President's vague proposals in drafting its resolution. The President cannot then come back and claim Congress would add some of these rejected items back into the plan, such as western user fees and the like.

Correctly counted by the Congressional Budget Office, the President's budget in its entirety reduces the deficit by even less than the budget Congress adopted. Even the chairman of the Senate Budget Committee, Senator SASSER, noted that Congress had moved beyond the President on deficit reduction. According to the Congressional Budget Office, the President's plan reduces the deficit not by $514 billion, but by $362 billion.

According to that same office, the President's budget deficit reduction plan is made up primarily of taxes and user fees—$284 billion or 86 percent of the total deficit reduction package.

The second major finding, in looking at the details, is the unbelievable fact that the administration's own budget plan does not comply with the legally binding spending caps, which are the only major, positive residual of the 1990 agreement.

Based on the President's own numbers, discretionary spending will exceed the current law's legally binding outlay caps by nearly $18 billion in both 1994 and 1995. In fact, the President's budget would probably be ruled out of order on its own if it had come to the Senate floor in the form of a budget resolution, because it breaks the legally binding caps and brings into play a point of order requiring a supermajority to override.

Even more disturbing than this is the fact that the President chose, in addition to what I have just described, not to tell us how he would stay within the current law spending limits.

Indeed, the President's $16.4 billion domestic "investment" package—where you recall the President talks of investment instead of spending, so we will use his words—is outside of these legally binding caps.

What this simply means is that the Appropriations Committee will have a very difficult time funding the President's "investment" package, because there was no willingness on the part of the executive branch to cut lower priority spending to make room for the so-called investments. So I wonder if very much of the investment spending will even be made if left to the Appropriations Committee to find room for what is heralded as a very vital and important part of the future.

Buried at the end of his budget document was a little surprise to all of us. A general language provision for appropriations was included in the budget, saying that moneys for the President's investment package—cannot be spent until the reconciliation bill is passed and then when the caps are adjusted upwards.

Does anybody really believe that the U.S. Senate is going to vote openly and knowingly to lift the legal restraints on spending which are the only positive things left from the 5-year agreement? We would have received this in deficit reduction even if we had not elected President Clinton, because the law prescribes it and Congress would have to change the law.

I am afraid that what we have seen here is that the President has it backwards. He should have funded his investment package, within the current spending caps if as he says it is critical spending for the country's future. He should have provided for it.

Recently the Secretary of Labor in testimony before the House Appropriations Committee said that the administration is not asking for an increase in the spending caps.

I am confused. And I am sure when the Appropriations Committee sits down within the next few weeks to allocate the spending among committees they too will be confused.

What are the President's priorities? Do they want to raise the caps? What do they want to cut to make room for the so-called priorities?

In offering the first budget document, the President has not provided us a distinct vision for the future. I surmise it is, at the very best, a blurred view.

In the February speech, before Congress President Clinton issued a clarion call for deficit reduction. He solicited support for tough measures so our economy might grow, and he summoned the people to rally around the standard of sacrifice for the future.

I lauded him that night for bringing us to that stage in our country. But, sadly, in this budget the reality falls far short of the rhetoric. Stripped of the packaging, its shortcomings are clear. It is a plan that will not reduce the deficit permanently. Rather it relies upon tremendous tax increases and cuts in defense spending to produce a short-term dip in the deficit.

We can try and fool ourselves that we are going to resolve the deficit dilemma and the debt problem, but we know better. It is not going to happen. We will not create new jobs by increasing the tax burdens on American business, and in particular, small business, many, many thousands of which are going to be hit by the new marginal rate increases regardless of how long and how vociferously the proponents of the new taxes claim it only taxes the very rich.

In fact, I believe 65 percent of those will suffer a new marginal rate increase which is rather dramatic. A 29-percent marginal increase is the lowest of the two. I believe 65 to 70 percent are small business men and women and small business entrepreneurs in this country. If they get taxed some more on top of the growing cost of employment, clearly there will not be more jobs. There will be fewer.

So the only good thing that I believe can be said about Congress' budget is at least it is a little more clear in its intent to raise taxes and cut defense than was the President's.

I think we ought to work together, Democrats and Republicans, alike to give the President's budget a "spring cleaning", to kind of sweep away the huge new tax increases, throw all the increased Government spending that will suppress economic growth and inhibit job creation. Let's look around for positive action by way of policy that will limit the pressure on small business.

I think we ought to essentially cut spending, not raise taxes, and relieve small business of more of the burdens that are currently imposed rather than add some new ones.

Mr. President, I ask unanimous consent to have printed in the RECORD a table containing Clinton fiscal year 1994 Domestic "Investment" Proposals.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CLINTON FISCAL YEAR 1994 DOMESTIC INVESTMENT PROPOSALS

[In millions of dollars]

	1993 enacted		1994 request		1994 investment		1994 R&D investment	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Subcommittee:								
Agriculture and rural development	12,505	12,186	11,872	12,206	1,083	515	46	15
Commerce, Justice, State and the Judiciary	16,168	17,077	16,759	17,496	987	488	230	75
Defense	221	137	[1]0	75	([2])	([2])	([2])	([2])
District of Columbia	688	698	705	705				
Energy and Water Development	9,968	10,026	10,385	9,748	360	207	167	68
Interior and related agencies	12,793	13,247	13,385	13,837	557	314	105	34
Labor, HHS, and Education	63,436	64,529	64,420	67,822	7,134	2,578	271	112
Legislative branch	2,275	2,387	2,642	2,635				
Transportation and related agencies	12,621	34,432	12,766	37,368	888	524	([1])	100
Treasury—Postal service, and general government	11,387	12,232	11,336	11,991	105	66	([1])	([1])
Veterans Affairs, HUD, independent agencies	66,627	67,671	63,631	72,231	4,909	979	503	232
Allowances	([1])	([1])	−838	−747				
Investment programs	([1])	([1])	16,417	5,773	394	103		
Total domestic investment	208,689	234,622	223,480	251,140	16,417	5,773	1,322	636

[1] Less than $1,000,000.

[2] The President's investment proposals include $331,000,000 for Department of Defense programs, including $71,000,000 for O&M for energy efficiency and community planning grants, and $260,000,000 for advanced dual—use technology R&D, bringing the total investment package to $16,700,000,000 for fiscal year 1994.

Note.—Totals may not add due to rounding.

[In millions of dollars]

	1994 investment		1994 R&D investment	
	Budget authority	Outlays	Budget authority	Outlays
Program by subcommittee:				
Agricultural Research Service	7	6	7	6
Cooperative State Research Service	39	9	39	9
Extension Service	1	1		
Rental Assistance Program	75	3		
Rural Housing Voucher Program	75	1		
Very low-income housing repair grants	18	17		
Rural Housing Insurance Fund Program account	77	63		
Rural water and waste disposal grants	140	6		
Rural development grants	30	3		
Rural Development Insurance Fund Program account	67	7		
Rural Development Loan Fund Program	79	8		
Rural Electrification and Telephone Admin. Loans Program account	3	(1)		
Rural Telephone Bank Program account	(1)	(1)		
WIC	350	320		
Emergency Food Assistance Program	40	40		
FSIS: Salaries and expenses inspectors	18	14		
FDA: S&E vaccine safety, et al	65	18		
Subtotal, Agriculture and rural development	1,083	515	46	15
Economic: Development Administration	33	3		
NIST: Scientific and tech. research and Services	37	29	37	29
NIST: Industrial Technology Services	142	46	142	45
NIST: Working capital fund (transfer)	9	4		
NTIA: Salaries and expenses	3	2		
NTIA: Information infrastructure grants	51	1	51	1
NOAA: Operations, research, and facilties	228	132		
NOAA: Construction	15	2		
DoJ: Federal/State partnerships	100	19		
DoJ: Support of U.S. prisoners	88	53		
DoJ: Salaries and expenses, community relations service	7	4		
FBI: Salaries and expenses	19	12		
INS: Salaries and expenses	26	20		
Federal Prison System: Salaries and expenses	151	104		
Small Business Administration—loan subsidy appropriation	68	44		
EEOC: Salaries and Expenses	11	10		
Subtotal, Commerce, Justice, State and the Judiciary	987	488	230	75
Corps of Engineers, operation and maintenance, general	96	77		
General science and research activities	36	27		
Energy supply research and development activities	228	103	163	65
Subtotal, Energy and water development	360	207	163	65
National Forest System	47	40		
Construction	32	16		
Forest research	10	8	10	8
State and private forestry	25	20		
International forestry	30	24		
Fossil energy research and development	14	6	14	6
Energy conservation	182	54	81	20
Management of land and resources	23	20		
Oregon and California grant lands	5	4		
USGS: Surveys, investigations and research	13	8		
FWS: Resource management	43	34		
Operation of the National Park System	90	67		
BIA: Construction	18	4		
Indian Health services	22	6		
Energy Information Administration	4	3	4	3
Subtotal, Interior and related agencies	557	314	109	37
Education reform	585	167		
Compensatory education for the disadvantaged	227	27		
School improvement programs	75	9		
Bilingual and immigrant education	1	[1]	1	[1]
Special education	37	4		
Student financial assistance	25	2		
Higher education	25	3		
Education research, statistics, and improvement	30	8	15	5
Health resources and services	542	175		
Disease control, research, and training	500	136		
National Institutes of Health	214	90	214	90
Substance abuse and mental health services	115	59		
Health care policy and research	30	8	30	8
Public Health Service Management	26	7	11	8
Program management—new program grants (Medicaid)	400	400		
Supplemental Security Income Program—computing	105	105		
Payments to States for child care assistance	40	30		
Children and families services programs—Head Start	1,299	814		
DoL: Training and employment services	2,688	339		
Community service employment—Older Americans	20	4		
State unemployment insurance and employment services	150	30		
Social Security—disability determination service	(345)	160		
Subtotal, Labor, HHS, and Education	7,134	2,578	271	111
Federal-aid highways	(2,657)	415		
Highway traffic and safety grants	(32)	6		
High-speed ground transportation, net	35	−73		
Trust fund share of high-speed ground transportation	(100)	100	(100)	100
Formula grants	699	35		
Grants-in-aid for airports	(30)	5		
FAA: Facilities and equipment	107	21		
FAA: Research, engineering and development	13	8		
Coast Guard: Acquisition, construction and improvements	35	6		
Subtotal, transportation and related agencies	888	524	(100)	100
IRS: Processing tax returns—productivity savings	−9	−8		
IRS: Tax law enforcement—productivity savings	−31	−29		
IRS: Information systems—tax system modernization	138	96		
GSA: Federal buildings fund	7	7		
Subtotal, Treasury—Postal Service, and general Government	105	66	0	0
Community development banks	60	45		
Annual contributions for assisted housing	646	24		
Flexible subsidy fund	66	16		
Community partnerships against crime	90	6		
Revitalization of severely distressed public housing projects	175	(1)		
Community development grants	90	4		
Home Investment Partnerships Program	511	10		
Supportive Housing Program	166	(1)		
Opportunities for Youth: Youthbuild	30	(1)		
VA: Medical care	584	534		
VA: Construction, minor projects	5	2		
EPA: Research and development	31	11	31	11
EPA: Abatement, control and compliance	27	8	27	8
EPA: Water infrastructure financing	1,328	74		
EPA: Drinking water state revolving funds	599	24		
NASA: Research and development	74	46	74	46
NSF: Research and related activities	371	167	371	167
NSF: Education and human resources	57	9		
Subtotal, Veterans Affairs, HUD, independent agencies	4,909	979	503	232
Unassigned (National Service initiative)	394	103		
Total	16,417	5,773	1,321	635

[1] Less than $1,000,000.

Note.—Totals may not add due to rounding. Numbers in parentheses do not add to totals, reflecting increases in loan or obligation limitations. The $16,400,000,000 in domestic discretionary "investment" spending is above the current statutory spending cap. The President's budget proposes language providing for the availability of these funds only upon enactment of an omnibus budget reconciliation act that contains amendments providing adjustments consistent with these amounts offset by savings.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I thank the Chair for recognizing me, and I will be brief this afternoon.

Mr. President, just 2 weeks ago now the President's jobs bill which was presented to the country in an effort to stimulate the economy was defeated here on the floor of the U.S. Senate. It was not defected by a majority vote, because the Republican side, the minority, refused to allow a vote on the President's jobs bill, on his stimulus package, that would have created jobs.

Now, the President indicated in presenting this stimulus package or this jobs bill to the Congress and to the country that the economy was in a very fragile condition. And there was some thought among a number of economists that the economic growth was too slow, that the economy was not producing jobs fast enough, and further that unless some stimulus or some effort to create jobs took place here on the front end of his economic recovery program the economy could fall off into a recession once more.

Our friends on the other side of the aisle defeated that proposal, as I say not by majority vote. They simply prevented the U.S. Senate using the rules of the Senate, what we commonly call a filibuster. They prevented a majority in this Senate from voting, because they knew a majority would support the President's jobs bill.

Having done that, I think what we are beginning to see now is a weak defense of that defeat of that jobs bill. They are looking around now trying to point the finger in another direction as to why the economy is going downhill and why they are not responsible in defeating the jobs bill which was supposed to stimulate the economy.

It is interesting to me that this defense would take place on a day in which we are getting economic news. An Associated Press story by Mr. David Skidmore, dateline today says:

> "The Government's chief economic forecasting gauge plunged 1 percent in March, the worst decline since the middle of the recession more than 2 years ago," the Commerce Department said today.
>
> The drop slightly steeper than predicted by analysts was a sign of dramatic slowdown

that has gripped the economy this year compared with the brief period of robust growth last year.

Furthermore, the story quotes a number of distinguished economists. Mr. Laurence H. Meyer, a St. Louis based economic consultant says, "We are in a very subdued economy. There is nothing very buoyant going on."

The economist Sung Won Sohn of Norwest Corp. in Minneapolis said, "The economy is sort of scraping the bottom right now." He went ahead to say, "I call my colleagues' attention to this. The fundamental problem with this economy is not creating enough jobs to support the kind of spending necessary to have even moderate, even moderate economic growth." So says the distinguished Minneapolis economist.

That is precisely what this jobs bill that President Clinton presented to the Congress and the American people was supposed to do—to create jobs, to stimulate this economy, and to cause economic growth so that we could move forward, then, into the next phase of his economic recovery program.

What have we seen? We have seen a dip in consumer confidence, as measured by the University of Michigan survey and reported in this same Associated Press story. We have seen a decline in orders and contracts for new commercial buildings and business equipment, such as factory equipment and computers, as reported in this Associated Press story. We have seen a drop in new orders to factories for consumer goods. We also see a decrease in the inflation-adjusted money supply.

So what we are seeing, Mr. President, is precisely what President Clinton was trying to counteract with the jobs bill or stimulus program that he presented to the U.S. Senate and to the country. We are seeing now the beginning of a slow down of the so-called recovery. We are beginning to see the economy coast downhill again. And the American people are saying in polls that are taken that the country is off now, once again, in the wrong direction, and that is a function of poor economic performance.

My friends on the other side of the aisle try to justify their defeat of the jobs bill by saying, "Oh, well, it was just a modest stimulus and we already have 300 billion dollars' worth of stimulus in this economy anyway, because that is the size of the deficit."

Even a first-quarter student in economics, in beginning economics, would know that the measure of economic stimulus is the measure of increase in the structural deficit, and the measure in economic contraction is the measure of contraction in the structural deficit. And the structural deficit is entirely different from what the actual deficit might be from year to year.

This beginning student in economics would learn within the first 6 weeks of beginning economics 101 that the structural deficit is defined as the difference between revenues and outlays when you have a full employment economy or a near-full employment economy; and if there is a deficit, that is the structural deficit.

The truth is that the structural deficit in 1993 is lower than it was in fiscal year 1992. So it is clear that there is no stimulus at all. What you are getting here is an economic contraction. And this economic contraction, because the structural deficit is less in 1993 than it was in fiscal year 1992, is further exacerbated by the spending cuts and the revenue increases that are a part of the President's economic recovery package.

The President anticipated all of this and he told us at the outset that we must take this program in toto; that we should not take it apart piece by piece.

Well, that is exactly what happened here on the floor of the U.S. Senate. The jobs portion, the economic stimulus portion of the President's program, was defeated right here on the floor of the U.S. Senate; or, to borrow the words of the distinguished chairman of the Senate Appropriations Committee, Senator ROBERT BYRD, the President's jobs bill was murdered right here on the floor of the U.S. Senate.

What we are hearing now is, "Well, you know, we have problems in the economy, but it is simply because productivity is not increasing enough. Anyway, we have enough stimulus because we have a $300 billion deficit," when every economist knows that there is no stimulus, no economic stimulus, in this deficit that we presently have.

And then they would have us believe, well, the reason the economy is slowing down is because the President has announced that there are going to be some tax increases in the future, and he did not have enough spending cuts in his budget plan or economic recovery program to begin with.

How in the world tax increases or revenue increases that are simply being contemplated and have not even taken effect yet are going to have any significant impact on the economy, I do not know. Our friends on the other side would have you believe that simply the prospect of some taxes will kill a recovery, but spending cuts are a tonic that will make the economy well. That is a strange economic doctrine, if I have ever heard one.

But it gets even weirder than that, Mr. President. They say that spending cuts are economically good, unless they happen to be cuts in military spending. And if those cuts take place in military spending, that is a disaster. Now they are telling us that these cuts in military spending are not good because they cost jobs. That is what some of them are saying.

This is the argument that is being offered here seriously on the floor of the U.S. Senate by those who killed President Clinton's legislation to create jobs. They are saying, "Well, the economy now is not doing well because people think there are going to be some taxes put on them in the future. And the economy is not doing well because the President did not enact enough spending cuts. But if he enacts spending cuts in military spending, that is going to make the economic disaster even worse."

Frankly, I want to give my friends on the other side of the aisle the benefit of every doubt, but to me that logic just does not wash. It simply does not make sense.

I think what we are seeing here, Mr. President, on the floor of the Senate today is the beginning of what I believe will be a number of efforts to try to distract the American people's attention away from the fact that it was our friends on the other side of the aisle who killed the President's jobs bill, who killed what he called an insurance policy to guarantee that this economy does not slow down, and they are going to be trying to blame that on other factors.

I do not think they are going to be successful in persuading the American people of that, because they know full well who is responsible for killing the President's jobs bill. They know full well that there was vote after vote after vote after vote on the floor of this body, not on the merits of the president's jobs bill, but votes in an effort to break the filibuster so that the majority of Senators could simply pass judgment on the merits of the President's jobs bill and vote it up or down. They would not even let us vote on this jobs bill.

Now they are trying to make us believe that there are other reasons the economy is falling off. Anyway, even if we pass this jobs bill now they are saying it was not large enough, I say to my friends from Arkansas. They are demeaning it because they are saying it only spent $3 billion in fiscal year 1993.

But they were saying just a few weeks ago it spent too much; that it was frivolous, unnecessary Government spending. Now they are saying it did not make any difference anyway because it just simply did not spend enough, it only spent $3 billion in creating jobs. I do not agree with their mathematics on that. Much more of this jobs bill was directed to creating jobs than $3 billion. But that is what they are trying to tell us.

So I think I just wanted to come to the floor today and set the record straight as I see it. I am going to remind our colleagues—and I expect there will be others out here doing likewise as this economy, if indeed it does, follows these economic statistics that we received today—if the economy does continue to slow down, we are going to be reminding our colleagues, and the American people, who was against the jobs bill, who killed that jobs bill, who prevented that economic stimulus package from coming forward and stimulating this economy and giving us the insurance policy on economic recovery that President Clinton asked for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine [Mr. COHEN].

LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. COHEN. Mr. President, I wish the Senator from New Mexico had been able to remain on the floor for these remarks because I wanted to indicate to him that I do not think there is a more sincere or hard-working or reasonable-minded public servant in this body. I think he is a very thoughtful and responsible Senator. in fact, I think his lack of ideological fervor, or purity, if you will, may very well keep him from occupying a position of leadership in our own party, which I think is a tragedy.

Nonetheless, I think in listening to what he has to say and the response from the Senator from Tennessee, we can see there is something desperately wrong in this country and in this town. We are suffering, I think, from self-inflicted wounds. We have just passed a milestone. President Clinton has been judged on his first 100 days. We are asked to give him passing or failing grades: A, B, C, D, E, F. Each of us is called upon, "How do you rank him?" The rhetoric has become overheated.

The President over the weekend suggested, even in jest, that perhaps Senator DOLE had been hypocritical in opposing the stimulus plan. Senator DOLE responded yesterday by saying the President had issued a $23 million lie.

About the stimulus package, as we were just hearing, reasonable people can disagree. There are people on our side who felt it was not a stimulus package but a spending package; Senator DOMENICI and I and others feel that, if it is important enough to have his programs, we should pay for them. President Clinton, we are told, will now argue the economy is faltering because the $16 billion in new spending was not authorized. Senator DOMENICI suggests that the problem is that business is frozen in fear of higher taxes for more programs, higher taxes for health care program, higher taxes for long-term care, further regulations which stifle the entrepreneurial spirit.

This is a matter we can openly debate. There are philosophical issues that clearly separate our parties. But there is something I think very dangerous going on here. It is poisoning this Nation's spirit and we are reaching the point where we are returning to war councils, plotting strategy on how we can either roll over the Republicans or stop the Democrats rolling over us.

There is going to be time enough to hold President Clinton accountable in the 1994 elections, the 1996 elections. There is going to be time enough to blame the Republicans for their opposition. But there are people who are in desperate need out there—desperate need of help, but even more important, desperate need of hope. And that, to me, is one of the most critical things facing us right now is when we start to read the recent polls conducted by the Washington Post, or ABC News, that only 27 percent of the American people are hopeful; 71 percent are apprehensive.

We have to put aside these partisan differences, or at least quests for partisan advantage. I think the President is understandably disappointed his stimulus package, or spending package, did not pass. But I think the White House does owe Senator DOLE an apology for suggesting, even in jest, that Senator DOLE was being a hypocrite. I think the minority leader, in turn, should make it clear that he and other Republican Senators are willing to reach out to the President, and to the First Lady, as well, on health care reform, on other issues, to strike a course that will lead us to a period of renewal, of economic renewal and of spiritual renewal in this country.

The most important thing we can do for this Nation is to instill a sense that we can recover confidence, that wonderful book written by John Gardner many years ago, "The Recovery of Confidence." Because without a recovery of confidence, without the belief that we can gain control over our destiny, we are going to see polls cited that the American people are watching this country swirl at ever faster levels and paces down a drain of despair.

Mr. President, I hope we can lay aside the accusations and counter-accusations and really try to find a common ground. There are people in this Chamber right now of good will who seek to strike a course of responsible political progress. I hope we can do that in the coming days, rather than trying to blame one party or the other, the President or the minority leader, for our current predicament. We have enough problems with which to contend. I hope there will be a measure of good will in this body to overcome what currently is taking place.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, first let me say the Senator from Maine has set a very bipartisan tone in his remarks and it is reflected in this bill, which is a bipartisan bill. It is a Levin-Cohen bill with a lot of other cosponsors in governmental affairs, including our chair, Senator GLENN, ranking Republican, Senator ROTH, and others.

What we are bringing to the floor is an effort, about 40 years overdue, to reform the lobbying registration laws of this country. The only way this is going to work, the only way this bill is going to pass, there are some real challenges to it from different directions, is if the bipartisan spirit which was set forth by the Senator from Maine is able to continue through the deliberations on this bill.

It is a complicated bill. It sounds easy but it is really complicated. If it were not complicated it would have been corrected 40 years ago when President Truman, in 1948, appointed a commission to reform lobbying registration laws. They had been passed a couple of years before, and the purpose of these laws was to let the public know who is lobbying the Congress, on what issues, for pay, and how much are they being paid. That was the purpose of the key laws we are going to, hopefully, reform and to consolidate and to strengthen.

Congress did not heed President Truman's call in 1948 to reform the lobbying registration laws. By then they were so full of loopholes, there were so many holes in the Swiss cheese that there were more holes than cheese. That was just a couple of years after they had been passed.

We are here today because in the 1950's, Senator McClellan's reform efforts reached a deadend. And we are here today because the lobbying reform bill that passed the Senate in 1960 was never taken up in the House, although it was endorsed by President Johnson. We are here today because lobbying reform bills that were approved by both Houses of Congress in 1976 could not be reconciled in conference. And we are here today because, after the House of Representatives approved a lobbying reform bill in 1978, which was the last time we seriously considered reform of the lobbying registration laws, the Senate Governmental Affairs Committee was so divided that it could not even report a bill for consideration by the full Senate.

A lot of different issues defeated lobbying registration reform bills over these last four decades.

Sometimes it was the definition of lobbying. Sometimes it was whether or not the executive branch should be covered. Sometimes it was the threshold for coverage. Sometimes it was the disclosure of grassroots expenditures or the disclosure of contributors to lobbying organizations. Decade after decade after decade we have taken up reform of these lobbying registration laws, and decade after decade after decade there have been reasons that no reform passed.

And so we are here today in a very bipartisan spirit because time after time, every time Congress has considered reforming the worn-out lobbying registration laws, we found ourselves pinioned between those who would say that we have called for too much disclosure and those who would call for greater disclosure, or some other issue which would divide us.

So I am proud to stand before you today as we begin consideration of S. 349, which is the first comprehensive lobbying registration bill to reach the floor of either House of Congress in more than 15 years. And I am proud to bring to this body today a bill that has been introduced in both Houses of Congress on a bipartisan basis; as I said, a bill which is cosponsored by Senator COHEN, who is the ranking Republican on my subcommittee of Governmental Affairs and has also been sponsored by Senators GLENN, ROTH, BOREN, CAMPBELL, STEVENS, MCCAIN, DECONCINI, and BRYAN. I am gratified that the President has endorsed this legislation and called for speedy enactment.

Our existing lobbying registration laws have been characterized by the Department of Justice as ineffective and unenforceable. And, by the way, that was the Department of Justice under President Bush, and I know this current Department of Justice has the same view. Our existing lobbying registration laws breed disrespect for law because they are so widely ignored. They have been a sham and a shambles since they were introduced almost 50 years ago. At a time when the American public is increasingly skeptic that their Government really belongs to them, these laws leave more professional lobbyists unregistered than are registered. At a time when public conference in elected officials has reached an all-time low, our lobbying registration laws remain an inside-the-beltway joke.

Mr. President, if we stand together, we can put an end to the decades-long trail of failure that surrounds efforts to reform these laws, but we have to stand together because we will find ourselves, like past Congresses, importuned by those who would change the definition of lobbying or who would narrow the coverage of the bill or who would require the disclosure of a contributor's list or seek more detailed itemization of specific activities. If we learn our lessons from the failures of four decades plus, we can finally put to rest one of Washington's oldest problems: The patchwork of loopholes and exceptions that currently pass for lobbying registration law.

This law is not intended to address campaign finance reform. That is another day. It may be another week, it may be another month, but that is another reform issue that we must address. It is not intended to address revolving-door issues. That is another issue which hopefully is going to be addressed. It is not intended to address our gift laws and rules. Those also need reform and should be addressed. But that is not what this bill is intended to address. This is just one chapter in a book of reforms that is needed. This chapter is on disclosure registration of paid lobbyists so we know who in this town is being paid how much and by whom to influence legislation, executive branch action and other public policy matters.

On the lobbying issue, the right to petition Government is a constitutionally protected right. Lobbying is every bit as much a part of our Government process today, as on-the-record rulemaking or public hearings. But the public does have a right to know and the public should know who is being paid how much by whom to lobby on what issue. We cannot expect the public to have confidence in our actions unless we conduct our business in the sunshine.

As I said, lobbying is a constitutionally protected right, but the registration of lobbyists is also constitutionally achievable when you have paid professional lobbyists. That is the line which the law attempted to draw four decades ago and that is the line which we now want to enforce with this bill. Lobbying disclosure is not a cure-all, but it will enhance public confidence in Government by ensuring that the public is aware of the efforts that are made by paid lobbyists to influence public policy. In some cases, such disclosure could encourage lobbyists and their clients to be sensitive to even the appearance of improper influence. In other cases, it is likely to alert other interested parties of the need to provide their own views of decisionmaking.

The registration laws that we have on the books today achieve none of those objectives. Over the last 2½ years, the Subcommittee on Oversight of Government Management, which I chair and Senator COHEN is the ranking Republican, has held a series of hearings on the lobbying disclosure laws. We have learned that these laws are plagued by loopholes, confusing provisions and almost a total absence of guidance on how to comply or how to enforce them against those who do not comply.

Let me just describe some of the problems with our existing laws. Starting with the Federal Regulation of Lobbying Act, which is one of the principal laws that is on the books, it is intended to cover lobbying of Congress. There are huge gaps in its coverage. The most obvious one is that it only covers lobbying of the Congress on matters of legislation and not the executive branch.

I got into this issue during our subcommittee investigation of the Wedtech matter when the executive branch was lobbied in order to get contracts for a firm from the Army and the existence of those lobbyists, paid lobbyists, and their efforts to persuade the executive branch were not disclosed in any way. Nor are all the other hosts of efforts to lobby the executive branch disclosed under this principal law called the Federal Regulation of Lobbying Act. So the biggest loophole is it does not cover a big deal of the lobbying in this town at all, executive branch lobbying.

Another huge loophole: It only covers lobbying of Members of Congress themselves. So that is another big loophole. It does not apply in the case of lobbying of staff.

Another one: It has been interpreted by many to cover only those people who spend a majority of their time lobbying; in other words, to those who spend more than 50 percent of their time actually meeting with Members of Congress. I think that we all know that that definition is so narrow that it arguably includes nobody.

I cannot think of any lobbyist in this town who spends more than 50 percent of his or her time fully physically lobbying Members of Congress, not their staffs.

Now, as a result of these loopholes, the General Accounting Office has found that fewer than 4,000 of the 13,500 individuals and organizations listed in the book "Washington Representatives" were registered under the act. So you have about 13,000 to 14,000 representatives—these are paid representatives—listed in this book, but a fraction of them are registered under our laws because of all these loopholes. And that is despite the fact that three-quarters of the unregistered, three-quarters of those who are not registered under our registration laws interviewed by the GAO, said that they contact Members of Congress and their staffs; that they deal with Federal legislation; and that they seek to influence actions of either the Congress or the executive branch.

So this is the overall picture. It is a pretty sad picture. These are the gaps. These are the holes. The biggest one, executive branch lobbying, is not covered. Lobbying staff only, not covered; principal purpose, not covered. The only piece of that pie that is covered is about that much. This black piece of the pie are the registered lobbyists. The rest of that universe that engages in lobbying, by any common understanding of the word lobbying, is not registered under our laws.

Now, the failure of all these folks to register does not mean that they are violating the law as this law is written today. What it does mean is that the definition of lobbying in the law is so narrow and so full of loopholes that few people are actually required to register by reasonable interpretations.

Now, moreover, most lobbyists who do register do not disclose very much.

A few lobbyists go to the trouble of telling us that they have incurred expenditures such as $45 phone bills, $10 cab fares, $16 messenger fees. Others undertake to provide lists of prorated expenditures for salaries and rent and other expenses, one lobbyist reporting the following expenditure: $98.65 to the telephone company; another lobbyist reported a prorated salary for $6.56 on a matter; $3.38 another matter; $1.31 prorated to a particular client—$1.31. That is real helpful information. Now, a footnote helpfully explained that these figures represent "proportional amounts of salary to the noted employees for work attributable to the client during this period."

So of the relatively few people who do register and who give us some information, the information is almost always useless.

Now, at the same time, the law falls short of requiring disclosure of the most basic type of information about lobbying: How much is spent, and for what purpose? Many lobbyists provide lists of specific bills that they are lobbying on, but these often appear to be Xeroxed from quarter to quarter, without regard to the actual issues that came up. Other lobbyists simply state that they lobbied on "issues that affect business operations of the client;" "general legislative matters;" or "all legislation affecting the insurance industry."

This language is so vague that it reveals virtually nothing. Worse still, only a small fraction of the amount of money spent on lobbying actually gets disclosed. For example, in 1989, the Legal Times estimated that the gross lobbying revenue of 10 of the biggest and best-known Washington lobbying firms was more than $60 million.

However, a review of the lobbying reports filed by these firms revealed that they reported combined lobbying receipts from all clients of less than $2 million, and total lobbying expenditures—listen to this one—of $35,000. Mind you, these were the 10 largest lobbying firms in Washington that were estimated by Legal Times to have gross lobbying revenue of $60 million. And out of that come disclosure forms, these useless disclosure forms showing expenditures by those firms of $35,000. That is the current law. That is why I call the current law a sham and a shambles.

Another example: Six top defense contractors reported to the Department of Defense, under much stricter reporting requirements, that they spent a combined total of almost $8 million lobbying Congress in 1989. But when you look at their public reports filed by lobbyists for the same six companies under the Lobbying Registration Act, what is the total? It is $388,000 in lobbying income and $135,000 in lobbying expenses. Compare that to the $8 million that they told the Department of Defense they had spent lobbying Congress that year.

And then let us take a look at the Foreign Agents Registration Act, also known as FARA. This law was intended to cover the political activities in this country of foreign governments and corporations, and other foreign organizations and individuals. Like the Lobbying Registration Act, FARA is also full of loopholes. For example, there is a lawyer's exemption in FARA—a lawyer's exemption. This exempts attorneys who provide legal representation to foreign principals in the course of established agency proceedings, whether formal or informal.

Because terms such as "legal representations" and "established proceedings" are not defined in the statute or the implementing regulations, many attorneys interpret the provision to exempt virtually all the services they provide.

In one case that the subcommittee examined, we identified 48 representatives of foreign motor vehicle manufacturers and their domestic subsidiaries who lobbied the Treasury Department in a successful effort to lower the tariff on imported jeeps and vans. Of those 48 lobbyists, we found that only 6 were registered under the Foreign Agents Registration Act, and overall there are only 2,825 registered foreign agents under that act.

Finally, let us look at the Byrd amendment, which was intended to cover lobbying on contracts, grants, and loans. Originally, defense contractors and others raised alarms that if this law were enacted, they would have to back dumptrucks up to the Congress to provide all the information that was required. But in practice, there are so many limitations and loopholes which have been discovered that only 24 contractors filed disclosure forms during the first 18 months the law was in effect.

Early this year, the inspector general of the Department of Health and Human Services reported to Congress that the Department received only two lobbying reports under the act in fiscal year 1992. In a classic understatement, the inspector general of Health and Human Services stated:

> With over 69,000 Federal actions initiated by the Department, we are not confident that the total lobbying activity during the year was limited to two reported events.

They may say they are not confident that the total lobbying activity was limited to two reporting events. I am very confident that the lobbying activity vastly exceeded two events.

Our Lobbying Disclosure Act would change all of that and ensure that we finally know who is being paid how much by whom to lobby on what issues. Under the Lobbying Disclosure Act, the bill before us, all paid professional lobbyists would be required to register, regardless of whether they lobby the legislative branch of the executive branch, Members of Congress or their staffs, regardless of whether they are attorneys, or nonattorneys, in-house lobbyists or outside lobbyists, and regardless of who they may represent.

Those who register would be required to disclose the identity of their clients, the issues that they lobby on, the Federal agencies and congressional committees contacted, the total receipts from their clients, all in a form that can be cross-referenced with campaign contribution data on file with the Federal Election Commission. Simply put, this bill would finally clean up one of Washington's oldest problems—the patchwork of loopholes and exceptions that currently pass for lobbying registration law.

It does not clean up the number of other products that we have. It does not clean up campaign finance. It does not clean up the revolving door. It does not clean up the gifts problem. What it does is address this specific problem, lobbying registration laws on the books which do not work.

This law would replace the existing lobbying disclosure law with a single uniform statute covering the paid lobbying of Congress and the executive branch on behalf of both domestic and foreign persons.

The new statute would replace the Federal Regulation of Lobbying Act, the provisons of the Foreign Agents Registration Act which apply to private persons and companies, the HUD disclosure statute, and a portion of the Byrd amendment.

The bill has three essential features. It would close loopholes in existing lobbying registration statutes and broaden coverage to ensure that all professional lobbyists are registered. It would streamline the disclosure requirements to make sure that only meaningful information is disclosed and needless burdens are avoided, and it would create a new, more effective, and equitable system for administering and enforcing these requirements.

On the first point, the bill would require registration of everybody who is in the business of lobbying regardless of whether they lobby the legislative branch or the executive branch, Members of Congress or their staffs, regardless of whether they are attorneys or nonattorneys, in-house lobbyists, outside lobbyists, and regardless of who they may represent. Organizations that spend less than $5,000 on lobbying activities for all clients or less than $1,000 on lobbying activities for a single client are not required to file reports. Individuals who spend less than 10 percent of their time on lobbying activities are not considered to be in the business of lobbying at all, and would not be covered by the bill.

The bill would define lobbying contacts to include communications with Members of Congress and their staffs, officers, and employees in the Executive Office of the President, and ranking officials in other Federal agencies, activities that do not constitute lobbying such as communications by public officials, media organizations, requests for appointments or for the status of an action and other ministerial communication, communications with regard to ongoing judicial or law enforcement proceedings, testimony before congressional committees and public meetings, participation in agency adjudicatory proceedings, the filing of written comments in rulemaking proceedings and routine negotiations of contracts, grants, loans, and other Federal assistance would also be exempted from coverage.

On the second point, the bill would significantly streamline lobbying disclosure requirements by consolidating filing in a single form and a single location. This is the one-stop shopping which is so important.

It would replace quarterly reports with semiannual reports. It would authorize the development of computer filing systems and simplified forms. The bill would require a single registration by each organization whose employees lobby instead of separate registration by each employee lobbyist. The names of employee lobbyists or any legislative or executive branch position in which they served for the previous 2 years would be listed in the employer's registration form. In addition, the bill would simplify reporting of receipts and expenditures by substituting estimates of total receipts or expenditures by category of dollar value, for the current requirement ignored by most, to provide burdensome detail on all receipts and expenditures. This report would be more meaningful than the current system because all receipts and expenditures related to lobbying would have to be included.

The bill would also require lobbyists to list the executive branch agencies and the House and committees of Congress that they contact.

In addition, the bill would close a loophole in existing law by requiring lobbyists to disclose the identity of the clients who tried to hide their identities behind "front" coalitions.

Under the test of the bill, the identity of coalition members would have to be disclosed when they contribute substantial, more than $5,000 in a semiannual period, to the coalition, who helped supervise its lobbying activities and who are likely to benefit directly from the coalition if the coalition lobbying efforts are successful.

We are confident that this disclosure requirement meets the constitutional test imposed by the Supreme Court for disclosure of members and contributors to organizations.

Finally, the bill would improve the administration of the lobbying disclosure law by establishing an office of lobbying registration and public disclosure within the Justice Department to administer the statute; requiring the issuance of new rules, forms, and procedural regulations after notice and an opportunity for public comment; making guidance and assistance, including published advisory opinions, available to the public for the first time; authorizing the creation of computer systems to enhance public access to filed materials, avoiding intrusive audits or inspections through an informal dispute resolution process; and substituting a system of administrative fines, subject to judicial review, for the existing criminal penalties which have been ignored.

Madam President, I have been working on this legislation for more than 3 years now. It has the strong support of the President who recently explained his position as follows:

> Despite the enormous impact of lobbying, and the huge sums spent for these purposes, current laws do not begin to address the public's questions about what forces influence policy. Only a small fraction of individuals who should register under current law even do so. Disclosure forms are weak, loophole-ridden, and provide meaningless information. Data regarding lobbying on behalf of foreign interests is particularly inadequate. And the definitions of lobbying in current law have not kept up with the realities of the labyrinthine regulatory state.

The President continues:

> To restore public confidence, then, we must ensure at a bare minimum that lobbying is fully disclosed, so that the full range of activities of lobbyists is open to public scrutiny. Toward that end, I strongly endorse the passage of legislation that would strengthen and streamline lobbying disclosure, and that effectively provides the public, the media and competing interests access to information about the extent of lobbying.
>
> I look forward to working with the Congress to secure speedy enactment of this important legislation.

Madam President, I conclude by asking unanimous consent that a number of editorials be inserted in the RECORD at this point. For example, the St. Louis Post-Dispatch ran an editorial a year ago under the headline "Close the Lobbying Loopholes," which stated in part: "As they now stand, lobbying regulations are so loose that the public's right to know who is talking to whom in Washington—and for what purpose—is rendered nearly meaningless."

The newspaper went on to say that:

> Current rules require only a small number of those who represent private interests * * * to register as lobbyists. The definition of lobbying is restricted to contact with legislators only, even though most of the important relationships are with their staffs. The rules on spending for lobbying are so inadequate that only a fraction of the true amount is reported. Worse, these rulings don't apply to lobbying Federal agencies; the few rules that do are usually ignored. * * * Congress needs to work to close the lobbying loopholes.

Similarly, the St. Joseph/Benton Harbor Herald-Palladium, in my own home State of Michigan, ran an editorial which said that the lobbyists should work in the open, and explained that lobbyists "operate in relative anonymity and secrecy, largely exempt from public disclosure and the public spotlight." A recent Associated Press story said that some 7,300 lobbyists are registered in Washington, but it is believed there are actually about 80,000 in town. They were able to escape the register through yet more loopholes in the laws. That is about 150 lobbyists to every single elected politician. The result is that our elected politicians, and many appointed ones, are pulled every which way but the right one.

Then they describe the legislation we are offering. They said if the legislation becomes law, it would require anybody who is paid to lobby our leaders to register. Further, it describes the legislation.

Madam President, I ask unanimous consent that a group of newspaper articles and editorials commenting on the Lobby Disclosure Act be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, this bill is the product of a 2-year review of lobby registration laws, including four hearings by the Governmental Affairs Subcommittee, which I chair and on which Senator COHEN is the ranking member. It has, again, strong bipartisan support of the leadership, the subcommittee, and the full committee, and it has been reported to the Senate without a dissenting vote. It has the strong support of the President, the Vice President, and the new administration. It is time for us to pass this bill.

I want to particularly thank my ranking Republican, Senator COHEN, for all the work he has done on this bill in the subcommittee and on so many other bills we work on. Without his involvement in this bill, it could not have come to the floor. I am personally appreciative of his work, and the country is very much in his debt for his effort on this bill.

I yield the floor.

EXHIBIT 1

[From the Orlando Sentinel, July 17, 1991]

SYSTEM FOR WATCHING OVER LOBBYISTS UNDER FIRE IN WASHINGTON

(By Anne Groer)

WASHINGTON.—Both those seeking to influence the federal government and those seeking to monitor that influence complained Tuesday that the system for regulating Washington lobbyists doesn't work.

The 1946 law designed to track those who try to influence Capitol Hill legislation and how much they spend isn't effective because most lobbyists don't register, and those who do register file incomplete or late reports, a Senate subcommittee was told.

Parts of the Federal Regulation of Lobbying Act are either so vague or so narrow, the

Justice Department concluded in 1983, that it is "ineffective, inadequate and unenforceable," said Milton Socolar, special assistant to the comptroller general in Congress' General Accounting Office.

Socolar said that about 6,000 individuals or groups were registered as lobbyists and filed reports in 1989, but more than 60 percent of the reports were late and 90 percent were incomplete.

While those who filed reported total income of $234 million and expenses of $76 million that year, "we do not know whether the information reported is accurate," Socolar said, because there is no routine monitoring of reports.

After four hours of testimony from witnesses who said the act either is too burdensome or doesn't go far enough, Sen. Carl Levin, D-Mich., stated flatly:

"The present system is unacceptable. I would rather repeal it than continue the present bill. It's unfair and irrelevant, it's not achieving a social purpose and it's breeding disrespect" for the law.

Although the act has been on the books for 45 years and carries a maximum one-year jail term and $5,000 fine, Levin said the Justice Department has never prosecuted anyone.

Levin chairs a Senate government management oversight subcommittee. The panel is studying possible changes in the disclosure laws for those who lobby Congress, the White House or federal agencies and for those who represent foreign governments, groups or firms.

One problem is the legal definition of lobbying.

A person must register if "the principal purpose of the compensation or the principal activity of the recipient is to influence legislation through direct communication with members of Congress," Socolar said.

But the phrase "principal purpose" is vague and can be used to avoid registration if, for example, the lobbyist also provides legal services for his or her client.

Sen. William Cohen, R-Maine, described a scenario where a Washington "super lawyer" receiving $1 million a year from a client might make a 25-cent phone call to a powerful committee chairman the night before a bill is considered.

Under the act, which does not require lobbyists to list expenses under $10, Cohen figured the lawyer wouldn't even have to register as a lobbyist—but even if he did, he could say he lobbied a senator for two minutes out of 500 billable hours and report only $66 of his $1 million fee.

Then there is the question of whether to include the lobbying of House and Senate staff assistants, who in many cases are just as important as elected representatives when it comes to influencing legislation.

Although about 6,000 men and women file reports with the Clerk of the House and Secretary of the Senate, Levin cited a Wall Street Journal estimate that 60,000 people are out there trying to influence legislation.

An unlikely alliance of the U.S. Chamber of Commerce and the American Civil Liberties Union warned Tuesday that stricter reporting requirements may undermine the constitutional right to petition the government—whether it be an outraged citizen writing a postcard to his congressman or a highly paid lobbyist writing a campaign check to his client's senator.

"It should be emphasized that the public's right to know—the major justification for lobbying legislation—is an inferred right which, unlike the right to petition the government, has not received specific constitutional protection and sanction," said Jeffrey Joseph, a Chamber of Commerce vice president.

Dona O'Bannon, a onetime aid to Rep. Sam Gibbons, D-Tampa, and now president of her own firm, proposed using some Florida "sunshine" to bring lobbying "out of the shadows."

Registration should be triggered by the first call or letter to any lawmaker or staff aide, she said; coalitions that lobby should disclose the names of their members; lobbyists should cite specific bill numbers and not just their clients' general interests; enforcement should be tightened and registration should be consolidated for all branches of government and for lobbyists who represent foreign interests, instead of requiring separate forms and documents.

O'Bannon drew a laugh when she said that, in preparing her testimony, she looked at her own filings and realized some were overdue and others hadn't been updated since 1974.

"They're all in order now," she said.

[From the Iron Mountain Daily News, July 23, 1991]

LEVIN PROPOSES CHANGES IN LOBBYING LAW

WASHINGTON.—Bill Ratchford is a well-known Washington lobbyist with clients ranging from the government of Mexico to the National Football League.

But Ratchford, a former congressman from Connecticut, is not registered with the office responsible for keeping track of the thousands of people paid to influence Congress.

Ratchford is not alone. More than half of Washington's influence salesmen and women have not filed papers with the Clerk of the House, despite laws dating back to 1946 which require disclosure of lobbying activities, according to a study commissioned by Sen. Carl Levin.

"The Lobbying Act is a phantom law. It has the appearance of requiring meaningful disclosure, but in reality, there is nothing there," said Levin.

The Michigan Democrat is holding a series of hearings on the issue and is expected to introduce major changes in the registration law this year.

The air of the lobbying law is to let the public know which special-interest groups are influencing Congress, what issues they want to pass or kill, and how much they pay for such services. But Levin said loopholes exempt even the most active lobbyists from public scrutiny.

"Under some interpretations of the act, there is not one person in America who is technically required to register as a lobbyist," Levin said.

In Ratchford's case, his employer, Gold and Liebengood, has filed documents with the Clerk of the House. But Ratchford is technically exempt because he spends less than half of his time actually talking to lawmakers. The law does not cover lobbyists who contend that such activity is not their "principal" task.

Lobbyists also are exempt if the subject is a congressional aide or the employee of a government agency—despite a general agreement that such people often are the most fertile ground for influence.

Levin asked the General Accounting Office to find out how many lobbyists are not registered. The investigative agency performed a computer cross-check of registered lobbyists with the names in "Washington Representatives," a directory of people and organizations who engage in public relations, government affairs and related activities.

The computer generated 9,800 names who were not registered with the Clerk of the House. After conducting followup surveys of a sample of those people, the investigators estimated that about three-fourths, or 7,350, were engaging in lobbying of some sort but were not registered. By comparison, about 6,000 names are on file with the Clerk.

Public-interest groups have been urging Congress to close the reporting loopholes for years, said Susan Manes of Common Cause.

"The law is a joke and almost everybody in town knows it," she said.

But the changes will be meaningless unless the Clerk of the House cracks down on lobbyists who file or submit incomplete reports and the Justice Department prosecutes lobbyists who ignore the law, Manes said.

Some of Washington's biggest lobbying firms also are calling for reforming the law—in part because of concern that every federal agency soon will have its own set of disclosure requirements.

Lobbyist Thomas Hale Boggs Jr. told Levin's committee that he would like to see "one-stop-shopping for the registration of lobbying activities, including uniform standards to the greatest extent possible."

But the lobbyists—ever the negotiators—told Levin that Congress should minimize reporting of their salaries and expenses in exchange for broadening the disclosure requirements.

Boggs noted that the financial disclosure reports file each year by House and Senate members lists assets, debts and income in broad categories.

"Compensation reported in ranges would encourage reporting by simplifying the reporting task, but would still give an accurate picture of lobbying activities," Boggs said.

[From the Detroit (MI) Legal News, Aug. 1, 1991]

LAWYER-LOBBYISTS COULD LOSE IMPORTANT LOOPHOLE

(By Charley Roberts)

Lawyers who double as lobbyists may be about to lose the fig leaf in the law that has allowed some of them to avoid disclosing their dual identity.

The U.S. Senate Governmental Affairs Committee is moving to close loopholes in the federal Lobbying Regulation Act of 1946, and one of the targets is a provision that has been used to exempt lawyers from registering as lobbyists.

A recent study by the General Accounting Office, the investigative arm of Congress, found that noncompliance with the act is widespread. Of the 13,501 individuals and organizations listed in a 1990 directory of lobbyists, consultants and trade associations, the GAO study found that 9,800 were not registered with Congress.

The GAO then randomly selected 16 of the 9,800 to interview. Twelve of the 16 had had contact with members of Congress, dealt with federal legislation or lobbied the executive branch.

A lobbyist is defined in the act as one who seeks to influence legislation through direct communication with members of Congress. To avoid requiring everyone who writes their congressman to register, the act distinguishes between Joe Six-Pack and persons who lobby as part of their job.

Under the provision, a further distinction is made between contacts that are incidental to the individual's employment, such as a corporate officer who writes to Congress about a particular bill, and contacts that are central to the individual's employment.

"I assume the principal purpose test includes layers," said Thomas Susman chairman of the American Bar Association's Committee on Legislative Process and Lobbying. But he admits that the law is to clear on this issue.

Said Susman, a partner at Ropes & Gray in Washington, "There is a sense that the test creates a loophole for law firms and associations."

Rather than treat separately a client's payment to lobby on a particular bill, some lawyers lump together all payments for lobbying and non-lobbying work for that client. Under that approach, if the payments for lobbying does not constitute the bulk of the payments from that client, the lawyer doesn't have to register.

In addition, some advocacy groups, such as the American Civil Liberties Union, don't register as lobbyists. In the ACLU's view, requiring lobbyists to register is a violation of the First Amendment right to petition the government for redress of grievances.

Similarly, while lobbyists for coalitions lobbying for and against specific bills may lobby, the coalitions don't disclose their members who are contributing the funds to hire the lobbyists. An example of this is the coalition of corporations opposing the major bill to reverse several recent civil rights decisions by the Supreme Court.

Another way the lawyers and others who lobby avoid registering is by narrowly defining direct contact with Congress.

While Susman and a number of other proponents of reform believe the act was meant to cover contact with members of Congress or their staff opponents of reform note that the Supreme Court, in interpreting the statute, referred only to members, not staff. Thus, they argue, contact with staff are not covered by the act.

Susman believes the Supreme Court, in interpreting "the old and carelessly written statute," failed to appreciate how the language of its ruling would be used to permit lobbyists to avoid complying with the act.

"I've gotten things added to four bills in two congresses without talking to a single member," he said, adding that he registered each time. Many others do not, however.

The Senate committee is considering revising the statute to expand its coverage to lobbying of congressional staff, too. But that is even more controversial than closing the lawyer loophole.

Susman, who is working on a compliance manual on lobbying for the ABA, has circulated a draft proposal that would advise lawyers who lobby to treat contacts with members or their staff as triggering the registration requirement. "I've gotten hostile calls from some lawyers in D.C.," he said.

As for the Senate committee's efforts, Susman said it is too early to tell whether Congress will actually rewrite the law.

However, he noted that there are encouraging signs: The GAO study, the obvious interest of Sens. Carl Levin, D-[Mich.], and William Cohen, R-Maine, the chairman and ranking minority member of the relevant subcommittee, and talk in the lobbying community about the need to be more active on this issue.

"That tells me that is an undercurrent of potential for reform," said Susman.

SENATOR LEVIN CRITICAL OF MILITARY CONTRACTORS' LOBBYING

(By Larry Margasak)

WASHINGTON (AP).—Sen. Carl Levin of Michigan says six major military contractors spent $5.7 million lobbying the government in 1990 but were required to publicly disclose only a fraction of the costs.

A new lobbying disclosure law enacted in October 1989 is so riddled with exemptions that the contractors reported only $3,547 of the $5.7 million spent last year, a Senate investigation said.

"We have discovered again that the lobbying disclosure laws are failing miserably to achieve their purpose," The Detroit Democrat said.

The investigation of lobbying disclosures was conducted by Levin's Senate Governmental Affairs oversight subcommittee. Committee investigators made the results available to The Associated Press before a hearing on the disclosure problems scheduled for Wednesday.

The $5.7 million was the figure privately provided to the Defense Contract Audit Agency by the six companies. The committee didn't break down the money company by company.

The six contractors studied were: McDonnell Douglas, which had military contracts worth $8.9 billion in fiscal 1990; General Dynamics, $6.5 billion; General Electric, $5.8 billion; United Technologies, $2.9 billion; Martin Marietta, $4.2 billion; and Lockheed, $3.8 billion. The committee said the figures were from published compilations of the top 200 government contractors.

A government-wide regulation requires contractors to disclose their costs to the contracting agency to prevent unauthorized charges; lobbying expenses must be broken out separately.

The committee said it compared the $5.7 million to two laws requiring public disclosure: the October 1989 Byrd Amendment, named for its sponsor, Sen. Robert C. Byrd, D-W.Va., and the 1946 Lobbying Regulation Act.

The Byrd Amendment requires disclosures by the contractors; the 1946 law requires information from lobbyists. Reports filed for 1990 under the older law showed lobbyists received $388,727 from military contractors another way of measuring publicly reported expenditures.

The investigators said they could not conclude that the contractors violated either disclosure law.

"Disclosure under the Byrd Amendment is almost non-existent and it's not because there's so little lobbying," Levin said in a news release. "Instead there's a real problem with the way this law has been interpreted, applied and also studiously avoided."

The companies have many reasons to lobby Congress and the Defense Department. They bid against each other for contracts. Their production lines face shutdowns as weapons technology advances. They want to make sure Congress will finance production of a prototype.

An example of a contractor lobbying blitz occurred just last week when the Senate Appropriations Committee resuscitated the Seawolf submarine. A day earlier, the panel's defense subcommittee voted to stop funds for the warship.

Sen. Daniel Inouye, D-Hawaii, chairman of the Defense Appropriations Subcommittee, led the 180-degree turnabout. Inouye said he changed his mind after heavy lobbying by the shipbuilder, the Electric Boat Division of General Dynamics Corp., the Navy and senators from Connecticut, home of Electric Boat.

Among its other provisions, the Byrd Amendment requires a contractor to disclose the name and address of each person paid to influence the award, the amount of the payment and the activity for which the individual was paid.

However, investigators said they found numerous exceptions and limitations that exclude virtually all lobbying from coverage.

[From the New York Times, Sept. 26, 1991]

SENATE PANEL LOOKS AT MILITARY LOBBYING LAW

WASHINGTON, September 25. (AP).—They were retired generals and former Pentagon officials, more than 100 consultants in all, working for military contractors to lobby the executive branch and Congress.

But not a word of their lobbying activities for 13 contractors and two universities were publicly reported under a 1989 disclosure law. The statute just had too many loopholes, Senate investigators found.

"We have discovered again that the lobbying disclosure laws are failing miserably to achieve their purpose," Senator Carl Levin, a Michigan Democrat, said Tuesday. Mr. Levin is chairman of the Senate Governmental Affairs Subcommittee on Oversight of Government Management, which held a hearing today on the statutes.

RIDDLED WITH EXEMPTIONS

The subcommittee's investigators found that six big military contractors spent $5.7 million lobbying the Government last year, but were required to publicly disclose only a fraction of the costs. The subcommittee also received information on the consultants from the Defense Department's inspector general.

The Byrd Amendment, a lobbying disclosure law enacted in October 1989, is so riddled with exemptions that the contractors reported only $3,547 of the $5.7 million spent last year, investigators found.

The $5.7 million was the figure privately provided to the Defense Contract Audit Agency by the six companies. The subcommittee did not break down the money by company.

The six contractors studied were the McDonnell Douglas Corporation, which had military contracts worth $8.9 billion in the fiscal year 1990; the General Dynamics Corporation, $6.5 billion; the General Electric Company, $5.8 billion; the United Technologies Corporation, $2.9 billion; the Martin Marietta Corporation, $4.2 billion, and the Lockheed Corporation, $3.8 billion. The panel said the figures were from published compilations of the top 200 government contractors.

A Federal regulation requires contractors to disclose their costs to the contracting agency to prevent unauthorized charges; lobbying expenses must be broken out separately.

TWO DISCLOSURE LAWS CITED

The committee said it compared the $5.7 million to two laws requiring public disclosure: the Byrd Amendment, named for its sponsor, Senator Robert C. Byrd, Democrat of West Virginia, and the Lobbying Regulation Act of 1946.

The Byrd Amendment requires disclosures by the contractors; the 1946 law requires information from lobbyists. Reports filed for 1990 under the older law showed that lobbyists received $388,727 from military contractors—another way of measuring publicly reported expenditures.

The investigators said they could not conclude that contractors violated either disclosure law.

"We have reported fully and accurately in compliance with the pertinent laws and regulations," said Joe Sutherland, a spokesman for General Dynamics.

Barbara Anderson, a spokeswoman for McDonnell Douglas, said the company was "complying with the law."

In his statement Tuesday, Senator Levin said: "Disclosure under the Byrd Amendment is almost non-existent, and it's not because there's so little lobbying. Instead, there's a real problem with the way this law has been interpreted, applied and also studiously avoided."

The Pentagon inspector general's survey found that lobbying by the 100-plus consultants was not disclosed because of the way contractors interpreted the Byrd Amendment. Their reading of the law was backed by the Defense Department and the Office of Management and Budget, a White House agency.

Among its other provisions, the Byrd Amendment requires a contractor to disclose the name and address of each person paid to influence the award, the amount of the payment and the activity for which the individual was paid.

[From the National Journal, Oct. 19, 1991]

FIXING TATTERED FEDERAL LOBBYING LAWS

(By Carol Matlack)

The tattered patchwork of laws covering federal lobbying has gotten a thorough airing on Capitol Hill for the first time in years. Now, it may be in for a mending.

A recent series of Senate hearings produced a consensus, including strong statements from many lobbyists, that existing laws governing lobbying are loophole-ridden, poorly enforced and widely ignored by lobbyists. Sen. Carl Levin, D-Mich., who chaired the hearings before the Governmental Affairs Subcommittee on Oversight of Government Management, is drafting an overhaul package and plans to introduce it early next year.

Levin has said he wants to combine and revamp three laws:

The 1946 Federal Regulation of Lobbying Act, which requires congressional lobbyists to report the names of their employers, legislative interests and receipts and expenditures. Nearly everyone familiar with the act agrees that it is, in Levin's words "a phantom law."

The General Accounting Office (GAO) reported recently that about two-thirds of the individuals listed in Washington Representatives, a standard reference book on lobbyists and interest-group officials, had never registered as lobbyists. The GAO interviewed a random sample of those who weren't registered and found that many did lobby Congress. Of approximately 6,000 lobbyists who had registered, the GAO found that 90 per cent had failed to report all the information required by law. And though the law carries criminal penalties for noncompliance, federal authorities haven't taken any enforcement actions since the 1950s.

The 1938 Foreign Agent Registration Act, which requires anyone seeking to influence U.S. policy on behalf of a foreign client to register at the Justice Department. The law has two major loopholes, though. Lawyers who represent foreign clients in administrative proceedings aren't required to file. Neither are U.S. subsidiaries of foreign companies. And so, for example, there was virtually no reporting of a major lobbying effort by foreign automakers to overturn a Customs Service ruling on the tariff treatment of sport utility vehicles. (See NJ, 9/23/89, p. 2318.)

The so-called Byrd Amendment, attached by Sen. Robert C. Byrd, D-W.Va., to a 1989 appropriations bill, which requires recipients of federal grants or contracts to disclose whether they paid for outside lobbying help. (See NJ, 5/12/90, p. 1140.) The measure created a storm of protest by federal contractors, but so far, compliance has been scant. Only a handful of disclosure reports have been filed, and an investigation by Levin's subcommittee found that several major lobbying efforts on defense contracts were never reported.

The Senate hearings produced a laundry list of complaints from lobbyists, too. Lack of uniformity was a major gripe: Foreign agents, for example, must disclose far more information than their domestic counterparts and are subject to audits by the Justice Department.

And except for foreign agents, contacts with executive branch officials go largely unreported. (Levin's interest in reviewing the lobbying laws stemmed from his discovery that Wedtech Corp., the infamous South Bronx company that became enmeshed in a federal contracting scandal, had never disclosed any of its contacts with Reagan Administration officials.)

The congressional lobbying law is so vaguely worded that lobbyists say it's difficult to know who should report what. The result, said former Rep. Lloyd Meeds, D-Wash., now a Washington lawyer-lobbyist and chairman of the American League of Lobbyists' ethics committee, is that lobbyists who conscientiously report all their activities are put at a competitive disadvantage with scofflaws. "The people who ignore the [exiting laws] thrive on confusion and obfuscation," he said.

Among lobbyists who testified at the hearings, only one, representing the U.S. Chamber of Commerce, said there was no need to revamp the laws.

But agreeing on the details of a new lobbying law won't be easy. Some lobbyists think that the current rules are too harsh. For example, Denis M. Neill, a lobbyist who represents foreign interests, said in an interview that he sometimes has difficulty arranging meetings on Capitol Hill because Members are nervous about the meetings' being disclosed—while lobbyists for domestic interests have no such problem.

The House Judiciary Subcommittee on Administrative Law and Governmental Relations has held hearings on the foreign agent law, and the subcommittee chairman, Barney Frank, D-Mass., expects to mark up a bill this fall. Frank has said that he favors tougher requirements for foreign agents' filings at the Justice Department but might consider shielding some information in the filings from public disclosure.

Rewriting the Byrd Amendment could be sticky, too, given the powerful Appropriations Committee chairman's strong feelings on the subject (Byrd offered the amendment after learning that West Virginia University had retained a lobbyist to help secure federal research funds—a service Byrd said he would have gladly performed for free.)

Still, many lobbyists say they are encouraged by Levin's approach to the problem; he even attended a meeting for lobbyists to hear their complaints.

"I think the community [of lobbyists] is ready to see a single law," Neill said. "We would all welcome one single method of reporting and record-keeping."

[From the Detroit News, Dec. 29, 1991]

LAW WOULD SHINE LIGHT ON LOBBYISTS' ACTIVITIES

(By Gary Lee)

WASHINGTON.—Sen. Carl Levin, D-Mich., next month will ask Congress to require lobbying groups and their employees to register with the U.S. Office of Ethics and file reports twice a year.

The goal is greater disclosure of lobbyists' activities, including their earnings and clients, he said.

"Most lobbyists ignore the existing laws," said Levin, who chairs a government oversight subcommittee. "What we are trying to do is find out who is lobbying for whom and for how much money. The public deserves to know."

One section of his draft legislation would expand required disclosure of contacts between lobbyists and executive branch officials.

In an attempt to crack down on lobbying of the White House and federal agencies, Congress two years ago passed a requirement that applicants for federal contracts over $100,000 disclose their lobbying of the executive branch.

However, preliminary figures show the law has shone only minimal light on lobbying activities. During 1990 and the beginning of 1991, firms and individuals negotiated more than 102,000 contracts worth six figures or more with federal agencies—but only 257 filed lobbying reports, the General Accounting Office (GAO) reported recently.

"The intent of the law was good," said Levin. "Unfortunately, just about everybody found loopholes to avoid complying with it." Levin proposes fines of up to $100,000 for lobbyists who don't comply.

Levin's interest in overhauling federal lobbying laws was sparked during the 1989 Senate investigation of the Wedtech scandal, in which a New York City defense contractor paid hundreds of thousands of dollars to influence Reagan administration officials in the 1980s.

"Here you had a case of lobbying of the executive branch (that) was done in total secrecy by former insiders for a lot of money," Levin said. "If ever a case showed that more sunshine is needed in lobbying, that was it."

The 1989 requirement has proved largely ineffective, according to studies by the GAO and congressional investigators. The law prohibits the use of federal funds for lobbying agency employees and requires disclosure statements from companies seeking contracts that exceed specified amounts.

In 1990, five big defense contractors—McDonnell Douglas, General Dynamics, General Electric, Martin Marietta and Lockheed—spent approximately $5 million lobbying for defense contracts, according to a congressional study.

None of the defense contractors or their consultants filed disclosure forms. In each case—and hundreds of others—loopholes let firms avoid the reporting requirements, GAO and congressional officials said in interviews. One favorite loophole allows full-time employees of contractors to bypass disclosure even if they engage in lobbying, while paid lobbyists hired explicitly to lobby must file reports of their activities.

Another loophole lets those who lobby on general measures avoid disclosure, while those who lobby for a specific contract or grant must report on their efforts.

Levin's bill would make it far more difficult for executive branch lobbyists to avoid filing reports. It also would tighten loopholes in the 1946 Lobby Registration Act, which requires those who lobby Congress to register with a congressional office.

[From the Washington Post, Dec. 27, 1991]

Levin Plans To Introduce Legislation To Broaden Disclosure by Lobbyists

(By Gary Lee)

A bill scheduled to be introduced in Congress next month would require lobbying groups and their employees to register with the U.S. Office of Ethics and to file reports of their activities twice a year, according to a draft copy circulating in Washington.

The bill is sponsored by Sen. Carl Levin (D-Mich.) and results from his campaign for greater controls over the nation's burgeoning lobbying industry. The main purpose of the proposed legislation, Levin said recently, is to bring about more thorough disclosure of lobbyists' activities, including their earnings and who their clients are.

"The situation now is that most lobbyists ignore the existing laws," said Levin, who chairs the Senate Governmental Affairs subcommittee on oversight of Government management. "What we are trying to do is find out who is lobbying for whom and for how much money," he said. "The public deserves to know these things."

The bill is designed to replace all existing major laws governing lobbyists' activities, including the 1989 Byrd amendment, the 1946 Lobby Registration Act and the 1938 Foreign Agents Registration Act.

One section of the draft bill would expand required disclosure of contacts between lobbyists and executive branch officials.

In an attempt to crack down on lobbying of the White House and federal agencies. Congress two years ago passed an amendment offered by Sen. Robert C. Byrd (D-W.Va.). The Byrd amendment requires applicants for federal contracts over $100,000 to disclose their lobbying of the executive branch.

However, preliminary figures appear to show that the law has shone only minimal light on lobbying activities. During 1990 and the beginning of 1991, firms and individuals negotiated more than 102,000 contracts worth six figures or more with federal agencies, but only 257 filed lobbying reports, according to a recent General Accounting Office (GAO) report.

"I think the intent of the law was good," said Levin. "Unfortunately, just about everybody found loopholes to avoid complying with it." Levin's draft bill includes a proposed fine of up to $100,000 for lobbyists who don't comply.

Levin's interest in overhauling the nation's lobbying laws was first sparked during the 1989 Senate investigation of the Wedtech scandal, in which a New York City defense contractor paid lobbyists hundreds of thousands of dollars to influence Reagan administration officials in the 1980s.

"Here you had a case of lobbying of the executive branch [that] was done in total secrecy by former insiders for a lot of money," Levin said. "If ever a case showed that more sunshine is needed in lobbying, that was it."

The Byrd amendment has proved largely ineffective, according to studies conducted by the GAO and congressional investigators. The law prohibits the use of federal funds for lobbying agency employees and requires companies seeking contracts that exceed specified dollar amounts to file disclosure forms.

In 1990, for instance, five big defense contractors—McDonnell Douglas, General Dynamics, General Electric, Martin Marietta and Lockheed—spent approximately $5 million lobbying for defense contracts, according to a congressional study.

In addition, 13 major defense contractors and two universities contacted by the GAO acknowledged they had used more than 100 paid consultants during the same period, including several retired generals, to influence the appropriation or authorization of defense budget funds.

None of the defense contractors or their consultants filed disclosure forms under the Byrd amendment. In each case—and hundreds of others—loopholes were found that allowed firms to avoid the law's reporting requirements. GAO and congressional officials said in interviews. One favorite loophole allows full-time employees of contractors to bypass disclosure even if they engage in lobbying, while paid lobbyists hired explicitly to lobby must file reports of their activities.

Another loophole allows those who lobby on general measures to avoid disclosure, while those who lobby for a specific contract or grant must report on their efforts. "The emphasis tends to be on finding a way for not reporting," Derek J. Vander Schaaf, deputy inspector general of the Defense Department, told a congressional hearing in September.

Levin's draft bill would close many of the loopholes and, in effect, make it far more difficult for executive branch lobbyists to avoid filing reports.

Besides overhauling the Byrd amendment, the draft law would simplify requirements under the Foreign Agents Registration Act, which establishes guidelines for all firms or individuals who lobby for foreign entities to register with the Justice Department.

The proposal also would tighten loopholes in the Lobby Registration Act, which requires those who lobby Congress to register with a congressional office.

During hearings on lobbying held last summer, Levin's subcommittee found that the noncompliance rate was dramatically high. "Besides the loopholes," Levin said, "the laws are so ambiguous and cumbersome that compliance is avoided at all expense."

Levin and his staff are making a concerted effort to garner views from the lobbying industry on the new legislation in order to avoid criticism after it is released. They invited several dozen lobbyists working across a broad spectrum of issues to testify in hearings last spring and summer. Almost all of those testifying expressed dissatisfaction with the current system.

[From the St. Louis Post-Dispatch, Feb. 13, 1992]

Close the Lobbying Loopholes

A recent series in the Post-Dispatch by Robert Koenig on the abuses of lobbying in Washington demonstrates how those who are considered "financially articulate" dominate and distort government decision-making. As they now stand, lobbying regulations are so loose that the public's right to know who is talking to whom in Washington—and for what purpose—is rendered nearly meaningless.

Current rules require only a small number of those who represent private interests—and public ones, too, such as cities and states—to register as lobbyists. The definition of lobbying is restricted to contact with legislators only, even though most of the important relationships are with their staffs. The rules on spending for lobbying are so inadequate that only a fraction of the true amount is reported. Worse, these rules don't apply to lobbying federal agencies; the few rules that do are usually ignored.

Given Congress' reputation for being in the pocket of special interests, these inadequacies in the law must be remedied. The loopholes lobbyists use to hide their identities, activities and the amount they spend importuning public officials must be exposed. This change is all the more essential because legislators are so busy raising campaign money and mending their political fences that they often lack the time or inclination to become knowledgeable about the issues before them. Hence lobbyists who peddle expertise, or merely the details of the impact of a proposal on a member's district, have became central to government decision-making.

This development may be inevitable—but the public has a right to know about it. What's more, educating those who are not well-organized about the achievements of those who are may motivate the financially inarticulate to raise the money and develop the expertise to fight for their cause. Congress needs to set a work to close the lobbying loopholes.

[From The St. Louis Post-Dispatch, Feb. 28, 1991]

Senator Offers Legislation To Close Lobbying Loopholes

(By Robert L. Koenig)

Washington.—Calling on Congress to open more back-room lobbying to the sunshine of public disclosure, Sen. Carl Levin introduced a bill Thursday that aims to overhaul the federal lobbying laws.

Levin, D-Mich., said his legislation—a measure that would replace three current lobbying disclosure laws—would close loopholes, strengthen enforcement and cut down on the paperwork required by the present system.

The current federal lobbying laws have been widely criticized for failing to require disclosure by people who lobby the Executive Branch and congressional staff. In addition, many lawyers are exempted for having to disclose their representation of foreign interests under the Foreign Agents Registration Act of 1938.

Levin's bill would:

Require registration of all people who are paid to lobby either Congress or the Executive Branch.

Enhance enforcement of the disclosure laws by replacing criminal penalties—under which no one has ever been convicted—with a new system of civil fines, which may be as high as $100,000.

Establish the Office of Government Ethics as the central location for all registrations of lobbyists and require only a single disclosure for the various types of lobbying.

Levin, chairman of the Senate Governmental Affairs subcommittee that oversees government management, said he expected his panel would approve the bill this spring.

He noted that lobbying was protected by the First Amendment, adding: The way to protect the public interest is through disclosure." He said recent polls showed that 70 percent of Americans believe the government is controlled by special interests, and public approval of Congress is down to 18 percent.

"One of the reasons for this lack of confidence is the widespread belief that government today is too susceptible to the influence of well-connected and highly-paid lobbyists," Levin said.

"Lobbyists are seen as part of 'the problem in Washington,' as representatives of special interests who are paid well to place their own narrow constituencies above the public interest."

Registration Changes Would Help Lobbyists' Image, Levin Says

(By John Flesher)

Washington (AP).—Sen. Carl Levin proposed streamlining the registration of lobbyists Thursday, saying current laws are ineffective and feed a perception of lobbying as unsavory.

"All too often, the public is informed about a lobbying effort only in the context of a scandal," the Michigan Democrat said. "All the beneficial, appropriate lobbying efforts don't make the news."

Levin is chairman of an oversight subcommittee that conducted a series of hearings on lobbyist registration last year.

The General Accounting Office, the congressional investigative arm, reported at one hearing that only 3,700 of the 13,500 individuals and agencies listed in a book about Washington lobbyists were registered with the government.

Yet three-quarters of the unregistered representatives told the investigators they contact members of Congress, their staff, and executive branch officials about pending legislation.

Witnesses complained that the law was vague about who is required to register. One described it as "anachronistic, incomprehensible and unenforceable."

The bill would replace the existing statues with one law covering all paid lobbying of Congress and the executive branch.

It is designed to "take a hugh step in the . . . direction of government in the sunshine, the direction of public disclosure and accountability, without impinging on First Amendment rights," Levin said.

It is meant to ensure that all professional lobbyists are registered, Levin said. It would encourage participation by requiring lobbyists to provide only meaningful information and making clearer who is required to register, he said.

Instead of reporting in detail all money raised and spent on the job as now required, lobbyists only would have to provide estimates of total amounts.

And they would be able to report just the federal agencies and offices they contact instead of the current requirement of listing every official with whom they speak.

The bill includes a "one-step shopping" provision enabling lobbyists to register by filling out one form at one location, and replaces the quarterly reports with semi-annual ones, Levin said.

It also would designate the Office of Government Ethics to oversee lobbying and make additional rules as needed, he said.

"The path we have chosen is not to legislate every detail, but to create for the first time an administrative mechanism to provide full and effective guidance on how to comply," Levin said.

[From the Washington Post, Feb. 28, 1992]

BILL TARGETS LOBBYISTS' ACTIVITIES; LEVIN WANTS TO CAST LIGHT ON DEALMAKERS

(By Gary Lee)

Sen. Carl Levin (D-Mich.) yesterday introduced a sweeping new bill that would require Washington lobbyists to make detailed regular reports of their activities and the amount of money they spend and would fine them up to $100,000 for noncompliance. The reports would be available to the public twice a year.

If enacted, the bill will be the most comprehensive law governing lobbyists in more than four decades. It is designed to open more information about contracts between lobbyists and government officials, which have long been criticized as back-room deals.

"One of reasons why the public is suspicious and distrustful of the relationship between lobbyists and government officials is the cloak of secrecy that currently covers too many lobbyists and their activities," Levin said in a speech on the Senate floor yesterday. "This bill takes a huge step in the right direction—the direction of government in the sunshine."

Under the bill, lobbyists and interest groups would be required to register with the Office of Government Ethics within 30 days after making a contact with a federal official, lawmaker or lawmaker's aide and to report basic information about the lobbyists, the issues they represent and their clients.

In subsequent reports, to be filed twice a year, lobbyists would be asked to detail the issues they lobbied for, whom they contacted in their lobbying efforts, and to estimate how much they spent.

The proposed law is designed to replace the 1946 Lobby Registration Act, which governs the activities of lobbyists working for U.S. clients, and some aspects of the 1938 Foreign Agents Registration Act, which establishes the rules for individuals and groups lobbying for foreign governments or companies.

The new act would toughen some aspects of both laws. For example, those who lobby for American companies would have to list contacts they make with congressional aides, instead of only members of Congress, as required in the current law.

Another new element would fine those who fail to comply with the law. No lobbyists have ever been punished for a violation of the current law, congressional aides said.

Under the proposed legislation, the director of the Office of Government Ethics would notify individuals suspected of violating the rules and eventually determine the size of the fine to be imposed. Late filers would be penalized $200 a week. The maximum penalty for bigger violations would be $100,000. "We think this really gives the law teeth," said Linda Gustitus, staff director of the Senate Governmental Affairs subcommittee on oversight of government management chaired by Levin.

The new bill was drafted after testimony at three hearings last summer before Levin's subcommittee. Comments were solicited from more than 50 lobbyists, whose clients run the gamut from Common Cause to the U.S. Chamber of Commerce.

Several provisions in the proposal were added in response to lobbyists' complaints about existing laws. Instead of quarterly filings, for example, as currently required, the proposed law asks for reports twice a year. And while current rules ask for exact dollar amounts spent on everything from cups of coffee to taxis, the new law would allow figures to be estimated.

Reaction to the bill among lobbyists and lawmakers was mixed. Some lobbyists reacted favorably. "It looks like a very balanced and reasonable approach to solving many of the problems with the existing legislation," said Howard Marlowe, an independent lobbyist.

But others objected strongly to particular provisions in the bill. The requirement that lobbyists report contacts with congressional staff "sends a chilling effect," said John Chwat, a veteran Washington lobbyist. "This would violate years and years of relationships lobbyists have built up," Chwat said. "And it is totally unenforceable."

If enacted in its current form, the law would "violate our First Amendment rights," Chwat added.

Lawmakers were privately skeptical about the bill's chances.

[From the Macomb Daily, Mar. 11, 1992]

LEVIN'S PROPOSAL MAKES GOOD SENSE

U.S. Sen. Carl Levin has proposed streamlining the registration of lobbyists, saying current laws are ineffective and feed a perception of lobbying as unsavory.

"All too often, the public is informed about a lobbying effort only in the context of a scandal," the Michigan Democrat told the Associated Press.

"All the beneficial, appropriate lobbying efforts don't make the news."

Sen. Levin has a point. Lobbyists are not highly regarded by the public, which generally suspects them of influence peddling by providing special favors to lawmakers.

Yet, the government's own research, in many ways, indicates that lobbyists are partly responsible for their own unsavory reputation.

The General Accounting Office, the congressional investigating arm, reported that only 3,700 of the 13,500 individuals and agencies listed in a book about Washington lobbyists were registered as required with the government.

Three-quarters of those unregistered told investigators they contact members of Congress, their staff and executive branch officials about pending legislation.

These unregistered lobbyists complain that the present law is too vague about who is required to register. One person described it as "anachronistic, incomprehensible and unenforceable."

Sen. Levin agrees. His proposal would replace the existing statutes with one law covering all paid lobbying of Congress and the executive branch.

It is designed to "take a huge step in the direction of government in the sunshine, the direction of public disclosure and accountability, without impinging on First Amendment rights," Sen. Levin said.

We would not usually be in favor of changing laws simply because many of those affected are either ignoring present requirements or finding loopholes in the guidelines.

In this case, however, it's obvious that the law itself may be part of the problem.

Sen. Levin's proposal would strengthen the guidelines on lobbyists by forcing more of them to adhere to specific requirements.

In addition to making clearer who must register, lobbyists would only have to provide estimates of amounts of money raised and spent on the job.

And they would be able to report just the federal agencies and offices they contact on legislation instead of the current requirement of listing every official with whom they speak.

The bill also includes a "one-stop shopping" provision enabling lobbyists to register by filling out one form at one location and replaces the quarterly and semi-annual reports.

"The path we have chosen is not to legislate every detail, but to create for the first time an administrative mechanism to provide full and effective guidance on how to comply," Sen. Levin said.

Sometimes you can get more from less—particularly in government. Levin's proposal to increase lobbying controls by making the paperwork less stringent makes sense.

[From CQ, June 27, 1992]

LOBBYING: COMMITTEE MOVES TO TIGHTEN REGISTRATION LOOPHOLES

(By David Masci)

Legislation to require lobbyists to report more of their activities won voice vote approval by the Senate Governmental Affairs Committee on June 25—the first step in a major revision of lobbying laws that is likely to carry into the next Congress.

The Federal Regulation of Lobbying Act of 1946—which requires all persons hired for the principal purpose of lobbying Congress to register with the House and Senate—has long been considered ineffective. This became especially true after the Supreme Court, in its 1954 ruling in U.S. v. Harris, narrowly interpreted its key provisions, ensuring that almost anyone could minimize reporting or avoid it altogether.

Equally loose, committee members said, is the Foreign Agents Registration Act of 1938, which requires anyone representing a foreign government or principal to register with the Department of Justice.

"These loopholes are breeding a disrespect for the law," Carl Levin, D-Mich., sponsor of the legislation, told his committee colleagues." About 70 percent of the people listed in 'Washington Representatives' [a guide to Washington lobbyists] are not listed as lobbyists under our laws."

Levin, chairman of the committee's Oversight of Government Management Subcommittee, has held hearings on lobbying loopholes since 1991.

The bill (S 2766) would simplify disclosure procedures by requiring anyone engaged in lobbying the executive or legislative branch to register unless these activities are incidental to the job.

Registered lobbyists would be required to issue a semiannual report revealing the income received for lobbying in behalf of a client or, if representing themselves, providing a good-faith estimate of the amount spent on lobbying activities.

Each report also would be required to contain a list of issues the lobbyist worked on and the federal agencies and congressional committees contacted.

The bill would create an Office of Lobbying Registration and Public Disclosure in the Justice Department of administer the statute. Its duties would include providing interested parties with registration and reporting information as well as investigating and determining non-compliance. Violations could lead to civil penalties as high as $10,000. The current law has no mechanism for enforcement.

Under an amendment offered by Chairman John Glenn, D-Ohio, and approved by voice vote, those who worked in the executive or legislative branch in the two years before registering as lobbyists would have to disclose the details of their government service.

While the measure enjoyed the full support of committee members in attendance, Ted Stevens, R-Alaska, warned his colleagues that the Department of Justice had some concerns about the bill that had not been addressed by the committee. He said the department considers the definition of lobbying in the measure to be vague and confusing.

A similar bill has yet to be introduced in the House, although a measure (HR 3597) that makes changes in foreign-agent registration won the approval of the House Judiciary Subcommittee on Administrative Law on Oct. 23, 1991.

"There just aren't enough legislative days left to finish this," said one Senate committee aide, adding that with the markup, "We are laying the groundwork for next year."

[From the Huron Daily Tribune, Nov. 24, 1992]

Lobbying Law Useless; Drastic Need for Reform, Levin Says

(By Suzanne Hoholik)

Reforming lobbying laws in Washington will be at the top of Sen. Carl Levin's agenda when the U.S. Senate reconvenes in January.

Levin said there is a drastic need to reform lobbying laws to keep special interest groups in check.

"The current law is basically useless," Levin said Monday afternoon from Washington during a conference call with the Daily Tribune and other Michigan daily newspapers.

"About 70 percent of lobbying is done by people not registered as lobbyists," he said. "There are many, many loopholes—like lawyers and staff are not covered."

Levin plans to reintroduce a bill next year that would require all lobbyists to be registered with the federal government.

"The bill I introduced would close the loopholes," he said. "The idea behind it is that although lobbying is constitutional, the way in which you keep special interests in check is to disclose and bring out in the open how much they are being paid.

"In the current law, there's more holes than cheese."

Of the 13,000 lobbyists in Washington, Levin said only a few thousand are registered.

"We're not given the information which we need because most people in the business of lobbying do not register at all," Levin said. "Registration has been avoided by most lobbyists in this town and the public should know the total that is being paid to a lobbyist."

Levin has no doubts his bill will receive support from both the White House and Congress.

"We did not have the support of the Bush administration and given the position of President-elect Clinton, we will be able to get this lobbying reform bill passed this upcoming Congress," he said.

Government will operate a lot smoother now that Democrats control the House, Senate and White House, Levin said.

"Gridlock is over and I say that confidently," he said. "The public wants it and I believe that not only the vast majority of Democrats wants it in place, there will be a period where many Republicans will join us to get some economic recovery going in this country.

"If this election stood for anything, it stood for a vast majority of changes. More than 50 percent of the voters were for change."

But Levin believes change remains in the power of the vote, despite voters in Michigan and 13 other states approving term limitation proposals.

"I think it's a mistake to restrict the opportunity of future voters," he said. "Even though a lot of the public is displeased with many members of Congress and the state Legislature, I don't think it's philosophically right to keep members of (future) legislatures to this. There we put ourselves at a severe disadvantage."

Levin believes Michigan will be the big loser if the North American Free Trade Agreement is approved by Congress.

"I think NAFTA's a mistake," he said. "It will lead to the loss of manufacturing jobs, especially in Michigan."

Levin said Clinton is taking a different approach to the agreement.

"We prefer Clinton's caution to Bush's charge-ahead approach, but again we're very skeptical about (NAFTA)," Levin said. "In any event, we're going to fight for jobs like heck in Michigan."

Jump-starting the economy is the top issue facing the nation and Levin expects Clinton to tackle it early in his administration with a short-term, two-point plan.

"Number one is to focus on building highways, bridges—infrastructure—faster * * * so we can immediately pump some jobs into this economy," Levin said. "Number two would be an investment tax credit proposed and passed for manufacturing and industry. This would give them a tax incentive that they might not otherwise afford."

A capital gains cut also could be part of the economic game plan.

"We've got to do something to stimulate the economy in the short-term," he said. "I would be willing to support short stimuli, but I would be cautious as to how much, because we need to address the deficit."

Levin agrees with Clinton's campaign promise to increase taxes on people making more than $200,000 a year, and recommends spending cuts and a reduction in the defense budget as ways to balance the federal budget.

"I don't think any structures, such as a balanced budget amendment, are needed," he said. "There are too many loopholes—even if it passed. We ought to * * * lead and get on with what we have to do."

Levin said the line-item veto will have little effect on reducing the deficit. It is sometimes overrated, he said.

"The line-item veto is used often as an excuse for the action that needs to be taken," he said. "President Bush has consistently given us budgets with $250 billion deficits. Even if the president got the line-item veto, it would be a very small part of the solution, even if he exercised it."

Health care is another top issue facing the new administration and Congress.

Levin said states may be the testing ground for health care reforms.

"States have been frequently used as test tubes in this federal structure of ours and this might be a place to let states determine a general direction we want to go," he said. "The current system just does not work. It's very expensive and very inefficient. We need a system that is more efficient."

[From the Washington Post, Nov. 25, 1992]

Levin Revives Plan To Curb Lobby Abuses

(By Gary Lee)

Sen. Carl Levin (D-Mich.) said yesterday that he plans to reintroduce early next year a bill designed to curb excesses by Washington lobbyists and which President-elect Clinton is likely to support.

Levin and Clinton recently discussed the measure, which Levin drafted and introduced in the Senate last May. Several GOP lawmakers kept the bill from reaching the Senate floor after the Bush administration indicated no support for it.

Clinton "told me personally that he wants to get on with the lobbying reform," Levin told reporters at a briefing in his office yesterday. "We are optimistic that we're going to have presidential backlog."

Clinton, who took a high profile against lobbying abuses during his campaign, is expected to propose rules to curb lobbying by individuals who join his administration, including a possible ban on retired officials representing foreign clients after they leave government.

While several lawmakers and many lobbyists have welcomed the separate packages outlined by Levin and Clinton, a few lobbyists are openly critical of specific provisions. One that has attracted their sharp criticism is a Clinton proposal to eliminate tax deductions granted businesses for lobbying expenses, which allow corporations to write off tens of thousands of dollars.

Levin would expand registration and disclosure by individuals who lobby Congress and the executive branch by eliminating loopholes in existing laws. For instance, under the 1938 Foreign Agents Registration Act (FARA), lawyers who lobby Congress on behalf of foreign clients are exempt from registering.

"The current laws are virtually useless," Levin said, and "as toothless as a Halloween pumpkin. We're going to change all that."

Levin's draft combines and updates the 1946 Lobby Regulation Act, some aspects of FARA and the Byrd amendment, which requires registration for some executive branch lobbying. He would abolish several loopholes in existing laws, including the so-called lawyers exemption and a stipulation that only those who spend most of their time lobbying lawmakers must register.

The bill would require registration by thousands of lobbyists who do not register now, Levin said, and require them to provide greater details on contacts with lawmakers and their aides. Civil penalties for noncompliance would include fines of as much as $10,000.

The general purpose, Levin said, is to allow greater public access to "who's getting paid how much to lobby on what issues. That's information the public has a right to know. That's the bottom line."

Clinton also has floated the idea of a five-year ban on officials who leave his administration lobbying the era of government they represented. He also has mentioned perhaps eliminating corporate tax deductions for lobbying expenses.

Lloyd Meeds, a spokesman for the American League of Lobbyists, a trade organization based here, favors Clinton's proposal for slowing the revolving door of officials out of government into the private sector. But Meeds said he and other lobbyists strongly disapprove of Clinton's proposal to eliminate deductions for lobbying.

"It places a fairly damp cloth on the exercise of a First Amendment right," he said, referring to a citizen's right to petition the government.

"I'm sure it would be universally disapproved," among lobbyists, said Meeds, a partner in the firm of Preston, Gates, Ellis & Rouvelas Meeds.

Another corporate lobbyist who said she was invited to join a Clinton transition team said she declined because of restrictions on her lobbying that would result. "I couldn't afford to be barred from earning a proper living for so long," she said, asking not to be named.

Widely supported by lobbyists during initial discussions, Levin's bill has drawn increased criticism behind the scenes since the election of Clinton boosted its prospects. At least two dozen lobbyists representing a wide variety of organizations testified in favor of it last summer during hearings by Levin's Governmental Affairs subcommittee on oversight of government management.

John Chwat, a lobbyist who runs a Capitol Hill firm, criticized several provisions, including an exemption from registering for those who lobby for Native Americans or for state or local governments. "They said that they want to eliminate loopholes, but they have created others," he said.

Chwat also objected to a stipulation that a lobbyist must register after contacting members of Congress and certain staff members. That's like the KGB," he said. "I don't like that at all."

[From the National Journal, Jan. 2, 1993]

LOBBYISTS ON THE LINE

(By Peter H. Stone)

Trade associations and law firms are mobilizing to battle two items on President-elect Clinton's political reform agenda—eliminating tax deductions for lobbying expenses and introducing tougher rules for disclosure of lobbying activity.

Lobbyists are especially alarmed about Clinton's proposal to eliminate the lobbying tax deduction. (He introduced the idea in Putting People First, his campaign policy blueprint.) Lobbying is now treated as a normal business expense and is 100 per cent tax deductible. The Congressional Budget Office has said that doing away with the deduction would cost American businesses $100 million a year.

Although Clinton hasn't spelled out the details of his proposal, several groups are promising a battle royal if he proceeds with the idea. "We'll be involved as would every other association in this city and country," William T. Archey, senior vice president for policy and congressional affairs at the U.S. Chamber of Commerce said.

For their part, Clinton's ethics advisers say that he means business. "We're putting together options for Gov. Clinton on lobbying reform," said Michael Waldman, deputy communications director for the transition. "He's made it clear that he considers political reform a top priority."

At least three coalitions are already being formed to fight for the lobbying tax deduction.

Late last month, the Washington law firm of Webster, Chamberlain & Bean assembled a coalition of nine trade groups and a corporation—none of which it would identify—to oppose any changes in lobbying tax laws. The firm has recruited Hugh McCahey, the manager of the Chamber of Commerce's association department for the past 30 years, to work full-time for the coalition.

Earlier in December, the Washington office of the Minneapolis-based law firm of O'Connor & Hannan sent a memo to about 60 trade associations and companies soliciting their interest in joining another coalition. "This effort was prompted by the fact that we had so many inquiries from so many sources." Michael Colopy, a partner in the Washington office, said "I think there will be some loose-knit O'Connor & Hannan coalition."

Colopy said that the O'Connor & Hannan group is likely to include domestic companies that are fearful of losing their competitive edge to foreign companies that may be able to write off their U.S. lobbying expenses.

The National Association of Manufacturers (NAM) and the American Society of Association Executives (ASAE) are also preparing to form a coalition to preserve the lobbying tax deduction, according to Bruce Hahn, a NAM vice president.

In mid-December the government affairs committee of the ASAE passed a resolution deploring any attempt to eliminate the deduction, saying that it could lead to a loss of membership, create accounting problems and chill free speech.

In addition, some of the same lobbyists are targeting a bill introduced last year by Sen. Carl Levin, D-Mich., that would substantially toughen existing lobbying laws. The bill, which was reported out of the Senate Governmental Affairs Committee last summer—and which Clinton has backed—broadens the definition of lobbying, strengthens enforcement mechanisms, simplifies reporting requirements and consolidates oversight of lobbying at the Office of Government Ethics. *(See NJ, 10/19/91, p. 2556.)*

Many lobbyists testified in favor of the bill last year, but several groups have been vocal in their opposition. What especially irk some lobbyists are provisions that would require the disclosure of executive branch lobbying. Now, lobbyists don't have to register unless they have direct contacts with Congress.

"Executive branch officials do not vote on legislative issues, and congressionally mandated disclosure would interfere with the free flow of information to the executive branch," the NAM membership and public affairs committee said in a resolution adopted at its December meeting that took strong exception to parts of the Levin bill.

The resolution also said that lobbyists should not be required to disclose anything about the preparation or distribution of materials informing individuals and groups about legislative or executive branch developments. "Such information, even when accompanied by calls for lobbying, is not actually lobbying, and only true lobbying contacts with Congress should be considered lobbying," the resolution said.

The ASAE has also voiced opposition to some aspects of the Levin bill, including efforts to restrict communications with executive branch employees.

Business groups aren't the only ones ready to jump into the fracas. Public interest lobby groups such as Common Cause are preparing to champion the Levin bill and the proposal to end lobbying tax deductions.

In fact, Common Cause plans to push for even tougher restrictions in some areas. For instance, Common Cause president Fred Wertheimer said, the lobbying disclosure bill should also require information about such matters as congressional travel and entertainment, and the activities of foundations that are subsidized by lobbyists.

"That's information that the public should have because it's a central way that lobbyists exert their influence," said Wertheimer. "We know there are a whole variety of ways that lobbyists provide financial help to Members."

Wertheimer also noted that money saved from the elimination of lobbying tax deductions could provide revenues for public financing of campaigns.

"It's a way of providing clean campaign resources without increasing tax liabilities or increasing the deficit or taking away from other programs," he said.

[From the Oakland Press, Jan. 3, 1993]

TIME TO CRACK DOWN ON SPECIAL INTEREST GROUPS?

YES

(By Senator Carl Levin)

With the election of a new president who is committed to political reform, we have our best chance in years to clean up one of Washington's oldest problems—the patchwork of loopholes and exceptions that currently pass for lobbying disclosure laws.

We hear again and again that the American people have lost confidence in their elected officials.

There is a widespread belief that government today is too susceptible to the influence of well-connected and well-heeled lobbyists.

In one recent poll more than 70 percent of Americans said they believe that our government is controlled by special interests rather than the public interest. Part of the "gridlock" so prevalent in Washington is attributed to special interests and their ability to block needed legislation.

These attitudes are intensified by the cloak of secrecy that covers lobbyists and their activities. Under current law, there is no disclosure when White House and other executive branch officials are lobbied, no disclosure when congressional staffers are lobbied, and only sporadic disclosure of lobbying by lawyers.

The existing disclosure laws have been characterized by the Justice Department as "ineffective, inadequate and unenforceable"—which may explain why there doesn't appear to have been a single attempt to enforce them in the last 40 years.

As a result of loopholes and nonenforcement, the General Accounting Office recently found that barely a quarter of the 13,500 individuals and organizations listed in the book "Washington Representatives" were registered as lobbyists.

And even those who do register don't disclose much.

For example, a review of lobbying reports filed by 10 of Washington's biggest and best-known lobbying firms suggests that these firms disclosed less than 5 percent of their lobbying receipts.

We can change all of that. Last Congress, Sen. William Cohen, R-Maine, and I introduced a bill to replace the existing lobbying disclosure laws with a tough new law that could eliminate loopholes and require registration of all professional lobbyists, ensure the disclosure of meaningful information and establish an effective enforcement mechanism.

I intend to reintroduce this bill in the next Congress and press for its early enactment.

Effective public disclosure of lobbying activities under these provisions will help ensure awareness of the pressures that are brought to bear on government decisions. The law will inform the public of the vast array of lobbying efforts on all sides of an issue.

Lobbying plays a vital—and constitutionally protected—role in our democracy. Lobbyists provide important information to government officials from a wide spectrum of American interests, from senior citizens to Boy Scouts to environmentalists to labor groups and corporate America.

But that does not diminish the public's right to know who is being paid how much by whom to influence policy.

We must shed more light on the Washington scene. As former Supreme Court Justice Louis Brandeis once said, "Sunlight is the best of disinfectants."

(Sen. Levin is a Democrat from Michigan.)

WHAT DO YOU THINK?

Let us know how you feel: Is it time to crack down on lobbyists? Put your thoughts on paper and send them to Voice of the People, The Oakland Press, Box 436009, Pontiac 48343. Keep your comments to 150 words and include your name, town of residence and a daytime telephone number where you can be contracted to verify your letter.

NO

(By John Chwat)

Many lobbyists in Washington--lawyers, public relations executives, trade associations, unions, special interests—spend a lot of time filling out foreign and domestic registration and disclosure forms.

There are many more who ignore the forms.

All too often a majority of my colleagues simply fail to meet the disclosure requirements, which gets our profession in trouble with the media, Congress, and most recently, presidential candidates.

When I was a registered foreign agent, it seemed I was always filing reports required by the Foreign Agents Registration Act. My files in the Justice Disclosure Office were stacked high.

But I was the exception. I know, because reporters told me so.

Sen. Carl Levin, D-Mich., a leader on the Senate governmental Affairs Committee, has undertaken a three-year effort to pass lobbying disclosure legislation.

The bill has a commendable goal—"the disclosure of paid lobbyists to influence federal legislative or executive branch officials in the conduct of government actions."

However, as I read the bill in its present form, it would create an unnecessary bureaucracy called the Office of Lobbying Registration and Public Disclosure within the Justice Department.

The present law has domestic lobbyists file with the House clerk and Senate secretary. It has foreign lobbyists file with both the State Department and Justice.

I agree that foreign lobbyists' disclosures should not be lumped in with domestic interests—they have a national security aspect that domestic interests do not.

The bill also expands present law by requiring lobbyists to register if they make any contact with a staff member of Capitol Hill.

Most of my colleagues contact hundreds of staffers each month. It is believed that expanding the reach of present law to key staff in Congress and the government will create a "chilling" effect on these contacts. This is less disclosure than regulation—and that comes close to touching on First Amendment freedoms.

Many lobbyists believe that our present laws are not enforced that they need tightening and that the Levin bill begins to do that.

But Congress, the media and the new administration should remember one key point. Lobbying is America—its citizens, industries, businesses and causes.

It's as old as the Magna Carta and attempts by Congress to regulate it have been around for 100 years. Rather than making it more difficult to lobby, Congress should make it easier. After all, that's what democracy is about.

[From Business Week, Feb. 22, 1993]

For Lobbyists, These May Be the Good Old Days

While official Washington has worked itself into a tizzy over the nuances of Nannygate, Congress—of all places—is quietly getting down to work on a serious ethics issue. The Lobbying Disclosure Act of 1993 has received almost no attention. But it could dramatically affect the way business does business in the capital.

The proposal is the brainchild of a bipartisan group of House and Senate members led by Senator Carl Levin (D-Mich.). It has the blessing of the Clinton Administration and faces no organized opposition—yet.

But lobbyists are sure to launch a counterattack soon because the bill might actually accomplish something. It would require, for the first time, that all professional lobbyists register and identify their clients, the issues on which they have lobbied, and how much they were paid. It would extend coverage to efforts to influence the executive branch, now largely unregulated. And it would close loopholes that allow most representatives of foreign interests to avoid public identification.

Snake Show. The legislation tosses a few bones to lobbyists, too. It streamlines the current loophole-ridden requirements by reducing disclosure from four reports a year to two—but would require far more people to file. And it significantly reduces paperwork for companies employing multiple lobbyists.

The proposal, says its co-author, Representative John Bryant (D-Tex.), "will allow the public, perhaps for the first time in history, to understand how lobbying is done in the halls of Congress." It's about time. Congress has long turned a blind eye to lobbying abuses. There are enough influence-peddlers in the capital to populate a small city—13,000 of them are listed in a directory entitled Washington Representatives. But loopholes in 40-year-old laws allow three-quarters of them to avoid registering as lobbyists. "The current law is a farce," says veteran lobbyist Howard D. Marlowe. "There are so many holes in it that it looks like Swiss cheese."

The lobbying proposal solves political problems for a variety of players. Clinton can fulfill his promise of lobbying reform without spending any money. He can also throw a bone to Perotnistas by appearing to respond to Ross Perot's relentless campaign assault on special-interest water-carriers. And law-makers can cast a vote for change while skirting the bitter partisan warfare of campaign finance, a more controversial item on the reform agenda. "Nobody, Republican or Democrat, minds putting some pressure on the lobbyists these days," says Democratic consultant Brian Lunde.

No Names. The proposal is no cure-all. To make it more palatable to incumbents, the authors agreed not to require lobbyists to identify the individual lawmakers they lobbied. Instead, they would be required only to list the committees they sought to influence. Tax lawyers are worried that the bill's provisions would compromise their clients' business interests by forcing them to disclose certain communications with the IRS. And charitable groups and civil-liberties organizations fret that their behind-the-scenes discussions with lawmakers or federal agencies would be revealed. "We don't purport to hold this out as a perfect piece of legislation," concedes one co-sponsor, Senator William S. Cohen (R-Me.). "But we think it will make a marked improvement over what we have today."

Resourceful lobbyists will work behind the scenes to kill or dilute the bill, but they are resigned to some version of it becoming law in this year. Why the relative calm in Gucci Gulch? Says one veteran of the Washington political wars: "There is a basic belief that whatever ramparts are put up can be easily stormed. And who wants to be known as the person who killed lobbying reform?"—Richard S. Dunham.

Lobbying: Panel Approves Registration, Disclosure Requirements

(By Richard Sammon)

With President Clinton vowing to check the influence of lobbyists, a Senate committee approved legislation that would require thousands more lobbyists to register and disclose some details of their handiwork.

The Senate Governmental Affairs Committee approved the bill by voice vote Feb. 25. The legislation (S 349) aims to widen the scope of registration requirements for lobbyists and strengthen the enforcement of disclosure laws for those who lobby the federal government on behalf of a client.

But some groups argued that the measure does not go far enough in requiring disclosure.

Sponsored by panel member Carl Levin, D-Mich., the bill would replace existing statutes with a single, uniform rule requiring anyone lobbying the executive or legislative branch to register with a new Office of Lobbying Registration and Public Disclosure at the Justice Department.

Currently, only people involved primarily in lobbying members of Congress must register. There is no disclosure requirement for lobbying executive branch officials or congressional staff members. Lobbyists currently register at a variety of places, including the House, Senate, Justice Department and agency contracting offices.

S 349 seeks to streamline this process with the single office where all lobbyists would register and disclosure files would be maintained.

There are more than 8,000 registered lobbyists; bill supporters estimate that that number could triple or quadruple under the measure.

Levin characterized the measure as a "loophole-plugging bill." He said the bill would allow the public to know "who is being paid, how much and by who to lobby Congress and the executive branch for what."

Many of the loopholes that Levin was referring to date back to the Federal Regulation of Lobbying Act of 1946, which required all people hired for the principal purpose of lobbying Congress to register with the House or Senate. The act has long been considered largely ineffectual. For instance, it has no enforcement mechanism.

Its authority was diminished considerably after the Supreme Court in 1954 narrowly interpreted provisions so that almost anyone could minimize lobbying reporting or avoid registration altogether.

Vice President Al Gore joined Levin, Sen. William S. Cohen, R-Maine, and Rep. John Bryant, D-Texas, on Feb. 4 to announce introduction of the legislation and to underscore the president's commitment to signing the measure.

The bill is not new. A nearly identical measure sponsored by Levin was approved by the committee in 1992 but died on the Senate calendar.

Bryant, member of the House Judiciary Committee, introduced a companion bill (HR 823) that will be the subject of hearings in the Administrative Law and Governmental Relations Subcommittee in mid-March.

SOME WANT MORE DETAIL

At the Senate markup, Alaska Republican Ted Stevens said he was disappointed that the bill would not require lobbyists to disclose where they receive the majority of their funding.

Stevens said he is "constantly approached" by lobbyists from such groups as the Audubon Society or the Wilderness Society and is unable to determine "who is paying them."

Levin told Stevens that the issue of lobbyist funding would be better brought up in separate legislation.

The public interest organization Common Cause, which strongly supported the bill last year, opposed committee passage this year. Common Cause argued that the bill needed strengthening to require disclosure of gifts or financial benefits that lobbyists give to lawmakers or to members of their staffs.

Alliance for Justice, an umbrella organization representing national civil rights groups, also argued against committee approval of the measure, saying small nonprofit organizations would be burdened by the necessity to register. The bill would exempt all lobbyists who spend less than $1,000 on lobby-related activity in semi-annual reporting periods.

Nan Aron, executive director of the group, proposed raising the lobbying expense threshold from $1,000 to 20 percent of a total budget of an organization or company. But Levin said that would exempt companies such as General Motors Corp. and Exxon Corp., which he said do not come near to spending 20 percent of their budget on lobbying.

The New York Times called the bill "a giant hoax" in a Feb. 25 editorial, saying it does not require enough specific detail about lobbying activities.

One committee aide said registered lobbyists tend to support the measure, on the grounds that many of them have reported losing clients to lobbyists who do not register.

PROVISIONS

Other provisions of the measure would require lobbyists to:

Give a semiannual report to the Justice Department revealing the income received for lobbying on behalf of a client or, if lobbying for themselves, an estimate of the amount spent on lobbying activities.

List issues the lobbyist worked on and the federal agencies and congressional committees contacted and the amount of money spent.

Pay civil penalties as high as $100,000 for violations.

One difference from 1992's measure is a provision requiring the establishment of an online computer at the Justice Department to allow the public easy access to Federal Election commission data.

[From the Big Rapids (MI) Pioneer, Feb. 5, 1993]

LOBBY TACTICS GO UNCHECKED

(By Jim Drinkard)

WASHINGTON (AP).—A corporate lawyer seeks a lawmaker's help in a battle against a burdensome regulation. The head of an interest group talks strategy with a Senate aide over lunch. A direct-mail firm solicits hundreds of letters opposing a bill.

These are the typical chores of the modern Washington lobbyist. But under current law, none of them is classified as lobbying. The lawyer, the interest group director and the direct-mail company are all exempt from registering as lobbyist and reporting on their activities.

"There's considerable leeway in the current laws," added Robert O'Brien, spokesman for defense giant McDonnell Douglas. The company, which does nearly $9 billion a year in business with the government, currently has six staff members who deal with Congress—none of them registered as lobbyists.

"There are thousands that don't register," said John L. Zorack, a lobbyist for small businesses and author of a lobbying handbook.

This year, with the winds of reform blowing, Sen. Carl Levin hopes to change that. The Michigan Democrat on Thursday introduced a bill that would tighten government oversight of lobbying, at the same time consolidating a welter of current rules to make it easier for lobbyists to comply. A similar bill is being sponsored in the House by Rep. John Bryant, D-Texas.

"The public has a right to know who is being lobbied, by whom, and how much they are being paid," Levin said.

Vice President Al Gore appeared with the lawmakers at a Capitol Hill news conference to lend the Clinton administration's support. "We're committed to reforming the way our government does business," Gore said, standing alongside Sen. William Cohen, R-Maine, and Rep. George Gekas, R-Pa., who also are sponsoring the bill.

The proposed restrictions would broaden the definition of lobbying. Gone would be exemptions for lawyers, for lobbying congressional aides (as opposed to lobbying members of Congress themselves), or for lobbying executive branch officials. Indirect efforts to influence the government, such as ginning up floods of mail, would be included as well.

The proposal also would require that lobbyists disclose roughly how much they spend to influence policy-making. But lobbying reports would be filed twice a year, instead of quarterly as under current law. And lobbyists would be required to report only which agency or committee they contact, not the names of individuals.

After government, lobbying is Washington's largest industry. Estimates of those involved in pressuring policy-makers run as high as 80,000. Yet just 7,381 people are registered under the widely ignored 1946 law that regulates the domestic influence business. Another 800 companies are registered with the Justice Department under another law as lobbying agents for foreign nations and companies.

During last year's campaign, Clinton outlined curbs on lobbyists that sound much like the bill introduced Thursday.

[From the Grand Rapids Press, Feb. 7, 1933]

LEVIN TAKES AIM AT HOLES IN LOBBY LAW

WASHINGTON.—Superlobbyist Robert Strauss scored a major coup two years ago when he helped engineer the $6.6 billion sale of MCA Corp. to the Japanese industrial giant Matsushita.

But despite his high-profile role, Strauss never registered as a lobbyist for the foreign firm under the Foreign Agents Registration Act, according to Senate investigators, who say such gaps in lobbyist regulation are common.

"The holes are bigger than the cheese," said Sen. Carl Levin, D-Mich., who launched an effort Thursday to require greater disclosure of Washington lobbyists' activities. "The public has a right to know who is being lobbied, by whom, and how much they are being paid."

Senate files are full of examples. Lobbyists for foreign automakers worked to keep tariffs on imported minivans but claimed exemption from registering as foreign agents. And a lawyer for Colombia's Cali drug cartel worked against changes in extradition treaties but failed to register.

"The entire system is a horror story," said Ellen Miller, who heads the Center for Responsive Politics, which attempts to shed light on the connections between money and politics.

"There are thousands that don't register," said John L. Zorack, a lobbyist for small businesses.

Since the basic lobbying statute was passed in 1946, numerous attempts have been made to close its many loopholes. But there has been little success, often because lobbyists apply their skills to heading off the changes.

"But this year may be different," Levin said. Voters are more convinced than ever that Washington is in the hands of special interests, and President Clinton is lending his direct support to lobbying reform.

Vice President Al Gore appeared with Levin and other sponsors of the reform bill at a Capitol Hill news conference. "We're committed to reforming the way our government does business," Gore said, standing alongside Sen. William Cohen, R-Maine, and Reps. John Bryant, D-Texas, and George Gekas, R-Pa.

The proposed new restrictions would broaden the definition of lobbying to better reflect current reality. Gone would be exemptions for lawyers, for lobbying congressional aides (as opposed by lobbying Members of Congress themselves), or for lobbying executive branch officials.

The proposal also would require for the first time that lobbyists disclose roughly how much they spend to influence policymaking. But in what some regard as a weakness, lobbying reports would be filed just twice a year, instead of quarterly as under current law.

And lobbyists would be required to report only which agency or committee they contact, not the names of individuals.

After government, lobbying is Washington's largest industry. Estimates of those directly or indirectly involved in persuading, pressuring and cajoling policy-makers run as high as 80,000.

Yet just 7,381 people are currently registered under the widely ignored 1946 law.

[From the Flint (MI) Journal, Feb. 15, 1993]

LOBBYISTS FIND ATTENTION UNWELCOME

(By Tom Baden)

WASHINGTON.—Politicians have discovered that there is a group of folks less popular than themselves. Not car salesmen. Not lawyers. Not even journalists.

Lobbyists.

At a time when breaking government gridlock and fumigating the corridors of power are the avowed goals of every politician, shooting at what H. Ross Perot derides as the alligator-shoe crowd has become this season's easiest Washington sport.

Too easy, lobbyists complain.

The latest example comes in the debate over congressional campaign finance reform.

Reformers know that the idea of asking taxpayers to pay for elections is not popular. To sweeten the deal they propose wiping out the tax deduction that businesses take for lobbying. That would pay half the estimated costs of publicly financed elections by raising $100 million, the reformers say.

"Instead of using the funds to subsidize lobbying, we would be using them to help clean up our political system," said Fred Wertheimer, president of Common Cause, the citizens lobby.

That is not the only area in which lobbyists are under fire.

Sen. Carl Levin, D-Mich., and several other lawmakers have renewed their drive to tighten lobbying disclosure rules that are widely regarded as a joke on Capitol Hill.

Levin said he is not trying to stamp out lobbying—only to subject it to the light of scrutiny.

"There is a widespread belief that government today is too susceptible to the influence of well-connected and well-heeled lobbyists," he said.

The objects of all this attention believe that they have gotten a bum rap. Lobbyists say that they are unfairly maligned and misunderstood, that they play a legitimate role in the process of devising legislation, interpreting federal rules and parceling out government money to worthy recipients.

"We're not fat guys with cigars, stuffing money into the pockets of legislators," said Steve Stockmeyer, a Republican lobbyist who heads the National Association of Business Political Action Committees. "The average everyday lobbyist is doing grunt work in this town."

Lobbyists operate under a hodgepodge of laws and rules. Some are clearly outdated and all are laced with loopholes.

Corporate lawyers who advise clients on legislation can avoid registering as lobbyists—so can those who lobby only congressional aides, or those who claim that lobbying is only a fraction of their job.

Although there are estimates the number of Washington lobbyists exceeds 50,000, the House Records and Registration Office reports that only 6,990 lobbyists are currently registered.

Their real problem, lobbyists say, is simple: They have a lousy image.

One Ohio woman was asked her views about lobbyists.

"It's just like when you buy a house and all of a sudden you find out there's cockroaches in it," the woman said. "They just remind me of those little scampering things."

The derision is unfair, agreed a somewhat unlikely ally—Linda Gustitis, staff director of the Senate government affairs subcommittee that drafted proposals for tightening lobbying disclosure.

"Every person, in some way, shape or form, has a lobbyist representing their interests," Gustitis said.

LIKE PRESIDENT, LEVIN LOBBIES FOR CHANGE

(By Laura Parker)

WASHINGTON.—President Clinton's pledge to rein in lobbyists is just what Sen. Carl Levin wanted to help him in his own campaign to corral Washington's special interests.

"It's big boost," Levin said, and Detroit's Democratic senator promised to run with it.

Levin is pushing legislation that would require lobbyists to register and disclose all lobbying activity. A companion, bill is making its way through the House.

"The holes are bigger than the cheese," Levin said of existing lobbying laws. "The bottom line is, we will finally know who is being paid how much by whom to influence public policy."

Levin introduced similar legislation a year ago, but the Senate adjourned without voting on it. He unveiled his bill again this year with Vice-President Al Gore at his side. Clinton weighed in during his Wednesday night address to Congress, calling lobbying reform "sure paths to increased popularity" for politicians.

Public interest groups have urged Congress to overhaul lobbying laws, which were written in 1946 and have since been watered down.

No one knows how many lobbyists work in Washington. Most are not registered because of loopholes. A Wall Street Journal survey last year identified 80,000 lobbyists—but only 5,935 were registered as congressional lobbyists, 785 as foreign agents and 160 as executive branch lobbyists.

Levin's office cites the book Washington Representatives, which lists 13,500 lobbyists, with 8,500 registered.

It gets worse:

Levin's staff tried to figure out how many lobbyists were involved in the effort to reclassify imported foreign mini-vans as trucks. Levin's staff identified 48 people but only six were registered as foreign lobbyists.

Defense contractors are required to privately disclose lobbying to the Pentagon in reports. Levin's staff discovered that the six largest defense contractors told the Pentagon they spent $8 million on lobbying in 1989. But according to the public lobbying reports to Congress, the same six firms reported spending $400,000.

"If you want a good example of now lousy the current law is, go up to the Hill and look up the disclosure records and chances are, you'll find nothing at all," said Nancy Watzman, a spokeswoman for Public Citizen, a congressional watchdog group organized by Ralph Nader.

"The lobbyists are able to narrowly define the term 'lobbying.' They only count the time they spend talking to members. They don't count the time they spend working on briefing papers or talking to staff."

Levin's bill would broaden the definition of lobbying to more accurately capture the real lobbying that occurs daily in Washington. Lobbyists would be required to disclose all activity, regardless of whether they are talking to congressional staff or members of the executive branch.

All people lobbying would be required to disclose how much they spend to influence decision-making.

"There has been a lot of talk about special interests and their role in messing things up on Capitol Hill" Watzman said.

"But it's hard to get a handle on that if you don't know who is doing what to whom. This bill will open a window to the public on who's screwing around with legislation."

[From Roll Call, Feb. 22, 1993]

LOBBY DISCLOSURE BILL READY TO PASS

(By Tim Curran)

President Clinton spotlighted two anti-lobbying measures in his speech to Congress last week, supporting a bill that requires more disclosure by lobbyists and an end to corporate tax deductions for lobbying expenses.

But only the disclosure bill, sponsored by Sen. Carl Levin (D-Mich) and Rep. John Bryant (D-Texas), is currently headed for easy passage on the Hill, with promises of early action in both houses.

A third lobbying-related measure Clinton did not mention Wednesday is a bill introduced by Sen. David Boren (D-Okla) that would impose restrictions on Members and top staffers similar to those Clinton himself has implemented for top Administration officials.

Under the bill, which Boren said he drafted at Clinton's urging, Members would be barred for five years from lobbying any committee on which they served and would face a two-year ban on lobbying any other Member or staffer.

Staffers earning above $108,200 would face a five-year ban on lobbying their former Member, office, or committee, and a two-year ban on lobbying any Member or staffer. All former Members and top staffers would also be subject to a lifetime ban on lobbying as a foreign agent.

There is widespread agreement on the Hill and among lobbyists that Levin's bill, which would create a "clearinghouse" for lobbying reporting and regulation under the Justice Department, will be the easiest of the three lobbying measures to pass.

It was passed out of the Governmental Affairs Committee in the 102nd Congress but failed to win passage from the full Senate, and a similar measure never progressed in the House. But House action appears certain this year, with Bryant, the new chairman of the House Judiciary subcommittee on administrative law, spearheading the issue.

Levin's subcommittee expects to take the bill designated S. 349, straight to markup next month, and it is being co-sponsored by the Government Operations chairman, Sen. John Glenn (D-Ohio); its ranking member. Sen. William Roth (R-Del); and the ranking member on Levin's subcommittee, Sen. Bill Cohen (R-Maine).

Bryant, Rep. Dan Glickman (D-Kan), and Rep. George Gekas (R-Pa), the ranking member on the administrative law subcommittee, are all House sponsors. Bryant's panel is expected to hold hearings on the measure in mid-March.

The bill would shift responsibility for lobbying and foreign agent registration to a new Justice Department office which would also be in charge of enforcing the bill's provisions, create a universal disclosure form, and require twice-a-year disclosure of expenses and activities by lobbyists. Levin says the bill would broaden registration of professional lobbyists, only a fraction of whom he says currently comply with reporting requirements, and improve enforcement and disclosure.

Under current law, registered lobbyists must disclose their activities quarterly, and foreign agents must report to Justice semiannually.

While the disclosure laws are an easy target of those who want to restrict lobbyists, the repeal of the lobbying deduction presents a more daunting task.

Such a reform would have to be handled through the Senate Finance and House Ways and Means Committees as an amendment to the tax code, and the lobbying community is preparing to dig its collective heels in on this one.

The as-yet-unintroduced legislation Clinton requested last week first surfaced in his campaign literature. Some Congressional Democrats have also raised the idea, looking for a way to pay for publicly financed incentives in campaign finance reform legislation Congress passed last year but which was vetoed by President Bush.

Repealing the tax benefit could mean corporations would no longer be able to deduct costs ranging from travel expenses advocacy advertising, and lobbyist salaries, and would mark a potentially major change in the way businesses mount their lobbying campaigns.

The White House has not yet clarified whether the funds collected by repealing the exemption would be designated to help finance Congressional campaigns.

Some opponents argue that removing the exemption may be unconstitutional, since it would limit the ability of constituents to petition Congress and seek redress of grievances.

"My own opinion is that I feel it's a bad idea from a policy point of view," said Howard Marlowe, a former president of the American League of Lobbyists. "I think that if government is regulating business, business has every right to expend funds" to have an effect on that regulation.

Marlowe said advocates of repealing the tax break may find it more difficult than they believe. "I think it's been very effective political rhetoric. It sounds good, but it will work to the detriment of having people be involved in government," Marlowe said.

He also contended such a move would hurt small corporations and interest groups more than big ones who can afford to pay lobbying expenses regardless of the tax considerations. "They know the value of being here, and they've determined that the cost was worth it."

Ropes & Gray attorney Thomas Sussman, editor of The Lobbying Manual (American Bar Association), noted that such legislation could create a "non-level playing field" between corporations and non-profit public interest lobbies that are tax exempt.

Meanwhile, another controversy is brewing over Boren's bill.

The five-year lobbying ban has been referred to Levin's subcommittee, where a hearing for that bill and a similar piece of legislation introduced by Sen. Dennis DeConcini (D-Ariz) is scheduled for March 5. Only four Senators—two of them freshmen—have so far signed on as co-sponsors.

The current "revolving door" legislation, passed as part of the 1989 ethics and pay reform package, is similar to Boren's but provides only a one-year ban. That legislation has been widely criticized as unenforceable, and following the last two elections, former Members have continued to stream into lobbying positions.

Marlowe said it "would improve public confidence in government and attract people who are not looking for assurance of a six-figure income. I do have concerns about whether five years is too long."

Sussman was less optimistic about Boren's bill.

"I think that may be the toughest of them all," to pass, he said, arguing that the potential for term limits may make Members reluctant to close off their options. He argued that it could lead to Congress being dominated more and more by wealthy individuals.

Sussman said Boren's legislation could "chill the call to public service if the price to be paid is too high."

[From the Detroit Free Press, Feb. 27, 1993]

Political Reform—Lax Laws Make Money the Root of Congress' Evils

Given the urgent decisions confronting Congress on the economy and health care, President Bill Clinton's call for political reform might seem a peripheral, inside-the-Beltway concern.

In fact, Congress' willingness—or continued refusal—to enact prompt, tough new controls on campaign finance and Washington lobbying will greatly determine the outcome of Mr. Clinton's economic and health-care plans, and most other critical issues on Capitol Hill.

Already, Washington special interests (and the congressional apologists who pocket their generous campaign contributions) are lining up to oppose the president's recommendations for tax increases and spending cuts; their idea of a "fair" package seems to be one that hurts everybody else.

Political action committees (PACs) representing the health care and insurance industries are among the most lavish donors to powerful incumbents in Congress. Their investment in preserving the status quo largely explains why we spend more than $700 billion a year on a system that has left 36 million Americans without any health insurance.

The essential elements of true campaign finance reform have been known for years: Limit spending, now absurdly inflated on congressional campaigns. Limit the amounts PACs and individuals can give to congressional candidates, and the amount of PAC donations a candidate can take.

Ban "soft money" special-interest donations to political parties that evade current restrictions on candidate contributions. Curb lobbyists practice of delivering "bundled" individual contributions to lawmakers at crucial stages of the legislative process.

Provide public financing of congressional as well as presidential races; pay for that by repealing the federal tax deduction for corporate lobbying expenses. Make other public resources—such as free or low-cost TY time and campaign postage—more available to challengers.

Eliminate or limit incumbents' use of the franking privilege, which allows them to send out political mass mailings at taxpayer expense. (While they're at it, members of Congress also need to toughen the rules that govern their acceptance of gifts, meals and travel from special interests.) Make these reforms effective for next year's congressional elections, to slow down politicians' perpetual money chase now.

Mr. Clinton, unlike his predecessor, has expressed eagerness to sign a real, not cosmetic, campaign finance reform bill. He can't do that until Congress sends him one.

Congress also should quickly enact a bipartisan measure sponsored by Sen. Carl Levin, D-Mich., and supported by the administration, that would require lobbyists to disclose publicly more of what they do—and how much they spend to do it—on Capital Hill and at the White House. Fewer than 6,000 of Washington's estimated 80,000 lobbyists now are registered.

The bill would remove loopholes and exemptions that make the current patchwork regulating lobbyist registration and activity effectively unenforceable. Violators could be fined as much as $100,000.

Instead of assailing Sen. Levin's bill for what it does not intend to do, its critics should support it for what it would do: create a solid floor for giving citizens more information about special-interest influence on government, without compromising lobbyists' First Amendment rights. A separate bill, which also deserves passage, would limit ex-lawmakers and staffers in lobbying their former colleagues.

For too long, big-money politics has distorted federal priorities; voters' belief that government doesn't work for them helped create a demand for change last November. If lawmakers of both parties truly are more concerned with representing the people who put them in office than the special interests who pay to keep them there, they'll stop talking about cleaning up their corrupt processes and do it.

[From the Detroit Legal News, Mar. 5, 1993]

Levin Wants Tighter Leash on Lawyer Lobbyists

(By Charles Roberts, Los Angeles Daily Journal)

Washington.—A Senate committee voted unanimously last week to require lawyers who lobby to register as lobbyists, and to expand lobbyist disclosure rules to cover contacts with the executive branch as well as Congress.

"The current laws are useless and toothless," Sen. Carl Levin, D-Mich., told the Senate Government Affairs Committee before the vote. "There are massive loopholes."

Levin's bill, S349, plugs many of these "loopholes" and beefs up the enforcement side as well.

"The aim is to get those who lobby to disclose who paid them, and how much to lobby whom for what," Levin said.

Public-interest advocacy groups, however, are sharply divided over the bill. The criticism from corporate and other lobbyists has been much more muted. They have expressed more concern over campaign finance reform and the proposed loss of the business tax deduction for the cost of hiring lobbyists.

On the one hand, Common Cause, the self-styled good government lobby, charged the bill "fails to require basic disclosure about the way lobbyists do business in Washington and should not be passed by the Senate in its current form."

Fred Wertheimer, president of Common Cause, wrote Levin: "It is essential for registered lobbyists and lobbying organizations to publicly itemize on a member-by-member basis the various financial favors and benefits provided to members of Congress and their staffs."

Responding to complaints, Levin noted his bill deals only with registration. Other bills awaiting congressional action address gifts to lawmakers and campaign donations. "This bill is just one step," he said.

On the other hand, the liberal Alliance for Justice argued the bill goes too far in some respects and poses a threat to the First Amendment rights of nonprofit organizations.

Nan Aron, the Alliance's executive director, wrote Levin that placing the registration unit in the Justice Department "gives rise to very serious concerns," because the department has access to the resources of the FBI.

"While the act itself contains no explicit criminal penalties for violating its provisions, there are numerous provisions of the U.S. Criminal Code, including RICO and civil conspiracy provisions, which could be brought to bear by aggressive prosecutors," she wrote.

"The act contemplates that the new agency may share information which it receives with other divisions within the department," Aron added, "an especially pernicious practice if it is the department's own actions or policies that are the subject of an organization's lobbying activities."

Lawmakers showed no interest in Aron's concern at last week's markup.

The bill would require registration of anyone who is paid $1,000 or more to contact and persuade members of Congress and their staff, and policymakers in the executive branch. A new office at the Justice Department would record the registration.

Under existing law, lawyer-lobbyists are exempt from registration. This exemption would be repealed, making lawyers subject to all reporting rules.

Although the bill also would expand the coverage to lobbying on nonlegislative matters, it would not apply to participation in judicial, law enforcement or agency adjudicatory proceedings, the filing of written comments in rule-making proceedings, and routine negotiations of contracts, grants, loans and other forms of federal assistance.

The bill would replace the Foreign Agent Registration Act of 1938, which requires those who lobby on behalf of foreign companies, and governments to register; the Lobbying Regulation Act of 1946, which requires fulltime lobbyists to provide information about their activities, and the 1989 Byrd Amendment, which requires registration by companies that hire people to lobby on behalf of the executive branch.

Semiannual reports of revenues and expenditures would be required, along with the client's name, a list of specific issues or bill worked on, the panels or agencies lobbied, and a description of the interest in the issue if the client is a foreign entity.

Failure to comply with the new rules, which would be promulgated by the Justice Department, would carry a civil penalty of up to $10,000. Such action would be subject to judicial review, however, and a person who prevailed on appeal could seek to recover attorney fees and costs.

Sen. Ted Stevens, R-Alaska, voiced the only criticism of the bill on the committee. Stevens charged the measure would require more disclosure from business interests, such as the names and financial support of firms to coalitions, while allowing groups such as the Wilderness Foundation to shield the names of its members.

"All I want is a level playing field," he said.

Levin replied that "there is a constitutional problem if we try to reach their contributors." He added that the bill "goes as far as we can."

The bill, which has bipartisan support and the backing of President Clinton, now goes to the full Senate.

An identical bill, HR823 by Rep. John Bryant, D-Texas, is scheduled for a House Judiciary Subcommittee hearing in mid-March.

Meanwhile, a collision over the definition of lobbying is developing between the taxwriting panel and those lawmakers seeking to revamp the lobbying laws.

The Senate Finance Committee is using the Internal Revenue Service's definition of lobbying in dealing with the tax deduction, while Levin's bill uses the more expansive concept.

[From the Muskegon Chronicle, Mar. 8, 1993]

LEVIN'S LEGISLATION ZEROES IN ON LOBBYISTS

(By Lisa Zagaroli)

Lawmakers promised "reform" on the campaign trail, and a number of them haven't forgotten now that they are back on Capitol Hill.

Some of Michigan's members are actively pursuing changes in the way Washington does business. The most visible lately has been Sen. Carl Levin, D-Mich., whose lobbying package has been endorsed in concept by President Bill Clinton and Vice President Al Gore. It was approved unanimously last month by the Senate Governmental Affairs Committee and will be taken up by the full Senate between April and August.

Levin sums up the package this way: "The public has a right to know who is lobbying whom on what issues for how much money."

If his legislation becomes law, for the first time registration would be required by anyone who is paid to lobby top executive-branch officials and congressional staff.

The lobbyists would have to file reports twice a year. The reports must include such details as which issues the lobbyists are working on, which congressional committees or executive agencies are contacted and the amount of money, in broad terms, that is spent on the lobbying activity.

Critics say the reports also should include the names of individuals who are lobbied, not just the agency or the committee that is contacted.

While there are believed to be about 80,000 lobbyists in Washington, only about 7,300 are registered as ordered under the 1946 law, which has a number of exemptions.

Levin said his bill would remove what he considered one of the most egregious exemptions, the one for lawyers. It also would get rid of exceptions for lobbying congressional aides and for lobbying executive branch officials.

To tighten government oversight, his package would pull together a number of rules now spread out through government.

Levin also wants to ban all but nominal gifts to lawmakers from anyone; going a step further than those who just think the gifts should be reported publicly.

"It creates an appearance that Congress can be bought and we've got to get rid of that appearance," the senator said Thursday during a call-in program on C-SPAN.

Levin emphasized that he wasn't trying to curb the right of citizens to lobby their lawmakers directly. He just wanted details on the activities of people who were paid to do it.

Campaign finance reform was also being pushed by Levin and other Michigan lawmakers.

Rep. Bob Carr, D-East Lansing, has signed on to a constitutional amendment overturning a Supreme Court decision that prohibits mandatory limits on campaign spending.

"It's time to even the playing field so that you don't have to be a millionaire to run for office," said Carr, who has had to run against several wealthy people to retain his seat in Congress.

"I know from experience we need to change the way we do business. Money shouldn't decide the outcome of our elections, people should."

He said he opposed publicly subsidized campaigns, however.

Rep. Fred Upton, R-St. Joseph, is serving on a Republican leadership task force on campaign reform. He has introduced legislation to reduce the influence of political action committees and increase the role of individual contributions.

[From the Herold-Palladium, Mar. 10, 1993]

LOBBYISTS SHOULD WORK IN THE OPEN

There are so many horrendous problems with the way our federal government conducts its business that people outside the Beltway can only shake their heads in disgust.

Our elected officials commonly pursue narrow regional interests, even when those interests will be of enormous detriment to the rest of the country. The scope of waste and mismanagement in federal bureaucracies is epic in scale.

Yet of all the problems in our nation's capital, none seems so outrageous as the way that lobbyists influence our members of Congress and appointed officials.

H. Ross Perot was certainly right about the magnitude and seriousness of the problem with lobbyists. These people may and often do represent narrow special interests, greedy businesses, and even foreign governments whose interests may be very inimical to our own.

They operate in relative anonymity and secrecy, largely exempt from public disclosure and the public spotlight. And yet it is universally acknowledged that lobbyists exert an enormous influence on our politicians.

A recent Associated Press story said some 7,300 lobbyists are registered in Washington, but it is believed there are actually about 80,000 in town. They were able to escape the need to register through yet more loopholes in the laws.

That is roughly 150 lobbyists to every single elected politician. That is a lot of people baying at the heels and dangling money and favors in front of our leaders.

The result is that our elected politicians, and many appointed ones, are pulled every which way but the right one. No wonder we've run into debt problems—our politicians are paying more attention to the lobbyists than to the people who elected them.

It's been a problem throughout history. The French have a fine phrase, "eminence grise," which refers to someone who wields great power and influence, but does so secretly.

U.S. Sen. Carl Levin, D-Mich., is offering a solution to this age-old problem. If his legislation becomes law, registration would be required by anyone who is paid to lobby our leaders. They would have to file reports twice a year including such details as what issues they are working on, which officials they contacted, and how much they spent.

This is such a sensible idea we have to wonder why it wasn't enacted long ago. It won't stop lobbyists from doing their work, nor should it. But it will let us know by whom our elected politicians are being influenced.

Meanwhile, Rep. Fred Upton, R-St. Joseph, is serving on a Republican leadership task force on campaign reform. He has introduced legislation to reduce the influence of political action committees. PACs employ many of Washington's lobbyists and contribute heavily to political campaigns in what amounts in too many cases to outright influence buying.

Levin and Upton's bills would go a long way toward making our leaders accountable for their actions, and accountability is one of the foundations of a representative democracy. Without it, our system of government, and hence our nation, may not survive.

[From the Saginaw (MI) News, Mar. 26, 1993]

BILL TO SHAPE UP LOBBYISTS IMPERILED—BY LOBBYISTS

(By Mike Magner)

WASHINGTON.—The capital of closed-door meetings and back-room politics has turned upside down over the issue of forcing lobbyists to operate in the open.

After years of resistance, most lobbyists on Capitol Hill now support a bill sponsored by Michigan Democrat U.S. Sen. Carl Levin that would require them to disclose who they work for, who they meet with and how much they are paid.

But a powerful citizen lobby and scores of non-profit groups have suddenly turned against Levin's 2-year-old effort to reform Washington's toothless and widely flouted lobbying laws.

The objections threaten to stall a lobbying-reform drive that gained momentum last year each time then-presidential candidates Bill Clinton and Ross Perot railed against the influence of special-interest groups.

One of the leading objectors is the prominent public-watching group Common Cause, which switched positions last month and attacked Levin's bill as too weak. The group said it won't back the legislation unless it also requires lobbyists to disclose gifts made to federal lawmakers, such as free meals and trips.

"It was a surprise," Levin said. "They were very supportive last year; this year they want more. It could derail a significant reform."

Levin argues that gifts to lawmakers should be banned altogether, rather than just disclosed. But, he said, that's a battle that should be waged separately, after a lobbying-disclosure law is passed.

Meanwhile, non-profit groups ranging from the massive National Wildlife Federation to the smaller Arts Action Alliance of Michigan seem to be getting cold feet over the prospect of having to report on their lobbying activities.

Those groups have flooded Levin's office with letters and phone calls, objecting to paperwork burdens and government intrusions they would face under a new lobbying law.

"It will place a number of obstacles in the way of citizen participation," said Nan Aron, executive director of Alliance for Justice, a coalition of public-interest groups opposing Levin's bill.

Non-profits already file lobbying reports at the Internal Revenue Service, so Levin's bill would be duplicative, Aron said. There also are concerns about submitting reports to the U.S. Department of Justice, which the bill would also require.

"My fear is organizations, facing an increased amount of paperwork and the prospect of the Justice Department scrutinizing their activities, might well conclude it's not worth participating," Aron said.

Levin's bill, which would require anyone who earns more than $1,000 for lobbying in six months to file semi-annual reports on their activities, was approved by the Senate Governmental Affairs Committee in February and could go before the Senate in April or May.

Levin believes the legislation has a good chance to pass in its current form because it has the support of most lobbyists.

Lloyd Meeds, spokesman for the American League of Lobbyists, which represents 450 Washington lobbyists and lobbying firms, is among them. "We have some suggested changes we'd make, but not the kind of things we'd fall on our sword about," he said.

LEVIN'S LOBBYING BILL

If U.S. Senator Carl Levin get his way, it won't be business as usual on Capitol Hill. The Michigan lawmaker recently introduced a bill the would reform the current lobbying disclosure laws. Practically everyone knows that the 1946 law is a legislative farce.

Levin's controversial measure has Washington's second largest industry—influence peddling—deeply concerned. There are an estimated 80,000 persons working directly or indirectly to lobby Congress and the executive branch. However, only about 7,300 are registered as professional lobbyists.

Levin's proposal would for the first time require more lobbyists to register, make them identify their clients and issues of concern, and disclose how much they were paid. It would also mandate disclosure of lobbying with the executive branch, and close a number of current loopholes for domestic and foreign lobbyists. What the bill won't do, is force them to report which individuals were lobbied and exactly how the money was spent. We believe the "how" can be as important as the "how much." Did the legislators get trips, meals, tickets, gifts, or all of the above?

Remember that the American voters have already spoken: they want reform—real reform. Senator Levin's bill is by no means a cure-all. It is however, a drastic improvement over the current lobbying disclosure laws. Or to put it another way, for a change, someone in Washington is taking a crucial step in the right direction!

[From Roll Call, Apr. 19, 1993]

GIFTS AND LOBBYISTS

Rep. John Bryant (D-Texas) has introduced a bill that would prohibit Members of Congress from receiving a gift of any sort (including meals) that's worth more than $50. Right now, the rule is that no single source may give a Member gifts worth a total of more than $250 a year, and gifts of $100 or less don't count toward that total. The current rule seems perfectly reasonable to us—though we wouldn't be all that upset about the $50 limit. What does upset us is that Common Cause is so adamant about getting the gift rules changed that it's doing its best to hold up a far more important bill, introduced by Bryant and Sen. Carl Levin (D-Mich), that would force lobbyists to disclose their overall expenditures and the issues they lobbied on.

Current lobbying-disclosure rules are a joke, and the Bryant-Levin bill goes a long way toward fixing them. The rules really haven't changed since 1946; they're rife with loopholes, and enforcement is practically non-existent. Practically everyone, including the lobbyists themselves, sees the need to change. But Common Cause is burned up because there are no gift-disclosure provisions in the lobby bill. Again, we don't oppose such required revelations (sunlight being the best disinfectant, etc., etc.), but the group's pique over such a minor matter should not prevent a major one from being resolved immediately.

Mr. COHEN. Madam President, the level of cynicism and disillusionment of the American public about the performance of Government and the integrity of public officials has reached historic heights. What helps to fuel these feelings of outrage is the public's sense that the system is not serving the public good, but is instead being manipulated by special interests to serve their own ends.

Neither the public, nor the media, nor anyone else has any way of knowing whether these special interests are indeed influencing Federal executive and legislative branch officials in the conduct of Government business. The reason for this is that existing Federal lobbying disclosure laws fail to provide useful or accurate information on who is being lobbied, on behalf of whom, and on what issues.

Despite the negative connotations associated with special interests and lobbying, it is important to point out that these special interests are mainly coalitions of citizens who share a common concern—senior citizens who want to promote health care reform, the disabled who work for enactment of laws like the Americans With Disabilities Act to guarantee them the right to fully participate in all aspects of society, or business owners who seek fair trade laws so that they can compete in the global marketplace. Lobbying is simply the avenue by which citizens exercise their constitutional right to freely express their opinions to Government officials.

While we cannot and should not seek to fetter a citizen's right to lobby, the American public does have a right to know about the activities of lobbyists who are being paid to influence Government policies and actions. Effective lobbying disclosure laws serve to increase the public's confidence in how the Government functions, to ensure accountability on the part of both Federal officials and those who lobby them, and to deter improper activities.

There is widespread agreement that the existing Federal laws which govern lobbying are not serving the intended purpose of ensuring full public disclosure of lobbying activities. As the series of hearings held by the Senate Subcommittee on Oversight of Government Management revealed, the current system is riddled with loopholes, unnecessary and burdensome requirements, and there is little or no enforcement. As one of the subcommittee's witnesses observed, "present laws are being, if anything, observed in the breach."

Under the current system, little relevant or practical information is being disclosed. The statutes are unclear and confusing, duplicative, and burdensome, and require the disclosure of the wrong kinds of information. The failure of these laws to ensure public disclosure of appropriate and useful information about lobbying activities only serves to further undermine the public's confidence in Government.

The fundamental problem is that there is no agreement on who is required to register, what types of activities are covered, or what information must be disclosed. Many of the individuals who engage in lobbying are not registering—at least in some cases because they sincerely believe they are not required to—and those who do register are too often disclosing information that is of little use in making any determination as to actual lobbying activities or costs.

This situation subverts the public's confidence in Government and in their elected officials. The depth of the public's concerns in this regard was made clear during the Presidential campaign last year. When H. Ross Perot decried the influence of special interests and high-priced lobbyists in Washington, he was articulating the outrage of many Americans who fear that high-paid hired guns are gaining access to Federal officials in an attempt to improperly influence the decisionmaking process. What the public wants to know is "who is doing what on behalf of whom and for how much?"

The Lobbying Disclosure Act of 1993, legislation which I was proud to join Senator LEVIN in introducing, will help send the message that we really are serious about changing the way Washington does business. The bill is designed to remedy the serious flaws in the current Federal lobbying disclosure laws. The three major goals of the legislation are to bring uniformity, simplicity, and clarity to a system which can only be characterized as chaotic and counterproductive and, in my view, inimical to our system of Government.

The legislation is a comprehensive approach to reform which, when enacted, will be a significant improvement over the current situation. The bill would replace existing laws with a single, uniform statute and ensure that all professional lobbyists are registered. It would streamline the disclosure requirements to ensure meaningful disclosure to the public and to eliminate burdensome requirements on those who must register. It would also establish a new, more effective system for the administration and enforcement of these requirements.

Let me emphasize that the importance of ensuring effective public disclosure of lobbying activities cannot be understated. The public's suspicions concerning what is happening behind the closed doors of Government offices can be significantly reduced or eliminated when there is adequate disclosure of these activities.

The Lobbying Disclosure Act of 1993 is a serious effort to comprehensively revamp the chaotic system that now exists. By replacing the ineffective patchwork of current laws with a uniform and simplified statute, the legislation will help to ensure that all professional lobbyists are registered and that lobbying activities are fully disclosed. More useful information will be disclosed to the American public and the press and, as a result, the public will be able to find an answer to the question "who is doing what on behalf of whom, and for how much?"

Senator LEVIN and his staff are to be commended for the time and attention they have dedicated to crafting this legislation. It is only because of Senator LEVIN's commitment to achieving effective disclosure of lobbying activities that we are here today. I urge all my colleagues to join us in supporting passage of this important legislation and working with us to see that it is enacted into law this year.

Madam President, first, let me thank Senator LEVIN for his kind words. I want to take this opportunity to commend him for the work he and his able staff have done. They have spent 2 years, along with my own staff, working on this issue. It has not been without some criticism. There are still, perhaps, some deficiencies in the legislation. It is not a perfect bill.

We often hear the expression that "the perfect is the enemy of the good," and there will be attempts made to perfect this legislation which may or may not in fact achieve that goal. Nonetheless, I want to offer a couple of comments. I think Senator LEVIN has outlined the scope of the problem and the nature of the legislation that we propose to deal with this problem in a very comprehensive fashion.

There are three words I think which stir the angst, the anger, the outrage of the American people. One word is "politician," which has a very negative connotation to it when, in fact, those who run and seek public office and are fortunate enough to be elected or appointed to public office are simply trying to reconcile the conflicting and competing interests that make up this country. That makes them a politician. There should be a noble sentiment attached to it rather than a negative one. Historically, if someone is labeled a politician, suddenly the lips of another observer will turn up with contempt or a sneer, implying that somehow we are not engaged in the effort to work the public's will.

Another word which comes to mind is that of "special interests." We have heard this during virtually every campaign, and certainly ever since I have been involved in politics. "The special interests are causing the problems in Washington." The public has to understand exactly who are the special interests. It is all of them—whether we are talking about farmers who are seeking subsidies for their crops or low-interest loans for disaster relief; whether it is small businessmen and women who are looking for accelerated depreciation for investment of plant equipment; whether it is teachers looking for additional assistance to help educate our children; or whether it is homeowners who want to maintain a deduction for their interest payments on their mortgage so they can continue to own a home.

Everyone can be labeled a special interest. They have a special interest to convey to us, and that really is the essence of this entire process called democracy, where our doors are open for people to come in and present their case.

Then comes the word "lobbyist," which also has a very negative connotation to it. But, again, lobbyists are simply people who are hired to represent, to act as an effective voice for those who otherwise may not either have the competence or the ability to convey the nature of that special interest to the people who have to pass judgment and reconciling the equities involved.

Lobbyists are characterized as tassle-loafered, Gucci-belted zealots, and I agree that there are some of those. Citizens, however, come into our offices from all over the country, from our respective States. They come in and most of them are not well heeled, so to speak. They are there to represent a particular interest on a particular issue.

We as politicians, must admit and confess that we are not specialists. Maybe some of us who used to be out practicing law or specializing in trial work can claim to be specialists during those years. But when we arrive in Washington, we are overwhelmed with a floodtide—a floodtide—of competing interests and issues, ranging all the way from aid to Russia or intervention in Bosnia, to whether or not we are going to have a stimulus package, or whether we need to have a change in our disaster relief program. You name the issue, and there is a floodtide that confronts us each and every day.

We are not specialists, so we depend upon the expertise of the specialists who come to us to make us well informed. Of course, there is a catch to this, and that is provided we are open to all sides, and provided that the public knows exactly who is presenting the information to us, and what they are being paid to lobby, and for what issue.

We have a need for their expertise. I am not an expert in a variety of fields. Be it in health care or armed services, we need to have the experts come in to talk about their programs and their manufacturing capabilities, or about an issue which may affect their ability to compete on a global basis. We need that information. By the same token, the public needs to know exactly who in fact is presenting that information, what they are being paid, and how much they are expending in the performance of their own duties.

That is basically the nature of what we are confronted with here today. The only thing that is worse than not having a law to deal with a critical problem is to have a law which is either ignored or goes unenforced, and that is precisely the situation that we face today. We have not one law, we have four laws on the subject of lobbying in this country, all of which, combined, are rather meaningless. They are inconsistent, overlapping, and duplicative. They are vague. They are riddled with loopholes, as Senator LEVIN described.

So we have laws on the books which are virtually ignored. If you look at the size of the book that Senator LEVIN held up a moment ago with its hundreds of pages, you can conclude that while here is a document made available to the public which contains the list of thousands of representatives, only a small fraction of the individuals listed in this book appear in official documents.

So something is wrong. Something is wrong that has to be corrected.

Those few who did in fact file as lobbyists, as my colleague from Michigan has pointed out, filed essentially meaningless information. Some might do so with malice and identify $1.31 allocated for a lobbying cost. It may be done in a spirit of maliciousness, to try to poke a finger in the eye of lawmakers and regulators, and I suspect that may be the case.

But I think most do this because of the law. They are not sure what the law requires. They are being meticulous. They are not quite sure what the Government will do if they do not file this information. What we glean from the hearings and from the people who came before us is that they simply are unsure of what to do. So they do not do, in many cases, anything.

If they file information which is incorrect because the law is vague, or they are not sure what is really required of them, they may find themselves in greater difficulty than if they do not do anything at all. They err on the side of no disclosure, no registering, and so the public does not know exactly what is going on.

But whether the lack of filing or the failure to file is out of mischief or misunderstanding, the fact is they do so with impunity.

I am not aware of a single case that has ever been prosecuted in this city for violation of disclosure laws. I cannot recall hearing about or reading about a single case in which a lobbyist was prosecuted for violation of our lobbying disclosure laws.

So something is clearly wrong. Something demands that we take action now. I believe that the product that Senator LEVIN has offered, with my support and that of most of the Republicans and the Democrats on the Governmental Affairs Committee, is a very, very positive step forward.

It will not satisfy everyone. There are editorials that are critical of the legislation, saying it does not go nearly far enough; it is somehow kowtowing to the lobbyists; that the fat cats will be out there buying lunches, paid-for vacations that will never be known to the public; therefore, this is simply devised to hide the special interests, using their coinage, "to purchase the public welfare."

I do not believe that to be the case. We are open to positive recommendations as to how to improve this legislation.

I want to take this opportunity to commend Senator LEVIN, once again, and his staff, and to raise a voice of support for Senator LEVIN and against those who would level an attack against, I think, the one Senator in this body who has been in the forefront of ethical reform over the entire course of his career. I do not think there is any other Member of the Senate who has been as aggressive as Senator LEVIN has been on the need to reform the ethics of this institution and that of the executive branch. So those who will now level a charge that he is somehow less than honorable in presenting this legislation, I think are missing the mark by a great deal.

So, Madam President, I will yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 342

(Purpose: To amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections)

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] for himself, Mr. DOLE, and Mr. MCCONNELL, proposes an amendment numbered 342.

Mr. PRESSLER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of Federal Election Campaign Act (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditures under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of Federal Election Campaign Act (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of Federal Election Campaign Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate of Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of Federal Election Campaign Act (2 U.S.C. 432(e)) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association, to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Mr. PRESSLER. Madam President, I offer this amendment on behalf of myself, Mr. DOLE, and Mr. McCONNELL. I believe it is very appropriate that we have a reform of lobbying activities, and I support these efforts. I commend the Senator from Michigan and the Senator from Maine for their leadership in this area.

I noted in the remarks of the Senator from Michigan that some disclosures of campaign-related contributions by lobbyists would be required. I think everyone knows that the power of many lobbyists springs from their ability to generate PAC funds. The political action committee's presence has become the basis of most Washington, DC, fundraising events.

Madam President, this amendment which I propose on behalf of myself, Senator DOLE, and Senator McCONNELL, is a very basic one that addresses an area of the present campaign financing system that greatly concerns me and my constituents.

In the last several years, we have seen many bills in Congress purporting to be campaign reform legislation. Simply because the media, or some public interest group, labels a bill campaign reform does not necessarily make it so. Often the use of this term involves considerable poetic license.

The amendment prohibits PAC's from participating in campaigns for Federal office. The amendment provides that only an individual, or candidate's committee, or a political party committee may make contributions, solicit or received contributions, or make expenditures for the purpose of influencing an election for Federal office. PAC's would be outlawed from the business of political fundraising and contribution making for Federal office.

I am convinced that when people say they want campaign reform, what they are saying is get rid of PAC's. PAC's are publically perceived to be organizations with large amounts of money ready to be lavished on candidates for Federal office in return for access and influence with those receiving the contributions. PAC's are playing an increasingly larger role in the financing of campaigns for Federal office:

Since passage of the Federal Election Campaign Act [FECA] in 1974, the number of PAC's has increased from 608 to 4,195 in 1992;

PAC contributions to House and Senate candidates increased from $12.5 million in 1974 to $180.1 million in 1992, an increase of more than 400 percent, even accounting for inflation;

In 1974, 9 percent of winners in the House of Representatives received over half their funds from PAC's. in 1990, 55 percent of House winners received over half their funds from PAC's;

PAC contributions as a percentage of Congressional candidates' overall receipts in general elections has steadily increased every year since 1974, starting at 15.7 percent in that year to 33.8 percent in 1990;

In 1992, PAC's contributed 24 percent of Senate campaign receipts;

In 1992, PAC's contributed 38 percent of House campaign receipts;

In 1992, incumbents received 89 percent of all PAC contributions, $119,779,287 versus $17,302,125 for challengers;

Corporate and trade association PAC's give over 90 percent of their money to incumbents.

With my amendment, all PAC's, or segregated separate funds in the parlance of the Federal Code, maintained by unions, corporations, trade and health associations, membership organizations, cooperatives, and corporations without capital stock, savings and loans/shareholder insurance companies, would no longer be able to participate in Federal elections. Also prohibited from participating in Federal elections would be nonconnected PAC's, those not affiliated with a sponsoring organization, which are comprised of ideological and single-issue groups.

The amendment redefines political committees so that only the campaign committees of candidates and national, State, and local political parties could make contributions or solicit or receive contributions or spend money to influence Federal elections.

The amendment contains a provision that should a ban on PAC's be determined to be unconstitutional, then PAC contributions of $1,000 would be allowed. This is the PAC contribution limit suggested by President Clinton during the campaign.

This is a fallback provision, the idea being that if we cannot ban PAC's entirely, due to constitutional reasons, then the PAC contributions of $1,000 would be allowed. I have not yet seen the White House's campaign reform bill, but I understand it may contain a $2,500 limit on Senate contributions and a $5,000 limit for House contributions. I would disagree with setting different amounts for the two Houses. But President Clinton's suggestion made during his campaign, that a $1,000 limit be placed on PAC contributions, is recognized in this amendment if the total ban on PAC's is found to be unconstitutional.

In the last Congress, this body passed a so-called campaign finance reform bill, S. 3, the Senate Election Ethics Act of 1991. It passed on a 56–42 vote. I voted for it. One of the reasons I did so was because it eliminated PAC's. Unfortunately, when it returned to the Senate after the House and Senate conferees were done with it, the PAC elimination provision was dropped. Consequently, I voted against the conference report on that bill and the subsequent unsuccessful attempt to override the President's veto of the bill.

With the adoption of my amendment, campaigns would be put back under the total influence of the people we represent. Only individuals', and the candidates', own campaign committees would be involved in the campaign fundraising system. The electorate wants their elected officials to serve them, not the PAC's.

The public is wary of the perceived influence generated by the large fundraising power of PAC's. Big financial contributors are suspect. My amendment calls for us to do only that which this body did in the last Congress—get the PAC's out of elections and give back to the people their elected representatives.

We have been on this issue for a long time now. My colleague, Senator McCONNELL, has been one of the great leaders on this issue over the years on this side of the aisle. I thank him for his assistance in developing this amendment.

I hope my Senate colleagues also will support elimination of political action committees and join Senator DOLE, Senator McCONNELL, and me in passing this amendment and putting a major campaign reform issue behind us. We need to get on to more serious and urgent matters facing the Nation.

In conclusion, let me say that I offer this amendment in an attempt to join in the reform effort. I believe the lobbying disclosure bill is a good step. But if we are going to deal with the power of the lobbyists, we will have to deal with political action committee power, because that is what lobbyists in Washington base their power upon.

My amendment would deal with this power. It would put real teeth into this bill. It would give us, for the first time, relief in an area that has been of concern throughout our Nation—on talk shows, in campaigns—everybody complains about PAC's. This amendment will eliminate PAC's.

If that is found to be unconstitutional, the amendment would provide that PAC's could contribute $1,000. That is the level President Clinton suggested, so I am keeping within President Clinton's campaign proposal.

Madam President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. If the chairman of the subcommittee will withhold, the Chair wishes to apprise the Senator from South Dakota that there are two other committee amendments in order and, therefore, they need to be considered before your amendment is in order.

The Chair had taken over at 5 o'clock and was unaware of that, and did not ant to interrupt the Senator from South Dakota in making his presentation.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. McCONNELL. Madam President, I believe I have the floor.

Mr. LEVIN. Madam President, may I make an inquiry of the Senator from Kentucky?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

My understanding is that it is the intention of the Senator from Kentucky, at this point, to address some remarks in support of the Pressler amendment, and then to yield the floor; is that correct?

Mr. McCONNELL. I say to my friend from Michigan, that is the intention of the Senator from Kentucky because—he will be pleased to know—the Senator will be rather brief because the Senator has laryngitis.

Mr. LEVIN. Madam President, I am not going to use up any more of the voice of the Senator from Kentucky.

The PRESIDING OFFICER. The Presiding Officer needs to know from the Senator from South Dakota, what is the intent of his amendment? Is he asking that the other amendments be laid aside, or does the Senator from South Dakota wish his amendment to come after the two committee amendments?

Mr. PRESSLER. I ask unanimous consent that my amendment be in order to the first-degree amendment.

Mr. LEVIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. If I may address a comment to the body and to my friend from South Dakota.

We are trying to clear the committee amendment now with a Senator who has a question about it. I hope to be able to inform the Chair that we have been able to figure out that issue immediately after the Senator from Kentucky has completed.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, at whatever time the amendment is subsequently offered, I wish to state that I support the amendment of the Senator from South Dakota, and also to express to him my appreciation for his leadership in the area of campaign finance.

The Senator from South Dakota and I have discussed this issue, off and on, over the last few years. He has a great deal of insight and understanding of this important issue and has been a very useful player on our side of the aisle in evolving the position that Republican Senators have expressed on a variety of different occasions.

The Senator from South Dakota, Senator PRESSLER, is addressing, it seems to me, Madam President, the heart of the campaign finance issue, and that is where the money comes from.

We all know that political action committees have a tendency to favor incumbents, so that the extent to which you could diminish, or even eliminate, the influence of the political action committee, means the challengers in the American political process are going to have a better opportunity to compete and be a force on the American political scene.

So I simply, Madam President, wanted to rise to commend Senator PRESSLER for this excellent amendment, to thank him personally for the great work he has done on the issue of campaign finance over the years, and to indicate my enthusiastic support for his amendment at whatever point it is considered in the proceedings of the Senate.

Senator PRESSLER should be commended for his courage and tenacity in putting people first by putting PAC's out of business in federal elections.

As we speak, televisions all over Capitol Hill are being turned up in alarm over the prospect of losing the incumbent's political lifeline, PAC contributions.

Mr. President, as we all know so well, incumbents are PAC-magnets. Challengers do not attract PAC—money on a significant scale. However, political action committees are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers.

In 1992, in races where members were up for reelection, incumbents received 86 percent of the PAC contributions, $126 million for incumbents versus $21 million for challengers.

Mr. President, if PAC's are so democratic—with a small d—it is not reflected in their contribution patterns because incumbents certainly were not so overwhelmingly popular in 1992. Clearly, democracy is skewed in the PAC process as inside-the-beltway professional lobbyists advance their personal interests in getting face-time with incumbents, rather than advancing their PAC contributor's interests through PAC checks.

Members on the other side of the aisle are going to say we are jumping the gun with this amendment, why, the President has not even introduced his bill yet. I will respond to those objections by noting that we have waited for quite sometime for the President's bill and while we do not yet have language we have a pretty good idea what the PAC provision will be: $2,500 per election limit in Senate elections, and $5,000 per election limit in House elections.

That proposal does not even meet the Presidents own campaign vow, $1,000 per election for House and Senate elections. It was part of his putting-people-first campaign platform.

As for the aggregate limits on PAC's, I noted in Roll Call today that the Senate limit has creeped-up from 20 percent to 25 percent of total receipts. While that would be an adjustment for some Members, Mr. President, it is hardly a great sacrifice by the Senate as a whole.

Clearly, putting people first has transformed into putting incumbents first. Moreover, President Clinton is putting House Democrats first.

As the Wall Street Journal stated in an editorial entitled "Real Change" on April 28 in regard to President Clinton's proposal:

> * * * A campaign finance reform plan that would use tax dollars to finance congressional elections. Bowing to pressure from House Democrats he has abandoned plans to sharply rein in PAC money, 90% of which flows to congressional incumbents and virtually ensures their relection. From what we've seen, it's a reform that is by the incumbents, for the incumbents and benefits only incumbents.

Mr. President, if the PAC issue is not divorced from the taxpayer-funded/spending limits scheme, then it will get caught up in that quagmire, nothing will change, and incumbents will continue to feed at the PAC trough.

And many incumbents would cheer.

The Senator from South Dakota seeks to truly put people first with this amendment. I urge my colleagues to support him in his noble and courageous endeavor to put people first for a change.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LEVIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of it's reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1578. An act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

The message also announced that pursuant to section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, as amended by Public Law 103-13, the minority leader appoints to the National Commission to Ensure a Strong Competitive Airline Industry, the following individuals:

On the part of the House: Mr. GINGRICH (nonvoting), and Mr. SHUSTER (nonvoting); and

From private life: Mr. Daniel Kasper of Massachusetts (voting), and Mr. John Robson of Washington, DC (voting).

The message further announced that pursuant to the provisions of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App 1371 note), as amended by Public Law 103-13, the Speaker appoints to the National Commission to Ensure a Strong Competitive Airline Industry, the following individuals:

On the part of the House: Mr. GEPHARDT (nonvoting), Mr. BORSKI (nonvoting), and Ms. CANTWELL (nonvoting); and

From private life: Miss Sandra Pianalto of Akron, OH (voting), Captain J. Randolph Babbitt of Oakton, VA (voting), and Mr. John Peterpaul of Silver Spring, MD (voting).

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that pursuant to the provisions of section 4(a) of Public Law 94-118, the Speaker appoints to the Japan-United States Friendship Commission the following Members on the part of the House: Mr. WISE and Mr. PETRI.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1578. An act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget and to the Committee on Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled joint resolutions:

On April 29, 1993:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs.

Kenneth D. Brady, of New York, to be president of the Export-Import Bank of the United States for a term of 4 years expiring January 20, 1997.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. BAUCUS, from the Committee on Environment, and Public Works:

Robert M. Sussman, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN:

S. 867. A bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the medicare program and State health care programs to providers under all health care plans, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. SIMON, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. MATHEWS):

S. 868. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handguns and assault weapons, to increase the license application fee for gun dealers, and to use the proceeds from those increases to pay for medical care for gunshot victims; to the Committee on Finance.

By Mr. WELLSTONE (for himself and Mr. KENNEDY):

S. 869. A bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, to provide for epidemiological research on such violence and assault, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WELLSTONE:

S. 870. A bill to protect children from the trauma of witnessing or experiencing violence, sexual abuse, neglect, abduction, rape or death during parent/child visitations or visitation exchanges, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMPSON:

S. 871. A bill for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL (by request):

S. 872. A bill to authorize appropriations for the African Development Foundation; to the Committee on Foreign Relations.

S. 873. A bill to amend the Asian Development Bank Act to authorize consent to, and authorize appropriations for, the United States contribution to the fifth replenishment of the resources of the Asian Development fund, and for other purposes; to the Committee on Foreign Relations.

By Mr. PRESSLER (for himself, Mr. WARNER, Mr. DASCHLE, Mr. KRUEGER, Mr. SHELBY, Mr. GORTON, Mr. BURNS, and Mr. CAMPBELL):

S. 874. A bill to reauthorize Public Law 81-874 (Impact Aid), and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (by request):

S. 875. A bill to amend the International Development Association Act to authorize consent to, and authorize appropriations for, the United States contribution to the tenth replenishment of the resources of the International Development Association, and for other purposes; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (by request):

S. 876. A bill to amend the Internal Revenue Code of 1986 to provide training and investment incentives and to provide additional revenues for deficit reduction purposes; to the Committee on Finance.

By Mr. EXON (for himself, Mr. KERREY, and Mr. DURENBERGER):

S. 877. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated business of such organization; to the Committee on Finance.

By Mr. LOTT:

S. 878. A bill to require recipients of grants through the Department of Housing and Urban Development to promptly pay contractors for performing federally assisted work; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 879. A bill to provide technology implementation through the training of the American work force, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself and Mr. PRYOR):

S. 880. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Finance.

By Mr. DODD (for himself, Mr. HATFIELD, Mr. PELL, Mrs. FEINSTEIN, Mr. INOUYE, Mr. DECONCINI, Mr. CONRAD, Mr. JOHNSTON, Mr. COCHRAN, Mr. DORGAN, Mr. HEFLIN, Mr. LEVIN, Mr. LUGAR, Mr. BYRD, Mr. PRYOR, Mr. KENNEDY, Mr. COATS, Mr. CHAFEE, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. AKAKA, Mrs. BOXER, Mr. BRADLEY, Mr. HATCH, Mr. GRAHAM, Mrs. MURRAY, Mr. DANFORTH, Mr. BOND, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, Mr. KERREY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. SHELBY, Mr. COHEN, Mr. DOMENICI, Mr. DASCHLE, and Mr. GORTON):

S. 881. A bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KOHL:

S. 882. A bill to amend the Internal Revenue Code of 1986 to provide for the rollover of gain from the sale of farm assets into an individual retirement account; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 883. A bill to amend title 38, United States Code, to increase, effective as of December 1, 1993, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

By Mr. PELL (for himself, Mr. JEFFORDS, Mr. KENNEDY, and Mrs. KASSEBAUM):

S. 884. A bill to make technical amendments to the Higher Education Act of 1965 and the Carl D. Perkins Vocational and Applied Technology Act; considered and passed.

By Mr. LAUTENBERG (for himself, Mr. BOREN, Mr. LEVIN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. KOHL):

S. 885. A bill to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. DURENBERGER, Mr. GREGG, and Mr. BOND):

S. 886. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to improve immunization rates among children and for other purposes; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. DURENBERGER, Mr. GREGG, and Mr. BOND):

S. 887. A bill to amend the Public Health Service Act to improve immunization rates among children through the establishment of data registries and educational programs, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S.J. Res. 87. A joint resolution to designate September 13, 1993, as "Commodore John Barry Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN:

S. 867. A bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the Medicare Program and State health care programs to providers under all health care plans, and for other purposes; to the Committee on Finance.

NATIONAL HEALTH CARE ANTIFRAUD AND ABUSE ACT OF 1993

Mr. COHEN. Mr. President, there is no issue that is dominating the domestic agenda more than that of health care reform. As a matter of fact, Mrs. Clinton came to Capitol Hill to outline what she believes will be the blueprint for the President's health care reform package. Indeed, there is a lot of speculation about how much it is going to cost the American taxpayer to fund this new program. There is in fact today in the Washington Post a third of a four-part series analyzing our health care system. I found it interesting to note that on page 10 of the Post there are estimated savings given by three experts in the field: Jack Meyer, Gail Wilensky, and Gerard Anderson. And going down through the list of items, Mr. Meyer believes we could save, looking at those certain things that could be done to cut out waste, anywhere from $170 to $250 billion; Ms. Wilensky, $100 to $150 billion; and Mr. Anderson as much as $160 billion.

To those numbers I would like to add something else which is really compounding the problem and that is the issue of health care fraud and abuse.

I think a great challenge facing this country today, and one of the fastest growing law enforcement problems, is health care fraud. The GAO has estimated that by 1995 fraud and abuse in our health care system could cost the taxpayers as much as $100 billion annually.

Through my work on the Special Committee on Aging and the Permanent Subcommittee on Investigations, I have seen firsthand how creative and extensive abuses of our health care system can be. Overcharging for services, billing for services, drugs and treatments not given, providing unnecessary tests, and accepting kickbacks for referring patients to certain clinics and test laboratories—there seems to be no end to the tactics that are used to bilk our health care system.

Consumers and businesses are paying dearly for these health care rip-offs in the form of higher taxes and skyrocketing insurance premiums. As the health care budget grows, the scams are growing dramatically bigger, bolder, and more sophisticated. This is not a victimless white-collar crime. We all end up paying the tab—as individuals who pay premiums, copayments and deductibles; as employers who buy coverage for their workers; and as taxpayers when Medicare, Medicaid, and other Government health care programs are targeted for fraud.

On a national level, combating health care fraud is difficult because of the patchwork of public and private insurers who handle bills for health care and a lack of coordination among insurers in pursuing fraud and abuse. Moreover, the system is geared heavily toward processing claims, not toward the pursuit of fraud and abuse. Under our Medicare Program, for example, carriers are rewarded for paying claims as fast as possible and given little budget or incentive to recover millions of dollars lost to fraud.

Similarly, in the private health care insurance world, too often the reaction to fraud is simply to raise premiums for all the insured, rather than to aggressively pursue and sanction fraudulent providers. As a result, the cost of health care goes up for everyone, and fraudulent providers continue to raid the system.

Complicating the antifraud effort is the movement toward electronic claims filing. This filing system, while having tremendous benefits for efficiency, could eliminate the paper trail that provides investigators with many of their best leads. In addition, as more health care moves away from the hospital and into homes or outpatient settings, keeping an eye on fraudulent providers gets tougher and tougher.

There are many egregious examples of fraud and abuse. One of the largest schemes identified to date involves so-called rolling labs and is alleged to have resulted in nearly $1 billion in false claims during the 1980's. This operation involved mobile labs that conducted unnecessary and sometimes fake tests on unsuspecting patients. Telemarketers solicited patients by offering physical examinations and diagnostic testing, and then false claims were submitted to insurance companies or Government health programs.

Under this scheme, the tests were conducted at retirement homes, health clubs, shopping malls, and clinics. Investigators allege that patients were required to fill out forms that were used later to justify medical necessity for the tests, even if the patients did not complain of any symptoms. At its peak, it is estimated that the operation involved 1,000 separate companies and 400 bank accounts worldwide.

And in some cases, health care fraud and abuse can cause physical harm to patients. For example, one woman testified before congressional committees how here doctor referred her to a psychiatric hospital after she had a psychotic reaction to pain medication. She thought that she would be there for only a day or two but ended up in the institution for 3 months.

She testified that the hospital tried to change her status from psychiatric to medical after learning the terms of her insurance policy. To do this would have increased her coverage from $50,000 to $1 million. She claims she was heavily drugged and kept isolated from visitors. When her coverage was expended, she was finally allowed to leave and subsequently learned that her insurance company ended up paying almost $50,000 for her stay.

In the area of Medicare, there is another example I would like to cite which we had investigated through the Aging Committee and which was started some time ago by our now departed colleague, Senator Heinz. This involved the selling of overpriced or unneeded durable medical equipment such as seat lift chairs, dangerous paraffin wax baths, and flimsy mattresses and cushions to Medicare beneficiaries.

Unscrupulous suppliers would employ telemarketers, who had no medical training, to make call after call to unsuspecting Medicare beneficiaries offering them free medical equipment that was of inferior quality, and at times even dangerous. These suppliers would then bill Medicare to 10 or even 20 times more than the actual cost of the item.

The examples of abuse were staggering. A plain piece of biege foam cost a DME supplier about $23, and was then billed to Medicare for more than $240 as a flotation pad for a wheelchair. A bed-sized flimsy piece of pink foam was billed to Medicare as a dry flotation mattress to prevent bed sores. This item, which obviously was completely ineffective, was purchased by a supplier for about $28 and then billed to Medicare for more than $1,100. That represents a profit of more than 3,800 percent.

These are just a couple of examples of the ways in which this system is being ripped off to the great cost of the American taxpayer.

Ironically, at a time when the health care budget is growing at three times the rate of inflation, the Office of Inspector General of the Department of Health and Human Services is facing cutbacks. By some estimates, the Department of Health and Human Services spends $1.5 billion on all its programs every day. The inspector general, however, has only one criminal investigator for every $2.25 billion spent, and one auditor for every $800 million in outlays. This combination of lax enforcement and very scarce resources for enforcement results in no one watching the store.

In stopping abuse and catching fraud we have to be careful to balance concerns about privacy laws. We also have to stress that the overwhelming majority of physicians and other health care providers are dedicated and honest individuals who have the best interest of their patient in mind.

However, the rapid growth and sheer size of our health care system greatly increases the opportunities for fraud and abuse. Therefore, we must be vigilant in our efforts to ensure that sufficient safeguards are in place to detect and eliminate the bad apples who take advantage of the health care system.

Many fraudulent activities target both government programs and private payers and much more coordination of enforcement efforts is necessary. Most types of fraud could be avoided by closing loopholes that exist in current law or in Medicare rules and regulations and by extending prohibitions that now exist in Medicare to private insurance situations.

The Congress is engaged with the administration in how best to reduce the bulging national deficit. Senators are struggling fiercely over proposed spending cuts or additions of a few billion dollars, and indeed the entire system got sidetracked in a discussion of the President's so-called stimulus package, which was $16 billion.

In the midst of all this, we have an opportunity to save the Government as much as $100 billion, without raising taxes or cutting needed services. In this political and budgetary climate, this effort ought to get especially close attention.

That is why I am introducing the National Health Care Anti-Fraud and Abuse Act, which would strengthen the Department of Health and Human Services' efforts against fraud and abuse. The bill would require the Department of Health and Human Services to coordinate civil enforcement for all health care fraud and would provide, among other things, intermediate sanctions for fraud-related violations, extension of criminal penalties now under Medicare to all payers, mandatory exclusion from Medicare for certain abuses, and restitution to organizations who may have suffered damages as a result of violations. The bill also requires publication of the names of providers and suppliers who have had final adverse actions taken against them.

This legislation would pay for the enhanced enforcement efforts by setting up a trust fund in which civil penalties would be deposited, to assist the inspector general in more vigorously pursuing fraudulent investigations. By rolling civil penalties back into the enforcement budget, we will also be creating a greater incentive for insurers to pursue fraud, rather than just payout claims.

Mr. President, as we move toward major health care reform, we need to do all we can to put strong protections in place to guard against health care fraud and put unscrupulous providers out of business. As reform to our health care financing and delivery systems are being debated, we must ensure that they are made in a manner that minimizes the potential for fraud, waste, and abuse.

I could go on. But basically I would like to let my colleagues know the reason I am not introducing this legislation is quite clear. As we work, hopefully, on a bipartisan basis to develop a comprehensive reform of our current system, to make it more efficient and more universal in terms of its access, we can no longer afford to tolerate these kinds of fraudulent and abusive activities.

We have to root out in every conceivable way the kind of fraud and abuse that is being inflicted day after day with no seeming end in sight.

So I hope my colleagues will look carefully at the legislation, and that it will enjoy their widespread support.

I ask unanimous consent that a section-by-section analysis and a copy of the bill be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Health Care Anti-Fraud and Abuse Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

Sec. 101. All-payer fraud and abuse control program.
Sec. 102. Application of Federal health anti-fraud and abuse sanctions to all fraud and abuse against any health benefit plan.
Sec. 103. Public reporting of fraudulent actions.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

Sec. 201. Mandatory exclusion from participation in medicare and State health care programs.
Sec. 202. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.
Sec. 203. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
Sec. 204. Civil monetary penalties.
Sec. 205. Actions subject to criminal penalties.
Sec. 206. Sanctions against practitioners and persons for failure to follow corrective action plan of peer review organization.
Sec. 207. Intermediate sanctions for medicare health maintenance organizations.
Sec. 208. Effective date.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 301. Requirements for uniform claims and electronic claims data set.
Sec. 302. National data collection program for final adverse actions.
Sec. 303. Quarterly publication of adverse actions taken.

TITLE I—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

SEC. 101. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) Establishment of Program.—

(1) In general.—Not later than January 1, 1995, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish in the Office of the Inspector General of the Department of Health and Human Services a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States, and

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act and other statutes applicable to health care fraud and abuse.

(2) Coordination with law enforcement agencies.—In carrying out the program established under paragraph (1), the Secretary shall consult with, and arrange for the sharing of data and resources with the Attorney General, State law enforcement agencies, State medicaid fraud and abuse units, and State agencies responsible for the licensing and certification of health care providers.

(3) Coordination with health care plans.—In carrying out the program established under paragraph (1), the Secretary shall consult with, and arrange for the sharing of data with representatives of health care plans.

(4) Regulations.—

(A) In general.—The Secretary shall by regulation establish standards to carry out the program under paragraph (1).

(B) Information standards.—

(i) In general.—Such standards shall include standards relating to the furnishing of information by health care plans, providers, and others to enable the Secretary to carry out the program (including coordination with law enforcement agencies under paragraph (2) and health care plans under paragraph (3)).

(ii) Confidentiality.—Such standards shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

(iii) Qualified immunity for providing information.—The provisions of section 1157(a) of the Social Security Act (relating to limitation on liability) shall apply to a person providing information to the Secretary under the program under this section, with respect to the Secretary's performance of duties under the program, in the same manner as such section applies to information provided to organizations with a contract under part B of title XI of such Act, with respect to the performance of such a contract.

(C) Disclosure of ownership information.—

(i) In general.—Such standards shall include standards relating to the disclosure of ownership information described in clause (ii) by any entity providing health care services and items.

(ii) Ownership information described.—The ownership information described in this clause includes—

(I) a description of such items and services provided by such entity;

(II) the names and unique physician identification numbers of all physicians with a financial relationship (as defined in section 1877(a)(2) of the Social Security Act) with such entity;

(III) the names of all other individuals with such an ownership or investment interest in such entity; and

(IV) any other ownership and related information required to be disclosed by such entity under section 1124 or section 1124A of the Social Security Act.

(D) Integrity of issuance of provider identification codes.—Such standards shall, insofar as they relate to the issuance of unique provider codes (described in section 301(c)(4))—

(i) include standards relating to the information (including ownership information described in subparagraph (C)(ii) and other information needed in the administration of the program) to be required for the issuance of such codes, and

(ii) provide for the issuance of such a code upon the presentation of such information as would be sufficient to provide for the issuance of similar codes under the medicare program.

(5) Authorization of appropriations for investigators and other personnel.—In addition to any other amounts authorized to be appropriated to the Secretary for health care anti-fraud and abuse activities for a fiscal year, there are authorized to be appropriated additional amounts as may be necessary to enable the Secretary to conduct investigations and audits of allegations of health care fraud and abuse and otherwise carry out the program established under paragraph (1) in a fiscal year.

(6) Ensuring access to documentation.—

(A) In general.—The Inspector General of the Department of Health and Human Services is authorized to exercise the authority described in paragraphs (4) and (5) of section 6 of the Inspector General Act of 1978 (relating to subpoenas and administration of oaths) with respect to the activities under the all-payer fraud and abuse control program established under this subsection to the same extent as such Inspector General may exercise such authorities to perform the functions assigned by such Act.

(B) Permissive exclusion.—Section 1128(b) of the Social Security Act (42 U.S.C. 1320a-7(b)) is amended by adding at the end the following new paragraph:

"(15) Failure to supply requested information to the inspector general.—Any individual or entity that fails fully and accurately to provide, upon request of the Inspector General of the Department of Health and Human Services, records, documents, and other information necessary for the purposes of carrying out activities under the all-payer fraud and abuse control program established under section 101 of the National Health Care Anti-Fraud and Abuse Act of 1993.".

(7) Health care plan defined.—For the purposes of this subsection, the term "health care plan" shall have the meaning given such term in section 1128(i) of the Social Security Act.

(b) Establishment of Anti-Fraud and Abuse Trust Fund.—

(1) Establishment.—

(A) In general.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Anti-Fraud and Abuse Trust Fund" (in this section referred to as the "Trust Fund"). The Trust Fund shall consist of such gifts and bequests as may be made as provided in subparagraph (B) and such amounts as may be deposited in, or appropriated to, such Trust Fund as provided in paragraph (3)(C), and title XI of the Social Security Act.

(B) Authorization to accept gifts.—The Managing Trustee of the Trust Fund is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Trust Fund, for the benefit of the Trust Fund, or any activity financed through the Trust Fund.

(2) Management.—

(A) In general.—The Trust Fund shall be managed by the Secretary through a Managing Trustee designated by the Secretary.

(B) Investment of funds.—

(i) In general.—It shall be the duty of the Managing Trustee to invest such portion of the Trust Fund as is not, in the Managing Trustee's judgment, required to meet current withdrawals.

(ii) General form of investment.—Investments described in clause (i) may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (I) on original issue at the issue price, or (II) by purchase of outstanding obligations at market price.

(iii) Issuance of public-debt obligations.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of public-debt obligations for purchase by the Trust Fund. Such obligations issued for purchase by the Trust Fund shall have maturities fixed with due regard for the needs of the Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of 4 years from the end of such calendar month, except that where such average is not a multiple of ⅛ of 1 percent, the rate of interest on such obligations shall be the multiple of ⅛ of 1 percent nearest such market yield.

(iv) Purchases of other obligations.—The Managing Trustee may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price, only where the Managing Trustee determines that the purchase of such other obligations is in the public interest.

(C) Sale of obligations.—Any obligations acquired by the Trust Fund (except public-debt obligations issued exclusively to the Trust Fund) may be sold by the Managing Trustee at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(D) Interest on obligations and proceeds from sale or redemption of obligations.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(E) Receipts and disbursements not included in United States Government budget totals.—The receipts and disbursements of the Secretary in the discharge of the functions of the Secretary under the all-payer fraud and abuse control program established under subsection (a) shall not be included in the totals of the budget of the United States Government. For purposes of part C of the

Balanced Budget and Emergency Deficit Control Act of 1985, the Secretary and the Trust Fund shall be treated in the same manner as the Federal Retirement Thrift Investment Board and the Thrift Savings Fund, respectively. The United States is not liable for any obligation or liability incurred by the Trust Fund.

(3) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Trust Fund shall be used without regard to fiscal year limitation to assist the Inspector General of the Department of Health and Human Services in carrying out the all-payer fraud and abuse control program established under subsection (a).

(B) OVERALL ADMINISTRATION.—The Managing Trustee shall also pay from time to time from the Trust Fund such amounts as the Secretary certifies are necessary to carry out the all-payer fraud and abuse control program established under subsection (a).

(4) ANNUAL REPORT.—The Managing Trustee shall be required to submit an annual report to Congress on the amount of revenue which is generated and disbursed by the Trust Fund in each fiscal year. Such report shall include an estimate of the amount of additional appropriations authorized under subsection (a)(5) necessary for the Secretary to conduct the all-payer fraud and abuse program established under subsection (a) in the next fiscal year.

SEC. 102. APPLICATION OF FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO ALL FRAUD AND ABUSE AGAINST ANY HEALTH CARE PLAN.

(a) CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) is amended as follows:

(1) In subsection (a)(1), by inserting "or of any health care plan (as defined in section 1128(i))," after "subsection (i)(1)),".

(2) In subsection (b)(1)(A), by inserting "or under a health care plan" after "title XIX".

(3) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) With respect to amounts recovered arising out of a claim under a health care plan, the portion of such amounts as is determined to have been paid by the plan shall be repaid to the plan.".

(4) In subsection (f)(4) (as redesignated by paragraph (3)(A)), by striking "as miscellaneous receipts of the Treasury of the United States" and inserting "in the Anti-Fraud and Abuse Trust Fund".

(5) In subsection (i)—

(A) in paragraph (2), by inserting "or under a health care plan" before the period at the end, and

(B) in paragraph (5), by inserting "or under a health care plan" after "or XX".

(b) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B of such Act (42 U.S.C. 1320a-7b) is amended as follows:

(A) In the heading, by adding at the end the following: "OR HEALTH CARE PLANS".

(B) In subsection (a)(1)—

(i) by striking "title XVIII or" and inserting "title XVIII,", and

(ii) by adding at the end the following: "or a health care plan (as defined in section 1128(i)),".

(C) In subsection (a)(5), by striking "title XVIII or a State health care program" and inserting "title XVIII, a State health care program, or a health care plan".

(D) In the second sentence of subsection (a)—

(i) by inserting after "title XIX" the following: "or a health care plan", and

(ii) by inserting after "the State" the following: "or the plan".

(E) In subsection (b)(1), by striking "title XVIII or a State health care program" each place it appears and inserting "title XVIII, a State health care program, or a health care plan".

(F) In subsection (b)(2), by striking "title XVIII or a State health care program" each place it appears and inserting "title XVIII, a State health care program, or a health care plan".

(G) In subsection (b)(3), by striking "title XVIII or a State health care program" each place it appears in subparagraphs (A) and (C) and inserting "title XVIII, a State health care program, or a health care plan".

(H) In subsection (d)(2)—

(i) by striking "title XIX," and inserting "title XIX or under a health care plan,", and

(ii) by striking "State plan," and inserting "State plan or the health care plan,".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B of such Act (42 U.S.C. 1320a-7b) is further amended by adding at the end the following new subsection:

"(f) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section, and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(c) HEALTH CARE PLAN DEFINED.—Section 1128 of such Act (42 U.S.C. 1320a-7) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) HEALTH CARE PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term 'health care plan' means a public or private program for the delivery of or payment for health care items or services other than the medicare program, the medicaid program, or a State health care program.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1995.

SEC. 103. REPORTING OF FRAUDULENT ACTIONS UNDER MEDICARE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a program through which individuals entitled to benefits under the medicare program may report to the Secretary on a confidential basis (at the individual's request) instances of suspected fraudulent actions arising under the program by providers of items and services under the program.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. 201. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO FRAUD.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a-7(a)) is amended by adding at the end the following new paragraph:

"(3) FELONY CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(1) of such Act (42 U.S.C. 1320a-7(b)(1)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a-7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) of such Act (42 U.S.C. 1320a-7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. 202. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) of the Social Security Act (42 U.S.C. 1320a-7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under subsection (b)(4) or (b)(5), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. 203. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) of the Social Security Act (42 U.S.C. 1320a-7(b)), as amended by section 101(a)(6)(B), is further amended by adding at the end the following new paragraph:

"(16) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection;

"(B) against which a civil monetary penalty has been assessed under section 1128A; or

"(C) that has been excluded from participation under a program under title XVIII or under a State health care program.".

SEC. 204. CIVIL MONETARY PENALTIES.

(a) Prohibition Against Offering Inducements to Individuals Enrolled Under or Employed By Programs or Plans.—

(1) Inducements to individuals enrolled under medicare.—

(A) Offer of remuneration.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(i) by striking "or" at the end of paragraph (1)(D);

(ii) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(iii) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(iv) by inserting after paragraph (3) the following new paragraph:

"(4) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program;".

(B) Remuneration defined.—Section 1128A(i) is amended by adding the following new paragraph:

"(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include the waiver of coinsurance and deductible amounts by a person, if—

"(A) the waiver is not offered as part of any advertisement or solicitation;

"(B) the person does not routinely waive coinsurance or deductible amounts; and

"(C) the person—

"(i) waives the coinsurance and deductible amounts after determining in good faith that the individual is indigent;

"(ii) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(iii) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary.".

(2) Inducements to employees.—Section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), as amended by paragraph (1), is further amended—

(A) by striking "or" at the end of paragraph (3);

(B) by striking the semicolon at the end of paragraph (4) and inserting "; or"; and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) pays a bonus, reward, or any other remuneration, directly or indirectly, to an employee to induce the employee to encourage individuals to seek or obtain covered items or services for which payment may be made under the medicare program, or a State health care program where the amount of the remuneration is determined in a manner that takes into account (directly or indirectly) the value or volume of any referrals by the employee to the employer for covered items or services;".

(b) Excluded Individual Retaining Ownership or Control Interest in Participating Entity.—Section 1128A(a) of such Act, as amended by subsection (a), is further amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the semicolon at the end of paragraph (5) and inserting "; or"; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, during the period of exclusion, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(c) Modifications of Amounts of Penalties and Assessments.—Section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), as amended by subsections (a) and (b), is amended in the matter following paragraph (6)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each such offer or transfer; in cases under paragraph (5), $10,000 for each such payment; in cases under paragraph (6), $10,000 for each day the prohibited relationship occurs; in cases under paragraph (7), $10,000 per violation" after "false or misleading information was given";

(3) by striking "twice the amount" and inserting "3 times the amount"; and

(4) by inserting "(or, in cases under paragraphs (4), (5), and (7), 3 times the amount of the illegal remuneration)" after "for each such item or service".

(d) Claim for Item or Service Based on Incorrect Coding or Medically Unnecessary Services.—Section 1128A(a)(1) of such Act (42 U.S.C. 1320a–7a(a)(1)) is amended—

(1) in subparagraph (A) by striking "claimed," and inserting the following: "claimed, including any person who presents or causes to be presented a claim for an item or service that is based on a code that the person knows or should know will result in a greater payment to the person than the code applicable to the item or service actually provided,";

(2) in subparagraph (C), by striking "or" at the end;

(3) in subparagraph (D), by striking "; or" and inserting ", or"; and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) is for a medical or other item or service that a person knows or should know is not medically necessary; or".

(e) Permitting Parties To Bring Actions on Own Behalf.—Section 1128A of such Act (42 U.S.C. 1320a–7a) is amended by adding at the end the following new subsection:

"(m)(1) Subject to paragraphs (2) and (3), any person (including an organization, agency, or other entity, but excluding a beneficiary, as defined in subsection (i)(5)) that suffers harm or monetary loss as a result of any activity of an individual or entity which makes the individual or entity subject to a civil monetary penalty under this section may, in a civil action against the individual or entity in the United States District Court, obtain treble damages and costs including attorneys' fees against the individual or entity and such equitable relief as is appropriate.

"(2) A person may bring a civil action under this subsection only if—

"(A) the person provides the Secretary with written notice of—

"(i) the person's intent to bring an action under this subsection,

"(ii) the identities of the individuals or entities the person intends to name as defendants to the action, and

"(iii) all information the person possesses regarding the activity that is the subject of the action that may materially affect the Secretary's decision to initiate a proceeding to impose a civil monetary penalty under this section against the defendants, and

"(B) one of the following conditions is met:

"(i) During the 60-day period that begins on the date the Secretary receives the written notice described in subparagraph (A), the Secretary does not notify the person that the Secretary intends to initiate an investigation to determine whether to impose a civil monetary penalty under this section against the defendants.

"(ii) The Secretary notifies the person during the 60-day period described in clause (i) that the Secretary intends to initiate an investigation to determine whether to impose a civil monetary penalty under this section against the defendants, and the Secretary subsequently notifies the person that the Secretary no longer intends to initiate an investigation or proceeding to impose a civil monetary penalty against the defendants.

"(iii) After the expiration of the 2-year period that begins on the date written notice is provided to the Secretary, the Secretary has not initiated a proceeding to impose a civil monetary penalty against the defendants.

"(3) If a person is awarded any amounts in an action brought under this subsection that are in excess of the damages suffered by the person as a result of the defendant's activities, 20 percent of such amounts shall be withheld from the person for payment into the Anti-Fraud and Abuse Trust Fund established under section 101(b) of the National Health Care Anti-Fraud and Abuse Act of 1993.

"(4) No action may be brought under this subsection more than 6 years after the date of the activity with respect to which the action is brought."

SEC. 205. ACTIONS SUBJECT TO CRIMINAL PENALTIES.

(a) Permitting Secretary To Impose Civil Monetary Penalty.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who violates section 1128(B)(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(b) Restriction on Application of Exception for Amounts Paid to Employees.—Section 1128B(b)(3)(B) of such Act (42 U.S.C. 1320a–7b(b)(3)(B)) is amended by striking "services;" and inserting the following:

"services, but only if the amount of remuneration under the arrangement is (i) consistent with fair market value; (ii) not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the employee to the employer for the furnishing (or arranging for the furnishing) of such items or services; and (iii) provided pursuant to an arrangement that would be commercially reasonable even if no referrals were made;".

SEC. 206. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c-5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) of such Act (42 U.S.C. 1320c-5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) of such Act (42 U.S.C. 1320c-5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

(c) AMOUNT OF CIVIL MONEY PENALTY.—Section 1156(b)(3) of such Act (42 U.S.C. 1320c-5(b)(3)) is amended by striking "the actual or estimated cost" and inserting the following: "up to $10,000 for each instance".

SEC. 207. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR ANY PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) of the Social Security Act (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting the following: "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section;

"(C) is operating in a manner that is not in the best interests of the individuals covered under the contract; or

"(D) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1) the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract;

"(ii) civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists; and

"(iii) suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) of such Act (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary provides the organization with the opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1);

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 1876(i)(6)(B) of such Act (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(B) PROCEDURAL PROVISIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is further amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1994, the Secretary of Health and Human Services shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act.

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876(b) of such Act of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary of Health and Human Services to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1996, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after January 1, 1995.

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall take effect January 1, 1995.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 301. REQUIREMENTS FOR UNIFORM CLAIMS AND ELECTRONIC CLAIMS DATA SET.

(a) REQUIREMENTS.—

(1) SUBMISSION OF CLAIMS.—Each health service provider that furnishes services in the United States for which payment may be made under a health benefit plan shall submit any claim for payment for such services only in a form and manner consistent with standards established under subsection (b).

(2) ACCEPTANCE OF CLAIMS.—A health benefit plan may not reject a claim for payment under the plan on the basis of the form or manner in which the claim is submitted if the claim is submitted in accordance with the standards established under subsection (b).

(3) EFFECTIVE DATE.—This subsection shall apply to claims for services furnished on or after the date that is 6 months after the date standards are established under subsection (b).

(b) STANDARDS RELATING TO UNIFORM CLAIMS.—

(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish standards that relate to the form and manner of submission of claims for benefits under a health benefit plan.

(2) SCOPE OF INFORMATION.—

(A) IN GENERAL.—The standards under this subsection are intended to cover substantially most claims that are filed under health benefit plans. Such information need not include all elements that may potentially be required to be reported under utilization review provisions of plans.

(B) ENSURING ACCOUNTABILITY FOR CLAIMS SUBMITTED ELECTRONICALLY.—In establishing such standards, the Secretary, in consultation with appropriate agencies, including the Department of Justice, shall include such methods of ensuring provider responsibility and accountability for claims submitted electronically that are designed to control fraud and abuse in the submission of such claims.

(C) COMPONENTS.—In establishing such standards the Secretary shall—

(i) with respect to data elements, define data fields, formats, and medical nomenclature, and plan benefit and insurance information; and

(ii) develop a single, uniform coding system for diagnostic and procedure codes.

(3) USE OF TASK FORCES.—In adopting standards under this subsection, the Sec-

retary shall take into account the recommendations of current task forces, including at least the Workgroup on Electronic Data Interchange, National Uniform Billing Committee, the Uniform Claim Task Force, and the Computer-based Patient Record Institute.

(4) UNIFORM, UNIQUE PROVIDER IDENTIFICATION CODES.—In establishing standards under this subsection—

(A) the Secretary shall provide for a unique identifier code for each health service provider that furnishes services for which a claim may be submitted under a health benefit plan, and

(B) in the case of a provider that has a unique identifier issued for purposes of the medicare program, the code provided under subparagraph (A) shall be the same as such unique identifier.

(5) DEADLINE.—The Secretary shall first provide for the standards for the uniform claims under this subsection by not later than 1 year after the date of the enactment of this Act.

(c) USE UNDER MEDICARE AND MEDICAID PROGRAMS.—

(1) REQUIREMENT FOR PROVIDERS.—In the case of a health service provider that submits a claim for services furnished under the medicare program or medicaid program in violation of subsection (a)(1), no payment shall be made under such program for such services.

(2) REQUIREMENTS OF INTERMEDIARIES AND CARRIERS UNDER MEDICARE PROGRAM.—The Secretary shall provide, in regulations promulgated to carry out title XVIII of the Social Security Act, that the claims process provided under that title is modified to the extent required to conform to the standards established under subsection (b).

(3) REQUIREMENTS OF STATE MEDICAID PLANS.—As a condition for the approval of State plans under the medicaid program, effective as of the effective date specified in subsection (a)(3), each such plan shall provide, in accordance with regulations of the Secretary, that the claims process provided under the plan is modified to the extent required to conform to the standards established under subsection (b).

(d) DEFINITIONS.—

(1) HEALTH BENEFIT PLAN.—In this section:

(A) IN GENERAL.—The term "health benefit plan" means, except as provided in subparagraphs (B) through (D), any public or private entity or program that provides for payments for health care services, including—

(i) a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986),

(ii) any other health insurance arrangement, including any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract, and

(iii) the medicare program and State health care programs (as defined in section 1128(h) of the Social Security Act).

(B) PLANS EXCLUDED.—Such term does not include—

(i) accident-only, credit, or disability income insurance;

(ii) coverage issued as a supplement to liability insurance;

(iii) an individual making payment on the individual's own behalf (or on behalf of a relative or other individual) for deductibles, coinsurance, or services not covered under a health benefit plan; and

(iv) such other plans as the Secretary may determine, because of the limitation of benefits to a single type or kind of health care, such as dental services, or other reasons should not be subject to the requirements of this section.

(C) PLANS INCLUDED.—Such term includes—

(i) worker's compensation or similar insurance, and

(ii) automobile medical-payment insurance.

(D) TREATMENT OF DIRECT FEDERAL PROVISION OF SERVICES.—Such term does not include a Federal program that provides directly for the provision of health services to beneficiaries.

(2) HEALTH SERVICE PROVIDER.—In this section, the term "health service provider" includes a provider of services (as defined in section 1861(u) of the Social Security Act), physician, supplier, and other person furnishing health care services.

(3) SECRETARY.—In this section, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 302. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) Fraud and abuse with respect to the delivery of and payment for health care services is a significant contributor to the growing costs of the Nation's health care.

(2) Control of fraud and abuse in health care services warrants greater efforts of coordination than those that can be undertaken by individual States or the various Federal, State, and local law enforcement programs.

(3) There is a national need to coordinate information about health care providers and entities that have engaged in fraud and abuse in the delivery of and payment for health care services.

(4) There is no comprehensive national data collection program for the reporting of public information about final adverse actions against health care providers, suppliers, or licensed health care practitioners that have engaged in fraud and abuse in the delivery of and payment for health care services.

(5) A comprehensive national data collection program for the reporting of public information about final adverse actions will facilitate the enforcement of the provisions of the Social Security Act and other statutes applicable to health care fraud and abuse.

(b) GENERAL PURPOSE.—Not later than January 1, 1995, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions against health care providers, suppliers, or practitioners as required by subsection (c), with access as set forth in subsection (d).

(c) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each government agency and health care plan shall report any final adverse action taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes:

(A) The name of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner is affiliated or associated.

(C) The nature of the final adverse action.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary or, in the Secretary's discretion, to an appropriate private or public agency which has made suitable arrangements with the Secretary with respect to receipt, storage, protection of confidentiality of patients, and dissemination of the information described in paragraph (2).

(d) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions reported to the Secretary under this section respecting a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health care plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(e) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in this database shall be available to the public, Federal and State government agencies, and health care plans pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in this database. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(f) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity, including the agency designated by the Secretary in subsection (c)(5) shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(g) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) The term "Secretary" means the Secretary of the Department of Health and Human Services.

(2) The term "final adverse action" includes:

(A) Civil judgments in Federal or State court related to the delivery of a health care item or service.

(B) Federal or State criminal convictions related to the delivery of a health care item or service.

(C) Actions by State or Federal agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(i) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation,

(ii) any other loss of license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender or otherwise, or

(iii) any other negative action or finding by such State or Federal agency that is publicly available information.

(D) Exclusion from participation in Federal or State health care programs.

(E) Any other actions that the Secretary shall establish by regulation.

(3) The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(4) The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act, and any entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(5) The term "supplier" means a supplier of health care items and services described in sections 1819 (a) and (b), and section 1861 of the Social Security Act.

(6) The term "Government agency" shall include:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) State or Federal agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(7) The term "health care plan" has the meaning given to such term by section 1128(i) of the Social Security Act.

(8) For purposes of paragraph (2), the existence of a conviction shall be determined under paragraph (4) of section 1128(j) of the Social Security Act.

(h) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act is amended by inserting "and section 301 of the National Health Care Anti-Fraud and Abuse Act of 1993" after "section 422 of the Health Care Quality Improvement Act of 1986".

SEC. 303. QUARTERLY PUBLICATION OF ADVERSE ACTIONS TAKEN.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"QUARTERLY PUBLICATION OF ADVERSE ACTIONS TAKEN

"SEC. 1144. Not later than 30 days after the end of each calendar quarter, the Secretary shall publish in the Federal Register a listing of all final adverse actions taken during the quarter under this part (including penalties imposed under section 1107, exclusions under section 1128, the imposition of civil monetary penalties under section 1128A, and the imposition of criminal penalties under section 1128B) and under section 1156.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1995.

NATIONAL HEALTH CARE ANTI-FRAUD AND ABUSE ACT

1. All-Payer Fraud and Abuse Program.—The Secretary of Health and Human Services would establish and coordinate an all-payer national health care fraud control program to restrict fraud and abuse in private and public health care programs. The Secretary would be authorized to conduct investigations, audits, evaluations and inspections relating to the delivery of and payment for health care; would be required to arrange for the sharing of data with the Attorney General and States; and would have to establish standards by regulation to carry out the program. The authority to enforce the fraud control program would be delegated to the HHS Inspector General. Enforcement of criminal violations would remain with the Justice Department.

2. Authorizations.—The bill provides increased authorizations for the fraud and abuse staff of the HHS Inspector General. Increased funding would be paid for by the establishment of an Anti-Fraud and Abuse Trust Fund. A portion of the civil monetary penalties, fines and damages assessed would be deposited in the trust fund and the assets would be used, in addition to appropriated amounts, to meet the operating costs of the national health care fraud control program.

3. Application of Civil Monetary Penalties to All Payers.—The provisions under the Medicare and Medicaid programs which provide for civil monetary penalties for specified violations would apply to similar violations for all payers in the national health care system. The violations would include billing for services not provided, submitting fraudulent claims for payment, hospitals giving financial incentives to physicians to reduce or limit care provided to hospital inpatients, and other violations currently included under the Medicare program.

4. Application of Criminal Penalties to All Payers.—The provisions under the Medicare and Medicaid program which provide for criminal penalties for specified fraud and abuse violations would apply to similar violations for all payers in the national health care system. The violations would include willful submission of false information or claims, acceptance of kickbacks, bribes or rebates in return for referral for services, and other violations currently included under Medicare. Penalties would include fines and imprisonment.

As under current law, the Justice Department would prosecute these criminal violations (the bill does not transfer criminal authority to the IG). Under the bill, the Secretary may identify opportunities for the satisfaction of community service obligations that a court may impose. Violations specifically tailored to the Medicare and Medicaid programs would not, however, constitute violations under the all-payer fraud control program (i.e., knowingly charging for services under Medicaid in excess of rates established by the State)—for these Medicare violations, current law would apply.

5. Amendments to All-Payer Fraud and Abuse Provisions.—The following revisions would apply to both the Medicare and Medicaid program and the all-payer fraud and abuse program:

(a) Civil monetary penalties—The bill would clarify that claiming a higher billing code for purposes of reimbursement is prohibited and subject to civil monetary penalties. An intermediate penalty would be established for anti-kickback violations.

(b) Private right of enforcement—An organization or entity which has suffered damages as a result of a violation of the civil monetary penalty section of the Medicare and Medicaid statute would be permitted to bring an action in the U.S. District Court if the Secretary does not notify the individual that she intends to pursue a civil monetary penalty.

For example, if a physician accepts kickbacks from a supplier, the doctor's competitors could sue for damages if HHS does not bring an action. Private rights of action are permitted under many Federal statutes, such as the anti-trust and securities anti-fraud laws. Private resources would be brought to bear to help gain compliance.

If the Secretary does proceed with the action, the organization may receive an amount the Secretary decides is appropriate restitution. If the Secretary does not proceed, 20% of the proceeds of the action or settlement would be deposited into the Trust Fund.

(c) Criminal penalties—The current employer-employee statutory exception would be clarified to prohibit payments to employees based on value and volume of referrals to the employer. Payments by an employer to an employee are within one of the four statutory exceptions to the anti-kickback statute.

This proposal would continue this broad exception, but narrow it to prohibit payments to the employee based on his number of referrals to the employer. Since the statutory exception is so broad, there are many instances where employment relationships are created mainly to take advantage of the exception, and not for legitimate business reasons.

6. Amendments to Medicare Fraud and Abuse Program.—The following revisions would only apply to the Medicare and Medicaid programs and would not constitute violations under the all-payer fraud and abuse program.

(a) Mandatory exclusion—The Secretary currently has authority to exclude individuals and entities from Medicare and Medicaid based on convictions or program-related crimes relating to patient abuse or neglect. The bill would extend the Secretary's authority to felony convictions relating to fraud and felony convictions relating to controlled substances. Currently, the Secretary is permitted, but not required, to exclude those convicted of such an offense. Adoption of this proposal would better recognize the seriousness of such offenses and ensure that beneficiaries are well protected from dealing with such individuals.

(b) Permissive exclusion—Some of the current permissive exclusions are "derivative" exclusions—that is, they are based on an action previously taken by a court, licensure board, or other agency. Current law allows permissive exclusion authority for entities when a convicted individual has ownership, control, or agency relationship with such entity. However, if an entity rather than an individual is convicted under Medicare fraud, the IG has no authority to exclude the individuals who own or control the entity and who may really have been behind the fraud.

This creates a loophole whereby an individual who is indicted for fraud along with a corporation owned by him can avoid being excluded from the programs by persuading the prosecutor to dismiss his indictment in exchange for agreeing to have the corporation plead guilty or pay fines. The bill would extend the current permissive exclusion authority for entities controlled by a sanctioned individual to individuals with control interest in sanctioned entities.

(c) Civil monetary penalties—One abusive technique now used by some Medicare providers is to waive the patient's copayment for services covered by Medicare. The concern is that routine waivers of copayments result in unnecessary procedures and overutilization (because the beneficiary has no financial stake in the decision to order a medical item or service).

The bill would clarify that the routine waiver of Medicare Part B copayments and deductibles would be prohibited and subject to civil monetary penalties although exceptions are provided. In addition, providing items or services at less than the fair market value and retention by an excluded individual of an ownership or control interest of an entity who is participating in Medicare or Medicaid would be prohibited and subject to civil monetary penalties.

(d) Quality of care sanctions—The bill would establish civil monetary penalties, of not more than $10,000, for each case in which the practitioner or person failed to substantially comply with the corrective action plan of the Peer Review Organization.

7. HMO Intermediate Sanctions Under Medicare.—The Secretary would be able to impose civil penalties on Medicare-qualified HMOs for violations of Medicare contracting requirements.

8. Publication of Sanctions Against Providers and Database for Final Adverse Actions.—The Secretary would create a comprehensive national data collection program for the reporting of public information about final adverse actions against health care providers, suppliers or licensed practitioners.

The Secretary would also be required to publish on a quarterly basis in the Federal Register a report of all final adverse actions against health care practitioners under the all-payer fraud and abuse program, including criminal convictions, exclusions from participation in Federal and State programs, civil monetary penalties and license revocations and suspensions.

9. Administrative Provisions.—

(a) Uniform Claims—All claims submitted by providers would be in a uniform claims format.

(b) Unique Provider Identification Code—Each provider would be required to submit claims using a unique provider identification code.

(c) Common Coding—coding of procedures and diagnoses would follow uniform formats.

By Mrs. MURRAY (for herself, Mr. SIMON, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. MATHEWS)

S. 868. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handguns and assault weapons, to increase the license application fee for gun dealers, and to use the proceeds from those increases to pay for medical care for gunshot victims; to the Committee on Finance.

FIREARM VICTIMS PREVENTION ACT

Mrs. MURRAY. Mr. President, on Saturday evening, April 17 in Seattle, WA, Cynthia Coston was driving home with a friend and her two daughters. As Mrs. Coston said: "The car in front of me stopped, so I just honked my horn. Somehow I got ahead of the car, and I heard fireworks. And then the gentleman with me said 'your daughter's been shot.'" A bullet from a 9mm semiautomatic pistol lodged in 9-year-old Loetta Coston's head. She was pronounced dead 3 hours later at Harborview Hospital.

It seems like every day we hear another story about a child being killed or killing with a gun. In fact, every day, 12 children ages 19 and under are killed by guns, and many more are wounded. Nearly 3,200 teenagers fatally shoot each other every year.

The rate at which our children are being killed by guns has risen drastically in recent years. The National Center for Health Statistics recently reported that firearms are now involved in one of every four deaths among those aged 15 to 24. Since 1986, major urban trauma centers have reported an increase of 300 percent in the number of children treated for gunshot wounds.

More than 135,000 students in this country carry a handgun to school every day. In 1990, the Centers for Disease Control reported that 20 percent of the high school students surveyed had carried a gun to school at least once in the month preceding the survey. A 1992 survey of 11th graders in Seattle's public high schools found that 34 percent reported easy access to handguns.

Violence related to handguns is a problem this Nation can no longer sweep under the constitutional rug. Easy access to handguns is a problem we can do something about now without getting into another lengthy debate over the constitutional right to bear arms.

A study by Sloan & Kellermann of firearm mortality between 1980 and 1986 in Seattle and Vancouver, Canada—cities similar in many respects—confirms this. Access to handguns is tightly restricted by Canadian law and is relatively unimpeded in the State of Washington. In comparison with Vancouver, Seattle had a fivefold higher rate of firearm homicide and a sevenfold higher rate of firearm assault, although rates for other violent crimes were similar.

There are more than 280,000 federally licensed gun dealers in this country. In King County, WA, alone there are 1,355 gun dealers. This is the second highest per capita in the Nation. Washington State has 5,600 licensed gun dealers and only 110 hospitals.

All one needs to do to become a gun dealer in this Nation is fill out a simple, two-page questionnaire and send $30 to the U.S. Treasury. Unless the applicant states on the form that he or she has been convicted of a crime involving at least a 1-year prison term or is an illegal alien, a license will be issued good for 3 years. This person then becomes just one more access point for guns in our country.

Compared to the annual fee of $755 for taverns and $2,000 for restaurants for a liquor license in Washington State, a 3-year, $30 fee for a Federal gun license is a steal.

Today, when we are struggling to get control of the dollars spent on health care, we must begin to look at the health care costs we are paying because of guns in this Nation. In fact, we and our children are paying a gruesome cost for the easy availability of firearms. A 1989 report to Congress, "Cost of Injury in the U.S.," ranked firearms third in the economic toll on society, amounting to a lifetime cost of $14.4 billion. If found an estimated 65,000 people require hospitalization annually for treatment of firearms injuries, at a very high average per person cost of nearly $54,000. The average per person cost for a fatality is $373,520—the highest of any cause of injury. According to the chair of the 1991 Advisory Council on Social Security, the overall cost of firearm injuries to our health care system is more than $4 billion. The indirect costs of gun-related injuries, such as disability payments, lost-work time, and legal fees, are about two times the annual cost of firearms injury. Public funds pay for an estimated 80 percent of the hospitalization costs of firearms injuries.

In Washington State, the number of firearms fatalities and injuries in 1991 was 2,079, with a lifetime cost of $275 million. Eighty percent of the treatment charges for the injuries is paid by governmental entitlement programs or written off as bad debt. Cars and firearms in Washington rank first and second, respectively, among all consumer products requiring public funds for health care. Washington State taxpayers pay for more than half of the combined costs associated with these injuries. That is money the citizens of Washington State won't have now for smaller class sizes, police protection, or environmental cleanup.

I say it is time that we look at the more than 67 million privately owned handguns and assault weapons in this Nation in the same way we look at alcohol and tobacco. As we search for ways to pay for health care, many are looking at equating the use of alcohol and tobacco with their burden on our health care system. My State is raising taxes on alcohol and tobacco products to help offset the cost of providing quality health care to all our citizens. We should do the same at the Federal level with handguns and those firearms most often associated with intentional death and injury.

Today, I am introducing the Firearm Victims Prevention Act. The bill seeks to alleviate the public health care cost resulting from firearm-related injury and death. The bill will do three things. First, it will establish a 25 percent tax on every sale of those firearms and ammunition most commonly associated with injury and death. The current average tax of 10 percent is only levied on the manufacturer or importer of the guns and ammunition not on each sale. Second, it will raise fees for the 3-year Federal license to sell firearms and ammunition from the current $30 to $2,500. Third, it will put all of the revenue from the ammunition and firearm sales tax—estimated at $400 million a year—and one-half of the revenue from the increased gun license fees—estimated at $225 million a year—into a Health Care Trust Fund. Revenue in the fund will be available to help offset the public cost of providing medical care to gunshot victims. The bill specifically exempts from the new tax guns generally used for sporting purposes.

As we begin work on legislation to reform our Nation's health care system, we need to look at all the causes and cures for our problems. Over the last 2 years, handguns have killed 60,000 Americans—more than the number of U.S. soldiers killed in the Vietnam war in 2 years. Every year, firearms kill more of our Nation's youth than all natural causes combined. In my view, we can no longer afford to ignore these facts.

The right to carry firearms carries a responsibility, too. This legislation is one real way to cut back on easy access to handguns while helping to offset the health care costs of gunshot victims. I hope my colleagues will join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firearm Victims Prevention Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) according to the Centers for Disease Control, an estimated 34,000 Americans die from firearm injuries each year, including 25,000 from handgun violence;

(2) firearms rank as the 8th leading cause of death in the United States, and less than 5 percent of fatal shootings are unintentional;

(3) the National Center for Health Statistics reported in March 1993 that, among Americans age 15 through 24, firearms are the cause of more deaths than all natural causes combined;

(4) from 1979 to 1989, the firearm homicide rate among children age 15 through 19 increased 61 percent, while the nonfirearm homicide rate fell 29 percent;

(5) more than 135,000 students carry handguns to school everyday, and an additional 270,000 students have carried a gun to school at least once;

(6) the United States leads industrialized nations in the percentage of households with firearms and the number of homicides with guns;

(7) according to the Centers for Disease Control, the estimated lifetime costs for firearm injuries that occurred in 1985 will be $14,400,000,000;

(8) according to the 1991 Advisory Council on Social Security, the overall annual cost of firearms injury to the health care system in the United States is more than $4,000,000,000;

(9) public funds pay for an estimated 85 percent of the cost of hospitalization for firearm injuries, excluding professional fees and the cost of ambulance, physical therapy, and other rehabilitative services;

(10) the indirect costs of gun-related injuries, such as disability payments, legal fees, and lost work time, are estimated to be 2 times the estimated annual direct cost of firearm injury;

(11) more than 280,000 manufacturers, dealers and individuals are licensed to sell firearms in the United States; and

(12) Federal firearm licenses are inexpensive, relatively easy to obtain, and may only be revoked upon criminal conviction.

(b) PURPOSE.—The purpose of this Act is to help alleviate the public health care cost resulting from firearm-related injury and death by—

(1) establishing a transactional tax on the purchase of the firearms and ammunition most commonly associated with injury and death;

(2) raising licensing fees for dealers who sell such firearms and ammunition; and

(3) using funds generated from the transactional tax and licensing fees to help offset the health care cost resulting from firearm injury and death.

SEC. 3. INCREASE IN TAX ON HANDGUNS AND ASSAULT WEAPONS.

(a) INCREASE IN MANUFACTURER'S TAX.—Section 4181 of the Internal Revenue Code of 1986 (relating to imposition of tax on firearms) is amended to read as follows:

"SEC. 4181. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed upon the sale by the manufacturer, producer, or importer of any of the following articles a tax equivalent to the specified percentage of the price for which so sold:

"ARTICLES TAXABLE AT 25 PERCENT.—

"Handguns.

"Assault weapons.

"Large capacity magazines.

"Shells and cartridges used in handguns and assault weapons.

"ARTICLES TAXABLE AT 11 PERCENT.—

"Firearms (other than handguns, assault weapons, and pistols or revolvers).

"Shells and cartridges not taxable at 25 percent.

"ARTICLES TAXABLE AT 10 PERCENT.—

"Pistols and revolvers not taxable at 25 percent.

"(b) DEFINITIONS.—For purposes of subsection (a)—

"(1) HANDGUN.—The term 'handgun' means a firearm which, at the time of manufacture, had a barrel of less than 12 inches in length.

"(2) ASSAULT WEAPON.—The term 'assault weapon' means—

"(A) a firearm—

"(i) which—

"(I) has a barrel of between 12 and 18 inches in length, and

"(II) is capable of receiving ammunition directly from a large capacity ammunition magazine, or

"(ii) which is a semiautomatic firearm which is—

"(I) not recognized generally as particularly suitable for, or readily adaptable to, sporting purposes, or

"(II) concealable by a person, or

"(B) a firearm which is substantially functionally equivalent to a firearm described in subparagraph (A).

"(3) LARGE CAPACITY AMMUNITION MAGAZINE.—The term 'large capacity ammunition magazine' means a detachable magazine, belt, drum, feed strip, or similar device which has, or which may be readily restored (or converted) to a device which has, a capacity of 15 or more rounds of ammunition."

(b) RETAIL TAX ON SUBSEQUENT TRANSACTIONS INVOLVING ASSAULT WEAPONS AND HANDGUNS.—

(1) IN GENERAL.—Chapter 31 of the Internal Revenue Code of 1986 (relating to retail excise taxes) is amended by adding at the end the following new subchapter:

"Subchapter D—Handguns and Assault Weapons

"Sec. 4056. Handguns and assault weapons.

"SEC. 4056. HANDGUNS AND ASSAULT WEAPONS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any sale, transfer, or other disposition by any person of a handgun, assault weapon, large capacity magazine, or shells and cartridges used in handguns and assault weapons a tax equal to 25 percent of the price for which sold, transferred, or disposed of.

"(b) EXCEPTIONS.—

"(1) COORDINATION WITH MANUFACTURER'S TAX.—If tax has been paid under section 4181 with respect to any article, no tax shall be imposed under subsection (a) on such article until a sale, transfer, or disposition occurring after the first retail sale of the article.

"(2) DEFENSE DEPARTMENT.—No tax shall be imposed by subsection (a) on any sale described in section 4182(b).

"(c) DEFINITIONS.—For purposes of this section, the terms 'handgun', 'assault weapon', and 'large capacity magazine' have the meanings given such terms by section 4181(b)."

(2) CONFORMING AMENDMENT.—The table of subchapters for chapter 31 of such Code is amended by adding at the end the following new item:

"Subchapter D—Handguns and Assault Weapons."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales, transfers, and other dispositions after the 30th day after the date of the enactment of this Act.

SEC. 4. HEALTH CARE TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. HEALTH CARE TRUST FUND.

"(a) ESTABLISHMENT OF THE TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Health Care Trust Fund", consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO THE TRUST FUND.—There are hereby appropriated to the Health Care Trust Fund amounts equivalent to—

"(1) the taxes received in the Treasury under section 4056,

"(2) the taxes received in the Treasury under section 4181 which are attributable to the tax on articles subject to the 25-percent rate, and

"(3) the amounts described in section 923(a)(3)(D) of title 18, United States Code.

"(c) EXPENDITURES FROM THE TRUST FUND.—Funds in the Health Care Trust Fund shall be available, as provided in appropriations Acts, only for the purpose of making grants to assist hospitals, trauma centers or other health care providers that have incurred substantial uncompensated costs in providing medical care to gunshot victims except that no single hospital, trauma center or health care provider may receive more than one-tenth of 1 percent of the funds appropriated under this section.

"(d) ELIGIBILITY FOR TRUST FUND MONEYS.—A hospital, trauma center or other health care provider is eligible to apply for grants from the Trust Fund for any calendar year if the hospital, trauma center or health care provider—

"(1) is in compliance with Federal and State certification and licensing requirements;

"(2) is a not-for-profit entity; and

"(3) has incurred substantial uncompensated costs during the previous calendar year in providing medical care to gunshot victims.

"(e) REGULATIONS FOR TRUST FUND.—The Secretary shall, not later than 60 days after the date of enactment of this section and in consultation with the Secretary of Health and Human Services, issue such regulations as are necessary to implement the provisions of this section."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

"Sec. 9512. Health Care Trust Fund."

SEC. 5. LICENSE APPLICATION FEES FOR DEALERS IN FIREARMS.

(a) IN GENERAL.—Section 923(a)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "$25" and inserting "$2,500";

(2) in subparagraph (C) by striking "$10" and inserting "$2,500"; and

(3) by adding at the end the following new subparagraph (D):

"(D) There are hereby appropriated to the Health Care Trust Fund established under section 9512 of the Internal Revenue Code of 1986 (26 U.S.C. 9512) United States Code one-half of the revenue from the fees collected under subparagraphs (B) and (C)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to license applications filed after the 30th day after the date of the enactment of this Act.

By Mr. WELLSTONE (for himself and Mr. KENNEDY):

S. 869. A bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, to provide for epidemiological research on such violence and assault, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WELLSTONE:

S. 870. A bill to protect children from the trauma of witnessing or experiencing violence, sexual abuse, neglect, abduction, rape or death during parent/child visitations or visitation exchanges, and for other purposes; to the Committee on Labor and Human Resources.

SAFETY LEGISLATION

• Mr. WELLSTONE. Mr. President, I rise today to introduce two pieces of legislation that I feel are critical to the health and safety of American families. I urge my colleagues to support the Violence Reduction Training Act and the Child Safety Act. Both are preventative measures against the prevalence of violence in American homes today.

First, along with Senator KENNEDY, I am today introducing the Violence Reduction Training Act. This bill recognizes the vital role of the medical community in reducing family and community violence. This legislation would authorize funding to train health care providers to identify and refer patients whom they suspect have been abused or sexually assaulted. Many doctors do not recognize the signs of domestic violence. The Journal of the American Medical Association reported that 22 to 35 percent of women seeking treatment in emergency rooms have symptoms related to ongoing abuse. But doctors only recognize 5 percent of those cases as related to domestic violence. Furthermore, many doctors who recognize the signs of abuse have admitted that they are not sure how to talk to women about their abusive experiences. Therefore, the need for this education and sensitization is even recognized within the medical community itself.

Doctors are not the only health care professionals who have a responsibility to intervene in these crisis situations. Nurses, social workers, emergency room personnel—all health care providers play an important role in breaking the cycle of violence that pervades generations of families. Health care providers are often the first to encounter women who have been abused or sexually assaulted.

But domestic violence affects more than just the abused spouse. Children are also victimized by domestic violence. The National Council of Juvenile and Family Court Judges reported that more than half of the men who batter their wives also abuse their children. Even children who are not physically abused themselves often witness the violence committed against a parent. Studies have indicated that children who witness abuse exhibit emotional, somatic, and behavioral problems similar to those experienced by physically abused children. A lot of this abuse that is witnessed by children occurs in the context of visitation when parents are separated or divorced.

I am, therefore, today also introducing the Child Safety Act, which will authorize funding to create supervised visitation centers to minimize the incidence of family violence during visitation. This is a service that families have been seeking for years. In working on domestic violence issues over the past 2 years, my wife, Sheila, and I have repeatedly heard that families need a safe, neutral place where parents can temporarily transfer custody of children and fulfill court-ordered visitation requirements.

I know supervised visitation centers work because we have a number of pilot programs in Minnesota that have been very effective. For example, the Children's Safety Center, started by Kim Cardelli, has fulfilled the needs of many families in Minneapolis. Kim is a mother of four and a former AFDC recipient who encountered visitation problems herself after leaving her abusive husband a few years ago. While she was homeless and living at a shelter, she also heard about the problems other women were having during visitation. She heard about kids who had been shot or killed by abusive fathers. She heard about women who had been abused during visitations, and she heard about family members trying to be supportive by offering their homes as safe places for visitation only to be harmed by the abusive spouse or parent. Driven by the anger and compassion associated with her own experience and the experiences she had heard about from other women, she started working with the State legislature, and helped draft a bill which passed in 1992. That bill provided partial funding to set up pilot visitation centers in Minnesota. Kim is now the executive director of the Children's Safety Centers Network, Inc. She has shared her expertise with my staff to help us draft the Child Safety Act that I am introducing today.

Hundreds of people have expressed the view that supervised visitation centers would have saved their children from death, serious injury, or emotional trauma. I'd like to read a portion of a letter from a woman who was victimized along with her children during visitation.

> I am a 35-year-old woman who after nine and a half years of abuse left my husband in 1984. In 1987 he came to my home for his court ordered every weekend visitation with a shot gun. He shot his six-year-old son, shot at his five-year-old daughter and shot me in the right leg. As a result of the shooting I had to have my right leg amputated. If there had been a Children's Safety Center where we could have dropped off and picked up the children, this kind of incident would not have happened.

There are hundreds of other stories like this in Minnesota, and hundreds of thousands of similar stories in States throughout the country.

Supervised visitation centers not only provide safe places for parents to temporarily transfer custody of their children, they also provide safe locations where actual visitations can take place for parents who have abused their children. A supervised visitation also gives kids an opportunity to start building nonviolent memories about their parents. Furthermore, if supervised visitation centers were more available, fewer parental abductions of children might occur. In 1988, the Department of Justice reported that over 350,000 children between the ages of 2 and 11 were abducted by family members who violated custody agreements. In 1991, a 14-year-old boy, David Geissler, was murdered by his father who violated a custody agreement by not returning David from a weekend visit back to his mother's house. David's mother testified that had a supervised visitation center been available to her in 1991, her son might still be alive.

These tragic cases illustrate the dire need for supervised visitation centers in communities across America. I urge my colleagues to support both the Violence Reduction Training Act and the Child Safety Act. I ask consent that the text of both bills be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Reduction Training Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Domestic violence and sexual assault represent serious threats to the health and well-being of millions of women in the United States.

(2) Violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder.

(3) Violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide.

(4) Approximately 4,000,000 women in the United States are victims of domestic violence each year.

(5) One of two women is a victim of domestic violence or sexual assault during her lifetime.

(6) Battering is the leading cause of injury to women.

(7) It has been estimated that 1 in 6 pregnant women are battered, resulting in increased rates of miscarriage, stillbirths, and low-birthweight babies.

(8) Domestic violence may account for as much as one-third of emergency-room visits by women, an annual total of approximately 28,700 such visits.

(9) Estimates based on the National Crime Survey provide that domestic violence accounts for 21,000 hospitalizations, 99,800 days of hospitalization, and 39,900 visits to a physician each year.

(10) Fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence.

(11) Hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of domestic violence and sexual assault, or for the training of health care professionals to perform such functions.

(12) A national surveillance system for monitoring the health effects of domestic violence and sexual assault should be established to determine the nature and extent of such violence and assault in the United States.

(13) The Surgeon General has identified domestic violence as a public health problem to which all health care providers must actively and vigorously respond.

(14) Estimates of the percentage of male batterers who also abuse their children range from 50 percent to 75 percent.

SEC. 3. ESTABLISHMENT OF CERTAIN HEALTH PROGRAMS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 308 of Public Law 102-531 (106 Stat. 3495), is amended by inserting after section 317D the following section:

"HEALTH PROGRAMS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

"SEC. 317E. (a) DEMONSTRATION PROJECTS FOR IDENTIFICATION AND REFERRALS OF VICTIMS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants, contracts and cooperative agreements to public and nonprofit private entities for the purpose of carrying out demonstration projects in which health care providers are trained to—

"(A) appropriately interview and identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing (including temporary housing), legal services, and services of community organizations.

"(2) APPLICATION.—A grant, contract or cooperative agreement may not be made or entered into under this section unless an application for such grant, contract or agreement has been submitted to and approved by the Secretary.

"(3) APPROVAL.—A grant, contract or cooperative agreement under this section shall be awarded in accordance with such regulations as the Secretary may promulgate. To be approved by the Secretary, an application submitted under paragraph (2) shall—

"(A) demonstrate that the applicant intends to use protocols developed by or under development by entities with demonstrated expertise in domestic violence or sexual assault; and

"(B) demonstrate that, in providing such training, the applicant is willing to work with local groups that have expertise in treatment and prevention of domestic violence and sexual assault.

"(4) CONSIDERATIONS.—In awarding a grant, contract or cooperative agreement under this section, the Secretary shall take into account—

"(A) the number of health care providers to be trained;

"(B) the diversity of health care providers to be trained; and

"(C) the extent to which a hospital is actively complying with the standards of the Joint Commission on Accreditation of Hospitals and Organizations to promote improved recognition and treatment of possible victims of abuse in hospitals, emergency departments, and ambulatory care units, when training hospital-based health care providers.

"(5) REPORTS.—The Secretary may award a grant, contract or cooperative agreement under paragraph (1) only if the applicant for the grant, contract or cooperative agreement agrees to submit to the Secretary a report describing the activities of the project under such paragraph for the fiscal year for which the grant, contract or cooperative agreement is awarded.

"(b) PUBLIC EDUCATION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out a program to educate health care providers and the public on the consequences to the public health of domestic violence and sexual assault.

"(c) EPIDEMIOLOGICAL RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide for the conduct of epidemiological research on domestic violence and sexual assault. In providing for such research, the Secretary shall ensure that, with respect to such violence and assault, data is collected on—

"(A) the incidence of cases and the effect of the cases on the costs of health care in the United States;

"(B) the type and severity of injuries sustained and the type and severity of any other resulting health conditions;

"(C) the extent to which victims seek treatment, including a comparison of the incidence of cases with the incidence of seeking treatment;

"(D) a description of common circumstances influencing victims not to seek treatment;

"(E) the types of medical facilities and health care providers from which victims seek treatment; and

"(F) the demographic characteristics of the individuals from whom data described in subparagraphs (A) through (E) is collected.

"(2) NATIONAL SYSTEM.—In carrying out paragraph (1), the Secretary shall cooperate with the States for the purpose of establishing, to the extent practicable, a national system for the collection of data regarding domestic violence and sexual assault.

"(3) CONFIDENTIALITY.—Standards of confidentiality under section 308(d) shall apply to data collected under paragraph (1) to the same extent and in the same manner as such section applies to information obtained under section 304, 306, or 307.

"(4) REPORT.—Not later than February 1, 1996, and every 2 years thereafter, the Secretary shall submit to the Congress a report summarizing the data collected under paragraph (1) for the preceding 2 years.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(2) ALLOCATION FOR DEMONSTRATION PROJECTS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 60 percent for grants, contracts or cooperative agreements under subsection (a).".

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The problem of family violence does not necessarily cease when the victimized family is legally separated, divorced, or otherwise

not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse.

(2) Current child custody and visitation laws are based on incorrect assumptions that divorcing parents are in relatively equal positions of power and that such parents always act in the children's best interest. These laws often work against the protection of the children and the abused spouse or intimate partner in families with a history of family violence.

(3) Some perpetrators use the children as pawns to control the abused party after the couple is separated.

(4) Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States.

(5) In 1988, the Department of Justice reported that 354,100 children were abducted by family members who violated custody agreements or decrees. Most victims were children from ages 2 to 11 years.

(6) Approximately 160,000 children are seriously injured or impaired by abuse or neglect each year.

(7) Studies by the American Humane Association indicate that reports of child abuse and neglect have increased by over 200 percent from 1976 to 1986.

(8) Approximately 90 percent of children in homes in which their mothers are abused witness the abuse.

(9) Data indicates that women and children are at elevated risk for violence during the process of and after separation.

(10) Fifty to 70 percent of men who abuse their spouses or partners also abuse their children.

(11) Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples.

(12) In one study of spousal homicide, over half of the male defendants were separated from their victims.

(13) Seventy-three percent of battered women seeking emergency medical services do so after separation.

SEC. 3. PURPOSE.

The purpose of this Act is to authorize funding to enable supervised visitation centers to provide the following:

(1) Supervised visitation in cases where there is documented sexual, physical or emotional abuse as determined by the appropriate court.

(2) Supervised visitation in cases where there is suspected or elevated risk of sexual, physical or emotional abuse, or where there have been threats of parental abduction of the child.

(3) Supervised visitation for children who have been placed in foster homes as a result of abuse.

(4) An evaluation of visitation between parents and children for child protection social services to assist such service providers in making determinations of whether the children should be returned to a previously abusive home.

(5) A safe location for custodial parents to temporarily transfer custody of their children with non-custodial parents, or to provide a protected visitation environment, where there has been a history of domestic violence or an order for protection is involved.

(6) An additional safeguard against the child witnessing abuse or a safeguard against the injury or death of a child or parent.

(7) An environment for families to have healthy interaction activities, quality time, non-violent memory building experiences during visitation to help build the parent/child relationship.

(8) Parent and child education and support groups to help parents heal and learn new skills, and to help children heal from past abuse.

SEC. 4. DEMONSTRATION GRANTS FOR SUPERVISED VISITATION CENTERS.

(a) In General.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") is authorized to award grants to and enter into contracts and cooperative agreements with public or nonprofit private entities to assist such entities in the establishment and operation of supervised visitation centers.

(b) Considerations.—In awarding grants, contracts and agreements under subsection (a), the Secretary shall take into account—

(1) the number of families to be served by the proposed visitation center to be established under the grant, contract or agreement;

(2) the extent to which supervised visitation centers are needed locally;

(3) the relative need of the applicant; and

(4) the capacity of the applicant to make rapid and effective use of assistance provided under the grant, contract or agreement.

(c) Use of Funds.—

(1) In general.—Amounts provided under a grant, contract or cooperative agreement awarded under this section shall be used to establish supervised visitation centers and for the purposes described in section 3. In using such amounts, grantees shall target the economically disadvantaged and those individuals who could not otherwise afford such visitation services. Other individuals may be permitted to utilize the services provided by the center on a fee basis.

(2) Costs.—To the extent practicable, the Secretary shall ensure that, with respect to recipients of grants, contracts or agreements under this section, the perpetrators of the family violence, abuse or neglect will be responsible for any and all costs associated with the supervised visitation undertaken at the center.

SEC. 5. DEMONSTRATION GRANT APPLICATION.

(a) In General.—A grant, contract or cooperative agreement may not be made or entered into under this Act unless an application for such grant, contract or cooperative agreement has been submitted to and approved by the Secretary.

(b) Approval.—Grants, contracts and cooperative agreements under this Act shall be awarded in accordance with such regulations as the Secretary may promulgate. At a minimum, to be approved by the Secretary under this section an application shall—

(1) demonstrate that the applicant has recognized expertise in the area of family violence and a record of high quality service to victims of family violence; and

(2) be submitted from an entity located in a State where State law requires the courts to consider evidence of violence in custody decisions.

SEC. 6. EVALUATION OF DEMONSTRATION PROJECTS.

(a) In General.—Not later than 30 days after the end of each fiscal year, a recipient of a grant, contract or cooperative agreement under this Act shall prepare and submit to the Secretary a report that contains information concerning—

(1) the number of families served per year;

(2) the number of families served per year categorized by—

(A) families who require that supervised visitation because of child abuse only;

(B) families who require supervised visitation because of a combination of child abuse and domestic violence; and

(C) families who require supervised visitation because of domestic violence only;

(3) the number of visits per family in the report year categorized by—

(A) supervised visitation required by the courts;

(B) supervised visitation based on suspected or elevated risk of sexual, physical, or emotional abuse, or threats of parental abduction of the child that is not court mandated;

(C) supervised visitation that is part of a foster care arrangement; and

(D) supervised visitation because of an order of protection;

(4) the number of supervised visitation arrangements terminated because of violations of visitation terms, including violence;

(5) the number of protective temporary transfers of custody during the report year;

(6) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecution and custody violations;

(7) the number of safety and security problems that occur during the report year;

(8) the number of families who are turned away because the center cannot accommodate the demand for services;

(9) the process by which children or abused partners will be protected during visitations, temporary custody transfers and other activities for which the supervised visitation centers are created; and

(10) any other information determined appropriate in regulations promulgated by the Secretary.

(b) Evaluation.—In addition to submitting the reports required under subsection (a), an entity receiving a grant, contract or cooperative agreement under this Act shall have a collateral agreement with the court, the child protection social services division of the State, and local domestic violence agencies or State and local domestic violence coalitions to evaluate the supervised visitation center operated under the grant, contract or agreement. The entities conducting such evaluations shall submit a narrative evaluation of the center to both the center and the grantee.

(c) Demonstration of Need.—The recipient of a grant, contract or cooperative agreement under this Act shall demonstrate, during the first 3 years of the project operated under the grant, contract or agreement, the need for continued funding.

SEC. 7. SPECIAL GRANTS TO STUDY THE EFFECT OF SUPERVISED VISITATION ON SEXUALLY ABUSED OR SEVERELY PHYSICALLY ABUSED CHILDREN.

(a) Authorization.—The Secretary is authorized to award special grants to public or nonprofit private entities to assist such entities in collecting clinical data for supervised visitation centers established under this Act to determine—

(1) the extent to which supervised visitation should be allowed between children who are sexually abused or severely physically abused by a parent, where the visitation is not predicated on the abusive parent having successively completed a specialized course of therapy for such abusers;

(2) the effect of supervised visitation on child victims of sexual abuse or severe physical abuse when the abusive parent exercising visitation has not completed specialized therapy and does not use the visitation to alleviate the child victim's guilt, fear, or confusion;

(3) the relationship between the type of abuse or neglect experienced by the child and the use of supervised visitation centers by the maltreating parent; and

(4) in cases of spouse or partner abuse only, the extent to which supervised visitation should be predicated on participation by the abusive spouse in a specialized treatment program.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including documentary evidence to demonstrate that the entity possesses a high level of clinical expertise and experience in child abuse treatment and prevention as they relate to visitation. The level of clinical expertise and experience required will be determined by the Secretary.

(c) REPORT.—Not later than 1 year after the date on which a grant is received under this section, and each year thereafter for the duration of the grant, the grantee shall prepare and submit to the Secretary a report containing the clinical data collected under such grant.

SEC. 8. REPORTING.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing the information collected under the reports received under sections 6 and 7, including recommendations made by the Secretary concerning whether or not the supervised visitation center demonstration and clinical data programs should be reauthorized.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of awarding grants, contracts and cooperative agreements under this Act, there are authorized to be appropriated $30,000,000 for fiscal year 1994, $40,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(b) DISTRIBUTION.—Of the amounts appropriated under subsection (a) for each fiscal year—

(1) not less than 80 percent shall be used to award grants, contracts, or cooperative agreements under section 5; and

(2) not more than 20 percent shall be used to award grants under section 7.

(c) DISBURSEMENT.—Amounts appropriated under this section shall be disbursed as categorical grants through the 10 regional offices of the Department of Health and Human Services.●

By Mr. SIMPSON:

S. 871. A bill for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary.

PRIVATE RELIEF OF CODY, WY, RESIDENT

Mr. SIMPSON. Mr. President, I rise today to offer a bill for the private relief of a citizen who has fallen victim to both the 1988 Yellowstone fires and to an insensitive Government bureaucracy. This legislation is identical to a bill I introduced late in the 102d Congress and which, because of the time constraints, had not been reported from the Judiciary Committee.

The tragic Yellowstone forest fire of 1988 devastated Nathan Vance's outfitting business when it burned through his Teton wilderness camp. The fire destroyed essential outfitting equipment, forcing Nathan Vance to cancel 12 prepaid trips and forfeit valuable revenue from those trips. Mr. Vance incurred both equipment replacement costs and lost revenue, a deadly combination to a small, seasonal business with a small profit margin even in the best of times. This legislation would compensate him for the equipment losses he suffered—as the Congress had intended to do with the original legislation we enacted following those tragic fires. The forest fire was a devastating event in Mr. Vance's life—a tragedy compounded by insensitive Government wrangling and delays.

Congress showed its compassion for the financially injured citizens of the Yellowstone area with the passage of Public Law 101-302. This law authorized the Forest Service to settle certain personal damage claims from the 1988 Yellowstone fires. Mr. Vance mailed his claim on August 19, 1990, in order to meet the August 23 deadline.

Through no fault of his own, it took 5 business days for Nate Vance's letter to travel from Wyoming to Utah—longer than it takes a letter to reach Washington, DC, from San Francisco, CA.

The Forest Service officially received the Vance claim less than 24 hours after the deadline. Yet the Forest Service seemed unconcerned by the deadline and continued the claim process by asking Mr. Vance to provide a detailed accounting of his lost equipment and revenue.

More than 3 months after the Forest Service received his accounting and seemed ready to pay the claim, Mr. Vance was informed by a Forest Service employee that his claim was invalid because of the missed deadline. Mr.Vance has since attempted to appeal to the Forest Service, but has been met with repeated refusals to consider the claim.

Public Law 101-302 states the "Forest Service is directed to negotiate, compromise, and reach a determination on the original claims." It is clear the Forest Service failed to negotiate, to compromise, or reach a determination even when directly ordered by law to do so—all based on unusually slow mail service outside the control of Mr. Vance.

The tragic combination of a devastating forest fire and Government insensitivity has turned Mr. Vance's life upside down. He is still struggling to pay the additional mortgages on his home and business assets that he was forced to take out in order to continue business operations.

Nate Vance's story is an unnecessary and an unintended inequity. Insensitive Government actions contributed to his hardships through an unreasonable and unresponsive process. We should not allow Government to forget that we are here to serve the people, not to impose unfair burdens upon them.

This legislation will allow us to ease some of the unfair burden imposed on Nate Vance by requiring the Forest Service to pay Mr. Vance $4,850 from the appropriate funds now in the Forest Service regional fire budget. This amount represents only his equipment loss and is only the amount that would have been approved if the Postal Service had taken 4 days, rather than 5, to deliver his claim from Wyoming to its adjacent neighbor, Utah.

Mr. Vance is an honorable citizen who is pursuing the American dream of owning and operating a business. He is entitled to relief and deserves our support. I encourage my colleagues to support this legislation and help us to correct this obvious inequity and absurdity.

Mr. President, I would also inform my colleagues that in the final hours of the 102d Congress, all relevant agencies of the Federal Government had signed off—that is to say they indicated their approval—on this legislation. I trust that this legislation will once again receive the support of the Department of Agriculture, the Office of Management and Budget, and the Department of Justice. I look forward to their support and assistance in the 103d Congress in working to move this legislation swiftly through the process of committee approval and to final passage.

By Mr. PELL (by request):

S. 872. A bill to authorize appropriations for the African Development Foundation; to the Committee on Foreign Relations.

AFRICAN DEVELOPMENT FOUNDATION APPROPRIATIONS AUTHORIZATIONS ACT

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the African Development Foundation.

This proposed legislation has been requested by the African Development Foundation, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the section-by-section analysis, and the letter from the president of the African Development Foundation, which was received on April 14, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 505 of Title V of the International Security and Development Cooperation Act of 1980 is amended by adding subsection (c) to read as follows:

"(c) when, with the permission of the Foundation, funds made available to a grantee under this title are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after the enactment of this subsection."

SEC. 2. Section 506(a) of Title V is amended by adding paragraph (13) to read as follows:

"(13) When determined by the president of the African Development Foundation to be necessary, and subject to such security investigations as the Foundation may determine to be appropriate, many employ persons who are not citizens of the United States without regard to statutory provisions prohibiting payment of compensation to persons who are not citizens of the United States or to statutory provisions relating to employment in the competitive service; provided, that this paragraph shall pertain only to individuals under negotiated contracts with the Foundation as of October 6, 1992."

SEC. 3. Section 507(b) is amended by deleting "actual and necessary expenses not exceeding $100 per day, and for transportation expenses" and inserting "necessary travel expenses in accordance with subchapter I of chapter 57, title 5, United States Code," in lieu thereof.

SEC. 4. Section 510 of Title V is amended by deleting "$3,872,000 for fiscal year 1986, and $3,872,000 for fiscal year 1987" in the first sentence, and inserting "$16,905,000 for fiscal year 1994, and $17,393,000 for fiscal year 1995."

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill provides the Foundation with the flexibility to waive the requirement that any interest earned on grant funds must be returned by the grantee to the United States Treasury. This provision, which is in the legislation of the InterAmerican Foundation, and has been incorporated in ADF's appropriations legislation for each of the past three years, would be used to waive the requirement where to do so would ameliorate the impact of inflation on projects, such as revolving credit programs, which require grantees to retain funds in project bank accounts for longer than normal periods. It also provides additional project income which can be used to increase project scope.

Section 2 of the bill would transfer from the appropriations to the authorization legislation an authority granted to the Foundation in Fiscal Year 1993 to convert three African and one West Indian contractor to employee status notwithstanding their lack of U.S. citizenship. This would make the authority to employ these individuals permanent.

Section 3 authorizes members of the Foundation's Board of Directors, who serve without compensation, to be reimbursed for all necessary travel expenses in the same manner as is authorized for other Federal employees. This authority would replace a limit of $100 per day based on actual expenses, which was placed in the original legislation in 1980, and which no longer reflects the true cost of travel in Africa. A similar amendment was added to the InterAmerican Foundation's legislation in 1982.

Section 4 authorizes the appropriation for the African Development Foundation of $16,905,000 for Fiscal Year 1994, and $17,393,000 for Fiscal Year 1995.

AFRICAN DEVELOPMENT FOUNDATION,
Washington, DC, April 5, 1993.

Hon. ALBERT GORE,
Vice President of the United States and President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I herewith transmit a bill to amend the International Security and Development Cooperation Act of 1980 to permit grantees to retain interest earned on grant funds if used in furtherance of the purposes of the grant, to permit the Foundation to employ persons currently under contract to the Foundation who are not U.S. citizens, and to authorize appropriations for the Foundation for Fiscal Years 1994 and 1995. This legislative proposal is needed to carry out the President's FY 1994 budget plan.

Section 1 of the bill adds language to section 505 of the Act which, in the absence of authorization legislation, has been contained in the Foundation's appropriation legislation in each of the past three years. The authority to permit grantees to retain interest earned is identical to that contained in the legislation of ADF's sister agency, the Inter-American Foundation. It is believed useful to ameliorate the impact of inflation on ADF projects in some African countries.

Section 2 contains language originally inserted in ADF's FY 1993 appropriation legislation. It would permit the Foundation to convert permanently to employee status four African and West Indian contractors currently providing valuable services to the Foundation.

Section 3 of the bill authorizes the members of the Foundation's Board of Directors, who serve without compensation, to be reimbursed for all necessary travel expenses in the same manner as is authorized for other Federal employees. The current $100 limit on reimbursement for travel expenses, included in the original 1980 ADF legislation, is now substantially out of line with the current cost of travel in Africa.

Section 4 of the bill authorizes the appropriation for the African Development Foundation of $16,905,000 for Fiscal Year 1994, and $17,393,000 for Fiscal Year 1995.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

GREGORY ROBESON, SMITH,
President.

By Mr. PELL (by request):

S. 873. A bill to amend the Asian Development Bank Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the fifth replenishment of the resources of the Asian development fund, and for other purposes; to the Committee on Foreign Relations.

ASIAN DEVELOPMENT BANK ACT OF 1993

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Asian Development Bank Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the fifth replenishment of the resources of the Asian Development Fund, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the acting general counsel of the Department of the Treasury to the President of the Senate, which was received on April 19, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 873

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285, et seq.) is amended by adding at the end the following new section:

"SEC. 31. (a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $680,000,000 to the Asian Development Fund, a special fund of the Bank, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated without fiscal year limitation, $680,000,000 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC, April 16, 1993.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the Asian Development Fund, and for other purposes." We urge prompt consideration of this proposal.

This legislation is critical to U.S. foreign economic policy. The Asian Development Bank (ADB) is an extremely cost-effective vehicle for furthering U.S. international economic priorities in Asia. The Asian Development Fund (ADF) is the soft loan window of the ADB, providing concessional resources to the poorest countries in the region. Donors reached agreement on December 10, 1991, to replenish the resources of the ADF. The total size of the replenishment is $4.2 billion over four years, 1992–1995. The U.S. contribution to the replenishment over this period is $170 million per year (a total of $680 million).

In the context of this replenishment the United States was able to obtain important policy reforms that will improve the efficiency and quality of lending operations in the ADB, and promote U.S. economic policy objectives in the region. Specifically, the U.S. was successful in obtaining agreement to strengthen the Bank's environmental activities, increase Bank operations to stimulate private sector activities, allocate ADF resources based on the economic performance of the borrower, enhance the role of women in development, and strengthen the Bank's efforts to promote growth-oriented policies. Donors also reached agreement that India and China will not have access to the resources of this replenishment.

The draft bill would add a new section to the Asian Development Bank Act, to authorize the United States Governor of the ADB to contribute $680 million to the ADF, subject to obtaining the necessary appropriations.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the transmittal of this draft bill to the Congress, and that enactment would be in accord with the Administration's program.

Sincerely,

DENNIS I. FOREMAN,
Acting General Counsel.

By Mr. PRESSLER (for himself, Mr. WARNER, Mr. DASCHLE, Mr. KRUEGER, Mr. SHELBY, Mr. GORTON, Mr. BURNS, Mr. CAMPBELL, Mr. BOREN, Mr. NICKLES, and Mr. BAUCUS):

S. 874. A bill to reauthorize Public Law 81-874 (Impact Aid), and for other purposes; to the Committee on Labor and Human Resources.

IMPACT AID REAUTHORIZATION

Mr. PRESSLER. Mr. President, today, I am introducing legislation to reauthorize Public Law 81-874, the Impact Aid Educational Program. I am very pleased that Senators WARNER, DASCHLE, KRUEGER, SHELBY, GORTON, BURNS, CAMPBELL, BOREN, NICKLES, and BAUCUS are joining me as original cosponsors of this important education legislation.

Impact aid is based on a very simple concept: The Federal Government, as the largest property holder in the United States, is uniquely different from most corporations or businesses that own property or provide a service. For example, the Federal Government is exempt from paying State and local taxes on any property it owns, whether that property is land, buildings or equipment.

The Impact Aid Program provides two methods of Federal reimbursement for local educational agencies that have a Federal presence in their area. One method is payment in lieu of taxes [PILT] for land that is no longer taxable by local governments. With many public school districts dependent on local property taxes, Federal ownership of local property effectively reduces the amount of taxes that can be collected locally, and ultimately the amount schools receive. The PILT method of reimbursement partially redresses that revenue loss.

The other method of reimbursement is direct Federal payments to school districts for all or part of the cost of educating children whose parents are employed by the Federal Government as either civilian or military personnel.

However, what is most important is the number of students who benefit from impact aid. The Federal Government's local presence varies from State to State. Impact aid is very important in some States, but not necessarily all States.

Mr. President, more than 2,600 school districts enrolling more than 20 million children are impacted by a Federal presence to the extent that their basic source of revenue is severely limited. In fiscal year 1993, more than $738 million in impact aid payments will be made, which represents only 35 percent of the actual need. In short, impact aid attempts to make up a portion of the local government's loss resulting from the Federal Government's presence. More important, impact aid represents a basic Federal commitment for a service all Americans consider the single most important function of a civilized society—the education of its youth.

In my State of South Dakota, more than 50 school districts receive impact aid. Some districts receive more funding than others. However, given the limited resources available to public schools across the country, every dollar helps with the education of a child.

Mr. President, let me share some of the comments about this legislation I hear from my fellow South Dakotans. John A. Bonaiuto, secretary of the South Dakota Department of Education and Cultural Affairs, has said that "this office supports the concept of basing payment on the financial need of the district."

Richard Bordeaux, superintendent of the Todd County School District in South Dakota, states in his letter of support for impact aid funding that "this reauthorization bill has a vision behind it of putting basic education funds where a Federal presence has the greatest effect on the local education agency * * *." Todd County encompasses the Rosebud Sioux Indian Reservation. It is the eighth poorest county in the Nation. Without impact aid, there wouldn't be a school system in Todd County.

South Dakota has one military base, Ellsworth Air Force Base, located near Rapid City, where the Douglas School District serves students. Joseph L. Schmitz, superintendent of Douglas, states the "reauthorization bill will best serve the needs of those targeted populations of students."

Finally, Mr. President, I have a letter from the Impact Schools of South Dakota. Its president, Richard Parry, states that "this bill addresses in an equitable way the responsibility of the United States to provide for the basic educational needs of federally connected personnel * * *."

Mr. President, I ask unanimous consent that the complete text of these four letters be included in the RECORD at the conclusion of my remarks.

Though the basic goals of impact aid have not changed, the means to achieve them are in need of revision. The legislation I am introducing today would create an Impact Aid Program that is far different from what was first created 40 years ago. It is far different, but a far more effective program.

This legislation is the product of more than 3 years of work on the part of the National Association of Federally Impacted Schools. Two goals were set by the association: First, simplify the program; and second, target resources to those local educational agencies in greatest need. Input was gathered from many sources. Those who assisted include key congressional committee staff, Federal agency officials, and most important, representatives of school districts directly affected by the program, including those in South Dakota.

I am pleased to report today that this legislation meets both goals. The program would be easy to administer. A numerical weight is placed on the different types of Federal students within each district relative to the fiscal burden those students represent to a local educational agency. In addition, it also measures, through an allocation process similar to one used by many States, the relative need each school district has for impact aid payments.

Let me repeat that this legislation does not alter the basic premise of impact aid. The program still represents the basic responsibility of the Federal Government to pay its share of the cost of educating federally connected students. It would keep fiscal burdens from being shifted unfairly to local taxpayers.

As all my colleagues know, the Federal Government's role in education policy is one of supplementing or assisting State and local efforts. It would seem logical that the Federal Government's first responsibility should be to school districts that are negatively impacted by the Federal Government.

However, impact aid has not been fully funded in more than 20 years. The fiscal and political reality is that it will not be fully funded anytime soon. Therefore, Congress should seek ways to prioritize the payment process to ensure that school districts with a higher dependence on Federal assistance will receive larger payments. This legislation would do just that. This is an improvement.

Of course, any shifts in the basic funding formula means changes in the allocation of impact aid dollars. To ease that shift, the bill would phase in the funding formula changes over a 3-year period. This would provide all eligible school districts time to prepare for the new fiscal realities brought by the new formula.

In conclusion, Mr. President, many individuals have worked hard to develop this proposal. It has an 89 percent approval rate from the National Association of Federally Impacted Schools. I recognize that some changes or improvements may be necessary in this legislation. That is fine, as long as we do not undermine the basic thrust of the Impact Aid Program.

Impact aid is a program that cannot be overlooked. It should be an integral part of any educational reforms enacted by Congress. If the success of a program, like the durability of a structure, can be measured by its ability to do what it was designed to do even after many years, then the Impact Aid Program is, without question, a legislative success story. This program plays a major role in meeting our Nation's educational needs. The reforms provided for in this legislation would ensure that it continues to be a strong educational program for years to come.

Mr. President, I ask unanimous consent that the full text of the Impact Aid Reauthorization Act of 1993, along with a section-by-section analysis, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Impact Aid Reauthorization Act of 1993".

SEC. 2. REAUTHORIZATION.

Public Law 81-874 (20 U.S.C. 236 et seq.) is amended to read as follows:

"TITLE I—FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

"SEC. 101. DECLARATION OF POLICY.

"(a) POLICY.—In recognition of the responsibility of the United States to provide an educational program to local educational agencies impacted by the Federal presence of Federal land or that serve dependents of federally connected personnel, including children of those in the uniformed service, children residing on Federal Indian trust land and children residing on nontaxable federally subsidized low-rent housing projects, it shall be the policy of the United States to acknowledge that—

"(1) the need to ensure fair access and equitable treatment of our Nation's children in the area of free public education;

"(2) such fair access and equitable treatment of our Nation's children is hampered when Federal ownership of real property or Federal activities within a community adversely affect any or all of the basic revenue sources which local educational agencies depend upon for such fair access and equitable treatment;

"(3) such local educational agencies are entitled to relief from the unique burdens placed upon them by the Federal ownership of real property or Federal activity in the form of compensation for the basic educational program of the federally connected student;

"(4) education is central to our Nation's quality of life and the survival of our Nation's democratic society;

"(5) education is at the heart of our Nation's economic strength and security, creativity, investment in the sciences, and the perpetuation of our Nation's cultural values;

"(6) education is the key to United States international competitiveness;

"(7) every child should be given an equal opportunity to learn;

"(8) the United States presence creates a responsibility to assure fair access and equitable educational opportunity for all children residing on Federal land or otherwise affected adversely by the Federal presence;

"(9) the United States presence should not reduce the ability of a school district to achieve our Nation's education goals; and§

"(10) the failure to fully compensate such affected local educational agencies, or the reduction in such compensation, places the education and future of such students in jeopardy.

"(b) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States to provide financial assistance (as set forth in the following sections of this Act) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—

"(1) the revenues available to such agencies from State and local sources have been reduced as the result of—

"(A) the acquisition of real property by the United States; and

"(B) providing retail services on the property owned by the United States;

"(2) such agencies provide education for children residing on Federal property;

"(3) such agencies provide education for children whose parents are employed on Federal property; or

"(4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $900,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this Act.

"(2) CONTINGENCY FUND.—There are authorized to be appropriated $14,000,000 for fiscal year 1994, which shall be deposited into the contingency fund established under section 202.

"(d) RESERVATIONS.—

"(1) FEDERAL ACQUISITION OF REAL PROPERTY.—The Secretary shall reserve 2.5 percent of the amount appropriated pursuant to the authority of subsection (c)(1) in each fiscal year to carry out section 102.

"(2) DEPARTMENT OF EDUCATION CONTINGENCY FUND.—Beginning in fiscal year 1995 and in each succeeding fiscal year through fiscal year 1998, the Secretary shall annually reserve from the amount appropriated pursuant to the authority of subsection (c)(1) and deposit into the contingency fund established under section 202 an amount which is necessary to make the balance of such contingency fund in such fiscal year (prior to withdrawal of any funds from such fund for such fiscal year) equal to 2 percent of the amount appropriated pursuant to the authority of subsection (c)(1) for such fiscal year.

"(3) RESERVATION FOR HEAVILY IMPACTED HIGH NEED AREAS.—The Secretary, based on the annual estimate developed pursuant to section 103(d)(3)(D), shall annually reserve from the amount appropriated pursuant to the authority of subsection (c)(1) in each fiscal year the amount necessary to carry out the provisions of section 103(d)(3).

"(e) FORWARD FUNDING.—

"(1) AVAILABILITY FOR OBLIGATION.—For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year.

"(2) EFFECTUATION OF FORWARD FUNDING.—In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).

"SEC. 102. FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for any fiscal year ending prior to October 1, 1998, that the United States owns Federal property in the school district of such local educational agency, and that such property—

"(1) has been acquired by the United States since 1938;

"(2) was not acquired by exchange for other Federal property in the school district which the United States owned before 1939; and

"(3) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of all real property in the school district (similarly determined as of the time or times when such Federal property was so acquired);

then such local educational agency shall be entitled to receive for such fiscal year such amount as, in the judgment of the Secretary, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property (in accordance with section 222.98 of title 34, Code of Federal Regulations (as in effect on December 5, 1991), and without regard to the provisions of section 222.101 of title 34, Code of Federal Regulations (as in effect on December 5, 1991)). Such entitled amount shall be reduced by any revenue received during the preceding fiscal year by the local educational agency that was generated directly from the Federal property or activities in or on that property and was exclusively provided to such local educational agency.

"(b) APPLICABILITY TO THE TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933, as amended, shall not be regarded as Federal property.

"(c) CONSOLIDATED DISTRICTS.—Where the school district of any local educational agency shall have been formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at the time such agency files application under section 105) for any fiscal year to have—

"(1) the eligibility of such local educational agency; and

"(2) the amount which such agency shall be entitled to receive,

determined under this section only with respect to such of the former school districts comprising such consolidated school districts as the agency shall designate in such election.

"(d) OWNERSHIP.—The United States shall be deemed to own Federal property for the purposes of this Act where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of paragraphs (1), (2), and (3) of subsection (a); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(B) requires the grantee of the property to report to the Federal Government (or its agent) setting forth information on the use of the property;

"(C) prohibits the sale, lease assignment or other disposal of the property unless to another eligible government agency and with the approval of the Federal Government (or its agent); and

"(D) reserved to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

"(e) SPECIAL RULE.—Beginning with fiscal year 1991, any school district which (1) as demonstrated by written evidence from the United States Forest Service satisfactory to the Secretary, contains between 50,000 and 55,000 acres of land that has been acquired by the United States Forest Service between 1915 and 1990; and (2) serves a county chartered by State law in 1875, shall be deemed to have met the requirements of subsection (a)(3).

"(f) HOLD HARMLESS.—No local educational agency which is eligible for a payment under this section in any fiscal year shall receive a payment under this section in such fiscal year in an amount which is less than 90 percent of the amount such agency received under this section in the preceding fiscal year.

"(g) ADDITIONAL INFORMATION.—Whenever the Secretary, after receiving an application from any local educational agency under this section requests further information from the local educational agency for the Secretary's review of the application, the Secretary shall take such measures as are necessary to ensure that all information is gathered in a reasonable time, pursuant to regulations promulgated by the Secretary, in order to ensure that payments under this section for that fiscal year are provided to all applicant local educational agencies not later than December 1 of such fiscal year.

"SEC. 103. FEDERALLY CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount to which a local educational agency is to be paid under this section for any fiscal year, the Secretary shall first determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year, and—

"(A) while residing on Federal property did so with a parent employed on Federal property situated (i) in whole or in part in the county in which the school district of such agency is located, or (ii) if not in such county, in whole or in part in the same State as the school district of such agency;

"(B) while residing on Federal property had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) while in attendance at such schools, either—

"(i) resided on Federal property;

"(ii) resided with a parent employed on Federal property situated (I) in whole or in part in the county in which the school district of such agency is located, or in whole or in part in the school district of such agency if the school district is located in more than one county, or (II) if not in such county or district, in whole or in part in the same State as the school district of such agency; or

"(iii) resided in any low-rent housing project as defined in section 204(a)(1)(C) of this Act; or

"(D) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code).

"(2) CHILDREN RESIDING ON INDIAN LANDS.—In making a determination under paragraph (1)(B) with respect to a local educational agency for any fiscal year, the Secretary shall include the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year, and who, while in attendance at such schools, resided on Indian lands, as described in subparagraph (A) of section 204(1).

"(b) ELIGIBILITY FOR PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under subsection (a), unless—

"(A) the number of children so determined with respect to such agency amounts to—

"(i) at least 400 such children; or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during the preceding year, at the schools of such agency and for whom such agency provided free public education, whichever is the lesser;

"(B) such local educational agency is making a tax effort, or complying with other State fiscal requirements, required for eligibility for State education funding; and

"(C) such local educational agency—

"(i) is certified or accredited by a—

"(I) State educational agency or regional accrediting association recognized by the Secretary, or is a candidate in good standing for such certification or accreditation under the rules of the State educational agency or regional accrediting association; or

"(II) tribal department of education if such certification or accreditation is accepted by a generally recognized regional or State certification or accreditation agency; or

"(ii) demonstrates to the satisfaction of the Secretary that credits achieved by the students of such local educational agency are, or will be, accepted at grade level by a State or regional accrediting agency or association.

"(2) CONTINUING ELIGIBILITY; SPECIAL RULES.—(A) If a local educational agency is eligible for a payment for any fiscal year by the operation of paragraph (1)(A)(ii), such agency shall continue to be so eligible for the 2 succeeding fiscal years even if such agency fails to meet the requirement of such paragraph during such succeeding fiscal years, except that the number of children determined for the second such succeeding fiscal year with respect to such agency for the purpose of subsection (c) shall not exceed 50 percent of the number of children determined with respect to such agency for the purpose of such paragraph for the last fiscal year which such agency was so eligible.

"(B) If the Secretary determines with respect to any local educational agency for any fiscal year that—

"(i) such agency does not meet the requirement of paragraph (1)(A)(ii); and

"(ii) the application of such requirement, because of exceptional circumstances, would defeat the purposes of this title,

then the Secretary is authorized to waive such requirement with respect to such agency.

"(c) ALLOTMENT FORMULA; DETERMINATION OF EQUAL OPPORTUNITY COST.—

"(1) ALLOTMENT FORMULA.—The amount of the payment to which a local educational agency shall be entitled to receive under this section is equal to such agency's equal opportunity cost. A local educational agency's equal opportunity cost shall be determined as follows:

"(A) Calculate the total number of weighted student units (determined in accordance with paragraph (2)) for each child eligible to be counted by such agency in accordance with subsection (a).

"(B) Multiply the total number of weighted student units determined under subparagraph (A) by the local contribution rate (determined in accordance with paragraph (3)).

"(2) DETERMINATION OF WEIGHTED STUDENT UNIT.—The Secretary shall calculate the total number of weighted student units for a local educational agency as follows:

"(A) CHILDREN LIVING ON INDIAN LANDS.—(i) Each child described in subsection (a)(2) who is not receiving services under the Individuals with Disabilities Education Act shall be assigned a weighted student unit of 1.350.

"(ii) Each child described in subsection (a)(2) who is eligible for services under the Individuals with Disabilities Education Act and for whom such local educational agency is providing a program designed to meet the special educational and related needs of such children shall be assigned a weighted student unit of 2.025.

"(B) MILITARY CONNECTED CHILDREN.—(i) Each child described in subsection (a)(1)(B) who is not receiving services under Individuals with Disabilities Education Act shall be assigned a weighted student unit 1.100.

"(ii) Each child described in subsection (a)(1)(B) who is receiving services under Individuals with Disabilities Education Act shall be assigned a weighted student unit of 1.650.

"(iii) Each child described in subsection (a)(1)(D) who is not receiving services under Individuals with Disabilities Education Act shall be assigned a weighted student unit 0.300.

"(iv) Each child described in subsection (a)(1)(D) who is receiving services under Individuals with Disabilities Education Act shall be assigned a weighted student unit 0.450.

"(C) OTHER FEDERALLY CONNECTED CHILDREN.—(i) Each child described in subsection (a)(1)(A) (who is not described in subparagraph (A) or (B)) shall be assigned a weighted student unit of 1.000.

"(ii) Each child described in subsection (a)(1)(C)(iii) (who is not described in subparagraph (A) or (B)) shall be assigned a weighted student unit of 0.300.

"(iii) Each child described in subsection (a)(1)(C)(i) or (a)(1)(C)(ii) (who is not described in subparagraph (A) or (B)) shall be assigned a weighted student unit of 0.200.

"(D) DATA.—Calculations of weighted student units for a local educational agency pursuant to this paragraph shall be made on the basis of data from the fiscal year preceding the fiscal year in which such agency applies for a payment under this section in accordance with section 105.

"(3) LOCAL CONTRIBUTION RATE.—(A) Except as provided in subparagraph (B), in order to compute the local contribution rate for a local educational agency for any fiscal year, the Secretary, after consulting with the State educational agency of the State in which the local educational agency is located and with the local educational agency, shall determine which school districts within such State are generally comparable to the school district of the local educational agency for which the computation is being made. The local contribution rate for such agency shall be the quotient of—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the computation is made, which the local educational agencies of such comparable school districts derived from local sources, divided by

"(ii) the aggregate number of children in average daily attendance for whom such agency provided free public education during such third preceding fiscal year.

"(B)(i) The local contribution rate for a local educational agency in any State shall not be less than—

"(I) 50 percent of the average per pupil expenditure in such State; or

"(II) 50 percent of such expenditures in all the States,

whichever is greater, except that clause (II) shall not operate in such a manner as to make the local contribution rate for any local educational agency in any State exceed an amount equal to the average per pupil expenditure in such State.

"(ii) If the current expenditures in those school districts which the Secretary has determined to be generally comparable to the school district of the local educational agency for which a computation is made under subparagraph (A) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of such agency, a level of education equivalent to that maintained in such other school districts, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

"(iii) The local contribution rate for any local educational agency in—

"(I) the Commonwealth of Puerto Rico, Wake Island, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands;

"(II) any State in which a substantial proportion of the land is in unorganized territory; or

"(III) any State in which there is only one local educational agency,

shall be determined for any fiscal year by the Secretary in accordance with policies and principles which will best achieve the purposes of this section and which are consistent with the policies and principles provided in this paragraph for determining local contribution rates in States where it is possible to determine generally comparable school districts.

"(C) The local contribution rate for a local educational agency shall include current expenditures from that portion of a real property tax required to be levied, collected, and distributed to local educational agencies by county governments pursuant to State law where the remainder of such real property tax is transferred to the State.

"(D) Because local educational agencies for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation lack a property tax base, the Secretary shall, for the fiscal year beginning October 1, 1993, and for each fiscal year thereafter, establish for such local educational agencies a local contribution rate which is not less than 70 percent of the average per pupil expenditure in all States during the third preceding fiscal year prior to the fiscal year for which the determination is made. The first sentence of this subparagraph shall not apply to local educational agencies in any State in which the State equalization law would prohibit the local educational agency from retaining such additional funds or in which State law requires that the State contribution be reduced in proportion to such additional funds, however the local contribution rate for such agencies shall not be less than 50 percent of the average per pupil expenditure in all States during the third preceding fiscal year prior to the fiscal year for which the determination is made.

"(E) For the purposes of this paragraph—

"(i) the term 'State' does not include the Commonwealth of Puerto Rico, Wake Island, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands; and

"(ii) the 'average per pupil expenditure' in a State shall be—

"(I) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the computation is made of all local educational agencies in the State, divided by

"(II) the aggregate number of children in average daily attendance for whom such agencies provide free public education during such third preceding fiscal year.

"(d) SPECIAL RULES.—

"(1) CHILDREN WITH DISABILITIES.—(A) The Secretary shall by regulation establish criteria for assuring that programs (including preschool programs) provided by local educational agencies for children determined under subsections (a)(1)(B), (a)(1)(D) and (a)(2), who are eligible for services under the Individuals with Disabilities Education Act, are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and in the implementation of such regulations the Secretary shall consult with individuals in charge of special education programs for children with disabilities in the local educational agency of the State in which such local educational agency is located.

"(B) For the purpose of this paragraph the term 'children with disabilities' has the same meaning given such term by section 602(a)(1) of the Individuals with Disabilities Education Act, and the term 'children with specific learning disabilities' has the same meaning given such term by section 602(a)(15) of such Act.

"(2) INDIANS.—Payments received for children described in subsection (a)(2) may be used to pay tuition for any student not eligible for funding under section 1128 of the Education Amendments of 1978 in any school receiving assistance under this section. No condition involving program or personnel shall apply to such payments.

"(3) SPECIAL RULE FOR HEAVILY IMPACTED HIGH NEED AREAS.—(A) If in any fiscal year the Secretary determines that funds provided to an eligible local educational agency under this title, together with the funds available to such agency from State and local sources is less than the amount necessary to enable such agency to provide a level of education equivalent to the State average during the preceding fiscal year or to the average of that maintained during the preceding fiscal year in 3 or more of the school districts of the State which are generally comparable to the school district of such agency, whichever is higher, increased or decreased, as the case may be, in the same percentage as the cost of such level of education increased or decreased from the third preceding fiscal year to the prior fiscal year for which the determination is made, then the Secretary shall increase the payment made under this section with respect to such agency for such fiscal year on the basis of data from the fiscal year preceding the fiscal year for which the determination is made to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts. The increase computed under this paragraph shall be sufficient to allow the school district of the local educational agency to provide a level of education (calculated in accordance with this subparagraph) equal to the average of the three comparable districts in the State or the State average, whichever is greater, as described in clause (i).

"(B)(i) For the purpose of this paragraph the term 'eligible local educational agency' means a local educational agency—

"(I) that is making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

"(II) in which not less than 50 percent of the total number of children who were in average daily attendance at the schools of such agency during the fiscal year for which the determination is made and for whom such agency provided free public education were, during such fiscal year, determined to be children described in subsection (a), except that any local educational agency in which the annual average percentage of such total number of children described in subsection (a) for the 3 fiscal years prior to the fiscal year for which the determination is made exceeds 50 percent of the total children in average daily attendance at the schools of such agency shall be deemed to meet the requirements of this paragraph; and

"(III) in which the eligibility of such agency under State law for State aid with respect to free public education of children residing on Federal property, and the amount of such aid, are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State.

"(ii) For the purpose of clause (i)(I), the Secretary shall determine that a reasonable tax effort has been made if the tax rate of the agency in the year for which the determination is made (before any State mandated tax rate reductions resulting from the receipt of State funds has been implemented) is an amount that is at least equal to 95 percent of the average tax rate for general fund purposes of comparable school districts for such fiscal year or the agency's total tax rate for the preceding fiscal year is at least 95 percent of the average of the total tax rates of comparable school districts. Coterminous military districts shall be deemed to meet the requirement of such reasonable tax effort. Except for coterminous military districts, payments made to any local educational agency under this paragraph in any fiscal year shall be reduced by the percentage that the average tax rate of the comparable school districts or, if none, the State average tax rate, exceeds the tax rate of such agency.

"(C) For the purpose of clause (i)—

"(i) available funds may include any cash balance at the end of a year allowed under State law; or

"(ii) whenever no State law governing cash balance exists, available funds shall exclude 30 percent of the local educational agency's operating costs.

"(D) Except as provided in clause (ii), for any fiscal year after September 30, 1993, the Secretary shall annually estimate the funds required to carry out the provisions of this paragraph and shall report the estimate to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate not later than 45 days after the date applications are due to be submitted to the Secretary from local educational agencies in accordance with section 105(a). Such estimate shall also include the amount of funds required to pay to all local educational agencies eligible for payments under this paragraph in the preceding fiscal year an amount equal to the difference between the amount all such agencies were entitled to receive under this paragraph in such preceding fiscal year and the amount all such agencies received under this section in such preceding fiscal year.

"(E) If in any fiscal year in which the total amount of payments made under this paragraph are less than or equal to the amount reserved pursuant to section 101(d)(3) to carry out this paragraph in such fiscal year, then such funds as do not exceed the amount so reserved shall remain available until expended to carry out the provisions of this paragraph.

"(F) If the total amount of payments to be made under this paragraph in a fiscal year exceeds the amount reserved pursuant to section 101(d)(3) to carry out this paragraph in such fiscal year, then the amount reserved to carry out this paragraph in the succeeding fiscal year shall be available to pay to each local educational agency eligible for payments under this paragraph in the preceding fiscal year the difference between the amount each such agency is entitled to receive under this paragraph in such preceding fiscal year and the amount such agency received under this paragraph in such preceding fiscal year.

"(e) ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), whenever the Secretary determines that—

"(i) for any fiscal year, the number of children determined with respect to any local educational agency under section (a) is less than 90 percent of the number determined with respect to such agency during the preceding fiscal year;

"(ii) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(iii) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsection (a) with respect to such agency for such fiscal year,

then the amount to which such agency is entitled for such fiscal year and for the following fiscal year shall not be less than 90 percent of the payment such agency received under subsection (a) for the preceding fiscal year.

"(B) The Secretary may adjust the amount to which a local educational agency is entitled in accordance with the provisions of subparagraph (A) for 1 additional fiscal year after the last fiscal year for which such agency is eligible for an adjustment under such subparagraph if the number of children determined with respect to such agency under subsection (a) during such last fiscal year equals or exceeds 25 percent of the number of such children in average daily attendance at the schools of such agency in such last fiscal year.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which shall remain available until expended.

"(3) EXPENDITURES.—Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) INFORMATION ON COSTS.—The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.

"(f) NEW APPLICANTS; DETERMINATIONS ON THE BASIS OF ESTIMATES.—

"(1) IN GENERAL.—Any local educational agency that did not apply for payments under this section in a preceding fiscal year and that would be eligible to receive payments under this section for the fiscal year in which such agency is applying for the first time, shall be paid on the basis of the number of children described in subsection (a) who, during the fiscal year for which the determination is made, are in average daily attendance at the schools of such agency and for whom such agency provides free public education.

"(2) SATISFACTORY DATA.—Determinations with respect to a number of children by the Secretary under this subsection for any fiscal year shall be made, whenever satisfactory data are not available, on the basis of estimates. No such determination shall operate, because of an underestimate, to deprive any local educational agency of its entitlement to any payments under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

"(g) PROHIBITION.—Notwithstanding any other provisions of this Act, no State may require that a vote of the qualified electors of a heavily impacted school district of a local educational agency be held to determine if such school district will spend the amounts to which the local educational agency is entitled under this Act.

"SEC. 104. SUDDEN AND SUBSTANTIAL CHANGES IN ATTENDANCE.

"(a) INCREASES RESULTING FROM BASE CLOSURE OR MILITARY REALIGNMENT ACTIVITIES.—

"(1) IN GENERAL.—(A) If the Secretary determines for any fiscal year ending prior to October 1, 1998 that, as a direct result of base consolidation or realignment activities of the Department of Defense (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from such activities is equal to at least 5 percent of the difference between the number of children in average daily attendance at the schools of such agency during the preceding fiscal year and the number of such children whose attendance during such year resulted from base consolidation or realignment activities of the Department of Defense (including children who resided on Federal property or with a parent employed on Federal property), then the amount to which such agency is otherwise entitled under this section shall be paid on the basis of the number of children who, during the fiscal year for which the application is made, are in average daily attendance at the schools of such agency and for whom such agency provided free public education. Such application shall include a certificate from the appropriate local base commander that the increase is the result of Department of Defense base closure or realignment activities.

"(B) The Secretary shall not make a payment to a local educational agency for any fiscal year under subparagraph (A) unless such agency submits a written request for such payment to the Secretary by January 31 of such year.

"(2) PAYMENT REDUCTIONS.—If in any fiscal year the amount appropriated pursuant to the authority of paragraph (3) is insufficient to carry out the provisions of this subsection for such fiscal year, then the Secretary shall make a reduction in the amount that such agency receives under this subsection in such year on the basis of the number of children in average daily attendance at the schools of a local educational agency compared to the total number of children in average daily attendance in the schools of all local educational agencies in all States.

"(3) AUTHORIZATION OF APPROPRIATIONS.—(A) There are authorized to be appropriated for each fiscal year such amount as may be necessary to carry out this subsection.

"(B) Funds appropriated pursuant to the authority of subparagraph (A) shall remain available until expended.

"(b) ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITY.—Whenever the Secretary determines that—

"(1) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (a) applies;

"(2) such preparations were in the Secretary's judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

"(3) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities or by reason of a failure of any such activities to occur,

then the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Secretary, such agency would have been entitled but for such decrease in or cessation of Federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Secretary determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities or the failure of such activities to occur.

"(c) CONSULTATION WITH STATE AND LOCAL AUTHORITIES.—All determinations of the Secretary under subsection (a)(2) and subsection (b) of this section shall be made only after consultation with the State educational agency and the local educational agency.

"(d) REPORT ON EXPENDITURES.—Expenditures of funds appropriated pursuant to the authority of subsections (a)(3)(A) and (f)(1) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(e) ANNUAL BUDGET SUBMISSION.—The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this section during the fiscal year for which the submission is made.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for each fiscal year such amount as may be necessary to carry out subsections (b) through (e) of this section.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of paragraph (1) shall remain available until expended.

"SEC. 105. METHOD OF MAKING PAYMENTS.

"(a) APPLICATIONS.—

"(1) IN GENERAL.—Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under section 102, 103, or 104 shall submit an application therefore to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment.

"(2) DEADLINE.—The Secretary shall establish a deadline for the receipt of applications under this section. For each fiscal year beginning after the date of enactment of the Impact Aid Reauthorization Act of 1993, the Secretary shall accept an approvable application received not more than 60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) SPECIAL RULE.—Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an applicant for funds under section 103 for fiscal years 1985, 1986, 1987, and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

"(b) PAYMENTS BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall pay to each local educational agency, rounded to the nearest whole dollar, making application pursuant to subsection (a), the amount to which it is entitled under section 102, 103, or 104. Sums appropriated for any fiscal year, to enable the Secretary to make payments pursuant to this title shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for obligation and payments with respect to amounts due local educational agencies under this title for such fiscal year, until the end of the fiscal year succeeding the fiscal year for which such sums are appropriated. The Secretary shall return to the United States Treasury any funds appropriated for payments under this title for fiscal year 1988, and thereafter that, as the result of overpayment and uncontrollable expenditures, are recovered by the Department of Education after or following the end of the fifth fiscal year in which the sums were appropriated, or that remain in Department of Education accounts after that time.

"(2) DATA AND TIMING.—Except as otherwise provided in this title, the Secretary shall—

"(A) make payments to those local educational agencies eligible to receive funds under sections 102, 103, and 104.

"(B) make such payments in accordance with section 101(e) or as soon as possible in a manner determined by the Secretary.

"(3) INDIAN PROVISIONS.—(A) The portion of payment for a local educational agency under section 103 which is attributable to the difference between—

"(i) the total number of weighted student units for children determined under section 103(c)(2)(A)(i); and

"(ii) the total number of weighted student units for children determined under section 103(c)(2)(C)(i),

shall be made only to a local educational agency which has, within 1 year of the date of enactment of this Act, or when a local educational agency is formed after such date of enactment, within 1 year of its formation, established such policies and procedures with respect to information received from Indian parents and tribes as required by this paragraph and which has made assurances to the Secretary, at such time and in such manner as shall be determined by regulations promulgated by the Secretary, that such policies and procedures have been established. The Secretary is authorized to waive such 1-year limit for good cause, and in writing to the tribes affected.

"(B) Each local educational agency shall establish such policies and procedures as are necessary to ensure that—

"(i) Indian children determined under section 103(a)(2) participate on an equal basis in the school program with all other children educated by the local educational agency;

"(ii) applications, evaluations, and program plans are adequately disseminated to the tribes and parents of Indian children determined under section 103(a)(2); and

"(iii) tribes and parents of Indian children determined under section 103(a)(2) are—

"(I) afforded an opportunity to present their views with respect to the application, including the opportunity to make recommendations concerning the needs of their children and the ways by which they can assist their children in realizing the benefits to be derived from the educational program assisted under this paragraph;

"(II) actively consulted and involved in the planning and development of programs assisted under this paragraph; and

"(III) afforded a general opportunity to present their overall views on the educational program, including the operations of such programs, and the degree of parental participation allowed.

"(C)(i) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirement of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of subparagraph (B) of this paragraph.

"(ii) Within 10 working days from receipt of the complaint, the Secretary shall—

"(I) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or, if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designees, and the local educational agency;

"(II) designate a hearing examiner to conduct the hearing; and

"(III) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

"(iii) The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(iv) The complaining tribe, or its designees, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceeding.

"(v) Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial actions (if any) which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

"(vi) Within 30 days of the Secretary's receipt of the findings, recommendations, and record, the Secretary, on the basis of the record, shall make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

"(vii) Upon completion of the Secretary's final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

"(viii) In all actions under this subparagraph, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(D) If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is entitled under section 103 until such time as the remedy required is undertaken, except—

"(i) where the complaining tribe or its designees formally requests that such funds be released to the local educational agency; and

"(ii) that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that it would substantially disrupt the educational programs of the local educational agency.

"(E) If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with that Agency, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 103(c)(2)(A) of this Act. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i).

"(F) This paragraph is based upon the special relationship between the Indian nations and the United States and nothing in this paragraph shall be deemed to relieve any State of any duty with respect to any citizens of that State.

"(4) MILITARY CONNECTED CHILDREN.—(A) The portion of a payment under section 103 to a local educational agency which is attributable to the difference between—

"(i) the total number of weighted student units for children determined under section 103(c)(2)(B); and

"(ii) the total number of weighted student units for children determined under section 103(c)(2)(C) shall be made only to a local educational agency which has within 1 year of the date of enactment of the Impact Aid Reauthorization Act of 1993, or when a local educational agency is formed after such date of enactment, within 1 year of its formation, established a process, in accordance with regulations promulgated by the Secretary, which ensures the involvement of the local military base commander or such commander's designee for the purpose of better meeting the educational, emotional, and social needs of the children determined under such sections.

"(B) The Secretary shall annually review the process established under subparagraph (A) to ensure that local educational agencies receiving funds for children determined under section 103(c)(2)(B) are addressing the needs of such children.

"(c) THE LEARNING OPPORTUNITY THRESHOLD; ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (5), if the sums appropriated for any fiscal year for making payments on the basis of entitlements under section 103 are not sufficient to pay in full the total amounts that the Secretary calculated all local educational agencies are entitled to receive under section 103 in such fiscal year, then the Secretary, shall allocate such sums as do not exceed the total amount necessary to pay the learning opportunity threshold (described in paragraph (2)) for all local educational agencies eligible for a payment under such section in such year, among local educational agencies by paying to each such agency an amount equal to such agencies' learning opportunity threshold.

"(2) DETERMINATION OF LEARNING OPPORTUNITY THRESHOLD.—(A) Except as provided in paragraph (3), the Secretary shall calculate a local educational agency's learning opportunity threshold by determining the percentage of federally connected children served by such agency (in accordance with subparagraph (B)), adding to such percentage the equal opportunity cost percentage (determined in accordance with subparagraph (C)), and multiply the resulting percentage by the equal opportunity cost determined in accordance with section 103(c).

"(B) DETERMINATION OF THE PERCENTAGE OF FEDERALLY CONNECTED CHILDREN.—The Secretary shall determine the percentage of federally connected children for a local educational agency in any fiscal year by calculating a fraction, the numerator of which is the number of children served by such agency in the preceding fiscal year who are described in section 103(c)(2), and the denominator of which is the total number of children in average daily attendance at the schools served by such agency in the preceding fiscal year, and multiplying such fraction by 100.

"(C) DETERMINATION OF THE EQUAL OPPORTUNITY COST PERCENTAGE.—(i) The Secretary shall determine the equal opportunity cost percentage for a local educational agency in any fiscal year by calculating a fraction, the numerator of which is the equal opportunity cost (determined in accordance with section 103(c)(1)) for such agency in the preceding fiscal year, and the denominator of which is the total current expenditures for such agency in such preceding fiscal year, and multiplying such fraction by 100.

"(ii) The Secretary shall subtract payments provided pursuant to section 103(d)(3) from the calculation of a local educational agency's total current expenditures before calculating such agency's equal opportunity cost percentage in accordance with this paragraph.

"(iii) No local educational agency's equal opportunity cost percentage as determined under this subsection shall exceed 100 percent.

"(D) MAXIMUM PAYMENT.—No local educational agency shall receive a payment under this subsection that is greater than such agency's equal opportunity cost calculated in accordance with section 103(c)(1) of this Act.

"(3) LEARNING OPPORTUNITY THRESHOLD MODIFIER PERCENTAGE.—(A) If a local educational agency has an average daily attendance (hereafter referred to in this Act as the 'ADA') of fewer than 1,000 children, then the Secretary shall modify the learning opportunity threshold (calculated in accordance with paragraph (2)) by adding an additional learning opportunity threshold modifier percentage for such agency (determined in accordance with subparagraph (B)) to the percentage described in paragraph (2) before multiplying the resultant percentage by the equal opportunity cost (in accordance with paragraph (2)).

"(B) The Secretary shall calculate a local educational agency's learning opportunity threshold modifier percentage by calculating the percentage determined in accordance with the following formula:

$$25x\left(\frac{\text{1,000 — the total number of students in ADA at the schools served by the local educational agency in the preceding fiscal year}}{1{,}000}\right)$$

"(4) SPECIAL RULE REGARDING ADDITIONAL FUNDS.—If the sums appropriated pursuant to the authority of section 103(c) in any fiscal year are sufficient to pay learning opportunity threshold (determined in accordance with paragraph (2)) for all local educational agencies eligible to receive assistance under section 103 in such year but are insufficient to pay the equal opportunity cost (determined in accordance with section 103(c)(1)) of all such agencies in such year, then such funds as exceed the amount necessary to pay the learning opportunity threshold for all such agencies in such year shall be distributed to such agencies in such year on the basis of the total number of weighted student units (calculated in accordance with section 103(c)(2)) applicable to each local educational agency eligible to receive assistance under section 103 in such year compared to the total number of weighted student units applicable to all such agencies in such year, except that in no case shall the payment to a local educational agency under this subsection exceed the amount equal to such local educational agency's equal opportunity cost (determined in accordance with section 103(c)(1)).

"(5) INSUFFICIENT APPROPRIATIONS.—If the sums appropriated pursuant to the authority of section 101(c) in any fiscal year are insufficient to pay the amount necessary to make payments in accordance with paragraph (1), then the Secretary shall determine the amount of such deficiency and reduce the payments to each local educational agency as follows:

"(A) 50 percent of any deficiency shall be addressed by ratably reducing the payments of all local educational agencies receiving assistance under this title in such year; and

"(B) 50 percent of any deficiency shall be addressed by reducing the payments to all local educational agencies receiving assistance under this title in such year on the basis of the total number of weighted student units applicable to a local educational agency receiving assistance under this title in such year compared to the total number of weighted student units applicable to all such agencies in such year.

"(d) TREATMENT OF PAYMENT BY THE STATES IN DETERMINING ELIGIBILITY FOR, AND THE AMOUNT OF, STATE AID.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may withhold payments, in accordance with paragraph (3), for any fiscal year to any State educational agency in any State if—

"(A) that State has taken into consideration during that fiscal year or the preceding fiscal year payments under this Act in determining—

"(i) the eligibility of any local educational agency in that State for State aid for free public education of children;

"(ii) the amount of such State aid with respect to any such agency during that fiscal year or the preceding fiscal year; or

"(iii) a reduction in the amount of such State aid based on an end-of-year balance in any fund of the local educational agency into which payments under this Act have been deposited, unless such reduction is calculated in a manner that excludes the amount of funds deposited into such fund in any fiscal year that are attributable to payments under this Act; or

"(B) that State makes such State aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this Act than such agency would receive if such agency were not so eligible.

"(2) SPECIAL RULES.—(A) Notwithstanding paragraph (1) of this subsection, if a State's per pupil expenditure is equal to or greater than the average per pupil expenditure of all the States and has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

"(i) financial resources available to local educational agencies in that State; and

"(ii) financial need of such agencies for the provision of free public education for children served by such agency,

except that a State may consider as local resources funds received under this Act only in proportion to that share that local revenues covered under a State equalization program are of total local revenues.

“(B) The amount of a payment to a local educational agency under section 103 which is attributable to the sum of—

“(i)(I) the total number of weighted student units for students determined under sections 103(c)(2)(A), 103(c)(2)(B)(i), and 103(c)(2)(B)(ii); less

“(II) the total number of the weighted student units for such students if such students had been determined under section 103(c)(2)(C); plus

“(ii) the increase in payments described in sections 103(c)(3)(B)(ii) and 103(d)(3),

shall not be taken into consideration by the State for the purpose of this paragraph.

“(C) Whenever a State educational agency or local education agency will be adversely affected by the operation of this subsection, such agency shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this subsection.

“(D) The terms ‘State aid, State school finance program’, and ‘equalize expenditures’ as used in this subsection shall be defined by the Secretary by regulations after consultation with the National Panel established in paragraph (4) and the State and local education agencies affected by this subsection, except that such terms shall be defined in a manner that ensures that adequate provisions are made for the costs required to—

“(i) provide free public education for meeting the special educational needs of particular groups or categories of at-risk students such as children with disabilities, economically disadvantaged children, children who need bilingual education, and gifted and talented children;

“(ii) enable local educational agencies to provide equivalent programs and services; and

“(iii) recognize the special conditions among the diverse local educational agencies in the State.

“(E)(i) In making the determination as to a State's eligibility to consider payments under this title in the calculation of State payments to local educational agencies in accordance with subparagraph (A), equalization shall be calculated on the basis of expenditure disparity per pupil. The State school finance program shall be considered equalized when the disparity in per pupil expenditures is not greater than 105 percent in terms of the relationship of the spending level per pupil in the highest spending local educational agency to the spending level per pupil in the lowest spending local educational agency after excluding the highest spending local educational agencies with 5 percent of the students. In reviewing a State's eligibility to carry out the provisions of subparagraph (A), the National Panel established in paragraph (4) may recommend to the Secretary that the equalization calculations exclude low spending local educational agencies that serve not more than 5 percent of the students in the State on a case-by-case basis when the National Panel determines that unusual circumstances exist.

“(ii) If a State desires to take payments under this section into consideration as provided in this paragraph for any fiscal year, that State shall, not later than 60 days prior to the beginning of such fiscal year, submit notice to the Secretary of its intention to do so. Such notice shall be in such form and be accompanied by such information as to enable the Secretary to determine the extent to which the program of State aid of that State is consistent with the provisions of subparagraph (A). In addition, such notice shall be accompanied by a narrative description of the State's school finance program and include appropriate documentation of the manner in which the State's school finance program provides adequate recognition of special students and special conditions. If the Secretary determines that the program of State aid of a State submitting notice under this subparagraph is consistent with the provisions of subparagraph (A), the Secretary shall certify such determination to that State.

“(iii) A State shall not be eligible to carry out the provisions of subparagraph (A) if such State's allocation of funds under the State school finance program results in a local education agency having less revenues per pupil for current operations than the minimum per pupil provided in the State school finance program.

“(iv) Prior to certifying any determination under clause (i) for any State for any fiscal year, the Secretary shall give the local educational agencies in that State an opportunity for a hearing at which such agencies may present their views with respect to the consistency of the State aid program of that State with the provisions of subparagraph (A).

“(v) The Secretary shall not finally deny to any State for any fiscal year certification of denial of payments under clause (i) without first giving that State an opportunity for a hearing.

“(vi) Any State certified in accordance with section 5(d)(2)(A) of this Act (as such section was in effect prior to the date of enactment of this subsection) shall have 3 years from the date of the enactment of the Impact Aid Reauthorization Act of 1993 to comply with the requirements of this paragraph.

“(3) WITHHOLDING AUTHORIZED.—If, prior to a certification determination of eligibility by the Secretary in accordance with paragraph (2)(E)(i), a State takes payments under this title for any fiscal year into consideration in determining the financial resources available to local educational agencies within the State or the financial need of such agencies to provide for free public education, the Secretary shall withhold all funds payable to the State educational agency for State administrative expenses associated with any Federal elementary and secondary education programs.

“(4) NATIONAL ADVISORY PANEL ESTABLISHED.—(A)(i) There is hereby established a National Advisory Panel on School Finance and Impact Aid Equalization (hereafter in this Act referred to as the ‘National Panel’), which shall consist of 11 members appointed by the Secretary, of which—

“(I) 5 members shall be employed in local educational agencies;

“(II) 3 members shall be employed in State educational agencies; and

“(III) 3 members shall be persons with experience in the design and structure of State school finance programs, one of whom shall have particular knowledge of funding for special needs populations.

“(ii) The Secretary shall give consideration to ensuring that the National Panel's membership includes representatives of—

“(I) States with large numbers of students described in section 103(a); and

“(II) local educational agencies with different types of such students.

“(iii) Prior to making the appointments described in clause (i), the Secretary shall request nominees from the National Association of Federally Impacted Schools and the Council of Chief State School Officers.

“(B) The National Panel shall—

“(i) advise the Secretary with respect to the development of regulations and administrative practices and policies under this subsection;

“(ii) advise the Secretary relative to the evidence that each State is to submit when seeking a determination under paragraph (2)(A); and

“(iii) submit a recommendation to the Secretary regarding a State's equalization status and eligibility to consider payments under this title in making State payments to local educational agencies, after reviewing the narrative and statistical documents that each State submits to the Secretary when seeking an equalization certification under paragraph (2)(E)(i) in terms of the extent to which the State's school finance program makes provision for sufficient funds to ensure an adequate program of free public education for all children and recognizes the diversity of conditions among local educational agencies in the State.

“(C) The National Panel may—

“(i) review applications submitted to the Secretary for, and make recommendations regarding, funding from the contingency fund established in section 202; and

“(ii) respond to other requests from the Secretary regarding any other provision of this Act.

“(D) Members of the National Panel shall not be compensated for their service on the National Panel, but while serving away from their homes or regular places of business, members of the National Panel may be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in government service employed intermittently.

“(e) PHASE-IN PROVISION.—

“(1) IN GENERAL.—(A) Notwithstanding any other provision of this Act and except as provided in paragraph (2), each local educational agency which—

“(i) received a payment in fiscal year 1993 under section 3 of this Act (as such Act was in existence prior to the date of enactment of the Impact Aid Reauthorization Act of 1993) and is eligible to receive a payment under section 103 in any of the fiscal years 1994, 1995, and 1996; or

“(ii) is applying for funds under section 103 for the first time in any of the fiscal years 1994, 1995, and 1996,

shall receive a payment under section 103 in any of the fiscal years 1994, 1995, and 1996 in an amount determined on the basis of the total number of weighted student units applicable to such agency in the fiscal year preceding the fiscal year for which the determination is made compared to the total number of weighted student units applicable to all such agencies in all States in such preceding fiscal year.

“(B) The payment a local educational agency receives pursuant to the operation of subparagraph (A) in any of the fiscal years 1994, 1995, and 1996 shall not be more than 10 percent greater than, nor less than 10 percent lesser than, the amount such agency received by operation of subparagraph (A) in the preceding fiscal year.

“(2) SPECIAL RULES.—(A) If the amount appropriated to carry out this title is insufficient to carry out the provisions of paragraph (1), then the Secretary shall determine the amount of such deficiency and reduce the payments described in paragraph (1) in accordance with the provisions of subparagraphs (A) and (B) of section 105(c)(5).

"(3) NEW APPLICANTS.—In the case of a local educational agency applying for funds under section 103 for the first time in any of the fiscal years 1994, 1995, and 1996, the Secretary, prior to making a payment pursuant to paragraph (1), shall determine the total number of weighted student units applicable to such agency in the fiscal year preceding the fiscal year in which such agency submits its initial application under section 103, and shall apply the provisions of paragraph (1) on the basis of such determination.

"(f) CHILDREN WITH DISABILITIES.—

"(1) INDIAN LANDS CONNECTED CHILDREN.—If in any fiscal year the number of children determined under section 103(c)(2)(A)(ii) for a local educational agency who are eligible to receive payments under section 103 exceeds the average number of children eligible for services under the Individuals with Disabilities Education Act for local educational agencies in the State, then the Secretary of the Interior shall make available in such year, from funds available to the Secretary of the Interior to carry out the Individuals with Disabilities Education Act, the funds required to pay the portion of payments under section 103 to such local educational agency which are attributable to the difference between—

"(A) the sum of the total number of weighted student units for children determined under section 103(c)(2)(A)(ii); and

"(B) the total number of weighted student units for children determined under section 103(c)(2)(C)(i).

"(2) DEFENSE CONNECTED CHILDREN.—(A) If in any fiscal year the number of children determined under sections 103(c)(2)(B)(ii) and 103(c)(2)(B)(iv) for a local educational agency who are eligible to receive payments under section 103 exceeds the average number of children eligible for services under the Individuals with Disabilities Education Act for local educational agencies in the State, then the Secretary of Defense shall make available, either directly or through contract, from funds appropriated to carry out section 106, to such local educational agency—

"(A) the funds required to pay the portion of payments under section 103 which are attributable to the difference between—

"(i) the sum of the total number of weighted student units for children determined under sections 103(c)(2)(B)(ii) and 103(c)(2)(B)(iv); and

"(ii) the total number of weighted student units for children determined under section 103(c)(2)(C)(i); and

"(B) the total cost associated with any child determined under sections 103(c)(2)(B)(ii) and 103(c)(2)(B)(iv) who is enrolled by such local educational agency because of a disability, in an educational program provided outside the schools of such local educational agency.

"(3) USE OF FUNDS.—The amount of funds provided to a local educational agency by reason of the operation of paragraph (2) shall be used by such agency for special educational programs designed to meet the special educational needs of children with respect to whom the determination under such paragraph is made.

"(g) SPECIAL PAYMENT RULE.—Each local educational agency described in section 103(c)(3)(D) which is not directly operating an educational program or has entered into a contract or similar arrangement with another local educational agency for the operation of a substantial number of such agency's educational programs (as determined by the Secretary), shall not receive a payment under section 103 in any fiscal year that, when added to any payments received from State and local sources for such year, exceeds the amount such agency receives from State and local sources.

"(h) HEARING AND REVIEW.—Each local educational agency which is adversely affected or aggrieved by any action of the Secretary under this Act shall be entitled to a hearing on, and review of, such action in the same manner as if such agency were a person under the provisions of chapters 5 and 7 of title 5, United States Code.

"SEC. 106. CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION.

"(a) IN GENERAL.—In the case of children who reside on Federal property—

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Secretary, after the Secretary has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

then the Secretary shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which the free public education is usually provided for such children are made unavailable to such children as a result of official action by State or local governmental authority and it is the judgment of the Secretary, after the Secretary has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children. To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency, with which any arrangement is made under this section shall take such action as may be necessary to ensure that the education provided pursuant to such arrangement is comparable to free public education provided for children in comparable communities in the State or in the case of education provided under this section outside the continental United States, Alaska, and Hawaii, comparable to free public education provided for children in the District of Columbia. For the purpose of providing such comparable education, personnel may be employed and the compensation, tenure, leave, hours of work, and other incidents of the employment relationship may be fixed without regard to the provisions of title 5 of the United States Code. Personnel provided for under this subsection outside of the continental United States, Alaska, and Hawaii, shall receive such compensation, tenure, leave, hours of work, and other incidents of employment on the same basis as provided for similar positions in the public schools of the District of Columbia. In any case where education was being provided on January 1, 1955, or thereafter under an arrangement made under this subsection for children residing on an Army, Navy (including the Marine Corps), or Air Force installation, it shall be presumed, for the purposes of this subsection, that no local educational agency is able to provide suitable free public education for the children residing on such installation, until the Secretary and the Secretary of the military department concerned jointly determine, after consultation with the appropriate State educational agency, that a local educational agency is able to do so.

"(b) ADJACENT PROPERTY.—In any case in which the Secretary makes such arrangements for the provision of free public education in facilities situated on Federal property, the Secretary may also make arrangements for providing free public education in such facilities for children residing in any area adjacent to such property with a parent who during some portion of the fiscal year in which such education is provided, was employed on such property, but only if the Secretary determines after consultation with the appropriate State educational agency—

"(1) that the provision of such education is appropriate to carry out the purposes of this title;

"(2) that no local educational agency is able to provide suitable free public education for such children; and

"(3) in any case where in the judgment of the Secretary the need for the provision of such education will not be temporary in duration, that the local educational agency of the school district in which such children reside, or the State educational agency, or both, will make reasonable tuition payments to the Secretary for the education of such children. Such payments may be made either directly or through deductions from amounts to which the local educational agency is entitled under this title, or both, as may be agreed upon between such agency and the Secretary. Any amounts paid to the Secretary by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

"(c) OUTLYING AREAS.—In any case in which the Secretary makes arrangements under this section for the provision of free public education in facilities situated on Federal property in the Commonwealth of Puerto Rico, Wake Island, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, the Secretary may also make arrangements for providing free public education in such facilities for children residing with a parent employed by the United States, in a grade, position, or classification subject by policy and practice to transfer or reassignment to areas where English is the language of instruction in the schools normally attended by children of Federal employees. Dependents of excepted service professional employees of the schools shall be eligible to attend the schools. In any case where education is being provided under an arrangement made under this subsection, it shall be presumed that no local educational agency is able to provide suitable free public education for the children of eligible parents employed by the United States until the Secretary determines, after consultation with the appropriate State educational agency, that a local educational agency is able to do so.

"(d) ARRANGEMENTS.—The Secretary may make an arrangement under this section only with a local educational agency or with the head of a Federal department or agency administering Federal property on which children reside who are to be provided education pursuant to such arrangement or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children. Except where the Secretary makes arrangements pursuant to the second sentence of subsection (a), arrangements may be made under this section only for the provision of education in facilities of a local educational agency or in facilities situated on Federal property. The Secretary shall ensure that funds provided under such arrangement or arrangements are expended in an efficient manner, and shall require an accounting of funds by such agency at least on an annual basis. The Secretary shall further be provided with data relating to the quality and type of education provided to such children under such arrangement or arrangements.

"(e) LIMITATION ON PAYMENTS.—To the maximum extent practicable, the Secretary shall limit the total payments made pursuant to any such arrangement for educating children within the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the per pupil cost of free public education provided for children in comparable communities in the State. The Secretary shall limit the total payments made pursuant to any arrangement for educating children outside the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the amount the Secretary determines to be necessary to provide education comparable to the free public education provided for children in the District of Columbia.

"(f) EXPENDITURE OF TAX REVENUES.—If no tax revenues of a State or of any political subdivision of the State may be expended for the free public education of children who reside on any Federal property within the State, or if no tax revenues of a State are allocated for the free public education of such children, then the property on which such children reside shall not be considered Federal property for the purposes of sections 103 and 104 of this Act. If a local educational agency refuses for any other reason to provide in any fiscal year free public education for children who reside on Federal property which is within the school district of that agency or which, in the determination of the Secretary, would be within the school district if it were not Federal property, there shall be deducted from any amount to which the local educational agency is otherwise entitled for that year under section 103 or 104 an amount equal to—

"(1) the amount (if any) by which the cost to the Secretary of providing free public education for that year for each such child exceeds the local contribution rate of that agency for that year, multiplied by

"(2) the number of such children.

"(g) ELECTIVE SCHOOL BOARD.—The Secretary shall ensure the establishment of an elective school board in schools assisted under this section. Such school board shall be composed of a minimum of 3 members, elected by the parents of students in attendance at such school. The Secretary shall, by regulation, establish procedures for carrying out such school board elections as provided in this subsection.

"(h) POWERS OF ELECTIVE SCHOOL BOARDS.—A school board established pursuant to subsection (g) shall be empowered to oversee school expenditures and operations, subject to audit procedures established by the Secretary, and other provisions of this section.

"(i) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a local educational agency receiving funds under section 103 may also receive funds under this section, if—

"(A) at least 30 percent of the students enrolled in the schools served by such agency are students determined under section 103(c)(2)(B);

"(B) such agency applied for and received, or will receive, financial assistance from all available Federal, State, and local revenue sources, including revenue available from other sections of this title; and

"(C) such agency provides educational services to students determined under section 103(c)(2)(B) free of charge.

"(2) RESERVATIONS.—The Secretary of Defense shall reserve—

"(A) 80 percent of the amount available to carry out this subsection for distribution to local educational agencies in accordance with the provisions of this subsection whose per pupil expenditure is less than the State average per pupil expenditure; and

"(B) 20 percent of such amount for distribution to local educational agencies whose per pupil expenditure is higher than the State average per pupil expenditure.

"(3) COUNTING.—Beginning in fiscal year 1994 and in each succeeding fiscal year, payments to a local educational agency in a fiscal year under this subsection shall be made on the basis of the total number of students determined under clauses (i) and (ii) of section 103(c)(2)(B) applicable to such agency compared to the total number of students determined under such clauses applicable to all local educational agencies receiving payments under this subsection in such fiscal year.

"SEC. 107. ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN CASES OF CERTAIN DISASTERS.

"(a) IN GENERAL.—In any case in which—

"(1) the Director of the Federal Emergency Management Agency determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area which after August 30, 1965, and prior to October 1, 1998, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to sections 102(2) and 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe,

and if the Secretary determines with respect to such agency that—

"(A) such agency is utilizing or will utilize all State and other financial assistance available to it for the purpose of meeting the cost of providing free public education for the children attending the schools of such agency, but as a result of such disaster it is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least $10,000 or 5 percent of such agency's current operating expenditures during the fiscal year preceding the fiscal year in which such disaster occurred, whichever is less, and

"(B) in the case of any such major disaster to the extent that the operation of private elementary and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by such disaster, such local educational agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate, except that nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction,

then the Secretary may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Secretary may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a 5-fiscal-year period beginning with the fiscal year in which it is determined pursuant to paragraph (1) of this subsection that such agency suffered a disaster. The amount so provided for any fiscal year shall not exceed the amount which the Secretary determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency prior to the occurrence of such disaster, taking into account the additional costs reasonably necessary to carry out the provisions of paragraph (2)(B) of this subsection. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which it is so determined that such agency has suffered a disaster shall not exceed 75 percent, 50 percent, and 25 percent, respectively, of the amount so provided for the first fiscal year following such determination.

"(b) ADDITIONAL FUNDS.—In addition to and apart from the funds provided under subsection (a), the Secretary is authorized to provide to such agency an amount which the Secretary determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such disaster, to make minor repairs, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the disaster.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Secretary is authorized to expend (without regard to the provisions of sections 1341 and 1515 of title 31, United States Code) from any funds appropriated to the Department of Education and at that time available to the Secretary, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence shall—

"(1) be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of the expenditure; and

"(2) be reimbursed from the appropriations authorized by the first sentence of this subsection.

The report required to be submitted to the Committees on Appropriations by paragraph (1) of the preceding sentence shall constitute a budget estimate with the meaning of section 3109 of title 31, United States Code.

"(d) APPLICATION REQUIRED.—No payment may be made to any local educational agency under this section except upon application therefore which is submitted through the appropriate State educational agency and is filed with the Secretary in accordance with the regulations prescribed by the Secretary. In determining the order in which such applications shall be approved, the Secretary shall consider the relative educational and financial needs of the local educational agencies which have submitted approved applications. The Secretary shall complete action of approval or disapproval of an application within 90 days of the filing of an application.

"(e) PAYMENT.—Amounts paid by the Secretary to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Secretary may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(f) AVAILABILITY.—Funds available for this section for any fiscal year shall also be available for section 16 of the Act of September 23, 1950 (Public Law 815, 81st Congress).

"TITLE II—GENERAL PROVISIONS

"SEC. 201. ADMINISTRATION.

"(a) IN GENERAL.—The Secretary shall administer this Act, and the Secretary may make such regulations and perform such other functions as the Secretary finds necessary to carry out the provisions of this Act.

"(b) REPORT.—The Secretary shall include in the Secretary's annual report to the Congress a full report of the administration of the Secretary's functions under this Act, including a detailed statement of receipts and disbursements.

"SEC. 202. DEPARTMENT OF EDUCATION CONTINGENCY FUND.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a Department of Education Contingency Fund (hereafter in this Act referred to as the 'Fund').

"(2) CONTENTS.—The Fund shall consist of amounts appropriated to the Fund pursuant to section 101(c)(2), amounts deposited into the Fund pursuant to section 101(d)(2), and any interest on or earnings from the Fund.

"(b) USES.—The Secretary shall use amounts in the Fund to meet emergencies and unforeseen contingencies affecting the local educational agencies assisted under this Act (including local educational agencies assisted under section 103(d)(3)) when other funding sources have been exhausted. The Secretary shall consider as examples of emergencies to be funded under this section—

"(1) a local educational agency eligible for payment under section 103(e);

"(2) a local educational agency that experiences an increase in the number of federally connected children described in section 103(a) from the prior fiscal year to the fiscal year in which the determination is made, but is not eligible for a payment under section 104; and

"(3) a local educational agency that does not receive a payment under section 102 because of the operation of subsection (g) of such section due to circumstances beyond the control of such agency.

"(c) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary to carry out the provisions of this section and shall remain available without fiscal year limitation until expended.

"(d) REPORT.—Whenever the Secretary makes funds available under this section, or denies the availability of such funds, to a local educational agency, the Secretary shall report such action to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of such expenditure. Such report shall include a description of the request for funding under this section from the local educational agency applying for such funding along with the Secretary's justification for approval or disapproval of such request.

"(e) APPLICATION.—Each local educational agency desiring assistance under this section in any fiscal year shall submit an application, in accordance with such regulations as the Secretary may promulgate, to the Secretary postmarked not later than January 31 of such fiscal year.

"SEC. 203. USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS.

"(a) USE OF OTHER FEDERAL AGENCIES.—In carrying out the Secretary's functions under this Act, the Secretary is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when the Secretary deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 106 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance of or by way of reimbursement, as may be provided in such agreement.

"(b) REQUESTS FOR INFORMATION.—All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under title I, shall to the maximum extent practicable comply with requests of the Secretary for information the Secretary may require in carrying out the purposes of title I.

"SEC. 204. DEFINITIONS; ATTENDANCE DETERMINATION.

"(a) DEFINITIONS.—As used in this Act:

"(1) The term 'Federal property' means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes (A) except for purposes of section 106, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes, which is subject to restrictions on alienation imposed by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this Act, (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, (D) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State and (E) any property owned by a foreign government or by an international organization which by reason of such ownership is not subject to taxation by the State in which it is located or a subdivision thereof. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this paragraph, such term does not include any real property under the jurisdiction of the United States Postal Service and used primarily for the provision of postal service. Real property which qualifies as Federal property under clause (A) of this paragraph shall not lose such qualification because it is used for a low-rent housing project. Any real property that was designated by treaty as tribal land, or was formerly property described under subparagraph (A) and is currently owned by an Indian housing authority and used for low-rent housing described in subparagraph (C) (including a mutual help homeownership opportunity project assisted under section 202 of the United States Housing Act of 1937), shall be deemed to qualify as Federal property under subparagraph (A).

"(2) The term 'child' means any child who is within the age limits for which the applicable State provides free public education.

"(3) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(4) The term 'free public education' means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as preschool, kindergarten, elementary or secondary school education in the applicable State.

"(5)(A) The term 'current expenditures' means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made of funds granted under chapter 1 or chapter 2 of title I of the Elementary and Secondary Education Act of 1965, the Indian Education Act of 1988 and the Johnson-O'Malley Act.

"(B) The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted State accounting principles.

"(6)(A) For purposes of title I, the term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public elementary and secondary education through grade 12 in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education. Such term does not include any agency or school authority that the Secretary determines on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(ii) is not constituted or reconstituted for legitimate educational purposes; or "(iii) was previously part of a school district upon being constituted or reconstituted.

"(B) For the purpose of carrying out the provisions of section 103(a)(1)(B), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school district adjacent to the school district in which the installation is located that is capable of educating all such children.

"(7) The term 'State educational agency' means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

"(8) The term 'State' means a State, the Commonwealth of Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

"(9) The term 'Secretary' means the Secretary of Education.

"(10) The term 'county' means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties.

"(11) The term 'construction' includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

"(12) The term 'school facilities' means classrooms and related facilities (including initial equipment) for free public education and interests in land (including site, grading, and improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

"(13) The term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

"(b) ATTENDANCE DETERMINATION.—For the purpose of this Act, average daily attendance shall be determined in accordance with State law, except that (A) the average daily attendance of children with respect to whom payment is to be made under section 103 or 104 of this Act shall be determined in accordance with regulations of the Secretary, and (B) notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (i) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment and (ii) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract. A child shall, for the purposes of section 103, be deemed to be in attendance at a school of a local educational agency if such child is determined to be federally connected under section 103(a) for any fiscal year and if such child is attending a school other than a school of such agency because such child is a child with a disability (as such term is defined in section 602(a)(1) of the Individuals with Disabilities Education Act) and if such agency makes a tuition payment on behalf of such child to such school for such fiscal year. Regulations promulgated by the Secretary in accordance with subparagraph (A) of this paragraph shall permit the conversion of average daily membership to average daily attendance for local educational agencies in States which reimburse local educational agencies based upon average daily membership and which do not require local educational agencies to keep records based on average daily attendance.

"SEC. 205. REGULATION REQUIREMENTS.

"The Secretary is authorized to promulgate such regulations as the Secretary considers necessary to reasonably ensure compliance with the provisions of this Act in accordance with the procedures provided for under section 1431 of the Elementary and Secondary Education Act of 1965.".

IMPACT AID REAUTHORIZATION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

TITLE I—FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

Section 101. Declaration of Policy

(a) Acknowledgement that a fair access to an equitable education shall be recognized by the United States and that such access is hampered when Federal ownership of real property or Federal activities within a community adversely affect any or all of the basic revenue sources which local educational agencies depend upon for such fair access and equitable treatment.

(b) Congress declares it to be the policy of the United States to provide financial assistance for those local educational agencies upon which the U.S. has placed financial burdens.

(c) Authorization of Appropriations Authorizes $900 million in FY '94 and "such sums as are necessary" for each of the 4 succeeding fiscal years. Also establishes a contingency fund for which $14 million is authorized for 1994.

(d)(1) Reserves from the amount authorized 2.5% for Section 102 (old Section 2). Provides funds to local educational agencies which have 10% or more of their taxable land owned by the Federal government.

(d)(2) Also reserves funds for the contingency fund after 1994. Amount reserved cannot exceed 2 percent of the total amount authorized.

(d)(3) Requires an amount to be reserved for heavily impacted school districts based on an estimate to be provided to the appropriations committee by the Secretary of Education.

(e) Provides authority for forward funding.

Section 102. Federal Acquisition of Real Property

Continues present law recognizing that the Congress shall provide financial assistance to local educational agencies which have lost taxable property to the Federal government on or after January 1, 1939. To be eligible, such property must account for at least 10% of the local educational agency's total taxable property.

Any revenue received by the local educational agency from proceeds derived directly from such Federal property shall be subtracted from the amount entitled by the l.e.a. from this provision.

A new provision has been added which insures that current applicants cannot lose any more than 10% of their previous year's payment because of new applicants.

Section 103. Federally Connected Children

(a) Identifies those children who are eligible for payment and maintains current law in setting forth eligibility requirements for l.e.a. participation.

(b) To be eligible an l.e.a. must enroll at least 400 eligible children or at least 3 percent of its total enrollment, which ever is the lesser. A local educational agency must also—

(1) be making a tax effort, or complying with other state fiscal requirements, required for state education funding; and

(2) be certified or accredited by either a state or tribal department of education.

(c) Establishes payment through an allotment formula referred to as the Equal Opportunity Cost.

Requires that each l.e.a. applying for a payment calculates its equal opportunity cost by totalling its number of weighted student units and multiplying these units by its local contribution rate. LCR's shall be calculated as under current law:

Guaranteed minimum rate
Comparable district method
Unusual geographic location
Coterminous l.e.a.

Spells out how the Secretary shall calculate the total number of weighted student units:

Chart I: Weights of federally-connected children

Children living on Indian lands who:	
Are in Special Education Programs are weighted at	2.025
Are not in Special Education Programs are weighted at	1.35
Children of parents on active duty in the uniformed services who:	
Are in Special Education Program and reside on Federal property are weighted at	1.65
Are in Special Education Programs and reside on non-federal property are weighted at	.45
Are not in Special Education Programs and reside on Federal property are weighted at	1.10
Are not in Special Education Programs and reside on non-federal property are weighted at	.30
Children of Civilians not living on Indian lands and who reside:	
On LRH property and whose parents are employed on non-federal property are weighted at	.30
On Federal property and whose parents are employed on Federal property are weighted at	1.00
On Federal, non-LRH property and whose parents are employed on non-federal property are weighted at	.20
On non-federal property and whose parents are employed on federal property are weighted at	.20

(d) Special Rules—

Children with disabilities shall be treated as under current law. Funds received under this provision must be spent on programs identified under the Disabilities Education Act.

Maintains present law allowing children enrolled in BIA-funded schools but who are not eligible for funding under the Bureau's system to be eligible for funding under this act and tuitioned out to the Bureau-funded school.

Continues present law allowing for heavily impact high need L.E.A.'s to receive supplemental funding.

Maintains present eligibility requirements, however 50% federal enrollment may be averaged over a 3-year period, if an L.E.A. should fall below 50% in any one year.

Requires the Secretary to estimate the amount needed to make payments to these L.E.A.'s not later than 45 days after the date applications are due to be submitted to the Secretary. Such estimates are to be provided to the House and Senate authorizing the appropriations committees. Should the amount reserved by the Secretary, as provided for under Section 101(d)(3), exceed the amount paid out, the excess shall be carried forward to the next year. If there shall be a shortfall, then the amount required to carry out this paragraph in the succeeding fiscal year shall be available from the next year's appropriations.

(e) Adjustment for Decreases in Federal Activities—

Maintains present law by providing a separate authorization for local educational agencies experiencing a loss of federal students because of a federal activity. Eligibility for funding is reduced from present law to 2 years, plus an additional year if during the final year, the number of eligible students equals or exceeds 25% of the number of such children in average daily attendance.

Section 104. Sudden and Substantial Changes in Attendance

A new section, this would provide additional financial assistance to a local educational agency which has experienced a 5% increase in military dependent students because of a base closure or military realignment.

Because L.E.A.'s are paid on the previous year's application, these L.E.A.'s could experience significant fiscal problems without such assistance.

Section 105. Method of Making Payments

(a) Applications—

Maintains current law as regards to:

Filing applications.

Late applications.

(b) Payments by the Secretary—

Continues present policy allowing funds to remain available until the end of the fiscal year succeeding the fiscal year for which such sums are appropriated.

Indian lands requirements continue calling for each local educational agency applying for the additional set-aside, to develop a set of Indian Policy and Procedures on file with the Secretary.

A "new" similar provision has been added for those local educational agencies applying for the additional set-aside for military (on-base) dependents. Each l.e.a. must establish a process in accordance with regulations, which ensures the involvement of the local military base commander or such commander's designee for the purpose of better meeting the educational, emotional, and social needs of military (on-base) dependents. The Secretary is to annually review the process.

(c) The Learning Opportunity Threshold—

When the appropriations level is insufficient to fully fund the program, a new provision has been developed to make such funding adjustments. It is the intent of this provision to provide to a local educational agency such sums as will allow the agency to provide an education allowing all its children a basic opportunity to learn. Under the Learning Opportunity Threshold (LOT), each local educational agency first determines the percentage of its enrollment that is federally connected. It then calculates the percentage of its total current expenditures which is comprised of its impact aid "equal opportunity cost" (old entitlement). The district totals the two percentages to determine its LOT. The LOT cannot exceed 1.00. That percentage is then multiplied by the local educational agencies "equal opportunity cost" to determine its LOT payment.

A small school adjustment of 0.25 is provided to those local educational agencies whose ADA is fewer than 1,000. The additional percentage is added to the calculation of the LOT described in the above paragraph before multiplying it by the l.e.a.'s "equal opportunity cost".

Special rule regarding additional funds—pro-ration. If the funds provided exceed the amount necessary to fully fund the LOT, the excess funds will be prorated on the basis of the total number of weighted student units, however in no case shall the payment to a local educational agency exceed its "equal opportunity cost."

Insufficient appropriations—pro-ration. If the funds are insufficient to fully fund the LOT payment, the shortfall would be prorated. 50 percent of the proration would be a straight proration and 50 percent would be based on "need". Need is defined as the amount of the remaining deficiency divided into the national total of weighted student units. The dollar total per weighted student unit would then be subtracted nationally to complete the proration.

(d) Treatment of Payment By The States In Determining Eligibility For, and The Amount of, State Aid—

Under current law, if a state develops a state aid formula which attempts to equalize the expenditures between all the local educational agencies within the state, a state after having its formula approved by the Secretary of Education, may deduct from an impact aid recipient school district, state payments as a credit against the impact aid received by the L.E.A.

The new proposal defines Equalization as opposed to allowing the Department of Education to do so by regulation as under current law. Equalization shall be defined on per pupil expenditure. The disparity in per pupil spending cannot be greater than 105 percent between the highest spending level per pupil, in the highest spending local educational agency to the spending level per pupil in the lowest spending local educational agency, after excluding the highest spending local agencies with 5 percent of the students. A state must also show that its funding formula takes into consideration the needs of special student populations. The dollars required for these additional cost students will be deducted from the per pupil expenditure total for state comparison purposes.

The proposal also establishes an "Adequacy Threshold" through which a state must first of all pass before it can apply for equalization. Under this proposal, a state must first of all be spending at or above the national average in per pupil expenditures as reported to the National Center for Education Statistics before it can apply to Department of Education for approval under this provision.

A National Advisory Panel on Impact Aid Equalization will be created to advise (annually) the Secretary on state applications for equalization.

A state illegally deducting state payments from an impact aid l.e.a., shall face the penalty of losing all its (federal) state administrative dollars.

(e) Phase-In Provision—

Provides that the new formula be phased in over a three-year period. Districts would be held to a 10% increase or decrease in each of the years 1994, 1995, and 1996.

(f) Children With Disabilities—

A new provision, it calls for those federal students claimed by a local educational agency for special education which exceed the state average for special education students enrolled in a L.E.A. to have their excess cost (if any) not covered by the federal impact aid add-on for special education to be paid either by the Department of Defense or the Department of Interior, depending on the type of student.

Sec. 106. Children For Whom Local Agencies Are Unable To Provide Education

Maintains current law which calls for the Department of Defense to be responsible for those dependents enrolled in a local educational agency when the state assumes no legal responsibility for their education.

A new provision is added (i), which provides for the Department of Defense to provide funds to local educational agencies eligible for funds under section 103, to receive supplemental funding if they meet certain requirements. Similar to section 306 of the FY'91 Department of Defense Authorization Bill, it is intended to provide additional financial assistance to "high" need military impacted school districts.

Sec. 107. Assistance For Current School Expenditures In Cases of Certain Disasters

Maintains the current disaster program contained in the statute. Because its administration has been to a large degree transferred to the Federal Emergency Management Agency, there may be no need for this section. Until a letter from the Department of Education and FEMA indicates this to be the case, it is contained in this proposal.

TITLE II—GENERAL PROVISIONS

Sec. 201. Administration

Sec. 202. Department of Education Contingency Fund

This "new" provision allows a local educational agency experiencing financial difficulties, but which is not eligible for additional funding under the act, to apply to the Secretary for special funding. The provision provides for an application process and allows the Secretary to use the National Review Panel to advise the Department if the Secretary so chooses. The intent of this provision is to take some of the "politics" out of the program, by providing individual members of Congress with an option to school districts within the states and congressional districts other than amending the law on the floor. If there is a legitimate need for supplemental funding, it should be funded under this provision.

Sec. 203. Use of Other Federal Agencies; Transfer And Availability of Appropriations

Continues present law with some updating.

Sec. 204. Definition; Attendance Determination

Maintains present law, but also clarifies the definition of low-rent housing projects on Indian land. There is also some clarification for what is considered to be a part of the term, "current expenditures".

Sec. 205. Regulation Requirements

Provides for negotiated rule making.

DEPARTMENT OF EDUCATION
AND CULTURAL AFFAIRS,
March 31, 1992.

Hon. LARRY PRESSLER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR PRESSLER. This letter is written in support of the reauthorization of P.L. 81-874—Impact Aid. This program provides funding for 55 South Dakota school districts educating over 12,000 federally connected students. We applaud your willingness to take on the leadership role in the reauthorization of impact aid.

The South Dakota Department of Education and Cultural Affairs has reviewed the proposed reauthorization for impact aid and supports the language as presented. This office supports the concept of basing payment on the financial need of the district. Additionally, it is felt the "weighted student" system will provide for financial equity and recognize the higher educational costs related to the federally connected students (i.e., transition, low-income, special education).

We appreciate your continued support and commitment in ensuring the Federal government recognizes its financial responsibility to provide an equitable and quality educational opportunity for all South Dakota's federally connected children.

Respectfully,

JOHN A. BONAIUTO, ED.D.,
Secretary.

TODD COUNTY SCHOOL
DISTRICT NO. 66-1,
Mission, SD, March 31, 1993.

Senator LARRY PRESSLER,
Senate Hart Office Building, Constitution Avenue & 2d Street NE, Washington, DC.

DEAR SENATOR PRESSLER: It is with a great deal of excitement that I am writing this letter in support of the reauthorization of Public Law 81-874 (Impact Aid). The changes that are included in the reauthorization bill have been long overdue.

I had spent a great deal of time working with and against the Bureau of Indian Affairs, DOI, during their initiation stage of their funding formula. Their formula, after a three year phase in, continued relatively unscathed for the last fifteen years. Although now I hear a few individuals have the ear of a few senators and they are trying to get it changed for their schools' benefit. As you know this is what is confusing about 81-874.

This reauthorization bill has a vision behind it of putting basic education funds where a federal presence has the greatest effect on the local education agency—either by ownership of land or where there are children of federally connected personnel. Here at Todd County School District, whose boundaries are the same as the Rosebud Indian Reservation, the eighth poorest county in the United States, our taxable land base and the property value of the taxable land base could never support our education program.

Specifically there are three areas of the reauthorization that I fully support:

1. The weight factors that the National Association of Federally Impacted Schools (NAFIS) have derived were not done without a lot of time spent over pages and pages of data and historical reflection. NAFIS has a strong concensus of its membership in support of this method of fund distribution. As with the Bureau funding formula this may end up being a fair way to distribute an unfair amount of funds. The NAFIS membership is behind the formula.

2. The proposed reauthorization bill asks the Bureau of Indian Affairs, DOI, to contribute financial help when the funds from this bill fall short of what is being paid through the Indian School Education Program (ISEP). Right now, by federal law, school districts on Indian reservations are responsible for pre-school and early childhood special education students. Bureau funded schools are not. On this reservation these pre-school and early childhood students are going into both public school and Bureau funded schools. Prevention and early intervention programs should be shared between the two funding agencies.

3. The proposed reauthorization bill also eliminates certain supplemental programs from our "current expenditures" line items. The rationale behind this part of the bill comes from the issue that these supplemental programs are just that—supplemental. We can not utilize these funds for basic education or we do not get them. The funding agencies are very adamant about this. We get penalized for these funds when per pupil expenditures are figured even though these programs may only apply towards a certain section of our student population.

Senator Pressler, I fully support the bill as is. The problem usually comes somewhere in the future when much more wiser individuals try to interpret what the intent of the law was. Keeping these type letters on file will help people understand some of the intent.

Please call if you need any more information or support.

Again, Pilamaya yelo.

Sincerely,

RICHARD BORDEAUX, ED.D.,
Superintendent.

DOUGLAS SCHOOL DISTRICT NO. 51-1,
Ellsworth Air Force Base, March 30, 1993.

Senator LARRY PRESSLER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR PRESSLER: The Douglas School District 51-1, being heavily reliant on Public Law 81-874 to provide educational services to over 2,000 military dependent children, fully endorses your reauthorization bill.

Your office has worked cooperatively with all parties involved in an attempt to write a fair and equitable reauthorization bill. The Douglas School District is very appreciative of this effort and confident your reauthorization bill will best serve the needs of those targeted populations of students.

We also feel the reauthorization bill strikes a balance between the needs of the students while meeting the budgetary goals of President Clinton.

Respectfully,

JOSEPH L. SCHMITZ, ED. D.
Superintendent.

Senator LARRY PRESSLER,
U.S. Senate, Hart Senate Building, Room 133, Washington, DC.

DEAR SENATOR PRESSLER: On behalf of the fifty-five member districts of the Impact Schools of South Dakota and the students they represent, I would like to express my support for the reauthorization of Public Law 81-874.

We believe that this bill addresses in an equitable way the responsibility of the United States to provide for the basic educational needs of federally connected personnel, including children of those in the uniformed service, children residing on Federal Indian Trust land, and children residing on non-taxable federally subsidized low-rent housing projects. It also addresses the impact on local educational agencies that are adversely affected by the presence of non-taxable land within their districts.

An important aspect of the reauthorization language is that it provides an equitable means of transferring funds directly to the districts involved with a minimum of administrative expense. Thus, federally impacted students are given the help they need to receive equal opportunities to contribute to our Democratic Society and to compete in an ever changing international environment.

We believe the reauthorization of PL 81-874, as it is presented in this bill, is a straight-forward, fair and equitable means of providing for the educational needs of federally connected children in over 2,600 school districts nation wide.

We respectfully request your support of this essential educational bill.

Sincerely yours,

RICHARD W. PARRY.

By Mr. PELL (by request):

S. 875. A bill to amend the International Development Association Act to authorize consent to, and authorize appropriations for, the United States contribution to the 10th replenishment of the resources of the International Development Association, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL DEVELOPMENT ASSOCIATION ACT OF 1993

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Development Association Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the 10th replenishment of the resources of the International Development Association, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the acting general counsel of the Department of the Treasury to the President of the Senate, which was received on April 19, 1993.

The being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the International Development Association Act (22 U.S.C. 284, *et seq.*) is amended by adding at the end the following new section:

"SEC. 22. (a) The United States Governor is authorized to contribute on behalf of the United States $3,750,000,000 to the tenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated without fiscal year limitation, $3,750,000,000 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC., April 16, 1993.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the International Development Association Act to authorize consent to and authorize appropriations for the United States contribution to the tenth replenishment of the resources of the International Development Association, and for other purposes." We urge prompt consideration of this proposal.

This legislation is a critical component of United States economic policy to help promote sustainable development in the world's poorest and least creditworthy countries. The International Development Association (IDA) is the soft window of the World Bank, providing concessional resources to almost 60 low-income countries. Over 80 percent of IDA funding comes from donor contributions, although repayments are growing in importance. Following a year of negotiations, the representatives of 34 donor governments reached agreement on December 15, 1992, on a tenth replenishment (IDA 10) to fund IDA operations for the three year period beginning July 1, 1993. The agreement was approved by the World Bank's Executive Board on January 12, 1993. The total size of the donor contribution to the replenishment is SDR 13 billion (about $18 billion) over three years. The United States contribution to IDA 10, representing a 20.86 percent share, is $3,750 million, or $1,250 million annually for three years.

IDA borrowers confront formidable developmental challenges in their efforts to promote economic growth and reduce poverty. The IDA 10 agreement establishes a sound policy framework to strengthen the effectiveness of IDA's support for such efforts. There are strengthened provisions on such key developmental issues as the environment, good governance, loan quality, reduction in non-development (including military) expenditures, and poverty reduction. The share of IDA lending going to the least creditworthy "IDA-only" borrowers will also increase from less than 60 percent to between 65 and 70 percent.

The draft bill would add a new section to the International Development Association Act to authorize the United States Governor of the IDA to contribute $3,750 million to the IDA, subject to obtaining the necessary appropriations.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the transmittal of this draft bill to the Congress, and that enactment would be in accord with the Administration's program.

Sincerely,

DENNIS I. FOREMAN,
Acting General Counsel.

By Mr. MOYNIHAN (by request):

S. 876. A bill to amend the Internal Revenue Code of 1986 to provide training and investment incentives and to provide additional revenues for deficit reduction purposes; to the Committee on Finance.

REVENUE RECONCILIATION ACT OF 1993

• Mr. MOYNIHAN. Mr. President, as chairman of the Committee on Finance I am today introducing, at the request of the administration, the Revenue Reconciliation Act of 1993. This legislation has been submitted by the Department of the Treasury, and contains the revenue proposals included in the administration's comprehensive economic plan. As described by the distinguished Secretary of the Treasury, these proposals "are part of a program designed to provide job creation, to build an environment for long-term investment and growth, and to reduce the budget deficit." The act further contains tax incentive proposals designed by the administration to assist distressed urban and rural areas.

I look forward to working with my colleagues and the administration in the coming weeks on these important measures.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

H.R. 1960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Revenue Reconciliation Act of 1993".

(b) AMENDMENT TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—Except in the case of the amendments made by section 2201 (relating to corporate rate increase), no amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) WAIVER OF ESTIMATED TAX PENALTIES.—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 for any period before April 16, 1994 (March 16, 1994, in the case of a corporation), with respect to any underpayment to the extent such underpayment was created or increased by any provision of this Act.

(e) TABLE OF CONTENTS.—

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Subtitle A—Provisions Relating To Education And Training

Sec. 1101. Employer-provided educational assistance.
Sec. 1102. Targeted jobs credit.

Subtitle B—Investment Incentives

PART I—INVESTMENT TAX CREDIT

Sec. 1201. Permanent investment tax credit for small business.
Sec. 1202. Temporary incremental investment tax credit.

PART II—RESEARCH CREDIT

Sec. 1211. Permanent extension of research credit.
Sec. 1212. Modification of fixed base percentage for startup companies.

PART III—INCENTIVE FOR INVESTMENT IN SMALL BUSINESS STOCK

Sec. 1221. 50-percent exclusion for gain from certain small business stock.

PART IV—MODIFICATIONS TO MINIMUM TAX DEPRECIATION RULES

Sec. 1231. Modification to minimum tax depreciation rules.

Subtitle C—Tax-Exempt Bond Provisions

Sec. 1301. High-speed intercity rail facility bonds exempt from State volume cap.
Sec. 1302. Permanent extension of qualified small issue bonds.

Subtitle D—Expansion And Simplification Of Earned Income Tax Credit

Sec. 1401. Expansion and simplification of earned income tax credit.

Subtitle E—Incentives For Investment In Real Estate

PART I—EXTENSION OF QUALIFIED MORTGAGE BONDS AND LOW-INCOME HOUSING CREDIT

Sec. 1501. Permanent extension of qualified mortgage bonds.
Sec. 1502. Permanent extension of low-income housing credit.

PART II—MODIFICATION OF PASSIVE LOSS RULES

Sec. 1511. Modification of passive loss rules.

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Sec. 1521. Real estate property acquired by a qualified organization.
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Sec. 1531. Increase in recovery period for nonresidential real property.

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Sec. 2102. Surtax on high-income taxpayers.
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Sec. 2112. Top estate and gift tax rates made permanent.
Sec. 2113. Reduction in deductible portion of business meals and entertainment.
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Sec. 2115. Disallowance of deduction for certain employee remuneration in excess of $1,000,000.
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TITLE I—TRAINING AND INVESTMENT INCENTIVES

Subtitle A—Provisions Relating To Education And Training

SEC. 1101. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) PERMANENT EXTENSION OF EXCLUSION.—

(1) IN GENERAL.—Section 127 (relating to educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 103(a) of the Tax Extension Act of 1991 is hereby repealed.

(b) COORDINATION WITH SECTION 132.—Paragraph (8) of section 132(i) is amended to read as follows:

"(8) APPLICATION OF SECTION TO OTHERWISE TAXABLE EDUCATIONAL OR TRAINING BENEFITS.—Amounts paid or expenses incurred by the employer for education or training provided to the employee which are not excludable from gross income under section 127 shall be excluded from gross income under this section if (and only if) such amounts or expenses are a working condition fringe."

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years ending after June 30, 1992.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1988.

(d) TRANSITION RULES.—

(1) WAIVER OF INTEREST AND PENALTIES.—No interest, penalty, or addition to tax shall be imposed or required to be paid solely by reason of a failure, before the date of the enactment of this Act, to treat educational assistance in a manner consistent with the provisions of section 103(a) of the Tax Extension Act of 1991 (as in effect before the amendments made by subsection (a)).

(2) SPECIAL RULES FOR 1992.—

(A) EMPLOYMENT TAXES.—If—

(i) an employer provided an employee with educational assistance during the period beginning on July 1, 1992, and ending on December 31, 1992,

(ii) consistent with the provisions of section 103(a) of the Tax Extension Act of 1991 (as so in effect), such employer treated such assistance as taxable for purposes of any employment tax and as a result of such treatment there was an increase in taxable wages for purposes of such tax,

(iii) on or after the date of the enactment of this Act and before January 1, 1994, such employer pays such employee amounts which are taxable wages for purposes of such tax and which equal or exceed the increase referred to in clause (ii), and

(iv) such employee did not treat such assistance for purposes of such employment tax (or for purposes of chapter 1 of the Internal Revenue Code of 1986 in the case of employment tax imposed by chapter 24 of such Code) in a manner inconsistent with the employer's treatment of such assistance,

the amendments made by subsection (a) shall not apply to such educational assistance for purposes of such employment tax, but, for purposes of applying such employment tax (and for purposes of the reporting requirements imposed by chapter 61 of such Code), the taxable wages of the employee referred to in clause (iii) shall be reduced by the amount of the increase referred to in clause (ii). For purposes of clause (iv), an employer may assume that the employee treated the assistance in a manner consistent with the employer's treatment unless such employer has actual knowledge to the contrary.

(B) REPORTING REQUIREMENT.—An employer shall separately report the amounts of any reduction under subparagraph (A) as nontaxable income on any returns or receipts required under chapter 61 of such Code for calendar year 1993.

(C) DEFINITIONS.—For purposes of this paragraph—

(i) EMPLOYMENT TAX.—The term "employment tax" means any tax imposed by subtitle C of such Code.

(ii) TAXABLE WAGES.—The term "taxable wages" means—

(I) wages (as defined in section 3121(a) of such Code) in the case of the taxes imposed by chapter 21 of such Code,

(II) compensation (as defined in section 3231(e) of such Code) in the case of the taxes imposed by chapter 22 of such Code,

(III) wages (as defined in section 3306(b) of such Code) in the case of the taxes imposed by chapter 23 of such Code, and

(IV) wages (as defined in section 3401(a) of such Code) in the case of the taxes imposed by chapter 24 of such Code.

(3) INCOME TAX TREATMENT.—If—

(A) subparagraph (A) of paragraph (2) applies to any educational assistance referred to in such paragraph provided to any employee, and

(B) such employee included such assistance in his taxable income for purposes of the tax imposed by chapter 1 of such Code,

the amendments made by subsection (a) shall not apply to such assistance for purposes of such chapter 1, but the amount included in the gross income of such employee by reason of wages received from the employer referred to in subparagraph (A) of paragraph (2) during 1993 shall be reduced in the manner provided in such subparagraph (A).

SEC. 1102. TARGETED JOBS CREDIT.

(a) PERMANENT EXTENSION OF CREDIT.—

(1) IN GENERAL.—Subsection (c) of section 51 (relating to amount of targeted jobs credit) is amended by striking paragraph (4).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to individuals who begin work for the employer after June 30, 1992.

(b) CREDIT FOR PARTICIPANTS IN APPROVED SCHOOL-TO-WORK PROGRAMS.—

(1) IN GENERAL.—Subparagraph (I) of section 51(d)(1) (defining members of targeted group) is amended to read as follows:

"(I) a qualified participant in an approved school-to-work program, or".

(2) QUALIFIED PARTICIPANT IN AN APPROVED SCHOOL-TO-WORK PROGRAM.—Paragraph (10) of section 51(d) is amended to read as follows:

"(10) QUALIFIED PARTICIPANT IN AN APPROVED SCHOOL-TO-WORK PROGRAM DEFINED.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified participant in an approved school-to-work program' means any individual who is certified under an approved school-to-work program as—

"(i) having attained age 16 but not having attained age 21, and

"(ii) being enrolled in and making satisfactory progress in completing such approved school-to-work program.

"(B) LIMITATION ON NUMBER OF PARTICIPANTS.—

"(i) IN GENERAL.—Any individual who begins work for the employer during any calendar year shall not be treated as a qualified participant in an approved school-to-work program unless the individual is certified under such program as an eligible participant with respect to such calendar year.

"(ii) Limitation on certifications.—The aggregate number of individuals certified under an approved school-to-work program as eligible participants with respect to any calendar year shall not exceed the portion of the national school-to-work program limitation for such calendar year allocated under subsection (l) to such program.

"(C) Approved school-to-work program.—The term 'approved school-to-work program' means any program which—

"(i) is a planned program of structured job training designed to integrate academic instruction provided by an educational institution and work-based learning provided by an employer, and

"(ii) is approved by the Secretaries of Labor and Education.

"(D) Limitation on amount of wages taken into account.—For purposes of applying this subpart to wages paid or incurred to any qualified participant in an approved school-to-work program, subsection (b)(3) shall be applied by substituting '$3,000' for '$6,000'.

"(E) Wages.—In the case of remuneration attributable to services performed while the individual meets the requirements of subparagraph (A), wages, and unemployment insurance wages, shall be determined without regard to section 3306(c)(10)(C)."

(3) Overall limitations.—Section 51 is amended by adding at the end thereof the following new subsection:

"(l) Overall Limitation on Approved School-To-Work Program Participants.—

"(1) In general.—For purposes of subsection (d)(10), the national school-to-work program limitation—

"(A) for calendar year 1994 is 125,000,

"(B) for calendar year 1995 is 140,000,

"(C) for calendar year 1996 is 160,000,

"(D) for calendar year 1997 is 180,000, and

"(E) for calendar year 1998 and any subsequent calendar year is 200,000.

"(2) Allocation to states.—The national school-to-work program limitation for any calendar year shall be allocated among the States in proportion to the number of their eligible participants that are estimated to be served in approved school-to-work programs for that year. Such estimates shall be published by the Secretaries of Labor and Education before the beginning of the calendar year to which the allocation applies.

"(3) Allocation to approved school-to-work programs.—The portion of the national school-to-work program limitation for any calendar year which is allocated to any State shall be allocated among the approved school-to-work programs in such State in such manner as the Secretaries of Labor and Education shall prescribe."

(4) Effective date.—The amendments made by this subsection shall apply in the case of individuals who begin work for the employer after December 31, 1993.

Subtitle B—Investment Incentives

PART I—INVESTMENT TAX CREDIT

SEC. 1201. PERMANENT INVESTMENT TAX CREDIT FOR SMALL BUSINESS.

(a) Allowance of Credit.—Section 46 (relating to amount of investment credit) is amended by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) and by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) in the case of an eligible small business (as defined in section 46A(b)), the small business regular credit,"

(b) Small Business Regular Credit.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing the investment credit) is amended by inserting after section 46 the following new section:

"SEC. 46A. SMALL BUSINESS REGULAR CREDIT.

"(a) Determination of Credit.—For purposes of section 46—

"(1) In general.—In the case of an eligible small business, the small business regular credit for any taxable year is an amount equal to 5 percent of the taxpayer's qualified investment in regular credit property.

"(2) Special rule for property placed in service before 1995.—In the case of regular credit property placed in service before January 1, 1995, paragraph (1) shall be applied by substituting '7 percent' for '5 percent'.

"(b) Eligible Small Business.—For purposes of this section—

"(1) In general.—The term 'eligible small business' means, with respect to any taxable year, a taxpayer the average annual gross receipts of which for the 3-taxable-year period ending with the preceding taxable year does not exceed $5,000,000.

"(2) Applicable rules.—

"(A) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as 1 person for purposes of paragraph (1).

"(B) Special rules.—The rules of subsections (c)(3) and (d)(8) of section 448 shall apply for purposes of this subsection.

"(c) Regular Credit Property.—For purposes of this subpart—

"(1) In general.—The term 'regular credit property' means any eligible property—

"(A) which is property to which section 168 applies,

"(B) which is placed in service after December 3, 1992, and

"(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

"(2) Eligible property.—For purposes of this subsection—

"(A) In general.—The term 'eligible property' means—

"(i) tangible personal property,

"(ii) other tangible property (not including a building or its structural components), but only if such property—

"(I) is used as an integral part of manufacturing, production, or extraction, or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services,

"(II) constitutes a research facility used in connection with any of the activities referred to in subclause (I), or

"(III) constitutes a facility used in connection with any of the activities referred to in subclause (I) for the bulk storage of fungible commodities (including commodities in a liquid or gaseous state),

"(iii) an elevator or escalator,

"(iv) a storage facility used in connection with the distribution of petroleum or any primary product of petroleum, or

"(v) a single purpose agricultural or horticultural structure (as defined in section 168(i)(13)).

"(B) Property receiving other credits.—The term 'eligible property' shall not include—

"(i) any property to the extent the basis of such property is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)),

"(ii) any energy property,

"(iii) any property to the extent the basis of such property is attributable to qualified enhanced oil recovery costs (as defined in section 43(c)(1)), or

"(iv) any qualified electric vehicle (as defined in section 30(c)).

"(C) Special rules relating to exceptions.—

"(i) Air and heating units.—The term 'eligible property' does not include an air conditioning or heating unit.

"(ii) Structural components.—For purposes of subparagraph (A)(ii), the term 'structural component' includes, with respect to any building, property which—

"(I) relates (in whole or in part) to the operation, maintenance, or appearance of the building, and

"(II) is attached to the building (whether or not permanently attached).

"(D) Livestock.—The term 'eligible property' shall include livestock acquired by the taxpayer, except—

"(i) such term shall not include horses, and

"(ii) the qualified investment in such livestock shall be reduced by the amount realized on the sale or other disposition (other than in an involuntary conversion within the meaning of section 1033) of substantially identical livestock during the 1-year period beginning 6 months before such acquisition.

"(E) Property completed abroad where foreign country engaged in discriminatory acts.—The term 'eligible property' shall not include property described in section 168(g)(1)(D).

"(d) Qualified Investment.—For purposes of this section—

"(1) In general.—The term 'qualified investment' means the applicable percentage of the basis of each regular credit property placed in service by the taxpayer during the taxable year.

"(2) Annual limitation.—

"(A) In general.—The aggregate bases of regular credit property taken into account in computing the qualified investment of a taxpayer for any taxable year shall not exceed $250,000.

"(B) Pro rata allocation where bases exceed limit.—If subparagraph (A) applies to a taxpayer for any taxable year, the bases taken into account in computing qualified investment shall be allocated among regular credit properties placed in service during the taxable year in proportion to their cost.

"(C) Special rules.—For purposes of subparagraph (A)—

"(i) all persons treated as 1 person under subsection (a) or (b) of section 52 shall be treated as 1 person for purposes of this paragraph, and

"(ii) in the case of—

"(I) a taxable year beginning January 1, 1993, subparagraph (A) shall be applied by substituting '$270,000' for '$250,000', and

"(II) a taxable year which is less than 12 months or which includes any period before December 4, 1992, the $250,000 amount shall be ratably reduced to reflect the shorter taxable year or such period.

"(3) Applicable percentage.—For purposes of paragraph (1), the applicable percentage shall be determined under the following table:

"In the case of property which is:	The applicable percentage is:
3-year property	33
5-year property	67
7-year property	80
All other property	100.

For purposes of this paragraph, the terms '3-year property', '5-year property', and '7-year property' have the meanings given such terms by section 168(e).

“(4) RECONSTRUCTION.—In the case of regular credit property the reconstruction of which is completed by the taxpayer, qualified investment shall only include that portion of the basis which is properly attributable to the reconstruction by the taxpayer.

“(5) SPECIAL RULE FOR CERTAIN VESSELS.—For purposes of paragraph (1), the basis of any regular credit property shall not include any portion of the basis which is attributable to a qualified withdrawal from any ordinary income or capital gain account (within the meaning of section 7518) of a fund established under section 607 of the Merchant Marine Act, 1936.

“(e) SPECIAL RULES RELATING TO LEASED PROPERTY.—

“(1) IN GENERAL.—Except as provided in this subsection, regular credit property shall not include property subject to a lease.

“(2) EXCEPTION FOR QUALIFIED SHORT-TERM LEASES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to regular credit property of a lessor subject to a qualified short-term lease.

“(B) QUALIFIED SHORT-TERM LEASE.—For purposes of this subsection, the term ‘qualified short-term lease’ means any lease—

“(i) the term of which is less than 1 year, and

“(ii) which is made in connection with the active conduct by the lessor of a qualified leasing trade or business.

“(C) QUALIFIED LEASING TRADE OR BUSINESS.—For purposes of this subsection, the term ‘qualified leasing trade or business’ means any trade or business which normally derives at least 80 percent of its gross receipts from leases of tangible personal property with terms of less than 30 days.

“(D) LEASE TERMS.—The rules of section 168(i)(3) shall apply for purposes of this paragraph.

“(3) EXCEPTION FOR LONGER TERM LEASES.—

“(A) IN GENERAL.—If regular credit property is subject to a lease with a term of 3 years or more and the original use of the property begins with the lessee—

“(i) paragraph (1) shall not apply to such property,

“(ii) the lessee shall be treated for purposes of this section as having acquired such property with a basis equal to the fair market value of the property as of the beginning of the lease, and

“(iii) if the lease term is shorter than the applicable recovery period for the property determined under section 168, the applicable percentage under subsection (d)(3) shall be determined as if the recovery period were equal to the longest such recovery period which does not exceed the lease term.

“(B) LEASE TERM.—For purposes of this paragraph, in determining any lease term—

“(i) options to renew shall not be taken into account, and

“(ii) 2 or more successive leases described in section 168(i)(3)(A)(ii) shall not be treated as 1 lease.

“(C) SPECIAL RULE FOR PERSONS UNDER COMMON CONTROL.—For purposes of subparagraph (A)(ii), if any property is leased by a person to another person which is under common control with such person (as determined under subsection (a) or (b) of section 52), the basis of the property shall be substituted for its fair market value.

“(4) RECAPTURE RULES TO APPLY.—For purposes of section 50(a), if a lessee of regular credit property—

“(A) terminates the lease before the expiration of its term (other than by acquiring the property), or

“(B) sublets the property,

the lessee shall be treated as having disposed of the property on the date of the termination or sublease.

“(5) PRIOR LEASE RULES NOT TO APPLY.—The provisions of section 50(d)(5) shall not apply for purposes of this section.

“(f) OTHER SPECIAL RULES.—For purposes of this section—

“(1) PARTNERSHIPS AND S CORPORATIONS.—

“(A) IN GENERAL.—In the case of a partnership or S corporation—

“(i) the limitation on the application of this section to eligible small businesses, and

“(ii) the limitation under subsection (d)(2), shall be applied at both the partnership and S corporation level and at the partner and shareholder level.

“(B) REPORTING REQUIREMENTS.—A partnership or S corporation shall include in any return or statement it is otherwise required to provide to a partner or shareholder such information as the Secretary may prescribe as necessary to carry out the provisions of this section.

“(2) CERTAIN ENTITIES INELIGIBLE.—Notwithstanding paragraphs (1) and (6) of section 50(d), no credit shall be determined under this section with respect to regular credit property of—

“(A) an estate or trust, or

“(B) a regulated investment company, real estate investment trust, REMIC, or common trust fund described in section 584.

“(3) NORMALIZATION RULES.—The provisions of section 50(d)(2) shall apply, except that—

“(A) no election shall be allowed under the last sentence of section 46(f)(1) or under section 46(f)(3) (as such provisions were in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), and

“(B) the election under section 46(f)(2) (as so in effect) shall be made by including it on the taxpayer's first return to which this section applies.

“(4) TRANSITION RULES.—

“(A) PRE-1993 PROPERTY.—In the case of a taxpayer whose taxable year is the calendar year, any property placed in service after December 3, 1992, and before January 1, 1993, shall be treated as placed in service on January 1, 1993.

“(B) AMOUNTS ALLOCABLE TO PERIODS BEFORE DECEMBER 4, 1992.—The basis of any property with an actual construction period of more than 2 years shall not include any amount attributable to construction, reconstruction, or erection by or for the taxpayer before December 4, 1992.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 50A, including regulations providing for the determination of lease terms.”

(c) CREDIT MAY OFFSET 25 PERCENT OF MINIMUM TAX.—

(1) IN GENERAL.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

“(2) REGULAR INVESTMENT CREDIT MAY OFFSET 25 PERCENT OF MINIMUM TAX.—

“(A) IN GENERAL.—In the case of the regular investment tax credit—

“(i) this section and section 39 shall be applied separately with respect to such credit, and

“(ii) for purposes of applying paragraph (1) to such credit—

“(I) 75 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the regular investment tax credit).

“(B) REGULAR INVESTMENT TAX CREDIT.—For purposes of this paragraph, the term ‘regular investment tax credit’ means the portion of the credit under subsection (a) which is attributable to the credit determined under section 46A. In the case of taxable years beginning after December 31, 1992, the regular investment tax credit shall include any credit to which section 38(c)(2) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) applies, and such section shall not apply to such taxable years.”

(2) CONFORMING AMENDMENT.—Section 38(d) (relating to components of investment credit) is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR SMALL BUSINESS CREDIT.—Notwithstanding paragraphs (1) and (2), the small business regular credit described in subsection (b)(1) shall be treated as used last.”

(d) APPLICATION OF OTHER RULES.—

(1) AT-RISK RULES.—Clause (ii) of section 49(a)(1)(C) (defining credit base) is amended by inserting “or regular credit property” after “energy property”.

(2) RECAPTURE RULES.—Subparagraph (B) of section 50(a)(1) (defining recapture percentage) is amended by adding at the end the following new sentence:

“In the case of regular credit property which is 3-year property, the recapture percentage under clause (ii) shall be 67 percent, under clause (iii) shall be 33 percent, and under clauses (iv) and (v) shall be zero.”

(3) AUTOMOBILES.—

(A) IN GENERAL.—Section 280F(a) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

“(2) INVESTMENT TAX CREDIT.—The amount of the credit determined under section 46A with respect to any passenger automobile shall not exceed $675.”

(B) CONFORMING AMENDMENTS.—

(i) Section 280F(b)(1) is amended—

(I) by inserting “and such property shall not be treated as regular credit property for purposes of section 46A for such taxable year” before the period, and

(II) by inserting “OR CREDIT” after “DEPRECIATION” in the heading.

(ii) Section 280F(c)(1) is amended by inserting “(other than subsection (a)(2))” after “section”.

(iii) Section 280F(d) is amended—

(I) by inserting “the amount of any credit allowable under section 38 to the employee or” after “determining” in paragraph (3)(A),

(II) by striking “subsection (a)” in paragraph (7)(A) and inserting “subsection (a)(1)”, and

(III) by striking “subsection (a)(2)” in paragraphs (8) and (10) and inserting “subsection (a)(3)”.

(iv)(I) The heading for section 280F is amended by inserting “AND CREDIT” after “DEPRECIATION”.

(II) The item relating to section 280F in the table of contents for part IX of subchapter B of chapter 1 is amended by inserting “and credit” after “depreciation”.

(e) CONFORMING AMENDMENTS.—

(1) Section 38(d)(3)(B)(i) is amended by striking “paragraph (1)” and inserting “paragraph (2)”.

(2) Section 39(d) is amended by adding at the end the following new paragraph:

"(4) INVESTMENT TAX CREDIT.—No portion of the unused business credit which is attributable to the credit determined under section 46A (relating to the small business regular investment credit) may be carried to any taxable year ending before January 1, 1993."

(3) Section 1033(g)(3)(A) is amended by inserting "with respect to which the regular credit determined under section 46A is or has been claimed or," before "with respect to which".

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 46 the following new item:

"Sec. 46A. Small business regular credit."

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after December 3, 1992.

(2) TRANSITION PROPERTY.—The amendments made by this section shall not apply to any transition property (as defined in section 49(e) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1202. TEMPORARY INCREMENTAL INVESTMENT TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment tax credit) is amended by inserting after section 50 the following new section:

"SEC. 50A. TEMPORARY INCREMENTAL INVESTMENT TAX CREDIT.

"(a) DETERMINATION OF CREDIT.—In the case of any taxable year which includes December 31 of calendar year 1993 or 1994, the amount of the credit determined under section 46 for such taxable year shall be increased by an amount equal to 7 percent of the excess (if any) of—

"(1) the taxpayer's qualified net investment for such calendar year, over

"(2) the base amount for such calendar year.

"(b) QUALIFIED NET INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified net investment for any calendar year is the excess (if any) of—

"(A) qualified investment, over

"(B) the sum of the amounts determined by multiplying—

"(i) the amount realized from each regular credit property—

"(I) the basis of which was taken into account in computing qualified investment under this section, and

"(II) which was disposed of (or otherwise ceased to be regular credit property) during the calendar year, and

"(ii) the applicable percentage for the property.

"(2) QUALIFIED INVESTMENT.—

"(A) IN GENERAL.—The term 'qualified investment' has the meaning given such term by section 46A(d) (without regard to the $250,000 limitation of paragraph (2) thereof and by treating the calendar year as the taxpayer's taxable year).

"(B) COORDINATION WITH PROGRESS EXPENDITURES.—The amount which (but for this subparagraph) would be taken into account with respect to any regular credit property shall be reduced by the excess (if any) of—

"(i) the qualified investment taken into account under subsection (f)(2) by the taxpayer or a predecessor of the taxpayer, over

"(ii) any portion of the qualified investment described in clause (i) taken into account under paragraph (1)(B).

"(C) SPECIAL RULE WHERE INSUFFICIENT NET INVESTMENT IN 1993.—If, in calendar year 1993, the taxpayer's base amount exceeds qualified net investment, the taxpayer's qualified net investment for calendar year 1994 shall be reduced by the amount of such excess.

"(D) AUTOMOBILES.—The qualified investment taken into account with respect to any passenger automobile (as defined in section 280F(d)(5)) shall not exceed $9,600.

"(E) INTERNATIONAL INTERMODAL CARGO CONTAINERS.—

"(i) IN GENERAL.—In the case of any international intermodal cargo container of a United States person, section 50(b)(1) shall not apply and 50 percent of the basis of the container shall be taken into account in computing qualified investment.

"(ii) INTERNATIONAL INTERMODAL CARGO CONTAINER.—For purposes of clause (i), the term 'international intermodal cargo container' means any intermodal cargo container which is leased to, or owned by, a container user that has one or more trade routes that contact outside the United States.

"(iii) TRADE ROUTES.—For purposes of clause (ii), a container user shall be treated as having one or more trade routes that contact outside the United States if, at any time during the taxable year, such user—

"(I) owns, operates, or charters any vessel that receives or delivers any intermodal cargo container outside the United States, or

"(II) uses any intermodal cargo container to ship cargo to or from the United States.

"(c) BASE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'base amount' means, with respect to any computation year, an amount equal to 80 percent (70 percent in the case of calendar year 1993) of the average of the indexed base investment for each of the base period years.

"(2) MINIMUM BASE AMOUNT.—In no event shall the base amount for calendar year 1993 or 1994 be less than 50 percent of the qualified net investment for the year.

"(3) INDEXED BASE INVESTMENT.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The indexed base investment for any base period year—

"(i) shall be computed separately with respect to each computation year, and

"(ii) shall be equal to the product of—

"(I) the base investment for the base period year, and

"(II) the applicable inflation ratio for that computation year and that base period year.

"(B) BASE INVESTMENT.—For purposes of this paragraph, the base investment for any base period year is an amount equal to the sum of the amounts determined by applying the applicable percentage to each regular credit property placed in service during such base period year.

"(C) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any computation year and any base period year is the percentage arrived at by dividing—

"(i) the GDP implicit price deflator for the calendar year preceding the computation year, by

"(ii) such deflator for the calendar year preceding the calendar year in which occurs the 1st day of the base period year.

For purposes of this subparagraph, the term 'GDP implicit price deflator' for each of the years described in clauses (i) and (ii) is the most recent revision of the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce before March 15 of the computation year.

"(4) BASE PERIOD YEAR.—For purposes of this subsection, the term 'base period year' means any taxable year—

"(A) beginning after December 31, 1988, and before January 1, 1992, or

"(B) at the election of the taxpayer, beginning after December 31, 1986, and before January 1, 1992.

"(5) COMPUTATION YEAR.—The term 'computation year' means the calendar year for which the excess described in subsection (a) is being determined.

"(6) SPECIAL RULES.—For purposes of this subsection—

"(A) REGULAR CREDIT PROPERTY DEFINED.—The term 'regular credit property' has the meaning given such term by section 46A(c), without regard to paragraphs (1) (B) and (C) thereof (relating to requirements for original use and date of placement in service) or paragraph (2)(B) (relating to certain ineligible property).

"(B) LEASES.—

"(i) LESSORS.—A lessor of any regular credit property placed in service during any taxable year in the base period shall take into account the adjusted basis of such property unless the property was subject to a lease the term of which was at least 3 years and the lessor did not use such property during the base period other than as a lessor.

"(ii) LESSEES.—A lessee shall not take into account regular credit property the use of which by the lessee began during the base period unless the value of the property as of the beginning of the lease exceeded $1,000,000.

"(d) RECAPTURE RULES.—

"(1) IN GENERAL.—If, for calendar year 1994, 1995, 1996, or 1997, the base amount exceeds the qualified net investment of the taxpayer, then the tax under this chapter for the taxable year in which the last day of the calendar year occurs shall be increased by the least of—

"(A) 7 percent of such excess,

"(B) the balance in the credit recapture account as of the close of the taxable year, or

"(C) the aggregate increase in the credits allowed under section 38 by reason of the credit determined under this section (reduced by prior amounts taken into account under this subparagraph).

"(2) SPECIAL RULE FOR BASE AMOUNT.—For purposes of paragraph (1), if the limitation of subsection (c)(2) applied for 1993 or 1994, the base amount shall be determined as if the base investment for each of the taxable years in the base period were equal to the greater of—

"(A) the amount determined without regard to this paragraph, or

"(B) in the case of a taxpayer for which a base amount was determined under subsection (c)(2)—

"(i) if the taxpayer's base amount for both calendar years 1993 and 1994 was so determined, the lesser of such base amounts, or

"(ii) if the taxpayer's base amount for only one of such calendar years was so determined, the base amount for that year.

"(3) CREDIT RECAPTURE ACCOUNT.—

"(A) OPENING BALANCE.—The opening balance of the credit recapture account shall be zero.

"(B) ACCOUNT INCREASED BY CREDIT ALLOWED.—The credit recapture account shall be increased as of the close of any calendar year by the credit determined under this section for the calendar year.

"(C) VESTING OF CREDIT.—

"(i) IN GENERAL.—If the credit recapture account is increased under subparagraph (B) for any calendar year, the account shall be reduced—

"(I) in the case of the credit determined for 1993, as of the close of each of the 4 succeeding calendar years by an amount equal to 25 percent of such increase, and

"(II) in the case of the credit determined for 1994, as of the close of each of the 3 succeeding years by an amount equal to 33⅓ percent of such increase.

"(ii) CREDIT STOPS BEING VESTED WHEN RECAPTURED.—If an increase in tax under paragraph (1) for any calendar year is properly allocable to any portion of the credit to which clause (i) applies, no reduction shall be made under clause (i) with respect to such portion for any succeeding calendar year. Any such increase shall be allocated to credits on a first-in first-out basis.

"(D) REDUCTION FOR TAX INCREASE.—The credit recapture account as of the beginning of any calendar year shall be equal to the balance as of the close of the preceding calendar year, reduced by any increase in tax for the preceding calendar year under paragraph (1).

"(4) CARRYBACKS AND CARRYOVERS ADJUSTED.—If subparagraph (C) of paragraph (1) applies for any taxable year, the carrybacks and carryovers under section 39 shall be adjusted by reason of any increase in tax under paragraph (1) which would have occurred but for such subparagraph.

"(5) TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A, B, D, or G or the amount of the regular tax for purposes of section 55.

"(e) DISPOSITIONS.—For purposes of this section—

"(1) CERTAIN EVENTS TREATED AS DISPOSITIONS.—

"(A) IN GENERAL.—If, during any calendar year—

"(i) regular credit property ceases to be regular credit property with respect to the taxpayer, or

"(ii) any property to which subsection (f)(2) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which will be regular credit property when placed in service,

such property shall be treated as having been disposed of during the calendar year.

"(B) SPECIAL RULES FOR LEASES.—

"(i) LESSOR.—A lessor of regular credit property with respect to which a credit is determined under this section by reason of subsection (e)(2) of section 46A shall be treated as having disposed of regular credit property if the taxpayer leases such property in a lease other than a qualified short-term lease (as defined in subsection (e)(2)(B) of section 46A).

"(ii) LESSEES.—If a credit is allowed to a lessee with respect to any property by reason of subsection (e)(3) of section 46A, the rules of section 46A(e)(4) shall apply in determining when the lessee disposed of the property.

"(2) AMOUNT REALIZED.—The amount realized in the case of any disposition under paragraph (1) shall be equal to—

"(A) in the case described in paragraph (1)(A)(i) or (B)(i), the fair market value of the property as of the time of cessation or lease,

"(B) in the case described in paragraph (1)(A)(ii), the increase in qualified investment with respect to the property for preceding taxable years under subsection (f)(2), or

"(C) in the case described in paragraph (1)(B)(ii), the fair market value of the property as of the time of the disposition.

"(3) EXCEPTIONS FOR CERTAIN CASES.—

"(A) IN GENERAL.—The following shall not be treated as a disposition:

"(i) A transfer by reason of death.

"(ii) A transaction to which section 381(a) applies.

"(iii) A disposition with respect to which gain is not recognized under section 1031 or 1033, but only to the extent of an amount which bears the same ratio to the amount realized as the gain not recognized bears to the gain realized.

"(iv) A transfer described in section 1041(a).

"(B) CHANGES IN FORM OF BUSINESS.—Property shall not be treated as ceasing to be regular credit property with respect to the taxpayer by reason of a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as regular credit property and the taxpayer retains a substantial interest in such trade or business.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as otherwise provided, the terms 'applicable percentage' and 'regular credit property' have the meanings given such terms by section 46A.

"(2) QUALIFIED PROGRESS EXPENDITURES.—

"(A) IN GENERAL.—In the case of any progress expenditure property which is regular credit property, qualified progress expenditures shall be taken into account in computing qualified investment but only to the extent attributable to periods after December 3, 1992.

"(B) TERMS.—For purposes of subparagraph (A), the terms 'progress expenditure property' and 'qualified progress expenditures' shall be determined under rules similar to the rules of section 47(d), except that—

"(i) paragraph (5) thereof shall not apply, and

"(ii) in the case of non-self-constructed property, amounts chargeable to capital account before December 4, 1992, with respect to the property shall be treated as qualified progress expenditures made before such date (whether or not paid before such date).

"(3) PRE-1993 PROPERTY AND EXPENDITURES.—Any property placed in service (or any qualified progress expenditures described in paragraph (2) made) during the period beginning December 4, 1992, and ending December 31, 1992, shall be treated as placed in service (or made) on January 1, 1993.

"(4) COORDINATION WITH SECTION 46A.—

"(A) LEASING RULES.—The rules of section 46A(e) shall apply.

"(B) REPORTING REQUIREMENTS.—The rules of section 46A(f)(1)(B) shall apply.

"(C) CERTAIN ENTITIES INELIGIBLE.—The rule of section 46A(f)(2) shall apply.

"(D) NORMALIZATION RULES APPLY.—The rules of section 46A(f)(3) shall apply.

"(5) RESEARCH CREDIT RULES APPLICABLE.—Rules similar to the rules of section 41 (f) and (g) shall apply.

"(6) CERTAIN LEASING RULES NOT TO APPLY.—Section 50(d)(5) shall not apply.

"(g) CREDIT ELECTIVE.—Subsection (a) shall apply to a taxpayer for a taxable year only if the taxpayer elects to have subsection (a) apply and in the case of an eligible small business (as defined in section 46A(b)), elects not to have section 46A apply."

(b) INCREASE IN INCOME TO REFLECT CREDIT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. INCOME INCLUSION RELATING TO TEMPORARY INVESTMENT TAX CREDIT.

"(a) GENERAL RULE.—The amount of the current year business credit under section 38 for any taxable year which is determined under section 50A shall be included in gross income ratably—

"(1) in the case of the credit determined for 1993, over the 4-taxable-year period beginning with the taxable year following the taxable year for which the credit was determined, and

"(2) in the case of the credit determined for 1994, over the 3-taxable-year period beginning with the taxable year following the taxable year for which the credit was determined.

"(b) RECAPTURED AMOUNTS.—If any increase in tax under section 50A(d)(1) is properly allocable (as determined under section 50A(d)(3)(C)(ii)) to any portion of any credit described in subsection (a) for any taxable year, subsection (a) shall cease to apply to such portion for the taxable year of recapture and for any succeeding taxable year."

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 50(c) (relating to basis adjustment) is amended by inserting "(other than regular credit property to which section 50A applies)" after "any property".

(c) CREDIT ALLOWED AGAINST MINIMUM TAX.—Subparagraph (B) of section 38(c)(2) (relating to regular investment credit may offset minimum tax), as added by section 1201(c)(1), is amended by inserting "or 50A" after "section 46A".

(d) APPLICATION OF OTHER RULES.—

(1) AT-RISK RULES.—

(A) Clause (ii) of section 49(a)(1)(C) (defining credit base), as amended by section 1201(d)(1), is amended by inserting "to which section 46A or 50A applies" after "regular credit property".

(B) Section 49(b)(1) is amended by adding at the end the following new sentence: "For purposes of section 50A(b)(1)(B), any increase during any taxable year in nonqualified nonrecourse financing with respect to any regular credit property shall be treated as an amount realized during such taxable year with respect to the disposition of such property.".

(2) RECAPTURE RULES.—Subparagraph (A) of section 50(a)(5) (defining investment credit property) is amended by adding at the end the following new sentence: "Such term does not include regular credit property to which section 50A applies.".

(e) CONFORMING AMENDMENTS.—

(1) Section 39(d)(4), as added by section 1201(e)(2), is amended by inserting "or 50A (relating to incremental investment credit)" after "credit)".

(2) Section 55(c)(1) is amended by striking "49(b)" and inserting "50A(d), 49(b),".

(3) Section 1033(g)(3)(A), as amended by section 1201(e)(3), is amended by inserting "or 50A" after "section 46A".

(4) Section 1371(d)(3) is amended by striking "49(b)" and inserting "50A(d), 49(b),".

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 50 the following new item:

"Sec. 50A. Temporary incremental investment tax credit."

(6) The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Income inclusion relating to temporary investment tax credit."

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after December 3, 1992.

(2) TRANSITION PROPERTY.—The amendments made by this section shall not apply to any transition property (as defined in section 49(e) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). This paragraph shall not apply for purposes of section 50A(c) of the Internal Revenue Code of 1986.

PART II—RESEARCH CREDIT

SEC. 1211. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 28(b) is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after June 30, 1992.

SEC. 1212. MODIFICATION OF FIXED BASE PERCENTAGE FOR STARTUP COMPANIES.

(a) GENERAL RULE.—Clause (ii) of section 41(c)(3)(B) is amended to read as follows:

"(ii) FIXED-BASE PERCENTAGE.—In a case to which this subparagraph applies, the fixed-base percentage is—

"(I) 3 percent for each of the taxpayer's 1st 5 taxable years beginning after December 31, 1993, for which the taxpayer has qualified research expenses,

"(II) in the case of the taxpayer's 6th such taxable year, 1/6 of the percentage which the aggregate qualified research expenses of the taxpayer for the 4th and 5th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(III) in the case of the taxpayer's 7th such taxable year, 1/3 of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th and 6th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(IV) in the case of the taxpayer's 8th such taxable year, 1/2 of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, and 7th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(V) in the case of the taxpayer's 9th such taxable year, 2/3 of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, 7th, and 8th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(VI) in the case of the taxpayer's 10th such taxable year, 5/6 of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, 7th, 8th, and 9th such taxable years is of the aggregate gross receipts of the taxpayer for such years, and

"(VII) for taxable years thereafter, the percentage which the aggregate qualified research expenses for any 5 taxable years selected by the taxpayer from among the 5th through the 10th such taxable years is of the aggregate gross receipts of the taxpayer for such selected years."

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 41(c)(3)(B) is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(2) Subparagraph (D) of section 41(c)(3) is amended by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

PART III—INCENTIVE FOR INVESTMENT IN SMALL BUSINESS STOCK

SEC. 1221. 50-PERCENT EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to capital gains and losses) is amended by adding at the end thereof the following new section:

"SEC. 1202. 50-PERCENT EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

"(a) 50-PERCENT EXCLUSION.—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(b) PER-ISSUER LIMITATION ON TAXPAYER'S ELIGIBLE GAIN.—

"(1) IN GENERAL.—If the taxpayer has eligible gain for the taxable year from 1 or more dispositions of stock issued by any corporation, the aggregate amount of such gain from dispositions of stock issued by such corporation which may be taken into account under subsection (a) for the taxable year shall not exceed the greater of—

"(A) $10,000,000 reduced by the aggregate amount of eligible gain taken into account under subsection (a) for prior taxable years and attributable to dispositions of stock issued by such corporation, or

"(B) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporation and disposed of by the taxpayer during the taxable year.

For purposes of subparagraph (B), the adjusted basis of any stock shall be determined without regard to any addition to basis after the date on which such stock was originally issued.

"(2) ELIGIBLE GAIN.—For purposes of this subsection, the term 'eligible gain' means any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(3) TREATMENT OF MARRIED INDIVIDUALS.—

"(A) SEPARATE RETURNS.—In the case of a separate return by a married individual, paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000'.

"(B) ALLOCATION OF EXCLUSION.—In the case of any joint return, the amount of gain taken into account under subsection (a) shall be allocated equally between the spouses for purposes of applying this subsection to subsequent taxable years.

"(C) MARITAL STATUS.—For purposes of this subsection, marital status shall be determined under section 7703.

"(c) QUALIFIED SMALL BUSINESS STOCK.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'qualified small business stock' means any stock in a C corporation which is originally issued after December 31, 1992, if—

"(A) as of the date of issuance, such corporation is a qualified small business, and

"(B) except as provided in subsections (f) and (h), such stock is acquired by the taxpayer at its original issue (directly or through an underwriter)—

"(i) in exchange for money or other property (not including stock), or

"(ii) as compensation for services provided to such corporation (other than services performed as an underwriter of such stock).

"(2) ACTIVE BUSINESS REQUIREMENT; ETC.—Stock in a corporation shall not be treated as qualified small business stock unless, during substantially all of the taxpayer's holding period for such stock, such corporation meets the active business requirements of subsection (e) and such corporation is a C corporation.

"(3) CERTAIN PURCHASES BY CORPORATION OF ITS OWN STOCK.—

"(A) REDEMPTIONS FROM TAXPAYER OR RELATED PERSON.—Stock acquired by the taxpayer shall not be treated as qualified small business stock if, at any time during the 4-year period beginning on the date 2 years before the issuance of such stock, the corporation issuing such stock purchased (directly or indirectly) any of its stock from the taxpayer or from a person related (within the meaning of section 267(b) or 707(b)) to the taxpayer.

"(B) SIGNIFICANT REDEMPTIONS.—Stock issued by a corporation shall not be treated as qualified business stock if, during the 2-year period beginning on the date 1 year before the issuance of such stock, such corporation made 1 or more purchases of its stock with an aggregate value (as of the time of the respective purchases) exceeding 5 percent of the aggregate value of all of its stock as of the beginning of such 2-year period.

"(C) ACQUISITIONS BY RELATED PERSONS.—For purposes of this paragraph, the purchase by any person related (within the meaning of section 267(b) or 707(b)) to the issuing corporation of any stock in the issuing corporation shall be treated as a purchase by the issuing corporation.

"(d) QUALIFIED SMALL BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified small business' means any domestic corporation which is a C corporation if—

"(A) the aggregate capitalization of such corporation (or any predecessor thereof) at all times on or after January 1, 1993, and before the issuance did not exceed $50,000,000,

"(B) the aggregate capitalization of such corporation immediately after the issuance (determined by taking into account amounts received in the issuance) does not exceed $50,000,000, and

"(C) such corporation agrees to submit such reports to the Secretary and to shareholders as the Secretary may require to carry out the purposes of this section.

"(2) AGGREGATE CAPITALIZATION.—For purposes of paragraph (1), the term 'aggregate capitalization' means the excess of—

"(A) the amount of cash and the aggregate adjusted bases of other property held by the corporation, over

"(B) the aggregate amount of the short-term indebtedness of the corporation.

For purposes of the preceding sentence, the term 'short-term indebtedness' means any indebtedness which, when incurred, did not have a term in excess of 1 year.

"(3) LOOK-THRU IN CASE OF SUBSIDIARIES.—In determining whether a corporation meets the requirements of this subsection—

"(A) stock and debt of any subsidiary (as defined in subsection (e)(5)(C)) held by such corporation shall be disregarded, and

"(B) such corporation shall be treated as holding its ratable share of the assets of such subsidiary and as being liable for its ratable share of the indebtedness of such subsidiary.

"(e) ACTIVE BUSINESS REQUIREMENT.—

"(1) IN GENERAL.—For purposes of subsection (c)(2), the requirements of this subsection are met by a corporation for any period if during such period—

"(A) at least 80 percent (by value) of the assets of such corporation are used by such corporation in the active conduct of a qualified trade or business, and

"(B) such corporation is an eligible corporation.

"(2) Special rule for certain activities.—For purposes of paragraph (1), if, in connection with any future qualified trade or business, a corporation is engaged in—

"(A) start-up activities described in section 195(c)(1)(A),

"(B) activities resulting in the payment or incurring of expenditures which may be treated as research and experimental expenditures under section 174, or

"(C) activities with respect to in-house research expenses described in section 41(b)(4), assets used in such activities shall be treated as used in the active conduct of a qualified trade or business. Any determination under this paragraph shall be made without regard to whether a corporation has any gross income from such activities at the time of the determination.

"(3) Qualified trade or business.—For purposes of this subsection, the term 'qualified trade or business' means any trade or business other than—

"(A) any trade or business involving the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, financial services, brokerage services, or any other trade or business where the principal asset of such trade or business is the reputation or skill of 1 or more of its employees,

"(B) any banking, insurance, financing, investing, or similar business,

"(C) any farming business (including the business of raising or harvesting trees),

"(D) any business involving the production or extraction of products of a character with respect to which a deduction is allowable under section 613 or 613A, and

"(E) any business of operating a hotel, motel, restaurant, or similar business.

"(4) Eligible corporation.—For purposes of this subsection, the term 'eligible corporation' means any domestic corporation; except that such term shall not include—

"(A) a DISC or former DISC,

"(B) a corporation with respect to which an election under section 936 is in effect,

"(C) a regulated investment company, real estate investment trust, or REMIC, and

"(D) a cooperative.

"(5) Stock in other corporations.—

"(A) Look-thru in case of subsidiaries.—For purposes of this subsection, stock and debt in any subsidiary corporation shall be disregarded and the parent corporation shall be deemed to own its ratable share of the subsidiary's assets, and to conduct its ratable share of the subsidiary's activities.

"(B) Portfolio stock or securities.—A corporation shall be treated as failing to meet the requirements of paragraph (1) for any period during which more than 10 percent of the value of its assets (in excess of liabilities) consist of stock or securities in other corporations which are not subsidiaries of such corporation (other than assets described in paragraph (6)).

"(C) Subsidiary.—For purposes of this paragraph, a corporation shall be considered a subsidiary if the parent owns more than 50 percent of the combined voting power of all classes of stock entitled to vote, or more than 50 percent in value of all outstanding stock, of such corporation.

"(6) Working capital.—For purposes of paragraph (1)(A), any assets which—

"(A) are held as a part of the reasonably required working capital needs of a qualified trade or business of the corporation, or

"(B) are held for investment and are reasonably expected to be used within 2 years to finance future research and experimentation in a qualified trade or business or increases in working capital needs of a qualified trade or business,

shall be treated as used in the active conduct of a qualified trade or business. For periods after the corporation has been in existence for at least 2 years, in no event may more than 50 percent of the assets of the corporation qualify as used in the active conduct of a qualified trade or business by reason of this paragraph.

"(7) Maximum real estate holdings.—A corporation shall not be treated as meeting the requirements of paragraph (1) for any period during which more than 10 percent of the total value of its assets consists of real property which is not used in the active conduct of a qualified trade or business. For purposes of the preceding sentence, the ownership of, dealing in, or renting of real property shall not be treated as the active conduct of a qualified trade or business.

"(8) Computer software royalties.—For purposes of paragraph (1), rights to computer software which produces active business computer software royalties (within the meaning of section 543(d)(1)) shall be treated as an asset used in the active conduct of a trade or business.

"(f) Stock Acquired on Conversion of Preferred Stock.—If any stock in a corporation is acquired solely through the conversion of other stock in such corporation which is qualified small business stock in the hands of the taxpayer—

"(1) the stock so acquired shall be treated as qualified small business stock in the hands of the taxpayer, and

"(2) the stock so acquired shall be treated as having been held during the period during which the converted stock was held.

"(g) Treatment of Pass-Thru Entities.—

"(1) In general.—If any amount included in gross income by reason of holding an interest in a pass-thru entity meets the requirements of paragraph (2)—

"(A) such amount shall be treated as gain described in subsection (a), and

"(B) for purposes of applying subsection (b), such amount shall be treated as gain from a disposition of stock in the corporation issuing the stock disposed of by the pass-thru entity and the taxpayer's proportionate share of the adjusted basis of the pass-thru entity in such stock shall be taken into account.

"(2) Requirements.—An amount meets the requirements of this paragraph if—

"(A) such amount is attributable to gain on the sale or exchange by the pass-thru entity of stock which is qualified small business stock in the hands of such entity (determined by treating such entity as an individual) and which was held by such entity for more than 5 years, and

"(B) such amount is includible in the gross income of the taxpayer by reason of the holding of an interest in such entity which was held by the taxpayer on the date on which such pass-thru entity acquired such stock and at all times thereafter before the disposition of such stock by such pass-thru entity.

"(3) Limitation based on interest originally held by taxpayer.—Paragraph (1) shall not apply to any amount to the extent such amount exceeds the amount to which paragraph (1) would have applied if such amount were determined by reference to the interest the taxpayer held in the pass-thru entity on the date the qualified small business stock was acquired.

"(4) Pass-thru entity.—For purposes of this subsection, the term 'pass-thru entity' means—

"(A) any partnership,

"(B) any S corporation,

"(C) any regulated investment company, and

"(D) any common trust fund.

"(h) Certain Tax-Free and Other Transfers.—For purposes of this section—

"(1) In general.—In the case of a transfer described in paragraph (2), the transferee shall be treated as—

"(A) having acquired such stock in the same manner as the transferor, and

"(B) having held such stock during any continuous period immediately preceding the transfer during which it was held (or treated as held under this subsection) by the transferor.

"(2) Description of transfers.—A transfer is described in this subsection if such transfer is—

"(A) by gift,

"(B) at death, or

"(C) from a partnership to a partner of stock with respect to which requirements similar to the requirements of subsection (g) are met at the time of the transfer (without regard to the 5-year holding period requirement).

"(3) Certain rules made applicable.—Rules similar to the rules of section 1244(d)(2) shall apply for purposes of this section.

"(4) Incorporations and reorganizations involving nonqualified stock.—

"(A) In general.—In the case of a transaction described in section 351 or a reorganization described in section 368, if qualified small business stock is exchanged for other stock which would not qualify as qualified small business stock but for this subparagraph, such other stock shall be treated as qualified small business stock acquired on the date on which the exchanged stock was acquired.

"(B) Limitation.—This section shall apply to gain from the sale or exchange of stock treated as qualified small business stock by reason of subparagraph (A) only to the extent of the gain which would have been recognized at the time of the transfer described in subparagraph (A) if section 351 or 368 had not applied at such time.

"(C) Successive application.—For purposes of this paragraph, stock treated as qualified small business stock under subparagraph (A) shall be so treated for subsequent transactions or reorganizations, except that the limitation of subparagraph (B) shall be applied as of the time of the first transfer to which subparagraph (A) applied.

"(D) Control test.—Except in the case of a transaction described in section 368, this paragraph shall apply only if, immediately after the transaction, the corporation issuing the stock owns directly or indirectly stock representing control (within the meaning of section 368(c)) of the corporation whose stock was exchanged.

"(i) Basis Rules.—For purposes of this section—

"(1) Stock exchanged for property.—In the case where the taxpayer transfers property (other than money or stock) to a corporation in exchange for stock in such corporation—

"(A) such stock shall be treated as having been acquired by the taxpayer on the date of such exchange, and

"(B) the basis of such stock in the hands of the taxpayer shall in no event be less than the fair market value of the property exchanged.

"(2) TREATMENT OF CONTRIBUTIONS TO CAPITAL.—If the adjusted basis of any qualified small business stock is adjusted by reason of any contribution to capital after the date on which such stock was originally issued, in determining the amount of the adjustment by reason of such contribution, the basis of the contributed property shall in no event be treated as less than its fair market value on the date of the contribution.

"(j) TREATMENT OF CERTAIN SHORT POSITIONS.—

"(1) IN GENERAL.—If the taxpayer has an offsetting short position with respect to any qualified small business stock, subsection (a) shall not apply to any gain from the sale or exchange of such stock unless—

"(A) such stock was held by the taxpayer for more than 5 years as of the first day on which there was such a short position, and

"(B) the taxpayer elects to recognize gain as if such stock were sold on such first day for its fair market value.

"(2) OFFSETTING SHORT POSITION.—For purposes of paragraph (1), the taxpayer shall be treated as having an offsetting short position with respect to any qualified small business stock if—

"(A) the taxpayer has made a short sale of substantially identical property,

"(B) the taxpayer has acquired an option to sell substantially identical property at a fixed price, or

"(C) to the extent provided in regulations, the taxpayer has entered into any other transaction which substantially reduces the risk of loss from holding such qualified small business stock.

For purposes of the preceding sentence, any reference to the taxpayer shall be treated as including a reference to any person who is related (within the meaning of section 267(b) or 707(b)) to the taxpayer.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section through split-ups, shell corporations, partnerships, or otherwise."

(b) ONE-HALF OF EXCLUSION TREATED AS PREFERENCE FOR MINIMUM TAX.—

(1) IN GENERAL.—Subsection (a) of section 57 (relating to items of tax preference) is amended by adding at the end thereof the following new paragraph:

"(8) EXCLUSION FOR GAINS ON SALE OF CERTAIN SMALL BUSINESS STOCK.—An amount equal to one-half of the amount excluded from gross income for the taxable year under section 1202."

(2) CONFORMING AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) is amended by striking "and (6)" and inserting "(6), and (8)".

(c) PENALTY FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS.—Section 6652 is amended by inserting before the last subsection thereof the following new subsection:

"(l) FAILURE TO MAKE REPORTS REQUIRED UNDER SECTION 1202.—In the case of a failure to make a report required under section 1202(d)(1)(C) which contains the information required by such section on the date prescribed therefor (determined with regard to any extension of time for filing), there shall be paid (on notice and demand by the Secretary and in the same manner as tax) by the person failing to make such report, an amount equal to $50 for each report with respect to which there was such a failure. In the case of any failure due to negligence or intentional disregard, the preceding sentence shall be applied by substituting '$100' for '$50'. In the case of a report covering periods in 2 or more years, the penalty determined under preceding provisions of this subsection shall be multiplied by the number of such years."

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 172(d)(2) (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includable on account of gains from sales or exchanges of capital assets; and

"(B) the exclusion provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(2) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202. In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(3) Paragraph (3) of section 643(a) is amended by adding at the end thereof the following new sentence: "The exclusion under section 1202 shall not be taken into account.".

(4) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(5) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 and" after "except that".

(6) The table of sections for part I of subchapter P of chapter 1 is amended by adding after the item relating to section 1201 the following new item:

"Sec. 1202. 50-percent exclusion for gain from certain small business stock."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to stock issued after December 31, 1992.

PART IV—MODIFICATIONS TO MINIMUM TAX DEPRECIATION RULES

SEC. 1231. MODIFICATION TO MINIMUM TAX DEPRECIATION RULES.

(a) GENERAL RULE.—Paragraph (1) of section 56(a) (relating to depreciation) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) TREATMENT OF CERTAIN PERSONAL PROPERTY PLACED IN SERVICE AFTER 1993.—

"(i) IN GENERAL.—In the case of any property to which this subparagraph applies, the depreciation deduction allowable under section 167 shall be determined as provided in section 168(a), except that the method of depreciation used shall be—

"(I) the 120 percent declining balance method switching to the straight line method for the 1st taxable year for which using the straight line method with respect to the adjusted basis as of the beginning of the year will yield a higher allowance, or

"(II) the straight line method in the case of property for which the applicable depreciation method under section 168(a) is the straight line method.

"(ii) PROPERTY TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply to any tangible property placed in service after December 31, 1993, except that this subparagraph shall not apply to—

"(I) any residential rental property or nonresidential real property (within the meaning of section 168(e)), and

"(II) any other property for which the depreciation deduction provided by section 167(a) for purposes of the regular tax is computed under the alternative depreciation system of section 168(g).

"(iii) COORDINATION WITH SUBPARAGRAPH (A).—Subparagraph (A) shall not apply to any property to which this subparagraph applies."

(b) ELIMINATION OF ACE DEPRECIATION ADJUSTMENT.—Clause (i) of section 56(g)(4)(A) (relating to depreciation adjustments for computing adjusted current earnings) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any property to which subsection (a)(1)(B) applies, and the depreciation deduction with respect to such property shall be determined under the rules of subsection (a)(1)(B).".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 168(b) is amended to read as follows:

"(2) SPECIAL RULE FOR DECLINING BALANCE METHOD IN CERTAIN CASES.—

"(A) 150 PERCENT METHOD FOR CERTAIN PROPERTY.—Paragraph (1) shall be applied by substituting '150 percent' for '200 percent' in the case of—

"(i) any 15-year or 20-year property, or

"(ii) any property used in a farming business (within the meaning of section 263A(e)(4)).

"(B) ELECTION TO USE MINIMUM TAX METHOD.—In the case of any property (other than property described in paragraph (3)) with respect to which the taxpayer elects under paragraph (5) to have the provisions of this subparagraph apply, paragraph (1) shall be applied by substituting '120 percent' for '200 percent' (and subparagraph (A) of this paragraph shall not apply)."

(2) Paragraph (5) of section 168(b) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(B)".

(3) Subsection (c) of section 168 is amended—

(A) by striking paragraph (2), and

(B) by striking so much of such subsection as precedes the table contained in paragraph (1) and inserting the following:

"(c) APPLICABLE RECOVERY PERIOD.—For purposes of this section, the applicable recovery period shall be determined in accordance with the following table:".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 1993.

(2) COORDINATION WITH TRANSITIONAL RULES.—The amendments made by this section shall not apply to any property to which paragraph (1) of section 56(a) of the Internal Revenue Code of 1986 does not apply by reason of subparagraph (D)(i) thereof (as redesignated by subsection (a) of this section).

Subtitle C—Tax-Exempt Bond Provisions

SEC. 1301. HIGH-SPEED INTERCITY RAIL FACILITY BONDS EXEMPT FROM STATE VOLUME CAP.

(a) IN GENERAL.—Paragraph (4) of section 146(g) (relating to exemption for certain bonds) is amended by striking "75 percent of".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after December 31, 1993.

SEC. 1302. PERMANENT EXTENSION OF QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) is amended to read as follows:

"(B) BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES AND FARM PROPERTY.—Subparagraph (A) shall not apply to any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide—

"(i) any manufacturing facility, or

"(ii) any land or property in accordance with section 147(c)(2)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after June 30, 1992.

Subtitle D—Expansion And Simplification Of Earned Income Tax Credit

SEC. 1401. EXPANSION AND SIMPLIFICATION OF EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Section 32 (relating to earned income credit) is amended by striking subsections (a) and (b) and inserting the following:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income amount.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of the earned income amount, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.

"(b) PERCENTAGES AND AMOUNTS.—For purposes of subsection (a)—

"(1) PERCENTAGES.—The credit percentage and the phaseout percentage shall be determined as follows:

"(A) IN GENERAL.—In the case of taxable years beginning after 1994:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34.37	16.16
2 or more qualifying children	39.66	19.83
No qualifying children	7.65	7.65

"(B) TRANSITIONAL PERCENTAGES.—In the case of a taxable year beginning in 1994:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	26.60	16.16
2 or more qualifying children	31.59	15.79
No qualifying children	7.65	7.65

"(2) AMOUNTS.—The earned income amount and the phaseout amount shall be determined as follows:

"(A) IN GENERAL.—In the case of taxable years beginning after 1994:

In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$6,000	$11,000
2 or more qualifying children	$8,500	$11,000
No qualifying children	$4,000	$5,000

"(B) TRANSITIONAL AMOUNTS.—In the case of a taxable year beginning in 1994:

In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$7,750	$11,000
2 or more qualifying children	$8,500	$11,000
No qualifying children	$4,000	$5,000".

(b) ELIGIBLE INDIVIDUAL.—Subparagraph (A) of section 32(c)(1) (defining eligible individual) is amended to read as follows:

"(A) IN GENERAL.—The term 'eligible individual' means—

"(i) any individual who has a qualifying child for the taxable year, or

"(ii) any other individual who does not have a qualifying child for the taxable year, if—

"(I) such individual's principal place of abode is in the United States for more than one-half of such taxable year,

"(II) such individual (or, if the individual is married, the individual's spouse) has attained age 22 before the close of the taxable year, and

"(III) such individual (or, if the individual is married, the individual's spouse) is not a dependent for whom a deduction is allowable under section 151 to another taxpayer for any taxable year beginning in the same calendar year as such taxable year."

(c) INFLATION ADJUSTMENTS.—Section 32(i) (relating to inflation adjustments) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) IN GENERAL.—In the case of any taxable year beginning after 1994, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3), for the calendar year in which the taxable year begins, by substituting 'calendar year 1993' for 'calendar year 1992'.", and

(2) by redesignating paragraph (3) as paragraph (2).

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 32(c)(3) is amended—

(A) by striking "clause (i) or (ii)" in clause (iii) and inserting "clause (i)",

(B) by striking clause (ii), and

(C) by redesignating clause (iii) as clause (ii).

(2) Paragraph (3) of section 162(l) is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 is amended by striking subsection (f).

(4) Subsection (b) of section 3507 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) certifies that the employee has 1 or more qualifying children (within the meaning of section 32(c)(3)) for such taxable year,".

(5) Subparagraph (B) of section 3507(c)(2) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) of not more than the credit percentage in effect under section 32(b)(1) for an eligible individual with 1 qualifying child and with earned income not in excess of the earned income amount in effect under section 32(b)(2) for such an eligible individual, which

"(ii) phases out at the phaseout percentage in effect under section 32(b)(1) for such an eligible individual between the phaseout amount in effect under section 32(b)(2) for such an eligible individual and the amount of earned income at which the credit under section 32(a) phases out for such an eligible individual, or".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

Subtitle E—Incentives For Investment In Real Estate

PART I—EXTENSION OF QUALIFIED MORTGAGE BONDS AND LOW-INCOME HOUSING CREDIT

SEC. 1501. PERMANENT EXTENSION OF QUALIFIED MORTGAGE BONDS.

(a) IN GENERAL.—Paragraph (1) of section 143(a) (defining qualified mortgage bond) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BOND DEFINED.—For purposes of this title, the term 'qualified mortgage bond' means a bond which is issued as part of a qualified mortgage issue."

(b) MORTGAGE CREDIT CERTIFICATES.—Section 25 is amended by striking subsection (h) and by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(c) EFFECTIVE DATES.—

(1) BONDS.—The amendment made by subsection (a) shall apply to bonds issued after June 30, 1992.

(2) CERTIFICATES.—The amendment made by subsection (b) shall apply to elections for periods after June 30, 1992.

SEC. 1502. PERMANENT EXTENSION OF LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Section 42 (relating to low-income housing credit) is amended by striking subsection (o).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods after June 30, 1992.

PART II—MODIFICATION OF PASSIVE LOSS RULES

SEC. 1511. MODIFICATION OF PASSIVE LOSS RULES.

(a) GENERAL RULE.—Section 469 (relating to passive activity losses and credits limited) is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

"(l) SPECIAL RULES FOR REAL ESTATE ACTIVITIES.—

"(1) LOSS FROM CERTAIN RENTAL REAL ESTATE ACTIVITIES TREATED AS NOT PASSIVE.—If the taxpayer meets the requirements of paragraph (2) for the taxable year, subsection (a) shall not apply to so much of the passive activity loss for such taxable year as does not exceed the least of—

"(A) the net loss for such taxable year from rental real estate activities in which the taxpayer materially participates,

"(B) the net income of the taxpayer for the taxable year from real property trade or business activities which are not passive activities, or

"(C) the taxable income of the taxpayer for the taxable year determined without regard to this subsection.

A similar rule shall apply to any passive activity credit.

"(2) REQUIREMENTS.—The taxpayer meets the requirements of this paragraph for any taxable year if more than one-half of the personal services performed in trades or businesses by the taxpayer during such taxable year are performed in real property trades or businesses in which the taxpayer materially participates.

"(3) REAL PROPERTY TRADE OR BUSINESS.—For purposes of this paragraph, the term 'real property trade or business' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business.

"(4) SPECIAL RULES.—

"(A) PERSONAL SERVICES AS AN EMPLOYEE.—For purposes of paragraph (2), personal services performed as an employee shall not be treated as performed in real property trades or businesses. The preceding sentence shall not apply if such employee is a 5-percent owner (as defined in section 416(i)(1)(B)) in the employer.

"(B) CLOSELY HELD C CORPORATIONS.—This subsection shall not apply to any interests held by a closely held C corporation.

"(5) COORDINATION WITH SUBSECTION (i).—

"(A) IN GENERAL.—This subsection shall be applied after the application of subsection (i).

"(B) AMOUNTS ALLOWED UNDER SUBSECTION (i).—For purposes of this subsection—

"(i) the passive activity loss and passive activity credit, and

"(ii) the net loss referred to in paragraph (1)(A),

shall not include any amount allowed under subsection (i)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

PART III—PROVISIONS RELATING TO REAL ESTATE INVESTMENTS BY PENSION FUNDS

SEC. 1521. REAL ESTATE PROPERTY ACQUIRED BY A QUALIFIED ORGANIZATION.

(a) MODIFICATIONS OF EXCEPTIONS.—Paragraph (9) of section 514(c) (relating to real property acquired by a qualified organization) is amended by adding at the end thereof the following new subparagraphs:

"(G) SPECIAL RULES FOR PURPOSES OF THE EXCEPTIONS.—Except as otherwise provided by regulations—

"(i) SMALL LEASES DISREGARDED.—For purposes of clauses (iii) and (iv) of subparagraph (B), a lease to a person described in such clause (iii) or (iv) shall be disregarded if no more than 25 percent of the leasable floor space in a building (or complex of buildings) is covered by the lease and if the lease is on commercially reasonable terms.

"(ii) COMMERCIALLY REASONABLE FINANCING.—Clause (v) of subparagraph (B) shall not apply if the financing is on commercially reasonable terms.

"(H) QUALIFYING SALES BY FINANCIAL INSTITUTIONS.—

"(i) IN GENERAL.—In the case of a qualifying sale by a financial institution, except as provided in regulations, clauses (i) and (ii) of subparagraph (B) shall not apply with respect to financing provided by such institution for such sale.

"(ii) QUALIFYING SALE.—For purposes of this clause, there is a qualifying sale by a financial institution if—

"(I) a qualified organization acquires property described in clause (iii) from a financial institution and any gain recognized by the financial institution with respect to the property is ordinary income,

"(II) the stated principal amount of the financing provided by the financial institution does not exceed the amount of the outstanding indebtedness (including accrued but unpaid interest) of the financial institution with respect to the property described in clause (iii) immediately before the acquisition referred to in clause (iii) or (v), whichever is applicable, and

"(III) the present value (determined as of the time of the sale and by using the applicable Federal rate determined under section 1274(d)) of the maximum amount payable pursuant to the financing that is determined by reference to the revenue, income, or profits derived from the property cannot exceed 30 percent of the total purchase price of the property (including the contingent payments).

"(iii) PROPERTY TO WHICH SUBPARAGRAPH APPLIES.—Property is described in this clause if such property is foreclosure property, or is real property which—

"(I) was acquired by the qualified organization from a financial institution which is in conservatorship or receivership, or from the conservator or receiver of such an institution, and

"(II) was held by the financial institution at the time it entered into conservatorship or receivership.

"(iv) FINANCIAL INSTITUTION.—For purposes of this subparagraph, the term 'financial institution' means—

"(I) any financial institution described in section 581 or 591(a),

"(II) any other corporation which is a direct or indirect subsidiary of an institution referred to in subclause (I) but only if, by virtue of being affiliated with such institution, such other corporation is subject to supervision and examination by a Federal or State agency which regulates institutions referred to in subclause (I), and

"(III) any person acting as a conservator or receiver of an entity referred to in subclause (I) or (II) (or any government agency or corporation succeeding to the rights or interest of such person).

"(v) FORECLOSURE PROPERTY.—For purposes of this subparagraph, the term 'foreclosure property' means any real property acquired by the financial institution as the result of having bid on such property at foreclosure, or by operation of an agreement or process of law, after there was a default (or a default was imminent) on indebtedness which such property secured."

(b) CONFORMING AMENDMENT.—Paragraph (9) of section 514(c) is amended—

(1) by adding the following new sentence at the end of subparagraph (A): "For purposes of this paragraph, an interest in a mortgage shall in no event be treated as real property.", and

(2) by striking the last sentence of subparagraph (B).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to acquisitions on or after January 1, 1994.

(2) SMALL LEASES.—The provisions of section 514(c)(9)(G)(i) of the Internal Revenue Code of 1986 shall, in addition to any leases to which the provisions apply by reason of paragraph (1), apply to leases entered into on or after January 1, 1994.

SEC. 1522. REPEAL OF SPECIAL TREATMENT OF PUBLICLY TREATED PARTNERSHIPS.

(a) GENERAL RULE.—Subsection (c) of section 512 is amended—

(1) by striking paragraph (2),

(2) by redesignating paragraph (3) as paragraph (2), and

(3) by striking "paragraph (1) or (2)" in paragraph (2) (as so redesignated) and inserting "paragraph (1)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to partnership years beginning on or after January 1, 1994.

SEC. 1523. TITLE-HOLDING COMPANIES PERMITTED TO RECEIVE SMALL AMOUNTS OF UNRELATED BUSINESS TAXABLE INCOME.

(a) GENERAL RULE.—Paragraph (25) of section 501(c) is amended by adding at the end thereof the following new subparagraph:

"(G)(i) An organization shall not be treated as failing to be described in this paragraph merely by reason of the receipt of any otherwise disqualifying income which is incidentally derived from the holding of real property.

"(ii) Clause (i) shall not apply if the amount of gross income described in such clause exceeds 10 percent of the organization's gross income for the taxable year unless the organization establishes to the satisfaction of the Secretary that the receipt of gross income described in clause (i) in excess of such limitation was inadvertent and reasonable steps are being taken to correct the circumstances giving rise to such income."

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 501(c) is amended by adding at the end thereof the following new sentence: "Rules similar to the rules of subparagraph (G) of paragraph (25) shall apply for purposes of this paragraph."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1994.

SEC. 1524. EXCLUSION FROM UNRELATED BUSINESS TAX OF GAINS FROM CERTAIN PROPERTY.

(a) GENERAL RULE.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end thereof the following new paragraph:

"(16)(A) Notwithstanding paragraph (5)(B), there shall be excluded all gains or losses from the sale, exchange, or other disposition of any real property described in subparagraph (B) if—

"(i) such property was acquired by the organization from—

"(I) a financial institution described in section 581 or 591(a) which is in conservatorship or receivership, or

"(II) the conservator or receiver of such an institution (or any government agency or corporation succeeding to the rights or interests of the conservator or receiver),

"(ii) such property is designated by the organization within the 9-month period beginning on the date of its acquisition as property held for sale, except that not more than one-half (by value determined as of such date) of property acquired in a single transaction may be so designated,

"(iii) such sale, exchange, or disposition occurs before the later of—

"(I) the date which is 30 months after the date of the acquisition of such property, or

"(II) the date specified by the Secretary in order to assure an orderly disposition of property held by persons described in subparagraph (A), and

"(iv) while such property was held by the organization, the aggregate expenditures on improvements and development activities included in the basis of the property are (or were) not in excess of 20 percent of the net selling price of such property.

"(B) Property is described in this subparagraph if it is real property which—

"(i) was held by the financial institution at the time it entered into conservatorship or receivership, or

"(ii) was foreclosure property (as defined in section 514(c)(9)(H)(v)) which secured indebtedness held by the financial institution at such time.

For purposes of this subparagraph, real property includes an interest in a mortgage."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property acquired on or after January 1, 1994.

SEC. 1525. EXCLUSION FROM UNRELATED BUSINESS TAX OF CERTAIN FEES AND OPTION PREMIUMS.

(a) LOAN COMMITMENT FEES.—Paragraph (1) of section 512(b) (relating to modifications) is amended by inserting "amounts received or accrued as consideration for entering into agreements to make loans," before "and annuities".

(b) OPTION PREMIUMS.—The second sentence of section 512(b)(5) is amended—

(1) by striking "all gains on" and inserting "all gains or losses recognized, in connection with the organization's investment activities, from",

(2) by striking ", written by the organization in connection with its investment activities," and

(3) by inserting "or real property and all gains or losses from the forfeiture of good-faith deposits (that are consistent with established business practice) for the purchase, sale, or lease of real property in connection with the organization's investment activities" before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received on or after January 1, 1994.

PART IV—INCREASE IN RECOVERY PERIOD FOR NONRESIDENTIAL REAL PROPERTY

SEC. 1531. INCREASE IN RECOVERY PERIOD FOR NONRESIDENTIAL REAL PROPERTY.

(a) GENERAL RULE.—Paragraph (1) of section 168(c) (relating to applicable recovery period) is amended by striking the item relating to nonresidential real property and inserting the following:

"Nonresidential real property .... 37 years.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to property placed in service by the taxpayer on or after February 25, 1993.

(2) EXCEPTION.—The amendments made by this section shall not apply to property placed in service by the taxpayer before January 1, 1994, if—

(A) the taxpayer or a qualified person entered into a binding written contract to purchase or construct such property before February 25, 1993, or

(B) the construction of such property was commenced by or for the taxpayer or a qualified person before February 25, 1993.

For purposes of this paragraph, the term "qualified person" means any person who transfers his rights in such a contract or such property to the taxpayer but only if the property is not placed in service by such person before such rights are transferred to the taxpayer.

Subtitle F—Other Changes

SEC. 1601. ALTERNATIVE MINIMUM TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY.

(a) REPEAL OF TAX PREFERENCE.—Subsection (a) of section 57 (as amended by section 1221) is amended by striking paragraph (6) (relating to appreciated property charitable deduction) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) EFFECT ON ADJUSTED CURRENT EARNINGS.—Paragraph (4) of section 56(g) is amended by adding at the end thereof the following new subparagraph:

"(J) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Notwithstanding subparagraphs (B) and (C), no adjustment related to the earnings and profits effects of any charitable contribution shall be made in computing adjusted current earnings."

(c) CONFORMING AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) (as amended by section 1221) is amended by striking "(5), (6), and (8)" and inserting "(5), and (7)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after June 30, 1992, except that in the case of any contribution of capital gain property which is not tangible personal property, such amendments shall apply only if the contribution is made after December 31, 1992.

SEC. 1602. CERTAIN TRANSFERS TO RAILROAD RETIREMENT ACCOUNT MADE PERMANENT.

Subsection (c)(1)(A) of section 224 of the Railroad Retirement Solvency Act of 1983 (relating to section 72(r) revenue increase transferred to certain railroad accounts) is amended by striking "with respect to benefits received before October 1, 1992".

SEC. 1603. TEMPORARY EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—

(1) EXTENSION.—Paragraph (6) of section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "June 30, 1992" and inserting "December 31, 1993".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 110(a) of the Tax Extension Act of 1991 is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after June 30, 1992.

(b) DETERMINATION OF ELIGIBILITY FOR EMPLOYER-SPONSORED HEALTH PLAN.—

(1) IN GENERAL.—Paragraph (2)(B) of section 162(l) is amended to read as follows:

"(B) OTHER COVERAGE.—Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to particpate in any subsidized health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1992.

TITLE II—REVENUE INCREASES

Subtitle A—Provisions Affecting Individuals

PART I—RATE INCREASES

SEC. 2101. INCREASE IN TOP MARGINAL RATE UNDER SECTION 1.

(a) GENERAL RULE.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a))

a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $36,900	15% of taxable income.
Over $36,900 but not over $89,150.	$5,535, plus 28% of the excess over $36,900.
Over $89,150 but not over $140,000.	$20,165, plus 31% of the excess over $89,150.
Over $140,000	$35,928.50, plus 36% of the excess over $140,000.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $29,600	15% of taxable income.
Over $29,600 but not over $76,400.	$4,440, plus 28% of the excess over $29,600.
Over $76,400 but not over $127,500.	$17,544, plus 31% of the excess over $76,400.
Over $127,500	$33,385, plus 36% of the excess over $127,500.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $22,100	15% of taxable income.
Over $22,100 but not over $53,500.	$3,315, plus 28% of the excess over $22,100.
Over $53,500 but not over $115,000.	$12,107, plus 31% of the excess over $53,500.
Over $115,000	$31,172, plus 36% of the excess over $115,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $18,450	15% of taxable income.
Over $18,450 but not over $44,575.	$2,767.50, plus 28% of the excess over $18,450.
Over $44,575 but not over $70,000.	$10,082.50, plus 31% of the excess over $44,575.
Over $70,000	$17,964.25, plus 36% of the excess over $70,000.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $1,500	15% of taxable income.
Over $1,500 but not over $3,500.	$225, plus 28% of the excess over $1,500.
Over $3,500 but not over $5,500.	$785, plus 31% of the excess over $3,500.
Over $5,500	$1,405, plus 36% of the excess over $5,500."

(b) CONFORMING AMENDMENTS.—

(1) Section 531 is amended by striking "28 percent" and inserting "36 percent".

(2) Section 541 is amended by striking "28 percent" and inserting "36 percent".

(3)(A) Subsection (f) of section 1 is amended—

(i) by striking "1990" in paragraph (1) and inserting "1993", and

(ii) by striking "1989" in paragraph (3)(B) and inserting "1992".

(B) Subparagraph (C) of section 41(e)(5) is amended by striking "1989" each place it appears and inserting "1992".

(C) Subparagraph (B) of section 63(c)(4) is amended by striking "1989" and inserting "1992".

(D) Subparagraph (B) of section 68(b)(2) is amended by striking "1989" and inserting "1992".

(E) Subparagraph (B) of section 132(f)(6) is amended by striking ", determined by substituting" and all that follows down through the period at the end thereof and inserting a period.

(F) Subparagraphs (A)(ii) and (B)(ii) of section 151(d)(4) are each amended by striking "1989" and inserting "1992".

(G) Clause (ii) of section 513(h)(2)(C) is amended by striking "1989" and inserting "1992".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 2102. SURTAX ON HIGH-INCOME TAXPAYERS.

(a) GENERAL RULE.—

(1) Subsection (a) of section 1 (as amended by section 2101) is amended by striking the last item in the table contained therein and inserting the following:

Over $140,000 but not over $250,000.	$35,928.50, plus 36% of the excess over $140,000.
Over $250,000	$75,528.50, plus 39.6% of the excess over $250,000."

(2) Subsection (b) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

Over $127,500 but not over $250,000.	$33,385, plus 36% of the excess over $127,500.
Over $250,000	$77,485, plus 39.6% of the excess over $250,000."

(3) Subsection (c) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

Over $115,000 but not over $250,000.	$31,172, plus 36% of the excess over $115,000.
Over $250,000	$79,772, plus 39.6% of the excess over $250,000."

(4) Subsection (d) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

Over $70,000 but not over $125,000.	$17,964.25, plus 36% of the excess over $70,000.
Over $125,000	$37,764.25, plus 39.6% of the excess over $125,000."

(5) Subsection (e) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

Over $5,500 but not over $7,500.	$1,405, plus 36% of the excess over $5,500.
Over $7,500	$2,125, plus 39.6% of the excess over $7,500."

(b) TECHNICAL AMENDMENT.—Sections 531 and 541 (as amended by section 2101) are each amended by striking "36 percent" and inserting "39.6 percent".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 2103. MODIFICATIONS TO ALTERNATIVE MINIMUM TAX RATES AND EXEMPTION AMOUNTS.

(a) INCREASE IN RATE.—Paragraph (1) of section 55(b) (defining tentative minimum tax) is amended to read as follows:

"(1) AMOUNT OF TENTATIVE TAX.—

"(A) NONCORPORATE TAXPAYERS.—

"(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is the sum of—

"(I) 26 percent of so much of the taxable excess as does not exceed $175,000, plus

"(II) 28 percent of so much of the taxable excess as exceeds $175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

"(ii) TAXABLE EXCESS.—For purposes of clause (i), the term 'taxable excess' means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

"(iii) MARRIED INDIVIDUAL FILING SEPARATE RETURN.—In the case of a married individual filing a separate return, clause (i) shall be applied by substituting '$87,500' for '$175,000' each place it appears. For purposes of the preceding sentence, marital status shall be determined under section 7703.

"(B) CORPORATIONS.—In the case of a corporation, the tentative minimum tax for the taxable year is—

"(i) 20 percent of so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, reduced by

"(ii) the alternative minimum tax foreign tax credit for the taxable year."

(b) INCREASE IN EXEMPTION AMOUNTS.—Paragraph (1) of section 55(d) (defining exemption amount) is amended—

(1) by striking "$40,000" in subparagraph (A) and inserting "$45,000",

(2) by striking "$30,000" in subparagraph (B) and inserting "$33,750", and

(3) by striking "$20,000" in subparagraph (C) and inserting "$22,500".

(c) CONFORMING AMENDMENTS.—

(1) The last sentence of section 55(d)(3) is amended by striking "$155,000 or (ii) $20,000" and inserting "$165,000 or (ii) $22,500".

(2)(A) Subparagraph (A) of section 897(a)(2) is amended by striking "the amount determined under section 55(b)(1)(A) shall not be less than 21 percent of" and inserting "the taxable excess for purposes of section 55(b)(1)(A) shall not be less than".

(B) The heading for paragraph (2) of section 897(a) is amended by striking "21-PERCENT".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 2104. OVERALL LIMITATION ON ITEMIZED DEDUCTIONS FOR HIGH-INCOME TAXPAYERS MADE PERMANENT.

Subsection (f) of section 68 (relating to overall limitation on itemized deductions) is hereby repealed.

SEC. 2105. PHASEOUT OF PERSONAL EXEMPTION OF HIGH-INCOME TAXPAYERS MADE PERMANENT.

Section 151(d)(3) (relating to phaseout of personal exemption) is amended by striking subparagraph (E).

SEC. 2106. PROVISIONS TO PREVENT CONVERSION OF ORDINARY INCOME TO CAPITAL GAIN.

(a) INTEREST EMBEDDED IN FINANCIAL TRANSACTIONS.—

(1) IN GENERAL.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section:

"SEC. 1258. RECHARACTERIZATION OF GAIN FROM CERTAIN FINANCIAL TRANSACTIONS.

"(a) GENERAL RULE.—In the case of any gain—

"(1) which (but for this section) would be treated as gain from the sale or exchange of a capital asset, and

"(2) which is recognized on the disposition of any property which was held as part of a conversion transaction,

such gain (to the extent such gain does not exceed the applicable imputed income amount) shall be treated as ordinary income.

"(b) APPLICABLE IMPUTED INCOME AMOUNT.—For purposes of subsection (a), the term 'applicable imputed income amount' means, with respect to any disposition referred to in subsection (a), an amount equal to—

"(1) the amount of interest which would have accrued on the taxpayer's net investment in the conversion transaction for the period ending on the date of such disposition (or, if earlier, the date on which the requirements of subsection (c) ceased to be satisfied) at a rate equal to 120 percent of the applicable rate, reduced by

"(2) the amount treated as ordinary income under subsection (a) with respect to any prior disposition of property which was held as a part of such transaction.

"(c) CONVERSION TRANSACTION.—For purposes of this section, the term 'conversion transaction' means any of the following where substantially all of the taxpayer's expected net return from the transaction is attributable to the time value of the taxpayer's net investment in such transaction:

"(1) The holding of any property (whether or not actively traded), and the entering into a contract to sell such property (or substantially identical property) at a price determined in accordance with such contract, but only if such property was acquired and such contract was entered into on a substantially contemporaneous basis.

"(2) Any applicable straddle.

"(3) Any other transaction which is marketed or sold as producing capital gains.

"(4) Any other transaction specified in regulations prescribed by the Secretary.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE STRADDLE.—The term 'applicable straddle' means any straddle (within the meaning of section 1092(c)); except that—

"(A) the term 'personal property' shall include stock, and

"(B) paragraph (4) of section 1092(c) shall not apply.

"(2) APPLICABLE RATE.—The term 'applicable Federal rate' means—

"(A) the applicable Federal rate determined under section 1274(d) (compounded semiannually) as if the conversion transaction were a debt instrument, or

"(B) if the term of the conversion transaction is indefinite, the Federal short-term rates in effect under section 6621(b) during the period of the conversion transaction (compounded daily).

"(3) TREATMENT OF PROPERTY WITH BUILT-IN LOSS.—

"(A) IN GENERAL.—If any property with a built-in loss becomes part of a conversion transaction—

"(i) for purposes of applying this subtitle to such property for periods after such property becomes part of such transaction, the adjusted basis of such property shall be its fair market value as of the time it became part of such transaction, except that

"(ii) upon the disposition of such property in a transaction in which gain or loss is recognized, such built-in loss shall be recognized and shall have a character determined without regard to this section.

"(B) BUILT-IN LOSS.—For purposes of subparagraph (A), the term 'built-in loss' means the excess (if any) of the adjusted basis of any property over its fair market value.

"(4) PROPERTY TAKEN INTO ACCOUNT AT FAIR MARKET VALUE.—In determining the taxpayer's net investment in any conversion transaction, there shall be included the fair market value of any property which becomes part of such transaction (determined as of the date on which such property became part of such transaction)."

(2) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1258. Recharacterization of gain from certain financial transactions."

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to conversion transactions entered into after April 30, 1993.

(b) REPEAL OF CERTAIN EXCEPTIONS TO MARKET DISCOUNT RULES.—

(1) MARKET DISCOUNT BONDS ISSUED ON OR BEFORE JULY 18, 1984.—The following provisions are hereby repealed:

(A) Section 1276(e).

(B) Section 1277(d).

(2) TAX-EXEMPT OBLIGATIONS.—

(A) IN GENERAL.—Paragraph (1) of section 1278(a) (defining market discount bond) is amended—

(i) by striking clause (ii) of subparagraph (B) and redesignating subclauses (iii) and (iv) of such subparagraph as clauses (ii) and (iii), respectively,

(ii) by redesignating subparagraph (C) as subparagraph (D), and

(iii) by inserting after subparagraph (B) the following new subparagraph:

"(C) SECTION 1277 NOT APPLICABLE TO TAX-EXEMPT OBLIGATIONS.—For purposes of section 1277, the term 'market discount bond' shall not include any tax-exempt obligation (as defined in section 1275(a)(3))."

(B) CONFORMING AMENDMENT.—Sections 1276(a)(4) and 1278(b)(1) are each amended by striking "sections 871(a)" and inserting "sections 103, 871(a),".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations purchased (within the meaning of section 1272(d)(1) of the Internal Revenue Code of 1986) after April 30, 1993.

(c) TREATMENT OF STRIPPED PREFERRED STOCK.—

(1) IN GENERAL.—Section 305 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) TREATMENT OF PURCHASER OF STRIPPED PREFERRED STOCK.—

"(1) IN GENERAL.—If any person purchases after April 30, 1993 any stripped preferred stock, then such person, while holding such stock, shall include in gross income amounts equal to the amounts which would have been so includible if such stripped preferred stock were a bond issued on the purchase date and having original issue discount equal to the excess, if any, of—

"(A) the redemption price for such stock, over

"(B) the price at which such person purchased such stock.

The preceding sentence shall also apply in the case of any person whose basis in such stock is determined by reference to the basis in the hands of such purchaser.

"(2) BASIS ADJUSTMENTS.—Appropriate adjustments to basis shall be made for amounts includible in gross income under paragraph (1).

"(3) TAX TREATMENT OF PERSON STRIPPING STOCK.—If any person strips the rights to 1 or more dividends from any stock described in paragraph (5)(B) and after April 30, 1993 disposes of such dividend rights, for purposes of paragraph (1), such person shall be treated as having purchased the stripped preferred stock on the date of such disposition for a purchase price equal to such person's adjusted basis in such stripped preferred stock.

"(4) AMOUNTS TREATED AS ORDINARY INCOME.—Any amount included in gross income under paragraph (1) shall be treated as ordinary income.

"(5) STRIPPED PREFERRED STOCK.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'stripped preferred stock' means any stock described in subparagraph (B) if there has been a separation in ownership between such stock and any dividend on such stock which has not become payable.

"(B) DESCRIPTION OF STOCK.—Stock is described in this subsection if such stock—

"(i) is limited and preferred as to dividends and does not participate in corporate growth to any significant extent, and

"(ii) has a fixed redemption price.

"(6) PURCHASE.—For purposes of this subsection, the term 'purchase' means—

"(A) any acquisition of stock, where

"(B) the basis of such stock is not determined in whole or in part by the reference to the adjusted basis of such stock in the hands of the person from whom acquired."

(2) COORDINATION WITH SECTION 167(e).—Paragraph (2) of section 167(e) is amended to read as follows:

"(2) COORDINATION WITH OTHER PROVISIONS.—

"(A) SECTION 273.—This subsection shall not apply to any term interest to which section 273 applies.

"(B) SECTION 305(e).—This subsection shall not apply to the holder of the dividend rights which were separated from any stripped preferred stock to which section 305(e)(1) applies."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 30, 1993.

(d) TREATMENT OF CAPITAL GAIN UNDER LIMITATION ON INVESTMENT INTEREST.—

(1) IN GENERAL.—Subparagraph (B) of section 163(d)(4) (defining investment income) is amended to read as follows:

"(B) INVESTMENT INCOME.—The term 'investment income' means the sum of—

"(i) gross income from property held for investment (other than any gain taken into account under clause (ii)(I)),

"(ii) the excess (if any) of—

"(I) the net gain attributable to the disposition of property held for investment, over

"(II) the net capital gain determined by only taking into account gains and losses from dispositions of property held for investment, plus

"(iii) so much of the net capital gain referred to in clause (ii)(II) (or, if lesser, the net gain referred to in clause (ii)(I)) as the taxpayer elects to take into account under this clause."

(2) COORDINATION WITH SPECIAL CAPITAL GAINS RATE.—Subsection (h) of section 1 is amended by adding at the end thereof the following new sentence:

"For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii)."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

(e) TREATMENT OF CERTAIN APPRECIATED INVENTORY.—

(1) Paragraph (1) of section 751(d) is amended to read as follows:

"(1) SUBSTANTIAL APPRECIATION.—

"(A) IN GENERAL.—Inventory items of the partnership shall be considered to have appreciated substantially in income if their fair market value exceeds 120 percent of the adjusted basis to the partnership of such property.

"(B) CERTAIN PROPERTY EXCLUDED.—For purposes of subparagraph (A), there shall be excluded any inventory property if a principal purpose for acquiring such property was to avoid the provisions of this section relating to inventory items."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales, exchanges, and distributions after April 30, 1993.

PART II—OTHER PROVISIONS

SEC. 2111. REPEAL OF LIMITATION ON AMOUNT OF WAGES SUBJECT TO HEALTH INSURANCE EMPLOYMENT TAX.

(a) HOSPITAL INSURANCE TAX.—

(1) Paragraph (1) of section 3121(a) (defining wages) is amended—

(A) by inserting "in the case of the taxes imposed by sections 3101(a) and 3111(a)" after "(1)",

(B) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(C) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(2) Section 3121 is amended by striking subsection (x).

(b) SELF-EMPLOYMENT TAX.—

(1) Subsection (b) of section 1402 is amended—

(A) by striking "that part of the net" in paragraph (1) and inserting "in the case of the tax imposed by section 1401(a), that part of the net",

(B) by striking "applicable contribution base (as determined under subsection (k))" in paragraph (1) and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)",

(C) by inserting "and" after "section 3121(b),", and

(D) by striking "and (C) includes" and all that follows through "3111(b)".

(2) Section 1402 is amended by striking subsection (k).

(c) RAILROAD RETIREMENT TAX.—

(1) Subparagraph (A) of section 3231(e)(2) is amended by adding at the end thereof the following new clause:

"(iii) HOSPITAL INSURANCE TAXES.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1402(b)."

(2) Clause (i) of section 3231(e)(2)(B) is amended to read as follows:

"(i) TIER 1 TAXES.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(d) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 6413(c) is amended by striking "section 3101 or section 3201" and inserting "section 3101(a) or section 3201(a) (to the extent the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a))".

(2) Subparagraphs (B) and (C) of section 6413(c)(2) are each amended by striking "section 3101" each place it appears and inserting "section 3101(a)".

(3) Subsection (c) of section 6413 is amended by striking paragraph (3).

(4) Sections 3122 and 3125 of such Code are each amended by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to 1994 and later calendar years.

SEC. 2112. TOP ESTATE AND GIFT TAX RATES MADE PERMANENT.

(a) GENERAL RULE.—The table contained in paragraph (1) of section 2001(c) is amended by striking the last item and inserting the following new items:

"Over $2,500,000 but not over $3,000,000.	$1,025,800, plus 53% of the excess over $2,500,000.
Over $3,000,000	$1,290,800, plus 55% of the excess over $3,000,000."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 2001 is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Paragraph (2) of section 2001(c), as redesignated by paragraph (1), is amended by striking "($18,340,000 in the case of decedents dying, and gifts made, after 1992)".

(3) The last sentence of section 2101(b) is amended by striking "section 2001(c)(3)" and inserting "section 2001(c)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of decedents dying, and gifts made, after December 31, 1992.

SEC. 2113. REDUCTION IN DEDUCTIBLE PORTION OF BUSINESS MEALS AND ENTERTAINMENT.

(a) GENERAL RULE.—Paragraph (1) of section 274(n) (relating to only 80 percent of meal and entertainment expenses allowed as deduction) is amended by striking "80 percent" and inserting "50 percent".

(b) CONFORMING AMENDMENT.—The subsection heading for section 274(n) is amended by striking "80" and inserting "50".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 2114. ELIMINATION OF DEDUCTION FOR CLUB MEMBERSHIP FEES.

(a) IN GENERAL.—Subsection (a) of section 274 (relating to disallowance of certain entertainment, etc., expenses) is amended by adding at the end thereof the following new paragraph:

"(3) DENIAL OF DEDUCTION FOR CLUB DUES.—Notwithstanding the preceding provisions of this subsection, no deduction shall be allowed under this chapter for amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose.

(b) EXCEPTION FOR EMPLOYEE RECREATIONAL EXPENSES NOT TO APPLY.—Paragraph (4) of section 274(e) is amended by adding at the end thereof the following: "This paragraph shall not apply for purposes of subsection (a)(3)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1993.

SEC. 2115. DISALLOWANCE OF DEDUCTION FOR CERTAIN EMPLOYEE REMUNERATION IN EXCESS OF $1,000,000.

(a) GENERAL RULE.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CERTAIN EXCESSIVE EMPLOYEE REMUNERATION.—

"(1) IN GENERAL.—In the case of any publicly held corporation, no deduction shall be allowed under this chapter for applicable employee remuneration with respect to any covered employee to the extent that the amount of such remuneration for the taxable year with respect to such employee exceeds $1,000,000.

"(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation issuing any class of common equity securities required to be registered under section 12 of the Securities Exchange Act of 1934.

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means any employee of the taxpayer if—

"(A) as of the close of the taxable year, such employee is the chief executive officer of the taxpayer or an individual acting in such a capacity, or

"(B) the total compensation for the taxable year of such employee is required to be reported to shareholders under the Securities Exchange Act of 1934 by reason of such employee being among the 4 highest compensated officers for the taxable year (other than the chief executive officer).

"(4) APPLICABLE EMPLOYEE REMUNERATION.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'applicable employee remuneration' means, with respect to any covered employee for any taxable year, the aggregate amount allowable as a deduction under this chapter for such taxable year (determined without regard to this subsection) for remuneration for services performed by such employee (whether or not during the taxable year).

"(B) EXCEPTION FOR REMUNERATION PAYABLE ON COMMISSION BASIS.—The term 'applicable employee remuneration' shall not include any remuneration payable on a commission basis solely on account of income generated directly by the individual performance of the individual to whom such remuneration is payable.

"(C) OTHER PERFORMANCE-BASED COMPENSATION.—The term 'applicable employee remuneration' shall not include any remuneration payable solely on account of the attainment of one or more performance goals but only if—

"(i) the performance goals are determined by a compensation committee of the board of directors of the taxpayer which is comprised solely of 2 or more independent directors,

"(ii) the material terms under which the remuneration is to be paid, including the performance goals, are disclosed to shareholders and approved by a majority of the vote in a separate shareholder vote before the payment of such remuneration, and

"(iii) before any payment of such remuneration, the compensation committee referred to in clause (i) certifies that the performance goals and any other material terms were in fact satisfied.

"(D) EXCEPTION FOR EXISTING BINDING CONTRACTS.—The term 'applicable employee remuneration' shall not include any remuneration payable under a written binding contract which was in effect on February 17, 1993, and which was not modified thereafter in any material respect before such remuneration is paid.

"(E) REMUNERATION.—For purposes of this paragraph, the term 'remuneration' includes any remuneration (including benefits) in any medium other than cash, but shall not include—

"(i) any payment referred to in so much of section 3121(a)(5) as precedes subparagraph (E) thereof, and

"(ii) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from gross income under this chapter.

For purposes of clause (i), section 3121(a)(5) shall be applied without regard to section 3121(v)(1).

"(F) COORDINATION WITH DISALLOWED GOLDEN PARACHUTE PAYMENTS.—The dollar limitation contained in paragraph (1) shall be reduced (but not below zero) by the amount (if any) which would have been included in the applicable employee remuneration of the covered employee for the taxable year but for being disallowed under section 280G."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts which would otherwise be deductible for taxable years beginning on or after January 1, 1994.

SEC. 2116. REDUCTION IN COMPENSATION TAKEN INTO ACCOUNT IN DETERMINING CONTRIBUTIONS AND BENEFITS UNDER QUALIFIED RETIREMENT PLANS.

(a) In General.—Sections 401(a)(17), 404(l), and 505(b)(7) are each amended—

(1) by striking "$200,000" in the first sentence and inserting "$150,000", and

(2) by striking the second sentence and inserting "In the case of years beginning after 1994, the Secretary shall adjust the $150,000 amount at the same time and in the same manner as under section 415(d), except that the base period for purposes of section 415(d)(1)(A) shall be the calendar quarter beginning October 1, 1994."

(b) Simplified Employee Pensions.—

(1) In general.—Paragraphs (3)(C) and (6)(D)(ii) of section 408(k) are each amended by striking "$200,000" and inserting "$150,000".

(2) Cost-of-living.—Paragraph (8) of section 408(k) is amended to read as follows:

"(8) Cost-of-living adjustment.—The Secretary shall adjust the $300 amount in paragraph (2)(C) at the same time and in the same manner as under section 415(d) and shall adjust the $150,000 amount in paragraphs (3)(C) and (6)(D)(ii) at the same time and by the same amount as the adjustment to the $150,000 amount in section 401(a)(17)."

(c) Conforming Amendment.—The heading for section 505(b)(7) is amended by striking "$200,000".

(d) Effective Date.—The amendments made by this section shall apply to benefits accruing in plan years beginning after December 31, 1993.

SEC. 2117. MODIFICATION TO DEDUCTION FOR CERTAIN MOVING EXPENSES.

(a) Repeal of Deduction for Qualified Residence Sale, Etc., Expenses.—

(1) In general.—Paragraph (1) of section 217(b) (defining moving expenses) is amended by inserting "or" at the end of subparagraph (C), by striking ", or" at the end of subparagraph (D) and inserting a period, and by striking subparagraph (E).

(2) Conforming amendments.—

(A) Subsection (b) of section 217 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(B) Paragraph (2) of section 217(b) (as redesignated by subparagraph (A)) is amended—

(i) by striking the last sentence of subparagraph (A), and

(ii) by striking ", and by" in subparagraph (B) and all that follows down through the period at the end of subparagraph (B) and inserting a period.

(C) Paragraph (1) of section 217(h) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) subsection (b)(2)(A) shall be applied by substituting '$4,500' for '$1,500', and

"(C) subsection (b)(2)(B) shall be applied as if the last sentence of such subsection read as follows: 'In the case of a husband and wife filing separate returns, subparagraph (A) shall be applied by substituting "$2,250" for "$4,500".' "

(D) Section 217 is amended by striking subsection (e).

(b) Deduction Disallowed for Meal Expenses.—Paragraph (1) of section 217(b) is amended—

(1) by striking "meals and lodging" in subparagraphs (B), (C) and (D) and inserting "lodging", and

(2) by adding at the end thereof the following new sentence:

"Such term shall not include any expenses for meals.".

(c) Effective Date.—The amendments made by this section shall apply to expenses incurred after December 31, 1993.

Subtitle B—Provisions Affecting Businesses

SEC. 2201. INCREASE IN TOP MARGINAL RATE UNDER SECTION 11.

(a) General Rule.—Paragraph (1) of section 11(b) (relating to amount of tax) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by striking subparagraph (C) and inserting the following:

"(C) 34 percent of so much of the taxable income as exceeds $75,000 but does not exceed $10,000,000, and

"(D) 36 percent of so much of the taxable income as exceeds $10,000,000.", and

(3) by adding at the end thereof the following new sentence: "In the case of a corporation which has taxable income in excess of $15,000,000, the amount of the tax determined under the foregoing provisions of this paragraph shall be increased by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $200,000.".

(b) Certain Personal Service Corporations.—Paragraph (2) of section 11(b) is amended by striking "34 percent" and inserting "36 percent".

(c) Conforming Amendments.—

(1) Clause (iii) of section 852(b)(3)(D) is amended by striking "66 percent" and inserting "64 percent".

(2) Subsection (a) of section 1201 is amended by striking "34 percent" each place it appears and inserting "36 percent".

(3) Paragraphs (1) and (2) of section 1445(e) are each amended by striking "34 percent" and inserting "36 percent".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1993; except that the amendment made by subsection (c)(3) shall take effect on the date of the enactment of this Act.

SEC. 2202. DENIAL OF DEDUCTION FOR LOBBYING EXPENSES.

(a) Disallowance of Deduction.—Section 162(e) (relating to appearances, etc., with respect to legislation) is amended to read as follows:

"(e) Denial of Deduction for Certain Lobbying and Political Expenditures.—

"(1) In general.—No deduction shall be allowed under subsection (a) for any amount paid or incurred—

"(A) in connection with influencing legislation,

"(B) for participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office, or

"(C) in connection with any attempt to influence the general public, or segments thereof, with respect to elections.

"(2) Application to dues.—

"(A) In general.—No deduction shall be allowed under subsection (a) for the portion of dues or other similar amounts (paid by the taxpayer with respect to an organization) which is allocable to the expenditures described in paragraph (1).

"(B) Allocation.—

"(i) In general.—For purposes of subparagraph (A), expenditures described in paragraph (1) shall be treated as paid out of dues or other similar amounts.

"(ii) Carryover of lobbying expenditures in excess of dues.—For purposes of this paragraph, if expenditures described in paragraph (1) exceed the dues or other similar amounts for any calendar year, such excess shall be treated as expenditures described in paragraph (1) which are paid or incurred by the organization during the following calendar year.

"(3) Influencing legislation.—For purposes of this subsection—

"(A) In general.—The term 'influencing legislation' means—

"(i) any attempt to influence the general public, or segments thereof, with respect to legislation, and

"(ii) any attempt to influence any legislation through communication with any member or employee of the legislative body, or with any government official or employee who may participate in the formulation of the legislation.

"(B) Exception for certain technical advice.—The term 'influencing legislation' shall not include the providing of technical advice or assistance to a governmental body or to a committee or other subdivision thereof in response to a specific written request by such governmental entity to the taxpayer which specifies the nature of the advice or assistance requested.

"(C) Legislation.—The term 'legislation' has the meaning given such term by section 4911(e)(2).

"(4) Exception for certain taxpayers.—In the case of any taxpayer engaged in the trade or business of conducting activities described in paragraph (1), paragraph (1) shall not apply to expenditures of the taxpayer in conducting such activities on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(5) Cross reference.—

"For reporting requirements related to this subsection, see section 6050O."

(b) Reporting Requirements.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

"SEC. 6050O. RETURNS RELATING TO LOBBYING EXPENDITURES OF CERTAIN ORGANIZATIONS.

"(a) Requirement of Reporting.—Each organization referred to in section 162(e)(2) shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the names and addresses of persons paying dues to the organization, the amount of the dues paid by such person, and the portion of such dues which is nondeductible under section 162(e)(2).

"(b) Statements To Be Furnished to Persons With Respect to Whom Information Is Furnished.—Any organization required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the organization, and

"(2) the dues paid by the person during the calendar year and the portion of such dues which is nondeductible under section 162(e)(2).

The written statement required under the preceding sentence shall be furnished (either in person or in a statement mailing by first-class mail which includes adequate notice that the statement is enclosed) to the persons on or before January 31 of the year following the calendar year for which the return under subsection (a) was made and shall be in such form as the Secretary may prescribe by regulations.

"(c) Waiver.—The Secretary may waive the reporting requirements of this section with respect to any organization or class of organizations if the Secretary determines that such reporting is not necessary to carry out the purposes of section 162(e).

"(d) Dues.—For purposes of this section, the term 'dues' includes other similar amounts."

(2) Penalties.—

(A) Returns.—Subparagraph (A) of section 6724(d)(1) (defining information return) is amended by striking "or" at the end of clause (xi), by striking the period at the end of the clause (xii) relating to section 4101(d) and inserting a comma, by redesignating the clause (xii) relating to section 338(h)(10) as clause (xiii), by striking the period at the end of clause (xiii) (as so redesignated) and inserting ", or", and by adding at the end the following new clause:

"(xiv) section 6050O(a) (relating to information on nondeductible lobbying expenditures)."

(B) Payee statements.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by striking "or" at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting ", or", and by adding at the end the following new subparagraph:

"(T) section 6050O(b) (relating to returns on nondeductible lobbying expenditures)."

(C) Excessive underreporting.—Section 6721 (relating to failure to file correct information returns) is amended by adding at the end the following new subsection:

"(f) Penalty in Case of Excessive Underreporting on Nondeductible Dues.—If the aggregate amount of nondeductible dues which is reported on the return required to be filed under section 6050O(a) for any calendar year is less than 75 percent of the aggregate amount required to be so reported—

"(1) subsections (b), (c), and (d) shall not apply, and

"(2) the penalty imposed under subsection (a) shall be equal to the product of—

"(A) the amount required to be reported which was not so reported, and

"(B) the highest rate of tax imposed by section 11 for taxable years beginning in such calendar year."

(3) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new item:

"Sec. 6050O. Returns relating to lobbying expenditures of certain organizations."

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1993.

SEC. 2203. MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.

(a) General Rule.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.

"(a) General Rule.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) Exceptions.—

"(1) In general.—Subsection (a) shall not apply to—

"(A) any security held for investment,

"(B)(i) any security described in subsection (c)(2)(C) which is acquired (including originated) by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and (ii) any obligation to acquire a security described in clause (i) if such obligation is entered into in the ordinary course of such trade or business and is not held for sale, and

"(C) any security which is a hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position, right to income, or a liability which is not a security in the hands of the taxpayer.

To the extent provided in regulations, subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) Identification required.—A security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) Securities subsequently not exempt.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), subsection (a) shall apply to any changes in value of the security occurring after the cessation.

"(4) Special rule for property held for investment.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) Definitions.—For purposes of this section—

"(1) Dealer in securities defined.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) Security defined.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security or currency; and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

Subparagraph (E) shall not include any contract to which section 1256(a) applies.

"(3) Hedge.—The term 'hedge' means any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations, including any position which is reasonably expected to become a hedge within 60 days after the acquisition of the position.

"(d) Special Rules.—For purposes of this section—

"(1) Coordination with certain rules.—The rules of sections 263(g), 263A, and 1256(a) shall not apply to securities to which subsection (a) applies, and section 1091 shall not apply (and section 1092 shall apply) to any loss recognized under subsection (a).

"(2) Improper identification.—If a taxpayer—

"(A) identifies any security under subsection (b)(2) as being described in subsection (b)(1) and such security is not so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify any position which is described in subsection (c)(2)(F) (without regard to clause (iii) thereof) at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security or position shall be recognized only to the extent of gain previously recognized under this section (and not previously taken into account under this paragraph) with respect to such security or position.

"(3) Character of gain or loss.—

"(A) In general.—Except as provided in subparagraph (B) or section 1236(b)—

"(i) In general.—Any gain or loss with respect to a security under subsection (a)(2) shall be treated as ordinary income or loss.

"(ii) Special rule for dispositions.—If—

"(I) gain or loss is recognized with respect to a security before the close of the taxable year, and

"(II) subsection (a)(2) would have applied if the security were held as of the close of the taxable year,

such gain or loss shall be treated as ordinary income or loss.

"(B) Exception.—Subparagraph (A) shall not apply to any gain or loss which is allocable to a period during which—

"(i) the security is described in subsection (b)(1)(C) (without regard to subsection (b)(2)),

"(ii) the security is held by a person other than in connection with its activities as a dealer in securities, or

"(iii) the security is improperly identified (within the meaning of subparagraph (A) or (B) of paragraph (2)).

"(e) Regulatory Authority.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to any security which is a hedge which cannot be identified with a specific security, position, right to income, or liability."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 988(d) is amended—

(A) by striking "section 1256" and inserting "section 475 or 1256", and

(B) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(2) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market accounting method for dealers in securities."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all taxable years ending on or after December 31, 1993.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary, and

(C) except as provided in paragraph (3), the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 5-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

(3) SPECIAL RULE FOR FLOOR SPECIALISTS AND MARKET MAKERS.—

(A) IN GENERAL.—If—

(i) a taxpayer used the last-in first-out (LIFO) method of accounting with respect to any qualified securities for its last taxable year ending before December 31, 1993, and

(ii) any portion of the net amount described in paragraph (2)(C) is attributable to the use of such method of accounting,

then paragraph (2)(C) shall be applied by taking such portion into account ratably over the 20-taxable year period beginning with the first taxable year ending on or after December 31, 1993 (or, if shorter, the period of taxable years equal to the greater of 5 years or the number of taxable years before such first taxable year for which the taxpayer (or any predecessor) used such method of accounting).

(B) QUALIFIED SECURITY.—For purposes of this paragraph, the term "qualified security" means any security acquired—

(i) by a floor specialist (as defined in section 1236(d)(2) of the Internal Revenue Code of 1986) in connection with the specialist's duties as a specialist on an exchange, but only if the security is one in which the specialist is registered with the exchange, or

(ii) by a taxpayer who is a market maker in connection with the taxpayer's duties as a market maker, but only if—

(I) the security is included on the National Association of Security Dealers Automated Quotation System,

(II) the taxpayer is registered as a market maker in such security with the National Association of Security Dealers, and

(III) as of the last day of the taxable year preceding the taxpayer's first taxable year ending on or after December 31, 1993, the taxpayer (or any predecessor) has been actively and regularly engaged as a market maker in such security for the 2-year period ending on such date (or, if shorter, the period beginning 61 days after the security was listed in such quotation system and ending on such date).

SEC. 2204. CLARIFICATION OF TREATMENT OF CERTAIN FSLIC FINANCIAL ASSISTANCE.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any FSLIC assistance with respect to any loss of principal, capital, or similar amount upon the disposition of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any FSLIC assistance with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) FSLIC ASSISTANCE.—For purposes of this section, the term "FSLIC assistance" means any assistance (or right to assistance) with respect to a domestic building and loan association (as defined in section 7701(a)(19) of such Code without regard to subparagraph (C) thereof) under section 406(f) of the National Housing Act or section 21A of the Federal Home Loan Bank Act (or under any similar provision of law).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection—

(A) The provisions of this section shall apply to taxable years ending on or after March 4, 1991, but only with respect to FSLIC assistance not credited before March 4, 1991.

(B) If any FSLIC assistance not credited before March 4, 1991, is with respect to a loss sustained or charge-off in a taxable year ending before March 4, 1991, for purposes of determining the amount of any net operating loss carryover to a taxable year ending on or after March 4, 1991, the provisions of this section shall apply to such assistance for purposes of determining the amount of the net operating loss for the taxable year in which such loss was sustained or debt written off. Except as provided in the preceding sentence, this section shall not apply to any FSLIC assistance with respect to a loss sustained or charge-off in a taxable year ending before March 4, 1991.

(2) EXCEPTIONS.—The provisions of this section shall not apply to any assistance to which the amendments made by section 1401(a)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 apply.

SEC. 2205. EXTENSION OF CORPORATE ESTIMATED TAX RULES.

(a) GENERAL RULE.—Clause (i) of section 6655(d)(1)(B) (relating to amount of required installment) is amended by striking "91 percent" each place it appears and inserting "97 percent".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6655 is amended—

(A) by striking paragraph (3), and

(B) by striking "91 PERCENT" in the paragraph heading of paragraph (2) and inserting "97 PERCENT".

(2) Clause (ii) of section 6655(e)(2)(B) is amended by striking the table contained therein and inserting the following:

"In the case of the following required installments:	The applicable percentage is:
1st	24.25
2nd	48.50
3rd	72.75
4th	97. "

(3) Clause (i) of section 6655(e)(3)(A) is amended by striking "91 percent" and inserting "97 percent".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 2206. LIMITATION ON SECTION 936 CREDIT.

(a) GENERAL RULE.—Subsection (a) of section 936 (relating to Puerto Rico and possession tax credit) is amended—

(1) by striking "as provided in paragraph (3)" in paragraph (1) and inserting "as otherwise provided in this section";

(2) by adding at the end thereof the following new paragraph:

"(4) LIMITATIONS ON CREDIT.—

"(A) CREDIT FOR ACTIVE BUSINESS INCOME.—The amount of the credit determined under paragraph (1)(A) for any taxable year shall not exceed 60 percent of the aggregate amount of the possession corporation's qualified possession wages for such taxable year.

"(B) CREDIT FOR INVESTMENT INCOME.—

"(i) IN GENERAL.—If—

"(I) the QPSII assets of the possession corporation for any taxable year, exceed

"(II) 80 percent of such possession corporation's qualified tangible business investment for such taxable year,

the credit determined under paragraph (1)(B) for such taxable year shall be reduced by the amount determined under clause (ii).

"(ii) AMOUNT OF REDUCTION.—The reduction determined under this clause for any taxable year is an amount which bears the same ratio to the credit determined under paragraph (1)(B) for such taxable year (determined without regard to this subparagraph) as—

"(I) the excess determined under clause (i), bears to

"(II) the QPSII assets of the possession corporation for such taxable year.

"(C) CROSS REFERENCE.—

"For definitions and special rules applicable to this paragraph, see subsection (i)."

(b) DEFINITIONS AND SPECIAL RULES.—Section 936 is amended by adding at the end thereof the following new subsection:

"(i) DEFINITIONS AND SPECIAL RULES RELATING TO LIMITATIONS OF SUBSECTION (a)(4).—

"(1) QUALIFIED POSSESSION WAGES.—For purposes of this section—

"(A) IN GENERAL.—The term 'qualified possession wages' means wages paid or incurred by the possession corporation during the taxable year to any employee for services performed in a possession of the United States, but only if such services are performed while the principal place of employment of such employee is within such possession.

"(B) LIMITATION ON AMOUNT OF WAGES TAKEN INTO ACCOUNT.—

"(i) IN GENERAL.—The amount of wages which may be taken into account under subparagraph (A) with respect to any employee for any taxable year shall not exceed the contribution and benefit base determined under section 230 of the Social Security Act for the calendar year in which such taxable year begins.

"(ii) TREATMENT OF PART-TIME EMPLOYEES, ETC.—If—

"(I) any employee is not employed by the possession corporation on a substantially full-time basis at all times during the taxable year, or

"(II) the principal place of employment of any employee with the possession corporation is not within a possession at all times during the taxable year, the limitation applicable under clause (i) with respect to such employee shall be the appropriate portion (as determined by the Secretary) of the limitation which would otherwise be in effect under clause (i).

"(C) TREATMENT OF CERTAIN EMPLOYEES.—The term 'qualified possession wages' shall not include any wages paid to employees who are assigned by the employer to perform services for another person, unless the principal trade or business of the employer is to make employees available for temporary periods to other persons in return for compensation. All possession corporations treated as 1 corporation under paragraph (4) shall be treated as 1 employer for purposes of the preceding sentence.

"(D) WAGES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). For purposes of the preceding sentence, such subsection (b) shall be applied as if the term 'United States' included all possessions of the United States.

"(ii) SPECIAL RULE FOR AGRICULTURAL LABOR AND RAILWAY LABOR.—In any case to which subparagraph (A) or (B) of paragraph (1) of section 51(h) applies, the term 'wages' has the meaning given to such term by section 51(h)(2).

"(2) QPSII ASSETS.—For purposes of this section—

"(A) IN GENERAL.—The QPSII assets of a possession corporation for any taxable year is the average of the amounts of the possession corporation's qualified investment assets as of the close of each quarter of such taxable year.

"(B) QUALIFIED INVESTMENT ASSETS.—The term 'qualified investment assets' means the aggregate adjusted bases of the assets which are held by the possession corporation and the income from which qualifies as qualified possession source investment income. For purposes of the preceding sentence, the adjusted basis of any asset shall be its adjusted basis as determined for purposes of computing earnings and profits.

"(3) QUALIFIED TANGIBLE BUSINESS INVESTMENT.—For purposes of this section—

"(A) IN GENERAL.—The qualified tangible business investment of any possession corporation for any taxable year is the average of the amounts of the possession corporation's qualified possession investments as of the close of each quarter of such taxable year.

"(B) QUALIFIED POSSESSION INVESTMENTS.—The term 'qualified possession investments' means the aggregate adjusted bases of tangible property used by the possession corporation in a possession of the United States in the active conduct of a trade or business within such possession. For purposes of the preceding sentence, the adjusted basis of any property shall be its adjusted basis as determined for purposes of computing earnings and profits.

"(4) ELECTION TO COMPUTE CREDIT ON CONSOLIDATED BASIS.—

"(A) IN GENERAL.—Any affiliated group may elect to treat all possession corporations which would be members of such group but for section 1504(b)(4) as 1 corporation for purposes of this section. The credit determined under this section with respect to such 1 corporation shall be allocated among such possession corporations in such manner as the Secretary may prescribe.

"(B) ELECTION.—An election under subparagraph (A) shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary.

"(5) TREATMENT OF CERTAIN TAXES.—Notwithstanding subsection (c), if—

"(A) the credit determined under subsection (a)(1) for any taxable year is limited under subsection (a)(4), and

"(B) the possession corporation has paid or accrued any taxes of a possession of the United States for such taxable year which are treated as not being income, war profits, or excess profits taxes paid or accrued to a possession of the United States by reason of subsection (c),

such possession corporation shall be allowed a deduction for such taxable year equal to the portion of such taxes which are allocable (on a pro rata basis) to taxable income of the possession corporation the tax on which is not offset by reason of the limitations of subsection (a)(4). In determining the credit under subsection (a) and in applying the preceding sentence, taxable income shall be determined without regard to the preceding sentence.

"(6) POSSESSION CORPORATION.—The term 'possession corporation' means a domestic corporation for which the election provided in subsection (a) is in effect.

"(7) TRANSITIONAL RULE.—If any possession corporation elects the benefits of this paragraph for any taxable year beginning in 1994 or 1995—

"(A) subsection (a)(4) shall not apply to such taxable year, and

"(B) the credit determined under subsection (a)(1) for such taxable year shall be the following percentage of the credit which would otherwise have been determined under such subsection:

"(i) 80 percent in the case of a taxable year beginning in 1994.

"(ii) 60 percent in the case of a taxable year beginning in 1995.

A possession corporation which elects the benefits of this paragraph shall be entitled to the benefits of paragraph (5) for taxes allocable to taxable income the tax on which is not offset by reason of this paragraph."

(c) MINIMUM TAX TREATMENT.—

(1) IN GENERAL.—Clause (ii) of section 56(g)(4)(C) (relating to treatment of special rule for certain dividends) is amended by striking "sections 936 and 921" and inserting "sections 936 (including subsection (a)(4) thereof) and 921".

(2) TREATMENT OF FOREIGN TAXES.—Clause (iii) of section 56(g)(4)(C) is amended by adding at the end thereof the following subclauses:

"(IV) SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATIONS.—In determining the alternative minimum foreign tax credit, section 904(d) shall be applied as if dividends from a corporation eligible for the credit provided by section 936 were a separate category of income referred to in a subparagraph of section 904(d)(1).

"(V) COORDINATION WITH LIMITATION ON 936 CREDIT.—Any reference in this clause to a dividend received from a corporation eligible for the credit provided by section 936 shall be treated as a reference to the portion of any such dividend for which the dividends received deduction is disallowed under clause (i) after the application of clause (ii)(I)."

(d) CONFORMING AMENDMENT.—Paragraph (4) of section 904(b) is amended by inserting before the period at the end thereof the following: "(without regard to subsection (a)(4) thereof)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 2207. MODIFICATION TO LIMITATION ON DEDUCTION FOR CERTAIN INTEREST.

(a) GENERAL RULE.—Paragraph (3) of section 163(j) (defining disqualified interest) is amended to read as follows:

"(3) DISQUALIFIED INTEREST.—For purposes of this subsection, the term 'disqualified interest' means—

"(A) any interest paid or accrued by the taxpayer (directly or indirectly) to a related person if no tax is imposed by this subtitle with respect to such interest, and

"(B) any interest paid or accrued by the taxpayer with respect to any indebtedness to a person who is not a related person if—

"(i) there is a disqualified guarantee of such indebtedness, and

"(ii) no gross basis tax is imposed by this subtitle with respect to such interest."

(b) DEFINITIONS.—Paragraph (6) of section 163(j) is amended by adding at the end thereof the following new subparagraphs:

"(D) DISQUALIFIED GUARANTEE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'disqualified guarantee' means any guarantee by a related person which is—

"(I) an organization exempt from taxation under this subtitle, or

"(II) a foreign person.

"(ii) EXCEPTIONS.—The term 'disqualified guarantee' shall not include a guarantee—

"(I) in any circumstances identified by the Secretary by regulation, where the interest on the indebtedness would have been subject to a net basis tax if the interest had been paid to the guarantor, or

"(II) if the taxpayer owns a controlling interest in the guarantor.

For purposes of subclause (II), except as provided in regulations, the term 'a controlling interest' means direct or indirect ownership of at least 80 percent of the total voting power and value of all classes of stock of a corporation, or 80 percent of the profit and capital interests in any other entity. For purposes of the preceding sentence, the rules of paragraphs (1) and (5) of section 267(c) shall apply; except that such rules shall also apply to interest in entities other than corporations.

"(iii) GUARANTEE.—Except as provided in regulations, the term 'guarantee' includes any arrangement under which a person (directly or indirectly through an entity or otherwise) assures, on a conditional or unconditional basis, the payment of another person's obligation under any indebtedness.

"(E) GROSS BASIS AND NET BASIS TAXATION.—

"(i) GROSS BASIS TAX.—The term 'gross basis tax' means any tax imposed by this subtitle which is determined by reference to the gross amount of any item of income without any reduction for any deduction allowed by this subtitle.

"(ii) NET BASIS TAX.—The term 'net basis tax' means any tax imposed by this subtitle which is a not a gross basis tax."

(c) CONFORMING AMENDMENT.—Subparagraph (B) of section 163(j)(5) is amended by striking "to a related person".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to interest paid or accrued in taxable years beginning after December 31, 1993.

Subtitle C—Foreign Tax Provisions

PART I—CURRENT TAXATION OF CERTAIN EARNINGS OF CONTROLLED FOREIGN CORPORATIONS

SEC. 2301. EARNINGS INVESTED IN EXCESS PASSIVE ASSETS.

(a) GENERAL RULE.—Paragraph (1) of section 951(a) (relating to amounts included in gross income of United States shareholders) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end thereof the following new subparagraph:

"(C) the amount determined under section 956A with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(3))."

(b) AMOUNT OF INCLUSION.—Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 956 the following new section:

"SEC. 956A. EARNINGS INVESTED IN EXCESS PASSIVE ASSETS.

"(a) GENERAL RULE.—In the case of any controlled foreign corporation, the amount determined under this section with respect to any United States shareholder for any taxable year is the lesser of—

"(1) the excess (if any) of—

"(A) such shareholder's pro rata share of the amount of the controlled foreign corporation's excess passive assets for such taxable year, over

"(B) the aggregate amount previously included under section 951(a)(1)(C) (or which would have been included but for section 959(a)(3)) in the gross income of such shareholder (or of any other United States person from whom such shareholder acquired any portion of his interest in the controlled foreign corporation, but only to the extent attributable to the acquired interest and subject to such proof of the identity of such interest as the Secretary may require), or

"(2) such shareholder's pro rata share of the applicable earnings of such controlled foreign corporation determined after the application of section 951(a)(1)(B).

"(b) ADJUSTMENT FOR CERTAIN DISTRIBUTIONS OF PREVIOUSLY TAXED INCOME.—The amount determined under subsection (a)(1)(B) shall be reduced by the amount of any distribution excluded from gross income under section 959 and treated as a distribution out of earnings and profits referred to in section 959(c)(1)(B).

"(c) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' means, with respect to any controlled foreign corporation, the amounts referred to in sections 316(a)(1) and 316(a)(2) (but reduced by distributions made during the taxable year), reduced by any portion of such amounts which, if distributed, would not be treated as a dividend by reason of section 955 and further reduced by the earnings and profits described in section 959(c)(1).

"(d) EXCESS PASSIVE ASSETS.—For purposes of this section—

"(1) IN GENERAL.—The excess passive assets of any controlled foreign corporation for any taxable year is the excess (if any) of—

"(A) the average of the amounts of passive assets held by such corporation as of the close of each quarter of such taxable year, over

"(B) 25 percent of the average of the amounts of total assets held by such corporation as of the close of each quarter of such taxable year.

For purposes of the preceding sentence, the amount taken into account with respect to any asset shall be its adjusted basis as determined for purposes of computing earnings and profits.

"(2) PASSIVE ASSET.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the term 'passive asset' means any asset held by the controlled foreign corporation which produces passive income (as defined in section 1296(b)) or is held for the production of such income.

"(B) COORDINATION WITH SECTION 956.—The term 'passive asset' shall not include any United States property (as defined in section 956).

"(3) LOOK-THRU RULES MADE APPLICABLE.—For purposes of this subsection, the rules of section 1296(c) shall apply.

"(4) LEASING RULES MADE APPLICABLE.—For purposes of this subsection, the rules of section 1297(d) shall apply.

"(e) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION DURING TAXABLE YEAR.—If any foreign corporation ceases to be a controlled foreign corporation during any taxable year—

"(1) the determination of any United States shareholder's pro rata share shall be made on the basis of stock owned (within the meaning of section 958(a)) by such shareholder on the last day during the taxable year on which the foreign corporation is a controlled foreign corporation, and

"(2) the amount of such corporation's excess passive assets for such taxable year shall be determined by only taking into account quarters ending on or before such last day, and

"(3) in determining applicable earnings, the amount taken into account by reason of being described in paragraph (2) of section 316(a) shall be the portion of the amount so described which is allocable (on a pro rata basis) to the part of such year during which the corporation is a controlled foreign corporation.

"(f) TRANSITION RULE.—In the case of any taxable year of a controlled foreign corporation beginning after September 30, 1993, and before October 1, 1997, the amount determined under subsection (a) shall be the applicable percentage (determined under the following table) of the amount which would otherwise be determined under such subsection:

"In the case of a taxable year beginning during the 1-year period beginning on:	**The applicable percentage is:**
October 1, 1993	20
October 1, 1994	25
October 1, 1995	35
October 1, 1996	50.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the avoidance of the provisions of this section through reorganizations or otherwise.".

(c) PREVIOUSLY TAXED INCOME RULES.—

(1) IN GENERAL.—Subsection (a) of section 959 (relating to exclusion from gross income of previously taxed earnings and profits) is amended by striking "or" at the end of paragraph (1), by adding "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

"(3) such amounts would, but for this subsection, be included under section 951(a)(1)(C) in the gross income of,".

(2) ALLOCATION RULES.—

(A) Subsection (a) of section 959 is amended by adding at the end thereof the following new sentence: "The rules of subsection (c) shall apply for purposes of paragraph (1) of this subsection and the rules of subsection (f) shall apply for purposes of paragraphs (2) and (3) of this subsection.".

(B) Section 959 is amended by adding at the end thereof the following new subsection:

"(f) ALLOCATION RULES FOR CERTAIN INCLUSIONS.—For purposes of this section, amounts that would be included under subparagraph (B) or (C) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2), and then to earnings described in subsection (c)(3)."

(C) Paragraph (1) of section 959(c) is amended to read as follows:

"(1) first to the aggregate of—

"(A) earnings and profits attributable to amounts included in gross income under section 951(a)(1)(B) (or which would have been included except for subsection (a)(2) of this section), and

"(B) earnings and profits attributable to amounts included in gross income under section 951(a)(1)(C) (or which would have been included except for subsection (a)(3) of this section),

with any distribution being allocated between earnings and profits described in subparagraph (A) and earnings and profits described in subparagraph (B) proportionately on the basis of the respective amounts of such earnings and profits,".

(3) CONFORMING AMENDMENTS.—

(A) Subsections (a) and (b) of section 959 are each amended by striking "earnings and profits for a taxable year" and inserting "earnings and profits".

(B) Paragraph (2) of section 959(c) is amended to read as follows:

"(2) then to earnings and profits attributable to amounts included in gross income under section 951(a)(1)(A) (but reduced by amounts not included under subparagraph (B) or (C) of section 951(a)(1) because of the exclusions in paragraphs (2) and (3) of subsection (a) of this section), and"

(d) MODIFICATIONS TO PASSIVE FOREIGN INVESTMENT COMPANY RULES.—

(1) ADJUSTED BASIS USED IN CERTAIN DETERMINATIONS.—Subsection (a) of section 1296 is amended by striking the material following paragraph (2) and inserting the following:

"In the case of a controlled foreign corporation (or any other foreign corporation if such corporation so elects), the determination under paragraph (2) shall be based on the adjusted bases (as determined for purposes of computing earnings and profits) of its assets in lieu of their value. Such an election, once made, may be revoked only with the consent of the Secretary."

(2) TREATMENT OF CERTAIN SUBPART F INCLUSIONS.—Subsection (b) of section 1297 is amended by adding at the end thereof the following new paragraph:

"(9) TREATMENT OF CERTAIN SUBPART F INCLUSIONS.—The term 'distribution' includes any amount included in gross income under subparagraph (B) or (C) of section 951(a)(1)."

(3) TREATMENT OF CERTAIN DEALERS IN SECURITIES.—Subsection (b) of section 1296 is amended by adding at the end thereof the following new paragraph:

"(3) TREATMENT OF CERTAIN DEALERS IN SECURITIES.—In the case of any foreign corporation which is a controlled foreign corporation (as defined in section 957(a)), the term 'passive income' does not include any income derived in the active conduct of a securities business by such corporation if such corporation is registered as a securities broker or dealer under section 15(a) of the Securities

Exchange Act of 1934 or is registered as a Government securities broker or dealer under section 15C(a) of such Act. To the extent provided in regulations, such term shall not include any income derived in the active conduct of a securities business by a controlled foreign corporation which is not so registered. The preceding provisions of this paragraph shall only apply in the case of persons who are United States shareholders (as defined in section 951(b)) in the controlled foreign corporation."

(4) LEASING RULES.—Section 1297 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) TREATMENT OF CERTAIN LEASED PROPERTY.—For purposes of this part—

"(1) IN GENERAL.—Any tangible personal property with respect to which a foreign corporation is the lessee under a lease with a term of at least 12 months shall be treated as an asset actually held by such corporation.

"(2) DETERMINATION OF ADJUSTED BASIS.—

"(A) IN GENERAL.—The adjusted basis of any asset to which paragraph (1) applies shall be the unamortized portion (as determined under regulations prescribed by the Secretary) of the present value of the payments under the lease for the use of such property.

"(B) PRESENT VALUE.—For purposes of subparagraph (A), the present value of payments described in subparagraph (A) shall be determined in the manner provided in regulations prescribed by the Secretary—

"(i) as of the beginning of the lease term, and

"(ii) except as provided in such regulations, by using a discount rate equal to the applicable Federal rate determined under section 1274(d)—

"(I) by substituting the lease term for the term of the debt instrument, and

"(II) without regard to paragraph (2) or (3) thereof.

"(3) EXCEPTIONS.—This subsection shall not apply in any case where—

"(A) the lessor is a related person (as defined in section 954(d)(3)) with respect to the foreign corporation, or

"(B) a principal purpose of leasing the property was to avoid the provisions of this section."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations beginning after September 30, 1993, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. 2302. MODIFICATION TO TAXATION OF INVESTMENT IN UNITED STATES PROPERTY.

(a) GENERAL RULE.—Section 956 (relating to investment of earnings in United States property) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—In the case of any controlled foreign corporation, the amount determined under this section with respect to any United States shareholder for any taxable year is the lesser of—

"(1) the excess (if any) of—

"(A) such shareholder's pro rata share of the average of the amounts of United States property held (directly or indirectly) by the controlled foreign corporation as of the close of each quarter of such taxable year, over

"(B) the aggregate amount previously included under section 951(a)(1)(B) (or which would have been included but for section 959(a)(2)) in the gross income of such shareholder (or of any other United States person from whom such shareholder acquired any portion of his interest in the controlled foreign corporation, but only to the extent attributable to the acquired interest and subject to such proof of the identity of such interest as the Secretary may require), or

"(2) such shareholder's pro rata share of the applicable earnings of such controlled foreign corporation.

The amount taken into account under paragraph (1) with respect to any property shall be its adjusted basis as determined for purposes of computing earnings and profits, reduced by any liability to which the property is subject.

"(b) ADJUSTMENTS FOR CERTAIN DISTRIBUTIONS; OTHER SPECIAL RULES.—

"(1) ADJUSTMENT FOR CERTAIN DISTRIBUTIONS OF PREVIOUSLY TAXED INCOME.—The amount determined under subsection (a)(1)(B) shall be reduced by the amount of any distribution excluded from gross income under section 959 and treated as a distribution out of earnings and profits described in section 959(c)(1)(A).

"(2) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' has the meaning given to such term by section 956A(c).

"(3) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION.—Rules similar to the rules of section 956A(e) shall apply for purposes of this section.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 951(a)(1) is amended to read as follows:

"(B) the amount determined under section 956 with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(2)); and"

(2) Subsection (a) of section 951 is amended by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations beginning after September 30, 1993, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. 2303. OTHER MODIFICATIONS TO SUBPART F.

(a) SAME COUNTRY EXCEPTION NOT TO APPLY TO CERTAIN DIVIDENDS.—

(1) IN GENERAL.—Paragraph (3) of section 954(c) (relating to certain income received from related persons) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR CERTAIN DIVIDENDS.—Subparagraph (A)(i) shall not apply to any dividend with respect to any stock which is attributable to earnings and profits of the distributing corporation accumulated during any period during which the person receiving such dividend did not hold such stock."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years of controlled foreign corporations beginning after September 30, 1993, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

(b) SIMPLIFICATION OF SECTION 960(b).—

(1) IN GENERAL.—Subsection (b) of section 960 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and

(B) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) INCREASE IN SECTION 904 LIMITATION.—In the case of any taxpayer who—

"(A) either (i) chose to have the benefits of subpart A of this part for a taxable year beginning after September 30, 1993, in which he was required under section 951(a) to include any amount in his gross income, or (ii) did not pay or accrue for such taxable year any income, war profits, or excess profits taxes to any foreign country or to any possession of the United States,

"(B) chooses to have the benefits of subpart A of this part for any taxable year in which he receives 1 or more distributions or amounts which are excludable from gross income under section 959(a) and which are attributable to amounts included in his gross income for taxable years referred to in subparagraph (A), and

"(C) for the taxable year in which such distributions or amounts are received, pays, or is deemed to have paid, or accrues income, war profits, or excess profits taxes to a foreign country or to any possession of the United States with respect to such distributions or amounts,

the limitation under section 904 for the taxable year in which such distributions or amounts are received shall be increased by the lesser of the amount of such taxes paid, or deemed paid, or accrued with respect to such distributions or amounts or the amount in the excess limitation account as of the beginning of such taxable year.

"(2) EXCESS LIMITATION ACCOUNT.—

"(A) ESTABLISHMENT OF ACCOUNT.—Each taxpayer meeting the requirements of paragraph (1)(A) shall establish an excess limitation account. The opening balance of such account shall be zero.

"(B) INCREASES IN ACCOUNT.—For each taxable year beginning after September 30, 1993, the taxpayer shall increase the amount in the excess limitation account by the excess (if any) of—

"(i) the amount by which the limitation under section 904(a) for such taxable year was increased by reason of the total amount of the inclusions in gross income under section 951(a) for such taxable year, over

"(ii) the amount of any income, war profits, and excess profits taxes paid, or deemed paid, or accrued to any foreign country or possession of the United States which were allowable as a credit under section 901 for such taxable year and which would not have been allowable but for the inclusions in gross income described in clause (i).

Proper reductions in the amount added to the account under the preceding sentence for any taxable year shall be made for any increase in the credit allowable under section 901 for such taxable year by reason of a carryback if such increase would not have been allowable but for the inclusions in gross income described in clause (i).

"(C) DECREASES IN ACCOUNT.—For each taxable year beginning after September 30, 1993, for which the limitation under section 904 was increased under paragraph (1), the taxpayer shall reduce the amount in the excess limitation account by the amount of such increase.

"(3) DISTRIBUTIONS OF INCOME PREVIOUSLY TAXED IN YEARS BEGINNING BEFORE OCTOBER 1, 1993.—If the taxpayer receives a distribution or amount in a taxable year beginning after September 30, 1993, which is excluded from gross income under section 959(a) and is attributable to any amount included in gross income under section 951(a) for a taxable year beginning before October 1, 1993, the limitation under section 904 for the taxable year in which such amount or distribution is received shall be increased by the amount determined under this subsection as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1993."

(2) Effective date.—The amendment made by paragraph (1) shall apply to taxable years beginning after September 30, 1993.

PART II—ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES; TREATMENT OF CERTAIN ROYALTIES

SEC. 2311. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) General Rule.—Paragraph (1) of section 864(f) (relating to allocation of research and experimental expenditures) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) In the case of any qualified research and experimental expenditures (not allocated under subparagraph (A))—

"(i) to the extent such expenditures are attributable to activities conducted in the United States, 100 percent of such expenditures shall be allocated and apportioned to income from sources within the United States and deducted from such income in determining the amount of taxable income from sources within the United States, and

"(ii) to the extent such expenditures are attributable to activities conducted outside the United States, such expenditures shall be allocated and apportioned on the basis of gross sales."

(b) Conforming Amendments.—

(1) Subsection (f) of section 864 is amended by striking paragraph (5) and inserting the following:

"(5) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this subsection, including regulations relating to the determination of whether any expenses are attributable to activities conducted in the United States or outside the United States and regulations providing such adjustments to the provisions of this subsection as may be appropriate in the case of cost-sharing arrangements and contract research."

(2) Subparagraph (D) of section 864(f)(4) is amended by striking "subparagraph (C)" and inserting "subparagraph (B) or (C)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 2312. ROYALTIES TREATED AS PASSIVE INCOME FOR PURPOSES OF SEPARATE APPLICATION OF FOREIGN TAX CREDIT.

(a) General Rule.—Subparagraph (A) of section 904(d)(2) (defining passive income) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) Inclusion of royalties.—Except as provided in clause (iv), the term 'passive income' includes—

"(I) any royalty in respect of any intangible property described in section 936(h)(3)(B) (whether or not the requirements of paragraph (2)(A) or (3)(A)(ii) of section 954(c) are met), and

"(II) any other payment for the use of, or for the right or privilege to use, any intangible property so described and any payment made in consideration of a sale or other disposition of any such intangible property to the extent that such payment is contingent on the productivity, use, or disposition of such property."

(b) Determination of Whether Royalties Are High-Taxed Income.—Subparagraph (F) of section 904(d)(2) is amended by adding at the end thereof the following new sentence: "For purposes of this subparagraph, all items of income described in clause (iii) of subparagraph (A) shall be treated as 1 item of income.".

(c) Look-Thru Rules Not Applicable to Certain Royalties.—Paragraph (3) of section 904(d) is amended by adding at the end thereof the following new subparagraph:

"(J) Look-thru rules not applicable to certain royalties.—For purposes of this paragraph, the term 'royalty' shall not include any royalty in respect of intangible property described in section 936(h)(3)(B)."

(d) Conforming Amendments.—

(1) Clause (ii) of section 904(d)(2)(A) is amended by striking "clause (iii)" and inserting "clause (iv)".

(2) Subclause (II) of section 904(d)(2)(C)(i) is amended by striking "subparagraph (A)(iii)" and inserting "subparagraph (A)(iv)".

(3) Subclause (I) of section 904(d)(3)(F)(ii) is amended by striking "paragraph (2)(A)(iii)" and inserting "paragraph (2)(A)(iv)".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

PART III—OTHER PROVISIONS

SEC. 2321. REPEAL OF CERTAIN EXCEPTIONS FOR WORKING CAPITAL.

(a) Provisions Relating to Oil and Gas Income.—

(1) Amendments to section 907.—

(A) Paragraph (1) of section 907(c) is amended by adding at the end thereof the following new flush sentence:

"Such term does not include any dividend or interest income which is passive income (as defined in section 904(d)(2)(A)).".

(B) Paragraph (2) of section 907(c) is amended by adding at the end thereof the following new flush sentence:

"Such term does not include any dividend or interest income which is passive income (as defined in section 904(d)(2)(A)).".

(2) Separate application of foreign tax credit.—Clause (iii) of section 904(d)(2)(A) is amended by inserting "and" at the end of subclause (II), by striking ", and" at the end of subclause (III) and inserting a period, and by striking subclause (IV).

(3) Treatment under subpart F.—

(A) Paragraph (1) of section 954(g) is amended by adding at the end thereof the following new flush sentence:

"Such term shall not include any foreign personal holding company income (as defined in subsection (c)).".

(B) Paragraph (8) of section 954(b) is amended by striking "(1),".

(b) Treatment of Shipping Income.—Subsection (f) of section 954 is amended by adding at the end thereof the following new sentence: "Such term shall not include any dividend or interest income which is foreign personal holding company income (as defined in subsection (c)).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 2322. MODIFICATIONS OF ACCURACY-RELATED PENALTY.

(a) Threshold Requirement.—Clause (ii) of section 6662(e)(1)(B) (relating to substantial valuation misstatement under chapter 1) is amended to read as follows:

"(ii) the net section 482 transfer price adjustment for the taxable year exceeds the lesser of $5,000,000 or 10 percent of the taxpayer's gross receipts."

(b) Certain Adjustments Excluded in Determining Threshold.—Subparagraph (B) of section 6662(e)(3) is amended to read as follows:

"(B) Certain adjustments excluded in determining threshold.—For purposes of determining whether the threshold requirements of paragraph (1)(B)(ii) are met, the following shall be excluded:

"(i) Any portion of the net increase in taxable income referred to in subparagraph (A) which is attributable to any redetermination of a price if—

"(I) it is established that the taxpayer determined such price in accordance with a specific pricing method set forth in the regulations prescribed under section 482 and that the taxpayer's use of such method was reasonable,

"(II) the taxpayer has documentation (which was in existence as of the time of filing the return) which sets forth the determination of such price in accordance with such a method and which establishes that the use of such method was reasonable, and

"(III) the taxpayer provides such documentation to the Secretary within 30 days of a request for such documentation.

"(ii) Any portion of the net increase in taxable income referred to in subparagraph (A) which is attributable to a redetermination of price where such price was not determined in accordance with such a specific pricing method if—

"(I) the taxpayer establishes that none of such pricing methods was likely to result in a price that would clearly reflect income, the taxpayer used another pricing method to determine such price, and such other pricing method was likely to result in a price that would clearly reflect income,

"(II) the taxpayer has documentation (which was in existence as of the time of filing the return) which sets forth the determination of such price in accordance with such other method and which establishes that the requirements of subclause (I) were satisfied, and

"(III) the taxpayer provides such documentation to the Secretary within 30 days of request for such documentation.

"(iii) Any portion of such net increase which is attributable to any transaction solely between foreign corporations unless, in the case of any such corporations, the treatment of such transaction affects the determination of income from sources within the United States or taxable income effectively connected with the conduct of a trade or business within the United States."

(b) Coordination With Reasonable Cause Exception.—Paragraph (3) of section 6662(e) is amended by adding at the end thereof the following new subparagraph:

"(D) Coordination with reasonable cause exception.—For purposes of section 6664(c) the taxpayer shall not be treated as having reasonable cause for any portion of an underpayment attributable to a net section 482 transfer price adjustment unless such taxpayer meets the requirements of clause (i), (ii), or (iii) of subparagraph (B) with respect to such portion."

(c) Conforming Amendment.—Clause (iii) of section 6662(h)(2)(A) is amended to read as follows:

"(iii) in paragraph (1)(B)(ii)—

"(I) '$20,000,000' for '$5,000,000', and

"(II) '20 percent' for '10 percent'."

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 2323. DENIAL OF PORTFOLIO INTEREST EXEMPTION FOR CONTINGENT INTEREST.

(a) General Rule.—

(1) Subsection (h) of section 871 (relating to repeal of tax on interest of nonresident alien individuals received from certain portfolio debt investments) is amended by redesignat-

ing paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) PORTFOLIO INTEREST NOT TO INCLUDE CERTAIN CONTINGENT INTEREST.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'portfolio interest' shall not include—

"(i) any interest if the amount of such interest is determined by reference to—

"(I) any receipts, sales or other cash flow of the debtor or a related person,

"(II) any income or profits of the debtor or a related person,

"(III) any change in value of any property of the debtor or a related person, or

"(IV) any dividend, partnership distributions, or similar payments made by the debtor or a related person, or

"(ii) any other type of contingent interest that is identified by the Secretary by regulation, where a denial of the portfolio interest exemption is necessary or appropriate to prevent avoidance of Federal income tax.

"(B) RELATED PERSON.—The term 'related person' means any person who is related to the debtor within the meaning of section 267(b) or 707(b)(1), or who is a party to any arrangement undertaken for a purpose of avoiding the application of this paragraph.

"(C) EXCEPTIONS.—Subparagraph (A)(i) shall not apply to—

"(i) any amount of interest solely by reason of the fact that the timing of any interest or principal payment is subject to a contingency,

"(ii) any amount of interest solely by reason of the fact that the interest is paid with respect to nonrecourse or limited recourse indebtedness,

"(iii) any amount of interest all or substantially all of which is determined by reference to any other amount of interest not described in subparagraph (A) (or by reference to the principal amount of indebtedness on which such other interest is paid),

"(iv) any amount of interest solely by reason of the fact that the debtor or a related person enters into a hedging transaction to reduce the risk of interest rate or currency fluctuations with respect to such interest,

"(v) any amount of interest determined by reference to—

"(I) changes in the value of property (including stock) that is actively traded (within the meaning of section 1092(d)) other than property described in section 897(c)(1) or (g),

"(II) the yield on property described in subclause (I), other than a debt instrument that pays interest described in subparagraph (A), or stock or other property that represents a beneficial interest in the debtor or a related person, or

"(III) changes in any index of the value of, or yield on, property described in subclause (I), and

"(vi) any other type of interest identified by the Secretary by regulation.

"(D) EXCEPTION FOR CERTAIN EXISTING INDEBTEDNESS.—Subparagraph (A) shall not apply to any interest paid or accrued with respect to any indebtedness with a fixed term—

"(i) which was issued on or before April 7, 1993, or

"(ii) which was issued after such date pursuant to a written binding contract in effect on such date and at all times thereafter before such indebtedness was issued."

(2) Subsection (c) of section 881 is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) PORTFOLIO INTEREST NOT TO INCLUDE CERTAIN CONTINGENT INTEREST.—For purposes of this subsection, the term 'portfolio interest' shall not include any interest which is treated as not being portfolio interest under the rules of section 871(h)(4)."

(b) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 871(h)(2)(B) is amended by striking "paragraph (4)" and inserting "paragraph (5)".

(2) Clause (ii) of section 881(c)(2)(B) is amended by striking "section 871(h)(4)" and inserting "section 871(h)(5)".

(3) Paragraph (6) of section 881(c) (as redesignated by subsection (a)) is amended by striking "section 871(h)(5)" each place it appears and inserting "section 871(h)(6)".

(4) Paragraph (9) of section 1441(c) is amended by striking "section 871(h)(3)" and inserting "section 871(h)(3) or (4)".

(5) Subsection (a) of section 1442 is amended—

(A) by striking "871(h)(3)" and inserting "871(h)(3) or (4)", and

(B) by striking "881(c)(3)" and inserting "881(c)(3) or (4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received after December 31, 1993.

SEC. 2324. REGULATIONS DEALING WITH CONDUIT ARRANGEMENTS.

Section 7701 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) REGULATIONS RELATING TO CONDUIT ARRANGEMENTS.—The Secretary may prescribe regulations recharacterizing any multiple-party financing transaction as a transaction directly among any 2 or more of such parties where the Secretary determines that such recharacterization is appropriate to prevent avoidance of any tax imposed by this title."

Subtitle D—Energy Tax Provision

SEC. 2401. IMPOSITION OF ENERGY TAX BASED ON BTU CONTENT.

(a) IN GENERAL.—Chapter 36 (relating to other excise taxes) is amended by redesignating subchapters A and B as subchapters B and C, respectively, and by inserting before subchapter B (as so redesignated) the following new subchapter:

"SUBCHAPTER A—ENERGY TAXES

"Part I. Imposition of taxes.
"Part II. Tax rates; applicable Btu factors.
"Part III. Tax-free sales; refunds of tax for certain sales and uses.
"Part IV. Use taxes; floor stocks taxes; administrative provisions; definitions and special rules.

"Part I—Imposition of Taxes

"Sec. 4441. Taxable refined petroleum products.
"Sec. 4442. Natural gas.
"Sec. 4443. Coal.
"Sec. 4444. Certain electricity.

"SEC. 4441. TAXABLE REFINED PETROLEUM PRODUCTS.

"(a) GENERAL RULE.—There is hereby imposed a tax on any taxable refined petroleum product—

"(1) removed from any United States refinery, or

"(2) entered into the United States for consumption, use, or warehousing.

"(b) RATE OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on each barrel of any taxable refined petroleum product shall be the sum of—

"(A) the base rate, and

"(B) the supplemental rate,

multiplied by the applicable Btu factor for such product.

"(2) ONLY BASE RATE APPLIES TO LIQUEFIED PETROLEUM GASES.—In the case of any liquefied petroleum gas, subparagraph (B) of paragraph (1) shall not apply.

"(c) LIABILITY FOR TAX.—

"(1) REMOVAL.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(B) PRODUCTS REMOVED FROM NATURAL GAS PROCESSING OR FRACTIONATION PLANTS.—In the case of a product removed from a natural gas processing or fractionation plant, the tax imposed by subsection (a)(1) shall be paid by the person receiving the product at the time of removal, and the operator of such plant shall collect such tax from such person.

"(2) IMPORTATION.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product into the United States for consumption, use, or warehousing.

"(d) TAXABLE REFINED PETROLEUM PRODUCT.—For purposes of this subchapter, the term 'taxable refined petroleum product' means—

"(1) aviation gasoline,

"(2) motor gasoline (including blending components of gasoline),

"(3) kerosene-type jet fuel,

"(4) naphtha-type jet fuel,

"(5) distillate fuel oil,

"(6) kerosene,

"(7) residual fuel oil,

"(8) petroleum coke,

"(9) butane,

"(10) propane, and

"(11) to the extent provided in regulations prescribed by the Secretary, any other petroleum product.

"(e) CREDIT OR REFUND WHERE PRIOR TAX IMPOSED.—If tax was imposed under this section with respect to any taxable refined petroleum product and such product is received at any United States refinery other than for use as a fuel, credit or refund (without interest) of such tax shall be allowed or made to the operator of such refinery.

"(f) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) UNITED STATES REFINERY.—The term 'United States refinery' means any facility in the United States—

"(A) at which crude oil or any petroleum product is refined, or

"(B) which is a natural gas processing or fractionation plant.

"(2) BARREL.—The term 'barrel' means 42 United States gallons measured at 60 degrees Fahrenheit. In the case of a taxable refined petroleum product which is not a liquid at such temperature, the term 'barrel' means a volume determined under regulations prescribed by the Secretary on the basis of an equivalence to a barrel of oil.

"SEC. 4442. NATURAL GAS.

"(a) GENERAL RULE.—There is hereby imposed a tax on natural gas removed in the United States from any pipeline (not part of a local distribution system)—

"(1) for transmission to ultimate users through a local distribution system, or

"(2) for use prior to entry into a local distribution system.

"(b) RATE OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on each MCF of natural gas shall be the base rate multiplied by the applicable Btu factor.

"(2) AUTHORITY TO USE ACTUAL BTU CONTENT.—To the extent provided in regulations prescribed by the Secretary, the amount of the tax imposed by subsection (a) shall be the base rate for each million Btu's of the actual Btu content of the natural gas.

"(c) Liability for, and Collection of, Tax.—

"(1) Liability for tax.—

"(A) The tax imposed by subsection (a)(1) shall be paid by the operator of the local distribution system.

"(B) The tax imposed by subsection (a)(2) shall be paid by the person receiving the natural gas at the time of removal.

"(2) Collection of tax.—The operator of the pipeline shall collect the tax imposed by subsection (a) from the person liable for payment of such tax.

"(d) Definitions.—For purposes of this subchapter—

"(1) Natural gas.—The term 'natural gas' includes synthetic natural gas produced from coal or from natural gas liquids.

"(2) MCF.—The term 'MCF' means 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Fahrenheit.

"(e) Tax on Entry Into Local Distribution System Where No Prior Tax.—

"(1) In general.—There is hereby imposed a tax (computed as provided in subsection (b)) on the entry of natural gas into any local distribution system in the United States if no tax has been imposed by subsection (a) before such entry.

"(2) Liability for tax.—The tax imposed by this subsection shall be paid by the operator of the local distribution system.

"SEC. 4443. COAL.

"(a) General Rule.—There is hereby imposed a tax on coal received at any facility in the United States for use as a fuel at such facility.

"(b) Rate of Tax.—The amount of the tax imposed by subsection (a) shall be the base rate for each million Btu's of the actual Btu content of the coal. For purposes of the preceding sentence, the actual Btu content of any coal shall be determined under procedures prescribed by the Secretary.

"(c) Liability for Tax.—

"(1) In general.—Except as provided in this subsection, the tax imposed by subsection (a) shall be paid by the operator of the facility.

"(2) Coal received at small facilities.—If the ultimate vendor of coal received at a facility receives a certificate from the operator of such facility (or otherwise determines) that such facility received less than 1,000 tons of coal during the preceding calendar year, the tax imposed by subsection (a) shall be paid by the ultimate vendor.

"(3) Residential property.—In the case of coal received at a residential property (as defined in section 4448(b)(1)(B)), the tax imposed by subsection (a) shall be paid by the ultimate vendor.

"(d) Exception for Coal Used To Produce Synthetic Natural Gas.—The tax imposed by this section shall not apply to coal received for use in the manufacture or production of synthetic natural gas or any other synthetic fuel specified in regulations prescribed by the Secretary.

"SEC. 4444. CERTAIN ELECTRICITY.

"(a) General Rule.—There is hereby imposed a tax on—

"(1) the entry of any electricity generated at a hydropower or nuclear power facility in the United States—

"(A) into a transmission system, or

"(B) into a distribution system if not previously entered into a transmission system,

"(2) the use of electricity generated in the United States which was not subject to tax under paragraph (1), and

"(3) the transmission into the United States of electricity which is generated outside the United States.

"(b) Rates of Tax.—

"(1) In general.—Except as provided in paragraph (2), the amount of the tax imposed by subsection (a) on each kilowatt hour of electricity shall be the base rate multiplied by the applicable Btu factor for electricity.

"(2) Imported electricity.—If the person liable for the tax imposed by subsection (a)(3) establishes to the satisfaction of the Secretary that—

"(A) the electricity was not generated by hydropower or nuclear power, and

"(B) the average Btu content per kilowatt hour of the fuel used to generate the electricity was less than the applicable per unit Btu amount otherwise applicable,

such lesser amount shall be used for purposes of paragraph (1).

"(c) Liability for Tax.—

"(1) Entry or use.—The taxes imposed by paragraphs (1) and (2) of subsection (a) shall be paid by the operator of the generating facility.

"(2) Importation.—The tax imposed by subsection (a)(3) shall be paid by the contract purchaser of the electricity as of the time of transmission into the United States.

"(d) Exceptions.—

"(1) Certain imported electricity.—The tax imposed by subsection (a)(3) shall not apply to electricity transmitted into the United States if the person otherwise liable for such tax establishes to the satisfaction of the Secretary that such electricity was not generated using any fossil fuel, hydropower, or nuclear power.

"(2) Electricity generated from pumped storage, etc.—The tax imposed by this section shall not apply to electricity generated in the United States from any hydropower source created by electricity.

"(3) Use tax exception.—The Secretary may provide by regulations that the tax imposed by subsection (a)(2) shall not apply in cases where the Secretary determines that such an exception is warranted, after taking into account the protection of revenues to the United States from this subchapter and the ease of administration for both taxpayers and the Secretary.

"(e) Cross Reference.—

"For special rules relating to independent power producers, see section 4454(b).

"Part II—Tax Rates; Applicable Btu Factors

"Sec. 4446. Tax rates.

"Sec. 4447. Applicable Btu factors.

"SEC. 4446. TAX RATES.

"(a) Base Rate.—For purposes of this subchapter—

"(1) Phase-in rates.—Effective during—

"(A) the 1-year period beginning on July 1, 1994, the base rate is 8.6 cents, and

"(B) the 1-year period beginning on July 1, 1995, the base rate is 17.2 cents.

"(2) Permanent unindexed rate.—Effective on and after July 1, 1996, the base rate is 25.7 cents.

"(3) Indexed rates.—

"(A) In general.—Effective during any calendar year after 1997, the base rate under paragraph (2) shall be increased by an amount equal to—

"(i) 25.7 cents, multiplied by

"(ii) the inflation adjustment for such calendar year.

"(B) Inflation adjustment.—For purposes of subparagraph (A), the inflation adjustment for any calendar year is the percentage (if any) by which—

"(i) the GDP deflator for the preceding calendar year, exceeds

"(ii) the GDP deflator for 1996.

"(C) GDP deflator for calendar year.—For purposes of subparagraph (B), the GDP deflator for any calendar year is the GDP deflator for the second calendar quarter of such year.

"(D) GDP deflator.—For purposes of subparagraph (C), the term 'GDP deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before November 15 of the calendar year referred to in subparagraph (B)(i).

"(b) Supplemental Rate.—For purposes of this subchapter—

"(1) Phase-in rates.—Effective during—

"(A) the 1-year period beginning on July 1, 1994, the supplemental rate is 11.4 cents, and

"(B) the 1-year period beginning on July 1, 1995, the supplemental rate is 22.8 cents.

"(2) Permanent unindexed rate.—Effective on and after July 1, 1996, the supplemental rate is 34.2 cents.

"(3) Indexed rates.—Effective during any calendar year after 1997, the supplemental rate under paragraph (2) shall be increased by an amount equal to—

"(A) 34.2 cents, multiplied by

"(B) the inflation adjustment for such calendar year determined under subsection (a)(3)(B).

"(c) Rounding.—If any increase determined under subsection (a)(3) or (b)(3) is not a multiple of 0.1 cent, such increase shall be rounded to the nearest multiple of 0.1 cent.

"SEC. 4447. APPLICABLE BTU FACTORS.

"(a) In General.—For purposes of this subchapter, the applicable Btu factor with respect to any petroleum product, natural gas, or electricity is—

"(1) the applicable per unit Btu amount determined under subsection (b), divided by

"(2) 1,000,000.

"(b) Applicable Per Unit Btu Amount.—For purposes of this subchapter—

"(1) Petroleum products.—

"(A) In general.—

"In the case of:	**The applicable per unit Btu amount is the following amount per barrel:**
Aviation gasoline	5,048,000
Motor gasoline (including blending components of gasoline)	5,267,000
Kerosene-type jet fuel	5,670,000
Naphtha-type jet fuel	5,355,000
Distillate fuel oil	5,852,000
Kerosene	5,670,000
Residual fuel oil	6,486,000
Petroleum coke	6,024,000
Butane	4,326,000
Propane	3,836,000.

"(B) Mixtures.—Any mixture which includes a taxable refined petroleum product shall be treated as specified in subparagraph (A) and—

"(i) if more than 1 such product is included in such mixture, the applicable per unit Btu amount shall be the weighted average of the applicable per unit Btu amounts for the taxable refined petroleum products included in the mixture, and

"(ii) if any substance is included in the mixture which is not a taxable refined petroleum product, the Btu content of such product shall be disregarded for purposes of subsection (c) and its volume shall be disregarded.

"(2) NATURAL GAS.—In the case of natural gas, the applicable per unit Btu amount is 1,031,000 per MCF.

"(3) ELECTRICITY.—In the case of electricity, the applicable Btu amount is 10,335 per kilowatt hour.

"(c) ADJUSTMENTS TO PER UNIT BTU AMOUNTS.—

"(1) PETROLEUM AND NATURAL GAS.—

"(A) IN GENERAL.—If the Secretary determines that the applicable per unit Btu amount then in effect for any petroleum product or natural gas does not properly reflect the Btu content per unit for such substance (in the circumstances where taxable events under this subchapter occur with respect to such substance), the Secretary may modify the applicable per unit Btu amount for such substance. Any such modification shall be effective as of the date prescribed by the Secretary.

"(B) MODIFICATION OF LIST OF PETROLEUM PRODUCTS.—The Secretary may modify, as appropriate, the list of petroleum products for which applicable per unit Btu amounts are separately determined.

"(2) ELECTRICITY.—If the Secretary determines that the applicable per unit Btu amount then in effect for electricity differs by more than 1 percent from the national average Btu content per kilowatt hour of fossil fuel used to generate electricity, such national average shall be the applicable per unit Btu amount for such electricity effective as of the date prescribed by the Secretary.

"Part III—Tax-Free Exports; Refunds of Tax for Certain Sales and Uses

"Sec. 4448. Tax-free exports; refunds for certain sales and uses.

"SEC. 4448. TAX-FREE EXPORTS; REFUNDS FOR CERTAIN SALES AND USES.

"(a) EXPORTS.—No tax shall be imposed under part I on any taxable energy source which is exported by the person otherwise liable for such tax.

"(b) REFUNDS TO ULTIMATE VENDORS IN CERTAIN CASES.—Under regulations prescribed by the Secretary—

"(1) HOME HEATING OIL.—

"(A) IN GENERAL.—If tax was imposed under this subchapter with respect to any No. 2 distillate fuel oil and such fuel oil is delivered to any residential property for use in heating such property, the Secretary shall pay to the ultimate vendor of such fuel oil an amount equal to the product of the supplemental rate and the applicable Btu factor per barrel of the fuel oil so delivered.

"(B) RESIDENTIAL PROPERTY.—For purposes of this paragraph, the term 'residential property' means any building which consists primarily of 1 or more dwelling units used for residential purposes other than on a transient basis.

"(2) INTERNATIONAL COMMERCIAL TRANSPORTATION.—

"(A) IN GENERAL.—If tax was imposed under this subchapter with respect to any taxable refined petroleum product and such product is sold for use by the purchaser for international commercial transportation, the Secretary shall pay to the ultimate vendor of such product an amount equal to the tax so imposed.

"(B) INTERNATIONAL COMMERCIAL TRANSPORTATION.—For purposes of subparagraph (A), the term 'international commercial transportation' means transportation in the trade or business of transporting persons or property for hire—

"(i) by any vessel actually engaged in foreign trade or trade between the United States and any of its possessions, or

"(ii) by aircraft from a point within the United States to a point outside the United States and outside the 225-mile zone (as defined in section 4262(c)(2)).

"(3) VENDOR REQUIREMENTS.—A payment may be made under this subsection to a vendor only if the vendor establishes that such vendor—

"(A) has not included the tax in the price of the product, and

"(B) has not collected the tax from the purchaser of such product.

"(c) REFUNDS TO ULTIMATE USERS IN CERTAIN CASES.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—If tax was imposed under this subchapter with respect to any taxable energy source and such source is used by any person in an exempt use, the Secretary shall pay to such person an amount equal to the tax so imposed.

"(2) EXEMPT USE.—For purposes of this subsection, the term 'exempt use' means—

"(A) export,

"(B) in the case of any taxable refined petroleum product or natural gas—

"(i) any qualified nonfuel use, or

"(ii) use (other than as a fuel) in the manufacture or production of methanol or ether derivatives of ethanol or methanol,

"(C) the use of natural gas or coal in enhanced heavy oil recovery, and

"(D) the use of any taxable refined petroleum product in the production of synthetic natural gas or other synthetic fuels identified in regulations prescribed by the Secretary.

"(3) SPECIAL RULE FOR EXPORTED ELECTRICITY.—For purposes of this subsection, in the case of electricity—

"(A) this subsection shall apply to all electricity exported from the United States which was generated using hydropower, nuclear power, or any fossil fuel, and

"(B) the rate of tax taken into account under paragraph (1) shall be the rate applicable under section 4444(b)(1).

"(4) QUALIFIED NONFUEL USE.—For purposes of this subsection, the term 'qualified nonfuel use' means any use other than use—

"(A) as a fuel, or

"(B) in the manufacture or production of any fuel.

"(5) ENHANCED HEAVY OIL RECOVERY.—For purposes of this subsection, natural gas or coal shall be treated as used in enhanced heavy oil recovery if such gas or coal is used in a qualified enhanced oil recovery project (as defined in section 43(c)(2) without regard to subparagraph (A)(iii) thereof) for the recovery of oil having a weighted average gravity of 20 degrees API or less (corrected to 60 degrees Fahrenheit). In the case of natural gas or coal which is used to produce both steam and electricity subject to tax under section 4444(a)(1), only the portion of the natural gas or coal not allocable to the production of such electricity (determined on the basis of the proportionate Btu content of the electricity and the steam) shall be treated as used in such project.

"(d) METHANE RECOVERED FROM BIOMASS OR COAL MINING.—

"(1) IN GENERAL.—If—

"(A) methane is recovered from biomass or in conjunction with room and pillar or long wall coal mining operations, and

"(B) such methane is entered into any pipeline the removal from which would subject such methane to the tax imposed by section 4442(a),

the Secretary shall pay to the person so entering such methane an amount equal to the amount of tax which would be imposed under section 4442(a) on such methane if such entry were a taxable event under such section.

"(2) RECAPTURE OF CREDIT FOR METHANE RECOVERED FROM COAL MINING IN CERTAIN CASES.—

"(A) IN GENERAL.—If—

"(i) the Secretary has made a payment under paragraph (1) with respect to methane recovered from coal mining operations before the date the actual mining commences, and

"(ii) the actual mining commences more than 10 years after the date such methane was first recovered,

then the tax under this chapter of the person to whom such payments were made for the taxable year in which such 10th year ends shall be increased by the aggregate of such payments to such person plus interest at the underpayment rate under section 6621 for the periods beginning on the dates such payments were made.

"(B) NO FURTHER PAYMENTS UNTIL MINING COMMENCES.—If there is an increase in tax under subparagraph (A) with respect to any payments for methane recovered from any site, no further payments shall be made under this subsection with respect to methane recovered from such site until actual mining commences at such site.

"(C) NO CREDITS AGAINST TAX, ETC.—Any increase in tax under this paragraph shall not be taken into account in determining the amount of any credit allowable under part IV of subchapter A of chapter 1 or in determining the amount of the tax imposed by section 55.

"(e) PRODUCTION OF COKE FOR STEEL.—If tax was imposed under this subchapter with respect to any coal and such coal is used by any person to produce coke for use in the reduction of iron-bearing ores in the iron and steel process, the Secretary shall pay to such person an amount equal to the base rate for each million Btu's of the actual Btu content of the coke produced.

"(f) PRODUCTION OF CALCINED COKE.—If tax was imposed under this subchapter with respect to any petroleum product and such product is used by any person to produce calcined coke, the Secretary shall pay to such person an amount equal to the base rate for each million Btu's of the actual Btu content of the coke produced.

"Part IV—Use Taxes; Floor Stocks Taxes; Administrative Provisions; Definitions and Special Rules

"Sec. 4451. Tax on certain uses.

"Sec. 4452. Floor stocks taxes.

"Sec. 4453. Administrative provisions.

"Sec. 4454. Definitions and special rules.

"SEC. 4451. TAX ON CERTAIN USES.

"(a) GENERAL RULE.—There is hereby imposed a tax on the use of any fossil fuel (other than coal)—

"(1) in the manufacture or production of a fuel other than at a United States refinery, or

"(2) as a fuel.

The preceding sentence shall not apply if tax was imposed under this subchapter before such use and such tax is not credited or refunded.

"(b) RATE OF TAX.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of tax imposed by subsection (a) shall be the amount which would be imposed under the appropriate section of part I if such use were a taxable event under such section.

“(2) Crude oil and other products not taxed on removal or importation.—The amount of the tax imposed by subsection (a) on crude oil or other product not subject to tax under part I shall be the base rate (increased by the supplemental rate in the case of crude oil or any petroleum product other than any liquefied petroleum gas, isopentane, and natural gasoline) for each million Btu's of the Btu content of such oil or product.

“(3) Authority to prescribe applicable per unit btu amounts.—In the case of crude oil or any other product for which an applicable per unit Btu amount is not prescribed for purposes of part I, the Secretary may prescribe such an amount, and, if so prescribed, such amount shall apply for purposes of paragraph (2).

“(c) Liability for Tax.—The taxes imposed by subsection (a) shall be paid by the person using the fuel.

“(d) Exceptions.—

“(1) In general.—The tax imposed by this section shall not apply to—

“(A) any use to which paragraph (1) or (2) of section 4448(b) applies,

“(B) any exempt use (as defined in section 4448(c)),

“(C) any methane for which a payment may be made under section 4448(d),

“(D) any use to which section 4448(e) applies, and

“(E) any use to which section 4448(f) applies.

“(2) Use on production premises.—

“(A) In general.—The tax imposed by this section shall not apply to any use of crude oil or natural gas on the premises where produced for producing crude oil or natural gas.

“(B) Crude oil used on premises.—For purposes of subparagraph (A), crude oil shall be treated as used on the premises where produced if it is used before entry at the lease automatic custody transfer point (or its manual equivalent).

“(C) Natural gas used on premises.—For purposes of subparagraph (A), natural gas shall be treated as used on the premises where produced if it is used before entry into a natural gas processing or fractionation plant or into an interstate or intrastate transmission pipeline.

“(3) Crude oil used at refinery, etc.—The tax imposed by this section shall not apply to—

“(A) any use of crude oil or any petroleum product (other than natural gas) at a United States refinery, or

“(B) any use of natural gas at a natural gas processing or fractionation plant.

“(4) Otherwise taxable event occurring before effective date.—The tax imposed by this section shall not apply to any use if no tax would be imposed by this section on such use were this subchapter in effect for all periods before July 1, 1994.

“(e) Treatment of Natural Gas Lost in Transmission.—For purposes of this section, natural gas lost in transmission by pipeline shall be treated as used as a fuel for such pipeline.

“SEC. 4452. FLOOR STOCKS TAXES.

“(a) Imposition of Tax.—There is hereby imposed a tax on any taxable fuel which on any tax-increase date is held in the United States by any person.

“(b) Amount of Tax.—The amount of the tax imposed by subsection (a) on any taxable fuel with respect to any tax-increase date shall be equal to the excess (if any) of—

“(1) the amount of tax which would be imposed under part I if a taxable event with respect to such fuel had occurred on such date, over

“(2) the prior tax (if any) imposed by this subchapter on such fuel.

“(c) Liability for Tax.—The person holding the taxable fuel on any tax-increase date shall pay the tax imposed by subsection (a).

“(d) Exceptions.—The tax imposed by subsection (a) shall not apply to—

“(1) any taxable refined petroleum product—

“(A) held (other than for use as a fuel) within a United States refinery, or

“(B) held for use by the holder in international commercial transportation (as defined in section 4448(b)(2)),

“(2) any natural gas which has not been removed as described in section 4442(a) and which is not held in any local distribution system, and

“(3) any coal held other than at the facility where it is to be used as a fuel.

“(e) Credit Against Tax.—

“(1) In general.—Each person shall be allowed $200 as a credit against the taxes imposed by subsection (a) with respect to each tax-increase date. Such credit shall not exceed the amount of taxes imposed by subsection (a) for which such person is liable with respect to such date.

“(2) Controlled groups.—For purposes of paragraph (1)—

“(A) all persons who are treated as a single employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer, and

“(B) the $200 amount specified in paragraph (1) shall be apportioned among such persons under regulations prescribed by the Secretary.

“(f) Definitions.—For purposes of this section—

“(1) Taxable fuel.—The term ‘taxable fuel’ means any taxable refined petroleum product, natural gas, or coal.

“(2) Tax-increase date.—The term ‘tax-increase date’ means—

“(A) July 1, 1994,

“(B) July 1, 1995,

“(C) July 1, 1996, and

“(D) January 1 of each calendar year for which there is an increase in a rate of tax by reason of subsection (a)(3) or (b)(3) of section 4446 (relating to inflation adjustment).

“(f) Due Date.—The tax imposed by subsection (a) shall be paid on or before the close of the 7-month period beginning on the tax-increase date.

“SEC. 4453. ADMINISTRATIVE PROVISIONS.

“(a) Rules Relating to Refunds for Exempt and Other Uses.—

“(1) Period for Filing Claims.—No payment shall be made under section 4448 unless, within 2 years after the date that the event occurs giving rise to a right to such payment, a claim therefor is filed by the person entitled to such payment.

“(2) Denial of interest.—Except as provided in paragraph (3), no interest shall be paid on claims for payments under section 4448.

“(3) Minimum amounts and periods.—In the case of persons who meet such requirements as the Secretary may prescribe, if—

“(A) a claim for payment is filed under section 4448 for any period for which more than $1,000 is payable and which is not less than 1 week, and

“(B) the Secretary has not paid such claim within 20 days after the date the claim was filed,

such claim shall be paid with interest from such date using the overpayment rate and method under section 6621.

“(3) Applicable Laws.—

“(A) In general.—All provisions of law, including penalties, applicable in respect of the tax imposed by this subchapter shall, insofar as applicable and not inconsistent with this subsection and section 4448, apply in respect of payments provided for in section 4448 to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

“(B) Examination of books and witnesses.—For the purpose of ascertaining the correctness of any claim made under section 4448, or the correctness of any payment made in respect of such claim, the Secretary shall have the authority granted by paragraphs (1), (2), and (3) of section 7602(a) (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

“(b) Payment of Tax to Persons Required to Collect Tax.—

“(1) In general.—In the case of the taxes imposed by sections 4441 and 4442 which are required to be collected by another person, the person liable for such tax shall remit the tax to such other person within 30 days after the date of the taxable event.

“(2) Relief from penalty for certain failures to collect tax.—No penalty shall be imposed under this title on the failure of any person to collect the taxes referred to in paragraph (1) if—

“(A) during the 30-day period referred to in paragraph (1), such person exercises due diligence in attempting to collect such tax, and

“(B) such person notifies the Secretary, within 15 days after such 30th day, of the failure to collect such tax and provides such other information as the Secretary may require.

“(c) Information Reporting.—The Secretary may require—

“(1) information reporting by each remitter of tax imposed by this subchapter, and

“(2) information reporting by, and registration of, such other persons as the Secretary deems necessary to carry out this subchapter.

“SEC. 4454. DEFINITIONS AND SPECIAL RULES.

“(a) Definitions.—For purposes of this subchapter—

“(1) Taxable energy source.—The term ‘taxable energy source’ means any taxable refined petroleum product, natural gas, coal, and electricity (within the meaning of such terms under part I).

“(2) Fossil fuel.—The term ‘fossil fuel’ means crude oil, any petroleum product, natural gas, any natural gas product, and coal.

“(3) Crude oil.—The term ‘crude oil’ includes condensates from crude oil.

“(4) Coal.—The term ‘coal’ includes lignite.

“(5) United states.—The term ‘United States’ means the 50 States, the District of Columbia, and the foreign trade zones of the United States.

“(6) Person.—The term ‘person’ includes the United States, any State or political subdivision thereof, the District of Columbia, and any agency or instrumentality of any of the foregoing.

“(b) Special Rules for Independent Power Producers Selling Electricity Under Fixed-Price Contracts.—

“(1) Electricity generated using fossil fuels.—If electricity is generated by an independent power producer using any fossil fuel and is sold pursuant to a qualified fixed-price contract—

“(A) such use of fossil fuel shall be treated for purposes of this subchapter as an exempt use (as defined in section 4448), and

“(B) a tax is hereby imposed on the contract purchaser of such electricity equal to the amount payable under subparagraph (A) on the fossil fuel used to generate such electricity.

"(2) OTHER ELECTRICITY.—In the case of electricity generated by an independent power producer which is subject to the tax imposed by section 4444 and which is sold pursuant to a qualified fixed-price contract, the tax imposed by section 4444(a)(1) shall be paid by the contract purchaser of the electricity.

"(3) INDEPENDENT POWER PRODUCER.—For purposes of this subsection, electricity shall be treated as generated by an independent power producer if such electricity is generated—

"(A) at a facility—

"(i) which is a qualifying small power production facility or a qualifying cogeneration facility (as such terms are defined under section 3(17) of the Federal Power Act on the date of the enactment of this section), and

"(ii) which is exempt from the laws referred to in section 210(e) of the Public Utility Regulatory Policies Act of 1978 (as so in effect), or

"(B) by an exempt wholesale generator (as defined in section 32(a)(1) of the Public Utility Holding Company Act of 1935).

"(4) QUALIFIED FIXED-PRICE CONTRACT.—For purposes of this subsection, the term 'qualified fixed-price contract' means any contract entered into before the date of the enactment of this section except to the extent the contract purchaser of the electricity establishes to the satisfaction of the Secretary that the price paid for electricity is determined under a formula which directly or indirectly includes the taxes imposed by this subchapter.

"(5) FUEL USED TO PRODUCE ELECTRICITY AND STEAM.—In the case of a facility which produces both steam and electricity, only the portion of the fuel allocable to the production of electricity (determined on the basis of the proportionate Btu content of the electricity and steam) shall be treated as an exempt use under paragraph (1)(A).

"(c) FRACTIONAL PART OF UNIT.—In the case of a fraction of a unit, the tax imposed by this subchapter shall be the same fraction of the amount of such tax imposed on a whole unit.

"(d) SPECIAL RULES RELATING TO PUERTO RICO AND THE VIRGIN ISLANDS.—

"(1) LIKE TAX ON ARTICLES BROUGHT INTO THE UNITED STATES FROM PUERTO RICO OR THE VIRGIN ISLANDS.—For purposes of this subchapter, articles brought into the United States from the Commonwealth of Puerto Rico or the Virgin Islands shall be treated as entered into the United States at the time brought into the United States.

"(2) DISPOSITION OF REVENUES.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by this subchapter.

"(e) NO EXEMPTION FROM TAX.—No person shall be exempt from any tax imposed by this subchapter except to the extent provided in this subchapter or in any provision of law enacted after the date of the enactment of this subchapter which grants a specific exemption, by reference to this subchapter, from a tax imposed by this subchapter.

"(f) NORMALIZATION OF TAX.—For purposes of section 168, a taxpayer shall not be treated as using a normalization method of accounting unless—

"(1) not later than the 1st ratemaking order taking effect after the date of the enactment of this subchapter, the ratemaking body permits the full amount of—

"(A) the taxes imposed by this subchapter on natural gas,

"(B) the taxes imposed by section 4444 and subsection (b) of this section on any electricity, and

"(C) the taxes imposed by this subchapter on fuels used to generate electricity,

to be added to the otherwise permitted rate for the furnishing or sale of the natural gas or electricity, and

"(2) any amount of such tax which was not fully reflected as provided in paragraph (1) by reason of being imposed before the 1st ratemaking order taking effect after the date of the enactment of this subchapter is added to the base to which the taxpayer's rate of return for ratemaking purposes is applied in such 1st order.

In determining for purposes of the preceding sentence whether a ratemaking order is the 1st ratemaking order referred to therein, there shall be taken into account only ratemaking orders from proceedings in which the recovery of tax expense is an issue that may be considered."

(b) TECHNICAL AMENDMENTS.—

(1)(A) Subsection (a) of section 6675 is amended by inserting "section 4448 (relating to refunds of Btu tax for certain sales and uses)," before "section 6420".

(B) Subsection (b) of section 6675 is amended by inserting "4448," before "6420".

(2) Section 6206 is amended—

(A) by inserting "(a) FUEL TAXES.—" before "Any portion of", and

(B) by adding at the end thereof the following new subsection:

"(b) BTU TAXES.—Any portion of a payment made under section 4448 which constitutes an excessive amount (as defined in section 6675(b)), and any civil penalty provided by section 6675, may be assessed and collected as if it were a tax imposed by subchapter A of chapter 36 and as if the person who made the claim were liable for such tax. The period for assessing any such portion, and for assessing any such penalty, shall be 3 years from the last day prescribed for filing a claim under section 4448."

(3)(A) The section heading for section 6206 is amended by striking "UNDER SECTIONS 6420, 6421, AND 6427" and inserting "FOR CERTAIN FUELS TAX REFUNDS AND ENERGY TAX REFUNDS".

(B) The item relating to section 6206 in the table of sections for subchapter A of chapter 63 is amended by striking "under sections 6420, 6421, and 6427" and inserting "for certain fuels tax refunds and energy tax refunds".

(4) Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking "or" at the end of clause (xi),

(B) by striking the period at the end of the clause (xii) relating to section 4101(d) and inserting a comma,

(C) by redesignating the clause (xii) relating to section 338(h)(10)(C) as clause (xiii) and by striking the period at the end thereof and inserting ", or", and

(D) by inserting after clause (xiii), as so redesignated, the following new clause:

"(xiv) section 4453(c) (relating to information reporting with respect to energy taxes)."

(5) Sections 7210, section 7603, subsections (b) and (c)(2) of section 7604, section 7605, and 7610(c) are each amended by inserting "4453(a)(3)(B)," before "6420(e)(2)" each place it appears.

(6) Subparagraph (A) of section 9505(c)(3) is amended by striking "subchapter A" and inserting "subchapter B".

(7) The table of subchapters for chapter 36 is amended by striking the items relating to subchapters A and B and inserting the following:

"Subchapter A. Energy taxes.

"Subchapter B. Harbor maintenance tax.

"Subchapter C. Transportation by water."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1994.

SEC. 2402. EXTENSION OF MOTOR FUEL TAX RATES; INCREASED DEPOSITS INTO HIGHWAY TRUST FUND.

(a) GASOLINE AND SPECIAL MOTOR FUELS.—

(1) IN GENERAL.—Clause (i) of section 4081(a)(2)(B) is amended by striking "11.5 cents" and inserting "14 cents".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

"(A) IN GENERAL.—In the case of the Highway Trust Fund financing rate, the term 'otherwise applicable rate' means—

"(i) 8.6 cents a gallon for 10 percent alcohol,

"(ii) 9.842 cents a gallon for 7.7 percent alcohol,

"(iii) 10.922 cents a gallon for 5.7 percent alcohol.

In the case of gasohol none of the alcohol in which consists of ethanol, clauses (i), (ii), and (iii) shall be applied by substituting '8.0 cents' for '8.6 cents', '9.38 cents' for '9.842 cents', and '10.58 cents' for '10.922'."

(B) Subparagraph (A) of section 4041(m)(1) is amended to read as follows:

"(A) under subsection (a)(2) the Highway Trust Fund financing shall be 7 cents per gallon, and".

(b) DIESEL FUEL.—

(1) IN GENERAL.—Paragraph (2) of section 4091(a) is amended by striking "17.5 cents" and inserting "20 cents".

(2) FUEL USED IN TRAINS.—Subparagraph (B) of section 4093(c)(2) is amended—

(A) by striking "the diesel fuel deficit reduction rate" and inserting "2.5 cents per gallon of the Highway Trust Fund financing rate", and

(B) by striking from the subparagraph heading "DEFICIT REDUCTION TAX ON".

(3) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 4091 is amended—

(i) by striking "12.1 cents" each place it appears and inserting "14.6 cents", and

(ii) by striking "13.44 cents" in paragraph (1)(B) and inserting "16.22".

(B) Paragraph (4) of section 6427(l) is amended—

(i) by striking "the diesel fuel deficit reduction rate" and inserting "2.5 cents per gallon of the Highway Trust Fund financing rate", and

(ii) by striking "DEFICIT REDUCTION TAX" and inserting "PORTION OF TAX".

(C) Subsection (b) of section 9503 is amended by adding at the end thereof the following new paragraph:

"(6) RETENTION OF CERTAIN TAXES IN GENERAL FUND.—

"(A) IN GENERAL.—There shall not be taken into account under paragraphs (1) and (2)—

"(i) the tax imposed by section 4091 on diesel fuel used in any train, and

"(ii) so much of the following taxes as are attributable to 2.5 cents of the Highway Trust fund financing rate:

"(I) Motorboat fuel taxes (as defined in subsection (c)(4)(D)).

"(II) Small-engine fuel taxes (as defined in subsection (c)(5)(B)).

"(III) Nonhighway recreational fuel taxes (as defined in subsection (c)(6)(D)).

"(B) TRANSFERS FROM HIGHWAY TRUST FUND.—For purposes of determining the amount paid from the Highway Trust Fund under paragraphs (4), (5), and (6) of subsection (c), the Highway Trust Fund financing rates shall be treated as being 2.5 cents less than the otherwise applicable rates."

(c) Increase in Deposits in Mass Transit Account.—Paragraph (2) of section 9503(e) is amended by striking "1.5 cents" and inserting "2 cents".

(d) Repeal of Expired Provisions.—

(1) Subparagraph (A) of section 4081(a)(2) (relating to rate of tax) is amended—

(A) by adding "and" at the end of clause (i),

(B) by striking ", and" at the end of clause (ii) and inserting a period, and

(C) by striking clause (iii).

(2) Subparagraph (B) of section 4081(a)(2) is amended—

(A) by adding "and" at the end of clause (i),

(B) by striking ", and" at the end of clause (ii) and inserting a period, and

(C) by striking clause (iii).

(3) Subsection (d) of section 4081 is amended by striking paragraph (3).

(4) Clause (i) of section 4091(b)(1)(A) is amended by striking "and the diesel fuel deficit reduction rate".

(5) Subsection (b) of section 4091 is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(6) Paragraph (5) of section 4091(b), as redesignated by paragraph (5), is amended by striking subparagraph (D).

(7) Paragraphs (1) and (2) of section 4041(a), and paragraph (3) of section 4041(c), are each amended by striking "the sum of the Highway Trust Fund financing rate and the diesel fuel deficit reduction rate" and by inserting "the Highway Trust Fund financing rate".

(e) Effective Date.—The amendments made by this section shall take effect October 1, 1995, but the amendment made by subsection (c) shall apply only to amounts attributable to taxes imposed on or after such date.

Subtitle E—Compliance Provisions

SEC. 2501. REPORTING REQUIRED FOR CERTAIN PAYMENTS TO CORPORATIONS.

(a) Section 6041.—Section 6041 (relating to information at source) is amended by adding at the end thereof the following new subsection:

"(f) Special Rules for Payments for Services.—No payment for the performance of services shall be exempt from the requirements of this section merely because it is a payment to a corporation."

(b) Section 6041A(a).—Subsection (a) of section 6041A is amended by adding at the end thereof the following new sentence: "A payment shall not be exempt from the requirements of this subsection merely because it is a payment to a corporation.".

(c) Effective Date.—The amendments made by this section shall apply to payments after December 31, 1993.

SEC. 2502. MODIFICATIONS TO SUBSTANTIAL UNDERSTATEMENT AND RETURN-PREPARER PENALTIES.

(a) Reasonable Basis Required.—

(1) Substantial understatement penalty.—Clause (ii) of section 6662(d)(2)(B) (relating to reduction for understatement due to position of taxpayer or disclosed item) is amended to read as follows:

"(ii) any item if—

"(I) the relevant facts affecting the item's tax treatment are adequately disclosed in the return or in a statement attached to the return, and

"(II) there is a reasonable basis for the tax treatment of such item by the taxpayer."

(2) Return preparer penalty.—Paragraph (3) of section 6694(a) (relating to understatement of taxpayer's liability by income tax return preparer) is amended to read as follows:

"(3) the requirements of subclauses (I) and (II) of section 6662(d)(2)(B)(ii) are not satisfied with respect to such position.".

(b) Special Tax Shelter Rule.—Subclause (II) of section 6662(d)(2)(C)(i) (relating to special rules for tax shelters) is amended by inserting before the period at the end thereof the following: "and the reasonably anticipated after-tax benefits from the taxpayer's investment in such shelter do not significantly exceed the reasonably anticipated pre-tax economic profit or loss from such investment".

(c) Reasonable Cause Exception.—Paragraph (1) of section 6664(c) is revised by striking "this part" and inserting "section 6662".

(d) Effective Date.—The amendments made by this section shall apply to returns the due dates for which (determined without regard to extensions) are after December 31, 1993.

Subtitle F—Miscellaneous Provisions

SEC. 2601. SUBSTANTIATION REQUIREMENT FOR DEDUCTION OF CERTAIN CHARITABLE CONTRIBUTIONS.

(a) Substantiation Requirement.—Section 170(f) (providing special rules relating to the deduction of charitable contributions and gifts) is amended by adding at the end the following new paragraph:

"(8) Substantiation requirement for certain contributions.—

"(A) General rule.—No deduction shall be allowed under subsection (a) for any contribution of $750 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

"(B) Content of acknowledgment.—An acknowledgment meets the requirements of this subparagraph if it provides information sufficient to substantiate the amount of the deductible contribution. If the contribution was made by means of a payment part of which constituted consideration for goods or services provided by the donee organization, the acknowledgment must provide a good faith estimate of the value of such goods or services.

"(C) Contemporaneous.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

"(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

"(ii) the due date (including extensions) for filing such return.

"(D) Substantiation not required for contributions reported by the donee organization.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

"(E) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases."

(b) Effective Date.—The provisions of this section shall apply to contributions made on or after January 1, 1994.

SEC. 2602. DISCLOSURE RELATED TO QUID PRO QUO CONTRIBUTIONS.

(a) Disclosure Requirement.—Subchapter B of chapter 61 (relating to information and returns) is amended by redesignating section 6115 as section 6116 and by inserting after section 6114 the following new section:

"SEC. 6115. DISCLOSURE RELATED TO QUID PRO QUO CONTRIBUTIONS.

"(a) Disclosure Requirement.—If an organization described in section 170(c) (other than paragraph (1) thereof) receives a quid pro quo contribution, the organization shall, in connection with the solicitation or receipt of the contribution—

"(1) inform the donor that the amount of the contribution that is deductible for Federal income tax purposes is limited to the excess of the amount of any money and the value of any property other than money contributed by the donor over the value of the goods or services provided by the organization, and

"(2) provide the donor with a good faith estimate of the value of such goods or services.

"(b) Quid Pro Quo Contribution.—For purposes of this section, the term 'quid pro quo contribution' means a payment made partly as a contribution and partly in consideration for goods or services provided to the payor by the donee organization."

(b) Penalty for Failure To Disclose.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6713 the following new section:

"SEC. 6714. FAILURE TO MEET DISCLOSURE REQUIREMENTS APPLICABLE TO QUID PRO QUO CONTRIBUTIONS.

"(a) Imposition of Penalty.—If an organization fails to meet the disclosure requirement of section 6115 with respect to a quid pro quo contribution, such organization shall pay a penalty of $10 for each contribution in respect of which the organization fails to make the required disclosure, except that the total penalty imposed by this subsection with respect to a particular fundraising event or mailing shall not exceed $5,000.

"(b) Reasonable Cause Exception.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause."

(c) Clerical Amendments.—

(1) The table for subchapter B of chapter 61 is amended by striking the item relating to section 6115 and inserting the following new item:

"Sec. 6115. Disclosure related to quid pro quo contributions.

"Sec. 6116. Cross reference."

(2) The table for part I of subchapter B of chapter 68 is amended by inserting after the item for section 6713 the following new item:

"Sec. 6714. Failure to meet disclosure requirements applicable to quid pro quo contributions."

(d) Effective Date.—The provisions of this section shall apply to quid pro quo contributions made on or after January 1, 1994.

SEC. 2603. DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS OF TAX.

(a) General Rule.—Subsection (e) of section 6611 is amended to read as follows:

"(e) Disallowance of Interest on Certain Overpayments.—

"(1) Refunds within 45 days after return is filed.—If any overpayment of tax imposed by this title is refunded within 45 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) or, in the case of a return filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed under subsection (a) on such overpayment.

“(2) Refunds after claim for credit or refund.—If—

“(A) the taxpayer files a claim for a credit or refund for any overpayment of tax imposed by this title, and

“(B) such overpayment is refunded within 45 days after such claim is filed,

no interest shall be allowed on such overpayment from the date the claim is filed until the day the refund is made.

“(3) IRS initiated adjustments.—If an adjustment initiated by the Secretary, results in a refund or credit of an overpayment, interest on such overpayment shall be computed by subtracting 45 days from the number of days interest would otherwise be allowed with respect to such overpayment.”

(b) Effective Dates.—

(1) Paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986 (as amended by subsection (a)) shall apply in the case of returns the due date for which (determined without regard to extensions) is on or after January 1, 1994.

(2) Paragraph (2) of section 6611(e) of such Code (as so amended) shall apply in the case of claims for credit or refund of any overpayment filed on or after January 1, 1995, regardless of the taxable period to which such refund relates.

(3) Paragraph (3) of section 6611(e) of such Code (as so amended) shall apply in the case of any refund paid on or after January 1, 1995, regardless of the taxable period to which such refund relates.

SEC. 2604. DENIAL OF DEDUCTION RELATING TO TRAVEL EXPENSES.

(a) In General.—Section 274(m) (relating to additional limitations on travel expenses) is amended by adding at the end thereof the following new paragraph:

“(3) Travel expenses of spouse, dependent, or others.—No deduction shall be allowed under this chapter (other than section 217) for travel expenses paid or incurred with respect to a spouse, dependent, or other individual accompanying the taxpayer (or an officer or employee of the taxpayer) on business travel, unless—

“(A) the spouse, dependent, or other individual is an employee of the taxpayer,

“(B) the travel of the spouse, dependent, or other individual is for a bona fide business purpose, and

“(C) such expenses would otherwise be deductible by the spouse, dependent, or other individual.”

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 1993.

SEC. 2605. INCREASE IN WITHHOLDING FROM SUPPLEMENTAL WAGE PAYMENTS.

If an employer elects under Treasury Regulation 31.3402 (g)-1 to determine the amount to be deducted and withheld from any supplemental wage payment by using a flat percentage rate, the rate to be used in determining the amount to be so deducted and withheld shall not be less than 28 percent. The preceding sentence shall apply to payments made after December 31, 1993.

TITLE III—EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

SEC. 3101. DESIGNATION AND TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.

(a) In General.—Chapter 1 (relating to normal taxes and surtaxes) is amended by inserting after subchapter T the following new subchapter:

“Subchapter U—Designation and Treatment of Empowerment Zones and Enterprise Communities

“Part I. Designation.

“Part II. Incentives for empowerment zones and enterprise communities.

“Part III. Additional incentives for empowerment zones.

“Part IV. Regulations.

“PART I—DESIGNATION

“Sec. 1391. Designation procedure.

“Sec. 1392. Eligibility criteria.

“Sec. 1393. Definitions and special rules.

“SEC. 1391. DESIGNATION PROCEDURE.

“(a) In General.—From among the areas nominated for designation under this section, the appropriate Secretaries may, in consultation with the Enterprise Board, designate empowerment zones and enterprise communities.

“(b) Number of Designations.—

“(1) Enterprise communities.—The appropriate Secretaries may designate in the aggregate 100 nominated areas as enterprise communities under this section, subject to the availability of eligible nominated areas. Of that number, not more than 65 may be designated in urban areas, not more than 30 may be designated in rural areas, and not more than 5 may be designated by the Secretary of the Interior in Indian reservations.

“(2) Empowerment zones.—The appropriate Secretaries may designate in the aggregate 10 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than 6 may be designated in urban areas, not more than 3 may be designated in rural areas, and not more than 1 may be designated by the Secretary of the Interior in an Indian reservation. If 6 empowerment zones are designated in urban areas, no less than 1 shall be designated in an urban area whose most populous city has a population of 500,000 or less. The Secretary of Housing and Urban Development shall designate empowerment zones located in urban areas in such a manner that the aggregate population of all such zones does not exceed 750,000.

“(c) Period Designations May Be Made.—A designation may be made under this section only after 1993 and before 1996.

“(d) Period for Which Designation Is in Effect.—

“(1) In general.—Any designation under this section shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

“(A) the close of the 10th calendar year beginning on or after such date of designation,

“(B) the termination date designated by the State and local governments as provided for in their nomination, or

“(C) the date the appropriate Secretary revokes the designation.

“(2) Revocation of designation.—

“(A) In general.—The appropriate Secretary, in consultation with the Enterprise Board, may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which it is located—

“(i) has modified the boundaries of the area, or

“(ii) is not complying substantially with, or fails to make progress in achieving the benchmarks set forth in, the strategic plan under subsection (f)(2).

“(B) Applicable procedures.—A designation may be revoked by the appropriate Secretary under subparagraph (A) only after a hearing on the record involving officials of the State or local government involved.

“(e) Limitations on Designations.—An area may be designated under subsection (a) only if—

“(1) the area is nominated by 1 or more local governments and the State or States in which it is located for designation under this section,

“(2) such State or States and the local governments have the authority—

“(A) to nominate the area for designation under this section, and

“(B) to provide the assurances described in paragraph (3),

“(3) such State or States and the local governments provide written assurances satisfactory to the appropriate Secretary that the strategic plan described in the application under subsection (f)(2) for such area will be implemented,

“(4) the appropriate Secretary determines that any information furnished is reasonably accurate, and

“(5) such State or States and local governments certify that no portion of the area nominated is already included in an empowerment zone or in an enterprise community or in an area otherwise nominated to be designated under this section.

“(f) Application.—An application for designation as an empowerment zone or as an enterprise community shall—

“(1) demonstrate that the nominated area satisfies the eligibility criteria described in section 1392,

“(2) include a strategic plan for accomplishing the purposes of this subchapter that—

“(A) describes the coordinated economic, human, community, and physical development plan and related activities proposed for the nominated area,

“(B) describes the process by which the affected community is a full partner in the process of developing and implementing the plan and the extent to which local institutions and organizations have contributed to the planning process,

“(C) identifies the amount of State, local, and private resources that will be available in the nominated area and the private/public partnerships to be used, which may include participation by, and cooperation with, universities, medical centers, and other private and public entities,

“(D) identifies the funding requested under any Federal program in support of the proposed economic, human, community, and physical development and related activities,

“(E) identifies baselines, methods, and benchmarks for measuring the success of carrying out the strategic plan, including the extent to which poor persons and families will be empowered to become economically self-sufficient, and

“(F) does not include any action to assist any establishment in relocating from one area outside the nominated area to the nominated area, except that assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary is permitted if—

“(i) the establishment of the new branch, affiliate, or subsidiary will not result in a decrease in employment in the area of original location or in any other area where the existing business entity conducts business operations, and

“(ii) there is no reason to believe that the new branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where the existing business entity conducts business operation, and

"(3) include such other information as may be required by the appropriate Secretary or the Enterprise Board.

"SEC. 1392. ELIGIBILITY CRITERIA.

"(a) IN GENERAL.—A nominated area shall be eligible for designation under section 1391 only if it meets the following criteria:

"(1) POPULATION.—The nominated area has a maximum population of—

"(A) in the case of an urban area, the lesser of—

"(i) 200,000, or

"(ii) the greater of 50,000 or 10 percent of the population of the most populous city located within the nominated area, and

"(B) in the case of a rural area, 30,000.

"(2) DISTRESS.—The nominated area is one of pervasive poverty, unemployment, and general distress.

"(3) SIZE.—The nominated area—

"(A) does not exceed 20 square miles if an urban area or 1,000 square miles if a rural area or an Indian reservation,

"(B) has a boundary which is continuous, or, except in the case of a rural area located in more than 1 State, consists of not more than 3 noncontiguous parcels,

"(C)(i) in the case of an urban area, is located entirely within no more than 2 contiguous States, and

"(ii) in the case of a rural area, is located entirely within no more than 3 contiguous States, and

"(D) does not include any portion of a central business district (as such term is used for purposes of the most recent Census of Retail Trade) unless the poverty rate for each population census tract in such district is not less than 35 percent.

"(4) POVERTY RATE.—The poverty rate—

"(A) for each population census tract within the nominated area is not less than 20 percent,

"(B) for at least 90 percent of the population census tracts within the nominated area is not less than 25 percent, and

"(C) for at least 50 percent of the population census tracts within the nominated area is not less than 35 percent.

"(b) SPECIAL RULES RELATING TO DETERMINATION OF POVERTY RATE.—For purposes of subsection (a)(4)—

"(1) TREATMENT OF CENSUS TRACTS WITH SMALL POPULATIONS.—

"(A) TRACTS WITH NO POPULATION.—In the case of a population census tract with no population—

"(i) such tract shall be treated as having a poverty rate which meets the requirements of subparagraphs (A) and (B) of subsection (a)(4), but

"(ii) such tract shall be treated as having a zero poverty rate for purposes of applying subparagraph (C) thereof.

"(B) TRACTS WITH POPULATIONS OF LESS THAN 2,000.—A population census tract with a population of less than 2,000 shall be treated as having a poverty rate which meets the requirements of subparagraphs (A) and (B) of subsection (a)(4) if more than 75 percent of such tract is zoned for commercial or industrial use.

"(2) DISCRETION TO ADJUST REQUIREMENTS.—Where necessary to carry out the purposes of this subchapter, the appropriate Secretary may reduce by 5 percentage points one of the following thresholds for not more than 10 percent of the population census tracts (or, if fewer, 5 population census tracts) in the nominated area:

"(A) The 20 percent threshold in subsection (a)(4)(A).

"(B) The 25 percent threshold in subsection (a)(4)(B).

"(C) The 35 percent threshold in subsection (a)(4)(C).

"(3) EACH NONCONTIGUOUS AREA MUST SATISFY POVERTY RATE RULE.—A nominated area may not include a noncontiguous parcel unless such parcel separately meets (subject to paragraphs (1) and (2)) the criteria set forth in subsection (a)(4).

"(4) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates.

"(c) FACTORS TO CONSIDER.—From among the nominated areas eligible for designation under section 1391 by the appropriate Secretary, such appropriate Secretary shall make designations of empowerment zones and enterprise communities on the basis of—

"(1) the effectiveness of the strategic plan submitted pursuant to section 1391(f)(2) and the assurances made pursuant to section 1391(e)(3), and

"(2) criteria specified by the Enterprise Board.

"SEC. 1393. DEFINITIONS AND SPECIAL RULES.

"(a) IN GENERAL.—For purposes of this subchapter—

"(1) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

"(A) the Secretary of Housing and Urban Development in the case of any nominated area which is located in an urban area,

"(B) the Secretary of Agriculture in the case of any nominated area which is located in a rural area, and

"(C) the Secretary of the Interior in the case of any nominated area which is located in an Indian reservation.

"(2) ENTERPRISE BOARD.—The term 'Enterprise Board' means any board hereafter established and designated for purposes of this subchapter as the 'Enterprise Board'.

"(3) RURAL AREA.—The term 'rural area' means any area which is—

"(A) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(B) determined by the Secretary of Agriculture, after consultation with the Secretary of Commerce, to be a rural area.

"(4) URBAN AREA.—The term 'urban area' means an area which is not a rural area.

"(5) INDIAN RESERVATION.—

"(A) IN GENERAL.—The term 'Indian reservation' means a reservation as defined in—

"(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10).

"(B) GOVERNMENTS.—In the case of an area in an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(6) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the appropriate Secretary.

"(7) NOMINATED AREA.—The term 'nominated area' means an area which is nominated by 1 or more local governments and the State or States in which it is located for designation under section 1391.

"(8) GOVERNMENTS.—If more than 1 State or local government seeks to nominate an area as a tax enterprise zone, any reference to, or requirement of, this subchapter shall apply to all such governments.

"(9) SPECIAL RULE.—An area shall be treated as nominated by a State and a local government if it is nominated by such other entity as may be specified by the Enterprise Board.

"(10) USE OF CENSUS DATA.—Population and poverty rate shall be determined by the most recent decennial census data available.

"(b) EMPOWERMENT ZONE; ENTERPRISE COMMUNITY.—For purposes of this title, the terms 'empowerment zone' and 'enterprise community' mean areas designated as such under section 1391.

"PART II—INCENTIVES FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

"Sec. 1394. Zone resident empowerment savings credit.

"Sec. 1395. Additional benefits.

"SEC. 1394. ZONE RESIDENT EMPOWERMENT SAVINGS CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the amount of the zone resident empowerment savings credit determined under this section with respect to any employer for any taxable year is 50 percent of the qualified savings contributions for the taxable year.

"(b) QUALIFIED SAVINGS CONTRIBUTIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified savings contribution' means any contribution by an employer to a defined contribution plan—

"(A) which is made on behalf of an employee in connection with services performed by such employee while such employee is a qualified zone employee, and

"(B) with respect to which the employee has a nonforfeitable right.

"(2) LIMITATION BASED ON COMPENSATION.—

"(A) IN GENERAL.—The qualified savings contributions taken into account with respect to any qualified zone employee for any taxable year shall not exceed an amount equal to 2 percent of so much of the employee's compensation (as defined in section 414(s)) as does not exceed $35,000.

"(B) ZONE DESIGNATION IN EFFECT FOR PARTIAL YEAR.—If a designation of an area as an empowerment zone or an enterprise community is in effect for less than the entire taxable year, the $35,000 amount under subparagraph (A) shall be ratably reduced to reflect the portion of the year such designation is not in effect.

"(3) CERTAIN CONTRIBUTIONS EXCLUDED.—The term 'qualified savings contribution' shall not include any contribution—

"(A) to a plan subject to the funding requirements of section 412,

"(B) to a tax credit employee stock ownership plan (as defined in section 409(a)) or to an employee stock ownership plan (as defined in section 4975(e)(7)),

"(C) to a stock bonus plan, or

"(D) which is an elective deferral (within the meaning of section 402(g)(3)).

"(4) SIMPLIFIED EMPLOYEE PENSION.—A contribution to an individual savings plan pursuant to a simplified employee pension (as defined in section 408(k)) shall be treated as a contribution to a defined contribution plan.

"(c) EMPLOYER REQUIREMENTS.—This section shall apply to an employer for any taxable year only if—

"(1) the employer elects the application of this section, and

"(2) the plan pursuant to which any qualified savings contribution is made provides that any contribution to such plan (whether or not a qualified savings contribution) may be withdrawn by a qualified zone employee for the purposes described in section 72(t)(2) (B) or (D).

“(d) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED ZONE EMPLOYEE.—The term ‘qualified zone employee’ has the meaning given such term by section 1396(d), except that the references to empowerment zones shall be treated as including references to enterprise communities.

“(2) DEFINED CONTRIBUTION PLAN.—The term ‘defined contribution plan’ means a defined contribution plan (as defined in section 414(i)) which is described in section 401(a) and includes a trust exempt from tax under section 501(a).

“(e) TREATMENT OF PLANS.—A plan shall not be treated as failing to meet any requirement of part I of subchapter D of chapter 1 by reason of permitting withdrawals for the purposes described in section 72(t)(2) (B) or (D).

“SEC. 1395. ADDITIONAL BENEFITS.

“(a) INCREASE IN LOW INCOME HOUSING CREDIT.—For purposes of section 42(d)(5)(C), a building shall be treated as located in a qualified census tract if—

“(1) such building is located in a census tract having a poverty rate of at least 30 percent (determined in accordance with section 1393(a)(10)), and

“(2) such building is located in an empowerment zone or an enterprise community.

“(b) TAX EXEMPT ENTERPRISE ZONE FACILITY BONDS.—

“(1) IN GENERAL.—For purposes of part IV of subchapter B of chapter 1 (relating to tax exemption requirements for State and local bonds), the term ‘exempt facility bond’ includes any bond issued as part of an issue 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide any enterprise zone facility.

“(2) ENTERPRISE ZONE FACILITY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘enterprise zone facility’ means any qualified zone property the principal user of which is an enterprise zone business (as defined in section 1399A), and any land which is functionally related and subordinated to such property.

“(B) QUALIFIED ZONE PROPERTY.—The term ‘qualified zone property’ has the meaning given such term by section 1398(c); except that—

“(i) section 1398(c)(3) shall not apply, and

“(ii) the references to empowerment zones shall be treated as including references to enterprise communities.

“(3) LIMITATION ON AMOUNT OF BONDS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any issue if the aggregate amount of outstanding enterprise zone facility bonds allocable to any enterprise zone business (taking into account such issue) exceeds—

“(i) $3,000,000 with respect to any 1 empowerment zone or enterprise community, or

“(ii) $20,000,000 with respect to all empowerment zones and enterprise communities.

“(B) AGGREGATE ENTERPRISE ZONE FACILITY BOND BENEFIT.—For purposes of subparagraph (A), the aggregate amount of outstanding enterprise zone facility bonds allocable to any business shall be determined under rules similar to the rules of section 144(a)(10), taking into account only bonds to which paragraph (1) applies.

“(4) ACQUISITION OF LAND AND EXISTING PROPERTY PERMITTED.—The requirements of sections 147(c)(1)(A) and 147(d) shall not apply to any bond described in paragraph (1).

“(5) PARTIAL EXEMPTION FROM VOLUME CAP.—Only for purposes of section 146, the term ‘private activity bond’ shall not include 50 percent of any bond issued as part of an issue described in paragraph (1).

“(6) PENALTY FOR CEASING TO MEET REQUIREMENTS.—

“(A) FAILURES CORRECTED.—An issue which fails to meet 1 or more of the requirements of paragraphs (1) and (2) shall be treated as meeting such requirements if—

“(i) the issuer and any principal user in good faith attempted to meet such requirements, and

“(ii) any failure to meet such requirements is corrected within a reasonable period after such failure is first discovered.

“(B) LOSS OF DEDUCTIONS WHERE FACILITY CEASES TO BE QUALIFIED.—No deduction shall be allowed under this chapter for interest on any financing provided from any bond to which paragraph (1) applies with respect to any facility to the extent such interest accrues during the period beginning on the first day of the calendar year which includes the date on which—

“(i) substantially all of the facility with respect to which the financing was provided ceases to be used in an empowerment zone or enterprise community, or

“(ii) the principal user of such facility ceases to be an enterprise zone business (as defined in section 1399A, but treating references to empowerment zones as including references to enterprise communities).

“(C) EXCEPTION IF ZONE CEASES.—Subparagraphs (A) and (B) shall not apply solely by reason of the termination or revocation of a designation as an empowerment zone or an enterprise community.

“(D) EXCEPTION FOR BANKRUPTCY.—Subparagraphs (A) and (B) shall not apply to any cessation resulting from bankruptcy.

“(c) ENTERPRISE ZONE FACILITY BONDS NOT SUBJECT TO INTEREST DEDUCTION LIMITATIONS ON FINANCIAL INSTITUTIONS.—Any tax-exempt bond described in paragraph (1)—

“(1) shall be treated as acquired before August 8, 1986, for purposes of sections 265(b) and 291(e)(1)(B), and

“(2) shall not be taken into account in determining whether any issuer is a qualified small issuer for purposes of section 265(b).

“PART III—ADDITIONAL INCENTIVES FOR EMPOWERMENT ZONES

“SUBPART A. Empowerment zone employment credit.

“SUBPART B. Depreciation and other incentives.

“Subpart A—Empowerment Zone Employment Credit

“Sec. 1396. Empowerment zone employment credit.

“Sec. 1397. Other definitions and special rules.

“SEC. 1396. EMPOWERMENT ZONE EMPLOYMENT CREDIT.

“(a) AMOUNT OF CREDIT.—For purposes of section 38, the amount of the empowerment zone employment credit determined under this section with respect to any employer for any taxable year is the applicable percentage of the qualified zone wages paid or incurred during the calendar year which ends with or within such taxable year.

“(b) APPLICABLE PERCENTAGE.—For purposes of this section, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of wages paid or incurred during calendar year:	The applicable percentage is:
1994 through 2000	25
2001	20
2002	15
2003	10
2004	5

“(c) QUALIFIED ZONE WAGES.—

“(1) IN GENERAL.—For purposes of this section, the term ‘qualified zone wages’ means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified zone employee.

“(2) ONLY FIRST $20,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—With respect to each qualified zone employee, the amount of qualified zone wages which may be taken into account for a calendar year shall not exceed $20,000.

“(3) COORDINATION WITH TARGETED JOBS CREDIT.—

“(A) IN GENERAL.—The term ‘qualified zone wages’ shall not include wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer if any portion of such wages is taken into account in determining the credit under section 51.

“(B) COORDINATION WITH PARAGRAPH (2).—In the case of the calendar year in which the 1-year period referred to in subparagraph (A) ends, the $20,000 amount in paragraph (2) shall be reduced by the amount of wages attributable to service rendered during the portion of such 1-year period which is within such calendar year.

“(d) QUALIFIED ZONE EMPLOYEE.—For purposes of this section—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘qualified zone employee’ means, with respect to any period, any employee of an employer if—

“(A) substantially all of the services performed during such period by such employee for such employer are performed within an empowerment zone in a trade or business of the employer, and

“(B) the principal place of abode of such employee while performing such services is within such empowerment zone.

“(2) CERTAIN INDIVIDUALS NOT ELIGIBLE.—The term ‘qualified zone employee’ shall not include—

“(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

“(B) any 5-percent owner (as defined in section 416(i)(1)(B)),

“(C) any individual employed by the employer for less than 90 days,

“(D) any individual employed by the employer at any facility described in section 144(c)(6)(B), and

“(E) any individual employed by the employer in a trade or business the principal activity of which is farming (within the meaning of subparagraphs (A) or (B) of section 2032A(e)(5)), but only if, as of the close of the taxable year, the sum of—

“(i) the aggregate unadjusted bases (or, if greater, the fair market value) of the assets owned by the employer which are used in such a trade or business, and

“(ii) the aggregate value of assets leased by the employer which are used in such a trade or business (as determined under regulations prescribed by the Secretary),

exceeds $500,000.

“(3) SPECIAL RULES RELATED TO TERMINATION OF EMPLOYMENT.—

“(A) IN GENERAL.—Paragraph (2)(C) shall not apply to—

“(i) a termination of employment of an individual who before the close of the period referred to in paragraph (2)(C) becomes disabled to perform the services of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

"(ii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

"(B) Changes in form of business.—For purposes of paragraph (2)(C), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"SEC. 1397. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) Wages.—For purposes of this subpart—

"(1) In general.—The term 'wages' has the same meaning as when used in section 51.

"(2) Certain training and educational benefits.—

"(A) In general.—The following amounts shall be treated as wages paid to an employee:

"(i) Any amount paid or incurred by an employer which is excludable from the gross income of an employee under section 127, but only to the extent paid or incurred to a person not related to the employer.

"(ii) In the case of an employee who has not attained the age of 19, any amount paid or incurred by an employer for any youth training program operated by such employer in conjunction with local education officials.

"(B) Related person.—A person is related to any other person if the person bears a relationship to such other person specified in section 267(b) or 707(b)(1), or such person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.

"(b) Controlled Groups.—For purposes of this subpart—

"(1) all employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of this subpart, and

"(2) the credit (if any) determined under section 1396 with respect to each such employer shall be its proportionate share of the wages giving rise to such credit.

"(c) Certain Other Rules Made Applicable.—For purposes of this subpart, rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

"(d) Notice of Availability of Advance Payment of Earned Income Credit.—Each employer shall take reasonable steps to notify all qualified zone employees of the availability to eligible individuals of receiving advanced payments of the credit under section 32 (relating to the earned income credit).

"Subpart B—Depreciation and Other Incentives

"Sec. 1398. Depreciation benefits.
"Sec. 1399. Additional exclusion from volume cap for certain enterprise zone facility bonds.
"Sec. 1399A. Enterprise zone business.

"SEC. 1398. DEPRECIATION BENEFITS.

"(a) Increase in Expensing Under Section 179.—

"(1) In general.—In the case of an enterprise zone business, for purposes of section 179—

"(A) qualified zone property shall be treated as section 179 property,

"(B) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(i) $65,000, or

"(ii) the cost of qualified zone property placed in service during the taxable year, and

"(C) section 179(b)(2) shall be applied by substituting 'by one-half of the amount by which the cost of qualified zone property (other than real property)' for 'by the amount by which the cost of section 179 property'.

"(b) Accelerated Depreciation.—

"(1) In general.—For purposes of section 168(a), with respect to qualified zone property of an enterprise zone business, the applicable recovery period shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in section 168(c).

"(2) Applicable recovery period for qualified zone property.—For purposes of paragraph (1)—

"In the case of:	The applicable recovery period is:
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

"(3) Deduction allowed in computing minimum tax.—Paragraph (1) shall apply for purposes of determining alternative minimum taxable income under section 55.

"(4) Coordination with investment credit.—This subsection shall not apply to any property with respect to which a credit is determined under section 46A or 50A. If the lessee of any property is treated as the owner of such property for purposes of such credit, this subsection shall not apply to such property in the hands of the lessor.

"(c) Qualified Zone Property.—For purposes of this section—

"(1) In general.—The term 'qualified zone property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on which the designation of the empowerment zone took effect,

"(B) the original use of which in an empowerment zone commences with the taxpayer, and

"(C) substantially all of the use of which is in an empowerment zone and is in the active conduct of a trade or business by the taxpayer in such zone.

"(2) Special rule for substantial renovations.—In the case of any property which is substantially renovated by the taxpayer, the requirements of subparagraphs (A) and (B) of paragraph (1) shall be treated as satisfied. For purposes of the preceding sentence, property shall be treated as substantially renovated by the taxpayer if, during any 24-month period beginning after the date on which the designation of the empowerment zone took effect, additions to basis with respect to such property in the hands of the taxpayer exceed the greater of (i) an amount equal to the adjusted basis at the beginning of such 24-month period in the hands of the taxpayer, or (ii) $5,000.

"(3) Exception for alternative depreciation property.—The term 'qualified zone property' does not include any property to which the alternative depreciation system under section 168(g) applies, determined—

"(A) without regard to section 168(g)(7) (relating to election to use alternative depreciation system), and

"(B) after the application of section 280F(b) (relating to listed property with limited business use).

"(d) Special Rules for Sale-Leasebacks.—For purposes of subsection (c)(1)(B), if property is sold and leased back by the taxpayer within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback.

"(e) Recapture.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified zone property of any business which ceases to be an enterprise zone business.

"SEC. 1399. ADDITIONAL EXCLUSION FROM VOLUME CAP FOR CERTAIN ENTERPRISE ZONE FACILITY BONDS.

"(a) In General.—Section 1395(b)(5) shall be applied by substituting '75 percent' for '50 percent' in the case of any bond described in section 1395(b)(1) issued as part of an issue 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are used to provide qualified zone property the principal user of which is any enterprise zone business if the ownership requirements of subsection (b) are met with respect to such business.

"(b) Ownership Requirements.—The ownership requirements of this subsection are met with respect to an enterprise zone business if—

"(1) in the case of a sole proprietorship, the principal place of abode of the proprietor is in an empowerment zone,

"(2) in the case of a corporation, more than 50 percent of the stock (by vote and value) in the corporation is owned by individuals whose principal place of abode is in an empowerment zone, and

"(3) in the case of a partnership, more than 50 percent of the capital and profits interests in the partnership is owned by individuals whose principal place of abode is in an empowerment zone.

"SEC. 1399A. ENTERPRISE ZONE BUSINESS DEFINED.

"(a) In General.—For purposes of this subpart, the term 'enterprise zone business' means—

"(1) any qualified business entity, and

"(2) any qualified proprietorship.

"(b) Qualified Business Entity.—For purposes of this section, the term 'qualified business entity' means, with respect to any taxable year, any corporation or partnership if for such year—

"(1) every trade or business of such entity is the active conduct of a qualified business within an empowerment zone,

"(2) at least 80 percent of the total gross income of such entity is derived from the active conduct of such business,

"(3) substantially all of the use of the tangible property of such entity (whether owned or leased) is within an empowerment zone,

"(4) substantially all of the intangible property of such entity is used in, and exclusively related to, the active conduct of any such business,

"(5) substantially all of the services performed for such entity by its employees are performed in an empowerment zone, "(6) at least 35 percent of its employees are residents of an empowerment zone,

"(7) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(8) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property.

"(c) Qualified Proprietorship.—For purposes of this section, the term 'qualified proprietorship' means, with respect to any taxable year, any qualified business carried on by an individual as a proprietorship if for such year—

"(1) at least 80 percent of the total gross income of such individual from such business is derived from the active conduct of such business in an empowerment zone,

"(2) substantially all of the use of the tangible property of such individual in such business (whether owned or leased) is within an empowerment zone,

"(3) substantially all of the intangible property of such business is used in, and exclusively related to, the active conduct of such business,

"(4) substantially all of the services performed for such individual in such business by employees of such business are performed in an empowerment zone,

"(5) at least 35 percent of such employees are residents of an empowerment zone,

"(6) less than 5 percent of the average of the aggregate unadjusted bases of the property of such individual which is used in such business is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(7) less than 5 percent of the average of the aggregate unadjusted bases of the property of such individual which is used in such business is attributable to nonqualified financial property.

For purposes of this subsection, the term 'employee' includes the proprietor.

"(d) Qualified Business.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified business' means any trade or business.

"(2) Rental of real property.—The rental to others of real property located in an empowerment zone shall be treated as a qualified business if and only if—

"(A) the property is not residential rental property (as defined in section 168(e)(2)), and

"(B) at least 50 percent of the gross rental income from the real property is from enterprise zone businesses.

"(3) Rental of tangible personal property.—The rental to others of tangible personal property shall be treated as a qualified business if and only if substantially all of the rental of such property is by enterprise zone businesses or by residents of an empowerment zone.

"(4) Treatment of business holding intangibles.—The term 'qualified business' shall not include any trade or business consisting predominantly of the development or holding of intangibles for sale or license.

"(5) Certain businesses excluded.—The term 'qualified business' shall not include—

"(A) any trade or business consisting of the operation of any facility described in section 144(c)(6)(B), and

"(B) any trade or business the principal activity of which is farming (within the meaning of subparagraphs (A) or (B) of section 2032A(e)(5)), but only if, as of the close of the preceding taxable year, the sum of—

"(i) the aggregate unadjusted bases (or, if greater, the fair market value) of the assets owned by the taxpayer which are used in such a trade or business, and

"(ii) the aggregate value of assets leased by the taxpayer which are used in such a trade or business,

exceeds $500,000.

For purposes of subparagraph (B), rules similar to the rules of section 1397(b) shall apply.

"(e) Nonqualified Financial Property.—For purposes of this section, the term 'nonqualified financial property' means debt, stock, partnership interests, options, futures contracts, forward contracts, warrants, notional principal contracts, annuities, and other similar property specified in regulations; except that such term shall not include—

"(1) reasonable amounts of working capital held in cash, cash equivalents, or debt instruments with a term of 18 months or less, or

"(2) debt instruments described in section 1221(4).

"PART IV—REGULATIONS

"Sec. 1399B. Regulations.

"SEC. 1399B. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of parts II and III, including—

"(1) regulations limiting the benefit of parts II and III in circumstances where such benefits, in combination with benefits provided under other Federal programs, would result in an activity being 100 percent or more subsidized by the Federal Government,

"(2) regulations preventing abuse of the provisions of parts II and III, and

"(3) regulations dealing with inadvertent failures of entities to be enterprise zone businesses."

(b) Clerical Amendment.—The table of subchapters for chapter 1 is amended by inserting after the item relating to subchapter T the following new item:

"Subchapter U. Designation and treatment of empowerment zones and enterprise communities."

SEC. 3102. EXPANSION OF TARGETED JOBS CREDIT.

(a) Allowance of Credit for Hiring Empowerment Zone Resident.—Paragraph (1) of section 51(d) (defining members of targeted groups) is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting ", or", and by adding at the end the following new subparagraph:

"(K) an empowerment zone resident."

(b) Empowerment Zone Resident.—Section 51(d) is amended by redesignating paragraphs (13) through (16) as paragraphs (14) through (17), respectively, and by inserting after paragraph (12) the following new paragraph:

"(13) Empowerment zone resident.—The term 'empowerment zone resident' means an individual whose principal place of abode while performing services for the employer is within an empowerment zone."

(c) Conforming Amendment.—Subparagraph (C) of section 51(d)(12) is amended by striking "paragraph (11)" and inserting "paragraph (12)".

SEC. 3103. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Certain Credits Part of General Business Credit.—

(1) Subsection (b) of section 38 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting a comma, and by adding at the end the following new paragraphs:

"(9) the zone resident empowerment savings credit determined under section 1394, plus

"(10) the empowerment zone employment credit determined under section 1396(a)."

(2) Subsection (d) of section 39, as amended by section 1201(e)(2), is amended by adding at the end the following new paragraph:

"(5) Enterprise zone credits.—No portion of the unused business credit which is attributable to the credit determined under section 1394 (relating to zone resident empowerment savings credit) or section 1396 (relating to empowerment zone employment credit) may be carried to any taxable year ending before January 1, 1994."

(b) Denial of Deduction for Portion of Wages Equal to Empowerment Zone Employment Credit.—

(1) Subsection (a) of section 280C (relating to rule for targeted jobs credit) is amended—

(A) by striking "the amount of the credit determined for the taxable year under section 51(a)" and inserting "the sum of the credits determined for the taxable year under sections 51(a) and 1396(a)", and

(B) by striking "Targeted Jobs Credit" in the subsection heading and inserting "Employment Credits".

(2) Subsection (c) of section 196 (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) the empowerment zone employment credit determined under section 1396(a)."

(c) Employment and Savings Credits May Offset 25 Percent of Minimum Tax.—

(1) Subparagraph (A) of section 38(c)(2), as added by section 1201(c) of this Act, is amended—

(A) by inserting "and the empowerment zone credits" after "the regular investment tax credit" each place it appears, and

(B) by striking "such credit" in clause (ii) and inserting "such credits".

(2) Paragraph (2) of section 38(c), as so added, is amended by adding at the end thereof the following new subparagraph:

"(C) Empowerment zone credits.—For purposes of this paragraph, the term 'empowerment zone credits' means the portion of the credit under subsection (a) which is attributable to the credits determined under section 1394 (relating to zone resident empowerment savings credit) and section 1396 (relating to empowerment zone employment credit)."

(d) Changes Relating to Empowerment Zone Resident Empowerment Savings Credit.—

(1) Disallowance of deduction.—Section 404 (relating to deduction for certain employer contributions) is amended by adding at the end the following new subsection:

"(m) Coordination With Empowerment Zone Credit.—No deduction shall be allowed under this section for any qualified employer contribution taken into account in computing the credit determined under section 1394."

(2) Penalty-free distributions.—

(A) In general.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—

"(i) IN GENERAL.—Distributions to an individual from a qualified retirement plan—

"(I) which are qualified first-time homebuyer distributions (as defined in paragraph (6)),

"(II) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year, or

"(III) to the extent such distributions do not exceed an amount equal to the aggregate investment made by the taxpayer during the taxable year in any enterprise zone business (as defined in section 1399A) that meets the ownership requirements of section 1399(b).

"(ii) LIMITATION.—Clause (i) shall not apply to the extent that the aggregate amount of the distributions described in clause (i) are greater than the excess of—

"(I) the qualified retirement contributions (as defined in section 1394(b)) of the taxpayer, and any earnings thereon, over

"(II) the aggregate amounts to which clause (i) and the last sentence of paragraph (3)(A) applied for preceding taxable years."

(B) DEFINITIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)(I)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the spouse of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (a)(6), (h), or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A)(ii).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any qualified retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be recontributed to the plan from which it was distributed within 120 days after the date of such distribution.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)(II)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(C) CONFORMING AMENDMENTS.—

(i) Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ", (C), or (D)".

(ii) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) subject to the limitation of section 72(t)(2)(D)(ii), the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)), distributions for qualified higher education expenses (as defined in section 72(t)(7)), or distributions for investments described in section 72(t)(2)(D)(i)(III) are made, and".

(e) AMENDMENT OF TARGETED JOBS CREDIT.—Subparagraph (A) of section 51(i)(1) is amended by inserting ", or, if the taxpayer is an entity other than a corporation, to any individual who owns, directly or indirectly, more than 50 percent of the capital and profits interests in the entity," after "of the corporation".

(f) CARRYOVERS.—Subsection (c) of section 381 (relating to carryovers in certain corporate acquisitions) is amended by adding at the end the following new paragraph:

"(26) ENTERPRISE ZONE PROVISIONS.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and subchapter U, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of subchapter U in respect of the distributor or transferor corporation."

SEC. 3104. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act.

By Mr. ROCKEFELLER:

S. 879. A bill to provide technology implementation through the training of the American work force, and for other purposes; to the Committee on Commerce, Science, and Transportation.

WORK FORCE ENHANCEMENT FOR TECHNOLOGY TRANSFER ACT

• Mr. ROCKEFELLER. Mr. President, today, I introduce legislation, the Work Force Enhancement For Technology Transfer Act, to link practical skill training to technology transfer. This bill is designed to strengthen manufacturing extension efforts by emphasizing the critical link between training and technology transfer. If companies ignore the need for practical training for workers when new technology is introduced on the factory floor, they will fail to maximize the gains of new equipment and technology. Workers must be trained to use new equipment and production methods.

The National Institute of Science and Technology [NIST] has several ongoing extension programs including the manufacturing technology centers [MTC's] and the State Technology Extension Program [STEP] which are providing limited, but quality assistance to small- and medium-sized manufacturers. I have supported these programs over the years and heartily agree that efforts at NIST to promote industrial extension should be expanded as proposed by the national Competitiveness Act.

The Office of Technology Assessment published an excellent report in 1990 on worker training and competitiveness. This study took an indepth look at the range of training issues, including technology transfer. The report states:

> State and Federal industrial extension services are slowly learning that small firms need more than just the latest hardware—they need help in benefiting from the technology which includes training the workers.

* * *

My bill responds directly to this point. It directs NIST to provide practical advice on worker skills for operation of new equipment as an integral part of its technology transfer efforts.

This legislation also directs NIST to establish a clearinghouse on the best available training materials for new technologies. It is designed to encourage producers of technology and modern equipment to develop quality training materials on their latest technology. NIST has the expertise to evaluate such materials and is the natural place to link technology transfer and advise on the use of new technology.

At a Senate Commerce Committee hearing, Secretary Brown emphasized the concept of one-stop shopping for small manufacturers as a goal of the Commerce Department's 21st Century Manufacturing Infrastructure Program. I agree with this goal, and believe that my legislation will help to achieve it.

In practical terms, U.S. firms which turn to manufacturing extension centers for technology advice will be poorly served if advice on the specific training required to make the transferred technology effective is not provided. This would make about as much sense as an agriculture extension agent telling a farmer which corn to cultivate but then telling him to call the Department of Education to learn how to plant and harvest it.

In West Virginia and other rural States, a comprehensive extension program is essential. Small manufacturers in isolated areas do not have the time or access to seek out specialized training programs on how to use newly purchased equipment. Experts from the manufacturing extension centers will be in a pivotal position to offer practical advice or some hands-on training on the skills and training needed to successfully implement technology transfers. My legislation would ensure that such advice is provided, and it should help ensure that our initiatives on manufacturing extension are effective.

In my view, directing manufacturing extension centers to link worker skills with technology transfer is not a substitute for retraining dislocated workers, basic skills education, or general training initiatives. The Department of Labor and Department of Education are the leaders for these essential broad programs on education and worker training, and the Clinton administration has pledged to develop initiatives in this crucial area in its package, technology for America's economic growth.

But NIST's manufacturing extension centers can fill a unique niche in providing practical advice on the skills required to successfully implement new technology in the workplace.

My legislation is not a substitute for basic worker training and education. Our country should be investing in such programs, and I look forward to working with my colleagues and administration officials on separate initiatives for dislocated workers and general education and training in the future.

I believe my legislation is an important enhancement to ensure that firms which turn to manufacturing extension centers for expertise on technology transfer also get practical advice on the skills workers will need to integrate new technology into the workplace.

The report, "America's Choice: High Skills or Low Wages," lays out the stark choice our country faces. Either we invest in our workers to enhance our competitiveness or we resort to low wages.

Given that choice, I believe we must choose high skills and high wages. We must choose to train our workers in the latest technologies. It will mean new initiatives on a variety of fronts to enhance worker training at every level; from practical skills tied to technology transfer at manufacturing extension centers, to broad programs for general worker training, and retraining for dislocated workers. These initiatives are being developed by the Department of Labor and Education.

My bill, the Work Force Skills Enhancement Through Technology Implementation Act, fills a small, but fundamental, niche by ensuring that practical skills and training are an integral part of manufacturing extension. I believe this measure should be adopted as part of the National Competitiveness Act. Overall, I am truly encouraged about the new opportunities to promote competitiveness based on years of work on this legislation, and President Clinton's economic plan and technology initiative.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Work Force Enhancement for Technology Transfer Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares the following:

(1) Skilled American workers are as essential to the Nation's productivity and long-term competitiveness as are new technologies. As technologies become more sophisticated and computer controlled, managers and other workers in manufacturing firms who are skilled in the effective utilization and operation of those advanced and modern technologies will become increasingly important to the Nation's international competitiveness, standard of living, and national security.

(2) When United States manufacturing firms invest in advanced and modern technologies, they can increase their productivity and competitiveness by simultaneously investing in targeted worker training for the effective utilization and operation of those specific technologies.

(3) United States manufacturing firms, particularly smaller firms, are increasingly turning to the expanding technology extension activities of the Department of Commerce's National Institute of Standards and Technology for technical and managerial assistance in order to identify and install the best and most appropriate advanced and modern technologies.

(4) With its extensive knowledge of the best available technologies, the National Institute of Standards and Technology, with its associated Regional Centers for the Transfer of Manufacturing Technology and, when established, its Manufacturing Outreach Centers, can provide training in the effective utilization and operation of these technologies, can promote the development of effective training materials for these technologies, and can serve as a clearinghouse for information on the best available training materials.

(b) PURPOSE.—It is the purpose of this Act to enhance the international competitiveness, standard of living, and national security of the United States by expanding the current technology extension activities of the Department of Commerce's National Institute of Standards and Technology (hereafter in this Act referred to as the "Institute") to include worker training in the effective utilization and operation of specific advanced and modern technologies.

SEC. 3. WORKER TRAINING ACTIVITIES.

In addition to existing responsibilities and authorities prescribed by law, the Secretary of Commerce (hereafter in this Act referred to as the "Secretary"), through the Director of the Institute (hereafter in this Act referred to as the "Director"), shall direct Regional Centers for the Transfer of Manufacturing Technology and, when established, Manufacturing Outreach Centers, to utilize, when appropriate, their expertise and capability to assist managers and other workers in United States manufacturing firms in effectively utilizing and operating advanced and modern technologies—

(1) by making available assessments of the needs of United States manufacturing firms for worker training in the effective utilization and operation of specific technologies the firms have adopted or are planning to adopt;

(2) by making available to United States manufacturing firms information on commercially and publicly provided worker training services, including those provided by United States sources of technologies, in the effective utilization and operation of specific technologies the firms have adopted or are planning to adopt; and

(3) by making available to United States manufacturing firms accessible and affordable training services for the effective utilization and operation of specific technologies the firms have adopted or are planning to adopt when such training is not available from commercially or other publicly provided training services.

SEC. 4. WORKER TRAINING ANALYSIS AND INFORMATION DISSEMINATION.

In addition to existing responsibilities and authorities prescribed by law, the Secretary, through the Director and in consultation with appropriate Federal officials and with leaders of industry and labor, shall assist managers and other workers in United States manufacturing firms in effectively utilizing and operating advanced and modern technologies—

(1) by establishing and managing a clearinghouse for information, to be available through the National Technology Transfer Center to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing Outreach Centers when they are established, to other technology training entities, or directly to United States manufacturing firms, on the best available training material and services for the effective utilization and operation of specific advanced and modern technologies;

(2) by encouraging United States providers of advanced and modern technologies for manufacturing firms to develop training material specifically designed for the managers and other workers responsible for utilizing and operating such technologies; and

(3) by establishing as an important criterion in the assessment of advanced and modern technologies the availability of training material specifically designed for the managers and other workers responsible for utilizing and operating such technologies.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the establishment and management of a technology training clearinghouse $2,000,000 for fiscal year 1994 and $3,000,000 for each of fiscal years 1995 and 1996.●

By Mr. BOREN (for himself and Mr. PRYOR):

S. 880. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Finance.

INTEREST INCOME AND RENTAL EXPENSE CLARIFICATION ACT OF 1993

• Mr. BOREN. Mr. President, I am pleased today to reintroduce a bill to clarify the tax treatment of safe harbor leases entered into by rural electric cooperatives when the Tax Code allowed such transactions. My colleague from Arkansas, Mr. PRYOR, again joins me as an original cosponsor of this legislation. This provision was included in legislation that passed the Senate Finance Committee last year.

The bill would amend the Internal Revenue Code to clarify that ongoing income and deductions generated by a safe harbor lease transaction and reported by a cooperative should be matched to avoid distortion of income. Cooperatives typically separate business with members from business with nonmembers, in effect, treating their operations as if they were carried on through two separate entities.

This bill would amend the Tax Code to recognize this member/nonmember accounting procedure that is unique to cooperatives. The proposal will thus prevent the cooperatives from being subjected to substantial and harsh tax consequences simply because they entered into safe harbor leases, which were authorized by Congress in the early 1980's. The Internal Revenue Service's position, on the other hand, does not allow the offset of losses and income. As a result, a cooperative could be subject to large tax bills when it actually has a loss.

It now appears that the affected cooperatives may be forced into prolonged litigation; a loss in court could dramatically impact the electric rates of their consumer members. In one instance, this situation could lead to the filing of bankruptcy—a particularly disturbing result considering that the Federal Government is the primary lender to this organization.

When safe harbor leasing was enacted it was intended to benefit financially distressed companies. Even though safe harbor leasing was subsequently repealed, it did serve this purpose. It seems odd that the very businesses this provision was meant to rescue will now lose that benefit because of an obscure accounting principle unique to cooperatives.

Mr. President, I urge my colleagues to study this issue closely. It is one of great urgency to the electric cooperatives that provide needed services to so many Americans.

I ask unanimous consent that copy of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of a rural electric cooperative described in section 1381(a)(2)(C) of the Internal Revenue Code of 1986, any interest income in connection with a transaction involving qualified leased property which was treated as a lease under section 168(i) of the Internal Revenue Code of 1986 (as in effect before the amendments made by the Tax Reform Act of 1986) or any corresponding prior provision of law shall be offset by any rental expense in connection with such transaction before allocation of such income or expense to members and nonmembers of such cooperatives for purposes of such Code.•

By Mr. DODD (for himself, Mr. HATFIELD, Mr. PELL, Mrs. FEINSTEIN, Mr. INOUYE, Mr. DECONCINI, Mr. CONRAD, Mr. JOHNSTON, Mr. COCHRAN, Mr. DORGAN, Mr. HEFLIN, Mr. LEVIN, Mr. LUGAR, Mr. BYRD, Mr. PRYOR, Mr. KENNEDY, Mr. COATS, Mr. CHAFEE, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. AKAKA, Mrs. BOXER, Mr. BRADLEY, Mr. HATCH, Mr. GRAHAM, Mrs. MURRAY, Mr. DANFORTH, Mr. BOND, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, Mr. KERREY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. SHELBY, Mr. COHEN, Mr. DOMENICI, Mr. DASCHLE, and Mr. GORTON):

S. 881. A bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes; to the Committee on Labor and Human Resources.

CIVICS EDUCATION ACT

• Mr. DODD. Mr. President, I introduce the Civics Education Act of 1993, which will continue successful efforts to enhance citizenship among our Nation's youth. I am pleased to be joined by Senator HATFIELD and so many of my other colleagues including Senators KENNEDY, PELL, JEFFORDS, BYRD, FEINSTEIN, INOUYE, DECONCINI, CONRAD, LIEBERMAN, JOHNSTON, COCHRAN, DORGAN, HEFLIN, LEVIN, LUGAR, PRYOR, COATS, CHAFEE, AKAKA, BOXER, BRADLEY, HATCH, GRAHAM, MURRAY, DANFORTH, EXON, BINGAMAN, BUMPERS, KERREY, MOYNIHAN, BAUCUS, SHELBY, DOMENICI, DASCHLE, GORTON, and COHEN.

Over the last decade, there has been much discussion about the purposes, successes, and failures of American schools. We talk about how schools hold in trust our Nation's future—the next generation of workers, parents, and artists. One of the most important, and perhaps least mentioned, roles that today's students will play tomorrow is as citizens. Yet in too many schools citizenship education is an afterthought to an American history or government course.

The Civics Education Act of 1993 will reauthorize a highly successful program established by Congress in 1985 that helps meet these needs. The We the People * * * the Citizen and the Constitution Program has demonstrated its effectiveness in fostering a reasoned commitment to the fundamental principles and values of our constitutional democracy among elementary and secondary education students. Now in its sixth year, this program has provided nearly 16 million students in over 21,000 schools with instruction and learning opportunities that enable them to meet the highest standards of achievement in civics and government and that encourages active and responsible participation in government.

In separate evaluations of the program in 1991, the Educational Testing Service found that students at upper elementary, middle, and high school levels significantly outperformed comparison students on all topics studied. Even more impressive were the results of a comparison of a random sample of high school students in the program with a group of sophomores and juniors in political science courses at a major university. The We the People high school students outperformed the university students on every topic tested. Finally, an analysis of student voter registration at the Clark County School District in Las Vegas, NV, revealed that 80 percent of the seniors in the program registered to vote compared to a school average among seniors of 37 percent.

Many of us here in this Chamber are fortunate to have experienced firsthand the quality of this program. Each spring, outstanding classes of students from around the country come to Washington to participate in the final round of national competitive hearings on the Constitution and the Bill of Rights. While these students' knowledge of the Constitution is impressive, what is most striking is the students' excitement about the Constitution and their Government. Just this morning I met with a talented and enthusiastic group of students from Shelton High School, who have studied the We the People curriculum this year and won our State competition. Although they did not make it into the final round of the competition, their knowledge of the foundations of our Government and their few days in Washington are something that they will carry with them as citizens for the rest of their lives.

This legislation would assure that students across the Nation will continue to have access to this quality program. In addition, it would assure all of us of a stronger foundation for our country's future. I look forward to working with my colleagues to move this legislation forward and would urge others to join us as cosponsors of this important measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIC EDUCATION PROGRAM.

Section 4609 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3156b) is amended—

(1) in subsection (a)—

(A) by striking "civil responsibility" in paragraph (1) and inserting "civic responsibility";

(B) by striking "National Bicentennial Competition of the Constitution and Bill or Rights" in paragraph (2) and inserting "We the People . . . the Citizen and the Constitution program"; and

(C) by inserting before the period in paragraph (2) the following: "and authorized under section 4009 of part F of title IV of this Act";

(2) in subsection (c), by inserting "and secondary" after "elementary";

(3) in subsection (d), by striking "about the Constitution and the Bill of Rights" and inserting "in civics and government"; and

(4) in subsection (f), by striking "1991" and all that follows through the period and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out the provisions of this section.".●

● Mr. HATFIELD. Mr. President, just a few weeks ago, we celebrated the 250th birthday of Thomas Jefferson. He died on July 4, 1826, exactly 50 years after the Declaration of Independence was adopted. These distinct moments do not in themselves define the type of man Thomas Jefferson was or the country he helped found. He was not only our third President and the author of the Declaration of Independence, but he was also a scientist, a philosopher, a revolutionary, an architect; he believed in education and the idea of self-government. He was a wealthy man and a slave owner. Although the face of society has changed since Thomas Jefferson's time, the truths that he held to be self-evident have remained our guides for the last 200 years: "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

My dream is that future generations of Americans will have the chance to learn more than just the moments of history. History has little meaning if the people reading it don't transcend the words and the dates. I want our young people to be empowered by history and the minds that have guided over the last 200 years. As James Monroe put it, "the question to be asked at the end of an educational step is not 'what has the student learned,' but 'what has the student become.' " Thomas Jefferson would have wanted young people to become conscientious citizens who work as teachers, scientists, and philosophers.

In a letter to Col. Charles Yancey, in 1816, Thomas Jefferson wrote, "I am a great friend to the improvement of roads, canals, and schools. But I wish I could see some provision for the former as solid as that of the latter." He went on later to say that, "if a nation expects to be ignorant and free, it expects what never was and never will be." Thomas Jefferson saw the ideas of education and self-government to be inseparable.

For almost three decades now, I have been watching young people come to Washington. They visit the Jefferson Memorial, the Lincoln Memorial, the Capitol, the White House. Captivated by the enormity of Government and by the splendor of its historic houses, these young visitors often fail to appreciate that Government is more than just the sum of its historic moments, more than just the marble facade that covers these historic structures.

Like Thomas Jefferson and other leaders, I envision ideal education as a simultaneous encouragement of spirited citizenry and intellectual blossoming. These spheres are by no means mutually exclusive. Only a combined effort of government and citizens can foster the concurrent evolution of mind and character.

In 1978, in a speech at the National Archives, Chief Justice Warren Burger proposed a 3-year-long observance of the bicentennial of the Constitution with the intent of reeducating citizens about the founding principles and ideals of this Nation focusing especially on young people. He wanted young minds to realize that the Constitution is a living document that continues to reflect the philosophies of its Framers and the current American values. I was fortunate to serve with my friend, the Chief Justice, as a member of the National Commission on the Bicentennial of the United States Constitution, which was created to oversee these events.

In the final report of the Commission, Chief Justice Burger said:

> A symbolic linkage of past, present, and future was reflected on that day in the range of generations of Americans present. The Nation's leaders on the main platform were surrounded by thousands of schoolchildren as representatives of future American leaders who will see the 250th anniversary of the Constitution in 2037. * * * We pointedly gave these children a prominent place on the platform to symbolize our emphasis on the education of America's youth contemplated by the Commission's programs, to give Americans "a history and civics lesson."

Mr. President, in the name of Thomas Jefferson and other Founding Fathers, let us ensure that the lesson never ends, that young minds continue to have the opportunity to experience Government and its history, and that they remain committed to this constitutional democracy. Today, I am pleased to join Senator DODD in introducing legislation to reauthorize the We the People . . . the Citizen and the Constitution Program established by Congress in 1985 and currently administered by the Center for Civic Education. This act authorizes $5 million for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, and 1998 to conduct a national program for high school students emphasizing the origins and modern interpretations of the U.S. Constitution and Bill of Rights.

The program has been implemented nationwide in 21,490 schools, involving 176,000 teachers, and more than 12 million students. It immerses upper elementary, middle, and high school students in an innovative approach to studying the history of the Constitution and the Bill of Rights. The program was created so that young minds could explore and learn to effectively defend the political philosophies behind the founding documents. Finally, the program leverages an additional $30,000,000 from State, local, and private sources.

In 1991, several studies were conducted to measure the impact of the We the People Program: a study commissioned by the Office of Technology Assessment found the program to be the best example of performance-based assessment in history and the social sciences. The Educational Testing Service found that participating students at upper elementary, middle, and high school levels significantly outperformed comparison students on all topics studied. Perhaps more indicative of the program's influence was the comparison of a random sample of high school students in the program with a group of sophomores and juniors in political science courses at a major university. This study concluded that participating high school students outperformed the university students on every subject tested. Finally, Clark County School District in Nevada revealed that 80 percent of the seniors in the program registered to vote compared to a school average among seniors of 37 percent.

In just a few short weeks, this year's program, now in its sixth year, will culminate here in Washington. Students from around the country are coming to compete in their knowledge of the Constitution and the Bill of Rights. I hope my colleagues will show these young people that government supports their efforts and the efforts of their community leaders who have donated valuable time to help this program succeed by cosponsoring this legislation.

I have been privileged to experience the results generated by this program first hand because students from Lincoln High School in Portland, OR have been the victors in this national competition for 2 of the 6 years of its existence. So as you can see, I wholeheartedly support the program. In all seriousness, however, there is nothing more rewarding than seeing the impact of this program in those young people's eyes or hearing it as they defend the very philosophies we guard here each day.●

By Mr. KOHL:

S. 882. A bill to amend the Internal Revenue Code of 1986 to provide for the rollover of gain from the sale of farm assets into an individual retirement account; to the Committee on Finance.

FAMILY FARM RETIREMENT EQUITY ACT OF 1993

● Mr. KOHL. Mr. President, I rise today to introduce the Family Farm Retirement Equity Act of 1993, a bill to help improve the financial security of our Nation's retired farmers.

Farming is a highly capital-intensive business. To the extent that if the average farmer reaps any profits from his or her farming operation, much of that income is directly reinvested into the farm. Rarely are there opportunities for farmers to put money aside in individual retirement accounts. Instead, farmers tend to rely on the sale of their accumulated capital assets, such as real estate, livestock, and machinery, in order to provide the income to sustain them during retirement. All too often, farmers are finding that the lump-sum payments of capital gains taxes levied on those assets leave little for retirement. It is with that problem in mind that I am introducing the Family Farm Retirement Equity Act.

This legislation would provide retiring farmers the opportunity to rollover the proceeds from the sale of their farms into a tax-deferred retirement account. Instead of paying a large lump-sum capital gains tax at the point of sale, the income from the sale of a farm would be taxed only as it is withdrawn from the retirement account. Such a change in method of taxation would help prevent the financial distress that many farmers now face upon retirement.

Another concern that I have about rural America is the diminishing interest of our younger rural citizens in continuing in farming. Because this legislation will facilitate the transition of our older farmers into a successful retirement, the Family Farm Retirement Equity Act will also pave the way for a more graceful transition of our younger farmers toward farm ownership. While low prices and low profits in farming will continue to take their toll on our younger farmers, I believe that this will be one tool we can use to make farming more viable for the next generation.

This proposal, which was originally introduced in the 102d Congress by former Senator Kasten, is supported by the Wisconsin Farm Bureau and farmers throughout Wisconsin. I am proud to introduce this legislation, and I ask unanimous consent that the full text of this measure be entered into the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO INTERNAL REVENUE CODE.

(a) SHORT TITLE.—This Act may be cited as the "Family Farm Retirement Equity Act of 1993".

(b) REFERENCE TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. ROLLOVER OF GAIN FROM SALE OF FARM ASSETS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by inserting after section 1034 the following new section:

"SEC. 1034A. ROLLOVER OF GAIN ON SALE OF FARM ASSETS INTO ASSET ROLLOVER ACCOUNT.

"(a) NONRECOGNITION OF GAIN.—If a taxpayer has a qualified net farm gain from the sale of a qualified farm asset, then, at the election of the taxpayer, gain (if any) from such sale shall be recognized only to the extent such gain exceeds the contributions—

"(1) to 1 or more asset rollover accounts of the taxpayer for the taxable year in which such sale occurs, and

"(2) not in excess of the limits under subsection (c).

"(b) ASSET ROLLOVER ACCOUNT.—

"(1) GENERAL RULE.—Except as provided in this section, an asset rollover account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(2) ASSET ROLLOVER ACCOUNT.—For purposes of this title, the term 'asset rollover account' means an individual retirement plan which is designated at the time of the establishment of the plan as an asset rollover account. Such designation shall be made in such manner as the Secretary may prescribe.

"(c) CONTRIBUTION RULES.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an asset rollover account.

"(2) AGGREGATE CONTRIBUTION LIMITATION.—Except in the case of rollover contributions, the aggregate amount for all taxable years which may be contributed to all asset rollover accounts established on behalf of an individual during a qualified period shall not exceed—

"(A) $500,000 ($250,000 in the case of a separate return by a married individual), reduced by

"(B) the amount by which the aggregate value of the assets held by the individual (and spouse) in individual retirement plans (other than asset rollover accounts) exceeds $100,000.

"(3) ANNUAL CONTRIBUTION LIMITATIONS.—

"(A) GENERAL RULE.—The aggregate contribution which may be made in any taxable year to all asset rollover accounts shall not exceed the lesser of—

"(i) the qualified net farm gain for the taxable year, or

"(ii) an amount determined by multiplying the number of years the taxpayer is a qualified farmer by $10,000.

"(B) SPOUSE.—In the case of a married couple filing a joint return under section 6013 for the taxable year, subparagraph (A) shall be applied by substituting '$20,000' for '$10,000' for each year the taxpayer's spouse is a qualified farmer.

"(4) TIME WHEN CONTRIBUTION DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to an asset rollover account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

"(d) QUALIFIED NET FARM GAIN; ETC.—For purposes of this section—

"(1) QUALIFIED NET FARM GAIN.—The term 'qualified net farm gain' means the lesser of—

"(A) the net capital gain of the taxpayer for the taxable year, or

"(B) the net capital gain for the taxable year determined by only taking into account gain (or loss) in connection with a disposition of a qualified farm asset.

"(2) QUALIFIED FARM ASSET.—The term 'qualified farm asset' means an asset used by a qualified farmer in the active conduct of the trade or business of farming (as defined in section 2032A(e)).

"(3) QUALIFIED FARMER.—

"(A) IN GENERAL.—The term 'qualified farmer' means a taxpayer who—

"(i) during the 5-year period ending on the date of the disposition of a qualified farm asset materially participated in the trade or business of farming, and

"(ii) 50 percent or more of such trade or business is owned by the taxpayer (or his spouse) during such 5-year period.

"(B) MATERIAL PARTICIPATION.—For purposes of this paragraph, a taxpayer shall be treated as materially participating in a trade or business if the taxpayer meets the requirements of section 2032A(e)(6).

"(4) ROLLOVER CONTRIBUTIONS.—Rollover contributions to an asset rollover account may be made only from other asset rollover accounts.

"(e) DISTRIBUTION RULES.—For purposes of this title, the rules of paragraphs (1) and (2) of section 408(d) shall apply to any distribution from an asset rollover account.

"(f) INDIVIDUAL REQUIRED TO REPORT QUALIFIED CONTRIBUTIONS.—

"(1) IN GENERAL.—Any individual who—

"(A) makes a contribution to any asset rollover account for any taxable year, or

"(B) receives any amount from any asset rollover account for any taxable year,

shall include on the return of tax imposed by chapter 1 for such taxable year and any succeeding taxable year (or on such other form as the Secretary may prescribe) information described in paragraph (2).

"(2) INFORMATION REQUIRED TO BE SUPPLIED.—The information described in this paragraph is information required by the Secretary which is similar to the information described in section 408(o)(4)(B).

"(3) PENALTIES.—For penalties relating to reports under this paragraph, see section 6693(b)."

(b) CONTRIBUTIONS NOT DEDUCTIBLE.—Section 219(d) of the Internal Revenue Code of 1986 (relating to other limitations and restrictions) is amended by adding at the end thereof the following new paragraph:

"(5) CONTRIBUTIONS TO ASSET ROLLOVER ACCOUNTS.—No deduction shall be allowed under this section with respect to a contribution under section 1034A."

(c) EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended by adding at the end the following new subsection:

"(d) ASSET ROLLOVER ACCOUNTS.—For purposes of this section, in the case of an asset rollover account referred to in subsection (a)(1), the term 'excess contribution' means the excess (if any) of the amount contributed for the taxable year to such account over the amount which may be contributed under section 1034A."

(2) CONFORMING AMENDMENTS.—

(A) Section 4973(a)(1) of such Code is amended by striking "or" and inserting "an asset rollover account (within the meaning of section 1034A), or".

(B) The heading for section 4973 of such Code is amended by inserting "asset rollover accounts," after "contracts".

(C) The table of sections for chapter 43 of such Code is amended by inserting "asset rollover accounts," after "contracts" in the item relating to section 4973.

(d) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 408(a) of the Internal Revenue Code of 1986 (defining individual retirement account) is amended by inserting "or a qualified contribution under section 1034A," before "no contribution".

(2) Subparagraph (A) of section 408(d)(5) of such Code is amended by inserting "or qualified contributions under section 1034A" after "rollover contributions".

(3)(A) Section 6693(b)(1) of such Code is amended by inserting "or 1034A(f)(1)" after "408(o)(4)" in subparagraph (A).

(B) Section 6693(b)(2) of such Code is amended by inserting "or 1034A(f)(1)" after "408(o)(4)".

(4) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1034 the following new item:

"Sec. 1034A. Rollover of gain on sale of farm assets into asset rollover account."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after the date of enactment of this Act.●

By Mr. ROCKEFELLER:

S. 883. A bill to amend title 38, United States Code, to increase, effective as of December 1, 1993, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans Affairs.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1993

● Mr. ROCKEFELLER. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at request of the Secretary of Veterans' Affairs, S. 883, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1993. The Secretary of Veterans Affairs submitted this legislation by letter dated April 22, 1993, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1993".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1993, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1992 (Public Law 102–510; 106 Stat. 3318). This increase shall be made in such rates and limitations as in effect on November 30, 1993, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1993, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

DEPARTMENT OF VETERANS AFFAIRS,
April 22, 1993.

Hon. ALBERT GORE, Jr.
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill entitled the "Veterans' Compensation Cost-of-Living Adjustment Act of 1993." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would provide a cost-of-living increase, effective December 1, 1993, in the rates of compensation for service-disabled veterans and of dependency and indemnity compensation (DIC) for the survivors of veterans who die as a result of service. The rate of increase, currently estimated to be 3 percent, would be the same as the costs-of-living adjustment that will be provided under current law to veterans' pension and Social Security recipients. In computing increased rates, fractions of $0.50 or more would be rounded to the next higher dollar amount and fractions of less than $0.50 would be rounded to the next lower dollar amount.

Compensation under title 38, United States Code, is payable only for disabilities resulting from injuries or diseases incurred or aggravated during active service. Payments are based upon a statutory schedule of rates which vary with the degree of disability assigned by the Department of Veterans Affairs (VA), and additional amounts are payable to veterans with spouses and children if the veteran's disability is rated 30-percent or more disabling. DIC benefits are payable at statutorily directed rates to the surviving spouses or children of veterans who die of service-connected causes, or who die of other causes if they suffered service-connected total disability for prescribed periods immediately preceding their deaths. This proposed cost-of-living increase will protect these benefits against inflation.

Enactment of this legislation would result in estimated additional costs of $330.2 million in fiscal year 1994 and $1.9 billion over the five-year period fiscal year 1994 through fiscal year 1998.

The effect of this draft bill on the deficit is:

Fiscal years

[in millions of dollars]

Outlays:	
1993	
1994	
1995	
1996	
1997	
1998	
1993–98	

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, requires that the baseline for veterans' compensation assume a cost-of-living adjustment (COLA) equal to the veterans' pension program COLA. We currently estimate a 3.0 percent COLA for veterans' pensions. The COLA increase in this draft bill would be the same as that for the veterans' pension program. Therefore, the pay-as-you-go effect of this draft bill is zero. However, if Congress were to enact a VA compensation COLA different from the increase for veterans' pensions, then the difference between the two COLAs would be subject to the pay-as-you-go requirement of the Budget Enforcement Act. We urge that the House promptly consider and pass this legislative item.

We are advised by the Office of Management and Budget that there is no objection to the transmittal of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.●

By Mr. LAUTENBERG (for himself, Mr. BOREN, Mr. LEVIN, Mr.

WELLSTONE, Mr. FEINGOLD, and Mr. KOHL):

S. 885. A bill to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL ETHICS REFORM ACT

● Mr. LAUTENBERG. Mr. President, today, along with Senators BOREN, LEVIN, WELLSTONE, FEINGOLD, and KOHL, I am introducing legislation, the Congressional Ethics Reform Act, to substantially tighten the existing rules governing the acceptance of gifts, meals, and travel by Members of Congress and congressional staff.

Mr. President, Americans have become deeply distrustful of elected officials in recent years, especially those in the Congress. There is a widespread perception that Members of Congress are failing to pursue the public interest, and instead spend their time catering to the special interests of the wealthy and powerful. In the view of many, Members have lost touch with ordinary Americans in part because they enjoy an assortment of special perks and privileges that are unavailable to the general public.

Mr. President, I know many of my colleagues believe that these perceptions are inaccurate, or at least overstated. But the fact is, Members of Congress do enjoy many special advantages that ordinary Americans do not. And many of these special perks are specifically designed to influence Members in the performance of their official duties.

One important way that lobbyists and others seek to influence legislation is to shower Members of Congress with gifts. It is not unusual, for example, for lobbyists to give Members free tickets to a show, concert, or sporting event. Some lobbyists regularly take Members out for lavish dinners at expensive restaurants. Sometimes they provide Members with free trips, typically involving stays at expensive luxury hotels along with various forms of entertainment.

Mr. President, it would be nice to believe that all these special favors are being provided to Members out of the goodness of lobbyists' hearts. But let's be realistic. Lobbyists are using money to buy influence, often at the expense of the general public.

I know many of my colleagues will deny that they can be influenced by a free dinner or even a luxury trip to the Caribbean. However, it seems indisputable that these kinds of special favors have contributed to Americans' deepening distrust of Government. It's a serious problem. For as public trust diminishes, the ability of Congress to address our Nation's serious problems also diminishes.

Mr. President, to address Americans' distrust of Congress, it is essential that we tighten the rules on acceptance of gifts. The current rules are far too lax. Members of the Senate may accept gifts worth up to $250 from any person. However, gifts worth less than $100 are not counted. Thus, a lobbyist legally may provide Senators with unlimited numbers of gifts worth $99.

Moreover, some types of gifts are excluded from the limits altogether. There is no limit, for example, on the number of meals at Washington restaurants that lobbyists can provide to Senators. In addition, the rules allow Members broad latitude to accept reimbursement for various travel expenses, regardless of cost.

By contrast, Mr. President, officials in the executive branch must abide by much stricter rules of conduct. Generally speaking, executive branch officials may not accept gifts from any person who does business with the official's agency or who has interests that may be substantially affected by the performance of the employee's official duties. There are limited exceptions, such as awards, honorary degrees, food at conferences attended in an official capacity, and other items worth less than $20. However, the rules apply broadly to any items of value, including meals and travel expenses.

This bill would require Members of Congress, and congressional staff, to abide essentially by the same rules on gift acceptance that already apply to the executive branch. However, there are a few modifications designed to strengthen the rules further and to adapt them to the Congress.

Perhaps most importantly, the bill's proposed limits would apply to acceptance of gifts not just from certain prohibited sources, as under the executive branch rules, but from any person other than a family member or personal friend. This is appropriate, in my view, since virtually all Americans are potentially affected by the actions of the Congress.

The bill also would prohibit Members from knowingly soliciting contributions from registered lobbyists for charities and other organizations. Let me say, first, that many such solicitations are motivated by the best of motives, often on behalf of the noblest of causes. Nevertheless, in my view, such direct solicitation is problematic. First, many lobbyists who receive such solicitations feel that they are being pressured unfairly to make these contributions, and understandably fear that a legislator will treat them worse if they fail to ante up. Moreover, in a more general sense, this practice further aggravates the unfair ability of the wealthy to use money in order to tilt the political system to their advantage.

Another bill provision would prohibit Members from directing honoraria received for speaking engagements to certain charities. Congress prohibited Members from accepting honoraria in order to reduce the influence of special interests. Yet some have expressed concern that allowing Members to direct contributions to specific charities or other organizations runs counter to that goal.

The bill also has provisions to specifically prohibit the private financing of congressional retreats. In the past, lobbyists have paid for the privilege of meeting Members at such gatherings. This gives lobbyists special access to Members, and can provide an unfair advantage in the legislative process.

Another bill provision clarifies that the gift limits should not apply to books and other written materials. There is no similar language in the executive branch rules. However, it is important to ensure that we not reduce the ability of Americans to communicate with their elected officials, or to share information with the Congress.

Mr. President, I want to emphasize that in introducing this legislation, I do not mean to impugn the integrity of any Member of Congress. Frankly, many of us, myself included, have followed the existing rules in the past and accepted some items, without providing any special treatment in return.

But, Mr. President, public cynicism has reached deeply disturbing levels. As a consequence, practices that may have seemed innocuous a few years ago clearly are not innocuous today.

We can't ignore that widespread feeling, Mr. President. We've got to address it head-on.

I also want to emphasize that this legislation is not a cure-all, and is not designed to address every abuse in the current system. We must take other steps to better regulate lobbyists and to eliminate special perks and privileges for Members of Congress. However, no comprehensive program for political reform would be complete without addressing the problem of lobbyists' gifts.

Finally, Mr. President, let me add that this bill is rather lengthy and detailed, and may not be perfect. While I am committed to its goals, I am not committed to its specific language. I hope my colleagues, and other interested parties, will let me know if they have any suggestions for improvements.

I ask unanimous consent that a copy of the legislation and a summary of its provisions be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Ethics Reform Act".

SEC. 2. GENERAL STANDARDS.

(a) GENERAL PROHIBITIONS.—A Member or employee shall not, directly or indirectly, solicit or accept a gift from any source except as provided in this Act.

(b) Relationship to Illegal Gratuities Statute.—Unless accepted in violation of subsection (c)(1), a gift accepted under the standards set forth in this Act shall not constitute an illegal gratuity otherwise prohibited by section 201(c)(1)(B) of title 18, United States Code.

(c) Limitations on Use of Exceptions.—A Member or employee shall not—

(1) accept a gift in return for being influenced in the performance of an official act;

(2) solicit or coerce the offering of a gift;

(3) accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member or employee is using his public office for private gain;

(4) accept a gift in violation of any statute; or

(5) accept vendor promotional training contrary to any applicable regulations, policies, or guidance relating to the procurement of supplies and services for the Congress.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) Employee.—The term "employee" means an employee of the legislative branch.

(2) Gift.—The term "gift" includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. It does not include—

(A) modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;

(B) greeting cards and items with little intrinsic value, such as plaques, certificates and trophies, which are intended solely for presentation;

(C) loans from banks and other financial institutions on terms generally available to the public;

(D) opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees, whether or not restricted on the basis of geographic considerations;

(E) rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the Member's or employee's entry into the contest or event is required as part of his official duties;

(F) pension and other benefits resulting from continued participation in a Member or employee welfare and benefits plan maintained by a former employer;

(G) anything which is paid for by the Government or secured by the Government under Government contract;

(H) any gift accepted by the Congress under specific statutory authority;

(I) anything for which the market value is paid by the Member or employee; and

(J) any books, written materials, audio tapes, videotapes, or other informational materials.

(3) Market value.—The term "market value" means the retail cost the Member or employee would incur to purchase the gift. A Member or employee who cannot ascertain the market value of a gift may estimate the market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.

(4) Member.—The term "Member" has the meaning given such term in section 109(12) of the Ethics in Government Act of 1978 (5 U.S.C. App. 6 sec. 109).

(5) Solicitation or acceptance.—(A) A gift is solicited or accepted because of the Member's or employee's official position if it is from a person other than a Member or employee and if a reasonable person with knowledge of all relevant facts would conclude that it would not have been solicited, offered, or given had the Member or employee not held his position as a Member or employee.

(B) A gift which is solicited or accepted indirectly includes a gift—

(i) given with the Member's or employee's knowledge and acquiescence to his or her parent, sibling, spouse, child, or dependent relative if a reasonable person with knowledge of all relevant facts would conclude that the gift was given because of that person's relationship to the Member or employee; or

(ii) given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the Member or employee, except as permitted for the disposition of perishable items by section 5(a)(2).

(6) Ethics committee.—The term Ethics Committee with respect to the House means the Committee on Standards of Official Conduct and with respect to the Senate means the Select Committee on Ethics.

(7) Vendor promotional training.—The term "vendor promotional training" means training provided by any person for the purpose of promoting its products or services. It does not include training provided under a congressional contract or by a contractor to facilitate use of products or services it furnishes under a congressional contract.

SEC. 4. EXCEPTIONS.

The prohibitions set forth in section 2 do not apply to a gift accepted under the circumstances described in paragraphs (1) through (10) of this section and a gift accepted in accordance with one of those paragraphs will not be deemed to violate section 2 of this Act.

(1) Gifts of $20 or less.—A Member or employee may accept unsolicited gifts having an aggregate market value of $20 or less per occasion, provided that the aggregate market value of individual gifts received from any one person or entity under the authority of this paragraph shall not exceed $50 in a calendar year. This exception does not apply to gifts of cash or of investment interests such as stock, bonds, or certificates of deposit. Where the market value of a gift or the aggregate market value of gifts offered on any single occasion exceeds $20, the Member or employee may not pay the excess value over $20 in order to accept that portion of the gift or those gifts worth $20. Where the aggregate value of tangible items offered on a single occasion exceeds $20, the Member or employee may decline any distinct and separate item in order to accept those items aggregating $20 or less.

(2) Gifts based on a personal relationship.—A Member or employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the Member or employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift.

(3) Discounts and similar benefits.—In addition to those opportunities and benefits excluded from the definition of a gift by section 3(2)(D), a Member or employee may accept—

(A) reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications; and

(B) opportunities and benefits—

(i) offered to members of a group or class in which membership is unrelated to congressional employment; or

(ii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment if the same offer is broadly available to large segments of the public through organizations of similar size.

A Member or employee may not accept for personal use any benefit to which the Government is entitled as a result of an expenditure of Government funds.

(4) Honorary degrees.—(A) A Member or employee may accept an honorary degree from an institution of higher education (as defined in section 1141(a) of title 20, United States Code) based on a written determination by the Ethics Committee that the timing of the award of the degree would not cause a reasonable person to question the Member's or employee's impartiality in a matter affecting the institution.

(B) A Member or employee who may accept an honorary degree pursuant to subparagraph (A) may also accept meals and entertainment given to him and to members of his family at the event at which the presentation takes place.

(5) Gifts based on outside business or employment relationships.—A Member or employee may accept meals, lodgings, transportation and other benefits—

(A) resulting from the business or employment activities of a Member's or employee's spouse when it is clear that such benefits have not been offered or enhanced because of the Member's or employee's official position; or

(B) resulting from his or her outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of his or her official status.

(6) Political events.—A Member or employee may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided in connection with active participation in political management or political campaigns by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(7) Widely attended gatherings and other events.—

(A) Speaking and similar engagements.—When a Member or employee participates as a speaker or panel participant or otherwise presents information related directly or indirectly to the Congress or matters before the Congress at a conference or other event, his or her acceptance of an offer of free attendance at the event on the day of the presentation is permissible when provided by the sponsor of the event. The Member's or employee's participation in the event on that day represents a customary and necessary part of the performance of his or her responsibilities and does not involve a gift to him or to the Congress.

(B) Widely attended gatherings.—(i) A Member or employee may accept a sponsor's unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties. A gathering is widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a range of persons interested in a given matter.

(ii) A gathering is not widely attended if it is a congressional retreat to which a majority of Members of either House of Congress or the majority of the Members of a political party in one or both Houses are invited and which is held outside the United States Capitol grounds.

(C) Free attendance.—For purposes of subparagraphs (A) and (B), free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees.

(D) Cost provided by sponsor of event.—The cost of the Member's or employee's attendance will not be considered to be provided by the sponsor where a person other than the sponsor designates the Member or employee to be invited and bears the cost of the Member's or employee's attendance through a contribution or other payment intended to facilitate that Member's or employee's attendance. Payment of dues or a similar assessment to a sponsoring organization does not constitute a payment intended to facilitate a particular Member's or employee's attendance.

(E) Accompanying spouse.—When others in attendance will generally be accompanied by spouses, a Member or employee may accept a sponsor's invitation to an accompanying spouse to participate in all or a portion of the event at which the Member's or employee's free attendance is permitted under subparagraph (A) or (B).

(8) Protocol exception.—A Member or employee who is on official travel to a foreign area or who is attending an event sponsored by a foreign government may accept food, refreshments, or entertainment in the course of such travel or event provided that such acceptance is in accordance with any rules that the Ethics Committee may establish.

(9) Gifts accepted under specific statutory authority.—The prohibitions on acceptance of gifts contained in this Act do not apply to any item, receipt of which is specifically authorized by statute.

(10) Items primarily for free distribution to constituents.—A Member or employee may accept food or other items of minimal value intended primarily for free distribution to visiting constituents.

SEC. 5. PROPER DISPOSITION OF PROHIBITED GIFTS.

(a) In General.—A Member or employee who has received a gift that cannot be accepted under this Act shall—

(1) return any tangible item to the donor or pay the donor its market value (a Member or employee who cannot ascertain the actual market value of an item may estimate its market value by reference to the retail cost of similar items of like quality);

(2) when it is not practical to return a tangible item because it is perishable, the item may be given to an appropriate charity or destroyed;

(3) for any entertainment, favor, service, benefit or other intangible, reimburse the donor the market value (subsequent reciprocation by the employee does not constitute reimbursement); and

(4) dispose of gifts from foreign governments or international organizations in accordance with rules established by the Ethics Committee.

(b) Use of Appropriated Funds To Return Gifts.—A Member or employee may use appropriated funds and franked mail to return gifts.

(c) Prompt Compliance.—A Member or employee who, on his own initiative, promptly complies with the requirements of this section will not be deemed to have improperly accepted an unsolicited gift. A Member or employee who promptly consults his Ethics Committee to determine whether acceptance of an unsolicited gift is proper and who, upon the advice of the Ethics Committee, returns the gift or otherwise disposes of the gift in accordance with this section, will be considered to have complied with the requirements of this section on his own initiative.

SEC. 6. CHARITABLE DESIGNATION OF OUTSIDE EARNED INCOME.

Subsection (c) of section 501 of the Ethics in Government Act of 1978 is repealed.

SEC. 7. REPEAL OF OLD RULE.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

SEC. 8. ACCEPTANCE OF TRAVEL AND RELATED EXPENSES FROM NON-FEDERAL SOURCES.

(a) In General.—The Ethics Committees shall prescribe rules establishing the conditions under which their respective Houses may accept payment, or authorize a Member or employee to accept payment on the House's behalf, from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the Member or employee (or the spouse of such Member or employee) at any meeting or similar function relating to the official duties of the Member or employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the Member or employee to payment from the Government for such expenses.

(b) Rules.—The rules prescribed pursuant to subsection (a) shall—

(1) require that the Ethics Committee approve in advance all travel for which related expenses are to be reimbursed;

(2) condition such approval on a determination by the Ethics Committee that acceptance of reimbursement would not cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of the Member, the Congress or congressional operations; and

(3) prohibit reimbursement for items beyond those reasonably necessary for the Member or employee to participate in the event.

(c) General Prohibition.—Except as provided in this section or any other statute, no Member, employee, or House of Congress may accept payment in cash or in kind for expenses referred to in subsection (a). A Member or employee who accepts any such payment in violation of the preceding sentence—

(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(d) Reports.—

(1) In general.—The Ethics Committees shall, in the manner provided in paragraph (2), publish in the Congressional Record reports of payments of more than $250 accepted under this section.

(2) Contents.—The reports required by paragraph (1) shall, with respect to each payment—

(A) specify the amount and method of payment, the name of the person making the payment, the name of the Member or employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Ethics Committee may prescribe;

(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.

SEC. 9. SOLICITATION OF REGISTERED LOBBYISTS.

A Member or employee shall not knowingly solicit contributions from any registered lobbyist for an organization described under section 501(c) of the Internal Revenue Code of 1986. For purposes of this section, the fact that the name of a Member or employee is on the letterhead of a solicitation is not sufficient to establish that the named Member or employee has solicited a contribution.

SUMMARY—CONGRESSIONAL ETHICS REFORM ACT

GIFTS [BASED LARGELY ON EXECUTIVE BRANCH RULES]

Under the bill, no Member of Congress or congressional employee may accept any item of value, subject to these exceptions:

(1) De minimus: Members/staff may accept gifts of $20 or less at any one time, provided the aggregate value of all gifts received from any one person may not exceed $50 in a calendar year.

(2) Gifts based on personal relationship: Members/staff may accept gifts based on a personal relationship, under circumstances that make it clear the gift is motivated by a family relationship or personal friendship.

(3) Discounts and similar benefits: Members/staff may accept discounts and similar benefits that are generally available to the public or government employees.

(4) Greeting cards/items of little intrinsic value: Members/staff may accept greeting cards and items with little intrinsic value, such as plaques and trophies, which are intended solely for presentation.

(5) Honorary degrees: Members/staff may accept honorary degrees.

(6) Widely attended gatherings/speaking: Members/staff may accept invitations to speak or to participate in widely attended gatherings, such as conferences, seminars and receptions. In such situations, Members/staff may accept food, refreshments, entertainment and materials provided to all attendees as an integral part of the event. [Note: this exception does not apply to travel expenses, which are covered below.]

(7) Political events: Members/staff may accept meals, lodging and other benefits provided by a political organization in connection with participation in political events.

(8) Protocol exception: The Ethics Committees would establish rules under which Members/staff could accept meals, refreshments and entertainment in foreign areas in the course of official travel to such areas, or at events sponsored by foreign governments.

(9) Informational materials: There would be no limit on the acceptance of books, audio or video tapes, and other informational materials.

(10) Items primarily for free distribution to constituents: A Member or employee may accept food or other items of minimal value intended primarily for free distribution to visiting constituents.

MEALS AND ENTERTAINMENT

Under the bill, meals, beverages and entertainment are considered as gifts. However, there is an exception for modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal.

TRAVEL

Travel expenses generally are treated as gifts and thus cannot be accepted directly by Members/staff beyond the strict limits noted above. However, acceptance of such expenses may be authorized by the Ethics Committees if associated with travel related to the official duties of Members/staff [e.g. attendance at a meeting, conference or similar function], and if the Ethics Committee approves the travel in advance. The Committee must find that acceptance under the circumstances would not cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of the Member, the Congress or congressional operations.

Payment cannot be accepted for items beyond those reasonably necessary for the Member to participate in the event. Thus, for example, if a Member participates in a conference only one day, hotel expenses for more than one night generally will not be reimbursable.

SOLICITATIONS OF LOBBYISTS

The bill would prohibit Members/staff from knowingly soliciting contributions from registered lobbyists to 501(c) organizations (nonprofits). The bill stipulates that a Member/staff would not violate this section simply because his/her name appears on the letterhead of a solicitation.

HONORARIA

The bill would prohibit Members from directing to charities honoraria received for speaking engagements.

CONGRESSIONAL RETREATS

The bill prohibits the private financing of congressional retreats.•

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. DURENBERGER, Mr. GREGG, and Mr. BOND):

S. 886. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to improve immunization rates among children and for other purposes; to the Committee on Finance.

S. 887. A bill to amend the Public Health Service Act to improve immunization rates among children through the establishment of data registries and educational programs, and for other purposes; to the Committee on Finance.

IMMUNIZATION LEGISLATION

• Mr. DANFORTH. Mr. President, I rise today to offer legislation that Senators KASSEBAUM, DURENBERGER, and I have developed to address our Nation's disturbingly low childhood immunization rates. We have spoken out against the administration's universal purchase proposal and in favor of a wiser and better targeted approach and we believe that our bill, the National Immunization Improvement Act of 1993, outlines the appropriate course of action on this very important issue.

Clearly there is a problem with timely childhood immunization in this country. Although over 90 percent of children are fully vaccinated by the time they enter grade school, only 40 to 60 percent are fully vaccinated at age 2. When I visited St. Louis Children's Hospital in 1989, the leading cause of admission was measles. There should not be even a single case of measles—we have the ability to protect children from the dreaded diseases that plagued children in past decades. In the years following the measles epidemic of 1989–90, we have learned a lot about what is causing our law immunization rates. And overwhelmingly, we have heard that it is not lack of low cost or free vaccines, but delivery, education, and outreach.

In fact, I understand that the administration has been listening and may be moving away from universal purchase. While I am not familiar with the details of their new proposal and believe, based on what I have heard about it, that there may still be some serious flaws, I am optimistic that the administration is considering proposals that will target resources more effectively. I would welcome the opportunity to work with the administration, Senators KENNEDY and RIEGLE, and others on this issue.

Our legislation has five main components. First, it establishes a voluntary grant program to assist States in developing State systems to monitor the immunization status of children. Under this program States will receive Federal grant money and technical assistance to develop and implement a computerized State registry pursuant to national guidelines that will track children from birth and record the vaccines they receive as they grow older.

Second, the legislation proposes national and State measures to improve delivery, education and outreach in immunizations, including the development of standard national materials for provider and public education; national public awareness campaigns; and increased funds for State immunization action plans [IAP's] which States are using to conduct innovative education and outreach and expand vaccine delivery via extending clinic hours and mobile vans, among other things.

Third, the legislation will give States some additional options under their Medicaid Programs that will improve access and save State and Federal dollars. States will be encouraged to expand their Medicaid coverage of childhood vaccines to children up to 185 percent of the poverty line through a 90 percent match for the immunizations of children between 133 and 185 percent of the poverty line. At 185 percent, Medicaid would cover nearly one-half of all children under age 6. And for this new category of Medicaid enrollee, the Secretary of HHS will design expedited enrollment and billing procedures available in increased locations for those who will be eligible for Medicaid only for purposes of immunization.

In addition, State Medicaid programs will be able to contract directly with the vaccine manufacturers for the supply of vaccine for Medicaid patients at the CDC discount price. Under this system called vaccine replacement, a doctor who gives a vaccine to a Medicaid child will receive a replacement vaccine, rather than an inadequate reimbursement check. This will remove a significant deterrent for vaccinating Medicaid children and will also save State and Federal Medicaid Program money, since the program buys at the Federal discount price which is often lower than what States are now spending to reimburse doctors.

Fourth, the legislation gives States the authority, at their option, to implement procedures to reduce the adult benefit portion of Aid to Families With Dependent Children [AFDC] for adults who fail to properly immunize their children.

Fifth, the legislation continues the Vaccine Injury Compensation Fund and requires a simplification of the informed consent pamphlet distributed under the auspices of that program.

We believe this puts into legislation the suggestions we have distilled from the public health community and others who have studied these issues and been working on the front lines to improve immunization among children. We look forward to working with colleagues on both sides of the aisle and with the administration to support those front-line people and to address this problem.•

• Mr. DURENBERGER. Mr. President, I rise today to join my distinguished colleagues, Senator DANFORTH and Senator KASSEBAUM in introducing the National Immunization Improvement Act of 1993

We all have a strong commitment to a healthier America through prevention and well-baby care. There is absolutely no doubt that early childhood immunization is essential to a successful strategy for improving the general health of America. And there is no doubt that we could improve the immunization rates for America's children.

We are fully committed to immunization. Indeed, we are very long on commitment. But while it is true that commitment often leads to action, I would caution at this point that commitment is not enough.

There is a health policy expert at the University of Minnesota named Bryan Dowd, who says the problem with health policy today is—and I quote—"we have 1,000 answers and no questions."

To address an issue effectively, it is absolutely essential that we first accurately define the problem. And defining the problem means asking the right questions.

I believe that the bill we are introducing today starts with an accurate definition of the problem. The problem is not a problem of cost. It is a problem of getting parents and children to the immunizations they need. And the answer to this problem cannot be imposed by the Federal Government—it must arise from strengthened communities and strengthened families.

There are many factors affecting low immunization levels. Some of the barriers are cultural. Some are due to lack of education, and some to infrastructure problems like limited clinic hours, long waits, and lack of transportation. The fact is that every community is different, and that strategies to overcome these barriers depend on understanding the people in those communities. We need to allow State flexibility to address these issues, community by community. Federal dollars alone simply won't solve these problems.

Last session, I supported efforts by the Appropriations Committee to expand funding for immunization grants to States. We raised appropriations for immunizations under this program to $341.78 million, an increase of $45.08 million over fiscal year 1992.

These grants allow States to determine what barriers really exist to access in their communities. In other words, States have the flexibility to ask the right questions, and then come up with appropriate solutions. Under this program, the CDC awards grants to States and local governments to develop and implement immunization action plans [IAP's].

Minnesota has received a grant of $900,000 to develop an action plan and implement an improved vaccine delivery system. Even in Minnesota—which is a relatively homogenous State—there are tremendous variations among communities in immunization rates, and the causes are as various as the solutions.

The bill we are introducing today would provide an additional money to States for community-based immunization action plans, or IAP's. These IAP's fund locally based assessment and outreach programs. This kind of funding enabled Minnesota to identify pockets of the State population where there were low rates of immunization, and to set up appropriate programs to address the needs of these populations.

Our bill also authorizes optional grants that fund the development of State and local immunization tracking registries. The grants address the substantial issues of privacy in setting up such registries.

Some States like Minnesota, and localities like Philadelphia, have already done assessments under the IAP grants, and have identified barriers to immunization—particularly among Medicaid recipients. Our bill uses this kind of information to give States the flexibility to improve the Medicaid program. For some low income children, economic barriers may exist and we want to allows States to design voucher programs or selective expansion of Medicaid to address these barriers.

It would also permit States to establish a vaccine replacement program to insure that Medicaid children get vaccinated when they are in their doctor's office. As has already been demonstrated in Virginia, this kind of flexibility allows States to save on Medicaid costs.

The administration, on the other hand, has introduced a so-called universal purchase bill. That bill would authorize the Federal Government to buy all vaccines needed each year and distribute them to States. But, the question is: is the cost of vaccines the key barrier to immunization? Is there evidence that this answer will solve the problem?

The answer is "No."

Wise policy dictates, and experience supports, a program that allows States to use all the necessary tools to raise immunization rates without throwing resources into communities that do not need these funds. We must concentrate our efforts where they can do the most good. We simply do not have money to waste.

It appears that the administration, having touted its universal purchase bill, is now backing off that approach. I hope that, having discovered the limitations of their proposal, they will consider supporting the bill we are introducing today.

There is really only one basic question, and it is this: What is the real goal here? The answer is healthy children. As we focus on immunization, we must be cautious lest we fixate on immunizations rather than on the whole child. Why spend vast resources to raise immunization rates from 55 to 75 percent, for example, but overlook the child's well-being? A child's health needs and a child's human needs are much more complicated and important. We are going to need an intelligent commitment to public health and healthy communities if we want to reach our goal.

I believe that this bill—the National Immunization Improvement Act of 1993—is the best answer, because it is based on the best understanding of the problem. We don't need and can't afford wrong answers. Our children are too important for that.•

• Mrs. KASSEBAUM. Mr. President, I rise today to join my colleagues, Senators DANFORTH, DURENBERGER, and GREGG, in introducing the National Immunization Improvement Act of 1993, legislation providing a comprehensive, cost-effective, well-focused approach to improving our Nation's alarmingly low preschool immunization rates.

The measles epidemic that swept across our Nation in 1989 and 1990 and outbreaks of other preventable diseases reveal that our Nation's children are again at risk for devastating childhood diseases which we thought we were conquering. Fewer than 60 percent of 2-year-olds in most States are fully immunized, and in some inner-city areas, fewer than 10 percent are.

The legislation my colleagues and I are introducing today reflects the recommendations of the National Vaccine Advisory Committee's study of the measles epidemic, recommendations of the Centers for Disease Control, and recommendations from public health officials from across the Nation on how to most effectively overcome the problems in our Nation's vaccine delivery system that these outbreaks of preventable childhood diseases have revealed. We believe these proposals are vital to the success of the immunization improvement strategy ultimately adopted by Congress, and we wish to work constructively on this strategy with the Clinton administration and our colleagues in Congress who have introduced the administration's immunization plan.

President Clinton is to be commended for focusing national attention on this compelling public health problem. But my colleagues and I are deeply concerned that the centerpiece of the President's plan—an over $1 billion a year program for the Federal purchase and free distribution of vaccines—largely misdiagnoses the major causes of the problem of low immunization rates and prescribes a remedy likely to be ineffective and wasteful of scarce taxpayer dollars.

The President's plan is based on the premise that the rising cost of vaccines is the major cause of low immunization rates. But this is not the case. I agree that the cost of vaccines may be one facet of the problem for some parents. But the National Vaccine Advisory Committee, former Surgeon General Koop, and most public health officials across the Nation find that the major causes of low immunization rates are the lack of parental education about the importance of preschool immunizations, the failure of health professionals to use every opportunity to vaccinate children, the lack of readily accessible, family friendly immunization services, and the lack of physician participation in Medicaid due to unreasonably low reimbursement rates and paperwork hassles.

If we are to achieve the goal of appropriately immunizing every child, these are the problems on which we should be focusing.

The legislation we are introducing today provides increased Federal funding for the implementation of innovative State immunization action plans to educate parents about the importance of immunization; strengthen, expand, and make more accessible local vaccine delivery services; and conduct grassroots outreach plans involving the private sector. In return, States are held accountable for achieving measurable and significant improvements in their immunization rates.

Our proposal makes immunization a priority in all Federal programs serving children, such as WIC, AFDC, food stamps, and Head Start by making the assessment of immunization status an integral part of the application for benefits.

Recognizing that the cost of vaccines is a significant barrier for some families, we provide the States with strong incentives to expand Medicaid eligibility for immunizations to children in families with income levels of up to 185 percent of poverty. Our proposal will also simplify Medicaid applications for immunization services, ensure the timely and reasonable reimbursement of Medicaid providers, and give the States opportunities and incentives to purchase vaccines at the Centers for Disease Control discounted price.

In summary, the legislation my colleagues and I are introducing today provides for a comprehensive Federal-State-local strategy for significantly improving our Nation's childhood immunization rates. It reflects our strong commitment to the goal of ensuring that every child in this Nation is protected against often devastating and preventable childhood diseases.●

By Mr. D'AMATO:

S.J. Res. 87. A joint resolution to designate September 13, 1993, as "Commodore John Barry Day"; to the Committee on the Judiciary.

COMMODORE JOHN BARRY DAY

● Mr. D'AMATO. Mr. President, I introduce a resolution designating September 13, 1993, "Commodore John Barry Day."

Prominently featured on the quay in Waterford, Ireland, is a statue of Commodore John Barry, a favorite son on both sides of the Atlantic. Barry's naval exploits, and those of John Paul Jones, represented the first successful challenge by any nation to England's mastery of the seas. It would not be America's last.

My commemorative, which has also been introduced in the House, documents the achievements of Commodore Barry. I look forward to its swift passage.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 27

At the request of Mr. SARBANES, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from Washington [Mr. GORTON], the Senator from Virginia [Mr. WARNER], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. SASSER], the Senator from Michigan [Mr. RIEGLE], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 267

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 267, a bill to amend the Fair Labor Standards Act of 1938 to exempt garment and certain other related employees from minimum wage and maximum hour requirements, and for other purposes.

S. 268

At the request of Mr. BAUCUS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 268, a bill to extend the period during which the United States Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 348

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. SASSER], the Senator from Arkansas [Mr. PRYOR], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 452

At the request of Mr. CONRAD, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 466, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 482

At the request of Mr. BOREN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Oregon [Mr. HATFIELD], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Arkansas [Mr. PRYOR], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 540

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 545

At the request of Mr. BOREN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 545, a bill to amend the Internal

Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 565

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 565, a bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations.

S. 568

At the request of Mr. BRYAN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 568, a bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Washington [Mr. GORTON] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 585

At the request of Mr. GRASSLEY, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 585, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. EXON], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 729

At the request of Mr. REID, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 729, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 731

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 731, a bill to assist rural rail infrastructure, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 818

At the request of Mr. HATFIELD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 818, a bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

S. 824

At the request of Mr. BOND, the names of the Senator from Washington [Mr. GORTON], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 824, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month".

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Alabama [Mr. HEFLIN], the Senator from Delaware [Mr. BIDEN], the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mr. MACK], the Senator from West Virginia [Mr. BYRD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Utah [Mr. HATCH], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. DASCHLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from Florida [Mr. GRAHAM], the Senator from North Carolina [Mr. HELMS], the Senator from New York [Mr. D'AMATO], the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. BROWN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE RESOLUTION 94

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 94, a resolution expressing the sense of the Senate with respect to the tragic humanitarian crisis in Sudan.

SENATE RESOLUTION 104

At the request of Mr. DECONCINI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Resolution 104, a resolution relating to Bosnia-Herzegovina's right to self-defense.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

BOND (AND OTHERS) AMENDMENT NO. 340

Mr. BOND (for himself, Mr. McConnell, Mr. Conrad, Mr. Coats, Mr. Nickles, Mr. Simpson, Mr. Hatch, Mr. Grassley, Mr. Burns, Mr. Faircloth, Mr. Mathews, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, and Mr. Packwood) proposed an amendment to the bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes, as follows:

At the appropriate place, insert the following new section:

SEC. . COMPLIANCE WITH WETLAND CONSERVATION REQUIREMENTS.

Section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)) is amended by adding at the end the following new paragraph:

"(4) Effect of determinations.—

"(A) In general.—Notwithstanding any other provision of law, a technical determination with respect to wetland or converted wetland on agricultural lands (including the identification of wetland under paragraph (1) and the development of a wetland restoration or mitigation plan developed under paragraph (1)) shall be used in the administration of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) Consistency.—Any area of agricultural land or any activities related to the land determined to be exempt from the requirements of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) for such period of time as those lands are used as agricultural lands.

"(C) Definition.—As used in this paragraph, the term 'agricultural lands' means cropland, pastureland, native pasture, rangeland, orchards, vineyards, nonindustrial forest land, and any other land used to produce or support the production of an annual perennial crop of a commodity, acquaculture product, nursery product, or livestock.".

BAUCUS (AND GLENN) AMENDMENT NO. 341

Mr. BAUCUS (for himself and Mr. Glenn) proposed an amendment to amendment No. 340 proposed by Mr. Bond to the bill (S. 117), supra, as follows:

In lieu of the matter proposed, insert the follows:

SEC. . WETLAND DETERMINATIONS BY A SINGLE AGENCY.

In consultation with the Secretary of Agriculture, the Secretary of the Environment, the Secretary of the Army, and the Secretary of the Interior, the President shall, within 90 days of the date of enactment of this Act, make recommendations and report to the Congress on measures to—

(1) provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agricultural lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers; and

(2) provide that the soil Conservation Service be the Federal Agency responsible for all such technical determinations concerning wetlands on agricultural lands.

LOBBYING DISCLOSURE ACT OF 1993

PRESSLER (AND OTHERS) AMENDMENT NO. 342

Mr. PRESSLER (for himself, Mr. Dole, and Mr. McConnell) proposed an amendment to the bill (S. 349) to provided for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) In General.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"Sec. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) Definition of Political Committee.—(1) Section 301(4) of Federal Election Campaign Act (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditures under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of Federal Election Campaign Act (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) Candidate's Committees.—(1) Section 315(a) of Federal Election Campaign Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate of Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of Federal Election Campaign Act (2 U.S.C. 432(e)) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee".

(d) Rules Applicable When Ban Not in Effect.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association, to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the nominations of Ellen Haas, to be Assistant Secretary for Food and Consumer Services, Eugene Moos, to be Under Secretary for International Affairs and Commodity Programs, and James Gulliland, to be general counsel of the Department of Agriculture on Tuesday, May 11, 1993 at 2:30 p.m. in SR–332.

For further information please contact Chris Sarcone of the committee staff at 224–2035.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has changed the date and time for the confirmation hearing of Erskine Bowles to be Administrator of the Small Business Administration. The hearing originally scheduled for Wednesday, May 5, 1993, will now take place on Thursday, May 6, 1993, at 1 p.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, May 11, 1993 at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from James Hoecker, Donald Santa, Jr., and William Massey, nominees to be members of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 4, at 10 a.m., to hold a hearing on the crisis in Sudan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 4, 1993, to receive testimony on hardrock mining royalty issues and written statements on S. 775, the Hardrock Mining Reform Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 4, 1993, at 9:30 a.m. on surface transportation implications of NAFTA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 4, 1993, to receive testimony from Thomas Grumbly, nominee to be Assistant Secretary of Energy for Environmental Restoration and Waste Management; Susan Tierney, nominee to be Assistant Secretary of Energy for Domestic and International Policy; and John Leshy, nominee to be Solicitor for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 4 at 2:30 p.m. to consider the nomination of Robert M. Sussman, to be Deputy Administrator of the U.S. Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on May 4, 1993 at 10 a.m., to hear testimony on the administration's proposals relating to the taxation of Social Security benefits.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 4 at 2:30 p.m. to hold ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Goals 2000: Educate America Act, during the session of the Senate on Tuesday, May 4, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS 1993

• Mrs. MURRAY. Mr. President, on May 1-3, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of the "We the People * * * The Citizen and the Constitution Program." I am proud to announce that the class from Kelso High School from Kelso, WA, will represent Washington State's Third Congressional District. These young scholars have worked diligently to reach the national finals by winning district and State competitions.

The distinguished members of the team representing Washington State are: Bill Aberle, Marin Fox, Paul Hazen, Rick Heston, Julie Holt, Kathy Holter, Kirk Ireton, Jennica Jacobsen, Peter Manning, Trent McGhee, Eddie Miller, Alysha Reinard, Kay Rittenback, Lindie Schmidt, Thad Shelton, and Lisa Tippery.

I also would like to recognize their teacher Kay Stern who deserves much of the credit for the success of the team. Ms. Stern, the district coordinator, together with Kathy Hand, the State coordinator, have both contributed a great deal of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing Washington State's Third Congressional District and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.•

THE PEACE PLAN AND THE PEACE KEEPING

• Mr. D'AMATO. Mr. President, for a brief moment, I was buoyed by the Bosnian Serbs' acquiescence to the peace plan. Soon afterward, my optimism turned to fear of an impending disaster. While the self-proclaimed President of the Bosnian Serbs, Radovan Karadzic, signed the Vance-Owen peace plan, his forces continue to shell and attack civilians in Bosnia, in total violation of the agreement. No one should be surprised at this, because this is what the Bosnian Serbs have done, and what they will continue to do, even if it gets to the point at which American and other nations' troops are dispatched to Bosnia as peacekeepers.

In threatening to conduct air strikes against Serbian positions in Bosnia, President Clinton sent a clear message that the violence must end. Yet, he failed to go far enough. The life line for Karadzic and his band of murderers comes right out of Belgrade. Unless Slobodan Milosevic is made to understand that the war must end, the Vance-Owen plan may end up being only another scrap of paper on top of the pile of other agreements and ceasefires that the Serbs have broken. Milosevic must be told that breaking the ceasefire will result in the bombing of economic and military targets in Serbia itself.

Yet, plans reportedly being devised make this impossible by placing Serbia itself, off-limits to attack. If we proceed in this manner, we will only create another sanctuary for aggression—repeating our Southeast Asian mistakes. In effect, we will be bombing the victims, not the aggressors.

In August 1992, in a Senate speech, I called for these very actions to make Milosevic and his supporters pay a price for supporting genocide. Electric plants and oil distribution facilities should be targeted. If these facilities were bombed, Serbia's railroads would stop because more than half of them are electrified. Additionally, highways and railways should be hit to prevent Serbian logistical support for Bosnian Serb aggression. Finally, bridges across the Drina River, the Bosna River, the Sava River, and the Danube River itself should be taken out.

If Serbia's leadership does not believe we are determined to stop their ruthless aggression, then we will give them the green light to move into Kosova. If Serbia attempts to cleanse Kosova, it will then trigger a full-scale Balkan war, perhaps pulling in Albania, Turkey, Greece, and Bulgaria.

Any planned bombing campaign against Serbia should be coupled with a lifting of the arms embargo against Bosnia. I wrote the President on April 20, asking him to do just this. The Bosnians are in need of equipment that will help them defend themselves. The Bosnians do not want our troops to defend them. They only ask that we supply them with weapons.

To provide for this eventuality, last year, Senator BIDEN, myself, and others, passed legislation appropriating $50 million to pay for such weapons should the arms embargo be lifted.

If U.S. troops are dispatched as part of a U.N. peacekeeping force, they will be sent there because of the Vance-Owen agreement. If the Bosnian Serbs violate this agreement and start shooting, as they are doing right now, then Serb gunners in the hills above Sarajevo will have fresh targets—American troops.

The American commander of NATO forces in Southern Europe, Adm. Jeremy Michael Boorda, commented on this very point in a recent speech. He said that while getting the Serbs to sign the peace plan was his fondest wish, it was also his greatest fear. This Senator agrees. I am deeply concerned that the centuries-old animosity that has driven this war to the level of genocide, might well cast American troops into an open-ended mission, with no defined goal or end to their assignment.

We must be careful that United States troops are not dribbled into the black hole of war in Bosnia. Like the proposed bombing of Serb positions in the country, our plans must be precise and our mission clear. Most importantly, the American force assignment must have a beginning as well as a dignified end. While we must protect the peace, we must also protect ourselves.

We learned the folly of gradual escalation in Vietnam. Then, it was advisers, and more advisers, and then combat troops, and then more and more combat troops. Here, the stairway of escalation may have different steps—peacekeepers and then more peacekeepers—but it still leads to the meatgrinder known as war.•

WANDO HIGH SCHOOL: REACHING OUT TO HOMESTEAD

• Mr. HOLLINGS. Mr. President, Wando High School in Mount Pleasant, SC, has long been recognized as one of the best public schools in my State. It has been named "Best School of the Year" for 3 years running, and has distinguished itself in virtually every category of academic and extracurricular excellence.

To cite just several examples of Wando's standout performance, its student council has been named the best in the State, its debate team placed first in a number of statewide competitions, the Wando choral group performed at President Clinton's inauguration, and the school newspaper won numerous first-place awards in the 1993 South Carolina Scholastic Press Association competition.

Even more impressive than these individual accomplishments, however, has been Wando High School's commitment to adopting hurricane-stricken Homestead High School in Florida. Students at Wando have vivid memories of their own difficulties in the wake of Hurricane Hugo, so they were powerfully motivated to extend a helping hand to strangers in Florida. Since late last summer, Wando students have raised thousands of dollars to purchase gifts and school supplies for students and teachers at Homestead High. This outreach effort has been sustained throughout the school year, with a steady stream of shipments and visitors arriving at Homestead from Wando.

Mr. President, this is an inspiring example of generosity and plain, old-fashioned thoughtfulness. I extend my admiration and gratitude to all the young men and women at Wando who have worked so hard to make their adoption of Homestead High School such a success. It has truly been a total-school effort at Wando—an effort that we South Carolinians take tremendous pride in.•

TRIBUTE TO NICK M. NIBI

• Mr. CHAFEE. Mr. President, it is with great pleasure that I rise today to pay tribute to Mr. Nick Nibi of Wellesley, MA, in honor of his retirement on April 2, 1993, after 35 years as one of the Federal Government's most active affordable housing advocates.

Nick began his career in public service in 1958 as an attorney-advisor with the Housing and Home Finance Agency [HHFA] in New York City. In 1967, soon after the HHFA was renamed the Department of Housing and Urban Development [HUD], he was promoted to Deputy Assistant Regional Administrator for Metropolitan Development for region I, then located in New York.

In 1970, Nick left his native New York to become the Assistant Regional Administrator [ARA] for Metropolitan Planning and Development for the new region I in Boston. As the Department grew and changed over the next decade, he demonstrated the wide scope of his expertise, serving as the ARA for Community Planning and Management, and later for Housing Production and Mortgage Credit. By the late 1970's, his hard work and dedication earned this well-respected gentleman the position of Director of the Office of Housing, in HUD's regional office in Boston.

Under his leadership, region I surpassed each and every year the goals outlined by the Secretary of the Department for subsidized housing production and for providing housing for the elderly. In fact, it is estimated that during his tenure as Director of Housing, over 200,000 housing units insured, subsidized, or funded HUD were built in Rhode Island, and that more than 300,000 such units were built in New England. Clearly, this true servant of the public built his career by tackling our Nation's affordable housing crisis head on.

It should come as no surprise, then, that in recognition of his resourcefulness and diligence, Nick has been presented numerous awards for superior service from every Regional Administrator. This achievement is topped only by the prestigious Supervisory Excellence Award for Superior Performance, which the late HUD Secretary Patricia Harris presented to him at HUD's annual awards ceremony here in Washington in 1977.

Therefore, I ask my colleagues in the Senate to join with me and all New Englanders in commending Nick Nibi for his 35 years of outstanding service, and in wishing him all the best.•

OUTSTANDING VOLUNTEER PERFORMANCE BY BROWARD COUNTY SENIORS

• Mr. GRAHAM. Mr. President, today I am delighted to have the opportunity to salute the 1993 electees to the Dr. Nan S. Hutchison Broward Senior Hall of Fame. These outstanding volunteers have contributed time, talents, and love toward benefiting the residents of Broward County.

On May 21, 1993, 11 new members, selected for this prestigious honor, will be at ceremonies celebrating their election, and their names will be added to a commemorative plaque housed in the Broward County government building.

This year's electees are: Sophie Berger, Edris Mae Poitier Cox, Beatrice Crystal, Nettie Gross, Ted Latimer, Bert Lichtenstein, Leonard Marcus, Nan Namiot, Hannah Schaeffer, Frances Scruggs, and Sheila Steinberg.

Sophie Berger has been a steadfast member of the area agency's advisory council for the past 3 years. In her role as chair of the council's fundraising committee, she has consistently provided outstanding leadership.

Edris Mae Poitier Cox was instrumental in establishing Broward County's first Alzheimer's day care center. In addition, she has served as president of the Women's Reach Out Club for the past 7 years, working diligently to provide food, clothing, and furniture to Broward's needy families.

Beatrice Crystal has tirelessly served as a volunteer coordinator for the Students in Service to the Aged [SISTA] program. Moreover, as a friendly visitor and coordinator for the volunteer service unit of Broward County Human Services Elderly Services Section, she has donated over 2,000 hours of service.

Nettie Gross has been an invaluable volunteer at the Northwest Focal Point Senior Center for over 15 years. She also serves as president of the advisory council and is an active member of the International Ladies Garment Workers Union.

Ted Latimer has been actively involved with the Listening Program, helping young men cope with life's daily problems. In addition, he has tirelessly worked on behalf of Jackson Memorial Hospital's Health Fair For Children and the citizens band emergency channel.

Bert Lichtenstein has served as chairman of the civic affairs committee of his condominium for the past 15 years. He is also a working board member of the Gold Coast Home Health Agency and secretary to the board of directors of Hospice Care of Broward.

Leonard Marcus has been the local coordinator for AARP's Medicare/Medicaid assistance program for 2 years, and has been a volunteer counselor with the program for 8 years. He is also an active volunteer for AARP's Tax Aid for the Elderly Program and past secretary for the Knights of Pythias.

Nan Namiot has opened up her home for the past 14 years to care for hundreds of disabled persons, bringing warmth and love into their lives. She is also active with the City of Hope and Hadassah, in addition to her work coordinating blood drives for the Jewish Community Center's WECARE program.

Hannah Schaeffer was the director and teacher of a children's program for Head Start for 5 years. She has also served as musical director of the Gert Weinberg Wynmoor Dance Troupe, playing a pivotal role in raising funding for such local charities as the Northwest Focal Point Senior Center, and the Area Agency on Aging.

Frances Scruggs has worked selflessly toward obtaining a grant for the minority oral history research. She is also an active member of both the Storks Nest Program and Healthy Mothers/Healthy Babies of Broward County, and serves as chairman of the scholarship fund of the Northwest Federated Woman's Club.

Sheila Steinberg has been a volunteer coordinator for both Piper and Nova High Schools. She also volunteers for the MediVan, Coral Springs Medical Center, and B'nai B'rith.

Florida and Broward County are fortunate to have these inspiring senior citizens who give so much to their communities. I congratulate them today and wish for them many more productive and healthy years.●

NAFTA BENEFITS AMERICA IN MANY WAYS

● Mr. COCHRAN. Mr. President, I invite the attention of my colleagues to an op-ed article written by Susan Kaufman Purcell in yesterday's Washington Post. It provides a comprehensive and thoughtful analysis of the reasons why the United States should sign the North American Free-Trade Agreement with Mexico.

Critics of NAFTA warn that Mexico's low wage scale and lax labor and environmental laws will give its firms a comparative advantage over United States companies—and force our firms to move south of the border in order to remain competitive. Others maintain that if we open our border with Mexico, we will flood our country with all of Mexico's problems.

The central point of Ms. Purcell's article is the need to view NAFTA from a broader perspective. NAFTA is not merely a free-trade agreement between two countries. It is an effort to promote the long-term national security and economic interests of Mexico, the United States, and the entire continent.

The best way to accomplish that goal is to promote mutually beneficial economic growth.

I ask that a copy of Ms. Purcell's article be printed in the RECORD.

The article follows:

[From the Washington Post, May 3, 1993]

WHAT'S IN NAFTA FOR US

(By Susan Kaufman Purcell)

There is a popular misconception that the proposed North American free trade agreement is mainly about free trade. What it really involves is the protection of the interests and national security of the United States.

Critics of the agreement argue that it makes no sense for the United States, the richest country in the world, to sign an agreement with Mexico, a developing country. They claim that Mexico's considerably lower wage scale and relatively lax enforcement of labor and environmental laws will give its companies a comparative advantage over U.S. firms. Their conclusion: The agreement will force U.S. companies to move south of the border to remain competitive.

Opponents also fear that free trade between the United States and Mexico will exacerbate three other current threats from Mexico: illegal immigration, drug trafficking and pollution along the 2,000-mile shared border. They reason that the freer flow of goods and services between the two countries will make it easier for unwanted people and drugs to enter the United States, while the increase in U.S. companies setting up shop on the Mexican side of the Rio Grande will lead to ever higher levels of contamination along the border.

They could not be more wrong. It is precisely because of these problems emanating from Mexico that the free trade agreement makes sense for the United States. The best way to protect U.S. interests against a continued inflow of undocumented workers, illegal drugs and spreading border pollution is to help Mexico develop economically. A prosperous Mexico will pose as little threat to the United States and be as good and congenial a neighbor as Canada is now.

The proposed free trade agreement will encourage Mexico's continued economic development in a number of ways. It will persuade potential investors that Mexico's recent economic reforms will be difficult if not impossible to reverse, thereby encouraging them to continue investing their capital in Mexico, an absolute necessity if Mexico is ever to join the club of industrialized nations. As the Mexican economy grows, wage levels in Mexico will rise. The European integration experience shows that once wages in the poorest countries reach 40 percent of those in the richest, illegal immigration dramatically tapers off. U.S. jobs are far more threatened by the entry of hundreds of thousands of undocumented Mexican workers to the United States than by the movement of U.S. companies to Mexico. U.S. workers therefore stand to gain far more from the NAFTA than they will lose.

The free trade agreement would also help solve the pollution problem. Studies show that the relationship between industrialization and environmental degradation resembles a bell curve. Pollution is greatest in the earliest phases of industrialization but begin to level off and then decrease as more wealth is available for controlling pollution. As one of the wealthier developing countries, Mexico is almost at the point where it will be able to begin devoting more resources to environmental cleanup. The free trade agreement will help get there faster.

Finally, we know from our own experience that drug traffickers thrive when poverty and hopelessness are widespread. As more Mexicans are able to earn a decent living legally, and as Mexico has more money to spend on drug enforcement, the entry of illegal drugs from Mexico will decrease. The free trade agreement will therefore reduce, not increase, the flow of illegal drugs from Mexico into the United States.

Although the proposed North American free trade agreement is a win-win proposition for both the United States and Mexico, there will obviously be losers on both sides of the border, since not all companies or workers will be able to adjust to the larger and more competitive market. It is only fair that the governments of both countries devise policies for socializing the cost of the agreement. Washington should therefore proceed with plans to improve the education and vocational training of all Americans who wish to upgrade their skills in order to find employment in a U.S. economy that will increasingly have fewer jobs for illiterate or untrained workers. The problem has its origin, however, not in the NAFTA, but in the increasing globalization of the world economy.

It is time to reorient the debate over NAFTA to focus on its potential impact on the U.S.-Mexican relationship in all its complexity. Only then will the logic of a free trade agreement between a rich, industrialized country and its poorer, developing neighbor begin to make sense.●

COMMUNITY POLICING ASSISTANCE ACT OF 1993

●Mr. KRUEGER. Mr. President, I rise in support of Senate bill 864 introduced by my distinguished colleague from New Jersey, Senator BRADLEY. I am honored to join him as an original cosponsor of this crime-fighting measure entitled the "Community Policing Assistance Act of 1993."

Mr. President, this measure would provide cities and community groups with the financial resources to strike back against a siege of crime.

Specifically, this legislation would authorize $200 million in grants to help local governments and community groups establish or expand community policing programs. Even more to the point, however, this measure empowers economically challenged cities with more than 30,000 people—cities like San Antonio, El Paso, Corpus Christi, Laredo, Beaumont, Brownsville, Texarkana—to add 2,200 police officers where they're needed most: Throughout local neighborhoods, around our homes and near our loved ones, between the bad guys and us.

The resources in this measure also would let communities relieve peace officers from desk jobs to patrol a beat, and it would enable cities and towns to relocate police substations close to the action.

Mr. President, when we speak of America as a land of hope, we mean something more than the hope our homes will not be broken into, the hope our children will be safe at school, or the hope our car will not be stolen or our friends and loved ones assaulted.

When we speak of the shared experience of being American, we mean more than the shared victimization by theft, rape, assault family violence, child abuse, drug abuse, and murder.

Yet those are becoming the common features of today's American experience as crime spreads pervasively into all our lives, regardless of income, race, gender, or age.

America shouldn't have to tolerate crime, and we'll tolerate much less of it if we give concepts like community policing the chance they deserve.

Community policing puts more law enforcement officers on America's streets and in America's neighborhoods. The key is assigning the same officers repeatedly to the same neighborhoods. Those officers become a constant personal presence in each neighborhood. Unity and trust grow between police and residents. Police come to feel that their beat is their neighborhood to protect, its people their people to serve. And in time, communities come to see those patrolling officers as their officers, real people serving their real needs. The adversarial attitude that two regrettably characterizes the relationship between police and residents disappears. And because they know the community, officers can deter crime before it happens, learn to spot smoldering problems before they become tinder boxes, and become part of the communities taking charge of themselves.

Mr. President, I know as a personal certainty how well the community policing concept works. In my home State's capital of Austin, for example, the crime rate has fallen 15 percent since January 1992, thanks to Austin's successfully launched and aggressively expanded community policing operation. And this even though the Austin Police Department stands below the national average in number of officers per capita compared to cities of similar size.

The community policing counterstrike is particularly effective against drugs. Through community policing, Austin has been able to wipe out crack houses, clear dealers from the streets, restrain gang problems, and control graffiti.

Mr. President, Austin's success is but one bit of evidence. Many success stories are like it, and they rightfully compel the Federal Government to help foster this commonsense law enforcement strategy.

This legislation will enable other communities to launch and adapt this approach in their own settings. It is an approach that works, and we must seize this opportunity to make sure it works in more communities.

CONNECTICUT'S WINNING SCHOOL, WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

● Mr. LIEBERMAN. Mr. President, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital May 1–3 to compete in the 1993 national finals of the We the People * * * The Citizen and the Constitution Program. I am very pleased that Shelton High School, our State winner, represented Connecticut in the national finals.

These young scholars worked diligently to reach the national finals by winning district and State competitions. The distinguished members of Connecticut's team are: Tara Addenbrooke, Maureen Brant, Jeffrey Browne, Suzanne Dougherty, Rebecca Ellis, Nigel Fernandes, Christine Chione, Marissa Chione, Julie Gilberti, Jennifer Kichinko, Susan Kruk, Rebecca Peterson, Julia Schucker, Sara Simeonidis, Mary-Kate Smith, Lindsay Smythe, Lily Suh, and Manoj Wadhwani.

I would also like to recognize their teacher, Joan Velms, who deserves much of the credit for the success of the Shelton High School team. The district coordinator, Rosemary Marczewski, and the State coordinator, Joani Byer, have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as a panel of expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its 6th year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

This program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am very proud of these Connecticut students and commend them and their teacher for their hard work. I congratulate them for their efforts in this competition and wish them a bright future.●

NATIONAL TRAINING AND DEMONSTRATION CENTER FOR COMPREHENSIVE SCHOOL HEALTH PROGRAMS

● Mr. ROCKEFELLER. Mr. President, of all the issues facing our country, I feel that health care and children especially demand our attention. While serving in the Senate, I have had the opportunity to chair both the Pepper Commission and the National Commission on Children, and each was an extraordinary experience that reaffirmed my commitment to health care and children.

Today, I rise to recognize a program that represents a union between these two issues. The Centers for Disease Control recently awarded the West Virginia Department of Education a 5-year cooperative agreement to establish a National Training and Demonstration Center for Comprehensive School Health Programs. West Virginia received this grant because its comprehensive school health programs were among the most outstanding in the country.

As the National Training and Demonstration Center, West Virginia will provide teams from other States such as Arizona, Louisiana, New Mexico, New York, Rhode Island, Virginia, and Wisconsin with a model for improving the health status of students. This model will involve more than just basic health education. It will also include nutritional information, teacher-staff wellness counseling, and community involvement. In short, the model will provide a more global view of health promotion, and ultimately, those States which participate in the training program will be able to transmit this global view to their own States as they begin to develop and implement similar programs.

In the National Commission on Children's Final Report Beyond Rhetoric: A New American Agenda for Children and Families, we stressed that "the ability to make informed decisions plays a significant role in personal health behavior. To make informed decisions, children and their parents need information on health risks, their consequences, and how to avoid them, as well as on ways to promote good health." I take great pride in knowing that West Virginia has stepped to the forefront of developing a means by which children and parents may gain this kind of information. I salute the West Virginia Department of Education's National Training and Demonstration Center. May their comprehensive school health model serve as a source of inspiration for other States to follow.•

PRESIDENT CLINTON'S EMPOWERMENT ZONES PROPOSAL

• Mr. BRADLEY. Mr. President, I rise today to congratulate President Clinton on his empowerment zones proposal. I would also like to compliment the President for recognizing that tax incentives alone will not be enough to revitalize our economically distressed central cities. Finally, I would like to say how delighted I am that the President's proposal contains many components which resemble pieces of my Urban Community-Building Initiative.

Over the last 12 years, we have heard a lot about enterprise zones from the Republicans. Republican enterprise zones were touted as places where businesses would be attracted to economically distressed urban and rural areas solely on the basis of the tax breaks they could receive.

In the past, I have supported tax-based enterprise zones as a partial solution to the problems of distressed communities. But I have also stressed how important it is for the Government to supplement tax incentives like wage credits with direct spending for crime prevention, job training, capital access, family support, the opportunities for savings and investment. My belief that tax incentives alone will not solve the problems of our economically distressed areas was underscored last week by the introduction of my Urban Community-Building Initiative. I am delighted that 25 of my colleagues from both sides of the aisle cosponsored all or part of this package.

My Urban Community-Building Initiative calls for the creation of Neighborhood Reconstruction Corps to make it possible for disadvantaged workers to receive training in the construction trades while repairing public infrastructure in their communities. It provides Federal assistance to community development financial institutions in economically distressed communities. It provides money for community policing, funds programs to transport urban workers to entry-level jobs in the suburbs, and makes funds available to community organizations that want to keep schools open as safe havens for kids after the end of the school day. The initiative also includes a program to encourage poor people to save money for education, the purchase of a home, or the establishment of a small business.

I am delighted that the President has embraced this coordinated community-building strategy in his empowerment zones proposal. In addition to tax incentives, areas designated as either empowerment zones or enterprise communities will be eligible to receive funds for coordinated social service spending, funds for community policing, and funds from the various Federal departments for other investments that are consistent with my proposals to link urban workers with jobs in the suburbs, train disadvantaged residents to rebuild public infrastructure in their communities, provide assistance to community development financial institutions, keep schools open as safe havens, and help poor people build assets. Direct government spending in economically distressed areas is essential to revitalizing our cities. I look forward to working with the President on his proposal.•

THE 50TH ANNIVERSARY OF FORT DETRICK

• Mr. SARBANES. Mr. President, this year Fort Detrick in Frederick, MD, is celebrating its 50th anniversary, and I want to congratulate those who are making the celebration a success.

For half a century, Fort Detrick and the men and women who have worked at the post have served our Nation with pride and distinction. This important Army installation was established as Camp Detrick in 1943, during the height of World War II, to prepare for and counter the threatened use of biological weapons.

The facility's U.S. Biological Laboratories made pioneering discoveries in decontamination, gaseous sterilization, and agent purification. Fort Detrick's early team of scientist's developed the science of safety in the laboratory and left a legacy to medical science that has greatly advanced modern medical technology.

Camp Detrick became Fort Detrick in 1956 and, under its new designation, its primary mission of protecting the American soldier was greatly expanded. Over the years it has become a national center for advanced biomedical research and development, medical materiel management, as well as global telecommunications for the White House, the Department of Defense, and other Government agencies.

Today it is the home of the largest strategic communications center of its kind in the Defense Information Systems Agency and is a vital link in the hotline to Moscow. It is also home to the Frederick Cancer Research and Development Center of the National Institutes of Health, a major force in our Nation's struggle to find a cure for cancer and acquired immune deficiency syndrome.

In addition to aiding our national defense during four major world conflicts, units from Fort Detrick have been deployed to Central America, Africa, and Southwest Asia. Its organizations have been deeply involved in humanitarian efforts in Eastern Europe and in Panama as part of Operation Just Cause. Operations Desert Shield and Desert Storm also made extensive use of the expertise at Fort Detrick. The base coordinated shipments of medical supplies and equipment and was responsible for setting up and running deployable medical hospitals.

Fort Detrick has a history of innovation and dedication which is exhibited daily by the soldiers, sailors, airmen, marines, and their civilian counterparts who live and work on the post. Working together, these men and women have made the facility one of the Army's most important and effective research centers.

Mr. President, I salute the thousands of people—military and civilian—at Fort Detrick who have earned the facility its excellent reputation. Each of them deserves our praise and our thanks.•

NATIONAL TEACHER APPRECIATION DAY

• Mr. AKAKA. Mr. President, I rise today to recognize our Nation's teachers, a group of hard-working, dedicated, committed, and often overlooked professionals. National Teacher Appreciation Day provides us an opportunity to share with our Nation's teachers our deep appreciation for all that they do each and every day to prepare our Nation's children and youth for the future.

Nearly 47 million students are educated by 2.5 million teachers, who often face difficult and challenging environments, environments in which many children come to them unprepared, physically and mentally, for learning. As we strive to ensure that every school in America be free of drugs and violence and provide a disciplined environment conducive to learning, many teachers, especially those in our inner cities, face the daily challenge of motivating youths who are lured by drugs and violence near their homes and schools. Yet, students are expected to be the first in the world in science and mathematics achievement while facing these adverse conditions.

Still, our teachers come to school each day encouraging and enriching the lives of their students. As a former teacher, I understand the deep commitment teachers have for their pupils. I recall those students who were not necessarily outstanding in their scholastic achievement but continue to strive for improvement despite the obstacles. Students who faced a difficult time adjusting to their new environment became more actively involved in school activities with support from their teachers. It is these experiences that allow teachers to recognize that their sacrifice and dedication are worth the effort.

I hope that students, administrators, parents, and their communities will take time to recognize their teachers today. Just a simple thank you or a small gesture of appreciation will let teachers know that their students care and are grateful for their sacrifices.

Let me take this opportunity to express my warmest aloha to the teachers across this Nation and, particularly, to those in my home State of Hawaii. They are the cornerstones to our society in developing the future leaders of this Nation, and they should be recognized for their invaluable contributions.●

ORDER FOR STAR PRINT—S. 856

Mr. LEVIN. Madam President, I ask unanimous consent that there be a star print of S. 856 to reflect the changes that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE RESUMPTION OF COMMERCIAL WHALING

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 45, House Concurrent Resolution 34, a resolution regarding commercial whaling; that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and any statements relative to the adoption of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 34) was deemed agreed to.

RESOLUTION OPPOSED TO COMMERCIAL WHALING

Mr. KERRY. Madam President, I strongly support adoption of House Concurrent Resolution 34, a concurrent resolution opposing resumption of commercial whaling.

The purpose of this concurrent resolution is to encourage the continuation of the moratorium on commercial whaling declared by the International Whaling Commission [IWC] in 1982 and also to urge the establishment of sanctuaries where whaling will be permanently prohibited. I want to compliment Representative GERRY STUDDS, who not only chairs the House Committee on Merchant Marine and Fisheries but also very ably represents the people of the 10th District of Massachusetts, for his leadership on this issue, for his authorship of this resolution, and for shepherding it to rapid House passage.

This concurrent resolution reflects a continuation of U.S. policy and underscores the importance of that policy to the American people. Since the passage of the Marine Mammal Protection Act in 1972, our Nation has opposed commercial whaling and advocated its suspension or termination at meetings of the IWC.

I am pleased to champion this resolution. Last year, I submitted Senate Concurrent Resolution 125, stating that U.S. policy should promote the conservation and protection of whale, dolphin, and porpoise populations. This year, we have the opportunity to adopt a concurrent resolution showing the strong support of both Houses of Congress, reflecting in turn the views of the American people, on this issue.

The House of Representatives unanimously passed this resolution in February, 382–0. This is an important and critical time for the concepts in this resolution to be fully supported by the U.S. Congress. Two members of the IWC, Japan and Norway, have declared their intention to resume commercial whaling. The choice in Kyoto will be clear—either to support resumption of commercial whaling or to support maintaining the moratorium on this activity. The original moratorium was enacted because of the depleted nature of the stocks of most of the great whale species; while many species through protective measures are repopulating, there are still questions about our ability to manage commercial whaling activities adequately and of issues outside of the IWC, specifically pirate whaling. Pirate whaling would be likely to increase as a result of the opening of new and legitimate markets. This might severely impact whale populations at a time when many whale species are still recovering, and our science is still developing methodologies to understand them and collect good data on them.

A bipartisan, bicameral resolution would provide the necessary backing for our delegation to the upcoming IWC annual meeting held in Kyoto, Japan, to maintain support for the long-standing United States policy of opposition to commercial whaling and to press to maintain the IWC moratorium on commercial whaling. With my confidence heightened by Vice President GORE's consistency and strength of support in this Chamber on these very issues, I have great faith that the new administration will take a firm stand that reflects the thrust of the resolution we are considering today. One manifestation will be to support a proposal for a southern ocean sanctuary at the 40° south latitude where whaling will be permanently prohibited.

Active commercial whaling has driven 8 of the 10 largest species of whales to the brink of extinction. As a result, the few nations left with an interest in commercial whaling are focusing on the Minke whale. The Minke is the smallest of the great whale species and was viewed by commercial whalers as uneconomical to harvest, until such time as the other much larger species were depleted. With the market value of whale meat in Japan now at $200 a pound, the temptation to exploit this whale species is strong.

There was a time when our ancestors—including the Yankee whalers from my home State of Massachusetts—hunted whales for their oil, meat, and whalebone. The whales provided necessary means to light lamps, feed coastal populations, and make commodities out of whalebones such as combs and other toiletries. At that time the whaling industry and much of the world looked upon many natural resources as expendable, and extermination was acceptable if it meant maximizing profits in the short run. Technology has evolved to make it unnecessary for us to exploit the whales to meet our daily needs. If our attitude had not also evolved, in all likelihood all of the seriously endangered whale species now would be extinct.

We must not disregard the fact that the abatement of whaling came almost too late for many species of whales. We were fortunate that nations around the globe recognized the extent of the slaughter and came together in 1946 to sign a landmark conservation treaty: the International Convention for the Regulation of Whaling. But even that mechanism failed to stop the precipitous decline in population of a number of the whale species. Finally, in 1982, in response to global concerns over the endangered status of many whale species following centuries of commercial exploitation, the Convention's secretariat, the IWC, approved a moratorium on the commercial killing of whales to go into effect in 1986.

The IWC called upon its members to use the time during the moratorium to undertake a more thorough assessment of whale stocks. In addition, in recognition of the failure of the IWC to manage whale stocks adequately as a resource, the IWC was to draft revised management procedures. Despite the fact that the assessments have not been completed, the methodology for gathering information is still evolving, and some scientists question the population estimates that have been published, this new commercial whaling management procedure is expected to be debated by the IWC members at its annual meeting in May 1993, in Kyoto, Japan.

This resolution encourages American representatives to the IWC to point out to their colleagues in Kyoto that the revised management procedures do not have supporting data nor sufficiently developed mechanisms to procure data for proper implementation.

Second, the IWC historically has failed to manage whale stocks adequately. The Commission consistently set quotas above the recommendations of its scientific committee, and failed to take action when some nations simply unilaterally set their own quotas. The IWC has been unable to monitor and enforce its quotas—it has not had an international observer scheme and has had to rely on national enforcement of catch quotas, with no backup to verify catch numbers—and has never set penalties for infractions of its quotas. These are still areas of great concern. Even the best management procedures are worth little if there are not acceptable monitoring and enforcement mechanisms, with incentives and penalties to deter infractions. Importantly, there has been no precedent to suggest that the scope of whaling can be limited and quotas enforced, especially for non-IWC member nations.

To follow through on this point, if commercial whaling resumes, it sanctions the opening of markets where whale meat currently brings $200 a pound. The whale meat for this existing market is obtained from scientific research takes as approved by the IWC. Pirate whaling on the high seas, however, results in the random killing of any and all species of whales. While few ships to our knowledge are now involved in pirate whaling due to the current moratorium, the possibility of rapid increase exists should a sizeable legitimate commercial market for whale meat be established. In time, pirate whaling could lead to another serious depletion, if not extinction, of some and perhaps many species of our great whales which are still recovering from past decimation.

Fourth, issues such as marine pollution, global climate change, and loss of whales' food resources have not been taken adequately into account in models which assess whale stock viability. Since the moratorium was approved in 1982, scientific understanding of escalating environmental threats to whales has increased enormously. The ozone hole over the Antarctic has resulted in increased ultraviolet-b radiation which leads to a significant loss in phytoplankton production. Further reduction in its production could have catastrophic consequences for whale populations, among other marine species.

Die-offs of dolphins and whales are becoming more and more common in many parts of the world. Toxic blooms of algae, driftnets, habitat destruction, oil spills, coastal run-off, and ocean dumping of toxic wastes all contribute to these die-offs. In addition, pollution in the form of PCB's and other organochlorines is known to cause a loss of reproductive fertility in many species of animals, including marine mammals.

Fifth, I do not deny that Minke whales are widely distributed, and reasonably abundant, with a world population in the hundreds of thousands. However, some geographically, and perhaps genetically, distinct stocks have been depleted by commercial whaling. The Sea of Japan-Yellow Sea-East China Sea stock and the Northeastern North Atlantic stock are depleted, and there are reports that the West Greenland stock may be severely depleted. This indicates that, where there has been whaling on Minke whales, good management practices have not been implemented.

It is important in considering the resumption of whaling to assess the species and its ability to reproduce. Very little is known about the reproductive lifespan of whales. But research indicates that Mink females carry their young for 10 months; that over 99 percent only carry 1 calf; and that the minimum time between pregnancies is 14 months. Currently, sexual maturity is achieved in 6–8 years.

When we take into account this incredibly slow recruitment rate, the impacts already exerted on the species by human-induced pollution, the inability to manage, monitor and enforce whaling regulations effectively, and the lucrative market accessible by whalers not constrained by IWC mechanisms even if they did exist, the re-introduction of commercial whaling does not make any sense at all.

When we look at issues of development, income, and livelihood, those IWC-member countries interested in whaling and those seafarers who have their own interests at stake have an alternative—a proven sustainable development alternative with far-reaching economic, educational, and environmental benefits. In Massachusetts, the old tradition of hunting whales for profit has been replaced by a new enterprise—whale watching for profit. This new industry brings almost 2 million whalewatchers to Massachusetts Bay each year, generates $22.5 million in direct income, results in tourism income for the State of over $70 million annually, and provides many jobs. The funds from whalewatching trips also help to support scientific efforts to identify whales and learn more about them.

Whales have captured the hearts of people around the world. This fact has led to whalewatching ventures all over the globe, with even Japan and Norway profiting from such eco-tourism. The original IWC mandate called for the optimum utilization of whale resources. Increasingly, the nations of the world have come to realize that whales have far greater value as living marine resources than they do as steaks on the dinner plates of those wealthy few able to afford whale meat. The argument can be made that the optimal utilization of whales is a benign, non-lethal interaction.

We must remember that whale meat did not become a food staple for most Japanese until after World War II when, with strong encouragement from American occupation authorities, the nation built up a large whaling fleet. In starving postwar Japan, whales represented an easily available source of protein. Although many restaurants in Tokyo and around Japan still serve whale meat from Scientific takes, they appeal largely to older Japanese who grew up eating the meat before it was one of the nation's most expensive delicacies.

Internationally, whalewatching has become a multi-billion dollar industry. Commercial whalewatching currently occurs in over 30 countries as well as in Antarctica. This activity world-wide has been estimated at producing an income of $65.6 million for whale- and dolphin-watching tours, with total tourism revenues estimated at $275.7 million in 1992. This sustainable development growth industry has benefitted numerous coastal locales all over the globe, as well as maintained a maritime heritage and culture.

For example, in Norway, the whalewatching business has expanded every year since it started. In 1991, 4,536 people from 26 countries went on tours and the total estimated impact on the economy was $1.5 million. Meanwhile, the Foreign Department in Norway reports that world opinion is so strongly in favor of nonlethal uses of whales that travel agencies are having problems with the promotion of Norway as a tourist destination since it announced it would resume commercial whaling.

In Japan, whale-watching has expanded to include numerous tour operators on different islands. In 1991, while this industry still was fledgling, there were 8,790 whale watchers, with tour revenues of just under $300,000 and a total economic impact of $3.3 million.

This form of recreation and tourism has the added benefit of educating the public about pollution prevention, conservation of our marine living resources, and the importance to all of us of a healthy ecosystem.

I cannot predict what the needs of our future generations will be and the decisions they will have to face in terms of natural resource utilization. But it seems certain they will face harder choices with fewer alternatives than we face, and those choices can be made more difficult by decisions we are making today. We must increase our commitment to the concept of sustainable development; we must look at the big picture, take account of all costs and all benefits in the long run, and attempt to make the best decisions we can make in light of the information available to us. It is for these reasons that I support the resolution before us today, and urge my colleagues to join in supporting it.

MAKING TECHNICAL AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 884, introduced earlier today by Senators PELL, JEFFORDS, and others, making technical amendments to the Higher Education Act of 1965; that the bill be deemed read a third time and passed; the motion to reconsider be laid upon the table; and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 884) was deemed read the third time and passed, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COOPERATIVE EDUCATION.

(a) RESERVATION FOR CONTINUATION AWARDS.—The matter preceding paragraph (1) of section 802(b) of the Higher Education Act of 1965 (20 U.S.C. 1133a(b)(1)) is amended to read as follows:

"(b) RESERVATIONS.—From the amounts appropriated pursuant to the authority of subsection (a) for fiscal year 1993 the Secretary shall reserve such sums as are necessary to make grant awards in accordance with section 803(a)(6) for such year. From the amounts appropriated pursuant to the authority of subsection (a) and not reserved pursuant to the preceding sentence in each fiscal year—".

(b) CLARIFICATION REGARDING SUBSEQUENT PARTICIPATION OF CERTAIN GRANT RECIPIENTS.—Section 803 of the Higher Education Act of 1965 (20 U.S.C. 1133b) is amended—

(1) in subparagraph (A) of subsection (a)(1), by striking "that have not received a grant under this paragraph in the 10-year period preceding the date for which a grant under this section is requested";

(2) in the heading of subsection (c), by inserting "; SUBSEQUENT PARTICIPATION RULE" after "SHARE"; and

(3) in subsection (c)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "No" and inserting "Except as provided in paragraph (4), no";

(B) in subparagraph (A), by inserting ", except that any grant awarded pursuant to section 802 of the Higher Education Act of 1965 (as such Act was in effect on July 22, 1992) shall be included in the calculation of the 5 fiscal year period described in this subparagraph" before the semicolon; and

(C) by adding at the end the following new paragraph:

"(4) SUBSEQUENT PARTICIPATION RULE.—An institution of higher education or a combination of such institutions shall be eligible to receive a grant under subsection (a)(1)(A) after the expiration of the 10 fiscal year period following the final fiscal year in which such institution or combination receives grant funds in accordance with subparagraph (A) or (B) of paragraph (1).".

(c) PRIORITY.—Subsection (a) of section 803 of the Higher Education Act of 1965 (20 U.S.C. 1135b) is further amended by adding at the end the following new paragraph:

"(6) PRIORITY.—In awarding grants under paragraph (1)(A) in any fiscal year the Secretary shall give priority to institutions of higher education or combinations of such institutions that have received grant funds in the preceding fiscal year pursuant to a multiyear grant award under paragraph (1)(A) or section 802 of the Higher Education Act of 1965 (as such section was in effect on July 22, 1992).".

(d) FEDERAL SHARE.—Subsection (c) of section 803 of the Higher Education Act of 1965 (20 U.S.C. 1133b(c)) is further amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking "The" and inserting "Except as provided in paragraph (3), the"; and

(2) by amending paragraph (3) to read as follows:

"(3) SPECIAL RULE.—The Secretary shall not waive the provisions of this subsection, except that if an institution of higher education or combination of such institutions received grant funds under section 802 of the Higher Education Act of 1965 (as such section was in effect on July 22, 1992) pursuant to a multiyear grant award and such institution or combination is eligible to receive grant funds under this section, then the Secretary shall waive the Federal share provisions set forth in paragraph (2) for such institution or combination and shall apply the Federal share provisions set forth in section 802(c)(2) of the Higher Education Act of 1965 (as such section was in effect on July 22, 1992) to such institution or combination for the duration of such multiyear grant award.".

(e) AVAILABILITY OF APPROPRIATIONS.—Subsection (c) of section 802 of the Higher Education Act of 1965 (20 U.S.C. 1133a(c)) is amended to read as follows:

"(c) AVAILABILITY OF APPROPRIATIONS.—

"(1) LIMITATION REGARDING COMPENSATION OF STUDENTS.—Appropriations under this title shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this title.

"(2) SPECIAL RULE.—Funds appropriated pursuant to the authority of subsection (a) for fiscal year 1993 shall remain available for obligation until September 30, 1994.".

SEC. 2. GRADUATE PROGRAMS.

Notwithstanding any other provision of law, if an individual received multiyear fellowship assistance under part B, C, or D of title IX of the Higher Education Act of 1965 in fiscal year 1992, then the Secretary of Education shall apply the provisions of such parts (as such parts were in effect on July 22, 1992) for the remainder of the duration of such multiyear fellowship assistance.

SEC. 3. PACIFIC REGIONAL EDUCATIONAL LABORATORY.

The matter preceding paragraph (1) of section 101A(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311a(b)) is amended—

(1) by striking "Center for the Advancement of Pacific Education, Honolulu, Hawaii, or its successor entity as the Pacific regional educational laboratory" and inserting "Pacific Regional Educational Laboratory, Honolulu, Hawaii"; and

(2) by inserting "or provide direct services regarding" after "grants for".

SEC. 4. DISTRIBUTION OF FUNDS TO POSTSECONDARY AND ADULT PROGRAMS.

Section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting "or consortia thereof" before "within"; and

(B) in the second sentence—

(i) by inserting "or consortium" before "shall"; and

(ii) by inserting "or consortium" before "in the preceding";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or consortia" after "institutions"; and

(B) in the matter preceding subparagraph (A) of paragraph (2), by inserting "or consortia" after "institutions"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "or consortium" after "institution"; and

(B) in paragraph (2), by inserting "or consortia" after "institutions".

SEC. 5. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107(f)) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

ORDERS FOR WEDNESDAY, MAY 5, 1993

Mr. LEVIN. Madam President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 10:15 a.m., Wednesday, May 5; that, following the prayer, the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, with Senators permitted to speak in the order listed and for the times indicated: Senator CHAFEE for not to exceed 30 minutes, Senator BYRD for not to exceed 1 hour, and Senator KRUEGER or his designee for not to exceed 45 minutes, and that the time between the conclusion of the controlled time just indicated and 2:30 p.m., be for additional morning business, with Senators permitted to speak therein for not to exceed 10 minutes each; and that at 2:30 p.m., the Senate resume consideration of the pending business, S. 349, the lobbying disclosure bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, MAY 5, 1995, AT 10:15 A.M.

Mr. LEVIN. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:59 p.m., recessed until Wednesday, May 5, 1993, at 10:15 a.m.

EXTENSIONS OF REMARKS

SIXTH CONGRESSIONAL DISTRICT ESSAY CONTEST

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. HYDE. Mr. Speaker, it is my privilege every year to sponsor jointly with schools in the Sixth Congressional District an essay contest featuring the works of numerous young people.

This year's contest elicited more than 500 entries on the topic of creating a balance between the need for jobs and protecting our natural environment.

In reading some of the winning essays, two of which are featured here, I am very heartened by the time and thought invested in these projects.

Park Ridge, IL resident Brenda Saavedra, a senior at Maine South High School, placed first among high school seniors with her essay, "Money for a Greener World."

In her winning junior division essay "Recycling Resources," eighth-grader Laura Beckerdite of Park Ridge, describes the principles of waste recycling. Laura attends Mary Seat of Wisdom School.

Please permit me to add my heartfelt congratulations to these and the other participants who took the time to research, write and edit their papers. A special note of thanks also to Mrs. Vivian Turner, former principal of Blackhawk Junior High School, who coordinates this annual event.

I commend the following two well-written essays to my colleagues:

MONEY FOR A GREENER WORLD

HOW WOULD YOU RESOLVE THE CONFLICT BETWEEN THE NEED FOR ECONOMIC GROWTH AND PROTECTING OUR ENVIRONMENT?

(By Brenda Saavedra)

On February twenty-first, forty children questioned President Clinton in the East Room of the White House about the hopes they have invested in their new president. One girl from Washington state told Clinton that her father and many of her friends' fathers have been laid off from their logging jobs due to the spotted owl. The spotted owl controversy in the Pacific Northwest has been presented as a classic clash between environmental protection and economic growth. Although there is a growing Main Street demand for a greener world, many believe that if we choose a healthful environment, we must sacrifice jobs and economic growth. Tension and mistrust between the environmental movement and the business community have slowed environmental progress. Yet it is indisputable that our constant assaults on our planet are jeopardizing our increasingly complex and fragile world. However, realizing that competitive, profitable companies are not an obstacle to a clean environment, but its very hope, through a four point program involving the expansion of market environmentalism, moving away from fossil fuels, altering national income accounts, and actively engaging the American citizen, we can protect our environment and encourage economic growth and a healthy economy.

The question is not if we need a clean environment, but whether we can afford one. We can, if the profit motive is harnessed by expanding three aspects of market environmentalism: pollution allotment, the surpassing of EPA standards, and the development of new pollution control devices. Pollution allotment, the procedure in which government sets broad limits on the amount of pollution allowed for a region of industry and allots permits to firms for their share of control, has been extremely successful in reducing overall pollution levels, and should be expanded to include more industries. Polluters can buy or sell these allowances so that firms that can reduce a pollutant inexpensively will financially benefit by selling their allowances to their less ecologically sound neighbors. Already, the experiments with market environmentalism have saved the economy \$1 billion to \$10 billion,[1] while cleaning up the nation. Under earlier regulations, each utility had to reduce its pollution equally and there were no incentives to make extra reductions. Although not every environmental problem has a magic market solution, corporations which share common air and water and must also share the responsibility of keeping them clean.

Secondly, it must be emphasized that those corporations that stay one step ahead of environmental regulators will stay two steps ahead of the competition. Obviously, pollution reductions do not yield fast profits; environmental commitments demand initial investment and patience as the returns slowly trickle in. But there are many other benefits to staying ahead of EPA regulations, such as the value of improved public relations. Also, without pressure from the regulators, companies have the time and flexibility to reduce pollution at the least possible cost. They will also save more money by preventing pollution early, rather than spending more money trying to cope with it later. In addition, by rethinking their manufacturing processes from the ground up, many companies discover that they are unnecessarily squandering raw materials. And lastly, companies that cut pollution early can more easily beat their competitors to the market; and every month spent awaiting EPA authorization to operate a new factory means a month of lost profits.

The third aspect of market environmentalism is to expand the research and production of new pollution control devices. The market for desulfurization alone could reach \$24 billion in the United States by the year 2000.[2] Staying ahead in environmental technology will open up jobs for people who can improve air quality through better equipment design and better emission monitoring, and for those who understand water quality issues and the mechanics of global climate change. When the system of market environmentalism rewards overcompliance, it stimulates the most advanced and cost effective control technologies. When this technology is advanced, both the environment and the economy will benefit.

The second point of this plan requires that we move away from the burning of fossil fuels through both a carbon tax and the exploration of new sources of power. Taxes on the carbon dioxide emissions from the burning of fossil fuels would increase government revenues and fight pollution. Unlike a BTU tax, which is based on the heat content of fuel and would apply to oil, coal, natural gas, uranium and hydropower, a carbon tax would cause a major shift in fuel choices and decrease a major cause of global warming. Although the funds would come from carbon use utilities and their customers, the burden would primarily be placed on coal producers. These coal producing areas could be given funds to begin harnessing new, cleaner forms of energy. Although the initial cost would be high, eventually this major shift will dramatically slow global warming and create new jobs.

In addition to moving consumers away from fossil fuels through a carbon tax, we must develop new energy sources. On a worldwide scale, only hydroelectricity can today be considered a sustainable energy resource; it cannot be depleted and does not produce greenhouse gases. However, only ten percent of the total energy used in the world comes from this source.[3] We must also increase the use of other renewable energy sources such as wind power, solar thermoelectric power, photovoltaic and biomass power. These new industries can be designed to employ large numbers of people while using less energy and generating less pollution, all without sacrificing productivity. The cost of building and operating a wind farm are far less than for a nuclear power plant, yet the wind farm needs five hundred forty-two workers and the nuclear power plant only one hundred workers to generate one thousand gigawatt hours of electricity per year.[4]

The third tier of this plan is to alter national income accounts to reflect changes in a country's natural wealth. When a forest is cut down and sold, the country appears to grow richer, even though the trees may not be replaced and their removal may result in soil erosion, flooding, and the loss of food and fuel gathered by local people. Such statistical oddities encourage policy makers to behave as though natural wealth were limitless and technology could always compensate for environmental change. At present, animals and plants are treated differently: an increase in a country's livestock is counted when it occurs, but an increase in its commercial forests is recorded only when they are felled. The United Nations, whose statistical office sets guidelines for the standard system of national accounts, should no longer treat the depletion of natural resources as current income. The SNA should either include natural assets under the control of man in the concept of national wealth or draw up these adjusted accounts along with conventional accounts. This would not only more accurately assess a nation's wealth, but also discourage countries from

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Footnotes at end of article.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

exploiting natural resources in search of short term monetary gains.

Finally, we must encourage American citizens to actively protect our environment through ecologically safe products and recycling. There is an enormous, growing market for products that make a genuine difference for the planet. But there must be strict guidelines for environmental claims. A package should not be allowed to claim "recycled" unless it explicitly lists which elements of the product are recycled and what percentage of their materials are reused. Recycling is another industry in which more jobs are created as pollution is decreased. An American city of one million people could create one thousand five hundred jobs for its citizens by recycling its own paper, glass, plastics, and aluminum, while adding more than $250 million to the local economy if local manufacturers process the materials into finished goods. At the same time, the city would divert fifty percent of its garbage from the waste stream.[5] Local communities should make taxpayers pay according to the amount of waste they create. Seattle, for example, charges $9 per month for each extra trash can left at the curb. This fee would encourage Americans to take advantage of recycling and to cut down on excess waste.

This four point program, which calls for a change in behavior and attitudes which will be felt by many as a sacrifice, will need time to bear its fruit. But short term pro-occupations can no longer obstruct long term imperatives. Thoroughly changing the behavior of the individual, the institution and the government is the only basis from which a healthy future can emerge from our planet. Rather than being misled by economic models that encourage us to believe that the infinite exists in a finite world, we must protect the environment while continuing to stimulate economic growth and improving the quality of life for humankind as a whole.

FOOTNOTES

[1] "Put a Price on Pollution." *U.S. News & World Report*, March 25, 1991, p. 46.

[2] "Scrub the World Clean." *U.S. New & World Report*, March 25, 1991, p. 50.

[3] "Energy for a sustainable world." *The UNESCO Courier*, November 1991, p. 23.

[4] "Can we have both spotted owls and jobs?" *The Utne Reader*, May/June 1992, p. 43.

[5] "Can we have both spotted owls and jobs?" *The Utne Reader*, May/June 1992, p. 43.

RECYCLING RESOURCES

(By Laura Beckerdite)

The earth is the only planet known to support life. It has all the resources and materials that enable plants, animals, and humans to survive. Both our economy and our environment depend on natural resources. However there is only a limited supply, and we must find a way to conserve it. Recycling is one way that can help conserve our resources and benefit both our economy and our environment.

Ecomony is not only the ability to manage expense, but it is also the thrifty and efficient use of material resources. One way to efficiently manage resources is through recycling. Recycling is a process designed to reuse materials instead of using them once and throwing them away. Recycling helps conserve raw materials that manufacturers would otherwise need to use in vast quantities. Recycling also decreases the rate at which materials are discarded thus helping to reduce the pollution that may result from the disposal of various waste materials.

The presence of natural resources drives labor to produce technology. Technology produces capital. Capital is then used to pay workers to further build technology which produces more capital. However natural resources cannot be replaced in this cycle. Nature is the only way resources can be replenished. Our dynamic economy cannot afford to wait thousands of years for these natural resources to be replenished. Recycling can facilitate almost immediate access to resources. In addition, recycling can help by not draining our limited supply of resources. The constant drainage will cause us to run out, and once that happens we will lose the main thing that drives our economy.

A major problem affecting our environment is the amount of garbage Americans produce. Many of the products manufacturers make are disposable. We use a product once and throw it away. Each week a family of four produces a hundred pounds of trash. Each year fourteen billion pounds of trash are dumped in the ocean. In the United States alone five hundred new garbage dumps need to be created every year. Landfills pollute water, destroy animal habitats, and smell bad. In addition, it can take thousands of years for the garbage in a landfill to biodegrade. Recycling is a way to cut down on all the garbage. Most of the items that we throw away are recyclable. Paper, plastic, rubber products, aluminum, and motor oil are just a few of the recyclable items that we currently discard. By recycling we can decrease the number of landfills and prevent the garbage from being dumped in our lakes, rivers, and oceans. This can help keep our country a cleaner and healthier place to live.

The earth's resources are limited and need to be conserved. The earth's natural systems are vital to life. These systems will break down if they are abused. The survival and well-being of life on earth is linked to these natural resources.

TRIBUTE TO DAVID F. WORKMAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Naval Academy.

David F. Workman will soon graduate Vermilion High School after 4 years of outstanding academic and athletic achievement. During his high school career, Frank has established himself as one of the premier student-athletes in Ohio. He participated in varsity soccer, varsity football, and varsity wrestling. Frank's high school wrestling career culminated in the Ohio division II State championship.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Frank Workman has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

THE TIRE RECYCLING AND RECOVERY ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. SLATTERY. Mr. Speaker, today, my colleagues, Representative MCMILLAN of North Carolina and Representative SAWYER of Ohio, join me in re-introducing legislation which is sorely needed to address a critically important environmental problem facing our Nation: scrap tires.

The United States stores between 2 to 3 billion waste tires in piles across the country. The annual number of waste tires Americans generate each year is nearly 250 million.

States around the country are trying to cope with the problems associated with large tire piles. These scrap tire piles are environmentally hazardous and pose serious threats to human health. Improper or absentee management of these tires has resulted in huge fires that can take months to extinguish. In addition, recent reports have indicated that tire piles have become breeding grounds for rodents and insects which spread disease and infection.

Last Congress we introduced the Tire Recycling and Recovery Act, two bills which would address this critical problem. This year we are re-introducing this legislation. The first bill would amend the Resource Conservation and Recovery Act [RCRA] to require the Environmental Protection Agency [EPA] to promulgate guidelines and establish a model which States could use to develop plans to manage or eliminate tire piles. The second bill would designate the EPA to administer the Scrap Tire Trust Fund which would be financed through an $.85 per tire fee, collected from 1993 through 2004 at the Federal level on all new tires.

Financial assistance would be provided to states conducting surveys of existing scrap tire piles, and establishing and implementing a scrap tire plan which provides for reuse, recycling, recovery, or environmentally sound disposal.

Scrap tires are a valuable resource that can be reused, recycled or recovered in a wide variety of ways. Examples of uses for scrap tires include: retreading tires; producing rubberized asphalt, road, and highway pavement; recovering energy from tires, and manufacturing reclaimed or ground rubber materials into products such as floor mats, carpet backing, molded goods, or railroad crossings.

This legislation would enhance the efforts of the States which already have programs. Other States which have not taken the initiative or do not have the resources to address the problem would be encouraged to develop constructive uses of scrap tires with the incentives provided in these bills.

This legislation was included in the RCRA reauthorization measure which was approved by the Energy and Commerce Committee last year but which failed to receive consideration by the House. And, while some changes and modifications will still be necessary to address concerns raised late in the process last Congress, I am confident this legislation will serve as the best approach to solving this pressing environmental problem. I urge my colleagues to support it.

TRIBUTE TO FRAN BURNSTEIN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to the recipient of the B'nai B'rith International Distinguished Achievement Award, Fran Burnstein.

Fran Burnstein is a role model for all Jewish-American women. Past mayor of Cherry Hill, NJ, Fran went on to be the executive director of the Greater Cherry Hill Chamber of Commerce. Fran lead the Greater Cherry Hill Chamber of Commerce to be recognized as the fastest growing in the United States.

Fran has served both her community and the State of New Jersey with pride and distinction. She has served as president of the New Jersey Association of Chamber Executives, a member on the board of trustees of the Camden Count United Way, a board member of Cooper's Ferry Development Corp., a member of the board of trustees of the Police Athletic League, and the board of directors of the American Heart Association.

Listings in Who's Who in the East and Who's Who of American Women, the Humanitarian Award from the National Conference of Christians and Jews, and the Newsmaker of the Year Award, as well as being named one of New Jersey's "Women to Watch" are but a few of the many recognitions of achievement with which Fran Burnstein has been honored.

I am pleased to show my appreciation to this deserving individual for the many contributions she has made to enrich the lives and committees of those surrounding her.

CURE FOR SMALL BUSINESS HEALTH-CARE ILLS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DUNCAN. Mr. Speaker, many of the laws, rules, and regulations of the Federal Government work to the benefit of big business because they drive small business out of existence.

Monica Langley made this same point in the May 4 issue of the Wall Street Journal in an excellent column on health care.

Ms. Langley says at one point: "If health insurance is mandated, some of my clients and others like them will have to lay off employees or close."

I urge all my colleagues and other readers of the RECORD to thoughtfully consider this article.

CURE FOR SMALL BUSINESS'S HEALTH-CARE ILLS

(By Monica Langley)

One of the latest leaks about the Clinton health-care plan is that it will let the nation's big companies serve as their own insurers and stay outside the Clintons' managed-care insurance pools. That's welcome news because it allows those companies to direct their own budgets instead of forcing them into a government program. But small and medium-sized businesses appear to remain inside the scope of the Clintons' plans. These businesses fear the Clintons will back a law requiring them to cover every one of their employees—and pay for it. For such businesses, the Clintons could do a second favor: Give them a tax credit for insuring their employees.

The issue of health insurance at small and medium-sized businesses is at the core of our national health-insurance problem. These businesses often have difficulty purchasing health insurance, or pay up to 20% more for it than big business. Rather than bear those prohibitive costs, many companies choose to insure only partially, or not at all: An estimated two-thirds of the 37 million uninsured in the U.S. work for or are dependents of people who work for small businesses. An indication that affordable insurance decreases along with business size is that in 1990 only 27% of firms with fewer than 10 employees offered health benefits, while 98% of firms with more than 100 workers provided such insurance.

For many small and medium-sized companies, the cost of health coverage for their employees is a large part of overhead, and is often larger than their operating profits.

Some examples from my experience: One company I represent as an attorney has 21 full-time employees and pays about $58,000 in health insurance premiums each year. This adds 13% to its payroll costs. Another client business pays more than $56,000 in insurance premiums for 18 employees, at a cost of $3,135 per employee. For lower-salaried employees, this company spends an amount equal to 24% of their salaries to provide health insurance.

Businesses such as these want to do the right thing. But they frequently come to me about their obligations to continue coverage as insurance costs escalate. In our society, what we call "insurance" is no longer insurance: The health of a single employee can dramatically affect the rates a company pays. The businesses know they may have insurance now, but their premiums for next year can double if one employee gets very sick. One small business I represent employs a woman who had a spina bifida baby. Needless to say, the business's insurance premiums skyrocketed.

If health insurance is mandated, some of my clients and others like them will have to lay off employees or close. In particular, the relatively high cost of insurance for lower-salaried employees is a substantial disincentive to hiring less-skilled workers on a full-time basis. Already businesses have turned to hiring contract or temporary workers, for whom they don't have to provide benefits, to cut costs. Such a result clearly runs counter to the president's much-touted plans to create jobs.

For my clients, the best solution would be a tax credit they would receive whenever they provide their employees with health insurance. This credit would replace the current business deduction for insurance premiums. It would widen the tax break enough to make it worth it for businesses to cover employees. Besides handing more money back to businesses, the tax credit has a second advantage over the deduction: It is not regressive. Deductions are—they provide greater compensation to businesses in higher brackets—and so help bigger companies more.

Here's how a health-care tax credit would work: Companies could subtract a certain share, say 50%, of health-insurance costs from their federal tax bill. Take a business with a $1.5 million payroll that pays an annual insurance premium of $135,000 or 9% of payroll. A tax credit for 50% of the insurance cost would produce a tax savings of $67,500 (minus the business-expense deduction companies now take). Such a savings might permit a business to hire an additional employee.

The health-insurance tax credit would not have to be permanent. It could run for a few years, while the federal government attempts to lower medical costs and institute some type of national health-care policy. (Assuming the Clintons' national policy is successful, employee health insurance would be more affordable for all businesses.) It would cost the government less in lost revenues—and be more politically palatable—if it is limited to small and medium-sized businesses. The Clinton administration has backed other forms of tax credit—the investment tax credit, for example. If it tries this one, it may achieve its most touted goal: creating jobs.

IN TRIBUTE TO THE ERIE BRANCH 284 OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. RIDGE. Mr. Speaker, I rise today before the 103d Congress to pay tribute to Erie branch 284 of the National Association of Letter Carriers in conjunction with the U.S. Postal Service who are participating in the National Association of Letter Carriers Food Drive in Erie, PA on Friday, May 14, 1993.

Not only do the letter carriers continue to carry on their proud tradition of delivering the mail, but they also have a reputation and a tradition of giving to their community as volunteers. As a group and as individuals, they and their families are active and caring participants in many of Erie County's charitable and worthwhile causes.

The First Harvest Food Bank in Erie is a very worthy recipient of the letter carriers' attention. Their goals and ideals of feeding all those who are unable to provide for themselves or their families good nourishing food are shared by the letter carriers.

Therefore, on Friday, May 14, 1993, letter carriers from all over Erie County will voluntarily pick up donations of canned goods and other food stuffs that are left by the mailboxes of customers on their routes. This food that is collected will then be delivered to the First Harvest Food Bank which will distribute the food to the other food pantries, soup kitchens, shelters, and other needy organizations and individuals throughout the county.

I am pleased to be able to pay tribute to branch 284 letter carrier volunteers for undertaking this very worthy project and also to salute all of those men and women who do their job faithfully day in and day out for the U.S. Postal Service. It is due in large part to these dedicated employees that our postal service is the finest in the world.

I also want to pay tribute to those customers of the Post Office who I know will generously give so that many will not go hungry tonight.

Hopefully, through efforts such as the letter carriers are making later this month, we can help eradicate hunger in the United States. It will, and can only be done by each and everyone of us joining hands, pitching in and getting the job done.

Mr. Speaker, it is with great pride and honor that I salute all of the fine, dedicated men and women of branch 284 of the National Association of Letter Carriers for their outstanding contribution to the hungry of Erie County, PA.

CONGRATULATIONS TO ARCADIA HIGH SCHOOL STUDENTS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DREIER. Mr. Speaker, I would like to ask my colleagues to join me in congratulating students from Arcadia High School in California on their victory at the "We the People * * * the Citizen and the Constitution" national competition in Washington DC.

I am extremely impressed by the hard work these students put into this worthwhile program. They not only completed an intensive, 6-week study of the Constitution and the Bill of Rights, but also spent months competing at local and State levels against 500,000 students from around the country.

As part of the national competition, the Arcadia High students competed in 3 days of simulated congressional hearings on constitutional principles and historical facts. They were judged to be the best prepared and most knowledgeable out of 1,200 students representing 48 States.

Mr. Speaker, I know our Founding Fathers would be very proud of their commitment to understanding the principles and values of our Constitution and Bill of Rights. It is an honor to serve as their Congressman, and I believe they are examples of what all Americans should strive to be.

TRIBUTE TO DICK THORNBURGH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to salute a great public servant who has been selected as the commencement speaker at Tiffin University in Tiffin, OH.

Dick Thornburgh has truly distinguished himself as one of the most effective, most trusted, and most respected public servants in the history of our country. During his term of Federal service, Dick Thornburgh served under Presidents Nixon, Ford, Carter, Reagan, and Bush in the U.S. Department of Justice. From August 12, 1988 through August 15, 1991, Dick Thornburgh served as the 76th Attorney General of the United States.

My great respect and admiration for Dick Thornburgh dates back to the early to mid-1980's when I was serving as president of the Ohio Senate and Dick was serving in his two terms as Governor of the Commonwealth of Pennsylvania.

While serving as Governor, Dick Thornburgh restored integrity and efficiency to State government and fostered expansion and diversification of the economy by innovative economic development policies, reducing taxes and indebtedness and eliminating 15,000 unnecessary positions in the State bureaucracy. His programs for welfare and education reform and for upgrading the State's transportation system were nationally acclaimed.

Mr. Speaker, on behalf of the students, graduates, faculty, and staff of Tiffin University, I ask my colleagues to join me in saluting Dick Thornburgh for his distinguished service to our country and to thank him for sharing his thoughts with these fine young men and women as they accept their diplomas and enter the dawn of their professional careers.

TOBACCO LEGISLATION

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. SLATTERY. Mr. Speaker, as a nonsmoking American, I am pleased to introduce today two important pieces of legislation—one to fight our national addiction to nicotine through stronger warnings on cigarette packaging and another to eliminate the Federal Government's subsidy of tobacco advertising.

Cigarette smoking is responsible for an estimated 435,000 deaths each year in the United States and smoking-related illnesses place a tremendous burden on our health care system. Amazingly, these enormous medical expenses and this tragic loss of life are avoidable. By quitting smoking today, Americans would save millions in medical costs and lost wages each year.

Education about the addictive nature of nicotine is critical to discouraging potential smokers and encouraging current smokers to quit their deadly habit. The legislation I am reintroducing today will require a new, permanent warning label, in addition to the current four rotating warning labels, on cigarette packages and advertising to read as follows: "Surgeon General's Warning: Nicotine in Cigarettes Is an Addictive Drug."

Recent studies have shown that one-third of all high school seniors do not know that smoking a pack or more of cigarettes each day causes great risk to their health. Studies also have shown that 90 percent of all new smokers are teenagers. My legislation is intended to rivet smokers' and potential smokers' attention to the addictive properties of nicotine. As a nation battling the war against illegal drugs, we must not overlook the most obvious drug in our society—nicotine.

I also am introducing today related legislation to eliminate tax deductions for the promotion and advertising of tobacco products.

At a time when Congress and President Clinton are facing difficult choices for reducing the deficit and dealing with a national health care crisis, it is unconscionable that cigarette and tobacco product producers are deducting an estimated $2.5 billion in advertising dollars each year.

My legislation would eliminate deductions for tobacco product advertising, and related travel expenses, lodging, and gifts. The billions of dollars in revenues generated by taxing these activities could be dedicated to paying part of the bill for national health care reform.

It is time to end this subsidy for the tobacco industry. I urge my colleagues in Congress to support me in the speedy enactment of this important legislation.

TRIBUTE TO C. WILLIAM TUXBURY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to one of the U.S. Government's most loyal employees, C. William Tuxbury. Mr. Tuxbury was born in Salem, MA. He remained there until 1942 when he began his military career with the Navy. He went on to serve in the Marine Corps and the Army, where he found the time to earn his degree at night from the University of Alabama. In 1957, he lost a leg in a helicopter crash while serving as an Army flight instructor. However, he had the courage and fortitude to remain on flight duty until December 1964 when he retired from military service as a lieutenant colonel, taking with him a Purple Heart.

After retirement, he worked for the Internal Revenue Service and then the Social Security Administration, from which he is retiring on June 1, 1993. Bill Tuxbury's career with the U.S. Government has spanned over 50 years. Still going strong at age 71, he is an avid skier and has won many awards, including the gold medal for downhill skiing at St. Jovite, Canada recently.

I will always remember the numerous discussions with Mr. Tuxbury involving issues of mutual concern. I thank you, Bill, for the excellent service you have always provided to me and my staff, and we congratulate you on a lifetime of distinguished service to your Government.

TAX RELIEF FOR MIDDLE-CLASS HOMEOWNERS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. STUDDS. Mr. Speaker, today I join with my Massachusetts colleague Representative RICHARD NEAL and other members of our State's delegation in introducing legislation which will benefit middle-class homeowners in Massachusetts and across the Nation. Our bill would allow the deduction of fees for sewer and water services in the same manner as local property taxes.

In the past, many communities provided these services and covered the cost with the property tax, the same way they funded schools, or fire and police departments. But in recent years, in response to tax limits such as Massachusetts Proposition 2½, communities began to pay for these services by imposing fees. The Internal Revenue Service has ruled that these fees are not deductible.

For thousands of families in my district, this in not a matter of nickels and dimes. They are, in fact, paying among the highest water and sewer rates in the Nation. In the Boston area, the average household will pay nearly $600 this year. By 1996, the bill will rise to almost $900 and to well over $1,000 a year at the turn of the century. Many families will be paying more in water and sewer bills than property taxes.

The itemized deduction for property taxes is one of the most basic of Federal deductions for homeowners. Taxpayers should not be denied the ability to deduct for payments made for municipal services just because they are called fees, and no longer included in the property tax assessment.

My bill would address this problem by allowing taxpayers to deduct fees for sewer and water services to the extent that those fees exceed 1 percent of the taxpayer's gross income. In the coming decade, as America meets the challenge of cleaning rivers and bays and ensuring clean drinking water, these fees will increase across the Nation. This measure would help provide some small measure of relief for financially stressed homeowners.

A technical description of my legislation follows:

PRESENT LAW

In computing taxable income, taxpayers may claim itemized deductions. Allowable itemized deductions include a portion of medical expenses, mortgage interest on a personal residence, moving expenses, certain casualty and theft losses, miscellaneous business expenses, and state and local income and real property taxes.

For purposes of the deduction for property taxes, the Internal Revenue Service has defined the term "tax" as "an enforced contribution, enacted pursuant to legislative authority in the exercise of the taxing power, and imposed and collected for the purpose of raising revenue to be used for governmental purposes." (Rev. Rul. 77-29, 1977-1 CB 44).

The Internal Revenue Service has consistently taken the position that fees imposed for sewer and water services are not deductible as local or state real property taxes (e.g., Rev. Rul. 79-201, 1979-1CB 97, Situations 2 and 3; Rev. Rul. 75-346, 1975-2 CB 66; Rev. Rul. 75-455, 1975-2 CB 68).

EXPLANATION OF PROPOSAL

Under the bill, fees imposed by a state or local government, or the District of Columbia, for sewer and water services would be deductible in the same manner as local real property taxes. The deduction would only be allowed to the extent that the fees exceeded 1 percent of the taxpayer's adjusted gross income.

EFFECTIVE DATE

The proposal would be effective for taxable years beginning after December 31, 1993.

TOM BIGLER HONORED FOR 40 YEARS IN BROADCAST JOURNALISM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. KANJORSKI. Mr. Speaker, I am pleased to pay tribute today to a very good friend of mine who has been a leader in broadcast journalism in my district for more than 40 years, Mr. Tom Bigler. I have known Tom for that entire period and I can personally attest to his high level of journalistic integrity, concern for his community, and commitment to seeking truth.

Now a columnist for a leading area newspaper, and a professor of communications at Wilkes University, Tom's love for broadcast news began in the summer of 1939 at a radio station in Hazleton, PA. Tom enjoyed working in radio, but what would become his life's work began with a position as news director at WKST in Newcastle, PA, in 1941.

In 1946, Tom returned to our area and over the years directed news and programming at most of the local stations. In 1966, Tom settled down at WBRE–TV where, for 20 years, he made news broadcasting an exact science and his expertise set the standard in our local television and radio industry practiced to this day. In 1963, King's College bestowed upon Tom an honorary doctor of humanities degree in recognition of his accomplishments.

Over the years, Tom has served his community as a member of the Wilkes-Barre Chamber of Commerce, the United Way, Leadership Wilkes-Barre, the Ethics Institute of Northeastern Pennsylvania, and the Osterhout Library, to name just a few. Today, Tom's thought-provoking commentary on local, national, and global issues can be found weekly in the Times Leader, and other papers throughout the Commonwealth. His lifetime of devotion to current events is obvious as he brings his carefully researched thoughts to print.

Mr. Speaker, today the people of the Wyoming Valley are gathering to honor this man for a lifetime of excellence in journalism. I am proud to be among those who thank Tom for keeping us informed and enlightened for more than 40 years. Tom represents the highest ideals of journalism, without which the principle of government "of the people, by the people, and for the people" is an empty promise.

PROVIDING CONTINUITY AT THE HELM OF THE FEDERAL AVIATION ADMINISTRATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. WOLF. Mr. Speaker, I am today, together with my colleague Mr. CARR, the chairman of the House Transportation Appropriations Subcommittee, introducing legislation to provide for the appointment and confirmation of the Administrator of the Federal Aviation Administration [FAA] to a set, 7-year term.

In its management of the Nation's air traffic control system, the FAA deals on a daily basis with extremely complex systems and makes split-second decisions with wide-ranging implications for the safety of the flying public.

In fiscal year 1994, the FAA will operate 24 enroute facilities and an estimated 429 terminal facilities of which approximately 150 provide full radar service. These facilities will handle a daily average of 175,616 takeoffs and landings, and 130,411 instrument flight rules [IFR's], and provide 102,740 flight services. The system also will be responsible for the safety of a daily average of nearly 1.5 million revenue passengers in the United States.

Mr. Speaker, this agency has an awesome responsibility to the public. That is why I am introducing this legislation to provide some continuity in leadership at the helm of the FAA.

In the last decade since 1982, we have had five administrators at the FAA. That averages out to about 2-year terms, not counting the fact that there have been a couple of 6-month gaps between Administrators, including the current situation where we have an Acting Administrator.

During this period of time, when we have had extensive turnover at the helm of the FAA, this agency, in addition to its day-to-day rigors, has had some larger difficult challenges. One highly visible example was dealing with the aftermath of the PATCO strike. A current challenge is embarking on an extensive $33-plus billion program to modernize our National Airspace System [NAS].

At a recent FAA hearing, the GAO agreed with me that the FAA Administrator should be confirmed for a set period of time. The GAO testified, "It would be very difficult for an Administrator who is going to be there for 2, at the outside, 3 years, to really be able to manage that program (NAS modernization) and have a vision of the future for it."

Given the highly technical nature of the FAA's programs and the impact of these programs of the safety of the flying public, this agency is in need of leadership continuity. The bill I am introducing will make it possible for a new Administrator not only to have time to get up a highly complex learning curve, but also to actually guide FAA programs well into the future, regardless of the outcome of national elections.

Mr. Speaker, I urge immediate action of this legislation and I invite my colleagues to cosponsor this bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERM OF SERVICE OF FAA ADMINISTRATOR.

Section 106(b) of title 49, United States Code, is amended by inserting after the 3rd sentence the following: "The term of service of the Administrator shall be 7 years.".

SEC. 2. APPLICABILITY.

The amendment made by section 1 shall be effective with respect to any individual appointed by the President, by and with the advice and consent of the Senate, after September 30, 1993, as the Administrator of the Federal Aviation Administration.

TRIBUTE TO JOSHUA VAN ORMAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Air Force Academy.

Joshua Van Orman will soon graduate Kelleys Island High School after 4 years of outstanding academic achievement. During his high school career, Josh had the unique privilege to be designated as being first in a class of one. He has continuously set high standards for himself, exceeded them, and then set higher standards. Among his accomplishments include his organization of and participation on the Kelleys High School track team.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Josh Van Orman has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

THE WORLD WAR II U.S. CADET NURSE CIVIL SERVICE FAIRNESS ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. SLATTERY. Mr. Speaker, during the 99th Congress, the World War II Cadet Nurse Civil Service Credit Act, Public Law 99–638, was signed into law. This act, which I sponsored, allowed women who were employed by the Government and who had served in the U.S. Cadet Nurse Corps during World War II, to credit the time they served in the Cadet Nurse Corps toward their civil service retirement.

Unfortunately, some cadet nurses were unfairly excluded from benefiting under this law.

Today, I am introducing legislation which allows those women who retired from service before the World War II cadet nurse civil service credit legislation was enacted, to receive credit toward their civil service retirement for the time they served as U.S. cadet nurses during World War II.

I have introduced similar legislation in the past, 100th through 102nd Congresses. This legislation would benefit approximately 1,000 cadet nurses across the country who were not covered under Public Law 99–638.

Many nurses who had served as long, if not longer, than their counterparts who were employed by the Government as of the date of the enactment of Public Law 99–638—in many cases up to 20 and 30 years—simply happened to retire months or even days before the bill was signed into law. They should receive credit for the time they spent in the Cadet Nurse Corps just as their counterparts who were working for the Government at the time of enactment.

There is no reason why any cadet nurse, who answered the call of her country to serve in a time of need, should be denied credit for the time in service which she provided.

They deserve this retirement credit, however, not because they were patriotic, but, because they've earned it. All the women who served in the U.S. Cadet Nurse Corps provided two-thirds of this country's nursing service during World War II, a time of dire need for the United States.

This bill will finally recognize all cadet nurses who served and answered the call of their country. It is important to note that due to the advanced age of many of these nurses, this group of women is a small group getting smaller. The minimal cost of this bill, therefore, would diminish even further over the outyears.

I would like to highlight the service of one nurse who would benefit from my legislation as a shining example of the type of women who are cadet nurses and to point out that this June marks the 50th anniversary of the creation of the U.S. Cadet Nurse Corps.

Lt. Col. Melina Leduc has served her country for 50 years. Colonel Leduc returned in 1991 from service in Dhahran, Saudi Arabia, with the 386th Medical Detachment Hospital Unit. She joined the U.S. Cadet Nurse Corps during World War II, soon after her 17th birthday.

Colonel Leduc served in the Cadet Nurse Corps for 3 years. She then joined the nursing service at White River Junction Veterans [VA] Hospital in Vermont. She also served in VA hospitals in Pennsylvania and New York. She retired from the Lake City, FL, VA Hospital in June of 1986, after more than 37 years of service. She has been a member of the Army Reserves for 20 years.

Colonel Leduc reported working 12-hour shifts, 7 days a week in Dhahran. She cared for Iraqi POWs, in addition to American casualties. She experienced the nightly air raid alerts and interrupted surgery preparations to put on her gas mask and protective gear. She helped to care for our military personnel who were injured when a Scud missile hit the American barracks in Dhahran. The barracks was located very near her tent. And when she called the central coordinator for the cadet nurses still seeking recognition, Dorothy Larson, of Topeka, KS, to check on the status of this bill, she expressed her gratitude for the opportunity to again serve her country.

Colonel Leduc, like most of the cadet nurses after World War II, went on to serve in veterans' hospitals across the country. She exemplifies the commitment to service that has been the standard for cadet nurses. Please join me in supporting this legislation which fairly recognizes all cadet nurses who served their country. I urge my colleagues to cosponsor this bill in time to let all cadet nurses celebrate the 50th anniversary of this historic program.

TRIBUTE TO WILLIAM "BILL" CROSKEY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. APPLEGATE. Mr. Speaker, I rise today to recognize Mr. William "Bill" Croskey, an outstanding community servant.

Bill Croskey has spent most of his life actively promoting the better human relations in my hometown of Steubenville, OH. He taught social studies at Steubenville High School for 36 years, educating hundreds of students. Upon retirement, in 1987, I appointed him to be the coordinator of the National Bicentennial of the U.S. Constitution Program which is the most extensive program in the country specifically designed to bring the study of the Constitution to students at the upper elementary, middle, and high school levels. Bill Croskey served as the 18th District coordinator for the first 5 years of the program, distributing free classroom sets of textbooks and organizing a simulated congressional hearing on constitutional issues competition at the high school level. In 1992, Mr. Croskey retired as coordinator of this program and will certainly be missed.

It is with pride that I rise to recognize Mr. William Croskey and I ask my colleagues to join me in saluting him for his efforts to educate and promote understanding throughout Ohio's 18th District.

T. TERRELL SESSUMS ADDRESSES THE SIXTH FLORIDA/JAPAN EXECUTIVES MEETING

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DEUTSCH. Mr. Speaker, at a recent meeting of the sixth Florida Japan executives in Miami, FL on March 5, 1993, T. Terrell Sessums, chairman of the Florida Chamber of Commerce, was principal speaker. His remarks were so timely and cogent, especially with regard to how one State views international commerce and its contribution to the State and country. Mr. Speaker, I believe all our colleagues will be interested in this thoughtful presentation:

T. TERRELL SESSUMS, CHAIRMAN, FLORIDA CHAMBER OF COMMERCE

ADDRESS TO SIXTH FLORIDA/JAPAN EXECUTIVES MEETING, MIAMI, FL, MARCH 5, 1993

I am honored to speak to you today and appreciate the opportunity to share some information and several thoughts about Latin America, Japan, and the State of Florida. They concern the nature of the economy which is even now taking shape in this hemisphere, where democratic change and economic liberalization have combined with geography to profoundly improve the lives of millions in North and South America. These changes are accelerating the growth of business between Latin America and the world. My thesis today is that Japan will participate in this economic boom, that Florida will continue to be the crossroads between the continents and the gateway to Latin America, and that Florida and Japan have common interests in this process which make them natural partners.

Latin America and the Caribbean are now a market of approximately 430 million people with a combined Gross Domestic Product of over 1 trillion U.S. dollars. Total external debt for the region has finally begun to fall, and an increasing portion of the total is for commercial credit rather than government debt. And while debt levels are still high, what was a crisis of the 1980s appears to be a manageable problem today. Much of this improvement is a result of increasing privatization of state-owned industries in the region. Growing economies require increasingly sophisticated infrastructure to support their growth. Transportation, power, and telecommunications are improving throughout the region, largely through privatization and huge capital investments. Led by Chile, Mexico, and Argentina, regional governments have encouraged debt for equity swaps, converting their sovereign debt into foreign equity stakes in their infrastructure. In November of 1990, Argentina privatized its national telephone company and sold half to each of two investor groups backed by U.S. banks. In this one transaction, Argentina retired 10% of its foreign debt, gained billions in foreign investments to improve its phone system, and dramatically improved service to business and residential customers around the country. Infrastructure spending is only one aspect of an explosion of consumption in Latin America which has provided growing opportunity during the first years of this decade. The United States is the largest exporter to the region. Florida represents the largest portion of that trade to much of the region.

Florida has become a key player in the hub of Latin American activities. Our state's current population of 13.2 million would put us in the middle range of the nations of this hemisphere, but our 1992 Gross Domestic Product of $240 billion would exceed all but the U.S., Canada and Brazil. Our economy is now larger than Argentina's, larger even than Mexico's. Total international trade for Florida last year totaled about $35 billion, nearly 11% over 1991, which was 10% greater than 1990. Most of this growth is in exports—most of that is with Latin America and the Caribbean. Florida now has a dominant role in world commerce with Latin America and the Caribbean and will retain and expand that role as the region grows. Both U.S. and foreign companies choose Florida as a distribution center to markets in the region, using our unsurpassed capacity to move cargo to the region.

According to the British Florida Chamber of Commerce, the U.K., with 150 British firms employing over 25,000 here, is considered Florida's largest overseas investor. British exports to Florida are now estimated to be over $1 billion annually and 70% of British exports are trans-shipped via Miami International Airport or the Port of Miami to Latin America. Others exploit our unparalleled communication and passenger air linkages with the region to establish service or communications centers. The superior trade ties which make Florida attractive to these businesses are the product of geography, demography, and international infrastructure. Let's examine each of these.

If geography is destiny, Florida was fated to be the trading center of the Western Hemisphere. Although you sit at this moment in one of our state's major population centers, you are still far closer to Havana than to our state Capitol or Atlanta. Bogota and Caracas are much closer to us today than San Francisco and Los Angeles, and Mexico City is nearer than New York. For much of Florida, the nearest neighbors and the most important potential markets are in foreign countries rather than our own. Even without the other factors, geography alone would be sufficient to ensure Florida's international focus.

However, much more than geography has internationalized Florida. We're meeting today in the U.S. state with the strongest ethnic ties to the rest of the Western Hemisphere. Over its history, Florida has been part of 4 different nations (and 5 if you include our confederacy of the 1860s). The last 30 years have seen a tremendous increase in the internationalization of Florida, primarily through immigration from Latin America and the Caribbean. These new Floridians have brought with them skills and interests which have shifted our gaze increasingly overseas. Today, the languages of the rest of the hemisphere are better understood here than anywhere else in the U.S. When it's time to trade with our neighbors this gives us an overwhelming advantage.

While location and personal ties lay the foundation for our role as crossroads of the Americas, our international infrastructure has been the means of our trading success. We have developed a network of transportation, communications, finance and international services which allow businesses located here to cover all of Latin America and the Caribbean.

It is simple geography which has dictated the development of our international transportation network. Florida is closer to most of Latin America than any other state, and that basic fact has resulted in the finest air and sea linkages with the region anywhere in the U.S. Our airports have the most frequent and convenient flights to the region, so much so that travelers often find it routine to travel between Central and South America via Miami. More Latin American and Caribbean airlines come here than to any other state, and if air cargo is moving to or from the region, it probably passes through here already.

Our 14 deep water ports dominate both cargo and cruise traffic within the region. In the Miami Customs District, which covers most ports on the east coast of Florida, 89% of export shipments are to Latin America and the Caribbean. A cruise to the region is likely to originate in South Florida, the #1 world center for that industry. Transportation of motor vehicles will likely involve our Port of Jacksonville, import center for both Japanese and European auto manufacturers. Whether it's petroleum at Port Everglades or bulk commodities at the Port of Tampa, (the closest American port to the Panama Canal) Florida's position and port infrastructure place it squarely at the center of North-South trade routes in this hemisphere. Even Mexico, with its long land border with the U.S., now looks to Florida ports to move its goods in and out. The reason for this also points to our prospective gains from the North American Free Trade Agreement (NAFTA). That long land border is jammed to the point of paralysis with cross-border traffic. U.S.-Mexico trade doubled between 1987–90, and that growth will accelerate after NAFTA is adopted. The overflow of trade has already been forced to the sea lanes and is increasingly crossing the Gulf of Mexico to Florida.

Communications are critical to successful businesses, and here also Florida is the gateway to the hemisphere. Most U.S. calls to the Caribbean pass through switching centers located here by AT&T and other carriers and, for much of the region, Florida is a communications hub. Many businesses in Latin America find it more efficient to locate offices in Florida purely to maintain communication, as long distance from Florida is more reliable than intercity calls in much of Latin America. As governments in the region have moved to improve communications, Florida companies have found a new role as suppliers to the newly privatized phone services. Florida based operations are now building communications infrastructure throughout Latin America, from fiber-optics lines in Chile to cellular networks in Brazil. Every change in the region brings new opportunities to Florida and companies based here.

Successful international operations require other services, of course. Finance, law accounting, freight forwarding and customs brokerage, even translation. All are necessary in some measure to do business internationally. By now it may not surprise you to learn that Florida is the nation's second leading international banking state, after New York, with banking offices from Europe, Japan, and every part of Latin America. The Export-Import Bank of the United States (Eximbank) has just established an office in Florida to provide greater service to Florida businesses with trade finance needs. Our legal sector offers expertise and linkage with the region unmatched even in New York or Washington. Our international services sector has developed a sophistication to match the increasing volume and complexity of commerce within our region.

I also want to mention the role of our state government, which has recognized the importance of fostering international business in Florida. Our Department of Commerce maintains a strong Division of International Trade to promote international business in Florida. We maintain a network of foreign offices abroad, including one in Tokyo. I think it does say something about state attitudes towards trade that more U.S. states have special offices in Japan than in Washington, D.C.! Florida, I'm glad to say, has an office in both places.

Beyond the government commitments represented by the international operations of our Departments of Citrus, Commerce, Agriculture and Education, Florida has also devoted its efforts to acting strategically in international affairs. The Florida International Affairs Commission (FIAC) is charged with a broad range of international oversight duties, including review of proposed state laws for their potential effect on international business. FIAC also works with the U.S. Congress to preserve Florida's strategic interests in the face of proposals such as NAFTA or the recent revisions to the International Banking Act. In this way, the state attempts to protect the interests of international businesses in Florida and to preserve stability in our international business climate. I'm glad to say that the Florida Chamber was an early partner with the state in the development of FIAC.

The latest example of the Chamber's cooperation with state government is the development of Enterprise Florida, which holds the promise to fully integrate economic development in Florida under a joint venture between business and government. I'm pleased to say that this idea was developed under the leadership of the Florida Chamber, and the Chamber will continue to play a strong role in its development. This is a good example of the cooperation between business and government which has become the norm in Florida. In this matter, we may have learned from the Japanese experience. We have found that a cooperative relationship between government and business benefits both.

Florida has not only become the crossroads of North-South trade between the Americas, but also the counterpoint for connecting East-West trade to the North-South business axis. Europeans and Asians have found that Florida acts as a transportation, financial and service hub for doing business in Latin America.

The expansion of business opportunities in consumer electronics, telecommunications, and other high tech areas portends tremendous opportunities for Floridians to facilitate and broker Japanese-Latin American trade. In many instances, we simply need to joint venture existing institutions and organizations that are presently doing bilateral trade with our state and Latin America and Japan.

An example of this business-government cooperation is the Southeast U.S./Japan Association, chaired this year by John C. Bierley of Tampa, which is dedicated to developing relations between Japan and our regions of the U.S. Their recent annual meeting was a splendid event held in Orlando and was attended by the governors of the seven southeastern states, including our own Governor, Lawton Chiles, who has given high priority to international business relations. The Japan-America Society of Central Florida has developed a Japanese relationship with Central Florida which is one of the best in the U.S.

Also significant to the Florida/Japan relationship are our educational connections. The Florida-Japan Linkage Institute, co-based nearby at the University of South Florida and St. Petersburg Junior College, supports a number of business and educational programs to develop the relationship between Florida and Japan. Our University of West Florida operates a branch campus at Kobe (Japan) and supports exchanges of Japanese and Florida students. The Dade County school system operates a special bicultural Japanese/English program for the benefit of both Japanese and Florida students.

Finally, perhaps the best indicator of the growing Florida/Japan relationship is the increase in Japanese activity here. The Japan External Trade Organization (JETRO) has maintained a promotion officer in Florida for some time now, and the number of Japanese corporations and banks with offices here is increasing quickly. This Florida/Japan executives meeting is the latest step in our growing relationship, and your presence here shows your readiness to go further in the process.

We at the Florida Chamber of Commerce, in partnership with state government and local communities, can help you benefit from the Florida advantages I've described to you today, to ensure your full participation in the economic boom in this hemisphere. As I close, I want to reaffirm my commitment and that of the Chamber and our International Development Committee, chaired by W. Reeder Glass of Miami, to assist you in any way we can to strengthen the business and personal relationship between Florida and Japan.

CHANCELLOR JOHN E. THOMAS HONORED AT APPALACHIAN STATE

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. NEAL of North Carolina. Mr. Speaker, today, May 4, is being celebrated as John E. Thomas Day at Appalachian State University in Boone, NC.

The celebration honors Chancellor John Thomas, who plans to retire July 31 after nearly 14 years at the helm of Appalachian State, a part of the University of North Carolina system.

Mr. Speaker, the Thomas years at ASU have been a time of strong growth and development at the university. Since Chancellor Thomas took over in 1979, enrollment has grown by 25 percent, and applications for admission have risen by more than 60 percent.

Also during his tenure, the Appalachian Summer Arts Festival was established, international exchange programs with Costa Rica, China, Mexico, and Russia were formalized, and the university's first doctoral program was started. He also spearheaded the creation of a sophisticated campus-wide audio, video, and computer network.

Following Chancellor Thomas's retirement announcement, UNC President C.D. Spangler, Jr., noted, "Chancellor Thomas's greatest strength may be that he has always put the students first. He has never been tempted to make his mark through uncontrolled growth or by promoting research at the expense of teaching."

Thanks to this good man's hard work and dedication, Mr. Speaker, Appalachian State now ranks as one of the leading universities in the South. John Thomas has made immense contributions to our part of North Carolina, and we are grateful to him. I am pleased, therefore, to report to my colleagues that the people of my district are today celebrating John E. Thomas Day.

CONGRATULATIONS TO DOUG HARRISON, GENERAL MANAGER OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DOOLEY. Mr. Speaker, during the week of May 16–22, 1993, the American Public Works Association and public works officials throughout North America will celebrate National Public Works Week. "Quality of Life Through Public Works" is the theme of the week, which is dedicated to recognizing public works engineers and administrators as resourceful, effective professionals.

Each year since 1960, the association has recognized 10 public works professionals for their excellence and achievement in public works with the Top Ten Public Works Leader of the Year Award. This year, the association has selected Mr. Doug Harrison, general manager of the Fresno Metropolitan Flood Control District, as a recipient of this prestigious award. Mr. Harrison has served as a general manager of the district for the past 21 years. During that time, he has served his community in an exemplary fashion, and has become a leader in the development and implementation of innovative programs for urban storm drainage, flood control, environmental management, water resources management, and recreation.

Mr. Speaker, the community of Fresno is very fortunate to have the services of such a skilled and dedicated professional. I am pleased that the American Public Works Association has chosen to recognize Mr. Harrison's contributions to his community and profession with this award. On behalf of Fresno's other Representative, my colleague RICK LEHMAN, I urge the House to join us in congratulating and honoring Mr. Doug Harrison for his outstanding achievements in public works and community service.

SECRETARY O'KEEFE SHARES INSIGHTS ON IRISH-AMERICANS AND U.S. NAVY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. McDADE. Mr. Speaker, I would like to take this opportunity to recognize an outstanding public servant, and to share with my colleagues his reflections on the U.S. Navy and the contributions Irish-Americans have made to our military.

On March 17 the Society of the Friendly Sons of St. Patrick of Lackawanna County, PA, hosted their 88th annual celebration of Irish-American heritage. Through the years at their annual gathering, the Friendly Sons have been enlightened by the insights of such luminaries as Truman, Kennedy, Prime Minister Fitzgerald, Curley, Jackson, O'Connor, and Scranton. This year, through the efforts of Friendly Sons president, Donald Noland, the group was graced by a distinguished Irish-American who is a friend to many of my colleagues—Mr. Sean O'Keefe, past Secretary of the Navy. It should be noted that President Nolan himself had a distinguished career as a Naval officer, serving our Nation with honor.

Those of us who have had the good fortune to work with Sean O'Keefe know he is a man of exceptional ability, dedication, and integrity. Through his outstanding work for Members of Congress, the Department of Defense, and the U.S. Navy, Sean O'Keefe has served the American people with distinction. As Secretary of the Navy he provided exemplary leadership during a challenging period, and he has our gratitude for his efforts.

Mr. Speaker, I would like to enter into the RECORD Sean O'Keefe's recent remarks to the Friendly Sons of St. Patrick, so that all may enjoy his historical perspectives and astute observations:

REMARKS BY THE HONORABLE SEAN O'KEEFE—FORMER SECRETARY OF THE NAVY

SOCIETY OF THE FRIENDLY SONS OF ST. PATRICK, SCRANTON, PA

Over the years, I've been impressed by the convergence of the Irish culture and the history of the American naval service. As a former Secretary of the Navy, I'd like to talk about some of the contributions of Irish-Americans to the U.S. Navy and Marine Corps—and there could not be a more appropriate forum to review the great contributions Irish-Americans have made to the development of America's naval tradition than the Society of the Friendly Sons of St. Patrick. Virtually every ethnic in the vast melting pot of America can point with pride to the contributions made by their sons and daughters to the Navy and Marine Corps * * * but the Irish may very well lead the way.

Here in the United States, many of our Navy and Marine Corps connections with Irish-Americans come in the most important way—through some of our most valiant early heros * * * and there are a few famous Irish-American figures I'd like to tell you about tonight.

The first is Commodore John Barry, who many historians think was the real father of the American Navy—although some believe Scotsman John Paul Jones deserves a share of the title.

Born in County Wexford about 1745, Barry went to sea at an early age. By the time of the revolutionary war, he had become a successful merchant Captain residing in Philadelphia. An ardent patriot, Barry was commissioned Captain in the Continental Navy in March 1776 and immediately took command of the Lexington. A month later, he captured the British sloop EDWARD in the first American naval victory of the revolution. When he died in 1803, he was the senior officer of the Navy. He instilled in the fledgling service a sense of pride, courage, honor and commitment * * * as well as a rich tradition.

One of the early traditions of the Revolutionary War Navy is pretty well illustrated by USS Constitution's famous war cruise. On the 23rd of August, Constitution set sail from Boston with 475 officers and men, 48,000 gallons of fresh water, 7,400 cannon shots, 11,000 pounds of black powder, and 79,400 gallons of rum.

Upon arriving in Jamaica on 6 October, she took on 826 pounds of flour and 69,300 gallons of rum, then headed for the Azores, where she took on 550 tons of beef and 64,000 gallons of Portuguese wine.

On 13 November, she set sail for England. In the ensuing days, she defeated 5 British men of war and sank 12 British merchant ships, salvaging only their rum. By 27 January, her powder and shots were exhausted. Nonetheless, she made a raid on the Firth of Clyde. Her landing party captured a whiskey distillery transferring about 40,000 gallons. She then headed home.

Constitution made port at Boston harbor on the 23rd of February with no cannon shot, no powder, no food, no rum, no whiskey, no wine—but with 48,000 gallons of stagnant water. Drinking at sea is a tradition we've left behind us, but I'm proud to say we've kept our other traditions of valor and heroism—personified by Commodore Barry—alive to this day.

Recall that the Revolutionary War Navy also solidified the necessity for sea soldiers as well as sailors. An integral part of the naval services fittingly, early Marine Corps traditions have also come to us from heroic Irish-Americans. The Irishman who I think personifies all the daring and skill that the wearers of Green have brought to the Corps in Lieutenant Presley O'Bannon, whose people came from County Tipperary.

Universally revered throughout the Marine Corps, O'Bannon is most famous as the Hero of Derna for his daring raid in Tripoli during the Barbary wars—where he won the famous Mameluke sword—and today every officer in the Marine Corps wears a replica of that sword. In fact, in the first verse of the Marine Corps hymn—"From the Hall of Montezuma, To the Shores of Tripoli"—Presley O'Bannon's exploits are the basis of the "shores of Tripoli."

Fittingly, both Commodore Barry and Lieutenant O'Bannon—but two of the thousands of Irish-Americans who have served heroically in the Navy and Marine Corps—have given their name to Destroyers serving today in the U.S. Navy * * * Commodore Barry is honored by the second Aegis Destroyer, *Barry;* and Lieutenant O'Bannon by the 25th Spruance Destroyer, *O'Bannon*.

Indeed, from the opening salvo of the American revolution through the present, the battle reports of the Navy and Marine Corps sparkle with Irish names. Some, like Admiral William Leahy, may be familiar because he was the first Irish-American five star Admiral—one of only four in the history of the republic. Others are part of the long honor roll of Irish-American men and women in uniform. Donovan, Kelly, McNamara, O'Brien, Sullivan, and, yes, O'Keefe. My father is a retired naval officer, and I wish he could be here tonight, for he is yet another link in the long blue and green lines that pass from Commodore Barry and Lieutenant O'Bannon to our Navy and Marine Corps today.

Many of these names belonged to people who gave their lives in defense of their country. Some now rest in endless sleep ashore * * * and others are entombed with their shipmates in gallant vessels that will never put to sea again. But their names, and their deeds, are forever cherished in the memory of the Navy and Marine Corps.

Now let me tell you a story about one other group of Irish-Americans who were a very important part of that long line * * *

I'm sure most of you remember the tragic story of five brothers who died together on a single terrible day in World War II—they were the Sullivans, five young Irish-Americans from the midwest. They were lost at sea when their Cruiser, the *Juneau*, was torpedoed and sunk early in the war off the coast of Guadalcanal.

Their deaths—and the painful story of their grieving mother back home, who lost all five of her sons in a single day—touched the entire country, and a Navy destroyer was named for the five lost brothers. It was called the *Sullivans*, and she served with glory throughout World War II, avenging the sad loss of the Sullivan brothers with fire and steel across the Pacific, winning nine battle stars. That ship also served gallantly in the Korean war and was eventually decommissioned in 1961.

I am very proud that during my tenure as Secretary of the Navy, I was able to ensure that brand-new Aegis Destroyer, the 18th ship of the Arleigh Burke class, will soon be christened *The Sullivans* in honor of these five young Irish-Americans who sacrificed their lives for their country.

I know *The Sullivans* (DDG 68), will serve as a constant reminder to the Fleet and to our Nation of the heroic sacrifices and deep patriotism of Irish-Americans, both living and dead, who have fought so gloriously for their country.

To say that I am proud to have served as Secretary of the Navy would be a monumental understatement. It was one of the great defining experiences of my life. But perhaps the word "proud" is misleading, if not inappropriate. More often in that job I was humbled by the frequent realization that my contributions to the good of the service were consistently outshone by the dedicated and diligent efforts demonstrated every day by the men and women of the naval service. Today and in the future they are facing challenges which are formidable indeed. Some of these have arisen abroad and no doubt will continue to be covered extensively by the media but there are others which are less obvious but equally important to the military community and to the American public at large. I'd like to take this opportunity to say a few words about one of these "stealth challenges."

The military is often used as a proving ground, a laboratory in which to test solutions to problems which beset society as a whole. In this arena, the armed forces have become leaders in setting the standards for adherence to the principles upon which this country was founded. For example, under President Truman in 1948 the military formulated a policy of racial integration which, through a steadfast commitment to merit as the only real yardstick, produced an environment in which a gifted black officer like General Colin Powell would become Chairman of the Joint Chiefs of Staff. It's important to keep in mind that the Truman integration policy was initiated years before the school desegregation cases ignited the civil rights movement in earnest in the civilian community the military led the way.

Long before the war on drugs became a popular issue with the American public, the services embarked upon a zero tolerance drug abuse policy which today is viewed with envy in the civilian community. "Not on my watch, not on my ship, not in my Navy" was the standard.

Today America's military grapples with the issues of gender bias, sexual harassment and gay rights. We all have personal views on these issues which affect our American culture. I regret that I cannot flip forward through the pages of the future to see what the answers will be but this I confidently predict: the military will face these problems squarely and the solutions will be fair and honorable, completely in keeping with the ideals and values which attracted our Irish forebears to this great country.

I trust that the qualities of the Irish—good humor, spirit, stubbornness in the right cause, and the ability to keep our head up when the going gets hard—will continue to stand the Navy and Marine Corps in good stead because, through it all, they are and must continue to be the pre-eminent guardians of American interests abroad and the leading examples of the best features of American character here at home.

It has been a great honor to speak with you and to use this fitting occasion to recall the many contributions by Irish Americans to the ongoing development of our naval service. I am unapologetically proud of our Irish culture heritage. Its tremendous strengths and basic values helped me through many a difficult day in public service. I relied upon it heavily on my last day in office when I prepared my final message to the men and women of our sea service. I borrowed the words from the refrain of an Irish ballad older than time called "The

Parting Glass". It may be familiar to many here tonight:

And since it falls unto my lot
That I should go and you should not
I'll proudly stand and fondly call
Farewell and God go with you all

Perhaps I could rely upon that great asset once more by rendering my final words tonight in the ancient Gaelic language of our ancestors. Go raibh maith agaibh, oiche mhaith, agus Eirinn go bragh.

(Meaning: Thank you, good night, and Ireland forever)

TRIBUTE TO MATTHEW L. YOUNKER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Merchant Marine Academy.

Matthew L. Younker will soon graduate Gibsonburg High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Matt has participated in the Congressional Youth Leadership Council, the American Legion Buckeye Boys State, and the Green Creek Wildlife Society. He has established himself as a leader among his peers and was elected senior class president.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Matt Younker has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

A TRIBUTE TO ROSALYNN CARTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. LANTOS. Mr. Speaker, former First Lady Rosalynn Carter, whose commitment to public service is nothing less than inspiring, will honor us with a visit to Capitol Hill today. She will be on hand as an art exhibit entitled, "The Post-Presidential Work of Rosalynn and Jimmy Carter," opens in the Cannon Rotunda. The exhibit, which will run through May 7, is sponsored by the Congressional Human Rights Caucus, which Congressman JOHN PORTER and I cochair.

On the occasion of Mrs. Carter's visit, I would like to take the opportunity on behalf of Congressman PORTER and the Congressional Human Rights Caucus to pay tribute to her. An exceptional and caring individual with energy and vision, Rosalynn Carter has worked all her life for a better and more humane world for all of us.

Both as First Lady and as a private citizen, Rosalynn Carter has lent here intelligence, time, and energy to many significant causes. In doing so, she has raised the level of public recognition and understanding of pressing social issues that had previously gone unaddressed.

Rosalynn Carter has been a driving force in the field of mental health throughout her career in public service. As active honorary chair of the President's Commission on Mental Health during her husband's administration, she helped bring about passage of the Mental Health Systems Act of 1980. Today she continues her leadership through the Carter Center in Atlanta, which is dedicated to improving the quality of life for people at home and in the developing world through programs in health, agriculture, and conflict resolution. Mrs. Carter is a member of the Carter Center Board of Trustees.

The Carter Center recently assisted in the first successful multiparty elections in Zambia, where a team led by President Carter monitored registration and voting processes. In another outstanding example of its work, the Carter Center in October monitored Guyana's first free and fair elections in 28 years. That mission was the culmination of 2 years of work with Guyanese political parties to construct electoral reforms.

In 1985, Mrs. Carter initiated the Rosalynn Symposium on Mental Health Policy, which brings together representatives of mental health organizations nationwide to focus and coordinate their efforts on key issues. Since then, annual symposia have investigated such topics as mental illness and the elderly, child, and adolescent illness, family coping, financing mental health services and research, and treating mental illness and the stigma still attached to it.

The Task Force on Mental Health Policy, based at the Carter Center of Emory University and chaired by Mrs. Carter, works year-round to sustain the momentum of the symposia and to unify professionals in various mental health disciplines. Task force members include individuals in a position to shape and influence public policy.

Mrs. Carter has received many honors and awards for her support of mental health causes, including Volunteer of the Decade Award from the Mental Illness Foundation, and the Outstanding National Leadership Public Service Award from The American Mental Health Fund.

Mr. Speaker, if there is one image of Rosalynn Carter that symbolizes her commitment, her caring, and her courage in addressing the vital needs of people at home and throughout the world, it is the image of her working side by side with her husband as they build housing for the homeless. Indeed, Mrs. Carter's work with Habitat for Humanity exemplifies her dedication to bringing about a brighter tomorrow for those who will inherit the future. On behalf of Congressman PORTER and the Congressional Human Rights Caucus, I thank Mrs. Carter for a lifetime of selfless accomplishment and for her inspiring vision.

THE RESPIRATORY CARE PRACTITIONER COST SAVINGS AND FAIRNESS ACT OF 1993

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. SLATTERY. Mr. Speaker, I am introducing legislation which will make a small but critical change in the Medicaid and Medicare nursing home reform provisions. Under OBRA '87, an individual is considered a nurse's aide unless he or she is specifically included in the statutory definition of a licensed health professional. Respiratory care practitioners were inadvertently omitted from the list of licensed health professionals, and according to the letter of the law, must undergo nurse aide training and competency evaluation which I believe adds unnecessary and expensive costs to our long-term care programs.

While I recognize the important role of the nurse aide in caring for our Nation's elderly and disabled, respiratory care practitioners are not nurse aides. They are licensed professionals in their own right. Most nursing homes employ respiratory care practitioners because the facility cares for a large number of ventilator-dependent patients, those patients who can only breathe on a respirator. Respiratory personnel are intricately involved in the care of these high-technology patients.

This proposed change does not affect coverage or reimbursement issues. But there is a fiscal and fairness issue at stake which only requires a definitional correction. Without it, the statute will remain unchanged and nursing homes will have to continue to incur the cost to provide expensive nurse aide training and competency evaluation to a group of health care professionals who are not nurse aides.

This Nation faces continued skyrocketing costs in providing health care. There is no reason to perpetuate any cost in the system which is unnecessary. Requiring respiratory care practitioners to undergo nurse aide training and competency evaluation is both inappropriate and costly. My legislation will correct this oversight and properly place respiratory care practitioners in the licensed health profession category and decrease the financial burden to nursing homes and the Medicare and Medicaid Programs. I urge my colleagues to support it.

TRIBUTE TO ANGELO MOZILO, TREE OF LIFE AWARD RECIPIENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. TORRES. Mr. Speaker, I want to take this opportunity to pay a special tribute to Mr. Angelo Mozilo, who will be honored on May 11, 1993, as he receives the Jewish National Fund's Tree of Life Award.

Angelo is well known to many of us in Congress in his most recent capacity as president of the Mortgage Bankers Association. He has had a long and distinguished career in mortgage and real estate finance, taking a lead role in advancing the causes of housing and home ownership. Angelo's career has been marked by outstanding achievement and a reputation of excellence. Yet, his success in the business world has not overshadowed his commitment to the values symbolized by the Tree of Life Award.

I congratulate Angelo on a lifetime of accomplishments and for his receipt of the Jewish National Fund's highest honor. It is truly well deserved.

I ask all of my colleagues in the House of Representatives to join me in extending heartfelt congratulations to Angelo on this achievement.

THE CLEANUP OF BOSTON HARBOR

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. MOAKLEY. Mr. Speaker, I rise today to bring to your attention a matter that is extremely important to me and my constituents—the cleanup of Boston Harbor. As you all may know, Boston Harbor has virtually become a household name across the Nation.

Some have termed Boston Harbor as the dirtiest harbor in the United States. In fact, the last two Presidential campaigns have used Boston Harbor as an example of environmental disaster, with its cleanup in desperate need of Federal support. I am here this morning to request $100 million for the cleanup of Boston Harbor, which is one of the most important environmental projects in the Nation.

In addition, the cleanup of wastewater discharges to Boston Harbor is one of the largest public works projects in New England.

The Boston Harbor cleanup project is managed by the Massachusetts Resources Authority [MWRA] and is paid for by 2.5 million citizens in 61 communities in Massachusetts. Later this afternoon this distinguished subcommittee will hear Douglas MacDonald, executive director of the MWRA, offer testimony on this crucial issue. Although substantial efforts have been made to control costs, the total cost of this important project is about $6 billion by the year 1999. I would like to point out that $4.5 billion of this is required to meet federally mandated environmental standards.

During the 1970's and early 1980's similar projects across the Nation have received between 55 and 75 percent Federal funding under the Construction Grants Program of the Clean Water Act. But Mr. Chairman, the Boston Harbor cleanup project has only received a disproportionate 8 percent Federal funding for this essential environmental project.

Unfortunately, the burden of this project is on the ratepayers. In my opinion, this is terribly unfair. The major portion of this project is financed by the MWRA issuance of revenue bonds secured and repaid with interest by rate revenues exacted from the ratepayers. Household bills have gone up by 289 percent, compared to a national increase of 38 percent.

Today, ratepayers in the MWRA district pay the highest rates in the Nation and there is no relief in sight. Future household rate projections average increases of 18 percent annually through 1999. Without Federal relief, this will bring rates to $1,200 per family, with no promise that there will be an end to the upward spiral. What family can afford these types of outrageous bills?

Mr. Chairman in Massachusetts this is causing serious problems for ratepayers who are faced with the difficulty of paying escalating rates along with their mortgages, food, and heating bills. My constituents in some cases have to choose between paying their water and sewer bills or putting food on the table. Over 100,000 households in our service area have limited incomes, and payments of these water and sewer bills are in direct competition with other basic life necessities.

To their great credit, the Clinton administration supports funding of this extremely important project. That is because the Boston Harbor project epitomizes the state of water and sewer infrastructure systems that have been badly neglected across the Nation and therefore deserves assistance.

I feel so strongly about this issue that I have come before you today to personally request your support.

I recognize that this is a particularly difficult budget year and that you must deal with a broad range of worthy competing goals within your subcommittee. But in light of the great need in my district, I am requesting that $100 million be included for the cleanup of Boston Harbor in fiscal year 1994. Quite frankly, Mr. Chairman, I wish I could ask for more, because we need more.

Your subcommittee's support in the past has shown a deep commitment to restoring Boston Harbor for the sake of the environment, public health, recreation and the economics of a clean and safe harbor for Boston, MA, and our Nation. I thank the subcommittee for listening to my testimony today and hope that you will continue your commitment to Boston Harbor.

COVENANT CHRISTIAN HIGH SCHOOL WINS CLASS D BASKETBALL CHAMPIONSHIP

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. HENRY. Mr. Speaker, on Saturday, March 27, 1993, the Covenant Christian High School "Chargers" were victorious in winning the Michigan State Class D basketball championship in The Palace of Auburn Hills. For the team, this was a dream come true and a tribute to their hard work and dedication throughout the season. It also made them the first team from the Grand Rapids area to win a boys' State title since South Christian High School earned the Class B championship in 1988, and it secured the title a second time for them. Covenant Christian won the title back in 1973 and their rivals this year, Western Michigan Christian, had won it last year.

With a perfect 27–0 record this season, the Chargers demonstrated teamwork and school spirit by putting forth their highest level of effort. Our community is proud of them and recognizes the high standard of educational excellence that goes on at Covenant Christian High School, as well as their athletic victories.

Mr. Speaker, each and every player contributed in his own special way to successes enjoyed over the 1992–1993 season. It gives me great pleasure to honor them and their coaching staff by naming them today: Coach Kevin Van Engen, Assistant Coach Greg Holstege, guard Joel Eldersveld, forward Chad Engelsma, center Paul Engelsma, guard Chris Fisher, guard Jeff Holstege, guard Joel Holstege, forward Dennis Kaptein, guard Scott Koole, forward Tim Kuiper, forward/center Dave Meulenberg, guard/forward Tyler Pipe, forward Craig Snippe, forward Joel Van Baren, guard Ryan Van Overloop, and forward Matt Velthouse.

Winning a championship takes hard work, determination, spirit, and ability, but most importantly, it takes teamwork. To quote Chris Fisher, "The thing is, we never wanted to lose. The whole team was willing to do whatever they had to so we didn't lose."

Mr. Speaker and colleagues, please join with me in expressing heartiest congratulations to the 1993 Michigan State Class D basketball champions—the Covenant Christian High School Chargers!

INTRODUCTION OF THE INTERNATIONAL WHALING MORATORIUM ENFORCEMENT ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DEFAZIO. Mr. Speaker, many of our colleagues may believe that whaling has gone the way of the buffalo hunt, ended by depleted stocks and public revulsion. They're dead wrong. At next week's meeting of the International Whaling Commission in Kyoto, Japan, whaling nations are expected to demand an end to the international whaling moratorium, and are threatening to gut the Commission if they don't get their way.

At last year's meeting of the IWC, Norway announced that it would resume commercial whaling this summer, without regard for any management plan adopted by the IWC. Despite worldwide condemnation and strong pressure by the United States and other countries, Norway remains intent on following through with its threat to resume the commercial killing of whales.

Norway's actions clearly undermine the authority of the IWC and even threaten its very existence. Agenda 21, adopted at the U.N. Conference for Environment and Development, recognized the IWC as the sole international organization with authority to manage and protect whales. Norway's resumption of whaling is a flagrant violation of the International Convention for the Regulation of Whaling—to which Norway is a party—and could be a fatal blow to the IWC.

Like many other international bodies, the IWC has no inherent authority to enforce its policies. Instead, the IWC depends upon its member countries to participate in the decisionmaking process and then abide by the final decisions. I believe the United States must use sanctions already available in our law to put some weight behind the management plans of the IWC.

Today I am introducing the International Whaling Moratorium Enforcement Act of 1993. My bill builds on the Pelly amendment to the Fishermen's Protective Act, which allows the President to embargo fisheries products from nations that violate international fisheries agreements. My legislation will require these sanctions for countries that violate IWC management plans, and allow the President to expand these sanctions beyond fisheries products if necessary. My bill will give whaling nations a simple message: If you ignore the IWC, don't plan on dumping your fish on our market. These sanctions are reasonable and workable, but sufficient to get outlaw whaling nations to sit up and take notice. I hope my colleagues in the House will support this timely effort.

CONGRATULATIONS TO THE "WE THE PEOPLE" PARTICIPANTS FROM GRIDLEY, IL

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May, 4, 1993

Mr. EWING. Mr. Speaker, over the past few days students from my congressional district have been in Washington competing in the national finals of the We the people . . . The Citizen and the Constitution Program. I am proud to announce that the class from Gridley High School, located in Gridley, IL, has truly represented the 15th District well by first winning the State championship and then placing in the top 10 teams in the country. I am very proud of these young men and women.

The team from Gridley High School included, Carmen Fields Jason Hany, Brett Hendren, Matt Jenkins, Laura Kingdon, Sandy Kuerth, Paul Laiming, Steve List, Kim Maubach, Arlan Miller, Christine Romersberger, Justin Schaefer, Jodie Schlipf, Jeff Shepley, Scott Stella, Chris Wallin, Benjie Zeler, and Patty Zimmerman.

Since last fall these students have been working with their teacher, Jerry Sax and his student teacher, Christina Sapp, in studying a comprehensive 6-week curriculum that provides students with a fundamental understanding of the Constitution, concentrating on the Bill of Rights. Their coordinators, Fred Drake and John Willie, have also made significant contributions to the success of the Gridley program.

I am very proud of these students, not only because they placed in the top 10 at the competition here in Washington, but more importantly because of their dedication and teamwork. These kids, being from a small town, have basically grown up together, and I think that makes this accomplishment all the more meaningful. They are truly an attribute to smalltown life and the numerous benefits this type of atmosphere provides.

I wish each of the Gridley team members the very best as they continue their educations and hope that they will inspire others to follow in their footsteps.

TRIBUTE TO KAREN A. HOGAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the class of 1997 at the U.S. Merchant Marine Academy.

Karen A. Hogan will soon graduate from Vermilion High School after 4 years of outstanding academic achievement. During her high school career, Karen has participated in many extracurricular activities, including the mock trial team, the model U.N. Program, and the band. She is a member of the National Honor Society and the Arbor Day Society.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Karen Hogan has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

AMERICANS SUPPORT TRUE LINE-ITEM VETO

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DUNCAN. Mr. Speaker, a recent editorial from the Wall Street Journal regarding the line-item veto underscores the sentiments of an overwhelming majority of Americans.

The American people want change, real change. The people want us to balance our budget. They want the Federal Government to live within its means, just as families must. And they want us to give the President true line-item veto authority so he can carve out waste, not some watered down version that passed the House last week.

We need to be doing everything we can to stop the destructive rate of growth in spending and taxes. We need to prune nonessential programs so that enough resources will be left to meet the requirements of the truly needy.

It is unfortunate that this House just passed a very ineffective expedited rescission bill that will not do not thing to reduce unnecessary spending.

The path to lower deficits is not paved with tax increases. We can reduce deficits by encouraging growth and handcuffing the big spenders. I commend the Wall Street Journal article to my colleagues and other readers of the RECORD.

LINE ITEM VOODOO

As with term limits, the American people by overwhelming margins endorse the line item veto as a tool of political reform in the United States. Lately, influential Democrats such as Senator Bill Bradley have endorsed it. Bill Clinton campaigned for the line item veto last year, but now congressional barons are offering him a poor substitute that they hope will placate the public while it does little to curb government's instinct to spending.

Today, the House will likely debate something called "expedited rescission." It is to the line item veto what chicory flavored water is to Colombian coffee. It may look the same but one taste tells the tale.

A true line item veto would mean that the President would receive a spending bill from Congress and would then have the right to strike out items that he considered unnecessary spending. Congress could restore the spending but only by a two-thirds vote of both the House and Senate.

The ersatz "expedited rescission" process would be a charade. The President would have to sign an entire spending bill (often combining spending for three separate federal departments). He could attach a list of spending items he disagreed with and then ask Congress to eliminate them. But he couldn't ask that an existing program be reduced below its previous budget, and he couldn't cut a new program by more than 25%. The modest cuts he could suggest would stick only if both houses decided by majority vote to concur.

Rep. Ernest Istook is a freshman Republican from Oklahoma who has become a champion of a genuine line item veto. He presented his anti-pork credentials last year when he ran for Congress saying he'd refuse to vote for unjustified spending programs even if they helped his district. "A pig is a pig, even if it's one who lives at home," he said.

Rep. Istook says that "expedited rescission" will do almost nothing to control pork. He notes that many Members of Congress aren't embarrassed to be associated with pork barrel spending. They revel in it. "Only a President elected by all Americans can frequently rise above parochial concerns and act in the national interest," Rep. Istook maintains.

When the Cato Institute recently surveyed the nation's current and former Governors it found that 92% backed a true line item veto. "It makes the difference between talking about cutting spending and making it a reality," says Doug Wilder, the Democratic Governor of Virginia. Not surprisingly, all 10 former Governors who serve in Congress back a line item veto for the President.

The push to replace the line item veto with a sham substitute is typical of how Congress is dealing with reform in this session. It is faking it.

Members reluctantly abolished several showboating select committees but then allocated their budgets to other panels so that no overall savings will result. The leadership adopted new House rules ostensibly to expedite legislation, but they'll have the practical effect of limiting real debate. The more Members of Congress avoid changing their arrogant ways, the more the public will continue to clamor for the only real reform it knows will stick: term limits.

HONORING THE MEMORY OF THEODORE COOPER, M.D., PH.D.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. DINGELL. Mr. Speaker, I rise today to remember and to pay tribute to Theodore Cooper, M.D., Ph.D., chairman of the board and chief executive officer of the Upjohn Co., who died on April 22 this year. It was my privilege to call Ted Cooper a dear friend.

There are many ways that a man can be remembered. We tend to remember people for the big things they do, the great goals that they accomplish. We remember the powerful positions attained, the awards won, the moments of glory. By these standards, one could easily talk for hours about Ted Cooper's accomplishments. But, what is more remarkable and more noteworthy is that Ted Cooper will be remembered for so much more. His legacy is not power or fame or a place in the spotlight. The greatest legacy of Ted Cooper was his love for his fellow human beings and his commitment to improving the life of all people.

A medical doctor and a Ph.D., he used his intellect and gifts to help and train those that would follow in his footsteps. As a professor of medicine, he taught at St. Louis University, chaired the department of pharmacology and was a professor of surgery at the University of New Mexico Medical School. He taught at Rockefeller University, and in 1977, he was appointed dean of the medical college of Cornell University. The students he taught are now doctors taking care of the sick and making them well. This gift of healing, shared with so many, is Ted Cooper's legacy.

He could have stopped there. Certainly his academic achievements represent enough laurels for a man to rest on. But that was not enough. Ted Cooper turned his attention to helping more Americans through public service. He was associate director of the Heart and Lung Institute at the National Institutes of Health. Thanks Ted Cooper's work at the Institute, Americans learned about cholesterol and its link to heart disease. Ted was also a Deputy Assistant Secretary and Assistant Secretary at the Department of Health, Education, and Welfare during the Ford administration. In these roles, he improved the health and well-being of all Americans, and, was duly recognized for his accomplishments. He received the Distinguished Service Award from the American Institute of Biological Sciences, the Albert Lasker Special Public Service Award, and the Department of Defense Distinguished Public Service Medal, among other honors.

Again, Ted Cooper could have stopped there, taking pride in his many achievements, and gone on to lead a quiet life. Thankfully, he did not. Instead, he devoted himself to the pharmaceutical industry, an industry that has as its goal the saving of human lives. He had been elected to the board of directors of the Upjohn Co. of Kalamazoo, MI in 1977. In 1980, he joined the company as an executive vice president, and was named vice chairman in 1984. In 1987, he was chosen as chairman of the board and chief executive officer, the position he held until his death. Ted made research a top priority at Upjohn, and this emphasis has led to promising compounds in development for AIDS, for nerve damage, and for a host of unmet medical needs. Ted understood that the purpose of a pharmaceutical company is to find innovative therapies for those in need.

When a person does as much as Ted Cooper did in his professional career, it's easy to imagine that he must have made sacrifices in his personal life. Ted Cooper did not. He was a loving husband to his wife, Patsy, and a wonderful father to four children: Michael, Mary, Victoria, and Frank. He enriched the lives of countless friends and he was never too busy to talk to and listen to one of Upjohn's employees, be it a fellow executive or a newly hired intern. Ted Cooper cared about people, those he loved dearly and those he never met. This gift of caring is Ted Cooper's greatest legacy, and I feel honored to have known him. Along with countless others, I will miss him.

AMSA HOLDS 37TH WORLD PIANO COMPETITION

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. MANN. Mr. Speaker, and Members of the House, please join me in congratulating the American Music Scholarship Association on its 37th World Piano Competition, which will be held in Cincinnati this summer.

Approximately 100 of the world's best young piano artists from all over the world participate in this event each year. The finalists in this competition are accompanied by the Cincinnati Symphony Orchestra, and all winners are awarded participation in a recital performance taking place at New York's Carnegie Hall. The World Piano Competition is one of the most important piano competitions in the world for its young participants.

Please join me in commending the AMSA's World Piano Competition on its 37 years of providing wonderful opportunities for the gifted artists who perform in the competition. I further wish to express my best wishes to those who will be competing.

TRIBUTE TO CLAIRE McQUADE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, there has never been a time when it was more important to call people's attention to public servants who have done their job not just well, but with a dignity, integrity and creativity that stands out. One such person is Claire McQuade, who recently retired after a long career as head of the board of elections in North Attleboro, MA.

I met her in 1982, when congressional redistricting brought us together—it has since once again put us asunder, at least for electoral purposes. But during that tenure period, I came to know, benefit from, admire, and appreciate Claire McQuade's extraordinarily dedicated and skillful performance of an important public service.

She has earned her retirement from the board of elections, but she will continue to be an important force for civility and intelligent public policy in North Attleboro and in Massachusetts.

Mike Kirby of the Sun Chronicle recently gave a good sense of what it was like for him as a young reporter to learn part of his trade with help from Claire McQuade, and I ask that the excellent job he did of giving people a sense of this talented individual be printed here.

CLAIRE MADE HER TOWN A BETTER PLACE TO LIVE IN

(By Mike Kirby)

One of my more pleasurable assignments in working for this publication was the year or so I covered North Attleboro.

And one of the more enjoyable aspects of the time I covered the town was visiting North Attleboro Town Hall—particularly visiting the upper level.

That's where Claire McQuade, chairwoman of the board of election commissioners, presided.

I made it a point to stop in and chat with McQuade whenever I could, partly because she would pass on story tips, partly to hear her strong opinions and partly because she was one of my favorite people in town hall.

Now that she is retiring from her duties after more than 20 years, I'd like to pass on a few of those stories, stories I think speaks volumes about the strong-willed, kind-hearted woman everyone in North Attleboro politics knows simply as "Claire."

Claire carried on her duties as election warden in a totally objective manner, but she was a Democrat with a capital D.

One time, she said, she was named a delegate to a state convention in Springfield. As she checked into the hotel, she met up with a prominent regional politician, one we in newspapers sometimes refer to as "from the old school." He scratched your back and made sure you scratched his as well.

This politician took out his wallet, flashed several large bills and began to pay for Claire's room.

"I told him to keep his money," Claire said. "He insisted, but I can be pretty darn stubborn."

Claire said she hadn't decided which candidate she would back, but there was one thing that was certain: She couldn't be bought.

In an age when we still too often think of men as the boss, she left little doubt who was in charge of the election, census-taking and other duties of her office. This sometimes put her at odds with some people at town hall.

But no one ever doubted that her office was perhaps the most efficiently run in town. Claire would have it no other way.

Her handling of the town census, for instance, is among the best in the area. Her figures often nearly match the federal census, which spends far more time and manpower.

When the town's shifting population meant that a seventh voting precinct was to be added, she anticipated the problem and had several options mapped out—years in advance.

During my time covering North Attleboro, I sensed that Claire's efficiency actually raised the performance level within town hall, that other workers didn't want to be left in her dust.

She also raised other people's standards.

Early in my tenure in North Attleboro, I referred to the town's preliminary election as a primary. Big mistake.

The next time I stopped at the election office, Claire was ready.

She quoted the section and verse of state law, distinguishing a preliminary election and a primary.

A primary, she said, involved parties; a preliminary was strictly non-partisan.

She was firm about it, but nice too. I apologized and wrote a correction.

From then on, whenever I had any questions about elections, I called Claire. I knew if I did, I'd get things right.

So, not only should the townspeople of North Attleboro say "thank you" to Claire, so should I. And so should the better-informed readers of this publication.

INTRODUCTION OF ENTERPRISE ZONE LEGISLATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. CLYBURN. Mr. Speaker, today I am introducing legislation designed to encourage business expansion, employment stimulation, and the revitalization of areas designated as enterprise zones, including those areas affected by the closure or realignment of military bases.

This legislation authorizes a total of 50 tax enterprise zones; 25 to be designated by either the Secretary of Housing and Urban Development in the case of an urban tax enterprise zone, and 25 by the Secretary of Agriculture, in consultation with the Secretary of Commerce, in the case of a rural development investment zone.

In addition, this legislation authorizes the Secretary of Commerce to designate those areas adversely affected by the closure or realignment of military bases as tax enterprise zones.

By utilizing the tax incentives of an enterprise zone, the legislation I am proposing will soften the economic blow to those communities which have relied on the presence of military bases for jobs and economic stability.

The designation of areas affected by base closings will attract new industry and spur economic development to replace the loss of revenue and jobs created by a base closing.

Many of the tax incentives for enterprise zones in this legislation were included in H.R. 11, the Revenue Act of 1992, which was vetoed by President Bush last November. The tax incentives in this legislation include: 15 percent employer tax credit for qualified zone wages paid or incurred during such taxable year; deduction for the purchase of enterprise zone stock; and 50 percent exclusion for gain from new zone investments.

Mr. Speaker, the passage of this legislation will enable us to make significant progress in attracting businesses to those communities that are most in need of economic development and renewal.

TRIBUTE TO TIMOTHY S. RICKEY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Military Academy.

Timothy S. Rickey will soon graduate Bowling Green High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Tim has participated in numerous academic challenges. He is a member of the National Honor Society, the French Club, and participates in Junior Achievement. Tim has also distinguished himself as an outstanding athlete on the BGHS swimming team, as well as serving as team captain.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Tim Rickey has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he takes his place in the "Long Grey Line" and begins his career in service to our country.

A SALUTE TO AMERICAN WOMEN IN RADIO AND TELEVISION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mrs. MORELLA. Mr. Speaker, I rise today to salute the pioneering work of American Women in Radio and Television, a nonprofit organization of professional women and men in the electronic media and allied fields. For more than 40 years, the organization has toiled to improve the quality of the electronic media, especially the image of women. About a year ago, American Women in Radio and Television launched a public service campaign to combat sexual harassment.

Although sexual harassment has received substantial publicity recently, victims often are largely unaware of the law and its remedies, as well as of support groups and resources available to help. Studies show that as many as two-thirds of working women have experienced sexual harassment. This illegal behavior takes its toll not only in self-esteem, but also in lost productivity in the workplace.

With the assistance of a variety of organizations, American Women in Radio and Television has organized a campaign that marries two important societal institutions: the electronic media and our nationwide library system of more than 16,000 libraries. Involved is a "Stop Sexual Harassment" resource booklet that is available to all of the libraries. The booklet discusses the issue of sexual harassment and specific ways to deal with harassment, including a suggested list of Government and private resources. Mr. Speaker, I am impressed with the campaign launched by American Women in Radio and Television and look forward to the day when such a campaign will no longer be necessary.

TRIBUTE TO MS. MARGARET BOIVIN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Ms. Margaret Boivin, of Menominee, MI, in Michigan's First Congressional District, which I represent. On May 1, 1993, the community of Menominee will honor Ms. Boivin as she retires after 22 years of being the Menominee County District Court Clerk.

Margaret Boivin has served Menominee County and its citizens with integrity and honor. She has been a leader in the community. The party that will mark her retirement on May 1 does not begin to express Menominee's gratitude and admiration for her years of service. It is our hope, however, that now Margaret will have more time to spend with her family, her friends, and her pets. I know there are many people starving for the attention that she has given over the years to her job. I'm sure they'll be happy to get her back. On the other hand, however, Menominee County will sorely miss her for her work.

It is not only mine, but all of Menominee County's hope that Margaret will continue to enjoy the fruits of her labor starting with her retirement party. We can never adequately express our gratitude for her tireless service. Congratulations Margaret, and best wishes.

51ST ANNIVERSARY OF THE FALL OF CORREGIDOR

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. HUNTER. Mr. Speaker, on May 5 we recognize the 51st anniversary of the fall of Corregidor and honor the memory of the Filipinos and Americans who fought the brutal Japanese occupation of the Philippines.

Official U.S. Army reports state that of the Filipinos and Americans who were surrendered to the Japanese in 1942, less than half survived to be released after the submission of Japan in 1945. Since 53 percent of POW's in Japanese hands were slaughtered on the Bataan Death March or died from starvation and disease in Japanese prison camps, by far the most barbaric treatment of prisoners of war recorded in modern times.

The few Americans who escaped fought with Filipino guerrillas against the Japanese throughout the occupation. Gen. Douglas MacArthur in his book "Reminiscences" estimated that the Filipino organized units on Luzon alone equaled the effectiveness of five American divisions. In addition to fighting the Japanese throughout the occupation, the Filipino guerrillas furnished intelligence information to American forces before and during the retaking of the Philippines.

Following through on his pledge to return, General MacArthur led an American attack force to the beaches of Leyte on October 20, 1944. When General MacArthur waded ashore, he had with him President Sergio Osmena and Gen. Carlos Romulo.

To my knowledge, no American was ever betrayed to the Japanese during those dark years of oppression in the Philippines. When American troops landed on Leyte, Comdr. Chick Parsons, organizer of the Filipino guerrilla resistance, completed his mission there and left the island. Although he had been in company with Filipinos on several occasions when stopped by Japanese patrols, and had a $10,000 price on his head, the Filipinos always put his protection above their own. This was true of other legendary Americans who fought with Filipinos guerrilla units on various Philippine islands during World War II, such as Col. T.V. Hanson, Col. Ed Ramsey, Lt. I.F. Richardson, and Lt. Don Jameson.

The bond of friendship demonstrated during World War II between Americans and Filipinos lasts to this day. We will be commemorating this camaraderie at a dinner Friday, May 7 in the office club at the San Diego Marine Recruit Depot. Sponsoring the event is the Pacific Freedom Foundation, with its first vice-president and executive director, Frank Dillman, as honorary dinner chairman. The Honorable Helena Benitez, former Filipino senator and chairwoman of the Philippines Women's University, will be the guest of honor and speaker. Among those attending will be former guerrilla fighters, POW's and others who participated in the defense and liberation of the Philippines.

DR. HENRY DITTMAR'S "HISTORY WITHOUT END"

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1993

Mr. LEWIS of California. Mr. Speaker, a large contingent of University of Redlands alumni from the Washington area recently gathered to honor one of their most admired professors, Dr. Henry Dittmar, on the occasion of his 80th birthday.

There are presently over 300 University of Redlands alumni working in the Nation's Capital, a large percentage of them products of Dr. Dittmar's four decades of teaching European, African, and Middle East history. Most remarkably, he is still teaching.

Mr. Speaker, I would like to share Dr. Dittmar's address, "History Without End," with you and our colleagues for it conveys this man's view of how history affects many of the major crises we face today around the globe.

HISTORY WITHOUT END

Thank you for your great kindness and generosity in inviting me here to be with you to celebrate my 80th birthday. I am very touched indeed, more than I can possibly express.

I must ask you, though, to make one slight correction. The date of my actual birthday was not the 13th but the 7th of March. The year was and is 1913. It makes me think of the almost superstitious horror which President Wilson had of the No. 13. He had what Harold Nicolson called "a childish belief in the personal relation between himself and the No. 13", a belief which anyone born in the year 1913 would not be inclined to share.

Les Janka mentioned to me that most of you have not heard me in a history class for quite a while, and that for that reason you might actually want me to talk history—and that in a town in which a policy adviser at the State Department propounded the concept of the "end of history". I am not going to try to refute that hypothesis tonight—nor do I intend to talk for the traditional academic 50 minutes which might make you long for the end of history.

What I would like to do is to vary the usual compartmentalisation of history into nation states or powers in evolution or decline, and to shift our attention away from Paris or London, Bonn or Washington, Moscow or Cairo, to the fault lines and border or buffer states in between. In this I want to look at the lands of the European Peninsula and of the Middle East as a single interrelated area. After all, most of the inhabitants of that area believe, or used to believe, in the same single God, however defined by Jews, Christians, or Muslims.

This landmass north and east of the Mediterranean Sea is usually and somewhat arbitrarily considered in the context of either African, Asian, or European history, but rarely as one interrelated area.

It has been divided, not by geography but by human action, along three remarkable fault lines which have been the cause of military action, time and again, over the centuries, and of which so far only one has shown signs of a peaceful demise.

The furthest west of these lines is the one created first by Julius Caesar, and then more effectively, by Louis The Pious, the son of Charlemagne. It was in my childhood and my adolescence still associated with the concept of France and Germany as hereditary enemies. The buffer between these two fairly well defined areas was Alsace-Lorraine, the prize over which all too many wars were fought.

The furthest east of these fault lines is the one which 2,000 years ago still separated the Roman and the Persian Empires. Alexander The Great had blurred that line temporarily, and so had the Arab Khalifate at its peak. However the emergence of the Ottoman Empire as the Successor to the Byzantine Empire and the rejuvenation of the Persian Empire under the Safavids in the 16th century reestablished the ancient rivalries—the buffer in this case being the land we now call Iraq.

The third fault line, in the middle between the others, is the one created by the partition of the Roman Empire into east and west, last negotiated in the year 518, which started just west of what is now the city of Belgrade, and reached the Adriatic at the point which now marks the frontier between Albania and Greece, opposite the heel of the boot of Italy. The buffer here was for many centuries the Venetian Republic, which at times included the Dalmatian coast of what now is Croatia.

A closer look at these fault lines might leave us with some interesting conclusions.

The first, fairly obvious one, is that lines drawn by rulers or other statesmen leave much to be desired. We only have to think of the partition of Africa along lines drawn by European governments without any reference to traditional boundaries between tribes or peoples. These lines have remained a major problem in African politics.

In the case of the three fault lines which I mentioned there was perhaps a little more justice, a little more respect for tradition, but certainly no inclination to leave them alone. There was at all times the inclination of the stronger power to enrich itself at the expense of the weaker power.

The partition of Charlemagne's Empire among his grandsons really created three different states: To the west the Realm of Charles, clearly identifiable as the nucleus of the future France; to the east the Realm of Louis which included the borderlands of the old empire and the newly conquered Saxon Territories, giving it definite German character; and in between the empire of Lothair which consisted of the lands between from the North Sea to Italy, "a sausage of a country" according to some historians. That was clearly the buffer state to be fought over between east and west for over 1,000 years. It was an attractive territory, bordering on Rhine and Meuse, commanding trade routes from the Alps to the North Sea and from West to East. Under the Dukes of Burgundy it became the richest country in Europe, and it gave birth to the first ruler since Charlemagne to think in terms of a united Europe, the Habsburg Emperor Charles V. His plans and policies filled the King of France with such fear that he did everything in his power to mobilize opposition to Charles, even the Muslim Turks and the German Protestants.

There then followed the centuries of French ascendancy which led to the advance of France to the Rhine, culminating in the capture of Strasbourg, today the capital of the Council of Europe, and frequent host to the European Parliament. Louis XIV advanced to the Rhine, and Napoleon incorporated the Rhine lands. The Concert of Europe, in 1815, gave the northern part with its great Catholic tradition to Protestant Prussia, and left French speaking Lorraine and German speaking Alsace in French hands, shattering the dreams of an incipient all-German nationalism.

In 1871 Alsace Lorraine became the price which Bismarck offered and France had to pay to German nationalism to accept Prussian dominance. After World War I France regained the coveted lands, only to lose them to Hitler in 1940, and then again obtain them after World War II. It was a seemingly endless bloody tennis match.

However, wonder of wonders, there emerged after the war statesmen on both sides determined to bring that game to an end. The crisis of post-World War II became in Jean Monnet's words "the great federator". Robert Schuman of France, a native of Luxemburg, Konrad Adenauer, the great Rhinelander, Alcide de Gasperi of Italy, a native of Trent and former member of the imperial Austrian Parliament, and Paul-Henri Spaak, native of the former and future capital of Europe, agreed on a fusion of the coal and steel industries of France, Germany, Italy, and the Benelux countries which make future wars among them impossible. This, in Robert Schuman's words, was to be "a contribution to the raising of living standards and to world peace," and Jean Monnet told Konrad Adenauer: "We want to put Franco-German relations on an entirely new footing. We want to turn what divided France from Germany—that is the industries of war—into a common asset, which will also be European."

Thus was born the concept of first economic and later political unity—at its very core the idea of permanent Franco-German cooperation to replace the hereditary hostility of the countries towards each other. The fault line was to disappear, and Adenauer replied: "Monsieur Monnet, I regard the implementation of the French proposal as my most important task. If I succeed, I believe that my life will not have been wasted." (Monnet: Memoirs)

What about the second line in the East? In modern times, that is since the 16th century, the Ottoman Empire and the Persian Empire fought almost constant wars over the possession of what once was Mesopotamia and now is Iraq. Parallel to the religious conflicts in Europe brought about by the Reformation, Sultan Selim I, to quote Lord Kinross, "was dedicated above all to the extermination from his empire of the hersey of Shi'ism. His main enemy was its exponent, the Persian Shah Ismail. Before embarking on a holy war against him, Selim saw to the elimination of some 40,000 of Ismail's religious followers in Anatolia, an action comparable in Islamic terms to the contemporary massacre of St. Bartholomew in Christian Europe." (Ottoman Centuries, p. 167) The current term for such action is ethnic cleansing.

The wars between the Turks and the Persians lasted for centuries—until European intervention in the second half of the 19th century brought them to a halt.

With the dismemberment of the Ottoman Empire after World War I in what David Fromkin called "a peace to end all peace" the bufferland, Iraq, was given new status as a power in its own right. Lloyd George diddled Clemenceau out of Mosul, which was then added to the mainly Sunni province of Baghdad and the mainly Shi'ite province of Basra. This prevented the establishment of an independent Kurdistan in the north and barred any Persian claims to the south. A desert king was imported, and thus this potentially very wealthy region given the impetus to recreate both ancient history and the Baghdad of the Khalifs.

When, in the post-World War II years, the Khomeini revolution in Iran, put the safety of western economic as well as political interests in Iran in doubt, the concept that Iraq, whatever its government, should be maintained as a counter force, gained many adherents. Saddam Hussein felt encouraged. He could consider himself the victor in a long war against Iran—and probably thought that further expansionist policies would be tolerated. In an interview with Alasdair Palmer, printed in the Spectator (January 23, 1993), General Michael Dugan, U.S. Air Force Chief of Staff during part of the gulf war, said: "Operation Desert Storm was designed to give Saddam a way of surviving. * * * He might be a bit brutal, but at least he is not a mad Mullah."

The theologian Al-Ghazali, who died in 1111, wrote: "An evil-doing and barbarous sultan, so long as he is supported by military force, so that he can only with difficulty be deposed and that attempt to depose him would cause unendurable strife, must of necessity be left in possession, and obedience must be rendered to him" (quoted in Peter Mansfield, The Arabs), and a Christian Chronicler reported from Damascus that it was understood that power must be asserted by a certain measure of harshness and violence. If a ruler was mild, just, and peace loving, this emboldened the people against him.

In the meantime the "Mad Mullah" of Iran has been replaced by President Hashemi Rafsanjani, equally fundamentalist, but pleading for understanding rather than advocating hostility. Mr. Moorhead Kennedy, former hostage in Iran, quotes him as "calling upon the West to grow up, to stop being afraid of what we are unwilling to understand, to accord to other rights that we claim for ourselves and our allies, and to have the courage to make common cause even with those whose means appear unfamiliar, bizarre, or even (possibly) dangerous." (L/A Times, March 15, 1993)

Clearly there has been no resolution along the fault line between ancient Rome and Persia with Mesopotamia as the coveted buffer. And there have so far not been any great statesmen to seek peace where there have been centuries of war. That history is by no means at an end.

And what about the third fault line, the boundary between the western and the eastern Roman Empire, between Latin and Orthodox Christendom, and for 500 more recent years between Western and Central Europe and the Ottoman Empire?

When, in the course of the seventh century, Slavs settled in these ancient borderlands, filling a vacuum originally caused by the invasion of the Huns, the Slovenes and the Croats in the West were converted to Latin Christendom, while Serbs to the East accepted the Orthodox rite. To be more precise: "By the end of the 10th century the inhabitants of present-day Serbia and eastern Bosnia had for the most part accepted eastern Christianity, while western Bosnia and Croatia leaned toward Roman Catholicism." (William Langer) The fault line was reestablished and reaffirmed. Whenever the empires of East or West were weak, the borderlands grew strong—as the Serbian state did under Stephen Dushan in the 14th century, and the Venetian Republic in the 15th century—until they were defeated and absorbed by the greater powers. The Serbian armies were annihilated in the never forgotten Battle of Kossovo in 1389, and the Venetian Republic brought to an inglorious end by Napoleon in 1797.

The Vienna Congress of 1815 made Austria-Hungary heir to the lands of the former Venetian Republic, including Croatia with Dalmatia, leaving Bosnia and Serbia within the much weakened Ottoman Empire. After the upheaval of the French Revolution and the Napoleonic wars there was a period of settlement and nationalist dreams deferred. Serbia gained a degree of autonomy from the Sultan, sufficient for bitter rivalries and even civil wars among competing factions and their leaders; an insurrection in Bosnia and Herzegovina in 1876 led to a declaration of war against Turkey by Serbia and Montenegro. Their armies under the command of the Russian General Chernaiev were defeated by the Ottoman forces. Fear of unilateral Russian intervention led to a meeting of the Concert of Europe in Congress at Berlin, in 1878. There Serbian independence was recognized, but the coveted provinces of Bosnia and Herzegovina put under Austrian occupation and administration. The old fault line was reaffirmed.

It then became the major goal of Serbian policy to gain Bosnia and Herzegovina, and, in addition, access to the Adriatic. Gavrilo Princip, the assassin of the Austrian successor to the throne, was both a Bosnian revolutionary and a member of the Black Hand, an organization dedicated to the fulfilment of Serbian aspirations. The allies promised Serbia both Bosnia and Herzegovina and a wide access to the Adriatic in 1915. This was accomplished with the formation of the kingdom of the Serbs, Croats, and Slovennes in December, 1918, a union endured rather than accepted by the Croats in the West. The assassin of King Alexander, in 1934, was an agent of Croat revolutionaries headquartered in Hungary.

During World War II Croatia was put first under Italian and later under German control. The Ustachi, militant Croat nationalists, were given free rein to massacre thousands of Serbs. In opposition, the Croat Communist leader, Josip Broz Tito, succeeded in uniting the antifascist forces of the country, and ultimately of all of Yugoslavia with a plan under which the separate parts of Yugoslavia would be united in a federation of autonomous republics. This union now no longer exists—and the old fault line is now also the line of battle.

Misha Glenny, correspondent of the BBC World Service, describes his impression of the Krajina, scene of recent fighting, in these words:

"The Vojna Krajina can claim to be one of the most active and disruptive historical fault lines in Europe. Apart from forming the border between the empires of Islam and Christendom for three centuries, it is also the line of fissure between Rome and Constantinople, the Roman Catholic and Orthodox faiths. * * * it is no coincidence that the war between Tito's partisans and the Croat fascists, the Ustachas, one of the most bestial struggles within the myriad conflicts of the Second World War, erupted largely along this strip of southeastern Europe." (The Fall of Yugosalvia)

The bestial struggle is obviously continuing day by day; it is being waged by the Serbian Bosnians against the Croats whose terrible atrocities during World War II have neither been forgotten nor forgiven. And it is now being waged against the Bosnian Muslims in the name of religion, a revival of the Crusades which pitted Christians against Muslims. It sounds like a rather hollow form of fundamentalism, aimed at reawakening old and long forgotten hatreds, but has resulted in the razing of Mosques to the ground in conquered Muslim villages, and, as we know, in the organized mass rape of Muslim women.

We may well ask: Is there no statesman, no person of genius and vision, as there were in Western Europe after 1945, who can reconcile the opposing parties? Is there no way to identify common interests and common values rather than old prejudices and hatreds? And is there no way to make the respect for human rights the basic law of the entire human family?

You see that a discussion of history can easily become an essay in current affairs. History is after all continuing in us and with us. We are all part of it—and there is no end to it.

Thank you for inviting this now old historian to talk history once more. May God bless you all.

HOUSE OF REPRESENTATIVES—*Wednesday, May 5, 1993*

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

MAY 5, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for the gift of wisdom to all with great responsibility for the leadership of our Nation. May all who lead have the vision of a world where respect and understanding are the marks of civility, and honor and integrity are the marks of one's character. Raise up, O God, women and men from every nation who will lead toward the paths of peace and whose good judgment will heal the hurt between all peoples. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ISTOOK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 146, answered "present" 1, not voting 29, as follows:

[Roll No. 151]

YEAS—255

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—146

Allard
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
Markey
McCandless
McDade
McHugh
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

Slaughter

NOT VOTING—29

Becerra
Brown (CA)
Conyers
DeFazio
DeLauro
Dooley
Frank (MA)
Gibbons
Henry
Hyde
Inhofe
Lightfoot
Lloyd
Maloney
McInnis
McKinney
McMillan
Pelosi
Porter
Ridge
Saxton
Smith (NJ)
Towns
Tucker
Valentine
Washington
Whitten
Wise
Zimmer

☐ 1321

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair would ask the gentleman from Mississippi [Mr. MONTGOMERY] to come forward and

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. Con. Res. 34. Concurrent resolution calling for a continued United States policy of opposition to the resumption of commercial whaling, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 171. An act to establish the Department of Environmental Protection, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; and

S. 884. An act to make technical amendments to the Higher Education Act of 1965 and the Carl D. Perkins Vocational and Applied Technology Act.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of the unofficial results received from the the Secretary of State, State of Ohio, indicating that, according to the unofficial returns of the Special Election held on May 4, 1993 the Honorable Rob Portman was elected to the Office of Representative in Congress from the Second Congressional District, State of Ohio.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

SECRETARY OF STATE, STATE OF OHIO,
Columbus, OH, May 4, 1993.

Hon. DONNALD K. ANDERSON,
Clerk of the House, House of Representatives, Washington, DC.

Re: Unofficial results of Special Congressional Election in the Second Congressional District, Ohio

DEAR MR. ANDERSON: On May 4, 1993 a special election was held in the Second Congressional District of Ohio to fill a vacancy therein. The election was held pursuant to Ohio Revised Code Section 3521.03.

The unofficial results of the election with 98% of votes counted are as follows: Lee Hornberger, 22,496; Rob Portman, 52,598.

An official canvass of the returns will begin on or about May 17, 1993. Subsequent to the canvass, a certificate of election will be forwarded to you.

If you have any questions or if I can be of further service, please call me at (614) 466-2585.

Sincerely,
JOHN BENDER,
Chief Elections Counsel.

SWEARING IN OF THE HONORABLE ROB PORTMAN OF OHIO AS A MEMBER OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentleman from the State of Ohio, Mr. ROB PORTMAN, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the gentleman from Ohio [Mr. PORTMAN], the Member-elect, come forward with Members of the Ohio delegation and others wishing to accompany him to the well to receive the oath of office.

Mr. PORTMAN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. The gentleman is now a Member of the House of Representatives.

ECONOMY SHOWS WEAKNESS, RECOVERY STALLED

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the handwriting is on the wall: The pace of the recovery has slackened and the economy could lapse into a recession. The signs are everywhere.

The Commerce Department reported the real gross domestic product rose at a pitifully slow annual rate of 1.8 percent for the first quarter.

Real consumer spending has spiraled for the third consecutive month.

New orders for durable goods have decreased 3.4 percent since December.

But the reason why consumer spending is down and the production of goods is light is because people have no confidence in the economy. This economy has not produced new jobs.

At this stage in the last seven recessions, the economy has typically recovered 237 percent of the jobs lost. In the current recovery, we have gained only 29 percent of the jobs lost.

Mr. Speaker, the economy will not cure itself. It will not heal itself as our last President promised it would.

President Clinton has proposed a jobs bill to put Americans back to work and to prime the economic pump of our Nation. It does not matter whether the Congress enacts every component of that bill.

The important thing is that the President and the Congress work together to put Americans back to work.

TELLING THE TRUTH ON SPENDING CUTS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, President Bill Clinton was all over radio and television this morning saying that "it was time to start telling the truth to the American people."

But then he went on to tell the most outrageous lie I have heard in weeks. He said that he challenged the Republicans to come up with ways to cut spending but that he still had not heard from them.

It is time for Mr. Clinton to try a little truth himself—for a change. Republicans did come up with an 84-page budget plan which provided $429 billion in specific budget cuts—and no tax increases. This is it right here—it is dated March 10, 1993.

Ross Perot heard about it. Why has not the President.

ENTERPRISE ZONES

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, on yesterday, I introduced legislation designed to encourage business expansion, employment stimulation, and the revitalization of communities through the establishment of 50 enterprise zones and automatic designation for communities adversely affected by base closings.

Naturally, I was ecstatic to read this morning that the President is proposing the Economic Empowerment Act of 1993 which will establish 110 local enterprise zones.

Mr. President, if experiences of recent days are any indication of what we can expect by way of Republican response, this program is not needed.

Well, I call upon my Republican friends to look at this proposal.

Look at the threshold requirements; one of which is in order to be eligible a community must have at least 20 percent of its households living below the poverty level.

Do you have counties in your district where 20 percent of the households are living below the poverty level?

Do you have counties in your district with double digit unemployment?

Mr. President, Members on the other side of the aisle, let us get real, and for once let us do something for the ordinary people of this Nation.

Let us be creative, innovative, and bold. And in the process maybe—just maybe—we can do something right for a change.

□ 1330

CALLING THE PRESIDENT'S BLUFF

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, last night at the $1,500 a plate Democrat congressional dinner, President Clinton was conducting business as usual by cozying up to his fat cat, special interest, labor friends, and lobbyists. In fact, it seems that he has been so busy with the labor and special interest groups lately that he totally missed out on the Kasich Republican budget plan—you know, the one with real spending cuts and no new taxes.

The President actually said last night that the Republicans haven't offered any specific spending cuts. Well, here is the Kasich budget plan that was offered on the floor. It has $430 billion in spending cuts over the next 5 years. Obviously President Clinton has been so intent on big taxes, big spending, and big government that he cannot recognize a responsible budget plan when he sees one.

As the old saying goes, if you repeat a lie often enough, it is taken as the truth. Sorry, this time we are calling the President's bluff.

PRESIDENT CLINTON SHOULD STAY THE COURSE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the President should stay the course and not listen to the voices of confusion. The issue is still the economy. Our economy is slowly going downhill. It is going to begin escalating. The figures this month show what has been truthful all along. The President should remember he was elected because he had the vision.

Mr. Speaker, the President is one of the few people among the Washington decisionmakers who do have vision. He should not surrender his vision. His vision is superior to those who are criticizing him.

The President should understand that the issue is still jobs. Unemployment is still a major problem across the Nation. Unemployment in New York is still above 10 percent. What is happening in New York now will begin to happen in many other places if we do not take action.

It is almost criminal that we have eradicated the one effort, we have eliminated the one effort, to increase jobs that was on the drawing board in Washington. The youth in my district need the summer youth jobs. We need the community development project. We need all the job creation projects. We need them now, and, as the year goes on, we need them more.

The President should stay the course and not listen to the voices of confusion.

PROPOSED BTU TAX WOULD IMPACT ALL SECTORS

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, this proposed energy tax, referred to as the Btu tax, is a complete sham.

How many Americans know what a Btu really is? Or how many millions of Btu's are in a gallon of gas?

President Clinton has proposed the greatest gas tax increase in American history.

He is calling it a Btu tax so that average Americans are deceived into thinking this is a tax on someone else. It is not.

The American consumer, senior citizens, small business owners, even the urban poor are the people who will pay the tab for the Btu tax everytime they fill up their car, turn on a light or cook their dinner.

Those broad promises and pledges that Mr. Clinton made to middle-income taxpayers during his campaign are forgotten.

After all, that was candidate Clinton. Now, President Clinton seems to totally forget what he promised to the American people.

Mr. Speaker, I urge my colleagues to reject this most deceiving tax.

CONFIDENTIALITY LAWS DO NOT PROTECT VICTIMS OF CHILD ABUSE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I come to the floor of the House of Representatives today in the name of Darnell Okedeji. Darnell Okedeji is a 2-year-old boy who was reported in critical condition today after he was allegedly beaten by his stepfather. This is a particularly cruel incident because, according to news reports which I have read today and which I have seen on local media, it was reported to authorities, both social workers and county police in Prince William County, on April 13 that there was suspicion that Darnell was the victim of child abuse.

Mr. Speaker, as a reporter I have seen this occur day in and day out, week in and week out, across this Nation. I am not saying that the people in Prince William County are themselves at fault in this instance. When asked to comment on this, Ricardo Perez, the director of social services in Prince William County, made the comment that confidentiality laws prevented him from discussing the case.

Now, is it not amazing, Mr. Speaker, that we have confidentiality laws which protect those who failed Darnell, but we do not have rules and regulations which take the best interests of this child, Darnell, into heart and protect him?

TRY IT, YOU'LL LIKE IT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Clinton has had a tough week.

First, this weekend, President Clinton accused ROBERT DOLE of pork-barrel spending, which he was forced to admit was an inaccurate statement.

Then, he claimed yesterday that he wanted to cut spending before he raised taxes. We all know that is not true.

And last night, he made the remarkable statement that Republicans did not have any specific spending cuts.

It is as if the President and his advisers got together and said: We have seen the enemy and the enemy is the truth.

Mr. Speaker, I wish the President would not feel so uncomfortable with the truth. As the Bible says, "The truth shall make you free."

Or as an old television commercial put it: "Try it. You'll like it."

HIGHER EDUCATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even though there are 1 million high school seniors every year who graduate that cannot read, America is still known as the haven for higher education, and, when I say "higher," Mr. Speaker, I mean higher and higher. The president of Boston University makes $415,000 a year. The president of Vanderbilt University makes $400,000 big ones a year.

My colleagues, 12 other university presidents earn more than $300,000.

Mr. Speaker, many presidents of these universities make more money than President Clinton while most of the faculties who do the teaching have a rough time getting a pay raise. That is disgusting, my colleagues. In fact, with all the higher education in America, it is no wonder American students just keep getting high.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair notifies our guests in the gallery that they cannot participate in the proceedings by applauding.

RIP VAN CLINTON

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, it was once said: "The great masses will more easily fall victims to a big lie than to a small one."

Well, the Clinton corollary to this statement is: "It is far easier to catch a person who makes a series of small lies."

Bill Clinton proved his corollary again last night. He claimed at a Democratic fundraising dinner that we Republicans did not offer any specific spending cuts.

Mr. Speaker, where did the President spend his first 100 days? Is he Rip Van Clinton sleeping through it all? Surely he knows he spoke falsely last night.

Mr. Speaker, the President wants America to pay more taxes, but he needs to pay more attention. We Republicans presented an alternative budget including billions of dollars in spending cuts more specific than the President's. The President needs to apologize for straying from the truth last night, and he needs to pay attention to other people's ideas.

Rip Van Clinton, wake up.

□ 1340

MOTOR-VOTER BILL PROMISES GREATER PARTICIPATION IN ELECTIONS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to give my strong support to H.R. 2, the National Voter Registration Act. The public elected 110 new Members of Congress because it wants Washington to be in touch with the needs and concerns of all American families. By giving people greater access to the polls, the motor-voter bill will help accomplish this goal. That is why I support H.R. 2.

If we are to give Washington back to all Americans, those who have become alienated by this town, we must encourage participation in the electoral process. People who spend most of their time struggling to support their families often do not participate because of a variety of outdated rules that make it difficult to be involved.

That does not mean that most people do not care about what goes on back here. They do, and we can help give them a voice by making it easier for them to register to vote. I urge my colleagues to vote "yes" on the motor-voter bill, so that Washington will be in touch with all Americans.

DISABILITY THREATENS JOB OF CONGRESSIONAL WORKER

(Mr. RAVENEL asked and was given permission to address the House for 1 minute.)

Mr. RAVENEL. Mr. Speaker, this House in which we serve is, right now, in the process of committing a heartless act against a poor and helpless developmentally disabled young woman. Her name is Fifine Glaws. For 10 years, she has operated elevator No. 5 in the Cannon building. Because her disability will not permit her to work a full day, we are now in the process of retiring her. Fifine, who lives in a Montgomery County community house with three other disabled young ladies, is devastated by our actions. As her social worker told me this morning, "Her job is her life." Are we going to strip that from her along with her self-esteem? Are we not violating the very soul of the Americans With Disabilities Act? Shame on this House if we are. Tomorrow, I will have more to say about this impending terrible wrong if it is not righted.

POOR AND WORKING PEOPLE WOULD BENEFIT FROM PASSAGE OF MOTOR-VOTER BILL

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, there are reasons why the wealthiest 1 percent of our population owns more wealth than the bottom 90 percent, and why the gap between the rich and the poor grows wider.

There are reasons why, in recent years, we have seen the growth of millionaires at exactly the same time as 2 million Americans go homeless, 5 million children go hungry, and tens of millions of our citizens lack health care.

And one of the reasons as to why we see these occurrences is that, to a very large degree, poor people and working people have very little impact on our Nation's political process. Wealthy people vote in large numbers and elect the candidates of their choice; poor and working people do not. Wealthy people contribute to politicians who represent their interest; poor and working people cannot.

Mr. Speaker, that motor-voter bill, simply stated, will make it easier for poor and working people to register to vote and to participate in the political process. Among other things, it will allow individuals to register to vote when they apply for a driver's license, and to register to vote by postcard. This legislation will unquestionably increase voter turnout and make our government more democratic and more responsive.

I urge all Members of Congress to support it.

AFTER THE MEGAMAC, NOW WE HAVE THE MEGAWHOPPER

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, Bill Clinton's love for fast foods is legendary. The week of the Inauguration, the McDonald's near the White House introduced a new product in the President's honor—their biggest burger ever, the MegaMac.

I am going to suggest that Burger King get in on the act. They could name a new sandwich for favorite pastimes. They could call it the MegaWhopper.

Listen to this MegaWhopper Bill Clinton told last night at a Democratic congressional committee fundraising dinner:

> The Democrats are not about to raise taxes unless we cut spending. That's what we're about. But the difference between us and the other side is we asked them for their spending cuts and we're still waiting. We're the ones that are cutting unnecessary government spending and we're going to bring this deficit down and it's time to tell the American people the truth.

Yes, it is time to tell the truth. And if there were ever any further evidence needed that Bill Clinton has trouble telling the truth, we heard it last night.

The truth is this: The Clinton budget does not cut spending at all. By the President's own numbers it would increase the national debt by $1.2 trillion—the most deficit spending ever in a 5-year period. And this, in spite of imposing the largest tax increase in American history.

And the truth is this: The Republican members of the House Budget Committee developed a complete alternative to the Clinton budget—plan for specific cuts to make good on the cuts in deficit spending that Bill Clinton promised but did not deliver. And our plan calls for no new taxes. We offered every one of our specific spending cuts in the Budget Committee—and the Democrats voted every one of them down by party-line vote.

Bill Clinton says it does not exist—but here is a copy of the Republican spending cut plan we debated and voted on just a few weeks ago. I'll be glad to send a copy to anyone who requests one. And I'm sending one to Bill Clinton today. Here is a copy of the Republican plan.

Have lunch at your desk tomorrow, Mr. President, and read the Republican spending cut plan. You can have your Whopper—but we'll show you how honest policymakers want to wield the cleaver against tax-and-spend pork.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair wishes to point out that the gentleman should address the Chair.

BETTER GOVERNMENT IS GOAL OF MOTOR-VOTER BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today the House has an opportunity to take a giant step in the direction of better government by adopting the conference report on H.R. 2, the National Votor Registration Act. This is what we fondly call the motor-voter bill. It allows people to register to vote when they apply for their driver's licenses. But it goes beyond that. It offers voter registration at other public places, and it also requires States to establish a register-by-mail process.

This is a great bill. It is a bill that most of us voted for when it came through the House. The compromise reached in the conference is supportable, and I hope it is supported by a large vote in this Chamber.

A Congressional Research Service bulletin, Mr. Speaker, says it all: States which have motor-voter type registration laws have both higher registration rates than States without them as well as higher percentages of their voting age population participating in the elections.

So anything, Mr. Speaker, which moves America to register to vote and to vote is a good thing. H.R. 2 is a good thing. I hope it passes today.

SUPPORT URGED FOR HOUSE RESOLUTION 156 TO CHANGE HOUSE RULES ON ESTABLISHING DEBT CEILING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Ross Perot says Congress treats the deficit like "crazy aunts locked in the closet." We all know they are there but no one wants to talk about them. On April 21, I introduced House Resolution 156, which would force the House to at least acknowledge that the crazy aunts are in the family. Many Members don't realize that included in the House rules is a provision that allows the House to raise the debt ceiling by incorporating that issue into the budget resolution. In other words, a vote for the President's budget, according to House rules, means a vote to raise the debt ceiling. The House gets off the public accountability hook and does not have to come forward and openly vote on the issue.

My bill eliminates this House rule so that a vote to raise the debt ceiling will stand on its own and not be hidden in parliamentary gimmicks.

AFFORDABLE, ACCESSIBLE HEALTH CARE

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, I stand today to congratulate the President and Mrs. Hillary Rodham Clinton for making good on a promise to initiate the long-overdue process of reforming our health care system. We have waited far too long to work toward providing affordable, accessible health care to all Americans.

I, for one, look forward with hopeful anticipation to the proposal and to the constructive, progressive dialog that will follow its presentation. I urge my respective colleagues on both sides of this Chamber to unite in this effort to provide all citizens access to quality, affordable health care.

Health care is an issue that should unite rather than divide us and a successful health care dialog will surely show the world that we are neither a nation nor a house divided. When presented with an issue as basic as this, let us come together to ensure that health care is provided to all Americans.

□ 1350

UNITED STATES SHOULD HALT FUNDING OF EUROPEAN BANK

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the U.S. Government—the American taxpayer—is the largest single financial contributor to the European Bank for Reconstruction and Development.

In yesterday's Washington Times, it was reported that this Bank has spent more than $87 million to refurbish and furnish its London headquarters.

The Bank spent more than $1.2 million to replace marble in the lobby with imported Italian marble.

The sum of $600,000 was spent on new Italian-designed steel and glass desks.

The sum of $900,000 was spent to charter private jets for the Bank president.

The sum of $78,000 was blown on an extravagant Christmas party for bank executives and staff.

It is ridiculous to think that American taxpayers are being forced to support expenses like these.

One of the things badly wrong with our Federal Government is that there is no real incentive to hold costs down.

With a national debt of over $4 trillion, we should not be giving one penny to this European Development Bank.

Yet, the people should know that as long as liberals continue to control this Congress, our Government will continue to send billions and billions overseas.

SUPPORT FOR H.R. 1200

(Mr. HOCHBRUECKNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOCHBRUECKNER. Mr. Speaker, many ideas are being put forward on how best to reform our Nation's health care system. It is my belief that any reform plan must contain the key component, coverage portability. The situation of Erin O'Connell, a resident of Long Island, NY, demonstrates the compelling need for portability.

Ms. O'Connell is in need of a heart and double lung transplant and is on a waiting list to receive such a transplant. Currently insured under the Medicaid Program, Ms. O'Connell has recently become engaged to be married. However, the lack of portability of health insurance coverage is preventing her from fulfilling her dream of marriage.

Should Ms. O'Connell marry, she would then receive health insurance coverage under her husband's health care plan and no longer be permitted to participate in Medicaid. However, her husband's insurance plan refuses to cover her preexisting condition, obviously due to cost of such a condition. Therefore, Ms. O'Connell is left with a choice that no one should face: Either continue with her marriage plan and risk her fragile health with inadequate insurance coverage, or remain single so she can continue to receive Medicaid coverage.

Mr. Speaker, H.R. 1200, the American Health Security Act, has been introduced by the distinguished gentleman from Washington [Mr. MCDERMOTT]. H.R. 1200, which establishes a single-payer health care system for the United States, would provide Ms. O'Connell the portability in health care insurance that she desperately needs. I urge my colleagues to support H.R. 1200 and prevent cases such as Erin O'Connell's from occurring in this country.

THE CAMPAIGN FINANCE REFORM SOLUTION

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, today, I am introducing campaign finance reform legislation that will put us on the right track for cleaning up the financing of congressional campaigns. This legislation boldly addresses common complaints of campaign spending. It reduces the influence of PAC's, bans soft money, and establishes voluntary spending limits—with no public financing.

Like many of you, I pledged during my campaign to fight for serious reform. While everyone agrees there are major problems with our current campaign finance system, there is little consensus on how to remedy it. This legislation is the right place to start. It creates a level playing field and has strong provisions addressing the rising cost of elections. In addition, it limits the contribution levels of PAC's and doesn't waste taxpayer money.

We have all read the articles and reports saying the taxpayer-financed Presidential Campaign Fund will have to be bailed out at an additional cost of $100 million. With participation in the $1 tax checkoff at less than 20 percent, the taxpayers have clearly indicated they do not support public financing. Let's stop fooling around with an idea that we've already seen fail, and work toward a commonsense solution to campaign financing.

If you want campaign finance reform with effective provisions to restore integrity to our campaign process, join me and cosponsor this commonsense legislation.

THE SITUATION IN BOSNIA

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, the American people and the United States Congress must be involved in the debate on United States military intervention in Bosnia. We have to be honest with the American people and tell them that we are about to send American ground troops into one of the most difficult, hostile, and complex environments imaginable.

As Secretary of State Warren Christopher told Congress last week four specific objectives should be met before military intervention: First, the United States must have clear and understandable goals before becoming involved in Bosnia; second, the success of our mission must be highly likely; third, we must have an exit strategy; and fourth, we need the support of the American people.

Watching the conflict in Bosnia for more than a year, we have seen ethnic rivalries lead to military conflict, ethnic cleansing, and atrocities of unbelievable proportion. We share a common goal: to end the fighting in Bosnia.

However, this intricate conflict is deeply rooted in a thousand years of European history. It cannot be solved overnight. So before we send American men and women into harms way, we have to nationally and publicly debate the mission, its possible benefits, and its possible dangers.

PRESIDENT MISSTATING FACTS ON REPUBLICAN BUDGET PLAN

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, last night as President Clinton cozied up to his special interest lobbyists at a Democratic fundraiser, he made a most remarkable statement. President Clinton said that the Republicans have not offered any spending cuts.

This could not have been an oversight by our President. I mean, there is no way that the President could have overlooked the Kasich Republican budget plan. My friend and colleague, the distinguished gentleman from Ohio [Mr. KASICH] offered on the floor of this House a plan which has $430 billion in spending cuts over the next 5 years.

Mr. Speaker, where was the President during that debate? I say it is time for President Clinton to quit spending so much time with his special interest friends and pay attention to what is going on in the real world and on the floor of this House. The American people do not want big taxes or big spending or big government. They want spending cuts, and Republicans have offered them up.

Mr. Speaker, we will not let this misleading statement go by. If President Clinton needs this to see specific spending cuts, we will send them to him. But, Mr. Speaker, we must not let these misstatements go.

CONGRESS, THE CONSTITUTION, AND OUR PERILOUS RESPONSIBILITIES IN BOSNIA

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the crisis in Bosnia and the Balkans is at a turning point. As we meet, the Bosnia Serb assembly debates whether to ratify the U.N.-backed Vance-Owens plan to end the fighting. I pray they will vote to do so.

We have all seen the horror of this latest example of man's inhumanity to man and have been sickened. References to the historic origins of this mindless slaughter are useful to guide our decisions, but should not be an excuse for failing to make them.

The United States and the international community have inescapable responsibilities here, not only or primarily because of the despicable violation of the rights of the innocents, as awful as that has been, but because the consequences of inaction reach way beyond the immediate circumstances of Bosnia to implicate—ultimately, and I fear inevitably—our own vital national interests.

If this Balkan crisis goes unchecked and, as seems likely, political order completely disintegrates, it will serve as an invitation for undisciplined ethnic and religious passions to overrule civil society in other areas, and the ramifications of that are extremely grave. Other similar conflicts seethe throughout the region, suddenly unrepressed by cold war considerations, and ready to burst into open hostilities. The populations affected, and their ethnic patrons in neighboring lands, are watching.

What will be the lesson derived from what happens now in Bosnia? It seems to me that failing to act to calm and contain the Bosnian crisis sets a terrible precedent and sends a terrible message to those who watch—in Macedonia and Kosovo, and then in Albania and Greece, and then in Turkey and Bulgaria. Even into old Russia with all its ethnic minorities seeking self-expression, and to the mullahs of radical Islam, seeking further evidence to rouse the populations of Egypt and Algeria and elsewhere to rise up against the tenuous hold of secular government. At what point, farther down this path, would U.S. interests be put so seriously at risk that we would have to act—but at much greater cost?

The President has yet to make this case, about what is really at risk, to the American public. I believe it is essential that he do so. Because, for U.S. action to be credible and effective, it must ultimately rest on the understanding and approval of the people.

If the Vance-Owens plan is accepted by the Bosnian Serbs, it becomes a somewhat easier constitutional case. We would be participating in a U.N. peacekeeping operation, and in my view prior action by Congress under article I, section 8, clause 11 of the Constitution is not clearly required. Nonetheless, American lives would be placed in danger, and the American people need a full explanation of the reasons for doing so.

On the other hand, if the President believes the United States should act forcibly to impose a peace the combatants have not agreed to, then I think the requirements of the Constitution are clear. Then, the President must have the prior approval of the Congress under its exclusive power to place the country at war.

In this latter case, I would expect to support the President, assuming he continues to insist that any such peacemaking intervention includes participation from other nations, including the Europeans. But there would need to be a vote, and for the vote to succeed, there would need to be a concerted effort to explain this policy to the American people.

The constitutional distinction between the President and Congress' war powers is clear. In this case, in Bosnia—where there is no immediate threat to United States lives or land—we are not facing an emergency or an attack for which the President, as Commander in Chief, would have the authority to respond without prior congressional approval. The decision we face if the peace plan fails is whether to initiate military action, and under the Constitution this decision is a constitutional right vested solely in the people's representatives in Congress.

I do not wish in any way to hamper the President's conduct of foreign relations or to compromise the success of future military operations. To the contrary, my goal is to ensure that success by invoking the constitutional process designed quite deliberately to make certain that the country and its representatives stand together with the President in such perilous times.

Congress must not surrender or evade its responsibility, and the President should not take the country into a conflict that does not have the expressed support of the American people. Under our system, that support is expressed by a vote of Congress. And we must insist that the President bring this profound question before this body for debate and decision.

VETERANS' COMPENSATION REGULATIONS

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, a woman recently contacted my office with a disturbing problem.

On March 31, her husband, a veteran with a service-connected disability, passed away.

Shortly after his death the Veterans' Administration brought her more bad news.

Since her husband had died before the end of March the VA could not give her the compensation to pay for his March expenses.

As a result the new widow was forced to pay for these expenses herself because her husband died 8 hours too soon.

Today I will introduce legislation to prorate a veteran's last compensation check for each day of the final month.

This will allow the surviving spouse to receive compensation proportionate to the date the veteran died.

Mr. Speaker, any law that forces a newly widowed woman to pay an unfair share of expenses because her husband did not live to the end of the month is unfair and wrong. We must change it now.

☐ 1400

H.R. 5, STRIKER REPLACEMENT BILL

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, everybody else is doing it. Those words would have sounded natural coming from the mouth of a teenager. I am sad to say that this is actually the latest line from big labor on H.R. 5, a bill to outlaw permanent replacement workers during an economic strike. The complaint is that other industrialized countries have laws against permanent replacement. However, what they fail to realize is that no other country has a labor system like we do.

France, Italy, and Germany allow more than one union to represent employees performing the same work.

The Netherlands gives broad judicial authority to prohibit strikes.

In Germany, strikes are declared illegal when intimidation is used and strikes are prohibited if they are deemed to grievously wound a company.

England requires a strike vote prior to a strike—in some countries the vote must be by secret ballot.

All European and Scandinavian countries withhold unemployment benefits to strikers.

Suffice it to say, each country has its own balance between labor and management. Therefore, we should not blindly follow, but we should decide based on our own system.

A recent pool indicates that 73 percent of Americans believe unions already have enough or too much power—March 1992 Time/CNN poll.

I urge my colleagues to fight H.R. 5.

THE ENERGY TAX

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the administration's proposed Btu energy tax will put the lights out in our economy.

As the people of America become more aware of the details of the President's largest ever tax increase program, it is causing a negative impact on the economy.

Tourism is my State's second largest industry. A 7½ cents a gallon gasoline tax will cost us many jobs. We cannot tax America into economic recovery.

The price of every delivered good or service will go up, because of this increased gas tax.

This tax will also cause the cost of home heating oil to skyrocket. High prices for home heating oil will leave our elderly, poor, and those on fixed incomes, with a choice of buying food or heating their homes.

The Btu tax will also increase the cost of electricity, hurting every family in our State. This makes our job creating industries less competitive in the emerging world market.

The recent fall in the leading economic indicators is a signal that the people of America are beginning to understand the details of the administration's huge new tax programs.

The way to create jobs, Mr. Speaker, is to cut Government spending. Increasing taxes will simply put more people out of work.

BOSNIA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning, we saw President Clinton welcome American troops home from Somalia, their mission accomplished.

Now, President Clinton is on the verge of committing United States troops to intervene in the Bosnia conflict as peacekeepers. In fact, news reports are saying forces are already involved—but the White House denies it. What is the truth?

Many Americans are concerned that U.S. troops cannot play the role of peacekeeper in Bosnia when in fact there is no peace to keep. We don't know which side we are on—who is the enemy?

Mr. Speaker, with U.S. Troops returning from one conflict, and about to be committed to another, this appears to be nothing more than turnstile intervention in which America can only lose.

MIDDLE CLASS TAX CUT EVAPORATES AS RUMORS OF NEW TAXES SPREAD

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, remember what candidate Bill Clinton said 3 weeks before the election?

He said, and I quote:

> I will not raise taxes on the middle class to pay for these programs. If the money does

> not come in to pay for these programs, we will cut other Government spending or we will slow down the phase-in of these programs. I am not going to raise taxes on the middle class to pay for them.

At the same time, candidate Clinton also made a middle class tax cut a centerpiece of his campaign.

Well, that was then, and this is now.

In spite of his campaign pledge, President Clinton has not slowed down spending. Instead, he has put forward a plan to raise a whole host of taxes on middle class Americans including an energy tax and increased taxes on Social Security benefits.

And now, the Clinton administration is floating rumors of a VAT tax, a gas tax, and a multitude of other taxes to finance an unprecedented Government takeover of our Health care system.

If all the Clinton tax increases go into effect, the middle class really will end up in the poor house.

Unfortunately for President Clinton, as the middle class goes down for the count, he also knocks himself out of contention for a second term. What would the voters of New Hampshire say today?

CLINTON ADMINISTRATION NEEDS TO PROPOSE CRIME BILL

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, last week the President announced his new team to head up the Justice Department.

Appointments were made to head all the Justice Department divisions except one—the Criminal Division.

The only sign from the administration on crime so far is a 35-percent cut in new prison construction in the fiscal year 1994 budget.

I certainly hope this does not indicate the way the Clinton administration is going to work with us to fight crime in the next 4 years.

The President promised in the St. Louis debate on October 11, "the crime bill will be one of my highest priorities next January if I become President."

Mr. Speaker, it is now May—and still no crime bill.

Let us get to work now to pass a strong and comprehensive crime bill—one that puts victims' rights ahead of criminals' rights.

The victims of crime in this country deserve nothing less.

BILL'S TAX IS UNFAIR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, Btu [British thermal unit]. Right? Wrong. Bill's tax is unfair.

Why is it unfair? Why is this Btu tax unfair? Because he was elected on the promise of a middle class tax cut.

As the previous speaker said, he said repeatedly, as a candidate, "I will not raise the taxes on the middle class," but they will be getting a direct tax increase, a tax increase on Social Security benefits and a tax increase on the Btu's, which translates to about 8 to 10 cents a gallon on gasoline, 4 percent on their annual electric bill. And that is a very significant tax cut?

Maybe, just maybe, the middle class, the working man and woman, can absorb those direct taxes, but what will it do to the prices that they pay at the stores, at the cash register? Everything that they buy is transferred or manufactured using energy.

Trucks are going to be paying higher taxes. Manufacturing processing plants are going to be paying higher taxes for the Btu's, and they are going to pass it right through to the good old working class one more time, who will get hit by a broken promise.

Btu stands for "Bill's tax is unfair."

NAFTA

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to share my recent experience on a factfinding trip to Mexico regarding NAFTA.

The living conditions of thousands of families working for the infamous maquiladoras are deplorable. Many of these families were promised good jobs and decent wages more than 10 years ago by the American based companies. We witnessed the plight of families living in cardboard houses, with no electricity or running water, where children play in fields of toxic waste. We met families who asked us to help them in their effort to gain the right for food because of the rampant hunger they are experiencing.

The stories that were recounted by these people living in the shadows of the maquiladores told a grim story. The runaway plants that were established in the border areas are not lifting the standards of living of Mexicans. If NAFTA were approved now, the maquiladoras would increase tenfold. And with this increase would come an increase in the conditions we saw.

NAFTA cannot be approved until we forge an agreement that will benefit the families of both our countries and not just the runaway plants.

ANOTHER MISSPEAK

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, in recent weeks, I have complained from this platform about the misuse of words. Taxes as contributions, Federal spending called investment, a $29 billion tax hike on seniors called a spending cut.

One example of politically motivated misspeak is especially irksome to this former journalist. The liberal left news media, in their coverage of events in the former Soviet Union, are labeling hard core Communists as "right wingers" and "conservatives."

During the cold war the conservatives and the right wingers were the ones who were opposing communism. We were the ones who supported the reformers like Yeltsin.

Now the liberal left wants to turn reality on its head by prostituting the language. Communists are now and always were leftwing extremists. Their tyranny was downplayed and sometimes excused by the liberal left, who is now trying to mislabel Communists as being conservatives or right wingers.

Get real.

□ 1410

THE TRUTH ABOUT GOVERNMENT SPENDING

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to clarify some of the misconceptions about how and where our Federal Government spends our tax dollars.

Recently, the Commerce Department issued a report detailing the amount of money the Federal Government spends per capita in each State. In each category, Texas ranked near the bottom in Government expenditures while Texas is in the top five in population.

During this budget process, several projects in Texas have been criticized as wasteful Government spending which has given some the impression that Texas receives more than its fair share of Federal dollars. Projects such as the supercollider and the space station have been tossed around as good ways to cut Government spending and have been portrayed solely as pork projects for the State of Texas.

The truth of the matter is:

While Texas ranks in the top five in population, it remains near the bottom in Government spending per capita.

The Federal Government spent $3,956 per person in Texas compared to over $6,000 per person in some Northeastern States and over $33,000 in the District of Columbia.

I bring this to your attention not to single out any one State, but to illustrate that Texas has never received an equitable return on the tax dollars it sends to Washington. Whether it has been Federal highway funds or chapter

1 education funds, Texas has been consistently shortchanged.

As the budget process continues, I ask you to remember these facts and keep overall spending in the context of where the people and need are nationwide.

HAS PRESIDENT CLINTON'S REJECTION OF SPENDING CUT PROPOSALS LOST HIM DEMOCRATIC SUPPORT?

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, when President Clinton unveiled his budget proposal before us, he laid forth a challenge to the Congress. He said that if we did not like his proposed budget, we should propose our own cuts, and be specific. I will never forget when he said, "No more hot air—show me where."

We all know that those of us on the minority side came forth with specific proposals as to where spending cuts could take place. Then last night President Clinton said the Republicans had not offered any specific proposals. Over the past hour my colleagues on this side of the aisle have been pointing out the fact that President Clinton made that statement and the fact that we have in fact proposed spending cuts. Not one member of the majority has stood here to defend President Clinton.

It appears that the warm relationship that he has developed here in the House may not be as strong as some of us thought.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 163 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 163

Resolved, That during consideration of the conference report to accompany the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes, points of order against the conference report for failure to comply with clause 3 of rule XXVIII are waived.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. All time yielded during debate on House Resolution 163 is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 163 waives all points of order during the consideration of the conference report to accompany the bill, H.R. 2, the National Voter Registration Act of 1993, for failure to comply with the provisions of clause 3 of rule XXVIII. Clause 3, rule XXVIII prohibits the consideration of matters outside the scope of the legislation committed to conference.

To begin, Mr. Speaker, I would like to take this opportunity to commend the chairman of the Elections Subcommittee, the gentleman from Washington [Mr. SWIFT] for bringing the conference report to the motor-voter bill to the House. Mr. SWIFT's dedication to the passage of this legislation has assured many thousands of Americans the opportunity to exercise their most basic right—the right to vote.

The Committee on Rules has recommended this rule waiving the rule prohibiting conference reports from containing matters which exceed the scope of what was committed to conference to accommodate the inclusion of a provision which clarifies that public assistance benefits are not affected by a recipient's decision to register or not to register to vote. The conference report requires States to offer voter registration at public assistance agencies—but also requires, and this is the new provision, that all public assistance recipients be assured, in writing, that their benefits will not be affected if they choose not to register. The conference report, seeking to further clarify this issue, also prohibits any employee of that agency from suggesting or making a direct statement to an agency client that benefits might be affected by a decision on voter registration.

Mr. Speaker, the conference report to accompany H.R. 2 is a testament to the democratic process in this great Nation. This new law will provide an opportunity for every eligible American to be included in the voting process. The conference report removes barriers to increased participation in our electoral process by removing many of the burdensome requirements found in some States and localities which impede the ability of a citizen to register to vote. As I stated when H.R. 2 was considered by the House in early February, this legislation brings the opportunity to register to vote to the citizens of our country, rather than forcing them to seek out a way.

Mr. Speaker, the opponents of this legislation claim that it will lead to wholesale fraud and abuse of the electoral process and extraordinary added expenses for the States. The House has rejected these arguments in the past and earlier this year; the conference report before us today is a compromise worthy of the democratic process—it addresses many of the concerns of opponents of this concept while preserving the integrity of the intent of the bill. Mr. Speaker, this is a very good bill and one we should all be proud to support. I urge adoption of the rule and adoption of this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule providing for consideration of the conference report for H.R. 2. This motor-voter bill has been fraught with problems, partisanship, and bad process. It came to the House under a closed gag-rule back in February, and the Democrat leadership has refused to try to fashion a compromise bill that reflects the concerns of many of our responsible, thinking Members.

It has been most ironic that legislation posing as reform intended to expand the democratic process—with a small "d"—has been shielded by closed rules that preclude serious debate and amendment. As we all know, this has become the trademark of the undemocratic Democrat leadership, and it is very ironic that on this bill that is designed to encourage greater voter participation, that we do it under this closed gag rule process.

Mr. Speaker, this conference report should not be considered by the House until it is amended so that it does not pass new costs along to local and State governments. How many of us haven't heard from State, county, and local government officials, good hard-working public servants, who already cannot keep up with costly mandates, which we are imposing on those local governments?

Enactment of this measure will pass the bill for millions of dollars of new mandated programs to local, county, and State governments across the country, and, Mr. Speaker, there is no Federal assistance to help them pay for the mandates. Yesterday, in the Rules Committee, I asked my good friend, the chairman of the Elections Subcommittee, and a fellow member of our Committee on Congressional Reform, the gentleman from Washington [Mr. SWIFT], if the conference committee had considered providing some sort of a funding mechanism, if they had even had discussion in the conference about this, so that we would have funding for these mandates that we are imposing on local governments.

He responded that the other body made it clear that they wanted these mandates to be unfunded, and that he had worked in the past to try and bring up a measure that would provide funding, but since the other body did not want it, it was not even discussed.

I do not believe that we should be passing on the blame to unnamed Members of the other body. For example, in my State of California, the County Clerks Association estimates that this bill will cost $26 million for our State in the first year alone. That simply adds to the $1.4 billion in unfunded

Federal mandates that we have already imposed on California.

In my county of Los Angeles, 90 percent of the budget goes to pay for Federal and State mandates, and H.R. 2 adds another $5.5 million onto that bill. We have to stop passing these unfunded mandates on to State and local governments, and the time to start is right now with this conference report.

While the $200 million cost for the bill may not seem like much to a Congress that is addicted to $350 billion deficits, back in the real world, where local officials must balance budgets, it is a great deal of money.

H.R. 2 was originally brought to the floor under, as I said, an unfair gag rule earlier this year. An amendment to protect States from the unfunded mandates which we tried to offer was not even allowed for consideration. That mandate amendment had bipartisan support.

☐ 1420

Now, with the conference report, we again cannot even consider the idea of not allowing these unfunded mandates. Eighteen other amendments were blocked by the Committee on Rules earlier this year. Many of them, had they been offered, would have addressed the concerns that later caused the bill trouble over in the other body.

Mr. Speaker, although the product of the conference is a better version of H.R. 2 than the bill passed in February, it is still a slanted, partisan, very expensive, and fraud-inducing effort at reform.

Until we have a chance to consider a voter registration bill the voters will be proud of, I urge Members to defeat this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I rise in support of the rule and in support of the conference report.

The right to vote in America is sacred, and in order for America to remain an open, free, participatory democracy, Congress must ensure easy and ready access to our voting booths.

The sad reality is, Mr. Speaker, in many parts of America it is easier to buy a gun than it is to vote. It is easier to buy a gun in America in many communities than it is to vote, and Congress knows it. We have, for some reason, Americans having to jump through hoops to say who they would like to see lead them.

I want to commend the chairman, the gentleman from Washington [Mr. SWIFT], and the efforts of everyone who has advanced this bill to the House floor.

The motor-voter bill in itself is not the total answer. We all know that. But it makes good common sense, and it moves America toward access of our voting booths.

Money is not the big issue here. If we could be spending all of these bucks all over the world to develop freedom in Russia and every other country, we can expend a little bit of money to make sure that America is a free, open, participatory democracy.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend from Casper, WY, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and to the conference report.

Mr. Speaker, the Federal Government has a bad practice of passing the buck. In the case of H.R. 2, the bucks are big and the stakes for States are high.

The issue is not whether we want voters to be able to register. That is a clear goal we all support. The issue in H.R. 2 is how do you do it. How H.R. 2 does it is simply put about as bad a way as you could design; it inspires fraud, mandates more on local governments than they can afford, and does not improve the system.

One has to ask that if the goals of H.R. 2 are worthy, the Congress should provide the funding for the program. We should not force States to pick up the tab.

I am going over on Friday, at the invitation of the National Conference of State Legislators, to talk about mandates. This is one of them, I suppose, we ought to talk about. I would ask some help from my friends. I should say to them that, I suppose, "Ladies and gentleman from the States, you need to understand that the Members of Congress know more about what you ought to do in your State than you do." Maybe I should state to them, "Ladies and gentlemen, the Members of Congress are more compassionate than you are about voting. They care more about voting than you do, as elected members of your legislatures." Or I suppose we could say to them, "It is a great idea, but we do not care enough about it in Congress. Members say, 'Well, you can pay for it, and we will decide what you should do.' "

Many States are in the red. The Federal Government has mandated programs that literally put the coffers into deficits. In this case, it is an especially bad program that we are asking them to pay for. It inspires, and, indeed, encourages fraud.

County clerks in my State who have the responsibility for voting rules and regulations are opposed to this bill, Democrats and Republicans.

It is bad legislative policy and literally takes away the funds that should be spent for local services.

I urge my colleagues to vote against the rule and the conference report.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

This frustration over unfunded Federal mandates has been very great, and our side of the aisle has established a task force on unfunded mandates. My friend from Casper, WY, the gentleman from Wyoming [Mr. THOMAS], is a member of that task force, because he, too, is very concerned about the issues that have been raised by his local government officials in his State.

Another member of our task force, in fact, its vice-chairman, the former mayor of Santa Clarita, is my friend, the gentleman from California [Mr. MCKEON].

Mr. Speaker, at this point I yield 3 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule on the conference report for H.R. 2, the motor-voter bill. If my colleagues in the House will recall, this legislation was brought before this body 2 months ago under a rule which did not allow Members to offer amendments to the bill. The only alternative measure allowed by the leadership for a vote was a substitute bill offered by the Republican leader.

I rise today to point out two matters for Members to consider. One is the issue of unfunded Federal mandates. As cochairman of the Republican Task Force on Federal Mandates, I have concerns about the impact this legislation will have on my State of California. Conservative estimates place my State's cost of complying with the motor-voter bill at $25 million, although the actual figure is probably higher.

Mr. Speaker, as president of the Republican freshman class, I was dismayed when the Rules Committee did not allow Members the opportunity to debate a bipartisan amendment offered by two of my California colleagues which addressed some of the legislation's shortcomings. Yes, this bill is about voter registration, but it is also another example of the Federal Government mandating a program upon State and local governments but not providing proper funding. This type of governing must stop.

There is also a credibility issue at stake here. First and foremost in any election is the assurance that fraud is not present. Without this assurance, the credibility of our electoral process is damaged. I have real concerns about our ability to maintain these high standards if this bill is enacted into law.

In California, it is not difficult to register to vote. You can register by mail, at the post office and in many areas a person can register at their local shopping center. However, while making it easier to register is a worthy goal, to do so at the expense of destroying public confidence in our electoral process is simply bad policy.

Mr. Speaker, all of us support the concept of making it easier for our citizens to vote. But I would urge my colleagues, and particularly my freshman colleagues, to remember that we were elected to pass sensible, cost-conscious legislation. Unfortunately, the motor-voter bill is neither.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time and congratulate the authors of this important legislation on their efforts.

Mr. Speaker, things happen in our country for reasons. There is a reason why the wealthiest 1 percent of our population now owns more wealth than the bottom 90 percent. There is a reason that at this time we have seen a growth in billionaires and millionaires and seen the richest people become richer. We have also seen 2 million Americans sleep out on the street, 5 million children go hungry, and tens of millions of Americans lacking health care and other basic necessities of life.

One of the reasons why these occurrences take place is that to a very large degree poor people and working people have very little impact upon the political process. The facts are very clear. The overwhelming majority of poor people do not vote. They are overwhelmed by the problems of their daily lives. They do not understand what Government does, if Government does anything for them.

Working people in many instances do not vote. But, on the other hand, the people who have the money do vote. The people who have the money do make contributions to candidates of their choice who end up representing them.

Now, I do not think that the motor-voter bill is going to change the world, but what it will do is simplify the election registration process and make it easier for poor people and working people to participate.

It is right that when you walk in and get your driver's license you should be able to sign up to vote.

□ 1430

And it is right that when you want, you should have the opportunity to register by postcard. The fact of the matter is that nobody in this institution should be happy about it; the United States has the dubious distinction of having the lowest rate of voter turnout in the industrialized world.

We thought we did very well in the recent Presidential election. Fifty-five percent of the people came out. That means that 45 percent of American citizens did not come out to vote.

There are Members of Congress who were elected by 25 or 30 percent, 35 percent of their constituencies.

Now, my own view is that we will not be able to change priorities in this country. We will not begin to be able to make Government responsive to the needs of the people until the people themselves participate.

The poor people have got to come out and vote and stand up and fight for their rights and their kids, and so do working people. We cannot continue a situation where the wealthy dominate the political scene.

I strongly applaud the authors of this legislation; it is long overdue. We are just now beginning to catch up with the rest of the industrialized world.

I urge full support for this legislation. Let us have the goal that when the next Presidential election comes about, we will not have 55 percent of our people voting, but 80 percent of our people voting, people prepared to stand up, fight for their lives and change the priorities of this country.

Mr. DREIER. Mr. Speaker, another hardworking member of our task force on unfunded Federal mandates is the distinguished former Governor of the State of Delaware. I yield 2 minutes to my friend from Wilmington, the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I thank the gentleman very much and thank the distinguished gentleman from California for his wonderful introduction and for yielding this time to me.

Mr. Speaker, I rise with some degree of reluctance to oppose the rule on the conference report on H.R. 2, I believe, as I think do most of the Members here, that the cause is right; allowing people to vote is what we need to do, and making it easier for people to vote is something we should do in this country. But the funding methodology is very, very wrong.

This is another unfunded mandate on the States that could cost as much as, I understand, $200 million a year. Under H.R. 2, States and local governments are to pay for the postage, printing expenses and additional staff needed to comply with these new regulations. The States currently foot the bill for as much as $500 billion in unfunded Federal mandates each year which have accumulated over the years. Imposing the new mandates in this bill will further impact the ability of the States to respond to State and local needs.

I understand why a Federal Government tries to do this and the Congress tries to do it; because we are broke and because we cannot afford to do it ourselves. But neither can the States and local governments continue to do this. It continues to compound.

Medicaid, environmental issues, this year in particular the Clean Air Act, is going to cause horrendous problems on a local basis. Other years, Clean Water, Superfund, whatever it may be, even education, which is really a local function. And now election laws. And that is to say nothing of the bureaucracy, the red tape and the regulations and other issues that local governments have to face because of what we do in the Federal Government.

I would like to ask one thing here in May 1993: Perhaps this is the year and this is the rule and this is the time and the place where we say, "Enough is enough. Let's put a stop to it. Let's stop Federal mandates back to local and State governments in terms of expenditures, so that they can balance their budget and so that we assume the responsibility for those things which we think are correct and right to do in this country."

For these reasons I do urge this Congress to turn down the rule and, hopefully, to end mandates back to local governments for all time.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will announce that the gentleman from Texas [Mr. FROST] has 22 minutes remaining, and the gentleman from California [Mr. DREIER] has 18 minutes remaining.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, here is another evidence of President Clinton moving on a campaign promise and delivering. We will have national voter registration streamlining; Mr. SWIFT and the minority deserve enormous credit.

This legislation reaffirms our commitment to democracy and, if signed into law, as expected, this legislation will give a political voice to millions of Americans.

As you may know, my colleagues, minorities are among those most unlikely to register to vote. Perhaps the most important impact of this legislation will be increased registration among these groups. In 1980, only 53.5 percent of the total eligible Hispanic voters were registered to vote. What is worse, the figure has decreased during the past decade. In 1990, only 51.9 percent of the total eligible Hispanic voters were registered to vote, compared to 67 percent of the eligible white population. By simplifying and standardizing the voter registration process, the National Voter Registration Act will result in 90 percent registration of all eligible voters.

This bill was a strong symbol of the Congress' commitment to the American people. I am very pleased that this conference report has evolved with sensitivity on the civil rights issue. I commend both the majority and the minority as to how they dealt with the issue of undocumented workers, also on the issue of citizenship.

I think also, Mr. Speaker, after this legislation is passed, we should proceed with other ways to make it easier to register to vote.

Today I introduce, with my colleague from the Senate, JEFF BINGAMAN, legislation authorizing a demonstration project on voting by telephone. Just as the motor-voter legislation focused on removing barriers to voter registration, Congress must now direct its attention to expanding the voting methods.

The State of New Mexico is looking into voting by phone. They have had a successful demonstration project which, while not intended to replace conventional voting at polling booths, this method has tremendous potential to bring the disabled, the elderly, and those otherwise unable to reach the polls, into the voting arena.

Mr. Speaker, I commend the gentleman from North Carolina [Mr. ROSE], the gentleman from Washington [Mr. SWIFT], and those in the minority for outstanding work on a very outstanding piece of legislation. Another one of President Clinton's campaign promises that will soon become reality.

Mr. Speaker, I rise in strong support of the conference report on the National Voter Registration Act. By streamlining the voter registration process, this legislation reaffirms our commitment to democracy and, if signed into law, this legislation will give a political voice to millions of Americans.

The National Voter Registration Act is a strong symbol of Congress' commitment to the American people. I am pleased with the conference report on this legislation and I am proud to lend my support to this important legislation. I urge my colleagues to lend their support to this conference report.

I am pleased also to announce today the introduction of legislation authorizing a demonstration project on voting by phone. Just as the motor-voter legislation focused on removing barriers to voter registration, Congress must now direct its attention to the expansion of voting methods.

One such method which has been examined by the State of New Mexico is voting by phone. This important project, while not intended to replace conventional voting at polling booths, has tremendous potential to bring the disabled, elderly, and those otherwise unable to reach the polls, into the voting arena.

Just prior to the general election in 1992, the New Mexico secretary of state, in conjunction with Sandia National Laboratory, conducted a mock election whereby individuals participated in an election which allowed them to vote by phone. This project was based on a computerized system that allowed voters to dial an automatic vote-gathering facility and enter their ballot choices through the use of a prepublished ballot. Sandia National Laboratory worked to ensure the security of the system.

The success of the New Mexico voting by phone project suggests the potential for widespread use of this voting method. I am pleased to introduce legislation which would facilitate the development of voting by phone by authorizing up to $2 million for a consortium including one or more of our national laboratories and the participation of a State government to demonstrate the feasibility of voting by phone.

I am pleased with the progress made by the State of New Mexico in this area and strongly believe that expansion of voting methods will serve to strengthen our democratic process.

Mr. DREIER. Mr. Speaker, I am happy to yield to another former local official who has dealt with the problem of unfunded Federal mandates, my very able seatmate on the Committee on Rules. I yield 3 minutes to the gentleman from Sanibel, FL, Mr. GOSS.

Mr. GOSS. I thank the distinguished gentleman from California [Mr. DREIER] for yielding this time to me, and also for the guidance that he gives me on the Committee on Rules.

It is very much my belief that the standing rules of this House should prevail under all but the most extraordinary of circumstances, as we go about our business. Many times in the past, for months, as we all know, I have risen, and others have risen, in this Chamber to protest the frequent and, I think fairly described as cavalier fashion, in which the majority leadership has waived House rules in the interest of punching an artificial and blatantly political time clock in some instances.

Generally, these waivers do stifle debate and diminish Members' ability to make the most articulate and most informed decisions with their votes, after persuasive debate.

As a result, in my view, we have moved legislation that is less than the best. The people of this country are not getting our best efforts, because we are not using the rules properly.

Again, today, we are asked to waive a rule of the House, this time for a conference report with provisions neither body approved during the first go-round on motor-voter registration. We are told the waiver is good because it is a means to the end of having a better bill. I agree we have a better bill, but it was putting us in the position of saying we really are better off saying that we shoot ourselves in the foot rather than cutting our throats to get to this position. I do not think that is a very good way to do business. I agree that, today, we have got a better bill, although still a troublesome bill, it is less bad than the first time we considered this because the other body has added some things that I think are improvements. At the least, the conference report seeks to prevent blatant coercion by public officials when people register to vote. That is a plus. And it does broaden and add balance to locations where people can register. That is a plus. But does that mean that waiving House rules justifies the end of a better bill? If we had done it right from the very beginning, with an open rule, we probably would not be in this awkward position we are today. Many of the changes made by the conference committee were proposed by Members in this House from the beginning, but the bill did not have the luxury of unfettered debate and amendment, because it was not an unrestricted bill. This bill is still flawed, for a number of reasons, as I think we are hearing. First, it sets up a very costly and unfunded Federal mandate on States and localities already struggling to make ends meet. This is serious business when we are trying to balance budgets, which you have to do in many States and in most localities where we do not seem to know how to do it here.

Second, it jeopardizes the integrity of our elections process, taking away the right of local election officials to fully purge voter rolls, opening the door to the potential for fraud which we have all talked about before.

Third, it fails to ensure that those who do register to vote are U.S. citizens, better known as the Zoe Baird chauffeur phenomenon.

☐ 1440

Certainly this bill was conceived with all good intentions and I congratulate those who did that.

I think it is great to expand voter participation, but the final product that we have got here today is misguided and I frankly think it should be defeated. I urge defeat on this rule. Let us go back to the drawing board.

The gentleman from Vermont spoke about those people who did not vote in the last election. The gentleman from Vermont neglected to mention the percentage of people who are registered in the last election who did not vote. That is a significant number and that leads to other matters that should be addressed that this bill does not touch.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. First of all, Mr. Speaker, I would suggest if there is anybody who is reading the RECORD at some point in the future and wants to hear rebuttals for all of the issues that have been raised today, I would urge them to go back and read the hearings of all the previous debates that we have had, the issue of fraud and so forth has all been raised.

A big issue is being made today of the fact that there is no money to accompany what is estimated to be about a $20 million initial cost in establishing the program.

This program will, in the long run, actually save money for the States because of the provision in the legislation which deal with cleaning up the voter rolls and so forth, but there is some initial cost.

We have, in this body, people I like to call shoppers. If they do not like the bill, they go shopping for a reason not to like the bill. Some shoppers have decided that, today, the reason is that the bill does not have money in it for some of the startup costs for the States.

I would note that, when this bill was first brought to the House, it had funding at the Federal level to assist with the startup costs, and a majority of the Republicans voted against it then, too. They shopped for other arguments to be against allowing American citizens to register to vote in an easy and convenient manner as possible.

What we are seeing today is people shopping for a reason as acceptable as they think possible for opposing the right of citizens to register to vote as conveniently and easily as possible.

They would not support the legislation in the majority when we included those provisions, and yet they criticize the bill because those provisions are not there. You cannot have it both ways.

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to the gentleman from Metairie, LA, Mr. LIVINGSTON, the ranking member of the Subcommittee on Elections of the Committee on House Administration.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding this time to me and for pronouncing Metairie right, too.

The gentleman does a great job on the Rules Committee and I am proud to serve with him in the House of Representatives.

Mr. Speaker, I do not rise one way or the other on this rule. This rule is fairer than the one which governed the original debate on the House bill. That rule was outrageous. It denied us the ability to provide meaningful, well-intentioned, perfecting amendments to this legislation, which I think is tremendously defective. Our amendments would have improved the bill. We were denied the right to offer amendments, and I think the American people were denied the right to openly debate the issue surrounding this legislation.

This legislation is well-intentioned with a great purpose of encouraging people to vote. Who in the world could be against that, except for the fact that all 50 States have their own election laws which already govern the way people go to the polls and cast their ballots.

Your vote is your most sacrosanct right under the Constitution of the United States because it allows you to pick your leaders at the local, national, and statewide levels.

All of a sudden the wisdom of Washington has decided that because places like Wisconsin or Vermont or Ohio are happy with their voter registration laws, we are going to impose their laws on the rest of the country.

You in the South might have some heavy evidence of voter fraud on a regular occasion in your elections, but we do not know what voter fraud is in Wisconsin, so we are going to devise a law that you have to live by, because after all, if voter fraud does not exist in Wisconsin or Vermont, it does not exist.

Well, I would suggest that it probably does exist in Wisconsin or Vermont, perhaps not as blatantly as other places in this country, but the fact is it does exist in other parts of the country. One of my opponents in my first race went to jail. My predecessor went to prison for vote fraud.

Now, why should the wisdom fall to Washington to tell the rest of the country how to run their election laws when they are perfectly capable of running their own elections under their own laws as they see fit?

You might say, well, in order to prevent them from violating someone's civil rights. That was addressed in 1964 and 1965. We passed the civil rights laws that affected the Nation and every State in this Nation, every citizen lives under the protection of those laws, so that is not the point.

The point of the legislation is to make it easier to vote, and yet what we are really doing is making it easier in some parts of this country to steal elections, to undermine each and every qualified American citizen's legally endowed vote to dilute the impact of that vote by allowing ineligible people to register.

I think this legislation is unnecessary, and hence I think this rule is unnecessary. I think that the way that the majority packaged this legislation when it first came to the floor was absolutely intolerable. It denied the right of the minority to offer meaningful and well-intentioned amendments and to openly discuss this legislation, in accordance with the intent of the U.S. House of Representatives, and therefore I object to this rule. I will vote against it and I will vote against the legislation.

In answer to the point of the gentleman from Vermont, I would say, some people do not want to vote, and that is their right. We should not use the fact that they do not wish to vote to pass unnecessary legislation, which could undermine the election process of this entire Nation.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Greensboro, NC, Mr. COBLE, the newest member of the task force on unfunded Federal mandates.

Mr. COBLE. Mr. Speaker, I thank the gentleman from Claremont, CA, for having yielded this time to me.

One of the previous speakers indicated that this legislation, if enacted, will save money. Well, that conclusion has been lost upon my friends in North Carolina who administer State election laws. They have not learned that yet. I look forward to pursuing this rule thoroughly and sharing that with them if that is in fact the truth.

☐ 1450

It is my fear, Mr. Speaker, that this is yet another mandate from the banks of the Potomac to send the word back to the 50 different States that they are going to do it the way we say, "Do it," in Washington, and it is going to cost about $200 million, I am told, that nobody has bothered to fund.

I say to my colleagues, "Oh, yeah, we're barking out signals to Carolina, and Virginia, and California and Alaska, here, there, and yonder: 'Change your rules. Do it your way. It's going to cost you more money, but that's going to be your problem. But if you don't administer the laws, then you're in deep water.'"

Many of the advocates of this proposed motor-voter law insist that those of us who oppose this measure are opposed to the right to vote. Now, Mr. Speaker, such a charge as this is ludicrous and, of course, without foundation.

As the gentleman from Louisiana [Mr. LIVINGSTON] just pointed out, voting laws should be enacted and administered at the State level. Yet another example, as I said previously, is in play right now: Big Brother in Washington knows better. Listen to Big Brother in Washington.

My colleagues, this proposal that we are discussing now is going to cause far more problems than it will solutions, and I urge the defeat of the rule.

I thank the gentleman from Claremont.

Mr. DREIER. Mr. Speaker, I thank the gentleman from North Carolina for his very excellent and enlightening statement.

Mr. Speaker, I yield 5 minutes to my very capable friend, the gentleman from Aston, PA, Mr. WELDON, who is a former chairman of the county board and a former mayor.

Mr. WELDON. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DREIER] for yielding this time to me and rise in opposition to this rule.

Mr. Speaker, as a former chairman of a county board representing 600,000 people and a former local mayor, one of the things that I would wish we could have as a prerequisite to serve in this institution would be a requirement to serve in local government because we like to tell the American people that we know best how to administer government at the local level, and, boy, are we so wrong.

One of the things that I have done in my 7 years in Washington, Mr. Speaker, is I have traveled around my State and our country talking to local elected officials, and they keep saying over and over again, "Will you stop imposing new mandates on us without the funding? If you think it's so important, if you think that you know better than us, give us the money to implement it." I hear it from school board members when they tell us that we mandate special education funding but do not put the dollars there, when we mandate asbestos programs without the dollars. I hear it from local towns when we mandate OSHA requirements and other legislation with no money to implement it.

Mr. Speaker, we walk away. We have done a great job, we are heroes, and meanwhile the poor folks across America are, in fact, not able to meet the requirements of their constituents. Here we do again, Mr. Speaker.

As my colleagues know, I stood in this well less than 2 months ago arguing for the family medical leave bill which many of my colleagues on this side disagree with, and I tried to offer an amendment to have us pay for the costs associated with implementing that legislation. But once again my colleagues on the other side who profess to be concerned about local government did not want to bear the costs associated with family and medical leave.

Now we are being told there is no cost with motor-voter. Well, Mr. Speaker, let us get down to the facts and the nitty-gritty.

I went back to two of my three local counties and asked for their input, and, Mr. Speaker, at the end of my remarks I will insert both letters of response from the two counties I represent, and I would urge my colleagues on the other side, three of whom represent a part of one of these same counties, to look at this information.

In Delaware County, which I represent with two of my colleagues from the other side, the cost per year is estimated to be $300,000 in implement. Well, this is the county board, and, if the chairman wants to laugh, I would ask him to dispute this with any county chief registration clerk. In Montgomery County, which I happen to share jurisdiction with four Members from the other side, their cost estimate is $508,000 per year. It is in black and white, written form, in a letter. I am inserting two counties from Pennsylvania that are going to be facing $800,000 cost per year to implement this bill, and they say, "Well, it's going to help increase voter turnout."

Mr. Speaker, I am happy that my district has the largest turnout in the entire State of Pennsylvania in all 21 congressional districts and more than 90 percent of the congressional elections in this country last November. There were 282,000 people who voted in that election. We did not need to be prodded by Washington. We do not need to be told that we are not doing our job well. And we do not need to have something jammed down our throats that is not going to help us deal with people who want to vote in our particular counties. Mr. Speaker, our results from each election run about 80 to 85 percent.

The biggest problem that is going to come with this, besides the cost, is the inability to purge the rolls, and let me quote from the letter from the chief clerk of Montgomery County, PA:

> Here is the heart of the problem. I would estimate that 90 percent of purges for failure to vote is because a voter has left Montgomery County. Seldom, if ever, do they inform us of their move. With the purge prohibition, you are going to see two, three, or possibly more families registered at the same address. You can imagine the political campaign costs involved with mailing literature to people who no longer reside at a particular address.

This issue, which I originally supported, by the way, when it came out and paid for itself, is a terrible bill in its current form. This rule deserves to be defeated.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I ask the gentleman from Pennsylvania to make that statement again because we heard earlier that we were seeing people shopping around for reasons not to support this bill.

Mr. WELDON. Mr. Speaker, I will repeat again that I was an original supporter of the bill when it came out of the House and paid for itself. I was a proud supporter and spoke in favor of it in front of my League of Women Voters because it made sense. This bill does not make sense. This rule does not make sense.

Washington, the beltway has got to learn the lesson that the American people do not want more unfunded mandates.

REGISTRATION COMMISSION,
COUNTY OF MONTGOMERY,
Norristown, PA, March 30, 1993.

Hon. CURT WELDON,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. WELDON: Your letter of February 18, 1993, addressed to Mr. Michael H. McAdoo, subject matter H.R. 2 or "Motor-Voter" bill has been forwarded to me for necessary action. More than an invitation for fraud, my concerns are with purge prohibition, duplications, the cost for maintaining this system, and the time constraints which occur at the close of registration prior to an election.

Potential for Fraud. The potential for fraud is inherent in any voter registration by mail. This potential will only increase with the myriad agencies becoming involved with voter registration. This is especially true when the voter registration certificate is used as proof of citizenship when travelling to certain places outside CONUS. Had this law been in effect several years ago, Zoe Baird's chauffeur could have been a registered voter had he chosen or innocently overlooked the citizenship requirement. We have found non-U.S. citizens on our rolls, discovered when the Jury Board, which uses the voter rolls for potential panels, sent out their questionnaire which asks the specific question "are you a U.S. citizen?" I feel that this specific question should appear separately on any registration form instead of being buried in the affidavit.

Duplications. One of our more vexing problems is with duplicate registration applications. How can the Congressional Budget Office (CBO) assume that people who are already registered will indicate on forms that they do not wish to register to vote? And this question brings up another problem: If an applicant got a drivers license, for instance, states that he/she does not wish to register to vote, is he/she stating "I do not wish to register to vote—period", "I do not wish to register to vote because I am already registered" OR "I do not wish to register to vote, please remove me from the rolls?" And how do you handle 16–17 year old drivers license applicants?

Time Constraints. During the 1992 Presidential election year, Montgomery County processed 50,000 new registration applications, the majority of which were received within the six weeks prior to the 30 day deadline. This office worked nights and weekends during this period. Also, several hundred were received after the deadline from Philadelphia, Bucks and Delaware Counties, which we honored if their date-stamp indicated that they had been received prior to the deadline. People simply ignored the pre-printed address on the form. These late receipts only added to our processing burden. Will registration throughout the year from say, motor vehicle office(s) alleviate this last minute crunch? I doubt it since I believe duplicate registrations will increase as result of this new law. And how will these outside agencies know which county to send these forms to? After all, a zip code such as Philadelphia, 19118 also includes Montgomery County.

Purge Prohibition for Failure to Vote. Here is the heart of the problem. I would estimate that 90 percent of purges for failure to vote is because a voter has left Montgomery County. Seldom, if ever, do they inform us of their move. With the purge prohibition, you are going to see two, three, or possibly more families registered at the same address! You can imagine the political campaign costs involved with mailing literature to people who no longer reside at a particular address.

Costs. It is difficult to come up with precise costs without an experience factor as to the increased enrollments. However, it is clear that the CBO grossly underestimated these costs. In the February 22, 1993 issue of Election Administrative Reports, the state of California estimated a cost of $26.1 million per year to meet Federal mandates, which is more than CBO Estimated for all 50 states combined. Perhaps a Pennsylvania estimate would be more reliable. In coming up with a County estimate, the following assumptions have been made:

Montgomery County Planning Commission estimate of 612,298 persons 18 years and older in 1993.

357,400 current registered voters following 1993 purge.

153,075 DMV registration per year. (assuming 4 year cycle)

10 percent will wish not to vote.

New precincts will carry 1,200 voters each.

Use the California costs as a base. These are:

Processing DMV—generated affidavits at $1.50/item.

Additional purge requirements at $0.33/affidavit.

Servicing expanded voter rolls at $3.00/registrant.

Additional precincts at $415/precinct. (Note: this does not include cost of purchasing new voting machines.)

Processing DMV—generated affidavits, 137,768 renewal applications/yr. at $1.50/items, $206,652.

46,290 address updates at $1.50/item, $69,435.

Cost of additional purge requirements, 40,000 purged affidavits (Forwardable first class postage) at $0.33/affidavit, $13,200.

Servicing expanded voter rolls, 65,574 additional registrants at $3.00/registrant, $196,722.

Cost for additional precincts to service additional registered voters, 55 precincts at $415/precinct, $22,825.

Total County Election Cost per Year, $508,834.

Other Comments. If we are to continue using the current method of District Binders, then the mail in registration form, the one used at the motor vehicles driver license and the forms maintained at all State offices as required by the new law must conform to the size and ring binder holes format so as to fit into the binders currently in use.

As stated previously, citizenship should be a question separate from the affirmation statement.

As stated previously, cost estimates are just that; estimates, until an experience factor determines otherwise.

I hope the above addresses the concerns of your letter.

Sincerely,

EMMETT F. PRICE,
Chief Clerk.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I have been listening to this debate, and I was not planning to speak on this, but I just cannot believe that these people are arguing about the most basic principle and right that we have in this country because of a few measly dollars.

Let me tell my colleagues something: We have had 1.25 million veterans who died fighting in battle to defend the right to vote, to defend the Constitution and the Declaration of Independence. There were millions and millions more who were disabled, and there were many, many millions who fought overseas for us. Now do my colleagues think they went over there just so that we can turn down their basic rights?

Now we cannot force people to vote. We cannot drive them to the polls. But we can certainly make it easier for them to be able to vote.

Our forefathers 200 and some years ago sacrificed their fortunes so as to allow that we have a Constitution of the United States, so as to allow that we have a Bill of Rights, so as to allow these freedoms for the people of our country.

A balanced budget? Nuts. It is just plain old politics. People all over the world, all over the world, are fighting for what we have, for what we take for granted. The people in this country are not exercising one of the very few things that they can participate in.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. APPLEGATE. I will in just a moment.

Mr. Speaker, I say to my colleagues, "You can participate in voting because you participate in paying your taxes, and I think you ought to be ashamed of yourselves, anybody who gets up here and talks about it in that manner. It is a very basic principle and a right that we have."

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. APPLEGATE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Ohio [Mr. APPLEGATE] for yielding to me. I would like to ask my friend to clarify the statement that was made earlier.

Now was the gentleman indicating that those of us who are opposed to this rule are trying to jeopardize the rights of Americans to vote? I was confused about that. I think that is what he said.

Mr. Speaker, no one on our side tried to in any way jeopardize the rights of Americans to vote.

Mr. APPLEGATE. Mr. Speaker, I say to the gentleman, you are just not making it accessible to them as it ought to be, and, when you are talking about dollars and cents versus the very basic principle and right that we have, then you are not just giving them the full latitude of being able to vote.

Mr. DREIER. Mr. Speaker, I would say to my friend that the thing that has concerned us is a few dollars and cents, which is the way the gentleman referred to it. It is about $200 million, and my local officials and I suspect that the gentleman from Ohio's local officials would be very concerned about the fact that we are imposing this on them without providing the necessary resources.

Mr. APPLEGATE. Mr. Speaker, I disagree that we should not be mandating these costs, but this is something that is a little bit special, a little bit different.

☐ 1500

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my very eloquent friend, the gentleman from Aston, PA.

Mr. WELDON. Mr. Speaker, I would just add once again that if this issue is so important to the American people in encouraging people to vote, we should pay for it. That is what the American people are saying. If we want to do this, I am willing to vote for it if we would pay for it. I will vote "yes" if we pay for it. Tell us where the money is going to come from. We should not shift the responsibility to mayors and county commissioners who are having to raise property taxes, and then we can just walk away and say, "We're great because we have mandated it."

We should pay for it. I am willing to vote to pay for this bill if you bring it back with the mechanism to fund it. If we do that, I will vote "yes." That is what I said when the bill first came up. But we are not paying for it.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. WELDON. The time is not mine. The time belongs to my distinguished colleague.

Mr. TRAFICANT. Will the gentleman from Texas yield time?

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Pennsylvania had been yielded time, but in any event, the time has expired.

The Chair understands that the gentleman from Texas [Mr. FROST] has no requests for time, and the Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, to close the debate, I yield the balance of our time to my friend, the gentleman from Aston, PA, Mr. WELDON.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WELDON] is recognized for 1½ minutes to close debate for the minority.

Mr. WELDON. Mr. Speaker, I would just say that here we have a classic case of Washington attempting to tell local public officials what is the best way to run their local governments.

I went back to the chief clerks in the counties I represent in an honest and intelligent manner and I told them that I supported the original bill, that I thought it was a good idea and we were willing to pay for it, but now that we were not going to pay for it, I asked what was their feeling? What would be the additional cost? They came back and gave me estimates.

I would challenge every Member of this body to ask their chief county clerks in their counties how much it is going to cost them and what kind of problems they are going to experience. We have got to stop thinking in Washington that we can solve all the problems, walk away, and simply shift the responsibility financially to local public officials. That is what is so outrageous. That is what the American people said had to stop in November, and here we are doing it again, just as we did with family medical leave, which I voted for. But I also said that we should pay for the cost that is associated with family medical leave that is being borne by school districts, towns, and counties.

Mr. Speaker, I urge my colleagues to vote "no," to send a signal that we are going to stop business as usual here in Washington.

The SPEAKER pro tempore. All time of the gentleman from California [Mr. DREIER] has expired.

The gentleman from Texas [Mr. FROST] is recognized to close debate.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this matter has been pending before the House for about 5 years now. It has been sidetracked from time to time. We are now finally at the point of closure. We are at the point of adopting the rule and passing a conference report to guarantee that all Americans have the right to vote.

Mr. Speaker, I urge adoption of this rule, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 168, not voting 11, as follows:

[Roll No. 152]

YEAS—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff

NOT VOTING—11

Becerra
Henry
Inhofe
Johnson, E.B.
McInnis
Smith (NJ)
Thompson
Whitten
Wyden
Young (FL)
Zimmer

□ 1522

The Clerk announced the following pair:

On this vote:

Ms. Eddie Bernice Johnson for, with Mr. Inhofe against.

Mr. FISH changed his vote from "yea" to "nay."

Mr. BLACKWELL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote No. 152 on House Resolution 163 I was unavoidably detained. Had I been present, I would have voted "aye."

BIENNIAL REPORT ON IMPLEMENTATION BY UNITED STATES AND CANADA OF FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED SATES (H. DOC. NO. 103-81)

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 304(f) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100-449; 102 Stat. 1875), I am pleased to transmit the attached biennial report regarding the actions taken by the United States and Canada to implement the Free-Trade Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1993.*

CONFERENCE REPORT ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SWIFT. Mr. Speaker, pursuant to House Resolution 163, I call up the conference report on the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of Wednesday, April 28, 1993, at page 8513.)

The SPEAKER pro tempore. The gentleman from Washington [Mr. SWIFT] will be recognized for 30 minutes, and

Livingston] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. Swift].

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. Rose], chairman of the Committee on House Administration and chairman of this conference.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LIVINGSTON. Mr. Speaker, is the time allotted for the debate?

The SPEAKER pro tempore. The gentleman from Louisiana is in control of 30 minutes of the time.

Mr. ROSE. Mr. Speaker, I rise in support of the conference report on H.R. 2, the National Voter Registration Act. Today, we bring to the floor the product of 5 years of hard work and dedication, particularly by the gentleman from Washington State. We would not be here today without his strong hand in guiding this complex legislation through rocky waters.

This bill is one of the most important pieces of legislation which we will consider this year, as we mark a major step in reforming the voter registration procedures in this country. I believe the conferees have worked out a fair compromise and have, in fact, accepted the very strongest parts of both the House and Senate bills.

First and foremost, the conference report maintained the key House provisions which will help expand the ability of all citizens to register to vote. Those citizens who hold driver's licenses will be able to register when applying for, or renewing, their licenses. When fully implemented, this new opportunity to register could result in up to 90 percent of the eligible public registering to vote.

Not everyone, however, is able to drive or can afford to drive. Those citizens are also entitled to additional opportunities to register. Those who do not have licenses will be able to register at various government agencies or through the mail. These provisions are crucial to easing the impediments to registering which exist for poor and disabled citizens. I believe the conferees did a good job in restoring the heart of the original House provisions in this area.

Having applications available at public assistance agencies will help register more people. So will having applications at motor vehicle bureaus, marriage license offices, libraries, and other agencies. All of these government agencies, and more, will be able to assist people in registering under H.R. 2.

All in all, the conferees accepted 11 of 13 Senate amendments with little or no change in their technical language. The conferees also accepted a new provision sought by the senior Senator from Minnesota, which will prevent the agency registration provisions from being used in a coercive or threatening manner. And, as I said earlier, the key House provisions on motor-voter, mail and agency registration have been maintained.

I believe that the conferees have hammered out a fair and meaningful compromise. I am pleased that we can act on such an important matter, and I strongly urge my colleagues to support this conference report.

□ 1530

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. Roberts].

Mr. ROBERTS. Mr. Speaker, I rise in opposition to this bill.

I rise to concur with the remarks of my colleagues from California and Louisiana—as drafted and put forward by the conference committee, H.R. 2 is a major mistake. Everyone supporting this legislation should understand that it is yet another Federal mandate placed upon States with no Federal assistance.

Throughout the development of this legislation, over the last 4 years, I have urged careful consideration to the impact any proposal might have on current State voter registration programs. In Kansas, this mandate will totally undermine newly implemented voter registration outreach efforts. It will require a major, costly overhaul of a system that is not broken. Why? Because Washington knows better. That is no excuse.

Several perfecting amendments regarding registration identification, proof of U.S. citizenship, Federal financial assistance, and other improving amendments have been offered—most outrightly rejected by a determined majority prepared to trample over the rights of States and legal voters in a rush to do the politically conscious thing. It is the typical good intention gone wrong.

I urge my colleague to support the Republican motion to recommit to once again try to adopt a Senate amendment to prevent illegal registration of individuals. Should the motion fail, oppose final passage of this unnecessary legislation.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the conference report to accompany H.R. 2, the National Voter Registration Act of 1993, which is erroneously trumpeted as the motor-voter bill, and could likely be called the auto-fraudo bill.

In reality, this broad legislation exploits the popular motor-voter concept to nationalize all voter registration laws that are currently on the books in all 50 States. Thirty-one States already offer applicants for a State driver's license the opportunity to register to vote, yet this legislation goes far beyond that innocent sounding concept.

This legislation mandates that all 50 States will provide mandatory voter registration at every welfare and public assistance office in the country, including offices that provide food stamps, Medicaid, WIC, AFDC, and all other forms of public assistance, and in fact, in those offices a welfare applicant must actively decline to accept the voter registration form. Good luck if he is an illegal alien. He will never decline such an invitation and draw attention to his illegal status.

In addition, the States have to provide computerization to accommodate this process. The bill mandates that every State will provide voter registration by postcard, even if they do not want it. This postcard cannot require notarization or authentication. Any State that disagrees with that concept would be sued into compliance by the U.S. Attorney General.

The conference report prevents State and local election officials from removing nonvoters from the rolls. It also requires the Federal Election Commission to regulate the States, counties, and precincts, implying that there is going to be an incredible bureaucracy that presumably will be computerized, and Lord knows what happens to our individual liberties when such a complex machinery is put into place.

While the conference report is a bad piece of legislation, it is an improvement over the bill that passed the House on February 4, 1993. That was the most one-sided bill, and the debate imaginable. Despite numerous amendments that could have been introduced to improve the bill, the Committee on Rules prevented us from having the opportunity to amend the bill. In fact, we were not allowed a single amendment other than a substitute, and that was rearranged by the majority to suit their purposes.

Wasn't it ironic that during the debate on the bill to expand voting rights, the minority's right to vote on some very important and worthwhile amendments was denied? The majority steamrolled the bill through the House and then attempted the same railroad job in the Senate. Fortunately, Republican Senators were able to force the majority to compromise and remove some of the objectionable provisions from the bill. Through extended debate the minority was able to improve the bill by forcing the majority to compromise, a practice rarely seen in the 103d Congress.

While this conference report retains some of the Senate improvements, two of the most important Senate amendments were rejected by the conference committee. Welfare and other public assistance offices were reinstated as agencies that are required to double as mandatory voting registration offices. Thus, welfare applicants are treated better than taxpayers by this conference report. This is an unwise provision.

The Simpson amendment providing that the bill does not prevent a State from requiring voter registration applicants to present proof of citizenship was also dropped in the conference.

What's more, even the improvements made by the Senate did not address the fatal flaws in this particular legislation.

The bill is still, as we have heard earlier, an unfunded mandate, estimated to cost the States approximately $200 million. It violates States' rights.

The Constitution provides that,

> The Times, Places and Manner of holding Election for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.

Therefore, even the Constitution argues Congress cannot encroach upon the exclusive power of the States to regulate the manner in which elections are conducted, yet that is exactly what this bill does.

This bill require registration by mail, but it prohibits States from requiring notarization or authentication that may prove that you are who you say you are. It weakens existing State protection against fraud, more of which we will hear about in the ensuing debate.

For all of these reasons I would urge my colleagues to oppose the motor-voter conference report. I would also urge them to support the Livingston motion to recommit the conference report, with the instruction that the conferees include the section of the Senate bill which allows States to check documents to verify citizenship.

That provision does not require the States to check documents, it only makes it clear that this legislation does not prevent any State from requiring documentation of citizenship. While the registration procedures in this bill may inform applicants that they must be citizens in order to register to vote, it provides no means whatsoever to verify this requirement. Election officials are going to have to rely on people to tell the truth, and the honor system may not be effective, considering that a voter registration card is a ticket to a job. An illegal alien can use the card to establish work eligibility under U.S. law.

It seems only reasonable that we would want to ensure this conference report does not prevent a State from requiring documentation of citizenship. Therefore, I urge my colleagues to support my motion to recommit. The motion is nondebatable and will be voted on immediately after the conclusion of the general debate.

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], a gentleman who has been a leader for many, many years on trying to get legislation that will make it easier for American citizens to register to vote.

Mr. CONYERS. Mr. Speaker, approximately 5 years ago I sent to the committee chaired by the floor manager of this measure, this conference report, the gentleman from Washington [Mr. SWIFT], a measure that was intended to accommodate the voter rights and civil rights organizations of this great Nation to facilitate and update the opportunity for persons to register and participate in the electoral process.

Today, I think the Congress and both bodies and all committees have worked their wills, and we have this final product that I am proud to recommend to the Members. I do so in commending the chairman [Mr. SWIFT], for his prodigious work at compromise. It has been a task that most of us on the conference committee have appreciated very much.

This is also the same year that marks the 25th year since the assassination of Dr. Martin Luther King, Jr., and 30 years since the assassination of Medgar Evers, both of whom were involved heavily in the attempt to register African-Americans to vote.

There could be no better tribute to their legacy than to pass this, the strongest motor-voter bill that this Congress is able to bring to the America people.

Mr. Speaker, as one of the original cosponsors of H.R. 2, I rise to make a final appeal to all the Members of the House on both sides of the aisle to seize this last opportunity to support a historic piece of legislation: the National Voter Registration Act of 1993.

I also rise to urge my colleagues to support this legislation in the spirit of bipartisanship, recognizing the over 5-year effort at negotiating this legislation.

This is the sixth time that we have had this legislation up for a vote in this body in the last 3 years. After last passing the bill in February, the Senate made no less than 13 amendments to our House version, H.R. 2, in exchange for breaking a filibuster. We had the option in the conference committee of rejecting all 13 and resubmitting the House bill back to this body. That was certainly my inclination after reviewing many of the original Senate amendments.

However, this conference report is a living testament that you don't have to eviscerate a bill in order to create bipartisanship. And we have now prepared for you a bill that has stood the test of time and is now ready to be enacted into law. I urge my colleagues again not to miss this historic opportunity.

This debate takes me back to 1965 when we debated the final passage of the Voting Rights Act in this Chamber. At the time there were many Members on both sides of the aisle who made dire predictions about that landmark act leading to massive fraud and abuse. They feared the enfranchisement of a large mass of unregistered black, Hispanic, and rural poor voters. History would prove them wrong and history will prove the naysayers of today wrong as well.

Mr. Speaker, let the record show that the House conferees accepted in full 8 of the 13 Senate amendments, accepted 4 with modifications and only rejected 1 in full. When many of my Republican colleagues say this bill is partisan, I don't know what they're talking about. Full or partial acceptance of 12 out of 13 amendments are not only compromise and accommodation but it also removes any rational excuse to oppose this landmark legislation.

Mr. Speaker, our Nation has never had an election where there was full participation by all our eligible citizens. We never had an election when everyone showed up. If there was one significant trend in the last national election it is that more Americans are participating—and want to participate—in the democratic process.

We now have before us legislation that offers real hope that the Federal Government will lead the way in making participation in the democratic process more accessible to all of its citizens in all of its States.

Mr. Speaker, the conference report is a comprehensive voter reform act which restores those provisions removed by the Senate which would register voters at public agencies. In addition to departments of motor vehicles [DMV's], where 90 percent of our population applies for drivers' licenses, the House bill mandates registration at offices of public assistance, and vocational rehabilitation centers. We also accepted a Republican-sponsored amendment adding military recruitment centers to the list of mandatory agencies offering registration services. This was done only after we restored most of the public agency provisions that had been removed by the Senate.

We knew that adding military recruitment centers as mandatory agencies while prohibiting government assistance offices from engaging in voter registration would have created an obtrusive gender imbalance, with military services overwhelmingly comprised of able-bodied men, while assistance recipients are predominantly single-parent women.

We added language to protect against coercion of applicants at agencies and we streamlined the process for applicants who want to decline the offer to register. This addresses many of the legitimate concerns about duplicity and answers many of the unfounded claims that the bill would register only Democrats.

I remind my colleagues that the poor are neither majority Democratic nor Republican; they are majority unregistered Americans who deserve our assistance to be enfranchised.

The one Republican-sponsored amendment that was rejected in full would have invited States to erect unwarranted barriers to registration by requiring proof of citizenship at all registration sites. This provision would have had a discriminatory impact on racial minorities and persons with Hispanic surnames; furthermore this amendment would have eviscerated the mail-in registration provisions and stripped the bill of its uniform and nondiscriminatory components.

We restored the provisions removed by the Senate that would allow departments of vocational rehabilitation to register the disabled—some of the most disproportionately unregistered voters in our country, many of whom are veterans who have made enormous sacrifices to preserve our democracy.

Mr. Speaker, the conference committee has restored the bill to one of fairness and genuine reform. The motor-voter bill empowers traditionally unregistered citizens, the poor, working class unemployed Americans, our youth, and millions of disabled citizens.

In closing, Mr. Speaker, let me say that 1993 marks 25 years since the assassination of Martin Luther King, Jr., and 30 years since the assassination of Medgar Evers, gunned down in his front yard while trying to register blacks in Jackson, MS, to vote. There can be no better tribute to their legacy than to pass the strongest motor-voter bill possible. I again urge all my colleagues to take a stand for our democratic process and vote for the motor-voter bill.

Mr. LIVINGSTON. Mr. Speaker, I am delighted to yield 2 minutes to my friend, the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I, too, have consulted the experts in this field, so that I could determine my final position on this legislation; namely, the local registrars, the ones who have the full responsibility and duty of registering the voters in the first place. They are professionals. They understand the system. They understand the capacity for fraud.

In each instance, the five who serve the counties in my district, each one was worried about the massive cost. Let us set that aside. They are worried about the mandate from the Federal Government without guidelines, except through the language of the statute. Let us put that aside.They are worried about the purging or lack of purging capacity that is promoted in this legislation, but let us put that aside. Even though each one of these is a heavy worry, they are willing to put that aside.

☐ 1540

But when you add to that the problems of coercion and the problems of decentralization, that will put them out of control of the system of bringing in the registrations. Then you have a problem which they pose to us and beg us to consider invoking on this final piece of legislation.

One other factor that is extremely important in this argument, without the motor-voter provisions, in the Commonwealth of Pennsylvania, and this I am sure accounts for the situation in many, many other of our States, in this last election there was, particularly in the five counties to which I refer, 90-percent voting and massive new registrations without the benefit of the motor-voter.

Why? Because the new registrations were projected by the issues at hand and by the candidates who were placing themselves in front of the public for final judgment on voting day. That is the answer: Education of the voters and registration drives, not driving the registrars.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLECZKA], a member of the committee and a member of the conference committee.

Mr. KLECZKA. Mr. Speaker, before I begin, I would like to take a moment to compliment the chairman of the Elections Subcommittee, Mr. SWIFT, for his diligence on this issue. The American people and the people of Washington State are fortunate to have such a wise and hard-working Representative fighting for the voting rights of all Americans.

Mr. Speaker, the right to vote is a fundamental liberty of American citizens. While the responsibility to go to the polls and mark a ballot ultimately falls upon each individual, as an institution, Congress has the responsibility to make the registration process as easy as possible.

In the 1992 Presidential election, an election which reversed a 30-year trend in declining voter participation, 44 percent of the eligible voters still did not vote.

Many factors contribute to the lack of public participation in the electoral process. Apathy, frustration with the government, or a failure to recognize the importance of their vote may all be reasons why voter turnout is low in our country.

However, the difficulties encountered by eligible citizens in becoming registered to vote is an issue which can be directly addressed through the legislative process.

The conference report we are considering today will encourage the fullest participation in the electoral process without increasing the chances of fraud and without imposing undue administrative and financial strains upon the States.

Mr. Speaker, the purpose of our election process is not to test the fortitude and determination of the voter, but to discern the will of the majority. The conference agreement we will be voting on shortly is a simple and long overdue way to ensure that every American has the opportunity to fully exercise their rights.

As a member of the Elections Subcommittee and the conference on this bill, I wholeheartedly support the agreement before us, and urge my colleagues to vote for its adoption.

The most important provision of this bill, the motor-voter provision, requires States to permit individuals to apply to register to vote when they apply for or renew their driver's license. In 1992, voter turnout in States with motor-voter increased by 12.3 percent over 1988 turnout. In States without motor-voter procedures, turnout increased by only 6.7 percent.

The motor-voter provision of this bill will reach approximately 90 percent of the voting age population. To reach the other 10 percent, the bill requires each State to develop mail voter registration and designate certain public assistance agencies as voter registration sites. As a conferee, I can personally attest to the measures that were included to ensure that there will be no intimidation or coercion against applicants at such agencies.

The conference report we are considering today will also help eliminate barriers to the electoral process faced by disabled individuals. It does this by specifically providing voter registration outreach through agencies that serve them. This should greatly increase the voting participation of the disabled, of whom only about 25 percent are currently registered.

Research also shows that this measure will actually save States money in the long run, as motor-voter is less expensive than other techniques used to register voters. According to the Democratic Study Group, registration by deputy registrars is estimated to cost over $1 per transaction, whereas motor-voter costs are estimated to cost between 3 cents and 33 cents per transaction.

I do have some concerns with the legislation. Particularly, I am troubled by the way the conference agreement deals with States which may in the future implement same-day registration—a policy I strongly favor. In the original House version of the bill, States that currently have, or in the future would enact, same-day registration would be exempt from the motor-voter provisions. I believe this would have been a strong incentive for States to move toward this end.

However, some Members in the other body voiced strong concerns over this language, and the conference agreed to grandfather this provision, making the exemption apply only to States that had same day registration as of March 11, 1993. It is my hope that at some time in the near future, the Elections Subcommittee will examine ways in which the Federal Government can encourage same-day registration.

Once again, Mr. Speaker, the purpose of our election process is not to test the fortitude and determination of the voter, but to discern the will of the majority.

I urge my colleagues to vote for the adoption of this conference report.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, the result of the conference committee report on H.R. 2 is legislation that still places mandates on our States with no Federal dollars to pay for them, does not include any provisions for address verification and does not provide for verification of U.S. citizenship.

We in the Federal Government must stop burdening our State and local governments with unfunded mandates and begin to act with some fiscal responsibility. Unfunded Federal mandates have become the single largest financial burden on our Nation's cities and towns. The increasing number of Federal mandates has forced many local governments to raise taxes, increase utility bills, and cut services to pay for the costs of implementation. The Congressional Budget Office has conservatively estimated that the motor-voter bill will cost States and local governments an average of $25 million a year for the first 5 years of the program. In addition, the CBO predicts that there will be a $60 to $70 million startup cost to buy or upgrade computer systems in order to comply with the bill. As a former Jacksonville City Council member I will not support any legislation that further burdens our State and local governments.

Furthermore, I cannot in good conscience support a bill that rewards abusers of our immigration process with the right to vote. We in this House should realize that under current asylum laws, a political asylum claimant who arrives at an airport without any documentation or false documentation is almost always granted both admission to our country and the proper authorization to hold employment. Work authorization enables aliens to receive a Social Security card, a driver's license, welfare benefits, and if the conference report to H.R. 2 is adopted the most fundamental right of this Nation, the right to choose representation. The National Voter Registration Act needs a citizenship requirement.

Many citizens of our Nation had to struggle and fight for the right to vote in this country. It was not until the ratification of the 15th amendment, in 1870, that black men in America were granted the right to vote. It required the 19th amendment to our Constitution to grant women the right to vote in 1920, and then the Voting Rights Act of 1965 was needed to ensure the enfranchisement of many. H.R. 2 is a bill that carelessly hands away to noncitizens the right to vote.

This act shows total disregard for our forefathers, our States, our cities, and the legal citizens of our Nation. I urge my colleagues to vote against the motor-vote conference committee report.

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to offer my strong support for passage of this legislation. I believe it is essential that we enact this bill, better known as motor-voter, into law so that we can enable our citizens to apply for registration to vote.

As we all know, voting turnout at the national level in the past few elections has been nothing short of abysmal, and it is through efforts such as the measure we are debating here today that we can insure maximum participation by all segments of society. The motor-voter bill would help to facilitate this goal by increasing the means for registration. It would also be achieved in an efficient and cost-effective manner.

By providing the capability for voter registration at the same time as filing an application for a driver's license, we would make it possible to reach about 90 percent of the voting-age population. The other two methods included in this measure would be through mail registration, and agency registration, and this type of registration would be especially helpful to low-income individuals who are not as likely to possess a driver's license.

Given the fact that only 25 percent of the disabled currently participate in the electoral process, a significant benefit would be the assistance this bill could provide to the disabled by allowing registration through the agencies. Another important facet of this legislation is the inclusion of strong antifraud language to safeguard against any types of deceitful practices.

This measure also insures that removal of names from voting rolls is done without discrimination and sets the provisions by which this can be done.

The right to vote is a basic right and we should make it easier for all our citizens to register if they desire to do so. I hope my colleagues will join with me in supporting this important and much needed legislation.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I rise today in opposition to H.R. 2. I believe that this bill is a very real threat to every American citizen's vote.

The bill mandates that "Each State shall designate as voter registration agencies * * * all offices in the State that provide public assistance * * *" in addition to motor vehicle departments in each State. It requires that an applicant decline in writing at these welfare agencies if he or she is unwilling or ineligible to receive a voter registration form.

I ask: In the case of noncitizens, what illegal resident would take the unusual step of declining to receive a registration form and thereby bring attention to him or herself? The House Agriculture Committee estimated that 1 million noncitizens receive food stamps, 300,000 illegally and 700,000 legally. Why would these noncitizens call attention to this status by declining at the public agency?

Further, since a voter stub or voter registration card is one of the documents that may be presented to an employer to prove citizenship, what prospective undocumented worker would decline the opportunity to be documented? After all, isn't that the reason that the undocumented worker is here in the first place?

So, the bill creates a situation which actively invites fraud. On the one hand, declining to register brings attention to the applicant—this is the last thing an illegal immigrant wants—and on the other, creates an incentive to register in order to obtain documentation for employment.

According to the 1990 census, there are 11,770,318 noncitizens in the United States which were counted. One study by the Center for Immigration Studies conducted in February 1991, estimated the number of illegal immigrants residing in the United States as 4.2 million people. The U.S. Census Bureau estimates that an additional 300,000 permanent illegal residents enter the United States per year.

The bill requires no proof of eligibility or even citizenship. It mandates voter registration by mail and states that forms "may not include any requirement for notarization or other formal authentication."

In an attempt to offset some of the more extreme flaws of this bill, I offered an amendment when this bill was in this body originally. My amendment would have required an applicant's Social Security number on the voter registration form. I had hoped that this would provide a verification method which could determine eligibility of the applicant and offset some of the enormous costs which the bill imposes on the States.

Our Rules Committee rejected this amendment and prevented open debate on it on this floor. For this reason, and those others I have outlined, I previously voted against this bill.

The Senate modified the bill by allowing States to require documentary evidence of citizenship when registering to vote. The conference agreement, the current form of the bill, does not include this provision. The conferees state that it "is not necessary or consistent with the purposes of this Act." I disagree.

I urge you to vote for the motion to recommit with instructions. This would replace the Senate provision that States should be allowed to verify citizenship. We have an obligation to the citizens of the United States to protect the integrity of their votes.

Mr. Speaker, I yield back the balance of my time.

□ 1550

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I want to thank the chairman of the subcommittee for yielding this time to me and extend my congratulations to him on a job well done and extend congratulations to my colleague, the senior Senator from the Commonwealth of Kentucky who, in the other body, has been a major mover of this legislation.

For me, anything which would encourage people to register, by reducing the barriers against registration, and which implicitly encourages people to exercise the right of franchise, would have to be a very supportable bill. This is that kind of bill. It encourages people to register. The Congressional Research Service document that I referred to earlier today suggested that in States which have a motor-voter-type registration, there is a greater degree of participation at the ballot box, at the polls. And, of course, at a time in American history when we are encouraging people to vote, asking them to take part, anything which helps that process is a good thing.

The gentleman from Washington and his colleagues in the conference committee have turned out a very suitable and supportable compromise here.

Mr. Speaker, I urge this House to support it, and I hope the President will sign it quickly into law.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Louisiana [Mr. LIVINGSTON] has 16 minutes remaining, and the gentleman from the State of Washington [Mr. SWIFT] has 21 minutes remaining.

Mr. SWIFT. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today to express my support for the conference report on H.R. 2. As a new Member of Congress, I am pleased to have the opportunity to cast my vote in support of this important democratic initiative. As elected officials who are sworn to uphold and protect the principle of the U.S. Constitution, increasing voter participation should be a priority of all Members of Congress.

We are all aware of the disturbing fact that the United States has the lowest voting participation rate of all the world's democracies. Only about 62 percent of the eligible U.S. voting age population is actually registered to vote. We are becoming a nation ruled by a minority, and our representative form of government is in jeopardy.

Enactment of H.R. 2 will facilitate the fullest participation in the electoral process by the public without increasing the potential for fraud or abuse. We have all seen the statistics on dramatic increases in voter turnout in motor-voter States. A 12.3-percent increase in voter turnout nationwide would be a true testimony to our efforts as leaders of a real democracy.

Mr. Speaker, I ask my colleagues to support this conference report and I commend Chairman SWIFT for his diligence on this important issue.

Mr. SWIFT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, an earlier speaker said that he had counseled with some experts. Well, obviously, so did we.

I would like to read from some experts:

> Passage of this legislation would greatly enhance participation in our electoral system by enabling all citizens the opportunity to easily register to vote and to update their voter registration records.

Board of supervisors, county of Los Angeles.

> Voter registration at driver license bureaus, other agencies and mail registration are all procedures currently used in many jurisdictions around the country.
>
> Unfortunately, Florida is not one of these jurisdictions and my analysis of H.R. 2 leads me to conclude hundreds of thousands of new voters will be added to our voter registration rolls with the implementation of this Act.

Supervisor of elections for Leon County, FL.

> The implementation of motor voter at the federal level would make voter registration virtually universal and accessible to the majority of state populations across the nation.

Secretary of the Commonwealth of Pennsylvania.

> California's successful experience with registration-by-mail, which I sponsored and implemented in 1976, indicates the importance of this method of registering voters.

March Fong Eu, secretary of state of the State of California.

> Some opponents have claimed that "motor voter" registration would lead to fraud, but that simply has not happened in Montana. There has not been one case of fraud reported in the program.

Secretary of state of the State of Montana.

> There were cries from the opponents of this effort that there was a great potential for fraud during registration. We conducted an extensive nationwide study of voter registration with particular emphasis on determining the potential for fraud during registration. We found no evidence of registration fraud. The United States Postal Service confirmed that it had virtually no significant instances of registration fraud. Based on these representations, Mail-In-Voter Registration is safe and effective.

Dick Molpus, secretary of state of the State of Mississippi.

And this one:

> That is why I have become increasingly disturbed over remarks made by some Republicans in Congress concerning the potential for non-citizens to register to vote under the provisions of H.R. 2. I am writing to you to dispel once and for all both the myths and the fears raised by those who simply don't understand the provisions of H.R. 2.
>
> Because picture identification is an integral part of the motor voter system, the possibility of voter fraud is virtually eliminated. Also, there is a strong legal disincentive for non-citizens, both legal and illegal, to register to vote. In addition, the link between driver licensing and voter registration provides election officials with several new cross-checks and auditing tools not found in other systems.
>
> Our state has a significant population of non-citizens. After processing 230,000 voter registration transactions through our first year of motor voter, we have had no evidence of non-citizens registering to vote.
>
> As to the question of fraud with the other processes in H.R. 2, it is important to note that states which are currently utilizing agency-based or mail registration techniques simply have not experienced fraud.

I began the quote saying, "I have become increasingly concerned over remarks made by some Republicans in Congress." This letter is from the secretary of state of Washington State. His name is Ralph Munro, and he is a Republican.

Mr. Speaker, as I have said many times before, the only thing that is fraudulent about this whole debate is the arguments about fraud.

□ 1600

The fact is that this legislation contains for the first time in the history of the U.S. Federal law that will provide criminal penalties for fraudulently registering to vote. That has never existed before. It does not exist now anywhere and upon the passage of this legislation it will be Federal law.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, right before the vote on final passage, there is going to be a vote on one simple issue. Should States be permitted to take the steps necessary to ensure that those being registered to vote are citizens of the United States?

If there is no problem with fraud, well then it should pass, because it is irrelevant; but if there is a problem, this will ensure there might be a solution.

That is the issue the gentleman from Louisiana is raising. When Mr. LIVINGSTON offers his motion to recommit with instructions to agree to the Senate language, we are determining if this is going to be a motor-voter bill or the Illegal Alien Voter Registration Act.

There is no hiding from this one. No one can claim it threatens passage of the bill, because the Senate has already adopted the language in the motion. One cannot claim it guts the purpose of the bill, because if the Senate amendment is adopted, voters will still be registered where they get their drivers' licenses and where they apply for welfare benefits, and many other places.

The only issue involved in the motion to recommit is this: Should States be permitted—not required, but permitted—to ask for evidence of citizenship when they register voters. If you vote for the motion, you are agreeing that the States should be permitted to make sure that all those people being registered to vote by this simplified process are actually U.S. citizens.

A "no" vote is opposition to permitting the States to screen out illegal aliens and other noncitizens from automatically being registered to vote. You are telling the States with a "no" vote, "We don't want you to be conscientious and make sure only citizens register to vote. In fact, we won't let you do that."

Mr. Speaker, let us strike a blow for sanity here. If we are not willing to take steps to keep noncitizens from voting, let us at least not interfere with States that want to be responsible.

A vote for the motion to recommit with instructions is a good vote; but otherwise, we should vote totally against final passage because this would not be a voter-motor bill. It would be the Illegal Alien Voter Registration Act.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute to point out that in 1982 a New York grand jury reviewed widespread vote fraud charges in Kings County from 1968 to 1982 and observed:

> The advent of mail-in registration in 1976 made the creation of bogus registration cards even easier and less subject to detection. * * * According to testimony, mail-in registration has become the principal means of perpetrating election fraud and has apparently resulted in the abandonment of the pre-1976 election fraud methods.

Furthermore, a grand jury sitting in Chicago in 1982 said that easier election procedures entitled illegal aliens to register to vote so that they could obtain documents identifying themselves as U.S. citizens.

And finally, the same was true in Florida in 1989. The Immigration and Naturalization Service, in reviewing a House special election in Florida, found that fully 11 percent of all ballots of those born out of the country were cast by noncitizens.

I come from a State where election fraud has been rampant. It is part of the history of my State, and that is at a time when the election procedures were more complex, more rigorous than they are in this bill.

I just happen to think that we are making the entire voting procedure subject to registration by noncitizens and other ineligible individuals, and opening up voting by people who are ineligible.

Mr. SWIFT. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the majority whip and chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's yielding this time to me.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 2, the National Voter Registration Act. I want to commend Chairman SWIFT for his patience and his commitment, without which I do not believe we would be on the floor today.

The conference report before us today takes the best of the House and Senate bills in to legislation that will quickly move our Nation on the road to once again being a participatory democracy.

Only 61 percent of the eligible voting age public is registered to vote. As a result, our Nation has the worst voting participation rate of the world's major democracies. Clearly, America, the model of democracy to the world, can and should do better.

But, our Nation places too many barriers in the way of its citizens. Some of these barriers are procedural and some are physical and attitudinal. The conference report before us today encourages greater registration while still protecting the electoral system from fraud and misuse.

The bill originally passed by the House, required States to permit individuals to register to vote when they apply for a driver's license; by mail and at various State, Federal and private sector offices. The Senate-passed bill, however, did not require States to make registration available at locations other than the so-called motor-voter option. Thus, the Senate bill would have hindered the legislation's goal of increasing registration among many populations that have historically low registration, including women and people with disabilities. I was particularly concerned about the impact of the Senate language on people with disabilities, many of whom would not be applying for a driver's license.

Disabled Americans vote at a rate 12 percent lower than nondisabled Americans. Furthermore, they register at a rate that is six points lower than the general population.

Physical disability is often the reason cited for not registering to vote. Furthermore, 50 percent of the nonvoting and nonregistered disabled say that they would like to participate more.

Therefore, I am pleased that the conference report contains a compromise between the House and Senate language which will ensure that more Americans will have an opportunity to register. The conference report requires States to designate public assistance agencies and agencies administering State-funded programs primarily engaged in providing services to persons with disabilities as voter registration intake agencies. Unlike the House bill, the conference report does not require State unemployment offices to be designated. Also, unlike the House bill, the conference report would require Armed Forces recruitment agencies to be designated.

By providing that offices which receive State funds and who are primarily engaged in providing services to persons with disabilities must offer voter registration services, we greatly enhance the opportunity for these citizens to register to vote.

Even more importantly for persons with disabilities, if the service is provided in an individual's home, the agency representative who actually goes to the home must assist with voter registration.

These procedures, which appear so simple and straightforward, are critical to reaching out to disabled Americans and allowing them to be part of the democratic process.

As in other sections of the bill, the client is guaranteed the right not to vote and is protected from coercion or harassment by the agency's personnel. The conference report, like the House bill contains language to protect citizens from undue influence, coercion, and they are assured their decision to register or not will not affect the amount of assistance they receive.

H.R. 2 will safely make it more convenient for Americans to apply to register to vote. The bill does not change present laws about voter qualifications or other responsibilities of the local registrar. H.R. 2 also ensures that only citizens will be registered to vote. In no way does H.R. 2 change the citizenship criteria.

One-third of all eligible voters are still unregistered. We need to move forward. These changes have already been too long in coming. It is time to open up the democratic process and send H.R. 2 to the President for signature.

I encourage my colleagues to support this bill and take an important step toward ensuring America's future as a participatory democracy.

Mr. Speaker, I rise in very strong support of this legislation. I believe this legislation will open the opportunity to vote to more and more Americans. This, the beacon of democracy around the world, is an objective that we ought to hold high and pursue vigorously. H.R. 2 does that. I strongly support it and urge my colleagues to do so.

□ 1610

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would commend the gentleman from Washington [Mr. SWIFT], and I agree with the almost whip, the gentleman from Maryland [Mr. HOYER], on his statements, and it is not unreasonable, what they are asking for as far as registering, enhancing the registration of Americans. We have the highest percentage of our voting group, our senior citizens, which I prefer to call chronologically gifted folks; it is the highest voting bloc. But yet there are still many that cannot. The same is true, and I agree with the gentleman from Maryland, the disabled Americans. It is not an unreasonable request to enhance their registration.

Mr. Speaker, I would ask the gentleman from Washington [Mr. SWIFT] to take a look, that it is not unreasonable to require States to ensure that those who registered be Americans or U.S. citizens. It is mentioned that a picture ID is required. It was mentioned that a picture ID is required.

I would like to remind the chairman, the gentleman from Washington [Mr.

SWIFT], that the individual that bombed the New York Trade Center had a picture ID and a drivers license. In my own State an illegal alien in a truck killed three people, two children and a father, had a drivers license. Of course they did not have insurance.

In California, Texas, Arizona, and Florida, Mr. Speaker, illegal immigration is a problem. One million, over 50 percent of all the children, over 50 percent of all the children born in Los Angeles hospitals today, are to illegal immigrants. We have a massive problem in the State of California.

I would ask the chairman, the gentleman from Washington [Mr. SWIFT], to vote "no" on his own bill—I know that is stretching it—and vote "yes" on the recommit. It is the same bill, but it is not unreasonable to ask that that clause go in to make sure that those people are registered.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from California [Mr. CUNNINGHAM] for yielding to me.

First of all, Mr. Speaker, I point out to the gentleman from California that in legislation today any State can require proof of citizenship upon registration. The gentleman's State does not. His State has the ability to do it, and his State does not.

I would further point out, because the gentleman asked whether I would consider it, that at three points in the legislation, three specific points, it very specifically says, "You must be a citizen to vote," and this legislation specifically says for the first time in Federal law that it is a Federal crime to be an alien and register illegally.

The last point I would make is simply the fact——

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would add to that, that in this legislation we do not deal with just illegal aliens. We do not believe legal aliens should vote. One has to be a citizen of this country to vote. That is elemental.

And in this legislation we do not make a distinction between illegal aliens, which happens to be a current political catch phrase—we do not make a distinction between legal and illegal aliens. We say, "If you're an alien, you can't vote," and we make it a Federal crime to try.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, if the House voted it down, the Senate put it in, and the conference took it out again, what would be the difficulty of at least adding that clause in, even if it is covered in the States, just to make sure that it is covered in all States to have proper registration?

Mr. SWIFT. Mr. Speaker, I do not know. I suppose there is nothing wrong with us particularly passing a resolution to welcome the dawn, but the Sun is going to come up anyway. The fact is there is no prohibition for a State doing it this way.

The SPEAKER pro tempore. The time of the gentleman from Washington [Mr. SWIFT] has expired.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds, and, Mr. Speaker, I have to say that I am astonished because this legislation will prohibit any State from requiring any documentation of proof of citizenship, or notarization, or authentication, that the person is who he says he is. All any individual in this country, citizen or not, minor or adult, has to do is send in a postcard saying that he is a citizen, that he is of age and that he is qualified to vote, and this bill prohibits any State from requiring any documentation to the contrary.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I think it should be made clear that all Members of this Congress support greater vote participation, and no single party maintains a monopoly of the ideals of democratic government.

Motor-voter, as this legislation is commonly called, is an expensive and unnecessary infringement of the States' legislative rights. Congress too often mandates new regulations for State and local governments without providing any additional funding to implement those reforms. H.R. 2 is exactly this type of Federal meddling.

Congress should take the responsibility for paying for what it mandates, Mr. Speaker, and let me tell my colleagues about my State of Michigan.

We long ago enacted motor-voter legislation. Everyone may register, not only in their local government offices, but at any secretary of state offices where they get their drivers licenses, et cetera. The new particularities of this bill will cost Michigan between 6 and 8 million of additional dollars—again $6 to $8 million—in a State that already has motor-voter.

Mr. Speaker, in these difficult times the people of my State hardly need this kind of help from Washington.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Washington [Mr. SWIFT] who has worked on this bill many long hours for yielding this time to me.

Mr. Speaker, I rise today to urge my colleagues to support the conference report on H.R. 2, the National Voter Registration Act. The National Voter Registration Act offers the American people the opportunity to expand democracy in our Nation to open up the political process and let the people come in.

Voting is a basic right. It is a responsibility of citizenship. Yet, for many it is not easy or convenient to register to vote. It is often inconvenient and sometimes impossible.

By passing the National Voter Registration Act, Mr. Speaker, we can renew our commitment to democracy. The United States has the lowest rate of voter turnout among the world's major democracies. This legislation would make it easier and more convenient for people to vote. It will increase voter participation.

Last November the Nation's voters voiced their desire for political renewal. In this period of political reform it is time to bring more people into the political process. We in the Congress can help bring about political change and renewal by passing the National Voter Registration Act.

This is an important bill, it is an important conference report, a report that would expand voter participation in the political process. We must send this bill to the President as soon as possible.

So, Mr. speaker, let us open up the process and pass the conference report.

☐ 1620

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have been listening to this debate and I must admit I am a little confused about whether or not illegal aliens are going to be able to vote under this bill or not. I think what I heard a couple of minutes ago was the gentleman from Washington [Mr. SWIFT] tell us that the current law would prohibit illegal aliens from being able to vote, and therefore we were protected because that is current law.

But then I thought I heard the gentleman from Louisiana [Mr. LIVINGSTON] say the bill we are now taking up would in fact change current law so that we would now be in a position that illegal aliens would be able to register to vote, because the law that we are about to pass would change the current law. So it sounds to me as though either current law does not apply any more once the bill is passed, or we are going to end up here with a very confused legislative history.

Can the gentleman from Louisiana [Mr. LIVINGSTON] tell me, if this bill passes, do we wipe out the current law that the gentleman from Washington [Mr. SWIFT] says protects us?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, yes. The answer to the gentleman from Pennsylvania [Mr. WALKER] is, in order to clear up his confusion, that anyone who wants to register anywhere in the Nation by postcard, no matter whether current law in his State allows him to do it or not, he can now file a postcard and send it in to the registrar or proper election official, and the State is expressly forbidden from requiring notarization or authentication in any way whatsoever, or to require the mail registrant to offer any proof of citizenship.

We had amendments which were offered in subcommittee, which were offered in full committee, and which the Committee on Rules did not allow us to introduce on the floor, which would have provided for authentication and notarization.

So a postcard saying you are who you say you are and saying you want to vote is all that is required.

Mr. WALKER. Mr. Speaker, suppose along the way under the legislation we are working on now here, we established the fact we are going to wipe out current law and now allow illegal aliens to lie, and they do lie, of course, and by a matter of a lie we are going to allow them to register and allow them to be voters.

Suppose the State find out about them and wants to purge them off the list. Would this bill allow the State to purge someone off the voter list?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield further, of course not. No. We had amendments to do that, too, but the majority would not allow those amendments. So that is not in this bill. A registrar that wants to get rid of nonvoters can conduct an extraordinarily long, convoluted process and maybe get people off the rolls. But, the conference report expressly forbids removing a person from the registration list by reason of not voting. Even if the registrant has not voted in 2, 4, 10, 50, or 100 years, the registrar cannot strike them from the rolls by reason of not voting.

Mr. WALKER. Mr. Speaker, reclaiming my time, so we are not going to change current law, which the gentleman from Washington [Mr. SWIFT] says protects us, and how have a law which allows illegal aliens to lie and become registered voters, and then we have no way of taking them off the list. It is incredible.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield further, the gentleman might have heard my reference to the Florida situation in which 11 percent of the votes cast in the special election by persons born outside the United States were from illegal aliens in 1989.

Mr. SWIFT. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, there are colleagues in the institution whom I must compliment for their remarkable ability to carry obfuscation to a very high art. The fact is that the point at issue in the last colloquy, in that sense this does not change current law.

What it does is add to current law four things: One, it says in the agency registration you must be a citizen; it says in the postcard registration you must be a citizen; it says in the motor-voter registration section you must be a citizen. Those things do not exist in current law. It also says that it is illegal to register if you are not a citizen under Federal law with a criminal penalty.

Those are the provisions of the legislation. I guess the bottom line, the lesson to be learned, is that no matter how often you say something that is inaccurate on the floor, it does not make it so. What I have just given you are the facts. They are in the bill. Read the bill, and I guess you have to ignore the rest.

Mr. LIVINGSTON. Mr. Speaker, may I inquire how much time each side has remaining?

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Louisiana [Mr. LIVINGSTON] has 5 minutes remaining, and the gentleman from Washington [Mr. SWIFT] has 6 minutes remaining.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, we have heard many times that this is a bill designed to empower more voters and get more people registered to vote. Well, if that is the case, why is it just that we are selecting the welfare recipient population? Why do we not include people who are signing up for their hunting licenses or buying a gun? When you buy a gun, why can you not register to vote? Or when a farmer signs up for ASCS benefits or farm programs, why cannot he or she register to vote?

Mr. Speaker, you know why: Because they are not going to vote for the liberal majority Democrat Party who wants this bill passed for their own reasons. And that is the crux of the whole matter.

Mr. Speaker, why do we not just say, "Hey, look: When you go to sell your stock and go down to Merrill Lynch, you can register to vote." That would increase voter participation.

But that is not what this is all about. This is strictly a partisan bill, and it is being done on the backs of the taxpayers. It is just like saying the emperor is naked. Let us call it for what it is and quit monkeying around about it.

Talk about mandates. I am pleased to represent a district that has 22 counties and approximately 50 cities. They run from urban to rural and affluent to poor. They are large, small, coastal, and inland. One thing they have in common is they are all against more unfunded Federal mandates.

Mr. Speaker, all we are doing is putting another $25 million on the backs of the county and State governments so tnat they can go back to their taxpayers and say, "Well, we have got to have a new program now that the Federal Government is shoving down our throats; and you, mom and dad, the family, the working poor, you are going to have to pay for it."

Mr. Speaker, this is a tax increase bill. If you like it because of its partisan politics, just remember that.

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, on page 5, line 17 of the bill, it says that the States may include fishing and hunting license bureaus.

Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, some people call Michigan the Great Lake State, or the Wolverine State, or the Motor State. Others call it the motor-voter State, since Michigan was the first State in the country to adopt motor-voter registration.

Motor-voter has worked pretty good in Michigan, providing accessible registration to all of our State's citizens. It offers an efficient and organized way to register a huge number of voters.

Accessible registration is the critical first step in getting greater voter participation. But, Mr. Speaker, I must say this is not a perfect bill, and I will be supporting it when it comes up in a little while.

Mr. Speaker, I would have liked to have seen an allowance for more flexibility on the part of States to purge inactive voters in order to keep voter lists as clean as possible.

Although we want to extend a broad net to catch and register as many folks as possible, I have serious administrative concerns about extending motor-voter registration beyond State departments of motor vehicles to public assistance agencies, mail registration, and same day voter registration.

Furthermore, I know this bill will not magically increase voter participation to 100 percent. But I am voting for this bill because I hope the nationwide adoption of a program like we have had for years in Michigan will increase voter participation in this country, a goal I hope we all share.

☐ 1630

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues, on both sides of the aisle, to vote for this conference report to H.R. 2.

It is a compromise that was negotiated in good faith. It preserves all the basic elements of H.R. 2, clarifies a few items and apparently satisfies those in the other body who have supported this legislation but had raised some minor concerns which have now been addressed.

The Senate-passed version of H.R. 2 contained 13 changes. The conferees accepted nine, rejected one, and negotiated on three. No one can accuse this conference of not bending over backward to accommodate the concerns of the minority.

Not every conferee agreed on every item, but I can assure the House that this bill maintains its integrity and, indeed, in some ways may be even stronger than the original product.

We have been working on the National Voter Registration Act for 5 years—almost precisely 5 years to the month. We've passed it now three times in the House. It's been filibustered and vetoed, but it has survived. This has been a fascinating dance of legislation. I understand several books on the legislative history of H.R. 2 are in the process of being written.

Many people have worked very hard for this moment. There is a coalition of nonprofit organizations which has lobbied us and many of you. We have had some violent battles over the years, but we would not be here today without the work and input of the coalition.

There is my subcommittee staff, some of whom have been working on this bill since day one. There is our legislative counsel and the excellent support we have received from our full committee staff. And there is Karl Sandstrom, who is not here today but who had a major impact on the original draft. And then, of course, my secretary of state, Ralph Munro, who gave us the original idea for motor-voter.

Finally, I would like to commend Senator FORD. He has put up with a great deal of grief and nonsense. He has been steadfast, absolutely honest. Senator FORD and his staff have patiently waited out the opposition, have answered every question and rebuffed every attack. He has been outstanding.

And so my colleagues, we are finally at the end of this odyssey. Some have called H.R. 2 the most significant election measure since the Voting Rights Act. I hope it lives up to expectations. It was designed to correct a major problem in our democracy; to overcome inertia and sometimes defiant opposition. Every eligible citizen should have an equal opportunity to register to vote. That is the simple statement of this legislation. Equal opportunity, that's what we stand for.

Again, now that the negotiations are over, I invite my colleagues across the aisle to join in this historic moment, and I urge my fellow Democrats to again overwhelmingly support this bill.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 3 minutes.

Mr. LIVINGSTON. Mr. Speaker, in response to the point of the gentleman from Georgia, I think that he was certainly aware that the bill provides that, yes, any State agency may open up a variety of State offices to voter registration services as well as the function that they normally carry out. Unfortunately, in response to the distinguished chairman of the subcommittee, I would say that there is no such discretion when it comes to welfare offices or other public assistance offices. These agencies are required to provide voter registration.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding to me.

On page 5 of the bill, it says very clearly, "Each State shall designate voter registration agencies," which agencies take care of welfare, public assistance.

Later on in the bill where it talks about signing up for fishing and hunting licenses registration, it is "may."

So in one case we have a mandatory; the other case, it is completely optional and probably will not be done because it is going to cost the counties money.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I thank the gentleman for clearing up that point.

Mr. Speaker, I have a motion to recommit that I really hope that the Members will listen to and vote for in advance of the final vote on this conference report.

My motion to recommit is very short and sweet. It says, and I quote,

> Nothing in this act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

It could not be any clearer than that. All we seek to do in this motion to recommit is insert one provision into the bill, and that is to allow a State to require that the voter registration applicant provide documentation that proves he is a citizen of the United States.

Without this provision, this bill is an auto-fraudo bill. It is an inducement to illegal aliens, to people that are ineligible to vote to not only register but ultimately to cast their votes and to help slant elections depending on who is pulling their strings.

I think that it is a great danger. I think this bill is very loose, but it could be tightened up. It could be made more reasonable.

And while I still would not think the bill would be perfect, even if this motion to recommit were included, this, at the very least, allows the States the right to require a proof of citizenship before they register an illegal alien.

That is a precaution that should be taken in order to protect the integrity of the electoral process of the United States of America. It is only common sense.

Mrs. MORELLA. Mr. Speaker, I rise today in support of the conference report for H.R. 2, the National Voter Registration Act. By opening up the political process, I believe this bill is good for our system of participatory democracy and good for the American people.

One of the most fundamental rights protected by our Constitution is the right to vote. I believe we would all agree that the American people's ability to vote must be protected, nurtured, and even facilitated if our political system is to be preserved.

In our past election, 70 million, or 38 percent, of eligible citizens, were unable to vote in the Presidential election because they were unregistered. This comes on the heels of the 36 percent national voter turnout in the 1990 congressional elections, the lowest turnout since 1942. These alarming figures should serve as a serious warning to our Nation that our constituents are becoming increasingly disenfranchised from the political process.

When tied to driver licensing and State ID's, voter registration becomes readily accessible to over 90 percent of our population, and getting voters registered is the key to high voter turnout. With voter registration mechanisms at State motor vehicle departments, public assistance offices, and disability centers supplementing our current procedures, every American should have the opportunity to participate in our democratic process.

The most often heard explanation for why Americans do not vote is that they do not register in time. This bill would make the registration process virtually effortless and statistics show that, even when overall voter turnout is low, 80 to 90 percent of the registered voters participate in Presidential elections.

States that have motor-voter programs have not only increased political participation but also have significantly decreased costs of registration. This, too, is an objective that follows no party line.

Perhaps the greatest concern raised regarding H.R. 2 is the potential risk of fraud through mail registration and lax list-cleaning procedures. The successes of existing State motor-voter programs are proof that these concerns are unfounded. For example, Oregon has had mail registration for 17 years without a single case of fraud and Minnesota and Washington have had similar experiences.

In addition, this conference report maintains and protects the integrity of our election process. The legislation is anything but indifferent to the threat of fraud. It provides for strong criminal penalties for fraud, mandatory address verification procedures, and requirements to remove from the voting rolls the names of those who have died or moved out of the jurisdiction. Also, H.R. 2 contains several elements to protect against registration by those who are not eligible to vote because they are not U.S. citizens.

Mr. Speaker, with passage of the Voting Rights Act of 1965, Congress made a historic stand for the voting rights of the American people. Today, we have an opportunity to again engage millions of Americans, especially the disabled and the elderly, in our Government of the people, by the people, and for the people.

Let us not pass up this opportunity. I urge my colleagues to support this conference report. It represents a sensible compromise between the House and Senate versions of the act.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in full support of H.R. 2. By passing this bill, we will finally ensure that Americans are able to vote. Although this is one of our basic rights as Americans, it is not exercised by most people. Often the reason for not voting is because the process of registering can be confusing, lengthy or just plain troublesome. By making registration much more accessible and simple, we will greatly widen the opportunity to register and increase the number of Americans who are able to participate in the electoral process.

Clearly, American voters want to participate. The election last November and its results were proof that Americans have a renewed interest in participating in the election process. In my home State of Illinois, voter participation was higher in November 1992 than it had been in over a decade. Yet, not even 60 percent of eligible population actually voted.

H.R. 2 would enable citizens to register when they apply for or renew a driver's license. This provision alone is expected to reach 90 percent of the voting age population. By requiring States to allow voter registration by mail and at public assistance agencies, low income and disabled Americans would also have increased opportunities to register.

Mr. Speaker, as a democracy, we can only benefit from increased citizen participation in our Government. I urge my colleagues to support H.R. 2 so that we can open the registration doors and let the voting begin.

Mr. COX. Mr. Speaker, I rise in strong opposition to H.R. 2, the so-called National Voter Registration Act. This legislation is an invitation to electoral fraud. In fact, it should be called the Illegal Alien Voter Registration Act.

Despite its benign name, this pernicious bill would make it nearly impossible to prevent ineligible people—including illegal aliens—from voting. The bill actually prevents States from regularly purging their voter registration lists to eliminate "tombstone voters," or to stop other vote scams where ineligible people take advantage of inaccurate voter lists to steal the right to vote. This will make it even easier for organized vote theft operations to cynically use illegal aliens in vote fraud schemes.

One would think that the commonsense Republican amendment offered today—which simply states that "nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration"—would have been adopted easily. I find it difficult to believe that a majority in Congress would make it easier for noncitizens to register to vote, but that is what has happened today.

But Mr. Speaker, those of us who live in California see all too clearly, and all too often, the pernicious effects on our community from welfare-subsidized illegal immigration. With California's current budget crisis, we simply cannot afford to allow illegal aliens to vote.

Instead of encouraging vote fraud, we should be encouraging civic responsibility from an educated citizenry. To this very end, California has already initiated several outreach programs to ensure that every citizen who wishes to vote has ample opportunity to register. California now allows residents to register by mail, at both State and Federal agencies, and even at fast-food restaurants. We simply don't need the Illegal Alien Voter Registration Act, or motor-voter, as its apologists call it.

We should continue to encourage as many Americans to vote as possible. But we must vehemently oppose any automatic registration scheme that in effect invalidates the votes of honest, law-abiding Americans.

Finally, the bill's high cost for California's already-strapped budget provides yet another reason to oppose this legislation. At a time when our State is faced with difficult budget choices, this bill requires costly new programs without providing any Federal assistance to help pay for them. Instead, California would be forced either to cut existing programs, or impose costly new tax increases to fund these new Federal mandates. California, unlike Congress, is required by our Constitution to balance its budget.

How much will the bill cost? In his Washington Post column, David Broder estimated that the bill could cost close to $200 million. Said Broder, "No one disputes that computerization and manpower costs are going to put an additional burden on strained State budgets. And Congress, with its usual cavalier attitude, is going to make the States pay." It is estimated that the bill will cost California alone $26.1 million.

Mr. Speaker, I oppose this legislation that is not only a financial burden on California, but also threatens to extend the voting privilege to noncitizens, opening up this precious privilege to fraud and abuse.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 2, the National Voter Registration Act, better known as the motor-voter bill. This bill will make it easier for millions of eligible Americans to exercise their constitutional right and civic responsibility to vote.

Although H.R. 2 removes arbitrary barriers to voter registration, it balances this increased participation in the electoral process with Federal protections against fraud, safeguards against abuse, and stiff Federal penalties, up to 5 years in prison, for those who break the law.

In spite of the fact that voter participation in the United States increased during the last Presidential election, we continue to have the worst voting participation rate among the world's leading democracies. Only 6 out of every 10 of eligible American voters is registered. Over 5.7 million eligible Californians are not registered to vote, and many of these people would have voted had they been registered. But, if we can open up the registration process by making it easy and uncomplicated, more of our citizens will register and vote. Most of the 12.3 percent increase which we experienced nationally in voter turnout between our last two national elections occurred in those States that had implemented part of all of the procedures outlined in H.R. 2, procedures that have proved to be effective in increasing voter participation.

H.R. 2 establishes uniform, nationwide voter registration procedures and, at the same time, gives States the flexibility to implement these procedures. However, the bill does not change any State's registration procedures. it just makes the process more available to all of our citizens.

This bill does not pave the way for noncitizens to vote; it does not permit noncitizens to fraudulently register. Again, a State's actual registration procedures are not changed. There is no automatic registration; applications, along with other eligibility requirements, are still evaluated and then validated, or not, by the State's election official.

The National Voter Registration Act has the potential to revitalize the democratic process in this country more than any bill that we have considered during the last Congress. It will remove roadblocks that contribute to low election turnout by minimizing government interference in the registration process. The California Secretary of State estimates that motor-voter and agency-based registration alone will ultimately add over 2 million additional registered voters to our files.

Every citizen has the right to choose not to vote. But, for those citizens who want to fully participate as voting Americans, we have a responsibility to protect, this fundamental, constitutionally guaranteed right—to insure that the election process is as open and accessible as it can be. Factors like economic status, age, and physical ability should not be obstacles to an American citizen's access to the polls.

I am proud to support the conference report on National Voter Registration Act, and I encourage my colleagues, on both sides of the aisle, to do likewise by supporting final passage of open, impartial access to the polls for all American citizens.

Mr. EWING. Mr. Speaker, today we will again take up the so-called motor-voter bill otherwise referred to as the auto-fraudo bill. This costly new mandate to States is said to be needed due to the terrible burden people have to overcome to register to vote currently.

Some people have to spend as much as 3 to 5 minutes of their time at a county clerk's office before election day just to be registered to vote. They must also go to the trouble to make it to a clerk's office when they are open or take advantage of the many on-site registration locations available around their community. Clearly this is asking too much of people who wish to participate in the world's longest thriving democracy.

We have been told repeatedly that we are requiring too much effort on the part of our citizens, and to back up this claim, election turnout results are often cited. Never mind that in many of the elections cited people were not given much of a choice. That, the experts tell us, has nothing to do with turnout.

The reason we must have motor-voter is due to lower turnouts which prove that we have placed barriers in the way of our citizens to their fundamental right to vote.

To remedy this terrible burden on our citizens we must take action. Fortunately this action will not greatly increase the Federal budget deficit. It will cost upwards of $100 million dollars or more to implement, but we have decided to spare ourselves the cost and pass it on to the States. So to relieve a perceived burden on those who are not calling for a change, we intend to impose a tremendous new burden on State and local governments.

Little has been done to document a need for changing registration laws. In fact in States that have more liberal voter-registration laws, the turnout tends to match national turnout trends in States with more restrictive laws.

Vote fraud is less likely to occur in States that impose some restrictions on voter registration but that seems to be unimportant to the majority in this body. I believe that there is no greater deterrent to citizens casting their votes than the knowledge that their vote will be canceled by someone committing vote fraud.

So we are faced this week with the concept that there is a need to liberalize registration laws. Many alternatives were offered but the only idea acceptable to the majority was the one that imposes the maximum number of new regulations on to States and of course does not pay for them.

The reason we are told we must liberalize registration laws is the need to increase turnout. I leave you today with the most recent data from the U.S. Department of Commerce on the 1992 elections. You will note that contrary to opinion in this body, the 1992 Presidential election turnout was the largest in 20 years. I would suggest this tells us a few things. One, that the impediments to voting have been vastly overstated in this body, and two, that turnout is largely a statement of voter interest. This leaves us with the question before us this week on the so-called motor-voter. Is there any real reason to saddle the State and local governments with this huge new unfunded mandate? Or are we doing this simply to pass something that sounds good back home.

THE 1992 PRESIDENTIAL ELECTION TURNOUT LARGEST IN 20 YEARS, CENSUS BUREAU REPORTS

A new report from the Commerce Department's Census Bureau shows that voter turnout for the presidential election of 1992 was the largest since 1972. Jerry Jennings, author of Voting and Registration in the Election of November, 1992 (P20-466), says "61 percent of the voting-age population said that they went to the polls in 1992, the highest turnout recorded in the Current Population Survey since the elections of 1972 (63 percent)." Furthermore, the 1992 turnout rate was 4 percentage points higher than in 1988 (57 percent), which was the lowest turnout recorded in the CPS since the survey on voting and registration first began in 1964. Jennings continues by speculating that, "The 1992 election may be the beginning of a reversal in the declining voter turnout of the past three decades." In total, approximately 114 million people voted in 1992, compared with 86 million in 1972.

Jennings' report also shows an increase in new registrations before the 1992 election. He said, "All of the increase occurred among voters under 45 years of age. Registration among 18 to 24 year olds increased from 48 to 53 percent. For 25 to 44 year olds, registration increased from 63 to 65 percent."

When broken down by racial and ethnic groups:

Black voter turnout increased slightly from 52 percent in 1988 to 54 percent in 1992.

White voter turnout was up slightly; 64 percent versus 59 percent in 1988.

Hispanic voter turnout among all Hispanics 18 and older remained unchanged at 29 percent. However, among those who are both age- and citizenship-eligible, 48 percent of Hispanics voted in 1992.

Asian and Pacific Islander voter turnout was recorded for the first time at 27 percent. As with Hispanics, if you count only Asian's and Pacific Islander's who are both citizens and 18 or older, then 50 percent of this eligible group voted.

In total, about 66 percent of the Nation's 18-plus citizens voted.

Mr. SWIFT. Mr. Speaker, to conclude the debate, I yield the balance of my time, 3½ minutes, to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, this afternoon we have the opportunity to open up our democratic political system in more profound ways than the candidacy of Ross Perot and the election of President Clinton combined. Americans who never voted or attended a political rally came alive in this last election and got involved because they felt like they were part of the solution.

We want to continue this trend. This is the right time to consider a bill that will widen the circle of democracy even more.

The instrument of empowerment in our democracy is the vote. Collectively, it is the decisive expression of popular political will. American citizens have the right to exercise the power to vote freely, but in order to enjoy this right, citizens must first gain admission to the voting system.

The ticket for admission is registration. Unfortunately, the price of admission in this country in many ways is intolerably high.

Before the November election, I was utterly dismayed to witness registration drives in Missouri where in some cases, one registrar had up to 400 people in line to register. Many of the people that I talked to became so frustrated by the wait, they left before they were able to register.

I cannot say for sure, but many of them may never bother again to try to register and, certainly, will never bother to vote. It is not right to tell people that their vote is not welcome or their participation does not count or that they have got to give up half a day or a whole day of their time to even register to be able to vote.

The National Voter Registration Act makes the process user friendly. It enables registration during motor vehicle licensing, through the mail, and at Federal and State human services agencies.

And most importantly, it makes it easier for Americans with high stakes in the political process, the handicapped, to become registered.

This legislation contains strong enforcement mechanisms and in no way opens our democratic system to those who are not eligible to vote.

Our country has been the shining example of representative democracy for emerging democracies around the world for over 200 years. Let us finally, today, validate that respect by voting for this important legislation which, hopefully, in the years to come will open up the experience of voting for millions of American citizens.

Mr. CONDIT. Mr. Speaker, today I am rising in opposition to the conference report on H.R. 2. H.R. 2 will result in substantial costs for State and local governments, who will be charged with implementing this legislation. For this reason, I wanted to offer an amendment which would have made the provisions of the National Voter Registration Act voluntary for States and localities until Federal support is provided. Unfortunately, my amendment was not allowed to be presented to this body for consideration.

This bill is going to cost the State of California $26 million. Anyone familiar with California knows that the State is still in the grips of a recession and is suffering from severe budget shortfalls. They cannot and should not have to absorb another financial hit from the Federal Government. Sure California will comply with this legislation if they are required to do so. However, the $26 million that this bill will cost them will come from further cuts in social services, welfare, and public safety.

We in Washington have got to stop mandating policies without the funds necessary to implement them. If Federal policy is important enough to pass, then it should be important enough to fund. I am convinced that the unfunded mandates contained in this bill will result in our States and localities being forced to eliminate critical social services and/or raise taxes to implement H.R. 2. It is as simple as that. For this reason, I rise in opposition to the conference report on H.R. 2, and I encourage my colleagues to do the same.

Mr. MFUME. Mr. Speaker, I am pleased to support a bill that will offer the most significant changes in our Nation's voting law since the Voting Rights Act of 1965. The National Voter Registration Act will enable a broader range of our society than ever before to participate in the democratic processes of our Nation. It is imperative that this legislation be enacted because although the United States has one of the most participatory governments in the world, it nevertheless experiences the lowest voter participation of all major governments.

Although this century has witnessed the achievement of voting rights for many constituencies, many citizens were left out of the process due to restrictive registration requirements and archaic and inconvenient registration procedures. The National Voter Registration Act, through standardization of nationwide mandatory agency registration, allows us to address the final obstacles for full participation by all in the voting process.

While the National Voter Registration Act ensures major improvements in our voter registration process, it unfortunately contains some fundamental flaws. The exclusion of certain Federal agencies—specifically unemployment agencies—as voter registration centers imposes unfortunate barriers to voter registration for certain constituencies.

Failing to include unemployment offices as voter registration sites discriminates against those who are indigent and often against those who are minorities. The intent of the motor-voter bill was to assist all members of our society to become part of the voting public. Obstructing easier access to the voter registration process, as is accomplished by eliminating unemployment agencies as voter registration sites, violates the spirit and intent of this bill.

The National Voter Registration Act, by not targeting some of the most vulnerable members of society—the unemployed—for voting access, fails to achieve the shortcomings it originally set out to correct. Thus, while the bill is designed to reinvigorate our political system, it nevertheless remains diluted.

In spite of its shortcomings, the National Voter Registration Act remains the most significant legislative effort to reinvigorate our political system since the Voting Rights Act of 1965. The momentum achieved in the 1992 elections can be enhanced by the increased voter participation this bill seeks to achieve. I would like to join my colleagues today in offering Americans an additional incentive to partake in the privilege of voting.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LIVINGSTON. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Livingston moves to recommit the Conference Report with instructions that the managers on the part of House at the conference on the disagreeing votes of the 2 Houses on the amendment of the Senate to the bill, H.R. 2, include in their report, the provision found in Section 13 of the Senate amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. LIVINGSTON) there were—yeas 10, nays 17.

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 170, nays 253, not voting 9, as follows:

[Roll No. 153]

YEAS—170

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff

NAYS—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Becerra
Ford (MI)
Henry
Inhofe
McInnis
Peterson (MN)
Smith (NJ)
Young (FL)
Zimmer

☐ 1701

The Clerk announced the following pair:

On this vote:

Mr. Inhofe for, with Mr. FORD of Michigan against.

Messrs. SAWYER, HINCHEY, and PICKETT, Mrs. LOWEY, and Messrs. FRANK of Massachusetts, MARTINEZ, STENHOLM, and CONDIT changed their vote from "yea" to "nay."

Messrs. HANCOCK, SOLOMON, and LEHMAN, Ms. SCHENK, and Messrs. GUNDERSON, BOEHLERT, FRANKS of New Jersey, and SAXTON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair would advise the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 164, not voting 9, as follows:

[Roll No. 154]

AYES—259

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—164

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Valentine
Visclosky
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zeliff

NOT VOTING—9

Becerra
Ford (MI)
Henry
Inhofe
McInnis
Peterson (MN)
Smith (NJ)
Young (FL)
Zimmer

☐ 1711

The Clerk announced the following pair:

On this vote:

Mr. Ford of Michigan for, with Mr. Inhofe against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I would like to take this opportunity to publicly explain my absence from the House of Representatives during floor session May 5, 1993.

On Saturday, May 1, my wife and I became the proud parents of Clarisa Isabel Reyes-Becerra, our first child. It was of critical personal importance for me to spend the first week of my daughter's life at home in Los Angeles.

For the record, I wish to indicate my voting preferences for the rollcall votes taken during last week's legislative business. My constituents and interested parties have the right to know my positions on these issues, even though I was not able to officially vote.

Rollcall number:

151. Procedural Motion. Approval of the House Journal on Tuesday, May 4. Position: Yea.

152. H.R. 2. National Motor-Voter Registration/Rule. Position: Yea.

153. H.R. 2. National Motor-Voter Registration/Proof of Citizenship. Position: Nay.

154. H.R. 2. National Motor-Voter Registration/Conference Report. Position: Yea.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 52

Mr. KOPETSKI. Mr. Speaker, as an original sponsor of House Concurrent Resolution 52, I ask unanimous consent that the name of Mr. PRICE of North Carolina be removed as a cosponsor of House Concurrent Resolution 52.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERSONAL EXPLANATION

Mr. DORNAN. Mr. Speaker, I would like to make a statement on a mistaken vote on H.R. 24.

On the Castle-Solomon Republican substitute, I had spoken at length in support of this as a substitute to H.R. 1578. I had intended to vote, consistent with my remarks, for it. I inadvertently came on the floor, thought it was final passage, and voted "no."

I would like my statement to appear in the RECORD.

PROVIDING FOR CONSIDERATION OF H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 164

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill, modified by the amendment printed in section 2 of this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill is modified by striking section 506.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

GENERAL LEAVE

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, House Resolution 164 is an open rule providing for the consideration of H.R. 820, the National Competitiveness Act of 1993. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. All points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, requiring a 3-day layover, are waived.

The rule makes in order as an original bill for the purpose of amendment the Science, Space, and Technology Committee substitute now printed in the bill, as modified by the amendment printed in section 2 of the rule. Section 2 of the rule strikes section 506 of the substitute. Mr. Speaker, this is necessary because section 506 relates to subject matters not within the Science Committee's jurisdiction.

The committee substitute as modified will be considered under the 5-minute rule by title, with each title considered as read. The rule also waives points of order against the committee substitute as modified for failure to comply with clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill. This will allow a Science Committee technical amendment to correct an unintended interpretation of certain collection fees. Finally, the rule allows one motion to recommit with or without instructions.

Mr. Speaker, H.R. 820 is an important bill which will enable U.S. manufacturers to compete in the world market. The bill recognizes the importance of manufacturing to our economy and the importance of a closer government and industry partnership to invest in the development of critical manufacturing technologies. It establishes a national manufacturing outreach program so that all our companies, especially our smaller firms, can easily obtain information critical for global competition. In addition, it provides loans to firms wishing to upgrade their manufacturing technologies, and expands capital to firms interested in developing critical technologies.

Mr. Speaker, H.R. 820 is the result of hearings and careful consultations. I am pleased we have an open rule, and I urge my colleagues to adopt it.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

☐ 1720

Mr. SOLOMON. Mr. Speaker, I thank my colleague for yielding me this time. As one who has been quick to criticize the majority for all the closed rules they have given us, let me be just as quick to commend the majority on this open rule.

Mr. Speaker, it is hard to believe, but it has been 237 days since the Rules Committee last reported a rule permitting an open amendment process on this House floor. That last open rule was granted back on September 10 of last year on an Indian health bill—hardly a bill of major import or controversy.

This year, all 10 of the first 10 rules we reported have been restrictive, allowing for a total of just 32 amendments—less than an average of 4 amendments per bill.

Mr. Speaker, things had gotten so bad that our leadership appointed me to head up a Task Force on Deliberative Democracy in the House to try to turn this trend around and put the people back in their House through their elected Representatives.

I would like to think that today's rule is the first fruit of our task force's labors. Back on April 2, the same day our task force was formed, the Speaker, in his daily press conference, was unwilling to commit to having even one open rule in this session.

Just 20 days later, on April 22, the day we released our first task force report to the public, the Speaker was saying that, "in the very near future we will have bills on the floor with open rules," and that we can "expect open rules within a matter of a very few days on major legislation."

On Monday of this week I joined with our distinguished Republican leader and whip in sending a letter to the Speaker commending him on this commitment to open rules on major legislation. And we went on to urge him to make good on this pledge by allowing for open rules on such major bills as striker replacement, reconciliation, independent counsel, campaign reform and future supplemental appropriations.

Mr. Speaker, I hope this is just the beginning of a beautiful relationship in which comity can be restored to this Chamber over procedural matters.

I think our colleagues will realize as we become reaccustomed to working under such open rules, that we can act responsibly and effectively through the amendment process to make bills better and more representative of the entire House.

By so doing, we will ensure that the final laws we enact are more acceptable to the American people we represent. Let us continue this wonderful tradition of deliberative democracy.

At this point in the RECORD, Mr. Speaker, I include certain extraneous materials related to the issue of open versus restrictive rules, as follows:

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We are encouraged by your reaction to our Republican task force on "Deliberative Democracy in the House."

At your April 22, 1993 press briefing you said: "We have told them (Republicans) . . . that we do not intend to close all rules and that we are working to see that in the very near future we will have bills on the floor with open rules, virtually open rules" and that we can "expect open rules within a matter of a very few days on major legislation."

This is welcome news and we believe will alleviate the frustration of Members on both sides of the aisle regarding their inability to shape legislation through amendment on the House floor.

We especially applaud your pledge of open rules on "major legislation." The last open rule was on September 10, 1992 for legislation pertaining to Indian Health Amendments of 1992. These types of bills routinely should be open to amendment. But they do not qualify as the kind of "major legislation" that should be open to amendment.

We recommend specifically that major legislation like reconciliation, striker replacement, reauthorization of the independent counsel statute, campaign reform and future supplemental appropriation bills be open for amendment.

Sincerely,

Bob Michel,
Newt Gingrich,
Jerry Solomon.

Speaker Foley on Gag Rules: Then and Now

April 2, 1993:

On April 2, 1993, Speaker Tom Foley, in his daily press briefing, was asked, "Are you going to have any open rules in this session." The Speaker replied, "I think so." The reporter then asked, "You are not sure?" To which Foley responded, "If I say 'yes,' you will ask, 'which one is going to be open.'" "Exactly," confirmed the reporter. The Speaker then elaborated as follows:

"Let me just say something about an open rule. I don't think Members of the minority would say that every bill should have an open rule. Maybe there are some who would think that, but from time to time we had very satisfactory conclusions with the minority over rules that provided some structure and some specific amendments that were requested but might not be technically open in the sense that any germane amendment was available to be offered on the floor."

April 22, 1993:

On April 22, 1993, at his 2:15 press briefing, a little over two-hours after the Republican Task Force on Deliberative Democracy in the House had blasted the 100% record of restrictive rules in this Congress, the Speaker was again asked about the leadership's intentions on restrictive rules. This time, the Speaker seemed more confident that restrictive rules would not be the norm:

"We have told them [the Republicans], and they have known this for some time, that we do not intend to close all rules and that we are working to see that in the very near future we will have bills on the floor with open rules, virtually open rules. Not every bill. We will reserve the right to restrict some amendments. That has always been typical of the process in the House. But essentially we have told them the we do not intend to follow a practice of closing every rule.

"Now, one has to understand what is meant by the language. Absolutely open rules, meaning no restrictions on amendments, are not necessarily going to be the pattern. There will be some bills of this kind, but there will also be bills where there are a variety of amendments made in order, where generally all relevant points of views will have an opportunity for presentation and exposition and vote on the House floor."

Commenting specifically on the contrast with the 15% of restrictive rules under Speaker O'Neill in the 95th Congress with 100% restrictive rules thus far in the 103rd Congress, Foley said:

We are in the Congress about 2 months. So I think to compare the two, we have to have more than a few weeks against the Congress, with the greatest respect. I think it has been clear that, as we have told them, that there were circumstances that were unusual in the nature of the bills that first came up. . . . We do not intend this to be the pattern for the Congress. They have been told that repeatedly, but I, frankly, think that the Republican leadership is taking the opportunity to restate their complaints, even though they have been told recently to expect open rules within a matter of a very few days on major legislation.

[From the Roll Call, April 26, 1993]

Rules Will Soon Open, Says Foley

(By Karen Foerstel)

Just as the House GOP launched an aggressive drive Thursday to force Democrats to allow more open rules on the floor, Speaker Tom Foley (D–Wash) asserted that such a relaxation was already in the works and that the Republicans knew it and were simply grandstanding.

The open rules, which would allow Members to offer unlimited amendments, will likely be seen on several major bills hitting the floor in the coming weeks, Foley said. He declined to say which bills.

"They have been told repeatedly, but I, frankly, think that the Republican leadership is taking the opportunity to restate their complaints, even though they have been told very recently to expect open rules within a matter of a very few days on major legislation," Foley said Thursday afternoon.

Just hours earlier, House Minority Leader Bob Michel (Ill) and Whip Newt Gingrich (Ga), along with eight other Republicans, unveiled a plan they said would force Democrats to allow open rules.

The plan includes contacting the local media in districts of Members who vote for closed rules, giving press conferences and floor speeches about the limits on offering amendments, and launching dilatory tactics—such as calling for repeated procedural votes—to tie up legislation.

"They're systematically silencing not just Republicans, but also conservative Democrats," said Rep. Gerald Solomon (R-NY), chair of the task force that drafted the strategy package, during the GOP press conference.

"Members are being denied their constitutional right to represent their constituents by offering amendments."

Closed rules have been adopted by the Rules Committee for every piece of legislation so far this year. Such rules limit the number and type of amendments that can be offered to a bill during floor consideration.

Republicans charged that during the era of former Speaker Tip O'Neill (D-Mass), only 15 percent of rules were closed.

But Foley said Thursday that the closed-rule regime would not continue.

"We are in the Congress about two months, so I think to compare the two, we have to have more than a few weeks against the Congress, with the greatest respect," Foley said. "I think it has been clear that, as we have told them, that there were circumstances that were unusual in the nature of the bills that first came up.

"They involved things like the National Institutes of Health reauthorization, family planning—things where a more restricted rule was to be expected. We do not intend this to be the pattern for the Congress."

While Republicans have vowed to use floor maneuvers such as procedural votes, at least one Democrat has said he won't go for it.

Rep. George Brown (D-Calif) said in an April 1 special order he would not cast his ballot during votes to approve the Journal or other procedural votes.

Brown said such votes cost taxpayers about $4 million a year in wasted time that Members could otherwise use productively.

[From the Roll Call, Apr. 22, 1993]

Republicans Unveil Strategy to Combat Restrictive Rules

(By Karen Foerstel)

House Republicans today are scheduled to announce their battle strategy to force Democrats to give them more say on the floor.

The plan is the product of a task force created by the GOP Conference at the end of last month and chaired by Rep. Gerald Solomon (R-NY). The main aim is to stop the use of restrictive rules against the minority party (Roll Call, April 1).

The plan was presented to the full Conference yesterday and received unanimous approval.

Among the strategies named in the action plan are enlisting freshman Republicans to encourage their Democratic counterparts to support open rules; alerting the local media of Democrats who support restrictive rules; and, during one-minute speeches on the House floor, holding up posters that would include such images as the Statute of Liberty gagged.

The plan also suggests the use of floor maneuvers, such as calling for procedural votes and offering questions of privilege to delay legislative action, if Republicans feel the use of restrictive rules is not being reduced.

Such rules issued from the House Rules Committee, limit the type and number of amendments that can be offered to a bill. Republicans want open rules that allow an unlimited number of amendments to be offered on the House floor. So far this session, the Rules Committee has not allowed for any open rules.

"Some of this strategy has already taken place. The heat is already being felt," Solomon said yesterday. "All of the above is being accomplished without dilatory tactics. However, if there is no substantial improvement, we will use whatever procedures we have."

In late March, shortly before the House adjourned for spring break, Solomon, along with Reps. Dan Burton (R-Ind) and Bob Walker (R-Pa), kicked off a campaign of floor warfare during which they continually called for procedural votes and held colloquies on the floor discussing closed rules.

On March 30, several days before adjournment, Solomon announced that he would not call for a series of procedural votes on that day as a "peace offering." House Majority Leader Richard Gephardt (D-Mo) subsequently said on the floor that he hoped discussions could be held between the two parties to avoid future confrontations and floor delaying tactics.

Solomon said yesterday that meetings between party leaders are currently being organized, and he hopes to begin discussions sometime in the next week.

In the meantime, however, Republicans intend to use the strategy Solomon and his task force have formulated.

Other strategies, which will be announced at a press conference this morning, are: issuing press kits, holding briefings, and writing op-ed pieces; using C-SPAN coverage of the Rules Committee to show Members voting for restrictive rules; and meeting with interest groups to inform them as to how their issues are affected by closed rules.

[From the National Journal, Apr. 24, 1993]

CHALLENGING THE HOUSE'S TRAFFIC COP

(By Richard E. Cohen)

House Democratic leaders and committee chairmen have moved President Clinton's economic agenda with impressive speed and success. But there are growing complaints in the chamber that the partisan efficiency is choking off the open debate that once was a House hallmark. And not all the criticism is coming from the Republican side of the aisle.

Members of both parties are chafing at House procedures that sharply limit their ability to offer amendments on the floor. When the House passed Clinton's economic stimulus bill last month, no noncommittee amendments were permitted.

Much of the unhappiness is directed at the Rules Committee, which for decades has been the house's traffic cop. It works with party leaders to craft a rule defining the terms of debate—such as what amendments can be offered and under what conditions—when a piece of legislation reaches the floor. Much of the recent pressure for restrictive rules has come from committee chairmen who are managing bills.

Although the Rules Committee can act as an independent power center that stymies popular legislation, Democratic leaders have usually kept tight reins on the panel, following a 1961 showdown that expanded its size and caused a setback for southern Democrats who had used it to kill civil rights bills.

Since Thomas P. O'Neill Jr., D-Mass., became Speaker in 1977, there has been a steady decline in the number of bills debated with an open rule—that is, with any germane amendments permitted on the floor—as the following table shows:

Years	Number of rules	Proportion of open rules (percent)
1977–78	211	85
1979–80	214	75
1981–82	120	75
1983–84	155	68
1985–86	115	57
1987–88	123	54
1989–90	104	45
1991–92	109	34
1993	10	0

In part, this trend reflects tension between the House and Republican Presidents during the past dozen years and the Democratic leaders' desire to keep control of legislative action. With the end of divided government, however, there have been pressures to open the process.

Republicans have created a "task force on deliberative democracy in the House" that has launched a multifaceted legislative and public relations crusade to pressure the Democrats and to draw public attention to the restrictive rules.

"This is not an attempt to slow down the Democrats," said Gerald B.H. Solomon of New York, the ranking Republican on the Rules Committee and chairman of the task force. "It's an attempt to have issues fully debated on the House floor." More open debates would enhance the GOP's opportunities to build coalitions with conservative Democrats, he added. At an April 20 meeting, House GOP leaders adopted the task force's 10-point action plan, which calls for Republicans to make protest speeches and issue press releases when they are prevented from offering amendments.

Rules Committee chairman Joe Moakley, D-Mass, does not plan to be caught short. "Republicans are making a point that we need to respond to," he said. "We should get out front and have relatively open rules, especially on bills that are not partisan." He warned that some GOP Members are getting "a martyr's complex" because of the Democrats' tactics.

But some Democrats have complained as well that House rules have prevented them from offering amendments that are designed to promote bipartisanship. "We can't go on like this," Rep. Timothy J. Penny, D-Minn, said. "At least, Republicans get a motion to recommit a bill. Conservative Democrats get nothing."

Some Democrats object to restrictive rules on good-government grounds.

"More debate tends to produce a better product," said Rep. Anthony C. Beilenson of California, a veteran Rules Committee Democrat. "It never hurts to talk about things. . . . It also contributes to the civility of the place, which is important for us and for the country." He predicted that the committee—which has a disproportionate 9–4 Democratic majority—will move toward a relaxation of the rules. The tight rules early this year resulted from "pressure to act as quickly as possible on the Administration's program," he added.

The flip side, other Democrats caution, is that Republicans may take advantage of greater freedom to offer politically embarrassing amendments that are mischief-making or have little chance of passage. Faced with the choice of accommodating the Republicans or passing Clinton's program, some Democrats are inclined to take the partisan heat.

But party leaders face extra pressure from a large class of new, reform-minded Democratic Members. "We have told the freshmen to watch the Senate to see what can happen," a House leadership aide said. "If I thought that all Republicans were reasonable and responsible, I would say that we could allow more amendments. But I am doubtful."

Solomon's task force is trying to increase the heat on Democrats so that they will see the light. "Hopefully, we will not have to implement all of our plan," he said. Majority Leader Richard A. Gephardt, D-Mo., has pledged to meet with the Republicans to assure fairer treatment, Solomon added. "But if their response is only superficial, then all hell will break loose," he said.

Beilenson warned that hardball tactics may hurt the Republicans' cause on an issue that generates little public concern. "That makes it more difficult when one side gets its back up," he said. "There is a relatively easy solution if everybody will back off a bit."

Whether the rhetorical battle will have any real impact on the House is far from certain. But, at a time when the Senate's setback of Clinton's economic stimulus plan has increased Republican self-confidence, the exercise is another sign that some early wind has gone out of the Democrats' sails as they head for a potentially rocky legislative period.

[From the Christian Science Monitor, Apr. 27, 1993]

RULES DISPUTE MAY STALL CONGRESS

(By John Dillin)

Is gridlock back?

President Clinton chides Republicans for dismantling his jobs program and for threatening his tax and health care proposals.

Republicans fingerpoint right back. They call Mr. Clinton's jobs bills a "pork" bill. They complain angrily that the GOP is ignored, stifled, and steamrollered by majority Democrats in Congress.

The interparty feud is deepening. The dispute threatens to tie Congress in knots like a Los Angeles freeway at rush hour.

Every American has a stake in this dispute. Bills passed by Congress during the next two years will shape the American job market throughout much of the 1990s.

On Capitol Hill, some members now are trying to forge a compromise. A number of Republicans, promising to act in good faith, vow they are ready to craft better legislation, and support solid economic programs. Bit first they must be permitted to play a bigger role in shaping bills through their own amendments.

Democrats, expressing doubts, worry that Republicans want to destroy the Clinton programs, not improve them. But they promise not to roll over the Republican minority.

Much of this struggle is focused on the House rules—a subject so arcane, complex, and boring to most Americans that it produces only yawns.

Yet the rules, imposed by the Democratic majority, are so critical to Congress that Republicans complain that the system is making them irrelevant to the legislative process. That has produced two results:

Republicans, angered by all this, are more united than in years. They charge Democrats with turning the House into a blatantly undemocratic institution.

Republicans are turning their ire into action, as the president saw when his stimulus package was filibustered to death in the Senate.

Republicans say the rules put too many limits on amendments that may be offered on the House floor.

Example: Before the House voted on the recent budget resolution, Republicans wanted to offer an amendment deleting the BTU tax on energy. The amendment was blocked, without a floor vote, by the Democrat-controlled rules Committee.

Rep. David Dreier of California, 1 of 4 Republicans on the Rules Committee, says: "We want the American people to be aware . . . that disenfranchisement is taking place right here in the Congress."

Rep. Porter Goss of Florida, the junior Republican on the Rules Committee, calls himself "shocked" by the way the committee rejects proposals for a floor vote. But he admits that for most Americans, "talking about rules is about as exciting as talking about the grass growing."

Are Democrats being too high-handed? Norman Ornstein, a scholar at the American Enterprise Institute and an authority on Congress, says: "The Republicans do have a point."

Dr. Ornstein says Congress is unusual because there is pent-up demand for Democrats to quickly pass bills that were bottled up during the Reagan-Bush years.

"At the same time, there are lots of people in the Democratic Party who want as many issues as possible closed to amendments, reasonable or otherwise. The House is, and should be, a majoritarian institution. The majority should be able to rule it. But there is a balance to be struck between majority control and minority rights," Ornstein says.

A Republican study released last week shows that restrictive rules that limit amendments rose from 15 percent of all bills in the 95th Congress (1977–78) to 66 percent in the 102nd Congress (1991–92) to 100 percent so far in the current 103rd.

Despite all this, Democrats firmly defend themselves. At a breakfast meeting with reporters last week. House Speaker Thomas Foley (D) of Washington accused his critics of mischief.

"No majority should allow the minority . . . to block the decision that the majority has the right to take. Now that doesn't mean you have to run over every expression and opinion on the Republican side," Mr. Foley says.

The speaker accuses Republicans in the Senate of using the filibuster to destroy the president's agenda. That isn't going to happen in the House, he vows.

"We have the capacity in the House to prevent a minority from being totally obstructive. And we're going to use it," Foley says.

When that quote is read back to Rep. Robert Michel (R) of Illinois, the House minority leader, he shakes his head. "My objective is not one of thwarting the will of the House," Mr. Michel says. "All we want is a simple opportunity to get a decision of the House in a free manner with opportunities for offering amendments. If we go down, we go down. Then you think you've had your fair day in court."

Michel dismisses the notion that the GOP will shower every bill with dozens of amendments to tie up the House.

"That's just nonsense," he says. "I would personally do everything I possibly could to thwart that kind of effort because it demeans the process."

Statement of the Republican Leader—Press Conference on Rules Task Force, April 22, 1993

I am pleased to join Newt Gingrich, the Republican Whip, Jerry Solomon, Ranking Republican on the House Rules Committee and Chairman of our Task Force on House Rules, and other members of the Task Force to brief you on what this "Task Force on Deliberative Democracy" has reported to the Republican leadership.

The Leadership gave Jerry this project to highlight the disenfranchisement that has occurred in the House as time and time again the Majority Party refuses to allow bills to come to the floor open for amendment.

This disenfranchisement has caused the comity of the House to break down. The Minority has had to use procedural votes to highlight rules abuses. When the House of Representatives has to have recorded votes on adjournment, you know we are in trouble.

Republicans and common sense Americans have a simple solution. Allow bills to come to the floor open for amendment.

Let me give you one example. The fate of the President's emergency spending bill would have been different if, for instance, Republicans or anyone for that matter, could have offered amendments to it on the House Floor. All Members were gagged.

The result: The President's package is dead because it was flawed from the beginning and no one was permitted to fix it.

I think the American people expect their elected Representatives to improve or amend bills on the Floor. In our town meetings across the country this past weekend, voters told their representatives that they thought their members would have an opportunity to vote on such issues as a balanced budget amendment, or a line item veto, or just plain cutting spending. It's hard for our members to explain to their constituents why they are not given those opportunities.

I'd like to applaud Jerry and his Task Force for coming up with not only a new and effective chronicling of these abuses, but also for devising an action plan on ways we House Republicans can go about trying to fix these problems.

Statement of Hon. Gerald B. Solomon on the Deliberative Democracy Task Force Report, Thursday, April 22, 1993

The Republican Leadership Task Force on Deliberative Democracy in the House is here today to expose a dirty little secret to the American people, and that is that 248 million Americans have been disenfranchised from full participation in their House of Representatives this year.

The reason for that is quite simple. The House Rules Committee has permitted only 21 Members out of 435 in this House to offer amendments on the House floor to the ten major bills we have taken-up.

That means that 95% of the American people have been shut-out of what is supposed to be the "People's House" when it comes to the critical floor amendment process.

The report we are releasing today, the first report of our House Democracy Project, documents this tragic and scandalous trend. This isn't a partisan matter, this isn't a mere minority complaint. It is an institutional and constitutional concern that affects every Member of this body and every citizen they represent.

What we are saying in this report is that when you lose the ability to deliberate in a democracy, to be fully informed, and to fully debate and amend legislation so that it is representative of this body and the country, then you have lost the very essence of our constitutional system of government.

It is true the American people voted for change and an end to gridlock. But they did not say that we should throw democracy out the window to do so. I don't think they voted to end gridlock by putting democracy in a strong-arm hammer-lock.

What I heard from the voters in my district was, "Stop your partisan bickering and learn to work together for the best possible solutions to our problems." But you cannot do that if you tie the hands and gag the mouths of most of the Members of this House. And yet, that is precisely what is happening around here.

We need to have the kind of deliberative process in which we are all involved in crafting the best possible laws under which we and our constituents will be proud to live. That will be the goal of this task force—to ensure that we restore deliberative democracy in the House so that all the people will be well served by their Representatives to Congress.

Goss Urges Fairness in the People's House

Procedure may be boring, but procedure does matter because procedure defines the substance of what we do. And right now millions of Americans are being shut out of the People's House. The Democratic leadership is systematically denying the rights of Americans to have their votes heard through free, fair and open debate. It's time we shed a little sunshine into the backroom dealings which have victimized deliberative democracy and jeopardized the foundations of open government.

We've heard a good deal this year about the outrage of gridlock—but the real outrage is the lock-step, iron grip with which the Majority leadership has used the House Rules Committee to shut down debate.

So far this Congress some very meaty issues—matters of great concern to most Americans—have been precluded from consideration on the floor because a handful of Democrat leaders have decided they would prefer not to deal with those subjects. They hide behind the confusing, sometimes arcane terminology to cover up their use of procedure to block substance.

The American people understand fairness and they know they have the right to have their views fully represented in this House. Our purpose here today and every day is to expose the abuse of power by the Democratic leadership that is trampling the basic principles of deliberative democracy. It's time we told the American people what they're missing at the hands of the Democrat leadership. It's time we had a little more fairness in the People's House.

Pryce: "It's Time To Restore Democracy to the People's House"—Findings of Republican Leadership Task Force Unveiled

Washington, DC.—U.S. Representative Deborah Pryce (R-OH) today joined House Minority Leader Robert Michel (R-IL) and fellow members of the Republican Leadership Task Force on Deliberative Democracy at a morning press conference to release a report on the state of democracy in the U.S. House of Representatives. Also released was an action plan designed to increase free speech on the House Floor.

Rep. Pryce is one two freshman members of the 11-person Task Force convened by Rep. Michel to study ways of restoring basic democracy to House floor proceedings, including reducing the number of closed rules approved by the House Rules Committee.

"As a new Member of Congress, nothing could have prepared me for how partisan the House of Representatives can be. Nowhere is that partisanship more evident than in the majority leadership's manipulation of the Rules Committee. With every closed rule, millions of voters are disenfranchised when their duly elected representatives are prevented from offering relevant amendments to bills we consider. The number of open rules in each Congress since 1977 has steadily declined to the point where deliberative democracy has all but vanished. Our Task Force is committed to restoring democracy to the People's House," Pryce said.

In the 95th Congress (1977-78), 85 percent of all rules granted were open. In the 99th Congress 1985-86), 57 percent were open. In the 102nd Congress (1991-92), that number dropped to 34 percent. Of all the rules granted thus far in the 103rd Congress, none have been open rules.

"When Members of Congress are elected with the expectation that they will be exercising their rights as lawmakers on behalf of their constituents, only to be told that they may not participate fully in the democratic process, there is something seriously wrong with the democratic scheme of things around here.

"The voters of Ohio's 15th Congressional District sent me to Washington to help bring about meaningful congressional reform. We can start by allowing all Members—Republicans and Democrats alike—to have a voice in the thoughtful development of public policy. Only then can we hope to rebuild the American people's confidence in Congress as a responsive and responsible institution. Our goals are in the interest of both parties, and I look forward to working with Speaker Foley and the leadership in the time ahead," Pryce added.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the chairman for yielding me this time.

I support the rule and will support the bill. I commend Chairman BROWN, Chairman VALENTINE, and the ranking minority member, the gentleman from Pennsylvania [Mr. WALKER] for the efforts made on this bill.

I think it is time to take a look at our country. It is in an absolute mess. There were 50,000 personal bankruptcies last year. There were 24,000 business bankruptcies. Business bankruptcies, in fact, almost, not quite, but almost outnumbered murder in America.

Maybe the economic condition of America might be found in some of the real social consequences facing our Nation.

What I would like to testify on behalf here today is we talked about creating jobs. There are many college graduates who end up driving a taxicab. But if you read the Department of Labor manual for new job classifications and job titles, you would see that a college graduate could be hired as a panty hose crotch closer, as a jelly-roller. How about a gizzard skin remover, or a corn-cob pipe assembler, or a brassiere cup molder cutter?

Mr. Speaker, in Congress there are no jobs. That is no joke. Those are listed new titles of job classifications in America.

Our jobs have gone overseas. The money has flowed overseas.

The biggest problem in America is where will our people get jobs?

And tell me, what is Congress doing with all this retraining money? What are we retraining American workers to do?

There are no jobs out there.

This bill is certainly not the answer, but it begins a pattern to in fact resolve some of the crises we have in making America more competitive whereby we can produce a few jobs.

So I appreciate the fact that my simple little "Buy American" provision was added.

I want to say this. If America would buy American-made goods made by American hands and Americans would get a paycheck from American companies, not from Uncle Sam, we would do a lot to balance out our budget problems.

By the way, there are more government workers in America today as we speak than factory workers. If that is not a clarion call for this legislation, then beam us all up.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I rise in support of this rule. That is a unique experience, particularly this year. This is the first day of this session, May 5, that we are getting an open rule. This is the first time this House will really debate at length, and give the Members on either side of the aisle, of any kind of persuasion, an opportunity to offer amendments to perfect this piece of legislation.

Frankly, it is too bad that it is not a more significant piece of legislation, one that really could be corrected or refined to the degree that I could support it.

From what I understand of its basic premise, I will have real problems with this legislation.

The gentleman who just preceded me in the well has a different view philosophically than I do about what makes American business competitive today. In my view it certainly is not government interference that makes any one of our businesses, any industry, any more competitive in the international market out there today.

But back to the rule. I can recall those days, when significant pieces of legislation in the past have been debated. I remember the 1964 civil rights measure which I supported. I do not know if it was 2 or 3 weeks that we debated that measure on the floor of this House, but there were amendments from all quarters, all sides. It was highly controversial, but in the end we ended up with a good product that I could support and which most of the Members obviously could support and it has become a landmark piece of legislation.

So I want to compliment the chairman of the Rules Committee and Speaker for the dictum that has come down, to let us have an open rule and see what it is like. We appreciate that. But it ought not to be this kind of unique situation where we spend our time noting its being so unique in character for this session. It ought to be an automatic reflex.

Hopefully as we come into the season of the year around here when we will have a big tax bill, a reconciliation measure, a highly controversial education bill, or labor legislation, that we will have the opportunity during the course of deliberations on those bills to have a similar open rule, where Members can have that opportunity to refine and make it a more perfect product.

Unfortunately, as has been the case in the past, we are given one bite of the apple, maybe one substitute, one amendment, and then when the final question is put, it is either or, this or that.

I think as I have pointed out any number of times, that closed rule process demeans what this House is supposed to be about. Hopefully when we get to these more significant pieces of legislation, the majority is going to be just as good about suggesting and promoting an open rule so that all Members can participate.

□ 1730

So, Mr. Speaker, I support the rule wholeheartedly and hope the debate will be fruitful and educational. I am not sure the bill itself can be cleaned up enough to garner for this measure Members' support, but at least there is the opportunity out there. I understand the distinguished gentleman from Pennsylvania, who is our ranking member on the Committee on Science, Space, and Technology has a number of amendments that he would like to offer. I say to my colleagues, "You can bet your bottom dollar they'll be substantive, responsible amendments deserving of our consideration and debate." Then, Mr. Speaker, we will let the chips fall where they may. If we can adopt them, well, good. If we get rolled, well then we will have to take our medicine.

Mr. Speaker, I appreciate being given this opportunity to express my thoughts.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I am a new Member who believes that the Government is not the solution to all of our problems. Job and wealth creation are best handled by a market-driven economy. I firmly believe that the Government functions best when it is acting as catalyst for constructive private sector activity. This is why I rise in strong support of the National Comprehensiveness Act.

I represent California's South Bay, which is one of the largest aerospace manufacturing communities in the Nation. Over the past several years, the declining Defense budget has devastated the local economy, and I have seen enormous human and technical capital wasted. From a purely economic standpoint, the Defense budget, and its critical R&D program, is declining faster than the market can compensate. In this situation, I believe that the Government has a legitimate role to play—to help stimulate dual-use and nondefense R&D to retain and build high-skill, high-wage jobs in commercial activities. These jobs should also include manufacturing jobs, which all studies show add back more to a local economy than other jobs.

The National Competitiveness Act will help provide industry with some of the tools to create these jobs. The funding for high-technology consortia will allow industry to pool its talents to create new manufacturing techniques. The technology outreach programs and the technology centers will serve as outstanding resources for small- and medium-size manufacturing firms. The bill also provides some vital equity capital for businesses developing cutting-edge manufacturing techniques.

This bill is not putting the Government in the position to pick winners and losers. Instead, it is providing manufacturers the ability to take advantage of R&D expertise so that they can do battle in an increasingly competitive international marketplace. I believe that this bill represents the vision of reinvented Government—we are not funding useless, make-work jobs along with the huge bureaucracies to manage them. Instead, we are acting as a facilitator to the private sector to help create jobs. I think that this bill represents a critical shift in thinking for this Congress, and I express my gratitude to Chairman BROWN and Chairman VALENTINE for their treatment of the issues in subcommittee and full committee, and commend them for bringing this bill so promptly to the floor.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. GOSS. Mr. Speaker, today is a red letter day for this Member and this body. We are presented with an open rule. It is the first open rule this body has seen since September 10, 1992. I wonder if ever before taxpayers freedom day—May 3, 1993—came before we had our first open rule. It will be a welcome learning experience for me and many of the newer Members of this House who have, unfortunately, had little chance to fully participate on the floor. As we consider H.R. 820, the National Competitiveness Act of 1993, for the first time on the floor of this Congress, all 435 Members of this House will have equal opportunity to represent their constituents. Members will have a chance to offer, debate, and vote on amendments without the heavy hand of the Rules Committee predetermining the outcome. What a breath of fresh air just in time for spring. It is most encouraging that the leadership on the other side of the aisle has heard our request for greater openness and fairer debate—I commend and thank the chairman and ranking member of the Science, Space, and Technology Committee for requesting an open rule—helping to stop the shutdown of deliberative democracy where the voices of the American people were being stifled, if not gagged. I support this rule because it is an open rule—and because I hope it will be the first in a long line of open rules to come. In past Congresses, open debate on the House floor has been the rule, not the exception. Not so for the 103d Congress where, prior to today we were 10 for 10 on restrictive rules—including such significant bills as mandated family leave, raising the debt limit and expedited rescission. It was the intent, I believe, of the Founding Fathers, to encourage as much unfettered deliberation as possible in the House—to ensure that any bills that ultimately pass have been forged in the crucible of informed debate, then adequately considered by all Members and ultimately improved to the greatest possible degree. The point is not to win votes by clever manipulation. It is to enact the best possible legislation for America. Let us hope today marks the beginning of a new era in the 103d House—one that will see open rules on such major legislation as campaign finance reform, striker replacement, reconciliation, future supplemental appropriations bills, and reauthorization of the independent counsel. The rule today is open, except it does have one somewhat troublesome provision where the Rules Committee undoes by fiat something the committee of jurisdiction has done. The rule also does include certain waivers of House rules—perhaps most significantly the one that requires a bill to be available for 3 days before Members are asked to vote on it. There is little justification for waiving this requirement—especially with such a complex and costly bill. Why not be sure all Members have had a full opportunity to review the bill, so they can make informed decisions about amendments they may wish to offer and how they intend to vote? This bill—while well-intentioned—does need some work. This is a very expensive bill, which increases the deficit—boosting funding for Government technology programs by 158 percent. I am also concerned that this bill sets the Government up to pick winners and losers in the technology industries, trending toward a command and control system—the same type of system that served Marxist socialism so poorly. And, perhaps most troublesome—with all the fanfare surrounding this bill and its supposed positive impact on U.S. competitiveness—there is real concern that we may be missing the main point. Many experts believe the primary obstacles to U.S. competitiveness in the global marketplace lie beyond the scope of this bill: The soaring national debt that saps our country's economic strength, and to which this bill will undoubtedly add; the need to enhance private capital formation; the need to modernize antitrust laws; the need for civil justice reform to reduce unnecessary litigation; and review of Federal Government regulations that are currently choking U.S. industries. Finally, I am concerned about the wisdom of establishing a quota set-aside for economically and socially disadvantaged sectors of the population. This a vague and confusing designation that will, undoubtedly end up causing more problems than it solves. There is even disagreement at the Commerce Department over the merits and positive benefits of this bill—with the acting general counsel expressing serious concerns. While I am strongly inclined to oppose this bill I also intend to reserve judgment over its merits until the House has had a chance to work its will through the open amendment process. To that end I urge my colleagues to join me in supporting this rule.

ROLLCALL VOTES IN THE COMMITTEE ON RULES ON THE PROPOSED RULE FOR H.R. 820, THE NATIONAL COMPETITIVENESS ACT OF 1993

1. Motion to Strike Three-day Layover Waiver.—Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Beilenson, Frost, Hall, and Gordon.

2. Motion to Strike Self-Executing Provision Deleting Section 506 from Bill.—Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Beilenson, Forst, Hall, and Gordon.

3. Reporting Open Rule.—Adopted: 9–0. Yeas: Moakley, Beilenson, Frost, Hall, Gordon, Solomon, Quillen, Dreier, and Goss.

OPEN VERSUS RESTRICTIVE RULES, 95TH–103D CONGRESSES

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	(32)	(15)
96th (1979–80)	214	161	75	(53)	(25)
97th (1981–82)	120	90	75	(30)	(25)
98th (1983–84)	155	105	68	(50)	(32)
99th (1985–86)	115	65	57	(50)	(43)
100th (1987–88)	123	66	54	(57)	(46)
101st (1989–90)	104	47	45	(57)	(55)
102d (1991–92)	109	37	34	(72)	(66)
103d (1993–94)	11	1	9	(10)	(91)

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and the rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rates as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102d Congresses; "Notice of Action Taken," Committee on Rules, 103d Congress, through May 4, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations.	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. Mar. 18, 1993).
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164—May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	

Note.—Code: C—Closed; MC—modified closed; MO—Modified open; O—Open; D-Democrat; R—Republican; PQ—Previous question; A—Adopted; F—Failed.

☐ 1740

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise in support of H.R. 820. The National Competitiveness Act of 1993, a bill of which I am proud to be a cosponsor.

This legislation represents the next step in the development of a comprehensive national strategy that will assist America's small and medium-sized businesses in becoming the leading economic force in the world. This bill as conceived by now Vice President GORE, builds on legislation approved by this body last year, lays the foundation for cooperation between government, industry, and academia.

On February 22 of this year, President Clinton announced his technology initiative, outlining a comprehensive strategy to guide America toward a stronger economy, cleaner environment and more competitive business. At that time Vice President GORE said "We face new challenges, from our competitors around the world and from the people we serve here at home, that demand new solutions and creative thinking * * * we must move to seize these opportunities."

Now I know there is resistance to the idea of cooperation between government and industry in this body. In fact, I received a "Dear Colleague" just yesterday calling this bill fatally flawed because it picks winners and losers. My colleagues I submit that this attitude is nothing more than a sign of the mindset of the regressive decade we just overcame.

It is time that America wakes up to the reality that we are not competing in a free market system. During the eighties we exported tens of thousand of jobs overseas and the Reagan and Bush administrations sat back and said there is nothing we can do about this. Well my friends, that's just not true. We are competing in a global economy and with people of different cultures and different philosophies about what an economic policy should be. It amazes me that while we complain about our trade deficit with Japan, China and Germany we still have people in this body complaining about increasing our Commerce Department budget by $764 million. Do I need to remind my colleagues that during the same week in which we had to withdraw a $16 billion stimulus package, the Japanese Prime Minister signed off on a $115 billion infrastructure package which is certain to pass later this summer? And yet we wonder why we have a $49 billion trade deficit with Japan.

Mr. Speaker, we are at a critical point in our history. In addition to being saddled with the task of redirecting a 40-year-old defense industry, we are facing fierce economic competition from countries smaller than the State of Texas. The Japanese spend $500 million a year to support 170 technology centers. We currently have seven manufacturing centers and spend a fraction of that figure on them.

This bill is not only critical to ensuring a smooth transition for those many small-and medium-sized businesses which formerly relied on defense-related contracts but is essential to all of those new start-up companies which are responsible for the only significant job growth over the past 2 years. The manufacturing technology and extension section of this bill is directed toward these small dynamic companies in need of technical advice about how to restructure. It also creates a vehicle for these companies to access the most recent manufacturing technology innovations, provides assistance in developing and refining precompetitive technologies, and information about market opportunities.

The Critical Technologies Development Program encourages investment in start-up companies trying to bridge the gap between technology development and commercialization. Since 1987, venture capital has declined 75 percent. Early stage venture capital investment now represents only 5 percent of all venture investments. Now some will still call this picking winners and losers but I believe that if the market is unable to provide the funds necessary to sustain the industry, government should step in.

This bill has been backed by the American Electronics Association, the Small Business Coalition for Science and Technology, the President of the United States, the States themselves, numerous universities, and others. This legislation is critical to the future of our country and I urge my colleagues to support H.R. 820.

Mr. GOSS. Mr. Speaker, I am privileged to yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER]. The honorable gentleman is going to speak as the ranking member of the Committee on Science, Space, and Technology, to whom we owe thanks also for giving us an open rule request.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I commend the Committee on Rules for the open rule that they brought forward. I commend the gentleman from California [Mr. BROWN] and the gentleman from North Carolina [Mr. VALENTINE], who have brought this bill through our committee, for coming to the floor with an open rule. I think it will enhance the legislation to have it debated under this particular process.

Mr. Speaker, that is not to say that open rules necessarily from our perspective end up being wholly fair. One of the things that is in this rule that I would prefer not be there is the self-enacting clause striking an important section of H.R. 820 which was added at the full committee markup.

Mr. Speaker, understand that we at the full committee markup only won three amendments. So one-third of our entire success at the committee is being stricken by the Committee on Rules in this rule

Mr. Speaker, I think it is well to understand what we have been asked to take out. It was not at the insistence of people on our committee that it is being taken out; it is being taken out at the insistence of chairmen of other committees in the Congress.

Mr. Speaker, let me tell you what it was they did not want us to have in the bill. What they did not want us to have in here is a sense-of-the-Congress language that says that the provisions of the National Competitiveness Act in and of themselves are not sufficient to address the competitiveness problems of the Nation.

We had a lot of witnesses come before the Subcommittee on Technology and the full committee. Some supported H.R. 820, and some opposed the bill. But what nearly all the opponents and the proponents had in common was in their testimony they said that there are fundamental impediments to this Nation fulfilling its competitive potential, and, therefore, its ability to create new productive jobs for middle-class Americans. What they said was that in most cases, these problems were wrapped up in national debt or in litigation or in regulation or in taxation.

☐ 1750

One witness, Dr. T.J. Rodgers, president and CEO of Cypress Semiconductor, said it particularly well. I quote from him. He said:

> America's companies have the guts, brains, and stamina to beat our foreign competition.

What we need is a Washington with the courage to get out of the way and let us fight it out.

The fundamental Competitiveness Act that the Republicans put forth at the beginning of this process was introduced by most of the Committee on Science, Space, and Technology Republicans and by the Republican leadership. It addressed the basic competitiveness problems of national debt, tax policy, product and professional liability, antitrust law and the regulatory process.

The sense-of-the-Congress that was added to the bill was simply a statement that these issues need to be addressed for the United States to be competitive. It reflects what I think is the thorough work that the Committee on Science, Space, and Technology did during the hearings process and encapsulates the nearly universal recommendations of the witnesses that the action on these broader issues needs to be taken this year.

It was not at all a matter of policy. It was a matter of stating what we believed we heard in the hearing.

I am disappointed that we will not now have that language on the floor, because I think it does say what this country really needs, if it is going to become competitive.

If we simply take the bill that is before us, all we are doing here is adding some new government programs, some additional government spending. And we are calling that an add on to our competitiveness policy.

Many of us have problems with that. But we do believe that there are things this Nation should be doing in order to become more competitive. Those things are not being addressed in this bill. And now we will not even have a sense-of-the-Congress suggesting that they should be done in the future.

That disappoints me. I wish that the rules were different. But I am pleased that it is an open rule.

If it comes to a vote, I will support the rule because I think the open process will give us a chance to address some of the problems with the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to say at the outset that on this business of open rules, it looks like we are going to, we get a lot of conversation about an open rule here, whether the Committee on Rules gives us an open rule or whether they do not.

If there is no open rule, then there is a lot of conversation from this side about it. The Committee on Rules, in its infinite wisdom, grants an open rule, and there is still endless conversation about an open rule.

Well, I say to my gentlemen, enjoy, enjoy.

I want to answer our colleague, our esteemed colleague, the gentleman from Pennsylvania, the last statement. He seems to agree that everything else is in order. He has got an open rule, and he comes in and says, "But I am not satisfied because the Committee on Rules found that section 506 of this bill was not germane."

The fact of the matter is that section 506 of the bill does not even come close to being germane, and the gentleman knows that.

This bill authorizes, the bill that we are here to debate, authorizes appropriations for technical assistance related to advanced technology development and manufacturing technology.

In contrast, section 506 deals with tax policy, deals with tax policy, Mr. Speaker, deals with deficit reduction and deals with tort liability reform.

These matters may be important. I think that they are. But the gentleman knows as well as any Member here that this committee has absolutely no jurisdiction, and so he comes in, speaking, I guess, to whomever is listening, and says, "Look what these bad people are doing. They won't let us address these problems."

He knows that is a bunch of hogwash. Also, the fact that the section is nonbinding, of course, makes it not germane.

Mr. Speaker, everything that I have said the gentleman from Pennsylvania [Mr. WALKER] understands. He knows that this committee has no jurisdiction to deal in these matters. Yet he goes on and on and on about "Why don't you change the tort laws, why don't you change the Tax Code, why don't you do all these things?"

This is the Committee on Science, Space, and Technology. Our jurisdiction, I say to the gentleman, is limited, and he knows that.

Mr. Speaker, a competitive economy is one that supports technology development and commercialization across a wide range of industries, creating quality jobs and maintaining a policy of trade.

That is what we seek to do in this modest, this modest gesture.

U.S. industry, especially manufacturing, has faced an unprecedented competitive challenge from abroad during the past decade. This increased competition has contributed to U.S. losses in market share, eroding technological leadership, and large trade deficits.

The 1992 Economic Report of the President shows that United States industrial productivity growth has slipped severely from an average annual gain of 2.34 percent in the 1960's, to 1.48 percent in the 1970's, and 0.98 percent in the 1980's. Among the G–7 nations, the United States has both the lowest rates of public and private investment on a per capita GNP basis and the slowest rate of productivity growth.

American technology must move in a new direction to build economic strength and spur economic growth. Investing in technology is investing in America's future. That is what this bill is all about.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

The gentleman from North Carolina likes to talk and does not like to debate. The gentleman might remember, though, that last year, when he brought this similar bill to the floor, that he asked for waivers for nongermaneness in his own bill. And so the idea that we would bring a bill, bring language to the floor that expressed a sense of the Congress that as nongermane is something that the gentleman was perfectly willing to do in his own bill last year, when he came to the floor.

So I am disappointed that the gentleman does not want to take the testimony that was before his own committee, the committee that he chairs, the subcommittee he chairs, and at least inform the Congress that the witnesses that appeared before him suggested that we had to go much further than his bill goes in order to address competitiveness problems in the country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in strong support today of H.R. 820.

First, let me congratulate the gentlemen who have brought this to the floor, the gentleman from California [Mr. BROWN] and the gentleman from North Carolina [Mr. VALENTINE] and others who have shown a great deal of leadership and foresight.

It is obvious, Mr. Speaker, that we have fallen short in this country in the leadership that the American people need from us. They need us to show them that not only can we lead them into war and not only can we lead them into unemployment and not only can we lead them into rhetoric about being concerned about taxes and being concerned about the Democratic leadership in this country, but they need to see from us that we can lead them into recovery, real economic recovery, Mr. Speaker.

We know that we have fallen grossly behind in the competitiveness in the world market; the trade deficit, $89 billion, showing that we have a long way to go with countries that, with no disrespect to them, that we beat the pants off in wars and now they are beating the pants off of us in the economic war of life.

Mr. Speaker, it is time that we put the pedal to the metal in developing the technology with civilian R&D for small business access, small firm access, and have the kinds of technology to make all the different companies in this country competitive, to move forward into the 21st century so that we can create the kind of technology that will create jobs for the Workforce 2000.

I believe that the work by this committee should be applauded, and I urge all of my colleagues to support this important bill.

I would also say that I am going to support the rule. I think it is important, Mr. Speaker, that all the House has an opportunity to speak on this matter. I think that after we have spoken and after we have debated, it is time for us to move with all due expedition and do something that will prime the pump and will stimulate this economy and put some jobs back.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding time to me.

Let me just say, I first want to commend the Democratic leadership for bringing the open rule to the floor. It is May 5, and it would have been nice if we could have done this much earlier in the year. But it is the right direction, not just for Republicans. I think that is a point that Members have misunderstood about this whole debate on open and closed rules.

□ 1800

Every Member who is not on a particular committee is excluded from participating in the legislative process as it relates to that committee. Therefore, all the Members who are not on a particular committee, and, as a general rule, there are 60 or 70 members on a committee, that means there are another 370 Members of the House who are not on that committee, so this is the opportunity for all Members, Democrat, Republican, liberal, conservative, for every Member to look at a bill and to decide whether or not there is a way they would like to improve the bill.

We may not all agree on that improvement. We may in fact vote in a variety of ways to defeat it, and very often quite unusual coalitions, driven by geography, driven by ideology, driven by unique local interests, or for a lot of different reasons people vote the way they do when we get into the amendment process. However, this kind of rule is the right kind of rule. It also, frankly, helps solve part of the special order problem because it returns the real debate and the real legislative process back to the legislative day in the way that it should occur.

I want in particular to commend our friend, the chairman, the gentleman from California [Mr. BROWN] for having asked for an open rule. This is the right way to do it, and I respect the right of the majority on a key bill to do everything they can to ram it through. That is the nature of the House as an institution. Maybe four or five times a year that ought to happen. However, this is a much better legislative process for America, and all Americans are better served by a House that does this.

I very much appreciate the Democratic leadership and the chairman for coming at it with this kind of a policy with open rules. I hope this is the beginning of how we legislate for the rest of the year.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 820, as well as this rule. I believe the only question on the rule is the fact that some portion has been omitted from the bill that might admit that the bill does not solve all the problems of this country related to competitiveness.

I will freely admit that there may be some other problems outside the purview of the Committee on Science, Space, and Technology, and we will take them up in turn. Let me turn now to the merits of the bill.

Opponents of this legislation have tried to portray it as both over budget and against the administration's policies. The truth is that the funding authorizations for this bill are in line with both the administration's fiscal year 1994 budget requests and fiscal year 1995 planning documents adopted in the budget resolution already passed by Congress.

While I appreciate my colleague's sudden concern for the administration's views, I want to reiterate that the administration's official position is one of strong support for H.R. 820 as reported by the Committee on Science, Space, and Technology.

The administration supports this legislation precisely because it embodies so many of the specific changes President Clinton and Vice President GORE have advocated to reverse the decline in American industrial competitiveness. Expanding the network of manufacturing extension services to give all businesses, especially small companies, access to advanced manufacturing technologies and expanding the Advanced Technology Program's successful program of grants for precompetitive research on generic technologies are just two of the many proposals highlighted in the administration's technology policy and contained in this bill.

We now have the opportunity to enact some of these proposals, which represent a true effort to redirect Federal research and development away from defense and space mission-oriented work of the past few decades, and towards an industry-led approach of cooperation among business, government, and academia to promote the technology development and adoption needed to fuel economic growth.

Making these investments in our country's long-term industrial competitiveness is one way we can prove to the American people that their votes for change were not cast in vain, and I look forward to doing so.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

I, too, want to thank the Committee on Rules for bringing this open rule to the floor, and particularly the chairman, the gentleman from California [Mr. BROWN] for asking for the open rule. However, my comments are going to the bill.

I am sorry to say this, Mr. Speaker, but I find the attempt by this body to pass off H.R. 820 as even a partial answer to America's competitiveness woes not only amusing but frightening.

Amusing because—after a National election purportedly about change won by a party that was purportedly a new breed of Democrat—I have to stand here and dust off the same old speech in opposition to the same old liberal Democrat policy.

Frightening because this bill smacks of centralized industrial policy, that illogical and discredited equation where increased Federal intrusion added to higher spending is somehow supposed to equal better competitiveness. The fact is, Mr. Speaker, increasing Government intrusion in business and increasing Government spending are each by themselves excellent ways to further cripple America's ability to compete.

And as usual for liberal Democrats, the bill's proponents refuse to acknowledge the desperate need for deficit reduction which in itself would be a far more significant step forward toward enhancing our Nation's competitiveness.

This country doesn't need the Federal Government to waste another $1.54 billion in taxpayer money to fund provisions and programs that clearly take us in the wrong direction. This bill is simply new spending to support special projects and technologies of special interest industries selected by a handful of the bill's proponents. My colleagues are gravely mistaken if you think the competitiveness of this country can be fundamentally improved by giving grants and loans to those select few industries whose lobbyists happen to be the most effective.

I will be offering an amendment later to strike just such a provision from this bill. Section 407 authorizes $50 million to fund a new grant program at the Department of Commerce to create work force quality partnerships. The private sector knows well the benefits of having and training a competitive work force, the Government should not spend hard-earned taxpayer dollars to reimburse businesses for what they are already doing.

Further, even the Department of Commerce asked the Science committee to remove this program from the bill given fiscal constraints and the need to prioritize investments. It is typical of the elitist we-are-the-Government-and-we-are-here-to-help-you philosophy that this bill's sponsors would actually ignore the request not to include this provision when made by the agency that will oversee its implementation.

In the face of this ill-conceived legislation, my colleague from Pennsylvania has attempted to amend this bill with a package of proposals that would address the true fundamental changes in policy that ought to be made in order to create an effective competitive environment in this country. Failing that, he was successful in having the committee adopt sense-of-Congress language calling for deficit reduction, tax incentives, regulatory relief, and antitrust and liability reform to create jobs and fuel economic growth. Yet, even this language was stricken from the bill before it made it to the floor.

Mr. Speaker, what we so clearly need to do and what the supporters of this bill obviously fail to recognize is to provide incentives to spur investment, capital formation and research and development, we need to reform our antitrust laws; we need product liability reform.

We must lower the cost of capital by reducing or eliminating the capital gains tax as our German and Japanese competitors did long ago. And yes, Members of Congress must learn to say no to special interests and cut spending, thereby reducing the deficit and freeing up capital it takes away from the private sector.

To improve our Nation's competitiveness, we need to stop shoveling unnecessary time consuming paperwork on the desks of American businessmen and women; we must get control of the regulatory bureaucracy and implement a system for evaluating regulations for costs and benefits—and we must reject those that don't measure up.

In other words, Mr. Speaker, American businesses and entrepreneurs have suffered long enough from Federal ineptitude. The proposal before us and the refusal of this body to allow a real debate on the issue simply perpetuates this incompetence.

Mr. Speaker, this bill is not a National Competitiveness Act. It demonstrates Congress' perennial failure to recognize either the solution or the problem. The problem is not that the Federal Government isn't spending enough money or making enough decisions for the private sector—quite the opposite—the incompetent and uncoordinated hand of Government is strangling our Nation's businesses.

American businessmen and women, struggling to regain their competitive edge, don't need us to give them anymore promises and programs; what they need us to do is put our own balance sheet in order and leave theirs alone.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my colleague, the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, what we are talking about today is a bill called the National Competitiveness Act. How can anybody be against competitiveness, national competitiveness? What I am suggesting, and having sat through the hearings on this and being a member of the Committee on Science, Space, and Technology, is that this bill takes exactly the wrong approach to American technology and American competitiveness.

Instead of loosening the shackles that are making businessmen in this country noncompetitive with their foreign competition, and relieving the burden that ties down our high tech entrepreneurs, what we have done instead is create a bill that is nothing more than a special spending bill, and frankly, a regulatory bill.

This is not the approach that is going to make America more competitive. This is not going to help our high tech companies. What we heard time and time again from our high tech entrepreneurs during the discussions during the committee hearings on this bill was "Give us some fundamental reform, for example, in the area of liability, in the area of antitrust reform." These things we can do without costing one cent to the American taxpayer.

Yet, what we have instead are about how we can subsidize certain industries, how we can set up certain programs that will help particular industries. Let us not select certain businesses to try to help; let us instead alleviate the burden of regulation of antitrust laws that prevent all of our companies from being competitive.

That is one reason why, and that is the central reason why, I will have to oppose this National Competitiveness Act.

I would hope that our colleagues take a strong look at this. We will find that the basic, fundamental difference in opinion of the role of Government is what separates people in this bill: the question of how do we make things better. We do not do it by adding more Government and more Government spending. Instead, we can make things better by actually reducing Government's burden on the entrepreneurs of this country.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. SWETT].

□ 1810

Mr. SWETT. Mr. Speaker, I rise today in support of H.R. 820, the National Competitiveness Act of 1993. I would also like to say that I am very much in support of the open rule concept. I congratulate my leaders in the House of Representatives for allowing this to go forward with an open rule, and I look forward to a very responsible and productive debate on this legislation for the next day.

Mr. Speaker, there was a time not long ago when the United States was the unquestioned industrial leader of the world. That time has passed. We have now fallen dangerously behind our competitors: our industries are furiously trying to catch up with their overseas competitors; our trade deficit remains chronically high; real wages have declined.

We can no longer stand idly by while our industrial strength continues to erode, while layoffs continue, while more and more American families remain unable to make ends meet because our economy is not producing enough well-paying jobs. We can no longer rely upon serendipitous spinoffs of defense technology to fuel our economic growth.

We can no longer ignore a fact which our competitors learned long ago—technological advancement is the key to our long-term economic success.

Mr. Speaker, last fall's election marked a turning point. Last November 3, the American people voted for a Government that would become a partner with American business in charting a course toward economic recovery. The American people understand that we must move beyond a Government-business relationship of confrontation—and toward a Government-business relationship of cooperation.

The fact is, the Federal Government already plays a vital role in promoting technological advancement—and it always has. Up to now, however, our Government's technology policy has been to assume that defense technology would trickle down to civilian industry.

The problem is, our trickle-down technology policy is no match for a coordinated onslaught from our well-financed international competitors.

Mr. Speaker, we have a choice. Either, we can continue to keep our heads in the sand—and continue to get walloped in the global marketplace—or we can pull our heads out of the sand, take a hard look at the realities of international competition, and devise a coherent national strategy to promote technological advancement and renewed international competitiveness.

The National Competitiveness Act does precisely that.

Mr. Speaker, I can think of no other legislation that is as vital to our Nation's economic future. While I am fighting to reduce the budget deficit and eliminate wasteful spending, I also recognize that we must plan, and yes, invest in tomorrow.

I have watched for many years our Nation's economic floundering for lack of a coherent economic plan. I have watched other countries pass us by as their governments have assisted and promoted their companies' technological advancement. And sadly, I have watched more and more Americans put out of work year after year—simply because we have not invested in our Nation's economic future.

The National Competitiveness Act will create jobs—high-skill, high-wage jobs.

Too often, Government simply reacts to a problem. As the turn of the century approaches, let us show the American people that we have a vision and a plan for creating the America we want for tomorrow.

In New Hampshire we have companies like Resonetics, MPB Corp., and Hitchiner Manufacturing—companies that are creating new technologies, new jobs, and new trade opportunities. But they need help in order to compete successfully against their colleagues overseas who are getting help from their governments.

The people in my State want action. They want a plan that will create good jobs and help America become strong again.

This will not happen by sitting and waiting for America to recover. We are in an economic war for survival. Other countries have already invested in their economic future, they have a battle plan, and they intend to win.

Mr. Speaker, we need to give America a fighting chance. I urge my colleagues to join me on supporting the National Competitiveness Act of 1993.

Mr. GOSS. Mr. Speaker, I yield myself our remaining time to close debate on our side at this point by simply saying that we are very grateful, and I personally feel that we have had a good use of time in terms of deliberative debate under an open rule scenario in the sense that we have used this time to actually discuss the rule. Much of the testimony that has recently occurred here on this issue has actually been on the rule, and that is refreshing. And the reason that has happened is because we have not had to try to cram in all of the debate we would have had on the merits of the issues, as we often have to do when there is no open rule.

So I am very pleased, and even though the distinguished gentleman from North Carolina, who was the author of the legislation, commented that we have talked perhaps in a long fashion about openness, I think it is proper that we do talk about the rule when we have set a time aside to talk about rules. So I am grateful that that occasion has come to pass, and I want to thank Chairman GEORGE BROWN and ranking member WALKER and Chairman MOAKLEY for the open rule.

Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 820.

□ 1815

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. LANCASTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. VALENTINE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 820, the National Competitiveness Act of 1993. I want to thank the chairman of the Committee on Science, Space, and Technology, my dear friend, GEORGE BROWN, for his leadership and support in bringing this legislation before the House of Representatives today.

The text of H.R. 820 is largely based on the National Competitiveness Act of 1992 (H.R. 5231) which passed the House last September by more than a two-thirds margin, but failed to pass the Senate because of time constraints.

H.R. 820 reflects not only the views of many Members of the Congress but also the views of the Clinton administration, the business community, the engineering societies, the universities, and the State governments. All have contributed their legislative ideas on how to enhance the economic growth and global competitiveness of U.S. industry.

In addition, recommendations were drawn from numerous reports on competitiveness by distinguished groups such as the Office of Technology Assessment, the Council on Competitiveness, the National Academy of Sciences, the Carnegie Commission, and the Competitiveness Policy Council.

Mr. Chairman, H.R. 820 is one of the most important pieces of legislation that the Congress will consider this year. By proposing that government, industry, and academia form partnerships to develop and transfer technology and skills needed to enhance long-term productivity, H.R. 820 is offering innovative solutions to our Nation's economic problems.

The initiatives contained in this bill are a vital part of President Clinton's economic investment package designed to promote long-term economic growth by helping U.S. firms create, commercialize, and use new technologies that can produce stable, high-wage jobs.

There are some Members who will say this bill costs too much, but I say the funding levels are well-justified by the anticipated high returns to U.S. industry, and to reverse a long-term trend of constrained resources that has often meant too little, too late for U.S. companies facing intense international competition.

This bill contains provisions that would:

First, establish an advanced manufacturing technology development program and a national technology outreach program, that would promote the creation of advanced technologies in the manufacturing and service sectors;

Second, expand the technology activities of the National Science Foundation [NSF] to include engineering research centers dedicated to manufacturing, worker training partnerships, and total quality management programs.

Third, expand the Department of Commerce's Advanced Technology Program [ATP] to provide greater support for precommercial research and development of generic technologies;

Fourth, increase availability of long-term investment capital that U.S. companies need to develop critical technologies;

Fifth, establish a program to coordinate the collection, assessment, and dissemination of information on foreign science and technology; and

Sixth, expand and strengthen the technology development and transfer programs of the National Institute of Standards and Technology.

Mr. Chairman, this legislation is an important step toward investing in America's future, and I urge my colleagues to support and expedite H.R. 820's speedy passage through the Congress.

Our colleague, CARDISS COLLINS, chairwoman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness has made the committee aware of her concerns that technology transfer priorities need to be developed on an interagency basis and that the private sector needs to have a major role in making decisions about technology transfer.

She, correctly, has identified the interagency Federal Coordinating Council on Science, Engineering and Technology, which is in the Office of the President, as the appropriate entity to carry out this responsibility for coordinating technology transfer within the Federal Establishment.

I would like to join her in saying that I believe it is totally consistent with the purposes of this bill for the Federal Coordinating Council to give high priority to establishing a technology transfer agenda and coordinating technology transfer activities within the Federal Government.

☐ 1820

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 820, a bill which increases Government spending in the name of making U.S. industry more competitive.

Increasing current spending on the programs contained in this bill by 158 percent is not going to create new jobs in America. It will not help entrepreneurs bring ideas to the marketplace and will not get us very far in our efforts to cut the deficit.

The gentleman from North Carolina just listed a number of special-interest groups that are in favor of this particular bill. Let me suggest to you that there are two groups against this bill that maybe the Members will want to pay attention to: The National Taxpayers' Union has said they are going to key vote this bill. They regard this bill as a big spender, as wasteful, they are going to key vote a vote for this bill as being against their policy and will support only votes against this bill. Also, the Citizens Against Government Waste has now come forward against this bill. Let me tell you what Citizens Against Government Waste say in a couple of paragraphs about the National Competitiveness Act.

First, they say:

> The National Competitiveness Act is anticompetitive. By increasing the budget deficit, thereby reducing available private capital and raising its cost, and providing funding for federally chosen technologies, the National Competitiveness Act favors some businesses over others and special interests over the national interest.

That is the Citizens Against Government Waste talking.

They also say, "The National Competitiveness Act is antitaxpayer." It says, "Experience suggests that the National Competitiveness Act will become another in a long line of well-intended but badly executed programs that waste tax dollars." They ask the question: "Do we really need more corporate welfare and pork-barrel projects?" And then they also say, "The National Competitiveness Act conflicts with Congress' own budget resolution," and they point out that the bill boosts the Commerce Department technology funding by $764 million over 2 years, and that the budget resolution reduces the function 370 in the Commerce Department allocation in 1994 and freezes it in 1995. In other words, this bill runs over the budget resolution.

So both the National Taxpayers' Union and the Citizens Against Government Waste are in agreement with us that this bill does, in fact, pose some major problems to those who want to save money in Government.

And if we swallow this $1.54 billion subsidy bill, do not think this will be the end of it. Why just next week, the Science Committee is scheduled to start marking up another $1.5 billion subsidy bill for computer networks. Soon after that, the committee plans on increasing spending at the energy labs to the tune of $1.8 billion in the name of competitiveness. Once we begin, it will never end. Every industry will want its handout. We are starting the handouts here with the bill on the floor right now.

H.R. 820 looks, sounds, and smells like industrial policy. The bill subsidizes the commercial development of a relatively limited number of federally chosen technologies. The measure increases deficit spending, which further reduces available private capital and raises its cost to all businesses. Therefore, H.R. 820 asks us to allow the Government to pick winners and make losers out of other U.S. businesses not eligible to participate in the programs the bill establishes.

Competition in a global economy means industries need to respond quickly and to innovate continuously. If we were to show up at the doorstep of most entrepreneurs and say "we're from the Federal Government and we're here to help you turn out a quality product by loaning you money and training your employees," I think most entrepreneurs in America would say "Thanks, but no thanks. We don't want you."

Countless witnesses have come before the Science, Space, and Technology Committee testifying that the best thing Government can do is pass liability reform legislation. We've heard witnesses say that the best way to help high-technology companies get into production is to implement regulatory reform in the area of finance and telecommunications, and to seek tax reform to create patient capital and investment incentives.

Mr. Chairman, I say to all of those witnesses who came before us in good faith and brought their ideas before us, I extend you my apologies. This bill does none of those things. It does not even pretend to do any of those things. It simply adds to the Government deficit, and it suggests that more spending by the Government is a solution to all of our problems.

H.R. 820's supporters believe the measure will assist high-technology industries. Government cannot and will not move at the pace that the high-technology global market place demands. One need only look at the personal computer industry. It is an extremely competitive industry and changes daily. Computers from 10 years ago are literally museum pieces. Is the Government equipped to know this market or other high-technology markets? Yet, this bill asks the Federal Government to make market decisions about key technologies and to pick the best ones for funding.

Government, says noted economist Allan Meltzer, tends to confuse wealth creation and jobs creation. If Government provides a loan guarantee for a business, will the Government be willing to pull the plug on a company after 5 years if 25, or 50 or 100 jobs would be lost as a result? The tendency of the Government would be to continue to subsidize those jobs and keep the company going even if the company will eventually fail.

This bill puts the Government into product development using taxpayer resources, initiates Federal control over market decisions, and raises the specter of price supports, trade protectionism, and bailouts.

Do not support this bill; it costs too much, is bad policy, and is antireform.

Mr. Chairman, I reserve the balance of my time.

Mr. VALENTINE. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 820, the National Competitiveness Act of 1993.

I want to commend the gentleman from North Carolina [Mr. VALENTINE] for his leadership on this legislation. I also wish to thank the Committees on Energy and Commerce; Ways and Means; Banking, Finance and Urban Affairs; Education and Labor; and the Judiciary for their cooperation in moving this legislation forward.

Mr. Chairman, the bill before the House today, H.R. 820, is important because it addresses a vital aspect of the competitiveness problem—investment in new technologies and in the infrastructure to bring those technologies to American industry. Economic studies show that about one-third of a nation's economic growth is the result of advances in technology.

Mr. Chairman, the election results made it very clear that the economy and jobs are the No. 1 worry of the American public. We are in a very slow recovery, and one that may falter. Part of the problem—identified by President Clinton during his campaign—is the decline of our manufacturing base and the loss of manufacturing jobs to other nations. This is a long-term systematic problem where solutions will not be easy or rapid.

H.R. 820 has the capacity to make real and timely contributions to the long-term growth of our Nation's economy by providing for the formation of manufacturing outreach programs to enhance small- and medium-sized companies' manufacturing capabilities; a computer network that will electronically link the Nation's manufacturing extension offices; and the increased support of programs such as the Advanced Technology Program to provide Federal cost-sharing programs for new and innovative technology companies. These provisions have all been well received by the industrial community.

This legislation contains many of the key provisions in the Clinton-Gore technology policy outlined in the February 22 policy paper, "Technology for America's Economic Growth, a New Direction To Build Economic Strength."

It also reflects the theme of the Clinton-Gore technology policy to provide for a true partnership between the Federal Government, industry, labor, academia, and the States by provisions expanding the State technology extension program to aid small businesses; establishing American workforce quality partnerships to promote education and training for a highly skilled workforce; and expanding the National Science Foundation Engineering Research Centers to include advanced manufacturing programs and total quality management programs.

In the Senate it bears the number S. 4 showing it is one of the top priorities of the Senate democratic leadership, and Secretary of Commerce Brown, in testimony before our committee, called for swift passage of H.R. 820.

While this legislation may not be perfect, it does respond to the needs of the present day in that it contains those elements that provide for closer cooperation between Government and business in the mutual interest of enhancing the economy of the United States.

I urge my colleagues to support this important and responsible legislation.

□ 1830

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. GRAMS], and request that he yield to me, if he would.

Mr. GRAMS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I just wanted to reply to my good friend, the chairman of the committee, with regard to the record from the 12 years that preceded this administration. The fact is that in the early 1980's, we had a boom in job expansion and in business creation in this country and particularly in small entrepreneurial high-technology firms which came into being during that period of time.

We, in fact, during that period of time created 18 to 20 million new jobs in the country. Now, the problem was that by the end of the 1980's we had increased regulation, increased litigation, and particularly increased taxation and dragged the growth out of the economy. It is those problems that we are failing to address here.

The idea that we are going to cure them with huge new Government spending programs is just plain nonsense.

Mr. GRAMS. I thank the gentleman from Pennsylvania.

Mr. Chairman, if there is one phrase from President Clinton's State of the Union Address that really stuck in my mind, and it was when he said, "as government provides more opportunity."

That phrase really sticks in my mind because it truly captures the underlying economic philosophy of the President, the Democratic leadership in Congress, and the bill that is before us today.

In essence, what the President was saying is that Government, not private individuals and entrepreneurs is better at making business decisions and deciding who wins and loses in the marketplace. That the Government knows better than individuals and the marketplace as to what makes the best business sense, and what are the best new ideas.

That's what this bill says as well.

Mr. Chairman, I strongly disagree with that theory. The Government is not the creator of economic opportunity, it often just gets in the way.

If we really want to improve our Nation's economic competitiveness and generate new growth, we need to address the high taxes, overregulation, and excessive lawsuits which hurt our Nation's competitiveness. As well as the Federal budget deficit which robs half of this Nation's savings available for investment.

Unfortunately, this bill addresses none of these issues. Instead, it simply goes back to the same old Democratic tax and spend approach to economic growth—the same approach that is being abandoned throughout the eastern bloc and the social democracies of Europe.

Instead of throwing more money at our economic problems, we should be doing something that will really help, like reducing the tax on capital gains, restoring passive loss for real estate, restoring R&D tax credits, and passing real budget reforms such as the balanced budget amendment.

In testimony provided to the committee on this bill, Joe Zemke, CEO of Amdahl Corp., hit the nail on the head. He said:

> The Clinton program represents the same logic: siphoning dollars from individuals and corporations and allocating them through a process that is terribly inefficient—a process that is responsive not to market requirements, but to bureaucratic empires and political payoffs. This use of tax money is disturbing at any time, but to increase expenditures as we face a historic deficit is unconscionable.

Mr. Chairman, Mr. Zemke speaks for most people in business today. And his comments are right to the point.

As a member of the Science and Technology Committee, I urge my colleagues to reject this bill, and I call on Congress to do something that will really promote our economic competitiveness.

Mr. VALENTINE. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. I thank the gentleman for yielding.

I would first of all like to begin my remarks: It is often the case in this body where we rise and say nice things about our chairman and nice things about ways in which the bills have made their way to the floor.

I think the gentleman from California [Mr. BROWN], and the gentleman from North Carolina [Mr. VALENTINE], deserve an extraordinary amount of the credit for working on this legislation for the last 3½ to 4 years, and their staffs. I very much look forward to seeing this bill signed by President Clinton.

I would like to also say in regard to the rule that brought this bill to the floor that I commend the leadership for bringing an open rule to this body.

I think it is appropriate that we discuss this in a high-mannered fashion, the way by which we work with our businesses, especially small- and medium-sized businesses in this country, in a cooperative relationship, not that Government is going to solve every single problem in this bill. They are not. That is not the role of this bill.

This bill seeks to pave the way for reinventing the partnership especially with emerging new technologies, with our national laboratories, establishing new manufacturing centers throughout this country, to address the joblessness about which we are all very concerned.

Third, Mr. Chairman, I would like to mention that today it was just announced that 9 of the 11 economic indicators are down. We are concerned about economic growth. This particular bill addresses a number of the concerns, trying new things to get this economy going in the right way.

Is it a panacea? Will it solve every single problem? No. Do we need to look at such innovative approaches as looking for new capital formation? Yes. Do we need to look at regulations and unburdening our businesses of regulations? Yes.

In conclusion, I would just like to urge the body to support this legislation, as our defense companies, as our avionic companies, as our manufacturing companies are going through very, very, very difficult times. This is a brandnew idea and should be given a chance.

I am pleased to have had the opportunity to contribute to this legislation. The Science Committee adopted measures that I authored that will improve upon the Malcolm Baldrige Award by extending the prize categories to include educational institutions, and recently accepted language that creates a quality program within the National Institutes of Standards and Technology.

The quality program will enable us to take the knowledge we have gained from the Baldrige Award program, as well as other total quality management data, and disseminate it to American business and manufacturing firms.

Mr. Chairman, I rise in full support of H.R. 820. We often hear it spoken in business circles that we should "Either lead, follow or get out of the way." This bill is leadership in its truest form.

The national competitiveness bill represents strong, innovative policy, and it also represents what we, in Congress, have a distinct obligation to do: use Government resources to help the private sector gain access to the best possible information and technology available.

This bill is an enormous first step in constructing a rational approach to invigorating investment and energizing our manufacturing infrastructure.

By making capital and access to technology data available to our small and medium size businesses, we encourage growth and innovation. Growth means jobs. Jobs mean a lower deficit.

This legislation specifically addresses the needs of new and growing businesses through a system of grants, loans and informational programs. Through a system using electronic data transfer, computer aided technology, technology outreach centers, scientific research and the academic community, we propose an ambitious, workable plan to help entrepreneurs and businesses overcome the difficulties of funding startups and fueling growth.

Mr. Chairman, this bill represents the very best congressional response to the real needs of our small and medium sized businesses. It is crucial to our place in the world market, and I strongly urge my colleagues to support it.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to H.R. 820. This so called competitiveness legislation is actually nothing of the kind.

As a member of both the subcommittee and the full committee with jurisdiction over this bill, I heard witness after witness testify that in order to truly promote competitiveness we must reduce the national debt, reform antitrust laws, reform civil laws, reduce Government regulation and implement investment tax incentives to enhance private capital formation. H.R. 820 does none of this. In fact, the last section of this bill clearly states that the bill does not sufficiently address these matters, which are the true impediments to competitiveness.

However, Mr. Chairman, my biggest problem with this bill is its budget busting price tag. H.R. 820 involves a massive Federal expenditure. It would increase funding for the Department of Commerce by $764 million, which represents a 100-percent increase over current NIST spending. This directly contradicts Congress' budget resolution that was passed less than 2 months ago. I submit that the very least we can do is abide by our own blue-print for Federal spending.

Further, H.R. 820 funds six programs that are neither in President Clinton's budget proposal nor the Clinton Technology Policy proposal. This legislation creates new programs and spending authority which exceed the Clinton fiscal year 1994 budget and fiscal year 1995 planning ceilings by hundreds of millions of dollars.

It is also worth noting that amendments to delete spending provisions not contained in the Clinton budget were offered in both the subcommittee and the full committee and were defeated by the President's own party on a straight party-line vote.

Mr. Chairman, adding to the ever-growing budget deficit in no way promotes competitiveness. Quite the contrary, it hinders competitiveness. By increasing the deficit, this bill further reduces available private capital and raises its costs. This virtually guarantees that all businesses will be adversely affected by the end result of this legislation.

At a time when the President, Members of Congress, and the American people have called for deficit reduction and smaller Government, why are we proposing to increase the deficit and expand Government for programs that are of questionable benefit?

Dr. T.J. Rodgers, President and CEO of Cypress Semiconductors, in his testimony before the subcommittee, summed it up most succinctly when he stated that:

> America's companies have the guts, brains, and stamina to beat our foreign competition. What we need is a Washington with the courage to get out of the way and let us fight it out.

I urge my colleagues to join me in opposing H.R. 820.

□ 1840

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong support of H.R. 820, the National Competitiveness Act. I believe that years from now, people will look back at this bill as one of the most far sighted efforts of this Congress. During the many hearings we had in the Technology Subcommittee one point was clear to all of the members we need to make use of the American innovative spirit to make our Nation competitive in the global marketplace.

Under the astute and learned leadership of Chairman GEORGE BROWN, as well as the diligent work of Technology Subcommittee Chairman TIM VALENTINE and Representative TOM LEWIS, the subcommittee's ranking member, we heard from a variety of witnesses on the many innovative approaches embodied in this legislation. I am confident that the more our colleagues and the American people hear about H.R. 820, the more they will recognize the importance of its swift passage.

American competitiveness has always relied on two unique characteristics. First, our country's unparalleled ability to develop new technologies, and second, our skill at putting those innovations to practical and fruitful use in industry. Mr. Chairman, I point this out because it was in my district that these principles were first applied.

Nearly 200 years ago, Alexander Hamilton led an organization called the Society for Useful Manufactures, in a commitment to innovative technology. They built the first manufacturing facility in the Western Hemisphere by harnessing the power of the great falls of the Passaic River to drive the textile mills that led Paterson, NJ to be known as Silk City—and resulted in northern New Jersey becoming America's first industrial region and formed basis for the industrial greatness America enjoyed during the 19th century.

A century later, another New Jerseyan, Thomas Edison, looked toward the future and saw applications of electricity that must have been an anathema to those who were content with the status quo. From the light bulb to the phonograph, Edison's ingenuity changed our economy in ways that no one could have conceived. The products and industries that resulted from the research conducted by Edison and his contemporaries was the foundation or our economic strength in the 20th century.

In the last 12 years American industry, has failed to meet the competitive advantage from abroad. Was this due to Government interference? No, the

Reagan-Bush era saw to it that Government had no role to play in a competitive industrial policy. So no action was taken as the savings rate fell from 9 percent to 3 percent in less than a generation. No action was taken as United States-based productive investment in scientific and industrial R&D drifted to the lowest level of any industrialized nation except Ireland. No action was taken as productivity growth has slipped from 2.34 percent in the 1960's to 1.48 percent in the 1970's to 0.98 percent in the 1980's.

The time has come to do something to reverse this trend. I urge my colleagues to support this real commitment to research and development. We must not return to the maze of gimmicks that passed for industrial policy for the last 12 years. HR 820 is a well-designed plan to allow the genius of the American mind develop a future for our children that is more bountiful than we can now imagine.

Who would have conceived, 200 years ago, that harnessing a waterfall to power textile mills would lead to the greatest industrial society in the history of mankind? A hundred years ago, who would have conceived of the pervasive role of electricity in everyday life? Today, the American economy is at a crossroads. The quality jobs our people yearn for won't be created through the mature industries of the past. We can acknowledge that the time has come for Government and industry to move forward together or accept stagnation separately. The choice is clear; let us step up to the plate and support H.R. 820 and make a stand for American competitiveness for generations to come.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I am here today to speak in opposition to H.R. 820. This bill costs too much, it's bad policy and it is antireform.

The voters in my district in Washington State sent me to the Nation's Capital to cut wasteful spending, and reduce the deficit. Unfortunately, H.R. 820 does just the opposite. It has the Federal Government making marketplace decisions and deciding who the players will be. This bill actually includes authorizations not requested by the administration. Mr. Chairman, no matter how you look at it, big Government-controlled programs are bad for business.

No one will argue the fact that advances in technology will further economic growth by creating new products, services, jobs, and capital. That is not the issue here. With economic growth comes the ability to compete successfully in the global marketplace.

The strength of our economy is derived in great degree from our technological strengths. Our technology determines the uniqueness of our products, their quality and efficiency or productivity. When technology decrease, quality and uniqueness also decrease and we find ourselves with a growing negative trade balance.

But true competitiveness comes from taking risks. The nature of free markets is unpredictable and inherently involves risk. But with risk come great rewards. To promote American business and encourage new technologies we need to provide our businesses, large and small, with incentives to succeed—to take risks. We need to give them a hand up not a hand out.

Mr. Chairman, instead of more Government, how about a permanent cut in the capital gains tax? To me this is an essential step to make our companies globally competitive.

We should be providing incentives for individuals to invest in startup companies. Begin to reform the tort system, starting with clamping down on frivolous lawsuits, modernizing the antitrust laws, and removing unnecessary layers of bureaucracy that hinder, not help, small businesses.

Mr. Chairman, to be true to the mandate of the American people to reduce the deficit, to cut spending and to balance this Nation's budget, I urge my fellow Members to vote no on H.R. 820.

Mr. VALENTINE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I am here today to urge support for H.R. 820, the National Competitiveness Act of 1993.

As a member of the Committee on Science, Space, and Technology, not to mention the Committee on Armed Services, I believe we can all see the benefits of an aggressive effort to boost our competitive position in the global marketplace.

It seems to me in the 4½ years that I have been here, this country has done a terrific job in militarizing the research and development that our Government engages in that no one else in the free enterprise system can really do. We have seen that in the Persian Gulf war. We have done a terrific job in militarizing research and development. We have not done so well commercializing our research and development and that is exactly what this bill tries to do. It tries to make the Government an ally of business, not an adversary of business.

The naysayers say that Government is an enemy, always an enemy of business people in this country. It is not. It ought to be the ally. We are getting our pants wet by people in Japan and elsewhere, where the Government is an ally of business. So rather than saying no, no, no, why do we not try to put some of this research and development out into the marketplace so American businesses can do well and compete.

Mr. Chairman, I urge support for H.R. 820.

Mr. WALKER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Kansas [Mrs. MEYERS], the ranking Republican on the Committee on Small Business.

□ 1850

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in firm opposition to H.R. 820, the National Competitiveness Act. This bill has little to do with increasing competitiveness and everything to do with the way the Federal Government impedes the ability of small businesses to thrive, innovate, and compete. While H.R. 820 will increase technology funding by $764 million, the Federal Government will be choosing which industries should receive assistance, to the exclusion of others. Furthermore, the bill establishes numerous parallel structures, duplicating Federal programs which already exist. I believe these steps will be counterproductive to the goal of increasing American competitiveness.

Over the years we have created overwhelming barriers to small business in the form of stifling Federal regulation. Instead of lightening their regulatory burden, our proposed solution to help make them more competitive is to expend Federal funds to develop certain new technologies in predetermined industries. Small businesses would gladly invest in new manufacturing processes and technologies if Congress would not weigh them down with unproductive legislation and regulation. Business owners don't necessarily need the directive of a Federal industrial policy to help find solutions to our manufacturing productivity. They just need the freedom to develop their own ideas and initiatives and compete in the marketplace.

One example of the parallel structure problem in H.R. 820 is the plan to create government-sponsored venture capital firms for high technology. We are duplicating an existing program.

The Small Business Investment Company Program [SBIC], a successful enterprise under the supervision of the Small Business Administration, has over 300 institutions under its supervision, including one in my hometown of Overland Park. Why do the proponents of H.R. 820 propose beginning the same program with an extremely narrow investment view in the Commerce Department? Participants in the existing SBIC program will invest in high technology, when it makes sense. Cray Computer is a prime example of this program's success in the area of high technology. The National Competitiveness Act would spend $70 million in 1995 for a duplicative program to help a very small segment of the economy. That is more than twice the amount authorized for the SBIC program, which serves all small businesses.

Mr. Chairman, if we want to encourage investment in small high technology companies, we should focus on the underlying causes to the credit crunch, or lack of capital, for new companies and new technologies. The Comptroller of the Currency testified before the Small Business Committee last week and showed us a stack of regulations a foot high that his agency imposes on banks. These regulations stem from congressional mandates, and his office is only one of several bank regulators.

Mr. Chairman, small business appreciates our interest in improving their manufacturing skills and technology, but they want less government, not more. If we truly want to help let's remove the barriers and create incentives, not create more expensive, duplicative programs which selectively help certain industries and will ultimately increase the tax burden on small business, further inhibiting their ability to compete.

Mr. VALENTINE. Mr. Chairman, I yield 1¾ minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Chairman, as a member of both the subcommittee and the committee that thoughtfully considered this legislation, I rise in strong support of H.R. 820. In my view, Mr. Chairman, for the past two decades we have been far too passive in accepting the decline of America's manufacturing base. I have witnessed that decline in my own congressional district as it has dramatically and adversely affected the steel, trucking, and cement industries. The United States has provided for the defense of the free world throughout most of the last four decades while our competitors have wisely invested in civilian research and development. In my view, Mr. Chairman, the time has come for a new era of public-private partnership where the role of the Federal and State governments should be to assist privately owned American companies in developing and applying new technology, technologies which will allow them to better compete successfully in the international marketplace. Fortunately, thanks to the gentleman from North Carolina [Mr. VALENTINE] and the gentleman from California [Mr. BROWN] title II of the bill now builds very successfully on existing State programs.

I have heard many of the arguments in opposition to this legislation before. Ten years ago I assisted a Republican Governor of Pennsylvania as he enacted a very similar program within our own jurisdiction. Fortunately we overcame those arguments. The net result has been the creation of 200 new companies in Pennsylvania. Within my own congressional district we have established 166 new companies through the Ben Franklin Partnership.

This is not a substitute for private investment. It is an investment in the future. H.R. 820 will establish a public-private partnership which will significantly encourage the investment in high technology research and development, commercialize existing technology and venture capital.

In conclusion, Mr. Chairman, we, as a nation, need not stand idly by as America's manufacturing base continues to erode. Instead we can enact public policy which will encourage the creation of new technology, new companies and new jobs in the private sector.

I, therefore, Mr. Chairman, urge an affirmative vote on H.R. 820.

Mr. WALKER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, this House meets to consider a bill that has as it's title the National Competitiveness Act, the right idea, the wrong bill.

Mr. Chairman, I am a member of the Science Committee subcommittee that originated this bill, and let me, before going into the analysis, compliment the gentleman from California [Mr. BROWN] and the gentleman from North Carolina [Mr. VALENTINE. I think Chairman VALENTINE and Chairman BROWN have been very fair and hardworking in preparing this bill. We have had differences of opinion, but they are honest differences of opinion, and, as a member of the subcommittee that put the bill together, we heard hundreds of hours of testimony on what the Government should do to improve America's competitiveness. Again and again, the same answer came back from the witnesses. Do not institute a massive Government program to fund and help technological endeavors; instead, improve this country's business climate. Remove the taxes, regulations, and mandates that make us noncompetitive!

Mr. Chairman, this is the crux, the very essence of the difference of opinion on this bill. On our side we say improve America's competitiveness and technological prowess; the steps that should be taken to strengthen the engines of enterprise—reforming liability laws; lowering the capital gains tax; and reforming antitrust laws to remove barriers to cooperative endeavors among our high-tech companies.

The other party's answer, however, is to fund and subsidize selected business enterprises—basically welfare for selected technological firms. It is a technology entitlement program. I oppose it and I will not be voting for it. I urge my colleagues to vote against it.

Mr. Chairman, let me cite an example of what we in Congress could do to help American competitiveness in a real way, rather than the passage of this Federal spending and intervention bill. We could pass fundamental liability reform. Our high-technology entrepreneurs are begging for that.

A tangible example of how that can help: At the beginning of the 1980's, the United States had a healthy general aviation industry, building about 18,000 small piston-engine-powered airplanes. Now, Mr. Chairman, no American company has built a small piston-engine airplane in years. If you want a new small plane, you will have to buy one from companies in France.

This is a direct result of insane liability laws. They have murdered a whole industry while enriching lawyers.

I ask you, is this being competitive? This does not even make any sense. We ignore this monstrous weight around our entrepreneurs and businessmen while setting in place new loan programs.

And how about antitrust rules that prevent our high-technology companies from cooperating to beat their foreign competition? I also ask you, Is there anything in H.R. 820 that would help to alleviate this fundamental competitive disadvantage? The answer is no. There is not.

We could add to America's competitiveness and correct the problems plaguing our industries without adding 1 cent to the deficit. It is called reform. Instead of shoveling money and business as usual.

As I said, this is the crux of the difference of opinion we have with the folks who support this bill. We wish to fundamentally improve America's ability to compete. Unfortunately, all H.R. 820 will do is to put a few American companies on the dole, hook them on Federal money, and run up the deficit.

Mr. Chairman, this is not the right bill and it should be opposed. A true partnership is not what we are looking for. We are looking for enhancing competitiveness.

Mr. VALENTINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. JOHNSON].

Mr. JOHNSON of Georgia. Mr. Chairman, I, too, would like to commend the committee and subcommittee chairmen and the other members of the committee for their work in getting this bill to the floor.

As an original cosponsor of the National Competitiveness Act of 1993, I rise in support of H.R. 820. This measure will make a major contribution toward restoring the manufacturing base in this country to world class competitive standards. It will facilitate the transfer of 21st century technologies to small- and medium-sized businesses, which provide most of the new jobs in this country. And, finally, it will enhance the private/public partnership in sharing the risks and costs of developing critical new technologies.

An important purpose of H.R. 820 is set out in the provisions which allow universities to more effectively use their multidisciplinary capabilities to develop and transfer new technologies to small business.

The State of Georgia has long been active in the promotion of cooperative efforts between universities and manufacturers. Centers operated through the University of Georgia, the Medical College of Georgia, Georgia Tech, and other institutions provide a variety of technical and advisory services to private firms.

One example of the effectiveness of these programs is Medical Safety Technologies, Inc., a private firm in Athens, GA, which has successfully developed a device to destroy hypodermic needles. This technology not only has tremendous new job potential, but it also addresses a major environmental and health risk problem. Two universities helped make this possible. The Advanced Technology Development Center of Georgia Tech provided the engineering for developing the prototype, and the University of Georgia Department of Medical Microbiology tested its effectiveness in destroying bacteria.

Mr. Chairman, I support collaborative efforts such as these between our universities and private entrepreneurs to move our economy into the next century. This bill enormously strengthens this type of public/private partnership. H.R. 820 will improve our universities, improve education, and improve the competitiveness of U.S. manufacturers by bringing together our best minds to meet the new challenges of the world economy. I urge my colleagues to vote for final passage.

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Mr. WALKER. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has 11 minutes remaining, and the gentleman from North Carolina [Mr. VALENTINE] has 12½ minutes remaining.

Mr. WALKER. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it would be my opinion that this bill costs too much and it is dangerous public policy. H.R. 820 includes authorizations not requested and actually opposed by the administration. By 1995 it would authorize, and listen to this, a 158-percent increase over the current funding level of $388 million.

Essentially all of the funding in this bill comes from function 370. The President and Congress in its budget resolution reduced function 370 spending by $100 million. Yet this bill alone increases its share of function 370 spending by $152 million. This program increases its share of function 370 spending from 16 to 30 percent in just 2 years. No one has answered the question of what programs are going to be cut in order to start up another new Federal money lending program.

Allow me to explain why H.R. 820 is also bad public policy. This bill has the Federal Government picking and choosing specific products that will be subsidized for development, yet puts the Government in the venture capital banking business, and it requires that socially disadvantaged segments of society receive preferential treatment.

In my State of Michigan during the 1980's we initiated a similar plan. It was called the strategic fund. Government picked specific businesses, groups of people, and products to assist and promote with State loan moneys.

The goal, like that of H.R. 820, had merit. But after 8 years of loan defaults and products that were being promoted, being rejected by consumers, Michigan abandoned the program. Michigan realized that the way to give incentives for business growth was not to pick and choose, but to reduce the cost of doing business and let the market system work.

That program was a failure in Michigan then, and it is not sound policy direction for our Federal Government to take now.

Mr. Chairman, why are we taking a national planning approach and not allowing the free market system to reign? Would not a more productive Government policy be to reduce deficits, freeing up investment moneys, providing tax incentives, and reforming antitrust laws? Business growth and job expansion has got to be our priorities, and this bill does not accomplish that goal.

Mr. Chairman, I urge my colleagues to vote against the bill.

Mr. VALENTINE. Mr. Chairman, I yield 1 minute and 15 seconds to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I am proud to rise in support of H.R. 820.

This bill is crucial to our economic recovery, and deserves the best input that we all can offer.

This bill does not simply throw money at a problem and hope that it will go away. It provides the most basic product of Government: leadership.

H.R. 820 is a clear manifestation of the change in policy and leadership that the people of this country voted for last November. It encompasses long-term far-reaching programs, targeted at reinvigorating the manufacturers of the country, and creates a partnership to help bring them into the next century with the technology and tools of the high-tech era necessary to compete in the world market.

Manufacturing accounts for 30 percent of the economy of Japan and Germany, our chief competitors, but only 18 percent of our GDP. Moreover, we have been losing jobs in this sector for over a decade, going from 22 million manufacturing jobs in 1982 to 19 million jobs in 1990. This slide, unchecked, threatens the very core of our economic strength.

H.R. 820 provides loans, training, and technical assistance to those small- and medium-sized businesses that cannot afford to track the latest and best in technology. And since these smaller businesses comprise over 85 percent of the manufacturing base, they are invaluable, not only to the economic health of my home, the 14th District of California, known as Silicon Valley, but for our entire country. This bill contains the technology policy of the administration, which was unveiled by the President and Vice President in my district.

With this bill, we have finally started looking at practical solutions rather than mere rhetoric. I congratulate Mr. BROWN, the chairman of the Science, Space, and Technology Committee of which I am a member, and Mr. VALENTINE for bringing this fine bill to the House.

I am proud to be a part of this effort to bring to all our companies the best ideas and technology our country has to offer, and urge my colleagues to join me in supporting H.R. 820.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this bill.

Mr. Chairman, every bill has a wonderful title. Every bill sounds good on the surface, and this bill is certainly no exception to that. But this bill authorizes an increase in spending of 158 percent over the next 2 years, and we are not dealing with any small change here. We are talking about $1,500,000,000. Actually more than that.

Our national debt is already over $4 trillion. Even worse than that, if something could be worse, we are losing almost $1 billion a day on top of that every day. Almost every leading economist tells us this is like choking the neck of our economy, this national debt, these tremendous deficits. We are really hurting the poor and working people of this country by the fiscal irresponsibility of this Congress, and this bill is a perfect example of that.

If we gave every department and every agency this great of an increase, we would cause this country to crash economically. The people want us to balance the budget. They do not want us to continue business as usual. I urge my colleagues to defeat this bill.

Mr. VALENTINE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I rise today in strong support of H.R. 820, the National Competitiveness Act. For years, I have been a staunch advocate of this type of legislation which broadens Federal involvement in the development of our critical civilian technology.

This act provides funds to U.S. companies wishing to upgrade their manufacturing technology and establishes a nationwide network of outreach centers to help private firms develop and adopt advanced manufacturing technologies.

The development of efficient industrial technology is essential if we want to create jobs in this country. H.R. 820 represents vital investment in our technological capability and therefore the success of our 21st century technology base. This kind of active investment in technology will improve the ability of U.S. manufacturers to compete in global markets.

America's position in the international market has been slipping now for decades. For the past 20 years, our economic competitors have made great strides in developing and applying technology for civilian industries to where the United States is no longer the unmatched scientific superpower it once was. This decline concerns all of us. Millions of jobs are tied to America's manufacturing industries. When these industries suffer, American workers suffer.

I recognize that the Government cannot by itself reverse the industrial decline facing America, but I believe it must play a more active role in protecting the welfare of American industry. Businesses need the support of Government to compete fairly and effectively in the international arena where foreign Governments are backing their own industries.

We must not step aside and watch foreign firms continue to take over our markets and endanger our industrial base and national security. Without increased Federal commitment to civilian research and development, our industrial base will continue to dwindle; a strong technological base is vital to our future economic growth and the future health of our Nation. I urge my colleagues to support this important and long overdue legislation.

Mr. VALENTINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I stand before you today in favor of H.R. 820, the National Competitiveness Act of 1993. In the Second District of Minnesota, numerous small and medium sized high technology businesses are thriving and growing. H.R. 820 would help them expand to compete in the world market.

Mr. Chairman, besides providing funds for investment in new technology, this bill will establish a nationwide network of outreach centers to develop advanced manufacturing.

I created a technology sounding board to serve as an advisory committee. It is made up of companies in my district. Representatives come from Hutchinson Technology, Montevideo Technology, MTS Systems Corp., the University of Minnesota, and 3M. They are dedicated to technology advancement and economic growth.

Mr. Chairman, the members of the sounding board are interested in the American work force quality partnerships that are set up in this act. It encourages companies to train their employees in technology, industrial management, and total quality management through matching funds.

Mr. Chairman, I encourage my colleagues to vote for H.R. 820, the National Competitiveness Act of 1993. I am hopeful that other committees in Congress will take up where this bill leaves off. We need to work to reduce unnecessary regulation, relax antitrust laws, reform tort laws, and revise tax laws, all to further economic development. However, these goals are not mutually exclusive to this bill.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

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Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, at a time when the administration, the American people, and Members on both sides of the aisle in both Houses are at least talking about cutting the national debt, it seems ironic that we would now be considering the National Competitiveness Act. This bill would make for bad public policy; be counterproductive to reform; and cost too much.

H.R. 820 will add another $1.5 billion to the deficit for programs with suspiciously little economic value.

Some have said that this bill is a technology package. Unfortunately, this is not accurate. In fact, this bill goes beyond and costs even more than the President has requested. That is why the Commerce Department has indicated grave concerns about a number of provisions in the bill.

There is no evidence that H.R. 820 will alleviate the production and marketing difficulties faced by America's technological industries, as some have claimed. And, Mr. Chairman, more of the same medicine rarely cures one's ills.

To promote American technological business at home and abroad, we should enact legislation to liberate them from the evergrowing regulatory and bankrupting demands of the Federal Government.

Far from being the technology package it is being sold as, H.R. 820 will only thrust the Federal Government into areas best left to the private sector.

I urge my colleagues to vote against H.R. 820.

Mr. VALENTINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman from North Carolina for yielding time to me.

I rise today in strong support of H.R. 820, the National Competitiveness Act of 1993. I spoke on behalf of similar legislation in this Chamber last year, and I am particularly pleased to be able to speak again this year. The importance of increasing our industrial competitiveness, and the problems of our eroding manufacturing base have not lessened any over the past year. We have a jobless recovery which is not putting people back to work in high wage jobs. Every day we have companies announcing layoffs, or plans to move jobs out of this country.

But one thing that has changed is the occupant of the White House. President Clinton came into office with a mandate to find ways to ensure that our manufacturers, our economy, and our standard of living remain the best in the world. He articulated the need for a national strategy to support and promote high wage jobs in this country. The American people understand the need for such a strategy, and I think they elected President Clinton in large because of his vision for improving our economy. The National Competitiveness Act represents that strategy and it represents our best chance for strengthening our economy into the 21st century.

So, I want to emphasize the importance of the manufacturing outreach provisions of this bill. I am extremely pleased that the National Competitiveness Act strengthens our manufacturing outreach, in ways similar to the Small Business Manufacturing Extension Act, which I filed again this year.

This country must learn to do better in helping manufacturers, especially small ones, get the assistance they need across the entire range of production, from the best manufacturing technology, to equipment upgrades and financing, to energy efficiency and waste reduction, to worker training and improved management techniques.

I would also like to emphasize the importance of the training provisions of this bill. H.R. 820 helps our workers and businesses get the training assistance they need. Too often when workers are told they should seek job training, the response is, "For what?" It is a cruel truth that there are virtually no programs which provide training assistance to help businesses stay afloat in this economy and help workers keep their jobs. We help workers once they have become unemployed, but how much better it would be for the worker, the business, and the community if we could help the company before it lays off employees. The American Workforce Quality Partnerships is a major step forward in making that goal a reality, and I strongly support those provisions as well.

Too often we in Congress are open to the accusation of not seeing beyond the next election. I urge my colleagues on both sides of the aisle to support this farsighted effort to keep high wage jobs in this country.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, we should all oppose the National Competitiveness Act of 1993. I choked on it because it is that bad. Do not be mistaken.

I, more than anyone else, would like to see a bill come before this body that would help put American business back in the driver's seat. But H.R. 820 creates all the things that businesses have stated they do not need.

More Government regulation, new and duplicative bureaucracies, increased national deficit or, to be clear, business as usual.

The type of bill business wants is one that provides tax incentives, eliminates Government regulations, reforms laws that are anticompetitive and, at the same time, reduces the deficit.

H.R. 820 also increases the Department of Commerce funding by over $700 million. That is an increase of over 158 percent.

I thought the American people had been very clear. Congress must reduce spending, not increase it.

Included in this 158-percent increase are six programs that are not even requested by the President's budget. Amendments were offered to strike these unauthorized funds, but were soundly defeated along party lines. The President does not want these programs, but for some reason, the Democrats believe they are important enough to bust the President's budget for fiscal 1994.

Even the Commerce Department is opposed to several provisions in this bill. General counsel for the Commerce Department is quoted as saying, "We have grave concerns about a number of provisions in this bill" and "these provisions will be counterproductive to the achievement of the objectives of H.R. 820. They may even have unintended and serious consequences."

Vote for American business and for the future of America. Vote against this bill.

Mr. VALENTINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Chairman, I rise in strong support of H.R. 820, the National Competitiveness Act of 1993. This legislation offers an effective plan to stimulate investment and to promote the commercialization of new technologies in the U.S. economy.

With the support of President Clinton, we are now ready to implement a workable plan to make America more competitive in global markets. The payoff from this effort will be to reduce an unacceptably high foreign trade deficit, amounting to $83 billion in 1992. This legislation will also stimulate greater productivity in the United States and serve to accelerate the growth of the U.S. economy.

President Clinton has set a vision for the economic growth in the United States which calls for our country taking the lead in developing cutting edge technologies, especially in the area of environmentally sensitive industrial applications. The private sector is already moving forward in this arena but all too often this effort is fragmented. Even worse, existing Federal policies can at times hinder the successful development of our country's technological resources.

That is why H.R. 820 is so important. The National Competitiveness Act provides a starting point for coordinating Federal research resources and making them more user friendly to the private sector. This legislation will not restore America's competitive edge overnight, but it is a step in the right direction.

H.R. 820 makes investment in new technologies and increased competitiveness a Federal priority. This bill offers business leaders, entrepreneurs, and workers reassurance that the Federal Government is willing to work with them to make U.S. industry more competitive. It acknowledges the simple fact that there is a part for the Federal Government to play in providing incentives for the commercialization of new technologies.

A key element of this legislation is the establishment of a national network of advanced manufacturing technology centers and technology extension services. The U.S. Department of Commerce would be the lead agency responsible for coordinating this effort at spreading the benefits of emerging technologies throughout the Nation's economy. The diffusion of technology will promote the successful integration of new manufacturing techniques and procedures to businesses seeking to compete in a rapidly changing global marketplace.

The National Competitiveness Act also increases significantly the Federal commitment of resources to the development of civilian technologies. H.R. 820 authorizes a total of $1.49 billion for the Commerce Department, including the national Institute of Standards and Technology and the Technology Administration. It also authorizes $50 million for the National Science Foundation to expand its activities in the area of manufacturing technology development, and to promote manufacturing engineering education and total quality management programs.

It is imperative that Congress support the efforts of private industry to develop the high-technology skills and products necessary to compete in the 21st century. H.R. 820, the National Competitiveness Act, does just that. I urge my colleagues to support this legislation and support efforts to restore America's competitive edge in the world's economy.

Mr. WALKER. Mr. Chairman, I reserve the balance of my time.

Mr. VALENTINE. Mr. Chairman, could I inquire as to how much time remains on our side?

The CHAIRMAN. The gentleman from North Carolina [Mr. VALENTINE] has 6¼ minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 4 minutes remaining, which he has reserved.

Mr. VALENTINE. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Chairman, I thank the gentleman for yielding time to me and for his leadership and diligence.

The gentleman from California, Chairman BROWN, a few moments ago noted that one-third of our economic growth in America can be attributed to advances in technologies.

It is also true that two-thirds of our productivity increases over the past half century can be attributed to advances in technology.

The gentleman from Pennsylvania [Mr. WALKER] is right, as he often is. There are many answers to our challenge of competitiveness.

One is basic scientific research. Another is investing in space, and the gentleman from Pennsylvania [Mr. WALKER] has rightly championed both those causes and increased spending on both of those causes.

Another is regulatory relief, and I stand here as the prime sponsor in the House on the Democratic side of the regulatory relief bill for the banking industry to end the credit crunch. We need to do that and more.

Another answer is tax relief for business, and I stand here as someone who supports the investment tax credit, a permanent research and development tax credit, and also real capital gains cuts for small business and others.

Still another is fiscal responsibility, and I stand here as a cosponsor of the balanced budget amendment, which we desperately need.

I stand here, too, as a Democrat who voted for not only the Democratic modified rescission bill last week but also the Republican version of the line-item veto.

We need those initiatives. These are some of the answers. The gentleman from Pennsylvania [Mr. WALKER] and others are right.

Other answers are in this bill, other answers that will help inspire advances in technology that will create the conditions in which we will have economic growth and in which we will have productivity increases and in which we will create jobs.

☐ 1920

What are these radical ideas we are offering? Manufacturing outreach, manufacturing extension services akin to what we have had in agriculture for a half century, and expansion of the Advanced Technology Program, transfer technology programs, allowing the National Science Foundation to do engineering and manufacturing research as well as their traditional activities, increasing long-term capital for high-technology businesses, and more.

These are not radical ideas, these are perfectly reasonable ideas. If they are so much opposed to the will of business in America, then why has the National Association of Manufacturers endorsed this bill? Why, too, has the American Electronics Association not only endorsed this bill, but begged us, virtually, to pass something like this bill?

This is not new spending, but different spending in a different direction. The moneys that are authorized in this bill are precisely the moneys that the President recommended and that the Committee on the Budget contemplated in the budget resolution, and the spending here is offset by cuts in other programs. It is all within the overall deficit reduction plan that we have enacted as a Congress.

This is not more government, this is a different kind of Government, one that helps act as a catalyst in helping create conditions conducive to economic growth. We are not telling business what to do, we are making it possible for business to do all that it wants to do and needs to do.

This is most certainly not what we have had for the past dozen years, a Government that ignored the needs of American business and American workers, a Government that did absolutely nothing to help America compete in this new world.

It is time we stopped doing nothing. President Clinton has said we need to compete and not retreat. Mr. Chairman, there are 20,000 unemployed people in my district alone who need the kind of initiatives that are in this bill. I am voting for it, and I urge each of my colleagues to vote for this new direction in America.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, my, how interesting it is, that the opiate of feeding at the public trough makes strange bedfellows, doesn't it.

Mr. Chairman, I rise in opposition to H.R. 820, the National Competitiveness Act. There are at least two features of the act which I feel are destructive to competitiveness in this country. One of them is the notion that a basic research institution like the National Science Foundation should become involved in things which are just fundamentally incompatible with basic research. It cannot be directed to where there will be societal payoff and it should not, certainly, be combined with manufacturing.

The notion that the Federal Government and bureaucrats and politicians can make better judgment as to where venture capital should be spent is certainly foreign to the vast percentage of Americans. It is true that investing money will create jobs, but it is not true that better jobs will be created by investing that money through the Federal Government.

I urge defeat of this bill, because it is a bad bill.

The CHAIRMAN. The gentleman from North Carolina [Mr. VALENTINE] has 2¾ minutes remaining.

Mr. VALENTINE. Mr. Chairman, I assume we have the right to close.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER] for 3 minutes.

Mr. WALKER. Mr. Chairman, this has been an interesting debate. It starts with the premise from the Democrat side that somehow this country is unable to compete in the world, and therefore, what it needs is more government spending and more government involvement.

I would suggest that the evidence is just the opposite, that this country has the capacity to compete in the world and do so very well, and is doing so very well. Our automobile industry today is the most productive industry in the world in terms of its technology, in terms of its ability to make cars.

There are a lot of other problems it has with regulations and with expenses for pension programs and for health care and a lot of things like that that this bill cannot even get to, but in terms of technology they are the most productive automobile industry in the world. That is true of many other industries in this country as well.

In fact, when we hear the other side of the aisle, hear the Democrats, the liberals talking about the fact that business wants this bill, we ought to listen to what the businessmen have to say about it. Let me quote from a few.

For instance, Mr. Joe Zemke, CEO of America's largest manufacturer of IBM plug-compatible mainframes. He says:

> As a high technology executive who faces the rigors of the market every day, I view both the data highway and any subsidy of high performance computers as the most recent examples of industries lining up to feed at the public trough. There may be a few select winners, but the majority, and the taxpayer, lose.

Mr. Don Valentine, founding venture capitalist and director of Apple Computer, and this is interesting, what he has to say. He says:

> To Washington I say, please do not help us. The world of technology is complex, fast-changing, unstructured, and thrives best when individuals are left alone to be different, creative, and disobedient. Go help the Russians. They are a Third World technology state. Go help all of the people who know how "pork" works and who want to be taken care of. But please do not help us.

Another businessman, Finis Conner, founder and CEO of the Silicon Valley's leading disk drive maker. He says:

> The development of all technologies and products involves risks and rewards. The government should not be in the business of speculating with taxpayers' money on which of those risks will be winners and which will be losers.

Then there is John Adler, CEO of Adaptec, a $300 million supplier of components and software to the personal computer industry. He says:

> I am not in favor of increased government spending, even if it is called investment and even if it is directed toward high technology.

Then there is Dr. T.J. Rodgers, president and CEO of Cypress Semiconductor Corp. He says, and he speaks for an awful lot of businessmen out across the country when he says:

> I do not want handouts. The men and women of our company do not want handouts. If Congress wants to help American high technology, handouts are the wrong way to go, especially if they are funded with huge tax increases on individuals and corporations.

Understand, that is what this is all about. The gentleman from Florida told us this is part of the President's deficit reduction package, and indeed, it is. The President's deficit reduction package involves $300 billion of new taxation. This $1.5 billion is being paid for by big new taxes. This is not savings from someplace, this is a tax program designed to increase spending by 158 percent in 2 years. We cannot afford it. Vote "no."

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE] to close debate.

Mr. VALENTINE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, here again we have seen two different and extreme views presented on the floor of the House with respect to what is really a very modest attempt to address a very, very serious national problem.

First of all, I would like to, in the time remaining, the short time remaining, clarify statements that have been made with respect to the attitude of the Department of Commerce toward this legislation.

I hold in my hand the letter from the Secretary of Commerce, Mr. Ron Brown, which bears the date of April 27, just a few days ago, addressed to Chairman GEORGE BROWN. He says, among other things, that:

> I believe, as you do, that the initiatives set forth in H.R. 820 will ensure that the United States is second to no other nation in the development, adoption, and use of modern and advanced manufacturing technology.

This is an effort, Mr. Chairman, as many have pointed out, to provide for American industry something approaching the Extension Service, which was one of the greatest contributors to the welfare of agricultural people in the United States over the last 50 or 60 years.

It is an effort on the part of the Committee on Science, Space, and Technology, joined in by a new and vigorous administration, to redirect priorities in this country, to concentrate on a cooperative effort among American industry, America's leading colleges and universities, its businesses, its industries, and its other institutions of higher learning to concentrate on teaching Americans what they need to compete, and that involves the type of programs that are set forth in the legislation.

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It is in no way a vehicle which does damage to our efforts to reduce the deficit. This is an authorization bill. It will be up to the appropriators to make choices.

I could name to the chairman many different places that I think this money could come from, not the least of which is money that the gentleman from Pennsylvania has supported to go overseas in foreign aid. We could reduce foreign aid just a little bit and have sufficient money to cover the program.

Mrs. MORELLA. Mr. Chairman, I rise in support of the National Competitiveness Act.

In addition to investing in civilian research and development, to making technology accessible to small- and medium-size businesses, to energizing our manufacturing industry, and to encouraging growth and innovation among technology firms, this bill also provides a multiyear authorization through fiscal year 1995 for the National Institute of Standards and Technology [NIST].

Mr. Chairman, I am very proud to represent the National Institute of Standards and Technology [NIST] in my district. NIST is our Nation's only Federal laboratory explicitly charged in its mission to enhance the competitiveness of American industry.

The National Competitiveness Act provides funding for NIST intramural and extramural programs crucial to our Nation's industry and manufacturing. These programs include international standardization, material sciences and engineering, manufacturing technology and extension centers, the advanced technology program, critical technologies development, and the Malcolm Baldrige Awards, among others.

In addition, the bill authorizes $62 million in fiscal year 1994 and $106 million in fiscal year 1995 for the modernization of NIST facilities.

Without this continued funding for renovation and modernization, due to the rapidly deteriorating physical condition of NIST laboratory facilities, the Institute may not be able to meet its critical mission to bolster our Nation's competitiveness.

The deterioration of NIST facilities is already making it impossible for the Institute to provide some United States manufacturers with services on a par with our Japanese and European competitors.

The United States simply cannot afford to let NIST drift into second-rate status. The absolute urgency of moving forward with the 10-year NIST facilities improvement plan cannot be overstated.

A delay in schedule will only increase the total cost and efficiency of the upgrade and modernization. It will continue to prolong serious deficiencies in NIST's ability to meet critical needs of industry for state-of-the-art measurement, standards, and calibration needs.

While I clearly understand the concerns of my fellow colleagues regarding increased spending in these budget austere times, I believe this bill will assist our Nation in regaining our prominent role in the global marketplace. This bill represents a substantive first step in furthering our Nation's ability to compete in the global marketplace. I look forward to continue working on methods to bolster our international competitiveness.

I would like to thank our committee chairman, Mr. BROWN, and subcommittee chairman, Mr. VALENTINE, for their diligent work.

Mr. MINETA. Mr. Chairman, I rise today in strong support of H.R. 820, the National Competitiveness Act. I congratulate my colleagues, Chairman BROWN and Chairman VALENTINE who have worked so long and hard on this important legislation, which may finally become law.

I also am proud to be an original cosponsor of this important legislation, and I am especially pleased that the package includes a bill that I introduced in the 102d Congress to create a civilian technology loan program.

Mr. Chairman, during the last 20 years, other nations have been revising what their economic futures will hold.

Here in the United States, however, we have resisted the emerging economic realities. Over time, we saw our manufacturing base erode, whole industries disappear, and respect for American enterprises decline.

Mr. Chairman, we now need to get back to work building this country.

Our cold war definition of national security has been overtaken by different definition of national survival. America's security and prosperity now depend upon our ability to compete in the world marketplace.

That is why the Clinton administration is supportive of the National Competitiveness Act.

The National Competitiveness Act of 1993 fulfills many of the goals supported by President Clinton in his technology package, which he released last February in Silicon Valley.

Among many other things, the bill contains enhanced support for the Advanced Technology Program and for Manufacturing Outreach Centers, which will provide the help needed by small- and medium-sized companies vital to the infrastructure of the U.S. electronics industry.

The bill will also address the problem of a lack of patient, low-cost capital available to U.S. high-technology companies, by providing loans and venture capital through the Civilian Technology Loan Program and the Civilian Technology Development Program, respectively.

In short, Mr. Chairman, the American Technology Preeminence Act includes many basic initiatives of a comprehensive technology policy that will help American firms compete.

During his inaugural speech President Clinton said, "There is nothing wrong with America that cannot be cured by what is right with America."

I believe this to be true.

Our new administration realizes that America must redefine the relationship between Government and industry to produce new technology and jobs as old ones are phased out.

With leadership in the White House and articulate policy measures such as the National Competitiveness Act in the Congress, we can get a jump on the 21st century, by making technological leadership a national priority.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. VALENTINE] has expired.

Mr. VALENTINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Ms. BROWN of Florida) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980, to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

NATIONAL SERVICE TRUST ACT OF 1993 AND STUDENT LOAN REFORM ACT OF 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–82)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor, the Committee on Ways and Means, the Committee on Post Office and Civil Service, and the Committee on the Judiciary, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "National Service Trust Act of 1993" and the "Student Loan Reform Act of 1993." These Acts represent innovative public policy founded on traditional American values: offering educational opportunity, rewarding personal responsibility, and building the American community. In affirming these values, the Acts reject wasteful bureaucracy—instead reinventing government to unleash the ideas and initiative of the American people. Also transmitted is a section-by-section analysis.

Throughout the Presidential campaign last year, Americans of all backgrounds and political persuasions responded to national service like few other ideas. The reasons are clear. Higher education is fundamental to the

American Dream, but complex procedures and inflexible repayment plans have created serious problems for many students with education loans to pay back. Defaults are too high today—and taxpayers are left to foot the bill. Americans are yearning to reaffirm an American community that transcends race, region, or religion—and to tackle the problems that threaten our shared future.

The two Acts are designed to meet these basic American needs. The National Service Trust Act of 1993 establishes a domestic Peace Corps, offering hundreds of thousands of young people the opportunity to pay for school by doing work our country needs. The Student Loan Reform Act of 1993 overhauls the student loan system. Through a one-stop direct student loan program, the Act will save taxpayers billions of dollars, lower interest rates for students, and simplify the financial aid system. And through new EXCEL Accounts and other repayment options, the Act will offer borrowers greater choice and lower monthly payments while reducing the chance of defaults.

The National Service Trust Act of 1993 establishes a definition of national service that is clear but broad. National service is work that addresses unmet educational, environmental, human, or public safety needs. It enriches the lives of those who serve, instilling the ethic of civic responsibility that is essential to our democracy. And national service does not displace or duplicate the functions of existing workers.

Building on the National and Community Service Act of 1990 and the flourishing community service programs of nonprofit organizations and States, the initiative rejects bureaucracy in favor of locally driven programs. In the spirit of reinventing government, the Act will empower those with the greatest expertise and incentives to make national service work.

The Act enables citizens of all backgrounds to serve and use their educational awards where they see fit. While many participants will be recent college graduates, Americans will be eligible to enter the program at any time in their adult lives. Both full-time and part-time service will be encouraged. And whatever their educational level, those who complete a term of service will receive an award of $5,000. The award will be payable toward past, present, or future educational expenses in 4- and 2-year colleges, training programs, and graduate and professional schools.

The Act demands that programs meet tough guidelines for excellence and requires measurable performance goals and independent evaluations. Within these limits, however, the Act enables the people who run programs to design them. The smallest community-based organizations and largest Federal agencies will be able to compete for funding. A variety of program models will be eligible, ranging from youth corps that enable at-risk youth to meet community needs, to preprofessional programs that give college students ROTC-like training and then placements in specific problem areas, to diverse community corps that involve Americans of all backgrounds in meeting common goals.

With the economic market as a model, there is competition at every level of the system: programs compete for State approval, States compete for Federal approval, and programs at the national level compete against each other and States for Federal approval. To build public/private partnerships that earn support far beyond government, the Act requires programs to make a cash match and to increase nongovernment support as time passes.

The Act is designed to reduce waste and promote an entrepreneurial government culture. The Act establishes a new Government Corporation for National Service that combines two existing independent agencies, the Commission on National and Community Service and ACTION. With flexible personnel policies and a small, bipartisan Board sharing power with a Chairperson, the Corporation will operate as much like a lean nonprofit corporation as a Government agency.

The State level will mirror the Federal level and build a strong partnership between the two. Bipartisan State commissions on national service will be responsible for selecting programs to be funded by States. To ensure genuine Federal/State cooperation, a representative of the Corporation will sit on State commissions and a representative of the States on the Corporation Board.

The National Service Trust Act of 1993 encourages Americans to join together and serve our country—at all ages and in all forms. The Act enhances the Serve-America program for school-age youth; extends and improves the VISTA and Older Americans Volunteer Programs authorized under the Domestic Volunteer Service Act; supports the Civilian Community Corps and Points of Light Foundation; and pulls these efforts under the new Corporation. The Act will help instill an ethic of service in elementary and secondary school students, encourage them to serve in their college years, and give them further opportunities later in their lives.

The Student Loan Reform Act of 1993 will take an important first step toward comprehensive reform of the student loan system. It saves money, makes loan repayment more affordable, and holds students more accountable. The measures in no way replace the Pell Grant program, which will remain the cornerstone of financial aid for millions of students.

The Student Loan Reform Act of 1993 replaces the current Federal Family Education Loan program with the Federal Direct Student Loan Program over a 4-year period. By eliminating subsidies to private lenders and making loans directly to students, direct lending will save taxpayers $4.3 billion through Fiscal Year 1998 and still allow interest rates to drop for student borrowers. Many schools will make loans directly to students on campus, though none will be forced to do so. In addition, no institution will service or collect loans. This reform simplifies the system for many students, enabling most to receive all their aid through "one-stop shopping" at their institutions' financial aid offices.

The lending reform expands choice and reduces burdens for all student borrowers by offering a variety of repayment plans—including fixed, extended, graduated, and income-contingent schedules. In the same way that multiple financing options help homeowners, these plans offer real choice to all and lower monthly payments to those who want them. Income-contingent repayments—through the new EXCEL Accounts—also encourage service by students who do not participate in service under the National Service Trust Act. With more manageable monthly payments, more students will be able to take jobs that pay less but do more for their communities, without risking default. And whatever plan they first choose, students will be able to change their repayment schedule as their circumstances change.

The Student Loan Reform Act of 1993 will also reduce default rates. By electing income-contingent repayment schedules, students with lower incomes will be able to repay their loans on a manageable plan, without defaulting. Through cooperation with the IRS, the Act will improve collection and monitoring of student loans. And for those who are able to pay but do not, the Act will give the Secretary of Education authority to require payment on an income-contingent basis.

Opportunity, responsibility, and community go beyond politics. They are basic American ideals. Enactment of these two Acts will express the Nations's commitment to these ideals and to our shared future. I urge the Congress to give the legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1993*.

OPPOSE THE BTU TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM], is recognized for 5 minutes.

Mr. KIM. Madam Speaker, I am here today to speak on the proposed energy tax, referred to as the Btu tax.

This tax will seriously harm competition for American manufacturing businesses in the global market.

From a statement by the National Association of Manufacturers, it is clear that the Btu tax would unilaterally increase the cost of U.S. produced goods. Our products would become much less competitive in the world market.

Anyone can see that this will further add to our trade deficit and job losses in America.

I have to ask myself, why does this administration keep coming to this House for more and more tax increases?

My phones in my district run off the hook every time the President suggests a new tax.

The eyes of the people are open. They know they are already taxed too much. They understand that every new tax adds to the deficit. They know that these new taxes will not be used to reduce the deficit, instead they will be spent on new wasteful spending programs.

When will we ever end this vicious cycle of tax and spend, tax and spend, tax and spend? When will this Congress actually vote to eliminate Government waste and for real spending cuts?

This Btu tax makes a mockery of all the promises this President made during his campaign. He promised to stimulate small business. He promised never to put a new tax burden on middle-income Americans.

He promised to cut the deficit. Now we face the reality of the new administration. The mega-deficit will grow under current policies.

The American people are being laminated with tax increases, Social Security tax increases, income tax increases, corporate tax increases, excise tax increases, value added taxes. Now, the Btu tax. And we can only speculate on the cost of the coming health plan tax.

This economy cannot absorb all these new taxes. The American taxpayer cannot afford all these new taxes. No Nation has ever taxed its way into prosperity.

How many Americans know what a Btu really is? Or how many millions of Btu's are in a gallon of gas? This is the biggest energy tax increase in American history.

He is calling it a Btu tax so that average Americans are deceived; confused into thinking this is a tax on someone else. It is not.

The American consumer, senior citizens, small-business owners, middle-class workers and even the urban poor, are the people who will pay the tab for the Btu tax. Every time they fill up their car, turn on a light, or even cook their dinner. Those broad promises and pledges that Mr. Clinton made to the middle-income taxpayer during his campaign have been forgotten.

I urge my colleagues to join me in supporting the taxpayer and voting down this deceptive Btu energy tax.

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ENCOURAGING PRIMARY-CARE PRACTITIONERS: THE 1 PERCENT SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, tomorrow I am introducing an improved version of H.R. 6175, legislation I introduced in the 102d Congress to help make medical education more affordable.

By making health professionals' education more affordable, we will help correct the national imbalance between medical specialists and primary care practitioners—which is particularly acute in the medical profession.

The need for more primary care doctors is clear. While America has a growing surplus of highly skilled medical specialists, many neighborhoods suffer from a shortage of primary care doctors and family practitioners. Each year, fewer medical school graduates are choosing to become the primary care doctors who fight on the frontlines of preventive medicine. An article in the September 5, 1992, National Journal documents this trend:

> The Nation's supply of doctors grew nearly 3.5 times as fast as the general population during the past decade. Yet the percentage of physicians trained in primary care—already well below the 50 percent or more found in many other industrialized countries—has been falling steadily, and now stands at 32 percent.

Students are choosing medical subspecialty careers because they pay better—often two or three times better. According to the American Medical Association, the salary for many medical subspecialties is well over $200,000 while general and family practitioners earn, on average, $93,000. In fact, 25 percent of primary care physicians earn less than $65,000.

Health professional organizations estimate that the average medical school graduate owes $55,000. Many new doctors have debts of over $80,000. Optometrists face debts of almost $37,000, dentists usually graduate $60,000 in the red, osteopathic students usually need $75,000, and podiatrists often owe a whopping $90,000.

These high educational debts mean that health professional students, especially doctors, need high salaries to meet their exorbitant student loan payments. Low primary care salaries and daunting educational debt discourage many students from primary care and encourage them to become high-paid, high-charging, test-ordering specialists whose income demands worsen the inflationary trends plaguing our health care system.

Unfortunately, we do not get better care for this higher cost. The Council on Graduate Medical Education reports that, due to the lack of family practitioners, primary care is increasingly provided by subspecialists with little or no education in the delivery of primary care.

Today I am proposing a 1-percent solution which would enable medical, dental, podiatry, osteopathy, and optometry graduates to choose primary care careers without losing their stethoscopes.

My bill would create a Health Education Lending Program [HELP] and trust fund for students in these five fields. Compared to current loan programs, HELP aid will be easier to administer, more affordable for young graduates, and less vulnerable to student loan defaults which add to our $4 trillion debt.

HELP's strength lies in its simplicity. Eligible students could borrow up to $60,000 to help pay for tuition and educational expenses. After residency, the HELP graduate pays a 1 percent tax on his or her modified adjusted gross income until age 67. The proceeds from this tax are deposited into the HELP trust fund which uses its funds to help the next generation of students.

The trust fund contribution would be collected by the Internal Revenue Service [IRS], probably through the contributor's W–4 withholding, making collection easy and automatic. Additional payments and corrections could be made on the yearend tax return. And since the only sure things in life are death and taxes, the program is sure to decrease the number of people who default on their federally insured loans.

Most importantly, HELP will guarantee graduates that primary care salaries will cover their educational costs. Unlike commercial lending programs, which let debt payments reach almost 20 percent of the borrower's income, no HELP graduate would pay more than 1 percent of their income.

HELP also features a 3-year residency forbearance period and a public service incentive to make it even more attractive to students.

There are still some issues which we need to resolve during the hearing process.

I would be interested to hear comments on how best to structure the program to meet dental residents' needs. Unlike doctors, some dental residents must pay a residency tuition. I have included a provision to allow these costs to count toward the loan limit, but am not sure if this meets their needs.

Also, I would like the hearing process to look into whether the program should offer an additional incentive for primary care practitioners. As it is, the program already favors primary care practitioners, and to offer an additional incentive might cost the trust fund more than it can afford.

I want to stress that the formal input from the Congressional Budget Office and committee hearings will probably change some of the specifics to keep the trust fund solvent, possibly including the repayment tax rate. However, the goal of providing health professionals the cheapest, simplest, most affordable way to pay for their medical education will not change.

I urge my colleagues to join me today in supporting this important program which will give us more primary care doctors and make health professional education more affordable for the students.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) on May 5 and 6, on account of family business (new baby).

Mr. McINNIS (at the request of Mr. MICHEL) for today and May 6, on account of his attendance of the Department of the Interior's grazing fees hearing in Grand Junction, CO.

Mr. INHOFE (at the request of Mr. MICHEL) for today and the balance of the week, on account of a death in the family.

Mr. YOUNG of Florida (at the request of Mr. MICHEL) from 3 p.m. for the balance of the day, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 60 minutes, on May 19.

Mr. SMITH of New Jersey, for 60 minutes, on May 18.

Mr. DELAY, for 60 minutes, on May 18.

Mr. DOOLITTLE, for 60 minutes, on May 18.

Mrs. BENTLEY, for 60 minutes each day, on June 2, 3, 8, 9, 10, 15, 16, 17, and 22.

(The following Members (at the request of Mr. VALENTINE) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. REYNOLDS, for 5 minutes, today.

Mr. KOPETSKI, for 60 minutes, on May 6.

Mr. BROWN of California, for 60 minutes, on May 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. GOODLING.

Mr. KING.

Mr. SMITH of Michigan in six instances.

Mr. GREENWOOD.

Mr. WALSH.

Mr. CALVERT.

Mr. LEWIS of California.

Mr. THOMAS of California.

Mr. DUNCAN.

Mr. HENRY.

Mr. BILIRAKIS in two instances.

Mr. GINGRICH.

Mr. SMITH of New Jersey.

Mr. COX.

Mr. ARMEY.

Mr. SOLOMON in two instances.

Mr. BEREUTER.

Mr. DORNAN.

Mr. FAWELL.

Mr. PACKARD.

Mr. ROTH.

Mr. CUNNINGHAM.

Mr. CRANE.

Mr. LIGHTFOOT.

(The following Members (at the request of Mr. VALENTINE) and to include extraneous matter:)

Mr. RUSH, in four instances.

Mrs. KENNELLY.

Mr. RICHARDSON.

Ms. MALONEY.

Mr. APPLEGATE.

Mr. SAWYER.

Mr. SERRANO.

Mr. LAFALCE.

Mr. ACKERMAN, in two instances.

Ms. LONG.

Mr. ROSE.

Mr. STOKES.

Mr. PAYNE of New Jersey.

Mr. LANTOS, in three instances.

Mr. STARK.

Mr. BREWSTER.

Mr. BONIOR.

Mr. OWENS.

Mr. SANGMEISTER.

Mr. LEVIN.

Mr. JACOBS.

Mr. CLAY.

Mr. KENNEDY.

Mr. KILDEE.

Mr. CONDIT.

Mr. HOCHBRUECKNER.

Mr. EDWARDS of California.

Mr. ANDREWS of Maine.

Mr. KLEIN, in two instances.

Mr. MARKEY.

Mr. BERMAN.

Mr. ANDREWS of New Jersey.

Mr. GEPHARDT.

Mr. WAXMAN.

Mr. BEILENSON.

Mr. COYNE.

Mr. HOAGLAND.

Mr. FAZIO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 433. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes; to the Committee on Natural Resources.

S. 884. An act to make technical amendments to the Higher Education Act of 1965 and the Carl D. Perkins Vocational and Applied Technology Act; to the Committee on Education and Labor.

ADJOURNMENT

Mr. KIM. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 6, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1161. A letter from the Secretary of Education, transmitting final regulations—Drug Prevention Programs in Higher Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1162. A letter from the President, Institute of American Indian Arts, transmitting their annual report for 1992, pursuant to Public Law 99-498, section 1515(a) (100 Stat. 1609); to the Committee on Education and Labor.

1163. A letter from the National Foundation on the Arts and the Humanities, transmitting a draft of proposed legislation to authorize appropriations for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for fiscal years 1994 and 1995; to the Committee on Education and Labor.

1164. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a revised listing for the last four quarters of licenses/approvals for the export of commercially sold defense articles/services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1165. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Singapore (Transmittal No. OTC-20-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1166. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on international terrorism for 1992, pursuant to 22 U.S.C. 2656f; to the Committee on Foreign Affairs.

1167. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1168. A letter from the Chairman, U.S. Sentencing Commission, transmitting the 1992 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

1169. A letter from the Secretary of Transportation, transmitting the biennial report on compliance with the Marine Plastic Pollution Research and Control Act, pursuant to 33 U.S.C. 1902 note; to the Committee on Merchant Marine and Fisheries.

1170. A letter from the Acting Deputy Director, Office of Personnel Management, transmitting a report on the voluntary leave transfer and leave bank programs, pursuant to Public Law 100-566, section 2(e)(2) (102 Stat. 2845); to the Committee on Post Office and Civil Service.

1171. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 73d quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

1172. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for eight countries concerning their commercial shrimp fleets and technology used that may adversely affect certain sea turtles; jointly, to the Committees on Appropriations and Foreign Affairs.

1173. A letter from the Secretary, Department of Energy, transmitting the third annual report on the programs, projects, and joint ventures supported under the act, pursuant to 42 U.S.C. 12006; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

1174. A letter from the Chairman, National Transportation Safety Board, transmitting a draft of proposed legislation to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1175. A letter from the Director, Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for 8 years and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS of Wyoming:

H.R. 1976. A bill to guarantee access to affordable health care coverage, to provide for equality with respect to the provision of service in rural areas, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, the Judiciary, and Education and Labor.

By Mr. BEILENSON:

H.R. 1977. A bill to amend the National Parks and Recreation Act of 1978 to remove the limitation on appropriations for land acquisition in the Santa Monica Mountains National Recreation Area; to the Committee on Natural Resources.

By Mr. BLUTE:

H.R. 1978. A bill to amend the Federal Election Campaign Act of 1971 to lower the maximum amount of contributions a multicandidate political committee may make to a House of Representatives candidate, and for other purposes; jointly, to the Committees on House Administration, Rules, and Post Office and Civil Service.

By Mr. BORSKI:

H.R. 1979. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain mixtures of caseinate; to the Committee on Ways and Means.

By Ms. LONG (for herself, Mr. EWING, Mr. LANCASTER, Mr. BAESLER, Mr. KINGSTON, Mr. POMEROY, Mr. EMERSON, Ms. THURMAN, Mr. MYERS of Indiana, Mr. MINGE, Mr. STUPAK, Mr. SPENCE, Mr. PETERSON of Florida, Mr. CLINGER, Mr. PARKER, Mr. MCHUGH, Mrs. CLAYTON, Mr. BEREUTER, Mr. VOLKMER, and Mr. GILLMOR):

H.R. 1980. A bill to amend the Federal Water Pollution Control Act to provide additional assistance to economically distressed rural communities under the State water pollution control revolving loan fund program; to the Committee on Public Works and Transportation.

By Mr. BREWSTER (for himself, Mr. MCCRERY, Mr. MCDERMOTT, Mr. CAMP, Mr. BUNNING, Mr. JACOBS, Mr. CRANE, Mr. SUNDQUIST, Mr. PAXON, and Mr. THOMAS of California):

H.R. 1981. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan; to the Committee on Ways and Means.

By Ms. BYRNE:

H.R. 1982. A bill to direct the Secretary of Energy to establish labeling requirements for products that emit low-frequency electromagnetic fields; to the Committee on Energy and Commerce.

By Ms. BYRNE (for herself, Mr. WAXMAN, Mr. HINCHEY, and Mr. HASTINGS):

H.R. 1983. A bill to amend title XIX of the Social Security Act to clarify the availability of Medicaid payment for childhood vaccine replacement programs; to the Committee on Energy and Commerce.

By Mr. CRAMER:

H.R. 1984. A bill to amend chapter 153 of title 10, United States Code, to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

By Mr. HEFNER (for himself, Mrs. MINK, Mr. FILNER, Mr. DURBIN, Mrs. UNSOELD, Mr. CLAY, Ms. SLAUGHTER, and Mr. TANNER):

H.R. 1985. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Energy and Commerce.

By Mr. LEWIS of Florida (for himself, Mr. BILIRAKIS, Mr. JOHNSTON of Florida, Ms. ROS-LEHTINEN, Mr. BACCHUS of Florida, Ms. THURMAN, Mr. HASTINGS, and Mr. MILLER of Florida):

H.R. 1986. A bill to amend title 38, United States Code, to provide that the effective date for discontinuance of compensation and pension paid by the Secretary of Veterans Affairs shall be the date on which the recipient dies, rather than the last day of the preceding month, in the case of a veteran with a surviving spouse, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LIPINSKI:

H.R. 1987. A bill to prohibit pay-per-view charges for entertainment events that receive public financial support whether or including private entities, nonprofit organizations, or governmental entities; to the Committee on Energy and Commerce.

H.R. 1988. A bill to amend title 17, United States Code, and the Communications Act of 1934 with respect to the public performance, by means of the display of video programming at places of public accommodation, of games between professional sports teams; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MCMILLAN, (for himself, Mr. TAYLOR of North Carolina, Mr. SANTORUM, Mr. DELAY, Mr. GINGRICH, Mr. HASTERT, Mr. HOBSON, Mr. KASICH, Mr. KOLBE, Mr. PAXON, Mrs. ROUKEMA, Mr. WALKER, Mr. BALLENGER, Mr. BLILEY, Mr. DREIER, Mr. GOSS, Mr. GRANDY, Mr. SOLOMON, Mr. CASTLE, Mr. SUNDQUIST, and Mr. SAM JOHNSON):

H.R. 1989. A bill to provide for medical injury compensation reform for health care services furnished using funds provided under certain Federal programs or under group health plans, and for other purposes; jointly, to the Committees on the Judiciary, Ways and Means, and Energy and Commerce.

By Mr. RICHARDSON:

H.R. 1990. A bill to authorize a project to demonstrate the feasibility of voting by telephone; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. OBERSTAR, Mr. WOLF, Mr. LAFALCE, Mr. HYDE, and Mr. SOLOMON):

H.R. 1991. A bill to extend the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met; jointly, to the Committees on Ways and Means, Foreign Affairs, and Rules

By Mr. SMITH of Oregon (for himself, Mrs. VUCANOVICH, Mr. YOUNG of Alaska, Mr. SKEEN, Mr. DOOLITTLE, Mr. HERGER, Mr. ROBERTS, Mr. TAYLOR of North Carolina, Mr. PACKARD, Mr. HANCOCK, Mr. BOEHNER, and Mr. HANSEN):

H.R. 1992. A bill to amend the Endangered Species Act of 1973 to ensure that listing of species is in the public interest, that species are listed only on basis of actual threats, not speculative future threats to their existence, that listing of species and designation of their critical habitat will be subject to blind peer review, that persons conducting listing processes do not benefit economically from a listing decision, that emergency listing without full public and scientific community participation will occur only in emergency situations, that incidental take prosecutions will occur only after a recovery plan has been prepared which provides guidance as to what constitutes a take, and that the act does not encourage suits between private citizens, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TALENT:

H.R. 1993. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide onsite daycare facilities for dependents of their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. VALENTINE:

H.R. 1994. A bill to authorize appropriations for environmental research, development, and demonstration for fiscal years 1994, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. VOLKMER:

H.R. 1995. A bill to amend the Internal Revenue Code of 1986 to allow an exception where a noncustodial parent provides over half of the support of the child for a calendar year to claim such child as a dependent; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Ms. SCHENK, Mr. HUNTER, Ms. FURSE, Mr. PACKARD, Mr. FILNER, and Mrs. BENTLEY):

H.R. 1996. A bill to amend title 10, United States Code, to strengthen the restrictions on the overhaul, repair, and maintenance of naval vessels in foreign shipyards; to the Committee on Armed Services.

By Mr. DEFAZIO:

H.R. 1997. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic timber production and manufacturing, and to deny the benefits of certain export subsidies in the case of exports of unprocessed timber; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 1998. A bill to amend title 11 of the United States Code to provide for the adjustment of certain dollar amounts; to the Committee on the Judiciary.

By Mr. FAZIO (for himself, Mr. LEHMAN, Mr. MURPHY, Mr. GOODLING, Mr. DOOLEY, Mr. FAWELL, Mr. CONDIT, Mr. MATSUI, Mr. STENHOLM, Mr. GUNDERSON, Mr. HERGER, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. PETRI, Mr.

Henry, Mr. Boucher, Mr. Pickett, Mr. Payne of Virginia, Mr. Penny, Mr. Derrick, Mr. Sisisky, Mrs. Thurman, Mr. Valentine, Mr. Lancaster, Mr. Minge, Mr. Hefner, Mr. Montgomery, Mr. Bacchus of Florida, Mr. Hoekstra, Mr. Miller of Florida, Mr. Lewis of Florida, Mr. Canady, Mr. Hansen, Mr. Smith of Oregon, Mr. Upton, Mr. Paxon, Mr. Sarpalius, Mr. Ortiz, Mr. Holden, Mr. LaRocco, Mr. Parker, Mr. Thomas of California, Mr. Wolf, Mr. Ballenger, Mr. Walsh, Mr. Roberts, Mr. Cunningham, Mr. Goodlatte, Mr. Boehner, Mr. McCollum, Mr. Pombo, Mr. Hutto, Mr. Rowland, Mr. Camp, and Mr. McHugh):

H.R. 1999. A bill respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Education and Labor.

By Mr. HOAGLAND (for himself and Mr. Peterson of Minnesota):

H.R. 2000. A bill to amend the Internal Revenue Code of 1986 to provide changes in application of wagering taxes to charitable organizations; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself, Mr. Hoyer, and Mr. Peterson of Minnesota):

H.R. 2001. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated trade or business of such organization; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. Markey, and Mr. Lewis of Georgia):

H.R. 2002. A bill to amend the Social Security Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MARKEY:

H.R. 2003. A bill to amend the Internal Revenue Code of 1986 to require any major or minor arty general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates; to the Committee on House Administration.

By Ms. BYRNE:

H.J. Res. 191. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Joyce Kilmer; to the Committee on Post Office and Civil Service.

By Mr. BOEHLERT:

H.J. Res. 192. Joint resolution designating June 6 through 13, as "National Soccer Hall of Fame Week"; to the Committee on Post Office and Civil Service.

By Mr. de la GARZA (for himself, Mr. Rose, Mr. McDade, Ms. Danner, Mr. Scott, Mr. Towns, Mr. Hall of Ohio, Mr. Rangel, Mr. Filner, Ms. Slaughter, Mr. Emerson, Mrs. Morella, Mr. Hochbrueckner, Mr. Stokes, Mr. Sarpalius, Mrs. Clayton, Mr. DeFazio, Mr. Wheat, Mr. Evans, Mr. Sabo, Mr. Lancaster, Mr. Cooper, Mr. Kreidler, Mr. Edwards of Texas, Mr. Torres, Mr. Bereuter, Mr. Inslee, Mr. Rush, Mr. Walsh, Mr. Olver, Mr. Sawyer, Mr. Gilman, Mr. Frost, Mr. Skeen, Mr. Livingston, Ms. Maloney, Mr. Sanders, Mr. Hughes, and Mr. Leach):

H.J. Res. 193. Joint resolution honoring the Food and Agricultural Organization of the United Nations on its 50th anniversary and reaffirming the U.S.'s commitment to end hunger and malnutrition; jointly, to the Committees on Post Office and Civil Service and Agriculture.

By Mr. KING (for himself, Mr. Levy, Mr. Manton, Mr. Neal of Massachusetts, Mrs. Maloney, Mr. Serrano, Mr. Towns, Mr. Fish, Mr. Ackerman, Mr. McHugh, Mr. Hoke, Mr. Quinn, and Mr. Blute):

H. Con. Res. 93. Concurrent resolution concerning United States policy relating to the north of Ireland; to the Committee on Foreign Affairs.

By Mr. SERRANO:

H. Con. Res. 94. Concurrent resolution expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Barrett of Wisconsin and Mr. Hastings.

H.R. 65: Ms. Molinari and Mr. Matsui.

H.R. 67: Mr. Williams.

H.R. 68: Mrs. Meek.

H.R. 147: Mr. Bartlett.

H.R. 303: Mr. Williams and Ms. Molinari.

H.R. 324: Mr. McNulty and Mr. Levy.

H.R. 325: Mr. Houghton, Mr. Evans, Mr. Andrews of Maine, Mr. Smith of Oregon, Mr. Bryant, Mrs. Bentley, Mr. Lipinski, Mr. Bilirakis, Mr. Bilbray, Mr. Pallone, Mr. King, Mr. Pete Geren, Mr. Browder, Mr. Coble, Mr. Blute, Mr. Bartlett, and Ms. Harman.

H.R. 391: Mr. Everett and Mr. Duncan.

H.R. 392: Mr. Everett, Mr. Bereuter, and Mr. Duncan.

H.R. 485: Mr. Spence, Mr. Hobson, Mr. Derrick, Mr. Foglietta, Mr. Gutierrez, Mr. Mollohan, and Mr. Wynn.

H.R. 509: Mr. McKeon.

H.R. 553: Mr. LaFalce, Mr. Walsh, and Mr. Tucker.

H.R. 567: Mr. Hastert and Mrs. Vucanovich.

H.R. 579: Mr. Smith of Michigan.

H.R. 591: Mr. Rahall, Mr. Santorum, Mr. Mollohan, and Mr. Sawyer.

H.R. 615: Mrs. Maloney.

H.R. 643: Mr. Lipinski, Mr. Murphy, Mr. Shays, Mr. Klink, Mr. Jacobs, and Mr. Reed.

H.R. 647: Mr. LaFalce.

H.R. 665: Mr. Bonior.

H.R. 692: Mr. Wynn, Mr. Dellums, and Mr. Yates.

H.R. 697: Mrs. Collins of Illinois, Mr. Flake, and Mr. Kennedy.

H.R. 702: Mr. Pete Geren, Mr. Smith of Oregon, Mr. Rohrabacher, Mr. Ravenel, Mr. Smith of New Jersey, Mr. Beilenson, Mr. Shaw, Mr. Johnson of South Dakota, Mr. Stearns, Mr. DeLay, Mr. Bateman, Mr. Hansen, Mr. Hefley, Mr. Pastor, and Mr. Hayes of Louisiana.

H.R. 715: Mr. Gallegly.

H.R. 814: Mr. Bereuter, Mr. Bacchus of Florida, Mrs. Roukema, Mr. Linder, Mr. Schaefer, Mr. Swett, and Mr. Dicks.

H.R. 825: Mr. Wynn and Mr. Romero-Barcelo.

H.R. 830: Mr. Strickland and Mr. Fingerhut.

H.R. 833: Mr. Hinchey, Mr. Zimmer, Mr. Reynolds, and Mr. Olver.

H.R. 840: Mr. Lipinski.

H.R. 883: Mr. Cox.

H.R. 894: Mr. Stump.

H.R. 897: Mr. Chapman.

H.R. 899: Mr. Lewis of Florida and Mr. Knollenberg.

H.R. 961: Mrs. Roukema, Mr. Barrett of Wisconsin, Mr. Saxton, Mr. McCandless, Mr. Pomeroy, Mr. DeFazio, Mr. Santorum, Mr. Ewing, Mr. Payne of Virginia, Mr. Boehner, Mr. Sam Johnson, Mr. Taylor of North Carolina, Mr. Doolittle, Mr. Hastert, Mr. Paxon, Mr. Upton, Mr. Burton of Indiana, Mr. Wolf, Mr. Camp, and Mr. Kasich.

H.R. 962: Mr. Everett, Mr. Lightfoot, Mr. Johnson of Georgia, Mr. Porter, Mr. Bishop, Mr. Inglis, Mr. Kolbe, Mr. Hamilton, Mr. Condit, Mr. Browder, Mr. Baker of California, Mr. Klink, Mr. Regula, and Mr. Visclosky.

H.R. 967: Mr. Olver, Mr. Dreier, Mr. Matsui, Mr. Santorum, Mr. Herger, and Mr. Baker of Louisiana.

H.R. 972: Mr. Frost and Mr. Shays.

H.R. 977: Mr. Costello.

H.R. 999: Mr. Slattery.

H.R. 1028: Mr. Towns, Mr. Rangel, Mr. Barcia, and Mr. Blackwell.

H.R. 1036: Mr. Hinchey, Ms. Long, Mr. Barlow, and Mr. Lipinski.

H.R. 1079: Mr. DeLay and Mr. Bateman.

H.R. 1080: Mr. Bateman.

H.R. 1081: Mr. Bateman.

H.R. 1083: Mr. Bateman.

H.R. 1086: Mr. Franks of Connecticut.

H.R. 1120: Mr. McNulty and Mr. Towns.

H.R. 1141: Mr. Petri and Mr. Hayes.

H.R. 1142: Mr. Durbin.

H.R. 1146: Mr. Jacobs, Mr. Coleman, Mr. Towns, Mr. Schumer, Mr. Stark, Mr. Hughes, and Mr. Johnson of South Dakota.

H.R. 1155: Mr. Gordon and Mr. Bereuter.

H.R. 1161: Mr. Barcia, Mr. Frost, and Mr. Costello.

H.R. 1272: Mr. Cox and Mr. Upton.

H.R. 1276: Mr. Hunter and Mr. Callahan.

H.R. 1277: Mr. Crane.

H.R. 1290: Ms. Margolies-Mezvinsky, Mr. de Lugo, Mr. Hastings, Mr. Coleman, and Mr. Romero-Barcelo.

H.R. 1291: Mr. Engel.

H.R. 1293: Mr. Lipinski.

H.R. 1311: Mr. Dreier.

H.R. 1330: Mr. Sisisky, Mr. Michel, Mr. Kyl, Mr. Coble, Mr. Buyer, Mr. Duncan, Mr. Rowland, Mr. Dooley, Mr. Bunning, and Mr. Quillen.

H.R. 1332: Mr. Coleman, Mr. Flake, Mr. Gene Green, Mr. Hobson, Mr. Quinn, Mrs. Thurman, and Mrs. Vucanovich.

H.R. 1419: Mrs. Clayton.

H.R. 1423: Mr. Miller of Florida, Mr. McHugh, Mr. Gejdenson, Mr. Boucher, Mr. Valentine, Mr. Spence, Mr. Kreidler, Mr. Baesler, Mr. Mollohan, Mr. Skeen, Mr. McMillan, Mr. Carr, Mr. Herger, Mr. Bilbray, Mr. Gilman, Mr. Barlow, Mr. Gallo, Mr. Bliley, Mr. Parker, Mr. Brown of Ohio, Mr. Franks of New Jersey, and Mr. Minge.

H.R. 1455: Mr. Kreidler.

H.R. 1518: Mr. Ramstad, Mr. Doolittle, Mr. Sundquist, Mr. Rohrabacher, Mr. Zeliff, and Mr. Porter.

H.R. 1519: Mr. Wolf, Mr. Kreidler, and Mr. Tucker.

H.R. 1541: Mr. Fawell, Mr. King, Mr. Towns, Mr. Inglis, Ms. Maloney, Mr. Gingrich, Mrs. Mink, Mr. Walsh, Mr. Levy, Ms. Molinari, Mr. Hancock, and Mr. Petri.

H.R. 1542: Mr. Evans.

H.R. 1565: Mr. Lipinski and Mr. Quinn.

H.R. 1566: Mr. Studds and Mr. Pete Geren.

H.R. 1573: Mr. Kanjorski, Mr. Regula, Mr. Porter, Mr. LaFalce, Ms. Kaptur, Mr.

Hinchey, Mr. Visclosky, Mr. Wilson, and Mr. Ford of Michigan.

H.R. 1580: Mr. Frost.

H.R. 1595: Mr. Grandy, Mr. Barlow, Mrs. Meyers of Kansas, Mr. Baker of Louisiana, Mr. Parker, and Mr. Hinchey.

H.R. 1608: Mr. Dingell, Mr. Clay, Mr. Bereuter, Mr. Bilirakis, Mr. Cunningham, Mr. Diaz-Balart, Ms. Harman, Mr. Jefferson, Mr. Parker, Mr. Santorum, Mr. Shays, Mr. Tejeda, Mr. Walsh, Mr. Williams, and Mr. Wilson.

H.R. 1609: Mr. Mfume, Mrs. Clayton, Ms. Eddie Bernice Johnson, Mr. Towns, Mr. Thompson, Mr. Clay, Ms. Meek, and Ms. Norton.

H.R. 1637: Ms. Long, Mr. Johnson of South Dakota, Mrs. Unsoeld, and Mr. Penny.

H.R. 1676: Mr. Crane and Mr. Bartlett.

H.R. 1697: Mr. Hansen, Ms. Maloney, Mr. Fields of Louisiana, Mr. Hughes, Mr. Wilson, Mr. Taylor of Mississippi, and Mr. Waxman.

H.R. 1780: Mr. Stupak.

H.R. 1823: Ms. Shepherd.

H.R. 1832: Mr. Olver.

H.R. 1921: Mr. Lipinski, Mr. Neal of Massachusetts, Mr. Swett, Mr. Bartlett, and Mr. Levy.

H.R. 1924: Mr. Lewis of Georgia, Mr. Serrano, Mr. Mfume, Mr. Miller of California, Mr. Towns, and Mr. Torres.

H.R. 1938: Mr. Cardin, Mr. Lewis of Georgia, Mr. Kopetski, and Mrs. Kennelly.

H.J. Res. 44: Mr. Lipinski and Mr. Quinn.

H.J. Res. 59: Mr. Barcia.

H.J. Res. 65: Mr. Tucker.

H.J. Res. 80: Mr. Bilirakis, Mr. Bonior, Mr. Cooper, Mr. Deutsch, Mr. Edwards of Texas, Mr. Lightfoot, Mrs. Lloyd, Mr. McDermott, Mr. Montgomery, Mr. Murphy, Mr. Neal of Massachusetts, Mr. Pastor, Mr. Poshard, Mr. Ravenel, Mr. Slattery, Mr. Stokes, Mr. Tauzin, Mr. Tejeda, Mr. Underwood, Mr. Valentine, Mr. Whitten, Mr. Wilson, and Mr. Yates.

H.J. Res. 84: Mr. Richardson.

H.J. Res. 108: Mr. Crapo, Mr. Hamilton, Mr. Dellums, Mr. Pete Geren, Mr. Johnson of South Dakota, Mr. Mollohan, Mr. Cooper, Mr. Ravenel, Mr. Stokes, Mr. McNulty, Mr. Cramer, Mr. Gunderson, Mr. Underwood, Mr. Spratt, Mr. Rowland, Mr. Reynolds, Mr. Mazzoli, Mr. Gene Green, Mrs. Clayton, Mr. Browder, Mr. Clyburn, Mr. Holden, Mr. Romero-Barcelo, Ms. Maloney, Mr. Bishop, Ms. Danner, Mr. Montgomery, Mr. Murtha, Mr. Tanner, Mr. Payne of Virginia, Mr. Volkmer, Mr. Oberstar, Mr. Wyden, Mr. Schumer, Mr. Boehlert, Mr. Fawell, Mr. Gordon, and Mr. Tejeda.

H.J. Res. 165: Mr. Gingrich, Mr. McNulty, Mr. Lipinski, and Mr. Frost.

H.J. Res. 171: Mr. Kingston, Mr. Oxley, Mr. Stump, Mr. Porter, Mr. Lipinski, and Mr. Solomon.

H.J. Res. 179: Mr. Ackerman, Mr. Bateman, Mr. Doolittle, Mr. Gekas, Mr. Kreidler, Mr. Johnson of South Dakota, Mr. Manton, Mr. McNulty, Mr. Quillen, Mr. Roth, Mr. Rowland, Mr. Sawyer, Mr. Slattery, Ms. Slaughter, and Mr. Waxman.

H.J. Res. 187: Mr. Kasich, Mr. Filner, Mr. Markey, Mr. Doolittle, Mr. McDermott, Mr. Moran, Mr. Martinez, Mr. Abercrombie, Mr. de Lugo, Mr. Baker of Louisiana, Mrs. Bentley, Ms. Eddie Bernice Johnson, Mr. Lewis of California, Mr. Hughes, Mr. Romero-Barcelo, Mr. Frost, Mr. Traficiant, Mrs. Mink, Mr. Rangel, Mr. Dickey, Mr. Reed, Mr. Towns, and Mr. Andrews of Maine.

H. Con. Res. 16: Mr. Archer, Ms. Margolies-Mezvinsky, and Mr. Kim.

H. Con. Res. 37: Ms. Norton, Mr. Gordon, Ms. Eshoo, Mr. Faleomavaega, Mr. Towns, Mr. Penny, and Mr. Johnson of South Dakota.

H. Con. Res. 42: Mr. Towns and Mr. Hastings.

H. Con. Res. 52: Mr. Weldon, Mr. Sarpalius, Mr. Murphy, Mr. Spence, Mr. Ford of Tennessee, Mr. Rahall, Mr. Hancock, Ms. Woolsey, Mrs. Mink, Mr. Valentine, Mr. Coyne, Ms. Eddie Bernice Johnson, Mr. Payne of Virginia, Mr. Pallone, Mrs. Meek, Mr. Klein, and Mr. LaFalce.

H. Con. Res. 67: Mr. Hoke, Mr. Buyer, Mr. Pickle, Mr. King, Mr. Ballenger, Miss Collins of Michigan, Mr. Quillen, Mrs. Meek, and Mr. Wynn.

H. Con. Res. 70: Mr. Shays and Mr. Bunning.

H. Con. Res. 80: Mr. Hall of Texas, Mr. Clement, Mr. Mollohan, Mr. Hughes, Mrs. Maloney, and Mr. Walsh.

H. Res. 50: Mr. Knollenberg.

H. Res. 127: Mr. Applegate.

H. Res. 148: Mr. Johnson of South Dakota and Mr. Mann.

H. Res. 156: Mr. Stump, Mr. Ramstad, Mr. McHugh, Mr. Shays, Mr. Lewis of Florida, Mr. Goss, Mr. Canady, Mr. Quinn, and Mr. Hobson.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 820

By Mr. TRAFICANT:

—Page 119, after line 10, insert the following new subsection:

(c) Purchase of American Made Equipment and Products.—

(1) Sense of congress.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase only American made equipment and products when expending grant monies.

(2) Notice to recipients of assistance.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

—Page 119, line 11, strike "(c)" and insert in lieu thereof "(d)".

SENATE—*Wednesday, May 5, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness.—I John 1:8–9.

Gracious God our Father, we are so often inclined either to deny our sin or stuff it and forget it, despite the fact that we find no relief; instead, deprive ourselves of a profound blessing from God. When we acknowledge our sin and confess it, we enjoy forgiveness and the peace of God that passes understanding.

Merciful God, forgive us for our denial and grant us grace to come to Thee in repentance and faith, in the assurance that we will enjoy Your love, Your favor, Your healing, Your renewal.

We pray in the name of Jesus who loved us and gave himself for us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, under the order entered last evening there will be a period for morning business today beginning at this time and extending until 2:30 p.m., at which time the Senate will resume consideration of the bill which was pending last evening, the lobbying disclosure bill. I believe that the morning business includes a number of specific times for specific Senators, beginning with Senator CHAFEE, who I see here on the floor and who will be recognized shortly.

I hope we can make progress on the lobbying disclosure bill today, and I expect that there will be votes during the day following our return to the bill at 2:30 p.m.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m., with Senators permitted to speak for not to exceed 10 minutes each.

The Senator from Rhode Island [Mr. CHAFEE], however, is recognized to speak for up to 30 minutes.

The Chair might note that the Senator from West Virginia [Mr. BYRD] has time reserved of up to 60 minutes, and the Senator from Texas [Mr. KRUEGER] or his designee, is recognized to speak for up to 45 minutes. Those times have been previously reserved.

The Senator from Rhode Island.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 892 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 60 minutes.

Mr. BYRD. I thank the Chair.

LINE-ITEM VETO

Mr. BYRD. Mr. President, 12 years of trickle-down, supply-side Reaganomics, Laffer Curves, and a borrow-and-spend national credit card binge have left the country with a deteriorating infrastructure, a stagnant economy, high unemployment, triple-digit billion-dollar deficits, a $4 trillion debt, and a $200 billion annual interest payment on that debt.

In search of antidotes for this fast-spreading fiscal melanoma of suffocating deficits and debt, the budget medicine men have once again begun their annual pilgrimage to the shrine of Saint Line-Item Veto, to worship at the altar of fool's gold, quack remedies, such as enhanced rescission, line-item veto, and other graven images, which, if adopted, would give rise to unwarranted expectations and possibly raise serious constitutional questions involving separation of powers, checks and balances, and control of the national purse.

Congressional appropriations are always the target of these patent medicines, these misguided efforts, and in referring to them as misguided efforts, I do not impugn the good intentions of many people outside the Congress and many people inside the Congress in both Houses.

Many of these people honestly believe that this is the way to go in order to get a handle on the bloated deficits that have us drowning in a sea of red ink. On the other hand, Mr. President, some of these people inside the Congress, and outside the Congress, who constantly press for the line-item veto, or other quack nostrums, know, or ought to know, that these are nothing more than placebos or spurious magic incantations, witch's brew, and various brands of snake oil remedies.

They ought to know better. Plutarch said that Menestheus, Regent of Athens, was said to be the first of mankind to undertake to be a demagog, and by his eloquence to ingratiate himself with the people.

In recent years, Mr. President, especially since the big triple-digit, billion-dollar deficits became an annual thing here in Washington beginning with the first Reagan administration, we have seen a seeming plethora of demagogs. Mr. Reagan himself was one of the foremost disciples of the theory that the line-item veto would be a cure-all for these bloated deficits; and Mr. Bush followed quickly in his train.

I would not say that this seeming spate of demagogic characters has sprung like Aphrodite from the ocean foam, or like Minerva, from the forehead of Jove. They just seem to come

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in litters anymore. Every year we are treated to this spectacle of attempts to make us believe that the line-item veto would be a painless cure, which would rid the country of its fiscal headaches and provide a sure and painless ticket to a blissful Utopian paradise that would be debt free, deficit free, and care free.

So, again, I say that there are people in this Chamber and in the other body who, I am sure, honestly believe that this is the way to go. They believe in their hearts that the line-item veto or enhanced rescissions would be the sure and painless medicine by which these deficits can be brought under control and kept under control. But there are some who appear to be making a political career of preying upon the unknowing, unsuspecting, and suffering public for political and partisan gain.

Mr. President, the deficit problem is not caused by congressional appropriations. Since 1945, and through last year, down through all the Presidents, beginning with Truman, and following through with Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, and Bush, the total appropriations—supplementals, regular, and deficiencies—have amounted to $200,848,154,902 less than the totality of all the budget requests that have been submitted by all these Presidents during all those years.

Discretionary domestic spending is what is most often mentioned by ultracrepidarian critics, who refer to it as congressional pork, but which is, indeed, infrastructure. But these appropriations have not created the budget deficits. The deficit problem is much broader, much bigger than this. It has been brought on by a combination of things, such as mandatory back-door spending, tax expenditures, costly programmatic initiatives that come from authorizing committees, and the force feeding of the military-industrial complex about which President Eisenhower so eloquently spoke as he was completing his tenure of office.

The question is, can we develop a way whereby a President, not just President Clinton, not just a Democratic President, any President, working with the Congress, can get a better control over spending, not just appropriations, but also other types of spending, keeping in mind that the Appropriations Committee has control only over about a third of the total budget?

It will not be easy, Mr. President. It is a very complex problem, and it will require a great deal of thought and effort to make this come about, if indeed it can be made to come about.

Only last week the House passed a bill, and the bill has been sent to the Senate. That bill provides that the President may within 3 calendar days following the enactment of an appropriations bill send to the House of Representatives a message and a bill incorporating rescissions which he would suggest be made, and the House of Representatives within a very few calendar days would be required to introduce that bill by the President, send it to the Appropriations Committee of the House, and in a very short timespan the Appropriations Committee of the House would be required to report that bill or it would be considered to be automatically reported together with a committee substitute. Then under a very short time limitation for debate, something like 4 hours in the House, the House would be expected to pass the President's bill, and send it to the Senate, or if the President's bill were to be rejected, then the House would take up the complete substitute reported by the Appropriations Committee of the House. And if the President's bill were to be rejected by the House, the House then would vote on the complete substitute reported by the Appropriations Committee and presumably pass that substitute and send it to the Senate.

In either case, whether a President's bill were passed by the House and sent to the Senate or rejected by the House and then the Appropriations Committee substitute from the House be sent to the Senate, that bill or that substitute would be sent to the Senate Appropriations Committee. The Senate Appropriations Committee would have a very brief few days in which to report back the bill, if indeed the bill were the vehicle sent over by the House or to report the House committee substitute, if that came over instead.

The Senate Appropriations Committee would report one or the other, whichever came to the Senate, along with a Senate Appropriations Committee substitute. Then the Senate would take up the House measure, whether it be the President's bill or the House committee substitute, vote on it first; if it is rejected, the Senate would take up the Senate Appropriations Committee substitute. All this is to be done within 10 hours of debate on this Senate floor.

Mr. President, it boggles the imagination to try to comprehend just how such a measure came to be put together, and I do not question for a moment the good intentions of the House Members. They could have sent much worse to the Senate. But, Mr. President, it has all the makings of a bill that was totally put together during debate on the floor of the House of Representatives.

I compliment the House leadership on both sides of the aisle and the House Members that they at least made the effort, they tried to do something. But what we have here in the Senate now is the House measure that stands the legislative process on its head, in that instead of voting on amendments first and then on the bill, the House and Senate vote on the bill first and, if it is rejected, they then vote on a substitute amendment. No amendments would be in order from the floor of either body. No amendments are in order. It is, take it or leave it. Take the President's bill in the House, or, if that bill is rejected, take the committee substitute in its entirety from the House Appropriations Committee, but with no amendments from the floor.

In the Senate, we must accept the President's bill that is sent over from the House, or the committee substitute that is sent over from the House and send it to the Senate Appropriations Committee and bring it back without substantive change, accompanied only by a complete committee substitute. Debate on the Senate floor would be limited to 10 hours, with no floor amendments in order. The Senate would be limited to a vote up or down on a House-passed vehicle, and if that were rejected, the Senate would be then limited to a vote up or down on the Senate committee substitute—and I repeat, no floor amendments in order.

Mr. President, I wonder what we have come to in this body, if the Senate of the United States is expected to take up a matter of such importance, debate it in a short time period, which can be further reduced by a nondebatable motion approved by a majority, and required to act without any amendment from the floor.

I cannot conceive of Senators in my day and time—when I first came to the Senate or for a long time thereafter—accepting this kind of a proposal. Of course, we did not have the massive deficits back then. That was before the trickle-down, supply-side theory of Reaganomics hit Washington like a storm. But even so, I cannot picture those Senators accepting a legislative approach in which the Senate would be bound and gagged and unable to offer amendments from the floor. And, as a matter of fact, the House measure says that that provision cannot even be changed by unanimous consent. No unanimous-consent request would be in order in either body to allow amendments from the floor.

Is the Senate going to accept this kind of a gag proposition? I wonder. I wonder.

Mr. President, the Senate which was originally created in Rome, was meant to be made up of a body of old men; not the swiftest of the swift, nor the strongest of the strong, but the wisest of the wise.

That is the reason why they were to be old men. They were to have the experience of a lifetime and the lessons learned in the hard school of experience for their guidance.

And so Romulus, the legendary founder of Rome, created a Senate of old men, 100 noblemen.

I suppose that one who has lived as long as I have—because God has so blessed me with a long life beyond the psalmist's span—can look back over a lifetime of 75 years and in that time will have been taught by experience some things—perhaps only a few; perhaps many things. Some people, after 75 years, will be more wise than others; some perhaps not very wise at all.

But if one is to gain in wisdom by virtue of his long years of life, how much more will he gain in wisdom if he studies the lives of other men? If he studies history as it bridges the centuries of time, he then becomes the recipient, the beneficiary of the wisdom of hundreds of lifetimes stretching back into the dim mists of antiquity. That is why we are told to study history.

Cicero, a great Roman senator, said that one "ought to be acquainted with the history of the events of past ages. To be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life unless it is woven into the life of our ancestors by the records of history?"

Machiavelli told the Prince to study history; to study the victories and defeats of others so that one might gain therefrom and achieve the one or avoid the other, and to emulate some great person as Alexander the Great did Achilles or as Caesar did Alexander the Great, or as Scipio did Cyrus the Great.

This is Machiavelli writing in "The Prince."

Well, I have taken Cicero's words to heart quite a long time ago and I have attempted to look at history, ancient history as well as the history of England and American history. I have attempted, through several years of patient and laborious study, to get a broad view of history. Herodotus, who lived between the years circa 484 and 424 B.C., wrote about the Persian empire, about the empire of Cyrus and Cambyses and Darius the Great. Thucydides—the Athenian commander who was exiled for 20 years because he failed to come to the relief of Amphipolis against Brasidas, the brilliant Spartan general—Thucydides picked up where Herodotus left off.

Thucydides was a man who saw more clearly, inquired more responsibly, and reported more honestly than other ancient historians and lived between the years 460 and 400 B.C. circa. Xenophon, a student of Socrates, picked up where Thucydides left off, and his "Anabasis" describes the expedition of Cyrus the Younger into Persia—the expedition and then the retreat after the battle of Cunaxa, which took place in 401 B.C. Xenophon, who was elected general by the 10,000 Greek mercenaries, writes the history of that retreat, which required 7 or 8 months and covered a distance of about 1,500 miles.

Xenophon lived between 434 and 355 B.C.

But to come more to the point of what we are discussing here, Montesquieu had a great impact upon our constitutional Framers. They were very conversant with the English experience, the long struggle for liberty by Englishmen against tyrannical monarchs. They were also well versed in the political theory and philosophy of Montesquieu. Montesquieu was born 100 years before the first Senate met. He was born in 1689; died in 1755. In other words, he died just 32 years before our constitutional forebears met in Philadelphia in 1787. They were very cognizant of his political theory.

Montesquieu believed that the judicial, executive, and legislative powers should be separated. If they were kept separated, the result would be political freedom, because the checks and balances would act, one against the other. But if these various powers were concentered in one man, as in France, then the result would be tyranny.

Montesquieu visited the more important and larger political divisions of Europe and spent a considerable time in England. As a matter of fact, his longest stay was in England. His English connections had a tremendous influence on the development of his political philosophy.

We are acquainted with his "Spirit of the Laws," and with his "Persian Letters," but perhaps we are not so well acquainted with the fact that he also wrote a history of Rome. He wrote a philosophical analysis, rather, I should say, of the history of the Romans and the Roman state. And it is, I think, quite accurate to say that contemporary English institutions and the history of Rome, more than any other things, influenced the general system of Montesquieu's political theory and philosophy.

Therefore, if one is to understand our own Constitution better, how it came into being, why it came into being, from where it sprang, one then should be somewhat familiar with Montesquieu's political theory and, following in Montesquieu's tracks, also study Roman history.

Montesquieu, in 1734, produced his famous essay, "Consideration on the Causes of the Greatness of the Romans and Their Decline." So why can't it be said that if Rome and the state system of the Romans and the history of the Roman people helped to influence Montesquieu's political theory concerning checks and balances and the separation of powers, and if Montesquieu's political theory influenced our American forebears in their writing of the United States Constitution, then why can it not be said that the history of Rome and the Romans, as well as the history of England and Englishmen, influenced our forefathers as they sat, in the summer of 1787, in Philadelphia and hammered out this marvelous document to which we refer as the United States Constitution?

We take an oath every time we are sworn in as new Members and as Members who are reelected. I have taken that oath many times. I have administered that oath many times to other Senators.

Mr. President, as I have attempted to evaluate and analyze some of these questions, and particularly the one that I am discussing—that of separation of powers, checks and balances, line-item veto, enhanced rescissions, expedited rescission, and so on and so on—I have wondered if we Senators really think much about our oath of office. We take the oath. I wonder if, during the following 6 years, we give any further thought to that oath, to its meaning and to the responsibilities and duties that devolve upon us by virtue of our having sworn that oath in the presence of our colleagues and with our hand on the Bible and with the closing words, "So help me God."

I am made to wonder, as I have sat here year after year these last few years, and have witnessed the attacks made upon Congress and upon the legislative process and upon the appropriations process and upon the Constitution, its checks and balances and separation of powers, I have wondered how much we Senators really think about the oath that we took when we were sworn into office. It is easy to judge others and it is easy to be wrong in one's judgment of others. But I am constrained to wonder how much we really stop and reflect on that solemn oath that we take to support and defend the Constitution of the United States against all enemies, foreign and domestic.

I have read the work of many historians concerning Rome and the Romans. For example, Polybius, who lived between the years 205 and 125 B.C.

Then the first-century B.C. historians: Diodorus of Sicily; Dionysius of Halicarnassus; Cornelius Nepos; Gaius Sallustius Crispus, who was born in 86 B.C. and died in 34 B.C.; Julius Caesar, himself, author of "The Gallic Wars," who lived between 100 B.C. and 44 B.C.

Then came those historians who bridged the birth of Christ, whose lives and writings were both before Christ and after Christ: Titus Livius, born 59 B.C. and died in 17 A.D; Paterculus, 19 B.C. to 30 A.D.; Trogus, who lived in both B.C. and A.D.

Then, in the first and second centuries following the birth of Christ: Mestrius Plutarchus, or Plutarch, the great biographer, who lived in the years circa 46 A.D. to 120; Cornelius Tacitus, a great Roman historian, 55 A.D. to 120, or a little afterward; Suetonius, who lived from 70 to 140 A.D.

And then those historians of the second century A.D.: Arrianus; Appianus, or Appian; and Florus.

Then those who bridged the second and third centuries: Cassius Dio Cocceianus, whose life extended from 155 A.D. to 240 A.D.

Then, the fourth century historians: Eutropius and Ammianus Marcellinus, both of whom served under Julian II during his invasion of Persia—Julian, whose reign extended from 361 to 363 A.D.

Then, the fifth-century historian: Zosimus; and the sixth-century historian, Procopius, whose lifespan extended from about 500 to about 565 A.D.

And then one of the greatest of all historians, Gibbon, who lived between the years 1737 and 1794.

What I am saying is, here is a massive library of Roman historians living and writing from the time of Polybius in the second century before Christ to the sixth century A.D., 800 years of historians who wrote much about contemporary happenings. Polybius, for example, was at the final destruction of Carthage in 146 B.C.

What did Polybius say about the Roman oath? Polybius said, "Among the Romans, whether in accounting for public or private funds, the people are trustworthy because of the oath they have taken." Montesquieu said that, when it came to the oath, the Roman people were the most religious people in the world because that oath formed the nerve of their military discipline.

The Romans took the oath seriously. Lucius Junius Brutus, who historically was one of the first two consuls, along with Collatinus Tarquinius, made the Roman people swear an oath that never again would they subject themselves to the rule of kings. Lucius Junius Brutus, the great, great ancestor of Marcus Junius Brutus—who participated in the assassination of Caesar—Lucius Junius Brutus, after the rule by kings of 243 years, became one of the first two consuls, and he made the Romans swear, as I say, that they would never again subject themselves to the rule of kings.

Lucius Junius Brutus, when he later learned that his own two sons, Titus and Tiberius, were participating in a conspiracy to bring back the Etruscan kings, had his two sons executed because they had broken their oath and proved to be traitors. Such was the solemnity of the Roman oath.

Mr. President, I want, if I can, over the next few days and weeks, to try to focus on Roman history and the history of England so that we might better understand, from a broader perspective, the subject about which we are talking. This marvelous political system of separation of powers and checks and balances did not spring full-blown from the brains of those men at Philadelphia. It was the product of experience, knowledge, and history. The Framers had a broad perspective. And that is what I would hope that we would seek to achieve: A broad perspective, so that we can better focus upon this Constitution and the meaning of separation of powers and checks and balances; how they came into being; what they mean for us; and not just look at them through the narrow glass of contemporary polls, not just look at them through the narrow glass of political and partisan gain, and like demagogs, fall victim to the Alcibiades syndrome. Alcibiades was a young man in a hurry with a silver tongue, who placed his own personal and political interests ahead of the national interests.

I am afraid that we, all of us, from time to time, succumb to the Alcibiades syndrome, putting our own selfish political, partisan interests ahead of the national interest, ahead of the public interest. And so I want, as we approach the time when the leader will understandably call up this measure, I want us to attempt to focus more on this matter in the way I have described it and to back off from it just a little bit and see if we cannot see the forest as well as the trees. I think if we do this, we will know more than we now know, and we will be better able to reflect upon just what our duty is in today's Senate.

Aaron Burr, after he had served 4 years as Vice President of the United States, upon leaving the presiding officer's chair in the old Chamber down the hall, made a speech to the Senate as he departed therefrom for the last time, and it was a speech that gripped the attention of Senators. We are told that for several minutes thereafter, after he had departed through the doors, Senators were speechless. Some of them were in tears.

Burr had made a great speech. He had murdered Alexander Hamilton at Weehawken, NJ, and had presided over an impeachment trial. At the close of his speech, he said this:

> This House is a sanctuary, a citadel of law, of order, and of liberty. And it is here, it is here in this exalted refuge, here will resistance be made to the storms of political frenzy and the silent arts of corruption, and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Mr. President, I have thought many times, and I am thinking now that, as we approach this subject of so-called expedited rescissions in which the Senate, if it adopts this measure, will deprive itself of its freedom and prerogative to offer amendments, I have wondered if this perhaps may not be the culmination of the prophecy by Burr. To me it is that kind of a serious matter.

It is not a matter of concern to me because of my being chairman of the Appropriations Committee. I have read with great amusement all the scenarios about why Senator Byrd opposes the line-item veto. It would get in the way of his ability to earmark appropriations for West Virginia, some have said.

These are amusing scenarios that people who see spooks behind every shadow are very able to come up with. But they do not know the legislative process. Most of the earmarking is done in committee reports, not in the appropriations bills themselves. The President cannot veto a committee report.

Mr. President, my opposition to these half-baked theories and approaches has absolutely nothing to do with my being chairman of the Appropriations Committee, nothing.

I have a reverence for this institution. I have a reverence for the legislative branch under the Constitution. I have a reverence for the separation of powers and checks and balances of the Constitution. I have a reverence for American history. I have a reverence for the history of England. I have a reverence for the history of the Romans. I have a reverence for history.

I believe, Mr. President, we have a covenant with the past. We have a covenant both with our forebears, forebears who were willing to pledge their lives and their fortunes and their sacred honor for us. We have a covenant with them.

We have a covenant with the past. And we have a covenant with the future. We have a covenant with our children. We have a covenant with the grandchildren of the people who sit at that desk there. We have a covenant with the past and with the future.

Tacitus said, when you go into battle, remember your ancestors and your posterity. I think, Mr. President, that we are perhaps about to break that covenant with the past and with the future. So I want in the days ahead for us all to think seriously about this matter. Then when the decision time comes, hopefully, we will think of our oath. We will reflect on that covenant that we have with the past. We will reflect on that covenant we have with the future—a future which is represented by these young pages here, and by my children, my grandchildren, and theirs.

We cannot ignore that covenant, Mr. President. We cannot take it lightly. We are links in a vital chain both to the dead and to the unborn. We are, at one and the same time, the sons of sires who sleep in calm assurance, that we will not betray the trust that they confided to our hands; and the sires of sons who wait confident, in the beyond, that we will not cheat them of their birthright.

I close, therefore, in the spirit of those immortal lines by Kipling:

Our fathers in a woundrous age,
  Ere yet the Earth was small,
Ensured to us an heritage,
  And doubted not at all
That we, the children of their heart,
  Which then did beat so high,
In later time should play like part
  For our posterity.
Then fretful murmur not they gave
  So great a charge to keep,
Nor dream that awestruck time shall save
  Their labour while we sleep.

Dear-bought and clear, a thousand year
  Our fathers' title runs.
Make we likewise their sacrifice,
  Defrauding not our sons.

Mr. KRUEGER. I thank the Chair. I yield myself such time as I may require.

CELEBRATING THE LIFE OF CESAR CHAVEZ

Mr. KRUEGER. The distinguished majority leader has honored me today by asking me to serve as chairman of the Senate Democratic Hispanic task force, and this morning, May 5, Cinco de Mayo, is a day of celebration in the Hispanic community.

Several members of the task force will wish today to acclaim the contributions that Mexican-Americans have made to our great Nation, and they will wish in particular to honor one Mexican-American, the revered Cesar Chavez.

The majority leader earlier this morning spoke about Cesar Chavez. I should like today to add to his comments, and I would particularly ask our colleagues to join not in mourning his death but, rather, to celebrate the life of this great man, a migrant who labored in other men's fields, an organizer, an inspiration, and a standard bearer of a nation's conscience.

It is altogether fitting and proper that we honor Cesar Chavez today, May 5, because Cinco de Mayo is a day celebrating the valor and determination of the Mexican people, and Cesar Chavez led his nonviolent troops to greater independence and dignity. The story of Cesar Chavez is the story of one man who rallied an underpaid, poorly housed, ill-clothed and ill-treated legion and gave them the courage and dignity to demand respect.

Cesar Chavez showed us a nation within a nation, and what he showed us shamed us. He showed us the cruelty behind comforts. He showed us wretched poverty that minted wealth. He showed us faces which, but for twist of chance, could have been our own. And in those faces we saw children without childhood.

We saw parents without hope. We saw life without joy, and often misery without end.

One man, Cesar Chavez, stood and said, "No more, enough." So it was. People from all stations of life joined him, even those whose money and distance from hardship gave them little reason to do so. Perhaps Cesar Chavez showed them that no harvest is a good harvest when those who do the work do not share in the bounty.

Cesar Chavez certainly was not the first to bear this message. Eleanor Roosevelt, Sinclair Lewis, John Steinbeck, Edward R. Murrow, Martin Luther King—these and many others, spoke before and alongside Cesar Chavez.

I am reminded of Abraham Lincoln's remarks in his second inaugural when he said:

> It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged.

Chavez belongs as an equal in Lincoln's eloquent company. He was America's most recognized Mexican-American leader. He was a man who defined Mexican-Americans as a minority with unique heritage and concerns. But in his courage, his convictions, and his faith he was one of those men and women from a mold undeniably and essentially American.

Cesar Chavez never realized his dream of forging a nationwide organization. In much of America, farmworkers today continue to toil for low wages, and little security, and less protection against abuse. But his dream is not dust, and the good he did is not interred with him. La Lucha—the Struggle—continues, and the spirit of Cesar Chavez continues to guide it.

I am reminded of the words of the great Mexican liberator, Benito Juarez: "El respeto al derecho ajeno es la paz." "Respecting rights of others is the basis of peace."

The problems of the working poor grow each year. They are the problems of people who suffer not a lack of jobs, but a lack of life-enriching jobs; not a lack of housing, but a lack of decent housing; not a lack of schools, but a lack of education that leads to a better life. But these are problems with solutions. We can find them. This Chamber's belief in what is right, what is humane, and what is essentially American, demands that we find them.

Today, we honor Cesar Chavez on the Cinco de Mayo. I thank you, Mr. President, for the opportunity to speak on this occasion.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

THE DEATH OF CESAR CHAVEZ

Mr. MITCHELL. Mr. President, today, all of Mexico and millions of Mexican-Americans celebrate the holiday of Cinco de Mayo. This day commemorates the victory of Mexican troops over more numerous French invaders at Puebla on May 5, 1862. That battle was a turning point in Mexican history. It was the first irreversible step in Mexican independence. It ensured that Mexicans would rule their own nation free of European intervention.

To Mexicans, and to Americans of Mexican descent, this day symbolizes the best in Mexican heritage and culture—the ability and the will to persevere and overcome adversity. It underscores the importance of self-determination and it reminds people of Mexican descent everywhere of the price and the value of freedom.

Perhaps no Mexican-American has better demonstrated these characteristics than Cesar Chavez. When he died on April 22, it was not only farmworkers in the United States who suffered a loss. His death was a loss for all Mexican-Americans and for every American.

Cesar Chavez' compelled admiration from supporters and opponents alike. His energy was unremitting.

His efforts ended only with his physical death. But the spirit he brought to the farmworkers of the country did not die with his body. It is a legacy that will survive to better their condition and to enrich the long American tradition of working for fairness and equity for all the people who live in our Nation.

Cesar Chavez was a man of principle. He was a man of commitment. From his own childhood he observed the consequences of migrant farm life. His family moved often and owned little. He had little formal education. He watched while his family worked hard for less than a living wage. He lived a life with no daily job security.

Cesar Chavez decided that a system that did not respect human rights, a system that treated people as expendable, a system that promoted Third World living standards in the United States, was wrong. He committed his life to changing that system.

He gave a voice to the voiceless; he gave the promise of bargaining strength to the powerless. He gave hope, for the first time, to people who felt they were marginal.

While much remains to be done in improving conditions for migrant farmworkers, Chavez' accomplishments can never be undone.

Cesar Chavez made farmworkers a visible and vocal part of American life. Until he organized the grape boycott and the lettuce workers, few Americans gave much thought to where their produce came from; few thought about the human labor that brought them fresh salads out of season; few wondered how they raised their children, how their children got schooling, how these people lived. Chavez changed that ignorance. He shone a light on conditions that Americans recognized and rejected, and his work and his efforts made a difference in the lives of countless families.

Cesar Chavez showed the poor and disenfranchised that collectively they could bring about change. His successes in bringing about improvements in wages and living conditions for migrant farmworkers gave hope to all Americans who faced adversity.

Most importantly, Cesar Chavez brought hope and respect to Mexican-Americans. Despite the hardships in his own life—the poverty, discrimination and lack of formal education—

Cesar Chavez demonstrated that the human spirit—the spirit of Cinco de Mayo—can rise above and surmount any adversity.

He showed that determination and perseverance can get the attention of Americans; he showed that injustice and unfairness will command the support and sympathy of ordinary Americans.

The response he got from the American public and its elected officials demonstrated that ours is truly an open society with room for all cultures and space for the hopes of the least among us.

Although Cesar Chavez is now gone, his legacy will never die. What he taught all Americans about compassion and commitment will never be forgotten. What he taught Mexican-Americans about perseverance and overcoming adversity can never be erased.

On this day of celebration of our Nation's Mexican-American heritage, it is fitting that we take a few moments to remember the contributions of Cesar Chavez. His is a legacy in which all Americans can justly take pride and hope for a better future.

Mr. KRUEGER. At this time, I should like to yield such time as may be consumed by my friend, the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. Senator BOXER.

Mrs. BOXER. Mr. President, it is with grief yet hope that I rise today to honor Cesar Chavez. I am grieved because Californians, the Latino community, and the American farmworkers, have all lost a great hero. Cesar Chavez proved that victory could grow from the fertile seeds of unity, the fertile seeds of action, and the fertile seeds of mission. And, we can all learn from that because sometimes, Mr. President, we have to be patient when we plant these seeds.

Cesar Chavez was a voice for the voiceless; a leader for the leaderless; and a force for hope and change during a time when our farmworkers so desperately needed both.

For Cesar Chavez, the bleak conditions facing California's farmworkers were much more than empty statistics. Mr. President, we see statistics all the time. The challenge is to get beyond the statistics and reach the people. Having served as a migrant worker himself, Cesar Chavez knew what it was like to live with inhumane conditions; to get sick without any benefits; to support a family on impossibly low wages; even, Mr. President, to go without simple things like running water.

Mr. President, Cesar Chavez knew that without the fundamental right to bargain, nothing could be done about any of it. So, he organized the people to fight for the basic rights that human beings deserve when they work hard. From small meetings to large labor halls, the United Farm Workers was created by a man who would dedicate his life to its cause.

Cesar Chavez had a vision, a vision of a world where everyone of us, from the most powerful to the least fortunate, has the right to be treated with equality, and respect, and dignity.

As 35,000 people gathered to pay their last respects to Cesar Chavez, I was struck by how fitting the funeral ceremony was. It took place in Forty Acres, CA. In 1968, this was the site of his first public fast where he called attention to the inhumane working conditions of farmworkers. In 1970, Mr. President, it was the place the Central Valley farmworkers signed their first union contract. And, in 1993, it became the place where farmworkers would come from all over the Nation to honor the legacy of this great man.

As they entered the city, the mourners sang, they chanted, they beat drums, and held up signs. And one of these signs appropriately read, "Cesar Chavez—In Nuestras Vidas Para Siempre." And that means, Cesar Chavez—in our lives foreover.

Mr. President, I can think of no more appropriate thing to say about our great leaders, because after they are gone, if they stood for something, if they fought for something, if they worked for something, and if they died for something, then they are truly in our lives forever.

I know that Cesar Chavez will be in the lives of Americans forever. And, if he were here today, this is what he would say. He would tell us that the conditions of the migrant workers are still bleak; that a decade of neglect has washed over many of his gains; that workers from California to Florida need a voice; and that it is time to create jobs for our people, Mr. President—decent paying jobs for our people.

I really want to thank my distinguished colleagues Senator KRUEGER and Senator SIMON, for inviting me to participate in this very special eulogy.

It is fitting that we have chosen this day—Cinco de Mayo—to honor this great man. Today we commemorate the historic battle of 1862, a battle in which a much smaller Mexican Army held off an invasion from the French forces. It was really the tale of a David versus Goliath victory.

Cesar Chavez was the David of the American farmworker. He taught that there is strength in numbers and power in unity. He had the courage to take on the tough fights and the fortitude to never quit. He really was the personification of the American spirit: independent, strong, courageous.

Mr. President, Cesar Chavez' greatness of spirit will continue to serve as an inspiration to all Americans, whatever race, color, or creed. It is time for us to take the lessons that he so eloquently taught and—in his name and in the names of other great leaders like Martin Luther King—to continue the fight for decency, for compassion, for hope, and for equality. And I know that if we do that, that would be the best tribute that we could give to Cesar Chavez.

Mr. President, I yield my time back to my colleague from Texas.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Texas.

Mr. KRUEGER. I thank my distinguished colleague from California for returning the time. I thank her for her very eloquent statement.

There is a dicho: Lo cue se apprende en la cuna dura papra siempre: "What we learn in the cradle lasts forever." I think what Cesar Chavez learned from the cradle was a fundamental compassion and extraordinary strength that allowed him to lead people for so long. And of course he lived so much of his life in the State of my distinguished colleague from California. The whole Nation respects it.

CESAR CHAVEZ

Mr. BINGAMAN. Mr. President, today I would like to honor the memory of Cesar Chavez who died on April 23, 1993. Cesar Chavez will be remembered as a hero for the plight of migrant farmworkers, a civil rights leader and a role model for Hispanics. His work impacted thousands by creating change for migrant farmworkers and ethnic and racial minorities. Cesar Chavez influenced an entire generation of Hispanic leadership. Cesar Chavez was a realist who worked to make his visions of equality and basic human rights tangible for migrant workers. Due to Chavez' efforts as founder and president of the United Farm Workers of America, working conditions for farmworkers improved throughout the United States.

Cesar Chavez taught farmworkers about their basic human rights and how to peacefully and productively attain a just and improved quality of life. Chavez was able to cause change because he lived the struggles of the migrant worker. He and his family were subjugated by the discriminations inflicted upon migrant workers. Intelligent and charismatic, Cesar Chavez cleared the passage to a more humane life for poorly paid Mexican-American migrant workers. Due primarily to his efforts, the California Legislature in 1975 passed the Nation's first collective bargaining act for continental U.S. farmworkers.

For Cesar Chavez, the union represented a cause. He brought the plight of the farmworker to the American public. Cesar Chavez drew attention to the dangers for consumers caused by agricultural pesticides. He helped not only the migrant worker but also urban Mexican-Americans who were working for more educational opportunities, improved housing and political representation. The movement led to health care, retirement programs, improved wages and better living conditions for farmworkers.

The soft-spoken and fearless Chavez organized many voter registration drives and has been considered one of the best grassroots leaders of all time. He addressed issues such as mistreatment by immigration authorities, police and welfare officials. The expanse of Cesar Chavez work was infinite.

Epitomizing faith and strength, Cesar Chavez was a selfless man who dedicated his life to improving the lives of others. Chavez' vision and love for mankind will be forever eternized in those who will be treated with fairness, respect and dignity. We will not forget Cesar Chavez' struggles and we all must continue striving so that all may live a life with basic civil and human rights.

THE PASSING OF CESAR CHAVEZ

Mr. BRADLEY. Mr. President, I rise today to join my colleagues in recognizing the passing of Cesar Chavez. A great friend of labor and civil rights, Chavez dedicated his life to improving the conditions under which migrant farmworkers and other laborers toil the land in California. From the fields of the fertile San Joaquin Valley, he rose to become a leader in the struggle for human and civil rights in our society.

Chavez was no stranger to the plight of migrant farmworkers. Because his family lost their farm during the Depression, he began moving at a young age from one migrant camp to another, harvesting crops in the arid valleys of California. In 1965, he burst onto the national scene as the president of the fledgling United Farm Workers Union. Influenced by the teachings of Gandhi, he effectively used strikes and fasts to fight growers and shippers who for decades refused to allow farmworkers to unionize.

Before workers in California unionized, they earned on average less than $1.40 per hour in a $4 billion industry, received no fringe benefits, and had no standing to challenge abuses by exploitative employers and contractors. For these downtrodden workers, he won pay increases, eligibility for medical insurance and employer paid pensions, and protection from employer abuses. He won all these benefits for workers who had, until that period, often suffered from the lack of clean drinking water and bathrooms in the fields.

Who could forget Chavez' leadership of the 1968 boycott of California table grapes. That boycott, which was extremely successful at calling attention to the plight of migrant farmworkers, culminated in an emotional 300-mile march by Mexican and Filipino workers from Delano, CA to the State capitol in Sacramento.

He enjoyed other successes as well. In 1974, Chavez achieved the enactment of the Agricultural Relation's Act, which allowed California farmworkers to bargain collectively.

This shy and humble man was a giant in the battle for worker's rights. His gains in the farm fields translated into tremendous gains for all Latinos and all Americans as well. Cesar Chavez was not just a labor leader, but an inspiration to an entire generation of Americans who found meaning in his movement. He believed in and lived his cause, and made the world better for all of us as a result.

CINCO DE MAYO COMMEMORATION OF CESAR CHAVEZ

Mrs. MURRAY. Mr. President, I rise today to pay tribute to one of the great leaders of our time. Cesar Chavez arguably did more for migrant farm laborers during his lifetime than anyone in our history. Mr. Chavez' efforts to unionize farmworkers brought real change to the lives of many people. In addition, Mr. Chavez inspired so many.

Although we as a nation have not yet achieved all of his goals, and much remains to be done to improve the working and living conditions of migrant laborers, Mr. Chavez jump-started the process. The legacy of his human rights work resonates with us still

Mr. KRUEGER. Mr. President, at this time I want to yield to my colleague from Illinois, Senator SIMON, such time as he may require, and I also yield him control of the floor.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

LAUDING CESAR CHAVEZ

Mr. SIMON. Mr. President, I thank my distinguished colleague from Texas, and I appreciate the fact that he has paid tribute to Cesar Chavez. I had the opportunity to get to know Cesar Chavez slightly. I wish I could have had the opportunity to get to know him well. But I learned to have great respect for this leader of the United Farm Workers.

Two days after his death, he was scheduled to speak in Rock Island, IL. What he did was to appeal to our sense of ideals. At the Simon household, on our refrigerator for many years we had that bumper sticker on there that said "Boycott Grapes," because he told us that we have to stand up for farmworkers.

The distinguished Presiding Officer from North Dakota comes from rural territory, as I do down in deep southern Illinois. It is tough to organize farmworkers. Other than domestic workers who work in homes, it is probably the most difficult area to organize. Yet, there is no question that many farmworkers are among the poorest paid people in our society. I do not mean that disrespectfully to farmers and people that you and I work with.

Cesar Chavez appealed to our sense of idealism. He marched with Martin Luther King. He stood up for the good causes. He worked with Robert Kennedy, and I was pleased to see when I saw pictures of the casket being borne that Congressman JOE KENNEDY, Robert Kennedy's son, was one of those there. I am positive that Cesar Chavez would have appreciated that.

The Chicago Tribune, not noted as a particularly liberal journal, if I can put it modestly, had an editorial. I ask unanimous consent to have the full editorial printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Apr. 27, 1993]

CHAVEZ, THE FARM WORKER'S CHAMPION

Americans did not need Cesar Chavez to tell them that migrant farm workers have hard lives.

John Steinbeck dramatized that fact in his 1939 novel "The Grapes of Wrath," which related the Joad family's attempt to start over in California after Oklahoma turned to dust.

Broadcasting great Edward R. Murrow drove home the same point decades later. His "Harvest of Shame" TV program—it aired on the day after Thanksgiving 1960—pricked consciences nationwide with an engrossing depiction of the low-paid, poorly housed and generally ill-used cohort of laborers who moved from place to place harvesting vegetables and fruit.

While others described the problem with artistic eloquence, Cesar Chavez did something extra—something of enormous importance. He pursued a solution with doggedness and devotion, using his charisma and considerable skills as an activist and organizer.

Chavez's solution—the unionization of farm workers—proved only a partial success. Seasonal field hands remain low on the economic and social ladder.

By the time of his death last week, however, Cesar Chavez, 66, had done more than any other person to brighten the prospects for farm workers and, not insignificantly, to raise public awareness of their plight.

Chavez started the National Farm Workers Association in California in the early 1960s. The United Farm Workers of America evolved from this organization.

Soon Chavez and his supporters, people of all walks of life drawn both by the David-vs.-Goliath struggle and by Chavez's self-effacing style, were deep into the business of signing up union members and cajoling growers to sign union contracts.

To bring pressure to bear where it was needed, the union organized strikes and boycotts and Chavez went on fasts. A boycott of table grapes, begun in 1968, won such widespread backing from consumers that the targeted California growers, rather than lose more money, capitulated and agreed to use union workers.

Despite that victory and others, the UFW and Chavez never found themselves on an easy path to their objectives. The Teamsters got into the competition for members. Mechanization cut into the demand for human harvesters. And, as sometimes happens with social movements, the Chavez-led enterprise lost luster as it aged into a mature labor union.

> Still, Chavez persevered in a worthy cause. He stuck with his life's work, earning a place in history and the admiration of everyone who values commitment and strong convictions.

Mr. SIMON. I will read part of that:

> By the time of his death last week, however, Cesar Chavez, 66, had done more than any other person to brighten the prospects for farm workers and, not insignificantly, to raise public awareness of their plight.

And then it went on to account the difficulties he had and concludes:

> Still, Chavez persevered in a worthy cause. He stuck with his life's work, earning a place in history and the admiration of everyone who values commitment and strong convictions.

I think that is true. He made a mark as not too many people do. He was not a citizen of my State. He used to come into Illinois periodically, and it was a real honor to work with him on a very few things. I wish I had worked with him on more things and had the opportunity to get better acquainted with him.

One final point, Mr. President. Cesar Chavez stood for those least fortunate in our society. And what we have to do in paying tribute to Cesar Chavez is not simply laud him, this man who died so suddenly, but to also stand up for those less fortunate in our society. It is very easy in this body to get so wrapped up in the details and the minutia of all of the legislation that we forget sometimes that people really need our help. They are not the people who contribute to our campaigns generally, with rare exceptions; they are not the people who are pounding on our doors, or are on the phone, or have the hired lobbyists here. They are the people Cesar Chavez served, and we ought to be serving them, too.

CESAR CHAVEZ—ONE OF THE HEROIC FIGURES OF OUR TIMES

Mr. KENNEDY. Mr. President, last week we received the sad news of the death of one of the Nation's greatest leaders, Cesar Chavez. In the 1960's Robert Kennedy called him "one of the heroic figures of our times," and his leadership and example has continued to inspire millions of Americans for a quarter century after that.

His untiring and nonviolent struggle on behalf of oppressed farmworkers touched the conscience of the Nation and inspired the downtrodden of America to reach for a better tomorrow, and to insist that every human being, regardless of origins, is of worth.

Cesar never forgot his humble beginnings, and the lessons his parents passed on to him. They were struggling farmworkers themselves. They taught him the value of family, country, and faith, and the dignity of all human labor.

The struggle for workers' rights was part of his life from the beginning. His father was active in efforts in San Jose to organize workers at a dried-fruit processing plant. Seeing his father's labor efforts, Chavez was convinced of the need for exploited workers to organize themselves not only to seek better wages and working conditions, but to obtain their rightful place at the table of American democracy.

He finished high school. After service in the Navy in World War II, he followed his parents into farm labor. By 1952, he began pursuing his calling as a tireless champion for community empowerment, and he joined efforts to establish Mexican-American self-help groups in San Jose. He attended to the individual needs of hundreds of Mexican-Americans and immigrants who encountered problems and prejudice in dealing with the police, government services, and immigration authorities. Throughout a decade of community service in San Jose, he conducted a perpetual voter registration drive—always seeking not only to help those in need, but to give them a voice in their own Government through the ballot. He would have understood the importance of the voter registration reform that Congress is about to pass this week.

In 1962, Cesar launched the enterprise for which he is most honored and remembered today. He established the organization which became the United Farm Workers Union. He convinced farmworkers that they could have a better future by working together to challenge the injustice around them. He helped the workers to organize peaceful marches, boycotts, strikes and civil disobedience to force the powerful growers to negotiate with them for better wages and working conditions.

When Cesar's efforts began, farmworkers in California averaged less than $1.50 per hour. They had no benefits and were powerless to complain about abuses and unfair labor practices. A silent generation of Americans considered the farmworkers a hopeless cause—the poorest of the poor.

But under Cesar's leadership, the farmworkers began to rise from their knees. They won significant pay increases and, for the first time, migrant workers were eligible for medical insurance, unemployment insurance, pensions, and had a mechanism for challenging employer abuses. The legacy of Cesar Chavez was being born, and it will never die.

He held a special place in the life and respect and affection of the Kennedy family. In 1966, Senator Robert Kennedy, as a member of the Senate Labor Committee, conducted field hearings in California on the plight of the farmworkers. In his own unique way, Cesar enabled Robert Kennedy and millions of other Americans to see through the eyes of the farmworker—to see a world that was, in Robert Kennedy's phrase, a "dark and hopeless place." My brother came away from that experience with a deep respect for the formidable task which Chavez had undertaken and the incredible moral leadership which Chavez provided in the campaign to challenge injustice and achieve peaceful change.

Robert Kennedy considered it a great honor when Cesar Chavez became one of his delegates from California in the 1968 Presidential campaign. And Cesar played a major role in my brother's victory in the California primary that year. His first thought was that he wanted Cesar there with him to savor the moment.

Despite the cruelty of the oppression which Cesar fought, his challenge was always peaceful. He was a disciple of Gandhi and Martin Luther King and their teachings of nonviolent struggle.

While he fought tirelessly for farmworkers, he also challenged the Nation to think in new and different ways. His campaign was a campaign not just of workers rights but for the soul of America. He inspired the exploited and the poor to think of themselves as people of talent, not as victims. He challenged all Americans to confront the injustices around them and to commit themselves to the view that if one person suffers, we are all diminished. If one person succeeds, it is a victory for us all.

Cesar Chavez was one of the greatest pioneers for civil rights and human rights of our century. His tireless commitment to improve the plight of farmworkers profoundly touched the conscience of America and inspired millions of others to work for justice in their own communities.

Cesar leaves an extraordinary rich legacy for all of us—a legacy of hope for a better tomorrow, a legacy of commitment to those in need, and a legacy of challenge to all of us to do our utmost for those whom justice still passes by.

As we remember him today, his example inspires us to work harder to serve our Nation and our communities. As Cesar said, after one of his famous fasts for workers' rights:

> It is how we use our lives that determines what kind of men we are. It is my deepest belief that only by giving our lives do we find life. I am convinced that the truest act of courage, the strongest act of manliness, is to sacrifice ourselves for others in a totally nonviolent struggle for justice.

Our thoughts and prayers are with Cesar's family as they face the loss of a husband, father, and grandfather. We honor them too, for generously sharing this great man with a country that desperately needed him. Because of Cesar Chavez, America has forever changed for the better, and is closer to the ideals of justice and opportunity he fought so hard to reach.

Mr. President, I ask unanimous consent that Robert Kennedy's address to the farmworkers in Delano, CA, in

March 1968, may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ROBERT F. KENNEDY, DELANO, CA, MARCH 10, 1968

This is a historic occasion. We have come here out of respect for one of the heroic figures of our time—Cesar Chavez. But I also come here to congratulate all of you, you who are locked with Cesar in the struggle for justice for the farmworker, and the struggle for justice for the Spanish-speaking American. I was here two years ago, almost to the day. Two years ago your union had not yet won a major victory. Now, elections have been held on ranch after ranch and the workers have spoken. They have spoken, and they have said, "We want a union."

You are the first—not the first farm workers to organize—but the first to fight and triumph, over all the odds, without proper protection from Federal law.

You have won historic victories.

Others, inspired by your example, have come to offer help—and they have helped. But the victories are yours and yours alone. You have won them with your courage and perseverance. You stood for the right—you would not be moved.

And you will not be moved again.

The world must know, from this time forward, that the migrant farm worker, the Mexican-American, is coming into his own rights. You are winning a special kind of citizenship: no one is doing it for you—you are winning it yourselves—and therefore no one can ever take it away.

And when your children and grandchildren take their place in America—going to high school, and college, and taking good jobs at good pay—when you look at them, you will say, "I did this. I was there, at the point of difficulty and danger." And though you may be old and bent from many years of labor, no man will stand taller than you when you say, "I marched with Cesar".

But the struggle is far from over. And now, as you are at midpoint in your most difficult organizing effort, there are suddenly those who question the principle that underlies everything you have done so far—the principle of non-violence. There are those who think violence is some shortcut to victory.

Let me say that violence is no answer. And those who organized the steel plants and the auto plants and the coal mines a generation ago learned from bitter experience that that was so. For where there is violence and death and confusion and injury, the only ones who benefit are those who oppose your right to organize. Where there is violence, our nation loses. Violence destroys far more than it can ever create. It tears at the fabric of our society. And let no one say that violence is the courageous route. It takes far greater commitment, far more courage to say, "we will do what must be done through an organization of the people, through patient, careful building of a democratic organization." That road is far more difficult than lighting a match or firing a weapon. That road requires far greater militancy. But along that road lies success. Along that road lies the building of institutions and cooperative businesses, of clinics and schools and homes. So we come here, you and I, in a great pilgrimage to demonstrate our commitment to non-violence, to democracy itself. Just a few miles from here is the tower of the Voice of America—broadcasting across vast oceans and whole continents, the greatness of America. And we say together, we will build, we will organize, we will make America fulfill its promise and we will make our voices heard. We will make America a better place for all Americans.

But if you come here today from such great distances and at such great sacrifice to demonstrate your commitment to non-violence, we in Government must match your commitment. That is our responsibility.

We must have a Federal law which gives farm workers the right to engage in collective bargaining—and have it this year.

We must have more adequate regulation of green-card workers, to prevent their use as strikebreakers—and we must have that this year.

We must have equal protection of the laws. Those are the words of the Fourteenth Amendment to the Constitution of the United States. The California Labor Code, the Federal Immigration Laws, the Federal Labor Department Regulations—these are laws which are supposed to protect you. They must be enforced. From now on.

So I come here today to honor a great man, Cesar Chavez. I come here today to honor you for the long and patient commitment you have made to this great struggle for justice. And I come here to say that we will fight together to achieve for you the aspirations of every American—decent wages, decent housing, decent schooling, a chance for yourselves and your children. You stand for justice and I am proud to stand with you.

Viva La Causa.

THE DEATH OF CESAR CHAVEZ

Mrs. FEINSTEIN. Mr. President, I rise today to express my profound sorrow about the death of Cesar Chavez—one who focused the attention of the American public on the plight of farm workers in my State and throughout the Nation.

Cesar Chavez, an inspirational leader who founded the United Farm Worker's Union, led the struggle to ensure basic working rights for farmworkers. Always a man of modest means, Cesar Chavez likened the farmworker's movement to that of the civil rights struggle. He followed closely the principles of Mahatma Ghandi and Dr. Martin Luther King, Jr., relying heavily on economic boycotts, marches, civil disobedience, and fasts.

Cesar Chavez once declared to his followers, "Nonviolence is our strength." This message still rings true as the official slogan for the United Farm Workers Union.

What made Cesar Chavez larger than life was his commitment to opening this Nation's eyes to the plight which once faced farmworkers in this country. He was well aware, based on personal experience, of what it was like to be treated without respect. He wanted only for people to be treated fairly and with high regard, regardless of social or ethnic background.

Under the leadership of Cesar Chavez, the United Farm Workers Union successfully worked to change the once dismal working conditions for hundreds of thousands of workers throughout the Nation for the past three decades. These struggles have brought pay increases, benefits and a sense of job security to workers who had been among the most exploited in the Nation. The union's efforts have also brought needed attention to the health problems facing farmworkers, including exposure to harmful pesticides that affect workers and their children.

Mr. President, how fitting that on this day, Cinco de Mayo, we pay tribute to Cesar Chavez. It was on this same day in 1862, at the Battle of Puebla, that a small band of Mexican troops defeated French invaders. This battle was a victory for the exploited. And, in this same way, Cesar Chavez, in his struggle to represent a generation of people who had long been neglected, brought about a victory for the basic working rights of farmworkers.

Mr. SIMON. Mr. President, I do not see anyone else asking for the floor right now. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPARKMAN HIGH SCHOOL'S NATIONAL CHEERLEADING CHAMPIONSHIP

Mr. HEFLIN. Mr. President, Alabama is widely known as the football capital of the South, so it probably should not surprise my colleagues that the State also boasts some of the Nation's best cheerleaders.

This year, the cream of the crop may be found at Sparkman High School in Toney, AL. The cheerleading squad from Sparkman High, the namesake of the late, great Senator from Alabama John J. Sparkman, recently won the Universal Cheerleading Association Varsity National Championship in Orlando, FL, becoming the first team from Alabama to ever win the national title.

I am proud to commend and congratulate these talented young people and their coaches and staff at Sparkman for parlaying their many hours of hard work and athletic ability into the national cheerleading championship.

I ask unanimous consent that a resolution passed by the Madison County Board of Education recognizing the squad be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Sparkman High School Cheerleaders won the Universal Cheerleading Association Varsity National Championship in Orlando, Florida;

Whereas, members of the team are Jennifer Vaughn, Captain; Amy Martin; Jennifer Hillard; Brandi Alverson; Ginger Matthews; Laura Bailey; Laura Bentley; Christa Edwards; Anna Keel; Shannon Pike; Candice Fostor; Rea Samples; Nicole Watson; Stacy Parkas; Tina Dempsey; Shannon Sharock; Donna Swaim, manager; Daniel Beard; Mr. Senator; Madonna Holladay, head coach; Lisa Holladay, assistant coach; Henry Vaughn, assistant coach; Anita Hutchinson, counselor;

Whereas, Sparkman beat 90 squads from all over the United States to become the first team from the state of Alabama to win a National Cheerleading title;

Whereas, the members of the squad practiced about 25 to 30 hours a week to prepare themselves for the title;

Whereas, each squad member won a jacket and an individual trophy, a National Title Trophy for the school and approximately $21,500 in prize money: Now, therefore, be it

Resolved, That the Madison County Board of Education, our school system and our community hereby acknowledges the aforementioned achievements and express due acclamation to the Sparkman High School Cheerleaders: Be it further

Resolved, That this resolution be perpetuated by incorporating the same into the permanent minutes of the Madison County Board of Education and that a copy hereby be presented to Sparkman High School, the Cheerleading squad and members of the Madison County Board of Education.

THE POOR MAN'S EQUALIZER

Mr. HEFLIN. Mr. President, Col. Orval Matteson, of Jacksonville, AL, has written a lively and timely piece summarizing his observations about today's military, particularly concerning the ongoing threat of chemical weapons.

In "The Poor Man's Equalizer: Two New Weapons," the retired colonel presents very cogent arguments for retaining our live chemical agent training capabilities in the Army, currently conducted at Fort McClellan, AL. As the Base Closure Commission continues to evaluate the Department of Defense's recommendations for realignment and closure, Colonel Matteson's thoughtful insight is the kind that hopefully is guiding the Members' decisions.

I commend the study of Colonel Matteson's paper to each of my colleagues, and ask unanimous consent that a copy be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POOR MAN'S EQUALIZER: TWO NEW WEAPONS

(By Col. Orval Matteson QMC, Regular Army, Ret.)

Yes, by today's standards the Army and the other services are first class high-tech. And today the Army and the others, except for nuclear forces, are being dedicated and designed to fit the concept of meeting time-urgent military contingencies, anywhere, anytime, engaging unconventional or high-tech forces. (In its concentration on that objective the Army in its planning has disregarded the possibility of ever having to meet its most critical mission, that of ever having to get capable of fighting a war; no doubt it has been so disregarded just because it seems too improbable to be a major consideration. But that's another story.)

So now we're high-tech oriented, and all of our forces are increasingly becoming more dependent on high-tech machines and equipment for controlling, for fighting and supporting, whether for land, air, or water forces or operations. Increasingly we are becoming more dependent on rapidly massing forces and materiel, whether deploying or while fighting. Increasingly we are becoming better at both the application of high-tech everything and at massing anything, so we are becoming more dependent on them. Thus, we are becoming more vulnerable, and really more restricted and less mobile.

It's our forte: high-tech; massing. We excel, compared to any "contingency enemy."

Whether that enemy is also high-tech or unconventional, compared to us in military resources he is apt to be a Poor Man. So, how is this contingency enemy to overcome or even resist this U.S. invader? What is the Poor Man's Equalizer? It has to be something he can afford and that he either has or can make or obtain; he has to be able to use it. As I see it, no matter who he is he has it or can easily get it and he has an inherent capability to use it effectively.

Soon, I trust our combat conceptual thinkers and our high-ranking leaders will realize that the dominant defensive—and thus offensive—weapon of at least these contingency-type enemies against our high-tech, high-consuming-dependent, massed, mobile-dependent forces will be persistent chemicals precisely, finitely applied.

Simply stated, spattered persistent chemicals on finite targets on air fields—either on land or afloat—will close them to both returning flights and to future flights, thus curtailing our air superiority. Similarly, anywhere, persistent chemicals finitely targeted on ammunition stocks reduce fire superiority, and on fuel stocks reduce mobility; on logistic airfields, beaches, harbors or key transportation junctions they curtail resupply; on command head-quarters and on control centers at any echelon they destroy or at least disrupt operations; and the selections go on and on.

Combat troops may still be chemical agent targets, but for persistent chemicals such large area troop targets will be outranked by habitats of Generals and Admirals and by targets with POL or ammo handlers, communication specialists, fork lift operators, stevedores, and the like.

No, the Services haven't been thinking in real terms of the possibility of facing persistent chemicals, but such thinking has been done, and in high places.

"Even a light sprinkling of persistent gas on Omaha Beach could cost us our footing there," said General Omar Bradley, the principal U.S. ground commander for the assault at Normandy, back then in 1944. (See Soldiers, Jan. 93.)

No, it did not happen then, but if it had they could not have done anything to reopen the beach, nor could we do it now; nor, under current programs, will we be able to do it in the future.

Back in the 40's the capabilities and versatilities of persistent agents were penny-ante stuff compared to today's, just as today's will no doubt be tomorrow.

But back then there was at least one senior officer who appreciated the potential impact of persistent chemicals on US operations, and it wasn't even taught then at C&GSC (I know)—and I'll bet it still is not, at least to its ultimate in both importance and potential utilization. Omaha Beach was no finite target, but some terrain Key to getting off of it was. (Stop to think, what if they had been used at Normandy?)

O.K. Any contingency enemy can have the persistent chemicals, but how can he get them on key targets, finite or not, with our high-tech air power, et al.? What is the "second weapon" he has to have to provide him his Equalizer? He already has it, and it is something which we won't have (of course, we won't have the persistent chemicals either).

Yes, these easy-to-produce-or-obtain chemical agents may still be delivered on targets by conventional means, particularly by sophisticated forces. But they will be delivered by all types of forces by a weapon we won't have, a Kamikaze, with the characteristics of a chameleon.

Yes, this is the Poor Man's Equalizer, his two weapons: persistent chemical agents to secure the finite target, and the Kamikaze to hit it. Yes, the Kamikaze fits his needs perfectly, traveling by land, air or water, using bombs, projectiles, disposable short range mortars, briefcases or whatever everyone carries, or whatever.

The Kamikaze will be a common type of adversary, with delivering these agents just one of his/her missions, who must be recognized in our doctrine, planning, and training. In the 40's those we called The Japs performed Kamikaze-like actions in practically every ground combat conflict, but their efforts were generally instinctive and uncoordinated. We did not recognize these performances as inherent until they brought in their special forces against our Navy.

But surely we must realize that the world's potential trouble makers have Kamikaze as a major MOS and that on their own stamping grounds they will be a most common and dangerous weapon to be routinely faced.

Anyway, if I were they I would use the Kamikaze as the primary delivery means of persistent chemicals, and I would wisely, widely and frequently employ these two weapons to equalize, yes neutralize, the U.S. high-tech, massing-oriented and mobile-dependent forces.

As an old line logistician in the 60's I was about up to my chin in the creation of concepts, doctrine, organizations and operational techniques for such as the development and the redevelopment of ROAD and COSTAR and TASTA while I was with the Quartermaster Board, the Army Logistics Management Center, and the Combat Services Support Group of the Combat Developments Command. As the first chief of CSSG's Organization and Doctrine Division I conceived and sold the Theater to Division Support Command concept and developed its various TO&E's, doctrines and applications, including the first use of ADPE in the field. Later I was in even deeper at Hq. DA in developing MAT'TSSST for the Brown Board, and then as Special Assistant to the DCSLOG for Concept Development and Future Systems Design, and after retirement as a consultant to ODCSLOG on ROLS–75.

In between and before those assignments were ones designing the to-be COMM Z in France, and later for three years the chief of its G4 Plans; four years in Hq DA OOCSLOG's Plans; Quartermaster of the 7th Inf. Div. in Korea; Quartermaster of III

Corps; CS and CO of the 13th Support Brigade.

Thus I can easily visualize the targets in the service support systems of any theater of operations which when attacked, finitely, with persistent chemicals would in turn take the supported forces—whether combat, combat support or service support—out of action, at least until the targets could be replaced or reconstituted. This impact is particularly assured as the Army's personnel and materiel resupply systems are still designed and organized to deliberately insure that the using unit, combat or otherwise, will never be at full TO&E or Basic Load strength once engaged or supporting forces in combat; but that too is another story.

The impact on command, control, and communications systems would be equally devastating. Although I have no personal experience with airfield operations on land or afloat, I am sure they each also offer their critical finite targets, reachable to the Kamikaze.

Generally, similar attacks on off-shore support bases and in the ZI will have delayed effects on in-theater operations, although the repercussions, particularly from those in the ZI, could be most profound. But, progressively, the targets will resemble the proverbial sitting ducks, and chances are the delivering agent will be able to execute repeat performances.

So, what's to be done? Well, first at comparable command levels start to emulate General Omar Bradley in his appreciation of the devastating effects of persistent chemicals. Then get the conceptual thinkers aboard that idea train and at the same time start getting prepared for the attacks. Get going on assuring individuals defensive skills against the agents and in creating and developing mobile decontamination teams and units to overcome the effects of such attacks; get going on assuring that developing the best possible equipment for these protective and these decontamination missions is high in the R & D program.

Get this chemical defense program high up in command interest from the Army C.S. down to the company level; get it high up for funding for training, equipment, and R & D.

Make full use of the specialized training facilities of the Chemical Defense Training Facility (CDTF) at Ft. McClellan to get the top command interest and use the total Chemical School at full capacity for training the trainers who go back to their units to train the troops.

How? Have all generals and all other top-level commanders and their Command Sergeant Majors go through a session at the Ft. McClellan CDTF. That experience will challenge not only their personal protective equipment but their minds and bodies as well. The interest created will assure their emphasis on training, equipment and R & D. The truly lackadaisical attitude toward Chemical Training found in all echelons since 1938 (to my knowledge), and even now for those who have not been personally associated with the CDTF, will be dissolved.

So, these initial and continued demands on the CDTF will exceed its present capacities. Then, expand the capacity and give the program the support needed to handle the load.

Also, press for completion of the new Decontamination Apparatus Training Facility (DATF) which is now under construction at Ft. McClellan. Expand its capabilities and scope of training to meet the demands for the skills, equipment and techniques visualized to meet attacks by these Poor Man's equalizing weapons.

Yes, meeting these demands for emphasizing individual protective capabilities, for developing some in-house decontamination capacities in each unit and particularly in key-target ones, and organizing, equipping, and training specialized mobile, even airdrop, decontamination units for areawide missions will in these times of increasingly limited funds and forces, require some realignments in both funding and the force structure, not only for the Army, but for the other services as well. So be it. Time is wasting. Potential enemies already have the capacities and capabilities and we must expect they have both the will and the knowledge to make use of the capability in the manner discussed herein.

Those in the Army we used to call Combat Types need to think about what the application of these equalizer weapons on their service support lines will do to their combat capabilities. They know that their combat successes are totally dependent upon keeping the service support lines operating at the rate to meet their combat needs, and then some. These Combat-types should be the strongest advocates for meeting these two programs, and soon.

Demands from the other services should be equally strong. The Marines can expect to be the first to be so greeted by these weapons. The air forces, afloat and ashore, can expect their air fields to be constant priority targets. The Navy should know that beach and harbor operations will be equally popular.

The uniqueness and similarity of these requirements for those services and the technical complexities and costs of the specialized training facilities, the CDTF and the DATF, precludes the other services from establishing their own Chemical Schools and specialized facilities. This magnifies the importance of and the demands to be placed upon Ft. McClellan's Chemical School, which is as it should be.

In fact, the training of individuals and of mobile decontamination teams and units at Ft. McClellan and the concurrent development of doctrine and procedures by the Chemical Corps and its continued training could very well become the keystone to assure that U.S. forces are able to successfully operate in the environment that can be created by the poor man's high-tech weapon delivered by his fanatical Kamikaze.

H'm'm. . . .

Oh. Are persistent chemicals and the Kamikaze new weapons? No, not really. One predates Omaha Beach. The other flourishes in the world's oldest societies.

But they will be new to us, and are most certain to be disruptive. How disruptive depends on whether we have prepared for them. As of now we have not. At the highest levels we have not considered them a threat, nor getting prepared to meet them as important. This can be changed.

As in all things, it is a matter of top level emphasis. May they hear the voice of General Omar Bradley?

TRIBUTE TO BARBARA STROCK

Mr. HEFLIN. Mr. President, on May 18, 1993, Barbara Strock will retire from the Alabama League of Municipalities after 25 years of energetic service. She is the league's only staff member to have worked for all three of its directors, the only three in its 58-year history.

Barbara began working for the league on July 1, 1958 as secretary to Ed Reid, the first executive director. She and Mr. Reid were the only two employees at the time, and her duties extended far beyond those of the average secretary. In addition to taking dictation, she produced the league's newsletters and legislative reports. Two years later, Barbara began a 10-year break from her job to start a family. She returned in 1970.

For each of her 25 years of service, Barbara planned and coordinated the league's annual conventions, gatherings which have increased in attendance from a handful of elected municipal officials to over 1,800 municipal officials and personnel from virtually every city and town in Alabama. It is safe to say that due to her planning skills and attention to detail, the league conventions have always been run smoothly and have proven highly beneficial to Alabama's local government leaders.

During her two and a half decades with the league, Barbara has worked closely with the National League of Cities in making preparations for the Alabama delegates to attend their national conferences. Her total dedication to the municipal officials of Alabama has brought her many deserved and colorful accolades throughout the years.

More recently, Barbara's capable shoulders have born additional responsibilities, such as serving as staff liaison for the league's Standing Committee on Community and Economic Development. Here again, her attention to detail and working knowledge of local government in Alabama have proved invaluable.

I am proud to commend and congratulate Barbara Strock for all her hard work and service to the Alabama League of Municipalities. She will be sorely missed, but she has indeed earned a long, happy, and healthy retirement. Her service will long remain the standard by which her successors are measured.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

Mr. HEFLIN. Mr. President, I rise today to congratulate the students and teachers of the Shades Valley High School Resource Learning Center in Birmingham, AL. This is the fifth year in a row these scholarly students have advanced to the final competition of the We the People . . . The Citizen and the Constitution Program. I am extremely proud of these students, their teacher, and coordinators who have worked so diligently to represent the State of Alabama in this very worthwhile program.

The team members include: Elizabeth Arnold, Brandi Bonner, Douglas Croker, Matt Fridy, Chris Gerlach, Darcy Goodwin, Anna Graham, Joel

Hardy, Barry Heard, Emily Hodges, Kenyon Holder, Daniel Hurst, Josh Jenkins, Michael Jowell, Christina Larussa, Lee Ann Morawski, Terra Mortensen, Kelli Moses, Paul O'Leary, Kristin Oden, Heather Partain, Adam Peek, Bethel Peterson, Jill Seaman, Julia Settle, Jonathan Sides, Rebecca Simonoton, Chris Speights, Ann Stevenson, Lee Surtees, and Matt Weber. A special word of praise for the student's teacher, Linda Mays Jones, who deserves much of the credit for the success of the team. The district coordinator, Linda Dukes Connor, and the State coordinator, Janice Loomis, have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3 days of academic competition provides students with an opportunity to demonstrate their knowledge of constitutional issues in a simulated congressional hearing. This is an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today.

I am proud of these students and commend them and their teacher for their hard work. I wish them the best of luck in this competition and much success in the future.

STANDING TALL: REMEMBERING KHE SANH

Mr. NUNN. Mr. President, I rise today to bring to the attention of the Senate an article entitled "Standing Tall: Remembering Khe Sanh" which appeared in the February 1993 issue of the Retired Officer magazine. The article, by C. James Novak, does a superb job of reminding us of the heroic efforts of the marines and supporting forces which fought in Khe Sanh.

Mr. Novak's article commemorates the 25th anniversary of the United States victory at the Khe Sanh battlefield in South Vietnam. This 77-day siege became one of the most brutal battles in the Vietnam war and is a fine example of the courage and determination of our fighting marines.

The North Vietnamese Army [NVA] drastically underestimated United States determination to hold the base at Khe Sanh. Despite early NVA overwhelming numerical advantage, the marines in the garrison withstood the initial onslaughts and counterattacked quickly.

The siege ended on April 8 when the 26th Marines were relieved at the base. The bravery of these marines and the forces that supported them during the lengthy bombing and resupplying missions clearly stands as a testament to the fighting spirit of our Armed Forces.

I ask unanimous consent that this article be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REMEMBERING KHE SANH

(By C. James Novak)

On January 20, 1968, as the sun burned through a heavy fog on Hill 881N, Marine 2Lt. Thomas D. Brindley earned the Navy's second highest commendation. As commander of 3rd Platoon (Company I, 3rd Battalion, 26th Marines) stationed at Khe Sanh, South Vietnam, his mission that morning was to reconnoiter for the enemy forces that had ambushed a Marine contingent three days earlier.

What Brindley encountered, however, were elements of a North Vietnamese Army (NVA) battalion in heavily fortified defense positions on and near Hill 881N. Caught in a nightmarish crossfire that one Marine described as a "page out of the life of Chesty Puller" (the legendary Marine lieutenant general who was awarded the Navy Cross five times). Brindley fought from flank to flank as he urged his men up the 2,583-foot rise. The first to reach the summit, he fell to a sniper's bullet moments later. For his gallantry and leadership, Brindley was posthumously awarded the Navy Cross.

Brindley's courage and determination were a prologue to one of the fiercest battles of the Vietnam War—the siege at Khe Sanh. For 77 days, 6,680 defenders, including those on outlying hills, defiantly withstood a merciless pounding of artillery, mortars, rockets and ground assaults by an NVA force estimated to number 30,000 to 40,000. The garrison was composed of American Marines along with a small contingent of Army Special Forces and a battalion of South Vietnamese Rangers (37th ARVN).

The North Vietnamese defense minister, Gen Vo Nguyen Giap, orchestrated the Khe Sanh attack to be to America what Dien Bien Phu had been to the French 14 years earlier. In that two-month siege, 600 weary survivors of a decimated battalion ended French involvement in Southeast Asia by charging into an NVA force of 40,000. At Khe Sanh, Giap intentionally used one of the combat divisions that had fought at Dien Bien Phu. The parallels between Dien Bien Phu and Khe Sanh were easy to draw, but Gen William C. Westmoreland made the decision to hold the base. Suddenly, according to MGen Lowell English, a Marine deputy commander at Khe Sanh, this "piece of terrain that wasn't worth a damn" had significance. Virtually overnight, Khe Sanh became a symbol of American determination in Vietnam.

OF MORTARS, MELEE AND MEN

The main American presence at Khe Sanh was composed of the 26th Marine Division and the 1st Battalion, 13th Marines (a heavy artillery unit). The defenders actually occupied more real estate than the Khe Sanh combat base proper. Company-size elements of the 26th Marines also held and defended strategic high terrain located around the base's periphery, with the two most important being Hill 861 and 881S.

It was Hill 861 that bore the brunt of the initial NVA attack in the pre-dawn hours of January 21, when 300 NVA regulars poured through the Marines' defenses. The American counterattack, punctuated by intense hand-to-hand combat, retook the lost ground and drove the invaders into a culling crossfire.

Several hours after the attack on Hill 861, the main base was the target of hundreds of 82mm mortar rounds, 122mm rockets and artillery rounds. The Marines' main ammunition dump took a direct hit. Thousands of rounds were instantly destroyed and havoc reined during the next two days as ammunition "cooked off" amid the inferno. But, with the exception of occasional probing assaults, an all-out NVA ground attack never materialized.

The first major ground offensive came on February 8 when a reinforced NVA battalion of the 101D Regiment, 325C Division, hit positions on Hill 64, a scant 500 meters from the base's perimeter. Members of the Marines' 1st Platoon (A/1/9) grappled against overwhelming odds in a melee of hand grenade duels, hand-to-hand combat and raking machine gun fire. Twenty-one Marines lost their lives before reinforcements battled their way to the trapped platoon. Enemy casualties numbered 150 dead. For the next two weeks, the NVA mounted no significant ground assault but continued its relentless shelling of the base.

The bombardment of Khe Sanh by NVA artillery and rocket forces was brutal and included an overabundance of 82mm and 120mm mortars, 122mm rockets, and 130mm and 152mm artillery rounds. The enemy pumped an average of 2,500 rounds a week into an area barely 600 meters long by 300 meters wide. On one day alone, February 23, NVA forces unleashed 1,307 rounds on the besieged defenders. Yet, surprisingly, these bombardments inflicted relatively few casualties among the dug-in, sandbagged Marines.

The last major ground engagement at Khe Sanh began on February 29 and stretched into March 1. Pressured by the improving weather that invited increased air attacks, NVA forces began massing to the south and east of Khe Sanh for a final assault. Late on the night of the 29th, a battalion from the 304th NVA Division attacked the 37th ARVN Ranger Battalion positioned on the base's eastern perimeter. For seven hours, the South Vietnamese Rangers, with massive supporting fire, turned away three separate enemy assaults.

The courage and valor that the defenders of Khe Sanh displayed in defeating an overwhelming enemy force were impressive. Yet the soldiers who stood tall during the 77-day siege will be the first to acknowledge that their survival hinged on two things: President Lyndon Johnson's commitment to defend Khe Sanh and the herculean effort exerted by U.S. air assets.

OPERATION NIAGARA

Westmoreland moved quickly to reinforce the vastly outnumbered Marines and exploit the rare opportunity to strike large formations of NVA forces. Officially, Operation Niagara aimed to "destroy enemy forces in the [Khe Sanh] area, interdict enemy supply lines and base area . . . and provide maximum tactical air support of friendly forces." Battlefield translation: Drench the bastards in a cascade of aerial firepower.

Operation Niagara kept tactical fighter bombers on station over the besieged base nearly round-the-clock. Marine and Navy A–6 Intruders, each capable of carrying 28 500-pound bombs, anchored a tactical armada that included Marine, Navy and Air Force F–4 Phantoms, A–4 Skyhawks, F–8 Crusaders, F–105 Thunderchiefs and F–100 Super Sabres. Vintage South Vietnamese prop-driven A–1 Skyraiders also joined the ranks. In the heroics to defend Khe Sanh, the 7th Air Force racked up 9,961 sorties and dropped 14,223 tons of bombs. First Marine Air Wing added another 7,078 sorties and 17,015 tons of ordnance, and naval aircraft mounted 5,337 flights and delivered 7,941 tons of bombs.

It was the persistence of these bombing runs that made the area around Khe Sanh one of the most-bombed targets in military history. To put this into perspective, the bombs dropped at Khe Sanh equalled nearly one-fifth of the U.S. bombs dropped on targets in Asia during 45 months of World War II.

The precision with which these multi-service aircrews delivered their weapons was extraordinary. Typically, close air support missions were guided by Tactical Air Controllers (Airborne) who fired smoke rockets from O1–E Bird Dogs or UH–1E gunships into identified enemy targets. As the pilots zeroed in on the smoke markers, the TAC (A) would radio corrections to each subsequent fighter bomber based on the previous aircraft's accuracy. The tactic literally "walked" a stream of aircraft over the desired target.

While the TAC (A) proved extremely effective in good visibility, the monsoon rains and heavy fog of February and early March meant the Americans had to supplement this technique with radar-controlled releases. At the heart of this operation were a TPQ–10 radar and a computer-laden van, buried and heavily sandbagged, that juggled radar readings, map coordinates, compass headings and wind speeds, and guided the planes through the gloom on precision bombing runs. Manned by Air Support Radar Team-Bravo, Marine Air Support Squadron 3, the TPQ bombing technique proved to be incredibly accurate and was critical to maintaining all-weather bombing capability during the 77-day siege.

NO. 1 ON THE HIT PARADE

While fighter bombers roared in with deadly accuracy on close-in NVA positions, terrain out beyond 1,000 meters of the base became a virtual killing zone because of the B–52 raids. The courier of catastrophe for NVA and Viet Cong forces caught in this area came in the darkened silhouette of an aerial behemoth that prowled unseen at altitudes of 30,000 feet and that heralded every heart-stopping arrival with an incredible 54,000 pounds of high explosives. B–52 Stratofortresses from Strategic Air Command's 3rd Air Division, each with a payload of 108 500- and 750-pound bombs, dropped an incredible 59,542 tons of bombs in 2,548 Arc Light sorties to Khe Sanh.

Every 90 minutes, three B–52s, nicknamed "big ugly fat fellas" or "Buffs," hit a target area one kilometer wide by two kilometers long, completely devastating NVA troop concentrations, marshaling points, bunker networks and supply depots. In a pinch, B–52s could deliver their weapons as close as 1,000 feet to dug-in friendlies. American Marines cheered the awesome display of firepower, which they dubbed "No. 1 on the hit parade." One North Vietnamese soldier wrote in his diary: "18 February: The heavy bombing of the jets and B–52 explosions are so strong that our lungs hurt." Westmoreland would later comment that "the thing that broke their backs was basically the fire of the B–52s."

BULLETS, BEANS AND BANDAGES

The dangerous effort to resupply Marines with bullets, beans and bandages was no less impressive. The runway became the base's lifeline as C–130 Hercules and C–123 Providers, together with Marine CH–46, Army CH–53 and UH–1E helicopters braved poor weather, thick antiaircraft fire and mortar attacks on the ground to evacuate casualties, insert replacements and drop off supplies. As enemy gunners rained mortars down on the vulnerable cargo carriers, pilots had to land, unload and take off in less than three minutes. It was exceptionally perilous duty.

After a C–130 was hit by mortars while unloading fuel on February 10, all Hercules landings were suspended. However, C–130s continued to fly supplies into Khe Sanh using parachute drops or a hook and line system for extracting supply pallets from the planes. Helicopters and C–123s continued to use the airstrip, but only the former were able to resupply outposts. Unfortunately, choppers had only about 19 seconds over the outposts before mortars peppered the area.

To cut mounting helicopter losses, U.S. forces introduced the "Super Gaggle" system. The objective was to use precision time control to coordinate the arrival of a mixed armada of fixed-wing and helicopter assets. Twelve CH–46 helicopters, each carrying 4,000 pounds of underslung supplies, were escorted into the outpost by 12 A–4 Skyhawks blasting NVA gun positions on the flanks while four UH–1E helicopter gunships cranked out close-in support and rescued any downed crewmen. Although extremely successful in resupplying critical outposts, 17 helicopters were destroyed during the five weeks of Super Gaggle missions.

The siege officially ended on April 8, 1968, when the 3rd Brigade of the 1st Cavalry Division pushed into Khe Sanh and relieved the battered but triumphant Marines. North Vietnamese forces suffered 1,600 confirmed dead, but reports after the war indicated that some units surrounding Khe Sanh had taken 90 percent casualties under the deadly U.S. bombardments. Intelligence estimates put actual NVA losses at more than 10,000. The cost in U.S. lives was 205 killed and 1,600 wounded.

MIXED MESSAGES

Khe Sanh was a powerful example of America's battlefield superiority. Unlike the headline-grabbing street warfare of the Tet offensive, where enemy infiltrators preyed on civilian targets, the North had clearly committed enormous military resources to securing a major battlefield victory at Khe Sanh. The result was a disastrous engagement for which they paid a severe price.

But, while the American military legacy at Khe Sanh is a proud one, its epitaph stands as yet another staggering incongruity of American policy in Vietnam. For on June 23, 1968, less than 77 days after breaking the bloody siege, American forces were ordered to abandon the base they had so vigorously defended. The withdrawal was to be conducted in secret, but the press picked up the story.

It has been 25 years since 2Lt Thomas Brindley charged up Hill 881N; 25 years since America sent home 205 young bodies during the siege of a place called Khe Sanh. While their courage and service are a proud inheritance to every military professional who bravely answers our country's call to arms, their loss remains a haunting reminder of the price we pay as a nation for making that call uncommitted.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Monday, May 3, the Federal debt stood at $4,238,348,617,824.55, meaning that on a per capita basis, every man, woman, and child in America owes $16,500.68 as his or her share of that debt.

DEATH OF FORMER WISCONSIN GOV. WARREN P. KNOWLES

Mr. FEINGOLD. Mr. President, Wisconsin has a long tradition of progressive leaders at all levels of government and it is no accident that our State motto is "Forward." This past Saturday, May 1, 1993, the State of Wisconsin lost one of those classic forward-thinking progressive leaders with the passing of former Gov. Warren P. Knowles.

Governor Knowles was a progressive Republican who served the people of Wisconsin from 1941 to 1971 first as an accomplished State senator, Lieutenant Governor and later as a three-term Governor. His years of Wisconsin service were interrupted by 4 distinguished years of national service aboard the U.S.S. *Nevada* as a Navy lieutenant during World War II.

He embodied the progressive spirit that has dominated so much of Wisconsin's history. An environmentalist, before there were environmentalists, Governor Knowles helped create the Outdoor Recreation Act which established a long-range plan to buy and improve land for parks, hunting, and other recreational uses. He led the way in protecting wetlands and fighting water pollution.

As the Republican floor leader of the State senate he created the State Building Commission and the Legislative Council, two of the most critical nonpartisan bodies in Wisconsin State government.

As Governor he championed civil rights and environmental protection while streamlining State government. He declared war on drunk driving and kept the peace during civil rights turmoil in Milwaukee and anti-Vietnam war protests in Madison. He cut the number of State agencies from 127 to 26. We could use the good sense and solid leadership of Warren Knowles in our battle today against the Federal deficit.

After retiring voluntarily from the Governor's office he served as a distinguished member of the University of Wisconsin Board of Regents and he continued to work hard to preserve our State's beautiful environmental resources by helping create the Stewardship Fund, a multi-million-dollar program to underwrite purchases of parkland and ecologically fragile sites.

Gov. Patrick Lucey, a Democrat who succeeded him credited many of the accomplishments of his time in office to the solid groundwork laid by Governor Knowles.

This past Saturday, Governor Knowles suffered a heart attack on one of his frequent fishing trips around

Wisconsin. He had been participating in one of Wisconsin's most cherished State traditions—the opening day of fishing season. Given his life-long legacy of dedication to the environment and stewardship of natural resources, there probably couldn't have been a more fitting way for Warren P. Knowles to meet life's final challenge.

The people of Wisconsin are deeply thankful for his lifetime of public service and those of us in public life today will sorely miss his wise counsel.

REMEMBERING REV. ARTHUR LUNDBLAD

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to the memory of a distinguished Minnesotan, Rev. Arthur Lundblad. He was a man of faith and service who made history as a pioneer missionary in Zaire, Africa.

Art Lundblad was born on August 30, 1909, to John and Selma Lee Lundblad on the family farm in Farwell, MN. He attended District 76 School in Farwell, and the first 2 years of high school in Glenwood. When his father died in 1925, at age 16 he left high school to manage the family farm with his mother.

Sensing a call to full-time Christian service, he enrolled at Minnehaha Academy in Minneapolis, completing his secondary studies in 1934. He began his undergraduate program at North Park Junior College in Chicago, IL, earning an associate of arts degree in 1936.

He as ordained to the ministry and dedicated to missionary service in June 1938. He went to Belgium for French studies, a stay shortened to 7 months due to the outbreak of the war. He arrived in Belgian Congo in February 1939, and traveled by riverboat to the Ubangi region where the Evangelical Covenant Church had established a mission.

There he met Florence Nelson, a nurse from Nebraska who had been one of the first missionaries to Congo. They were married in 1941, and three children were born to them.

Reverend Lundblad's work as missionary paster led him into many varieties of ministry in the Congo, now known as Zaire. As an evangelist, he preached to hundreds of Congolese. As developer-pastor, he inaugurated two new mission stations in Zaire. As servant, he was a fix-it man, always available to put his knowledge and patience to use to get something working again. As pastor-teacher, he guided young church leaders into greater responsibility for administration of the church. As builder, he supervised the construction of schools, homes, churches, and office buildings. As administrator, he served as the legal representative of the mission to the Government. As communicator, he helped to establish the shortwave radio link between mission stations. As ecumenist, he served as associate director of the office of evangelism of the Church of Christ in Zaire and helped coordinate the Christ for All campaign throughout the country.

He was a lifelong student, eager to learn, to deepen his understanding of people and the world. He returned to North Park Seminary to complete his work for the bachelor of divinity degree in 1948. And in 1964, after finishing the required courses, he proudly received his bachelor of arts degree from North Park College, 28 years after he had begun.

Florence died in September 1969 and Art married Helen Price, longtime missionary to Zaire, in Chicago in 1972. They returned to Kinshasa, Zaire where Art continued to serve in the office of evangelism and as liaison to the Government for the Covenant and Evangelical Free Church missions. They retired from active missionary service in 1976, at which time he became executive director of the Paul Carlson Medical Program, serving from 1977 to 1984.

Reverend Lundblad died at the age of 83 on Friday, March 12, 1993 in Batavia, IL.

Mr. President, the life of Art Lundblad was a personification of a servant leader. As Minnesotans, we share the pride of his family in his life of selfless service and join with them in celebrating the fruit born of his upbringing, his education, and most of all, his faith.

I yield the floor.

THE LOBBYING DISCLOSURE ACT OF 1993

Mr. McCAIN. Mr. President, I strongly support the Lobbying Disclosure Act of 1993, S. 349, and I am proud to be a cosponsor of this important legislation.

S. 349 seeks to streamline disclosure procedures for lobbyists by creating a clearinghouse for lobbying reporting and regulation under the Justice Department. The bill would also shift responsibility for the monitoring of lobbying activities and of foreign agents who lobby to this new Justice Department office.

This office would also enforce the bill's provisions, create a universal disclosure form, and require twice-a-year disclosure of expenses and activities of lobbyists. Additionally, S. 349 would expand the legal definition of the term lobbyist to include part-time lobbyists and certain persons who are not covered under existing regulations.

Mr. President, this legislation is long overdue. Current law regarding lobbying activities is convoluted and has eroded public trust in the Congress. This measure is a small but important step in the process of restoring the public's confidence in the institutions of democratic government.

At the same time, however, we must be careful not to unduly restrict the ability to petition the Government. We have an obligation to ensure that we do not breach any citizen's right to contact the Congress. This legislation does not infringe upon the constitutional right of free speech and expression.

Mr. President, I believe the Lobbying Disclosure Act strikes an appropriate balance between the public's justified need to know who is, and how much is being spent on, lobbying elected officials and an individual's opportunity to exercise his or her constitutional right to petition the Government and express opinions.

Mr. President, the legislation before us is not perfect, and I wish the bill had gone further in its regulation of lobbying activities. I am confident, however, that any deficiencies in the bill will be addressed in the future in a most expeditious manner. I am equally confident that the chairman of the Subcommittee on Government Oversight, the able sponsor of this bill, will do all he can to ensure that the subcommittee acts not only on any deficiencies in this bill, but on legislation introduced by Senator BOREN and myself on the same subject now pending in his subcommittee.

Unfortunately, some groups who supposedly support the goals we are seeking have chosen to oppose this bill because, in their view, it is not sufficiently comprehensive. I am somewhat saddened by their shortsighted opposition to this measure. It is particularly vexing that one group in opposition to the bill, Common Cause does not disagree with any of the provisions in the bill but simply believes the bill does not go far enough.

According to Senator LEVIN in his letter to the New York Times on March 3, 1993,

> It turns out that Common Cause—the organization on which I believe you have relied for information on this issue—has changed its mind, and [the New York Times] has followed suit. Common Cause, like you, has no criticism of what the bill does, but now opposes it because of what it does not do. Apparently, Common Cause * * * now believes that comprehensive lobbying registration is too easy, so we should try something harder, like addressing the congressional gift rules at the same time.

Mr. President, I am not opposed to addressing the Senate gift rules, and if amendments are brought before the Senate which appropriately address this issue, I will support them. However, Mr. President, these are somewhat different subjects.

I think that Common Cause is engaging in somewhat selfish behavior. Am I to understand that unless an amendment on an entirely different subject is not adopted, "[Common Cause] urges [the Senate] to oppose the bill?" I think this is a bit shortsighted.

Let me remind my colleagues that the underlying bill was drafted in response to issues raised by Common Cause. Let me emphasize again, Common Cause basically has no fundamental opposition to the underlying bill; it is just demanding that we do more.

Mr. President, I believe the public supports the measure before us. The public, I am confident, would also support changes to the Senate gift rule, and I will join in that effort. But I do not believe the public would wish to be associated with the kind of "do it my way or no way at all" displayed by Common Cause.

Again, Mr. President, I understand that there will be an amendment concerning the Senate gift rule. I will be in support of that amendment and speak in behalf of it, if necessary. Again, I find it hard to understand why the entire bill should be opposed by anyone or any special interest group, which Common Cause is, on the grounds that it does not contain all of the elements that they want.

So, Mr. President, I look forward to swift passage of this bill. I believe it will be another small step forward in restoring the badly eroded confidence that the American people have about the institution of the Congress. I am very grateful to the prime sponsor of the bill Senator LEVIN, for his many hours of dedicated effort on behalf of this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. BINGAMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until 2:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:22 p.m., the Senate recessed until 2:30 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. BOXER].

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

THE LOBBYING DISCLOSURE ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 349, which the clerk will now report.

The legislative clerk read as follows:

A bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Pressler amendment No. 342, to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that Senator BAUCUS be recognized for not to exceed 8 minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Senator from Michigan, the majority manager of the bill, and the comanager of the bill, Senator COHEN from Maine.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 894 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LEVIN. Madam President, I object for the moment.

The PRESIDING OFFICER. The Senator from Michigan objects for the moment.

The clerk will continue the call of the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded and that the Senator from North Carolina be recognized for up to 5 minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes as if in morning business.

Mr. HELMS. Madam President, I thank the able Senator and I thank the Chair.

FIFTY MILLION DOLLARS TO SLAUGHTER UNBORN BABIES?

Mr. HELMS. Madam President, $50 million may be an insignificant amount to the big spenders in Congress and in the Clinton administration, but it still averages out to be a million dollars taken by the Federal Government from every State in the Union to help finance the deliberate destruction of countless thousands of innocent, helpless human lives.

The $50 million to which I refer is new spending proposed for the Federal Government and it sure is a bonanza for the United Nations. There is still time for President Clinton to save this $50 million if he will just do it, and if he does so a great many lives will be saved.

The problem is that President Clinton and his administration have repeatedly declared themselves to be pro-choice, which is no more than an intellectually dishonest euphemism for being proabortion. Why do not they, and others parading under the bloody flag of pro-choice, have the integrity to acknowledge that they don't mind seeing innocent human lives deliberately destroyed?

Madam President, all of this came to mind when the Washington Post reported the other day what it described as the "dramatic" slowing of the birth rate in Communist China. Dramatic? Well, perhaps so in the same sense that the Valentine's Day massacre in Chicago was dramatic. Both the dramatic development in Red China and the slaughter committed by the gangsters in Chicago are peas in the same pod. The only difference—in China it is called family planning.

The New York Times was sufficiently honest to report that the drop in the birth rate in Red China included the fact that hundreds of thousands of Chinese baby girls "seem to vanish from the statistics each year." The truth is that the Communist Chinese concentrate on killing baby girls—to the point that the Chinese Planning Ministry has refused to release the gender ratio of births during 1992.

Yet, the Clinton administration proposes to send $50 million to the U.N. Family Planning organization which is working hand-in-glove with the baby killers on mainland China.

The Chinese are using modern technology to predetermine the sex of unborn children. If an unborn baby is female, it is destroyed as part of the Chinese Communists' use of coercive abortions, sterilizations, and large-scale killing of girl babies.

Madam President, I cannot believe that the majority of American taxpayers want their money to be used to subsidize this sort of brutality. Perhaps if the people of this country somehow find out about it, they will themselves speak out against President Clinton's sending this $50 million to the United Nations.

Madam President, I ask unanimous consent that two newspaper articles—an April 22 article from the Washington Post, and an April 25 article from the New York Times—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 22, 1993]

BIRTH RATE TO LEVELS IN WEST

(By Lena H. Sun)

BEIJING.—China has dramatically slowed its birth rate, lowering the number of children Chinese women are expected to have in their lifetime to U.S. and European levels, the government announced today.

With 1.17 billion people, China is the most populous country and accounts for 21.4 percent of the world's population, so any major change in its population profile has great impact.

In a press conference, Family Planning Minister Peng Peiyun attributed the drop in the birth rate and fertility rate in 1992 to greater vigilance by the ruling Communist Party, improved birth-control measures to implement the country's one-couple, one-child family planning policy, and rising living standards that are promoting couples to have fewer children later in life.

Peng did not elaborate on what birth control measures had become more effective. But some Western specialists and reports in the Chinese press indicate a surge in 1991 in the use of intrauterine devices and sterilizations for couples who exceeded the one-child limit.

In 1992, about 6.5 million Chinese were sterilized, a family planning official said. In 1991 the figure was closer to 10 million, according to a Western specialist, nearly double the number in 1988.

Western experts say coercive measures, such as forced sterilizations, may be part of the explanation for what they describe as the surprising drop in birth and fertility rates.

"It's miraculous for a developing country to achieve this relying on just service and voluntarism," said one Western specialist in Beijing.

In China, the one-child family planning policy began in 1979. In many rural areas, couples are allowed to have two children without penalty if their first is a girl. Minorities, such as Tibetans, may be allowed to have three children or occasionally more.

China's birth rate has fluctuated in the recent past. A dip in 1983–84 coincided with widespread international charges of enforced abortions here. A low in 1979 preceded the coming to adulthood in the '80s of babies born after Mao Zedong pressed for population increase in 1958.

Economic change in the countryside has strengthened the traditional preference for sons. In many cases, as peasants have become wealthy they have paid little attention to birth control because they can afford to pay the fines or bribe family planning cadres, some Chinese said.

But under pressure from central authorities to keep China's population in check, some Chinese report that local family planning cadres have tightened controls in the past two years. In parts of rural Hebei Province, for example, women who already have given birth to a son face sterilization or risk serious punishment if they again become pregnant. In China, women are the more likely to undergo sterilization, usually by tubal ligations.

"If you don't do it voluntarily, they will come and knock your house down," said a blue-collar worker, who said a relative was given such a warning last year.

Today, Peng said that the government "strongly opposes" coercive measures and added that a small number of family planning officials have been removed from their jobs for engaging in such tactics.

Stirling Scruggs, who heads the Beijing office of the United Nations Population Fund, said, "I know the minister, Peng Peiyun, has concerns about coercion because we have collaborated on projects to improve counseling skills of family planning workers and to improve the quality of contraception and the status of women, all aimed at creating programs based on freedom of choice."

The figures released today indicate that China met last year some key goals projected for 2000. Peng said that the policy would remain unchanged until the end of the century nevertheless, because "China is still in a peak period of population growth."

According to statistics from a sample survey conducted by the State Family Planning Commission last fall, China's birth rate in 1992 fell to 18.24 births per 1,000 population, compared to 21 per 1,000 in 1990. The fertility rate—the number of children a woman will have in her lifetime—dropped to 2 births per woman in 1992, down from 2.3 in 1990.

The latest fertility figure is below the population replacement level. Chinese women would require a fertility rate of almost 2.2 to maintain the present population.

In Beijing and Shanghai and in northeast China, the fertility rate has plummeted to 1.5 births per woman, which is lower than that of many European countries. The U.S. rate is 2, France's 1.8 and Germany's 1.4.

At the same time that the fertility rate is dropping, the number of boy babies is growing, according to Westerners. At today's press conference, Chinese officials said the traditional preference for males to carry on the family line and work the land had produced a sex ratio higher than normal. In nearly all populations, 105 to 106 male babies are born for each 100 female babies.

According to China's 1990 census, for every 100 girls under the age of 1 there were 113.8 boys. Officials said they had not collected such data from the sample survey done last year. Unofficial specialists in the field say they believe China has new data showing the sex ratio to be even higher but was not publicizing the number because it showed growing imbalance.

While the reason for the imbalance is not known, specialists believe that three factors are probably at work: unreported births of baby girls, infanticide in poor and backward areas, and abortions of unwanted girls. Ultrasound testing to determine the sex of fetuses is common here.

[From the New York Times, Apr. 25, 1993]

Births Punished by Fine, Beating or Ruined Home

(By Sheryl WuDunn)

Guiyang, China, April 24.—Four days after the birth, a brigade of 10 men and women came from the township to spoil the celebration.

They demolished the parents' hut, strewing stones and straw all over the place. Then they demanded the equivalent of $45, and when the family could not pay, they smashed the couple's chest of drawers—their only furniture, aside from a bed.

"Then they took away our family cow," said Peng Dagui, a 60-year-old peasant who is the grandfather of the baby boy. "I wouldn't let the cow out of my sight. I followed it all the way to the township and pleaded with the officials there. But they didn't care."

The Peng family had the misfortune to be caught up last year in a nationwide crackdown by the family planning authorities. The baby was a second child, a boy, and the parents did not wait the full four years before a second child is allowed in this area.

Instead, the baby was born five months before it would have been permitted, and so the local authorities destroyed the home and took the cow. And that was not the end of it.

A FORCED STERILIZATION

Three months after the birth, two dozen officials appeared in the village, in southern China's Guizhou Province, to take the baby's mother, Wang Zhengmei, 27, to the clinic to be sterilized. Ms. Wang did not dare refuse, and in any case, she was told that she would get $3.50 if she had the operation.

She had a tubal ligation, but the officials never gave her the money, she said.

At least rebuilding a home is in some respects a bit easier in a poor Chinese village than in a big city: the father, Peng Fagang, rebuilt the hut in a month from stones and dry grass collected in the fields.

The only solace the Pengs had was that they were not alone: the officials had done the same thing to another family in the same village, tucked in a hilly region outside Guiyang, more than 1,100 miles southwest of Beijing.

The same plight has befallen many of China's 900 million peasants in villages across the country. Some of the victims are educated, some are illiterate, some have small businesses, and some have barely enough to eat.

PEASANTS OFTEN INTIMIDATED

From visits to rural villages in many areas of China, a picture emerges of a family planning policy that sometimes seems administered with capriciousness. The victims, mostly peasants, often seem intimidated, angry, bewildered and confused.

"Please, can you tell me, ultimately, what is the nation's family planning policy?" a 45-year-old grade-school teacher surreptitiously asked a visitor to his village.

In 1983, he and his wife had a second child, three years after they had their first. He thought this was permissible. But the policy had apparently changed, he said, and so officials fined him $2,456, about 17 times his annual salary at that time.

Since he did not have the money, they deducted it from his salary, docking about 80 percent of his wages for a decade, until the end of last year, when he finally got a vasectomy. Such fines by an installment plan seem common in the villages—perhaps because otherwise nobody could pay them.

FINES SEEM ARBITRARY

What puzzles the peasants is that the fines often seem arbitrary, set at will by local officials. Some families seem to be able to have three or four babies; others are punished for having two.

Villagers say that if they cannot pay the fines, the family planning officials confiscate a cow, a pig, an important farm tool or household belongings like furniture or a television. Sometimes they simply smash the items, and often they knock down the house as well.

In another village, Luo Wanyun said the authorities had somehow agreed to let his wife have a third child. This seems a bit unlikely, but Mr. Luo, 38, has only a first-grade education, and it may have been a misunderstanding.

In any case, after the baby came, a brigade from the township knocked down his house. The team also confiscated his wooden thrasher, used to prepare the rice after it is harvested. Mr. Luo said his family had to live in the hills until they could borrow straw to rebuild the house.

"They often take things, your furniture, your cow, your pig, your chickens, your preserved meat," said a 35-year-old woman in another Guizhous Province village. "If you get sterilized, they take your stuff, and if you don't get sterilized, they beat you."

"Some people have been beaten badly, family members and women," she added. "They take electric batons and they hit whomever they see."

COFFIN IS CONFISCATED

She and other villagers were gathered in the house of Huang Guohai, a 37-year-old peasant who has two children, six years apart. For some reason, he never got a marriage license when he married 11 years ago.

Because he had no license, the peasants said, a brigade of 10 people, wielding sticks and screwdrivers, came to his house last year at 1 o'clock in the morning and took away his wash basin and black-and-white television. What upset Mr. Huang even more was that they confiscated the coffin and funeral clothes he had prepared for his aged mother, to be used when she dies.

Why didn't he resist? Mr. Huang explained, "If you don't let them take your things, you'll just get beaten."

To the east, in Guangdong Province, peasants tend to be much richer and can often afford to pay the fines to have more children. Some of them manage to defeat the authorities.

In Shunshui, a hamlet in Taishan County, Wu Tiaoyuan said he and his wife, 33, hid for several months while she was pregnant with their third child. She finally gave birth in February 1992 to the son they had always wanted.

"We kept moving around from village to village," Mr. Wu said. "It was very hard, and I was scared."

FRUITLESS ATTEMPT TO ESCAPE

Wu Xinlian, a 30-year-old peasant whose dream was to have a son, thought she too could escape the policy. She has two daughters, and so the authorities insisted that she be sterilized.

When the family planning authorities swept into her village a year ago, preparing to take her and other women to the hospital for a tubal ligation, Ms. Wu fled to Shunshui, where she grew up.

She stayed with her parents, planning to meet her husband secretly and become pregnant. But the authorities discovered her whereabouts and sent two dozen officials to take her to a hospital for her tubal ligation. She said she did not dare refuse.

"I have no idea how they found out I was here," Ms. Wu said as she carried her younger daughter on a visit to her parents in Shunshui. She added wistfully, "I really wanted a boy."

Mr. HELMS. I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, last evening and this morning, the managers of the bill, the distinguished Senators from Michigan and Maine, have been consulting with the distinguished Republican leader and myself in an effort to determine the best method of proceeding.

We are trying to accommodate the distinguished Senator from South Dakota, who offered an amendment last evening, as well as proceeding with the bill. We have concluded that those objectives would best be served, particularly accommodating the Senator from South Dakota, with an agreement that would set aside the pending committee amendments, including the Pressler amendment, until called back by myself, after consultation with the Republican leader.

This agreement has been cleared on both sides.

I now ask unanimous consent that the committee amendments, including the Pressler amendment numbered 342, be laid aside and that no call for the regular order with respect to these amendments be in order, except one made by the majority leader, after consultation with the Republican leader.

Mr. COHEN. Reserving the right to object, and I shall not object, I wish to thank the majority leader for his accommodation, especially to the Senator from South Dakota, who, we are told, has a medical problem he has to attend to.

I think it is generous of the majority leader, under the circumstances, in trying to work out something more accommodating to the schedule.

The PRESIDING OFFICER. Without objection, the request is agreed to. The committee amendments are set aside.

Mr. MITCHELL. Madam President, I thank my colleague for his comments.

I yield the floor.

I understand from the managers that the bill is now open for amendment, that there are other amendments intended to be offered, and that the managers are now contacting those other Senators to see if we can get an amendment up.

So votes are still possible throughout the day today.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 343

(Purpose: To provide clarification of certain disclosure requirements, making technical amendments, and for other purposes)

Mr. LEVIN. Madam President, while we are awaiting other amendments, there are two minor matters that we can perhaps take up.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COHEN, proposes an amendment numbered 343.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 10, strike out "investigative" and insert in lieu thereof "administration".

On page 3, lines 12 through 14, strike out "An organization whose employees conduct lobbying activities on its behalf is both a client and an employer of the lobbyists." and insert in lieu thereof "An organization whose employees act as lobbyists on its behalf is both a client and an employer of its employee lobbyists.".

On page 3, line 16, strike out "others" and insert in lieu thereof "persons".

On page 4, line 6, strike out "section 3232(a)(2)" and insert in lieu thereof "section 3132(a)(2)".

On page 4, lines 14 and 15, strike out "regulations implementing section 2103" and insert in lieu thereof "section 7511".

On page 6, lines 16 through 18, strike out "(as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986)" and insert in lieu thereof "and communications with members, as defined under section 4911(d)(1)(A) and (d)(3) of the Internal Revenue Code of 1986 and the regulations implementing such provisions,".

On page 7, lines 13 through 15, strike out "officials serving in the Senior Executive Service or the uniformed services in the agency responsible for taking such action." and insert in lieu thereof "covered executive branch officials in the agency responsible for taking such action who serve in the Senior Executive Service, or who are members of the uniformed services whose pay grade is lower than O–9 under section 201 of title 37, United States Code.".

On page 7, line 24, strike out all after the comma through line 25 and insert in lieu thereof "article, publication or other material that is widely distributed to the public, or through the media;".

On page 8, lines 19 through 21, strike out "from a Federal agency or a congressional committee, subcommittee, or office;" and insert in lieu thereof "from a covered legislative or executive branch official;".

On page 9, line 22, strike out "and".

On page 9, insert between lines 22 and 23 the following new clause:

(xv) a formal petition for agency action, made in writing pursuant to established agency procedures; and

On page 9, line 23, strike out "(xv)" and insert in lieu thereof "(xvi)".

On page 10, line 21, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 6, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 11, insert "whichever is earlier," after "lobbying contacts,".

On page 11, strike out lines 15 through 19 and insert in lieu thereof the following:

(2)(A) Notwithstanding paragraph (1), any person whose total income (in the case of an organization described under section 5(b)(3)) or total expenses (in the case of an organization described under section 5(b)(4)) in connection with lobbying activities do not exceed, or are not expected to exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under section 5), is not required to register with respect to such client or clients.

(B) The registration thresholds established in this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 12, line 7, insert a comma and "address, and principal place of business" after "the name".

On page 12, line 10, insert "registrant's" before "lobbying activities".

On page 12, line 12, insert "registrant's" before "lobbying activities".

On page 12, line 14, insert "registrant's" before "lobbying activities".

On page 12, line 15, insert "address," after "name,".

On page 12, line 19, insert before the semicolon "or any organization identified under paragraph (3)".

On page 12, line 22, strike out "the activities of the client" and insert in lieu thereof "the registrant's lobbying activities".

On page 13, line 1, insert "or any organization identified under paragraph (3)" after "the client".

On page 13, line 8, insert "(as of the date of the registration)" before the semicolon.

On page 13, line 11, insert "(or who has already acted as a lobbyist on behalf of the client as of the date of the registration)" after "client".

On page 13, lines 13 and 14, strike out "in the 2 years prior to the date of the registration (or a report amending the registration)," and insert in lieu thereof "in the 2-year period before the date on which such employee first acted as a lobbyist on behalf of the client,".

On page 13, lines 22 and 23, strike out "who engage in lobbying activities" and insert in lieu thereof "who act as lobbyists".

On page 16, strike out lines 14 through 21 and insert in lieu thereof the following:

(3)(A) Any registrant whose total income (in the case of an organization described under subsection (b)(3)) or total expenses (in the case of an organization described under subsection (b)(4)) in connection with lobbying activities do not exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under this section), or who does not make any lobbying contacts on behalf of a particular client, is deemed to be inactive during such period with respect to such client or clients and may comply with the reporting requirements of this section by notifying the Director, in such form as the Director may prescribe.

(B) The reporting thresholds established under this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 22, line 9, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 22, line 24, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 23, line 4, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 23, line 6, insert "documentary" before "information".

On page 23, lines 7 and 8, strike out "to determine whether the alleged noncompliance in fact exists" and insert in lieu thereof "to make such determination".

On page 23, line 9, strike out "in a way".

On page 24, line 1, insert ", or to any legislative or executive branch official outside the Office of Lobbying Registration and Public Disclosure (except as required for the enforcement of this Act)," after "to the public".

On page 24, line 10, insert "by the Director" after "redaction".

On page 24, line 15, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 24, line 19, insert "and" after the semicolon.

On page 24, line 20, strike out all through line 5 on page 25 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person—

(A) in the case of a minor noncompliance, an informal hearing at which additional evidence may be presented; and

(B) in the case of a significant noncompliance, an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code.

On page 25, lines 6 through 8, strike out "Upon the receipt of a written response, the completion of a hearing, or the expiration of 30 days, the" and insert in lieu thereof "The".

On page 27, insert between lines 8 and 9 the following new subsection:

(f) LIMITATION.—No proceeding shall be initiated under this section unless the Director notifies the person who is the subject of the proceeding of the alleged noncompliance, pursuant to section 7, within 3 years after the date on which the registration or report at issue was filed or required to be filed.

On page 27, strike out lines 19 through 23 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person an informal hearing at which additional evidence may be presented.

On page 28, strike out lines 16 through 21 and insert in lieu thereof the following:

(A) directing the person to provide the information within a reasonable period of time; and

(B) except where the noncompliance was the result of a good faith dispute over the validity or appropriate scope of a request for information—

(i) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(ii) assessing a civil monetary penalty in an amount not to exceed $10,000.

On page 34, line 5, insert before "Section" the following: "(a) REVISED CERTIFICATION REQUIREMENTS.—".

On page 35, insert between lines 2 and 3, the following new subsection:

(b) DELETION OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

On page 38, line 11, add after the period "No later than 1 year after the date of the enactment of this Act, final regulations shall be published.".

On page 38, add after line 11, the following new subsection:

(e) PHASE-IN PERIOD.—No penalty shall be assessed by the Director for any noncompliance with this Act which occurs during the first semiannual reporting period after the effective date of this Act.

Mr. LEVIN. This amendment is sent to the desk on behalf of myself and Senator COHEN.

Madam President, this amendment would make a number of minor and technical modifications to the provisions of the bill.

1. DE MINIMIS STANDARD

The most significant change made by the amendment is a revision to the de minimis standard for registration and reporting.

Under a reported bill, any organization that spends less than $1,000 in a semiannual period is exempt from the registration and reporting requirements.

Under the amendment, any organization that spends less than $1,000 on behalf of a single client, or less than $5,000 on behalf of all clients, would be exempt.

This change is made in recognition of the fact that the burden of registering the first time and coming within the coverage of the bill is greater than the incremental burden of registering for an additional client, for somebody who is already a lobbyist and is already registered for other clients.

Under this amendment, small businesses and other small organizations whose employees engage in only occasional lobbying and who spend less than $5,000 on lobbying activities in a semiannual period, would not have to register. Established lobbyists who represent many lobbying clients would still have to register on behalf of each client who pays them more than $1,000 in a semiannual period.

2. STATUTE OF LIMITATIONS

The second most significant change made by the amendment is the addition of a 3-year statute of limitations for enforcement proceedings under the bill. Under the bill as drafted, there is no statute of limitations at all; the 3-year limitation would ensure that any enforcement proceeding is initiated within a reasonable period of time after the violation.

In addition, the amendment would provide a 6-month phase-in period in which no penalties would be assessed under the new statute. This phase-in period is an effort to balance the importance of implementing the new disclosure requirements as soon as possible with the demands placed on lobbyists and their employers as they work to become familiar with the new statute and implementing regulations.

3. OTHER CHANGES

The amendment would make minor clarifications to the definition of lobbying contracts, the requirement to identify foreign affiliations, the hearing requirements in the bill, and the handling of information requests by the new Office of Lobbying Registration. It would also correct citations and make several technical changes to clarify the wording of the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 343) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 344

(Purpose: To provide clarification of certain disclosure requirements, making technical amendments, and for other purposes)

Mr. LEVIN. Madam President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 344.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 15, strike out "and".

On page 15, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 15, insert between lines 20 and 21 the following new paragraph:

(5) in the case of a registrant described under paragraph (3), the name, address, and principal place of business of any person other than the client who paid the registrant to lobby on behalf of the client.

On page 26, line 9, beginning with "$100,000" strike out all through line 10 and insert in lieu thereof "$200,000, depending on the nature and extent of the noncompliance and the extent to which the person may have profited from the noncompliance.".

On page 37, insert between lines 11 and 12 the following new section:

SEC. 18. IDENTIFICATION OF CLIENT.

Any person who makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact, state whether such person is registered under this Act and identify the client on whose behalf the lobbying contact is made.

On page 37, line 12, strike out "SEC. 18." and insert in lieu thereof "SEC. 19.".

Mr. LEVIN. Madam President, this amendment would tighten certain provisions of the bill and ensure that lobbyists cannot evade disclosure. First, if a lobbyist's bills are paid by somebody other than a client, the identity of the person who pays the bills would have to be disclosed under this amendment.

Second, the amendment would require point-of-contact disclosure. This means any lobbyist who contacts a covered official would be required to identify the client—the client on whose behalf the contact is made—if requested by the official contacted.

Third, the amendment would raise the maximum penalty for serious or repeated violations from $100,000 to $200,000 and add as a consideration in assessing penalties the extent to which the person may have profited from the noncompliance. Cases in which a person may be found to have benefited from a noncompliance could include instances in which a lobbyist was hired in part because the lobbyist agreed not to register under the act.

So these changes would tighten provisions that are already in the bill to ensure that paid professional lobbyists cannot hid who their clients are.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 344) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, as the leader indicated, the bill is open to amendment at this point. I know there are a number of amendments that people have indicated they are going to offer to the bill. I urge they come to the floor and offer those amendments.

I yield the floor.

Mr. COHEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. COHEN. Mr. President, let me take just a few moments to express a matter of personal frustration.

I have been serving on the bipartisan committee to reexamine the way in which Congress functions. The Senator sitting in the chair presiding over the Chamber right now is also a member of that committee. It is enormously frustrating to me to spend the time that we spend analyzing what is wrong with this system—of looking at how many committees we serve on, how many subcommittees, overlapping commitments, overlapping jurisdiction—to try to find ways in which we can streamline it. And the suggestions range all the way from combining the authorizing committees with the Appropriations Committee, to rid ourselves of all select committees, to make various combinations—there are some 14 charts with 14 alternatives being presented to the committee members as ways in which we could become more efficient in doing the people's business.

I know it must be enormously frustrating for those who are here in Washington sitting in the galleries wondering, perhaps as the refrain from Peggy Lee goes: Is that all there is? What are they doing? Or why are they not doing, and where are the Members?

Now, to the people who are in the galleries and those who may be watching these proceedings, we can say that many Members are in fact doing the people's business by attending committee hearings, by meeting with their constituents, by performing other functions that go on on a daily basis, of which most people are completely unaware.

But that is something quite different than what we are doing here today. Our Members have been on notice for several days, certainly as long as last week, that we were going to take up the lobby disclosure bill. This is a bill which has widespread support. It has bipartisan support. Republicans and Democrats are strongly behind this modification of our existing laws to simplify the system, to make it more accountable, to alert the public to exactly who is contributing how much to whom and to what end.

One would think it compelling for us to rush this legislation through the Chamber, to invite Members to sponsor whatever amendment they might have, and to complete it so we can go on to something else. But something apparently has happened on the way to the forum. There is no one here. The Members who are crying loudest for reform somehow do not feel compelled to come to the floor to offer their amendments.

So I must say that it is enormously frustrating for us to simply sit here and waste away the afternoon, to wait until someone may decide to come at 4, 5, or 6 o'clock and suddenly decide he or she would like to offer a controversial amendment that may, or may not, carry us until the late hours of the evening, not tonight, but certainly tomorrow night. That is the enormously frustrating part of this particular job, and we are not doing the Nation's business.

If the bill is so important that the people feel it is imperative that we clean up the image of Congress, that we alert the public about who is lobbying whom and how much money is being spent and whether or not there is undue influence being exerted on the legislative process, it would seem to me that Members would feel compelled to come to the floor to discuss it; if not to discuss it, then to support it; if not to support it, then to modify it. But I must say, to read the editorials that have been written in various national publications that talk about the compelling need for this legislation, one would think that Members would be anxious to come to either help complete action on the bill or to seek to improve it, if they can.

So I think we can wait a reasonable amount of time, I say to my colleagues. Perhaps after a reasonable period of time, if Members do not come to offer their amendments, the Senator from Maine will offer amendments on his own behalf which may, or may not, reflect a similar content to that which other Members have in mind. But I do not intend to sit here all afternoon and wait for Members to strategically decide when would be an appropriate time to propose an amendment.

Last evening, we saw action completely halted. After we each made opening remarks, we talked about the need to put aside partisan differences, to stop this kind of bickering that is taking place. This fighting is paralyzing the country, one volley of criticism being countered by another volley back. And no sooner than we do that, we suddenly have an amendment which has nothing to do with this legislation but rather with campaign finance which was guaranteed to invoke a response from the majority party and to tie this legislation up for days.

So we can go through all of the congressional reform. The Presiding Officer can spend time with me and the other members of that committee. We can rearrange all the boxes, and we can talk about combing committees. But in the event that we do not start exercising some discipline in this institution, the public is going to continue to look down upon us, not only from the galleries, but look down on us from the seats at home.

Mr. President, I may have more to say on this subject later. But for now, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I am shortly going to send an amendment to the desk.

After speaking with the distinguished manager, Senator LEVIN, and comanager, Senator COHEN from Maine, I think what might be best is for me to speak a little bit about this amendment, give it some context, which I think would be helpful for other Senators, and then hopefully we will be ready to go forward soon with the amendment.

Before proposing my amendment, Mr. President, I would like to congratulate Senator LEVIN—and I know that Senator COHEN has worked closely with him—for his work on S. 349, the Lobbying Disclosure Act of 1993.

I want to assure him that I deeply appreciate his work; I want to assure both Senators that I appreciate their work and I think the American people do, too.

It has been, I think, maybe almost a half a century since we have had any real change in improving our lobbying disclosure laws. I think that the distinguished Senator from Michigan has shown impressive leadership in bringing this bill to the floor now.

I think that the last election showed that people want change. Sometimes I hear some of my colleagues argue that they do not really think that people are really that upset about some of the problems in the political process. But I think they are.

I think people would like to see us change some of the basic ways in which we conduct politics in the country. I think all too often people feel ripped off; sometimes it is a perception and sometimes it is a real problem. In any case, I think people want to see more openness in this process.

So, Mr. President, that is, in part, the context.

I might also add that when President Clinton in his inaugural address said, "Americans deserve better, and in this city today there are people who want to do better. And so I say to all of you here, let us resolve to reform our politics so that power and privilege no longer shout down the voice of the people. * * *" That really, I think, was a message that resonated with people all across the country.

So, Mr. President, the spirit of this amendment, which I will shortly describe and I hope to shortly introduce, is to make sure that special interests do not have an access and a special "in" with people in public office that meet other citizens of our country do not have. That is why I think this lobbying disclosure bill is such an important piece of legislation.

Having real disclosure of how lobbyists do business in Washington will bring more sunshine into the process, sunshine that can serve as a powerful disinfectant.

I think that Senator LEVIN and Senator COHEN have taken us an enormous step in that direction, and I believe this amendment, which I would really characterize as a sunshine amendment, will bring more sunshine into this process and give people in the country a rather clear idea about the kind of financial benefits given by lobbyists to Members of Congress in any given year. Twice a year there will be clear accounting, so people will have some sense of what lobbyists have spent on individual Senators in relation to years, in relation to gifts, in relation to travel, and in relation to other lobbying activities. And not just lobbying but in relation to some fundraising activity as well.

Making sure those who lobby actually register and disclose their lobbying activities is an essential element of campaign reform, but it is also an essential element of what this lobby disclosure bill is about. According to the Wall Street Journal, under the current system, fewer than 6,000 of an estimated 80,000 lobbyists actually register. That is what is so significant about this Lobbying Disclosure Act of 1993.

I believe the amendment I am going to introduce will strengthen this legislation. But I have to say one more time I am in strong support of what this legislation calls for.

The missing ingredient I think, Mr. President, is in this amendment. This amendment, which I hope will be accepted by the chairman and approved by the full Senate, is designed to pinpoint a certain aspect of lobbyists' efforts. In other words, I do not think it is enough for lobbyists to list in the aggregate the amount of money they spend on a particular piece of legislation. I think we have to do better than that. What we have to do is make sure that lobbyists disclose financial favors and benefits to Members of the Congress and their staffs. This I think is an essential ingredient, because these special gifts and favors, these expenditures of money on Senators and Representatives and their staffs, have everything in the world to do with lobbyists' efforts to gain influence and to gain access.

So I believe the amendment I am going to propose, which calls for specific disclosures on the part of lobbyists, is really a good-government amendment. It is the free tickets from the lobbyist to the Orioles. It is a free meal at corporate expense at the posh Washington restaurant La Colline—by the way, there could be meal after meal after meal, right now, as the current laws operate—or at some other restaurant in Washington, DC. I did not mean to pick on one. It is a 3-day trip to a sunny destination for an industry's conference. Now if, for example, a Member or staffer attends a conference, a retreat, at his or her own expense, and receives no financial benefit with respect to that event, my amendment would not require disclosure. It is a contribution that is made by a company or a union to a charity of our choice, since we can no longer accept honoraria.

I think that with this amendment, S. 349 provides for very strong and complete reporting requirements, and I think it is truly a significant piece of legislation. What I want to do in this amendment is make sure we also reveal the true extent of specific lobbying efforts in relation to specific Senators and Representatives and their staffs, and to make the process even more open and more accountable.

So what I am calling for in this amendment is to make sure there is a specific disclosure of gifts, entertainment, travel, and other financial favors and benefits that lobbyists currently provide to Members of the Congress and their staff. Without this specific disclosure I do not think we have gone far enough and I do not think we have done as well as we can as an institution.

One more time. I think the bill is an enormous step forward. This amendment is in the spirit of not opposing this piece of legislation but strengthening it. The goal then, Mr. President, is to make sure that citizens have a full accounting, that the process is more open, and that in fact we have a specific disclosure and accounting of financial benefits from lobbyists to Members of Congress and staff.

I will not go through, at the moment, all of the definitions. Let me just provide some examples of some of the current abuses which this amendment attempts to get at. Just a few examples of providing gifts.

The Association of American Railroads spent $4,344 for Washington Capitals' tickets and $6,252 for Washington Redskins tickets in 1991, to give Members of the Congress and their staffs.

ABC's "Prime Time Live" recently showed footage of a group of House Members, spouses, and aides, who flew by Air Force VIP jet in 1990, on a 12-day trip to Barbados, Brazil, Argentina, and Costa Rica. One sequence filmed in Barbados showed lobbyists paying for the jet ski for a Member. Lobbyists from the insurance, computer, and toiletries industries also paid for dinners and receptions.

Travel? In January 1992, a group of staffers, including aides from two congressional committees working on insurance-related legislation, traveled to Key West, FL, for a 3-day weekend conference on insurance issues at the expense of the insurance trade companies who attended the conference.

I could go on and on, Mr. President. But, one more time, let me just talk about why I am pleased that I believe we will be able to work out some kind of an agreement and why I am very hopeful this amendment will be adopted by the U.S. Senate and, for that matter, by the House of Representatives.

It is important—I think as it has ever been in this country—to have more sunshine on this process, to have as open a process as possible, and to give the American people confidence in our institutions and in what we do as Senators and Representatives. Let me just tell you from what I have experienced in Minnesota in a lot of cafes, there is a lot of disillusionment. What this amendment attempts to do is to send a message to people throughout the country that we are very serious about real reform. I think that is what Senator LEVIN has done with this bill. I think that is what Senator COHEN has done. This amendment just takes it one step further.

When we get to the point where we have an outright ban on gifts—and I know Senator LEVIN from Michigan has been a very strong voice in behalf of that, and I have cosponsored Senator LAUNTENBERG's bill to do that, and I will support his resolution that urges a ban of virtually all gifts and honoraria. I think that is absolutely essential. When that happens it will happen. But in the meantime I think it is extremely important to have a full accounting, each and every year, twice a year, of what lobbyists spend on Senators' and Representatives' meals, gifts, travel, and other financial benefits. And for that matter when a lobbyist—and it happens in Washington, DC, all the time—when a lobbyist holds some kind of gathering to raise money for a Senator or Representative, the amount of money that lobbyist puts into that gathering and the amount of money that is raised, all that ought to be a matter of the public record.

We owe at least that to the people in our country. I think we owe it to ourselves as Senators who want to be accountable and to do well for people. I think the same can be said for the House of Representatives. As far as I am concerned, this amendment goes a long way toward making this more of a functioning representative democracy.

Let me say one final time, I have been very pleased at the response of Senator LEVIN and Senator COHEN. I know there has been some resistance to this amendment, but I am confident we will have the support of the U.S. Representatives and Senators in the U.S. Congress because, Mr. President, it is the right thing to do. It is simply true that people all too often feel ripped off by the political process and they really are concerned that there are certain folks who march on Washington every day, called lobbyists, but most citizens in our country do not really know what they do.

They do not know exactly how much access they have to Senators and Representatives. This amendment will require a specific disclosure of what these lobbyists do by way of expenditures to Senators and Representatives and, therefore, goes a long way toward, I think, strengthening a really fine piece of legislation. I urge its adoption, and I ask that a copy of my "Dear Colleague" letter, along with several news articles and opinion pieces on this issue and the full text of my prepared statement, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WELLSTONE —REQUIRE FULL LOBBYING DISCLOSURE NOW

INTRODUCTION

Before offering my amendment, I want to congratulate Senator Levin for his work on S. 349, the Lobbying Disclosure Act of 1993. I want to assure him that I appreciate his hard work, his dedication and his willingness to take on an issue—improving our lobby disclosure laws—that has proved daunting for many years in Congress.

As the last election showed, the American people want change. They want a government that cares more about them than about special interests, and they want to reduce the influence of lobbyists and money. In large numbers, they were receptive to Ross Perot's message of political reform and were particularly responsive to Bill Clinton's call for change, for a government that will act on the people's needs on health care, on jobs and will end gridlock.

A key part of President Clinton's message when he won the presidency was that, as President, he would change the way business is done in Washington and clean up the system and give this capital back to people to whom it belongs.

As he stated in his inaugural address, "Americans deserve better, and in this city today there are people who want to do better. And so I say to all of you here, let us resolve to reform our politics so that power and privilege no longer shout down the voice of the people * * *"

It is amazingly easy for the voice of the people to be drowned out because currently we have a situation that allows special interests to gain access and influence that is all too often unavailable to the average American.

That is why I think a lobby disclosure bill is such an important piece of legislation. Having real disclosure of how lobbyists do business in Washington will go a long way to bringing in more sunshine into the process—sunshine that can serve as a disinfectant—and a sunshine that will provide the public with the necessary information to understand how public policy is influenced, and in turn, increase public confidence in our government.

WHERE S. 349 FALLS SHORT

Making sure that those who lobby actually register and disclose their lobbying activities is an essential element of political reform along with campaign finance reform. According to The Wall Street Journal, under the current system fewer than 6,000 of an estimated 80,000 federal lobbyist actually register. A 1989 investigation found that not one of the top 10 Fortune 500 companies had registered under federal lobby laws.

While making needed improvement in pinpointing who has to register and getting rid of current requirements to keep track of relatively trivial things like taxi receipts, S. 349 as it is before us today is missing an essential ingredient.

That ingredient is disclosure of a central aspect of many lobbyists' lobbying efforts—that of providing what may be called "financial benefits" to Members of Congress and their staffs—often an essential ingredient of an organized lobbying effort to gain access and influence.

It's the free tickets from a lobbyist to an Orioles game; it's the free meal at corporate expense at La Colline or another restaurant here in Washington; it's the three-day trip to a sunny destination for an industry's conference; it's a contribution made by a company or union to the charity of our choice since we can no longer accept honoraria.

While S. 349 may, in its reporting requirements, show the overall dollar amount a registrant's lobbying activities, it won't reveal the true extent of his or her lobbying efforts to influence Congress.

CURRENT CONGRESSIONAL RULES GOVERNING GIFTS AND TRAVEL

Current gift rules allow Senators to receive in one year gifts from an individual valued at no more than $250 in a year. A gift worth less than $100—the de minimis limit—does not count toward the $250 limit and meals in Washington are totally excluded from the ban. I should note that some of us have different policies on top of these limits about accepting even these benefits, dependent on our own comfort level.

Under current rules, for example, a corporate lobbyist can give a Member of Congress a gift worth $95 regularly without ever bumping up against the limit. A Member can go out to dinner weekly in Washington at the expense of a lobbyist and it is never counted against any limit, even if the dinner was valued at more than $250. There is also no reporting requirement for the gifts that are allowed.

Current travel rules allow lobbyists and others to pay the travel expenses for Members and staff for "fact-finding" trips or for any event in which they "substantially participate." Senate limits on travel are up to three days for domestic travel and seven days for foreign trips, with all food and lodging provided in conjunction with the travel unlimited. Some information about this travel is currently disclosed in Members' financial disclosure reports; however, the disclosure can occur more than a year after the travel has occurred. In addition, for the public to get a complete picture of what a lobbying firm or a lobbyist is doing to influence Congress, it is currently necessary to review every Member's financial disclosure statement.

A recent Prime Time Live show once again showed Members of Congress in a sunny locale enjoyed at the expense of lobbyists, again reinforcing the public's perception that these expense-paid trips are too often little more than lobbyist-funded vacations providing lobbyists with personal access to Members and would not be disclosed by lobbyists under S. 349.

NEED FOR PROMPT ENACTMENT OF A COMPREHENSIVE GIFT BAN

I, like a number of my colleagues, would like to see this type of activity stop. It harms public confidence in government and undermines our own ability to know when we've crossed the line. There are those of us who would like to see Members unable to receive financial benefits.

But the stark reality of this moment in that there is no such comprehensive ban currently and, no matter how strong our intentions may be, I don't underestimate the difficulty in achieving a comprehensive ban for all of Congress.

The name of S. 349 is not the Lobby Registration Act of 1993 or the Lobbying Activity Act; it is supposedly the Lobby Disclosure Act of 1993. Without requiring disclosure of the gifts, entertainment, travel and other financial favors and benefits that lobbyists currently provide to Members of Congress and staff, there is not real disclosure of what lobbyists are currently permitted to provide to Members as part of their lobbying efforts. Lobbyists deserve to be treated differently because lobbyists, by definition, are in the business of trying to influence Congress.

PURPOSE OF WELLSTONE AMENDMENT AND PRESIDENT CLINTON

The goal of my amendment is to ensure that all financial benefits that lobbyists are currently allowed to give Members are disclosed in a manner that is accessible to the public.

The amendment simply adds another section to the semi-annual report already required in S. 349 where a lobbyists would itemize these particular financial benefits.

When President Clinton was Governor of Arkansas, the Arkansas legislature tried to pass a weaker lobby disclosure bill that did not include this kind of itemized disclosure. Then-Governor Clinton rejected the legislation and, instead, took the issue to the public through a successful citizens' initiative. The law approved by the voters requires a registered lobbyist to publicly disclose a description of the amount of the financial benefit provided and the public official to whom the benefit was given.

A recent letter sent to Representative Bryant from President Clinton endorsed the bill before us but stated that he hoped it would be strengthened. My amendment will strengthen this bill in the most fundamentally important way in line with President Clinton's efforts in Arkansas.

My amendment seeks to include a similar requirement for itemized disclosure at the federal level so that citizens can look at a registered lobbyist's disclosure report and see a complete picture of the financial favors and benefits a lobbyist is providing to individual Members of Congress as the lobbyist attempts to influence congressional decisions.

I want to emphasize that my amendment is aimed only at disclosure for registered lobbyists. While there is obviously a need for a gift ban to be comprehensive and cover others besides lobbyists, this focus is entirely appropriate and in fact essential for a bill that is dealing with lobbyists disclosing information about their lobbying activities and not dealing with reporting requirements for Members of Congress or congressional staff.

The amendment also only covers financial benefits provided to legislative branch officials since current standards of conduct rules for the executive branch preclude officials since current standards of conduct rules for the executive branch preclude officials from accepting any gift valued at more than $20. All gifts aggregate toward an overall $50 calendar year limit.

DESCRIPTION OF WELLSTONE AMENDMENT

To describe my amendment, let me answer the questions that my colleagues are likely to pose. First, what do I mean by the term "financial benefits?" I mean essentially anything of value. Benefits with a market value of less than $20 are excluded; however, once a lobbyist has provided benefits which aggregate more than $50 in a calendar year, all subsequent benefits would be subject to disclosure regardless of their value. The $20 level was put in for two reasons: first, it tracks levels for gifts for the executive branch, and second, it alleviates lobbyists from keeping track of items of relatively minor significance, such as cups of coffee, notebooks, etc. Otherwise, any gift, transportation, entertainment, food, lodging, contribution given in lieu of honoraria, loan or other expenditure provided directly or indirectly to a Member or to staff is covered under the disclosure requirement. Items of modest value such as a cup of coffee, doughnut offered other than as part of a meal, or such as a greeting card or other item of little intrinsic value such as a plaque or certificate, are not covered by the amendment.

What do I mean by "provided directly or indirectly to a Member?" I mean that any benefit given directly to a Member must be disclosed, as well as any benefit given to any entity named after or established, maintained, controlled by a Member. It also includes any benefit provided to any entity on behalf of or in the name of a Member. Additionally, if a registered lobbyist directs a client to give the financial benefit, then that must also be disclosed. For example, if General Motors registers under the bill's requirements, then any financial benefit paid for out of corporate funds, whether provided by the GM lobbyist or by the CEO of the company, would be disclosed. In a different example, the case of a registrant with a number of clients, the registrant would be required to disclose not only those financial benefits he or she provided to a Member directly, but also any financial benefits given by one of the registrant's client to a Member or congressional staff at the registrant's suggestion, recommendation or direction.

What has to be disclosed by the registered lobbyist about these financial benefits? A lobbyist has to disclose the name of the Member or staff and their position; the value, type and date of the financial benefit provided and, the name of the entity receiving the financial benefit.

What if an employee or client of the registered lobbyist gives the gift or benefit instead of the registered lobbyist? To this question, I should first note that the intent of this amendment is to require disclosure of lobbyists' activities and not to substitute for a gift ban, that, as I have stated previously, I believe should be enacted. The amendment requires that registrant must disclose any financial benefit given "directly or indirectly" by the registrant, or by a lobbyist employed by the registrant.

EXCEPTIONS FROM THE DETAILED REPORTING REQUIREMENTS

1. In the case of a conference or retreat sponsored by or affiliated with an official congressional organization such as a party caucus, a lobbyist would be required to report a single figure of the registrant's expenses for the event, a description of the event and the event's sponsor, and the date of the event.

2. In the case of a reception or other event hosted or cohosted with, or in honor of, a Member, a lobbyist would report a single figure of his or her incurred expenses for the event, a description of the event and the name of the Member with whom the event was hosted or in whose honor the event was given. The terms "reception or other event" are intended to be applied in their usual sense and not used by a lobbyist to redefine or rename an event to escape the more detailed reporting requirements of the itemized listing.

3. In the case of campaign fundraising activity by a lobbyist—perhaps one of the most critical activities lobbyists currently undertake to increase their influence—a lobbyist would be required to disclose for whom the fundraising activity was done a description of the activity including the date expenses incurred, the aggregate amount of contributions known by the registrant to have * * * to the Member as a result of the fundraising activity.

AVOIDING UNREASONABLE BURDENSOME REQUIREMENTS

In requiring disclosure of this information, I want to note that lobbyists already keep track of most of this information. If a lobbyist takes a Senator to dinner, he or she has to keep track of the expense in order to get reimbursed or to bill the client for it. A lobbyist also has to keep track of it if he or she wants to take a business tax deduction—a policy which, if President Clinton has his way, will soon be ended with revenues helping to clean up campaigns.

I should note that in drafting this amendment, we have tried to be as comprehensive as possible without being burdensome. We recognize that there are some financial favors or benefits that lobbyists provide that, while disclosed, should be treated differently. These exceptions are not intended to be loopholes, but are included to capture, in specific and limited instances, the basic information needed for the public to understand the nature and scope of the lobbying activity.

SUMMARY

To summarize, let me again state that I, like many of my colleagues such as Senators Levin, Lautenberg and Boren, support a comprehensive ban on gifts to Members whatever the source. I look forward to the day we will have enacted such a ban on the floor after ensuring that it is comprehensive and hopefully tracks the current executive branch standards of conduct rules. But that day is not yet. The New York Times May 2, 1993 editorial hit the nail on the head when it stated, "A ban on financial favors is by far the best solution. But no one can count on that happening." In the meantime, we are debating a bill that is supposed to disclose for public review and examination essential information about the efforts of lobbyists to influence Congress and the executive branch. My amendment is an effort to make sure that the essential information about those activities involving Congress is in fact available.

The fact is the current congressional rules allow lobbyists too many avenues to subsidize an attractive lifestyle for Members of Congress. The $250 maximum for gifts is too high, the $100 de minimus is too high, and the provisions for unlimited meals in Washington is plain wrong. The current rules governing acceptance and disclosure of travel require too little information too late. These rules should be significantly tightened to track the current executive branch rules. What my amendment will do is ensure that, until that time comes, the public will have the opportunity to see how lobbyists currently do business in Washington. It will also ensure that any areas not covered by such a gift ban—either because of a misguided, but intentional exclusion or because of their unique nature—are still subject to disclosure.

This information is critical to ensuring public confidence in the decisions that are eventually made. I again congratulate Senator Levin for his efforts and urge your support for my amendment.

AMENDMENT INTENDED TO BE PROPOSED BY MR. LEVIN (FOR MR. WELLSTONE, MR. FEINGOLD, MR. KOHL, AND MR. BRADLEY)

Strike all after "Additional" and in lieu thereof insert the following:

INFORMATION ON FINANCIAL BENEFITS

(1) IN GENERAL.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), or (D);

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

U.S. SENATE,
Washington, DC, May 3, 1993.

DEAR COLLEAGUE: When the Lobbying Disclosure Act of 1993 comes to the Senate floor later this week, I intend to offer an amendment requiring disclosure of financial benefits provided by lobbyists to Members of Congress and congressional staff. I write to ask for your support and cosponsorship of that amendment.

Recent public opinion polls demonstrate clearly that the public's trust in Congress is at an historic low, and the demand for political reform is very high. This amendment would be a modest interim step toward conforming Congressional gift rules to the executive branch's more stringent treatment of gifts from special interest lobbyists.

The laws governing lobbying activities have not been revised since 1946. According to the Wall Street Journal, less than 6,000 of the approximately 80,000 people who lobby are registered as lobbyists under current law. While S. 349 would make significant improvements in registering people who lobby, the bill falls far short of providing complete information about the many ways lobbyists influence Members of Congress, by providing to them trips to expensive resorts, gifts, fundraising support, meals, and tickets to sporting and other entertainment events.

Specifically, S. 349 does not require detailed disclosure of financial benefits that lobbyists provide to Members of Congress and their staffs. Without disclosure of this information, credible and complete lobby disclosure will not be achieved.

My amendment would require lobbyists to report the gifts, meals, entertainment and other financial benefits that they currently provide to Members and staff. The reporting requirement applies only if the benefit provided to a covered legislative branch official exceeds $20 per occasion or aggregates more than $50 in a calendar year. This $20 *de minimus* and $50 calendar year limit tracks the levels for prohibited gifts for the executive branch and prevents lobbyists from having to keep track of items of relatively minor significance.

The amendment also contains exceptions which would allow registered lobbyists to disclose aggregate expenditures for widely-attended receptions, for events hosted or cohosted by legislative branch officials, and for contributions for legislative conferences or retreats. In addition, the amendment would require registered lobbyists to disclose if they have undertaken fundraising activities on behalf of Members of Congress.

Like many of our colleagues, I believe that Members of Congress should not be allowed to accept gifts of significant value directly from anyone who may have an interest in matters before the Congress. I have joined Senator Lautenberg in circulating draft legislation to substantially tighten the existing rules governing the acceptance of gifts, meals, and travel by Members of Congress and Congressional staff. This legislation will be introduced later this week. But until such a ban is enacted, we must require full disclosure of the financial benefits that lobbyists provide to Members of Congress. Indeed, disclosure may help to hasten the day when we enact such a ban.

S. 349 is an important and timely initiative, and commend Chairman Levin for his tireless efforts to bring the bill to the Senate floor for our consideration. In unveiling S. 349, Senator Levin quoted former U.S. Supreme Court Justice Louis D. Brandeis, who wrote, "Sunlight is said to be the best disinfectant." I believe my amendment will complete the important work Senator Levin has undertaken with this bill by providing sunlight on the complex interactions between lobbyists and Members of Congress.

I believe that with this amendment S. 349 will be the next step in the march we must take toward true political reform, including: rejecting Senate salary increases in years when federal employees are being called upon to take pay cuts, enacting Motor Voter legislation, enacting genuine campaign finance reform legislation, prohibiting significant gifts from lobbyists, and streamlining the operations of the federal government, including the U.S. Congress.

I urge you to cosponsor and support my amendment to S. 349 to require lobbyists to disclose this most basic information about their lobbying efforts—information that is needed to ensure our accountability to the American people. If you are interested in cosponsoring, or have any questions about my amendment, please contact my directly or have your staff contact Colin McGinnis of my staff at x45641.

Thanks for your consideration.

Sincerely,

PAUL DAVID WELLSTONE,
U.S. Senator.

P.S.—I have enclosed several recent editorials on lobbying disclosure from the *New York Times* in which I thought you might be interested.

[From the New York Times, Feb. 25, 1993]

INDECENT DISCLOSURE

There's a big problem with proposed new Federal legislation to curb the influence of lobbyists. The lobbyists aren't rallying against it. That means Congress, aided and abetted by President Clinton, is getting ready to commit a giant hoax.

This hoax has a title: the Lobbyist Disclosure Act of 1993. A more apt title might be the Congressional Freebies Preservation Act. The measure, expected to be moved on today by the Senate Governmental Affairs Committee, is a blueprint for concealing how favor-seeking special interests bestow benefits on members of Congress and their staffs.

Under the bill, backed by a bipartisan group led by Senator Carl Levin, Democrat of Michigan, loophole-ridden disclosure rules now in force would be replaced with a single statute that covers Congress and the executive branch, and provides realistic penalties for non-compliance. That is an advance over the farcical scheme that allows most Washington lobbyists—including lawyers representing foreign corporations—to avoid registering at all.

Representative John Bryant, Democrat of Texas, says the Levin bill would let the public really see "how lobbying is done in the halls of Congress." Not true. The bill's sanitized disclosure rules require revelation by lobbyists of their total expenditures but omit a much more telling member-by-member listing of the expensive meals, vacations, plane rides and other goodies lobbyists dole out in a form of legalized bribery. Omitted, too, is any disclosure of lobbyists' role as rainmakers for campaign funds.

There's still time for the bill's sponsors to reconsider and offer corrective amendments. But lawmakers are clearly reluctant to document what they've grown accustomed to accepting on the sly. What an opportunity for that avenging angel of the people, William Jefferson Clinton, to fly down and set things right.

After all, he knows how to write a lobbying law. He blocked a weak disclosure bill in the Arkansas Legislature, and then went to voters with an initiative that put a much stronger one in place. But Mr. Clinton, who loves to talk, is now doing it out of both sides of his mouth: he has launched a verbal assault against "high-priced lobbyists" while hastily backing the phony reform measure that would perpetuate their undue influence. Will the guy who flew in Arkansas please stand up, or has he already succumbed to bad company?

ARKANSAS AND AMERICA

A comparison of key provisions of the Arkansas lobbying disclosure law with the proposed lobbying disclosure bill pending in the Senate.

What lobbyists must disclose	Arkansas law	Senate bill
Client's identity	Yes	Yes
Issues and committees lobbied	No	Yes
Gifts to lawmakers	Yes	No
Travel and lodging for lawmakers	Yes	No
Receptions and other events for lawmakers	Yes	No
Contributions to lawmakers' pet charities	Yes	No

[From the New York Times, May 2, 1993]

THIS LOBBYING REFORM REALLY ISN'T

The 100 members of the U.S. Senate will have to take a stand on government ethics any day now. A flawed piece of legislation called the Lobbyist Disclosure Act of 1993 is speeding toward the Senate floor, where it will force the senators to confront whether they are serious about curbing the undue influence of monied lobbyists.

The chief sponsor, Senator Carl Levin, Democrat of Michigan, wants to get the measure passed quickly and claim it as a victory for reform. As it now stands, the bill's real beneficiaries would be Washington's lobbying industry and the Congressional life style it supports with free vacations, expensive meals, tickets to sold-out sporting events and other legal bribes to lawmakers.

The bill cleans up the present registration rules so that lobbyists could no longer escape their coverage. But lobbyists would have to report only their total expenditures. They would be spared a member-by-member accounting of the benefits they bestow, including pivotal help in raising campaign funds. Missing, in other words, is the sort of disclosure that might actually embarrass lawmakers into cleaning up their acts.

Consider, for example, the four-day stay 10 House members and their spouses recently enjoyed at the South Seas Plantation resort on Captiva Island off Florida's west coast. The entire tab was picked up by the Electronic Industries Association. An eyebrow-raising report last week on ABC's "Prime Time Live" captured the junketeers—including members of some of Congress's most powerful committees—playing golf and soaking up the sun poolside with lobbyists from companies like General Electric, Texas Instruments and Boeing.

Under Mr. Levin's bill, the trip, and telling information about how much money the lobbyists spent on each lawmaker, would go undisclosed. Even so, Mr. Levin and his bipartisan co-sponsors say the bill represents a major advance and that to tamper with it risks killing it. After passing this bill, they say, Congress can enact separate legislation or rules to ban gifts from lobbyists and others. Senator Frank Lautenberg, Democrat of New Jersey, along with Mr. Levin and others, already plans to introduce such a bill; he is now seeking a non-binding resolution that would get the chamber on record in favor of taking some action.

A ban on financial favors is by far the best solution. But no one can count on that happening. In the meantime, Mr. Levin has the burden of explaining why—in the name of reform—he would permit lobbyists to keep secret all the favors they hand out to members of Congress.

Senator Paul Wellstone, the freshman Democrat from Minnesota, will offer an amendment to the Levin bill requiring full disclosure of financial favors from lobbyists. That would force every Senator to take a stance on ethics in full view of the electorate. Let light be the best disinfectant.

[From the New York Times, Feb. 14, 1993]

STILL OUT TO LUNCH ON LOBBYISTS

Give George Steinbrenner this much credit: he knows how Congress works. With some well-placed campaign contributions and well-connected lobbyists, the owner of the New York Yankees won quiet approval from Congress last fall for a $58 million bailout for his family shipbuilding business.

There were no public hearings, and the Government officials who had rejected the firm's claims for contract overruns were never consulted. Nor was there any way for the public to tell how much the lobbyists shelled out to wine, dine and otherwise persuade targeted lawmakers of the virtues of Mr. Steinbrenner's plea.

A typical case—and thus more reason for tougher regulations on lobbying. Yet Congress and the President seem ready to dispose of the issue with an inadequate bill just introduced by Senator Carl Levin, Democrat of Michigan.

The bill has some virtues. It would replace the present lobbying disclosure laws with a single uniform statute and plug loopholes so that some lobbyists, like lawyers who represent foreign companies, could no longer escape registration.

Moreover, lawyer-lobbyists and other hired guns would have to disclose the identity of their clients, the issues they lobby on, the Federal agencies and Congressional committees contacted, and the total receipts from clients—all in a form that can be cross-indexed with campaign contribution data on file with the Federal Election Commission.

But such disclosure would still fall well below the level necessary to challenge the prevailing atmosphere in Washington. The public might be told a lobbyists was paid an eyebrow-raising $500,000 for two months' light work. But the bill wouldn't require lobbyists to reveal details of the many benefits they now lavish on lawmakers: the trips to fancy resorts, the meals, the good seats at sold-out sporting events, gifts to a member's charitable foundation or favorite charity, cheap access to corporate jets and other goodies.

Nor would they have to fess up about the campaign contributions they raise for lawmakers—a major reason lobbyists hold so much sway.

Since the bill spares lawmakers all this embarrassment, it's easy to understand the rush in Congress to pass it and claim a reform victory. President Clinton's support is harder to figure. He understands the public's need for fuller disclosure by lobbyists; indeed, he fought for it in Arkansas. If it's good for Arkansas, why not for America?

Ideally, Congress ought to reform campaign financing and outlaw all the other ways lobbyists for monied special interests now subsidize lawmakers' life styles. To expect that much integrity from Congress isn't asking too much. But complete lobbying disclosure, itemized member by member, seems the bare minimum.

[From Roll Call, Sept. 30, 1991]

EDITORIAL: PRIVATELY FUNDED TRAVEL NEEDS MORE DISCLOSURE

It's rare that we offer a compliment to Ralph Nader, but he deserves this one. Congress Watch, an arm of his group Public Citizen, earlier this month published a superb analysis of privately funded travel by Members of the House in 1989 and 1990. Public Citizen is opposed to all privately funded travel. "If a trip is deemed to be in the interest of the general public and therefore worth taking," says the introduction to the report, "it should be funded by the government." We disagree. We think it's perfectly appropriate for a Member to give a speech to a trade association and let the association pay for his or her flight and hotel room. We also think it's acceptable for corporations to fly Members out to visit their manufacturing facilities. Certainly, travel can be abused, but judging possible abuse is a function for the electorate.

Is a member of the Banking Committee, for instance, accepting too many trips from financial institutions to sunny climes? That's for voters to decide, but the judgment is difficult, if not impossible, if the voters don't have the proper information. Members must report their privately funded travel to the Clerk of the House, but the records are often sketchy and sloppy—and it's difficult to compare one Member with another.

That's where the Public Citizen study comes in. Constituents of Rep. John LaFalce (D-NY), a Banking Committee member, will learn, for example, that their Congressman took 14 trips in the course of two years that were paid for by financial firms and associations. Among his journeys were two to Puerto Rico and eight to Florida. Another New Yorker, GOP Rep. Norman Lent took trips to the following Florida venues in 1990: Tampa (Jan.), Naples (Jan.), Boca Raton (March), Fort Myers (April), and Captiva (April). Thanks to the study, voter—or election challengers—can ask what the trips were for. We chose LaFalce and Lent at random; their travel is above average but far from the top. In fact, Rep. Charles Stenholm (D-Texas) was the leading corporate traveler, with 50 trips in two years, most of them paid for by agricultural interests like the National Turkey Federation and the International Ice Cream Association. Stenholm, not coincidentally, chairs the livestock, dairy, and poultry subcommittee.

Disclosure remains the best disinfectant, but even with Public Citizen's heroic job of collating, huge gaps remain. The Nader group has a fallback position from its total ban on privately funded travel, and most of its recommendations make sense. Members of Congress, the study concludes, should be required to: "list the actual value of the trip, describe what role the law-maker played at the event, disclose any charities which receive a donation from the trip sponsor (since honoraria that go directly into a Member's pocket are now banned), and disclose their trips on a monthly basis in a report printed in the Congressional Record."

These requirements we heartily endorse. Congress has made great strides in recent years in laying out its activities for the public to judge. In the matter of travel, it must go further.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to add Senator BRADLEY as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 345

(Purpose: To require the reporting of certain financial benefits provided by lobbyists to covered officials)

Mr. WELLSTONE. Mr. President, I sent an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY, proposes an amendment numbered 345.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is to ordered.

The amendment is as follows:

On page 15, between lines 20 and 21 insert the following:

(c) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT.—

(1) IN GENERAL.—In addition to the information described in subsection (b), a semiannual report under subsection (a) shall contain a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is named after or is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), (D), or (E)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a widely attended reception to which covered legislative branch officials were invited—

(i) the nature of the reception;

(ii) the date on which the reception occurred; and

(iii) a single aggregate figure for the expenses incurred by the registrant in connection with the reception;

(C) with respect to each financial benefit that is in the form of a conference, retreat, or similar event that is sponsored by or affiliated with an official congressional organization that is funded exclusively by appropriated funds—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the common subject interests (such as party affiliation, committee membership, or expression of interest in legislation in a subject area) of the covered legislative branch officials who were invited to attend; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(D) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or is held for or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(E) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in

which the semiannual period covered by the report occurs does not exceed $45.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal; or

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation.

AMENDMENT NO. 346 TO AMENDMENT NO. 345

(Purpose: To require the reporting of certain financial benefits provided by lobbyists to covered officials)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Mr. WELLSTONE.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. WELLSTONE, for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY, proposes an amendment numbered 346 to amendment No. 345.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "ADDITIONAL" and in lieu thereof insert the following—

INFORMATION ON FINANCIAL BENEFITS

(1) IN GENERAL.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C) or (D)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value such as a plaque, certificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

Mr. LEVIN. Mr. President, this amendment, which I just sent to the desk on behalf of Mr. WELLSTONE, will do a number of things relative to his amendment.

It would exclude from coverage widely attended receptions to which legislative branch officials are invited as long as these receptions are not cohosted or held for the purpose of honoring such officials. This recognizes that a Member of Congress who stops by a convention, for instance, is not receiving a gift by the act of visiting a convention of a major organization such as the VFW, and many others. The coverage would exclude gifts from family members, so that a gift from husband to wife, or father to son, would not have to be disclosed as a lobbyist's gift. It clarifies that gifts that are returned are not required to be reported. And it permits lobbyists to disclose their gifts in separate reports rather than reporting the same gifts in multiple reports that are filed on behalf of different clients.

Mr. President, my own preference, frankly, given the very weak gift rules that we have in this body and in the Congress, is to ban a significant number of gifts other than de minimis gifts—minimal gifts, pens, or buttons, something under $20—as they do in the executive branch. I believe we should simply ban gifts above a nominal gift.

The amendment of my friend from Minnesota is a disclosure amendment. It discloses gifts. I think that the gifts which are inappropriate should not be disclosed; they should be banned. I have adopted basically the executive branch gift rules in my office.

The executive branch gift rules for the most part ban gifts that have other than nominal value. And they have spent some time in describing how those gifts would be defined.

The amendment before us takes a different approach. The amendment before us would disclose certain gifts until a ban is adopted, if it is adopted. It does some other things, too, which I have difficulty with. For instance, it shifts the responsibility for the disclosure from us to the lobbyist. I think responsibility should be fixed upon us as it is under our disclosure rules now. It is no secret that I feel that the approach in this amendment, that is offered, is a weak response to weak rules. The current rules relative to gifts, I believe, are weak. I believe this is a weak response to them for a number of reasons.

First, instead of banning inappropriate gifts, we are disclosing them. Disclosure is no substitute for a prohibition.

Second, it shifts responsibilities, as I have indicated, from us to others. I think the responsibility should be fixed on us and stay with us.

Third, as I have stated publicly and have written, the amendment can be easily evaded because the only person that is required to disclose the gift is the registered lobbyist, which means that the client of the lobbyist, for instance, can continue to give the tickets and provide the meals and do all the other things which are done without having to disclose. Instead of the football tickets or whatever coming from the paid lobbyist, they simply could come directly from the client of that lobbyist and there would be no disclosure requirement under the approach set forth in the Wellstone amendment. So I think it is a weak approach.

Also, there is a long delay here because the bill is not effective until 1 year after enactment. It takes effect only 1 year later. I think it is a weak approach. We have a real problem with our current rules on gifts. We ought to fix that problem, and the Rules Committee should fix them promptly. And there is a bill, which was introduced yesterday by Senator LAUTENBERG and others, including myself, that goes to the heart of the matter, which is prohibiting inappropriate gifts. There is going to be a sense-of-the-Senate resolution coming up which I believe will really focus the issue on what this Senate wants to do, whether we want to ban additional classifications and groups of gifts or not.

There are many questions when you modify gift rules. What do you do about home State products? Are we allowed to distribute products from our home States to our colleagues in order to advertise those products? Is that going to be allowed? Or is that a gift which has to be either disclosed or banned?

What do we do about receptions, receptions that are attended by us, dinners that we go to, not to raise money, simply where we, for instance, are assisting others, for instance the Cancer Society, to raise money?

What about our presence at an opening day ball game? Is that a gift to us? Or is that a ceremonial function where we should be expected, and be allowed to attend, without banning that attendance because the gift is more than $20 or requiring a disclosure of such?

There are many, many issues relating to gifts which need to be analyzed carefully. This bill is a bill which requires lobbyists who are paid, professional lobbyists to disclose who is paying them, and how much to lobby us on what issues? This is not intended to be a gifts bill. There is now a gifts amendment which has been offered to this bill, and we should dispose of that amendment.

We need, however, sensible rules. I can only urge all of our colleagues that whatever our views are in this, they will find when they get into this area that there are many legitimate, honest, complicated questions, such as the home States product, its issue, and what do you do when you go to dinners which are raising moneys for charity which you are helping to raise money for? Can you go to that dinner, or do you have to buy your ticket to that dinner, and a host of other questions which the Rules Committee is equipped to address.

The Lautenberg amendment, which will be offered shortly, after we dispose of this, will offer a sense of the Senate on banning certain gifts and urges the Rules Committee to report to us such a ban in a certain likelihood. I think that is a tougher approach. I think it is the more accurate approach. It has the ban in it instead of the disclosure. And I think that is what really goes to the heart of the issue.

So, in conclusion of my own remarks, let me say this: The Senator from Minnesota has obviously put a lot of time in on this amendment. I do not think it does the job which must be done, and I think it just does accomplish much for the reasons I gave, which is, this is a disclosure instead of a ban, because it is a long delay, because it is easily evaded. Because of that, I just do not think it does the jcb.

On the other hand, it reflects a dissatisfaction with the status quo. And in that regard, I think it is important. For that reason, I do not oppose the amendment on the assumption that the second-degree amendment is adopted as I have outlined here.

I thank the Chair.

Mr. COHEN. Mr. President, let me commend the Senator from Michigan for his comments and for his modifications to the amendment that is now pending.

One of the difficulties, as Senator LEVIN has pointed out, is that it is a very complicated area of law. We have, for example, not had any hearings on the amendment of the Senator from Minnesota. The Rules Committee is the committee of primary jurisdiction and has the expertise to try to reconcile some of these complicated issues. For example, what is to happen now if this rule is adopted—and it will be adopted—and we have lobbyists who are required to disclose every item in excess of $20, or anything in the aggregate in excess of $50? The Senate gift rules have a limit of $250.

You may now find a situation in which a lobbyist is required to disclose an item of very small value which a Senator does not have to disclose. Therefore, you may very well find a Senator put in the position of not really giving much credence or value to a small item which is required to be disclosed by the lobbyist, but not required to be disclosed under Senate rules. Suddenly during an election year you could have a major controversy. Lobbyists disclose a gift of a bottle of wine, or of liquor, or apples, or Michigan blueberries, or Maine potatoes, whatever it is going to be, but it is not disclosed by the Senator because the Senate rules do not require it.

So it seems to me the better approach would have been to have a hearing in the Rules Committee, reconcile the two, so you do not find yourself in the situation of lobbyists having a different rule than the Senate does. That may not be easily done, but it seems to me we are inviting a host of problems unless we reconcile the two. That is one issue that strikes me.

Secondly, the approach taken by Senator LAUTENBERG has been described as being relatively weak. At least, the implication by some publications is that while the legislation proposed by the Senator from Minnesota has real teeth in it because it will require disclosure, a sense of the Senate is something that may or may not come about. It is only a sense on the part of the Senate that it would like to do something, but action may never be taken.

On the contrary, it seems to me Senator LAUTENBERG's is a better approach to take, expressing a sense of the Senate to call upon the Rules Committee to hold hearings, to make an investigation, to reconcile the complexities involved. How do we handle a situation where Senator LEVIN wants to distribute Michigan wine, for example, that some distributor in Michigan would like to bring to the attention of our colleagues in the Senate, and may distribute to him on a wholesale basis, which he then wants to give to other Members saying "taste Michigan wine."

What do we do? Say: Senator LEVIN, thanks but no thanks? Or do we simply disclose it, or fail to disclose it, under the Senate rules. It gets to be a complicated area in which the Rules Committee really ought to be holding hearings.

So I say to my friend from Michigan, I think he has improved the amendment, and I know that the Senator from Minnesota offers this in the best of faith and good intentions. There are some problems in terms of the definition of a personal friend. Exactly what are we talking about? Are we talking about family friends, close personal friends? What does that mean? Is that a girlfriend or a fiance? Exactly what are we talking about? These are very complicated issues.

As I understand it, the Senator from New Jersey is going to call upon the Rules Committee to spend the next 6 months reconciling this very complicated issue of gifts, so we can have one rule for lobbyists, one rule for Senators, and one rule for the House Members. Hopefully, it will be simple.

I think perhaps Senator LEVIN has a more direct approach: Do not get into disclosure issues; just ban gifts, period. Very simply. It may create some problems, but nonetheless that may be the better approach because of the simplicity and avoidance of the appearances that otherwise might be implicit.

Mr. President, I join my colleague in expressing some of the complicated aspects of this issue, and do not oppose the amendment.

Mr. WELLSTONE. Mr. President, first of all, let me say this for the record. The Senator from Wisconsin, Mr. KOHL, and Senator FEINGOLD are listed as original cosponsors, along with Senator BRADLEY and Senator LAUTENBERG.

Second of all, I am going to be very brief, Mr. President. I do want to say to my colleague from Maine that there actually will not be any exemption for friends, so that will not be a problem with this amendment.

Mr. President, I think that the Senator from Michigan and the Senator from Maine have done a lot of work with this amendment, and I believe they have improved upon it. I thank them for not opposing an amendment which I think has done something that is an important addition to this bill.

The only quarrel I have with my colleagues—and I will say it briefly—I think they harp on the complexity of it all to the point where that becomes a simplification. There are too many loopholes right now. It is not enough to just ask lobbyists in the aggregate to talk about the amount of money they have spent on legislation. I think people in the country have a right to know what lobbyists are spending on Senators and Representatives when it comes to gifts, meals, travel, and when it comes to some fundraising efforts. I think it is that simple. It is no more complicated than that. I think this just adds sunshine to the political process here and strengthens what I think is a very fine piece of legislation.

Mr. COHEN. Mr. President, the complicating factor is that the Senate rules do not require that disclosure. So you have one disclosure rule for lobbyists, but a second one for Senators. That is subject to great mischief. For example, if a lobbyist were to list a gift on his disclosure form, and it is not listed on the Senator's because we have different rules, that creates the appearance that the Senator is trying to hide something. So, I think we have to reconcile the two.

Mr. WELLSTONE. Mr. President, I understand. I was responding to the concern made about how you define a friend. I understand that. I am sure we will reconcile that.

I appreciate the Senator's support. I think he has made it a stronger amendment.

Mr. LEVIN. Mr. President, this is a weak amendment because it requires disclosure of gifts, rather than prohibiting them outright.

Disclosure of gifts by lobbyists may give more ammunition for Common Cause to use in its running attack on the Congress, but it will not address the public's concerns. What the public wants is not another disclosure provision, but a prohibition like the executive branch rule. First and foremost, when gifts are suspect in the public's eye, we should eliminate them, period. That's why the Lautenberg bill is the right way to go on this issue, and this amendment does not do the job.

It applies only to gifts from registered lobbyists, leaving huge loopholes for gifts from clients, partners, spouses, and employees of registered lobbyists.

It is easy to evade. For instance, if a lawyer-lobbyist invites a Federal official to dinner, that would be a gift and would have to be disclosed. But if a partner in the same law firm, who is not a lobbyist, invites the same official to dinner it would not have to be disclosed, even if the same people attended the dinner, ate the same food, and had the same conversation on the same subjects.

Similarly, if a lobbying firm paid for a reception attended by Members of Congress, that would be a gift and would have to be disclosed. But if one of the firm's clients—which was not registered—were to pay for the reception instead, it would not have to be disclosed. Again, this would be true even if the same guests were present and had the same discussions.

It wouldn't become effective for more than a year, meaning that no gift would be disclosed until well after the time when we should have a gift ban in place.

It places the burden of dealing with gift disclosure on the lobbyists, rather than on Members themselves where any such burden properly belongs. That means an abdication of congressional responsibility for our own actions.

Many of us saw the recent "Prime Time Live" piece on a trip taken by several House Members to attend an Electronics Industry Association conference in Florida. We then read on the New York Times editorial page that under this bill, the trip "would go undisclosed."

This simply is not true. The New York Times was wrong. The trip would not go undisclosed. Trips paid by private persons are disclosed today, under the Ethics in Government Act, which specifically requires Members to disclose any gifts in excess of $250, and such disclosure is supposed to include, in the case of congressional travel, "the identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided)."

The fact that this disclosure requirement is already on the books should in itself answer those who would say that disclosure is the answer to this problem.

There are other problems with this amendment:

It applies only to gifts to covered legislative branch officials. Gifts to covered executive branch officials would not have to be disclosed. This means that if an event is hosted by both legislative and executive branch officials, the legislative branch officials have to be disclosed, but not the executive branch officials.

It contains absolutely no exclusion for gifts based on a personal friendship. That means that:

If your best friend is a lobbyist and he gives you a wedding present, the gift has to be disclosed on the firm's lobbying reports.

If your college roommate is a lobbyist and he invites you to his home for dinner, that dinner has to be disclosed on the firm's lobbying report.

If your staffer is engaged to a lobbyist, every gift she gives to her fiancee has to be disclosed on the firm's lobbying reports.

Unlike the executive branch rules, it contains no exclusion for discounts and similar benefits that are generally available to the public or to Government employees.

That means that items like frequent flier awards, sweepstakes prizes, reduced membership fees in professional organizations for Government employees, and even commercially available discounts or loan rates would have to be reported as financial benefits provided by lobbyists.

It would require the disclosure of "election campaign fundraising activities" under the Lobbying Disclosure Act, instead of the Federal Election Campaign Act. That means that such fundraising activities would have to be disclosed:

Only if conducted by registered lobbyists, and not if conducted by other people with a strong interest in legislation; and

Only if conducted on behalf of an incumbent—not a challenger—since candidates for office are not covered legislative branch officials.

Mr. President, the amendment does give Members an opportunity to say that they are taking action on this issue now. It may be weak, it may not take effect for more than a year but it would give Members an opportunity to express concern.

I can't fix this amendment, because the underlying concept of the amendment is flawed. It is flawed because it requires disclosure instead of prohibiting gifts, because such disclosure is limited to registered lobbyists, and because the burden of compliance is placed on lobbyists instead of on us.

The strong way to proceed is a strong prohibition, parallel to the executive branch rules. Those rules took years to write, and the Rules Committee needs at least a few months to have a bill ready for floor consideration. I certainly hope that whatever action we take on this amendment does not detract from that far more important effort.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is an agreeing to the amendment.

The amendment (No. 346) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment, as amended.

The amendment (No. 345), as amended, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, the role of interest groups in the U.S. system of government has been a matter of concern and debate for over 200 years. Even today, the subject bears directly on constitutional freedoms of petition, speech, and assembly, and the limits of those freedoms and the manner in which they may be regulated. While it must be remembered that almost all lobbying is constitutionally protected, it is also true that Congress may, without infringing on important first amendment rights, require that lobbying activities be disclosed to the public. Surely there can be no question that both Congress and the public are well served by the disclosure of private pressures on public issues.

As it stand now, the omnibus 1946 Federal Regulation of Lobbying Act, the 1938 Foreign Agents Registration Act [FARA], the so-called Bryd amendment and the 1989 HUD Reform Act form a loose patchwork of disclosure requirements that are too easily avoided. The Foreign Agents Registration Act and the Federal Regulation of Lobbying Act have been in place for decades. Indeed, FARA's dissemination policies have remained unchanged since 1938. These laws are so complicated and riddled with loopholes as to be neither enforced nor enforceable. In short, the existing lobbying disclosure laws poorly serve both the public and the lobbying community.

As an original cosponsor of the Lobbying Disclosure Act of 1993, I am confident that S. 349 will go a long way toward clarifying existing disclosure rules and will ultimately yield more useful information to both the public and to Congress. By improving and replacing a group of laws that are widely viewed as ineffective and unenforceable with a single statute, S. 349 will broaden the coverage of existing disclosure laws to ensure that all professional lobbyists are registered. Under the new rules, the American people will better learn how their Government works and how decisions may be influenced by the activities of organizations heavily engaged in the legislative process.

Mr. President, the Committee on Governmental Affairs on which I serve as ranking Republican has worked tirelessly to produce a strong and balanced lobbying disclosure bill which I believe will bring additional and needed sunshine into the process of government. I would ask my colleagues on both sides of the aisle to support the legislation.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from New Jersey.

AMENDMENT NO. 347

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. BOREN, Mr. LEVIN, Mr. WELLSTONE, and Mr. FEINGOLD, proposes an amendment numbered 347.

At the appropriate place, insert the following:

SEC. . LIMITS ON ACCEPTANCE OF GIFTS, MEALS AND TRAVEL.

It is the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals, and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

Mr. LAUTENBERG. Mr. President, this amendment expresses the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals, and travel by Members and staff in a manner that is substantially similar to the restrictions applicable to executive branch officials.

I supported the amendment just adopted and believe that it is an important first step. At a minimum, the public ought to know about the gifts that Members of Congress receive. There is a perception around the country that we in the Senate, and our friends in the House, are accepting all kinds of freebies that are leading Members to favor a particular group's legislative interests. We've got to do something about that.

I come, as the Presiding Officer does, from the field of business. One of the things that I would be very circumspect about, very diligent about, was whether or not my purchasing agents were getting gifts from suppliers. It was specifically prohibited in my company. That was almost a mandate for job termination, because I did not want that person to be influenced by personal considerations when the well-being of my company, the employees, and shareholders was at stake. Similarly I think we should hold Government officials to very high standards.

Yesterday, along with Senators BOREN, LEVIN, WELLSTONE, FEINGOLD, and KOHL, I introduced legislation to substantially tighten the congressional rules on acceptance of gifts. That legislation, entitled the Congressional Ethics Reform Act, adopts a strengthened version of the executive branch rules, which ban the acceptance of any items of value, with a very limited number of exceptions.

Ideally, I would have liked to have offered that bill as an amendment today. However, the distinguished manager of this bill, Senator LEVIN asked that I not do so, but rather proceed with a sense-of-the-Senate resolution now, and then further consider and perhaps refine the legislation before moving forward.

I know that Senator FORD, the chairman of the Rules Committee, also wants to have an opportunity to look closely at the language.

So given their strong views on this, I am going to hold off for now. But I want to emphasize the last point, "for now."

While I realize that my bill was introduced just yesterday and deserves careful examination from my colleagues, there is no reason why this examination ought to take very long.

After all, these rules have already been established for the executive branch. Federal employees are already living with these guidelines. And while some changes are necessary to adapt them to the Congress, this is not something that ought to take months and months.

For now it is important, in my view, that the Senate go on record in support of a direct prohibition on the acceptance of most gifts, and of getting that done fairly soon.

So this amendment says that it is the sense of the Senate that as soon as possible the Senate should limit the acceptance of gifts, meals, and travel in a manner substantially similar to the restrictions applicable to executive branch officials. I would like to see us act before the August recess.

The amendment would not mandate that the executive branch rules be adopted precisely in the same form. That is actually not possible because of the differences between the way the legislative and the executive branches function. In general, though, the executive branch rules provide a good general framework for the Congress. And since those rules already are in effect for executive branch employees, we know that similar rules are workable. It can be done. In fact, we in the Congress perhaps ought to abide by even stricter rules.

Mr. President, the need to tighten the gift rules is especially urgent, because the public's trust in the Congress is at an alarming low point. That's largely because we in the Congress look to many Americans like a privileged class. But the fact is, Members of Congress should be here to be the servants of the people. And that means we ought to live by the same standards as other citizens.

Unfortunately, there is a widespread perception that Members of the Congress are failing to pursue the public interest and are responding to special interests inside the beltway. In the view of many, Members have lost touch with ordinary Americans, in part because they enjoy an assortment of special perks and privileges that are unavailable to the general public.

Now, I know and I believe deeply that many of my colleagues would not change their view on legislative matters because someone offers to buy them a meal or a gift. But the perception problem is real. And the fact is, many Members of Congress do enjoy special advantages that do not accrue to the ordinary American. And many of these special perks are specifically designed to influence Members in the performance of their official duties.

One prime example, Mr. President, is the way that many lobbyists shower Members of Congress with gifts. It is not unusual for lobbyists to give Members free tickets to, say, a show, a concert, a sporting event, and take them out to dinner before the event, buy them a cup of coffee and some nice desserts afterward or maybe a little champagne. Some lobbyists regularly take Members out for lavish meals at expensive restaurants. Let me add that we do not want to hurt the restaurant business, but this needs to be cleaned up.

Sometimes the lobbyists provide Members with free trips, typically involving stays in luxurious hotels in beautiful places, along with various forms of entertainment, whether it is playing tennis, golf, skiing, you name it.

I know that many of my colleagues feel that Members of Congress would not be influenced by a free dinner or even a luxury trip to the Caribbean. And I concur in that. Members of this body are serious, committed public servants who want to do what is right for their constituents and for the country at large.

However, it seems indisputable that these kinds of gifts have contributed to Americans' deepening distrust of Government, and Congress, in particular. And that is a serious problem, for as public trust diminishes, the ability of Congress to address our Nation's serious problems is also diminished. After all, it's difficult to generate badly needed public support for important initiatives when Congress' intentions are viewed with such cynicism and suspicion.

Mr. President, we ought to move forward as soon as possible during this year's session to tighten the rules on the acceptance of gifts. The current rules are far too lax. Members of the Senate may accept gifts worth up to $250 from any person. It's hard to understand why. Why must we be able to accept gifts of $250? Do people give you gifts because they like you? Maybe friends do. Maybe family does. But from a stranger, a professional, it is hard to imagine that a gift worth up to $249 does not carry with it a subliminal, maybe an overt, message that says, "Hey I want you to remember this when you have some tax legislation being considered; please remember that beautiful clock every time you see it in front of you; please keep that in mind when you sit down in your committee and you hammer out legislation."

Again, I say to you that my colleagues in this Chamber and the other Chamber are fundamentally honest, hardworking people who want to do the right thing. But the public looks at all these gifts, sees expensive clocks, and sees something designed to do something more than just keep time.

Let me return to the weakness in the present rules. As I said, Senators may not receive gifts totalling more than 250 from any one person. But gifts worth less than $100 are not counted. And thus a person engaged in lobbying may legally provide Senators with a virtually unlimited number of gifts worth $99 or less.

So if one wanted to give someone an expensive chess set with silver pieces worth $99 each, they could provide the whole set, along perhaps with the board itself, without being subject to the $100 limit. That's not right.

Another weakness in the current rules is that some types of gifts are excluded from the limits altogether. There is no limit, for example, on the number of meals at Washington restaurants that lobbyists can provide to Senators. In addition, the rules allow Members' broad latitude to accept reimbursement for various travel expenses, regardless of costs.

By contrast, Mr. President, officials in the executive branch must abide by much stricter rules of conduct.

Generally speaking, executive branch officials may not accept gifts from any person who does business with the official's agency or who has interests that may be substantially affected by the performance of the employee's official duties.

There are limited exceptions, such as awards, honorary degrees, food at conferences attended in an official capacity, and other items worth less than $20. However, the rules apply broadly to any items of value, including meals and travel expenses.

Mr. President, the bill I have introduced with Senators BOREN, LEVIN, WELLSTONE, FEINGOLD, and KOHL would require Members and staff to abide by a strengthened version of the rules on gift acceptance that already apply to the executive branch.

My sense-of-the-Senate amendment today does not ask the Senate today to endorse every dot and comma from my bill. But it does call for a vote on similar legislation in the near future.

It says that we ought to abolish rules that permit the perceptions to develop all around that we are here waiting for some lobbyist to take us out to dinner, to wine us, to dine us, to go to the theater, et cetera. We have to do away with that. It's time to wipe the slate clean.

So what I am asking for is my colleagues to vote on a rollcall vote—and I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I want to emphasize again that I do not want to impugn the integrity of any Member of this body or the House. But, Mr. President, public cynicism has reached deeply disturbing levels. As a consequence, practices that seemed innocuous, harmless, just a few years ago, clearly are not as insignificant today.

Mr. President, a strict ban on most gifts is not a cure-all and would not address every abuse in the current system. Clearly, we have to take other steps, like that proposed in this wonderful piece of legislation being offered by Senator Levin and others, to reform our lobbying system; and like legislation proposed by my distinguished colleague from Oklahoma, which I have cosponsored to revise our campaign finance system. We also must take other steps to eliminate special perks and privileges for Members of Congress. However, no comprehensive program for political reform would be complete without addressing the problem of lobbyists' gifts.

So, Mr. President, this is the first step in what I hope will be a Congress that produces real, significant reform. And I want to assure my colleagues that, when it comes to gifts, I will not relent.

I am committed to getting this done. And, in the end, the American people are not going to be denied.

Mr. President, have we asked for the yeas and nays?

The PRESIDING OFFICER (Mr. WOFFORD). The yeas and nays have been ordered.

Mr. LAUTENBERG. I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I am proud to join with my colleague from New Jersey, Senator LAUTENBERG, in offering this sense-of-the-Senate amendment; just as I was proud to join with him on the introduction of S. 885, which would place into the law the kind of ban on gifts that the Senator from New Jersey has described.

As he indicated, it is very important that we end the gulf that now exists between the people and this institution. The Congress of the United States belongs to the American people. It is very important that the people at the grassroots level feel that, as individual citizens, they are heard by Members of the Congress; that we are truly representative of them.

As my colleague has just said, we face very serious problems in this country. If we do not find ways to get our budget deficits under control, the economic future and security of this country will certainly be placed in jeopardy, as all of us know. That is but one of the many decisions we must make.

Soon we will confront the question of how to reform the health system in this country. We must confront major reforms in the educational system of this country.

If we are to be a leading nation in the world in the next century, we must make sound decisions. We must make them as fast as possible, and we must put this country back on the right track again. To do that will require much sacrifice and commitment by the American people.

And if the people have doubts about the integrity of this institution, if the people doubt that the Members of Congress truly seek to represent them and truly seek to perform public service, in the best sense of that term, the task of making those decisions will be far more difficult.

I suppose that of all the polling data that I have seen that really has saddened me as a Member of the Congress was the question answered by a majority of the American people when asked: Do you believe that the Congress of the United States represents people like you or do you believe that the Congress really represents only the special interests? A rather large majority said, "I believe Congress represents the special interests and it does not represent people like me."

I think all of us are prepared for criticism, as public officials. When I read polling data that says Congress is not doing a very good job in terms of solving the economic problems of this country, I am sorry when I see polling data that indicates that. I am sorry to say that I also, from time to time, agree with the assessment of the people that we are not doing a good job in terms of meeting some of the major challenges that we are confronted with.

But it really saddens me when I see that the people have lost confidence in the institution and have lost confidence in the ability of the Members of Congress to represent people like this. Because I do believe that the vast majority of those of us who have sought to serve in the Congress of the United States and in other public offices sought those offices in the first place because we wanted to render public service and we wanted to make a contribution back to the broader community. We wanted to give back to a country that has done so much for us. We did want to seek to represent the rank and file citizens of this country and to be responsive to their concerns.

And so, Mr. President, a part of rebuilding the strength of this institution and putting this country back on the right track again is the passage of genuine reforms of this institution that will help restore the public trust in the Congress of the United States.

I believe that the proposal by Senator LAUTENBERG is a proposal that heads us in the right direction. The perception that we are able to receive valuable gifts just because we happen to hold public office, that we are able to accept travel to places, to resorts and to other places that many of the constituents who pay our salaries cannot afford themselves—vacations, in essence, at the expense of special interest groups not available to our constituents—that perception must be changed.

I think that the bill which is offered by the Senator from Michigan is another important step in the right direction—tightening the lobbying registration laws and disclosure laws.

The amendment which was adopted a moment ago, to disclose gifts to Members of Congress and staffs, is also a step in the right direction. I commend Senator LEVIN for his long leadership in this area of tightening lobby registration requirements, because a part of restoring confidence in this institution is comprehensive lobby reform. Tightening the registration requirements is an important part of that comprehensive reform.

I am convinced that another important part is the enactment of Senate bill 885, by Senator LAUTENBERG, myself, and others, which will ban the giving of gifts, not only to Members of Congress, but also to the members of their staffs as well.

In addition, if we are going to have comprehensive reform, we must also ultimately address the problem of the revolving door, where people leave positions of public trust and public service to go to work for special-interest groups as soon as they have terminated their service, whether it is the Trade Representative of the United States, who has supposedly been representing our interest, who goes out the door and quits his position or her position to go to work for a foreign government at 5 or 10 times the salary they were making on the Government payroll, or whether it is the Member of Congress or the staff director who retires to go to work for some special-interest group when they had previously been charged with representing the interests of all of the American people. It casts a doubt on the integrity of this system in the minds of the American people, and it adds to that feeling that "Congress does not represent people like me. Congress represents the special interests instead, and sometimes even the foreign interests."

So the adoption of this amendment sends an important signal to our colleagues in those committees that will have jurisdiction over Senate bill 885 that it is our hope that bill will be passed; it will be brought to the Senate floor so we can pass it here with dispatch, and that we can add that second element of important comprehensive lobby reform. After we have passed the Levin bill to tighten registration, we can also add to it a gift ban and I hope ultimately a proposal to close the revolving door.

This is a step in the right direction. I commend my colleague from New Jersey for taking the leadership on this issue, a very important issue in terms of restoration of trust. I am proud to join as a cosponsor of this amendment, and I urge its adoption.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Oklahoma for his support and comments, which, as always, were clear and articulate. He is a person regarded by all of us as someone who epitomizes the principles by which we should operate. I share his views on many related legislative matters, and am pleased to have his significant support.

Mr. President, I would point out to my colleagues that industry after industry has developed programs that prohibit gift giving to their employees—again, I come from the business world—because it might influence a purchasing agent or a contract officer.

There are laws against it, as a matter of fact, in many States and many communities, that offer very severe penalties for accepting gifts. There is no good reason to allow exchanges of gifts between suppliers and purchasers—and the same kind of concerns apply when it comes to gifts from others who might want to influence legislation.

There is no logical reason to allow it.

Mr. President, sometimes a gift to a Member represents a gesture of appreciation for something done in the past. But included in that gesture of appreciation often is kind of a subliminal message that says: Hey, listen; remember the person who gave this to you.

I used an example before of the clock ticking away on the desk. I do not want to get the clock manufacturers upset—there are wonderful clock manufacturers; they are beautiful things to have—but when a clock or silver calendar holder sits in the front of the desk, it sends a message that says: Hey, remember me? I am the person who did this for you.

Mr. President, we have to address the public perception that people can have their views influenced, subverted, diverted as a result of a gift. So it is time to get rid of them.

After all, few Americans doubt that this is a body where Members are adequately paid to do their duty. And few Americans would believe that Members need to accept gifts, often from unidentified people, to supplement their income. So I hope we will be able to get wide support for this sense-of-the-Senate resolution.

I note, Mr. President, the distinguished occupant of the chair would like to join as a cosponsor of this legislation, and I include the name of Senator WOFFORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it has been said that common sense is the master workman. I believe that is the case. In regard to this sense-of-the-Senate resolution, I commend my friend from New Jersey, who has been a leader in the Senate from the day he got here, especially as it relates to matters in the workplace. No one in this body has a more renowned record for having accomplished a great deal in the business place than the Senator from New Jersey.

So I commend and applaud the intent of this sense-of-the-Senate resolution. I certainly think his approach to this matter is the right way to go. Rather than coming on this floor and offering this amendment, which would probably pass now, the most logical, sensible way to go is the way the Senator from New Jersey has approached this. That is, to refer this matter to the appropriate committees and, within a reasonable period of time, come back with their recommendation as to how, if at all, this matter should be altered.

I think we do have to look at this amendment very closely—not the intent of it, but the specifics of it. As the Chair knows, and the other Members of this body, I have responsibility as chairman of the Legislative Branch Appropriations Subcommittee. We have, during the period of time I have been on this subcommittee, been heavily involved in what goes on in the Congress, both on the House and the Senate side. We have done a great deal to focus attention on some of the things we do right and some of the things we do wrong. We have changed drastically how we, as Members of the Senate, handle franked mail. It also has applied to the House. They have changed drastically how they handle their franked mail.

There was a time in the last few years when you could not find out how much people mailed, especially in the other body. In the Senate, we have been able for the last several years to look at an account and find out how much mail has come from a specific Senator's office. In the House, that has only been a recent innovation and is one that has opened up this Congress to allow people to know how much the frank is used.

We have also in that regard initiated numerous other changes I need not go into at this time. But we have done it on a consistent basis to improve how we do business here, and so that the public understands how we do business here.

I listened in my office, and on the floor here, to the comments of my friend from New Jersey. One thing he said, for example, is that he believes we should have stricter rules than the executive branch of Government has. If we have rules any stricter than the executive branch of Government, then we will have to start paying the public to serve here. I think it is something we have to look at very, very closely, in our zeal, what we do, to allow us to function here. I understand why we need to have rules in the marketplace to prevent employees from receiving gifts from people they do business with. I think that is important.

But, for example, in the executive branch of Government, the rules do not apply to the President or the Vice President.

Also, in the executive branch of Government, as I understand it, the gifts rule applies only to gifts from persons who have business before an employee's agency or who are regulated by that agency or who are affected by the performance or nonperformance of the employee's governmental duties.

The reason I mention that—and I am confident the committees will review this sense-of-the-Senate resolution—I think that we have to understand that some of the things that we are talking about here would prevent—for example, I have been exchanging gifts with two people I went to high school with. We have exchanged gifts all of our adult life, maybe even before we were adults. Under the proposed rules, the way I read them, my friend Don and my friend Jimmy Joe and I would no longer be able to exchange gifts. I have been exchanging gifts for 30-plus years with these people, and I do not think that is the intent of the sense-of-the-Senate resolution. It is something we have to look at.

I think also, Mr. President, the committees to which this will be referred, we also have to look at—I mean, greeting cards? If we are to a point where we have to be told we cannot accept a Christmas card, I do not think that is really something that the public cares about, whether I get a Christmas card from one of the pages or a friend I have known for 2 weeks or 20 years.

The summary of this Congressional Ethics Reform Act says:

> Members may accept invitations to speak or to participate in widely attended gatherings such as conferences, seminars and receptions.

I sure hope so. If I am asked to speak, I have to get permission from the Ethics Committee to speak to a gathering of teachers or plumbers, Chamber of Commerce?

My point in standing here, Mr. President, is just to make sure that this is not a stampede that is going to leave us so that we cannot represent the people who elected us.

I again say there is no question in my mind what is the intent of the amendment of the Senator from New Jersey. I admire him for coming forward with this, because I, with him, think we have to take a look at how we do business. I am willing to have my subcommittee cooperate in any way that we can possibly do this.

Senator BOREN spoke earlier on the floor about the revolving door. This is something I have had a belief in long before I came to this body. In my days in the Nevada legislature and when I was Lieutenant Governor of the State, when I served as chairman of the Nevada Gaming Commission, I always advocated that people who serve, especially in the very sensitive business in Nevada dealing with gambling, should not be able to be regulating one day and working for one of the gamblers the next day. I always felt that way.

When I served as chairman of the gaming commission, I advocated a law and/or a rule, whichever I could get, that would prevent somebody like me from going to work for the gaming industry for a period of time, for a year, after I got off that job. There was no law passed, but I felt I should live by what I said, so I did not accept any clients in my law practice. lBut it was interesting, after the year went by, people were not as interested as much as if I had accepted them right away, I am sure.

I agree with the intention, but I think I do not believe this Congressional Reform Act that has been submitted and as I reviewed the summary is perfect. I think it is something that needs to be reviewed because it applies not only to us but to members of our staff. I think, as I read it—and I could be wrong—but it is something the committees need to look at, this rule limiting gifts to members of our staffs. They could not get gifts from any source either. I think that is something that at least the summary leaves some question as to whether a member of my staff could also get Christmas presents from somebody they have known for a while.

Remember always, as we have heard here so many times, we have three separate, equal branches of Government—the legislative, executive, and judicial branches of Government. The reason our Founding Fathers set up these separate but equal branches of Government is that they are different, and different rules should apply, in many instances, to one branch than applies to the other.

I am saying here with the gifts rule, let us take a close look at it and make sure we have covered everything. There are certain things we agree on, clearly, and I think those we do not we should look at very closely. I would say, Mr. President, that even the most innocent tokens of appreciation or personal friendships could be construed as ethical violations, as I read this proposal that is now in the sense-of-the-Senate resolution.

I repeat for the third time, I say this not to state any opposition to the sense-of-the-Senate resolution offered by my friend from New Jersey, but I think we need to be aware of some of the problems that we may create in trying to solve a problem that is perceived by us and perhaps members of the public that need to be remedied. Any Member of this body any time, now or when we were first made a republic, can refuse to accept a gift in any manner. They can refuse to accept Christmas cards. They can just put "Return to Sender." They can refuse to accept gifts given from their longtime friends or lobbyists. Anyone can do that right now. So there is no one who forces a gift upon anyone. In fact, I think any Member should and hopefully does decline anything that would compromise them in any way.

So I believe, in closing, Mr. President, that rather than take a haphazard approach—and certainly I am not suggesting this legislation is haphazard—that we need to take a look at the gifts rule and the other things encompassed in this amendment and have the Rules Committee and perhaps the legislative branch, which also has jurisdiction over some of these matters, take a close look at them and see if there are things we can do to improve this sense-of-the-Senate resolution and, most of all, use our common sense, both in how we fulfill our duties and how we apply any necessary standards to the performance of these duties.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I would like to say, for just a moment, that there are few in this body who I respect more, or for whom I have more affection, than my friend from Nevada. When it comes to integrity, he is one of the persons we all look to, because he has been a real leader in this area.

He is, as he indicated, chairman of the legislative branch Subcommittee on Appropriations, which provides money for committee funding, et cetera, office funding. He has always been very diligent about pointing out the deficiencies of the system. I appreciate his comments today about the need to ensure that we do not overrun the system with rules that may constrict more than help. We take that admonition very seriously and listen carefully when my friend from Nevada speaks.

Of course, as this is a sense-of-the-Senate resolution we need not get into a debate about all the specific rules that are appropriate. But I do want to respond to something that the distinguished Senator from Nevada said. The amendment calls in general terms for rules that are substantially similar to those that apply in the executive branch. Earlier I said that I thought that the rules for the Congress perhaps should be even more strict. I want to clarify that this would not be required by the amendment.

Then there is also a question about a Christmas card exchange. There happens to be in the rules now an exemption for greeting cards. And it is my intent, as evidenced by the bill we introduced yesterday, that gifts from friends should not be restricted. And no one is going to question gifts in the context of a genuine long-term relationship.

But, Mr. President, I submit to my friend from Nevada that if a stranger comes up and offers you a gift and you are out on the street, you say, hey, wait a second. Why am I getting this? There has to be some reason behind this.

When people entrusted with the affairs of the country, as we are, suddenly get a gift from out of nowhere, that should raise at least the same suspicion. We should ask ourselves: Why? Is it the way I look today; the speech I made last night?

Mr. President, let's be realistic. Lobbyists are registered because their goal is to influence people and to move legislation their way or their client's way.

So, again, our intent is not to limit gifts where old friendships exist. But we ought to be wary of anyone else who comes up with expensive gifts or who suddenly wants to take us out to dinner or lunch or otherwise.

So, Mr. President, I say to my friend from Nevada, we hear what he is saying. We respect it greatly. We know he is with us in concept, and we will be very careful about the details. For now, we are calling for a sense-of-the-Senate resolution which says basically we ought to adopt with rules similar to those that apply in the executive branch.

In the legislation introduced yesterday, we do propose to strengthen the rules somewhat, as they would apply to the Congress. While the executive branch rules limit gifts from those with interests before an employee's agency, our legislation would limit gifts from anyone other than a family member or personal friend, even if the giver does not have a direct interest in pending legislation.

Incidentally, in response to something else that my friend from Nevada mentioned about different branches of Government, I would note that I think there are significant restrictions on giving gifts to judges.

So, yes, Congress operates differently than the other two branches. But many of the same ethical standards should apply. And I think the executive branch standards are pretty good.

So, Mr. President, I hope we will be able to move this resolution with dispatch and get a rollcall vote.

Mr. REID. Will the Senator yield for a question?

Mr. LAUTENBERG. Certainly.

Mr. REID. Did the Senator from New Jersey say beware of strangers bearing gifts?

Mr. LAUTENBERG. I wish I had, but that is essentially what I said. I used different words like wipe the slate clean, which probably exaggerates the situation.

Again, I doubt that many, if any, of my colleagues are influenced by an elaborate meal or a trip. But we want to avoid that opportunity and the associated public perception. And that is the purpose of this resolution.

I thank my friend from Nevada for his comments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is no question in my mind that the congressional gift rules are inadequate and should be changed. That is why I have cosponsored the Lautenberg resolution. Right now, the gifts rules permit Members and staff to accept any number of gifts up to $100 each without disclosure and without limit.

Now, I do not believe for 1 minute that Members of Congress can be purchased for the price of a pair of football tickets or a fancy dinner. The acceptance of such gifts creates the appearance often of impropriety. The public is tired of hearing reports about financial favors received by Members of Congress and their staffs, and it is time for us to change the rules and get this problem behind us.

In February, the executive branch adopted much stricter rules for its employees. If executive branch employees can live under those standards, there is no good reason why Congress should not. That is the approach taken by the Lautenberg bill in general. It will tighten our standards in general to match the new executive branch standards. They are tough, but I think they are the right direction to go, and I congratulate Senator LAUTENBERG for his initiative in taking on this issue. But the standards in the executive branch are complex.

The executive branch rules run 15 pages. The Lautenberg bill is 17 pages. The executive branch rules took years to be developed. I hope that our new rules will come from the Rules Committee and will be reported out in a matter of months.

Last, Mr. President, I wish to comment on the thoughts of the Senator from Nevada, while he is on the floor, because he makes a very important point of which we should all take heed.

There are issues we have to address in our representative capacity. What do we do with home-State products? Are we not going to be allowed to distribute home-State products to boost them? This is not something which benefits us. This is something which is of benefit to the wine, or whatever, industry we are trying to boost. Would that be a gift to us?

What about widely attended receptions? We go to a VFW reception. The tickets to that reception are $25. Are we not going to be able to go to those receptions which are attended by 500 or 1,000 people without our buying the ticket to each one? How can we represent the VFW well if we cannot go to their receptions unless we pay for all of these receptions?

What about being a guest at the Cancer Society dinner? We are the guest of honor. Our name is used to try to maybe bring in a few additional people. Will we have to then purchase the dinner ticket at that dinner where we are the guest of honor, and then for all of these dinners and all of these receptions will we then either be prohibited from going or have to buy the ticket, which for many of us is prohibitive, personally prohibitive?

So the Senator from Nevada makes a very important point, and I think the Senator from New Jersey has acknowledged that we have to do this carefully so we do not undermine our own capability to represent our constituents. That is why the Lautenberg resolution seems to me so important. This sense-of-the-Senate amendment will refer this matter to the Rules Committee with some direction, saying it is our sense that we ought to do this as quickly as possible, but that we should limit the acceptance of gifts, meals, and travel in a manner substantially similar to restrictions applicable to executive branch officials.

I believe that is the right way to go, and as we go down that road, hopefully, we will keep in mind, very much in mind, the thoughts of the Senator from Nevada.

There are many other examples, by the way, like that, and I think the Senator from New Jersey and others acknowledge that we have to do this carefully, and the Rules Committee is the right place to do it. But we want them to act promptly.

Mr. President, I yield the floor. I believe we are trying to work out a time agreement on the Lautenberg amendment. I do not know if the Senator from New Jersey has yet been involved in those discussions. If not, I would suggest, unless someone else wants the floor, that a quorum——

Mr. REID. Will the Senator yield for a unanimous-consent request?

Mr. LEVIN. Yes.

Mr. REID. I ask unanimous consent that my name be added as a cosponsor of the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Again, I commend my friend from New Jersey. His leadership in this area has been stalwart. It is essential he proceed on the course he is headed. I am glad he is setting some parameters for when we determine we are going to move some restriction on gifts, and without the kind of energy and force he has displayed we are not going to get it done.

And we have to get it done. We have to change the way we do business on gifts. It is that simple. We want to do it right but we have to do it. The Senator from New Jersey is keeping us on that track. I commend him for it. I am proud to cosponsor his amendment.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Michigan, as well as I am pleased to have the Senator from Nevada join in as a cosponsor.

Mr. President, there are questions that arise; and again careful study before we see this enacted into law is required. The situation, for example, that the Senator from Michigan raises about the VFW conference. I happen to be a member of the VFW, so my life membership might get me by. But there are other situations that we would be looking at.

It is our intent to do something that is similar to that which is included in what our legislation will be; that is, if one is invited to attend a large meeting on behalf of an organization, that is likely to be an acceptable process. However, if there is a meeting, and a ballet performance with a $1,000 particular ticket, or $100 ticket that might be purchased by a lobbyist, that would be ruled out.

So we will be working with some of the refinements. We do not want to inhibit any personal relationships that existed before. Everyone knows what we are trying to do here; that is, to get rid of the possible situation where influence can be peddled to a Member of the Congress.

We will pursue it.

I am not sure whether or not we are going to be talking about a time agreement with our colleagues. But to give us time to have some discussion with it, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Minnesota [Mr. DURENBERGER] be allowed to proceed as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

NO CLEAR GOALS IN BOSNIA

Mr. DURENBERGER. Mr. President, I rise today to address the question of the involvement of United States military forces in the conflict in the former Yugoslavia.

Allow me to begin by quoting a European statesman on the subject of the unrest in the Balkans:

> If the President demands something, the Serbian government must yield, and if she does not, then Belgrade will be bombarded and if necessary occupied until the will of the President is fulfilled. You must rest assured that I stand behind you and ready to draw the sword.

Mr. President, that quote does not come to us from Helmut Kohl, or John Major, or Francois Mitterrand. It does not even come to us from our own period of history.

The Speaker was Kaiser Wilhelm of Germany. And the time was August 1914.

Different people, different time. But the very same problem we are confronting today—the militarism of Serbian nationalists, and a reign of terror against innocent people.

And even the solution proposed is the same—united military action to resolve the conflict.

Do we stand on the brink of a cataclysm on the scale of World War I? I would say no.

But can we safely ignore the lesson of that earlier Balkan adventure? This is a question we must all ponder closely in our hearts.

So I do not rise today in support of United States involvement in Bosnia. Nor do I rise in opposition—yet.

But I want to make it clear that I have extremely serious reservations about President Clinton's policy.

The President has not demonstrated under what circumstances a Bosnian involvement is in the national interest of the United States.

The President has not demonstrated precisely which goals he is contemplating pursuing.

So the President has not defined our role. And he has not defined our goal.

If the history of U.S. involvement in other events, for example, in the civil war in Lebanon—back in the early 1980's—has one clear lesson to teach us, it is this:

No role. No goal. No go.

Mr. President, I want to make it clear that I am not prejudging the question of United States involvement in Bosnia. But the definition of a national interest—and the articulation of a clear and achievable goal—constitute, together, an absolute sine qua non of a successful military action.

These two crucial factors are precisely what is missing—so far—in the Clinton administration's policy on Bosnia.

These factors are not just desirable. They are essential. The Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, estimates that a successful peacekeeping effort in Bosnia could require a troop strength of 500,000 soldiers.

To give you an idea of the potential scale of that kind of an intervention, let me point out that we had 20,000 troops in Somalia, for 5 months, at a cost of $1.87 billion. A Bosnian intervention, on the scale described by General Powell could therefore cost in the neighborhood of $50 to $100 billion—depending on the length of the hostilities. And there is no host country or oil-producing neighbors to pay for it.

The administration may well issue a rejoinder to the effect that no U.S. commitment on that scale is envisioned. Our expense—and our goals—will be much more modest.

But this still leaves us far from an answer to the essential questions: What are we doing there? And what precisely are we trying to accomplish?

President Clinton wants America to be a leader—a powerful moral authority for peace and freedom. This is a goal which I sincerely hope is shared by all Americans. I know I share it.

But we cannot exercise moral leadership if we lack honesty—honesty with ourselves about our goals, and about our commitment to them.

This is a defining point in international relations. The days of bipolar conflict are over. We are in the age now of instant information—but the growth of our intelligence and the refinement of our shared ideals has not kept pace with the growth in our ability to communicate information.

It is now—at the beginning of a time of geopolitical uncertainty, rather than later—that we should invest the time and intellectual effort required to define the world order we seek to build.

If we assume a leadership role in a particular conflict, we assume responsibility for the result. If we establish a situation in which our initial deployment is open-ended, what we will create is a dynamic for escalation—and an eventual choice between failure, and success at a prohibitive cost.

Surely this is one lesson of Vietnam that has been seared into our national psyche—do not make foreign policy commitments without the understanding, the backing, and the informed engagement of the American people.

We have to know what we are trying to accomplish in the Balkans, and why. To say that the brutal TV images of Serbian aggression require a humanitarian response on the part of the United States is simply insufficient.

The question is not whether we approve of the actions of the Serbs. It is not about whether we approve of ethnic cleansing. It is not even about whether the Holocaust is an appropriate analogy.

It is not about any of these things.

It is about what we, as a people, are prepared to do about the suffering we see in the Balkans.

And this is emphatically not a decision that can be made unilaterally by the President of the United States. Twenty-nine years ago, after the Gulf of Tonkin, Lyndon Johnson succeeded in establishing a major American military commitment.

As the subsequent tragedy in Southeast Asia proves, it is not enough to carve out a policy beachhead. You have to know how far you are going to go—and you have to know when you have gotten there.

To this end, I ask my colleagues to join me in calling upon the President to articulate a clear strategy and clear goals for any proposed United States involvement in the Balkan war. The goal which the President has outlined is far too vague—the goal must be concrete, achievable, and decisive.

And we need to distinguish between peacemaking and peacekeeping. We do not yet know which of these will be our mission, and I think the President ought to tell us what he thinks about the subject.

We have to shift the debate from how to start a Bosnian mission—air strikes, ground forces, and so forth—to the much more important question of how to finish it.

Do we want to have the Serb Government protecting Moslems? Do we want a reunified Yugoslavia? Are we willing to establish what amounts to a United States trust territory in the Balkans, into the indefinite future? I do not have an answer to these questions, but I am genuinely alarmed at the fact that they are not even being asked.

So I ask the President to defer any commitment until the American people—through their representatives in Congress—have had a chance to confront the issues at stake in this decision to begin U.S. military involvement.

Most of my colleagues will remember the debates we had about President Bush's decision to go to war in the Persian Gulf. I am not alone in thinking of those debates as one of the finest moments in the history of the U.S. Senate. It brought out the best in all of us—on both sides of that question.

A full and informed debate is equally essential in the case of any proposed involvement in Bosnia.

If the President wants to commit U.S. troops, he simply must come before Congress to ask for debate—and to ask for authorization.

Because when America does go to war, it must go united.

When America goes to war—or to an armed peacemaking effort—it must go on the basis of good information, clear thought and intelligent choices.

And if our direct national security interest is not clear, then what needs to be understood is the shared ideals—political and humanitarian—on which the risk is premised.

So, Mr. President, to violate these principles is to risk a calamity that would be especially shameful because it is entirely avoidable. The judgment of history on rash decisions is written in clear, bold letters. In the jungles of Vietnam and in the rubble of the Marine barracks in Beirut.

We ignore this judgment at our peril.

So I ask President Clinton to help the American people understand the issues at stake in this Bosnian engagement. I ask him to help me understand these issues.

And I ask him to do it now because later, there will not be time. The time for thought is before action—and before the commitment of American troops to a mission that has yet to be clearly defined.

Mr. President, I ask unanimous consent that an article in the St. Paul Pioneer Press by editorial writer D.J. Tice, addressing some of these issues be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press, May 5, 1993]

MORAL OUTRAGE, NOT OUR NATIONAL INTERESTS, IS THE FACTOR PROPELLING U.S. INTO BOSNIA

(By D.J. Tice)

A sprawling consensus that it's time for America to intervene militarily in the Bosnian civil war has congealed among the nation's opinion leaders. With President Clinton in the lead, the united front willing to contemplate at least U.S. airstrikes stretches impressively from Bob Dole to Paul Wellstone, from Anthony Lewis to William Safire.

Serbian leaders, now reconsidering the U.N. peace plan they have spurned for months, are squirming in the face of this American wrath, as well they might. America's blood is up on Bosnia—or, at least, the blood of its politicians and pundits is up, which is good (or bad) enough.

It's not quite impossible, this week, to hope that the U.S. chest pounding may itself prove sufficient to end the fighting. It's not quite impossible, just desperately difficult.

In any case, just as Serb leaders defy the swelling American war spirit at their peril, an American commentator questions the wisdom of the prestigious consensus spoiling for a fight with trepidation. Many perfectly sensible people are convinced America must enter the Bosnian fray.

It's probably some blindness in me that I can't share their certainty.

If the President chooses to act, to send young Americans into battle, they, and he, will have my support. But for now, doubts haunt me.

The central doubt is whether America has a compelling national interest in controlling the outcome of the Bosnian war—and, if not, whether the new foreign-policy doctrine seemingly being formulated is a plausible one that can long enjoy public support.

The case for action in Bosnia is by and large a moral case—a conviction that America has a moral obligation to end the abuse and killing of besieged Muslim civilians there.

No doubt, ending suffering and death would in any circumstance constitute a moral act. But it's less clear how the Bosnian war differs from dozens of conflicts in recent decades in which the United States might have intervened on the same grounds, but didn't.

America didn't go to war to end brutal, famine-triggering civil wars in Ethiopa, Sudan and other African states. We didn't intervene in the Iraq-Iran war, or earlier in the Khmer Rouge horror in Cambodia. Is the Serbs' admittedly stomach-turning brutalization of Bosnian Muslims fundamentally different from those and other tragic conflicts America has stood by and watched?

It seems more likely that a profound, new post-Cold War foreign-policy doctrine is in the making in the Bosnia debate (it was at work in the Somalia intervention, too, though the risks were smaller there). It is a doctrine, it seems that America faces a moral imperative to relieve by force all severe civilian persecution in war (which is not exactly uncommon), whether America has an overriding national interest in the conflict or not.

Such a foreign policy would be morally generous, to be sure. But it would also be an onerous and unprecedented national commitment. It might, if faithfully fulfilled, keep young Americans in harm's way, somewhere in the world, more or less perpetually.

Perhaps, as many seem to think, this is a moral burden America must bear in the post-Cold War world. (It sure suggests we've gotten over the "Vietnam syndrome.") But two questions: Will the American people support this world-police policy indefinitely? And will the kind of deep military budget cuts now being contemplated allow us to maintain a fighting force capable of carrying out this extraordinary mission?

The case is also made, of course, that the Balkan fighting puts vital American interests at risk by threatening a wider Mediterranean war. Yet, if the danger of spreading war is great, will limited airstrikes secure the peace? And would arming the besieged Muslims, surely prolonging the battle in Bosnia, reduce or intensify the threat?

Finally, what is America's ultimate objective in Bosnia, and how do we intend to achieve it? The U.N. peace plan, carving tiny Bosnia into 10 "semiautonomous" ethnic regions, seems an almost farcical nonsolution. What will this jigsaw Bosnia be but a mosaic of hostile camps—a war in waiting?

Is there any real cure in this to the territorial rivalries, mutual suspicions and nationalist aspirations of the Balkan peoples? If not, how long can America and its allies suppress the battle with airstrikes? And if airstrikes don't work, what then? Most proponents of action, the administration included, continue to rule out commitment of U.S. ground troops, except as "peacekeepers"—an eerie distinction that often means any deployed troops will lack sufficient resources to defend themselves and control events.

It discomforts me to no end to have doubts about a course of action that seems so plainly necessary to so many smart and serious people. But America's march toward war in Bosnia still seems long on moral outrage, on an urge to do something, and troubling short on pragmatic strategy and realistic view of national interests.

Mr. DURENBERGER. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 847

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 847, a bill to provide for the assignment of female members to combat duty on ships, be star printed to reflect the changes which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 349 and that they be considered under the following time limitations equally divided in the usual form:

An amendment by Senator STEVENS regarding simultaneous filing with the House and the Senate, 30 minutes; an amendment by Senator STEVENS requiring disclosure of $1,000 or more annually, 2 hours; an amendment by Senator GRAMM of Texas relevant to the bill requiring disclosure to which relevant second-degree amendments would be in order; an amendment by Senator MCCONNELL regarding sense of the Senate on the savings from the repeal of the deductibility of lobbying expenses to be used for child immunization, 30 minutes; an amendment by Senators MITCHELL and BOREN regarding a sense of the Senate on political action committees and voluntary spending limits, 30 minutes; an amendment by Senator PRESSLER regarding the banning of political action committees, 30 minutes; an amendment by Senators LEVIN and COHEN in lieu of the committee amendments which Senator LEVIN will be eligible to withdraw upon the call for the regular order made by the majority leader in accordance with the earlier consent agreement.

Further, that there be 1 hour remaining on the Lautenberg amendment No. 347, equally divided between Senators STEVENS and LEVIN, with the Lautenberg amendment laid aside to recur upon the disposition of the Stevens amendments, if offered, or 1 p.m., whichever is later.

I further ask unanimous consent that, when the Senate resumes consideration of S. 349 at 10 a.m. tomorrow, Senator STEVENS be recognized to offer one of his amendments.

I ask unanimous consent that the Pressler amendment not be in order unless the Mitchell-Boren amendment is offered and disposed of; further, that these amendments all be first-degree amendments only; that Senator STEVENS be permitted to modify his disclosure amendment after it is offered, providing the modification is relevant to the subject matter of the original amendment; that no motions to recommit be in order; and that, when these amendments are disposed of, the Senate proceed to third reading and final passage of the bill, without any intervening action or debate.

Mr. President, I ask the Chair to withhold putting the request to the Senate pending a clarification.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, yesterday I offered some remarks to this body in the spirit that I thought that we owed a higher obligation to the people of this country than to simply engage in a kind of mindless firing of shots across the bow only to receive another volley across our own. While there are serious and substantive differences on the President's economic stimulus package, I felt that we had made our respective points and that we ought to get down to the serious business of this Nation.

I said that with the hope that we might take up and pass a bill which Senator LEVIN and I worked on with other members of the committee, which enjoys very strong bipartisan support. This is not a partisan issue. We have a problem as far as the perception and the reality of lobbying disclosure. This is a 2- or 3-year effort, perhaps even longer, on the part of Senator LEVIN and his staff and mine. We are trying to resolve the issue in a way that is fair to lobbyists who, after all, represent the people of this country, be it special or nonspecial interest, and at the same time assure the public that lobbyists are making full disclosure so the public knows who is lobbying whom on behalf of whom and on what issue. That was the very direct, simple purpose of this legislation.

I would have hoped that we could have kept off all of the extraneous or nongermane amendments and do something in a relatively brief period of time, knowing that there were a number of amendments which would be controversial but at least pertain to the bill. Then last evening, of course, an amendment was offered dealing with campaign finance; in essence, the banning of political action committees. I would like to say just a few words about that particular issue.

It is my belief that every reform carries with it the seeds of its own abuse. Every reform that we pass eventually will become subject to abuse and will be in need of reform itself. That is exactly what happened with respect to the creation of political action committees. They came about as a result, or in the wake of, the Watergate scandal. People saw there were large contributions being made to respective parties and that much of it was undisclosed, and in cash.

There was a perception that somehow labor had enjoyed an advantage over business; that Democrats had an advantage over Republicans. There was a political action committee called COPE which was not available to Republican Members. So, in the wake of the Watergate scandal, we said: How about if we allow Republican Members or the private sector to gather together their members and make a consolidated contribution to whomever they want? Again, this came about as a direct reform in the wake of the Watergate scandal. But it had its motivation also in partisan attempt to even the scale somewhat. The feeling was that the Democrats enjoyed an advantage and the Republicans did not.

So one thought was that if we allow small contributors to band together to form political action committees, there would, in fact, be a proliferation of political action committees. After all, as Jefferson pointed out, this Nation is made up of special interests, which I tried to point out last night. Everyone in this country has a special interest. The thought was if we limit the amount of contributions, we know PAC's are going to be expanded and encourage greater participation.

Our hope was that we would encourage more people to get involved. So the creation of the political action committees came about under the belief and the assumption that we would balance the scales: Democrats would not enjoy a greater degree of support than Republicans; labor would not have an advantage over business; and we would reform the political system.

Now what has happened? PAC's have suddenly become the evil of our society, according to some. I must tell you, I find it difficult to draw certain distinctions. If, for example, a president of a company—let us call it the XYZ Co.—and his wife each contributes $2,000 under the existing campaign laws, they are allowed to do that. No one questions that. If that same president is the head of a company in which the top executives each contribute $100 apiece into a fund that totals up to $5,000, now that is seen as being an undue influence on the political system.

I have trouble distinguishing between those two cases—between the contributions of the president of the company and his wife, or the executives of a company—their contributions being roughly equal.

Nonetheless, the perception is that PAC's have somehow corroded our political system. So if that is the case, I am fully prepared—fully prepared—to say let us not have them anymore, even though I have doubts as to whether that is, in fact, going to clean up the system in the eyes of the American people.

But there is a political motivation behind this, as well. The fact is that Republicans see that the Democrats currently enjoy an advantage under our current financing system. Because you are a majority in both Houses and because you now occupy the White House, you have an advantage because political action committees do not necessarily have a moral conscience; they act out of self-interest.

And even though one might expect a business PAC to support a Republican challenger or incumbent, it does not necessarily follow that will be the case because, if there is in fact a Democratic incumbent, many of the PAC's feel obligated to protect their special interest by supporting the incumbent Representative or Senator; namely, a Democratic majority.

So now we see proliferation of PAC's not as evening things out but, rather, simply reinforcing the advantage that Democrats currently enjoy in both the House and the Senate. So there is in fact a political motivation to what we are doing.

My own view is, let us abolish the PAC's. I have a question as to whether you can do that constitutionally. But assuming it is constitutional, just get rid of PAC's.

But the question is why do we have to do it on this bill? It is a legitimate issue. Any Senator has a right to offer a campaign finance amendment and, indeed, one is pending. But I have a question as to why we are doing it on this particular piece of legislation. If we are going to offer an amendment, then certainly the majority has a right to amend it in the second degree, to make its political point, because they may not like unlimited campaign funding, because they may think that gives us an advantage. And so here we are fighting out the political advantages and disadvantages, pros and cons on a bill which really is not relevant to what we are trying to take up.

For all practical purposes, we have been here for 2 days, and we are likely to be here for another day on a bill that in all probability should have been wrapped up if not last night then certainly by today.

Mr. President, I must say that we are giving the American people quite an example. It is not gridlock. It is not porklock. It is simply a lockout. We have paralysis, and it is not because of a partisan jockeying right here, right now as to who is going to go forward. We are just breaking down because we are attaching amendments to bills which really are not relevant, and we are doing so to score political points.

Now, these points can be argued and should be argued next week, or the week after next. Whenever the majority wants to bring up its campaign finance legislation, we are fully prepared to debate them on each and every issue. We will contest virtually every provision because there are legitimate differences. But I must say that for us to engage in this kind of attempt to amend this bill at this time, once again wasting 2 full days, it seems to me is doing a great disservice to the American people.

Now, we are going to be faced tonight, as a result, with the majority leader asking the Sergeant at Arms to call all Senators back into session. It is unnecessary. It is regrettable. But I think it is inevitable at this point.

Mr. President, I am here to manage the minority side of the bill. I hope I can do so without compromising any of the minority's rights. But I must tell you my own sense of frustration is reaching the level that I think matches that of the American public. They are becoming disenchanted with us because we are not moving. We are simply delaying. We are not even debating. We are simply waiting. And we are not "Waiting for Godot." We are not even waiting for BOB DOLE at this point, because he is fully ready and willing to come to the floor at a moment's notice.

But I would say that tonight we are going to be in session, we should be in session, and, hopefully, there will be amendments offered on behalf of either the majority or the minority.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, let me say that I agree with my friend from Maine. The campaign finance reform issue has no place on this bill. We cannot prevent a Senator from offering that amendment. Indeed, the Senator from South Dakota offered an amendment relative to PAC's. We cannot prevent that from being offered under the rules of the Senate. Once that issue is moved by that Senator, however, that then precipitates a debate on campaign finance reform.

What has happened is that a debate on campaign finance reform, which is going to take place next week anyway or the week after, is then brought forth on this bill where it has no place at all and could well just delay or destroy this bipartisan effort. Both the Republican manager and myself, and I believe the leadership—they can speak for themselves—would be perfectly happy to say no campaign finance reform amendment on this bill, period, if we could get unanimous consent.

But that requires the consent of every Senator. It is up to 100 Senators. Each Senator has a right to offer an amendment and there is an amendment which is pending. Since there is an amendment that is pending, we have a right to offer a second-degree amendment to that amendment. If another campaign finance reform amendment is offered, people who have a different point of view have a right under the rules to offer a second-degree amendment. But the precipitating factor is the initial offering of a campaign finance reform amendment.

I wish it has not happened. I hope it will be withdrawn or disposed of in some way. It does not belong on this bill. It belongs in a debate on campaign finance reform. That debate is going to take place anyway.

So my friend from Maine is exactly right. I share his frustration. I must say that I hope somehow or another whoever is not willing to move campaign finance reform off this bill and onto the bill where it belongs, that those folks will relent and let us get on with our business, because the people want us to reform lobbying disclosure.

For 50 years we have tried to reform lobbying disclosure. Harry Truman tried to reform lobbying disclosure. He appointed a commission. The commission could not agree. Lyndon Johnson wanted to reform lobbying disclosure. He could not get it done. There was deadlock between the House and the Senate—for five decades now starting in the 1940's.

There has been deadlock on what we are trying to do here. We have a bipartisan bill. We do not have a deadlock on the disclosure of lobbyists. We have agreed on this basic bill. It is the intrusion of these other matters—very important matters, by the way. Campaign finance reform is very, very important. There is a place for it. It is coming up.

I would plead to the sponsor of the amendment that initiated this debate on campaign finance reform to allow that debate to take place where it belongs, which is on the campaign finance reform bill, and not to just make it impossible for us to proceed and dispose of a matter which is also important.

We want lobbyists, finally, to tell the public what these laws on the books have intended them to tell the public since 1946. Who is paying them, how much, to lobby on what issues? That is what our bill does; the bipartisan bill. And we ought to be allowed to get on with it. I hope we are.

Mr. COHEN. Mr. President, let me say it is not only one single amendment dealing with PAC's. I cite that as an example. But since last evening there has been a proliferation of amendments many of which really do not pertain to this bill.

So what we have done is set in motion a dynamic which is repeated too often. I made the statement before the committee, which my distinguished colleague friend from Oklahoma chairs, in behalf of the Senate, for the committee to study the reform of this institution.

I made the observation that here we are sitting day after day, looking at chart after chart. There were 14 charts laid out before the committee. We looked at them every single day; we held a meeting trying to figure out how we can rearrange the boxes. Do we merge appropriations and authorization? Do we put the select committees under the jurisdiction of a major legislative committee? How many do we have, eight? Do we have 14? We do all of this calculation as to how we can eliminate the overlapping jurisdiction, the redundancy, the duplication, the waste and inefficiency? And it is all to naught.

It is all irrelevant and futile unless we impose the discipline upon ourselves. We can go through this. We could make the recommendation to the chairman. We can support them, come back, adopt them, assuming we can adopt them, and nothing will have changed because we will be right back here next year doing the same thing—offering amendments whenever we can to think we are going to score political points.

Part of politics, I suppose, is scoring political points. But right now at a time when all the polls show that only 27 percent of the people of this country have any hope—27 percent have hope—the rest are apprehensive. They are scared. They want us to do something.

Well, here is a bill with which we think we can do something without engaging in the partisan slinging back and forth. Immediately we are bogged down with a series—not just one amendment but a series—of amendments which have little to do with this measure.

So I would say to my friend from Oklahoma that I give him credit for all the time and devotion he has dedicated to this issue of congressional reform. But the most important reform is for each of us to delegate to the majority leader, to the minority leader, to the chairman and chairwomen of our respective committees, some degree of deference.

If I spend all of my time trying to become an expert in the field of defense matters or intelligence matters, or Government matters, or aging issues, I would hope that my colleagues might defer to that effort so that when a bill comes to the floor, those members on the committee would have at least the presumption that they put a lot of work and effort that deserve support. What happens? A defense bill, by way of example, comes to the floor of the Senate. Before it hits the floor there are 155 amendments pending. And we will spend a week, or 2 weeks, or whatever the time, for each Member, then a certified expert in the field, to superimpose their own judgment on the committee.

That is permitted, and perhaps even encouraged under the rules of the Senate. But I must say if we continue to do that, time after time, the country is going to continue to watch these proceedings and say, what in the world are they doing? Is this how democracy is supposed to work? Is this representative Government at its best? Or are we simply interested in trying to score points?

I would say it has to stop. It has to take discipline. We have to do it ourselves. We have to impose that discipline upon ourselves.

We are not going to get rules changes through. There are too many people in this institution who think the rules need not to be changed, but perhaps the Members do. So they are going to have to come to terms with their own inclinations, and this is something we have to curb—that desire to score points on bills, which really are not relevant to that issue.

We do not have a germaneness rule. We are not like the House. It is not within the tradition of the Senate to limit ourselves in what we can offer as amendments. But certainly there should be some discipline exercised. We should pick our spots, so to speak—both parties—but try to find a vehicle which we both can agree on, which will do, we think, some good, and pass it.

Mr. BOREN. Mr. President, I want to compliment my colleague from Maine for the remarks which he has just been making, and my friend and colleague from Michigan as well.

I think that the dialog between the two of them is very instructive. It also expresses a spirit which is very badly needed, and that is mutual respect and a bipartisan approach to serious issues attempting to move the legislative agenda ahead.

I want to commend both of them for it. My colleague from Maine has just talked about the work of our special committee on the organization of Congress, a committee constituted to try to reform this institution, review of this institution.

I believe that the Senator from Maine is absolutely correct when he says it is not only going to take some organization and improvements for us to begin to function as we should, but it is going to take a new spirit of responsibility, a new spirit of trying to make decisions in an orderly way, a new spirit of mutual self respect in order to get things done.

As one who will manage the campaign finance reform bill on this side of the aisle, hopefully a bill that will be bipartisan, I will assure my colleagues that when that issue comes to the floor there will be an opportunity to debate all of these issues—the issues of political action committees, the issues of how campaign finance reform shall be funded, and all of the other important issues dealing with that legislation.

There will be no attempt on this side of the aisle to prevent a thorough discussion and decisions being made by the Members of this body of the important issues dealing with that subject.

The President has indicated, and has sent many messages to those on both sides of the aisle, that he welcomes input. He will soon be announcing his own proposals, and announcing them again in the spirit of wanting to receive input from both sides of the aisle, allowing some time to pass for the receipt of that input.

So I agree very strongly with my colleagues, Senators COHEN and LEVIN, that we should move ahead and make the progress that we can make on this bill; that we should move ahead and achieve a measure of success on lobby registration and disclosure.

If we want to restore the trust of the American people in this institution, we must do our business in an orderly way, in a bipartisan fashion, when we can, and then still allow for that clash of views between those who legitimately have different perspectives on issues to occur at the proper time and in the proper forum.

So, Mr. President, I think that the Senator from Maine is correct that the American people are worried, frightened, and we do nothing to reassure them when we appear more interested in having political debates than in moving forward to solutions to the problems this country faces.

So I join both managers in urging our colleagues to restrain themselves and put forward amendments that only deal with lobby disclosure. There are many other issues that could be taken up in the area of reform of the institution. But let us move forward on this one.

I state to those that have interest in the issue of campaign finance reform that we will have adequate opportunity to discuss that issue, and certainly this Senator, as one who will be managing that bill, will make no effort to prevent us from dealing with the viewpoints and the suggestions and proposals of those on both sides of the aisle when we get to that issue, because this Senator hopes for us to find a consensus, and to have a meeting of the minds, and to, in essence, have bipartisan product that will solve that problem when we get to that issue.

Mr. MCCONNELL. If the Senator will yield, I am not certain he had heard that this matter has been worked out, and we are going to shortly be able to enter into an agreement that will move us toward final passage, without campaign finance agreements on this bill, which is my preference on our side of the aisle.

Mr. BOREN. I am delighted to hear that, as he and I have debated campaign finance reform many times. Both of us know that in the weeks ahead and days ahead we will undoubtedly have adequate time to do that. And as much as we enjoy each other's company and exchanging views with each other, I am sure we both feel we will have adequate opportunity to do that. I am delighted with that announcement.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 349, and that they be considered under the following time limitations, equally divided in the usual form:

An amendment by Senator STEVENS regarding simultaneous filing with the House and Senate, 30 minutes; an amendment by Senator STEVENS requiring disclosure of $1,000 or more annually, 2 hours; an amendment by Senator GRAMM of Texas relevant to the bill requiring disclosure, to which relevant second-degree amendments would be in order, no time limitation; an amendment by Senator SIMON regarding lobbying of Government-sponsored enterprises, 60 minutes; an amendment by Senators LEVIN and COHEN in lieu of the committee amendments, which Senator LEVIN will be eligible to withdraw upon the call for the regular order made by the majority leader in accordance with the earlier consent agreement.

I further ask unanimous consent that there be 1 hour remaining on the Lautenberg amendment No. 347, equally divided between Senators STEVENS and LEVIN, with the Lautenberg amendment laid aside to recur upon the disposition of the Stevens amendments, if offered, or 1 p.m., whichever is later; that when the Senate resumes consideration of S. 349 at 10 a.m. tomorrow, Senator STEVENS be recognized to offer one of his amendments; that except where otherwise stated, these amendments all be first-degree amendments only; that Senator STEVENS be permitted to modify his disclosure amendment after it is offered, providing the modification is relevant to the subject matter of the original amendment; that no motions to recommit be in order, and when these amendments are disposed of, the Senate proceed to third reading and final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation. I want to make some comments about further handling of this bill and the schedule generally, and regarding comments made earlier by my colleagues.

First, it had been my hope that we could complete action on all matters relating to this bill, other than the amendments to be offered by Senator STEVENS, by the close of business today, and that we would have the amendments by Senator STEVENS tomorrow. Senator STEVENS is necessarily not able to be here today. He has been on a trip to Russia as part of an important function on behalf of the Senate, and accommodating his schedule is certainly appropriate, indeed necessary, given the importance of the mission which he and other Senators have undertaken.

It has turned out that not only have we been unable to complete everything else but the Stevens amendment, the opposite has occurred. In 2 days, we have been able to complete nothing, except for the disposition of the Wellstone amendment, by agreement, without a recorded vote. Therefore, all remaining matters, as the agreement just obtained makes clear, will occur tomorrow.

With respect to this bill, it is my intention that we will remain in session this week until we complete action on the bill. There is no reason why we should not be able to do so. There are time limitations on all but one of the remaining amendments. I hope we will be able to dispose of that one. The reason we do not have a time limitation is because the subject matter is not clear. Everybody is acting in good faith, and we should be able to dispose of that in a reasonable amount of time on both sides.

If we are unable to complete action on this matter prior to the dinner tomorrow evening, we will then have to return following the dinner, or on Friday, or both, to complete action on the bill. I make that statement now so that Senators may be aware of that and adjust their schedules accordingly, if necessary. I hope that will not be the case.

I now address myself to the comments made by my friend and colleague from Maine, Senator COHEN. Every Member of the Senate knows of our close personal friendship and our close working relationship. We are of different parties, and we often vote in a different way, and we take different positions on issues; but we also agree on many things. I value my friendship with Senator COHEN, and our good working relationship on behalf of our constituents. Never have I agreed with him more than in his remarks here earlier this evening.

The reality is that getting anything done in the Senate now has become extremely difficult, and the propensity, the tendency, the growing pattern of offering amendments that are not related to the pending bill is increasing. I think what we saw this evening was a dramatic example of that. The ability to offer amendments unrelated to the bill provides all Senators an outlet to have the issue that they are concerned about raised, if it is not otherwise to be raised.

But here we are, knowing that we are going to take up campaign finance reform in just a few days, that having been publicly stated on many occasions, knowing that this bill has nothing to do with campaign finance reform; and we are confronted on this bill—we are confronted until we just obtained this order—with amendments relating to campaign finance reform. What conceivable motivation could a Senator have to offer an amendment on campaign finance reform to this bill, knowing that the campaign finance reform bill is coming up in just a few days? The answer to that is obvious, and I will not belabor the point.

Since I became majority leader, I have made a truly determined effort to accommodate the interests and schedules of every Senator. The number of votes has been reduced; the number of days in which we are in session has been reduced; the predictability of votes has been dramatically increased, and I have tried very hard to accommodate every single Senator, without regard to party. But I want to say to my colleagues that it is becoming increasingly evident to me that the schedule which we have followed cannot be continued. The schedule which I announced to accommodate Senators with families—and that is a legitimate concern, especially the Senators with young children—was that we would not vote after 7 p.m. on Tuesdays and Wednesdays. But that assumed that we would be voting prior to 7 p.m. This is a Wednesday, and we have reached 7 p.m., and there have been no votes. Well, obviously, if we cannot vote before 7 p.m. and we cannot vote after 7 p.m., we cannot ever vote.

And the result is that it takes several days to enact legislation or to act on legislation that ought to take several hours.

The bill we just completed action on, this week, to elevate the Environmental Protection Agency to Cabinet status, a truly unremarkable proposition which the overwhelming majority of Americans either know nothing about, care nothing about, or if they did, probably support it thinking it is a good idea, a bill that really ought to have passed in a couple of hours took I believe it was 5 legislative days spread over a 10-calendar-day period to pass a simple bill elevating the Environmental Protection Agency to Cabinet-level status.

I believe it finally passed by a margin of 79 to 15, indicating that there really was not much disagreement in the Senate on the main point of the bill.

I make these remarks so that every Senator can be on notice that I believe it necessary to reconsider the entire process by which the Senate conducts its business and the schedule under which the Senate operates.

I always felt it unwise to make decisions that are general in nature based upon a specific event and particularly if there is any high emotion at the moment and, therefore, I deliberately and specifically now state that I make no decision other than to state that we are going to reconsider it and, obviously, as in all such matters, I want to discuss it in detail with my friend and colleague, the distinguished Republican leader.

But I also state that the Senate cannot continue to function in a manner in which it has so far. We have to be able to get action on legislation in a manner that does not take all of the time that it takes to do these relatively minor bills.

I ask myself if it takes 10 days in the Senate to act on a bill elevating the EPA to Cabinet-level status, what will happen when we get to health care? By any reasonable correlation, one could assume 10 months or 10 years given the relative weight, complexity, and controversy of the measures.

So I thank my colleagues for their cooperation. I thank those who enabled us to reach this agreement. We will finish the bill this week. I want to make clear, lest there be any inference drawn from my remarks, that I do not intend that this be all we do this week. We may have to begin consideration of other measures should that be necessary and appropriate, but before making a decision on that, I will discuss the matter further with the distinguished Republican leader.

I just say to my colleague and friend from Maine, he expressed his high level of frustration. I just want to say to him I go through this on every bill.

Mr. COHEN. The majority leader is paid more than I am.

Mr. FORD. Not enough.

Mr. MITCHELL. I think it is.

And we simply have to do better.

I hope we can do it in a way that has no party implications or no implication on particular legislation. The fact of the matter is all Senators are very busy. All Senators have enormous time constraints on their schedules, and we want to accommodate that as much as possible.

A good example is the point I made earlier about Senator STEVENS, along with Senator NUNN, and others traveling to Moscow on a very important mission. They were not here today. They were not shirking. They were actually working on a very important task.

We have to do the very best we can to accommodate them in those circumstances and other important matters. But we simply have to be able to function in a more timely and efficient way than we have, and it is a matter that I will take under consideration, and I invite any Senator who wishes to inform me of his or her views on the subject to do so in this process.

Mr. COHEN. Mr. President, if I could add a couple comments.

First, I want to thank the majority leader for his kind words but also to reaffirm a very latter point that he made, namely, both parties do this.

Members on both sides of the aisle have done this for years, and that is one of the reasons why it has taken so long to move virtually anything.

As the majority leader pointed out, there is a reason for that rule, and that is to allow Members who otherwise might never have an opportunity to debate an issue to attach it to an unrelated piece of legislation.

But it seems to me we have to curb that appetite of ours for doing it as a matter of routine, either routine or seeking to score a political advantage. There is a time and place for that.

We are going to have several very controversial measures come before this body in the very near future. Campaign finance is one. Striker replacement is another. There may be several other pieces of legislation—health care to be sure. And there is going to be long, extended debate. There may be even filibusters on those measures. It may be that the minority feels compelled in order to hold back the tide of the majority vote on this to wage those kinds of extended debates or filibusters.

It seems to me we have to exercise discretion when we can. When we have a bill that we all support, then we ought to be mature enough and willing enough to hold back on the temptations to take advantage to score any points that we like to make.

So I hope that we can accept it on that basis. I thank the Senators who did have amendments pending on both sides, not only on the Republican side but on the Democratic side as well, for withdrawing those amendments to allow us to proceed to what I believe will be the completion of this bill hopefully by tomorrow evening, but if not, certainly by Friday.

I yield the floor.

MORNING BUSINESS

NATIONAL TOURISM WEEK

Mr. PRESSLER. Mr. President, as a member of the Senate Subcommittee on Foreign Commerce and Tourism and a member of the Senate Tourism Caucus, I invite my colleagues to join in recognizing National Tourism Week, May 2–8, 1993. The world's largest industry, travel, and tourism, deserves our attention and our praise during this week-long celebration.

The economic importance of travel and tourism in America is often overlooked. However, not only is tourism our Nation's largest export earner, but the travel and tourism industry also is the Nation's second largest employer. In fact, employment in the travel industry has risen every year since 1958, despite periods of economic downturns. Further, the travel and tourism industry is America's third largest retail sales industry.

The Tourism Policy and Export Promotion Act, enacted during the 102d Congress, established directives to build on the past success of the travel and tourism industry. It reauthorized the U.S. Travel and Tourism Administration [USTTA] and emphasized the importance of further developing and expanding tourism markets and marketing programs. Perhaps most important for my State of South Dakota, it created the Rural Tourism Development Foundation which will assist States in promoting rural America as a travel destination.

Increased attention to rural tourism development can advance significantly America's travel and tourism industry. I am pleased to report that last week, the joint rural tourism development conferences of USTTA and the National Association of State Development Agencies [NASDA] were held in Rapid City, SD. More than 200 participants from across the country attended the joint tourism conferences. Discussion topics ranged from tourism marketing to foreign visitors to promotion of minority business development. I ask unanimous consent that immediately following my remarks two articles from the Rapid City Journal regarding the joint tourism conferences be printed in the RECORD.

Mr. President, I am proud of the ongoing efforts by my fellow citizens of South Dakota to develop and promote our State as a rural travel destination. Next week, the first Conference on Tourism for Indian Tribes will take place in Pierre, SD. Hosted by the Rosebud Sioux Tribe, the U.S. Small Business Administration, the Capital Ownership Development and Assistance Center, and the South Dakota Department of Tourism, the conference will address the development of cultural tourism opportunities. Promoting our Indian reservations through tourism development not only will increase native American pride, but also boost local economies.

Mr. President, the economic importance of the travel and tourism industry merits increased national awareness. We must work to strengthen and build this vital sector of America's economy. In that spirit, efforts like National Tourism Week and greater promotion of tourism in rural America are essential to continue the economic success story of American tourism.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Rapid City (SD) Journal, Apr. 27, 1993]

SPEAKER: RURAL IS "IN"

(By Dan Daly)

People are looking for rural America, according to Derrick Allen Crandall.

And a small community struggling through the booms and busts of agriculture, timber or mining can turn that urge into a more stable economy, added Crandall, president of the American Recreation Coalition.

Speaking at a national rural tourism conference Monday in Rapid City, Crandall said 80 percent of the U.S. population lives in cities, but only 15 percent do so by choice. Also, he noted that in several surveys, the No. 2 recreational pastime was "driving for pleasure," not far behind "walking for pleasure."

Crandall was talking about the potential impact of various scenic byways programs in the United States.

Perhaps the best local example of the scenic byways program is U.S. Highway 14A, which runs through Spearfish Canyon.

"The interstate system does a good job, but people want to see something different," Crandall said. "We're looking for the roads of America."

Such designations can point travelers toward places they might not otherwise find, Crandall said.

He believes the scenic byways will become the backbone of rural tourism, a resource on the scale of national forests and state parks.

Other speakers on the first day of the conference told participants about niches such as ranching vacations and aid for rural areas that want to develop tourism.

One tool is the U.S. Department of Agriculture's "Our Town" community-based tourism development program.

Despite its unwieldy title—the United States Travel and Tourism Administration (USTTA) Rural Tourism Development Conference and the National Association of State Development Agencies' (NASDA) Third Annual National Conference on Tourism Development—the conference brought people from as far away as Hawaii, Alaska, Connecticut and Florida.

It spans four days at three local hotels and the Rushmore Plaza Civic Center.

More than 200 people—representing 39 states, the District of Columbia and even the World Tourism Organization based in Spain—were on hand for the three-day conference.

Those attending represented federal agencies, state tourism and economic development bureaus and a variety of local and regional tourism industry groups.

Small-group sessions dealt with topics such as tapping into global markets, training and education, funding for rural tourism and organizing communities for tourism.

Other sessions will cover heritage tourism, or marketing the history of a community, "eco-tourism," gaming, lodging taxes and minority business development.

[From the Rapid City (SD) Journal, Apr. 29, 1993]

EUROPE WANTS WHAT MIDWEST HAS TO OFFER

(By Debra Holland)

What's hot in international tourism? Everything South Dakota and surrounding states have to offer, says the director of an international tourism marketing firm.

Charles Box, executive director of Rocky Mountain International of Cheyenne, Wyo., said people from Europe wanted wide open spaces or what he called "green destinations."

"They want the real American," he said. "And we've got a great product to sell. We don't have to stretch it."

Matthew Cohn, director of tourism for Montana who spoke at the Rural Tourism Conference in Rapid City Wednesday, agreed.

"We don't have the man-made attractions," he said of Montana. "We have the God-made attractions."

Many international travelers are choosing to use Rapid City instead of Denver as the hub for their vacation in the Middle West.

"Rapid City has been the star in the international market," Cohn said.

From all indications, Rapid City hotels and motels will have from 3,000 to 5,000 new room rentals for one-night stays by international visitors this year compared to last, he said.

A new factor also may be bringing more international tourists to middle America: Crime and even murder in Florida may lead some visitors to choose a more safe vacation destination, Box said.

"This didn't even exist as an issue until now," he said. "I don't know if it is related, but bookings this year are better than ever."

Rocky Mountain International is paid by the states of Wyoming, South Dakota, Montana and Idaho to market them to potential tourists in Europe.

If your state does not tap into the international market, a neighboring state will, Laurie Green, director of sales for TW Recreational Services Inc., at Yellowstone National Park, told those at the Rural Tourism Conference.

She said the international market could be lucrative.

"They (international visitors) spend six times the amount of money as domestic travelers," she said.

The international visitor likes and will travel during the "shoulder" seasons in the spring and fall. And they have longer vacations—most get five to seven weeks a year.

Green sees room for expanding the international travel market to the south because of the recently passed Free Trade Agreement.

REPORT ON THE UNITED STATES-CANADA FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 304(f) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100–449; 102 Stat. 1875), I am pleased to transmit the attached biennial report regarding the actions taken by the United States and Canada to implement the Free-Trade Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1993.*

NATIONAL SERVICE TRUST ACT AND STUDENT LOAN REFORM ACT—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "National Service Trust Act of 1993" and the "Student Loan Reform Act of 1993." These Acts represent innovative public policy founded on traditional American values: offering educational opportunity, rewarding personal responsibility, and building the American community. In affirming these values, the Acts reject wasteful bureaucracy—instead reinventing government to unleash the ideas and initiative of the American people. Also transmitted is a section-by-section analysis.

Throughout the Presidential campaign last year, Americans of all backgrounds and political persuasions responded to national service like few other ideas. The reasons are clear. Higher education is fundamental to the American Dream, but complex procedures and inflexible repayment plans have created serious problems for many students with education loans to pay back. Defaults are too high today—and taxpayers are left to foot the bill. Americans are yearning to reaffirm an American community that transcends race, region, or religion—and to tackle the problems that threaten our shared future.

The two Acts are designed to meet these basic American needs. The National Service Trust Act of 1993 establishes a domestic Peace Corps, offering hundreds of thousands of young people the opportunity to pay for school by doing work our country needs. The Student Loan Reform Act of 1993 overhauls the student loan system. Through a one-stop direct student loan program, the Act will save taxpayers billions of dollars, lower interest rates for students, and simplify the financial aid system. And through new EXCEL Accounts and other repayment options, the Act will offer borrowers greater choice and lower monthly payments while reducing the chance of defaults.

The National Service Trust Act of 1993 establishes a definition of national service that is clear but broad. National service is work that addresses unmet educational, environmental, human, or public safety needs. It enriches the lives of those who serve, instilling the ethic of civic responsibility that is essential to our democracy. And national service does not displace or duplicate the functions of existing workers.

Building on the National and Community Service Act of 1990 and the flourishing community service programs of nonprofit organizations and States, the initiative rejects bureaucracy in favor of locally driven programs. In the spirit of reinventing government, the Act will empower those with the greatest expertise and incentives to make national service work.

The Act enables citizens of all backgrounds to serve and use their educational awards where they see fit. While many participants will be recent college graduates, Americans will be eligible to enter the program at any time in their adult lives. Both full-time and part-time service will be encouraged. And whatever their education level, those who complete a term of service will receive an award of $5,000. The award will be payable toward past, present, or future educational expenses in 4- and 2-year colleges, training programs, and graduate and professional schools.

The Act demands that programs meet tough guidelines for excellence and requires measurable performance goals and independent evaluations. Within these limits, however, the Act enables the people who run programs to design them. The smallest community-based organizations and largest Federal agencies will be able to compete for funding. A variety of program models will be eligible, ranging from youth corps that enable at-risk youth to meet community needs, to preprofessional programs that give college students ROTC-like training and then placements in specific problem areas, to diverse community corps that involve Americans of all backgrounds in meeting common goals.

With the economic market as a model, there is competition at every level of the system: programs compete for State approval, States compete for Federal approval, and programs at the national level compete against each other and States for Federal approval. To build public/private partnerships that earn support far beyond government, the Act requires programs to make a cash match and to increase non government support as time passes.

The Act is designed to reduce waste and promote an entrepreneurial government culture. The Act establishes a new Government Corporation for National Service that combines two existing independent agencies, the Commission on National and Community Service and ACTION. With flexible personnel policies and a small, bipartisan board sharing power with a chairperson, the Corporation will operate as much like a lean nonprofit corporation as a Government agency.

The State level will mirror the Federal level and build a strong partnership between the two. Bipartisan State commissions on national service will be responsible for selecting programs to be funded by States. To ensure genuine Federal/State cooperation, a representative of the Corporation will sit on State commissions and a representative of the States on the Corporation Board.

The National Service Trust Act of 1993 encourages Americans to join together and serve our country—at all ages and in all forms. The Act enhances the Serve-America program for school-age youth; extends and improves the VISTA and Older Americans Volunteer Programs authorized under the Domestic Volunteer Service Act; supports the Civilian Community Corps and Points of Light Foundation; and pulls these efforts under the new Corporation. The Act will help instill an ethic of service in elementary and secondary school students, encourage them to serve in their college years, and give them further opportunities later in their lives.

The Student Loan Reform Act of 1993 will take an important first step toward comprehensive reform of the student loan system. It saves money, makes loan repayment more affordable, and holds students more accountable. The measures in no way replace the Pell Grant program, which will remain the cornerstone of financial aid for millions of students.

The Student Loan Reform Act of 1993 replaces the current Federal Family Education Loan program with the Federal Direct Student Loan Program over a 4-year period. By eliminating subsidies to private lenders and making loans directly to students, direct lending will save taxpayers $4.3 billion through Fiscal Year 1998 and still allow interest rates to drop for student borrowers. Many schools will make loans directly to students on campus, though none will be forced to do so. In addition, no institution will service or collect loans. This reform simplifies the system for many students, enabling most to receive all their aid through "one-stop shopping" at their institutions' financial aid offices.

The lending reform expands choice and reduces burdens for all student borrowers by offering a variety of repayment plans—including fixed, extended, graduated, and income-contingent schedules. In the same way that multiple financing options help homeowners, these plans offer real choice to all and lower monthly payments to those who want them. Income-contingent repayments—through the new EXCEL Accounts—also encourage service by students who do not participate in service under the National Service Trust Act. With more manageable monthly payments, more students will be able to take jobs that pay less but do more for their communities, without risking default. And whatever plan they first choose, students will be able to change their repayment schedule as their circumstances change.

The Student Loan Reform Act of 1993 will also reduce default rates. By electing income-contingent repayment schedules, students with lower incomes will be able to repay their loans on a manageable plan, without defaulting. Through cooperation with the IRS, the Act will improve collection and monitoring of student loans. And for those who are able to pay but do not, the Act will give the Secretary of Education authority to require payment on an income-contingent basis.

Opportunity, responsibility, and community go beyond politics. They are basic American ideals. Enactment of these two Acts will express the Nation's commitment to these ideals and to our shared future. I urge the Congress to give the legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1993.*

MESSAGES FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 578. An Act to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes.

H.R. 616. An Act to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

H.R. 791. An Act to designate the United States courthouse in Benton, Illinois, as the "James L. Foreman United States Courthouse."

H.R. 1303. An Act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 1345. An Act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building."

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building."

H.R. 1513. An Act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution authorizing the use of the Capitol grounds for the twelfth annual National Peace Officers' Memorial Service.

H. Con. Res. 82. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

The message further announced that the House has passed the bill (S. 214) to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict, with an amendment, in which it requests the concurrence of the Senate.

At 5:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 995. An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes.

MEASURES REFERRED

The following bills, were read the first and second times and referred as indicated:

H.R. 791. An Act to designate the United States courthouse in Benton, Illinois, as the "James L. Foreman United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1303. An Act to designate the Federal building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1345. An Act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building"; to the Committee on Environment and Public Works.

H.R. 1513. An Act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 995. An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–788. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on Advisory and Assistance Services; to the Committee on Agriculture, Nutrition, and Forestry.

EC–789. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC–790. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, a report relative to unit cost on a major defense acquisition program; to the Committee on Armed Services.

EC–791. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense of the Navy; to the Committee on Armed Services.

EC–792. A communication from the President and Interim Chief Executive Officer, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on the activities and efforts of the Resolution Trust Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–793. A communication from the Deputy Associate Director for Compliance of the Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–794. A communication from the Deputy Associate Director for Compliance of the Department of the Interior, transmitting, pursuant to law, a report relative to the refund of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-795. A communication from the Acting Director of the Department of the Interior, transmitting, pursuant to law, the report relative to lease sales on the Outer Continental Shelf for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-796. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to programs supported under the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989; to the Committee on Energy and Natural Resources.

EC-797. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of Alaska Federal-Civilian Energy Efficiency Swap Act of 1980; to the Committee on Energy and Natural Resources.

EC-798. A communication from the Acting Assistant Secretary for Environmental Restoration and Waste Management of the Department of Energy, transmitting, pursuant to law, a report relative to a study of plutonium casks; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Select Committee on Intelligence, without amendment:

S. 647. A bill to assist in the effective management of the civilian work force of the Central Intelligence Agency, and for other purposes (Rept. No. 103-43).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Leslie M. Turner, of New Jersey, to be an Assistant Secretary of the Interior.

Elizabeth Ann Reike, of Arizona, to be an Assistant Secretary of the Interior.

Robert Armstrong, of Texas, to be an Assistant Secretary of the Interior;

Bonnie R. Cohen, of Massachusetts, to be an Assistant Secretary of the Interior; and

Jim Baca, of New Mexico, to be Director of the Bureau of Land Management.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Roberta Achtenberg, of California, to be an Assistant Secretary of Housing and Urban Development.

Nicolas P. Retsinas, of Rhode Island, to be an Assistant Secretary of Housing and Urban Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 888. A bill to authorize a certificate of documentation and a coastwise and fishery endorsement for the vessel *Reel Class*; to the Committee on Commerce, Science, and Transportation.

S. 889. A bill to authorize the certificate of documentation for the vessel *Da Warrior* (State of Hawaii registration number HA 161 CP) to be endorsed with a fishery endorsement; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 890. A bill for the relief of Matt Clawson; to the Committee on the Judiciary.

S. 891. A bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. Pell):

S. 892. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mr. ROTH:

S. 893. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 894. A bill to amend the Internal Revenue Code of 1986 to deny the benefits of certain export subsidies in the case of exports of certain unprocessed timber; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. Danforth, Mr. Boren, and Mr. Johnston):

S. 895. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax; to the Committee on Finance.

By Mr. METZENBAUM (for himself and Mr. Jeffords):

S. 896. A bill to amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 897. A bill to authorize a project to demonstrate the feasibility of voting by telephone; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. Simon, Mr. Feingold, Mr. Harkin, Mr. Inouye, Mr. Kerrey, Mr. Leahy, Mr. Lieberman, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Ms. Moseley-Braun, Mr. Moynihan, Mrs. Murray, Mr. Rockefeller, Mr. Sarbanes, and Mr. Wellstone):

S. 898. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

By Mr. DANFORTH (for himself, Mr. Cohen, and Mr. Bradley):

S. 899. A bill to require the Attorney General to prepare an evaluation and report on potential problem officer early warning programs and to develop a model potential problem officer early warning program, and to express the sense of the Congress that the Attorney General, under existing authorities, should provide assistance to local jurisdictions in establishing procedures to identify and provide guidance to police officers who demonstrate the potentiality of having difficulty dealing with members of the public on a consistent basis; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. Helms, and Mr. Smith):

S. 900. A bill to designate a route as the "POW/MIA Memorial Highway", and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 901. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 902. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 903. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 904. A bill to suspend temporarily the duty on 1,8-Dihyroxynaphthalene-3, 6-disulfonic acid; to the Committee on Finance.

S. 905. A bill to suspend temporarily the duty on C.I. Reactive Blue 224; to the Committee on Finance.

S. 906. A bill to extend the temporary suspension of duty on naphthalic acid anhydride; to the Committee on Finance.

S. 907. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 908. A bill to suspend temporarily the duty on dimethyl succinyl succinate; to the Committee on Finance.

S. 909. A bill to suspend temporarily the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 910. A bill to temporarily suspend the duty on 2-(4-Aminophenyl)-6-methylbenzothiazole-7-sulfonic acid); to the Committee on Finance.

S. 911. A bill to suspend temporarily the duty on basic blue 147; to the Committee on Finance.

S. 912. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 888. A bill to authorize a certificate of documentation and a coastwise and fishery endorsement for the vessel *Reel Class*; to the Committee on Commerce, Science, and Transportation.

REEL CLASS ACT OF 1993

● Mr. INOUYE. Mr. President, I am introducing a bill to direct that the vessel *Reel Class*, Hawaii hull number HA 6566E, be accorded coastwise trading privileges and be issued coastwise endorsements under 46 U.S.C. 12106, 12107, and 12108.

The *Reel Class* was constructed in Florida and is currently classified as a recreational vessel. It is 33 feet in length, 13 feet in breadth, and has a depth of 3 feet. The vessel was purchased by Floyd Fuller, who intended to employ it in a charter fishing business. However, previous ownership of the vessel by a foreign national has resulted in the owner not being able to meet certain vessel documentation laws. The owner of the *Reel Class* is seeking a waiver of the existing law because he wishes to use the vessel for small fishing charters. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Reel Class* to engage in the coastwise trade and the fisheries of the United States.●

By Mr. INOUYE:

S. 889. A bill to authorize the certificate of documentation for the vessel *Da Warrior* (State of Hawaii registration number HA 161 CP) to be endorsed with a fishery endorsement; to the Committee on Commerce, Science, and Transportation.

DA WARRIOR ACT OF 1993

● Mr. INOUYE. Mr. President, I am introducing a bill to direct that the vessel *Da Warrior*, Hawaii hull number HA 161 CP, be accorded coastwise trading privileges and be issued a coastwise and fisheries endorsement under 46 U.S.C. 12108.

The vessel *Da Warrior* was previously granted a coastwise endorsement relating to 46 U.S.C. 12106 and 12107 in Public Law 101-225. However, the owner wishes to use the vessel for small fishing charters. An additional waiver relating fisheries, section 12108, is necessary to allow a charter fishing business. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the vessel *Da Warrior* to engage in the coastwise trade and the fisheries of the United States.●

By Mr. CRAIG:

S. 891. A bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions; to the Committee on the Judiciary.

FEDERAL CRIMINAL RECORDS IDENTIFICATION ACT

● Mr. CRAIG. Mr. President, most of our colleagues are probably familiar with the concept of an instant background check system for criminal records. Some may even take it for granted that law enforcement will be able to use the computer networks and communications technology that make it possible for a merchant to clear a credit card purchase on the spot, or allow an individual to search through tens of thousands of records in the blink of an eye. It's generally understood we may someday have a system in place that would use these technological advances to allow the immediate accessing of all State and Federal criminal records. And there's general agreement that such a system would be of great benefit to local, State, and Federal law enforcement agencies.

What may surprise many, however, is how close we are to that day. I've heard some of my colleagues estimate it would still take many years and billions of dollars to put such a system in place.

Actually, Mr. President, I'm convinced we can do it in considerably shorter time than that—probably no more than a year—and for considerably less money. And today I am introducing legislation to take the final, small step still needed to put this system in place.

The Federal Criminal Records Identification Act of 1993 would assist in the creation of a nationally accessible and accurate database on criminal offenders. It would enable identification of persons for whom there are outstanding arrest warrants so that law enforcement may be protected in the field and may apprehend fugitives from justice. It would enable the screening of prospective handgun purchasers to prevent those prohibited by chapter 44, title 18, United States Code from purchasing handguns from licensed dealers. By establishing a uniform Federal framework, it would ensure that States which conduct background checks for child care providers are able to obtain access to accurate and complete criminal history information from across the Nation. It would enable the courts to have ready access to criminal history background information to aid in establishing appropriate bail for defendants and sentences on persons convicted of serious crimes.

There are additional strategic benefits for law enforcement, as well. This legislation would permit the immediate review of criminal records by officers in the field, protecting their safety and improving their responses to crime. It would enable cross-comparisons of homicides, acts of violence or criminal activity, helping to trace patterns of serial offenders. It would generally improve information concerning criminal trends and behavior, allowing a more effective law enforcement response to protect the public.

The key to putting this system in place swiftly is the use of a master name index, which directs the system to the full criminal history record of an individual. This enables immediate access to the full record whether the record itself is automated or not. Although instantaneous electronic access to criminal records is being used today in only five States to screen handgun purchasers and other States to screen child care personnel, at least 39 States—which account for more than 80 percent of all criminal records—have a fully automated master name index. Even in States where the records are not fully automated, immediate national accessibility is available through the name index. Furthermore, Justice Department research indicates that 80 percent or more of the current national criminal records for dangerous criminals committing offenses the last 5 years are in automated form.

The Federal Criminal Records Identification Act of 1993 uses the concept of a name index and builds on the progress already being made in many States toward automating these records. The bill would set up a State-by-State, telephone accessible screening system. It provides funding—much of it self-sustaining and based on user fees, to allow the system to pay for itself.

Since I will be providing both the bill and a summary of its provisions for the RECORD, I will not go into all the details of the legislation at this time. However, I would like to point out that the bill provides specific guidelines and prohibitions for two of the potential uses of this system: Screening criminal records that relate to handgun purchasers and child care providers. The bill is specific in these two areas to ensure that the system is responsive to legitimate law enforcement purposes but prevents abuses that could interfere with the rights of law-abiding citizens.

I know many in this body may recall previous Senate debates involving the idea of an instant background check. Some of our colleagues may have voted for the amendment offered in 1991 by the Senator from Alaska [Mr. STEVENS], which reforms the basis for—and a good portion of—this bill. But whether you are a Senator who supported it or opposed it or has never heard of it, you ought to be able to support this bill. There are no political bogeymen here, ladies and gentlemen. If you support law enforcement, I hope you will review this bill and decide to join me as a cosponsor.

I ask unanimous consent to insert at this point a summary of the bill and a copy of its text.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Criminal Records Identification Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the technological capability exists to identify violent felons, convicted child abusers, and other predatory criminals through existing criminal justice records;

(2) advances in electronic communication and data compilation make it possible to check criminal history records instantaneously to identify child abusers who seek employment or access to child care facilities, felons who attempt to purchase handguns, fugitives for whom arrest warrants exist, and convicted persons prior to sentencing by courts of justice;

(3) five States are currently demonstrating the practicability of instantaneous electronic screening of handgun purchasers, and other States are demonstrating the practicability of electronic screening of child care personnel;

(4) the vast majority of serious criminal career activity occurs between the ages of 18 and 30; Justice Department research indicates that 80 percent or more of the current nationwide criminal records for dangerous criminals committing offenses the last 5 years are in automated form allowing a viable instant check system to be implemented immediately;

(5) a key element in operating the point-of-purchase sale system is a master name index, whether automated or manual, which directs the system to the full criminal history record of an individual; Department of Justice research indicates that such information is currently 100 percent available in 44 or more States;

(6) continuing Department of Justice initiatives for improving criminal history records have directed State remedial efforts toward automating criminal records in reverse chronological order, focusing on persons with a record of criminal activity within the last 5 years;

(7) at least 39 States, which account for more than 80 percent of all criminal records, have a fully automated master name index; even in States where the records are not fully automated, immediate national accessibility is available through the name index in virtually all cases;

(8) thirty-two States with fully automated criminal histories include final results or have disposition rates of criminal charges at rates that equal or surpass those available in Florida and Virginia, both of which States successfully operate instant background screening systems on firearms purchasers;

(9) in each of the 5 States currently using instant background check systems for firearms purchases, the time between the enactment of the legislation establishing the systems and the actual online usage was less than 1 year; in 4 of those States, the online implementation of the system required between 6 and 9 months;

(10) as a result of earmarking 5 percent of funds available under the Omnibus Crime Control and Safe Streets Act of 1968, an additional $20,000,000 was provided to the States in 1992 for the purpose of developing and improving access to automated criminal history records;

(11) over 1,000,000 people are currently incarcerated in the United States, and more than 3,000,000 people are on probation or parole;

(12) instant retrieval of accurate criminal records greatly enhances the ability of law enforcement officers in the field to identify dangerous suspects and enables courts of justice to make informed decisions for conditions of release and imposition of sentence;

(13) preschool and adolescent child care education programs have upwards of 50,000,000 children enrolled; more than 6,000,000 children receive some form of out-of-home care, and the number of children enrolled in day care is projected to increase substantially over the next decade;

(14) child abuse is an extremely serious national problem; it is estimated that each year over 500,000 children are victims; the emotional and psychological consequences of abuse are devastating, not only to the victim, but to the family and friends of the child; child abuse undermines public confidence in the individuals and systems which provide care, education, supervision, or recreation for our children;

(15) predatory child molesters commit sexual crimes against a staggering number of children, and are similar to the serial killers in their commitment to perpetrating numbers of heinous crimes;

(16) there is an extremely high rate of recidivism among child sex abusers; even when they are apprehended and punished, the lack of adequate detection and monitoring of sexual predators who migrate from State to State poses a particularly sinister threat to children;

(17) at least 22 States currently require a criminal history check or permit access to criminal information systems to screen people who will have substantial contact with children, and a number of States are considering initiatives to develop systems for screening child care providers;

(18) the States are severely hampered in their ability to protect children from child abuse outside the home because of the incompleteness and inaccessibility of the national criminal history records necessary for screening child care providers for a history of child abuse crimes;

(19) screening the background of a potential child care provider for a history of child abuse crimes, the overwhelming majority of whom are caring and professional individuals, does not violate the individual's rights, nor does instant background screening of prospective handgun purchasers, virtually all of whom are law-abiding citizens, violate their individual rights under the Second and Fourteenth Amendments to the United States Constitution to keep and bear arms; and

(20) the creation of a nationally accessible and accurate database on criminal offenders will yield general benefits to law enforcement authorities by—

(A) permitting the immediate review of accurate criminal records by officers in the field, thus protecting their safety and improving their response to crime;

(B) enabling cross-comparisons of homicides, acts of violence, and criminal activity, thus assisting discovery of patterns of serial murderers, gang migrations, or other concerted criminal activities; and

(C) generally improving information with regard to criminal trends and behavior, thus allowing a more effective law enforcement response to protect the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to create a Federal instant background check system to—

(A) identify persons for whom there are outstanding arrest warrants so that law enforcement officers may be protected in the field and may apprehend fugitives from justice;

(B) screen prospective handgun purchasers to prevent persons who are prohibited by chapter 44 of title 18, United States Code, from purchasing handguns from licensed dealers;

(C) establish a uniform Federal framework to ensure that States that conduct background checks for child care providers are able to obtain access to accurate and complete criminal history information from across the Nation; and

(D) enable the courts to have ready access to criminal history background information to aid in establishing appropriate bail for defendants and to aid in imposing sentences on persons convicted of serious crimes;

(2) to provide the resources for each State to implement a computerized criminal records system that incorporates, on a continuing basis, the records of crimes committed by persons with a record of criminal activity dating back at least a decade;

(3) to provide a continuing funding mechanism to ensure the long-term viability of the system;

(4) to require the Attorney General to develop regulations implementing national uniform guidelines to allow States to determine if a person who seeks employment as a child care provider should be prohibited because of past criminal activity in another State;

(5) to determine and to report on the status of State criminal history records systems, and determine what needs to be done by each State to implement an effective instant background check system;

(6) to determine the means by which a federally accessible network of criminal history records can be accessed by the States;

(7) to provide the means of communication to allow law enforcement authorities and the courts to function more efficiently and effectively in carrying out their duty to preserve public order and protect the citizenry; and

(8) to provide for the privacy and to protect the rights of the persons who will be screened by the system.

SEC. 3. DEFINITIONS.

In this Act—

"authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act.

"background check crime" means—

(A) for the purpose of screening child care providers, a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance; and

(B) for the purpose of screening handgun purchasers, a crime punishable by imprisonment for a term exceeding 1 year within the meaning of section 921(a)(20) of title 18, United States Code.

"child" means a person who is a child for purposes of the criminal child abuse law of a State.

"child abuse" means physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by a person in violation of the criminal child abuse laws of a State.

"child abuse crime" means a crime committed under a law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person.

"child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, race, date of birth, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indictment for, or convicted of, a child abuse crime.

"child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children.

"domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State.

"exploitation" means child pornography and child prostitution.

"handgun" has the meaning stated in 921(a) of title 18, United States Code.

"licensee" means an importer, manufacturer, or dealer (as defined in section 921(a) of title 18, United States Code) that is licensed under section 923 of title 18, United States Code.

"mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition.

"negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child.

"physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm.

"provider" means—

(A) a person who—

(i) is employed by a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by a qualified entity; or

(ii) seeks to own or operate a qualified entity.

"qualified entity" means a public or private business or organization that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services.

"sex crime" means an act of sexual abuse that is a criminal act.

"sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 4. STATE INSTANT CRIMINAL CHECK SYSTEMS FOR HANDGUN PURCHASES.

(a) IN GENERAL.—Not later than the date that is 12 months after the date of enactment of this Act, each State shall establish and maintain a system that, on receipt of an inquiry from a licensee pursuant to section 922(s)(1) of title 18, United States Code, immediately researches the criminal history of a prospective handgun transferee, advises the licensee whether its records demonstrate that such transferee is prohibited from receiving a handgun by reason of section 922 (g) or (n) of title 18, United States Code, and, if such transferee is not so prohibited, provides the licensee a unique identification number with respect to the transfer.

(b) ADDITIONAL REQUIREMENTS.—A State instant criminal check system shall—

(1) provide for the privacy and security of the information contained in the system to an extent equal, at a minimum, to the protections and remedies provided in section 552a(g) of title 5, United States Code;

(2) ensure that information conveyed to the system by a licensee pursuant to section 922(s)(1) of title 18, United States Code, is not retained in any form whatsoever, is not conveyed to any person except a person who has a need to know to carry out the purpose of that section, and is not used for any purpose other than to carry out that section; and

(3) provide to a prospective handgun transferee who is denied receipt of a handgun on the basis of information provided by the system a procedure for the correction of erroneous information as otherwise set forth in this Act.

(c) PROHIBITIONS ON USES OF INFORMATION.—

(1) RECORDATION BY THE GOVERNMENT.—No record or portion thereof generated by an inquiry concerning or a search of the criminal history of a prospective transferee under a State instant criminal check system established under subsection (a) shall be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof.

(2) REGISTRATION OF OWNERSHIP.—Neither the United States, a State, or any political subdivision thereof shall use information provided by a licensee pursuant to a State instant criminal check system established under subsection (a) to establish any system for the registration of handguns, handgun owners, or handgun transactions or dispositions, except with respect to persons who are prohibited from receiving a handgun by section 922 (g) or (n) of title 18, United States Code.

SEC. 5. AMENDMENT OF CHAPTER 44 OF TITLE 18, UNITED STATES CODE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm (other than a firearm that is a curio or relic under criteria established by the Secretary by regulation) that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts designed and intended to be assembled into such a firearm and from which such a firearm can be readily assembled.".

(b) IDENTIFICATION PROCEDURE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) Upon a State instant criminal check system becoming operational pursuant to the Federal Criminal Records Identification Act of 1993, and notice by an appropriate State official by certified mail to each licensee in the State that such system is operational, a licensed importer, licensed manufacturer, or licensed dealer shall not knowingly transfer a handgun from the business inventory of such licensee to any other person who is not licensed under this chapter before the completion of the transfer unless the licensee contacts the State instant criminal check system—

(b) IDENTIFICATION PROCEDURE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(A) the State system notifies the licensee that the system has not located any record that demonstrates that the receipt of a handgun by such other person would violate section 922 (g) or (n); or

"(B) at least 8 hours have elapsed since the licensee first contacted the system with respect to the transfer, and the system has not notified the licensee that the information available to the system demonstrates that the receipt of a handgun by the person would violate section 922 (g) or (n).

"(2) Paragraph (1) shall not apply to a handgun transfer between a licensee and another person if—

"(A) the other person presents to the licensee a valid permit or license issued by the State or a political subdivision of the State in which the transfer is to occur that authorizes the person to purchase, possess, or carry a firearm;

"(B) the Secretary has, under section 5812 of the Internal Revenue Code of 1986, approved the transfer;

"(C) the ability of the licensee to exchange information with the system described in paragraph (1) is impaired for a period of more than 8 hours due to natural or human disaster, insurrection, riot, hurricane, other act of God, or other circumstance beyond the control of the licensee; or

"(D) on application of the licensee, the State instant criminal check system has certified that compliance with paragraph (1)(A) is impracticable because of the inability of the licensee to communicate with the system due to the remote location of the licensed premises.

"(3) If the State instant criminal check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a handgun by the person would violate section 922 (g) or (n), and the licensee transfers a handgun to the person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4)(A) If the licensee knowingly transfers a handgun to a person and willfully fails to comply with paragraph (1) with respect to the transfer and, at the time of the transfer, the State instant criminal check system was operating and information was available to the system demonstrating that receipt of a handgun by the person would violate section 922 (g) or (n), the Secretary may, after notice and opportunity for a hearing, suspend for not more than 12 months or revoke any license issued to the licensee under this section, and may impose on the licensee a civil fine of not more than $10,000.

"(B) Any action by the Secretary under subparagraph (A) shall be subject to the procedures and remedies provided in section 923 (e) and (f).

"(5) A State employee responsible for providing information through a State instant criminal check system shall not be liable in an action at law for damages for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of a handgun is unlawful under this section.

"(6) Notwithstanding any law, rule, or regulation of a State or political subdivision of a State that requires a waiting period prior to the receipt or sale of a handgun, after a State instant criminal check system has been placed in operation, a licensee may transfer, and a person may receive, a handgun immediately upon notification of the licensee pursuant to subparagraph (1)(A). No permit or license shall be required by any State or political subdivision of a State for such transfer or receipt.".

(c) Penalty.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "(2) or (3)" and inserting "(2), (3), (4), or (5)"; and

(2) by adding at the end the following new paragraph:

"(5) A person who willfully violates section 922(s) shall be fined not more than $2,000, imprisoned not more than 1 year, or both.".

SEC. 6. ESTABLISHMENT AND OPERATION OF CRIMINAL HISTORY SYSTEM.

(a) Establishment of the System.—Each State shall establish a system accessible by telephone, and may establish other electronic means in addition to telephonic communication, that any licensee, provider, law enforcement officer, or court of law may contact for criminal history information. Information available to a licensee shall be limited to information concerning a background check crime or other information concerning whether receipt of a handgun by a prospective transferee would violate section 922 (g) or (n) of title 18, United States Code. Information available to a provider shall be limited to a background check crime. Information available to law enforcement officers and to courts of law shall include information concerning any arrest or conviction for any crime.

(b) Continuous Operation.—Each State shall take such steps as are necessary to ensure that the system operates continuously and without closing, at all times and days of each year for purposes of inquiries from law enforcement officers, licensees, and courts.

SEC. 7. OPERATION OF SYSTEM FOR PURPOSE OF SCREENING HANDGUN PURCHASERS.

(a) Accuracy of Responses.—Each State shall take such steps as are necessary to ensure that not more than 2 percent of initial telephone responses of the system contain erroneous determinations that receipt of a handgun by a prospective handgun transferee would violate section 922 (g) or (n) of title 18, United States Code.

(b) Notification of Licensees.—On establishment of a system under this section, each respective State shall notify the Secretary of the Treasury, and the Secretary shall notify each licensee of the existence and purpose of the system and the telephone number and other electronic means that may be used to contact the system.

(c) Operation of the System.—

(1) Requirements for provision of information.—The system established under this section shall not provide information to any person who places a telephone call to the system with respect to a person unless—

(A) the system verifies that the caller is a licensee; and

(B) the licensee—

(i) states that a person seeks to purchase a handgun from the licensee; and

(ii) provides the name, birth date, and social security number (or if the transferee does not have a social security number, other identifying information about the proposed transferee as required to make a valid identification).

(2) Information to be provided.—

(A) In general.—If the system receives a telephone call with respect to the transfer of a handgun to a person and the requirements of paragraph (1) are met, the system shall, in accordance with subparagraph (B)—

(i) if the receipt of a handgun by the person would violate section 922 (g) or (n) of title 18, United States Code, inform the licensee that the transfer is disapproved; and

(ii) if such a receipt would not violate section 922 (g) or (h) of title 18, United States Code—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the number; and

(III) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(B) Timing.—

(i) Prompt response required.—The system shall make every effort to provide to the caller the information required by subparagraph (A) immediately or by return telephone call without delay.

(ii) Rules governing delayed responses.—If the system is unable to respond immediately to the inquiry due to circumstances beyond the control of the system, the system shall—

(I) advise the caller that the response of the system will be delayed and state the reasons for the delay and the estimated length of the delay; and

(II) make every effort to provide the information required by subparagraph (A) within 8 hours after the licensee first contacted the system with respect to the transfer.

(d) Correction of Erroneous System.—

(1) Administrative procedures.—If the system established under this section informs a licensee that receipt of a handgun by a person would violate section 922 (g) or (n) of title 18, United States Code, the person may request the system to provide him or her in writing with a detailed explanation of the reasons therefore. Within 5 days after receipt of such a request, the system shall comply with the request. The requestor may submit to the system information to correct, clarify, or supplement records of the system with respect to the requestor. Within 5 days after receipt of such information, the system shall consider such information, investigate the matter further, and correct all erroneous records relating to the requestor and notify any department or agency of the United States or of any State or political subdivision of a State that was the source of the erroneous records or such errors.

(2) Private cause of action.—After all administrative remedies are exhausted and such records are not corrected, a person disapproved for the purchase or receipt of a handgun because the system established under this section provided erroneous information relating to the person may bring an action in any court of competent jurisdiction against the United States, or any State or political subdivision of a State that is the source of the erroneous information, for damages (including consequential damages), injunctive relief, mandamus, and such other relief as the court may deem appropriate. If the person prevails in the action, the court shall allow the person a reasonable attorney's fee as part of the costs.

SEC. 8. REPORTING OF CHILD ABUSE INFORMATION.

(a) In General.—An authorized agency of a State shall report child abuse crime information to the Federal criminal background check system.

(b) Provision of State Child Abuse Crime Records to the Federal Criminal Background Check System.— Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(1) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an online capacity basis to the Federal criminal background check system;

(2) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(3) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(c) Exchange of Information.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) Annual Summary.—The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this Act. The annual statistical summary shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) Annual Report.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the Federal criminal background check system.

(f) Study of Child Abuse Offenders.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 9. BACKGROUND CHECKS FOR CHILD CARE PROVIDERS.

(a) In General.—

(1) PROCEDURES FOR MAKING REQUEST FOR BACKGROUND CHECK.—A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider is under indictment for, or has been convicted of, a background check crime.

(2) ACCESS THROUGH NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice record keeping systems and shall respond promptly to the inquiry.

(b) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this Act.

(2) REQUIREMENTS.—The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, date of birth, and social security number of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may deny the provider employment;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to review available criminal history records and respond to the qualified entity;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this Act;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider employment on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency, State employee or a political subdivision of a State or employee thereof responsible for providing information to the Federal criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—

(1) CERTIFICATION.—Notwithstanding anything to the contrary in this Act, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) CRITERIA.—The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the Federal criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) TECHNOLOGY.—The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 10. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the incorporation of the remaining State criminal history records into the Federal criminal records systems maintained by the Federal Bureau of Investigation; and

(2) the development of hardware and software systems to link State criminal history check systems into the National Crime Information Center.

SEC. 11. ACCESS TO STATE CRIMINAL RECORDS.

(a) MEANS OF COMMUNICATION.—Not later than 60 days after the date of enactment of this Act the Attorney General shall—

(1) determine the type of computer hardware and software that shall be used to operate the Federal criminal records system and the means by which State criminal records system shall communicate with the Federal system;

(2) investigate the criminal records system of each State and determine for each State the extent of such accessible criminal records that each State shall be able to provide thereafter to the Federal system by the effective date of section 922(s) of title 18, United States Code, as added by section 5; and

(3) notify each State of the determination made pursuant to paragraphs (1) and (2).

(b) FEDERAL SYSTEM.—Not later than the effective date of section 922(s) of title 18, United States Code, as added by section 5, the Attorney General shall provide to each State access to the Federal Crime Information Center, including the records of other States through a network, for the purpose of permitting the State to conduct instant criminal background checks required by that section.

SEC. 12. IMPROVEMENTS IN STATE RECORDS.

(a) IN GENERAL.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by this Act with the Attorney General for the purpose of implementing this Act.".

(b) ADDITIONAL FUNDING.—Section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759) is amended by adding at the end the following new subsection:

"(e) In addition to other funds authorized in this Act, there are authorized to be appropriated for fiscal year 1994, to be available until expended, $21,000,000 for the purpose of implementing subsection (b)(4).".

(c) WITHHOLDING FUNDS.—

(1) Effective on the effective date of section 922(s) of title 18, United States Code, as added by section 5, the Attorney General may refuse to make grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968 to a State that does not establish and operate a State criminal background check system in compliance with subsection (b)(1)(A) of this section and section 922(s) of title 18, United States Code. No State that receives funds pursuant to the Federal Criminal Records Identification Act of 1993 may charge more than $3 per transaction to check for the existence of a felony record of a prospective purchaser of a handgun.

(2) Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with this Act, and the portion of the amounts that are appropriated for allocation to the States under that title for that fiscal year that is equal to the amount of the reduction shall thereby be rescinded.

SEC. 13. FUNDING OF STATE CRIMINAL RECORDS SYSTEMS AND DEDICATION OF FUNDS.

(a) INCREASE IN SPECIAL ASSESSMENTS.—Section 3013(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)(iii) by striking "$25" and inserting "$30";

(2) in paragraph (2)(A) by striking "$50" and inserting "$75"; and

(3) in paragraph (2)(B) by striking "$200" and inserting "$250".

(b) SYSTEMS FOR SCREENING CHILD CARE PROVIDERS AND HANDGUN PURCHASERS AND FOR CRIMINAL JUSTICE PURPOSES.—Notwithstanding any other law, $5 of each assessment collected under section 3013 (a)(1)(A)(iii) of title 18, United States Code, $25 of each assessment collected under subsection (a)(2)(A) of that section, and $50 of each assessment collected under subsection (a)(2)(B) of that section shall be paid to the States, in proportion to the respective populations thereof, for the purposes of carrying out the Federal Criminal Records Identification Act of 1993.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) LIMITATION ON USE.—No appropriation, grant, or fund authorized under this Act shall be used for any purpose other than the creation, maintenance, and operation of systems for access to criminal history records and screening systems for handgun purchasers and child care providers as provided in this Act.

FEDERAL CRIMINAL RECORDS IDENTIFICATION ACT OF 1993 A SUMMARY

Today, we have the technological capability to identify violent felons, convicted child abusers, and other predatory criminals through existing criminal justice records. Using telephonic and other electronic communication, it is possible to check criminal history records instantly to identify felons who attempt to purchase handguns, child abusers who seek employment in child care facilities, and fugitives or dangerous criminals whom the police may stop.

This bill would take the last steps necessary to establish a nationwide, state-by-state criminal record screening system. State portions of the system already in place would be enhanced and improved by the bill. The system would provide an important new tool for law enforcement and criminal justice. For example, to prevent felons from purchasing handguns, the bill would make contacting the system a requirement before a handgun could be sold by a licensed firearm dealer. The system would also be available to states interested in using it to screen out convicted child abusers seeking employment with child care providers.

This bill creates a new chapter 134 to Title 42, U.S.C., which provides relevant definitions and sets up the system for the above purposes. The bill also amends the Gun Control Act of 1968, 18 U.S.C. §921 et seq., to require licensed dealers to contact a screening system before sale of a handgun. Other portions of the bill create funding mechanisms, many of them self-sustaining and based on user fees, to allow the systems to pay for themselves.

Section 1 provides the short title: "Federal Criminal Records Identification act of 1993." Section 2 sets forth various findings and purposes. Section 3 amends 42 U.S.C. by adding Chapter 134 and providing pertinent definitions. For example, "background check crime" means, for the purpose of screening child care providers, a child abuse crime or felony of a pertinent type; for purposes of screening handgun purchasers, it means a crime punishable by imprisonment for over one year as defined in the Gun Control Act.

Section 4 sets out the general requirements and prohibitions for state criminal history check systems. The system must be capable of advising a licensed firearm dealer if available criminal records would demonstrate that a prospective transferee is prohibited by 18 U.S.C. §922 (g) or (n) from receiving a handgun. The section also contains requirements for privacy and security of the information, and a procedure for correcting erroneous information in the system. It prohibits any records from being transferred to, or maintained at, any government facility; and it prohibits any system for registration of handguns, gun owners, or transactions.

Section 5 amends 18 U.S.C. §922 to prohibit the sale of a handgun by a licensed dealer unless the dealer first contacts the state instant criminal check system to insure that the purchaser is not prohibited by Federal law from purchase of a handgun. The sale may be made if the state screening system approves the transfer. It may not be made, of course, if the purchaser is prohibited by federal law from receipt or possession of a handgun. If a licensed dealer fails to contact the state screening system, the Secretary of the Treasury may suspend or revoke the firearms license and impose a civil fine of up to $10,000. Moreover, the dealer is subject to imprisonment of up to one year and a fine of up to $2,000 for a willful violation of not contacting the system.

Section 6 sets out more specific parameters for the state system: that it may be accessed by telephone; that it may be accessed by a licensed dealer, child care provider, law enforcement officer, or court of law; limitations on information that may be provided to each of these categories; when it must operate.

Section 7 discusses the establishment and operation of the system for screening criminal records prior to a handgun purchase. It sets forth rules concerning the accuracy of responses, requires that licensees be notified that the system is operating, provides for the information to be transmitted to the screening system, strictly limits the use of such information, and provides for correction of erroneous system information.

Section 8 relates to reporting of child abuse information by the states. It provides that an authorized agency of a state shall report child abuse crime information to the federal criminal background check system. Although no federal law exists concerning the employment of persons in child care in the states, this will enable the states to obtain or enhance systems to screen prospective employees for child abuse crimes. The section also provides for a federal report and study in this area.

Section 9 focuses on background checks for child care providers. It provides that states shall have access to criminal records for purposes of background check crimes. The Attorney General will establish guidelines to carry out the purposes of this section, including guidelines in a number of specific areas such as which child care providers may request information through the system, how erroneous records may be corrected and how the information may be used. The section also allows the Attorney General to certify a state system that is equivalent, but does not conform to, the specific guidelines.

Section 10 relates to the improvement of criminal justice records. It provides that the Attorney General shall expedite the incorporation of the remaining state criminal history records into the federal criminal records systems maintained by the FBI.

Section 11 relates to access to state criminal records. The Attorney General is directed to determine the types of computer hardware and software that shall be used to operate the federal criminal records systems and the means by which the state criminal records system shall communicate with the federal system. The section also directs the Attorney General to investigate the criminal records systems of each state and determine for each state the extent of such accessible criminal records that such state will be able to provide.

Section 12 relates to improvements in state records. It amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide $21,000,000 in additional funding to implement the purposes of this Act. The Attorney General may refuse to make grants under the Omnibus Act to a state that does not establish and operate state criminal background check systems so that handgun purchasers may be screened. No state accepting federal funds may charge a dealer more than $3.00 per transaction to check for the existence of a felony record of a handgun purchaser.

Section 13 provides further funding for state criminal records systems through the special assessment on convicted persons in federal courts, 18 U.S.C. §3013. The amendments apply to persons in class A misdemeanor convictions, and to persons and corporations in the case of felony convictions.

Section 14 provides that there are authorized to be appropriated such sums as necessary to carry out this Act.●

By Mr. CHAFEE (for himself and Mr. PELL):

S. 892. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

PUBLIC HEALTH AND SAFETY ACT OF 1993

Mr. CHAFEE. Mr. President, let me thank the distinguished majority leader for this time.

Mr. President, today I am reintroducing legislation that I introduced a year ago in June to ban the sale, the manufacture, or the possession of handguns and handgun ammunition. I call my bill the Public Health and Safety Act, and I do this for a very good reason. Handguns in the United States today are a major threat to the health and the safety of our country's population.

Before I start, Mr. President, I would like to disabuse the public of one canard that is constantly circulated, and that canard is that we cannot do anything about banning handguns in the United States because of the second amendment to the U.S. Constitution. The National Rifle Association, in one of the great frauds that is perpetrated on the American public, constantly quotes part of the second amendment, the second part. And this is what the National Rifle Association's version of the second amendment to the Constitution says, and you see this emblazoned on their stationery and elsewhere:

> The right of the people to keep and bear arms shall not be infringed.

The public of America might think that is the whole second amendment, but that is not the case at all. This is what the second amendment really says. We are talking about the Constitution's version now, not the NRA's version of it. The second amendment to the U.S. Constitution in its entirety says as follows:

> A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

That is what the second amendment says. It all revolves around the necessity of having a well-regulated militia and, in order to have that "well-regulated militia," individuals who belong to the militia shall have their right to bear arms as part of that militia. It has nothing to do with the inability of any city, State, or Federal Government to regulate an individual from carrying a weapon, or possessing a weapon, or owning a weapon.

So I think it is time we get straight just what the second amendment to the Constitution actually says. As a matter of fact, Mr. President, there has never been a Federal court in the United States of America that has interpreted this otherwise. No Federal court has ever said that a community or a city or a State or the Federal Government cannot regulate the possession of weapons, whether it is assault rifles, whether it is handguns, or whatever the firearm is. So I think it is time that we get the true meaning of the second amendment out to the public, so the public may understand that it does not in fact provide for any individual constitutional right to carry a gun.

This morning, I had a press conference, during which Chief Justice Warren Burger spoke out on this subject. What he pointed out was that the Founding Fathers of this country were very, very afraid of a standing army. They had seen what a standing army meant in Great Britain, and they wanted no part of it. Indeed, during the Revolutionary War, there was not a Federal army. Instead, there was the militia that came from Massachusetts, Virginia, Rhode Island, North Carolina, and so forth.

The Chief Justice said that the history of this amendment shows that the Framers were prepared to have a well-regulated militia and, in that context, those who were part of that militia therefore had the right to keep and bear arms.

Mr. President, having disposed of the argument that the second amendment prevents the regulation or banning of handguns in the United States, I would like to move on to the remainder of my remarks.

It is staggering to realize the extent to which handguns have impacted our lives and our children's lives. Handguns, so easily available and so easily concealed, increasingly are making their presence felt not only on the streets, but in our schools and in our health care system.

This should not come as any surprise. Currently, if you can believe it, there are 70 million handguns in the United States of America—70 million—and 2 million are being added every single year. Unless we turn off the spigot of this constant inflow of these guns, there will be 2 million additional handguns in 1994, and 2 million additional handguns in 1995.

More than any other weapon, it is handguns that are killing Americans and maiming Americans. Murder by virtually all other causes in the United States has leveled off: murder from clubbings or from stabbings or from shotguns or rifles. But not handgun murders. They have been going up at a new record level every year since 1987.

Handguns are responsible for 70 percent of the gun suicides in the United States and 80 percent of gun murders. So when you are talking about a murder by a gun in the United States, in nearly every instance—80 percent—you are talking about a handgun murder. You are not talking about a shotgun murder, a rifle murder, or even an assault rifle murder, bad as those are. In the United States last year, 11,500 murders took place from handguns—11,500.

Mr. President, it is frequently implied that all of these murders take place when there is a stickup between an armed criminal and an innocent victim. But this isn't the case. Most murders occur when people, under some stress or emotion, snatch an available weapon. The handgun is there and they grab it, in the midst of an argument—it might be with a neighbor; it might be inside the family—and a murder results. At least half of all handgun murders are committed during an argument and, in most cases, the victim is related to or knew the aggressor.

Some people have the erroneous belief that, well, you better have a handgun around the house to take care of potential intruders. But the facts are, if you have a handgun in the house, there is a far, far greater chance that that handgun will murder somebody in your family than that you will use it to repel some intruder. Data show that for every self-protection homicide with a gun kept in the home, there are 43 murders, suicides, and injuries of loved ones, friends, or relatives.

We have all read of these incidents of accidental shootings of small children a 3-year-old finding a loaded handgun and innocently killing his or her sibling because the gun is loaded. Incidents of siblings accidentally shooting other siblings abound, regrettably, in our country. As for murder, 2,900 children and teens are murdered by guns every year. Of course, it is the weapon that is used for suicides more than any other. Listen to this statistic: If a gun is available in the home, the odds that a suicidal teenager will kill himself or herself go up a whopping seventy-five-fold. There is a 75-percent greater chance that a suicidal-bent child will kill himself or herself if there is a weapon in the house.

Mr. President, I particularly want to stress the tremendous toll that handguns are taking in the black community, and particularly among black young men. An entire generation of black males are being killed by guns, handguns. Handguns are the largest killer of black males from the age of 15 through 34, more than any other cause. It is not automobile accidents, it is not other types of accidents, it is not tuberculosis or AIDS or some other thing that is killing young black males from the age of 15 to 34. If is handguns.

If you look at this chart, you will see that 60 percent of all deaths of black males from the age of 15 to 19 are caused by handguns, and over 50 percent of all deaths of black males from the age of 20 to 24 is by handgun.

What is it for a white male? It is about 20 percent in these categories, whereas it is over 60 percent for black males. I read the other day that in New York City there were two adjoining basketball courts. A basketball from one court went over and bounced and hit a player in the next court on the head.

He was furious. He went to his coat, pulled out a handgun, and shot the player in the first court because he had been hit in the head with a stray basketball.

Why does this occur? Because of the prevalence of these handguns. Once upon a time, a fistfight might have ensued, but now handguns have replaced fists. And that fact is contributing to the decimation of an entire generation. These young men are gone. They are gone as fathers; they are gone as husbands; they are gone as providers from our society.

We heard very moving testimony on this point in the press conference I held this morning from Dr. Louis Sullivan, former Secretary of Health and Human Services in our country, who did such a distinguished job for 4 years during the Bush administration and is now president of Morehouse College in Atlanta, GA. He stressed what these grim statistics mean for young black males in the United States of America.

Now, let us turn to what handguns are doing to education. In every State, in my State, the little State of Rhode Island, we are finding children are bringing handguns to school. We never heard of this before. In our State, we never heard of somebody bringing a gun to school. Now, they are certainly not bringing a rifle because somebody would see it; they are bringing a handgun. They are bringing handguns because they have access to handguns.

Listen to this statistic. It is estimated that 135,000 boys bring a gun to school every day. Across the educational system of the United States of America, 135,000 boys on any one day are bringing a gun to school.

This is a recipe for disaster. It has come to the point where school districts are spending scarce moneys to install $4,000 metal detectors and purchase $150 hand-held wands. And if you have the metal detectors, obviously you have to pay somebody to be there to supervise the equipment. Some administrators are wearing bulletproof vests, if you can believe it.

The most comprehensive security measures cannot cover all exigencies. It is impossible. Listen to this. In Chicago, after a shooting at Tilden High School, where metal detectors are used on a random basis, the family of a wounded student is suing the Chicago Board of Education because the metal detectors are not used all the time. The child of those parents was wounded at Tilden High School by a handgun. So these handguns are having a disastrous effect on our school systems. Indeed, there is formed now an association for security supervisors of schools. Who has ever heard of that before? The schools now have their own security supervisors, which is certainly unique, and it is certainly unique to this Nation compared to other nations.

Now, let us talk about health care. Handguns, as I mentioned, are used in 80 percent of all the homicides that take place and 70 percent of all suicides. But for every gun death, as bad as the deaths are, the toll from the injuries incurred by handguns is just as bad. For every handgun death, you can figure there are seven gun injuries. The injuries from these guns today are extremely severe.

We had a spokesman at the press conference I just held, Dr. Howard Champion, who runs the trauma center in the District of Columbia, just a mile away at the Washington Hospital Center. He pointed out that once upon a time there would be a fight, there would be a knifing, and they would bring the individual in and sew him up. Now the individual comes in and he or she is either dead or extremely seriously injured with gunshot wounds, frequently ending up as a paraplegic or quadriplegic.

Who bears the costs of all this? It is not private insurance that these individuals have. They do not have that. The costs are borne by the citizens and taxpayers of the United States of America. The average hospitalization for a gunshot wound costs $13,000, sometimes going as high as one-half million dollars—and that is just immediate hospital costs; that has nothing to do with rehabilitation. If you have somebody with a severe spinal injury, the rehabilitation costs for that individual can run into the millions of dollars. It is estimated—and I think this is on the low side, but it is the best we can get—that handgun wounds, just for acute care in hospitals, not for rehabilitation, in the United States of America costs the taxpayers more than $4 billion a year.

There is not a Senator, there is not a Representative, who is not foursquare for preventive medicine. Why are we all for doing something about immunization and vaccinations and seeing that proper prescriptive drugs are available for youngsters when they are born? Why are we for keeping mothers healthy during their pregnancy? Because we believe in preventive medicine, in keeping the individual well. If anybody is for preventive medicine, they had better sign up for this bill because this bill would ban handguns, which are so terribly destructive and so costly for medical care.

Some people come up to me and say, "This is a radical proposal that you have." This is not a radical proposal. What is taking place in the United States of America is radical.

Let us take a look at this next chart. Here we have gun murders in the United States of about 15,000 a year. What is happening in other countries? Let's look at Canada, our next door neighbor. How many gun deaths do they have in a year? They have less than 200; less than 200 a year in Canada. What about Great Britain? They have 60 murders a year with guns—60. What about Japan? They have 90. And what about Australia? They have a Wild West tradition. They are macho. In Australia, 76 people are killed with guns a year compared to the 15,000 in the United States.

What is the difference? The other nations do not allow the proliferation of handguns in those countries as we do in the United States. You cannot just go in and buy a handgun. It is severely, severely restricted.

I think we all followed what took place recently in Virginia where, with a great struggle, the Governor of Virginia succeeded in having passed legislation that said you can only buy one handgun a month, sort of a gun-a-month club. That is all you can buy in Virginia. This was considered radical. All you can buy is one handgun a month, as opposed to being able to back up your truck and fill it up every day with handguns. They have stopped that. Now you can only get 12 a year, 1 a month. Well, compare that to these other countries, where you virtually cannot get handguns at all and therefore you do not have the murder rate.

I will say this, and I believe it strongly, that pretty soon every family in America directly is going to be touched by handgun violence. That does not mean one of your children necessarily, but a cousin, a nephew, an uncle, or somebody in the family is going to be affected by these handguns.

What does my bill do? It provides that there shall be no manufacture, no sale, no possession of handguns or handgun ammunition. Under my bill, there is a 6-month period during which people can turn in their guns and receive the greater of either $25, or whatever the appraised value of the handgun is. After the 6-month period, people can still turn in their guns but they will not be paid for them; and after the 6-month period, it will be against the law to own a gun—against the law. And there will be a fine and a prison sentence, if it is appropriate to do so.

Now, the only way we are going to get rid of these guns is to take the first step. People will say, well, will criminals have guns and the good people turn them in? Perhaps for a while. But we will get them. The first and most important thing is they will not be able to buy any more. And second, eventually they will not be able to get these guns at all.

I would like to close with a quote from C.S. Lewis as to what kind of role government should play, and what kind of society one wants for America. In this instance, he was speaking about England, but it applies to us.

> It is easy to think the state has a lot of different (functions)—military, political, economics, and what not. But, in a way, things are much simpler than that. The state exists simply to promote and protect the ordinary happiness of human beings in this life. A husband and wife chatting over a fire; a couple of friends having a game of darts in a pub; a man reading a book in his own room or digging in his own garden—that is what the state is there for, and unless they are helping—

In other words, unless the state is helping—

> to increase and prolong and protect such moments, all laws, parliaments, armies, courts, police, economics, etc., are simply a waste of time.

If we are going to live in a safer society than we live in today, we have to get control of these handguns. This legislation is a big start in that direction.

I thank the Chair. I thank the majority leader for his patience.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health and Safety Act of 1993".

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) the number of privately held handguns has more than doubled—from 33,000,000 in 1973 to more than 70,000,000 today—in the past 2 decades alone, and the number of handguns in circulation continues to increase by 2,000,000 handguns each year;

(2) handguns play a major role, disproportionate to their number in comparison with

rifles and shotguns, in violent crime, intentional and accidental death, and intentional and accidental injury;

(3) while the number of homicides committed with long guns has remained relatively stable, the number of handgun homicides has set new records every year since 1987, matching pace with the skyrocketing national homicide rate;

(4) the number of handgun-related incidents in elementary and secondary schools has increased sharply, with significant numbers of schoolchildren in rural and urban areas reporting easy access to and frequent carrying to school of handguns; and the presence of handguns in school not only provokes worry among parents and children but also causes much needed school funds to be diverted for purchase of security equipment;

(5) handgun violence places considerable strain on the national health care system and is a major contributor to its escalating costs, with at least $4,000,000,000 being spent annually on emergency care, hospitalization, follow-up care, rehabilitation, and medication;

(6) handguns kept in the home are of less value than is commonly thought in defending against intruders, and they are far more likely to increase significantly the danger of a handgun fatality or injury to the inhabitants (including children) than to enhance their personal safety;

(7) violent crime and injury committed with handguns constitute a burden upon and interfere with interstate and foreign commerce, and threaten the domestic tranquility of the Nation; and

(8) current Federal firearms policy is wholly inadequate to counteract the social, economic, and financial costs exacted by handguns to our society.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

Chapter 44 of title 18, United States Code, is amended—

(1) by—

(A) redesignating the text of the chapter as subchapter A;

(B) inserting after the chapter heading the following:

"Subchapter
"A. Firearms In General 921
"B. Handguns 941

"SUBCHAPTER A—FIREARMS IN GENERAL";

and

(C) striking "this chapter" each place it appears and inserting "this subchapter"; and

(2) by adding at the end the following new subchapter:

"SUBCHAPTER B—HANDGUNS

"Sec.
"941. Definitions.
"942. Unlawful acts.
"943. Licensing of handgun clubs.
"944. Registration of security guard services.
"945. Recordkeeping and reports; transfers to licensed handgun clubs.
"946. Voluntary delivery to law enforcement agency; reimbursement.
"947. Penalties.
"948. Regulations.
"949. Relation to other law.
"950. Severability.

"§ 941. Definitions.

"(a) TERMS DEFINED IN SECTION 921.—Unless otherwise defined in subsection (b), a term used in this subchapter that is defined in section 921 has the meaning stated in that section.

"(b) ADDITIONAL TERMS.—As used in this subchapter:

"'Handgun' means any firearm including a pistol or revolver that is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled.

"'Handgun ammunition' means ammunition that is designed for use primarily in a handgun.

"'Handgun club' means a club organized for bona fide target shooting with handguns.

"'Licensed handgun club' means a handgun club that is licensed under section 943.

"'Registered security guard service' means a security guard service that is registered under section 944.

"'Security guard service' means an entity that engages in the business of providing security guard services to the public.

"§ 942. Unlawful acts.

"(a) OFFENSE.—Except as provided in subsections (b) and (c), it is unlawful for a person to manufacture, import, export, sell, buy, transfer, receive, own, possess, transport, or use a handgun or handgun ammunition.

"(b) EXCEPTIONS.—Subsection (a) does not apply to—

"(1) the Army, Navy, Air Force, Marine Corps, Coast Guard, and National Guard;

"(2) Federal, State, or local government agencies charged with law enforcement duties that require its officers to possess handguns;

"(3) registered security guard services; or

"(4) licensed handgun clubs and members of licensed handgun clubs.

"(c) APPROVED TRANSACTIONS.—Pursuant to regulations issued by the Secretary, the Secretary may approve the manufacture, importation, sale, purchase, transfer receipt, ownership, possession, transportation, and use of a handgun or handgun ammunition by licensed manufacturers, licensed importers, and licensed dealers as necessary to meet the lawful requirements of the persons and entities described in subsection (b).

"§ 943. Licensing of handgun clubs

"(a) HANDGUN CLUBS.—Pursuant to regulations issued by the Secretary, the Secretary may issue a license to a handgun club if—

"(1) no member of the handgun club is a person whose membership and participation in the club is in violation of State or local law;

"(2) no member of the handgun club is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) or (h);

"(3) no member of the handgun club has willfully violated this chapter or any regulations issued under this chapter;

"(4) the handgun club has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact in connection with its application;

"(5) the club has been founded and operated for bona fide target shooting; and

"(6) the handgun club—

"(A) has permanent premises from which it operates;

"(B) maintains possession and control of the handguns used by its members;

"(C)(i) has procedures and has facilities on its premises for keeping such handguns in a secure place, under the control of a designated officer of the club; or

"(ii) has made arrangements for the storage of the members' handguns in a facility of the local police department or other law enforcement agency, at all times when they are not being used for target shooting; and

"(D) meets all operational, safety, security, training, and other requirements that the Secretary may prescribe by regulation.

"(b) REVOCATION.—The Secretary shall revoke the license of a licensed handgun club that does not continue to meet the requirements of subsection (a).

"(c) LICENSE FEE.—A licensed handgun club shall pay to the Secretary an annual license fee of $25.

"§ 944. Registration of security guard services

"(a) SECURITY GUARD SERVICES.—Under regulations issued by the Secretary, the Secretary may approve the registration of a security guard service if—

"(1)(A) the security guard service has procedures and has facilities on its premises for keeping its handguns in a secure place, under the control of a designated officer of the security guard service; or

"(B) has made arrangements for the storage of its handguns in a facility of the local police department or other law enforcement agency, at all times when such handguns are not in use for legitimate business purposes;

"(2) the security guard service has obtained all necessary State and local licenses and meets all State and local requirements to engage in the business of providing security guard service; and

"(3) the security guard service meets all operational, safety, security, training, and other requirements that the Secretary may prescribe by regulation.

"(b) REVOCATION.—The Secretary shall revoke the registration of a registered security guard service that does not continue to meet the requirements of subsection (a).

"(c) REGISTRATION FEE.—A registered security guard service shall pay to the Secretary an annual registration fee of $50.

"§ 945. Recordkeeping and reports; transfers to licensed handgun clubs

"(a) RECORDKEEPING.—A licensed manufacturer, licensed importer, licensed dealer, licensed handgun club or member of a licensed handgun club, or registered security guard service that sells or otherwise transfers handguns or handgun ammunition shall—

"(A) maintain records of sales, transfers, receipts, and other dispositions of handguns and handgun ammunition in such form as the Secretary may by regulation provide; and

"(B) permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"(b) REPORTS OF LOSS OR THEFT.—(1) A licensed handgun club or registered security guard service shall report to the Secretary a loss or theft of any handgun in its possession or the possession of 1 of its members or employees not later than 30 days after the loss or theft is discovered.

"(2) A report made under subsection (a) shall include such information as the Secretary by regulation shall prescribe, including the date and place of theft or loss.

"(c) TRANSFERS TO HANDGUN CLUBS.—A person that sells or otherwise transfers a handgun to a licensed handgun club or member of a licensed handgun club shall be shipped or otherwise delivered directly to the premises of the licensed handgun club where the handgun will be kept.

§ 946. Voluntary delivery to law enforcement agency; reimbursement

"(a) DELIVERY.—A person may at any time voluntarily deliver to any Federal, State, or local law enforcement agency designated by the Secretary a handgun owned or possessed by the person.

"(b) DISPOSITION.—The Secretary shall arrange with each agency designated to receive handguns for the transfer, destruction or other disposition of handguns delivered under subsection (a).

"(c) REIMBURSEMENT.—The Secretary shall pay to a person who delivers a handgun under subsection (a) on or prior to the date that is 180 days after the date of enactment of this subchapter an amount equal to the greater of—

"(1) $25; or

"(2) the fair market value of the gun as determined by the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to make such payments under subsection (c).

"§ 947. Penalties

"(a) VIOLATION OF SECTION 942.—(1) Except as provided in paragraph (2), a person who violates section 942 shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(2) A person who voluntarily delivers a handgun under section 946(a) after the date that is 180 days after the date of enactment of this subchapter shall not be subject to criminal prosecution for possession of the handgun under any Federal, State, or local law, but shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $500.

"(b) FAILURE TO REPORT LOSS OR THEFT.—A licensed handgun club or registered security guard service that fails to report a loss or theft of a handgun as required by section 945(b)—

"(1) in the case of a negligent failure to report or a negligent failure to discover the loss or theft, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(2) in the case of an intentional failure to report, shall be fined not more than $5,000, its officer designated under section 943(a)(6)(C)(i) or 944(a)(1)(A) imprisoned not more than 5 years, or both.

"(c) FAILURE TO DELIVER TO PREMISES OF LICENSED HANDGUN CLUB.—A person that sells or otherwise transfers a handgun to a licensed handgun club or member of a licensed handgun club that causes the handgun to be shipped or otherwise delivered by any means or to any place other than directly to the premises of the licensed handgun club where the handgun will be kept, in violation of section 945(c)—

"(1) in the case of a negligent delivery to an unauthorized place, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(2) in the case of an intentional delivery to an unauthorized place, shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENT OR REPRESENTATION.—(1) A person who—

"(A) makes a false statement or representation with respect to information required by this subchapter to be kept in the records of an importer, manufacturer, dealer, or handgun club licensed under this subchapter or security guard service registered under this subchapter; or

"(B) makes a false statement or representation in applying for a handgun club license or security guard service registration under this subchapter,

shall be subject to penalty under paragraph (2).

"(2)(A) In the case of a negligent making of a false statement or representation described in paragraph (1), the person shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(B) in the case of an intentional making of a false statement or representation described in paragraph (1), the person shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(e) FAILURE TO KEEP OR PERMIT INSPECTION OF RECORDS.—A person who fails to keep or permit inspection of records in violation of section 945(a)—

"(1) in the case of a negligent failure to maintain records, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(2) in the case of an intentional failure to maintain records or any failure to permit inspection of records, shall be fined not more than $5,000, and its chief executive officer or other person responsible for the failure shall be imprisoned not more than 5 years, or both.

"(f) FORFEITURE.—Any handgun or handgun ammunition involved or used in, or intended to be used in, a violation of this subchapter or any regulation issued under this subchapter, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms shall, so far as applicable, extend to seizures and forfeitures under this subchapter.

"§ 948. Regulations

"The Secretary may prescribe such regulations as the Secretary deems necessary to carry out this subchapter.

"§ 949. Relation to other law

"The regulation of handguns under this subchapter is in addition to the regulation of handguns under subchapter A and any other Federal, State, or local law.

"§ 950. Severability

"If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the remainder of the subchapter and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected thereby.".

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying or affecting any provision of—

(1) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1956);

(2) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), relating to munitions control; or

(3) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—Sections 942 and 945 of title 18, United States Code, as added by section 3, shall take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. ROTH:

S. 893. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FREE BROADCAST TELEVISION TIME ACT OF 1993

Mr. ROTH. Mr. President, for over 20 years as a Senator I have been studying the subject of campaign finance reform. After considerable reflection I have come to the conclusion that my initial views were correct. The key to reform in this body is free television time.

In 1971 I recall broaching the proposal with my colleagues. At the time, there were only a handful of Senators who would support it. Today, I am not sure what my colleagues would do. But I am convinced that free television time for Senate candidates is an idea whose time has come.

The cost of television time is a very large percentage of total campaign expenditures. It is the single reason why expensive races are expensive. While estimates of costs vary, they are all substantial. This is particularly true of Senate races. For example, in 1990, Senator HELMS spent more than $5 million on broadcast costs; Senator CARL LEVIN, $3.9 million; Senator BILL BRADLEY, $3.3 million; and Senators MCCONNELL, JOHNSTON, and PHIL GRAMM, all $3.1 million. Overall, a study published in 1990 by the Congressional Research Service set the level of spending on broadcast advertising at 53.5 percent for Senate races. Moreover, a 1990 Federal Communications [FCC] audit of 20 television stations found that candidates paid more for comparable advertising time than commercial clients.

If television broadcast licensees were required as a condition of their license to serve the public interest by providing free time, the cost of Senate campaigns would dramatically drop. Senate candidates would become less dependent on fundraising and fundraisers. No candidate enjoys spending the time it takes today to raise substantial sums for campaigns. Nor is the public pleased with the dependence of candidates on fundraising.

But the adoption of my proposal would have an impact well beyond these concerns. In my opinion, the single most important factor in making a campaign competitive is whether the challenger has an opportunity to state his or her case to the electorate. Under my proposal, the people would have the opportunity to hear both sides of the contest.

Perhaps the competitive aspects of my proposal will cause some incumbents to oppose my proposal. Many reforms are frankly proposed because they make campaigning harder for challengers or for the other party. This reform proposal is different. It will make incumbents less comfortable. I doubt, however, that this reason for opposing my proposal will be heard very much.

How would my proposal work? It would require television broadcast stations to make available, without charge, an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election. Free television time would be made available on the condition that the candidate forego both the purchase of time on his own and the acceptance of additional time purchased by any other person during this 45-day period.

We all are impacted by the spiraling costs of television time. Eliminating the cost eliminates our dependence on contributions necessary to pay the cost. Without television costs I doubt we would have a campaign finance problem to remedy.

By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire. Those who, on the one side, wish to limit campaign spending to sever the connection between various sources of money and the candidate, and those who, on the other side, wish to protect the taxpayer from financing campaigns, should see the political wisdom of the free TV time proposal. This proposal, while not perfect, would achieve the goals of the opposing sides. It would drastically cut dependence on fundraising without substituting taxpayer financing.

The proposal, however, has merit well beyond mere political expediency. The notion that licensees owe a duty to the public is already well established in law. This proposal merely defines that duty. It cannot be forgotten that television broadcast frequencies belong to the people of the United States who have given them freely to licensees for the purpose of making money by selling what has been given. In recent testimony before the Joint Committee on the Organization of Congress, Ross Perot suggested that time be "made available for political campaigns with each candidate getting equal time since in fact the airways do belong to the people and nobody has ever charged a penny for them." It does not strike this Senator as inappropriate to recapture a little of what is ours in order to create a more perfect form of government.

The proposal would apply only to the general election, but the FCC is directed to report back to Congress its recommendations on possibly extending the concept to primary and other elections.

Let me now address certain questions that my colleagues may have. How much time would the proposal provide? No fixed amount is set forth in the legislation. Rather the FCC, the agency with jurisdiction over the airwaves, is directed to consult with the Federal Election Commission and then determine how much time would be allocated for each race taking into account the amount of television broadcast time previously used by candidates for the Senate in that State, provided that the time made available be sufficient to make a complete presentation of views to the electorate. The proviso is intended to deal with precedents involving uncontested or virtually uncontested Senate elections in which full use of television broadcast time was not necessary. It is my intention that the amount of television broadcast time be substantial, the equivalent of the current use of television broadcast time in a contested election. It should be so ample as to induce each and every candidate to accept the offer and its terms.

What kind of time will it be? Basically prime time. The FCC is directed to ensure that the television time provided be at hours of the day that people are watching. A television broadcast station could not fulfill the mandate by providing time after midnight or on Saturday mornings during cartoons.

Won't some stations bear a disproportionate share of the burden? In case that should happen, as it might, the FCC is authorized to direct television broadcasters to pool resources so as to ameliorate any disproportionate financial impact on a particular broadcaster.

How are third parties treated under the proposal? Candidates who are not nominees of the major parties are entitled to proportionately less time, as measured by the level of their small contributions compared to the corresponding levels for the major party candidates. There have been occasions when third party candidates for the Senate have, in fact, won. So third parties must be accommodated for both practical and constitutional reasons. My proposal would allow the FCC to use the level of small contributions as a measure of third-party entitlement to television broadcast time.

Mr. President, last Congress while I was circulating my proposal as a possible amendment to the campaign finance legislation, I encountered three different concerns. The first is that the broadcasters would get very angry with those who support this proposal. But if you reflect on the fear inherent in that thought, it simply underscores how important television broadcast time is to the future of American politics. The second concern about my proposal was that it basically solved the problem so well that other solutions that have been advocated—namely, public financing and spending limits—might become virtually unnecessary. This was a very sad reason to oppose my proposal. It showed me what a sorry state campaign finance reform legislation was in last year. The third concern was that the amendment might be unconstitutional. I strongly disagree with this contention.

We have historically conditioned the holding of a broadcast license on serving the public interest. To me there is little that can surpass either, first, the public interest in reducing campaign costs or second, the public interest in providing the opportunity for candidates to present their views so the elections might hinge on the merits rather than on television advertising advantages.

No one would suggest that if a TV station decided on its own to adopt the policy of this legislation—a limited amount of free TV time and no more, there would be a constitutional problem. The station would only be operating in the public interest. The legislation merely gives definition to that term. The broadcast media have been compelled to grant access to their channels of communication against their will before. The fairness doctrine and the equal opportunity doctrine are prime examples. They were challenged as unconstitutional in the landmark case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969). The Supreme Court held such compulsory access to be valid, saying that the first amendment as applied to the broadcast media required a balancing of interest with those of the audience paramount. Compelling all sides of an issue to be heard furthers rather than thwarts the ends of the first amendment. Such regulation, the Court said is permitted under the first amendment because of the scarcity of broadcast frequencies, the use of which is licensed.

The business of broadcasting is not exempt from Government regulations that carry financial costs merely because broadcasters excise first amendment rights. The only difference between compulsory access and compulsory free access is money. But it is not the broadcaster's profits that are constitutionally protected, rather it is their use of the airways. But even so, that unfettered use may be, according to the Supreme Court, outweighed by the public interest in having the audience informed. While TV stations are sure to complain, it is an opportunity for them to demonstrate their claim that they serve the public interest.

I understand that the television broadcasters now support the compulsory discounted broadcast time provided in section 131 of S. 3, the Congressional Spending Limit and Election Reform Act of 1993, introduced by Senator BOREN and others. The only difference between my proposal and section 131 is one of price. That is surely not a constitutionally significant difference.

Mr. President, it is time to recapture the airways to allow them to be put to public use. I can think of no better way to serve the American public than for television broadcast stations to serve as a public forum for electoral discourse. By eliminating the single major cause of escalating campaign costs—television time—we would significantly lower the dependence of candidates on fundraising. At the same time, free TV promises to give voters easy and balanced access to the views of both incumbants and challengers, while providing the television stations, which are licensed to serve the public, the opportunity to do their fair share in the electoral process.

Mr. President, I ask unanimous consent that the legislation I am introducing at this time be placed in the RECORD following my remarks. I also ask unanimous consent that a commentary by Charles Krauthammer entitled "Why Candidates Should Get Free TV Time" that appeared in the Washington Post on October 24, 1986, and several editorials from Roll Call be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315) is amended to read as follows:

(a) ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES; CENSORSHIP PROHIBITION.—Each licensee operating a television broadcasting station shall make available without charge to any legally qualified candidate in the general election for the office of United States Senator an amount of broadcast time, determined by the Commission under subsection (d), for use in his or her campaign for election, subject to the conditions and limitations of subsection (e). No licensee shall have power of censorship over the material broadcast under the provisions of this section.

(b) EQUAL OPPORTUNITIES REQUIREMENT; CENSORSHIP PROHIBITION; ALLOWANCE OF STATION USE.—Except in those circumstances to which subsection (a) applies, if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he or she shall afford equal opportunities to all other such candidates for the office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate.

(c) NEWS APPEARANCES EXCEPTION; PUBLIC INTEREST; PUBLIC ISSUES DISCUSSION OPPORTUNITIES.—Appearance by a legally qualified candidate on any—

(1) bona fide newscast;

(2) bona fide news interview;

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto);

shall not be deemed to be use of a broadcasting station within the meaning of subsections (a) or (b). Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscast, news interviews, new documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(d) RULES AND REGULATIONS REGARDING ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES.—The Commission shall, after consultation with the Federal Election Commission, determine the amount of television broadcast time that legally qualified major-party candidates for a Senate office may receive under subsection (a) on the basis of the amount of television broadcast time used by major-party candidates in the previous election for the United States Senate, provided that at a minimum such candidates be provided an amount of television broadcast time necessary to make a complete presentation of views to the electorate in the pending election. The amount of television broadcast time that each candidate is eligible to receive and the amount of such time that each licensee must make available to each eligible candidate by name shall be published prior to each Senate election in the Federal Register by the Commission on a date established by regulation. The broadcast time made available under subsection (a) shall be made available during the 45-day period preceding the general election for such office. The Commission shall ensure that the television broadcast time made available under subsection (a) shall be made available fairly and equitably, through licensees commonly used by candidates seeking the particular United States Senate office, and at hours of the day which reflect television viewing habits and contemporaneous campaign practices. A legally qualified candidate of a party other than a party which obtained 5% or more of the popular vote in the last presidential election shall, by regulation of the Commission, be granted an allocation of broadcast time in proportion to the amount of contributions under $250 such a candidate has received when compared to such contributions received by candidates of the major parties, provided that such proportion exceeds 5%. The Commission shall require licensees operating television broadcasting stations to enter into a pooling agreement to ameliorate any disproportionate financial impact on particular licensees. For purposes of this subsection, a major party is a party which obtained more than 5% of the popular vote in the previous presidential election.

(e) CONDITIONS AND LIMITATIONS.—The entitlement of any legally qualified candidate to television broadcast time under subsection (a) is conditional upon (1) signing an agreement to forego both the purchase of any additional amount of television broadcast time, and the acceptance of any additional amount of television broadcast time purchased by another, during the period that such time is made available with respect to such candidacy pursuant to subsection (a) and the Commission's regulations, and (2) filing a copy of such agreement with the Commission.

(f) PENALTIES AND REMEDIES.—Any candidate who purchases or accepts purchased television broadcast time in violation of such agreement shall be subject, upon conviction, to imprisonment of up to one year or a fine of up to $10,000, or both. Any licensee who sells television broadcast time to a candidate, who has filed an agreement, in excess of the time to be provided by such licensee to such candidate pursuant to subsection (a) and the Commission's regulations shall be subject to appropriate disciplinary action by the Commission, including (1) an order requiring the licensee to provide an equal amount of time to other candidates for the same office, or (2) an order revoking the licensee's license.

Sec. 2. Sec. 315 of the Communications Act of 1934 is further amended as follows: (1) in subsection (b) by striking the phrase "The charges" and inserting in lieu thereof "Except to the extent that the provisions of subsection (a) apply, the charges"; (2) by redesignating subsections (b), (c), and (d) as (f), (g), and (h) respectively; and (3) by adding "generally" after "Rules and regulations" in redesignated subsection (h).

SEC. 3. Subsection (a)(7) of section 312 of the Communications Act of 1934, as amended, is amended to read as follows: "(7) for willful or repeated failure to comply with the provisions of section 315 of this title."

SEC. 4. Subsection (8) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended, relating to exclusions from the definition of contributions, is amended as follows: (1) at the end of paragraph (B)(xiii) by striking the semicolon; (2) at the end of paragraph (B)(xiv) by striking the period and inserting "; and" in lieu thereof; and (3) at the end of paragraph (B) by adding the following: "(xv) the value of any television broadcast time provided without charge by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended."

SEC. 5. Subsection (9) of section 301 of the Federal Election Campaign Act of 1971, as amended, relating to exclusions from the definition of expenditures, is amended as follows: (1) by inserting after paragraph (B)(i) the following: "(ii) the provision without charge of any television broadcast time by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended;" and (2) be redesignating subsequent subparagraphs accordingly.

SEC. 6. The Federal Communications Commission shall study the application of section 315(a) of the Communications Act of 1934, as amended by this Act, to the first general election campaign conducted under the provisions of that section and shall report the results of that study, together with recommendations, including recommendations for legislation, not later than the first day of March following such general election. The study shall also evaluate the desirability and feasibility of extending the provisions of section 315(a) of the Communications Act of 1934 to primary and other election campaigns.

SEC. 7. The Federal Communications Commission shall promulgate rules and regulations to implement this Act no later than 180 days after the date of enactment of this Act. Sections 1 and 2 of this Act shall not take effect until the first day of July following the promulgations of such rules and regulations.

[From Roll Call, Apr. 29, 1993]

WISHFUL THINKING

Since we have no great enthusiasm for the campaign finance reform bill that President Clinton is about to unveil, we have no great sympathy for the biggest political problem contained in it: where to find the "public financing" that will provide the incentive for candidates to accept spending limits and the rest of the bill's paraphernalia.

The Supreme Court has ruled that the government can't force candidates to accept limits, but it can, apparently, entice them by the following bargain: If you will agree to spend no more than, say, $600,000 on your House campaign, we will give you $200,000 of that. Where will the $200,000 come from? That's the rub. It's such a vexing problem that, in last year's version of the campaign bill, which passed both houses but was vetoed by President Bush, the little matter of the source of public financing was simply left out. This year, that blank has to be filled in. Tim Curran reported in these pages Monday that some of the money will be provided by a taxpayer checkoff on tax returns (what wishful thinking!), and other funds will come from the Treasury as a result of ending the tax-deductibility of lobbying expenses.

While it's true that lobbyists are not held in high esteem by all elements of the population, the notion of denying that lobbying activities are legitimate business expenses is simply outrageous. Lobbying is a direct result of the fact that, like it or not, government affects every aspect of economic life in America today. Threatened by targeted taxes and regulations, a business (and by that term we mean owners, managers, and rank-and-file workers) has to make its case. If it doesn't it could disappear. Besides, denying a tax deduction would hurt small companies far more than large ones. And the plan will probably backfire, anyway. Americans might reason—quite correctly—that if all this money is there to be scooped up by the Treasury, why shouldn't it be used to close the deficit rather than be sent to politicians so they can buy those nasty ads?

We doubt seriously that the public will accept public financing, in whatever disguise. And, as we said, that bothers us not one whit. Despite the hysteria of the New York Times editorial page, the truth is that campaign reform, as the Democrats conceive of it, is simply another cleverly packaged incumbent-protection device (in this regard, see "The Briar Patch," Roll Call, Feb. 15). We wouldn't be heartbroken to see no change at all to the current system, but the best change—and the easiest to implement, since it offends neither party (though it does vex one big interest group) is still available, ripe for the picking. That change is to force all radio and TV broadcasters, as a condition of license renewal, to give free air time to general-election candidates. What the average challenger needs is $200,000 to $300,000 worth of advertising to get into the game. Broadcasters, made rich through government largesse, should happily provide this air time as a public service. We wouldn't monkey with any other features of the current system—except, of course, to end soft money and bundling (yes, even for EMIY's List).

[From Roll Call, May 20, 1991]

FREE TV TIME, NOW

The Senate is at last facing up to the question of how to pay for "public" financing of campaign costs. It's clear that getting the public itself to pick up the tab is not going to work politically—nor should it. Oklahoma Democratic Sen. David Boren's notion of finding the money by ending deductions for corporate lobbying activity is at least a crack at a solution, but it's manifestly unfair. The federal government's activities currently affect, in a severe way, the profit and loss statements of every US corporation. It seems to us that spending money to try to affect government decisions constitutes a perfectly legitimate (and, therefore, deductible) business expense in such an environment. When the government stops making decisions that drastically affect business, then lobbying expenses can be made non-deductible.

We've said before that the way to make Hill races more competitive is to provide candidates with a threshhold level of funding (perhaps $100,000 to $200,000 in House races) by giving them free time to broadcast TV and radio spots. And who will foot the bill for that "free" time? The broadcasters themselves. Sen. William Roth (R-Del) has an interesting wrinkle on this idea—give candidates free time but don't allow them to buy any more. As he said on the Senate floor Tuesday, "By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire." Here is a spending limit that Republicans may be able to live with.

The Senate is currently debating S.3, the Boren campaign reform bill. That bill, while it means well, contains some noxious provisions, such as prohibiting PAC donations. And its chances of becoming law are virtually nil; the President will not accept spending limits or public financing, and the Boren bill has both. But perhaps Roth has come up with the answer in his legislation, S. 1062. We urge the Senate to consider seriously self-limiting free TV time. And let the broadcasters, whose federal licenses are actually licenses to print money, do their patriotic duty.

[From Roll Call, Feb. 25, 1991]

THAT CAMPAIGN MONEY

Before members of the new task force on campaign finance reform start ripping the current system to shreds, they should read carefully the 70-page document that the FEC has produced on the 1990 election cycle. The FEC's fine statistical work is summarized in our article on page one. It shows that campaign spending was down significantly—by some $14 million—in the '90 cycle compared with the '88 cycle. There are reasons given, certainly, including a sluggish economy and a supposed lack of hot Senate races. Actually, some Senate contests were exceedingly hot—Levin vs. Schuette in Michigan cost $10 million, Simon vs. Martin in Illinois cost $13 million, Kerry vs. Rappaport in Massachusetts cost $13 million, and Helms vs. Gantt in North Carolina cost $26 million, to cite only a few. The fanatics can make all the excuses they want, but the fact is that overall spending fell, and PAC giving rose by only 2 percent.

What are we to make of the numbers? First, they suggest strongly that we should take a circumspect attitude toward sweeping campaign reform. The average Congressional candidate raised $267,120; that is not an enormous amount of money. Incumbents outspent challengers by a wide margin, but that is to be expected. Incumbents, by definition, already have the approval of voters. We shouldn't be amazed that such approval is affirmed through campaign contributions. The numbers also suggest a certain self-restraint on the part of PACs. Rightly or wrongly (and we believe wrongly), PACs have taken the brunt of the campaign-finance criticism. PAC directors know they're under scrutiny, and there is evidence that they are lightening up. This is exactly the sort of marketplace reaction that's healthy. To complain about the influence of large donors like PACs is legitimate, but to make serious structural changes in the campaign finance system could be very dangerous.

More important than the aggregate figures, however, is the fine print. The clear conclusion to be drawn is that money alone does not win elections. In Minnesota, Democratic challenger Paul Wellstone, for example, spent $1.3 million to beat Sen. Rudy Boschwitz; the incumbent spent nearly $8 million. In New Jersey, Christine Whitman (R) spent $800,000 and received 49 percent of the vote; the winner, Sen. Bill Bradley (D), spent more than $12 million.

On the House side, Rep. Vic Fazio (D-Calif) spent $1 million but received only 55 percent of the vote against two opponents who together spent $40,000. Rep. Newt Gingrich (R-Ga) spent $1.5 million and took just 51 percent against David Worley (D), who spent only $334,000. Rep. Bill Lowery (R-Calif) spent $576,000 but beat his opponent, who spent $72,000, by a margin of only 49 to 44 percent.

Figures like these strongly indicate that money is overrated as a factor in our political life. More subtly, they seem to say that perhaps beyond a certain threshold, perhaps as low as $100,000 or $200,000, marginal spending does not have a big effect. That is why we believe that the most important campaign reform is the simplest: Allow candidates of major parties free broadcast time on TV and radio, perhaps $100,000 in House races. Such a system would obviate some of the need for time-consuming fundraising and would level the playing field for challengers.

[From the Washington Post, Dec. 24, 1986]

WHY CANDIDATES SHOULD GET FREE TV TIME

(By Charles Krauthammer)

Campaign '86 has already made its mark. Political advertising has reached a nadir of nattering negativism. The volume and pitch of negative advertising has itself become a major issue. (More than half of all political ads are negative, versus 5 percent in commercial advertising.) Hence a new etiquette: a James Broyhill commercial (Senate, North Carolina) pauses to call for "a clean campaign" before attacking opponent Terry Sanford. And some delicious touches: during a television debate, Roy Romer (governorship, Colorado) offers his hand to his opponent for a mutual moratorium on negative ads. Hand and offer refused. Life.

This may also be the year the American campaign finally went indoors, never to come out. ("A political rally in California consists of three people around a television set," observed Bob Shrum, Sen. Alan Cranston's media man.) But the market—i.e. electorate—will rule on negative advertising. And there is not much point decrying the electronic campaign. Might as well decry the demise of the slide rule. Technology has its imperatives. The real scandal of American elections is not the fact of television advertising nor the negative content, but the money it takes to buy it.

In any reasonable-sized state, campaigning has been streamlined. It now consists of two activities: fund-raising and media buys. Raise money from rich people to buy the means to persuade everybody else. The candidate has no choice. Campaign costs have gone from $750,000 per Senate race in 1980 to $3 million in 1984. The 18 hottest races in the '86 campaign have already reached that level and there are two weeks still to go.

Why so much? Television. On average more than half of all campaign money goes to TV advertising. In Florida the two Senate candidates, Paula Hawkins and Bob Graham, will likely spend over $7 million between them on television alone. In California, the candidates are spending about $10 million each, mostly for media.

The result? A set of rich people (donors) grows powerful, and a set of powerful people (owners of television stations) grows rich. A cozy arrangement within the, shall we say, ruling class. The result is an extraordinary, and extraordinarily unnecessary, augmentation of its power.

The rich already have more than their share of power in a democracy. That can be cured in two ways. By abolishing the rich, a method amply shown to be the surest road to general poverty. Or by loosening their grip on the electoral process.

How? The approach until now has been, as usual, supply side. We pretend to fight drugs by burning out Bolivian suppliers; we pretend to fight campaign corruption by limiting the supply of political money.

Campaign laws that limit giving have produced their inevitable, if unintended, consequences. Among them are the wild proliferation of special interest PACs, the absurd political windfall for rich candidates (you can give as much as you want to yourself: John Dyson just gave himself $6 million to lose a New York Senate primary), and the premium on glamorous friends who can raise large sums with a concert at their Malibu estate.

Candidates should not have to spend all their time in the salons of the rich or of pop stars to get money to pay for ads to engage in the most important political speech of the day, TV speech. There is a simpler way. Demand-side: make political advertising on television and radio free. Take away the largest financial drain on campaigns and the demand for political money falls. And with it falls the political price extracted from the candidate—and the democracy—by donors.

Airwaves, like landing rights or Yellowstone camp grounds, are a scarce national resource to be regulated by government. Sensibly, the American government does not operate the airwaves. It allocates them to private persons. Television licenses are unbelievably lucrative. In major markets a television station is worth about a quarter of a billion dollars. The physical plant costs roughly $5–$10 million. Much of the difference is the value of the operating license, a gift from the FCC. Recipients of that gift should minimally be required to grant free air time for political speech.

Taxpayers should not have to pay for it. Nor should candidates. Nor, beyond their quota of free time, should candidates be permitted to buy more. Otherwise the whole point of free media—fairness and reducing the political utility of money—is defeated.

True, a fixed amount of television time is a kind of restriction on political speech. But (1) the amount of free time can be made large. (2) It works elsewhere: Britain has a similar system, and British democracy is not noticeably impaired. And (3) you can't have everything. There is a trade-off. In a democracy, power depends on votes. To the extent that votes are less a slave to money, democracy is enhanced. If the price for that is curtailing, at the margin, the political speech of the rich and famous, we will have found ourselves a bargain.

By Mr. BAUCUS:

S. 894. A bill to amend the Internal Revenue Code of 1986 to deny the benefits of certain export subsidies in the case of exports of certain unprocessed timber; to the Committee on Finance.

TIMBER EXPORT ACT OF 1993

Mr. BAUCUS. Madam President, I rise today to introduce the Domestic Timber Conservation Act of 1993. This bill is designed to address the problem of the exportation of raw logs cut on private land.

The timber industry in the western United States is in a period of dramatic change. In the Pacific Northwest we are witnessing a complicated and bitter forest policy standoff. While the spotted owl has been the centerpiece of this crisis, the issue runs much deeper. The disappearance of abundant old growth, the shift of industry investment to the Southeast and overseas, modern technology, overcutting for short-term profit, increased environmental regulation, and log exports have combined to forever change the character of Washington and Oregon's timber industry.

In the forests of the Rocky Mountain States we see similarly serious problems for our domestic timber industry. For example, in Montana, the amount of timber offered on Forest Service land has shrunk by half in the past year.

While workers and timber-dependent communities attempt to adjust to the new reality of reduced timber supply, the export of logs and jobs overseas continues unabated. Between 1981 and 1988, west coast log exports doubled. In 1992, Washington and Oregon exported 2.3 billion board feet of unmilled logs—a significant number when you consider that the highest annual cut for Washington and Oregon was just over 5 billion board feet in 1988.

Timber has become a precious resource. If we are to adjust to these new realities, to protect jobs, to protect the economies of timber-dependent communities, we must provide incentives to squeeze the very last bit of value from every log that is harvested from public and private lands. Instead of exporting raw logs, we should be using these logs to manufacture housing, furniture, and other value-added products.

Yet our current Tax Code provides exactly the opposite incentive. At a time when American timber workers are hanging on for dear life, it makes absolutely no sense to provide timber companies with a tax incentive to export raw logs. It should be national policy to see that these logs feed mills in States such as Oregon, Washington, Idaho, and Montana. The logs, the jobs they create, and the dollars they bring into the local communities should stay in the United States. At the very least, the Federal Government should not be providing tax incentives to companies who would rather export logs, and jobs, overseas.

The export of logs from western Federal lands has been limited since 1968 and banned outright since 1973. In 1991, Senator PACKWOOD and I introduced legislation which was signed into law that closed the remaining loopholes on the public land log exports.

This legislation takes an additional, necessary step in this direction. It will eliminate the generous international tax provisions in the Internal Revenue Code that encourage timber companies to look abroad rather than concentrate on the health and stability of the timber industry at home.

Specifically, this bill will eliminate the opportunity to avoid U.S. tax through the sale of unprocessed timber by a foreign sales corporation. This would be accomplished by amending the tax law to insure that unprocessed timber not be considered export property eligible for an exemption from U.S. income tax.

Further, all sales of unprocessed timber would be deemed to be U.S. source, negating the potential for benefit under the foreign tax credit rules.

Finally, the legislation provides that the proceeds from the sale of unprocessed timber through a controlled foreign subsidiary would not be eligible for deferral. Thus, the income from such sales will be taxable in the year of sale regardless of whether the proceeds are repatriated to the United States.

It is estimated that this legislation will save U.S. taxpayers approximately $500 million over a 5-year period. More importantly, it will serve to protect the jobs of hard-working Americans and extend the lives of mills so vital to the social fabric of timber-dependent communities throughout the northwestern United States.

Madam President, I want to emphasize that the purpose of this legislation is to address a problem unique to the timber industry. As a long-time supporter of growing the export base of the agriculture industry, it is not my intention to have the measures used in this bill applied to agriculture or any other industry now or in the future.

I urge my colleagues to join with me in supporting this legislation. Together with the House, where a companion bill has already been introduced, we can succeed in curbing the flow of raw logs to foreign lands and save thousands of jobs in the process.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF CERTAIN EXPORT SUBSIDIES.

(a) FOREIGN SALES CORPORATIONS.—Paragraph (2) of section 927(a) of the Internal Revenue Code of 1986 (relating to exclusion of certain property) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by adding at the end thereof the following:

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber."

(b) DOMESTIC INTERNATIONAL SALES CORPORATIONS.—Paragraph (2) of section 993(c) of such Code (relating to exclusion of certain property) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by adding after subparagraph (D) the following:

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber."

(c) TITLE-PASSAGE RULE.—Subsection (b) of section 865 of such Code (relating to source rules for personal property sales) is amended by adding at the end thereof the following:

"Notwithstanding the preceding sentence, any income from the sale of any unprocessed timber which is a softwood and was cut from an area in the United States shall be sourced in the United States and the rules of sections 862(a)(6) and 863(b) shall not apply to any such income. For purposes of the preceding sentence, the term 'unprocessed timber' means any log, cant, or similar form of timber."

(d) ELIMINATION OF DEFERRAL.—Subsection (d) of section 954 of such code is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR CERTAIN TIMBER PRODUCTS.—For purposes of subsection (a)(2), the term 'foreign base company sales income' includes any income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) the sale of any unprocessed timber referred to in section 865(b), or

"(B) the milling of any such timber outside the United States.

Subpart G shall not apply to any amount treated as subpart F income by reason of this paragraph."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales, exchanges, or other dispositions after the date of the enactment of this Act.

By Mr. PRYOR (for himself, Mr. DANFORTH, Mr. BOREN, and Mr. JOHNSTON):

S. 895. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax; to the Committee on Finance.

HISTORIC REHABILITATION TAX CREDIT EXPANSION ACT OF 1993

● Mr. PRYOR. Mr. President, I rise today to introduce legislation to put the historic rehabilitation tax credit back to work.

The National Park Service calls the historic rehabilitation tax credit one of the most effective urban revitalization tools implemented by the Federal Government. Its data shows that this tax credit has served as a powerful incentive channeling approximately $16 billion in private investment into some 25,000 preservation projects since it was first enacted in 1978. These private dollars attracted by the rehab credit brought decent housing, jobs, and commercial activity back to impoverished neighborhoods and replaced a sense of futility with pride in community.

Unfortunately, the Tax Reform Act of 1986 crippled the effectiveness of the rehab credit. The limitations placed on the credit has caused a 75-percent decline in the number of projects and a drop from $2.4 billion in private investment during fiscal year 1985 to $600 million during fiscal year 1991.

Mr. President, the historic rehabilitation credit is a powerful and effective tool that should be put back to work for the American people, and I am pleased to announce that my distinguished colleague, the senior Senator from Missouri, Senator DANFORTH, has joined me to lead the effort to reinvigorate the credit. We are also joined by our distinguished colleague on the Finance Committee, Senator BOREN, who we are proud to have as part of this important cause.

The bill we introduce today will stimulate private investment to underused and often abandoned properties by partially lifting the passive loss and income limits imposed on the use of the credit, and by affording limited relief from the alternative minimum tax for incentives provided by the credit. The effect will be to trigger immediate economic activity, create quality jobs, provide affordable housing, conserve our Nation's current resources, stimulate and nurture small business, and rebuild our communities' spirit.

Mr. President, I would like to demonstrate the effectiveness of the rehab credit through a few studies and examples.

First, the rehab credit stimulates the economy. According to the Department of Commerce's econometric model for measuring the economic impact of 39 categories of economic activity, rehabilitation is the only category which is in the top 20 percent in terms of economic impact in all three means of measuring impact—increase in household incomes, number of jobs created, and overall impact on the other 38 categories of activity.

Second, the rehab credit creates jobs. Department of Commerce data shows every $1 million in private money invested in rehabilitation creates 5 more construction jobs and three more permanent jobs than the same amount invested in new construction.

Third, the rehab credit provides affordable housing. Over 21,600 units of low and moderate income housing have been created in historic rehabilitation projects since 1977. While the 1986 Tax Reform Act greatly reduced the amount of rehabilitation activity, housing has consistently remained the most common use of historic rehabilitation projects nationwide.

Fourth, the rehab credit saves resources. A recent Rutgers University study found that preserving cities and containing sprawl could save the State of New Jersey about $1.3 billion in capital infrastructure costs and 30,000 acres of prime farmland by the year 2010. It is far less expensive to upgrade and use existing public infrastructure than to create new systems beyond the edges of the city, frequently plowing under scarce open space.

Fifth, the rehab credit stimulates and nurtures small business. Restored and recycled commercial and industrial buildings can be magnets for new business endeavors, from retail shops to start-up manufacturing business, providing long-term jobs for minority and other inner-city residents. The Main Street program of the National Trust for Historic Preservation has helped to facilitate the reuse of older buildings in more than 700 towns and cities in 34 States in the past 12 years. This effort has generated more than 20,000 new businesses and 60,000 new jobs.

And finally Mr. President, the rehab credit builds community spirit. When a neighborhood is saved and renewed, instead of left to deteriorate, its residents develop pride in the community. For example, the local residents of the Springfield neighborhood in Jacksonville, FL, restored old houses and revived faltering businesses, and notably, there was a 36 percent decrease in violent crime reported in 1 year following these improvements.

In his campaign, President Clinton expressed support for restoration of the rehab credit. It is my hope that the administration will take notice of our effort and explore the facts surrounding the proven success of the rehab credit to meet the many important goals that I have cited.

Also, I urge my colleagues to join Senator DANFORTH, Senator BOREN, and myself in supporting this effort to put the rehab credit back to work for America.

Mr. President, I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Historic Rehabilitation Tax Credit Expansion Act of 1993".

SEC. 2. TREATMENT OF REHABILITATION CREDIT UNDER PASSIVE ACTIVITY LIMITATIONS.

(a) GENERAL RULE.—Paragraphs (2) and (3) of section 469(i) of the Internal Revenue Code of 1986 (relating to $25,000 offset for rental real estate activities) are amended to read as follows:

"(2) DOLLAR LIMITATIONS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the aggregate amount to which paragraph (1) applies for any taxable year shall not exceed $25,000 reduced (but not below zero) by 50 percent of the amount (if any) by which the adjusted gross income of the taxpayer for the taxable year exceeds $100,000.

"(B) PHASEOUT NOT APPLICABLE TO LOW-INCOME HOUSING CREDIT.—In the case of the portion of the passive activity credit for any taxable year which is attributable to any credit determined under section 42—

"(i) subparagraph (A) shall not apply, and "(ii) paragraph (1) shall not apply to the extent that the deduction equivalent of such portion exceeds—

"(I) $25,000, reduced by

"(II) the aggregate amount of the passive activity loss (and the deduction equivalent of any passive activity credit which is not so attributable and is not attributable to the rehabilitation credit determined under section 47) to which paragraph (1) applies after the application of subparagraph (A).

"(C) $55,500 LIMIT FOR REHABILITATION CREDITS.—In the case of the portion of the passive activity credit for any taxable year which is attributable to the rehabilitation credit determined under section 47—

"(i) subparagraph (A) shall not apply, and

"(ii) paragraph (1) shall not apply to the extent that the deduction equivalent of such portion exceeds—

"(I) $55,500, reduced by

"(II) the aggregate amount of the passive activity loss (and the deduction equivalent of any passive activity credit which is not so attributable) to which paragraph (1) applies for the taxable year after the application of subparagraphs (A) and (B).

"(3) ADJUSTED GROSS INCOME.—For purposes of paragraph (2)(A), adjusted gross income shall be determined without regard to—

"(A) any amount includable in gross income under section 86,

"(B) any amount excludable from gross income under section 135,

"(C) any amount allowable as a deduction under section 219, and

"(D) any passive activity loss."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 469(i)(4) of such Code is amended to read as follows:

"(B) REDUCTION FOR SURVIVING SPOUSE'S EXEMPTION.—For purposes of subparagraph (A), the $25,000 amounts under paragraph (2)(A) and (2)(B)(ii) and the $55,500 amount under paragraph (2)(C)(ii) shall each be reduced by the amount of the exemption under paragraph (1) (determined without regard to the reduction contained in paragraph (2)(A)) which is allowable to the surviving spouse of the decedent for the taxable year ending with or within the taxable year of the estate."

(2) Subparagraph (A) of section 469(i)(5) of such Code is amended by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) '$12,500' for '$25,000' in subparagraphs (A) and (B)(ii) of paragraph (2),

"(ii) '$50,000' for '$100,000' in paragraph (2)(A)", and

"(iii) '$27,750' for '$55,500' in paragraph (2)(C)(ii)."

(3) The subsection heading for subsection (i) of section 469 of such Code is amended by striking "$25,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after May 5, 1993, in taxable years ending on or after such date.

SEC. 3. REHABILITATION CREDIT ALLOWED TO OFFSET PORTION OF ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) REHABILITATION INVESTMENT CREDIT MAY OFFSET PORTION OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the rehabilitation investment tax credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) the tentative minimum tax under subparagraph (A) thereof shall be reduced by the minimum tax offset amount determined under subparagraph (B) of this paragraph, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the rehabilitation investment tax credit).

"(B) MINIMUM TAX OFFSET AMOUNT.—For purposes of subparagraph (A)(ii)(I), the minimum tax offset amount is an amount equal to—

"(i) in the case of a taxpayer not described in clause (ii), the lesser of—

"(I) 25 percent of the tentative minimum tax for the taxable year, or

"(II) $20,000, or

"(ii) in the case of a C corporation other than a closely held C corporation (as defined in section 469(j)(1)), 5 percent of the tentative minimum tax for the taxable year.

"(C) REHABILITATION INVESTMENT TAX CREDIT.—For purposes of this paragraph, the term 'regular investment tax credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 47."

(b) CONFORMING AMENDMENT.—Section 38(d) (relating to components of investment credit) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR REHABILITATION CREDIT.—Notwithstanding paragraphs (1) and (2), the rehabilitation investment tax credit (as defined in subsection (c)(2)(C)) shall be treated as used last."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.●

By Mr. METZENBAUM (for himself and Mr. JEFFORDS):

S. 896. A bill to amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing, and for other purposes; to the Committee on Energy and Natural Resources.

THE RANGELANDS RESTORATION ACT OF 1993

Mr. METZENBAUM. Mr. President, I introduce legislation in behalf of myself and the Senator from Vermont [Mr. JEFFORDS].

Today we are introducing the Rangeland Restoration Act of 1993, to address the issues of grazing fees on Government-owned land and the Federal Government's management of those lands.

The grazing fee issue is straightforward. For the privilege of grazing on public lands, livestock operators in the West pay roughly one-fifth of the average market price for private grazing lands. These producers pay $1.86 per animal per month to graze public lands. The average westwide private land lease rate in 1993 is $10.03 per animal per month.

The Federal Government expends over $72 million annually to administer a livestock grazing program on Bureau of Land Management and Forest Service lands. However, the grazing fee receipts generate less than $22 million for the Federal Treasury.

Who pays for the shortfall? The taxpayer. To the tune of $52 million a year. The taxpayer pays $52 million a year for a privilege enjoyed by only 8 percent of the livestock producers in the United States.

While the limited access of this program may be alarming, an even smaller percentage of permit holders control roughly one-third to one-half of all livestock in the program. A GAO report released last week noted that just 6 percent of those holding permits control almost half of the animals allowed to graze on Forest Service land. In a report released last year, the GAO found similar concentrations on Bureau of Land Management lands.

The bottom line is that the Federal taxpayers largely subsidize the livestock operations of a few operators. Who are these privileged few? Persons listed in Forbes magazine's list of the wealthiest individuals in the United States, corporations with assets worth more than a billion dollars. People and companies who can afford to pay their fair share in grazing fees.

Under the legislation we are introducing today, the Government will charge the permittee a fee based on the average market price paid to private property owners for livestock grazing. The Secretary will set this fee by consulting the Department of Agriculture's survey of the market rate for private leases in the West. There is no reason why the Government must charge 20 percent of what a rancher is willing to pay for grazing cattle on privately owned property. It is high time that the taxpayers of this country receive fair market value for grazing on their land.

This legislation also goes beyond a mere increase in the fee charged for livestock grazing. It provides an incentive for the permit holder to take care of the land. It authorizes the Secretary to reduce the fee for good stewardship on public lands. Livestock operators who take appropriate steps to improve the rangeland, or manage their grazing activities to avoid ecological damage on the permitted land would be entitled to a reduction in the fee charged. However, the fee charged would never drop below the cost of administering the program.

Let me reemphasize that point. Our legislation will reward good stewardship on public lands, but it will not allow the Federal grazing program to lose money.

This legislation also addresses the need to improve our management of Federal rangelands and riparian areas. The General Accounting Office has documented at length how significant tracts of land in the Federal grazing program have deteriorated as a consequence of overgrazing and poor management practices. Our legislation will require the agencies that administer the grazing program to pursue methods of rangeland management that will improve the condition of the rangeland.

Furthermore, our bill will require the agency to conduct a suitability review to determine whether grazing is an appropriate use of a particular tract in the Federal grazing program. Often grazing permits and leases are issued without an adequate assessment of the condition of the land, its capacity to support livestock grazing, or any potential conflicts that grazing may have with other public land uses. A failure to act in some of the most fragile riparian areas may cause permanent damage to the existing ecosystems.

Lastly, let me add that I was disappointed when the President removed the grazing fee increase from his budget. The administration has promised to look at this issue, and I am aware that the Secretary of the Interior is holding field hearings in the West this week on raising grazing fees. However, the fact that the administration dropped the fee increase from the budget at the request of a few Senators does not mean that this issue is not off limits for debate in the U.S. Senate.

I plan on working with the Secretary and other Members of Congress to develop a solution to this problem. This legislation lays a solid foundation for a fee increase and management reform in the Federal grazing program. For the taxpayers who foot the bill for this program on their land, increasing the grazing fee and improving the management of the public lands are reforms that are long overdue.

Mr. JEFFORDS. Mr. President, I am pleased to cosponsor the Rangelands Restoration Act of 1993 with my distinguished colleague from Ohio, Senator METZENBAUM.

Our bill is designed to promote sound public rangeland stewardship by offering livestock grazers a financial incentive: a reduction in grazing fees. This concept has been applied successfully in New Mexico on State grazing lands.

Our bill also establishes different fees to reflect the vast difference in forage conditions that exist in Montana, say, and Nevada or Arizona.

Senator METZENBAUM and I thought it important to introduce a grazing bill as soon as possible. Interior Secretary Bruce Babbitt currently is holding public hearings on the grazing issue across the West and is considering administrative action to increase the fees. But I want to point out that I will offer an amendment to this legislation soon.

My concern throughout this often acrimonious debate has been how to structure a fee formula that protects small ranchers and nearby rural communities from the adverse impacts of a fee increase. But we simply must put the program on a pay as you go basis. The trick is to raise fees on those who can afford it.

Legislative authority for the grazing fee formula expired in 1985. The authorizing committee has had over 7 years to change the formula. It didn't hold a hearing until last year. When the Energy and Natural Resources Committee was faced with reconciliation instructions assuming a fee increase earlier this year, we heard bitter complaints about being forced to do something too hastily.

The fee was $2.31 per animal unit month [AUM] in 1981. This year, it's $1.86/AUM—a decline of more than 19 percent just in nominal terms. According to the Bureau of Land Management [BLM] and the Forest Service, grazing fees, on average, amount to just 3 percent of the cash costs of raising cattle. An increase won't bankrupt ranchers, but it will pay the cost of the program.

More importantly, the fee can be increased in a way that does not harm the small rancher. This is so because just a few ranchers control most of the grass. BLM, for instance, has 18,000 permittees. The top 20 individuals control 9.3 percent of the forage; the top 500 control 37 percent of the forage.

Who are these large permittees? Some are publicly traded corporations, such as Sierra Pacific Resources and Metropolitan Life. Both list over $1 billion in assets. Dan Russell is another. He has 21 ranches that include over 5 million acres of Federal land. He has the 16th largest cow-calf operation in the country, according to the National Cattlemen's Association. Perhaps you have heard of J.R. Simplot. He sells potatoes to McDonald's and has family holdings in excess of $500 million, according to Forbes. These fellows can pay more.

I offered an amendment last year to establish two fees: A lower fee for ranchers with fewer than 500 head of cattle or 2,500 head of sheep, and a higher fee for ranchers with herds or flocks above those thresholds. That reasonable amendment was tabled by a 50–44 vote. The bottom line is that the authorizing committee, if it has the will, can restructure grazing fees to generate revenue for deficit reduction without harming small ranchers and the rural communities dependent upon them. I urge my colleagues to cosponsor this legislation and the amendment I will be offering shortly. Let's send our Western friends a message: It's time for change on the range.

By Mr. BINGAMAN:

S. 897. A bill to authorize a project to demonstrate the feasibility of voting by telephone; to the Committee on Rules and Administration.

TELEPHONE VOTING LEGISLATION

• Mr. BINGAMAN. Mr. President, I offer legislation that would provide improved accessibility for the disabled and others who may not be able to travel to a polling precinct but who are interested in participating in our electoral process. This legislation would do so by expediting the development of voting by phone.

Mr. President, in my home State of New Mexico, the secretary of state and Sandia National Laboratories recently conducted an experiment to explore some of the possible benefits of phone voting. Selected high school students participated in a mock election in which they were asked to select Presidential and congressional candidates.

The experiment was judged an overall success by students, the secretary of state, and Sandia National Laboratories. Some refinement, especially in the area of voter security, is still necessary, however. Ensuring the accuracy and secrecy of each vote is imperative. Ensuring that the entire phone voting system is immune to hacking, or entering fraudulent votes, is also essential. Although these security concerns are not unique to phone voting, the technology enabling voting by phone can help address them.

Fortunately, our national laboratories have developed expertise in security technology. Sandia National Laboratories, for example, has a long history of ensuring the integrity of high risk security systems, including those serving embassies, weapon storage facilities, and nuclear facilities. It seems that the use of this technology to enhance the security of voting systems is a good example of how we can develop the technology of our national laboratories for civilian purposes.

The legislation I am introducing today, Mr. President, would enhance this development by authorizing up to $2 million for a consortium including one or more of our national laboratories and a State government to address remaining issues in phone voting and demonstrate the feasibility of voting by phone.

It is my strong belief that such a project will enhance our electoral process, and lead the way for full citizen participation in voting into the 21st century.•

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. FEINGOLD, Mr. HARKIN, Mr. INOUYE, Mr. KERREY, Mr. LEAHY, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE):

S. 898. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

D.C. STATEHOOD LEGISLATION

Mr. KENNEDY. Mr. President, it is a privilege to join 16 of my colleagues—Senators SIMON, FEINGOLD, HARKIN, INOUYE, KERREY, LEAHY, LIEBERMAN, METZENBAUM, MIKULSKI, MITCHELL, MOSELEY-BRAUN, MOYNIHAN, MURRAY, ROCKEFELLER, SARBANES, and WELLSTONE—in introducing legislation to make the District of Columbia the 51st State of the American Union.

The issue is one of simple justice for the 600,000 citizens of the Nation's Capital. Nowhere in America should the principles of democracy be more firmly established than in the District of Columbia.

The second-class citizenship of District residents makes a mockery of the principles of representative government on which our Nation was founded. The time has come to end the unacceptable status of the District of Columbia as America's last colony.

The residents of the District deserve to be full-fledged Americans, with the same rights and responsibilities as the citizens of every other State.

The District of Columbia clearly meets the generally accepted standards for the admission of States to the Union. Its resources and population are sufficient to support statehood, and the people of the District have strongly expressed their desire for statehood. In 1982, in support of statehood, the residents of the District convened a constitutional convention and drafted and ratified a State constitution.

The District has a thriving private sector and a sound and diverse economic base. It is time to put to rest, once and for all, the shameful myth that D.C. is nothing more than a collection of Federal monuments, Federal employees, and foreign embassies. Contrary to popular belief, 70 percent of D.C. residents are employed outside the Federal Government.

The population of the District today is greater than that of three States. In 1991, citizens of the District paid $3.1 billion in taxes to the U.S. Treasury—more than the citizens of eight States. The District lost more young men in the Vietnam war than 10 States; it ranked fifth per capita in the number of Reserves called to active duty in the Persian Gulf war. By every reasonable measure of comparison, the District deserves to become a State.

Nothing in the Constitution prohibits legislation by Congress to make D.C. a State. Our proposed statute carves out the Capitol, the White House, and other essential parts of the seat of the Federal Government as a Federal enclave over which Congress will continue to exercise exclusive jurisdiction, as the Constitution provides.

Taxation without representation is no more acceptable in the America of 1993 than it was in 1773. The State of New Columbia deserves to become the 51st State of the American Union.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Columbia Admission Act".

SEC. 2. ADMISSION INTO THE UNION.

Subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(d)(1) of this Act, the State of New Columbia (hereinafter referred to as "the State") is declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution adopted by the Council of the District of Columbia in the Constitution for the State of New Columbia Approval Act of 1987 (D.C. Law 7-8), subject to ratification by a majority of the registered qualified electors of the District of Columbia, is found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence and is accepted, ratified, and confirmed.

SEC. 3. CONSTITUTION.

The constitution of the State of New Columbia shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

SEC. 4. TERRITORIES AND BOUNDARIES.

(a) Subject to the provisions of this section, the State of New Columbia shall consist of all of the territory, together with the territorial waters, of the District of Columbia. The State of New Columbia shall not include the National Capital Service Area of the District of Columbia, which is described in subsection (b). As of the date of admission of New Columbia into the Union, the District of Columbia shall consist of the National Capital Service Area.

(b) The National Capital Service Area, subject to the provisions of section 16, is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building.

(c) Notwithstanding any other provision of this section or of section 16, the boundaries of the State of New Columbia shall include the District Building.

SEC. 5. COMPACT WITH UNITED STATES; CLAIMS TO FEDERAL LANDS AND PROPERTY.

(a) As a compact with the United States, the State and its people disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or subject to disposition by the United States.

(b)(1) Nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(2) Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act.

(c) No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except to the extent as Congress may permit.

(d)(1) Upon the admission of the State of New Columbia into the Union, the annual Federal payment authorized to be appropriated to the District of Columbia shall be authorized to be appropriated to the State of New Columbia. Nothing in this Act is intended to alter the basis for the Federal payment to the District of Columbia or the State of New Columbia.

(2) Not later than 7 months before the beginning of each fiscal year, the Governor shall submit a report to Congress on the effects of the presence of the seat of the Federal Government within or adjacent to the State on the revenues and expenditures of the State, and shall include in the report information relating to—

(A) services rendered to the Federal Government and services rendered because of the State's proximity to the seat of the Federal Government, and the cost to the State of providing such services;

(B) potential revenues lost because of the presence of the Federal Government within or adjacent to the State, including Federally-imposed height or other restrictions on buildings located within the State and revenues not obtainable because of a lack of taxable property and business income within the State; and

(C) potential revenues gained because of the presence of the Federal Government within or adjacent to the State.

(3) At the time the Governor submits the report described in paragraph (2) to Congress, the Governor shall submit copies of the report to the Directors of the Congressional Budget Office and the Office of Management and Budget, who shall submit reports to Congress analyzing the Governor's report not later than 30 days after receiving copies of the report.

(e) The State may not change any provision of its Constitution concerning height limitations on buildings without the consent of Congress.

(f) Nothing in this Act or the Constitution or laws of the State may be construed to permit the State to refuse to allow an individual to serve as a qualified registered elector of the State solely because the individual resides in the National Capital Service Area.

SEC. 6. STATE TITLE TO LANDS AND PROPERTY.

(a) The State of New Columbia and its political subdivisions shall have and retain title or jurisdiction for purposes of administration and maintenance to all property, real and personal, with respect to which title or jurisdiction for purposes of administration and maintenance is held by the territory of the District of Columbia as of the date of the enactment of this Act.

(b) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of New Columbia or its political subdivisions pursuant to this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of New Columbia into the Union.

SEC. 7. ELECTIONS.

(a)(1) Not more than sixty days after the date of enactment of this Act, the President of the United States shall certify such enactment to the Mayor of the District of Columbia. Not more than thirty days after such certification the Mayor of the District of Columbia shall issue a proclamation for the elections, subject to the provisions of this Act, for officers of all State elective offices provided for by the constitution of the proposed State of New Columbia and for two Senators and one Representative in Congress.

(2) In the first election of Senators from the State (pursuant to paragraph (1)) the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identi-

fication or designation of either of the two senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) The proclamation of the Mayor of the District of Columbia required by subsection (a) shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in subsection (a) shall be chosen by the people. Such elections shall be held, and the qualifications of voters shall be, as prescribed by the constitution of the proposed State of New Columbia for the election of members of the proposed State legislature. Election returns shall be made and certified in such manner as the constitution of the proposed State of New Columbia may prescribe. The Mayor of the District of Columbia shall certify the results of such elections to the President of the United States.

(c)(1) At an election designated by proclamation of the Mayor of the District of Columbia, which may be the primary or the general election held pursuant to subsection (b), a territorial general election, or a special election, there shall be submitted to the electors qualified to vote in such election, for adoption or rejection, the following propositions:

(A) New Columbia shall immediately be admitted into the Union as a State.

(B) The boundaries of the State of New Columbia shall be as prescribed in the New Columbia Admission Act and all claims of the State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

(C) All provisions of the New Columbia Admission Act, including provisions reserving rights or powers to the United States and provisions prescribing the terms or conditions of the grants of lands or other property made to the State of New Columbia, are consented to fully by the State and its people.

(2) In the event the propositions under paragraph (1) are adopted in such election by a majority of the legal votes cast on such submission, the proposed constitution of the proposed State of New Columbia, adopted by the Council of the District of Columbia in the Constitution for the State of New Columbia Approval Act of 1987 (D.C. Law 7-8), shall be deemed amended accordingly.

(3) In the event any one of the propositions under paragraph (1) is not adopted at such election by a majority of the legal votes cast on such submission, the provisions of this Act shall cease to be effective.

(4) The Mayor of the District of Columbia is authorized and directed to take such action as may be necessary or appropriate to ensure the submission of such propositions to the people. The return of the votes cast on such propositions shall be made by the election officers directly to the Board of Elections of the District of Columbia, which shall certify the results of the submission to the Mayor. The Mayor shall certify the results of such submission to the President of the United States.

(d)(1) If the President finds that the propositions set forth in subsection (c)(1) have been duly adopted by the people of New Columbia, the President, upon certification of the returns of the election of the officers required to be elected as provided in subsection (a), shall issue a proclamation announcing the results of such election as so ascertained. Upon the issuance of such proclamation by the President, the State of New Columbia shall be deemed admitted into the Union as provided in section 2 of this Act.

(2) Until the State of New Columbia is admitted into the Union, individuals holding legislative, executive, and judicial offices of the District of Columbia, including the Delegate in Congress from the District of Columbia, shall continue to discharge the duties of their respective offices. Upon the issuance of such proclamation by the President of the United States and the admission of the State of New Columbia into the Union, the officers elected at such election, and qualified under the provisions of the constitution and laws of such State, shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of such State, and offices not required to be elected at such initial election shall be selected or continued in office as provided by the constitution and laws of such State. The Governor of such State shall certify the election of the Senators and Representative in the manner required by law, and the Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 8. HOUSE OF REPRESENTATIVES MEMBERSHIP.

The State of New Columbia upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law, except that such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives or affect the basis of apportionment for the Congress.

SEC. 9. LAWS IN EFFECT.

Upon admission of the State of New Columbia into the Union, all of the territorial laws then in force in the Territory of the District of Columbia shall be and continue in force and effect throughout the State, except as modified or changed by this Act, or by the Constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within the State as elsewhere in the United States.

SEC. 10. CONTINUATION OF SUITS.

(a) No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia or in the United States District Court for the District of Columbia shall abate by reason of the admission of the State of New Columbia into the Union, but shall be transferred and shall proceed within such appropriate State courts as shall be established under the constitution of the State, or shall continue in the United States District Court for the District of Columbia, as the nature of the case may require. And no writ, action, indictment, cause, or proceeding shall abate by reason of any change in the courts, but shall proceed within the State or United States courts according to the laws thereof, respectively. The appropriate State courts shall be the successors of the courts of the District of Columbia as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with such cases, and award mesne or final process therein, and all files, records, indictments, and proceedings relating to any such writ, action, indictment, cause, or proceeding shall be transferred to such appropriate State courts and shall be proceeded with therein in due course of law.

(b) All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of the State, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Columbia in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the substantive or criminal law governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the District of Columbia shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Columbia.

SEC. 11. APPEALS.

Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Columbia or the District of Columbia Court of Appeals in any case finally decided prior to the admission of the State of New Columbia into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State shall be to the United States District Court for the District of Columbia or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Columbia and of the highest court of the State of New Columbia, as successor to the District of Columbia Court of Appeals, in any case pending at the time of admission of the State into the Union, and the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

SEC. 12. JUDICIAL AND CRIMINAL PROVISIONS.

Effective upon the admission of New Columbia into the Union—

(1) Section 41 of title 28, United States Code is amended in the second column by inserting ", New Columbia" after "District of Columbia".

(2) The first paragraph of section 88 of title 28, United States Code, is amended to read as follows:

"The District of Columbia and the State of New Columbia comprise one judicial district.".

SEC. 13. MILITARY LANDS.

(a) Subject to subsection (b) and notwithstanding the admission of the State of New Columbia into the Union, authority is reserved in the United States for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land located within the State of New Columbia that, immediately prior to the admission of the State, are controlled or owned by the United States and held for defense or Coast Guard purposes.

(b)(1) The State of New Columbia shall always have the right to serve civil or criminal process within such tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of such tracts or parcels of land.

(2) The reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over such lands shall not operate to prevent such lands from being a part of the State of New Columbia, or to prevent the State from exercising over or upon such lands, concurrently with the United States, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority.

(3) The power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for defense or Coast Guard purposes, except that the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been or may be determined to be critical areas as delineated by the President of the United States or the Secretary of Defense.

SEC. 14. UNITED STATES NATIONALITY.

No provision of this Act shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

SEC. 15. RELATIONSHIP TO OTHER LAWS.

No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act.

SEC. 16. NATIONAL CAPITAL SERVICE AREA.

(a) The National Capital Service Area referred to in section 4 is more particularly described as follows:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Washington Avenue Southwest;

thence southeast on Washington Avenue Southwest to E Street Southeast;

thence west on E Street Southeast to the intersection of Washington Avenue Southwest and South Capitol Street;

thence northwest on Washington Avenue Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(b) Where the area in subsection (a) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(c)(1) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in subsection (a) shall be deemed to be within such area.

(2) For the purposes of paragraph (1) Federal real property affronting or abutting such area described in subsection (a) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

SEC. 17. STATEHOOD TRANSITION COMMISSION.

(a) There is established a Statehood Transition Commission.

(b) The Commission shall be composed of thirteen members appointed as follows:

(1) three shall be appointed by the President;

(2) two shall be appointed by the Speaker of the House;

(3) two shall be appointed by the President of the Senate;

(4) three shall be appointed by the Mayor of the District of Columbia; and

(5) three shall be appointed by the Council of the District of Columbia.

(c) The Commission shall advise the President, the Congress, the Mayor, the Council, and the Governor and House of Delegates for the State of New Columbia, as appropriate, concerning necessary procedures to effect an orderly transition to statehood for the District of Columbia and other matters relating to the assumption of the property, functions, and activities of the District of Columbia by the State of New Columbia during the first 2 years of the existence of the State of New Columbia. The Commission shall submit such reports as the Commission considers appropriate or as may be requested.

(d) The Commission shall cease to exist 2 years after the date of the admission into the Union of the State of New Columbia.

Mr. SIMON. Mr. President, I am pleased today to join my colleague from Massachusetts, Senator KENNEDY, to introduce legislation to grant statehood to the District of Columbia.

Our legislation will permit residents of the District of Columbia to do what virtually all other Americans have the right to do—elect voting representation in the U.S. Senate and in the U.S. House of Representatives.

There are those who say that statehood for the District of Columbia requires an amendment to the Constitution rather than action by Congress on a statute. As chairman of the Constitution Subcommittee, I have considered that argument and am persuaded that a constitutional amendment is not required.

Article I, section 8, clause 17 of the U.S. Constitution provides for a district of not more than 100 square miles, outside of the boundaries of any State, to serve as the Nation's Capital. At present, the District measures 68.25 square miles. The Constitution specifies no minimum area. A bill that grants statehood to much of the District while leaving a Federal enclave to serve as a capitol under the control of Congress would meet the requirements of article I. Our bill does that.

For the approximately three-quarters of a million people who are District residents, statehood is a long time in coming and critically needed today. In May 1982, delegates to the District of Columbia Statehood Constitutional Convention convened for the adoption of a District constitution. The residents of the District approved it at the November 1982 election.

The legislation we introduce today will adopt that Constitution and grant statehood to the District. District residents have spoken out for statehood for many years and it is time for their status to evolve to full statehood.

The people of the District of Columbia and, I might add, of Puerto Rico, serve bravely in our Armed Forces but cannot vote for the men and women in the House and Senate who make the war declaration. Unlike the residents of Puerto Rico, who are largely exempt from Federal taxes, District residents pay taxes and have no Federal representation. Taxation without representation was wrong in 1775 and it is wrong today. District residents face the anomalous situation of being host to Congress and having no say in Congress. We ought not to have second-class citizenship in this Nation. Accepting the District of Columbia as a State will once and for all end that inequity for these American citizens.

By Mr. DANFORTH (for himself, Mr. COHEN, and Mr. BRADLEY):

S. 899. A bill to require the Attorney General to prepare an evaluation and report on potential problem officer early warning programs and to develop a model potential problem officer early warning program, and to express the sense of the Congress that the Attorney General, under existing authorities, should provide assistance to local jurisdictions in establishing procedures to identify and provide guidance to police officers who demonstrate the potentiality of having difficulty dealing with members of the public on a consistent basis; to the Committee on the Judiciary.

POLICE LEGISLATION

• Mr. DANFORTH. Mr. President, I rise today, together with Senators COHEN and BRADLEY, to introduce legislation which calls upon the resources of the office of the U.S. Attorney General to study and develop preemptive measures to reduce the incidence of police brutality.

Our democracy relies on local police to implement the foremost mandate of Government: ensuring domestic tranquility. I have enormous admiration and respect for our police. The overwhelming majority of police officers are committed, conscientious professionals. Police men and women literally risk life and limb to serve their communities and keep them safe. No public service is more important or difficult.

It is also true that allegations of police brutality are often baseless. A report by the New York City Board, which the nonpartisan Vera Institute for Justice found to be without prejudice either for or against police, showed a total of 2,376 complaints for excessive force during 1990. Of those, only 81 cases resulted in a finding against the police officer. According to Manhattan district attorney Robert M. Morgenthau, many complaints are fabricated by arrested criminals hoping to gain leverage in bargaining their case. Many complaints—but not all. And 81 cases in one city in 1 year is too many. As this country has now seen with graphic detail, there are police officers who use their uniforms and badges to inflict unnecessary violence. I hope that this bill, which helps the law enforcement community address police brutality preventatively, will help reduce this much publicized and inflamed problem and strengthen the moral authority of all police officers and departments in the Nation.

For 2 years, the Rodney King case has riveted the entire country. Millions of Americans reacted with outrage to the graphic violence caught on a bystander's videotape. The initial acquittal of the police officers, despite the tape's images, acted as a catalyst which unleashed tremendous domestic violence and civil unrest. Few really believe the rioters and looters and arsonists were motivated by their social consciences. But that does not diminish the brutality of Rodney King's arrest or the disenfranchisement many minorities feel in this country. The police must be the allies and agents of domestic tranquility at all times and not excuses for mayhem. Their uniforms should represent protection and peace, not persecution.

For these reasons, it is important to help police departments improve the strained relations and diminish the distrust that sometimes exists between them and the communities they serve. Police live on the frontlines of violence all day, every day. They are outnumbered and restricted by rules of conduct which criminals despise. It is inevitable that breakdowns will occur; that anger, anxiety, fear, or stress will overwhelm reason and training. Inevitable, perhaps, but never acceptable. Especially not after Rodney King. We must respond. Some police departments are installing video cameras in patrol cars. But we cannot rely on the threat of discovery alone. Police officers who are nearing the danger zone must be identified and helped, before they cross over the line.

For example, in my own State, the Kansas City Police Department's early warning system has been hailed by many as a success. It was featured in the May 11, 1992, edition of U.S. News & World Report as a program that can and should be duplicated by other urban police jurisdictions.

The Kansas City program tracks citizen complaints against officers. These complaints range from alleged verbal insults to unnecessary violence against suspects. Officers with three or more complaints in a 6-month period may be sent to training classes as are all officers with under 3 years' experience. These classes emphasize communication techniques for defusing volatile encounters on the streets. Officers are also taught to avoid nonverbal behaviors that can generate hostility. Stress management and conflict resolution seminars are required.

In practice, this program has significantly reduced the number of complaints and incidents of brutality in the Kansas City Police Department. It is a thoughtful, well-designed program which works. We should encourage other urban police jurisdictions to implement similar programs.

Mr. President, the legislation we are introducing today requires the National Institute of Justice to evaluate the effectiveness of existing and past potential problem officer early warning programs, like Kansas City's, and to construct a model that can be duplicated. The legislation also expresses a sense of the Congress that the Attorney General under existing authority provide assistance to local jurisdictions in establishing such a program.

Last week, in a speech to the American Bar Association's Conference on Civil Rights, Attorney General Janet Reno, spoke about our need to work on the basics, to reweave the fabric of society. One way she said that we can help is to improve the manner in which we teach conflict resolution. We can make a difference, she said, "in the manner we train our police officers to become sensitive, caring, brave, and wonderful people, as most police officers are." Mr. President, she is right. This bill will help.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POTENTIAL PROBLEM OFFICER EARLY WARNING PROGRAMS.

(a) DECLARATIONS.—The Congress finds and declares that—

(1) police brutality is a problem of deep concern; and

(2) the Congress has an interest in assisting local units in creating early warning systems that are effective, resilient, and affordable to the local units.

(b) DEFINITION.—In this Act, "potential problem officer early warning program" means a system of procedures that is designed to—

(1) identify police officers who have been the subject of an excessive number of legitimate complaints of excessive use of force by members of the public or have otherwise demonstrated the potentiality of having difficulty dealing appropriately with members of the public;

(2) provide assistance to such officers in avoiding such difficulty in the future, including the provision of training in communication techniques, conflict resolution, and stress management; and

(3) apply discipline where appropriate.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(A) conduct an evaluation of potential problem officer early warning programs that are being or have been utilized by units of local government, including analyses of—

(i) the effect on such programs of factors such as the population and geographic size and characteristics of a jurisdiction and the ability of such programs to adjust in a resilient manner to changes in such factors;

(ii) the potential savings that local governments can realize from the operation of such programs as a result of the reduction in the number of citizen complaints, the reduction in the number of occasions in which it is necessary to change the duty assignments of or to dismiss (and replace) problem officers, and other beneficial effects;

(iii) the positive and negative effects that such programs may have on the law enforcement system, such as their effect on police morale and the ability of police officers to perform their law enforcement duties;

(iv) the ability of such programs to ensure the exoneration of officers whose conduct is proper while identifying those whose conduct indicates the necessity or desirability of prophylactic action; and

(v) the costs of establishing such programs and of operating and monitoring the effectiveness of such programs on a permanent basis;

(B) develop a model early warning system that is effective, capable of adjusting to changing circumstances, and affordable to units (or combinations of units) of local government of jurisdictions (or combinations of jurisdictions) with populations of 50,000 or more; and

(C) prepare and disseminate to the law enforcement community, including Federal, State and local law enforcement agencies, findings and recommendations made as a result of the evaluation for the establishment of such programs.

(2) REPORT.—On or before October 1, 1994, the Attorney General shall submit to Congress a report addressing the matters described in paragraph (1), with recommendations concerning the need or appropriateness of further action by the Federal Government.

(3) EXPENSES.—Expenses incurred in conducting the evaluation and developing a model potential problem officer early warning system under paragraph (1) shall be paid out of funds that are available to the National Institute of Justice and not specifically appropriated for other purposes, to the extent that such funds can be made available without increasing the amount of appropriations for the National Institute of Justice for any fiscal year over the amount appropriated for fiscal year 1993.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Attorney General should, under existing authorities and using appropriations available for those authorities and funds otherwise available to the Attorney General, make seed money grants of up to $25,000 each to units (or combinations of units) of local government of jurisdictions (or combinations of jurisdictions) of a population of 50,000 or more for the purpose of assisting the police department (or other entity that performs the functions of a police department) in establishing a potential problem officer early warning program;

(2) a unit of local government should be eligible to receive a grant described in subsection (c) if—

(A) its police department (or other entity that performs the functions of a police department) adopts and enforces—

(i) a written policy prohibiting the use of unreasonable or unnecessary physical force by law enforcement officers; and

(ii) written procedures for receiving and investigating citizen complaints alleging misconduct by law enforcement officers;

(B) the program to be funded includes provisions for continuing self-monitoring of the program, including the provision to the Attorney General of information that may be useful in performing the evaluation and developing the model program described in subsection (d)(1); and

(C) the grant recipient demonstrates a commitment to the long-term continuance of the program and the reduction of the incidence of police brutality;

(3) a policy described in paragraph (2)(A) should—

(A) restrict the use of force to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful law enforcement purpose; and

(B) include procedures for reporting and monitoring the use of force by officers within the jurisdiction of the department;

(4) the procedures described in paragraph (2)(B) should require that complainants—

(A) be allowed to receive copies of their complaints;

(B) be informed of the findings, disposition, and specific disciplinary actions, if any, resulting from their complaints; and

(C) be permitted to attend any disciplinary hearings that result from their complaints;

(5) a unit (or combination of units) of local government should receive grants described in this subsection in amounts that do not exceed $50,000 in the aggregate; and

(6) the total amount of grants described in this subsection that are made during fiscal years 1994, 1995, 1996, 1997, and 1998 should not exceed $5,000,000.●

● Mr. COHEN. Mr. President, I am pleased to join my colleagues, Senator DANFORTH and Senator BRADLEY, in introducing legislation to help restore public confidence in law enforcement and reduce the incidence of police brutality in this country.

Police brutality has long been a tragic and volatile problem. The violence resulting from the videotaped beating of Rodney King was a potent and frightening symbol of the problems facing urban America and of the problems facing segments of our police culture. This symbolic association may have helped to focus national attention on the problem of police brutality. However, the national attention is very little comfort to Mr. King and the thousands of other police brutality victims in the face of the permanent emotional and physical trauma they have undergone. Moreover, it should be very little comfort to American society in general considering the powers and responsibilities with which we entrust our Nation's police forces.

It is also little comfort to the majority of our police officers. For all the hard-working and courageous officers who risk their lives to protect the public, nothing could be more infuriating than the erosion of public confidence in their profession because of the shameful acts of a few individuals. The blows to Rodney King were deeply felt in the hearts of all police officers who have dedicated their lives to putting an end to this very kind of injustice.

Public mistrust of the police not only undermines the law enforcement profession; it represents a real danger to a civil society. As Justice Louis Brandeis warned in 1928, "If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

This mistrust is doubly frustrating because studies show that police officers who abuse their responsibilities represent a tiny fraction of the Nation's law enforcement community. In Chicago, for example, a 1989 study concluded that 437 officers out of the 11,000-member Chicago police force had more than 1 excessive force complaint. Nevertheless, while this is a small number in relative terms, it is 437 too many.

The legislation we are introducing today would help ensure that the excessive use of police force receives proper attention at the national level. Our legislation would direct the Attorney General to develop a model early warning system that would identify problem officers and train them in techniques such as conflict resolution, stress management, and communications skills. The Justice Department would make this model program available to interested local police departments.

The legislation also expresses congressional interest in providing financial assistance to local governments that wish to develop early warning programs. Specifically, it states the sense of the Congress that the Attorney General should use up to $5 million of existing discretionary funds to provide local police departments with seed-money to create early warning systems.

This legislation is not a panacea to police brutality. However, I believe that encouraging the development of effective early warning systems will help police departments improve the quality of their force and help ensure that the enforcers of our laws do not become the breakers of our laws.

I urge my colleagues to support this important legislation.●

● Mr. BRADLEY. Mr. President, I rise today to join my colleagues, Senator DANFORTH and Senator COHEN, in introducing legislation that will assist police departments in establishing a program aimed at reducing the incidence of excessive use of force by police officers. The Potential Problem Officer Early Warning Program will help police departments identify police officers who have been the subject of an excessive number of legitimate complaints of excessive use of force, or have otherwise demonstrated the potential for being abusive in dealing with the public. Once identified as potential problem officers, the early warning program would provide the officers with training in communication techniques, conflict resolution, stress management, and appropriate disciplinary action where necessary.

I believe the problem of excessive use of force is one that can and must be addressed. Police today are confronted with responding to the problems of a complex, diverse society. Many of them are putting their lives on the line every day. I know that the majority of officers perform their jobs and exercise their authority when dealing with the public in an admirable and courageous way. These officers we commend. It is only a few police officers that, most often in stressful situations, exceed the bounds of their authority. This legislation is aimed at these officers.

The incidence of excessive use of force by law enforcement officials is not insignificant. A 1991 Department of Justice study of State and Federal law enforcement agencies uncovered 15,279 reported cases of alleged official misconduct during a 6-year period, from October 1984 through September 1990, that the FBI was called upon to investigate. Annually, the Justice Department receives about 8,000 complaints of criminal civil rights violations.

When those we entrust to uphold the law abuse the law, the result tears at the fabric of our society. The destructive riots of South-Central Los Angeles that followed the beating of Rodney King provides striking evidence of this. I believe we need to address the problem of police brutality before it happens, before citizens are victimized by excessive force, before society loses confidence and trust in those it assigns to enforce the law, and before the reputations of the good officers are unfairly tarnished by the acts of the few who abuse their authority.

The legislation I introduce today with my colleagues is designed to prevent the excessive use of force before it happens. Our legislation requires the Attorney General to evaluate and report on potential problem officer early warning programs now in use, and to develop a model, affordable early warning system that local governments with populations of 50,000 or more can use. The legislation further expresses the Sense of the Congress that the Attorney General provide local police departments with grants up to $25,000 from discretionary moneys to create early warning systems. This legislation, which establishes an early warning system to prevent police brutality, is the first step in ensuring that public confidence and trust in the police remains justifiably intact.

I urge my colleagues to join me in taking this first step toward ending police brutality.●

By Mr. THURMOND:

S. 901. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 902. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 903. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 904. A bill to suspend temporarily the duty on 1,8-Dihydroxynaphthalene-3, 6-disulfonic acid; to the Committee on Finance

S. 905. A bill to suspend temporarily the duty on C.I. Reactive Blue 224; to the Committee on Finance.

S. 906. A bill to extend the temporary suspension of duty on naphthalic acid anhydride; to the Committee on Finance.

S. 907. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 908. A bill to suspend temporarily the duty on dimethyl succinyl succinate; to the Committee on Finance.

S. 909. A bill to suspend temporarily the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 910. A bill to temporarily suspend the duty on 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid); to the Committee on Finance.

S. 911. A bill to suspend temporarily the duty on basic blue 147; to the Committee on Finance.

S. 912. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. I rise today to introduce 12 bills which will suspend the duties imposed on certain chemicals used in coloring textile products, paints, inks, and plastic components as well as other industrial uses. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily extend the duty suspension on 1,4-Diaminobenzene-2-sulfonic acid (paramine acid), which is a chemical used in the manufacturing of a bright greenish-yellow dye for paper. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The second bill would temporarily extend the duty suspension on 1,3-Dihydro - 1,3,3 - trimethyl - 2 - methylene-1H-indole (trimethyl base) which is used in making dyes for coloring acrylic fibers. These dyes are very important to the domestic textile industry and to major fiber producers in the United States.

The third bill would temporarily extend the duty on 9,10-Anthracenedione (anthraquinone) which is used as a pulping aid in the manufacturing of paper. Use of this chemical permits higher capacity which is critical for the U.S. paper industry, due to the extremely high operating levels over the past several years. Additional benefits of using anthraquinone in producing pulp include high yields which reduces tree consumption, and reduction of the use of other pulping chemicals thereby reducing the potential air and water emission load.

The fourth bill would temporarily suspend the duty on 1,8-Dihydroxynaphthalene - 3,6, - disulfonic acid (Chromotropic Acid), which is a chemical used in the manufacturing of a family of dyes used in the paper industry. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The fifth bill would temporarily suspend the duty suspension on C.I. Reactive Blue 224 which is used to dye cotton. This dye is very important to the domestic textile industry and to major fiber producers in the United States.

The sixth bill will extend the duty suspension on naphthalic acid anhydride until December 31, 1997. This chemical is used in the production of special pigments, which are called perylenes. These pigments, when combined with a second group known as the quinacridones, form the principal colorants in making various shades of red, scarlet, and maroon paints. The paints from these pigments are extremely stable when exposed to sun light, thus making them important to the automotive industry.

Mr. President, similar legislation was introduced in the 101st Congress to suspend the duty on this chemical. The duty suspension was incorporated into the Customs and Trade Act of 1990 and expired on December 31, 1992.

The seventh bill would permanently suspend the duty on certain menthol feedstocks. This duty imposes an unnecessary burden on the U.S. menthol industry by increasing production costs.

Previously, I have introduced bills to relieve this burden. In 1983, a temporary duty suspension was included in the Miscellaneous Tariff Act of 1984 which became law in October 1984. This act provided for the suspension of this duty until December 31, 1987.

This duty suspension was reintroduced in 1987 and included in the Omnibus Trade and Competitiveness Act of 1988. It provided for the duty suspension until December 31, 1990. During the 101st Congress, I introduced a bill to permanently suspend the duty on menthol feedstocks. However, this duty suspension was extended only until December 31, 1992 in the Customs and Trade Act of 1990.

The bill being introduced today will permanently suspend the duty on menthol feedstocks. This relief is warranted because the American menthol market has not significantly changed since 1984 when the duty was first suspended.

Mr. President, the previously mentioned items were imported into this country with duty suspensions in effect until December 31, 1992. These bills seek an extension of the duty free status these chemicals had under Public Law 101-382. However, duty free entry for these items lapsed after these measures were not extended in the 102d Congress. The next group of bills being introduced are seeking duty suspensions for certain chemicals for the first time.

The eighth bill would temporarily suspend the duty suspension for Dimethyl succinyl succinate [DMSS]. DMSS is combined with other chemicals to create red pigments for paints. These pigments are extremely important to the automotive industry and to their paint suppliers.

The ninth bill would temporarily suspend the duty on N - [2 - [(2,6 - dicyano - 4 - methylphenyl)azo] - 5 - (diethylamino)phenyl] - methane - sulfonamide and N - [2 - [(2,6 - dicyano - 4 - methylphenyl)azo] - 5 - (di - 1 - propyl - amino)phenyl] - methane - sulfonamide (resolin red F3BS components I and II). Both of thee components are combined and dispersed to form a red dye used in coloring polyester fiber.

The tenth bill would temporarily suspend the duty on 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid, which can also be referred to as Dehydrothio-4-toluidine disulfonic acid. This chemical is used in making dyes and pigments for textiles and paints.

The eleventh bill would temporarily suspend the duty on Basic Blue 147, which is important for color fastness on acrylic fibers. Further, this chemical is used in coloring carpeting, clothing and other textile products.

The twelfth and last bill would temporarily suspend the duty on lauryllactam (omega-dodecalactam) until December 31, 1997. This chemical has not benefited from a previous duty suspension. Lauryllactam is used in the manufacturing of small plastic pellets, which are used to make speciality products, such as fuel and vent lines, for automobiles. This chemical is important to the production of these fuel and vent lines because of its unique characteristics. These characteristics include: low moisture absorption, superior processing capabilities, flexibility, heat stability, and chemical resistance.

Mr. president, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of these materials. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARAMINE ACID.

(A) IN GENERAL.—Heading 9902.30.44 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.44 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRIMETHYL BASE.

(A) IN GENERAL.—Heading 9902.30.89 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.89 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANTHRAQUINONE.

(a) IN GENERAL.—Heading 9902.30.17 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.17 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1,8-DIHYDROXYNAPHTHALENE-3, 6-DISULFONIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	1,8-Dihydroxy- naphthalene-3, 6-disulfonic acid (CAS No. 129-96-4) (provided for in subheading 2908.20.20)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. C.I. REACTIVE BLUE 224.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.29	C.I. Reactive Blue 224 (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAPHTHALIC ACID ANHYDRIDE.

(a) IN GENERAL.—Heading 9902.30.22 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.22 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT DUTY-FREE TREATMENT.

(a) IN GENERAL.—Chapter 29 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description for subheading 2906.14.00:

"2906.17.00	Mixtures containing not less than 90 percent by weight of stereoisomers of 2-isopropyl-5-methylcyclohexanol, but containing not more than 30 percent by weight of any one such stereoisomer ...	Free	Free (A, E, IL)	45%".

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.05.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIMETHYL SUCCINYL SUCCINATE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Dimethyl succinyl succinate (provided for in subheading 2917.19.40)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESOLIN RED F3BS COMPONENTS I AND II.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.11	N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino) phenyl]-methanesulfonamide and N-[2-[(2,6- dicyano-4-methylphenyl)- azo]-5-(di-l-propylamino) phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)	Free	No change	No change	On or before 12/31/97"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2-(4-AMINOPHENYL)-6-METHYL-BENZOTHIAZOLE-7-SULFONIC ACID).

(a) IN GENERAL.—Heading 9902.29.78 in the Harmonized Tariff Schedule of the United States is amended by striking "12/31/90" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer not later than 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.29.78 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1990, and

(B) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BASIC BLUE 147.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.11	Basic blue 147 (provided for in subheading 3204.13.30).	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAURYLLACTAM.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Lauryllactam (provided for in subheading 2933.79.50)	Free	No change	No change	On or before 12/31/97"

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 13, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 21

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 50

At the request of Mr. WARNER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 81

At the request of Mr. NICKLES, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Indiana [Mr. COATS], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 226

At the request of Mr. DASCHLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 226, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 289

At the request of Mr. REID, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 289, supra.

S. 348

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 457

At the request of Mr. EXON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 487, supra.

S. 563

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 563, a bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 578

At the request of Mr. KENNEDY, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 578, a bill to protect the free exercise of religion.

S. 611

At the request of Mr. INOUYE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 611, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 717

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 717, a bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

S. 775

At the request of Mr. WALLOP, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 775, a bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month".

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week".

AMENDMENTS SUBMITTED

LOBBYING DISCLOSURE ACT OF 1993

LEVIN (AND COHEN) AMENDMENT NO. 343

Mr. LEVIN (for himself and Mr. COHEN) proposed an amendment to the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as follows:

On page 2, line 10, strike out "investigative" and insert in lieu thereof "administration".

On page 3, lines 12 through 14, strike out "An organization whose employees conduct lobbying activities on its behalf is both a client and an employer of the lobbyists." and insert in lieu thereof "An organization whose employees act as lobbyists on its behalf is both a client and an employer of its employee lobbyists.".

On page 3, line 16, strike out "others" and insert in lieu thereof "persons".

On page 4, line 6, strike out "section 3232(a)(2)" and insert in lieu thereof "section 3132(a)(2)".

On page 4, lines 14 and 15, strike out "regulations implementing section 2103" and insert in lieu thereof "section 7511".

On page 6, lines 16 through 18, strike out "(as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986)" and insert in lieu thereof "and communications with members, as defined under section 4911(d)(1)(A) and (d)(3) of the Internal Revenue Code of 1986 and the regulations implementing such provisions,".

On page 7, lines 13 through 15, strike out "officials serving in the Senior Executive Service or the uniformed services in the agency responsible for taking such action." and insert in lieu thereof "covered executive branch officials in the agency responsible for taking such action who serve in the Senior Executive Service, or who are members of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code.".

On page 7, line 24, strike out all after the comma through line 25 and insert in lieu thereof "article, publication or other material that is widely distributed to the public, or through the media;".

On page 8, lines 19 through 21, strike out "from a Federal agency or a congressional committee, subcommittee, or office;" and insert in lieu thereof "from a covered legislative or executive branch official;".

On page 9, line 22, strike out "and".

On page 9, insert between lines 22 and 23 the following new clause:

(xv) a formal petition for agency action, made in writing pursuant to established agency procedures; and

On page 9, line 23, strike out "(xv)" and insert in lieu thereof "(xvi)".

On page 10, line 21, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 6, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 11, insert "whichever is earlier," after "lobbying contacts,".

On page 11, strike out lines 15 through 19 and insert in lieu thereof the following:

(2)(A) Notwithstanding paragraph (1), any person whose total income (in the case of an organization described under section 5(b)(3)) or total expenses (in the case of an organization described under section 5(b)(4)) in connection with lobbying activities do not exceed, or are not expected to exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under section 5), is not required to register with respect to such client or clients.

(B) The registration thresholds established in this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 12, line 7, insert a comma and "address, and principal place of business" after "the name".

On page 12, line 10, insert "registrant's" before "lobbying activities".

On page 12, line 12, insert "registrant's" before "lobbying activities".

On page 12, line 14, insert "registrant's" before "lobbying activities".

On page 12, line 15, insert "address," after "name,".

On page 12, line 19, insert before the semicolon "or any organization identified under paragraph (3)".

On page 12, line 22, strike out "the activities of the client" and insert in lieu thereof "the registrant's lobbying activities".

On page 13, line 1, insert "or any organization identified under paragraph (3)" after "the client".

On page 13, line 8, insert "(as of the date of the registration)" before the semicolon.

On page 13, line 11, insert "(or who has already acted as a lobbyist on behalf of the client as of the date of the registration)" after "client".

On page 13, lines 13 and 14, strike out "in the 2 years prior to the date of the registration (or a report amending the registration)," and insert in lieu thereof "in the 2-year period before the date on which such employee first acted as a lobbyist on behalf of the client,".

On page 13, lines 22 and 23, strike out "who engage in lobbying activities" and insert in lieu thereof "who act as lobbyists".

On page 16, strike out lines 14 through 21 and insert in lieu thereof the following:

(3)(A) Any registrant whose total income (in the case of an organization described under subsection (b)(3)) or total expenses (in the case of an organization described under subsection (b)(4)) in connection with lobbying activities do not exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under this section), or who does not make any lobbying contacts on behalf of a particular client, is deemed to be inactive during such period with respect to such client or clients and may comply with the reporting requirements of this section by notifying the Director, in such form as the Director may prescribe.

(B) The reporting thresholds established under this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 22, line 9, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 22, line 24, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 23, line 4, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 23, line 6, insert "documentary" before "information".

On page 23, lines 7 and 8, strike out "to determine whether the alleged noncompliance in fact exists" and insert in lieu thereof "to make such determination".

On page 23, line 9, strike out "in a way".

On page 24, line 1, insert ", or to any legislative or executive branch official outside the Office of Lobbying Registration and Public Disclosure (except as required for the enforcement of this Act)," after "to the public".

On page 24, line 10, insert "by the Director" after "redaction".

On page 24, line 15, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 24, line 19, insert "and" after the semicolon.

On page 24, line 20, strike out all through line 5 on page 25 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person—

(A) in the case of a minor noncompliance, an informal hearing at which additional evidence may be presented; and

(B) in the case of a significant noncompliance, an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code.

On page 25, lines 6 through 8, strike out "Upon the receipt of a written response, the completion of a hearing, or the expiration of 30 days, the" and insert in lieu thereof "The".

On page 27, insert between lines 8 and 9 the following new subsection:

(f) LIMITATION.—No proceeding shall be initiated under this section unless the Director notifies the person who is the subject of the proceeding of the alleged noncompliance, pursuant to section 7, within 3 years after the date on which the registration or report at issue was filed or required to be filed.

On page 27, strike out lines 19 through 23 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person an informal hearing at which additional evidence may be presented.

On page 28, strike out lines 16 through 21 and insert in lieu thereof the following:

(A) directing the person to provide the information within a reasonable period of time; and

(B) except where the noncompliance was the result of a good faith dispute over the validity or appropriate scope of a request for information—

(i) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(ii) assessing a civil monetary penalty in an amount not to exceed $10,000.

On page 34, line 5, insert before "Section" the following: "(a) REVISED CERTIFICATION REQUIREMENTS.—".

On page 35, insert between lines 2 and 3, the following new subsection:

(b) DELETION OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

On page 38, line 11, add after the period "No later than 1 year after the date of the enactment of this Act, final regulations shall be published.".

On page 38, add after line 11, the following new subsection:

(e) PHASE-IN PERIOD.—No penalty shall be assessed by the Director for any noncompliance with this Act which occurs during the first semiannual reporting period after the effective date of this Act.

LEVIN AMENDMENT NO. 344

Mr. LEVIN proposed an amendment to the bill, S. 349, supra, as follows:

On page 15, line 15, strike out "and".

On page 15, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 15, insert between lines 20 and 21 the following new paragraph:

(5) in the case of a registrant described under paragraph (3), the name, address, and principal place of business of any person other than the client who paid the registrant to lobby on behalf of the client.

On page 26, line 9, beginning with "$100,000" strike out all through line 10 and insert in lieu thereof "$200,000, depending on the nature and extent of the noncompliance and the extent to which the person may have profited from the noncompliance.".

On page 37, insert between lines 11 and 12 the following new section:

SEC. 18. IDENTIFICATION OF CLIENT.

Any person who makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact, state whether such person is registered under this Act and identify the client on whose behalf the lobbying contact is made.

On page 37, line 12, strike out "SEC. 18."and insert in lieu thereof "SEC. 19.".

WELLSTONE (AND OTHERS) AMENDMENT NO. 345

Mr. WELLSTONE (for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY) proposed an amendment to the bill, S. 349, supra, as follows:

On page 15, between lines 20 and 21 insert the following:

(c) Additional Information To Be Included in Report.—

(1) In general.—In addition to the information described in subsection (b), a semiannual report under subsection (a) shall contain a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is named after or is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), (D), or (E)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a widely attended reception to which covered legislative branch officials were invited—

(i) the nature of the reception;

(ii) the date on which the reception occurred; and

(iii) a single aggregate figure for the expenses incurred by the registrant in connection with the reception;

(C) with respect to each financial benefit that is in the form of a conference, retreat, or similar event that is sponsored by or affiliated with an official congressional organization that is funded exclusively by appropriated funds—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the common subject interests (such as party affiliation, committee membership, or expression of interest in legislation in a subject area) of the covered legislative branch officials who were invited to attend; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(D) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or is held for or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(E) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) Exemption.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs does not exceed $45.

(3) Definition.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal; or

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation.

WELLSTONE (AND OTHERS) AMENDMENT NO. 346

Mr. LEVIN (for Mr. WELLSTONE, for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY) proposed an amendment to the bill, S. 349, supra, as follows:

Strike all after "Additional" and in lieu thereof insert the following—

INFORMATION ON FINANCIAL BENEFITS

(1) In general.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C) or (D)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value such as a plaque, certificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 347

Mr. LAUTENBERG (for himself, Mr. BOREN, Mr. LEVIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. WOFFORD, Mr. REID, and Mr. BRYAN) proposed an amendment to the bill, S. 349, supra, as follows:

At the appropriate place, insert the following:

SEC. . LIMITS ON ACCEPTANCE OF GIFTS, MEALS AND TRAVEL.

It is the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Wednesday, May 5, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building on water and sanitation problems in Alaska.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, May 10, 1993, at 2 p.m., in SR-301, Russell Senate Office Building. The committee will hold a hearing to receive oral argument from counsel for the petitioners and counsel for the junior Senator from Oregon on certain legal issues raised by the petitions regarding the election in Oregon.

For further information on this meeting, please contact Carole Blessington of the Rules Committee staff on 202-224-0278.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ROCKEFELLER. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Department of Veterans Affairs' facilities and construction programs at 11 a.m. on Thursday, May 6, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, May 11, 1993 at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

As previously announced, the purpose of the hearing is to receive testimony from James Hoecker, Donald Santa, Jr., and William Massey, nominees to be members of the Federal Energy Regulatory Commission. In addition, the committee will receive testimony from Vicky Bailey, a fourth nominee to be a member of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at 202-224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 5 at 3 p.m. to hold a nomination hearing on Alexander Watson to be Assistant Secretary of State for Inter-American Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Aging be authorized to meet for a hearing on unnecessary hysterectomies during the session of the Senate on Wednesday, May 5, 1993, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 5 at 10 a.m. to begin hearings on the fiscal year 1994 foreign assistance authorization: changing priorities in foreign aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Wednesday, May 5, 1993, at 9:30 a.m., in open/closed session, to receive testimony on the readiness and sustainability posture of selected unified combatant commands and the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 5, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building, on water and sanitation problems in Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MILLBURY MEMORIAL HIGH SCHOOL

● Mr. KERRY. Mr. President, from May 1-3, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We the People * * * The Citizen and the Constitution Program. I am proud to announce that the class from Millbury Memorial High School from Millbury represented Massachusetts. These young scholars worked diligently to teach the national finals by winning district and State competitions. The distinguished members of the team representing Massachusetts were: Michele Brownell, Amy Cauldwell, Elizabeth Crehan, Kris Gauthier, David Gordon, Rachel Kupcinskas, Katherine Lavallee, Andrew Mason, Jen Morency, Tricia Nielson, Erin O'Leary, Matthew Pappas, Alexis Rochefort, and Terrie Tellier.

I would also like to recognize their teacher and district coordinator, Roger Desrosiers, who deserves so much of the credit for the success of the team. The State coordinator, Scott Stripling, also contributed a great deal of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive program developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,940 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain appreciation of the significance of our Constitution in its place in our history and our lives today. I am proud of these students representing Massachusetts and commend them and their teacher for their hard work, and I wish them the best of luck in the future.●

JACK KEMP ECONOMIC EMPOWERMENT ACT

● Mr. MACK. Mr. President, President Clinton should be commended for proposing yesterday what he should call the Jack Kemp Economic Empowerment Act, since it essentially establishes enterprise zones.

At least in concept, the President is on the right track. I only hope the program is incentive based and not just a repackaged higher spending pork plan that the American people already said they don't want.

In his book, "Putting People First," the President supported creating enterprise zones. In January, I introduced an economic package, supported by a majority of Senate Republicans, that contained this idea and four others from his book that ought to be implemented.

Since President Clinton has reawakened to the enterprise zone idea, let me remind him of four others he should adopt to get this economy moving: cutting the capital gains tax; lifting the Social Security earnings test; developing workfare instead of welfare; and enacting a real, honest-to-goodness line-item veto, not the weak version that is floating around.

I want the President to succeed in the goal of making the United States more prosperous. And that can happen if he keeps his campaign pledge to be a new kind of Democrat in the mold of President Kennedy.

If the President presses forward with Jack Kemp's enterprise zone idea, along with the other four Clinton-Republican proposals, we will stand shoulder to shoulder with him to see them passed and become law.

So I am going to renew my call for the President to issue a statement of public support for my bill S. 102 which implements the President's campaign promises.

We hope the President does the right thing to keep his campaign promises and move America forward.

Let me mention one more thing. There was an article in the New York Times this morning that caused me concern. It appears that once again the President is backing away from a campaign promise. According to the Times, the administration has asked for a 2-year delay in the implementation of an existing workfare initiative. This is just the opposite of what we should be doing. I hope the President will rethink his position on this, because we need to be expediting change, not delaying it.●

1993 "SPECIAL 301" LIST

● Mr. BAUCUS. Mr. President, just over 1 month ago I addressed the Senate on the subject of the special 301 trade remedy law. I predicted then that our new USTR, Mickey Kantor, would use the law aggressively and well.

I am very pleased to say that prediction was born out last week, when the USTR released his first list of priority foreign countries for negotiations on intellectual property rights.

Special 301, like Super 301, requires us to choose our priorities, name the worst violators of intellectual property rights, and requires negotiations with the threat of retaliation as a last resort. That's why it works. And this year's Special 301 process has brought more progress than ever before.

THE 1993 SUCCESS STORIES

First, on April 6, we reached a comprehensive intellectual property agreement with the Philippines. The Philippines have been a long-term problem for American publishers of books, records and software, for American patent holders and for American trademarks. Book piracy alone cost our country more than $70 million in 1992. Under the threat of designation as a priority foreign country, the Philippines agreed to crack down on piracy and pass laws protecting American rights.

Second, Taiwan has been a major intellectual property rights violator for decades. Last year, then-USTR Carla Hills designated Taiwan a priority foreign country. The Taiwanese Government agreed to make reforms, and in fact signed a memorandum of understanding last June. However, the Taiwanese legislature attached eight reservations to the agreement, which in effect wiped out our diplomatic advance.

This year, American industries, diplomats, and Members of Congress made clear that further backsliding would be intolerable. We made a clear statement that retaliation would be inevitable if Taiwan's Legislative Yuan did not remove the reservations. At the last moment, despite considerable fulmination, the legislature removed the conditions and approved the agreement in its original form. At the same time, they removed our need to retaliate or name Taiwan once again as a priority foreign country.

The same process is at work, although not yet complete, in Thailand. Thailand is well known as one of the world's most serious abusers of American copyrights, patents and trademarks. Last year, Thai pirates cost American copyright industries $123 million. They hit the video and sound industries particularly hard. This problem has festered for nearly a decade. Neither diplomacy nor the naming of Thailand as a priority foreign country in both 1991 and 1992 solved it. This year, however, under threat of retaliation, Thailand began a serious crackdown.

Last month, Thai police closed some of the country's largest pirate factories, and arrested the owners. Until this year, the only raids had been on distributors and the only penalties had been taken fines. This year's actions have done some real financial damage to the pirates. Given this progress, USTR was able to avoid a decision to retaliate. We are all well aware, however, that this was a burst of action in the weeks leading up to the Special 301 decision. Thailand thus remains a priority foreign country, and USTR will review Thailand's continued willingness to combat piracy in the months ahead.

CONTINUING PROBLEMS

The USTR also chose, appropriately, to name Brazil and India as priority foreign countries. Brazil has for many years avoided giving patent protection to pharmaceuticals. They have had a draft patent law before the Brazilian Congress for some years. However, it is inadequate in its current form, and the new government has considered weakening even this draft. Brazil has thus been named for the first time as a priority foreign country. They have time to make reforms, but the clock has begun to tick.

Second, India has now been named as a priority foreign country for 3 years running. And along with the problems it causes American firms, it has done everything possible to block an international agreement to protect intellectual property rights through the GATT. The Indians have had many years to reform. They have adamantly refused to do so, and I expect to see us take up this problem in a very serious way this year.

Other major problems remain. Poland has been considering a draft copyright law for years. Meanwhile, Polish pirates continue to steal American software programs, mass produce American sound recordings and videos. Saudi Arabia continues to spew forth gushers of pirate sound recodings as well as light crude. Argentina, Hungary, and Turkey continue to deny appropriate patent protection for pharmaceuticals. The EC discriminates against American broadcasts. These are not new problems, and we should expect progresses on all of them soon.

CONCLUSION

If we stop piracy of intellectual property abroad we preserve jobs in America. We give publishers incentive to publish the works of creative artists and writers. We give inventors and scientists more incentive to make new machines. And we give American companies confidence that they can invest abroad safely, thus promoting world economic growth.

Special 301 is the strongest weapon we have to make all this happen. Once again this year, it has proven its worth. I look forward to further progress in the months to come.●

RESTORATION OF THE SAN XAVIER DEL BAC MISSION

● Mr. DECONCINI. Mr. President, on the evening of May 4, 1993, in Tucson, AZ, the heroic and valiant efforts of those responsible for the restoration of the San Xavier del Bac Mission were recognized. I would like to take a moment of the Senate's time to join my friends in expressing our gratitude for the foresight of those individuals who are responsible for saving one of the Southwest's truly outstanding landmarks.

The "White Dove of the Desert" by which San Xavier del Bac is often referred to, reflects the rich and diverse history of the Santa Cruz Valley. The original San Xavier Mission was built on the same site in the 1600's by Father Francisco Eusebio Kino, the first Jesuit missionary to visit this region and dedicated the mission to his patron saint, St. Francis Xavier. As a personal note, whenever I visit San Xavier, I recall that Father Kino was born in what is today the Italian Province of Trent, not far from the birthplace of my grandfather. The present structure was begun in the 1770's by the Franciscan Fathers and completed before the turn of the century.

In its beauty, the San Xavier Mission reflects the influence of three distinct cultures: native American, Mexican, and Spanish. It is widely recognized as the finest example of Spanish baroque architecture in the United States and many have called it America's Sistine Chapel.

However, after serving for over two centuries as an active parish church and suffering the cumulative effects of candle soot, bird nests, and other adverse elements, San Xavier had fallen into a state of disrepair. Recognizing the need to take immediate corrective actions to save this priceless treasure, the nonprofit group Patronato San Xavier was established. Patronato San Xavier, along with the San Xavier Restoration Fund Committee, are overseeing the restoration project and are raising the necessary funds solely from private contributors.

With the goal of trying to preserve for future generations the priceless artistry and white-walled architecture, an internationally renowned team of conservators set forth on a 5-year, $1 million endeavor to restore the mission and protect it from further decay. Under the leadership of Paul Schwartzbaum, the head of conservation at the Guggenheim Museum in New York City, the seven-member team recently completed their second year of work. The fruits of their labor are many, but they are spectacularly revealed in the rediscovered colors and textures of the east transept.

In the spirit for which San Xavier has come to represent over the ages, the restoration project has endeavored to involve the people on whose land the mission lies, the Tohono O'Odham Nation. Several members of the Tohono O'Odham Nation serve on the board of directors for the Patronato San Xavier as well as on the San Xavier Restoration Fund Committee. Also, through an apprenticeship program, four tribal members are participating in the actual restoration. The Patronato San Xavier recognizes that the preservation of the rich cultural traditions that the mission symbolizes are just as important as the preservation of the physical structures.

I ask my colleagues to join me in saluting the Patronato San Xavier, the San Xavier Restoration Fund Committee, the restoration team, and the many other individuals involved in the effort to extend the life of San Xavier del Bac for at least another 200 years.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Maine, the majority leader.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 6; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators LIEBERMAN and CAMPBELL for up to 5 minutes each; Senators MOSELEY-BRAUN and MATHEWS for up to 10 minutes each, and Senator DODD for up to 15 minutes; that at 10 a.m., the Senate then resume consideration of S. 349, as provided for under a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENTS WITHDRAWN

Mr. MITCHELL. Mr. President, pursuant to a previous order relating to the pending bill I was vested with the authority to call for the regular order which would bring back the pending committee amendments following consultation with the Republican leader.

I have so consulted and I now, therefore, call for the regular order in accordance with the earlier agreement.

The PRESIDING OFFICER. The regular order is called for.

The Senator from Michigan.

Mr. LEVIN. Mr. President, with the authority of the majority of the full committee, I withdraw the two committee amendments.

The PRESIDING OFFICER. The amendments are withdrawn.

So the committee amendments were withdrawn.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:27 p.m., recessed until Thursday, May 6, 1993, at 9 a.m.

EXTENSIONS OF REMARKS

FAMILY CAREGIVER SUPPORT ACT OF 1993

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. LEVIN. Mr. Speaker, today I am reintroducing the Family Caregiver Support Act, legislation to support the caregiving efforts of the family members of the estimated 2.4 million individuals with functional limitations who could not otherwise remain at home. Joining me in introducing this bill are Mr. MARKEY and Mr. LEWIS of Georgia. Mr. BRADLEY is introducing similar legislation in the Senate.

Family caregivers provide the majority of community based long-term care for their loved ones. They do so willingly and without pay, but at tremendous physical and emotional costs.

Study after study has documented the toll that caregiving takes on family members—mostly mid-life and older women, who take on this job. More than one-third of caregivers are over age 65 and 10 percent are over age 75. They perform an intimate and unrelenting task which can continue for years, and which wears the caregivers down both in obvious and hidden ways. Caregivers suffer disproportionately from lowered immune function, depression, exhaustion, and stress-related illness and injury.

According to the Alzheimer's Association, it would cost an estimated $54 billion to replace these family caregivers with formal paid care. The cost in human terms is immeasurable. If we do not help families to continue the job they are doing, and want to do, the current voluntary patchwork system will disintegrate. Caregivers overwhelmingly report that what they need most is respite—a little time off from the constant demands of care.

The Family Caregivers Support Act is supported by the Alzheimer's Association, the Older Women's League, and organizations representing persons with physical and mental limitations. The legislation is based upon successful community based programs which have been able to piece together voluntary, private, and scarce public resources to offer limited help to families in need.

In Michigan for example, the Detroit Area Chapter of the Alzheimer's Association operates a respite care program which serves $200 families in the greater Detroit area. By joining foundation grants, State funds, volunteer services, and fees paid by families on a sliding scale, the association is able to provide enough assistance to keep families going.

Examples of how this program is helping families includes:

An 80-year old woman cares for her husband who has Alzheimer's disease. Both the woman and her husband are Holocaust survivors. Her husband is reliving his experiences through hallucinations brought on by Alzheimer's—an emotional nightmare that adds to the unrelenting physical demands of his care. The respite program gives this woman a chance to get away, to regroup, for 4 hours once a week, when a trained companion comes to her house to take over for her.

Two young men are caring for their mother who has Alzheimer's disease. They both work full time. Through the respite program, their mother goes to a day care program 1 day a week, and has a companion at home for 4 hours once a week. With this minimal help, and by working alternate shifts, they are able to keep their mother at home.

A young mother of elementary school age children has been caring for her mother, who is in her fifties and has Alzheimer's disease, along with her frail grandmother. The respite program has provided her enough day care and in-home help to keep her mother at home for over 3 years.

This modest program is a lifeline for the families it serves. Unfortunately, it only scratches the surface. There are over twice as many families on the waiting list than are currently being served.

The needs are great and the available resources small. I have personally met with family members who are in severe need of help to care for their loved ones disabled by many different conditions, and these families cannot find the help they need. In many parts of Michigan, and across the country, there are no programs at all—not even a waiting list to sign. The Family Caregiver Support Act is designed to fill that void.

The Family Caregiver Support Act is not the complete answer to long-term care. Many Americans do not even have family caregivers—others could live independently with some support, or need more care than their families can provide even with limited outside assistance. This legislation starts with the most economical, the most caring, and the most practical approach, and for millions of American families, it is what they need to keep going.

Mr. Speaker, I request that a summary and text of the bill be included in the RECORD following my remarks.

SUMMARY: THE FAMILY CAREGIVER SUPPORT ACT OF 1993

The Family Caregiver Support Act of 1993 addresses the long-term care needs of individuals with functional limitations through state administered respite care programs supporting a flexible variety of respite services. For the elderly spouse of someone with Alzheimer's disease, this might mean an hour or two a week to attend to personal needs; for the mother of a severely disabled child this might include a couple of hours of day care to allow time and attention to other children in the family. Other service options include companion services, temporary care in a hospital, nursing home or community center.

ELIGIBILITY

A person with functional limitations is:

(1) An individual age 18 or over who, without substantial human assistance or supervision, cannot perform at least 3 out of 5 Activities of Daily Living (ADL); or

(2) An individual age 18 or over who needs substantial human assistance or supervision because of cognitive or other mental impairment which impedes ability to function or causes behaviors that pose a serious health or safety hazard to the individual or others; or

(3) A child who is receiving SSI disability payments or would be eligible for such payments but for SSI income or resource limitations.

A caregiver is a spouse, parent, child, relative or other person who has primary responsibility for providing care for an individual with functional limitations, does not receive financial renumeration for the care provided, and has provided care for a period of at least three months.

Services are available without cost for a functionally impaired person with income below 200% of poverty, and on a sliding scale for persons with incomes above 200% of poverty and less than $75,000.

SERVICES

An eligible person is entitled to a maximum of $2,400 of services per year.

Services may be provided on an hourly, daily, or overnight basis, according to an individual service plan based on an assessment of the caregiver and care recipient's particular needs.

Services include: companion services, homemaker services, personal assistance, community day services, temporary care in a licensed or accredited facility, and other services specified by the state. Services may not duplicate or supplant those available under Medicare, Medicaid, or private insurance.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Caregiver Support Act of 1993".

SEC. 2. FAMILY CAREGIVER SUPPORT PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—GRANTS TO STATES FOR FAMILY CAREGIVER SUPPORT PROGRAMS

"PURPOSE OF TITLE; AUTHORIZATION OF APPROPRIATIONS

"SEC. 2101. For the purpose of enabling each State to furnish services to support informal caregivers of individuals with functional limitations by providing services designed to facilitate and strengthen informal support systems to help maintain individuals with functional limitations within the community, there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

had approved by the Secretary, State plans for family caregiver support services.

“STATE PLANS FOR FAMILY CAREGIVER SUPPORT SERVICES

“SEC. 2102. A State plan for family caregiver support services must—

“(1) provide that it shall be in effect in all political subdivisions of the State, and if administered by them, be mandatory upon them;

“(2) provide for financial participation by the State equal to not less than 50 percent of the administrative costs of operating the program in the State;

“(3) provide either for the establishment or designation of a single State agency or agencies (such agency may be the same agency established or designated under section 1902 of this Act) to administer or supervise the administration of the plan in coordination with home and community-based services provided under title XIX of this Act;

“(4) describe the steps that will be taken to ensure that all State government agencies responsible for the provision of family caregiver support services funded under this title with other Federal or State agencies or both on behalf of individuals with functional limitations and their caregivers shall be included in the development of the State plan so that all such services are coordinated with all other types of services and benefits such individuals and their caregivers may be receiving (or are eligible to receive);

“(5) describe the steps to be taken to ensure equitable access to family caregiver support services funded under this title for individuals of all ages with functional limitations and their caregivers, including individuals who have cognitive, mental, developmental, physical, sensory, or other impairments that meet the criteria of section 2104(b)(1);

“(6) describe the manner in which family caregiver support services funded under this title will be organized, delivered, and coordinated, statewide and within the various localities of the State, in order to achieve the objectives specified in subparagraphs (4) and (5) of this subsection;

“(7) specify the procedures used in notifying and obtaining input on the contents of the State plan from non-governmental organizations and individuals with an interest in the welfare of individuals with functional limitations;

“(8) provide that the State agency or agencies—

“(A) make a determination of the need for family caregiver support services for the individual with functional limitations;

“(B) establish quality assurance for the delivery of family caregiver support services, including evaluation of individual and family satisfaction with the services provided;

“(C) establish a family caregiver support plan for each individual with functional limitations for services under this title, and provide for periodic review and revision as necessary; and

“(D) establish reimbursement levels for family caregiver support services;

“(9) provide that family caregiver support services funded under this title to an individual with functional limitations shall not supplant services otherwise provided to such individual for which such individual is eligible under titles XVIII or XIX of this Act or under any other public or private program;

“(10) provide—

“(A) that no copayment shall be required for individuals with functional limitations with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981); and

“(B) that a copayment shall be required on a sliding scale basis (as determined by the State) for individuals with functional limitations with incomes in excess of 200 percent of such income line; and

“(11) provide for making family caregiver support services available, including at least the care and services described in paragraphs (1) through (4) of section 2104(a) to all individuals with functional limitations.

“PAYMENT TO STATES

“SEC. 2103. (a)(1) The Secretary (except as otherwise provided in this section) shall pay to each State which has a plan approved under this title, for each quarter, beginning with the quarter commencing January 1, 1994—

“(A) an amount equal to 100 percent of the total amount expended during such quarter as family caregiver support services under the State plan subject to the applicable Federal payment limitation described in paragraph (2); and

“(B) an amount equal to 50 percent of so much of the sums expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan (including costs of needs determination and care planning).

“(2)(A) The applicable Federal payment limitation described in this paragraph is $2,400 per calendar year per individual with functional limitations, reduced by the offset, if any, described in subparagraph (B).

“(B) The total Federal payment to any State for each individual with functional limitations for a calendar year shall be reduced by the amount of any copayment paid by such an individual for family caregiver support services funded under this title in accordance with paragraph (10) of section 2102.

“(b) No payment shall be made under this title with respect to any amount expended for family caregiver support services in a calendar quarter for any individual with functional limitations with an income in excess of $75,000 per year.

“DEFINITIONS

“SEC. 2104. (a) For purposes of this title, the term ‘family caregiver support services’ means care and services in the home, or in the community, provided on a temporary, short term, intermittent, or emergency basis to support a caregiver in caring for an individual with functional limitations, including—

“(1) companion services;

“(2) homemaker services;

“(3) personal assistance;

“(4) day services in the community;

“(5) temporary care in accredited or licensed facilities (admission to a hospital or nursing home for out-of-home care for a brief stay); and

“(6) such other services, as specified in the State plan.

“(b)(1) For purposes of this title, an ‘individual with functional limitations’—

“(A) is an individual 18 years of age or over who—

“(i) cannot perform (without substantial human assistance, including supervision) at least 3 of the activities of daily living described in subparagraphs (A) through (E) of paragraph (2); or

“(ii) needs substantial human assistance or supervision because of cognitive or other mental impairment that—

“(I) impedes ability to function; or

“(II) causes behavior that poses a serious health or safety hazard to such individual or others; or

“(B) is a child who is receiving disability payments, or would be eligible for such payments, but for the income or resource limitations considered for determining eligibility under title XVI of this Act.

“(2) The activities of daily living described in this paragraph are—

“(A) toileting;

“(B) eating;

“(C) transferring;

“(D) dressing; and

“(E) bathing.

“(c) For purposes of this title, the term ‘caregiver’ means a spouse, parent, child, relative or other person who—

“(A) has primary responsibility (as defined by the Secretary) of providing care for one individual with functional limitations;

“(B) does not receive financial remuneration for providing such care for such individual; and

“(C) who has provided such care to such individual for a period of not less than 3 months.

“(d) For purposes of this title, the term ‘family caregiver support plan’ means a written plan, developed in cooperation with the caregiver and the individual with functional limitations to reflect their choices and preferences for the type, frequency, and duration of family caregiver support services to be provided under the plan.

“MAINTENANCE OF EFFORT

“SEC. 2105. States receiving payments under section 2103 must maintain current levels of funding for family caregiver support services to individuals with functional limitations and their caregivers in order to be eligible to continue to receive payments for such services under this title.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to services furnished on or after January 1, 1994.

CAROLINE STAHLBUSH RETIRES AFTER 28 YEARS OF OUTSTANDING SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SOLOMON. Mr. Speaker, I judge a person by how much he or she gives back to her community, and by that standard, Caroline Pultz Stahlbush of Claverack, NY, is an outstanding American.

Mrs. Stahlbush is retiring after 28 years of service as Claverack town clerk. But her service in that post only tells part of the story. I would like to say a few words about the rest of the story.

She comes from one of the oldest and finest families in the area. Born on a farm in Columbia County, she used to walk 2 miles to a 1-room schoolhouse, and every day in the summer she delivered milk by horse and wagon to the nearby Borden processing plant.

She eventually married Victor Stahlbush, and from early in her life began a habit of civic involvement that she never lost. She was involved with Ghent Lutheran Church and, after moving to Philmont, the Philmont Reformed

Church. At Philmont, she was active in the sewing group and ladies aid society, and taught Sunday School.

Caroline Stahlbush played an important role in creating a hot lunch program at Philmont Union School, where she served as president of the PTA.

She followed her husband to Niagara Falls during World War II, but returned to Columbia County and resumed her heavy civic involvement. She was a matron with the Eastern Star, Ames Chapter, and participated in the Masonic Blood Bank Program. She also joined the Mellenville Grange and the Henry Hudson Chapter of the Daughters of the American Revolution.

In 1965, when her husband was no longer able to perform heavy construction work, and when town clerk, Kathryn Hamm, died, Caroline Stahlbush applied for the position. She served in that position with distinction for 28 years. At the same time, she was active in town and county Republican affairs and became an original member of the Town Clerks Association.

Her retirement plans include spending more time with her family, daughter, Florence, grandson, Clinton Mossman, Jr., and his wife, Lori, and great-grandsons, Brandon and Aaron. She also hopes to remain active in Claverack Senior Citizens.

Whatever her plans, we can all wish her well. She has not only been a pillar of her community, but one of the finest public servants I've ever known.

That is why, Mr. Speaker, I proudly ask you and all Members of this House to rise with me in tribute to Caroline Pultz Stahlbush, a great lady who has never held back when it comes to giving of herself to her community.

DANIEL J. MARTINSON, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of Michigan. Mr. Speaker, it is indeed an honor to extend public commendation to Daniel J. Martinson of Coldwater, MI, in recognition of his exemplary achievements in leadership and scholarship. His outstanding accomplishments at Coldwater High School and in his community have earned for him the high accolade of receiving a 1993 LeGrand Smith Scholarship.

A member of the National Honor Society, Daniel has wide-ranging academic and athletic interests and has earned the Citizen of the Year Award from the Daughters of the American Revolution, the "I Dare You" Leadership Award, and numerous academic letter awards. Curious about how this and other lands are governed, he has been a representative in a model United Nations and participated in the "We the People" competition on the Bill of Rights. Outside of school, Daniel has been active in community youth activities as well as volunteer work with his church. Daniel is a remarkable young man, and one from whom we might all take inspiration as a fine leader for tomorrow.

In being named as a winner of a LeGrand Smith Scholarship, Daniel is being honored for demonstrating that same generosity of spirit, depth of intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith (1908–70) of Somerset, MI.

Therefore, I am pleased to honor Daniel J. Martinson for his selection as a winner of a LeGrand Smith Scholarship. May his future years be guided and supported by the success, respect, and pride, that he has already earned for his hard work, enthusiasm, and leadership.

BANKRUPTCY INFLATION ADJUSTMENT AMENDMENTS OF 1993

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. EDWARDS of California. Mr. Speaker, today I am introducing legislation which would update several key provisions of the Bankruptcy Code. The Bankruptcy Inflation Adjustment Amendments of 1993 would mandate an adjustment in the dollar limits in the code to reflect the impact of inflation on our economy.

The rationale for this legislation is simple. The Bankruptcy Code was enacted in 1978 and since that time, the inflation rate has exceeded 100 percent. Since no changes in any of the dollar amounts have occurred since the code's enactment, these figures are now completely out of date.

The need for an inflation adjustment can perhaps be demonstrated most clearly in cases involving chapter 13 reorganization. Currently, to file a chapter 13 petition, a debtor must have debts not exceeding $350,000. That debt limit made sense in 1978, but today, the balance on the debtor's mortgage alone, as in parts of my district in Silicon Valley, can be enough to keep the debtor out of chapter 13 and force him or her into chapter 7 liquidation.

The second part of this legislation is also long overdue. The Bankruptcy Inflation Adjustment Act provides for an adjustment every 5 years of the dollar amounts in the code based on changes in the Consumer Price Index. This periodic adjustment provision would make certain that the Bankruptcy Code continues to protect creditors and debtors in the same way that Congress intended when it adopted the code in 1978. As a result, debtors and creditors would no longer have to wait for congressional action to update the code.

Mr. Speaker, the Bankruptcy Inflation Adjustment Act of 1993 is a technical measure which ensures that the Bankruptcy Code can adjust to the economic conditions of the 1990's and beyond. I urge my colleagues to support this measure.

TRIBUTE TO DR. JULIA DAVIS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. CLAY. Mr. Speaker, I would like to share the following article about Dr. Julia Davis, a former teacher from my district, who remained active in education until her death at age 101, 21 years after her formal retirement. I offer Dr. Davis' story as an illustration of the dedication and commitment our teachers have to educating the future leaders of America.

The article appeared in the April 27, 1993, edition of the St. Louis Post-Dispatch.

JULIA DAVIS DIES; TEACHER AND HISTORIAN

(By Harry Levins)

Dr. Julia Davis, a nationally known pioneer in the teaching of black history, died Monday (April 26, 1993) at Incarnate Word Hospital. She was 101 and had lived independently until recently in her home in St. Louis.

She taught in the city's public schools for 48 years. Well past retirement, at age 80, Dr. Davis helped to shape the city system's formal curriculum for the teaching of black history—a passion that began in her childhood in St. Louis.

"I began my interest at home," she told an interviewer in 1968, "reading my father's scrapbook, made up of pictures and clippings from papers and books." Through her years as a teacher, she made sure that her seventh- and eighth-graders knew about the accomplishments of blacks.

"The Negro has been overlooked in history," she said—but not in her classrooms, and not at the St. Louis Library, where she set up the Julia Davis Fund with her own money.

The library used the money to amass the Julia Davis Collection—2,720 volumes on blacks, their achievements and their contributions to society. The library describes it as "a major research collection."

In 1974, to honor her services, the library opened the Julia Davis Branch, with 18,000 volumes in 10,000 square feet of rented space at 4666 Natural Bridge Avenue. Over the years, the branch outgrew the space.

Two months ago, the new Julia Davis Branch opened at 4415 Natural Bridge, with 50,000 volumes in 15,000 new square feet of space.

Never before had the library system named a branch for a living person.

Dr. Davis spent most of her teaching career at Simmons Elementary School, 4318 St. Louis Avenue. The youngsters she taught never forgot her.

One was Chuck Berry, the rock 'n' roll pioneer. On the occasion of Dr. Davis' 100th birthday, in November 1991, Berry said, "She's a Baptist, but she was like a Catholic nun in the classroom. She taught in the avenue of perfection. We tried to come close."

Another was Henry Givens, now the president of Harris-Stowe State College. Back when he was principal of Douglass School in Webster Groves, he introduced Dr. Davis to his pupils in the gym as "my old teacher."

That remark sparked mock outrage in Dr. Davis, a peppery woman. She stood up, told Givens and the pupils, "Young man, young people, I am not as old as he is"—and put her wiry, 5-foot, 6-inch frame through a cartwheel on the gym floor.

At the time, she was 77 years old.

Dr. Davis retired from teaching, in the formal sense, in 1961. But she remained a teacher in almost everything she did. For example, she had a reputation as a teacher and nurturer of black ministers at Central Baptist Church, 2843 Washington Avenue, her spiritual home since 1903.

The current pastor, the Rev. Ronald Paknett, said Dr. Davis "saw the supporting of the legacy of this church as primary."

The church attracts a solid following of middle-class blacks, some of whom drive in from far off in the suburbs. For years, it had a reputation as a solemn, staid church. But in the past decade, the church has moved—not without some dispute—toward a more spontaneous form of worship.

Dr. Davis helped to smooth the turmoil, Packnett said. "She was a peacemaker," he said, "a bridge between this church's traditions and the opportunities of the future."

When she died, she was still Central Baptist's historian. "I can't say for sure when she started," Packnett said, "but she's mentioned as the historian in a church history she helped to get printed in 1927."

In the classroom, Dr. Davis had little patience with those who failed to do their work. In retirement, she had little patience with those who sought to publicize her own work.

As she neared 100 in November 1991, she turned away would-be interviewers. Asked why, she said, "Because I am an old lady, and anything that anybody wants to know about me is in the library or in newspaper clips."

Still, nobody who knew Dr. Davis called her taciturn. In accepting an award from the St. Louis Public Library in 1989, when she was 97, she said:

"I'm sure you're saying that at my age, you're old enough to say 'Amen' and sit down. Well, I can't do that. There's too much work to be done."

Her title of "Doctor" derived from honorary degrees given to her by the University of Missouri at St. Louis and by Harris-Stowe, the successor to her alma mater, the old Stowe Teachers College. She went to Stowe after graduating from Dumas Elementary School and then from Sumner High School, which had a special place in her heart for the rest of her life.

Dr. Davis got her master's degree from the University of Iowa and did graduate work at Lincoln University, Boston University, Northwestern, Syracuse, St. Louis University and New York University.

She wrote five monographs on black history that were published by the St. Louis school system for use by students or teachers. Dr. Davis amassed a variety of honors and awards from such groups as the Urban League and the Human Development Corporation.

Her only child, John Buckner, died in 1977; he had once been principal of her beloved Sumner. Dr. Davis' closest survivors are two nieces, Josephine Harris and Miriam Wheeler, both of St. Louis, and two nephews, John W. Davis of Pagedale and William Huggins of St. Louis.

CORRECTIONS OFFICERS AT COXSACKIE TYPICAL OF DEDICATED PROFESSIONALS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SOLOMON. Mr. Speaker, in February, I had the privilege of touring the Coxsackie Correctional Facility in our 22d Congressional District.

I was quite impressed, and today, I'd like to tell you why.

The recent inmate violence in the southern Ohio prison served as a reminder of the sacrifices we ask our corrections officers to make.

In this day and age we probably put too much emphasis on the rights of criminals and not enough on those of victims. Least of all are the rights of corrections officers being promoted or guarded by any public advocacy group, or by the public at large. Part of that is because they are not as visible as other professionals in the law enforcement field, such as officers in municipal police departments or State troopers.

On a daily basis, our corrections officers work with the most incorrigible, hardened criminals. It is, quite simply, one of the most dangerous of professions. And every bit of recognition they get is deserved. They certainly have my admiration, especially after my tour and talks with the corrections officers of local 1264, council 82 at Coxsackie.

The color guard from Coxsackie is attending the funeral of a correction officer killed in the Ohio riot. There is a great deal of solidarity across the country in this fraternity of proud and dedicated professionals.

I will not be able to attend another tour on May 13, when a luncheon and other ceremonies will take place. That is why, Mr. Speaker, I would ask all Members of this House to rise and join me for our own overdue tribute to local 1264 and to the corrections officers of America. We ask them to do an impossible job. Let's let them know we appreciate how well they do it.

TRIBUTE TO ALL LeGRAND SMITH SCHOLARSHIP FINALISTS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of Michigan. Mr. Speaker, it is a sincere pleasure to recognize the finalists of the LeGrand Smith scholarship contest. This special honor is appropriate tribute to the academic accomplishment, demonstration of leadership and responsibility, and commitment to social involvement displayed by this remarkable young adult. We all have reason to celebrate their success, for it is in their promising and capable hands that our future rests.

The finalists of the LeGrand Smith scholarship contest are being honored for showing the same generosity of spirit, depth of intelligence, and capacity for human service that distinguished the late LeGrand Smith (1908–1970) of Somerset, MI. They are young men and women of character, ambition, and initiative, who have already learned well the value of hard work, discipline, and commitment.

These exceptional students have consistently displayed their dedication, intelligence, and concern throughout their high school experience. They are people who stand out among their peers due to their many achievements and the disciplined manner in which they meet challenges. While they have already accomplished a great deal, these young people possess unlimited potential, for they have learned the keys to success in any endeavor. We proudly honor the teachers, family members, and friends who have had a positive influence on the lives of these young leaders.

As a Member of the Congress of the United States of America, I am proud to join with the many admirers in extending our highest praise and congratulations to Krista Watson, Kendra Schaadt, Andrew Brown, Johannes Zinser, Stacey Sober, Philip Wahtola, Amy Macrellis, Wendy Stimer, Charles Hunt, Amy D'Lynn Lamoreaux, Long Thanh Tran, Jason Salsbury, Penny Kroa, Angela Merrill, and Amy Jo Partin, as finalists of the LeGrand Smith scholarship competition.

A TRIBUTE TO CARMEN ORECHIO

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to a cherished friend, the mayor of Nutley, NJ, Mr. Carmen Orechio. This hardworking and dedicated humanitarian has selflessly served the State of New Jersey for more than 25 years.

On May 4, 1993, Mayor Orechio will become the 21st recipient of the distinguished Dr. Virginius D. Mattia Public Service Award. This award is given annually to a member of our community who has demonstrated outstanding voluntarism and community service.

Mayor Orechio has been an exemplary role model. The children of our area love him because he was the force behind the creation of Nutley's Midget League Football Program. The seniors adore him because he started the senior citizen transportation system, a program he was so dedicated to that he actually drove the bus himself to guarantee its success. The general public has been impressed by him because of his very active service on the United Hospital Medical Center's board of trustees.

In order to better help his community, especially the disabled and downtrodden, Mayor Orechio threw his hat in the political ring. He began serving the public when he was elected to the Nutley Board of Commissioners. Mayor Orechio also served in the New Jersey State Senate as Senate President and, occasionally, as acting-Governor. Through Orechio's influence in the State legislature, he was able to demonstrate the need for group homes for the mentally retarded. Mayor Orechio takes health care and the environment extremely seriously and he tirelessly works toward solving the problems associated with these two issues that often plague our communities.

Mr. Speaker, I am honored to have Mayor Orechio dedicating so much time and effort for the betterment of our community, especially for those that are less fortunate. I would like to thank Mayor Orechio for serving the community of Nutley, and the entire State of New Jersey, for more than 25 years. Mayor Carmen Orechio deserves to be the recipient of this prestigious award, and I congratulate him for all of his remarkable achievements.

INTRODUCTION OF THE RURAL COMMUNITY WATER POLLUTION CONTROL ASSISTANCE ACT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Ms. LONG. Mr. Speaker, today I will be introducing the Rural Community Water Pollution Control Assistance Act, legislation to amend the Federal Water Pollution Control Act—Clean Water Act—to provide small, rural communities the means to adequately address their local water quality needs by helping them to more effectively finance the construction and maintenance of federally mandated wastewater treatment facilities. First, I sincerely thank the gentleman from Illinois, Mr. EWING, who is an original cosponsor of this measure, for his helpful assistance in piecing this legislation together.

The Clean Water Act is a landmark measure that has been instrumental in improving the quality of our waters in both urban and rural areas. I wholeheartedly support the intent of the act and the State revolving fund [SRF] concept—a revolving loan program established in the 1987 amendments with the intended purpose of providing an unending source of State revenue for wastewater treatment construction. However, despite the good, economically feasible intentions of the SRF, the available funds not only remain in short supply, but are still not finding their way down to the small, rural communities.

Mr. Speaker, our Nation's clean water needs are expanding while our existing clean water infrastructure continues to deteriorate. A 1988 Environmental Protection Agency [EPA] study—the most recent study on clean water needs—estimated that by the year 2008, $80 billion will be needed for wastewater treatment construction. Others have estimated a level closer to $110 billion. While these figures are quite significant, the needs of rural communities throughout this Nation are proportionately even more staggering.

What is also disturbing is that at the time of the 1988 target for secondary treatment compliance, 80 percent of the communities that did not fall into compliance were communities with populations of less than 10,000, according to the EPA. However, while the General Accounting Office [GAO] indicated in a 1992 study that SRF's have been more effective in providing additional assistance to these smaller communities than the previous title II grant program, nevertheless, a large majority of the communities that still have not fallen into compliance remain those same towns of less than 10,000 people.

Meanwhile, these communities must meet compliance deadlines, and are forced to pay penalties for noncompliance. Ironically, however, they find themselves unable to gain access to affordable financing to take the necessary steps to meet compliance regulations—in this case, constructing needed wastewater treatment facilities. Meanwhile, the estimated $13 billion or more in wastewater facility needs in rural communities continue to grow.

Finding solutions to our current clean water financing mechanism, as well as determining future clean water needs, while taking into account our Nation's dire budgetary condition, has proven to be an arduous task, but improvements can and must be made. I am confident that this legislation will yield improvements in relation to these problems by providing practical steps toward solving many of the problems faced by small, rural communities, while maintaining a healthy environment for all Americans in the future.

Mr. Speaker, this legislation provides small, rural communities with the resources, the expertise, and the financial flexibility necessary to complete the process required to effectively compete for available funding. The legislation also provides small communities access to the financing and technical know-how necessary to construct needed wastewater facilities now and in the future by creating constructive and innovative approaches within the existing financing framework. While refraining from enacting future laws which apply "one-size fits all" mandates on communities of varying sizes, with unique problems and solutions, this legislation promotes effective and cost-efficient ways to tackle our pressing clean water needs by instituting "bottom-to-top" approaches to carry out Federal programs.

The first approach proposes to make wastewater treatment construction financing more flexible, giving small communities more of a chance to find alternative, less costly, and environmentally sound wastewater treatment facility designs while providing more access to State SRF's. These provisions would give the States the discretion to extend, for rural communities, the federally mandated loan repayment period, the time period before principal and interest payments commence, and the time period when loans are to be fully amortized.

Mr. Speaker, in rural areas there is much greater land space per resident where wastewater treatment facilities are less likely to pose an inconvenience to its users. Taken together with the low population density of such areas, these factors may permit the development of facility alternatives which are less technologically advanced, less costly, and have longer design lives. The provisions mentioned above recognizes these unique characteristics, giving States the flexibility to prescribe financial remedies that are responsive to communities' individual needs toward the improvement of the quality of their local water resources.

In addition, in order to further ensure that small, rural communities can effectively compete for SRF assistance, and to address the current inequity in small communities' lack of access to SRF financing, this legislation would require States to establish an account, to be capitalized from a portion of their SRF, to be dedicated to small, rural communities for wastewater treatment facility construction activity.

Mr. Speaker, rural communities also find it difficult in obtaining funding because they are unfamiliar with the process necessary to obtain an SRF loan and unable to formulate a concrete design, engineering, and management plan for a proposed wastewater treatment facility due to a lack of expertise, technical know-how, and specialization. On the other hand, a typical urban center often has its own legion of economic specialists and expert designers and engineers.

To make up for rural communities limited resources, and to ensure that both accessibility and flexibility are achieved, while keeping in mind our national clean water goals, a small portion of a State's SRF would be used to fund a technical assistance program to be dedicated to small, rural communities. This program, to be administered by the States, would provide assistance and guidance to rural communities with financial management, budgeting, planning, and development of funding to further enhance their ability of considering available facility options. The technical assistance program also seeks to ensure that information would be available for wastewater facility managers during the operation of a facility to facilitate the most cost-effective facility operation with regard to maintenance requirements, repairs, management restructuring, and other improvements.

Mr. Speaker, for far too long, small rural communities have been placed at a distinct disadvantage when trying to obtain assistance from SRF's to use for constructing wastewater treatment facilities. Needless to say, these communities are eager to take the necessary steps to ensure the future health of the environment. While these proposals collectively will not be a panacea to the funding disparity between large and small communities, I am confident that they will significantly improve a small community's ability to more effectively compete for available assistance, maintain a cost-efficient facility, and improve its local environment, while adding nothing to our Nation's budget deficit.

In the interests of promoting the future health of our environment, mitigating the increased costs associated with further delays in the allocation of funding for these purposes, and providing remedies to the current inequity in the SRF financing system, I am hopeful that my colleagues will find this proposal worthy of their support.

REPAIRS OF U.S. NAVY VESSELS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. CUNNINGHAM. Mr. Speaker, I am introducing legislation today to insure that U.S. shipyards have the primary responsibility for the repair, maintenance, and overhaul of U.S. Navy vessels.

Currently, 10 U.S.C. 7309 states that all Navy ships homeported in the United States must be repaired in the United States. Implied in this language is that ships homeported overseas may be repaired overseas. The law also states that emergency or voyage repair may be done wherever necessary, whether in a foreign or a domestic shipyard. My legislation does not modify this second provision.

My bill simply deletes the words "homeported in the United States" from the law. Under my legislation, the Navy must do all regular maintenance and repair work in a U.S. shipyard, except for emergency and voyage repair.

Why is this legislation necessary? First and foremost, the ship repair industry is on the verge of economic collapse. Between the decline in the domestic merchant marine, continued unfair trading practices and foreign shipyard subsidies, and proposed cuts in the Navy to a fleet of perhaps 320 ships, there is not enough work to save this industry from extinction.

For many years, the United States has operated shipyards in Japan, principally at Yokosuka. At the height of the cold war, with the conflicts in Korea and Vietnam, this was a sound policy. But today, we have the absurd situation of the U.S. Navy assigning so much work to Yokosuka that it is forced to subcontract repair to private Japanese shipyards. This is happening while U.S. workers are being laid off.

The Yokosuka shipyard cannot handle the workload. A Navy document stated that although the historic workload at Yokosuka is around 253,000 man-days per year, the Navy projects 400,000 man-days per year in fiscal years 1993, 1994, and 1995. The excess which cannot be handled will go to private Japanese shipyards. I stress, this is not emergency work. This is routine maintenance and overhaul work.

The problem, although most acute in Japan, is not limited to that country. After the closure of the Subic Bay base in the Philippines, the United States signed a new agreement with Singapore to allow Navy ships to berth and repair there. Now, again, I have no objection to doing emergency repairs in Singapore or anywhere else. But an April 1 article in Inside the Navy reported that Singapore Shipbuilding and Engineering and several other firms have signed a deal to jointly bid on U.S. Navy work. The current law would allow these shipyards to bid on and win routine maintenance contracts on American Navy ships.

A 1992 report by the General Accounting Office concluded that the Navy had not followed repeated congressional directives to limit overseas maintenance. Indeed, Congress has acted in 1984, 1985, 1987, and 1988 to refine the law, but the problem remains. I believe this legislation will help the struggling shipyards of America and is in keeping with previous congressional efforts to limit overseas ship repair.

This week, I met with a number of shipyard owners. Many of them told me that they don't need or want defense conversion assistance—they need ship repair contracts. By bringing these Government contracts home from overseas, we can provide those contracts and preserve some high wage, high skill jobs. Common sense tells us that we ought to competitively bid that work in the United States.

Mr. Speaker, I urge my colleagues to join me in this effort by cosponsoring this legislation.

A TRIBUTE TO CLARENCE BLAKESLEE

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. HENRY. Mr. Speaker, I call to your attention today the many years of dedicated community service of Clarence Blakeslee, of Rockford, MI.

Few people are ever able to give to their community the way Clarence has.

He served his country in World War II, and authored a book on his experience during the Battle of the Bulge.

He built a successful family business in Rockford, and then went on to serve as city commissioner and mayor. From 1980 through 1984 he was a member of the Kent County Board of Commissioners.

Folks know him as Uncle Clarence. They also know him for his ever-present camera. Clarence has chronicled just about every important event in our community for as long as I can remember.

Throughout my public career, Mr. Speaker, Clarence Blakeslee's photographs have captured the memories I hold dear today.

As you know, it is easy to become caught up in the fray of activity here in Washington or back home and not take the time to reflect.

I can tell you, though, that thanks to my "Blakeslee Album," I have always been able to look back warmly on the many good things our community has accomplished.

Thanks to his interest and dedication, Clarence Blakeslee has set the prime example for community service in west Michigan.

A RESOLUTION OF THE NEBRASKA UNICAMERAL LEGISLATURE

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. HOAGLAND. Mr. Speaker, I would like to submit for the RECORD the following resolution adopted by the Nebraska Unicameral Legislature.

NINETY-THIRD LEGISLATURE, FIRST SESSION

LEGISLATIVE RESOLUTION 25

Introduced by Coordsen, 32; Preister, 5.

Committee: Government, Military and Veterans Affairs.

Whereas, there are at least 2,273 American service personnel and civilians who have yet to be accounted for in southeast Asia as a result of the aftermath of the war in Vietnam and southeast Asia; and

Whereas, twenty-one of those unaccounted for in southeast Asia are Nebraskans whose names, hometowns, branch of service, and date of capture or loss follow:

Gerald M. Biber, Benkelman, Army, April 22, 1961.

Delmar G. Booze, Papillion, Marine Corps, January 24, 1966.

Herbert O. Brennan, O'Neill, Air Force, November 26, 1967.

Richard D. Brenning, Lincoln, Navy, July 26, 1969.

Michael S. Confer, McCook, Navy, October 10, 1966.

Robert J. Cordova, Boystown, Navy, January 27, 1968.

Donald C. Grella, Laurel, Navy, December 28, 1965.

Harold Kahler, Lincoln, Air Force, June 14, 1969.

Larry G. Kier, Omaha, Army, May 6, 1970.

Michael L. Klingner, McCook, Air Force, April 6, 1970.

Paul G. Magers, Sidney, Army, June 1, 1971.

Larry J. Newman, North Platte, Air Force, June 18, 1972.

Howard Ogden, Jr., Omaha, Marine Corps, October 18, 1967.

Larry W. Robinson, Randolph, Marine Corps, January 5, 1970.

Thomas E. Scheurich, Norfolk, Navy, March 1, 1968.

Stanley K. Smiley, Sidney, Navy, July 20, 1969.

Doyle R. Sprick, Ft. Calhoun, Marine Corps, January 24, 1966.

Ronald D. Stafford, Oxford, Air Force, November 21, 1972.

Willie E. Stark, Omaha, Army, December 2, 1966.

Daniel W. Thomas, Danbury, Air Force, July 6, 1971.

Larry A. Zich, Lincoln, Army, April 3, 1972; and

Whereas, there is a body of credible evidence suggesting that live Americans or identifiable remains of Americans remain in southeast Asia; and

Whereas, the executive branch of the United States Government and the Congress of the United States have declared that resolution of this issue is of the "highest national priority"; and

Whereas, the agencies of the United States Government, including the Department of Defense and the Defense Intelligence Agency have had since the official termination of hostilities in May 1975 to resolve these issues; and

Whereas, the Department of Defense has created and maintained an unnecessary veil of secrecy and ignorance by classifying most of the available information concerning live sightings, status reports, and other data relating to those who are still missing, the declassification of which would not compromise resources, means, methods, and identities of intelligence operatives; and

Whereas, it would appear that by promulgating a classified plan referred to as a "road map for normalization of relations" between the United States, Laos, Cambodia, and Vietnam, the United States Government appears to be poised to "normalize" relations with those governments in spite of the unresolved issues concerning prisoners of war, those missing in action, and the repatriation of the remains of those Americans who made the ultimate sacrifice.

Now, therefore, be it Resolved by the Members of the ninety-third Legislature of Nebraska, first session: 1. That the Legislature urges the President of the United States, by executive order, to declassify information, data, and intelligence pertaining to all matters relative to these issues, except for that data or information which would reveal the means, methods, and identities of intelligence operatives.

2. That the Legislature urges that the respective branches of the armed services be

assigned to resolve these issues, that any and all remains returned in the future from southeast Asia be placed, for purposes of identification, with the Smithsonian Institution, Washington, D.C., and that during the process of normalization of relations with those countries of southeast Asia these issues are satisfactorily and adequately addressed.

3. That the Clerk of the Legislature forward a copy of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Nebraska in the Congress of the United States.

I, Patrick J. O'Donnell, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 25, which was passed by the Legislature of Nebraska in Ninety-third Legislature, First Session, on the twenty-seventh day of April, 1993.

INTERSTATE CHILD SUPPORT ACT OF 1993

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce the Interstate Child Support Act of 1993. This bill is designed to address the compelling—and complex—problems of interstate child support enforcement. It is legislation that will make a real difference in children's lives.

In an excellent article in a recent issue of Atlantic magazine, Barbara Dafoe Whitehead, the author, focuses our attention on the effect of one-parent households on the economic well-being of children. Children in single-parent households are six times as likely to be poor and to stay poor longer. Twenty-two percent of these children during their childhood will live in poverty for 7 years or more, as compared to 2 percent of children in two-parent households. One of the most effective things that we can do as legislators is encourage and ensure that child support payments are made consistently and timely.

I am sure that we have all heard about child support problems from our constituents. I know that this is a problem in my district and in Connecticut—and is a problem throughout the country.

Did you know that millions of children are not paid the child support they are owed? In 1989, this "deficit" was over $5 billion. The Census Bureau, based on a 1990 study, estimates that as much as $20 billion in delinquent child support is owed.

Did you know that only about half of custodial parents due support receive the full amount, while about 25 percent receive a partial payment and 25 percent receive no payments?

Did you know that about 4 out of 10 custodial parents do not have support orders?

Did you know that only $1 of every $10 of child support collected is from interstate cases although 3 out of every 10 cases are interstate cases?

I have been working on this legislation since 1984 and am proud to have authored the 1984 Child Support Enforcement Amendments, which set a new direction in assuring services to all children and aggressively seeking payment of support.

I was fortunate to have the opportunity to serve as a Commissioner on the U.S. Commission on Interstate Child Support, authorized by Congress to address specific problems of interstate cases.

I have served in the Congress for over 12 years and the experience of serving on the Commission has been one of the most rewarding experiences in my public service career. Participating in the public forums and debates of the Commission, I heard first-hand of the plight of children who do not receive adequate and consistently paid child support, and of custodial parents trying to support and keep their families together, often working two jobs just to meet their family's basic financial needs.

The Commission's report, issued last August, is comprehensive and its recommendations innovative, workable, and well-developed. My bill implements the majority of the Commission's recommendations, in addition to some additional provisions. I believe that this bill will be effective in increasing support payments to our children and helping our children receive these payments faster.

In general terms, my legislation calls for: Strengthening both the State and Federal programs; expanding computerized locate systems; strengthening enforcement mechanisms; establishing and clarifying State jurisdiction, and implementing the "one state-one order" principle; establishing voluntary, civil penalty consent programs; authorizing demonstration programs for an assurance system, for revised Federal payment formulas to States, and for the development of support order establishment outreach programs; and studying the feasibility of an employment program for noncustodial parents.

I have prepared a more detailed list of provisions which I ask to be entered into the RECORD.

I 'am gratified by the attention child support is finally receiving and look forward to working with the Administration on this critical issue. I ask my distinguished colleagues to join me in my efforts to give our children a more financially and emotionally secure childhood. We can't promise happiness to every child but we can act to ensure that noncustodial parents behave responsibly—that they acknowledge their children and pay their court-ordered child support. As one custodial parent testified last year, "Non-support is a crime against children, a crime which causes poverty." I ask you join me in supporting this legislation.

CONGRESSWOMAN BARBARA B. KENNELLY'S INTERSTATE CHILD SUPPORT ACT OF 1993 FACTSHEET

I. LOCATE AND CASE TRACKING

Expands access to automated state agency data bases.

Expands network by linking states through the Federal Parent Locate System.

Establishes a state registry of support orders and a national registry of abstracted information from these orders.

Establishes new hire W-4 process to report child support.

II. ESTABLISHMENT

Implements a one state-one order principle.

Establishes bases of jurisdiction over nonresidents to establish paternity and support orders and enforce orders.

Limits the modification of one state's orders by another.

Requires all courts to give full faith and credit to the terms of all support or parentage orders.

Sets up outreach demonstration program for support order establishment.

Designates some local legal assistance funds to help eligible custodial parents obtain support orders.

III. PARENTAGE

Requires states to develop a process for civil voluntary paternity acknowledgment.

Provides hospital-based paternity establishment outreach program.

Establishes thresholds of parentage, based on DNA testing.

Establishes paternity and support as a single action, with provision for temporary support.

IV. ENFORCEMENT

Requires that employers honor withholding notice of any state.

Denies issuance or renewal of state or federal occupational, business and professional licenses; vehicle registrations; or driver's licenses if noncustodial parent is subject to a warrant. Temporary licensing provisions are included.

Denies federal benefits, loans or loan guarantees, or federal employment if noncustodial parent has large arrearages.

Establishes liens on vehicle titles; attaches bank accounts, retirement accounts and life insurance policies; and seizes windfall payouts.

Calls for interest to be paid on arrearages.

Requires an IRS/GAO study of an annual reconciliation process to pay arrearages as part of the federal tax payment process.

Calls for the US to ratify the U N Treaty of 1956.

V. COLLECTION AND DISTRIBUTION

Sets out priority of distribution of arrearages.

Establishes one state-wide or region-wide point for collection, accounting and distribution of payments.

Encourages states to encourage parents to elect payment of support through the state IV-D agency.

VI. FEDERAL ROLE

Elevates child support function within Department of Health and Human Services.

Provides training assistance to states.

Requires staffing studies of state's caseloads, with results of the studies to be implemented by the states.

Authorizes demonstrations to look at federal funding methods to states.

Requires that over a five FY-period, federal incentive payments be reinvested by states in child support programs.

Authorizes five state-wide demonstrations to look at an assurance program.

VII. STATE ROLE

Sets out the mission and duties of each state IV-D agency.

Encourages states to set up Child Support Councils.

VIII. JOBS PROGRAM FOR NONCUSTODIAL PARENTS

Requires Department of Labor (DoL) to evaluate a jobs program for noncustodial parents, to be placed organizationally in DoL.

[Note: An indepth analysis of the Interstate Child Support Act of 1993 is available by calling Ranit Schmelzer at 202-225-2265.]

JULIE ANULEWICZ, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of Michigan. Mr. Speaker, I am honored to publicly recognize the outstanding accomplishments of Julie Anulewicz of Jackson, MI. Her exemplary achievements in leadership and scholarship at Michigan Center High School and in her community have earned for her a coveted 1993 LeGrand Smith Scholarship.

Julie Anulewicz is an exceptional student. A member of the National Honor Society, Julie has wide-ranging academic interests and has earned the Good Citizen Award from the Daughters of the American Revolution. She served as class president, student council representative, yearbook editor, and is a member of the social science academic team, English academic team, leadership forum, and prom committee.

These school activities would be more than enough to keep most people busy. Julie, however, also was active in the Yes for Youth Committee of Jackson and volunteered at the Lyle Torrant Center for Mentally and Physically Impaired.

In being named as a winner of a LeGrand Smith Scholarship, Julie Anulewicz is being honored for demonstrating that same generosity of spirit, depth of intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith—1908–70—of Somerset, MI.

Therefore, I am pleased to honor Julie Anulewicz for her selection as a winner of a LeGrand Smith Scholarship. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

MUNICIPAL LIABILITY AND SUPERFUND

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of New Jersey, today, the Energy and Commerce Subcommittee on Transportation and Hazardous Waste conducted a hear in exploring the issue of municipal liability in the Superfund toxic waste cleanup program. As author of two pieces of legislation aimed at resolving this growing problem which burdens taxpayers with disproportionate cleanup costs and threatens the Superfund Program itself, I commend the subcommittee for taking this issue to task.

Nearly 34,000 hazardous waste sites have been identified since the inception of the Superfund Program in 1980. Of those, remedial cleanups have been completed at only 148 spots and cleanup is in progress at an additional 442 spots. A large part of what is holding up prompt action at the remaining sites in the endless litigation which has made itself a part of the Superfund Program.

In June 1991, I took the first step toward clearing away this obstacle. Following extensive discussion with municipalities and school boards, I introduced the first bill to protect generators and transporters of everyday household garbage, or municipal solid waste [MSW], who are vulnerable to extensive lawsuits brought by industrial polluters. The Toxic Pollution Responsibility Act (H.R. 2767) would have closed the loophole in the Superfund law to protect taxpayers from third party litigation, restore the integrity of the Superfund Program, and help expedite the final cleanup. I have reintroduced this legislation this year as H.R. 540.

This year, I have also introduced legislation to cap total liability for generator and transporters of MSW at any given site at 4 percent. This good faith approach originated in the EPA's own internal guidelines created last summer, as well as similar language which passed in the Senate last year. Unfortunately, neither effort was successful in enacting the 4-percent formula.

Over the years, the EPA has been forced to concentrate more and more money and effort on its enforcement capabilities—pinning industrial polluters with increasing financial responsibility for cleanup. In fact, the fiscal year 1992, principal responsible parties [PRPs] did 72 percent of the new Superfund cleanup work. The industrial polluters, in turn, discovered that they could exploit the joint and several liability provisions of Superfund and pursue municipalities and school boards in third party litigation to recoup cleanup costs.

The polluters are trying to equate 1 ton of hazardous, toxic, chemical waste with 1 ton of municipal solid waste [MSW]-coffee grinds, batteries, and empty laundry detergent containers. This is clearly a case of apples and oranges and it is unfair.

Even the EPA recognized this inequity and in December 1989, promulgated the interim CERCLA municipal settlement policy which indicated that the EPA would not pursue municipalities and other individuals or entities which have done nothing more than generate or transport MSW. This did not, however, protect municipalities from the budget-breaking third party litigation.

The issue has particularly dire consequences for my State of New Jersey, which has the highest number of Superfund sites within its boundaries—103 of the 1,275 sites on the National Priorities List [NPL] of the most offensive hazardous waste sites. As of January, 163 local governments and 57 school boards were being sued by industrial polluters to contribute to cleanup costs.

Unlike the polluters named by the EPA as responsible parties because of their part in creating the mess, these municipalities and school boards are being punished for fulfilling the basic needs of their communities. In my district, for instance, the 884 residents of Roosevelt, NJ are being sued by industrial polluters for cleanup of the Lone Pine Landfill for $1 million. This is the settlement only; it doesn't touch upon the legal fees.

While full exemption for MSW generators and transporters remains the ultimate goal, the 4-percent municipal liability cap represents a positive step in the right direction. The tiny borough of Roosevelt, NJ mentioned above, would be liable for an estimated $46,200 using the 4-percent rule. This is clearly far less burdensome than the $1 million settlement which threatens them in a Superfund law devoid of protection.

Superfund was clearly established and reauthorized on the principle that the polluter pays. The Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] established a program by which the parties responsible for the hazardous waste sites would pay for cleanup. The tax-financed Superfund Program was only ment to pay for cleanup if no PRP's could be located and proved responsible or those found were unable to pay the costs.

The Superfund Program has had its successes with 148 site cleanups completed and another 442 in progress. It deserves the prompt reauthorization by the Congress. But we would be remiss if we did not take this opportunity to revisit the snags and imperfections which have observed during the first 12 years of the program—the question of municipal liability being the most egregious.

When Congress established the Superfund toxic waste cleanup program over a decade ago—modeled after my own State of New Jersey's Spill Compensation and Control Act, few anticipated the scope of the hazardous waste site problem in our Nation.

New Jersey is once again taking the lead on this issue with legislation addressing the municipal liability problem introduced by myself and Mr. TORRICELLI in the House and Mr. LAUTENBERG in the Senate. I encourage all of my colleagues to join me in protecting the taxpayer and restoring the credibility of the Superfund Program.

IN HONOR OF 50TH ANNIVERSARY OF KUP'S COLUMN AND DISTINGUISHED CAREER OF COLUMNIST IRV KUPCINET

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. RUSH. Mr. Speaker, I would like the record to add my heartfelt congratulations to hundreds of my fellow Chicago citizens in honor of one of Illinois' most outstanding citizens and distinguished journalists, my friend, Irv Kupcinet.

Known affectionately as Kup, Irv Kupcinet has, for the last 50 years, published "Kup's Column" and, in doing so, has brought class, distinction, a touch of humor, and a sense of justice to a media genre that rarely encompasses any of these qualities.

Throughout his career, Kup has developed a reputation for writing about issues that are, at times, unpopular among his peers. It was true in the 1960's when he was one of the first journalists to speak out in support of the late Dr. Martin Luther King, Jr.'s march and housing activism in Chicago, and it remains true today as he takes progressive stands in support of a woman's right to choose, human rights in the United States and abroad, and civil rights for lesbians and gays.

I salute the remarkable career of Irv Kupcinet and wish him and his lovely wife Essie all the best.

U.S. HOLOCAUST MEMORIAL MUSEUM DEDICATION—SPEECH OF PROF. ELIE WIESEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. LANTOS. Mr. Speaker, at the recent dedication of the U.S. Holocaust Memorial Museum, Prof. Elie Wiesel delivered a moving and meaningful address. Elie Wiesel has rightfully been called the conscience of the Holocaust. Through his thinking, his writing, his public appearances, he has forced Americans and Europeans, Jews, and non-Jews to come to grips with this horrible episode of our collective past.

Mr. Speaker, Elie Wiesel is also the intellectual godfather of this museum. He served as the first chairman of the U.S. Holocaust Memorial Council and he has continued to participate actively in shaping the conceptual framework underlying this museum.

Mr. Speaker, I include the speech of Elie Wiesel in the RECORD and I urge my colleagues to read and ponder his ideas.

REMARKS BY NOBEL PRIZE LAUREATE ELIE WIESEL AT THE DEDICATION OF THE U.S. MEMORIAL HOLOCAUST MUSEUM, WASHINGTON, DC, APRIL 22, 1993

Mr. WIESEL: Mr. President, Mrs. Clinton, President Herzog, Mrs. Herzog, Mr. Vice President, Mrs. Gore, Excellencies, distinguished members of Congress, Mr. Speaker, fellow survivors and friends, as one who was privileged to have been present at the inception of this noble and singular enterprise, may I say how deeply grateful I am to the American people, to its leadership in Congress and the White House, and to its many benefactors, and to the survivors—especially to the survivors—for helping us further the cause of remembrance. This impressive museum could not have been built without your understanding and generosity, for with the exception of Israel, our country is the only one who has seen fit to preserve the memory of the Holocaust and made it a national imperative to do so.

Mr. President, you have brought change to this city and to this country. Some of the changes you have brought to Washington have been instant. One such notable change is that the average of the age has dropped by some 30 years. It is to that new, young generation that you symbolize, Mr. President, that we now turn this awesome legacy so that you, Mr. President, can implement our vision.

What has been my vision? When President Carter entrusted me with this project in 1978, I was asked about that vision, and I wrote then one sentence. And now my words are here engraved in stone at the entrance to this edifice. And those words are "For the dead and the living, we must bear witness." For not only are we responsible for the memories of the dead, we are also responsible for what we are doing with those memories.

Now, a museum is a place, I believe, that should bring people together, a place that should not set people apart. People who come from different horizons, who belong to different spheres, who speak different languages—they should feel united in memory. And, if possible at all, with some measure of grace, we should, in a way, be capable of reconciling ourselves with the dead. To bring the living and the dead together in a spirit of reconciliation is part of that vision.

Now, may I tell you a story? Fifty years ago, somewhere in the Carpathian Mountains, a young Jewish woman read in a Hungarian newspaper a brief account about the Warsaw ghetto uprising. Astonished, dismayed, she wondered aloud, "Why," she said, "are our Jewish brothers doing that? Why are they fighting? Couldn't they wait quietly"—the word was quietly—until the end of the war?" Treblinka, Ponar (sp), Belzec, Chelmno, Birkenau. She had never heard of these places. One year later, together with her entire family, she was already in a cattle car traveling to the black hole in time, the black hole in history, named Auschwitz.

But Mr. President and distinguished guests, these names and others were known to officials in Washington, and London, and Moscow, and Stockholm, and Geneva, and the Vatican. After all, by April 1943, nearly 4 million Jews from surrounding countries had already vanished, had already perished. The Pentagon knew, the State Department knew, the White House knew, most governments knew. Only the victims did not know. Thus the painful, disturbing question—why weren't Hungarian Jews in 1944—they were then the last remnant of Eastern European Jewry, why were they not even warned of the impending doom? For one year later, in 1944, three weeks before D-Day, that young woman and husband, all of them were already turned into ashes. Jews from everywhere, old and young, beggars and industrialists, sages and madmen, military men, diplomats, professors, students, children—children!—they were all entering the shadow of flames.

An Italian philosopher/theologian, Giodano Bruno (sp) said, "Light is the shadow of God." No, it is not. It is fire that is the shadow of God that fire that consumed a third of my people. Inside the kingdom of night we who were there tried to understand, and we could not. We found ourselves in an unfamiliar world, a creation parallel to God's, with its own hierarchy, with its own hangmen, its own laws and customs. There were only two categories—those who were there to kill and those who were there to be killed.

In Poland, SS officers used Jewish infants for target practice. The only emotion they ever showed was anger when they missed. In Kiev, an SS officer beheaded two Jewish children in front of their mother, who in her anguish, in prey of some mystical madness, held them to—close to her bosom and began to dance. In Rumania, the Aryan guards hanged Jews on meat hooks and displayed them in butcher shops with signs, "Kosher Meat."

So as you walk through the museum, so magnificently conceived and built by James Reed (?), and illustrated, in a way, artistically by Rae Farr (sp) and her colleagues—as you walk through those exhibits, looking into the eyes of the killers and their victims, ask yourselves how could murderers do what they did and go on living? Why was Berlin encouraged in its belief that it could decree with impunity the humiliation, persecution, extermination of an entire people? Why weren't the railways leading to Birkenau bombed by Allied bombers? As long as I live I will not understand that. And why was there no public outcry of indignation and outrage?

More questions—there were fighters in every ghetto—Jewish fighters, there were resistance members in every city and every camp. Why weren't they helped? Help came to every resistance movement from every single occupied country. The only ones who never received any help, not even an encouragement, were the Jewish fighters in the Warsaw ghetto, the Bialice ghetto, the Vilna ghetto. And for me, a man who grew up in a religion, the Jewish religion, a man who his entire life though that God is everywhere, how is it that man's silence was matched by God's?

Oh, I don't believe there are answers. There are no answers. And this museum is not an answer; it is a question mark. If there is a response, it is a response in responsibility.

In one of my tales, an SS officer says to a young yeshiva student, "You want to live," he said. "Some will laugh at you. Others will try to redeem themselves through you. People will refuse to believe you. You will possess the truth, but it will be the truth of a mad man."

In 1942, a Jew called Yakov Grabovsky (sp) escaped from Chelmno. He came to the Rabbi in Grabov and in Yiddish he said to him, "Rabbi," he said—(in Yiddish)—"They are killing our people." And when the Rabbi looked at him, the Jew said, "Rabbi—(in Yiddish)—you think I am crazy. I am not crazy."

We are not crazy. We are not crazy because we still believe in human beings. We still believe and we still have faith. And, President Herzog, you who came from Israel—and we are so grateful to you for coming—you know that you are part of that belief. It is because of the passion that we have for Israel, we are Jews, and decent people in America, that we have faith in humanity and in America.

We also believe in the absolute necessity to communicate a tale. We know we cannot, we never will explain. My good friends, it is not because I cannot explain that you won't understand, it is because you won't understand that I cannot explain. How can one understand that human beings could choose such inhumanity? How can one understand that in spite of everything there was goodness in those times, in individuals? There were good people even in occupied countries, and there was kindness and tenderness and love inside the camps among the victims.

What have we learned? We have learned some lessons, minor lessons, perhaps, that we are all responsible, and indifference is a sin and a punishment. And we have learned that when people suffer we cannot remain indifferent.

And, Mr. President, I cannot not tell you something. I have been in the former Yugoslavia last fall. I cannot sleep since for what I have seen. As a Jew I am saying that we must do something to stop the bloodshed in that country! (Applause). People fight each other and children die. Why? Something, anything must be done.

This is a lesson. There are many other lessons. You will come, you will learn. We shall learn together.

And in closing, Mr. President and distinguished guests, just one more remark. The woman in the Carpathian Mountain of whom I spoke to you, that woman disappeared. She was my mother.

TRIBUTE TO 1993 AS PUERTO RICAN HERITAGE YEAR

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. KLEIN. Mr. Speaker, I rise to acknowledge 1993 as Puerto Rican Heritage Year. It is important to recognize the rich history of this island and the people who call it their geographic and cultural home. November 19 of this year will mark the 500th anniversary of Christopher Columbus' discovery of this beautiful Caribbean island.

Supposedly, Columbus named the island to honor Saint John the Baptist. The native Tiano Indians had already named their home the Island Boriken, Land of the Supreme Lord. According to their religious beliefs, Yocahu, their god, inhabited the summit of El Yunque, the highest mountain in the northeastern section of the island.

After earlier efforts by the Spanish failed, a settlement was founded in 1508 by Juan Ponce de Leon. He became the first Governor and established Caparra as the capitol. Originally located in today's Guaynabo area, in 1521 it was moved to its present location where we know it now as San Juan.

When the Spanish were defeated in the Spanish-American War, Puerto Rico became a territory of the United States. Puerto Ricans became American citizens in 1917, and the island has been a Commonwealth to the United States since July 25, 1952. However, Puerto Ricans have been living in America since the late 1800's. Especially located in the Northwest, as a community they have established cultural, political, and economical organizations.

This year of celebration will be marked with many activities honoring this heritage. The Puerto Rican richness of ethnic traditions, cultural ancestry, and political contributions serve to strengthen our democratic system of values. It is important to acknowledge the achievements of the Puerto Rican community in this Nation, as well as their talents and contributions to the overall growth of the United States.

Now, therefore, I do hereby proclaim 1993 as Puerto Rican Heritage Year in the United States.

AMERICAN SEPHARDI FEDERATION PROMOTES SEPHARDIC CULTURE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will happen in New York City on May 30 and June 1, 1993. This event is the annual National Convention of the American Sephardi Federation, an organization whose critical work in encouraging the unity of all Jews of Sephardic descent in this country and across the globe is well known.

The Sephardic Jews were the first Jews to come to this country. America stood as a lone, shining beacon of hope against the dark forces of oppression which beset the Sephardim of Western Europe and Africa. It was the promise of a new beginning, an opportunity to worship as they saw fit and be unfettered in their freedom of expression, that brought these people to the New World. American commitment to religious liberty was confirmed by President Washington in a letter, dated August 1790, to the Hebrew congregation of Newport, RI, even before the Bill of Rights was added to the Constitution. It is the essential part of our American way of life, and it forms a link between the American Sephardim of today and those brave souls who first arrived on this continent so many years ago.

In 1654, Shearith Israel was established in New York City as the First Jewish congregation in the colonies, and is now the oldest continuously operating synagogue in America. But it is not only in New York that American Sephardim have formed the backbone of our neighborhoods. Across the Nation, Sephardic Jews are leaders of their communities. On May 30, 1,000 of these leaders will convene in New York, along with representatives from Latin America, Israel, and Canada. I believe that this illustrious gathering deserves our recognition.

Mr. Speaker, the noted 14th century Spanish rabbi, Santob de Carrion, once said: "According to its root the tree will grow; what and who a man is appears in his works." The importance of Sephardic culture to our country can be seen in the many great works of the members of that community. Sephardim in the United States have preserved their ethnic diversity and Jewish heritage, and the American Sephardi Federation has played a crucial role in promoting and fostering Sephardic culture. That's why I am proud to stand before my colleagues today to applaud the American Sephardi Federation for their dedication to their cause, and send my heartfelt best wishes for a successful national convention.

TRIBUTE TO THE LANSDALE SCHOOL OF BUSINESS

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. GREENWOOD. Mr. Speaker, the Lansdale School of Business has been serving the business education needs of Bucks and Montgomery Counties in Pennsylvania for 75 years. The school has always had as its objective the preparation of students for the rapidly changing world of business.

In keeping with this objective, Lansdale School of Business has constantly updated its course offerings, its accreditations, its campus and its equipment. It is now accredited as a junior college of business and grants the Associate in Specialized Business degree.

The school serves recent high school graduates and an increasing number of adults who are updating skills or reentering the job market. Scheduling flexibility as well as small classes, individualized instruction, career counseling and placement services all enable this school to effectively meet the needs of area residents for business education and of area businesses for skilled employees.

The Lansdale School of Business is to be congratulated on 75 years of fine service to its surrounding communities.

The following students will graduate on May 7, 1993:

Patricia Arnold, Kara Binder, Margaret Boures, Ellen Butcher, Sally Castro, Penelope Croak, Melissa Eshelman, Tracy Frock, Margaret Gieniec, Kelly Irvin, Elaine Kirka, Sandra Klock, Kimberly Moyer, Toni Onori, Kimberly Robinson, Ellen Schaumberg, Faith Simpson, JoAnne Sorrentino, Susan Strogis, Noreen Swartz, Paula Vajda, and Sara Viera.

Also Janice Arnold, Christa Blahut, Darvin Brunk, Rhonda Cahoone, Debra Clark, Linda Davis, Amy Fisher, Christine Gallagher, Linda Haney, Rosella Johnson, Paula Kirkpatrick, Maureen Lewis, Colleen Murphy, Debra Pendleton, Marcus Roman, Lisa Scioli, Cathy Slavin, Linda Statuti, Jennifer Strzelecki, Maureen Trumbower, Steven Varian, and Lisa Worthington.

Laurie Bidden, Nanette Bonino, Robert Burns, James Carfagno, Mark Conway, Louis Epps, Leann Friendy, Carmine Grella, Shannon Hazzard, Wendy Kelley, Carol Kleckler, Malessa Denise, Nguyen Phuong, Linda Peterson, Kelly Schneider, Lynette Shea, Ursula Snyder, Diane Stever, Nadine Swartley, Juli Thomas, Hana Velik, and Susan Wasser.

TRIBUTE TO KOREY KIEPERT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Korey Kiepert for being a grand award winner for the Detroit Science and Energy Fair. This year marks the second year he has received this honor. And he has broken new ground by being the first Fraser High School student to ever win this award 2 years in a row.

At a time when our country is more dependent that ever on science and technology, it is appropriate that we acknowledge and honor our future scientists and engineers like Mr. Kiepert. Teachers like Ms. Angela Beutel are to be commended for encouraging students to participate in events such as the Detroit Science and Energy Fair.

I ask my colleagues to join me in commending Mr. Korey Kiepert. It is my hope that he will continue to advance and explore in the fields of science and energy.

NATHANIEL BENTLEY, LeGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of Michigan. Mr. Speaker, it is a pleasure to honor Nathaniel Bentley of Hillsdale, MI, in recognition of his selection as winner of a LeGrand Smith Scholarship. This highly coveted award is made to young adults who have demonstrated, through their leadership in school and community activities, that they are truly committed to playing important roles in this Nation's future.

In being named as a winner of a LeGrand Smith Scholarship, Nathaniel is being recognized for his demonstration of that same generosity of spirit, depth of intelligence, probity of character, and responsible citizenship that distinguished the late LeGrand Smith, 1908–70, of Somerset, MI.

Nathaniel Bentley, through his exceptional scholastic, extra curricular and volunteer service endeavors is a most worthy recipient of the LeGrand Smith Scholarship. His credentials include membership in the prestigious National Honor Society, awards for his work in English and mathematics, and an impressive variety of activities including sports, drama, and music. Outside of school, Nathaniel has been involved in the Sauk Community Theatre as well as volunteer work with his church. Nathaniel is a remarkable young man, and one from whom we might all take inspiration as a fine leader for tomorrow.

Therefore, I am pleased to honor Nathaniel Bentley for his selection as a winner of a LeGrand Smith Scholarship. I am confident his future years will be guided and supported by the success, respect, and pride that he has already earned for his hard work, enthusiasm, and leadership.

CHICAGO STATE UNIVERSITY'S DEDICATION OF THE NEW GWENDOLYN BROOKS CENTER FOR BLACK LITERATURE AND CREATIVE WRITING

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. RUSH. Mr. Speaker, I would like the record to indicate that on Monday, May 10, 1993, under the esteemed leadership of Dr. Dolores E. Cross, president of Chicago State University, a marvelous new library center will be dedicated in honor of Illinois' poet laureate, Dr. Gwendolyn Brooks.

It is appropriate that a remarkably talented African-American woman, one who has transformed Chicago State university in Illinois into the fastest growing State university in Illinois, had the vision to attract funding for a new Black Literature and Creative Writing Center. It is also appropriate that this new laboratory of learning would be dedicated in honor of one of our State's finest writers, Dr. Gwendolyn Brooks.

To quote one of Dr. Brooks' poems, "The pasts of his ancestors lean against him. Crowd him. Fog out his identity." My hope is that this new center will be a sanctuary where current and future generations of young people will come to break through the fog of a confused world. May CSU students find the truth in themselves and their ancestors' traditions and come to understand how they will contribute to the strengthening of the Chicago community and communities throughout the world.

IN HONOR OF THE 50TH ANNIVERSARY OF THE UNITED STATES MERCHANT MARINE ACADEMY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join in paying tribute to the United States Merchant Marine Academy as it celebrates its 50th anniversary of service to the United States of America.

While officially dedicated in 1943 at Kings Point, NY, the Academy represents over a century of Federal involvement in maritime training, dating back to the time of President Ulysses S. Grant. On September 30, 1943, President Franklin Roosevelt speaking at the Academy's dedication ceremony, noted that, "the Academy serves the Merchant Marine as West Point serves the Army and Annapolis serves the Navy."

Responding to the war efforts of our country in 1943, Academy enrollment quickly rose to 2,700. The exigencies of World War II required the 4-year curriculum be dropped to 24 months. By the war's end, 6,634 officers graduated and 142 midshipmen were added to the roll of honor for having sacrificed their lives in the defense of the United States.

The end of the war saw the Academy convert its wartime curriculum to a 4-year college program to meet the peacetime needs of the Merchant Marine. To date, the Academy has gained recognition as one of the world's foremost institutions in the field of maritime education. The needs of the Korean and Vietnam wars again accelerated graduating classes, and the Academy's training program expanded to include preparation for the first nuclear powered merchant ship, the *Savannah*. The recent events in the Persian Gulf witnessed the same quick and effective response to crisis that has become the hallmark of the Academy's midshipmen as 140 current midshipmen and 100 graduates formed to sail in the Ready Reserve Fleet.

Mr. Speaker, as the Academy celebrates its golden anniversary, I ask all my colleagues to join with me in honoring the United States Merchant Marine Academy as it continues to serve our Nation in fulfilling its motto, acta non verba, "deeds not words."

INTRODUCTION OF QUALIFIED FOOTBALL COACHES PLAN TECHNICAL CORRECTION ACT OF 1993

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. BREWSTER. Mr. Speaker, I am introducing H.R. 1981, the Qualified Football Coaches Plan Technical Correction Act of 1993, to eliminate a clearly unintended consequence which exists as a result of an apparent conflict between two separate pieces of legislation enacted in 1987.

In 1987, Congress addressed an important retirement issue affecting college football head coaches and assistant coaches, by amending title I of the Employee Retirement Income Security Act [ERISA]. As we all know, coaching is a difficult profession, with little job security. Before the 1987 amendment to ERISA, most college football coaches did not have access to a qualified retirement program that reflected and accommodated the unique aspects of their profession. Football coaches often change jobs, moving from college to college before they are eligible to acquire a nonforfeitable right to their pension accruals in the pension plans of their employer schools. Football coaches needed a retirement arrangement that provided for immediate vesting of money set aside, while they were working for a particular college or university which allowed for portability associated with changes in employment. In 1987, recognizing the unique aspects of the football coach's profession, where the average tenure of a coach at Division 1A and 1AA schools is less than 3 years, Congress included in Public Law 100–202 a provision that modified ERISA to allow a qualified football coaches' plan to be treated as a multiemployer plan for pension plan purposes. In particular, the 1987 amendment to ERISA allowed a qualified football coaches' plan to include a qualified cash and deferred arrangement under section 401(k) of the Internal Revenue Code of 1986. The term "qualified football coaches' plan" under ERISA means any defined contribution plan established and maintained by a tax-exempt organization, whose membership consists entirely of individuals who primarily coach football as full-time employees of 4-year colleges or universities.

Relying on the 1987 change to ERISA, the American Football Coaches Association, which represents over 4,400 college football coaches at 676 schools, sponsored its own section 401(k) plan for members of the association. The association requested the Internal Revenue Service to confirm the tax qualified status of the American Football Coaches Association section 401(k) retirement plan and the Service did so, on three separate occasions. The coaches' section 401(k) plan now has 559 active participants.

At the same time that Congress passed the legislation authorizing a section 401(k) plan for college football coaches, Congress addressed another problem arising under ERISA that was unrelated to the retirement savings issues facing football coaches. In response to a Tax Court case interpreting the provisions of ERISA with respect to the effect of a pension plan provision allowing employer contributions to be returned to the employer under certain circumstances, Congress passed, as part of the Omnibus Budget Reconciliation Act of 1987 [OBRA], a provision providing that title I and title IV of ERISA are not applicable in interpreting the Internal Revenue Code of 1986, except to the extent specifically provided in the Internal Revenue Code or determined by the Secretary of the Treasury. The Tax Court had held that the ERISA standard regarding employer withdrawals from pension plans rather than the standard under the Internal Revenue Code of 1986, applied for purposes of interpreting the Code. The OBRA provision was designed to reject the holding of the Tax Court with respect to the return of employer contributions.

Now, the Internal Revenue Service has determined that the OBRA provision invalidates what Congress did in title I of ERISA to authorize a section 401(k) plan for college and university football coaches. As a result, the Service has indicated that it will revoke its determination that the American Football Coaches Association section 401(k) retirement plan is a qualified plan for tax purposes and, unless clarifying legislation is enacted, the trust will be forced to terminate and distribute its assets by December 31, 1993. Thus, unless we act now, the coaches will be put right back in the same unfortunate position they were in 1987, and will be denied access to the retirement savings plan Congress intended to provide to them in 1987. In addition, the substantial costs which were incurred to establish this plan, in reliance on both the 1987 legislation and the subsequent IRS favorable determinations, will be forfeited.

I note that our original legislation authorizing section 401(k) plans for football coaches was cosponsored by 151 House Members and by 34 Senate Members. To complete what Congress started in 1987, we need to enact this clarifying legislation, so that there will no longer be any doubt as to the qualification of the section 401(k) plan that coaches have been contributing to since 1988. Therefore, I ask all of you to give your support to H.R. 1981 and to work for its prompt passage.

CONGRATULATIONS TO ECS FOR ITS CONTRIBUTIONS TO THE ENVIRONMENT, THE PUBLIC AND BUSINESS COMMUNITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to enter into the RECORD remarks I made recently to recognize Environmental Compliance Services, or ECS, for the valuable work it has done to address our Nations environmental problems while creating economic opportunities.

CONGRATULATIONS TO ECS FOR ITS CONTRIBUTIONS TO THE ENVIRONMENT, THE PUBLIC AND BUSINESS COMMUNITY

(By Rep. Robert Andrews)

Within the next few months, Congress will begin to review the reauthorization of the Comprehensive Environmental Response, Compensation and Liability Act, also known as Superfund. Through the long-awaited review of this law, we will seek to address the inequities of the act, while still providing for the proper cleanup of polluted sites with little or limited cost to the taxpayer. Additionally, in my home state of New Jersey, the Legislature is also revamping and streamlining the landmark legislation enacted in 1984, the Environmental Cleanup Responsibility Act. The changes in that law will become increasingly more important during the next few years, in view of the fact that it has already become a model for most other states throughout the country.

Of course, the intent of these actions, and others on the state and federal level, is to ensure the integrity of our environment and to place a halt to the active pollution of our natural resources. We want to stop polluters in their tracks, and assess social and financial responsibility to those involved.

The other side of the coin to this issue, however, is the amount of financial and operation burdens these efforts may place on the business community. With environmental issues reaching crisis levels, society seems to be trying to catch up on decades of environmental neglect in a relatively short period of time. There are many who feel we are attempting to address to much, too fast—with a tremendous financial burden being placed on business.

During the tough economic times we presently face, it seems that we are often encountering a dilemma—the choice between economic growth and environmental integrity. Except for possibly a few extreme situations, however, I personally do not feel that this is an either/or situation. In fact, I believe that the solution to both issues rests in a resource that once built this nation. Some believe it is a resource that has gone untapped for too long. I am speaking about American ingenuity—the knack for turning situations or problems into opportunities.

ECS is a prime example of that entrepreneurial spirit. Rather than shy away from providing coverage for environmental liability, as did the remainder of the insurance industry, ECS aggressively went after the market and even specialized in pollution liability. And, they did this successfully by establishing strong underwriting criteria and by establishing support services such as environmental consulting and third party administration.

That not only provided an economic boost to the local area in the form of income and jobs, but provided a vital service to the business community on a national scope. Specifically, their insurance policies have also provided an alternative funding mechanism for the cleanup of polluted properties, offsetting the cost burden to business, government and the taxpayer. As you look at the firm's success and its beautiful new corporate headquarters which was constructed in Exton, PA, you can see that the business in which ECS chose to engage is quite lucrative. I think that ECS is proof that a strong environmental policy can work as a strong business policy.

I commend ECS, its principals and employees for the vital service they have provided to American business, government and the public. I also commend the firm for the shining example it has set for the rest of the nation.

INTRODUCTION OF LEGISLATION AUTHORIZING A PROJECT TO DEMONSTRATE THE FEASIBILITY OF VOTING BY TELEPHONE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. RICHARDSON. Mr. Speaker, I am pleased to announce the introduction of legislation authorizing a demonstration project on voting by phone. Just as the motor-voter legislation focused on removing barriers to voter registration, Congress must now direct its attention to the expansion of voting methods.

One such method which has been examined by the State of New Mexico is voting by phone. This important project, while not intended to replace conventional voting at polling booths, has tremendous potential to bring the disabled, elderly, and those otherwise unable to reach the polls, into the voting arena.

Just prior to the general election in 1992, the New Mexico Secretary of State, in conjunction with Sandia National Laboratory, conducted a mock election whereby individuals participated in an election which allowed them to vote by phone. This project was based on a computerized system that allowed voters to dial an automatic vote-gathering facility and enter their ballot choices through the use of a prepublished ballot. Sandia National Laboratory worked to ensure the security of the system.

The success of the New Mexico voting by phone project suggests the potential for widespread use of this voting method. I am pleased to introduce legislation which would facilitate the development of voting by phone by authorizing up to $2 million for a consortium including one or more of our national laboratories and the participation of a State government to demonstrate the feasibility of voting by phone.

I am pleased with the progress made by the State of New Mexico in this area and strongly believe that expansion of voting methods will serve to strengthen our democratic process.

TRIBUTE TO THE BYRNE FAMILY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. WALSH. Mr. Speaker, I rise today to share with my colleagues a brief reference to a family whose members have made my hometown a better place because of the courage and perseverance that are common denominators for successful entrepreneurs throughout our great history.

Sixty years ago, Americans faced economic adversity that makes today's challenges less daunting. In the wake of the stock market crash, the Great Depression spawned misery, fear, and a lack of confidence that threatened America's future. It also set the stage for a period of unprecedented recovery, during which Government helped but individuals contributed what has been called our greatest national strength: good old American ingenuity.

My hometown during that time of economic depression saw some great family businesses which have since faded as local institutions. One has survived. Sixty years ago Byrne Dairy in Syracuse was born. Over six decades, the business has remained locally owned and has grown from delivering to a few homes to serving schools and colleges, hospitals and nursing homes, restaurants and convenience stores, and independent supermarkets throughout its marketing territory in central New York.

A third generation of the Byrne family, several of whose members are good friends of mine, has followed in the footsteps of their grandfather and Byrne Dairy founder Matthew V. Byrne.

Matt Byrne turned over the family dairy to three of his sons in 1946: Jack was appointed president, Bill was vice president, and Vin was secretary. As Matt retired after 13 years, he had seen this dairy grow from a monthly sales volume of $880.60 in the first month to nearly $400,000 in 1946.

I credit the Byrne family, many of whom I know well on a personal basis, with continuing the tradition which not only serves people in my district but gives a good example of how to apply time-tested values to the marketplace, even in difficult periods, and come up a winner. The reward for the Byrnes has been not only the support of an extended family but the respect of our community.

MAJOR SENIOR GROUPS ENDORSE DRUG REVIEW BOARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. STARK. Mr. Speaker, I am delighted to announce that my bill, H.R. 916, the Prescription Drug Prices Review Board, is receiving enthusiastic support from senior groups across the country. I have received letters from the American Association of Retired Persons [AARP], the Gray Panthers, the National Association of Retired Federal Employees [NARFE], and the National Council of Senior Citizens, giving my bill a big thumbs up.

Prescription drug price reform must be included in the creation of our Nation's new health care system. Drug prices are being assaulted by the media and consumers because their rapid, measurable increases strike the patient's pocketbook directly.

The Pharmaceutical Manufacturers Association has long viewed drug pricing as a science unimagineable to the consumer. However, recent reports show that the equation reads: price—the maximum amount that consumers and insurers will pay. That equation, consumers will tell you, really equals bankruptcy.

I know that seniors, consumers, and the organizations that represent them, demand to see fairness brought into the drug market, one way or another. My legislation is an option, and a proven one, as the Canadian experience shows.

I invite the drugmakers to continue to work for change in the industry's pricing practices. I look foward to working with other consumer groups and the drug industry in solving this health care problem.

TRACY HILTON, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of Michigan. Mr. Speaker, it is a pleasure to honor Tracy Hilton of Grass Lake, MI, who has been selected for her outstanding scholarly achievements as a recipient of the LeGrand Smith Scholarship.

Tracy Hilton is an exceptional student at Napoleon High School and possesses an impressive high school career. A member of the National Honor Society, Tracy has also earned the Golden Poet Award and awards for her work in English, mathematics, science, and social studies. She has been active in student government, including serving as class vice president, and been a leader in Students Against Drunk Driving. Outside of school, Tracy has organized volunteer work at the Interfaith Shelter for the Homeless and coordinated youth activities at her church.

In being named as a winner of a LeGrand Smith Scholarship, Tracy Hilton is being honored for demonstrating that same generosity of spirit, depth of intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith, 1908–1970, of Somerset, MI.

Therefore, I am pleased to honor Tracy Hilton for her selection as a winner of a LeGrand Smith Scholarship. May her future years be guided and supported by the success, respect and pride, that she has already earned for her hard work, enthusiasm, and leadership.

IN HONOR OF WMAQ-TV ANCHOR/REPORTER WARNER SAUNDERS' 25 YEARS OF SERVICE AS A CHICAGO BROADCASTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. RUSH. Mr. Speaker, I rise this afternoon to express my congratulations in honor of the 25 years of outstanding service and quality reporting that marks the brilliant career of anchor/reporter Warner Saunders.

This WMAQ–TV, channel 5 anchor is a Chicago institution. Whether reporting on the historic release of the Honorable Nelson Mandela in 1990, hosting provocative Sunday morning political forums on "City Desk," or giving us a bird's-eye-view of major Chicago sporting events, Warner is truly one of Chicago's finest.

At a time when African-American anchors are far too infrequent on our Nation's airwaves, it gives me great pleasure to applaud the 25 years of outstanding service and achievement Warner Saunders has contributed to Chicago. My hope is that Warner's career will serve as an example to young people everywhere of the value of hard work, perseverance, and a commitment to excellence.

CONGRESSMAN KILDEE HONORS DONNA DODDS HAMM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to a leader in the area of mortuary science, Donna Dodds Hamm, president, co-owner, and director of Dodds-Dumanois Funeral Home in Flint, MI. On May 6, 1993, the Michigan Funeral Directors, the oldest organization of its type in the Nation, will honor its president, Donna Dodds Hamm, at the Radisson Hotel in Lansing, MI.

Donna Dodds Hamm is one of Flint's most outstanding citizens. She has become not only a leader in the field of mortuary science, but also a community leader as well. Her accomplishments as a business person were recognized nationally in 1985, when she was elected as a delegate to the White House Conference on Small Businesses.

Donna's decision to enter the field of mortuary science was inspired by her father, Edwin A. Dodds, also a funeral director. After obtaining her degree in mortuary science at Wayne State University in 1964, she completed her State board examination to become one of Michigan's few women licensed morticians. In 1989, Donna Dodds Hamm was certified by the Academy of Professional Funeral Service Practice. She has served on the Michigan State Board of Mortuary Science, chairing that board from January 1981 until May 1984.

Donna Dodds Hamm is the past president of the Michigan Funeral Directors Association, District 7. She served as director of the State association from 1984 to 1990 and will now serve as its president from 1993 to 1994. Donna Dodds Hamm is a member of the Genesee County Funeral Directors Association, the National Funeral Directors Association, and is a member of the Order of the Golden Rule.

Through her father, Donna realized the value of volunteering and developed her lifelong commitment to community involvement. Her tireless efforts to enhance the dignity of her fellow man were recognized by the Salvation Army in 1991, when it awarded her the coveted Hands of Mercy Award. Most recently, Donna was awarded the 1993 Nine Mills Award by the Young Women's Christian Association.

Mr. Speaker, it is with great pride that I rise before you today to pay tribute to this remarkable woman. I ask you and my fellow Members of the 103d Congress to join me in saluting Donna Dodds Hamm. Her lifetime of service should serve as an example for all Americans to follow.

THE BOYS AND GIRLS CLUB OF CHARLESTOWN, MA

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. KENNEDY. Mr. Speaker, I rise to honor the Boys and Girls of Charlestown, MA. This venerable institution is celebrating its 100th anniversary of providing services to the community.

Charlestown is a community steeped with a proud history; it was in Charlestown that the Battle of Bunker Hill was fought and the U.S.S. *Constitution* is docked. The Boys and Girls Club is another institution with a rich heritage. On the 100th anniversary of this club, it is only fitting that we pay tribute to the dedicated men and women who have served there over the past century. The years of service by the club have benefited generations of residents and enriched countless young lives.

In an urban community it is important to commend the establishment of a club that serves its youth and to recognize the important contribution it offers. For a century the Boys and Girls Club of Charlestown educated thousands of youths by offering and supporting sports and cultural programs. In short the Boys and Girls Club has positively influenced the lives of countless individuals and has helped expose the world to them. The outstanding impact that the club has on its members and the community has made it an anchor of Charlestown and serves to remind all of the importance of its presence. There are many who remember what the club did for them when they were young and who have gone on to become the leaders of today.

Therefore, on this wonderful occasion, we thank the members of the Boys and Girls Club for their magnificent contribution to the community and wish them another 100 years of success in their mission of enriching the lives of their youth.

DEATH OF IRISH PATRIOT BOBBY SANDS COMMEMORATED

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. KING. Mr. Speaker, today marks the 12th anniversary of the death of Irish hunger striker Bobby Sands.

Bobby Sands was a writer, a poet, a soldier, a prisoner, and a member of the Parliament. Bobby Sands endured the excruciating agony and death of a 66-day hunger strike so that he might focus the attention of the world on the British oppression of the Irish people. By his death Bobby Sands demonstrated conclusively that he and his fellow prisoners in Long Kesh were not the criminals the British depicted them to be but brave and dedicated men who wanted their country free from British rule.

As a result of the deaths of Bobby Sands and the nine courageous men who followed him on hunger strike, Irish history would be forever changed. One immediate result of the hunger strikes was the alleviation of the brutal and inhuman conditions in Long Kesh. The terrible human tragedy was that 10 courageous men had to die before British authorities granted Irish political prisoners the humane treatment to which they were entitled.

Politically, the hunger strikes mobilized the Irish people to a greater extent than at any time in the previous 60 years. The most dramatic example of this political reawakening was the election of Bobby Sands himself to the British Parliament during his hunger strike.

On the international level, government heads, religious leaders, and editorial writers throughout the world felt obligated to speak out and address the issues raised by Bobby Sands and his fellow hunger strikers.

Mr. Speaker, I am proud that I know the family of Bobby Sands. Indeed, they are as decent and inspiring as any people I have ever met. His father, John, his mother, Rosaleen, his sisters Marcella and Bernadette, and his brother John suffered with him through his hunger strike and proudly carry on his legacy today.

Mr. Speaker, despite the gains that were attained because of the 1981 hunger strikes, the harsh reality is that 12 years after Bobby Sands' death the Irish people continue to suffer under the yoke of British oppression. Britain's repeated violations of international law and human rights in the north of Ireland have been condemned by such bodies as the European Court of Human rights, Amnesty International and the United Nations Human Rights Commission and by scores of independent inquiries. Additionally, the nationalist community is still victimized by invidious job discrimination; thousands of nationalist homes are broken into and raided by British forces; Irish nationalists are murdered by loyalist death squads working in collusion with British security forces; and Irish political defendants are denied the right to trial by jury. While IRA operations which unnecessarily put innocent civilians at risk, such as the Warrington bombing, are clearly wrong, it is the British policy of systematic state terrorism which is the prime cause of the war and violence in Ireland.

Mr. Speaker, I believe it is particularly appropriate that on this anniversary of the death of one of Ireland's most heroic figures I introduce legislation calling for diplomatic intervention by the United Nations in the north of Ireland. For more than 200 years the United States has supported self-determination for people throughout the world. President Clinton and Secretary of State Christopher have recently reaffirmed democracy and human rights to be the cornerstones of American foreign policy. Additionally, throughout the past three decades the United Nations, through its special Committee on Decolonization, has helped to bring peace and self-determination to numerous colonies throughout the world.

The legislation I am introducing today in the form of a House concurrent resolution calls on the President to advocate United Nations diplomatic intervention in the peacemaking process in the six counties of the north of Ireland. United Nations intervention will extricate the Irish issue from the morass of British propaganda and elevate it to an international forum where the world will be able to focus on the stark reality of British oppression.

Mr. Speaker, throughout the years, too many good Irish people, Protestant and Catholic alike, have suffered and died because of British misrule. It is in their memory that I introduce this legislation so that the day will soon come when patriotic Irish men and women will be able to live for Ireland rather than die for Ireland. It will be then that the dream of Bobby Sands will be realized and Ireland will take its rightful place in the community of nations.

THE KING HOLIDAY AND SERVICE ACT OF 1993, H.R. 1933

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SAWYER. Mr. Speaker, I am honored to be an original cosponsor of the King Holiday and Service Act of 1993, introduced by my good friend from Georgia, Congressman JOHN LEWIS, on April 29, 1993.

This measure would strengthen the mission of the Martin Luther King, Jr. Federal Holiday Commission. The commission, established in 1984, has worked tirelessly to institutionalize the King holiday as a national day of community service and interracial cooperation throughout our Nation. When it first began its work, only 17 States observed the King holiday. On January 18, 1993, all fifty States observed Dr. King's birthday with a paid holiday. This was a long time in coming, and wouldn't have happened without the enormous efforts of the King Commission.

Some may argue that the King Commission has fulfilled its mandate. Others may believe that increasingly scarce Federal dollars could be better spent. I think however, that we can afford a modest Federal investment to promote Dr. King's timeless ideals of racial harmony, economic opportunity, and progress through nonviolent social change.

In fact, we can't afford not to make that kind of investment. The civil unrest last year following the verdict in the Rodney King trial indicated that there is a continuing need for initiatives which promote better relations among racial and ethnic groups. I believe that achieving Dr. King's dream of racial and cultural harmony is a necessary and formidable task.

Results of the 1990 census revealed that our population is more diverse than ever. Fully one-quarter of us are people of color. During the 1980's, the black population increased by 13 percent, the Asian-American population more than doubled, the Hispanic population grew by 53 percent, and the native American population rose by 38 percent. Cultural and language differences can often lead to social division and economic inequality. The Federal Government must be a leader in the effort to address the consequences of those differences and to foster equality of opportunity.

The King Commission, with limited funding, also has demonstrated its leadership in addressing issues that are preying on our youth. Commission activities include:

Recruiting 4 million young people to sign a pledge of committing themselves to a life of nonviolence;

Enlisting over 27,000 youth in "Youth Against Violence" symposiums; and

Bringing together 1,000 youth leaders at assemblies that address issues such as drug abuse, illiteracy, and high drop-out and unemployment rates among minority youth.

H.R. 1933 would authorize $300,000 for the King Commission in each of the next 3 fiscal years and continue its existence until terminated by law. I believe that this modest appropriation is needed as we work to instill Dr. King's legacy and teachings in our children, who will shape the future of the community of nations.

LT. GEN. DONALD L. PUTT

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to one of our Nation's outstanding career servicemen, Lt. Gen. Donald L. Putt.

Lt. Gen. Donald L. Putt was born in Sugarcreek, OH, in 1905 and graduated from

Sugarcreek-Shanesville High School in 1923. He graduated with honors from the Carnegie Institute of Technology with a B.S. in electrical engineering and joined the U.S. Army as a second lieutenant in the Signal Corps Reserve. He began his regular commission in the Air Corps in 1929. He served in the Air Corps and the Air Force for 30 years finally achieving three-star status. During this time, he completed important intelligence and engineering assignments involving German scientists and the development of the B–17, B–24, B–29, and B–36 multiengine planes. He also served as vice commander and commander of the Air Research and Development Command from 1952 to 1958.

After his 30 year military career, Lieutenant General Putt started United Technology Center/Chemical Systems Division which developed segmented solid rocket engines. This company produced the world's first segmented solid rocket booster, which was used to launch the Viking and Voyager spacecraft as part of the Titan III rocket. In 1988, Lt. Gen. Donald L. Putt died and was buried in Arlington National Cemetery.

Mr. Speaker, it is with pride that I rise to recognize Lt. Gen. Donald L. Putt and I ask my colleagues to join me in saluting him for the outstanding contributions he made to his country.

ESSAY BY MS. AMY PIPER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. DUNCAN. Mr. Speaker, I would like to share with my fellow Members and other readers of the CONGRESSIONAL RECORD an essay written by Ms. Amy Piper of Maryville, TN.

Ms. Piper's essay, for which she received 17th place honors in the Voice of Democracy broadcast scriptwriting contest sponsored by the Veterans of Foreign Wars of the United States, is entitled "My Voice in America's Future." It is my hope that all who read it will be reminded of the values that make America great.

MY VOICE IN AMERICA'S FUTURE

(By Amy Piper)

"I am only one; but still I am one. I cannot do everything, but still I can do something; I will not refuse to do the something I can do."—Helen Keller

If you had a time machine and traveled twenty years into the future, what would be waiting there? Perhaps the nation would be financially stable, the homeless would be housed, and the hungry would be fed. Or would the scene be that of poverty, sickness, and hunger? The question is: What will determine the future of our country: The answer is simple. In fact, our country holds over 250 million solutions to this problem.

Each and every individual is in charge of our country's destiny. Where would the United States be today without individuals like Abraham Lincoln, Jonas Salk, and Sally Ride? The average American may find it a great expectation to become the next Abraham Lincoln. Feeling as though the nation's future rests on his or her shoulders may seem too much a burden to overcome. Many people will give up, but no one will ever remember the names of these people. Many others take their innovations, ideas, and dreams and bind them together. Groups like these form organizations worth remembering: the Women's Suffrage Movement, the NAACP, and the Red Cross, to name a few.

Every man, woman, and child in this nation has a voice. Each person makes up a syllable in the language of our entire country. And although the individual counts for just a small part of a word, if you begin to take syllables out, our language will lose its continuity, its accord: ultimately it will fall apart.

Children have a fire that burns within them which says, "I can change the world," but all too often, this fire burns out when the grown child is faced with the fact that the world is a big place with a lot of problems. But with every problem, there is a solution, and the answer here is simply fuel. No, not coal or oil, but fuel for the soul: dreams that can never be extinguished but will be passed on from generation to generation. The individual may seem like just a drop of water in eternity, but water is a powerful force. If every American can make just one dream come true, we can carve out an awesome future. Yes, like a wall of water, humankind can create its own Grand Canyon.

The focus of our goal must not only be to make our individual voices heard but also to come together, forming one massive voice of America. Already our country is striving toward such a goal. Some people shout. Some merely whisper. It is important for our country to listen carefully. No idea, no matter how simple or how complex, is insignificant. The world is round; E=mc2—these are voices that changed the world forever.

In every region around the country, a specialized dialect can be found. The nation's all-powerful voice is also filled with accents. These accents help individualize voices within a voice and are commonly known—not as Southern or Northern—but as doctor, lawyer, and engineer. The professions that people take on mold their ideas and add a twist of individuality to a sea of voices. Professions and values are outlets that must be used to speak out on important issues within our country.

In 1990, the United States had a drop-out rate of 28.6%. More than a quarter of the nation's teenagers will never receive a high-school diploma. There are 1,189 reported hazardous waste sites throughout the United States, and the federal government supports only 160 of them. America needs help. Our voices must turn the statistics around and create a nation that is looked upon as a standard for excellence.

While monumental problems such as these are not fully corrected by an individual, it doesn't mean that nothing can be done. The greatest power of all is the power of language. The power to be someone—to make a real difference—is bestowed upon us all. America's future depends upon what mankind does with what he is given. If some are most successful in screaming, then let their voices be raised in lobbying and protest for better education and for environmental protection. If you are not a screamer, your voice must still be heard. Recycle cans, paper, and glass; get rid of landfills one newspaper at a time.

The vote is one of the most important tools the public has in making people listen. Votes are microphones that amplify voices and put officials in office. The people elected do not control the population but, rather, work for it by changing the nation's voice into actions. All the people in the United States speak as many and as one. Twenty years from now, this nation will be a marvel to behold. The future can be whatever I resolve it to be. My voice will change the world.

INTRODUCTION OF LEGISLATION TO OVERTURN THE SUPREME COURT'S ADAMS FRUIT DECISION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. FAZIO. Mr. Speaker, today, I am introducing legislation with my colleagues that is designed to restore confidence in our workers' compensation systems for farmers and agricultural workers throughout the country.

As you know, Mr. Speaker, the Supreme Court's 1990 Adams Fruit decision permits agricultural workers to sue employers for damages arising from workplace injury or death, even though such damages have already been covered by workers compensation. This decision completely ignored the doctrine of exclusivity of workers' compensation remedies which is applied in all State as well as Federal workers' compensation programs.

Exclusivity is the cornerstone of workers' compensation systems. The employer agrees to pay for a system of providing quick, no-fault relief for workplace injuries. Injured employees receive immediate compensation for damages. In turn, employers and employees both avoid unpredictable, costly, and time consuming tort litigation. However, as a result of the Adams Fruit decision, agricultural employers are having to pay the costs of workers' compensation but are not receiving the protection from tort litigation that all other employers enjoy. They are the only employers in America subject to double liability for workplace injuries.

Ultimately, all employers and workers are threatened by the Adams Fruit precedent, which could lead to an unraveling of State workers' compensation systems. If employers, already strapped with the increasing costs of workers' compensation, have to start paying tort damages too, support for the system will vanish and employers and employees alike will suffer.

Mr. Speaker, the legislation being introduced today provides that a suit cannot be brought under the Migrant and Seasonal Agricultural Worker Protection Act [MSAWPA] for actual damages if the injury was covered by workers' compensation. In effect, this bill makes permanent the temporary moratorium on Adams Fruit cases that Congress adopted last year. It is important to note that under this bill, workers would still be entitled to bring an action for statutory damages or an injunction based on a MSAWPA violation, as provided for under MSAWPA.

Finally, Mr. Speaker, I also support efforts to improve the working conditions and treatment of migrant and seasonal farmworkers. I believe that this legislation will help in this regard. However, I plan to continue working with my colleagues on the Education and Labor Committee to make further improvements in this area.

CONGRATULATIONS TO TONY AND ROSY ESQUIBEL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. CALVERT. Mr. Speaker, 50 years ago tomorrow, May 6, 1943, a young man and young woman were married in Riverside, CA—a place they have called home ever since. Tony and Rosy Esquibel began their lives together with not much more than their love for each other, faith in God, and a lot of dreams.

And over the years, many of those dreams have come true. They raised four children—Tony, Jr., Marian, Eva, and Roberta—and now have four grandchildren and one great-grandchild. In addition, they helped raise several nieces and nephews, and have served as the anchor of the Esquibel family in Riverside.

When they started life together, Tony was a carpenter; Rosy a housewife. Eventually, Tony became a general contractor, and with the help of his wife, opened a building and landscaping business, which they have managed together for a quarter of a century.

And, as the family and business grew, so did their involvement in the community. Tony was the first Hispanic member of the Riverside Public Utilities Board. He has also been very active in the GI Forum on the local, State, and national levels, including serving as president of the local forum and as sergeant-at-arms of the State forum. And, he has served as a representative for block grants and redevelopment for the Arlanzo and La Sierra areas of Riverside.

Rosy has also been an extremely active member of the community, serving as troop leader for the Brownies and Girl Scouts, and president of the PTA for Irving Elementary School. And, she has been very active in the GI Forum, serving as president and treasurer of the auxiliary.

This Saturday, the Esquibel children and grandchildren will honor Tony and Rosy as they renew their marriage vows at the Queen of Angels Catholic Church in Riverside. I wish to extend to the Esquibels my heartfelt congratulations and to wish them many more years of happiness—many more years of making their dreams come true.

EMERGENCY MEDICAL SERVICES WEEK

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. THOMAS of California. Mr. Speaker, I would like to ask my colleagues to join me in recognizing the week of May 23–29 as Emergency Medical Services Week. Health care in our country often depends on the thousands of men and women who risk their lives each day to provide emergency medical care. These medical teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week, 365 days a year.

What can we say to the thousands of men and women who have dedicated their time and lives for the public good? These men and women engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. Most importantly, approximately two-thirds of all emergency medical service providers are volunteers.

Without the thousands of emergency physicians, emergency nurses, emergency medical technicians, educators, administrators, aeromedical personnel, and other volunteers who comprise our emergency medical service teams, the chances for survival and recovery of those who experience sudden illness or injury would be greatly reduced. America's emergency medical service providers deserve the credit and admiration of all citizens who have ever been helped by these services or who rest easier knowing that they are available.

Twenty-five years ago, emergency medicine was established as a medical specialty and began to be recognized as a vital component to the quality of health care in America. I would like to offer a special thanks now to these men and women for the outstanding work which they provide countless times each year but which so often goes unrewarded. I know that all of my colleagues here in the House will join me in congratulating the men and women who comprise our emergency medical services for their superior work and commend them during Emergency Medical Services Week.

BENEDICT ROCCHIO, LeGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence he has compiled in academics, leadership, and community service, that I am proud to salute Benedict Rocchio, a recipient of the 1993 LeGrand Smith Scholarship. This highly coveted award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

In being named as a winner of a LeGrand Smith Scholarship, Benedict is being honored for demonstrating that same generosity of spirit, depth of intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith, 1908–70, of Somerset, MI.

Benedict Rocchio, through his exceptional scholastic, extracurricular and volunteer service endeavors is a most worthy recipient of the LeGrand Smith Scholarship. His credentials include membership in the prestigious National Honor Society, earning academic varsity letters for each of his 4 years, representation in a model United Nations, and as a Boys State delegate. Outside of school, Benedict has been active in community youth activities, numerous civic endeavors, and volunteer work with his church.

Therefore, I am pleased to honor Benedict Rocchio for his selection as a winner of a LeGrand Smith Scholarship. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

TARPON SPRINGS WAR MEMORIAL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. BILIRAKIS. Mr. Speaker, several years ago, two Vietnam veterans, Robert Renneke and Dr. Fred Roever, in my district, proposed building a memorial to honor those killed, or yet missing in action, who hailed from the local area. Like so many other memorial projects, this one was ridiculed by some who contended it was a waste of time and money. However, I am pleased to say that the monument's supporters persevered and in 1992, the city of Tarpon Springs held a dedication ceremony for this important memorial.

The 15-foot-high black granite obelisk sits atop a granite base in Craig Park on the banks of the Spring Bayou in Tarpon Springs, FL. The names of approximately 35 Tarpon Springs-area people who lost their lives in wars or still missing in action have been carved onto the monument, which is illuminated at night.

Our Nation's capital is filled with monuments, new and old, but the real monuments to courage, to heroism, to valor, and to sacrifice are America's veterans themselves.

We asked them to interrupt their lives—to leave their homes, their families, their jobs—to trade the plow for the sword that our Nation might be protected. We asked them to risk and endure hardships most of us cannot imagine, to sacrifice and even to die so that our time-honored and cherished traditions of democracy and freedom might live—and live they have.

Our society asked and our veterans answered. For their dedication and loyalty we should embrace them, honor them, treat them with dignity and respect, and treat their disabilities.

These veterans served, as in the words inscribed on a memorial in Arlington Cemetery, "Not for fame or reward, not for place or for rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it * * *"

They are the reasons that the United States is the mightiest, wealthiest, most secure nation on Earth today.

They are the reasons that the United States has been and will continue to be the bastion of support and solace for those in the world searching for freedom and human rights.

We have borne arms many times since fighting the war that created our great Nation more than 200 years ago. We have fought on foreign lands and we have fought among ourselves. We have learned there is never any glory in war—only suffering. But we also have learned, given a just and right cause, that we do not lack the courage, dignity, and fortitude necessary to defend the age-old principles upon which our country was founded.

I have often said that it is important for us to display that same determination in our daily lives—in living up to those principles in all that we do. That we live and practice and preach those principles day by day. Otherwise won't all of that suffering and bravery have been in vain?

And as we talk and think of principles and courage, I consider it important that we recognize the distinction between the level of Duty and patriotism we exercise in our daily lives, and the level demonstrated by the American veteran—the ultimate sacrifice resting in the balance. It is the difference between heroes and men who might be brave; between the tested and those who have not yet been tried.

As a member of the House Veterans' Affairs Committee and as a veteran, I take it personally when some individual or some group seems to attack veterans and the benefits they get, and fully deserve.

The liberties we enjoy are precious gifts protected only for the moment and requiring a constant vigil. They will never be completely won—and they most certainly will be lost should we ever turn our backs on those who served in their defense.

Nothing could be more devastating to the security of this or any nation than for it to deny its defenders the care and treatment they have earned and deserve—or worse to forget them altogether.

For as long as the American soldier stands ready to support his country and its allies, the forces of oppression and injustice will be held in check. For this, the American serviceman—the veteran—must never be forgotten.

Therefore, I would like to salute the individuals who made the Tarpon Springs War Memorial possible. This is, of course, but a small downpayment on the great debt America owes its veterans—all of them, man and woman alike.

We must never forget how blessed we are in the modern world to live in a free society, nor forget the sacrifices of our friends, relatives, neighbors, and countrymen who served us all when duty called.

THE PERILS OF MANAGED TRADE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. CRANE. Mr. Speaker, since the recent success of the United States-Japan semiconductor arrangement in reaching the goal of a 20-percent market share, the Clinton administration seems poised to pursue numerical targets as a standard for future trade negotiations. However, in the following article, James Bovard warns against the folly of dictating foreign market share as it provokes our trading partners, distorts international trade and competition, and works contrary to the goal of creating American jobs. I highly recommend its reading.

[From the Wall Street Journal, Apr. 23, 1993]

THE SEMICONDUCTOR PACT'S BAD EXAMPLE

(By James Bovard)

The Clinton administration is seeking to end the U.S. trade deficit with massive increases in the export of verbal sludge. "Temporary quantitative indicators" is the motto of the administration's trade policy. Unfortunately, the Clinton approach, which looks for measurable increases of specific U.S. exports, is certain to provide more trade conflicts and acrimony in the future—and to make some of America's premier manufacturers look like beggars of market share.

Earlier this week, U.S. and European Community officials worked hard to advertise modest progress in resolving U.S.-EC trade disputes. Toward Japan, the administration is using a more heavy-handed approach. Clinton administration officials are touting the U.S.-Japan Semiconductor Arrangement as the model for future trade policy. The foreign market share of semiconductors purchased by Japanese firms recently exceeded 20%; U.S. Trade Representative Mickey Kantor hailed the sales result, declaring on March 19 that "setting a target figure appears to have been * * * successful." But, rather than offering a valuable model, the Semiconductor Arrangement illustrates how an artificial definition of fair trade foments political racketeering.

In 1986, the U.S. Commerce Department investigated Japanese semiconductor exports to the U.S. and imposed arbitrarily high dumping penalties on Japanese companies. These were then used as leverage to pressure Japan to sign a pact seeking to restrict world-wide semiconductor trade. The Semiconductor Arrangement, signed in July of that year, made it an official act of trade war for a foreign government not to compel its own domestic companies to rapidly increase their purchases of American products.

The 1986 agreement politically impaled one of America's most competitive industries. The Commerce Department acquired the power to set floor prices for Japanese chips sold in the U.S., and that August it announced its first "fair market values" for chip imports. U.S. computer and electronics companies—the primary chip users—were stunned as the decree raised chip prices by 200%, far more than even the highest alleged dumping margins. (Domestic semiconductor producers could not satisfy domestic demand.)

Arthur Denzau of the Center for the Study of American Business estimated that the Semiconductor Arrangement resulted in up to 11,000 jobs lost in companies using chips. The Journal of Commerce reported in 1988, "The supply crunch has left U.S. electronics makers wringing their hands over lost sales and profits, delayed product introductions and worsened relations with customers."

At the time the Semiconductor Arrangement was signed, the Japanese Ambassador sent a side letter to then-U.S. Trade Rep Clayton Yeutter declaring, "The government of Japan recognizes the U.S. semiconductor industry's expectation that semiconductor sales in Japan of foreign capital-affiliated companies will grow to at least slightly above 20% of the Japanese market in five years. The government of Japan considers that this can be realized and welcomes its realization." The letter clearly did not commit the Japanese government to enforce purchasing of American chips by Japanese companies.

But in late March 1987, President Reagan announced that the Japanese had violated the pact, in part because American companies had not increased their chip sales in Japan. The Japanese were pronounced guilty of unfair trade simply because American companies did not sell as many semiconductors in Japan as the U.S. bureaucrats thought they should be able to sell.

In 1991, the Semiconductor Arrangement was modified and extended. The 1991 pact stated that Japan "recognizes that the U.S. semiconductor industry expects that the foreign market share will grow to more than 20% of the Japanese market by the end of 1992 and considers that this can be realized." The agreement specifies that the 20% figure is "neither a guarantee, a ceiling nor a floor on the foreign market share."

Not surprisingly, fierce disputes have again arisen over the trade pact's meaning. Despite the fact that the 1991 agreement explicitly made no guarantees, Clinton administration officials implied they might retaliate against Japanese exports if the 20% market share were not reached. Now that the foreign share of semiconductors purchased by Japanese firms has hit 20%, Mr. Kantor declares that 20% is "a floor, not a ceiling."

The Clinton administration's resentment of the U.S. merchandise trade deficit with Japan (estimated at $46 billion last year) is driving Mr. Kantor to make increasingly far-fetched statements. In testimony before the House Ways and Means Committee on Wednesday, he declared that the Japanese market is "basically closed" for semiconductors, automobiles, computers and several other products.

It is absurd for U.S. government officials to condemn the Japanese auto market as closed when U.S. car makers have only recently deigned to ship to Japan autos with the steering wheel on the right side of the car (the Japanese, like the British, drive on the "wrong" side of the road).

And it is peculiar for Mr. Kantor to declare that the Japanese semiconductor market is closed only a few weeks after he announced that the Japanese had met the U.S.-proclaimed goal of a 20% foreign market share. Also, American personal computers are barnstorming Japan. Peter Wolff, a Tokyo-based technology expert with Kidder, Peabody, predicts that NEC, Japan's dominant computer maker, "is going to get its head handed to it" by U.S. companies.

The U.S. already has a fully developed system of managed trade akin to what Clinton administration officials advocate for Japan. The U.S. government imposes more than 3,000 different import quotas on textiles and apparel. Trade officials sometimes go to maniacal lengths to dictate a foreign country's precise "fair share" of the U.S. market: Mexico is allowed to sell the U.S. only 35,292 bras each year. Managed trade in textiles has created a bureaucratic monstrosity and given government officials sweeping arbitrary power over importers and their domestic customers.

"Pick a number, any number" is a pathetic guide for U.S. trade policy. The government has no right to dictate the market share that American exporters are entitled to in any foreign country.

GOVERNOR PATTEN OF HONG KONG, AT THE NATIONAL PRESS CLUB

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. LIGHTFOOT. Mr. Speaker, in Washington this week we have a very distinguished visitor, the Right Honorable Christopher Patten, the Governor of Hong Kong.

Governor Patten has the difficult job of overseeing the transfer of Britain's last crown colony to China. A successful transfer from British to Chinese rule will benefit not only the people of Hong Kong and the citizens of China but the United States as well.

In a speech yesterday at the National Press Club, which I am attaching for the RECORD, Governor Patten made a very important point on MFN to China that I would like to draw to the attention of this House.

Trade and economics are simply not good vehicles, except in extreme cases, of pursuing political goals.

To quote Governor Patten:

> Trade promotes travel and interchange. It increases understanding. It spreads information. It encourages freer thinking that comes with a wider knowledge of the outside world. It throws light into dark corners because the prosperity it creates actually encourages social change and individual freedom.

To those Members of this House that support revocation of MFN to China I draw your attention to another section of Governor Patten's speech:

> Trade does, in my view, help humanity as a process. But it has less to offer as a weapon. Less to offer because it is double edged. You can't use it as a weapon without hurting yourself. Reduce trade and you reduce your communication and your ability to influence. You don't water a parched landscape by closing the gates of the dam.

Neither Governor Patten nor I endorse the policies of China. But we ask you to consider using the right tools. Revoking MFN to China does not hurt the leadership of China. But it will hurt those who are the engines of peaceful change in China. It will certainly hurt the people of Hong Kong and it will certainly hurt the thousands of Americans whose livelihood depends on trade with China.

I welcome Governor Patten to Washington and urge colleagues to take a few moments to review his National Press Club speech.

THE RIGHT HONORABLE CHRISTOPHER PATRICK PATTEN, GOVERNOR OF HONG KONG

Governor PATTEN. Mr. Chairman, ladies and gentlemen, first of all, thank you very much indeed for that extremely courteous and flattering obituary notice. [Laughter.]

I feel very honored to be one of such a distinguished line of speakers addressing you over the next few weeks. I think the speech I would particularly like to hear would be Victor Borge on GATT and NAFTA. [Laughter.]

As you mentioned in your introductory remarks, chairman, I really began what for want of a better word we will call my political career working for John Lindsay's first mayoral campaign when he came out of the 17th Congressional District to run for other things, and my job on that campaign in 1965 was to cover the conservative candidate, Bill Buckley. I was responsible for researching Buckleyisms.

The one that I most enjoyed which told one, I guess, legions about the difficulties of the job for which he was allegedly running, was Buckley's reply when asked what the first thing would be if he were to succeed in his electoral quest and be elected mayor of New York, and Buckley replied very quickly, I'd demand a recount. [Laughter.]

I guess that is a reflection of the difficulty of running New York.

I have to say that being Governor of Hong Kong isn't exactly a pushover, trying to manage a smooth transition from British sovereignty to Chinese sovereignty in 1997.

It is, as you said, chairman, the last great colonial responsibility which the United Kingdom has, but there is a distinct difference between our responsibility in Northern Ireland and that which we have discharged in other dependent territories over the years.

Elsewhere, we have been preparing communities for independence, and we have provided them with the appurtenances of independent statehood.

We have established fully democratic structures, independent courts, civil service, we have sent them a Speaker's Chair from Westminster, and we've launched the satellite into outer space and sometimes it has gone into a very satisfactory orbit and sometimes, alas, it's come crashing down to earth again.

But the purpose, always, has been the same, to establish a democracy on a Westminster model which we hope will sustain the community into years of independence.

In Hong Kong, our task has been very different. Our task has been to prepare for the resumption of Chinese sovereignty in 1997. There have been occasions in the 1940's and the 1950's, for example, when we considered introducing, as we had in other dependent territories, democratic structures, and those proposals were always resisted very strongly by China, which feared that if we introduced democratic structures at that stage into Hong Kong it might lead to Hong Kong wishing for independence rather than the resumption of Chinese sovereignty in 1997.

However, when it came to discussing with China, to agreeing with China, the mechanism for the transfer of sovereignty in 1997, we agreed a slow and steady path to democracy. That agreement was set out in the joint declaration in the mid-1980's and that declaration also bound us both in treaty form to safeguard Hong Kong's way of life and Hong Kong's freedoms for 50 years after 1997.

What we attempted to do in that joint declaration was to safeguard the concept, the historic concept expressed by Deng Xiaping. He said that what he wanted was one country with two systems, Hong Kong system, not just the capitalist allocation of resources, but the freedoms and the values of an open society, all set out specifically and in terms in that joint declaration.

The present argument that we've been having with China is about how we can best secure one country, two systems, and, if you like, it's about whether we're talking about one country, two systems, or one country, one-and-a-half systems, or one country, one-and-a-bit systems.

We're absolutely clear that in the system that we're constructing in Hong Kong, even though there is limited democracy, that limited democracy must be credible, that the arrangements for the last elections under British sovereignty in 1995 have got to be clean and straightforward, and that's what we're discussing with Chinese officials in Beijing at the moment.

Hong Kong has been a spectacular success, the tenth largest trading community in the world, the second highest per capita GNP in Asia, a per capita GNP which is likely to exceed that of about half the members of the European Community within the next year or so.

We are likely to overtake the Netherlands, Italy—dare I mention the United Kingdom—well before the transfer of sovereignty in 1997.

We represent in Hong Kong, with 6 million people, 19 percent of China's GNP. We have the busiest container port in the world, adding capacity equivalent to the size of Seattle or Oakland every year.

The fourth largest airport, which will, when we complete it——

[Laughter.]

Governor PATTEN [continuing]. Be much the largest airport in the world, the tourist center of Asia.

And so the superlatives roll on, not just the economic ones, either. We have invested over the years considerably in social equity programs so that we can now boast rather better health care statistics on the most important items than, shall we say, the United States, the United Kingdom, or Australia, or New Zealand.

So it's been a great success story. And why? First of all, because Adam Smith's been in permanent residence in Hong Kong over the two decades when our economy has quadrupled in its strength and size. We have been a community which has practiced market economics year-in and year-out with considerable zest and skill.

Secondly, we're at the center of the fastest-growing region in the world, where hundreds of millions of people are, in Churchill's phrase, moving ahead to better pastures and brighter days, and not only at the center of the Asia-Pacific region but also at the gateway of China, where the Chinese economy has been opening up over the last years with tremendous success. 70 percent of the investment that goes into China goes through Hong Kong. 80 percent of the investment that goes in to Guandong goes in through Hong Kong.

The third reason—the third reason for our success is that we have combined Chinese entrepreneurialism with the rule of law, and the rule of law isn't, as you know, just a matter of judges in wigs sitting in courts. The rule of law is about the relationship, as well, better free press, a credible legislature, and an independent court system.

All those things are keys to Hong Kong's prosperity, because, just as our prosperity has sustained our way of life, so it's equally true that our way of life has helped to sustain our prosperity.

I think Hong Kong's success matters, not only to the United Kingdom today, not only to China in the future, not only to the region, but also to the world. And it's not very surprising, therefore, that people ask how they can help us to remain successful.

Some Chinese critics of the 28th Government, and they do exist, claim that when I try to address a question like that, I'm, quote, internationalizing Hong Kong. I think that's a pretty ridiculous charge. Hong Kong is an international community. Hong Kong is a tremendous international asset, an international asset when Britain is sovereign, an international asset when China is sovereign, too. And I suspect that it is precisely because of its international importance that China is committed to continue its hugely successful system.

Of course, others recognize, as the President has this week, that the implementation of the joint declaration is a matter for Britain and China, not for others. But others do take an interest in that implementation being managed successfully. And it would be absurd for them not to do so. The moment that the rest of the world ceases to be interested in Hong Kong, it is time for everyone in China, in Britain, and in Hong Kong itself to start worrying.

In showing that interest, I hope that our friends will understand the difference between trade and economics on the one hand

and politics on the other. I hope they won't get the two confused. I must say it would help me to make that point rather more successfully if it was a little clearer that China, a GATT applicant of course, understood that the two are different, as well.

I understand and respect the fact that United States foreign policy has traditionally been infused with a sense of values. Those who have benefitted from the consequences of that, as my generation did, for example, in Western Europe, do ill to criticize it. Foreign policy shouldn't be just about a utilitarian sense of national interest. Self interest invariably is served by trying to behave well, too. But as we say in England, I think one has to take account of running the right horse on the right course. I don't believe that trade and economics are a good vehicle except in extreme cases for pursuing political goals.

One reason why I take that view is because as Marxists, when there were any, used to believe, there is a relationship between economic and social progress and political progress. I don't argue for one moment that Washington or Westminster style democracy is everywhere a consequence almost mechanistically of a given level of GNP growth. Different cultures, different traditions, different periods of history produce different results.

But I do believe that everywhere in the world the opening up of economies, a growth in personal affluence, an increase in educational standards, an increase, if I may say so, in the use of cellular phones, increase in travel, development of satellite television, all those things have political consequences. So free trade, in my view, is a servant of human progress.

Trade promotes travel and interchange. It increases understanding. It spreads information. It encourages the freer thinking that comes with a wider knowledge of the outside world. It throws light into dark corners because the prosperity it creates actually encourages social change and individual freedom.

As I've argued a number of times before, and as I find myself arguing in a series of meetings this week, trade does, in my view, help humanity as a process. But it has less to offer as a weapon. Less to offer because it's double edged. You can't use it as a weapon without hurting yourself. Reduce trade, and you reduce your communication and your ability to influence. You don't water a parched landscape by closing the gates of the dam.

One of the reasons for all our prosperity in the years since the war is the American economy, American free enterprise, and American generosity. Your aid has helped to get so many economies back on their feet again. Your businesses have set up in those economies an increased investment in them. Your domestic market has provided the customers for the products of the factories which you've helped to establish.

China has been no exception to that economic development. MFN helped China's spectacular economic performance over the last 14 years of increasing liberalism in economic policy, a policy which the Chinese leadership have pursued with considerable dexterity and elan, 14 years of average 9 percent growth a year. That growth has been led by the regions with the greatest freedom to invest, with the greatest freedom to build and to trade.

Those in the vanguards of the movement of economic reform are inevitably those who have benefited most from it. Equally, they would be the regions and they would be the people who would lose most if we were to cut off that trade, and I have to say that Hong Kong itself stands four square in that category. We have been a part of China's economic miracle, contributing to it and benefiting from it.

Saying this, I'm not speaking, as you will know, on China's behalf. I happen to believe that MFN, that trade, that opening up China's economy, that economic liberalism, that all those things are good not just for the standard of living of people in China, but for the quality of life of China's citizens.

But I'm not an official spokesman for the PRC. The PRC has other words which have been used about me. Prostitute, serpent, Buddha, tango dancer——

[Laughter.]

Governor PATTEN [continuing]. A particularly obscure one which has slightly confused my wife. [Laughter.]

Wonders what I get up to in my spare time. [Laughter.]

And sly lawyer, which you'll all realize is an oxymoron. [Laughter.]

But the NCNA has not yet asked for my services, though they've done a wonderful job of improving my name recognition around the world. [Laughter.]

Nor am I here to lecture the United States on your interests, though plainly, ending MFN would have consequences for the American economy.

I know, I think, some of the arguments that concern you. But I can't help wondering whether you reduce the chances of China selling missiles to the wrong people by refusing to buy their peaceful products. And I can't help wondering whether the best way of pursuing your anxieties on human rights is through restricting trade on the one hand or increasing dialogue on the other. How much influence did the rest of the world have on China during the years of the cultural revolution when we had no contact with it.

For me, of course, there is one other special consideration. Some people say that they would like to help Hong Kong and help to protect our modest political aspirations by linking MFN renewal to the political development of Hong Kong. They say they would like to go further than Senator McConnell's U.S. Hong Kong act which shows a benign interest in our prosperity and stability and they use MFN as a tool to try to secure our way of life.

I just say today, as I've said in Hong Kong, I hope anybody who thinks that would actually be helpful will take it from the Governor of Hong Kong that it certainly wouldn't. I hope that anybody who's tempted to do that, won't. And I say to everyone with all the force at my command, though without in any way abasing my enthusiasm for the United States, that you certainly can't help Hong Kong by hurting our economy.

And MFN does help us substantially, just as it helps the fastest growing regions in China, as I was saying. What helps us helps China, and what hurts China hurts us. Economists have made lots of predictions about the impact on us of ending MFN. You can argue about precisely what those consequences would be, but nobody can doubt that it would deal us a pretty heavy blow.

I'm not going to hurl myself onto the spears of your debate. I know that there's very much thought and understanding going into the issue at the moment, a great deal of attention being paid to the exact terms on which MFN might be renewed. I only hope that those who are making the decisions will bear in mind some of the arguments that I have put today.

The New York Times, a few moments ago, said in a marvelous phrase that no one has ever made any money betting against Hong Kong. I think that's right. I think Hong Kong has a bright future, and could well play in relation to the opening up of China's economy, the same sort of role that New York, itself, played in the opening up of the American economy a century ago. But that future in Hong Kong will be brighter and will be more assured, we'll have more prosperity and more political stability, if China does not seek to impede the modest steps towards democracy that it's already agreed we should make.

In the longer term, there's one other factor which I believe to be crucial to Hong Kong's well being. I have no hesitation at all in saying that the better the relationship between China and the United States, the better the prospects for Hong Kong. A China steadily moving forward towards a more open economy, a more open society, and dealing, we hope, responsibly and with self confidence, with the pressures and the challenges that come with economic success, and a United States economically strong, assured in its leadership, and ever mindful of its historic commitment to free markets and to the values of a free society.

That relationship, mature and mutually reenforcing, would not only be good for Hong Kong, it would also be good for the Asian region and extremely good for the world.

Thank you, very much.

CONRADO O. COLON, PUERTO RICAN BUSINESSMAN OF THE YEAR

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SERRANO. Mr. Speaker, I rise today to honor Mr. Conrado O. Colon, who, in this quintcentennial year of Puerto Rico, has been named the "Puerto Rican Businessman of the Year" by a committee comprised of the New York State Federation of the Hispanic Chamber of Commerce, the House of Seagrams, and the GALOS Corp. This award will be presented at a ceremony being held tomorrow in New York.

Conrado Colon is executive vice president of Goya Foods, Inc., a company that was founded in New York in 1936 by Spanish immigrants and has grown to be the largest Hispanic foods company in the United States.

Mr. Speaker, Conrado Colon has grown with and helped shape the success of Goya Foods. Born in Cabo Rojo, Puerto Rico, he came to New York at the age of 15. He joined the company in 1958 and was named director of purchasing in 1963. In 1978 he was made a vice president, and in June 1990, he was named executive vice president of Goya Foods, Inc.

In these various positions Mr. Colon has traveled the world to find the best ingredients for Goya's products, and has been instrumental in introducing new product lines. Goya now markets more than 800 different food products and has annual sales of $410 million.

Mr. Speaker, Conrado Colon is currently overseeing a multipronged marketing program to introduce Goya to the mainstream market.

His efforts are important not only to the commercial prospects of Goya Foods, but to the cause of mutual appreciation and understanding among the diverse cultures of our great Nation of Immigrants.

Last, but certainly not least, Mr. Speaker, Conrado Colon is supportive of the many ways in which Goya Foods has contributed to the New York community—from sponsoring community activities such as youth athletic teams and the annual Miss Puerto Rico Cultural Pageant, to spurring the development of community food and literacy awareness programs, to providing essential support for such major Hispanic events as the Puerto Rican, Cuban, and Dominican Day parades. This past weekend I was pleased to participate in the Bronx Community College 10–K run, which Goya Foods helped sponsor.

Mr. Speaker, I hope my colleagues will join me in congratulating Mr. Conrado O. Colon on being named "Puerto Rican Businessman of the Year," and in thanking him for the important contributions to our society he is making as an executive of Goya Foods.

TRIBUTE TO RAOUL TEILHET

HON. HOWARD L. BERMAN

OF CALIFORNIA

HENRY A. WAXMAN

OF CALIFORNIA

ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to Raoul Teilhet, who earlier this year resigned his position with the California Federation of Teachers.

Since his election as president of the CFT in 1967, Raoul has worked tirelessly on behalf of the rights of teachers. He has been their champion through many bitter battles with politicians and administrators over salaries, the right to collective bargaining, and the question of who is and is not, fit to teach. We join the CFT today in "Celebrating Raoul,"—the apt title of the retirement dinner in his honor.

Part of what makes Raoul a super leader is his political courage. He was a fighter who battled with all the strength of his moral conviction. This was true both of his tenure with the CFT and the California Labor Federation, which elected him its first teacher vice president in 1977.

Raoul had the foresight to recognize that Proposition 13 would wreak havoc with California's schools and make it increasingly difficult both for teachers to earn a decent living and for children to receive a quality education. He galvanized and organized the labor and the education communities into a coalition to fight this damaging, but politically popular proposition.

Raoul also courageously opposed the Briggs amendment, which would have banned the hiring of gays as teachers in public schools. The bill was deeply offensive to Raoul, whose many attributes include a keen sense of justice. He debated the amendment's author, State senator John Briggs, and clearly helped make a persuasive case: The measure was soundly defeated.

A history teacher at Pasadena High School, Raoul made history on his own by virtue of his passionate commitment to building a strong teachers' union. During his tenure, he traveled across the State, arguing—sometimes before openly hostile audiences—in support of due process and tenure for all public school employees. In the early 1980's, excited by the prospect of a union family that included custodians, cafeteria workers, and school bus drivers, he supported classified employees in their bid for CFT membership.

Our public schools are struggling today and need all the support we can give them. In this, we can find no greater inspiration than Raoul Teilhet. His tireless work for—and his unrelenting commitment to—the rights of teachers are a shining example for all of us. We are proud to know Raoul and ask our colleagues to join us—and all of California's teachers—in saluting him today.

A TRIBUTE TO RHODA AND RAYMOND FOX

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Rhoda and Raymond Fox who have taken leadership roles in serving Congregation Emanu El in San Bernardino, CA. The Foxes will be recognized for their longtime commitment to the congregation as they receive the Rabbi Norman F. Feldheym Award on May 22, the 102d anniversary of the chartering of Congregation Emanu El.

Rhoda and Raymond each have a long record of service to Congregation Emanu El. Rhoda has served as the principal of the School for Jewish Living, participated in adult Jewish education programs, and served as a tutor to Russian immigrant children. In addition, she currently serves on the board of directors of the congregation and as chair of its commission on membership responsible for welcoming new members into the congregation. Raymond has served as the president of Congregation Emanu El, 1984–86, chaired the development and long-range planning committees, chaired the public relations committee, and raised funds for the construction of the Rabbi Norman F. Feldheym Religious Education Center. He also serves on the board of managers of the Home of Eternity Cemetery.

The Foxes have also made a number of significant contributions as civic and community leaders. Rhoda has been a member of the Arrowhead Chapter of Hadassah and Paradise Chapter of B'nai B'rith, a member of the San Bernardino County Grand Jury, 1980–81, and is currently a member of the Grand Jury Association. She also serves as a member of the Adult Correctional Advisory Council and is a member and former chair of the San Bernardino City Parks, Recreation and Community Services Commission. In addition, she is a tutor at the Regional Youth Education Facility and is active in support of Option House for abused women and children.

Raymond has served as the chairman of the San Bernardino United Jewish Welfare Fund, is the past president of the San Bernardino Mental Health Association, and the past president of the West Side Chamber of Commerce in San Bernardino. He is also the past chairman of the San Bernardino American Field Service and the San Bernardino Central City Advisory Committee. Additionally, he is a current member of the San Bernardino Joint Powers Committee and the chairman of the San Bernardino Parking Commission.

Mr. Speaker, please join me, our colleagues and friends in recognizing the fine contributions of Rhoda and Raymond Fox. The Rabbi Norman F. Feldheym Award is an appropriate honor for these kind and humble people who care so much for the citizens of our community. It is fitting that the House of Representatives pay tribute to them today.

FURTHER PROOF THAT AMERICANS AREN'T UNDERTAXED

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. COX. Mr. Speaker, despite the views of Bill and Hillary Rodham Clinton to the contrary, Americans aren't undertaxed. We pay more in taxes than Bill Clinton, who has never even run a small business or worked for a private paycheck, even begins to understand.

Ms. Laura Tyson, who is Chairman of Bill Clinton's Council of Economic Advisers, believes that "there is no relationship between the level of taxes a nation pays and its economic performance." She also has written that "the United States ranks at the very bottom of all industrialized nations in terms of its overall tax burden."

What Bill and Hillary and Laura don't understand is that in the American Federal System—unlike, say, Sweden—there is more than one level of tax. Any fair analysis should take into account that we also pay income taxes to our States, and sometimes to our counties and cities. Moreover, even before we are fortunate enough to earn any income at all, we've got to pay dozens of other levies to government agencies of all kinds.

Recently, the Washington Post business section featured a story about "Red, Hot & Blue," a barbeque restaurant whose experience with endless taxes is representative of small businesses across America. According to the Post, here's what this 85-employee business paid in taxes in 1992—before it even had the privilege of paying Federal income taxes: $25 city fee because the restaurant has a security system; $50 State fee paid to incorporate the business; $250 special Federal tax because the restaurant serves alcohol; $300 State property tax on the restaurant's van; $600 city fee that allows the restaurant to have bands perform; $1,330 State fee to serve mixed beverages, beer, and wine; $2,600 city fee for operating a business; $6,100 for workers' compensation insurance; $6,300 State property tax on the restaurant's equipment;

$11,200 real estate tax; $12,000 for unemployment insurance; $14,000 for Social Security; $57,560 for the city sales tax, 4 percent; and $64,755 in State sales taxes, 4.5 percent.

This is further evidence—if more is needed—that Americans aren't undertaxed. So, Mr. President, Ms. Rodham Clinton, and Ms. Tyson: please, lay off the new taxes—so American small business doesn't need to lay off the employees.

A MAGNIFICENT POINT OF LIGHT FOR MEDICAL EDUCATION: FRANK MOYA, M.D.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. OWENS. Mr. Speaker, Dr. Frank Moya is a doctor's doctor who commands the respect of his colleagues from coast to coast. Dr. Frank Moya is also a compassionate and generous human being who rises above his considerable professional achievements and goes beyond the call of duty to cast a magnificent bright light which offers an inspiring example of how individual initiative can help to accelerate the improvement of basic health care in America. Dr. Moya is the primary sponsor of the Frank Moya Scholarship Fund for Minority Medical Students which was founded in 1992 to assist promising inner-city students embarking on premedical college studies.

Mr. Speaker, health care for all Americans is a concern that has now captured the attention of our entire Nation. Some form of national health insurance is now deemed to be inevitable. But a government mandated insurance program will not automatically provide the kind of health care needed by the residents of our big cities. Primary care doctors who are willing to practice in inner-city neighborhoods represent the first steps toward the provision of adequate health care in communities like Harlem, Bedford-Stuyvesant, Brownsville, Chicago's South Side, and Watts in Los Angeles. Dr. Moya's generosity provides concrete help for inner-city students who are likely to return to their inadequately covered communities.

The Frank Moya Scholarship Fund for Minority Medical Students was established by the Medical Alumni Association of the College of Medicine of the Health Science Center at Brooklyn in 1992 when Dr. Randall Bloomfield appealed to Dr. Moya for a contribution which would be matched by the Alumni Association. Dr. Bloomfield is a practitioner, a policymaker, a scholar and an innovator who is immersed in the day-to-day struggle to provide decent health care to the most needy population in New York City. The response to Dr. Bloomfield's appeal for funds to aid deserving students by both Dr. Moya and the Alumni Association was a positive and generous response. The Frank Moya Scholarship Fund for Minority Medical Students was thus created as a magnificent point of light in a situation surrounded by despair and pessimism.

Mr. Speaker, Dr. Moya's contribution to assist with this particular critical problem in medical education is just one of his many contributions to society and the medical profession. Dr. Moya is currently the chairman of the Department of Anesthesiology as well as the director of the Pain Center at the Mount Sinai Medical Center in Miami Beach, FL. In addition, Dr. Moya is the publisher and editor in chief of such publications as: "Current Reviews in Clinical Anesthesia," "Current Reviews in Nurse Anesthetists," and "Current Reviews for Post Anesthesia Care Nurses."

Dr. Moya has served on the board of directors for several notable organizations throughout the United States. Currently, he serves as chairman of the Board of the Anesthesiologists' Professional Assurance Co., the American Professional Assurance Co., Ltd., APA Management, Inc., The New M&M Corp., M2 Realty Corp., and M2 Emerald Corp. In addition, Dr. Moya also serves as chairman and president of Frank Moya, MD and Associates, Frank Moya, Inc., and Blue Ridge Operating Co.

Dr. Moya has published 254 scientific articles, abstracts, and textbooks. He is a benefactor for the State University of New York, Downstate Medical Center, Barry University, Mount Sinai Medical Center, the Hope School, the United Way, and the Nature Conservancy. Dr. Moya recently received the honorary alumnus, F.L. Babbott Memorial Award from the College of Medicine, State University of New York.

Mr. Speaker, the master-plan for the improvement of health care in America must develop many components. This is a challenge of great complexity. At the heart of this great effort we must not forget to recognize the vital role of the medical profession. In addition to the professional contributions of doctors, we must also welcome their general social wisdom. It is an honor to salute Dr. Frank Moya as a "Magnificent Point of Light for Medical Education."

A TRIBUTE TO THE ARNOLD J. TYLER SCHOOL AND THE CAROLINE BENTLEY SCHOOL IN NEW LENOX, IL

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to salute two excellent elementary schools in my congressional district—the Arnold J. Tyler School and the Caroline Bentley School in New Lenox, IL, Will County School District 122. Both schools are recipients of the 1993 U.S. Department of Education's Blue Ribbon School of Excellence Award.

For my colleagues who may not be familiar with this prestigious honor, the Blue Ribbon School of Excellence Award recognizes schools that excel in eight separate categories vital to a quality education: leadership; teaching environment; curriculum and instruction; student environment; parent-community support; indicators of success; organizational vitality; and a special emphasis on the teaching of history and mathematics.

The blue ribbon selection process was tough, with representatives from both the Illinois State Board of Education and the U.S. Department of Education evaluating these two fine schools based on the eight criteria. Let me share a few comments from these evaluators. On the Tyler School: "The teaching environment is positive; good teaching is recognized publicly; staff development opportunities are supported and encouraged." The Bentley School evaluator, an educator himself, had this to say about his visit: "I have just spent two of the most enjoyable days that I have ever had in a school."

Mr. Speaker, I commend and congratulate Superintendent Alex Martino and in particular, Principal Edward Tatro of the Tyler School and Principal Robert Gaines of the Bentley School, as well as the other administrators, teachers, staff, and students for making these two schools among the best in the Nation.

ADAMS FRUIT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. FAWELL. Mr. Speaker, I am pleased today to join the gentleman from California, Mr. FAZIO, in the introduction of a bill to effectively overturn the Supreme Court's 1990 ruling in Adams Fruit Co., Inc. versus Barrett. Under that decision, the court ignored the well-established principle of the exclusivity of workers' compensation remedies by interpreting the Migrant and Seasonal Agriculture Workers' Protection Act to provide for a private right of action for certain job-related injuries even if they had been covered by workers' compensation at the time of the injury.

This decision upsets the doctrine of exclusivity of workers' compensation by permitting farmworkers to seek dual remedies. The fundamental purpose of the workers' compensation system is to provide a prompt and reasonable remedy to the injured employee without delay or expense. In theory, employers who pay into workers' compensation programs do so to avoid being exposed to additional liability. Allowing such a remedy over and above workers' compensation essentially gives migrant and seasonal farmworkers greater protection than all other employees.

The Adams Fruit decision creates problems for both employers and employees. Employers can be exposed to potentially enormous liability for damages, in spite of the fact that they have contributed into the workers' compensation system. It also eliminates any incentive for employers to provide workers' compensation coverage for their employees in the 14 States where migrant and seasonal farmworkers are covered only at the option of their employer.

At the close of the last Congress, an amendment was attached to the legislative appropriations bill, H.R. 5427, temporarily suspending the Adams Fruit decision through July 6, 1993. The bill will permanently resolve this issue by ensuring that workers' compensation benefits are the exclusive remedy for migrant and seasonal farmworkers. I look forward to working with my colleagues in the resolution of this issue.

POVERTY AND THE CULTURAL REVOLUTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of all of my colleagues a commentary that was in the Los Angeles Times on March 29, 1993. In this commentary entitled "How the '60s Doomed the Have-Nots," Myron Magnet does an excellent job of summing up the complete failure and repercussions of the cultural revolution. In addition, he boldly explains how America evolved to the state that it is in today due to the cultural revolution. The state that I am referring to is the welfare state, and if America does not stop this continuous cycle now, we can never replace it.

HOW THE 60S DOOMED THE HAVE NOTS

Why, when immigrants from around the globe are making American lives worthy of respect and self-respect from the humblest jobs, do the poorest Americans—the underclass—not work?

The key to the mystery is that their poverty is less an economic matter than a cultural one. In many cases, these "have-nots" lack the inner resources to seize their chance, and they pass on to their children a self-defeating set of values and attitudes, along with an impoverished intellectual and emotional development that generally imprisons them in failure as well.

Three, sometimes four generations have made the pathology that locks them in—lack of education, failure to work, welfare dependency, crime and drug abuse—drearily familiar. But the underclass culture they live in is not wholly of their own invention. It is a dialect, so to speak, shaped more by the culture as a whole than by any independent, internal dynamic.

That's why the prosperous are implicated in the poverty of the poor, even though they don't extract their BMWs from the hides of the underclass the way mine owners squeezed profits out of abused children in the Industrial Revolution. The "haves" are implicated because over the last 30 years they radically remade American culture, turning it inside out and upside down to accomplish a cultural revolution whose most mangled victims turned out to be the have-nots.

This was the opposite of what was supposed to happen. For when the haves began their cultural revolution a generation ago, they acted in the name of two related liberations. Impelled by the fervor of the civil-rights movement, they sought the political and economic liberation of the poor and the black have-nots. Their honorable aim was to complete democracy's work, to make American society more open. In addition, the haves sought personal liberation for themselves. They yearned to free themselves from stifling conformity. That longing found expression in the sexual revolution, which reshaped family life, increasing divorce, illegitimacy and female-headed families on all levels of society, and in the '60s counterculture, which rejected traditional bourgeois culture.

Bourgeois culture's sexual mores—based on guilt, marriage and the belief that gratification should be deferred to achieve future goals—were seen as symptoms of its pathology. Its sobriety and decorum were mere slavish conformity; its industriousness betokened a materialistic value system; its family life was another arena of coercion and guilt. This culture went hand in hand with an inherently unjust capitalist economic order and a political order whose murderousness was plainly revealed by the war in Vietnam.

The cultural revolution failed in devastating ways. Instead of ending poverty for the have-nots, it fostered, in the underclass and the homeless, a new, intractable poverty that seems to belong more to the era of ragged chimney sweeps than to modern America. Poverty turned pathological because the new culture that the haves invented permitted, even celebrated, behavior that, when poor people practice it, will imprison them in poverty. It's hard to persuade ghetto 15-year-olds not to get pregnant, for instance, when the entire culture, from rock music to perfume commercials to highbrow books, is intoxicated with the joy of what before AIDS was called "recreational" sex.

Worse, during the '60s and '70s, the new culture of the haves, in its quest for personal liberation, withdrew respect from the behavior and attitudes that have traditionally boosted people up the economic ladder—deferral of gratification, sobriety, thrift, dogged industry and the whole catalogue of antique-sounding bourgeois virtues.

Moreover, the new culture held the poor back by robbing them of responsibility for their fate, further squelching their initiative and energy. Instead of telling them to take advantage of opportunities that were rapidly opening, the new culture told the have-nots that they were victims of an unjust society and, if they were black, they were entitled to restitution. It told them that the traditional standards of the larger community often didn't apply to them, that their wrongdoing might well be justified rebellion or the expression of yet another legitimate "alternative lifestyle." It told them that, if they were mentally ill, they were really just marching to a different drummer and should be free to march in the streets—which is where many of them ended up, homeless.

DOROTHY JANE DAVIS RETIRES

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. ARMEY. Mr. Speaker, I wish to draw the attention of this House to a distinguished and praiseworthy constituent of mine, Mrs. Dorothy Jane Davis, on the occasion of her retirement as president of the Texas School Food Service Association.

For a dozen years now, Dorothy Davis has been known and loved in my district as the child nutrition director of the Lewisville Independent School District. This fine lady feeds the children at 28 schools, including 3 high schools, 6 middle schools, and 19 elementary schools, for a total of 16,000 meals a day. Dorothy composes every menu herself. And she oversees every aspect of the child nutrition office, from payroll to equipment purchases.

Dorothy's career has been a long and fulfilling one. In the early 1970's she was cafeteria manager at Clark Hall on the North Texas State University campus in Denton, and in the latter part of that decade, she ran the dietary department at Lewisville Memorial Hospital.

Dorothy is a self-described chocolate addict, and she confesses to a taste for that venerable Texas dish, chicken fried steak, which only goes to prove, Mr. Speaker, my longheld contention that moderation in all things—including eating right—is the essence of wise living.

As she hands over the presidency of the Texas School Food Service Association to her successor, Dorothy Jane Davis has earned the well-deserve applause of her colleagues, students, and friends, and I ask the Members of this House to join me in wishing her continued success and happiness.

BRING SANITY AND REASON BACK TO MEDICAL RESEARCH FUNDING

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. DORNAN. Mr. Speaker, we need to bring sanity back to discussions of AIDS and other devastating diseases. As the attached article states, a recent Gallup Poll showed that the public is terribly misinformed about health threats. Astonishingly, the respondents to the poll, in a 20-to-1 margin, thought that AIDS was a greater threat than heart disease. In fact more people will die this month from heart disease than will die all year from AIDS. Yet, the U.S. Congress will spend twice as much money fighting the ninth leading cause of death [AIDS] as will be spent on the first cardiovascular disease.

It is the job of us in the U.S. Congress to examine the competing claims of medical research advocates and determine how those claims compare to the truth. Since 85 percent of all AIDS cases are the result of anal intercourse and intravenous drug use, we have clear methods of preventing most AIDS cases. However, right now our medical research priorities are skewed. Remember: For every Rudolf Nureyev who dies from AIDS, there will be 16 Gilda Radners who are killed by cancer. Mr. Speaker, let's bring some reason back to the debate. Garage doors are more of a threat to 90 percent of America than is AIDS.

[Condensed from American Journalism Review]

THE REAL RISK OF AIDS

(By Daniel Lynch)

We journalists aren't very good at conveying to our readers, viewers and listeners that we live in a world of relative risks, and we're not good at putting those risks in context. Inadvertently, we often transmit accurate facts but misleading impressions.

Take as an example Earvin "Magic" Johnson's revelation in November 1991 that he carries the human immunodeficiency virus (HIV), which precedes AIDS. Press coverage was intense. Many newspaper and television reports pointed out that AIDS—acquired immune deficiency syndrome—had killed more than 125,000 Americans since 1981.

That number, as usual, was reported in a vacuum. Almost nobody pointed out that the annual death toll from AIDS has been low compared with annual deaths caused by cardiovascular disease, cancer, diabetes or even drunken drivers.

Few people understand that. After more than a decade of some of the most intensive reporting ever lavished on any human ailment, the public remains stunningly misinformed about the relative risk of AIDS. The federal Centers for Disease Control (CDC) estimated that 196,000 Americans would die of AIDS from 1992 through 1994. During the same period, about 2.7 million Americans will be killed by cardiovascular disease, and another 1.5 million by cancer.

Yet when a Gallup Poll asked, "What is the most urgent health problem facing this country?" respondents by an eight-to-one margin identified AIDS as a greater threat than cancer. More astonishing, they believed AIDS to be a greater threat than heart disease by 20 to one.

Why? Because that's the message they've received from the news media.

Misleading impressions in the media can have an enormous impact on public policy. The federal government spent about $2 billion in fiscal 1992 to combat AIDS, roughly what is spent battling cancer. The $1.26 billion it spent on AIDS research dwarfed the $763.6 million allotted for cardiovascular-disease research, even though cardiovascular ailments kill more people each month than AIDS is projected to kill this year.

Among the leading causes of death in America—including cancer and cardiovascular disease—AIDS ranks ninth. Yet we spend more than twice as much to fight the No. 9 killer as we do to fight the No. 1 killer.

This has happened in no small measure because of a remarkably successful media campaign waged by AIDS activists. From the beginning, they understood that a large segment of the public disapproves of the homosexual life-style, and that intravenous-drug users are held in even lower regard. But AIDS activists worked hard to persuade Americans that the disease was not confined to homosexuals, drug users or to people in other high-risk groups.

Take, for example, advertisements featuring women discussing the need to carry condoms for fear of contracting the AIDS virus. These ads were designed to warn against unsafe sex. But they also had another purpose: to scare everybody by featuring women as typical potential AIDS victims. It worked. The words safe sex fall freely from the lips of formerly swinging singles. Celebrities appear on television warning that AIDS doesn't discriminate against heterosexuals. "It can happen to anybody, even me," Magic Johnson says.

Meanwhile, the press neglected other basic facts about AIDS, and this only compounded the damage. In the early 1980s, we in the media refrained from reporting what was at the time the primary means of spreading the disease: anal intercourse. As a result, many people whose life-styles put them at greatest peril continued high-risk activities for months, even years after those practices had been identified by health authorities as deadly.

Many editors and reporters still fail to place AIDS stories in a larger context, especially with articles involving percentages. According to the CDC, the number of AIDS cases attributable to heterosexual intercourse has almost tripled since 1989. But that percentage hides the raw numbers: fewer than 4200 of the Americans found to have AIDS last year contracted HIV that way.

Male victims such as Magic Johnson, who say they became infected as a result of heterosexual sex, represent but three percent of the total number of persons with AIDS. (Among both genders, it's seven percent.) Those infected solely through blood transfusions, including hemophiliacs, make up only 2.3 percent of the AIDS population. Such infection is now considerably less likely with the safeguards put into place to protect the blood supply. As for contracting HIV from your dentist, your automatic garage door poses greater danger.

The reality, painful though it may be, is that AIDS in the United States remains overwhelmingly confined to gays and intravenous-drug users, who account for 85 percent of all cases. That prompts the question: why is the medical establishment cooperating with AIDS activists in trying to persuade the general population that we're all at substantial risk from an epidemic that has been compared to the Black Plague?

The answer is that medical researchers are lobbying for more money to develop vaccines. The medical community understands that the public money and political commitment necessary to wipe out HIV would be hard to come by if the virus were perceived as anything other than a threat to everybody.

None of this means society shouldn't put as much muscle as it can into finding a vaccine that would relegate HIV to the history books. If many Americans are relatively safe from AIDS, that is hardly an argument for turning our backs. We owe it to our sense of human decency and dignity to fight it ferociously. "Safe sex" measures have their obvious validity against all levels of risk.

But journalists have an obligation to examine the competing claims of advocates, to assess the extent to which those claims conflict with reality and then tell the truth as best as it can be determined.

Magic Johnson's illness is a tragedy, but so was the death of Gilda Radner. When talking about death rates, it helps to remember that for every AIDS victim, there are 16 Gilda Radners who die of cancer. For every AIDS victim, there is more than one James Dean who dies in a car wreck, more than two Jim Hensons who die of pneumonia, or an Ernest Hemingway who commits suicide. And for every AIDS victim, there are more than 28 Elvis Presleys who die of cardiovascular disease.

Unless you are a member of one of the high-risk groups, there is no reason to be unduly fearful when the chances of contracting AIDS are remote. And there is no reason for Americans to be as misinformed as they are about the relative risk of AIDS.

BOSNIAN CRISIS GIVES RISE TO THE DAWKS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. BEREUTER. Mr. Speaker, the question of how best to respond to the tragedy in Bosnia has caused many Americans to rethink their attitudes toward the use of force. Many of the individuals who, in the past, have been adamantly opposed to any use of force are now among the most eager to involve United States ground troops against Serbia and the Bosnian Serbs. An editorial in the May 5 edition of the Omaha World-Herald explores this phenomena. This Member commends it to his colleagues.

NO COLD WAR TO PECK APART; DOVES CHANGE INTO DAWKS

They are among the more interesting creatures to emerge in 1993. Now they have a name. Dawks.

As defined by Karen Elliott House on the editorial page of The Wall Street Journal, dawks are "deeply committed doves on every recent foreign intervention from Grenada to the Persian Gulf who suddenly have assumed the plumage and cry of Balkan hawks."

They hated America's arms buildup in the Cold War, its efforts to combat the spread of Marxism in Latin America, its decision to liberate Kuwait and prevent Saddam Hussein from seizing control of the world's petroleum lifeline. They have demanded deep, disabling cuts in U.S. defenses. They think of Vietnam as a national disgrace.

Then came the war in Bosnia. For the dawks, it changed everything. The perverted Serbian policy of ethnic cleansing has become, to them, the Holocaust of the 1990s. A moral nation like the United States, they contend, must do whatever it can, even intervene with an armed force, to end the atrocities.

Dawks are to be found among President Clinton's staff and in the State Department. They include liberals in Congress and a number of writers and commentators—people like New York Times columnist Anthony Lewis—who have been flogging America for years with the allegation that its interventionist foreign policy was arrogant and imperialistic.

A Philadelphia Inquirer reporter compiled a partial list. The names included William Sloan Coffin, the former Yale chaplain who served two years in prison for helping men avoid the Vietnam draft.

Also William Kunstler, the radical lawyer and defender of anti-war activists, and George McGovern, who ran for president on a pacifist platform.

Dawks come from the ranks of people who have long claimed the moral high ground. They dealt in absolutes. Peace was always good. American military power was never to be trusted. Other countries should be left alone to settle their own disagreements, even disagreements pitting a freedom-loving populace against revolutionary cadres armed by Moscow.

Now, it turns out, the absolutes are being questioned. Military intervention isn't intrinsically bad in the eyes of the Coffins, Kunstlers and McGoverns. Pursuing a policy with force of arms isn't an unmitigated evil after all, the dawks have discovered. Noninvolvement, they are saying, is indefensible when the cause is just.

Some people, in other words, are dancing with all their might to avoid tripping over their self-created contradictions.

RECOGNITION OF JASON McCARTHY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I am pleased to rise today to recognize Jason McCarthy of Lake Ronkonkoma, NY, for receiving a National Leadership Grant Competition scholarship from the Sons of Italy Foundation.

Each year through the Sons of Italy Foundation, the Order Sons of Italy in America [OSIA] awards numerous scholarships of between $2,000 and $5,000 in its annual National Leadership Grant Competition. These grants are awarded to students who have demonstrated exceptional leadership qualities and achieved a distinguished level of scholarship.

Jason McCarthy, a senior at Centereach High School on Long Island, is the valedictorian of his class. He is active in a variety of school activities including the Yearbook staff, the Science Club, the math team, and he was captain of the fencing team. Jason was also director of the Interact Club and served as a rape prevention seminar instructor. Jason plans to attend the Massachusetts Institute of Technology and become an electrical engineer.

Mr. Speaker, it is my great pleasure to congratulate Jason McCarthy on his many accomplishments. I wish him well in all of his future endeavors.

IN HONOR OF WMAQ-TV WEATHERCASTER JIM TILMON'S 25 YEARS OF SERVICE AS A CHICAGO JOURNALIST

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. RUSH. Mr. Speaker, I rise this afternoon to pay tribute to a great Chicago broadcaster and, I'm proud to say, friend of mine, Jim Tilmon. April 1993 marked Jim's 25th year of service as a journalist and broadcaster in the Chicago community, and what a career it has been.

As WMAQ-TV, channel 5's science and aviation specialist, Jim is perhaps the only weathercaster in the Nation who is also a commercial airline pilot who flies as a captain on 727 Astrojets for American Airlines.

His career has been marked both by outstanding journalism, including an investigative series in 1989 that uncovered serious airport security flaws at Chicago's O'Hare and Midway airports, and dedicated service to the Chicago community.

It gives me great pleasure to be able to acknowledge on the public record of this esteemed body the talent, commitment, and dedication to outstanding broadcasting that is exhibited by this fine American, Jim Tilmon.

ENERGY TAX

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. PACKARD. Mr. Speaker, the energy tax proposed by the Clinton administration would cost a typical family of four $500 a year. This tax would hit the wallet of an average family in California extremely hard. California's average annual energy tax rate is already twice the amount of most States. In fact, California already pays 50 percent more than Vermont does, the least affected State. According to the U.S. Department of Energy, California consumed about 6,987.6 trillion Btu's in 1990. California residents and businesses would be handed a bill of $2,847 million in additional energy taxes if the Btu tax is implemented.

This tax would have a devastating effect on a State budget that is already struck by budgetary shortfalls in a time of economic crisis. California has already become the economic dumping ground for President Clinton's excess taxes. The Btu tax would push California's economy down further. Its economic ramifications are devastating. It would hinder the possibility of economic growth for California, lower their GSP and cost California workers their jobs. California industries and workers would inevitably become less competitive in world markets and this would undermine the economic performance of the United States. The implications of this tax by President Clinton are understated. The sobering truth is that everyone is dependent on energy, so this tax will hit all Americans hard.

Not only will this tax target households, it will also hit California's transportation sector. California's transportation sector would carry 40 percent of California's energy tax revenue in 1996. The Btu tax on oil would be more than twice the tax on other fuels, placing a heavy burden on the transportation sector and the middle-class driving population. The average family of four would witness gasoline prices rise 15 cents per gallon according to American Petroleum Industry. In addition, everything manufactured in this country that uses energy will realize an increase in price. This, of course, would be passed along to the consumer.

When will President Clinton realize that increased taxes do not equal a balanced budget. Reduced spending is the only way to solve our Federal deficit. History has demonstrated to us that increased spending and taxes will only increase the deficit.

INTRODUCTION OF LEGISLATION TO OVERRULE THE SUPREME COURT'S ADAMS FRUIT DECISION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. GOODLING. Mr. Speaker, I am proud to be a cosponsor of legislation introduced today by my colleague from California, Mr. FAZIO, which would overrule the Supreme Court's 1990 decision in Adams Fruit. In that decision, the Court held that injured farmworkers may bring a private cause of action under the Migrant and Seasonal Agricultural Worker Protection Act [MSPA], even though those workers had already recovered workers' compensation benefits for those same injuries.

The implications of the Adams Fruit decision are quite troubling as the decision undermines the general principle of the exclusivity of workers' compensation, both in the MSPA context and beyond. The workers' compensation system was designed as a quid pro quo system in which employees forgo the right to a tort remedy in exchange for readily accessible relief without questions of liability or contributory negligence. The Adams Fruit decision undercuts the bargain that both employers and employees made in participating in the workers' compensation system. By allowing private causes of action under MSPA, the decision opens employers up to costly litigation and openended liability for workplace injuries they thought they were insuring themselves against through their payments into the workers' compensation system.

Farmworkers will also suffer under the Adams Fruit decision as it removes any incentive for agricultural employers to provide workers' compensation coverage for them. In the majority of States, coverage of farmworkers remains optional and the decision provides employers little reason to exercise that option. The uncertainty of a private cause of action is no substitute for the accessibility and sure relief of workers' compensation.

The passage of MSPA in 1982 was made possible because it was supported by a bipartisan coalition of agricultural employers, organized labor, and farmworker representatives. That coalition would hardly have held together had it been intended that MSPA would provide a private cause of action for workplace injuries that would supplement any recovery under the workers' compensation system.

The legislation that will be introduced today overrules the Adams Fruit decision and provides that a farmworker cannot bring a private cause of action under MSPA for actual damages for a workplace injury, but would be limited to the remedies available under the State workers' compensation scheme. However, a worker would still be entitled to bring an action for statutory damages or an injunction based on a MSPA violation. This bill is consistent with the provision in Public Law 102–392, fiscal year 1993 Legislative Branch appropriations, which suspended the Adams Fruit decision for 9 months. The effective date of the bill would be October 6, 1992, the date of enactment of Public Law 102–392.

By reversing the Adams Fruit decision and recognizing the importance of the exclusivity of workers' compensation, this legislation returns to the original congressional intent in enacting the MSPA remedial scheme. This legislation is good for farmworkers and for agricultural employers. I urge you to support it.

IN HONOR OF THE RETIREMENT OF REAR ADM. PAUL L. KRINSKY, USMS, AS SUPERINTENDENT OF THE U.S. MERCHANT MARINE ACADEMY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay honor to a great leader and dedicated citizen of the United States, Rear Adm. Paul L. Krinsky, upon his retirement as Superintendent of the U.S. Merchant Marine Academy. The Academy operated by the Maritime Administration of the U.S. Department of Transportation is one of our Nation's prime source of licensed merchant marine officers and the largest single source of Naval Reserve officers.

Admiral Krinsky is the seventh such officer to head this great institution since its dedication in 1943. Himself a graduate of the Academy in 1950, with high honors, the admiral started a most extensive career of service as deck officer aboard the passenger vessels S.S. *America* and S.S. *United States.* Five years later, he went on active duty as a navigator aboard the U.S.S. *Everglades* and as a naval science instructor at the New York State Maritime College. In 1958, the admiral joined the faculty of the Academy, teaching a wide range of courses. He quickly advanced in rank and in 1963 became director of admissions for the USMMA. In 1985, he became deputy superintendent of the academy and rose to rank of superintendent in 1987.

Admiral Krinsky's many achievements have been recognized by his colleagues and the great institution he now heads. He is the recipient of the Maritime Administration's Superior Accomplishment Award for his participation in the NS *Savannah* nuclear project. In addition, in recognition of his extensive leadership ability, he was awarded the U.S. Department of Commerce's Silver Medal Award for Meritorious Service.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join with me and the rest of our Nation in paying tribute to Rear Adm. Paul L. Krinsky, for his dedicated service to our country and to our merchant marine, and to join me also in extending our best wishes for his continued success in all his future endeavors.

TESTIMONY IN SUPPORT OF JOB CORPS 50-50 FUNDING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. LANTOS. Mr. Speaker, I testified before the House Appropriations Subcommittee on Labor, Health and Human Services, and Education today in support of the Job Corps 50–50 plan. The Job Corps 50–50 plan is a long-term initiative to maintain and strengthen current Job Corps services and to open 50 new centers to serve 50 percent more youths in the next decade. Support for the 50–50 plan among State and local officials across the Nation and in California is strong.

Mr. Speaker, I ask that my testimony be placed in today's RECORD and I urge my colleagues to support full funding of Job Corps 50–50.

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES

Mr. Chairman, thank you very much for permitting me to take a few moments to voice my strong support for President Clinton's FY 1994 budget request for the Job Corps 50-50 plan. As you know, this program trains and educates poor and disadvantaged youths. At the same time, Job Corps works to reduce our federal budget deficit by returning $1.46 for every dollar invested. Job Corps is a good investment in our young people. I urge you to fully fund the Job Corps 50-50 plan.

For nearly three decades, Job Corps has had a successful track record of educating and training our nation's disadvantaged youth. The Job Corps launches skilled youth into the labor force, thus building our economy. Job Corps graduates get jobs, join the military, or go back to school and higher education. Thanks to this subcommittee's strong support over the years, thousands of youth across our nation have been educated, trained, and placed into the mainstream of society through the Job Corps program.

Mr. Chairman, over the past decade I have seen a rapid increase in the number of at-risk youth desperately in need of education and job training in San Francisco, on the Peninsula and in the Bay Area. Although Job Corps does a tremendous job of serving California's poorest youth, literally thousands of young people remain on the sidelines and are unable to enroll in Job Corps because there are not enough training slots. We desperately need more Job Corps centers in California, particularly in the San Francisco Bay Area.

The Job Corps 50-50 plan as proposed by President Clinton and adopted by the House and the Senate Budget Committees would include opening 50 new centers, plus expanding existing centers in order to increase the enrollment of disadvantaged youth in Job Corps in the next decade by 50 percent. As you know, the FY 1994 Job Corps program operations budget proposed by the Administration will enable Job Corps to maintain current operations levels. The Administration has also recommended $133 million for new centers. I support these requests.

Mr. Chairman and distinguished members of the Subcommittee, I urge you to support the President's FY 1994 Job Corps budget request of $1.15 billion. A modest increase in funding will allow for the program's much-needed expansion to communities in need like the San Francisco Bay Area. Thank you for your past support for Job Corps and for your consideration of future Job Corps funding.

IN TRIBUTE TO ST. CYRIL AND ST. METHODIUS PARISH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. COYNE. Mr. Speaker, I want to pay tribute today to St. Cyril and St. Methodius Parish in McKees Rocks, PA.

On May 29, 1993, the Parish of St. Cyril and St. Methodius will cease to exist as a result of a parish reorganization and revitalization plan being managed by the Catholic Diocese of Pittsburgh. While this parish will no longer be open to the faithful in McKees Rocks, St. Cyril and St. Methodius Church will not be forgotten by its parishioners nor by the surrounding community.

The Roman Catholic Church of St. Cyril and St. Methodius in McKees Rocks has a proud history dating back to March 8, 1910, when the parish was organized by a group of Polish immigrants. These men and women came to the Pittsburgh area and settled in McKees Rocks to pursue a better life in America while still honoring their ethnic and cultural customs and beliefs.

On April 1, 1910, Rev. John Robaczewski was appointed the first pastor and celebrated the first Mass of St. Cyril and St. Methodius Parish at the Lithuanian Hall on Locust Street, McKees Rocks. The Lithuanian Hall served as the parish meeting site until the present church, located on Cutler Street, was completed and dedicated on November 23, 1913. Over the life of this parish, four successive Polish-American priests have ministered to the needs of this parish and have helped parishioners maintain the traditions and customs associated with the active Polish-American community in McKees Rocks.

St. Cyril and St. Methodius Church and its members have played an active role in the life of McKees Rocks. Parishioners have served with distinction as members and officers of the McKees Rocks Borough Council, the Stowe Township Commission, boards of public and parochial education, civil defense director, public school superintendent, local election boards, Selective Service Boards, and local, county, State and national officers of major veterans organizations.

The members of St. Cyril and St. Methodius have also sacrificed much in the defense of their country. This church was the religious home to 345 young parishioners who served in World War II, including 12 who gave their lives in the defense of democracy. Parishioners from St. Cyril and St. Methodius have served in every major conflict of the past half century, including Korea, Vietnam, and most recently Operation Desert Storm. In addition, a select number of parishioners have received appointments and have earned their commissions from the U.S. Air Force Academy and the U.S. Naval Academy.

Throughout McKees Rocks and the surrounding communities of Allegheny County, parishioners from St. Cyril and St. Methodius serve in a varied number of professions, including law, medicine, education, and business administration. Parishioners are also active in the arts and play an active role in the cultural life of their community.

Finally, the parishioners of St. Cyril and St. Methodious have shared with their community the gift of their labor, following the injunction of the church to minister to those who are in need. Parishioners play an active role in community volunteer efforts to care for the sick, the poor, and the needy both during the holiday season and throughout the year. Parishioners also play a central role in the celebration of community events such as Memorial and Veterans Day parades, voter registration drives and programs for senior citizens.

Mr. Speaker, the parishioners of St. Cyril and St. Methodius have every right to be proud of their parish. The are also justified in viewing with sadness the closing of this parish. Still, while St. Cyril and St. Methodius Church will soon cease its service to the people of McKees Rocks, I am confident that the memory of this parish will always remain strong among its faithful parishioners and the community of McKees Rocks.

THE EIGHTH ANNUAL SALUTE TO PASSAIC SEMIPRO BASEBALL REUNION DINNER

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to four outstanding citizens of northern

New Jersey, who will be honored on May 7, 1993, for their contributions to semipro baseball. These four baseball legends of Passaic County are Frank Santora, Joe Kopec, John Glogiewicz, and Joe Job. Each of these gifted individuals have dedicated their time and their talent to a game that brings pleasure to all Americans. The eighth annual salute to Passaic semipro baseball reunion dinner will be held at the Athenia Veterans Hall in Clifton, in the Eighth Congressional District of New Jersey.

There are few places in this country where one can still hear the "Star Spangled Banner," yet in every baseball stadium, thousands of people rise up to proudly sing our national anthem and salute our flag. Not only is baseball a patriotic experience, but one in which young and old can come together to celebrate this national pastime that's as American as apple pie. It gives me great pleasure to honor these men with such extraordinary abilities and achievements who have helped to promote a great tradition throughout my district.

Frank Santora competed in many local semipro teams and he went on to play professionallly for the New York Yankee's minor league. Frank Santora had the honor of playing with one of baseball's all-time greats, Micky Mantle, in a Western Assocation all star game. To further honor Mr. Santora's accomplishments, he was elected to the Bergen County Baseball Hall of Fame in 1977 and the National Italian-American Sports Hall of Fame in 1990.

Joe Kopec played for several teams in the Passaic area, including the Garfield Indians, the Maple Leafs, and the Passaic Cubs. Joe Kopec shared his love of baseball and his talents so that the younger generations of our area could learn to enjoy the game; he coached Little League in Passaic for 5 years and in the Babe Ruth League for 2 years. Joe Kopec is recognized as one of the outstanding center fielders of his time.

John Glogiewicz demonstrated his ability as a star shortstop for the Paterson Chevy Red Sox, the Garfield Jewels, and the Garfield Beningnos. John was also a member of the tricounty championship team, the Passaic Comets, for three years. John Glogiewicz was elected to the Bergen County Baseball Hall of Fame in 1977 to honor his magnificent baseball career.

Mr. Joe Job was an asset to the semipro baseball league in New Jersey. Joe was considered to be one of the best baseball players in all of New Jersey, and was recognized as the "Sultan of Swat." Mr. Job was also elected to the Bergen County Hall of Fame for his active participation and motivation with baseball.

Mr. Speaker, these legends of semiprofessional baseball brought respect and excitement to the game. These men were the heroes of their own towns and brought a sense of pride to their communities. I would like to thank Frank Santora, Joe Kopec, John Glogiewicz, and Joe Job for bringing a special meaning to athletics in our community, and I would like to congratulate each of them for their outstanding achievements.

INTRODUCTION OF THE NATIONAL PRESIDENTIAL DEBATE BILL OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. MARKEY. Mr. Speaker, I rise today to introduce the National Presidential debate bill of 1993, legislation that will soon be introduced in the Senate by Senator BOB GRAHAM of Florida.

As the chairman of the Subcommittee on Telecommunications and Finance I am amazed everyday by the breathtaking pace of change in the communications world.

Ten years ago, if I said to someone, "Excuse, may I borrow your cellular phone. My pager just beeped and I need to fax something to the West Coast," you would think I was a visitor from a distant planet. But today, the swift progress in communications has made such a statement quite commonplace.

Advancements in this industry are quickly transforming the way we work, the way we learn, the way we entertain, and, increasingly, the way we conduct elections. And nowhere is the change more profound than in the world of television. A decade or so ago, the three major networks controlled more than 90 percent of the television market. Today, the majority of Americans can turn on their TV and get more than 50 channels. Right now, in Queens, New York, Time-Warner is experimenting with a 200-channel system. And in Orlando, FL they are about to introduce 600 channels.

Who would have predicted, even in 1988, that Larry King, Phil Donahue, and Tabitha Soren of MTV would wield nearly as much influence in 1992 Presidential politics as Peter Jennings, Dan Rather, and Tom Brokaw?

Today, a voter can design his or her own campaign. The recipe might include a little MTV, perhaps a talk show or two, some CNN, and, maybe, a dash of network news. Voters wield their clickers ruthlessly, simply zapping coverage that fails to provide them with the information they need to make their decisions. And last year, voters used this power to force dramatic changes in Presidential politics. They demanded more direct access to the candidates themselves, without the filtering of reporters, pundits, and advertising gurus; candidates who were willing to listen and to answer voter questions directly; and real answers from the candidates, not just 30-second commercials or 10-second soundbites.

The voters demanded and, I believe, received substantive answers to tough questions, thanks in no small part to the three Presidential and one Vice-Presidential debates held in October.

Today I am introducing the National Presidential debates bill of 1993, legislation which will force all major and minor party candidates for President who take Federal general election funds to appear in at least three debates.

The Presidential debates are an essential yet endangered part of our national political tradition. They embody much of the new, post-1992 ethos: They provide voters with an unfiltered view of the candidates and they force the candidates to answer tough questions directly, with detailed responses and without the benefit of spinmasters and consultants massaging every impression.

But the debates also provide us with an element of the old mass media era that is perhaps worth preserving—the shared national event.

According to the Debates Commission, 97 million Americans watched last year's final debate, one of the highest rated programs of the year. Like the Super Bowl, the World Series, and other big television events, the debates give Americans a sense of shared experience. We watch the debates in our living rooms and compare notes with family and friends. The next day, we assess the candidates and their views at the water cooler and in the cafeteria at work.

After months of wondering where's the beef, the debates give voters real answers to tough questions. And they build a sense of enthusiasm and anticipation about the election, drawing people to the polls. The interest in last year's debates undoubtedly helped generate the increased turnout we saw at the polls this year.

Many of us in this Chamber remember the first televised debate in 1960, and its electrifying effect on the campaign. John Kennedy's performance not only changed the course of the election but ultimately the course of American politics.

Unfortunately, as you know, it has not been smooth sailing since. There were no debates between 1964 and 1972 and each year since 1980 the debates have been threatened by campaign posturing. This past year, the Bush campaign spent weeks avoiding the debates only to embrace them late in the campaign when they felt the debates were their last, best hope to win.

Senator BOB GRAHAM and I have a solution to this quadrennial wrangle. Our bill requires campaigns which take public funds to engage in four Presidential debates and one Vice-Presidential debate. Last year, voters paid out $110 million in general election funds. It seems to me, five debates is the least the candidates can do in return.

Our bill was included in the campaign finance bill passed last year by both the House and the Senate but then vetoed by President Bush. With a new President in office who is ready to submit a campaign finance reform bill maybe as early as this week, I believe we have a real chance to make the debate bill, originally filed in 1989, a reality in 1993.

Passage of this bill will benefit everyone, from the political parties to the press to the candidates of the future. Most of all, it will benefit the voters who, by their growing interest, show that they want these debates.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Presidential Debates Act of 1993".

SEC. 2. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 (26 U.S.C. 9001 et seq.)

is amended by inserting after section 9003 the following new section:

"SEC. 9003A. PRESIDENTIAL ELECTION DEBATES.

"(a) IN GENERAL.—In addition to the requirements specified in section 9003, in order to be eligible to receive any payments under section 9006, the candidates of a major or minor political party for the offices of President and Vice President shall agree in writing—

"(1) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan organization, with all other candidates for that office who are eligible under such section 9006; and

"(2) that the major or minor party candidate for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under such section 9006.

"(b) INELIGIBILITY.—If the Commission determines that a major or minor party candidate failed to participate in a debate under subsection (a) and was responsible at least in part for such failure, the candidates of the party involved shall—

"(1) be ineligible to receive payments under section 9006; and

"(2) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to such candidates under such section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 95 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 9003 the following new item:

"Sec. 9003A. Presidential election debates.".

SEC. 3. TECHNICAL AMENDMENT.

Section 9007(b)(5) of the Internal Revenue Code of 1986 (26 U.S.C. 9007(b)(5)) is amended by inserting "or section 9003A(b)" after "this subsection" each place it appears.

TRIBUTE TO JULIA CARSON

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1993

Mr. JACOBS. Mr. Speaker, as this March 22, 1993, article from the Indianapolis Star reports, government spending can be cut and taxes lowered if the person working on it is smart enough.

The Indianapolis Center Township Trustee, Julia Carson, aka Julia the genius, is smart enough. Ms. Carson is a former staff member of the Indianapolis congressional office.

My mother says that if you can hire someone who is smarter than you are, you are smarter than she is. And my mother is always right. Well, almost always.

[From the Indianapolis Star, Mar. 22, 1993]

FISCAL HORROR WAS CENTER OF TRUSTEE WOES—CARSON CUT RELIEF ROLLS, MILLIONS OFF THE BUDGET

(By R. Joseph Gelarden)

In January 1991, the newly elected Center Township trustee, Julia Carson, inherited a financial disaster right out of the Twilight Zone.

If the trustee's office was a private business, it would have been in bankruptcy court. As the boss, Carson would have spent most of her time ducking creditors and the rest of her day scratching and kicking just to keep the lights turned on.

It was a complicated problem with a simple cause: The former trustee ran an office that spent a lot more money than it took in.

But Carson waded in with solutions.

In just two years, she slashed $9.3 million off the relief budget for the poor and trimmed almost 85,000 people from the township welfare rolls. As a result, property taxes are headed down.

In fact, she cut 30 cents off the township property tax rate this year and pledges to slice it about 55 cents more next year.

Indianapolis Mayor Stephen Goldsmith says Center Township was one of the few tax districts in Marion County where the 1993 rate went down.

He is right. Of the 63 Marion County taxing districts, only three—Center, Lawrence and Wayne townships—had property tax rates reduced for 1993. And none as far as Center.

Indiana law makes the township trustee responsible for the poor. Among other duties, the trustee provides emergency help to the needy for rent, food, clothing and home heating costs. People earning 55 percent of the federal poverty guidelines can be eligible for trustee assistance that may include help in paying for rent, utilities, food, household supplies and clothing.

During William R. Smith Sr.'s final year as trustee, the township spent $13.7 million to provide assistance to 141,610 needy clients, according to 1990 trustee records. The same records show he denied assistance of 43,628 people.

The 1990 U.S. census figures show that 171,000 people live in Center Township.

When that population total is matched with records compiled under Smith's leadership, it appears there were about 14,000 more people requesting aid than people who lived in Center Township.

These numbers still are puzzling.

In Smith's defense, it could be said that parts of the floodgates were opened by court rulings knocking out township residency requirements and forcing the trustee to increase rent payments to clients.

Smith, now the principal of an Indianapolis Public Schools junior high, declined to comment for this story.

PROBLEMS FROM THE ONSET

Before Carson cold roll up her sleeves, she had to ask for $12 billion in bonds to cover the previous trustee's leftover bills. Then she had to borrow an additional $9 million to keep the doors open. In addition, she had to issue more bonds after a federal judge ordered payment of $750,000 in back wages to a group of workers ruled to have been improperly fired by Smith for political reasons.

The bond issues, totaling almost $22 million, kicked the Center Township poor-relief property tax rate through the ceiling. The township rate skyrocketed from 36 cents (1990) to $1.16 (1992) per $100 of assessed valuation.

That means that for a Center Township home with an assessed valuation of $20,000, the property tax bill jumped from $72 to $232 for poor relief alone.

Marion County Auditor John R. von Arx said the township fiscal mess nearly drowned the city and the county in the sea of red ink.

"We were on the brink of having to declare Center Township a distressed township. This action would have triggered a host of actions, including diverting other agencies' share of the proceeds from the County Option Income Tax money to pay off the Center Township bills," he said.

"Most importantly, that declaration would have driven the city-county bond rating down and caused major problems for officials putting together the funding for the United Airlines maintenance facility and the Circle Centre mall," he said.

LIGHT AT THE END OF THE TUNNEL

After two full years in office, Carson can finally see the light at the end of the tunnel, she proudly said.

Von Arx said he's proud to have provided some planning assistance, but he admitted it is Carson who did the work and deserves the lion's share of the credit.

"Julia Carson wrestled that monster to the ground," he said.

This year's tax rate is 90 cents per $100 of assessed valuation, dropping the poor-relief bill for the owner of a Center Township home assessed at $20,000 from $232 to $180.

Andy Jackson, Carson's chief financial officer, projects next year's rate will drop to 34 cents. That would be 2 cents less than the '90 rate. If he is right, the owner of the $20,000 home would pay $68 for poor relief.

FORMULA FOR SUCCESS

How did Carson do it? How did this 54-year-old former state senator control the office that had a fiscal record resembling a runaway train?

Carson's explanation is a four-letter word: work.

The program is called workfare. Under it, prospective relief clients are required to earn trustee assistance at the rate of $6 per hour, working for city agencies or nonprofit groups.

"We send people all over the place—State Fairgrounds, United Northwest Neighborhood Association, Flanner House, the Indianapolis Zoo," Carson said.

She said workfare has been good for clients. It motivates them to get off assistance.

"Somehow, after being required to work, a lot of those people found gainful employment," she added.

Her aides go a little further. They point to a tightening of regulations, combined with the use of other relief programs, as another reason the rolls have been slashed.

VOUCHERS INSTEAD OF CASH

Carson explained that the office does not pay cash for workfare hours. Instead, the client is given a voucher for rent, food or other services.

"The client gets no tangible resources from the work. When they work off relief at $6 per hour, and you still have your pockets empty, most folks would prefer to go out and get a job. And get some liquid assets.

"And a lot of people told us that," Carson said.

Lacy Johnson, a lawyer in the trustee's office, said that although state law permits a trustee to adopt a workfare program, Carson came into office and found none.

"In 1991, our workfare workers put in 42,000 hours, and in '92 it was 67,578," he said.

Carson aides began to require that applicants for trustee relief sign up for other public assistance programs such as Aid to Families with Dependent Children, food stamps and Social Security disability, and for help with their utility bills through Project SAFE.

People granted Center Township assistance while they wait for federal officials to process their Social Security disability payments—a process that can take a year to 18 months—are required to repay the township for the aid when they finally get a lump-sum payment.

Ironically, the repayment is mandated by a state law that Carson opposed when she was a state senator. She collects repayment because of the law, but still disagrees with the concept.

"When we came in office, we found a lot of people were abusing the system," said Jackson, the fiscal expert Carson hired from the State Board of Accounts. "For example, a lot of young people graduated from high school and immediately applied for trustee rent aid because they wanted to move out of their home and into an apartment.

"When we required the teenagers to live in a shelter like the Salvation Army, and not in an apartment, a lot of them moved back in with their parents.

Also, the word was out on the street in Chicago and Detroit and in the other townships: 'Come to Downtown Indianapolis and (get relief assistance). They don't ask questions,'" Jackson added.

CUTBACKS INCLUDE CRITICISM

The flip side of the Carson cutbacks is that some social workers say there are people who need and qualify for aid who aren't getting it.

Social workers, who asked not to be identified for fear that their clients would face retaliation because workers complained to *The Star*, said some of Carson's aides have been too tough on potential relief clients.

Those social workers said clients have complained of red tape and of having to return several times to the trustee's office to provide additional documentation to back up claims. Many clients have told social workers they left the trustee's office in tears after improper treatment.

"They need to train their case-workers or hire some who have more training in dealing with clients," a social worker said.

"I know she (Carson) is trying to get fiscal control of the situation, and I appreciate it. But it seems that her standards are different in each case," one worker said.

In response, Carson said she has ordered 140 workers "not to give clients the run-around" and to treat them decently.

"There is a way to deny assistance without putting people down, and they are to do that," she said.

POPULARITY ISN'T CONCERN

Carson's work to trim relief rolls appears to fly in the face of conventional political wisdom: A black, inner-city Democrat should get votes in exchange for providing food, shelter and clothing to the poor.

Carson, though, doesn't buy into that conventional wisdom.

"I don't believe that the more you help the needy, the larger your political base becomes," she explained.

"When you look at Smith's figures (vote totals) in '90, you realize that he spent $8 million for shelter alone and it did not get him reelected. I don't think the average person on public assistance really cares who is in that office." Carson defeated Smith in the 1990 primary election.

The fabled Democratic Party inner-city voting bloc no longer exists, Carson said.

"They (inner-city aid clients) do nothing in terms of voting in masses. If every welfare client in Marion County would vote for the same person, they could elect him to any office—mayor, treasurer, clerk or whatever," Carson said.

"But that is one of the lowest voting populations in existence."

Carson is the daughter of a domestic worker. She remembers being sent to the Center Township trustee's office for food and being given a ration of corn meal and lard. She served her political apprenticeship as a caseworker for Rep. Andy Jacobs Jr., D-Ind., a man known for his tight-fisted fiscal practices.

She served in the Indiana Senate and worked for Cummins Engine, using her savings to open an upscale Downtown dress shop. She took a financial bath but refused to declare bankruptcy. Carson said she is still paying off bills from the shop.

"When I announced I was going to run for trustee, I did it because I was reading about the high cost of poor relief and how things were out of control," Carson said. "The TV showed long lines of black people waiting for aid, and I took it personally.

"I knew I could come in and restore some dignity to the process and defuse the notion that everyone on poor relief was ripping off the system. Because that is what a lot of people were getting to in terms of public assistance.

"I know I can take a core of people who are welfare recipients and move them out into a better life.

"I know how it is done. I am a living witness on how you do it. You work hard and make sacrifices," she explained.

"Hell—I'm too old to do otherwise at this point."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 6, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 7

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Armed Services

To resume hearings to examine United States military policy concerning the service of gay men and lesbians in the Armed Forces.

SR-222

Joint Economic

To hold hearings to examine the employment-unemployment situation for April.

Room to be announced

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Frank N. Newman, of California, to be an Under Secretary of the Treasury for Domestic Finance.

SD-538

Finance

Medicare and Long-Term Care Subcommittee

To hold hearings to examine antitrust issues in the health care industry.

SD-215

10:30 a.m.

Foreign Relations

To hold hearings on the nominations of Douglas J. Bennet, Jr., of Connecticut, to be Assistant Secretary of State for International Organization Affairs, Elinor G. Constable, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, and John Howard Francis Shattuck, of Massachusetts, to be Assistant Secretary of State for Human Rights and Humanitarian Affairs.

SD-419

MAY 10

2:00 p.m.

Rules and Administration

To hold hearings to examine certain legal issues raised by the petitions regarding the election in Oregon.

SR-301

MAY 11

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of James John Hoecker, of Virginia, Donald Farley Santa, of Connecticut, and William Lloyd Massey, of Arkansas, each to be a Member of the Federal Energy Regulatory Commission, Department of Energy.

SD-366

Joint Printing

Meeting, to review congressional printing and other activities of the Government Printing Office.

SR-301

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on the National Guard and Reserve programs.

SD-192

Environment and Public Works

To hold hearings on the President's proposed budget for fiscal year 1994 for the Environmental Protection Agency.

SD-406

11:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of the U.S. Trade Representative, Department of Commerce.

S-146, Capitol

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

H-5, Capitol

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Ellen W. Haas, of New York, to be Assistant Secretary for Food and Consumer Services, Eugene Moos, of Washington, to be Under Secretary for

International Affairs and Commodity Programs, and James S. Gilliland, of Tennessee, to be General Counsel, all of the Department of Agriculture.

SR-332

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on Trident submarine and missile programs.

SR-222

MAY 12

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Education.

SD-138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on tactical aircraft programs.

SD-192

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.

SR-253

10:30 a.m.

Veterans' Affairs

To hold hearings on the nominations of Jerry W. Bowen, of Arkansas, to be Director of the National Cemetery System, D. Mark Catlett, of Virginia, to be an Assistant Secretary (Finance and Information Resources Management), Mary Lou Keener, of Georgia, to be General Counsel, and Edward P. Scott, of New Jersey, to be an Assistant Secretary (Congressional Affairs), all of the Department of Veterans Affairs.

SR-418

2:30 p.m.

Armed Services

To hold hearings to review the Chairman of the Joint Chiefs of Staff Report on the Roles, Missions, and Functions of the Armed Forces of the United States.

SH-216

MAY 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on proposed authorizations for the Federal Grain Inspection Service, Department of Agriculture.

SR-332

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on enlisted personnel issues.

SD-116

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

Veterans' Affairs

To hold hearings on proposed legislation on veterans' reemployment rights.

SR-418

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S-5, Capitol

2:00 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 329, to revise section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and S. 334, to revise the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office.

SR-253

2:30 p.m.

Armed Services

Defense Technology, Acquisition, and Industrial Base Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and to review the future years defense program, focusing on the state of the national defense industrial and technology bases.

SR-222

MAY 14

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.

SD-430

Indian Affairs

To hold oversight hearings on proposed regulations to implement the 1988 Amendments to the Indian Self-Determination and Education Assistance Act.

SR-485

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.

SD-192

MAY 18

9:30 a.m.

Armed Services

Defense Technology, Acquisition, and Industrial Base Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on the state of the defense industrial and technology bases and Administration plans for fiscal year 1994.

SR-222

Energy and Natural Resources

To hold hearings on S. 721, authorizing funds for fiscal years 1994-98 for the Federal land and water conservation fund.

SD-366

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine U.S. competitiveness in the global marketplace.

SR-253

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H-5, Capitol

MAY 19

9:00 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-96 future years defense program, focusing on the personnel compensation and benefits programs of the military services.

SH-216

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.

SD-138

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.

SR-232A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Veterans' Affairs

Business meeting, to consider pending calendar business; to be followed by a hearing on the Department of Veterans Affairs roles in geriatrics and long-term care.

SR-418

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.

SR-253

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994–1996 future years defense program.
SH–216

MAY 20

9:30 a.m.
Rules and Administration
Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994–1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.
SR–301

10:00 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S–5, Capitol

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD–138

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD–192

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD–366

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H–5, Capitol

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.
SD–116

Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization and chemical defense programs.
SR–222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD–106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD–138

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S–5, Capitol

MAY 28

10:00 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.
SD–226

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH–216

JUNE 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD–192

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

CANCELLATIONS

MAY 6

11:00 a.m.
Joint Economic
To hold hearings to examine the problems facing the American economy and the prospects for future economic growth.
2247 Rayburn Building

HOUSE OF REPRESENTATIVES—*Thursday, May 6, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this National Day of Prayer we remember the blessings that have come to us as individuals and as a nation. We are grateful, O God, that we have enjoyed the freedom to worship in our own manner and with those who share our beliefs. We are thankful that the blessings of liberty and freedom have been our heritage and have given to our country a rich inheritance that is more than we could ask or deserve. On this special day, we earnestly pray that we will remember these blessings and not lose our way with all the days crowded with necessary tasks to be done and decisions to be made. May we, in our own day and time, and with the responsibilities that are before us, be faithful to the spiritual tradition that we seek to preserve and sustain. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from California [Mr. CUNNINGHAM] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. CUNNINGHAM led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MILITARY ENGAGEMENT IN BOSNIA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, let us face it, there is little support in our country for getting militarily engaged in Bosnia, even limited airstrikes.

Given the fact that Bosnia could become a Vietnam quagmire if we are not careful, it is critically important that the Congress fully debate and authorize such an action. The President needs to bring in the American people on his decision.

Most Americans at this point do not know the issues in Bosnia, much less where it is.

Mr. Speaker, even though our allies and the United Nations might be supportive, it is critically important that the American people also understand and support our action. There are good foreign policy reasons to intervene. There are good moral reasons to intervene, and perhaps in our best national interest to proceed. But without the American people giving the view that they understand and are ready to support the matter, we should not proceed.

The President is to be commended for his caution so far.

Mr. Speaker, in Sarajevo and Sebrenica people are dying. And last night's decision by the Bosnian Serbs to put off acceptance of the Vance-Owen peace plan is yet another sign of intransigence and brutal disregard for the will of the civilized world.

I agree with President Clinton that we cannot act hastily, committing our men and women to a mission without clear goals, without a high level of comfort by the military, and without an exit strategy. Nonetheless, we cannot sit idly by.

Having just returned from Yugoslavia, I believe that we must respond to the beastly action of the Serbs in terms that they will understand. We must act for reasons of human decency and for reasons of hard, rational foreign policy. I fear, however, that we lack a national consensus for involvement. Therefore, I urge President Clinton to come to Congress for authorization to act. While I don't believe he legally needs authorization to participate in a peacekeeping operation, I think it will be good for the country and good for the President to consult and ask for authority from this body before moving forward. We must act but we must act together.

Mr. Speaker, the stakes in the former Yugoslavia are real and we, as the leader of the free world, cannot sit still.

OLD AND NEW DEMOCRATS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, what is the difference between a new Democrat and an old Democrat?

An old Democrat says he is going to rob from the rich and give to the poor, while a new Democrat says he is going to rob from the rich to give to the middle class.

Unfortunately, as Bill Clinton has proven in his first 100 days, both the old and new Democrats share one trait.

They take from the rich, the middle class, and the poor and they give to the Government.

Clintonomics means raising taxes on almost every conceivable consumer product, from energy to beer, to spend money on the pork projects preferred by the President's political cronies.

Obviously, Clintonomics will hurt everybody. It is not what the President promised in his campaign, and it is not what the American people want as an economic policy.

Old and new Democrats share another trait. A bankrupt economic philosophy that will bankrupt this country.

ONLY A BUMP IN THE ROAD

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, for those who say the President's jobs bill is history, I have got news for them: The detrimental impact of not passing that plan is being felt every day by our constituents.

I have heard from 20 of the 100 employees of the Webb Technical Group in Raleigh who have just lost their jobs because the USDA's food safety and inspection service has cut back the number of meat product samples processed by Webb from 3,500 per month to 600. The President's package included $4 million in extra funds for FSIS to assure consumers of a safe and unadulterated food supply. That money would also have ensured those workers their jobs. Try telling their families that the President's package was not a jobs bill.

A lender in my district told me he has been forced to turn down 23 applications from low-income families who had scrapped together $400 for nonrefundable appraisal and loan application fees. Those families have lost that money and their dream of owning a home because the Farmers Home Administration has run out of money for the Guaranteed Loan Program. President Clinton's proposal would have provided $234.8 million in new guaranteed loan authority to stimulate the housing market.

Try telling our small businessmen and women that the President's program was wasteful pork—they have just been informed that the Small Business Administration has also run out of money for its Guaranteed Loan Program. The President had proposed an additional $2.6 billion in business loan guarantees to support that vital sector of our economy which economists say creates the most jobs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These three examples are but a few clear indications that the President's proposal was indeed a jobs bill and an economic stimulus bill, an insurance policy against the sputtering out of this jobless recovery. Our constituents know that, even if the other body does not get the picture. But we will have other opportunities to address this agenda and to make the investments essential to our own economic future. We must ensure that the Republican filibuster is only a temporary return to gridlock, no more than a bump in the road to recovery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RICHARDSON). The Chair would caution Members that they should not refer to proceedings in the other body.

THE RICH AND FAMOUS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, 2 nights ago, President Clinton, while schmoozing with his rich and famous celebrity friends at a Democrat fundraising dinner, accused Republicans of not coming up with any specific spending cuts.

The whole country knows that Republicans offered billions of dollars in specific spending cuts in their budget alternative.

But it is easy for the President to lose touch with reality when he parties with the Hollywood elite.

The Hollywood elite will not be hit hard by the President's taxes. They can afford the extra $500 that most American families will have to pay due to the President's middle-class energy tax. They do not have to worry about the President's Social Security taxes.

Mr. Speaker, the President needs to get back in touch with reality. He needs to admit that Republicans have a better plan of deficit reduction, and that his taxes will hurt working families the hardest.

Let us get down to earth. Leave the fantasy to Hollywood.

AMERICA'S CALL FOR CHANGE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the American people want jobs. They want change. They want gridlock to end.

Unfortunately, Gary, IN, economy is dying while Republicans killed the President's jobs bill and a ray of hope that was left for my hometown.

The President's jobs bill would have meant 2,300 precious jobs to the people of Gary where unemployment is the only rising economic indicator.

These 2,300 jobs may never be created because Republicans would rather play politics than use money saved from this year's foreign aid and defense budgets to put Americans back to work.

Mr. Speaker, the American people have called for change, not more of the same. Surely, the Nation supports using money saved from a warmed-over, cold war budget to create 500,000 jobs here at home.

☐ 1210

TO HAVE EMPLOYEES, YOU HAVE TO HAVE EMPLOYERS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, contrary to the comments of the last several speakers on the Democrat side, the President did get his big measure passed, and his big measure was a massive tax bill that increased taxes, it was manifest in his budget to increase taxes on those employers who would be hiring people if they were not seeing hundreds of billions of dollars of new taxes assessed on them, on their customers, and on their employees.

A jobs bill is a situation where there is a few bucks left in a small businessman's pocket so he can go out, hire that extra employee, expand his plant, buy that new piece of equipment. And the present downturn that we are seeing right now is the voting of American people by their pocketbooks based on their judgment of the President's giant new bill of taxes.

That is what is depressing the economy. You know, one lesson my Democrat friends never seem to learn is this: To have employees, you have to have employers. Putting massive taxes on the backs of employers is not going to increase jobs.

DEMOCRATIC MESSAGE ON ECONOMY

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, my office in San Diego got a call recently from a man who has been out of work for almost 18 months. Laid off from his job in the electronics division of a defense contractor, this man has been forced to sell valuables to make the payment on his monthly mortgage. While he has had several interviews, as of his last conversation with my office, he had found no work.

Mr. Speaker, this man is not alone. Every day most of the Members of this body receive similar calls from similar people with similar stories. The unemployment rate in San Diego stands at a dismal 7.6 percent. Nationally, economic growth was a sluggish 1.8 percent in the first 3 months of this year. And we remain 3.4 million new jobs away from a typical recovery.

Mr. Speaker, there are faces behind these statistics. There are families that are hurting in my district in San Diego and across America. Let no Member of this or the other body kid themself—this Nation is still in desperate need of an economic package that will create jobs.

The President is willing to work with us to pass such a package. I urge Members of this body, on both sides of the aisle, to work with him to put Americans back to work.

THE PRESIDENT IS NOT READING HIS MAIL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it was with astonishment yesterday that I heard President Clinton is still accusing Republicans of calling for spending cuts but not offering any specifics.

As one Member who forwarded the President a copy of specific spending cuts, I would like to set the record straight. I would like to read from my letter to the President dated March 3, 1993:

> DEAR MR. PRESIDENT: In response to your many calls to be specific regarding spending cuts, I respectfully submit my list of 50 specific proposals to cut Federal spending. If implemented, these cuts could save about $191 billion over five years.

Two weeks later I got a letter back from the White House:

> DEAR MR. GOSS: Thank you for your letter regarding Federal spending cuts. The President has been advised of your proposed spending cuts, and a copy of your letter has been sent to O.M.B.

Perhaps the staff shakeup at the White House should include the President's mail handlers. He evidently is not seeing his mail.

THE AMERICAN HEALTH SECURITY ACT OF 1993

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1200, the American Health Security Act of 1993.

Mr. Speaker, one-quarter of the population of the United States resides in rural areas. Since rural residents are more likely to be self-employed, seasonally employed, or employed by a small business, they often do not have employer-provided health benefits. Because of this, rural residents are frequently forced to purchase health insurance coverage through the expensive individual and small group markets.

True health care reform must address the health care needs of rural areas. The American Health Security Act addresses those needs. Under the act, no one would have to depend on their employer to provide health insurance benefits. And since there is no employer mandate in the act, it would relieve small businesses in rural and other areas of the burden of providing health care coverage to their employees.

Under the act, all Americans would be entitled to a comprehensive package of benefits including inpatient and outpatient hospital services; professional services; preventive services; long-term care and hospice care; prescription drugs; vision care; pediatric dental services; mental health services; and other services.

The bill also would double grants to community health centers and migrant health centers and expand programs to increase the number of primary care physicians and send them into rural, underserved areas.

Mr. Speaker, this body will be debating over the next several months the merits of different approaches to health care reform. I urge my colleagues to consider the single-payer approach of the American Health Security Act. It is the most comprehensive reform and it bestows its benefits equally on urban and rural citizens.

WORKING FOR UNCLE SAM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Monday, May 3, was Tax Freedom Day, the day Americans quit working for Government and began working for themselves.

Next year Tax Freedom Day will be today, May 6, 3 days later. One hundred days of President Clinton, 3 more days of working for Uncle Sam.

Among President Clinton's new taxes is the tax on energy, or Btu tax. It will hit every American directly or indirectly. It will cost 600,000 jobs and $475 per family, according to the National Association of Manufacturers.

Last year when Mr. Clinton sought the Presidency he spoke of "fairness" in tax policy. Now in full control of the political apparatus, we find out what he really wants from tax policy: revenue, revenue, revenue to pay for spending, spending, spending.

This administration is not about fairness; it is about bigger Government, more spending, and more taxes.

INTRODUCTION OF THE COMMISSION ON FILIPINO VETERANS ENTITLEMENT ACT

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, 2 hours after the bombing of Pearl Harbor in 1941, locations in the Philippines were also bombed.

Forces made up of United States and Filipino soldiers fought and died, side by side, in defense of the Philippines. Of the 155,000 men and women from the allied forces, 110,000 were Filipinos.

The heart of the battle raged for 6 months; 20,000 Philippine Army troops were killed in action and 24,000 more were wounded.

Despite recognition of their valiant and loyal service by President Roosevelt and others following the war, Congress passed a bill expressly excluding Filipino World War II veterans from receiving benefits under the GI bill.

Today, I am introducing the Commission on Filipino Veterans Entitlement Act. This bill will create a Commission to study, research, investigate, and conduct public hearings on the claim of Filipino veterans to equal entitlements.

I invite my colleagues to join me in support of this bill. The merits of the cause of the Filipino World War II veteran are obvious and compelling.

We cannot rewrite history, but we can correct our mistakes from the past.

HIGH ALTITUDE BOMBING DANGEROUS AND MINIMALLY EFFECTIVE

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I would like to tell my colleague, the gentleman from Pennsylvania [Mr. BLACKWELL] that I would like to be the first to sign his bill.

Mr. Speaker, on May 10, 1972, I was shot down over North Vietnam while on a bombing mission. A year later I found myself flying a Mirage over the Golan Heights.

Twenty-one years later, American pilots may face the same fate if the President chooses to strike Bosnian Serbs' antiaircraft sites.

President Clinton's efforts thus far to end this war are commendable. I think all Americans should thank him.

If airstrikes, however, are used, bad weather in winter, camouflaged sites, mobile AAA sites, and mountainous terrain will force the release of ordnance at high altitude, and those strikes will not be effective and our aircraft will be shot down.

If I were the Serbs, the tactics would be to kill all the U.N. forces and move all the Serb AAA forces into the suburbs, forcing United States and allied pilots to bomb civilians.

First of all, the President should ask Milosevic to resign, a land bridge controlled by Russian and Chinese troops should be created, equal pressure should be placed on Serbs, Croatians, and Moslems, and we should offer to contain the fight in Bosnia. How we do that, I do not have enough time during this speech, Mr. Speaker.

HIGH-TECHNOLOGY JOBS? NOT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the U.S. Department of Labor has listed some more high-technology jobs in their dictionary of new job titles: Bosom presser; sanitary napkin machine operator; zipper trimmer; beaver trapper; nut roaster; bone picker; brassiere cup molder-cutter; crotch closer; loin trimmer; vibrator assembler; hardness inspector; and an impregnating helper. Boy, we are just overrun with all these jobs. We have so many jobs out there, and they are all high-technology, are they not? This sounds like a promo for a porno flick to me.

I say it is time to incentivize the Tax Code to create some real jobs in America in the private sector and put America back on track.

VIOLENCE FREE COMMUNITIES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Colorado, like many parts of America, has been blighted recently by a savage string of youth violence. It is very difficult to say which act is the most sickening. I can tell you about one of the most recent. That was an 11-year-old doing an armed robbery with his mother's 25-caliber pistol.

This is absolutely outrageous. Coloradans, as Americans, want their State back. They want the right to live in peace, and communities all over are starting to grapple with this.

It is time the Federal Government grappled with it, too, because, if the Federal Government and the communities work together, maybe we can finally make progress, rather than cower even more.

I am very pleased that we are having a conference this week in Denver on how we can have more cooperation and how we can finally get our communities back and violence free.

CONGRATULATIONS TO HARRY JACKSON OF COLUMBUS, GA

(Mr. COLLINS of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to remind the Members of this Chamber that it is the small businesses of America that contribute the most significant number of jobs, investment capital, and economic growth to our Nation's economy.

I also rise today to recognize Mr. Harry Jackson, from Columbus, GA, who has been named "Georgia's Small Business Person of the Year for 1993." In addition, he is now here in Washington where he will be named the "Small Business Council of America's Nationwide Small Business Person of the Year."

Harry Jackson has achieved successes in many areas, contributing to the economic, political, and social strength of his community and beyond. He has served as a successful businessman, an elected official, a banker, and in many other capacities too numerous to list here. His life represents a much needed balance that includes both the drive for personal success, along with the need to help those around him find success and prosperity as well.

Today, I salute Harry Jackson of Columbus for his many achievements, and I thank him for his tireless service and commitment to his community and to the State of Georgia.

NAFTA

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, We currently have a trade agreement looming over our head that will cripple many facets of our American Economy. The North American Free-Trade Agreement must not pass.

NAFTA will destroy the economy of Southern Agriculture. NAFTA will send our manufacturing jobs south of the border. NAFTA will be an environmental disaster. And, yes, Mr. Speaker, NAFTA will hurt our economy.

Opponents of NAFTA must stand up and be heard. We must not import Mexican goods at the expense of exporting American jobs. That is not free trade. We cannot compete with $5-a-day wages with no health care benefits. We cannot compete with the weak environmental regulations that are placed on Mexican farmers.

I, and a number of my colleagues, have sent suggested side agreements to the administration. However, I continue to hear that side agreements will have no enforcement authority. This will not stand. The future of American jobs depends upon our resistance to job giveaway trade agreements.

DISABILITY THREATENS JOB OF CONGRESSIONAL WORKER

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, yesterday I had a few words to say about the terrible mistake this House was about to make in terminating Fifine Glaws, our mentally challenged elevator operator. Just minutes ago, I talked with the Architect of the Capitol who told me that he can work the situation out subject to the approval of our Speaker. As the Protection and Advocacy Service of Washington has told me that Fifine's forced retirement appears to be a clear violation of the Americans With Disabilities Act, I hope that all things will work together for good, and this House will have done the right thing.

I will keep you posted again next week.

IN SUPPORT OF H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, this afternoon the House will continue consideration of H.R. 820, the National Competitiveness Act of 1993. I would like to urge my colleagues to join me in supporting this crucial legislation.

I have watched for many years our Nation's economic floundering. I have watched other countries pass us by as their governments have promoted technological advancement. And sadly, I have watched more and more Americans put out of work year after year, simply because we have not invested in our Nation's economic future.

The National Competitiveness Act will create jobs—high-skill, high-wage jobs.

Too often, government simply reacts to a problem. As the turn of the century approaches, let us show the American people that we have a vision and a plan for creating the America we want for tomorrow.

In New Hampshire we have companies like Resonetics, MPB Corp., and Hitchiner Manufacturing—companies that are creating new technologies, new jobs, and new trade opportunities. But American companies need help in order to compete successfully against their competitors overseas who are getting help from their governments.

Mr. Speaker, the people in my State want action. They want a strong American economy that will create good jobs. We are in an economic war for survival. Other countries have already invested in their economic future, they have a battle plan, and they intend to win.

Mr. Speaker, we need to give America a fighting chance. I urge my colleagues to join me in supporting the National Competitiveness Act of 1993.

WHITE HOUSE STAFF CUTS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, over the last several weeks we have had the President of the United States telling us he wanted to cut the White House staff and the White House budget by 25 percent. It turns out it must be one of those bad jokes that the President is so fond of telling, because, as we meet later on this afternoon, the House Appropriations Committee is going to be asked to mark up a new supplemental from the White House asking for $7½ million more than the Bush administration wanted to spend for White House activities, and adding 50 new full-time employees.

What is this money going to be used for? It is going to be used for more expense money. They want $1.2 million for transition moneys. That is a doubling of what was spent just 4 years ago.

They want more people, 50 new people, $3 million for 50 new people in the administration.

They want $800,000 for more telephones and they want $2 million so that they can do more political mailings out of the White House.

This is outrageous, to have the President go around the country telling people that he is making cuts when in fact, in the reality of the closed doors of the Appropriations Committee, they are asking for $7½ million more than the Bush administration was going to spend on White House activities.

THE EXAMPLE OF SHEILA GARRIGUE, FORMER BRITISH CITIZEN

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, yesterday I was honored by a visit from Sheila Garrigue from Westchester County.

Sheila Garrigue immigrated to this country from Great Britain over 25 years ago. Although she married an American and raised her children as Americans, her ties to her homeland remained strong, and she never gave up her British citizenship.

Never, that is, until last summer when, moved by the vision of hope articulated by then-candidate Bill Clinton, Sheila Garrigue decided that she wanted to become an American citizen in time to vote for change in November's election. Sheila Garrigue was so motivated by Bill Clinton's call for action, so energized by his vision for a better tomorrow, that she was willing to trade in her British citizenship to take part in Bill Clinton's new America.

Yesterday she came to my office and told me that she had no regrets about her decision, but she was disappointed that our friends in the Senate had not been as willing to embrace dramatic change as she had been.

Mr. Speaker, Sheila Garrigue could not understand how, with millions of Americans out of work, the other party would hide behind gridlock.

Sheila Garrigue wants jobs. The Senate should move the jobs bill. We want jobs. Let us do it now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VISCLOSKY). The Chair would admonish Members not to advocate action in the other body.

□ 1230

THE MEDICAL AND PROSTHETIC RESEARCH PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to restore some modest, but very critical, funds to the veterans affairs medical and prosthetic research program.

It is my understanding that the Subcommittee on VA, HUD, and independent agencies is in the process of receiving testimony from the Department of Veterans Affairs on the President's fiscal year 1994 budget request. I am introducing this concurrent resolution because immediate action is needed to reverse the drastic cuts to VA's research program as proposed.

The medical and prosthetic research account has suffered from chronic underfunding. In 1983, funding levels were sufficient enough to permit VA to support approximately 80 percent of all peer reviewed, meritorious research proposals. In the 3 most recent years, VA has been able to fund just over 30 percent of approved research proposals. The Clinton budget requests $206 million for research, a decrease of $26 million below 1993 levels. With this funding level, VA research will suffer a loss of over 576 FTEE in fiscal year 1994. The number of approved projects will decline by 31 percent below 1992 levels.

VA research serves as an essential element of quality health care delivery. Its application to patient care serves to ensure that veterans receive state of the art medical treatment which meets their unique needs. VA research programs help recruit and retain talented physicians who might not otherwise choose VA employment. Funding at the requested level could well be the death knell for this vital veterans program.

The Committee on Veterans Affairs has advocated for modest increases to VA's research budget for many years. Bipartisan support for this important program is based on the knowledge that research is an essential and integral component of the over-all quality of care delivered at VA medical centers. VA research allows VA medical centers to affiliate with major universities who are on the cutting edge of health sciences and medical practice. VA research provides incentives for VA to recruit and retain top clinician researchers whose contributions to the health of veterans are crucial.

Cuts to the VA research program cannot stand. Such reductions will have a direct effect on the quality of care delivered to our Nation's veterans. This concurrent resolution calls for the restoration of funding to this program to levels that at the very least should be no less than the amount appropriated in fiscal year 1993 plus inflation.

I urge my colleagues to support this legislation.

PROMISES IGNORED BECAUSE OF WARS ABROAD

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, it was the frustration of his life that the New Deal social program that Roosevelt promised was interrupted by war. A decade later, Mr. Speaker, Harry Truman became frustrated again when his calls for national health insurance and civil rights were interrupted by Korea. And in our own time the first victim of Vietnam became the Great Society.

Now a new President, committed to health care reform, and education, and for social justice in America, faces the same painful choice that has dominated America in the 20th century, her conscience for the needs of our own people and the callings from abroad. As Bill Clinton considers the victims of Bosnia and the horror of that war, I ask him to consider the homeless in our streets, our children who are not learning in their schools and the families outside of the net of our health care system.

I do not know whether American military presence in Bosnia can help. I fear we will worsen the situation. But I know that we can help those in America who have been neglected for so long.

Mr. Speaker, this is our mission, this is our purpose, for a new administration, and they cannot be ignored again because of those who would call us from abroad.

PREVENTIVE HEALTH CARE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, prevention is the key to fixing our Nation's health care system. With over 35 million Americans lacking adequate health insurance, we need to find cost-effective ways to provide health care for those who need it.

I have introduced H.R. 36, the Comprehensive Preventive Health and Promotion Act of 1993, providing for periodic health exams, health screening, counseling, immunizations, and health promotion in any health care plan.

H.R. 36 has been endorsed by the American Health Foundation, the American Nurses Association, the Association of Schools of Public Health, the American Academy of Otolaryngology, and the New York State Nurses Association.

Moreover, the American Health Foundation said: "on behalf of all of us concerned with research on effective disease prevention as the most efficient means of controlling health care costs, we wish to congratulate you on your taking the initiative of introducing H.R. 36." The Association of Schools of Public Health applauded our "championing health promotion and disease prevention issues in Congress."

Furthermore, I have been working with the President's task force on health, and most recently I received a note from Hillary Clinton, which said, "there is no question that preventive health care is an essential component of our reform effort."

Accordingly, Mr. Speaker, I urge my colleagues to cosponsor H.R. 36, and join in my effort to ensure that preventive services are included in any health care plan.

NATIONAL SERVICE

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, later today a bill will be introduced into this House to set forth the President's agenda on national service. What better time, Mr. Speaker, than a time when college tuition is being raised by many college campuses all across the country, a time when many parents find themselves caught in the middle. They find themselves caught in the middle because they make a little bit too much money to afford to apply for college assistance, Federal assistance, and make too little money to afford to take the money out of their own salaries to pay for their kids' education. It also comes at a very important time because there are many young people who are defaulting on student loans. They are defaulting on student loans simply because they do not have the money. They do not have the money because they are unemployed. They are a part of the 10 million people who are out of work.

This program, Mr. Speaker, will do a couple of things. One, participants will be able to pay their college loans back through national service. This is a great initiative, an initiative that, I think, should have been made a long time ago.

Mr. Speaker, I commend the President, and I certainly urge my colleagues to support this legislation

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 737

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from New York [Mr. HINCHEY] as a cosponsor of H.R. 737.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

CLARIFYING THE FAMILY FIRST UNIFICATION POLICY

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute.)

Mr. REYNOLDS. Mr. Speaker, I want to mention to the House that today I am going to be introducing a bill that will clarify the family first unification policy that we currently react to and look to the best interests of the child. This is based on a tragic incident in my city, in Chicago, where a 3-year-old child was put back in a home that he had been taken out of on three separate occasions, and the child was hanged the other day by his mentally disturbed mother. This policy was followed in my State for reunification of the family at all costs. My bill will clarify this miscarriage of understanding of Federal policy and have us think of the children first.

CONGRESS' RESPONSIBILITY IN THE URGENT SITUATION IN BOSNIA

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remark.)

Mr. LEVIN. Mr. Speaker, as in all international crises, under our Constitution the President bears the major responsibility to lead in Bosnia. But the Congress has responsibility to do more than just be prepared to follow. We also must help lead.

It is said the public is confused as to our national interests in Bosnia and that the President must spell them out. True. But Congress must participate in this process. We, too, must point out that, if Serbian aggression is rewarded in Bosnia, the conflict could spread to other areas, and it would be signal to all that hypernationalism and so-called ethnic cleansing can remain supreme with a thumb of the nose at the United States and the United Nations.

Mr. Speaker, the war in Bosnia looms starkly as the first real crisis in the post-cold-war era. It is complex. It is also urgent, very urgent. All of us here have a responsibility to see that there is an effective response, not reckless, but effective.

CAMPAIGN FINANCE REFORM

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, our President is about to announce some bold changes in the way we conduct congressional campaigns.

And there has been much speculation in this body as to what these changes will be.

And, unfortunately, much of that speculation has focused on how much these potential changes might hurt our chances for reelection.

Let me suggest that we are asking the wrong question.

We should be asking how much these changes will help the American people.

How much these changes will help to take the special interest out, and put the American interest in, our electoral process.

I call on my colleagues today to step forward and support President Clinton and his bold steps toward change—toward getting spending under control and toward putting a real limit on PAC influence.

Toward giving the American people an electoral process that will give us leaders who will deliver a better future, not a process that gives us politicians who deliver big vote totals.

That is what real campaign finance reform means for the American people, and that is what we should support.

NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 820.

☐ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. LANCASTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 5, 1993, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill, as modified by the amendment printed in section 2 of House Resolution 164, shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Competitiveness Act of 1993".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—MANUFACTURING

Subtitle A—Manufacturing Technology and Extension

Sec. 201. Short title.
Sec. 202. Findings, purpose, and statement of policy.
Sec. 203. Role of the Department of Commerce.
Sec. 204. National Technology Outreach Program.
Sec. 205. Advanced Manufacturing Technology Development Program.
Sec. 206. Miscellaneous and conforming amendments.
Sec. 207. Manufacturing Technology Centers.
Sec. 208. State Technology Extension Program.

Subtitle B—National Science Foundation Manufacturing Programs

Sec. 211. Role of the National Science Foundation in manufacturing.
Sec. 212. Engineering and Cooperative Research Centers.
Sec. 213. Manufacturing traineeships and fellowships.
Sec. 214. Total quality management.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Benchmarking Science and Technology

Sec. 301. Benchmarking United States science and technology against foreign capabilities.

Subtitle B—Advanced Technology Program

Sec. 321. Development of program plan.
Sec. 322. Large scale research and development consortia.
Sec. 323. Technical amendments.

Subtitle C—Civilian Technology Loan Program

Sec. 331. Loan and loan guarantee authority.
Sec. 332. Operating plan and effective date.
Sec. 333. Terms and conditions.
Sec. 334. Technical assistance for lenders and borrowers.
Sec. 335. Outreach to economically depressed areas.

Sec. 336. Socially and economically disadvantaged individuals.
Sec. 337. Definitions.

Subtitle D—Civilian Technology Development Program

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. Establishment and purpose.
Sec. 344. Advisory Committee.
Sec. 345. Organization and licensing.
Sec. 346. Capital and management requirements.
Sec. 347. Financing for licensees.
Sec. 348. Issuance and guarantee of trust certificates.
Sec. 349. Venture capital for qualified business concerns.
Sec. 350. Operation.
Sec. 351. Regulations; liability.
Sec. 352. Technical assistance for licensees and qualified business concerns.
Sec. 353. Performance measures; Annual report.
Sec. 354. Reports, investigations, and examinations.
Sec. 355. Revocation and suspension of licenses; cease and desist orders.
Sec. 356. Injunctive relief.
Sec. 357. Conflicts of interest.
Sec. 358. Removal or suspension of directors and officers.
Sec. 359. Violations.
Sec. 360. Civil penalties.
Sec. 361. Antitrust savings clause.

TITLE IV—MISCELLANEOUS

Sec. 401. Department of Commerce Technology Advisory Board.
Sec. 402. International standardization.
Sec. 403. Malcolm Baldrige Award amendments.
Sec. 404. Cooperative research and development agreements.
Sec. 405. Competitiveness assessments and evaluations.
Sec. 406. Study of semiconductor lithography technologies.
Sec. 407. American workforce quality partnerships.
Sec. 408. Severability.
Sec. 409. Sunset.
Sec. 410. Use of domestic products.
Sec. 411. National Quality Program.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.
Sec. 502. National Institute of Standards and Technology.
Sec. 503. Additional activities of the Technology Administration.
Sec. 504. National Science Foundation.
Sec. 505. Availability of appropriations.
Sec. 506. Sense of the Congress.

SEC. 102. FINDINGS.

The Congress finds that—

(1) the creation, development, and adoption of advanced technologies are significant determinants of sustainable economic growth, productivity improvement, and competitive standing;

(2) over the last decade, the rate of advanced technology adoption in the United States has been about half that of some prominent foreign nations and has contributed to a relative decline in United States industrial competitiveness;

(3) maintaining a highly competitive manufacturing base in the United States is essential for economic prosperity and national welfare and requires continuous development and adoption of advanced manufacturing technologies that will enable United States manufacturers to develop innovative products rapidly and manufacture goods of the highest quality at competitive prices;

(4) there is general agreement on which fields of technology are critical for economic competitiveness through the first decade of the next century, but the United States Government must pursue a comprehensive strategy to ensure that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(5) technology-based products of the twenty-first century must be developed incorporating the values of sustainable development, including low energy and material use, safety, recyclability, and minimal pollution;

(6) the cost of and difficulty in obtaining investment capital for small high technology companies are significant deterrents to their formation, development, and growth;

(7) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness;

(8) strategic technology planning for sustainable economic growth, the support of critical civilian technology research, development, and application, and advancement of manufacturing technology research, development, and adoption are appropriate Government roles; and

(9) programs established under this Act, and the amendments made by this Act, shall be funded as a result of shifting the total Federal investment in research and development to achieve a balance between support for defense and civilian activities, and shall not be financed through additional deficit spending.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) promote and facilitate the creation, development, and adoption of technologies by United States companies throughout the Nation that will contribute significantly to United States competitiveness, employment, and sustainable economic growth;

(2) improve the competitiveness of United States manufacturers, particularly small businesses, by developing a nationwide technology outreach program to improve access to information, expertise, technology, and management practices required to compete throughout the world;

(3) promote the development and rapid application of advanced manufacturing technologies and processes by United States manufacturers, with emphasis on environmentally sound practices and sustainable economic growth;

(4) stimulate long-term investment in United States companies engaged in development or utilization of critical or other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States companies;

(6) enhance and expand the core programs of the National Institute of Standards and Technology, including the Advanced Technology Program; and

(7) monitor and assess foreign technology capabilities relative to those of the United States in order to assist United States companies and policymakers in identifying and responding to competitive opportunities and challenges.

SEC. 104. DEFINITIONS.

For purposes of this Act—

(1) the term "advanced manufacturing technology" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(2) the term "critical technologies" means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(3) the term "Director" means the Director of the Institute;

(4) the term "Institute" means the National Institute of Standards and Technology;

(5) the term "modern technology" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(6) the term "Secretary" means the Secretary of Commerce;

(7) the term "small business" means a United States company that is a small business within the meaning given such term in the Small Business Act;

(8) the term "sustainable economic growth" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(9) the term "United States company" has the meaning given such term in section (4) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(10) the term "United States manufacturer" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act; and

(11) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENTS OFFERED BY MR. BROWN OF CALIFORNIA, AS MODIFIED

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to offer amendments en bloc and to amend titles not yet read. The amendments will cut across several titles.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. BROWN of California: Page 6, line 3, strike "and".

Page 6, line 9, strike the period and insert in lieu thereof "; and".

Page 6, after line 9, insert the following new paragraph:

(10) facilitate cooperation among Federal agencies with the goal of achieving an integrated national effort to improve United States competitiveness, employment, and sustainable growth.".

Page 10, line 22, insert ", along with other Federal agencies," after "Technology Administration".

Page 13, line 4, strike "be the lead agency of" and insert in lieu thereof "have primary responsibility in".

Page 16, line 10, insert "and activities supported by Federal, State, or local agencies which could contribute to the goals of this title and" after "extension centers".

Page 24, line 19, insert "other appropriate Federal agencies," after "Advisory Board,".

Page 27, line 20, insert ", and which shall be complementary with advanced manufacturing technology development programs supported by other Federal agencies" after "electronic data exchange".

Page 32, line 17, insert "the Department of Energy, and the National Aeronautics and Space Administration," after "Department of Defense,".

Page 68, line 10, insert ", the Secretary of Defense, and the Administrator of the National Aeronautics and Space Administration," after "Secretary of Energy".

Page 68, line 13, strike "energy technologies" and insert in lieu thereof "technologies developed by those agencies".

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California to consider the amendments en bloc?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized in support of his amendments.

Mr. BROWN of California. Mr. Chairman, these amendments have been discussed with the minority, and we do not think there are any objections to them. They are an effort to clarify the need for coordination between several departments of the Government.

Let me just say in a preparatory way that as we indicated during general debate, this bill probably can be perfected in a number of ways. These amendments are one of the efforts to perfect it in accordance with views expressed to us by various departments of the Federal Government. The departments, in addition to Commerce, that are involved, are particularly Energy, and perhaps the Department of Defense, and others. We have accepted and solicited, as a matter of fact, their efforts to develop language which would meet all of their needs and provide for a proper recognition of the roles of the various departments.

I will explain that in more detail later, but I wanted to make an additional point which I hope all the Members will be aware of. We are assiduously seeking to consult with anyone who may have amendments to see if those amendments can be drafted in such a fashion that we can accept them without a great deal of controversy. We stand ready to do that today, as we were yesterday and as we will be tomorrow or whenever. It looks to us at this point that we will not be able to finish this bill today, and that it will be necessary to complete the amendment process next week. I specifically asked the Members, if they have amendments that they have not discussed with the committee staff, they continue to work on this over the weekend, and we will be as flexible as we possibly can. One of the virtues, or flaws, of an open rule is that Members who wish to do so can continue to provide places that need perfecting in this bill and bring up amendments, and while we welcome and relish this, we want to accommodate these Members as well as we can without dragging the bill on interminably. I am sure that the gentleman from Pennsylvania [Mr. WALKER] understands this and will help us accomplish that objective.

Mr. Chairman, one of the realities of Washington—and one of the inevitable effects of a new administration—is the various turf wars that take place among agencies seeking to implement a new President's agenda. Even Congress has occasionally had some experience with this phenomenon.

Some agencies within the administration have expressed concern about some of the language in the bill which might imply that the Department of Commerce would have an exclusive role in helping to restore our Nation's competitiveness.

That, of course, was never the intent of the bill; indeed, throughout the bill, there are references directing the Secretary of Commerce to cooperate and coordinate with activities of the various agencies, many of whom have existing or planned programs relevant to competitiveness.

Mr. Chairman, the Committee recognizes that many agencies have expertise to bring to this problem. In particular, the Department of Energy and its national laboratories have a unique set of technological and human resources which we believe have much to offer U.S. industry in the development of new technologies. Indeed, the Committee is working on separate legislation that I have introduced, H.R. 1432, relating to the transformation of the role of the national labs from meeting our past military security needs to meeting our modern economic security needs.

The fact is that there is plenty of work to be done by both the Department of Commerce and the Department of Energy, as well as other agencies. In that regard, I am pleased that Secretary O'Leary and Secretary Brown have met and discussed ways to improve the cooperation and coordination of the two agencies on these issues.

This amendment, which I believe is noncontroversial, is intended to further this cooperative process, and goes further in recognizing the roles of other agencies and the need for coordination and cooperation. I urge my colleagues to vote for the amendment .

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my intention to support this amendment, but I think there are a couple of things that we need to clarify with regard to the amendment, and maybe we can work them out here, because we think there are a couple of potential problems here.

As the amendment now reads, it appears to me as though it was meant to be a part of the purposes section of the bill, rather than the finding section of the bill. I am talking about the very first part of the en bloc amendment. It appears to me that one of the purposes was to facilitate cooperation among Federal agencies. It is placed in the bill as a finding and makes no contextual sense as a finding.

I am wondering if we can get unanimous consent to correct that so we can put it in the right place in the bill and so that we can get this straightened out.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the chairman of the committee.

Mr. BROWN of California. Mr. Chairman, the committee counsel has just called my attention to the fact that there are some technical amendments, mainly addressing page and line numbers which need to be done. I have just submitted a copy of these to the Clerk, and if the gentleman does not object, I will ask unanimous consent that these technical corrections may be made, which will remedy many of the points the gentleman has raised.

Mr. WALKER. Certainly. That would be my intention also.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the amendments be modified?

There was no objection.

The text of the amendments as modified, offered by the gentleman from California [Mr. BROWN] is as follows:

Amendments, as modified, offered by Mr. BROWN of California:

Page 7, line 12, strike "and"

Page 7, line 17, strike the period and insert in lieu thereof "; and".

Page 7, after line 17, insert the following new paragraph:

(8) facilitate cooperation among Federal agencies with the goal of achieving an integrated national effort to improve United States competitiveness, employment, and sustainable growth."

Page 10, line 22, insert ", along with other Federal agencies," after "Technology Administration".

Page 13, line 4, strike "be the lead agency of" and insert in lieu thereof "have primary responsibility in".

Page 16, line 10, insert "and activities supported by Federal, State, or local agencies which could contribute to the goals of this title and" after "extension centers".

Page 24, line 19, insert "other appropriate Federal agencies," after "Advisory Board,".

Paqe 27, line 20, insert ", and which shall be complementary with advanced manufacturing technology development programs supported by other Federal agencies" after "electronic data exchange".

Page 32, line 17, insert "the Department of Energy, and the National Aeronautics and Space Administration," after "Department of Defense,".

Page 68, line 10, insert ", the Secretary of Defense, and the Administrator of the National Aeronautics and Space Administration," after "Secretary of Energy".

Page 68, line 13, strike "energy technologies" and insert in lieu thereof "technologies developed by those agencies".

Mr. WALKER. Mr. Chairman, I thank the gentleman, and I think that helps us.

The other thing I have is a question, and I just want to clarify in my own mind what this language means. As I understand it, we are making the Commerce Department the department which will have the primary responsibility in these matters of technology work, as opposed to language in the bill which previously read "be the lead agency of." Is that correct?

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the committee chairman.

Mr. BROWN of California. Mr. Chairman, the gentleman is precisely correct. The term, "lead agency," seems to raise a red flag in various administrative departments, and we want to make it clear that we are not trying to establish any new pecking order or anything of that sort. We are trying to encourage cooperation, so we have substituted for "the lead agency" the term the gentleman has mentioned, "have primary responsibility of."

Mr. WALKER. Mr. Chairman, let me raise a concern here and see whether or not I can figure out why some of these agencies might have run a red flag up. My guess is that because this is a part of the Clinton economic plan, as many on the gentleman's side have articulated over the last day or so, there are an awful lot of agencies that want to become involved in programs that sound like this, and my concern is that we will have a whole series of agencies coming up with detailed spending plans that sound remarkably like those that are in this particular piece of legislation.

When you make somebody a lead agency, what you have done is basically put the program in that agency, and then the rest of the people who want to participate in those programs basically have to work through that agency. Where you have primary responsibilities, it seems to me we may be opening a door to a whole host of agencies coming in here with remarkably similar programs, thereby running the costs up fairly substantially.

Can we get some assurance that that is not what is happening here?

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman is very perceptive in noting the phenomenon that he has described here where a number of different departments who see a good thing coming down the road do like to get involved in it, and they do not want to feel they are preempted by the language here.

On the other hand, by changing the language to indicate a desire to include the activities of the other agency, we open the door to the possible kind of abuse the gentleman has mentioned. It is not our intention to do that.

The intention here is to recognize that other agencies have very good programs already ongoing, and the gentleman is well aware of many of these in the Department of Energy, in the retitled ARPA in Defense, in NASA, and other agencies. What we want to do in the bill is establish a language in which these already ongoing programs will be able to interact more effectively without feeling they are being preempted by the responsibilities assigned to Commerce.

Mr. WALKER. Mr. Chairman, I thank the gentleman, and with that legislative history I am a good deal more comfortable with the change in language taking place here.

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I would hope that we will enforce that along the way in our committee; that if other agencies come to us with duplicative sounding programs. We will exercise some judgment in whether or not we continue with those. I think the idea of coordinating programs already in place in a way that makes all of them more effective is something which should be done, and I have no objection to that. I do not want to open the door to massive new spending requests.

Mr. BROWN of California. Mr. Chairman, if the gentleman will yield further, the gentleman from Pennsylvania [Mr. WALKER], of course, is correct, and we will make every effort to carry through in that fashion.

As with any new program, and while these programs here are based upon existing programs, they are a major expansion of them, with any such case oversight is the only way to ensure that the intent of Congress is being fully carried out. I can assure the gentleman that it will be a primary charge on my part to the Investigations and Oversight Committee to keep close tabs on what is happening here.

The CHAIRMAN. Is there further debate? If not, the question is on the amendments, as modified offered by the gentleman from California [Mr. BROWN].

The amendments, as modified, were agreed to.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENTS OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer amendments that do not appear on the list and I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. VALENTINE:

Page 8, after line 20, insert the following new paragraphs:

(9) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

Page 8, line 21, through page 9, line 5, redesignate paragraphs (9), (10), and (11) as paragraphs (11), (12), and (13), respectively.

Page 120, after line 25, insert the following new section:

SEC. 412 DEFINITIONS.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by title II and section 407 of this Act, is further amended by adding at the end the following new section:

"SEC. 306. DEFINITIONS.

"For purposes of this title and title IV—

"(1) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

"(2) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.".

Amend the table of contents accordingly.

Mr. VALENTINE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Is there objection to consideration of the amendments en bloc?

There was no objection.

Mr. VALENTINE. Mr. Chairman, it is my understanding that these amendments, which I send forward for the gentleman from the Virgin Islands [Mr. DE LUGO], have the effect of putting the territories on a par with the 50 States in the Union for the purpose of the legislation which is before us.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. VALENTINE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, is it also the understanding of the gentleman that the definition that we are putting in here is consistent with other public law in such definitions and that we are not in any way coming up with a new definition for the purposes of this bill?

Mr. VALENTINE. Mr. Chairman, reclaiming my time, I would say that that is our understanding. It is not my desire and it is not the desire of the gentleman from the Virgin Islands [Mr. DE LUGO] to enlarge on the normal definition of these territories.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. VALENTINE].

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—MANUFACTURING

Subtitle A—Manufacturing Technology and Extension

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Manufacturing Technology and Extension Act of 1993".

SEC. 202. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGY

"SEC. 301. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

"(a) FINDINGS.—Congress finds and declares the following:

"(1) United States manufacturers, especially small businesses, require the adoption and implementation of both modern and advanced manufacturing and process technologies to meet the challenge of foreign competition.

"(2) The development and application of modern and advanced manufacturing technologies are vital to the sustainable economic growth, standard of living, competitiveness in world markets, and national security and welfare of the United States.

"(3) New developments in flexible, computer-integrated manufacturing, electronic manufacturing communications networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which United States manufacturers can respond to changing market opportunities.

"(4) The application of advances in computer science and technology to manufacturing is also vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

"(5) The Department of Commerce's Technology Administration can continue to play an important role in assisting United States companies to develop, test, and adopt modern and advanced manufacturing technologies and in establishing high-performance computing technology testbeds to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications.

"(b) PURPOSE.—It is the purpose of this title to contribute to the competitiveness of the United States by enhancing the Department of Commerce's technology programs to—

"(1) provide United States manufacturers, especially small businesses, with ready access to high quality advice and assistance in the development, adoption, and improvement of modern manufacturing processes and technology, and in solving their specific technology-based problems; and

"(2) encourage, facilitate, and support the development and adoption of advanced manufacturing principles and technologies by United States manufacturers.

"(c) STATEMENT OF POLICY.—Congress declares that it is the policy of the United States that—

"(1) Federal agencies, particularly the Department of Commerce, shall work with United States manufacturers, labor, and the States to ensure that the United States is second to no other nation in the development, adoption, and use of modern and advanced manufacturing technology;

"(2) the Department of Commerce shall work with all the major Federal research and development agencies to encourage the development and adoption, by United States manufacturers, of advanced manufacturing technologies, and shall work closely with United States manufacturers and labor, and with the Nation's universities, to develop and test those technologies; and

"(3) the Department of Commerce shall place a high priority on the establishment and growth of a National Technology Outreach Program to promote and facilitate the development and use by United States manufacturers of modern and advanced manufacturing systems and applications for manufacturing.

"(d) CONSTRUCTION.—Nothing in this title shall be construed as modifying the duties and responsibilities of the Department of Energy with regard to its technology resources and expertise in matters under its jurisdiction.".

SEC. 203. ROLE OF THE DEPARTMENT OF COMMERCE.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by section 202 of this Act, is further amended by adding at the end the following new section:

"SEC. 302. ROLE OF THE DEPARTMENT OF COMMERCE.

"(a) DEPARTMENT OF COMMERCE.—Consistent with the purposes and policies of section 301, the Department of Commerce shall be the lead agency of the Federal Government in working with United States manufacturers and labor and the States to develop advanced manufacturing technologies and to promote and assist the adoption and use of modern and advanced manufacturing technologies, practices, and management techniques throughout the United States. In carrying out this title, the Secretary, acting, as appropriate, through the Under Secretary and the Director, shall—

"(1) consult and cooperate with other Federal agencies, including the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration to ensure consistent and, where possible, coordinated efforts to promote the development and adoption of modern and advanced manufacturing technologies;

"(2) assist the Office of Science and Technology Policy in its efforts to coordinate the manufacturing technology activities of the various Federal agencies; and

"(3) work with representatives of Federal, State, and local agencies, manufacturing extension programs, private industry, industry groups, worker organizations, and academia to encourage and facilitate the use of both advanced manufacturing technologies, including those developed by the Advanced Manufacturing Technology Development Program established under section 304 of this Act, and modern manufacturing technologies and practices to United States manufacturers.

The Secretary shall annually report to Congress on actions taken under this subsection.

"(b) OTHER FEDERAL AGENCIES.—To the extent permitted by other law, other Federal agencies shall cooperate with the Secretary in carrying out this title.".

SEC. 204. NATIONAL TECHNOLOGY OUTREACH PROGRAM.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by sections 202 and 203 of this Act, is further amended by adding at the end the following new section:

"SEC. 303. NATIONAL TECHNOLOGY OUTREACH PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—There is hereby established a National Technology Outreach Program (in this section referred to as the 'Outreach Program'), the purpose of which shall be to—

"(1) interconnect, programatically and electronically, the Nation's technology and manufacturing extension centers, programs, and activities;

"(2) improve the competitiveness of United States manufacturers and create jobs located in the United States; and

"(3) assist United States manufacturers, especially small businesses, to expand and accelerate the use of cost-effective modern manufacturing technologies and practices and to develop and adopt advanced manufacturing technologies. The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Outreach Program in accordance with an initial plan and a 5-year plan for the Outreach Program, to be submitted to the Congress under subsection (g).

"(b) PROGRAM COMPONENTS.—The Outreach Program shall constitute a partnership between the Department of Commerce, the States, the private sector, and, as appropriate, shall include other Federal agencies to provide a national system of manufacturing and technology extension centers and technical services to United States manufacturers, particularly small businesses. The Outreach Program shall include—

"(1) Manufacturing Outreach Centers established under subsection (c);

"(2) Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

"(3) the State Technology Extension Program established under section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l);

"(4) the Outreach Program Information Network and the Clearinghouse established under subsections (d) and (e) of this section, respectively; and

"(5) other technology and manufacturing extension centers that the Secretary considers appropriate for inclusion in the Outreach Program.

"(c) MANUFACTURING OUTREACH CENTERS.—(1) Eligible government and private sector organizations that are engaged in technology or manufacturing extension activities may apply to the Secretary for designation as Manufacturing Outreach Centers, in such form and manner as the Secretary may prescribe. Eligible organizations include Federal, State, and local government agencies, extension programs, universities, and laboratories; small business development centers; and professional societies, worker organizations, industrial organizations, nonprofit organizations, community development organizations, community colleges, and technical schools and colleges.

"(2) The Secretary shall establish standards, consistent with the requirements of subsection (f), for designation of existing technology or manufacturing extension programs and for qualification of start-up programs as Manufacturing Outreach Centers.

"(3) The Secretary may, through a competitive process, make grants, subject to the availability of appropriations, to Manufacturing Outreach Centers designated in accordance with the standards established under paragraph (2), to enable them to fulfill the purposes and perform the activities of the Outreach Program. If a State plan for technology extension exists in a State where an applicant for a grant under this paragraph is operating or plans to operate, the proposer shall demonstrate in its application that its proposal is compatible with such State plan. The purpose of such grants is to upgrade the overall quality of the Outreach Program and to contribute to the goal of ready availability of the services and information provided through the Outreach Program, including information on modern and advanced manufacturing technology, to all interested United States manufacturers. Such grants shall be awarded to increase the capabilities and capacity of Manufacturing Outreach Centers. Manufacturing Outreach Centers may not concurrently receive financial assistance under section 25 of the National Institute of Standards and Technology Act and grants under this paragraph. Grants may be awarded under this paragraph for an initial period not to exceed 3 years and may be renewed for one additional period, not to exceed 2 years. Such grants may not at any time exceed 50 percent of the operating costs and in-kind contributions of the grant recipient.

"(4) In selecting applicants to participate in the Outreach Program and in making grants under paragraph (3), the Secretary shall solicit and consider evaluations of the applicant's performance record and current capabilities, and *the potential usefulness of the applicant's proposal, from United States manufacturers that the Secretary considers qualified to make such evaluations.*

“(d) Outreach Program Information Network.—(1) The Department of Commerce shall provide for an instantaneous, interactive electronic communications network (in this section referred to as the ‘outreach network’) to serve the Outreach Program, to facilitate effective and efficient interaction within it, and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (e). The outreach network shall, wherever practicable, make use of existing public and private computer networks, data bases, and electronic bulletin boards. The design, configuration, acquisition plan, and operating policies, including user fees and appropriate electronic access for public and private information suppliers and users, of the outreach network shall be included in the 5-year plan prepared under subsection (g)(2) and shall address—

“(A) effective mechanisms for providing operating funds for the maintenance and use of the outreach network established under this paragraph, including user fees, industry support, and continued Federal investment;

“(B) the future operation and evolution of the outreach network, including its relationship with other public or private information services;

“(C) how to protect the copyrights of material distributed over the outreach network; and

“(D) appropriate policies—

“(i) to ensure the security of proprietary information that might be available on the outreach network and to protect the privacy of users of the outreach network; and

“(ii) to facilitate and limit access to the outreach network and its information to member organizations of the Outreach Program and to United States companies, State and local governments, United States universities and colleges, and United States nonprofit organizations that the Secretary deems appropriate.

“(2) Except as provided in this section, the outreach network established under paragraph (1) shall be designed and configured in a manner that will enable interoperability with networks and technologies developed under the National High-Performance Computing Program described in section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511).

“(e) Clearinghouse.—(1) The Secretary shall develop a clearinghouse system, using existing public and private sector information providers and carriers where appropriate, to—

“(A) identify expertise and acquire information, appropriate to the purpose of the Outreach Program stated in subsection (a), from all appropriate Federal sources, and where appropriate from other sources, providing assistance where necessary in making such information electronically available through and compatible with the outreach network;

“(B) ensure ready access, through the outreach network, by United States companies, Federal agencies, State and local governments, United States universities and colleges, United States nonprofit organizations that the Secretary deems appropriate, and member organizations of the Outreach Program, to the most recent relevant available information and expertise;

“(C) ensure that common standards of interconnection are utilized by the outreach network and the clearinghouse to allow maximum interoperability and usership; and

“(D) to the extent practicable, inform United States manufacturers of the availability of such information.

“(2) The clearinghouse shall include information available electronically on—

“(A) activities of Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology, the State Technology Extension Program, and the users of the outreach network;

“(B) domestic and international standards and other export promotion information, including conformity assessment requirements and procedures;

“(C) the Malcolm Baldrige Quality program, and quality principles and standards;

“(D) manufacturing processes minimizing waste and negative environmental impact;

“(E) federally funded technology development and transfer programs;

“(F) how to access data bases and services; and

“(G) skills training, particularly the implementation and use of modern and advanced manufacturing techniques.

“(3) The Secretary, acting through the Under Secretary, may convene a national conference to develop recommendations for common standards for interconnection and for improved dissemination to users of the clearinghouse of information on domestic and international technical regulations and standards, and on conformity assessment procedures, including draft standards and regulations. Invited participants are to include a broad cross section of the standards, accreditation, and user communities.

“(f) Additional Requirements.—In carrying out this section, the Secretary shall satisfy the following requirements:

“(1) The Outreach Program and the outreach network shall be established and operated through cooperation and cofunding among Federal, State, and local governments, other public and private contributors, and end users that the Secretary determines are appropriate for providing maximum benefit to United States manufacturers.

“(2) The Outreach Program and the outreach network shall utilize and leverage, to the extent practicable, existing organizations, data bases, electronic networks, facilities, capabilities, and existing standards for interconnection, and shall be designed to complement rather than supplant State and local programs.

“(3) The Outreach Program and the outreach network shall be subject to all applicable provisions of law for the protection of trade secrets and business confidential information.

“(4) Access to the services available through the Outreach Program and information available through the outreach network servicing the Outreach Program shall be limited, as appropriate, to United States companies, State and local governments, United States universities and colleges, and United States nonprofit organizations that the Secretary deems appropriate.

“(5) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Outreach Program shall strive for geographical balance with the ultimate goal of access for all United States manufacturers.

“(6) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to United States manufacturers, actively work with, rather than supplant, the private sector, and to the extent practicable, maximize the exposure of United States manufacturers to demonstrations of modern technologies in use, including flexible manufacturing practices.

“(7) The Department of Commerce shall develop mechanisms for—

“(A) soliciting the perspectives of United States manufacturers using the services of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology; and

“(B) evaluating the effectiveness of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology.

“(g) Plan and Reports.—(1) Within 6 months after the date of enactment of this title, the Secretary, after consultation with the Under Secretary, the Director, the Department of Commerce Technology Advisory Board, and a cross-section of potential participants in the Outreach Program, shall submit an initial plan for the implementation of this title to Congress—

“(A) describing how the Secretary will carry out the responsibility to create, operate, and support the Outreach Program and the outreach network, including the interactive electronic linkage of Manufacturing Outreach Centers to the programs of the Technology Administration and other appropriate Federal, State, and local agencies;

“(B) establishing criteria and procedures, consistent with the requirements of this title, for—

“(i) the selection of organizations to receive Department of Commerce services or financial assistance as part of the Outreach Program, including qualifications and training of technology extension agents;

“(ii) access to services provided by participants in the Outreach Program and to information available through the outreach network servicing the Outreach Program; and

“(iii) the annual evaluation of the Outreach Program in achieving the purposes of this title, and

“(C) evaluating the need for and the benefits of a National Conference of States on Technology Extension, similar in structure to the National Conference on Weights and Measures, and, if the Secretary determines that such a Conference is advisable, developing, in consultation with the States and other interested parties, a plan for the establishment, operation, funding, and evaluation of such a Conference.

“(2) Within 1 year after the date of enactment of this title, the Secretary, in consultation with the Under Secretary, the Director, and the Department of Commerce Technology Advisory Board, shall prepare and submit to the Congress a 5-year plan for implementing the Outreach Program and the outreach network and clearinghouse established under subsections (d) and (e), respectively. Such 5-year plan shall identify appropriate methods for expanding the Outreach Program in a geographically balanced manner. Such 5-year plan shall include a detailed implementation plan and cost estimates and shall take into consideration and build on the report submitted under paragraph (1).

“(3) Beginning with first year after submission of the 5-year plan under paragraph (2), the Secretary shall annually report to the Congress, at the time of the President's annual budget request to Congress, on—

“(A) progress made in achieving the purposes of the Outreach Program described in subsection (a) using criteria and procedures established under subsection (g)(1)(B)(iii);

“(B) changes proposed to the 5-year plan;

“(C) performance in adhering to schedules; and

“(D) any recommendations for legislative changes necessary to enhance the Outreach Program.

The report under this paragraph submitted at the end of the fourth year of operation of the Outreach Program shall include recommendations on whether to terminate the Outreach Program or extend it for an additional period not to exceed 5 years.”.

SEC. 205. ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAM.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by sections 202, 203, and 204 of this Act, is further amended by adding at the end the following new section:

“SEC. 304. ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAM.

“(a) Establishment.—The Secretary, through the Under Secretary and the Director, shall establish an Advanced Manufacturing Technology Development Program which shall include projects to develop advanced manufacturing systems, networks, and electronic data exchange.

“(b) Purpose.—The purpose of the Advanced Manufacturing Technology Development Program is to create collaborative multiyear technology development programs involving United States companies and, as appropriate, cooperating with other Federal agencies and laboratories, the States, worker organizations, universities and colleges, independent research organizations, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks for manufacturing information exchange.

“(c) Program Components.—The Advanced Manufacturing Technology Development Program shall include—

“(1) the advanced manufacturing research and development activities at the Institute; and

“(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established for the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, and test advanced manufacturing, data exchange, and networking technologies and associated applications and to facilitate the transfer of such technologies and applications to United States manufacturers.

“(d) Functions and Activities.—The Advanced Manufacturing Technology Development Program, under the coordination of the Secretary, through the Director, shall—

“(1) test and, as appropriate, facilitate and support the development of the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

“(2) establish at the Institute and the technology development testbed or testbeds—

“(A) prototype advanced computer-integrated manufacturing systems;

“(B) prototype electronic networks linking manufacturing systems; and

“(C) prototype clean manufacturing systems;

“(3) assist United States companies to develop voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

“(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

“(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks and to promote and facilitate electronic data exchange;

“(6) facilitate the efforts of United States companies to develop and test new applications for manufacturing systems, networks, and information exchange;

“(7) involve in the Advanced Manufacturing Technology Development Program, to the maximum extent practicable, both those United States manufacturers which make manufacturing technology and related computer equipment and software, and United States companies which buy such technology, equipment and software;

“(8) identify training needs, as appropriate, for managers, engineers, and employees of United States manufacturers in the operation and applications of advanced manufacturing technologies and networks, with particular emphasis on training for production workers in the effective use of advanced manufacturing technology;

“(9) work with United States companies, universities, independent research organizations, and other interested parties to develop standards, tools, and techniques for the use of advanced computer-based training systems, including multi-media and interactive learning technologies;

“(10) involve small businesses in its activities;

“(11) exchange information and personnel, as appropriate, between the technology development testbeds and the outreach network created under section 303(d); and

“(12) coordinate its activities with the National High-Performance Computing Program described in section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) to ensure that both programs are complementary and compatible.

“(e) Testbed Awards.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give preferential consideration to applicants that have existing computer expertise in manufacturing applications and the ability to diffuse such expertise to United States companies, and that, in the case of joint research and development ventures, include both suppliers and users of advanced manufacturing technology. In the case of systems described in subsection (d)(2)(C), the Secretary shall also give preferential consideration to applicants that have existing program expertise in clean manufacturing, including the areas of concurrent engineering, materials research, and environmental science, and which have a technology transfer mechanism in place to transfer testbed results of a clean manufacturing program to industry participants.

“(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, Federal laboratories, independent research organizations, or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act) and other organizations as the Secretary considers appropriate.

“(f) Advice and Assistance.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States companies and from other Federal agencies, particularly the Department of Defense, regarding the specific missions and activities of the testbeds.

“(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to computer-aided acquisition and logistics support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

“(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out this section.

“(g) Antitrust Savings Clause.—This section shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this subsection, the term ‘antitrust laws’ has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.”.

SEC. 206. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) Definitions.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraphs:

“(14) ‘Director’ means the Director of the National Institute of Standards and Technology.

“(15) ‘Institute’ means the National Institute of Standards and Technology.

“(16) ‘Assistant Secretary’ means the Assistant Secretary of Commerce for Technology Policy.

“(17) ‘Advanced manufacturing technology’ means—

“(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production of goods, including biotechnology products, which advance the state-of-the-art; or

“(B) novel manufacturing techniques and processes not previously generally available that improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

“(18) ‘Modern technology’ means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers or to promoting sustainable economic growth.

“(19) ‘Sustainable economic growth’ means economic growth that enhances the national quality of life and preserves environmental integrity.

“(20) ‘United States company’ means a company described in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)).

“(21) ‘United States manufacturer’ means a company described in section 28(d)(9) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)) that is engaged in manufacturing activities. The Secretary, in applying subparagraph (A) of such section 28(d)(9) for purposes of this Act, may make a finding under that subparagraph based on certification by the company.

“(22) ‘Benchmarking’ means the assessment of foreign science and technology capabilities relative to comparable United States capabilities.

“(23) ‘Independent research organizations’ means nonprofit organizations organized primarily for the purpose of conducting or managing research activities.”.

(b) Redesignations.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) by inserting immediately after section 4 the following new title heading:

“TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS”;

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by redesignating sections 16 through 22, as sections 107 through 113, respectively;

(4) by inserting immediately after section 113 (as redesignated by paragraph (3) of this subsection) the following new title heading:

“TITLE II—FEDERAL TECHNOLOGY TRANSFER”;

(5) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(6) by redesignating section 23 as section 206;

(7) in section 4—

(A) by striking "section 5" each place it appears and inserting in lieu thereof "section 101";

(B) in paragraphs (4) and (6), by striking "section 6" and "section 8" each place they appear and inserting in lieu thereof "section 102" and "section 104", respectively; and

(C) in paragraph (13), by striking "section 6" and inserting in lieu thereof "section 102";

(8) in section 105 (as redesignated by paragraph (2) of this subsection) by striking "section 6" each place it appears and inserting in lieu thereof "section 102";

(9) in section 106(d) (as redesignated by paragraph (2) of this subsection) by striking "7, 9, 11, 15, 17, or 20" and inserting in lieu thereof "103, 105, 108, 111, 201, or 205";

(10) in section 201(i) (as redesignated by paragraph (5) of this subsection) by inserting "loan, lease, or" after "may"; and by inserting "Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property." after "activities.";

(11) in section 202(b) (as redesignated by paragraph (5) of this subsection) by striking "section 14" and inserting in lieu thereof "section 204";

(12) in section 204(a)(1) (as redesignated by paragraph (5) of this subsection) by striking "section 12" and inserting in lieu thereof "section 202";

(13) in section 113 (as redesignated by paragraph (3) of this subsection) by striking "sections 11, 12, and 13" and inserting in lieu thereof "sections 201, 202, and 203";

(14) in section 206 (as redesignated by paragraph (6) of this subsection)—

(A) by striking "section 11(b)" in subsection (a)(2) and inserting in lieu thereof "section 201(b)"; and

(B) by striking "section 6(d)" in subsection (b) and inserting in lieu thereof "section 102(d)"; and

(15) by adding at the end of section 201 (as redesignated by paragraph (5) of this subsection) the following new subsection:

"(j) ADDITIONAL TECHNOLOGY TRANSFER MECHANISMS.—In addition to the technology transfer mechanisms set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer and extension programs of the Department of Commerce and the Department of Defense.".

SEC. 207. MANUFACTURING TECHNOLOGY CENTERS.

Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), is amended—

(1) by amending the section heading to read as follows: "MANUFACTURING TECHNOLOGY CENTERS";

(2) in subsection (c)(5), by striking "which are designed" and all that follows through "operation of a Center" and inserting in lieu thereof "to a maximum of one-third Federal funding. Each Center which receives financial assistance under this section shall be evaluated during its sixth year of operation, and at such subsequent times as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the evaluation is positive and the Secretary finds that continuation of funding furthers the goals of the Department. Such additional Federal funding shall not exceed one-third of the cost of the Center's operations";

(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

"(d) If a Center receives a positive evaluation during its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not limited to, the development and operation of the following:

"(1) Programs to assist United States companies that are engaged in manufacturing and their employees, including front-line production workers, in the Center's region to learn and apply the technologies, techniques, and processes associated with systems management technology, electronic data exchange, or improving manufacturing productivity.

"(2) Services focused on the testing, development, and application of manufacturing and process technologies within specific technical fields such as advanced materials or electronics fabrication for the purpose of assisting United States companies that are engaged in manufacturing, both within the Center's original service region and in other regions, to improve manufacturing quality, product design, workforce training, and production efficiency in those specific technical fields.

"(3) Industry-led demonstration programs that involve United States manufacturing technology consortia to provide ongoing research, technology transfer, and worker training assistance to their members. An award under this paragraph shall be for no more than $500,000 per year, and shall be subject to renewal after a 1-year demonstration period.

"(e) In addition to any assistance provided or contracts entered into with a Center under this section, the Director is authorized to make separate and smaller awards, through a competitive process, to nonprofit organizations which wish to work with a Center. Such awards shall be for the purpose of enabling those organizations to provide outreach services, in collaboration with the Center, to United States manufacturers located in parts of the region served by the Center which are not easily accessible to the Center and which are not served by any other manufacturing outreach center. Organizations which receive such awards shall be known as Local Manufacturing Offices. In reviewing applications, the Director shall consider the needs of rural as well as urban manufacturers. No single award for a Local Manufacturing Office shall be for more than three years, awards shall be renewable through the competitive awards process, and no award shall be made unless the applicant provides matching funds at least equal to the amount received under this section.

"(f) In carrying out this section, the Director shall coordinate his efforts with the plans for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980.".

SEC. 208. STATE TECHNOLOGY EXTENSION PROGRAM.

(a) ESTABLISHMENT.—Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)), is amended—

(1) by inserting immediately after "(a)" the following new sentence: "There is established within the Institute a State Technology Extension Program."; and

(2) by inserting "through that Program" immediately after "technical assistance".

(b) ADDITIONAL AUTHORITIES.—Section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l) is amended by adding at the end the following new subsection:

"(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also may, through merit-based competitive review processes—

"(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology extension activities;

"(2) support technology demonstration projects to help States provide technical assistance and services to United States manufacturers that will improve their productivity and competitiveness;

"(3) support State efforts to develop and test innovative ways to help United States manufacturers improve their technical capabilities;

"(4) support State efforts designed to help United States manufacturers in rural as well as urban areas adopt modern manufacturing technologies;

"(5) support State efforts to assist interested United States manufacturers in the defense industry to adapt to modern or advanced manufacturing technologies as they convert to nondefense or dual-use purposes;

"(6) support worker technology education programs in the States at institutions such as research universities, community colleges, labor education centers, labor-management committees, and worker organizations in production technologies critical to the Nation's future, with an emphasis on high-performance work systems, the skills necessary to use modern or advanced manufacturing systems well;

"(7) help States develop programs to train personnel who in turn can provide technical skills to managers and workers of United States manufacturers; and

"(8) support State efforts to assist United States manufacturers to develop on-the-job training in modern and advanced manufacturing technologies, techniques, and processes and to promote the development and adoption of modern and advanced manufacturing technologies.".

Subtitle B—National Science Foundation Manufacturing Programs

SEC. 211. ROLE OF THE NATIONAL SCIENCE FOUNDATION IN MANUFACTURING.

The Director of the National Science Foundation, after appropriate consultation with the Secretary, the Under Secretary, and the Director, shall—

(1) work with United States companies to identify areas of research in advanced manufacturing technologies and practices that offer the potential to improve United States productivity, competitiveness, employment, and sustainable economic growth;

(2) support research at United States universities to improve advanced manufacturing technologies and practices; and

(3) work with the Technology Administration and the Institute and, as appropriate, other Federal agencies to accelerate the transfer to United States companies of manufacturing research and innovations developed at universities.

SEC. 212. ENGINEERING AND COOPERATIVE RESEARCH CENTERS.

The Director of the National Science Foundation shall strengthen and expand the number of Engineering Research Centers and strengthen and expand the Industry/University Cooperative Research Centers Program with the goal of increasing the engineering talent base versed in critical technologies, with emphasis on advanced manufacturing technology and practices, and of advancing fundamental engineering knowledge in these technologies, including biotechnology. At least one Engineering Research Center shall have a research and education focus on the concerns of United States manufacturers, including small businesses that are trying to modernize their operations. Awards under this section shall be made on a competitive, merit review basis and on terms and conditions the Director may prescribe to ensure that the purposes for which the award is made *are satisfied. Such awards may include support for acquisition of instrumentation, equipment, and facilities related to the research and education activities of the Centers and support for undergraduate students to participate in the activities of the Centers.*

SEC. 213. MANUFACTURING TRAINEESHIPS AND FELLOWSHIPS.

(a) GRADUATE TRAINEESHIPS.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide traineeships to graduate students at institutions of higher education within the United States who are citizens of the United States and who choose to pursue masters or doctoral degrees in manufacturing engineering. The Director of the National Science Foundation shall make an effort to ensure the provision of traineeships under this subsection to socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act, and including women).

(b) MANUFACTURING MANAGERS IN THE CLASSROOM PROGRAM.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide fellowships, on a cost-shared basis, to employees of United States companies with experience in manufacturing to serve for 1 or 2 years as instructors in manufacturing at 2-year community and technical colleges in the United States.

SEC. 214. TOTAL QUALITY MANAGEMENT.

The Director of the National Science Foundation, in consultation with the Secretary, the Under Secretary, and the Director, may establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management and related management practices, in order to help improve the productivity of United States companies.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENTS OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. VALENTINE:

Page 20, line 7, insert "The Secretary shall also, as appropriate, coordinate activities under this subsection with the relevant activities of other Federal agencies, particularly the agile manufacturing/enterprise integration activities of the Department of Defense." after "(15 U.S.C. 5511).".

Page 26, line 15, insert "In the preparation of such 5-year plan, the Secretary shall provide an opportunity for public comment, and the plan submitted to Congress shall include a summary of comments received. Such plan may not be implemented until 90 days after its submission to the Congress." after "under paragraph (1).".

Mr. VALENTINE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the amendments be considered en bloc?

There was no objection.

Mr. VALENTINE. Mr. Chairman, the first of these amendments is offered at the suggestion of our distinguished colleague from Texas, Mr. PICKLE. It asks the Secretary of Commerce, as appropriate, to coordinate activities of the Manufacturing Outreach Program Information Network with relevant activities of other Federal agencies and in particular the agile manufacturing/enterprise integration activities of the Department of Defense.

The Department of Defense, as part of its technology reinvestment and defense conversion efforts has provided significant support for the development of tools necessary to extend agile manufacturing capabilities to U.S. businesses and has worked closely with the Technology Administration of the Department of Commerce in this regard.

This amendment merely shows that it is the intent of the Congress that this spirit of cooperation be extended to the information network.

The second amendment is offered at the suggestion of Congresswoman COLLINS of Illinois. It is her concern that there be an adequate opportunity for public comment and for congressional consideration of the administration's plan for the manufacturing outreach network which is required on page 26 of the reported version of the bill.

Her amendment merely requires the Secretary to provide an opportunity for public comment in advance of the report's submission to Congress, to give Congress access to a summary of those comments, and to give Congress 90 days to consider the report in advance of its implementation.

I consider this amendment to be consistent with other steps that we have taken to make sure that this program is industry-led.

These amendments make small changes to H.R. 820 and I hope my colleagues will find them acceptable and noncontroversial.

I ask their adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. VALENTINE].

The amendments were agreed to.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER:

Page 39, lines 1 through 16, strike paragraph (2).

Page 39, lines 17 and 18, redesignate paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

Mr. ROHRABACHER. Mr. Chairman, in the general debate yesterday I mentioned that Chairman VALENTINE and Chairman BROWN have both done a terrific job. They have worked hard on this and have been very fair to us in the committee. Although we have our disagreements, I compliment them on the hard work they have put into this bill.

Also in general debate yesterday I pointed out, as other Members pointed out, that there is a basic philosophical difference in this bill, and that while well-intended, many of us believe this bill is taking the wrong approach to technology and development.

The operative philosophy seems to be never settle for a little Government intervention if there is a lot to be had. The prime example is the manufacturing and technology centers. The philosophy behind the current law which was adopted in 1988 is to provide Federal seed money to these centers, starting them with one-third Federal funding, which the successful centers would be able to phase out, becoming self-sustaining after a maximum of 6 years, while the unsuccessful centers, on the other hand, would not be allowed to remain on the Federal dole after 6 years. It makes sense, does it not?

However, section 207 throws out this concept. Under this section, success is no longer defined as becoming self-sustaining. Success becomes furthering the goals of the Commerce Department, whatever that may be.

Under this bill, manufacturing technology centers can get their Federal funds forever, as long as the bureaucrats want to keep them going.

My amendment would return to the original concept. If it is adopted, manufacturing technology centers would still be expanded from a pilot program into a nationwide network.

But I propose we return to the principle that Federal funding will not last forever. Either the centers become valuable enough so that private companies are willing to pay the full cost, or the technology center will not be able to continue. It will close and the taxpayers will be off the hook because it is an inefficient operation.

Under my amendment those who work for these centers will have the incentive to do a better job serving their customers and to find private support, either through donations or fees. Under the bill the incentives go in the opposite direction. After a few years the managers of the technology centers will start romancing the bureaucrats and politicians in order to enlist political support.

□ 1300

Ronald Reagan once said that a government program is the next best thing to eternal life on this planet. The authors of this bill obviously intend to prove him right. What will it be? Federal seed money or another permanent Federal program? Is not the deficit high enough? Are there not enough permanent Federal programs already?

A vote against my amendment is a vote for more perpetual Federal spending. I urge my colleagues to show some respect for the taxpayers and to support this fiscally responsible amendment.

Let me note that we did present this in our committee hearings, and one of my colleagues noted that he himself had gone down to do an inspection of one of the technology centers that already exists. He had made my point. He was a politician going down to inspect a technology center. And what do politicians know about that?

Instead, we should be setting up these systems so that after a certain number of years we have businessmen, technology entrepreneurs going into these centers to do their inspections to see if they are worthwhile and not just politicians who are looking for votes and looking for favors for their constituents.

So I would urge at this time of high deficit that my colleagues support this fiscally responsible amendment and that we put a limit on how much money is going to be taken out of the taxpayers' pocket, that we give all the right incentives, instead of putting people on a permanent disincentive, to become self-sufficient.

I urge my colleagues to support my amendment.

Mr. VALENTINE. Mr. Chairman, we, of course, oppose the gentleman's amendment.

I would like to say at the outset that we reciprocate in the feelings expressed by the gentleman from California. We do have differences of opinion, and we have differences in political philosophy.

However, I would say that in his case and mine, perhaps the differences are not as distinct as in some other situations that come to mind.

But I do, for the committee, Mr. Chairman, respectfully oppose the gentleman's amendment.

It seems to me that in dealing with a situation where we seek to find avenues to change educational patterns, where we have designed legislation which allows local governments and State governments to use their sources of revenue, to use local money, tax money, to enter into partnership with the Federal Government, that the Federal one-third match in many of those instances will prove to have been and will prove to be needed to keep the projects alive, that as State governments in the future change and their attitude towards these operations change and as administrations change and perhaps their attitude toward this initiative changes, that the last thing we need is for this program to have to experience the planned uncertainty of sunset provisions.

Normally, to put in legislation a mechanism whereby the procedure, the program will self-destruct sometime in the future, that has appealed to me and to others of my colleagues. But I do not think that we want to apply this self-destruct mechanism to these new educational initiatives.

It seems to me that will discourage participation from the beginning and help to thwart the very purpose for which they are created.

I will say in conclusion that these manufacturing centers are an important source of local information on a variety of topics of importance to manufacturers who wish to compete at home and abroad, and they ought to be here to stay. We ought not to put it out and say, well, we are going to put in here a mechanism whereby this initiative, this program, at a certain number of years, will self-destruct. In the event of a positive evaluation, that is the only way that the centers can be extended.

The Secretary of Commerce has responsibility to oversee the operation, and there will not be a question as to whether or not this initiative is extended unless there is a positive evaluation. So while I respect and admire my colleague from California, we believe that in this instance his well-meaning amendment should be rejected.

Mr. WALKER. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I wonder how many Members of Congress ran in their districts last year saying that, "One of the things we ought to do to reform government is to have sunset provisions, to assure that programs don't go on and on and on forever without being reaffirmed, that we ought to have a way of getting rid of some of these programs somewhere along the line?"

There was a former President who said that the embodiment of eternal life on Earth is itself a Federal program. The ugly truth of the language that is in this bill is that we are going to perpetuate the idea that a Federal program, once created, is never-ending.

Let me tell my colleagues something, that was not the deal when this program was originally put in place. When this program was originally put in place, we very specifically wanted these manufacturing centers that were being created to go out on their own after a 6-year period.

Let me quote to you from the law that was passed at that time.

The law says that no funding be provided for a center, provided by the Department of Commerce, after the sixth year of operation of a center.

In other words, we gave them 6 years of funding.

After that period of time, they were supposed to have proved their worth to the community, and then they got their funding through private enterprise. In other words, we were taking public money and turning it over to private money. We were stopping spending money that increased the national debt, and we were putting the burden on industry, on all those rich people out there that we hear so often we ought to be grabbing for more of the resources of government.

What does this decide to do? It decides that those rich people ought not fund these centers but, instead, what we ought to do is continue to pile up public debt in order to fund these centers.

And so what the gentleman from California [Mr. ROHRABACHER] has done is said that the language in this bill is really at odds with the law, that the sunset law that we put in place years ago ought to be upheld. We ought not to do what this bill does.

If we go to page 39 and we look at lines 1 through 16 on page 39 of the bill, we find this shocking retreat from reform. Here was an attempt in public law to do something real about sunset. For once, we had actually sunsetted a program. We had said, after 6 years the program gets no more public money.

Then we go to page 39 of the bill, and we find that we are retreating from that reform.

It is high time that we do something for real. Why are the American people disgusted with what goes on in the Congress? Because every time we do something phony, every time we tell them that we are doing something real about reform, they find out later on that it was just a phony.

Here we are, a few years later, and what we are saying is, that little job we did back a while ago, where we sunsetted a program, forget it. Buried down in page 39 of this bill we are just going to wipe out the sunset provision, and we are going to go right on spending money as though there was no tomorrow.

Guess what? It is money we are going to be piling on the backs of our kids, because this is all debt money that is being spent to fund these centers.

Now, if my colleagues want to continue to accumulate public debt, if they have no regard for the reforms of the past, if they want to continue to tell the American people that everything we do here in terms of reform is a phony, what they will do is support what the committee wants to do, because the committee bill wipes out the sunset provisions.

If they want to be a reformer, if they want to stick with the reforms of the past, if they want to do something about debt and deficit, if they want to stop spending the public money in places where the rich could actually pick up some of the tab, then what they will do is they will support the gentleman from California [Mr. ROHRABACHER], because these manufacturing centers can, in fact, be sustained with private money. We do not need to go to the public till. We do not need to pile up more debt, and we do not need to abandon reform.

We can support the gentleman from California [Mr. ROHRABACHER]. We can retain the manufacturing centers, but we can retain them in the way that they were originally meant to be done.

□ 1310

So I would suggest that we do want to support what the gentleman from California [Mr. ROHRABACHER] is suggesting here, and stand on the side of reform and good fiscal sense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 4, noes 7.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 155]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barceló (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1336

The CHAIRMAN. Four hundred eleven Members have answered to their names, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The pending business is the demand of the gentleman from California [Mr. ROHRABACHER] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 221, not voting 15, as follows:

[Roll No. 156]

AYES—201

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (AZ)
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
Kennedy
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—221

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay

Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barceló (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Becerra
Collins (IL)
Gutierrez
Henry
Inhofe
Johnson (CT)
Lloyd
McCandless
McInnis
Roukema
Tucker
Underwood (GU)
Velázquez
Watt
Wilson

☐ 1405

The Clerk announced the following pair:

On this vote:

Mr. Inhofe for, with Mr. Velázquez against.

Mr. PAYNE of New Jersey changed his vote from "aye" to "no."

Mrs. MEYERS of Kansas and Mr. EDWARDS of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer two amendments which are at the desk, and I ask unanimous consent they be considered en bloc. I make this request because my amendments would strike language contained in title II and title V of the bill. This request would expedite the process by considering them at once.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. BARTLETT of Maryland:

Page 126, lines 16 through 24, strike section 504.

Page 127, line 1, redesignate section 505 as section 504.

Page 4, amend the table of contents by striking the item relating to section 504 and by striking "Sec. 505," and inserting in lieu thereof "Sec. 504.".

Page 44, line 7, through page 47, line 4, strike subtitle B.

Page 9, strike lines 8 and 9.

Page 2, amend the table of contents by striking "Subtitle A—Manufacturing Technology and Extension" and by striking the items relating to subtitle B of title II.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes in support of his amendments.

☐ 1410

Mr. BARTLETT of Maryland. Mr. Chairman, what these amendments do is strike language that would create manufacturing centers as a part of the National Science Foundation. There are four very good reasons to strike this language. First of all, there is a fundamental problem that basic research is not really consistent with manufacturing centers and the fundamental role of the National Science Foundation will change if it has a meaningful amount of manufacturing centers associated with it.

A second reason for striking this language is that we already have manufacturing centers associated with the Department of Commerce.

Further, there are already technology centers associated with the National Science Foundation. As a matter of fact, this year's recommended funding includes a 5-percent increase for the technology centers. Their charter is sufficiently broad to permit prototype manufacturing. So the intent of the manufacturing centers, even if you agree it is appropriate to the National Science Foundation, it is already permitted for the National Science Foundation to become involved in as a part of the language authorizing and supporting the technology centers.

Fourth, President Clinton has requested no money for manufacturing centers for the National Science Foundation.

So for these several reasons, the President has requested no money, there is no money in this bill for them, we already have manufacturing centers as a part of the Department of Commerce, and the National Science Foundation, even should there be a desire to do manufacturing there, already has that capability as a part of the technology centers.

Mr. Chairman, this would just create another level of bureaucracy, and it is not needed. I urge support for these two amendments.

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, may I say initially that the gentleman from Maryland [Mr. BARTLETT] is one of the most valuable members of our Committee on Science, Space, and Technology, and, in fact, is probably one of the very best qualified by virtue of his knowledge and background of any of the members of the committee.

I find the gentleman's amendment a little puzzling, however, because it strikes a very thin line. In principle I happen to agree with the gentleman from Maryland [Mr. BARTLETT] that the primary purpose of the National Science Foundation is to support basic research and not to be diverted in any substantial way from that program. So I do not differ with him, and, in fact, I appreciate his continuing to focus on that very important goal.

The important fact, however, which the gentleman has already mentioned, is that the National Science Foundation is already doing this. It is doing it both in its engineering research centers and in its science and technology centers which the gentleman referred to.

These two initiatives, as a matter of fact, were developed under the Reagan administration and while Dr. Bloch was administrator of the NSF, and he came to NSF with a strong industry background. You might say, and I think it would be accurate to say, that both the Reagan administration and Dr. Bloch felt that the NSF needed the opportunity to show its relevance to important problems like the improvement of manufacturing in this country.

Mr. Chairman, there is a very serious danger when you do that that you may overdo it, and the gentleman is right in encouraging us to focus on it. But his suggestion that we should not be doing it and that this provision should be stricken from the bill, and then acknowledging we are already doing it and doing it under the guise of a technology center or engineering research center, seems to me to be a little, and I am not sure how to describe it, but it does cause me some problems.

Mr. Chairman, I do not know that there would be any great harm done if we just said, well, let them continue to do it under the guise of science and technology centers or engineering research centers, but the fact is that the Foundation wants to be recognized as making a contribution to the improvement of manufacturing. The programs that they will support, and there is a very modest amount of money in the bill for this purpose, it is actually in the neighborhood of perhaps 1 percent of their budget. But to allow them to directly contribute to this admittedly important national goal, whether you think it should be a goal of the Government or the private sector, I think you would agree that it is very important to improve our manufacturing capability. And for them to come to the table with a special contribution, which is their ability to analyze these problems and to determine whether or not there may be a need for additional, not totally basic research, but relatively basic research, that is, it could be considered focused basic research, focused on problems, for example of metallurgy or something of that sort which could contribute to the improvement of manufacturing, I think that would be unwise.

The previous administration thought it was important that they have the ability to work in this area. I think one might correctly characterize what they are doing as an effort to more overtly get into something that has a very high priority for this country, but that is not an ignoble motive. If they can be helped to assist us in solving these problems and we recognize that through titling directly manufacturing technology, I honestly do not see the harm in doing that.

Therefore, Mr. Chairman, I am constrained to oppose the gentleman's amendment, and hope that it will be voted down.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, when the committee considered this particular amendment, this is an amendment that only lost by one vote in committee. There was a bipartisan vote in favor of the amendment of the gentleman from Maryland [Mr. BARTLETT], because the gentleman makes good sense with what he is doing. If you wonder why it makes good sense, take a look at the language in the bill. Please, I hope that Members will read the bill.

Mr. Chairman, we do not have people doing basic research into metallurgy in order to enhance manufacturing. Let me tell you what the bill says that we are asking the director of the National Science Foundation to do.

The bill says that we are asking him to identify areas of research in advanced manufacturing that offer the potential to improve U.S. productivity, competitiveness, employment, and sustainable economic growth.

What in the world does the director of a basic science agency, someone who is hired because of his expertise in basic science, know about employment or sustainable economic growth? I mean, those are research areas of great importance. They are exactly why we have a Department of Commerce. It is the reason why in the first amendment of the day, which the minority agreed to, we made the Commerce Department into the lead agency in this area.

We have manufacturing centers in the Commerce Department. It is exactly where the work should be done. It should be the Secretary of Commerce who is making decisions about productivity, competitiveness, employment, and sustainable economic growth, not the guy who is hired to carry out the basic research functions of the Federal Government.

Then you go further and if you read the bill you find out that the other thing we are now asking the head of our basic research agency to do is we are asking him to provide fellowships, on a cost-shared basis, to employees of U.S. companies with experience in manufacturing to serve for 1 or 2 years as instructors in manufacturing at community colleges.

Mr. Chairman, what in the world does that have to do with the basic research mission of the country? We are asking him in fact to make evaluations that have absolutely nothing to do with his expertise.

If you read further you will find out we are asking him also to establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management.

What in the world does the guy who is our basic science director know about total quality management and the development of curricula for higher education institutions?

Mr. Chairman, the gentleman from Maryland [Mr. BARTLETT] makes absolute sense. If you read the language of this bill you find out that we are asking our basic science institution to begin doing all kinds of things that have absolutely nothing at all to do with developing the basic science foundation for this country.

☐ 1420

In fact, because the President has asked for no money for this program, where the money is going to come from, to do all of these things that I just described, is out of the basic science moneys for the country.

Not only are we asking someone with no expertise in these areas to do something, but then we are going to rob the basic science accounts in order to pay for this turkey. It makes no sense at all.

Why we are doing this is beyond my belief. If we want to create manufacturing centers, we have already got them. We have them at the Department of Commerce. Why in the world are we coming over and doing them at the National Science Foundation? It is exactly the discussion the chairman and I had, as we opened the debate today.

We have all these agencies that have now decided, evidently, for people in support of these agencies who have now decided that this is the sexy, new thing.

We are going to all be out there doing manufacturing innovation, and so we are going to have them at the Science Foundation, and we are going to have them at NASA, we are going to have them at Commerce. We are going to have them at Energy. Who knows, we will probably even have it at the Department of State before we are done here. Maybe we can set them up in Bosnia and solve all the problems of Bosnia with manufacturing centers.

One place they ought not to be is in the National Science Foundation. This does not even have anything to do with the charter of the National Science Foundation.

I mean, we can find no justification for doing this at all. So the gentleman is absolutely right. Let us do what the President wants on this. Let us strike the money. The President did not ask for any money on this. Let us just strike this out. We do not lose any manufacturing centers.

We still have the Department of Commerce. All we do is assure the National Science Foundation is not burdened with something that they ought not to be doing.

Support the gentleman's amendment.

Mr. VALENTINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we thought that we were accomplishing a purpose here that would find favor, finally, in the eyes of the distinguished gentleman from Pennsylvania and others. We thought that we were underscoring a Republican initiative.

The engineering research centers, Mr. Chairman, were a Republican initiative. They were created by President Reagan in 1985 and supported by President Bush.

We have got photographs here that show former President Reagan at Purdue University, the NSF, National Science Foundation Engineering Research Center. Further pictures are here to prove that he was there. He is writing his name on the blackboard.

Mr. Chairman, as I understand the position which has been presented by the gentleman from Maryland in support of this amendment, he says that the NSF's mission is science and not applied engineering. Manufacturing, R&D is an inappropriate role.

Our response is that the gentleman is wrong. The Organic Act of the National Science Foundation, section 3(c), provides that the Foundation is authorized to initiate and support, to initiate and support scientific and engineering research, including applied research.

The National Science Foundation Board, the advisory board to the NSF, issued a report last year entitled "A Foundation for the 21st Century."

In this report, they strongly urged NSF to increase its support of R&D relevant to industry, especially recommending greater support for engineering research and R&D.

NSF is already involved, Mr. Chairman. We seek to write into this bill a position really supporting what NSF has done in the past, is qualified to do, and encouraging them to proceed.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. VALENTINE. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman from North Carolina is very kind, and he has correctly pointed out the Organic Act provisions that support this and so on.

In fact, the gentleman from Maryland [Mr. BARTLETT] admitted that the National Science Foundation was actually doing some of the things that we are talking about here.

I would like to emulate the gentleman from Pennsylvania [Mr. WALKER] and ask that we read the bill, because what the gentleman from Maryland [Mr. BARTLETT] proposes to strike is really not the manufacturing research centers. He is proposing to strike the language that reads as follows:

> The Director shall work with U.S. companies to identify areas of research in advanced manufacturing technologies that offer the potential to improve the U.S. productivity.

Now, we cooperate with industry. We identify areas of research. That is what the Science Foundation is for.

Furthermore, in subparagraph (2) it goes on to say, "support research at U.S. universities to improve advanced manufacturing technologies."

We are not talking about the National Science Foundation doing what the gentleman already admits they are doing, financing manufacturing research centers, engineering research centers, science and technology centers. We are talking about selecting the areas of research and then helping the universities to support that kind of research.

I think the gentleman is really trying to make a very fine distinction here, which the facts, the history really do not support.

This is totally in line with the mission of the National Science Foundation. And to the extent, as the gentleman has already admitted, that it involves support of actual manufacturing research activities, they are already doing it.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me, because I am glad the chairman agreed with me. We ought to read the bill.

The point that I was attempting to make was that in order for the Director to find out whether technologies and practices offer potential to improve productivity, competitiveness, employment, and sustainable economic growth, the Director will have to make those evaluations.

He will have to decide whether or not the technologies that he is dealing with do those things.

My point is, the Director for basic research for the country has no expertise with which to make those judgments. And now we are asking him to make the judgments.

I am fascinated that the gentleman from North Carolina says that the reason why we ought to do this is because President Reagan put in place engineering centers. For weeks I have heard on the floor the judgment made that the Reagan administration and the Bush administration spent all of this money during the period of the 1980's and racked up $3 trillion in debt.

Now, when we want to rack up another $1.5 billion in debt, what do we use to justify that? Well, the Reagan people did it.

I would suggest that maybe this is one of the places where they made a mistake, and maybe it is time to withdraw that.

I thought we had a new Democrat in the White House. Perhaps we do, because this new Democrat in the White House does not want this money. He has not proposed it, and yet the Democrats in the Congress come to us. And what do they want? They want to spend the money despite the fact that the President does not want to and because the administration that put us $3 trillion in debt said we ought to do it.

Now, I have trouble with that logic. I would suggest that if we want to be fiscally responsible and stop adding to the debt, maybe we ought to support the President of the United States, Mr. Clinton, and say no to this money.

It would be a place where we could cut. We do not need to spend it. It is not a good place to spend it. Let us not do it.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I would like to thank the gentleman from Pennsylvania. He makes the point very eloquently.

I do not think that because the Reagan administration made what I think was a mistake in getting the National Science Foundation involved in things other than basic science that we should continue further down that wrong road.

□ 1430

I would simply submit that apparently this present administration agrees with us, because President Clinton has asked for no money for this activity.

There is no reason at all to create another layer of bureaucracy, one that is simply going to hurt a very good institution that has a very noble role to play. This is not the right way to go for the National Science Foundation.

Mr. CALVERT. Mr. Chairman, I would like to close by saying two freshman Democrats voted for this amendment, and it is certainly a reform amendment.

The CHAIRMAN pro tempore (Mr. LANCASTER). The question is on the amendments offered by the gentleman from Maryland [Mr. BARTLETT].

The question was taken; and on a division (demanded by Mr. BARTLETT of Maryland) there were—ayes 8, noes 10.

RECORDED VOTE

Mr. BARTLETT of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 248, not voting 19, as follows:

[Roll No. 157]

AYES—170

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCollum
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker

Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOES—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Romero-Barceló (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—19

Becerra
Byrne
Collins (IL)
Gutierrez
Henry
Inhofe
Kleczka
Lipinski
Lloyd
McInnis
Meek
Quillen
Reynolds

Rush
Tucker
Velázquez
Vucanovich
Whitten
Zeliff

☐ 1455

The Clerk announced the following pair:

On this vote:

Mr. Inhofe for, with Ms. Velázquez against.

Messrs. LAZIO, POSHARD, and BARTON of Texas changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN (Mr. LANCASTER). Are there further amendments to title II?

AMENDMENT OFFERED BY MR. MANTON

Mr. MANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANTON: Page 35, lines 4 through 15, strike paragraphs (20) and (21) and insert in lieu thereof the following:

"(20) the term 'United States company' means an entity which the Secretary finds, based on a demonstration by such entity—

"(A) maintains substantial employment in the United States;

"(B) agrees, with respect to a technology arising from assistance provided under this Act or the National Competitiveness Act of 1993, to promote the manufacture within the United States of products resulting from that technology;

"(C) agrees to procure parts and materials for such products from competitive United States suppliers; and

"(D) either—

"(i) is a United States-owned company; or

"(ii) is a company incorporated in the United States that has a parent company incorporated in a country which the Secretary finds—

"(I) affords to United States-owned companies opportunities comparable to those afforded to any other company to participate in programs and to have access to resources and information equivalent to the opportunities authorized under this Act or the National Competitiveness Act of 1993 to foreign-owned entities engaged in commerce in the United States;

"(II) has a standards development and conformity assessment process that is open and transparent, and that results in standards that are fair and reasonable and do not discriminate against United States products and production processes;

"(III) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

"(IV) affords adequate and effective protection for the intellectual property rights of United States-owned companies;

"(21) the term 'United States manufacturer' means a United States company which the Secretary finds, based on a demonstration by such company, makes substantial investments in the United States in research, development, and manufacturing (including the manufacture of major components or subassemblies in the United States);

"(22) the term 'United States-owned company' has the meaning given such term in section 28(j)(2) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(j)(2));

Page 35, lines 16 and 19, redesignate paragraphs (22) and (23) as paragraphs (23) and (24), respectively.

Mr. MANTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANTON. Mr. Chairman, the gentlewoman from Illinois [Mrs. COLLINS], who is the chairman of the Subcommittee on Commerce, Consumer Protection and Competitiveness, of which I am a member, would be making this amendment, but she is in Chicago on official business with the Vice President. So, therefore, as a member of the committee, let me say that we, the Subcommittee on Commerce, Consumer Protection and Competitiveness, of which I am a member, has followed the Science Committee's work on H.R. 820. Many of the competitiveness issues addressed in the bill have also been considered by our subcommittee.

Rather than ask for a sequential referral of the bill, the Committee on Energy and Commerce has worked with the chairman of the Science Committee to develop an amendment which addresses my concerns.

I am pleased to be offering this amendment with the support of both Chairman BROWN and the manager of the bill Mr. VALENTINE.

My amendment does one very important thing: It ensures that in order for a foreign-owned firm to participate in the competitiveness programs and resources authorized by this legislation, U.S. firms must have reciprocal access to competitiveness programs and resources in the foreign owner's country.

Simple fairness dictates that we not give foreign firms opportunities to improve their competitiveness, if the home countries of those foreign firms deny U.S. firms access to their competitiveness programs and resources.

In addition, the amendment requires foreign countries to maintain an open and transparent standards development process that does not discriminate against U.S. products and production processes, in order for their firms to be eligible to benefit from the programs and resources authorized by this legislation.

The importance of having these conditions is clear when we consider that the purpose of this bill is to transfer technology and expertise in order to make companies more competitive.

These programs include such things as federally funded manufacturing technology centers that would be set up throughout the country to help U.S. companies learn and apply the technologies, techniques, and processes associated with systems management technology, electronic data exchange, or improving manufacturing productivity. The bill also sets up a loan and loan guarantee program to help small-

and medium-sized businesses develop critical and advanced technologies.

By participating in these programs, foreign firms not only get access to technology, but also learn a great deal about the technological competitiveness of their U.S. competitors.

It is simply contrary to the interest of U.S. firms for our Government to permit foreign participation in such programs, if foreign governments deny American firms access to their technology.

This amendment is consistent with the intent of the bill, as reported by the Science Committee, and I understand, has the support of the manager of the bill, Mr. VALENTINE.

The bill, as reported, referenced the definition of U.S. company found in the law authorizing joint ventures between Government and industry for advanced technology.

The definition required that in order for a foreign-owned company to participate in joint ventures, the foreign owner's country must not discriminate against U.S. companies in similar joint venture programs.

This amendment requires that there be reciprocity in foreign programs that are similar to those authorized under this bill.

Access for U.S. firms to foreign standards setting systems is a major concern of U.S. business. For example, the Chamber of Commerce has said that:

> Questions about EC standards policy currently lead the list of U.S. business concerns regarding Europe 1992.

A major U.S. business fear is that the European Community [EC] will institute product standards specifically designed to benefit EC industries.

For example, the European pipefitting industry recently tried to push through changes in the standard width of pipefittings which would have prevented the American pipefitting industry from selling to European Community nations.

In conclusion, I support this legislation and the contribution it would make to U.S. competitiveness.

With the changes that would be made by this amendment, I believe we can help make sure that the same advantages this bill would give to foreign firms in our country can be enjoyed also by U.S. firms operating abroad.

Mr. Chairman, I urge my colleagues to vote for the amendment.

□ 1500

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a purely protectionist amendment which is offered, as the gentleman described it perfectly. It is an attempt to introduce a very strong protectionist element into this bill. And I realize I am going to lose this argument. But I am going to make the argument in opposition so that it is there for the record.

Mr. Chairman, I realize this is going to be approved. In all honesty, I am not going to be real sad about it being approved, because I think it will make it impossible for the President to sign the bill. I think he will have so many problems with GATT, with this particular provision, that it will make it very difficult, if not impossible, for the bill to be signed with this amendment in this form. So, I am going to welcome that.

But I think we ought to know just exactly what this amendment does and how bad it is.

This is going to prevent, literally, hundreds of businesses in all of your districts from being eligible for the program. If your business, for instance, is foreign-owned, despite the fact that they may be doing the bulk of the manufacturing in this country, they may have been invited in here, Governors going around the world inviting companies in, trying to get them to become good American citizens. Well, sorry about that, but, "You won't be eligible under this amendment." This amendment says that all of those thousands of employees in your districts simply will not be eligible for participation in this program.

If you happen to have a big company that does some of its manufacturing outside the country, they may not be eligible under this. That also creates a problem despite the fact that they would be a wholly U.S.-owned company, they will not be able to participate under this program because they do not meet these very stringent conditions.

For instance, let me tell you about what they do in this: Under the present advanced technology programs, we say that under R&D programs there must be comparable opportunities provided in foreign countries to those provided in this country. Under this amendment it says there have to be equivalent opportunities. That is precise language. In other words, they will have to have R&D programs exactly like our program in other countries, or they will not be eligible. If anybody thinks that any country in the world is going to have a program that is exactly word for word like H.R. 820, I think they are just absolutely in dreamland. They must be smoking something that the President would not inhale if they think that that is the reality of what is going to happen.

And yet that is what this amendment says; it says absolute equivalency has to be adopted.

Then it also has this other qualification for U.S. companies that is very interesting. It says here that they have to agree to procure parts and materials for such products from competitive U.S. suppliers. Now, there is no exclusion in there for materials that may not even be available in this country. For instance, a lot of high-technology products are dependent on materials from overseas, things like rhodium and platinum and things like that that are not even available in this country. Well, you would not be able to include those in your high-technology product because you would not be able to buy them or you would not be a U.S. company anymore.

Now, that just does not make any sense. You have got to have the ability to shop in the global marketplace in order to get the products you need, at least the materials you need, in order to do this. If we had talked about parts, that is one thing, but when you talk about materials, that means raw materials. It means that the raw materials that our U.S. industry is dependent on from around the world they will not be able to use anymore in our high-technology products or the company would be rendered ineligible for this program.

Now, I do not think that that is what the author meant. I do not think that is what they intended to have happen. But that is the way the language is written. The language is bad language. It means that the companies are going to be in a terribly disastrous position and literally thousands of workers in your districts will be working for companies that under this particular provision will not be regarded as U.S. companies.

I think that is wrong. I think it is absolutely protectionist, that it makes no sense in a global environment. The gentleman says it expands U.S. competitiveness. No. What this really does is it says we believe there are many, many U.S. businesses that cannot compete in the world anymore and we want to protect them with bad stuff like this.

We ought to vote "no." I suspect the House will vote "yes." But when they do vote "yes," they are going to give the President of the United States one whale of a big problem in signing this bill.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I take this opportunity to commend the distinguished chairman of the Science and Technology Committee, Mr. BROWN of California, and the manager of H.R. 820, Mr. VALENTINE, for their cooperation in regards to this important legislation. Through their efforts our committees have been able to work together to address issues of concern to the Committee on Energy and Commerce.

The amendment offered by Mr. MANTON is a result of their joint efforts and I believe it enjoys the support of these gentlemen, along with the efforts of Chairman CARDISS COLLINS of the committee, I strongly support it.

The amendment is clarifying in nature. It provides a new definition of the terms "United States manufacturer." That definition applies to American firms and to foreign-owned or controlled firms. American firms should have no trouble meeting the conditions of this amendment.

It ensures that in order for a foreign-owned or controlled firm engaged in commerce in the United States to participate in the competitiveness programs and resources authorized by this legislation, American firms must have reciprocal access to competitiveness programs and resources in the foreign owner's country. Simple fairness dictates that we not give foreign firms our technology and opportunities to improve their competitiveness, if the home countries of those foreign firms deny American firms access to their competitiveness programs and resources.

In addition, the amendment would require the Secretary of Commerce on a case-by-case basis to find, for example, that foreign countries maintain an open and transparent standards development process that is fair and reasonable and does not discriminate against U.S. products and production processes. In order for foreign firms to be eligible to benefit from the programs and resources authorized by this legislation, they must demonstrate to the Secretary that such a finding is warranted.

The importance of having these conditions is clear when we consider that the purpose of this bill is to transfer technology and expertise in order to make companies more competitive.

These programs include such things as federally funded manufacturing technology centers that would be set up throughout the country primarily to help American companies learn and apply the technologies, techniques, and processes associated with systems management technology, electronic data exchange, or improving manufacturing productivity. The bill also sets up a loan and loan guarantee program to help small- and medium-sized businesses develop critical and advanced technologies. The bill does not deny such access to foreign-owned or controlled firms. It does, however, condition that access.

By participating in these programs, foreign firms not only get access to technology, but also learn a great deal about the technological competitiveness of their U.S. competitors. It is simply contrary to the interest of American firms for our Government to permit foreign participation in such programs, if foreign governments deny American firms access to their technology.

Access for U.S. firms to foreign standards setting systems is a major concern of U.S. business. For example, the Chamber of Commerce said, in a November 30, 1992, letter to me, that, "Questions about EC standards policy currently lead the list of U.S. business concerns regarding Europe 1992."

A major U.S. business fear is that the European Community [EC] will institute product standards specifically designed to benefit EC industries. For example, the European pipefitting industry recently tried to push through changes in the standard width of pipefittings which would have prevented the American pipefitting industry from selling to European Community nations.

Most importantly, the amendment makes clear that all companies provide substantial jobs in this country.

In conclusion, I support this legislation and the contribution it would make to U.S. competitiveness. With the changes that would be made by this amendment, I believe we can help make sure that the same advantages this bill would give to foreign firms in our country can be enjoyed also by U.S. firms operating abroad. I will work cooperatively with Chairman BROWN in any conference on this bill.

As far as the broader issue of technology transfer generally, we certainly have a number of important, competent, and highly qualified laboratories and research and development centers across the country. We need as a nation to develop coordinated policy which allows our labs, researchers, and private industry to flourish and to commercialize exciting new technology which will benefit our Nation.

The Energy and Commerce Committee's Subcommittee on Oversight and Investigation held a hearing on the status of our national technology transfer program on July 25, 1991. At that time we found that our Nation's commitment to competitiveness lacked a clear focus and coordinated mission and, without a more comprehensive approach, the competitiveness of U.S. industry could suffer.

Indeed the case could be made that our Nation's companies already suffer in their efforts at global competitiveness due to our lack of coordinated Federal policy. Most other countries already have national policies designed to facilitate the valuable relationship between federal research and commercial development. Instead of creating an adversarial relationship with private industry, other countries work with industry in many ways—even in the implementation and development of regulations and standards—which can give their industries competitive advantages in the world marketplace.

We must find ways to emulate those countries while not sacrificing our responsibilities. Our Government must do as much as possible to facilitate what promises to be a very worthwhile relationship between our Federal research facilities and our Nation's private industry. Indeed, the ability of American companies to compete globally will be affected by the careful implementation of this policy. This bill will help us move in that direction.

Let me also mention how important I believe the Department of Energy Labs are to this overall goal. We have assembled in those facilities some of the Nation's finest scientists and researchers. It is imperative that we find a sensible way to tap into that knowledge pool in a manner which ensures we can best realize the full commercial benefits of technology from those labs. I look forward to working with the administration and my colleagues to ensure we utilize these vital national resources. At the same time, I express concern that each individual Lab appears to be conducting their own negotiations in a manner that exasperates and frustrates U.S. industry. It is a costly process that our committee is examining and I hope that we can improve upon it. We need to increase the efficient use of this Nation's vast array of Federal resources, to maximize the commercialization of important technology, and to insure an overall national benefit from our Federal research and industrial commercialization.

I look forward to working with my colleagues as this bill and other legislative initiatives designed to improve our efficiency in this area move through the process. I also look forward to working with the administration which has been a leader on this issue during this Congress and should be commended for its efforts in this important area.

THE SECRETARY OF COMMERCE,
Washington, DC, December 4, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This in response to your letter regarding the European Community (EC) standards process and the Department's related activities. The EC is our largest export market, accounting for more than $100 billion of U.S. exports, nearly 30 percent of our global total. U.S. exports to the EC have doubled since 1985, responding to expectations regarding the EC 1992 internal market program.

Much of the EC 1992 program concerns the harmonization of standards and their implementation. European standards provide the critical underpinning for the new EC regional testing and certification regime. This regime will affect more than half the value of U.S.-manufactured exports to the EC, a figure exceeding $50 billion in 1991. We have been working for three years to gain increased access for U.S. products by means of a more open standards regime in Europe.

We have made it a top priority to gain better access for U.S. businesses to European standards development since 1989. Our goal has been to ensure that the European standards development process is open and transparent and that the resulting standards do not discriminate against U.S. products and production processes. We have worked closely with U.S. private sector interests in this process including U.S. manufacturers, standards developers and the testing community. A detailed account of our dialogue on this issue with our EC Commission counterparts and European regional standards organizations was provided most recently at a hearing held June 9, 1992, before two subcommittees of the House Committee on Foreign Affairs. Enclosed is copy of testimony given at these hearings by the Department's Assistant Secretary for International Economic Policy.

We have had considerable success. In response to concerted U.S. government and private sector efforts, European standards developers have formally committed to giving first consideration in their standards development work to existing standards from the International Standards Organization (ISO) and the International Electrotechnical Commission (IEC), where the United States has a full "seat at the table." They have also taken steps to coordinate their regional work with ISO and IEC efforts, where possible.

Our close monitoring of EC standards development has shown that new EC standards relating to implementation of legal requirements established under EC internal market legislation do meet the "fair and reasonable" test in most instances. In those few cases where there is a potential for discrimination, or where new standards have no clear scientific basis, we have moved quickly to raise this at the highest levels with the EC. We continue to press the Europeans to open regional standards work to wider participation and to consider all available recognized standards before initiating new regional work.

As a case in point, last year the U.S. pipefittings industry reported efforts by European representatives to push through a revision of the international standards, which would have shut U.S.-manufactured fittings out of the European market. The U.S. industry initiated a formal appeal against the revision through the ISO, and we worked directly with EC Commission officials on the trade implications of this revision. The ISO upheld the U.S. appeal, and European standards officials agreed to comply with the ISO decision.

The Commerce Department, along with the U.S. Trade Representative's Office, recently initiated formal discussions with EC Commission officials on provisions for a U.S.-EC agreement on product conformity assessment. This would provide for EC recognition of U.S.-produced tests and certificates of conformity, and vice versa. Under this mutual recognition agreement (MRA), U.S. products could be certified directly to EC requirements by an independent third party located in the United States, using any relevant standards, including U.S. standards. This would greatly facilitate U.S. exports. Several U.S. industries have requested that the U.S. Government negotiate an MRA covering EC legal requirements relevant to their product areas, including information technology equipment, medical devices, pressure equipment and recreational craft.

Thank you for your interest in this important area. Should you wish to have a member of your staff discuss the question of EC standards in more detail, I would be delighted to have my office make the arrangements.

Sincerely,

BARBARA HACKMAN FRANKLIN.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, November 30, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. DINGELL: I received your November 12, 1992, letter of Secretary of Commerce Franklin regarding your concerns on the issue of EC product standards development and the implications for U.S. business The U.S. Chamber has been following Europe's standards development program closely since 1988. We consider it the most critical market access issue of the EC's internal market program, particularly for those U.S. companies exporting directly to the EC.

Enclosed is a series of U.S. Chamber reports on the EC 1992 program to keep U.S. business informed of the latest internal market developments. In each report, the issue of EC product standards, testing and certification requirements is highlighted. In addition, I am enclosing a paper entitled Product Standards in Europe's Internal Market: A Status Report for U.S. Business which highlights the opportunities and obstacles posed by these new product standards or American companies doing business with Europe.

Over the last four years, the U.S. Chamber has made its concerns known on the EC's standards, testing and certification program. We have worked closely with the Administration and the EC to ensure that U.S. Companies' access to the European market is not impeded because of these new product standards. The result has been greater transparency and openness in the EC's standards development process. This is largely due to the ongoing standards discussions between the U.S. Government and the EC. The next critical market access issue centers on the accompanying testing and certification requirements to indicate conformity to certain EC standards. U.S. exporters could be effectively shut out of the EC market if they find it difficult to test and certify their products to meet EC standards. The current negotiations to establish mutual recognition agreements and subcontracting arrangements will determine the degree of access extended to U.S. exporters. The Chamber will continue to be actively engaged on this issue.

If you have any additional questions on the Chamber's activities in this area, please do not hesitate to contact me.

Sincerely,

WILLARD A. WORKMAN.

Mr. Chairman, let me read what the Honorable Barbara Hackman Franklin had to say:

> We have made it a top priority to gain better access for U.S. businesses to European standards development since 1989. Our goal has been to insure that the European standards development process is open and transparent and that the resulting standards do not discriminate against U.S. products and production processes.

That is all this amendment asks—that it is open and transparent, and that the resulting standards do not discriminate against American products and production processes. That is all we are asking here. The gentleman from Pennsylvania [Mr. WALKER]—and I say this with respect and affection—totally misreads the language of the amendment, totally misunderstands what it is, and I am sure that after he has had an opportunity to read it, he will probably support it.

Mr. WALKER. Mr. Chairman, would the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, to go back to the first page of the amendment where it says that they agree to procure parts and materials for such products from competitive U.S. suppliers, could the gentleman tell me what happens if those materials are not available in the United States?

□ 1510

Mr. DINGELL. Well, then, clearly they would not be available, because it has to be from competitive U.S. suppliers.

Mr. WALKER. It says in the amendment, Mr. Speaker, if the gentleman will yield further, that you have to agree to procure the materials from competitive U.S. suppliers. If those materials are not available in the United States, it means that this amendment would prevent them from doing products that did not contain U.S. materials.

Mr. DINGELL. The amendment does not require them to procure supplies and materials from nonexistent U.S. suppliers, or suppliers who do not make that available.

I am sure that now that the gentleman understands this, he will be happy to support the amendment. I urge my colleagues to support the Manton amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. WALKER, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield on just one other point?

Mr. DINGELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman indicated that comparability was the standard here. If the gentleman will look on page 2 of the amendment, he will find that what has changed from the advanced technology program that presently governs this language is that the word "equivalency" is put in. That is an entirely different standard than the word "comparability," and the equivalency standard in fact is absolutely the same.

Now, that would be a very tough standard to meet because it really does mean that the language of this particular bill would have to be in effect in all other countries, if the gentleman will look on line 8.

Mr. DINGELL. Well, here is what the language of the law now says. It says:

> (i) the company is a United States-owned company; or
>
> (ii) the Secretary finds that the company is incorporated in the United States and has a parent company which is incorporated in a country which affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under this Act; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

I cannot believe that my good friend, the gentleman from Pennsylvania, would be opposed to seeing to it that other countries would want their people to procure competitively priced American goods and services.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, he has made my point. He has read the current law which talks about a comparability standard, rather than an equivalency standard. The amendment before us substitutes the word "equivalent" for the word "comparable," which makes it a totally different test and one which will be very, very difficult for anybody to meet.

Mr. DINGELL. Let me help the gentleman, because the language is required under either current law, or under the language of the amendment to be comparable. It is at page 2, lines 4 and 5.

Mr. WALKER. Look at line 8.

Mr. DINGELL. It says opportunities, comparable to those afforded to any other company, to participate in programs and have access to resources and information that is paid for by the American taxpayer.

Mr. WALKER. The gentleman does not read far enough. He needs to go to line 8.

The CHAIRMAN. The additional time of the gentleman from Michigan [Mr. DINGELL] has expired.

Mr. VALENTINE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to suggest that one of the statements made by our esteemed friend, the gentleman from Pennsylvania, one of the statements that he made, I want to say that it is the exact absolute truth. I do not want to say the other things he has said in connection with this amendment are not the truth, but when the gentleman in his statement said that many foreign companies will not qualify, he is right. That is what it is about.

This amendment was designed, and I want to compliment the chairman of the Committee on Energy and Commerce and the author of the amendment. It improves the legislation substantially because it guarantees that the tax money coming from the American taxpayers into this program will not end up in the hands of foreign companies unless they do certain things. Those certain things are as follows, and I am amazed that the gentleman from Pennsylvania, of all people, would be opposed to this legislation and then suggest to us that a Democratic President might veto the bill.

Have they stood in the House too long and said what a President might veto or might not veto, to recognize the fact that we have a new man in the White House?

As we begin to develop new Government industry methods of cooperation, it is critical that taxpayers' money be used to create jobs in the United States, not overseas. That is what the amendment guarantees. We do not want this assistance to go to making jobs and investments overseas.

I am amazed that the gentleman from Pennsylvania [Mr. WALKER] would want to suggest otherwise.

Therefore, to accomplish that, we have to limit this assistance in participation that these companies have and that the jobs and investments in this country are appropriate.

Finally, the amendment, the proposed definition, does not discriminate against foreign-owned subsidiaries doing business in the United States. It only says that they are permitted to participate in this program as long as their parent companies do not discriminate against U.S. companies doing business in their country. And what is wrong with that?

This legislation, I say to the gentleman from Pennsylvania, with private capital, they can do anything they want to with it, but we are talking about money from the taxpayers of the United States.

Mr. WALKER. Mr. Chairman, I demand that the gentleman's words be taken down.

Mr. VALENTINE. Mr. Chairman, if the gentleman finds any problem with those words, I withdraw them.

Mr. WALKER. Mr. Chairman, I demand the words be taken down.

The CHAIRMAN. Does the gentleman from North Carolina ask that the words be withdrawn?

Mr. VALENTINE. I have stated, Mr. Chairman, that if the gentleman finds any fault with any words that I have spoken, I withdraw those words. He has no control over my thoughts.

The CHAIRMAN. Without objection, the gentleman from North Carolina withdraws his words.

Mr. VALENTINE. I do, yes, Mr. Chairman.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, since the words were not taken down, how do we know which words he was withdrawing?

Mr. VALENTINE. I have withdrawn all words in my statement that apply to the gentleman from Pennsylvania.

Mr. WALKER. Oh, the gentleman is withdrawing his entire statement then, if I understand correctly?

Mr. VALENTINE. Was it all offensive to the gentleman?

The CHAIRMAN. The gentleman withdraws those words which refer to the gentleman from Pennsylvania. The other words will remain in the gentleman's statement.

Mr. WALKER. I thank the Chair.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

I think there are two issues here. The first is the problem of Congress in identifying and bandying around the use of the term called protectionism and protection.

I maintain that Japan is the most protectionist nation in the world.

I maintain that most foreign countries deny American products due access, strip away American jobs, destroy our industrial and manufacturing base and have threatened our freedoms, and while we do that we get into philosophical debates and arguments about protectionism.

Now, let us take a look at the amendment. The reason it is being offered by the Committee on Energy and Commerce is because is that their own committee would not allow it to come up by one of its own members.

This is usually the language that I get in trouble on with these sophisticated Harvard graduates from the Ways and Means Committee, who in my opinion their policies are so dumb that if they threw them at the ground they would miss.

No. 1, this has nothing to do with protectionism. This amendment says that if a foreign firm has a subsidiary in America and that foreign country denies American firms in America an opportunity to participate in their programs, yes, they are being denied, shut out, shut down, closed off.

If President Clinton does not sign this, I do not think we elected a Democrat.

The American workers are tired of philosophical Members of Congress selling our jobs down the drain and bringing lame, half-witted protectionist debates here.

If this is protectionism, I am stone cold guilty, and proud of it.

I want to commend the Energy and Commerce Committee for bringing the amendment over. I think it is time that if we are going to open our flea market, let these other countries come in, treat them as favorably as we can, but when it is time to reciprocate—Sorry, Charlie—and then we get a bunch of people standing up debating the philosophical context of protectionism. Let us get off it.

If you vote against this amendment, here is what you are voting against. You want foreign countries who deny American manufacturers the opportunity to participate in their technology, you want to give them the opportunity, even though they screwed us, to be able to get it out of the goodness of our little legislative hearts.

☐ 1520

Mr. Chairman, this is garbage. This gentleman does not think it goes far enough.

Mr. Chairman, I think our entire trade policy should say, "If you deny access to Uncle Sam, you are denied access until you open the doors. We want free trade, but we're not going to be held hostage by your illegal trade and unfair trade practices, and, if you do that, we're not going to let a bunch of Members debate protectionism and try and scare us in our hometowns."

Just for the record, Mr. Chairman, the number of building permits declined in America, new claims for unemployment are up, the average work week for factories has decreased, consumer confidence is falling, orders for new commercial building and business equipment have declined; on, and on, and on.

Mr. Chairman, I think this amendment is very good. I would recommend to the House that they accept it, pass it overwhelmingly, and, hopefully, the White House will get the same message.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there further debate on the amendment offered by the gentleman from New York [Mr. MANTON]?

If not, the question is on the amendment offered by the gentleman from New York [Mr. MANTON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If there are no further amendments to title II, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Benchmarking Science and Technology

SEC. 301. BENCHMARKING UNITED STATES SCIENCE AND TECHNOLOGY AGAINST FOREIGN CAPABILITIES.

The Stevenson-Wydler Technology Innovation Act of 1980, as amended by this Act, is further amended by adding at the end the following new title:

"TITLE IV—BENCHMARKING SCIENCE AND TECHNOLOGY

"SEC. 401. FINDINGS AND PURPOSES.

"(a) FINDINGS.—As other countries have gained strength in new technologies and as centers of technical excellence have developed around the world, it has become increasingly important for United States companies and research organizations to understand their scientific and technological capabilities relative to those of other global competitors.

"(b) PURPOSES.—The purposes of this title are to conduct and coordinate the collection, evaluation, and dissemination, to United States companies, State and local governments, and nonprofit organizations, of information on foreign science and technology, specifically information assessing foreign capabilities relative to comparable United States capabilities.

"SEC. 402. PROGRAM RESPONSIBILITIES.

"(a) DEPARTMENT OF COMMERCE.—The Department of Commerce shall be the lead agency of the Federal Government in making available information for assessing the comparative strength of United States scientific and technological capabilities. The Secretary, acting through the Under Secretary, shall—

"(1) collect within the Federal Government and disseminate to United States companies, State and local governments, and nonprofit organizations information regarding foreign process and product research and technologies of importance to United States companies and the Federal Government, and regarding related technology assessment activities already underway in the Federal Government;

"(2) provide such information and analyses in electronic form, and ensure, consistent with confidentiality and security considerations, that they will be available through the clearinghouse to the outreach network created under section 303 of this Act;

"(3) work, in coordination with the Federal Coordinating Council for Science, Engineering, and Technology, as appropriate, to streamline Federal Government procedures for collecting, evaluating, and disseminating information analyzing foreign scientific and technological information; and

"(4) conduct appropriate planning for more comprehensive collection, evaluation, dissemination, and application of foreign science and technology information.

"(b) OTHER AGENCIES.—All executive departments and agencies shall assist the Secretary in carrying out this title.

"(c) ADDITIONAL AUTHORITIES.—The Secretary, acting through the Under Secretary, is authorized to—

"(1) arrange for access to information collected and developed under this title, in electronic form or otherwise, by authorized and interested parties, including charging and retaining fees;

"(2) provide for the collection of additional information to fulfill the purposes of this title;

"(3) provide for analysis of foreign research and development activities and technological capabilities, particularly in those areas where the United States is considered to be at par or lagging foreign capabilities or where foreign capabilities are projected to overtake those of the United States;

"(4) enter into joint ventures authorized under section 212(a)(1)(A) of Public Law 100–519 (15 U.S.C. 3704b(a)(1)(a)) in carrying out this title;

"(5) consult with users of such information, as appropriate, on the usefulness of available foreign scientific and technological information and on the need for additional information and assessment activities and consult with other affected agencies of the Federal Government to promote consistent and useful collection, assessment, and analysis of foreign technological information; and

"(6) establish and administer the fellowship program described in subsection (d).

"(d) FELLOWSHIP PROGRAM.—(1) The Secretary, acting through the Under Secretary, shall establish and administer a fellowship program to support Technology Fellows to assist the Under Secretary in carrying out activities under this title relating to those countries that are major competitors of the United States in critical technologies, and to identify opportunities for technology transfer to the United States or technological collaboration for United States industries.

"(2) Technology Fellows shall—

"(A) regularly report to the Department of Commerce on work planned, in progress, and accomplished; and

"(B) provide support to the Department of Commerce as requested by that Department.

"(3) Fellowships awarded under the program established under this subsection shall—

"(A) be awarded for a period of 2 years;

"(B) be reasonable and appropriate; and

"(C) include provisions for living and office arrangements in the host country.

"(4) Only individuals who—

"(A) have at least a bachelors degree in engineering or science; and

"(B) have at least 5 years of work experience in manufacturing or technology development, shall be eligible for a fellowship under this program.".

Subtitle B—Advanced Technology Program

SEC. 321. DEVELOPMENT OF PROGRAM PLAN.

The Secretary, acting through the Under Secretary and the Director, shall, within 6 months after the date of enactment of this Act, submit to the Congress a plan for the expansion of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), with specific consideration given to—

(1) closer coordination and cooperation with the Advanced Research Projects Agency and other Federal research and development agencies, including joint funding of large scale consortia, as appropriate;

(2) broadening of the scope of the program to include and focus on as many critical technologies identified pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)) as is appropriate; and

(3) changes that may be needed when annual funds available for awards and cooperative agreements under the Program reach levels of $200,000,000 and $500,000,000.

SEC. 322. LARGE SCALE RESEARCH AND DEVELOPMENT CONSORTIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director, shall establish a program for the support of large-scale research and development consortia.

(b) SELECTION PROCEDURES AND REQUIREMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the selection and making of awards to large-scale research and development consortia under this section shall be carried out in accordance with procedures and requirements applicable to joint ventures described in section 28(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(b)(1)).

(2) EXCEPTION.—Notwithstanding section 28(b)(1)(B)(ii) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(b)(1)(B)(ii)), for purposes of awards made under this section, a minority share of the cost of large-scale research and development consortia may be provided by the Federal Government for up to 7 years.

(c) PROJECT SELECTION.—Preference shall be given for selection under this section to large-scale research and development consortia that would not be undertaken by the private sector without a Federal investment of $50,000,000 or more per year.

(d) SELECTION CRITERIA.—In selecting large-scale research and development consortia under this section, the Secretary, acting through the Director, shall give priority to consortia that best achieve the following goals:

(1) Significant contribution to broad economic growth.

(2) Significant contribution to the national quality of life.

(3) Significant contribution to environmental sustainability.

(4) Promotion of private sector partnership with Federal research and development activities.

(5) Substantial improvement of the international competitiveness of United States companies.

(6) Involvement of several competitor firms in the development of the key consortia technologies.

(7) Strengthening of the linkages between domestic suppliers, systems developers, and end-users.

(8) Participation by domestic end-users from several industrial sectors.

(9) Promotion of the diffusion of nonproprietary information to United States companies through strong links with organizations such as trade and professional groups.

(e) INDEPENDENT TECHNICAL REVIEW.—The Secretary, through the Director, shall provide for technical review at least once every three years of large-scale research and development consortia receiving support under this section, by the National Institute of Standards and Technology, other national laboratories, the Department of Commerce Technology Advisory Board established under section 401 of this Act, or independent research organizations that are not a participant in the large-scale research and development consortium being reviewed. Such review shall be for the purpose of determining progress toward the objectives for which such large-scale research and development consortium was formed, with recommendations for improvement, funding adjustments, or termination of Federal support. The Secretary, through the Director, shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual status report summarizing significant accomplishments in achieving those objectives.

(f) DEFINITION.—For purposes of this section, the term "large-scale research and development consortia" means a joint venture described in section 28(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(b)(1)).

SEC. 323. TECHNICAL AMENDMENTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) by adding at the end the following new subsection:

"(k) Notwithstanding subsections (b)(1)(B)(ii) and (d)(3), the Director may grant an extension of not to exceed 6 months beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government.";

(2) in subsection (b)(2), by inserting ", and with independent research organizations" after "especially small businesses"; and

(3) in subsection (j)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) the term 'independent research organizations' means nonprofit organizations organized primarily for the purpose of conducting or managing research activities;".

Subtitle C—Civilian Technology Loan Program

SEC. 331. LOAN AND LOAN GUARANTEE AUTHORITY.

To the extent provided in appropriation Acts, the Secretary, acting through the Under Secretary, may make, or enter into agreements to make, loans and loan guarantees, either directly or in cooperation with other lenders, to small and medium-sized qualified business concerns in accordance with this subtitle.

SEC. 332. OPERATING PLAN AND EFFECTIVE DATE.

(a) OPERATING PLAN.—The Secretary, acting through the Under Secretary, shall prepare (in consultation with the Advisory Committee established under section 344, other appropriate executive agencies, the States, United States companies, the financial community, and other appropriate parties) and submit to the Congress on or before November 1, 1993, an operating plan to carry out this subtitle. In preparing such plan, the Secretary shall consider and evaluate alternative approaches to achieving the purposes of this subtitle and shall develop recommendations, as appropriate, to fulfill the purposes of this subtitle in the most effective and efficient manner achievable. Such evaluations and recommendations shall be included in the plan submitted under this subsection.

(b) EFFECTIVE DATE.—Except as provided in subsection (a), the provisions of this subtitle shall take effect on October 1, 1994.

SEC. 333. TERMS AND CONDITIONS.

Loans and loan guarantees made under section 331 shall be in such form and manner and under such terms and conditions as the Under Secretary may prescribe by regulation, and shall be subject to the following terms and conditions:

(1) Loans awarded or guaranteed shall be for sound financing of research, development, demonstration, or utilization of critical technologies or advanced technologies.

(2) Loans shall only be awarded or guaranteed if the Under Secretary finds that—

(A) sufficient collateral, which may include both tangible and intangible assets, is pledged, or

(B) the borrower is sufficiently financially sound,

to reasonably ensure repayment.

(3) Loans awarded or guaranteed may not exceed 50 percent of total eligible project costs. For purposes of this section, the term "eligible project costs" shall be defined by the Under Secretary by regulation.

(4) The total principal amount of outstanding loans awarded or guaranteed to a single borrower may not exceed $2,000,000 at any time.

(5) Loans awarded or guaranteed shall be senior to any other debt obligations of the borrower, except to the extent that the Under Secretary considers necessary to accommodate the borrower's ability to raise sufficient debt or equity capital from non-Federal sources to pay the balance of eligible project costs that are not covered by such loans.

(6) Interest on a loan, or portion of a loan, awarded or guaranteed by the Federal Government under this subtitle shall be at a rate determined by the Secretary of the Treasury, at the time such loan is made, to equal the then current average market yield on outstanding debt obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus an additional charge of up to 1 percent applied by the Under Secretary to cover expected defaults and reasonable administrative costs of carrying out this subtitle. For purposes of this section, the term "default" shall be defined by the Under Secretary by regulation.

(7) Except as provided in paragraph (8), the maturity of loans awarded or guaranteed under this subtitle may not be less than 2 years or greater than—

(A) 10 years; or

(B) the useful life of property, plant, equipment, or other assets, as determined by the Secretary of the Treasury, which have been pledged as collateral for such loan,

whichever is greater.

(8) The Under Secretary may extend the maturity of or renew a loan or extend the guarantee of a loan for additional periods, not to exceed 5 years, only if such extension or renewal will aid in the orderly liquidation of such loan.

(9) Payment of interest on direct loans made by the Federal Government under this subtitle may be deferred by the borrower, upon approval by the Under Secretary, only to the extent that the borrower has established to the satisfaction of the Under Secretary that the borrower has not realized sufficient earnings and returns of capital to make such payment without incurring undue financial hardship, and that there is a reasonable prospect that such loan and interest thereon will be repaid.

(10) The Under Secretary may guarantee payment of 100 percent of principal and interest on a loan made under section 331.

(11) The Under Secretary may establish, charge, and regulate fees to cover loan origination and servicing costs that are reasonable and necessary.

SEC. 334. TECHNICAL ASSISTANCE FOR LENDERS AND BORROWERS.

The Secretary, acting through the Under Secretary, shall, upon request, provide technical assistance and services, as appropriate and needed, to lenders and borrowers under this subtitle, and shall ensure that such lenders and borrowers have ready access to appropriate assistance available under title III of the Stevenson-Wydler Technology Innovation Act of 1980, or under any other Act, in order to aid such lenders and borrowers in achieving the purposes described in section 333(1). The Secretary may charge fees for technical assistance and services provided under this section in amounts sufficient to cover the reasonable cost of such assistance and services. The Secretary may waive such fees on a case-by-case basis. Fees paid to the United States under this section shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 335. OUTREACH TO ECONOMICALLY DEPRESSED AREAS.

The Secretary, acting through the Under Secretary, shall seek to ensure that qualified business concerns located in areas determined by the Secretary to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the availability of financial assistance through the program established under this subtitle and, to the extent practicable, to encourage and facilitate the participation of such qualified business concerns in such program.

SEC. 336. SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.

The Secretary shall, to the fullest extent possible, ensure that at least 10 percent of amounts loaned under this subtitle shall be made available to qualified business concerns owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act, and including women).

SEC. 337. DEFINITIONS.

For purposes of this subtitle, the terms "advanced technologies", "critical technologies", and "qualified business concern" have the meaning given such terms in section 342 of this Act.

Subtitle D—Civilian Technology Development Program

SEC. 341. SHORT TITLE.

This subtitle may be cited as the "Civilian Technology Development Act of 1993".

SEC. 342. DEFINITIONS.

For purposes of this subtitle—

(1) the term "advanced technologies" means technologies eligible for assistance under the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) the term "articles" means articles of incorporation for an incorporated body, and the functional equivalent, or other similar documents specified by the Under Secretary, for other business entities;

(3) the term "critical technologies" means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(4) the term "Department" means the Department of Commerce;

(5) the term "executive agency" has the meaning given such term in section 105 of title 5, United States Code;

(6) the term "license" means a license issued by the Under Secretary under section 345;

(7) the term "licensee" means a company licensed under section 345;

(8) the term "preferred securities" means preferred stock or a preferred limited partnership interest or other similar security, as defined by the Under Secretary by regulation;

(9) the term "private equity capital" means the paid-in capital and paid-in surplus, on hand or legally committed to be provided, of a licensee organized as a corporation, or the partnership capital, on hand or legally committed to be provided, of a licensee organized as an unincorporated partnership, but does not include any funds—

(A) borrowed by the licensee from any source;

(B) obtained from the sale of preferred securities; or

(C) derived directly or indirectly from any Federal source;

(10) the term "qualified business concern" means a United States company described in section 28(d)(9)(B) of the National Institute Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)), if—

(A) the business of such company includes the pursuit, under the Small Business Innovation Research (SBIR) program, of applications described in section 9(e)(4)(C) of the Small Business Act (15 U.S.C. 638(e)(4)(C));

(B) the principal business of such company is the development or application of a critical technology;

(C) such company is eligible for assistance under the Advanced Technology Program (ATP) established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); or

(D) such company is principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available (within the meaning of section 851(e)(1) of the Internal Revenue Code of 1986);

(11) the term "State" means several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(12) the term "State sponsored licensee" means a company licensed under section 345 in which a State or instrumentality of a State has at least a 25 percent investment interest in the private equity capital of such licensee;

(13) the term "university sponsored licensee" means a company licensed under section 345 in which a single university or consortium of universities has at least a 25 percent investment interest in the private equity capital of such licensee; and

(14) the term "venture capital" means consideration for such—

(A) common stock;

(B) preferred stock;

(C) debt with equity features which may include equity warrants or rights to convert into common stock and which provides for interest payments contingent upon and limited to the extent of earnings; or

(D) other financing,

as the Under Secretary determines to be substantially similar to equity financing, issued by a qualified business concern.

SEC. 343. ESTABLISHMENT AND PURPOSE.

(a) ESTABLISHMENT.—There is established within the Technology Administration of the Department of Commerce a national program to stimulate and supplement the availability of long-term investment capital for the formation, development, and growth of qualified business concerns throughout the United States. The Secretary, through the Under Secretary, shall, through such program, provide for the selection, licensing, monitoring, and financial and technical support of professionally managed technology investment companies which in turn shall provide financial, management, and technical assistance to qualified business concerns, with preference given to satisfying the seed and early-stage financing needs of such concerns that are not being met by other sources on reasonable terms.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to contribute to United States economic competitiveness, employment, and prosperity;

(2) to promote the advancement, maturation, and application of critical and other advanced technologies;

(3) to supplement and stimulate long-term investment in qualified business concerns; and

(4) to encourage and facilitate the formation and growth of professionally managed technology investment companies throughout the United States that will give preference to satisfying the capital needs of qualified business concerns, especially during their early stages of development.

(c) RESPONSIBILITIES.—(1) In carrying out this subtitle, the Secretary, acting through the Under Secretary, and subject to the availability of appropriations, shall—

(A) consult with and, to the extent permitted by law, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this subtitle;

(B) explore, with other executive agencies, ways to avoid duplication of effort by consolidating the administration of the program established by this subtitle with any other similar Federal program, and as part of such consolidation may delegate administrative functions, as necessary and appropriate, to another executive agency; and

(C) consult with the Secretary of Energy on all policy matters related to the Civilian Technology Development Program that deal with development or utilization of energy technologies.

(2) To the extent permitted by law, other executive agencies shall cooperate with the Under Secretary in carrying out this subtitle.

(d) OPERATING PLAN.—The Secretary, acting through the Under Secretary, shall prepare (in consultation with the Advisory Committee established under section 344, other appropriate executive agencies, the States, United States companies, the financial community, and other appropriate parties) and submit to the Congress on or about November 1, 1993, an operating plan to carry out this subtitle. In preparing such plan, the Secretary shall consider and evaluate alternative approaches to achieving the purposes of this subtitle and shall develop recommendations, as appropriate, to fulfill the purposes of this subtitle in the most effective and efficient manner achievable. Such evaluations and recommendations shall be included in the plan submitted under this subsection.

(e) OUTREACH TO ECONOMICALLY DEPRESSED AREAS.—The Secretary, acting through the Under Secretary, shall seek to ensure that qualified business concerns located in areas determined by the Secretary to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the availability of financial assistance through the program established under this subtitle and, to the extent practicable, to encourage and facilitate the participation of such qualified business concerns in such program.

(f) EFFECTIVE DATE.—Except as provided in subsection (d) and in sections 344 and 351(a), the provisions of this subtitle shall take effect on October 1, 1994.

SEC. 344. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established a Civilian Technology Development Advisory Committee (in this section referred to as the "CTD Advisory Committee").

(b) COMPOSITION.—The CTD Advisory Committee shall be composed of 7 members, appointed by the Under Secretary from among private individuals who, because of their experience and accomplishments in technology development, maturation, and adoption, business development, venture capital, finance, or other relevant areas, are exceptionally qualified to perform the duties of the CTD Advisory Committee. The Under Secretary shall designate 1 member to serve as chairman.

(c) DUTIES.—The duties of the CTD Advisory Committee shall include advising the Under Secretary on all matters related to policy, planning, execution, and evaluation of the program established under this subtitle.

(d) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the CTD Advisory Committee.

SEC. 345. ORGANIZATION AND LICENSING.

(a) IN GENERAL.—Any incorporated body, limited partnership, or State instrumentality organized and chartered or otherwise existing under State law for the purpose of performing the functions and conducting the activities contemplated under this subtitle, that possesses the powers, capabilities, and expertise reasonably necessary to perform such functions and conduct such activities, may apply for a license under this subtitle in such form and manner as the Under Secretary may prescribe.

(b) ARTICLES.—The articles of any applicant shall specify in general terms the objects for which the applicant is formed, the name assumed by such applicant, the area or areas in which its operations are to be carried on, the place where its principal office is to be located, and the amount and classes of its shares of capital stock. Such articles may contain any other provisions not inconsistent with this subtitle that the applicant may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(c) BUSINESS PLAN.—The business plan of any applicant shall specify in general terms—

(1) how the applicant proposes to achieve the objects for which it is formed, to operate and govern its business, and to fulfill the purposes and satisfy the requirements of this subtitle;

(2) the board members or general partners and the management and professional staff of the applicant, and the professional training, experience, reputation, and investment performance record, if any, of each such individual, along with a description of the applicant's current and proposed management structure;

(3) all current or committed private investors in the applicant, together with the amount, terms, conditions, and conveyances associated with such investment, and appropriate background information on each private investor; and

(4) such other information as the Under Secretary may require.

Such business plan and any material amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(d) APPROVAL OF ARTICLES AND BUSINESS PLAN; LICENSING.—The articles and business plan of an applicant for a license shall be forwarded to the Under Secretary for consideration and approval or disapproval. In determining whether to approve a prospective licensee's articles and business plan and permit it to operate under the provisions of this subtitle, the Under Secretary shall give due regard, among other things, to the general business reputation, character, suitability, and demonstrated ability, experience, and performance in the development, growth, and financing of qualified business con-

cerns, of the proposed owners and management of the prospective licensee, and the likelihood of successful operations of the prospective licensee including adequate profitability and financial soundness. After consideration of all relevant factors, if the Under Secretary approves the company's articles and business plan and determines that the applicant satisfies or will satisfy the requirements of this subtitle, the Under Secretary may approve the company to operate under the provisions of this subtitle and issue the company a license for such operation.

SEC. 346. CAPITAL AND MANAGEMENT REQUIREMENTS.

(a) CAPITAL.—(1) The private equity capital of a licensee shall be adequate to ensure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles and business plan. Such private equity capital shall not be less than $5,000,000, except that, in the case of a State sponsored licensee or a university sponsored licensee, such private equity capital shall not be less than $2,500,000. At the time of issuance of a license, not less than 75 percent of the private equity capital of the licensee shall be available or committed to be available for new investment in accordance with this subtitle.

(2) Private and public pension funds may contribute to the private equity capital of a licensee without restriction as to the amount of such contribution.

(3) State and local government entities may contribute not more than 40 percent of the total private equity capital of a licensee.

(4) The aggregate amount of shares in any such licensee or licensees which may be owned or controlled by any stockholder, or by any group or class of stockholders, may be limited by the Under Secretary.

(b) MANAGEMENT.—The management and operational control of a licensee shall be carried out by suitable private individuals who possess the professional training, experience, and capabilities reasonably necessary to achieve the purposes of this subtitle.

SEC. 347. FINANCING FOR LICENSEES.

(a) AUTHORITY TO PURCHASE AND GUARANTEE PREFERRED SECURITIES.—To encourage and facilitate the formation and growth of licensees and qualified business concerns, the Under Secretary may purchase or commit to purchase nonvoting preferred securities, with or without equity warrants, issued by a licensee, or guarantee, or commit to guarantee, the payment of 100 percent of the redemption price of and dividends on such preferred securities, to the extent provided in appropriations Acts, if the licensee has demonstrated to the satisfaction of the Under Secretary that it is financially sound and that it has complied with or will comply with the requirements of this subtitle, the terms of its license, and any rule, regulation, or order issued under this subtitle. Such purchases and guarantees shall constitute direct loans and loan guarantees within the meaning of paragraphs (1) and (3) of section 502 of the Federal Credit Reform Act of 1990, respectively. A trust or pool acting on behalf of the Under Secretary may purchase preferred securities that are guaranteed under this subsection.

(b) TERMS AND CONDITIONS OF PREFERRED SECURITIES.—(1) Guarantees and purchases of preferred securities, or commitments to make such guarantees and purchases, under this section may be made on such terms and conditions as the Under Secretary shall establish by regulation or set forth in contract to ensure compliance with this subtitle and to protect the interests of taxpayers and the United States in the event of default or otherwise. For purposes of this paragraph, the Under Secretary shall by regulation define the term "default".

(2)(A) Except as provided in subparagraph (B), preferred securities issued under this section shall be senior in priority for all purposes to all non-Federal equity interests in a licensee unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(B) The equity interests of a university or consortium of universities, or of a State or instrumentality of a State, in a licensee shall be equal in priority to Federal equity interests in such licensee for all purposes unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(3) Preferred securities issued under this section shall be redeemed by the issuer not later than 10 years after their date of issuance for an amount equal to 100 percent of the original issue price plus any accrued and unpaid dividends. In order to facilitate the orderly liquidation of a licensee's investments, redemption of such preferred securities may be extended by mutual consent for no more than 5 years beyond such expiration date.

(4) Preferred securities issued under this section shall pay dividends at a rate determined by the Secretary of the Treasury at the time of issuance to equal the then current average market yield on outstanding marketable debt obligations of the United States with remaining periods to maturity comparable to the time to required redemption of such preferred securities, plus such additional charge, if any, toward covering expected defaults and reasonable administrative costs of carrying out this subtitle as the Under Secretary may determine to be reasonable and appropriate. Such additional charge shall not exceed 2 percent.

(5) Dividends on preferred securities issued under this section shall be cumulative and preferred and paid out of net realized earnings and returns of capital available for distribution, as defined by the Under Secretary by regulation.

(6) The payment of dividends on preferred securities issued under this section may be deferred by the issuer until such time as, and to the extent that, the issuer realizes earnings and returns of capital available for distribution. Accumulated and unpaid dividends on such preferred securities shall be paid by the issuer before or at the time of redemption of the preferred securities and before any distribution of net realized earnings and returns of capital of the issuer to its non-Federal equity investors, except as provided in subsection (e)(2) (B) and (C). With respect to preferred securities issued under this section to a party other than the Under Secretary, during the time of any deferral under this paragraph, the Under Secretary shall make, on behalf of the issuer, required dividend payments to the holder of the preferred securities, its agents or assigns, or the appropriate central registration agent, if any. The authority to make dividend payments provided in this paragraph shall be limited to the extent of amounts provided in advance in appropriations Acts for such purposes.

(7) For purposes of this subsection, the term "dividends" means dividends on preferred stock and returns on preferred limited partnership interests or other similar securities, as defined by the Under Secretary by regulation.

(c) LIMITATIONS AND RESTRICTIONS.—(1) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, plus the total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a), issued and outstanding from a licensee shall not exceed 200 percent of the private equity capital of the licensee.

(2) The total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a) and outstanding from a licensee or a combination of licensees which are commonly controlled, as defined and determined by the Under Secretary, shall not exceed $50,000,000.

(3)(A) If preferred securities issued under this section are outstanding, then the issuing licensee shall be subject to the following restrictions:

(i) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, of a licensee issued and outstanding may not exceed 50 percent of the private equity capital of the licensee.

(ii) The annual management expenses of a licensee shall not exceed an amount which the Under Secretary determines to be reasonable and appropriate.

(iii) The aggregate amount of obligations and securities acquired and for which commitments may be issued by a licensee for any single qualified business concern shall not exceed $2,000,000 or 20 percent of the private equity capital of such licensee, whichever is greater, unless the Under Secretary approves a greater amount.

(B) For purposes of this paragraph, the term "management expenses" includes expenses incurred in the normal course of operations, but shall not include the cost of legal, accounting, and consulting services provided by outside parties and by affiliates of the licensee which are not normal practice in making and monitoring investments consistent with the purposes of this subtitle.

(d) USE OF CAPITAL BY LICENSEES.—(1) A licensee issuing preferred securities under this section shall invest or commit to invest—

(A) an amount equal to the face value of such preferred securities that are outstanding; plus

(B) an amount of its private equity capital equal to 50 percent of the amount described in subparagraph (A),

in the venture capital of qualified business concerns in accordance with section 349.

(2) At least 50 percent of the amount of investments required under paragraph (1) shall be for seed and early stage financing, as defined by the Under Secretary by regulation. The Under Secretary may alter the percentage requirement under this paragraph to the extent necessary, in the determination of the Under Secretary, to achieve the purposes of this subtitle and maintain prudent investment diversification.

(3) Proceeds to a licensee derived from preferred securities issued under this section may be used by the issuer to redeem any preferred securities issued under this section that have been outstanding at least 5 years, as provided in subsection (b)(3).

(4) Proceeds to a licensee derived from preferred securities issued under this section that have not been invested pursuant to paragraphs (1) and (2) or used for redemptions pursuant to paragraph (3) and are not reasonably needed for the operations of the licensee shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in certificates of deposit maturing within one year or less, issued by any institution the accounts of which are insured by the Federal Deposit Insurance Corporation.

(e) PROFIT DISTRIBUTION BY LICENSEES.—(1) Any distribution of net realized earnings and returns of capital made by a licensee that exceeds amounts required for the purposes stated in paragraph (2) shall be distributed pro rata to all investors entitled to such distributions. The United States shall receive no funds under this paragraph.

(2)(A) Except as provided in subparagraphs (B) and (C), any distribution of net realized earnings and returns of capital made by a licensee shall first be used to pay accumulated and unpaid dividends owed on outstanding pre-

ferred securities issued under this section and to satisfy the redemption requirements of subsection (b)(3).

(B) For purposes of subparagraph (A), the redemption requirements of subsection (b)(3) shall be considered to be satisfied if necessary and appropriate actions, as determined by the Under Secretary, have been undertaken by the licensee to ensure that such requirements will be satisfied.

(C) If a licensee is operating as a limited partnership or as a corporation described in subchapter S of chapter 1 of subtitle A of the Internal Revenue Code of 1986 or an equivalent pass-through entity for tax purposes, it may distribute to the partners or shareholders an amount equal to the estimated amount of Federal, State, and local income taxes due from such partners and shareholders on their share of undistributed taxable income for the current taxable year before payments described in subparagraph (A) are made.

(f) USE OF PAYMENTS TO THE UNITED STATES.—Amounts received by the United States from the payment of dividends and the redemption of preferred securities pursuant to this section, and fees paid to the United States by a licensee pursuant to this subtitle, shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 348. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

(a) AUTHORITY TO ISSUE TRUST CERTIFICATES.—The Under Secretary is authorized to issue trust certificates representing ownership of all or a fractional part of preferred securities issued by licensees and guaranteed by the Under Secretary under this subtitle. Such trust certificates shall be based on and backed by a trust or pool approved by the Under Secretary and composed of preferred securities and such other contractual obligations as the Under Secretary may undertake to facilitate the sale of such trust certificates.

(b) GUARANTEE OF TRUST CERTIFICATES.—The Under Secretary is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Under Secretary or his agent for purposes of this section. Such guarantee shall be limited to the extent of the redemption price of and dividends on the preferred securities, plus any related contractual obligations, which compose the trust or pool.

(c) PREPAYMENTS AND REDEMPTIONS.—In the event that preferred securities or contractual obligations in such trust or pool are redeemed or extinguished, either voluntarily or involuntarily, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of redemption price and dividends such redeemed preferred security or extinguished contractual obligation represents in the trust or pool. Dividends or partnership profit distributions on such preferred securities and related contractual obligations, shall accrue and be guaranteed by the Under Secretary only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption, whether voluntary or involuntary, of all preferred securities residing in the pool.

(d) FEES.—The Under Secretary may collect fees for a guarantee under this section that are reasonable and customary.

(e) PAYMENT OF CLAIMS.—(1) In the event the Under Secretary pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the Under Secretary of ownership rights in the preferred securities residing in a trust or pool against which trust certificates are issued.

(f) REGISTRATION AND INTERMEDIARY OPERATIONS.—(1) The Under Secretary shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale, identification of each licensee, the interest rate or dividend rate paid by the licensee, commissions, fees, or discounts paid to brokers and dealers in trust certificates, identification of each purchaser of the trust certificate, the price paid by the purchaser for the trust certificate, the interest rate paid on the trust certificate, the fees of any agent for carrying out the functions described in paragraph (2), and such other information as the Under Secretary deems appropriate.

(2) The Under Secretary shall contract with an agent or agents to carry out on behalf of the Under Secretary the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Under Secretary, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by securities guaranteed or purchased under this subtitle, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Under Secretary determines to be necessary to fully protect the interests of the Federal Government.

(3) Prior to any sale, the Under Secretary shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

SEC. 349. VENTURE CAPITAL FOR QUALIFIED BUSINESS CONCERNS.

Each licensee may provide venture capital to qualified business concerns, in such manner and under such terms as the licensee may fix in accordance with the regulations of the Under Secretary.

SEC. 350. OPERATION.

(a) COOPERATION.—Wherever practicable the operations of a licensee, including the generation of business, may be undertaken in cooperation with banks or other licensees, investors, or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the licensee under the provisions of this subtitle may be handled through such banks or other licensees, investors, or lenders on a fee basis. Any licensee may receive fees for services rendered to such banks and other licensees, investors, and lenders.

(b) ADVISORY SERVICES.—Each licensee may make use, wherever practicable, of the advisory services of the Federal Reserve System and of the Department of Commerce which are available for and useful to industrial and commercial businesses, and may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services. A licensee may not charge fees for such services that are provided to a qualified business concern in which it has an investment.

SEC. 351. REGULATIONS; LIABILITY.

(a) REGULATIONS.—The Under Secretary is authorized to prescribe regulations governing the operations of licensees, and to carry out the provisions of this subtitle, in accordance with the purposes of this subtitle.

(b) LIABILITY OF THE UNITED STATES.—Nothing in this subtitle or in any other provision of law imposes any liability on the United States with respect to any obligations entered into, or stocks issued, or commitments made, by any licensee operating under the provisions of this subtitle.

SEC. 352. TECHNICAL ASSISTANCE FOR LICENSEES AND QUALIFIED BUSINESS CONCERNS.

(a) TECHNICAL ASSISTANCE.—The Secretary shall, upon request, provide technical assistance and services, as appropriate and needed, to licensees and to qualified business concerns receiving financial assistance under this subtitle, and shall ensure that such qualified business concerns have ready access to appropriate assistance available under title III of the Stevenson-Wydler Technology Innovation Act of 1980, or under any other Act, in order to aid such qualified business concerns in their development or utilization of critical or other advanced technologies. Technical assistance and services under this subsection shall include providing licensees and qualified business concerns with—

(1) an assessment of the technological and scientific feasibility of a project, or an analysis of a specific field of technical or scientific endeavor;

(2) improved access to technology developed by the Institute and assistance in obtaining access to technology developed by other Federal agencies and laboratories;

(3) expert analysis of the economics of technology development undertaken by a qualified business concern; and

(4) any other assistance or service that the Under Secretary determines, after consultation with licensees and qualified business concerns, is necessary and appropriate to enhance prospects for success and to reduce technical risk for licensees and qualified business concerns.

(b) FEES.—The Secretary may charge fees for services and technical assistance provided under subsection (a) in amounts sufficient to cover the reasonable cost of such services and assistance. The Secretary may waive fees established under this subsection.

SEC. 353. PERFORMANCE MEASURES; ANNUAL REPORT.

(a) PERFORMANCE MEASURES.—The performance of the program established under this subtitle shall be evaluated relative to progress made in achieving its purposes and shall be measured in relevant and meaningful terms such as significant accomplishments in advancing technology, businesses formed and financed, jobs created, taxes generated, licenses granted and maintained, capital invested, and other criteria the Under Secretary may deem appropriate.

(b) ANNUAL REPORT.—The Under Secretary shall prepare, in consultation with the advisory committee established under section 344, and submit annually a report to the Congress containing a full and detailed account of operations under this subtitle. Such report shall include—

(1) an assessment of progress made in achieving the purposes of this subtitle;

(2) performance measures established under subsection (a);

(3) a list of licensees along with their location, area of operations, investment objectives, capitalization, and net asset value, both at cost and at current fair market value;

(4) an audit setting forth the amount, type, recipient, and source of disbursements, receipts, and losses sustained by the Federal Government as a result of operations under this subtitle during the preceding fiscal year and since inception of the program;

(5) the Under Secretary's plans to ensure the provision of licensee financing to all areas of the country and to all qualified business concerns, and plans to notify and to encourage and facilitate the participation of qualified business concerns as required by section 343(e), including steps taken to accomplish those goals;

(6) steps taken by the Under Secretary to carry out this subtitle and to ensure compliance with statutory and regulatory standards relating thereto; and

(7) recommendations with respect to program changes, statutory changes, and other matters, including tax incentives, to improve and facilitate the operations of licensees and to encourage the use of their financing facilities by qualified business concerns.

SEC. 354. REPORTS, INVESTIGATIONS, AND EXAMINATIONS.

(a) REPORTING REQUIREMENTS.—Each license issued under this subtitle shall require a licensee with outstanding preferred securities to provide the Under Secretary such information, including companies financed, disbursements made along with associated terms and conditions, receipts, portfolio valuation and net asset value at cost and at estimated fair market value, and other financial statements, that the Under Secretary may require to satisfy the requirements of section 353(b) and to determine, in a timely manner, compliance with this subtitle and regulations promulgated under this subtitle. Such reporting shall be—

(1) except as otherwise provided in this subsection, consistent with the reporting practices and standards of the venture capital industry;

(2) uniform for all licensees;

(3) submitted annually to the Under Secretary, with valuation and other information provided more frequently as the Under Secretary may require; and

(4) certified by the Board of Directors or the General Partners of the licensee.

The Under Secretary may exempt from making such reports any licensee which is registered under the Investment Company Act of 1940 only to the extent necessary to avoid duplication in reporting requirements.

(b) VALUATIONS.—The Under Secretary shall, by regulation, establish guidelines for estimating the fair market value of investments held by a licensee as required under subsection (a). The board of directors of a corporate licensee and the general partners of a partnership licensee shall have the sole responsibility for making a good faith determination of the fair market value of investments held by such licensee, based on guidelines established under this subsection.

(c) INVESTIGATIONS.—The Secretary may undertake investigations to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule, regulation, or order issued under this subtitle. The Secretary shall permit any person to file a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry.

(d) EXAMINATIONS.—Each licensee shall be subject to examinations made at the discretion and direction of the Under Secretary by examiners selected or approved by, and under the supervision of, the Under Secretary. The Under Secretary may enter into contracts with private parties to perform such examinations. The cost of such examinations, including the compensation of the examiners, may in the discretion of the Under Secretary be assessed against the licensee examined and when so assessed shall be paid by such licensee.

SEC. 355. REVOCATION AND SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS.

(a) GROUNDS FOR REVOCATION OR SUSPENSION.—A license may be revoked or suspended by the Secretary—

(1) for willful or repeated violation of any provision of this subtitle or any rule, regulation, or order issued thereunder; or

(2) if the licensee no longer serves the purposes for which it was granted a license.

(b) CEASE AND DESIST ORDERS.—Where a licensee or any other person has not complied with any provision of this subtitle, or of any rule, regulation, or order issued thereunder, or is engaging or is about to engage in any acts or practices which constitute or will constitute a violation of such provision, rule, regulation, or order, the Secretary may order such licensee or other person to cease and desist from such action or failure to act. The Secretary may further order such licensee or other person to take such action or to refrain from such action as the Secretary considers necessary to ensure compliance with such provisions, rules, regulations, or orders. The Secretary may also suspend the license of a licensee, against whom an order has been issued, until such licensee complies with such order.

(c) SUBPOENAS.—The Secretary may require by subpoenas the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States.

(d) ENFORCEMENT.—If any licensee or other person against which or against whom an order is issued under this section fails to obey the order, the Secretary may apply to the district court of the United States for the district where the licensee has its principal place of business, for the enforcement of the order.

SEC. 356. INJUNCTIVE RELIEF.

(a) IN GENERAL.—If the Secretary determines that a licensee or any other person has engaged, or is about to engage, in any acts or practices which constitute a violation of any provision of this subtitle, or of any rule, regulation, or order issued under this subtitle, the Secretary may apply to the appropriate district court of the United States for injunctive relief.

(b) RECEIVERSHIP.—Whenever it is necessary in order to achieve the purposes of injunctive relief granted under subsection (a), and upon proper application by the Secretary, the court may order the attachment of assets of a licensee and may appoint a receiver to administer such assets under the direction of the court.

SEC. 357. CONFLICTS OF INTEREST.

For the purpose of controlling conflicts of interest which may be detrimental to qualified business concerns, to licensees, to the shareholders or partners of either, or to the purposes of this subtitle, the Under Secretary shall adopt regulations to govern transactions with any officer, director, shareholder, or partner of any licensee, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, shareholder, or partner of (1) any licensee, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any licensee. Such regulations shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section.

SEC. 358. REMOVAL OR SUSPENSION OF DIRECTORS AND OFFICERS.

(a) GROUNDS.—The Secretary, after an opportunity for agency hearing, may serve upon any director or officer of a licensee a written notice of its intention to remove such director or officer from office, temporarily or permanently, whenever in the opinion of the Secretary such director or officer—

(1) has willfully and knowingly—

(A) committed any substantial violation of this subtitle or any rule, regulation, or order issued under this subtitle; or

(B) committed or engaged in any act, omission, or practice which constitutes a substantial breach of his fiduciary duty as such director or officer,

and that such violation or such breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer; or

(2) has been convicted of a felony involving dishonesty or breach of trust.

(b) HEARING.—A hearing under this section shall be on the record and shall be held in the Federal judicial district or in the territory in which the principal office of the licensee is located unless the party afforded the hearing consents to another place. A hearing under this section shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Secretary at the request of (1) such director or officer and for good cause shown, or (2) the Attorney General of the United States. Unless such director or officer shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal.

SEC. 359. VIOLATIONS.

(a) PARTICIPATION.—Whenever a licensee commits a violation of this subtitle, or any rule, regulation, or order issued under this subtitle, such violation shall be deemed to be also a violation on the part of any person who, directly or indirectly, authorizes, orders, participates in, or causes, brings about, counsels, aids, or abets in the commission of such violation.

(b) BREACH OF FIDUCIARY DUTY.—It shall be a violation of this subtitle for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a licensee to engage in any act or practice, or to omit any act, in breach of his fiduciary duty as such officer, director, employee, agent, or participant, if, as a result thereof, the licensee has suffered or is in imminent danger of suffering financial loss or other damage.

(c) DISQUALIFICATION.—Except with the written consent of the Secretary, it shall be a violation of this subtitle for any person to take office, or to continue to serve, as an officer, director, or employee of a licensee, or to become or continue to serve as an agent or participant in the conduct of the affairs or management of a licensee, if such person—

(1) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(2) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

SEC. 360. CIVIL PENALTIES.

Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have committed a violation of this subtitle or any rule, regulation, or order issued under this subtitle shall be liable to the United States for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

SEC. 361. ANTITRUST SAVINGS CLAUSE.

This subtitle shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this section, the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15

U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

The CHAIRMAN. Are there amendments to be offered to title III?

AMENDMENTS OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments en bloc offered by Mr. VALENTINE:

Page 49, line 21, insert "for expenditure, subject to appropriations" after "and retaining fees".

Page 73, line 17, strike "Private" and insert in lieu thereof "To the extent permitted by other law, including the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), private".

Page 52, line 23, strike "shall" and insert in lieu thereof "may".

Mr. VALENTINE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. VALENTINE. Mr. Chairman, the amendment I am offering would make two technical changes to title III of the bill.

The first change would provide authority to the Department of Commerce to spend fees collected and retained for services rendered only to the extent provided in advance by appropriations act. This language would conform the bill to the House rules prohibiting appropriations in a legislative bill.

The second change would make clear that language in title III(d) of the bill allowing pension funds to invest in civilian technology development companies does not supersede existing law governing pension fund investments.

This modification affirms existing pension laws and is offered at the request of the Committee on Education and Labor.

Mr. Chairman, I suggest that these changes are technical in nature and should not be controversial, and I urge the adoption of the amendments.

The CHAIRMAN. Is there further debate on the amendments offered by the gentleman from North Carolina?

If not, the question is on the amendments offered by the gentleman from North Carolina [Mr. VALENTINE].

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER:

Page 56, after line 19, insert the following new section:

SEC. 324. COUNTRY QUALIFICATION NOTICE.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended by adding at the end thereof the following new subsection:

"(1) The Secretary shall provide prospective applicants for assistance under this section with guidance as to their eligibility under subsection (d)(9)(B)(ii). No such applicant shall be required to provide evidence that a country is a country described in such subsection (d)(9)(B)(ii).".

Amend the table of contents accordingly.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, it is my understanding that this is a noncontroversial amendment that the majority is, in fact, prepared to accept. It deals with a subject area that was discussed in the committee where the chairman of the committee, the gentleman from California [Mr. BROWN], and I agreed to some language that I think will help.

This deals with a requirement for the Secretary of Commerce to advise U.S. companies if they meet the foreign participation requirements of the advanced technology program which are already in law. There are many businesses with foreign parent firms who conduct business in the United States and act as true U.S. firms. They create jobs and fully participate as corporate citizens in our communities.

In the electronics industry, for example, a number of foreign-owned firms produce televisions in this country. In contrast, only one U.S. television manufacturer remains, and it builds no sets in this country. Many of us have small- and medium-sized U.S. subsidiaries in our districts which employ our constituents and who are valuable members of the community. Current proposal requirements state that foreign-owned companies must indicate the country in which the applicant and parent company are incorporated and provide evidence that the country of incorporation affords similar opportunities for U.S.-owned firms.

The cost of applying for an ATP grant can run into the tens of thousands of dollars. Furthermore, most small- and mid-sized firms to which the grants are targeted do not have the resources to show that a country is complying with trade agreements.

Mr. Chairman, this amendment simply requires the Commerce Department to advise U.S. companies desiring to apply for an ATP grant so they will be relieved of the onerous requirement of providing the evidence that their home country qualifies and will know up front if their investment in the grant application process is worth their time and money.

As I said, Mr. Chairman, I think we have an agreement to this particular language. It does no damage to the program. It simply makes the program work somewhat better.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California with regard to this amendment if, in fact, he wants to indicate that this is something that we have worked out.

Mr. BROWN of California. Mr. Chairman, I very much appreciate the spirit of conciliation which the gentleman from Pennsylvania [Mr. WALKER] is showing. He had an amendment which I happened to feel very strongly in favor of, although it does not necessarily reflect the majority views of the committee, but objections were raised to his amendment by the Department of State, and he has kindly offered to modify it to recognize the problems presented by the Department of State.

Mr. Chairman, I find the modifications acceptable, and we would have no objections to the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman from California [Mr. BROWN] for that.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise to comment upon a jurisdictional issue of interest to the Committee on Ways and Means related to H.R. 820, the National Competitiveness Act of 1993.

H.R. 820 attempts to promote new technologies and enhance the competitiveness of American companies on the cusp of entrepreneurship and innovation. I applaud these goals.

The staff of the Committee on Science, Space, and Technology has cooperated with the staff of the Committee on Ways and Means to make certain that the incentives provided by H.R. 820 are designed in such a way that they do not raise tax or debt management issues, thus triggering a referral to the Committee on Ways and Means. I believe that those efforts have been successful. Further, I understand that the report of the Committee on Science, Space, and Technology on H.R. 820 includes language clarifying that certain fees authorized by the bill are not intended to be more generalized tax levies and are intended only to cover the costs of the programs they finance.

I would request, however, that the legislative history accompanying the bill as it moves forward make absolutely clear that the fees contained in the legislation will qualify under the appropriate criteria for classifying various charges as regulatory fees instead of taxes. The four criteria are:

Fees shall be solely to cover the costs of the Government activity that they are intended to fund;

The aggregate amount of fees collected during any fiscal year should not exceed the aggregate amount of costs of the program that the fees fund;

Those subject to the fees shall only include those persons who directly avail themselves of, or are directly subject to, the activities of the program in question; and,

The fees shall be structured so that any person's liability is reasonably in proportion to the activities of the program with respect to that person, and shall not discriminate between foreign and domestic entities.

Mr. Chairman, thank you for allowing me the opportunity to clarify these important jurisdictional issues.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 820, the National Competitiveness Act of 1993.

Every one of us here today realizes that as a result of years of misplaced priorities and flawed fiscal policy, our economy is struggling to recover.

An essential element to this comprehensive recovery plan must be the development of a national Industrial strategy which will help rebuild the basic industries in our country.

This is clearly reflected in President Clinton's proposal which anticipates significant investment in key programs designed to foster long-term growth and expansion of the Nation's productivity. This initiative will strengthen the very foundation of our economy.

It is completely unacceptable that, although our scientific capability is superb, we have allowed ourselves to fall behind our foreign counterparts in the mere application of this knowledge to commercial purposes.

All of that knowledge, the years of research and development which has been invested in achieving state-of-the-art technologies, is being wasted. We have not yet mastered the technique of relaying this knowledge to the industries which will put it to use.

This wasted knowledge is nothing more than a wasted chance to put thousands of people back to work. H.R. 820 bridges this gap by authorizing $1.49 billion for the Commerce Department to develop programs which will assist American industries develop and implement advanced technologies.

This includes broadening the network of outreach centers to teach advanced manufacturing techniques to help businesses become more efficient and to develop critical technologies.

This technology transfer, provided by the National Competitiveness Act, will help our key industries—the most dynamic sector of our economy—regain their competitive edge, and enable them to compete in what has rapidly become a global marketplace.

Last year, this House overwhelmingly passed legislation virtually identical to H.R. 820—only to see it become lost in a political quagmire at the close of the session.

Let us not turn our backs on this opportunity to breathe life back into our ailing economy, create quality jobs and restore America to her role as the world's technological and scientific superpower.

I strongly urge my colleagues to join me in supporting H.R. 820, the National Competitiveness Act of 1993.

Mr. LIPINSKI. Mr. Chairman, I rise today in strong support of H.R. 820, the National Competitiveness Act. For years, I have been a staunch advocate of this type of legislation which broadens Federal involvement in the development of our critical civilian technology.

This act provides funds to U.S. companies wishing to upgrade their manufacturing technology and establishes a Nationwide network of outreach centers to help private firms develop and adopt advanced manufacturing technologies.

The development of efficient industrial technology is essential if we want to create jobs in this country. H.R. 820 represents vital investment in our technological capability and therefore the success of our 21st century technology base. This kind of active investment in technology will improve the ability of U.S. manufacturers to compete in global markets.

America's position in the international market has been slipping now for decades. For the past 20 years, our economic competitors have made great strides in developing and applying technology for civilian industries to where the United States is no longer the unmatched scientific superpower it once was. This decline concerns all of us. Millions of jobs are tied to America's manufacturing industries. When these industries suffer, American workers suffer.

I recognize that the Government cannot by itself reverse the industrial decline facing America, but I believe it must play a more active role in protecting the welfare of American industry. Businesses need the support of Government to compete fairly and effectively in the international arena where foreign Governments are backing their own industries.

We must not step aside and watch foreign firms continue to take over our markets and endanger our industrial base and national security. Without increased Federal commitment to civilian research and development, our industrial base will continue to dwindle. A strong technological base is vital to our future economic growth and the future health of our Nation. I urge my colleagues to support this important and long overdue legislation.

Mr. BOEHLERT. Mr. Speaker, I am pleased to offer my strong support for H.R. 820, the National Competitiveness Act of 1993. While H.R. 820 is not the cure for all the ills plaguing the American economy, I am convinced that it is a necessary step in building an economy prepared to compete in the 21st century. This legislation will promote long-term economic growth that allows American firms to thrive while creating good, high-paying jobs for our workers.

The National Competitiveness Act addresses some of the most difficult economic challenges facing our country. In part, it does this by building on proven existing programs such as the Boehlert-Rockefeller State Technology Extension Program and the Hollings Manufacturing Technology Centers. These programs are aimed at moving new ideas, technologies and techniques into the hands of our small and medium-sized firms—firms whose creativity represents the lifeblood of our economy.

This bill also contains new, innovative programs that will support companies working at the technological frontier. For example, it includes a Government guarantee program designed to move more venture capital into companies trying to bring emerging technologies to market.

Through the use of loans and guarantees and with requirements for matching funds from States or private firms tied to almost every element of this bill, H.R. 820 seeks to minimize taxpayer costs while maximizing the leverage of every dollar spent. The most important thing to come out of this bill is probably not any specific program so much as the push it gives the Government toward building cooperative, collaborative relations with the private sector. I am convinced that one of the most critical elements in our economic renaissance will be forging intelligent partnerships between the Government and our businesses and workers. The National Competitiveness Act promises to help create this new environment.

Mr. VALENTINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1530

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RICHARDSON) having assumed the chair, Mr. SANGMEISTER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 280) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I would like to take this opportunity to publicly explain my absence from the House of Representatives during floor session May 6, 1993.

On Saturday, May 1, my wife and I became the proud parents of Clarisa Isabel Reyes-Becerra, our first child. It was of critical personal importance for me to spend the first week of my daughter's life at home in Los Angeles.

For the record, I wish to indicate my voting preferences for the rollcall votes taken during last week's legislative business. My constituents and interested parties have the right to know my positions on these issues, even though I was not able to offically vote.

Rollcall number:

156. H.R. 820. National Competitiveness Manufacturing Technology Centers, Position: Nay.

157. H.R. 820. National Competitiveness Manufacturing Programs. Position: Nay.

LEGISLATIVE PROGRAM

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, the House will meet at noon on Monday, May 10. There will be no legislative business.

On Tuesday, May 11, there will be nine suspensions. Recorded votes, if requested, will take place after consideration of all the suspensions.

On Wednesday, May 12, and Thursday, May 13, we will go back to the National Competitiveness Act and complete consideration by Thursday.

The House will meet at 11 on Friday, May 14. There will be no legislative business.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, depending upon how long the House wants to go on Wednesday, my guess is we could probably finish up the National Competitiveness Act. Is there an intention to do that if it is desirable, or is it the intention to quit in fairly good time on Wednesday and proceed then with the bill on Thursday?

Mr. RICHARDSON. Mr. Speaker, reclaiming my time, that is a possibility. We will consult with the gentleman. I will state there is a possibility that we may deal with a conference report on Thursday. But given the fact we may conclude on Wednesday, there is a possibility of no legislative business on Thursday.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the conference report we would potentially be dealing with is the NIH conference report, is that correct?

Mr. RICHARDSON. The gentleman is correct.

Mr. WALKER. Mr. Speaker, let me ask about a couple of other bills that I know are at least being considered right now. I think there is a supplemental appropriation before at least one of the subcommittees of the Committee on Appropriations dealing with some additional money the White House wants. Could that make it to the floor next week?

Mr. RICHARDSON. Mr. Speaker, most likely it will not.

Mr. WALKER. It will not. There was also talk that we might have some resolution on Bosnia come to the floor, if in fact that situation heats up.

Mr. Speaker, is there any intention at this point of bringing up any resolution on Bosnia?

Mr. RICHARDSON. Mr. Speaker, reclaiming my time, it is not presently scheduled. If it does necessitate action by the House, we will consult with the minority and with the gentleman from Pennsylvania [Mr. WALKER].

ADJOURNMENT TO MONDAY, MAY 10, 1993

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. KLEIN). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

□ 1220

PRESIDENT AWARE OF REPUBLICAN CUTS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, Tuesday night, our President accused the Republicans of failing to recommend spending cuts to reduce the deficit.

Yesterday, I suggested here on the floor that the President was not telling the truth. And I held up a copy of the 84 page document in which the Republicans of the House Budget Committee did recommend $429 billion in specific budget cuts.

Today, I offer as evidence, a letter dated April 5, 1993—signed by Bill Clinton—thanking our colleague JOHN KASICH for sharing a copy of the Republican budget proposal with him.

I also have a copy of a letter from the President's Budget Director—providing OMB's analysis of the cuts in the Republican budget.

So, the President did know about it. He just does not want to tell the truth—that the Republicans did do a better job of cutting spending than he did.

Mr. Speaker, I include the following correspondence above mentioned:

THE WHITE HOUSE,
Washington, April 5, 1993.

Hon. JOHN R. KASICH,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KASICH: Thank you for sharing with me a copy of your budget proposal.

Although we may disagree, I appreciate your involvement in this process to improve the lives of all Americans.

With best wishes,

Sincerely,

BILL CLINTON.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 15, 1993.

Hon. ERNEST ISTOOK, Jr.,
Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ISTOOK: During the House Appropriations Treasury/Postal Subcommittee hearing on the OMB budget, I said that I would provide you with an OMB analysis of Representative Kasich's budget substitute. The analysis is attached.

I hope this information is helpful.

Sincerely,

LEON E. PANETTA,
Director.

Enclosure.

ANALYSIS OF KASICH SUBSTITUTE BUDGET

1. Rejects Administration investment proposals in areas such as: highways, environment, rural development, technology, housing, WIC, Head Start, Education, Worker Training, Immunizations, Capital Gains, and R and E tax credit.

2. Deeper Spending Cuts threaten:

Elderly and Retirees: $34 billion in additional Medicare and Medicaid cuts—many of which hit beneficiaries; and $19 billion in additional cuts hitting civilian and military retirees.

Children: $8 billion, in WIC/nutrition programs is cut over five years (a $12 billion cut from Administration proposal).

Development: Mass transit is cut by $5 billion over five years; and Community Development Block Grants are cut below baseline.

Education, Training and Social Services: Cuts five-year funding by $54 billion—or 17.5 percent—below House Budget Committee.

Federal workers: Federal pay is frozen for five years.

3. Other specific spending cuts: terminates Legal Services Corporation, eliminates wastewater treatment grants (as does Administration budget, but Administration budget includes a substantial investment for clean water), deep cuts in airport improvement grants, eliminates Amtrak's N.E. corridor program, 50% reduction in Arts and Humanities, $2 billion in cuts in public housing, no Federal civilian retirement until age 62, $700 million savings by switching to a dollar coin, Repeals Davis-Bacon, and $68 billion over five years from administrative cost savings and personnel reductions, compared to $16 billion over five years in the Administration budget.

4. Much of Kasich proposed cuts are unspecified—and unrealistic: Over 40 percent of Kasich's 1994 outlay cut is shown in allowances, with no indication defense, administration of benefit program, or essential services such as air traffic control, law enforcement and veterans services. The HBC resolution allocates all 1994 cuts by function. While it will ultimately be up to the Appropriations Committees to decide the allocation of discretionary funding, the HBC resolution provides an honest accounting of the 1994 implications of the cuts and increases assumed; the Kasich alternative does not.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WALKER) to revise and extend his remarks and include extraneous material:)

Mr. KIM, for 5 minutes, on May 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. GUNDERSON.
Mr. SMITH of New Jersey.
Mr. BALLENGER.
Mrs. MORELLA.
Mr. BOEHLERT.
Mr. TALENT.
Mr. CALVERT.
Mr. BILIRAKIS.
Mr. THOMAS of California.
Mr. GILLMOR.

(The following Members (at the request of Mr. VALENTINE) and to include extraneous matter:)

Mr. MATSUI in eight instances.
Mr. ROWLAND.
Mr. LIPINSKI.
Mr. BERMAN.
Mr. LANTOS.
Mr. STUDDS.
Mr. HOCHBRUECKNER.
Mr. RUSH.
Mr. VISCLOSKY.
Mr. MANTON.
Mr. HOYER.
Mr. SCHUMER.
Mr. MCDERMOTT.
Mr. PENNY.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p.m.) under its previous order, the House adjourned until Monday, May 10, 1993, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of 1992, pursuant to Public Law 95-384, as well as a report concerning the foreign currencies and U.S. dollars utilized by a miscellaneous group, House of Representatives, during the 1992 year, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to England, Sept. 4 to 9, 1992: Delegation expenses	9/4	9/9	England						118.95		118.95
Committee total									118.95		118.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Apr. 27, 1993.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to England, The Netherlands, Germany, Nov 8 to 19, 1992: Delegation expenses.	11/8	11/11	England						166.64		166.64
Visit to Belgium, Germany, and Italy, Nov. 15 to 22, 1992: Delegation expenses.	11/21	11/22	Italy				688.22				688.22
Visit to Korea, People's Republic of China, Hong Kong, and Japan, Nov. 24 to Dec. 5, 1992: Delegation expenses.	12/3	12/5	Japan						2,826.01		2,826.01
Committee total							688.22		2,992.65		3,680.87

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Apr. 27, 1993.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Shared administrative costs for participation in CSCE Forum on Security Cooperation (Vienna, Austria).											828.20
Committee total											828.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, Apr. 22, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Germany, France, and Belgium, Feb. 6 to 11, 1993:											
Hon. Norman Sisisky	2/6	2/7	Germany		192.01				166.64		358.65
	2/7	2/10	France		852.00						852.00
	2/10	2/11	Belgium		264.00						264.00
Commercial transportation							787.55				787.55
Visit to Belgium, Poland, Hungary, and Italy, Feb. 4 to 14, 1993:											
Hon. Floyd Spence	2/4	2/7	Belgium		963.00						963.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/14	Italy		924.00						924.00
Hon. Marilyn Lloyd	2/4	2/7	Belgium		963.00						963.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/14	Italy		924.00						924.00
Hon. Solomon P. Ortiz	2/4	2/7	Belgium		963.00						963.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/12	Spain		304.00						304.00
	2/12	2/14	Italy		672.00						672.00
Hon. James V. Hansen	2/4	2/7	Belgium		963.00						936.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/14	Italy		924.00						924.00
Mr. Peter M. Steffes	2/4	2/7	Belgium		963.00						963.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/12	Spain		304.00						304.00
	2/12	2/14	Italy		672.00						672.00
Mr. Andrew K. Ellis	2/4	2/7	Belgium		963.00						963.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/14	Italy		924.00						924.00
Mr. Ronald J. Bartek	2/5	2/7	Belgium		546.00						546.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00
	2/11	2/14	Italy		924.00						924.00
Commercial transportation							510.99				510.99
Visit to Panama, Feb. 7 to 11, 1993:											
Hon. Gene Taylor	2/7	2/11	Panama		528.00						528.00
Mr. Douglas H. Necessary	2/7	2/11	Panama		528.00						528.00
Visit to Germany, Switzerland, Croatia, Italy, Turkey, and England, Feb. 8 to 17, 1993:											
Hon. Ike Skelton	2/8	2/9	Germany		150.00						150.00
	2/9	2/9	Switzerland								
	2/9	2/10	Croatia								
	2/10	2/12	Italy		150.00						150.00
	2/12	2/14	Turkey		354.00						354.00
	2/14	2/17	England		537.00						537.00
Commercial transportation							5,992.45				5,992.45
Mr. Archie D. Barrett	2/8	2/9	Germany		150.00						150.00
	2/9	2/9	Switzerland								
	2/9	2/10	Croatia								
	2/10	2/12	Italy		504						504.00
	2/12	2/14	Turkey		354.00						354.00
	2/14	2/17	England		909.00						909.00
Commercial transportation							5,992.45				5,992.45
Delegation expenses	2/12	2/14	Turkey				75.00		1,034.11		1,109.11
Visit to Macedonia, Croatia, and Slovenia, Feb. 11 to 16, 1993:											
Hon. Frank McCloskey	2/11	2/12	Macedonia		244.53						244.53
	2/12	2/15	Croatia		626.89						626.89
	2/15	2/16	Slovenia		228.90						228.90
Commercial transportation							3,565.65				3,565.65
Committee total					26,377.33		16,924.09		1,200.75		44,502.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Apr. 27, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jeff Morelli	3/27	3/30	Germany	1,200	720.00		929.00				1,649.00
Committee total					720.00		929.00				1,649.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY GONZALEZ, Apr. 21, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael D. Quear	1/29	2/2	Switzerland		1,100.00				33.00		1,133.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial air							1,531.65				1,531.65
Committee total					1,100.00		1,531.65		33.00		2,664.65

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN Jr., Chairman, Apr. 20, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William Broomfield	4/9	4/13	United States		837.50		(3)				837.50
Dante Fascell	4/9	4/13	United States		418.00		(3)				418.00
Hon. Sam Gibbons	4/9	4/13	United States		836.75		(3)				836.75
Frank Horton	4/9	4/13	United States		870.77		(3)				870.77
Hon. Harry Johnston (acting-chair)	4/9	4/13	United States		851.00		(3)				851.00
Hon. John LaFalce	4/9	4/13	United States		839.00		(3)				839.00
John Miller	4/9	4/13	United States		855.79		(3)				855.79
Hon. Jim Oberstar	4/9	4/13	United States		419.00		(3)				419.00
Hon. Louise Slaughter	4/9	4/13	United States		836.00		(3)				836.00
Andrea Adelman	4/9	4/13	United States		848.82		(3)				848.82
Kathleen Bertelsen	4/9	4/13	United States		836.00		(3)				836.00
Bob Boyer	4/9	4/13	United States		838.07		(3)				838.07
Dean Curran	4/9	4/13	United States		848.44		(3)				848.44
Elizabeth Daoust	2/25	2/28	United States		734.10		[4] 280.00				1,014.10
Elizabeth Daoust	4/8	4/13	United States		1,170.73		[4] 140.00				1,310.73
Deborah Hickey	4/9	4/13	United States		860.52						860.52
George Ingram	4/9	4/13	United States		836.00						836.00
Randy Scheunemann	4/9	4/13	United States		419.50						419.50
Delegation expenses: Official delegation functions, inflight expenses, supplies and miscellaneous.									28,037.60		28,037.60
Committee total					14,155.99		[4] 420.00		23,037.60		42,613.59

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Department of Defense.

[4] Commercial transportation.

SAM GEJDENSON.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on Armed Services. H.R. 194. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; with an amendment (Rept. 103–56, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 236. A bill to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes; with an amendment (Rept. 103–80, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 765. A bill to resolve the status of certain land relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes; with an amendment (Rept. 103–81, Pt. 1). Ordered to be printed.

Mr. DELLUMS: Committee on Armed Services. H.R. 1378. A bill to amend title 10, United States Code, with respect to applicability of qualification requirements for certain acquisition positions in the Department of Defense; with amendments (Rep. 103–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. H.R. 1040. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes (Rept. 103–84). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 873. A bill entitled: "Gallatin Range Consolidation and Protection Act of 1993," with amendments; referred to the Committee on Agriculture for a period ending not later than May 7, 1993, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X (Rept. 103–82, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALLENGER (for himself, Mr. BEVILL, Mr. COBLE, Mr. DARDEN, Mr. DUNCAN, Mr. EMERSON, Mr. GINGRICH, Mr. HANCOCK, Mr. HEFNER, Mr. INHOFE, Mr. LANCASTER, Mr. MCMILLAN, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. NEAL of Massachusetts, Mr. PARKER, Mr. QUILLEN, Mr. RAVENEL, Mr. ROSE, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. TAYLOR of North Carolina, Mr. TRAFICANT, Mr. VALENTINE, and Mr. PAYNE of Virginia):

H.R. 2004. A bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry; to the Committee on Ways and Means.

By Mr. BALLENGER:

H.R. 2005. A bill to suspend until January 1, 1995, the duty on p-Acetanisidide; to the Committee on Ways and Means.

H.R. 2006. A bill to suspend until January 1, 1995, the duty on diazo-2,1,4-sulfonic acid and its salts; to the Committee on Ways and Means.

H.R. 2007. A bill to suspend until January 1, 1995, the duty on 4,4′-(hexafluoroisopropyldene(bis(phthalic anhydride); to the Committee on Ways and Means.

H.R. 2008. A bill to suspend until January 1, 1995, the duty on chloranil; to the Committee on Ways and Means.

H.R. 2009. A bill to suspend until January 1, 1997, the duty on phospholan mixed with ethylene glycol; to the Committee on Ways and Means.

By Mr. MARTINEZ (for himself, Mr. FORD of Michigan, Mr. OWENS, Mr. KILDEE, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. WILLIAMS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK, Mr. ANDREWS of New Jersey, Mr. REED, Mr. ROEMER, Mr. ENGEL, Mr. BECERRA, Mr. SCOTT, Mr. GENE GREEN, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. KLINK, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. DE LUGO, Mr. FALEOMAVAEGA, Mr. BAESLER, Mr. UNDERWOOD, Mr. GUNDERSON, Mr. HOEKSTRA, Mr. MCCURDY, Mr. SHAYS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. BARLOW, Mr. BEILENSON, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BLUTE, Mr. BOUCHER, Mr. BREWSTER, Mr. BROWDER, Mr. BRYANT, Mr. CARR, Mr. CHAPMAN, Mr. CLEMENT, Mr. COOPER, Mr. COPPERSMITH, Mr. COSTELLO, Mr. CRAMER, Mr. DARDEN, Mr. DEAL, Ms. DELAURO, Mr. DERRICK, Mr. DICKEY, Mr. DICKS, Mr. ENGLISH of Oklahoma, Ms. ESHOO, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FISH, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. PETE GEREN, Mr. GILMAN, Mr. GILLMOR, Mr. GORDON, Mr. HAYES, Mr. HEFNER, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Mr. HOYER, Mr. HUGHES, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mrs. KENNELLY, Mr. KLEIN, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LAROCCO, Mr. LAZIO, Mr. LEACH, Mr. LEWIS of Florida, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LLOYD, Ms. LOWEY, Mr. MCDERMOTT, Mr. MCHALE, Mr. MACHTLEY, Ms. MALONEY, Mr. MANTON, Mr. MAZZOLI, Mr. MENENDEZ, Mr. MFUME, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MURTHA, Mr. OBERSTAR, Mr. ORTON, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. RICHARDSON, Mr. ROSE, Ms. SCHENK, Mr. SERRANO, Ms. SHEPHERD, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER, Ms. SNOWE, Mr. SPRATT, Mr. STOKES, Mr. STUDDS, Mr. STUPAK, Mr. SWETT, Mr. SWIFT, Mr. TANNER, Mr. TAUZIN, Ms. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. UPTON, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WHEAT, and Mr. WISE):

H.R. 2010. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes; to the Committee on Education and Labor.

By Mr. BALLENGER:

H.R. 2011. A bill to suspend until January 1, 1995, the duty on 2,4-Dinitro aniline; to the Committee on Ways and Means.

By Mr. BILBRAY:

H.R. 2012. A bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLACKWELL (for himself, Mr. ANDREWS of New Jersey, Mr. BORSKI, Mr. CUNNINGHAM, Mr. FILNER, Mr. FOGLIETTA, Mr. FROST, Mr. GILMAN, Mr. LANCASTER, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Ms. PELOSI, Mr. SCOTT, Mr. TOWNS, Mr. TUCKER, Mr. UNDERWOOD, and Mr. WYNN):

H.R. 2013. A bill to establish a commission to review the provisions of law stating that service performed by Filipino World War II veterans is not considered to be service in the Armed Forces of the United States for purposes of most veterans' benefits under the laws of the United States, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BYRNE (for herself, Mr. BOUCHER, Mr. FINGERHUT, and Mr. MORAN):

H.R. 2014. A bill to amend title 23, United States Code, and the Federal Transit Act to provide an increased Federal share for projects which have a cost of $2,000,000 or more and to which value engineering is applied and results in a certain minimum project cost savings; to the Committee on Public Works and Transportation.

By Mr. EWING:

H.R. 2015. A bill to reliquidate certain entries on which excessive countervailing duties were paid, and for other purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON (for himself, Mr. PENNY, Mrs. JOHNSON of Connecticut, Mr. PETE GEREN, Mr. BOEHNER, Mr. EMERSON, Mr. MCCURDY, Mr. LEWIS of Florida, Mr. CLYBURN, Mr. CANADY, Mr. FAWELL, Mr. VALENTINE, Mr. KOLBE, Mr. GINGRICH, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. HASTINGS, Mr. FILNER, Mr. CLINGER, Mr. STENHOLM, Mr. ROMERO-BARCELÓ, Mr. HANCOCK, and Ms. PRYCE of Ohio):

H.R. 2016. A bill to amend the Civil Rights Act of 1964 to encourage mediation of charges filed under title VII of such act and the Americans with Disabilities Act of 1990, to amend the Revised Statutes to encourage mediation of complaints filed under section 1977 of the Revised Statutes, and to decrease resort to the courts; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. HOCHBRUECKNER (for himself, Mr. ACKERMAN, Ms. DANNER, Mr. LIPINSKI, Ms. MOLINARI, Mr. SERRANO, Mr. HUGHES, Ms. FURSE, Mr. EVANS, Mr. BLACKWELL, Mr. KLINK, Mr. HINCHEY, and Mr. RUSH):

H.R. 2017. A bill to amend the Solid Waste Disposal Act to require the testing of ash generated from the incineration of municipal solid waste before its disposal; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 2018. A bill to require that States receiving State Legalization Impact Assistance Grants [SLIAG] cooperate with the Immigration and Naturalization Service and the Border Patrol in the apprehension, detention, and transfer of illegal immigrants; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mr. KOPETSKI, and Ms. PELOSI):

H.R. 2019. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes, to create the U.S. Peace Tax Fund to receive such tax payments, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, and Foreign Affairs.

By Mr. LEACH:

H.R. 2020. A bill to amend the Agricultural Act of 1949 to modify the authority of wheat and feed grain producers to conduct haying and grazing on reduced acreage, acreage devoted to a conservation use, or acreage diverted from production under a land diversion program; to the Committee on Agriculture.

By Mr. LIPINSKI:

H.R. 2021. A bill to establish procedures to resolve undercharge claims by motor carriers based on negotiated but unfiled or illegal tariff rates, to ensure the proper, timely, and accurate filing and enforcement of motor carrier rates in tariffs, to reaffirm the requirement for written transportation contracts, and for other purposes; jointly, to the Committees on Public Works and Transportation, the Judiciary, and Education and Labor.

By Mr. MATSUI (for himself, Mr. RANGEL, Mr. JACOBS, Mrs. KENNELLY, Mr. CARDIN, Mr. NEAL of Massachusetts, and Mr. MINETA):

H.R. 2022. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to governmental bonds; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. COYNE, Mr. ANDREWS of Texas, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. PAYNE of Virginia, Mr. NEAL of Massachusetts, Mr. HOAGLAND, Mr. MCNULTY, Mr. KOPETSKI, Mr. JEFFERSON, Mr. BREWSTER, Mr. REYNOLDS, Mr. ARCHER, Mr. CRANE, Mr. THOMAS of California, Mr. SHAW, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. BUNNING, Mr. HOUGHTON, Mr. BEREUTER, and Mr. SHAYS):

H.R. 2023. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of governmental plans under the rules governing retirement plans; to the Committee on Ways and Means.

By Mr. MATSUI (for himself and Mr. THOMAS of California):

H.R. 2024. A bill to clarify the tax treatment of intermodal containers; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 2025. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of associations resulting from mergers of certain farm credit associations; to the Committee on Ways and Means.

H.R. 2026. A bill to amend the Internal Revenue Code of 1986 to encourage energy efficiency and the production and use of renewable energy; to the Committee on Ways and Means.

By Ms. MEEK:

H.R. 2027. A bill to make emergency supplemental appropriations and transfers for fiscal year 1993 to provide disaster assistance for areas of Florida damaged by Hurricane Andrew; to the Committee on Appropriations.

H.R. 2028. A bill to make appropriations for fiscal year 1994 for a community adjustment and economic diversification program in connection with Homestead Air Force Base, FL; to the Committee on Appropriations.

H.R. 2029. A bill to authorize the provision of community adjustment and economic diversification assistance in connection with the closure of Homestead Air Force Base, FL; to the Committee on Armed Services.

H.R. 2030. A bill to designate Homestead Air Force Base, FL, and the county within which the military installation is located, as an enterprise zone for purposes of title VII of the Housing and Community Development Act of 1987; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PAYNE of Virginia (for himself, Mr. Wolf, Mr. Coyne, Mrs. Johnson of Connecticut, Mr. Andrews of Texas, and Mr. Sundquist):

H.R. 2031. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied, to permit a qualified conservation contribution where the probability of surface mining is remote and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. PENNY:

H.R. 2032. A bill to recognize the organization known as the Black Veterans of America; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 2033. A bill to amend title IV of the Social Security Act to provide for better protection of children from physical and mental abuse; to the Committee on Ways and Means.

By Mr. ROWLAND (for himself and Mr. Smith of New Jersey):

H.R. 2034. A bill to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANTORUM:

H.R. 2035. A bill to terminate the Department of Defense independent research and development program and to replace that program with a grant program to be used for support of basic research; to the Committee on Armed Services.

H.R. 2036. A bill to cancel the F/A–18 aircraft upgrade program; to the Committee on Armed Services.

H.R. 2037. A bill to reduce the rate of procurement of DDG–51 destroyers; to the Committee on Armed Services.

H.R. 2038. A bill to amend the Housing Act of 1949 to decrease the number of loans made under section 502 of such act and increase the regular payments made to borrowers under such loans; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2039. A bill to terminate new water projects of the Bureau of Reclamation, and for other purposes; to the Committee on Natural Resources.

By Mr. SKEEN:

H.R. 2040. A bill to establish a commission on the commercial application of certain defense-related facilities, equipment, processes, and technologies; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mr. Gilman, and Mr. McCollum):

H.R. 2041. A bill to provide that members of terrorist organizations are ineligible to receive visas for admission to the United States, to improve the State Department Visa Lookout System procedures, and for other purposes; jointly, to the Committees on the Judiciary and Foreign Affairs.

By Mr. STENHOLM (for himself, Mr. Fawell, Mr. Valentine, Mr. Goodling, Mr. Montgomery, and Mr. Inhofe):

H.R. 2042. A bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes; to the Committee on Education and Labor.

By Mr. STUDDS (for himself, Mr. Dingell, Mr. Saxton, Mr. Bonior, Mr. Miller of California, Mr. Ford of Michigan, Mr. Dellums, Mr. Conyers, Mr. Hughes, Mr. Manton, Mr. Pallone, Mr. Andrews of Maine, Ms. Furse, Ms. Eshoo, Mr. Ravenel, Mr. Beilenson, Mrs. Schroeder, Mr. Vento, Mr. Frank of Massachusetts, Mr. Peterson of Minnesota, Mr. Stokes, Mr. Towns, Mr. Markey, Mr. Jefferson, Mr. Abercrombie, Miss Collins of Michigan, Mr. Evans, Mr. McDermott, Mr. Levin, Mr. Shays, Mr. Berman, Mrs. Morella, Mr. Walsh, Mrs. Mink, Mr. Coleman, Mr. Meehan, Ms. Maloney, Mr. Torres, Mr. Moran, Mr. Olver, Mr. Nadler, Ms. Pelosi, Mr. Gilman, Mr. Porter, Ms. Woolsey, Mr. Payne of New Jersey, Mr. Blackwell, Mr. Sanders, Mr. Cardin, Mr. Sabo, Ms. Shepherd, Ms. Slaughter, Mr. Johnston of Florida, and Mr. Hinchey):

H.R. 2043. A bill to reauthorize and amend the Endangered Species Act of 1973; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRES (for himself, Mr. Gutierrez, and Mr. Pastor):

H.R. 2044. A bill to amend title 18, United States Code, to discourage criminal street gang activity; to the Committee on the Judiciary.

By Mr. WHEAT:

H.R. 2045. A bill to suspend until January 1, 1997, the duty on 0,0-dimethyl-s-[(4-oxo-1,2,3-benzotriazin-3(4h)-yl)methyl] phosphorodithioate; to the Committee on Ways and Means.

H.R. 2046. A bill to suspend until January 1, 1997, the duty on 4-Fluoro-3-Phenoxy Benzaldehyde; to the Committee on Ways and Means.

By Mr. DURBIN:

H. Con. Res. 95. Concurrent resolution concerning congressional approval of the introduction of U.S. Armed Forces in the former Yugoslavia; to the Committee on Foreign Affairs.

By Mr. HOYER (for himself, Mr. Smith of New Jersey, Ms. Slaughter, Mr. Markey, Mr. Sarpalius, Mr. Kleczka, Mr. Poshard, Mr. Visclosky, Mr. McNulty, Mr. Oberstar, Mr. Lipinski, Mr. Applegate, and Mr. Cardin):

H. Con. Res. 96. Concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. BENTLEY introduced a bill (H.R. 2047) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. Pete Geren.

H.R. 207: Mr. McCloskey.

H.R. 214: Mr. Shuster and Mr. Bartlett.

H.R. 300: Mr. Serrano and Mr. Fish.

H.R. 350: Ms. DeLauro, Mr. Filner, Mr. Owens, Mr. Reed, Ms. Waters, and Mr. Wynn.

H.R. 431: Mr. Serrano, Mr. Hastings, and Ms. Cantwell.

H.R. 462: Ms. Eshoo, Mr. Mineta, Mr. Lipinski, Mr. Ridge, Mr. Crapo, Mr. Andrews of Maine, Mr. McHugh, Mr. Walsh, Mr. Smith of Oregon, Mr. Dickey, Mr. Rogers, Mr. Glickman, Mr. Gingrich, Mr. Applegate, Mr. Boucher, Mr. Darden, Mr. Greenwood, Mr. Moorhead, Mr. Everett, Ms. Norton, Mr. Mfume, Mr. LaFalce, Mr. Murtha, Mr. Diaz-Balart, Mrs. Schroeder, Mr. Gilman, Mr. Wyden, and Mr. Inslee.

H.R. 511: Mr. Towns and Mrs. Morella.

H.R. 512: Mr. Collins of Georgia.

H.R. 526: Mr. Kildee.

H.R. 535: Mr. Bliley, Mr. Deutsch, and Mr. Moorhead.

H.R. 537: Mr. Nadler, Ms. Maloney, and Ms. Velazquez.

H.R. 556: Mrs. Morella.

H.R. 567: Mr. Zimmer.

H.R. 667: Mr. Cunningham.

H.R. 737: Mr. Serrano and Mr. Kleczka.

H.R. 749: Mr. Browder.

H.R. 758: Mr. Bevill, Mr. Duncan, Ms. Margolies-Mezvinsky, Mr. Neal of North Carolina, Mr. Price of North Carolina, Mr. Sundquist, Mr. Taylor of North Carolina, and Mr. Valentine.

H.R. 762: Mr. Neal of Massachusetts.

H.R. 764: Mr. Underwood, Mr. Romero-Barcelo, Mr. Rangel, Mr. Gutierrez, Mr. Clyburn, Ms. Molinari, Mrs. Clayton, Mr. Pickett, Mr. Hochbrueckner, Mr. Serrano, Mr. Frank of Massachusetts, Mrs. Mink, Mr. Hayes of Louisiana, Ms. Ros-Lehtinen, and Mr. de la Garza.

H.R. 786: Mr. Kildee.

H.R. 789: Mr. Bereuter, Mr. Borski, Mr. Burton of Indiana, Mr. Clement, Mr. Coleman, Ms. Danner, Mr. Edwards of Texas, Mr. Gunderson, Mr. Slattery, Mr. Sabo, Mr. Richardson, Ms. Brown of Florida, Mr. Young of Alaska, Mr. Bunning, and Mr. Natcher.

H.R. 846: Mr. Blackwell, Mr. Coppersmith, Mr. Peterson of Florida, Mr. Hobson, Mr. McKeon, Mr. Swett, Mr. Hancock, Ms. Fowler, Mr. Stump, Mr. Coleman, Mr. Kolbe, Mr. Machtley, and Mr. Torres.

H.R. 902: Mr. Wynn and Mr. Pomeroy.

H.R. 997: Mr. Sisisky, Mr. Hefner, Mrs. Bentley, Mrs. Lloyd, Mr. Lancaster, Ms. Kaptur, Mr. Valentine, and Mr. Browder.

H.R. 998: Mr. Jacobs.

H.R. 1048: Mr. Frost.

H.R. 1090: Ms. Fowler.

H.R. 1133: Mr. Pallone, Mr. Dixon, Mr. Wynn, Mr. Ford of Michigan, Mr. Murtha, Ms. Roybal-Allard, Mr. Clay, Ms. Margolies-Mezvinsky, and Mr. Studds.

H.R. 1141: Mr. Roth.

H.R. 1172: Ms. McKinney and Ms. Margolies-Mezvinsky.

H.R. 1181: Mr. Kopetski, and Mr. Stump.

H.R. 1200: Mr. Gibbons.

H.R. 1257: Mr. Fields of Louisiana.

H.R. 1295: Mr. Valentine, Mr. Barlow, and Mr. Strickland.

H.R. 1308: Mr. Flake, Mr. Payne of Virginia, and Ms. Danner.

H.R. 1406: Mr. Neal of Massachusetts, Mr. Evans, Mr. Lewis of Georgia, Mr. Boehlert, Mr. PICKETT, Mr. MONTGOMERY, Mr. TAUZIN, Mr. PETERSON of Minnesota, and Mr. VENTO.

H.R. 1434: Mr. MURPHY, Mr. PETERSON of Minnesota, and Ms. THURMAN.

H.R. 1489: Mr. LANTOS.

H.R. 1493: Mr. MCHUGH.

H.R. 1608: Mr. CONYERS, Mr. DEUTSCH, Mr. HOCHBRUECKNER, Mr. KNOLLENBERG, Mr. LEVY, Mr. MANZULLO, Mr. MCNULTY, Mr. PALLONE, Mr. RUSH, Mr. SPENCE, Mr. TANNER, and Mr. TAYLOR of Mississippi.

H.R. 1670: Ms. FOWLER.

H.R. 1687: Mr. FIELDS of Louisiana.

H.R. 1697: Mr. PASTOR, Mr. TEJEDA, Mr. WALSH, Mr. DE LA GARZA, Mrs. CLAYTON, Ms. NORTON, and Ms. BYRNE.

H.R. 1702: Ms. MOLINARI.

H.R. 1744: Mr. JEFFERSON, Mr. CHAPMAN, Mr. FROST, Mr. PETE GEREN, and Mr. JOHNSON of South Dakota.

H.R. 1754: Mr. WATT and Mr. SLATTERY.

H.R. 1755: Mr. SLATTERY.

H.R. 1786: Mr. MCDERMOTT and Ms. CANTWELL.

H.R. 1811: Mr. NUSSLE.

H.R. 1812: Mr. NUSSLE.

H.R. 1815: Mr. LAUGHLIN, Mrs. UNSOELD, Mr. THOMAS of Wyoming, Mr. WALSH, Mr. BACHUS of Alabama, and Mr. JEFFERSON.

H.R. 1890: Mr. BARRETT of Wisconsin, Mr. BUNNING, Mr. KING, Mr. MCNULTY, Mr. PETERSON of Florida, Mr. SANDERS, Mr. SCHIFF, Mr. TOWNS, Mr. YATES, Ms. BYRNE, Ms. KAPTUR, Mr. KANJORSKI, Mr. PRICE of North Carolina, Mr. NATCHER, Mr. WISE, Mr. MOLLOHAN, Mr. BISHOP, and Mr. HAMBURG.

H.R. 1900: Mr. STOKES, Mr. DELLUMS, Mr. WHEAT, Mr. BROWDER, Mr. STARK, Ms. ENGLISH of Arizona, Mrs. CLAYTON, and Mr. LIPINSKI.

H.R. 1944: Mr. BILBRAY and Mrs. VUCANOVICH.

H.R. 1983: Mr. RANGEL, Mr. MARTINEZ, Mrs. MORELLA, and Mr. UNDERWOOD.

H.J. Res. 38: Mr. MEEHAN and Mr. MINGE.

H.J. Res. 61: Mr. BARTLETT, Mr. BILIRAKIS, Mr. BUNNING, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. ROBERTS, Mr. ROYCE, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, and Mr. WELDON.

H.J. Res. 83: Mr. QUILLEN.

H.J. Res. 92: Mr. HAMBURG, Mr. HILLIARD, Mr. TORRES, Mr. MANN, Mr. CARDIN, Mr. LIPINSKI, Mr. OBERSTAR, Mr. MFUME, Mr. ABERCROMBIE, Mr. DARDEN, Mr. DURBIN Mr. HOAGLAND, Mr. PETERSON of Florida, Mr. SHARP, Mr. WISE, Mr. FILNER, Mr. TANNER, Mr. RUSH, Mr. MORAN, and Mr. EMERSON.

H.J. Res. 131: Mr. MENENDEZ, Mrs. MINK, Mr. CLEMENT, Mr. ABERCROMBIE, Mr. KREIDLER, Mr. GENE GREEN, Mr. ENGEL, and Ms. PELOSI.

H.J. Res. 133: Mr. APPLEGATE, Mr. BARLOW, Mr. HASTINGS, Mr. GUNDERSON, Mr. SKELTON, and Mr. HUGHES.

H.J. Res. 139: Mr. CRAMER.

H.J. Res. 157: Mr. ENGEL, Mr. HUGHES, Mr. KREIDLER, Mr. MONTGOMERY, Mr. MORAN, Mr. PARKER, and Mr. QUILLEN.

H.Con. Res. 85: Mr. LIGHTFOOT.

H. Res. 53: Mr. LIPINSKI, Mr. PETE GEREN, and Mr. FINGERHUT.

H. Res. 101: Mr. SMITH of Michigan.

H. Res. 135: Mr. BORSKI and Mr. ACKERMAN.

H. Res. 154: Mr. BARTLETT and Mr. KING.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 737: Mr. HINCHEY.

SENATE—*Thursday, May 6, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.—I Timothy 2:1-2.

God of grace and glory, the Apostle Paul urged, as a matter of first importance, that prayer be made for all people, especially for those in authority. And he promised that if we did this, we would enjoy a "quiet and peaceable life in all godliness and honesty."

On this National Day of Prayer, instituted by an act of Congress and proclaimed by the President, help all of us understand and appreciate the indispensability of prayer, especially for leadership. Help us to see, dear Lord, that it is possible that we do not enjoy a quiet and peaceable life with godliness and honesty because of our prayerlessness. Forgive us for our indifference to prayer and our prayerlessness, even when we profess to believe in it.

Father God, as congressional leaders and many others gather for prayer in the Caucus Room of the Cannon Building all day today, cover the meeting with Your blessing and annointing. And may the entire Nation resort to prayer this day.

We pray in the name of Jesus, Who took prayer seriously. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT CLINTON'S ENTERPRISE ZONE PLAN

Mr. LIEBERMAN. Madam President, on Tuesday of this week President Clinton announced an initiative to assist people in poor urban and rural communities. It is called both an empowerment community proposal and an enterprise zone proposal. While I am encouraged by much of it, and support the constructive and creative proposals that are contained within this message, I rise today to say that when it comes to the enterprise zone part of this proposal, as we know enterprise zones, I am disappointed. I say that as a longtime supporter of enterprise zones and as the sponsor of the Enterprise Zone Job Creation Act of 1993.

It seems to me I must conclude that the enterprise zone proposal of the administration is too little, in the sense that it will have only 10 genuine enterprise zones; that it is too much, in that it pours too much money into those 10 enterprise zones; that it is much too light on capital cost incentives, which are critically necessary to leverage the public investment by attracting more private capital into our inner cities and poorer rural communities; and that its problems, I believe, primarily are based on a misunderstanding that the enterprise zone concept still needs testing. I think it has been amply and widely tested over the last 11 years, throughout so many of the States and cities of America, and it has passed that test with flying colors.

If there is any one point on which we can all agree I am sure it is the desperate conditions that exist in too many of America's cities and poor rural communities: Crime, poverty, drugs, unemployment, poor education, homelessness, and a ever-shrinking local property tax base which means an ever-increasing local property tax burden on the remaining taxpayers, particularly the residential taxpayers. I believe strongly that enterprise zones offer us an opportunity to break that cycle by directly countering the most important cause of urban and rural decline and that is the reduction of business activity and, therefore, the reduction of investment and jobs. The objective of enterprise zone legislation is to use tax and other forms of public policy to direct investment and employment opportunities to distressed urban and rural areas that would otherwise not occur. The increased investment in employment, spurred by a package of incentives, should begin to counter that cycle of decay.

In commenting on the proposal that President Clinton made the other day, one of his aides suggested that 10 zones were chosen so there could be—only 10 zones chosen, in spite of the obvious wider need in America—so many other cities and poor rural communities—because this idea still needed to be tested. But let me report to my colleagues here in the Senate what many of them know because we have passed strong enterprise zone legislation previously here. We have had more than 10 years' worth of experience with enterprise zones. At the State level, 36 States have adopted enterprise zone programs. I am proud to say the State of Connecticut led the Nation in establishing enterprise zones in 1982, offering a wide range of State and local incentives as well as administrative support to help distressed urban areas.

In total, according to the 36 State economic development offices that have enterprise zones, these zones since 1982 have created more than 250,000 jobs, and have attracted more than $28 billion in capital investments. All that has been done without Federal tax incentives which are the sweetest of the sweeteners that we could offer to attract business in enterprise zones.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It is true that some of the zones have not been as effective as others, but overall I think there is a broad and deep consensus that enterprise zones have been a success. That is why they are endorsed by, among others, the National Governors Association, the National Council of State Legislators, the Council of Black State Legislatures, the Conference of Mayors, and the Conference of Black Mayors. These organizations have all called for the adoption of enterprise zones widely across America.

Madam President, the proposal which the administration made on Tuesday does, as I have said, contain some important, constructive, creative ideas to help cities in poor areas. Many of those were taken from the Urban Community Building Act of 1993, introduced by Senator BRADLEY, which I cosponsored in part, including, particularly, community policing and enterprise grants.

But I want to stress that the enterprise zone parts of the administration's proposal, as distinguished from some of the other proposals of assistance to urban areas and poorer rural communities, I believe, show a fundamental misunderstanding of the enterprise zone concept and the reasons why so many of America's poorer areas have reached the point of decay that they now experience.

Madam President, I would like to quickly outline three areas of concern I have about the administration's enterprise zone legislation. The first is the number of zones; the second is the cost of the program; and the third is the need for capital-based incentives.

The administration's proposal calls for only 10 urban and rural communities around the country to be designated as enterprise, or empowerment zones.

Under the 10 zones that would be created under the President's proposal 6 would be in urban areas, 3 for rural areas, and 2 to Indian reservations.

While the proposal does purport to create 100 additional enterprise communities, the 100 cannot really be characterized as enterprise zones because they do not receive the package of incentives that have been associated with enterprise zones and which are really necessary to make them work.

That is simply not an adequate response to the needs across America. In fact, unfortunately, cities will guarantee that the vast majority of distressed areas in this Nation really will have no chance of being designated an enterprise zone.

For instance, if I may speak personally, under the administration's proposal, my own State, which has three of the poorest cities in America, which are smaller cities, and has had a number of successful enterprise zones for a decade, will have effectively no chance of getting one of these six real urban enterprise zones. There are hundreds of metropolitan cities which are in need of similar assistance, but only 10, under this proposal, will receive enterprise zone designation.

Then there is the cost. The administration proposal will provide these 10 enterprise zones with approximately 3 billion dollars' worth of incentives over the next 5 years. Assuming equal distribution of those incentives, the proposal therefore would provide 300 million dollars' worth of tax benefits to each enterprises zone. Frankly, this is simply too rich a subsidy per zone. Enterprise zones are not going to attract, in most cases, major existing employers. They are going to attract startup businesses, which we so desperately need, and small businesses. The $300 million per zone simply cannot be utilized by these smaller startup firms. In fact, it is highly unlikely, based on the experience of the State programs, that anywhere near this level of tax subsidy is necessary. The key to the enterprise zone program is the ability to use limited Federal tax dollars to leverage private capital, to bring more private capital into our cities and poorer rural communities where it is needed. You simply do not need $300 million per zone to achieve that. And when you spend $300 million per zone to achieve that you are not going to help or create very many zones across America.

Mr. President, as I have indicated, the administration has suggested this program is designed, at this level of generosity, in order to test the enterprise zone concept. But, again, I state that enterprise zones have been thoroughly tested in 36 States and in more than 2,200 communities over the last decade, and they have been successful.

According to the American Association of Enterprise Zones, in a letter sent to President Bush last year:

> Never in the history of domestic policymaking have literally hundreds of cities demonstrated the principles of a Federal program before Congress has authorized its full operation. We are confident that we understand the way enterprise zones perform; thus we can confidently urge Congress to implement the Federal policy in more than a handful of communities.

That was from the American Association of Enterprise Zones.

It is important to note that these zones, Madam President, do not represent a radical departure from traditional, long practiced and accepted economic development activities. From the State and local perspective, the notion of using incentives to attract business development investment in jobs is not new. Democrats and Republicans, liberals and conservatives and moderates have all embraced this concept. The fact is that enterprise zones represent a slightly different spin on traditional State economic development activities by targeting those traditional incentives specifically to smaller economically distressed areas.

Madam President, I think it is also important to note the troubling precedent, unintended I am sure, that the administration's enterprise zone proposal would set. When we eventually come to a determination, or they do, that this program is indeed successful, as I am sure they will, it will cost enormous sums of money to expand the program to all eligible areas at the current rate.

For example, under the administration proposal, it would cost us an additional $30 billion to expand this program to an additional 100 communities, among the thousand that probably need it.

Finally, Madam President, let me address the issue of incentives. The object of the enterprise zone program is to use tax incentives to direct investment in job opportunities, job creation to distressed urban and rural areas. The increased investment and employment, spurred by the package of incentives, can promote revitalization of these distressed areas. In order for the program, therefore, to achieve its desired results, the package of incentives must be strong enough and practical enough to attract the necessary business and investment activities.

Critical to that, Madam President, I believe is that the package of incentives must reduce capital, as well as labor costs, so that a firm thinking of starting up or relocating will be willing to override other factors that adversely impact the decision to locate in a distressed area, including access to markets, quality infrastructure, efficient transportation, a skilled work force, quality of life, and security from crime.

I cannot adequately stress the importance of capital incentives. They must be a component of any program and must be targeted toward small businesses. What we are talking about here is giving a smaller startup business that extra ability to get the capital, the money to start the business that they could not get or would find difficult to get outside the distressed area, and that is what will bring them into the distressed area.

There is a broader point here, too, and I come back to it finally. Capital incentives are important because they are the one way—the one best way—in which the Government, with a small expenditure, by reducing taxes, can draw in a large amount of private capital. That, I think, makes enterprise zones probably the most cost-efficient way to try to raise up our distressed urban and rural areas.

Madam President, it is clearly time to do something on a national scale about urban and rural decay and chronic unemployment, unemployment and decay that not only encompasses whole sections of every one of our cities and so many of our rural areas, but also in so many cases spans generations of families that live within those areas.

This is a cloud over our Nation's future. The unemployed and the poverty stricken and the places in which they live are in need of our help and they deserve our help.

The President's proposal contains much in it that will offer constructive and creative assistance but, again, I state in conclusion, that on the question of enterprise zones, it is below the level and substance of need.

I look forward in the coming weeks and months in working together with the administration to fashion a program that will utilize our resources, limited as they are, to the maximum and will have the kind of job-creating, property-tax-reducing effect on our cities and poor rural communities and Indian reservations that we, and they, so desperately desire.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AIRSTRIKES IN BOSNIA

Mr. SIMON. Madam President, I watched with growing concern what happened yesterday in Bosnia in the Parliament. I am old enough at the age of 64 to have seen some history, and you were present, Madam President, when 2 weeks ago, we had a retreat of Democratic Senators. Two weeks ago today, there was the dedication of the Holocaust Museum. The next evening at the retreat, Ambassador Madeleine Albright spoke to the Democratic Senators, and then we had a discussion on Bosnia.

I remember getting up and advocating firmer measures. I remember one of our colleagues got up and said, "You have to remember, if you use airstrikes, you have to ask what happens next." And he went into a scenario. And then I got up and said, "I think that is a perfectly proper question. But you also have to ask the question, what happens next if we do nothing?" And our colleague, Senator PAT MOYNIHAN, gave the best two-word answer I have ever heard to a question. He said, "Another museum."

We cannot repeat history. Two days ago, Senator JOE BIDEN, Senator JIM JEFFORDS, Senator HARLAN MATHEWS, and I met with the Bosnian Foreign Minister and he told vividly about what is happening in the slaughter of tens of thousands of innocent people.

I asked him what happens if, in the Bosnian Parliament—so-called Parliament, because they were not elected by anybody—they are simply using a delaying tactic, and that is what has happened. It was interesting listening to the radio this morning; Secretary of State Warren Christopher described it as precisely that. The community of nations cannot sit back idly and do nothing. I think the time has come for airstrikes on artillery positions, artillery positions where the Bosnian Moslems have no chance to respond. And it is clear now from talking to military leaders that airstrikes could be effective.

It is important to get the message to the Serbian leadership—and we are talking about the Serbian leadership, not the Serbian people—to get that message to the Serbian leadership—and frankly, as well, to the Serbian people—so that Serbia does not increase its appetite. That is the lesson from Adolf Hitler. If you gobble up one piece of territory, you are not satisfied. It is a little bit like an alcoholic: One drink is not enough. But it is a message that we have to get not only to the Serbian leaders; it is a message that we have to get to dictators all over the world. You cannot move in on neighboring territory without the community of nations responding.

Our response, frankly, Madam President, has been far too weak. We should have been responding 18 months ago. I am not blaming the Bush administration. I think our response under the Clinton administration has also been too slow, too anemic.

People say, "Why do you favor doing something now, and you did not favor it under Desert Storm?" In Desert Storm, we did not try the economic boycott, and there it was much easier work. Here, we have dallied around with economic boycotts and other things, and it just simply has not worked.

I think we have to do more. Let me add it can be limited. The Bosnians are not asking for ground troops. And I do not favor sending ground troops in.

Some people talk about Vietnam. In Vietnam we had 525,000 ground troops. In Vietnam, you had a much murkier, much less distinct kind of situation. In Bosnia, you have innocent people being killed. You have rape as a matter of public policy on the part of some people.

I think we have to respond. The time is past for sitting around twiddling our thumbs, saying, My, it is terrible what these people are doing. We have to do something. And I hope we do it quickly.

Mr. President, I see my distinguished colleague from Colorado who has eloquence in his voice about to address the Senate.

I yield the floor.

Mr. CAMPBELL. I thank my colleague.

Mr. CAMPBELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado.

BYRON WHITE FEDERAL COURTHOUSE

Mr. CAMPBELL. Madam President, recently I introduced legislation, S. 812, that would name the new Federal courthouse in Denver, CO, after U.S. Supreme Court Justice Byron White, who will be stepping down in July.

Mr. President, as you know, Justice White is a native Coloradan, the only Coloradan to serve on the Supreme Court. He was born in Fort Collins and grew up in Wellington where his father served as mayor. A Phi Beta Kappa graduate of the University of Colorado, he went on to Oxford as a Rhodes scholar and then to Yale Law School where he graduated magna cum laude in 1946.

Of course, his athletic achievements nearly paralleled those in his academic career. An outstanding football player, he had the nickname "Whizzer" White while he was at the University of Colorado, a name which in later years he particularly detested. But it stuck over the years in Colorado. And he led that university to an undefeated season and the victory in the Cotton Bowl.

After graduation, he played for the Pittsburgh Pirates for one season, commanding a salary of $15,800 which, as he described it, would pay my way through law school.

Justice White's illustrious career in the law began when he served as law clerk to then-Chief Justice Fred Vinson. He then returned to my State of Colorado where he practiced law in Denver for 14 years.

In 1960, Justice White headed the Colorado Kennedy Committee where he played a key role in securing Colorado for John F. Kennedy's Presidential nomination. He then became chairman of the National Citizens for Kennedy, a group formed to attract both independents and Republicans.

After President Kennedy was elected, he served as Deputy Attorney General under Attorney General Robert F. Kennedy until 1962, when President Kennedy nominated him as an Associate Justice of the U.S. Supreme Court. He was confirmed unanimously by the Senate just 13 days later. Upon his retirement in July, he will have served the Court and the Nation as an Associate Justice for over 31 years.

Because of his impressive achievements in the law and his long judicial service, I find it only fitting to name the new Federal courthouse in Denver, CO, after Justice Byron White. I hope that my colleagues will agree with me and will join me in supporting this legislation to honor such a distinguished Coloradan and American.

I yield back my time, Madam President.

I see my colleague and friend from Oklahoma is here.

Mr. BOREN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague.

A WINDOW OF OPPORTUNITY OF MFN FOR CHINA

Mr. BOREN. Madam President, I rise today to speak briefly on the issue of most-favored-nation status for China.

As my colleagues may know, last December I visited China with my good friends Senators PELL and LEVIN. I came away from that trip convinced, Mr. President, of the economic and geopolitical importance of the relationship between the United States and China. And I have been encouraged by the positive steps the Chinese Government has taken this year, including the release of Wang Dan and several other prominent individuals including some religious leaders, and the opening of the Tarim Basin to foreign exploration for oil.

I might indicate that some of these actions which were taken were discussed by our delegation with high leaders of the Chinese Government during our time in China. We were encouraged and appreciative that these actions have been taken.

But while these actions are significant, many fundamental issues of concern remain to be addressed.

Now, as the Congress prepares to revisit the issue of MFN renewal for China, there exists continuing pressure to ensure that the conditions stipulated in last year's legislation sponsored by the majority leader will, in fact, be met. This debate, as my colleagues are aware, can take on a dynamic of its own after a point. Members who are ambivalent can find themselves locked into positions less nuanced than their own personally held opinions.

The debate has already begun informally, and the pace promises to pick up. But I believe that time still remains for the Chinese to make a decisive and dramatic breakthrough, and I come to the floor today in part to urge the leadership in Beijing to seize this moment.

For instance, I am extremely concerned about reports this morning that China has shipped missile parts to Pakistan in violation of its pledges not to do so. I do not know whether or not these reports are accurate. In any case, a clear reaffirmation of China's nonproliferation commitments is clearly crucial. I also believe the release of Wei Jingsheng and others from the 1979 Democracy Wall movement, an expression of general amnesty for those involved in Tiananmen Square, positive action on Tibet, and a decision to allow visits with prisoners by the International Red Cross, could have a very significant impact on our debate as we began to study the MFN issue. I urge leaders in Beijing to give serious consideration to these proposed actions.

I hope, Madam President, that the Chinese Government recognizes that a window of opportunity for major progress this year in Sino-American relations will soon close as we begin the MFN debate. Time is of the essence.

I understand the arguments that some in this body have made in favor of the unconditional renewal of MFN. Our relations with China are of a scale and significance that would make MFN appear at times to be less than adequate as a primary tool of diplomacy. I also believe that the United States should continue to develop other means—whether in trade, nonproliferation, or human rights—to communicate our differences and to influence the actions of the Chinese Government. We should rely less on MFN.

On the other hand, Madam President, the fact is that we have inherited a set of circumstances under which conditionality represents a certain benchmark—and even the most subtle shifts from previous benchmarks are read very closely by the Chinese. Let us move with that in mind.

I would add, for the record, that if it becomes clear that the Congress intends to delineate conditions for the future renewal of MFN for China, I believe it would be advisable to give the broadest reasonable discretion and flexibility to the President of the United States in this matter.

In the coming weeks, I know the Clinton administration will be consulting with concerned Members as it articulates its policy, and I expect that there will be delicate deliberations on how best to proceed.

But let there be no mistake: I believe Members on all sides of this particular issue stand ready to work with the administration to advance our shared strategic goal—a better relationship with China, and a China better in accord with American concerns.

In the meantime, let us hope that Beijing acts soon to help move the United States-China relationship onto more solid footing. And let us hope that we may soon focus on what brings our nations together, rather than on what divides us.

I thank the Chair. I yield the floor.

Mr. DODD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Connecticut.

YOUTH VIOLENCE

Mr. DODD. Madam President, I rise this morning to address my colleagues in the Chamber on a matter of consistent and unfortunately urgent concern to each and every Member of this Chamber and body. I speak, Madam President, of the fate of our youngest citizens.

Today, there is an awful lot of talk about children's issues, but I want to remind each and every one of us that whether it is the appalling infant mortality rate, the shameful numbers of children living in poverty, or the alarming rate of violent death, behind each new and ever more shocking statistic is a child's face.

Last week when I chaired a hearing on family support programs, the most powerful testimony came from a mother who had been a pregnant crack addict. Her teenaged daughter had been taken from her. But she now has a healthy baby boy and her daughter both living with her. She is employed by the residential program that helped her stop using drugs, and she is becoming a certified drug and alcohol counselor.

The reality of those who have lived through the pain speaks more powerfully than any abstract numbers as we try to educate one another about the importance of these issues.

Madam President, I cannot bring these witnesses to the floor of the U.S. Senate. We are not allowed to do that. So over the next few months, I am going to try and represent their interests in this Chamber. I plan to come here frequently to try and tell my colleagues about an individual child's or family's suffering. Maybe by talking about individual children and families, we can begin to heighten the awareness and interest of what is occurring in our streets and country today. Many of my colleagues, I know, feel as strongly—or even more strongly—than I do about these issues, and I am grateful for the support we have received in passing what I would call child and family friendly legislation over the last few years.

Madam President, we are losing the battle more quickly than one can possibly imagine. Today I want to commend the Chicago Tribune for putting a child's face on violence in its series entitled "Killing Our Children," a chronicle of the tragic murder of Chicago's young. In a laudable campaign for public awareness, the Chicago Tribune, on January 3, began to feature a front-page story on each child under the age of 14 killed in its readership area in 1993. As of today, the Chicago Tribune has run stories of 17 child killings in 1993, with close to 50 related articles on violence within their readership area.

I ask unanimous consent that the January 3 article be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 3, 1993]

KILLING OUR CHILDREN

(By Steve Johnson)

No. 44 you know about. He was a 7-year-old killed by a sniper in October as he walked to school with his mother. His name was Dantrell Davis.

His murder shocked people. It shouldn't have.

Before his death, killers claimed 43 children under the age of 15 in Chicago and its suburbs in 1992. After his death, 13 more kids were slain.

Most of these children you know little about. Many made the journey from birth to a slab in the county morgue with little more notice from middle-class Chicago than the few lines they receive in the list accompanying this story. But like the classified advertisement that writing instructors call the shortest short story—"For sale: One pair baby shoes; never used"—each of these paragraphs describing the 57 deaths is its own short story.

Taken as a whole, the list is a tragic novel of epic proportions. It is a tale of a society that—in its inability to perform a fundamental duty, the protection of its most vulnerable members—is yielding its claim to the term "civilization."

Yes, we have literature, opera and laws governing the height of grass in suburban yards. But we also have the following, now occurring often enough to be characterized as "routine": a baby going almost literally from cradle to grave, allegedly shaken to death by his mother's boyfriend for the crime of crying too much; a 10-year-old killed by a stray bullet as his father parks the family car so the boy can play in the snow; an adolescent fatally shot while nursing a gunshot wound received the week before during gang cross-fire.

Just seven months before Dantrell Davis died, a schoolmate of his 9-year-old Anthony Felton, was shot to death, also by sniper fire, also on blacktop adjacent to the boy's school.

Pick a few more: There were Raphael, Christopher and Danielle Turner, ages 5, 7 and 4, killed by arson. There was Taylor Briana Huggins, 7 weeks old, allegedly beaten to death by her 15-year-old father. there was 12-year-old Shamin Watters, stabbed to death in a fight with a 14-year-old girl.

Emily Hernandez, Tyjuan Cox, London Akins, Kevin McMillan, Holly Staker. . .

There is a crisis in Chicago and its suburbs and a crisis nationwide. In 1981, according to FBI statistics, there were 864 homicide victims age 14 and under in the United States. In 1991, the last year available, there were 1,075 an increase of 24 percent.

About half of that increase occurred among 10- to 14-year-olds. That rise is directly attributable to gunplay, a word whose whimsicality is both an affront to decency and a perfect description of how casually some use firearms. In 1981, guns killed 107 of the 214 homicide victims in that age group. Ten years later, they killed 209 out of 290.

Much of the rest of the increase occurred in children who had not reached their first birthday. In 1981, 182 kids younger than 1 were killed, compared with 304 a decade later.

"Homicide rates in this country were actually higher nine, 10 years ago," said Dr. Robert G. Froehike, an epidemiologist with the Michigan Department of Public Health. "But if you look at it by age, homicide rates in children are the highest they've been for this century."

While the killing of children is mostly a city problem, because that is where the poverty that produces violence is most entrenched and concentrated, it is not exclusively so.

Of those 57 deaths in 1992, seven occurred in Chicago's suburbs and one victim was a suburban resident killed in Chicago. Among them were an 11-year-old baby-sitter raped and slain on the job in Waukegan, a 13-year-old schoolgirl shot on a street in Evanston, and twin babies smashed against a wall, allegedly by their father, in the family home in Riverside.

Two west suburban high schools, Oak Park-River Forest in Oak Park and Proviso West in Hillside, had their first gun incidents last fall. Earlier in the year, a pupil at Julian Junior High School in Oak Park brought a handgun from Julian to the suburb's Longfellow Elementary School, where he showed it off to 6th graders. This time, at least, the display did not end in death.

Laurie Dann shooting up the Hubbard Woods Elementary School in Winnetka in 1988 was the most publicized invasion of a classroom. But in Chicago, as in other large cities, schools are now so grotesquely accustomed to students carrying guns that metal detectors routinely guard the doors. Since September, the Chicago Police Department's school patrol unit has seized 93 guns in and around city schools.

The notion that a school is by definition a haven from street crime, an island of succor and sanity, has grown absurd.

Standing on a street corner, an apparent gang member was talking to a reporter last month after witnessing the second gang-related shooting in a week outside Lake View High School. The Chicago school stands at Ashland Avenue and Irving Park Road, in a neighborhood where some single-family homes sell for as much as they do in the North Shore suburbs.

"The only way you can [shoot someone] is in school," explained the student, a freshman. "Out here, there's too much going on . . . too many cars, too many cops."

Katherine Flanagan, principal of Manley High School in Chicago's impoverished North Lawndale neighborhood, has had two of her students gunned down this year away from school grounds.

"Now it's so easy for people to pull a trigger," she said. "It's just unreal how easy it is, and there's just no respect for another human being.

While the killing may occur mostly in poor areas, the attendant problems are everybody's. When human potential is cut short, we all lose. When it is dimmed by constant exposure to violence, we all lose.

Is that too sentimental for you? Try simple economics. An increase of violence means more criminals, more tax dollars to jail them (currently about $25,000 per inmate per year) and to build jails to hold them ($42 million is being spent on a new 450-bed jail in Du Page County).

Look at the picture on the front page of this newspaper. Taxpayers pay the salaries of that army of Cook County Hospital trauma unit specialists gathered around the teen, who died. Victims who live can cost taxpayers up to $2,350 a day for care at the hospital.

Or try fear. A culture growing more hostile will not confine itself to city borders. Criminals don't just have guns and attitude; they have cars.

"Our society is not set up in walled, medieval cities, and problems that occur in one segment of society, if they get bad enough, reach out and touch others," said Dr. Katherine Kaufer Christoffel, an attending pediatrician at Children's Memorial Hospital and an expert on violence against children.

Throughout this year, the Tribune will examine in detail every murder of a child 14 and under in Cook, Lake, Du Page, Will, McHenry and Kane Counties. The first purpose is to remember those who are so easily forgotten. The second is more complicated: to shine light on the problems that have brought us to this moment and to search for remedies.

The death toll will probably seem wearying at times, both to readers who have been touched by it personally and to those who feel they and their children are safely removed from the battleground. But it is important to remember that the dead kids could be anybody's. In interviews this past year, the families and friends of the victims invariably remembered the dead as having loved Nintendo, pets, pizza or Michael Jordan. Whose child does that not describe?

It is not a project entered into lightly. Experts in the field of violence against children, and those who try to combat it daily, were asked whether such a persistent drumbeat of reporting might seem more exploitative or inflammatory than elucidating. Most said this: When faced with a situation so obviously unacceptable, it is more important to try to do something than to sit back and find reasons not to.

Many among the experts consulted shared the opinion of Dr. Robert Kirschner, deputy chief medical examiner of Cook County. "I can't think of a good reason why not," Kirschner said. "People need to realize what an enormous toll all violent death and non-natural death takes on our kids."

Isolating the murders of those children age 14 or younger has several advantages. For one thing, 14 is a cutoff point for one set of national murder statistics kept by the FBI, making it possible to compare numbers between cities and within cities from year to year.

For another, if we can't begin to understand how to keep the children from dying, how can we hope to keep them safe throughout their later teenage years and into adulthood?

This doesn't mean the paper will ignore the scores of older murder victims. For African-American teens and young men, especially, the numbers are appalling: In 1989, the homicide rate for white males age 15 to 24 was 12.8 per 100,000; for black males, it was 114.8, and gunshot wounds were the leading cause of death.

Nor will the paper ignore those children who die accidentally, like the 4-year-old Joliet girl killed last week by her 3-year-old brother wielding the family handgun.

But the hope is that focusing on the murder of the very youngest will help make the problem more vivid.

Remedies are elusive. All evidence suggests that the killing of children is the result of a web of social ills, each filament lending strength to its neighbors, each so strong on its own that it is overwhelming just to contemplate doing something to cut it.

Dozens of law enforcement officials, psychologists, child welfare authorities, teachers and kids themselves named the same problems time and again.

There are more guns available, and those guns are more lethal than ever before. There are guns on the streets of our cities that have no purpose except for taking human life. Mac 10s, Tech 9s and Uzis were among the more than 21,000 illegal firearms confiscated by the Chicago police last year; they are not made for hunting game.

There is a growing gap between wealthy people and poor people, and poverty is increasingly concentrated in specific neighborhoods.

More of the people who are having babies simply are not prepared—emotionally, financially, educationally—to do so. An increasing number of child abuse deaths are attributable to what experts have names "shaken baby syndrome." There are parents who simply don't understand this most basic fact about infants: They are too fragile to be shaken violently without risking death.

In the suburbs, in middle-class city neighborhoods and in their traditional low-income strongholds, street gangs are gaining influence, even as they are recruiting younger members to their bloody ranks. Their violence, often indiscriminate, is fueled mostly by the lust for the lucre that illegal drugs brings. And those drugs, especially highly addictive crack cocaine, contribute to a situation in which more babies are not safe around even their mothers.

Meanwhile, racism remains a stultifying part of the culture, meaning poor black and Hispanic children, especially, being life practically destined to have lower self-esteem and lower expectations than their white peers, a fact that can translate into a feeling of being apart from the society at large and its rules.

Educators, researchers and residents of high-crime neighborhoods report that even very young children there increasingly use violence as the first option in settling disputes.

And children, no matter how innocent or how hard they may seem, cannot help but notice that something is not right in their lives.

This was demonstrated graphically in December when the Hyde Park Bank held an award ceremony to honor winners in it essay contest, "My Neighborhood."

An official of the bank imagined the contest producing paeans to playgrounds and other totems of childhood. It did—a very few. Mostly it tapped a geyser of bitterness and fear and despair.

A 6-year-old, Sean A.R. Williams, called his essay "Trapped in My House."

"The houses in my neighborhood look so pretty, but I don't see my neighborhood much," Williams intoned from the lectern, reading his essay aloud to the hundreds gathered in the bank. "I only go outside when I get in the car or go to school."

It was a theme echoed by almost all of these most gifted and motivated of South Side students. If their parents care, if they want their children to survive their surroundings, they turn them into virtual prisoners in their homes.

And even there, the children learn early to scurry away from windows when the gunfire starts.

Demetrius Jones, 13 years old and seemingly more world-weary than many four times his age, offered sentiments whose rawness belied his neat typewriting and perfect grammar.

"I feel as though the world and the people may come to an end," read his essay. "No one seems to care about the children of the future."

Asked later if he saw a solution, or even any hope, he was tight-lipped. "Really," he said, "nothing can be done."

For another demonstration of the effect of street violence, turn to Gatling's Funeral Home, the complex on the Far South Side that can count Dantrell Davis' family among its clients. There, another visitation for a boy was taking place one recent day.

Charles Dixon, a 15-year-old whose parents struggled in vain to save him from the streets, had been strangled, drugs and dice found by his body, according to police.

The kids in the front row of the funeral parlor, friends of Dixon's, had seen death before, but were curious still. They approached their friend's body in its open casket, pulling back his shirt collar to check for strangulation marks.

One mentioned that Dixon will be buried in West Virginia. This triggered an association, and another chimed in that "George's" body had been shipped to Arkansas. George was a friend who had been shot the week before Dixon was strangled.

A few moments later, one of the girls in the group picked up a program referring to another funeral in the complex.

Reading through it, she pointed and exclaimed, "That's Antoinetta's baby. Let's go see Antoinetta's baby."

The young people left the room containing one dead friend in search of the room displaying the dead baby of another friend.

The majority of children, of course, will survive to adulthood, no matter how challenging their situations. Pondering them, the question becomes: What kind of scars does an atmosphere of violence leave?

Research suggests that those children who are exposed to violence are more likely to commit violence. A kid scared by the guns around him feels that getting his own gun is the best way to protect himself and his family.

At a Christmas party for child psychiatric patients at Cook County Hospital, two girls who had survived a horrible attack on their family laughed at a clown who pretended to have a talking insect. But an aunt of the girls said the attack had left behind a residual "hatefulness" in them.

"They get evil, real mean," the aunt confided. "One, she destroys everything she gets her hands on."

Those who have studied children growing up amid violence say their behavior changes: They have trouble sleeping, have repetitive nightmares, develop facial tics.

"In some respects, the experience of these kids probably more resembles the experience of children in war zones than in what we like to think of as normal society," said James Garbarino, president of Chicago's Erikson Institute for Advanced Study in Child Development. "In Mozambique, which is recognized as one of the most hideous civil wars on the planet, a survey found that 75 percent of kids had witnessed a killing. We have neighborhoods in Chicago where the figure is 35, 40 percent.

"It kind of blows away their idea of the world."

The killing of children occurs essentially in two ways: Parents or caretakers slay their infants, and adolescents die in street violence. Those in between who are killed are frequently bystanders.

Christoffel, of Children's Memorial, studied all reported homicides and violent deaths of children 14 and under in Cook County for the years 1977 to 1982. There were 230 homicides, an average of less than 40 per year, and 207 other violent deaths.

She found that 61 percent of the victims were male, a proportion that increased after the age of 1. Black children were 70 percent of the dead, although they were just 34 percent of the county's under-15 population in 1980. Gunshots caused almost half of the homicide deaths among 10- to 14-year-olds.

"Winter is more dangerous for younger children (who get beaten)," Christoffel wrote, "and summer for older children (who get shot)."

Where 10 or 20 years ago, a fight may have been settled with fists or even knives, now there is more likely to be a gun around.

In 1950, according to the federal Bureau of Alcohol, Tobacco and Firearms, there were 50 million non-military guns in the United States. By 1970, the number had doubled. Two decades later, it had doubled again, to 200 million.

The bureau estimates that there are 3 million "crime guns" on the streets, said Special Agent Jerry Singer, and guns are available for as little as $35.

The number of gunshot wounds treated at Children's last year was more than seven times the number in 1980.

"It basically comes down to the availability of firearms, a deadly weapon that's easy to use and kills quickly and efficiently," Christoffel said. "Although homicides in the style of the inner city are not widespread in middle-class suburban areas, guns are, and therefore suicides are and unintentional homicides are."

Meanwhile, said Christoffel, unemployment and low wages push city youth into the violent drug trade, while movies and television are delivering to boys a message that "they should shoot."

"So you have more guns lying around, you have job and social situations that call for their use, and then a strong media message that promotes it. That's a mass marketing technique, isn't it? That's what you'd do if the goal was to increase shooting."

Of the 57 Chicago-area child killings last year, 23 were by gunshot, while 26 were allegedly cases of infant abuse by parents or caretakers. In all but three of the abuse killings, a father, mother or boyfriend of the mother was charged. At least 14 of the deaths occurred in Chicago Housing Authority developments.

Studies by the beleaguered Illinois Department of Children and Family Services have found that child-abuse deaths tend to occur in low-income households headed by single parents, usually women, with little education, living in overcrowded households in neighborhoods where there are few social services.

Just one in seven of the deaths in one DCFS study happened in areas where the median household income was above $18,000.

While the number of child-abuse deaths has fluctuated from year to year but has not generally increased in Illinois, nationwide it has. In 1991, there were 1,383 such deaths, an increase of 10 percent over 1990 and 22 percent over 1985, said Deborah Daro, director of research for the National Committee for the Prevention of Child Abuse, headquartered in Chicago.

"We think we may be seeing children who live in the most violent situations at much greater risk than five or 10 years ago," Daro said. "The one thing we would have said then is, 'We can prevent fatalities.' And now I don't think people would say that."

Stories involving the DCFS are frequently about a director leaving, a cutback in staffing, or a child, now dead, whom the agency failed to protect, but private social-service agencies report they, too, are underfunded and overwhelmed.

"We had last summer a child—4 years old—walk in and say he watched his father kill somebody," recalled Karen Haigh, child development director for Chicago Commons, a multisite social-service agency in low-income areas. "And nobody knew how to handle it. And you know what? I'm going to be perfectly honest with you: We didn't handle it.

"We never dealt with it. All the shooting was going on the same day, and it was just too much."

One recent afternoon at the Elliott Donnelley Youth Center, the South Side haven of games and activities where she spends her after-school hours, Cherita Mallett stopped her play for a time to talk about her neighborhood.

Cherita, with her shy manner said hair in multicolored ribbons, is the picture of childhood vulnerability. She talks in almost a whisper, but on occasion will blurt out something like, "I like to read because reading is FUNdamental."

But reading is not so easy to concentrate on, she said, when the shooting starts. When it begins, she said, "I run under my mother's skirt." When it awakens her, she worries for her older brother. She has warned him about gangs and has lectured her family that if they use drugs, she won't go to their funerals. She is 9 years old.

"Sometimes I think I won't see my 10th birthday if I'm out in the streets," Cherita said. "I would be kind of happy if they would stop the killing just a little bit."

[From the Chicago Tribune, Jan. 3, 1993]

1992 VICTIMS: THE TOLL DAY BY DAY

RAPHAEL TURNER, 5; CHRISTOPHER TURNER, 7; DANIELLE TURNER, 4

Died Jan. 6.

The three brothers died along with their 29-year old mother, Tammy Turner, in an arson set just after 8 p.m. at their far South Side apartment at 11259 S. Edbrooke Ave. Police believe the fire was directed at a first-floor drug dealer's apartment, but the case remains unsolved.

BABY DOE

Died Jan. 15, newborn.

The female baby was drowned only moments after being born in a bathroom at 2919 W. Monroe St. Her 15-year-old mother has been convicted of involuntary manslaughter and was sentenced to one year of probation.

EMILY HERNANDEZ

Died Jan. 17, age 1.

Emily was suffocated with a pillow in her apartment at 707 W. Sheridan Rd. in Uptown. Her mother, Olga, 25, and father, Juan 30, were also stabbed to death. On Aug. 3 police charged a 42-year-old man and a 23-year-old woman with the murders, alleging the pair went to the Hernandez home intending to reclaim money.

ERNEST MATTHEWS JR.

Died Feb. 2, age 2.

Ernest, of 2245 W. Lake St., in the CHA's Henry Horner Homes, died after being hospitalized since Jan. 19 from a beating. His 21-year-old father was charged.

SHOHIB UDDIN, 2; ARASK UDDIN, 4

Died Feb. 9.

Shohib and Arask were suffocated by their 48-year-old father, Mohamed Uddin, in their second floor apartment at 5401 N. Rockwell St. He also killed the boys' mother, Fateme Khazai, 42, before killing himself by driving his car into Lake Michigan.

MYKEL SCOTT

Died Feb. 18, age 2.

Mykel, sitting in the back seat of his uncle's car, was hit by a stray bullet at 4851 S. Champlain Ave. and died 12 hours later. At the time, he and four other children were getting a ride home from his cousin's birthday party. In June, police arrested a 17-year-old reputed gang member in the shooting. He was charged with first degree murder.

RAMON ROBERTS

Died Feb. 27, age 1.

Ramon died of injuries sustained three days earlier in his house at 6508 S. St. Lawrence Ave. His 32-year-old father, Samuel Roberts, is charged with murder.

ANTHONY FELTON

Died March 8, age 9.

Anthony, who wanted to be a boxer, was shot to death when a reputed gang member sprayed gunfire at the playground next to the Jenner Elementary School in the Cabrini-Green CHA development. Police charged a 13-year-old and two 17-year-olds with the murder.

VINCENT STUECKLEN

Died March 9, age 2.

Vincent, of 4835 W. Montrose Ave., was allegedly beaten to death by his mother's 26-year-old boyfriend, Edmond DeBock, because he wouldn't stop crying.

TYJUAN COX

Died March 15, age 14.

Tyjuan, a resident of Rockwell Gardens CHA development, died of gunshot wounds sustained 11 days earlier while sitting in a car in the alley at 4227 W. Fillmore St. A 15-year-old, a 20-year-old and a third man are charged with shooting Tyjuan in retaliation for a fight.

SAONNIA BOLDEN

Died March 17, age 2.

Saonnia was allegedly beaten to death by her mother and mother's boyfriend in an apartment at 710 E. 133rd St., in the Altgeld Gardens CHA development. Sadie Williams, 22, and Clifford Baker, 30, allegedly poured boiling water on Saonnia after she wet herself.

LONDON AKINS

Died March 22, age 13.

London was shot to death in his house at 13211 S. King Drive along with his mother, Sheryl Akins, 34.

SHAMIN WATTERS

Died March 23, age 12.

Shamin was stabbed to death during a fight with a 14-year-old girl at 1433 W. 13th St. in the CHA ABLA homes.

RAMAINE HOLIDAY

Died April 7, age 14.

Ramaine was shot to death on a West Side street after arguing with a 25-year-old man over a girl.

RONNELL PATTON

Died April 11, age 14.

Ronnell was shot to death after a fight with two 23-year-olds on the street near his Marquette Park home. Officials charged the two 23-year-olds with first-degree murder.

MARCHELLE GIBBS

Died May 9, age 13.

Marchelle was shot to death near her Evanston home. Edward Roberts, 20, allegedly opened fire on the group of youths Marchelle had been standing with, apparently because of a disagreement over a drug transaction.

BABY GIRL WHITEHEAD

Died May 9, newborn.

An hours-old baby girl was killed in her South Side home. The 19-year-old mother, Tasha Whitehead, was charged.

JASON ALSTON

Died June 27, age 1.

Jason died of a beating received 11 days earlier in a Cabrini-Green apartment. Herman Alston, 34 his father, was charged.

SHARIKA NANCE

Died July 4, age 13.

Sharika, of Waukegan, was shot to death during a quarrel at a 4th of July party in an apartment on the South Side of Chicago. A 22-year-old acquaintance, Everette Crite, was arrested four days later.

MARCUS MILLER

Died July 7, age 14.

Marcus was shot to death just before midnight in the Altgeld Gardens CHA project. A 23-year-old man was charged in August with his murder.

KEVIN MCMILLAN

Died July 25, age 1.

Kevin, of Hyde Park, was beaten to death in an Englewood home. His mother's 19-year-old boyfriend, Keith Reed, was charged.

DOMINIQUE WRIGHT

Died July 29, age 4.

Dominique was shot to death and her mother was critically wounded as they stood on the corner of 75th Street and South Phillips Avenue. Four reputed gang members were charged with the murder. Police say the four were looking for rival gang members who had stolen a gold chain from them earlier in the day.

NATHANIEL WILES

Died Aug. 2, age 14.

Nathaniel was shot to death at 1:40 a.m. in the lobby of a Stateway Gardens CHA building at 3549 S. Federal St.

CIDNEY GAMMONS

Died Aug. 2, age 13.

Cidney, nursing a gunshot wound sustained when he was caught in the middle of a gang shootout the week before, died after being shot again in the hallway of a CHA building at 2931 S. Federal St. An 18-year-old and a 15-year-old were charged.

DÉ MON TOPPS

Died Aug. 17, age 13.

Dé Mon, a crossing guard at Bryn Mawr Elementary School who also worked part-time packing bags at a meat market, was shot on the street in the 1900 block of E. 73rd St. at about 10 p.m. He died the next night.

HOLLY STAKER

Died Aug. 17, age 11.

Holly, of Waukegan, was raped and then stabbed to death while baby-sitting two children three blocks from her home. Police charged 20-year-old Juan Riviera, who was awaiting trial on burglary charges. Rivera was free on an electronic monitoring program.

EDUARDO MENDOZA

Died Aug. 19, age 3.

Eduardo was beaten to death in Highland Park. Officials charged his parents with murder, alleging they beat him repeatedly, possibly because he had vomited and soiled his pants. Eduardo's parents, who brought the child to the hospital, claimed his body was covered with bruises because he fell off a tricycle.

ARLENE OSUNIA

Died Aug. 24, age 14.

Arlene was hit by a bullet just after midnight on the street at 4004 No. Greenview Ave. as she entered her mother's car. She died 12 hours later. a 3-year-old and a 15-year-old were charged.

COMMANDOR DAVIS

Died Aug. 25, age 13.

Commodor was shot to death just after 10 p.m., when three men opened fire on a group of teenagers standing at 1208 N. Mayfield Ave. Tarius Washington, 19, was charged.

LINDSEY MURDOCK

Died Aug. 30, age 6.

Lindsey was raped, stabbed, beaten and strangled in a garage at 107th and State Streets. Mark Maxson, a 31-year-old ex-convict who told police he had bought Lindsey a bag of potato chips, was charged with the murder three days later.

ERNEST KELLY

Died Sept. 6, age 8.

Ernest was hit by a stray bullet as he played in his yard at 5442 W. Rice St., during the afternoon. He died the next day. A 22-year-old man, Anthony Washington, was charged with murder.

TAMARA HAMILTON

Died Sept. 9, age 1.

Tamara was beaten to death in her apartment at 3317 W. Beach St. Yolanda Young, 21, was charged.

NEIL MADDOX

Died Sept. 11, age 11.

Neil, while walking to his grandfather's house on Sept. 9, was caught in gang crossfire just after 10 p.m., on the street at 8641 S. Aberdeen Ave. A 14-year-old was charged.

JASON HOUSE

Died Sept. 16, age 14.

Jason, playing near his house with several friends, was shot to death at 4 p.m. on the street at 10235 S. St. Lawrence Ave. Two teenagers were charged.

JEROME FRANKLIN

Died Sept. 21, age 1.

Jerome was beaten in a Stateway Gardens CHA Apartment. His father, Jerome Franklin, was charged.

JORDAN JONES

Died Oct. 1, age 1.

Jordan was beaten to death in an apartment at 5959 S. Morgan St. His father, Reginald Jones, 21, was charged after he could not explain how Jordan was hurt.

ISSAC ZIEGLER

Died Oct. 1, age 9.

Issac, while sitting on his front porch at 824 N. Ridgeway Ave., was hit by a stray bullet from a shootout between a group of youths and a passing car. He died a day later.

BABY BOY KELLER

Died Oct. 8, newborn.

Kimberly Keller, 19, was charged with using scissors to stab her newborn son to death only moments after he was born at her home, 10441 S. Cottage Grove Avenue.

JOHN AND JESSICA GEVAS

Died Oct. 8, age 9 months.

The West Suburban Riverside twins died after their father allegedly threw them against a wall, reportedly because they were crying. Their father, 27-year-old David Gevas, was charged with murder.

DANTRELL DAVIS

Died Oct. 13, age 7

Dantrell, walking with his mother across a parking lot to Jenner Elementary School, was shot by a sniper in Cabrini-Green. A 34-year-old reputed gang member has been charged with 1st degree murder.

VANESSA JOHNSON

Died Nov. 2, age 2

Vanessa was allegedly beaten to death in her Englewood house. Her parents, David Johnson, 20, and Latonya Christian, 19, were charged.

CAIRA JOHNSON

Died Nov. 8, age 17 months

Caira had been hospitalized since Sept. 7, 1991 with head injuries suffered at her home in North Lawndale. Caira's 22-year-old father was charged with attempted murder and aggravated battery in the case. He was acquitted of those charges in a bench trial. The case remains classified as a homicide by police.

DERRICK ARMSTRONG

Died Nov. 15, age 13

Derrick was shot in the back of the head about a block from the Austin Police Station, where he and a cousin had just posted bail for a friend. He died the next day in Cook County hospital.

BABY GIRL STREJC

Died Nov. 17, newborn

Donna Strejc, 24, was stabbed in the chest just after 5 a.m. on the city's West Side. Afterwards, she gave birth prematurely to a baby girl at Mt. Sinai Hospital. The baby died about 20 minutes after being born. Michael Baker, 30, was charged with intentional homicide of an unborn child and also with first-degree murder.

QUINCY SANDERS KING

Died Nov. 21, age 17 weeks

Quincy was beaten to death in his Waukegan home. Police say his mother's boyfriend, 30-year-old Lorenzo Ellison, shook the baby until he died.

TAYLOR BRIANA HUGGINS

Died Nov. 24, age 7 weeks

Taylor, left with her father for the night was beaten to death and found the next morning on her mother's front porch in Englewood. The 15-year-old father, a student at Tilden High School, was charged.

GABRIEL MARTELL

Died Dec. 10, age 10.

Gabriel, riding in his father's car, was shot in the head and killed by a reputed gang leader. Police say his father had been looking for a parking space so Gabriel could play in the winter's first snowfall. A 24-year-old was charged with the murder.

MAKITA BURROW

Died Dec. 10, age 4 months.

Makita, of 2710 W. Ogden Ave., died after being shaken to death in a CHA apartment at 5135 S. Federal. The 22-year-old boyfriend of her mother was charged.

SHAHON MIGHTY

Died Dec. 13, age 8 months.

Shahon, of south suburban Matteson, died after a beating. His mother's boyfriend, Andrew Driver, 21, was charged with murder.

JERRY COOPER

Died Dec. 15, age 3 months.

Jerry died after a beating in an apartment at the Robert Taylor Homes CHA development. The baby's 27-year-old aunt was charged with murder.

ANDRE HARDING

Died Dec. 22, age 2.

Andre died on the Far South Side as the result of a severe beating, allegedly at the hands of his 29-year-old uncle, Van Dyke Johnson. Johnson had taken Andre to the hospital, where he told officials that the baby had hit his head on the bathtub.

LAWANDA WIGGINS

Died Dec. 27, age 8 months.

Lawanda was beaten to death, allegedly by her mother, Linda, 31. In a statement to police, the mother said that she and Lawanda slept in the same bed, and that she became angry when her daughter wouldn't stop crying and go to sleep.

ALVIN GILMORE

Died Dec. 28, age 14.

Alvin was hit by a stray bullet while he was visiting his grandmother on Dec. 26 at her South Side CHA apartment. The bullet was fired, police said, by Lamonte Lake, 28, the brother of a woman who was involved in a dispute with another woman.

EDITORS' NOTE

A society can be fairly judged by how it treats its children. Caring for and guiding them to maturity is its most essential work, for they are the means by which it survives.

By this measure, something has gone terribly wrong in our own community. In appalling and unprecedented numbers, the children are being killed.

During the next year, the Tribune will not let the murder of a single child in our metropolitan area go unnoticed. It will document every one, both to accord the loss of each young life the significance it deserves and to see if detailed knowledge can bring an end to the escalation of violence against those we all have the greatest duty to protect.—THE EDITORS.

[From the Chicago Tribune, Jan. 3, 1993]

A RECORD WRITTEN IN BLOOD

There are some records one prays will never be broken. Certainly, the record murder rate for Chicago, established in 1991, was one of them. But when 14-year-old Alvin Gilmore died last Monday night, that record was smashed.

Alvin was Chicago's 928th homicide victim of 1992. Particularly tragic is that he was one of 57 children under the age of 15 who were murdered in the Chicago area.

In today's news pages, the Tribune launches a reporting project that will detail the murders of all children in 1993 in the Chicago area, and will examine the causes and effects of violence against children.

By itself, however, the shooting of Alvin Gilmore tells a significant part of the story behind the startling rise in killings in America.

What ended in Alvin's death began as a petty spat between two neighbors. The argument escalated into a street fight that drew in their families and friends, and somebody reached for a gun.

Alvin wasn't involved in this feud. He was standing in his grandmother's kitchen when a stray slug—one of 16 bullets shot rapid-fire from a 9 mm semiautomatic pistol—came through a window and struck him in the head. Alvin Gilmore, a high school freshman who had saved his own money to buy Christmas presents for his family, would not have died except for the ready presence of a handgun.

Nationally and locally, firearm deaths represent 70 percent of all murders, and their increase in number accounts for the entire rise in homicides in recent years.

A day after Alvin's death, federal officials reported the happier news that traffic deaths are dropping dramatically nationwide—so much so that, if present trends continue, it will be only a few years until homicides exceed traffic fatalities in the U.S. (This is already so in Chicago, where the number of murders in 1992 was four times the number of traffic deaths.)

That's if present trends continue. They don't have to. Just as Americans energized themselves to curb drunk driving and other traffic dangers, the nation must mobilize to stem the deadly menace posed by the proliferation of guns, gangs and drugs.

Nationwide restrictions on handguns and concealable assault weapons are imperative. Just as critical is concerted action to defuse the volatile mix of gangs, drugs, poverty and deepening social isolation—the crucible for so much of the violence.

President-elect Bill Clinton must give urgent attention to his pledge to help desperate urban communities—not with massive 1960s-style handouts, but with policies and incentives that create jobs and train workers, that upgrade schools and expand early-childhood education, and that promote family formation and stability. He also should shift some resources from the Sisyphan effort to stem drug production and trafficking in other nations to more drug treatment and education in this country.

Mayor Richard Daley must press ahead on stalled plans to initiate community policing projects while revamping the city's gang crime-fighting effort. He has to exert leadership on behalf of Chicago's drifting school and recreation systems, and he needs to encourage more preventive intervention programs such as a recently launched city-state pilot program to assist young gang members and troubled families.

But violence is not confined inside the city limits. Even if gangbangers aren't already hanging around outside your front door, the enormous costs of violence are coming in through the back—in soaring bills for law enforcement, medical care, education and child welfare.

And if the nation continues on this brutal course, behaving indifferently to the killing of innocents, America will suffer a loss of moral character that would be incalculable but devastating.

Alvin Gilmore and 56 other Chicago-area children last year paid for such indifference with their lives. But we are all paying a terrible price.

Mr. DODD. Madam President, in that first article, the Chicago Tribune details 57 child victims of 1992 in the Chicago area. To read even these brief descriptions of age and circumstances of death is to be rocked on one's foundation at the horror of a society where mothers and fathers murder their own babies, and an 11-year-old girl is raped and stabbed to death while babysitting two blocks from her suburban home.

Clearly, Madam President, we must work so much harder to prevent child abuse and to intervene effectively in high-risk situations. Nearly half of the 57 dead youngsters were killed by relatives or caretakers in the Chicago area; and all but 1 of those 26 children died of physical abuse. More than half of the 57 victims were under the age of 4, Madam President—like the 9-month-old twins killed when they were thrown against a wall of their home in an affluent suburb—not a public housing project, but an affluent suburb. They were thrown against the wall. Their father is charged with those murders.

Nationwide, child abuse fatalities have increased nearly 50 percent since 1986, according to the National Committee for Prevention of Child Abuse. In 1992, 84 percent of those victims were under the age of 5, and 43 percent were under 1 year old.

Recently in the Washington area, there were two such deaths: An infant died of starvation in April, and the child's mother is charged with killing him. In another case, a bruised 2-year-old was reported to Child Protective Services by his babysitter, but despite the parents' admission that the bruises were inflicted as a disciplinary action, the child was returned to his family. Three weeks later, he was dead. His stepfather is charged with having beaten him to death.

Early intervention can make a big difference in these outcomes. In March, we introduced legislation, the Child and Family Services and Law Enforcement Partnership Act. I am sorry about the length of that title. Sometimes titles can cause one's eyes to glaze over, but that is what the legislation tries to do. The Child and Family Services and Law Enforcement Partnership Act would allow law enforcement officials to work with child mental health professionals so that every child exposed to violence can be referred for immediate assessment and intervention. The model for this legislation is an existing partnership between the Yale Child Study Center in New Haven, CT, and the New Haven Police Department.

In New Haven, the combined efforts of the police, who are developing a community policing approach, and mental health professionals committed to helping the police in this effort, have resulted in an extremely fruitful coalition capable of identifying high-risk children and families and helping them obtain services.

This program is working, Madam President. I think we ought to try and draft legislation around here based on things that are working. This effort is working in New Haven, CT. It is making a difference.

On Monday, I will be attending a conference at Yale focusing on youth violence and community policing. Participants will include the chiefs of police from many major cities around the country, including New York, Washington, Houston, and Atlanta, as well as the "dean of community police," Dr. Lee Brown.

By extending the reach of mental health services and law enforcement, by identifying and referring high-risk children and families early, such a program can potentially relieve our beleaguered child welfare services.

Protective services agencies are simply overwhelmed by the number of child abuse cases and shortage of trained staff. In recent data from 19 States, the national committee found 40 percent of children confirmed by child protective services as abused or neglected received no further intervention. Imagine that. Forty percent of the children who had been confirmed by child protective services, as abused or neglected received no further intervention, representing an 18-percent decline since 1990. Nearly half a million cases of abuse confirmed by protective services received no therapeutic or supportive followup.

In its 1993 report, "The Continuing Child Protection Emergency: A Challenge to the Nation," the U.S. Advisory Board on Child Abuse and Neglect stressed how critical it is in these tight financial times to fund the Child Abuse Prevention and Treatment Act, which Congress passed last year. The board cited the substantial savings of effective prevention and intervention over the cost of waiting to treat the results—physical injury, disability, death, mental illness and criminal behavior.

The Board called upon legislators of both parties to provide funding for existing programs, at the least, and to increase our legislative efforts to provide innovative strategies for early intervention. When we fail to prevent abuse today, tomorrow we have more violent adults. That is not guesswork. That is a fact. We know that now. Being abused or neglected as a child increases the likelihood of juvenile arrests by 53 percent, adult arrests by 38 percent, and arrests for violent crime by 38 percent. At least 84 percent of prison inmates were abused as children, about half of the men who abuse their wives were abused as children, and two-thirds came from violent childhood homes. That is not guesswork. That is data, hard statistics of what is occurring in this country.

The Tribune article reports multiple deaths caused by street violence, most of them gun related. Some of them were random shootings, and others are gang or drug-involved. The connection between these deaths and those with physical abuse and neglect is clear. As the Advisory Board on Child Abuse and Neglect has concluded: Both represent the "unraveling of the social fabric" of America.

The Tribune article illustrates this connection with alarming clarity, Madam President. A 15-year-old was convicted of involuntary manslaughter in the drowning of her baby girl moments after giving birth in a bathroom—a case that speaks powerfully of the complicated issues surrounding teen pregnancy. Many youngsters simply are not equipped to handle this responsibility, with tragic consequences. Too often, young parents fail to realize how fragile an infant is, so that many infant deaths result from shaken baby syndrome, as it is called.

Such cases are testimony of the need for education of young people in child development and parenting. We must work to make that a part of our school curriculum. But the problems require multiple solutions, Madam President: Early intervention programs like Head Start, conflict resolution and mentoring, drug and alcohol prevention, job training, referral services, gun control laws. The list goes on. We must work with the administration and our colleagues here to be sure that these measures begin now, and to try to build a consensus. Let us get about the business now of trying to frame legislation here that begins to make a difference, not further down the road when our youth—and with them our democracy—are lost forever.

Here at the end of the 20th century, 50 years after the Holocaust, we must remember the lessons of Nuremberg and protest this outrageous waste of young lives, or to paraphrase a famous quote: To sin by silence will surely make cowards of us all.

Madam President, I hope other publishers and broadcasters will follow the Chicago Tribune's lead in taking responsibility for raising public awareness about the murder of America's children. Madam President, I do not like citing these particular cases. Some are rather rough and gruesome, but I know of no other way to get people's attention. Just quoting statistics, as I have done in some of these instances here, does not make the point. I think we have to talk about those specific cases, to try to raise the level of awareness and awaken people in the country to the importance of this issue. It gets worse by the hour. We are losing our kids. We are going to lose our country if we do not put more emphasis and attention on these matters.

I hope, again, that broadcasters and others will follow the Chicago Tribune's lead. I hope in the process, as we go through this legislative effort here this year, we will remind ourselves—regardless of party or partisanship—that we all bear a common responsibility and burden to try to relieve the agony and pain of child abuse and violence that is raging on the streets of America.

Madam President, I yield the floor.

IRRESPONSIBILE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress, both the House of Representatives and the U.S. Senate. So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional responsibility and duty of Congress to control Federal spending.

Congress has failed miserably for 50 years. The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,240,752,224,351.55 as of the close of business on Tuesday, May 4. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,510.04.

FIREARM VICTIMS PREVENTION ACT

Mr. MATHEWS. Mr. President, I rise this morning to urge my colleagues to support Senate bill 868, the Firearm Victims Prevention Act, which was introduced Tuesday by our associate from Washington State, Senator PATTY MURRAY. I am proud to be an original cosponsor of this important legislation. In joining Senator MURRAY, I would be remiss if I did not thank her for addressing this problem in our communities and States. The recent catastrophe in Waco, TX, that resulted in so many deaths, including four law enforcement officers, is tragic evidence of what happens when assault weapons are taken up by the wrong hands.

Mr. President, every day in America over 60 people are killed with firearms and many more are wounded. Every day, America's future dims because 14 children die from gunshot wounds. Our streets and schools are becoming militarized zones.

In my own great State of Tennessee, there were 263 people killed by firearms in 1991; hundreds more were wounded. In that same year, there were a reported 5,317 incidents of aggravated assault with a firearm.

My generation may well be the last that can remember a time when streets were free of automatic weapons. Our grandchildren are growing up with the perception that America is an armed camp and they are scared. It is time to take action.

The Firearm Victims Prevention Act will do more than just discourage easy access to assault weapons and guns. It uses the revenue from an increased tax on the sale of firearms and ammunition, and revenue from an increase in Federal license fees, to establish a health care trust fund. The fund will offset the rising public cost of providing medical care to gunshot victims.

The physical scars of gun violence are evident on the bodies of survivors. What is less obvious is the damage that we are doing to our society. We keep alcohol and tobacco out of the hands of children. We should feel determined to do as much with deadly weapons. Kids are killing kids. Students carry guns to school and fatally shoot each other in rising numbers every year. Drive-by shootings have become a regular feature on our nightly news. The trauma centers of our Nation's hospitals are overwhelmed by the numbers of victims with injuries from the high-velocity bullets of automatic weapons, wounds that are compared to those seen on battlefields. The American Medical Association estimates that the cost of treating an injury from an assault weapon can range from $15,000 to $20,000, rising to as much as $150,000 if intensive care is required.

The Firearm Victims Prevention Act will limit access to assault weapons by making them more expensive. More importantly, the bill will generate funds to meet the rising cost of health care for firearm-related injuries.

Mr. President, I encourage my colleagues to support this important legislation. I thank you for the opportunity to speak today.

CARLETON PROF. STEVEN E. SCHIER ON PRESIDENT CLINTON'S BUDGET: "WE ARE ABOUT TO SQUANDER A HISTORIC OPPORTUNITY"

Mr. DURENBERGER. Mr. President, last week marked 100 days since President Clinton assumed office.

I have great regard for the President as a human being and great respect for him as a politician. We have only one President at a time and we must look to him for leadership.

So I continue to be terribly disappointed by the policies he has been pursuing, especially in the economic sphere. The President was elected to bring about change, but he is pushing the same old tax-and-spend policies we might have expected from Lyndon Johnson or Jimmy Carter. And the results, I fear, will be the same: inflation, slow growth, scant—at best—progress in bringing down the deficit, and no progress at all on the debt.

The President simply must reconsider the premise of his economic plan, which relies so heavily on tax increases and only nominally—in the so-called out years—on reducing increases in spending.

In last Thursday's Saint Paul Pioneer Press, Carleton College political science Prof. Steven E. Schier hit the nail on the head by saying that the President has "reneged on any serious attempt at deficit control." He notes that the administration has (a) "adopted optimistic economic assumptions", (b) "achieves its deficit reduction through * * * unspecified savings that they have not been able to identify yet"; (c) "pushes domestic spending over the spending caps passed * * * in 1990"; (d) postpones spending cuts while imposing large increases in taxes and spending up front; and (e) ignores health care reform.

Well, that about sums up the problems I and many others have been pointing out about the administration's plan. I am grateful to Professor Schier for his cogent comments, and I hope that my colleagues on both sides of the aisle will take it to heart.

Mr. President, I ask unanimous consent that the article to which I have been referring be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press, Apr. 29, 1993]

SO FAR, CLINTON JOINING PREDECESSORS IN NEGLECTING NATIONAL DEBT

(By Steven E. Schier)

Future historians will mark April 8, 1993, as a day of infamy in the fiscal history of the United States. For on that day, Bill Clinton, in revealing in detail his budget, reneged on any serious attempt at deficit control.

In so doing, Clinton joined predecessors George Bush and Ronald Reagan as a major contributor to continued large national deficits.

Unless Clinton has a fiscal conversion on the scale of Paul on the road to Damascus, the deficit will continue at unacceptable levels, dimming our nation's future.

By spending more than we raise in taxes during the 1990s, we ensure a monstrous fiscal crisis in 20 years when the baby boomers retire. The taxpayers of 2013 will either have to fork over exorbitant payroll taxes, or Social Security and other mandatory spending programs must be slashed dramatically.

Several specific failings of the Clinton budget point to this conclusion. In four important ways, Clinton is mimicking the worst budget behavior of his predecessors.

First, like Reagan and Bush, Clinton's administration has now adopted optimistic economic assumptions that shrink the size of the deficit like magic.

In his economic address Clinton pledged, unlike his predecessors, to use the figures of the Congressional Budget Office in preparing his forecasts. But, like many of his promises, this one too has fallen. The results are deficit projections that are almost $50 billion less than those of the more reliable CBO.

The Clinton administration accomplished these phony savings by assuming that the inflation rate, now running toward 5 percent, will average no more than 2.8 percent over the next six years. If this does not occur, and the chances are it won't, the deficit will be closer to CBO projections.

Even by the administration's rosy numbers, the deficit will not be halved in four years, as Clinton promised throughout the campaign.

Second, like Reagan and Bush, the Clinton administration achieves its deficit reduction through $67 billion in "unspecified savings" that they have not been able to identify yet, but plan to work out with Congress. Reagan and Bush both relied on this fiscal evasion, and when they did not specify savings, the savings often didn't happen. Chances are that will be the result this time.

Clinton's vagueness on this is particularly striking, given that earlier this year he demanded that his opponents come up with specific "dollars and cents" alternatives. He has failed to do the same.

Third, the Clinton budget pushes domestic spending over the spending caps passed by Congress in 1990 and reaffirmed last month. Just as Bush and Reagan preferred low taxes to deficit reduction, Clinton prefers domestic spending to lower deficits. Fiscal irresponsibility comes in many varieties.

Fourth, 80 percent of the spending cuts occur in the last two years of the president's economic program. Clinton wants large increases in taxes and spending up front, with the promise of fiscal control later. Reagan promised large tax cuts first, and spending control later, and we all know what happened.

When Congress passed Gramm-Rudman-Hollings in 1985, it accepted large deficits in the first year and promised real discipline later. The lesson: Later never comes. Clinton should know better.

Finally, the costs of the mammoth health care reform, now contemplated by the administration, are not included in the budget statement. The likelihood is that the reform will initially skyrocket national spending, with any savings from the change occurring only after many years. Placing this burden on top of the tottering deficit of the Clinton budget seems a prescription for fiscal disaster.

Since 1981, Congress has usually been more interested in deficit reduction than the White House. Congress, however, cannot lead. The record since 1981 indicates that, at best, it can take only modest steps toward budget balance beyond the outline proposed by the president.

Presidential leadership is the absolutely vital ingredient in deficit reduction. Reagan and Bush didn't provide it. And so far, neither has Bill Clinton. We are about to squander a historic opportunity.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. LIEBERMAN). Morning business is closed.

LOBBYING DISCLOSURE ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 349, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lautenberg amendment No. 347, to express the sense of the Senate that the Senate should limit the acceptance of gifts, meals and travel by Members and staff.

Mr. STEVENS. Mr. President, let me first thank the majority leader for his kindness and for the remarks he made concerning the delay of this bill.

I did return last night with five other Senators from a trip looking into the Bosnia situation and into the problems that we have in Russia, as part of the Senate arms control oversight group.

We did have a very good visit. It was necessary for us to go at a time that we were allowed to enter the countries that we visited.

But I just want to say right now that I am grateful to the Senator from Michigan for his willingness to delay this matter until I could return, and to the majority leader for his comments.

AMENDMENT NO. 348

(Purpose: To provide for transitional filing requirements in implementing the disclosure of lobbying activities, and for other purposes)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 348.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 19, at the end of line 16, strike out "and".

On page 19, at the end of line 20, insert "and".

On page 19, between lines 20 and 21, insert the following:

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

On page 20, line 22, strike out "and other means" and insert in lieu thereof "or other transmittal in a form accessible by computer".

On page 21, line 2, strike out "2 working days" and insert in lieu thereof "3 working days".

On page 37, insert between lines 11 and 12 the following new section:

SEC. . TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to the provisions of subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this Act.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 6(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 6(b)(11) on the effective date of this Act, or as soon thereafter as reasonably practicable.

Mr. STEVENS. Mr. President, this is an amendment that we call the simultaneous filing amendment. I am really offering it on behalf of the management of the Senate, as a member of the Rules Committee.

One of the provisions of this amendment will require lobbyists to file duplicate copies of their registration and subsequent reports in three locations—the new Office of Lobbying Registration and Public Disclosure, the Office of the Secretary of the Senate, and the Office of the Clerk of the House—until such time as computer communications between those three offices is established.

I appreciate the willingness of the Senator from Michigan to help address this problem. The Clerk of the House and the Secretary of the Senate have received, managed, and made available lobbying registration and reports since 1946. Both Offices have provided prompt availability of information to Members, the public, and the press. In order to continue to do so, they have purchased and have in place a $1.4 million state-of-the-art imaging technology system which improves our access to that information.

My intent is to continue that until the full organization under the proposal of the Senator from Michigan is in place.

The important intent of the bill that is before us is to provide one-stop shopping for lobbying registration information. I think that is very laudable and it is technologically possible.

However, under the provision of this bill, the new office within the Department of Justice is required to begin receiving filings 1 year after the date of enactment of the bill. The startup organization for this new responsibility will take time and it will take financial resources.

The language requiring simultaneous filings in three locations to me is a reasonable arrangement to allow the Department of Justice to really get up to speed to handle this new responsibility and, at the same time, continue to allow the public, the press, and Members of Congress the information that is already in place, both in the House and in the Senate.

I believe my friend from Michigan has agreed to this amendment. As I say, I am really offering it on behalf of both the Secretary of the Senate and the Clerk of the House.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, indeed we do accept this amendment. It is a very useful amendment. It makes a constructive change in this bill.

The reason is that under the bill, before the amendment, lobbying registrations and reports would be filed in a new Office of Lobbying Registration and Public Disclosure. Under the current law, the reports are filed with the Secretary of the Senate and the Clerk of the House, as the Senator from Alaska said.

There are a lot of reasons for giving the responsibility of receiving these reports to a new Office of Lobbying Registration, including the following: Effective enforcement is possible through an executive branch agency; binding guidance and regulations can be issued only by an executive branch agency; and multiple filing points create needless paperwork and confusion.

However, until there is a computer connection, a telecommunications system in place so that the reports that are filed over at the new office can simultaneously be obtained through that communication system by the Secretary of the Senate and the Clerk of the House, we have a disconnect of two very important and critical points for the availability of this information. So the Secretary of the Senate expressed a concern it would take more than a year to get that telecommunications system in place, and asked the reports continue to be filed at his office until such time as computer telecommunications are available.

The amendment of the Senator from Alaska would adopt a multiple filing requirement as an interim step, until such time as the Office of Lobbying Disclosure is able to provide copies of registrations and reports by telecommunication computer to the Secretary of the Senate and the Clerk of the House.

It is my hope the telecommunications system will be in place at the time the act becomes effective and that multiple filings will not be necessary. However, there is no assurance that this is going to be true, as the Senator from Alaska very properly points out. His amendment would avoid any gap in that communication system in the event it is not in place. It would avoid a gap in the information availability if the computer system is not in place.

It is a useful amendment, and we do accept it.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. STEVENS. I yield my time.

Mr. LEVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 348) was agreed to.

Mr. STEVENS. Mr. President, I do have another concern about this bill, that the bill provide a level playing field for various types of lobbyists. At the committee markup of the bill, I asked the Senator from Michigan a series of questions on this issue and I would like to ask those questions again so there will be a clear record of what is intended by the committee and those of us who manage this bill, to be achieved by this bill.

First, let me ask my friend from Michigan, does this bill cover lobbyists for nonprofit corporations like Common Cause, the Friends of the Earth, and the Audubon Society?

Mr. LEVIN. Yes, it does. It covers nonprofit organizations the same as it does everybody else.

Mr. STEVENS. Mr. President, I thank the Senator for that response. I think there should be a level playing field and it should apply to every entity in a fair way.

I am an attorney. We are both attorneys. I would like to talk a moment about lawyers. I am all for having disclosure by lawyers who are paid lobbyists, but what about in-house lawyers, particularly those for nonprofit corporations? Do their activities have to be disclosed also?

Mr. LEVIN. Yes, they do.

Mr. STEVENS. And they will have to register?

Mr. LEVIN. Yes. If they are paid to lobby, they will have to register. If they are paid to lobby, regardless of whether they are with a 501(C)3 organization or anybody else.

Mr. STEVENS. I am talking bout a lawyer paid to lobby for a nonprofit corporation.

Mr. LEVIN. Yes. If they are paid to lobby, they have to register under these provisions.

Mr. STEVENS. Let me ask about that in-house lawyer again, the in-house adviser. If a lawyer who is hired by Exxon comes in here to represent his corporation, either that corporation or the lawyer has to register and disclose the lobbying activities; is that correct?

Mr. LEVIN. That is correct.

Mr. STEVENS. Then a lawyer who comes in for the Wilderness Society and is an employee of the Wilderness Society and is hired by them will have to disclose and register in the same manner?

Mr. LEVIN. Correct.

Mr. STEVENS. What about those who are not lawyers? There are many people, a lot of people who are business consultants, advisors, or involved in various other activities for for-profit and nonprofit corporations.

Those people who come to lobby, are they going to be required to register in a similar manner?

Mr. LEVIN. Yes; anyone who is paid to lobby has to register.

Mr. STEVENS. So the Senator's clear intent is that any person, regardless of attorney/client relationship or any other relationship, trustee arrangement—whatever it might be—any person who is paid to lobby will have to register under this act?

Mr. LEVIN. Anyone who meets the test and is paid to lobby must be registered.

Mr. STEVENS. I thank the Senator. Those are the same answers the Senator from Michigan gave in the committee. I am pleased he has taken this forthright position.

Mr. President, I move to reconsider the vote on the amendment.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, if I may make a unanimous consent request here? I ask unanimous consent Senator FEINSTEIN be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, this Senator is a cosponsor of the bill; correct?

The PRESIDING OFFICER. The Chair advises the Senator from Alaska that he is a cosponsor of the bill.

Mr. STEVENS. I thank the Chair.

May I ask my friend from Michigan, are we prepared to go now into the amendment which we do have a little disagreement on?

Mr. LEVIN. Mr. President, I am prepared.

AMENDMENT NO. 349

(Purpose: To require the disclosure of the names of persons who provide funding for lobbying activities)

Mr. STEVENS. Mr. President, I want to talk now a little bit about disclosure of the source of funds to lobby. I have an amendment I want to offer, but it may be during the course of our conversation that the Senator from Michigan and I may want to amend that. I will send the amendment to the desk. I may ask to amend it later.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 349.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 13 strike "and".

On page 2, line 18 strike the period and insert in lieu thereof ";".

On page 2, between lines 18 and 19, insert the following new findings:

(4) identification of persons who contribute significant amounts ($500 or more during a six-month period) to persons or entities that employ lobbyists will further the important public purpose of enabling Federal legislative and executive branch officials and the public to evaluate positions that are advocated by lobbyists in light of the interests of persons or entities that may benefit from acceptance of those positions, without impinging on the first amendment rights of persons or entities who do not support lobbying activities to such a significant extent; and

(5) as required by the Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1975), this disclosure requirement is narrowly limited so that the information required has a substantial connection to the governmental interest sought to be advanced and is a reasonable and minimally restrictive method of furthering first amendment values by opening the processes of lobbying activities to public view.

On page 12, strike lines 7 through 14 and insert in lieu thereof the following:

(3) the name, address, occupation, and name and address of the employer of any person or entity, other than the client, that has contributed $500 or more to the client during the preceding semiannual period;

Mr. STEVENS. Mr. President, the position of those of us who have sponsored this bill is that our Government has the right to require public awareness of efforts by paid lobbyists, and the disclosure of their clients, as they attempt to influence the public decisionmaking process of our Government.

I think this bill does that, and that is clearly the intent, I believe, of the Senator from Michigan.

It is my position that, if responsible government requires that disclosure, then the disclosure of significant contributions to pay for that lobbying is equally necessary.

Further, it is my judgment, as currently drafted, this bill will require the disclosure of the persons or entities who contribute to the lobbying effort, but only those who meet a very strict test. It is a three-pronged test.

To be disclosed under this act, a person or entity would, first, have to contribute more than $5,000 during a 6-month period; second, would have to significantly participate in supervising or controlling the lobbying activity; and third, have a direct financial interest in the outcome of the lobbying activity.

Again, let me go over those. First, they would have to contribute more than $5,000 during a 6-month period. That is a significant amount of money. Second, a person would have to significantly participate in supervising or controlling the lobbying activity; in other words, silent partners are not going to be disclosed. And, third, would have to have a direct financial interest in the outcome of the lobbying activity, not a personal interest, not a philosophical interest, but a direct financial interest in the outcome of the lobbying activity.

With due respect to my friend, I think that is too narrow. The language really ends up with a very small disclosure of who the monkeys are in this process. I remember distinctly so many times, in my time in law school, I had a professor who used to always talk about, be sure you know the difference between the monkey and the cat's paw because it is not enough to have the cat be the guilty person; you have to find out who the monkey is. If that cat is going to pull the chestnuts out of the fire, he is running the risk of getting burned, but the person who started the whole process is the monkey who has hold of the paw.

In these circumstances, these monkeys are going to be pretty stealth monkeys because they have to put up more than $5,000, they have to directly participate in the management of the lobbying, and they must have a financial interest in the outcome of the lobbying.

The amendment I have just sent to the desk would require disclosing the name and address of persons or entities who contribute $500 or more, who are lobbyist's clients, during any 6-month period. I think it is important that we know where the money comes from. It would be possible to have one corporation just decide that all of its 300 executives would put $4,500 into a lobbying effort and no one would ever be disclosed. Similarly, you could have any group of people get together and decide no one is going to have to contribute more than $5,000 to this, and there would be no disclosure at all. With due respect to my friend, $5,000 is too great.

But beyond that, the real problem is, in my judgment, the motivation behind lobbying comes from the person who finances it. The person who is going to lobby normally would be an attorney or a consultant, a Government expert. We know who they are. Disclosure of them is really no news to anybody, including the press. You can walk down the hallway to the Finance Committee any time—Senator DOLE calls that Gucci Row—you can see them. You know who is going to be out there lobbying when the tax bill is before the Finance Committee.

But the question is, who pays them? This disclosure is going to be very narrow, and I think it is important for the public. More important, it is important for us as Government officials to know who really is behind this lobbying effort.

I think there is massive money in lobbying campaigns. It involves a lot more than just coming to us. In my judgment, lobbying starts out there where people start trying to manipulate public opinion through enormous expenditures in terms of public relations firms, in terms of hiring people to go talk to State legislators and people in our districts or States. Lobbying today is a very, very complicated process and one that takes a great deal of money.

I, in this amendment, ask the Senate to make two new findings to show the compelling public and governmental need for the information. First, that disclosure will "further the important public purpose of enabling Federal legislative and executive branch officials and the public to evaluate positions that are advocated by lobbyists in light of the interests of the persons or entities that may benefit from acceptance of those positions"; and that, secondly, the "disclosure requirement is narrowly limited so that the information required has a substantial connection to the governmental interest sought to be advanced and is a reasonable and minimally restrictive method of furthering first-amendment values by opening the processes of lobbying activities to public view."

Those are restrictions that I believe are necessary to deal with the problem of the Supreme Court case in Buckley versus Valeo, and, I might say parenthetically, Mr. President, I was a member of the conference committee that approved the bill and brought the bill to the Senate. It was ruled unconstitutional in the Buckley versus Valeo case. We did not expect that decision and have always regretted that the Supreme Court did not allow us back then to put into effect a way to really try to manage the financing of our campaigns.

But in the course of that decision, the court acknowledged that there are Government interests sufficiently important to outweigh the possibility of infringement on first-amendment rights, particularly when the free functioning of our national institutions is involved.

I can think of no greater free function than the right of a free people to govern themselves. Basically, we are part of that process, and the right of our people to petition Congress is specifically guaranteed by the Constitution.

There are some people who want to bring into that right to contact and petition the Congress the right to hire someone else to do it and to go one step further and say that you can contribute money in any indirect way to lobby the Congress and not have to be known for that activity. In my judgment, it is one of the most important things we can do, to guarantee that the people of the United States know who is paying for the process of influencing legislation.

In the NAACP versus Alabama Supreme Court case, the Court stated that there must be a relevant correlation or a substantial relation between the Government interests and the information required to be disclosed.

My amendment, I think, is fairly narrow. The requirements of this amendment are not restricted to Americans who contribute. Foreign entities, individuals who contribute $500 or more in any semiannual reporting period would be disclosed as well. It is part of the public's right to know where the money is coming from in a lobbying effort. I do not care if the Government of Mexico or a Mexican businessman or any other—and I am not picking on any country—any other foreign entity, be it official or private, wants to have a campaign to influence us, for instance, on NAFTA. That is a good example right now. Who is paying for that? It is not who comes in to see us.

I might say, the Senator from Michigan had an amendment adopted in my absence that I am still trying to understand. It is an amendment that deals with the question of disclosure inferentially. It was his amendment No. 344, and it requires that:

> Any person who makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact, state whether such person is registered under this act and identify the client on whose behalf the lobbying contact is made.

I think that is a step in the right direction.

It says if we ask somebody who they are lobbying for they will tell us who the client is.

My amendment would go further and really say not only who the client is but where did the money come from.

I think there are probably some problems about what is going to be disclosed in terms of lobbying also, because I think this bill means that the lobbyist here in Washington who pays for the cab to come up to the Hill and maybe expends some money making charts and gets his own salary is going to be disclosed. But I am not sure they are going to disclose the money that was spent in Alaska or California or Michigan or anywhere else in the country in order to whip up public opinion on their side, and really it was part of the lobbying campaign; where it was started was right out in the grassroots.

I think we have a right to know who is financing these lobbying efforts. I do not care whether it is the Chamber of Commerce or the public citizen organization. The public ought to know who is financing the lobbying efforts on mining law, the American Mining Congress, Sierra Club, or is it contributions to either one, who made the contributions in order to deal with the lobbying efforts on mining legislation.

Now, actually, I want you to know—and I congratulate them—Common Cause already does this. I wonder if the Senator realizes it. Common Cause already discloses all contributors, even those who contribute small sums, and they disclose where their moneys are coming from.

I am informed that my friend from Michigan said in his opening statement on Tuesday, the public does have a right to know the public should know who is being paid how much by whom to lobby on that issue. I agree with that.

I do not think that lobbying is just solely paying the representative who comes here. There is a great deal involved in lobbying. My amendment is to require the disclosure of persons or entities who provide the money that is used by the client to pay the lobbyists and to lobby, to do everything involved in the current very, very complex process of lobbying.

Let me say last, the real problem about the bill even further is I believe we are now in a world economy. I think there are many entities throughout the world that are affected by what the U.S. Government does, both in the executive branch and here in the Congress. I think that we are now going into a new period where there are going to be substantial amounts of contributions made to entities that really are the clients, not the lobbyists. The bill covers the payment from the client to the lobbyist, expenditure by the client in hiring the lobbyist, but it does not cover the contributions to the client from whatever source in order to hire that lobbyist. That is really where I am going. I want to go back and find the monkey. I want to know who it is who is putting the money into the lobbying stream, force that disclosure.

I understand, and I expect my friend from Michigan to disclose, there is substantial controversy; that my amendment has already raised the ire of a whole series of people and entities. I do not blame them in some ways. I am told that we can expect the Chamber of Commerce to be involved. And many of the people involved in activities that are more public-interest oriented are disturbed similarly.

There are a series of people who have complained to my office and said the recordkeeping and paperwork burden alone of the amendment is too great. God knows, I do not believe in increasing recordkeeping and paperwork for anybody, but if there is a trail out there where the money comes from, I think we ought to know.

There are also some people who believe that it will have a chilling effect upon donors if the amendment would require these nonprofit organizations to disclose.

It does not seem to me Common Cause has shrunk since they voluntarily have gone to the same procedure. I think they are a very effective organization. They have seen fit to disclose 100 percent of the contributions that come into them before they turn around and hire people to lobby for causes that they wish to support.

Mr. President, I hope that we can find a way—and again I am willing to modify the amendment if we can work out something different—I want to find a way to know more about where this money is coming from. My Governor one time wrote a book called "Who Owns America." I think the people who really think they own America are the people who put massive moneys into these lobbying campaigns, and the bill before us will not get to them. It only gets to the people who spend money as clients of those who lobby. It does not get to the people who contribute to those entities that become the clients and are the clients under this bill.

Again, I am particularly concerned that I think the back door to the lobbying process, the money from off shore is not going to be disclosed under this bill at all. I do note there is one provision that covers and brings the Foreign Registration Act requirement also under this bill. But to my knowledge that does not cover the gap that I am talking about. It will not require the disclosure of the contributions of foreign entities, official or otherwise, or individuals who put money into nonprofit or other organizations that in turn turn around and hire lobbyists as the client. That money will never be disclosed under this bill, in my judgment.

I thank the Chair.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, the purpose of this bill is to make public who is being paid to lobby by whom and on what issues. The bill requires disclosure of who pays the paid lobbyists so that we can know that.

What the Stevens amendment would do is then require the party that pays the lobbyists to open up their own contributors lists to the public.

The Stevens amendment would then require the disclosure and filing of voluminous reports by all the charitable organizations, the American Cancer Society, the Heart Association, the Lung Association, the March of Dimes.

Under his amendment all of their contributors of more than $500 would then have to be disclosed on the theory that they are funding the lobbying activity of those associations.

There is a grave constitutional problem with forcing organizations to disclose their membership. In a free society, associations have the right to maintain the privacy of their members unless there is some compelling public interest for ripping open those membership lists.

Yes, we do want to know who is paying the paid lobbyists. But unless there is some compelling public interest to open up the contributor lists of the client of the person who is paying the lobbyist, we have no right to do so. In fact it would be unconstitutional to do so.

The American Bar Association has gone into this issue at great length. The testimony of the American Bar Association before our committee was presented by Tom Susman who said the following, that his "committee of the bar delved into the constitutional questions about disclosure of membership of organizations and coalitions. On the one hand do we require a civil liberties group or a minority advocacy group to disclose all of their members?"

I am struck by not only constitutional but practical reasons to protect those.

On the other hand you have the example used in the press of a group of businesses that get together to oppose a Civil Rights Act, put a lot of money into it, no one knows who they are and they do not disclose who they are. It seems to me that it is legitimate for Congress to require disclosure of that kind of involvement.

The ABA representative went on to conclude as follows:

> I believe that Senate bill 2279—

That is our bill—

> does an excellent job of walking that very fine line with three separate criteria, all of which have to be met before disclosure of the members of the organization, and that is the $5,000 threshold, significant participation in supervision or control and direct financial interest. And we are talking about organizations, not about individuals. It seems to me that these criteria take care of the concerns I had on disclosure, and therefore I am prepared to support it.

That is Tom Susman speaking only on behalf of the American Bar Association.

Our bill walks that fine line to protect the first amendment rights of association, whether that association is the NAACP, the American Cancer Society, or the National Association of Manufacturers, or anybody else. That is a precious first amendment right that has been protected by courts on this issue, on lobbying disclosure issues.

On the other hand, where there is a coalition that is intended to mask in effect who the real client is, where that coalition meets three tests that the members of the coalition contribute $5,000, direct the lobbying, and have a financial interest in the outcome, we do require the disclosure of that because that is necessary in order to find out who the client is.

That is the issue. Who is the client? Is the client the 500,000 contributors of $500 or more to the American Cancer Society? Is that the client? No. It is not. Or whatever the number of the contributors of that amount might be. I made up a number here just to make the point.

Is it the contributors of $500 or more to the NAACP? Is that the client when the NAACP lobbies up here? No. the client is the NAACP or the Cancer Society or Common Cause.

The Senator from Alaska makes an interesting point, that Common Cause voluntarily discloses all of its contributors. They have a right to do that if they want to. By the way, I might say Common Cause supports our bill. It supports our bill that includes this provision that we have.

But does anyone here, does anyone in this body when they are lobbied by Common Cause, then go back to that membership list which is filed by Common Cause or that list of supporters? Does anyone here truly go to find out the person in Wisconsin, Grand Rapids, MI, or Valdez, AK, who contributes to Common Cause? Do we really go back to these dozens of pages of this organization of people who contribute $500 to see who lobbied by Common Cause? I do not. I do not think anyone else does.

Multiply these dozens of pages of contributors that are filed voluntarily by this organization, and multiply it by hundreds if not thousands of organizations that have contributors of $500 or more, and ask yourself, is there any practical value to this requirement? Putting aside the constitutional problem that we would be forcing organizations, the National Association of Manufacturers, the Chamber of Commerce, the NAACP, the Cancer Society, thousands of organizations, that lobby, we would be forcing them to open up their membership and contributor list with grave constitutional impact. In addition to that, what is the practical purpose for doing that?

We have a good example. We have a few organizations that do it voluntarily. I doubt that any of us or our staffs go and look who the Common Cause supporters are, and if so, I wonder what the motivation is. When you have thousands of contributors of $500 or more to an organization, that we would go through the list to see who those contributors are, with what possible motivation, to find out that some person in one of our home States contributes or not to Common Cause? Does that affect our relation to the lobbying position of the Common Cause or the Cancer Society?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LEVIN. Yes.

Mr. STEVENS. This Senator has no desire to have all of the contributions disclosed as he indicated. But we want to know the funds that are contributed for the purpose of lobbying. We want to know. Specifically, one of the goals as I have indicated is the funds that come from offshore.

Mr. LEVIN. The offshore money I would be very happy to get at. If this amendment were limited to offshore money, I would be very happy to attempt to work out something with the Senator from Alaska. I am not sure other Members of this body would, but I sure would if his amendment is limited to offshore money.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to.

Mr. STEVENS. The Senator is correct. It is not limited. One of the problems is offshore. If we look at the election laws, it is absolutely unlawful for foreign nationals directly or through any other person to make a contribution of money for the purpose of influencing elections. There is no similar provision in the law that I know of that deals with the use of money directly or indirectly from a foreign national to influence legislation. At the very least we ought to be consistent.

Mr. President, I stated that the Supreme Court has already dealt with the issues that the bar association raised. They raised them in the Buckley case. But the Court said that—

> The strict—

Reading from the 1975 decision in the Buckley case—

> the strict case established by the NAACP v. Alabama is necessary because compelled disclosure has the potential for substantially infringing the exercise of first amendment right but we have acknowledged that there are Government interests sufficiently important to outweigh the possibility of infringement particularly when the free functioning of our national institutions are involved.

I would be interested to note if the election process is a function that is so important, is not the process of those who are elected equally important? Is not the making of laws equally important to the election process, and should we not have the same information available for those who contribute to a lobbying process as we have for those who contribute to the elections process?

One of the real problems of the election process today is soft money. We are talking about the soft money of lobbying. In my judgment the problem is that there is no way now to know where the large sums of money that come into the process of lobbying come from.

I represent an oil State. Some people say the oil lobby, some people say the labor lobby, some people talk about the doctors lobby, the postal lobby. It does not make much difference what lobbying you are talking about. All this will do is tell you that the AMA puts so much money into paying for lobbyists, or the oil industry puts so much money into paying for lobbyists. But they do not say who contributes to the basic association that did in fact finance the whole activity of trying to influence Government.

I think the Senator and I are not too far apart. I would be more than happy to just deal, if we want to at this time, with the foreign national influence, the way we did at least in connection with the financing of campaigns. But I must rather be broader. I think that the concept of the Senator's bill, again going back to the three tests, is very narrow. Why would we have to have a management function from the person with a great deal of money in order to be disclosed? That one provision of the three tests in the Senators bill that disturbs me most is the management function. The people with great wealth, the people with offshore, are not managing the lobby. They just want a result; either pass the bill or defeat the bill.

They are not managing the process and the provision in this situation that requests management—if I am taking some of the Senator's time, I hope the Chair will charge it to my time. Why can we not do away with that second requirement in the Senator's bill and deal with foreign nationals, at least in connection with the concept in my amendment?

Mr. LEVIN. First, let me say that if we can work out something that deals with foreign nationals in a constitutional way, I am the first one to say let us do it. I think the influence of foreign nationals in this whole lobbying effort around this town is disgraceful. I think the revolving door which assists that operation is disgraceful. I would be happy to try to work something out which can limit that.

Mr. STEVENS. If the Senator will yield, I would be glad to put our staffs together to work on that.

What about the second idea? Why have, in that bill, the necessity that the contributor has to have a management function in order to be disclosed?

Mr. LEVIN. If I can comment on the Senator's arguments. First of all, in terms of Buckley versus Valeo, and then I will get to the point the Senator has made. In the Buckley case, the Supreme Court found that there were three Government interests which would permit and justify the disclosure of campaign contributions: First, it enhanced the voters' knowledge about a candidate's possible allegiance and interests. Second, it deters corruption. Third, the disclosure helps to enforce the contribution limits. None of those exists in our circumstance. We do not have candidates we are talking about. These are not public officials that are receiving money. These are lobbyists receiving it from their clients.

The bill requires that the client be disclosed. The amendment would take that to another level and say we want to know the client's contribution.

The Senator from Alaska talked about do we not want to know who contributes to the American Medical Association? Should we not have that information when the American Medical Association lobbies? My answer is "No." It does not gain us any valuable information to know which doctors in which communities contributed $500 to the American Medical Association. That is not relevant information to us when we are lobbied by the American Medical Association. We are not going to go through thousands of pages of their contributors, which would have to be filed every 6 months, to find out that some doctor in Seattle, WA, contributed $550 to the American Medical Association.

What is the relevance of that? How does that help us in our function, or how does that help the public understand? They know the American Medical Association gets money from doctors, from medical interests.

We want to know how much is the AMA spending on lobbying. That is what I want to know. How much money? That is what this bill requires. It is all that the Constitution allows. This issue was defeated in prior efforts on lobby disclosure. This is not the first time this issue came up. This issue has been defeated over and over again when efforts were made to rip open membership lists of organizations in a bill involving lobbying disclosure. Those lobbying disclosure forms foundered on that shoal, and we should not permit this bill to founder on that shoal.

This bill is too important to again be stymied by an effort to rip open the membership and contributor lists of organizations. The information that we get does not provide us sufficient information to overcome the first amendment right of an organization to association and to privacy. That is what the Supreme Court would say, according to the legal advice we have been given.

Buckley versus Valeo. Let me go back because the Senator cited the Buckley case, where campaign contributions have to be disclosed. Why? They are being given to a public official or candidate. That is not true when it comes to a lobby. The lobbyist is not a public official or candidate for office. That is true in Buckley but not here.

Second, and even more important, when it comes to campaign contributions, there are limits on campaign contributions. The only way you can know if the limits have been met is if you disclose how much is being contributed and by whom. Otherwise, you cannot determine whether or not the limit is being complied with. Disclosure is essential to implementing the purpose of the campaign limit law. That is not true here. There is no limit—maybe there should be—but there is no limit on how much you can contribute to organizations. When I say "maybe there should be," I am saying there is a question mark. Obviously, we do not want to limit the contribution to the American Cancer Society, or any other charitable organization, or universities, or whatever.

This amendment would force the contributors list and supporters list for not only the charitable organizations I have mentioned, but all of the colleges and universities around the country, individual hospitals, Children's Hospital in Washington, Mt. Sinai Medical Center in New York. Hospitals would have to open up their contributors' lists and make them public, with no adequate public purpose. It does not give us information which will affect our position or does not give the public, more important, information.

Take a look at this Common Cause list. I repeat that they do voluntarily file. Does anybody in the public go through all of those contributors to see who contributes $500 to that particular organization? I do not think anybody does. Are we going to require thousands of hospitals, universities, cancer societies to file hundreds of pages of their contributors every 6 months for no public purpose?

Mr. STEVENS. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. STEVENS. Mr. President, this Senator has no desire to have every contribution disclosed. I have said that. I think the Cancer Society has many things they do that do not require influencing legislation. But when the contributions are made for the purpose of influencing legislation, I think we ought to know it.

Mr. LEVIN. Is the Senator's amendment limited to contributions to organizations for the purpose of influencing legislation? Does it say that?

Mr. STEVENS. That was its intent. I will be glad to modify it.

Mr. LEVIN. How would one determine the purpose of the contribution?

Mr. STEVENS. The Senator's bill already does that; it says that it puts a financial interest in terms of the test.

Mr. President, there are a great many items that come before the Congress that are very, very substantial pieces of legislation on which contributors to lobbying have no financial interest in the outcome. They would not have to be reported at all. The real question is—and also, I think that one portion of the test I have referred to time and again that bothers this Senator the most is that the person or entity to be named must significantly participate in supervising or controlling the lobbying activity.

So if someone from Libya wants to defeat the concept of opening up the

North Slope of Alaska to oil and gas exploration because it would back off foreign imports into this country, it might be that they would have a financial interest, but they are not going to manage that activity.

There are three tests. You have to have more than $5,000 in 6 months; significantly participate in supervising or controlling the lobbying activity; and have a direct financial interest.

One, I do understand, if we want to limit paperwork; I understand that.

I do not understand two. This Senator, when I read that, then I started thinking about who is the monkey. The monkey is not going to be fooling around with supervising and controlling lobbying activity. He wants the client to do that. They are going to put up the money. They want the results. They are not going to manage the activity.

I urge the Senator to consider modifying that second test of significantly participating, under "Supervising or Controlling Lobbying Activity," and at least consider the approach this Senator suggested for the contributions by foreign nationals.

As I said, the elections campaign law already has, specifically section 44(e), "Contributions by Foreign Nationals." And I think we ought to have a similar concept here.

I do not think those people have the constitutional right the Senator is talking about, sitting offshore, trying to have directly or indirectly an impact on legislation that is going through the Congress or on action proposed by the President or any of the people in our executive branch.

We ought to know about those funds that are coming into this country to try to affect the decisions of our Government. It is a Government of the people, and the people have a right to know when entities from outside of our country are trying to influence our governmental activities.

So again, this Senator is ready to rest my case. I would be more than willing to modify the amendment. But I would specifically like to somehow or other modify that supervision or control of lobbying activity, and at this time just cover the foreign nationals.

I think that is the most abhorrent of all the kinds of soft money in the lobbying process. In time, we will get to this other concept of the large pot of money that is out there that is soft money, money that does have a really significant impact. If you read anyone who talks about this, they are talking about the people who contribute to this process of Government that are not disclosed.

This bill is not going to disclose them. This bill is not going to disclose in any way those who put up vast sums of money unless they meet those three tests. In order to do that, they have to be someone who has a direct financial interest; they have to be out there controlling the lobbying activity, or at least supervising it. I do not think that is going to get many of the monkeys I am after.

I would urge the Senator to put our staff to work. We could get it done here. I understand we are not going to be able to vote on this for awhile anyway, until this afternoon.

Mr. LEVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEVIN. How much time does this side have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 40 minutes and 50 seconds remaining. The Senator from Alaska has 35 minutes and 10 seconds remaining.

Mr. LEVIN. Mr. President, I yield myself 5 additional minutes at this time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me make clear that this bill does in a very significant way—I think my friend from Alaska will agree—finally require that lobbyists who are paid by clients disclose who is paying them, how much they are being paid, and on what issues they are lobbying.

We have been trying to do this for 50 years, and the statutes on the books that were intended to do this are almost complete failures.

This is critical public information that we are seeking. There is a history of failure in this area, starting in 1948, when President Truman had a commission that recommended that the loopholes be closed so that we could finally get disclosure of who is paying lobbyists how much to lobby on what issues. Tens of thousands of lobbyists in this town who are paid to lobby do not disclose who their client is, and how much they are paid to lobby and on what issues. And we are determined that we are going to accomplish that.

What the Senator from Alaska in his amendment says is that in addition to that, we want to know who is providing money to the client, which in turn pays the paid lobbyist to do the lobbying. It is going back that additional step which creates the constitutional problem and which, if overly broad, as the Senator's amendment is, violates the Constitution.

It is that type of broad language in the Senator's amendment which courts have thrown out in many, many States, and I will quote some of those court decisions later. There has to be a public interest before you rip open membership lists and contributor lists of organizations.

We tried to define that public interest so that we could meet the constitutional test, and we have crafted a test which meets the legal constitutional concerns that have been raised. Even the American Civil Liberties Union, which is opposed generally to opening up membership and contributor lists for any purpose, has indicated that they believe our test will meet the constitutional requirements.

We have finally crafted an approach which has substantial support legally. The American Bar Association, which has been very nervous about a violation of a right of association that is involved when you open up membership and contributor lists, has testified that they feel this three-part test of ours will meet constitutional muster.

Now, it sounds easy, but let me just remind our colleagues that this issue has destroyed previous efforts to reform lobbying disclosure. And if we do it wrong here or if we get gridlocked here on this issue, we are going to see this bipartisan effort to finally close these loopholes in lobbying disclosure again go down the drain.

Why a three-part test? Because you have to identify a significant public interest before you open up contributor and membership lists. You have to prove that the contributor is the real client.

So our bill gets to the client, because our bill says you have to disclose who, who is being paid-that is the paid lobbyist—by whom—that is the client—how much, and on what issues.

We get to the client. The issue in this amendment is the client's contributors: The American Cancer Association, their contributors; the NAM's contributors. That is the issue here.

The test that we have come up with, the three-part test which the ABA says will meet the constitutional requirement, if met, gets to real clients who otherwise are hidden.

And that three-part test is: The amount of money they contribute, $5,000, in a semiannual period; does the contributor supervise or control the lobbying activity; and are they the direct beneficiary? Do they directly benefit from the activity?

The Senator from Alaska says, well, wait a minute. Strike out one of those three parts, the part about supervise or control. Why do you have to have that test? The answer is, if you do not, you get everybody, you get the whole AMA contributor list.

Doctors have a financial interest in the outcome of AMA's lobby. One of the reasons AMA lobbies is because of the financial interest of the doctors.

So if you do not have some test which talks about supervision or control of the paid lobbyist, you are going to include everybody who meets the contributor test who are or who has a direct financial interest, and that is everybody. That is the reason they support the AMA, or it is one of the main reasons; or any other organization. I am not just singling out any organization, thousands of organizations.

And so, in order to meet the constitutional requirements that there be a sufficient public purpose before you can rip open people's membership and contributors lists, you have to have a test that gives you a sufficient public purpose, and that test is: Is it the client? Is the purported client of the lobbyist the real client? Or is there a hidden client back there?

If there is a hidden client, somebody who has paid a significant amount of money, someone who has a financial interest in the outcome, and someone who controls or supervises the lobbying activity, then we can go back one additional level and layer and get to the contributor.

But we have to do it carefully because, if we blow it, our efforts are going to go up in smoke here, and, again, instead of finally closing loopholes on lobbying disclosure, we are going to find ourselves either deadlocked here over this issue or thrown out in the courts.

I will now yield the floor, but, in answer to the question of the Senator from Alaska, the reason that we have a three-part test is to determine if, in fact, the client that we do require to be disclosed is not the real client. We can get to the real client, but we have to have some definition of real client. Financial interest and financial contribution is not enough, unless there is some direction or supervision, as clients do, and mere contributors to an organization do not.

I yield the floor.

I yield to the Senator from Maine 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, let me say that the Senator from Michigan does, in fact, make the key point that this is the issue upon which lobby reform has failed in the past. This has been the key issue, the disclosure of individual contributors to organizations.

If I might try to go back and reflect personally on my own experience with this particular effort, it seems to me that in the years past there was always a discrepancy between Common Cause and, let us say, Ralph Nader's public interest group. Common Cause has absolutely no objection to disclosing their membership list. As I recall, the Nader public interest group did.

There were questions raised about the Naderites, and the public interest lobbying activities: How do they get their money? Who is contributing? There was a suspicion that perhaps there were a lot of large corporations who were in fact contributing to the very organization that was lobbying against their overall business interests.

On the part of some, forcing disclosure of contributors was seen as a way to dry up that source of funding. If you can identify who the people are who are contributing to the Nader group and they publicly have to be disclosed, they will be embarrassed. Major companies listed as supporting the public interest lobbying activity would be held up to either ridicule, scorn, or perhaps even retaliation by some of their colleagues.

It becomes very easy to subject any individual contributor to retaliation—economic retaliation; physical retaliation, in some cases.

For example, if one believed deeply in the issue of civil rights and wanted to make a significant contribution, let us say, to the Gay Peoples Alliance, is the implication in the minds of some people that they are gay? And what does that mean to their standing in the community?

Maybe it is only an issue that they believe deeply in. But, suddenly, they are associated with the gay rights movement. That can have serious consequences for that individual in his or her social setting, and certainly in the business setting throughout that community.

I can extend it further. Suppose an individual wants to protect civil liberties and supports the ACLU.

Let us suppose you are a contributor to that group and the ACLU takes a very hard position in favor of allowing the Neo-Nazis to march in Michigan or Ohio or Maine. Suddenly your name is listed as a contributor. Maybe you are Jewish and you contribute to the ACLU because you believe in their progressive agenda and their determination to protect civil rights, but suddenly your name is now listed as a contributor of the very group that is defending the Neo-Nazis in Ohio.

It has serious consequences for those individuals. That is why the Constitution is there to protect the identity of individuals who may want to support a particular group, they have the right to gather together and their right to advocate a particular position without fear of retaliation of some kind, be it physical or social or economic.

So there are legitimate reasons why the courts have ruled there should be nondisclosure.

The Senator from Alaska, however, also makes a very valid point. We do not want foreign interests controlling or influencing our electoral process. We do not allow them to contribute to our elections. It is forbidden.

Mr. President, I ask unanimous consent for 2 more minutes.

Mr. LEVIN. I yield as much time as the Senator may need.

Mr. STEVENS. Will the Senator yield for 1 second?

Mr. COHEN. Yes.

Mr. STEVENS. I might say to my friend, I have been called away to participate in another meeting.

I would like to ask, when the Senator finishes his comments, that the amendment be temporarily laid aside so the staff can work on this foreign coverage. I intend to modify my amendment as soon as we can work that out and get back to it. There are two other matters that will be taken care of. So if we could just set this aside for now.

Mr. COHEN. I thank the Senator. I will be happy to do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COHEN. The Senator from Alaska makes a valid point. If we prohibit foreign interests from trying to influence our electoral process, then, there should be some provision against their influencing the lobbying activities which also have a direct bearing on the choices that we are called upon to make.

If, for example, you had Libya or Saudi Arabia or Iraq or Iran contributing substantial amounts of money to an organization which lobbies against allowing the opening up of the Alaska oil fields, we ought to know about that. It ought to be prohibited, frankly, but at least we ought to know about that.

So I believe the Senator from Alaska makes a very valid point in terms of foreign interests and disclosure of their contributions to groups without any fear, at this point, of it being revealed to the American people.

To the extent we can work out some kind of acceptable compromise on that issue, while preserving what the Senator from Michigan has drafted on the general provisions of this bill, I think it would be well served.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield myself as much time as I may use.

We are going to lay aside this amendment. We are open to the other amendments which are set forth in the unanimous-consent agreement. There are two other amendments, noncontroversial amendments, I believe, that I and Senator COHEN jointly offered.

On this last point, though, we will indeed be working hard in the next hour or so on an amendment relative to foreign money. I repeat, I do not know of anyone who feels more strongly against the influence of foreign lobbyists than this Senator. This is a matter of deep feeling on my part. So I am very happy to work on this issue with an amendment of Senator STEVENS, with the support and help of Senator COHEN, to try to craft something which is aimed at offshore money. That is very different from the amendment which Senator STEVENS offered. It is very important. And it does not have the same constitutional protection as contributions from persons in America who contribute to associations and to organizations here.

American citizens have a right of association under the Constitution. Without giving a definitive constitutional opinion, because I am not prepared to do that, as to what the rights are, if any, of foreigners who contribute so lobbyists can lobby us, they surely do not have the same rights that American citizens have in that regard.

So I am hoping that we can work out something which will at a minimum require disclosure of offshore money as it is part of the payment for lobbying efforts in this city.

With that statement, I yield the floor. I do not think there is anyone here prepared to offer an amendment. We may be, in a moment, prepared to offer our amendments that are noncontroversial that are listed in the unanimous-consent agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, at this time, I ask unanimous consent that the time reserved for Senator STEVENS on the Lautenberg amendment be yielded back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, was that order entered on this unanimous-consent request?

The PRESIDING OFFICER. The request was agreed to.

AMENDMENT NO. 350

(Purpose: To provide clarification of the treatment of certain noncompliances, making technical amendments, and for other purposes)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COHEN, proposes an amendment numbered 350.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 17, strike out all beginning with "client" through "entity" and insert in lieu thereof "client (if any) of any foreign entity".

On page 22, strike out lines 10 through 14 and insert in lieu thereof the following:

(2) if the person admits that there was a non-compliance and corrects such noncompliance—

(A) in the case of a minor noncompliance, take no further action; or

(B) in the case of a significant noncompliance, treat the matter as a minor noncompliance for the purpose of section 8; or

Mr. LEVIN. Mr. President, the amendment corrects a typographical error on page 12 of the bill and provides different treatment for minor violations, that are admitted and corrected, as it does for other violations.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 350) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I understand Senator SIMON is on his way to the floor. Just so long as we are clear, there was an hour that was set aside for further debate on the Lautenberg amendment, and since Senator STEVENS did not want to utilize his time that was allocated to him specifically that has now been yielded back. I hope that was doublechecked with Senator LAUTENBERG. We will make sure it was. If there is a problem with that, then we will have to resolve that in some other way. I am quite certain it was cleared with Senator LAUTENBERG.

That means we have two amendments left. In addition to the vote on the Lautenberg amendment, we would have Senator SIMON and Senator GRAMM, in addition to disposition of the Stevens amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized at 2 o'clock to discuss his amendment No. 347, and that a vote on the Lautenberg amendment No. 347 occur at 2:15 without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 351

(Purpose: To require more extensive disclosures on the part of certain government-sponsored enterprises, any guaranty agency, or similar entity as identified by the Attorney General)

Mr. SIMON. Mr. President, I send an amendment to the desk in behalf of myself, Senator DURENBERGER, and Senator SIMPSON, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. DURENBERGER, and Mr. SIMPSON, proposes an amendment numbered 351.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . GOVERNMENT-SPONSORED ENTERPRISES—REPORT TO CONGRESS.

(a) IN GENERAL.—A government-sponsored enterprise (hereafter in this section referred to as a "GSE") shall submit an annual report to the Congress containing the following information:

(1) A list including the name and address of each contractor, consultant, agent, or employee hired by the GSE to engage in—

(A) grass roots organizing or campaigning;

(B) public relations, media consulting, or image advertising; or

(C) lobbying, including the direct and indirect lobbying of the Congress.

(2) An itemization of all costs associated with activities described in paragraph (1) whether incurred by the GSE or by any of its contractors, consultants, agents, or employees listed pursuant to such paragraph, including entertainment expenses, travel expenses, advertising costs, salaries, billing rates and the total amount billed for services.

(3) A description of any lobbying of the Congress or the executive branch by employees, board members, or officers of the GSE.

(4) A description of any effort by the GSE or its agents to encourage others to lobby the Congress or the executive branch.

(5) A list of all charitable donations paid by the GSE on behalf of Members of Congress or members of the executive branch.

(6) A list of the salaries and other compensation (including the present value of stock options) and benefits paid to the officers and board members of the GSE.

(7) A list of all GSE employees who have been employed by either the Congress or the Federal Government in the 5 years preceding the report, and such employees' salary prior to being hired by the GSE and their current salary.

(b) DEFINITION OF GOVERNMENT-SPONSORED ENTERPRISE.—For the purposes of this section, the term "government-sponsored enterprise" means—

(1) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Student Loan Marketing Association, and

(2) a guaranty agency, as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j)).

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. Let the record indicate that on this amendment, there is a 1-hour time limit to be equally divided.

Mr. SIMON. Mr. President, I am pleased to say—and I note that your successor Presiding Officer is just walking in, and he will be pleased to note—that we are not going to take an hour. I am pleased that we have been able to work out some details on this amendment with my distinguished friend from Michigan, as well as our friends on the other side.

(Mr. KERRY assumed the chair.)

This amendment affects Government-sponsored enterprises. It does not limit anything they do; it simply says that Government-sponsored enterprises have to report their lobbying activities to Congress. They do not have, for example, some of the SEC requirements and other things that other businesses have.

I, frankly, got involved in this because of the direct loan proposal. We have as our No. 1 opponents on this the Student Loan Marketing Association, which we created. My friends might be interested in noting—why would the Student Loan Marketing Association be interested? They ought to be out helping students. They ought to be interested in helping taxpayers.

President Clinton's direct loan program is of substantial help to students. When it is fully enacted, there will be hundreds of thousands of students who will be able to be helped, who can go to college and are not going now. Second, it will save the taxpayers huge amounts of money in subsidies that we now give to banks and secondary markets.

Why would an organization like the Student Loan Marketing Association be interested? Well, my friends and my colleague from Michigan and the Presiding Officer may be interested in knowing this. This is the compensation for officers of Sallie Mae, 1991 figures. Here is the CEO: $2,187,651; not too bad for a Government-sponsored enterprise that uses taxpayers' money. Chief Operating Officer, $1,741,337. Senior Vice President for Finance, $826,268. Senior Vice President for Programs, $735,535. Senior Vice President for Marketing, $726,987. That is the number five executive. Way over here is the President of the United States; he gets $200,000 a year—less than one-tenth of what the Chief Executive Officer of Sallie Mae makes.

Do you want to know why the Student Loan Marketing Association is opposed to this thing that is so good for students, so good for taxpayers? It is true that the banks are interested here because they make, on the average, believe it or not, more money on a student loan than on a car loan or a house mortgage. They are a private enterprise. Well, in a sense we created banks, but very indirectly. But they do not have the kind of problems we have here.

What do they do in lobbying? It is very difficult to find out. This is what this amendment says: Let us disclose what they do in lobbying. It is very interesting. You would think that the most important issue facing this Congress this century is direct loans.

Patton, Boggs & Blow represents Nellie Mae—these are all entities that work with Sallie Mae, and these are all my friends. Tommy Boggs, we all like and respect him. But there is no question he has influence. Clohan and Dean, who are good people, represent the Student Loan Funding Corp., of Ohio. Bill Clohan and John Dean both have been friends of mine for many years. Buddy Blakey—what can I say—is a wonderful person. Williams & Jensen. J.D. Williams, who is a friend of many of us; his firm was hired by Sallie Mae. Akin, Gump, Strauss, Hauer & Feld, was retained by the U.S.A. Group. Walker/Free Associates; again U.S.A. Group, they are led by Charls Walker. These are people that have been hired to work on this direct loan thing that is so good for students and for taxpayers.

We are just starting and I do not know that we have named them all, because we have no disclosure requirement.

The Wexler Group was hired by Sallie Mae. Anne Wexler, I have great respect for her. Winston & Strawn. Wiley, Rein & Felding. Cassidy & Associates/Powell-Tate; Jody Powell, our good friend. Good, fine people. Widmeyer Group has been hired by the Coalition for Student Reform on behalf of the guaranty agencies who work with us—the guaranty agencies, some of whom do a good job and some of whom do a terrible job, as the General Accounting Office pointed out, have hired full-time lobbyists at least that we know about.

All this amendment does is say they can hire all these lobbyists and try to defeat the taxpayers and the students, but let us disclose what they are doing. Let us let the public know what the Government-sponsored enterprise is. This applies also to Fannie Mae and Freddie Mac. Frankly, I do not know that there are similar lobbying expenses, but we ought to know. Jim Johnson, who heads Fannie Mae, is one of the finest public servants we have, in my opinion. He is a good public official. But we ought to know what is going on.

They have hired the top lobbyists. Sallie Mae has sent out letters to college officials. You would never guess the bill we have introduced by the way Sallie Mae has described the proposal. If I can find it in my notes here. GAO says schools are going to save money, and the General Accounting Office—if I had a graph and showed you why they will save money, it would be very clear.

Mr. President, I ask unanimous consent to have the two Sallie Mae letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STUDENT LOAN
MARKETING ASSOCIATION,
Washington, DC, March 31, 1993.

I write again to provide further information on the status of the proposals to convert the existing guaranteed loan system to direct lending. Recent actions by Congress have increased the possibility that direct lending will be mandated across all postsecondary institutions. This action would override the existing law which provides for a full test of direct lending before any consideration is given to the broad scale replacement of the current guaranteed loan program. It is clear that this change is being driven by the promise of huge federal savings, savings which are in a large measure realized by the transfer of costs and responsibilities from the federal government and the nation's banks to your institution. We believe that your school should have a choice whether it wants to accept the expense and liability associated with a new direct lending program, or whether it wishes to rely on the guaranteed loan program that has reliably served students, parents, and schools for 25 years.

We have completed a survey on the cost to schools of direct lending. Enclosed you will find a summary of findings from detailed analyses of the impact of direct lending on the operations and expenditures of ten postsecondary schools. The schools reviewed range in size from 950 to 16,000 students, and include six four-year public schools, three independent colleges, and one trade school. As a result of our in-depth visits with these schools, it is abundantly clear that direct lending will mean increased costs, additional personnel, and up-front investment—with no promise of any offsetting reimbursement from the federal government. On a per unit basis, we found that costs will increase about $125 per loan.

To help you assess more completely the impact that direct lending may have on your campus, I would be pleased to put you in touch with a representative from your state guaranty agency, an area lender, or a secondary market who will be familiar with our cost review methodology. Alternatively, I can provide you with a "kit" that will allow you to perform the analysis on your own.

This past December, Sallie Mae began work on an income contingent repayment option for current borrowers. I have enclosed an overview of a proposal we have presented to Secretary Riley and leaders of the House and Senate education committees. We believe that income contingent repayment should be an option for borrowers. The advantage to our proposal is that, in addition to meeting President Clinton's goal of providing borrowers with much-needed assistance in repaying their student loans, it can be implemented now for students who have already borrowed to attend your school. If direct lending is the only path to income contingent repayment, a vast number of borrowers will not be able to take advantage of the benefits of this repayment structure. Our proposal is cost-free to the federal treasury and holds out the prospect of significant cost savings if borrowers who would otherwise default are better able to repay their loans as a small percentage of their income. In light of the default criteria for eligibility for federal aid, I believe the early implementation of income contingent repayment will help a great many schools avoid exceeding the increasingly rigorous cut-off levels.

Since I last wrote, direct lending advocates, together with those seeking large but still highly questionable budget savings, have increased the likelihood that your institution will be swept into the business of high volume lending. For you and your fellow college presidents, the bottom line is choice. If you do not voice your concerns to your Congressmen and Senators, you may be left with no option but to implement direct lending on your campus, no matter what the associated risks, costs, and burdens. Supporting the pilot direct loan program, as provided in the Higher Education Amendments of 1992, is the only prudent course of action until we know more about direct lending and the government's ability to deliver crucial loan funds to students and parents. I believe it would be a mistake to move to a universal program without first gaining knowledge through the practical experience of a test.

Please do not hesitate to call upon me if I can provide any further information.

Sincerely,

LAWRENCE A. HOUGH,
President and
Chief Executive Officer.

STUDENT LOAN
MARKETING ASSOCIATION,
Washington, DC, March 5, 1993.

I write to you today about an important debate currently facing the higher education community—the proposal by the new Administration to replace the established, private sector-based Federal Family Education Loan Program (FFELP) with a student loan program controlled and funded by the federal government with schools responsible for administration.

Sallie Mae obviously has a stake in the outcome of this debate. I am certain that you, too, are concerned about the impact of a federalized lending program on the availability of funds for your students, the flexibility of the aid package you may offer, and the quality of service your students would receive. I ask that you consider the following concerns arising from the debate.

Federally-controlled lending could jeopardize students' access to loan funds. To sustain a direct lending program, the federal government would have to borrow upwards of $75 billion in the next five years, before accounting for increases in the cost of education. Such growth in the national debt could jeopardize the availability of loan funds to meet all students' needs, particularly in this time of competing priorities and pressures to reduce federal spending. In fact, funding for the government's administrative costs for the new program could even compete with funding for other campus aid programs. Some have suggested that federal student aid programs could become the vehicle for Washington intrusion into the setting of college tuition and related expenses. Clearly, this possibility is heightened by any removal of the bank-based program.

Federal direct lending—can the government handle it? To implement its proposals, the government would have to replicate the present system. The ability of a federal bureaucracy to fulfill such an undertaking has been questioned by a number of your peers and by some in government itself. A recent government study which evaluated the Department of Education's management stated that "the inventory of known problems in the Department's administration of guaranteed student loans raises questions about its ability to adequately manage a direct lending program." This study should send a stern warning signal to all concerned.

Federal direct lending would result in diminished service to students. Under the established program, private-sector entities aggressively compete with each other by making investments in systems, people and training to ensure the delivery of high quality service, flexible repayment options, debt counselling and other services. With the variety of lenders available to serve your students, the financial aid office has the ability to select providers who perform and eliminate those who do not. Under federal direct lending, schools would have no choice in determining their loan servicer. You would be assigned a government contractor to service your students' loans. Under "pay for service" government contracting, there would be no incentive for innovation or service enhancement. It is highly unlikely that Congress—or taxpayers—would be willing to spend additional dollars on service upgrades.

Cost savings to taxpayers are an illusion. Undoubtedly, you have heard proponents of federal direct lending assert that the concept would save taxpayers money. In fact, it would not. A number of private and public sector studies conclude that savings shown for direct lending result from cost transfers from the federal government to schools and states, and from a failure of federal bookkeeping to record all costs.

While Sallie Mae, schools and lenders may have different perspectives based on our various roles, we all share a common objective: ensuring that students get the financial aid they need in the most efficient, least costly manner. To be sure, there is room to make the current program easier for students and more efficient for schools, and we are working together towards that goal.

Last year, the U.S. Congress legislated a direct lending pilot which has yet to commence. Congress concluded that major changes to the student loan program should be pre-tested and the results given time to speak. Ultimately, I hope you will conclude that changes to the current system are the more reliable and responsive path.

If you have any questions about federal direct lending—or would like to join in this discussion—please call me at 202-298-2600. A Sallie Mae representative will contact your financial aid administrator to discuss your institution's concern.

Sincerely,

LAWRENCE A. HOUGH,
President and
Chief Executive Officer.

Mr. SIMON. Mr. President, it says: "On a per unit basis we have found that costs will increase about $125 per loan." In fact, the GAO study says costs will go down. Incidentally, the cost to the taxpayers, because we will end up with the IRS collecting, will diminish, not just overnight, but gradually. This year taxpayers are spending $2.9 billion on student loan defaults.

I could go on in other areas of the letters. The basic question we have to ask is: What is their motives for fighting this? Well, I think it is very clear. They have pretty good salaries. Incidentally, they also have—it is not only these salaries; if you have any friends who want a good job, tell them to get on the board of Sallie Mae; you get $6,000 a meeting—not too bad—plus other benefits that go with it.

Anyway, what this amendment does is basically say we ought to disclose. It does not stop them from lobbying, does not stop them from doing these other things. But let us get information about the salaries. Let us get information about what they are doing in the way of spending money. We created these entities and, at least in one case, Sallie Mae has turned into a monster. I am not suggesting that for Fannie Mae or Freddie Mac. We have to do better in our country.

Mr. President, if I may have the attention of the Senator from Michigan, is the amendment agreeable?

Mr. LEVIN. Mr. President, first, let me commend our friend from Illinois on this amendment. He is addressing an issue which needs to be addressed. We have taken on part of this issue before. Personally, when it comes to the salaries of the executives of the entities he is talking about, we finally got an amendment adopted back in June of 1992 which made it clear that the new Federal regulator would exercise the same compensation oversight at Fannie Mae and Freddie Mac that applies to federally insured financial institutions. That oversight would consist of not only prohibiting future compensation abuses and monitoring compensation practices, but also will look at compensation arrangements already in place.

The reason that we did that back in June of 1992 was when the chief executive officer of Fannie Mae left his position and was paid as he was walking out of the door $20 million plus in compensation—$20 million plus.

Mr. SIMON. Not too bad.

Mr. LEVIN. Not bad at all.

So we have been very much involved in the salary issue that the Senator raises and would require to be disclosed in his amendment.

The Senator's amendment gets to the lobbying expenses, which is very important, of these entities for the reasons that he states. These are Government sponsored, and we surely should know much more information about them that we are able to require about other entities.

These GSE's are covered by the lobby law. What the Senator is doing, and properly so, is he is requiring that additional information relative to those entities be filed with the Congress.

Mr. SIMON. That is correct.

Mr. LEVIN. I think his amendment, as modified, is right on target.

I congratulate him and his cosponsor for doing it. He is addressing a problem of real concern, and I accept the amendment. I have no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. I do not think the amendment has yet been cleared on the other side. I will note the absence of a quorum.

Mr. SIMON. If the Senator will suspend the request for action, this is a book about the Government-sponsored enterprises called "A State of Risk," by Thomas H. Stanton. He quotes President Andrew Jackson. Let me read what the book says:

> President Andrew Jackson once observed of the Bank of the United States, the grandfather of today's elephant—

That is talking about the Sallie Mae type of thing—

> that "if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it cannot be doubted that he would be made to feel its influence."

There is no question that they have immense power. I am not suggesting that any of their powers be curtailed. I am not suggesting that they have to report to the SEC as other businesses do, though I favor that, frankly.

All I am saying is they better disclose more details than they are now disclosing. I am pleased to have Senator SIMPSON and Senator DURENBERGER on that side of the aisle as cosponsors of this amendment. I would hope we could get the approval on the other side of the aisle, also.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement of Public Citizen in support of the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PUBLIC CITIZEN,
Washington, DC, May 6, 1993.

Senator PAUL SIMON,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR SIMON: We are writing on behalf of Public Citizen in support of your amendment to require extensive disclosure of lobbying conducted by Sallie Mae and other government sponsored enterprises, which we understand you plan to attach to the Lobbying Disclosure Act of 1993.

The need for such disclosure is amply demonstrated by the intense lobbying campaigns against reform of the chaotic, malfunctioning student loan system. Conceived to help students to obtain loans for higher education, the federal government's guaranteed student loan program has become an expensive disaster. Many students still cannot secure the funds they need for an education, and there are high levels of defaults by students who do receive loans but are unable or unwilling to pay them back. At the same time, Sallie Mae, the guarantee institution for the loan program, has grown rich off a program that does not work, by thriving on a diet of middle-man paperwork. In 1992, that amounted to $394 million for Sallie Mae.

It is not surprising, then, that Sallie Mae has stubbornly resisted all attempts for reform, such as the direct-lending plan that you have been working to establish, which would get rid of the middle layer in student lending and essentially put Sallie Mae out of business. Sallie Mae has hired high priced K Street lobbying and public relations firms to push its agenda and scuttle reform. But the full extent of Sallie Mae's lobbying remains unclear because of the inadequacy of current lobbying disclosure law. Clearly there must be more comprehensive disclosure required of government sponsored enterprises which, after all, owe their existence to taxpayers' backing.

Public Citizen believes that only comprehensive disclosure of lobbying activities can give the public the information needed to see how government policy is formed. With such information, the members of the public are better able to participate in government decision making. When it comes to the debate over the student loan program, there is no doubt that such information is sorely needed.

Sincerely,

PAMELA GILBERT,
Director,
NANCY WATZMAN,
Policy Analyst,
Public Citizen's Congress Watch.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we think we are close to getting clearance on that side of the aisle, but we have not quite gotten it yet.

Again, I emphasize what the amendment does. We already cover the lobbyists of the GSE's in our bill. It is the additional information, very appropriately, that would be required to be filed with the Congress under this amendment.

So, I think we not only are entitled to that information but, we would find that information mighty useful in our authorization and appropriations process.

It has been cleared on this side of the aisle, and I hope it will be briefly on the other side but I cannot represent yet that it has been.

Mr. DURENBERGER. Mr. President, I rise today in support of the amendment offered by my distinguished colleague from Illinois, Senator SIMON, to require the disclosure of lobbying expenditures and other information regarding so-called Government-sponsored enterprises.

In supporting this amendment, I want to make it clear that I do not question the right of these enterprises to lobby the Congress, executive branch, or the general public on public policy issues that affect their operations.

But, as Senator SIMON has ably pointed out, these enterprises do have a significant obligation to the public interest because of the circumstances under which they are chartered and, in some cases, funded. And, I strongly believe they should be subjected to at least the same disclosure requirements as strictly private sector lobbying interests.

Like Senator SIMON, my most current and extensive experience with lobbying by Government-sponsored enterprises has included the incredible effort now being waged by Sallie Mae and many State guarantee agencies to defeat and discredit the concept of direct lending.

This effort is being waged not only in Washington, but involves extensive and highly biased communication with the higher education community all across America.

Sallie Mae, in particular, is spending thousands of dollars producing and distributing misleading or inaccurate information in its attempt to build opposition to direct lending among college presidents, financial aid officers, and others with important stakes in the student financial aid system. I've experienced this grassroots lobbying campaign in my own State and I'm sure others in this Chamber have seen its effects in their own States, as well.

Again, Mr. President, I don't want anyone to conclude that I question the role and contributions of Government-sponsored enterprises or their right to lobby the Congress or executive branch.

I do believe they have a special obligation to be held accountable for their actions, however.

And I believe the amendment offered by my distinguished colleague, Senator SIMON, is a very reasonable way to institutionalize that accountability as part of this larger—and much needed—reform.

I intend to vote to support the Simon amendment, Mr. President, and I urge my colleagues to support the amendment, as well.

Thank you, Mr. President. I yield the floor.

Mr. President, I understand the Simon amendment has now been cleared on the Republican side.

I know of nobody else who wishes to debate the Simon amendment.

I yield back the remainder of my time.

Is there time on the other side?

The PRESIDING OFFICER. Time is controlled by the Senator from Michigan and the Senator from Illinois.

Mr. LEVIN. I yield back the remainder of my time.

Mr. SIMON. I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 351) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, so I might proceed for no longer than 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CREDIT CRUNCH AND SMALL BUSINESSES

Mr. D'AMATO. Mr. President, I would predict that there is not a single Member of this body that is not aware of—and concerned about—the credit crunch.

We all know that economic recovery and job growth depends on our Nation's small businesses.

Small businesses employ half the country's workforce and contribute 40 percent to the Nation's GNP. Between 1980 and 1987, while the Fortune 500 companies eliminated 3.1 million jobs, small businesses created 17 million new jobs. Between 1981 and 1986 small businesses with less than 20 employees created 88 percent of new jobs.

But small businesses cannot get credit, and that is why we have the problem of so few new jobs being created.

Alan Greenspan testified that:

> We still have a credit crunch, and I think that it is a major reason why small business has not been able to expand as much as in the past. It is a major reason why employment growth, which is largely a small business phenomenon, has been so tepid.

President Clinton is also worried about the credit crunch. On March 10 he announced a major regulatory initiative to encourage banks to make loans to small businesses. I applauded the President's efforts to ease the credit crunch. But the bottom line is that banks cannot lend money that they do not have. If the Federal Government takes money away from the banks through higher fees, they will not have the money to lend to small businesses.

Mr. President, despite almost universal concern about the credit crunch, the conference report on the budget resolution would instruct the Banking Committee to impose about $1.4 billion in new fees on State-chartered banks that will only exacerbate the credit crunch. This provision does not just reduce available credit by $1.4 billion. Banks can lend $12.50 for every dollar of capital they have. Therefore, these new fees mean the credit available to small businesses will be reduced by more than $17 billion.

Let us go over it again so people can understand it. If you charge the State-chartered banks $1.4 billion, in new fees, you will be denying an already credit-starved economy of $17 billion in new loans. It does not make sense.

These new fees are supposed to pay for examination of State-chartered banks but these banks already pay for Federal examinations.

All banks, including State-chartered banks, pay the FDIC almost $5.6 billion a year in deposit insurance premiums. Yet, the FDIC's cost of examining State-chartered banks in 1992 amounted to a mere 2.5 percent of the premiums collected from these institutions. It makes no sense to make these banks pay even more to the FDIC.

Similarly, the Federal Reserve System spends approximately $65 million a year in examining State-chartered banks. But depository institutions forego annual earnings of approximately $1.6 billion on sterile reserves deposited with the Fed on which the Fed pays no interest—producing quite a windfall for the Fed. Why do we need to provide another windfall for the Fed at the expense of the banking system and ultimately the credit-starved small businessman?

Although the Federal Government is more than adequately compensated for the cost of supervision, virtually all of the Nation's 8,284 State-chartered institutions will be robbed of funds that otherwise could be available for loans to stimulate the economy and to create jobs. We hear about creating jobs and here is a measure that will deprive us of the opportunity to help create thousands of jobs. It makes no sense.

While the impact on these institutions will vary from State to State, according to the Conference of State Bank Supervisors, fees will dramatically increase for many banks. For example, while fees for a bank in Oklahoma with $20 million in assets will triple, a multibillion dollar bank in New York will watch its fees increase tenfold.

Overall, the new examination fees will more than double the estimated $200 million a year that these institutions currently pay their States for examinations and supervision.

While State-chartered banks may ostensibly pay these fees, the credit crunch is going to get worse and it is the economy and working middle-class families that will suffer.

Mr. President, imposing additional fees on the banking system for the sake of deficit reduction clearly works at cross-purposes with our efforts to eliminate the credit crunch in order to stimulate the economy and create jobs.

Imposing new fees on State-chartered banks is not only wrong but it cannot be scored as deficit reduction under the Budget Enforcement Act.

Congress excluded from the Budget Enforcement Act, the tens of billions of dollars spent by the RTC and the FDIC on paying Federal deposit insurance claims.

In other words, money that the RTC and the Federal Deposit Insurance Corporation spends and money that the RTC and the FDIC takes in are excluded from the pay-as-you-go requirements.

Since passage of the Budget Enforcement Act the CBO has not scored proposals affecting deposit insurance that do not change the nature and amount of insurance coverage.

Indeed, when CBO issued its list of deficit reduction options, it discussed the proposal to impose examination fees on State-chartered banks but concluded that the savings from this proposal, "would not be counted in meeting the requirements of the Budget Enforcement Act."

The CBO reached the same conclusion when we authorized increasing examination fees in the 1991 banking bill.

Mr. President, I was pleased to learn today that our colleagues in the House understand the impact that raising fees on banks would have on exacerbating the credit crunch. They have found an alternative way of meeting the deficit reduction target. I want to commend the House of Representatives and their action.

I intend to vigorously oppose the provision raising fees on State-chartered banks and will urge my colleagues in the Senate to take the better approach adopted by the House by finding alternative methods to reduce the deficit.

Mr. President, we can reduce the deficit. We can find additional sources of revenue or spending cuts to do that. But let us do it in a way that does not exacerbate the credit crunch.

In addition, Mr. President, I regret to report to my colleagues that it has not been several weeks since I introduced the Small Business Loan Securitization and Secondary Market Enhancement Act of 1993 (S. 384). This legislation would increase the credit available to small business by removing certain regulatory restrictions that now impede the securitization of small business loans by banks. If we want to get money into a credit-starved economy, then we shall allow banks to sell their small business loans the same way they securitize and sell residential mortgages. In this way, banks can originate more loans because they securitize and sell these loans rather than keep them on their books.

We see the same thing being done with auto loans. Banks also securitize credit loans. My gosh, why shouldn't we also facilitate the securitization of small business loans? This is an important way we can place banks in a position to make these loans available to credit-starved and creditworthy small businesses.

To date, the administration has moved at a snail-like pace in terms of responding to this legislation that has 37 cosponsors, including a majority of the members of the Banking Committee.

If we want to get the economy going, then we should give creditworthy small businesses the opportunity to borrow. That is how we can move it. We do not need more Government make-work programs. We do not need more spending by the bureaucrats. Let the free capital market system work by removing some of those impediments to its operation. Indeed, I believe we can do that by giving banks the authority to do what they have done so well with residential mortgages and consumer debt: Securitize loans.

Mr. President, I intend to continue to raise this issue on a regular basis because it seems to me we have an opportunity to make a very real difference in moving this economy and creating real jobs. Tens and tens of billions of dollars can be freed up by simply removing some of these impediments to securitization and seeing to it that there are proper safeguards to ensure the soundness and safety of the banks.

I have indicated to the Treasury Department and to the Federal Reserve Board that the bill can be amended to ensure the necessary safety and soundness protections are in place.

Unless we move in this fashion, I think we are going to continue to see credit that is desperately needed by the economy being denied to the small business community. I have heard too many examples were small businesses that are making money, that are sound, are being denied credit. If that is happening to the soundest of our small businesses, imagine what is happening to the marginal businesses. There is no credit available to them, and that is why we are not creating enough new jobs.

Mr. President, I yield the floor.

LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Washington is recognized to proceed as in morning business for up to 3 minutes, that the Senate then stand in recess until 1:45. And before the Chair rules on that, I also ask unanimous consent that the Gramm amendment be stricken from the list of amendments that are pending. As I understand it, that is not going to be offered. That has been cleared on the other side. That would leave remaining only the Stevens amendment and a possible modification thereto.

We would then, under a previous unanimous-consent agreement, return to Senator LAUTENBERG at 2 o'clock and vote on his amendment at 2:15.

Mr. SPECTER. Reserving the right to object, I wonder if the distinguished manager, following the comments by the Senator from Washington, will allocate this Senator 5 minutes of morning business.

Mr. LEVIN. I modify my unanimous-consent request to include 5 minutes for the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank my colleague.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT

Mrs. MURRAY. Mr. President, 2 days ago, the Ninth Circuit Court of Appeals ruled that certain provisions of the Forest Resources Conservation and Shortage Relief Act of 1990 were unconstitutional. I want to express my deep concerns about the implications of this ruling, both for the forest products industry in the Pacific Northwest, and the current efforts underway by the administration to resolve forest management issues facing our region.

This law accomplished some very important things. At a time when uncertainty has pervaded the forest products industry, when jobs have been lost and families are suffering, this law has provided one of the few bright spots. It laid down strong restrictions on the export of unprocessed timber from State lands throughout the West. It has been particularly important to Washington, where millions of board feet of timber from State lands were flowing over the docks to other Pacific rim countries before its enactment.

It ensured that independent forest products manufacturers had access to an additional source of logs in the face of a shrinking harvest. It kept mills open and people at work. Most importantly, it has kept one of our most valuable natural resources here at home.

Enacting this law was no small feat. It reflected a strong bipartisan consensus between members of the Washington and Oregon congressional delegations. It passed through four different committees in the other body. It could not have happened without the participation of officials of the Bush administration.

It did not make everyone happy, Mr. President, but it did function as intended.

Now the courts have overturned this effort. Mr. President, in the midst of an enormous effort within Congress and the Clinton administration to resolve the difficult forest management issues dividing people in the Northwest, I can assure you this is the last thing anyone expected to deal with.

I wish to announce today my intent to sponsor remedial legislation to address the points raised by the courts and make this important law whole again. It is my hope that the consensus that led to enactment of the law is still in place. Upon initial consultation at the staff level between members of the Washington delegation, I believe it still is.

I look forward to working with my colleagues on this issue, and I hope we can dispense with the issue in an expeditious fashion.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

HEALTH CARE LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to call attention to an important article in the Wall Street Journal today which is headlined "Clinton to Delay Health Proposal Until Mid-June." Subhead: "Change Reflects a Desire To Not Pile Too Much on the Legislative Plate."

The best summary, Mr. President, is simply to read the first few sentences:

> Washington. President Clinton plans to delay release of his health plan until mid-June, administration officials said.
>
> The postponement marks a shift from last week, when Mr. Clinton signaled he still planned to announce the plan this month. But under pressure from Democratic leaders of Congress, Mr. Clinton has agreed not to add the health care package to his already crowded agenda until after his budget gains some momentum on Capitol Hill, officials said.

Mr. President, this announcement is in line with a whole series of announcements which this Senator chronologed last week when I offered an amendment to bring health care to the Senate floor, admittedly not in the best of circumstances, on the Environmental Protection Act. But I believe that we are looking at a very difficult situation where it is becoming increasingly likely that nothing is going to happen this year, in accordance with announcements made earlier, as I specified in the RECORD last week, by Chairman ROSTENKOWSKI and by Majority Leader GEPHARDT and others.

We have had recent indications that the task force, chaired by the First Lady, Mrs. Hillary Clinton, is still expected to meet a target of May. This Senator had originally understood that target to be May 1 and then to be May 3, and now it is sometime in May. But beyond the meeting of the target with the task force filing a report, the follow-up question is whether legislation would be introduced, whether it would be introduced in May. The answer is ambiguous. That is up to the President.

It was at least my thinking that a major benefit from having First Lady Hillary Clinton in charge of the task force was to eliminate any gap between the thinking of the task force and its chairperson, contrasted with the thinking of the President. And that, too, is now in doubt.

It has been my view from the onset, Mr. President, that the best approach would have been to have had the President's package on the floor the day we began the 103d Congress. On January 21, the first legislative day of the Senate, this Senator took the floor, complimented President Clinton on his inaugural speech, and expressed the wish that the President had been more specific about two subjects: Health care and an economic recovery. I have said with some frequency, including March 23, when this Senator introduced a second bill, Senate bill 631, which was a composite of bills from a number of Senators, that action would have to be taken and very, very promptly.

Earlier today, I had occasion to talk to Gov. Carroll Campbell of South

Carolina about the status of health care legislation. Governor Campbell expressed the view that we really ought to be moving forward by putting something on the floor and moving ahead with legislation. I am convinced that the only way we will get legislation in this field is when we bring a critical mass to the floor, start to analyze it, start to debate it, start to amend it, and start to vote on it.

But certainly it is not good news, Mr. President, that current reports show a delay in Mrs. Clinton's task force filing a report until mid-June; and when you have health care legislation coming up to this body in mid-June, given the schedule of July and August, with appropriations bills in September, it does not look good for health care reform.

I urge the President, and all those associated with the health care legislation issue, including the chairpersons of the relative committees in this body, to move ahead at an early date with hearings.

I ask unanimous consent that the full text of this article of the Wall Street Journal be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 6, 1993]

CLINTON TO DELAY HEALTH PROPOSAL UNTIL MID-JUNE; CHANGE REFLECTS A DESIRE TO NOT PILE TOO MUCH ON THE LEGISLATIVE PLATE

(By Hilary Stout and Michael K. Frisby)

WASHINGTON.—President Clinton plans to delay release of his health plan until mid-June, administration officials said.

The postponement marks a shift from last week, when Mr. Clinton signaled he still planned to announce the plan this month. But under pressure from Democratic leaders in Congress, Mr. Clinton has agreed not to add the health care package to his already crowded agenda until after his budget gains some momentum on Capitol Hill, officials said. Also, they said, the White House staff needs more time to gear up to sell the sweeping health proposal to the public and Capitol Hill.

The revised schedule puts the announcement of Mr. Clinton's plan to extend health coverage to all Americans and curb medical costs until after the House debate this month on the tax bill. However, the timing still poses an awkward situation for lawmakers.

The Senate Finance Committee is expected to be wrestling with the tax legislation in mid-June, and House leaders had urged the administration to focus first on the deficit reduction plan and bring out the health package when the decks are clear in late July. Ways and Means Committee Chairman Dan Rostenkowski has been among the most outspoken proponents of delay. The Chicago Democrat has support from Speaker Thomas Foley.

"I warned them [the White House] that we're going to have trouble with things piled one on top of the other," said Mr. Rostenkowski. "That's why he [Mr. Clinton] gets in trouble."

Talk of delaying the health plan came as Mr. Clinton was forced to scale back his proposal to have the government distribute free vaccines for all children under two years old. Fearing another legislative defeat after Senate Republicans succeeded in killing his economic stimulus package last month, the president, with urging from congressional Democrats, agreed to limit the free vaccine program to children who are on Medicaid or who don't have health insurance coverage for immunizations.

The vaccine proposal, unveiled last month, came under attack from Republican lawmakers and pharmaceutical companies. They argued that it is unnecessary and would be too costly for the government to supply free vaccines to children whose parents can afford to pay for them. The revised legislation probably would cost the government half as much as the original bill, supporters said.

But drug companies, still fearing their profits would suffer, criticized even the scaled back legislation. The bill "remains too expensive, and we think it will do little, if anything, to improve the immunization rate," said Pamela Adkins, a spokeswoman for Merck & Co.

The delay of the health plan and the scaling back of the immunization proposal contributed to a growing image of disarray at the White House. On Tuesday, Mr. Clinton himself said his presidency needed a sharper focus and pledged to reorganize his staff. As part of the White House restructuring effort, Roy Neel, the chief of staff for Vice President Albert Gore, is expected to be named a deputy chief of staff. The goal is to bring more coordination and discipline to the staff. Others remain under consideration for the job, though.

By most accounts, Mr. Clinton has picked up warnings from Budget Director Leon Panetta and congressional Democrats, who say the health plan is doomed to fail unless the president's staff becomes better organized and he focuses his message rather than trying to do too much at one time.

Mr. Clinton now appears to be addressing the problem. The delay in the health plan, which originally was to be unveiled May 3, then postponed to May 17, then to sometime around May 25 and now to mid-June, wasn't prompted because the White House needs more time to finish the plan, according to aides. Rather, they said, the White House realizes that the White House political, legislative, government relations and communications shops need more time to build support for the legislation.

Much of the shuffling being discussed at the White House is aimed at improving the administration's ability to rally support from its allies in state and local governments, as well as interest groups. Rahm Emanuel, the political director, probably will play a larger role.

Senate supporters of the president's health-care effort say they see the revised timetable for releasing the plan as a victory because it shows that the president isn't listening to his economic advisers and conservatives, who want the plan pushed all the way back to September. That almost certainly would assure that it couldn't be enacted this year.

The president and Hillary Rodham Clinton, who heads the White House health care task force, still insist that a comprehensive health-reform bill must be enacted this year. Speaking to reporters after a White House luncheon with Mr. and Mrs. Clinton, Senate Majority Leader George Mitchell (D., Maine) said, "It is imperative that we try" to pass health legislation this year.

Mr. SPECTER. Mr. President, I guess the sequence of the Senate schedule has already been comprehended in Senator LEVIN's request.

RECESS UNTIL 1:45 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, at 12:59 p.m., the Senate recessed until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. MITCHELL. Mr. President, we are still trying to work out the Stevens amendment. We have not yet reached a point where we can say that we have resolved the problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

AMENDMENT NO. 347

Mr. LAUTENBERG. Mr. President, I want to talk briefly about a sense-of-the-Senate resolution that I have proposed that has significant support.

I ask unanimous consent that Senator BOXER be added to the list of cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, yesterday we approved an amendment that would force lobbyists to disclose the gifts they give to lawmakers. It was a good amendment. I supported it. It was accepted by both sides.

But, Mr. President, I know that even the author of that amendment, the distinguished Senator from Minnesota [Mr. WELLSTONE] agrees with me that it does not go far enough. I think few Americans would disagree. It does not go far enough.

We need to do something more. That is what this amendment does. It says that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals, and travel in a manner substantially similar to the restrictions placed on executive branch officials.

Mr. President, most Americans know that you do not get something for nothing.

If most ordinary Americans were working in their office and out of the blue comes a stranger bearing gifts, walks in and offers them a free ticket to Bermuda with lodging at an expensive, luxury resort, top-flight nightly entertainment, and free food, we know how they would react. They are smart. They would be more than a little suspicious.

That is the kind of offer being made, and in many cases accepted, each day here on Capitol Hill. Lobbyists and others with interests before the Congress are showering Members and staff with tickets, trips, fine wines, expensive ornaments, clocks, and all manner of gifts large and small. Unfortunately, that beautiful little clock placed on the desk is ticking away more than time. It in some way may be ticking away some integrity, some point of view, because you do not get something for nothing. Secretaries in the office know it, construction workers know it, small business owners know it.

Mr. President, when I was in the corporate world, we were very specific to personnel in my company, and I saw it in other companies as well: You do not get gifts from outsiders. The purchasing department was absolutely forbidden at peril of job loss from taking gifts from those who supplied the company with material. Our attorneys knew very well that if anybody executed a lease they could not have favorable treatment and thus were prohibited from taking any kind of gifts because the gifts were not intended just to be from good fellows.

It is about time Members of the Congress faced facts. These gifts are not given out of the goodness of lobbyist's hearts. They are given to buy influence, access, and good will. In the process, though, these gifts undermine the good will between the American people and their elected officials.

The culture of money, perks, and privileges that permeates this town is undermining Americans' confidence in their Government.

This amendment, Mr. President, will take a major step toward changing the perception among so many Americans that Congress is up for sale.

I hope we will not go around congratulating ourselves for requiring disclosure of gifts or even passing this amendment here today. The real solution is to ban most gifts altogether. And when I say most, we are talking about something that is de minimis. Perhaps coffee and a few doughnuts, something like that, OK. But we want to ban gifts that have any significance in terms of swaying one's point of view. That is something we need to do as soon as possible this year.

Mr. President, I ask unanimous consent I have 2 more minutes before the vote is called.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from New Jersey is recognized for 2 additional minutes.

Mr. LAUTENBERG. Mr. President, there will be some cynics who look at a nonbinding resolution and see an excuse for inaction rather than a call for action. To those cynics, let me say this. If Senators vote on the record in support of the concept of banning gifts, it is going to be awfully tough to change their mind when presented with actual legislation.

And I want to give those cynics an assurance: I will be back.

The American people are going to demand that we get this done. We will get it done. There is no reason why Members of Congress need to accept expensive gifts, meals, and luxury trips. It looks like a conflict of interest, plain and simple.

I hope, Mr. President, my colleagues will join me in voting for this amendment and in seeing that we get this job done now.

I believe, Mr. President, we have asked for the yeas and nays.

The PRESIDING OFFICER. The Chair would advise the Senator from New Jersey the yeas and nays have been ordered.

Under the previous order, the hour for the vote has arrived. The question is on agreeing to the amendment of the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—98

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—1

Wallop

NOT VOTING—1

Heflin

So the amendment (No. 347) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is with a sense of a great deal of frustration that I do what I am about ready to do, because I feel very strongly that this bill, in order to be meaningful, has to have a series of provisions that will deal with the intrusion of foreign money into the lobbying process that now has great impact both on the executive and the legislative branches of our Government.

But, in the time that we have had available here—and I do confess that I have been out of the country for 2 days that the bill has been on the floor, and we have been trying since my return to work out a way to deal with it—it is just not possible.

I am convinced that my friends from Michigan and Maine, the managers of the bill, do want to work toward the goal, at least, as far as the foreign contributions are concerned.

I still make the point that there is a substantial amount of money, soft money, in the lobbying process, just like there is in the political process. Until we find a way to deal with soft money in both processes, we are not going to have the public knowledge that we should have of the extent of the impact of not just financing the outcome of our elections, but on the outcome of our official Government actions.

So it is with reluctance that I ask to withdraw that amendment and to substitute the amendment that I would like to send to the desk.

AMENDMENT NO. 349, AS MODIFIED

The PRESIDING OFFICER. The Senator, under agreement, has a right to modify his amendment, and the amendment is so modified.

Mr. STEVENS. Rather than withdraw it, I will just modify the amendment.

May I have it read, please?

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

On page 6, line 1, after "a person," add "whose principal place of residence is".

At the appropriate place in the bill, add the follow new section:

SEC. . DISCLOSURE OF FOREIGN CONTRIBUTIONS.

It is the sense of the Senate that the conferees on this bill should seek to draft and add to this bill a constitutionally acceptable provision requiring additional disclosure of the contributions of foreign entities to the lobbying activities of registrants, as defined in this bill.

Mr. STEVENS. Mr. President, this has been worked out by the staff of the committee and my staff. It is, I take it, a statement of intent to work toward the goals that I have been trying to enunciate here on the floor today.

As I said, it is with reluctance, but I do believe that it does represent an awareness of the problem that we are dealing with. And since I expect to be a conferee on the bill, we will try to pursue it. I know my friends here made a similar commitment to try to pursue this concept, and it would be, I think, a real attempt to try to define and deal with the extent of the intrusion of foreign money, soft money, into the lobbying process.

I am grateful to my friends for trying to work this out with me. But, under the circumstances we face today, I think this is the best alternative we can proceed with right now.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Alaska.

We will work very hard on this in the conference. We have the same goal, which is to try to disclose the source of offshore money that gets involved in the process. And I have a passionate belief that we ought to do that, so I will be working very hard in conference to accomplish that.

I know of no other amendments that are in order. I know of no one else who wishes to speak.

Mr. President, has the Stevens amendment been adopted?

Mr. STEVENS. It has not.

I would like to have it adopted. Then I understand we are going to vote on the bill.

Does the Senator from Maine wish to make a comment?

Mr. COHEN. Mr. President, let me just thank the Senator from Alaska for his willingness to redraft or modify the amendment to reflect the complexities involved.

Senator LEVIN and I are committed to trying to achieve, in a constitutional fashion, the objective of the Senator from Alaska.

Mr. STEVENS. I thank the Senator.

I ask for the adoption of this amendment.

I yield back the remainder of my time.

Mr. LEVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 349), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, lobbyists occupy a unique position today: They belong to the one profession less popular with the American people than "Member of Congress."

Just mentioning the word lobbyist elicits the stereotype of the cigar-chomping peddler of special-interest influence. And, yes, sometimes this stereotype is not too off the mark.

But, Mr. President, the fact is that Americans have a constitutional right to petition their Government. Lobbyists can—and many do—serve as surrogates for the millions of Americans who can not make the trek to Washington themselves to express their views directly with their elected representatives.

In their roles as surrogates, lobbyists can provide information, help hone arguments, and, yes, press their case with Congress.

No doubt about it, there are some bad apples in the lobbyist profession, as there are in every profession.

But I suspect that most Americans, after a few moments of reflection, would not support an outright ban on lobbying. Instead, they want lobbying activity regulated, disclosed, out in the open for all to see. And that is exactly what the lobbying disclosure act seeks to do—make the lobbyists and the lobbying accountable to the people through full public disclosure.

Mr. President, 2 years ago, I proposed the so-called front-page test, requiring Federal agencies to disclose any written or oral communications they may have received from Members of Congress on enforcement matters and agency contracts. It was my view then, and it's my view today, that these communications are appropriate, but we should be prepared to read about them on the front page of the local newspaper: If you do not want to read the headline, then do not make the phone call or write the letter.

Full public disclosure has a way of promoting accountability and good behavior. As Louis Brandeis once said, "The sunlight of disclosure is the best of disinfectants."

SINGLE UNIFORM STATUTE

Mr. President, there is currently on the books a jungle of different, and sometimes conflicting, laws and regulations governing lobbying.

There is the Federal regulation of lobbying act, the Foreign Agents Registration Act, the so-called Byrd amendment, named after my distinguished colleague from West Virginia, and the lobbying provisions of the HUD Reform Act. There are also separate statutes regulating those who seek to lobby the Federal Energy Regulatory Commission and the Federal Maritime Commission.

This maze of regulation invites confusion, and ultimately, noncompliance. The more complex the law, the less likely people will comply with it.

To simplify the disclosure process, the Lobbying Disclosure Act replaces the current maze of overlapping regulations with a single, uniform statute.

CLOSING THE LOOPHOLES

Not only will this statute streamline the disclosure requirements, making compliance easier, it will also plug the gaping loopholes that make the current system hardly a system at all.

The Federal Regulation of Lobbying Act, for example, applies only to the lobbying of legislative branch officials, not to lobbying of executive branch officials. In addition, it has been interpreted to cover only efforts to lobby Members of Congress directly, not efforts to lobby congressional staff.

The Foreign Agents Registration Act exempts attorneys who represent foreigners before Federal agencies. The scope of this exemption is subject to many different interpretations.

These loopholes invite the cynicism of the American people, who suspect that Congress is up for sale to the highest bidder.

The Lobbying Disclosure Act would plug the loopholes by covering nearly all paid, professional lobbyists. It would require the registration of all lobbying organizations that spend more than $1,000 on lobbying activities during any 6-month period. It would cover those who lobby not only Members of Congress, but also congressional staff. And, most importantly, it would make no distinction between the legislative and executive branches, requiring the registration of all those who lobby members of the executive and the independent agencies.

EFFECTIVE ENFORCEMENT

Mr. President, perhaps the biggest reason why the existing lobbying laws have rarely been enforced is that they rely exclusively on criminal sanctions. Since many of the violations of the laws are technical in nature, prosecutors are unwilling to bring enforcement actions and juries are unwilling to convict. And this makes sense: in most instances, technical mistakes do not merit a criminal prosecution.

To make enforcement more effective, the Lobbying Disclosure Act would rely exclusively on civil penalties. The authority to assess a penalty would rest with the Director of the Office of Lobbying Registration, a new division in the Justice Department created by this bill. The Director will have the authority to determine the amount of the penalty depending on the severity of the violation.

This new approach should encourage compliance and make enforcement a reality.

Finally, Mr. President, I want to congratulate my distinguished colleagues—Senators COHEN, LEVIN, ROTH, and STEVENS—for putting this bill together and for advancing it through the Senate. Their hard work has moved Congress a few steps closer to regaining the respect of the American people.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand from the majority leader that the desire is that we vote on this at 4:15.

Mr. President, while Senator STEVENS is on the floor, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DURENBERGER. Mr. President, I rise today in support of S. 349, the Lobbying Disclosure Act of 1993.

In 1984 I took a serious interest in the issue of lobby disclosure. At that time, I chaired the Subcommittee on Intergovernmental Relations in the Government Affairs Committee and convened hearings on establishing a uniform policy regarding the use of Federal funds by Federal contractors and grantees for lobbying activities. These hearings were based on the good Government principle that Federal moneys should not be used to represent special interest claims on more public resources.

In 1985, I introduced the Integrity in Lobbying Act. This bill would have improved the management of existing disclosure law and would have encouraged lobbyists to provide more and better information through a self-regulating system of lobby disclosure. At this time I was concerned about the public perception that most legislation was conceived and promoted behind closed doors in smoke-filled rooms led by special interest lobbyists, or at three-martini luncheons entertaining lawmakers and their staffs.

There have been many reforms in the legislative process in the past 10 years. Rarely are committee markups closed. Rules for acceptance of gifts have been tightened. Financial disclosures of officeholders and their staffs provide information regarding travel and expenses paid by lobbyists. There has been more disclosure of lobbying activities. We have been moving in the right direction to ensure that legislating is a more open process.

My 1985 bill had many of the same goals as S. 349. It sought disclosure of all costs of lobbying from all kinds of lobbyists. At the time I thought that, consistent with the new spirit of reform, lobbyists would step forward voluntarily to disclose their activities. They would do that, because it would be respectable to do so voluntarily rather than to be forced to do so. Disclosure has improved since that time, but there have been some gaps, and disclosure laws have generally not provided the kind of information sought by the public.

Now, I would agree that there is a need for a tougher bill to require uniform reporting of lobbying activities. In my judgment, disclosure of lobbying activities will help us understand the level of interest group activity. Some interest groups are able to stand out more than others. If part of the reason for that is the assistance of significant lobbying efforts, disclosure can help us level the playing field.

Special interests are not bad. They are our heritage. The problem is not influence—influence is part of life in America. But we need disclosure so we can judge influence fairly and count people equally.

I believe that my efforts in the mid-eighties laid the groundwork for the reforms we are considering today. This bill, S. 349, creates one uniform statute that requires registration and disclosure of aggregate expenses by all paid, professional lobbyists that attempt to influence either the legislative or executive branch. S. 349 also creates a lobbying registration office within the Justice Department that will enforce compliance with the law.

Some have criticized S. 349 because they feel it does not go far enough—they believe that lobbying organizations should be required to disclose itemized expenditures, particularly to see the kind of gifts that are going to Members and staff. An amendment was adopted to incorporated that kind of disclosure.

Others want names of specific contacts revealed. S. 349 currently requires disclosure of aggregate figures—the total amount a lobbying organization spends for each client and a listing of committees contacted rather than names of individuals contacted. The amended bill will require disclosure of certain gifts to specific officials and their staffs.

Throughout my years in the Senate, I have worked to promote confidence in the political process by addressing concerns that the public has expressed about lobbying activities. I am gratified that the Congress is finally considering serious lobbying reform. While the bill may not be perfect, it does represent significant progress. I strongly support S. 349 and commend my colleagues on the Committee on Governmental Affairs for their good work on this issue.

Put what we do here today in the larger context of political process reform. In the last 20 years we have been consumed with reforming how we got here—and now, what happens when we do.

I thought it might inform my colleagues—and the reformists—to report a little talk I made in this city on June 6, 1984. I ask unanimous consent that a copy be printed as though delivered.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR DAVE DURENBERGER THE WOMEN IN GOVERNMENT RELATIONS ORGANIZATION IN WASHINGTON, DC, JUNE 6, 1984

I am going to speak this noon as though you are all a bunch of lobbyists. I hope no one takes offense. But I assume that most of you are in the business, as they say.

I am sure that I was invited to talk with you about lobby disclosure and the use of federal funds to lobby. I have introduced legislation to modify the 1946 lobbying act, held hearings on that bill and have also been involved in the continuing controversy over A-122. And I will talk about lobby disclosure a little bit later.

But let's see if we can answer another question first. It is, I think, far more important to the future of lobbying and your role in the policy-making process. The question: Are you . . . you in this room . . . you, the representatives of the special interests in America . . . are you responsible for the $200 billion deficits that stretch out as far as the eye can see?

Conventional wisdom thinks so. The American public thinks that the whole deficit problem is represented right here at this lunch. Half the problem is behind the podium, me and my 534 colleagues who lack the discipline to make the tough decisions on taxes and spending. And the other half is on your side of the podium, you organized interests defending every spending program and tax break to the last ounce of your ability so that the budget cannot be brought into balance.

And I agree with conventional wisdom. We . . . me and you . . . are the problem. Bob Dole makes the case better than I. His favorite example this year . . . and I don't mean to pick on one group . . . is real estate, the realtors and their representatives. The national association made deficit reduction their number one legislative priority this year so that interest rates might fall low enough to create a market for housing.

The realtors did a big grassroots deficit reduction campaign, but in the middle of the budget process found themselves fighting from the other side to beat a proposal that would change the depreciation lives for commercial property. Who has the upper hand at this point is hard to say. But it is the 1984 version of dividend and interest withholding, to be sure. The Chairman of the Finance Committee is fond of pointing out that while banks do pay a very small tax on their profits, federal revenues would actually increase by some $7 billion if we took the perverse step of exempting all real estate income from taxation. Taxing real estate income actually costs us $7 billion a year.

Consider how we got all these programs that we are reluctant to cut. They came in the first instance from our view of ourselves as a nation and as citizens. We are a country of doers. When we see a problem—in health care or education or environmental protection—we think of it as an opportunity to do something. We don't sit back and let someone else worry about it. We don't turn it over to a bureaucracy or an aristocracy or even to the Congress. We go out and invent a solution for ourselves. We organize some association of persons—a nonprofit or a charity or a trade association—a group of others who also think it is a problem, and we work together to find a solution.

If that solution works, it catches on. People in other communities in other parts of the country try to follow the example. They often turn to local or state government to get the effort underway. Pretty soon you have the problem under attack in various parts of the nation. But America is one great community. If the problem is solved at home, we also want it solved down the block, in the next town, and down in Mississippi. We judge our nation and we judge ourselves that way.

And then a Congressman or a Senator will catch on to the idea and will go out to Washington and advocate that the whole nation have this solution. Quite often the whole nation doesn't even have the problem. So there's not much interest initially. But the problem get redefined some. We attack the main issue and several issues that are closely related. Soon there is a caucus or coalition of members who have a stake in the solution. And when the problem gets defined broadly enough—enough Congressional districts are cut in on the solution—you get a majority. Then you get a bill passed and a program underway.

A bureaucracy is built to implement the program and an interest group grows up around it. They develop a stake in seeing it continue. Even if the program is successful—even if it completely eradicates the original problem—the interest groups will hang on because the program is their reason for being. In good times you add a little bit, you sweeten the pot. But you can't ever cut back because the first rule of government in this world of interests is never do any direct harm.

That's how we got 1,100 programs of domestic assistance, a tax code which is mostly loopholes and a public that doesn't want anything changed. We start with a problem. We apply our definition of good citizen. We form an association. Mix in a politician or two acting as an entrepreneur for the idea. And we end up with a jillion iron triangles driving a $200 billion wedge between spending and revenues.

Americans have always been that way. The first federal program to benefit the few was a road built very near here in the early 1800s. Americans have always organized groups and associations to promote their interests. And they have always petitioned government for programs that serve those interests. And for our whole history, Congress has been responsive. The men and women who serve in Congress today are not less inclined toward the public interest or more inclined toward the special interest. We have no less spine than the stalwarts of the 19th century. I would like to think that integrity has reached an all time high. We work harder at our jobs. We are better informed. We are more experienced in other facets of life.

So why do we have $200 billion deficits? Why is Bob Dole telling the American public that you are part of the problem?

There is a new element which has greatly changed the balance between the demands of the public organized as special interests and the willingness of the government to respond with spending programs or tax breaks. It is an institutional change. A sea change in American politics. It is the decline of the political party and the rise of the interest group.

There are many, many reasons for the decline of the party. But a couple are especially important in understanding the rise of the interest group. One is reform...reform both of the electoral process and of the policy-making process in the Congress. And the second is technology...the technology of political campaigns and elections.

Reform. There are two great themes which distinguish our government from so many others in the world today. For the political scientist, they are the very essence of democracy. The two principles upon which our government is founded are popular sovereignty and political equality. Popular sovereignty means that the government is responsive to the views of the people. The people are sovereign. And political equality. In the balance, every citizen counts for the same. One person, one vote.

This is the age of popular sovereignty. The political system has been made responsive—one might even say extremely sensitive—to the will of the people by making it completely open to the people. No more backroom deals for us. No brokered conventions. No bourban and branch water at four in the afternoon for our leaders. They're more likely to be found on the floor fighting some freshman's amendment.

In the legislature where parties—and the lobbies—were born, we have greatly diminished the authority of the leadership, proliferated the number of subcommittees and staff and focused the spotlight—and in the case of the House, the TV camera—on every detail of the legislative process. There was a time, I understand, when Finance Committee markups were closed. Imagine doing your business under those conditions. Truly primative.

But these legislative reforms have separated me from my party. Because of them I am much more the legislative entrepreneur much less the subsidiary of a larger corporate endeavor. I chair three subcommittees. Each is a little platform from which I can launch my own legislative initiatives. Each staffed by professionals. Each followed closely by colleagues of yours who sometimes perform what might be called staff functions.

The reforms have also brought me much closer to my constituents. I mumble something in markup at 11 in the morning about the mortgage interest deduction, and by 1 in the afternoon I'm talking to the president of the Minnesota homebuilders on the watts line.

The other reforms . . . reforms of the nomination and electoral process . . . have allowed the candidate to go directly to the voter. In fact, I got elected in 1978 because my opponent, Bob Short, was able to ignore the sentiments of the convention in his party and gained nomination through a primary. The party doesn't even have control of its name on the ballot in many states. In places where the caucus and convention are still used, things are often decided by proportional representation to ensure that the party broker will no longer be boss.

We have opened government and politics in the name of the people, and in the process made the candidate sovereign over the party. King caucus is truly dead.

Along with reforms came a technological revolution in campaigns. Public opinion polling. Thirty second shots on TV and radio. Direct mail. All very expensive. And so were begat the PACs. Max out and give me your mailing list, and I am smart enough to figure out the rest for myself. Or so the readers of the Wall Street Journal were told.

Campaign law and campaign technology have made my party just another PAC. The national Republican Party could not by law contribute more than five percent of the total cost of my 1982 campaign. Party precinct workers can push doorbells up and down the block identifying other Republicans, but give me the membership list of an interest group and I can push hot buttons all over the state by remote control.

Computer tape has replaced shoe leather as the most important hardware in a campaign. Parties, which had a near monopoly on the labor intensive shoe leather technology, have been replaced by the adman and the mailman delivering high-tech products designed by candidates and tailored for narrow and multiple audiences. And, you, the interest groups, with your dollars and your demands make it all possible.

So what has all this to do with lobby disclosure and a $200 billion deficit? I am for lobby disclosure. In fact, I consider myself a very strong advocate of disclosure. Now that might surprise you, if the only thing you read was my bill amending the 1946 act. The bill repeals the enforcement of registration and reporting requirements in that act. But I think you should disclose everything. Direct lobbying. Indirect lobbying. Grassroots lobbying. Lobbying by coalition.

The enforcement requirements in the 1946 act are actually a hindrance to forcing disclosure. Under the 1954 Supreme Court decision in Harriss, disclosure cannot be enforced because the court found the criminal sanctions unconstitutional. So my bill repeals the criminal penalties and shifts the responsibility for administering the act from the Justice Department to the Secretary of the Senate and the Clerk of the House. With new authority, the Secretary and Clerk can implement the original intent of the Act, and seek disclosure, not just of the costs of face-to-face lobbying of members but all the costs of lobbying including grassroots campaigns and lobbying congressional staff. And they could seek disclosure from a much larger number of those who lobby.

I say that the Secretary and Clerk will seek disclosure rather than require it, because my legislation counts on your desire for respectability, rather than a burdensome and unconstitutional regulation, to make information on your lobbying activities public. A recent survey of your profession showed that 88 percent of Washington-based lobbying organizations thought that respectability was their most valuable asset. By making complete and full disclosure a part of the definition of a respected lobbyist and seeking rather than enforcing, I expect that a whole lot more information on your activities will come to public attention. Ignore a polite letter from the Secretary of the Senate asking how much you spent this year, or to defeat that bill, and you will soon find yourself less than respected on the Hill. At least, that's my theory and considering performance under the current law, I think it's worth a try.

Why do I care so much about disclosure. It has nothing to do with dirty linen. I am not interested in knowing who made it to the tennis ranch this winter or how.

A moment ago, I mentioned the two great principles of American democracy—popular sovereignty and political equality. I said this is the age of sovereignty and tried to show what it has done to our political system. What I didn't say is that sovereignty and equality are not always compatible principles. We have made the people sovereign, but people are blessed with very different abilities to get their interests heard in a competitive system like our own. Some are well-educated. Some are not. Some work the day long. Others have leisure time to dabble in politics and write letters to their representatives. Judging by my mail the fastest growing sport in America. Some are well-organized and highly motivated. Others are not. Some are rich. Most are not.

As a member of the legislative branch, as the focal point for more pressure than I ever imagined possible, I need disclosure so that I can serve the second principle of democracy—so that I can do my best to count people equally. I need to see the large contours of interest and to understand the geography of pressure politics that make some interests appear much more prominent than others. In a system where sovereignty is the only value, everybody is a tree. But our system also expects me to know the forest and to do that I need to know the resources that you employ to get results. That's why I need lobby disclosure.

The deficit. Don't blame me for the deficit. I have a plan to balance the budget. The problem is that there are 536 plans to balance the budget and no two are alike, as we are proving by devoting a day to each on the floor of the Senate. And there is no longer an instrument that can force consensus.

There was a time when a Republican was necessarily an abolitionist. And another time when a Democrat was necessarily a New Dealer. Visions and missions for the nation put forward by political parties and shared by a majority of Americans. But the role of the party in shaping those visions has been lost and there is no institution at the top of the pyramid of interests, that can make it stick in the name of the grand interest—the public interest.

Do you think it would be possible for either party to adopt a detailed platform on how to balance the budget? Where to cut spending and raise revenues—line-by-line and loophole-by-loophole. It would be denounced in all of its specifics the very next morning. And first and most loudly by the elected officials of that party, trying to separate themselves from the planks not popular in their districts. And all the subcommittee chairmen would trot out and complain about the cuts in programs under their jurisdiction. And all of your trade journals would dutifully report that despite the fact that the party dropped off the cliff we can count on so-and-so to be our champion.

Over the last decade Congress has attempted four major domestic reforms. The budget process is one. It lies in shambles. The second was regulatory reform. All but dead. The third is sometimes called New Federalism. Every President since Eisenhower has attempted it. The Reagan New Federalism was perhaps the boldest stroke, but it never was stroked on Capitol Hill. The fourth is tax reform. We brought down the rates in ERTA. But can we finish the job by broadening the base? TEFRA 2 is half the size of TEFRA 1, and 1 already has some pretty big holes in it.

The reforms deal with the heart of government. Taxing. Spending. Regulating. Who does what in a federal system? None successful. Which did you work hardest to stop? Who was your champion and what subcommittee does he or she chair?

These reforms are needed because the American people have come to see the federal government as the government, not as our government. It is no longer the faithful servant of our common interest to be trusted with our shared ideals. And there is no instrument within our reach that we can take hold of and turn the problem around. At times in our history the political party has served that function. It needs to again.

And I think it will. This is the heyday of the interest group. But I think it will pass and pass quickly. I sense a new concern for the political party and its role. I think it will lead to new reforms in campaign financing, in the nomination process, in the regulation of campaign technology. I expect reforms in the rules of the Congress. It may not lessen your role in the policy-making process. But it will certainly shift your focus. Because one of these days—as hard as it is to imagine, especially in my case—one of these days I'm going to be held accountable by my party. And I'm going to look to its platform as a discipline.

The plain fact is that we, as a nation, are more divided than ever before—divided into a thousand interests. The evidence is a $200 billion gap between spending and revenues that threatens to impoverish our children. And we will do as we have always done. We will build the solution from the bottom up. We will take it to be our problem as citizens and we will look for an instrument to achieve a solution. That instrument exists. It has always served and served us best in the most difficult times. It is the political party. It is the lobby of the grandest interest—our shared interests as citizens—and only by bringing it back will be end the chaos of continuing deficits.

So interests are not bad. They are our heritage. The problem is not influence. Being interested and expressing it is the heart of our democracy. We need disclosure so that we can judge influence fairly and count people equally. And we need to restore the political parties so that our grand interest . . . our common interest . . . will once again be represented effectively in the legislature.

Thank you.

Mr. SMITH. Mr. President, consider the following hypothetical: it is the mid-1950's. The NAACP—still sufficiently unpopular that many of its contributors and members insist on remaining anonymous—is using grass roots activism in the South to back up its push for civil rights legislation. In a landmark ruling the NAACP successfully resists an effort by the State of Alabama to force disclosure of its membership list. But what would have happened if S. 349 had been in effect at the time? Clearly, either the bill is unconstitutional under that decision, NAACP versus Alabama, or else S. 349 represents a startling new manner of acquiring some of the same information that Alabama sought unsuccessfully to obtain—at least with respect to the big-money contributors who were influential in the organization.

Consider another hypothetical: assume you are an official in the Catholic Church in 1993, trying to figure out how broad your disclosure must be as a result of the massive recent lobbying effort in opposition to the so-called Freedom of Choice Act. How much did it cost? And how do you apportion costs? Any mistake you make could result in the Director of the Office of Lobbying Registration fining you $100,000 per noncompliance, even if you did not intentionally violate the statute.

Mr. President, I will vote against S. 349 for four reasons:

First, the constitutional right to petition the Government for redress of grievances is too important, and the chilling effect of this bill on the practice of that right is too great.

Second, the terms and definitions of this bill are far too vague, and it sets no discernable standard by which organizations can run their affairs.

Third, the sorts of information that the bill requires from ordinary citizens simply exercising their constitutional rights is far too intrusive.

And, fourth, the Office of the Director of Lobbying Registration—a man given a blank check to waltz through some of the most politically sensitive terrain of our political system—should be filled, if at all, by a nonpartisan person or commission—not a political person accountable to the party in power.

Mrs. MURRAY. Mr. President, the importance of the Lobbying Disclosure Act of 1993 is that for the first time we will have a single, efficient, and fair law for disclosure and accounting by all individuals who lobby the executive and legislative branches of our Government. Existing laws are a patchwork of different and sometimes conflicting requirements. They are confusing, and are riddled with loopholes on disclosure. They create mountains of useless bureaucratic paperwork, and they suffer from a lack of proper enforcement. Existing laws have failed on at least two counts. They have not assured full public accountability of the factors that influence Government action, nor have they served to hold public officials accountable for their actions.

A single, uniform lobbying disclosure law will create efficiency simply by replacing the three existing laws. It will consolidate filing into a single form and a single location. It will replace quarterly reports with semiannual reports, and it will require that all information is maintained in a form that is always accessible to the Federal Election Commission.

Furthermore, it establishes a new Office of Lobbying Registration within the Justice Department. As a result, we will finally be able to enforce the law, including strict new criminal penalties for those who do not comply with it.

Most importantly to me, the new law will be fair. It will cover all people who lobby the executive branch, congressional Members and/or congressional staffers. It applies to everyone; attorneys and nonattorneys, in-house lobbyists our outside lobbyists. Furthermore, it is fair in that it distinguishes between people who lobby as professionals and people who lobby on an inconsistent, incidental basis. This will assure that individuals who are employed full-time in other pursuits but who travel to Washington, DC, once a year for a week on minimum expense on behalf of a particular issue will not be treated in the same manner as those who are professional lobbyists. This provision is especially important to certain individuals and groups in my State of Washington.

The new law will streamline lobbying disclosure and the enforcement of the laws by replacing today's convoluted requirements with simple, well defined boundaries. For the first time, we will have a coherent law that provides the public with a true picture of the role lobbying plays in the formulation of public policy. Ultimately, it reforms lobbying disclosure laws in a fair and equitable manner. I urge my colleagues to support the legislation.

Mr. DOLE. Mr. President, lobbyists occupy a unique position today; they belong to the one profession less popular with the American people than Members of Congress.

Just mentioning the word "lobbyist" elicits the stereotype of the cigar-chomping peddler of special-interest influence. And, yes, sometimes this stereotype isn't too off the mark.

But, Mr. President, the fact is that Americans have a constitutional right to petition their Government. Lobbyists can—and many do—serve as surrogates for the millions of Americans who cannot make the trek to Washington themselves to express their views directly with their elected representatives.

In their role as surrogate, lobbyists can provide information, help hone arguments, and, yes, press their case with Congress.

No doubt about it, there are some bad apples in the lobbyist profession, as there are in every profession.

But I suspect that most Americans, after a few moments of reflection, would not support an outright ban on lobbying. Instead, they want lobbying activity regulated, disclosed, out in the open for all to see. And that is exactly what the lobbying disclosure act seeks to do—make the lobbyists and the lobbying accountable to the people through full public disclosure.

Mr. President, 2 years ago, I proposed the so-called front-page test, requiring Federal agencies to disclose any written or oral communications they may have received from Members of Congress on enforcement matters and agency contracts. It was my view then, and it's my view today, that these communications are appropriate, but we should be prepared to read about them on the front page of the local newspaper: If you don't want to read the headline, then do not make the phone call or write the letter.

Full public disclosure has a way of promoting accountability and good behavior. As Louis Brandeis once said, "The sunlight of disclosure is the best of disinfectants."

SINGLE UNIFORM STATUTE

Mr. President, there is currently on the books a jungle of different, and sometimes conflicting, laws and regulations governing lobbying.

There is the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, the so-called Byrd amendment, named after my distinguished colleague from West Virginia, and the lobbying provisions of the HUD Reform Act. There are also separate statutes regulating those who seek to lobby the Federal Energy Regulatory Commission and the Federal Maritime Commission.

This maze of regulation invites confusion, and ultimately, noncompliance. The more complex the law, the less likely people will comply with it.

To simplify the disclosure process, the Lobbying Disclosure Act replaces the current maze of overlapping regulations with a single, uniform statute.

CLOSING THE LOOPHOLES

Not only will this statute streamline the disclosure requirements, making compliance easier, it will also plug the gaping loopholes that make the current system hardly a system at all.

The Federal Regulation of Lobbying Act, for example, applies only to the lobbying of legislative branch officials, not to lobbying of executive branch officials. In addition, it has been interpreted to cover only efforts to lobby Members of Congress directly, not efforts to lobby congressional staff.

The Foreign Agents Registration Act exempts attorneys who represent foreigners before Federal agencies. The scope of this exemption is subject to many different interpretations.

These loopholes invite the cynicism of the American people, who suspect that Congress is up for sale to the highest bidder.

The Lobbying Disclosure Act would plug the loopholes by covering nearly all paid, professional lobbyists. It would require the registration of all lobbying organizations that spend more than $1,000 on lobbying activities during any 6-month period. It would cover those who lobby not only Members of Congress, but also congressional staff. And, most importantly, it would make no distinction between the legislative and executive branches, requiring the registration of all those who lobby members of the executive and the independent agencies.

EFFECTIVE ENFORCEMENT

Mr. President, perhaps the biggest reason why the existing lobbying laws have rarely been enforced is that they rely exclusively on criminal sanctions. Since many of the violations of the laws are technical in nature, prosecutors are unwilling to bring enforcement actions and juries are unwilling to convict. And this makes sense: In most instances, technical mistakes don't merit a criminal prosecution.

To make enforcement more effective, the Lobbying Disclosure Act would rely exclusively on civil penalties. The authority to assess a penalty would rest with the Director of the Office of Lobbying Registration, a new division in the Justice Department created by this bill. The Director will have the authority to determine the amount of the penalty depending on the severity of the violation.

This new approach should encourage compliance and make enforcement a reality.

Finally, Mr. President, I want to congratulate my distinguished colleagues—Senators COHEN, LEVIN, ROTH, and STEVENS—for putting this bill together and for advancing it through the Senate. Their hard work has moved Congress a few steps closer to regaining the respect of the American people.

FINANCIAL BENEFITS DISCLOSURE AMENDMENT

Mr. WELLSTONE. Mr. President, during negotiations over my amendment on financial benefits, there were some modifications made in order to gain Chairman LEVIN's support that require some further clarifications. Therefore, I have asked my staff to prepare a brief note explaining my intentions with respect to certain key terms contained in my amendment. I ask unanimous consent that this clarifying statement be included in the RECORD at this point.

CLARIFICATION OF "WIDELY-ATTENDED" RECEPTIONS

Mr. President, I want to make clear for purposes of legislative history what is meant by the term "widely-attended receptions" which under my amendment is exempted from disclosure. The term "widely-attended" receptions is intended to be applied in its usual sense of events involving large numbers of Members and congressional staff. The exception from reporting requirements for widely-attended receptions is designed to exempt the kind of receptions that are often held on Capitol Hill, such as the traditional ice cream reception in the Russell courtyard to which all Senators and Senate staff are invited or such as an association's reception held in the Cannon Caucus room or at the Hyatt Hotel, where all Members of the House and House staff are invited to attend. Receptions, other than those to which a very large number of Members and/or staff have been invited, are required to be disclosed under the reporting requirements of my amendment.

Let me give a few examples. Receptions for members and staff of congressional committees or for state delegations do not meet the definition of "widely-attended receptions." A reception for all Members of Congress who may be attending a national party convention also would not be exempt under this provision. Additionally, a reception held in Chicago or Philadelphia or other city for all Members of Congress who are in the city at the time of the reception would not qualify for the exemption for "widely-attended receptions." Receptions such as these would be subject to the disclosure requirements and would not qualify for this exemption.

Finally, receptions given in conjunction with other financial benefits which must be disclosed are not exempted from coverage by this amendment. A registered lobbyist must disclose the required information about a reception if such reception is part of other financial benefits that must be disclosed under this amendment's requirements. For example, if a registered lobbyist pays for a Member to travel to a three-day conference and one event of that conference is a reception, that reception must be reported in the same manner as the other financial benefits the lobbyist has provided.

CLARIFICATION REGARDING EVENTS HOSTED, COHOSTED OR HELD IN HONOR OF A COVERED LEGISLATIVE BRANCH OFFICIAL

My amendment requires that registrants under this bill must disclose an event that is hosted, cohosted with, or held in honor of, one or more covered legislative branch officials. Under this provision the registrant must list the name and position of the covered legislative branch official, the nature of the event, the date on which the event occurred, and the expenses incurred by the registrant in connection with the event. I would like to make clear that "in honor of" is intended to include any event that is "held for," is a "tribute to," is held "in behalf of" a covered legislative branch official and which is paid for in whole or in part by a registrant.

For example, if an organization required to register under the bill paid for a reception held for a Member of Congress during the national convention, that must be disclosed under my amendment.

If several organizations required to register under the bill paid for an event for a Member of Congress during the inauguration, each organization would have to disclose who the event was for, the nature and date of the event and the expenses incurred by the registrant.

Additionally, events hosted, cohosted with or held in honor of one or more covered legislative branch officials obviously do not qualify as "widely-attended receptions" and are not exempted from the amendment's reporting requirements.

CLARIFICATION OF "PROVIDED DIRECTLY OR INDIRECTLY"

The phrase "provided directly or indirectly" means that any benefit provided directly to a Member must be disclosed, as well as any benefit provided to any entity established, maintained, or controlled by a Member. The phrase also includes any financial benefit provided to any entity on behalf of or in the name of a Member or any financial benefit provided in response to a request or recommendation from or at the direction of a registrant.

Under the amendment's requirements, if a corporation is a registered lobbyist, any financial benefit paid for by the corporation or out of corporate funds, whether provided by a lobbyist for the corporation or by an official of the corporation, is required to be disclosed. Under the amendment's requirements to disclose financial benefits provided indirectly, a registrant lobbying on behalf of a client would be required to disclose financial benefits provided by one of the registrant's clients to a Member or congressional staff if the financial benefit was provided in response to a request or recommendation from or at the direction of the registrant.

I would like to make clear that this is my intention with respect to these terms within the context of my amendment, and to make this statement a part of its legislative history.

Mr. LEVIN. Mr. President, for 50 years we have tried to close the loopholes in lobbying reform laws. On at least four different occasions over a decade, efforts have been made. They have been stymied repeatedly. As a result, most people who are paid to lobby in this town do not disclose that fact, do not disclose who is paying them how much to lobby.

This is a bipartisan bill which will finally achieve that goal which was first put into law as a goal in 1946.

I hope at 4:15, when we are going to have our vote, that there will be a strong bipartisan vote for this bill. It has been a long time in coming.

I will have some additional thank you's after the bill is, hopefully, adopted.

Mr. President, I ask unanimous consent that the vote on final passage occur at 4:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

RECESS UNTIL 4:15 P.M.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate stand in recess until 4:15.

There being no objection, the Senate, at 2:58 p.m., recessed until 4:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The hour of 4:15 having arrived, the question is on the passage of the bill, S. 349, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. KRUEGER], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—2

Smith
Wallop

NOT VOTING—3

Heflin
Krueger
Pryor

So the bill, S. 349, as amended, was passed as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administration and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide for the disclosure of the efforts of paid lobbyists to influence Federal legislative or executive branch officials in the conduct of Government actions; and

(2) afford the fullest opportunity to the people of the United States to exercise their constitutional right to petition their Government for a redress of grievances, to express their opinions freely to their Government, and to provide information to their Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "agency" has the same meaning as such term is defined under section 551(1) of title 5, United States Code.

(2) The term "client" means any person who employs or retains another person for financial or other compensation to conduct lobbying activities on its own behalf. An organization whose employees act as lobbyists on its behalf is both a client and an employer of its employee lobbyists. In the case of a coalition or association that employs or retains persons to conduct lobbying activities on behalf of its membership, the client is the coalition or association and not its individual members.

(3) The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee of the Executive Office of the President other than a clerical or secretarial employee;

(D) any officer or employee serving in an Executive level I, II, III, IV, or V position, as designated in statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined under section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential or policy-determining character under Schedule C of the excepted service pursuant to section 7511 of title 5, United States Code.

(4) The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of Congress;

(C) any employee of a Member of the House of Representatives, of a committee of the House of Representatives, or on the leadership staff of the House of Representatives, other than a clerical or secretarial employee;

(D) any employee of a Senator, of a Senate Committee, or on the leadership staff of the Senate, other than a clerical or secretarial employee; and

(E) any employee of a joint committee of the Congress, other than a clerical or secretarial employee.

(5) The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of an organization, but does not include—

(A) independent contractors or other agents who are not regular employees; or

(B) volunteers who receive no financial or other compensation from the organization for their services.

(7) The term "foreign entity" means—

(A) a government of a foreign country or a foreign political party (as such terms are defined in section 1 (e) and (f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 (e) and (f)));

(B) a person whose principal place of residence is outside the United States, other than a United States citizen or an organization that is organized under the laws of the United States or any State and has its principal place of business in the United States; or

(C) a partnership, association, corporation, organization, or other combination of persons that is organized under the laws of or has its principal place of business in a foreign country.

(8) The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended for use in contacts, and coordination with the lobbying activities of others. Lobbying activities include grass roots lobbying communications and communications with members, as defined under section 4911 (d)(1)(A) and (d)(3) of the Internal Revenue Code of 1986 and the regulations implementing such provisions, to the extent that such activities are made in direct support of lobbying contacts.

(9)(A) The term "lobbying contact" means any oral or written communication with a covered legislative or executive branch official made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license) except that it does not include communications that are made to covered executive branch officials in the agency responsible for taking such action who serve in the Senior Executive Service, or who are members of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code.

(B) The term shall not include communications that are—

(i) made by public officials acting in their official capacity;

(ii) made by representatives of a media organization who are primarily engaged in gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through the media;

(iv) made on behalf of a foreign principal and disclosed under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.);

(v) requests for appointments, requests for the status of a Federal action, or other similar ministerial contacts, if there is no attempt to influence covered legislative or executive branch officials;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or office of Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or office;

(viii) information provided in writing in response to a specific written request from a covered legislative or executive branch official;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to agency officials with regard to judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or filings required by statute or regulation;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) written comments filed in a public docket and other communications that are made on the record in a public proceeding;

(xv) a formal petition for agency action, made in writing pursuant to established agency procedures; and

(xvi) made on behalf of an individual with regard to such individual's benefits, employment, other personal matters involving only that individual, or disclosures by that individual pursuant to applicable whistleblower statutes.

(10) The term "lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include lobbying contacts, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client.

(11) The term "organization" means any corporation (excluding a Government corporation), company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations. Such term shall not include any Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), organization of State or local elected or appointed officials, any Indian tribe, any national or State political party and any organizational unit thereof, or any national, regional, or local unit of any foreign government.

(12) The term "public official" means any elected or appointed official who is a regular employee of a Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), an organization of State or local elected or appointed officials, an Indian tribe, a national or State political party or any organizational unit thereof, or a national, regional, or local unit of any foreign government.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—(1) No later than 30 days after a lobbyist first makes a lobbying contact or agrees to make lobbying contacts, whichever is earlier, such lobbyist (or, as provided under subsection (c)(2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2)(A) Notwithstanding paragraph (1), any person whose total income (in the case of an organization described under section 5(b)(3)) or total expenses (in the case of an organization described under section 5(b)(4)) in connection with lobbying activities do not exceed, or are not expected to exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under section 5), is not required to register with respect to such client or clients.

(B) The registration thresholds established in this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $5,000 toward the registrant's lobbying activities in a semiannual period;

(B) significantly participates in the supervision or control of the registrant's lobbying activities; and

(C) has a direct financial interest in the outcome of the registrant's lobbying activities;

(4) the name, address, principal place of business, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, supervises, controls, directs, finances, or subsidizes the registrant's lobbying activities; or

(C) is an affiliate of the client or any organization identified under paragraph (3) that has a direct interest in the outcome of the lobbying activity;

(5) a statement of the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client and, to the extent practicable, a list of specific issues that have already been addressed or are likely to be addressed (as of the date of the registration); and

(6) the name of each employee of the registrant whom the registrant expects to act as a lobbyist on behalf of the client (or who has already acted as a lobbyist on behalf of the client as of the date of the registration) and, if any such employee has served as a covered legislative or executive branch official in the 2-year period before the date on which such employee first acted as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—(1) In the case of a registrant representing more than one client, a separate registration shall be filed for each client represented.

(2) Any organization that has one or more employees who are lobbyists shall file a single registration for each client on behalf of its employees who acted as lobbyists on behalf of such client.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which it is registered, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period.

(b) CONTENTS OF REPORT.—Each semiannual report filed under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which the registrant engaged in significant lobbying activities, including a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans, to the maximum extent practicable;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client during the semiannual filing period;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest in the issue, if any, of any foreign entity identified under section 4(b)(4);

(3) in the case of a registrant lobbying on behalf of a client other than the registrant, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person to lobby on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant lobbying on its own behalf, a good faith estimate of the total expenses that the organization and its employees incurred in connection with lobbying activities during the semiannual filing period; and

(5) in the case of a registrant described under paragraph (3), the name, address, and principal place of business of any person other than the client who paid the registrant to lobby on behalf of the client.

(c) ADDITIONAL INFORMATION ON FINANCIAL BENEFITS.—

(1) IN GENERAL.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), or (D)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vi) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation;

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

(d) ESTIMATES OF INCOME OR EXPENSES.—For the purpose of this section, estimates of income or expenses shall be made as follows:

(1) Income or expenses of $200,000 or less shall be estimated by the following categories:

(A) At least $1,000 but not more than $10,000.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(E) More than $100,000 but not more than $200,000.

(2) Income or expenses in excess of $200,000 shall be estimated and rounded to the nearest $100,000.

(3)(A) Any registrant whose total income (in the case of an organization described under subsection (b)(3)) or total expenses (in the case of an organization described under subsection (b)(4)) in connection with lobbying activities do not exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under this section), or who does not make any lobbying contacts on behalf of a particular client, is deemed to be inactive during such period with respect to such client or clients and may comply with the reporting requirements of this section by notifying the Director, in such form as the Director may prescribe.

(B) The reporting thresholds established under this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

(4) In the case of registrants that are required to report or identify lobbying income or expenses under sections 6033 and 6104 of the Internal Revenue Code of 1986, regulations developed under section 6 shall provide that the amounts required to be disclosed under such sections, or a good faith estimate of such amounts, may be reported (by category of dollar value) to meet the requirements of subsection (b) (3) or (4) of this section.

(5) In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor or agent of the registrant who is separately registered under this Act.

(e) Contacts With Congressional Committees.—For purposes of subsection (b)(2), any contact with a member of a congressional committee, an employee of a congressional committee, or an employee of a member of a congressional committee regarding a matter within the jurisdiction of such committee is a contact with the committee.

(f) Extension for Filing.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, on the request of the registrant, for good cause shown.

SEC. 6. ADMINISTRATIVE DUTIES OF THE OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) Establishment.—(1) There is established within the Department of Justice an Office of Lobbying Registration and Public Disclosure, which shall be headed by a Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be an individual who, by demonstrated ability, background, training, and experience, is especially qualified to carry out the functions of the position.

(2) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Office of Lobbying Registration and Public Disclosure, Department of Justice.".

(b) Duties.—The Director of the Office of Lobbying Registration and Public Disclosure shall—

(1) after notice and an opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such rules, forms, penalty schedules, and procedural regulations as are necessary for the implementation of this Act;

(2) provide guidance and assistance on the registration and reporting requirements of this Act, including, to the extent practicable, the issuance of published decisions and advisory opinions;

(3) review and make such supplemental verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this Act, including computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this Act to be accessed by the name of the client, the lobbyist, and the registrant;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this Act available to the public in electronic and hard copy formats as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of registrations until such time as they are terminated, and of reports for a period of no less than 2 years from the date on which the report is received;

(8) maintain a computer record of the information contained in registrations and reports for no less than 5 years after the date on which such registrations and reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed during such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under this Act and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created; and

(12) transmit to the President and the Congress an annual report describing the activities of the Office and the implementation of this Act, including—

(A) a financial statement for the preceding year;

(B) a summary of the registrations and reports filed with the Office in the preceding year;

(C) a summary of the registrations and reports filed on behalf of foreign entities in the preceding year; and

(D) recommendations for such legislative or other action as the Director considers appropriate.

SEC. 7. INFORMAL RESOLUTION OF ALLEGED NONCOMPLIANCE.

(a) Allegation of Noncompliance.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person may be in noncompliance with the requirements of this Act, the Director shall notify the person in writing of the nature of the alleged noncompliance and provide an opportunity for the person to respond in writing to the allegation within 30 days or such longer period as the Director may determine appropriate in the circumstances.

(b) Informal Resolution.—If the person responds within 30 days or other time limit set by the Director, the Director shall—

(1) take no further action, if the person provides adequate information or explanation to determine that it is unlikely that such person is in noncompliance with the requirements of this Act;

(2) if the person admits that there was a noncompliance and corrects such noncompliance—

(A) in the case of a minor noncompliance, take no further action; or

(B) in the case of a significant noncompliance, treat the matter as a minor noncompliance for the purpose of section 8; or

(3) make a determination under section 8, if the information or explanation provided indicates that such person may be in noncompliance with the requirements of this Act.

(c) Formal Request for Information.—If the person fails to respond in writing within 30 days or other time limit set by the Director, or the response is not adequate to determine whether such person is in noncompliance with the requirements of this Act, the Director may make a formal request for specific additional documentary information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize the burden imposed, consistent with the need to determine whether the person is in compliance, and shall—

(1) state the nature of the conduct constituting the alleged noncompliance which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the material so requested may be assembled and made available for inspection and copying or reproduction.

(d) Nondisclosure of Information.—Information provided to the Director under this section shall not be made available to the public, or to any legislative or executive branch official outside the Office of Lobbying Registration and Public Disclosure (except as required for the enforcement of this Act), without the consent of the person providing the information, except that—

(1) any new or amended report or registration filed in connection with an inquiry under this section shall be made available to the public in the same manner as any other registration or report filed under section 4 or 5; and

(2) written decisions issued by the Director under sections 8 and 9 may be published after appropriate redaction by the Director to ensure that confidential information is not disclosed.

SEC. 8. DETERMINATIONS OF NONCOMPLIANCE.

(a) Notification and Hearing.—If the information provided to the Director under section 7 indicates that such person may be in noncompliance with the requirements of this Act, the Director shall—

(1) notify the person in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days; and

(2) if requested by such person within such 30-day period, afford the person—

(A) in the case of a minor noncompliance, an informal hearing at which additional evidence may be presented; and

(B) in the case of a significant noncompliance, an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code.

(b) Determination.—The Director shall review the information received under this section and section 7 and make a final determination whether there was a noncompliance and a final determination of the penalty, if any. If no written response or request for a hearing was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final and nonappealable order.

(c) Written Decision.—If the Director makes a final determination that there was a noncompliance, the Director shall issue a public written decision—

(1) requiring that the noncompliance be included in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis;

(2) directing the person to correct the noncompliance; and

(3) assessing a civil monetary penalty in an amount determined as follows:

(A) In the case of a minor noncompliance, the amount shall be no more than $10,000, depending on the nature and extent of the noncompliance.

(B) In the case of a significant noncompliance, the amount shall be more than $10,000, but no more than $200,000, depending on the nature and extent of the noncompliance and the extent to which the person may have profited from the noncompliance.

(d) Civil Injunctive Relief.—If a person fails to comply with a directive to correct a noncompliance under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief.

(e) Penalty Assessments.—(1) No penalty shall be assessed under this section unless the Director finds that the person subject to the penalty knew or should have known that such person was not in compliance with the requirements of this Act. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the noncompliance and such other matters as justice may require. The Director shall not assess a penalty in an amount greater than that recommended by an administrative law judge after a hearing on the record under subsection (a)(3) unless the Director determines that the recommendation of the administrative law judge is arbitrary and capricious or an abuse of discretion.

(2) Regulations prescribed by the Director under section 6 shall define minor and significant noncompliances. Significant noncompliances shall be defined to include a knowing failure to register and any other knowing noncompliance that is extensive or repeated.

(f) Limitation.—No proceeding shall be initiated under this section unless the Director notifies the person who is the subject of the proceeding of the alleged noncompliance, pursuant to section 7, within 3 years after the date on which the registration or report at issue was filed or required to be filed.

SEC. 9. OTHER VIOLATIONS.

(a) Late Registration or Filing; Failure To Provide Information.—If a person registers or files more than 30 days after a registration or filing is required under this Act, or fails to provide information requested by the Director under section 7(c), the Director shall—

(1) notify the person in writing of the noncompliance and a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days; and

(2) if requested by such person within such 30-day period, afford the person an informal hearing at which additional evidence may be presented.

(b) Determination.—Unless the Director determines that the late filing or failure to provide information was justified, the Director shall make a final determination of noncompliance and a final determination of the penalty, if any. If no written response or request for a hearing was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final and unappealable order.

(c) Written Decision.—If the Director makes a final determination that there was a noncompliance, the Director shall issue a public written decision—

(1) in the case of a late filing, assessing a civil monetary penalty of $200 for each week by which the filing was late, with the total penalty not to exceed $10,000; or

(2) in the case of a failure to provide information—

(A) directing the person to provide the information within a reasonable period of time; and

(B) except where the noncompliance was the result of a good faith dispute over the validity or appropriate scope of a request for information—

(i) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(ii) assessing a civil monetary penalty in an amount not to exceed $10,000.

(d) Civil Injunctive Relief.—In addition to the penalties provided in this section, the Director may refer the noncompliance to the Attorney General to seek civil injunctive relief.

SEC. 10. JUDICIAL REVIEW.

(a) Final Decision.—A written decision issued by the Director under section 8 or 9 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) Appeal.—Any person adversely affected by a written decision issued by the Director under section 8 or 9 may appeal such decision, except as provided under sections 8(b) or 9(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) Recovery of Penalty.—Any penalty assessed in a written decision which has become final under this Act may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

(d) Attorneys' Fees.—In any appeal brought under this section, in which the person who is the subject of such action substantially prevails on the merits, the court may assess against the United States attorneys' fees and other litigation costs reasonably incurred in the administrative proceeding and the appeal.

SEC. 11. RULES OF CONSTRUCTION.

(a) Prohibition of Activities.—Nothing in this Act shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person, regardless of whether such person is in compliance with the requirements of this Act.

(b) Audit and Investigations.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Director, or to authorize the Director to review the files of a registrant, except in accordance with the requirements of section 7 regarding the informal resolution of alleged noncompliances and formal requests for information.

SEC. 12. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by amending subsection (b) to read as follows:

"(b) The term 'foreign principal' means a government of a foreign country or a foreign political party.";

(B) by striking out subsection (j);

(C) in subsection (o), by striking out "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting in lieu thereof "any activity which the person engaging in believes will, or which he intends to, in any way influence";

(D) in subsection (p) by striking out the semicolon and inserting in lieu thereof a period; and

(E) by striking out subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking out "established agency proceedings, whether formal or informal." and inserting in lieu thereof "judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times and extent of such transmittal";

(4) in section 4(b) (22 U.S.C. 614(b))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "(i) in the form of prints or" and all that follows through the end of the subsection and inserting in lieu thereof "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(5) in section 4(c) (22 U.S.C. 614(c)), by striking out "political propaganda" and inserting in lieu thereof "informational materials";

(6) in section 6 (22 U.S.C. 616)—

(A) in subsection (a), by striking out "and all statements concerning the distribution of political propaganda";

(B) in subsection (b), by striking out ", and one copy of every item of political propaganda"; and

(C) in subsection (c), by striking out "copies of political propaganda,";

(7) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2), by striking out "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking out subsection (d); and

(8) in section 11 (22 U.S.C. 621), by striking out ", including the nature, sources, and content of political propaganda disseminated or distributed.".

SEC. 13. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2), by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1993 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3), by striking out all that follows "loan shall contain" and inserting in lieu thereof "the name of any registrant under the Lobbying Disclosure Act of 1993 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking out paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) DELETION OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 14. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

(c) REPEAL OF REGISTRATION REQUIREMENT RELATING TO PUBLIC UTILITY LOBBYING ACTIVITIES.—Section 12(i) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 791(i)) is repealed.

SEC. 15. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1993)" after "an agent for a foreign principal".

(b) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1993 in connection with the representation of a foreign entity as defined under section 3(7) of such Act," after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended,".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1993)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

(d) AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT.—Section 319(b) of the Federal Election Campaign Act (2 U.S.C. 441e(b)) is amended—

(1) in paragraph (1) by striking out "or" after the semicolon;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) a foreign entity, as such term is defined by section 3(7) of the Lobbying Disclosure Act of 1993; or".

SEC. 16. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 18. IDENTIFICATION OF CLIENT.

Any person who makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact, state whether such person is registered under this Act and identify the client on whose behalf the lobbying contact is made.

SEC. 19. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to the provisions of subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this Act.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 6(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 6(b)(11) on the effective date of this Act, or as soon thereafter as reasonably practicable.

SEC. 20. GOVERNMENT-SPONSORED ENTERPRISES—REPORT TO CONGRESS.

(a) IN GENERAL.—A government-sponsored enterprise (hereafter in this section referred to as a "GSE") shall submit an annual report to the Congress containing the following information:

(1) A list including the name and address of each contractor, consultant, agent, or employee hired by the GSE to engage in—

(A) grass roots organizing or campaigning;

(B) public relations, media consulting, or image advertising; or

(C) lobbying, including the direct and indirect lobbying of the Congress.

(2) An itemization of all costs associated with activities described in paragraph (1) whether incurred by the GSE or by any of its contractors, consultants, agents, or employees listed pursuant to such paragraph, including entertainment expenses, travel expenses, advertising costs, salaries, billing rates and the total amount billed for services.

(3) A description of any lobbying of the Congress or the executive branch by employees, board members, or officers of the GSE.

(4) A description of any effort by the GSE or its agents to encourage others to lobby the Congress or the executive branch.

(5) A list of all charitable donations paid by the GSE on behalf of Members of Congress or members of the executive branch.

(6) A list of the salaries and other compensation (including the present value of stock options) and benefits paid to the officers and board members of the GSE.

(7) A list of all GSE employees who have been employed by either the Congress or the Federal Government in the 5 years preceding the report, and such employees' salary prior to being hired by the GSE and their current salary.

(b) DEFINITION OF GOVERNMENT-SPONSORED ENTERPRISE.—For the purposes of this section, the term "government-sponsored enterprise" means—

(1) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Student Loan Marketing Association, and

(2) a guaranty agency, as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j)).

SEC. 21. LIMITS ON ACCEPTANCE OF GIFTS, MEALS AND TRAVEL.

It is the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

SEC. 22. DISCLOSURE OF FOREIGN CONTRIBUTIONS.

It is the sense of the Senate that the conferees on this Act should seek to draft and add to this Act a constitutionally acceptable provision requiring additional disclosure of the contributions of foreign entities to the lobbying activities of registrants, as defined in this Act.

SEC. 23. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act.

(b) ESTABLISHMENT OF OFFICE.—The provisions of sections 6 and 17 shall take effect on the date of the enactment of this Act.

(c) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 12, 13, and 14 of this Act shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(d) REGULATIONS.—Proposed regulations required to implement this Act shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations shall be published.

(e) PHASE-IN PERIOD.—No penalty shall be assessed by the Director for any noncompliance with this Act which occurs during the first semiannual reporting period after the effective date of this Act.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, first I wish to thank Senator COHEN, the majority leader, the Republican leader, and all those who made possible the passage of this bill. From my staff, Linda Gustitus and Peter Levine have been incredibly involved, and we could not have moved the bill this far without them. Senator COHEN'S staff and the Governmental Affairs members, including the chairman, Senator GLENN, and Senator ROTH and others have all played a very important role.

If we could get this bill enacted, it would put to rest one of Washington's oldest problems and that is the patchwork of loopholes and exceptions that currently pass for lobbying laws. There are going to be some bumps on this road to passage. We have to get a bill passed in the House and probably to conference. But I am optimistic, because the country demands reform in the way we operate here in Washington, that we have at least a fighting chance to get a bill passed finally after four failed attempts since 1948.

Again, my thanks to my colleague, Senator COHEN, the majority leader, and others who worked hard so we could get to this point.

Mr. COHEN. Mr. President, let me take just a moment to offer my congratulations to the Senator from Michigan. Without his prodigious and, I must say, persistent effort, this bill would not have received passage today. While we labored several days, without his intelligent and guiding hand, ably assisted by the majority leader's big stick, I might say that we would still be here tonight and possibly tomorrow, or well into next week.

This measure is a major step on the road to reform. I am not persuaded that this bill in itself is going to restore the public's confidence in and the integrity of the political process, but it will be one small step toward that end.

I, too, wish to commend Linda Gustitus and Peter Levine of Senator LEVIN'S staff and Kim Corthell of my staff for all the work they have put into this effort.

Mr. MITCHELL. Mr. President, I offer my congratulations to Senators LEVIN and COHEN for a very successful, difficult, and vigorous effort on this important legislation.

They have worked at this for a number of years. It is significant reform. It would not have occurred but for their combined thoughtful and bipartisan leadership. And I thank them both in behalf of all Members of the Senate for the effective way in which they managed the bill.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business to extend until the hour of 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Mr. President, I thank the Chair. I thank the majority leader.

(The remarks of Mr. BOND pertaining to the introduction of S. 917 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Masschusetts is recognized.

NATIONAL SERVICE TRUST FUND ACT OF 1993 AND THE STUDENT LOAN REFORM ACT OF 1993

Mr. KENNEDY. Mr. President, it is a privilege to introduce two bills with bipartisan support that represent a new approach to community service and educational opportunity in this country: The National Service Trust Fund Act of 1993 and the Student Loan Reform Act of 1993. These measures, proposed by President Clinton, combine two types of Federal support to tap the energy and the ideals of our greatest resource, the young men and women of America.

Under the direct lending bill, student loans for education will be cheaper and simpler to obtain, and easier to repay. Because students will be able to repay loans as a percentage of their income, it will be possible for many of them to pursue careers and to take lower paying jobs they prefer, including careers in public service and community service.

Under the national service bill, individuals will be encouraged to direct their energy, ideals, and talents into their communities.

I am particularly pleased that service learning is a key element of the national service bill. Service learning is a genuine innovation in K–12 education. It enables teachers to take the classroom into the community. It makes their projects a laboratory for both learning and service.

The National Service Trust Act of 1993 builds on the fabric of national and community service programs that already exist and provides a range of service opportunities for young and old alike.

The fashion today is for too many Americans to blame the problems of their communities on others. We must empower citizens to look within themselves, and develop their individual and collective capacity to solve vexing local issues. Participation and involvement of citizens are the touchstones of democracy, and this legislation is designed to develop innovative ways to encourage such service and transform the life of the community.

The National Service Trust Act of 1993 supports five vital streams of service:

School-based and community-based service learning programs will give students in grades K–12 educational experiences while performing community service.

College-based programs will enable students to bring the concept of service into their academic courses and extracurricular projects.

Full-time and part-time stipends will be available to individuals for service in their communities.

Older American Volunteer programs will involve senior citizens in full-time and part-time community service.

Innovative programs will test new approaches to such service.

School-based and community-based service learning programs are the heart of any service program. They make service a part of people's daily lives, and stimulate new dimensions of learning. Students who monitor the pollution of a streambed are motivated to learn more about science. Fourth graders reading to senior citizens or writing down their stories acquire new skills in speaking, writing, and communication.

Service learning experiments are also part of school reform. They draw schools closer to their communities and tap the energy of residents to revitalize their neighborhoods. They raise students' educational achievement. High schools undertaking service learning programs in Pennsylvania, for example, report fewer dropouts and more college applicants.

Funding for the first year of the program will enable over half a million young Americans ages 5–17 to engage to participate in service programs. By the fourth year, several million young persons will have opportunities to serve.

Higher education-based programs are an equally essential part of the bill. Service-based classes can test academic ideas in the surrounding community. Extra-curricular service projects can add a new dimension to college experience, and make students more employable when they graduate. The National Service Trust Act will enable 100,000 college students to have service experiences in the first year.

The third major component of the bill is the full-time and part-time program to establish a domestic Peace Corps. It will offer an opportunity to 25,000 Americans in the first year and up to 150,000 in the fourth year to help pay for college or job training. Participants will help communities deal with unmet needs in areas such as the environment, public safety, and providing social services. Safeguards are included to prevent displacing or duplicating the functions of existing workers.

This component of the bill will include proven Federal programs such as VISTA, newer experiments such as the revival of the CCC, and a wide range of worthwhile State and local initiatives, such as Youthbuild and City Year in Massachusetts and the California Conservation Corps.

The component for senior citizens will build on the success of the Retired Senior Volunteer Program, which reimburses senior citizens for out-of-pocket costs when they volunteer their talents and experience to their communities. The Foster Grandparents Program encourages low-income persons over 60 to care for children at risk. The Senior Companion Program involves senior citizens in helping one another.

The act builds in strict guidelines to increase quality. Programs will compete to be creative in employing the talents and time of participating. Requirements of matching local and State resources will stretch Federal dollars further.

The second major bill, the Student Loan Reform Act of 1993, will revise the current college student loan program. Its goal is to achieve a full direct student loan program by 1998. The shift from the present system will take place slowly and cautiously. A small number of schools will participate in the early years, to ensure that the new program is a success.

Under direct lending, schools will be permitted to originate their own loans or use an alternative source. Schools themselves will not service the loans. Instead, the loans will be serviced largely by the existing entities on a competitive basis.

The result will be to lower the interest rate charged to students by approximately half of 1 percent, saving students hundreds or even thousands of dollars over the life of a loan.

Government subsidies to banks and other private entities will be eliminated, saving taxpayers billions of dollars.

EXCEL accounts will allow borrowers to repay their loans as a percentage of their income, permitting them to pursue lower paying careers in public service or other areas.

A range of other repayment options will be available, including lower fixed payments and graduated repayment plans.

The act will also streamline the system, and make it easier to audit and monitor. One stop student loans will enable students to receive all their financial aid through the existing aid offices. Schools will have only one form to use and one entity to deal with. Colleges, alternative loan originators, loan servicers, and the Department of Education will share data and develop a well-coordinated data system.

The Congressional Budget Office estimates that the shift to direct loans will save the Government $4 billion in the next 5 years. The current system is a wasteful and inefficient method of providing college aid, and it is long past time for it to be replaced.

Mr. President, I want to commend the efforts of our colleagues and friends, the Senator from Illinois, Senator SIMON, Senator DURENBERGER from Minnesota, both who have been strong supporters, as well as Senator BRADLEY. The direct loan program has been a bipartisan effort. We are enormously grateful for their efforts in the past, including when we were debating the higher education bill last year.

I also want to commend the other original cosponsors of the direct lending program: Senator RIEGLE, Senator WELLSTONE, and Senator LIEBERMAN. In the National Service Trust Act there are a number of Republicans: Senator DURENBERGER, Senator JEFFORDS, Senator SPECTER, and Senator CHAFEE.

We have an excellent, broad-based group of Members on our side, as well as on the Republican side, and we have made and will continue to make every effort to ensure that the concept and idea of service, which is so ingrained in the American value system, will be reflected in this legislation, through the informed wisdom of Republicans and Democrats alike. That is certainly our intention.

We are off to a good start, and I hope we will be able to build further support as the legislation proceeds in the committee and then on the floor.

Before concluding, I see my friend and colleague, Senator HARRIS WOFFORD, who has been a key figure in providing leadership in the service program. Testified as a Pennsylvania State official before our Human Resource Committee when we were looking at the community service program some 2 years ago. His testimony was indispensable in developing many of the features of the National and Community Service Act of 1990. He has had wide experience in this area, dating back to the original development of the Peace Corps. I think all of us in this body understand what an enormously important contribution he had made and continues to make in promoting national and community service. I welcome, and I think all of us welcome, his comments on these measures this afternoon.

Mr. President, before yielding the floor to Senator WOFFORD, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Service Trust Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

Sec. 101. Federal investment in support of national service.
Sec. 102. National Service Trust and provision of national service educational awards.
Sec. 103. School-based and community-based service-learning programs.
Sec. 104. Quality and innovation activities.

Subtitle B—Related Provisions

Sec. 111. Definitions.
Sec. 112. Authority to make State grants.
Sec. 113. Family and medical leave.
Sec. 114. Reports.
Sec. 115. Nondiscrimination.
Sec. 116. Notice, hearing, and grievance procedures.
Sec. 117. Nondisplacement.
Sec. 118. Evaluation.
Sec. 119. Engagement of participants.
Sec. 120. Contingent extension.
Sec. 121. Repeals.

TITLE II—ORGANIZATION

Sec. 201. State Commissions on National Service.
Sec. 202. Interim authorities of the Corporation for National Service and ACTION Agency.
Sec. 203. Final authorities of the Corporation for National Service.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

Sec. 301. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

Sec. 311. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

Sec. 321. Purpose of the VISTA program.
Sec. 322. Selection and assignment of VISTA volunteers.
Sec. 323. Terms and periods of service.
Sec. 324. Support for VISTA volunteers.
Sec. 325. Participation of younger and older persons.
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SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

"(3) The rising costs of post-secondary education are putting higher education out of reach for an increasing number of citizens.

"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

"(4) encourage citizens of the United States, regardless of age or income, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication, support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(6) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens; and

"(7) provide tangible benefits to the communities in which national service is performed.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) PROVISION OF ASSISTANCE.—The Corporation for National Service may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle. A Federal agency receiving assistance under this subsection shall not be required to satisfy the matching funds requirements specified in subsection (e). However, the supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance.

"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(A) the value of a national service educational award under section 147; and

"(B) the total number of approved national service positions to be provided.

"(d) FIVE PERCENT LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the recipient of the assistance; and

"(B) national service programs carried out or supported with the assistance.

"(2) RULES ON USE.—The Corporation may by rule prescribe the manner and extent to which—

"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient of the grant or transfer of assistance under such subsection; and

"(ii) national service programs carried out or supported with the assistance.

"(e) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, the program—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical capabilities, ages, ethnic backgrounds, or genders.

"(2) A youth corps program, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful full-time service projects with visible benefits to a community, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths and other disadvantaged youths who are between those ages; and

"(C) provides those participants who are youths and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as teachers, nurses, police officers, early childhood development staff, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services.

"(12) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals who are experts regarding national service or regarding the delivery of human, educational, environmental, or public safety services to communities or persons.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(c) NATIONAL SERVICE PRIORITIES.—

"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation may establish, and periodically alter, priorities regarding the types of national service programs to be assisted under section 121 and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

"(3) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.

"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:

"(1) A position for a participant in a national service program described in section

122(a) that receives assistance under subsection (a) or (b) of section 121.

"(2) A position for a participant in a program that—

"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private not-for-profit organization, an institution of higher education, or a Federal agency; and

"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.

"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.

"(5) A position for a participant in the Civilian Community Corps under subtitle E.

"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.

"(7) Such other national service positions as the Corporation considers to be appropriate.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) Planning Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.

"(b) Operational Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) Replication Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) Application to Subgrants.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.

"(a) Training Programs.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—

"(1) improve the ability of national service programs assisted under section 121 to meet human, educational, environmental, or public safety needs in communities—

"(A) where services are needed most; and

"(B) where programs do not currently exist or are currently too limited to meet community needs;

"(2) promote leadership development in such programs;

"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

"(4) develop the management and budgetary skills of program operators; and

"(5) provide for or improve the training provided to the participants in such programs.

"(b) Technical Assistance.—The Corporation may make appropriate technical assistance available to States, labor organizations, organizations operated by young adults, and other entities described in section 121 that desire—

"(1) to develop national service programs; or

"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.

"SEC. 126. OTHER SPECIAL ASSISTANCE.

"(a) Support for State Commissions.—

"(1) Assistance authorized.—The Corporation may make assistance available to assist a State to establish or operate the State Commission on National Service required to be established by the State under section 178.

"(2) Amount of assistance.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) Disaster Service.—The Corporation may undertake activities to involve youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws in disaster relief efforts.

"(c) Challenge Grants for National Service Programs.—

"(1) Assistance authorized.—The Corporation may make challenge grants under this subsection to a national service program that receives assistance under section 121. The Corporation shall develop criteria for the selection of challenge grant recipients so as to make the grants widely available to a variety of high-quality national service programs.

"(2) Amount of assistance.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.

"(a) Allotments of Assistance and Approved Positions to States and Indian Tribes.—

"(1) 33⅓ percent allotment of assistance.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 33⅓ percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) One percent allotment of assistance.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.

"(3) Effect of failure to apply.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) Reservation of Approved Positions.—

"(1) Number reserved.—Except as provided in paragraph (2), the Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (a) and (d) for that fiscal year.

"(2) Exception.—If the total number of approved national service positions to be available for distribution under subsections (a) and (d) for a fiscal year does not exceed 200 percent of the number of such positions that would be required to satisfy paragraph (1) for that fiscal year, the Corporation shall not reserve the national service educational award for individuals described in such paragraph who are selected during that fiscal year.

"(c) Reservation for Special Assistance.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. However, the Corporation may not reserve more than $10,000,000 for a fiscal year for challenge grants under section 126(c).

"(d) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS AND APPROVED POSITIONS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 33⅓ percent of the allocated funds to make grants to States on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—The Corporation shall distribute on a competitive basis to subdivisions of States, Indian tribes, public and private not-for-profit organizations (including labor organizations), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c).

"(3) LIMITATIONS.—The Corporation may limit the categories of eligible applicants for assistance under paragraph (2) consistent with the priorities established by the Corporation under section 133(d)(2).

"(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance and approved national service positions under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"(f) DISTRIBUTION OF APPROVED POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not distribute approved national service positions under this section for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year to satisfy the maximum possible obligations to be incurred by the United States to provide the national service educational award corresponding to service in these positions.

"(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

"(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

"(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

"SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 and approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation may require the following information to be provided in an application submitted under subsection (a):

"(1) A description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121.

"(2) A description of the national service programs that are selected by the applicant to receive a grant from assistance requested under section 121 and a description of the process and criteria by which the programs were selected.

"(3) A description of other funding sources to be used, or sought to be used, for the national service programs referred to in paragraphs (1) and (2), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds.

"(4) A description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed.

"(5) A description of the plan to be used to recruit participants, including economically disadvantaged youth, for the national service programs referred to in paragraphs (1) and (2).

"(6) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) build on existing programs, including Federal programs.

"(7) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) will involve participants—

"(A) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

"(B) in leadership positions in implementing and evaluating the program.

"(8) Measurable goals for the national service programs referred to in paragraphs (1) and (2), and a strategy to achieve such goals, in terms of—

"(A) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

"(B) the service experience to be provided to participants in the programs.

"(9) A description of the manner and extent to which the national service programs referred to in paragraphs (1) and (2) conform to the national service priorities established by the Corporation under section 122(c).

"(10) A description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable programs.

"(11) A description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant.

"(12) A description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in paragraphs (1) and (2), including the identity of the individual representing the labor organization who was consulted and the nature of the consultation.

"(13) Such other information as the Corporation may reasonably require.

"(c) APPLICATION TO RECEIVE ONLY APPROVED NATIONAL SERVICE POSITIONS.—

"(1) APPLICABILITY OF SUBSECTION.—This subsection shall apply in the case of an application in which—

"(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national service educational awards for individuals serving in service positions described in section 123; or

"(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.

"(2) SPECIAL APPLICATION REQUIREMENTS.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

"(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and

"(B) whether the Corporation should approve the positions as approved national service positions that include the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position.

"(d) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(e) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of an applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(f) Limitation on Same Project in Multiple Applications.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) Impact on Communities.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

"(2) comply with the nonduplication and nondisplacement requirements of section 177.

"(b) Impact on Participants.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform; and

"(2) provide support services to participants, such as the provision of appropriate information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma.

"(c) Consultation.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors;

"(2) prior to the placement of participants, consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and

"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) Evaluation and Performance Goals.—

"(1) In general.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) Alternative evaluation requirements.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) Living Allowances and Other In-service Benefits.—Except as provided in section 140(c), an application submitted under section 124 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) Selection of Participants From Individuals Recruited by Corporation or State Commissions.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs.

"SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization; or

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization.

"SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) Corporation Consideration of Certain Criteria.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—

"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and

"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.

"(b) Application to Subgrants.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position. The application of the State or other entity under section 130 shall contain a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance.

"(c) Assistance Criteria.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where they are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;

"(B) areas that are environmentally distressed; or

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) Other Considerations.—

"(1) Geographic diversity.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) Priorities.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(d)(2). In designating national service programs to receive priority, the Corporation may include—

"(A) national service programs carried out by another Federal agency;

"(B) national service programs that conform to the national service priorities in effect under section 122(c);

"(C) innovative national service programs.

"(D) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

"(E) grant programs in support of other national service programs if the grant programs are to be conducted by not-for-profit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

"(F) professional corps programs described in section 122(a)(8).

"(e) Rejection of State Applications.—

"(1) Notification of state applicants.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) Resubmission and reconsideration.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) Reallotment.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) In General.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets such eligibility requirements as may be established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5) has received a high school diploma or its equivalent or agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) Special Rules for Certain Youth Programs.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) Selection Process.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

"(b) Nondiscrimination and Nonpolitical Selection of Participants.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.

"(c) Second Term.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) Recruitment and Placement.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, including positions available under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, and other appropriate entities, particularly those organizations that provide outreach to disadvantaged youths.

"(e) National Leadership Pool.—

"(1) Selection and training.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

"(2) Emphasis on certain individuals.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served in the Peace Corps, as VISTA volunteers, or as participants in national service programs receiving assistance under section 121.

"(3) Assignment.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

"SEC. 139. TERMS OF SERVICE.

"(a) In General.—As a condition of receiving a national service education award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) Term of Service.—

"(1) Full-time service.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) Part-time service.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 1 year and not more than 2 years.

"(3) Reduction in hours of part-time service.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

"(c) Release From Completing Term of Service.—

"(1) Release authorized.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) Effect of release.—If the released participant was serving in an approved national service position, the participant may receive a portion of the national service educational award corresponding to that service in the manner provided in section 147(b), except that a participant released for cause may not receive any portion of the national service educational award.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) Provision of Living Allowance.—

"(1) Living allowance permitted.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) Limitation on federal share.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) Maximum living allowance.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) Proration of living allowance.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) TREATMENT OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection, up to the maximum living allowance authorized by paragraph (3), shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds. Nothing in the preceding sentence shall be construed to exclude amounts received as a living allowance from gross income under section 61 of the Internal Revenue Code of 1986 (26 U.S.C. 61).

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(2) the annual living allowance established by the program.

"(c) EXCEPTION FROM MAXIMUM LIVING ALLOWANCE FOR CERTAIN ASSISTANCE.—A professional corps program described in section 122(a)(8) that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—

"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;

"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and

"(3) the national service program must be operated directly by the applicant and must meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.

"(d) HEALTH INSURANCE.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who serves in a national service program carried out or supported by the recipient using the assistance, including individuals who need such child care in order to participate in the program; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.

"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Types of national service positions eligible for approval for national service educational awards.
"Sec. 124. Types of program assistance.
"Sec. 125. Training and technical assistance.
"Sec. 126. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.
"Sec. 130. Application for assistance and approved national service positions.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Required terms of service of national service participants.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. National service educational awards.".

SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—

"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(1), such amounts as the Corporation may designate to be available for the payment of—

"(A) national service educational awards; and

"(B) interest expenses pursuant to subsection (e);

"(2) any amounts received by the Corporation as gifts, bequests, devise, or otherwise pursuant to section 192(a)(2); and

"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the marketplace. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available for payments of national service educational awards in accordance with section 148.

"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—The Corporation shall submit an annual report to the Congress on the financial status of the Trust. Such report shall—

"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts or bequest during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;

"(3) identify the number of individuals whose ability to claim national service educational awards during the period covered by the report—

"(A) has been reduced pursuant to section 147(b); or

"(B) has lapsed pursuant to section 146(d); and

"(4) estimate the number of additional approved national service positions which the Corporation will be able to make available under subtitle C on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

“SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

“(a) ELIGIBLE INDIVIDUALS.—An individual shall receive a national service educational award from the National Service Trust if the individual—

“(1) successfully completes the required term of service described in subsection (b) in an approved national service position;

“(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

“(3) has received a high school diploma, or the equivalent of such diploma, at the time the individual uses the national service educational award; and

“(4) is a citizen of the United States or lawfully admitted for permanent residence.

“(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).

“(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.

“(d) TIME FOR USE OF EDUCATIONAL AWARD.—

“(1) FIVE-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 5-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.

“(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—

“(A) was unavoidably prevented from using the national service educational award during the original 5-year period; or

“(B) performed another term of service in an approved national service position during that period.

“SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD.

“(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service educational award having a value equal to $5,000 for each of not more than 2 of such terms of service.

“(b) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.

“SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

“(a) IN GENERAL.—Amounts in the Trust shall be available—

“(1) to repay student loans in accordance with subsection (b);

“(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);

“(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and

“(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).

“(b) USE OF EDUCATIONAL AWARD TO REPAY OUTSTANDING STUDENT LOANS.—

“(1) APPLICATION BY ELIGIBLE INDIVIDUALS.—An eligible individual under section 146 who desires to apply his or her national service educational award to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—

“(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;

“(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans; and

“(C) contains or is accompanied by such other information as the Corporation may require.

“(2) DISBURSEMENT OF REPAYMENTS.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award to which the eligible individual is entitled. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.

“(3) APPLICATION OF DISBURSED AMOUNTS.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall first be applied to the repayment of principal.

“(4) REPORTS BY HOLDERS.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.

“(5) AUTHORITY TO AGGREGATE PAYMENTS.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.

“(6) DEFINITION OF QUALIFIED STUDENT LOANS.—The term ‘qualified student loans’ means—

“(A) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078-2); and

“(B) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).

“(7) DEFINITION OF HOLDER.—The term ‘holder’ with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.

“(c) USE OF EDUCATIONAL AWARDS TO PAY CURRENT EDUCATIONAL EXPENSES.—

“(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—An eligible individual under section 146 who desires to apply his or her national service educational award to the payment of current educational expenses shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

“(2) SUBMISSION OF REQUESTS FOR PAYMENT BY INSTITUTIONS.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

“(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;

“(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;

“(C) certifies that (i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094), and (ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and

“(D) contains such provisions concerning financial compliance as the Corporation may require.

“(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are qualified. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.

“(4) MULTIPLE DISBURSEMENTS REQUIRED.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds ½ of such total amount. The interval between the first and second such installment shall not be less than ½ of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.

“(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.

“(6) MAXIMUM AWARD.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—

"(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and

"(B) the sum of (i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.), and (ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).

"(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE IN APPROVED SCHOOL-TO-WORK PROGRAMS.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to participate in school-to-work programs approved by the Secretaries of Labor and Education.

"(e) INTEREST PAYMENTS DURING FORBEARANCE ON LOAN REPAYMENT.—The Corporation may provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(6)), if the eligible individual successfully completes his or her required term of service (as determined under section 146(b)). Such regulations shall be prescribed after consultation with the Secretary of Education.

"(f) TREATMENT OF BENEFITS.—Notwithstanding any other provision of law, national service awards and other benefits received under this section shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds. The amount of any national service award or other benefits received under this section shall not be considered income for purposes of the Internal Revenue Code of 1986.

"(g) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards
"Sec. 145. Establishment of the National Service Trust.
"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
"Sec. 147. Determination of the amount of the national service educational award.
"Sec. 148. Disbursement of national service educational awards.".

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR SUBSIDIZED STAFFORD LOANS.—Section 428(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is amended by inserting after "parts C and E of this title," the following: "any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.),".

(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—Section 428 of the Higher Education Act of 1965 is amended—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(ii) by inserting immediately after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which he or she receives a national service educational award under the National Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and

(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subsection (b)(1) (V) and (W)".

(3) ELIGIBILITY FOR STAFFORD LOAN FORGIVENESS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(A) in subsection (b)(1), is amended by striking "October 1, 1992" and inserting "October 1, 1989";

(B) in subsection (c), by adding at the end the following new paragraph:

"(5) INELIGIBILITY OF NATIONAL SERVICE EDUCATIONAL AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.)."; and

(C) by adding at the end the following new subsection:

"(h) TREATMENT OF BENEFITS.—Notwithstanding any other provision of law, the amount of any loan repaid by the Secretary under this section shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds. The amount of any loan repaid by the Secretary under this section shall not be considered income for purposes of the Internal Revenue Code of 1986.".

(4) ELIGIBILITY FOR PERKINS LOAN FORGIVENESS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(5) IMPACT ON GENERAL NEEDS ANALYSIS.—Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.) shall not be taken into account in determining estimated financial assistance not received under this title.".

SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Subpart A—School-Based Programs for Students

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(5)(B);

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) one or more community partners that—

"(i) shall include a public or private not-for-profit organization that will make projects available for participants, who shall be students; and

"(ii) may include a private for-profit business or private elementary or secondary school;

"(3) planning of school-based service-learning programs through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students through State distribution of Federal funds made available under this part to local partnerships among—

"(A) local educational agencies; and

"(B) one or more—

"(i) public or private not-for-profit organizations;

"(ii) other educational agencies; or

"(iii) private for-profit businesses,

that coordinate and operate projects for participants, who shall be students.

"(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local educational agency by—

"(1) expanding the awareness of teachers of the potential of service-learning in strengthening the educational achievement, leadership development, and substantive learning, of students;

"(2) providing technical assistance and information to, and facilitating the training of, teachers who want to use service-learning in their classrooms;

"(3) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects;

"(4) recruiting and supervising adult volunteers, or individuals who are participants in a program under subtitle C or receive a national service educational award under subtitle D, to expand service-learning opportunities; and

"(5) coordinating the activities of the service-learning coordinator with the activities of the committee described in section 114(d)(1), and, where appropriate, assisting the committee.

"(c) RELATED EXPENSES.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses related to the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Chairperson may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—

"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or

"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph,

that is located in the State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the Chairperson may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.

"SEC. 112. GRANTS AND ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 25 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) State educational agencies and Indian tribes; or

"(B) as described in section 111B, to grantmaking entities.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(25), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Chairperson may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chairperson may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the Chairperson may reasonably require, such as—

"(A) a description of the goals to be attained in promoting service-learning through such programs;

"(B) a description of the resources and organization needed to achieve the goals of such programs within elementary schools and secondary schools; and

"(C) a description of the manner in which—

"(i) such programs and the activities to be carried out under such programs relate to the goals described in subparagraph (A);

"(ii) the applicant will evaluate the success of the programs and the extent of community involvement in the programs, and measure the extent to which the programs meet the goals described in subparagraph (A);

"(iii) in reviewing applications submitted under section 114(c), the applicant has ranked the applications according to the criteria described in section 115(b), has considered the factors described in section 115(a), and has reviewed the applications in a manner that ensured the equitable treatment of all such applications;

"(iv) the programs will be coordinated with—

"(I) the education reform efforts of the applicant;

"(II) other efforts to meet the National Education Goals;

"(III) other service activities in the State or serving the Indian tribe; and

"(IV) other education programs, training programs, social service programs, and appropriate programs that serve school-age youth, that are authorized under Federal law;

"(v) the applicant will disseminate information, conduct outreach, and take other measures, to encourage cooperative efforts among the local educational agencies, local government agencies, community-based agencies, State agencies, and private for-profit businesses that will carry out the service-learning programs proposed by the applicant, to develop and provide projects, including those that involve the participation of urban, suburban, and rural students working together;

"(vi) the applicant will promote appropriate projects in such programs for economically disadvantaged students, students with limited basic skills, students in foster care who are becoming too old for foster care, students of limited-English proficiency, homeless students, and students with disabilities;

"(vii) service-learning training and technical assistance will be provided through the programs—

"(I) to State and local educational agency personnel, federally assisted education specialists in the State or serving the Indian tribe, and local recipients of grants under this subpart, to raise the awareness of service-learning among such personnel, specialists, and recipients; and

"(II) by qualified and experienced individuals employed by the State or Indian tribe or through grants or contracts with such individuals;

"(viii) a service-learning network will be established for the State or Indian tribe, comprised of expert teachers and administrators who have carried out successful service-learning activities within the State or serving the Indian tribe; and

"(ix) the applicant will use payments from sources described in section 116(a)(2)(B) to expand projects for students through the programs proposed by the applicant;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) such additional information as the Chairperson may reasonably require.

"SEC. 114. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a)(2), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require. Such application shall include a proposal to assist such programs in more than 1 State.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—Any—

"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);

"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);

"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or

"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,

to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.

"(d) CONTENTS OF APPLICATION.—An application that is submitted under subsection (a), (b), or (c) with respect to a service-learning program described in section 111 shall, at a minimum, contain a proposal that includes—

"(1) information specifying the membership and role of an established advisory committee, consisting of representatives of community-based agencies including service recipients, students, parents, teachers, administrators, representatives of agencies that serve school-age youth or older adults, school board members, representatives of local labor organizations, and representatives of business, that will provide advice with respect to the program;

"(2) a description of—

"(A) the goals of the program which shall include goals that are quantifiable and demonstrate any benefits from the program to participants and the community;

"(B) service-learning projects to be provided under the program, and evidence that participants will make a sustained commitment to service in the projects;

"(C) the manner in which participants in the program were or will be involved in the design and operation of the program;

"(D) training for supervisors, teachers, service sponsors, and participants in the program;

"(E) the manner in which exemplary service will be recognized under the program; and

"(F) any resources that will permit continuation of the program, if needed, after the assistance received under this subpart for the program has ended;

"(3) information that shall include—

"(A) a disclosure of whether or not the participants will receive academic credit for participation in the program;

"(B) the expected number of participants in the program and the hours of service that such participants will provide individually and as a group;

"(C) the proportion of expected participants in the program who are economically disadvantaged, including participants with disabilities; and

"(D) any role of adult volunteers in implementing the program, and the manner in which such volunteers will be recruited;

"(4) in the case of an application submitted by a local partnership, a written agreement, between the members of the local partnership, stating that the program was jointly developed by the members and that the program will be jointly executed by the members; and

"(5) assurances that—

"(A) prior to the placement of a participant, the entity carrying out the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;

"(B) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and

"(C) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f).

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the Chairperson may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.

"(b) PRIORITY FOR LOCAL APPLICATIONS.—

"(1) IN GENERAL.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas;

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or

"(D) are integrated into the academic program of the participants.

"(c) Rejection of Applications.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) In General.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.

"(b) Waiver.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chairperson shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) Share.—

"(1) In general.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and

"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.

"(2) Calculation.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(b) Waiver.—The Chairperson may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) Administrative Costs.—

"(1) Limitation.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) Rules on use.—The Chairperson may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) Capacity-Building Activities.—Not less than 10 percent and not more than 15 percent of the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(c) Local Uses of Funds.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.

"SEC. 116B. DEFINITIONS.

"As used in this subpart:

"(1) Grantmaking entity.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(2) School-based.—The term 'school-based' means based in an elementary school or a secondary school.

"(3) Student.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.

"Subpart B—Community-Based Service Programs for School-Age Youth

"SEC. 117. DEFINITIONS.

"As used in this subpart:

"(1) Community-based service program.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).

"(2) Grantmaking entity.—The term 'grantmaking entity' means a qualified organization that—

"(A) submits an application under section 117C(a) to make grants to qualified organizations; and

"(B) was in existence 1 year before the date on which the organization submitted the application.

"(3) Qualified organization.—The term 'qualified organization' means a public or private not-for-profit organization with experience working with school-age youth that meets such criteria as the Chairperson may establish.

"SEC. 117A. GENERAL AUTHORITY.

"(a) Grants.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organizations to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.

"(b) Use of Funds.—

"(1) State commissions and grantmaking entities.—A State Commission or grantmaking entity may use a grant made under subsection (a)—

"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service-learning program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or

"(B) to provide training and technical assistance to such an organization.

"(2) Qualified organizations.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).

"SEC. 117B. STATE APPLICATIONS.

"(a) In General.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.

"(b) Submission.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.

"(c) Contents.—Such an application shall include, at a minimum, a State plan that contains the descriptions, proposals, and assurance described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.

"SEC. 117C. LOCAL APPLICATIONS.

"(a) Application to Corporation to Make Grants for Community-Based Service Programs.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.

"(b) Direct Application to Corporation to Carry Out Community-Based Service Programs.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.

"(c) Application to State Commission or Grantmaking Entity to Receive Grants to Carry Out Community-Based Service Programs.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.

"(d) Requirements of Application.—An application submitted under subsection (a), (b), or (c) shall, at a minimum, contain—

"(1) a description of any community-based service program proposed to be implemented, operated, expanded, or replicated directly by the applicant using assistance provided under this subpart;

"(2) a description of any grant program proposed to be conducted by the applicant with assistance provided under this subpart to support a community-based service program;

"(3) a proposal for carrying out the community-based service program that describes the manner in which the entity carrying out the program will—

"(A) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals, or qualified organizations, that have experience in community-based service programs;

"(B) include economically disadvantaged individuals as participants in the program proposed by the applicant;

"(C) provide an age-appropriate service-learning component described in section 114(d)(5)(B);

"(D) conduct an appropriate evaluation of the program;

"(E) provide for appropriate community involvement in the program;

"(F) provide service experiences that promote leadership abilities among participants in the program, including experiences that involve such participants in program design;

"(G) involve participants in projects approved by community-based agencies;

"(H) establish and measure progress toward the goals of the program; and

"(I) organize participants in the program into teams, with team leaders who may be participants in a program under subtitle C or individuals who receive a national service educational award under subtitle D; and

"(4) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f).

"SEC. 117D. CONSIDERATION OF APPLICATIONS.

"(a) Application of Criteria.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.

"(b) Assistance Criteria.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).

"(c) Application to Subgrants.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.

"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) Federal Share.—

"(1) In general.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.

"(2) Calculation.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).

"(b) Waiver.—The Chairperson may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).

"SEC. 117F. LIMITATIONS ON USES OF FUNDS.

"(a) Administrative Costs.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—

"(1) the original recipient; or

"(2) the entity carrying out the community-based service programs supported with the assistance.

"(b) Rules on Use.—The Chairperson may by rule prescribe the manner and extent to which—

"(1) such assistance may be used to cover administrative costs; and

"(2) that portion of the assistance available to cover administrative costs should be distributed between—

"(A) the original recipient; and

"(B) the entity carrying out the community-based service programs supported with the assistance.

"Subpart C—Clearinghouse

"SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.

"(a) In General.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to agencies described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such entity, with respect to information about service-learning.

"(b) Public and Private Not-For-Profit Agencies.—Public and private not-for-profit agencies that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).

"(c) Function of Clearinghouse.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;

"(2) conduct research and evaluations concerning service-learning;

"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;

"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

"(6)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

"(8) assist organizations in recruiting, screening, and placing service-learning coordinators; and

"(9) carry out such other activities as the Chairperson determines to be appropriate.

(b) Higher Education Innovative Projects.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) Purpose.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

"(b) General Authority.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of

1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with section 116(a)(2).

"(2) WAIVER.—The Chairperson may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chairperson may reasonably require.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

"(A) such information as the Chairperson may reasonably require, such as a description of—

"(i) the proposed program to be established with assistance provided under the grant or contract;

"(ii) the human, educational, environmental, or public safety service that participants will perform and the community need that will be addressed under such program;

"(iii) whether or not students will receive academic credit for community service projects under the program;

"(iv) the procedure for training supervisors and participants and for supervising and organizing participants in such program;

"(v) the procedures to ensure that the program includes the age-appropriate learning component described in section 114(d)(5)(B);

"(vi) the roles played by students and community members, including service recipients, in the design and implementation of the program; and

"(vii) the budget for the program;

"(B) assurances that—

"(i) prior to the placement of a participant, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(C) such other assurances as the Chairperson may reasonably require.

"(e) PRIORITY.—

"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—

"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

"(i) the institution;

"(ii)(I) a community-based agency;

"(II) a local government agency; or

"(III) a not-for-profit entity that serves or involves school-age youth or older adults; and

"(iii) a student organization;

"(E) demonstrate community involvement in the development of the proposal;

"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.

"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.

"(g) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

"PART III—GENERAL PROVISIONS

"SEC. 120. AVAILABILITY OF APPROPRIATIONS.

"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—

"(1) a sum equal to 75 percent of such aggregate amount shall be available to carry out part I, of which—

"(A) 85 percent of such sum shall be available to carry out subpart A; and

"(B) 15 percent of such sum shall be available to carry out subpart B; and

"(2) a sum equal to 25 percent of such aggregate amount shall be available to carry out part II.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH

"Sec. 117. Definitions.
"Sec. 117A. General authority.
"Sec. 117B. State applications.
"Sec. 117C. Local applications.
"Sec. 117D. Consideration of applications.
"Sec. 117E. Federal, State, and local contributions.
"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

SEC. 104. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(b) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and

(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 (as amended by subsection (b) of this section) is amended by adding at the end the following new subtitle:

"Subtitle H—Investment for Quality and Innovation

"SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—

"(1) ACTIVITIES.—The Corporation may undertake activities to improve the quality of national service programs and to support innovative and model programs, including—

"(A) programs under subtitle B or C for rural youth;

"(B) employer-based retiree programs;

"(C) intergenerational programs;

"(D) programs involving individuals with disabilities as participants providing service; and

"(E) programs sponsored by Governors.

"(2) INTERGENERATIONAL PROGRAM.—An intergenerational program referred to in paragraph (1)(C) may include a program in which older adults provide services to children who participate in Head Start programs.

"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.

"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance and other assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation may provide training and technical assistance to individuals, programs, local labor organizations, State educational agencies, State commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.

"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.

"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.

"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.

"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.

"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.

"SEC. 198A. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local community service programs with needs assessments and planning;

"(2) conduct research and evaluations concerning community service;

"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out community service programs and participants;

"(5) provide information, curriculum materials, technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;

"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and

"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and

"(8) carry out such other activities as the Chairperson determines to be appropriate."

"SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.

"(a) PRESIDENTIAL AWARDS.—

"(1) IN GENERAL.—The President, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.

"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(17)—

"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and

"(B) a program receiving an award under this subsection need not be a program authorized under this Act.

"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President, acting through the Corporation—

"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and

"(B) is not authorized to make a cash award to such individual or program.

"(b) INFORMATION.—The President, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.".

(d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

Subtitle B—Related Provisions

SEC. 111. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position designated by the Corporation as a position that includes a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.

"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(4) CHAIRPERSON.—The term 'Chairperson' means the Chairperson and Director of the Corporation appointed under section 193.

"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(6) CORPORATION.—The term 'Corporation' means the Corporation for National Service established under section 191.

"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Chairperson to be low-income according to the latest available data from the Department of Commerce.

"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(10) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(13) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(14) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(15) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(16) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means—

"(i) for purposes of subtitle C, an individual in an approved national service position; and

"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(17) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(18) PROGRAM.—The term 'program', except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), in paragraph (1) or (2) of section 152(b), or in section 198.

"(19) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(20) SCHOOL-AGE YOUTH.—The term 'school-age youth' means an individual between the ages of 5 and 17, inclusive.

"(21) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(22) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility; and

"(B) that—

"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and

"(ii) provides structured time for the students or participants to reflect on the service experience.

"(23) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in subsection (a)(3) or (b) of section 111.

"(24) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(25) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(26) STATE COMMISSION.—The term 'State Commission' means a State Commission on National Service maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(27) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(19) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(1) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(22) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

SEC. 113. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:

"SEC. 171. FAMILY AND MEDICAL LEAVE.

"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and

"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),

the participant shall be considered to be an eligible employee of the service sponsor.

"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—

"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be en employee of the service sponsor.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:

"Sec. 171. Family and medical leave.".

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "the national service laws".

SEC. 115. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Chairperson shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—

(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and

(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".

(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the Chairperson shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the Chairperson in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State, local agency, public or private not-for-profit organization, or partnership of such agencies and organizations, that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "the national service laws"; and

(B) in paragraph (2)—

(i) in the matter preceding subpargraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C"; and

(ii) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs"; and

(3) by striking subsections (i) and (j).

SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to sections 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 121. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 183, 185, and 186; and

(2) by redesignating section 184 as section 183.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to sections 183, 184, and 185 of such Act and inserting the following:

"Sec. 183. Drug-free workplace requirements.".

TITLE II—ORGANIZATION

SEC. 201. STATE COMMISSIONS ON NATIONAL SERVICE.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS ON NATIONAL SERVICE.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National Service that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for the individuals described in paragraphs (1) and (2) of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.

"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 13 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one representative from each of the following categories:

"(A) A national service program, such as a youth corps program, a service program for school-age youth, and a program in which older Americans are participants.

"(B) Local governments in the State.

"(C) Local labor organizations.

"(2) SOURCES OF OTHER MEMBERS.—The State Commission for a State may include as voting members the following:

"(A) Representatives of community-based organizations.

"(B) Members selected from among participants in service programs who are youths.

"(C) Members selected from among educators.

"(D) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(E) Representatives of businesses and business groups.

"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(b) for a State shall be a voting member of the State Commission for that State.

"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint as nonvoting ex officio members of the State Commission for the State representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is balanced according to race, ethnic background, age, and gender. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission shall not receive any additional compensation by reason of service on the State Commission, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission for a State shall be responsible for the following duties:

"(1) Preparation of a national service plan for the State that—

"(A) covers a 3-year period;

"(B) is updated annually; and

"(C) contains such information as the State Commission considers to be appropriate or as the Corporation may require.

"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance.

"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.

"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.

"(5) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.

"(6) Development of a State system for the recruitment and placement of participants in national service programs that receive assistance under section 121 and dissemination of information concerning national service programs that receive assistance and approved national service positions.

"(7) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 121, including selection, oversight, and evaluation of grant recipients.

"(8) Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation or from the State using assistance provided under section 121.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission may not directly carry out any national service program that receives assistance under section 121.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission; and

"(B) the authority of the State Commission regarding national service activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation shall reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that use of the alternative administrative entity does not allow the individuals described in paragraphs (1) and (2) of subsection (c) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission. If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions on National Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TRANSITIONAL PROVISIONS.—

(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National Service that satisfies the requirements specified in section 178 of the National and Community Services Act of 1990, as amended by subsection (a), the Corporation for National Service may authorize the chief executive of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 1-year period beginning on the date of the enactment of this Act.

SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"Subtitle G—Corporation for National Service

"SEC. 191. CORPORATION FOR NATIONAL SERVICE.

"There is established a Corporation for National Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS.

"(a) COMPOSITION.—

"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—

"(A) 11 members, including the Chairperson appointed under section 193, to be appointed by the President, by and with the advice and consent of the Senate; and

"(B) the ex officio members described in paragraph (4).

"(2) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—

"(A) who have extensive experience in volunteer and service programs, including programs funded under one of the national service laws, and in State government;

"(B) who represent a broad range of viewpoints;

"(C) who are experts in the delivery of human, educational, environmental, or public safety services;

"(D) so that the Board shall be diverse according to race, ethnicity, age, and gender; and

"(E) so that no more than 6 appointed members of the Board are from a single political party.

"(3) INITIAL MEMBERS.—No fewer than 8 of the members first appointed to the Board after the date of enactment of this section shall be appointed from among individuals who served on the Board of Directors of the Commission on National and Community Service.

"(4) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.

"(b) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 4 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 4 shall serve for a term of 2 years, as designated by the President.

"(c) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings if 6 members of the Board request such meetings in writing.

"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.

"(c) OFFICERS.—

"(1) VICE CHAIRPERSON.—The Board shall elect a Vice Chairperson from among its membership. The Vice Chairperson may conduct meetings of the Board in the absence of the Chairperson.

"(2) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.

"(d) INSPECTOR GENERAL OVERSIGHT COMMITTEE.—The Board shall establish an Inspector General oversight committee (referred to in this subtitle as the 'oversight committee'). Such committee shall be comprised of the Vice Chairperson and two members selected by the Vice Chairperson. The Chairperson shall not serve on the oversight committee.

"(e) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

“(f) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

“(g) STATUS OF MEMBERS.—

“(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

“(2) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

“(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

“(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

“(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

“(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

“(h) DUTIES.—The Board shall—

“(1) make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), and designate such positions as approved national service positions as are necessary or appropriate to carry out this Act;

“(2) prepare a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the grants, allotments, contracts, assistance, and payments described in paragraph (1), and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act;

“(3) make recommendations with respect to the regulations established under section 195(a)(3)(B)(i);

“(4)(A) review the actions of the Chairperson with respect to the personnel of the Corporation, and with respect to the standards, policies, procedures, programs, and initiatives; and

“(B) inform the Chairperson of any aspects of the actions of the Chairperson that are not in compliance with the annual strategic plan described in paragraph (2) or the recommendations described in paragraph (3), or are not consistent with the objectives of this Act;

“(5) receive, and act on, the reports issued by the Inspector General of the Corporation;

“(6) arrange for the evaluation of programs established under this Act, in accordance with section 179;

“(7) provide for research with respect to national and community service programs, including service-learning programs;

“(8) advise the President and the Congress concerning developments in national and community service that merit the attention of the President and the Congress;

“(9) disseminate information regarding the programs and initiatives of the Corporation; and

“(10) carry out any other activities determined to be appropriate by the Chairperson.

“(i) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

“SEC. 193. CHAIRPERSON AND DIRECTOR.

“(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chairperson of the Board and as Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) COMPENSATION.—The Chairperson shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(c) REGULATIONS.—The Chairperson shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

“SEC. 193A. AUTHORITIES AND DUTIES OF THE CHAIRPERSON.

“(a) GENERAL POWERS AND DUTIES.—The Chairperson shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.

“(b) DUTIES.—In addition to the duties conferred on the Chairperson under any other provision of this Act, the Chairperson shall—

“(1) submit a proposal to the Board regarding, and establish, such standards, policies, and procedures, as are necessary or appropriate to carry out this Act;

“(2) establish and administer such programs and initiatives as the Chairperson, acting on the recommendation of the Board, may determine to be necessary or appropriate to carry out this Act;

“(3) consult with appropriate Federal agencies in administering such programs and initiatives;

“(4) on the recommendation of the Board, suspend or terminate payments and positions described in section 192A(h)(1), in accordance with section 176;

“(5) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Chairperson with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

“(6) notify, and provide an explanation to, the Board regarding any substantial differences between the actions of the Chairperson and the strategic plan described in section 192A(h)(2); and

“(7) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

“(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation; and

“(B) the manner in which the Corporation used or disposed of such services, money, and property.

“(c) POWERS.—In addition to the authority conferred on the Chairperson under any other provision of this Act, the Chairperson may—

“(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Chairperson considers necessary or appropriate;

“(2) with the approval of the President—

“(A) arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act; and

“(B) as necessary or appropriate—

“(i) delegate any of the functions of the Chairperson under this Act, or, with the permission of the Board, any of the functions of the Board under this Act, to such heads of Federal agencies; and

“(ii) authorize the redelegation of such functions,

subject to provisions to assure the maximum possible liaison between the Corporation and such other agencies at all operating levels;

“(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

“(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

“(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the Chairperson shall determine to be appropriate to public agencies, private organizations, and the general public;

“(6) collect or compromise all obligations to or held by the Chairperson and all legal or equitable rights accruing to the Chairperson in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the ‘Federal Claims Collection Act of 1966’);

“(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Chairperson;

“(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

“(9) exercise the authorities of the Corporation under section 196; and

“(10) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the Chairperson determines to be necessary or appropriate to carry out such provisions.

“(d) DELEGATION.—

“(1) DEFINITION.—As used in this subsection, the term ‘function’ means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

“(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Chairperson may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Chairperson under this subsection or under any other provision of this Act shall relieve such Chairperson of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The Chairperson may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Chairperson shall survive notwithstanding any change in the person occupying the office of Chairperson or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Chairperson or the Board or property under the control of the Chairperson or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"SEC. 194. OFFICERS.

"(a) MANAGING DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—

"(A) FEDERAL PROGRAMS.—One of the Managing Directors shall be primarily responsible for the Federal programs carried out by the Corporation.

"(B) INVESTMENT PROGRAMS.—The other Managing Director shall be primarily responsible for the financial assistance programs carried out by the Corporation.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—

"(A) IN GENERAL.—The Office shall be headed by an Inspector General, appointed by the President, by and with the consent of the Senate.

"(B) REPORTING.—The Inspector General shall report directly to the oversight committee.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) DUTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(i) the Corporation shall be considered to be a designated Federal entity, as defined in section 8E(2) of such Act; and

"(ii) except as provided in paragraph (2)(A), the oversight committee shall be considered to be the head of the designated Federal entity, as defined in section 8E(4) of such Act.

"(B) PROGRAM FRAUD.—For purposes of chapter 38 of title 31, United States Code (commonly known as the 'Program Fraud Civil Remedies Act of 1986')—

"(i) the Corporation shall be considered to be an authority, as defined in section 3801(a)(1) of such Act;

"(ii) the oversight committee shall be considered to be an authority head, as defined in section 3801(a)(2) of such Act; and

"(iii) the Inspector General shall be considered to be an investigating official, as defined in section 3801(a)(4) of such Act.

"(c) CHIEF FINANCIAL OFFICER.—

"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—The Chief Financial Officer shall—

"(A) report directly to the Chairperson regarding financial management matters;

"(B) oversee all financial management activities relating to the programs and operations of the Corporation;

"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;

"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and

"(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—The Chairperson may appoint and determine the compensation of such employees as the Chairperson determines to be necessary to carry out the duties of the Corporation.

"(2) TERMS.—

"(A) INITIAL TERM.—

"(i) LENGTH OF TERM.—Such an employee shall be appointed for an initial term that shall not exceed 5 years.

"(ii) PROBATION PERIOD.—The Chairperson shall take such action, including the issuance of rules, regulations, and directives, as shall provide, as nearly as conditions of good administration warrant, for a 1-year period of probation before such an appointment becomes final.

"(B) APPOINTMENT EXTENSIONS.—The appointment of an employee may be extended if the Chairperson determines that such an extension is necessary to ensure the continuity of functions under this Act.

"(C) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(i) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in section 195(b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(ii) EMPLOYEES WITH NOT LESS THAN 1 BUT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in section 195(b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 1 year, but less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code, until the date that is 3 years after the date of separation.

"(iii) DEFINITION.—As used in this subparagraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(3) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B)(iv) and (C)(ii), the Chairperson may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) CORPORATION SELECTION AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The Chairperson, after consultation with the Director of the Office of Personnel Management and after reviewing the recommendations of the Board under section 192A(h)(3), shall issue regulations establishing selection and compensation systems for the Corporation. In issuing such regulations, the Chairperson shall take into consideration the need for flexibility in such a system.

"(ii) APPLICATION.—The Chairperson shall appoint and determine the compensation of employees referred to in paragraph (1), other than representatives described in section 195(b), in accordance with the selection and compensation systems referred to in clause (i).

"(iii) SELECTION SYSTEM.—The selection system shall provide for the selection of such an employee for such a position—

"(I) through a competitive process; and

"(II) on the basis of the qualifications of applicants and the requirements of the position.

"(iv) COMPENSATION SYSTEM.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(C) SELECTION AND COMPENSATION OF CORPORATION REPRESENTATIVES.—

"(i) IN GENERAL.—The Chairperson may appoint and determine the compensation of representatives described in section 195(b) without regard to the selection and compensation systems described in subparagraph (B).

"(ii) LIMITATION ON COMPENSATION.—The rate of compensation for each representative described in section 195(b) shall not exceed the maximum rate of basic pay payable for GS–15 of the General Schedule under section 5332 of title 5, United States Code.

"(b) CORPORATION REPRESENTATIVE IN EACH STATE.—

"(1) DESIGNATION OF REPRESENTATIVE.—The Corporation shall designate 1 employee of the Corporation for each State or group of States to serve as the representative of the Corporation in the State or States and to assist the Corporation in carrying out the activities described in this Act in the State or States.

"(2) DUTIES.—The representative designated under this subsection for a State or group of States shall serve as the liaison between—

"(A) the Corporation and the State Commission that is established in the State or States; and

"(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation.

"(3) Member of State Commission.—The representative designated under this subsection for a State or group of States shall also serve as a voting member of the State Commission established in the State or States.

"(c) Consultants.—The Chairperson may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(d) Details of Personnel.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Chairperson and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(e) Advisory Committees.—

"(1) Establishment.—The Chairperson, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.

"(2) Composition.—Such an advisory committee shall be composed of members appointed by the Chairperson, with such qualifications as the Chairperson may specify.

"(3) Expenses.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(e).

"(4) Staff.—The Chairperson is authorized to appoint and fix the compensation of such staff as the Chairperson determines to be necessary to carry out the functions of the advisory committee, in accordance with subsection (a)(3)(A), and without regard to the selection and compensation systems described in subsection (a)(3)(B). Such compensation shall not exceed the rate described in subsection (a)(3)(C)(ii).

"SEC. 196. ADMINISTRATION.

"(a) Donations.—

"(1) Services.—

"(A) Volunteers.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(e).

"(B) Limitation.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(2) Property.—The Corporation may solicit, accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

"(3) Rules.—The Chairperson shall establish written rules setting forth the criteria to ensure that the solicitation or acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to paragraph (2)) will not reflect unfavorably upon the ability of the Corporation or any employee of the Corporation to carry out the responsibilities or official duties of the Corporation in a fair and objective manner, or compromise the integrity of the programs of the Corporation or any official involved in such programs.

"(4) Disposition.—Upon completion of the use by the Corporation of any property described in paragraph (2), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(5) Volunteer.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) Contracts.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.".

(b) Domestic Volunteer Service Act of 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Chairperson of the Corporation for National Service.".

(c) Transfer of Functions of Commission on National and Community Service.—

(1) Definitions.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) Transfer of functions.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) Application.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Corporation; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) Continuing Performance of Certain Functions.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on the Board of Directors of the Corporation for National Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) Job Search Assistance.—The Chairperson shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to employees of the ACTION agency who are not transferred to the Corporation for National Service under section 203(c).

(f) Government Corporation Control.—

(1) Wholly owned government corporation.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service.".

(2) Audits.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) Disposal of Property.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Chairperson of the Corporation for National Service for disposal such surplus property as is recommended by the Chairperson as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Chairperson of a proposed transfer of property for such activities, the Chairperson, through such officers or employees of the Corporation as the Chairperson may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Chairperson shall comply with the requirements of paragraph (1)(C).".

(h) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service

"Sec. 191. Corporation for National Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Chairperson and Director.
"Sec. 193A. Authorities and duties of the Chairperson.
"Sec. 194. Officers.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(i) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, paragraphs (2) and (4) of section 192A(h), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, subsections (a), (b), and (d) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(h) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Chairperson" means the Chairperson of the Corporation;

(B) the term "Corporation" means the Corporation for National Service, established under section 191 of the National and Community Service Act of 1990;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Chairperson is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Chairperson, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Chairperson is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) SUBTITLES C, D, AND H.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $389,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998. Of the funds appropriated under this paragraph for a fiscal year, not more than 15 percent of such funds may be made available to provide financial assistance for activities in subtitle H, section 125, or section 126.

"(3) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(b) TITLE III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1998.

"(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.".

Subtitle B—Domestic Volunteer Service Act of 1973

SEC. 311. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

SEC. 321. PURPOSE OF THE VISTA PROGRAM.

The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".

SEC. 322. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.

(a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6)—

(A) by striking "or the Community Economic" and inserting "the Community Economic";

(B) by inserting "or other similar Acts," after "1981,"; and

(C) by striking the period and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".

(b) RECRUITMENT PROCEDURES.—Section 103(b) (42 U.S.C. 4953(b)) is amended—

(1) by striking paragraphs (2), (4), (5) and (6);

(2) by redesignating paragraphs (3) and (7) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as redesignated in paragraph (2) of this subsection), by striking "paragraph (7)" and inserting "paragraph (3)"; and

(4) in paragraph (3) (as redesignated in paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (2)";

(B) by striking subparagraphs (B), (C), and (E);

(C) by redesignating subparagraphs (D) and (F) as subparagraphs (C) and (D), respectively; and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) A sponsoring organization may recruit volunteers for service under this part, subject to final approval by the Director.".

(c) PUBLIC AWARENESS AND RECRUITMENT.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1)(A) The Director shall conduct national and local public awareness and recruitment activities in order to meet the volunteer goals of the program. Such activities shall be coordinated with recruitment authorized under subtitle C or E of the National and Community Service Act of 1990 and may include public service announcements, advertisements, publicity on loan deferments and cancellations available to VISTA volunteers, maintenance of a toll-free telephone system, and provision of technical assistance for the recruitment of volunteers to programs and projects receiving assistance under this part.

"(B) The Director shall take steps to recruit individuals 18 through 27 years of age, 55 years of age and older, recent graduates of institutions of higher education, and special skilled volunteers and to promote diverse participation in the program.";

(2) in paragraph (3), by adding at the end the following new sentence: "In addition, the Director shall take steps to provide opportunities for returned Peace Corps volunteers to serve in the VISTA program.";

(3) by striking paragraphs (4), (5), and (6); and

(4) by adding at the end the following new paragraph:

"(4) From the amounts appropriated under section 501(a) for fiscal year 1994 and each subsequent fiscal year, the Director shall obligate such sums as may be necessary for the purpose of carrying out this subsection in such fiscal year.".

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

SEC. 323. TERMS AND PERIODS OF SERVICE.

(a) CLARIFICATION AND PERIODS OF SERVICE.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) SUMMER PROGRAM.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

SEC. 324. SUPPORT FOR VISTA VOLUNTEERS.

(a) POSTSERVICE STIPEND.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $125 per month during the service of the volunteer after October 1, 1994, assuming the availability of funds to accomplish this increase. The Director may provide a stipend of a minimum of $200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service education award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

SEC. 325. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

Section 107 (42 U.S.C. 4957) is amended to read as follows:

"SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

SEC. 326. LITERACY ACTIVITIES.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h), by striking paragraph (3).

SEC. 327. APPLICATIONS FOR ASSISTANCE.

Section 110 (42 U.S.C. 4960) is amended to read as follows:

"SEC. 110. APPLICATIONS FOR ASSISTANCE.

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

SEC. 328. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.

Part B of title I (42 U.S.C. 4971 et seq.) is amended by repealing section 114 (42 U.S.C. 4974).

SEC. 329. UNIVERSITY YEAR FOR VISTA.

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

SEC. 330. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

Section 122 (42 U.S.C. 4992) is amended to read as follows:

"SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

SEC. 331. TECHNICAL AND FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended to read as follows:

"SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

SEC. 332. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.

Section 124 (42 U.S.C. 4994) is repealed.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.

(a) TITLE HEADING.—The heading for title II is amended to read as follows:

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS".

(b) REFERENCES.—

(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older America Volunteer Programs" and inserting "National Senior Volunteer Corps".

(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".

(3) Section 224 (42 U.S.C. 5024) is amended—

(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and

(B) by striking "volunteer projects for Older Americans" and inserting "National Senior Volunteer Corps projects".

(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".

SEC. 342. THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) PART HEADING.—The heading for part A of title II is amended by striking "RETIRED SENIOR VOLUNTEER PROGRAM" and inserting "RETIRED AND SENIOR VOLUNTEER PROGRAM".

(b) REFERENCES.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and the Act and inserting "Retired and Senior Volunteer Program".

SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) ELIGIBILITY FOR PARTICIPANTS IN THE PROGRAM.—Section 201(a) (42 U.S.C. 5001(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "and older working persons" after "retired persons"; and

(2) in paragraph (2), by striking "aged sixty" and inserting "age 55".

(b) DELETION OF REQUIREMENT FOR STATE AGENCY REVIEW.—Section 201 (42 U.S.C. 5001) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.

Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following: "Such services may include services by individuals serving as foster grandparents to children who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, Head Start projects, or any of a variety of other establishments and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site.".

SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.

Section 211(d) (42 U.S.C. 5011(d)) is amended in the second sentence by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,".

SEC. 346. PARTICIPATION OF NON-LOW-INCOME PERSONS UNDER PARTS B AND C.

Subsection (f) of section 211(f) (42 U.S.C. 5011(f)) is amended to read as follows:

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C, in accordance with such regulations as the Director shall issue, at the discretion of the local project. Such individuals shall not receive any allowance, stipend, or other financial support for such service except reimbursement for transportation, meals, and out-of-pocket expenses related to such service.".

SEC. 347. CONDITIONS OF GRANTS AND CONTRACTS.

Section 212 (42 U.S.C. 5012) is repealed.

SEC. 348. EVALUATION OF THE SENIOR COMPANION PROGRAM.

Section 213(c) (42 U.S.C. 5013(c)) is amended by striking paragraph (3).

SEC. 349. AGREEMENTS WITH OTHER FEDERAL AGENCIES.

Section 221(a) (42 U.S.C. 5021(a)) is amended—

(1) by striking "(1)" and inserting "(1)(A)"; and

(2) by adding at the end the following:

"(2) The Director is encouraged to enter into agreements with—

"(A) the Department of Health and Human Services to—

"(i) involve retired or senior volunteers and foster grandparents in Head Start projects; and

"(ii) promote in-home care in cooperation with the Administration on Aging;

"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

"(C) the Environmental Protection Agency to support conservation efforts.".

SEC. 350. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) The Director is authorized to make grants under parts A, B, and C to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year.";

(B) in paragraph (2)(B), by striking "paragraph (10)" and inserting "paragraphs (10) and (12)"; and

(C) in paragraph (2)(C), by striking "and (10)" and inserting "(10), (12), (15), and (16)";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(12) Programs that address environmental needs.

"(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profit-making organizations.

"(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs."; and

(3) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".

SEC. 351. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

Section 226 (42 U.S.C. 5026) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(2) in subsection (b)—

(A) in paragraph (1), by striking "(1)"; and

(B) by striking paragraph (2).

SEC. 352. DEMONSTRATION PROGRAMS.

Title II is amended by adding at the end the following new part:

"Part E—Demonstration Programs

"SEC. 231. AUTHORITY OF DIRECTOR.

"(a) In General.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

"(b) Activities.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

"(1) linking youth groups and older American organizations in volunteer activities;

"(2) involving older volunteers in programs and activities different from those currently supported in the community; and

"(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

"SEC. 232. PROHIBITION.

"The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.".

CHAPTER 3—ADMINISTRATION

SEC. 361. PURPOSE OF AGENCY.

Section 401 (42 U.S.C. 5041) is amended—

(1) by inserting after the first sentence the following: "This Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among them, and provide technical assistance to other nations concerning domestic volunteer programs within their countries."; and

(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".

SEC. 362. AUTHORITY OF THE DIRECTOR.

Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" in each such paragraph.

SEC. 363. COMPENSATION FOR VOLUNTEERS.

Section 404 (42 U.S.C. 5044) is amended—

(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";

(2) by striking subsection (f); and

(3) by redesignating subsection (g) as subsection (f).

SEC. 364. REPEAL OF REPORT.

Section 407 (42 U.S.C. 5047) is repealed.

SEC. 365. APPLICATION OF FEDERAL LAW.

Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS–7 employee" and inserting "an employee at grade GS–5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 366. EVALUATION OF PROGRAMS.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)"; and

(B) in the second sentence, by striking "at least once every 3 years" and inserting "periodically";

(2) in subsection (b) to read as follows:

"(b) In carrying out evaluations of programs under this Act, the Director shall create appropriate management information systems that will summarize information on volunteer activities and accomplishments across the programs supported under this Act. The Director shall periodically prepare and submit to the appropriate committees of Congress a report containing such information."; and

(3) by striking subsections (d), (e), (f), and (g).

SEC. 367. NONDISCRIMINATION PROVISIONS.

Section 417 (42 U.S.C. 5057) is amended to read as follows:

"SEC. 417. NONDISCRIMINATION PROVISIONS.

"(a) In General.—

"(1) Basis.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) Definition.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) Federal Financial Assistance.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) Religious Discrimination.—

"(1) In general.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.

"(2) Exception.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.

"(d) Rules and Regulations.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 368. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.

Section 420 (42 U.S.C. 5060) is repealed.

SEC. 369. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.

Section 422 (42 U.S.C. 5062) is amended—

(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and

(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.

SEC. 370. COPYRIGHT PROTECTION.

Title IV is amended by adding at the end, the following new section:

"SEC. 425. PROTECTION AGAINST IMPROPER USE.

"Whoever falsely—

"(1) advertises or represents; or

"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,

that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".

SEC. 371. CENTER FOR RESEARCH AND TRAINING.

Title IV (as amended by section 370 of this Act) is further amended by adding at the end the following new section:

"SEC. 426. CENTER FOR RESEARCH AND TRAINING.

"The Director may establish, directly or by grant or contract, a Center for Research and Training on Volunteerism to carry out research concerning the impact of volunteerism on individuals, organizations, and communities, provide training to help improve programs across the United States, and carry out such other functions as the Director determines to be appropriate.”.

SEC. 372. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.

(a) Civil Service Retirement System.—

(1) Creditable service.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “the period of an individual's services as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973,” after “Economic Opportunity Act of 1964,”;

(ii) in the second sentence, by inserting “, as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973,” after “Economic Opportunity Act of 1964,”; and

(iii) in the last sentence—

(I) by inserting “or under the Domestic Volunteer Service Act of 1973” after “Economic Opportunity Act of 1964”; and

(II) by inserting “or the Director of ACTION, as appropriate,” after “Director of the Office of Economic Opportunity”; and

(B) by adding at the end the following new paragraph:

“(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).”.

(2) Deductions, contributions, and deposits.—

(A) In general.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

“(2) Any deposit made under paragraph (1) more than 2 years after the later of—

“(A) the date of enactment of this subsection; or

“(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount, computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).

“(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

“(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.”.

(B) Conforming amendment.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking “or (k)” each place that such term appears and inserting “(k), or (l)”.

(b) Federal Employees Retirement System.—

(1) Creditable service.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3), by striking “subsection (f)” and inserting “subsection (f) or (h)”; and

(B) by adding at the end the following new subsection:

“(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, performed at any time prior to the separation from service on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).”.

(2) Deductions, contributions.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

“(2) Any deposit made under paragraph (1) more than 2 years after the later of—

“(A) the date of enactment of this subsection, or

“(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

“(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

“(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.”.

(c) Applicability and Other Provisions.—

(1) Applicability.—

(A) Timing.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 to individuals who are entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this Act.

(B) Separation.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the date of enactment of this Act, any increase in such individual's annuity on the basis of a deposit made pursuant to section 8334(l) or section 8442(f) of title 5, United States Code, as amended by this Act, shall be effective only with respect to annuity payments payable for calendar months beginning after the date of enactment of this Act.

(2) Action to inform individuals.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. 5081) is amended to read as follows:

“SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

“(a) Authorizations.—

“(1) Volunteers in service to America.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

“(2) Summer program.—There are authorized to be appropriated to carry out section 104(e), such sums as may be necessary for each of the fiscal years 1994 through 1998.

“(3) Literacy activities.—There are authorized to be appropriated to carry out section 109, such sums as may be necessary for each of the fiscal years 1994 through 1998.

“(4) University year for vista.—There are authorized to be appropriated to carry out part B of title I, such sums as may be necessary for each of the fiscal years 1994 through 1998.

“(5) Special volunteer programs.—There are authorized to be appropriated to carry out part C of title I, excluding section 125, such sums as may be necessary for each of the fiscal years 1994 through 1998.

“(6) Literacy challenge grants.—There are authorized to be appropriated to carry out section 125, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 125, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $35,800,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $68,800,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $31,700,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

"SEC. 504. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—For each of the fiscal years 1994 through 1998, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 20 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426.".

SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.

Section 8143(b) of title 5, United States Code, is amended by striking "GS-7" and inserting "GS-5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 385. REPEAL OF AUTHORITY.

Title VII (42 U.S.C. 5091 et seq.) is repealed.

CHAPTER 5—GENERAL PROVISIONS

SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.

"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

"PART A—VOLUNTEERS IN SERVICE TO AMERICA

"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.
"Sec. 103. Selection and assignment of volunteers.
"Sec. 104. Terms and periods of service.
"Sec. 105. Support service.
"Sec. 106. Participation of beneficiaries.
"Sec. 107. Participation of younger and older persons.
"Sec. 108. Limitation.
"Sec. 109. VISTA Literacy Corps.
"Sec. 110. Applications for assistance.

"PART B—UNIVERSITY YEAR FOR VISTA

"Sec. 111. Statement of purpose.
"Sec. 112. Authority to operate University Year for VISTA program.
"Sec. 113. Special conditions.

"PART C—SPECIAL VOLUNTEER PROGRAMS

"Sec. 121. Statement of purpose.
"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
"Sec. 123. Technical and financial assistance for improvement of volunteer programs.
"Sec. 125. Literacy challenge grants.

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS

"Sec. 200. Statement of purposes.

"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

"Sec. 201. Grants and contracts for volunteer service projects.

"PART B—FOSTER GRANDPARENT PROGRAM

"Sec. 211. Grants and contracts for volunteer service projects.

"PART C—SENIOR COMPANION PROGRAM

"Sec. 213. Grants and contracts for volunteer service projects.

"PART D—GENERAL PROVISIONS

"Sec. 221. Promotion of National Senior Volunteer Corps.
"Sec. 222. Payments.
"Sec. 223. Minority group participation.
"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.
"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.

"PART E—DEMONSTRATION PROGRAMS

"Sec. 231. Authority of Director.
"Sec. 232. Prohibition.

"TITLE IV—ADMINISTRATION AND COORDINATION

"Sec. 403. Political activities.
"Sec. 404. Special limitations.
"Sec. 406. Labor standards.
"Sec. 408. Joint funding.
"Sec. 409. Prohibition of Federal control.
"Sec. 410. Coordination with other programs.
"Sec. 411. Prohibition.
"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
"Sec. 414. Distribution of benefits between rural and urban areas.
"Sec. 415. Application of Federal law.
"Sec. 416. Evaluation.
"Sec. 417. Nondiscrimination provisions.
"Sec. 418. Eligibility for other benefits.
"Sec. 419. Legal expenses.
"Sec. 421. Definitions.
"Sec. 422. Audit.
"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.
"Sec. 425. Protection against improper use.
"Sec. 426. Center for Research and Training.

"TITLE V—AUTHORIZATION OF APPROPRIATIONS

"Sec. 501. National volunteer antipoverty programs.
"Sec. 502. National Senior Volunteer Corps.
"Sec. 504. Administration and coordination.
"Sec. 505. Availability of appropriations.

"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
"Sec. 602. Creditable service for civil service retirement.
"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
"Sec. 604. Repeal of title VI of the Older Americans Act.".

SEC. 392. EFFECTIVE DATE.

This subtitle shall become effective on October 1, 1993.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 401. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Chairperson and Director of the Corporation for National Service appointed under section 193 of the National and Community Services Act of 1990;".

SEC. 402. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION" and inserting "the Corporation for National Service".

(2) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(3) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(4) Section 403(a) of such Act (42 U.S.C. 5043(a) is amended—

(A) by striking "the ACTION Agency" the first place it appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place it appears and inserting "the Corporation".

(5) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(6) Section 421(11) of such Act (as added by section 403 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(7) Section 425 of such Act (as added by section 370 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(j)(1) of title 5, United States Code (as amended by section 372(a)(1)(A)(iii)(II) of this Act) is amended by striking "the Director of ACTION" and inserting "the Chairperson of the Corporation for National Service".

(c) INSPECTOR GENERAL.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking "ACTION,"; and

(2) by inserting "the Corporation for National Service (except as provided in section 194(b) of the National and Community Service Act of 1990)," after "the Consumer Product Safety Commission,".

(d) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z-6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service".

(e) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service".

(f) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(g) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National Service".

(h) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service".

(i) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Chairperson of the Corporation for National Service".

(j) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Chairperson of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National Service established by section 191 of the National and Community Service Act of 1990.".

(k) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(l) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Chairperson of the Corporation for National Service".

(m) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(n) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Chairperson of the Corporation for National Service, or the designee of the Chairperson.".

(o) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (6) and inserting the following new paragraph:

"(6) the term 'Director' means the Chairperson and Director of the Corporation for National Service,".

(p) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Chairperson of the Corporation for National Service".

SEC. 403. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National Service established under section 191 of the National and Community Service Act of 1990;

"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;

"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;

"(11) the term 'Inspector General' means the Inspector General of ACTION;

"(12) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;

"(13) the term 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;

"(14) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;

"(15) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;

"(16) the term 'senior companion' means a volunteer in the Senior Companion Program;

"(17) the term 'Senior Companion Program' means the program established under part C of title II;

"(18) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and

"(19) the term 'VISTA volunteer' means a volunteer in VISTA.".

SEC. 404. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Chairperson of the Corporation for National Service".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "**COMMISSION ON NATIONAL AND COMMUNITY SERVICE**" and inserting "**CORPORATION FOR NATIONAL SERVICE**";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Chairperson of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Chairperson of the Corporation for National Service"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Chairperson of the Corporation for National Service".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking

the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National Service.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 159(b), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653h(b), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Chairperson".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

SEC. 405. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) CHAIRPERSON.—

(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Chairperson";

(B) by striking "the Board" in the matter preceding the paragraphs and in paragraph (1) and inserting "the Chairperson"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Chairperson".

(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "Chairperson"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director".

(4) Section 166(6) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o(6)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 406. EFFECTIVE DATE.

(a) ACTION.—The amendments made by sections 401 and 402 (except subsection (c)(2)) shall take effect on the effective date of section 203.

(b) COMMISSION.—The amendments made by section 402(c)(2), and sections 403 through 405, will take effect on October 1, 1993.

NATIONAL SERVICE TRUST ACT OF 1993

SUMMARY

The National Service Trust Act of 1993 has four titles.

Title I contains programs: the new national service program offering educational awards in return for service; amendments to service programs for school-age youth and students in institutions of higher education; and an investment fund to promote quality and innovation in programming. Title I amends the National and Community Service Act of 1990 ("NCSA").

Title II establishes the organizational framework for these programs: State Commissions on National Service and a Federal Corporation for National Service. Title II also amends the NCSA.

Title III reauthorizes the NCSA and the Domestic Volunteer Service Act of 1973 ("DVSA"), amends DVSA and authorizes appropriations for titles I and II of the Act.

Title IV contains the technical and conforming amendments.

SECTION-BY-SECTION SUMMARY

Section 1. Short Title and Table of Contents.

The short title of the bill is the National Service Trust Act of 1993.

Section 2. Findings and Purposes.

The Congress finds the following:

(1) Throughout the United States, there are pressing unmet human, educational, environmental and public safety needs.

(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

(3) The rising costs of post-secondary education are putting higher education out of reach for an increasing number of citizens.

(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

It is the purpose of this Act to—

(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

(4) encourage citizens of the United States, regardless of age or income, to engage in full-time or part-time national service;

(5) reinvent government to eliminate duplication, support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

(6) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens; and

(7) provide tangible benefits to the communities in which national service is performed.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

Section 101. Federal Investment in Support of National Service.

Section 101 replaces Subtitle C of the NCSA with a new National Service Program.

Subtitle C—National Service Program

Part I—Investment in National Service

Section 121.[1] Authority To Provide Assistance and Approved National Service Positions.

The Corporation for National Service ("Corporation") may provide assistance to organizations in order to carry out, or make grants to carry out, national service programs. The Corporation will provide educational awards to participants of any program that receives such program assistance. Organizations eligible to apply for assistance to carry out programs include nonprofit organizations, institutions of higher education, school districts, local governments, States and Federal agencies.

Not more than 5 percent of program assistance may be used for administrative costs.

Federal assistance to programs under section 121, exclusive of stipends and health and child care assistance (covered in section 140), may not exceed 75 percent of total program costs. The program will provide the other 25 percent in cash or in kind. If inadequate financial resources are available at the local level, the Corporation may waive this match requirement and the other match requirements contained in section 140.

Section 122. Types of National Service Programs Eligible for Program Assistance.

A variety of national service programs will be eligible to receive funding. Programs will provide opportunities for full- or part-time service that meets unmet human, educational, environmental or public safety needs. Section 122 lists a number of examples of qualified programs, to which the Corporation may add others; (1) diverse community corps; (2) youth corps; (3) service-learning programs; (4) specialized services programs; (5) individualized placement programs with regular group activities; (6) campus-based programs; (7) preprofessional programs with summer training while in college; (8) professional corps; (9) youthbuild programs; (10) national service entrepreneurship programs; (11) intergenerational programs.

In consultation with experts in the fields, the Corporation will establish different quality criteria for different types of programs. The Corporation's criteria will apply to all grants made under the Act, including grants by States and other programs operating subgranting programs.

To focus national service programs on meeting particular needs and for other purposes consistent with the Act, the Corporation may establish priorities for the types of national service programs to be assisted. The Corporation will provide prompt notice of these priorities and any changes in these priorities.

Section 123. Types of National Service Positions Eligible for Approval for National Service Educational Awards.

All participants in programs that receive assistance will receive educational awards.

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[1] Italic section numbers indicate sections of this Act. Non-italic section numbers indicate amended sections of the National and Community Service.

In addition, participants in certain other service programs will be eligible for educational awards. The following categories, to which the Corporation may add others, will be eligible to receive educational awards (1) positions as participants in programs receiving assistance under Section 121; (2) positions in approved national service programs not receiving assistance; (3) positions as VISTA volunteers; (4) positions as service-learning coordinators in programs receiving assistance under the Serve-America program; (5) positions in the Civilian Conservation Corps; (6) positions as crew leaders in youth corps programs or other similar positions in national service programs.

Section 124. Types of Program Assistance.

The Corporation may make several kinds of grants. Nonrenewable planning grants will be available for one year. Renewable operating grants and renewable replication grants will be available for up to three years. States and other organizations operating grant programs may provide the same types of assistance through subgrants.

Section 125. Training and Technical Assistance.

The Corporation is authorized to provide training and technical assistance, either directly, or by grant or contract. Training programs will help national service programs meet unmet needs, develop leaders, instill an ethic of civic responsibility in participants, improve their own management and budgetary skills, and enhance the training of participants. Technical assistance will help applicants develop programs and apply for assistance.

Section 126. Other Special Assistance.

The Corporation may also provide assistance for several other purposes. The Corporation is authorized to provide assistance to a State to establish and operate a State Commission. Corporation assistance will provide 85 percent of the total cost of a Commission in the first year, declining at a rate determined by the Corporation to not more than 50 percent of the total cost in the fifth and any subsequent year.

The Corporation may provide assistance to corps and other national service programs in order to provide disaster relief.

The Corporation may make challenge grants that offer $1 of assistance for each $1 in cash raised by a national service program from private sources. The Corporation will establish a ceiling on the amount of assistance through challenge grants, and establish criteria to ensure that they are made widely available to a variety of high-quality programs.

Section 129(c) establishes a limit on appropriations for challenge grants of $10,000,000 in a fiscal year.

Part II—Application and Approval Process

Section 129. Provision of Assistance and Approved National Service Positions by Competitive and Other Means.

National service programs must apply to the Corporation through State Commissions on National Service ("State Commissions") or directly. The Corporation may only distribute such funds as are available in each fiscal year. Funds allocated for educational awards will be maintained in a separate National Service Trust and will not be available for program expenses.

Program funds and educational awards will be made available in three ways: (a) by formula to States; (b) competitively to States; and (c) competitively to entities (including States) applying directly to the Corporation.

(a) One-third of program assistance and a corresponding number of educational awards, will be allocated to States based on population (one percent of all program assistance will be reserved for Indian tribes and territories).

(b) Not less than one-third of program assistance and a corresponding number of approved positions will be available to States on a competitive basis. With their applications for formula funding, States may include an application for additional competitive funding.

(c) Up to one-third of program assistance and a corresponding number of approved positions funds will be allocated competitively by the Corporation. Priorities for funds allocated under this section are contained in section 133.

Participants in programs operated directly by the Corporation—VISTA and the Civilian Community Corps—will automatically receive educational awards in any year when the total number of educational awards is at least twice the total number of such participants.

Individuals, corporations, foundations or other entities may sponsor approved positions in designated areas. Such sponsored positions will not be taken into account when the Corporation allocates Federally-funded positions, and such funds will be deposited in the National Service Trust.

If a State does not apply to the Corporation for an allocation, the Corporation may use the funds that the State would have received to make grants in that State and, subsequently, to make grants in other States.

Section 130. Application for Assistance and Approved National Service Positions.

In order to be eligible for program assistance and approved positions, entities must submit applications either to State Commissions or directly to the Corporation. The Corporation may set reasonable deadlines and require reasonable information to be provided in such applications, including descriptions of: (1) programs to be carried out directly by the applicant; (2) programs selected to receive grants; (3) other funding sources that the program sought to use or used, particularly in the case of application for renewed funding; (4) the extent to which the program will meet unmet needs and directly benefit the community in which projects are performed; (5) the plan to recruit participants, including economically disadvantaged youths, for the programs supported; (6) the manner in which the programs will build on existing programs; (7) the manner in which the program will develop an ethic of civic responsibility in participants; improve the lives of participants through training, meaningful service experiences, and opportunities to reflect on those experiences; and offer participants opportunities to design and lead programs; (8) measurable goals for meeting unmet needs and providing a meaningful service experience, and a strategy to meet those goals; (9) the extent to which the program meets the national service priorities established under section 122(c); (10) the past experience of the applicant; (11) the type and number of national service positions that the participant requests; (12) the extent to which participants, representatives of the community served, community-based organizations and labor organizations contributed to the program's development, including the identity of the labor representative and the nature of the consultation with him or her; and (13) such other information as the Corporation may require.

In the case of applications for educational awards that do not request program assistance, the Corporation may require special application requirements.

In general, State Commissions will submit applications on behalf of States. In submitting these applications, State Commissions must provide an assurance that they have selected all programs on a competitive basis. They must also provide an assurance that not less than 60 percent of assistance is provided to programs that are run by the State. In the event that insufficient qualified applications are submitted by non-State applicants, additional funds may be requested for programs administered directly by the State.

An application shall include written concurrence from any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as the work proposed to be carried out.

The Corporation will reject the application of a program if another application of the program is already pending before the Corporation.

Section 131. National Service Program Assistance Requirements.

In order to be eligible for assistance, programs must provide assistances regarding: (1) the positive impact of service on communities and compliance with the nondisplacement and nonduplication requirements of section 177; (2) the positive impact of service on participants; (3) broad consultation with representatives of the community served and community-based organizations there; labor organizations representing employees engaged in similar work, to ensure compliance with nondisplacement provisions; and, in the case of programs not funded through the States, the State Commission for the State where the program is located; (4) development of performance goals, arrangement of an independent evaluation, and compliance with evaluation requirements; (5) provisions of a living allowance; (6) willingness to select some participants from among prospective participants recruited at the State and national level under section 138(c), including the national leadership pool recruited and trained by the Corporation.

Section 132. Ineligible Service Categories.

National service programs may not provide direct benefits to businesses organized for profit, labor unions, or partisan political organizations. Benefits may be provided to religious organizations only if assistance is not used for and participants do not provide religious instruction, conduct worship services, or proselytize.

Section 133. Consideration of Applications.

The Corporation, States, and other applicants operating subgrants programs will use the following criteria in determining whether to provide assistance and approved slots to programs: (1) program quality; (2) innovation and replicability; (3) sustainability; (4) leadership quality, past performance, and the extent to which new programs build on existing programs; (5) involvement of participants and community residents in program design, leadership and operations; (6) the extent to which programs are in areas that most need them, such as enterprise zones, environmentally distressed areas, or areas adversely affected by reductions in defense spending; (7) in the case of applicants other than States, consistency with applications under section 130 of the State in which projects would be funded; and (8) other criteria established by the Corporation.

The Corporation will also ensure that programs receiving assistance are geographically diverse and in urban and rural areas of

States with the highest rates of poverty. Among programs applying directly to the Corporation, the Corporation may designate certain programs for priority consideration, such as: (1) programs carried out by other Federal agencies; (2) programs addressing national priorities; (3) innovative programs; (4) private non-profit programs which would replicate in several States a model already operating in at least one State; (5) national grant programs operated by nonprofit organizations with established expertise in national service or in providing particular services; and (6) professional corps.

If the Corporation rejects the application of a State Commission, the Corporation will promptly notify the Commission of the reasons for the rejection. The Corporation must then provide the Commission with reasonable opportunity to revise and resubmit the application, and with technical assistance if the Commission requests. If the request of a State Commission is again rejected, the Corporation may reallocate funds to make grants directly to programs in that State and, subsequently, to programs in other States.

Part III—National Service Participants

Section 137. Description of Participants.

In order to participate in a national service program, an individual must in general be 17 years of age or older, a citizen or permanent resident, have a high school diploma or agree to obtain one while serving, meet eligibility requirements for the particular program, and be selected by that program.

Out-of-school youths ages 16 to 25 are eligible to participate in youth corps or youthbuild programs.

Section 138. Selection of National Service Participants.

In general, a program that receives assistance or approved positions will be responsible for selecting participants. In addition to ensuring that participants satisfy eligibility requirements under section 137, programs must select participants without regard to political affiliation, race, color, national origin, sex, age, or disability.

Participants may serve for a second term of service only if they have satisfactorily completed their first term of service.

While individual programs will be responsible for most recruiting, the Corporation and State Commissions will establish a recruiting and placement system from which programs may be required to recruit a portion of their participants under section 131(f). The Corporation and State Commissions will also disseminate information about national service through cooperation with secondary schools, institutions of higher education, employment service offices, and other appropriate entities, particularly those that provide outreach to disadvantaged youths.

From among individuals it recruits, the Corporation will establish a national leadership pool and training program. The Corporation will make special efforts to include in the leadership pool individuals who have served in the Peace Corps, as VISTA volunteers, or in national service programs assisted under section 121. The Corporation will assign these leaders to national service programs that request them, in order to lead the programs in ways not carried out by regular participants.

Section 139. Terms of Service.

In general, in order to receive an educational award, an individual must serve either full-time (not less than 1,700 hours over 9 months to 1 year) or part-time (not less than 1,700 hours over 1 to 2 years). The Corporation is authorized to develop guidelines for part-time participants to complete fewer hours of service and receive a correspondingly smaller education award.

Participants may be released by recipients of assistance from completing a term of service for compelling personal reasons or for cause. Participants released for compelling personal reasons may be eligible for partial educational awards; participants released for cause are not eligible for awards.

Section 140. Living allowances for national service participants.

All programs must provide living allowances within specified guidelines. The provisions are designed to permit a great deal of flexibility in designing programs which are attractive and accessible to a wide range of potential participants in widely differing economic circumstances, including college graduates, high school graduates, and high school drop-outs who enroll in high school equivalency programs.

The Corporation will support 85 percent of the living allowances up to the total amount of the VISTA average annual subsistence allowance, which is comparable to a minimum age stipend. For living allowances up to the VISTA average annual subsistence allowance, the program must provide the other 15 percent.

Programs may offer stipends up to twice this target stipend level, but the Corporation will not match any amount in excess of the total of the VISTA subsistence allowance.

Living allowances may be prorated in the case of part-time participants who serve a reduced term of service. Living allowances will not count in determining eligibility for any benefits or assistance.

To encourage professional corps in underserved communities, programs may provide living allowances above 200 percent of the VISTA living allowance and stipend. In such instances, however, the Corporation will provide no contributions toward such stipends, and applications for this assistance will be approved by the Corporation on a case-by-case basis.

The Corporation will also provide assistance to pay 85 percent of the cost of a basic health insurance policy for each full-time participant who is not otherwise covered by a health insurance policy. The Corporation will establish the contents of the basic health insurance policy. The program must pay the other 15 percent of health care premium costs.

The Corporation will also make child care or a child care allowance available for full-time participants who require such services. The Corporation will establish guidelines for the availability of child care.

The Corporation may waive the limitations on the Federal share in this section due to lack of available financial resources for a program.

Section 141. National Service Educational Awards.

In general, a participant in a national service program will be eligible for an educational award if he or she serves in an approved position and satisfies eligibility requirements under section 146. VISTA volunteers shall not be eligible to receive awards if they accept the VISTA readjustment allowance.

Section 102. National Service Trust and provision of national service educational awards.

Section 102 replaces Subtitle D of the NCSA with the National Service Trust.

Subtitle D—National Service Trust and Provision of National Service Educational Awards

Section 145. Establishment of the National Service Trust.

The National Service Trust is established as an account in the United States Treasury. Funds in the Trust are available for educational awards. The Trust consists of: (1) amounts designated by the Corporation for educational awards, and for payment of interest expenses under section (e), from amounts appropriated to the Corporation and made available for this subtitle; (2) amounts received by the Corporation as gifts, bequests, or in other such ways; and (3) interest on, and proceeds from sale or redemption of, any obligations held by the Trust.

The Secretary of the Treasury will invest amounts appropriated to the Trust in interest-bearing obligations.

The Corporation will report to Congress every year on the financial status of the Trust.

Section 146. Individuals Eligible to Receive a National Service Educational Award from the Trust.

Individuals who complete a term of service in approved national service positions will be eligible for an educational award for each of up to two terms of service. Individuals may participate in programs for more than two terms, but will not be eligible for educational awards after the second term of service.

Awards must be used within five years after the completion of service. The Corporation may waive this requirement if an individual was unavoidably prevented from using the award or performed another term of service during that period.

Section 147. Determination of the Amount of the National Service Educational Award.

Educational awards of $5,000 will be provided for each term of service. For individuals released from service for compelling personal reasons, a partial award will be available.

Section 148. Disbursement of National Service Educational Awards.

Individuals may use educational awards to repay student loans, to pay for attendance at an institution of higher education, or to pay for expenses in an approved school-to-work program.

An individual who wants to use his or her educational award to repay loans will submit an application, in a manner prescribed by the Corporation, that identifies or enables the Corporation easily to identify the holder of the loan, the outstanding principal and interest, and other basic information. The Corporation will then disburse to the holder the amount to which the individual is entitled. The Corporation may require verification by the lender, and may aggregate payments to holders.

Loans made, insured, or guaranteed under title IV of the Higher Education Act ("HEA"), other than a loan to a parent under section 428B of the Act, and loans made under title VII or VIII of the Public Health Service Act, will be eligible for repayment.

During the period of service, interest on loans will be deferred. At the completion of a participant's year of service, the Corporation may by regulation prescribe for payment of accrued interest. Such regulations will be prescribed after consultation with the Secretary of Education.

An individual who intends to use an education award to pay current educational expenses must verify eligibility through an eligible institution of higher education. Institutions designated by these individuals will notify the Corporation of the names of those students and the amounts of educational awards that will be claimed. In order to be eligible, these institutions must also verify participation in programs under section 487 of the HEA.

The Corporation will disburse the amount for which eligible individuals have qualified, provided that combined with federal means tested grant assistance and veterans' education benefits, such payments do not exceed the cost of attendance. Disbursements will be made in at least two installments, with the interval between first and second to be not less than half of the enrollment period. Institutions will be required to refund amounts disbursed for individuals who do not complete their periods of enrollment at those institutions.

The Corporation will establish regulations for the payment of national service awards to individuals who participate in school-to-work programs approved by the Secretaries of Labor and Education.

National service awards will not be taken into account in determining eligibility for any federal means-tested benefits or be considered taxable income.

This section amends the Stafford loan forgiveness provisions in existing law to make such forgiveness available to individuals who were new borrowers after October 1, 1989, and provides that such loan forgiveness will not be taken into account in determining eligibility for any federal means-tested benefits or be considered taxable income.

Section 103. School-based and Community-based Service Learning Programs.

The section strikes Subtitle B, Part I of the National and Community Service Act and replaces it with a similar program that differs from existing law in the following ways: by authorizing planning grants to local educational agencies to recruit and train, or support, service-learning coordinators; eliminating authority within existing Serve-America program for grants by the State Educational Agency for community service programs for school dropouts and out-of-school youth; authorizing the Corporation to make grants to existing public or private non-profit organizations that will make subgrants to eligible organizations for service-learning programs; authorizing the Corporation to reserve up to 25 percent of appropriated funds to make competitive grants to States or existing public or private nonprofit organizations that will make subgrants; modifying allocation of funds requirements; and making other improvements.

The section further authorizes the Corporation to provide assistance through State Commissions for community-based programs involving school-age youth (including school dropouts and out-of-school youth) in community service.

The section further amends Subtitle B, Part II of the National and Community Service Act by adding priority criteria to be considered by the Corporation in allocating funds under the Higher Education Innovative Projects, and making other improvements.

Section 104. Quality and Innovation Activities.

Section 104 repeals subtitle E of Title I of the National and Community Service Act, renumbers the Act, and authorizes an investments for quality and innovation. Activities authorized for funding include: support for innovative and model programs, support for summer programs; provision of training and technical assistance to community-based agencies that are service sponsors; provision of training and technical assistance in applying for assistance; national service fellowships; conferences and materials; Peace Corps and VISTA training; promotion and recruitment; provision of training for participants and supervisors; research; intergenerational support; planning coordination; activities to promote youth leadership; development of a national program identity; clearinghouses; service-learning; and Presidential awards. The section also makes a series of technical and conforming amendments, including an extension of authority under section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993.

Subtitle B—Related Provisions

Section III. Definitions.

The section provides definitions of terms used in the National and Community Service Act and makes a series of technical and conforming amendments.

Section 112. Authority to Make Grants.

Repeals section 102 of the NCSA.

Section 113. Family and Medical Leave.

Provides that participants are employees of service sponsors for purposes of the Family and Medical Leave Act of 1993.

Section 114. Reports.

Provides that NCSA reporting requirements apply to both NCSA and DVSA.

Section 115. Nondiscrimination.

Amends nondiscrimination provisions of NCSA to conform to the Americans with Disabilities Act.

Section 116. Notice, Hearing and Grievance Procedures.

Amends administrative provisions of NCSA to provide a process for decertification of approved national service provisions and to clarify grievance procedures.

Section 117. Nondisplacement.

Amends the nondisplacement provisions of NCSA to protect employees with recall rights pursuant to a collective bargaining or personnel procedure.

Section 118. Evaluation.

Provides that NCSA evaluation requirements apply to both NCSA and DVSA.

Sections 119–121. Conforming Amendments.

Make conforming amendments.

TITLE II—ORGANIZATION

Section 201. State Commissions on National Service.

Section 201 replaces section 178 of the NCSA, describing State advisory and in general requires the establishment of State Commissions.

Section 178. State Commissions on National Service.

In order to be eligible for allotments under subtitle B or C, a State must establish a State Commission on National Service. For a transitional period and under other circumstances in which wide participation in policy functions is ensured, the Corporation may recognize already existing State programs as an alternative to the State Commission.

State Commissions will consist of not less than 7 members and not more than 13 members. The Governor of the State will appoint members. There will be at least one representative of national service programs, one representative of local governments in the State, and one representative of local labor organizations. Other appointments will be made from among the following: representatives of community-based organizations, youth who participate in service, educators, business, or experts in the delivery of human, educational, environmental or public safety services. Not more than 25 percent of Commission members may be employees of State government, though more may sit as non-voting *ex officio* members. A representative of the Corporation will sit on the State Commission.

Not more than 50 percent of the State Commissions plus one member may be from the same political party. To the maximum extent possible, State Commissions should be balanced according to race, ethnic background, age and gender. Members will serve for 3 year terms, with shorter periods at first to ensure staggered terms, and may only receive as compensation reimbursements for travel expenses and per diems. State Commissions will elect a chairperson from among the members of the Commission.

The responsibilities of the State Commission include: (1) preparation of a 3-year national service plan, updated annually; (2) preparation of applications for funds under sections 117B and 130; (3) assistance in the preparation of applications by the State educational agency under section 113; (4) preparation of the application of the State for approved national service provisions under section 130; (5) assistance to programs in providing health care and child care benefits; (6) development of a State recruitment, placement and information dissemination system; (7) administration of the grant program, including selection, oversight and evaluation of grant recipients; (8) development of projects, training methods, curriculum materials, and other activities related to service.

State commissions may not directly operate a national service program. They may delegated nonpolicy duties to a State agency or nonprofit organization, subject to limitations.

In order to establish the eligibility of the State Commission to receive grants, the Governor must notify the Corporation of its composition and authority under State law. The Corporation may reject a State Commission if the Commission does not comply with the requirements of this section. In such, instances, the Corporation must notify the State of its reasons, provide technical assistance if requested, and give an opportunity for resubmission.

Section 202. Interim authorities of the Corporation for National Service and ACTION agency.

This section amends Subtitle G of Title I of the NCSA.

Subtitle G—Corporation for National Service

Section 191. Corporation for National Service.

Section 202 establishes a new Corporation for National Service to administer the National Service Program. The Corporation is a Government Corporation as defined in section 103 of title 5, United States Code.

Section 192. Board of Directors.

The Board of the Corporation will consist of eleven members, appointed by the President and confirmed by the Senate. Board members will have extensive experience in service and in State government, represent a board range of viewpoints, have expertise in education, environmental, public safety or human services. To the maximum extent practicable, the Board shall be diverse according to race, ethnic background, age and gender. No more than 6 Board members may be from the same political party.

No fewer than eight initial members of the Board will be appointed from the individuals serving on the Board of Directors of the Commission on National and Community Service. Ten Cabinet members and agency directors will sit on the Corporation Board as *ex officio* members.

Terms will generally be three years, except that certain initial appointments will be for one year or two years in order to stagger terms of service.

Section 192A. Authorities and Duties of Board of Directors.

The Board will meet at least three times each year. The Board will elect a Vice-Chairperson from among its members, as well as such other officers that the Board determines to be appropriate.

The Board will establish an Inspector General Oversight Committee, comprised of the Vice Chairperson and two members selected by him or her. The Chairperson shall not serve on the Oversight Committee.

Board members other than the chairperson will be reimbursed only for travel and other business expenses, including a per diem in lieu of subsistence.

Board members who are not otherwise Government employees will be considered special Government employees. Board members will be considered Federal employees for the purposes of tort claims.

The duties of the Board include the following: (1) making grants and allotments of national service positions; (2) preparing for the Corporation a strategic plan every three years, with updates annually; (3) making recommendations with respect to the personnel system; (4) reviewing the actions of the Chairperson with respect to standards, policies, procedures, programs and initiatives, and informing the Chairperson of any deviation from the strategic plan or Board recommendations; (5) receiving and acting on the Inspector General's reports; (6) arranging for evaluations; (7) providing for research; (8) advising the President and Congress on national and community service; (9) disseminating information; (10) other activities determined by the Chairperson.

Section 193. Chairperson and Director.

The Chairperson will be appointed by the President and confirmed by the Senate, and compensated at the rate provided for Level III of the Executive Schedule.

The Chairperson will prescribe such rules and regulations as are necessary and appropriate under this Act.

Section 193A. Authorities and Duties of the Chairperson.

The Chairperson will be responsible for the exercise of the powers of the Corporation that are not reserved to the Board, including authority and control over personnel.

The Chairperson will: (1) submit to the Board a proposal regarding standards, policies and procedures necessary to carry out this Act; (2) establish programs and initiatives necessary to carry out the Act; (3) consult with other Federal agencies; (4) on the recommendation of the Board, suspend or terminate payments, or decertify programs and approved positions; (5) prepare and submit to the Board an annual report and necessary interim reports describing major actions with respect to personnel and standards, policies, and procedures; (6) notify the Board and explain to the Board any substantial difference between the actions of the Chairperson and the strategic plan recommended by the Board; (7) prepare an annual report for Congress on donated services, money and property, and other matters.

The Chairperson may (1) establish and change the organizational units within the Corporation; (2) with the approval of the President, arrange with and reimburse other Federal agencies for the performance of duties under this Act, or delegate duties to the heads of other Federal agencies; (3) accept or utilize the services and facilities of a Federal agency or State; (4) allocate funds to other Federal agencies as may be necessary to carry out this Act; (5) rent offices and expend Corporation funds to acquire space; and (6) perform other functions necessary to carry out this Act.

The Chairperson is authorized to bring legal actions on behalf of the Corporation.

When programs administered by ACTION are transferred to the Corporation, the Chairperson will assume the duties of the Director of ACTION.

The Chairperson may not delegate a function of the Board without permission of the Board.

Section 194. Officers.

There will be two managing directors within the Corporation, one responsible for Federally operated programs and the other responsible for investment programs. The managing directors will be compensated at the rate provided for level IV of the Executive Schedule.

There will be an Inspector General who will report directly to the oversight committee. The Inspector General will be compensated at rate provided for level IV of the Executive Schedule.

There will be a Chief Financial Officer reporting directly to the Chairperson. The Chief Financial Officer will be compensated at level IV of the executive Schedule.

Section 195. Employees, Consultants, and other Personnel.

The Corporation will establish a merit-based competitive selection system based on job requirements and applicant qualifications. Except for special circumstances, the personnel of the Corporation may be appointed for terms that do not exceed five years, with renewals for a period not to exceed seven years. Employees will be covered by civil service health and life insurance programs. Employees who transfer or separate after working at the Corporation for three years will be eligible for appointment in the competitive service. Service for one year or more will be treated as a period of service for personnel seeking employment in the competitive service.

After appropriate consultations, the Chairperson will establish the compensation system, which will include pay-for-performance compensation and an upper limit on salaries of Executive Level IV.

The Chairperson may also establish advisory committees to assist in developing quality criteria for programs, outreach programs, or other key elements of the initiative. Members of advisory committees may have only their travel expenses reimbursed.

Section 196. Administration.

The Corporation may solicit and accept voluntary services and donations, consistent with reasonable conflict of interest rules. The Corporation may also enter into contracts to carry out this Act.

The functions of the Commission on National and Community Service are transferred to the Corporation on October 1, 1993. The Board of the Commission will continue to serve until such time as the Board of the Corporation is formed.

Job search assistance will be provided for any personnel from ACTION or the Commission who do not become employees of the Corporation.

Section 203. Final Authorities of the Corporation.

During a transitional period not to exceed 18 months after the date of enactment, the Corporation, together with the Office of Management and Budget, will organize an orderly transfer of certain functions from ACTION to the Corporation. To the extent that ACTION personnel accept employment at the Corporation prior to the transfer of function, such employment will be under the Corporation's personnel system. To the extent that functions are transferred, personnel who are transferred will retain their rights under the competitive civil service system. At the point that such transferred personnel separate from the Corporation, these positions may be filled under the Corporation's personnel system.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

Section 301. Authorization of Appropriations.

Section 501 of the NCSA is amended to read as follows.

Section 501. Authorization of Appropriations.

To provide financial assistance under title I, subtitle B, $45,000,000 are authorized in fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

To provide financial assistance under title I, subtitles C, D and H, $389,000,000 are authorized for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

To carry out the provisions of title I, such sums as may be necessary are authorized for each of the fiscal years 1994 through 1998.

To carry out the provisions of title III, assistance to the Points of Light Foundation, $5,000,000 are authorized for each of the fiscal years 1994 through 1998.

Funds appropriated under this section will remain available until expended.

Subtitle B—Domestic Volunteer Service Act of 1973

Section 311. Short Title; References.

Provides that this subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993" and provides that amendments, unless otherwise specified, are to the Domestic Volunteer Service Act.

Chapter 1—VISTA and other Anti-Poverty Programs.

Section 321. Purpose of the VISTA program.

Provides an addition to the Statement of purpose for the VISTA program to include strengthening local agencies and organizations to address the needs of low-income communities and individuals.

Section 322. Selection and Assignment of VISTA volunteers.

Provides for a series of amendments affecting the selection and assignment of VISTA volunteers, including clarifying that volunteers may participate in programs similar to those authorized under the VISTA Literacy Corps and repealing mandated organizational structures, information systems, staffing levels, hiring requirements, and content of an application to become a VISTA volunteer. The section further revises authority for a sponsoring organization to recruit a volunteer to clarify that it is subject to the Director's approval; makes a series of changes to the existing requirements concerning public awareness and recruitment, the composition of the volunteer force, and spending requirements related to promotion and recruitment; and encourages the Director to enter into agreements with other Federal agencies to place VISTA volunteers.

Section 323. Terms and Periods of Service.

Clarifies the terms and periods of service for VISTA volunteers and authorizes the creation of the VISTA Summer Associates program.

Section 324. Support for VISTA volunteers.

Provides for several amendments affecting the subsistence allowance and stipend rates for VISTA volunteers.

Section 325. Participation of Younger and Older Persons.

Revises the requirement for program participation to have the Director take necessary steps to encourage the fullest participation of younger and older individuals.

Section 326. Literacy Activities.

Repeals the requirement that funds made available under VISTA Literacy Corps will be used to supplement and not supplant the level of services provided under part A in fiscal year 1986 to address the problem of illiteracy.

Section 327. Applications for Assistance.

Restates the requirements related to the consideration of applications under the VISTA program to clarify existing statutory requirements.

Section 328. Repeal of Authority for Student Community Service Programs.

Repeals authority to make grants for student community service programs.

Section 329. University Year for VISTA.

Redesignates the University Year for ACTION program to the University Year for VISTA program. Revises the minimum period of service under the program from an academic year to an academic semester or its equivalent.

Section 330. Authority to establish and operate special volunteer and demonstration programs.

Authorizes the Director to conduct or make grants or contracts for special volunteer and demonstration programs that will fulfill the purpose of the Agency. Specifies that grants will be made on the basis of merit. Deletes current provisions restricting the flexibility of the Director under part C of title I. Permits supporting both stipended and non-stipended volunteer programs under part C.

Section 331. Technical and Financial Assistance.

Clarifies authority for the Director to provide technical and financial assistance.

Section 332. Elimination of Separate Authority for Drug Abuse Programs.

Deletes separate authority for drug abuse programs under part C of title I.

Chapter 2—National Senior Volunteer Corps

Section 341. National Senior Volunteer Corps.

Revises all references to Older American Volunteer Program refer to National Senior Volunteer Corps.

Section 342. The Retired and Senior Volunteer Program.

Revises the name of the Retired Senior Volunteer Program to the Retired and Senior Volunteer Program.

Section 343. Operation of the Retired and Senior Volunteer Program.

Revises the minimum age for participation in the program from 60 to 55 and recognizes the participation of older working persons, in addition to retired individuals, in the program. Also deletes an obsolete requirement to give State agencies established under the Older Americans Act of 1965 the opportunity to comment on any award within the State.

Section 344. Services Under the Foster Grandparent Program.

Modifies the statutory description of types of activities of Foster Grandparents to reflect the current scope and breadth of the program. Further, clarifies that Foster Grandparents may provide services to multiple children.

Section 345. Stipends for Low-Income Volunteers.

Requires that the hourly stipend for low-income volunteers under the Foster Grandparent and Senior Companion Programs be adjusted once over the next several years, rounded to the nearest five cents. Further requires that the stipend be a minimum of $2.45 per hour, the current rate under the programs.

Section 346. Participation of Non-Low-Income Persons under Parts B and C.

Revises the section allowing non-low-income persons to participate under parts B and C of title II. Detailed statutory requirements governing such participation are unnecessary. Local projects retain the flexibility to determine whether volunteers will be used.

Section 347. Conditions of Grants and Contracts.

Repeals a limitation on participation in the Foster Grandparent and Senior Companions to those no longer in the work force, thereby enabling these volunteers to work on a part-time basis. Also repeals a requirement that grants under the Foster Grandparent Program be made to a community action agency, and if not made to that agency, that certain requirements be met. Further, repeals a requirement that provides certain State agencies with the opportunity to review and comment on recommendations for awards within the State.

Section 348. Evaluation of the Senior Companion Program.

Deletes a duplicative provision requiring the evaluation of the impact of projects assisted under the Senior Companion Program.

Section 349. Agreements with Other Federal Agencies.

Inserts a section encouraging the Director to enter into certain arrangements with other Federal agencies that will promote both the mission of ACTION and the mission and programs of those agencies.

Section 350. Programs of National Significance.

Eliminates a requirement that not less than one-third of the new funds made available for Older American Volunteer Programs be earmarked for programs of national significance, provides discretion for the Director to determine which programs will be supported in a particular year, expands the categories of activities that may be funded, and replaces the limitations on authorization with the authority to award such sums as necessary.

Section 351. Adjustments to Federal Financial Assistance.

Repeals reporting and certain other requirements with respect to inflationary considerations.

Section 352. Demonstration Programs.

Provides for a new demonstration authority to fund projects involving Older American volunteers.

Chapter 3—Administration

Section 361. Purpose of Agency.

Clarifies the responsibility of the agency to promote coordination of volunteer efforts and other activities.

Section 362. Authority of the Director.

Provides authority to the Agency to solicit gifts and services.

Section 363. Compensation for Volunteers.

Clarifies that only contributions from Volunteers and beneficiaries are prohibited under the Act.

Section 364. Repeal of Report.

Repeals a requirement that the Director submit an annual report to Congress on the recruitment plan and activities conducted for the VISTA program.

Section 365. Application of Federal Law.

Revises the basis of computation for disability benefits for volunteers under the VISTA program from the entrance salary of a grade GS-7 employee to the entrance salary of a grade GS-5 employee.

Section 366. Evaluation of Programs.

Revises requirements for program evaluations.

Section 367. Nondiscrimination Provisions.

Replace existing nondiscrimination provisions with those currently provided for under the National and Community Service Act, updated to conform to the Americans with Disabilities Act.

Section 368. Elimination of Separate Requirements for Setting Regulations.

Eliminates a series of requirements related to prescribing regulations under the Act.

Section 369. Clarification of Role of Inspector General.

Clarifies the Act to indicate that recipients of grants must make records available to the Inspector General of ACTION.

Section 370. Copyright Protection.

Provides copyright protection for the major programs operated by the Agency.

Section 371. Center for Research and Training.

Authorizes a Center for Research and Training on Volunteerism.

Section 372. Deposit Requirement Credit for Service as a Volunteer.

Amends title 5, United States Code, to provide that retirement credit under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) for time served as a VISTA volunteer will be available for all former volunteers who become Federal employees subsequent to their volunteer service, upon payment of a deposit based on their post service stipends.

Chapter 4—Authorization of Appropriations and Other Amendments

Section 381. Authorization of Appropriations for Title I.

Provides separate authorization for various parts and sections under title I of the legislation for fiscal years 1994 through 1998. Also stipulates that the legislatively mandated minimum subsistence allowance for VISTA volunteers may not be reduced in order to increase the number of volunteer service years. Specifies that any VISTA volunteers also working on activities authorized under parts B and/or C of title I must meet the antipoverty criteria specified under part A. Finally, specifies that amounts appropriated for part A must provide for a minimum number of volunteer service years in each fiscal year.

To carry out part A of title I, $40,000,000 is authorized for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1994 through 1998.

Section 382. Authorization of Appropriations for Title II.

Provides authorizes for programs under Title II for each of the fiscal years 1994 through 1998.

To carry out part A of title II, the Retired and Senior Volunteer Program, $35,800,000 is authorized in fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

To carry out part B of title II, the Foster Grandparent Program, $68,800,000 is authorized for fiscal year 1994, and such sums as may be necessary in fiscal years 1995 through 1998.

To carry out part C of title II, the Senior Companion Program, $31,700,000 is authorized for fiscal year 1994, and such sums as may be necessary in fiscal years 1995 through 1998.

To carry out part E of title II, Demonstration Programs, such sums as may be necessary are authorized for each of the fiscal years 1995 through 1998.

Section 383. Authorization of Appropriations for Title IV.

Provides authorization for program administration under title IV. Provides separate authorization for evaluation and the Center for Research and Training.

Section 384. Conforming Amendments; Compensation for VISTA FECA Claimants.

Provides for Conforming amendments.

Section 385. Repeal of Authority.

Repeals authority for Youthbuild.

Chapter 5—General Provisions

Section 391. Technical and Conforming Amendments.

Amends the table of contents.

Section 392. Effective Date.

Makes October 1, 1993 or date of enactment effective date.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

Sections 401-405.

Makes a series of technical and conforming amendments.

Section 404 provides that funding for the Points of Light Foundation will be provided through the Corporation.

Section 406. Effective Date.

Establishes effective dates for the legislation.

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Student Loan Reform Act of 1993”.

TITLE I—AMENDMENTS TO FEDERAL DIRECT LOAN DEMONSTRATION PROGRAM

HEADING FOR PART

SEC. 111. Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.; hereinafter referred to as “the Act”) is amended in the part heading—

(1) by inserting “STUDENT” immediately following “DIRECT”; and

(2) by striking out “DEMONSTRATION”.

“PURPOSE; PROGRAM AUTHORIZATION

SEC. 112. Section 451 of the Act is amended to read as follows:

“PURPOSE; PROGRAM AUTHORIZATION

“SEC. 451. (a) PURPOSE.—It is the purpose of this part—

“(1) to simplify the delivery of student loans to borrowers and eliminate borrower confusion;

“(2) to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, and so that those obligations do not foreclose community service-oriented career choices for those borrowers;

“(3) to replace, through an orderly transition, the Federal Family Education Loan program under part B of this title with the Federal Direct Student Loan program under this part;

“(4) to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan program under part B of this title through the use of a direct student loan program; and

“(5) to create a more streamlined student loan program that can be managed more effectively at the Federal level.

“(b) PROGRAM AUTHORITY.—There are hereby made available, in accordance with the provisions of this part, such sums as may be necessary to make loans to all eligible students in attendance at participating institutions of higher education selected by the Secretary (and the eligible parents of such students), to enable such students to pursue their courses of study at such institutions during the period beginning July 1, 1994 and ending on June 30, 1998. Such loans shall be made by participating institutions that also have agreements with the Secretary to originate loans, or by alternative originators designated by the Secretary to make loans for students in attendance at participating institutions (and their parents).”.

FUNDS FOR ORIGINATION OF DIRECT STUDENT LOANS

SEC. 113. Section 452 of the Act is amended to read as follows:

“FUNDS FOR ORIGINATION OF DIRECT STUDENT LOANS

“SEC. 452. (a) IN GENERAL.—The Secretary shall provide funds for student and parent loans under this part (1) directly to an institution of higher education that has an agreement with the Secretary under section 454(a) to participate in the direct student loan program under this part and that also has an agreement with the Secretary under section 454(b) to originate loans under this part, or (2) through an alternative originator designated by the Secretary, on the basis of the need and the eligibility of students at each participating institution, and parents of such students, for such loans.

“(b) FEES FOR ORIGINATION SERVICES.—(1) The Secretary shall pay fees to institutions of higher education with agreements under section 454(b), in an amount established by the Secretary, to assist in meeting the costs of loan origination. Such fees—

“(A) shall be paid by the Secretary based on all the loans made under this part to a particular borrower in the same academic year;

“(B) shall be subject to a sliding scale that decreases the amount of such fees as the number of borrowers increases; and

“(C)(i) for academic year 1994–1995, shall not exceed a program-wide average of $10 per borrower for all the loans made under this part to such borrower in the same academic year; and

“(ii) for succeeding academic years, the Secretary shall establish such average fee in regulations.

“(2) The Secretary shall pay fees for loan origination services to alternative originators of loans made under this part in an amount established by the Secretary in accordance with the terms of the contract between the Secretary and each such alternative originator.

“(c) NO ENTITLEMENT TO PARTICIPATE OR ORIGINATE.—No institution of higher education shall have a right to participate in the programs authorized by this part, originate loans, or perform any program function under this part. Nothing in this subsection shall be construed so as to limit the entitlement of an eligible student attending a participating institution (or the eligible parent of such student) to borrow under this part.”.

SELECTION OF INSTITUTIONS

SEC. 114. Section 453 of the Act is amended—

(1) by amending subsections (a) and (b) to read as follows:

“(a) PHASE-IN OF PROGRAM.—(1)(A) The Secretary shall enter into agreements pursuant to section 454(a) with institutions of higher education to participate in the direct student loan programs under this part, and agreements pursuant to section 454(b) with institutions of higher education to originate loans in such programs, for academic years beginning on or after July 1, 1994. Alternative origination services, through which an entity other than the participating institution at which the student is in attendance originates the loan, shall be provided by the Secretary, through one or more contracts under section 456 or such other means as the Secretary may provide, for students attending participating institutions that do not originate direct student loans under this part. Such agreements for the first year of the program shall, to the extent feasible, be entered into not later than January 1, 1994.

“(B) In order to ensure an expeditious but orderly transition from the loan programs under part B of this title to the direct student loan programs under this part, the Secretary shall, in the exercise of his or her discretion, determine the number of institutions with which he or she shall enter into agreements under sections 454 (a) and (b) for any academic year, except that the Secretary shall exercise such discretion so as to achieve the following goals—

“(i) for academic year 1994–1995, loans made under this part shall represent 4 percent of the sum of new student loan volume under this part and part B of this title;

“(ii) for academic year 1995–1996, loans made under this part shall represent 25 percent of the sum of new student loan volume under this part and part B of this title;

“(iii) for academic year 1996–1997, loans made under this part shall represent 60 percent of the sum of new student loan volume under this part and part B of this title; and

“(iv) for academic year 1997–1998, loans made under this part shall represent 100 percent of the sum of new student loan volume under this part and part B of this title.

“(2) The requirements of the Cash Management Improvement Act of 1990 (P.L. 101–453) shall apply to the program under this part only to the extent specified in a schedule established by the Secretaries of Education and the Treasury, except that such schedule shall provide for the application of all such requirements not later than July 1, 1998.

“(b) SELECTION CRITERIA.—(1) PARTICIPATION.—(A) Each institution of higher education desiring to participate in the direct student loan program under this part shall submit an application satisfactory to the Secretary containing such information and assurances as the Secretary may require.

"(B) When the program authorized under this part is fully implemented, the Secretary shall enter into agreements under section 454(a) with institutions that submit applications in accordance with subparagraph (A).

"(C) Until such full implementation, the Secretary shall select institutions for participation in the direct student loan program under this part, and shall enter into agreements with them under section 454(a), from among those institutions that submit the applications described in subparagraph (A), and meet such other eligibility requirements as the Secretary may prescribe, by—

"(i)(I) categorizing such institutions according to anticipated loan volume, length of academic program, and control of the institution; and

"(II) selecting institutions that are reasonably representative of the respective categories; and

"(ii) if needed to carry out the purposes of this part, selecting additional institutions.

"(2) ORIGINATION.—(A) The Secretary may enter into a supplemental agreement with an institution (or a consortium of such institutions) that—

"(i) has an agreement under subsection 454(a);

"(ii) desires to originate loans under this part; and

"(iii) meets the criteria specified in subparagraph (B).

"(B)(i) For academic year 1994–1995, the Secretary may approve an institution to originate loans only if such institution—

"(I) made loans under part E of this title in academic year 1993–1994 and did not exceed the applicable maximum default rate under section 462(g) for the most recent fiscal year for which data are available;

"(II) is not on the reimbursement system of payment for any of the programs under subpart 1 or 3 of part A, part C, or part E;

"(III) is not overdue on program or financial reports or audits required under this title;

"(IV) is not subject to an emergency action, or a limitation, suspension, or termination under section 428(b)(1)(T), 432(h), or 487(c);

"(V) in the opinion of the Secretary, has not had significant deficiencies identified by the State postsecondary review entity under subpart 1 of part H of this title;

"(VI) in the opinion of the Secretary, has not had severe performance deficiencies for any of the programs under this title, including those demonstrated by audits or program reviews submitted or conducted during the five calendar years immediately preceding the date of application; and

"(VII) provides an assurance that it has no delinquent outstanding debts to the United States, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in his or her discretion determines that the existence or amount of such debts has not been finally determined by the cognizant Federal agency or agencies.

"(ii) For academic year 1995–1996 and subsequent academic years, the Secretary shall publish regulations governing the approval of institutions to originate loans.";

(2) by striking out subsections (c), (d), (e), and (f);

(3) by amending subsection (g) to read as follows:

"(g) CONSORTIA.—Subject to such requirements as the Secretary may prescribe, eligible institutions of higher education with agreements under section 454(a) may apply to originate loans under this part for students in attendance at such institutions, as consortia. Such institutions shall be required to meet the requirements to participate in the program under this part individually."; and

(4) by redesignating subsection (g) as subsection (c).

AGREEMENTS WITH INSTITUTIONS

SEC. 115. Section 454 of the Act is amended to read as follows:

"AGREEMENTS WITH INSTITUTIONS

"SEC. 454. (a) PARTICIPATION.—An agreement with any institution of higher education for participation in the direct student loan program under this part shall—

"(1) provide for the establishment and maintenance of a direct student loan program at the institution under which—

"(A) the institution will—

"(i) identify eligible students who seek student financial assistance at such institution in accordance with section 484;

"(ii) estimate the need of each such student as required by part F of this title for an academic year, provided that any loan obtained by a student under this part with the same terms (except as otherwise provided in this part) as loans made under section 428A or 428H, or a loan obtained by a parent under this part with the same terms (except as otherwise provided in this part) as loans made under section 428B, or obtained under any State-sponsored or private loan program, may be used to offset the expected family contribution of the student for that year; and

"(iii) provide a statement that certifies the eligibility of any student to receive a loan under this part that is not in excess of the maximum amount applicable to such loan, except that the institution may, in exceptional circumstances specified by the Secretary, refuse to certify a statement that permits a student to receive a loan under this part, or certify a loan amount that is less than the student's determination of need (as determined under part F of this title), if the reason for such action is documented and provided in written form to such student;

"(B) the institution will set forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G; and

"(C) the institution will provide timely and accurate information—

"(i) concerning the status of student borrowers (and students on whose behalf parents borrow under this part) while such students are in attendance at the institution and concerning any new information of which the institution becomes aware for such students (or their parents) after they leave the institution, to the Secretary for the servicing and collecting of loans made under this part; and

"(ii) if the institution does not have an agreement with the Secretary under subsection (b), concerning student eligibility and need, as determined under subparagraph (A), to the Secretary as needed for the alternative origination of loans to eligible students and parents in accordance with this part;

"(2) provide assurances that the institution will comply with requirements established by the Secretary relating to student loan information with respect to loans made under this part;

"(3) provide that the institution accepts responsibility and financial liability stemming from its failure to perform its functions pursuant to the agreement;

"(4) provide that students at the institution and their parents (with respect to such students) will not be eligible to participate in the programs under part B of this title for the period during which such institution participates in the direct student loan program under this part;

"(5) provide for the implementation of a quality assurance system, as established by the Secretary, to ensure that the institution is complying with program requirements and meeting program objectives;

"(6) provide that the institution will not charge any fees of any kind, however described, to student or parent borrowers for origination activities or the provision of any information necessary for a student or parent to receive a loan under this part, or any benefits associated with such loan; and

"(7) include such other provisions as the Secretary determines are necessary to protect the interests of the United States and to promote the purposes of this part.

"(b) ORIGINATION.—An agreement with any institution of higher education for the origination of loans under this part shall—

"(1) supplement the agreement entered into in accordance with subsection (a);

"(2) include provisions established by the Secretary that are similar to the participation agreement provisions described in paragraphs (1)(G), (2), (3), (4), (5), (6), and (7) of subsection (a), as modified to relate to the origination of loans by the institution;

"(3) provide that the institution will originate loans to eligible students and parents in accordance with this part; and

"(4) provide that the note or evidence of obligation on the loan shall be the property of the Secretary.

"(c) WITHDRAWAL AND TERMINATION PROCEDURES.—The Secretary shall establish procedures by which institutions may withdraw or be terminated from the program under this part.".

TERMS OF LOANS

SEC. 116. Section 456 of the Act is amended to read as follows:

"TERMS AND CONDITIONS OF LOANS

"SEC. 456. (a) IN GENERAL.—(1) Unless otherwise specified in this part, loans made to borrowers under this part shall have the same terms, conditions, and benefits as loans made to borrowers under sections 428, 428A, 428B, and 428H of this title.

"(2) Loans made to borrowers under this part that, except as otherwise specified in this part, have the same terms, conditions, and benefits as loans made to borrowers under—

"(A) section 428 shall be known as 'Federal Direct Stafford Loans';

"(B) section 428A shall be known as 'Federal Direct Supplemental Loans for Students';

"(C) section 428B shall be known as 'Federal Direct PLUS Loans'; and

"(D) section 428H shall be known as 'Federal Direct Unsubsidized Stafford Loans'.

"(b) INTEREST RATE.—(1) Section 427A(a) shall not apply to loans made under this part.

"(2)(A) For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made before July 1, 1997, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.1 percent,

"except that such rate shall not exceed 9 percent.

"(B) For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made on or after July 1, 1997, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 for all such loans and be equal to—

"(i) the bond equivalent rate of the security with a comparable maturity; plus

"(ii) 1 percent,

"except that such rate shall not exceed 9 percent.

"(3)(A) For Federal Direct Supplemental Loans for Students made before July 1, 1997, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.1 percent,

"except that such rate shall not exceed 11 percent.

"(B) For Federal Direct Supplemental Loans for Students made on or after July 1, 1997, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 for all such loans and be equal to—

"(i) the bond equivalent rate of the security with a comparable maturity; plus

"(ii) 1.5 percent,

"except that such rate shall not exceed 11 percent.

"(4)(A) For Federal Direct PLUS Loans made before July 1, 1997, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 for loans and be equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.1 percent,

"except that such rate shall not exceed 10 percent.

"(B) For Federal PLUS Loans made on or after July 1, 1997, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 for all such loans and be equal to—

"(i) the bond equivalent rate of the security with a comparable maturity; plus

"(ii) 2.1 percent,

"except that such rate shall not exceed 10 percent.

"(c) LOAN FEE.—The Secretary shall charge the borrower of a loan made under this part a loan fee of not less than 5 percent, but not more than 6.5 percent, of the principal amount of the loan.

"(d) REPAYMENT PLANS.—(1)(A) The Secretary shall design each repayment plan under this subsection so that, to the extent possible, the cost to the Federal Government for each cohort of borrowers does not exceed what such cost would be if all borrowers in the cohort selected the standard repayment plan described in clause (i). Consistent with criteria established by the Secretary, the Secretary shall offer to a borrower of a loan made under this part a variety of plans for repayment of such loan, including principal and interest on the loan. The borrower may choose—

"(i) a standard repayment plan, with a fixed annual repayment amount paid over a fixed period of time;

"(ii) an extended repayment plan, with a fixed annual repayment amount paid over an extended period of time, provided that the borrower annually repays a minimum amount determined by the Secretary;

"(iii) a graduated repayment plan, with annual repayment amounts established at two or more graduated levels and paid over a fixed or extended period of time, provided that any of the borrower's scheduled payments shall not be less than 50 percent, nor more than 150 percent, of what the amortized payment on the amount owed would be if the loan were repaid under the standard repayment plan; and

"(iv) except for the borrower of a Federal Direct PLUS Loan, an income contingent repayment plan known as an 'EXCEL Account,' with varying annual repayment amounts based on the income of the borrower, paid over an extended period of time, not to exceed a maximum length of time determined by the Secretary.

"(B) If a borrower of a loan made under this part does not select a repayment plan described in subparagraph (A), the Secretary may provide the borrower with a repayment plan described in clause (i), (ii), or (iii) of subparagraph (A).

"(C) The borrower of a loan made under this part may change his or her selection of a repayment plan under subparagraph (A), or the Secretary's selection of a plan for the borrower under subparagraph (B), as the case may be, under such terms and conditions as may be established by the Secretary.

"(D) The Secretary may provide an alternative repayment plan to a borrower of a loan made under this part who demonstrates to the satisfaction of the Secretary that the terms and conditions of the repayment plans available under subparagraph (A) are not adequate to accommodate the borrower's exceptional circumstances.

"(E) The Secretary may require any borrower who has defaulted on a loan made under this part to—

"(i) pay all reasonable collection costs associated with such loan; and

"(ii) repay the loan pursuant to an EXCEL Account.

"(2)(A) The Secretary may obtain such information as is reasonably necessary regarding the income of a borrower (and the borrower's spouse, if applicable) of a loan made under this part that is, or may be, repaid pursuant to an EXCEL Account for the purpose of determining the annual repayment obligation of the borrower. The Secretary shall establish procedures for determining the borrower's repayment obligation on that loan for such year, and such other procedures as are necessary to implement effectively repayment pursuant to an EXCEL Account.

"(B)(i) A repayment schedule for a loan made under this part and repaid pursuant to an EXCEL Account shall be based on the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986, 26 U.S.C. 62) of the borrower or, if the borrower is married and files a Federal income tax return jointly with his or her spouse, on the adjusted gross income of the borrower and his or her spouse.

"(ii) A borrower who chooses, or is required, to repay a loan made under this part pursuant to an EXCEL Account, and for whom adjusted gross income is unavailable or does not reasonably reflect his or her current income, shall provide to the Secretary other documentation of income satisfactory to the Secretary, which documentation the Secretary may use to determine an appropriate repayment schedule.

"(iii) EXCEL Account repayment schedules shall be established by the Secretary through regulations and shall require payments measured as a percentage of the appropriate portion of the annual income of the borrower (and the borrower's spouse, if applicable) as determined by the Secretary.

"(iv) The balance due on a loan made under this part that is repaid pursuant to an EXCEL Account shall equal the unpaid principal amount of the loan, any accrued interest, and any fees, such as late charges, assessed on such loan. The Secretary may limit by regulation the amount of interest that may be capitalized on such loan, and the timing of any such capitalization.

"(C) The Secretary shall establish procedures under which a borrower of a loan made under this part who chooses or is required to repay such loan pursuant to an EXCEL Account is notified of the terms and conditions of such plan, including notification of such borrower—

"(i) that the Internal Revenue Service will disclose to the Secretary the most recent available information concerning the borrower's income; and

"(ii) that if a borrower considers that special circumstances, such as a loss of employment by the borrower or his or her spouse, warrant an adjustment in the borrower's loan repayment as determined using the information described in clause (i), or the alternative documentation described in subparagraph (B)(ii), the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with criteria established by the Secretary.

"(e) DEFERMENT.—(1) A borrower of a loan made under this part who meets the requirements described in paragraph (2) shall be eligible for a deferment, during which periodic installments of principal need not be paid, and interest—

"(A) shall not accrue, in the case of a Federal Direct Stafford Loan or a Federal Direct Consolidation Loan that consolidate only Federal Direct Stafford Loans, or a combination of such loans and Federal Stafford Loans for which the student borrower received an interest subsidy under section 428; or

"(B) shall accrue and be capitalized or paid by the borrower, in the case of a Federal Direct Supplemental Loan for Students loan, a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan other than those described in subparagraph (A).

"(2) A borrower of a loan made under this part shall be eligible for a deferment during any period—

"(A) during which the borrower—

"(i) is pursuing at least a half-time course of study at an eligible institution, as determined by such institution; or

"(ii) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for individuals with disabilities approved by the Secretary,

"except that no borrower shall be eligible for a deferment under this subparagraph, or a loan made under this part (other than a Federal Direct PLUS Loan, or a Federal Direct Consolidation Loan), while serving in a medical internship or residency program;

"(B) not in excess of three years during which the borrower is seeking and unable to find full-time employment; or

"(C) not in excess of three years during which the Secretary determines, in accordance with regulations prescribed under section 435(o), that the borrower has experienced or will experience an economic hardship, regardless of the reason for such hardship.

“(f) FORBEARANCE.—(1)(A) A borrower of a loan made under this part shall be eligible for forbearance, as defined in subparagraph (B), which shall be granted by the Secretary if Secretary determines that the borrower is willing but unable to make scheduled loan payments.

“(B) The term ‘forbearance’ means permitting the temporary cessation of payments, allowing an extension of time for making payments, or temporarily accepting smaller payments than previously scheduled. Interest shall continue to accrue on a loan for which a borrower receives forbearance and shall be capitalized or paid by the borrower.

“(2)(A) A borrower of a loan made under this part who is serving in a national service position, for which he or she receives a national service educational award under the National Service Trust Act of 1993, shall be eligible for forbearance granted by the Secretary during periods in which the borrower is serving in such position.

“(B) For purposes of this paragraph, ‘forbearance’ shall mean the temporary cessation of payments unless the borrower selects another option described in paragraph (1)(B).

“(g) FEDERAL DIRECT CONSOLIDATION LOANS.—A borrower of a loan made under this part may consolidate such loan with the loans described in subsections (a)(4) and (d)(1)(C) of section 428C only under the terms and conditions established by the Secretary under this part. Loans made under this subsection shall be known as ‘Federal Consolidation Loans’;

“(h) BORROWER DEFENSES.—Notwithstanding any other provision of State or Federal law, the Secretary shall specify in regulations (except as authorized under section 458(a)) which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under this part, except that in no event may a borrower recover from the Secretary, in any action arising from or relating to a loan made under this part, an amount in excess of the amount such borrower has repaid on such loan.

“(i) OPTICALLY IMAGED DOCUMENTS.—Records maintained in accordance with section 484A(c) may be used in any proceeding, as permitted by section 484A(c), with respect to a loan made under this part.

“(j) NONDISCHARGEABILITY IN BANKRUPTCY.—Notwithstanding any other provision of law, a loan made under this part shall not be dischargeable in bankruptcy.”.

CONTRACTS

SEC. 117. Section 457 of the Act is amended to read as follows:

“CONTRACTS

“SEC. 457. (a)(1) The Secretary may award one or more contracts for services and supplies under subsection (b). The entities with which the Secretary may enter into such contracts may include, but are not limited to, agencies with agreements with the Secretary under sections 428(b) and (c), if such agencies are otherwise qualified and comply with the procedures applicable to the award of such contracts.

“(2) The Secretary may, through June 30, 1998, award contracts under this section without regard to the requirements in 41 U.S.C. 253, 41 U.S.C. 416, and 15 U.S.C. 637(e) and the corresponding requirements of the Federal Acquisition Regulations if he or she determines, on a case-by-case basis, that exemption from such requirements is in the public interest and necessary for the orderly transition from the loan programs under part B to the direct student loan programs under this part.

“(3) On and after July 1, 1998, all statutory and regulatory requirements described in paragraph (2) shall apply to the award of a contract under this section.

“(b) The Secretary may enter into one or more contracts for—

“(1) the alternative origination of loans to students attending institutions with agreements to participate in the program under this part (or their parents), if such institutions do not have agreements with the Secretary under section 454(b);

“(2) the servicing and collection of loans made under this part;

“(3) the establishment and operation of one or more data systems for the maintenance of records on all loans made under this part;

“(4) services to assist in the orderly transition from the loan programs under part B to the direct student loan programs under this part; and

“(5) such other aspects of the direct student loan programs as the Secretary determines are necessary to ensure the successful operation of the programs.”.

REPORTS

SEC. 118. Section 458 of the Act is amended—

(1) in subsection (a), by striking out “demonstration program.” and inserting in lieu thereof “program under this part.”;

(2) by striking out subsections (b), (c), (d), and (e); and

(3) adding at the end thereof the following new subsections:

“(b) RESEARCH, DEMONSTRATION, AND EVALUATION.—The Secretary may use a portion of the funds described in section 459 for research on, or the demonstration or evaluation of, any aspects of the program authorized by this part, including flexible repayment plans.

“(c) PLAN FOR IRS PARTICIPATION AND OTHER REPAYMENT OPTIONS.—(1) The Secretaries of Education and the Treasury shall, within six months of the date of enactment, submit a plan to the President that—

“(A) provides for repayment for loans made under this part through wage withholding by the Internal Revenue Service; and

“(B) evaluates the feasibility of other wage-withholding repayment options for such loans.

“(2) If the President determines that the implementation of one or more repayment options contained in the plan described in paragraph (1) would further the purposes of this part, the Secretaries of Education and the Treasury shall be authorized to take such actions as are reasonable and necessary to implement such repayment options, including entering into an agreement pursuant to section 6306 of the Internal Revenue Code of 1986.

“(3) The Secretary of Education may use such amounts as may be necessary for the funds available under section 459 to implement the repayment options selected by the President under paragraph (2) and shall make available to the Secretary of the Treasury such amounts under section 459 as the Secretaries determine to be necessary to implement those repayment options carried out by the Internal Revenue Service.

SECRETARIAL ACTIVITIES

SEC. 119. Section 459 of the Act is amended—

(1) in the section heading, by striking out “SCHEDULE OF”;

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

“(a) NOTICE IN LIEU OF REGULATIONS FOR FIRST YEAR OF PROGRAM.—The Secretary shall publish in the *Federal Register* whatever standards, criteria, and procedures, consistent with the provisions of this part, the Secretary determines are reasonable and necessary to the successful implementation of the first year of the direct student loan program authorized by this part. Section 431 of the General Education Provisions Act shall not apply to the publication of such standards, criteria, and procedures.”;

(3) by striking out subsections (b) and (e);

(4) in subsection (c)—

(A) by inserting “a date not later than” immediately preceding “October 1, 1993,”; and

(B) by striking out “participate” through the end thereof and inserting in lieu thereof the following: “participate in the first year of the direct student loan program under this part.”;

(5) in subsection (d), by striking out “participate” through the end thereof and inserting in lieu thereof the following: “participate in the first year of the loan program under this part.”; and

(6) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

REPEALS AND REDESIGNATIONS

SEC. 120. (a) Section 455 of the Act is repealed.

(b) Sections 456, 457, 458, 459, and 459A are redesignated as sections 455, 456, 457, 458, and 459, respectively.

FUNDS FOR ADMINISTRATIVE EXPENSES

SEC. 121. Section 459 of the Act (as redesignated by section 120) is amended by striking out “administrative costs under this part,” through the end thereof and inserting in lieu thereof the following: “administrative costs under this part, including the costs of the transition from the loan programs under part B to the direct student loan programs under this part and transition support for the expenses of guaranty agencies in servicing outstanding loans in their portfolios and in guaranteeing new loans, not to exceed $261,000,000 in fiscal year 1994, $346,000,000 in fiscal year 1995, $552,000,000 in fiscal year 1996, $596,000,000 in fiscal year 1997, and $749,000,000 in fiscal year 1998. If in any fiscal year, the Secretary determines that additional funds for administrative expenses are needed as a result of such transition, or the expansion of the direct student loan programs under this part, the Secretary is authorized to use funds available under this section for a subsequent fiscal year for such expenses. The Secretary is also authorized to carry over funds available under this section to a subsequent fiscal year.”.

TITLE II—CONFORMING AMENDMENTS

PART A—CONFORMING AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

PRESERVING LOAN ACCESS

SEC. 211. (a) PURPOSE.—It is the purpose of the amendments made by this section to provide the Secretary with flexible authority as needed to preserve access to student and parent loans under part B of title IV of the Act during the transition from the Federal Family Education Loan program under such part to the Federal Direct Student Loan program under part D of such title.

(b) ADVANCES TO GUARANTY AGENCIES FOR LENDER-OF-LAST-RESORT SERVICES.—(1) Section 428(j) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) ADVANCES TO GUARANTY AGENCIES FOR LENDER-OF-LAST-RESORT SERVICES DURING TRANSITION TO DIRECT LENDING.—(A) In order to ensure the availability of loan capital during the transition from the Federal Family Education Loan program under this part to the Federal Direct Student Loan program under part D of this title, the Secretary is authorized to provide a guaranty agency with additional advance funds in accordance with section 422(c)(7), with such restrictions on the use of such funds as are determined appropriate by the Secretary, in order to ensure that the guaranty agency will make loans as the lender-of-last-resort. Such agency shall make such loans in accordance with this subsection and the requirements of the Secretary.

"(B) Notwithstanding any other provision in this part, a guaranty agency serving as a lender-of-last-resort under this paragraph shall be paid a fee, established by the Secretary, for making such loans in lieu of interest and special allowance subsidies, and shall be required to assign such loans to the Secretary on demand. Upon such assignment, the portion of the advance represented by the loans assigned shall be considered repaid by such guaranty agency.".

(2) Section 422(c)(7) of the Act is amended by striking out "to a guaranty agency" through the end thereof and inserting in lieu thereof the following: "to a guaranty agency—

"(A) in accordance with section 428(j), in order to ensure that the guaranty agency shall make loans as the lender-of-last-resort during the transition from the Federal Family Education Loan program under this part to the Federal Direct Student Loan program under part D of this title; or

"(B) if the Secretary is seeking to terminate the guaranty agency's agreement, or assuming the guaranty agency's functions, in accordance with section 428(c)(10)(F)(v), in order to assist the agency in meeting its immediate cash needs, ensure the uninterrupted payment of claims, or ensure that the guaranty agency shall make loans as described in subparagraph (A);".

(c) LENDER REFERRAL SERVICES.—Section 428(e) of the Act is amended—

(1) in paragraph (1)—

(A) by amending the paragraph heading to read as follows: "IN GENERAL; AGREEMENTS WITH GUARANTY AGENCIES.—";

(B) by inserting the subparagraph designation "(A)" immediately after the paragraph designation;

(C) by striking out "in any State" and inserting in lieu thereof "with which the Secretary has an agreement under subparagraph (B)"; and

(D) by adding at the end thereof the following new subparagraph:

"(B)(i) The Secretary may enter into agreements with guaranty agencies that meet standards established by the Secretary to provide lender referral services in geographic areas specified by the Secretary. Such guaranty agencies shall be paid in accordance with paragraph (3) for such services.

"(ii) The Secretary shall publish in the *Federal Register* whatever standards, criteria, and procedures, consistent with the provisions of this part and part D of this title, the Secretary determines are reasonable and necessary to provide lender referral services under this subsection and ensure loan access to student and parent borrowers during the transition from the loan programs under this part to the direct student loan programs under part D of this title. Section 431 of the General Education Provisions Act shall not apply to the publication of such standards, criteria, and procedures.";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking out "in a State" and inserting in lieu thereof "with which the Secretary has an agreement under paragraph (1)(B)";

(B) by amending subparagraph (A) to read as follows:

"(A)(i) such student is either a resident of, or is accepted for enrollment in, or is attending, an eligible institution located in a geographic area for which the Secretary (I) determines that loans are not available to all eligible students, and (II) has entered into an agreement with a guaranty agency under paragraph (1)(B) to provide lender referral services; and";

(4) in paragraph (3), by striking out "The" and inserting in lieu thereof "From funds available for costs of transition under section 459 of the Act, the"; and

(5) by striking out paragraph (5).

(d) STUDENT LOAN MARKETING ASSOCIATION.—Section 439(q) of the Act is amended—

(1) in paragraph (1)(A)—

(A) in the first sentence, by striking out "the Association or its designated agent may begin making loans" and inserting in lieu thereof "the Association or its designated agent shall, subject to the limitations in section 428(j)(3), begin making loans to such eligible borrowers"; and

(B) by striking out the second sentence therein;

(2) in paragraph (2)(A), by striking out "the Association or its designated agent may" and inserting in lieu thereof "the Association or its designated agent shall, subject to the limitations in section 428(j)(3)," and

(3) in paragraph (3), by striking out "that—" through the end thereof and inserting in lieu thereof the following: "that the conditions that caused the implementation of this subsection have ceased to exist.".

GUARANTY AGENCY RESERVES

SEC. 212. Section 422 of the Act is amended by adding at the end thereof the following new subsection:

"(g) PRESERVATION OF GUARANTY AGENCY RESERVES.—(1) Notwithstanding any other provision of law, the reserve funds of the guaranty agencies, and any assets purchased with such reserve funds, regardless of who holds or controls the reserves or assets, shall be considered to be the property of the United States to be used in the operation of the program authorized by this part or the program authorized by part D of this title. However, the Secretary may not require the return of all of a guaranty agency reserve funds to the Secretary unless he or she determines that such return is essential to the operation of the program authorized by this part or the program authorized by part D of this title, or to ensure the orderly termination of the guaranty agency's operations and the liquidation of its assets. The reserves shall be maintained by each guaranty agency to pay program expenses and contingent liabilities, as authorized by the Secretary, except that the Secretary may—

"(A) direct a guaranty agency to return to the Secretary a portion of its reserve fund which the Secretary determines is unnecessary to pay the program expenses and contingent liabilities of the guaranty agency; and

"(B) direct the guaranty agency to require the return, to the guaranty agency or to the Secretary, of any reserve funds or assets held by, or under the control of, any other entity, which the Secretary determines are necessary to pay the program expenses and contingent liabilities of the guaranty agency, or which are required for the orderly termination of the guaranty agency's operations and the liquidation of its assets.

"(2) The ensure that the funds and assets of the guaranty agency are preserved, any contract with respect to the administration of a guaranty agency's reserve funds, or the administration of any assets purchased or acquired with the reserve funds of the guaranty agency, that is entered into or extended by the guaranty agency or any other party on behalf of or with the concurrence of the guaranty agency, after the effective date of this provision shall provide that the contract is terminable by the Secretary upon 30 days notice to the contracting parties if the Secretary determines that such contract includes an impermissible transfer of the reserve funds or assets, or is otherwise inconsistent with the terms or purposes of this section.".

TERMS OF LOANS

SEC. 213. Section 428 of the Act of amended—

(1) in subsection (b)(1)—

(A) in subparagraph (D), by striking out "be subject to" through the end thereof and inserting in lieu thereof the following: "be subject to income contingent repayment in accordance with subsection (m);";

(B) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(C) by inserting immediately after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which he or she receives a national service educational award under the National Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;";

(2) in subsection (c)(3)(A), by striking out "subsection (b)(1)(V)" through the end thereof and inserting in lieu thereof the following: "subsections (b)(1)(V) and (W);"; and

(3) in subsection (m)—

(A) by amending paragraph (1) to read as follows:

"(1) The Secretary may require any borrower who has defaulted on a loan made under this part that is assigned to the Secretary under subsection (c)(8) to repay that loan under an income contingent repayment plan, the terms and conditions of which shall be established by the Secretary and the same as, or similar to, the EXCEL Account established for purposes of part D of this title.";

(B) by striking out paragraphs (2) and (4);

(C) by amending paragraph (3) to read as follows:

"(3) LOANS FOR WHICH INCOME CONTINGENT REPAYMENT MAY BE REQUIRED.—A loan made under this part may be required to be repaid under this section if the note or other evidence of the loan has been assigned to the Secretary pursuant to subsection (c)(8)."; and

(D) by redesignating paragraph (3) as paragraph (2).

ASSIGNMENT OF LOANS

SEC. 214. (a) Section 428(c)(8) of the Act is amended—

(1) by inserting the subparagraph designation "(A)" immediately following the section heading;

(2) by striking out the second and third sentences therein; and

(3) adding at the end thereof the following new subparagraphs:

"(B) An orderly transition from the Federal Family Education Loan program under this part to the Federal Direct Student Loan program under part D of this title shall be deemed to be in the Federal fiscal interest, and a guaranty agency shall promptly assign loans to the Secretary under this paragraph upon his or her request.".

TERMINATION OF GUARANTY AGENCY AGREEMENTS; ASSUMPTION OF GUARANTY AGENCY FUNCTIONS BY THE SECRETARY

SEC. 215. Section 428(c)(10) of the Act is amended—

(1) in subparagraph (C), by inserting a comma and "as appropriate," immediately following "the Secretary shall";

(2) in subparagraph (D)—

(A) by inserting the clause designation "(i)" immediately following the subparagraph designation;

(B) by striking out "Each" and inserting in lieu thereof "If the Secretary is not seeking to terminate the guaranty agency's agreement under subparagraph (E), or assuming the guaranty agency's functions under subparagraph (F), a";

(C) by adding at the end thereof the following new clause:

"(ii) If the Secretary is seeking to terminate the guaranty agency's agreement under subparagraph (E), or assuming the guaranty agency's functions under subparagraph (F), a management plan described in subparagraph (C) shall include the means by which the Secretary and the guaranty agency shall work together to ensure the orderly termination of the operations, and liquidation of the assets of, the guaranty agency.";

(3) in subparagraph (E)—

(A) in clause (ii), by striking out "or" at the end thereof;

(B) in clause (iii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(D) by adding at the end thereof the following new clauses:

"(iv) the Secretary determines that such action is necessary to protect the Federal fiscal interest;

"(v) the Secretary determines that such action is necessary to ensure the continued availability of loans to student or parent borrowers; or

"(vi) the Secretary determines that such action is necessary to ensure an orderly transition from the loan programs under this part to the direct student loan programs under part D of this title.";

(4) in subparagraph (F)—

(A) in the matter preceding clause (i), by striking out "Except as provided in subparagraph (G), if" and inserting in lieu thereof "If";

(B) by amending clause (v) to read as follows:

"(v) provide the guaranty agency with additional advance funds in accordance with section 422(c)(7), with such restrictions on the use of such funds as is determined appropriate by the Secretary, in order to—

"(I) meet the immediate cash needs of the guaranty agency;

"(II) ensure the uninterrupted payment of claims; or

"(III) ensure that the guaranty agency will make loans as the lender-of-last-resort, in accordance with subsection (j)(4);";

(C) in clause (vi)—

(i) by striking out "and to avoid" and inserting in lieu thereof "to avoid";

(ii) by striking out the period at the end thereof and inserting in lieu thereof a comma and "and to ensure an orderly transition from the loan programs under this part to the direct student loan programs under part D of this title."; and

(iii) by redesignating such clause as clause (vii); and

(D) by inserting immediately following clause (v) the following new clause:

"(vi) use all funds and assets of the guaranty agency to assist in the activities undertaken in accordance with this subparagraph and take appropriate action to require the return, to the guaranty agency or the Secretary, of any funds or assets provided by the guaranty agency, under contract or otherwise, to any person or organization; or";

(5) by striking out subparagraph (G);

(6) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively;

(7) by inserting immediately following subparagraph (F) the following new subparagraphs:

"(G) Notwithstanding any other provision of Federal or State law, if the Secretary has terminated or is seeking to terminate a guaranty agency's agreement under subparagraph (E), or has assumed a guaranty agency's functions under subparagraph (F)—

"(i) such guaranty agency may not file for bankruptcy;

"(ii) no State court may issue any order affecting the Secretary's actions with respect to such guaranty agency;

"(iii) any contract with respect to the administration of a guaranty agency's reserve funds, or the administration of any assets purchased or acquired with the reserve funds of the guaranty agency, that is entered into or extended by the guaranty agency, or any other party on behalf of or with the concurrence of the guaranty agency, after the effective date of this provision shall provide that the contract is terminable by the Secretary upon 30 days notice to the contracting parties if the Secretary determines that such contract includes an impermissible transfer of the reserve funds or assets, or is otherwise inconsistent with the terms or purposes of this section; and

"(iv) no provision of State law shall apply to the actions of the Secretary in terminating the operations of a guaranty agency;

"(H) Notwithstanding any other provision of law, the Secretary's liability for any outstanding liabilities of a guaranty agency (other than outstanding student loan guarantees under this part), the functions of which the Secretary has assumed, shall not exceed the fair market value of the reserves of the guaranty agency, minus any necessary liquidation or other administrative costs."; and

(8) in subparagraph (K) (as redesignated by paragraph (5)), by striking out "system, together" through the end thereof and inserting in lieu thereof the following: "system and the progress of the transition from the loan programs under this part to the direct student loan programs under part D of this title.".

ADMINISTRATIVE COST ALLOWANCE

SEC. 216. Section 428(f)(1) of the Act is amended—

(1) in subparagraph (A), by striking out "The Secretary" and inserting in lieu thereof "For a fiscal year prior to fiscal year 1994, the Secretary"; and

(2) in subparagraph (B), inserting "prior to fiscal year 1994" immediately following "any fiscal year".

CONSOLIDATION LOANS

SEC. 217. Section 428C of the Act is amended—

(1) by amending subsection (a)(3)(A) to read as follows:

"(A) For the purpose of this section, the term "eligible borrower" means a borrower who, at the time of application for a consolidation loan is in repayment status, or in a grace period preceding repayment, or is a delinquent or defaulted borrower who will reenter repayment through loan consolidation.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)(ii), by inserting "with income-sensitive repayment terms" immediately following "obtain a consolidation loan";

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting immediately following subparagraph (D) the following new subparagraph:

"(E) that the lender shall offer an income-sensitive repayment schedule, established by the lender in accordance with the regulations of the Secretary, to the borrower of any consolidation loan made by the lender on or after July 1, 1994; and";

(B) in paragraph (4), by amending subparagraph (C) to read as follows:

"(C)(i) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid in accordance with clause (ii), during any period for which the borrower would be eligible for a deferral under section 428(b)(1)(M), and that any such period shall not be included in determining the repayment period pursuant to subsection (c)(2) of this section; and

"(ii) provides that interest shall accrue and be paid—

"(I) by the Secretary, in the case of a consolidation loan that consolidated only Federal Stafford Loans for which the student borrower received an interest subsidy under section 428; or

"(II) by the borrower, or capitalized, in the case of a consolidation loan other than one described in subclause (I);"; and

(C) by adding at the end thereof the following new paragraph:

"(5) In the event that a borrower is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from a lender with an agreement under subsection (a)(1), the Secretary shall offer any such borrower who applies for it, a direct consolidation loan to be repaid pursuant to an EXCEL Account under part D of this title, except that the Secretary shall not offer such loans if, in his or her judgment, the Department does not yet have the necessary origination and servicing arrangements in place for such loans."; and

(3) in subsection (c)—

(A) in paragraph (1), by amending subparagraphs (B) and (C) to read as follows:

(B) A consolidation loan made before July 1, 1994, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the greater of—

(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest whole percent; or

"(ii) 9 percent.

"(C) A consolidation loan made on or after July 1, 1994 shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the weighted average of the interest rates on the loans consolidated, rounded upward to the nearest whole percent.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking out "income sensitive repayment schedules. Such repayment terms" and inserting in lieu thereof "income sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary. Except as required by such income sensitive repayment schedules, or by the terms of repayment pursuant to an EXCEL Account offered by the Secretary under subsection (b)(5), such repayment terms"

(II) by redesignating clauses (i), (ii), (iii), (iv), and (v) as clauses (ii), (iii), (iv), (v), and (vi), respectively; and

(III) by inserting immediately preceding clause (ii) (as redesignated by subclause (II)) the following new clause:

(i) is less than $7,500, then such consolidation loan shall be repaid in not more than 10 years;";

(ii) by striking out subsection (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (3)(A), by inserting immediately following the subparagraph designation the following: "except as required by the terms of repayment pursuant to an EXCEL Account offered by the Secretary under subsection (b)(5),".

STUDENT LOAN MARKETING ASSOCIATION

SEC. 218. Section 439 of the Act is further amended by adding at the end thereof the following new subsection:

"(s) TRANSITION STUDY AND ACTIVITIES.—(1) The Secretaries of Education and the Treasury, in consultation with the Association, shall prepare a study, to be completed within six months of the enactment of this provision, which shall examine alternatives concerning the status, operations, and purposes of the Association during and after the transition from the Federal Family Education Loan program to the Federal Direct Student Loan program. Such alternatives shall include providing for an orderly transition of the Association from a Government-Sponsored Enterprise to a private corporation when the Federal Direct Student Loan program is fully implemented. Such study shall—

(A) consider how best to meet the needs of students and taxpayers;

"(B) reflect the need for the Association to maintain liquidity and perform other functions for the Federal Family Education Loan program during the transition from such program to the Federal Direct Student Loan program under part D of this title, including additional duties as specified by the Secretary of Education of the Secretary of the Treasury;

"(C) consider any appropriate changes to part D of title VII, relating to the College Construction Loan Insurance Association; and

"(D) be considered by the Secretaries of Education and the Treasury in developing any legislative proposals concerning any changes to the status of the Association as a Government-Sponsored Enterprise or its duties under the Federal Family Education Loan program.

"(2) The Secretaries of Education and the Treasury are directed to work with the Association to ensure that any changes in the Association's status, operations, or purposes are carried out efficiently and effectively.

AUTHORITY TO USE OPTICALLY IMAGED DOCUMENTS

SEC. 219. (a) Section 484A of the Act is amended—

(1) in the heading, by adding a semicolon and "OPTICALLY IMAGED DOCUMENTS" after "LIMITATIONS"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) IN GENERAL.—It is the purpose of this subsection to—

"(A) allow the Secretary to use optical imaging technology to store and retrieve documents and records, including promissory notes and repayment agreements, required for the administration of the programs authorized under part D of this title, or for the administration of loans made under part B of this title that have been assigned to the Secretary;

"(B) permit the Secretary to destroy originals of such documents and records, including promissory notes and repayment agreements, after they have been optically imaged, thereby achieving significant savings in storage and retrieval costs; and

"(C) ensure that the Secretary may introduce as evidence in any proceeding with respect to the programs or loans described in subparagraph (A) optically imaged documents and records, including promissory notes and repayment agreements.

"(2) Notwithstanding any other provision of Federal or State law, an optically imaged copy of any document or record, including a promissory note or repayment agreement, may be introduced as evidence in any proceeding with respect to the programs or loans described in paragraph (1)(A) in any Federal or State court, or other tribunal, and such optically imaged copy shall be admissible in any court or tribunal of the United States or any State as if it were the original document or record and have the same force and effect as the original.

"(3) Nothing in this subsection shall be interpreted to preclude the admissibility of a duplicate of a document or record required for the administration of the programs or loans described in paragraph (1)(A) made by a technology other than optical imaging consistent with the Federal Rules of Evidence and section 1732 of title 28 of the United States Code, or applicable State law.

"(4) Nothing in this subsection shall be interpreted to preclude the admissibility of an optically imaged copy of any document or record in a proceeding outside the scope of this subsection consistent with the Federal Rules of Evidence and section 1732 of title 28 of the United States Code, or applicable State law.".

"(b) Section 432 of the Act is amended by adding at the end thereof the following new subsection:

"(q) OPTICALLY IMAGED DOCUMENTS.—Records maintained in accordance with section 484A(c) may be used in any proceeding, as permitted by section 484A(c), with respect to a loan that was made under this part and has been assigned to the Secretary.".

"(c) Section 487 of the Act is amended by adding at the end thereof the following new subsection:

"(f) USE OF OPTICALLY IMAGED DOCUMENTS.—In any proceeding with respect to a program or activity under part D of this title, or with respect to a loan made under part B of this title that has been assigned to the Secretary, records maintained in accordance with section 484A may be used as provided in that section.".

PART B—AMENDMENTS TO OTHER LAWS

DISCLOSURE OF TAX RETURN INFORMATION

SEC. 221. (a) Section 6103(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(a)(3); relating to confidentiality and disclosure of returns and return information; hereinafter referred to as "the Code") is amended by striking out "(l)(12)" and inserting in lieu thereof "(l)(10), (12), or (13)".

(b) Section 6103(1) of the Code is amended—

(1) in paragraph (10)(B), by striking out "officers and employees of an agency receiving return information under subparagraph (A) shall use such information" and inserting in lieu thereof "return information disclosed under subparagraph (A) may be used by officers and employees of an agency, and by officers, employees, and agents of the Department of Education,"; and

(2) at the end thereof, by adding a new paragraph to read as follows:

"(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.—

"(A) IN GENERAL.—The Secretary may, upon written request from the Secretary of Education, disclose to officers and employees of the Department of Education return information with respect to a taxpayer who has received a Federal loan under a student loan program and whose loan repayment amounts are based in whole or in part on the taxpayer's income. Such return information shall be limited to—

"(i) taxpayer identity information with respect to such taxpayer;

"(ii) the filing status of such taxpayer; and

"(iii) the adjusted gross income of such taxpayer (as defined in section 62).

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) may be used by officers, employees, and agents of the Department of Education only for the purposes of, and to the extent necessary in, establishing an appropriate income contingent repayment level under a student loan program.

"(C) DEFINITIONS.—For purposes of this paragraph, the term "student loan program" means the program authorized under part D of title IV of the Higher Education Act of 1965 and includes loans under parts B and E of title IV of the Higher Education Act of 1965 that are in default and have been assigned to the Department of Education.

(c) Section 6103(m)(4) of the Code is amended—

(1) in the heading, by inserting "OWE AN OVERPAYMENT ON FEDERAL PELL GRANTS OR" immediately after "INDIVIDUALS WHO";

(1) in subparagraph (A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II); and

(B) by striking out "of any taxpayer who" and inserting in lieu thereof "of any taxpayer—

"(i) who owes an overpayment of a grant awarded to that taxpayer under subpart 1 of part A of title IV of the Higher Education Act of 1965, or

"(ii) who"

(2) in subparagraph (B)—

(A) in clause (i), by striking out "under part B" and inserting in lieu thereof "under part B or D"; and

(B) in clause (ii), by striking out "under part E" and inserting in lieu thereof "under subpart 1 of part A, part D, or E";

(d) Section 6103(p) or the Code is amended—

(1) in paragraph (3)(A), by striking out "(11), or (12), (m)" and inserting in lieu thereof "(11), (12), or (13), (m)";

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "(10), or (11)," and inserting in lieu thereof "(10), (11), or (13),";

(B) in subparagraph (F)(ii), by striking out "(11), or (12)," and inserting in lieu thereof "(11), (12), or (13),"; and

(C) in the flush left material after subparagraph (F), by striking out "under subsection (1)(12)(B)" and inserting in lieu thereof "under paragraph (10), (12)(B), or (13) of subsection (1)".

(e) Subchapter A of chapter 64 of the Code is further amended by adding at the end thereof the following new section:

"COLLECTION OF PAYMENTS ON FEDERAL DIRECT STUDENT LOANS

"SEC. 6306. Upon a determination by the President under section 457(c)(2) of the Higher Education Act of 1965 concerning the implementation of a plan for the repayment of Federal Direct Student Loans through wage withholding or other means by the Internal Revenue Service, the Secretary of the Treasury may enter into an agreement with the Secretary of Education to provide for the collection of payments on loans made pursuant to part D of title IV of such Act. Notwithstanding any other provision of law, the Secretary of the Treasury may assess and collect such payments as though they were additional income taxes due, and may establish such procedures and conventions as are necessary under such agreement, including those related to withholding, payment of estimated tax, allocation of payments, and dispute resolution.".

(f) Section 7213(a)(2) of the Code is amended by striking out "(10) or (12)" and inserting in lieu thereof "(10), (12), or (13),".

AMENDMENT TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

SEC. 222. The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 252(c)(1)(B), by striking out "guaranteed";

(2) in section 256(b)—

(A) by striking out the subsection heading and inserting in lieu thereof the following: EFFECT OF ORDERS ON STUDENT LOAN PROGRAMS.—";

(B) by inserting immediately after the paragraph heading the following: "FEDERAL FAMILY EDUCATION LOAN PROGRAM.—(A)";

(C) by redesignating paragraphs (2) and (3) as subparagraphs (A) and (B), respectively;

(D) in paragraph (1)(A) (as redesignated in subparagraph (B)), by striking out "described in paragraphs (2) and (3)" and inserting in lieu thereof "described in subparagraphs (B) and (C)";

(E) in paragraph (1)(B) (as redesignated in subparagraph (C)), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(F) by adding at the end thereof the following new paragraph:

"(1) FEDERAL DIRECT STUDENT LOAN PROGRAM.—(A) Any reductions that are required to be achieved from the Federal Direct Student Loan program operated under part D of title IV of the Higher Education Act of 1965 as a consequence of an order issued pursuant to section 254, shall be achieved only by the application of the measures described in subparagraph (B).

"(B) For any loan made during the period beginning on the date that an order issued under section 254 takes effect with respect to a fiscal year, and ending at the close of such fiscal year, the loan fee that is authorized to be collected pursuant to section 456(c) of such Act shall be increased by 0.50 percent.".

TITLE III—EFFECTIVE DATE

SEC. 301. (a) Except as otherwise provided in this section, the amendments made by this title shall be effective upon enactment.

(b) The amendments made by section 213 of this Act shall be effective for loans made in accordance with section 428 for periods of instruction beginning on or after July 1, 1993, or made on or after July 1, 1993, in the case of loans made in accordance with section 428A, 428B, or 428C of the Act.

(c) The amendments made by section 216 of this Act shall be effective on October 1, 1994.

(d) The amendments made by section 217 of this Act shall be effective for loans made on or after July 1, 1994.

STUDENT LOAN REFORM ACT OF 1993—SECTION-BY-SECTION ANALYSIS

TITLE I—AMENDMENTS TO FEDERAL DIRECT LOAN DEMONSTRATION PROGRAM

In general, title I of the bill would provide for sweeping changes to the current student loan programs under parts B (Federal Family Education Loan program) and D (Federal Direct Loan Demonstration program) of title IV (Student Assistance) of the Higher Education Act of 1965. These changes are founded on two basic, borrower-oriented principles: first, the Federal Government should simplify the process by which a student and his or her parents can obtain loans for the student's postsecondary education, and should reduce the costs of the student loan program to taxpayers and borrowers; and second, any student wanting to take a lower-paying job that serves his or her community should be encouraged to do so through flexible and affordable repayment of education loans.

The provisions set forth in this bill reflect these two principles. The first principle generates reforms to the "front end" of the current system, that is, to the mechanisms for obtaining and financing a student loan. Under the Federal Direct Student Loan Program (FDSLP) proposed under this title of the bill, a variety of student loans, including loans for parents of students, would be obtained directly from the student's institution of higher education (IHE), without application to an outside lender. The proposed program would eliminate the complex procedures of loan insurance by guaranty agencies and reinsurance by the Secretary of Education. Qualified IHEs that chose to do so and were approved by the Secretary would originate an education loan for the student or the student's parents. A student at a participating IHE that did not qualify or wish to originate FDSLP loans would be able to obtain his or her loans directly as well, through another IHE or agency that would act as an "alternative" originator of student loans.

The second principle generates reforms that, for the most part, focus on the "back end" of the system, that is, repayment of loans by student borrowers or their parents. In this area, the FDSLP would provide for a variety of flexible repayment plans from which borrowers may choose the one best suited to their individual needs. All student borrowers in the proposed program would be able to choose from these repayment plans, including repayment plans based on income. Student borrowers who have Federal Family Education Loan (FFEL) program loans under the current system could also repay their loans based on their income. These repayment plans would likely discourage defaults, since borrowers would be better able to repay their loans, and encourage students to seek postsecondary education, since loan repayment would be less burdensome.

These reforms to the student loan system would result in significant cost savings to borrowers and taxpayers. The Omnibus Budget Reconciliation Act requires that all revenue and direct spending legislation meet a "pay-as-you-go" requirement. The effect of the provision in this bill, using the technical assumptions in the President's Budget, are presented in the Table below.

The President's fiscal year 1994 budget includes several proposals that are subject to the "pay-as-you-go" requirement. Although in total these proposals would reduce the deficit, some of the proposals would increase the deficit. Therefore, this bill should be considered in conjunction with other proposals in the fiscal year 1994 budget.

Effects based on technical assumptions in the President's budget

[In millions of dollars]

Fiscal year:	*Outlays*
1994	+106
1995	−17
1996	−399
1997	−1,293
1998	−1,771
1994–98	−3,374

Based on information that became available after the estimate in the President's Budget was calculated, the Administration has developed an adjusted, higher estimate of the savings resulting from the bill, as well as revised estimates of spending under current law. Expected savings from the proposed direct lending system are estimated on this adjusted basis to be $4.3 billion through fiscal year 1998. For official "pay-as-you-go" scoring purposes, however, the Administration must use the estimates in the Table.

The following is a description, analyzed by section number of the bill, of the details of the proposed FDSLP:

Section 111. Section 111 of the bill would amend the heading for part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.; "the Act") to read "Federal Direct Student Loan Program."

Section 112. Section 112 of the bill would amend the program and payment authority in section 451 of the Act to reflect the replacement of the current Federal direct loan demonstration program with a new "phased-in" FDSLP that would provide the Federal lending mechanism through which students and their parents would be able to obtain loans to pay for postsecondary education.

Purpose. Proposed section 451(a) of the Act would set forth the purposes of the FDSLP. Consistent with the underlying principles of this title of the bill, these purposes would be to: (1) simplify the delivery of student loans to borrowers and eliminate borrower confusion; (2) provide borrowers with a variety of repayment plans, including an income contingent repayment plan through the EXCEL Account, so that borrowers have flexibility in managing their student loan repayment obligations and so that these obligations do not foreclose community service-oriented career choices for them; (3) replace, through an orderly transition, the FFEL program with the FDSLP; (4) avoid the unnecessary cost to taxpayers and borrowers and the administrative complexity associated with the FFEL program through the use of a direct student loan program; and (5) create a more streamlined student loan program that can be managed more effectively at the Federal level.

Program authority. Proposed section 451(b) of the Act would provide that, in accordance with the FDSLP, such sums as may be necessary for making FDSLP loans would be made available to all eligible students in attendance at participating IHEs selected by the Secretary, as well as to the eligible parents of these students, to enable these students to pursue their courses of study at the IHEs during the period beginning July 1, 1994, and ending on June 30, 1998. Loans under the FDSLP would be made by participating IHEs that also have agreements with the Secretary to originate FDSLP loans, or by alternative originators designated by the Secretary to make FDSLP loans to students in attendance at participating IHEs, as well as to eligible parents of these students.

Section 113. Section 113 of the bill would replace the payment rules for the demonstration program in section 452 of the Act with funding provisions applicable to loan origination under the FDSLP. This section of the bill would require the Secretary to provide funds for student or parent loans under the FDSLP directly to a participating IHE with an origination agreement under proposed section 454(b) of the Act, or through an alternative originator designated by the Secretary, on the basis of the need and eligibility of students (and their parents) for FDSLP loans at each participating IHE.

Origination payment. Section 113 of the bill would also require the Secretary to pay fees to a IHE originating loans under the new program. Payment levels would be established by the Secretary and would assist in meeting the cost of loan origination at the IHE. These fees would be based on all FDSLP loans made to an individual borrower in an academic year and would be subject to a sliding scale that decreases the amount of these fees as the number of borrowers increases. The Secretary would also be authorized to pay fees to alternative originators of FDSLP loans for their loan origination services.

For academic year 1994–1995, the fees paid to participating IHEs who originate FDSLP loans would not exceed a program-wide average of $10 per borrower for all the FDSLP loans made to the borrower in the same academic year. The Secretary would establish these fees for subsequent academic years in regulations. Fees for alternative origination of FDSLP loans would be established in accordance with the terms of the contract between the Secretary and the alternative originator.

Loan accessibility. Finally, section 113 of the bill would provide that no IHE would be deemed to have a right to participate in the FDSLP, to originate FDSLP loans, or to perform any FDSLP program function. However, this provision could not be construed so as to limit the entitlement of an eligible student who is attending a participating IHE, or the eligible parent of that student, to borrow under the FDSLP. For example, students at an IHE that participates in the FDSLP but does not originate FDSLP loans could receive an FDSLP loan through the alternative origination process.

Section 114. Section 114 of the bill would amend section 453 of the Act, which currently governs selection of IHEs for the direct loan demonstration program. This section of the bill would focus on selection requirements for the phase-in portion of the FDSLP, prior to full implementation of the program.

Proposed section 453(a) of the Act would require the Secretary to enter into agreements with IHEs (under proposed section 454(a) of the Act) to participate in the FDSLP, as well as agreements with IHEs (under proposed section 454(b) of the Act) to originate loans in the proposed program, for academic years beginning on or after July 1, 1994. This proposed section of the Act would also require the Secretary to provide alternative origination services (through which an entity other than the participating IHE at which the student is in attendance would originate the FDSLP loan), through one or more contracts under proposed section 456 of the Act or such other means as the Secretary may provide, for students attending an IHE that is participating in the FDSLP but not originating FDSLP loans. Agreements for the first year of the program would, to the extent feasible, be entered into not later than January 1, 1994.

Phase-in goals. Proposed section 453(a) of the Act would also provide that, in order to ensure an expeditious and orderly transition from the FFEL program to the FDSLP, the Secretary would be required, in the exercise of his or her discretion, to determine the number of IHEs with which to enter into participation or origination agreements in a given academic year. The provision would give the Secretary the flexibility needed to determine how rapidly to expand the FDSLP in order to achieve the goals that: (1) for academic year 1994–1995, 4 percent of new Federal student loan volume under the FDSLP and the FFEL program combined would be comprised of FDSLP loans; (2) for academic year 1995–1996, 25 percent of new student loan volume for those two programs would be comprised of FDSLP loans; (3) for academic year 1996–1997, this proportion is expected to increase to 60 percent; and (4) for academic year 1997–1998, FDSLP loans would comprise all of the new student loan volume under parts B and D of title IV of the Act. Many of the other proposed authorities under the bill are also based on these transition goals.

Further, proposed section 453(a) of the Act would provide that the requirements of the Cash Management Improvement Act of 1990 (P.L. 101-453), which is designed to facilitate coordination between Federal and State governments on the use of Federal funds, would apply to the FDSLP only to the extent specified in a schedule established by the Secretaries of Education and the Treasury, but not later than July 1, 1998. This temporary exemption would allow the provisions of the Cash Management Improvement Act, which takes effect on July 1, 1994, to be phased in on an orderly schedule, consistent with the implementation plan for the FDSLP.

Selection criteria. Proposed section 453(b) of the Act would set forth the criteria to be used by the Secretary in selecting IHEs to participate in the FDSLP and to originate FDSLP loans. Each IHE desiring to participate in the FDSLP would be required to submit an application to the Secretary containing such information and assurances as the Secretary may require. In order to include a variety of participants prior to full implementation of the FDSLP, the Secretary would be required to select IHEs to participate in the first phase of the program, prior to full implementation of the FDSLP, from among eligible applicants by categorizing them according to their anticipated loan volume, the length of their academic programs, and organizational control (such as public, private non-profit, or proprietary control). The Secretary would then select participants that are reasonably representative of IHEs in these respective categories, and would, if necessary to carry out the purposes of the FDSLP, select additional IHEs.

Further, proposed section 453(b) of the Act would authorize the Secretary to enter into a supplemental agreement with a participating IHE, or a consortium of IHEs, that desires to originate FDSLP loans and satisfies additional criteria. For academic year 1994–1995, the Secretary would be authorized to approve an IHE to originate FDSLP loans only if the IHE: (1) made loans under the Federal Perkins Loan program in academic year 1993–1994 and did not exceed the applicable maximum default rate under section 462(g) of the Act for the most recent fiscal year for which data are available; (2) were not on the reimbursement system of payment under the Federal Pell Grant program, the Federal Supplemental Educational Opportunity Grant program, the Federal Work-Study programs, or the Federal Perkins Loan program; (3) were not overdue on program or financial reports or audits required under title IV of the Act; (4) were not subject to an emergency action, or a limitation, suspension, or termination under section 428(b)(1)(T), 432(h), or 487(c) of the Act; (5) had not, in the Secretary's opinion, had significant deficiencies identified by the State postsecondary review entity under subpart 1 of part H of title IV of the Act; (6) had not, in the opinion of the Secretary, had severe program deficiencies for any of the programs under title IV of the Act, including those deficiencies demonstrated by audits and program reviews conducted during the five calendar years prior to the IHE's application to originate FDSLP loans; and (7) provided an assurance that it has no delinquent outstanding debts to the United States, unless these debts are currently being repaid under, or in accordance with, a repayment arrangement satisfactory to the United States, or the Secretary, in his or her discretion, determines that the existence or amount of these debts had not been finally determined by the cognizant Federal agency.

Proposed section 453(b) of the act would also provide that, for academic year 1995–1996 and subsequent academic years, the Secretary would be required to publish regulations governing the selection of IHEs to originate FDSLP loans.

Consortia. Finally, section 114 of the bill would remove those provisions of section 453 of the Act that are applicable to a demonstration program and would add an authority for eligible IHEs to apply to originate FDSLP loans for students in attendance at the IHEs as consortia, subject to requirements prescribed by the Secretary. Each IHE in a consortium would be required to meet the eligibility requirements for participation in the FDSLP and to have a participation agreement with the Secretary; an IHE that is not eligible to participate in the FDSLP would not be able to join a consortium. The consortia provision would facilitate direct lending by encouraging an IHE that is eligible to participate in the FDSLP but would not be originating FDSLP loans to use the origination services of another member of the consortium.

Section 115. Section 115 of the bill would amend the demonstration program participation agreement provisions under section 454 of the Act to provide for implementation of the FDSLP.

Participation agreements. Each IHE wishing to participate in the program would be required to sign an agreement with the Department. This standardized agreement would set forth the terms and conditions for participation, including IHE responsibilities and provisions for termination of the agreement within a fixed, but renewable, time period. The participation agreement under proposed section 454(a) of the Act would provide for the establishment and maintenance of the FDSLP at the IHE, under which the IHE would: (1) identify eligible students who seek student financial assistance in accordance with section 484 of the Act; (2) estimate the need of each such student (as required by need analysis provisions of part F of title IV of the Act) for an FDSLP loan; and (3) set forth a schedule for disbursal of the proceeds of the FDSLP in installments, consistent with the requirements of section 428G of the Act. The IHE would also be required to provide to the Secretary timely and accurate information concerning: (1) the status of student borrowers (and students on whose behalf parents have an FDSLP loan), while students are attending the IHE, and new information of which the IHE becomes aware for these students (or their parents) after they leave the IHE, for the Secretary's use in servicing and collecting FDSLP loans; and (2), if the IHE is not an FDSLP loan originator, student eligibility and need for an FDSLP loan, as needed for alternative origination services for student and parents borrowers.

In estimating a student's need and eligibility, an IHE would be required under the participation agreement to provide a statement that certifies the eligibility of a student to receive an FDSLP loan not in excess of the applicable maximum amount. The participation agreement would also authorize the IHE, in exceptional circumstances specified by the Secretary, to refuse to certify a statement that permits a student to receive an FDSLP loan or to certify a loan amount that is less than the student's determination of need, if the reason for this action is documented and provided to the student. The "exceptional circumstances" provision is a change from the current FFEL provision, which does not set clear limits on the IHE's discretion to refuse to certify a student's eligibility and which might harm deserving students.

Further, the participation agreement would provide that, for an academic year for which an IHE has determined a student's need (under part F of title IV of the Act), a Federal Direct Supplemental Loans for Students loan (with terms similar to those under section 428A of the Act), or a Federal Direct PLUS loan (with terms similar to those under section 428B of the Act), or a loan obtained under a State-sponsored or private loan program, may be used to offset the expected family contribution of the student for that year. This provision, which is similar to a provision in the FFEL program, is designed to aid middle income borrowers by allowing them to borrow the amount of their expected family contribution.

Under the participation agreement set forth in proposed section 454(a) of the Act, the IHE would also: (1) provide assurances that it will comply with the requirements specified by the Secretary relating to FDSLP loan information; (2) provide that it accepts responsibility and financial liability stemming from its failure to perform its functions pursuant to the participation agreement; (3) provide that its students and their parents will not be eligible to participate in the FFEL program for the period of time during which the IHE participates in the FDSLP; (4) provide for the implementation of a quality assurance program, to ensure that the IHE is complying with program requirements and meeting program objectives; (5) not charge fees (with the exception of the loan fee to the Secretary under proposed section 456(c) of the Act) of any kind, however described, to student or parent borrowers for origination activities or for providing any other information needed for receiving a FDSLP loan; and (6) include other provisions that may be necessary to protect the interests of the United States and to promote the purposes of the FDSLP.

Most of these participation agreement requirements would provide for activities and potential liabilities with which IHEs participating in the FFEL program are already familiar. For example, it is expected that the FDSLP participation agreement would be standardized and would be similar to the current program participation agreements under section 487 of the Act for the current title IV, HEA programs. That agreement currently provides that the institution agrees that it is responsible for accounting, with appropriate documentation, for all the program funds it receives under that title and for returning to the Secretary any funds for which it cannot properly account.

Origination agreements. Section 115 of the bill would also set forth, in proposed section 454(b) of the Act, requirements for origination agreements under the FDSLP. An origination agreement, which, like a participation agreement, would also be standardized, would supplement the participation agreement and include provisions with respect to the origination of loans by the IHE that are similar to provisions described in that agreement. In addition, the origination agreement would provide that the IHE will originate loans to eligible students and parents in accordance with FDSLP provisions and that the note or evidence of obligation on the loan would be the property of the Secretary.

In general, an IHE's responsibilities under the FDSLP are likely to be a simpler than an IHE's current loan activities in the Federal Perkins Loan program, under which an IHE services and collects loans, and maintains a revolving loan fund.

Withdrawal or termination. Finally, proposed section 454(c) of the Act would require the Secretary to prescribe procedures by which IHEs may withdraw or be terminated from the FDSLP.

Section 116. Section 116 of the bill would amend section 456 of the Act to provide new terms and conditions for FDSLP loans. In general, these terms and conditions are designed to provide borrowers with an assortment of loan repayment plans and to reduce interest rates for student borrowers, while maintaining an orderly transition from the guaranteed loan system.

Similarity with FFEL program loans. Proposed section 456(a) of the Act would provide that, unless otherwise specified, loans made to borrowers under the FDSLP would have the same terms, conditions, and benefits as loans made to borrowers for Federal Stafford Loans (under section 428 of the Act), Federal Supplemental Loans for students (under section 428A of the Act), Federal PLUS Loans (under section 428B of the Act), and Unsubsidized Stafford Loans for Middle Income Borrowers (under section 428H of the Act). The FDSLP loans would be known respectively as Federal Direct Stafford Loans, Federal Direct Supplemental Loans for Students, Federal Direct PLUS Loans, and Federal Direct Unsubsidized Stafford Loans. Each of these direct loans would have, unless otherwise specified, the terms, conditions, and benefits of its corresponding guaranteed loan under the FFEL program. Under the FDSLP, the Secretary would also have the authority to consolidate loans, as provided in proposed section 456(g) of the Act.

Interest rates. Proposed section 456(b) of the Act would set forth the interest rate provisions that would apply to FDSLP loans. This section would make inapplicable to FDSLP loans section 427A(a) of the Act, which provides that a student loan borrower received any subsequent student loans at the same interest rate as the first student loan the student borrowed ("grandfathering"). This grandfathering provision is administratively burdensome and less appropriate when variable interest rates are used. Proposed section 456(b) of the Act would also provide that interest rates under the FDSLP would be calculated on a 112-month period beginning July 1 and ending June 30, to be determined for the loan program as a whole on the preceding June 1, using financial instruments auctioned at the final auction held prior to that June 1.

For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made before July 1, 1997, the interest rate would be equal to the bond equivalent rate of 91-day Treasury bills plus 3.1 percent, with a cap (on the total amount of interest rate) at 9 percent. Federal Direct Supplemental Loans for Students made before July 1, 1997, would have an interest rate equal to the bond equivalent rate of 52-week Treasury bills plus 3.1 percent, with a cap at 11 percent. Federal Direct PLUS Loans made before July 1, 1997, would have an interest rate equal to the bond equivalent rate of 52-week Treasury bills plus 3.1 percent, with a cap at 10 percent.

The interest rate for loans made under these programs on or after July 1, 1997, would be the bond equivalent rate of the security with a comparable maturity (using the national average for each type of FDSLP loan), plus a certain percentage, with a cap. The cap on interest rates for each type of FDSLP loan would be the same for borrowers before and after July 1, 1997. For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans, the additional percentage would be 1 percent, with a cap at 9 percent. For Federal Direct Supplemental Loans for Students, this additional percentage would be 1.5 percent, with a cap at 11 percent. Federal PLUS Loans would have an additional percentage of 2.1 percent, with a cap at 10 percent.

Under the Federal Credit Reform Act of 1990, the cost of all Federal credit programs is estimated on a net present value basis, using as a discount rate the Federal cost of borrowing for a security with comparable maturity to the loans in the applicable program. Comparable maturity is defined as the time between the loan disbursement and the estimated final year of the loan. The interest rate provision for FDSLP loans made on or after July 1, 1997, would link the rate charged to borrowers to the Federal discount rate, thus ensuring that there would not be artificial savings or cost estimates generated by changes in interest rates.

These interest rate provisions, for loans made both before and after July 1, 1997, are less complex than those in section 427A of the Act for the current FFEL program. In addition, it is expected that, under current economic assumptions, the provision setting interest rates for loans made on or after July 1, 1997, will result in an interest rate that would be lower, by approximately one-half of one percentage point, for all new FDSLP student loans, thus generating savings for student borrowers under the new program.

Loan fee. Proposed section 456(c) of the Act would provide that the Secretary shall charge the borrower of a FDSLP loan a fee that is not less than 5 percent and nor greater than 6.5 percent of the principal amount of the loan. Currently, 5 percent is the amount of the origination fee charged to borrowers under the FFEL program, and 6.5 percent is the approximate national average for insurance premium plus origination fees under that program.

Repayment plans. Proposed section 456(d) of the Act would require the Secretary to offer a variety of plans for repayment of

FDSLP loans. The Secretary would be required to design each repayment plan so that, to the extent possible, the cost to the Federal Government for each cohort of borrowers would not exceed the cost if all borrowers in the cohort selected the standard repayment plan.

Under these provisions, the eligible student borrower would be able to choose from four different types of repayment plans the type of plan that best addresses the borrower's needs. These repayment plans would be: (1) a standard repayment plan, with a fixed annual repayment amount paid over a fixed period of time; (2) an extended repayment plan, with a fixed annual repayment amount paid over an extended period of time, provided that the borrower annually repays a minimum amount determined by the Secretary; (3) a graduated repayment plan, with annual repayment amounts established at two or more graduated levels paid over a fixed or extended period of time (provided that any of the borrower's scheduled payments are not less than 50 percent, nor more than 150 percent, of what the amortized payment on the amount owed would be if the loan were repaid under the standard repayment plan); and (4) an income contingent repayment plan, to be known as an "EXCEL Account," with varying annual repayment amounts based on the income of the borrower, paid over a period of time not to exceed a maximum length as determined by the Secretary. Eligible parent borrowers would be able to choose from among standard repayment, graduated repayment, and extended repayment plans.

Since, unless otherwise noted in the bill, the terms and conditions of FDSLP loans would be the same as those under the FFEL program, the standard repayment plan for a FDSLP loan would contain several repayment features that are the same as those under the FFEL program. For example, a fixed repayment period under the FDSLP would be 10 years (excluding periods of deferment or forbearance) as in the FFEL program. The extended repayment plan is intended to accommodate borrowers who prefer to make payments that are unchanged over a repayment period of moderate length, for example, 15 years. The graduated repayment plan is designed to ensure that borrowers may increase their payments while their income rises, but are not faced with a "balloon" payment at the end of their loan period that they would be unable to afford. The graduated repayment plan could extend over a moderately lengthy period as well, for example, 15 years.

The EXCEL Account is intended to accommodate borrowers whose income after graduation from an IHE is low, and thus would be attractive to borrowers who plan to enter lower-paying community service jobs. Individual payments under an income contingent repayment plan could be quite small, and borrowers would be able to stretch out repayment over a very lengthy period, for example, 40 years. It is expected that the period of repayment on an income contingent loan would not extend for the borrower beyond age 65.

In addition, proposed section 456(d) of the Act would provide that if a borrower of a FDSLP loan does not select a repayment plan, the Secretary may provide the borrower with the standard repayment plan, graduated repayment plan, or extended repayment plan. Since an EXCEL Account would involve disclosure by the Internal Revenue Service of the borrower's income information, it would be more appropriate for a borrower (whose loan has not been in default and assigned to the Secretary) to choose this repayment plan instead of having it chosen for him or her by the Secretary.

The borrower of a FDSLP loan may also change his or her selection of a repayment plan, or the Secretary's selection of a plan for the borrower, as the case may be, under terms and conditions established by the Secretary. Further, the Secretary would be authorized to provide an alternative repayment plan to a borrower of a FDSLP who demonstrates to the satisfaction of the Secretary that the terms and conditions of the four other types of repayment plans are not adequate to accommodate the borrower's exceptional circumstances. The Secretary would also be authorized to require a borrower who has defaulted on a FDSLP loan to pay all reasonable collection costs associated with that loan and to repay the loan under an EXCEL Account.

Proposed section 456(d) of the Act would authorize the Secretary to obtain such information as is reasonably necessary regarding the income of a borrower (and the borrower's spouse, if applicable) of a FDSLP loan that is, or may be, subject to an EXCEL Account plan for the purpose of determining the amount of the borrower's annual repayment obligation. The Secretary would be required to establish procedures to effectively implement this repayment plan, including procedures for determining the borrower's repayment obligation.

Further, proposed section 456(d) of the Act would authorize the Secretary to obtain income information from the borrower, or the borrower and his or her spouse, if applicable, if the FDSLP were part of an EXCEL Account. The Secretary would be required to establish procedures for determining the borrower's repayment obligation under this plan, and any other procedures necessary to implement an EXCEL Account.

An EXCEL Account schedule for a FDSLP loan would be based on the adjusted gross income (as defined in section 62 of the Internal Revenue Code) of the borrower, or, if the borrower is married and files income tax information jointly with his or her spouse, on the adjusted gross income of both partners. It would be unlikely, given the financial disincentives for married couples to file separate returns, that a married borrower with little or no income would file separately in order to take advantage of a more favorable repayment schedule on his or her FDSLP loan. A borrower who chooses to, or is required to, repay a FDSLP loan through an EXCEL Account and whose adjusted gross income is unavailable or does not reasonably reflect his or her current income, would be required to provide to the Secretary other documentation of income, which may be used to determine an appropriate repayment schedule.

The Secretary would be required to establish an EXCEL Account repayment schedule for a FDSLP loan through regulations, and to require payments measured as a percentage of the appropriate portion of the annual income of the borrower (and the borrower's spouse, if applicable) as determined by the Secretary.

Finally, proposed section 456(d) of the Act would require that the balance due on an income contingent FDSLP loan equal the unpaid principal amount of the loan, as well as any accrued interest and any fees, such as late charges. The Secretary may limit by regulation the amount of interest that may be capitalized on the loan and the timing of that capitalization; this provision is designed to prevent capitalization that would be burdensome to a borrower, for example, if the interest on the loan were substantially greater than the outstanding principal. Further, the Secretary would be required to establish procedures under which the borrower of a FDSLP loan who will be using an EXCEL Account will be notified of the terms and conditions of the repayment plan, including notification that: (1) the Internal Revenue Service will disclose to the Secretary the most recent available information concerning the borrower's income; and (2) if a borrower considers that special circumstances, such as loss of employment by the borrower or his or her spouse, would warrant an adjustment in the borrower's loan repayment level, the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with established criteria.

Deferment. Proposed section 456(e) of the Act would provide that a borrower of a FDSLP loan who is eligible for a deferment would not be required to pay periodic installments of principal during the period of deferment. Borrowers under the FDSLP would be entitled to the same deferment terms as new borrowers (after July 1, 1993) under the FFEL program. Interest would not accrue during a deferment on a Federal Direct Stafford Loan, or a Federal Direct Consolidation Loan that consolidated only subsidized FDSLP or FFEL program loans (Federal Direct Stafford Loans and subsidized Federal Stafford Loans). Interest would accrue and be capitalized, or paid by the borrower, in the case of a Federal Direct Supplemental Loan for Students loan, a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan that consolidated one or more loans that were not subsidized.

A borrower would be eligible for a deferment during any period in which the borrower was pursuing at least a half-time course of study at an eligible IHE, or pursuing a course of study under a graduate fellowship program approved by the Secretary, or a rehabilitation training program, approved by the Secretary, for individuals with disabilities. The borrower would also be eligible for a deferment during a period of not more than three years during which time the borrower (1) is seeking and unable to find full-time employment, or (2) has experienced or will experience an economic hardship, as determined by the Secretary in accordance with regulations for section 435(o) of the Act. However, a borrower would not be eligible for a deferment, or for a FDSLP loan other than a Federal Direct PLUS Loan or a Federal Direct Consolidation Loan, while serving a medical internship or residency program.

Forbearance. Proposed section 456(f) of the Act would provide that a borrower of a FDSLP loan would be eligible for forbearance if the borrower were willing but unable to make scheduled payments on the loan. Forbearance would mean permitting the temporary cessation of loan payments, allowing an extension of time for making these payments, or temporarily accepting smaller payments than previously scheduled. Interest would accrue and be capitalized, or paid by the borrower.

National service. A borrower of an FDSLP loan who is also serving in a qualified national service position would be eligible for a deferment, consistent with the provisions noted above, and for forbearance during periods in which the borrower is serving in this position. A borrower who is serving in a national service position would be eligible for forbearance if he or she did not qualify for a deferment or if the available deferment period had been exhausted. Forbearance in this case would mean temporary cessation of payments unless the borrower chose otherwise.

Consolidation. Proposed section 456(g) of the Act would provide that a borrower of a FDSLP Loans (subsidized and unsubsidized), Federal Supplemental Loans for Students loans, and Federal Perkins Loans made under the Act, as well as Health Professional Student Loans made under title VII, part C-II, of the Public Health Service Act. If a borrower has at least one FDSLP loan, his or her loans made under either the FFEL program or the FDSLP could, at the borrower's option, be consolidated into a Federal Direct Consolidation Loan, which would have many of the same terms and conditions as Federal Consolidation Loans under section 428C of the Act. However, a loan made under the FDSLP could not be consolidated under section 428C of the Act.

Borrower defenses. Proposed section 456(h) of the Act would require the Secretary, notwithstanding any other provision of State or Federal law, to specify in regulations (except as authorized under proposed section 459(a)) of the Act which acts or omissions of an IHE may be asserted by a borrower as a defense to repayment of a loan made under the FDSLP, except that in no event would a borrower recover an amount from the Secretary in an action arising from or relating to a FDSLP loan that would be more than the amount the borrower had repaid on the loan.

FDSLP records. Proposed section 456(i) of the Act would provide that records maintained in accordance with section 484A(c) of the Act may be used in any proceeding, as permitted by section 484A(c) of the Act, with respect to a FDSLP loan. This would allow for the use of optically imaged documents in any proceedings involving FDSLP loans.

Bankruptcy. Finally, proposed section 456(j) of the Act would provide that, notwithstanding any other provision of law, a FDSLP loan is not dischargeable in bankruptcy. The broad spectrum of repayment plans available to a FDSLP borrower would provide ample flexibility to manage this debt, thus obviating the need to turn to bankruptcy courts for financial relief.

Section 117. Contracts. Section 117 of the bill would amend the loan collection and procurement contract authority in section 457 of the Act to reflect the expansion of the demonstration program into the FDSLP. This section of the bill would allow the Secretary to provide for services and supplies for the FDSLP through one or more contracts. The entities with which the Secretary may award contracts would include, but not be limited to, agencies, such as guaranty agencies, with which the Secretary has agreements under section 428(b) and 428(c) of the Act. However, these agencies must be otherwise qualified and comply with the procedures applicable to the award of the contract.

This section of the bill would also provide that the Secretary may, through June 30, 1998, award contracts without regard to the requirements in 41 U.S.C. 253, 41 U.S.C. 416, and 15 U.S.C. 637(e), and the corresponding requirements of the Federal Acquisition Regulations. These requirements concern competition procedures, procurement notices, and notices of solicitation. However, this exemption authority would be limited to a case-by-case determination that an exemption would be in the public interest and would be necessary for the orderly transition from the FFEL program to the FDSLP. Moreover, the exemption authority would not be applicable on or after July 1, 1998.

The Secretary would be authorized to enter into one or more contracts for: (1) the alternative origination of loans to students attending IHEs with FDSLP participation agreements (or to the parents of these students), if these IHEs do not have origination agreements; (2) the servicing and collection of FDSLP loans; (3) the establishment and operation of one or more data systems for the maintenance of records on all FDSLP loans; (4) services to assist in the orderly transition from the FFEL program to the FDSLP; and (5) such other aspects of the FDSLP as the Secretary determines are necessary to ensure its successful operation.

The contract authorities under this section of the bill would give the Secretary the administrative flexibility necessary under the expected transition schedule to ensure loan access prior to full implementation of the FDSLP. Where feasible during this period, the Secretary expects to utilize the competitive process when awarding contracts for FDSLP services.

Section 118. Reports and evaluations. Section 118 of the bill would amend the reporting requirements in section 458 of the Act. Proposed section 458(a) of the Act would retain the requirement in current law that the Secretary transmit to the Congress, not later than July 1, 1993 and each July 1 for the five succeeding years, an annual report on the status of the program under part D of title IV of the Act. Since this report would concern the phase-in of the FDSLP rather than the operation of a demonstration program, other provisions relating to interim reports, control groups, and treatment of costs would be removed.

Proposed section 458(b) of the Act would require additional evaluations of the FDSLP. This provision would authorize the Secretary to use a portion of funding for the FDSLP for research on, or demonstration or evaluation of, any aspects of the FDSLP, including flexible repayment plans.

Education/Treasury study. Proposed section 458(c) of the Act would require the Secretaries of Education and the Treasury to develop a plan, to be sent to the President by no later than six months after the enactment of this provision, that provides for FDSLP loan repayment through wage withholding by the Internal Revenue Service and evaluates the feasibility of several other repayment options for FDSLP loans. This proposed section of the Act would also provide that, if the President determined that implementation of one or more repayment options contained in the plan would advance the purposes of the FDSLP, then these Secretaries would be authorized to take reasonable and necessary actions to implement that repayment option or options. The Secretary of Education would be authorized to use whatever amounts may be necessary from funds available under proposed section 459 of the Act to implement the President's selection of repayment options, and would be required to make available to the Secretary of the Treasury an amount the Secretaries determine would be needed to implement repayment options carried out by the Internal Revenue Service.

Section 119. Regulations. Section 119 of the bill would amend section 459 of the Act regarding the Secretary's regulatory activities. In accordance with the expected transition schedule from the FFEL program to the FDSLP noted above and the need to develop mechanisms for direct lending and income contingent repayment of student loans as expeditiously as possible, this section of the bill would require the Secretary to publish in the Federal Register whatever standards, criteria, and procedures, consistent with the provisions of this proposed part, the Secretary determines are reasonable and necessary for the successful implementation of the first year of the FDSLP.

This section of the bill would also provide that the rulemaking requirements under section 431 of the General Education Provisions Act would not apply with regard to publication of these first-year, but only these first-year, standards, criteria, and procedures. Finally, section 119 of the bill would make conforming amendments to other provisions concerning the Secretary's regulatory activities under section 459 of the Act, and would remove the requirement that the Secretary award procurement contracts not later than February 1, 1994, since these provisions would be incompatible with the proposed expansion and transition to the FDSLP.

Section 120. Section 120 of the bill would repeal section 455 of the Act, which concerns institutional withdrawal and termination procedures for the demonstration program that would no longer be applicable, and would make conforming redesignations of section numbers within part D of title IV of the Act. The institutional withdrawal and termination procedures would be incorporated in provisions for agreements with IHEs under the FDSLP (in proposed section 454(c) of the Act). Redesignation would create the following statutory structure for the FDSLP:

Part D—Federal Direct Student Loan Program

Sec. 451. Purpose; Program Authorization.
Sec. 452. Funds for Origination of Direct Student Loans.
Sec. 453. Selection by the Secretary.
Sec. 454. Agreements with Institutions.
Sec. 455. Terms and Conditions of Loans.
Sec. 456. Contracts.
Sec. 457. Reports.
Sec. 458. Regulatory Activities by the Secretary.
Sec. 459. Funds for Administrative Expenses.

Section 121. Expenditure authority. Section 121 of the bill would amend the mandatory expenditure authority (which would be redesignated as proposed section 459 of the Act) to provide for the expanded program proposed by this bill. This section of the bill would provide that the following funds would be available to the Secretary to be obligated for administrative costs of the FDSLP, including the costs of the transition from the FFEL program to the FDSLP and transition support for the expenses of guaranty agencies in servicing outstanding loans in their portfolios and in guaranteeing new loans: not to exceed $261,000,000 in fiscal year 1994; not to exceed $346,000,000 in fiscal year 1995; not to exceed $552,000,000 in fiscal year 1996; not to exceed $596,000,000 in fiscal year 1997; and not to exceed $749,000,000 in fiscal year 1998.

Section 121 of the bill would also provide that, if in any fiscal year, the Secretary determines that additional funds for administrative expenses are needed as a result of the transition from the FFEL program to the FDSLP, or the expansion of the FDSLP, the Secretary would be authorized to use funds available under this proposed section of the Act for a subsequent fiscal year for these expenses. The Secretary would also be authorized to carry over funds to any subsequent fiscal year.

TITLE II—CONFORMING AMENDMENTS

Part A—Conforming amendments to the Higher Education Act of 1965

In general, part A of title II of the bill would amend current law in conformity with the proposed transition to a fully implemented FDSLP, while avoiding unnecessarily disruptive changes to current FFEL program operations. Several provisions in the FFEL program that are particularly beneficial to student borrowers have been retained, such as the requirement in section 428(b)(1)(E)(i) of the Act that lenders offer borrowers an income sensitive repayment plan. While there are several differences between the income-based repayment plans under the FDSLP and the FFEL program, notably in the length of repayment and the mechanism for disclosing and verifying income, the bill would provide borrowers mechanisms to repay their loans based on their income, regardless of whether the loans were made under the FDSLP or the FFEL program.

This portion of the bill has also been drafted to preserve access to FFEL loans during the transition period, provide predictability to current financial markets, and help guaranty agencies carry out their responsibilities. It is expected that, while the FDSLP would be fully implemented by the end of academic year 1997-1998, guaranty agencies and other institutions participating in the FFEL program will be servicing, tracking, and reporting on outstanding FFEL program loans for many years to come. Guaranty agencies would continue to carry out insurance and related activities for FFEL program loans, as long as that program requires these activities, and would be able to participate in the FDSLP through contracts with the Secretary whenever they demonstrate that they can best provide a service at a competitive price.

The particular amendments to the FFEL program are as follows, analyzed by section numbers of the bill:

Section 211. Loan access. Section 211 of the bill would make several changes to the FFEL program to provide the Secretary, as noted in section 211(a) of the bill, with the flexible authority needed in order to preserve access to student and parent loans under the FFEL program during the transition from that program to the FDSLP.

Section 211(b) of the bill would add to the lender-of-last-resort provision in section 428(j) of the Act a new authority for the Secretary, in order to ensure availability of loan capital during the transition from the FFEL program to the FDSLP, to provide a guaranty agency with additional advance funds in accordance with the emergency advances provision under section 422(c)(7) of the Act. This advance would be made with restrictions on the use of these funds, as determined appropriate by the Secretary, in order to ensure that the guaranty agency would make loans as the lender-of-last-resort The guaranty agency would be required to make loans in accordance with the provisions of proposed section 428(j) of the Act and the requirements of the Secretary.

Section 211(b) of the bill would also provide that, as a lender-of-last-resort and notwithstanding any other provision of part B of title IV of the Act, the guaranty agency would be paid a fee, in lieu of interest and special allowance subsidies, for making these loans and would be required to assign these loans to the Secretary on demand (in return for which the portion of the advance represented by the loans shall be considered repaid by the guaranty agency). Finally, section 211(b) of the bill would make conforming amendments to the emergency advances provision under section 422(c)(7) of the Act.

Section 211(c) of the bill would amend the lender referral services provisions in section 428(e) of the Act. This section of the bill would authorize the Secretary to enter into agreements with guaranty agencies that meet standards established by the Secretary to provide lender referral services in geographic areas specified by the Secretary. The agencies would be paid under the terms provided in section 428(e)(3) of the Act for these services. In addition, the Secretary would be required to publish in the Federal Register whatever standards, criteria, and procedures, consistent with the FFEL program and the FDSLP, the Secretary determines are reasonable and necessary to provide lenders referral services and to ensure loan access to student and parent borrowers during the transition period. Section 431 of the General Education Provisions Act, concerning rulemaking, would not apply to publications of these standards, criteria, and procedures.

Section 211(c) of the bill would also modify the geographic criteria under which students would be able to receive lender referral services, consistent with the other amendments to this provision. Finally, section 211(c) of the bill would remove the specific authorization of appropriations for lender referral services payments, but would retain the payment formula in current law. Funds for these payments would be part of the transition funds available under proposed section 459 of the Act.

Section 211(d) of the bill would amend the lender-of-last-resort provision for Sallie Mae under section 439(q) of the Act. This section of the bill would require (rather than permit, as in current law) Sallie Mae or its designated agent to begin making FFEL program loans as the lender-of-last-resort, subject to the limitations in section 428(j)(3) of the Act, whenever the Secretary determines that eligible borrowers are unable to obtain these loans and requests Sallie Mae to do so. (Section 428(j)(3) of the Act provides that a guaranty agency or lender is not required to make loans to an IHE that has a high default rate, has not participated in the FFEL program for the past 18 months, or is subject to an emergency action or limitation, suspension, or termination proceeding.) Sallie Mae or its designated agent would be required to stop making lender-of-last-resort loans when the conditions that caused the exercise of this loan-making authority have ceased to exist.

Section 212. Preservation of guaranty agency assets. Section 212 of the bill clarifies the Act to reflect the longstanding and judicially supported view that the guaranty agency's assets are dedicated to the loan programs and may not be used for unauthorized purposes. This authority would allow the Secretary to ensure that program assets are used to operate the loan program in the most efficient way possible, consistent with an orderly transition to the FDSLP.

Thus, this section of the bill would add to the guaranty agency reserves provisions in section 422 of the Act a clarification that, notwithstanding any other provision of law, the reserve funds of the guaranty agencies, and any assets purchased with these reserve funds, regardless of who holds or controls the reserves or assets, are the property of the United States, to be used in the operation of the FFEL program or the FDSLP. These reserves would be required to be maintained by each guaranty agency to pay program expenses and contingent liabilities, as authorized by the Secretary. The Secretary would be prohibited from requiring the return of all of a guaranty agency's reserve funds unless the Secretary determines that the return of these funds were essential to the operation of the FFEL program or the FDSLP, or to ensure the orderly termination of the guaranty agency's operations and the liquidation of its assets. However, the Secretary would also be authorized to direct a guaranty agency to: (1) return to the Secretary all or a portion of its reserve fund that the Secretary determines is not needed to pay for the agency's program expenses and contingent liabilities; and (2) require the return to the Secretary or the guaranty agency of any funds or assets held by, or under the control of, any other entity, which the Secretary determines are necessary to pay the program expenses and contingent liabilities of the agency, or which are required for the orderly termination of the agency's operation and liquidation of its assets.

This section of the bill would also provide that, in order to ensure preservation of a guaranty agency's funds and assets, any contract that concerns the administration of any guaranty agency's reserve funds, or the administration of any assets purchased or acquired with the agency's reserve funds, and that is entered into or extended by the guaranty agency (or any other party on behalf of, or with the concurrence of, the guaranty agency) after the effective date of this provision of the bill is required to include a provision that the contract is terminable by the Secretary. This termination provision could be implemented by the Secretary upon 30 days notice to the contracting parties if the Secretary determined that the contract included an impermissible transfer of reserve funds or assets, or was otherwise inconsistent with the terms or purposes of section 422 of the Act.

Section 213. Modification of FFEL program loan terms. Section 213 of the bill would amend the terms of loans under the FFEL program in section 428 of the Act. This section of the bill would require that an insurance program agreement provide for income contingent repayment following a borrower's default, and would authorize the Secretary to require any borrower who has defaulted on a loan made under the FFEL program and whose loan is assigned to the Secretary to repay that loan under an income contingent repayment plan, the terms and conditions of which would be established by the Secretary and would be the same as or similar to the EXCEL Account established for purposes of the FDSLP.

Section 213 of the bill would also add a forbearance requirement to the agreement provision in section 428 of the Act. A lender, upon written request, would be required to grant forbearance, on terms consistent with the Secretary's regulations, to a borrower who is serving in a national service position, during the period of the borrower's service, for which he or she receives a national service educational award under the National Service Trust Act of 1993. Sections 428(b)(1)(V)(iii) and 428(b)(1)(V)(iv) of the Act would apply, so that forbearance would be considered a temporary cessation of payments unless the borrower selected a different form of forbearance, no administrative fee could be charged for forbearance services, and no adverse credit information could be reported. A borrower serving in a national service position would be eligible for forbearance if he or she did not qualify for a deferment, or if the deferment period had lapsed. Forbearance in this case would mean temporary cessation of payments unless the borrower chose otherwise. Interest would accrue on this loan and would be capitalized or paid by the borrower.

Section 214. Loan assignment. Section 214 of the bill would amend section 428(c)(8) of the Act, concerning assignment of loans from guaranty agencies to the Secretary when it is in the Federal interest to do so. This section of the bill would remove provisions that would no longer be appropriate, given the proposed expansion of the direct lending program. It would also add a provision stating that an orderly transition from the FFEL program to the FDSLP shall be deemed to be in the Federal financial interest, and a requirement that a guaranty agency promptly assign loans to the Secretary, if deemed by the Secretary to be necessary to protect the Federal financial interest, upon the Secretary's request.

Section 215. Guaranty agency functions. Section 215 of the bill would make changes to section 428(c)(10) of the Act, regarding guaranty agency reserves, in conformance with the transition to the FDSLP. Section 215(1) of the bill would no longer require the Secretary to require a guaranty agency that has low reserves or is financially or administratively impaired to submit an 18-month management plan to the Secretary before the Secretary takes other steps concerning that agency. The Secretary would require a management plan only as appropriate, consistent with the transitional nature of the FFEL program.

Section 215(2) of the bill would also allow modification of a guaranty agency's management plan in conformity with the transition to the FDSLP. This section of the bill would provide that, if the Secretary is seeking to terminate the guaranty agency agreement or assume the agency's functions, the agency's management plan would include the means by which the agency and the Secretary will work together to ensure an orderly termination of operations and liquidation of the agency's assets.

Section 215(3) of the bill would give the Secretary increased flexibility to terminate a guaranty agency's agreement by allowing the Secretary to terminate the agreement if the Secretary determines that termination is necessary to protect the Federal financial interest, to ensure the continued availability of loans to student or parent borrowers, or to ensure an orderly transition from the FFEL program to the FDSLP.

Section 215(4) of the bill would expand the Secretary's authorized functions when a guaranty agency's agreement is terminated. The Secretary would be authorized to provide the guaranty agency with additional advance funds in accordance with section 422(c)(7) of the Act, with such restrictions on the use of such funds as is determined appropriate by the Secretary, in order to meet the immediate cash needs of the guaranty agency, ensure the uninterrupted payment of claims, or ensure that the guaranty agency will make loans as the lender-of-last-resort. This section of the bill would also authorize the Secretary to use all funds and assets of the guaranty agency to assist in the activities undertaken in accordance with termination of the guaranty agency agreement and to take appropriate action to require the return to the guaranty agency or the Secretary of any funds or assets provided by the guaranty agency, under contract or otherwise, to any person or organization. Finally, this section of the bill would authorize the Secretary to take whatever other action is necessary to ensure an orderly transition from the FFEL program to the FDSLP.

Section 215(5) of the bill would remove subparagraph (G) of section 428(c)(10) of the Act, which currently prevents the Secretary from terminating the agreement of any guaranty agency that is backed by the full faith and credit of the State where that agency is the primary guarantor. At most, only two guaranty agencies are currently considered to be backed by the full faith and credit of a State. This provision in current law, would impede efforts to "wind down" the FFEL program.

Section 215(6) of the bill would make conforming amendments to the structure of section 428(c)(10) of the Act.

Section 215(7) of the bill would provide additional authorities needed by the Secretary to ensure an orderly termination of the FFEL program. If the Secretary has terminated or is seeking to terminate a guaranty agency's agreement, or has assumed a guaranty agency's functions, this section of the bill would provide that, notwithstanding any other provision of law: (1) the guaranty agency may not file for bankruptcy; (2) no State court may issue an order affecting the Secretary's actions with respect to that guaranty agency; and (3) no provision of State law shall apply to the actions of the Secretary in terminating the operations of the guaranty agency.

This section of the bill would also provide that, if the Secretary has terminated or is seeking to terminate a guaranty agency's agreement, or has assumed a guaranty agency's functions, and notwithstanding any other provision of law, any contract that concerns the administration of any guaranty agency's reserve funds, or the administration of any assets purchased or acquired with the agency's reserve funds, and that is entered into or extended by the guaranty agency (or any other party on behalf of, or with the concurrence of, the guaranty agency) after the effective date of this provision of the bill is required to include a provision that the contract is terminable by the Secretary. This termination provision could be implemented by the Secretary upon 30 days notice to the contracting parties if the Secretary determined that the contract included an impermissible transfer of reserve funds or assets, or was otherwise inconsistent with the terms or purposes of section 428 of the Act. Finally, notwithstanding any other provision of law, the Secretary's liability for any outstanding liabilities of a guaranty agency, the functions of which the Secretary has assumed, could not exceed the fair market value of the reserves of the guaranty agency, minus any necessary liquidation or other administrative costs.

Section 215(8) of the bill would make a conforming amendment to a reporting requirement, consistent with the transition to the FDSLP.

Section 216. Section 216 of the bill would revise section 428(f)(1) of the Act concerning payments based on insurance program agreements, to retain a specific administrative cost allowance to guaranty agencies only through fiscal year 1993. This change is consistent with the inclusion of transition support funds in proposed section 459 of the Act, which the Secretary would use to provide to guaranty agencies to encourage them to continue their operations and to effectively manage their portfolios.

Section 217. Loan consolidation. Section 217 of the bill would amend the provisions for the Federal consolidation loan program under section 428C of the Act, in order to facilitate the expansion of the FDSLP. Section 217(1) of the bill would define "eligible borrower" for loan consolidation in the FFEL program to mean a borrower who, at the time of application for a consolidation loan, is in repayment status, or in a grace period preceding repayment, or is a delinquent or defaulted borrower who will reenter repayment through loan consolidation.

Section 217(2) of the bill would amend the terms of the consolidation loan agreement to require a lender to offer income sensitive repayment terms for a consolidation loan made on or after July 1, 1994. In the event that a borrower is unable to obtain a consolidation loan with income sensitive repayment terms acceptable to the borrower from the holders of the borrower's outstanding loans (that are selected for consolidation), or from any other lender, including Sallie Mae, this section of the bill would authorize the Secretary to offer the borrower a direct consolidation loan with EXCEL Account terms under the FDSLP. During the transition period, the Secretary expects to make these loans to the fullest extent possible, consistent with the Department's capacity to originate and service these loans.

This section of the bill would make a technical amendment to the deferment provision for consolidated loans under the FFEL program, in order to make this provision administratively feasible. As with the proposal for loans consolidated into the FDSLP, interest would accrue and be capitalized, or be paid by the borrower, on loans on which interest is not federally subsidized; interest would accrue and be paid by the Secretary on loans on which interest is federally subsidized.

Section 217(3) of the bill would provide that a consolidation loan made before July 1, 1994, would bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the greater of the weighted average of the interest rates on the loans consolidated, rounded to the nearest whole percent, or 9 percent. A consolidation loan made on or after July 1, 1994, would bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the weighted average of the interest rates on the loans consolidated, rounded upward to the nearest whole percent.

Section 217(3) of the bill would make additional changes to the Federal consolidation loan requirements consistent with offering repayment options to borrowers based on their income. This section of the bill would add to the repayment schedules in current law a provision that, if the sum of consolidation loan and the amount outstanding on other student loans is less than $7,500, the consolidation loan would be required to be repaid in not more than 10 years. This provision is consistent with removal of the minimum loan amount under section 428C of the Act, and would allow for a standard FFEL repayment period. During the transition from the FFEL program to the FDSLP, lenders under the FFEL program would be required to offer income sensitive repayment on a consolidated loan, while the Secretary would offer repayment terms pursuant to an EXCEL Account on a loan assigned to the Secretary.

Section 218. Sallie Mae. Section 218 of the bill would add a provision to section 439 of the Act, concerning Sallie Mae. This provision would require the Secretaries of Education and the Treasury, in consultation with Sallie Mae, to prepare a study that examines alternatives concerning the status, operations, and purposes of Sallie Mae during and after the transition from the FFEL program to the FDSLP. These alternatives would include providing for an orderly transition of Sallie Mae from a government-sponsored enterprise to a private corporation when the FDSLP program is fully implemented.

The study would be required to be completed within six months of the enactment of this section of the bill and to be considered by the Secretaries of Education and the Treasury in developing relevant legislative proposals. In addition, the study would consider how best to meet the needs of students and taxpayers, as well as appropriate changes to part D of title VII of the Act relating to the College Construction Loan Association. The study would also be required to reflect the need for Sallie Mae to maintain liquidity and perform other functions for the FFEL program during the transition from that program to the FDSLP, including additional duties as specified by the two Secretaries.

Finally, this section of the bill would direct the Secretaries of Education and the Treasury to work with Sallie Mae to ensure that any changes in Sallie Mae's status, operations, or purposes are carried out efficiently and effectively.

Section 219. Optically imaged documents. Section 219(a) of the bill would amend section 484A of the Act to provide for the use of optically imaged documents in certain proceedings. This section of the bill would describe the purpose of this proposed provision, which would be to: (1) allow the Secretary to use optical imaging technology to store and retrieve documents and records, including promissory notes and repayment agreements, required for the administration of the FDSLP, or for the administration of loans made under the FFEL program that have been assigned to the Secretary; (2) permit the Secretary to destroy originals of these documents and records, including promissory notes and repayment agreements, after they have been optically imaged, thereby achieving significant savings in storage and retrieval costs; and (3) ensure that the Secretary may introduce as evidence in any proceeding with respect to these programs or loans optically imaged documents and records, including promissory notes and repayment agreements.

This section of the bill would also provide that, notwithstanding any other provision of Federal or State law, an optically imaged copy of any document or record, including a promissory note or repayment agreement, may be introduced as evidence in any proceeding with respect to these programs or loans in any Federal or State court, or other tribunal, and this optically imaged copy would be admissible in any court or tribunal of the United States or any State as if it were the original document or record and have the same force and effect as the original. However, this provision would not preclude the admissibility of a duplicate of a document or record required for the administration of these programs or loans made by a technology other than optical imaging. Further, this provision would not preclude the admissibility of an optically imaged copy of any document or record in a proceeding outside the scope of section 484(c) of the Act.

Section 219(b) of the bill would amend section 432 of the Act to provide that records maintained in accordance with section 484A(c) of the Act may be used in any proceeding, as permitted by section 484A(c) of the Act, with respect to a loan that was made under the FFEL program and assigned to the Secretary. This would allow the Department to use optically imaged documents as evidentiary material in certain proceedings with respect to these loans. This authority would be consistent with the authority proposed for allowing as evidentiary material in certain proceedings optically imaged documents with respect to FDSLP loans.

Section 219(c) of the bill would amend section 487 of the Act, concerning program participation agreements, to provide that optically imaged documents may be used in any proceeding with respect to a FDSLP or a FFEL program loan that has been assigned to the Secretary, as provided in section 484A of the Act, in accordance with applicable provisions of the Federal Rules of Evidence and 28 U.S.C. 1732.

Part B—Amendments to other laws

Section 221. Internal Revenue Code disclosures. Section 221 of the bill would amend provisions of the Internal Revenue Code of 1986 (IRC) that concern confidentiality and disclosure of tax returns and return information. The amendments made by this section of the bill would facilitate the use of an income contingent repayment plan under the FDSLP, which, in turn, would allow students to pursue community service-oriented employment. These amendments would also clarify a disclosure provision under the Department's tax refund offset authority and improve collection of overpayments under the Federal Pell Grant program.

Section 221(a) of the bill would amend section 6103(a)(3) of the IRC, which sets forth the general rule that tax return information is confidential and states that individuals who receive tax return information from the Secretary of the Treasury under exceptions to this general rule may not further disclose the information. This section of the bill would add to that list any person who has access to returns or return information under proposed authority to receive information to carry out an income contingent repayment plan under the FDSLP.

Section 221(b)(1) of the bill would amend the tax refund offset authority in section 6103(l)(10) of the IRC to clarify that agents of the Department may receive certain taxpayer information. This information, which does not include income information, is the same as that now disclosed to the Department under the current tax refund offset program.

Section 221(b)(2) of the bill would add to section 6103(l) of the IRC, which provides for disclosure of returns and return information for purposes other than tax administration, a new provision (section 6103(l)(13)) that would authorize the Secretary of the Treasury, upon written request from the Secretary of Education, to disclose to officers and employees of the Department tax return information with respect to a taxpayer who has received a Federal loan under a student loan program and whose loan repayment amounts are based in whole or in part on the taxpayer's income. This return information would be limited to taxpayer identity, information about the filing status of the taxpayer (for example, whether the taxpayer filed a joint return), and the taxpayer's adjusted gross income, as defined in section 62 of the IRC.

The Department would, where appropriate, disclose taxpayer information to its agents. However, section 221(b)(2) of the bill would also provide that any officers, employees, and agents of the Department receiving return information shall use the information only for the purposes of, and to the extent necessary for, establishing an appropriate income contingent repayment level for the FDSLP and for FFEL program loans or Federal Perkins loans that have been assigned to the Secretary.

Section 221(c) of the bill would amend section 6103(m)(4) of the IRC, which authorizes disclosure of the mailing address of a taxpayer who has defaulted on a student loan administered by the Department. This section of the bill would add to the current list of programs for which mailing addresses could be disclosed to the collection program for overpayments under the current Federal Pell Grant program (since collection efforts have been seriously hampered without this information) and the new FDSLP. This section of the bill would also make conforming amendments to this authority. However, these amendments would not alter the strict limits on the use of this information now in current law.

Section 221(d) of the bill would amend section 6103(p) of the IRC, concerning recordkeeping requirements and safeguards. This section of the bill would provide that the Secretary of the Treasury would not be required to maintain a record or accounting of requests for inspection or disclosure of returns and return information, or of returns and return information inspected or disclosed, under the income contingent repayment disclosure authority proposed for section 6103(l)(13) of the IRC. This is consistent with other disclosure authorities under section 6103 of the IRC. Further, section 221(d) would require the Department to undertake the same safeguards for the income contingent repayment disclosure authority and for receipt of mailing addresses as are required by other Federal agencies that receive similar information under section 6103 of the IRC.

Section 221(e) of the bill would add a new section to the collection authorities in subchapter A of chapter 64 of the IRC. This new section (section 6306) would permit the Secretary of the Treasury to enter into an agreement with the Secretary of Education to provide for the collection of payments on FDSLP loans. The Secretary of the Treasury would be authorized, notwithstanding any other provision of law, to assess and collect payments on FDSLP loans as though they were additional income taxes due. The Secretary of the Treasury would also be authorized to establish such procedures and conventions as necessary under this agreement, including those related to withholding, payment of estimated tax, allocation of payments, and dispute resolution.

Finally, section 221(f) of the bill would amend section 7213(a)(2) of the IRC, concerning criminal sanctions. This section of the bill would provide that unauthorized disclosure of tax return information by agents of the Department of Education would be a felony punishable by a fine of not more than $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution. This provision is consistent with sanctions for disclosures of other tax return information under the IRC.

Section 222. Section 222 of the bill would add to section 256(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, which concerns the effects of a sequestration order on the current guaranteed student loan program, a new provision concerning the effects of a sequestration order on the FDSLP. Under this provision, any reductions that are required to be achieved from the FDSLP as a consequence of an order under section 254 of that Act would be required to be achieved only as follows: for any FDSLP loan made during the period beginning on the date that the order took effect with respect to a fiscal year and ending at the close of that fiscal year, the loan fee authorized to be collected under proposed section 456(c) of the Highway Education Act would be required to be increased by 0.50 percent. In addition, this section of the bill would make a conforming amendment to section 252(c)(1)(B) and to the heading for section 256(b) of that Act.

TITLE III—EFFECTIVE DATES

Section 301. Section 301 of the bill would set out the effective dates for the amendments made by the bill.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Madam President, I salute the Senator from Massachusetts, on whose committee I now have the privilege not to testify before, but to serve on, under his good leadership and his leadership in this field.

Today we are introducing in the House and the Senate the President's national service initiative. In proposing new ways and means of enabling young people to engage in a year or more of full-time service, President Clinton has revived John Kennedy's enduring challenge as the proper measure of our success: Not what our country can do for us, but what we can do for our country.

Some 32 years ago, I had the privilege to take part in the creation of that new social invention, the Peace Corps.

I am pleased today to rise in strongest possible support for the National Service Trust Act of 1993, a bill that is designed to bring the spirit of the Peace Corps home to America to take on the challenges facing American families and American communities.

Let me first say that 30-some years ago, we began dreaming of bringing the Peace Corps idea home to America, and we dreamed of a Peace Corps in America that would be the size of the Civilian Conservation Corps, 500,000 people, and as it proved itself, would grow to be a million strong, a national Peace Corps in America.

Today, we are not looking at one big federally run program such as that. We are looking at a decentralized system that is coming up from the communities and from social invention by the people, not by the Government itself, and I think this new approach is better.

Some say that President Clinton's proposal is too small. Some say it is too big. Some say it is beginning too slowly. Some have said it is beginning too fast. My own sense is that it is just right.

The new national service system is going to build on existing models which have gone from the grassroots: From urban and rural youth corps and from other programs, as well as service opportunities generated by high schools and colleges, businesses, churches, civic associations, and individual young people themselves.

Now, those pilot programs which have worked well and proved themselves in many places in this country and many parts of Pennsylvania, we believe that we have nurtured them in Pennsylvania to the point that they are ready to spread in a quantum jump. It is time for those pilots to do what a pilot should do: Ignite the whole furnace of citizen power.

This national service initiative is a bold public/private partnership that will grow according to the market and according to the extent that taxpayer citizens see that it works. It is indeed, in a sense, the first test case for our reinvention of government not by government, but by the people themselves.

Building on the 1990 National and Community Service Act, which received such strong bipartisan support in this body and in the House of Representatives, and was signed into law by President Bush, the plan we propose today merges two Federal agencies and creates a Corporation for National Service. The initiative also supports President Bush's Points of Light Foundation. The National Service Trust Act of 1993 will create a largely decentralized yet integrated system that represents a fundamental change from decades of well-meaning but often inefficient, top-heavy and tapped-down, social programs.

The key to this new approach is to see young people—and help them see themselves—not as problems, but as resources; not as the danger to be defended against, but as talent to be tapped.

One thing we have learned from past successes like the CCC and from disappointments with traditional social programs is that personal responsibility and self-esteem cannot simply be taught; they have to be earned. It is a scandal that we know this, while another generation of inner-city young people drops out of school or graduates into the streets, joblessness, drugs, welfare, or prison.

A society with infants who need immunizing, children who need tutoring, older people who need care, roads that need repair, and neighborhoods which need more policing and community support cannot afford to allow able men and women to sit idle. Nor can we afford not to challenge the college-bound youth to move beyond self-centered lives of civic indifference, or to engage our Nation's seniors, our fastest increasing national resource, in attempting together to tackle the pressing problems confronting our Nation.

I believe this plan will work, and I salute all the people who have worked so hard over the years, as well as those who have worked so hard since the inauguration to give us the legislative means of turning a good idea into reality.

I especially salute Eli Segal, the President's National Service Adviser, and the extraordinarily hard-working team in the White House who worked with us to put this program together.

The ultimate success of national service will depend on whether it truly represents a new way for Government to operate by doing away with outmoded bureaucracies and giving real incentives for young people to serve, to earn, to learn, and to take responsibility for their own lives.

Long ago, a Peace Corps volunteer on the White House lawn in 1961 was asked:

> Why did you, the me-first, silent generation, respond in the hundreds of thousands to President Kennedy's call?

And he said:

> No one had ever asked me to do anything unselfish, patriotic, or for the common good before. Kennedy asked.

We are now finding the ways and means to ask again, and young people in this country and citizens are waiting to be asked, and are beginning to ask themselves.

A young Youth Service Corps member in Philadelphia, in the Philadelphia Youth Service Corps, had come out of a youth gang, off the street, and had been heading into drugs. I asked him:

> Why did you choose this other course, to get up at dawn, do calisthenics, build habitats and construct homes for low-income families—hard work?

He said:

> Well, first, I thought it might be a better gang, and I wouldn't die in the end.

And then I pressed him, and he said:

> Well, you know, all my life people have been coming into our housing project and trying to help me. I got tired of people coming to do good for me. I, for the first time, got asked to do some of the helping.

I think that is what all of us need, and what young people need.

Let me close by quoting Governor Robert Casey, as he launched Pennsylvania's Summer of Service 4 years ago, almost to this day. He said:

> We have the obligation—and together we have the means—to make community service the common expectation and common experience of all our citizens. And when we've done that, our's will be a land of caring people, investing in each other, with a sense of active citizenship that's worthy of our future.

As with the Peace Corps some 32 years ago and the Civilian Conservation Corps some 60 years ago last month, with the National Service Trust Act of 1993, we have the opportunity on both sides of the aisle to truly reinvent government by reinvigorating citizenship. We want to help people join together to take responsibility for themselves and their communities.

So we in this Congress and in this city have a chance now to set an example by joining together—Republicans and Democrats, Senate and House, Congress and the President—to move from argument to action.

This bill has bipartisan support because it represents a common ground—a ground that has nothing to do with liberal or conservative Democrat or Republican—a common ground where so many of us can meet: The idea that citizenship means having more than civil rights; it means having civic responsibilities; that people can and should not wait for Government to solve all our problems and fulfill our needs. We can act together, and I hope we in this Congress act now.

I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, President Clinton's obvious enthusiasm on behalf of a call to community service is commendable. Certainly, no one would argue about the value and importance of that service, and certainly the Senator from Pennsylvania, Senator WOFFORD, has spoken eloquently to that. He has given time and effort to service. Nothing inspires one more than a community whose citizens, both young and old, engage in service.

But I would just like to explore for a moment some questions I have about the particular proposal before us.

The President proposes spending $7.4 billion over 5 years for a series of programs to be administered by a new corporation which will replace the existing ACTION Agency and the Commission on National Service. I think the President is wise to build his proposal on the foundation of existing entities. Such an approach avoids the usual temptation to reinvent the wheel when undertaking a new endeavor.

At the same time, the proposal raises several important questions. These questions fall into three general areas: First, the size of the program, second, the means by which it provides educational benefits, and third, its ability to achieve its intended effect of cultivating a life-long commitment to service.

In terms of size, $7.4 billion is a lot of money. Current spending on Federal service programs amounts to an estimated $1.5 billion. The Peace Corps, for example, operates on an annual budget of about $220 million. It does not take big money to make a big impact. In fact, I would argue that one of the keys to success of many of our existing service efforts is that the programs are kept small in scale.

I was one who had some questions about the Commission on National Service when that program was adopted several years ago. It has proven to be a big success, I think, because it has been kept small in size, and it has operated in such a way that it is felt close at home, so to speak.

An even more basic question is whether the President is trying to do too much too quickly. The combined budget of the two agencies which the new corporation will replace is $275 million. The Clinton program anticipates spending $400 million next year—with that amount increasing to $3.4 billion a year by 1997. In the past, we have found that massive funding increases in a short period of time inevitably lead to wasteful and inefficient uses of those funds.

There is a very real concern about whether orderly growth can be achieved in such a short period of time. A failure to provide meaningful service jobs will lead to a sense of cynicism directly at odds with the objectives of the intiative.

It might not happen. I think all of us will certainly want to work to see that it can be implemented successfully. But I think there are some big question marks out there, again, about the scope of the effort and whether we are trying to undertake too much.

About half of the cost of the program will be for educational benefits. It will be possible to obtain an educational benefit of $5,000 for 1 year of full-time service up to a maximum of $10,000 for 2 years of service. Another real question is whether this is the best way to provide educational benefits and if it is where our priority should be in terms of such benefits.

For example, this proposal comes at a time when the Pell Grant Program is funded at far lower levels than any of us would like to see, and the budget does not hold much promise for improvement of this situation. Pell grants not only assist far greater numbers of students than the 100,000 estimated to be included in national service by 1997 but also focuses on low-income students.

I am concerned about the ability of the program to achieve its goals. Unless great care is exercised, a Federal program of this size could smother community service efforts in layers of bureaucracy and paperwork. Monitoring the education benefit alone raises regulatory issues that have not been thoroughly explored. We also need to examine very carefully whether or not a paid, short-term experience will lead to a long-term commitment to service.

Finally, in speaking about the national service initiative, the President invariably discusses the concepts of direct Federal lending and income-contingent loan repayment. I understand that these loan proposals will be introduced separately from the national service plan. I hope that introducing separate legislative proposals will dispel the confusion regarding the linkage of these issues. Each proposal is a separate concept which should be judged independently on its own merits.

I strongly oppose direct Federal lending of student loans. I believe, Madam President, it will lead to severe disruption of our ability to provide loans to students for postsecondary education, and it does not reduce the cost of the loan to the student.

Estimates of the savings to be achieved from direct lending vary so substantially that it is clear no one really knows whether any savings will be achieved. In the meantime, we will be adding at least $20 billion annually directly to the Federal debt—which would not be offset for many years in the future when repayment on the loans begin. Moreover, there are very serious questions about the ability of the Department of Education or institutions of higher education to administer a direct lending program.

Congress enacted legislation last year providing for a direct lending pilot program, which would permit us to get answers to some of these questions. We should allow the demonstration to work before dismantling our current loan system. Certainly, there are ways to make our existing programs more cost efficient—I certainly would agree with that—and that is where our efforts could be more productive right now.

Madam President, in summarizing, I wish we could allow the direct loan demonstration program to run its course. With respect to the national service initiative, we should also proceed in a deliberate and thoughtful fashion. We must start with it in ways that are more manageable so that we can understand more fully where its strengths and weaknesses lie.

I yield the floor, Madam President.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, ordinarily, I agree with the Senator from Kansas on anything she has to say. We have worked together, both on the Labor and Human Resources Committee and on the Foreign Relations Committee, but I partially disagree with her today.

I am pleased the President has presented what he has presented.

I wish to commend the chairman of the committee, Senator KENNEDY, for his leadership, not only in sponsoring the bill but in this specific area.

I would also like to commend my colleague, Senator DAVID DURENBERGER, who has devoted a great deal of time on this.

And, let me add, I think we also have to praise, on the House side, Congressman BILL FORD, who chairs the identical committee over on the House side, or virtually the identical committee; and Congressman TOM PETRI of Wisconsin, our Republican colleague over in the House, who really originated this idea.

On the service side, I do not think I need to expand. We have had the Peace Corps, we have had VISTA, we have some things that the Presiding Officer can appreciate that I helped to initiate that helps a great many young people who are near the top of the class to become teachers, called the Paul Douglas

Scholarship, named for a distinguished Senator from Illinois who was also a teacher.

What the direct lending does is it simplifies the program for students, for schools, for parents. And the simplification itself is important. It helps students, also, beyond that, by giving payment options. Right now, if you get a guaranteed student loan or Stafford loan, you pay back a flat amount. If you want to continue that you can under our program. But under this program, it will be income contingent if you want it that way. And if you go into the Peace Corps, or if you become a teacher or social worker, or if you become a nun, you may pay back nothing or a small amount. But if you become a famous Chicago lawyer, or a Wall Street investor, you may be able to pay back quite a bit.

It takes away what is happening right now in distorting what students do. Right now, if you are a student and, let us say, you owe $20,000, and you have to decide—do I become a teacher or do I go into business—we distort the end product.

Finally, it is going to help taxpayers because taxpayers are going to save, according to Government studies, more than $1 billion a year on middle persons—middlemen—but maybe middle woman expenses, too—middle person expenses here. But we will save money that is needlessly spent right now.

The name of this bill is the Higher Education Assistance Act. It is not the Bankers' Assistance Act, not the Sallie Mae Assistance Act. It is the Higher Education Assistance Act. And that is where we ought to be providing the assistance. We start with a pilot program, but the evidence is overwhelming—including evidence from a country like Australia that has this program—that it will pay off. We will have IRS collection so you know you are going to pay. We do away with this massive student loan default. This year we will spend about $2.9 billion on student loan defaults. Nobody wins on that.

But the opposition is coming from our friends in the banking industry, from some of the guarantee agencies. Some of the guarantee agencies, frankly, are going to benefit by this once this gets into place, and some of them are doing a great job—some of them do not do a great job—and our friends in the banking industry.

I am not opposed to banks. I am probably going to sponsor some legislation very shortly for banks in the country. I want to encourage them when they are doing the right thing. But we do not need a welfare-for-banks proposal, and that is part what we have. The U.S. General Accounting Office calls the present process, "complicated and cumbersome and not conducive to good financial management."

The banks have served us well by delivering billions of dollars to students. But we can do better and we can save the taxpayers money in the process. This is not like the usual situation. Banks do not decide who gets the loan. Banks do not take any risks. It is all guaranteed by the Federal Government. Most banks never see the students, it is handled at the college. Banks do not collect from the students, with rare exceptions.

The Congressional Budget Office, the Office of Management and Budget, and GAO, all say we can save a huge amount of money. I think the President is to be commended for what he is doing.

I would add, people should not be fooled on this because they have a few student loan officers—for example I think the student loan officer of the University of San Diego has written a letter, "I am opposed. It is going to be a terrible thing." It is very interesting that the University of California is supporting this. But almost every higher education association is supporting it.

Listen to what the 2,100-member National Association of College and University Business Officers testified. The business officers would not be supporting this unless it made sense. This is what they have to say:

> Direct lending would bring, in most cases, all components of a student's financial aid package to the campus, expedite the flow of funds to eligible students and simplify and improve the receipt and disbursement of funds functions. We firmly believe that institutional administrative efficiencies and improved controls can be achieved under a direct loan program when compared with the overall current guaranteed student loan process which, in turn would also better serve the student body.

Students benefit, colleges and universities benefit, taxpayers benefit. That is a pretty good package, it seems to me. I commend the President for his leadership. Again, I commend my colleagues, Senator WOFFORD, Senator KENNEDY, Senator DURENBERGER and my colleagues over on the House side, Congressman FORD and Congressman PETRI, for their leadership.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Madam President, I an pleased to join Senator KENNEDY and several other distinguished colleagues in introducing legislation that implements the national service and student loan proposals that President Clinton unveiled last Friday in New Orleans.

As the first Republican Senator to cosponsor both these proposals, I feel a special responsibility to do whatever I can to improve this legislation as it moves through the Senate, and to help build support on both sides of the aisle.

I should note that my decision to cosponsor these two bills reflects my own strong interest in both tapping the creative energies of our younger citizens and in creating a new and better way of paying for college.

In 1990, I was the lead Republican cosponsor on the National and Community Service Act. That legislation authorizes the Commission on National and Community Service which is reauthorized and incorporated into a new National Service Corporation in the legislation Senator KENNEDY and I and others are introducing today.

The following year, in 1991, Senator PAUL SIMON and I introduced the Income Dependent Education Assistance Act [IDEA], which authorizes an income-contingent direct loan system very similar to the one now being proposed by President Clinton.

And, earlier this year, Senator HARRIS WOFFORD and I introduced the Wofford-Durenberger Service Learning Act of 1993. This legislation uses existing Federal education programs—and a new teacher training program—to strengthen the Federal Government's commitment to integrating community service opportunities into elementary and secondary school curriculum. Our proposal also strengthens the clearinghouse provisions of the National and Community Service Act—provisions that I originally authored in 1990.

In addition to my longstanding personal interest in both these issues, my cosponsorship of these two bills is based on several premises that have evolved during my conversations with both Senator KENNEDY and the Clinton administration over the past several weeks.

The first of those premises is that the President wants and needs bipartisan input and bipartisan support for this very important set of proposals. Any proposal of this importance must enjoy bipartisan support. That means it also must be open to positive and constructive suggestions for change along the way.

A second premise behind my cosponsorship is that the President must become personally involved in gaining congressional approval for both these proposals, but especially his plan to fundamentally change current student loan programs, which my colleague from Illinois has more than adequately described already this afternoon.

There are, as he has pointed out many times on this floor, powerful special interests who are dependent on the status quo, and who will fight hard to retain a significant position in issuing, servicing, and collecting student loans.

If he is to succeed, the President must go over the heads of those special interests and appeal for support from present and future students and parents, who all have an enormous stake in the efficiencies, better service, and increased flexibility that this proposal would make possible.

A third premise behind my cosponsorship, Mr. President, is that President Clinton can avoid pitfalls and gain additional support for his national service proposal by making a stronger link between youth service and local communities, and between youth service and education reform.

In fact, at one point about a week ago, when we were negotiating the sponsorship of the bill, I suggested that perhaps the word "national" be taken out of this program and the word "community" substituted for it. It has been my experience that, in the 30-plus years since President Kennedy gave us the opportunity to look at various national service programs such as the Job Corps and the Peace Corps and so forth, that our view of ourselves as part of community has changed and that our sense of community is slipping away from us in this country.

The idea of service to others today is probably more valuably incorporated into our sense of community than it is our sense of Nation.

I must also say, in listening to my dear friend and colleague from Kansas, Senator KASSEBAUM, that if the President continues to sell national service as a way of paying for college, he will inevitably get trapped in expectations that he cannot deliver on. At the cost contemplated per stipended service position, we are never going to be able to meet the growing concerns Americans have about financial access to higher education. That does not mean a smaller, more targeted stipended service program cannot be of huge value to the participants and to the communities it serves.

I believe this legislation must be made flexible enough to meet those objectives by allowing a significant portion of the funds to be used for out-of-school, out-of-work youth; by placing stipended service learning coordinators in high schools and colleges and by using stipended service participants to address priority national and community service needs, such as school readiness or access to preventive health services.

I believe it is also important to recognize the significant impact that nonstipended service learning programs can have in achieving one of the main goals of stipended service; that is, unleashing the creative energies and talents of young people in addressing community needs, all at a much lower cost.

Madam President, a fourth premise that I bring to this cosponsorship includes assurances from the Clinton administration and from Senator KENNEDY that the size and the growth and the stipended portion of the President's national service proposal will be sensitive to today's fiscal realities.

We have people on this side of the aisle who would like very much to be cosponsors of this bill if it were not for the fiscal problem potentials that are presented by its proposal.

I appreciate very much the fact that Congress is being asked to set authorized funding levels for just the first year of this program, with future funding decisions made against each year's competing priorities for appropriations.

Finally, Madam President, a fifth premise that I bring to this cosponsorship reflects assurances that any increase in the number of stipended service participants in future years will not come at the expense of the administration's commitment to the Pell Grant Program. The Pell program is already suffering from accumulated past deficits of over $2 billion. As a result, the average Pell grant awarded last year dropped from $1,520 to $1,452 this year, and it is going to decline to $1,342 next year, and that is even with a $200 million increase in appropriations proposed by President Clinton for fiscal 1994.

I know I will not be the only Member of Congress insisting that our commitment to low-income college students be maintained through the Pell program, and I am pleased that regardless of what we do with national service or what we do with direct loans, the Clinton administration shares that commitment as well.

Each of these five premises deserves to be weighed and tested during the legislative process that lies ahead. Personally, I believe these two proposals can withstand that process; they can emerge as an even better statement of what tapping the creative spirit and energies of young people can mean to the future of this Nation.

I thank you, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am pleased to rise this afternoon as an original cosponsor of the National Service Trust Act of 1993 which will renew our Nation's commitment to national and community service.

Service to others is ingrained in our Nation's history. It is as old as the Republic. Since the revolution, Americans have been asked to serve their country and others in the Armed Forces and in programs like President Roosevelt's Civilian Conservation Corps, the Peace Corps, VISTA, and the Older Americans Volunteer Program. These public sector efforts have been more than matched by the work of millions of individuals and thousands of organizations who each day seek to help others and improve their communities through private voluntarism. From improved housing in our Nation's inner cities to irrigation projects in Central America and the humanitarian work of our troops in Somalia, America's legacy of service is better lives for millions of people both here and abroad.

National community service has not, however, enjoyed universal support. In the early 1980's, Americans were asked a question that framed the view of many toward their Government and toward community and national service. I am sure you and others will remember it: "Are you better off today than you were 4 years ago?"

How many times did we hear that question asked of the American public? In fact, it was an essential question for the "me" generation of the 1980's. It measured Government achievement, indeed society's achievements, in terms of each individual. The size of the house you owned, the bank account you had, or the salary you earned became the yardstick for the well-being of society as a whole.

The concept of service, Madam President, begs an entirely different question than the one asked of so many Americans in the 1980's. President Kennedy put it about as well as anyone has in this century in a sentence that has now become so ingrained in the consciousness of this country that virtually every American child and adult can recite it. The simple question: "Ask not what your country can do for you, but ask what you can do for your country." A simple phrase uttered more than 20 years ago on the steps of the very building in which I address this issue this afternoon.

President Clinton is renewing that very simple plea that President Kennedy made of this Nation more than a quarter of a century ago. And that simple plea is for us to redefine our relationships with Government and our society in terms of others—our families, our communities, our neighborhoods, towns and States. He is asking us to work together to improve the quality of life of everyone, including our own lives.

And clearly, the time is right to rededicate ourselves, Madam President, to serving others. The needs in our society are as great today as at any time in modern history, and many are, unfortunately, all too familiar. Poverty, homelessness, unemployment, illiteracy, drugs, and hopelessness remain the realities of everyday life for far too many Americans. Our natural resources and infrastructure are in need of renewal. As a society, we must renew our commitment to meet these critical needs and to revitalize our efforts with a new corps of talented volunteers.

With this legislation, Madam President, President Clinton proposes to build on our Nation's record of successful community and national service and to motivate a new generation of willing volunteers by linking additional student financial assistance to community service. For each year of service, volunteers will receive a $5,000 stipend to be applied to the cost of higher education.

In addition, President Clinton proposes, in companion legislation, that all students be provided with the option of income-contingent repayment on any student loan, an option that will allow many of today's graduates to consider lower-paying, community-oriented jobs, or career paths that will provide the kind of personal satisfaction that so many seek without necessarily providing the kind of financial success of other more lucrative careers.

Some may argue that the cost of a national service program will be too high. I am sure we will hear that if we have not already. Any fair analysis, however, must weigh the benefits of a program as well as the costs. A renewed energy and commitment toward creating a more educated and well-trained citizenry, reducing poverty, cleaning up the environment and improving the infrastructure of this country are not insignificant gains for this country. One must consider the benefit to people who might never, never have been able to get a college education, or an education in some training or technical school. The fact that some student, some family may be able to acquire additional educational skills through this program, how do you put a price tag on that? What is the value of that when you compare it to the cost of this program?

One must also consider, of course, the cost of inaction and of unmet needs. What is the price of doing nothing, of just sitting around and watching further decay as the problems continue to mount? Above all, there are the benefits of service to those who serve, and this is often forgotten in this debate.

In many ways it is ultimately a selfish enterprise. Anyone who has ever done anything for anyone else knows of that wonderfully warm feeling of having given, of having spent some time without remuneration, without a pat on the back but with that wonderful inner sense, that wonderful inner glow of knowing that I have done something for someone else, that sense that I am truly fulfilling the role of a human being to reach out to others.

Madam President, I can speak, I suppose, about this intangible benefit in more direct terms because it was back in 1966 when I graduated from college that I heard a President from Massachusetts call on Americans to serve. I joined the Peace Corps and I spent 2½ years in the mountains of the Dominican Republic on the Haitian border. Other than growing up in my family, no other event in my life has had as much meaning as those 2½ years of serving my country in the Peace Corps.

I did not eradicate ignorance, poverty and disease. I did not solve every problem of the villages I served in, but that 22-year-old American, who had grown up in comfort in a suburban community, learned far more about this country than in any other experience. I learned to appreciate the values and the institutions of this Nation because I served in a land where all of those wonderful things that are available to us are not available to everyone else. I grew. I gave something I think, but, Madam President, I gained for myself far more than what I gave to others.

And so public service in addition to doing something for our neighbor, our country and the countries of the world in which we live, does much for those who volunteer, for those who step forward also gain and their communities and their families benefit as well. I know a little bit about this because of the service I gave, and I would only hope that a generation of Americans might also once again appreciate that wonderful sense of contribution.

Unfortunately, this program will not make it possible for everyone to serve and for everyone to receive these benefits but for 100,000 Americans to try and help America become a better place, this is a worthwhile program.

Is it perfect? Has it been drawn with every dotted "i" and crossed "t"? I guess not, Madam President, but we offer this legislation today and we invite the public debate to see if we cannot develop a sense of voluntarism in this country and simultaneously make it possible for people to acquire the higher education they must have if this generation is going to reach the educational levels it must if this Nation is to maintain its economic strength in the 21st century.

So I commend the President. I commend the President for stepping forward. Some are saying he is trying to do too much. Some will say he is trying to do too much too early. I do not think we can wait. There are literally hundreds of thousands of people in this country who need the higher educational benefits, hundreds of thousands of people who want to give and make this Nation a stronger and a better place.

This legislation offers us that opportunity. My hope is that our colleagues such as Senator DURENBERGER and others will step forward, as he has, to say let us be a part of this, let us be architects, let us improve it and offer suggestions, but let us not sit around and debate any longer whether or not it makes any sense to invite voluntarism and to reduce the cost of higher education.

I hope we can come to the conclusion of that threshold question and now we will start to talk about how you achieve it, how do you get it done. This bill offered by our President provides us that opportunity. I am proud to be a cosponsor of it.

Ms. MIKULSKI. Madam President, today is a truly historic day. For it is today that Senator KENNEDY and I, along with a bipartisan coalition in the Senate, introduce the President's national service legislation, the National Service Trust Act of 1993.

Marylanders and millions of Americans are facing critical questions that affect their daily lives. They are asking—how will we pay for our child's education? How will our neighbors and our community regain the habits of the heart that made America great?

As one of the godmothers of the national service movement, I believe that this national service plan will help bring of peace of mind to middle-class Americans so they can face these critical questions about their child's future and about their community. Middle-class families where moms and dads work hard, but might not have enough money to pay the rent, provide food and clothing for their kids, and still send their teenage son or daughter to college.

This initiative is about saying yes to the kids who say no to drugs, no to pregnancy, and no to violence. It is about instilling what de Tocqueville called the habits of the heart in a generation too often tempted by the narcissistic urges of today's pop culture.

The President's plan is a social invention to create an ethic of service in our country.

Here are the key elements in the plan that I believe will create the ethic of service:

National service jobs will focus on broad national accomplishments such as public health and the environment;

National service will not only help young people pay for college, but it will also be an option for young college graduates, and for young people who do not go on to a university, but who choose to learn a trade—the workers who are the backbone of our country. This initial experience of service can help these young people to mature and believe in themselves. In Baltimore, my hometown, the young men and women in Civic Works, our youth corps group, say that what has changed them most is learning that they could give service as well as benefit from it. In discovering this, they themselves were transformed.

The benefits for services will be the same for pre- and post-college participants. We are not creating a caste system that will diminish the value of the pre-college group;

Now not everyone who graduates from college can or should go away for 1 year or more of service. But for those who can let us get them into service experiences where they can apply their skills in a practical way that will help develop those skills. If that means part-time service, so be it; and

We have set rigorous standards for participation. There are tough certification requirements for those programs that want to sponsor participants. The criteria include: quality, innovation, replicability, and sustainability without Federal funds.

How does it work?

Individuals 17 years or older volunteer their time—either full time or part time—to serve their communities addressing educational, environmental, human, or public safety needs.

It also means local citizens banding together in small community-based groups to solve local problems. Working on weekends, they would serve as volunteers on issues that address unmet community needs.

People in this program can help their community by delivering meals on wheels, tutoring the illiterate, or helping in recycling programs.

They could help reopen a State park in Maryland, help teach adults to read in Baltimore, and get nutrition to pregnant mothers in western Maryland. The work would be hands-on.

To hide business graduates in accounting departments or confine architects to drafting table serves no purpose. We must take them beyond their narrow worlds into the streets and neighborhoods of America, to meet people, to nourish them, care for them, teach them, and learn from them.

This initiative is not like other programs. It does not involve taking people away from their home.

People would still live in their communities, hold their regular jobs, and also volunteer. Their volunteer work would be an investment, not only in their own future but in their communities as well.

In return for their service work, volunteers get a credit of $5,000 for each year served, to be used toward outstanding education loans or to pay for higher education or training. These volunteers will get a chance to invest in themselves just as they did in their communities.

National service used to only be for the idealistic rich kids who could afford to take 2 years off and do good.

But, all that changed in 1990 when we created the Commission on National and Community Service that not only tested full-time service programs but also tested part-time service programs.

To me the opportunity to do part-time service is important. I do not know too many working people who can afford to take 1 year off to do volunteer service. This bill gives people the opportunity to volunteer part time.

In Maryland we have part-time service programs. These are part-time working class people making a real difference like—Maria Feit, a 23-year-old from Baltimore, is working to create a volunteer-run fetal alcohol syndrome prevention education program for middle-school students; Charlie Johnson, a 39-year-old former steel worker from Cumberland, is recruiting and training volunteers to assist with the health programs and the disaster response team of Allegany County's Red Cross and, Dick Towne, a 63-year-old from Bethesda, is enlisting volunteers to provide care to Maryland's most troubled and neglected youth.

These are model people in model programs that only exist because of the National Commission on Community Service. The Commission was established in 1990, by me and my colleagues, to test the very concept that we are introducing today.

The Commission used a very qualified and dedicated 21-member board to help support model national service programs. They have reviewed hundreds of proposals and funded the very best. Based on this Commission's work, we are now able to launch into a national program.

Madam President, national service is a solid framework for reaching two goals: One is practical: handling the crisis of student indebtedness. One is idealistic: developing the work ethic that is the foundation of this country.

It was about 30 years ago that President Kennedy challenged Americans to "do for their country" rather than waiting for our country to do for us. I am proud that President Clinton is carrying out that challenge and helping to restore America's peace of mind.

Mr. SPECTER. Madam President, I am pleased to join my colleagues in cosponsoring the National Service Trust Act of 1993 which is being introduced today. I support the program's objective of instilling in young and old alike, the commitment to community and national service.

Since becoming a Member of the Senate, I have supported many of the programs incorporated in this legislation. Programs within the ACTION agency such as VISTA, and the older worker volunteer programs have demonstrated that the concept of community service works, and works well. Since the VISTA's inception 30 years ago, approximately 100,000 VISTA volunteers have served on more than 12,000 projects aiding in the solution of poverty-related problems. Funds provided to the ACTION agency in fiscal year 1993 will support over 500,000 volunteer service jobs.

I have also been an ardent supporter of programs which encourage and assist young people to pursue higher education. The future health of our economy is reliant on a highly trained, highly educated work force.

The educational award component of the national service program will enable all Americans, regardless of their age, economic condition, or race, the chance to further their educational opportunities by enrolling in a college or certified technical training school as a direct benefit of their national service tenure.

As both urban and rural communities across this Nation struggle to provide jobs, this program promises to go a long way to afford employment opportunities to program participants. At the same time national service participants will have the option to further their skills through higher education. However, care must be taken to ensure that jobs created under the national service program are not make-work jobs, but jobs that make meaningful contributions to the communities.

While I support the concept of the national service legislation, I do have some reservations about the cost of this initiative. The budget request for fiscal year 1994 is $394 million, and the Office of Management and Budget estimates the program costs over the next 4 years at more than $7.4 billion.

In a time when the President's budget is reported to exceed the fiscal year 1994 domestic discretionary spending caps by estimates ranging from $5.6 billion to over $11 billion, I would hope that funds could be found to offset the costs of the national service initiative. I look forward to working with my colleagues to eliminate this initiative's cost to our budget deficit.

I recognize that this is an authorization bill, but as a member of the Appropriations Committee, I would also hope that when this new program is assigned to a subcommittee, that a sufficient allocation be given to that subcommittee to take on the additional funding of this new initiative.

Madam President, I urge my colleagues to support this legislation.

Mr. JEFFORDS. Madam President, I rise in support of the National Service Trust Act being introduced today. As one who has supported, fought for, and encouraged national and community service programs throughout my years in Congress, I am delighted to be an original cosponsor of this bill.

It is refreshing that national service has "hit the charts" and been included in the President's agenda for his first months in office. Community service, clearly not a new concept, has frequently not received the leadership it has deserved. President Bush, to his credit, gave great attention to this area, and I am glad that the current administration is eager to build upon his work.

Without past efforts from the Civilian Conservation Corps to VISTA and the Peace Corps to the thousands of local service programs scattered across this Nation, our country would not be what it is today. Too often the efforts of these programs go unnoticed because the work is not glitzy or glamorous, it is not even always fun but it is essential—essential because the dedication and sacrifice of a few add up and influence the whole.

I will not take time to outline the provisions included in the bill—my colleagues have already done an excellent job of that. But, I do want to address one of the recurring criticisms I have heard about the bill.

The criticism to which I refer is the fact that the bill will cost $400 million in the 1st year and increase to $3.4 billion after 4 years. To many, that is antithetical to the notion of community service. Why, many ask, must we spend money to encourage voluntarism?

A good question. Somehow, it seems, community service should be free of costs. But as my colleagues know, there is no way to fashion an effective program without some costs. There are costs associated with starting up programs in schools and communities, administration costs for running programs and transportation costs for getting to programs. Although these expenses do not make up the major costs of the bill they are nonetheless a considerable and undeniable part.

But, the bulk of the price for this bill goes to providing participants with a living stipend and education award benefit in return for service. Many argue that these are unwarranted and unnecessary. But, it is naive of us to think that we can attract energetic and bright individuals into community and social service when they have living expenses and education costs to think about. This cannot be a program limited solely to those who can afford to participate. This program must be one that expands into every community and offers a chance for every one—from 17 year olds through to 95 year olds—the opportunity to serve their community and their Nation.

These benefits are not a financial inducement into service, rather they acknowledge that community service is a sacrifice—a sacrifice which has numerous benefits not to the individual alone but to our society as a whole. We are at a unique juncture in our history, the cold war has ended and we can now concentrate our efforts elsewhere. There are an abundance of areas where we can focus our energy. Our needs are enormous in the area of home health care, education, and before- and after-school mentoring. It is in these areas, and so many more, where we can place national service participants and where we can see the results of a few committed individuals multiply to reach the needs of many.

But, one important word of caution that I do believe is critical. Many people may continue to think of community service as a way to pay for college. I think this is unrealistic at best and damaging at worst.

When fully implemented, this program will involve 150,000 individuals in community service at a cost of over $3 billion. Early estimates predict the cost per participant to hover around $20,000. Out of the over 12 million students in postsecondary institutions, this will only serve a small fraction. Trying to pay for college on a wholesale basis through community service would be enormously expensive.

National service is not the way to increase college affordability. We have other programs in place which promise to do that. The Pell Grant Program, named for my colleague from Rhode Island, and the Stafford loan program, named for my predecessor in this job, Bob Stafford, are the cornerstones of Federal financial assistance for needy students.

Combined, they serve well over 4 million postsecondary students. But, as we all know, the Pell Grant Program has seen a decline in award levels due to unexpected increases in applications from low-income recipients. Unfortunately, the maximum Pell award decreased last year from $2,400 to $2,300 per student. One $20,000 national service position could provide almost 9 more students with a Pell grant.

Do these numbers argue that we should scrap national service? Or that we should quit fighting to fund the Pell program? The answer to both of these questions is no. Our commitment to the Pell program must not waiver. Those of us who argued that the Pell program must be made an entitlement were unsuccessful in our attempts—we must now put our energies into funding it at levels adequate to meet student's need.

Nor, as I indicated earlier, do the numbers argue against national service. National service is not measured in financial terms alone. A visit to my State of Vermont is a testament to this notion. SerVermont is a wonderful Vermont organization created to coordinate students in community service activities. Just this year they designed a proposal combining 80 17- to 25-year-old adults with 200 middle-school students to provide training along with the development of arts performances for the elderly and hospitalized day-care recipients. These 280 young people will provide more than 12,00 hours of community service during the summer in the fields of health and environment.

SerVermont activities supplement the long established work of VISTA and ACTION volunteers throughout Vermont. Just this year, 3 VISTA volunteers, working with new refugees have developed a model community school program and have put together a coalition for the establishment of human rights.

Another exciting program is Vermont Youth Conservation Corps. VYCC was established in 1985 with the intent of helping to restore and preserve the State's cultural heritage. This past summer marked Vermont Youth Conservation Corps' 7th year of serving Vermont youth and improving State lands and communities. VYCC has experienced healthy growth since its inception in 1985, employing and educating over 140 Vermont youths—a 40-percent increase from last year.

Youth corpsmembers participate in a variety of conservation projects including: trail blazing, fence building, construction of drainage systems, and upgrading of community parks and grounds. But the variety of conservation projects are not the only component of the program. Educational assessments, remediation, and employment competency training are important aspects of the program. A special curriculum, writing, reading, discussion combining preemployment competencies and environmental and conservation issues, was developed specifically for VYCC. The curriculum has proven highly successful in teaching participants leadership and communication skills, involvement in community service, and appropriate tool and safety training.

VYCC has become a program which enriches the lives of Vermont youth through special learning opportunities while providing a service to Vermont communities and the environment. Corpsmembers complete the summer with a greater awareness of their own potential, a new appreciation of the environment, and an awareness of the rewards of team work and community service.

This bill brings together programs already in existence and new ones to encourage community service in our country and to create new opportunities for service. Part of those opportunities include payment or forgiveness for student loans. It is not a national program to make college affordable but it is a program that will defray the costs of what might never be an option for thousands of students and get them involved in service that will last them a lifetime.

Mr. DODD. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mr. DODD assumed the chair.)

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 922 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Illinois for her fine work and look forward to reviewing her bill. I think it is significant to see the Senator from Illinois out here introducing legislation. I think that is what she is about, an active Senator. I am really looking forward to years of work with her.

(Ms. MOSELEY-BRAUN assumed the chair.)

THE NATIONAL COMMUNITY SERVICE AND DIRECT STUDENT LOAN PROGRAM

Mr. WELLSTONE. Madam President, I will be very brief.

Let me first of all join as a cosponsor in support of the legislation introduced today by Senator KENNEDY.

This, of course, is the President's initiative, both for the National Community Service and Direct Student Loan Program.

CONGRATULATIONS TO THE STUDENTS AND TEACHERS AT RED LAKE, MN

Mr. WELLSTONE. Madam President, I want, on the floor of the Senate, to congratulate students and teachers and others at Red Lake, MN, because they received a summer service grant. There will be 50 students at Red Lake Reservation who will be involved in environmental projects. They will become some of the leaders in the community service work in this country. So my congratulations to the Senator from Minnesota and to the students and teachers and the community of Red Lake.

First, I want to talk a little bit about several aspects of this legislation which I think are very significant. This, of course, is all about what the President has now proposed for the country.

On community service, I am really gratified that what this legislation does is make sure that we are going to have men and women from all walks of life with the opportunity to participate in national community service.

I think when we talk about grants of $5,000 per year as a way of financing higher education or as a way of just doing community service, we have to make sure that we do not exclude any one segment of the population. At one point in time, Madam President, I was concerned that this would be, for example, just a 2-year grant upon graduation. Where would the nontraditional students fit in, students older, going back to school with children, many with single parents, who maybe could not do it 2 years en bloc? There will be flexibility for them. I was worried it would only be for younger people. Older Americans can become part of the national community service. I was worried that this would not apply to students who went to vo-tech school, who went to community colleges. I think it is much more inclusive now. I really appreciate the work of Senator KENNEDY and others in the Senate.

Second, I want to point out that the whole concept of service learning is something that I have seen in Minnesota. Peter Edelman, who has been an adviser to the White House on community service, came out to our State and held hearings. He heard about a lot of exciting, concrete models of success. We have about 100,000 young people a year now involved in service learning.

I visited a lot of schools. It is really exciting. It is the alternative to cynicism. You have younger people working with older Minnesotans, that are working with elementary schools, that are working in food shelves, working in environmental projects, that are working in their communities. I think it is the best of education. It combines the yearning on the part of young people to serve the community with how they learn in schools. Quite often credit is granted for this service learning. Again, this is part of the legislation that is being proposed.

Then, finally, I want to point out, Madam President, that I think this Direct Loan Program is a huge step in the right direction. I think it is going to mean that many more young and not so young people are going to be able to pursue their higher education and be able to pay this back contingent upon the income they make.

I think that is important for two reasons. First, it means that men and women who want to go on and pursue their higher education can see a way that they can pay their loan back over a period of years as a percentage of the income they make so they do not have to face a problem with the cash flow, with the huge debt that has to be paid off, high interest over a relatively short period of time.

Second, it opens up many more career options. To admit to a bias of mine—I think it is the same bias you have, Madam President—I really love to see young people, men and women, involved in justice work, involved in community work. Quite often, if you have a huge loan, you are not going to have the opportunity to do VISTA-like work. You are not going to have the opportunity to be involved in human service work. You are not going to have an opportunity to do a lot of the kind of work that needs to be done in this country but could not pay much by way of wages.

I think the Direct Loan Program will give a lot of men and women who graduate with their degrees an opportunity to be involved in this kind of work, and they will begin to pay back their loan based upon the percentage of the income they make in this kind of work.

So I really believe that this legislation introduced on the floor of the Senate today is historically significant. I think it has a lot to do with how we finance higher education. I think it has a lot to do with calling on our younger students, K through 12, to be their own best selves in service learning. I think it has a lot to do with the whole concept of national community service, which I think should be very much a part of the fabric of our Nation.

And, finally Madam President, I conclude with these remarks since I am about ready to preside—I am especially gratified—and I say this not with much modesty, but actually with a lot of pride—that Minnesota has been a real leader when it comes to community service work, service learning, and all of the rest. Therefore, we are just delighted to see the country now move in the direction and catch up with some of what we have been doing.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

Mr. FORD. Mr. President, I submit a report of the committee of conference on H.R 2 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follow:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to establish national voter procedures for Federal elections, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

Mr. FORD. Mr. President, I would like to take a few moments and talk about the conference report that is now before the Senate and how important it is, I know, to the occupant of the Chair.

Mr. President, I feel very good about what we have done. I am pleased to bring before the Senate, the conference report on H.R. 2, the National Voter Registration Act of 1993.

As my colleagues are aware, when the Senate passed H.R. 2 last March—a couple of months ago—a substantial number of amendments were offered by my Republican colleagues. A core package, as it was referred to, of nine amendments was adopted, and we were able to pass the bill at that time.

The acceptance of this core package of amendments was conditioned on their surviving the conference. Both the majority leader and myself stated that we could not make such a guarantee. However, I stated that I would make a good faith effort to protect the Senate amendments.

The conference report contains all the Senate core amendments in some form. I strongly believe—and I hope my colleagues believe—that I have fulfilled my commitment to work in an honest and good faith effort to preserve the Senate core amendments.

Let me state that this was a difficult conference. The House conferees were firmly committed to the House version of the bill. The negotiations between

House and Senate conferees were long and tough. Mr. President, I believe that this conference agreement represents the best deal that we could get with the House.

More importantly, Mr. President, I believe that the conference has produced a good bill. The conference report addresses the concerns of Members on both sides of the aisle. It will achieve universal registration reform while, at the same time, ensuring that the opportunity to register remains the right of the individual.

What are the terms of this conference agreement? There are two modifications to the Senate core amendments.

First, this agreement modifies the Senate amendment with respect to agency-based registration. As the bill passed the Senate, the only agency which would be a mandated registration site was the military recruitment offices. All other agencies were permissive±.

The agreement reinstates the mandatory agency-based registration portion of the bill to include all public assistance offices, and all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities. Unemployment offices may be designated, but they are not mandated.

Conferees from both the House and the Senate expressed their concern that the Senate amendment would defeat a principal purpose of the bill—to expand the opportunities for all citizens to register to vote. Under the terms of the Senate amendment, if a State did not designate a public assistance office or an agency that serves the disabled, the agency-based program would exclude a segment of the population that the motor-voter provisions would not reach, primarily the poor and disabled citizens.

Realizing that this was central to attain the goals of this legislation, the conference agreement reinstated these two agencies into a mandatory provision. Together with the military recruitment centers, the agency-based registration program will reach a large number of citizens that may not otherwise have the opportunity to register under the motor-voter program.

Some conferees raised concerns about the possibility of intimidation or coercion in an agency-based registration program. While both the House bill and the Senate amendment included specific prohibitions on coercion and intimidation, the conferees preferred to include a requirement that these prohibitions and limitations be made clearer for the benefit of applicants. The conferees looked to ongoing agency-based programs in States like Minnesota and Pennsylvania for guidance.

As a result, the conference agreement includes the requirement for the inclusion of specific language on an agency's form. This language includes the following: A question on the agency's form inquiring whether the applicant wishes to register to vote, including checking the appropriate box; a notice provision that the failure to check either box shall be interpreted as a declination to register; a notice provision that if the agency provides assistance in completing the forms, that the applicant need only to ask for such assistance; notice that the decision to register is not conditioned in any way to benefits; and last, a notice that if an applicant feels that he or she has been coerced in any way, the name of the individual to contact to file a complaint.

Second, the provisions on the appropriate polling place for individuals who have failed to notify the registrar of their change of address is modified. Under the provisions of the Senate amendment, if State law required a voter to appear at either the old polling place, a central location, or the new polling place, that State law would take precedence over the Federal bill.

However, the possibility that State law could mandate a central location raised concern among many conferees. That concern was that by requiring a person to go to a central location to change his or her address and vote could result in hardship to voters in areas where travel to such a location might be difficult due to distance or the lack of a convenient means of transportation. Such problems could discourage or even, effectively prevent, some persons from voting.

The modification of the Senate amendment is that a State has the option to designate the old or the new polling place. In that case, the other options provided under the Federal bill, are not required to be made available to the voter.

The conference report clarifies two other core amendments. The exemption clause for States with election day registration is modified that such a provision must apply to Federal elections generally, not just those in Presidential election years. There was some concern that the Senate amendment might be interpreted to exempt a State that permitted election day registration, or that had no registration requirement, for voting for Presidential electors only.

There is also a technical modification of the core amendment relating to the notice of disposition for mail registrations. The conference report simply makes it clear that where an individual registers by mail, and the notice to the applicant is sent by nonforwardable mail and returned to the registrar, the registrar must follow the purge provisions of the bill, and may not simply remove the name of the voter.

The final change to the Senate amendment is the amendment on the rule of construction. This provision, which was not part of the core amendments, provided that nothing in the act prevents a State from requiring presentation of documentation relating to citizenship of an applicant for voter registration.

During the conference, the conferees decided to follow the House bill, which has no similar provision. The conferees believed that this amendment was inconsistent with the purposes of the act. Concern was expressed that this provision could be interpreted by the States to permit registration requirements that could effectively eliminate, or seriously interfere with, the mail registration program of the bill, as well as the other registration programs.

Conferees were also concerned that this provision would create confusion with regard to the relationship of the bill to the Voting Rights Act.

Mr. President, every State mandates that you must be a citizen of the United States to be eligible to vote. This bill requires that, on every application for registration, the requirements for eligibility must be clearly set forth, including citizenship. And every applicant signs a statement that they meet each and every requirement, and that statement is signed under penalty of perjury.

Mr. President, when the Senate considered this legislation, we had a lengthy debate about the merits of this legislation. I do not intend to reargue those points. But I would like to make two points that are critical to the understanding of this bill and this debate.

First, the sole objective—and I underscore "sole objective"—of this legislation is to reconnect the American people with their Government. Our democracy is based on the participation of the citizen. And that participation is through the ballot box.

We were all encouraged by a high turnout of voters in the 1992 elections. But we have to recognize that we cannot sustain that level of participation with a registration system that is outdated for today's increasingly mobile society.

Second, Mr. President, the motor-voter bill extends the opportunity to all eligible citizens of the right to participate in the system by offering a convenient and accessible means of registration. Mr. President, this legislation does not guarantee a higher turnout. I have always said that, and I want it made clear for the record. No legislation can guarantee a higher turnout. But, this legislation does guarantee a universal system of registration that will give every eligible citizen an opportunity to register. That is what this bill is all about. Expanding the opportunities for individuals to register to vote.

Mr. President, as we bring the consideration of this bill to a close, I want to thank my good friend, the distinguished senior Senator from Oregon [Mr. HATFIELD]. Senator HATFIELD has been a steadfast supporter of this legislation since he and I joined forces back in the 101st Congress. Since that time, the Senator from Oregon has been my primary cosponsor of this legislation in both the 102d and the 103d Congresses.

Senator HATFIELD has made our efforts to achieve voter registration reform a bipartisan effort. He has recognized from the outset that the purpose of this legislation is not to increase the ranks of registered Democrats or Republicans. Rather, it is simply to increase the number of registered voters. Senator HATFIELD has long recognized that this bill will benefit democracy.

I have enjoyed working with the Senator from Oregon on this bill. It is because of his efforts that we will see this bill become law.

Mr. President, the motor-voter bill creates one-stop democracy. It will reconnect citizens with their Government. For that reason, this bill deserves to become law. I urge all my colleagues to join me adopting this conference agreement. Let us support democracy by supporting the motor-voter bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024, title 15, United States Code, appoints the Senator from California [Mrs. BOXER] to the Joint Economic Committee, vice the Senator from Nevada [Mr. BRYAN].

MORNING BUSINESS

Mr. FORD. I ask unanimous consent we now have a period of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations: Calendar 89. Kenneth D. Brody, to be President of the Export-Import Bank of the United States, and Calendar 90. Robert M. Sussman, to be Deputy Administrator of the Environmental Protection Agency.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES

Kenneth D. Brody, of New York, to be President of the Export-Import Bank of the United States for a term of four years expiring January 20, 1997.

ENVIRONMENTAL PROTECTION AGENCY

Robert M. Sussman, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.

STATEMENT ON THE NOMINATION OF KENNETH BRODY

Mr. DOLE. Mr. President, I rise today to express my support for Kenneth Brody, President Clinton's nominee to be the next President and Chairman of the Export-Import Bank of the United States.

There are few nominees who are as qualified and as capable as Ken Brody. A graduate of the Harvard Business School, Ken's private-sector background is just what the doctor ordered to shake up the bureaucracy in Washington. In particular, his experience as a partner of the Goldman Sachs investment firm, where he worked on many international financings and helped the Mexican Government privatize the National Telephone Co., will prove invaluable as he grapples with the daunting task of making our country more competitive in the world markets.

This is a tall order, but having known Ken for many years now, I have no doubt that he is up to the challenge.

I look forward to working with Ken Brody and with the Clinton administration to promote American exports abroad and create jobs here at home. I commend President Clinton for this fine appointment.

STATEMENT ON THE NOMINATION OF KENNETH D. BRODY

Mr. D'AMATO. Mr. President, I rise in strong support of President Clinton's nomination of Kenneth D. Brody, a fellow New Yorker, to become President and Chairman of the Export-Import Bank of the United States.

Mr. President, I am pleased to say that Ken Brody is a friend and that I know him well. And let me add how very fortunate we are that the Clinton administration has put forth someone of Ken Brody's caliber—his experience, his expertise, and his understanding of business and finance on an international scale make him an outstanding choice for this important position.

For over 20 years, Ken has worked in various capacities at Goldman, Sachs, & Co., a well-known, global investment banking firm headquartered in New York City. He was elected partner in 1978, became a member of the management committee in 1990, and is currently a limited partner.

Mr. President, Mr. Brody's business acumen was widely recognized at Goldman, Sachs and within the business and financial community. At Goldman, he coheaded the merchant banking group, headed the real estate group, founded and headed the high-technology group, and engaged in a wide range of investment banking activities. In addition, he served as a key adviser to the U.S. Department of Transportation on the privatization of Conrail, to the Mexican Government on the privatization of their holdings in the Mexican Telephone Co., and to the Rockefeller family on the public offering of Rockefeller Center.

Mr. President, it is this kind of expertise that we need at the Export-Import Bank. As you know, the Bank was created during the Great Depression to bolster U.S. economic recovery by increasing foreign trade. In the 58 years between 1934 and 1992, the Eximbank supported more than $260 billion in U.S. exports, creating and sustaining millions of American jobs. Today, faced with international financial uncertainties and intense foreign government-supported competition at a time when we are trying to put our citizens back to work, the Bank can be instrumental in developing foreign markets for American manufacturers and businesses.

I would be remiss if I did not add that the Eximbank can also play an increasingly important role in alleviating the current credit crunch affecting small businesses. And, based on my discussions with Mr. Brody, I believe he will make small business a priority. For some time, small businesses have been able to get loan guarantees from the Eximbank, but they have been unable to find commercial banks that will actually lend them the money. The is especially true when the loans are less than $5 million, making it particularly difficult for the smaller exporter to obtain financing. Last year, Congress mandated that the Eximbank make 10 percent of its direct loans available to small businesses to help address this problem. This mandate will enhance the ability of small businesses to export American goods and services and will translate into more jobs here at home.

Mr. President, in closing, I would like to urge my colleagues to wholeheartedly confirm Mr. Brody's nomination. He is an excellent choice, and I know that he will be an outstanding president of the Eximbank.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

STATEMENT TO CORRECT LIST OF ORIGINAL COSPONSORS TO S. 874

Mr. PRESSLER. Mr. President, I rise today to correct a clerical error that occurred on May 4, 1993, when I introduced S. 874, legislation to reauthorize the impact aid educational program.

S. 874, when introduced, had 10 original cosponsors. However, Senators BOREN, NICKLES, and BAUCUS were inadvertently left off the list of original cosponsors in the printed bill. However, I want to state for the RECORD that these distinguished Senators are original cosponsors and I will do all I can to correct the official record to reflect this fact. I consider them to be original cosponsors and will treat them as such in all official correspondence and statements related to this legislation.

TEST MILOSEVIC'S SINCERITY

Mr. PELL. Mr. President, yesterday, Serbian President Slobodan Milosevic, who for the past 13 months has bankrolled and backstopped the Bosnian Serb campaign of aggression in Bosnia, made an impassioned plea to the so-called parliament to accept the Vance-Owen peace plan. It appears to me that Mr. Milosevic either has had a miraculous change of heart or has given the performance of his lifetime.

Despite Mr. Milosevic's appeal, the self-styled Bosnian Serb parliamentarians, for all practical purposes, rejected the Vance-Owen plan, leaving the international community poised to take further action.

To my mind, it is time for the world to test the depth of Milosevic's sincerity. There are four steps that Milosevic and the Serbian leadership must take to prove that they indeed seek an end to the carnage being committed by their Serbian compatriots in Bosnia. First, Serbia should close its border with Bosnia, and stop the endless flow of strategic and military supplies to the Bosnian Serb fighters. Second, Serbia should end all air traffic between Serbia and areas of Bosnia controlled by the Serbs. Third, Serbia should cut off the financial pipeline to the Bosnian Serbs. Fourth, Serbia should make clear to its own population, through Serbian media, that the moral and material support have come to an end.

Before the Bosnian Serb vote, Secretary of State Christopher said that we would look not only at whether the Bosnian Serbs agreed to the peace plan, but at whether they intended to implement it. In other words, he said that we would look at actions as well as words. I believe that we should hold Mr. Milosevic to the same standard, and ensure that his actions are commenserate with his apparent newfound support for a negotiated peace.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 6:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 81. Concurrent Resolution authorizing the 1993 Special Olympics Torch Relay to be run through the Capitol Grounds.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 616. To amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-799. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of a delay in submitting a report; to the Committee on Energy and Natural Resources.

EC-800. A communication from the Secretary of Energy, transmitting, pursuant to law, a report for calendar year 1992; to the Committee on Energy and Natural Resources.

EC-801. A communication from the Acting Chairman of the State Energy Advisory Board, Department of Energy, transmitting, pursuant to law, a report entitled "A New Voice: Strengthening State/Federal Energy Actions, Communications, and Progress"; to the Committee on Energy and Natural Resources.

EC-802. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, a draft of proposed legislation entitled "Nuclear Regulatory Commission Authorization Act for fiscal years 1994 and 1995"; to the Committee on Environment and Public Works.

EC-803. A communication from the Acting Assistant Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report on the feasibility of designating an alternative to the Mud Dump Site; to the Committee on Environment and Public Works.

EC-804. A communication from the Secretary of Health and Human Services transmitting, a draft of proposed legislation entitled "Family Preservation and Family Support Act of 1993"; to the Committee on Finance.

EC-805. A communication from the Acting General Counsel of the Department of the Treasury transmitting, a draft of proposed legislation to amend the Bretton Woods Agreements Act; to the Committee on Foreign Relations.

EC-806. A communication from the Acting Deputy Director, United States Office of Personnel Management, transmitting, pursuant to law, a report on the voluntary leave transfer and leave bank programs; to the Committee on Governmental Affairs.

EC-807. A communication from the Deputy Director for Administration, Central Intelligence Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-808. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report on amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC-809. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on the Judiciary.

EC-810. A communication from the National Foundation on the Arts and the Humanities transmitting, a draft of proposed legislation entitled "Arts, Humanities and Museums Amendments Act of 1993"; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Margaret Milner Richardson, of Texas, to be Commissioner of Internal Revenue;

Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury;

Jeffrey Richard Shafer, of New Jersey, to be a Deputy Under Secretary of the Treasury;

Michael B. Levy, of Texas, to be a Deputy Under Secretary of the Treasury;

George J. Weise, of Virginia, to be Commissioner of Customs.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Victor Marrero, of New York, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador;

Wendy Ruth Sherman, of Maryland, to be an Assistant Secretary of State;

Patrick Francis Kennedy, of Illinois, to be an Assistant Secretary of State;

George Edward Moose, an Assistant Secretary of State, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 1997;

J. Brian Atwood, of the District of Columbia, to be Administrator of the Agency for International Development;

Mary A. Ryan, of Texas, to be Assistant Secretary of State for Consular Affairs;

Conrad Kenneth Harper, of New York, to be Legal Adviser of the Department of State;

Eric James Boswell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador;

Thomas R. Pickering, of New Jersey, a Career Member of the Senior Foreign Service, with the personal rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Thomas R. Pickering.

Post: United States Ambassador to India.

Contributions, amount, date, and donee:

1. Self: None

2. Spouse: None.

3. Children and spouses names: Timothy R. Pickering, and Margaret S. Pickering Schmidt.

4. Parents names: Hamilton R. Pickering (deceased, August 1987), Sarah C. Pickering.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Marcia S. Hunt; Bruce Hunt, $50, September 1988, Robt Mrazk, MC; $50, October 1988, DNC; $50, October 1990, Robt Mrazk, MC.

Harry J. Gilmore, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Harry J. Gilmore.

Post: United States Ambassador to Armenia.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Carol Kunz Gilmore, none.

3. Children and spouses names: Gregory C. Gilmore (son), none; spouse, Karin Cesarz Gilmore, none.

4. Parents names: Harry C. Gilmore (father) deceased since August 1987; Ema E. Gilmore (mother), none.

5. Grandparents names: All deceased since onset of four-year period.

6. Brothers and spouses names: Edward B. Gilmore (brother), none; spouse, Marsha Synder Gilmore, $150 ($75 on two occasions) 1990, 1991, Democratic party.

7. Sisters and spouses names: Etta F. Gilmore (sister), none; spouse, John B. Maitland, none; Gwendolyn Gilmore (daughter), none; Joseph C. Gilmore (son), none.

E. Allan Wendt, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: E. Allan Wendt.

Post: Slovenia.

Contributions, amount, date, and donee:

1. Self: $100, October 1992, Aspin Committee; $35, September 1992, Friends of Les Aspin; $100, August 1992, Friends of Jim Moody; $400, June 1992, Friends of Jim Moody; $100, April 1992, Bush/Quayle 92 Primary; $100, January 1992, Friends of Jim Moody; $50, October 1990, Pete Wilson for Gov. (CA); $100, October 1990, Republican Nat. Committee; $100, April 1990, Republican Nat. Committee.

2. Spouse: NA.

3. Children and spouses names: NA.

4. Parents names: John A.F. Wendt and Dorothy Stephenson Wendt, deceased.

5. Grandparents names: Deceased.

6. Brothers names: John A.F. Wendt, Jr., $50, October 1992, Scott McGinnis; $50, August 1992, Ben Nighthorse Campbell; $50, June 1992, Scott McGinnis. Stephen A. Wendt, none.

7. Sisters and spouses names: NA.

Victor Jackovich, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bosnia and Herzegovina.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Radmila Jackovich, none.

3. Children and spouses names: Jacob Jackovich (Son), none.

4. Parents names: Victor and Mary Jackovich, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Janet and Sam Clark, $50.00, Howard Buffet (R) for Douglas County Commissioner (1988); $125.00, Hal Dobb (R) for U.S. House of Representatives (1988); $50.00, Mike Boyle (D) for Mayor of Omaha (1989); $50.00, Allie Milder (R) for U.S. House of Representatives (Republican Primary) (1990); $200.00, Hal Dobb (R) for U.S. Senate (1990); $50.00, Ron Staskiewicz (R) for U.S. House of Representatives (1990); $10.00 (monthly), Employees' PAC (1992); $50.00, Ron Staskiewicz (R) for U.S. House of Representatives (1992).

Pamela Harriman, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Pamela Harriman.

Post: Ambassador to France.

Contributions, amount, date, and donee:

1. Self: 1992.—Lynn Schank for Congress, February 10, $500; College Democrats of America, March 7, $250; Democratic Congressional Dinner Committee, August 8, $1,500; Ferraro for U.S. Senate, April 10, $1,000; Lynn Yeakle for U.S. Senate, June 9, $1,000; Carol Moseley-Braun for Senate, June 30, $1,000; Watt for Congress, July 7, $500; DSCC Women's Council, July 7, $1,500; Barbara Boxer for U.S. Senate, July 7, $1,000; Friends of Jane Harman, July 7, $250; AuCoin for Senate, August 14, $1,000; Moran for Congress, October 1, $250; Owens for Senate Committee, October 5, $500; Friends of Geri Rothman-Serot, October 8, $500; Friends of Les Aspin, October 14, $1,000; Rauh for Senate, October 14, $250; Committee to Re-elect Tom Foley, October 19, $1,000; Friends of Geri Rothman-Serot, October 22, $500; Citizens for Harris Wofford, November 18, $1,000.

1991.—People for Mrazek Senatorial Campaign Committee, June 20, $1,000; Leahy for U.S. Senate Committee, June 20, $1,000; Democratic National Committee, August 20, $20,000; Citizens for Harris Wofford, October 8, $1,000; Clinton for President, October 15, $1,000; Democratic Senatorial Campaign Committee, October 15, $1,500; Kay Slaughter for Congress, October 22, $500; Feinstein for Senate Committee, November 5, $1,000; Democratic Congressional Campaign Committee, November 19, $1,000.

1990.—Gephardt in Congress Committee, February 1, $500; Reelect Exon for U.S. Senate Committee, In Kind, March 30, $652; Hamilton for Congress Committee, April 9, $500; Emily's List, April 23, $1,000; Dante Fascell Campaign Committee, April 29, $1,000; Harvey Gantt for U.S. Senate, June 12, $1,000; Friends of Bob Graham, June 27, $1,000; Citizens for Eleanor Holmes Norton, July 29, $500; Moran for Congress, July 24, $250; Senate Committee for Twilegar, August 24, $1,000; Kerry for Senate, September 25, $1,000; Lonsdale for Senate, October 24, $1,000; David Smith for Congress, October 26, $500; Friends of Harry Reid, November 19, $1,000.

1989.—Johnston Senate Committee, February 23, $1,000; Simon for Senate, March 13, $1,000; Emily's List, April 27, $250; Friends of Les Aspin, May 22, $250; Sam Nunn Campaign Committee, October 19, $1,000; Friends of Senator Rockefeller, November 8, $1,000; Yates for Congress Committee, November 10, $500; Democrats for the 90's, December 7, $5,000; Re-elect Senator Pell Committee, December 7, $1,000.

1988.—Democratic House and Senate Council, January 20, $1,500; Dante B. Fascell Campaign Committee, March 18, $1,000; Udall for Congress, March 18, $250; Friends for Lindy Boggs, March 22, $500; Friends of Jim Moody, March 22, $500; Richard Gephardt for Congress, March 29, $1,000; DTF–NWPC, April 8, $500; Independent Action, Inc., May 27, $2,000; Tom Udall for Congress, May 26, $500; Givens 88 Committee, August 5, $250; Committee for Congressman Ronald V. Dellums, September 14, $500; Yates for Congress Committee, September 19, $250; Steve Neal for Congress, October 8, $250; David Price for Congress, October 8, $250; Wolpe for Congress, October 8, $250; Keep Kastenmeier in Congress, October 8, $250; Idahonians for Stallings, October 8, $250; Democrats for the 80's October 24, $5,000; Brickley for Congress, November 3, $100; Friends of Al Gore, Jr., Inc., November 10, $1,000; Kerry for Senate in '90 Committee, November 14, $1,000; Sloane for Senate, December 15, $1,000.

In addition, from time to time, I have hosted fundraising events in my home for candidates and committees that I have supported.

2. Spouse: Deceased.

3. Children and spouses names: Winston S. Churchill, M.P., none.

4. Parents names: Hon. Edward Kenalm Digby (deceased); Hon. Pamela Constance Bruce Digby (deceased).

5. Grandparents names: Hon. Edward Henry Trafalgar Digby (deceased); Hon. Beryl Hood Digby (deceased).

6. Brothers and spouses names: Hon. Edward Kenalm Digby, none; Hon. Dione Sherbrooke Digby, none.

7. Sisters and spouses names: Hon. Sheila Constance Digby Moore—Charles A. Moore (deceased); Hon. Jacquetta Digby James—David James, M.P. (deceased).

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 913. A bill to provide that the Vietnam Veterans Assistance Fund, Inc. shall be considered as having complied with certain national eligibility requirements for purposes of the 1992 Combined Federal Campaign, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself and Mr. DANFORTH):

S. 914. A bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. PACKWOOD):

S. 915. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. HATCH, Mr. PRESSLER, and Mr. KEMPTHORNE):

S. 916. A bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself and Mr. DODD):

S. 917. A bill to provide surveillance, research, and services aimed at prevention of birth defects; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself, Mr. DURENBERGER, and Mr. GRASSLEY):

S. 918. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance during the implementation and phase-in of the North American Free Trade Agreement, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DURENBERGER, Ms. MIKULSKI, Mr. JEFFORDS, Mr. NUNN, Mr. SPECTER, Mr. BOREN, Mr. CHAFEE, Mr. BREAUX, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, Mr. CAMPBELL, Mr. ROCKEFELLER, Mr. ROBB, Mr. LIEBERMAN, Mr. AKAKA, and Mr. RIEGLE) (by request):

S. 919. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. DURENBERGER, Mr. WELLSTONE, Mr. LIEBERMAN, Mr. BRADLEY, and Mr. RIEGLE) (by request):

S. 920. A bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, through an orderly transition, the Federal Family Education Loan program with the Federal Direct Student Loan program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan program through the use of a direct student loan program; and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. GRAHAM, Mr. MOYNIHAN, Mr. MITCHELL, Mr. LIEBERMAN, Mrs. BOXER, Mr. SARBANES, Mr. PELL, Mr. KENNEDY, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, and Mr. DURENBERGER):

S. 921. A bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MOSELEY-BRAUN:

S. 922. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. COCHRAN, Mr. GORTON, Mr. SARBANES, Mr. STEVENS, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. THURMOND, Mr. RIEGLE, Mr. WARNER, Mr. ROCKEFELLER, Mr. SHELBY, Mr. KOHL, Mr. LEVIN, Mr. D'AMATO, Mr. GRAHAM, Mr. MACK, and Mr. BOND):

S.J. Res. 88. A joint resolution to designate July 1, 1993, as "National NYSP Day"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, Mr. SARBANES, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. RIEGLE, Mr. MITCHELL, Mr. ROTH, and Mr. D'AMATO):

S.J. Res. 89. A bill to designate October 1993, as "Polish-American Heritage Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself and Mr. DANFORTH):

S. 914. A bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions; to the Committee on Finance.

STUDENT LOAN DEBT DISCHARGE

• Mr. BUMPERS. Mr. President, I am today reintroducing legislation that will correct an inequity in the taxation of students whose education loans are canceled. This legislation updates section 108(f) of the Internal Revenue Code to take into account new programs for the cancellation of student loan debts that did not exist when this section was enacted.

Normally, when an individual's debts are discharged or canceled, the individual is deemed to have received taxable income in the amount of the discharge or cancellation. However, section 108(f) currently provides that when a debt or loan of a student is discharged or canceled by the Federal or a State government, the student is not considered to have received taxable income in the amount of the cancellation. This is similar to provisions of section 108(f) that have the same effect when it is the debt or loan of a farmer that is discharged or canceled.

The problem is that section 108(f) does not apply to the many new programs where private universities, colleges, and other nonprofit organizations are the ones discharging or canceling the student loan debts. This means that in these cases the loan discharge or cancellation generates taxable income for the student in the amount of the discharged or canceled debt.

It is not fair to provide different tax treatment for the discharge or cancellation of debts when it is the Federal Government or a State government that is the moving party than when it is a private university, college, or other nonprofit organization that is involved. There is no tax policy that would justify or explain this different tax treatment based on who discharges or cancels the debt or loan.

Section 108(f) only applies to cancellation of Federal or State government student loans because these were the only loan cancellation programs in existence in the mid 1970's when this section of the Code was enacted. Section 108(f) was enacted to deal with Federal and State loan cancellation programs that sought to encourage doctors to serve in rural areas. Other grounds for cancellation of Federal and State student loans have been adopted since then and they all fit within the language of section 108(f) regarding the discharge of indebtedness/taxable income question.

In the past few years, however, a large number of universities and colleges have established loan cancellation programs. These newer loan cancellation programs seek to encourage students to serve as low-paid employees of a community service organization and to serve as public interest or legal services lawyers. These new programs are not covered by the existing language of section 108(f).

The growth of these new loan cancellation programs is a response to: the increase in the size and importance of university and college loan programs; cutbacks in Federal loan programs; the rapid increase in the cost of higher education; the rapid increase in student loan indebtedness; and the perception that financial considerations are undermining the commitment of the next generation to public and community service.

The most well developed private loan cancellation programs so far are for law school graduates who are entering public interest law or legal services work. There are now 44 law schools with loan cancellation programs: American University, Boston College, Brooklyn University, University of California at Berkeley, University of California at Davis, University of California at Hastings, Case Western Reserve University, University of Chicago, Columbia University, Cornell University, City University of New York, Duke University, Emory University, Fordham University, Franklin Pierce Law Center, Georgetown University, Golden Gate University, Hamline University, Harvard University, Hofstra University, Illinois Institute of Technology, Loyola Law School in Los Angeles, Michigan University, New York University, Northeastern University, Northwestern University, University of Notre Dame, Nova University, Ohio State University, University of Pennsylvania, University of San Francisco, Santa Clara University, University of Southern California, Southern Methodist University, Southwestern University, Stanford University, Suffolk University, Temple University, Tulane University, Valparaiso University, Vanderbilt University, University of Virginia, University of Washington, and Yale University.

Other loan cancellation programs have been established by bar associations, regional foundations, nonprofit organizations or State legislatures in Arizona, Florida, Maryland, Minnesota, New Haven, CT, New York, North Carolina, and Tennessee. In other States, including Massachusetts and California, bar associations or other foundations are actively exploring the creation or funding of regional public interest loan cancellation programs. The ABA House of Delegates and the ABA Law Student Division have passed resolutions to set up these loan cancellation programs.

It is more difficult to obtain lists of other, nonlaw school loan cancellation programs. The Maryland program, funded and administered by the State, covers doctors, nurses, and social workers. There are also loan cancellation programs at a number of other graduate or professional schools around the country, including the Kennedy School of Government, the Harvard Business School, and the Stanford Business School.

Loan cancellation is a new idea that is spreading beyond the law schools. And the legislation I am introducing today would encourage the spread of this loan cancellation for public service idea. Much of the experience so far is with law school graduates, but the same idea could well be extended to graduates of medical schools, schools of social work, schools of architectures, or to undergraduates.

At present the total amount of university/college sponsored student loans is dwarfed by the Federal and State loan programs. And, the Federal and State loan cancellation programs also dwarf the loan cancellation programs that have been established by these schools. At present, only a fairly wealthy university or college can afford to set up its own loan program. And, even fewer universities or colleges can afford to set up a loan cancellation program. But, these are both trends that this legislation will encourage.

The National Association for Public Interest Law [NAPIL] has compiled statistics that find that the total amount of the loan canceled in 1990—the last year for which full information is available; 14 new loan cancellation programs have been established by law schools in the time since—for law students was nearly $2.3 million and that 713 law school graduates had loans partially canceled. Harvard University Law School was the largest participant with $826,256 in loans canceled for 170 graduates. Second was Columbia Law School with $296,420 in loans canceled for 59 graduates.

These loan cancellation programs at law schools respond to two realities in the marketplace. First, the tuition increase at law schools has increased much faster than the rate of inflation. From 1982 to 1991 the median tuition at public law schools increased 141.01 percent for in-State students and 139.06 percent for out-of-State students. During the same period the median tuition at private law schools increased 126.78 percent. These rates substantially exceeded the inflation for this period.

Second, salaries in the marketplace for public and community service positions are low, particularly in relation to the student debt load and competing salaries at law firms and elsewhere in the legal community. According to the National Association for Law Placement, the average salary for 1991 law graduates who took jobs in public service or public interest areas earned a median salary of $25,000, while graduates who entered private practice earned a median starting salary of $51,000.

This extreme salary differential is the key reality that has led to the establishment of so many loan cancellation programs at America's law schools. For example, a significant number of low-income and public interest legal services organizations cited educational debt as a factor contributing to the difficulties they have experienced in recruiting and retaining entry-level staff attorneys, especially those from minority groups, according to a joint survey coordinated by the National Association for Public Interest Law and the National Legal Aid and Defenders Association in 1992.

The original purpose of section 108(f) is well served if it is modified to cover the new loan cancellation programs of private universities, colleges, and other nonprofit organizations. These loan cancellation programs have the same basic purpose and goal of the Federal and State government student loan cancellation programs which are already covered by section 108(f).

Extending section 108(f) is also consistent with the current tax policy with respect to university and college scholarship funds, which are not considered to be income to the student receiving the scholarship unless the amount of the scholarship exceeds the costs of tuition and course related expenses. If the university or college had given the student a scholarship rather than a loan, the scholarship would not have constituted taxable income. When the college or university cancels a loan, it is, in effect, converting a loan into a scholarship and this also should not generate taxable income.

The schools that are participating in these loan cancellation programs can leverage their funds if they cancel loans rather than simply expand the amount of scholarships they award in the first place. For instance, a law school with $5,000 in financial aid money to spend could choose to award a scholarship to a law student who may, after graduation, go to work for a law firm at a $75,000 yearly salary, but the money is much more effective if the same $5,000 is spent to cancel the loan of a law school graduate who is working in a public defender program for $20,000. In this case, the need for the scholarship is better determined after a student graduates.

Most of these loan cancellation programs at law schools are ingeniously tailored to carefully limit expenditures. Programs only provide assistance while an individual remains in the public sector and in many programs educational debts are not discharged until the individual's third year in practice and then are forgiven gradually over the next 6 years. If at any point, a graduate accepts employment in the private sector or his or her salary exceeds a maximum amount, no further loan cancellation will take place.

Amending section 108(f) would encourage universities and colleges to establish and expand loan cancellation programs and to solicit charitable contributions to fund loan cancellation programs, encourage more young people to perform public and community service under these programs, and help to relieve the student loan debt problem.

The establishment of loan cancellation programs in the private sector by universities, colleges, and other nonprofit organizations will encourage innovation, experimentation, and the promotion of public service careers. This is a case where a very small investment of the Federal Government's revenue can have a multiplier effect for actions in the private sector.

Amending section 108(f) does not undermine the 1986 Tax Reform law. Basically it just updates section 108(f) so that it applies to the range of student loan cancellation programs which have come into existence since section 108(f) was enacted in 1976. This is a technical problem that extends the current tax policy to similarly situated taxpayers. It does not involve adoption of any new policy on the discharge of indebtedness issue.

The Joint Committee on Taxation has found that this bill would "result in a negligible revenue loss in each of the 5 fiscal years contained in the 1992–96 budget period." (March 15, 1991, letter from Stuart A. Brown) With only $2.3 million in loans canceled for law students, the bill would lose an insignificant amount of revenue. Most of the students whose loans are canceled are probably in the 15-percent tax bracket. This amendment might be a catalyst to spur the formation of more loan cancellation programs, but the revenue impact of this would be long-term and probably would not be reflected in the estimate.

These loan cancellation programs and this legislation is strongly supported by the American Bar Association, the National Senior Citizens Law Center, NAPIL, the National Legal Aid and Defenders Association, the National Association for Law Placement, the Project Advisory Group, and the Association of American Law Schools. I am sure that the coalition in favor of the legislation will expand rapidly when we publicize what we are doing with the bill.

I am interested in this issue because I have been the principal advocate in the Congress for amending the Federal student aid program to provide for loan cancellation for students who perform full-time, low-paid community service upon graduation. Because my proposals concern cancellation of a Federal Government loan the Federal Government itself, it falls within the current language of section 108(f). But, this work on my other bill brought this issue covered in this bill to my attention.

The bill I am introducing covers three types of loan cancellation programs.

First, it extends the current discharge of indebtedness provision to include discharge of loan debt by institutions of higher education. This provision covers programs where it is the university or college's own loans that are being canceled.

This provision also covers cases where a private bank is canceling its own loans. Banks might in some cases be persuaded to cancel the loans of some students in exchange for community service in the community in which the bank is located. I know of no programs where banks are now doing this, but given the problems we've had with the limitations of section 108(f), we might as well try to take future developments into account this time.

Second, the bill also includes a provision that provides the same tax treatment if a university, college, or other nonprofit organization extends an additional loan—which it then cancels—to the student to help the student repay loans from some other source, including the Federal and State government, banks, and financial institutions. The loan cancellation program must take steps to ensure that the loans given to the student—which are then canceled—are, in fact, used by the student for the purpose of repaying the student's other loans.

Third, the bill includes a provision that permits the loan cancellation program to make payments on a graduate's educational loans directly to the original lender. The second provision is different only in that the student is the one who actually makes the payment, while with the third it is the loan cancellation program that cuts the check.

We want to make sure that we cover all of the different types of loan cancellation programs. We want to encourage innovation and not constrain the programs in ways that have no bearing on the Federal Government's legitimate tax policy interests.

The bill provides that the loan cancellation cannot be funded by the employer of the student. We need this limitation to avoid any possibility of an employer substituting loan cancellation, which this bill ensures does not generate taxable income, for wages and salary, which is fully taxable.

The employment of the student must be in a field that is related to the education provided by the university or college to the student.

Finally, the bill is prospective in application. It applies only to loan cancellations that occur after the date of enactment of the legislation. It confers no retroactive windfall on any student for a loan cancellation in the past.

This legislation should enjoy bipartisan support. It is basically a technical amendment to bring section 108(f) up-to-date to cover the new loan cancellation programs that have come into existence since section 108(f) was last amended. We all will benefit from these loan cancellation programs as they encourage more of our young people to serve the community.

During the last Congress this legislation was included in section 7104 of the Revenue Act of 1992 (H.R. 11), which was vetoed by President Bush. This year a tax bill will become law and I am confident that this worthwhile provision will be included.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF DISCHARGE OR REPAYMENT OF STUDENT LOANS.

(a) Discharge of Indebtedness.—

(1) Organizations making loans to which discharge rules apply.—Paragraph (2) of section 108(f) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (C), and by striking subparagraph (D) and inserting:

"(D) any bank (as defined in section 581) or any financial institution to which section 593 applies; or

"(E) any educational organization described in section 170(b)(1)(A)(ii), including loans pursuant to an agreement with any entity described in subparagraph (A), (B), (C), or (D) under which the funds from which the loan was made were provided go such educational organization.".

(2) Loans to repay other loans to qualify.—Section 108(f)(2) of such Code is amended by inserting ", or any loan to such individual by such organization or an organization described in section 501(a) which is exempt from tax under section 501(c) to repay such a loan." after "section 170(b)(1)(A)(ii)".

(b) Conditions for Exclusion.—Section 108(f)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) In general.—In the case of an individual, gross income does not include—

"(A) any amount which (but for this subsection) would be includable in gross income by reason of the discharge (in whole or in part) of any student loan, or

"(B) the repayment of a student loan by an educational organization described in section 170(b)(1)(A)(ii) or an organization described in section 501(a) which is exempt from tax under section 501(c),

if such discharge or repayment was pursuant to a provision of such loan or a program under which all or part of such loan would be discharged or repaid if such individual is employed (during or after enrollment as a student at such educational organization) for a certain period of time in certain professions related to the education provided to the individual by the educational organization and for any of a broad class of employers. Subparagraph (B) shall not apply if the employment described in the preceding sentence is with the organization repaying the student loan.".

(c) Effective Date.—The amendments made by this section shall apply to any discharge, or repayment, of a student loan after the date of the enactment of this Act, in taxable years ending after such date.•

• Mr. DANFORTH. Mr. President, today I, along with Senator Bumpers, am introducing legislation to amend section 108(f) of the Internal Revenue Code to include new programs for the cancellation of loan debts.

Under current law, if the Federal or a State government cancels student loan debts, no income is generated to the student debtor. Today, there are many new programs that uses the cancellation of student debt to encourage people to enter public service. These new programs are often instituted by someone other than the Federal or State governments. Because these loan cancellation programs are not covered by section 108(f), the student debtors are taxed on the amount of the canceled loan. For a recent graduate working in a low-paid public interest job, the tax burden created by this is heavy. These new loan cancellation programs are an excellent way to encourage advanced degree students to enter the public service. In order to make them truly effective and more widely used, the Tax Code must be updated.

Section 108(f) of the Internal Revenue Code was enacted in the mid-seventies with the intent of encouraging doctors to practice in rural areas. This part of the code has been expanded to include other grounds for cancellation of Federal and State student loans. The inclusion of private loan cancellation programs, based on the same basic premise, would be a natural extension of section 108(f). A revenue estimate done by the Joint Committee on Taxation found that the amendments to the code would result in a negligible revenue loss for the fiscal year 1992–96.

More and more private institutions have begun to offer loan cancellation as an incentive for students considering public interest work. These programs help defray the costs of increasingly expensive graduate studies while making up for the decreasing availability of Government loans. They also offset the salary advantages of entering the private sector instead of public interest work. The programs instituted by universities serve the same purpose as those administered by the Federal and State governments. They should therefore receive the same tax treatment.

Many of the new loan cancellation programs are sponsored by law schools. Each program is structured differently, but most are designed for graduates who perform law related work for the Government, private groups serving the public interest, or nonprofit organizations. The Jaffin Loan Assistance Program at Columbia University School of Law is an example of one such loan cancellation system. The program at Columbia applies to all loans received under institutionally approved and certified loan plans. Columbia offers loan forgiveness for graduates according to their adjusted gross income, based on a scale of decreasing benefits for income over $35,000. Loan forgiveness begins in the 4th year of public interest work, with full forgiveness by the 10th year. The number of graduates who entered the program has risen steadily since 1983, with 29 students entering in 1991. While the structure of each loan cancellation program is different, the results are similar.

Loan cancellation programs are not limited to private institutions, nor are they only present at law schools. In addition to the six Statewide loan cancellation programs in Arizona, Florida, Maryland, Minnesota, North Carolina, and Tennessee, several public universities, such as the University of Maryland, the University of Virginia, the University of Michigan, and many schools in the California system have different types of loan cancellation programs, as do the Kennedy School of Government, the Harvard Business School and the Stanford Business School. These are worthwhile programs and should be encouraged.

Private loan cancellation programs, like Government sponsored programs, are an important way to make public interest careers more feasible for debt burdened graduate students. They help meet the needs of the community at large by increasing the number of professionals available to serve. It is natural that they should receive the same tax treatment as Government programs, under section 108(f). By supporting all loan cancellation programs we can help encourage graduate students to enter into public service.

Mr. President, I urge my colleagues to cosponsor this legislation and assist in enacting it during the tax bill this year.•

By Mr. BAUCUS (for himself and Mr. PACKWOOD):

S. 915. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

SEMICONDUCTOR INVESTMENT ACT OF 1993

• Mr. BAUCUS. Mr. President, today I join with my colleague, Senator PACKWOOD, in introducing the Semiconductor Investment Act of 1993. This legislation will enhance the international competitiveness of the U.S. semiconductor industry. The bill will shorten the depreciable life of semiconductor manufacturing equipment to more realistically reflect the rapid pace of technological change in this industry. A simple change in the tax depreciable life of semiconductor manufacturing equipment from 5 to 3 years will make it much easier for U.S. semiconductor manufacturers to invest the capital needed to maintain state-of-the-art facilities.

Let there be no doubt about the importance of a vibrant American semiconductor industry. Semiconductors are the brains behind most modern equipment. The industry is as fast-paced as it is important. Studies show that the new generation of process technology is currently a 3-year cycle.

Further, the economic value of semiconductor manufacturing equipment is typically exhausted within a year or two after being introduced. We need tax laws that reflect this reality, so that American industry can compete and invest in the latest generation of equipment and take full advantage of the improvements in semiconductor technology.

Under current law, semiconductor manufacturing equipment is depreciated over 5 years for Federal income tax purposes. This legislation will provide a 3-year depreciation life for such equipment more accurately reflecting the depletion of economic value resulting from the industry's rapid technological change. The 3-year depreciation life will apply for both regular tax and alternative minimum tax purposes.

This bill will enhance the international competitiveness of the U.S. semiconductor industry, and help U.S. semiconductor companies continue to regain lost market share. Semiconductors are crucial to our progress as a Nation. They are an essential part of cutting-edge information and communication technology as well as a key component of modern defense capabilities.

Mr. President, I appreciate the efforts of Senator PACKWOOD in cosponsoring this legislation, and I urge my other colleagues to support this bill and help to move it forward. I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Semiconductor Investment Act of 1993".

SEC. 2. THREE-YEAR DEPRECIABLE LIFE FOR SEMICONDUCTOR MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by inserting at the end the following:

"(iii) any semi-conductor manufacturing equipment."

(b) CONFORMING AMENDMENTS.—

(1) Section 168(e)(3)(B) of such Code is amended by striking clause (ii) and by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively.

(2) Section 268(g)(3)(B) of such Code is amended—

(A) by striking the item relating to subparagraph (B)(ii) and inserting the following new item:

"(A)(iii) .... 3",

and

(B) by striking "(B)(iii)" and inserting "(B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to property placed in service after the date of the enactment of this Act.•

• Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague, Senator BAUCUS, in introducing the Semiconductor Investment Act, a bill to reduce the depreciable life of semiconductor manufacturing equipment from 5 years to 3 years.

Last year Senator BAUCUS and I introduced this important legislation. Our bill was not included in the Revenue Act of 1992, H.R. 11. However, Congress did believe this issue did merit the Treasury Department to study the issue. Unfortunately, H.R. 11 was not enacted into law and this issue still needs to be addressed.

Mr. President, semiconductors are the future of the information age. For this reason, I believe that a world class semiconductor industry is in the United States' best economic and national security interests.

To compete in today's global chip market, our domestic manufacturers must be at the forefront of technology. This requires substantial capital investments. However, our current tax laws put U.S. manufacturers at a competitive disadvantage in the world market.

Japanese semiconductor producers, for example, can depreciate up to 88 percent of their manufacturing equipment in the first year. U.S. producers, on the other hand, can deduct only 10 percent in the first year. This means that our domestic industry's chief competitors will have more capital available to invest in future technologies.

Reducing the depreciable life of semiconductor manufacturing equipment to 3 years will help U.S. semiconductor manufacturers keep pace with these rapid technological changes and strengthen their international competitiveness.

Mr. President, I urge our colleagues to join Senator BAUCUS and me in cosponsoring this bill.●

By Mr. CRAIG:

S. 916. A bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes; to the Committee on Labor and Human Resources.

DAVIS-BACON REFORM ACT

● Mr. CRAIG. Mr. President, I rise today to introduce a bill, S. 916, to significantly reform the Davis-Bacon Act of 1931. I urge my colleagues to join me as cosponsors of this bill.

Under the Davis-Bacon Act, the Secretary of Labor sets wage rates, locality, and prescribes work rules for every category of worker employed on Federal and federally assisted construction, alteration, and repair projects.

When the Senate considered the fiscal year 1994 budget resolution several weeks ago, I offered an amendment to achieve several billion dollars in deficit reduction by providing for the repeal of Davis-Bacon. That amendment was tabled, but it led to some very informative discussions with some of my colleagues.

Many of us believed then, and still do now, that Davis-Bacon is outdated, severely restricts competition for Federal contracts, is counterproductive of its stated purposes and congressional intent, discriminates against small and minority-owned businesses, discriminates against minority and other disadvantaged workers, is impossible to administer the way it is supposed to be, is onerous in its regulatory and paperwork requirements, and wastes billions of taxpayer dollars.

The long-stated purpose of the act is to protect local contractors and labor markets from unfair, itinerant competition. Sadly, over the years, the act has grown to have the opposite effect, reserving the $50 billion market of Federal contracting for a small club of large contractors that follow Davis-Bacon projects all around the country. The antilocal bias is particularly pronounced in small towns and rural areas.

Davis-Bacon discourages small and minority-owned firms from bidding on Federal projects, including the small projects they normally would be expected to compete for and win. It closes the door of job opportunity on those entry-level workers who are most in need of help up the first rung of the economic ladder, by shutting out the employers which, experience shows, are the most likely to bring them into the work force and teach them skills.

The Copeland Act requires contractors covered by the Davis-Bacon Act to submit payroll reports as voluminous as the entire payroll records themselves to the Federal contracting agency on a weekly basis. Payrolls and work assignments are complicated further by 1930's-vintage, craft-based, work rules.

Frequently, the disparity between the costs of Davis-Bacon and non-Davis-Bacon projects are so great that small and minority businesses decline to bid on Federal construction projects to avoid serious disruption of their labor forces. Many communities have found that projects that were economically viable without Davis-Bacon are not viable with it. Some have even turned down Federal grants once it was clear that they came with Davis-Bacon strings attached.

Even with the implementation late last year of the Department of Labor's regulation allowing the expanded use of helpers, an administrative improvement validated by 9 years of Federal court tests, Davis-Bacon still adds almost $1 billion a year to Federal construction costs. Additional costs are incurred when partial Federal funding triggers Davis-Bacon coverage of matching funds from State, local, and private sources.

However, a number of our colleagues who agree that Davis-Bacon does create such problems, also believe, quite sincerely, that there is still a need for such a law.

They believe that, due to its sometimes seasonal and transient nature, Federal construction contracting still would be susceptible to wage-based underbidding and local labor standards could be disrupted if something like the Davis-Bacon Act didn't apply to large Federal construction projects.

So, I cast about to see if it was possible to address both sets of concerns in a single piece of legislation. The result is the bill that I am introducing today, the Davis-Bacon Reform Act. I believe this bill presents a carefully calibrated compromise position.

This bill would save about $4 billion in budget and obligational authority, and $3 billion in outlays, over 5 years.

It would eliminate almost every major problem associated with the Davis-Bacon Act by individually addressing and reforming the major operations of the act.

It would exempt small projects—those under $500,000—from Davis-Bacon, reduce paperwork to manageable levels, and ensure the accurate reflection of truly locally prevailing wages. Such reform is a simple matter of economy, efficiency, and fairness in Government contracting, and is exactly the kind of policy change that is absolutely necessary if we are ever to get the Federal budget under control.

At the same time, this bill would leave intact the basic labor standards protections the act was originally designed to protect. Wage surveys would continue to be conducted, prevailing wage determinations issued, payroll compliance reported and verified, and appropriate enforcement actions taken.

I ask unanimous consent to include in the RECORD the text of the bill and a description of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Davis-Bacon Reform Act".

(b) REFERENCE.—Whenever in this Act (other than in section 12) an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Act of March 3, 1931, entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes" (40 U.S.C. 276a et seq.) (commonly referred to as the "Davis-Bacon Act").

SEC. 2. INCREASE IN THRESHOLD AMOUNT.

Subsection (a) of section 1 (40 U.S.C. 276a(a)) is amended by striking out "$2,000" and inserting in lieu thereof "$500,000".

SEC. 3. APPROPRIATE CIVIL SUBDIVISION FOR COMPUTATION OF PREVAILING WAGE.

Subsection (a) of section 1 (40 U.S.C. 276(a)) is amended by striking out "the city, town, village, or other civil subdivision of the State, in which the work is to be performed," and inserting in lieu thereof "the particular urban or rural subdivision (of the State) in which the work is to be performed,".

SEC. 4. DETERMINATION OF PREVAILING WAGE.

Subsection (a) of section 1 (40 U.S.C. 276(a)) is amended by adding at the end thereof the following new sentence: "In determining the prevailing wage for a class of laborers, mechanics, or helpers where more than a single wage is being paid to the corresponding class of laborers, mechanics, or helpers, the Secretary shall establish as the prevailing wage the entire range of wages being paid to such corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.".

SEC. 5. EXCLUSION OF FEDERAL PROJECTS FROM PREVAILING WAGE COMPUTATION.

Subsection (b)(1) of section 1 (40 U.S.C. 276a(b)(1)) is amended by inserting before the semicolon the following: ", excluding the basic hourly rates of pay of individuals whose wages are established pursuant to the requirements of this Act, unless it is determined that there is insufficient wage data to determine the prevailing wages in the absence of data from such Federal or federally assisted projects".

SEC. 6. CLASSIFICATION OF HELPERS.

Section 1 (40 U.S.C. 276a) is amended by adding at the end thereof the following new subsection:

"(c)(1) For the purposes of this Act, helpers of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the corresponding class of helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

"(2) For purposes of this section, the term 'helper' means a semi-skilled worker (rather than a skilled journeyman mechanic) who—

"(A) works under the direction of and assists a journeyman,

"(B) under the direction and supervision of the journeyman, performs a variety of duties to assist the journeyman, such as—

"(i) preparing, carrying, and furnishing materials, tools, equipment, and supplies and maintaining them in order,

"(ii) cleaning and preparing work areas,

"(iii) lifting, positioning, and holding materials or tools, and

"(iv) other related semi-skilled tasks as directed by the journeyman, and

"(C) may use tools of the trade which are under the direction and supervision of the journeyman.".

SEC. 7. PROHIBITION ON CONTRACT-SPLITTING.

Section 1 (40 U.S.C. 276a) (as amended by section 6) is further amended by adding at the end thereof the following new subsections:

"(d) Any person entering into a contract under which wages are to be determined in accordance with this Act shall not divide any project into contracts of $500,000 or less if the project would not have been so divided but for the purpose of avoiding the application of this Act.

"(e) Whenever the Secretary of Labor determines that a division for such purpose as described in subsection (d) has occurred, the Secretary may—

"(1) require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retroactively all the provisions which would have been required under this Act or other applicable prevailing wage statute, and

"(2) require the contracting or assisting agency, the recipient of Federal financing or assistance, or any other entity which awarded the contract or instrument providing Federal financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer, mechanic, and helper, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(c) of the Internal Revenue Code of 1986, from the date the work was performed by such laborers, mechanics, and helpers.

"(f) The Secretary shall make a determination that a division for such purpose as described in subsection (d) has occurred only where the Secretary has notified the agency or entity in question not later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this subsection.".

SEC. 8. TECHNICAL AMENDMENT APPLYING REFORM TO RELATED ACTS.

The Act (40 U.S.C. 276a et seq.) is amended by adding at the end thereof the following new section:

"SEC. 8. No provision of any law requiring the payment of prevailing wage rates as determined by the Secretary in accordance with this Act shall apply to contracts for construction, alteration, or repair valued at $500,000 or less, or in the case of rent supplement assistance or other assistance for which the instrument of Federal financing or assistance does not have an aggregate dollar amount, where the assisted project is in the amount of $500,000 or less.".

SEC. 9. MATCHING FUNDS.

The Act (40 U.S.C. 276a et seq.) (as amended by section 8) is further amended by adding at the end thereof the following new section:

"SEC. 9. In the case of a grant or other instrument by which the Federal Government provides to or shares with any State or subdivision thereof funding of a construction, alteration, repair, rehabilitation, reconstruction, or renovation project, any law requiring the payment of prevailing wage rates as determined by the Secretary in accordance with this Act shall apply to that project only if at least 25 percent of the costs of that project are paid by the Federal grant or instrument.".

SEC. 10. VOLUNTARY CONTRIBUTION OF SERVICES.

(a) IN GENERAL.—The Act (40 U.S.C. 276a et seq.) (as amended by sections 8 and 9) is further amended by adding at the end thereof the following new section:

"SEC. 10. The provisions of section 1 of this Act relating to the wages required to be paid shall not apply to any individual—

"(1) who contributes services on a voluntary basis; and

"(2) who—

"(A) does not receive compensation for such services; or

"(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

"(3) whose contribution of such services is specifically approved in advance by the contracting or assisting agency, the recipient of Federal financing or assistance, or other entity which awarded the contract or instrument providing Federal financing or assistance, which is the entity in the closest relation to the work to be performed; and

"(4) whose contribution of such services is not for the benefit or competitive advantage of any contractor otherwise performing or seeking to perform work on the same project.".

(b) TECHNICAL AMENDMENT.—Subsection (b) of section 3 (40 U.S.C. 276a–2) is amended by inserting "(except as provided for in section 10 of this Act)" after "agreed to accept less than the required rate of wages".

SEC. 11. TECHNICAL AMENDMENTS.

(a) SHORT TITLE.—The Act (40 U.S.C. 276a et seq.) is amended—

(1) by redesignating sections 1 through 6 as sections 2 through 7, respectively; and

(2) by inserting before section 2, as so redesignated, the following new section:

"SECTION 1. This Act may be cited as the 'Davis-Bacon Act'.".

(b) PAYMENT OF WAGES BY COMPTROLLER GENERAL.—Subsection (a) of section 4, as so redesignated, (40 U.S.C. 276a–2) is amended by striking out the first sentence and inserting in lieu thereof the following new sentences: "In accordance with regulations issued by the Secretary pursuant to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), any wages found to be due to laborers, mechanics, and helpers pursuant to this Act shall be paid directly to such laborers, mechanics, and helpers from any accrued payments withheld under the terms of the contract. Any sums due laborers, mechanics, or helpers under section 1, not paid because of inability to do so within 3 years, shall revert to or be deposited into the Treasury of the United States. The Administrator of General Services shall distribute a list to all departments of the Government giving the names of persons or firms that the Secretary has found to have disregarded their obligations to employees and subcontractors.".

SEC. 12. COPELAND ACT PAPERWORK REDUCTION AMENDMENT.

(a) STATEMENTS.—Section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) (commonly referred to as the "Copeland Act") is amended by striking out "shall furnish weekly a statement with respect to the wages paid each employee during the preceding week" and inserting in lieu thereof "shall furnish, at the beginning, midpoint, and conclusion of the period covered by the contract, a statement with respect to the weekly wages paid each employee during such period, except that such statement shall be furnished no less often than every 3 months".

(b) APPLICATION.—Section 2 of such Act (40 U.S.C. 276c) is further amended by adding at the end thereof the following new sentence: "This section shall not apply to any contract or project that is exempted by its size from the application of the Davis-Bacon Act.".

SEC. 13. REPORTS REQUIRED.

Beginning 1 year after the effective date of the amendments made by this Act, and at intervals of 1 year thereafter, the Secretary of Labor and the Comptroller General of the United States shall each prepare and submit to the appropriate committees of Congress a report describing the results of a review of the implementation, enforcement, administration, impact on local wages, and impact on local and national economies of the Act of March 3, 1931 (the Davis-Bacon Act), the Act of June 13, 1934 (the Copeland Act), and the amendments made by this Act during the preceding 12-month period, including recommendations for such further legislation as may be appropriate.

SEC. 14. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date that is 60 days after the date of enactment of this Act but shall not affect any contract in existence on that date or made pursuant to invitations for bids outstanding on that date.

SUMMARY OF DAVIS-BACON REFORM ACT

1. Increase the threshold for coverage to contracts greater than $500,000, with provisions prohibiting contract-splitting. This would open up federal construction to many small businesses that are unable to compete for contracts because of Davis-Bacon requirements. 85% of the total dollar volume of all federal construction would be subject to Davis-Bacon.

2. Allow the use of semi-skilled helpers on projects covered by Davis-Bacon in areas where the use of helpers is an identifiable practice to bring Federal projects would bring federal construction practices in line with the private sector. Codify the definition of helpers established by the Department of Labor, validated by nine years of court tests, that carefully defines helpers to prevent the substitution of helpers for skilled workers. Helpers are utilized now on more than 70% of private construction projects.

3. Define prevailing wages as the entire range of wages paid to the corresponding class of workers in an area. This would reflect locally prevailing wages more fully and accurately, while providing the basic protections intended by the Act. The Davis-Bacon Act currently contains no definition of prevailing wage.

4. Reduce the requirement under the Copeland Act for payroll reports on Davis-Bacon projects from weekly to quarterly. The costs to federal contractors in complying with these paperwork requirements has been estimated to be between $50 and $100 million.

5. Exclude state and local projects in which less than ¼ of the funding is provided by the federal government from Davis-Bacon wage levels. This formula was used in the Revenue Sharing program to prevent local projects from being burdened by federal wage regulations when the federal government's financial participation in the project is negligible.

6. Exempt volunteer labor from Davis-Bacon provisions. There is an exemption under the National Housing Act for volunteer labor, but not in any other program. Under current law, volunteer workers must be paid Davis-Bacon wage levels, and cannot return the money in any project in which there are any federal funds involved, such as a community redevelopment program.

7. Codify regulations requiring separate wage surveys for rural and urban areas, which prevent the disruption of local labor markets by importing dissimilar wage levels and work rules from dissimilar areas.

8. Codify regulations excluding wages paid on federal projects from prevailing wage surveys. This is consistent with the longstanding intent of the Act that prevailing wages be based on wage levels in the private sector.

9. Require annual GAO and DOL reports on the economic impact of Davis-Bacon and these reforms.

10. Technical amendments to ensure that any back pay due is paid directly to workers and to apply Davis-Bacon uniformly under the approximately 70 laws incorporating the Act by reference.●

By Mr. BOND (for himself and Mr. DODD):

S. 917. A bill to provide surveillance, research, and services aimed at prevention of birth defects; to the Committee on Labor and Human Resources.

BIRTH DEFECTS PREVENTION ACT OF 1993

Mr. BOND. Mr. President, I rise today to introduce with my colleague, Senator DODD, the Birth Defects Prevention Act of 1993.

Mr. President, an estimated 250,000 infants will be born this year with a birth defect. Indeed, birth defects are the leading cause of infant mortality. More children will die of birth defects in the first year of their life than by any other cause, including prematurity and low birth weight. Unfortunately, our Nation still festers in an intellectual dark age as far as birth defects go. In the United States today, we lack a national system which allows for surveillance, research, and prevention of birth defects.

Today, we are introducing the Birth Defects Prevention Act of 1993. Congressman SOLOMON ORTIZ has introduced a companion bill, H.R. 1296, in the House. This bill will give us the means to pull ourselves out of the birth defects dark ages by creating a nationwide defects surveillance system; coordinating research; and, organizing and promoting the education for preventive measures. It will provide us with a strategy to prevent more children from being born with defects and to find possible cures for those already afflicted with certain defects. Action now will save us money and lives in the future.

A situation in the State of Texas exemplifies how the lack of a defects registry delayed the response to an outbreak of birth defects and may have needlessly cost innocent lives. About 1 year ago, health professionals in Texas observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fatal birth defect characterized by an absence of brain tissue. After this information was reported to the Texas Department of Health, a subsequent study revealed that since 1989, at least 30 infants in south Texas had been born without or with very little brain tissue. But, because Texas does not have a birth defects registry or surveillance program, the severity of the program was not recognized until the incident of anencephaly was so high that they were difficult to miss.

Federal officials have expanded their efforts in an attempt to discover the cause of this tragic event. Most of the mothers of these infants lived within a 2.4-mile radius of the Rio Grande. The investigation is focusing on whether environmental factors have lead to the birth defects. Other studies will further examine whether water from the Rio Grande, air pollutants, or chemical waste played a role.

Nevertheless, the tragic situation in south Texas underlines the need for a coordinated national effort in recognizing the causes of birth defects and in the development of preventive strategies against them. Without a surveillance system, it is quite possible that somewhere in America today, infants are being born with serious birth defects that could have been prevented and yet we do not even know about them or what to do about them.

The Birth Defects Prevention Act of 1993 has two main components. First, the bill would establish a National Birth Defects Surveillance and Prevention Research system. This would provide funding for States to put in place or improve existing surveillance programs. Presently, only 28 States operate some sort of a surveillance program, and the degrees of effectiveness vary State by State. A March of Dimes' State-by-State surveillance program description and summary will appear at the end of my statement; I urge my colleagues to see how their State measures up. This bill would also establish regional birth defects Centers of Excellence to focus research efforts on the causes of birth defects. Today, we do not know what causes 80 percent of the birth defects in America. Discovering what causes a birth defect is the first step, and only through a national surveillance system can we obtain the data to accomplish that goal.

Furthermore, the Centers of Excellence would also develop prevention strategies. For example, outreach efforts to inform mothers of preventive measures and the importance of obtaining adequate prenatal care. The Centers for Disease Control would serve as the clearinghouse for preventive activities and for the collection and storage of data generated from individual State monitoring programs.

Second, the bill would authorize demonstration projects for the prevention of birth defects and provide funding and technical assistance to States for the implementation of programs proven to be effective.

Birth defects are the leading cause of infant mortality in this country and I fear that present efforts to reduce the incidence of this very tragic problem are not sufficient. Birth defects cause more infant deaths in this country than any other single factor. In Missouri, birth defects account for 21 percent of total infant deaths.

There are many other factors which put an infant at higher risk. For instance, inadequate prenatal care is a primary contributory cause. Nearly 75,000 babies will be born this year to mothers who receive no prenatal care. Many of these babies will be stillborn, more will die before reaching their first birthday, while others will live with long-term disabilities. Another key in the elimination of birth defects is a strong family lifestyle in which children are born without exposure to cigarette smoke or alcohol and drug use.

Today we live in an era of spiralling health care costs, an era where many cannot afford to see a doctor. In fact, the medical care and special education made necessary by birth defects costs billions of dollars each year. Not only is our children's health being jeopardized by birth defects, but the care of those with birth defects forces the consumption of a disproportionate share of our health care resources. Reducing our infant mortality rate, preventing birth defects and making sure that every pregnant woman receives adequate prenatal care should be priorities in this country. We cannot afford not to prevent birth defects. Not acting only increases the lifetime dollar costs and human suffering and pain.

Mr. President, the legislation I am introducing today has been developed through the extensive and dedicated work by the March of Dimes and in consultation with the Centers for Disease Control. I thank and commend both the organizations and their dedicated professionals and volunteers and administrator for their commitment, persistence, and hard work. This legislation is an important step toward reducing birth defects. It is an important step in improving the health of America. Let the tragedies of south Texas remind us of our obligation and need to solve America's birth defects crises. Let us hope that more tragedies are not necessary in order to push Congress into action.

Mr. President, I thank the Chair.

I ask unanimous consent to include a copy of the bill, and the March of Dimes State-by-State Birth Defects Surveillance System Report along with a summary of this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 250,000 infants born with a birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

SEC. 2. BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317A the following new section:

"BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAMS

"SEC. 317B. (a) NATIONAL BIRTH DEFECTS SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control, may award grants to, enter into cooperative agreements with, or provide direct technical assistance in lieu of cash to States, State health authorities, or health agencies of political subdivisions of a State for collection, analysis, and reporting of birth defects statistics from birth certificates, infant death certificates, hospital records, or other sources and to collect and disaggregate such statistics by gender and racial and ethnic group.

"(b) CENTERS FOR EXCELLENCE FOR BIRTH DEFECTS PREVENTION RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish at least five regional birth defects monitoring and research programs for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of birth defects, to include information regarding gender and different racial and ethnic groups, including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(2) AUTHORITY FOR AWARDS.—For purposes of paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control, may award grants or enter into cooperative agreements with State departments of health, universities, or other private, nonprofit entities engaged in research to enable such entities to serve as Centers of Excellence for Birth Defects Prevention Research.

"(3) APPLICATION.—To be eligible for grants or cooperative agreements under paragraph (2), the entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may prescribe, including assurances that—

"(A) the program will collect, analyze, and report birth defects data according to guidelines prescribed by the Director of the Centers for Disease Control;

"(B) the program will coordinate States birth defects surveillance and prevention efforts within a region;

"(C) education, training, and clinical skills improvement for health professionals aimed at the prevention and control of birth defects will be included in the program activities;

"(D) development and evaluation of birth defects prevention strategies will be included in the program activities, as appropriate; and

"(E) the program funds will not be used to supplant or duplicate State efforts.

"(4) CENTERS TO FOCUS ON RACIAL AND ETHNIC DISPARITIES IN BIRTH DEFECTS.—One of the Centers of Excellence shall focus on birth defects among ethnic minorities, and shall be located in a standard metropolitan statistical area that has over a 60 percent ethnic minority population, is federally designated as a health professional shortage area, and has an incidence of one or more birth defects more than four times the national average.

"(c) CLEARINGHOUSE.—The Centers for Disease Control shall serve as the coordinating agency for birth defects prevention activities through establishment of a clearinghouse for the collection and storage of data and generated from birth defects monitoring programs developed under subsections (a) and (b). Functions of such clearinghouse shall include facilitating the coordination of research and policy development to prevent birth defects. The clearinghouse shall disaggregate data by gender and by racial and ethnic groups, the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(d) PREVENTION STRATEGIES.—The Secretary, acting through the Director of the Centers for Disease Control, shall award grants to or enter into cooperative agreements with State departments of health, universities, or other private, or nonprofit entities to enable such entities to develop, evaluate and implement prevention strategies designed to reduce the incidence and effects or birth defects including—

"(1) demonstration projects for the prevention of birth defects, including—

"(A) at least one project aimed at enhancing prevention services in a 'high-risk area' that has a proportion of birth to minority women above the national average, is federally designated as a health professional shortage area, and has a high incidence of one or more birth defects; and

"(B) at least one outcome research project to study the effectiveness of infant interventions aimed at amelioration of birth defects; and

"(2) public information and education programs for the prevention of birth defects, including but not limited to programs aimed at prevention of alcohol and illicit drug use during pregnancy and promotion of use of folic acid vitamin supplements for women of childbearing age in a manner which is sensitive to the cultural and linguistic context of a given community.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish an Advisory Committee for Birth Defects Prevention (in this subsection referred to as the 'Committee'). The Committee shall provide advice and recommendations on prevention and amelioration of birth defects to the Secretary and the Director of the Centers for Disease Control.

"(2) FUNCTIONS.—With respect to birth defects prevention, the Committee shall—

"(A) make recommendations regarding prevention research and intervention priorities;

"(B) study and recommend ways to prevent birth defects, with emphasis on emerging technologies;

"(C) identify annually the important areas of government and nongovernment cooperation needed to implement prevention strategies;

"(D) identify research and prevention strategies which would be successful in addressing birth defects disparities among the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans; and

"(E) review and recommend policies and guidance related to birth defects research and prevention.

"(3) COMPOSITION.—The Committee shall be composed of 15 members appointed by the Secretary, including—

"(A) four health professionals, who are not employees of the United States, who have expertise in issues related to prevention of or care for children with birth defects;

"(B) two representatives from health professional associations;

"(C) four representatives from voluntary health agencies concerned with conditions leading to birth defects or childhood disability;

"(D) five members of the general public, of whom at least three shall be parents of children with birth defects or persons having birth defects; and

"(E) representatives of the Public Health Service agencies involved in birth defects research and prevention programs and representatives or other appropriate Federal agencies, including but not limited to the Department of Education and the Environmental Protection Agency, shall be appointed as ex officio, liaison members for purposes of informing the Committee regarding Federal agency policies and practices;

"(4) STRUCTURE.—

"(A) TERM OF OFFICE.—Appointed members of the Committee shall be appointed for a term of office of 3 years, except that of the members first appointed, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of 3 years, as determined by the Secretary.

"(B) MEETINGS.—The Committee shall meet not less than three times per year and at the call of the chair.

"(C) COMPENSATION.—Members of the Committee who are employees of the Federal Government shall serve without compensation. Members of the Committee who are not employees of the Federal Government shall be compensated at a rate not to exceed the daily equivalent of the rate in effects for grade GS–18.

"(f) REPORT.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a biennial report regarding the incidence of birth defects, the contribution of birth defects to infant mortality, the outcome of implementation of prevention strategies, and identified needs for research and policy development to include information regarding the various racial and ethnic groups, including Hispanic, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) For the purpose of carrying out subsections (a), (b), and (c), there are authorized to be appropriated $15,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(2) For the purpose of carrying out subsection (d), there are authorized to be appropriated $15,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(3) For the purpose of carrying out subsections (e) and (f), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1994 through 1997.".

STATE BIRTH DEFECTS SURVEILLANCE SYSTEMS

More than half of states have no surveillance system.

Currently, 28 states (including the District of Columbia) have no birth defects surveillance system. While there is some type of birth defects surveillance in 23 states, they vary in type, size, and effectiveness. Those states which have no surveillance are limited not only by lack of funds, but also by lack of trained personnel.

The attached chart describes state systems, lists each as either "active" or "passive," describes coverage (statewide or less), and notes those that are currently inactive due to lack of funds.

DEFINITIONS

"Active" birth defects surveillance systems use trained staff to seek cases in all hospitals, clinics, or other facilities by systematic review of medical records, vital records, or hospital logs, or by interviewing health professionals who may know about diagnosed cases.

"Passive" surveillance systems rely on reports submitted by staff of hospitals, clinics or other facilities, supplemented with vital statistics. While in some states staff submit reports voluntarily, in general reporting requirements are established by law or regulation.

"Active" systems find almost all of the cases of birth defects whereas "passive" systems will miss 10–30% of all cases, depending upon the number of sources.

STATE BIRTH DEFECTS SURVEILLANCE PROGRAMS, JANUARY 1993

[State birth defects surveillance systems]

State	Coverage	Description	Type
Alabama	None		None
Alaska	None	Interested in developing a system	None
Arizona	Statewide	Active surveillance of hospital medical records	Active
Arkansas	Covers only about ⅓ of births	Active surveillance of hospital medical records Plans to go statewide when funds and personnel become available	Active
California	Selected areas of state	Active surveillance of hospital medical records Recently lost 50% of funding and may lose more	Active
Colorado	Statewide	The Colorado Registry for Children with Special Needs collects data from physicians, hospital discharge data, vital records and special studies	Passive
Connecticut	Statewide, inactive due to lack of funds	Passive surveillance of hospital discharge data Currently inactive because of a lack of funds	Passive, inactive due to lack of funds
Delaware	None	Interested in developing a system	None
District of Columbia	None	Interested in developing a system	None
Florida	None	Interested in developing a system	None
Georgia	5-county metro Atlanta area	The Metropolitan Atlanta Congenital Defects Program actively seeks out data on all congenital malformations The Metropolitan Atlanta Developmental Disabilities Surveillance Program monitors the occurrence of selected developmental conditions.	Active
Hawaii	Statewide	Active surveillance of hospital medical records Currently, system is managed by the Hawaii Cancer Registry at the University Medical Center Funding is from the state and has been cut in the past two years	Active
Idaho	None	Interested in planning a statewide system	None
Illinois	Statewide	Passive surveillance of hospital medical records	Passive
Indiana	Statewide	Passive surveillance of vital statistics records	Passive
Iowa	Statewide	Active surveillance of hospital records Financial support of the program is very insecure	Active
Kansas	Statewide	Passive surveillance, reporting required by hospital	Passive
Kentucky	None	New state law enacted in 1992, and state is developing plans for a Statewide, passive reporting system.	None
Louisiana	None		None
Maine	Statewide; inactive due to lack of funds	A system covering births in Maine to residents and non-residents, linking multiple data sources Currently, all activities are on hold because of cuts in state programs	Passive; inactive due to lack of funds
Maryland	Statewide	Passive surveillance, hospitals report 12 birth defects	Passive
Massachusetts	Statewide	Passive surveillance, reporting by hospital Now evaluating improving system by linking data sets.	Passive
Michigan	Statewide	A passive surveillance system, mandated reporting	Passive
Minnesota	None		None
Mississippi	None	Interested in developing a system	None
Missouri	Statewide (up to 1988)	Passive surveillance, linkage of multiple data sources, including vital records and hospital records System is complete only until 1988	Passive
Montana	None	Developing a population-based, statewide system	None
Nebraska	Statewide	Passive hospital reporting system in place since 1974	Passive
Nevada	None	Interested in developing a population-based, statewide system, but no funds available	None
New Hampshire	None		None
New Jersey	Statewide	Passive surveillance, mandated reporting by hospital	Passive
New Mexico	None		None
New York	Statewide	Passive surveillance, mandated reporting by hospital	Passive
North Carolina	Statewide	Passive surveillance, linkage of multiple data sources	Passive
North Dakota	None		None
Ohio	None	Occasionally uses vital records for special studies	None
Oklahoma	Part of state	Implementing a population-based system, first in Oklahoma City and county and eventually to be statewide Will cover 50% of births by 1994.	Active
Oregon	None	Planning process has just begun	None
Pennsylvania	None		None

STATE BIRTH DEFECTS SURVEILLANCE PROGRAMS, JANUARY 1993—Continued

[State birth defects surveillance systems]

State	Coverage	Description	Type
Rhode Island	None		None
South Carolina	None	University is interested in developing system around Savannah River project	None
South Dakota	None	USD Medical School interested in developing system	None
Tennessee	None	Currently developing a population-based surveillance system Funding comes from the Department of Energy.	None
Texas	None	Currently working on legislation and developing plans for a pilot system in Southwest Texas.	None
Utah	Statewide	Passive reporting by physicians of high risk infants	Passive
Vermont	None		None
Virginia	Statewide	Mandated reporting from hospitals	Passive
Washington	Statewide; inactive due to lack of funds	Active surveillance of hospital medical records Statewide including data form institutions in contiguous states for births to Washington residents Currently inactive due to lack of funds.	Active; inactive due to lack of funding
West Virginia	Statewide; inactive due to lack of funds	Birth Defects Registry obtains hospital discharge data on all birth defects of newborns through age 6 Currently inactive, no funds to pay staff to record data.	Passive; inactive due to lack of funds
Wisconsin	Statewide	Passive surveillance, mandated reporting by hospital Currently evaluating ways to improve reporting.	Passive
Wyoming	Statewide	Healthy Start Tracking Program identifies all children with serious health problems, including virtually all birth defects and genetic diseases Registry is kept on these children.	Passive

By Mr. ROTH (for himself, Mr. DURENBERGER, and Mr. GRASSLEY):

S. 918. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance during the implementation and phase-in of the North American Free-Trade Agreement, and for other purposes; to the Committee on Finance.

NAFTA WORKER ADJUSTMENT ASSISTANCE ACT

● Mr. ROTH. Mr. President, ever since launching the North American Free-Trade Agreement [NAFTA] talks there has been an enormous amount of debate on the potential impact of the agreement on U.S. jobs. Everyone agrees that NAFTA must be a net plus for the U.S. economy in terms of bolstering U.S. jobs, economic growth, and overall competitiveness. Whether one agrees or disagrees with the majority of economic analyses which find that NAFTA will be a net job creator, I think it is fair to say that everyone recognizes that some jobs will be lost as our economy adjusts to the more open North American marketplace. It is these potential lost jobs and the workers who lose them that are of great concern to me, which is why I am rising today to reintroduce the NAFTA Worker Adjustment Assistance Act.

Both the Congress and the executive branch have talked a lot about the general need for an effective and comprehensive NAFTA-related worker adjustment program, however, there has been little action so far to create one. I believe it is high time that both the Congress and the Clinton administration begin examining the specific aspects of such a program, and the legislation I am introducing today, along with my good colleagues, Senators DURENBERGER, and GRASSLEY, is designed to move us in this direction.

The NAFTA Worker Adjustment Assistance Act is built on the premise that our existing Trade Adjustment Assistance [TAA] Program should form the basis of any special program for workers who may be hurt by NAFTA. Although our current TAA Program may not be perfect, it is the most comprehensive worker adjustment program that we have in terms of the benefits it provides. Moreover, this program is strongly supported at the State and worker level; this view was underscored at various hearings that were held during the last session of Congress. It is also important to remember that Congress has made itself very clear since first creating TAA in 1962 that special adjustment assistance programs for trade-impacted workers should go hand-in-hand with major trade liberalization action on the part of our Government. This remains just as true, if not more true, today.

The legislation I am introducing builds on TAA and will ensure that workers who lose their jobs because of freer trade with Mexico will be eligible for the full range of TAA benefits. It does this by expanding the coverage of such workers to include workers who are hurt because of United States production shifts to Mexico. Such workers, and I certainly hope that there will be very few of them if NAFTA is approved, are not currently eligible for TAA benefits. In addition, the bill provides for an expedited procedure for automatically certifying workers affected by such shifts if the companies involved fall under the requirements of the Worker Adjustment and Retraining Notification Act.

Other provisions in the bill raise the current $80 million cap on training by 50 percent to $120 million to provide for any needed increases in training costs. Also included are provisions to improve the general operation of the existing TAA Program. For example, greater emphasis is placed on providing early and effective reemployment services such as job search assistance. This change is based on hearings last year which emphasized the importance of these types of services in facilitating the reentry of dislocated workers into the work force. My legislation also makes sure there is much better followup of workers participating in the TAA Program in order to gauge more accurately the effectiveness of the services being provided.

Another major part of the bill focuses on how to pay for the increased costs of the program. I remain convinced that the main beneficiaries of a free-trade agreement with Mexico should be willing to help the workers who will be hurt by it by supporting a temporary, de minimus uniform fee at the border. A small negotiated border fee would allow both sides to pay for special worker adjustment programs, and in my view, is much more preferable to other funding alternatives such as some new form of permanent payroll or other tax.

I have throughout the NAFTA negotiations urged the President and his negotiators to seek agreement with Mexico on the imposition of this type of small fee. Most recently, I wrote to President Clinton urging that this be a topic of negotiation as part of the supplemental agreements he has called for with Mexico. Such a fee should be small enough so as to not significantly impact any one individual or company involved in trading with Mexico and it also should be phased out when the NAFTA is fully implemented. The bill I am reintroducing today calls upon the new administration to seek agreement with Mexico on a worker adjustment fee in the context of the supplemental negotiations that are now underway. When Ambassador Kantor holds his next negotiation session with his counterparts in Mexico and Canada next week, I urge him to press for agreement in this area.

Mr. President, this bill is a focused bill which aims to address some of the specific worker adjustment needs under a North American Free-Trade Agreement, while making some general improvements to the broader operation of the TAA Program. It also provides for funding mechanisms, which are critically important.

I recognize there are other issues that will need to be addressed. I am also aware of the new administration's focus on overhauling our entire worker training and adjustment programs to create one comprehensive program for all dislocated workers. I do hope that the Administration will begin an active dialogue with Congress on the specific details of its worker adjustment proposals, particularly as they relate to NAFTA.

Mr. President, providing an effective NAFTA-related worker adjustment program is absolutely critical if we are to implement NAFTA. It is very important that we stop talking about it and start creating it. It is my hope that the legislation I am introducing today will help bring this about.•

• Mr. DURENBERGER. Mr. President, I support the bill introduced by Senator ROTH. The North American Free-Trade Agreement Worker Adjustment Assistance Act of 1993 will provide crucial support to those workers who are displaced from their jobs as a result of the North American Free-Trade Agreement [NAFTA].

There is no question that the NAFTA will result in a net gain of U.S. jobs, and that it is absolutely essential to the continued growth of the U.S. economy. In 1991, United States exports to Mexico of $23.3 billion supported more than 600,000 United States jobs. On July 27, 1992, the Institute for International Economics projected that over 1 million Americans would be employed in jobs related to export trade with Mexico by 1995 as a direct result of the North American Free-Trade Agreement. In my own State of Minnesota, exports to Mexico have grown by more than 140 percent to $217 million in sales. Mexico is currently Minnesota's seventh largest export market.

As we look at the big picture of economic growth from the NAFTA, we must realize that while some industries will increase significantly, others may have to restructure. This bill provides significant relief for those workers who may be displaced as a result of the NAFTA.

This bill would guarantee workers eligibility for training, counseling, testing, and job search and placement services under the Trade Adjustment Assistance Program [TAA] where the Secretary of Labor determines that NAFTA has contributed importantly to a shift in United States production to Mexico. Further, it raises the amount available for worker training from $80 to $120 million. This bill is crucial because, under current law, these workers would not be eligible for TAA assistance. Importantly, the bill also provides automatic, expedited TAA certification for those workers affected by relocations where their company comes under the requirements of the Worker Adjustment and Retraining Notification Act [WARN].

Instead of adding additional layers of bureaucracy, Senator ROTH has built upon the current TAA Program, the most comprehensive worker adjustment program in terms of benefits.

Mr. President, it is important that an effective worker adjustment program go hand in hand with a further liberalization in our trade policies with Mexico. This bill provides an effective program to help those workers who are adversely affected by NAFTA. I commend Senator ROTH for his work on this legislation. I urge my colleagues to join me in supporting it.•

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. GRAHAM, Mr. MOYNIHAN, Mr. MITCHELL, Mr. LIEBERMAN, Mrs. BOXER, Mr. SARBANES, Mr. PELL, Mr. KENNEDY, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, and Mr. DURENBERGER):

S. 921. A bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes; to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT AMENDMENTS OF 1993

• Mr. BAUCUS. Mr. President, today Senator CHAFEE and I, along with others, are introducing legislation to reauthorize the Endangered Species Act.

Over the past few years, the Endangered Species Act has been controversial. Sharp disputes erupted over the spotted owl, the salmon, and many other species in the Northwest, the Rocky Mountain West, and throughout the country. As the controversy intensified, environmental groups and industry groups squared off. Positions hardened, as both sides fought to a deadlock.

Now there are refreshing signs that the deadlock is being replaced with a new search for common ground. President Clinton and Secretary Babbitt have led this effort. One example is the forest summit, which brought environmental and industry leaders together to find a solution to the problems surrounding timber harvesting in old-growth forests in the Northwest. Other examples are the cooperative agreements that have been negotiated among the Interior Department, environmental groups, and industry groups regarding the gnatcatcher in the California coastal sage scrub and the red-cockaded woodpecker in the Southeastern pine forests; in each case, the species will be protected, but according to a creative strategy negotiated with affected local interests. Yet another example is the Western Governors' Association's careful work, with stakeholders throughout the West, to find common ground and propose changes that designed to make the Endangered Species Act more understandable and workable.

We are introducing this bill today in the same spirit: to help break the deadlock and find common ground. The bill is based on two main principles. The first is that we need a strong, effective Endangered Species Act. The second is that we can improve the implementation of the act, especially by getting ahead of the curve to forestall problems before they occur, working more cooperatively with private landowners, and building a stronger partnership with States.

II. BACKGROUND: THE NEED FOR A STRONG ENDANGERED SPECIES ACT

Let me begin by explaining why we need a strong, effective Endangered Species Act.

The Endangered Species Act was enacted in 1973, during the Golden Age of modern American environmental policy. Along with the National Environmental Policy Act, the Clean Air Act, and the Clean Water Act, it is one of the pillars of Federal environmental law. It's designed to preserve what the scientists call biodiversity. That may be an odd, funny-sounding word. But it's a terribly important concept, for three reasons.

First, biological diversity provides many aesthetic benefits that enhance the quality of our lives. This may be particularly important to those of us in the West, who are accustomed to a land rich and vast. As the Western Governors' Association recently wrote, "the variety of animal and plant life is a vital part of the western experience and nurtures all who live or visit here."

Second, biological diversity provides direct benefits as a source of medicines and, through genetic techniques, of improved resistance to pests, disease, and drought. We all are familiar with the example of the pacific yew tree, which is a source of the cancer-fighting compound taxol. Now a Montana biologist has discovered a fungus that may provide a cheaper and more efficient source of toxol. There are many examples. In the future there will be many more. As the House report on the 1973 Endangered Species Act put it:

> [w]he knows, or can say, what potential cures for cancer or other scourges, present or future, may lie locked up in the structures of plants, which may yet be undiscovered, much less analyzed? More to the point, who is prepared to risk [losing] those potential cures by eliminating those plants for all time? Sheer self-interest impels us to be cautious.

Third, and probably most important, the diversity of plant and animal populations, species, communities of species, and ecosystems provides the genetic variety that is essential to the integrity and resilience of the ecological systems on which we humans depend.

Since the start of European settlement of North America, more than 500 species and subspecies of native plants and animals have become extinct. Nearly 600 species are now listed as threatened or endangered by extinction under the Endangered Species Act. Another 4,000 species are candidates for such listing.

Extinction of species is only the most extreme and visible evidence of declining biological diversity. For each species that vanishes as a result of habitat destruction and pollution, countless populations and unique gene pools also are extinguished.

The destruction of habitat is causing extinctions to increase at an accelerating rate. Paul Opler of the Fish and Wildlife Service has estimated that during the Ice Age, three North American bird and mammal species became extinct each century. According to E.O. Wilson, the worldwide extinction rate now is about one species per hour. And Norman Meyers predicts that the Earth will lose several hundred species per day by early in the next century.

There are many who dismiss current concern about the loss of biodiversity. They point out, correctly, that over the last 500 million years there have been several periods of catastrophic, mass extinction. Some of these have resulted in the loss of more than 90 percent of the species on Earth. Yet, each time life recovers and diversity is restored. So why worry? In the long run, the Earth can take of itself. If dinosaurs had not perished in a period of mass extinction, mammals, including humans, would never have evolved and we wouldn't be here discussing this subject today.

Stephen Jay Gould points out that this argument is correct, but absolutely irrelevant. It usually takes 10 million years for life to recover from mass extinction, he says; very few species live so long, and our own prospects for surviving through such a period of recovery are not good. Gould says:

> Mass extinctions do not harm planets in the long run, but they are decidedly unpleasant for organisms caught in their midst—and we are both the perpetrators and the potential victims of a current reduction in biodiversity that may eventually equal or surpass several mass extinctions of our planetary history.

Over a decade ago, E.O. Wilson said that the one truly catastrophic event of these decades is the loss of genetic and species diversity. "This," he told Congress, "is the folly our descendants are least likely to forgive us." He is right. Each of us has a heavy responsibility to this planet and to our descendants to stop this loss.

THE NEED TO IMPROVE THE ENDANGERED SPECIES ACT

After 20 years, the Endangered Species Act remains the best means, and still the best hope, for us to conserve our Nation's biological diversity by providing, as the act states, "a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved."

Our experience demonstrates that the act is fundamentally sound. There have been very few unresolvable conflicts. Many activities have been modified to protect species while still allowing the activities to proceed. For the most part, development and resource uses have coexisted successfully with species recovery. During the past 5 years, there have been 27,000 consultations conducted under the act on activities that might have affected protected species. But only about 2 out of every 1,000 of these consultations resulted in an activity being stopped.

But there certainly are problems. The act is not perfect, and its implementation has, at times, fallen far short of perfect. For example, approximately 3,500 species are candidates for listing under the act. That kind of delay makes later recovery efforts more costly and difficult. For another example, more than a third of U.S. listed species don't have approved recovery plans, including many species whose populations are declining. We have not provided enough funds for Federal agencies or the States to effectively carry out the act's mandates; and we have not always spent the funds that we have provided as wisely as we should have.

More broadly, we have to step back and ask what we can do to encourage conservation of species and the ecosystems upon which they depend. Right now, we stall and duck and dodge until we're on the verge of a crisis. Then we list the species and pull out all the stops to try and prevent it from becoming extinct. At that point, we have limited options that frequently pit the environment against the economy.

This approach makes no sense whatsoever. We know from medicine that prevention is cheaper and more effective than treatment. The same is true here. We need to progress beyond a crisis mentality. We need to get ahead of the curve and forestall problems before they occur. Several steps will help us do so.

We need to take a broader approach that takes full account of the impact of Federal and State laws. If we increase our commitment under other laws, such as the Clean Water Act, the Nongame Act or the National Forest Management Act, we can protect species and communities of species before they decline to the point that they have to be protected under the Endangered Species Act. At that point the options are fewer and more costly.

We need to provide incentives for Federal agencies and for private businesses and landowners to take positive, cooperative approaches to the protecting species. Right now, the incentives run the wrong way. Too often it is in a Federal agency's interest to let a species be listed. That way, the agency can avoid taking responsibility for unpopular conservation measures and instead blame the Fish and Wildlife Service. And often it can attract more funding for listed species than it can for those that are never listed. That way, the agency can avoid taking responsibility for unpopular conservation measures and instead blame the Fish and Wildlife Service. And often it can attract more funding for listed species than it can for those that are never listed.

We need to spend our limited Federal, State, and private dollars more wisely by focusing on clusters or groups of species that share a given habitat or ecosystem. Our approach to species conservation needs to be broader in its scale; landscape and habitat-based approaches should be encouraged.

And we need to improve cooperation with States, local governments, and private organizations and individuals.

State officials bear much of the responsibility for managing species listed under the Endangered Species Act. Local officials bear much of the responsibility for land use planning. The habitat or most protected species is found on State or private lands. As a result, the personnel and expertise of the State fish and wildlife agencies must be an integral part of the Nation's endangered species program.

Public-private partnerships have proven to be highly successful and cost effective in restoring wetlands under the North American Wetlands Conservation Act. The cooperative Federal-State program for endangered and threatened species under section 6 of the Endangered Species Act can and should be equally successful in recovering, monitoring, and managing listed species.

Unfortunately, for the past 12 years, the administration failed to recognize that the section 6 cooperative Federal-State program is the most cost-effective means of recovering listed species to the point at which they no longer require protection under the Endangered Species Act. In fiscal year 1980, a total of $4.9 million was allocated for cooperative Federal-State recovery efforts. In the 13 years since that time, the number of listed species in need of recovery has more than doubled, yet the amount allocated this fiscal year for these joint efforts is only $800,000 more than the 1980 level.

Section 6 funding isn't a matter of providing Federal assistance to help States with their endangered species program. States should be partners in establishing and implementing recovery plans, in managing listed species, and monitoring candidate species. The goal of the Endangered Species Act is recovery—to bring species back to the point at which they no longer need the act's protection. The cooperative Federal-State program called for under section 6 of the act is essential to achieving that goal.

PROVISIONS OF THE BILL

Mr. President, the Endangered Species Amendment Act of 1993 recognizes that the Endangered Species Act is fundamentally sound and reauthorizes it for 6 years. It also amends the act in order to achieve four major goals.

The first goal is to avoid crisis management by encouraging earlier and more comprehensive protection and recovery of species. To accomplish this, the bill emphasizes the importance of looking at groups of species dependent on the same ecosystem, rather than single species, in making listing decisions, developing recovery plans, and conducting Federal agency consultations. It directs each Federal land-managing agency to identify measures to conserve candidate species on its lands in order to avoid the high cost of bringing species back from brink of extinction or, in some cases, to prevent a species from becoming threatened or endangered. It permits each agency to enter into agreements with the Interior Secretary to carry out those measures. It facilitates development of habitat conservation plans and private landowner agreements to protect candidate species on private and non-Federal lands. And it qualifies candidate species for protection and funding before they reach critical stages.

If we're honest about it, we must acknowledge that these important tasks will cost money. Therefore, the bill increases the Interior Department spending authorization from $110 million in fiscal year 1994 to $160 million in fiscal year 1999. This will result in fuller implementation of recovery plans, faster recovery, and more delistings.

The second goal is to help private landowners protect species. To accomplish this, the bill provides that private landowners who protect a candidate species on their property under a habitat conservation plan can proceed to develop their property even if the species is subsequently listed. It provides technical assistance and grants to private landowners in a cooperative program with States to encourage and help these property owners conserve species that have been listed as threatened or endangered, or that are candidates for listing. It requires Federal agencies rather than private landowners, where possible, to bear the principal responsibility for protecting and recovering species by taking actions on Federal lands. And it provides for Federal grants and interest-free loans to States, counties, and municipalities to develop habitat conservation plans for private and other non-Federal lands.

The third goal is to build a stronger partnership with the States in carrying out the Endangered Species Act's goals. In this regard, we have benefited from the hard work done, for over a year, by the Western Governors' Association, which developed a detailed set of recommendations for enhancing States' roles, particularly in the listing, delisting, and recovery processes. Accordingly, the bill gives States a stronger role by:

Requiring that the appropriate States be asked for data on listing and delisting proposals and that these State data be considered fully in the final decision;

Requiring that recovery plans be developed and implemented in cooperation with the appropriate States;

Making the States partners in the private landowner program; and

Providing interest-free loans to States to develop habitat conservation plans for State, county, and private lands.

The fourth goal is to encourage better decisions that reduce social and economic costs. To accomplish this, the bill directs the Interior Secretary to minimize social and economic consequences of recovery plans, to the extent consistent with the timely conservation of endangered and threatened species and their habitats. It encourages sound science by maintaining the policy that species' listing and delisting is based solely on the best scientific data available. At the same time, it establishes an independent, scientific peer-review process for listing and delisting decisions; peer review is triggered by a request that presents a substantial scientific basis for questioning the accuracy or sufficiency of the listing or delisting determination. It encourages coordinated decisions by linking critical habitat designations to the development of recovery plans, requiring that critical habitat designations incorporate relevant information that is gathered during the development of recovery plans; and by allowing the Interior Secretary to consolidate Federal agency requests for consultation on the effects of their actions on species—so that one coherent decision is made when different agencies are conducting activities that affect the same species.

CONCLUSION

Mr. President, this bill represents an attempt to break the deadlock and find common ground, by maintaining a strong Endangered Species Act but improving its operation. I am pleased that it is supported by a broad range of groups, including the Western Governors' Association, the International Association of Fish and Wildlife Agencies, and the Endangered Species Coalition, which represents 72 environmental and other groups.

Today we are beginning an important process. Through hearings and further consultation with interested Senators and organizations, we hope to refine our approach. As we do so, we should remember that this law, the Endangered Species Act, is a special part of our legacy to the next generation. E.O. Wilson puts it well in his new book, "The Diversity of Life":

> Every country has three forms of wealth: material, cultural, and biological. The first two we understand well because they are the substance of our everyday lives. The essence of the biodiversity problem is that biological wealth is taken much less seriously. This is a major strategic error, one that will be increasingly regretted as time passes. Diversity is a potential source for immense untapped material wealth in the form of food, medicine, and amenities. The fauna and flora are also part of a country's heritage, the produce of millions of years of evolution centered on that time and place and hence as much a reason for national concern as the particularities of language and culture.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section description, and letters from the Western Governors' Association and the International Association of Fish and Wildlife Agencies be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Endangered Species Act Amendments of 1993".

SEC. 2. AMENDMENT OF ENDANGERED SPECIES ACT OF 1973.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 3. LISTING AND DE-LISTING IMPROVEMENTS.

(a) DE-LISTING.—Section 4(a) (16 U.S.C. 1533(a)) is amended by adding the following new paragraph:

"(4) The Secretary shall by regulation promulgated in accordance with subsection (b) determine whether any species is no longer an endangered species or a threatened species because of a change in the factors identified under paragraph (1).".

(b) STATE PARTICIPATION.—Section 4(b)(1)(A) (16 U.S.C. 1533(b)(1)(A)) is amended by inserting "soliciting and fully considering scientific and commercial data concerning the status of the species from the State agency in each appropriate State, if any, and" after "and after".

(c) LISTING PRIORITIES.—Section 4(b)(1)(B) (16 U.S.C. 1533(b)(1)(B)) is amended to read as follows:

"(B) In carrying out this section, the Secretary shall give consideration to species the conservation of which is most likely to reduce the need to list other species dependent upon the same ecosystem. In addition, the Secretary shall give consideration to species which have been—

"(i) designated as requiring protection from unrestricted commerce by any foreign nation or pursuant to an international agreement; or

"(ii) identified as in danger of extinction, or likely to become so within the foreseeable future, by any State agency or by any agency of a foreign nation that is responsible for the conservation of fish or wildlife or plants.".

(d) SCIENTIFIC PEER REVIEW.—Section 4(b)(5) (16 U.S.C. 1533(b)(5)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and

(2) by inserting after subparagraph (C) the following:

"(D) in the case of a regulation to implement a determination, request views on the proposed regulation from at least three independent referees who, through publication of peer-reviewed scientific literature, have demonstrated relevant scientific expertise, if any person files within 30 days after the date of publication of general notice a written request detailing a substantial scientific basis for questioning the sufficiency or accuracy of the available data relevant to the determination;".

(e) COORDINATION OF CRITICAL HABITAT DESIGNATIONS AND RECOVERY PLANS.—Section 4(b)(6) (16 U.S.C. 1533(b)(6)) is amended by adding at the end thereof the following:

"(D) If the Secretary, under subparagraph (C), extends the one-year period, any final regulation designating critical habitat shall incorporate relevant information gathered during the development of the appropriate recovery plan under section 5.".

(f) IDENTIFICATION OF DATA.—Section 4(b) (16 U.S.C. 1533(b)) is amended by adding at the end the following:

"(9) The Secretary shall identify and publish in the Federal Register with a proposed rule under paragraph (1) of subsection (a) a description of any additional scientific and commercial data that would assist in the preparation of a recovery plan under section 5 for the species to which the proposed rule relates.".

SEC. 4. RECOVERY PLANNING IMPROVEMENTS.

(a) DEVELOPMENT AND IMPLEMENTATION OF RECOVERY PLANS.—Section 5 (16 U.S.C. 1534) is amended—

(1) by redesignating subsections (a) and (b) in order as subsections (c) and (d); and

(2) by striking "LAND ACQUISITION" and all that follows through "SEC. 5." and inserting the following:

"RECOVERY OF ENDANGERED SPECIES AND THREATENED SPECIES

"SEC. 5. (a) RECOVERY PLANS.—

"(1) IN GENERAL.—

"(A) The Secretary shall, in cooperation with the State agency in each appropriate State, and on the basis of the best scientific and commercial data available, develop and implement plans (hereinafter in this subsection referred to as 'recovery plans') for the timely conservation of endangered species and threatened species listed pursuant to section 4 (hereinafter in this section referred to as 'covered species') and the habitats upon which such species depend, unless the Secretary finds that such a plan will not promote the conservation of a species.

"(B) The Secretary shall, consistent with subparagraph (A), seek to minimize adverse social and economic consequences that may result from implementation of recovery plans.

"(C) The Secretary shall develop and implement a recovery plan for a species—

"(i) by not later than December 31, 1996, in the case of a species included in the list published under section 4(c) before January 1, 1996, and for which no recovery plan was developed before that date; and

"(ii) by not later than 18 months after the date on which a species is first included in a list published under section 4(c), in the case of any species that is first included in such a list on or after January 1, 1996.

"(2) PRIORITIES FOR DEVELOPING AND IMPLEMENTING RECOVERY PLANS.—The Secretary shall give priority to—

"(A) the development and implementation of integrated, multi-species recovery plans for the conservation of threatened species, endangered species, or species which the Secretary has identified as candidates for listing under section 4 that are dependent upon a common ecosystem; and

"(B) those endangered species or threatened species, without regard to taxonomic classification, that are most likely to benefit from recovery plans, particularly those species whose conservation is, or may be, in conflict with construction or other development projects or other forms of economic activity.

"(3) CONTENTS.—The Secretary shall to the maximum extent practicable incorporate in each recovery plan—

"(A) a description of such site-specific management actions as may be necessary to achieve the goal of the recovery plan for the conservation and survival of the covered species, including actions to maintain or restore ecosystems upon which the covered species are dependent;

"(B) objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4, that the covered species be removed from the list;

"(C) estimates of the time required and the cost to carry out those measures needed to achieve the goal of the recovery plan and to achieve intermediate steps toward that goal;

"(D) a description of actions that will be taken to minimize adverse social or economic impacts that may result from implementation of the recovery plan;

"(E) strategies that utilize existing Federal lands, to the extent that such lands are available, to promote the conservation of the covered species.

"(F) an identification of the measures, which if taken by Federal agencies, would contribute to the conservation of the covered species;

"(G) an identification of the specific areas or circumstances, if any, in which the development and implementation of conservation plans under section 10(a)(2) would contribute to the conservation of the covered species;

"(H) an identification of the specific areas or circumstances, if any, in which entering into agreements with private landowners under section 14 would promote the conservation of the covered species; and

"(I) an identification of opportunities to cooperate with municipalities, political subdivisions of States, and other persons in actions which would contribute to the conservation of the covered species.

"(4) PUBLIC REVIEW AND COMMENT.—

"(A) The Secretary shall, prior to final approval of a new or revised recovery plan—

"(i) provide public notice and an opportunity for public review and comment on the plan; and

"(ii) consider all information presented during the public comment period.

"(B) Each Federal agency shall, before implementing a new or revised recovery plan, consider all information presented during the public comment period under subparagraph (A).

"(5) PUBLIC OUTREACH.—

"(A) The Secretary, in developing and implementing recovery plans, may procure the services of appropriate public and private agencies and institutions and other qualified persons.

"(B) Recovery teams appointed pursuant to this subsection shall not be subject to the Federal Advisory Committee Act.

"(C) The Secretary shall in cooperation with the States solicit the participation of relevant Federal agencies and appropriate persons to identify matters under paragraph (3) (E), (F), (G), (H), and (i).

"(6) REPORTS.—The Secretary shall report every two years to the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives on the status of efforts to develop and implement recovery plans for all species listed pursuant to section 4 and on the status of all species for which such plans have been developed.

"(b) MONITORING.—

"(1) IN GENERAL.—The Secretary shall implement a system in cooperation with the States to monitor effectively for not less than 5 years the status of all species which have been brought to the point at which the measures provided pursuant to this Act are no longer necessary and which, in accordance with the provisions of section 4, have been removed from either of the list published under section 4(c).

"(2) PREVENTING RISKS TO RECOVERED SPECIES.—The Secretary shall make prompt use of the authority under section 4(b)(7) to prevent a significant risk to the well-being of any recovered species referred to in paragraph (1).".

(b) EXISTING RECOVERY PLANS.—

(1) CONTINUED EFFECT OF EXISTING PLANS.—Each recovery plan developed under the Endangered Species Act of 1973 before the date of the enactment of this Act shall continue in effect until revised by the Secretary (as that term is defined in section 3 of the Act) in accordance with the Act as amended by this Act.

(2) REVISIONS.—The Secretary (as that term is defined in section 3 of the Endangered Species Act of 1973) may revise each recovery plan developed under the Endangered Species Act of 1973 before the date of the enactment of this Act so as to conform to section 5 of that Act, as amended by this Act, giving priority to recovery plans whose revision would provide the greatest benefit to species listed under section 4 of that Act and species which the Secretary has identified as candidates for listing under section 4 of that Act.

(c) CONFORMING AMENDMENTS.—

(1) The table of contents in the first section is amended by striking the item relating to section 5 and inserting the following:

"Sec. 5. Recovery of endangered species and threatened species.".

(2) Section 4 (16 U.S.C. 1533) is amended—

(A) by striking subsections (f) and (g);

(B) in subsection (h)(4) by striking "subsection (f) of this section" and inserting in lieu thereof "section 5";

(C) by redesignating subsection (h) as subsection (f); and

(D) by redesignating subsection (i) by striking "(i)" and inserting the following: "(g) RESPONSE TO STATE COMMENTS.—".

(3) Section 6(d) (16 U.S.C. 1535(d)) is amended by striking "Section 4(g)" and inserting in lieu thereof "Section 5(b)".

(4) Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(1)) is amended by striking "Section 5(a)" and inserting in lieu thereof "Section 5(c)".

SECTION 5. IMPROVED COOPERATION WITH THE STATES.

Section 6(a) (16 U.S.C. 1535(a)) is amended by adding at the end thereof the following sentence: "In cooperating with State agencies in carrying out this Act, the Secretary shall not be subject to the Federal Advisory Committee Act.".

SEC. 6. ACTIONS ON FEDERAL LANDS TO PREVENT LISTING OF SPECIES.

(a) POLICY OF CONGRESS.—Section 2(c)(1) (16 U.S.C. 1531(c)(1)) is amended to read as follows:

"(1) It is further declared to be the policy of Congress that all Federal departments and agencies shall conserve endangered species, threatened species, species which have been proposed for listing, and species which the Secretary has identified as candidates for listing under section 4 and shall utilize their authorities in furtherance of this policy and the purposes of this Act.".

(b) Federal Agency Agreements for the Conservation of Candidate Species.—Section 7(a)(1) (16 U.S.C. 1536(a)(1)) is amended by inserting "(A)" after "(1)" and by adding the following new subparagraph:

"(B) The head of each Federal agency responsible for the management of lands and waters—

"(i) shall, by not later than December 31, 1994, prepare and provide to the Secretary an inventory of endangered species, threatened species, species which have been proposed for listing, and species which the Secretary has identified as candidates for listing under section 4, which are located on lands and waters within the jurisdiction of the agency;

"(ii) shall, by not later than December 31, 1995, identify measures to be taken on lands and waters within the jurisdiction of the agency to conserve species which the Secretary has identified as candidates for listing under section 4; and

"(iii) may enter into agreements with the Secretary to further the conservation of any species which the Secretary has identified as candidates for listing under section 4.".

SEC. 7. CONSULTATION ON FEDERAL ACTIONS ABROAD.

Section 7(a) (16 U.S.C. 1536(a)) is amended by adding at the end the following new paragraph:

"(5) Except as provided in subsection 7(j), the provisions of this section are applicable to all Federal agencies and agency actions, including extraterritorial actions and actions with extraterritorial effects.".

SEC. 8. IMPROVED FEDERAL AGENCY COORDINATION.

Section 7(a) (16 U.S.C. 1536(a)) is amended by adding at the end thereof the following:

"(6) Consolidation of Consultations and Conferences.—

"(A) Consultations and conferences under this section between the Secretary and a Federal agency may, if approved by the Secretary, encompass a number of related or similar agency actions to be undertaken within a particular geographic area or ecosystem.

"(B) The Secretary may consolidate requests for consultations or conferences from various Federal agencies whose proposed actions may affect endangered species, threatened species, or species which have been proposed for listing under section 4, that are dependent upon the same ecosystem.".

SEC. 9. INCENTIVES FOR CONSERVATION OF CANDIDATE AND OTHER SPECIES ON STATE AND PRIVATE LANDS.

(a) Conservation Planning.—Section 13 (87 Stat. 901; relating to conforming amendments) is amended to read as follows:

"CONSERVATION PLANNING

"Sec. 13. (a) Conservation Planning for Candidate Species.—

"(1) Development of plans.—

"(A) Any state, county, municipality, political subdivision of a State, or other person, may develop a plan for the conservation of any species which has been proposed for listing or identified by the Secretary as a candidate for listing under section 4.

"(B) A plan prepared under subparagraph (A) shall cover an area that, alone or when considered in association with nearby lands dedicated to conservation, is sufficiently large in size to encompass adequate suitable habitat within which the covered species can be maintained over the long-term.

"(2) Permit issuance.—If a plan developed pursuant to paragraph (1) specifies the information required under section 10(a)(2)(A), and if, after opportunity for public comment thereon, the Secretary makes the findings required under section 10(a)(2)(B) the Secretary shall, upon receipt of such assurances as the Secretary may require that the plan will be implemented, issue a permit which shall be treated, upon the listing under section 4 of any species for which the plan was developed, as a permit issued pursuant to section 10(a)(1)(B).

"(3) Review upon listing.—Upon the listing under section 4 of a species for which a permit is issued under paragraph (2), the Secretary shall—

"(A) review the terms and implementation of each permit issued under paragraph (3) for that species;

"(B) determine whether each of those permittees has complied with the terms of their permit; and

"(C) suspend the permit of any of those permittees that is determined under subparagraph (B) to have not complied with their permit.

"(b) Federal Assistance to State and Local Governments for Development of Plans.—

"(1) Establishment of habitat conservation planning fund.—The Secretary shall establish a Habitat Conservation Planning Fund (hereinafter referred to in this subsection as 'Fund') which shall—

"(A) consist of all sums appropriated pursuant to section 15(d), and

"(B) be administered by the Secretary as a revolving fund.

"(2) Authority to make grants or advances from the fund.—The Secretary is authorized to make a grant or interest-free advance from the Fund to any State, county, municipality, or political subdivision of any State to assist in the development of a plan under this section or section 10(a)(2). A grant or advance under this paragraph may not exceed the total financial contribution of the other parties participating in development of the plan.

"(3) Criteria for grants and advances from the fund.—In making grants or advances from the fund, the Secretary shall consider the number of species for which the plan is to be developed, the commitment to participate in the planning from a diversity of interests (including local governmental, business, environmental, and landowner interests), the likelihood of success of the planning effort, and other factors as the Secretary deems appropriate.

"(4) Repayment of advances from the fund.—

"(A) Except as provided in subparagraph (B), sums advanced from the Fund shall be repaid within 10 years after the date of the advance.

"(B) Sums advanced under this subsection for development of a plan shall be repaid within 4 years after the date of the advance if—

"(i) no plan is developed within 3 years after the date of the advance; or

"(ii) in the case of an advance for the development of a plan under section 10(a)(2), no permit is issued under section 10(a)(1)(B) based on the plan within three years after the date of the advance.

"(C) Sums received by the United States as repayment of advances from the Fund shall be credited to the Fund and available for further advances in accordance with this subsection without further appropriation.".

"(b) Conforming Amendment.—The table of contents in the first section is amended by striking the item relating to section 13 and inserting the following:

"Sec. 13. Conservation planning.".

"(c) Mitigation.—Section 10(a)(2)(A)(ii) (16 U.S.C. 1539(a)(2)(A)(ii) is amended to read as follows:

"(ii) what measures, such as conservation easements, land acquisition, regulatory controls, exotic species controls, and active habitat management, the applicant will take to minimize and mitigate those impacts and the funding that will be available to implement those measures;".

SEC. 10. FEDERAL ASSISTANCE TO HELP PRIVATE LANDOWNERS CONSERVE SPECIES.

(a) Incentives for Private Landowners.—Section 14 (87 Stat. 903; relating to a repeal) is amended to read as follows:

"INCENTIVES FOR PRIVATE LANDOWNERS TO ASSIST RECOVERY OF ENDANGERED SPECIES, THREATENED SPECIES, AND CANDIDATE SPECIES

"Sec. 14. (a) Assistance Agreements.—The Secretary may, in cooperation with the State agency in each appropriate State and subject to the availability of appropriations under section 15(e), enter into an agreement with any person who is a private landowner, under which—

"(1) the person agrees to carry out on land they own activities that the Secretary determines will promote—

"(A) the conservation of an endangered species or a threatened species pursuant to a recovery plan; or

"(B) the conservation of a species which the Secretary has identified to be a candidate for listing under section 4;

"(2) the Secretary agrees to pay to the person such amount as may be agreed by the person and the Secretary.

"(b) Prohibition on Assistance for Certain Required Activities.— The Secretary may not pay any amount as assistance under this section for any action that is—

"(1) required under a permit issued pursuant to subparagraph 10(a)(2)(B);

"(2) a condition of any other permit issued under this Act; or

"(3) otherwise required under this Act or any other Federal law.

"(c) Ensuring Implementation of Agreements.— The Secretary shall be responsible for ensuring that the terms of the agreements entered into under this section are carried out.

"(d) Technical Assistance.— The Secretary may provide, to a person who enters into an agreement under this section, technical assistance in the implementation of the activities under subsection (a)(1).".

"(b) Conforming Amendment.— The table of contents in the first section is amended by striking the item relating to section 14 and inserting the following:

"Sec. 14. Incentives for private landowners to assist recovery of endangered species, threatened species, and candidate species.".

"(c) Report on Incentives for Conservation of Species.— Within 12 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the Senate Committee on Environment and Public Works and the House Committee on Merchant Marine and Fisheries a report containing—

"(1) a compilation and analysis of existing and potential Federal expenditures, financial assistance, and tax provisions which have the effect of encouraging private landowner conservation of the habitat of endangered species, threatened species, or species which the Secretary has identified to be a candidate for listing under section 4;

(2) a compilation and analysis of existing and potential Federal expenditures, financial

assistance, and tax provisions which have the effect of discouraging private landowner conservation of the habitat of endangered species, threatened species, or species which the Secretary has identified to be a candidate for listing under section 4;

(3) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures and financial assistance, which have the effect of discouraging the conservation of endangered species, threatened species, or species which the Secretary has identified to be a candidate for listing under section 4 of the Endangered Species Act; and

(4) recommendations based on the compilations and analyses under paragraphs (1), (2) and (3) which would promote conservation of endangered species, threatened species, or species which the Secretary has identified to be a candidate for listing under section 4.

SEC. 11. IMPROVING INTERNATIONAL CONSERVATION OF SPECIES.

"(a) WESTERN HEMISPHERE CONVENTION.—Section 8A(e) (16 U.S.C. 1537A(e)) is amended—

(1) in paragraph (2) by redesignating subparagraphs (A), (B), and (C) in order as subparagraphs (C), (D), and (E); and

(2) by inserting before paragraph (2)(C), as so redesignated, the following:

"(A) placement of permanent United States liaisons in contracting party nations or in regions representing several contracting party nations, including Mexico, Central America, northern South America, Brazil, southern South America, and the Caribbean;

"(B) cooperation with contracting parties and appropriate international organizations for the purposes of—

"(i) convening a conference of the parties and appropriate technical meetings on cooperative bilateral and multilateral actions to implement the Western Convention, and

"(ii) establishing and supporting a Permanent Office of Western Convention;";

(3) in paragraph (2)(D), as so redesignated, by striking "and" after the semicolon;

(4) in paragraph (2)(E), as so redesignated, by striking the period and inserting "; and";

(5) by adding at the end of paragraph (2) the following:

"(F) implementation of cooperative measures to conserve sensitive and threatened habitats and ecosystems."; and

(6) in paragraph (3) by striking "1985," and inserting in lieu thereof "1995, and every 3 years thereafter,".

(b) REGULATIONS TO IMPLEMENT CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA.—Section 11(f) (16 U.S.C. 1540(f)) is amended in the first sentence by striking "enforce this Act," and inserting "enforce this Act and to carry out the Convention and resolutions adopted under the Convention by the parties to the Convention,".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 15 (16 U.S.C. 1542) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 15. (a) IN GENERAL.—In addition to amounts authorized under section 6(i) and subsections (b), (c), (d), and (e) of this section, there are authorized to be appropriated—

"(1) to the Secretary of the Interior for carrying out functions of the Secretary of the Interior under this Act $110,000,000 for fiscal year 1994, $120,000,000 for fiscal year 1995, $130,000,000 for fiscal year 1996, $140,000,000 for fiscal year 1997, $150,000,000 for fiscal year 1998, and $160,000,000 for fiscal year 1999;

"(2) to the Secretary of Commerce for carrying out functions of the Secretary of Commerce under this Act $15,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, $30,000,000 for fiscal year 1997, $35,000,000 for fiscal year 1998, and $40,000,000 for fiscal year 1999; and

"(3) to the Secretary of Agriculture for carrying out functions of the Secretary of Agriculture under this Act $4,000,000 for each of fiscal years 1994 through 1999.

"(b) EXEMPTIONS FROM ACT.—There are authorized to be appropriated to the Secretary of the Interior for carrying out functions of the Secretary of the Interior and the Endangered Species Committee under section 7(e), (g), and (h) $625,000 for each of fiscal years 1994 through 1999.

"(c) CONVENTION IMPLEMENTATION.—There are authorized to be appropriated to the Secretary of the Interior for carrying out section 8A(e) $1,000,000 for each of fiscal years 1994 through 1999; such sums shall remain available until expended.

"(d) HABITAT CONSERVATION PLANNING FUND.—To assist in the development of plans under sections 10(a)(2) and 13, there are authorized to be appropriated to the Secretary of the Interior $20,000,000, which shall be deposited into the Habitat Conservation Planning Fund established under section 13(b) and which shall remain available until expended.

"(e) PRIVATE ASSISTANCE.—There are authorized to be appropriated to the Secretary of the Interior for carrying out section 14 $25,000,000 for each of fiscal years 1994 through 1999.

"(f) AVAILABILITY.—Amounts appropriated under the authority of this section shall remain available until expended.".

ENDANGERED SPECIES ACT REAUTHORIZATION BILL

1. The bill reauthorizes the Endangered Species Act and recognizes that the Act is fundamentally sound. The amendments proposed are those that will help conserve species and reduce conflicts by making the Act more workable and understandable.

LISTING-DELISTING

2. Listing and de-listing of species continue to be based solely on the best scientific data available.

3. The bill emphasizes the importance of listing those species whose conservation is most likely to reduce the need to list other species (sec. 3(c)). This requirement will also help reduce conflicts by making one decision for a given area as much as possible.

4. The bill establishes an independent, scientific peer review process with respect to listing and de-listing decisions. The peer review is triggered by a request that presents a substantial scientific basis for questioning the accuracy or sufficiency of the listing or de-listing determination. (sec. 3(d)).

5. The bill requires identification of data needs upon listing to assist in preparation of recovery plan (sec. 3(f)).

6. The bill requires that the appropriate States be asked for any data on listing and de-listing proposals and that these State data be considered fully in the final decision (sec. 3(b)).

7. The bill emphasizes that de-listing is an important part of the Endangered Species Act process by putting de-listing requirements on an equal footing with the Act's current requirements for listing (sec. 3(a)).

RECOVERY

8. The bill requires that the process of designating critical habitat be coordinated with the recovery planning process.

9. The bill requires that recovery plans be developed and implemented in cooperation with the appropriate States (sec. 4(a)).

10. The bill requires that recovery plans be based on the best available scientific information and that they provide for the timely conservation of threatened and endangered species and the habitats upon which these species depend (sec. 4(a)).

11. The bill sets deadlines for the completion of recovery plans (sec. 4(a)).

12. The bill requires that priority be given to developing multi-species recovery plans for candidate species and listed species dependent on a common ecosystem (sec. 4(a)).

13. The bill requires that the Secretary of the Interior seek to minimize social and economic consequences that may result from implementation of recovery plans, to the extent consistent with the timely conservation of endangered and threatened species and their habitat (sec. 4(a)). Measures to minimize social and economic impacts also would have to be included in the contents of recovery plans.

ACTIONS ON FEDERAL LANDS TO PREVENT LISTING OF SPECIES

14. The bill requires that each Federal land management agency identify measures on the lands of that agency to conserve candidate species, and authorizes each agency to enter into agreements with the Secretary of the Interior to carry out those measures.

HABITAT CONSERVATION PLANNING

15. The bill provides financial assistance to States, counties, and municipalities for development of Habitat Conservation Plans that allow development of private property that might otherwise violate the Act (sec. 9(b)).

16. The bill allows issuance of a permit for candidate and proposed species which—if it complies with the habitat conservation planning requirements under section 10 of the Act—would be treated as a section 10 permit if the species are subsequently listed (sec. 9(a)).

PRIVATE INCENTIVES—SMALL LANDOWNERS

17. The bill establishes an incentives program, in cooperation with the States, for private landowners to carry out activities to assist in the recovery of listed species by providing federal technical assistance and financial support for such activities (sec. 10).

INTERNATIONAL PROTECTION

18. The bill clarifies that the duty of federal agencies to avoid jeopardizing the existence of species applies to federal actions in a foreign country (sec. 11).

19. The bill makes improvements in implementation of the Western Hemisphere Convention and Convention on International Trade in Endangered Species (sec. 11).

FUNDING

20. The bill would authorize substantially more funding to adequately implement the Act (sec. 12).

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, May 6, 1993.

Hon. MAX BAUCUS, Chairman,
Hon. JOHN H. CHAFEE, Ranking Member,
Committee on Environment and Public Works, Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR CHAFEE: As Chairman of the Western Governors' Association and lead governors on the issue of reauthorization of the Endangered Species Act, we support your introduction of legislation that strengthens the ESA by making it more understandable and workable. We especially commend and appreciate your efforts to reaffirm the role of the states as true partners with the federal government in implementing the Act, which we believe was the original intent of Congress.

The WGA's recommendations on reauthorization of the ESA grew out of the heat of nearly a year's debate. During that time the Association reached out to the major stakeholders in the debate and obtained their perspectives, best arguments and solutions. We worked closely with both the International Association of Fish and Wildlife Agencies (representing all 50 state agencies) and the Western Association of Fish and Wildlife Agencies.

We appreciate that your staffs sought out and consulted our staffs throughout your drafting process. Communication clearly occurred since your legislation addresses many of our concerns and policy recommendations.

Chief among the Western Governor's recommendations was that new legislation reaffirm the roles and responsibilities of the states in listing, de-listing and recovery of threatened and endangered species. Your legislation does that. We want to work with you as our Association attempts to identify means to further strengthen these provisions.

We support the incentives the bill provides states, local governments and private landowners to enhance the conservation of threatened and endangered species and its exemption of the states from the Federal Advisory Committee Act.

We are pleased that the legislation reaffirms that the question of whether a species is threatened or endangered must be a scientific decison. We are supportive of the bill's addition of peer review, whenever its need is sustained, to assure that the decision is scientifically sound and objective. We suggest that there is a continuing role for state agencies to play in this process also.

We also commend you for developing legislation which helps the ESA meet its objectives by giving priority to species whose conservation is most likely to reduce the need to list other species and by giving priority to the development of recovery plans, where biologically accurate and practical, for clusters and related groups of species that are dependent upon a common ecosystem. The bill also furthers the goals of the Act by allowing species awaiting a listing decision to qualify for funding and protection and by requiring the designation of critical habitat and the development of recovery plans to occur concurrently.

Our Resolution also expressed concern that the de-listing and down-listing of species was proceeding at a glacial pace under the ESA even though some currently listed species are biologically recovered. We are pleased that the bill makes the Secretary equally responsible to de-list recovered species. In an equally positive fashion, the legislation builds on the current requirement that economics be considered in designating critical habitat and in adopting recovery plans, by stipulating that the Secretary must seek to minimize social and economic impacts of recovery plans. We would appreciate a reaffirmation of the distinction the Act provides for the management of endangered versus threatened species.

In order to facilitate ways to cooperatively protect habitats as a means to prevent listing of individual species, we suggest that projects, such as the Great Plains Initiative, a joint effort of WGA, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, and a broad spectrum of non-governmental organizations, be looked at as potential pilots to study their effectiveness in meeting the objectives of proactive management.

We believe the Endangered Species Act Amendments of 1993 is an excellent starting point for the hearings the committee is about to undertake and we look forward to working with you and your committee in exploring further ways to enhance the role of states and strengthen the Act.

Sincerely,

FIFE SYMINGTON,
Chairman.
CECIL ANDRUS,
Lead Governor.
MARC RACICOT,
Lead Governor.

INTERNATIONAL ASSOCIATION OF
FISH AND WILDLIFE AGENCIES,
Washington, DC, May 6, 1993.

Hon. MAX BAUCUS, Chairman,
Hon. JOHN CHAFEE, Ranking Member,
Environment and Public Works Committee,
U.S. Senate, Washington DC.

DEAR SENATOR BAUCUS AND SENATOR CHAFEE: The Association commends your introduction of Endangered Species Act reauthorizing legislation which makes substantial improvements in the law without reducing its strength. These provisions reaffirm the role of the State fish and wildlife agencies in the conservation of threatened and endangered species and their habitats; improves the Act's administration and workability; and provides incentives to more appropriately and actively involve private landowners in meeting the Act's conservation objectives. The Association supports the existing Act and its objectives, but recognizes and supports improvements in its administration which make it both more effective and workable.

The role of the State fish and wildlife agencies is vital to meeting the objectives of the Act. As you are aware, it was the intent of Congress that the objectives of the Act be met through the full cooperation of the States with the USFWS and NMFS. Your bill reaffirms that cooperation in all aspects of the Act and its processes, and ensures that the Federal Advisory Committee Act is not an impediment to this government to government cooperation. The State fish and wildlife agency involvement adds, in our opinion, scientific information and supports the science involved in and the processes established under the Act. This will increase the success of the Act in meeting its objectives.

We appreciate and support the provision in the bill which gives greater emphasis to preventive management. Opportunities to apply the Habitat Conservation Planning process to candidate species; and the focus on recovery actions for species occupying the same habitat should facilitate conservation actions to recover species and habitats before the need to list is required.

The Association enthusiastically supports equalizing the de-listing responsibility of the Secretary with the listing responsibility, and also the attention directed to designing and implementing species recovery programs. The manifestation of the Act's success is in recovering and de-listing species, not adding more species to the list. Recovery needs to be advanced at a much greater rate than it has proceeded.

We fully support the initiatives to provide for greater involvement of the private landowner in meeting the conservation objectives of the Act. We cannot meet the objectives of fish, wildlife and habitat conservation without involving the private landowner, and your bill is a good step in that direction. We encourage you to continue to look at other initiatives (such as tax incentives) to further this goal.

Finally, we appreciate the recognition of the need for additional funding to meet the objectives of the Act. We must simply dedicate more money to natural resources conservation in the United States if we are to ensure that our future generations are also able to enjoy the magnificent natural treasures of this nation.

The Association applauds your efforts which culminated in the introduction of this bill, and look forward to continuing to work with you and your staff to successfully enact this legislative proposal.

Sincerely,

R. MAX PETERSON,
Executive Vice President.●

● Mr. CHAFEE. Mr. President, 20 years ago, Congress acted to stem the loss of living species and protect our natural heritage. This landmark legislation, the Endangered Species Act, had a seemingly simple purpose: to conserve endangered and threatened species and the ecosystems upon which they depend. The act recognizes a fundamental truth that the faster humans extinguish other forms of life the more we imperil ourselves

The Endangered Species Act has proven to be one of our most effective conservation tools and a model for similar laws that have been adopted around the world. Species, including our Nation's symbol—the bald eagle—as well as the peregrine falcon, the whooping crane, the brown pelican, and the American alligator, among others, have made dramatic comebacks due to the protections afforded by the act.

Today, Senator BAUCUS and I are introducing a bill to reauthorize and improve the Endangered Species Act. We worked cooperatively with Chairman Studds of the House Merchant Marine and Fisheries Committee who is introducing similar legislation in the House.

The aim of the bill is to avoid crisis management by encouraging earlier and more comprehensive protection and recovery of species. It builds upon the strengths of the existing act to place new emphasis on the conservation of ecosystems rather than individual species. It encourages that listing, recovery planning, and habitat conservation planning all be done, where possible, for groups of species that are dependent upon the same habitat or ecosystem. This multispecies approach will enable us to conserve more species at a lesser cost than the current species-by-species method.

The lesson of the last 20 years has been that the longer we wait to protect species, the more difficult and costly it is. Therefore, the bill encourages Federal agencies to identify and take steps to protect declining species and groups of species that depend upon a common ecosystem before they are listed.

The bill emphasizes the importance of recovering species to the point that they no longer need the protections of the act and can be delisted. In part, the bill improves the recovery planning process by setting deadlines for the completion of recovery plans and requiring that the plans contain a detailed blueprint of the specific steps that need to be taken to achieve recovery.

Under the bill, recovery plans must also include measures to minimize the social and economic impacts of achieving recovery without compromising the fundamental goals of the act. This provision responds to concerns that the act does not adequately consider the costs of protecting species.

The bill encourages private landowners to conserve endangered species by setting up an incentives program which authorizes Federal assistance for private property owners to conserve species on their land. It also allows private landowners to obtain a conservation planning permit for species that are candidates for listing, before the species is listed. These provisions reward private landowners who take early action to conserve declining species.

The bill also directs the Secretary of the Interior, in consultation with the Secretary of the Treasury, to analyze Federal tax provisions and other Government programs which serve as incentives or disincentives to private landowners to conserve habitat for listed or candidate species. The report would include recommendations on how these policies could be changed to promote species conservation.

States play a crucial role in the conservation of fish and wildlife and the bill provides for a stronger partnership between the Federal Government and the States in conservation efforts. First, it provides a greater role for States in the listing, delisting, and recovery process. Second, it provides interest-free loans to States to develop habitat conservation plans. These plans provide for the conservation of species while allowing for development activities to occur.

Under the bill both listing and delisting decisions will continue to be based on the best scientific data available. The bill improves the scientific review of these decisions by establishing a scientific peer-review process to examine listing and delisting proposals for which the scientific basis is under dispute.

Why is it important that we preserve the widest possible variety of living species? Consider the benefits that humans derive from natural diversity. More than half of all medicines today can be traced to wild organisms. Biological resources are important to the development of hybrid crops for farming as well as to other economic activities including fishing, hunting, and tourism. Each species that becomes extinct means knowledge forfeited and opportunities to improve our way of life lost. The presence of one or more endangered species in an area may indicate that an entire ecosystem—consisting of hundreds or possibly thousands of species—is in decline.

The introduction of this bill is only a starting point for the reauthorization process and other changes to the act will be considered during the hearing process. This bill demonstrates that we can continue our commitment to conserve endangered species in a manner that is more efficient and less costly for private landowners and local communities, and I urge my colleagues to cosponsor this legislation.●

By Ms. MOSELEY-BRAUN:

S. 922, a bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the States in which the modification is sought or consents to the seeking of the modification in that court; to the Committee on the Judiciary.

FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS ACT

Ms. MOSELEY-BRAUN. Mr. President, I am proud to introduce legislation that addresses the problem of interstate enforcement of child support orders.

One of the biggest problems facing the women and children of this country is the problem of inadequate child support, and a large and rapidly growing number of child support cases involve disputes between parents who reside in different States.

When a custodial parent obtains a court order requiring his or her former spouse to pay child support, the parent naturally assumes that the order will be enforced in every court in the land. After all, the order was issued following a full adversarial proceeding in which all parties appeared and were given the opportunity to present their claims.

Unfortunately, under current law, States are not required to give full faith and credit to child support orders issued by another State. Child support orders are exempt from the full faith and credit clause of the Constitution because they involve an ongoing obligation.

While this may seem like a minor distinction, many custodial parents are quickly learning that it is not. When the noncustodial parent subsequently moves to another State, he or she may petition the courts in the new State to change the amount of child support he or she is required to pay. Because child support orders are not entitled to full faith and credit, the courts of the other State can, and frequently do, reduce the amount of support payable under the original court order.

Even more disturbing is the fact that all of this can be accomplished without the custodial parent ever receiving notice of the action which will so greatly affect him or her.

When a modification of support occurs, the custodial parent is left with only two choices. He or she—and since the mother retains custody in the majority of cases, it usually is a she—can choose to accept the ruling, and do without the full amount of child support, often at great hardship to the children. Or, she can challenge the ruling in the out-of-State court. Assuming she learns of the modification in time to appeal, this requires paying money for court costs, attorney's fees, and travel to the new State, all without any guarantee of success. Obviously, neither of these solutions is adequate.

Two examples from my home State of Illinois illustrate the human face of this problem. Jackie York, of Mt. Carroll, IL, was owed more than $3,000 in unpaid child support, which was accruing at the rate of $70 per week. When her former husband moved to Wisconsin, he petitioned the Wisconsin courts to modify his support order. As a result, his past due child support was reduced from more than $3,000 to zero, and his weekly child support payments were lowered from $70 per week to $20 per week. You can imagine the hardship that wife occasioned by that decision, of which she found out too late.

Rose Reynders of Orland Park, IL, has a former spouse who is $29,000 in arrears on child support payments to his two sons. Ms. Reynders recently went to court in Florida, where her former husband now resides. However, the Florida court refused to recognize the Illinois arrearage. Ms. Reynders has been informed by the Florida child support agency that it will be months before the case can go back to court to settle that amount of arrearage owed. In the meantime, Rose Reynders' sons are forced to do without the support that is legally owed to them. And again there is a real hardship occasioned by this technicality in the case.

The real losers in these cases are, of course, the children. I find it simply outrageous, Mr. President, that every day in courthouses around this country, our Nation's children are being cheated out of thousands of dollars that is rightfully owed to them. Even more outrageous is the fact that often the custodial parent is given no notice that this reduction is taking place.

I believe that it is patently unfair to allow a noncustodial parent to unilaterally reduce his or her child support obligations simply because he or she resides in a different State than the custodial parent. The legislation I introduce today is designed to remedy this problem.

The Full Faith and Credit for Child Support Order Act will require each State to enforce the child support orders of every other State, without modification, so long as the original

State retains jurisdiction. Under the bill, the original State retains jurisdiction as long as it is the State of residence of the child or any other party.

If a noncustodial parent wishes to file for a reduction in child support payments, than he or she must do so in the State that originally issued the order. This will insure that the custodial parent is given notice of the proposed modification, as well as an opportunity to oppose the modification if he or she wishes.

This bill is similar to legislation passed by Congress in 1980 to address the problems caused by the lack of uniform enforcement of child custody orders. The Parental Kidnapping Prevention Act of 1980 required States to give full faith and credit to child custody decisions. This proposal does exactly the same thing for support orders.

It is important that the Senate swiftly enact this legislation because it affects the welfare of our most innocent, and helpless citizens, our children. The cost of raising a child is not reduced merely because a judge in another State sees fit to unilaterally lower a parent's support obligations. The children still have to be fed, clothing still has to be bought, shelter still must be provided. The custodial parent must make up the difference. For some parents, this means working two or even three jobs to compensate for the lost child support. Other parents are forced into poverty and must accept public assistance to provide for their children. In every case, it is the children who suffer.

In addition to benefiting the individual families, this legislation benefits us all. It is very likely that when a noncustodial parent fails to pay his or her fair share of support, the burden to support that child will fall on the Government. To the degree that child support orders are enforceable in every State, the taxpayers are relieved of the obligation of supporting the children through AFDC, food stamps, or other welfare programs. Proper enforcement of child support programs will insure that the burden to support a child is placed where it belongs, with the noncustodial parent, and not on the taxpayers of the United States.

The need of children for stable, reliable, and adequate child support payments does not change merely because one of their parents moves to a different State. This legislation will help ensure the economic security of thousands of children by addressing this injustice.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Faith and Credit for Child Support Orders Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a large and growing number of child support cases annually involving disputes between parents who reside in different States;

(2) the laws by which the courts of different jurisdictions determine their authority to establish child support orders are not uniform;

(3) those laws, along with the limits imposed by the Federal system on the authority of each State to take certain actions outside its own boundaries—

(A) encourage noncustodial parents to relocate outside the States where their children and the custodial parents reside to avoid the jurisdiction of the courts of such States, resulting in an increase in the amount of interstate travel and communication required to establish and collect on child support orders and a burden on custodial parents that is expensive, time consuming, and disruptive of occupations and commercial activity;

(B) contribute to the pressing problem of relatively low levels of child support payments in interstate cases and to inequities in child support payments levels that are based solely on the noncustodial parent's choice of residence;

(C) encourage a disregard of court orders resulting in massive arrearages nationwide;

(D) allow noncustodial parents to avoid the payment of regularly scheduled child support payments for extensive periods of time, resulting in substantial hardship for the children for whom support is due and for their custodians; and

(E) lead to the excessive relitigation of cases and to the establishment of conflicting orders by the courts of various jurisdictions, resulting in confusion, waste of judicial resources, disrespect for the courts, and a diminution of public confidence in the rule of law; and

(4) among the results of the conditions described in this subsection are—

(A) the failure of the courts of the States to give full faith and credit to the judicial proceedings of the other States;

(B) the deprivation of rights of liberty and property without due process of law;

(C) burdens on commerce among the States; and

(D) harm to the welfare of children and their parents and other custodians.

(b) STATEMENT OF POLICY.—In view of the findings made in subsection (a), it is necessary to establish national standards under which the courts of the various States shall determine their jurisdiction to issue a child support order and the effect to be given by each State to child support orders issued by the courts of other States.

(c) PURPOSES.—The purposes of this Act are—

(1) to facilitate the enforcement of child support orders among the States;

(2) to discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

(3) to avoid jurisdictional competition and conflict among State courts in the establishment of child support orders.

SEC. 3. FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§ 1738B. Full faith and credit for child support orders

"(a) DEFINITIONS.—In this section—

"'child' means—

"(A) a person under 18 years of age; and

"(B) a person 18 or more years of age with respect to whom a child support order has been issued pursuant to the laws of a State.

"'child's State' means the State in which a child resides.

"'child support' means a payment of money, continuing support, or arrearages or the provision of a benefit (including health insurance) for the support of a child.

"'child support order'—

"(A) means a judgment, decree, or order of a court requiring the payment of child support in periodic amounts or in a lump sum; and

"(B) includes—

"(i) a permanent or temporary order; and

"(ii) an initial order or a modification of an order.

"'contestant' means—

"(A) a person (including a parent) who—

"(i) claims a right to receive child support;

"(ii) is a party to a proceeding that may result in the issuance of a child support order; or

"(iii) is under a child support order; and

"(B) a State or political subdivision of a State to which the right to obtain a child support order has been assigned.

"'court' means a court, administrative process, or quasi-judicial process of a State that is authorized by State law to establish the amount of child support payable by a contestant or make a modification of a child support order.

"'modification' means a change in a child support order that affects the amount, scope, or duration of the order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.

"'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country (as defined in section 1151 of title 18).

"(b) GENERAL RULE.—The appropriate authorities of each State—

"(1) shall enforce according to its terms a child support order made consistently with this section by a court of another State; and

"(2) shall not seek or make a modification of such an order except in accordance with subsection (e).

"(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—A child support order made is made consistently with this section if—

"(1) a court that makes the order, pursuant to the laws of the State in which the court is located—

"(A) has subject matter jurisdiction to hear the matter and enter such an order; and

"(B) has personal jurisdiction over the contestants; and

"(2) reasonable notice and opportunity to be heard is given to the contestants.

"(d) CONTINUING JURISDICTION.—A court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction over the order if the State is the child's State or the residence of any contestant unless the court of another State, acting in accordance with subsection (e), has made a modification of the order.

"(e) AUTHORITY TO MODIFY ORDERS.—A court of a State may make a modification of a child support order with respect to a child that is made by a court of another State if—

"(1) the court has jurisdiction to make such a child support order; and

"(2)(A) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because that State no longer is the child's State or the residence of any contestant; or

"(B) each contestant has filed written consent to that court's making the modification and assuming continuing, exclusive jurisdiction over the order.

"(f) ENFORCEMENT OF PRIOR ORDERS.—A court of a State that no longer has continuing, exclusive jurisdiction of a child support order may enforce the order with respect to unsatisfied obligations that accrued before the date on which a modification of the order is made under subsection (e).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

"1738B. Full faith and credit for child support orders.".

By Mr. DECONCINI (for himself, Mr. COCHRAN, Mr. GORTON, Mr. SARBANES, Mr. STEVENS, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. THURMOND, Mr. RIEGLE, Mr. WARNER, Mr. ROCKEFELLER, Mr. SHELBY, Mr. KOHL, Mr. LEVIN, Mr. D'AMATO, Mr. GRAHAM, Mr. MACK, and Mr. BOND):

S.J. Res. 88. A joint resolution to designate July 1, 1993, as "National NYSP Day"; to the Committee on the Judiciary.

NATIONAL NYSP DAY

Mr. DECONCINI. Mr. President, today I am pleased to introduce, along with Senators COCHRAN, GORTON, SARBANES, STEVENS, SASSER, BIDEN, REID, THURMOND, RIEGLE, WARNER, ROCKEFELLER, SHELBY, KOHL, LEVIN, D'AMATO, GRAHAM, MACK, and BOND, a joint resolution designating July 1, 1993, as "National NYSP Day." This year marks the 25th year that the National Youth Sports Program [NYSP] has provided opportunity and hope for at-risk youngsters, ages 10 to 16 years old. This joint resolution acknowledges the accomplishments of this highly successful program over the past quarter century.

The NYSP is much more than a sports enrichment program. It offers participating youngsters drug education, math and science instruction, and job and education counseling. It also offers free meals provided by the U.S. Department of Agriculture and free medical exams donated by medical professionals in the community. In 1992, over 71,000 medical examinations were administered; as a result, over 20,000 participants, 28 percent, were referred to physicians for followup medical attention.

The NYSP educates youngsters on important issues like AIDS, teen pregnancy, gangs, and suicide prevention. The program gives many of these boys and girls an opportunity—perhaps their only opportunity—to see a college campus for the first time in their lives. It may very well offer the motivation they need to stay in school. This past summer the program served over 70,000 high-risk youth in 173 colleges and universities across the country, including the 10 States and 7 of the 10 cities with the worst child poverty rates.

Created in 1968 by the President's Council on Physical Fitness and Sports and the National Collegiate Athletic Association [NCAA] as a response to the Watts riots, the National Youth Sports Program is administered by the U.S. Department of Health and Human Services and is an outstanding example of a public-private partnership that works. Every Federal dollar that goes to the NYSP is matched by $3 from private sources. The NCAA through its participating colleges and universities pays the lion's share of these costs; donates staff, equipment, and facilities; and operates the program free of charge. As a result, every penny that goes to the program goes directly into services that help disadvantaged youngsters.

Mr. President, over the last 25 years the National Youth Sports Program has helped thousands of youngsters turn their lives around. Many of these participating youngsters live in public housing projects or on Indian reservations. All of them must meet the poverty income guidelines established by the Department of Health and Human Services. We all know how successful Head Start is. Many of the youngsters who participate in Head Start go on to participate in the NYSP.

Now, more than ever before, it is imperative that we as a Nation offer support services to the young people of this country during their teenage years. According to the National Commission on Children, an estimated one-quarter of 10- to 17-year-olds engage in at-risk behavior which threatens their own well-being or the well-being of their families or community members. Each year more than 1 million young women under the age of 20 become pregnant. AIDS cases among Americans age 13 to 24 are now reported in 49 States and the District of Columbia. The annual University of Michigan high-school drug survey recently found a significant increase in illicit drug use among eighth graders—the first evidence of an increase in drug use among young people since 1986.

In recent years teen violence has exploded. The number of violent crimes involving adolescents is growing at a faster rate than the number of those involving adults, according to the National Commission on Children. The juvenile arrest rate for murder, for example, has quadrupled since 1965; and the number of juveniles who committed murder with guns increased 79 percent during the last decade.

Mr. President, 1993 marks the 25th anniversary of the National Youth Sports Program—a program which has been a safety net for tens of thousands of disadvantaged youngsters. It has encouraged good habits, built self-esteem and offered hope. For some it has provided a constructive alternative to drugs and crime. Hopefully, we will acknowledge the merit of this highly effective program by designating July 1, 1993, as "National NYSP Day." I urge my colleagues to show their support by cosponsoring this resolution. I ask unanimous consent that the joint resolution be printed at this point in the RECORD.

S.J. RES. 88

Whereas the National Youth Sports Program (hereafter referred to as "NYSP") is a highly effective and comprehensive youth sports and educational instruction program in the United States for economically disadvantaged youth, ages 10 to 16 years old;

Whereas over 69,000 economically disadvantaged young people participated in NYSP last year at United States colleges and universities in 153 cities, 44 States, and the District of Columbia;

Whereas NYSP provides over 70,000 medical and follow-up examinations as well as health instruction by medical professionals to enrolled youth;

Whereas NYSP provides hot United States Department of Agriculture-approved meals and snacks daily to all participating youth;

Whereas the NYSP staff includes professional instructors with undergraduate degrees who offer educational instruction in drug education, AIDS, higher education, nutrition and health, and math and science, and who offer counseling on such topics as career opportunities, teen pregnancy, anti-gang strategies, and suicide prevention in an effort to promote personal responsibility;

Whereas NYSP is administered by an advisory committee composed of community leaders and college and university personnel, and collaborates with local community action agencies and mayors' offices;

Whereas the NYSP partnership between the public and private sectors ensures that Federal funds are used to provide direct services for youth, that institutions of higher education contribute facilities and personnel and pay the indirect costs of the program, and that public and private businesses donate equipment and supplies; and

Whereas 1993 marks the 25th year that NYSP has provided economically disadvantaged youth with the opportunity to participate in healthy sports activities in order to encourage these youth to build good habits, to direct the competitive urge toward constructive ends, to stimulate the imagination to reach new goals, and to satisfy the human desire to belong: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 1, 1993, is designated as "National NYSP Day". The President is authorized and requested to issue a proclamation calling upon State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ROCKEFELLER. Mr. President, today I am proud to join Senator DENNIS DECONCINI and Senator THAD COCHRAN in commemorating "National NYSP Day." For the past 25 years, the National Youth Sports Program has enriched the lives of economically disadvantaged youths all over the country by providing them with not only sports and recreation activities, but also drug education, math and science instruction, and career and education counseling. Furthermore, with the help of the U.S. Department of Agriculture, as well as medical professionals in each community, youngsters are given nutritious meals and medical exams free of cost. Last year alone, this program served 70,000 at-risk boys and girls at 173 college and university campuses throughout the Nation.

I am pleased to recognize two academic institutions in the State of West Virginia which participate in the National Youth Sports Program: West Virginia University in Morgantown and Shepherd College in Shepherdstown. Thanks to the NYSP in these areas, this year, over 500 young West Virginians were able to partake in numerous athletic activities while learning the importance of staying in school and being socially responsible.

Mr. President, I applaud the efforts of the NYSP and those who support this project; the National Collegiate Athletic Conference, the Department of Health and Human Services, and institutions of higher education like West Virginia University and Shepherd College. Programs like the NYSP offer at-risk young people a positive influence. They give young men and women the guidance they seek, and the hope they need.

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, Mr. SARBANES, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. RIEGLE, Mr. MITCHELL, Mr. ROTH, and Mr. D'AMATO):

S.J. Res. 89. A bill to designate October 1993, as "Polish-American Heritage Month"; to the Committee on the Judiciary.

POLISH-AMERICAN HERITAGE MONTH

● Mr. SIMON. Mr. President today, along with several of my colleagues, I am pleased to introduce a resolution to honor millions of Americans of Polish descent. My resolution will designate October 1993, as Polish-American Heritage Month.

Polish-Americans have given our country so much in every walk of life that it is only appropriate to call attention to their many achievements.

The introduction of this resolution coincides with this week's 202d anniversary of the signing of Poland's constitution. The Polish Constitution was modeled after the United States Constitution and was the first liberal Constitution ratified in Europe. This Constitution threatened the domination of the monarchies in Europe, and Poland was subsequently partitioned by foreign powers in 1795 and would not become an independent state again until 1918. As the first country to lift itself from Communist rule in 1989, it is only fitting to introduce this resolution to coincide with Poland's Constitution Day.

In Chicago, Illinois is proud to have the largest concentration of people of Polish descent outside of Warsaw; we are also proud to honor a hero from the Revolutionary War, Casimir Pulaski, with an official State holiday. Count Pulaski, who fought against foreign domination in Poland, met Benjamin Franklin in 1776 in Paris and offered his services to the American Revolution. He was made a general and chief of cavalry by Congress and formed a corps of cavalry and infantry that became known as Pulaski's Legion. He died of wounds leading American and French soldiers in the siege of Savannah, GA, in 1779. With Polish-American Heritage Month we not only honor Poles of great historic stature like Casimir Pulaski, but also thousands of Poles through the years and today who have given so much to American life.

On Monday, President Lech Walesa awarded Poland's highest honor, the Order of the White Eagle, to His Holiness Pope John Paul II. Established in the 12th century, this award was abolished by the Communists who seized power after World War II. The reinstatement of this award is a symbol of Poland's strong tradition and continuity. Through the work of great leaders like Lech Walesa, Poland has been a beacon of hope for countries throughout the world taking steps to institute social, economic, and legal reform after years of domination by nondemocratic powers.

Polish-American Heritage Month also honors the strides Poland has made since it elected the first democratic government in Eastern Europe since World War II. Poles have stoically maneuvered the transition from a command economy to a free market economy. Just last week the Polish Parliament's lower chamber, the Sejm, voted overwhelmingly to approve a mass privatization plan that will strengthen Poland's efforts to reform its economy.

And many Americans have participated in Poland's economic transition. The Polish-American Enterprise Fund is helping American and Polish companies work together to create jobs both in Poland and the United States. For example, the Liquid Carbonic Co. of Chicago recently acquired a 70-percent interest in Poland's two biggest gas factories. With American capital and modern management techniques, Poland is learning how to compete in a global economy and American companies have been able to find new markets for their goods and services.

Over the Memorial Day recess I will be traveling to Poland to see how Poland's reforms are coming along. I would also like to bring my counterparts in Poland a copy of Polish-American Heritage Month and a list of cosponsors to show them our commitment to Poland in the United States. I hope my colleagues who have not yet cosponsored Polish-American Heritage Month, will join me in honoring Poles in the United States and Poland.

I request that the following resolution be printed in the CONGRESSIONAL RECORD in its entirety.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 89

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled after the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles, Americans of Polish descent, and people everywhere applauded the efforts of Lech Walesa, Solidarity's leader and current President of Poland, in fighting for freedom, human rights, and economic reform in Poland; and

Whereas the Polish American Congress is observing its forty-ninth anniversary this year and is celebrating October 1993, as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993, is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 216

At the request of Mr. D'AMATO, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 266

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training and improvement.

S. 349

At the request of Mr. STEVENS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 481

At the request of Mr. SIMON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 486

At the request of Mr. HEFLIN, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 486, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 561

At the request of Mr. DODD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 561, a bill to establish a child and family services and law enforcement partnership program, and for other purposes.

S. 596

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of S. 596, a bill to amend title IV of the Social Security Act to provide improved child welfare services, and for other purposes.

S. 603

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 603, a bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

S. 674

At the request of Mr. THURMOND, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 674, a bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 717

At the request of Mr. PRYOR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 717, a bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

S. 739

At the request of Mr. BUMPERS, the names of the Senator from Montana [Mr. BURNS], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. HEFLIN], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

S. 784

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 862

At the request of Mr. BRADLEY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 862, a bill to promote the development of small business in economically distressed central cities by providing for entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs, and for other purposes.

S. 874

At the request of Mr. PRESSLER, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Montana [Mr. BAUCUS], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 874, a bill to reauthorize Public Law 81-874 (Impact Aid), and for other purposes.

S. 885

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 885, a bill to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

S. 898

At the request of Mr. KENNEDY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 898, a bill to provide for the admission of the State of New Columbia into the Union.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. GRAMM, his name was added as a cosponsor of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

At the request of Mr. RIEGLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 58, supra.

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Texas [Mr. KRUEGER], the Senator from Arizona [Mr. DECONCINI], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE JOINT RESOLUTION 84

At the request of Mr. DOLE, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Montana [Mr. BAUCUS], the Senator from North Carolina [Mr. HELMS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. LEVIN], the Senator from Alaska [Mr. STEVENS], the Senator from Delaware [Mr. BIDEN], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Colorado [Mr. BROWN], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Florida [Mr. GRAHAM], the Senator from North

Dakota [Mr. CONRAD], the Senator from Virginia [Mr. ROBB], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Washington [Mr. GORTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. PACKWOOD], the Senator from New Jersey [Mr. BRADLEY], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. NICKLES], the Senator from Florida [Mr. MACK], the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Delaware [Mr. ROTH], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 84, a joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

AMENDMENT NO. 342

At the request of Mr. PRESSLER the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 342 proposed to S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

AMENDMENT NO. 347

At the request of Mrs. BOXER her name was added as a cosponsor of amendment No. 347 proposed to S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 106. A resolution to authorize testimony by and representation of Senate employees; considered and agreed to.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. WOFFORD, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. GLENN, and Mr. RIEGLE):

S. Con. Res. 24. A concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION 24—RELATIVE TO ESTONIA, LATVIA, AND LITHUANIA

Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. WOFFORD, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. GLENN, and Mr. RIEGLE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 24

Whereas the armed forces of the former Soviet Union, currently under control of the Russian Federation, continue to be deployed on the territory of the sovereign and independent Baltic States of Estonia, Latvia, and Lithuania against the wishes of the Baltic peoples and their governments;

Whereas the stationing of military forces on the territory of another sovereign state against the will of that state is contrary to international law;

Whereas the presence of Russian military forces in the Baltic States may present a destabilizing effect on the governments of these states;

Whereas the governments of Estonia, Latvia, and Lithuania have demanded that the Russian Federation remove such forces from their territories;

Whereas Article 15 of the July 1992 Helsinki Summit Declaration of the Conference on Security and Cooperation in Europe specifically calls for the conclusion, without delay, of appropriate bilateral agreements, including timetables, for the "early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic states";

Whereas the United States is aware of the difficulties facing the Russian Federation in resettling Russian soldiers and their families in Russia, and that the lack of housing is a factor in the expeditious removal of Russian troops;

Whereas the United States is committed to providing assistance to the Russian Federation for construction of housing and job retraining for returning troops in an attempt to help alleviate this burden; and

Whereas the United States is encouraged by the progress achieved thus far in removal of such troops, and welcomes the agreement reached between the Russian Federation and Lithuania establishing the August 1993 deadline for troop removal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls upon the Government of the Russian Federation to continue to remove its troops from the independent Baltic States of Estonia, Latvia, and Lithuania through a firm, expeditious, and conscientiously observed schedule.

Mr. DECONCINI. Mr. President, at this time, approximately 40,000 Russian troops continue to be deployed on the territory of the independent Baltic States of Estonia, Latvia, and Lithuania. These troops are vestiges of the Soviet era. The Baltic States want these troops out, and both the CSCE and the United Nations have called for the removal of foreign troops from the Baltic States.

The Russian Government and the governments of the independent Baltic States have been holding negotiations on a variety of subjects, including the troop withdrawals. Moscow and Vilnius have reached agreement on removing troops from Lithuania by August 1993. Unfortunately, similar schedules have not been reached with Estonia and Latvia.

The U.S. Congress has stipulated, through the Byrd amendment to Public Law 102-391, Assistance for the New Independent States of the Former Soviet Union Act, that no more than 50 percent of the funds provided to Russia, other than humanitarian assistance, shall be made available unless the President certifies to Congress by June 1, 1993, that the Government of Russia and the Governments of Estonia, Latvia, and Lithuania have made substantial progress toward establishing a timetable for withdrawal, or that substantial withdrawal has occurred. Moreover, under the Byrd amendment, of which I was an original cosponsor, no aid will be forthcoming after October 1993 if the Russian troops have not been removed, or if at least a timetable for withdrawal has not been established.

In fact, Russian troops are leaving the region; their overall number is now down by 90,000, compared to Soviet times, when there were 130,000–200,000 troops in the Baltic States. Still, the Russian Government appears unwilling to agree to a definite withdrawal timetable with Latvia and Estonia. As late as March 2, 1993, Radio Riga reported that Russian Army officers are still being dispatched to Latvia for service there, and have been turned back at the border by Latvian authorities. Moreover, spokespersons for the Russian Government continue to link the presence of Russian troops in Latvia and Estonia with alleged human rights violations against ethnic Russians in those countries.

I understand the difficulty that the Russian Government is experiencing in providing quarters for returning soldiers. It is estimated that adequate quarters are lacking in Russia for 120,000 officers and families removed from Germany, Poland, and the Baltic States. To help address this problem, at the Vancouver summit, the United States made a commitment to provide $6 million for construction of housing and job retraining for returning troops.

Let me emphasize that I understand the pressure which the Yeltsin government faces from hardline national groups that mourn the end of the U.S.S.R. and perhaps even favor bringing the Baltic States back into some sort of union by whatever means necessary. I have no intention of making President Yeltsin's job any more difficult than it already is. Still, all the parties involved in this issue should know that the United States still sees the removal of Russian troops from the Baltic States as a vital element in finally assuring peace in that region.

Today, I am introducing, together with Senators D'AMATO, LIEBERMAN, WOFFORD, MIKULSKI, MOSELEY-BRAUN, GLENN, and RIEGLE, a resolution acknowledging the progress made to date and calling upon the Government of the Russian Federation to continue to remove its troops from all three Baltic States through a firm, expeditious, and conscientiously observed schedule.

SENATE RESOLUTION 106—RELATIVE TO SENATE EMPLOYEES

Mr. FORD (for Mr. MITCHELL and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas, in the case of *United States* v. *Thomas F. Weiss*, Case No. M-772-93, pending in the Superior Court of the District of Columbia, subpoenas for testimony have been issued to Mary Jane Hatcher, David Hauck, Mary Beth Markey, Sandra Mason, and Ursula McManus, employees of the Senate on the staff of the Committee on Foreign Relations;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2)(1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That Mary Jane Hatcher, David Hauck, Mary Beth Markey, Sandra Mason, and Ursula McManus, and any other employee of the Senate who is subpoenaed to testify, are authorized to testify in the case of *United States* v. *Thomas F. Weiss*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is directed to represent Mary Jane Hatcher, David Hauck, Mary Beth Markey, Sandra Mason, and Ursula McManus, and any Member, officer, or other employee of the Senate who is subpoenaed to testify, in connection with the testimony authorized under section 1.

AMENDMENTS SUBMITTED

LOBBY DISCLOSURE ACT OF 1993

STEVENS AMENDMENT NO. 348

Mr. STEVENS proposed an amendment to the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as follows:

On page 19, at the end of line 16, strike out "and".

On page 19, at the end of line 20, insert "and".

On page 19, between lines 20 and 21, insert the following:

"(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;"

On page 20, line 22, strike out "and other means" and insert in lieu thereof "or other transmittal in a form accessible by computer".

On page 21, line 2, strike out "2 working days" and insert in lieu thereof "3 working days".

On page 37, insert between lines 11 and 12 the following new section:

"SEC. . TRANSITIONAL FILING REQUIREMENT.

"(a) SIMULTANEOUS FILING.—Subject to the provisions of subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this Act.

"(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 6(b)(11).

"(c) IMPLEMENTATION.—The Director, the Secretary of the Senate and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 6(b)(11) on the effective date of this Act, or as soon thereafter as reasonably practicable.".

STEVENS (AND BINGAMAN) AMENDMENT NO. 349

Mr. STEVENS (for himself and Mr. BINGAMAN) proposed an amendment to the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

On page 2, line 13 strike "and".

On page 2, line 18, strike the period and insert in lieu thereof ";".

On page 2, between lines 18 and 19, insert the following new findings:

"(4) identification of persons who contribute significant amounts ($500 or more during a 6-month period) to persons or entities that employ lobbyists will further the important public purpose of enabling Federal legislative and executive branch officials and the public to evaluate positions that are advocated by lobbyists in light of the interests of persons or entities that may benefit from acceptance of those positions, without impinging on the First Amendment rights of persons or entities who do not support lobbying activities to such a significant extent; and

"(5) as required by the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1 (1975), this disclosure requirement is narrowly limited so that the information required has a substantial connection to the governmental interest sought to be advanced and is a reasonable and minimally restrictive method of furthering First Amendment values by opening the processes of lobbying activities to public view."

On page 12, strike lines 7 through 14 and insert in lieu thereof the following:

"(3) the name, address, occupation, and name and address of the employer of any person or entity, other than the client, that has contributed $500 or more to the client during the preceding semiannual period;".

LEVIN (AND COHEN) AMENDMENT NO. 350

Mr. LEVIN (for himself and Mr. COHEN) proposed an amendment to the bill, S. 349, supra, as follows:

On page 12, line 17, strike out all beginning with "client" through "entity" and insert in lieu thereof "client (if any) of any foreign entity".

On page 22, strike out lines 10 through 14 and insert in lieu thereof the following:

(2) if the person admits that there was a noncompliance and corrects such noncompliance—

(A) in the case of a minor noncompliance, take no further action; or

(B) in the case of a significant noncompliance, treat the matter as a minor noncompliance for the purpose of section 8; or

SIMON (AND OTHERS) AMENDMENT NO. 351

Mr. SIMON (for himself, Mr. LAUTENBERG, Mr. SIMPSON, and Mrs. BOXER) proposed an amendment to the bill, S. 349, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . GOVERNMENT-SPONSORED ENTERPRISES—REPORT TO CONGRESS.

(a) IN GENERAL.—A government-sponsored enterprise (hereafter in this section referred to as a "GSE") shall submit an annual report to the Congress containing the following information:

(1) A list including the name and address of each contractor, consultant, agent, or employee hired by the GSE to engage in—

(A) grass roots organizing or campaigning;

(B) public relations, media consulting, or image advertising; or

(C) lobbying, including the direct and indirect lobbying of the Congress.

(2) An itemization of all costs associated with activities described in paragraph (1) whether incurred by the GSE or by any of its contractors, consultants, agents, or employees listed pursuant to such paragraph, including entertainment expenses, travel expenses, advertising costs, salaries, billing rates and the total amount billed for services.

(3) A description of any lobbying of the Congress or the executive branch by employees, board members, or officers of the GSE.

(4) A description of any effort by the GSE or its agents to encourage others to lobby the Congress or the executive branch.

(5) A list of all charitable donations paid by the GSE on behalf of Members of Congress or members of the executive branch.

(6) A list of the salaries and other compensation (including the present value of stock options) and benefits paid to the officers and board members of the GSE.

(7) A list of all GSE employees who have been employed by either the Congress or the Federal Government in the 5 years preceding the report, and such employees' salary prior to being hired by the GSE and their current salary.

(b) DEFINITION OF GOVERNMENT-SPONSORED ENTERPRISE.—For the purposes of this section, the term "government-sponsored enterprise" means—

(1) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Student Loan Marketing Association, and

(2) a guaranty agency, as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j)).

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

DECONCINI AMENDMENTS NOS. 352–353

(Ordered to lie on the table.)

Mr. DECONCINI submitted two amendments intended to be proposed by him to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993", as follows:

AMENDMENT NO. 352

In section 315(i)(1) of the Federal Election Campaign Act of 1971, proposed to be added by section 102(a), strike "$2,500" and insert "$1,000".

In section 315(i)(2) of the Federal Election Campaign Act of 1971, proposed to be added by section 102(a), strike "the lesser of" and all that follows through "20 percent" and insert "10 percent".

In section 315(i)(3) of the Federal Election Campaign Act of 1971, proposed to be added by section 102(a), strike "20 percent" and insert "10 percent".

In section 315(i) of the Federal Election Campaign Act of 1971, proposed to be added by section 102(a), strike paragraph (4) and redesignate paragraph (5) as paragraph (4).

AMENDMENT NO. 353

In section 501(a)(1)(A)(i) of the Federal Election Campaign Act of 1971, proposed to be added by section 101(a), strike "67 percent" and insert "50 percent".

In section 502(b)(1)(B)(i) of the Federal Election Campaign Act of 1971, proposed to be added by section 101(a), strike "$950,000" and insert "$900,000".

In section 502(b)(1)(B)(ii)(I) of the Federal Election Campaign Act of 1971, proposed to be added by section 101(a), strike "30 cents" and insert "21 cents".

In section 502(b)(1)(B)(ii)(II) of the Federal Election Campaign Act of 1971, proposed to be added by section 101(a), strike "25 cents" and insert "18 cents".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on May 6, 1993, at 9:30 a.m. on NAFTA's effects in U.S. competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., May 6, 1993, to receive testimony on S. 646, the International Fusion Energy Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., May 6, 1993, to consider S. 775, the Hardrock Mining Reform Act of 1993, and any other business ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on May 6, 1993, at 10 a.m., to hear and consider five nominations to positions in the Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 6, at 11 a.m. to hold a business meeting to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on Federal regulation of medical radiation uses. On Thursday, May 6, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 6, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, May 6, 1993, at 1 p.m. The committee will hold a full committee hearing on the President's nomination of Erskine Bowles to be the Administrator of the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Department of Veterans Affairs facilities and construction programs at 11 a.m. on Thursday, May 6, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Thursday, May 6, 1993, at 10 a.m. to hold a hearing entitled "Preventive Health: An Ounce of Prevention Saves a Pound of Cure."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Thursday, May 6, 1993, at 9 a.m., in open session, to receive testimony on the personnel programs of the military services associated with the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH FOR FAMILIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the Uninsured of the Committee on Finance be permitted to meet on May 6, 1993, at 2:15 p.m. to hear testimony on the subject of the administration's childhood immunization proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, immediately following the 2 p.m. business meeting of the Committee on Energy and Natural Resources, May 6, 1993, to receive testimony on S. 172 and H.R. 63, bills to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; S. 184, a bill to provide for the exchange of certain lands within the State of Utah, and for other purposes; S. 250, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, and for other purposes; S. 489, a bill entitled the Gallatin Range Consolidation and Protection Act of 1993; and S. 577, a bill to resolve the status of certain lands relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, May 6, beginning at 10:30 a.m., to conduct a hearing on the health and ecological impacts of Superfund sites.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through April 30, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated April 30, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 4, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through April 30, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 29, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG. 1ST SESS. AS OF APR. 30, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level +/− resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,157.4	−303.8
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(²)
1993–97	1,865.0	1,865.0	(²)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS APR. 30, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level[1]	1,247,892	1,241,794	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under section 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.●

S. 874—IMPACT AID REAUTHORIZATION ACT OF 1993

● Mr. BURNS. Mr. President, I rise today in support of the bill, S. 874, introduced by my colleague from South Dakota, Senator PRESSLER.

As my colleagues know, many schools are adversely impacted by Federal activity. In my State, there are numerous schools which are impacted, because children either live on military installations like Malmstrom Air Force Base, or on Indian reservations. In fiscal year 1991, my State received over $21 million in impact aid funding.

Impact aid plays an important role in the educational funding of many children in my State. Without these funds, many communities would not have an adequate tax base to provide even the most basic education for their young people.

The truth is that impact aid, as it currently stands, has a complex formula and can be difficult to administer. Right now, schools with a relatively small number of impacted students are considered as needy as schools where almost every student is impacted. There are districts that are well-funded out there that receive impact aid. There are schools in Montana that have a tax base of two or three landowners. Comparing these schools is like comparing apples and oranges, folks.

Senator PRESSLER's bill will simplify the Impact Aid Program. While this bill would not remove any child from eligibility, it would change the way that a district's benefit is figured. The new formula would take into consideration the need of school districts while assigning weights to children according to their impact on the schools.

I must also say that I am especially pleased that a Montanan—Ivan Small of Browning, MT—had a role in the NAFIS Committee that advised Senator PRESSLER on this issue.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget for fiscal year 1993 and is current through April 28, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount in $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated April 20, 1993, Congress has cleared and the President has signed Public Law 103–24, the Emergency Supplemental Appropriations Act of 1993, making appropriations to the unemployment insurance trust fund. As a designated emergency, this act would not add to current level estimates of budget authority, outlays, or revenues. The spending for unemployment insurance provided by this bill is treated as mandatory under the Budget Enforcement Act and was already included in CBO's estimate of the cost of Public Law 103–6, the Emergency Unemployment Compensation Amendments of 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 29, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through April 28, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 19, 1993, Congress has cleared and the President has signed P.L. 103–24, The Emergency Supplemental Appropriations Act of 1993, making appropriations to the unemployment insurance trust fund. We estimate that this Act would have no effect on budget authority, outlays or revenues. The spending for unemployment insurance provided by this bill is treated as mandatory under the Budget Enforcement Act and was already included in CBO's estimate of the cost of P.L. 103–6, the Emergency Unemployment Compensation Amendments of 1993.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG. 1ST SESS. AS OF APR. 28, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/− resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,135.7	−325.5
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	([2])
1993–97	1,865.0	1,865.0	([2])

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG. 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS APR. 28, 1993.

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THE NEED FOR GREATER FOOD SAFETY AND INSPECTION

• Mr. DURENBERGER. Mr. President, I rise today to draw attention to the need for greater food safety and inspection by the Federal Government. Currently, the jurisdiction of food safety is divided between four departments and agencies, with different regulations, guidelines, and inspection rates.

The result is an inadequate bureaucratic morass that ill-serves consumers, farmers, and food processors. The time has come to unify the Federal Government's food safety and inspection services into a single independent agency—and I am currently drafting a bill which will accomplish this goal.

Right now the U.S. Department of Agriculture has jurisdiction over meat and poultry, the Commerce Department has jurisdiction over seafood inspection, the Environmental Protection Agency is involved in the determination of pesticide residue levels on fruits and vegetables, and the Food and Drug Administration inspects and regulates most processed food products and imported food products except for meat and poultry.

Not only do these various agencies have different regulations, but they also have different inspection rates. For example, the Food Safety and Inspection Service of USDA inspects all meat and poultry carcasses, while the FDA is only able to inspect less than 2 percent of all foods coming into the United States.

But even these statistics are misleading. Even though FSIS/USDA inspection rates are enormously high, their techniques harken back to the era of Teddy Roosevelt in which they were created—relying on sight, smell, and touch as indicators. On the other hand, though the FDA does perform laboratory tests for microbial contamination, it only does this on a fraction of the food products for which it is responsible.

The bottom line is that either way, our food safety and inspection system is inadequate. The recent spate of deaths from contaminated mayonnaise in Oregon and fast food hamburgers contaminated with E. coli in Washington serve as a reminder of how critical this issue is to the well-being of our Nation's food producers and consumers.

Mr. President, the United States has the safest and most wholesome and nutritional food supply in the world. In discussing the Federal Government's role in food safety and inspection today I am not saying that we are not protecting our farmers, food processors, and consumers. Overall, the Federal Government does a pretty good job of food inspection and the men and women who devote their lives to this goal are good people and should be recognized as such. What I am saying, Mr. President, is that we can do better.

President Clinton was elected to office with a mandate for change. The President, as well as the Congress, has been asked by the American people to reinvent Government so that it works more efficiently and more productively for the people it is intended to serve.

A system with four agencies and departments, and four sets of rules and regulations, does not guarantee America the food safety that it deserves. A single Federal agency with uniform regulations will better serve farmers and food processors, as well as consumers.

In a report completed in June 1992, the General Accounting Office concluded that:

> Inconsistencies and illogical differences between the agencies [responsible for good safety] approaches and enforcement authorities undercut the system's effectiveness. How frequently a food processing plant is inspected and what actions are taken to enforce food safety standards are determined not by a unified, comprehensive assessment of the risk that specific food products pose to public health but by the legislation that governs the responsible agency.

The GAO report goes on to say that:

> For example, firms that process meat and poultry (under FSIS' regulations) are inspected daily, while firms that process seafood, which may be of similar [health] risk,

are inspected about once every three to five years (under FDA's rules).

Mr. President, it is clear that this Government can do better. I will soon be introducing legislation to create a uniform risk-based food safety and inspection agency. This legislation will be good for farmers, food processors, and consumers. It is my hope that my colleagues will support this legislation.•

NAVY SHIPBUILDING AND CONVERSION BUDGET

• Mr. D'AMATO. Mr. President, it appears to me that the phasing of the Navy's shipbuilding and conversion [SCN] budget for fiscal years 1994–95 is a formula for disaster.

The entire SCN account for fiscal year 1994 is $4,294.7 million. We are buying a paltry 6 ships: 3 *Burke*-class destroyers (DDG–51's), 1 *Wasp*-class amphibious assault ship (LHD–1), and 2 oceanographic ships, and modifying an older amphibious assault ship into a mine warfare command and control ship.

Next year, with a smaller budget, the Navy is planning at least the following: 1 *Seawolf*-class attack submarine, 1 *Nimitz*-class aircraft carrier, and 3 *Burke*-class destroyers. The cost of the submarine and the destroyers alone is roughly $4.2 billion. The aircraft carrier will add another $3.6 billion. I have to presume that some number of auxiliary ships will also be requested.

My question is: how is the Navy going to accommodate this SCN funding spike in fiscal year 1995? Overall, you don't have to be Kreskin to realize that the Navy will have fewer funds next year than this year. They could gut aviation, but that account is already tight, and F/A–18E/F will be ramping up. The weapons and other procurement accounts have already been milked dry, and the Marines are poor cousins by any measure. So where is the money going to come from?

As I see it, we either move the carrier or the submarine into fiscal year 1994 or we pay for both half this year and half next year. My own preference would be to buy the *Seawolf* this year. The Navy estimates the SSN–23, benefiting from already appropriated funds, will require only $1.6 billion to complete. Assuming we terminate at least one Navy aircraft development program this year, we can apply the money saved to shipbuilding. A *Seawolf* this year would also prove the salvation of a dying submarine industrial base.

I hope my colleagues will join me in attempting to rationalize the Navy shipbuilding this year to avoid a budgetary shipwreck next year.•

KOSOVA

• Mr. RIEGLE. Mr. President, tomorrow, several Albanian-American organizations will rally in front of the White House in a show of solidarity for Kosova's continued nonviolent resistance to Serbia's authoritarian rule. This rally will celebrate the courage of the ethnic Albanians in Kosova whose hopes to govern themselves have been quashed by the Serbian Government. Although not permitted to meet, the freely elected officials of Kosova continue to bravely lead the native Albanian people in their struggle against the Belgrade regime.

Tragically, in an effort to squelch the Kosovar quest for self-determination, the Serbian Government has imposed martial law in the previously autonomous province, and has denied the native Albanian population their most basic civil and human rights. The Prime Minister of Kosova, Dr. Bujar Bukoshi, has likened the treatment of the Albanian Kosovars to that of animals. Prime Minister Bukoshi, who visited my home State of Michigan in October 1992, fears that if the violence from Bosnia spills over into Kosova, the resulting ethnic cleansing will make the brutality in Bosnia pale in comparison.

Already under Serbia's stern fist, Kosova has been turned into a police state dominated by a small Serbian minority. While the Serb Government in Belgrade has taken control of roads and railways in Kosova, the peaceful majority has endured the loss of their mass media and the indignity of random, forced entries into their homes. Indeed, many ethnic Albanians have lost their jobs because of their ethnicity and now must turn to family and friends for many of the basic necessities of life. Furthermore, Belgrade has outlawed Albanian schools and has forced the closing of the Kosovar University.

Dr. Bukoshi has called this Serbian intimidation in Kosova a "campaign to * * * provoke Albanians into a violent act of self defense." The Albanians in Kosova have been patient in their struggle to determine their own future. Mr. President, let us be a voice for the victims of repression in Kosova. We must speak out for the 2 million ethnic Albanians who voted for freedom 1 year ago this month, and must demand that the Serbian Government step aside and permit the rightful Assembly of Kosova to meet.

Moreover, the conflict in Bosnia must not be permitted to spread to Kosova. It was widely reported that President Bush warned the Serbs that aggression in Kosova would be met by a stern response from the United States, possibly including the use of force. President Clinton is reported to have echoed that warning. I firmly believe that the United States must be resolute in the event that Belgrade escalates and extends its campaign of violence to Kosova.

While I am encouraged by the new posture apparently being taken by the Milosevic regime in support of a peaceful resolution of the Bosnian crisis, we must not lose our focus on the situation in Kosova. The Albanian majority of Kosova demands the same human and civil rights afforded to free citizens everywhere—they deserve no less. While I will not be able to take part in the rally for freedom in Kosova, I am proud to have this opportunity to add my voice of support for the courageous, nonviolent resistance of ethnic Albanians in Kosova.•

NATIONAL NURSING WEEK

• Mr. GORTON. Mr. President, the woman who is credited with founding modern nursing—Florence Nightingale—is most often remembered for her unprecedented generosity and kindness that comforted the ill at a time when medical care was virtually primitive. However, the medical community remembers her for her pivotal role in reforming health care. Her research on hospital care in Victorian England, fused with her experience and insight, convinced British medical and political establishments to dramatically change their ineffective, and dangerous, ideas about hospital design, and management. Her work serves as the foundation of the nursing profession—and today, it is the largest profession in the health care industry.

This week is National Nurses Week. Across the country, we will commend and recognize nurses for their hard work and dedication to the health care system. But in 1993, with health care reform at the top of our national agenda, we are presented with a perfect opportunity to recognize the many ways in which the nursing profession's expertise and knowledge can contribute to the health care reform debate.

While physicians diagnose illnesses and establish treatment plans, nurses are left to carry out the important details of the patient's care—and spend far more time with patients than physicians do. Their job requires constant monitoring of a patient's condition, and demands the ability to exercise their mastery of medicine and technology in response to minute-by-minute changes in a patient's status. A nurse's decisionmaking ability, judgment, and expertise in managing patient care is critical.

A patient's recovery is dependent not only on a nurse's medical expertise—but also on a nurse's ability to care for the person receiving treatment. The nursing profession demands much more than technical knowledge about medicine—and much of what constitutes a nurse's long, pressure-filled day require skills that only come naturally.

It is common for a patient to harbor a mix of fears over procedures that aren't easily understood, the high costs of these mysterious procedures, and whether or not they will really work.

Nurses recognize that people enter hospitals with high levels of anxiety—and they understand the importance of relieving those anxieties so they don't complicate a patient's recovery.

Reorienting patients to their environment after surgery, explaining procedures in terms that nonmedical people can understand, easing the tension that comes with the presence of needles and IV tubes, and simply listening to a patient's fears are essential components of quality health care. It takes an extraordinary individual to meet the responsibilities this job entails.

Nurses are with a patient 24 hours a day, 7 days a week and stand in the center of the health care delivery system—a position that enables them to fully understand how each segment of the system works. The harsh inadequacies of the current health care system—the numbers of uninsured, the soaring costs of care, and the mountains of cryptic paperwork—are seen, and understood, by those who serve on the frontlines. From this unique position, nurses offer an understanding of how health care reform will affect each aspect of the health care system.

Clearly, nurses should be a strong voice in health care reform. As the outcome of the health care reform debate may result in the most sweeping change in American domestic policy since the enactment of Social Security—it is imperative that we listen to the voices of those who can offer wisdom based on years of practical experience. Their voices are more important today than ever.

I commend the nurses in my own State, and across the country. Their long hours of hard work make a valuable contribution to quality health care. As we take time to recognize and commend those who have dedicated their lives to the care of others, let us also take time to listen to their ideas and insights on health care reform. The diverse nursing profession has much to contribute—and we have much to learn from their experience.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, for the last 9 months I have been coming to the floor each week to talk about problems people in the State of Michigan are experiencing because of the health care crisis in America. I am hopeful that under President Clinton's leadership we will soon enact bold measures to reform our health care system.

Until we do so, there will continue to be many uninsured people with serious health conditions who are not receiving adequate health care. One such person is Shauyn Cockrill from Flint, MI, who wrote to me earlier this year about her situation.

Shauyn has been working as a home health aide for Samaritan Health Personnel in Flint for the last year and a half. Since Samaritan Health is a small temporary service, they are unable to provide health insurance for their workers. Until she became ill, Shauyn was able to work 40 hours a week, bringing home about $170. Her paycheck was barely enough to pay for her basic needs, let alone any additional health care expenses.

Shauyn recently began to experience heavy bleeding. Because she is uninsured, she delayed seeking care. When she finally went to a local hospital, she was told that she was getting close to menopause and that abnormal bleeding was to be expected.

Unfortunately, her condition only got worse. She began to experience intense stomach pains and other complications, in addition to heavy bleeding. Again doctors assured her that this was to be expected and to go home, relax and put up her feet.

In March of this year, Shauyn's daughter took her back to the local hospital and insisted that she be treated. This time, Shauyn received transfusions to compensate for the blood loss. A D&C was performed to check for cancer, and she was diagnosed with a fibroid tumor and endometritis, which is an infection of the lining of the uterus. Her doctors gave her a prescription for antibiotics to control the infection and recommended she get a hysterectomy.

Without health insurance Shauyn cannot even buy her prescription, much less pay for the recommended surgery. Her doctors are unwilling to perform the several thousand dollar operation because she is uninsured and cannot pay on her own. She does not qualify for Medicaid and at age 51 does not meet the requirements to qualify for Medicare.

To make matters worse, Shauyn now has a $7,000 hospital bill which she cannot pay. Shauyn has already been struggling to pay for the nine medications she takes to combat asthma, emphysema, thyroid problems, and high blood pressure. She is able to buy two of the nine medications, but must rely on free samples she gets from her 70-year-old aunt who also suffers from asthma and emphysema.

Shauyn doesn't know where to turn. She can't afford any more bills and doesn't feel the health care system is fair at all. "If we're sick we're out of luck. We need affordable health care for everyone," she wrote in her letter to me.

Despite her condition, Shauyn is going to try and go back to work. She hopes that someone soon will give her some help.

Our country needs comprehensive health care reform so that people like Shauyn with urgent health problems can have access to affordable health care, regardless of their financial means. I will do whatever I can to control rising health care costs and to make sure all Americans have health care coverage.•

AWARDING OF CHAPTER 1 NATIONAL RECOGNITION PROGRAM TO GRAND FORKS PUBLIC SCHOOLS

• Mr. CONRAD. Mr. President, I proudly rise to congratulate the Grand Forks public schools, Dr. Mark Sanford the superintendent of Grand Forks public schools and Mr. Larry Hoiberg, administrator of elementary education for the district. Last week, their innovative Riley/Chapter 1 supplementary reading program received a National Recognition Award by the Department of Education. The Grand Forks program was 1 of 89 outstanding programs that was recognized at a meeting of the International Reading Association in San Antonio, TX.

The Grand Forks program, aimed at grades one through six, is uniquely designed to provide students with the confidence needed to excel at reading. Each student receives individual contact with teachers through a 4-to-1 student ratio. The program creatively encourages parent involvement through the use of formal conferences, room visitations, parent surveys and service on a Parent Advisory Council.

Grand Forks and the other winning projects were selected from nominations submitted by individual States. The winning programs all combined high levels of teacher-student interaction and significant parent involvement.

I praise the students, teachers and parents of Grand Forks public schools for their hard work and dedication toward meeting the educational needs of our children and commend the Department of Education for honoring this program which was designed to ensure that underprivileged children will obtain the tools needed for a successful, and fruitful life.•

NATIONAL POLICE MEMORIAL DAY

• Mr. RIEGLE. Mr. President, May 15, 1993, is the 30th anniversary of President John F. Kennedy's declaration of National Police Memorial Day. Today, I rise to pay tribute to law enforcement officers who have given the ultimate sacrifice in service to our country, and our communities—their lives. In 1992, 116 police officers died, three in my home State of Michigan. One law enforcement officer's life was lost every 75 hours.

The three officers from Michigan who lost their lives last year were James R. DeLoach and Steven J. Niewiek, State troopers based in Pontiac, and James Thomas Kelly of Livonia. We honor them for their service and our prayers and sympathy go out to their families and friends.

Anyone who has worn a law enforcement uniform in service to this Nation deserves the utmost respect and admiration for their difficult and dangerous work as peacekeepers in our communities. It is therefore fitting that, as a nation, we pause and take time to remember and honor those brave men and women who have given their lives in the line of duty. And as a nation, we appreciate their courage, which must not be forgotten, and pay special tribute to their sacrifices, which can never be repaid.

This year will mark Michigan's first statewide observance of Police Memorial Day. Law enforcement officers across our State will wear small black bands on their badges to remember and honor their fallen fellow officers. In Midland, a public appreciation ceremony will be followed by a squad car procession to Bay City. In Bay City, a second ceremony will honor officers killed in the line of duty with the dedication of a new police memorial statue in front of the Bay County Law Enforcement Center.

Law enforcement officers serve the public every hour of every day of the year and their duties require considerable dedication and sacrifice on the part of the officers and their families. I would urge all Americans to pause and honor those law enforcement officers who have given their lives to our country, and who so bravely worked to protect our communities.•

MICHIGAN PARENT TEACHER ASSOCIATION

• Mr. RIEGLE. Mr. President, I rise today to recognize a very important organization in my home State, the Michigan Parent Teacher Association. Recently, the Michigan PTA celebrated 75 years of commitment to excellence in education at their 75th Silver Jubilee convention in Dearborn, MI.

The United States must compete in a global economy. Now, more than ever, it is important that our work force has the skills to participate in an increasing technological workplace. It is essential to the economic strength of our Nation that we provide the best possible education for all of our people beginning with our youngest children. Only when every American child has access to a high-quality education will they be able to develop their talents and skills which will help them to become productive members of society. A Federal commitment to education is essential to this effort. We must keep this in mind when we consider President Clinton's proposals to reform America's educational system later this year.

The PTA is an organization which has a strong record of working to strengthen our educational system. The nearly 100,000 members in Michigan have outlined several goals that promote the welfare of children in the home, school, and community. Many times, the Michigan PTA has led the way on problems which face students in schools and also worked outside the educational system to address issues that confront children and youth in our local communities.

For example, in 1987, 8,000 students and parents participated in the first "Student Champions for No Drug Use" rally in Pontiac, MI. More recently, the Michigan PTA held a parent/family involvement summit which focused on how to strengthen our statewide effort to involve parents in all aspects of their children's education. This kind of commitment to the youth of this Nation is essential for America's future.

I would like to add my recognition and appreciation to the Michigan Parent Teacher Association for their many contributions to Michigan's educational system. They have a clear vision of what it takes to maintain our strong position in the world economy and help make Michigan a place where all children can learn to the best of their ability.•

BILL PLACED ON CALENDAR—H.R. 616

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 616, the National Securities Exchange Transaction Act, received today from the House, be placed on the Senate calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CORRECTIONAL OFFICERS WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 58, a joint resolution designating National Correctional Officers Week and that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read a third time, passed, and the motion to reconsider be laid upon the table, that the preamble be agreed to, that any statements relating to this measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection it is so ordered.

The joint resolution was deemed read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 58

Whereas the correctional officers who work in America's jails and prisons are responsible for the containment and control of over 1,200,000 prisoners;

Whereas correctional officers must protect inmates from violence while encouraging them to develop skills and attitudes that can help them become productive members of society following their release;

Whereas the morale of correctional officers is affected by many factors, and the public perception of the role of correctional officers is more often based upon dramatization rather than factual review;

Whereas good job performance and public acceptance and appreciation require correctional officers to absorb the adverse attitudes present in confinement while maintaining themselves as professionals;

Whereas correctional officers have been honored by many States and localities;

Whereas correctional officers have been honored by joint resolutions of the Senate and House of Representatives of the United States in 1984, 1985, 1987, and 1989; and

Whereas the attitude and morale of correctional officers is a matter worthy of serious Congressional attention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of May 2, 1993, and through May 8, 1993, and May 1, 1994, through May 7, 1994, are hereby designated as "National Correctional Officers Week". The President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe these weeks with appropriate ceremonies and activities.

TESTIMONY BY AND REPRESENTATION OF SENATE EMPLOYEES

Mr. FORD. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution authorizing testimony by Senate employees and representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 106) to authorize testimony by and representation of Senate employees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, *United States* v. *Thomas F. Weiss*, Case No. M–772–93, pending in Superior Court of the District of Columbia, is a misdemeanor prosecution for unlawful entry in which the defendant is charged with refusing on January 19, 1993, to depart, after having been requested to leave, the Capitol office of the Committee on Foreign Relations. Both the United States and the defendant are seeking the testimony of Senate employees. The following resolution would authorize testimony, except if a privilege should be asserted, and representation of Senate witnesses by the Senate legal counsel.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 106

Whereas, in the case of *United States* v. *Thomas F. Weiss*, Case No. M-772-93, pending in the Superior Court of the District of Columbia, subpoenas for testimony have been issued to Mary Jane Hatcher, David Hauck, Mary Beth Markey, Sandra Mason, and Ursula McManus, employees of the Senate on the staff of the Committee on Foreign Relations;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2)(1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That Mary Jane Hatcher, David Hauck, Mary Beth Markey, Sandra Mason, and Ursula McManus, and any other employee of the Senate who is subpoenaed to testify, are authorized to testify in the case of *United States* v. *Thomas F. Weiss*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is directed to represent Mary Jane Hatcher, David Hauck, Mary Beth Markey, Sandra Mason, and Ursula McManus, and any Member, officer, or other employee of the Senate who is subpoenaed to testify, in connection with the testimony authorized under section 1.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, May 7; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the conference report accompanying H.R. 2, the National Voter Registration Procedures Act.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I have no objection, but I will indicate to the Senator from Kentucky that I have asked Senators on this side to be prepared to discuss motor voter legislation starting at 10 a.m. I guess we probably will have morning business from 9:30 to 10?

Mr. FORD. Mr. President, it is my understanding the agreement had been reached to start at 9:30 in the morning for up until 1 o'clock.

Mr. DOLE. Leader's time has been reserved, so we can work that out.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

THEO CRIBBS: DEDICATED WICHITA LEGISLATOR

Mr. DOLE. Mr. President, in Wichita earlier this week, State representative, Theo Cribbs, passed away after dedicating so much of his life to representing the people of his district.

His 19 years in the State legislature tells you a lot about his dedication. He represented his constituents—the workers, the families, the disadvantaged—and made them proud with his tireless efforts at the statehouse in Topeka. Not even a stroke could keep him out of action for too long. He fought against discrimination throughout his life and was a much-respected force in the African-American community.

I pass along my sympathies to his family, and to the people of his district.

OLIVE WHITE GARVEY: THE SAD PASSING OF A WICHITA GIANT

Mr. DOLE. Mr. President, the greater Wichita area is saddened with the passing of one of its most dedicated citizens.

With the death of community leader Olive White Garvey, Wichita has suffered a tremendous loss.

I was honored to call Olive Garvey a friend. I knew her and her family for many years, and was grateful for their support and encouragement. Olive was a successful businesswoman, and the ultimate volunteer, always using her winning personality and leadership skills to get things done for Wichita, whether it was the 4-H Club, local charities, the arts, her Center for Better Nutrition, or her devotion to her church. She leaves behind a legacy of caring and brilliance that will be difficult to match.

She is survived by 2 sons, 2 daughters, a brother, 18 grandchildren, and 41 great-grandchildren. You can include in that family the people of Wichita.

I send my prayers and sympathies to her family and friends. I will always remember her friendship.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:43 p.m., recessed until Friday, May 7, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1993:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THOMAS R. FERGUSON, JR., 232-54-7487, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES A. FAIN, JR., 252-58-5580, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT W. RISCASSI, 042-28-4021, U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CARL W. STINER, 412-54-9881, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WAYNE A. DOWNING, 323-32-7002, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. GARY E. LUCK, 509-34-8751, U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES H. JOHNSON, JR., 224-52-5098, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN P. OTJEN, 390-38-0891, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES T. SCOTT, 463-68-2186, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HENRY H. SHELTON, 240-68-4698, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. KENNETH R. WYKLE, 233-64-1910, U.S. ARMY.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 1993:

ENVIRONMENTAL PROTECTION AGENCY

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXPORT-IMPORT BANK OF THE UNITED STATES

KENNETH D. BRODY, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM OF 4 YEARS EXPIRING JANUARY 20, 1997.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

PROTECT THE RIGHTS OF TAXPAYERS, CONSUMERS, AND SPORTS FANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. LIPINSKI. Mr. Speaker, last year, we passed a procompetitive, proconsumer cable bill. Under this new bill, the Federal Communications Commission [FCC] is required to study the migration of sports programming to pay television. While this is a step in the right direction, much more needs to be done to protect the interests of consumers and sports fans. In an effort to do so, I have introduced two bills—the Taxpayers Right To View Act of 1993 and the Right To View Professional Sports Act of 1993.

Professional sports leagues see pay-per-view as a new revenue source that can help bridge the difference between what the networks pay them, and the sums they need to keep pace with escalating player salaries. Why should the average sports fan pay for the greed of professional athletes and owners? It troubles me that working class families might not be able to afford to watch an American tradition like the World Series. We cannot take away free access to these events from low and middle-income citizens. And to add insult to injury, these same fans are the taxpayers who subsidize many of the stadiums in which the sporting events are held.

The Taxpayers Right To View Act of 1993 would prohibit pay-per-view charges for events that are held in taxpayer subsidized facilities. It would also prohibit pay-per-view charges for events sponsored by nonprofit and public organizations. Tax exempt status is granted to these organizations by the Federal Government. It is unfair to allow those who take advantage of this Government granted status to engage in pay-per-view telecasting, forcing taxpayers to pay again. We have a right to public viewing access if taxpayer money is used to make the event possible.

Enjoying sporting events in neighborhood bars and taverns is a traditional part of American life. However, more and more restaurants and sports bars across the country have been sued by professional sporting leagues and cable systems for showing broadcasts of games in their establishments. Many of these suits were brought against business people who did not even have the opportunity to purchase the satellite programming. Small business owners do not have the resources to fight against these powerful leagues in court, and as a result, are subjected to tremendous fines. Small businesses are willing to pay for such programming, but cannot afford the outrageous fees the leagues are asking. The Right To View Professional Sports Act of 1993 would put an end to all of this.

My bill would ensure that commercial establishments have the ability to purchase sports programming for their patrons at fair and reasonable fees. It would authorize the Copyright Tribunal to establish fees that small business owners can afford while at the same time protecting the copyright ownership of the sports team. Professional sports franchises enjoy antitrust exemption—it is only right that businesses are able to purchase their programming at fair prices. This legislation will prevent piracy, but ultimately will make organized sports more responsive to the people who make its existence possible—the fans.

I urge my colleagues to join me in cosponsoring this important proconsumer, prosports fans legislation. I am submitting the text of these bills into the CONGRESSIONAL RECORD.

H.R. 1987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer's Right to View Act of 1993".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Federal Communications Commission predicts a diminished role for broadcast television and a more prominent role for cable television including pay-per-view.

(2) Roughly 18,800,000 American homes are equipped to receive pay-per-view and this number is expected to increase to 35,900,000 by 1996. Overall pay-per-view revenue is expected to reach $1,100,000,000 by 1996.

(3) There is a growing trend toward making events available exclusively on pay-per-view.

(4) As this trend develops, whether the consumer has access to these events will be determined by the ability of the consumer to pay.

(5) Professional sports leagues are beginning to see pay-per-view as a new revenue source to keep pace with escalating player salaries.

(6) As a result, some media analysts predict that several of broadcast television's premier sports attractions eventually will migrate to pay-per-view.

(7) Limited access to viewing such events as the "Super Bowl" or "World Series" would deprive citizens of the ability to enjoy these events which are inherent in the American tradition.

(8) The majority of facilities in which such events are held and funded through taxpayer money.

(9) It is unfair that taxpayers, who subsidize the construction and maintenance of many of these facilities, should have to pay an additional pay-per-view charge for viewing these events.

(10) Nonprofit and public organizations including public and private educational institutions and their athletic organizations are exempt from the corporate income tax.

(11) Furthermore, corporations can deduct their donations to college sporting events as charitable contributions.

(12) Tax exempt status is granted to these nonprofit and public organizations by the Federal Government and it is unfair to allow those who use this status to engage in pay-per-view telecasting—thus forcing taxpayers to pay again.

(13) It is unfair that taxpayers, who subsidize the construction and maintenance of many of these facilities, should have to pay an additional pay-per-view charge for viewing these events.

(14) Therefore, Congress should ensure that all taxpaying citizens have free access to events that are sponsored by organizations with nonprofit tax exempt status and those events held in taxpayer subsidized facilities.

SEC. 3. PAY-PER-VIEW CHARGES PROHIBITED.

Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding any other provision of this title, a cable operator may not assess or collect any separate charges for any video programming of a sporting, theatrical, or other entertainment event if that event is performed at a facility constructed, renovated, or maintained with tax revenues or by an organization that receives public financial support.

"(2) The Commission and local franchising authorities are authorized to make determinations concerning the applicability of the prohibition contained in paragraph (1). In making such determinations—

"(A) a facility shall be considered to have been constructed, maintained or renovated with tax revenues if—

"(i) tax exempt financing was used to construct, maintain, or renovate the facility,

"(ii) the facility was constructed on land donated by a government, or leased by a government at below market rates, or

"(iii) public infrastructure or public service for the facility are provided by the government at below market rates, with the exception of police, fire, and rescue services;

"(B) an event is performed by a nonprofit or public organization that receives tax subsidies if the event is sponsored by, or includes the participation of a team that is a part of, an organization—

"(i) that is exempt from Federal income taxes under section 501 of the Internal Revenue Code of 1986, or

"(ii) that is exempt from Federal income taxes under section 115 of the Internal Revenue Code of 1986, and to which donations are tax deductible under such Code; and

"(C) notwithstanding subparagraph (A), a facility shall not be considered to have been constructed with tax revenues if the government has been reimbursed, through the proceeds of a sale of the facility or otherwise, for the total amount to the tax revenues that were used to construct the facility, as determined under subparagraph (A), but in this section shall be construed to exempt facilities from this subsection if the facility is receiving current financial support.

"(3) The Commission shall prescribe, by regulation, procedures for the administration of this subsection.".

H.R. 1988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Right to View Professional Sports Act of 1993".

SEC. 2. COPYRIGHT EXCEPTION FOR BROADCASTS OF PROFESSIONAL SPORTS TEAMS.

(a) EXEMPTION.—(1) Chapter 1 of title 17, United States Code, is amended by adding at the end the following:

"§ 121. Limitations on exclusive rights: exemption for certain displays of video programming

"(a) EXEMPTION FOR CERTAIN DISPLAYS OF VIDEO PROGRAMMING.—The public performance by means of the display of video programming at a place of public accommodation of any game between professional sports teams, which would otherwise be an infringement of copyright to which section 411(b) of this title applies, shall not be an infringement of copyright if a reasonable fee (as determined under chapter 8) is paid to the copyright owners for such performance.

"(b) DEFINITIONS.—As used in this section—

"(1) PROFESSIONAL SPORTS TEAM.—The term 'professional sports team' means a professional team engaged in the sport of football, baseball, basketball, ice hockey, boxing, or other sport.

"(2) PLACE OF PUBLIC ACCOMMODATION.—The term 'place of public accommodation' means an inn, hotel, motel, or other place of lodging, or a restaurant, bar, or other commercial establishment serving food or drink.".

(2) The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by adding at the end the following:

"121. Limitations on exclusive rights: exemption for certain displays of video programming.".

(b) ESTABLISHMENT OF FEES.—Section 801(b) of title 17, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding after paragraph (3) the following:

"(4) to determine and adjust the reasonable fees to be paid to copyright owners for public performances of games between professional sports teams at places of public accommodation for purposes of section 121 of this title, and to publish such fees.

In determining or adjusting fees under paragraph (4) with respect to places of public accommodation, the Tribunal shall take into account the average fair market price for comparable programming provided by cable systems (as defined in section 111(f)) and satellite carriers (as defined in section 119(d)) to other places of public accommodation (as defined in section 121(b)) in the same local, geographic area.".

SEC. 3. TREATMENT OF COPYRIGHT SYSTEM AS MARKETING SYSTEM FOR PURPOSES OF COMMUNICATIONS ACT OF 1934.

Section 705(b) of the Communications Act of 1934 (47 U.S.C. 605(b)) is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) The provisions of subsection (a) shall not apply to the interception, receipt, and display of video programming at a place of public accommodation of any game between professional sports teams if the copyright owners for public performances of such game receive, from the owner or operator of such place of public accommodation, a reasonable fee determined in accordance with section 801(b) of title 17, United States Code. For purposes of this section, the terms 'public accommodation' and 'professional sports team' have the meanings provided in section 121(b) of such title 17.".

TRIBUTE TO THE SACRAMENTO CHAPTER OF THE JAPANESE-AMERICAN CITIZENS LEAGUE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues' attention the work of a distinguished public service organization, the Sacramento chapter of the Japanese-American Citizens League.

Over the years, the JACL has dedicated itself to improving the quality of life for all members of the Sacramento community. Through their commitment, the league has assisted many young students in furthering their education by offering scholarships to distinguished college-bound students.

The Japanese-American Citizens League is most deserving of our thanks and praise for their efforts and compassion. There are few causes more worthwhile than encouraging our young people in their efforts to enhance their education and contribute in a meaningful way to society. Given the unprecedented challenges arising from the vast and significant changes which are taking place in our society, the importance of an advanced education is greater now than ever before.

I wish to commend the league on this act of public service, and extend my personal congratulations to each of these students for their academic excellence. Being honored with scholarships are: Cori Tahara of C.K. McClatchy High School; Gordon H. Makishima, Jennifer Ishimoto, Keven Riki Takeuchi, Krista Michele Nakamura, Vanessa Lee Tsuda, Stacey Momoe Nakano, Kimi Schmidt, Alicia Chieko Tagawa, Grant Masao Yoshimura, Julie Michiko Otani, and Russell Brandon Fukushima of J.K. Kennedy High School; Delphine Yasuyo Sebe of Hiram Johnson High School; Margret Ann Cooper and Lori Hashisaka of El Camino Fundamental High School; Jennifer Ito and Allison Akemi Uchida of Davis Senior High School; Kacey Aiko Nakashima of Dixon High School; Lara Akemi Moeckly of St. Helena High School; Bradley Yoshito Mizuno, Ryan Masashi Mitsuhashi, and Jerald Shige Ueda of Del Campo High School; Marc Leonard of Florin High School; Eric Kenji Okada of Bella Vista High School; Yuuri Ogawa of Sacramento High School; Todd Komei Otani of Cosumnes River College, and Nicole Digrigorio of Sacramento City College.

I know my colleagues join me in wishing these students continued success in their academic endeavors.

SENIOR CITIZEN MOVEMENT CELEBRATES 50TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to pay tribute to the numerous men and women involved in the U.S. senior center movement which marks its 50th anniversary on May 6, 1993.

What began as the William Hodson Senior Center in the Bronx 50 years ago has flourished into a prominent national movement that provides vital services for our Nation's senior population.

Senior centers extend a beacon of welcome to many elder citizens who wish to play an active role in community life. The various programs maintained by senior centers enrich the lives of countless individuals who perhaps might otherwise lead a lonely existence in big cities or remote rural areas.

I know how important senior centers are for the constituents in my district and throughout New York City. I hope that this day of celebration marks not only the accomplishments of the past, but also signals future success and achievement.

TRIBUTE TO POLICE CHIEF KEITH BERGSTROM

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to a good friend—both to me and to my home town of Tarpon Springs, FL—Police Chief Keith Bergstrom, who died unexpectedly last week.

It is difficult to express what this man meant to his community. He never felt the job ended with an 8-hour shift. He was never one to shrink from challenges in law enforcement—whether on the street or in the department—and he was not one who felt his job ended with his job description.

Chief Bergstrom took over the post of chief of the Tarpon Springs Police Department on an interim basis in 1987, becoming its full-time head 6 months afterwards. It was not an easy time for the department—in fact, it was a very bad time. It was a time for someone with a total dedication to the professionalism and ethical conduct that the situation required. To the great good fortune of the city residents, that is exactly what they got.

Today, the Tarpon Springs Police Department is admired and respected throughout the area law enforcement community—a fitting tribute to a man who would accept nothing less.

While Chief Bergstrom worked diligently and effectively within the department as a police officer and administrator, he was not one to stop there. In fact, he became deeply involved in community service in other ways—as a strategic advisory board member and board member of the local Rotary Club. He knew that working from behind his desk was really only part of what was needed—and he responded to that need.

It earned him the affection and respect of the entire community, many residents and police officers rallying in support of his continued service as chief earlier this year.

Chief Bergstrom may have appreciated most, the simple sentiment of his close professional associate, Pinellas County Sheriff Everett Rice: "He was a good cop." No police officer could ask for more.

However, those five words could never be enough of a tribute from the Tarpon Springs residents he served so ably and well. I hope this fact, that he touched the lives of so many in such a positive and enduring way, can bring some comfort to his wife, Mary Ann.

It will always be meaningful to the city and people of Tarpon Springs.

RUSSIAN TROOPS IN THE BALTICS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. HOYER. Mr. Speaker, at this time, approximately 40,000 Russian troops are still deployed on the territory of the independent Baltic States of Estonia, Latvia, and Lithuania. These troops are holdovers from the Soviet era, when there were an estimated 130,000 to 200,000 troops on Baltic territories.

The Russian Government and the governments of the independent Baltic States have been holding negotiations on the troop withdrawals, as well as other subjects. Russia and Lithuania have reached agreement on an August 1993 deadline for withdrawal of the troops. Unfortunately, a similar schedule has not been reached with Estonia and Latvia. And as late as March 2, 1993, Radio Riga reported that Russian Army officers are still being dispatched to Latvia for service there, and have been turned back at the border by Latvian authorities. Moreover, the Latvian Defense Ministry reported on March 5 that the Russian military made 222 unauthorized incursions into Latvia's air space during January and February 1993.

President Yeltsin and other Russian Government officials have given various reasons for the failure to date to reach agreement with Latvia and Estonia on troop withdrawals. One reason frequently given is that the Russian Government is experiencing difficulty in providing quarters for returning officers and their families, and reintegrating demobilized military personnel into Russian society. And indeed this is a serious problem for Russia. It is estimated that approximately 120,000 Russian officers and families currently stationed in Germany, Poland, and the Baltic nations do not have adequate quarters in Russia to which to return. In fact, some officers in the Baltics have said they will not leave unless they are guaranteed living quarters in Russia.

Congress has stipulated, through the Byrd amendment to Public Law 102–391, the Assistance for the New Independent States of the Former Soviet Union Act, that no more than 50 percent of the funds provided to Russia, other than humanitarian assistance, shall be made available unless the President certifies to Congress by June 1, 1993, that Russian and Baltic Governments have made substantial progress toward establishing a timetable for withdrawal, or that substantial withdrawal has occurred. Moreover, under the Byrd amendment, no aid will be forthcoming after October 1993 if the Russian troops have not been removed, or if at least a timetable for withdrawal has not been established. I sincerely hope we won't be forced to take such action.

In fact, despite the lack of a formal agreement on troop withdrawals and the occasional breakdown in negotiations, Russian troops are leaving. Their number has been reduced by about 90,000. This is certainly welcome progress.

Let me emphasize that I don't want to make Mr. Yeltsin's job any more difficult than it already is. I understand the pressure to which he has been subjected of late, some of which from forces that would, if it were left to them, restore the Soviet Union, perhaps even re-invade the Baltic States.

I am also aware of Moscow's claims that the human rights of ethnic Russians in the Baltics are being violated. These claims deserve to be investigated, and indeed are closely monitored by the Helsinki Commission which I co-chair along with Senator DECONCINI, but they should not be connected to the removal of foreign troops on the territory of other sovereign nations.

With this in mind, today, along with my colleagues, Mr. SMITH of New Jersey, Mrs. SLAUGHTER, Mr. MARKEY, Mr. SARPALIUS, Mr. KLECZKA, Mr. POSHARD, Mr. VISCLOSKY, Mr. MCNULTY, Mr. OBERSTAR, Mr. LIPINSKI, Mr. APPLEGATE, and Mr. CARDIN, I am introducing a resolution which notes the very encouraging progress achieved thus far in removal of the above-mentioned troops, and calls upon the government of the Russian Federation to continue to remove its troops from all three Baltic nations through a firm, expeditious, and conscientiously observed schedule.

TAX-EXEMPT BOND REFORM ACT OF 1993 INTRODUCED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation that would treat the bonds issued by 501(c)(3) organizations in a similar manner to those issued to finance direct State or local government activities. The bill was passed in the last Congress as part of the conference report on H.R. 11, which was subsequently vetoed. This bill would remove the $150 million limit on outstanding bonds imposed on 501(c)(3) organizations, and generally treat these bonds in a similar manner to those issued to finance direct State or local government activities.

Nonprofit organizations have traditionally used tax-exempt financing for the construction, renovation, and modernization of facilities they use for activities related to their mission. Prior to the 1986 Tax Reform Act, this financing was generally available to all qualified 501(c)(3) organizations in recognition of the public purposes they serve.

Enactment of this $150 million cap has had unintended and unforeseen consequences. For example, restricting access of private colleges and universities to tax-exempt financing has damaged efforts to improve the Nation's education activities and research capabilities. Currently, the capital renewal and replacement needs of colleges and universities exceed $60 billion. Fully one-third of this amount is for urgent repairs and renovation. The National Science Foundation has reported that for every $1 spent to maintain research facilities, an additional $3.50 was deferred, and that for every $1 spent for new science facilities, $4.25 was deferred. Limiting access to capital needed to finance infrastructure improvements will impede research needed to keep the American economy and American businesses competitive in the fast and ever-changing economy.

Similarly, the cap has affected the operations of the American Red Cross. As a single corporation with over 3,000 units, it has outstanding bonds approaching the $150 million limit. For the past several years, the Red Cross has had to maintain a waiting list of chapters and blood centers around the country in need of financing to renovate their facilities or purchase buildings. Currently, the Red Cross is faced with increased expenditures related to disaster services and a $140 million outlay for modernization of its blood services operations. It is critical to preserve the Red Cross' access to tax-exempt financing so that it may build the facilities needed to provide these essential services to the American people.

I urge my colleagues to join me in supporting this important legislation.

COMMEMORATIVE STAMP TO HONOR POW'S AND MIA'S

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. TALENT. Mr. Speaker, I have just introduced legislation which will honor the thousands of brave men and women who have served our Nation in times of war, and those who have been taken prisoner of war or are still listed as missing in action. My bill would direct the Post Office to issue a stamp commemorating our Nation's POW's and MIA's.

The 20th century has been one of the most brutal in the history of man. The American people owe an enormous debt of gratitude to the millions of brave men and women who have defended our liberties against tyranny and oppression. Thousands of them were taken prisoner of war and were subjected to brutal and inhumane treatment by their captures; over 88,000 veterans of World War II, the Korean war, and the Vietnam war who were listed as missing in action have never been accounted for.

Mr. Speaker, there are still many unanswered questions surrounding thousands of our MIA's. There is at least some evidence that MIA's are being held against their will. Congress must do everything it can to make sure that they are not forgotten. For the families of these MIA's, these wars will never truly be over until these questions are answered.

Some of the brave soldiers have come home; some of them have not. A commemorative stamp is the least Congress can do to help make sure that none of them are ever forgotten.

A TRIBUTE TO THE SAN FRANCISCO SPCA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. LANTOS. Mr. Speaker, in 1868 one man was willing to give a voice to those who cannot speak for themselves. James Sloan Hutchinson, a prominent San Francisco banker, was deeply troubled by the cruelty to animals he witnessed on a daily basis on the streets of the city. A progressive and visionary man, he channeled his outrage and created an organization that sought to protect animals from cruelty. Today, 125 years later, the San Francisco Society for the Prevention of Cruelty to Animals continues its guardianship of Mr. Hutchinson's vision.

In mid-April 1868, Mr. Hutchinson organized a meeting of supporters who formed the SFSPCA. In just 10 days, the California State Legislature passed a bill providing for the incorporation of an anti-cruelty society in California. The San Francisco SPCA received its charter from the State of California, becoming only the fourth SPCA in the Nation and the first animal protection society west of the Mississippi. Since that time the San Francisco SPCA has grown from only one volunteer staff person to a staff of approximately 100 and membership of over 57,000 people.

It is with great pleasure that I pay tribute to the San Francisco Society for the Prevention of Cruelty to Animals for its 125 years of service to San Francisco. Although the San Francisco SPCA provides protection for animals in the bay area, it is a model for SPCA's throughout the country. The San Francisco SPCA has implemented numerous innovative programs, including the hearing dog program; the humane education program; a low cost spay and neutering clinic; the Cinderella fund, which rehabilitates critically injured animals in order to place them up for adoption; as well as the Nation's first Animal Behavior Correction Program with the Animal Behavior Adviceline.

Under the direction of Mr. Richard Avanzino, the focus of the San Francisco SPCA is to concentrate on animal life saving programs. They concentrate on the care for outcast shelter animals and are successfully working to end pet overpopulation in San Francisco. In 1991–92 the SFSPCA found new homes for over 4,000 animals, of which over 50 percent were "difficult to place" pets.

Mr. Speaker, the San Francisco Society for the Prevention of Cruelty to Animals is an exemplary organization. Providing for vulnerable and defenseless animals, it is truly an inspiration to those who care deeply about the sanctity and quality of animal life. It is my honor to commend the SFSPCA on its 125 years of dedication and commitment to the welfare of animals.

TRIBUTE TO PUBLIC EMPLOYEES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mrs. MORELLA. Mr. Speaker, I want to take this opportunity to congratulate all those who have dedicated their lives to public service; those who serve the public should be recognized every week and every day for their selfless contributions for the benefit of the people they serve. It is a privilege to express my appreciation for their yeoman's service to the Nation.

Public employees are the unsung heroes of America, without them, life in America would come to a stop. The country takes their work for granted and fails to adequately thank them for their dedication, their talent, and their patience. Few realize that public service is a commitment; it takes a special person to dedicate one's life for others. It takes a special person who will take public employee bashing and continue working.

Public employees are our military personnel, our space engineers, our physicians, guardians of our parks and public lands, ambassadors, secretaries, food inspectors, policymakers, peace negotiators, quality assurance specialists, recreation specialists, landscape architects, hospital administrators, interpreters, actuaries, cytologists, librarians, teachers, and so forth. We are a great nation and they make it so.

So rarely do public employees get a word of appreciation that I am pleased to have this opportunity to thank them all—public employees who serve in municipal, county, State and Federal positions—particularly those I represent in the Eighth District of Maryland.

WELCOME SHRINERS HOSPITAL TO SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I rise today to ask my colleagues to join me in welcoming Shriners hospital to Sacramento, CA. Saturday, April 17, the Shrine of North America will break ground for the new Shriners Hospital for Crippled Children. Many of my colleagues who are fortunate to already have one of the 17 Shriners hospitals in their district are familiar with the exemplary care they provide for their young patients as well as their leadership in the research of burn treatments and crippling diseases.

For those not familiar with the Shriners, let me just say that it is a rich and wonderful story of a secret fraternal organization honoring the ideals of brotherhood and fellowship dating back to the 1870's.

Since their inception, Shriners hospitals have enjoyed phenomenal success over the years eventually expanding to 19 in number, plus 3 Shriners burn institutes. Together, over the years, these facilities have treated over 450,000 children with injuries or illnesses in three different medical disciplines: orthopaedic, spinal injury, and acute burn care. Keep in mind, that not one of these children's families have ever been sent a bill for services rendered.

Sacramento is particularly proud to be the host of what will become the largest hospital in the Shrine hospital system. By the time it receives its first patient in 1995 this facility will provide 80 inpatient beds and 6 operating rooms among its many amenities.

This facility will be located on the grounds of the U.C. Davis Medical Center. This affiliation will provide a unique opportunity for the Sacramento community to observe and participate in a mutually beneficial relationship between a world-class academic medical center and the world's greatest philanthropy.

The Sacramento community, led by Mayor Joe Serna, will be out in full force to welcome representatives from Shriners hospitals to our city. Sacramento is honored to become part of the success story that is the Shrine.

I urge my colleagues to join me and the city of Sacramento in extending a hearty welcome to Shriners hospital on the occasion of their groundbreaking in Sacramento.

RIVERSIDE COUNTY CELEBRATES 100TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. CALVERT. Mr. Speaker, this weekend, the people of Riverside County, CA will celebrate the county's 100th anniversary, and, in spite of a slow economy and other problems which affect most of today's urban areas, we have much to celebrate.

Riverside County is located in the heart of southern California. It is made up of more than 7,000 square miles of diverse geographical features, stretching eastward from the edges of Orange and Los Angeles Counties to the border of Arizona. To the south, Riverside shares boundaries with San Diego and Imperial Counties, and to the north, San Bernardino County.

The county's vast landscape is comprised of towering mountains, forests, scenic open plains and valleys replete with beautiful and unique vegetation and wildlife. From the beautiful Mission Inn in the city of Riverside in the west, to the desert paradise that is home to some of the world's finest golf courses in the eastern half of the county, Riverside offers an abundance of tourist attractions.

But, to the people who call Riverside County home, there is much more than beautiful scenery and near perfect weather that makes it such a desirable place to live, there is opportunity. In addition to being one of the leading agricultural counties in the Nation, low-cost land has attracted hundreds of new businesses to the area.

From Palm Springs, long a favorite of celebrities, and Rancho Mirage and Palm Desert, which offer an abundance of resorts, golf courses, and cultural activities for both vacationers and residents, to the Temecula area with its burgeoning wine industry, to Indio, home of the annual date festival, the cities and towns of Riverside are actively promoting economic development. When you add this growing economic base to the excellent climate, superb educational opportunities, and outstanding cultural offerings, there are few counties anywhere in the country that can compare with ours.

Mr. Speaker, while we will use this anniversary to recognize the outstanding achievements of the four generations who have made Riverside what it is, we are also determined that our centennial celebration will be viewed as a beginning—the beginning of another century of progress—measured not just in terms of numbers of new residents, but in terms of the quality of life for all who call the heart of California's inland empire home.

INTERMODAL CONTAINERS LEGISLATION INTRODUCED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. THOMAS of California. Mr. Speaker, today I am introducing legislation to clarify the proper tax treatment of intermodal cargo containers used in transporting goods to and from the United States by sea. Intermodal cargo containers are those reusable boxes of standardized dimensions that shippers use to transport goods on seagoing vessels.

This bill will prevent substantial harm to taxpayers in the business of leasing containers to shipping companies and businesses. The provisions of the bill were previously incorporated in last year's H.R. 11. To illustrate the need for the bill, let me just briefly restate the problem.

From its original enactment in 1962 until its repeal in 1986, the investment tax credit generally was not allowed for property used predominantly outside of the United States. Exceptions to this rule were provided for certain categories of assets used to transport people or property to and from this country. These exceptions sanction the predominant foreign use of transportation-related property as part of the investment tax credit's general goal to improve our competitive position in the world economy. One of these exceptions applies to containers used in the transportation of property to and from the United States.

In 1990, the IRS issued Revenue Ruling 90–9, which provides that the credit and accelerated depreciation generally are not allowable on intermodal cargo containers unless the taxpayer can show, on a container-by-container basis, that a substantial portion of a particular container's activity during a taxable year is in the direct transportation of property to and from the United States. The problem taxpayers face under Revenue Ruling 90–9 is that no one in the industry has ever kept track of shipping activity on a container-by-container basis. Since intermodal containers are interchangeable, like railroad boxcars, there is no business reason for lessors to keep track of how lessees use each container. Lessees do not keep track of destinations on a container-by-container basis. Thus, the IRS ruling eliminates the ability of lessors to claim the credit and accelerated depreciation.

Before 1990, there were no Treasury regulations or rulings interpreting the exception for containers, even though that provision had been in the law for more than 25 years. Container owners relied on a common sense reading of the statute and the apparent congressional intent when determining how the credit applied to their containers. For more than 20 years, the audit practice of the IRS was to confirm the general availability of credits and deductions claimed by two groups of container owners—U.S. shipping companies and U.S. container leasing companies. For lessors, the container credit was by far the largest item on each tax return and could not have been overlooked by the IRS examining agents. The IRS also issued liberal interpretations of other transportation-related exceptions that further confirmed the lessors' general approach.

Then, in 1984, IRS agents radically altered audit practices with respect to container lessors and began disallowing the credit for containers because lessors could not prove each container "touched" the United States each year. In January 1990, this approach was formally published in Revenue Procedure 90–9, which requires all container owners to show on a container-by-container basis that a substantial portion of a particular container's activity during the taxable year is in the direct transportation of property to or from the United States.

The IRS even took the unusual step of applying Revenue Ruling 90–9 retroactively even though Revenue Ruling 90–9 is contrary to the practice followed by the container leasing industry since the inception of the investment tax credit in 1962, and is contrary to the treatment of other assets used in international transportation, such as airplanes and railroad rolling stock. Therefore, container lessors are being held subject to back taxes and interest by the IRS for all their open years. I understand that many container lessors have open tax years extending back to 1980 and thus they face great financial hardship under Revenue Ruling 90–9.

The position taken by the IRS is very questionable. It is inconsistent with judicial precedents that have liberally interpreted the tax credit provisions, both in general and with respect to the transportation-related exceptions that apply to other types of property. After more than 20 years of no guidance at all, the IRS has adopted the harshest rule possible. Making Revenue Ruling 90–9 retroactive is unfair to taxpayers who had to apply the investment tax credit rules as best they could in past years without IRS guidance.

The bill I am introducing today would serve to specifically overrule Revenue Ruling 90–9, for containers placed in service before January 1, 1990. The bill would apply a rule more in line with the provisions that apply to other transportation property. This legislative clarification will prevent the unfair retroactive impact of Revenue Ruling 90–9 on container lessors, and avoid wasteful and protracted litigation between taxpayers and the IRS.

If the IRS wants to continue following its position that a container must touch the U.S. a substantial portion of time each year, it can do so for containers placed in service after December 31, 1989. However, lessors of those containers will at least have had an opportunity to maintain records on a container-by-container basis, to satisfy the IRS.

I urge all of my colleagues to support this legislation so the inequities in this situation are swiftly corrected.

THE UNDERCHARGE SETTLEMENT AND AMNESTY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. LIPINSKI. Mr. Speaker, today I am introducing the Undercharge Settlement and Amnesty Act in order to resolve a longstanding dispute in the trucking industry—the freight undercharge issue. For too long the legal battles over this issue have clogged our courts with costly litigation and held hostage the legitimate interests of thousands of former trucking employees. As a result, these hard-working men and women are being denied hundreds of millions of dollars in back pay and pension contributions owed to them. Needless to say, during our current climate of shrinking wages and scarce job opportunities, this is a bitter pill to swallow.

The freight undercharge issue is another distasteful legacy of the misguided and illegal regulatory practices of Reagan-era government. After the partial deregulation of the trucking industry in 1980, some of the Nation's largest companies used their leverage as giant shippers to extract deeply discounted, below-cost rates from motor carriers. These sweetheart deals, negotiated with winks and nods by the Interstate Commerce Commission, were a primary cause of the rash of trucking industry bankruptcies of the late 1980's. It is a bitter irony for the former employees of these companies that the legal wrangling over the very issue which caused their unemployment is denying them the money they are owed.

My bill, the USA Act, will right this wrong by promptly and fairly resolving the undercharge issue. The bill is carefully crafted to give all parties to the various disputes strong incentives to end the gridlock and put the issue behind them, while at the same time protecting the interests of the innocent victims.

First and foremost, the USA Act places the former employees of the bankrupt carriers and their pension funds first in line among unsecured creditors. They were least at fault and are most in need and my bill ensures the money will wind up in their pockets where it belongs.

Second, the legislation gives large shippers a 1-year amnesty period in which to settle undercharge claims against them for 35 cents on the dollar. This figure reflects several realities. It gives shippers a strong incentive to stop fighting and to settle. It is commensurate with other bankruptcy cases. It is comparable to what the carriers' creditors would receive after a lengthy legal battle. And it acknowledges that while the shippers knowingly violated the law, they did so with the approval of the ICC.

Third, the USA Act forgives small businesses, charities, and other nonprofit groups of all undercharge liability. Few of these organizations had the legal resources to know that the rates they paid were unlawful, and many could suffer severe financial hardship if forced to pay undercharges. For these reasons, I consider these organizations to be additional victims of the undercharge crisis and believe it is fair and appropriate to give them total amnesty.

Fourth, the USA Act strengthens interstate commerce law to prevent future undercharge crises. Some of the practices which caused the problem continue to occur and simply must be stopped. The bill specifically bans the most common abuses such as "trigger" and "range" tariffs and "phantom" rates. The bill also reaffirms the filed-rate doctrine as the governing law of the trucking industry and requires the ICC to enforce it. No longer will an arrogant and uncontrolled ICC ignore congressional mandates and govern the trucking industry at its own whim.

In conclusion, Mr. Speaker, it's time we stopped treating this issue as a complex legal dispute between impersonal corporations, and started treating it as an issue deeply affecting the lives of ordinary human beings. By providing a fair and sensible solution to the freight undercharge gridlock, the USA Act reflects that approach. I urge my colleagues to swiftly enact this important legislation.

TRIBUTE TO FOUR WHO RETIRE FROM FEDERAL SERVICE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to four outstanding individuals from the Sacramento community who will be retiring soon from long and successful Federal careers.

Mr. James E. Green has served since 1974 as the chief of the civil law center at the Mather Air Force Base. Prior to his service to Mather, Mr. Green served in the U.S. Air Force for 20 years as a staff judge advocate. He retired in December 1972 at the rank of colonel. Mr. Green is married to the former Mary Ann Belt and is the father of four grown children.

M. Sgt. Carol M.C. Brensing has held a variety of administrative positions in the legal field since entering the U.S. Air Force in 1973. She has been highly decorated for her service, and has constantly pursued professional and service education to improve her skills. Her efforts culminated in her becoming the manager of the Mather Law Center in September 1990. Master Sergeant Brensing is married to S. M. Sgt. Harry H. Brensing and is the mother of two daughters, Amanda and Audrey.

Mrs. Beverly E. Adams has been a valued employee of the Mather Law Center since 1974. She has been a secretary and held positions at six Air Force bases over her remarkable 36 year Federal career. Mrs. Adams is married to retired S. M. Sgt. Harold Adams and is the mother of two daughters, Janice and Katherine, and has four grandchildren.

Maj. Glenn C. Jones currently serves as an attorney advisor with the Office of the Staff Judge Advocate at Mather Air Force Base where he has served since 1992. He enlisted in the U.S. Air Force in 1973 and went on to receive his commission through officer training school in 1979. Major Jones has held positions as communications and data automation officers as well as serving as an electronic warfare instructor with the 453d Flying Training Squadron. Major Jones received his promotion to major in 1990 and graduated from McGeorge School of Law the following year. He is married to the former Alyce Walker, and has two sons, Aaron and Matthew.

Mr. Speaker, I am sure that my colleagues will join me in congratulating Mr. James E. Greene, M. Sgt. Carol M.C. Brensing, Mrs. Beverly E. Adams, and Maj. Glenn C. Jones upon their retirement from Federal service. Their devotion to keeping the United States a strong and just nation is truly commendable. It is my great pleasure to recognize their achievements and to wish them continued success and happiness in their retirements.

TRIBUTE TO BLACK VETERANS OF AMERICA

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. PENNY. Mr. Speaker, from the earliest days of the Revolutionary War to the recent operations in the Persian Gulf and Somalia, black Americans have answered their country's call and served with distinction in the Armed Forces of the United States. Crispus Attucks, a gallant black man, is well-known as one of the first Americans killed in the Boston Massacre, but there were 5,000 black patriots who served during the Revolution. The battalion of Free Black Men of Color marched with Andrew Jackson into the Battle of New Orleans during the War of 1812. There were the many black combatants who demonstrated great valor during the Civil War and whose accomplishments have been memorialized in the recent movie, "Glory." There were the black "buffalo soldiers" who were sent to fight the Indian wars on the Plains, and those who were with Teddy Roosevelt at San Juan Hill. Blacks served valiantly in World War I and again in every conflict in this century.

One of the most notable units to appear during World War II was the Tuskegee Airmen. These men, who fought segregation as well as the enemy, took old, out-dated P–40 fighter planes into successful aerial combat in North Africa against highly sophisticated German planes. Having proven themselves, their aircraft were upgraded and they continued their success throughout the war—flying some 200 bomber escort missions over Europe—never losing a bomber to enemy attack. Though these "Black Eagles" did not receive the recognition they deserved, their legacy among black flyers was passed on throughout the Korean and Vietnam Wars. Our country's first black three-star general, Benjamin O. Davis, Jr., and its first black four-star general, Daniel "Chappie" James, were both Tuskegee Airmen.

Thousands of black Americans served in Vietnam, with 20 being recognized for exceptional valor through award of the Medal of Honor. As with many returning Vietnam veterans, black veterans did not receive accolades at home, but were snubbed or ignored.

In recent years, the lot of black servicemembers has improved. The appointment of Gen. Colin Powell as Chairman of the Joint Chiefs of Staff, and the service of many blacks during the gulf war have enhanced this position.

However, despite a gallant history, blacks' status as equal members of the Armed Forces has not consistently translated into equality in society. Therefore, a group of black veterans in Minnesota is seeking a Federal charter for their organization, Black Veterans of America, to ameliorate this situation. The objectives of the group are the following: To recognize the contribution to the United States throughout its history made by black Americans; to ensure that all veterans, particularly black veterans, receive all benefits accorded them under law; to serve as an information clearinghouse for all veterans' benefits including education, housing, job training, disability, health care and burial benefits; to provide outreach and referral for community services for veterans and their families; and to provide a forum for discussion of veterans' issues and concerns.

I have introduced legislation granting a Federal charter to the Black Veterans of America and urge my colleagues to join me in support of this worthy effort.

THE DEATH OF REV. A.R. LEAK, SR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. RUSH. Mr. Speaker, I rise this morning to pay tribute to the long and distinguished contributions of the late Rev. A.R. Leak, Sr., who passed away over the weekend. Reverend Leak was a man who rose from being a busboy at the 1933 Chicago World Fair to being one of Chicago's most respected and best loved role models, and I wish to state for the RECORD how genuinely admired he was.

As a clergyman and businessman, Reverend Leak became a voice for Chicago's inner-city. Through his weekly radio show, "It's Time Truth Speaks," and through his ministry, Reverend Leak touched thousands in Chicago and around the Nation with his vision of social justice.

He founded the Civic Liberty League which helped shape the civil rights movement in Chicago. His efforts brought the Reverend Martin Luther King and other civil rights leaders to Chicago to expand upon his vision of change.

Reverend Leak gave tirelessly of himself to help the less fortunate and needy, and he helped shaped the minds of many young people through his dedication to his church and through his conception of social equality. I join his family, his friends, and all of Chicago and the Nation, in mourning the loss of a dear friend and great American.

SOLID WASTE INCINERATOR ASH TESTING ACT INTRODUCED

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to introduce legislation requiring that ash resulting from solid waste incineration be tested for contaminants prior to disposal in a solid waste landfill. Known as the Solid Waste Incinerator Ash Testing Act, this legislation is cosponsored by a bipartisan group of 12 Members of the House of Representatives.

Passage of this bill is necessary to reverse an action by the Bush administration to exempt incinerator ash from testing requirements. Under a decision by the Environmental Protection Agency last September, incinerator ash was exempted from routine testing under subtitle C of the Resource Conservation and Recovery Act [RCRA]. This means that ash containing harmful contaminants can now be discarded in landfills along with ordinary solid waste.

As the representative of an area that derives all of its public drinking water from a groundwater aquifer located beneath sandy soil, I consider it an absurd policy to exempt incinerator ash from testing prior to landfiling. Incinerator ash can contain heavy metals and toxic materials which pose a serious threat to groundwater. I am very concerned about the possibility that contaminated landfill leachate could jeopardize human health, wildlife, and the environment. Testing prior to disposal constitutes minimal protection against such hazards.

The legislation I am introducing today would mandate the testing of ash generated by solid waste incinerators prior to landfilling or other disposal, unless the ash is being disposed of in an approved hazardous waste facility. It would also require that incinerator ash testing positive for contaminants hazardous to human health, wildlife or the environment be disposed of in a RCRA subtitle C—hazardous waste—landfill, or otherwise be treated to prevent contamination of the environment.

PUBLIC PENSION EQUITY RESTORATION ACT OF 1993 INTRODUCED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I rise today to introduce the Public Pension Equity Restoration Act of 1993. This legislation provides critical relief to address unique problems faced by the pension plans of State and local governments across the country under the benefit limitations of section 415 of the Internal Revenue Code.

This legislation was cosponsored last year by a bipartisan group of almost half the Members of this House, including 27 members of the Ways and Means Committee. The legislation enjoys broad support of members from across the country.

The legislation is noncontroversial. The provisions were adopted by the House twice last year and were included in the final version of both tax measures—H.R. 4210 and H.R. 11—that Congress sent to the President. The provisions also have been included in the tax simplification package introduced this year by Ways and Means Chairman ROSTENKOWSKI—H.R. 13. The legislation has been estimated by the Joint Committee on Taxation staff to have no revenue impact.

Code section 415 limits the annual pension contribution or benefit level that an employer may fund under its qualified pension plan. Because of the distinctive nature of the pension plans of State and local governments, these complex limitations have been a constant source of problems for governmental plans.

In the past, Congress has tried to tinker with the application of the section 415 limits to governmental plans, most recently in the 1988 Tax Act which provided some protection in the form of a limited grandfather election for governmental plans. However, the underlying structural problems in the application of section 45 to governmental plans have persisted, crying out for a long-term solution to resolve these underlying problems once and for all.

That permanent solution has now been developed and is reflected in the Public Pension Equity Restoration Act of 1993. This legislation will permit the necessary flexibility for continued future compliance by governmental plans without the potential for abuse. The legislation has four principal provisions.

First, the bill would achieve a greater degree of consistency between the statutory definition of compensation used to determine the section 415 limits and the compensation definition used by governmental plans to determine retirement benefits by including in the section 415 definition items of deferred compensation of governmental workers, such as section 403(b) and section 457 amounts.

Second, under current law pension benefits under a defined benefit plan cannot exceed 100 percent of the employee's average annual compensation over his or her highest 3 years. As applied to governmental plans, this limitation can reduce even relatively small pensions payable to employees with long periods of service. The bill would eliminate this problem by removing the limitation for governmental plans.

Third, governmental plans are somewhat unique in providing substantial disability and death benefits as part of the qualified retirement plan, rather than by separate employer-provided insurance arrangements as in the private sector. These private sector benefits are not subject to the section 415 limits. The legislation would eliminate this disparity by expressly removing the governmental plans' survivor and disability benefits from the section 415 limits.

Finally, the bill provides governmental plans with an overflow mechanism to pay benefits above the section 415 limits for the relatively small number of employees whose benefits happen to exceed the limits simply by operation of the regular benefit formula applicable to all employees under the governmental plan because, for example, of particularly long service. This overflow mechanism will enable governmental plans to pay the benefits guaranteed under the plan—and in many cases strictly protected by State constitutions—without running afoul of section 415. Participants in such an overflow arrangement would be subject to tax in the same manner as participants in the excess benefit arrangements that are widely used in the private sector.

The Public Pension Equity Restoration Act of 1993 represents a carefully crafted, noncontroversial, revenue neutral, widely supported solution to the unique and pressing problems faced by the pension plans of State and local governments across the country. Mr. Speaker, I strongly urge each of my colleagues to join me in cosponsoring this legislation that is so vital to their States.

PRESIDENT CLINTON'S SUMMER OF SERVICE PROGRAM

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MANTON. Mr. Speaker, I am proud to have 1 of the 16 outstanding programs chosen to participate in the President's "Summer of Service" take place in my district. President Clinton has demonstrated his firm commitment to establishing a comprehensive national service program, and this component is an exciting first step; 1,500 enthusiastic young people will devote themselves to a summer of helping others and bettering their communities. There main concern is to positively influence at-risk children with a diverse range of educational, nutritional, health, and safety initiatives. It is an opportunity for today's youth to prove that they can make a difference, and they truly desire to do so.

I congratulate ACORN, Pediatric Ambulatory Care of SUNY Health Science Center, and Brooklyn/Children's Medical Center of Brooklyn for their ambitious and successful program proposal. The ACORN Summer of Service Program is designed for participants to help safeguard the children of Brooklyn, Queens, and Bronx, NY, from the detrimental health hazards of lead-paint poisoning. Lead poisoning in children is linked to hearing loss, slower reaction time, reduced attentiveness, and lower IQ'S. Children who experience lead-paint poisoning are six times more likely to have reading disabilities and seven times more likely to drop out of high school.

This summer, 50 Summer of Service participants working in teams with neighborhood volunteers will visit, educate, and refer for treatment approximately 25,000 families who have been exposed to lead paint. They will conduct inspections for the presence of lead paint in homes and arrange with city officials for proper abatement. In addition, the service recruits will assist families in forming tenant organizations that can follow up on these activities.

Additionally, I would like to applaud two other New York City projects which were awarded Summer of Service grants. The Harlem freedom schools project will enable 1,000 eligible children to attend one of five summer day schools operated by 50 national service participants. The program will furnish breakfast, lunch, and a midday snack while providing individualized attention in school.

Second, the Teach for America Program, already renowned for it's innovative approach to inner city and rural education, has drafted a proposal which will team a Teach for America participant with a graduating public high school senior to guide and mentor eight fifth or eighth graders from Community School District Six. Each team will work on a community service project in addition to focusing on improving personal skills in reading, writing, critical thinking, and English as a second language.

I am happy to be a part of the kickoff for the Summer of Service. I thank President Clinton for acting on his vision and developing this inspiring new program. The experience each young person gains will be long remembered once the summer is over. Responsibility, commitment, community, and respect for one another will be firmly established values in these young lives. I look forward to witnessing the successes and benefits brought forth by the energy and enthusiasm of our national service pioneers.

TEXTILE MACHINERY MODERNIZATION ACT OF 1993

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. BALLENGER. Mr. Speaker, I rise today, along with 26 original cosponsors, to reintroduce the Textile Machinery Modernization Act of 1993.

The textile machinery industry is comprised of approximately 500 companies, employing 17,800 citizens. The industry consists primarily of small businesses producing finished machinery, parts, and accessories that are used in the production of textile mill products for apparel, defense, furniture, and industrial applications. Not only has the U.S. market been besieged with foreign imports of textile machinery, but U.S. firms have lost out on export opportunities due to foreign trade barriers.

This legislation establishes a textile machinery modernization fund within the Department of Treasury. It will support research for the modernization of the American textile machinery industry. The fund consists of a portion of existing revenues collected from duties levied on imports of textile machinery. The fund is capped at 10 percent or $10 million of these import duties, whichever is greater.

The Secretary of Commerce, along with industry representatives, would administer the funds in the form of grants for research and development projects. To demonstrate the industry's commitment, all potential grant recipients must have already incurred the total costs associated with the research project prior to being awarded a grant. Additionally, the Federal share can not exceed 60 percent of the total cost of the project.

According to the Department of Commerce, 86 percent of the textile machinery industry is comprised of firms with 50 or fewer employees. To ensure the smallest textile machinery businesses are not deprived of an opportunity to participate in the grantmaking process, the Secretary may give a company prior commitment that the project is in fact an eligible project, and the firm will be reimbursed for their expenses. This letter of commitment could be used to secure the necessary financial backing for the project.

Research and development is crucial to the future viability of all industry, including the domestic textile machinery industry. This legislation would establish the necessary R&D funds without raising tariffs or restricting imports. With the concern over the lack of civilian research and development, I believe it is time we take action to bolster a crucial domestic industry and preserve American jobs.

TRIBUTE TO CHARLIE VARNON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I rise today to salute Charlie Varnon, who is retiring as chief U.S. probation officer for the Eastern District of California after 20 years of outstanding service to the criminal justice system. On May 13, 1993, many of Mr. Varnon's associates, friends and family will gather to honor this exemplary public servant.

Mr. Varnon began his career as a juvenile hall counselor. He then became a deputy probation officer for Sacramento County, and in 1972 entered the U.S. Court System as a U.S. probation officer for the Eastern District of California. Through the ensuing years, Mr. Varnon worked his way up the ladder, earning the position of chief probation officer in 1983.

As chief probation officer during 10 years of explosive growth and rapid change, Charlie Varnon has successfully guided the probation office in the Eastern District of California by the principles of service to the court, commitment to excellence, and accountability to the taxpayer.

Among achievements that will endure long beyond his parting are his successful efforts to revitalize the chief's management council and his contributions to creating an effective and credible system of supervising Federal offenders in the community.

Mr. Speaker, It is with great pleasure that I rise to recognize Charlie Varnon for his commitment to Sacramento's criminal justice system. I ask my colleagues to join me in congratulating him and wishing him success and happiness in the future.

AIDS AND ELECTRONIC COMMUNICATIONS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mrs. MORELLA. Mr. Speaker, in this time of severe budgetary constraints, we must make better use of existing resources to address our most pressing national problems. With the extraordinary progress being made in electronic communications, we have the ability to greatly expand the sharing of critical information. One such example was brought to my attention recently by one of my constituents, Mr. John Makulowich.

In a recently published series on AIDS and electronic communications that appeared in "AIDS Patient Care," Mr. Makulowich detailed a wide array of valuable information on AIDS available electronically, via electronic bulletin boards, commercial online services, and the internet. He identified critical resources that will help us to avoid wasteful duplication in our efforts to help people with HIV/AIDS. He also described online services for people with AIDS who want to communicate with others while preserving their anonymity. I believe that he has performed a valuable public service by placing this information before the public.

I urge my colleagues to bring these resources to the attention of health care professionals and people with HIV/AIDS in their districts. I will be happy to provide copies of this important series of articles upon request.

ENDANGERED SPECIES ACT REAUTHORIZATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. STUDDS. Mr. Speaker, this year marks the 20th anniversary of the Endangered Species Act [ESA].

In 1973, we thought there were probably 100 species threatened with extinction. Now we list that many each year. More than anything else, this tells us our other environmental laws aren't working as well as they should. Real, honest-to-goodness environmental protection—protection that maintains a healthy environment for all creatures—is still a goal, not a reality. Until we can achieve this goal, more than ever before, we need the Endangered Species Act.

Two decades ago, we recognized the need to protect not only endangered species, but ecosystems. Ecosystem—or habitat—protection is a clearly stated purpose of the act; unfortunately, it has been stymied by regulations that undermine rather than enforce.

The Endangered Species Act, as originally enacted, set forth a very logical and simple sequence for protecting species: the Fish and Wildlife Service would identify the species needing protection, identify essential habitat, and then protect them and it. This was the way to bring species back to health—to the point when they would no longer need protection. However, this sensible sequence was preempted by regulations that took the teeth out of the critical habitat provision in the act.

What happened with critical habitats is probably the most significant example that problems with the Endangered Species Act are with implementation, not with the law itself. There is a misconception that the act is somehow broken and needs fixing.

Nothing could be further from the truth. The crises which have marked the act of late are the direct result of profound mismanagement by those whose mission was to undermine the program rather than implement it. Thankfully, they are now long gone. Secretary Babbitt has already shown he will be a real partner in making the act work as Congress intended.

We still must find other effective ways to increase the emphasis on the management of ecosystems, rather than the needs of individual species. The bill I am introducing today does this by giving priority to multispecies listings and multispecies recovery plans. These assemblages of species can serve as surrogates to measure how good a job we are doing of managing the ecosystems on which they depend.

My bill puts the lion's share of the burden for protecting endangered species—and their habitat—on Federal agencies. The Federal Government has extensive land holdings and should be the leader in helping achieve our national goal of protecting listed species. The Federal Government should also be a good land steward so that the species on Federal lands never need to be listed. Under the bill, recovery plans must identify what Federal agencies can do to help bring listed species back to health. Moreover, these plans—which are binding on Federal agencies—must use Federal lands to promote the conservation of species. Finally, the bill requires Federal agencies to conserve candidate species and thus hopefully avoid the need to ever list them.

While the bill increases Federal responsibility for protecting species, we cannot ignore private lands—plenty of endangered species need them. To make real strides in improving conservation on privately-held property, we need incentives for landowners to be good land stewards. This is probably our biggest challenge. The bill takes some initial steps by requiring the Fish and Wildlife Service to solicit the participation of affected landowners in preparing recovery plans, and then authorizes the Service to provide them with technical or financial assistance to conserve the species that occur on their property. The bill also provides grants and loans for the preparation of habitat conservation plans.

Finally, if the act is to be truly effective, it needs a lot more money. My bill helps by doubling the authorized level of funding. Happily, the administration agrees that this should be a priority and has submitted a budget request that reflects a true dedication to making the ESA work well.

To say that the Endangered Species Act has provoked some controversy is a huge understatement. While I believe that much of the controversy can be avoided through an implementation approach that is not intentionally looking for train wrecks, conflicts will never go away. But controversy over any individual problem should not obscure the importance of protecting species from the threat of extinction. The naturalist John Muir once wrote that, "Whenever we try to pick up anything by itself, we find it attached to everything in the universe."

When a life form ceases to exist, its potential to contribute to the richness of our world forever vanishes. It is supreme arrogance to underestimate the value of even the most humble of life forms. We all now know that the Pacific yew tree has proven effective in the fight against ovarian and breast cancers. But how many are aware that scientists discovered a tree in the Malaysian rainforest that contains a compound that, in laboratory tests, is 100 percent effective in preventing the replication of the HIV-1 virus? Tragically, when they returned to the rainforest to collect material for further testing, the tree was gone and they were unable to find any others. We will never know if this tree held the cure for AIDS.

Poll after poll shows that the American people strongly support the Endangered Species Act. The concept of sharing this planet with other living beings is one that most of us understand at a very basic level and embrace wholeheartedly. This bill represents the first step in our renewed dedication to preserve and protect our fellow creatures, large and small. It is a challenge to all of us to make the act work as effectively as we can—and must—for the generations that follow us.

EMPLOYMENT DISPUTE RESOLUTION ACT OF 1993 INTRODUCED

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. GUNDERSON. Mr. Speaker, today, along with 22 of my colleagues from both sides of the aisle, I have introduced the Employment Dispute Resolution Act of 1993.

It is no secret that excessive, and in many cases unnecessary, litigation is hurting the American economy. The rest of the world, frankly, looks on in amazement at the time and the resources that Americans dedicate to suing one another. Litigation is costing America, collectively, between $60 and $100 billion a year. We all pay that bill. We pay it through higher prices, lost jobs and wages, diminished economic competitiveness, and a clogged and increasingly unresponsive justice system.

The bill I've introduced addresses one aspect of the problem—litigated employment discrimination claims. The Federal Courts Study Committee has reported a 2,000 percent increase in private employment discrimination cases filed since 1970. There are currently almost 100,000 discrimination cases backlogged at the Equal Employment Opportunity Commission and State and local agencies. Passage of the Americans With Disabilities Act, and the 1991 amendments to the Civil Rights Act, will further burden the system. The EEOC expects case processing delays to increase from the current average of 219 days to 330 days.

The Employment Dispute Resolution Act provides for an alternative to litigation in employment discrimination cases brought under title VII of the Civil Rights Act, the Americans With Disabilities Act, of 42 U.S.C. section 1981. The act requires that all parties to an action brought under any of these statutes be given the option of mediation prior to going to court. If either party accepts, the charge would then be referred to either the Federal Mediation and Conciliation Service or to an alternate mediator agreed to by the parties. They would have 90 days in which to mediate a mutually agreeable settlement, during which time no civil suit could be filed.

Before a settlement could be finalized, both parties would have to agree to all aspects of that agreement. If the parties cannot agree within the 90 days, the plaintiff or the appropriate agency—in most cases the EEOC—could proceed with a civil action. Litigation, in short, would be the last rather than the first resort in discrimination cases. No one, moreover, would lose their right to their day in court as a final option.

There is a growing body of evidence that alternatives to litigation can provide for fair and acceptable settlement of claims and also save substantial time and money.

The Federal Judicial Center, a research, development, and training arm of the Federal judicial system, has been monitoring several Federal pilot programs of nonbinding arbitration that were established by Congress. These programs have shown very encouraging results. In the 10 Federal districts where the pilot programs are in place, cases resolved by arbitration close between 2 and 18 months sooner than cases that go to trial, cost less to resolve, and are judged to be fair by 80 percent of the parties to the arbitrations. Half of the parties to these arbitrated cases selected arbitration as their preferred method of proceeding when asked whether, considering cost, time, and fairness, they would prefer their case to be decided by a judge, jury, or arbitration. Though these pilot programs specifically exempt all civil rights cases from referral to arbitration, the FJC reports that there is good reason to believe that claimants in these cases would also benefit from arbitration.

Under the auspices of the Center for Public Resources, a nonprofit organization which promotes alternative dispute resolution, 600 of the country's largest corporations have pledged to consider negotiation or other forms of alternative dispute resolution to settle disputes among themselves. The center has reported that 142 of those companies saved more than $100 million in litigation costs in a single year by settling their differences out of court.

Right here in the District of Columbia, the department of human rights and minority business development has a program in place which is similar to what the Employment Dispute Resolution Act calls for. In the first year of the D.C. mediation program, more than half of the disputes which were submitted were settled out of court. And the typical mediation cost about $100, as opposed to the $3,000 it would normally have cost to go ahead with a formal investigation.

The emerging evidence clearly suggests that alternative dispute resolution can offer a fair and cost-effective substitute for litigation in many instances. There is every reason to believe that it can be equally fair and effective in resolving civil rights disputes. I urge my colleagues from both sides of the aisle to give this bill their serious consideration, and to join the bipartisan list of Members who have cosponsored it.

TRIBUTE TO THE SACRAMENTO ARMY DEPOT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the men and women past and present who have unconditionally defended the Constitution of this country both in war and peace as members of the Sacramento Army Depot.

Initially located at the old California State Fair Grounds, the depot was first known as the Sacramento Advanced Communication Zone Depot. One month after Pearl Harbor, the commanding general of the Western Defense Command deemed it necessary to establish a general depot in Sacramento for the primary purpose of relieving a badly congested condition at the San Francisco port of embarkation.

The next move, in November 1942, for what then unofficially became the Sacramento Signal Depot, was to an old warehouse rented from the Bercut-Richards Packing Co., located 1 mile north of the city of Sacramento on the banks of the American River.

On June 1, 1943, the War Department officially established the Sacramento Signal Depot as a class IV installation under the direct control of the chief signal officer.

On April 19, 1945, actual authorization for the construction of a permanent depot was received. Several sites were explored and on July 5, 1945, ground breaking ceremonies took place at our current location on Fruitridge Road, a site that consisted of marshy, low-lying areas and open fields surrounded by small truck farms.

Since the Korean war, the Sacramento Army Depot has enthusiastically supported our troops in all conflicts, including the war in Vietnam and Operation Desert Shield/Desert Storm, as a high-technology electronics and communications repair facility.

The 1990's have proven to be tough times for the Sacramento Army Depot and its family of military and civilian employees. The 1991 Base Realignment and Closure Committee [BRAC] recommended that the Sacramento Army Depot be closed, and Congress went along with the recommendation. In light of this closure, an unprecedented competition bid was ordered for the depot's work load among five other Army depots and the Sacramento Air Logistics Center at McClellan Air Force Base.

From the original work force of a few people without a permanent home, the Sacramento Army Depot has grown over time to become one of the Sacramento community's largest employers. The depot stands on the leading edge of a high technology revolution with its technicians recognized as experts in the field.

Mr. Speaker, I ask my colleagues to join me in honoring the commitment and service offered by all those who have given of themselves through their work for the Sacramento Army Depot. It is of paramount importance that we realize that the freedoms Americans continue to enjoy are protected by the men and women of this country's armed services.

SHAME ON CONGRESS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. GILLMOR. Mr. Speaker, on behalf of myself and also Congressman MIKE OXLEY of Ohio's Fourth Congressional District, I would like to enter in the RECORD a letter to the editor and editor's note that appeared in the Fostoria Review-Times published in Fostoria, OH.

Both Congressman OXLEY and I thank Review-Times publisher and editor Clarence Pennington for his efforts to clarify the results of the debate in Congress over whether to cover congressional employees under the Family and Medical Leave Act.

[From the Fostoria Review-Times, May 1, 1993]

SHAME ON CONGRESS

TO THE EDITOR: Congress is off to a lousy start!

Can you believe it, the U.S. House of Representatives returns with over 100 new faces and right off the bat, they vote to exempt themselves from another law.

The House rushed to pass The Family & Medical Leave Act and Clinton rushed to sign it but when all was said and done, only business is saddled with this law because the House exempted itself.

If the House thought family leave is so important for business, why didn't it think its own employees deserved the same treatment? The answer is quite clear. A majority in Congress believes it is above the law.

The House's holier-than-thou attitude is what created the check kiting scandal, the post office scandal and so on. Sadly, that kind of thinking continues today. It is a disgrace!

After the 1992 elections, you would have expected the House to change for the better. Exempting themselves from one of the first laws passed does not indicate any kind of change at all. They are as self-serving as ever!

C.P. Hitchcock

Solon

Editor's note: We join Reader Hitchcock in his condemnation of a majority of Representatives for voting to exempt themselves and employees from the family leave legislation. While Congressman Paul Gillmor and Congressman Michael Oxley voted for a measure to include Congress among those covered by the law, a majority voted to exclude Congress and employees.

Reader Hitchcock, here are the details of what happened in the House:

The house passed the Family Leave Bill on Feb. 3 with the Congressional exclusion in it. Republicans made a motion to recommit (to committee) the bill with instructions (to include Congress). They lost that vote and the bill went to the Senate (excluding Congress). The final version from the Senate included Congress and obviously prevailed in conference. The president signed the conference bill to include Congress.

How quickly new Congressmen are captured by a self-serving governmental system that competes with the citizens who sent them there. Shame on those 100-plus new Representatives who promised not to go along with the "good old boy" politicians who ignore citizens and serve themselves.

Fortunately, wiser heads prevailed in the U.S. Senate and the final bill that came out of the conference committee covered employees of both the Senate AND the House.

Now the House and the Senate need to go back through all U.S. laws and remove their special exemptions from all laws that exclude Congress. We should write letters and phone until they do. Perhaps we can get one of our responsible Congressmen to put Reader Hitchcock's letter and our response in "The Congressional Record."

RENEWABLES AND ENERGY EFFICIENCY INCENTIVES ACT OF 1993 INTRODUCED

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. McDERMOTT. Mr. Speaker, last year I led an effort in the House Ways and Means Committee to add several tax provisions promoting environmentally responsible uses of energy to the National Energy Policy Act.

Included were incentives to encourage increased use of renewable energy sources and greater use of mass transit. The lesson from the implementation of those incentives is clear: Incentives work; and they can have a very positive and beneficial impact on the choices and decisions we all make about how we consume energy.

Today, I am introducing legislation which would move us beyond the piecemeal, temporary, ad hoc approach to encouraging environmentally responsible decisions.

We need a comprehensive, basic restructuring of the Tax Code to level the playing field between conventional and alternative sources of energy. That is what my legislation seeks to accomplish.

The U.S. Tax Code affects energy choices in many ways. Today the Tax Code encourages the use of fossil fuels and discourages efforts to promote greater energy efficiency. If we do not change that bias, our energy future will look like our energy past.

U.S. investment decisions will continue to favor imported and polluting energies at the expense of domestic, renewable energy and efficiency industries. If we don't change, we may ultimately find ourselves importing the clean, sustainable energy technologies which we could have produced ourselves.

For the past 5 months, I have worked with representatives from both the renewables and efficiency industries to develop legislation which accomplishes three goals: First, leveling the playing field between conventional and renewable sources of energy; second, correcting problems from last year's National Energy Policy Act; and, third, encouraging the effective utilization of renewable and energy efficient resources.

This legislation would create new tax incentives for renewable energy sources and increased energy efficiency while decreasing Federal subsidies for conventional fossil fuels. It would provide additional tax incentives for the production and use of renewable energy sources such as solar, wind, geothermal, and biomass. It would also increase incentives for utility companies to aggressively pursue energy conservation, and for greater use of electric trucks, vans, and buses.

This bill would:

Repeal the tax-exemption for interest income from State and local bonds used to build new coal, oil, and nuclear energy facilities;

Repeal the tax-exempt status of electric cooperatives;

Increase taxes on crude oil by 5 cents per barrel;

Limit the total amount that could be claimed under the oil and gas depletion allowance; and

Repeal the exemption from passive loss limitations for oil and gas properties.

America's energy future will only be secured through greater use of renewable, nonpolluting sources of energy, and through achieving greater energy efficiency. America's Tax Code should reflect that reality. That is what my legislation seeks to accomplish.

A few logical changes to the Tax Code will help ensure that the message sent by our tax policies is a message which recognizes the importance of renewable and efficient energy resources, and which encourages Americans to make decisions which will result in a clean, sustainable energy future for our country.

IN REMEMBRANCE OF THE ARMENIAN MASSACRE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. BERMAN. Mr. Speaker, I rise today in remembrance of the 78th anniversary of the massive slaughter of hundreds of thousands of Armenians.

During 1915 and 1916, in the midst of a world at war, Armenians were subject to arbitrary arrests, torture, deportations, and even murder. Women, children, and older men were rounded up, village after village, and forced to march through the Anatolian mountains toward the Syrian desert. Eyewitness accounts describe the exhausted, diseased, half-starved survivors forced to leave the weaker to die along the roadside. Thousands of Armenians were, even, reported to have been sent out on ships to the Black Sea, and forced overboard to drown.

Hans Morganthau, U.S. Ambassador to the Ottoman Empire, in a 1915 cable to Secretary of State Robert Lansing, described in vivid terms the Armenian suffering he witnessed firsthand. Perhaps an Armenian poet expressed the tragedy most simply when he lamented "Oh weeping Armenia!" Only by remembering, in each generation, man's inhumanity to man, can we hope to prevent future political atrocities perpetrated against ethnic minorities.

Even as we dedicate the Holocaust Museum here in Washington, we are haunted by Hitler's admonition in promulgating the Final Solution—"Who remembers the Armenians?"

As we commemorate these terrible events, we cannot forget the plight of Armenians and their neighbors today, particularly in the wartorn Transcaucuses, where death spares no nationality. We must continue to work with all parties involved to seek an immediate, peaceful end to this conflict, before the death toll rises even higher.

While we remember the slaughter of 78 years ago, it is appropriate to recall how the Armenian community emerged to rebuild itself from the crucible of tragedy. In our own country, Armenian-Americans are at the forefront of commercial, political, and entertainment enterprise, a feat replicated by the Armenian communities around the world. In 1991, in a further testament to the perseverance and fortitude of the Armenian people, an age-old dream became reality with the emergence of an independent, democratic Armenia. As we work toward a solution to the current crisis in the Transcaucuses, the keen judgment and skills of the Armenian community will remain central to bringing peace and stability to the region.

The lesson we learn as we remember the past slaughter of Armenians is that the hatreds that cause these kinds of atrocities have not abated. Indeed, to this day, they continue to lead to the deaths of innocent civilians caught in ethnic strife around the world.

Mr. Speaker, I ask my colleagues to join me in commemorating this anniversary of the Armenian massacre, because only by reminding the world of such atrocity can we hope to succeed in our work to end ethnic and racial violence and hatred wherever it may occur.

INTRODUCTION OF THE VETERANS' HEALTH PROGRAMS AMENDMENTS OF 1993

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. SMITH of New Jersey. Mr. Speaker, as ranking minority member of the Subcommittee on Hospitals and Health Care, I rise to join the distinguished chairman, the gentleman from Georgia, Dr. ROWLAND, in introducing the Veterans' Health Programs Amendments of 1993.

As the chairman indicated, this legislation contains various provisions that are very important improvements to VA health care and they are non-controversial.

I am especially pleased to support the provisions of the bill which would mandate that VA review the missions of its medical facilities in relation to the anticipated future needs of veterans. As you are aware, the VA has been promising to send to Congress its own national plan which was supposed to have included specific mission plans for individual facilities. Recently however, we have heard that VA's national plan will only provide broad guidance. Of course, we won't know until we actually see the plan and the Secretary states that he expects to send it to Congress around the time that the Clinton administration submits its health plan for the Nation.

Like you Mr. Chairman, I believe that the identification of missions for VA medical centers is an essential first step in reforming the system. Such changes must be made if the system is to survive.

This provision is similar to the recommendation made by the Secretary's Commission on the Future Structure of Veterans' Health Care submitted to Congress in November of 1991. It is past time for the VA to embark on this necessary reorganization.

Also important to VA's overall planning are the provisions pertaining to construction prioritization. These provisions will help ensure that VA submit to this committee a detailed prospectus for each major construction project. This requirement will allow this committee the information necessary to authorize construction projects which are the highest priority. In particular, the bill reflects the current trend in medical treatment to shift inpatient care to less costly outpatient settings. It gives additional weight to projects to expand long-term care, an area of critical deficiency in the VA.

Like many of my colleagues, I have a particular interest in the long-term health care needs of veterans in my home State. Therefore, I have already introduced a bill to examine my State's long-term care needs. This draft bill, fortunately, will perform the same task nationwide.

The mission planning required under this legislation will be essential in determining whether VA facilities in a given State are capable of meeting the needs of veterans in that State.

For instance, in my case, the mission reviews of the VA facilities in New Jersey will indicate whether our facilities can meet the nursing home needs of veterans. If the mission reviews demonstrate a shortage in nursing home care—our State Department of Military and Veterans Affairs has already identified a need for more nursing home care for aging veterans—I will have the factual data I need to revisit this issue and to expand the nursing home care provided to New Jersey veterans. This bill will offer similar insights for each State and help direct VA resources on a needs-basis.

In keeping with the subcommittee's position of authorizing high priority construction is authorization for fiscal year 94 major construction projects. The bill includes changes to the President's request as detailed by the chairman. I believe it is appropriate for the Committee on Veterans' Affairs to discourage projects which jump ahead of other construction priorities.

The bill also contains various technical amendments to certain VA programs and I want to state my support for them as well.

I want to thank my colleague, Dr. ROWLAND. It was a real pleasure to work with you in introducing these amendments. I commend your work on the bill we have before us and I urge my colleagues to support the bill.

INTERMODAL CARGO CONTAINER BILL INTRODUCED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. MATSUI. Mr. Speaker, today I am reintroducing legislation that will confirm the longstanding interpretations of the investment tax credit and accelerated depreciation provisions of the Internal Revenue Code as applied to intermodal cargo containers. This legislation is urgently needed now to stop the wasting of millions of dollars in litigation expenses over an audit controversy which should never have arisen.

The background to this controversy is now well known. I have discussed it when introducing similar legislation in 1990 and 1991. My colleagues on the Ways and Means Committee have twice considered the facts and approved this proposal. Last year, the House adopted this bill, and it was accepted by the Senate conferees when H.R. 11 was put together last fall. Unfortunately, H.R. 11 was vetoed by President Bush.

To recapitulate briefly, here are the facts. This controversy involves the original investment tax credit first signed into law by President Kennedy in 1962. For over 20 years following enactment of the credit, U.S. container lessors claimed the credit on their containers that were used in international commerce by shipping companies and manufacturers for transporting goods to and from this country.

This was consistent with the plain intent of the credit, which was designed to strengthen not only U.S. exports but also U.S. handling of international shipments by air, sea, and land. Specific statutory provisions made the credit available for ships, planes, containers, and other equipment used in the international transportation of goods. And the container credit worked: U.S. container lessors now dominate their industry and own roughly two-thirds of the global fleet of leased containers.

The lessors' practices for claiming the credit were confirmed consistently when their tax returns were audited by the IRS. I hasten to point out that this audit experience was not merely the result of incredibly good luck in the audit lottery. These are leasing companies, and the investment credit was by far the major item on lessors' tax returns every year for more than two decades. The investment credit simply could not have been overlooked by IRS agents.

In fact, it was not overlooked. Through the 1960's and 1970's, companies were routinely audited, credits for containers were rarely or never adjusted and the years were closed. Taxpayers and audit agents had reached a clear understanding about how to apply the credit to containers in international trade, even though the IRS had never published any guidance, other than a regulation which merely restated the statute.

Nevertheless, in the mid-1980's, IRS agents abruptly discarded the longstanding audit practice and retroactively imposed radically new rules that jeopardized the container credit for containers placed in service as far back as 1974. Despite taxpayers' attempts over a period of several years to negotiate a more reasonable result with the IRS, the agents' position was formalized in a revenue ruling in January 1990. A safe harbor was provided in a separate revenue procedure that effectively allowed slightly more than half of the credits claimed by container lessors in prior years and therefore did not provide a basis for an industrywide settlement of the controversy.

As I said when introducing this legislation in the last Congress, I firmly believe that as a general rule the Treasury and the IRS deserve deference in interpreting the tax laws.

But there are two reasons why this case presents an exception to the general rule and therefore requires congressional action. First, the revenue ruling incorrectly interprets the law and the general congressional intent for the container provision. Second, even if some technical basis could be found to justify it, the revenue ruling's interpretation differs so significantly from more than 20 years of audit practice that its retroactive application to an entire industry is unjustifiable.

I have discussed the rationale for this legislation at much greater length in the past, and both this House and the other body have endorsed the solution embodied in this bill. The taxpayers have done all that could reasonably have been asked of them. They developed and relied on a commonsense interpretation of the statute. They confirmed that interpretation through years of audit experience. They patiently pursued a nonlegislative solution for more than 8 years.

Now, legislation is especially critical because the frustrating but relatively inexpensive effort to pursue administrative remedies is now giving way to costly and protracted litigation. A legislative solution can save both Government and taxpayer resources that otherwise will be wasted on litigation and can facilitate settlements that will bring revenues into the Treasury promptly rather than many years from now as would be the case if litigation were forced to proceed.

I urge my colleagues to support this legislation.

VETERANS HEALTH PROGRAM AMENDMENTS OF 1993

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1993

Mr. ROWLAND. Mr. Speaker, although in one sense this bill had its genesis in a March 3, 1993, hearing before our subcommittee on Hospitals and Health Care on the VA Major Construction Program, its provisions also build on a series of important hearings by our subcommittee last session on the future structure of VA health care.

Those hearings highlighted the need for changes in the VA health care system to position the department to meet the needs of an aging veteran population. Among the reforms advocated at those hearings were restructuring and reorganization to foster greater coordination of health care delivery among VA health care facilities serving the same geographic areas. One aspect of such reform was the call for assigning each VA facility a specific mission that would enable that facility to play a defined role or roles in delivering veterans a full continuum of care as part of a coordinated provided network. The VA itself had established a blue ribbon advisory body with the aim of having that panel develop such mission statements for each facility. That exhaustive undertaking proved an unrealistically ambitious task to assign to a group meeting in public sessions only every two or three months. It became clear that developing VA facility missions was a job for VA planners.

As we learned at our March 3 hearing on VA construction, however, the Department of Veterans Affairs have yet to establish well-defined medical center missions to guide planning and operating as a system. Indeed, it does not yet appear even to have accepted that challenge and responsibility. Given consensus within the veteran community, however, that such action must be taken, and taken soon, our bill would require the Secretary of Veterans Affairs to review the missions and clinical programs of each of its health care facilities in terms of the anticipated future needs of eligible veterans, and within nine months, establish specific detailed missions for each facility so as to permit more effective planning, reduction in duplication of services in the same geographic areas, and improved resource distribution.

It should not be necessary to enact legislation to direct a department of Government to plan for the needs of its beneficiaries. But VA has for years acknowledged the need to set facility missions to guide future planning. And for years, it has failed to accept that responsibility.

At our construction hearing, we also learned that VA construction priorities have in the past tended to favor acute-care hospital projects. Other pressing needs have gotten less attention. To rectify this, the bill would require the VA to adjust its methodology for prioritizing construction projects to give additional weight to those that would expand long-term and ambulatory care.

Our construction hearing also provided a framework, which together with two hearings of the fiscal year 1994 budget, has given the committee a sound basis to exercise its statutory responsibility under Public Law 102–405 to authorize major medical construction projects and major medical leases. In pertinent part, Public Law 102–405 provides that no funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds—other than for advance planning and design—for any major medical facility project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law. The intent of this provision was to ensure that scarce construction funds would be devoted to areas having greatest need.

This bill would authorize major construction funding for all but one of the major construction projects which VA proposed for fiscal year 1994. VA health care funding, particularly for major construction, has been cut back significantly in recent years. The Department's budget for fiscal year 1994 seeks major medical construction funding for only eight facilities in a system with 171 medical centers, many of which are aging and in need of modernization. Both VA and this body, in our role as project authorizers, must carefully determine where best to direct these finite resources.

In not authorizing one of VA's eight projects, a nursing home project in Baltimore, the Subcommittee on Hospitals and Health Care of the Veterans' Affairs Committee does not for a moment question the need for additional nursing home beds to serve the area's veterans. We simply question the planning that went into this project and, given its hurried conceptualization, the relative prioritization it was given. VA's own planning documents, particularly its recent 5-year medical facility development plans, raise real questions about it. What is clear is that the project went to the front of the line without the kind of systematic planning that went into the other projects it displaced, projects that have gone through up to 10 years of planning and waiting for construction funds. Those other displaced projects have been through an advanced planning process which gives us confidence both in the concept and in their cost estimate. The Baltimore project has not. As regards that project, our bill also reflects the related concern that VA has not carefully explored other options for providing for the long-term care needs of the areas' veterans, and has not considered the impact this project could have on other VA health care facilities in and around Baltimore. The bill, accordingly, would direct VA to take a broader look at the options and the relationship between its proposed siting of these additional nursing home beds and the respective missions of the medical centers in the area.

In place of this project, the committee has substituted authorization for design funds, for a total of $13 million, for three long-deferred projects to meet critical deficiencies—severe ambulatory care needs in West Haven, CT, and San Juan, PR, and spinal cord injury needs in Tampa, FL.

In addition to those provisions addressing VA medical construction, the bill proposes some important program improvements. Given the needs of our aging veterans, this bill seeks to expand their health care alternatives. First, it would enable VA to contact a pilot program to furnish noninstitutional alternatives to nursing home care. This pilot was authorized in 1990. The bill aims to overcome implementation problems VA experienced. The provision would give those service-connected veterans to whom the program is now limited priority for participation while authorizing participation for any veteran who is eligible for nursing home care.

Second, the bill would stimulate the States, through proven cost-sharing models, to develop programs to help chronically ill veterans get needed care while still living at home. The bill would do that by expanding two very cost-effective programs. It would authorize VA per diem payments of $16.50 per day to State veterans homes for the provision of adult health care, and would authorize VA construction grant support to expand, remodel, or alter facilities to enable States to provide adult day health care. Adult day health care programs provide patients both medical and related social services over the course of a day. Establishing incentives for the States to establish these programs should help create cost-effective alternatives to institutional care. It is our understanding that most of the State veterans homes have expressed a real interest in this kind of care, and we expect that 5 to 10 of them would start such programs in the near future. This and other provisions of the bill have won broad support, as has a companion provision that would authorize VA to share health care resources with State veterans homes. Such sharing can benefit both VA and the State homes by creating opportunities to stretch dollars.

A final provision would facilitate the establishment of child care centers at VA facilities. VA has had some success in establishing such centers, and they have helped ease employee recruitment and retention problems. These amendments are similar to legislation which twice passed the House last session.

SENATE—*Friday, May 7, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *"Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven."*—Matthew 19:14.

Gracious Father in Heaven, we pray for the children of our Nation who so often are hostage to the worst that is in our society. We pray for the multitudes who have been abandoned, who wander our city streets. We pray for those who are the victims of violence, who find no safe haven in school or even in the home. We pray for those who are victims of abuse and often feel themselves responsible for it. We pray for the youth who are tempted by drugs and sex and find themselves victims of those ready to exploit them.

Loving Lord, we pray for parents who take seriously their responsibility to their children, that Thou wilt guide them in their parental duties. Thank You for fathers and mothers who appreciate the privilege and blessing of their children. May we all heed the words of Jesus:

* * * *"Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven."*—Matthew 19:14.

In His name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 2, an act to establish national voter registration procedures for Federal elections and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, while we now have the conference report on the National Voter Registration Act of 1993 before us, I would like to point out to the Chair, and for that matter to people in the country, that we have been working on this piece of legislation for 2 years. I believe for certain a significant majority of the Senate, certainly Democrats, and I hope some Republicans as well, are ready to vote.

If there is an operational definition of gridlock, then I think this is the definition: 2 years of work, legislation that is good Government legislation, a bill that enables Americans to register and vote, reaches out, makes sure that we have some kind of uniform standard, strong focus on motor-voter and some agency-based registration, modeled after a number of different States, including the State of Wisconsin and my State of Minnesota, with hardly really any debate about it around the country and many, many positive editorials.

I think that Senator FORD, the distinguished whip, has received a great deal of respect for his work on this piece of legislation, and Senator HATFIELD, from Oregon. They have taken a bipartisan approach. Other Senators have been very interested. There is a broad coalition of good Government, civil rights—you name it—league of women voters organizations, all have endorsed this piece of legislation. We are still waiting.

Now, my impression is that there will be some other Senators who want to speak. Presumably, the Republicans will be out on the floor. But this is the true definition of gridlock: 2 years of work and we now have the conference report. We still do not have a time agreement. We could vote on this piece of legislation today, and we should vote on this piece of legislation today.

I would call it a political game. That is what it is. Frankly, I think those who continue to engage in this kind of obstructionism are playing a dangerous game because pretty soon people in the country are going to catch on that whether or not it is the economy and jobs, or whether it is voter registration or campaign finance reform, it is going to be back on the floor of the Senate. And then eventually we are going to have health care. Over and over and over again, I fear, Mr. President, we are going to see the same pattern. Here we are, Friday morning. I do not see anybody on the floor. We have the conference report. We are ready to vote on it; 2 years of work; broad base of support.

This legislation says that we are going to make sure that we reach out and play a positive, affirmative role—motor-voter, agency-based registration—to make it easier for citizens to register and vote. That is called democracy.

I cannot for the life of me even figure out what the opposition is. We have heard all of these arguments. We have debated and debated and debated and debated and debated. I do not know, how many cloture votes have we had? Seven cloture votes. Seven cloture votes, last Congress and this Congress. Seven cloture votes. It went to the House of Representatives. There was hard work in the conference committee. Senators and Representatives, Democrats and Republicans thrashed out the conference report, hard negotiations, bring it back to the floor of the Senate, and here we are again.

We are ready to vote. I do not think there is anything else I can say, and I do not see anybody else present to talk, so I think at this point in time I will suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be able to speak as if in morning business.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. Without objection. it is so ordered.

The Senator from South Dakota [Mr. DASCHLE] is recognized.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 923 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolution.")

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I intend to continue to oppose this bill. This legislation is just another example of a Washington mandate for which States and taxpayers are called upon to pick up the tab. Let us look at my State, for instance. Alaska has 81.2 percent of its eligible population registered to vote. That is one of the highest rates in the country. Over 66 percent of our eligible voters voted in the last election.

Despite that excellent record, this bill will require us to pay for the federally mandated bureaucracy that is created under this conference report.

Two of our Governors, one a Democrat, one an Independent, Cowper and Hickel, have written to the Senate to oppose this proposal.

They have estimated the cost of this measure to be the equivalent of a 28-percent increase in Alaska's election division. This is coming upon our State at a time when our State income is being reduced. We are having to reduce all sorts of support, even for education, throughout our State.

This bill calls upon us to increase by nearly one-half million dollars a year the money we spend on election procedures despite the fact, as I said, we have one of the highest registration levels in the country already. This will cost us about $12 for each new voter registrant despite the fact that today the cost for our State is $4.50 for each one.

Our registration at $4.50 is a success. And one has to ask why should the taxpayers of Alaska spend more money to register fewer people? That is what will happen under this, we believe. Alaska already has the three forms of registration that is called for by this legislation, but we do not have the bureaucratic redtape that this report will impose upon every State. That is where Washington's mandating State procedures is going to cost State taxpayers more money. None of the increased cost to my State will be borne by the Federal taxpayers. This is the Federal Government mandating costs that will be imposed upon State taxpayers.

We believe that, although Alaska's costs will go up, voter turnout will not. Those who have supported this bill say there is nothing in it which will guarantee an increased turnout. I ask the Senate to read the conference report.

The proposal will end two of Alaska's precautions that are designed to protect our ballot process. Our current Alaska law requires that two witnesses sign all postcard registration forms that are sent through the mail. One of our Governors wrote to me that this requirement is needed to heighten the registrants' awareness of the serious nature of our voting laws. Under this proposal, the simple precaution requiring that two witnesses sign the postcard registration form will be banned. We see no reason for the Federal Government to mandate change in our State law that is a precaution for our very modern up-to-date postcard registration concept.

We use these postcard registrations because of the great distances between our voters within our State, probably the greatest distance of any State in the Union. Our State is one-fifth the size of the whole United States. We have to have a voter registration system designed to meet our needs. Yet, this bill says we are to use a system that is designed to meet the needs of downtown New York, Chicago, or Los Angeles.

We also require out-of-State voter registration applicants to provide some identification or other documentation that supports their claim to Alaska residency. This provision does help prevent non-Alaskans from obtaining Alaska benefits by mailing phony voter registration applications from outside the State. We do provide benefits to some Alaskans who are temporarily residing out of the State, but this will enable non-Alaskans to try to obtain those benefits by registering to vote even though they have no intention to vote, because that is one of the things that is listed on the application for benefits.

This legislation before us now, this conference report, incredibly, bans this Alaskan precaution to protect us against false claims for benefits under other laws.

In addition, the legislation will require all welfare employees to become actively involved in the administration of our elections. During the hearings, we found the St. Louis Post Dispatch had detailed allegations that welfare employees were registering welfare applicants for one party only and telling them who to vote for. Apparently there is evidence that they drove the welfare applicants to the polls. Those people were supposed to be in the office helping welfare applicants, but they were out driving people to the polls to vote. This legislation requires a link between welfare and the election process in every welfare office throughout our Nation. We believe it is likely to result in more political manipulation of those in need of public assistance and, even without that threat of actual manipulation, the report creates the appearance that public assistance is linked to participation in the political system, and as the Dispatch shows, to participation in one party as opposed to the openness of our election system. I believe it violates the American tradition of voluntary political participation, and it is a very bad idea for us to start linking benefits under a system such as the welfare system to actual participation in the political process under the supervision of the people who are hired to administer the welfare system.

There is another cost for the taxpayers in this bill. The legislation that is envisioned by this conference report gives standing to sue States in Federal court to advocacy groups for any alleged failure to implement the bill as interpreted by those advocacy groups. Any State that does not spend the money that the advocacy group believes ought to be spent or a State that might make an honest mistake in implementing the mandates of this bill will face costly Federal court litigation because of these advocacy groups.

And there should be no doubt about the willingness of some of these advocacy groups to sue under the act. One of the advocacy groups—and this is in our committee report—that pushed this bill made this statement:

> The prudent approach (or so it seems to us) is to support the passage of th(is) bill and then litigate if States fail to implement (it) * * *.

And by that it means obviously implementing it the way the advocacy group wants it interpreted.

I do not happen to think the answer to low voter turnout is to unleash a torrent of Federal lawsuits against States. Our elections are supposed to be according to State law, and we see no reason for the Federal Government to be mandating changes in State law, particularly in States like mine which has had some of the highest turnout and registration rates in the country.

Forcing us to register people who are not eligible to vote, who have no intention to vote, but who seek other benefits from our State, will result in a decline in our turnout rates because of the number of people that will be registered under this system whom we cannot purge from the list of those who are eligible.

I again think that the Senate ought to reject this conference report. It does seem to me that those States such as ours that already have the laws that this bill seeks to impose upon States should have been exempt and some recognition should have been given to the conditions in each State. State laws must deal with situations such as the great distances between our voting precincts and the inability of some of our people to actually come in and register in person. We have created a mail registration system that is better than any in the country, and yet our system is going to be affected. We must now change our State law to comply with a mandate in this Federal law, and we must do it in a way that will increase costs to our taxpayers more than 100 percent. The cost of registering voters will go from $4.50 to $12 per voter under this mandate, according to voter registration people in my State.

I urge the Senate to reject this conference report. I have done that before; we proposed it before. I can see what is coming here, but I think it is just wrong. This is another example of a Federal mandate that creates State costs and forces States to change their laws and then exposes States to litigation from national advocacy groups if they try to resist this pressure from Washington to interfere in the election process of each State. I hope that the Senate will listen to us who oppose this bill and defeat it.

Ms. MOSELEY-BRAUN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

I have spoken before in behalf of the motor-voter legislation and I speak now in behalf of it and in support of the conference report.

I want to point out to the public and to the Members of this body that it is not unusual to have Federal mandates in regards to the exercise of voting rights in this country.

Indeed, Mr. President, the 19th amendment, which was passed in 1920—which, of course, gave women the right to vote—imposed on many States that did not allow feminine participation in the election franchise, imposed on those States a requirement that women be treated as equal citizens and given the right to vote. There were many States at the time the 19th amendment was passed that already allowed women to vote, but at the same time not all States did. And, as a function of the constitutional amendment, it was determined that it was a fundamental right of citizenship that should not be determined based on gender. And so the franchise was universally extended throughout the United States.

I submit to you, Mr. President, the motor-voter provision that this conference committee report represents is in keeping with that tradition. It simply calls on the States to enact a simplified procedure, a uniform set of procedures that will allow individuals to exercise the franchise to vote, whether they live in Iowa, or Minnesota, or Illinois, or Alaska, or Florida, or Texas, or California, or wherever in these United States they may reside.

We are, as you know, Mr. President, an increasingly mobile population. People move from State to State. One of the things that people who do move and who change residences, even sometimes within a State, run into most often are situations in which, by virtue of their mobility, their franchise is taken away from them; by virtue of moving, they get from one location to another and discover there is a new set of barriers, a new set of voting hurdles, or that the election comes upon them 3 days after moving day.

Mr. President, if you have ever been involved in moving your residence, you know how much of a time hassle that can be. But they get to a new residence and discover the election is coming up in a month and there is not time for them to go through the different barriers and hurdles to establish their residence so they can register to vote.

Motor-voter simply says, essentially—and I know there have been plenty of discussions that, First, there should be consistency, so it would not matter whether you lived in Texas or Iowa, that you could go to a uniform set of governmental offices—this is not just throwing it open to anybody—a set of governmental offices to exercise your right to become qualified to vote.

By removing institutional barriers across this country to participation, we hope—but it is not necessarily to be seen—we hope that that will increase participation.

We are right now in this country at about 50, 55 percent, in terms of voter participation. Surely, we would want to get up higher. We would want to get up to the 100 percent if it is possible, because if there is one single set of rights that we have that we ought to respect and be responsible for it is the exercise of the franchise. It is a fundamental, defining right of our constitutional democracy.

So we would want to get people up to 100 percent participation. But failing that, we would want to see, in any election, a representative number of the community coming to the polls and voting. We are now at 55 percent.

We hope to expand the franchise so we can expand participation. It is not guaranteed that we will expand participation, but certainly, to the extent there are institutional barriers to participation, those barriers should come down. And that is what motor-voter does.

In terms of expanding the franchise, though, I have listened to some of the debate against this conference report and I am struck by all the arguments that really just kind of tiptoe around the notion that somehow the enactment of this legislation will create a partisan advantage for one party versus another.

I have to tell you, Mr. President, after having listened to all of the beating of the breast and gnashing of the teeth about who is going to get a partisan advantage, I am really beginning to reach the conclusion that perhaps—perhaps—there really is a fear of participation; there really is a fear that the American people will come out and express their views at the polls; there really is a fear that we will remove the barriers: If we remove the barriers the gauntlet will come down and we will really have a democracy. That is really what I believe the arguments against this conference report can be reduced to—reduced to fear.

I think we should look at it in terms of what are our hopes. Our hopes are that people will participate. Our hopes are that we will expand the franchise.

And whether it turns out that there is a partisan advantage for one party or the other party is something we are willing to take a risk on. We are willing to take a risk that our democracy might work a little better. And that is why we want to have motor-voter. We are willing to take a risk.

It could be, Mr. President, that enhanced registration opportunities will give a partisan advantage to the other side of the aisle. Well, I am willing to take that risk. I am willing to take that risk, because the essence of our democracy is that the individuals who stand for public office and the parties will make their case to the American people and it will be up to the people to decide by whom and how this country will be governed.

That is what motor-voter is calculated to enhance—to remove institutional barriers, so that participation can be enhanced, so that our democracy will work a little better.

I do not have a problem, Mr. President, with the notion that in one State or another it will require some revision. Any Federal lawmaking requires some revision. And I do not have a problem with the notion that States can be sued. Well, if a State violates Federal law, of course they can be sued, and there is a host of laws on the books toward that end.

I come out of an experience in State and local government. I served in my State legislature in Illinois for a number of years and then in county government, so I am very familiar and very sensitive to the whole issue of State and local governments and what they can and cannot do.

I feel confident, Mr. President, that the State and local governments will be able to quickly adjust to the provisions of motor-voter. In fact, if anything, for many, if not most of them, this legislation will simplify and will clarify voting procedures in a way that will provide cost savings.

Now, I am fully aware that the CBO report says that there will be costs, and there will be costs passed on to

State and local governments as a result of this legislation. But I daresay, Mr. President, that by accepting the costs, limited as they are in the first years of implementation, those costs will be not only absorbed over time but also will be offset by the increased activity, by the increased participation, and indeed by the simplification that will inure to the benefit and to the savings at the State and local level down the road, 2 or 3 years down the road.

The legislation does not go into effect until 1995. So there is a time already in place for State and local governments to adjust their procedures, to work on procedures. And quite frankly, a lot of the procedures, the barebones at least, are set out already.

So I dare say that while we are very concerned about the issue of mandates—and I certainly am; I even have legislation, Mr. President, on the issue of unpaid for mandates by the Federal Government—I do not think it is right that we should legislate and not pay for things and not tell the States what is it going to cost.

The difference with motor-voter is that the answers and the cost estimates are right up front. The direct cost of this bill is less than $20 million nationwide. That is for everybody across the country.

Well, that $20 million will be more than offset. The State and local governments know up front—before the fact and not after the fact—what the costs are estimated to be. They have plenty of time to make the adjustment.

And so I dare say, Mr. President, that some of the objections that we are hearing to this legislation really reflect more a partisan fear than hope for our democracy and hope to expand our franchise.

With that, Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, as is apparent, I am just in the final stages, I hope, of pollen-induced laryngitis. But I am going to make some observations with regard to the bill that is before us. Unfortunately, this bill has moved a lot further than I had hoped. I still have great hope that it will not become law, but it is getting very close.

Mr. President, it seems to me that you can just slap a reform label on a bill, get a few groups to form a coalition behind it and it becomes a runaway freight train. Perception takes over from reality.

A couple of examples.

Campaign finance reform. The reality is that there is no collective money chase. Senators do not raise thousands of dollars week-in/week-out for 6 years. In the last three elections, Senators raised 80 percent of their reelection funds in the last 2 years of their 6-year terms. And the reality is that those who raised the most had the most competitive situations.

But the new political reality is that reality does not matter. Perception matters. So this body is going to seriously consider a taxpayer-funded spending limits scheme that in reality will not limit total campaign spending, special interests, or incumbent advantages. In reality, the President's bill will not clean up the process, but will force campaign spending into undisclosed, unlimited channels like nonparty soft money and independent expenditures.

The reality is that spending limits are bad. The perception is that spending limits are good. Common Cause says so. The New York Times says so. The reality is just the opposite.

David Broder, who I think we would all agree is the most—sort of the premier political commentator of our age, had an interesting column in the Sunday Post a couple of weeks ago about not only campaign finance, but some of the other reform issues that have been bandied about, and taken seriously—and in the case of motor voter, almost passed.

Broder said in his piece:

> From coast to coast an army of reformers, waiving the banner of populist protest against the special interests, is mobilizing to enact a host of remedies for the ills of American democracy.
>
> Term-limits, campaign finance reform and curbs on lobbying in particular are gathering support as cures for a system the reformers say is overrun with careerism, insider influence and financial corruption. If enacted, their remedies would without doubt change the nature of the American republic: The structure and operations of government would be recast and power would be substantially redistributed.
>
> Yet paradoxically, the "populist" reforms, many of which are pushed by "good government" groups like Common Cause and the League of Women Voters, have a common characteristic: They would all increase the power of the economic and social elite that most vociferously advocates them. And they might well reduce the influence of the mass voters in whose name they are being urged.

Broder proceeds:

> One would expect that such sweeping changes would occasion great debate. But in many of the major marketplaces of ideas—TV talk shows and commentaries—the "debate" is remarkably one-sided. The reformers are the good guys holding the high ground against the hacks, crooks and influence-peddlers. Who wants to defend perks and privileges, political action committees and the brigade of Gucci-shod lobbyists?
>
> As Perot told me in an interview last month, "If there's someone out there who thinks our future would look better if we had *more* foreign lobbyists, let'em speak up."
>
> I'm not foolhardy enough to accept Perot's dare, but I do want to argue that the missing side of this debate needs to be heard, not because the reformers are entirely wrong in their criticisms—they are not—but because they have an agenda that is not as innocuous or disinterested as they pretend.
>
> Reformers couch their proposals in terms of eliminating pernicious influences on politics and government, but they rarely acknowledge that the process changes they push would also redistribute power—in the direction of themselves and their social-economic peers. What they would do with this power remains unclear from their manifestos. But historically, regimes that have been dominated by social and economic elites frequently have failed to respond to the needs of the lower classes. Often, they have seeded true people's movements that have taken an ugly turn.

Further in the article Broder said:

> Though today's reformers have appropriated the rhetoric of "temple guardians," their preferred remedies for "cleansing" the system are remarkably similar to actions that would enhance their own power and influence.

That is exactly what is going on here, not only with campaign finance reform but with motor-voter as well.

With regard to motor-voter, the reality is that turnout increased 5 percent last year. Why? Because there were a lot of competitive campaigns last year which, interestingly, spent a lot of money. Increased campaign spending was both a cause and a symptom of that increased competition.

The reality is that voting is not all that hard in any State in this country. The reality is that 30 States already have mail registration. Nearly 30 States already have some form of motor-voter registration. And 10 States already have agency-based registration. The reality is that States already are making a concerted effort to devise voter registration systems to serve their citizens within the constraints of their budgets and with regard for their particular histories of voter fraud.

The reality is that people who do not vote, choose not to vote for a lot of reasons. Registration laws are not blocking them from voting.

Despite the well-organized efforts of the proponents of this bill, most people do not have any problem with allowing States to regulate their own voter registration systems. But the perception created by editorial boards and an interest group coalition is that Congress needs to mandate all three registration systems—motor-voter, mail, and agency-based—in all 50 States. And the perception they are trying to create is that anyone who stands in the way of the motor-voter bill is a scoundrel who for some reason does not want people to vote.

These days, reality and perception are on two different tracks in Congress, and only perception is being dealt with.

Mr. President, far away from here, among the American people, reality and perception have collided. The perception has long been that Government is out of control and that we are not dealing with the real problems facing this country. The reality is that Government is out of control and we are not dealing with the real problems facing this country.

Thus, we have a $5 trillion debt. Thus, Americans are overtaxed and underserved. Government is bloated and inefficient. Thus, we have just spent weeks on an unnecessary, unfunded mandate on States reeling under their own budget problems. This is literally a waste of time when you consider the issues really confronting this country.

And, we will spend weeks on a taxpayer-funded campaign finance bill that has the appearance of doing something about perceived problems with little or no basis in reality. Should it pass, it will be hailed as an accomplishment simply because it passed Congress and was signed into law by the President. But what would have actually been accomplished for the country? Absolutely nothing. All that would have been accomplished is the creation of a new entitlement program with politicians as the direct beneficiaries—and special interests as indirect beneficiaries through the enhanced power they will exercise through soft money and independent expenditures.

The bill before us, motor-voter, has been blown up all out of proportion. It will throw a whole lot of people onto the registration rolls, at considerable expense to States and possibly to the integrity of the electoral process. And for what? People thrust onto the rolls are not going to roll off the sofa on election day just because this bill made registration easier.

Mr. President, I am not concerned that the Republican Party will somehow be hurt because of increased turnout resulting from this bill. Generally in recent years my party has benefited from high turnout. In any event, turnout is not going to increase because of throwing thousands of people onto the voting rolls. It will have no impact at all.

Turnout may increase because people become so enraged at this Congress' failure to devise real solutions to real problems that they take matters into their own hands by voting incumbents out of office. Since there are far more Democrat incumbents than Republican incumbents and since Democrats control the entire Federal Government, such increased turnout could actually help the Republican Party. If enough voters would reflect on the fact that the Democratic Party has controlled Congress for most of the last 40 years, then increased turnout would really help Republicans.

The only people who really are going to be hurt by this bill are the taxpayers, as usual. They are hurting so much already under this administration, they may be numb to any more pain.

Although the prospect of this bill passing is appalling to me, Republicans did make it a better bill than it was originally. The core package of amendments that 41 Republicans insisted be adopted before it could pass the Senate survived conference largely intact.

Republicans slammed the escape-hatch shut. No longer is this bill a backdoor means of forcing States into adopting election day registration or no registration whatsoever. Under the original bill, any State that could not afford to comply with the onerous and expensive mandates would be exempted from the bill altogether—if they adopted election day registration or no registration. Republicans succeeded in grandfathering in the five States that would have qualified for the exemption prior to March 11, 1993. Whatever the intentions of the original escape-hatch provision may have been, the effect would have been to push States into adopting extremely liberal registration systems that they otherwise would not adopt.

As the core package was being negotiated in conference, I was contacted by the secretaries of state of Michigan and South Dakota, both of whom wanted the escape hatch option left open. Officials in Illinois also urged that they be allowed to opt out through election day registration. These State officials wanted the escape hatch because their States cannot afford the unfunded mandates in this bill. They want flexibility.

Mr. President, I sympathize with these officials in Michigan, South Dakota, and Illinois. I fought to preserve their flexibility by opposing this unfunded mandate bill in the first place. Only one of the six Senators from those States, Senator PRESSLER of South Dakota, joined me in this effort to preserve States rights and flexibility. I regret that we did not prevail and these States must now contend with these unfunded mandates. It was certainly not my plan that they get the privilege to pay for. However, their constituents are better served by the closing of the escape hatch than if it had been left open.

Republicans also improved the agency-based registration provision. Under the original legislation, States would have been required to register voters as they receive assistance at welfare, disability services, and unemployment offices. Under the Republican core package amendment, States still would have been required to provide agency-based registration, but the makeup of those agencies would have been left up to the States to determine. Unfortunately, the Republican position did not prevail on this point. Although unemployment offices still will be optional, welfare and all public assistance offices are once again required to register voters.

While the intent may have been admirable in bringing low- or no-income citizens into the political process, the effect will be to put these citizens in a precarious position.

Citizens who rely on Government checks to eat, pay the rent, and feed their children are particularly vulnerable to intimidation, be it overt or implicit. A social service worker with a check in one hand and a voter registration form in the other? Yes, that will be intimidating. It will be at least as intimidating for these citizens as it would be for taxpayers being registered to vote by an Internal Revenue Service auditor.

Mr. President, at this point I would like to read from a letter the conferees received on April 2, from the County Welfare Directors Association of California:

> The County Welfare Directors Association of California urges you to accept the Senate's provision to the National Voter Registration Act of 1993 (H.R. 2 and S. 460) which would make agency-based registration optional. We support the principle of maximizing voter registration, however, county welfare offices simply do not have the resources to carry out an additional unfunded mandate. The already overburdened system and programs we administer are based on a number of complex and cumbersome asset and income calculations and verifications imposed by Congress and the courts. These new requirements would divert scarce resources from the clients and the mission we exist to serve.

The letter goes on to say:

> Moreover, we are also concerned that the integrity of our agencies may be compromised in the eyes of our clients. There does seem to be something implicitly coercive about the process involved. Many of our clients are poorly educated and have little trust in the system. They are likely to feel they must register or they must vote in order to receive benefits and that somehow this would ultimately affect their benefits.

Five other Republican core package provisions were adopted in varying degrees: First, unsigned applications will serve as a declination; second, undeliverable registration notices will trigger the bill's purge provisions; third, States will be allowed to require that registrants who do not notify officials of a change of address within a jurisdiction could vote at only the new or only the old precinct; fourth, registration forms will stipulate voter eligibility requirements and penalties for fraud; fifth, agency based registrants will be allowed to refuse assistance.

Senator MCCAIN's amendment to ensure that our Nation's service men and women are brought into the process through registration at military recruitment offices has been retained. No one has a greater stake in our Nation's electoral process than our soldiers whose very lives may hinge on the decisions of elected officials.

In addition to these, Senator DURENBERGER drafted additional language to address the coercion problem inherent in agency based registration. While I think the bill is better with this language than without it, I am not satisfied that the potential for coercion has been alleviated.

Mr. President, another important Republican amendment that was included in the Senate version of the bill, courtesy of Senator SIMPSON, was dropped in conference. Senator SIMPSON's amendment simply would have clarified that States could require proof of citizenship to register to vote. It is curious, to say the least, that this provision was dumped by Democrats on the conference committee.

This bill is better, thanks to the efforts and resolve of Republican Senators who stood firm and insisted on these amendments in the face of baseless charges of gridlock.

However, Mr. President, Congress still has not paid for the motor-voter bill. It still is an unfunded mandate. It still is a solution in search of a problem. It still should be defeated.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEAHY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the quorum call be dispensed with, and it is granted.

Mr. DOLE. Mr. President, along with the saxophones and McDonald's hamburgers, the newest rage in Washington seems to be the unfunded mandate.

Earlier this year, Congress passed a family leave bill costing businesses hundreds of millions of dollars.

In March, Congress rammed through an unemployment compensation bill raising the deficit by $6 billion but did not offer a single way to pay for it.

Last month, the Senate debated the so-called stimulus package, highlighting the fundamental differences between the two parties. Democrats voted to increase the deficit with $19 billion of additional Federal spending. Republicans prefer to cut spending and pay for any spending increases with spending cuts elsewhere.

And now, Mr. President, we have the motor-voter mandate. We seem to think we can come up with any idea, no matter how expensive, no matter whether anybody is for it, just pass it, charge it on the credit card, charge it to somebody, and that is what we are doing with this bill in cash-strapped States and localities.

NO FREE RIDE WITH MOTOR-VOTER

Mr. President, with a $4 trillion national debt, we have learned the hard way there is no such thing as a free lunch. And today there is certainly no free ride with motor-voter; 10 States, including my home State of Kansas, have estimated that complying with the motor-voter mandates will cost them more than $87 million. That is not a lot of money around here, but $87 million, we say, "Oh, well, don't worry about $87 million, it could be $87 billion." Well, it is $87 million. The total cost for all 50 States would obviously be much higher.

So it is no wonder that the National Governors' Association—that is Democrats and Republicans—the National Association of Counties, the National Association of Towns and Townships, the National League of Cities, and hundreds of State and local officials throughout the country have all registered their opposition to this bill.

It seems to me, if we fund it, that is one thing. In fact, we offered an amendment to fund it. It was defeated. Here there is a feeling we should not pay for anything; just pass it. Do not worry about paying for it. That is too tough. Pass it. Let somebody else worry about paying for it: Cities, States, employers, workers. How are they going to do it? Are they going to cut their education budget, their child nutrition programs, or just raise taxes?

THE NICKLES-DOLE AMENDMENT

Last March, I joined my distinguished colleague from Oklahoma, Senator NICKLES, in offering an amendment that would have allowed each State to estimate the additional costs associated with motor-voter requirements and to submit this estimate to the Senate Rules Committee and the House Administration Committee.

The amendment would have delayed the effective date of these requirements until Congress appropriated funds to defray the additional costs.

The amendment was simple and straightforward, an honest attempt to restore some accountability by forcing Congress to pick up the motor-voter tab.

Unfortunately, the amendment was defeated, and now I would say this. We have the conference report before us now. It is an improvement, but it is still out of gas and ought to be left parked wherever it is.

No doubt about it, it is an improvement over the original Senate and House bills, and because of the hard work of my distinguished colleague from Kentucky, Senator MCCONNELL, the conference report closes the so-called election day escape hatch. This loophole would have encouraged States to adopt same-day registration procedures as a means of escaping the bill's requirements. In many areas same-day registration is a prescription for fraud and corruption.

The conference report also allows but does not require registration at unemployment offices, and it prohibits workers at welfare offices from influencing registration decisions of welfare recipients, though registration at these offices continues to be mandatory. It is not mandatory anywhere else as far as I know.

I wish to thank our colleague from Minnesota, Senator DURENBERGER, for helping us make those changes.

Mr. President, these changes are steps in the right direction, but in the final analysis the conference report is still not acceptable to this Senator. It may be to a majority. I assume it will be to the majority.

BEST WAY TO INCREASE VOTER TURNOUT

Mr. President, no one is against increasing voter registration. The more people who vote I guess is better for democracy.

In 1992, I am pleased to report that Kansans turned out to vote in record numbers; 75 percent of the voting-age population was in fact registered to vote and 85 percent of those who were registered actually voted. This 85 percent participation rate represents a 14-percent increase over the previous turnout record.

What these numbers prove is that motor-voter participation has little to do with the Nation's secretaries of state and county clerks who supposedly have not made it easy enough for people to vote, as this bill's proponents would contend.

People will take time to vote if they believe they have a stake in an election. And they will vote if they are convinced that Congress is a credible institution, that we can conduct our affairs responsibly and without gimmicks.

Unfortunately, the motor-voter bill flunks the credibility test.

With its credit card approach to voter registration, this legislation proves that Congress is ready, willing, and able to bask in all the hype but a deadbeat when it comes time to pay the bill. It seems to me that by any measure the motor-voter bill is a money-guzzling clunker. It belongs in the congressional junkyard.

I must say, I go home a lot. Never will anybody ask me about the motor-voter bill, nobody in elected office, not my Democratic Governor. Nobody urged me to vote for it. Nobody, wherever I go, ever heard of the motor-voter legislation. But I think some of the Governors know and some of the other people know that somebody has to pick up the tab. And despite all the good intentions—I am certain the proponents of the bill have nothing but good intentions. I am not questioning that, but again it is another federally unfunded mandate.

And you go to the League of Cities, you go to the county officials meetings, you go to the township meetings, you go to the Governors conference, they are all up there talking about unfunded mandates, but we just insist on giving them unfunded mandates, and there are more coming.

We figured out something in Congress. We are broke, States are in bad shape, cities are in bad shape. So what are we doing now? We are sending unfunded mandates to employers. We found a few people still making it in America. We are going to try to do them in in the next decade.

But here we are just adding to the burden that States and cities and others already have. Somebody can dispute the figures, as I assume they will. But what is $1 million? If the thing only costs $1 million, why send out an unfunded mandate—if it only costs $5. If we are going to ask people to do something and direct them to do it on the Federal level, then we ought to pay for it.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, we have before us a bill that is titled the "National Voter Registration Act of 1993." It is also called, by its proponents, the motor-voter bill.

I would like to discuss this bill today and explain why I am opposed to it, and why I do not think it represents the kind of issue that we should be debating here in the Congress.

Mr. President, traditionally voter registration has been left up to the States. Previous Federal intervention on voter registration issues has basically been an intervention to assure that anybody who was eligible to vote was guaranteed the right to register and to vote.

This intervention has been based, on the constitutional issue of guaranteeing equal access to the ballot.

Other than that major intervention, which was vitally important to make American democracy work, the Federal position has been that the individual States should establish, voter registration guidelines within the general proposition that such procedures have to conform to the constitutional guarantees that our citizens have.

The stated objective of this bill, if you listen to the debate, is to try to increase voter turnout through a provision called the motor-voter provision. In fact, the whole bill is called the motor-voter bill. But, Mr. President, that is a misnomer for this bill. The idea behind the bill is to have it so that if anybody—or at least in the discussion of the motor-voter section—the idea behind it is to have it so that anybody who gets a driver's license is automatically registered to vote.

Clearly, the proponents of this bill believe that despite the fact that States have gone to mail-in registration, despite the fact that States have gone to great lengths to make it easier for people to vote, despite the fact that in my State, we have an extended period of no-excuse absentee balloting, that somehow we need to make it easier for people to get registered to vote.

So the argument of this bill is: Let us just have a neutral registration process where if people get a driver's license, they are registered to vote.

There are problems with that in that it is very common in my part of the country for illegal aliens to have driver's licenses. It is also very difficult, if you do that, unless periodically you go back and purge the voter rolls, to keep the rolls current. It is not an unheard-of phenomenon in this country for dozens of people to vote who are registered and whose address turns out to be a vacant lot; these are not homeless people.

But, Mr. President, if all this bill contained was the motor-voter provision, then I would vote for it. I would be willing to say that is a reasonable compromise. I do not think the Federal Government ought to be mandating to the States how they go about voter registration but as long as they were not discriminating against anybody, I wouldn't object.

If there is one thing that State governments agree on; it is that they are tired of Federal mandates. When we tell them how to do things, we are imposing costs on them and we are not paying for it. But given where we are on this issue, if motor-voter was the only issue, I would not see it as being very important because it is a fairly neutral process for a person to get a driver's license.

It is also probably true that in registering people to vote at the time they obtain their driver's license, that while you do open the potential for voter fraud, the impact on registration on a partisan basis is probably insignificant.

But, Mr. President, I do not believe that is what this bill is about. I do not believe this bill is really about motor-voter. I think this bill is really an effort to mandate costs on the States, to dictate policy to the States, and to try to change the partisan mix of American elections.

Mr. President, let me just take an example—and I think it is a relevant example; it is the major reason—despite the fact that I am not for mandates, that I am not for the Federal Government telling the States how to do their jobs, let me just give you one insight that I think any objective person will see as an effort to try to tilt the political persons.

Under this bill, each State shall—that is, must—designate agencies for the registration of voters in elections for Federal office; each State shall designate as voter registration agencies all offices in the State that provide public assistance.

In other words, under this bill, at the courthouse in my county, you go to a specific office to register to vote. But under this bill, not only can you register to vote at the county clerk's office in the courthouse, but if you go to get assistance, to get welfare, to get aid to families with dependent children, to get benefits from the Government, that office, too, must register people to vote.

Mr. President, let me point out a distinction which I think is very important. When we debated this, I raised the question to my colleagues on the left: Why are we making the welfare office register people to vote, but we are not making the tax office register people to vote? What is the difference between people who are riding in the wagon, and people who are pulling the wagon? Why is it that the majority is so interested in registering people on welfare to vote, but is so indifferent about registering people who are paying taxes to vote?

I noticed, in a little rhetorical sop here in this conference report, that the bill now says that the areas designated for voter registration "may" include government revenue offices. Why "must" on the welfare office; why "may" on the government revenue office?

Well, Mr. President, as we all know, under current law, the State can designate voter registration wherever it wants to designate it. As we know today, in all 50 States and the District of Columbia, States can designate registration sites in the tax office, in the welfare office, in the gun registration office, in the driver's license office, wherever they want to. They have a right to do that, and States have increasingly made it easier to register.

But this proposed law says you must register people to vote in the welfare office.

It would seem to me that what is clearly contemplated here is that when people come in to get their welfare check, they are going to be pressured to register to vote; that the voter registration material is there. It is going to be given to them. And I do not think there is any doubt about the fact that the clear intention of this bill is to tilt the electoral process by not mandating the registration of taxpayers, but by mandating that the welfare office be a registration center.

Mr. President, with all of the problems in American democracy, with all of the very real issues we face, why are we here debating a bill which is aimed simply at distorting the outcome of elections by forcing welfare office in the registration to vote, but not forcing it in the tax office?

In fact, the only justification for this bill is not that we do not believe that States and counties have sense enough to register people to vote, it is not that we believe that they are in any way being unfair in registering people to vote; the whole purpose of this bill is that the majority wants to mandate that the welfare office register people to vote. That is what the whole debate is about. And the whole debate is an effort to try to change voter turnout.

It seems to me that our Democratic colleagues believe that they have a comparative advantage in appealing to the people who are riding in the wagon, and that Republicans have a comparative advantage in appealing to people who are pulling the wagon. I think that is correct. I do not think there is any doubt about that. I think every poll I have ever seen shows that.

It seems to me that one thing we ought to be is neutral in the process. If our Democratic colleagues can induce people who are using the welfare office to turn out and vote, that is how the process works. If we can induce people who are going to the tax office and paying more taxes to turn out and vote, that is how the process works. But I do not believe that we ought to be legislating, mandating that our county governments and our State governments force registration through the welfare office and not through the tax office. It seems to be that that goes one step beyond simply trying to get people to register to vote and to participate in the democratic process.

So, Mr. President, I am opposed to this bill. As we all said when we passed the bill in the Senate—and when we passed the bill, it did not have the mandate for welfare office registration in it, we simply left it neutral there—the local government could register people in the welfare office if it wanted to, and or in the tax office if it wanted to.

Local governments and State governments have said they do not want these mandates. But what has happened now that the bill has come back from the conference committee is that the bill is basically the way it was before we forced the changes in the Senate, and the major provision in the bill is that the bill mandates that the welfare office have voter registration. I think that is a mistake. I think it is something we should not be doing, and I urge my colleagues to oppose this bill.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER).

Mr. FORD. Madam President, we have heard the same old tactic here this morning, the tactic of fear—fear of the welfare, fear of those who are not socially high on the income ladder, and that they do not want them to vote. That is playing on the fears rather than the hopes of Americans. And welfare, welfare, welfare office—that is all we have heard for the last 10 minutes. They are fearful of the disadvantaged in this country, saying they should not have an opportunity to register to vote.

We took our conference and looked at Minnesota and Pennsylvania. I think that we have used those two States in crafting this bill out of conference; that stops any kind of coercion, that stops any kind of intimidation, as relates to those that go to the welfare office; or the disabled, to give them an opportunity to vote also. Under the motor-voter, as has been referred to this morning, 90 percent of the American people will be registered under this provision. We are talking about 10 percent. But again, we hear them playing on fear rather than the hopes of the American people.

What we are trying to do here is to reconnect the American public with its Government. People should have an easy opportunity to be registered to vote. They think that this is something that is trying to be imposed upon the States. CBO has said we can save money under this procedure because it will be orderly, and I think that is important to remember.

I have heard a lot about the credit card here in the last 100 days or so. They want to cut up the credit card. Well, we have had a credit card for 12 years, and we are $4 trillion in debt. What kind of credit card do you think we have been running on in this country for the last 12 years?

So let us be very careful about cutting up credit cards. As the Republican leader said a while ago, it is a better America if people turn out to vote. We are trying to have a better America, to reconnect our citizens with Government and give them an opportunity. The Republican leader said a moment ago that they had a record turnout in Kansas of registered voters, not eligible voters. there are a lot of eligible voters that wanted to vote that did not.

What is wrong with giving the American people an opportunity to register and vote if they want to? There is nothing mandatory about registering in a welfare office. There is nothing mandatory about registering in an office for the disabled. If they want to register, they can register to vote. So here again we hear the fear. I was pleased when I heard the Senator from Texas say that as it relates to partisan advantage in this bill, it probably was negligible. So I took that to say that it does not make any difference that there is not one party advantage over another.

I believe that we are on the right track. We hear that Governors are not for it and mayors are not for it. Well, all you have to do is go down the list. How many secretaries of state that handle this provision came and testified? Not many in this Chamber right now were there and listened to the testimony. I was there. I heard the secretaries of state testify in favor of this. I heard clerks that were responsible for this particular area, for registering to vote; I heard them testify in favor of this particular legislation.

Madam President, I have a long list of organizations that are for it. They are not politicians but groups of people. The Catholic Church, for instance, supports this bill. That is not a political entity. We have a lot of associations of just people that are for this legislation.

And where did it start? Where did this legislation start? It started at the grassroots. It is not something some politicians put together and said, "This is good for the country, and we will mandate it." This started at the grassroots.

It has worked its way up to Congress, and now that we find that we have something that the people want and we are trying to get it passed, we find this threat of fear—worried about the welfare office, worried about the welfare office, playing on our fears instead of our hopes. And we worry about the illegal person that might be coming into this country. We hear a lot about how they are going to register to vote.

In the forms that are being used around the country now, you have to present a birth certificate and you also have to sign subject to perjury "I am an American citizen," with Federal penalties that are important.

So I do not hear all these fears coming from States who now have basically the same thing we have in this particular legislation.

So, Madam President, I think all we are hearing here now is something to try to delay this bill to come to a vote.

I worked hard, I dedicated myself to take the floor amendments that were submitted by the Republicans to this bill, and we passed it out of here. I could not guarantee that we would have all of them in there, but I worked hard. And I fought hard for those floor amendments, and basically those amendments, with some slight change, are in this legislation.

We took out the unemployment office. Nobody said anything about that. It is just the welfare office. These are the most disadvantaged people in this country. You say you are fearful of them being coerced. You are fearful of them being intimidated. Let us play on their hopes rather than their fears.

So I hope we could get to this legislation and that we could do it soon. It will come. One way or other, we are going to pass it. I would hope we would not have this delay, delay, and delay.

The American people understand who is delaying. It is not this side. It is not this side that is delaying this piece of legislation that wants to reconnect the American people with their Government. We want to get on with voting for this and do things for people.

They are playing on the credit card. I heard the Republican leader say the other day we are going to cut up the credit card. Now that you have used it for 12 years, it is about worn out. You might have to get a new one. But cut it up. You have been working on that credit card now for 12 years, and it is about worn out.

We talk about it is going to cost money. We tried on our jobs bill, and we could not pass it. We tried awful hard. We could get 57 votes, but we could not get any others to vote with us on the jobs bill.

Lo and behold, what happened? Not a Member on that side voted against increasing the debt by $4 billion. And what did we do? We extended the unemployment compensation to those people who were out of work and we increased the deficit by $4 billion. Not a Republican voted against that. It was unanimous, because it was by unanimous consent. It was all paid for.

Now we find that those who wanted to go to work, who could have gone to work under those highway contracts that could have been awarded in 60 days are not out there. Those summer jobs for the disadvantaged kids in our communities are not out there. There were the community development block grants we heard so much fear about. One community in my State would have received 3,000 jobs on community development. That is a bricklayer. That is a carpenter. That is an electrician. That would have had a rippling effect. They would not be on that $4 billion that we increased the deficit. They would have been working, and you would have had workfare instead of welfare. That is what was voted out of this Chamber.

Now we are trying to say let us let the American people have a real opportunity to say to those of us who run whether they want us or not, whether they want to have a filibuster around here and obstruction around here. Or are we going to have the ability to do something for the American people?

So, Madam President, I hope we can get on with this and that we can go ahead and pass it.

Let me just give some examples of the organizations that are for this piece of legislation. There is the Leadership League for the Blind of America. They are very strong for this. The American Association of Retired Persons is very strong for this bill; the American Civil Liberties Union; the Council of the Blind; Federation of State, County, and Municipal Employees; the American Jewish Congress; the American Nurses Association; and on and on and on; the League of Women Voters; the National Association for the Advancement of Colored People; the National Association of Developmental Disability Council; the National Association of Recorders.

So these are just people who are for it, not elected politicians that are against it; elected politicians are against this bill but the people happen to be for it.

I hope somehow some way we can find it in our hearts to let this piece of legislation go forward and that the President can sign it and we can get on about the business of this Chamber.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I will try to be brief.

I do not think the source of support for this bill comes from our hearts. Why would we write a bill that mandates that the States have voter registration in the welfare office but does not mandate that the States have voter registration in the tax office? Why would we do that?

In fact, why are we mandating that the States have voter registration in any office outside the county clerks office?

Now, our dear colleague from Kentucky talks about making it easy to vote. Why should it not be easy for the people who work in this country to vote? Why do we only mandate that people at the welfare office be able to register to vote and not the people who are going to the tax office to pay their taxes?

There is only one reason we would do that, and that is someone believes, our Democratic colleagues being the someone, that there is partisan political advantage to them by having registration in a welfare office and not the tax office.

Our colleague said, "I did not seek partisan advantage in the bill." I do not see it in the driver's license registration which I do not oppose.

I do not think we ought to be mandating. I think the States ought to be able to do it if they desire. But if that is all this bill did, I would not have any real objection. But what I do object to is forcing registration in the welfare office but not in the revenue office.

Our colleague talked about illegal aliens. Let me read you from the report of the bill on page 23:

> The Senate amendment. The Senate amendment provides that nothing in this act shall prevent a State from requiring presentation of documentation related to citizenship of an applicant for voter registration.

In other words, the Senate bill as we passed it said nothing in this bill could prevent the States from forcing someone to prove that they were in fact a citizen.

Let me read you the next sentence from our conference report, the conference agreement which is the bill before us:

> The conferees agree with the House bill and do not include this provision from the Senate amendment.

Then it goes on with a long sentence about the Voting Rights Act.

Mr. FORD. Read the rest of it.

Mr. GRAMM. Madam President, if we do not want illegal aliens voting, why do we not just come out and say so in the bill? Why do we not be specific? Why was that provision dropped?

So, I do not think people are confused. Maybe I am wrong. Maybe this high-sounding rhetoric sounds great. But I think this high-sounding rhetoric dies an instant death when people realize that this passion for voting, this great desire to see that people go and exercise their sacred right, which I believe every citizen should do, but it only extends to the welfare office, that it is only in the welfare office where we feel so passionate about voting that we make voter registration a mandate; we do not feel equally passionate when it comes to the tax office. We do not have our hearts well up for the people who do the work, pay the taxes, and pull the wagon in this country. Only in riding in the wagon do you secure a place in our electoral heart.

Maybe people are deceived by that, but, Madam President, I doubt it. I think people see this for exactly what it is, and that is raw partisanship. I think the more that they see these things—and that is one of the reasons that I rejoiced that greater attention is paid to what we are doing here, because of C-SPAN—the more people see these debates, the more they get it straight, the more they understand the fundamental difference between the two parties.

Now our colleague may very well prevail on this bill. We may pass a law forcing voter registration to occur in the Welfare office. We do not force it to occur in revenue offices and there will be some advantage that comes from that on a partisan basis.

But to the extent that we debate these issues, to the extent that we awaken the American people, when the sleeping giant that does the work in this country awakens and realizes what this debate and what so many of these other debates are about, when the American public is filled with rage about the outrageous actions that are undertaken in this great and sacred temple to American democracy, then they will speak and they will speak with a very clear voice.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to congratulate and compliment my colleague from Texas, Senator GRAMM, and also my friend and colleague from Kentucky, Senator MCCONNELL, for their leadership and for their statements this morning.

I hope the American people had a chance to listen and find out about this legislation, because I heard a lot of different statements made and I think it is important they look at the substance of why many of us, at least on this side of the aisle, are opposed to the motor-voter bill.

This Senator is adamantly opposed to this legislation because we are putting an unfunded mandate on the States. We had an amendment to correct that but, unfortunately, by a very partisan vote—a very close vote—we lost. So the net result is, we are going to be mandating to the States that they have to spend millions of dollars for voter registration, and in many cases they will not do a better job.

In my State of Oklahoma, Lance Ward, the secretary of the Oklahoma State Election Board says the costs will be $1.2 million or $1.3 million. I will ask to have a copy of his letter printed in the RECORD. He is opposed to the motor-voter bill.

I might mention that he is a Democrat. I might also mention that many throughout the country are very opposed to this and they happen to be Democrats, because they are opposed to unfunded State mandates, they are opposed to the Federal Government coming in and saying: "We are going to give you the benefit of our wisdom. We are going to tell you how to do it. We are going to tell you how to register voters."

Let me just read a portion of this.

> Oklahoma's voter registration system is not broken; it works well. Oklahoma is third nationally in the percentage of voters registered and the cost to taxpayers is about $120,000 annually. Major elements of the National Voter Registration Act will cost Oklahoma ten times that (amount and) will not increase registration, may reduce voter turnout, will force registration polls to close earlier, and will destroy Oklahoma's good registration system along with new and popular voting options that have potential to increase turnout.

In other words, it is the opinion of Lance Ward, secretary of the State Election Board, that this legislation is going to do more damage than good and it is going to cost about ten times as much money, which is kind of typical of a lot of Federal mandates today.

I would just say that many of us on the floor of the Senate tried to make sure that we did not pass an unfunded mandate, but, unfortunately, we were not successful.

Many States are doing an outstanding job in voter registration. As a matter of fact, I believe, following the 1992 cycle, 14 States had over 80 percent of their eligible voters registered.

We had an amendment on the floor of the Senate that would exempt those States that were doing an outstanding job. Some States have over 90 percent, including my State of Oklahoma. Why should we put this mandate on the States that are already doing a good job?

The motor-voter bill says: "We do not care how good a job you are doing, we do not care how economical you are going to do it, we are going to mandate registration procedures throughout the country."

I will read from page 5 of the committee report.

> Voter registration agencies—

Keep in mind, States have the option to have registration set up anywhere they want under present law. We allow the States to have that discretion.

But this says, on page 5:

> Each State shall designate as voter registration agencies—
>
> (A) all offices in the State that provide public assistance.

Those are welfare agencies.

> All offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities. * * * In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

The big point is that States shall designate as voter registration agencies all offices in the State that provide public assistance. It is optional to include government revenue offices.

So it is an option to include the tax offices, the revenue offices—the taxpayers would frequent those offices—but the bill mandates that they include welfare offices. I think that was designed for pure partisan political advantage.

Aside from this my primary objection is that we don't pay for it. We must stop coming up with unfunded State mandates.

My State happens to be going through some very difficult times financially right now. We are not able to meet all the demands that are now before our State. We have some serious budget shortfalls. Yet the Federal Government is going to come in and say we are going to mandate another $1.2 million or $1.3 million on the State of Oklahoma, even though we are already above 90 percent in voting age registration. That makes no sense whatsoever.

And it is not just Oklahoma.

Madam President, I ask unanimous consent that a letter from the Oklahoma State Election Board be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OKLAHOMA STATE ELECTION BOARD,
Oklahoma City, OK, January 27, 1993.

Hon. DON NICKLES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: Once again, as my predecessor Lee Slater did before, I urge you to consider the effect the National Voter Registration Act will have on Oklahoma.

Oklahoma's voter registration system isn't broken: it works well. Oklahoma is third nationally in the percentage of voters registered and the cost to taxpayers is about $120,000 annually. Major elements of the National Voter Registration Act will cost Oklahoma ten times that (see attached estimate), will not increase registration, may reduce voter turnout, will force registration rolls to close earlier, and will destroy Oklahoma's good registration system along with new and popular voting options that have potential to increase turnout.

In Oklahoma the National Voter Registration Act will be costly, unnecessary and counterproductive.

Attached is a sheet from the August 11, 1992, report from the Congressional Research Service Report for Congress which indicates that in the 1990 General Election Oklahoma ranked third nationally in registration of voting age population. Statistics are not yet available for 1992, but Oklahoma will continue to rank very high and, in spite of a 1993 purge to eliminate 350,000 or so persons who have not voted during the past eight years, Oklahoma's registration ranking will remain high in 1994.

Motor voter, mail and agency based registration will do away with Oklahoma's system of registrars who work almost everywhere and are paid when they seek out voters at retail and grocery stores.

Also in jeopardy is Oklahoma's new option for voting that permits anyone to vote by mail or in person before election day. Almost 100,000 people did that in November, three times the previous absentee record, and continued dramatic increases are expected unless there is unchecked abuse, which becomes far more possible with mail and similar registration schemes. The potential for fraud increases with each liberalization of registration or voting procedures. Oklahoma has kept a successful face-to-face registration system while opting to make voting easier and more convenient. If forced to abandon in-person registrars for impersonal and liberalized registration, the result likely will require a retreat from reforms that appear to increase voting.

Another negative effect of motor voter, mail and agency registration will be to increase the time when registration must be closed. Oklahoma now closes registration ten days before an election, among the shortest nationally. With the proposed systems, time must be added to permit forms to be transmitted to appropriate jurisdictions, checked and entered into registration records. When listed according to registration percentages it is impressive to note that states, such as Oklahoma, with short closed registration times rank high while states with the longer closed times generally rank low.

In Oklahoma voting, not registration, should be our focus. States should be judged based on meaningful performance. One organization promoting motor voter ranked Oklahoma as a "worst" registration state while extolling the virtures of their "best" list which includes Texas because their "best" states had liberal registration systems. For what it's worth, Oklahoma ranks 3rd in voter registration and Texas is 35th. Oklahoma ranks 25th in voter turnout and Texas is 43rd. In 1992, Oklahoma led the nation in turnout percentage increase, Texas was 43rd.

If voter registration must be reformed, let the reforms occur where there is some evidence change is needed. For Oklahoma, the National Voter Registration Act isn't the solution, it's a problem. It will not improve registration but will push Oklahoma backward in areas where your home state has been and is becoming a national leader.

I would be pleased to provide any information you request.

Sincerely,

LANCE WARD,
Secretary, State Election Board.

OKLAHOMA VOTING/REGISTRATION HISTORY COMPARED TO NATIONAL AVERAGES

	Oklahoma VAP[1]	Oklahoma registration	Oklahoma registration percent of VAP	National average registration percent of VAP	Oklahoma rank	Oklahoma turnout percent of VAP	National average turnout percent of VAP	Oklahoma rank	Oklahoma turnout percent of registration	National average turnout percent of registraton
1962	1,478,000	1,160,515	78.52	70.73	18	48.02	47.05	30	61.16	69.23
1964	1,471,000	1,311,864	89.18	74.79	10	63.39	61.92	31	71.08	83.45
1966	1,489,000	1,185,225	79.60	72.48	16	45.48	48.17	35	57.14	67.06
1968	1,540,000	1,163,328	75.54	73.28	23	61.24	60.84	30	81.07	82.46
1970	1,605,000	1,201,666	74.87	71.41	20	43.54	46.60	37	58.15	65.01
1972	1,818,000	1,245,157	68.49	73.60	34	56.65	55.21	30	82.71	74.49
1974	1,896,000	1,341,209	70.74	68.28	24	42.45	38.23	23	60.01	55.70
1976	1,990,000	1,401,094	70.41	70.63	32	54.89	53.55	29	77.96	75.37
1978	2,081,000	1,366,019	65.64	66.65	34	37.36	37.20	29	56.91	55.48
1980	2,207,000	1,469,320	66.58	70.32	35	52.09	52.56	31	78.25	74.26
1982	2,371,000	1,613,827	68.07	66.67	26	37.25	39.79	37	54.72	59.42
1984	2,408,000	1,949,989	80.98	72.84	15	52.15	53.11	32	64.39	72.58
1986	2,405,000	2,018,401	83.93	67.86	6	37.83	36.41	27	45.08	63.35
1988	2,404,000	2,199,014	91.47	70.50	3	48.71	50.15	33	53.25	72.47

[1] VAP—Voting age population.

Source: Prepared by staff of the Oklahoma State Election Board.

Mr. NICKLES. Madam President, I also ask unanimous consent that a letter from the secretary of state of the State of New York, representing the National Association of Secretaries of State, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF STATE,
Albany, NY, March 2, 1993.
Hon. DON NICKLES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: As President of the National Association of Secretaries of State (NASS), I am writing to express our association's strong support for the concepts in H.R. 2, the National Voter Registration Act of 1993. In 1989, NASS went on record in support of the concept of Motor-Voter; a copy of that Resolution is attached for the record.

There is one caveat, however, in our support of H.R. 2. As an organization of state officials, we are understandably concerned about the fiscal impact of any unfunded federal mandate, no matter how laudable the intent. Therefore, as you will note in the Resolution, our support as an association for Motor-Voter is conditioned on the appropriation of funds to implement its requirements.

Therefore, I would like to express our Association's support of the amendment you plan to offer during Senate deliberation of the Motor-Voter bill which would condition implementation of the provisions of H.R. 2 on the provision of funds for states and localities to properly fulfill the requirements of the bill.

As an organization representing the chief election officials of forty-four states, NASS is in the forefront of attempts to ensure maximum voter participation. In the past we have undertaken studies and made recommendations aimed at identifying and eliminating structural barriers to registration and voting. Today, our work continues in many forms primary among them the work of the National Commission on the Renewal of American Democracy, also known as "Project Democracy."

The work of that Commission is showing clear proof that making it easier for citizens to register has a direct impact on electoral participation. Clearly "Motor-Voter" is one method that has been tried in several states with some noticeable results. To further substantiate the results of the efforts of some of the pioneering states which have already implemented a form of motor-voter, I would refer you to the testimony of several of my colleagues who testified before the Committee on House Administration's Subcommittee on Elections.

Motor-Voter and agency-based registration can have very positive impacts on participation in our democracy; providing funding will go a long way toward ensuring that they are properly effectuated. It will also initiate a new partnership approach between the federal government and the states in conducting our electoral process.

Sincerely,

GAIL S. SHAFFER.

Mr. NICKLES. The essence of this letter is: Please do not pass an unfunded mandate.

Madam President, I further ask unanimous consent that a letter from Bob Taft, secretary of state of Ohio, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE,
Columbus, OH, March 3, 1993.
Hon. DON NICKLES,
U.S. Senate, Hart Senate Building, Washington, DC.

DEAR SENATOR NICKLES: I am writing to endorse your amendment to H.R. 2, The National Voter Registration Act of 1993, which seeks to delay the bill's provisions from becoming effective until Congress authorizes and appropriates the funds to pay its costs to the States.

Ohio already has motor-voter and registration by mail. I have continuously sought to make voter registration more convenient and accessible for all Ohioans, and I support H.R. 2 because it will help us to accomplish that goal.

However, the federal motor-voter bill contains several mandates that are of great concern to me and the election officials throughout Ohio due to the costs associated with them.

In addition to the significant costs associated with the implementation of the motor-voter system described in H.R. 2, the purge procedure outlined in the bill are equally costly. Under H.R. 2, voters could not be removed from the voter rolls until after the second federal election following the mailing of a forwardable postcard. This will require Ohio to add two additional years to our purge cycles, causing boards of elections to bear the costs and the risks of inflated voter rolls during that period.

The use of the National Change of Address System is an option for certain counties. However, there is a substantial cost associated with that system which is likely to be prohibitive to a number of counties in Ohio whose budgets are under tremendous strain.

A delay in the effective date of this bill until Congress authorizes and appropriates the funds necessary to carry out this mandate clearly seems warranted given the already serious financial constraints other unfunded mandates have placed on State and local governments. I hope the Senate will adopt your amendment.

Thank you for your efforts on this measure.

Sincerely,

BOB TAFT,
Secretary of State.

Mr. NICKLES. Madam President, I ask unanimous consent that a table from the Committee for the Study of the American Electorate, showing total registration as a percentage of voting-age population 1980–92 be printed in the RECORD, as well.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TOTAL REGISTRATION AS A PERCENTAGE OF VAP 1992–1960

State	1992 VAP	1992 reg.	1992 percent VAP reg'd	1988		1984		1980	
				Percent VAP reg'd	+/− 92–88	Percent VAP reg'd	+/− 92–84	Percent VAP reg'd	+/− 92–80
Alabama	3,056,000	2,367,972	77.49	79.43	−1.94	81.03	−3.54	77.70	−0.21
Alaska	395,000	315,058	79.76	81.86	−2.10	87.22	−7.46	93.65	−13.89
Arizona	2,749,000	1,963,492	71.43	70.69	0.74	65.64	5.79	56.89	14.54
Arkansas	1,768,000	1,317,944	74.54	68.74	5.80	67.93	6.61	73.03	1.51
California	22,668,000	15,101,473	66.62	66.67	−0.05	68.26	−1.64	64.74	1.88
Colorado	2,501,000	2,002,522	80.07	83.18	−3.11	68.99	11.08	67.56	12.51

TOTAL REGISTRATION AS A PERCENTAGE OF VAP 1992–1960—Continued

State	1992 VAP	1992 reg.	1992 percent VAP reg'd	1988		1984		1980	
				Percent VAP reg'd	+/– 92–88	Percent VAP reg'd	+/– 92–84	Percent VAP reg'd	+/– 92–80
Connecticut	2,535,000	1,955,268	77.13	72.07	5.06	75.09	2.04	74.06	3.07
Delaware	525,000	339,968	64.76	63.93	0.83	68.42	−3.66	69.58	−4.82
District of Columbia	459,000	340,953	74.28	63.51	10.77	56.08	18.20	58.35	15.93
Florida	10,586,000	6,541,825	61.80	62.78	−0.98	64.44	−2.64	63.47	−1.67
Georgia	4,950,000	3,177,061	64.18	64.04	0.14	64.73	−0.55	63.74	0.44
Hawaii	889,000	464,495	52.25	54.45	−2.20	55.34	−3.09	57.79	−5.54
Idaho	740,000	608,939	82.29	81.43	0.86	84.74	−2.45	89.94	−7.65
Illinois	8,568,000	6,600,358	77.03	73.61	3.42	76.59	0.44	75.66	1.37
Indiana	4,176,000	3,180,157	76.15	69.71	6.44	76.34	−0.19	75.65	0.50
Iowa	2,075,000	1,703,576	82.10	79.53	2.57	81.36	0.74	81.81	0.29
Kansas	1,836,000	1,365,849	74.39	68.50	5.89	71.75	2.64	74.60	−0.21
Kentucky	2,779,000	2,076,263	74.71	73.63	1.08	75.06	−0.35	67.78	6.93
Louisiana	2,992,000	2,289,855	76.53	71.60	4.93	72.25	4.28	69.04	7.42
Maine	944,000	876,986	92.90	94.14	−1.24	94.81	−1.91	93.71	−0.81
Maryland	3,719,000	2,463,010	66.23	66.04	0.19	69.14	−2.91	69.04	−0.81
Massachusetts	4,607,000	3,346,111	72.63	71.74	0.89	73.17	−0.54	73.79	−1.16
Michigan	6,923,000	6,157,675	88.95	87.47	1.48	89.66	−0.71	87.82	1.13
Minnesota	3,278,000	3,138,901	95.76	91.13	4.63	94.64	1.12	95.04	0.72
Mississippi	1,861,000	1,640,150	88.13	86.49	1.64	92.60	−4.47	86.22	1.91
Missouri	3,858,000	3,057,413	79.25	76.63	2.62	80.07	−0.82	79.51	−0.26
Montana	586,000	529,882	90.42	86.27	4.15	89.14	1.28	88.64	1.78
Nebraska	1,167,000	951,395	81.52	75.99	5.53	76.88	4.64	75.57	5.95
Nevada	1,013,000	649,865	64.15	55.34	8.81	51.80	12.35	49.39	14.76
New Hampshire	852,000	660,895	77.57	79.53	−1.96	74.29	3.28	82.06	−4.49
New Jersey	5,943,000	4,060,337	68.32	68.05	0.27	71.51	−3.19	69.37	−1.05
New Mexico	1,104,000	707,642	64.10	63.36	0.74	65.03	−0.93	72.52	−8.42
New York	13,609,000	9,193,391	67.55	63.44	4.11	67.84	−0.29	61.07	6.48
North Carolina	5,217,000	3,817,380	73.17	70.33	2.84	71.32	1.85	64.92	8.25
Ohio	8,146,000	6,542,931	80.32	78.46	1.86	80.74	−0.42	76.03	4.29
Oklahoma	2,328,000	2,302,279	98.90	92.94	5.96	80.91	17.99	66.05	32.85
Oregon	2,226,000	1,774,449	79.71	72.73	6.98	81.08	−1.37	81.35	−1.64
Pennsylvania	9,129,000	5,992,696	65.64	64.07	1.57	68.90	−3.26	65.49	0.15
Rhode Island	776,000	554,081	71.40	71.73	−0.33	73.77	−2.37	77.11	−5.71
South Carolina	2,672,000	1,537,140	57.53	56.80	0.73	58.59	−1.06	55.78	1.75
South Dakota	502,000	448,292	89.30	85.00	4.30	86.99	2.31	91.70	−2.40
Tennessee	3,783,000	2,726,449	72.07	66.04	6.03	73.93	−1.86	70.98	1.09
Texas	12,524,000	8,422,127	67.25	68.81	−1.56	69.18	−1.93	65.54	1.71
Utah	1,142,000	965,211	84.52	75.63	8.89	82.31	2.21	83.61	0.91
Vermont	429,000	282,371	89.36	82.93	6.43	85.15	4.21	84.30	5.06
Virginia	4,842,000	3,054,489	63.08	62.98	0.10	63.19	−0.11	58.59	4.49
Washington	3,818,000	2,814,680	73.72	71.59	2.13	76.18	−2.46	73.57	0.15
West Virginia	1,350,000	956,172	70.83	69.29	1.54	72.00	−1.17	73.90	−3.07
Wyoming	322,000	235,116	73.02	66.72	6.30	67.60	5.42	66.09	6.93
Overall	184,917,000	133,673,544	72.29	70.69	1.60	72.82	−0.53	70.24	2.05

Source: Committee for the Study of the American Electorate.

Mr. NICKLES. Madam President, this table will show that many States are doing an outstanding job, and yet we are still going to mandate to those States that they have to provide voter registration at welfare agencies, et cetera, without paying for it. Sorry States, or sorry counties, we don't care how much it costs. This is big Government telling you how to operate your registration business.

Madam President, I see this as just part of a cycle of several things that are going on.

The Senator from Kentucky said earlier, "Well, many Republicans defeated the so-called jobs bill."

Well, if he wants to debate that issue again, I will be happy to debate it. It was not a jobs bill. It was a bill that was going to add $19.5 billion to the deficit. It was a politicians' pork barrel bill. Proponents of it were just going to go out and spend $19.5 billion and then have the nerve or the audacity to call it an emergency so it would not be counted as part of the budget. They wanted $19.5 billion to be added to the national debt.

Many of us were very opposed to that. We spoke out loudly. We had several amendments to reduce that amount.

The Senator from Kentucky mentioned that $4 billion of that went through. He said no one voted in opposition, because it passed by voice vote by unanimous consent.

I will tell my friend from Kentucky that this is one Senator who voted against the authorization bill providing $4 billion of unemployment compensation that was not paid for. As a matter of fact, many of our colleagues voted against it because we did not want to add to the national debt. We already had a vote on the record that says that we do not think this is right.

Many of us said, when the unemployment compensation authorization bill came up, that we should not pass it unless we pay for it. When we had unemployment compensation extensions in the past—and we have had three in the last few years—we paid for it.

You might remember, that President Bush insisted on, and actually used his veto to enforce, that if Congress was going to pass an unemployment extension that we would pay for it.

Most of us were willing to make the cuts necessary. We offered amendments to pay for the extension. We said let us have cuts in other areas. The ones that passed, if I remember, in 1990 and 1991—maybe it is 1992—paid for it by tax increases. I did not particularly like that, but at least we paid for them.

So I want the record to be very clear many of us have been very consistent. We do not want to add to the national debt. We do not want to break the budget rules. And, frankly, the so-called stimulus plan broke the budget rules because proponents claimed it was an emergency situation. Well, most know that emergencies are earthquakes or natural disasters, significant events we feel we need to move on immediately. The so-called stimulus package funded 40 different programs, programs that were already in existence and certainly was not an emergency. It added more money to spend and added all of it, 100 percent of it, to the national debt. So we opposed the pork-barrel package.

Many of us on this side of the aisle have been consistent in opposing unfunded Government mandates. That is exactly why most of us are opposing the so-called motor-voter. We do not want unfunded mandates.

When the bill passed the Senate, we gave the States the option to have it at welfare offices or other offices, including tax collection agencies. Lo and behold, it comes back from conference and it is a mandate to offer registration at welfare offices, and an option to do it at revenue offices.

Again, many of us have consistently tried to say we do not want to pass unfunded mandates on States and cities and counties. We do not want to pass mandates on the private sector that are going to cost jobs. This is the reason why this Senator tried to pass an amendment calling for an economic and employment impact statement of new laws and new regulations proposed by Congress and Government agencies.

Congress should know how much it is going to cost. We at least ought to have that information. If you are talking about costing over 10,000 jobs, we should know it. Or if the law or regulation is going to cost the economy over $100 million, we should know it. This amendment came within one vote of passing on the bill to elevate EPA to Cabinet level status.

I might mention we had a few Democrats who voted with me. I thank them for that. The amendment lost by one vote. I assure my colleagues that I am going to try again because that is a fundamental issue that is most important, and it is very much in sync with what we have here. We do not want unfunded mandates, and we also think we should know what the cost of legislation is. If it is going to put people out of work, we should know it before we pass it.

I will just give a couple of examples. Congress is going to be considering, right now, a proposal by President Clinton to increase Btu taxes. The Btu tax is an energy tax. It is a gasoline tax. It is going to cost everybody in America 8 to 10 cents a gallon more for gasoline. That is in spite of the fact that when President Clinton was a candidate he said he was opposed to a gasoline tax increase. Now as President he is in favor of it. An energy tax is going to cost jobs. It is going to increase diesel costs probably 8 to 10 cents a gallon; everybody's home heating oil about 8 to 10 cents a gallon—in the original proposal it probably would have been more—everybody's utility bills, residential customers, will see a 4- to 4.5-percent increase; utility bills for industrial customers in my State, 7.9 percent, and in most States probably a comparable amount. It is a tax that is twice as high on oil as it is on coal. I thought one of the reasons he wanted to pass it was for environmental purposes. That does not seem to make sense.

The real impact is it is going to put a lot of people out of work. I think we should know that. The biggest private employer in the State of Oklahoma is American Airlines, and they lost $985 million last year. This tax is going to cost them $200 to $300 million a year. They cannot pass this charge on. They are already losing money. They are hemorrhaging money. Yet I would like to know how much that is going to cost. They are laying people off today. How many more people will lose their jobs as a result of President Clinton's gasoline tax increase and aviation fuel tax-increase bill? I want to know. I want to know before we vote.

Again, many of us on this side of the aisle have been very consistent. No, we do not want to add more money to the debt. We do not want to just spend money we do not have. We do not want to pass unfunded mandates on States and on cities and on counties and on employers. Yet we see a lot of proposals coming down the pike. This administration is wound up. They are geared up. They are ready to go. They want to have a domestic agenda, and their domestic agenda is going to mandate that health insurance be provided by every employer large and small. This mandate will cost hundreds of thousands of jobs, and we need to know how many before we pass it.

I happen to be one of the few people in the Senate that came from the private sector. I had a small business. I had a small business that did not provide health insurance for our employees. It was a little janitorial service. If you pass that mandate, what you are going to do is you are going to kill a lot of those little businesses that are trying to grow, trying to get started. They just will not happen.

So we need to know what the impact of legislation is before we pass it, whether it is a Federal mandate on States and counties or a Federal mandate on businesses. We need to know before we do something foolish, before we do something that is going to cost jobs, before we do something that will suffocate an economy that is already not as good as we would like for it to be, not as good as it should be, not as good as it could be. So it is awfully important we be careful that we not just add to the debt.

You talk about adding to the debt and then raising taxes. Congress is now in the process of considering the largest tax increase in history. The Finance Committee and the Ways and Means Committee are now meeting to consider ways to raise $273 billion to take out of the private sector with the thought we are going to take this money from the private sector because we can spend it better. This is a massive tax increase. I will tell this Chamber, it is going to cost a lot of jobs. We need to know how many jobs it is going to cost.

At the same time, we have the President's health care task force headed by Mrs. Clinton that is talking about a new payroll tax that will cost jobs. They are going to sock it to employers. They are going to sock it to the people who are trying to provide jobs. The administration is talking about a value added tax, which is just a hidden inflationary tax that is going to hit every American. They are talking about mandating health insurance on all employers. That is going to cost hundreds of thousands of jobs and cripple a lot of small businesses. And now we are looking at a new program. There is no limit to the new programs.

I was in a Subcommittee on Appropriations yesterday where there is a lot of discussion about a national service program. Everyone is so excited about this new program. There will be a new Federal corporation for national service. I think it is going to be a new boondoggle. I think it is a program that has enormous potential to explode in cost. As a matter of fact, even under the administration's own figures it explodes in costs. It starts out this year at a cost of $394 million. The President's budget requests $394 million for fiscal year 1994.

In 1995 they are requesting $1.25 billion. That almost doubles again in 1996 at $2.4 billion. And by 1998 it increases to $3.4 billion. This new Federal program starts at a little less than $400 million in 1994 and in a period of just 4 years we are up to $3.4 billion.

What are we going to get for that $3.4 billion? I have heard some grandiose statements. We are going to make college available for everyone, and if they work for a couple of years, we are going to give them a couple of years of Federal aid.

Wait a minute, let us look at how much this is going to cost.

The President's program initially talked about $6,500 of educational assistance per year for each participant. The administration scaled it back to $5,000? This was done because the program would have been much more beneficial than the GI bill, so they scaled it back to $5,000 per year.

So, if a person works 1 year they are going to get a $5,000 educational benefit. At first, one might think national service is a worthwhile program, but at what cost to the taxpayer. The administration stated in the budget that the program would benefit 25,000 people in 1994 and 150,000 people by 1998. The cost per participant in 1998, if you divide the $3.4 billion by 150,000 recipients, totals $22,667 per participant for 1 year of service. If they work 2 years, they get twice that amount. So, you are talking about $45,000 per participant for 2 years of service. And we are going to benefit 150,000 people.

My land, I hate to tell the administration this, but presently the Federal Government is benefiting, in 1990 3.2 million people with the Pell Grant Program.

There are 3.9 million people in the Guaranteed Student Loan Program. We help the guaranteed student loan participant at a cost of $2,700 per person and the Pell grants, $1,400 per person. Although I realize both these programs have their problems and need reform, they are still a lot more economical than $45,000 per participant per year that we are looking at in 1998 that is only going to help 150,000 people under the National Service Program proposed by the President. We are talking about helping 150,000 versus 8 million.

I will tell you, that this National Service Program will cost more than the President has estimated. I asked Peter Edelman, the President's senior adviser to the White House Office of National Service, how much this program was going to cost. He stated that the new program's cost will follow the

VISTA Program. According to the 1993 annual report of the Commission on National and Community Service, the VISTA Program right now costs about $16,000 per participant per year. Mr. Edelman gave estimates of $8,500 per year for the stipend to be paid to each participant this figure contradicts what the Commission says in their report.

It is also assuming almost zero for administration expenses. That is not the case. It will not be the case. This national service is really going to turn into national servitude.

Then I have a problem because I am trying to figure out who is going to decide who does what. Mr. Edelman said it is going to be national service but it is not going to displace anybody's job. We are going to make sure it does not take union workers' jobs; we are going to make sure nobody in the private sector loses their job because of this program. Therefore, politicians or bureaucrats are going to decide what worthwhile jobs are going to be done. Although there are projects that are worthwhile, I fear the majority of the jobs will be Government "make-work" jobs. They will be jobs where they are learning no real skills.

We have millions of volunteers in this country who are working at almost no expense helping to provide valuable services to society. Why does the Federal Government need to try to compete with them? Why would we try to duplicate their services? Why would we have the idea the Federal Government could come in and do a better job than volunteers? I do not know.

What kind of a training is it for a person to go out and work for the Government for 2 years in exchange for $10,000? What are they learning? I am afraid they might learn some work habits that are not very good. Many people have heard the saying, "Well, that is good enough for Government work." I do not know that is the kind of work ethic or training we will be giving our young people.

I do not know that I want politicians and bureaucrats deciding what kind of social services should be provided that are not being provided today by volunteers. I will concede that there would be some good programs that would help some people. I am not saying there could not be some successes somewhere, but I am concerned we are talking about a national program that would cost the U.S. taxpayer billions of dollars. In Mr. Edelman's statement, he talks about hundreds of thousands of beneficiaries. Wow, this thing is going to cost a lot. This is a program which will only benefit 150,000 people at a cost by 1998 of $3.4 billion. This program is new spending. That is all money that is just going on to added Federal debt. Money that will come from the U.S. taxpayer.

I just have serious reservations about it. I heard a couple of my colleagues say, when it was introduced yesterday—and they are very excited about it; they are excited about this new Federal Corporation for National Service. I am not sure it should not be called new "Federal Corporation for National Servitude," where politicians get to decide what individuals will do in exchange for a year: "Yes, you give me a year of your service, young person, middle age person, senior citizen, and we will give you a $5,000 educational benefit."

I am stating today for the record the cost of this program will explode. If it is an attractive program, the demand will increase. In 1990, there were 14 million students enrolled in college. This program has the potential to expand to monumental proportion.

My guess is you will have a lot of programs that would be worthless and a lot of programs that would have some merit. My point is we are going to be creating a new Federal program that will explode in cost. If it costs $3.4 billion for 150,000 students, and you have a total population of 14 million, you can see the demand can greatly exceed our wherewithal, our capability of paying for it. If we are going to start the program in 1994 at $400 million and just four years later we are spending $3.4 billion and you are not servicing or helping but a very small fraction of a percent of available participants, you can see this program can only explode, can only go very high, not to mention the fact of the national servitude.

So the cost per job, the cost per participant, $5,000 for 1 year service, another $5,000 for 2 years of service, that is $10,000. We probably would be much better off to give the participant the $5,000 or $10,000 than to say, "Now we want you to work for Uncle Sam," or "We want you to commit to 2 years of public service and we are going to pay you a stipend based on minimum wage."

I asked Mr. Edelman yesterday if he knew what minimum wage was. He said, "Yes, $4.25." I asked: "Do you know that the administration is talking about increasing it?" He said no. The administration is going to index the minimum wage for inflation. This means the cost of this program is going to explode.

The President has also said the beneficiaries under the program are going to receive medical care. That may cost a couple thousand dollars per year. And we are going to provide day care services.

So you start adding up the costs. If a person is drawing minimum wage, if they work 2,080 hours a year, you are already looking at about $8,800 per year. If they receive health benefits, that could be $2,000, $3,000 a year, assuming it is an individual. If it is a family, you may be talking about $4,000 or $5,000 a year. So now you are up to $10,000. Day care services, let us throw in another $1,000 or $2,000. And you are up to $12,000 before the educational benefit of $5,000 or administrative costs.

I am saying this program will explode. The program we are going to emulate, VISTA, costs $16,000 per year. So the beginning of this program is not going to cost the $8,500 the administration is talking about, it is going to be at least, I am going to say, $12,000 or $13,000 per year of community service excluding the educational benefit.

My guess is by 1998, it will exceed the $22,000 projected by the administration. It will exceed the $22,000. I want that in the RECORD. I may well be here in 1998, and I want to refer to the RECORD and find out how much it is costing. Maybe my friend and colleague from Kentucky will be here and we can look back and see this program and see how much it costs per participant.

If they serve in the program for 2 years, if it is $13,000 a year now—I think it is going to be over $22,000 a year by 1998—if they serve in it for 2 years, that is $22,000 in 1994, it will be a little more in 1998. This program compared to the Pell grants or the Guaranteed Student Loan Program is not economical.

I think the administration is getting ready to start a program that will grow astronomically. It will exceed any inflation rate that anyone could even fathom today.

I think we have to be very careful. Some of us serve on the Appropriations Committee; some of us serve on the Budget Committee; and some of us are dedicated to the proposition that we should be cutting the deficit and that we should not be opening and creating new programs that will only explode in cost.

Madam President, I am truly concerned about a trend I see in this Congress. There is a pattern of new spending, increasing the deficit, increasing taxes, and a propensity to place unfunded mandates on States, local governments, and employers. I have consistently opposed all of these things and that is why I am before you today opposing the motor-voter bill.

Madam President, I ask unanimous consent that two articles, one, the "National Service Boondoggle" that was in the Wall Street Journal on March 2 of this year, and also "National Service and Fidel's Sugar Cane," which was in the Wall Street Journal on March 25, be printed in the RECORD, as well as a chart showing the cost per participant which we have calculated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 2, 1993]

THE "NATIONAL SERVICE" BOONDOGGLE

(By Doug Bandow)

Pacifist William James hated war but liked its fruit. In 1919, he penned words that have become well-nigh immortal, calling for a "moral equivalent of war" in which "the martial virtues" would be inculcated in young men in peacetime. "Our gilded youths would be drafted off," he wrote, "to get the childishness knocked out of them, and to come back into society with healthier sympathies and soberer ideas."

James's vision became the fount of a host of contradictory proposals involving military conscription, universal civilian service and voluntary programs. The latest is President Clinton's plan, unveiled at Rutgers yesterday, to provide as many as 150,000 students with two years of college tuition for every year of service in a government-approved job.

Mr. Clinton's program is nothing new. In 1988, the Democratic Leadership Council, to which he belonged, proposed a massive "Citizens Corps" of young people. The program was premised on alleged American decadence, self-absorption and selfishness, inflamed during the "decade of greed," as the 1980s were dubbed.

Candidate Clinton was too interested in being elected president to criticize potential voters in these terms, however. He used more positive rhetoric to propose allowing 250,000 or more people to work off their student loans through government service. Deficit concerns have caused the administration to propose starting with a pilot program, to expand over time. Still, Mr. Clinton said in his radio address last Saturday that he ultimately wants to reach "hundreds of thousands of students."

Service seems so obviously a good thing that many people automatically embrace politicians who use the phrase "national service." The basic question, however, is service to whom? Proposals for national service assume that citizens are responsible not to each other but to the state. Even voluntary programs like Mr. Clinton's imply a unity of society and state, with work for the latter equated to service to the former.

Opportunities for genuine service abound. Roughly 80 million people now participate in some volunteer activities. Much more could be done, of course. But the remedy is not yet another federal program.

Another bias held by national-service advocates is that "public" service is inherently better than private service. What makes shelving books in a library more laudable or valuable than stocking shelves in a bookstore? Private-sector workers—health-care professionals, medical and scientific researchers, business entrepreneurs and inventors, artists—provide enormous public benefits.

Moreover, the implementation problems are dizzying. Mr. Clinton said that he would not allow any job displacement, which would prevent participants from performing the most valuable work. Any job that could possibly be handled by a union member would have to be excluded to avoid unremitting labor opposition.

More important, what work would participants do? Today the Peace Corps and Vista, along with the more than 60 state and local programs, involve only some 18,000 people. How would we employ 150,000, 250,000, 500,000 or more people?

They would meet "unmet social needs," national-service advocates respond. But as long as human wants are unlimited, the real number of "unmet" social (as well as business) "needs" is infinite. It is meaningless to talk about millions of "unmet" needs; and since labor is not a free resource, it would be even more foolish to try to satisfy all of them.

The key to the national service debate is opportunity costs. Paying young people to shelve library books requires forgoing both whatever else could be done with the money they are paid and whatever else the participants would do. Indeed, the Clinton program would delay the entry of hundreds of thousands of people into higher educational studies and the work force. There is no reason to assume that a dollar going to national service will yield more benefits than an additional dollar spent on medical research, technological innovation or any number of other purposes, private and public.

Another problem involves the military. The end of the Cold War has slowed recruiting. Providing educational benefits, long an important military vehicle for attracting college-capable youth, for civilian work may hinder recruiting for what remains the most fundamental form of national service—defending the country.

Still, what of the serious problems confronting us? In many instances the government bars effective private responses. Minimum wage laws forbid the hiring of dedicated but unskilled people and inhibit rehabilitation programs, like that run by the Salvation Army; restrictions on paratransit operations limit private transportation for the disabled.

In any case, only narrowly targeted responses—attracting a few thousand extra caregivers for the terminally ill, for instance—are likely to work. The pervasive fraud and waste endemic to "public service" programs like CETA hardly augur well for yet another large-scale federal effort at social engineering.

Further imagine the bureaucracy necessary to decide what jobs constitute "service." Who would sort through union objections to "unfair competition," match hundreds of thousands of participants to individual posts and monitor the quality of people's work? Consider the disastrous mess made of the student loan program by the Education Department; not surprisingly, the Congressional Research Service has warned that the government cannot administer the program as efficiently as the private sector. An unwieldy bureaucracy enforcing the controls that inevitably follow federal money is not likely to promote inexpensive and innovative solutions to human needs.

Even worse, federal involvement is likely to politicize private humanitarian activities. Congressmen oppose efforts to close local government offices; interest groups twist social programs to their benefit; labor unions block proposals to contract out work. Imagine the likely infighting over a program involving the services of hundreds of thousands of young people. What, for instance, will Mr. Clinton say when the Democratic Party's favorite political, sexual and social lobbies, like Act Up and Planned Parenthood, come calling to demand "their" quotas of service workers?

Finally, money has to be an issue when the president is calling for massive tax hikes. The administration is initially proposing to spend $9.5 billion over five years, but the costs could escalate quickly. Providing participants with two years of school for every year of work means that they will earn more than $60,000—say, $40,000 in tuition breaks and $20,000-plus in salary and health benefits—for "serving" two years. That's over $9 billion for 150,000 participants, not counting the costs of the federal bureaucracy necessary to manage the program.

Alas, Mr. Clinton's scheme would likely end up no bargain. It would expand federal power, politicize the independent sector, increase an already nightmarish deficit and siphon tens of thousands of young people out of productive private labor and into make-work projects.

What we need instead is a renewed commitment to individual service—some part-time, some full-time; some through the family, some through churches and some through civic groups. America's strength is its combination of humanitarian impulses, private association and diversity. Which is why we should take the "national" out of service.

[From the Wall Street Journal, Mar. 25, 1993]

NATIONAL SERVICE AND FIDEL'S SUGAR CANE

(By Joshua Gilder)

Among the most celebrated items in President Clinton's economic package, headed for a Senate vote soon, is his program for national service, a plan he also has called a new "domestic Peace Corps," whereby students would be able to pay off college loans with community service. For those who like the idea, I offer as a cautionary tale the account of my own experience as a beneficiary of the first "Domestic Peace Corps" 25 years ago.

That program, started by Lyndon Johnson in 1964, was officially dubbed Vista, for Volunteers in Service to America. Although it didn't have the college loan component of the Clinton plan, it was remarkably similar in the way it was sold to the American people as a way of tapping the "energy" and "idealism" of our nation's youth and directing it toward the poor, especially in the ghettos. As a sophomore at the public high school in Scarsdale, a well-to-do suburb just outside New York City, I didn't exactly fit the profile of your typical ghetto resident, but to Ben and Jerry that was the point.

Ben and Jerry (not of ice-cream fame) were two Vista volunteers who had come to Scarsdale to organize a local chapter of the SDS. This was before the SDS, or Students for a Democratic Society, had turned violent. It was still just a "student organization," albeit a strongly leftist one, and I, going through my 1960s-style adolescent rebellion, accompanied my friends to a meeting.

Ben and Jerry were older, college graduates I believe, bearded and affable. I remember we sat around in awe as they talked to us about the SDS and the U.S. "war on the people of Vietnam." Their mission in Scarsdale, they said, was to "radicalize the sons and daughters of the middle class and so bring on The Revolution." Ben and Jerry clearly enjoyed the irony of getting the middle class to pay, through the Vista program, for its own subversion.

At first our meetings entailed complaining about the fascistic Scardsale High School administration, but along around the third meeting Ben and Jerry got more serious. They told us about the trouble Comrade Fidel was having with his sugar harvest. All progressive peoples were expressing "their solidarity with our brothers in Cuba" by joining the Venceremos Brigade and flying down to Cuba to cut sugar cane.

For a 15-year-old who was at that time saving his allowance to buy the latest Jefferson Airplane album, traveling to Cuba was prohibitively expensive. Ben and Jerry helpfully explained, however, that if we didn't have the money ourselves and if our parents wouldn't pay for it, then "money could be found."

My mind ground its gears trying to shift up into that concept. Somebody was going to pay my way to Cuba to cut sugar cane? Who were these generous people? I asked. Ben and

Jerry said they would rather not say, but there were people with money who believed in the cause. Really? I tried to calculate how much sugar cane I would have to cut to even pay back the cost of the plane ticket.

I'd like to say I had a sudden revelation of what was wrong, but that didn't come until many years afterward, when I saw a documentary with interviews of several students who went down on the Venceremos Brigades. They described very little cane harvesting, but a lot of communist Indoctrination. Volunteers who showed promise were persuaded to go for further "study" in the Soviet Union, where they were recruited by the KGB.

At the time, I was mostly concerned about my coming midterms, but I suppose my commitment to The Revolution wasn't really that strong either. In the end, no one in our group signed up. Ben and Jerry stopped coming around and the Scarsdale Chapter of the SDS disbanded.

Whether Ben and Jerry's superiors in Vista knew what they were up to, I have no idea, but the record suggests my experience wasn't unique. The radicalization of Vista became endemic in '70s and, like the Legal Services Corp., its "volunteers" became notorious for confrontational tactics—organizing tenant strikes and such. This continued until the '80s, when the Reagan administration, in yet another example of its "callous indifference to the poor," cut Vista's budget severely.

The most interesting thing about the episode, however, is the response I get from liberals when I mention my experience with Ben and Jerry. They are shocked. Shocked! But not that the U.S. government was funding Soviet recruitment. They are shocked at my "McCarthyite tactics." If what I say is true, I'm told, it illustrates nothing more than that some "idealistic young people" got carried away in the '60s.

The fact is that the unseemly side of the radical left exists quite comfortably under the institutional umbrella of liberal activist groups—yes, even today. When it became apparent that President-elect Clinton's "cluster coordinator" for education, labor and the humanities, Johnnetta Cole, was a member of the national committee of the Venceremos Brigade in the 1970s—and is still an ardent supporter of Castro—the response of the Clinton transition team was a peevish, So What?

Ms. Cole didn't get the top job she was expecting. But Donna Shalala, the new head of the Department of Health and Human Services, who had recommended Ms. Cole for her present job as president of Spelman College in Atlanta, obviously suffered no embarrassment.

Now that support for Cuba appears more and more like a futile exercise in left-wing nostalgia, the activist agenda is focusing on domestic policy, specifically toward children. We see the cutting edge in the New York City school system, where the recent push has been for "diversity," including lessons in the gay and lesbian "lifestyle."

As in the past, the left wants the government to bankroll its agenda, and a domestic Peace Corps is the perfect vehicle. Who is going to employ all these activist wannabes? Can we doubt that it is the Johnnetta Cole and Donna Shalala types who will end up running the new domestic Peace Corps? Is it hard to imagine what kind of lesson they will be teaching all those "idealistic young people" who sign up for "national service?".

Mr. Clinton is clearly underestimating his budget for the program. Independent analysts say it could cost as much as $12 billion. That could cut a lot of cane.

NATIONAL SERVICE

	1993	1994	1995	1996	1997	1998	Total
Budget authority (billions)	(1)	$0.394	$1.250	$2.400	$3.400	$3.400	$10.844
Outlays (billions)	(1)	0.103	$1.042	$1.890	$3.000	$3.400	$9.435
Number of participants	(1)	25,000	(?)	(?)	(?)	150,000	(?)
Cost per participants	(1)	$4,120	(?)	(?)	(?)	$22,667	(?)

(1) President Clinton's stimulus package contained $15,000,000 in budget authority and $12,000,000 in outlays for the Commission on National and Community Service to initiate a National Service pilot program.

Note: The pilot program would have benefited 1,000 participants at a cost per participant of $12,000.

Mr. NICKLES. Madam President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I will not be very long. I just want to make a point, I say to my good friend from Missouri.

Madam President, listening to the Senator from Oklahoma, you would think we were on the national service legislation. We have a timeframe here in order to discuss the 1993 Voter Registration Act.

Now we are back at the same old game of fear. We throw $2,000 in here; we throw $4,000 there; we throw $5,000 here, and it just explodes. Well, everybody can guess like everybody else, but nobody here has a crystal ball and we are supposed to be talking about registering to vote. So we get to fear gain, and so we talk about loss of jobs.

We throw out the value-added tax; we throw out the payroll tax; we throw out the Btu tax. We talk about thousands and thousands of jobs lost. We do not have it yet. We did not talk about the earned income tax credit, about those who make less than $3,000 getting $2,400 a year credit. That eliminates cost and shoves it where it ought to be.

And so I hope we can bring out our remarks here—we have at least another hour—as they relate to registering to vote. I hope we can keep it in that confinement.

I just wanted to draw our attention here to the fact we are not talking about the national service program today for education.

The Senator is worried about a young person, a member of your family, having an opportunity to go to school, and what he or she has to do is put in a little service for the government—local or State—and get a credit for that. I do not understand why we do not want to help people, and why all we get is resistance; they are against everything.

But I will say one thing. The Senator from Texas [Mr. GRAMM] said that if it was just motor-voter—you just register to vote when you got your driver's license—he would be for that. Oh, he would be for that; this bill would be a good one. But he does not want the disadvantage. He wants to play on fear and no on hope.

I yield the floor, Madam President.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Missouri.

Mr. BOND. Madam President, I have listened with a great deal of interest to the very thoughtful debate and discussion today. My colleague from Oklahoma talked about his prior service in the private sector, and he expressed some very strong concerns about the mandates that we are putting on business. I think that is something we do need to be concerned about.

I say to my good friend from Kentucky, who just mentioned the earn-income tax credit, frankly, that is one of the entitlement programs, mandated programs, that is growing so rapidly along with health care that it is about to break the budget of the Federal Government. I join my colleague from Oklahoma as one of those who seriously thinks we ought to be curbing spending; we ought to be curbing unnecessary mandates.

I wanted to speak about this voter registration measure that is before us today because I came to this body with a background in State government. One of the reasons I felt it was important, one of the things I sought to achieve by running for office, by running for the Senate, was to do something about mandates which are being put on State and local governments.

We have seen over the years an explosion of mandated programs, benefits that people in Congress think ought to be provided by States and by local governments. Having served both in State government and in the Federal Government, I suggest the Federal Government does not have any wisdom that is necessarily far superior to that in State capitals and general assemblies and legislatures of America.

I believe that while we have adopted laws to make sure States and localities do not discriminate against voting, by and large, we have a very good system which differs from State to State, as it should, because we do have a Federal system under which certain responsibilities have been left to the States.

Now, however, we have this wonderful idea that Congress ought to mandate where people register to vote.

Many county clerks, clerks of the county commission, which are local elected officials, have told me they do not need more problems; they do not need more hassle. They want to make sure people are registered to vote, but they are also very concerned that only people qualified to vote register, that they only vote one time, and they only register one time. We have seen in too many areas across this country, in too many instances, that vote fraud still occurs.

A good friend of mine on the other side of the aisle, the former Governor of New Jersey, told a story that I love. He said he had a friend who was very active in politics, and he was dying of a terminal illness. He told his friend, he said, "Bury me in Jersey City. I want to continue to be active in politics and continue to vote after I'm gone."

My State of Missouri has instances, too many instances in the recent past, where voter irregularities occurred. We have set up a system—it is not perfect—in our State for voter registration. We have a secretary of state who is responsible for the voting in the electoral process in our State.

Our very able former secretary of state, Roy Blunt, visited me in Washington several times in the last couple of years to say how strongly he opposed an effort by the Federal Government to say we are going to mandate a whole new series of voter registration places. He talked about the burdens and the costs. And there will be costs, because we are going to be duplicating and duplicating and duplicating, many times over, the recordkeeping that is necessary when all of these different government agencies are supposedly handing out voter registrations.

It is going to put a significant burden on the county clerks in my State and the election boards in the major communities to make sure they bring back and collate and coordinate all of the separate registration information that has been made in all of these different government agencies.

Does anyone think the people who man these agencies, the diver's licenses or the welfare offices, the public assistance offices, do not have enough to do? Frankly, I think they have more than enough to do. Many of them are overburdened because of limited budgets.

They have important responsibilities. That is why we set them up. We set them up to provide driver's licenses. We set them up to provide for public assistance. That is their purpose. If they have time on their hands and they do not have enough to do, we ought to eliminate the positions, because we are appropriating scarce State and local dollars to fund these agencies. Some of the driver's license offices in my State are operated by individuals on a contract basis.

These are private individuals. They would be voter registrars too? How much more are we going to pay them for that job? They get paid for performing the public service of providing drivers' licenses. They are not getting paid to register voters. Will the State have to come up with additional money for the voter registrations?

All in all we are talking about significant new mandates that are going to take time away from officials and private sector individuals and in license-free offices who have other responsibilities.

Why? All in the hope that maybe we can encourage more registration.

Two years ago the St. Louis Post Dispatch, which normally takes a very liberal democratic viewpoint—generally they do not agree, they and I do not agree on much of anything, they have really taken off after Republicans in this Congress. I am sure my colleagues on the other side of the aisle would enjoy reading many of the things they have said about us. But in this instance, I think April 26, 1991, they had some good points. They had an editorial headed "Easing Voter Registration For What?" To quote from the editorial:

> A bill in the U.S. Senate would order States to allow people to register to vote when they apply for a driver's license. The bill also would require States to make voter registration applications available at public places, including unemployment, public offices, schools and libraries. The full Senate must weigh this bill's major drawbacks—

I emphasize major drawbacks—

> against its minuscule benefits.

I repeat, "minuscule benefits." To continue the quote:

> There is no denying that this proposal has strong political appeal, especially among Democrats who apparently feel that revamping registration methods and procedures would boost voter turnout. The idea of making it easier for people to register is a fine one. But there ought to be concern about the way this bill would permit the Federal Government to usurp a responsibility that has been left to the States.

Let me insert parenthetically here that this is an editorial board that loves generally to see the Federal Government usurp local authority. Here they raise the very valid question that it is usurping State and local authority.

To return to the editorial:

> There is no proof that making registration easier would mean a jump in voter turnout. In most political jurisdictions in Missouri and Illinois, for example, voter registration is relatively easy and convenient. But that has not changed the tendency of thousands to stay away from the polls. That tendency means the Senate bill is a political pipe dream. Its sponsors apparently have yet to get the message that many people fail to register and to vote either because they feel candidates are full of self-serving baloney, or because people assume that the election of one candidate over another will make little difference.
>
> Low voter turnout, moreover, may well be due to the hours and days elections are held. The turnout might be higher if voting were extended into the evening or if the elections were held on Sundays, perhaps, or even over a 2-day period. Many of the real causes of public apathy on election day will not be fixed simply by making registration itself easier.

Madam President, there you have it: This bill is a solution in search of a problem.

My friend from Kentucky cited a statement by Senator GRAMM of Texas who said earlier today that he would not mind if registration were made available through driver's license offices. I would object to requiring even that. I do not think that we have the duty or the responsibility or the necessity of trying a massive new redirection of State and local voter registration efforts. This is a mandate. This is a burdensome duty put on the backs of State officials and of local officials, all to no purpose.

I have to believe that the selection of welfare and public assistance offices is politically motivated. Certainly anybody who has been in politics knows that the best way to win an election, I think Abraham Lincoln said, was identify those who are going to vote for you, make sure they are registered or make sure they are qualified, and get them to the polls on election day. I think it is fairly accepted wisdom among pollsters and others who look at voter preferences that my colleagues on the other side of the aisle might feel justifiably that they would gain more votes than they would lose if they could get everybody who goes to the public assistance office to vote.

That is not what we ought to be about. We ought not to be about trying to skew election results. The Senator from Texas also talked about why we do not mandate voter registration in tax collection offices. He used the phrase "those who are pulling the wagon" to describe those who pay the taxes. They are paying the taxes to support the country, to support the State and local governments, to support the Federal Government. But are we mandating that they have registration available through the tax offices? No. I think that we are about a little bit of political one upmanship.

This measure, to me, smacks of an effort not to deal with serious problems of the country, but to try to get a little bit of partisan advantage. I am opposed to it. I think when we look at voter turnout, we can see that it is the interest that is generated in the election that gets people out, that gets people registered. And to the extent that we have elections where people do not feel the candidates make any difference—they may not even like the candidates—they are not going to turn out to vote.

In 1992, according to a release from the Department of Commerce that came out on Wednesday of this week, the Census Bureau finds that voter turnout for the Presidential election for 1992 was the largest since 1972. The author of Voting Registration in the Election of November 1992 says:

> Sixty-one percent of the voting-age population said they went to the polls in 1992, the highest turnout recorded in the current population survey since the elections of 1972.

We have had years when there have been high turnouts; 1964 had a 69.3 percent turnout. That was a very hotly-contested election. It fell a little bit in 1967 to 68.7 percent; in 1972 it fell to 63 percent; and then in 1976, 1980, and 1984, it fell to 59 percent-plus. In 1988, it was down to 57.4 percent; but in 1992, it came back up to 61.3 percent.

I guess one could look at politics and analyze the demographics or look at the fact that there were three candidates in the race for President. That might have turned out the vote. But basically we get down to the fact that we need to have good candidates talking about real issues that affect us. That is what brings people to the polls. That is what makes people turn out to vote. They want us to be talking about problems that are of real concern to the country. They are concerned about the deficit. They are concerned about the economy.

I traveled throughout my State last year asking people what they were concerned about, and usually they were concerned about taxes, they were concerned about the economy, they were concerned about the future of agriculture. Not once did anybody at any place I went say, gee, it is so hard to register, we cannot get people out to register and thus we cannot get people to vote.

That is not the problem. We have a solution and no problem. I think that this is a solution designed to achieve a political result. Madam President, I think we ought to be worrying about more important things. In less than a week, I read about the deaths of three young children. A 2-year-old was beaten by a stepfather. One was run over by a cab driver in New York. An 11-month-old apparently starved to death here in Washington, DC. I will soon submit for the RECORD an article from the Washington Post of May 5, entitled "A Short Life Slips Away; Baby's Starvation Leaves Troubling Questions."

There is evidence to suggest that this young baby had a serious illness. Despite the illness, the mother never sought medical attention. He died at 11 months of age, and weighed only 9 pounds.

This is a tragic, tragic story. It raises the questions about the society we live in. How is it possible that a mother, who apparently cared for her children, and a grandmother, who lived nearby, did not seek medical attention for a child literally wasting away?

Our children live in a society that glamorizes sex and violence; teenagers become pregnant, and our children spend less time with their parents than ever before. We ought to be talking about dealing with some of those problems and challenges. We ought not be devoting our time to attempting to gain partisan advantage through the registration process. That is why I feel this measure is not an appropriate one for this body to be debating. I think we ought to be talking about some of the things we can do to strengthen and preserve families, for example.

In the last 20 years, I have fought for women, infants, and children: Access to prenatal care; child care for latchkey kids; family leave; and the Parents as Teachers Program, which I think is vitally important. I think we ought to turn our attention to areas where Government policies can strengthen families.

A measure dealing with voter registration is not what we ought to be about. Those social service agencies that are providing assistance to families ought to be worrying about a child starving to death. Obviously, they did not get out and reach this family.

We are talking about putting an additional burden on the workers and on those offices, telling them that now, in addition to dealing with these terribly wrenching problems of children and dysfunctional families, where parents do not know how to take care of their child or where to take their child for assistance, we want to put another burden on them by telling them they must be voter registers. I think that is the wrong way to go.

Certainly, we ought to educate people about voting. We ought to encourage people to vote. But we do not need to use public assistance to do that. I think there are better ways of assisting families and helping their children.

I mentioned the Parents as Teachers Program. I have talked about it on this floor before. This is a parent education program to help them deal with their children as they are in the first 3 critical years of their lives. The program provides home visitations and screenings. I happen to think that the visits of parent educators to the home of Thomas might have helped get Thomas into an assisted program of health care.

But we are talking about making these people who go out and reach out to families in need worry about getting them registered.

Mrs. BOXER. Will the Senator yield for a question?

Mr. BOND. I am happy to yield.

Mrs. BOXER. Madam President, I wonder if the Senator would yield to the manager of this bill, because it is my clear understanding that there are no responsibilities at all placed on the social workers or employees. My understanding is that there will be forms available; if somebody asks for it, to take it.

I wonder if the Senator will yield to the Senator from Kentucky, because he is raising an issue which I think is a nonissue in this bill.

Mr. BOND. Madam President, I appreciate the question that the Senator from California has raised. But I point out again that we are asking that the offices be utilized for voter registration. These tasks are not simple tasks; they are tasks that require time and effort. And putting a new burden on the people who man these offices is not an appropriate way to utilize their time. I happen to think that utilizing these offices takes away from the responsibilities that they already have.

I think that we have many, many problems in this country that needs to be dealt with through social service agencies. I do not feel that we need to be making voter registers out of the people who work out of public service offices. I do not think we ought to be imposing burdens on motor vehicle license offices to be the registers of voters. We have plenty of responsibilities and challenges that must be met through the public service agencies that we have today.

I go back to my basic point, which is that this is likely to lead to fraud in votes; it imposes additional requirements. There is no question that having multiple sites for registration is going to increase the costs of the election officials in each body, which are going to have to collate all of the information, check it, verify it; and people who they do not know are going to be involved in the voter registration process. The normal checks and balances, in many instances, are going to be bypassed.

That is why I think this bill, as I said, is a solution in search of a problem. We have a lot more important problems in this country than to have the Federal Government interfering in the electoral process that is run, and run better than we can run it from Washington, by officials who have that responsibility in State and local governments today.

That is why I urge my colleagues not to accept this measure.

I ask unanimous consent that the article I referred to earlier in my remarks be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SHORT LIFE SLIPS AWAY—BABY'S STARVATION LEAVES TROUBLING QUESTIONS

(By Tracy Thompson)

The last photo taken of Thomas McNeil shows him at 9 months, cradled in the arms of the woman who would later be accused of killing him—his mother.

Taken in a bare apartment in the Potomac Gardens public housing complex, the picture shows a tiny baby with huge, sad eyes and stick-like limbs, so thin he might be a child in some famine-ravaged country. His three siblings are also in the photo, looking healthy and well fed. And the two women in the picture—Thomas's mother and grandmother—are smiling proudly.

In April, less than a month after that snapshot was taken, Thomas was dead and his 22-year-old mother, Saundra Owensby, was charged with involuntary manslaughter. Police and autopsy reports accused her of killing her baby by the most incremental and brutal of means: starving him to death.

The photo is unsettling in the way that all pictures of the recently dead are. But it becomes all the more eerie because it captures in a portrait the details that continue to haunt Thomas's much-publicized death.

Police believe they've chased the ghosts. Thomas, they contend, starved under his mother's care.

But a reexamination of Thomas's short life raises as many questions as it answers. And many of the questions spring from that photo.

Could a mother starve one of her children, while the others were healthy? Would a mother proudly show off a child she was neglecting? Did Thomas have a genetic disease that bypassed his half brothers and half sister but might have led to his death? Did he receive medical care? Did he receive enough? And how could he starve with so many people looking on?

Thomas McNeil wasted away in a complex where neighbors played with him and watched him in his stroller, alongside two healthy brothers and a sister. He perished before the eyes of a mother who sporadically took her children for doctors' visits and had baby cereal and juice in the house on the day of his death.

Yet an autopsy revealed that the 10-month-old infant weighed only 10 pounds—less than some newborns—when he died April 2, and it found not a trace of even partially digested food in his body. Some of his organs already had begun to decompose, the report said.

Without, a doubt, Thomas McNeil starved. The question is: How?

The answer to that question may now lie within the coils of the legal system; Owensby is scheduled to appear for a hearing today in D.C. Superior Court, where a judge will determine whether there is enough evidence against her to present the case to a grand jury. To police, it is an obvious case of criminal child abuse, of a type that is rare but not unheard of. According to the D.C. medical examiner's office, two children younger than 6 starved to death in the District in 1991, and last year one child suffered that fate.

But Owensby is just as adamant that she never harmed her son, a baby she described as sickly from the time he was born two months prematurely, and one who always had a hard time keeping food down.

Confronted with the autopsy five days after her baby's death, Owensby said, she tried to kill herself by jumping off a bridge. Since her suicide attempt, she has spent several weeks as a patient at St. Elizabeths Hospital, undergoing treatment for depression. Police arrested her on the hospital grounds April 15, and she was released on her own recognizance with two conditions: that she continue treatment and that she visit her children only in supervised settings.

A retracing of Thomas's short life uncovers some facts that do not fit with a simple story of child abuse.

Owensby's three other children, ages 18 months, 3½ and 6, were examined by a doctor on the day of Thomas's death and found to be healthy, according to an assistant to the Northeast Washington pediatrician who examined them. (There are now in foster care and were unavailable for interviews.)

Until Thomas began teething, his mother breast-fed him, said Connie Rice, the baby's grandmother, who shared her apartment with Owensby and the children. Rice said the baby was fed formula as he aged and was given some solid food in an attempt to find a meal he wouldn't vomit.

In addition, a next-door neighbor said Owensby sometimes borrowed milk from her for the baby. A police officer in the apartment on the day of the baby's death saw a box of baby cereal in the refrigerator; a reporter who visited several days later saw two jars of unopened baby food in the pantry. And the Northeast Washington pediatrician has records showing Owensby brought Thomas and her other three children in for medical care, though only occasionally.

Pediatric specialists, who spoke from their experience but no firsthand knowledge of Thomas's case, say those facts, combined with the baby's rapid decline, raise the possibility that Thomas suffered from a congenital intestinal defect or from cystic fibrosis, a genetic disorder of the body's mucous membranes that often becomes active at about 5 months of age.

"Any time you have a youngster who doesn't thrive, who doesn't gain weight, who has pulmonary problems, you have to think about cystic fibrosis," said Ronald Kleinman, chief of pediatric gastroenterology and nutrition at Massachusetts General Hospital and chairman of the American Academy of Pediatrics Committee on Nutrition. "Another possibility is that this youngster did have a malabsorption" problem.

A shy young woman with a ready smile, Owensby has lived in the Washington area for most of her life. According to her mother, she left school in the seventh or eighth grade. Court records show that Owensby has no criminal record in the Washington area and that she showed no evidence of drug use at the time of her arrest.

In person, she seems by turns distraught with grief and unaware of the gravity of her situation. At her son's funeral on April 17, she spent most of the service outside, wordlessly pacing around the hearse as tears ran down her face. But two days earlier, she had smilingly greeted a reporter at the hospital, saying she had been enjoying old movies "because my doctor wants me to do a lot of activities."

Thomas was difficult to feed, she said, because he vomited often. He had always been small, she said, and though he ate "a lot" and gained weight, "it was in his belly, not his arms. All my kids are skinny, but they're not malnutritioned."

He also had chronic diarrhea and asthma, she said. Ventolin, a medication sometimes prescribed for asthma, was in her apartment, and the prescription was for Thomas. But, she said, she considered those routine childhood ailments—until the morning of April 2, when he began wheezing as he lay next to her in bed. Then, she said, Thomas stopped breathing. Paramedics could not revive him.

Owensby gave several accounts of her son's medical care.

Records at Children's Hospital show that the baby was a patient in August 1992. Spokeswoman Barbara Cire said hospital rules prevented her from releasing the details of his stay, but Owensby said her son had a hernia operation at Children's when he was 3 or 4 months old.

Records in the office of Ilnez Hinds, a Northeast Washington pediatrician, show Thomas was seen there three times before his May 9, 1992, birth and Nov. 15, 1992. Ponsella Poindexter, a medical assistant to Hinds, said that Thomas was seen for routine illnesses and shots; records show that as of Nov. 10, 1992, he weighed 14 pounds—small, but within the range on standard pediatric growth charts for a baby born two months prematurely. On his last visit, Poindexter said, "we saw progress."

Poindexter said Thomas was not tested for cystic fibrosis because there was no reason at the time to believe he was seriously ill. Hinds gave Owensby an appointment to bring Thomas back in January, Poindexter said, "but then she dropped out of sight" and Hinds' office couldn't find her.

Owensby said she took Thomas to Dennis Wirt, a pediatrician in Southeast Washington, after she quarreled with Thomas' father and moved out of his apartment in December 1992. Wirt said his records show that he had seen her other children in June 1990, nearly two years before Thomas was born; Wirt said he never met Thomas.

Owensby also said that during Thomas' last months, she took him several times to the pediatric emergency room at D.C. General Hospital. But hospital spokesman Rockefeller Twyman said records show Thomas was seen there only once, in October 1992.

Immediately after the baby's death, Owensby said, the baby's father blamed her.

He thought I starved the baby," she said. "But he knows I wouldn't do that. . . . You know how people get mad, they take it out on anybody." The man she identified as Thomas's father did not respond to two letters and several telephone calls.

Although Owensby said she did not notice anything seriously amiss during her son's last months, some of her neighbors did.

Albirtha Leonard, who lives next door to Connie Rice's apartment, said Owensby sometimes came over to borrow milk for Thomas and to use her phone because Owensby didn't have one. Leonard said she overhead Owensby make doctor appointments for her children.

Leonard also recalled holding Thomas about a month before his death and noticing that he was very thin and that he could not hold his head upright.

When she hoisted him onto her shoulder, his head would "go off to the left." When she shifted him to the other side, his head would flop again, Leonard said.

If Thomas had cystic fibrosis, it could have been inherited or the result of a spontaneous genetic mutation, said Jerome Paulson, an associate professor of pediatrics at George Washington University School of Medicine. Its first signs are often lung problems, failure to thrive and foul-smelling diarrhea, specialists said.

Owensby and her mother, in separate interviews, said Thomas showed all of those signs as well as another. When they kissed him, they noticed a bitter, salty taste to his skin, a trait the pediatric specialists say could have stemmed from abnormal body chemistry.

Beyond genetic defects, infections or a parasitic ailment might explain Thomas's problems, Kleinman and Paulson said.

"All these things you have raised confound the accusation that she starved the baby to death," Kleinman said. "It seems much more likely, given the history of diarrhea and vomiting, this was a baby . . . whose needs for nutrition just couldn't be met through the usual kind of efforts. That doesn't absolve her, of course, because most mothers, seeing their babies turn into little stick figures, demand some kind of medical attention."

Paulson agreed. "It must have been clear to somebody that this kid was not doing well," he said. "Why didn't he get back to a doctor?"

In the end, some of the responsibility for Thomas McNeil's death may rest with his community, said Marilyn Riley, acting director of the District's Child and Family Services Division. "It's important that a community responds when they see a questionable situation," she said. "By the time we are getting a complaint or information, it's already happened. But there are neighbors, other people, other relatives, who may see something is not quite right here. I think the responsibility lies with all of us. And somehow this child went unnoticed."

The disclosure of the full medical examiner's report may answer some of the questions surrounding Thomas's death. But that is not expected for several months, said Joe Conte, Owensby's attorney.

A jury may have to face a far more difficult question: What is a parent's duty to her child—even if he has a serious illness the parent does not see?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I had the privilege of sitting in the chair during this debate, and all of the sudden, I had a sense of deja vu, as I was sitting in the chair presiding over what I thought was a discussion of the motor-voter bill—and I was looking forward to the opportunity to vote on this bill that was debated for 12 legislative days. Every amendment offered by the Republicans was listened to, voted upon, and many were taken by the manager here, the distinguished whip, the Senator from Kentucky, who is trying to build a consensus here—I sat where the Presiding Officer is—so we could move this bill forward, and so we do not have another cloture vote; so we can move this country forward. What this bill is about is expanding the franchise so that more and more American citizens will participate in our democracy.

As I sat there, I became amazed, because here we go again, Madam President: another filibuster. We heard about every issue under the Sun from the Senator from Oklahoma, who had to be reminded that at this time we are supposed to be discussing this bill, at least for the next 3 hours.

So I think what we are facing here today is another delay. The first time you delay, you can say you did it on principle. And the second time, you begin to wonder if this is not some strategy which is being put forward by a minority of this U.S. Senate—by the Republican minority—to stop us from moving ahead.

I have great respect for every Member of this great body, and I respect their opposition to this bill. But, frankly, I do not understand it. It is so simple. It is so important that we become more inclusive.

When we started this Republic, only men of property could vote. As you and I well know, Madam President, you could not be in that seat, and I could not be standing here today. We could not even vote. And, frankly, some of the men in this body could not even vote, because if they did not have property, they were disenfranchised.

But this country is one that reaches out to its people, and in their wisdom, we saw legislators throughout the years expand the franchise. It was expanded so that men—I should say white men—who did not have property could vote; so we had more diversity. And then we had men of color granted the right to vote. And then, finally, Madam President, a day that we celebrate, certainly, in 1920 women got the right to vote; and the franchise was expanded. And then 18-year-olds had the right to vote, because we said if young Americans can die for their country, they should be able to vote for the leaders of this country.

The bill that the Senator from Kentucky brings us today is really following in a long line of expanding the franchise. Now it will be easier to register. Yes, if somebody goes to a Federal agency, it should be easier. Maybe she does not drive, or maybe it is difficult for them, but they can find a piece of paper, fill it out, and vote.

I am very sad to see people oppose this bill. I respect them for opposing it. But I have to ask, what are they afraid of? Are they afraid of the people?

Maybe they are happy, because there is a 40-percent turnout in their State, or a 50-percent turnout. I will be happy, Madam President, when there is a 90-percent turnout and when everyone who is able to register is registered.

Maybe it will hurt me. Maybe those people will not vote for me. But I am not afraid of the people. I am not afraid of the people. I want them to make a judgment on who I am.

But perhaps there are some people around here on the other side of the aisle who are afraid. They like it the way it is.

The highest turnout areas are those populated by the wealthiest among us. Let us face it. And the wealthiest among us, those who earn over $150,000, $200,000 a year, for the most part vote Republican. Are they afraid to expand the franchise to others? I ask that question. But regardless of how they answer it, this bill ought to be considered. There have been 12 days of debate and a conference. The House came together with the Senate. Let us move this process forward. Instead, I hear my Republican colleagues: We should be talking about children. We should be talking about family. We should be talking about the environment and jobs. Of course we should.

I would hasten to remind them that it is because of them that we were not able to vote to improve the lives of families. We were not able to vote to improve the lives of the people in this country, the workers in this country. They did not let us vote on a jobs bill, Madam President. If the minority of this U.S. Senate wants to vote against this report, God bless them. If they want to vote against this bill, God bless them. I respect them. I respect their opinion. But let us move the business of this Nation forward.

So, in summary, I was not going to participate in this debate. But as I sat their I had this sense of unease, Madam President, that again we are going to see a delay, a delay on a bill that was fairly presented, that was open to amendment, and a bill that will expand the franchise, the voting rights of the greatest democracy on Earth.

I yield back the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Madam President, I thank the distinguished Senator from California for her eloquence and support, and agree with her comments.

Madam President, the Senator from Missouri [Mr. BOND], who spoke earlier, quoted Abraham Lincoln. Now Abraham Lincoln was born in my State. Kentucky is the home of Abraham Lincoln. We cherish his Presidency and what he was able to do for this country.

I would like to quote Abraham Lincoln, too, if I may. I believe Abraham Lincoln said in 1862:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew.

I think that is where we are today. The distinguished Senator from California talked about the progression of those who had an opportunity to vote, and it happened here. Basically, it started at the grassroots. That is where this bill comes from, the grassroots. It has arrived at this level that is so important.

We understand what is going on here. We have worked 12 days. I have sat here, and in conference, I might add, in addition to that. We worked hard to put the bill together. Now here it is back on the floor, passed by the House and we find that we are being unable to bring it to a vote.

The Senator from Missouri [Mr. BOND] also said that we should not put pressure on the States from this advantage point. Let me just ask a question: What if everyone eligible in the State of Missouri went to the office and registered to vote? What would they do? What would happen to them? They would probably come to the Federal Government and ask for money. That is what would happen. So, if we allow the States to carry through—27 of them now, I believe, have something similar to this piece of legislation, not much change.

The distinguished occupant of the chair, her Secretary of State was eloquent; I do not know whether he is

Democrat or Republican but, boy, when he came before the Rules Committee he knew what he was talking about. He had the answers. He understood, and it was a strong advocate of the motor-voter procedure.

Now, we hear a lot about mandating, proposing, and spending money. My distinguished colleague from Oklahoma, a few moments ago, Senator NICKLES, talked about voting against this, and voting against that, and how much it is going to cost, and so forth. It was not hard for him to vote against the reduction of the funding for the superconducting super collider. He voted to spend all that money. And I have the dates here that he voted on that. And we had Senator BUMPERS from Arkansas had an amendment that prohibits obligation of funds for the superconducting super collider after June 1, 1993, unless the President certified to Congress that commitments from contributions from international sources meet or exceed, we were told, about $650 million, but the Senator from Oklahoma voted against that motion.

How many billions did he vote for? And then we look at the Bumpers amendment which reduces the committee reported funding of $2.1 billion for the space station by $1.6 billion. It did not wipe it out but reduced it by $1.6 billion. But the Senator from Oklahoma voted for keeping the billions in. Keep the billions in. And it just goes on and on. Madam President, about SDI, just to reduce it a few million dollars he voted against that. So we go on and on.

It is just what you want and what you call pork. To some people pork is their pork and our beef. But when it comes to the superconducting super collider and spending billions, oh, he is standing out here fighting for it. When we want to give the individual the right to vote and to assist, he is opposed to it.

To vote on a space station, spend billions of dollars, that is all right. But if you want to give an individual the right to vote, he is against that because it would cost a few bucks maybe. That just does not make sense. I do not understand it. Maybe I am not supposed to.

But I say to my friend from Missouri, he was a Governor; I was a Governor.

I probably had the most unique experience in voter registration of any Governor when we wiped the slate clean. Every registered voter was taken off the rolls. They said, "You are crazy. We have more voters in X County than we have people." Well, we need to wipe that off the rolls.

We reregistered anybody that wanted to register. And you know, instead of having fewer, we had more, because we expanded the opportunity for people to vote. We encouraged the county clerks to register people. In fact, we paid them so much per registered voter in order to offset their expenses. The State did it.

Let me ask you: Why are the States so worried? What if every eligible voter in my State went to the courthouse and registered? What would happen?

Well, they would have to have ballots printed, more of them. That is one thing. They would have to print labels, maybe, for the ballot. They will have to mail out more absentee ballots. They would have to provide a few more polling places. But we would not hear anything about that.

They say, 60 percent of the registered voters, fine; or 60 percent of the eligible voters, fine. What about the other 40 percent?

This bill does not mandate people to vote. It does not even guarantee that we will have a higher turnout. But it does guarantee that at least every eligible voter in this country has an opportunity to register to vote.

There are no mandates here that they have to go to the polls. I think an individual has just as much right not to vote as they do to vote. That is their right. So when they say this bill is not going to increase the voter turnout, I agree with that. It is not a mandate for turnout.

But it is like I have said many times: You watch baseball. Everybody is watching baseball now. I like to listen to the Orioles play. I thought they were going to win the other night. They were behind 4 to 1, and they scored a couple other runs. It wound up 4 to 3.

They had a good pitching game the other night. The pitcher did a terrific job. They won about 8 to 1, or something like that.

I like it, but I am not interested too much. I do not go up to the ball games. Maybe I will get them on TV. I look at the paper every morning to see how the teams turned out.

But as we get closer to the division championships, it whets my appetite; I begin to watch it a little bit closer. Then, when they have the division championships and my team is in it, I watch; I have an interest. And then if my team goes to the World Series, boy, I want to go. I want to go watch my team play in the World Series, but I do not have a ticket and I cannot get it, so I cannot watch it.

Now, why did I say that? We have a good political campaign. We talk about the issues. As the distinguished Senator from Missouri said, we have good candidates talking about real problems. The people became interested. They want to go vote.

But, lo and behold, they forgot to register; or it was too much trouble to go from the workplace; too late to get there. I work and you work and everybody else works about the time the courthouse is open. We go to work when they open and we come home when they close, so we do not have a chance to go.

So with good candidates talking about real problems, as the Senator from Missouri said, it whets our appetite and we become encouraged to go to the polls and vote for a candidate. And they find that they are not registered to vote.

I was surprised at my friend from Missouri saying that he was even opposed to registering by driver's license. The leader of the Republican political senatorial campaign said he had no objections to registering by driver's license. But, yet, here comes a former Governor—and I am surprised a former Governor would be against registering to vote in some easier fashion.

I dealt with my county clerks. I worked with my county clerks. They needed help to improve. We have all computers now in our State. It is going very well.

But we say: How many people got excited about the last election? And we had the largest turnout we have had in many, many years. How many wanted to vote and could not? Would it have changed the election? I do not know. But you have to take your chances.

We are talking about checking lobbyists. We did that here yesterday. We are talking about helping people to register to vote, reconnecting the American people to Government. Then we are talking about campaign finance reform.

What more, in my opinion, could we do in order to help the American people be more of a part of their Government?

Some say, "Well, we are going to register too many Democrats. They are poor and all Republicans are rich." That is the reason they worry about not going to the tax office and having mandated forms there.

Well, I suspect most people that go to the tax office have a car and they have a driver's license and they are registered to vote; that is, 90 percent of all those eligible in this country have a driver's license.

So the disadvantaged, instead of playing on their fear, we ought to play on their hopes and their dreams and their desire to be a part of this Government.

The argument against incurring costs for an expanded voter registration role is distressful to me—distressful. The funds that have been expended to register those citizens on the rolls is OK, it is all right, but, to opponents of the bill, it seems it is wrong to expend funds to bring new citizens into the election process; again, expending funds to bring new voters into the system. What a commentary on democracy. What a commentary on democracy.

So I hope that, in the words of my friend from California, Senator BOXER, we respect those that are opposed to this legislation, but I hope that a small group would not prevent us from getting on with the legislation here on the floor.

I have worked awfully hard on this piece of legislation over the years, as everyone knows. I have used a little Henry Clay. Most people know that Henry Clay was recognized as the great compromiser. Henry Clay said compromise was a negotiated hurt.

And I hurt a little when I negotiated some of these, because I had a very, very strong feeling that we ought to do everything we could to reconnect the American citizen to its Government.

As a result of this bill, maybe many in this Chamber will be gone, be defeated. That is a chance we have to take. The more people that vote, the greater democracy we have, because we are listening to the people.

I believe it was Hamilton who said, referring to the House—but it also applies to the Senate: "Here, sir, the people govern; here they act by their immediate representatives." That is what I am. I am supposed to be listening to the people. And this bill is not something that was dreamed up here in this Chamber, not something that was dreamed up here in Washington. It is a grassroots effort.

We hear that this elected official is against it, this elected official is against it, this group of elected officials is against it, this group of elected officials is against it—but the associations of people are for it. From church groups, to the disabled, to the blind, labor, NAACP—these people, these groups of people are for this legislation—the League of Women Voters. They are very strong leaders bringing it up from the grassroots. They are nonpartisan.

Even the distinguished Senator from Texas said awhile ago, it was negligible whether this would benefit either party or not, the whole bill. So why are we making it partisan? Why can we not just go on and vote?

I just believe, if you listen to what is said, there is some fear underlying the refusal to let us go ahead and vote. There is some fear. And I do not know what there is to fear in the American people. What is there to fear in the American people? They speak, and should speak loudly. We should give them every opportunity to say, whoever sits in that chair or that chair, I had an opportunity to vote for or against him or her. So that is the opportunity we are trying to give here today. And I hope we can get about our business here and stop delay.

We are delaying everything. This is 12 days on this particular bill, days of labor in the conference committee. Basically all of the core amendments offered by the other side are in this bill. It is not identical, but worked out in a struggle with the House. I think everybody who was associated with the conference and discussed it with me understands I fulfilled my obligation to the best of my ability. Maybe I was not good enough, but I did everything I could to accommodate my friends on the other side. And the admission by the Republican leader this morning, I thought, was reassuring; that the bill is better because it has these things in it. But he still did not like it.

I do not believe we could do anything to have it be embraced. But I was encouraged that 90 percent of the bill was approved by the chairman of the Republican Senatorial Campaign Committee on this floor today; 90 percent of what this bill does was approved. So the 10 percent, that is the fear. That is the fear that they are trying to spread:

> Those people on welfare—be concerned about them, be fearful of them. Be fearful of those who are disadvantaged. Be fearful of those who are disabled, that we give an opportunity to be registered to vote.

I am sure all of those who are on welfare do not want to be there. They want to be better off. And some of them will be one of these days, if we do what is right.

I hope and pray every day that I do what is right in this Chamber, and in committee, and in the positions I take. I made a statement one time to a bunch of press people who wrote a kind editorial about me. You do not get many of those, you know.

Somebody said, "How in the world did they write a nice editorial about you?"

I said, "Well, I kept doing what is right, and on one point we agreed." So they wrote a nice editorial.

I hope we can get on with this. We worry so much about fraud and abuse, but in those States that have this, there is no acceleration. In fact there is some reduction. The distinguished Senator from Oregon [Mr. HATFIELD] has said that in fact it is better now that they have something similar to this in the State of Oregon. He will attest to that. So there is really no documentation that there will be any fraud or abuse.

I hope sincerely that we will have the opportunity to go ahead, be allowed to vote on this without going through a cloture vote again, having it delayed for 2 or 3 more days, and things of that nature. It is important we pass this bill, in my opinion. It is important we give it the President and let him sign it. It is important we get on to other things that will give us an opportunity to say to the American people, we want to give you a chance to approve or disapprove of what we are doing; give more people an opportunity to approve or disapprove of what we are doing.

I yield the floor, Madam President.

DELETION OF DOCUMENT VERIFICATION AMENDMENT FROM MOTOR-VOTER CONFERENCE REPORT

Mr. SIMPSON. Mr. President, the conference report before the Senate today does not contain a provision which I believe is so very important—a provision which makes it clear that States can require documents to prove citizenship of a person applying for voter registration.

The provision did not mandate that States check documents. It merely clarified that this bill was not to be interpreted to prohibit a State from requiring documents demonstrating U.S. citizenship. This would include those States which currently—under State law—check documents and those States which may wish to check documents in the future.

My colleague from Kentucky did not object to my amendment because he believed that:

> Nothing in this bill * * * would preclude the States from requiring presentation of documentary evidence of citizenship.

That may be true, but I am not convinced that my amendment is not needed. I offered this amendment to ensure that the States do not lose their ability to require proof of citizenship for voting.

I believe that my colleagues would agree that the States should be permitted to ask for citizenship verification, especially since all 50 States require that all who register to vote must be citizens.

Yet the conference committee chose to remove my amendment from the final bill.

The American people agree that only citizens should be allowed to vote. My office received numerous phone calls in support of my amendment.

Because of this country's generous legal immigration policies and the millions of illegal aliens present, there are many noncitizens residing in the United States. According to the Census Bureau, 15 percent of California's population are noncitizens. According to the 1991 statistical yearbook, the most current assessment by the INS of the foreign-born population in the United States, California has about 50 percent of the Nation's immigrants, and about one-third of its refugees and asylees. Unfortunately, California also has large numbers of illegal aliens.

California does not yet require citizenship verification for voting or registering to vote, but it may some day decide that it must do so to protect the integrity of its elections. My amendment will ensure that California can do so.

Some assert that my amendment would undermine the mail-in registration provisions of the bill. My amendment does not require any State to do anything. States can legislate that only voter registration applications made in person require documentation, or all first-time voters in the State must register in person and show documentation. The State does not even have to address citizenship documentation for mail-in registrations. A State can also ask for a photocopy of a document proving citizenship with mail-in applications.

While I would not encourage photocopies of documents—since this might encourage the reproduction of fraudulent documents—my amendment does not restrict nor instruct States as to how, when, why, or whether to require citizenship documentation. It merely says that they may if they wish.

It is interesting that so many of the groups find my amendment objectionable—most odd, since it does not mandate anything.

Some argue that States could ask for identification only from foreign looking or sounding people. It's certainly possible that States do that now—without my amendment—but my amendment does not in any way promote such behavior.

I have been in the middle of this identification issue before. The employer sanctions provisions of the 1986 Immigration Reform and Control Act requires that employers check documents from workers in order to ensure that the workers are authorized to work. All employees, not just those who look or sound foreign, must provide documentation. All employees must provide documents to avoid discrimination against those who may seem foreign.

We even established a new office in the Department of Justice to handle discrimination complaints.

But my amendment did not give the States any more authority than they already had, and it certainly does not encourage States to check documents only of those looking or sounding foreign.

I am disappointed that the conference committee eliminated this amendment which would have ensured that the States be allowed to maintain the integrity of their elections by requiring evidence of citizenship to vote if they so desired.

Mr. HATFIELD. Section 7 of this legislation instructs the States to designate agencies to register voters in Federal Elections. States are required to provide registration opportunities at all agencies which provide public assistance and at those agencies within a State which provides State-funded programs primarily engaged in providing services to persons with disabilities. These provisions are designed to reach out to those citizens who are not likely to benefit from motor-voter registration programs—the poor and persons with disabilities who may not have driver's licenses and may not come into contact with the other principal places to register under this act.

Mr. FORD. As my friend from Oregon has stated, the intent of the Congress is to extend registration opportunities to persons with disabilities through agencies which provide services such as, but not limited to, transportation, job training, education, counseling, rehabilitation or independent living services. Agencies which only incidentally provide services to people with disabilities are not mandated under this law to provide registration materials, although they certainly could if they desired. The Federal Government is directed to work with the States to identify the appropriate agencies to provide registration opportunities.

Mr. HATFIELD. I further understand that registration materials should be distributed by these agencies with each application for service or assistance, and with each recertification, renewal, or change of address form relating to the individual's contact with the agency. Does this direction indicate that voter registration forms will be provided at the entry point for services offered by an agency, or at a point where an individual changes their status for services, rather than at all agencies with which the person has contact?

Mr. FORD. Yes. Once a person applies for service at an entry point and has been offered an opportunity to register to vote, if that person is subsequently referred to another agency, that agency does not have to repeat the offer to register. However, if a person receiving services has a change in status such as recertification, renewal, or change of address, the agency providing services would offer the opportunity to register. For example, if a person were to apply for vocational rehabilitation, the opportunity to register to vote would occur when the person applies initially, or moves, rather than each time the individual meets with a vocational rehabilitation counselor.

Mr. HATFIELD. I thank my colleague for his clarification of these key elements of the National Voter Registration Act.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Madam President, I ask unanimous consent I be permitted to give two statements as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, I say to the Senator I do not know if there is anybody else, but we have this bill until 1 o'clock. The Pastore rule may apply here. How long will the Senator want?

Mr. ROTH. It will take about 15 minutes, 20 minutes at most.

Mr. FORD. Really, the Senator does not have to get morning business.

Mr. ROTH. I thank my distinguished friend from Kentucky.

WHO WILL PAY?

Mr. ROTH. Madam President, we in the Congress are about to begin the great debate on the President's economic package. One of the most critical questions to be faced is who will be paying the proposed taxes contained in this program? It is my concern that we do not yet have the kind of information that will make it clear as to who is impacted, who will be hit by the proposed tax increase of the Clinton administration. This is obviously a very serious matter, as the tax increase is the largest proposed in the history of this country.

As I said, the Clinton administration, even though we are about to begin the debate, has yet to clarify itself on how it measures the income of American families. Candidate Clinton promised to cut taxes on the middle class. It was a promise, and I believe it was a large reason why he won the election. Now, his administration is doing its best to distort what middle class is. They are presenting the President's tax plan in terms of something called family economic income, rather than the old, reliable and understandable adjusted gross income. The difference between these two measurements makes a world of difference when it comes to understanding who will be shouldering President Clinton's tax burden.

The family economic income measurement places Americans in higher income groups than does the measurement using adjusted gross income. This is important to understand as we consider just what President Clinton has done with his record-setting tax package. When he began to push it, he claimed it would hit only those Americans making over $200,000. Later, he adjusted that figure down to $100,000. Now, according to the President, it's all the way down to Americans making $30,000. Quite a drop. But unfortunately, the real story is even worse.

This $30,000 is not based on the traditional adjusted gross income; rather the President's administration is basing it on a measurement called the family economic income, which considers millions of Americans with income levels between $10,000 and $25,000 well within the $30,000 range. It pushes these Americans' income status upward because, among other things, the family economic income includes the imputed rental value of homes and the value of employer-provided fringe benefits. Ask any American if he or she thinks of these items as income. He or she will tell you no.

Ask them if they think their income status should be increased by applying these to their economic position. Again, they'll tell you no. Evidently, President Clinton and his Treasury Department think otherwise, and they're using this measurement to throw their blanket of tax increases over Americans earning well below $30,000.

What concerns me is that the administration has yet to even adequately address this concern. Back in February—February 24 to be exact—I sent a letter asking the Treasury to produce the Clinton administration's tax package using the more easily understood adjusted gross income measurement. I asked them to run their tax package using the measurement Americans understand, so the taxpayers can see how this record-setting increase is really going to hit them. The administration refused. Two months later—on April 22—Senators DOLE and PACKWOOD requested the same. Still, there has been no response.

In an April hearing, even the chairman of the Finance Committee—from the administration's own party—requested the information in a way that was more easily understood by the American people. So far, the administration has failed to provide this important information to the public.

We cannot have a legitimate and productive debate on economics without sunshine. We need openness from the administration. It's more important now than ever, when the strength and leadership of nations are determined by the size of their economies rather than by the force of their arms. The future depends on strong, well-versed, public debate. And that debate must be open and conducted in a way that is understandable. Americans understand adjusted gross income.

They determined their adjusted gross income just 3 weeks ago when they filled out their 1040's. On the other hand the family economic income is an economist's term that is understood by few. It would serve this debate—as well as the American people—to provide both measures.

We must move the administration to provide accurate and understandable information concerning who the Clinton tax package will really hit. From $200,000 to $100,000, to $30,000, the number of Americans who will shoulder this record-setting increase is exploding—well into the middle class that the President promised—and I repeat, promised—to protect. Now, as the administration insists on inflating the $30,000 threshold, their taxes will hit Americans earning much, much less. We cannot afford this.

We must get back to what really needs to be done. Let us replace rhetoric with the facts. And with those facts, let us get beyond partisan power broking to do what needs to be done to secure the kind of future or families deserve. Let us get Government off the back of the American taxpayer and put that money to work creating jobs where it best serves—in the private sector.

Madam President, in today's Washington Times, there is an editorial on this exact point entitled "Secretary Bentsen's Coverup." In this editorial, it reads that:

> The House Ways and Means Committee has begun work on President Clinton's proposed budget, a document that would levy sharply higher taxes on income, energy, Social Security benefits and more. Exactly which taxpayers would pay the price is hard to say, however, because Ways and Means has started work without getting that information from the Treasury Department.
>
> The Clinton administration says it has provided all the information anyone needs to vote on the plan. Remember the President's claim that people making more than $100,000 would pick up the bulk of the new taxes and that no one making less than $30,000 would be affected? Well, it turned out those figures were based on something called Family Economic Income, which takes into account things like the imputed rental value of somebody's home but not whether you actually collected any rent and the value of fringe benefits but not whether they provided you with additional income to pay higher taxes.
>
> The problem here is not that you would be taxed on imaginary income. It's that most people have no idea what family economic income is or whether it pushes them over the magic $30,000 mark. Using FEI, when most people think in terms of adjusted gross income, is confusing at best, deceptive at worst.

Madam President, I ask unanimous consent that the complete editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SECRETARY BENTSEN'S COVERUP

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>
> So earlier this year, Republican members of the Joint Economic Committee led by Sen. William Roth and Rep. Dick Armey sought clarification of the matter in a letter to Treasury Secretary Lloyd Bentsen. Family Economic Income, they wrote, is an unknown concept to most taxpayers. Please lay out the impact of the administration's proposals in terms of AGI, they asked, and set the lowest AGI figure at which taxpayers would see net tax increases.
>
> The request seemed reasonable enough. But back came a letter from Mr. Bentsen saying that FEI had been used by previous Republican administrations without any controversy. The Treasury Department, he said, "believes that preparing analyses of tax proposals based on alternative concepts of income, such as AGI, would only confuse, rather than clarify, the issues relating to the president's economic proposals."
>
> Mr. Bentsen is more than a little disingenuous here. FEI was irrelevant in the Reagan years because the president was trying to cut taxes, not raise them. Thus there was no need to hide the impact of higher taxes. If Mr. Bush used FEI, his fate at the polls last November was not exactly an endorsement of the practice. At any rate, Mr. Clinton came to office preaching "change," not "more of the same." The reference to AGI as an "alternative" system, the one that hundreds of millions of Americans use to pay their income taxes, is a reminder of the Treasury Department's rather tenuous grasp of reality.
>
> Last month, Senate Finance Committee Chairman Daniel Patrick Moynihan joined Republicans in asking Mr. Bentsen to provide information on tax impact in terms of AGI. So this newspaper called over to the Treasury Department to find out whether Mr. Bentsen had provided the information. "I don't think he asked for the figures," Treasury spokesman Chris Peacock said by phone. "I think he just said they would be helpful. Correct me if I'm wrong."
>
> OK. A transcript indicates Mr. Moynihan said, "I think we should see that," meaning the AGI estimate. So would Treasury release the figures? "We will work with Sen. Moynihan," said Mr. Peacock. Does working with Mr. Moynihan mean giving him the information he wanted? "I can only refer you to my last answer: We wouldn't release information to you that he asked for anyway. No offense."
>
> None taken. One hopes the agency would be willing to work with other elected representatives as well, especially those on the House Ways and Means Committee now taking up the tax bill. It may be that adjusting the tax impact of the Clinton plan for AGI won't change the administration's estimates. If that's the case, Mr. Bentsen should have no problem with releasing the figures. If, as seems more likely, the adjustment reveals that people making well under $30,000 face higher taxes, then the voters and their representatives should know about it. Either way, it's time to end the coverup.

U.S. SMALL BUSINESS WEEK

Mr. ROTH. Madam President, by Presidential proclamation, May 9 to 15 is U.S. Small Business Week, a time when we pay special recognition to the fastest growing and most dynamic sector of our economy. The sheer size and economic potential of this important group of men, women, and even youth is startling.

They are 21 million strong, these entrepreneurs, and they generate about 40 percent of our gross national product. They come from just about every segment of our society, men and women, representing every culture, every religion, every State, city, and hamlet. They lead the Nation in job creation, contributing almost two-thirds of all new jobs from 1976 to 1990, and all new jobs from 1988 to 1990. Small business is our Nation's leading employer, providing paychecks for 6 out of every 10 Americans.

As Thomas Rumfelt, chairman of the National Business Owners Association has recently pointed out, small business is unique in our society in that it is above political ideology.

> It is not concerned with partisan solutions to its problems—

Just that solutions are found—

> What unites entrepreneurs is a commonality of interests and shared challenges. A T-shirt maker in Carmel, CA, has the same concerns as a small retail merchant in Elwood, IN. Both want regulations and paperwork cut, taxes lowered, and the deficit and spending slashed.
>
> They need capital to expand their businesses and access to affordable health care for themselves and their employees. They deserve policies that promote economic growth—policies that reward—not punish—risk-taking and hard work.

Madam President, next week I—along with several of my colleagues—will unveil an economic growth package that answers many of these concerns. It is a nine-point alternative economic program the provides incentives for private job creation as well as savings and investment. And what's more it will be completely paid for without even one tax increase, unlike that proposed by President Clinton. Frankly, there is no better time than Small Business Week to keep in mind that two-thirds of President Clinton's record-setting tax increase will fall directly on the backs of our small business men and women.

We can only assume what kind of dangerous repercussion that kind of tax liability will cause. Needless to say, we cannot afford it.

Americans need an alternative package that is not accompanied by antigrowth and antijobs tax increases. Our small businesses need an alternative. They need real reform, not more of the same. And that real reform is what we will propose next week.

We all know where tax-and-spend economics have lead this Nation. Our small business men and women are still trying to recover from the 1990 record-setting tax increases that were supposed to take care of all of our problems—cut the deficit and bring America back. Now they are confronted by President Clinton's plan to even break that tax increase record. Well, it's not going to work. There is a revolution in the land. You see it in the polls, you feel it in the economic indicators, you hear it in the streets. Not only are people demanding real change, they deserve it—especially our small business community.

As has been said, if history has proven the validity of any economic principle, it is this:

> Small business can survive without big government; big government cannot survive without small business.

With this in mind, I conclude by asking one simple question: When we consider what real economic stimulation is needed for our economy, where should the money and incentives go? Into an overbearing, bureaucratic government, or into the hands of those Americans who save, risk, and invest, thus creating jobs, growth, and opportunity?

Next week we intend to show you how. Stay tuned.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. Madam President, I ask unanimous consent that I may be allowed to speak as if in morning business at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair. I thank the floor managers.

(Mr. BINGAMAN assumed the chair.)

SANITATION CONDITIONS IN ALASKA

Mr. MURKOWSKI. Mr. President, I rise today to inform and share with my colleagues a serious problem confronting Natives in my State of Alaska. We have an epidemic that is underway in Alaska, Mr. President. We have an emergency. People in my State today are dying because water and sanitation conditions are simply unacceptable. We have had three Native members of various villages and one non-Native pass away of late. As a consequence, we have to take action, and we have to take action now.

Two days ago on Wednesday, May 5, the Committee on Indian Affairs held an oversight hearing to receive testimony on rural Alaska water and sanitation problems. Senator INOUYE was most gracious in agreeing to schedule the hearing and had a number of Alaskans down, a number of Native Alaskans, nurse practitioners, and so forth, and as a consequence we received some information that simply mandates action be initiated. We had 4½ hours of testimony. We had Federal agencies, State agencies, rural village health aides, doctors, and village representatives, and they described the horrors which are in existence in Alaska today.

The testimony, Mr. President, was very alarming. We have approximately 220 Native villages, primarily Eskimo and Athabasca, of which 190 of those 220 have been assessed by the Federal and State government as posing a health risk to the residents as a consequence of inadequate water and sewage disposal; 135 villages are dependent on honey buckets and privies as the sole means of sewage collection and disposal. It is worse than some of the Third World nations with which we are familiar.

For the record, for some of you who do not know what a honey bucket is, it is basically a 5-gallon bucket placed in one's home and used as a toilet. When the bucket is full, it is carried outside and dumped into an open sewage pit. One might wonder why do that.

We have the uniqueness in Alaska of permafrost. The ground is permanently frozen. The ability to put in sewage systems such as we know with underground piping or water delivery and sewage disposal simply is not applicable in those areas where permafrost prevails the year around, because once you put a system in, it is subject to the heaving associated with the frost coming out of the ground in the spring and the frost penetrating again in the winter, which causes a heaving and a breaking up of the systems.

We have one village outside of Fort Yukon where the Federal Government put in a $30 million sewer system 9 years ago. The first year it was frozen, and 8 years later it is still frozen and broken. It has never been applicable or adaptable to an energy technology that was workable, because in order to make it work, you almost have to have a continuous flowing sewer and water system so that it will not freeze during the severe temperatures. But that is not adequate enough. You also must have, in effect, an underground tunnel to ensure that the pressures of the Earth and the freezing and the frost do not simply break up the system.

Now, Mr. President, I would like to show you in a chart here the realities associated with water service levels in rural Alaska. The chart shows that 49 percent of rural Alaskan areas are served by simply the honey bucket, 5-gallon bucket that is in a corner of the home and then is removed and hauled down the boardwalk and disposed of at some facility that is provided by the community. Thirty-seven percent have flush toilets as we know them, and 14 percent have a haul system.

A haul system, Mr. President, is a system where a tracked vehicle comes around, delivers water, the water is taken in the home and utilized, and then there is a system similar to that that removes the sewage that is stored in some kind of a receptacle in the home.

Now, in over half of the villages, water is hauled to the home by hand from a community well or a washeteria. Some people say, well, what is a washeteria? We in Alaska know that a washeteria is. It is one central location in the village near the well where the water is piped into a building. There are usually two or three showers. That is all for a whole village. The fee may be $2 or $3 for a shower. And there are washing machines and driers there as well.

That is the situation which exists in rural Alaska today. Existing water service levels: Only 40 percent have piped water to their residents, 20 percent use year-round watering points, 7 percent have individual wells, and 3 percent have no system.

Let me share with you, Mr. President, some of the pictures of some of the traditional villages in Alaska today. You can see the village homes, the children, the boardwalk, children poking sticks in the areas where, indiscriminately, honey buckets are spilled or have been dumped. We have raw sewage on the side of the boardwalk, and it is a deplorable situation.

Here we have two of the public receptacles where the honey buckets are simply dumped. Many times plastic bags are used. And the stench in the spring is unimaginable.

Another picture shows alongside a river slough the dumping of the sewage from the honey bucket that has been contained in plastic bags. And obviously that kind of disposal leads to hepatitis A, which is the current crisis.

Here we have frozen blocks of sewage which must be hammered out of the receptacle in the village of Quinhajak. And the consequences of this kind of pollution when summer occurs, I think, speaks for itself relative to the exposure that we have for the tremendous advancement of hepatitis A.

The result of not having an adequate water system and sanitation facilities are tragic.

On Saturday, May 1, the front page of the Anchorage Daily News read "Deadly Hepatitis Wave Spurs Action."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily News, May 1, 1993]

DEADLY HEPATITIS WAVE SPURS ACTION

(By David Hulen)

Another villager has died in northwest Alaska from hepatitis A, and the disease has spread so fast in the region that public-health agencies next week will begin giving out a new, not-yet-on-the-market vaccine in an effort to contain it.

Robert Moto, a 29-year-old Deering resident who died at the Alaska Native Medical Center in Anchorage last Sunday, was at least the third Alaska Native to die after contracting hepatitis A since February, health authorities said.

The others included a 14-year-old boy from Shungnak, also in northwest Alaska, and a 57-year-old woman from Tauacross, in the eastern Interior.

The virus, which generally spreads in Alaska through food or water contaminated with fecal matter, regularly sweeps in waves through the state. Hepatitis A rates in Alaska are among the highest in the nation, and some health officials believe a major reason is the lack of running water and flush toilets in more than 100 villages across the state.

Hepatitis A is rarely fatal, with one study estimating an average of one death for each 1,000 cases. But the three deaths this year, and a number of other village residents being hospitalized in recent weeks, has puzzled health agencies.

"This is real unusual," said Dr. Brian McMahon, a hepatitis specialist with the U.S. Public Health Service in Anchorage. "We don't know exactly what's going on."

So many cases have been reported in recent months—more than 300 in all, with many more suspected—that state and federal health agencies received approval from the U.S. Food and Drug Administration to begin administering a first-of-its-kind hepatitis A vaccine in the villages. They starting giving shots in the Interior several weeks ago, and a team will go to Kotzebue-area villages where hepatitis A is just now showing up.

The drug has been available in Europe since last year, but it isn't expected to be approved for general use in America for at least another year. It has been tested extensively in the United States, is considered up to 98 percent effective, and there doesn't appear to be side effects, doctors said.

There are now two separate epidemics of hepatitis A in Alaska—one in the Tok-Tanacross-Glennallen area, which began spreading last summer and now has begun to wind down, and the other in northwest Alaska, which began late last year and is still spreading to new villages in the region.

There have been about 240 cases reported in northwest Alaska, with another 100 or so reported in the eastern Interior, health agencies said. But because carriers often go undetected or show only minor symptoms that are confused with the flu or other ailments, the true number of recent cases is thought to be much higher.

"Those numbers are way low," said Dr. Michael Beller, an epidemiologist with the Alaska Division of Public Health. "It would be safe to multiply them by three or four."

Hepatitis A spreads in cycles because once a person is exposed to the virus, he or she is immune for life. Alaska's last big hepatitis A epidemic occurred in the late 1980s, with more than 1,500 cases diagnosed all over the state. It hit especially hard in the Yukon-Kuskokwim Delta, but cases were also reported in Anchorage and other urban areas.

The 1980s outbreak largely spared northwest Alaska and the eastern Interior, doctors said—leaving many residents of both regions, especially young people, vulnerable to the current wave. Health officials have expected outbreaks, especially around Kotzebue, for several years.

Doctors are waiting for tests to show the two outbreaks occurring now are connected. The one in the Tok-area appears to have begun last year with a child who brought the virus to Alaska from California, while the northwest outbreak has been traced to Fairbanks.

Authorities are relatively sure how the disease is spreading, doctors said—at least some of the people contaminated with the virus, especially children, don't wash their hands after using the toilet, they in turn, pass germs onto others, usually by touching food or water. The virus also is commonly spread by people changing diapers and not washing their hands.

The current outbreak has affected villages with and without running water.

The disease inflames the liver, and symptoms include nausea, fever, fatigue, tenderness of right side of the abdomen, and in more serious cases, yellowness in the eyes and skin, dehydration and liver failure.

In northwest Alaska, the disease has swept through several villages, including Noorvik, Buckland and Selawik, and is just now hitting others, such as Deering and Kiana. In recent months at least 20 people have been hospitalized with serious cases of hepatitis A—"people (who were) very ill but then progressed and got better, people we said if they got a little worse we'd send them down for a liver transplant," McMahon said.

"It's been a very big deal in this region," said Paul Hansen, director of community health services for the Kotzebue-based Manilaq Association, which operate the regional hospital and village clinics. "We've had two deaths and this is a pretty small region. In terms of disruption of everyday life, it's had a very big impact."

Many residents were alarmed after the death of the 14-year-old boy, although the hepatitis appears to have run its course in several villages, several health aides interviewed on Friday said.

"People aren't as scared as they were," said Brenda Hall, a health aide in Noorvik, an Inupiat village of 520 people. "As people got it, they'd tell their friends and they'd see how they got better. . . . But we had a lot of kids miss school, adults missed work two and three weeks. One lady missed work for three months."

This apparently is the first time the vaccine—which is given by shot—has been widely used to try to contain an outbreak in America, doctors said. About 1,500 doses were donated by its manufacturer, the Britain-based SmithKline Beecham, and about half that number were administered in the Tok-Glennallen area. First priority in Northwest will be four villages where the disease is just now showing up, then other communities in the region, McMahon said.

Health agencies are trying to get the company to donate more doses.

VIRAL HEPATITIS TYPES A AND B

Hepatitis is a disease that involves inflammation of the liver.

Symptoms: Weakness, loss of appetite, nausea, vomiting and jaundice, a yellowish discoloration of the skin and tissues.

Types: There are two main forms of viral hepatitis, hepatitis A, or infectious hepatitis; and hepatitis B, or serum hepatitis. They are caused by different viruses. Hepatitis also may result from other viruses or a combination of viruses.

Hepatitis A: The most common form of hepatitis in bush communities is caused by eating contaminated food or drinking contaminated water. Symptoms appear about four weeks later. Most cases of hepatitis A last two to six weeks. The symptoms may be lessened—even prevented—if injections of gamma globulin, a class of antibiotics that helps the body's immune system, are administered within a week of exposure to the virus.

Hepatitis B: This type is spread mainly by the use of improperly sterilized medical instruments hypodermic needles shared by drug abusers and sexual contact with infected persons. Vaccines that protect against hepatitis B became available during the 1980s.

Mr. MURKOWSKI. So we have the hepatitis epidemic underway. We have had Alaskan Eskimos and non-Eskimos die as a consequence of hepatitis A. We have had the fourth death resulting from hepatitis since February of this year. More than 300 cases of hepatitis A have been reported in recent months in rural Alaska villages. Many more unreported cases are known to exist. Hepatitis A is a viral infection causing nausea, vomiting, abdominal pain, and in some cases, a yellowing of the skin and a reddening of the eyes. Deaths from hepatitis A occur at a rate of approximately 1 to 5 deaths per 1,000 cases.

So, Mr. President, we have an emergency situation in my State. As I indicated, people are dying because of Third World water and sanitation facilities in approximately 190 of the 220 villages.

We need to move now to address this problem. It is estimated that the ultimate cost of a system to bring about clean water delivery and sanitation removal in these villages will cost about $1.2 billion. The State of Alaska proposed a long-term Federal-State matching grant program where the Federal Government annually matches Alaska's allocation up to $25 million. Our senior Senator, Senator STEVENS, our Representative, DON YOUNG, feel confident that we can make a case for a Federal commitment to match the State's allocation.

We continue to work toward the long-term plan to eliminate the honey buckets in Alaska. But we simply cannot wait 5 years. We must do more in the short term and we must do it now.

I am requesting an emergency action from the Federal agencies that have Federal funds that can be refocused on the emergency situation existing with regard to water and sewer conditions in rural Alaska. We are going to try to get this done immediately, recognizing that we have an epidemic and we have an emergency. We must act now before the current hepatitis epidemic claims another innocent victim.

We are also asking the intervention of our President through communications with President Clinton to direct the agencies of EPA, Indian Health Service, Bureau of Indian Affairs [BIA], and HUD to come together now with a simple short-term relief for this summer so that we can focus in on the priorities. Rather than generate a long-term study period which will take those agencies months, which because of our short construction season of only 90 days, will cause us to lose a whole year, that we focus now to bring together a responsible short-term relief program.

The justification for this speaks for itself. The emergency is here today. We need simple, low-cost applications of a simple premise that is utilized in other areas of the Arctic to deliver clean water and improve sanitation in as many villages as possible.

Our Canadian neighbors adopted a policy sometime ago where no funds from the Canadian Government into the rural areas of Canada and the Canadian Arctic are allowed to go unless there is a system included for delivery of water and removal of sewage.

What we need, Mr. President, is simply an immediate focus on a very, very simple system to alleviate the emergency; that is, to bring in the private sector and the Government agencies to recognize that we have to have a water delivery system—probably a track vehicle with a water tank—that can deliver water to the homes and put in the homes a container of some type, perhaps a tank within the roof structure or adjacent to it—it might have to be insulated—so safe water can be delivered to the home.

In addition, we might have the availability of a simple tankage system. If you have been on the new airplanes lately, you know the sewage disposal is a combination of very little water and an air capability to move the solids out very, very rapidly. That technology is available in individual units. It can be disposed of in a holding tank, adjacent to the homes.

These may require insulation as well.

That does not sound like much, Mr. President, when one relates it to the conveniences that we are accustomed to. But that alone, with delivery of fresh water, would address adequately the epidemic conditions that are in existence today by removing the exposure for the honey buckets, and the spillage that occurs, and the consequence of that coming into contact with the residents of the area and, more particularly, the children.

So we are asking for immediate relief, focusing in on a practical solution utilizing a very simple technology that we have seen the Canadian Government adopt, because human lives are at stake.

Mr. President, when we consider the cost of the consequences of the health of these Alaskans and Americans, this is very little cost in relationship to the anguish associated with hepatitis A.

So, Mr. President, I urge my colleagues to assist Senator STEVENS, Representative YOUNG, and me in this effort. I urge that those of you who have a familiarity with rural sanitation problems offer your advice and counsel. We think that with the momentum to address with practical solutions the immediate exposure associated with this epidemic of hepatitis A, we can bring a more immediate solution this summer.

I thank my colleagues. I thank the Chair. I look forward to your continued support in this regard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 102, Pamela Harriman, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Calendar No. 109, J. Brian Atwood, to be Administrator of the Agency for International Development.

Calendar No. 110, George Edward Moose, to be a Member of the Board of Directors of the African Development Foundation.

Calendar No. 116, Erskine B. Bowles, to be Administrator of the Small Business Administration.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

Mr. WARNER. Mr. President, I simply say it is a privilege for me to join with the distinguished whip to be present to proceed with the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Pamela Harriman, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Brian Atwood, of the District of Columbia, to be Administrator of the Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

George Edward Moose, an Assistant Secretary of State, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 1997.

SMALL BUSINESS ADMINISTRATION

Erskine B. Bowles, of North Carolina, to be Administrator of the Small Business Administration.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague from Kentucky for assisting in the expedition of the acceleration of these nominations today, also the majority leader and the Republican leader.

STATEMENT ON THE NOMINATION OF PAMELA HARRIMAN

Mr. WARNER. Mr. President, Senator ROBB and I have the privilege of representing our constitutent, Mrs. Harriman. I was not able to be present at the hearing before the Foreign Relations Committee, because at the time I was with Senators NUNN, LUGAR, chairman PELL, Senator BUMPERS, and Senator STEVENS. We were on a mission to gain some knowledge on the problems in Bosnia, and also the status of our arms control agreements in Moscow. So it is now a privilege for me to speak on behalf of this distinguished American. I strongly urge the Senate to move to the confirmation.

I have known the President's nominee for many years, and I have unquestioned confidence in her ability to handle this nomination, to handle the post of Ambassador. She was a student in pre-World War II France and lived there after the war. That experience provided her with the understanding of the culture and history of the country.

Mr. President, I want to take a moment to recite a little history. Benjamin Franklin, in 1778, was our first U.S. Ambassador to France. France was our first ally. I have often recounted the last battle for independence which took place in our State in the fall of 1781. There were no less than

31,800 French soldiers and sailors that played a pivotal role in that decision. Without their vital support, we may not have been here today as this independent Republic.

I mention that history because Ambassador Harriman will now have the responsibility of working with France in connection with a number of joint operations that our military and the French military are working on throughout the world; the foremost is Bosnia. Although France is a member of NATO, they are not a part of NATO's integrated military structure, France having withdrawn from the military side of NATO in 1960.

In recent years, however, France has agreed, on a case-by-case basis, to cooperate with the military organizations of other NATO nations in many places in the world. This was done in Operation Desert Storm, in Somalia, and now in Bosnia. The French military are serving side by side with the U.S. military in a variety of responsibilities.

France continues to have concerns as to how they participate in operations involving our military and indeed the military organizations of other NATO states. They are concerned about the questions in Bosnia as it relates to possible future peacekeeping missions. Therefore, it was, in my judgment, and in the judgment of other Members of the Senate, a matter of urgency that we proceed to the confirmation of Mrs. Harriman to the post of Ambassador to France. Senator ROBB and I have worked on this nomination, and it has been a privilege to do that.

I thank the leadership of the Senate, the chairman of the Foreign Relations Committee, and my good friend from Kentucky for assisting in this nomination being considered at this most appropriate time.

The future Ambassador is to be honored by the French Government Monday night. I know that she and the French Government will welcome the action of the Senate at this time.

Mr. President, I yield the floor.

STATEMENT ON THE NOMINATION OF PAMELA HARRIMAN

Mr. DOLE. Mr. President, today the Senate has acted on the nomination of Mrs. Pamela Harriman as Ambassador to France. Mrs. Harriman's nomination came as no surprise. She is a long-time Democratic Party activist and a national cochair of the Clinton-Gore campaign who raised an estimated $12 million for Democratic campaigns from 1980 to 1990.

At least it came as no surprise to this Senator that President Clinton would choose to award a party stalwart and prodigious fundraiser with a prestigious post.

It may, however, have come as a surprise to Secretary of State Christopher, who said at his nomination hearing just about 100 days ago that recommendations for ambassadorships would be made on qualifications beyond campaign participation and would require real expertise.

Secretary Christopher said:

> I've had long conversations with Senator SARBANES about this, who's been, I think, a very important checkpoint on that subject, and he's assured me that he'll take it no easier on me, even though we're old friends, than he has on the prior administration.

Perhaps the nomination is also a surprise to the senior Senator from Maryland who criticized some Bush administration nominees because the nomination of political contributors and party activists says:

> To the world at large that the United States is not serious about diplomacy; America places a higher premium on political rewards than on furthering its interest abroad.

And it may be a surprise to the distinguished Senator from Rhode Island, the chairman of the Committee on Foreign Relations, who criticized a Bush appointee because he appeared—

> To have been chosen for his fundraising and financial contribution in the past political campaign.

Equally surprised may be the junior Senator from Delaware, also a member of the Committee on Foreign Relations, who complained about nominees:

> Distinguished only by their ability to raise money for, or donate money to, political candidates.

Mr. President, obviously we had no intention of interfering with this nomination. I want to make it clear right up front that I have been a longtime admirer of Mrs. Harriman and I certainly wish her well in her assignment in Paris. I think she will do an excellent job.

American relations with France are a crucial part of our foreign and economic policy. The people of France have stood with the people of America from the days of this Nation's birth, through the world wars and through the war of liberation in the Persian Gulf. France is an important economic partner and its cooperation will be necessary within the European Community if there is to be a successful conclusion to the multilateral trade negotiations.

My point is that for 12 years of the Reagan and Bush administrations, Republicans argued that good public servants can come from all walks of life and all economic backgrounds. Personal wealth and political activity on a résumé do not eliminate talent for Government service.

We must have made those arguments well, judging by my Democratic colleagues' remarkable and sudden change of attitude about political appointees and enthusiasm for Mrs. Harriman's nomination.

I have no doubt that we will be seeing other nominees selected by the Clinton administration who would be in severe trouble on the other side of the aisle if Democrat Senators used the same criteria they did in past administrations. I thought that most of the arguments they raised then were eminently forgettable, Mr. President, and evidently they have been forgotten. Fortunately, for my friends on the other side of the aisle, we have the CONGRESSIONAL RECORD and hearing transcripts to correct this shocking and sudden collective loss of memory.

I think as we look down the road there will be nominations coming down the road here, a lot of them ambassadorships. Maybe we should do as my colleagues on the other side did, saying you cannot nominate this person because they made a contribution to the candidate or to the party. I hope that is not the case on this side.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now have a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS AUTHORIZING USE OF THE CAPITOL GROUNDS: HOUSE CONCURRENT RESOLUTIONS 71, 81, AND 82

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of House Concurrent Resolutions 71, 81, and 82, all related to the use of the Capitol grounds, just received from the House; that the resolutions be deemed agreed to, en bloc, and the motions to reconsider, en bloc, be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolutions (H. Con. Res. 71, H. Con. Res. 81, and H. Con. Res. 82) were deemed agreed to, en bloc.

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain open today until 3 p.m. for the introduction of legislaton and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,243,812,928,219.24 as of the close of business on Wednesday, May 5. Avearged out, every man, woman, and child in America owes a part of this massive debt, and that per capital share is $16,521.96.

THE NATIONAL SERVICE TRUST ACT OF 1993

Mr. CHAFEE. Mr. President, yesterday several of my colleagues and I introduced S. 919, the National Service Trust Act of 1993. I have long supported efforts to promote national and community service and am pleased to be an original sponsor of the bill.

The value of community service—both to the individual performing it and to the society at large—is inestimable. Our country has often been at its best when it challenged our young people to make a contribution to the Nation and our society. The Civilian Conservation Corps, the Peace Corps, and the Volunteers in Service to America [VISTA] are just a few of the many programs that demonstrate this ideal and show that, along with many opportunities, citizenship presents us with duties as well.

I will not go into great detail about S. 919; my colleagues did that yesterday. But I would like to make a few points about the bill.

As my colleagues mentioned, S. 919 will combine the Commission on National and Community Service and ACTION into the Corporation for National Service, allowing for greater coordination of existing programs that provide volunteer opportunities for people of all ages.

This measure also emphasizes service learning, including school and community-based service programs, for young people in elementary school through college. There is no greater opportunity to instill in our Nation's young people the spirit of civic responsibility than in our Nation's schools. Education and community service go hand in hand.

I am pleased to say that Rhode Island is leading the way in this regard. Brown University in Providence is the headquarters for the Campus Compact, a coalition of over 360 institutions of higher learning that is working with university staff, students, service organizations, community, State and local officials to foster public service.

The higher education institutions within the State also have formed their own coalition, and in 1990 the Governor established the Youth Service Commission to encourage high school and college students to become involved in community service.

Much of what has been accomplished in Rhode Island can be attributed to the late Howard Swearer, a former president of Brown University. Last year, I spoke at the dedication ceremonies for the Brown University Center for Public Service Building, which was named in his honor.

When I was invited to the ceremonies, I began to think about the principles upon which Brown was founded. The original incentive was the desire to perpetuate an educated ministry, but the broader purpose was declared in the charter of 1764 as, "*** preserving in the community a succession of men, duly qualified for discharging the offices of life with usefulness and reputation."

What makes a person duly qualified? Of course, there are tangible qualifications—the classes one takes, the degree one receives, and the academic honors one may achieve.

Beyond that, though, are the intangibles—respect for oneself and others, and a sense of civic responsibility leading one to reach out to the community and to assist those who may be less fortunate.

Our Nation is facing some pressing social issues—substance abuse, high dropout rates, violence. The National Service Trust Act serves as a blueprint to help people develop a sense of civic responsibility and to engage them in crafting solutions to these problems.

I realize this is an ambitious program to embark upon. As Senator KASSEBAUM pointed out, $7.4 billion over 5 years. That's an awesome figure. And I believe the development and expansion of the program must be monitored carefully to ensure that any funds are spent wisely, and that the program is meeting its goals of providing meaningful volunteer opportunities to our young people.

It also is imperative that this program not be heralded as a means to guarantee access to higher education. The education award will defray higher education expenses for some students, but only a limited number of students. I certainly wish we could do more, but we must be sensitive to fiscal responsibilities.

S. 919 has moved the issue of national service to the forefront. But as we all know, as this bill moves through the legislative process, it will undergo changes. And although this bill would authorize spending, it does not guarantee that the National Service Trust Act will receive appropriations right away.

The fiscal reality is quite simple—there are a number of established programs, such as the student loan program and Pell grants, not to mention other established domestic programs—that are worthy of maintained or increased appropriations levels. And we will have to make some difficult decisions during the appropriations process.

Mr. President, the National Service Trust Act will assist schools in developing curriculum to promote civic responsibility, and most importantly, through their individual contributions to our society, will enhance the personal development of our Nation's young people. I urge other Senators to join us in this endeavor.

SUPPORT FOR BAUCUS WETLANDS AMENDMENT

Mr. PELL. Mr. President, I was necessarily absent on May 4, 1993, when the Senate voted on an amendment offered by the senior Senator from Montana [Mr. BAUCUS] to help address confusion about the Nation's wetland program.

If I had been present, I would have voted against tabling and in support of this amendment to direct the President—in consultation with the Secretary of the Environment, the Secretary of the Army, and the Secretary of the Interior—to make recommendations and report to the Congress on measures to:

First, provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, or converted wetland, in order to reduce confusion among agricultural producers; and

Second, provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

We need to clarify our wetland preservation program, but we also need to make sure that we do not cripple the program with patchwork solutions.

The amendment offered by Senator BAUCUS represents a responsible and responsive step toward our mutual goal of a clear and effective wetland program.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE REFERRED

The following measure, previously received from the House of Representatives, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 578. An act to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. Bingaman, Mr. DeConcini, Mr. Conrad, Mr. Campbell, Mr. Stevens, Mr. Inouye, and Ms. Moseley-Braun):

S. 923. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. D'Amato, Mr. Bond, Mrs. Boxer, Mr. Dodd, and Ms. Moseley-Braun):

S. 924. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE (for himself, Mr. McCain, Mr. Simon, Mr. Campbell, Mr. Wellstone, and Mr. Daschle):

S. 925. A bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes; to the Committee on Indian Affairs.

By Mr. HEFLIN:

S. 926. A bill for the relief of Arkadi Golovkina, his wife, Valentina Golovkina, and daughter, Olga Golovkina; to the Committee on the Judiciary.

By Mr. ROBB (for himself, Mr. Akaka, Mr. DeConcini, Mr. Pressler, and Mr. Shelby):

S.J. Res. 90. A joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. Bingaman, Mr. DeConcini, Mr. Conrad, Mr. Campbell, Mr. Stevens, Mr. Inouye, and Ms. Moseley-Braun):

S. 923. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

Mr. DASCHLE. Mr. President, today, the Senator from New Mexico [Mr. Bingaman] and I are introducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. This legislation would help prevent the human tragedy of fetal alcohol syndrome and fetal alcohol effects by establishing a comprehensive public education, prevention, and research program within the Department of Health and Human Services. Joining us as original cosponsors of this legislation are Senators DeConcini, Conrad, Campbell, Stevens, Inouye, and Moseley-Braun.

This legislation would expand efforts to prevent fetal alcohol syndrome and fetal alcohol effects—also known as FAS/FAE—a range of debilitating physical and mental birth defects associated with alcohol consumption during pregnancy. Those defects include mental retardation, physical malformations, learning disabilities, and emotional disturbances.

The bill has four primary objectives. First, it would expand resources for basic and applied epidemiological research related to FAS/FAE.

Second, it would establish programs to coordinate and support national-, State-, and community-based public awareness, prevention, and education programs on FAS/FAE.

Third, it would establish and facilitate a national surveillance program to monitor the effectiveness of the FAS/FAE prevention programs and the incidence of FAS/FAE. Finally, by establishing a task force to foster coordination among all Federal agencies that conduct FAS/FAE research, prevention, and treatment, it would maximize existing resources and efficiently integrate new prevention efforts.

My awareness of the toll substance abuse during pregnancy is having was heightened by hearings I chaired several years ago on the Rosebud Reservation in Rapid City, SD. Those hearings on the broader issues of child abuse included a discussion of the effects of maternal consumption of alcohol during pregnancy and led to a hearing in Washington on the specific issue of alcohol-related birth defects.

At the hearings, witnesses testified about a range of mental and physical birth defects that can result from drinking during pregnancy, including those defects called fetal alcohol syndrome and fetal alcohol effects. The hearings revealed the extent of human suffering caused by these birth defects and experienced by affected children and adults, their mothers, and their families. The human suffering caused by this avoidable tragedy is simply unacceptable.

In addition to the human costs, birth defects caused by maternal substance abuse pose extraordinary societal problems in terms of specialized medical care and education programs, foster care, and residential and support services needed by alcohol-impaired individuals over their lifetimes. Even before these babies leave the hospital following birth, the financial costs can be enormous, as many of these infants are born prematurely and require specialized attention in intensive care nurseries. Alcohol-related children are at risk for developing alcoholism themselves and giving birth to FAS babies, thereby compounding the problem and perpetuating this cruel cycle.

It is particularly disturbing that despite the high incidence of FAS/FAE, they are totally preventable—simply through maternal abstention from the use of alcohol during pregnancy. FAS is the leading identifiable cause of mental retardation in the United States and the only one that is 100 percent preventable. Yet, this country's efforts to conduct effective public education, prevention, and research programs on FAS/FAE is sorely lacking. It is tragic that the Federal Government has not done more to combat prenatal exposure to alcohol and other drugs.

Studies indicate that many pregnant women are unaware of the risks associated with drinking while pregnant. That is partially true because of the inadequate public education about this issue.

Our bill would fill the gap by establishing in the Department of Health and Human Services a national comprehensive public education effort to combat FAS/FAE. It would also coordinate and support State and community-based public awareness and prevention efforts implemented by local governments, Indian tribal governments, academic institutions, schools and school-based health clinics, and nonprofit organizations across the country.

Despite public education efforts, it is difficult for pregnant women to understand the risks associated with the maternal alcohol abuse when many of their health care providers do not fully understand fetal alcohol syndrome and fetal alcohol effects and the risks associated with alcohol use during pregnancy.

Though a direct link has been established between alcohol consumption and birth defects, the inadequate status of our resources on this issue leaves health care providers without precise information to convey to pregnant women about FAS/FAE and alcohol use during pregnancy. Furthermore, many health care and social services providers do not know how to recognize and diagnose either FAS or FAE.

Our bill would address these problems by establishing and supporting research efforts targeted to increasing data on the causes, effective prevention methods, accurate and early diagnosis, and treatment of FAS/FAE. It would also convene a panel to develop and update FAS/FAE diagnostic criteria and create a plan to disseminate this knowledge to health care and social services providers across the country.

While the problem of alcohol and drug abuse during pregnancy cuts across all races, nationalities, and economic boundaries, and is indeed a national problem, the problem of FAS/FAE is especially acute among American Indians and Alaskan Natives.

Studies indicate that in some Indian communities where alcohol dependency rates are significantly higher than the national average, as many as one in four newborns may be affected by FAS/FAE. Just today an article appeared in the Washington Post that indicates that the number of reported births of babies born with FAS/FAE increased threefold from 1979 through 1992. I ask unanimous consent that it be printed at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FETAL ALCOHOL SYNDROME BIRTHS SAID TO RISE SHARPLY

ATLANTA, May 6.—Births of babies with health problems attributed to alcohol consumption by their mothers during pregnancy increased threefold from 1979 through 1992, federal health officials said today.

The increase in fetal alcohol syndrome may be even higher because the disease is difficult to diagnose in newborns, officials at the Centers for Disease Control and Prevention (CDC) said.

"It's likely that this rate that we're reporting is an underestimate, that the problem is of greater magnitude," said David Erickson, chief of the CDC's birth defects and genetic diseases branch. He added that he believes better reporting of the syndrome by doctors is primarily responsible for the increased numbers.

The rate of reported fetal alcohol syndrome cases jumped from one per 10,000 births in 1979 to 3.7 per 10,000 births in 1992, according to the CDC.

A total of 1,782 cases of fetal alcohol syndrome were reported among the slightly more than 9 million births during the 14-year period—an average rate of just under two cases per 10,000 births.

Symptoms include mental retardation, abnormal facial features, central nervous system problems, behavioral problems and growth deficiencies. Newborns get the disease as a result of alcohol consumption by their mothers during pregnancy, but health officials do not know how much alcohol harms the newborn, Erickson said.

Many doctors advocate no drinking during pregnancy, and there is evidence that even small amounts of alcohol can harm the developing child, he said.

Some babies, he said, "don't have full-blown fetal alcohol syndrome, but they may have other problems of a less-pronounced nature."

Erickson noted that besides better reporting of the condition among doctors, more drinking among pregnant women may have contributed to the increased rate, but the CDC cannot be sure because investigators do not interview mothers of babies suspected of having the syndrome.

Mr. DASCHLE. This legislation—by authorizing grants for community-based, culturally sensitive FAS/FAE prevention programs—would be a significant step forward in the effort to reduce this tragedy.

Finally, while some existing Federal alcohol abuse and maternal health problems address the problem of FAS/FAE, these programs frequently do not pool their knowledge or coordinate their resources effectively.

The legislation we introduce today would create an interagency task force on FAS/FAE to foster coordination among all Federal agencies that conduct or support FAS/FAE research, surveillance, prevention, and treatment efforts.

Mr. President, there is no easy solution to addiction and the birth defects and other damage it causes in children born by pregnant, addicted women.

However, a prevention strategy must include, first, a comprehensive national, State, and community-based FAS/FAE prevention effort; second, expanded research on FAS/FAE; third, more effective coordination of new and existing FAS/FAE treatment and prevention programs.

The cost of prevention in the form of public education and research is substantially less than the downstream human and financial costs of caring for children and adults who have been impaired unnecessarily due to prenatal exposure to alcohol and drugs.

In fact, recent estimates indicate that it takes nearly $1.4 million to treat and care for one victim of FAS today, from birth to adulthood—$1.4 million per person.

These prevention programs are an investment that yields substantial long-term dividends—both on a societal level, as welfare dependence by substance abusers and their children is reduced, and on an individual level, as mothers are given the knowledge and support necessary to protect themselves and their children.

I urge my colleagues to support this measure to ensure that pregnant women are given the resources needed to prevent FAS/FAE.

Mr. STEVENS. Mr. President, I am pleased to have been here at the time the fetal alcohol syndrome bill was introduced. I have had a serious problem with that issue in our State, and I am pleased to see we are working on a bipartisan basis to deal with that issue.

Mr. DASCHLE. I ask at this time, Mr. President, that the full text of the Comprehensive Fetal Alcohol Syndrome Prevention Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Fetal Alcohol Syndrome Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, more than 5,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) 50,000 more infants are born each year with lesser, though still serious, alcohol-related birth defects, known as Fetal Alcohol Effects;

(4) Fetal Alcohol Syndrome is a national problem, it can impact any child, family, or community, but its threat to American Indians and Alaska Natives is especially alarming;

(5) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are 30 times greater than national averages;

(6) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the risks and the emotional, physical, and mental consequences of alcohol exposure to the baby;

(7) in addition to the immeasurable toll on Fetal Alcohol Syndrome and Fetal Alcohol Effects children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) as a reliable comparison, delivery and care costs are four times greater for infants who were exposed to illicit substances than for infants with no indication of substance exposure, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated, to be at least $1,400,000; and

(9) we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate and support applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate and support national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(3) assist in establishing and conducting nation-wide Fetal Alcohol Syndrome and

Fetal Alcohol Effects surveillance and monitoring of prevention programs; and

(4) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—Provisions Relating to Fetal Alcohol Syndrome and Fetal Alcohol Effects

"SEC. 520E. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the National Institutes of Health, and other relevant offices, shall establish a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects and coordinate Federal efforts to prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) ELEMENTS OF PROGRAM.—Under the program established under subsection (a), the Secretary shall establish a program that shall—

"(1) coordinate and support national and targeted public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) assist in establishing and conducting nationwide Fetal Alcohol Syndrome and Fetal Alcohol Effects surveillance and monitoring of prevention programs; and

"(3) coordinate and support applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(4) direct the Director of the National Institutes of Health to direct the National Institute on Alcoholism and Alcohol Abuse to establish a program that shall conduct and support basic research targeted to developing data to improve prevention and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(5) convene a panel of national experts to develop diagnostic criteria for Fetal Alcohol Effects and review and update diagnostic criteria for Fetal Alcohol Syndrome, and develop a plan to disseminate criteria to health care and social services providers; and

"(6) establish an Inter-Agency Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effects, which shall be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration, and which shall include representatives from all relevant agencies and offices within the Department of Health and Human Services (including the Indian Health Service) Department of Agriculture, Department of Education, Department of Defense, Department of Interior (including the Bureau of Indian Affairs), Department of Justice, Bureau of Alcohol, Tobacco and Firearms, Federal Trade Commission, and any other relevant Federal Agency.

"SEC. 520F. EDUCATION AND PUBLIC AWARENESS.

"The Secretary shall direct the Directors of the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration to—

"(1) support, conduct and evaluate the effectiveness of—

"(A) training programs for health care providers, educators, school-based health care providers, social workers, child welfare workers and family members concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) prevention and education programs, including health education, and school-based clinic programs, for school-age children with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) provide technical and consultative assistance to States, Indian tribal governments, local governments, school-based health care providers, scientific and academic institutions, and non-profit organizations concerning the programs referred to in paragraph (1); and

"(3) award grants to and enter into cooperative agreements and contracts with States, Indian tribal governments, local governments, scientific and academic institutions, entities that fund school-based clinics, and non-profit organizations for the purpose of—

"(A) enabling such entities to evaluate the effectiveness, with particular emphasis on the cultural sensitivity and age-appropriateness, of the prevention, education and community-based public awareness programs referred to in paragraph (1);

"(B) enabling such entities to provide training to health care providers, school nurses and other school health care providers, including school-based clinic health care providers, educators, family members, social workers, child welfare workers, and others in the prevention, diagnosis and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(C) educating children and youth, including pregnant and high-risk youth, concerning such syndrome and effects through sequential school health education programs, with priority given to those programs that are part of a sequential, comprehensive school health education program; and

"(D) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally sensitive projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective methods for intervening with friends and family to prevent fetal exposure to alcohol.

"SEC. 520G. FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS SURVEILLANCE AND PREVENTION PROGRAM ASSESSMENT.

"The Secretary shall—

"(1) develop, conduct, and evaluate Fetal Alcohol Syndrome and Fetal Alcohol Effects surveillance and prevention programs;

"(2) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and non-profit organizations concerning the surveillance and assessment of the incidence of Fetal Alcohol Syndrome and Fetal Alcohol Effects and the assessment and evaluation of prevention, education, and public awareness programs with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(3) award grants to and enter into cooperative agreements and contracts with States and Indian tribal governments to—

"(A) assist such States and Tribal governments in initiating and improving methods and mechanisms needed to conduct effective Fetal Alcohol Syndrome and Fetal Alcohol Effects surveillance; and

"(B) enable such States and Tribal governments to evaluate the effectiveness of community-based Fetal Alcohol Syndrome prevention, education, and public awareness projects.

"SEC. 520H. APPLIED EPIDEMIOLOGIC RESEARCH AND PREVENTION PROGRAM.

"The Secretary shall direct the appropriate agencies within the Department of Health and Human Services to—

"(1) conduct and support research on the causes, mechanisms, diagnostic methods, and treatment and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) provide technical and consultative assistance and training to States, Indian tribal governments, local governments, other public entities, scientific and academic institutions, and non-profit organizations engaged in the conduct of—

"(A) Fetal Alcohol Syndrome prevention and early intervention programs; and

"(B) research relating to the causes, mechanisms, diagnosis methods, treatment and prevention, of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(3) award grants to, and enter into cooperative agreements and contracts with States, Indian tribal governments, local governments, other public entities, scientific and academic institutions, and non-profit organizations to—

"(A) assist such entities in conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multi-cultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

"(B) improve and coordinate the surveillance and ongoing assessment methods implemented by such entities and the Federal Government, with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects for the purpose of—

"(i) tracking progress toward achieving relevant Year 2000 Prevention Objectives, set forth by the Public Health Service in the Healthy People 2000: National Health Promotion and Disease Prevention Objectives;

"(ii) identifying successful, culturally sensitive prevention efforts; and

"(iii) identifying children who have symptoms of Fetal Alcohol Syndrome and Fetal Alcohol Effects and may need special health, education, and support services;

"(C) develop and evaluate effective age-appropriate and culturally-sensitive prevention programs for infants, children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(D) facilitate coordination and collaboration among Federal, State, Tribal, and local Fetal Alcohol Syndrome prevention programs.

"SEC. 520I. BASIC RESEARCH PROGRAM.

"The Director of the National Institutes of Health shall direct the National Institute on Alcoholism and Alcohol Abuse to conduct and support research on services research and effective prevention treatments and interventions for pregnant alcohol dependant women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"SEC. 520J. DIAGNOSTIC CRITERIA FOR FETAL ALCOHOL EFFECTS.

"Not later than 90 days after the date of enactment of this subpart, the Secretary shall—

"(1) convene a panel of nationally-recognized experts to develop a set of diagnostic criteria for Fetal Alcohol Effects and review and update diagnostic criteria for Fetal Alcohol Syndrome; and

"(2) direct such panel to develop a plan for widely-disseminating the criteria to health care providers, educators, social workers, child welfare workers, and other individuals within 16 months of such date of enactment.

"SEC. 520K. INTER-AGENCY TASK FORCE ON FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS.

"(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this subpart, the Secretary shall establish an Inter-Agency Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) MEMBERSHIP.—The Task Force established under subsection (a) shall—

"(1) be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration and staffed by the Administration; and

"(2) include representatives from all relevant agencies and offices within the Department of Health and Human Services, Department of Agriculture, Department of Education, Department of Defense, Department of Interior, Department of Justice, Bureau of Alcohol, Tobacco and Firearms, Federal Trade Commission, and any other relevant Federal agency.

"(c) FUNCTIONS.—The Task Force established under subsection (a) shall—

"(1) coordinate all Federal programs and research concerning Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other forms of maternal substance abuse, including those programs—

"(A) targeting individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome, Fetal Alcohol Effects, or other maternal substance abuse; and

"(B) providing health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other drug exposures and their families; and

(2) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health;

"(3) report on an annual basis to the Secretary and relevant Committees of Congress on the current and planned activities of the participating agencies.

"SEC. 520L. ADMINISTRATIVE PROVISIONS WITH RESPECT TO GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.

"(a) ELIGIBILITY.—To be eligible to receive a grant, cooperative agreement or contract under this subpart, an entity shall—

"(1) be a State, Indian tribal government, local government, entity that funds a school-based health clinic, scientific or academic institution or non-profit organization;

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under a grant, cooperative agreement, or contract; and

"(3) provide assurances that amounts received under such grants, cooperative agreements or contracts will be used in accordance with this subpart.

"(b) MAINTENANCE OF EFFORT.—No grant, cooperative agreement, or contract may be awarded to an entity under this subpart unless the entity agrees to maintain the expenditures of the entity for activities of the type for which the amounts to be received under a grant, cooperative agreement, or contract are to be used, at a level equal to not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity is applying to receive the grant, cooperative agreement or contract.

"(c) AMOUNTS IN LIEU OF CASH.—At the request of a recipient of a grant, cooperative agreement, or contract under this subpart, the Secretary may reduce the amount provided under such grant, agreement, or contract by—

"(1) an amount equal to the fair market value of any supplies or equipment furnished the recipient; and

"(2) an amount equal to the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal Government which was detailed to the recipient and the amount of any other cost incurred in connection with the detail of such officer or employee.

"SEC. 520M. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart, such sums as are necessary for each of the fiscal years 1994 through 1997.".

Mr. BINGAMAN. Mr. President, next week has been designated National Fetal Alcohol Syndrome Awareness Week; and I am particularly pleased today to join my good friend and distinguished colleague, Senator DASCHLE, in reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. Through this legislation, we are proposing a comprehensive, coordinated, national effort to prevent one of the leading causes of birth defects in this country: fetal alcohol syndrome.

The need for this legislation is well-documented, and the time for action is long overdue. Fetal alcohol syndrome [FAS] is this Nation's primary known cause of mental retardation, and it is completely preventable. According to a report issued yesterday by the Centers for Disease Control and Prevention, the number of reported FAS cases has tripled over the past decade. The CDC reports that in 1992, nearly 4 infants—possibly more—out of every 10,000 births were born with FAS, suffering irreversible physical and mental harm. In 1979, the first year CDC collected information on the incidence of fetal alcohol syndrome, it estimated the number of reported FAS cases at only 1 per 10,000 births.

Adding to the extent of the problem are estimates which indicate that each year 10,000 to 12,000 infants are born with lesser, though still serious, alcohol-related birth defects known as fetal alcohol effects [FAE].

In my home State of New Mexico, the number of infants born with FAS has exceeded the national average for a number of years. Each year, more than 36 babies are born in New Mexico with FAS, and more than 80 are born with FAE. Some experts believe our FAS rate has been consistently higher than the national average because our doctors, who have benefited from a significant amount of State-based FAS research, are more familiar with its signs and symptoms. If this is true, then nationally the number of FAS and FAE births could be higher than today's estimates. In fact, the CDC believes this to be the case. According to Dr. David Erickson, the Chief of the CDC's Birth Defects and Genetic Diseases Branch, the new CDC count—which we need to remember is a threefold increase over the 1979 estimate—probably is a substantial undercount. It is an undercount for a number of reasons, but chief among them is undoubtedly lack of awareness.

Although the exact number of infants and families impacted by FAS and FAE is not entirely certain, there is no question that fetal alcohol syndrome is a national problem. It can impact any child, any family, and any community. But I am especially troubled about the threat FAS poses to the Navajo, Apache, and Pueblo children and families in New Mexico and to American Indians throughout the Nation. New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian tribes is 2 to 5 times that of the national average. According to the Indian Health Service, the prevalence of FAS is significantly higher among American Indians and Alaska Natives than nationally. I have been told that in some American Indian and Alaska Native communities, as many as one in four newborns may be affected by FAS or FAE.

Mr. President, the real tragedy of fetal alcohol syndrome and fetal alcohol effects is that both are completely preventable. Not one more infant would be born with FAS or FAE if every pregnancy was an alcohol-free pregnancy. If we could get the message out that alcohol and pregnancy do not mix, if we could explain the compelling need for every mother to stay away from alcoholic beverages while she is pregnant, then we could eliminate this disease. The key is prevention through education.

Prevention through education is the cornerstone of the Comprehensive Fetal Alcohol Syndrome Prevention Act. As I mentioned earlier, this bill will create a comprehensive, coordinated program within the Department of Health and Human Services to help prevent FAS and FAE. Specifically, this bill:

Directs the Secretary of Health and Human Services to:

Coordinate and support national and targeted public awareness, prevention, and education programs on FAS–FAE;

Coordinate and support basic and applied epidemiologic research on FAS–FAE;

Assist in establishing and conducting nationwide FAS–FAE surveillance programs;

Convene a panel of national experts to develop diagnostic criteria for FAE; and

Focus efforts on the needs of at-risk populations, and American Indians and Alaska Natives in particular.

Establishes an Inter-Agency Task Force on FAS–FAE:

To coordinate all Federal agencies that conduct or support FAS–FAE research, programs, and surveillance or otherwise meet the general needs of populations actually or potentially impacted by FAS–FAE; and

To prepare an annual report to the Congress on FAS–FAE research and prevention efforts.

The task force will be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration [SAMHSA];

Members will include all relevant agencies and offices within the Departments of Health and Human Services, Agriculture, Education, Defense, Interior, and Justice; the Bureau of Alcohol, Tobacco and Firearms; the Federal Trade Commission, and all other relevant departments and agencies.

Mr. President, each one of the provisions I have listed is needed. But perhaps most important, the new DHHS program this bill authorizes will help develop national and targeted campaigns to increase public awareness of the symptoms and impact for preventing FAS and FAE. The central focus of every campaign will be clear, effective, and culturally sensitive methods and messages for FAS and FAE prevention. Initially, Federal efforts will focus on the needs of at-risk populations, and in particular, American Indians and Alaska Natives.

I urge my colleagues to study this legislation and lend it their support. As I mentioned earlier, FAS knows no boundaries. It can—and does—impact children and families in every State in this country. It is a problem so pervasive, yet so readily preventable, that it requires a broad-based, concerted, and coordinated effort for elimination. FAS–FAE prevention programs need increased funding, and we need to work to make this happen. But money alone is not the answer. We need a firm commitment from the Federal Government, the States, local governments, Indian tribes, schools, community-based organizations, and families to assume responsibility and work together, in a coordinated manner, for the benefit of our children. If we have this commitment, we can improve the quality of life for children already afflicted with FAS, and we can put an end to this terrible—and 100 percent preventable—disease.

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. BOND, Mrs. BOXER, Mr. DODD, and Ms. MOSELEY-BRAUN):

S. 924. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOME OWNERSHIP AND EQUITY PROTECTION ACT OF 1993

Mr. RIEGLE. Mr. President, today I am introducing the Home Ownership and Equity Protection Act with my colleague Senator D'AMATO. Senators BOND, BOXER, DODD, and MOSELEY-BRAUN have joined us as original cosponsors. This legislation amends the Truth in Lending Act to provide additional consumer protections against the problem of reverse redlining. Redlining is the practice of denying credit within certain geographic boundaries, often based on race. Reverse redlining is the targeting of these same communities for loans with unfair terms and conditions.

On February 17, 1993, the Banking Committee heard highly disturbing testimony. As banks have withdrawn from low-income communities, a parade of shady lenders has filled the void, peddling high-rate, high-fee mortgages to cash poor homeowners. Witnesses described lenders and brokers who operate door-to-door, offering mortgages with promises of home improvements and debt consolidation. Unsophisticated borrowers do not understand, and often do not receive, disclosures from these lenders about the terms of the loans, and they are left struggling to meet overwhelming mortgage payments. Too often, the borrowers end up losing their homes to foreclosure.

The committee heard from Ms. Eva Davis, an elderly resident of San Francisco, CA. After an earthquake damaged her front steps, Ms. Davis was approached by a contractor offering to repair the damage. When she informed the contractor that her income was only $1,100 per month, he said that he could arrange financing and contacted a local finance company.

A representative of the finance company arrived within hours. He offered to finance the repairs and to consolidate her existing debts into a new mortgage. By the end of the day, she had closed on a $150,000 second mortgage at 16.97 percent with a prepaid finance charge of $23,000. The monthly payments of $1,800 exceeded her entire monthly income.

Not surprisingly, Ms. Davis is currently facing foreclosure. She has already paid outrageous origination fees and will likely lose the equity in her home. Ms. Davis left us with this plea, "I hope that Members of Congress can do something to protect people like me whose only mistake was to trust people who sounded honest."

The legislation we introduce today attempts to answer this request. It is balanced legislation—it aims to address only problematic loans and in no way limit the overwhelming majority of traditional lending that needs to be encouraged in distressed areas. The bill singles out mortgages with high rates or high up-front fees and mortgages which will eat up a large percentage of the borrower's income. For these mortgages, the bill requires increased disclosures to ensure that the borrower is fully aware of the terms. The bill also prohibits these mortgages from containing certain terms that have led to abuses in the past. The particular provisions of the bill may need to be adjusted as it moves through the legislative process, but I believe the bill offers a sound framework and a good beginning.

In particular, the bill creates a classification of high-cost mortgages. These are loans secured by a borrower's dwelling but not used to buy or build that dwelling that satisfy any of three conditions outlined below:

First, the annual percentage rate is more than 10 percent over the comparable maturity Treasury securities;

Second, the borrower's total monthly debt payments will exceed 60 percent of the borrower's monthly income; or

Third, the points and fees payable at or before closing will exceed 8 percent of the loan amount.

For these mortgages, the legislation mandates several new consumer protections. A conspicuous warning on the disclosure form will indicate that the borrower could lose the home if all obligations under the loan are not met. The form will clearly state the borrower's income, debt payments, and the amount remaining after these payments for other necessities, as well as certain other critical terms of the loan.

Importantly, the mandated disclosures must be provided a minimum of three days before the consummation of the loan. This new cooling-off period will prevent shady lenders operating door-to-door from entering the homes of borrowers and, within hours, signing them to an outrageous mortgage within hours. Finally, the legislation prohibits a high cost loan from including prepayment penalties for loans prepaid after 90 days, balloon payments negative amortization terms, or prepaid payments—terms which have been used abusively in such loans in the past.

This legislation is an important step. The scam artists and shady lending schemes which prey on homeowners must be stopped, and this legislation will address that need. It is not, however, the only step required. Predatory lenders flourish because segments of the population have been abandoned by the mainstream financial system. According to a study by the Federal Reserve Bank of Boston, black and Hispanic mortgage applicants face a 60-percent greater likelihood of being turned down than whites, even after controlling for financial and employment characteristics. A comprehensive solution must address this problem and get traditional credit back into distressed communities. Where credit is available on reasonable and fair terms, there is no market for predatory lenders and reverse redlining.

We have worked on a bipartisan basis to develop this bill, and I want to express my appreciation to Senator D'AMATO for his assistance. Together, we have crafted legislation which will prevent homeowners like Eva Davis from becoming victims of reverse redlining in the future.

I ask unanimous consent that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Ownership and Equity Protection Act of 1993".

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES.

(a) DEFINITION.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) by inserting after subsection (u) the following new subsection:

"(v) The term 'high cost mortgage' means a consumer credit transaction, other than a residential mortgage transaction or a transaction under an open-end credit plan, that is secured by a consumer's principal dwelling and that satisfies at least 1 of the following conditions:

"(1) The annual percentage rate at the time the loan is originated will exceed by more than 10 percentage points the yield on Treasury securities having comparable maturities, as determined by the Board. In the case of a variable rate loan with an initial interest rate that may be different than the rate or rates that will apply during subsequent periods, the annual percentage rate shall be computed taking into account the subsequent rates.

"(2) Based on information provided by the consumer, the consumer's total monthly debt payments will exceed 60 percent of the consumer's monthly gross income, immediately after the loan is consummated. The Board may establish a different debt to income ratio if the Board determines that such a ratio is in the public interest and is consistent with the purposes of this Act.

"(3) All points and fees payable at or before closing will exceed 8 percent of the total loan amount."; and

(2) by redesignating subsections (v), (w), (x), (y), and (z) as (w), (x), (y), (z), and (aa), respectively.

(b) MATERIAL DISCLOSURES.—Section 103(u) of the Truth in Lending Act (15 U.S.C. 1602(u)) is amended by striking "and the due dates or periods of payments scheduled to repay the indebtedness." and inserting "the due dates or periods of payments scheduled to repay the indebtedness, and the disclosures for high cost mortgages required by paragraphs (1) through (6) of section 129(a).".

(c) DEFINITION OF CREDITOR CLARIFIED.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end: "Notwithstanding the above, any person who originates 2 or more high cost mortgages a year, or who originates a high cost mortgage through a loan broker, is a creditor for the purposes of section 129.".

(d) DISCLOSURES REQUIRED AND CERTAIN TERMS PROHIBITED.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding after section 128 the following new section:

"SEC. 129. REQUIREMENTS FOR HIGH COST MORTGAGES.

"(a) DISCLOSURES.—In addition to any other disclosures required under this title, for each high cost mortgage, the creditor shall provide the following written disclosures in clear language and in conspicuous type size and format, segregated from other information as a separate document:

"(1) The following statement: 'If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.'

"(2) The initial annual percentage rate.

"(3) The consumer's gross monthly cash income, as reported to the creditor by the consumer, the total initial monthly payment, and the amount of funds that will remain to meet other obligations of the consumer.

"(4) In the case of a variable rate loan, a statement that the annual percentage rate and the monthly payment could increase, and the maximum interest rate and payment.

"(5) In the case of a variable rate loan with an initial annual percentage rate that is different than the one which would be applied using the contract index after the initial period, a statement of the period of time the initial rate will be in effect, and the rate or rates that will go into effect after the initial period is over, assuming that current interest rates prevail.

"(6) A statement that the consumer is not required to complete the transaction merely because he or she has received disclosures or signed a loan application.

"(b) TIME OF DISCLOSURES.—The disclosures required by this section shall be given no later than 3 business days prior to consummation of the transaction. A creditor may not change the terms of the loan after providing the disclosures required by this section.

"(c) NO PREPAYMENT PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (4), a high cost mortgage may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal of a high cost mortgage prior to the date on which such balance is due.

"(2) REBATE COMPUTATION.—For the purposes of this subsection, any method of computing rebates of interest less advantageous to the consumer than the actuarial method using simple interest is deemed a prepayment penalty.

"(3) CERTAIN OTHER FEES PROHIBITED.—An agreement to refinance a high cost mortgage by the same creditor or an affiliate of the creditor may not require the consumer to pay points, discount fees, or prepaid finance charges on the portion of the loan refinanced. For the purpose of this paragraph, the term 'affiliate' has the same meaning as it does in section 2(k) of the Bank Holding Company Act of 1956.

"(4) EXCEPTION.—A high cost mortgage may include terms under which a consumer is required to pay not more than 1 month's interest as a penalty if the consumer prepays the full principal of the loan within 90 days of origination.

"(d) NO BALLOON PAYMENTS.—A high cost mortgage may not include terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance.

"(e) NO NEGATIVE AMORTIZATION.—A high cost mortgage may not include terms under which the outstanding principal balance will increase over the course of the loan.

"(f) NO PREPAID PAYMENTS.—A high cost mortgage may not include terms under which more than 2 periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the consumer.".

(e) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 2 of the Truth in Lending Act is amended by striking the item relating to section 129 and inserting the following:

"129. Disclosure requirements for high cost mortgages.".

SEC. 3. CIVIL LIABILITY.

(a) DAMAGES.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) by striking "and" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) in case of a failure to comply with any requirement under section 129, all finance charges and fees paid by the consumer.".

(b) STATE ATTORNEY GENERAL ENFORCEMENT.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by adding at the end the following: "An action to enforce a violation of section 129 may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction, within 5 years from the date on which the violation occurs.".

(c) ASSIGNEE LIABILITY.—Section 131 of the Truth in Lending Act is amended by adding at the end the following new subsection:

"(d) HIGH COST MORTGAGES.—If a creditor fails to comply with any of the requirements of section 129 in connection with any high cost mortgage, any assignee shall be subject to all claims and defenses that the consumer could assert against the creditor. Recovery under this subsection shall be limited to the total amount paid by the consumer in connection with the transaction.".

SEC. 4. EFFECTIVE DATE.

This Act shall be effective 60 days after the promulgation of regulations by the Board of Governors of the Federal Reserve System, which shall occur not later than 180 days following the date of enactment of this Act.

Mr. D'AMATO. Mr. President, I am pleased to join with Senator RIEGLE, the chairman of the Senate Banking Committee, Senator BOND and others, in introducing legislation designed to protect consumers from egregious and abusive mortgage lending practices. The committee held hearings in early February on the subject of so-called reverse redlining following well-publicized and televised stories involving abusive second mortgages. Consumers in many States, including New York, have been victimized. Following the hearings, Senator RIEGLE and I have worked together to develop an effective and measured bill that will protect the unwary from the illegal and sharp practices that have been discovered in the second mortgage market without interfering with legitimate business practices.

Mr. President, at the heart of this bill is that people are losing their homes to con artists and loan sharks. In Massachusetts, for example, a home improvement contractor persuaded a 76-year-old man to obtain a mortgage of almost $100,000 to finance repairs on his house. Quickly, the borrower fell behind on his mortgage and the mortgage holder foreclosed on the loan. The home was purchased in 1962 for $15,500; the house was sold for $134,000. The homeowner received none of the proceeds. Mr. President, too many Americans are losing their homes to the fraudulent and sharp practices of con artists, loan sharks, and unscrupulous lenders in the second mortgage market. Homeowners in certain neighborhoods are often pressured into taking out second mortgages, with abusive terms and conditions, to pay for home repairs, consolidate debt, or obtain needed cash. Despite the illusion of big money on easy terms, the reality for these borrowers is often foreclosure and the total loss of accumulated home equity.

In my judgment, so-called reverse-redlining is among the most pernicious form of racial and ethnic discrimination and consumer fraud. The innocent and unsuspecting victims of these outrageous practices have worked hard to realize the American dream of home ownership. Their dream of homeownership has been twisted into a living nightmare by these so-called tin men and home sharks. These abusive practices must come to a halt.

Unfortunately, current laws—the Real Estate Settlement and Procedure Act [RESPA] and Truth In Lending—do not provide adequate protection for consumers and borrowers in the second mortgage market. The con artists exploit these gaps to the financial and emotional detriment of our constituents and our communities.

Today, I am introducing legislation with Senator RIEGLE that will provide an important first step toward filling in the gaps in consumer protection—the Home Ownership and Equity Protection Act of 1993. In a nutshell, the bill will require enhanced disclosure in high-cost mortgage transactions, impose a 3-day cooling-off period between the time of new disclosures and closing, establish strict penalties for noncompliance with those disclosure and delivery requirements, and prohibit the use of certain mortgage terms when used in connection with these high-cost loans.

The bill defines a high-cost mortgage as a mortgage that has an annual percentage rate that is more than 10 percent above comparable Treasury rates, or that requires the payment of upfront fees and points in excess of 8 percent, or that will result in a consumer having to pay more than 60 percent of his or her monthly income for debt payments including the mortgage loan and all other debts.

Mr. President, it should be emphasized that these criteria are not set in stone. In developing this legislation we have had numerous discussions with representatives of the lending community and consumer organizations in an effort to find the most effective means of protecting homeowners while ensuring access to affordable credit. Some of these groups have argued that the cutoff points used in the bill may be too high or too low, especially with respect to the annual percentage rate. However, the staff of the Federal Reserve Board indicated that an annual percentage rate of 10 percent above comparable Treasury securities was a reasonable index, and for that reason it was selected for purposes of introduction. However, I am looking forward to hearings in the Banking Committee to determine whether any adjustment in these indices should be made prior to consideration on the Senate floor.

Mr. President, this is an important bill that will go a long way toward solving a serious problem in our underprivileged communities. I solicit the support of my colleagues for prompt enactment of this important consumer protection legislation.

Mr. DODD. Mr. President, I rise today as an original cosponsor of the Home Ownership and Equity Protection Act of 1993. I commend Senators RIEGLE and D'AMATO for their leadership in introducing this bill.

Over the past few years, Mr. President, we have seen numerous instances of reverse redlining, the repugnant practice of making second mortgages to the poor and the elderly at outrageous terms.

Generally these scams begin with a home improvement contractor contacting an elderly or low-income homeowner whose house needs repairs. The homeowner contracts for repairs, and agrees to finance them by taking out a second mortgage. But all too often, the home improvement work is never completed, even though the contractor is paid, and the homeowner soon discovers he is on the hook for a mortgage he cannot afford.

In some cases, borrowers wind up losing their homes. Others manage to fend off foreclosure, but only by paying intolerable percentages of their income to stay current.

Mr. President, elderly and low-income Americans are the most frequent victims of these scams. They are preyed upon by unscrupulous individuals because they are often among the least sophisticated when it comes to comprehending fine print and complicated financial transactions.

But the effect on their lives can be devastating. For a senior citizen trying to get by in the twilight of her life, a second-mortgage scam can steal what little economic security she has amassed. For a low-income American just trying to make it, a scam can drive him permanently under water.

States have fortunately made some progress in stopping latter-day tin men and financial pirates from perpetrating further second-mortgage scams. In 1985 for example, our colleague JOE LIEBERMAN, then Connecticut's attorney general, settled a claim against one finance company, with 3,000 borrowers sharing some $3 million in restitution. In 1990, the Connecticut attorney general settled a claim against a second company, covering some 700 borrowers.

The bill we are introducing today will supplement State efforts.

For starters, it would require disclosure of important information in plain English. Currently, it is all too easy to bamboozle potential borrowers with a morass of fine print and arcane legal terminology. The bill would require lenders of these second mortgages to include a clear statement of annual percentage rates and the amount of monthly income a borrower would have available after making his loan pavements.

Second, the bill would ban completely the more outrageous features of abusive second mortgages. Specifically, prepayment penalties and balloon payments would be prohibited, as would loans in which the principal—believe it or not—actually increases as payments are made.

Mr. President, this bill is by no means a finished product. One issue open for further discussion is the universe of second mortgages to which disclosure requirements and term restrictions should apply. It may make sense to cast a wider net, and I look forward to discussing this issue further with all interested parties as work on this bill continues.

But it is important to move the process forward. Time is short, and we must move quickly if we are to gain enactment of this bill before the year is out. For these reasons, I am pleased to cosponsor this bill, and I urge my colleagues to join with us in the effort to provide protections against second-mortgage scams.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. CAMPBELL, Mr. WELLSTONE, and Mr. DASCHLE):

S. 925. A bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN TRUST FUND ACCOUNTING AND MANAGEMENT REFORM ACT OF 1993

• Mr. INOUYE. Mr. President, I introduce the Native American Trust Fund and Management Reform Act of 1993, legislation that would: First, require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government; second, authorize demonstrations of new and innovative approaches for the management of Indian trust funds; third, clarify the trust responsibility of the United States with respect to Indians; fourth, establish a program for the training and recruitment of Indians in the management of their trust funds; and fifth, require a periodic accounting to Indian trust fund account holders. Its enactment is necessary to reform longstanding mismanagement of the Indian trust fund and to give the 300,000 Native Americans for whom the Bureau of Indian Affairs [BIA] holds money in trust a greater role in the management of the funds which are held in trust for their benefit.

Trust funds currently managed by the United States include the tribal trust fund and the individual Indian moneys account trust fund [IIM trust fund]. As of September 30, 1991, approximately 330 tribes have an interest in the tribal trust fund, however, some tribes have multiple accounts. As a result, approximately 2,965 separate accounts comprise the tribal trust fund. The tribes do not participate equally in the fund. In fact, according to the Office of Trust Fund Management, 77 percent of the fund assets are held by 8 percent of the tribes. The IIM trust fund is a deposit fund, usually not voluntary, for individual participants and tribes. It was originally intended to provide banking services for legally incompetent Indian adults and Indian minors without legal guardians. In addition to these fiduciary accounts, the IIM trust fund now contains deposit accounts for certain tribal operations and some tribal enterprises. Approximately 300,000 accounts are held in the IIM trust fund. These Indian trust funds include judgment awards, oil and gas royalty income, income derived from land leases and timber stumpage, and investment income. As trustee for lands and money held in trust by the United States, the Federal Government is responsible for managing and investing almost $2 billion in tribal and individual Indian funds.

The system of trusteeship and Federal management of Indian funds is deeply rooted in the Federal-Indian relationship. Treaties are the first and probably most important means by which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the BIA has had the legal authority to invest Indian trust funds. In 1938, the BIA decided that all individual Indian money [IIM] funds would be invested and managed by its agency offices. Since 1966, the BIA's Branch of Investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Mr. President, in April 1992, the House Committee on Government Operations unanimously approved a report based on a 3-year investigation by the Subcommittee on Environment, Energy and Natural Resources of the mismanagement of the $2 billion Indian trust fund. That report, House Report 102–499, demonstrated that the indifferent supervision and control of the Indian trust funds has consistently resulted in a failure to exercise its responsibility and has failed all reasonable expectations of the tribal and individual account holders, and the Congress.

The management of the Indian trust fund has been grossly inadequate in many respects. The Federal Government has failed to accurately account for trust fund moneys. Indeed, the Government cannot even provide account holders with meaningful periodic statements on their account balances. It does not consistently and prudently invest trust funds and pay interest to account holders. It does not have consistent written policies or procedures that cover all of its trust fund accounting practices.

Financial management of the trust funds has been neglected for decades. Many believe that the crisis which exists in the management of the trust funds can only be cured by dramatic changes.

The real losers in the management of the Indian trust fund are the tribes and the individual Indian account holders. These account holders are the victims of Federal mismanagement, and it is appropriate that the Federal Government undertake the correction of these problems.

Mr. President, the Native American Trust Fund Accounting and Management Reform Act of 1993 is designed to correct these deficiencies. I hope that it will lead to an open discussion of the problems and all possible solutions, so that we can promptly act to resolve the deficiencies identified to date.

Mr. President, Congressman MIKE SYNAR, chairman of the Subcommittee on Environment, Energy and Natural Resources of the House Committee on Government Operations is the principal author of this measure. He has introduced this bill in the House of Representatives. I commend Chairman SYNAR for his leadership and dedicated advocacy in this matter. His persistence and diligence has done much to raise the problems associated with the management of Indian trust funds to the highest levels of Government. I am pleased to introduce this measure in the Senate, and look forward to working with Chairman SYNAR to assure passage of these measures in both Houses.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Trust Fund Accounting and Management Reform Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior; and

(2) the term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

TITLE I—TRUST FUND INTEREST PAYMENTS

SEC. 101. PAYMENT OF INTEREST ON FUNDS INVESTED.

(a) PAYMENT OF INTEREST.—(1) The fourth proviso of subsection (a) of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), is amended by striking "may invest" and inserting "shall invest".

(2) The first section of the Act of June 24, 1938 (25 U.S.C. 162a), is amended by adding at the end the following new subsection:

"(d) Amounts deposited or invested under subsection (a) shall earn interest at the appropriate rates, taking into consideration the type of deposit or investment. The Secretary shall periodically pay such interest to the appropriate Indian tribe or individual Indian or, at the election of the Indian tribe or individual Indian, add such interest to the principal so deposited or invested.".

(b) TECHNICAL CORRECTION.—The second subsection (b) of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), as added by section 302 of Public Law 101-644 (104 Stat. 4667), is hereby redesignated as subsection (c).

(c) REPEAL OF LIMITATION ON UNITED STATES LIABILITY.—Paragraph (2) of subsection (c) of the first section of the Act of June 24, 1938, as amended by subsection (b), is amended to read as follows:

"(2) Amounts deposited or invested under this subsection shall generate earnings at the appropriate rates, taking into consideration the type of investment concerned. The Secretary shall periodically pay such earnings to the appropriate Indian tribe or individual Indian or, at the election of the Indian tribe or individual Indian, add such earnings to the principal of such funds so invested.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to interest earned on amounts deposited or invested on or after the date of the enactment of this Act.

SEC. 102. AUTHORITY FOR PAYMENT OF CLAIMS FOR INTEREST OWED.

The Secretary is authorized to make payments to an Indian tribe or an individual Indian—

(1) in full satisfaction of any claim of such Indian tribe or individual Indian for interest on amounts deposited or invested on behalf of such Indian tribe or individual Indian before the date of enactment of this Act under the Act of June 24, 1938 (25 U.S.C. 162a), and who was not paid the appropriate amount of interest on such funds; and

(2) in an amount equal to the interest which would have been earned if funds of such Indian tribe or individual Indians which were subject to the Act of June 24, 1938 (25 U.S.C. 162a), had been deposited or invested in accordance with such Act.

TITLE II—INDIAN TRUST FUND MANAGEMENT DEMONSTRATION PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to demonstrate new approaches for the management of tribal and individual Indian funds held in trust by the United States and managed by the Secretary through the Bureau, that, consistent with the trust responsibility of the United States and the principles of self-determination, will—

(1) give Indian tribal governments and individual Indian account holders greater control over the management of such trust funds;

(2) pursuant to tribal instructions, involve investment of such trust funds by the Secretary in a manner that will also help to promote economic development in Indian communities; or

(3) otherwise demonstrate how the principles of self-determination can work with respect to the management of such trust funds, in a manner consistent with the trust responsibility of the United States.

SEC. 202. DEFINITION.

For the purposes of this title, except for the purposes of section 208, the terms "Indian tribe" and "tribe" mean—

(1) an Indian tribe;

(2) a consortia of Indian tribes; or

(3) an association of Indians holding individual Indian trust fund accounts managed by the Secretary through the Bureau.

SEC. 203. DEMONSTRATION PLANS.

An Indian tribe may submit to the Secretary a plan to demonstrate a new approach for the management of tribal or individual Indian funds held in trust by the United States for such tribe or the members of such tribe, and as of the date of the enactment of this Act, managed by the Secretary through the Bureau. Such plan may provide for the following:

(1) Management of such funds directly by the Indian tribe in financial institutions selected by the tribe, subject to supervision and oversight by the Secretary. For the purposes of this section, the term "management" may include one or more of the functions carried out, as of the date of the enactment of this Act, by the Secretary through the Bureau in managing such funds, such as collection, disbursement, and investment functions.

(2) Management of such funds by the Secretary in a manner that—

(A) involves investment of such funds in financial institutions on or near the reservation;

(B) increases tribal access to such institutions;

(C) promotes economic development activities on the reservation; or

(D) otherwise promotes tribal priorities.

(3) Management of such funds at the local level through contracts with local financial institutions that meet the purposes of this title.

(4) Such other approaches, as determined by the Secretary, that meet the purpose of this title.

SEC. 204. APPROVAL OF PLANS BY THE SECRETARY.

(a) In General.—The Secretary shall approve and implement, or provide for the implementation by an Indian tribe of, a plan that meets the following conditions:

(1) Such plan has been approved by the appropriate Indian tribe, as follows:

(A) For a plan involving tribal trust funds, such plan is accompanied by a resolution from the tribal governing body approving the plan.

(B) For a plan submitted by an Indian tribe (as defined in paragraphs (1) and (2) of section 202) involving individual Indian money accounts, where most or all of the account holders are members of the submitting tribe, it is accompanied by a resolution from the tribal governing body approving the plan, along with a certification that the tribe held no fewer than 2 public meetings to provide an opportunity for account holders to comment on the plan.

(C) For a plan submitted by an Indian tribe (as defined in paragraph (3) of section 202), it is accompanied by a written approval signed by each participating account holder, along with a certification that the tribe on whose reservation the trust asset that is the source of the funds is located, has been consulted regarding the plan.

(2) The Secretary determines such plan to be consistent with standards of reasonable prudence, after considering all appropriate factors, including but not limited to the following:

(A) The capability and experience of the individuals or institutions that will be managing the trust funds.

(B) The protection against substantial loss of principal.

(C) The rate of return, provided that the plan need not produce the highest rate of return possible if the Indian tribe chooses to accept a lower rate in return for other benefits such as the benefits from investing in local financial institutions.

(D) The ability of the Secretary to effectively monitor the demonstration, pursuant to the trust responsibility of the United States as specified in section 205.

(3) The duration of the plan does not exceed 5 years.

(b) Investment in Equities.—Nothing in this section shall prohibit an Indian tribe submitting a plan for a demonstration under this section from providing in such plan for the investment of its trust funds in equities, if the Secretary determines that such plan meets the standard of reasonable prudence under subsection (a)(2).

SEC. 205. FEDERAL TRUST RESPONSIBILITY.

(a) In General.—If an Indian tribe assumes management of trust funds pursuant to a demonstration under this title, the trust responsibility of the United States with respect to such funds shall, for the duration of the demonstration, be limited to the following:

(1) The exercise of reasonable prudence by the Secretary in approving the plan for the demonstration.

(2) An annual audit provided by the Secretary, directly or by contract, to determine that the tribe is performing in conformance with the plan for the demonstration.

(3) If the Secretary finds, through such audits, that the tribe is not in compliance with the terms of the plan, the Secretary shall—

(A) terminate the demonstration; or

(B) prescribe remedial action to be taken by the tribe to achieve compliance with the plan.

(b) Decrease in Interest and Loss of Principal.—If a plan for a demonstration submitted under this title and approved by the Secretary provides for the implementation of such demonstration by the Secretary, the United States shall not be liable, during the period of such demonstration, for any decrease in interest rate or any loss of principal that is proximately caused by the Secretary's prudent implementation of such demonstration.

(c) Agreement.—Prior to the implementation of any demonstration under this title, the Indian tribe involved shall sign a written statement indicating that it understands and accepts the limitations on the trust responsibility of the United States as provided in this section.

SEC. 206. TECHNICAL AND FINANCIAL ASSISTANCE.

The Secretary shall, directly or by contract, provide Indian tribes with technical and financial assistance in developing, implementing, and managing plans for demonstrations under this title.

SEC. 207. NO INCOME TAX CONSEQUENCES.

Funds managed pursuant to a demonstration program under this title, and distributions made from such funds, shall, for purposes of the Internal Revenue Code of 1986, be treated in the same manner as such funds would be treated if such funds were managed directly by the Secretary, through the Bureau.

SEC. 208. VOLUNTARY WITHDRAWAL FROM TRUST FUND PROGRAM.

(a) In General.—An Indian tribe may, in accordance with this section, submit a plan to withdraw some or all funds held in trust for such tribe by the United States and managed by the Secretary through the Bureau.

(b) Approval of Plan.—The Secretary shall approve a plan under this section that meets the requirements specified in section 204(a)(1) and subparagraphs (A) and (B) of section 204(a)(2).

(c) Termination of Trust Responsibility.—Beginning on the date funds are withdrawn pursuant to this section, any trust responsibility of the United States with respect to such funds shall terminate.

SEC. 209. REPORT TO CONGRESS.

The Secretary shall, beginning one year after the date of the enactment of this Act, submit an annual report to the Congress on the implementation of demonstration programs under this title. Such report shall include recommendations for changes necessary to effectively implement the purpose of this title.

TITLE III—RECOGNITION OF TRUST RESPONSIBILITY

SEC. 301. AFFIRMATIVE ACTION REQUIRED.

The first section of the Act of June 24, 1938 (25 U.S.C. 162a), as amended by section 101(a)(2), is amended by adding at the end the following new subsection:

"(e) The Secretary shall properly discharge the trust responsibilities of the United States under this section by—

"(1) providing adequate systems for accounting for and reporting trust fund balances;

"(2) providing adequate controls over receipts and disbursements;

"(3) providing periodic, timely reconciliations to assure the accuracy of accounts;

"(4) determining accurate cash balances;

"(5) preparing and supplying account holders with meaningful periodic statements of their account balances;

"(6) establishing consistent, written policies and procedures for trust fund management and accounting; and

"(7) providing adequate staffing, supervision, and training for trust fund management and accounting.".

SEC. 302. TRUST RESPONSIBILITY WITH RESPECT TO NATURAL RESOURCES.

The Congress recognizes that the trust responsibility of the United States extends to tribal and individual Indian owners of natural resources located within the boundaries of Indian reservations and trust lands. This includes the fiduciary responsibility to manage funds held in trust by the United States for Indian tribes and individual Indians derived from actions including, but not limited to, the use and sale of leased lands, judgments, mineral leases, oil and gas leases, timber permits and sales, and water resources.

TITLE IV—TRAINING AND PERSONNEL

SEC. 401. TRAINING.

(a) TRAINING PROGRAM.—The Secretary shall establish a program to assist Indians, including, but not limited to, employees of the Bureau and members and employees of Indian tribes, to obtain expertise in the management of trust funds. Components of such program may include the following:

(1) An outreach program to encourage and assist Indians to obtain employment with private financial institutions.

(2) Agreements with financial institutions and other entities under which such entities would provide classroom training, on-the-job training, internships, and employment opportunities not to exceed 2 years, for employees and prospective employees of the Bureau.

(b) RECRUITMENT.—

(1) EMPLOYMENT DESCRIPTIONS.—The Secretary shall ensure that the employment description for any Federal position related to the management of Indian trust funds contains requirements necessary to ensure that a person filling such position would have the necessary skills, based on industry standards, to fully perform the position's responsibilities in a manner consistent with the responsibility of the United States to properly manage Indian trust funds.

(2) PAY.—The Secretary, in consultation with the Office of Personnel Management, shall establish the rate of pay payable for a position related to the management of Indian trust funds at a level of the General Schedule appropriate for such position.

(c) INDIAN PREFERENCE.—Nothing in this title shall authorize or permit any waiver of Indian preference laws as such term is defined in section 2(f)(2) of Public Law 96-135 (25 U.S.C. 472 et seq.).

TITLE V—RESPONSIBILITY TO ACCOUNT FOR INDIAN TRUST FUNDS

SEC. 501. RESPONSIBILITY OF SECRETARY TO ACCOUNT FOR THE DAILY AND ANNUAL BALANCES OF INDIAN TRUST FUNDS.

(a) REQUIREMENT TO ACCOUNT.—The Secretary shall account for the daily and annual balance of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(b) PERIODIC STATEMENT OF PERFORMANCE.—Not later than 10 business days after the close of a calendar month, the Secretary shall provide a statement of performance to each Indian tribe and individual with respect to whom funds are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a). The statement, for the period concerned, shall—

(1) identify the source, type, and status of the funds;

(2) the beginning balance;

(3) the earnings and losses; and

(4) the ending balance.

(c) ANNUAL AUDIT.—The Secretary shall cause to be conducted an annual audit on a fiscal year basis of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), and shall include a letter relating to the audit in the first statement of performance provided under subsection (b) after the completion of the audit.

(d) EFFECTIVE DATE.—This section shall take effect October 1, 1993, but shall only apply with respect to earnings and losses occurring on or after October 1, 1993, on funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian.

● Mr. McCAIN. Mr. President, I join my good friend and the distinguished chairman of the Committee on Indian Affairs, Senator INOUYE, as an original cosponsor of the Native American Trust Fund Accounting and Management Act of 1993. The Trust Fund Reform Act introduces for discussion several concepts regarding the accounting and management of Indian trust funds that deserve careful review and deliberation by all interested parties.

As the Committee on Indian Affairs examines this bill, we would, of course, benefit from the views of those Indian tribes that have already successfully invested their own trust funds separate from any funds that might be held for them by the Bureau of Indian Affairs [BIA]. It seems to me that since eight tribes account for 77 percent of the tribal trust funds held by BIA, it is very possible that language can be developed which simply authorizes each tribe to divest their funds from the BIA and then select the financial institution which the tribe believes can best serve their investment needs. Not only would this provide peace of mind to those concerned about current BIA trust fund management, but it could provide tribes with important economic leverage in their local community.

Finally, Mr. President, there may be some tribes or individual Indians who will choose to leave their trust funds under the management of the BIA. That is certainly their right as an account holder. Such a decision, however, requires the various affected parties to ask themselves if it is worth spending an unknown amount of funds to reform the current system, or to consider alternative methods for managing Indian trust funds. It is my hope that the committee, tribes, and individual Indians will give serious consideration to the idea of authorizing the Secretary of the Interior to contract with a private financial institution to perform the necessary investment and management services. This is not a new idea, and I realize the enormous controversy which enveloped such a proposal when it was first offered by the mid-1980's. However, in light of the serious reports characterizing the BIA's mismanagement of Indian trust funds, I believe, it is an idea worth reconsidering. Perhaps the only difference with this proposal—and a very key difference—is that the tribes and individual account holders will be consulted first this time around.

I look forward to working with all interested parties as we seek new ways to provide improved management for these trust funds.●

By Mr. ROBB (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. PRESSLER, and Mr. SHELBY):

S.J. Res. 90. A joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy; to the Committee on Commerce, Science, and Transportation.

AMATEUR RADIO SERVICE JOINT RESOLUTION

● Mr. ROBB. Mr. President, today, I am pleased to be joined by Senators AKAKA, DECONCINI, PRESSLER, and SHELBY to introduce a joint resolution that will grant well-deserved recognition to a valuable national resource, the Amateur Radio Service. For the past 80 years, this group of dedicated volunteers has been first on the scene for virtually every communications emergency. When Mother Nature or a human misstep causes the telephone lines to go down or radio circuits to be overloaded, the ham operators are there with their equipment, providing communications until the regular infrastructure is back to normal.

Radio amateurs also demonstrate their expertise in another way, as technical innovators. Eager to push back technical frontiers, amateurs probe the upper limits of the useful radio spectrum, discover much about radio propagation, and develop practical and affordable alternatives to complicated expensive new equipment from the laboratories.

Our resolution expresses the Nation's gratitude for both the technical and disaster communications achievements of the Amateur Radio Service. But words without deeds, it is often said, are empty. Keeping that in mind, this resolution goes beyond commendation to give the amateurs a tool of persuasion to smooth their path: It urges adoption of rules and regulations that encourage the use of new technologies within the Amateur Radio Service. Finally, without limiting the decision-making capability of any agency—local, State, or Federal—the resolution urges that any regulations which are necessary at any level of government be crafted in ways that facilitate and encourage amateur radio operation as a public benefit. We urge its prompt adoption by the Senate.●

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 226

At the request of Mr. DASCHLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 226, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 297

At the request of Mr. STEVENS, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nebraska [Mr. EXON], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 301

At the request of Mr. DASCHLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 301, a bill to revive and strengthen the "Super 301" authority of the United States Trade Representative to eliminate unfair trade barriers, and for other purposes.

S. 482

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 649

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 649, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 687

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, May 13, 1993 at 10 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from George Frampton, Jr., nominee to be Assistant Secretary of the Interior for Fish and Wildlife and Parks and Daniel Beard, nominee to be Commissioner of the Bureau of Reclamation, Department of the Interior.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Friday, May 7, 1993, at 10 a.m. to conduct a hearing on the nomination of Frank Newman, of California, to be Under Secretary of the Treasury for Domestic Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. PRESIDENT, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Friday, May 7, 1993, at 9:30 a.m., in open session, to receive testimony from Members of the Senate on the service of gay men and lesbians in the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MEDICARE AND LONG-TERM CARE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Medicare and Long-Term Care of the Committee on Finance be permitted to meet on May 7, 1993 at 10 a.m., to hear testimony on antitrust issues in the health care industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, May 7 at 10:30 a.m. to hold nomination hearings for State Department posts.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GOLDEN BELL AWARD WINNER MOUNTAIN VISTA SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the kindergarten to eighth grade category. Mountain Vista School, in the Oracle School District, established the Computer Class Tutor Program for special education students. This program was identified as one of the most innovative and successful programs in the State of Arizona.

Under this program, junior high special education students act as tutors for elementary school students in computer classes. By identifying at-risk special education students and giving them the opportunity to serve in a leadership role, the program builds self-esteem and interest in education. At the same time, the elementary students benefit from the individual attention and the teachers receive much needed assistance.

Mr. President, I commend the efforts of the teachers and administrators at Mountain Vista not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The Computer Class Tutor Program serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Mountain Vista School on this outstanding achievement.●

RECOGNITION OF NANCY STRAHL AS NATIONAL OUTSTANDING SCHOOL VOLUNTEER

● Mr. HATFIELD. Mr. President, I recently had the pleasure of meeting Nancy Strahl, a parent volunteer in the public schools of Medford, OR. She was here in Washington to be recognized by the National Association of Partners in Education as the National Outstanding School Volunteer at the adult-elementary level.

Mrs. Strahl has introduced family math and family science programs into her district, bringing them to 13 public and 2 private schools. These programs bring parents with their children into the schools for evening discovery activities. With the help of teachers working on their own time, the program has grown to where it will serve 4,000 people this year, and that is only one-third of those who wish to participate.

By encouraging the cooperation of parents in their children's reading, circulation at Hoover Elementary School's library jumped 50 percent. Cumulatively, the school's 500 children and their parents read more than 1 million pages in 7 weeks.

As if this were not enough, Mrs. Strahl gathered materials donated by local businesses and rallied community volunteers to construct a $200,000 play structure at no cost to her school.

Mr. President, Mrs. Strahl's successes dramatize not only the difference a dedicated individual can make, but in each case show the importance of parental participation in their children's education.

I ask that two articles honoring Mrs. Strahl be placed in the RECORD in recognition not only of her own efforts, but of the work of thousands of dedicated volunteers across this land.

The articles follow:

FAMILY MATH

Children * * * Parents * * * Math. These three elements have become a winning combination through a program called "Family Math." Family Math is a concept that brings parents and students together in the school setting to work on challenging, hands-on, and fun math activities.

Research has shown that parental involvement in schools is critical to student academic success, and Family Math allows parents to become partners in their children's education.

Family Math helps students overcome their fear and intimidation when confronting math, and has been shown to boost achievement levels of students in math, particularly for girls and minorities.

Two 549C parents, Nancy Strahl and Becky Plankenhorn, and two 549C elementary teachers, Maxine Brown and Pat Eder, first took training to lead Family Math sessions in the Medford School District in 1989. They offered Family Math Nights at Griffin Creek and Hoover Elementary Schools.

Because of the enthusiastic response, both in attendance and feedback, the program has expanded. Last spring two teachers and two parents from every elementary school in District 549C and two private schools—Grace Christian and Sacred Heart—were trained to lead Family Math sessions throughout the district.

The average attendance at a Family Math evening is 150 participants (75 students and 75 adults). It is projected that approximately 4000 people will attend Family Math sessions this year.

Parents can look for additional Family Math information in their local school newsletters.

NANCY STRAHL

Citizen of the Month Nancy Strahl has two children in Hoover Elementary School. Nancy has been active in Hoover School projects and community-wide projects as well. When Nancy was chair of the Hoover PTO in 1990–91, she coordinated all aspects of a $32,000 play structure, built with cash contributions and volunteer labor.

Nancy was the instigator of setting the ambitious goal of reading one million pages by students and families of Hoover in 1991–92. She organized the project, arranged incentives, and tabulated results. She also managed the "Math Sundaes" program at Hoover, in which students get rewarded as they meet certain goals on timed math tests.

Probably her most significant volunteer accomplishment has been the coordination of the Bear Creek Community Playground Project. Nancy organized and coordinated all aspects of the construction of the 16,000 square-foot, $150,000 play structure in 1987–88. It is now teeming with as many as 1,000 children and parents daily.

Nancy recently became a media assistant at Kennedy Elementary.

Because of her significant accomplishments, Nancy Strahl has also been nominated for the 1993 Outstanding School Volunteer Award.

Last spring she was appointed to the Oregon Department of Education's Talented and Gifted Parent Advisory Committee. Nancy has also been asked to make presentations at several state conferences on the Family Math and Family Science programs.●

TRIBUTE TO GOLDEN BELL AWARD WINNER NOGALES HIGH SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the 9th to 12th grade category. Nogales High School, in the Nogales Unified School District, established a student-run agricultural program. This program was identified as the most innovative and successful program for high school students in the State of Arizona.

Under this program, students worked in teams on various agricultural programs, from a demonstration garden to reforestation of urban areas in Santa Cruz County. Through their efforts, the students learned the importance of environmental awareness and the benefits of cooperation and community spirit. These young volunteers can take pride in their accomplishments, having made their community a more beautiful place to live.

Mr. President, I commend the efforts of the teachers and administrators at Nogales High School not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The Nogales High agricultural programs serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Nogales High School on this outstanding achievement.●

IF I WERE PRESIDENT

● Mr. WELLSTONE. Mr. President, I would like to bring my colleagues' attention to an inspirational message written by one of my young constituents.

Elly Hausmann from St. Cloud, MN, has written a thoughtful essay entitled, "If I Were President."

I ask that her poem be printed in the RECORD:

The poem follows:

IF I WERE PRESIDENT

If I were President you see,
There would be no wars to hurt you and me.
I would say no testing perfume on pets,
And a little more benefit for Vietnam Vets.
If I were President I really would,
Care for the earth like everyone should.
I would help little kids who are sad and blue,
I would help little kids with handicaps, too.
If I were President I would try to be fair,
And I would try to get under everyone's hair.
Anyone with a serious crime
Would go to jail and serve serious time.
If I were President and all else fails,
I would tell everyone to save the whales!!!
I would try to make it equal for people black and white,
And try to stop anyone who put up a fight.
If I were President I would stress
No drinking, smoking, and all the rest (for minors)
If you were a parent you couldn't just come,
And take your kid away from everyone.
If I were President you could bet
There would be no famine, war, or regret.
I would make special places for special people who,
Need special people like me and you.●

TRIBUTE TO GOLDEN BELL AWARD WINNER, PENDERGAST ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the sixth to eighth grade category. Pendergast Elementary School established the National History Day Program to encourage creative exploration of historical subjects. This program was identified as the most innovative and successful program for older elementary students in the State of Arizona.

Under this program, students investigate a topic associated with the National History Day theme for the year. They use their research to create an entertaining performance related to the subject. This program helps students to see history as a living entity rather than just words in a book. By making historical studies fun, it fosters an understanding of the human dynamics that created our past and encourages further exploration of the social sciences.

Mr. President, I commend the efforts of the teachers and administrators at Pendergast Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The National History

Day Program serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Pendergast Elementary School on this outstanding achievement.●

TRIBUTE TO GOLDEN BELL AWARD WINNER ST. JOHN'S MIDDLE SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the Arizona School Board Association's Golden Bell Award winner for the best school project in the seventh to eighth grade category. St. John's Middle School converted their wood shop to a technology laboratory without using an expensive commercial technology package. This program was identified as the most innovative and successful program among middle schools in the State of Arizona.

St. John's wanted to convert their traditional wood shop to a technology lab but lacked the funds to purchase a ready-made conversion package. The commercial package, which provided the necessary hardware, software, furniture, and curriculum materials for the lab, was priced three times higher than the amount allocated for the conversion. The instructors felt that the conversion was too important to be hampered by budgetary constraints and set out to construct the lab from scratch using components similar to the commercial package. The instructors built all of the necessary furniture and developed the curriculum to be used in the lab.

As a result of their hard work and ingenuity, the students now have a high-technology laboratory for study in the areas of communication, transportation, construction, and manufacturing.

Mr. President, I commend St. John's Middle School for its efforts to provide high quality education without a high cost to the taxpayers. The instructors and administrators have set an example for the Nation, proving that budgetary restraint does not mean that we must sacrifice the high standards of American education. I ask that my colleagues join me in congratulating St. John's Middle School for these outstanding efforts.●

TRIBUTE TO KAREN BUTTERFIELD ARIZONA TEACHER OF THE YEAR

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to Karen Butterfield, who was recently named the 1993 Teacher of the Year by the Arizona School Board Association. Karen is an art teacher at Coconino High School in the Flagstaff Unified School District. She was selected by her colleagues for this highly competitive award not only for her excellence in the classroom, but also for her caring attitude and her commitment to helping each student reach his or her full potential.

To her students, Karen is more than just an art teacher. She is a mentor, a role model, and a friend to everyone who enters her classroom. Her students often come to her outside of class time to ask her for help, seek her advice, or just to spend time with her. She has proven that concern for individual students is the best way to help them learn.

Mr. President, with the problems faced by our schools on a daily basis, Karen Butterfield represents our educational system's greatest asset. She is a caring, talented professional who places the needs of her students above all other considerations. She fully deserves the title "Teacher of the Year." I am honored to ask my colleagues to join me in congratulating Karen for this award.●

TRIBUTE TO GOLDEN BELL AWARD WINNER CHALLENGER ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the kindergarten to sixth grade category. Challenger Elementary School, in the Nogales Unified School District, established the Check-Out Program that encourages students to learn outside of the classroom. This program was identified as the most innovative and successful program for elementary students in this age category in the State of Arizona.

The Check-Out Program allowed students to take home stuffed animals, activity backpacks filled with books, and learning materials appropriate to the age level. A younger student would check out a stuffed dog, along with food and toys to care for the pet. One of the requirements of caring for the stuffed dog was to read to him. The students would also record everything they did with the dog, including what they read together, and share their experiences with their classmates. Older students would check out backpacks with a theme, such as magic. Along with books about magic, the backpack would contain props to do magic tricks. The backpacks not only show the students that reading is an adventure, but they also encourage reading in the home, allowing the entire family to become involved in promoting literacy.

Mr. President, I commend the efforts of the teachers and administrators at Challenger Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The Check-Out Program serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Challenger Elementary School on this outstanding achievement.●

TRIBUTE TO GOLDEN BELL AWARD WINNER ANNE MARIE JACOBSON ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the prekindergarten-to-third-grade category. Anne Marie Jacobson Elementary School, in the Chandler Unified School District, established a garden for first grade students to plant, maintain, and harvest. This project was identified as the most innovative and successful program for younger elementary students in the State of Arizona.

The garden provides the opportunity for students to work cooperatively in a hands-on environment. In addition to the specific skills and knowledge acquired from working in the garden, the students used their experience as a springboard for other classroom activities. The garden served as a backdrop for studies in math, health, and social studies.

Mr. President, I commend the efforts of the teachers and administrators at Anne Marie Jacobson Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The garden project serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Anne Marie Jacobson Elementary School on this outstanding achievement.●

TRIBUTE TO GOLDEN BELL AWARD WINNER LAGUNA ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the fourth to sixth grade category. Laguna Elementary School, in the Flowing Wells Unified School District, established the Laguna Partners Club to encourage service and self-esteem. This program was identified as the most innovative and successful program for elementary students in this age category in the State of Arizona.

The Partners Club Program gives fifth grade students the opportunity to coach special education students in athletic events. The students are able to build special relationships with one another, thereby fostering both self-esteem and a sense of shared accomplishment. The program allows the coaches and athletes to learn at an early age the benefits of dedication, cooperation, and mutual respect.

Mr. President, I commend the efforts of the teachers and administrators at Laguna Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students an appreciation of their own humanity that they will carry with them for the rest of their lives. The Laguna Partners Club serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Laguna Elementary School on this outstanding achievement.●

CONCLUSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MITCHELL. Mr. President, and Members of the Senate, I am deeply concerned and saddened that the Senate is once again being subjected to a Republican filibuster. I will address that subject at some detail in a moment and set forth the startling statistics on the extraordinary use—many suggest abuse—of the filibuster, but before I do that, I would like to address briefly another subject on which the President took important action this morning.

CAMPAIGN FINANCE LAWS

Mr. MITCHELL. Mr. President, American political campaigns are too long and too expensive. Money plays too large a role.

This morning President Clinton announced legislation to change that. His action represents a truly historic turning point in the long struggle to reform the Federal election finance laws.

Thanks to the strong leadership of President Clinton, we finally have a plan supported by both the executive and legislative branches of Government to clean up the election finance system. This is the most comprehensive reform of our campaign finance laws in history, and I believe that we have the best chance ever to enact it into law. It is what the American people want. It is what they demand of their Government.

The legislation proposed this morning by President Clinton will distance special interests from the political process, reduce the role of money so that Government better serves the national interest rather than special interests, make Federal elections more competitive by capping campaign spending, and by giving challengers the resources to better communicate with the electorate.

This will be achieved through spending caps on congressional campaigns, tight restrictions on political action committees, prohibitions on the use of so-called soft money and bundling to affect Federal elections, tough new provisions to prevent lobbyists from making or soliciting campaign contributions to the Federal officeholders they lobby, and voter communication vouchers to enable candidates to communicate to the electorate.

This legislation has the broad support of the American people and of public interest groups committed to reforming the election finance system. There are cynics who question our motivation who cannot believe that incumbents would propose legislation to make election contests more fair. But what the cynics ignore is the effect the current system has on our Government. The American people no longer have confidence in the political process.

They believe powerful special interests control the political system and prevent Government from serving the people. We must and we can change that.

Last year, strong campaign finance reform legislation was approved by the Congress. Unfortunately, it was vetoed by President Bush.

This year, we have a President committed to reform who will work with Congress to achieve it. As a result of President Clinton's leadership, the legislation to be proposed this year is even tougher than last year's bill.

I commend the President for his commitment to reform and I pledge to work with all of my colleagues—Democrats and Republicans alike—to enact this important reform measure into law.

Mr. President, we will not enact that into law and we will not enact anything else into law if the Republicans continue on their unfortunate and unprecedented pattern of filibuster.

The Senate rule with respect to filibusters went into effect in 1919. For more than a half century after that, into the 1970's, filibusters occurred here in the U.S. Senate less than once a year, on average. In some Congresses, an entire 2-year period was passed without a single Senate filibuster.

The filibuster was not used as a political party device. It was used on matters which, by common consent, were of grave national importance. That has now changed in the U.S. Senate.

In the last Congress, there were 48 motions to terminate filibusters filed.

Let me repeat that. I ask all Senators and I ask the American people to listen to and consider the implications of what I am saying.

For 50 years, filibusters occurred in the Senate less than once a year, on average. In the last Congress, there were 48 motions to try to end filibusters, almost every single one—almost every one—a filibuster by Republican Senators to delay action, to obstruct action, to prevent action.

That unfortunate pattern is continuing into this Congress. Bill after bill, action after action, supported by the American people and supported by a majority of the Senate, encounters a Republican filibuster.

Now we have it again today—another week, another Republican filibuster—this time on legislation to make it easier for Americans to register to vote; legislation which American people overwhelmingly support; legislation which has already passed the Senate once; legislation which has passed the House of Representatives twice; and legislation which is now here for final action. And, despite that, we encounter another Republican filibuster.

Mr. President, I hope that, come next Tuesday, when we vote on this, we will be able to get the votes necessary to end this latest filibuster. I know it will not be the last filibuster, because I am sure the week after we will have another filibuster.

It has become Senate filibuster. When the American people think of the Senate now, the first thing they think of is the filibuster, because it has become such a common tactic use on almost every major bill that we try to consider. It is unfortunate. It is regrettable. It prevents the will of the majority from taking place.

Mr. President, the rules are there for everyone to use. I expect that almost every Member of the Senate has at one time or another used the rules to delay action. That is not the issue here.

The question is not when it is used occasionally, but when it is used as a part of a deliberate pattern, an unmistakable pattern, an unmistakable record of filibuster after filibuster after filibuster after filibuster. It is not anymore reserved for issues of great national importance. It is not anymore limited to those matters which do not have anything to do with one party or the other, but, by consensus, affect grave national issues. It is virtually every major bill.

I repeat: From an average of less than 1 filibuster a year for more than a half century to 48 in the last Congress. It is regrettable. I hope it stops. And I hope it stops beginning on Tuesday when we try to get a vote on this bill.

I want to emphasize that a majority favors this bill. The Senate already passed it once. The House has passed it twice. The American people favor it.

Those who oppose the bill have a perfect right to do so. But I hope that enough Senators will join to permit the Senate to proceed on this important measure so that we can move forward, we can pass this important legislation, and we can move on to other legislation.

Mr. President, I see the presence of the Republican leader here, and I will yield the floor now and come back later to close.

The PRESIDING OFFICER. The Republican leader is now recognized.

THE DIFFERENCE IN THE MINORITY

Mr. DOLE. Mr. President, I will just take 1 minute. I listened to the majority leader with interest. I want to point out one fundamental difference when you are in the majority and when you are in the minority. When you are in the majority you do not have to worry about filibusters. You do not bring it up. You just do not bring it up. It never sees the light of day.

I am reminded of President Bush's economic package, particularly the capital gains rate reduction, which never got a vote. Even though the majority of Senators wanted a vote, it did not get a vote. Why? Well, because we are in the minority. So I do not shed many crocodile tears when we hear talk about trying to preserve our rights as a member of the minority.

And, as the distinguished majority leader said on the 18th of February 1992:

> Do we live in a monarchy? Is a President a President? Or is he a king? Are we required by some law to accept whatever the President proposes without any opportunity of discussion, debate or suggestion of constructive alternatives? And if we so disagree with some aspect of the President's plan, if we believe it to be truly and sincerely harmful to the long-range interests of the country, are we somehow obligated to stand silent and adopt the President's plan lest we be accused of partisanship?

That statement was made by my friend, the majority leader. I have made similar statements myself when I was the majority leader. Not as eloquent, not as good as this statement, but I tried the best I could to impress upon my colleagues there were certain differences in the majority and the minority.

If we had the majority we would not have to filibuster. And, filibuster—you know, the last accusation, I guess, of the stimulus package was, as I recall there were about 36 hours of debate. The Democrats used 24, the Republicans used 12. So, if a filibuster is based on who used the most time, it certainly was not the Republicans.

But it is very fundamental, obviously, that we have one way to stop legislation or to bring about change if we are going to be participants in the U.S. Senate on this side of the aisle. I do not fault my colleagues on the other side of the aisle. I assume we would be making the same arguments if we had the majority, and they would be making the same arguments if they were in the minority.

But we do not want to give up that right. It is not going to be used as a standard Senate procedure, I can assure the majority leader. But there are—there will be differences.

Campaign finance reform is one I think may be different. I do not know. Maybe we can work out some differences. Heavens knows the majority leader and I tried. We appointed outside people to come in and take a look at it. They gave us some recommendations, but I must say campaign finance reform is different than any other legislation because it affects everybody in this Chamber. And everyone in this Chamber on both sides of the aisle has a way to make certain it is not going to have any adverse impact on their next race, whatever it may be.

It just happens when the Democrats are in the majority, they want to come up with a plan that helps Democrats—not helps Republicans. If we were in the majority, I have to believe we would feel the same way. Give us a plan that helps us stay in power, keeps us in the majority. That is the kind of campaign finance reform we want.

Well, that is fine. That is the way the system works. But we do not have to agree to that. We do not have to agree. We do not have to furnish the rope. If somebody wants to hang me, I want them to buy their own rope. In this case we are not about to furnish the rope to our colleagues on the other side so we can have a little political hanging out here and assure we will never have a chance to get back into the majority.

Campaign reform ought to be done. It is going to take some outside—I do not know how we do it. It is like pay raises. How do we have it? How do we do it? How do we make it fair? Because we want to protect things that help us. The Democrats obviously want to protect things that help them. And the American people are the ones who—I do not say suffer, because they do not have to contribute—but the ones who want us to bring about change.

So, we have not given up on trying to get a campaign finance reform bill. We would hope we would find a bill that we could support. But we are told now the Democrats' new proposal, the President's, is you have one set of rules for the House, one set of rules for the Senate. I thought we were all in the same Congress. I look across and see the House, way down there. I did not know they had different rules on PAC's, political action committees; we had one set of rules, they had a different set of the rules.

So, everybody wants to retain the things that they want. And, let us ban all PAC's or limit PAC's to $1,000; let us ban all soft money; let us ban franking by Members in the House and the Senate, mailing out tons of mail, newsletters, meeting notices, 1 year before the election. Ban all that and you save real money. They are all self-serving things that are done.

So I would just suggest we are prepared to move forward. We are prepared to be in the majority. Then my friend would not have to worry about a filibuster. But then he would be making my speeches and I would be making his speeches. And we would still be having difficulty.

But the Senate rules do protect the minority. It just happens right now it is a political minority, partisan minority. They happen to be Republicans. Before this year is out—or last year, on ANWR, it was sort of a liberal minority that did not want to bring up ANWR and they are the ones who filibustered. It could be a geographic minority—maybe 41 Democrats and Republicans from a certain part of the country thinking they might be not getting the best deal. So it is not always a partisan minority, in this case Republicans, who are frustrating the will of the Senate.

Certainly we must get our work done. I think we will. But sometimes getting your work done means killing a piece of legislation and moving on to something else.

With reference to motor-voter, I assume that it will pass. I do not believe we have the votes on that particular bill. But if we did have, we should exercise them because nobody wants the bill. The Governors do not want it, the mayors do not want it, the counties do not want it, the taxpayers do not want it. It is an unfunded mandate. We do not pay for it. We just say here is another $200 million, charge it to somebody and, hopefully, it will be paid for somewhere down the road.

So I just suggest we are prepared, as always, to cooperate to the fullest. But not if it means we have to vote on something that is fundamentally different from our point of view, or second, if it is something—unless campaign finance can be modified. Maybe it can.

I know the distinguished Senator from Oklahoma is meeting with some of our colleagues to try to find some middle ground. If that can be done then obviously there would be no effort to filibuster that. But, there may be other things before the year is out. We are trying to accommodate the request of the majority leader. We know the frustration. We are going to try to proceed to every bill as quickly as we can without the need of filing cloture, if we can do that.

But in the meantime I leave here knowing of the outstanding statement the distinguished majority leader made on February 18, 1992.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I took some heart from some of the comments of the Republican leader. I wonder if it is going to be necessary for me now to file this cloture motion on this latest filibuster.

Mr. DOLE. Go ahead. You better do it.

Mr. MITCHELL. He advises me I better do it, so I guess the filibuster does continue.

It is therefore necessary, Mr. President, that I again resort to the filing of cloture motions to end the filibuster.

THE NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk on the conference report accompanying H.R. 2, the National Voter Registration Act of 1993.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote occur at 3. p.m. on Tuesday, May 11, and that the mandatory live quorum that is required under rule XXII be waived with respect to this closure motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a second cloture motion on the conference report accompanying H.R. 2, the National Voter Registration Procedures Act of 1993.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the second cloture motion occur on Wednesday, May 12, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the mandatory quorum, as required under rule XXII, be waived with respect to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. MITCHELL. Mr. President, I wish to express myself on the subject of campaign finance reform, particularly with respect to some of the comments made by my friend and colleague, the distinguished Republican leader, earlier about reasons why Republican Senators are going to filibuster that bill, if, in fact, that is their intention. First, I hope it is not.

As I said earlier, we have had far too many filibusters in the Senate. It has become a common tactic, almost a weekly occurrence, something that throughout most of American history rarely occurred, was not used as a party tactic, but rather was reserved for major issues of great national importance.

But with respect to campaign finance reform, one of the arguments that has been made was made here earlier today, and has been made before, is that a reason to oppose this bill is that it treats the House and the Senate differently, and therefore it should be opposed.

I have never understood that argument. I do not understand it today. The House and Senate are different institutions. They operate under different rules. No one of our colleagues suggests that we have the same rules in the House and Senate. In fact, as we all know, the House cannot filibuster.

Would our colleagues support saying that in the Senate we ought to have the same rules of the House and not be able to filibuster? The House and Senate govern their bodies in completely different ways. In the House, there is a Speaker who does not vote on legislation. There is no comparable position in the Senate. Do the colleagues wish to appoint a Speaker of the Senate or rule the Speaker from the House? Of course we cannot do that. It is in the Constitution. The ethics procedures in the House and Senate are different. The whole method by which House Members vote is different from that in the Senate. Virtually every aspect of the operations of the House and Senate are different. And yet we are told that if these campaign finance regulations differ in any respect, they ought to be opposed for that reason only.

I submit that the argument is inconsistent with reality and ought to carry no weight. In any event, the legislation does contain rules that are identical for both parties, except in two respects. The first and most important one is that the spending limit is different for House and Senate races. How could anyone suggest that the spending limits ought to be the same? A House Member represents somewhere between 500,000 and 700,000 people. Senators represent the entire population of the State, no matter what the size. In California, that is now some 29 million people.

It seems to me completely illogical to suggest that the spending limits should be the same in House races and Senate races.

The only other area of difference is in the maximum amount of PAC contributions. The House bill provides for the current level of $5,000 per PAC. The Senator would reduce that to half, about $2,500. It reflects the differences in fundraising capacities of the Members of both bodies, Senator having access to more people within a State and more people outside the State, which House Members do not have.

Therefore, Mr. President, I think the argument really is not well taken and ought to be rejected as a serious reason for objecting to the President's plan.

The President's plan is fair; it is dramatic; it contains provisions never before included in such legislation and will, if adopted, as I hope it will be, profoundly change the method of electing Members of Congress in the United States. It will reduce the amount of money spent by a significant amount, in time; it will reduce the role of money in the process; it will reduce the amount of money given by and the role of political action committees in the process; it will, in effect, give democracy back to the American people.

If we pass the bills and the voter registration bill, which is not the subject of the immediate Republican filibuster, we will make it easier for Americans to register and vote, and make their vote and participation count for more in the political process. It is, to me, incredible and unexplainable that our Republican colleagues would not only oppose such measures trying to make it easier for Americans to register to vote, trying to make their vote count for more in the process, and not just to oppose it, but to filibuster the bill so we cannot even vote on it. Even though a clear majority of the Members of the Senate favor the bills and indeed have already voted for them, even though a clear majority of the American people favor the bills, even though the President favors the bills, even though the House of Representatives has passed the bills, a minority of Senators is preventing the Senate from even voting on the bills.

That is regrettable, but it is permitted under the rules. I think the only place where there can be accountability is the one place where accountability matters in the democratic process, and that is at the time of election.

So, Mr. President, I am going to now conclude today's session by repeating something I said earlier because, frankly, I find it so striking that I think it deserves response and deserves the attention of the American people; that is, how the filibuster is being used in the U.S. Senate now.

I want to repeat what I said earlier. The rules permit it, and every Senator who has been here for more than a few months has probably, at one time or another, on rare occasion, participated in the use of the rules in that way. That is what was intended when the rule was created: On some issues, on rare occasions, the rules would be utilized.

In the 52 years following adoption of the current provisions in the rules, more than a half century, until the 1970's, in this Senate Chamber, on average, there was fewer than one filibuster a year—less than one a year, on average. And sometimes, for an entire Congress of 2 years, there was not even a single filibuster. It was understood and accepted by common consent that the filibuster was not a party tactic and was to be used only on matters of grave national significance.

That has now changed. It has become a regular tactic of Republicans in the Senate. In the last Congress, in the 2-year period of that Congress, we had to file motions to break filibusters 48 times—48 times. Almost every one of them—well, not quite every one; I want to be fair and accurate—but almost every one was because of Republican filibusters to delay, obstruct, and prevent action on legislation.

And now we are seeing it again. That pattern, that tactic, is continuing into this Congress, as every major bill we try to bring up is subject to a filibuster. We just had one on the jobs bill. Now we face another one on the voter registration bill. And we are told we face another one coming up on the campaign finance reform bill.

If there is a major bill, you name it, our Republican colleagues filibuster it. I regret that. It is unfortunate. It is a fact of life with which we must deal, but it is something the American people ought to know about.

This is not new. It did not begin last week or last month. I repeat: In the last Congress, there were motions filed to end filibusters 48 times. So we have now reached the stage where we say, well, another week in the U.S. Senate, another filibuster.

We hope that will change. But it will only change if the American people make it change, as with all things in our representative democracy.

ORDERS FOR TUESDAY, MAY 11, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Tuesday, May 11; that following the prayer, the Journal of proceedings be approved to date; that following the time for the two leaders, there then be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of morning business under the control of Senator BYRD, with Senator GRAMM of Texas, and Senator MURKOWSKI recognized thereafter for up to 10 minutes each; that at 11:30 a.m., the Senate then resume consideration of the conference report accompanying H.R. 2, the National Voter Registration Procedures Act, with the time from 11:30 to 12:30 p.m. and the time between 2:15 p.m. and 3 p.m. for debate on the conference report accompanying H.R. 2, with the time equally divided and controlled between Senators FORD and McCONNELL, or their designees; that on Tuesday, May 11, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MAY 11, 1993, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 2:37 p.m., recessed until Tuesday, May 11, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1993:

DEPARTMENT OF JUSTICE

PHILIP BENJAMIN HEYMANN, OF MASSACHUSETTS, TO BE DEPUTY ATTORNEY GENERAL, VICE GEORGE J. TERWILLIGER III, RESIGNED.

DEPARTMENT OF COMMERCE

DOUGLAS KENT HALL, OF KENTUCKY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JENNIFER JOY WILSON, RESIGNED.

U.S. INFORMATION AGENCY

JOSEPH D. DUFFEY, OF WEST VIRGINIA, TO BE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE HENRY E. CATTO, RESIGNED.

DEPARTMENT OF LABOR

KAREN BETH NUSSBAUM, OF OHIO, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE ELSIE V. VARTANIAN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 7, 1993:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

PAMELA HARRIMAN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

AFRICAN DEVELOPMENT FOUNDATION

GEORGE EDWARD MOOSE, AN ASSISTANT SECRETARY OF STATE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1997.

SMALL BUSINESS ADMINISRATION

ERSKINE B. BOWLES, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, May 10, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 10, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Issac Watts:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.

A thousand ages in your sight
Are like an evening gone,
Short as the watch that ends the night
Before the rising sun.

O God, our help in ages past,
Our hope for years to come,
Still be our guard while troubles last
And our eternal home. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will recognize the gentleman from California [Mr. FILNER] to lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAX BILL MARKUP BEHIND CLOSED DOORS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the weather these past few days has been wonderful. Lots of bright sunshine has been shining down on this city. But it seems that the sunshine hasn't reached some of my colleagues, specifically my Democrat colleagues on the Ways and Means Committee.

Last Thursday, the Ways and Means Committee Democrats voted to close their doors to the public while they mark up the tax bill. This is the tax bill that promises to be the largest tax increase in our history. Mr. Speaker, my constituents want to know what is going on. They want to know how members of the Ways and Means Committee will vote on the specific tax issues in the tax bill.

I am surprised by the Democrats' decision to close the doors. Decisions that should be made in public are being made in private. The American people are being denied their right to participate in the Government process because the Democrats are afraid to let the Sun shine in on their actions.

Mr. Speaker, I hope when the Ways and Means Committee reconvenes this week to finish consideration of the tax bill they will take advantage of the sunshine. The American people care about the process that will bring them more taxes, more spending, and a bigger government.

STATUE OF FREEDOM: NATIONAL GUARD COULD HAVE SAVED $40,000

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I congratulate the Architect of the Capitol, Mr. White, and also the firm that lifted the Statue of Freedom off the Capitol dome. This is good, that no damage came to the lady on the dome, and it needs a lot of repairs.

But the problem I have is that the whole agenda was wrong. The National Guard should have done this mission. They could have saved the taxpayers over $40,000 by letting the National Guard do it.

Mr. Speaker, they did the job out in Texas several years ago. So I worry when a Government agency cannot come in and help another Government agency.

But, Mr. Speaker, I am glad it is over; the wrong folks did it, but I congratulate them. Nobody got hurt.

PRESIDENT CLINTON'S REMAKE OF THE SPAGHETTI WESTERN

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Clinton's effort to beef-up the White House staff has obviously gotten some help from his Hollywood friends. Instead of releasing a new campaign reform proposal he has decided to go with a remake of the spaghetti western, "The Good, the Bad, and the Ugly." Unfortunately, instead of getting Clint Eastwood to star in this version, he has gotten Uncle Sam for the lead.

Mr. Clinton's plan has only the barest hint of the good by trying to reduce special interest influence in campaigns—an effort I pushed last year by limiting candidate PAC contributions to one-third of total contributions. However, Mr. Clinton's plan inexplicably allows the House and Senate to accept different levels of PAC money and does not go as far as he proposed in the campaign.

The part of the bad in Mr. Clinton's plan is played by public financing of congressional campaigns. A well-known phrase states "money is the mother's milk of politics." If that is the case then the public financing is truly food stamps for politicians. That leaves us with the ugly and there are plenty of characters here to play that role. The fact that reform will not take place until 1996 or that individual PAC contributions do not change at all for House candidates both qualify for the part of the ugly.

It is unfortunate for America that it is getting served a warmed-over plate of spaghetti in place of reform, but fortunate for President Clinton that truth in advertising does not apply to the movies or he would have to call this "The Good, the Bad, and the Ugly."

ADMINISTRATION COMMITTED TO PASSAGE OF CAMPAIGN FINANCE REFORM LEGISLATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I just want to call attention to, and applaud at the same time, the effort made by President Clinton last week in announcing that the administration was committed to the passage of campaign finance reform legislation in this session of Congress.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This is not easy, because the whole existence of elected officials politically, at least, and electorally rests on the ability to raise money and to spend it wisely and thus, to succeed in reaching the voters.

So, for the President, the leader of the party, to make this move is an evidence of acceptance on his part that change needs to be made in most profound way in the electoral process.

It matches, at the same time, the large percentages of people in the country who wish change to be made.

As one who has not accepted PAC contributions, political action committee contributions, for two election cycles, I can say it is not exactly easy to change election finance, but it is possible and certainly reduced spending does enhance grassroots participation.

So, I look forward to working with Members in the House and the other body and with the President in passing solid campaign reform legislation in this term of Congress.

□ 1210

DEMOCRATS RAISE TAXES BEHIND CLOSED DOORS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the Ways and Means Committee is in the process of marking up a tax bill which promises to be the largest tax increase in our history. My constituents are very interested in this bill, and are eager to watch it progress through the Ways and Means Committee.

But it seems that some Democrats do not want the press and the public to know how they voted on specific tax increases. So what did the Democrats do? They voted to close the committee markup to the public.

Yes, Mr. Speaker, it seems that business as usual is flourishing here in Congress. The Democrats are about to raise your taxes and they went behind closed doors to do so.

I think this is an outrage. My constituents deserve to know what is going on in that committee room since they will be affected by all the tax increases. Just because the Democrats are too scared to let the sunshine in, decisions that should be made in public are being made behind closed doors. More taxes, more spending, and a bigger Government is what will result from their actions.

So, Mr. Speaker, if you happen to walk around the first floor of Longworth this week, make sure you do so on tiptoe—the Democrats are raising taxes and do not want to be disturbed.

CELEBRATING THE 25TH ANNIVERSARY OF THE PENNSYLVANIA STATE CIVIL SERVICE COMMISSION'S WESTERN REGIONAL OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I am pleased to note that May 11, 1993, will mark the 25th anniversary of the Pennsylvania State Civil Service Commission's western regional office, located in Pittsburgh, PA.

Over 68,000 State and local civil service employees in the Commonwealth of Pennsylvania look to the Pennsylvania State Civil Service Commission for information on job opportunities and work-related procedures and regulations. This office provides an essential service of communication to both the public at large and State and local government employees in particular.

Since the opening of the commission's western regional office in Pittsburgh on May 20, 1993, area residents have benefited from improved access to job information and expert guidance in dealing with State civil service regulations and procedures. The Pittsburgh office plays a key role today in making State and local government service more accessible to the people of western Pennsylvania.

The western regional office has also been responsible for managing a successful outreach program to recruit civil service candidates from area colleges and community organizations. This effort has been instrumental in advancing the goal of having a civil service work force which reflects the community it serves.

While honoring the 25th anniversary of the western regional office of the Pennsylvania State Civil Service Commission, it is appropriate also to commend the thousands of State and local government civil service employees in Pennsylvania who labor daily on behalf of their fellow citizens. All too often we fail to acknowledge the contribution of the men and women who provide the vital government services on which local citizens depend.

Mr. Speaker, I believe it is fitting that we take this time at the Federal level to commend the efforts of both the western regional office of the Pennsylvania State Civil Service Commission and area State and local government workers. I hope my colleagues will join with me in expressing to them appreciation for the dedicated service they provide the people of Pennsylvania.

WAR CLOUDS OVER EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, war clouds are gathering over the heart of Europe again, the third time in this century. Now is preeminently the time for clear and analytical thinking.

Hopefully, clear and cool heads will prevail. I am hopeful. Even the Washington Post reported, "Secretary of State Warren Christopher, in his fifth day of consultation with European allies, continued to encounter resistance to U.S. plans to launch air strikes against the Serbs and help arm the Bosnian Moslems." The Europeans understand that to enter the war in the Balkans is not only to enter a civil war, but to get involved in a real blood feud.

Our military leaders insist that caution must be used in our actions. The military leaders know that Bosnia is a real snakepit. It is comparable to the old, now dead Soviet Union going into Afghanistan. As the U.S.S.R. could not pacify Afghanistan, so too, the United States is not going to be able to bring peace in the Balkans. The American people are opposed to war in the Balkans.

Who then are the jingoists who want to send American men and women into combat in Bosnia? Not our military people, who have seen combat and have been shot at in anger in Vietnam, Panama, and other places. Our men and women in uniform are not advocating war. Well, who is then? All the martial music and jingoism is emanating from some of our politicians. And who are these politicians?

Well, there is Senator LUGAR. When did he last wear the uniform? Then there is Senator JOE BIDEN. What branch of the service did he serve in?

Well, there is President Clinton, our Commander in Chief; during the Vietnam war he ran off to England. Not only to protest the war in Vietnam but to lead demonstrations, to organize demonstrations against our fighting forces in Vietnam. How ironic that now he sits in the White House asking mothers' sons, those same mothers who lost husbands in Vietnam, is asking to send their sons to Bosnia.

To be perfectly frank: These are the sons of those fathers who President Clinton demonstrated against in the 1960's during the Vietnam war. How ironic then that he is now asking their sons to fight and die in Bosnia.

Mr. Speaker, the military situation in Bosnia may be covered by the fog of war, but here in Washington, President Clinton's policy is crystal clear.

He wants to send in American troops, against the best advice of our military leaders and our most experienced diplomats.

For the last 2 months, Bill Clinton has told the American people he will not send American troops into Bosnia.

But all this time, the President's emissaries have been working in NATO on a plan to send in up to 100,000 troops, 25,000 of which would be American, into Bosnia.

Secretary of State Christopher has done his best to head off the President's plan.

Two weeks ago, he set forth four conditions for committing American troops.

His counsel was eminently sensible and it provides a useful benchmark for judging President Clinton's policy.

His first proposal was that we must have a clear goal. But, what can the goal be, when Bosnia is in the midst of a civil war, a blood feud.

The White House says it is to create safe havens for the beleaguered Moslems. Certainly they need safe havens, but what happens after those havens are established?

Our troops would have to stay indefinitely. How can our troops stop the fighting?

Some 35 U.N. troops have already been killed, and that is just while guarding the relief convoys, not to say anything about trying to stop the fighting.

If our goal is to stop the fighting, many of our troops would be killed.

If our goal is to enforce the Vance-Owen peace plan our troops would have to patrol hundreds of miles of artificial borders, in rugged terrain, where all the advantages are with the warring factions.

The bottom line is, no matter what our goal is, our troops would be sitting ducks.

Secretary of State Christopher's second condition is that the American people must support the President's policy, but a clear majority of Americans are opposed to sending American troops into Bosnia.

The President has not spoken to the American people. He has not convinced the American people.

Europe knows more about the President's plans than do our own people, whose sons and daughters would do the fighting, and those taxpayers will pay the bills.

Americans see the basic unfairness of President Clinton's policy. They see Bosnia as Europe's problem, first and foremost.

The American people do not want to send American forces into war to fight for a third time this century in Europe. Moreover, if Americans knew that their Government had signed up to pay one-third of all U.N. peacekeeping costs, I think they would be furious. American taxpayers have already paid $1 billion for our adventure in Somalia.

What would the costs be in Bosnia, where the armies have heavy weapons and all the supplies they need to keep fighting?

The third and fourth tests our Secretary of State put forward are how do we get out of Bosnia once we are in, and how do we succeed? How, indeed?

Last week, I met with a Cabinet member of the Hungarian Government. He told me that while he was all in favor of us getting involved in Bosnia, he said:

> I have to be honest with you and tell you that if you Americans put troops into Bosnia, you Americans will still have troops in Bosnia at the turn of the century, and yes, you will have many casualties.

Mr. Speaker, I think that is what the American people have to realize if the President does decide to send troops into Bosnia as is now the case.

America will be stuck in a real quagmire. Other nations will never commit their troops to Bosnia once we are committed.

The Vance-Owen plan may not be perfect, but it is every bit as good as we can realistically hope for in Bosnia. It is our only hope to avert war. But it is Europe's responsibility to put Vance-Owen into effect.

Had the Clinton administration endorsed the Vance-Owen plan rather than its off-again, on-again, lukewarm support, maybe, just maybe, we would be talking about a peaceful settlement today rather than preparing for war.

The only real chance for keeping America at peace lies in the American people. Let me illustrate:

When President Clinton decided to lift the ban on gays in the military—our Capitol, which if we get 250,000 calls in a day is a huge amount of calls—our Capitol got 470,000 calls. That is when President Clinton delayed the final decision until July 15. So the American people do run this Government and this country. So, too, today we must ask the American people to contact their Congressman, their Senator, and yes, their President, to register a strong "no" vote, a vote against war.

□ 1220

Mr. Speaker, we Americans do not want our Armed Forces to become a 911 for every troubled spot in the world, which is what is happening. I am concerned about what goes on here in Washington when in our Committee on Foreign Affairs a leading member of the Democrat Party and foreign policy expert said that America must be involved everywhere in the world. When I asked for a clarification, he reasserted that America must be involved in every conflict around the world.

Mr. Speaker, I in no way concur with this foreign policy, but it is the policy that is rapidly emerging under the Clinton administration. This is the same man who said that when he becomes President he will focus like a laser on the economy.

I think it is about time that we mind our own business. It is about time that we take care of our own people and our own problems first for a change. That should be our policy. It is not the United States obligation to get involved in every squabble around the world.

Mr. Speaker, the American people realize that it is easy to step into a quagmire like Bosnia, but it is almost impossible to extricate ourselves. We have examples like Vietnam. We have examples from the U.S.S.R. like Afghanistan. And there are many other historical examples.

Even with Somalia the people are not really being told the truth by the media and the politicians—the American people are not. That is why now it is called a U.N. operation. Did my colleagues notice that last week on TV it is now a U.N. operation? But what the American people were not told by the politicians and the media is that we still have 4,200 troops in Somalia, the backbone of the so-called U.N. operation.

Why are we there? Because, Mr. Speaker, once America pulls its troops out of Somalia, then the United Nations will not be there to enforce their so-called resolution in Somalia. U.S. troops are going to be engaged there in hostilities for a year or longer, 4,200 troops, and we have hundreds of other troops offshore in case something goes wrong.

Why? Because, Mr. Speaker, without the United States there is no effective U.N. presence; that is why. That resolution of keeping these 4,200 troops in Somalia will be before Congress very shortly, and yet the American people were told last week that it is not a United States operation. That is totally false. The politicians have spent billions of taxpayers' money in Somalia, and who knows how much more will be spent?

Mr. Speaker, I am very dubious about all these foreign entanglements. Last December, I and others said that we have to help the starving people of Somalia, but we did not want it to be a United States operation totally? We were told that by January 20 our troops would be out of Somalia, but January 20 came and went, and then we were told that our troops will be out by spring. Now we have a resolution coming before Congress that is going to keep our troops in for at least a year or longer, and Congress is going to put its imprimatur on the fact that these troops can be engaged in hostile action, and I predict to my colleagues that a year from now we will have another resolution saying that our troops have to be in for another year in Somalia.

Mr. Speaker, this is just an illustration of how easy it is to step into a trap, but it is almost impossible to extricate yourself. No one can put a cost on the lives that may be lost in Bosnia, but what our experience tells us is that, not only are we going to lose precious lives, but we are going to lose billions.

How much is it going to cost us? Well, let me tell my colleagues that it is going to cost us plenty because we know that once America stops bombing, America is going to pick up the tab for any of the damage, and after this experience, we are going to be told that every building in Bosnia, Herzegovina, and the Balkans was bombed by the Americans, and the American taxpayers are going to open up their purse again, and there will go billions.

Where are all these people who say they are concerned about the deficit? I say to my colleagues, "Stop to consider our actions."

Where are all the politicians who always, back home, talk about, "Hey, we're going to take care of America's economy; we're going to take care of our deficits?" Where are all these people? When they are back here, Mr. Speaker, they are always clamoring for more and more foreign intervention.

No, my fellow Americans. I say the best policy is to stay out of the conflict in Bosnia. You see, like other Americans I do not like to see what is going on in Bosnia, and I do not like to see the war going in Bosnia, but America did not start that war. They did that on their own. And what the people there started on their own, they can stop on their own.

No; Bosnia is no place for America.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. FILNER). Under a previous order of the House, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 60 minutes.

Mr. MCDERMOTT. Mr. Speaker, America is embarking upon one of the most important debates in 50 years. The issue is health care reform. No issue affects more of us as directly or intimately.

The decisions Congress will make at the conclusion of this debate will be as important as any Congress has made in half a century.

A few days ago, I discussed the health care reform plan I have authored—H.R. 1200—the American Health Security Act.

It's a single-payer plan which would guarantee every American high-quality health insurance and high-quality health care.

Seventy-two Members of this body have joined me in cosponsoring it.

While my plan has more cosponsors—far and away more cosponsors—than any other health reform plan introduced so far, I know there are other plans and that there will be more to come.

The President, for example, is preparing a plan of his own. Other Members have introduced, or will introduce, their own plans.

Many of us share the same basic goals. The question is, do the plans we propose get us to those goals?

I have prepared a checklist of essential criteria which ought to be included in any health care reform plan. I want to share them with my colleagues today.

These are fundamental questions each Member should ask about any plan. If a specific plan—including my own—does not solve these problems or adequately address these issues, then it does not really accomplish the basic needs of fundamental health care reform.

I urge my colleagues—and the American people—to ask the following questions when considering the health care reform plans which will come before them in weeks to come:

First, does it provide insurance coverage to every American? Nearly 40 million Americans do not have health insurance coverage today.

That total increases by 100,000 each month. An almost equal number, nearly 40 million, are dangerously underinsured. Any reform proposal must extend quality coverage to these Americans.

It costs more not to provide insurance to everyone.

CBO report: Universal coverage in 1991 would have saved $14 billion.

Second, is that coverage portable, stable and continuous? A major problem for people who have insurance is the fear that they will lose it if they move to another job. Often a new employer's plan won't cover a preexisting condition.

Third, is the standard benefit package comprehensive enough to prevent the need for a large secondary insurance market like Medigap which leads to two-tier medicine and uncontrollable costs?

In a democracy, it is important to have a quality health care system available to all. If the standard benefit package guaranteed to all citizens provides only minimal benefits, then some people will look for a better deal.

People will try to either buy out of the national system or buy more private insurance.

If people buy out of the system, you cannot control costs.

If the standard package of benefits is a generous one, people will stay in the system, preserving the ability to control costs.

Fourth, does it allow individuals or families to choose their own physician or other health care provider? Americans cite the ability to choose their own physician as the single most important aspect of any health care plan, even over cost and convenience.

They do so by large margins. One of the fundamental elements of healing is the relationship between the healer and the patient. If the patient has no choice, you take away an essential element of the health process.

Fifth, does it guarantee coverage regardless of physical condition or the presence of a preexisting condition?

Increasingly, insurance in this country is only available for those things for which you do not need insurance.

If you have a cancer, insurance companies will cover everything but cancer. If you have heart problems, they will cover everything but heart problems. Any reform plan must correct this fundamental problem.

Sixth, does it provide for effective, verifiable cost-containment? Currently, America's health care system essentially has no cost controls.

We cannot, as a nation or as individuals, afford this any longer. Any reform plan must have verifiable cost-containment.

Seventh, does the cost-containment apply to the entire health care delivery system without loopholes or exemptions for the secondary insurance market or self-insured entities?

It is increasingly difficult to control costs and stop wasteful spending if large numbers of people are outside the system. To be effective, cost-containment measures must be applied to the entire health care delivery system. If people or companies are allowed to opt out of the system, you then develop a two-tiered system of medicine, one that serves rich people and one that serves everyone else.

Eighth, is there one simplified Federal administrative system that applies to all Americans, rather than multiple bureaucracies which do the same thing for different groups?

A central goal of any health care reform plan should be to simplify the system to make it understandable for ordinary citizens and to make it easier to identify and eliminate waste. Overlapping layers of Federal health care bureaucracies for separate benefit programs needlessly waste health care dollars.

Ninth, does the health care delivery system enhance access to health care in rural areas and the inner cities?

More than 35 percent of Americans live in rural areas or inner cities. Both have been chronically underserved by the current health care system. Any national health care system must correct this inadequacy.

Tenth, does it enhance the quality of health care and eliminate interference between doctors and patients by insurance companies second guessing medical decisions?

Maintaining America's high quality of health care must be a fundamental goal of whatever health care reform plan America adopts.

Currently insurance companies require prior approval through precertification requirements for hospital admissions, length of hospital stays, and even for specific medical procedures. Insurance companies require this prior approval, even though they know nothing about the individual case at hand. Precertification requirements have not been effective in controlling health care costs, and they have not improved health care.

What we need is a system that allows doctors to make their own medical decisions, but which also teaches them how to deliver better medicine by developing better practice patterns.

Eleventh, does it provide for continuity of care?

If patients are forced to constantly change plans, care is disrupted. Many proposals would require individuals to be a member of the least expensive plan offered in a given year.

What happens if this year plan A is least expensive, but next year plan B is least expensive? The answer is, you quit plan A the second year and join plan B. Under most proposals, that switch would also, in all likelihood, require a switch in doctors, since doctors would work for the plan, not the individual patient.

What happens if the following year plan C is the least expensive? Under most plans, you switch plans—and doctors—again.

The disruption in care which would be the natural result of all this switching is obvious. When care is disrupted, the consequences are often very costly and dangerous.

Twelfth, does the system dramatically reduce administrative costs of the health care budget?

This chart just says it all about what is wrong with the current system.

Almost a quarter of all health care dollars in America are consumed by administrative expenses of insurance companies. This is simply unacceptable.

If we are to make the kinds of savings necessary to finance comprehensive health care coverage for all Americans this figure must be reduced. And it can be reduced.

For example, under Canada's single-payer system, less than 1 percent of all health care dollars are consumed by administrative expenses.

CBO report found a single-payer system would save doctors and hospitals 50 percent of their overhead costs.

Mr. Speaker, these are fundamental questions which must be asked of any health reform plan which comes before this body.

I urge my colleagues to use them as a yardstick to measure the plans we will be asked to consider, and thank you for allowing me this opportunity to discuss this important matter with my colleagues.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. GEPHARDT) for May 6 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. MCDERMOTT, for 60 minutes, today.

(The following Members (at the request of Mr. ROTH) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. HUFFINGTON.
Mrs. VUCANOVICH.
Mr. BURTON of Indiana.
Mr. OXLEY.
Mr. CUNNINGHAM.
Mr. PACKARD.
Mr. FAWELL.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. HAMBURG.
Mr. OBERSTAR.
Mr. BRYANT.
Mr. ACKERMAN.
Mr. ROSE.
Mr. TORRES.
Mr. PAYNE of New Jersey in two instances.
Mr. CLEMENT.
Mr. STENHOLM.
Mr. EDWARDS of Texas.
Mr. SKELTON.
Mr. KLEIN.
Mr. COPPERSMITH.
Mr. CRAMER.
Mr. STOKES.
Mrs. JOHNSON of Connecticut.
Mr. HOEKSTRA.
Mr. BARTON of Texas.
Mr. FROST.
Mr. VISCLOSKY.
Mr. MENENDEZ.
Mr. KING.

ADJOURNMENT

Mr. MCDERMOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 11, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

1176. Under clause 2 of rule XXIV, a letter from the Secretary of Education, transmitting a copy of the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults [HKNC] for the 1992 program year, pursuant to 29 U.S.C. 1903(b)(2); to the Committee on Education and Labor.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. JOHNSON of Connecticut:

H.R. 2048. A bill to amend the Federal Election Campaign Act of 1971 to reduce multicandidate political committee contributions to congressional candidates, and for other purposes; to the Committee on House Administration.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY):

H.R. 2049. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect a nonincremental credit for 5 percent of their aerospace-related research expenditures in lieu of the incremental research credit; to the Committee on Ways and Means.

By Mr. ROEMER (for himself, Mr. BARRETT of Wisconsin, Mr. PENNY, Mr. DOOLEY, Mr. UPTON, Mr. FRANK of Massachusetts, and Mrs. MALONEY):

H.R. 2050. A bill to terminate the space station *Freedom* and advanced solid rocket motor programs, and to redirect the savings therefrom to deficit reduction, and to National Aeronautics and Space Administration space and civil aviation programs; to the Committee on Science, Space, and Technology.

By Mr. KING (for himself and Mr. LEVY):

H.R. 2051. A bill to modify the project for navigation, Jones Inlet, NY; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 2052. A bill to extend the provisions of title 5, United States Code, relating to leave-transfer programs for an additional 5 years, and to modify those programs to permit transfers of sick leave in addition to annual leave; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Texas (for himself, Mr. KASICH, Mr. COX, Mr. FRANKS of New Jersey, Mr. MCMILLAN, Mr. KOLBE, Mr. SHAYS, Ms. SNOWE, Mr. HERGER, Mr. BUNNING, Mr. ALLARD, Mr. HOBSON, Mr. MILLER of Florida, Mr. LAZIO, Mr. SMITH of Michigan, Mr. INGLIS, Mr. HOKE, Mr. GINGRICH, Mr. PETRI, Mr. ZIMMER, and Mr. BARTLETT):

H.R. 2053. A bill to amend the Federal Credit Reform Act of 1990 to include administrative costs in the estimated long-term costs to the Government of direct loan guarantees, and for other purposes; to the Committee on Government Operations.

By Mr. VISCLOSKY:

H.R. 2054. A bill to direct the Secretary of the Army to develop a watershed management plan for the Lake George area of Indiana, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SPENCE:

H.J. Res. 194. Joint resolution to designate the week beginning September 19, 1993, as "National Historically Black Colleges Week"; to the Committee on Post Office and Civil Service.

By Mrs. VUCANOVICH:

H. Con. Res. 97. Concurrent resolution acknowledging Maj. Gen. Jesse Lee Reno and the 125th birthday of the city of Reno; to the Committee on Post Office and Civil Service.

By Mr. MANTON:

H. Res. 167. Resolution adjusting the status of an existing position on the Capitol Police for duty with respect to the House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 285: Mr. PETERSON of Minnesota, Mrs. THURMAN, Mr. BARTLETT, and Mr. FALEOMAVAEGA.

H.R. 349: Mr. KREIDLER, Mr. TUCKER, and Mr. ENGEL.

H.R. 396: Mrs. MINK and Ms. FOWLER.

H.R. 401: Mr. HOEKSTRA and Mr. BARTLETT.

H.R. 746: Mr. LEACH, Mr. BALLENGER, Mrs. MEYERS of Kansas, and Mr. KASICH.

H.R. 749: Mr. COX.

H.R. 844: Mr. CHAPMAN, Ms. EDDIE BERNICE JOHNSON, and Mr. FOGLIETTA.

H.R. 1098: Mr. BUNNING.

H.R. 1141: Mr. GEKAS, Mr. ALLARD, Mr. PAXON, Mr. DICKEY, and Mr. SCHAEFER.

H.R. 1158: Mr. DICKS and Ms. NORTON.

H.R. 1164: Ms. LOWEY and Mr. BORSKI.

H.R. 1277: Mr. BAKER of California.

H.R. 1308: Mr. HOBSON and Mr. JOHNSON of Georgia.

H.R. 1344: Mr. TORRICELLI, Mrs. MEYERS of Kansas, Mr. ROMERO-BARCELO, Mr. STARK, Mr. BILIRAKIS, and Mr. SOLOMON.

H.R. 1456: Mr. STRICKLAND.

H.R. 1493: Mr. SCHIFF and Mr. KLUG.

H.R. 1841: Mr. HUGHES.

H.R. 1923: Mr. THORNTON.

H.R. 1945: Mr. ROHRABACHER, Mr. RAMSTAD, Mr. DICKEY, Mr. LIGHTFOOT, Mr. GREENWOOD, Mr. PETE GEREN, Mr. PETERSON of Minnesota, Mr. WELDON, and Mr. EVERETT.

H.R. 1980: Mr. MCCLOSKEY.

H.R. 1992: Mr. STUMP.

H.R. 1996: Ms. FOWLER.

H.J. Res. 95: Mr. KASICH, Mr. FILNER, Mr. CLEMENT, Mr. ABERCROMBIE, Mr. HASTINGS, Mr. TOWNS, Mr. CLYBURN, Mrs. MINK, Mr. GILLMOR, Mr. ROMERO-BARCELO, Mr. FROST, and Mr. BALLENGER.

H.J. Res. 106: Mr. BROWN of Ohio, Mr. CASTLE, Mr. JACOBS, and Mr. RAHALL.

H.J. Res. 119: Mr. DE LA GARZA, Mr. MACHTLEY, and Mrs. VUCANOVICH.

H.J. Res. 122: Mr. KLECZKA, Mr. PETRI, Mr. MARKEY, Mr. TORKILDSEN, Mr. CALLAHAN, Mr. STUDDS, Mr. VALENTINE, Mr. BLUTE, Mr. ROBERTS, Mr. WISE, Mr. HASTINGS, Ms. DANNER, Mr. EWING, Mr. PETERSON of Florida, Mr. FALEOMAVAEGA, Mr. VOLKMER, Mrs. JOHNSON of Connecticut, and Mr. MOORHEAD.

H. Con. Res. 3: Mr. BAKER of Louisiana.

H. Con. Res. 21: Mr. BROWDER.

H. Con. Res. 68: Mr. LEWIS of Florida, Mr. KREIDLER, Mr. DUNCAN, Mr. SHAW, Mr. KASICH, Mr. LEVY, and Mr. HOCHBRUECKNER.

H. Con. Res. 74: Mr. CAMP and Mr. SOLOMON.

H. Con. Res. 95: Mr. SKELTON, Mr. HOEKSTRA, Mr. SERRANO, Mrs. ROUKEMA, and Mr. MCDERMOTT.

H. Res. 32: Mr. WISE and Mr. ACKERMAN.

H. Res. 122: Mr. LAZIO, Mr. PARKER, Mr. MCDADE, Mr. HOCHBRUECKNER, Mr. MANZULLO, Mr. MINGE, and Mrs. MORELLA.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE DAVIS-BACON REFORM ACT OF 1993

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. STENHOLM. Mr. Speaker, I am pleased to join with my colleagues HARRIS FAWELL, TIM VALENTINE, BILL GOODLING, SONNY MONTGOMERY and JIM INHOFE to introduce legislation to make much needed reforms of the Davis-Bacon Act of 1931. Senator LARRY CRAIG is introducing companion legislation in the Senate.

The Davis-Bacon Act requires that the minimum wage that contractors on federally financed construction, repair, and alteration contracts pay each separate classification of worker be those determined to be locally prevailing by the Department of Labor. Although Davis-Bacon was originally intended to ensure that Federal construction contracts reflected private practices, it has come to operate counter to its original purpose. Often the prevailing rates set by the Department of Labor are significantly higher than the actual averages for the locality, disrupting the local labor standards it was meant to preserve. The burdensome requirements of Davis-Bacon discourage many small and minority-owned firms from even bidding on Federal work, reducing competition and driving up the cost to the Federal Government in construction projects. CBO estimates that even with regulatory changes that limit the inflationary impact of Davis-Bacon, the act increases Federal construction costs by at least 2.1 percent. Other estimates of the cost premium to the Federal Government resulting from Davis-Bacon have been much higher.

Earlier this year, President Clinton submitted an ambitious plan to confront our massive Federal debt. In his State of the Union Address, President Clinton said that there should be no sacred cows in the budget and called on Congress to come find additional areas to cut spending. On the Budget Committee, we responded to that challenge by providing for $63 billion in additional spending cuts. One of the potential areas that the Budget Committee suggested as a step that Congress could take to meet the spending cut target was Davis-Bacon reform. The budget resolution passed by the House included report language stating that:

> The House Budget Committee urges the House Committee of jurisdiction on the Davis-Bacon Act to study the potential for possible savings to the federal government from the reform of the Act and report reform legislation to the full House of Representatives.

Davis-Bacon is a budget issue because it goes to the question of how efficiently and effectively a part of the Federal contracting system works. It is a budget issue because, under the status quo, the Government—and therefore the taxpayer—is not getting a dollar's worth of construction for every dollar spent.

We must begin making the tough choices necessary to reduce the deficit. In an era of $300-plus billion deficits, we cannot continue maintaining the status quo in running the Government. We will have to make sacrifices that include reductions in Government benefits and services and possibly the complete elimination of some programs. Reforming Davis-Bacon is precisely the type of policy change we must make if we are ever to put the deficit on a sustainable, downward path.

Our bill would make several reforms to remedy these problems, restore the act more closely to its original intent and to move Congress a step closer to the goal established by the Budget Committee. It would increase the threshold for projects that are covered by the act to $500,000, allow the use of semi-skilled helpers on Federal construction projects and reduce the paperwork requirements under the act. Work performed by volunteer labor and projects funded primarily by State and local governments would be exempted from the requirements of Davis-Bacon. Finally, our bill would establish a statutory definition of prevailing wage and codify several Department of Labor regulations that have improved the accuracy of wage determinations. I am inserting a summary of our bill for the RECORD.

These reforms will open up Federal contracting practices to small and minority contractors who have been priced out of even attempting to compete for Federal construction contracts. It will reduce the administrative burdens on contractors and the Federal Government. Perhaps most importantly, these reforms would further the goals of increased Government efficiency and deficit reduction by reducing the cost to the American taxpayer of Federal construction projects by approximately $4 billion in budget authority and $3 billion in outlays without reducing Government activities, benefits, or quality of goods.

In the next several weeks and months this body will have to make many tough choices. The entire Federal Government must undergo a complete review. Some programs will undoubtedly be eliminated and others will be significantly reduced. We should reform the Davis-Bacon Act to ensure that we get the most out of our Federal construction dollar.

This legislation is a middle-of-the road compromise between repeal and the status quo. I urge all my colleagues to support this bill.

SUMMARY OF DAVIS-BACON REFORM BILL

1. Increase the threshold for coverage to contracts greater than $500,000, with provisions prohibiting contract-splitting. This would open up federal construction to many small businesses that are unable to compete for contracts because of Davis-Bacon requirements. 85% of the total dollar volume of all federal construction would be subject to Davis-Bacon.

2. Allow the use of semi-skilled helpers on projects covered by Davis-Bacon in areas where the use of helpers is an identifiable practice to bring federal projects, would bring federal construction practices in line with the private sector. Codify the definition of helpers established by the Department of Labor, validated by nine years of court tests, that carefully defines helpers to prevent the substitution of helpers for skilled workers. Helpers are utilized now on more than 70% of private construction projects.

3. Define prevailing wages as the entire range of wages paid to the corresponding class of workers in an area. This would reflect locally prevailing wages more fully and accurately, while providing the basic protections intended by the Act. The Davis-Bacon Act currently contains no definition of prevailing wage.

4. Reduce the requirement under the Copeland Act for payroll reports on Davis-Bacon projects from weekly to quarterly. The costs to federal contractors in complying with these paperwork requirements has been estimated to be between $50 and $100 million.

5. Exclude state and local projects in which less than ¼ of the funding is provided by the federal government from Davis-Bacon wage levels. This formula was used in the Revenue Sharing program to prevent local projects from being burdened by federal wage regulations when the federal government's financial participation in the project is negligible.

6. Exempt volunteer labor from Davis-Bacon provisions. There is an exemption under the National Housing Act for volunteer labor, but not in any other program. Under current law, volunteer workers must be paid Davis-Bacon wage levels, and cannot return the money in any project in which there are any federal funds involved, such as a community redevelopment program.

7. Codify regulations requiring separate wage surveys for rural and urban areas, which prevent the disruption of local labor markets by importing dissimilar wage levels and work rules from dissimilar areas.

8. Codify regulations excluding wages paid on federal projects, from prevailing wage surveys. This is consistent with the longstanding intent of the Act that prevailing wages be based on wage levels in the private sector.

9. Require annual GAO and DOL reports on the economic impact of Davis-Bacon and these reforms.

10. Technical amendments to ensure that any back pay due is paid directly to workers and to apply Davis-Bacon uniformly under the approximately 70 laws incorporating the Act by reference.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF THE STENHOLM-FAWELL DAVIS-BACON REFORM ACT OF 1993

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. FAWELL. Mr. Speaker, I am pleased to introduce the Davis-Bacon Reform Act of 1993 with my colleague from Texas, Mr. CHARLIE STENHOLM. This measure is intended to provide long-overdue reforms to the Davis-Bacon Act of 1931 in order to restore the act to its original purpose—ensuring that Federal contracts reflect prevailing private practices.

Currently, the prevailing wage rages determined by the Department of Labor are generally substantially higher than the actual average for the locality, reflecting the union rate of pay rather than the wages paid by local small and minority-owed contractors. This artificially high rate, coupled with extremely burdensome paperwork requirements, discourages many small and minority-owned firms from even bidding on Federal contracts and increases the cost of Federal construction projects to the American taxpayers. A recent Congressional Budget Office [CBO] study estimated that the Davis-Bacon Act increases Federal construction costs by at least 2.1 percent.

Our bill would achieve significant savings by increasing the threshold for construction projects covered by the act from the current level of $2,000 to $500,000. It would also exclude State and local projects in which less than one-fourth of the funding is provided by the Federal Government from Davis-Bacon wage levels and exempt volunteer labor from the requirements of the act. Our reform bill would also substantially reduce the paperwork burden by reducing the requirements for submission of payroll reports from weekly to quarterly. The measure would also address the inflationary wage rates by defining prevailing wages as the entire range of wages paid to a class of workers in an area. Finally, our reform effort also allows the unlimited use of helpers in areas where use of helpers is an identifiable practice.

Taken together, these reforms will restore the integrity of prevailing labor practices while ensuring that small and minority-owed businesses in the area have equal opportunity to bid on Federal contracts. The bill will also reduce the act's administrative burdens and will save the taxpayers' money on Federal construction projects.

I am pleased to be working with the gentleman from Texas on this important legislation and I urge all of our colleagues to cosponsor this measure.

TRIBUTE TO REAR ADM. JAMES E. MILLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. SKELTON. Mr. Speaker, I rise today to recognize and honor Rear Adm. Jim Miller, Supply Corps, U.S. Navy, as he retires upon completion of over 36 years of faithful service to the Nation.

A native of San Diego, CA, he completed studies at the University of Redlands. Subsequently, he earned a master's degree in management from the Naval Postgraduate School and graduated with distinction from the Industrial College of the Armed Forces.

Commissioned an ensign in December 1956, Jim has been assigned the toughest assignments. His sea tours include the destroyer U.S.S. *Kidd* (DD 661), where he served during the QueMoy-Matsu crisis of 1957–58; the repair ship U.S.S. *Delta* (AR 9); and the combat stores ship U.S.S. *Mars* (AFS 1). He gained extensive experience while assigned duties at Hunter's Point Naval Shipyard; at North Island Naval Air Station; at the Navy Subsistence Office; as executive officer at both the Charleston Naval Supply Center and the Ships Parts Control Center; and as commander of the Subsistence Field Activities at the Defense Personnel Support Center. Jim was assigned as the staff director to the Assistant Secretary of Defense for Spares Program Management in the Pentagon; then as the Assistant Chief of Staff for Supply Readiness for the Commander, Task Force 73, U.S. Pacific Fleet; and later as the Director, Supply Operations/Fleet Supply Officer for the U.S. Atlantic Fleet.

Rear Adm. Jim Miller was assigned as the Vice Commander and later as the Commander, Naval Supply Systems Command and 37th Chief of Supply Corps, where he served in one of the most demanding and crucial flag-rank billets. Through his dynamic leadership, Jim caused dramatic, worldwide improvements in logistics and inventory policy. Recognized as one of the Navy's foremost logisticians, he was selected to be the principal architect for Middle East theater operations and contributed greatly to unprecedented supply support for Operations Desert Shield and Desert Storm. Jim's logistics insight, keen intelligence, and sound counsel were recognized by the highest levels of Navy leadership and he played a key role in planning for and downsizing the Navy. By employing comprehensive corporate strategies and applying total quality leadership concepts, Jim directed the Naval Supply Systems Command with distinction in its fleet support mission, and has postured the Command for the 21st century.

Jim has been designated a Surface Warfare Supply Corps officer and has received the Distinguished Service Medal, the Defense Superior Service Medal, Legion of Merit with two Gold Stars, Meritorious Service Medal with two Gold Stars, and the Navy Commendation Medal.

A man of Admiral Miller's talent and integrity is rare indeed. While his honorable service will be genuinely missed, it gives me great pleasure to recognize him before my colleagues, and to wish him "Fair Winds and Following Seas," as he brings to a close a long and distinguished career in the U.S. Naval Service.

THE 1993 NALC FOOD DRIVE

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. COPPERSMITH. Mr. Speaker, on Saturday, May 15, letter carriers in all 50 States will collect nonperishable food donations left by mailboxes. The carriers will take the food to a central postal station for use by local food banks.

This wonderful program supports community food banks throughout the country. In 1991, a 10-city pilot food drive collected 296 tons of food. This year, I understand that organizers hope to collect several thousand tons of food for food banks to distribute to the needy.

I want to encourage the public to participate in the 1993 NALC food drive. In Arizona's First Congressional District, the letter carriers in Mesa, NALC branch 3756; Phoenix, NALC branch 576; and Tempe, NALC branch 2688, will collect food donated by the public on each carrier's route. Let's all pitch in and help feed the hungry.

THANKS, CELEBRITY READERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I am honored to ask my colleagues to join me in congratulating an important program in the 10th Congressional District of New Jersey, the Celebrity Read Program. The program asks adults, both famous and not so famous, to come into the school system and read a passage to students about an important historical event involving people of color. The program then asks the participant to share a few of their life experiences with the class.

The program this year had 200 adult readers participate and they read to 5,000 students in 24 elementary schools. Some of the more well-known readers were former New York Giant football players Harry Carson, George Martin, and Joe Morris; Carrie Smith, jazz singer and star of the Broadway show "Black and Blue"; and many local politicians. I believe the most important component of the celebrity read program is the fact that their definition of celebrity is local business people, entrepreneurs and everyday citizens from the community. They explain that "people from all walks of life and at various levels of accomplishment can serve as a source of inspiration to our inner-city youth."

It warms my heart that in the 10th Congressional District of New Jersey there are organizations that are acting on the phrase "I believe the children are our future" and doing something to help them become prepared to take their rightful place. Thank you to the Celebrity Read Program and to the 200 Celebrity Readers for taking time to interact with the leaders of the next generation—our most valuable possession—our youth.

Thank you, Mr. Speaker, for allowing me this opportunity to share with my colleagues some of the exciting things we are doing in New Jersey to ensure our future.

A SPECIAL SALUTE TO RICHARD J. BOGOMOLNY, CHAIRMAN OF THE ANTIDEFAMATION LEAGUE REGIONAL BOARD

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to an outstanding individual from my congressional district, Richard J. Bogomolny. For the past 5 years, Dick Bogomolny has served as chairman of the Northern Ohio Regional Board of the Anti-Defamation League. He departs the post after a distinguished career at the helm of this great organization.

Under the leadership of Dick Bogomolny, the Anti-Defamation League has been a moving force in the fight against prejudice and bigotry. The league has been successful in its efforts to foster improved community relations and, at the same time, encourage dialogue with the African-American community, Catholics, and others.

Mr. Speaker, we are indebted to Dick Bogomolny for his tireless efforts to create the World of Difference Program in northeast Ohio. The program, aimed at reducing prejudice through education, has reached thousands of teachers and students throughout the region. Just recently, the Community Relations Board of Cleveland recognized the Anti-Defamation League for fostering improved race realtions through A World of Difference. The entire community has benefited from this outstanding resource.

Mr. Speaker, I am proud of my close working relationship with members of the Anti-Defamation League over the years. I am equally proud of my close association and friendship with Dick Bogomolny. He is an individual of the highest integrity whom I greatly admire and respect. As Dick relinquishes the chairman of the Anti-Defamation League Regional Board, I take this opportunity to commend him for a job well done.

A TRIBUTE TO DR. EMMETT J. CONRAD, TRAILBLAZER FOR EQUALITY

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. BRYANT. Mr. Speaker, a huge vacuum has been created by the death on April 24, 1993, of Dr. Emmett J. Conrad, 69, a longtime devoted leader in education, medicine, and the fight for equal opportunity in Texas.

Few of our fellow citizens have so distinguished themselves in so many areas of service to their communities or to society—as a soldier, as a hospital surgeon and chief of staff, as a member of his local school board and the Texas Board of Education, as president of the Greater Dallas Community of Churches, and as an aggressive opponent of discrimination.

Born the youngest of six children into humble circumstances in Baton Rouge, LA, in 1923, Dr. Conrad remained committed throughout his life to giving every child the opportunities he fought to achieve for himself and other African-Americans.

Before his Army service in World War II, he had begun his premedical studies at Baton Rouge's Southern University. His outstanding performance on an Army IQ test earned him a scholarship to complete his undergraduate education at Stanford University.

Dr. Conrad earned his medical degree at Meharry Medical College in Nashville, TN. He interned at St. Louis Hospital and spent 2 years as a captain at an Air Force Base in Illinois before moving to Dallas to be St. Paul Medical Center's first African-American staff surgeon in 1955. In 1981, he became the hospital's first African-American chief of staff.

Throughout his practice in Dallas, Dr. Conrad maintained his office in the same African-American community in which he started.

That community, too, provided the impetus for his decades of involvement in improving public education. He and other African-American parents became distressed at the second-class status of schools in south Dallas and their being placed in undesirable locations.

Dr. Conrad and others complained and protested. Then he close to blaze yet another trail toward equal opportunity, running for and winning election in 1967 to an at-large position on the Dallas Independent School District Board of Trustees.

In the 10 years he served on the board, Dr. Conrad championed the integration of administrative staffs, the end to lingering discrimination, and the institution of free lunch programs for poor students.

He was a tireless leader and role model. As Kathlyn Gilliam, who has served on the Dallas School Board since 1974, noted Dr. Conrad "served as a guiding force during the years when I was just a novice * * * was extremely interested in young people becoming involved, and he was always willing to work to see that people were on track in terms of holding elective office. * * * He will be sorely missed."

Since 1982, Dr. Conrad, who was reelected to a third term last November, had served as a member of the State Board of Education, District 13, a position which he used to fight for quality education for all children including reforms such as the establishment of prekindergarten programs, teacher competency and student proficiency testing, and no-pass, no-play rules to insure that education is the highest priority of our schools.

Perhaps 30-year family friend Excella Dillard paid him the highest tribute in remembering: "He was a person who kept his word for anything he promised to do for you. He was a person interested in doing good things for everybody."

Quite simply, Dr. Emmett Conrad's achievements, his compassion, and his pursuit of social justice have justifiably earned him an important place in our history and the hearts of those whose lives he touched.

WATERTOWN CONSTRUCTION CO.

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, in 1973 the Watertown Construction Co. was formed and began operations after successfully bidding a project for the Watertown, CT, school district. The company's founder, Robert Santamaria, and one other employee began this project on April 23, 1973. Since then, the Watertown Construction Co. has built roads, bridges, schools, churches, and libraries for the people of Connecticut.

The company has struggled through hard times and has prospered during periods of economic growth. It has continued to grow because of its philosophy which places the needs of its employees and sound financial management ahead of profit. The company maintains a skilled work force through continuous training and, as a result, many employees have been with Watertown Construction for over 18 years. During the last recession, Mr. Santamaria submitted proposals for new construction projects with little or no profit margins in order to maintain the company's viability and its skilled work force. This strategy obviously worked.

Today, I join the management and workers of the Watertown Construction Co. in celebrating their 20th birthday. They have worked hard and they have prospered. I applaud them for jobs well done and wish them many years of continued success.

UNIVERSITY OF TEXAS AT ARLINGTON MOVIN MAVS

HON. MARTIN FROST

OF TEXAS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. FROST. Mr. Speaker, as Congressmen representing the city of Arlington, TX, and on behalf of the entire Texas congressional delegation, we would like to convey our congratulations to the University of Texas at Arlington Wheelchair Basketball Team.

On February 28, 1993, the UTA Movin Mavs captured their third consecutive national championship. On Thursday of this week, they will become the first wheelchair basketball national champs to be received by the President of the United States in the White House.

Our State is, of course, very proud of this extraordinary team. And, people throughout our Nation as well can find inspiration in the individual battle that each team member waged to overcome disability and become a champion.

Our thanks and our congratulations to the 1993 UTA Movin Mavs Wheelchair Basketball Team:

James Anthony Hayes, coach; Lee Castillo, assistant coach; Chee Ho, assistant coach; Juan Pulido, manager; Jesus Alamillo; William

Hernandez; Bobby Holcomb; Don Bradley Michael; Chhalyl Mak; Phung Tran; Dennis Harrison; Jason C. Van Beek; and Ciprian Falcon.

TRIBUTE TO T. ALVIN BLACKWELL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a personal friend, Mr. T. Alvin Blackwell, on the occasion of his retirement from the Health Care Authority of the city of Huntsville, AL.

Mr. Speaker, when the city of Huntsville assumed ownership of Huntsville Hospital in 1961, it appointed five community leaders to its Board of Control. One of these five community leaders is T. Alvin Blackwell. He was elected chairman of the board in 1968, and subsequently served in that capacity for 24 years. Although he retired from the board on April 12, he remains today, three decades later, the hospital's senior statesman, a voice of unequaled experience, and above all, the hospital's conscience and heart.

Born in Madison County, Alvin grew up during the Depression. As a young man during World War II, he joined the Navy Seabees and saw action in the Pacific theater. Upon returning to the United States after the war, he entered the University of Alabama. He later joined G.W. Jones & Sons, where he worked for 23 years. After leaving G.W. Jones, he opened his own real estate firm, which he continues to manage to this day. Recently, Alvin and his wife Gertrude celebrated their 50th wedding anniversary. Besides Huntsville Hospital, his other great passions include his two grandchildren, Heather and Tommy, and the University of Alabama in Huntsville, an institution which owes its existence to the farsightedness of local community leaders, one of whom is Alvin Blackwell.

In the past, Alvin has been recognized by the Huntsville-Madison County Chamber of Commerce as its Citizen of the Year, an award given annually to the community leader who has made the greatest contribution to the community. This award is reserved for people who have given of themselves selflessly over many years. In 1991 he received the William C. Gorgas Award from the Alabama Medical Association, given annually to the lay person who makes the greatest contribution to the medical profession. He has also served with distinction on the Madison County Draft Board, the Huntsville Board of Economic Development, the University of Alabama in Huntsville Foundation Board of Trustees, the executive committee of the Madison County Democratic Party, Alcoholics Anonymous, the Lions Club, the Salvation Army, and the Pathfinders.

Alvin's greatest commitment, however, and much of this time, has been to Huntsville Hospital, and to health care for the citizens of north Alabama and southern Tennessee. As great as his commitment to the hospital is Alvin's commitment to the underprivileged. As a member of the hospital's board, and as its chairman for nearly 30 years, Alvin serves as the hospital's heart and soul. He has guided the hospital through the years of prosperity and growth, but has never let it forget its original mission—health care to the people of north Alabama regardless of their ability to pay.

Alvin Blackwell has provided Huntsville Hospital, Huntsville, and Madison County with exemplary leadership, stewardship, and direction. I salute him today and wish to make a matter of public record my respect, admiration, and appreciation.

THE FUTURE OF HEALTH CARE: HOFFMANN LA-ROCHE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. KLEIN. Mr. Speaker, I rise today to recognize a leader in the U.S. health care industry. Hoffmann-La Roche, headquartered in Nutley, NJ, is setting the standard for the future of the industry.

I wish to recognize the contribution of Hoffmann-La Roche because the health care industry is of special importance to New Jersey. This is true for two reasons: First, health products manufacturing is New Jersey's No. 1 manufacturing industry; second, New Jersey is the nation's No. 1 health products manufacturing State, as 6 of the 14 pharmaceutical companies in the Fortune 500 are headquartered there.

Mr. Speaker, Hoffmann-La Roche embodies the dedicated and innovative spirit associated with these New Jersey success stories. As one of the world's leading research-intensive health care companies, Roche has discovered, developed, and introduced numerous important prescription pharmaceuticals. Roche is also has distinguished itself as a leading provider of diagnostic products and clinical testing services, home infusion therapy services, vitamins and fine chemicals for human animal nutrition, as well as animal feed additives and veterinary products. Recognized for excellence in both biotechnology and traditional chemistry, Roche is also pioneering the commercial development of polymerase chain reaction [PCR] technology, a revolutionary advance in diagnostics that promises to enhance the early detection of AIDS, cancer and a host of genetic diseases.

Unfortunately, I must note that this revolutionary technology is having to be utilized fight a battle long thought to have been won in this country. I am referring to TB. I know that every Member in this Chamber is aware of the return of this scourge. What every Member may not be aware of is the efforts of Mr. Irwin Lerner, chairman of the board of Hoffmann-La Roche, to combat this dreaded disease.

Working with the New York Public Health Research Institute [PHRI], Mr. Lerner recently announced the establishment in New York of the PHRI TB Center. This unique facility is dedicated to containing the spread of tuberculosis, particularly the multidrug resistant strains that are making the recent resurgence on the disease so disturbing. Roche is uniquely qualified to help and did not hesitate to do so. Roche is a leading funder of this project and is also pursuing the principal goal of applying the PCR technology to the development of rapid and accurate tests to detect TB.

Mr. Soeaker, I hope that those looking toward the future of health care in the United States will recognize the service and dedication demonstrated by both Mr. Lerner and Hoffmann-La Roche's new president and CEO, Mr. Patrick J. Zenner. We must invest in extensive research and development in order to succeed. Hoffmann-La Roche deserves praise for its investment of $1 billion a year in continuing to search for cures as well as improved methods of prevention, diagnosis, and treatment.

Hoffmann-La Roche has also addressed its corporate responsibility to the well-being of the community it serves. Their initiatives include the Roche Indigent Patient Program, which provides products free to physicians treating people who lack medical insurance or other financial means; their "Corporate Initiatives for a Drug Free Workplace," motivating corporate leaders to implement practical drug abuse policies and programs; and their Parenting Premier, a new community health initiative which provides education and support for parents with premature infants, Hoffmann-La Roche deserves our recognition for their commitment to their slogan, "Working Today for a Healthier Tomorrow."

YOUTHFUL CRIME AND THE DEFICIT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. BURTON of Indiana. Mr. Speaker, crime, particularly among America's youth, is rampant, and our traditional methods of incarceration are failing to meet today's demand both in relation to their capacity and their recidivism prevention. Many first-time, nonviolent youthful offenders are never encouraged by our system to change their destructive behaviors either because there is a lack of facilities or because the youth are placed with hardened criminals who lead them further astray. Unfortunately, though, the national and States' budget crises severely limit the scale to which government can further respond to this problem. That is why the bill I introduced is so important; it effectively confronts both youthful crime and the deficit.

My bill would assist States and localities in establishing boot camp prisons for nonviolent, youthful offenders without spending additional Federal funds. All around the Nation, these boot camps are proving not only to be more cost-effective than traditional incarceration, but also, and more importantly, more effective in turning these youth away from a life in crime. In addition, the Federal Government is in the process of closing and disposing of unneeded military bases, which could easily be renovated into such camps. While not all military bases being closed are suitable for boot camps, ones located in heavily residential areas for instance, I believe that many of these closed bases would be ideal. My bill does not mandate, but only makes it easier for, States and localities to create boot camps for nonviolent youths at these sites.

Specifically, what my bill proposes to do is threefold: First, give State and local governments who would like to establish a nonviolent, youthful offender boot camp first priority in reusing closed military bases; second, redirect some current Bureau of Justice Assistance [BJA] discretionary funds to increase the number of seed money grants for these boot camps; and third, direct the Department of Defense, in conjunction with the Federal Bureau of Prisons, to develop a model boot camp based on military training and discipline. The practical effect of this bill will make it financially easier for States and localities, if they desire, to create a boot camp for these nonviolent youth by turning over unwanted military base property free of charge for the conversion into a boot camp. The bill's change in BJA grant funding will, using last year's spending figures, mean an increase in boot camp seed money from $1.5 to around $4.5 million. Finally, by calling on the combined experience of the Armed Forces and Bureau of Prisons, we can develop an effective, model boot camp program that States and localities could copy to avoid unnecessarily spending their scarce resources on program development and experimentation.

Although my bill will not solve all our crime problems relating to American youths, I believe it is a step in the right direction. By reprioritizing existing resources, both closed military bases and grant moneys, we are wisely using our scarce means to help States and localities address a fundamental social problem, and we are giving misguided youth the opportunity to acquire the discipline and direction needed for a successful and prosperous life before they become hardened, career criminals. Therefore, I ask my colleagues to examine and then support my legislation.

WILTON LANNING DAY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. EDWARDS of Texas. Mr. Speaker, I rise today to recognize, congratulate and thank Mr. Wilton Lanning for his selfless dedication to the city of Waco and for his efforts to preserve a part of our city's past.

Mr. Lanning's crowning achievement is the restoration and conversion of the original Dr. Pepper bottling plant into a first-class museum.

Wilton Lanning began formulating his dream in the early 1950's when the original Dr. Pepper plant was heavily damaged by a tornado that ripped through the Waco business district.

The Dr. Pepper Museum under Wilton Lanning's dedicated guidance was officially opened in May 1991. Since then thousands of visitors have toured the historical plant where the Dr. Pepper drink was blended, bottled and shipped across the country. That unique experience would not be available if it were not for the tireless efforts of Wilton Lanning.

I ask my colleagues to join me and the citizens of Waco by proclaiming May 11 as Wilton Lanning Day. Mr. Lanning brought a bit of the past into the future for all to learn from and enjoy.

THE EXPEDITED COASTAL RESOURCES IMPROVEMENT ACT OF 1993

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. KING. Mr. Speaker, I rise today to introduce legislation to address coastal erosion problems in my Nassau County district. The Expedited Coastal Resources Improvement Act seeks to cut through bureaucratic red tape in Federal coastal management efforts along the south shore of Long Island.

The Nor'easter that struck much of the east coast in December 1992 caused extensive damage to many of Long Island's beaches. President Bush declared New York City and Long Island Federal disaster areas. Particularly hard hit was Point Lookout and the barrier beaches of Long Beach Island, both in my district.

My legislation seeks to provide a long-term solution to replenishing these devastated beaches by eliminating bureaucratic roadblocks.

Under the Water Resources Development Act, the Army Corps of Engineers is required to do a section 933 study which determines whether or not it is economically justifiable to dredge Jones Inlet and use the sand to replenish the barrier beaches on Long Beach Island. This study must be done by the local Corps office and then be sent to Washington for final approval.

Incredibly enough, this particular study began in April 1992 and is not expected to be approved by Washington until May 28, 1993. As a result, our barrier beach communities have been held hostage in a tangle of red tape. The Expedited Coastal Resources Improvement Act will allow the Corps to get their shovels in the sand and start work on dredging and beach replenishment without unnecessary bureaucratic tie-ups. In short, my bill will permit the Corps to do the necessary dredging and beach replenishment work without having to perform a section 933 study each and every time.

Eliminating this unnecessary step in the Federal Government's maintenance of Jones Inlet will save both time and money. This is a common sense approach to bureaucratic gridlock. Expediting dredging and beach replenishment will result in a more timely and cost-effective completion of this important component of the overall coastal resource management program on the south shore.

I am pleased that my Nassau County colleague DAVID LEVY has joined in sponsoring this important measure. This legislation also enjoys the full support of local officials as well as the thousands of Long Islanders who will be able to continue to enjoy the sun, surf, and sand of our beautiful coastal resources.

25TH ANNIVERSARY SALUTE TO THE MIGUEL TEURBE-TOLON MASONIC LODGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate the Miguel Teurbe-Tolon Masonic Lodge of west New York on recently celebrating their 25th anniversary.

The lodge was founded on March 3, 1968, and named after the Cuban patriot, who along with several others, helped design the Cuban national flag in the 1840's. At the time, Teurbe-Tolon was fighting for Cuban independence from Spain.

The three blue stripes symbolize the three regions of Cuba; the two white stripes the purity of the independence struggle; the red triangle in the left corner the bloodshed in the independence struggle; and the white star the island of Cuba.

Today, the Teurbe-Tolon Lodge, as it has done for the past 25 years, is working for the liberation of Cuba from a modern tyranny. Throughout long years in exile, lodge members have raised their voices in defense of political prisoners in Cuba and for the reestablishment of democratic principles on their beloved island.

During their time in exile, lodge members have become good citizens in their adopted country.

On the occasion of their 25th anniversary, I wish to commend the members of the lodge for their contributions.

LAKE GEORGE, IN, WATERSHED MANAGEMENT PLAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. VISCLOSKY. Mr. Speaker, today, I am introducing legislation to authorize the development of a comprehensive watershed management plan for northwest Indiana's Deep River Basin, which includes Deep River, Lake George, Turkey Creek, and other related tributaries. The communities of Hobart, Lake Station, and Merrillville, IN, would greatly benefit from the implementation of this plan.

The sediment cleanup of Lake George was first authorized in the Water Resources Development Act of 1986 (Public Law 99-662) and the project has received Federal funding since 1990. The project includes flood control, environmental enhancement, and recreational development for an area that comprises the 282-acre Lake George, Turkey Creek, and Deep River in the vicinities of Hobart and Lake Station, IN.

However, the successful completion of the Lake George project is dependent upon a detailed, comprehensive investigation of the watershed, beyond the scope of the existing Lake George study authority. The legislation I am introducing today would facilitate the evaluation of how to sufficiently control the current and long-term sediment quality and quantity, address chronic flooding problems and the safety of Lake George Dam, and ensure the proper management of endangered wetlands.

In addition, a comprehensive watershed management plan is essential to determine the placement of sediment traps for the authorized Lake George project. Taxpayer dollars would be saved by instituting effective land use management techniques and trapping sediments before they reach Lake George. It is possible that sediment flow could be relieved in the unauthorized tributaries. In sum, future costs could be drastically reduced by developing and implementing a comprehensive management plan, which would result in less costly sediment traps and much needed flood relief for the communities of Hobart and Lake Station, IN. Additionally, the development of a comprehensive plan could alleviate the need for a costly redredging of Lake George in the future.

It is my hope that this bill will enhance our ongoing efforts to develop and implement sound, reasonable, and long-term solutions to the watershed management problems faced by the Lake George area, as well as the rest of northwest Indiana. I would hope to have your support, and the support of my other colleagues in the House of Representatives, in advancing this important legislation.

IN HONOR OF THE 50TH ANNIVERSARY OF THE 1942-43 GRADUATING CLASS OF THE COLLEGE OF AERONAUTICS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the 37 surviving members of the 1942–43 graduating class of the College of Aeronautics of Flushing, NY. For more than 62 years, the College of Aeronautics has moved forward on its mission to educate students for careers in aircraft maintenance, avionics, and aeronautical design. In 1964, it was approved as a technical junior college and became a 4-year college in 1986.

On May 15, 1963, 37 of the surviving members of the graduating class of 1942–43 will be holding a 50th reunion. Against the background of the darkest hours of World War II, these men began a career in aeronautics that would span the greatest technological leaps forward that finally brought humans into outer space. Serving at every level of responsibility, these graduates helped maintain our national air fleets and helped design civilian and military aircraft ranging from the DC–3 to the 747, and from the Hellcat to the F–117.

These alumni represent only a small fraction of the 18,000 people graduated from the College of Aeronautics. All in the seventies and retired, these graduates represent the fine tradition of their school, bringing honor and distinction upon themselves as well as our great Nation.

Mr. Speaker, I ask all the Members of the House of Representatives to join with me now in honoring these most unique individuals for 50 years of dedicated service to the aeronautical program of our country.

WELCOME HER MAJESTY QUEEN SIRIKIT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. CLEMENT. Mr. Speaker, I am deeply honored on behalf of my fellow Tennesseans to extend a very warm welcome to Her Majesty Queen Sirikit of Thailand on the occasion of her visit to the United States.

Her Majesty is well known here in the United States and elsewhere as a strong advocate of the welfare of the Thai people. Equally as important, Her Majesty has extended the safety of her country to refugees displaced by problems in neighboring countries. This generosity and compassion has eased the suffering of untold millions of people.

Her Majesty has also helped lead efforts to develop her country economically. Her tireless dedication has improved the quality of life of her fellow citizens, particularly through education and health programs.

We in Tennessee have a special relationship with Her Majesty and Thailand. Recently, the Thais opened a ceramic tile manufacturing facility in Clarksville, just outside my district. It has been a great success and is the first of what I hope will be many more direct ties between Tennessee and Thailand.

Mr. Speaker, over the last year it has been my pleasure to meet and become friends with many Thai Government leaders and business people. It is clear from our conversations the great respect in which they hold Her Majesty. As such, it is with great anticipation that I look forward to meeting Her Majesty and welcoming her personally to the United States.

SUPPORT FOR H.R. 667

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. CUNNINGHAM. Mr. Speaker, I rise today to announce my cosponsorship of H.R. 667, legislation which will codify the existing ban on homosexuals in the military.

When President Clinton announced his intention to lift the ban on homosexuals in the armed services, I had grave misgivings. As someone who served 21 years in the Navy, I found his proposal to change this longstanding policy troubling. I was particularly concerned over the President's initial plan to change this policy through Executive order, and not allow for a full and fair discussion of the issues.

For that reason, I joined a number of my colleagues on the Armed Services Committee in requesting the President to delay any unilateral action until Congress could review this issue. I also asked Chairman DELLUMS to hold hearings on this matter. Those hearings have now been concluded.

While I won't claim I went into these discussions with an open mind, I did feel it was important that the issue be discussed and reviewed by the committee. After hearing the various witnesses, pro and con, I have heard nothing which has persuaded me that lifting the ban will not have serious repercussions for the military.

The military cannot be a testing ground for sociological experiments. Its mission is to defend this Nation and its interests, not serve as a laboratory for untried theories. Yet, by lifting the ban, we will be forcing the military to move far ahead of the rest of society. The fundamental question which must guide our deliberations must be military readiness.

The issue is not whether homosexuals have served or can serve with honor. They have. The issue is not whether homosexuals can be integrated into police or fire departments. I know of no police departments that operate submarines or house their officers in barracks. And I strongly believe that this is not a civil rights issue. No one has a right, per se, to serve in the military. Many people are refused for many different reasons.

I also reject the argument that lifting the ban on homosexuals is no different from President Truman's decision to fully integrate blacks into the Armed Forces. The issue before us today is one of behavior and conduct. African-Americans were serving at the time of President Truman's Executive order, but in capacities which limited their ability to rise through the ranks. I join with Joint Chiefs Chairman Colin Powell in stating that we do the many brave African-Americans who served with such distinction a disservice by comparing their integration with the present question.

The military is a unique institution, with unique requirements. Many things which are tolerated or endorsed in society at large, are simply incompatible with the military. By definition, the performance of soldiers, sailors, airmen, and marines, depends on them forming a unified team, where personalities and differences are subsumed into the larger goals of the mission. I emphatically disagree with those who state that allowing open homosexuals into the military will not affect that mission.

I believe that integrating open homosexuals into the services will have negative effects on morale, camaraderie, esprit de corps, and discipline—and consequently, on readiness. As a former commanding officer, I can readily testify to the importance of unit cohesion. The performance of a squadron, team, or company is directly and intricately linked with how well the personalities of its members mesh. We must ask: Will lifting the present ban harm the military? I believe it will, and therefore, I have cosponsored H.R. 667, which will enact the current restrictions on homosexuals in the military into law. I urge my colleagues to join me in supporting this legislation.

QUESTIONS FROM THE HOLOCAUST

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. OBERSTAR. Mr. Speaker, as the Holocaust Memorial Museum opened its doors to the public, much has been said and written about this dark chapter in modern history.

One of the most moving works I have read in conjunction with the museum's opening is a poem by Richard Clayton Peet entitled "Questions."

I recommend it to you and my colleagues.

QUESTIONS

(By Richard Clayton Peet)

Why did they come to hate us so?
  Why, oh why, God, why?
And force us to gas chambers go?
  Why, oh why, God, why?
From where did their brute fury come?
  What evils turned their conscience numb?
What demons made their passions rise?
  Why did the world not hear our cries?
Why, oh why, God, why?

They condemned our people not to live—
  Why, oh why, God, why?
A people with so much to give—
  Why, oh why, God, Why?
Knew they not their sin and shame?
  Knew they not from whence they came?
Feared they not eternal flame,
  For abominations in His name?
Why, oh why, God, why?

From ancient times we've known their rage—
  Why, oh why, God, why?
Fear, pain and death in every age—
  Why, oh why, God, why?
Untold victims have we lost,
  In blood-drenched seas of anguish tossed,
From Babylon to Holocaust—
  Why, oh why, God, why?

—To my grandfather on the dedication of the Holocaust Memorial, Washington, DC, April 22, 1993.

IN HONOR OF LITTLE LAKE CITY SCHOOL DISTRICT'S DAY OF THE TEACHER AND TEACHER OF THE YEAR, WEDNESDAY, MAY 12, 1993

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. TORRES. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 1993 Teacher of the Year for Little Lake City School District.

On May 12, 1993, the Little Lake City School District will hold a celebration in honor of the Day of the Teacher. This day has been set aside to pay tribute to the many current and retired teachers of the Little Lake City School District who have committed their careers to the instruction and growth of our youth.

On this day, the school district will pay special recognition to the 1993 Teacher of the Year, Eileen Ekinaka. The Teacher of the Year Award is presented to the individual who has demonstrated outstanding teaching and has gone above and beyond the call of duty. Ms. Ekinaka is such a person. She is a teacher who understands the complexities that go into the learning process and most importantly, she understands children.

To quote Ms. Ekinaka:

> My success is not measured by salary or advanced degrees or private office space, but by my own satisfaction in knowing that teaching is a worthwhile endeavor and finding in each day an exciting challenge.

John Pulice, superintendent of Little Lake City School District states:

> Eileen is an outstanding teacher, loved by her students and respected by her peers. She has the ability to inspire all those with whom she comes into contact. She has my highest endorsement and best wishes as she begins her year as Little Lake's representative.

Mr. Speaker, Little Lake is one of the finest school districts in the State of California. It is with honor and pride that I ask my colleagues to join me in extending best wishes and congratulations to all of the teachers of Little Lake City School District and especially to the 1993 Teacher of the Year, Eileen Ekinaka.

IN HONOR OF WALTER WARREN ON HIS RETIREMENT FROM THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. HAMBURG. Mr. Speaker, I wish to draw the attention of the House to a distinguished constituent of mine, Mr. Walter J. Warren, on the occasion of his retirement from the Humboldt Bay Municipal Water District board of directors after 24 years of service.

In commemoration of Mr. Warren's retirement, I extend my congratulations and thanks for the many years of service he performed on behalf of the water district and the people of Humboldt County. Mr. Warren was instrumental in the construction of a hydroelectric plant and industrial water pumping station, and in other improvements in the district's operation. He served the district board in the capacities of president and secretary/treasurer during his 24-year tenure. Mr. Warren's service and retirement will be celebrated by his Humboldt Bay Municipal Water District colleagues and the community on May 23.

Mr. Speaker, please join me in wishing Mr. Warren happiness and continued success in his retirement.

TRIBUTE TO PARTNERS IN EDUCATION PROGRAM

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. HOEKSTRA. Mr. Speaker, I rise today to pay tribute to a program in the community of Holland, MI, between the public schools and local businesses, the Partners in Education Program. It provides many benefits to students, teachers, the community and, of course, the dedicated business professionals of the Holland area.

Partnerships are formal, voluntary relationships between the schools and their communities for the purpose of enhancing education. Through this program, we see the heightening of competitiveness and the creation of unique learning environments otherwise unavailable in a traditional school setting. The students have opportunities for leadership, career exploration, and lifetime-learning experiences as they prepare for the workplace of the 21st century.

The Partners in Education Program produces a shared vision between education and business. The special relationships involved in this program are multileveled and many-faceted and develop a unified purpose. With a shared vision, local businesses can be assured that there will be appropriately trained workers to accomplish their future goals.

Another benefit of this program is manifested in the area of competitiveness. There is no better way for businesses to be more competitive in the local and global markets than to assist their future employees in identifying and developing skills, knowledge and success-oriented attitudes. Partners in Education plays an important part in this process.

Through their participation in the Partners in Education Program, students are exposed to positive role models in local businesses. They observe adults making extra efforts to support education. It is beneficial for students to witness the dedication and cooperation of teachers and business partners as they work together to write more effective curricula. These interactions assist the students in their transition from the classroom to the real world. This program is an important bridge between the schools and the community.

There are also intangible benefits of the program to students, teachers and business people. The students enjoy the addition of an adult team member from outside the educational realm. The teachers sense that their efforts are more meaningful. And the business partners experience feelings of satisfaction as they observe the enthusiastic responses and personal growth of the students.

The following organizations have played crucial roles in the success of the partnerships: Holland Christian Schools, Holland Public Schools, Saugatuck Public Schools, West Ottawa Public Schools, Lakeshore Link, the Holland Educational Foundation, and more than 55 businesses in the Holland area.

The Partners in Education Program will continue to be proactive in order to be even more effective and to meet the challenges that lie ahead.

REMARKS AT THE SEMINAR ON CIVIL-MILITARY RELATIONS IN DEMOCRATIC SOCIETIES

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. ROSE. Mr. Speaker, I recently made the following remarks at the seminar on Civil-Military Relations in Democratic Societies at the National Defense University, concerning the relationship between Armed Forces and the societies they serve:

Opening Remarks By Congressman Charlie Rose, Seminar on Civil-Military Relations in Democratic Societies, National Defense University, April 19, 1993

It gives me great pleasure as Leader of the House Delegation to the North Atlantic Assembly to welcome all present to this, the second in the series of Rose-Roth seminars on "civil-military relations in democratic societies".

I should like to extend my thanks to the President of the National Defense University for making these excellent facilities available to us, and for the co-operation and support his staff has provided in organizing this seminar.

I am very pleased to be able to welcome to Washington colleagues and friends from the Assembly; and it gives me particular pleasure to welcome parliamentarians and staff from our "associate delegations".

For the benefit of those who are not familiar with the work of the North Atlantic Assembly in developing co-operation with the countries of Central and Eastern Europe, let me briefly outline our activities.

The Rose-Roth Initiative, of which this seminar is a central part, was launched two years ago when, as the then recently elected President of the Assembly, I paid an official visit to Bucharest and Prague. Even during this brief visit, the sheer magnitude of the changes underway in these countries and the enormity of the political, economic and social challenges facing them were all too evident. Yet, it was equally apparent that the resources and experience available to deal with these problems were at best limited and at worst non-existent.

In this situation, and at a time when NATO governments had decided to offer the "hand of friendship" to former adversaries, it appeared to me that the North Atlantic Assembly, as the collective parliamentary voice of the Alliance, had a responsibility—even an obligation—to lend these countries all possible moral and practical support during this critical period of transition. Accordingly, and with the support of my Republican colleague, Senator Bill Roth, I decided to create an Assembly "outreach" program which would focus Assembly resources on assisting the development of parliamentary democracy in Central and Eastern Europe.

It seemed to us that as a well-established framework for parliamentary consultation and co-operation the North Atlantic Assembly constituted an excellent vehicle in which to integrate parliamentarians from the new democracies. The North Atlantic Assembly could play the same role towards Central and Eastern Europe that it had so successfully for many years within the Atlantic Alliance—as a forum for regular dialogue between parliamentarians, for the exchange of information, for improving awareness of different problems and perspectives, and finally and hopefully, creating greater understanding and confidence.

Two years on, and as I look around this room, I think we have achieved a great deal in creating the regular dialogue between parliamentarians of East and West. Our Initiative operates at three levels:

First, it has meant the active participation of parliamentarians from the twelve countries who are now "associate delegations" in the bi-annual meetings of the Assembly.

Second, it has involved the holding of special seminars on issues of particular interest to our new partners—on issues such as defence conversion, nuclear safety, or "minorities"—or on issues of regional stability—such as the Trilogy of seminars held in each of the three Baltic states during the course of last year; and now the series on civil-military relations.

Lastly, we have initiated a program to help the development of parliamentary staff able to assist and advise in parliamentary work—something that we in our parliaments take for granted. This program allows staff from Central and Eastern Europe to spend periods of time at our Secretariat in Brussels or to join programs of two-week duration in which they are introduced to the organizations and issues with which they have to deal in their everyday work.

I am pleased that some of the staff with our associate delegations today have participated in these programs.

Today's seminar concerns an issue that is of immediate concern to us all—the question of civil-military relations. Ensuring an appropriate relationship between armed forces and the society they serve is an issue that all countries have to face. In democratic societies, this relationship is based on a fundamental principle—the subordination of the armed forces to democratically-elected political authorities.

It is not difficult to see why this principle of democratic political control is so crucial. Armed forces are created for the protection of their societies; their function is to serve and defend the population from which they are drawn. Yet, the very characteristics that are required in order to carry out this function means that they occupy a special and distinctive position in our societies.

In any society, the military represent a highly organized and disciplined group knit together by traditions, customs, working habits, and above all by the need to work together and depend on each other in times of crisis and conflict—a dependence that can literally mean the difference between life and death. Such dependence builds strong bonds and loyalties that few other professions can claim. It is these qualities that make the military profession different, and in some aspects sets it apart, from the rest of society. However, the aspect of the armed forces that distinguishes them most clearly is the fact that in most countries they have a monopoly on the possession of weapons and armaments; they are the sole controllers of organized armed force.

Given these characteristics it is not surprising that nations have sought to ensure that the military are kept a part of, rather than apart from, society at large; that they serve the nation and do not assume positions of dominance; and that through appropriate constitutional mechanisms armed force is only used under the express and direct authority of democratically elected leaders.

History has many examples of occasions when the military have led or dominated, rather than served, their societies—with unfortunate consequences. Some of you present today will have had direct experience of such periods when the military assumed a dominant role. Our new friends and partners from Central and Eastern Europe have also had their own experience in this field. In these countries the identification of the military with the Communist Party meant that civil-military relations had a very limited meaning. The term "political control" was robbed of any democratic content. Moreover, the military enjoyed a monopoly of power and information—the legacy of which is still felt today.

Too frequently our discussions of civil-military relations focuses on the role of the executive. Yet, to be truly democratic, political control must involve more than control by civil servants—it must involve accountability to democratically elected representatives—that is to parliaments. As in all aspects of government, parliaments have an essential role in monitoring and scrutinizing defense policy and budget. The defence budget represents the culmination of the defence establishment requirements and, at the same time, it represents the contribution required from the tax payer—the electorate at large to whom parliamentarians are most directly responsible.

However, the constitutional function of oversight is only one element of parliamentary involvement with defence. Parliaments play an equally vital role in the broader dimension of civil-military relations—the identification of armed forces with their societies. Parliamentarians form an important bridge between the armed forces and the public. They have the task of explaining to public opinion the need for defence and defence expenditure, and of creating the public understanding and support for armed forces essential for healthy civil-military relations.

In today's world, the role of explaining and justifying will assume an even greater importance, and to do either convincingly we will need ourselves to understand the challenges our armed forces face and the new missions they will be required to fulfill. The security environment that we have known for so long has changed profoundly and with it our security needs. We have all reacted to these changes in the same fashion and with the same objective—to reduce the heavy burden of defence imposed on our societies by the Cold War. Yet, even as our countries embark on the reduction and restructuring of their armed forces we are only too aware of a turbulent and uncertain world replacing the sterile predictability of the Cold War.

Contrary to our early somewhat euphoric expectations, the threat and the actual use of force have not disappeared, as we see the in tragic and brutal conflicts in several parts of Europe. Unfortunately, the requirement for armed forces has not gone away but the demands of these forces are changing. As yet, our precise military needs are difficult to define. The uncertain and unpredictable environment provides little guidance for the shape or size of military forces.

The uncertain environment and the domestic pressure for reductions makes this a testing period for military officials and defence planners alike, their task made no easier by the knowledge that once discarded, military capabilities do not easily reappear.

Collectively NATO has made considerable efforts to adapt to the new environment and to ensure a common approach. The adoption of a new strategy and force structure was a major step forward, yet already the pace of change suggests that both need further modification and adjustment. The emphasis placed by the Alliance on dialogue and co-operation is now a central element of NATO strategy and our armed forces will be called in to play an increasingly important role in building confidence through military to military contacts and other measures.

Similarly, the Alliance has been making strenuous efforts to see whether and how NATO's substantial military potential can now be put to use in the various regional conflicts afflicting the European continent. Events in the former Yugoslavia have pushed the Alliance closer to the formal adoption of "peacekeeping"—using the term to cover a broad range of activities—as a formal mission for NATO's armed forces.

"Peacekeeping" or "Peacemaking" or "Peacebuilding" will pose new questions for our armed forces and our defence planners, as operations in areas such as Somalia and the former Yugoslavia have already demonstrated. We will need to decide what priorities be given to these new missions; will they require special training, equipment, a readjustment of procurement programs? For some countries it will mean looking at personnel policies.

Tomorrow's soldier will need to be a policeman, diplomat, social worker, aid distributor and linguist all rolled into one. This raises the question of whether conscripts or professionals are best suited to these tasks. This is an issue I know many of you discussed already at the recent seminar in Salzburg—albeit apparently with few conclusions.

Likewise, the new security situation will place new demands on the policy and decision making process; and on the reconciliation of military and political views on what sorts of forces are required, when they would be deployed, with what objectives, and with what likely costs. Political leaders and their military advisers do not always see eye to eye on such issues; inevitably, their different perspectives suggests different priorities.

Likewise, the actual deployment of forces and the conduct of operations could place new strains on the relationship, between political and military leaders. The vexed question of Rules of Engagement illustrates the potential tension that can exist between military and political requirements: the military understandably seek flexible Rules of Engagement in order to maximize the protection of lives and assets, whereas political leaders will normally insist on restricted Rules in order to minimize the potential for escalation.

The conflict in the former Yugoslavia has provided a good indication of the sorts of problems that we will face in the future in deciding what role military force can play in regional conflicts of this nature. As the conflict in Bosnia has worsened, public outrage in all of our countries has intensified.

This public reaction illustrates yet another feature of the new environment that will complicate the lives of political and military leaders—the influence of the media and its effect on public opinion. Many of our people cannot understand why the military potential that we collectively maintain at great expense cannot be used in some way to stop the violence.

There is, of course, no easy answer to this, nor indeed, any easy solution—if we do nothing the horrors that we see every day on our T.V. screens unfold relentlessly; yet taking action carries with it incalculable consequences and could even produce a worsening of the situation—if that can be imagined—and what many refer to as "the quagmire scenario". Nevertheless, I think for many people it is difficult to believe that the consequences of taking firm military action against the Bosnian Serbs—as being primarily responsible for the current situation—could possible be worse than the tragedy that is currently under way before our eyes.

In these conditions, parliamentarians have the crucial task of assessing the strength of public reaction—of seeing whether the anger of our people will support the cost of military action not just in terms of resources, but more importantly in terms of the lives of our soldiers.

Hence these new conditions are creating new demands and new pressures to which we and our armed forces must respond. It is important that all of us—policy makers, military men and politicians alike—understand and come to terms with the requirements of this new situation.

Let me finish with two brief observations.

I am sure that most in this room would agree that our armed forces occupy a very special place in all our countries. Not only for their unique characteristics as a profession to which I referred earlier; but even more because they represent the defense of our citizens and the guarantee of their freedom. There is, I believe in most countries a reservoir of respect and admiration for the men and women who serve in our armed forces. Our publics are prepared to support military spending when they see that it is being usefully employed. As legislators, it is for us to ensure that our armed forces are seen to be relevant; hence, helping to maintain the cohesion between them and the electorate.

Finally, I believe that the United States is an appropriate venue for this meeting because we have developed an effective system of civil-military relations in which military officers and civilian planners work together, in which the Congress ensures proper legislative input, and in which, above all, we enjoy open and frank debate about defense issues.

As most American present will know, Marshall Hall is also a particularly fitting meeting place for a seminar on civil-military relations. If one looks back at the figures in American history who have left their imprint on civil-military relations in the United States—men such as Lincoln, Eisenhower, Truman—then one man stands out: General George C. Marshall. George Marshall was one of that rare breed of man who served with great distinction in both worlds—military and political. He was first a soldier who displayed a fine understanding of politics and later a statesman who had personal experience of war and soldiering.

Many of our guests will remember George Marshall for his contribution to the reconstruction of Europe and the creation of NATO; but in the context of this seminar we should also record his influence on the development of civil-military relations in this country.

I hope these proceedings during the next three days will be suitably inspired by his memory.

CELESTE BROWN GOUGH CELEBRATES 100TH BIRTHDAY

HON. MICHAEL HUFFINGTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. HUFFINGTON. Mr. Speaker, Celeste Brown Gough was born May 10, 1893, in Eureka, MO, a descendent of the 19th-century eminent families of Gen. George P. Dorriss and the Honorable Joseph A. Brown, both of St. Louis. "CB," as she was known, graduated from the University of Texas in 1915 with a BA degree in English and Latin. She participated in a demonstration march around the State capitol, asking for the impeachment of then Gov. James E. "Pa" Ferguson. During World War I, she worked with the U.S. Government in Washington, DC, during which time she attended a reception dinner at the White House hosted by President Woodrow W. Wilson. During World War II, she experienced the empty nest syndrome: her only son volunteered for service in the U.S. Navy on his 18th birthday, and her daughter married. CB was advised by her brother-in-law, at that time head of the 8th Service Command and also a psychiatrist, that the solution to her problems was work. At the age of 53, she joined the Department of Veterans Affairs in Dallas, TX, retiring in 1963 at the age of 70. Her family celebrates her 100 years of instilling into her descendents an outstanding sense of family and moral integrity, all enhanced by her remarkable sense of humor.

COMMEMORATION OF THE 125TH BIRTHDAY OF THE CITY OF RENO, NV

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing a resolution acknowledging Maj. Gen. Jesse Lee Reno and the 125th birthday of the city of Reno, NV, my hometown. Reno celebrated the 125th anniversary of its founding on May 9, 1868, with a birthday party on Saturday, May 8, 1993.

The city of Reno was named for Maj. Gen. Jesse Lee Reno, a Civil War hero in the Union Army. Prior to 1860, the area that came to be known as Reno, NV, was called Fuller's Crossing, named for the man who operated a ferry service across the Truckee River. From 1860 to 1868 Myron Lake acquired properties in the area. One of his accomplishments was building a bridge across the Truckee in the vicinity where South Virginia Street crosses the area that was referred to as Lake's Crossing.

In 1868, Myron Lake donated land to the Western Pacific Co. for use in building a railroad depot in the middle of his property. On May 9, 1868, the railroad held an auction to dispose of lots given by Myron Lake that they did not need. These lots from which the city ultimately grew were called Reno. The Western Pacific had named this lot Argentia, referring to the silver mining heritage of the area, but in those days towns were named for heroes, and they saw into the future of the area with the establishment of their depot. They renamed the depot they called Argentia to Reno for the auction sale.

The railroad track in Reno extended to Carson City and was built further up to Virginia City, making Reno a railhead—a key development to its future prosperity.

Jesse Lee Reno graduated from West Point just before the Civil War. Once assigned to war duty, he rose quickly through the ranks to become a first brigadier general. Two future Presidents who served under him were Hayes and Garfield.

General Reno led the Battle of Chantilly in Virginia at the head of the Union forces. The victory was credited with saving the Capitol, in Washington, DC.

His wife was the granddaughter of a man rescued during a battle in the Revolutionary War by Francis Scott Key, the composer of the "Star Spangled Banner." Her grandfather was nearly blind. His question, "Is our flag still there?" figured in the song's ultimate lyrics.

General Reno was killed on September 14, 1862, leading Union forces at the Battle of South Mountain in Maryland.

It is my privilege to join in honoring Major General Reno and to congratulate the city of Reno on its 125th birthday. Happy birthday.

PROPOSED BTU TAX

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. PACKARD. Mr. Speaker, I rise to call the body's attention to the Affordable Energy Alliance's opposition to the Clinton administration's proposed Btu tax. With a membership of more than 900 companies and organizations, this alliance believes as I do, that President Clinton's Btu tax would harm the business industry, the national economy, and consumers.

As we continue the debate about the economic consequences of President Clinton's proposed Btu tax, the business industry and my constituents are flooding my offices with their disapproval of this tax. This is not good business logic in a time when the Nation is rebounding from a recession.

Large corporations and industries such as gas and oil would not be the only ones to feel the economic consequences of this tax. The agriculture industry would also be hurt. The American Farm Bureau Federation estimates that nationwide the Btu tax would cost farmers an additional $1 billion for energy, this is equivalent to about 2 percent of total net farm income.

Agriculture is an energy intensive industry. Once food products are harvested, they are stored in steel cans, and steelmaking is also an energy intensive industry. More importantly, and rarely realized would be the cost passed on to the consumer for the transportation of these food items to grocery stores. The trucks and trains that transport these food items would also absorb the higher cost of operating. The bottom line is that consumers would be stuck with the bill.

President Clinton's Btu tax would touch the economic livelihood of many other industries. The list includes the transportation, construction, lumber and logging, and industrial industry. All of these industries would ultimately pass this added cost on the consumer. Once again, President Clinton has missed his mark and is blasting the middle class.

I want to work with President Clinton to find ways to restore economic vitality and reduce our Federal deficit. However, President Clinton's Btu tax would open a Pandora's box that would target the wallets of consumers, and have a crippling effect on our economy. Reduced spending is the only way to reduce our Federal deficit, not new taxes.

DETROIT'S CHOICE—THERAPY OR SUICIDE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. OXLEY. Mr. Speaker, I recommend to the attention of my colleagues the following May 6, 1993, Wall Street Journal column by J. Bruce Johnston. Mr. Johnston's column provides insight into why it would be a grave mistake for the House to approve H.R. 5, a bill which can only make our Nation's industrial sector less competitive.

DETROIT'S CHOICE—THERAPY OR SUICIDE

(By J. Bruce Johnston)

Congress is now debating a bill that would outlaw the right to bring in permanent replacements for striking workers. Bill Clinton has promised his union friends, particularly the United Auto Workers, to sign the legislation as soon as it lands on his desk.

If all this comes to pass, government will be aiding the domestic auto industry's flight from reality. Today we hear the usual saber-rattling of the UAW and the Big Three as they get ready for their triennial contract talks this fall. Don't be fooled. Auto labor and management are dangerous co-dependents, and they've got a common strategy, which is to use politics to shift the damage from their dysfunctional relationship onto other parties, especially consumers and taxpayers.

The root of the problem is pattern bargaining. This is the UAW's time-honored practice of picking out the industry's most compliant company, wringing costly concessions from it, and then pressuring the entire industry to agree to the target pact or face a long strike from the UAW. The targeted company, naturally, develops a powerful interest in seeing its rivals loaded with the same costs.

Over the years, the idea that everything will be OK as long as all domestic competitors' costs go up together has induced a pervasive sense of unreality when it comes to labor costs. The income guarantees dished out by General Motors three years ago are a prime example. These obliged the company to pay 95% of its full wage package to union members who have not worked a day in years, and contributed mightily to GM's multibillion-dollar operating losses.

And that just scratches the surface. On top of premier wages, GM has been lured over the years into paying for everything from indexed cost-of-living bonuses to profit sharing, from deluxe early retirement packages to literacy pay for workers who can't read. When it's all added up, GM workers average well over $40 an hour, compared with $15 for all other American manufacturing workers.

Maybe Detroit could afford this sort of thing before other countries managed to evolve auto sectors with skills and technology to compete with our own. Those days are history. Caterpillar shook off the past when it recognized that its global customers no longer have to buy the UAW "pattern" to obtain good earth-movers and other heavy equipment. They can always turn to Japan's Komatsu.

Last year, Cat went up against the UAW in a famous test that ended only when the company started bringing in eager nonunion trainees. The war goes on. The UAW is prosecuting a campaign of vilification against CEO Donald Fites and his management team, and is hounding Congress to outlay striker replacement so the union can reimpose the "pattern." Thus Cat could go the way of John Deere and Harnisfeger, which have shipped much of their production offshore, or International Harvester and Allis-Chalmers, which were "patterned" into bankruptcy.

You'd think the UAW would have learned something from this, and perhaps it has. At GM's Saturn plant and a few others, union workers take pride in cutting costs and boosting productivity. But at the UAW's central office, strategy is geared to an aging rank and file steeped in zero-sum labor politics. Their goal is to postpone the day of reckoning until they have their pensions, and then jump ship just before it crashes on the rocks.

The Cowardly Lions of Detroit—the Big Three auto makers—have struggled to escape this vise by biting every hand but the one turning the crank. They've ruthlessly cracked the whip on all their suppliers except the auto workers. At its Gary Works, for example, supplier USX has reduced its man-hours per ton of steel by almost 75%. The price of automotive steel is down 40% in real terms since 1980.

You could argue that steelworkers took a lot of pain that rightfully belonged to auto workers, because stomping down on suppliers was only a stopgap for the Big Three getting a handle on their own problems. Car prices have been one of the fastest rising parts of the consumer price index, just behind health care. Yet this money hasn't gone to shareholders or to investment in new technology. Indeed, GM has had to issue millions of new shares just to cover its staggering North American losses. Whatever has been gained from higher car prices, cheaper materials and improved productivity was gobbled up by the UAW, much of whose benefit package is indexed.

Why does this continue? In therapy-speak, the auto chieftains are submissive "enablers" to an abusive UAW spouse. Instead of suing for separation, they flail around trying to force others to subsidize their "pattern." With pro-labor Democrats back in charge, this dysfunctional odd couple now thinks it can hold things together by walling out foreign competitors and walling in domestic consumers.

Their political strategy has three elements. Over the years, the Big Three and the UAW have managed to erect a vastly expensive, first-dollar medical package for workers and retirees that's virtually unmatched in the world. Now CEOs and union bosses are lobbying side by side to shift the high cost of these foolish health-care guarantees onto the backs of taxpayers. They call this "health care reform."

Second, industry execs want Congress to impose crushing tariffs on car buyers who might prefer imports, thereby protecting Detroit's overpriced products from world competition. Already the Big Three have convinced the President that not slapping a punitive tax on imported mini-vans somehow constitutes a "freebie" for Japan. Ford's Harold Poling is pushing the idea that Japan can simply be ordered to zero-out its trade surplus according to a five-year timetable.

Finally—and a big reason the UAW is conspiring with the Big Three—the deal includes an all-out effort to kill striker replacement. You can't have realistic bargaining unless both sides share negotiating risk, and that means management needs to have the fall-back of replacing striking workers. With the laws they seek, the UAW would achieve nirvana—its overpriced labor would be completely insulated from competitive reality.

How this campaign finally plays out in Washington will affect a lot of people far away from Detroit. If the auto elites and Congress succeed in enacting this grubby vision of the industry's self-interest, a few more gray-headed auto workers may get out with their golden parachutes intact, but they won't bequeath a viable auto industry to America. More and more of our best blue-collar jobs will disappear over the horizon. That's also the "pattern."

HONORING PROJECT INFO COMMUNITY SERVICES ON THE OCCASION OF ITS 20TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1993

Mr. TORRES. Mr. Speaker, today I rise to give special recognition to Project INFO Community Services on the occasion of its 20th anniversary celebration on May 13, 1993.

Project INFO, a nonprofit human services organization, has served thousands of families throughout the greater Los Angeles County area. Established in 1972, due to the growing need to combat substance abuse problems, Project INFO relegated itself to the prevention and early intervention of alcohol and drug abuse, child abuse, and domestic violence.

Initially, in an effort to fulfill its mission and commitment, Project INFO established the Windows/Ventanas Family Communication Skills Program. The program focuses on the communication and problem solving skills of all family members, teaching each of them ways to prevent abusive behavior.

In 1978, due to the success of the Windows/Ventanas Program, Project INFO was awarded a grant by the National Institute on Drug Abuse to develop and initiate a prevention curriculum for fifth and sixth graders. The curriculum, entitled "Pickles and Jams," has been purchased by school districts from around the Nation, Guam and Samoa.

From 1979 to 1989, Project INFO administered and managed seven nutrition sites providing 700 daily meals to low-income seniors and frail elderly. Additionally, Project INFO has been funded by the Los Angeles County Office of Alcohol Programs to replicate its Windows/Ventanas Program in the Covina, Glendora, and Asuza communities. Since 1985, Project INFO also has prepared economically disadvantaged persons, including high school dropouts, to enter the work force through a Job Training Partnership Act funding grant.

In 1987, with funding from the California Department Alcohol and Drug Program, Project INFO developed the Assistance with Alcohol and Sobriety Uniting Latinas/Ayuda con Alcohol y Sobriedad Uniendo Latinas [AASUL].

For 20 years Project INFO has responded to the needs of the diverse communities it serves. What began as a small program with 5 employees has flourished to a staff of 40 dedicated, hard-working individuals, providing services through 9 programs at 5 sites.

Mr. Speaker, it is an honor that I rise to recognize Project INFO Community Services on its 20th anniversary and I ask my colleagues to join me in saluting Project INFO for its unselfish commitment to the betterment of the young people, families, and communities of Los Angeles County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 11, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 12

9:30 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Energy, focusing on energy conservation and fossil energy programs.
SD–116

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Education.
SD–138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on tactical aircraft programs.
SD–192

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.
SR–253

Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD–406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs.
SD–419

Labor and Human Resources
To hold hearings on S. 636, to revise the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities.
SD–430

10:30 a.m.

Veterans' Affairs
To hold hearings on the nominations of Jerry W. Bowen, of Arkansas, to be Director of the National Cemetery System, D. Mark Catlett, of Virginia, to be an Assistant Secretary (Finance and Information Resources Management), Mary Lou Keener, of Georgia, to be General Counsel, and Edward P. Scott, of New Jersey, to be an Assistant Secretary (Congressional Affairs), all of the Department of Veterans Affairs.
SR–418

2:00 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs, focusing on U.S. foreign policy and security interests.
SD–192

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on the establishment of a United Nations International Criminal Court.
SD–419

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings to examine issues relating to the bankrupt Manville Trust.
SD–226

2:30 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MAY 13

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on proposed authorizations for the Federal Grain Inspection Service, Department of Agriculture.
SR–332

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on enlisted personnel issues.
SD–116

Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the government of the District of Columbia.
SD–192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

Commerce, Science, and Transportation
To hold hearings on S. 674, to require health warnings to be included in alcoholic beverage advertisements.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of George T. Frampton Jr., of the District of Columbia, to be Assistant Secretary for Fish and Wildlife, and Daniel P. Beard, of Washington, to be Commissioner of Reclamation, both of the Department of the Interior.
SD-366

Labor and Human Resources
To hold hearings to examine health care reform issues, focusing on coverage for mental addictive disorders.
SD-430

Veterans' Affairs
To hold hearings on proposed legislation on veterans' reemployment rights.
SR-418

Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
S-5, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 329, to revise section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, S. 829, to revise the Communications Act of 1934 to regulate the length and certain other aspects of television commercials authorized by a political candidate, and S. 334, to revise the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

2:30 p.m.
Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and to review the future years defense program, focusing on the state of the national defense industrial and technology bases.
SR-222

4:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.
SD-430

Governmental Affairs
To hold hearings on S. 24, to revise the Federal judicial code to reauthorize and extend independent counsel law for an additional five years.
SD-342

Indian Affairs
To hold oversight hearings on proposed regulations to implement the 1988 Amendments to the Indian Self-Determination and Education Assistance Act.
SR-485

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD-192

Labor and Human Resources
To hold hearings on S. 846, to improve learning and teaching by providing a national framework for educational reform, focusing on title IV, and other education issues.
SD-430

MAY 18

9:30 a.m.
Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on the state of the defense industrial and technology bases and Administration plans for fiscal year 1994.
SR-222

Energy and Natural Resources
To hold hearings on S. 721, authorizing funds for fiscal years 1994-1998 for the Federal land and water conservation fund.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine U.S. competitiveness in the global marketplace.
SR-253

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

MAY 19

9:00 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-96 future years defense program, focusing on the personnel compensation and benefits programs of the military services.
SH-216

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.
SD-138

Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.
SR-232A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on the Department of Veterans Affairs roles in geriatrics and long-term care.
SR-418

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.
SR-253

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program.
SH-216

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs.
SD-419

MAY 20

9:30 a.m.
Rules and Administration
Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994-1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.
SR-301

10:00 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD-192

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD-366

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization and chemical defense programs.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

MAY 28

10:00 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.
SD-226

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216

JUNE 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD-192

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

POSTPONEMENTS

MAY 12

2:30 p.m.
Armed Services
To hold hearings to review the Chairman of the Joint Chiefs of Staff Report on the Roles, Missions, and Functions of the Armed Forces of the United States.
SH-216

MAY 13

9:30 a.m.
Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs.
SD-419

SENATE—*Tuesday, May 11, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *ye shall know the truth, and the truth shall make you free.*—John 8:32.

Eternal God, when Pilate asked Jesus, "What is truth?" the word was meaningless. Everything was true, anything was true, or nothing was true. The temporal Emperor was the only god Rome knew. Life was cheap. Morality was whatever one desired it to be. Paganism, barbarianism was the environment. Has Western civilization reverted? Have we become a pagan America?

Gracious God of truth and justice, awaken us to the critical nature of our social condition. We have a Bureau of Standards. We could not do business without a clear understanding of ounces and pounds, inches and feet, pints and gallons, minutes and hours. We live by these standards daily. Yet when it comes to morality, we have no standards. All sports are governed by rules. But in our culture, each makes his own rules. We take seriously the laws of physics, but we observe no moral law. We have no God, not even a Caesar. We have become a godless, relativistic culture. Anything goes. Save us, Lord, from this way that leads to self-destruction.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 11:30 a.m. today at which time the Senate will resume consideration of the conference report accompanying H.R. 2, the national voter registration bill, with the time from 11:30 a.m. until 12:30 p.m. and then from 2:15 p.m. until 3 p.m., equally divided and controlled between Senators FORD and MCCONNELL or their designees.

The Senate faces yet another filibuster on this bill and, at 3 p.m. today, the Senate will vote on a motion to end this most recent filibuster. From 12:30 p.m. until 2:15 p.m. the Senate will stand in recess in order to accommodate the respective party conference luncheons.

If the Senate does not vote to end the latest filibuster this afternoon, another vote to do so will occur tomorrow at a time to be determined by the majority leader after consultation with the Republican leader.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour of morning business shall be under the control of the Senator from West Virginia.

FILIBUSTERS

Mr. MITCHELL. Mr. President, if the Senator will permit me to just briefly make a statement with respect to filibusters, I want to repeat something I said Friday, because I think it is important that the Senate and the American people understand the situation we face.

From 1919 until into the 1970's, a period of more than a half-century, there were on the average fewer than one filibuster a year in the Senate. In many Congresses, for a 2-year period, there were no filibusters at all. Throughout that period and throughout most of our Nation's history, it was by consent agreed that the filibuster would be reserved for matters of grave national importance which for the most part did not involve party considerations.

It is only recently in our Nation's history that the filibuster has come to be used as a party tactic and as a regular occurrence in the Senate. Contrasted with that more than half-century in which there were fewer than one filibuster a year, in the most recent Congress, the 102d Congress, here in the Senate there were filed motions to end filibusters 48 times. Forty-eight times the Senate had to attempt to break a filibuster.

It is very clear that what is occurring in the Senate now is without precedent in our Nation's history and is, I believe, most regrettable. We now confront a filibuster on a regular, almost weekly, basis on almost every major bill that we attempt to bring up.

We are experiencing that right now on the voter registration bill. This is a bill that has already passed the Senate once and passed the House twice. The overwhelming majority of the American people support the bill. The President supports the bill. The House has passed the bill twice. The Senate has passed the bill once. And yet we face yet another filibuster.

It is a most regrettable course of events, and I hope very much that at 3 o'clock today the Senate will vote to end this latest filibuster so that we can proceed to do this and the rest of the Nation's business.

Mr. President, I yield the floor, and I thank my colleague for his courtesy.

Mr. BYRD. The majority leader is welcome.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. One hour.

Mr. BYRD. Mr. President, I thank the Chair.

THE LINE-ITEM VETO II

Mr. BYRD. Mr. President, the line-item veto was included in the Constitution of the Confederate States of America. It was first proposed at the Federal level by Ulysses Grant in 1873, and 3 years later, in 1876, the first resolution to amend the Constitution to provide for the President of the United States the line-item veto was introduced in the House of Representatives by a Representative from the State of West Vir-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ginia, Charles James Faulkner. Since that time, scores of such resolutions have been introduced in both bodies.

Mr. President, last week I spoke of the line-item veto and other quick fixes, and I stated that, through the 12 years of the Reagan and Bush administrations and continuing into today, these popular fixes—I should call them expediencies—have been and continue to be advanced as cure-alls for the bloated budgets that have us drowning in a sea of red ink.

I stated last Wednesday that we have a responsibility as Members of the Senate and Members of the House to examine these popular expediencies through the broader context of hundreds and hundreds of years of history which preceded the brilliant work of the constitutional framers in developing the counterweights of constitutional checks and balances in Philadelphia in 1787.

And we have also a duty to remember our solemn oath to protect and defend this delicate structure.

I spoke on last Wednesday of a covenant that we have with the past—the dead who have gone on before us—and the covenant that we have with the yet unborn who will reap the harvest that we leave behind.

I said that that is a solemn covenant—it is not one to be taken lightly—and we have a duty to honor that covenant, a duty to those of the past who now sleep in calm assurance that we will not betray the confidence that they have placed in our hands, and a covenant with the future, those who wait in the beyond, confident that we will not cheat them of their birthright.

Mr. President, my purpose in saying these things and in making these speeches is to sound a note of caution and to jar us out of the complacency of focusing our attention solely on the immediate. For if we, as a nation, and if we, as Senators, succumb to the nearsightedness of only that which is imminent, and the egoism of only that which affects us personally, then, Mr. President, we are surely lost.

I spoke of that great author-philosopher Montesquieu, who was greatly influenced by the contemporary institutions of his time in England and by the history of the Roman people. He wrote an essay, a famous essay, on the greatness and decline of the Romans.

It is commonly believed that his knowledge of Roman history and his recognition of, and belief in, the institutions of England, that these most influenced him in his development of political theory—a political theory which was subscribed to by our forefathers who wrote the Constitution—that theory being that the three powers—judicial, executive, and legislative—should be kept separate and distinct from one another and, as a result, there would be political freedom; whereas, if those three powers were lodged in one individual, as in France, it was Montesquieu's belief that the result would be tyranny.

And, so, Mr. President, I believe that we should examine the history of these great people, these very remarkable people, the Romans, and their extraordinary state system which so much influenced Montesquieu, and, through him, influenced the framers of the American Constitution.

This will, necessarily, have to be a brief and a very abridged capsulation of Roman history and English history as they are brought to bear upon our discussions of separation of powers and checks and balances, the supreme balance wheel, the supreme pillar upon which the constitutional system of our country rests—as I discuss these, I will discuss only a few events which constitute milestones, as it were, in the history of the Roman people and which will bring out those extraordinary factors in Roman life and those extraordinary things about the Roman people that should be of importance to us today, as we see our own Republic deteriorating. I shall discuss the things that made the Romans the foremost people of their time and made the Roman Republic the foremost Republic of ancient times and made the Roman empire the foremost ancient empire.

National pride led the Romans to connect their history with the history of the Greek world and led them to forge links with Greek mythology. Tradition, therefore, developed the legend of the flight of Aeneas from Troy with his father, Anchises, and his son, Ascanius, who founded the ancient city of Alba Longa in Italy in circa 1152 B.C., from which Rome was an offshoot, and which was the legendary birthplace of Romulus and Remus. Thus, evolved the foundation stories which attributed a Trojan origin to the Romans through Aeneas, and attributed to his descendents, Romulus and Remus, the founding of Rome in 753 B.C.

Tradition has it that the twin brothers, Romulus and Remus, were set afloat in a basket on the river Tiber by their mother, Rhea Silvia, she having been so commanded by the king, King Amulius.

The basket was later found by the keeper of the royal flock, Faustulus, who took the twins from the basket and gave them to his wife, Larentia, to rear. In due time, Romulus and Remus, decided to found a city and they agreed to let the gods determine by augury from whom the city would be named and who would govern the city.

Remus was the first to observe six vultures flying overhead, and he accepted this as an augury from the gods. Romulus, waiting on another of the 7 hills of Rome, later saw 12 vultures. So, each laid claim to the kingship—Remus, by virtue of his having priority, in seeing the augury first; Romulus, by virtue of his having seen double the amount of vultures in the augury. Incidentally, throughout the long history of Rome, it was felt that the 12 vultures indicated that Rome would exist for 12 centuries. And, indeed the western seat of the Roman empire existed 1229 years, from 753 B.C. to 476 A.D.

The followers of each, Romulus and Remus, laid claim to the kingship. There developed a contention between the two, and Romulus in a fit of anger slew his brother Remus. The city was named after Romulus and he became the first king. He ruled from 753 to 716 B.C. He created a Senate of a membership of 100 of the leaders of the top families, the clans. The purpose of the Senate was to advise Romulus, the king, and to aid him in the administration of the city.

Romulus eventually determined that the men, who had come from various areas in the nearby region, needed some wives, and so he, upon the advice of the Senate, sent embassies around to the neighboring tribes to see if they would enter into an alliance and be willing to intermarry with the men of Rome.

The neighboring tribes rejected these embassies and so, according to tradition, Romulus invited the Sabines to participate in certain games in honor of Neptune. During the games, at a given signal, the Romans seized the maidens of the Sabines and carried them away. There then developed a war between the Sabines and the Romans, but by that time the wives of the Romans were attached to their Roman men and they pleaded with their fathers and brothers, and their husbands to stop the war and to live at peace. The two contending peoples did that. The Sabines, however, felt that they ought to have someone who would share the sovereignty with King Romulus. Therefore, Titus Tatius, a Sabine, was chosen and for a while those two men worked and ruled together in peace and harmony. Ultimately, Titus Tatius was killed by a mob and Romulus once again became the sole ruler of Rome until the year 716. In a severe storm he was enveloped in a cloud and, during a great clap of thunder, was swept up into heaven.

The Romans were without a king for about a year as the Senators could not decide on anyone in particular. Finally, the people demanded that there must be a king and so the Roman Senate told the people that they could select a king but that person would be king only after the Senate stamped its imprimatur upon him. And the plebeians, the people generally, thought that this was a very gracious act upon the part of the Senate but they said that the Senators should select the king. The Sabines felt that they ought to have a king since Titus Tatius had been dead for some time, and there was a very pious and just man who was a Sabine by the name of Numa Pompilius. The people accepted the Senate's selection of Numa Pompilius as king, and he reigned from 715, one year having elapsed as an interregnum following the death of Romulus to 672.

Numa Pompilius being the religious and just man that he was, thought that the Romans—this new city of the people—should be imbued with a respect and reverence for providence, for the gods. So he pretended to have nocturnal meetings with Egeria, a nymph, or Goddess of water. From her, he pretended, as he came back to his people, to have received instructions as to the priesthood, and as to the establishment of religious rituals. Numa Pompilius established the priesthoods, established the rituals, the ceremonies which would be held in worship of the various and sundry gods, and appointed the vestal virgins to carry out the vestal service. He also provided for a stipend for them and decreed that they should maintain their virginity throughout their service.

From the beginning, therefore, the Roman people were imbued with a reverence for providence; theirs were pagan gods but they worshipped them and they felt that these gods had an interest in their destiny, the destiny of the Roman people, and that it was their purpose as a people to fulfill and carry forward that destiny of the Roman people.

From the very beginning, therefore, we see that deep reverence for the gods.

Then upon the death of Numa Pompilius in 672, the people elected, and the Senate confirmed, the next king, Tullus Hostilius. He taught the Romans military arts. He built a Senate house for the 100 members of the Senate, and he led the Romans in their frequent wars. Actually, they were constantly warring with neighboring tribes Tullus Hostilius reigned until 640 B.C.

Ancus Marcius was then chosen king. He reigned from 640 to 616 B.C. He built the first bridge across the Tiber. He also built the first prison in the city to deal with the lawlessness, such as it was. When he died, Lucius Tarquinius Priscus, an Etruscan, became king. He reigned from 616 to 578. He was a good king. He increased the Senate membership to 200, and he undertook to build a wall around the unfortified sections of the city. He was the first to, make a political speech in the effort to sway the multitude he being the first to campaign for the kingship. He built sewers that led down to the Tiber.

Upon his death in 578, Servius Tullius was named king by the people and confirmed by the Senate. The people chose, but the Senate had to ratify their choice always. Servius Tullius instituted the first census among the Romans, and he reigned from 578 to 534. Then, the last of the seven kings, Lucius Tarquinius Superbus, or Tarquin the Proud, became king. He reigned from 534 to 510 B.C. He was the first king to disregard the advice of the Senate. He decided capital cases by himself without advice. So he struck terror among the population. He executed a good many of the Senators and sitting as the sole judge in civil and criminal cases, he was in a position to exile or to execute, or to declare forfeit the lands and properties of the people. In this way, he was able to plunder and enrich himself.

Ultimately, his son, Tarquinius Sextus, raped Lucretia, the wife of Tarquinius Collatinus. Shakespeare writes about this in the Rape of Lucrece. Lucius Junius Brutus, a friend of Tarquinius Collatinus, rallied the people around himself and drove Tarquin the Proud out of Rome, together with all of his family. Lucretia, after telling her father and her husband, Collatinus, about the crime committed by Sextus Tarquinius, committed suicide. Lucius Junius Brutus, therefore, took up the cause and, as I say, drove Tarquin the Proud out of Rome in 510 B.C. Sextus Tarquinius was eventually slain.

For a year, there was no ruler of the Roman people. Lucius Junius Brutus made the Roman people swear that they would never again submit to the rule of kings. He was chosen consul and with him was chosen a colleague, Tarquinius Collatinus. They were the first two Roman consuls. The Roman consuls were colleagues. Each could serve for 1 year. Each was given the Imperium, in other words, the supreme command over civil and administrative and military affairs.

Each had 12 lictors. The lictors were men, usually of the lower class, who preceded the consul and cleared the way for him, who executed his orders and who executed people in the event that the consul decreed such an execution. The lictors carried a bundle of rods made of elm or birch, and in the midst of these rods were axes to indicate the supreme authority of the officer having the Imperium. These were called fasces. So each consul had 12 lictors. Later on, when Praetors were created, each of them only had six lictors. Later on, when a Dictator was created, he had 24 lictors, showing that his command was supreme even over the consuls.

Here we see developing, a check and balance. Each consul had equal authority with the other consul. Each consul could veto the actions of the other consul, and each consul, as I say, could only serve 1 year. So, the Romans were determined that nobody would become such a power as to equal that of a king again.

There were, therefore, these checks and balances between these two consuls. And all other magistrates were subordinate to them. They carried out the wishes of the Senate, the recommendations of the Roman Senate expressed through what was called a senatus consultum. It did not have the formal title of law, but de facto, it was the same as law.

Tarquin the Proud, having been driven from Rome, solicited the support of Lars Porsena, an Etruscan king, king of Clusium, in restoring him, Lucius Tarquinius Superbus, to the thrown, to the kingship of Rome.

Lars Porsena came with a great army and started to cross the Sublician Bridge across the Tiber. Horatius Cocles, one of the foremost of the Roman military men, stood on the bridge with two companions, and withstood the attacks of this Etruscan army, urging, in the meanwhile, that the Romans destroy the bridge behind him so that the Etruscan army could not get across the river.

The bridge was destroyed and Horatius Cocles plunged into the river and swam to safety. This is the subject of one of Macaulay's lays of ancient Rome. This event occurred somewhere between 509 B.C. and 500.

The Romans were divided into two distinct classes, the patricians and the plebeians. The patricians held all the seats of authority and the offices in the priesthood, and membership in the senate. And for a long time, Senators patricians' sons, inherited the seats.

I should mention that Brutus, the first consul, added 100 members of the senate, bringing its membership to 300.

But the patricians and the plebeians had an ongoing contention, the plebeians feeling offended, for one thing, in that there could not be intermarriage between the patricians and the plebeians. The patricians held, as I say, all of the important offices of authority in the military and in the civil administration, and in the senate. They were the wealthy class. Yet, the plebeians helped to do the fighting, furnished most of the soldiers. Whether one served in the military depended upon whether or not he owned property, and consequently his voting in the comitia curiata and later, the comitia centuriata, depended upon his ownership of property as well.

Moreover, the plebeians were ridden down heavily by debt. They were not able to stay on their farms throughout the year, because they had to leave their farms and fight for the city in its frequent wars with the neighboring tribes. Consequently, they went into debt. Creditors were given the right to exile or even to execute or to sell into slavery the debtors.

In 494 B.C., circa, the plebeians seceded to the Sacred Mount about 3 miles from the Anio River and threatened to become a city within a city. The senate and the patricians became uneasy because they knew they had to have the plebeians in order to fight in any war, and they were concerned that some invader might choose this particular moment to invade the city.

The senate, accordingly, sent one of its foremost members, Menenius Agrippa, out to the Sacred Mount to plead with and attempt to reconcile the plebeians. He told them the famous fable of the belly, a story about the interdependence of the belly and the various members of the human body. The plebeians were reconciled but only after they had gained the concession of being able to elect someone of their own as an official who would protect them and their property against the patricians. That office was called a tribune.

They were allowed to elect two tribunes in 494; later, I believe about 457, these two were increased to 10, and, at later times, they were increased to greater numbers. There were both military tribunes and civil tribunes.

Here again, we see checks and balances coming into play. Each tribune—at first, as I say, there were only two tribunes—each tribune could veto the acts of the other tribune; each tribune could veto the acts of a consul; each tribune could veto and annul the senatus consulta: proclamations and advice of the senate. The tribunes were declared inviolable. And the plebeians swore an oath that, if any individual interferred with a tribune, harmed him in any way, or disregarded that tribune's veto, that individual would be executed without trial. And so the tribune had great power and the aura of inviolability.

Here, we see two consuls and two tribunes, the veto working back and forth, and the senate with its 300 men.

Then, circa 490 B.C., the Romans were at war with the Volscians, and the Romans laid siege to the town of Corioli. There was a young man by the name of Gnaeus Marcius, and, as the city was being besieged, a second Volscian army attacked the Romans, whereupon the besieged Volscians within the city made a sortie, and the Romans were being pressed from both sides. When Marcius saw that the gates were left open and after the Volscians sallied forth from the city, he ran into the city and set the houses on fire. Amid this great confusion, the Volscians fled. The Romans prevailed, and Marcius was given the surname of Coriolanus.

Coriolanus then subsequently was encouraged to run for the office of consul, but he was defeated because he made the kind of speeches that were not likely to gain the support of the electorate because he told the truth. He gave the people the facts. He was not a demagog. As a result, they ran him out of the city. He was exiled, and he went over to the Volscians. His host there was Tullus Attius, the leader of the Volscians. Coriolanus led the Volscians, attacked the city of Rome, and camped within 5 miles of it.

When the senate sent out ambassadors, leading senators who attempted to prevail upon Coriolanus to lift the siege, they were turned away.

Finally, the women of the city prevailed upon the wife and mother of Coriolanus to go to Coriolanus with his two little sons and see if they, the mother and wife of Coriolanus, could prevail upon him to lift the siege. The mother and wife did that, and in the company of other women went to the camp of Coriolanus and were introduced into his presence weeping and praying that he would lift the siege.

Tites Livius and Dionysius of Halicarnassus names the mother of Coriolanus as Veturia and the wife as Volumnia, but Plutarch and Shakespeare give the mother the name of Volumnia and the wife the name of Vergilia. Livius and Dionysius of Halicarnassus give the name of the Volscian leader as Tullus Attius, whereas Shakespeare and Plutarch called the Volscian leader Tullus Aufidius. In any event, the women went out to the camp of Coriolanus, he lifted the siege, and returned to live with the Volscians. This was in 490.

In 458 B.C., the Romans were being hard pressed by the tribes from the east, the Aequians, and the Aequians were gaining the upper hand. A Roman general by the name of Minucius and his army had been surrounded by the Aequians for 3 days. The Roman senate decided to call upon Lucius Quinctius Cincinnatus to take up the fight against the Aequians. Cincinnatus was plowing on his small 3-acre farm on the west side of the Tiber, according to Livius, "just opposite the spot where the shipyards are today." The delegation from the senate came out to the field where Cincinnatus was working with the plow. He asked them why they were there. They stated the danger from the Aequians and told him he had been selected as Dictator; he was to put on his toga and rid the Romans of this threat. Whereupon, he wiped the sweat from his face and told his wife Racilia that his fields "would not be sown this year" and that they would be "in great danger of not having enough to live on." He left the farm, defeated the Aequians, laid down the dictatorship after a period of 16 days, and returned to his little farm and his oxen plow.

So here we see the creation of another office, the dictatorship. A Dictator could only serve for 6 months, or to the end of the crisis for which he was selected. That was the utmost length of the term which a dictator could serve, but he had supreme Imperium over all other magistrates. He had 24 lictors, as I have indicated. But Cincinnatus demonstrated that rare, old-fashioned quality of not wanting to rule. He was the model of old-fashioned simplicity and ability, honesty and integrity. So he laid down the office after 16 days.

By now, we have seen the office of senator, the office of consul, the office of tribune, and the office of dictator. The Dictator had complete command of everything and everybody. He could command that no business be transacted, and he could raise an army and execute the laws and execute people.

The tribunes, meanwhile, kept agitating to have the same rights and to be governed by the same laws as the patricians were governed by. The tribunes finally prevailed upon the senate to send a delegation to Greece to study the laws of Solon. About 454 B.C., a commission went to Greece and returned after studying the laws of Solon, and in 451, ten individuals were selected and given all authority, all power, even over the consuls. They were given one year in which to promulgate the laws so that the plebeians would have the same knowledge of the laws as previously only the patricians had. Only the patricians had the knowledge of the law, the knowledge of legal procedures, and so on. The plebeians were at a great disadvantage as a result.

The decemvir met and over the course of a year promulgated 10 tables of law. There was still some work that remained to be done. Accordingly, they assumed this authority for 1 additional year and during that year, two additional tables of law were produced, mainly by Lucius Valerius Potitus and Marcus Horatius Barbatus, who were members of the Roman senate.

These were the Twelve Tables of the Law. The laws were created, promulgated, and placed, some say, on bronze tablets, others say wooden tablets, which, in turn, were deposited in the Roman forum as the Law of the Twelve Tables in 450 B.C. For a long time these were the basic governing civil and criminal laws. The Twelve Tables were destroyed when Brennus and the Gauls captured Rome in 390 B.C. But the children of the Romans were required to memorize the Law of the Twelve Tables. Cicero also memorized the Law of the Twelve Tables. He was born in 106 B.C., died in 43 B.C., the year after Caesar was assassinated. Even though the Law of the Twelve Tables was destroyed in the invasion and capture of Rome by Brennus, destroyed by the fires, the laws were written again through the recollection and memories of people.

In 445 B.C., under the Canuleian Law, named after a Roman tribune by the name of Canuleius, the patricians and plebeians were allowed to intermarry. So, again, the plebeians had gained something that they had been seeking for a long time—the right of intermarriage.

In 443 B.C., the Office of Censor was created. The Censor was elected once every 5 years for a term of 18 months. He took the census and assessed the property of the Romans for the purpose of taxation. He also had jurisdiction over public contracts, and awarded contracts for buildings, for highways, and other public contraction. At a later time, we shall recall that Cato the Elder was a Censor. The Censor could enroll people into the Senate or into the Equestrian Order—about which I will have more to say later—and he could purge the rolls of Senators. He could remove a Senator from office because of bad conduct on the part of the Senator, public or private.

Hurrying on now to another milestone. In 396 B.C., a man by the name of Marcus Furius Camillus was able to capture the Etrurian City of Veii, which had been at war with the Romans for about 10 years. Camillus was able to capture the city by burrowing a tunnel underneath it and having his men come up into the central fortress in the midst of the city. Later, he was indicted by a Tribune for allegedly not having made an accurate accounting of the plunder that had resulted from the capture of Veii; so he was exiled.

In 390 B.C., Brennus and the Gauls captured Rome, and executed many of its citizens and were prevailed upon to lift the siege only upon the delivery by the Romans of 1,000 pounds of gold, several hundred pounds of silver, and several hundred pounds of pepper, together with robes and other valuable cloth.

Camillus was requested by the Senate to come back to the city as Dictator. He came back and found the Gallic chieftan and the Romans dickering over the gold. Whereupon, Camillus commanded his army to put down their baggage and prepare to fight. He said to the Romans: "It is your duty to restore your country not by gold but by the sword." He defeated the Gauls and relieved the city.

The Samnite wars took place over the period 343 B.C. to 290 B.C. Then there came the war with the Greeks who were in southern Italy, the war with Pyrrhus, the King of Epirus—the battles of Heraclea and Asculum.

I shall close my examination today of the Roman peoples and the state system as it was developing the checks and balances that we have seen occurring.

What we are seeing as we go along, is a state system, a political system that had checks and balances, and separation of powers. The Romans arrived at this system, not by reasoned thought but by experimentation and experience, and by developments from events as they went along, unlike Lycurgus, who, in his development of the Spartan system, did so by a process of reasoning. The Romans were not philosophers. They were practical people. Therefore, they arrived at a system through experience, trial and error, over a period of centuries, which was in some ways similar to the system developed by Lycurgus, about which I shall speak at a later time, a system which, in his case, was determined through the processes of reasoning. In my next addresses to the Senate on this subject, I shall speak of Tarentum, Heraclea, Asculum, and Pyrrhus, King of Epirus.

RESERVATION OF LEADER TIME

Mr. CAMPBELL. Madam President, on behalf of the majority leader, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Madam President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Colorado is recognized for 5 minutes.

SAVE OUR KIDS

Mr. CAMPBELL. Madam President, I come to the floor today to speak in support of a bill which is very important to the future of young people in our country. This is S. 919, the National Service Trust Act of 1993. I am proud to be an original cosponsor of this legislation, which seeks to expand and improve our existing national and community service programs. The youth in America need these types of programs to give them hope, to bring them out of the endless cycle of poverty, violence, and despair that permeate, not just our urban areas, but also in our rural areas and Indian reservations.

I grew up in an environment where poverty and alcoholism were prevalent; I know what it is like to feel that despair. I hear some of my colleagues talk about this pork program and that swimming pool or gymnasium. It is cheaper to build gyms than prisons. I am a product of a publicly funded gymnasium, and if I had not had that outlet, I think I would have been in a different kind of institution than this one. It would have had bars on the windows. I am in full support of any program that provides alternatives for kids, be it after-school programs, community service programs, area pools or gyms, if this is what it takes. The National Service Program will provide opportunities, will give these kids a chance.

Just as President Kennedy inspired a generation of young people to devote years of their lives in service through the VISTA and Peace Corps Programs, President Clinton is asking citizens to give their time, energy, and expertise as participants in the National Service Program. The National Service proposal would establish a tradition of service by expanding existing programs and developing new and innovative programs which promote community service.

These programs would not only benefit the participants, through stipends for college or vocational training, but also the communities and the people that live in those communities. Many programs, funded by the National and Community Service Act of 1990, have been very successful and have the potential to expand and serve more young people and communities if we are willing to give them a chance.

We have a program in Denver called the Denver Urban Conservation Corps. DUCC. This is the only program in the metro area that deals with high-risk youth who have been involved in gang activity. It is the oldest, full-time, year-round corps in the Rocky Mountains. The gang population in the Denver area has tripled in the past 2 years, from 2,000 in 1991 to 6,000 today. DUCC only has enough funding to serve about 30 corps members. That is a big problem. I do not know how we are expected to save youngsters on the streets of our inner cities if we are not willing to put resources into these programs. We are only servicing a fraction of them now.

One of the Denver corps members recently said that the program helped educate him about real life and what it takes to be successful.

That program depends on the National Service funds to keep running and wants to increase funding in order to expand and set up similar programs throughout the State of Colorado.

This National Service Program will cost money—and I know it is not a popular time now to talk about spending money—but with the increase of the gang population, the loss of jobs in the country, and the lack of alternatives for these young people, I firmly believe we cannot afford not to fund these programs.

In California, in the 4 years after proposition 13, the gang population in Los Angeles went from 10,000 to 42,000. Not to fund programs simply means many of those youngsters will end up in prisons, where it is costing the Federal Government—that is, the taxpayers—about $28,000 a year to incarcerate one of these youngsters that could have been taught a better lifestyle.

We need to establish a structure of national and community service to occupy and to challenge the young people of our country to be able to succeed tomorrow and not to add to America's exploding prison population.

I yield back my time, Madam President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

BOSNIA

Mr. GORTON. Madam President, during the course of the last several weeks, in an understandable reaction to the horrors of ethnic cleansing being performed in Bosnia, the administration seemed to be drifting this country toward semiwar or limited war in Bosnia.

In the course of the last week, on two separate occasions, Members of the Cabinet have led briefing sessions with any Members of the Senate who wished to attend. Those sessions have been long on the discussion of abstract theories and long on a list of options. They have been short, however, on any course of action to be proposed by the President. They have also been lacking any discussion of how a majority of the people of the United States are to be persuaded to follow that course of action, and lacking any definite discussion of the policy goals which each of these many options are designed to attain.

To the best of my understanding, one potential course of action would simply be to stop the fighting and protect civilians now being bombarded in various Muslim enclaves—a course of action which, of course, would reward Serbian aggression and leave Western Europe with hundreds of thousands of Bosnian refugees.

A second course of action would be to crowd the Bosnian Serbs into approving the Vance-Owen plan and, thereafter, send American troops to enforce the hundreds of miles of internal borders which would be established by that plan, a plan which would also reward aggression, though not so blatantly as would a cease-fire in place.

A third potential course of action less discussed by members of the administration is the punishment for that Serbian aggression in a decisive fashion, which would result in its not being rewarded in any respect whatsoever.

A fourth course of action sometimes discussed is a discouragement of future aggression in other places in the Balkans or Europe or elsewhere.

Fifth, is the lifting of an arms embargo to allow Bosnians and, inevitably, Croatians to have the weapons with which to defend themselves or, for that matter, to liberate those portions of those countries now occupied by the Serbs.

And finally, sixth, an implicit course of action is to back down, with whatever loss of America's prestige that would be attended by.

For the first two, if the administration should choose either to stop the fighting in place or to attempt to cause the Bosnian Serbs to agree to Vance-Owen, it will be required that we engage in the use of American air power in Bosnia and later almost certainly to send American troops to enforce almost unenforceable boundaries, boundaries that will still leave major minority elements of the various ethnic groups behind lines controlled by what now are their deadly enemies. Almost without exception, our military officers have seriously questioned the effectiveness of the use of air power alone. And both of these courses of actions will inevitably result in American casualties—perhaps limited, perhaps significant—to enforce an end to this war, which will reward the aggression of the Bosnian Serbs.

I must say that I am unwilling to sacrifice a single American life to reward that form of aggression. And it will take the considerable eloquence of the President, I believe, to persuade a majority of Congress that that is a sound and wise and just course of action.

But to this point, however, we simply have not been asked even to do that. We hear that is an option. We do not find ourselves with any real leadership from the President.

The fifth course of action, of course, to lift the arms embargo not only with respect to the Bosnians but inevitably the Croations, as well, because that is the only way arms could be found there, at least will not cost American lives and would seem to me to be an appropriate course of action.

But there cannot be any course of action accepted, any course of action which will meet with approval here, until the President determines what our goals should be and uses his great persuasive powers to cause this body, the House of Representatives, and the people of the United States to approve of it.

Madam President, we have not yet seen a clear definition of what America's goals should be, and determining those first is absolutely essential. American involvement in Bosnia is not a subject which the President wished to deal with. It is brought upon his Presidency and by our leadership in the world.

That kind of leadership, a rationale for a course of action, a statement of goals and a statement of means by which those goals can be met, is an absolute essential which we presently lack.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN and Mr. DECONCINI pertaining to the introduction of S. 928 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Madam President, I ask unanimous consent that I be allowed to complete the time allotted to me before we pass from morning business to regular session.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized for up to 10 minutes.

BOSNIAN POLICY

Mr. GRAMM. Madam President, this morning I want to talk about crime. But before I do I would like to say something about Bosnia.

I think all of us have been sobered by the cold reaction of Europeans to the use of military force in Bosnia by the United States and by the allies. One of the things that I am hopeful of, when a final policy decision is made by the President, is that I can support that decision. If there is one principle that I have been committed to in my years of public service it is that, to the maximum extent possible, partisanship ought to end at the water's edge.

I will therefore make an effort to try to give the President the benefit of the doubt in terms of policy in Bosnia. But I would have to say at this point I do not see much doubt to give the President the benefit of. Having sat in briefings with our senior civilian leadership, having discussed this issue with our senior military leadership, I am convinced that we do not have a coherent plan. If there is anything I know from having observed our actions in the post-World War II period, it is that when we have a plan, when we define what we want to do, when we know how we are going to do it, when we get the military to judge the achievability of our goal, when the military says that it can achieve something and we allow the generals to do it—we get the job done. That is what we did in the war in the Persian Gulf. And I think the whole world rejoiced in that success and that allied and American victory.

On the other hand, in Vietnam where we had no consistent policy, where we continually escalated without a bottom-line objective, we produced a disaster in terms of public support for our leadership at home and around the world. I want to make one simple plea to the President: Define what it is we want to do. Define it in very clear, simple terms: What are we trying to achieve? Second, how are we going to achieve it? Then let the military tell us that they can do that job and finally let us be certain we have as good a plan to get out of Bosnia as we have to get in.

I am very concerned that if we start bombing in Bosnia—and every military leader I have talked to has told me that bombing will not be decisive, in their opinion—I am concerned that with the President's declining approval ratings on domestic policy, if we start bombing and it fails, that there is going to be great pressure on the President to escalate the war and to use ground troops. What I want to see before we start any bombing is a decision in advance by the administration as to what they are going to do if the bombing does not work. Let us have a bottom line. Let us have a policy so the American people can understand it, so the military can assess it, so we can judge whether we have success or failure.

Given such a plan, I then intend to try to do everything I can to look at the plan, make a judgment on it, and if there is a clear doubt to give the benefit of the doubt to the President. But in the absence of a plan there is not going to be any doubt to give the President the benefit of. I think our European allies have made it clear they are very skeptical of the President's plan, to begin bombing without a bottom-line objective. I hope this is going to give the President some pause. I hope he is going to go back to the drawing board and sit down with the American military, the finest men and women in uniform we have ever had in the history of the country, and ask them what is feasible, what can be achieved? Then let us look at it, determine the cost in dollars and in lives, and then make a judgment.

MANDATORY SENTENCING

Mr. GRAMM. Madam President, I wanted to come over this morning because I am increasingly concerned about growing signs that there is a decline in support for mandatory minimum prison sentences in America. Not a decline in support on the part of the American people, but a decline in support on the part of this administration and a decline in support in the part of the judiciary. I read with some dismay where two New York Federal judges are now saying they are going to refuse to take drug cases because they oppose mandatory minimum sentencing. In fact, one of the judges talks about how dismayed he was at having to give a 46-month sentence in a drug case to a West African immigrant. The judge was depressed at being a party to the cruelty connected with the war on drugs.

One of the things I have tried to do—and like every other Member of the Congress weekly I get a petition or a letter from my constituents telling me that they think I ought to intervene on behalf of some poor person who is caught somewhere in the criminal justice system; that I ought to seek a pardon for them or I ought to seek some review of their case.

I have taken the uniform position that I am not in the judiciary. I do not think my temperament is such that I could ever be an effective judge. Trying to be neutral in a conflict is not part of my basic makeup. So I have decided to leave the judging to the judges and to stay out of matters once they have become part of the system of criminal justice.

Let me suggest very respectfully, and I do not want to use the names of these two Federal judges, but let me submit to them that they swore to uphold the laws of the country. We makes laws here in the Senate and the legislative branch. Their duty is to carry those laws out and to make impartial judgments. It is our responsibility to decided whether we have mandatory minimum sentencing for drug thugs—not theirs. They ought to leave up to the Congress the making of the law. We should leave it up to the judges to determine how the law is implemented and to be impartial in terms of making judgments as to whether people are guilty or innocent.

I also want to say—and I want to choose my words judiciously because it is not my objective today to get into a dispute with our new Attorney General. I want to work with her. But I am increasingly alarmed at sounds I am hearing from the administration about eliminating mandatory sentencing; a suggestion being made that perhaps we could release convicted drug criminals to make room in prison for violent felons. I believe violent criminals ought to be in prison. And I also believe that drug thugs ought to be in prison. And one of the concerns I recently raised to our new Attorney General, which I would like to raise here, again is what the administration is doing in terms of prison construction.

Many will remember the State of the Union Address where the President talked about a new crime bill and talked about putting criminals in prison and I led the standing ovation when the President made that statement. I was more than disappointed when I got back to my office and found that the President, in his budget, has proposed curbing new prison construction by $580 million below the level that was built into the budget, based on past action taken by the U.S. Congress.

So I would like to say to our Attorney General that I think the way to deal with violent criminals is to put them in prison and keep them there for a long time. I do not understand priorities that cut prison construction by $580 million, at the same time that we are talking about letting drug thugs out of jail because we do not have room in jail, at the same time that the administration continues to push a make-work jobs program that costs $16 billion. If we are against crime, if we want to get as tough as criminals as they are on law-abiding citizens, we ought to commit our resources to build prisons and put convicted criminals in them.

Final two points. I will offer later this year a predator criminal provision that will mandate life imprisonment without parole for three convictions of major drug felonies or violent crimes. There is talk in the House that they are going to move to eliminate mandatory minimum sentencing. I would like to save them the time, the effort, and the energy. We will not repeal mandatory minimum sentencing in the U.S. Senate. I intend to do everything in my power to see that does not happen. We are going to have more mandatory sentencing and not less.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent to speak as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCRIMINATION AGAINST AMERICAN CONSTRUCTION FIRMS IN JAPAN

Mr. MURKOWSKI. Madam President, on April 30 of this year, the U.S. Trade Representative, Mickey Kantor, announced that he is acting under the terms of section 7003 of the 1988 Trade Act to identify Japan as a country which discriminates against American firms in Government procurement. Ambassador Kantor stated:

> Despite years of negotiations and two trade agreements, the Japanese construction market remains fundamentally closed to foreign firms.

When I first held hearings on the issue in 1986 as chairman of the East Asian Subcommittee of Foreign Relations, United States participation in the Japanese design, engineering, and construction market was zero. Last year, United States firms did 189 millions dollars' worth of business in Japan, a 37-percent decline from the previous year. So, clearly, we are going in the wrong direction.

By contrast, Japanese design, engineering, and construction firms operating in the United States did 1.3 billion dollars' worth of business in 1991. It is worth pointing out, Madam President, that lack of business by United States firms in Japan should not be associated with a lack of competitiveness. For example, on a worldwide basis where firms compete head to head, American firms have captured 45 percent of the international construction and design market and Japanese firms have only captured 7 percent.

The problem in Japan is continuing pervasive trade barriers against United States firms ranging from licensing problems to bid-rigging. The latter problem, called dango by the Japanese, is openly discussed in the Japanese media, particularly as it relates to political corruption.

So Ambassador Kantor is right: The Japanese market is fundamentally closed. The question is what to do about it? For 7 years we have tried patience. The Congress has held hearings and passed mandatory investigation legislation. The administration has held innumerable negotiating sessions which led to unsuccessful agreements.

The time has come for the United States to act with a firm hand. I support the actions of Ambassador Kantor and Commerce Secretary Brown to seek immediate negotiations under section 7003, and I have sent them a letter saying so. I have urged them to expand greatly the scope of the major project agreement or abandon it altogether. I see no reason for American firms to be subject to a predetermined list of projects for which they can compete in Japan; there is no such list of projects for Japanese companies competing in America.

Finally, Madam President, no discussion of this subject would be complete without a discussion of sanctions. If there is a failure of negotiations and the President so chooses, section 7003 provides a prohibition of the U.S. Government procurement. If that is not sufficient to induce an agreement, Congress should be prepared to go further. Seven years is a long wait. It is long enough.

Madam President, I ask unanimous consent that my letter of May 10, 1993, to Trade Representative Mickey Kantor and Secretary of Commerce Brown be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 10, 1993.

Hon. MICHAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: In the summer of 1986 I held the first Congressional hearings on barriers to American design, engineering and construction firms in Japan. I have found this sector of the Japanese economy to be ridden with trade barriers, from licensing problems to pervasive bid-rigging. Collusive, anti-competitive activity in Japan is openly discussed by the Japanese media, in particular association with political corruption.

Therefore, I agree with your recent remarks that the Japanese construction market is "fundamentally closed" to American firms. Further, I am very pleased to see that you and Secretary Brown have decided to invoke Section 7003 of the Trade Act of 1988. Now is certainly the time for the United States to act with a firm hand.

Given the failure of seven years of negotiations with the Japanese Government on this issue, and two trade agreements, I urge you to take this window of opportunity to enhance greatly the scope of the Major Projects Agreement or scrap it entirely. There is no reason why United States firms should be subject to a re-determined list of projects for which they can compete; there is no such list for Japanese firms competing in America.

If progress cannot be made through bilateral talks, I may be prepared to bring this issue once again before the Congress. I look forward to working closely with you on this matter.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

EPA AND ALASKA BEARS

Mr. MURKOWSKI. Madam President, one other item is on my mind this morning. Bear repellent is in this small container. The issue today is the Environmental Protection Agency and Alaska bears, which are coming out of hibernation.

Last week, we approved legislation elevating the EPA to Cabinet-level status. I spent a fair amount of my time speaking about some of the horror stories associated with EPA and some of the irrational regulations, mindless lack of judgment and, to some extent, its bureaucratic mentality. But today they have come up with something that we just cannot stand by and watch occur.

So what I am back with is a bear story, and I would like to share with this body some of the realities.

Up until last week, Alaska's hikers, kayakers, backpackers, especially those in the national parks where guns are discouraged, if not prohibited, could carry these sprays, to eliminate problem bears. This spray is only good for a distance of about 30 to 40 feet. When a bear is coming at you at about 40 miles an hour, you have to make some clear decisions. The sprays are made of red pepper, cayenne pepper, the type often used in the Southwest to make hot chili. But because of an irrational ruling by the EPA that red pepper spray is really a pesticide under the terms of the Federal Insecticide, Fungicide, and Rodenticide Act—a chemical that has not yet been properly licensed for bear control—all of the sprays now must be pulled from the shelves of the sporting goods stores in Alaska.

The long arm of the EPA has reached into the area of bear repellent. This leaves Alaskans somewhat in the woods because the bears are now awake and they are hungry after a winter's nap with only one choice: To carry guns and blast bullets rather than pepper at any bear that they may encounter that is looking for a tasty meal. This simply makes no sense.

First, the pepper sprays can still be used for self-defense against other humans because EPA does not regulate self-defensive sprays for humans, only sprays against animals.

Second, the EPA admits that the spray is probably safe to eat, if not smell. Alaskans or anyone else can put pepper in their chili, put it on their salad, sit around the campfires, but they just cannot use it in pressurized spray against bears until it has been tested for its effectiveness.

It seems like you can use it on a dead bear, you can use it on bear stew, but you cannot use it on a live bear if the bear is after you. Alaskans could legally carry around a pot of spicy chili and perhaps throw the pot at a charging bear, but the spray has been shown to work a whole lot better served simply straight up.

The problem the spray company is having is finding someone willing to wander around the woods unprotected and then stand in front of a charging bear to test the spray. Alaskan biologists have used it from time to time and found it effective.

State officials do not know of any biologist who would want to go out looking for wild bears and then stand in front of the charging bears coming at 40 miles an hour—or whatever they come at—just to test the effectiveness of the spray.

So we have an insane example of a perfectly understandable communication from the EPA. Officials have suggested that the bears that hibernate and as a consequence come out in the spring will, if you leave them alone, not bother you. That is fine unless the bear changes his mind.

So what we have here is an interpretation made from the EPA by some mindless edict from the safety of a Virginia office. The ruling is terrible for hiker safety. It is probably terrible for the bears because it removes the only nonlethal means of protecting oneself from bear attack.

This may seem like a funny story, but it is sad because people are killed by bears in Alaska. A vacationing woman near Lake Louise was killed. A 6-year-old child was dragged off in the brush and eaten. Others were mauled, including an Alaska outdoor writer.

So this ridiculous ban has to be repealed, and it has to be done fast before the main hunting season starts. The ban is bad for the environment, potentially deadly for the bears, and awful for the peace of mind of hikers and campers. We are requesting today that the head of the Environmental Protection Agency rescind the EPA order to withdraw the banned repellent from the market.

Finally, Madam President, a ban on red pepper bear repellents is certainly nothing to sneeze about. We hope that the EPA will quickly allow us to gain again the authority to have the spray and use it on the bears. Otherwise, Alaskan bears may be dining on more than berries and roots during the coming year.

I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE AUNT EMMA TEST

Mr. DORGAN. Madam President, I was interested in hearing my colleague, the Senator from Alaska, describe his problem with an EPA determination. I am almost tempted to describe my brush with the EPA last week, which is almost as silly, but I will not take time.

I will only say that when we went through, in the 1980's, this problem in the Pentagon of them spending $400 for a hammer, $1,100 for an Allen wrench, $300 for an ashtray, $10,000 for coffee pots, they developed in the Pentagon, I am told, an Aunt Emma test. And that is if what they built and the price of it would not meet some logical test of Aunt Emma in Dubuque, IA, they had to try to figure out how to do it differently.

It looks to me as if the EPA and other Federal agencies need an Aunt Emma test in trying to determine if what they are doing makes sense.

RECEIVING A REPORT CARD

Mr. DORGAN. Madam President, I want to speak just for a moment today about some trade issues with China. But before I do I cannot help but note some comments made earlier by a colleague on the other side of the aisle. The discussion once again today was about a jobs bill that had been defeated, a bloated jobs bill it is called by those who wanted to defeat it and did defeat it.

I received in the mail this morning a transcript from a radio program by an 11-year-old boy who is now a radio commentator once a week giving the kids' view of the news. This 11-year-old boy told the radio audience that in his school, he is graded on his report card by what he does. And he was interested to watch the news and see folks on the other side of the aisle give the President a report card and assign a grade to the President recently, and the assignment of the grade to the President was largely not a very good grade because of the failure of the jobs bill because the jobs bill was pork, as was described by those folks.

Well, it is interesting that even an 11-year-old kid can see through the thick smoke of partisan politics. A jobs bill proposed for a country in which 10 million people are out of work and 25 million people are on food stamps is inappropriate, these folks tell us. Hardly. Even an 11-year-old kid knows you do not grade somebody on what they did not do; you grade them on what they did do. And these folks blocked a jobs bill for a country that needs a jobs bill. If anybody ought to get a report card grade, it ought to be grade of failure for those who block progress in our country on an economic policy change that we so desperately need.

Another subject this morning was crime, and those same people who say we need to cut Federal spending are here saying the problem is the President cut in his budget construction for the building of new prisons. And that is awful, they say; we should not cut that kind of spending. The same people who spend all day telling us we ought to cut spending then pick out that portion and say we should not cut that. They believe we ought to throw Federal money at problems.

I agree that crime is an enormous problem in this country. This country, strangely enough, consumes 50 percent of the world's cocaine, it is the murder capital of the world, and has more people incarcerated in prisons per capita than virtually any other country in the world. We must do something about that, and do something aggressively. But it does not mean you have to build gold-plated prisons.

We have a whole lot of jail cells all around this country, in cities, counties, and States, that are unfilled, built with law-enforcement funds, in many cases, in the last two decades. We have plenty of jail cells available. We just need to be smarter about how we deal with these criminals, to put them in jail and keep them there.

Do you know how many military bases we are closing around this country these days? Why would we not want to use some closed military bases to incarcerate nonviolent criminals? Get them out of our penitentiaries and out of our prisons, put them in boot-camp institutions out there in the closed military installations, and keep them incarcerated there. Then open up those prison cells and maximum-security prisons for hard-core prisoners, for violent criminals. We need to do this smarter.

So I say to those who talk about crime today, this President wants to reinvent Government and do something smarter in addressing crime, something that is effective but does not cause the taxpayer substantial increases in costs.

SPIRALING UNITED STATES-CHINA TRADE DEFICIT

Mr. DORGAN. Now, in the 5 minutes I have remaining, Madam President, I want to talk just a bit about China. Most-favored-nation status with China will consume most of the debate. MFN they call it. Should we establish or should we continue most-favored-nation status with China, with or without conditions?

Because of China's records in human rights, many say there should be some conditions attached to it. That will consume the debate this year with respect to trade with China. But I want to call to the attention of my colleagues another issue with China. China is racking up an enormous trade surplus with this country. We, by contrast, have an enormous trade deficit with China.

The trade deficit was $3½ billion in 1988. This year it is $19 billion, a $19 billion trade deficit with China that is growing exponentially. Now, one of the things I am interested in is trade with China. We sell China a fair amount of wheat—not nearly enough but a fair amount. It is interesting that as China's trade surplus with us has been ballooning, and they have been selling more and more Chinese goods in this country, our share of the Chinese wheat market has been declining.

In other words, they are selling us more, creating a larger surplus or a bigger deficit for us, and they are purchasing less wheat from us as a percent of their wheat market.

I would like to say that as we discuss Chinese trade, MFN will be important and should be important. But another component of that debate this year ought to be to say to China if we have a trade relationship with you, it ought to be a mutually beneficial relationship in which, when we buy your goods in significant quantity, you buy our goods in significant quantity as well.

I have a couple of charts that I wanted to show my colleagues today. The first chart shows what is happening with the trade surplus China has with us, and the red line, as you can see, is moving up very rapidly. The blue line shows our percent of the Chinese wheat market, and that is going down. Why? Because even as China sells us more and more goods and has an increasing surplus with us, they are out price shopping for wheat from other countries. The Canadian market in China has ballooned. The Canadian share used to be 29 percent of the Chinese wheat purchases. In 2 years, it was 42 percent last year and 48 percent this year. But they have a near balance of trade with Canada. They have a responsibility to buy wheat from us. The interesting thing is, we are selling wheat at discounted prices, with the use of the Export Enhancement Fund. All of the wheat that goes to China is with EEP funds, driving down the price of wheat in order to compete with the Europeans.

So my point is that we have a relationship with some of these countries that we ought to explore in some detail. We ought to explore the question of why our trade surplus with China is growing, and at the same time, China, taking one part of what they buy in significant quantity from this country, is beginning to shop elsewhere for that commodity.

I know farm groups have been very nervous about this MFN debate, and they say if you impose conditions, human rights conditions on China in this trade issue, what will happen is they will buy less wheat from us. The fact is, we ought not to be nervous about all those questions. We ought to be insisting that China buy more wheat from us. There is no excuse to allow a country to create this kind of a trade surplus and then price shop for damaged grain at bargain basement prices from other countries to buy their wheat.

So I have met with the Chinese Ambassador, who is a very nice fellow. We had a good discussion last week about this. I am going to be meeting with some Chinese wheat buyers, who are coming over in the next week, and I am going to be raising this question with my colleagues in the Senate.

We have a responsibility, it seems to me, to be talking to our trading partners, to establish a basis of trade that is fair. And one of the bases for comparison of whether trade is fair, it seems to me, is what kind of a responsibility do we have to each other? Are we merely a sponge? Is our market simply a sponge for everything somebody wants to send to us, but when it comes time for them to buy, they want to go price shopping elsewhere? It is not the way trade works, as far as I am concerned; there are mutually connected responsibilities in trading relationships.

I believe very strongly that we ought to debate this issue of trade with China and wheat to China in the context of a discussion of trade with China and with MFN this year. I hope very much that other colleagues who are interested in this subject will join with me to raise public questions—and tough questions—for the Chinese about how they are going to ratchet down this trade surplus with us, and why they do not have a responsibility to buy more and more American wheat, not less and less, at a time when we have this difficult trade surplus.

I yield the floor, Madam President.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, May 7, the Federal debt stood at $4,240,467,481,424.38, meaning that on a per capita basis, every man, woman, and child in America owes $16,508.93 as his or her share of that debt.

NOTABLE QUOTABLES

Mr. HELMS. Mr. President, a great many Americans resent the blatant bias of the major news media of America, and with some frequency they send letters of protest to newspapers, magazines, and television networks—none of which are in the least worried about such criticism.

The truth is, as someone has said, it is almost impossible to argue with publications that buy their newsprint by the ton and their printing ink by the barrel. As for the broadcast charlatans, they're too busy getting their makeup on and their hair combed to pay any attention to the people they are misleading and deceiving.

However, Mr. President, a round of applause is due Media Research Center of Alexandria, VA, for keeping tabs on specific acts of irresponsibility by people in the news media. Every other week, Media Research publishes what it correctly describes as "A biweekly compilation of the latest outrageous, sometimes humorous, quotes in the liberal media."

Mr. President, I have received permission from those who produce the sharp biweekly needles that puncture the hides of arrogant and egomaniacal editors, columnists, and commentators who have no interest in reporting the news—who seek only to sell their left-wing philosophy under the pretext that they are somehow involved in reporting the news.

L. Brent Bozell III, is publisher of Notable Quotables. Brent H. Baker and Tim Graham are editors. Media analysts are Andrew Gabron, Kristin Johnson, Steve Kaminski, and Bill Thompson. Kathleen Ruff is circulation manager and David Muska is an intern.

Today I begin what I intend to be the regular inclusion in the CONGRESSIONAL RECORD of the biweekly text of Notable Quotables. Senators and others who peruse the RECORD may be interested in reading these quotes.

Therefore, I ask unanimous consent that the aforementioned edition of Notable Quotables for May 10, 1993, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NBC'S ANITA HILL DOUBLE STANDARD

"Were any of Clarence Thomas' real qualifications ever examined? Did the White House package him and sell him to the public? In your book, you say that the White House organized women's groups to support Thomas and that that was somehow manufactured. Can you tell us about that?"—Questions from then-Sunday Today co-host Mary Alice Williams to liberal Newsday reporter Timothy Phelps on his pro-Anita Hill book Capitol Games, July 5, 1992.

"You do, though, Mr. Brock, have some innate biases, don't you? I mean, The American Spectator is an ultraconservative magazine. And it seems as if you are an advocate for Justice Thomas in the book. Is it really fair to call yourself an objective journalist?—Today co-host Katie Couric to American Spectator contributor David Brock on his book the Real Anita Hill, May 3.

"Ever since the Civil War, Americans have been reading a magazine called The Nation. It's always been a platform for speakers who have been ahead of their time. This morning, we'll look at a new book that reminds us how important that platform has been."—Then-reporter Katie Couric celebrating the far-left Nation magazine's anniversary, October 22, 1990 Today.

OVERENTHUSED ABOUT GAY MARCH ATTENDANCE

"The largest demonstration in U.S. history is gathering now on the grounds that stretch between the Washington Monument and the Lincoln Memorial. Gay and lesbian Americans from around the nation have joined hands around the Capitol and laid down a memorial to the victims of AIDS. They're here to step out of the closet and onto the main stage of American history, today, Sunday, April 25th, 1993."—Today co-host Scott Simon before any count of march attendance had been taken. (The U.S. Park Police estimated 300,000, half the official estimate of the 1969 Vietnam War moratorium.)

"Life and Death puppets danced in the streets as an estimated one million lesbians, gays, and supporters demonstrated about life and death issues. But for the most part, this was a love-in that drew more than a million gay and lesbian peoples and gave many of them chills of joy.—WCAU-TV (Philadelphia) reporter Dennis Woltering on the CBS overnight news show Up To the Minute, April 26.

STRAIT'S DYNAMIC DEMOCRATS: CALIFANO, ROBERTS, SHALALA AND HILLARY

"She restores a tradition of excellence at the Department of Health and Human Services. That agency has been headed by some of America's truly great human beings: Joe Califano, Pat Harris, and now Donna Shalala. She is an academic who is connected with the real needs of people. When it comes to being an effective advocate for those who have no voice, she has few equals, perhaps only one—the other half of the dynamic duo here in Washington, that is the duo of Donna Shalala and Hillary Rodham Clinton."—ABC health reporter George Strait introducing Shalala to the National Minority AIDS Council on C–SPAN, Apr. 22.

CLINTON'S DEFICIT-CUTTING COURAGE

"Yesterday you came and said 'Let's give the President an E for effort.' Shouldn't he get a better grade for at least passing a budget that takes the deficit seriously for the first time?"—CBS This Morning co-host Harry Smith to Sen. Bob Dole, April 30.

"Great salesman that he is, Clinton can be viewed as a victim of his own success. His insistence on deficit reduction—and his cajoling of Congress to support a multi-year plan to accomplish it—is the very definition of courage in modern American politics.—Time Chief Political Correspondent Michael Kramer, May 3.

GODLIKE GORBACHEV

"What do you do for an encore after ending the Cold War and reversing the arms race? That's the latest assignment for Mikhail Gorbachev, having assumed the presidency of the International Green Cross, a new environmental organization."—Time's "The Week" section, May 3.

REAGAN APOLOGISTS MUCH LIKE MARXISTS

"We suffer, Hughes claims, from a 'hollowness of the cultural core, a retreat from public responsibility,' and he is right; the alchemists of Commentary, refining their elaborate and obsequious apologias for Reaganism, are at least as culpable as the chic Marxists of the Modern Language Association, dancing their politically correct minuets—and probably a lot more dangerous."—Washington Post book critic Jonathan Yardley on Time art critic Robert Hughes' book Culture of Complaint, April 4 "Book World" section.

"For members of Ronald Reagan's Administration, the metamorphosis has been traumatic. Just a few years ago, they commanded Washington. They were privy and powerful, setting the country's intellectual and moral compass. Their mission was called noble. But after they left, their crusade was rejected, their ideology repudiated much as the Russians have repudiated communism. They were accused of making greed into the country's unofficial religion. Their fall was far and fast and the crash was painful."—Opening of New York Times reporter Lindsey Gruson's story on conference of former Reagan officials, April 25.

PROGRESS: WOMEN IN INSANE COMBAT

"Les Aspin said last week that he means to clear the way for women in the armed forces to fight in combat. That is a milepost, of course, and an advance of considerable importance to women. The least sane enterprise upon which human beings ever embark will thus be made non-sexist. Women have always suffered the madness and horror of war. Now at least they will do so with a gun in their hands. It's a milepost and a great leap forward, to be sure."—CBS Sunday Morning host Charles Kuralt, May 2.

LITTLE COVERAGE OF REAGAN-BUSH SCANDAL?

"Reporters need far more education, especially on budgeting and finance. This weakness follows a campaign in which there was little coverage of the scandals of the Reagan-Bush administration—or, if there was a mention, there was included a denial or a disclaimer. Often editors hid behind that old phrase 'there is no proof' when there was plenty of fire and smoke."—White House reporter Sarah McClendon in Editor & Publisher, April 3 issue.

FAST-FOOD-QUALITY FREE MARKET ADVICE

"Some of the same economists whose belief in an undiluted free market seem to run to permitting many Americans to free fall into unemployment came to Moscow to tell President Yeltsin only shock therapy could snap Russia into prosperity. There's nothing wrong with having a McDonald's just off Red Square, (that McDonald's, incidentally, is Canadian), but for some Russians and Americans, it's beginning to characterize the quality of the over-the-counter economic advice we've been giving them—fast-fix assembly-line fast food that still leaves the store shelves empty.

"* * * The opportunities for Americans in Russia should be something more than just the last vast market for our most precious products or political theories. Helping Russia to be free ought to mean helping the Russians to be free to find another way."—Weekend Today co-host Scott Simon, April 3.

SWINGING AT REAGANOMICS

"(Barry) Bonds earning about $40,000 a game? How can the Giants afford that. This kind of baseball economics makes as much sense as Ronald Reagan's promise to balance the budget by cutting taxes and increasing defense spending."—Time contributor and Esquire Washington bureau chief Walter Shapiro, April 12 Time.

WASTE AT INTERNATIONAL BANKS

Mr. HELMS. Mr. President, prior to the April 30 arrival in Washington of officials from multilateral financial institutions for the Interim World Bank and IMF Board of Governors meeting, there were amazing reports from London to Sacramento that these banks, funded with billions of taxpayers' dollars, are mismanaged by overpaid bureaucrats who are apparently accountable to no one.

Some of us in the Senate have been pleading for years that this irresponsibility be ended. The European Bank for Reconstruction and Development [EBRD] has taken the brunt of the criticism—as well it should—for its extravagant waste of the taxpayers' money. Under the direction of President Jacques Attali, former adviser to the Socialist French President, Mitterrand, the EBRD has spent more than $300 million to build its lavish headquarters in London and for salaries and expenses. And, please note, Mr. President, that this wanton $300 million waste occurred over a period of just 21 months.

Laws passed by Congress to curb such abuses obviously have little effect on bank officials. In October 1990, for example, I offered an amendment to the Foreign Operations Appropriations Act, which was incorporated into section 562 of Public Law 101-513, requiring the United States to push for an end of the use of first class air travel by IMF and multilateral bank officials when their travel is paid for by the bank. But, EBRD President Attali thumbed his nose at the Congress of the United States. Last year, Attali spent about $1 million to rent private jets for his official travel, a practice absolutely contrary to the spirit of U.S. law.

So, Mr. President, I wrote to Treasury Secretary Bentsen on April 29, requesting information regarding compliance with section 562 of Public Law 101-513. I ask unanimous consent that the text of my letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 29, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury, Washington, DC.

DEAR LLOYD: In October 1990 I offered an amendment to the Foreign Operations bill which was incorporated into Section 562 of P.L. 101-513. The amendment required multilateral banks and the International Monetary Fund to prohibit their personnel, and personnel of their affiliates, from using first class air travel for business. If such procedures were not adopted, the provision required the Executive Directors of these institutions to report that failure to the Secretary of the Treasury and to Congress.

Since I have never received a report, I assume that the restrictions have been adopted. I am deeply disturbed, however, at recent reports about unjustified salary increases at the World Bank and extravagant overspending at the European Bank for Reconstruction and Development (E.B.R.D.). Why, for example, did the President of E.B.R.D., Jacques Attali, spend approximately a million dollars in one year to rent private airplanes for business travel? Such spending is clearly contrary to the spirit, if not the letter, of my amendment.

The above concerns have been widely publicized. Please, Lloyd, provide me with full information concerning the multilateral banks' and the International Monetary Fund's compliance with Section 562 of P.L. 101-513.

Many thanks, my friend.
Best regards.
Sincerely,

JESSE HELMS.

Mr. HELMS. Mr. President, the mission of the European Bank for Reconstruction and Development [EBRD] is to help restore the economies of Eastern Europe and the former Soviet Union following the ravages of communism. But, get this Mr. President, during the period that EBRD was spending $300 million on itself, EBRD was making loans totaling only $150 million. In short, EBRD's funding decisions are a disgrace.

While officials at the EBRD ran for cover, the Financial Times reported that directors of the World Bank and International Monetary Fund voted themselves a 6-percent salary increase.

The World Bank budgeted more than $800 million for salaries and expenses for this year alone. The major contributors to these institutions are governments which are deeply in debt and cannot afford salary increases for their own employees.

These arrogant, wasteful, self-centered bank officials are supposed to be public servants. They would be considered wealthy in every industrialized country of the world. The annual salaries of the presidents of the World Bank and the IMF are $285,000; the annual salary of the president of the European Bank for Reconstruction and Development is $255,000. All of these salaries are greater than the salary of the President of the United States.

Meanwhile, according to the World Bank's own internal audit, unsuccessful projects have increased from 15 percent in 1981 to 37.5 percent in 1992. The World Bank's management of its taxpayer-funded projects is abysmal.

Mr. President, I ask unanimous consent that a table from the April 24 edition of the Economist contrasting the salaries of the Presidents of the World Bank, IMF, and the EBRD and their employees, with those working for several international organizations, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. In my judgment, international bank officials forgot long ago their responsibility to the people who pay their bills. The U.S. taxpayers have funded the World Bank Group, which includes the International Bank for Reconstruction and Development [IBRD], International Development Association [IDA], the International Finance Corporation [IFC], and the Multilateral Investment Guarantee Agency [MIGA] to the tune of 38.780 billion 1993 constant dollars since 1945. The U.S. taxpayers have forked over almost $200 million to the EBRD for the 2 years it has operated.

These are just a few of the multilateral banks the U.S. funds. Despite the fact that President Clinton promised to cut foreign aid by $2 billion his first year, his fiscal year 1994 International Affairs budget proposes to spend more money, including $1.85 billion for these bloated banks.

Mr. President, in addition to wasting the taxpayers' money, international banks consistently harm U.S. interests by assisting governments not eligible to receive bilateral funding from the U.S. Government. For example, Communist dictatorships and governments which support terrorism or narcotics trafficking are—for good reason—ineligible for direct U.S. aid.

Yet, in 1992 alone, the World Bank Group made $2.526 billion in loans to Communist China. These loans go to fund such projects as the Three Gorges Dam on the Yangtze River. Western authorities believe this $30 billion dam will be an environmental disaster. Furthermore, the Red Chinese will forcibly uproot at least 1.2 million people from their homes. I hate to imagine the human misery that will result from this forced displacement. Also in 1992, the World Bank Group made $134 million in loans to Iran; the World Bank approved an additional $463 million in loans to Iran in March 1993.

As President Clinton's fiscal year 1994 International Affairs budget moves through the House and Senate, Congress should consider carefully legislation which makes multilateral bank officials accountable to the people who pay their bills. Congress prohibits pariah states from receiving U.S. foreign aid; therefore Congress should require multilateral banks, funded by U.S. taxpayers, to stop making loans to these governments. And if the banks won't stop funding these despicable regimes, Congress ought to stop funding the banks.

Finally, Mr. President, the people of North Carolina do not understand why the Federal Government continues to send their tax dollars to the World Bank and other similar institutions in the face of a crushing Federal debt here at home. I agree with them. Before Congress approves another dime for multilateral banks, or any other foreign aid program, I suggest President Clinton heed the will of the American people and cut spending first.

EXHIBIT 1

THE PAY AND PERKS GUIDE: THE LAVISH . . . AND THE STINGY

[Total running costs per employee, in dollars]

	Employees	Chief's salary	Economist's salary[1]	At current exchange rates	Converted at PPP[2]	Class of air travel	Annual leave days	Office opulence (Straw-poll: 6=most lavish)
World Bank	6,000	[3]285,000	80,000	207,000	207,000	Business<12 hrs, first class>12 hrs	26	4
IMF	2,200	[3]285,000	85,000	165,000	165,000	First class	26	5
EBRD	600	255,000	70,000	238,000	237,000	Economy within W. Europe, business outside	25	6
UN	10,000	170,000	70,000	120,000	120,000	Economy	30	1
OECD	1,900	202,000	100,000	153,000	126,000	Economy<9 hrs, business>9 hrs	30	2
GATT	400	NA	80,000	147,000	96,000	Economy within Europe, business outside	30	3

[1] Mid-30s with ten years' experience, including expatriate and family allowances.

[2] Purchasing-power parity (OECD estimates); EBRD adjusted for sterling/dollar PPP.

[3] Including special allowance of $95,000.

OUR POLICY IN BOSNIA

Mr. PELL. Mr. President, last week I participated in a Senate delegation led by Senators NUNN and LUGAR, that traveled to Croatia, Macedonia, and Moscow. I returned from that visit convinced that we need to ask and answer some very hard questions before we consider using United States military force in Bosnia.

Everyone agrees that hideous mayhem is occurring in Bosnia today. The Balkans have traditionally been a bloody battleground, where old hatreds die hard. The fighters are fierce and the terrain is formidable. During World War II, 26 German divisions were unable to keep peace in Yugoslavia. Serb and Croat forces, the successors to the Chetniks and Ustashi of the Second World War, are brutally killing each other once again. In the 1990's version of the Balkan conflict, Bosnia's Moslems are the primary and innocent victims of both Serbian and Croatian brutality. Today's news reports that Croatian forces are rounding up the Moslems in Mostar and that Serbian leaders are terrorizing the non-Serbs in Banja Luka bear this out.

Terrible human rights abuses—torture, rape, and slaughter—run rampant in Bosnia. But as horrible as the situation is in Bosnia, other parts of the world—Kashmir, Cambodia, Nagorno-Karabagh, Sudan, and Liberia—are also experiencing reckless violence and grave abuses that breed instability. The questions that keep occurring to me, as they do to many Americans are: "Why should we intervene in Bosnia?" "Why is Bosnia different from the other places of conflict in the world?" "What are American interests in Bosnia?" It is a daunting, but necessary challenge to the President to answer these questions for the American people and to give a clear-cut explanation of why we should be involved.

If Bosnia were part of our continent, the answers would be easier. When a disgraceful situation like the one that is occurring in Bosnia takes place in our hemisphere, we have a responsibility to lead the fight to end the slaughter and restore stability. It would be clearly in our interest to do so. But, when the situation occurs on another continent, the United States may lead and organize the battle against it, but we do not have the responsibility to provide a lion's share of the military manpower to fight it. This argument is especially compelling when the tragedy is occurring in a continent like Europe, with its own well-established democracies, and its well-organized and well-equipped armies. We may be the leader of the free world, but we are not the free world's army.

Nevertheless, I see the building pressure, domestic and foreign, on our President to do something about the ongoing slaughter. The pressure is mounting for the United States not only to lead an international effort to stop the killing, but to send in U.S. troops to do the job. I hope that we will be able to resist to the maximum extent possible the use of our ground troops to intervene in Bosnia. While there seems to be increasing movement toward U.S. intervention, I believe that we should hold back. I would, however, be willing to see some of our troops used for peacekeeping, that is, helping enforce an arrangement that has already been reached at the negotiating table.

Before there is any use of force—either for peacemaking or peacekeeping—I believe that three steps must be taken. The President has a head start on two of them, because he has done a marvelous job of consulting with our allies and with Congress on this issue. First, the President should ensure that we secure the proper U.N. authority. Second, the President should ensure that the U.S. Congress authorizes U.S. participation in a Bosnia effort. Third, and perhaps the most difficult, but most important step, the President needs to explain to the American people why we should be involved. Without these three steps, any effort is doomed to failure.

W.W. WANNAMAKER, JR.

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of my State's foremost engineers and a great man, Mr. W.W. Wannamaker, Jr., who recently passed away at 92 years of age.

Mr. Wannamaker was born and raised in Orangeburg, SC, and earned engineering degrees from both The Citadel and Cornell University. He began his professional career with the South Carolina Department of Highways and Public Transportation, working in bridge construction. Searching for greener pasture, Mr. Wannamaker co-founded his own bridge construction firm, Wannamaker & Wells.

Graduates of The Citadel seem to feel a tremendous sense of loyalty to that institution and Mr. Wannamaker was no different. He served that college as a member of the board of visitors and as president of The Citadel Alumni Association. He also established the Star of the West scholarship, which awards full scholarships to cadets.

In addition to serving his school and State, Mr. Wannamaker served our Nation as a naval officer. He was also a national Republican committeeman for South Carolina.

Mr. President, W.W. Wannamaker, Jr., was a man who made many important contributions to his State and Nation. We are all grateful for his many accomplishments and he will be missed.

GROVER GORDON McLAURIN

Mr. THURMOND. Mr. President, I rise today to pay tribute to a great man and South Carolina's oldest living attorney, Mr. Grover Gordon McLaurin, who recently passed away at 106 years of age.

Though born in Kissimmee, FL, Mr. McLaurin spent the majority of his life in Dillon, SC, where he practiced law after graduating from the University of South Carolina in 1909. Mr. McLaurin was a accomplished trial lawyer who successfully defended the first capital case in Dillon County history. When Mr. McLaurin could not longer appear in court, he continued his law practice in his office, swearing never to give up the profession he loved.

A public spirited man, Mr. McLaurin took an active part in the affairs of his community, serving as mayor and county superintendent of education. His lifelong commitment to community service was recognized on his 100th birthday when the Governor presented him with the Order of the Palmetto, South Carolina's highest award.

A witness to tremendous change, Mr. McLaurin was never fazed by social or technological advances. He once said "the world changes every day. About the only thing you can do is adjust." This attitude helped to ensure that he enjoyed a long, happy, and prosperous life.

Mr. President, Gordon McLaurin was a man who accomplished many great things during his life and had a tremendous impact on the people who knew him. We will all miss this amazing man.

JUNE RAINSFORD HENDERSON

Mr. THURMOND. Mr. President, I rise today to pay tribute to a wonderful lady and dear friend who recently passed away, June Rainsford Henderson.

Born 97 years ago in Edgefield County, June Henderson led a full and rewarding life. Possessing both bachelors and masters degrees from the University of North Carolina's prestigious Library Science School, Mrs. Henderson worked at Hollins College in Virginia, Augusta College in Georgia, and the Library of Congress in Washington, DC. It was during her time working in our Nation's Capital that Mrs. Henderson discovered her love for 18th-century gardens and old prints of anything related to plants. Her passion not only led her to publish a book on this topic entitled "Floralia," but also to begin writing on this subject for publications including the New York Times.

A loving woman, Mrs. Henderson was twice married. Her first husband was George P. Butler, whom she met while both were working at Augusta College. They were married until 1933 when Mr. Butler passed away. After returning to Aiken in the 1940's, Mrs. Henderson met her second husband, prominent local attorney P. Finley Henderson, to whom she was completely devoted.

Mrs. Henderson was a woman who loved history and she wrote a history of the Edgefield Presbyterian Church. In recognition of her interest in this area, her family established the June Rainsford Henderson Chair of Southern and Local History at the University of South Carolina at Aiken. She was also instrumental in restoring the rectory of Trinity Episcopal Church.

Mr. President, June Henderson was a lady in every sense of the word. She was kind, considerate, caring, and devoted. She was a bright woman who constantly sought to expand her knowledge and share her findings with others. We will certainly miss this very special woman, and her family has my deepest sympathies on their loss.

THE LATE C.S. DAVIS

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend of mine and one of our State's most accomplished educators, Dr. Charles S. Davis, who recently passed away at the age of 82.

Born in Mobile, AL, in 1911, Charles Davis was a man who loved knowledge and devoted his life to the pursuit and administration of education. He earned bachelor's and master's degrees from Auburn University, a master's degree from the University of California; and a Ph.D. from Duke University, and chose a career in academia. Dr. Davis taught at some of our Nation's finest schools, including Auburn, Duke, and Florida State, where he ascended from the position of associate professor to the dean of the faculties.

Dr. Davis' performance at Florida State led him to Winthrop University, where he assumed the presidency in 1959 and served in that office until 1973. Under his leadership, Winthrop underwent many important changes, including the integration of the school and the admittance of men to what had been an all female institution. Also during Dr. Davis' tenure, the enrollment of the college doubled, honors and foreign exchange programs were established, and the school's buildings were updated. Dr. Davis' guidance of Winthrop at a critical time in its history helped to insure that it not only survived, but became one of our State's finest colleges.

Dr. Davis was also an active participant in both the academic and Rock Hill communities. He was a member of a number of scholastic and civic organizations including the Commission on Colleges and Universities; the Southern Association of Colleges and Schools; the Southern Historical Association; Rock Hill Executives Club; the Rock Hill Rotary Club; and, the Rock Hill Chamber of Commerce. Dr. Davis also served in the military, retiring from the Air Force Reserve as a colonel. His service to the military was no less enthusiastic or dedicated, and he was awarded the Bronze Star and the Air Commendation Medal.

Mr. President, Dr. Davis was a unique individual, a patriotic man who possessed important qualities of integrity, ability, and compassion. We will all miss Dr. Davis, but are grateful for the many significant contributions he made in the State of South Carolina. Our hearts go out to his lovely wife and fine family.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 2, an act to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 is equally divided.

Mr. FORD. Madam President, I suggest the absence of a quorum and ask that it be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:14 p.m., recessed until 2:16 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. WELLSTONE addressed the Chair.

Mr. FORD. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, I know the Senator from New York wants to speak, and I promise him I will not go beyond the 10 minutes.

I would like to compliment the whip, Senator FORD from Kentucky. I guess we will know very soon whether we will finally be able to invoke cloture. There have been, I think, seven filibuster votes on this piece of legislation. I am very hopeful that the National Voter Registration Act will soon become the law of the land.

Mr. President, I know it has not been the case that every single Representative and Senator has focused on this debate. Senators and Representatives have a lot of other things they are doing in committees. For that matter, the country itself has not been focused on this debate. I really hope that we are about to invoke cloture and then pass this piece of legislation.

In my time in the U.S. Senate I think this is probably one of the most important pieces of legislation that I have had the honor to vote on.

Mr. President, this bill that the whip has worked so hard on, I think this is a piece of legislation that is going to make this a much better country. I think this is a piece of legislation that is going to enable many more citizens to register to vote. I think this is a piece of legislation that is going to expand democracy in the United States of America. And I think the Senator from Kentucky is going to be remembered for a lot of things, but I guarantee you, if we are able to invoke cloture and we pass this legislation, he is going to be remembered for this piece of legislation.

We have had a history in our country of trying to expand democracy. It has not been a smooth journey. Up to the passage of this legislation—and I believe that is where we are heading—in all too many States, in all too many places it has been very difficult for some people to register to vote. As a result of that, among the democracies in the world, the United States ranks right near the bottom. That is not something that any American is proud of.

I think if you were to ask people in Minnesota cafes or Kentucky cafes what they think about the idea of motor-voter where citizens can come in and, with a driver's license, also fill out a form and register to vote; or what do they think about a welfare agency or other public agency having voter registration cards available and in a scrupulously nonpartisan way presenting those cards to people and enabling people to fill those cards out and register; or what do they think about people now in every State having the opportunity to register by postcard so they do not have to figure out where to drive to, where to register, what do they think about, finally putting an end to some of those obstacles, I will tell you something, the vast, vast, vast majority of people in the United States of America will say that is all for the good.

Mr. President, I think there is a very interesting dynamic in the United States of America today, a political dynamic. It is in part, I suppose, the politics of indignation. People really want this to be an open process. They want us to be accountable. They do not want to be cut out of the loop. They want to participate.

When we have town meetings in Minnesota, it is unbelievable the number of people who show up. I think this piece of legislation fits right in with what people in the country are calling for. We are going to enable people to exercise their political rights in behalf of their economic rights. We are going to enable people in every State all across the United States of America to have every opportunity to register and then to vote, to register and to vote for the issues they care about, for the kind of community they believe in, to register and vote for their children.

Mr. President, I think that is what this is about. So by way of conclusion, we are going to have this vote. It is coming up very soon. There has been quite a bit of obstructionism on this. There have been many, many cloture votes. It has taken us a longer time than it should, but I think we are now finally at the point where we are going to have a very historic vote on cloture. I certainly hope so.

And when this legislation is passed, I believe that the Senator from Kentucky especially needs to be singled out as the Senator who made it all happen—not just for Kentucky, not just for Minnesota, not just for Hawaii, but for people all across this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

The Senate is now considering the conference report accompanying H.R. 2. Time is equally divided until 3 p.m.

The Senator from Kentucky.

Mr. FORD. Mr. President, I do not see anyone here. Is the Senator the designee?

Mr. D'AMATO. Yes. Mr. President, if I might.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Senator MCCONNELL is on his way over.

Mr. FORD. And the Senator is his designee?

Mr. D'AMATO. Yes. Mr. President, I yield myself up to 5 minutes. I ask that it appear as if in morning business. I do not intend to take 5 minutes. It will be charged against the time, our time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

THE INTERSECTION OF U.S. 76 AND S.C. 121

Mr. D'AMATO. Mr. President, I am going to bring to your attention and the attention of other Members of the Senate without any comment or explanation a picture which appeared in the Greensboro Gazette of South Carolina. The picture is of a sign which is located at the intersection of U.S. 76 and S.C. 121 in Newberry, SC.

As I say, this is an actual picture. I make no comment, other than to say it really does exist. The sign is at the intersection of U.S. 76 and S.C. 121 in Newberry, SC.

Mr. President, I yield the floor so that we can continue to proceed on this matter.

The PRESIDING OFFICER. The Senator from New York yields the floor.

Mr. FORD. Mr. President, I do not know any relevance to the bill and the visual aid, but be that as it may, the distinguished Senator from Montana asked for some time on a subject not on the legislative agenda.

Mr. President, if we can look at this with the Senator from New York, I can yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Chair and I thank the distinguished manager of the bill.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I should like to speak about the negotiations now under way on the North American Free-Trade Agreement, or NAFTA.

In recent days, critics of the Clinton administration have suggested that the negotiation of strong environmental and labor side agreements to the North American Free-Trade Agreement would create a disaster.

These critics argue that linking environment and labor goals to a free-trade agreement is inappropriate.

They argue that trade sanctions should not be used to enforce environmental and labor laws. They argue that trinational commissions should not be able to collect information to determine whether a government is complying with its own laws.

These detractors are trying to convince our trade negotiators, who are attempting to negotiate such side agreements with Mexico and Canada, to weaken their position. And they are attempting this at a key time—just as our negotiators prepare for another round of talks in Ottawa later this week.

Mr. President, I have to wonder what these critics are thinking. It almost seems as if they fear the prospect of clean air and water in Mexico and the United States-Mexico border region. Or that they fear the prospect of enforced minimum wage laws, child labor laws, and occupational health and safety laws in Mexico.

Certainly, I hope they do not support the prospect of U.S. companies moving south to take advantage of lax environmental and labor law enforcement.

I would like to respond to their arguments. But first a question. Why is it inappropriate in our first trade negotiation with a developing country to link environmental and worker rights goals to the agreement?

After all, without proper environmental protection, free trade has the potential to cause more pollution. And free trade also has the potential to create jobs—jobs for workers who deserve safe working conditions. And, sadly, a country that fails to enforce its environment and worker rights laws may attract more foreign investment. This gives it a trade advantage over other countries.

In each of these cases, we must go the extra mile to make sure that free trade gets us the results we want.

In the environmental area, I think that a new proposal, developed jointly by seven important U.S. environmental groups, would do just that. This proposal would create a strong, independent North American Commission on the Environment [NACE] with investigatory powers, and use trade sanctions as enforcement.

I think the proposal has some application to worker rights as well. I urge the Clinton administration to adopt it as their position in the continuing negotiations.

The fact is, Mexico has good environmental and worker rights laws, but it does not enforce them. Attaching a stick to the NAFTA carrot is the best chance we have to help Mexico improve its situation in both areas while growing its economy. And, needless to say, it is also a chance to better the lives of millions of people living along the United States-Mexico border.

I refer to the side agreements as a stick because if they are to work, they have to be enforced. Otherwise, they are no more effective than Mexico's laws are now.

And, since lack of enforcement of such laws has a direct effect on trade, trade sanctions are an appropriate stick. I, for one, hope they never become necessary. But we need them, just in case. And without them, these side agreements will not be worth the paper on which they are written. I personally could not vote for a NAFTA that did not have strong side agreements.

Let me also respond to the argument that environment and labor commissions should not have some independent way of collecting information about a government's compliance with its own laws.

The fact is, these commissions need a way to collect information if a foreign government refuses to provide it. Otherwise, the commissions cannot do their job. This is no different from allowing Russians to inspect U.S. missile sites to see if we are complying with our arms control treaties.

Which brings me to another point. Some critics worry about these commissions being able to bring cases against the United States. They believe we are opening a Pandora's box by allowing Mexico and Canada to file cases against us.

The fact is, we should be complying with our own laws. Plain and simple. We should not hold Mexico to a different standard.

As Ambassador Mickey Kantor says, what's sauce for the goose is sauce for the gander. And that is how it should be. But, of course, measures should and will be taken to prevent harassment claims.

And one other thing. Critics say the linkage of environment and labor to trade policy sets a precedent. And they are right. But I would say it is a good precedent.

In particular, I think linking trade and the environment is crucial to the future health of our planet. That is one reason why I would like to urge Ambassador Kantor to create an Assistant U.S. Trade Representative for the environment. I think it is time that USTR had a full-time assistant USTR devoted to furthering sustainable development policies and to opening foreign markets to U.S. environmental technology exports. I think that is very important.

In closing, Mr. President, I do not think it would be a bad thing if Mexico, the United States, and Canada agreed between themselves to enforce their own environment and worker rights laws as they eliminate tariffs and other trade barriers.

In fact, if the prospect of a cleaner environment and safer workplaces across North America, coupled with greater economic prosperity for the entire region, is a disaster, that is a disaster I could live with.

Mr. President, I ask unanimous consent to print in the RECORD an article by Don Newquist, along with a letter written to Ambassador Kantor by a coalition of environmental groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 10, 1993]

PEROT IS DEAD WRONG ON NAFTA

(By Don E. Newquist)

WASHINGTON.—Ross Perot, that master of the sound bite, coined a classic during his on-again, off-again Presidential campaign: the "giant sucking sound" he claims we will hear as jobs move from the United States to Mexico under the North American Free Trade Agreement.

These days, the only sound I hear, though, is Mr. Perot's misinformed, misleading and often simply untrue Nafta-bashing. He is dead wrong.

If Congress passes the legislation to carry Nafta out, it will create jobs, in the U.S. as well as in Mexico.

The U.S. International Trade Commission's most recent study of the effects of Nafta (the eighth in six years) was delivered to Congress in February. Although certain U.S. industries may suffer limited losses of jobs, it found, the overall U.S. economy will enjoy more jobs, increased exports and higher wages with the agreement than without it.

Virtually every other reputable study (there have been dozens) reaches the same conclusions. Speaking for myself and not for the commission, I must say I find that accumulated evidence persuasive.

Only recently has Mr. Perot cited empirical research to back up his claim. It is a recent study by Pat Choate, a political economist in Washington. The study says that Nafta will put more than 5.9 million U.S. jobs in jeopardy of being moved to Mexico. Mr. Choate arrived at this figure by adding up all the jobs in U.S. industries where labor costs account for at least 20 percent of total expenses and the average wage exceeds $7 an hour.

All these jobs, he suggests, are so costly that the temptation will be overwhelming to move them to low-wage Mexico. But there is nothing preventing those jobs from being moved there right now, with or without Nafta. Why are they still here?

In fact, if companies based their plant locations only on labor costs, there would be few factories left in the U.S., or in Europe and Japan. But firms look at many factors, including a plant's productivity, transportation costs, the availability of raw materials and proximity to markets. In all these considerations, the U.S. is a world leader and that is why thousands of U.S. companies still employ millions of workers in this country even though they could pick up tomorrow and move anywhere.

Some companies—one is Quality Coils of Stonington, Conn.—have moved plants back to the U.S. from Mexico after finding that lower Mexican labor costs did not offset the higher productivity of U.S. workers.

But as persuasive as all the economic studies are, all we really have to do is take Mr. Perot's own advice and "lift the hood and look underneath" to disprove the Choate thesis. In 1986, when Mexico joined the General Agreement on Tariffs and Trade, it reduced its once high tariffs to no more than 50 percent of the value of imported goods. President Carlos Salinas de Gortari continued to reduce tariff rates until they now average only 10 to 13 percent for manufactured goods from the U.S.

The result has been an expansion of U.S. exports to Mexico, which reversed what was a $5.6 billion U.S. merchandise trade deficit in 1987 to a $5 billion U.S. trade surplus in 1992. Those exports helped to create hundreds of thousands of new jobs here.

One would think that Ross Perot would have a better understanding of the economics of trade. In fact, he may. Even as he urges Congress to kill Nafta, his family stands to reap the benefits of increased trade through the Perot-developed Alliance Airport complex north of Dallas, which is being promoted as a trade hub between the U.S. and Mexico.

Nafta could end up proving Mr. Perot wrong in a way he won't be able to rebut: It could give him hundreds of new American employees.

MAY 4, 1993.

Re NAFTA—Supplemental Agreements.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: As you are aware, the undersigned environmental groups have each consulted with your office about and made recommendations concerning the North American Free Trade Agreement (NAFTA) supplemental agreements on the environment. In order to clarify the positions that we believe are critical to the supplemental agreement negotiations and to help the President achieve his objectives on NAFTA, we have come together to define those provisions which if included in the supplemental agreements would secure the support of all of our organizations for the NAFTA.

In developing the positions set forth below, we were guided by several key principles: (a) that the supplemental agreements must establish a North American Commission on the Environment (NACE) which is given meaningful responsibility and the resources to undertake its role; (b) that the Signatories must give NACE the power to play an important role in helping ensure that the Signatories enforce their environmental laws; (c) that the NACE have the ability to discuss, evaluate and report on important environmental and conservation issues; (d) that the Signatories agree to a dedicated source of funding for the NACE, border infrastructure and cleanup, and conservation programs; (e) that there be meaningful public participation in the environmental aspects of the NAFTA, including the NACE; and (f) that ambiguities in certain provisions of the NAFTA text, particularly the standards provisions, be clarified.

Based on these principles, we have agreed that the undersigned groups will support the NAFTA if the supplemental agreements include the following provisions:

I. THE NACE

A. Structure. The Signatories would establish a North American Commission on the Environment (NACE) that, in addition to Commissioners, is staffed by a permanent Secretariat headed by a Secretary General who has the independent power to prepare reports and conduct investigations, and which is advised by a Citizens Advisory Board that includes representatives of nongovernmental organizations from each Signatory.

B. Power to Prepare Reports. The NACE would have the responsibility for preparing specific reports set forth in the supplemental agreements. The NACE would also have the power to act as a policy forum to debate and report on environmental and conservation issues.

C. Power to Investigate. The NACE would have the power to conduct investigations on its own initiative or in response to citizen petitions in a manner consistent with priorities set by the supplemental agreements and the Secretary General. It would also prepare reports on the results of such investigations.

D. Contents of Reports and Follow-up. The reports of the NACE would include suggested action plans; the Signatories involved would respond in writing to such action plans; the NACE agreement would require the Secretary General at regular intervals to follow up and report on the status of the implementation of an action plan; and the Secretary General would make all its reports and responses public.

II. ENFORCEMENT

A. Gathering Information. To gather information the Secretary General would have the power to hold public hearings and request that the relevant Signatory government gather information that the Secretary General finds is necessary. A Signatory responding to a request from the Secretary General for information would seek to obtain such information pursuant to and consistent with the Signatory's laws and regulations. The Secretary General would have the power to request verification of data by visits by its staff to the relevant facilities accompanied by enforcement personnel of the Signatory. The visits would be conducted consistent with the laws and regulations of the Signatory and be of sufficient scope to meet the information objectives of the Secretary General. All denials of requests for information or verification would be made public unless the Signatory certifies that this would interfere with an ongoing civil or criminal investigation.

B. Individual Facilities and Operations. The Secretary General would have the power to gather information about individual facilities and operations, and be able to use such information to evaluate enforcement of law by the Signatories.

C. Sanctions. The Signatories agree that any Signatory who believes that another Signatory has engaged in a pattern of failing to comply with NACE recommendations embodied in an action plan or with requests for information and verification by the Secretary General could initiate a dispute settlement proceeding under Chapter 20 of NAFTA on the basis that such repeated failures nullify and impair the concessions granted in the NAFTA. Article 2019 sanctions would be implemented where a dispute panel finds a pattern of a Signatory failing to comply with NACE recommendations embodied in an action plan and/or a pattern of failing to respond to NACE requests for information and verification.

D. Domestic Law Enforcement. The Signatories would agree to make available to their own citizens under their domestic laws enforcement procedures similar to those in Article 1714 of NAFTA so as to permit effective enforcement of environmental laws.

III. FUNDING

A. Funding for NACE and Border Projects. The supplemental agreements would provide for a secure source of funds in an amount sufficient to enable the NACE to undertake each of its responsibilities and functions, as well as for cleanup and infrastructure programs on the U.S./Mexican and U.S./Canadian borders.

B. Funding for Conservation Programs. The supplemental agreements would provide for a secure source of funds for conservation, biodiversity and ecosystem protection programs.

IV. STANDARDS

A. Negotiation of Process Standards. The Signatories would agree to enter into negotiations within six months of the implementation of the NAFTA to discuss criteria for setting process standards. In addition, the Signatories would agree to place a moratorium on bringing cases to dispute settlement panels if the law at issue is designed to protect fish, animals or wildlife outside the territorial land of the Signatories until these negotiations develop applicable criteria for process standards. The implementing legislation would include a provision specifying that arbitral panel decisions adverse to a U.S. fish, animal or wildlife law or regulation would not result in the repeal or amendment of any such law or regulation.

B. Chapter 9. The Signatories would clarify that Chapter 9 was intended to allow challenges to an environmental standard-related measure only on the ground that it is discriminatory or was designed as a disguised barrier to trade, not on the ground that it is too strict.

C. Chapter 7. The parties would either agree on language clarifying certain key terms in Chapter 7 that remain ambiguous, including but not limited to the term "necessary," or agree that they will not bring cases under Chapter 20 challenging a sanitary or phytosanitary standard for pesticide residues or contaminants in food under Chapter 7 except on the ground that the standard is discriminatory or was designed as a disguised barrier to trade.

D. Challenges to State Laws. The Administration would agree that it will seek in the U.S. implementing process a provision preventing the preemption of or interference with states' or other subnational entities' laws or policies on the basis of Articles 105 or 902.

V. DISPUTE SETTLEMENT

A. Dispute Settlement Protocol. The Signatories would enter into a protocol which clarifies the procedures of arbitral panels; which sets forth the deference such panels will give to a Signatory's agency and judicial decisions and a Signatory's laws concerning the setting of standards; which increases the transparency of arbitral panel proceedings by providing, consistent with criteria set in the supplemental agreement, documents to the public and the opportunity for interested persons to file amicus briefs; and which specifies the opportunity for public participation and the use of environmental experts in such proceedings.

B. Input Into U.S. Positions During Dispute Settlement Proceedings. The implementing legislation would provide for public input (and, where appropriate, input from state and local governments) into U.S. government decisions relating to: (i) the defense of cases before arbitral panels challenging environmental laws, and (ii) decisions whether to bring a dispute settlement proceeding alleging that a Signatory has not complied with NACE recommendations or requests.

VI. PUBLIC PARTICIPATION

In addition to the public participation provisions described above, the Signatories would agree to enact "community right-to-know" laws consistent with Principle 10 of the Rio Declaration.

VII. INTERNATIONAL ENVIRONMENTAL AGREEMENTS

The Signatories would add additional environmental and conservation agreements to Annex 104:1 and list automatically on that annex all amendments to the agreements on that annex and in Article 104. Dispute resolution panels would give deference to a Signatory's decision that it has properly interpreted the relationship between the NAFTA and another international environmental agreement. We will provide a list of the Agreements that we believe should be added to Annex 104:1.

VIII. SUPPLEMENTAL AGREEMENTS

The Signatories would agree, consistent with their domestic law, to take actions that give the supplemental agreements on the environmental the same status and effect as the NAFTA itself.

The provisions described in this letter are elaborated and amplified in the attached back-up memorandum. Taken together, we believe that they would be either consistent with historical practice in the international areas or reflective of the trend towards greater transparency in international deliberations, that they would be consistent with the preamble to NAFTA and the Rio Declaration, that they would not unduly interfere with the sovereignty of the Signatories, that they would not require a rewrite of the NAFTA text, that they would increase protection of the environment throughout North America and that they would lead to significantly better protection of the environment than would result if the NAFTA were defeated.

Please note that neither this letter nor the back-up memorandum addresses a number of important issues that affect the borders of the Signatories, including the relationship between the NAFTA and other border agreements, and institutions and the need for establishing national environmental management districts. These issues will be addressed in another letter we are preparing. In addition, we are preparing and will provide a letter analyzing funding options.

We deeply appreciate your careful consideration of the matters set forth in this letter and look forward to meeting with you to discuss them further.

Sincerely,

Roger Schlickeisen, Defenders of Wildlife; Fred Krupp, Environmental Defense Fund; Peter A.A. Berle, National Audubon Society; John Adams, Natural Resources Defense Council; Jay D. Hair, National Wildlife Federation; John Sawhill, Nature Conservancy; Kathryn Fuller, World Wildlife Fund.

Mr. BAUCUS. I yield the floor and thank the distinguished Senator from Kentucky for his generous allocation of time.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished Senator.

Will the Chair please advise of the time situation?

The PRESIDING OFFICER. The Senator now has 20 minutes remaining.

Mr. HELMS. And there is to be a rollcall vote on a cloture motion at 3 o'clock as the matter now stands.

The PRESIDING OFFICER. At 3 o'clock a cloture vote is scheduled.

Mr. McCONNELL. Mr. President, if the Senator will yield, the leader would like 5 minutes before the vote, and I would like about 5 minutes. I do not know how much the Senator from North Carolina is planning on taking.

Mr. HELMS. That will suit me fine. I just happen to be here with a statement to make.

I suppose the Chair will notify me after I have used 8 minutes so I will not intrude on the time.

Mr. President, this conference report will cost the States, all 50 of them, and their respective taxpayers, millions of dollars while making it even easier for illegal aliens to register to vote and obtain welfare benefits.

This is an outrageous set of circumstances, and I am especially disappointed that the conference committee stripped out the Simpson-Helms amendment that would have prevented illegal aliens and noncitizens from voting. This amendment, approved by the Senate, was simple and straightforward: it allowed States to require proof of citizenship of any individual desiring to register to vote. Why did the political types in this country decide this was too much to ask?

Mr. President, without this amendment, illegal aliens such as Zoe Baird's chauffeur could end up voting in our elections. This bill should be called the Illegal Aliens' Voter Registration Act.

The right to vote is one of the most precious rights of American citizenship. It is, in essence, one of the foundations of our democracy. Voting determines the makeup of our Government and the policies that affect every American. But this conference report could enable illegals and noncitizens to dilute the voting process and undermine our democratic form of government.

The Simpson-Helms amendment, deleted by the conferees, would have protected the integrity of the electoral process. Proof of citizenship is not merely a reasonable requirement—it is an imperative one. But the conferees struck it out.

Some conferees have contended that the bill contains safeguards to ensure illegals do not register to vote. Not so—all the bill contains with respect to that is a requirement of a little statement on the registration form that an applicant must be a citizen in order to register to vote. If you will forgive me, Mr. President—some safeguard.

Others argue that illegals do not vote in elections. Not so. Do not tell me that. Try telling them that in Texas and California. In 1989, the Immigration and Naturalization Service conducted a survey of those who voted in a special election in Florida. The INS found that illegal aliens made up 11 percent of all ballots cast by foreign-born voters. Under this bill, the potential for more fraudulent voting is markedly increased.

Mr. President, a second problem is that this bill will make it easier for illegal aliens to get welfare benefits—and for the illegal aliens, that is like winning the lottery to get in this country and get on the dole. Once illegal aliens get voter registration cards, count on it—these cards will immediately show up at the welfare office to defraud various Federal welfare programs.

As a matter of fact, a Chicago grand jury in 1982 made this observation:

> Many illegal aliens register to vote so that they can obtain documents identifying them as U.S. citizens. * * * We have learned that these aliens used their voters' cards to obtain a myriad of benefits, from Social Security to jobs with the Defense Department.

Mr. President, nobody has the faintest idea how many illegal aliens are tapping into the welfare system, but it is happening. Believe me it is happening. American taxpayers are being taken to the cleaners to pay for millions of dollars in handouts to people who should not be in the country in the first place.

Mr. President, the Simpson-Helms amendment would have allowed States to maintain some control over who registers to vote. It would have allowed States to require proof of citizenship. But the conferees said, no, we cannot have that. They did not explain why. They just said no, no.

Furthermore, the excessive cost of this bill is passed along to the States—which may force at least some of the States to increase their taxes by millions of dollars.

For example, this bill requires the States to register voters by mail, at driver's license offices, in welfare offices, and various other places. It saddles the States with a host of requirements; it will cost the States, as I said earlier, millions of dollars that the States simply do not have.

It borders, it seems to me, on being criminal that Congress so often approves legislation mandating and requiring the States to pick up the tab. This is called passing the bill and passing the buck.

The Congressional Budget Office estimates that this bill will cost the American taxpayers at least $20 to $25 million a year. But even this is a very deceptive number. For the States to take on the burden of explaining and handling the voter registration red tape, more and more employees on the State level will be needed at the various agencies designated by the bill. The States will be required to pay for mailings and for printing materials and a plethora of other burdensome costs. Most importantly, many States will be forced to buy computer systems in an effort to prevent fraud, and that will cost the taxpayers a bundle.

North Carolina officials already have requested $3.1 million simply to buy a computer system so they can have a chance to fight election fraud. Ten states estimated the cost of implementing this bill would run about $87 million. So there is no free ride involved in this. We are mandating or those who vote for this bill are mandating requiring the States to do all the work and pay the cost. We are just saying take it and run. But you furnish the money.

This $87 million may be chicken feed to the big spenders in Washington, but it is a chunk of money to the people back home.

The pending conference is another attempt it seems to me to dump on the American taxpayers. Congress should stop dumping on State governments and stop dumping on the taxpayers, directly or indirectly.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-eight seconds.

Mr. HELMS. Mr. President, I yield back all of that extra time.

The PRESIDING OFFICER. The Senator from North Carolina yields back his time.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I thank my friend from North Carolina for his statement in regard to this conference report. No longer is this bill a backdoor means of forcing States into adopting election day registration or no registration whatsoever. Under the original bill, any State that could not afford to comply with the onerous and expensive mandates would be exempted from the bill altogether—if they adopted election day registration or no registration. Republicans succeeded in grandfathering in the five States that would have qualified for the exemption prior to March 11, 1993. Whatever the intentions of the original escape-hatch provision may have been, the effect would have been to push States into adopting extremely liberal registration systems that they otherwise would not adopt. Republicans also improved the agency-based registration provision. Under the original legislation, States would have been required to register voters as they receive assistance at welfare, disability services, and unemployment offices. Under the Republican core package amendment, States still would have been required to provide agency-based registration, but the makeup of those agencies would have been left up to the States to determine. Unfortunately, the Republican position did not prevail on this point. Although unemployment offices still will be optional, welfare and all public assistance offices are once again required to register voters.

That, in my judgment, is a deficiency of the final conference report.

While the intent may have been admirable in bringing low- or no-income citizens into the political process, the effect will be to put these citizens in a precarious position.

Citizens who rely on government checks to eat, pay the rent, and feed their children are particularly vulnerable to intimidation, be it overt or implicit. A social service worker with a check in one hand and a voter registration form in the other? Yes, that will be intimidating. It will be at least as intimidating for these citizens as it would be for taxpayers being registered to vote by an Internal Revenue Service auditor.

Five other Republican core package provisions were adopted in varying degrees: First, unsigned applications will serve as a declination; second, undeliverable registration notices will trigger the bill's purge provisions; third, States will be allowed to require that registrants who do not notify officials of a change of address within a jurisdiction could vote at only the new or only the old precinct; fourth, registration forms will stipulate voter eligibility requirements and penalties for fraud; fifth, agency-based registrants will be allowed to refuse assistance.

Further, Senator McCAIN's amendment to ensure that our Nation's servicemen and women are brought into the process through registration at military recruitment offices has been retained. No one has a greater stake in our Nation's electoral process than our soldiers whose very lives may hinge on the decisions of elected officials.

In addition to these, Senator DURENBERGER drafted additional language to address the coercion problem inherent in agency-based registration. While I think the bill is better with this language than without it, I am not satisfied that the potential for coercion has been alleviated.

Mr. President, another important Republican amendment that we included in the Senate version of the bill, courtesy of Senator SIMPSON, was unfortunately dropped in conference. Senator SIMPSON's amendment simply would have clarified that States could require proof of citizenship to register to vote. It is curious, to say the least, that this provision was dumped by Democrats on the conference committee.

Let me just say, in summary, Mr. President, this bill is better—considerably better—thanks to the efforts and resolve of Republican Senators who stood firm and insisted on these amendments in the face of baseless charges of gridlock.

However, Mr. President, Congress still has not paid for the motor-voter bill. It still is an unfunded mandate. It still is a solution in search of a problem. It still should be defeated.

So, Mr. President, in spite of the improvements that have been made in this bill as a result of the resolve of 41 Republican Senators earlier in the process, this bill still comes up short of the mark.

I hope that cloture will not be invoked and that the conference will reconvene and consider how it might further improve this bill prior to final passage.

Mr. President, I reserve the remainder of the time on this side.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. FORD.

Mr. FORD. Mr. President, I understand that the other side has about 7½ minutes remaining and I have 9-plus remaining.

The PRESIDING OFFICER. The other side has 7 minutes remaining.

Mr. FORD. I have 9 minutes?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. FORD. I want to reserve 5 minutes for the majority leader.

The distinguished Senator from Oregon [Mr. HATFIELD] is here. He has been one of the stalwarts. He started with it. He is going to be there when it ends. I am grateful to him for not only his friendship, but his strong support.

I yield 4 minutes to Senator HATFIELD, so I might have 1 remaining.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized for 4 minutes.

Mr. HATFIELD. Mr. President, I thank the Senator from Kentucky [Mr. FORD] for yielding me time. I will not exercise, probably, all of that time.

Mr. President, let me just first of all thank my colleagues on this side of the aisle who worked diligently in the effort to improve the bill from the perspective of a Republican minority. I appreciate also the work done in the conference, the good faith that was kept by the majority in that conference for pursuing the established position of the Senate. It did not achieve all the reforms that the Republican side desired. Yet I supported the bill initially, and I feel the changes that were made have strengthened the bill.

So I consider this at this time a bipartisan bill. I will not divide the percentages, but, nevertheless, from the standpoint of an original cosponsor of the bill, I really feel that the bill was worthy of passing as it was introduced on the floor.

Mr. President, since our last debate on this bill, the Commerce Department of our Federal Government has issued the release of the statistics on the election of 1992, the last Presidential election. In that, we had a 61-percent voter turnout, which was certainly a great improvement over the previous years, the previous cycles—4 percent higher than in 1988, and, of course, it was higher than the lowest turnout record in 1964 of 57 percent.

Mr. President, I again want to stress that we are talking about 39 percent of the eligible Americans who did not vote in 1992. I think we can certainly take pleasure with the increasing statistics, but it still is a disgrace to the leading democracy in this country that we have 39 percent of our people eligible to vote who failed to exercise that responsibility.

There are many reasons, and I am not suggesting the registration procedure is the only reason that inhibits a greater participation in our system of voting than what we see in our statistics. I know that in this bill we address the voter registration process as one of the inhibiting forces. We are now saying, in effect, "Come participate. We are going to make it a simpler exercise to register."

And I say this is not a theory. This has been proven and been proven in my State by mail, by motor-voter registration, by the extension of this franchise with roving recorders for voter registration. All these have been exercises that have enhanced the voter turnout in my State. This is based upon a track record, not some philosophy, not some theory, but upon a track record not only of my State but other States that have operated the motor-voter.

I could talk today about the importance of a single vote and a single voter, so that we increase the voting by 1 by 2, by 50, by 1,000, by 1 million. Every voter that turns out, every voter that we encourage into the voting process, into the exercising of their rights, certainly is an enhancement of our democracy.

This is an invitation to democracy, not to partisanship. This is an invitation to enjoy democracy.

Mr. President, as I mentioned earlier, last week the U.S. Commerce Department released the official voter turnout rates for the 1992 election. The good news was that voter turnout for the Presidential election of 1992 was the largest since 1972. Sixty-one percent of the voting-age population reported voting in 1992—a rate 4 percent higher than in 1988, which at 57 percent was the lowest turnout recorded since the Federal Government began tabulating these figures in 1964. In total, approximately 114 million people voted in 1992, compared with 86 million in 1972.

Mixed with these encouraging figures, however, is the reality that while 61 percent of the population voted, 39 percent did not. We all know that the reasons for not voting are varied. Today, however, with our consideration of the conference report for the National Voter Registration Act of 1993, we are taking a major step toward eliminating one of the primary reasons why some in America still do not vote—our registration process. We are making voter registration an achievable goal for every American—whether they register at their local department of motor vehicles, through the mail or at a State agency. The national standard set in this legislation sends a strong signal to the 70 million eligible Americans who aren't registered to vote by inviting them into the electoral process.

Our action today underscores the importance of a single vote, a single voice, a single expression of interest in the political process. By opening the system, we are calling all Americans to participate in their Government. As many of my colleagues know, I have a love of history. I am struck today by the message of this legislation in an historical context. Throughout our past, history has been decided by a single vote: In 1645, a single vote gave Oliver Cromwell control of England; in 1649, a single vote caused Charles I of England to be executed; in 1776, a single vote gave America the English language instead of German; in 1839, a single vote elected Marcus Morton Governor of Massachusetts; in 1845, a single vote brought Texas into the Union; in 1868, a single vote saved President Johnson from impeachment; in 1876, a single vote changed France from a monarchy to a republic; in 1876, a single vote gave Rutherford B. Hayes the Presidency and in 1923, a single vote gave Adolf Hitler leadership of the Nazi Party. A sole vote, whether we agree with the outcome or not, should not be wasted in our electoral process today because of barriers which preclude access.

As I have said many times in the past, this bill is rooted in democracy, not partisanship. This bill stands for the premise that we are all Americans first, not Democrats or Republicans. We share a common heritage in the American democracy.

I am pleased that the conference report we are considering today includes many of the amendments raised by my side of the aisle when the Senate acted on this bill. My colleagues have improved the legislation in some areas; the political process has yielded a stronger final outcome. I urge my colleagues to stand above the partisan fray which still echoes in this Chamber regarding this bill by voting to accept this conference report.

Several of the concerns raised by my party have been addressed and it is time for this legislation to move forward.

It was just over 4 months ago that Senator FORD and I introduced the National Voter Registration Act in the 103d Congress—the same legislation as that which passed the Senate in the previous Congress. The difference this year is that following the 1992 elections, citizens across the country were calling for electoral reform covering everything from campaign financing to term limits. The context is right for an overhaul of our voter registration process.

I would like to take this opportunity to commend my friend and colleague from Kentucky, Senator FORD, for his commitment to this legislation and his ongoing efforts to ensure that this bill reflects a balance between access to the electoral process and protection from fraud and abuse. I would also like to commend my colleague from Minnesota, Senator DURENBERGER, for his work during the conference to draft anticoercion language for the agency-based registration procedures. He has added a significant safeguard to the process. Finally, I would like to express my gratitude to the coalition of interest groups who have labored long and hard for legislation which will open the system to society as a whole.

I urge my colleagues to adopt this conference report.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I yield such time as he may require to the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the manager of the bill, Senator McCONNELL.

Mr. President, the know-it-alls at the New York Times editorial board are at it again. In another misguided editorial in today's editions, the Times makes its case for the so-called motor-voter bill, in the process trashing Republican efforts to improve this legislative lemon.

Once again, the Times is snarling because its pet legislation was subject to a two-party review, subject to the kind of two-party scrutiny the American people expect when Congress is spending the taxpayers dollars and socking them with big Government mandates. That's why Republicans tried to amend the motor-voter bill, tried to reduce the possibility of fraud and coercion, and tried to force Congress to pay for it instead of dumping the costly mandate on cash-strapped States. But, no, even modest improvements adopted in conference, including registration at military recruitment offices, were described as damaging in the New York Times. I am not surprised. Anything the New York Times editorial staff supports is always damaging to the taxpayers.

Overlooked by the Times in all its liberal zeal is one very important fact: The motor-voter bill is another unfunded mandate—I repeat, unfunded mandate—on our already overburdened States. When big brother in Washington slaps an unfunded mandate on the States, somebody has to pay the bill for the Federal edict, and that unhappy burden falls to State and local governments struggling to hold the line on taxes while providing essential services. Did the Times mention this fact? Of course not.

In fact, when I challenged editorial board editor, Howell Raines, to seek the views of secretaries of state, the National Association of Counties, the National League of Cities, the National Association of Towns and Townships, the National Association of State Legislatures, or other representatives of State legislatures and localities who oppose the motor-voter mandate and its big price tag, Mr. Raines responded this way:

> I do not think our advocacy would be influenced by the local and State officials that you mention. It seems to me that our national experience has instructed us that the franchise cannot be trimmed to the convenience of officeholders.

Apparently, Mr. Raines and the Times, sitting in their ivory tower, do not have to talk to the folks in the real world. You see, the Times knows what's best, not only for America, but for our State and local governments as well.

It appears the New York Times will not be satisfied until the Federal Government drives a voting booth up to the front door of every home in America, and forces folks to vote—Democrat, of course. Well, last time I checked, voting was a treasured privilege which some even call a civic duty. Do not get me wrong, in my view everyone ought to vote. But instead of recognizing voting as a personal responsibility, Mr. Raines and his crew see it as a Government responsibility.

But when it comes to practicing what it preaches, the Times flunks its own test. A young aide in my office recently ran for Congress from New York's Seventh Congressional District, covering portions of both Queens and the Bronx. Although the race occurred right in the Times' own backyard, this esteemed paper did not give his candidacy a single word of coverage—not one word of coverage, nor did it allow him to come before the editorial board for a candidate interview. The editorial board gave this talented reform candidate the cold shoulder, claiming his candidacy was not viable. Guess what? This not viable candidate received 44 percent of the vote in a heavily Democrat district—that is a higher vote percentage than President Clinton, George Bush, or Ross Perot received nationwide. And who knows how many other talented candidates—Republicans, Democrats, Independents—were not given the time of day by the paper that claims "all the news that's fit to print." It looks like the Times' editorial know-it-alls were more than happy to trim political competition for the convenience of newspaper editors.

So, I find it hard to take the Times seriously when it claims to know how to fix American politics. If the Times wants more people to vote, and wants to make elections more competitive, it ought to do its part by informing the readers, by reviewing candidates, by talking about the issues and give people their choices when they go to the polls.

Perhaps then, as the Times argues, today democracy with a small "d" will prevail.

Mr. President, let me just say finally, as I said before, nobody wants this bill—nobody. I think they are probably going to get it, but nobody wants it. My Governor does not want it, a Democrat. I have not had any calls from county officials or from city officials. I cannot think of anybody in America who wants this bill. It seems to me we are putting another mandate out there and saying if it is a welfare office, we have to mandate that you register to people. Of course, you cannot coerce them. There is language to that effect in there. It just does not make any sense to a lot of people.

So I suggest, again, those who want the Government to do everything, they are probably going to prevail. Those who want more mandates are probably going to prevail. But in the long run it is going to be the American taxpayers, the people who have to implement and manage the different laws in various States, who are going to be the ones at the short end. Not the voters, there are plenty of opportunities to register to vote in every State. I do not believe this bill will make one whit of difference. But if it makes the liberals happy, maybe it is worth it.

Mr. FORD. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FORD. Does the other side have any time left?

The PRESIDING OFFICER. One minute and 21 seconds.

Mr. FORD. And I have 5 minutes left?

The PRESIDING OFFICER. Yes.

Mr. FORD. Let me take 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. FORD. This is the 12th day we have debated this bill in this session. All we are attempting to do here is to reconnect the citizens with their Government, to give them an easier way to be registered to vote so if they want to vote they can vote.

You hear them say nobody wants this. Well, I can name secretaries of state, local offices—but they are politicos. They are politicos.

The people want this. People across this country, associations, organizations, want this bill. People want the bill. Sure, I can understand that politicians do not want it. They want to control what they have. The people might be uncontrollable. They might vote them out of office.

Let us give the people a chance here.

To reiterate, including today, this is the 12th legislative day that the Senate has considered the motor-voter bill. I think we can safely assume that we have fully debated every aspect of this bill, and that everything that can be said for and against this bill has been said.

I would like to make one point about this bill, and that is the goal. Motor-voter seeks to connect people to their Government by placing them on the rolls of eligible voters, so that if they want to vote, they can. It is that simple. Motor-voter reconnects citizens to their Government by expanding the opportunities for people to register to vote.

Last Friday, there was a lengthy debate about this conference report. Many Senators suggested that they preferred the Senate bill to the conference report. Let me remind my colleagues how we got to this conference report.

In February, the House passed the exact same bill which passed the Senate last Congress. We brought that bill to the floor and the Senate, through the legislative process, amended the bill. This required a conference. And conference committees require compromise. Seldom does one house get its way.

During our debate on the Senate bill, I promised to make a good faith effort to keep the Senate's amendments in the conference. Even the opponents to this bill have acknowledged that the core amendments have been largely kept intact.

I have kept my commitment in conference. And I believe that we have brought back a good bill. This conference report deserves the support on both sides of the aisle.

I urge my colleagues to join me in the adoption of this conference report.

Mr. FORD. Mr. President, I yield what time I have left to the distinguished majority leader.

The PRESIDING OFFICER (Mr. WELLSTONE). The majority leader is recognized.

Mr. MITCHELL. Mr. President, once again, in a practice that has become depressingly familiar, the Senate confronts another Republican filibuster. Filibuster, after filibuster, after filibuster; delay, after delay, after delay; obstruction, after obstruction, after obstruction.

From 1919 to 1971, the period covering 26 Congresses over 52 years, there were an average of fewer than one filibuster a year in the Senate. Frequently throughout an entire 2-year period of a Congress there were no filibusters. The filibuster was used on those rare occasions when a large national issue was at stake. It was not a party tactic, it was not used for repeated obstruction and delay. Sadly, that has changed. Now it is used as a party tactic. Now it is used for obstruction and delay.

In the last Congress, in this Senate, on 48 occasions motions had to be filed to end filibusters—48 times; when for much of this century there was fewer than one filibuster a year. Not every one of those 48 was a Republican filibuster, but almost every one was. And now we have seen that pattern continuing into this year. On virtually every major bill that we attempt to bring up, we confront a filibuster. And, if ever there was an accurate editorial headline, it is the headline in today's New York Times which describes this as a useless filibuster.

This is a bill that would make it easier for Americans to register to vote. It is hard enough to understand why anybody would be against such a bill, let alone to filibuster against a bill to prevent a vote from occurring. Our colleagues have the perfect right to oppose the bill if they want. But they are not satisfied with that. They not only want to oppose the bill, they want to prevent a vote from occurring.

It has passed once in the Senate, it has passed twice in the House, the President favors it, the American people favor it, and yet a dedicated group of obstructionists is trying to prevent the Senate from even voting on it.

If the statistics I gave just a moment ago were not enough—48 motions to end filibusters in the last Congress—look at the pattern this year. We barely have been in session for 3 months and we have already had to file motions to end filibusters 12 times in this session of the Senate. Obviously, not all of them on different bills because many times we have to file cloture motions over and over again—as we have on this bill. We had to file two, in case we do not get it today, to have a vote tomorrow.

I hope the American people pay attention to and understand what is going on here. The question is whether the Senate is going to be able to function. The question is whether a minority can continuously thwart the will, not just of the majority of the Senate, but of the American people. This bill has the support of the American people. It will make it easier for Americans to register and vote.

I have heard all these tired arguments about fraud. I can only say this. I am proud that I represent the State of Maine, where we have had these voting procedures in place for some years.

Mr. President I ask unanimous consent I use my leader time to be able to complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. In this last election, proportionately more people voted in Maine than in any other State of the country—No. 1 in the Nation in participation, and not one recorded case of fraud.

I hope the other Senators will encourage the people in their States to vote. I say to my Republican colleagues, do not be afraid of democracy. We elect Republicans in Maine from time to time—good ones; good men and women who represent our State. We found that we can compete fairly and vigorously when more people participate.

What are they afraid of? Why are they afraid of the people participating in the democratic process? Why do they not let us vote? Let us proceed, Mr. President. Let us vote. Let us get cloture. Let us end this filibuster and let us let the American people participate in democracy.

The PRESIDING OFFICER. The junior Senator from Kentucky has 1 minute, 21 seconds remaining.

Mr. McCONNELL. I want to see if anybody on this side wants to use that minute.

The PRESIDING OFFICER. The Senator has 52 seconds remaining.

Mr. McCONNELL. Time is fleeting.

Mr. McCAIN. Mr. President, I reluctantly oppose the conference report to H.R. 2, the motor-voter bill. Although I applaud the goals of this bill and strongly support removing the barriers that discourage individuals from registering and voting, the conference report before us today takes a rather selective approach to increasing voter registration and imposes unneeded costs on local communities.

Three aspects of this bill greatly trouble me. First, the bill links Federal monetary assistance to voter registration. Second, the bill places upon the States a mandate that we do not fund. Last, the bill is very selective in whom it seeks to register.

First, the conference report before the Senate today mandates that public assistance offices seek to register and assist in registering clients of those agencies. Mr. President, I strongly oppose this provision of the bill.

By mandating that public assistance offices register their clientele to vote, the act of registering and the financial well-being of those individuals become intrinsically linked. Although a provision was added to the bill that requires that public agencies inform benefit recipients that registration is optional and the level of their benefits will not be affected by not registering, I still believe that the link between registering and benefits exists.

When an individual seeks direct financial assistance from a social service agency—in other words, when that individual's financial survival is dependent on the actions of a social services agency—that individual is uniquely vulnerable to the powers of suggestion and coercion. No notice or warning, as the conference report mandates, is sufficient to de-link this connection.

Mr. President, I believe that this issue may come back to haunt us. I only hope that in 5 or 10 years we are not forced to revisit this issue because certain sectors of society believe that they have become victims of coercion.

Second, Mr. President, this bill places an undue, excessive cost burden on the States. When an issue is important enough for the Federal Government to mandate a certain type of action, then it is important enough for the Federal Government to pay for the mandate. All too often we in Washington, DC, pass unfunded Federal mandates which make it exceedingly difficult for States and local governments to do their work. This bill is one such example.

My State of Arizona already has a motor-voter policy. Voter registration rates in Arizona are among the highest in the country. Yet under this bill Arizona will be forced by the Federal Government to change its current system at great cost to Arizona taxpayers.

The Maricopa County Recorder's office has estimated that the cost of complying with this Federal mandate to Maricopa County alone will be approximately $900,000 for the first year after this bill becomes law.

Last, Mr. President, it greatly disturbs me that the proponents of this bill believe we must require social services agencies to register their clients, but that the military should not actively register its members. Why have the sponsors of this bill taken such a selective approach to voter registration?

It is my understanding that the proponents of this bill claim that increased voter registration will be beneficial to our Nation. I do not disagree with this claim. Yet if the goal of the bill is increased voter registration—nationwide, cutting across all racial, ethnic, and political lines—then why does this bill mandate that welfare offices register people to vote, but only encourages the military to do so.

It is these kinds of games that has caused the public's faith in Government to sink so low. Mr. President, it is these kinds of games, not voter registration laws, that have caused people to stay away from the polls and abstain from voting.

I offered an amendment during consideration of this bill that would have mandated that the military seek to register our sailors, soldiers, and airmen. It is only fair that the men and women in uniform be treated with the same consideration as welfare recipients. This conference report, however, unfairly makes it easier for welfare recipients to register than the men and women in the military. This, as I have stated, I believe is wrong.

Mr. President, I support efforts to increase voter registration. I believe that all of my colleagues feel the same way. What is unfortunate is that this bill does not truly address the issue. This bill is more smoke and mirrors, more games being played at the public's expense. Unfortunately, this flawed bill does not deserve the support of the Senate.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2, the National Voter Registration Procedures Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 37, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—63

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cohen
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—37

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

The PRESIDING OFFICER. If there are no other Senators wishing to vote, on this vote the yeas are 63, the nays are 37. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, my friend, Senator DOLE is here, the Republican leader, and we have debated this now for 12 days here in the Senate.

I wonder if there is a chance we might waive the 30 hours and go on and pass this bill.

Does the Republican leaders have any though on that?

Mr. DOLE. I have not thought a great deal about it.

Mr. FORD. The Senator does not have to think too much; just say yes.

Mr. DOLE. That is not a requirement in this body. In any event, we will be happy to.

I would like to talk to the majority leader about the program for the next week or so. I think we can make some accommodation.

I think we have had the debate, and I want to congratulate the distinguished Senator from Kentucky. He has prevailed, and we are prepared to move ahead. One thing we do not like is gridlock.

Mr. FORD. I understand that. That is one reason I prevailed upon the Senator from Kansas, the Republican leader. I know he does not like gridlock, and that was the reason I thought we might be able to go on to a quick vote.

Mr. DOLE. But if the Senator will just yield further, Mr. President, I wanted to point out some gridlock we had last year that never got passed: Incentives for first-time homebuyers; capital gains tax rate reduction; enterprise zones; investment tax allowance; $500 per child increase in personal exemption; regulatory review; comprehensive health care reform; health insurance market reform; malpractice reform; balanced budget; line item veto; capping the growth of mandatory spending; enhanced rescission authority; America 2000, Excellence in Education; Job Training 2000; comprehensive crime——

The PRESIDING OFFICER. Will the Senator yield for a moment?

Mr. DOLE. Yes, Mr. President.

The PRESIDING OFFICER. Order in the Chamber, please. All discussion will cease.

Mr. DOLE. Comprehensive crime bill—I thank the Chair—and product liability.

These are just a few items that we thought were brushed off. Maybe we can put them in a big package, if we are told here we can propose anything.

We noticed nobody quarreled when President Bush wanted all these initiatives that would have helped the economy and helped America, and we were told by the majority—they do not have to filibuster; they just do not bring them up. That is one of the advantages of being in the majority. We were told, "The President is not a king," and we agree with that. And we were told that in some cases, bills may just be so bad as far as the national interest is concerned that they have to be defeated; and we agree with that. But we never even had a chance to defeat these. They were never raised.

So when I hear or see the crocodile tears being shed on the other side about filibuster, which should be a last resort measure, not a first resort measure—in the old days, we would have debate for a couple days and decide when to file the cloture motion—it is now standard procedure to bring up a bill and someone files cloture. No wonder you have more cloture motions filed.

I say to my colleagues on both sides of the aisle, we have some responsibility in the Senate and there are some times we are going to disagree, just as we had disagreement before. When you are in the majority and disagree, it is easier. You just never face up to it. You never bring it up, and nobody ever knows the difference.

From time to time, we will have disagreements, and these are very fine. This is just a little subsist we put together here just to indicate there are a lot of measures that had a lot of merit that never saw the light of day, never passed the Congress, never got to the White House, not because of anybody on this side; there was not any gridlock over here; there was not any filibuster over here. On all these incentives, I did not hear anybody screaming gridlock on the other side.

But, oh, it would have been nice to have the capital gains tax rate reduction, enterprise zones, incentives for first-time home buyers, an increase in per child exemption of $500, and health insurance market reform—where everybody agreed; we were just never able to bring it up—line item veto, all those things. Capping the growth of mandatory spending would have really helped the economy and helped President Clinton. But for some reason, none of these were enacted into law.

I just again congratulate the distinguished Senator from Kentucky and the majority leader, because on this issue they prevailed. It is not a major issue; it is another unfunded mandate. Someone will have to pick up the tab for couple hundred million dollars.

Again, if that is what some people think we ought to do—just push it off on the taxpayers—then that is the will of the Senate and we understand that, and we are not going to try to withhold final judgment much longer.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, first, I look forward to consulting with the distinguished Republican leader on the completion of the pending bill, cloture having been invoked by the Senate. And I hope we can do that promptly.

Second, I will be pleased to review the list which the Republican leader read off. I was hearing it for the first time, so I did not catch all of them. But several of them were included in the tax bills which the Senate twice passed, and which President Bush vetoed.

And third, I thought I heard a reference to a comprehensive crime bill. Unless my recollection fails me, that is a bill that we passed but we could not complete action on in the Senate, in the conference report, because of Republican filibuster. So I guess it closes the circle that it should not now become the subject of discussion as a result of this filibuster.

In any event, I am pleased that the Senate has taken this important action to pass this important bill. I would just like to correct one statement that has been made—and I am certain the Republican leader made the statement inadvertently—when he said that we bring up a bill then file cloture right away. I am speaking from memory, but it is my recollection that not once in the 5 years that I have been majority leader have we filed cloture at the time we brought up the bill.

We did file cloture on motions to proceed to the bill, when we were informed by our Republican colleagues that they did intend to delay action.

I will check the record. There may have been one occasion or two in which that occurred, but it has been my practice not to do that and to permit a period of debate and discussion on a bill before filing cloture.

Mr. SARBANES. Will the majority leader yield on that point?

Mr. MITCHELL. Yes.

Mr. SARBANES. I think it is very important to underscore that the way the rules of the Senate work, there, in effect, can be a double filibuster, unfortunately. I think it is a grievous defect in the rules, very frankly.

The other side can filibuster just bringing up the bill to begin with. I mean, we cannot even get to the bill and a filibuster is mounted. And there have been times when there has been an indication that that is exactly what would happen if we tried to even bring the bill up.

Then, once you finally get the bill up, why, of course, there can be a filibuster on the bill itself. So you can have, in effect, a double filibuster.

Mr. DOLE. Will the Senator yield?

Mr. SARBANES. The majority leader controls the time.

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. I want to remind the Senator from Maryland that he participated in such a filibuster on ANWR last year on a motion to proceed. We never got the bill up. The Senator from Maryland was right in there, saying, "Don't bring this bill up."

Mr. SARBANES. Well, I want to say to the Republican leader, given that the rule exists, people use the rule. I frankly think we ought to get rid of the rule, and I am prepared to support doing that.

I also want to make the important point that, as I listened to the minority leader talk, I got the impression that the minority feels that they ought to be able, in effect, to determine the agenda.

Our complaint now with the use of the filibuster is that a majority is being denied the opportunity to actually have a vote on the legislation. In other words, the minority is using it to prevent action by the majority on legislation that is before the Senate.

Now the Republican leader comes back and says—I assume, I have not looked over the whole list, so I do not know the details of each one of them, although I do know that on the crime bill there was an effort to get cloture and we got, I think, 56 or 57 votes at the high watermark on the crime bill in order to cut off debate. So 56 Members wanted to cut off debate and wanted to actually vote on that conference report and, of course, 44 others denied the opportunity to get to it. So you had a situation in which a clear minority was preventing a majority from working its will.

Mr. MITCHELL. Mr. President, if the Senator has completed his remarks, I yield the floor.

Mr. DOLE. Mr. President, I also want to congratulate my colleague on this side of the aisle from Kentucky for his outstanding work on this issue. We have made a number of changes that have made this bill a better piece of legislation, and it is largely due to the efforts of the distinguished Senator from Kentucky [Mr. McCONNELL].

Again, that is another reason we were on the floor day after day after day. If we do not have an obligation on both sides of the aisle to improve legislation, then what are we here for? The Senator from Kentucky understands that.

We made seven or eight changes in the legislation. It has made it a better bill, made it possible to pass the bill today, to get cloture, because the senior Senator from Minnesota [Mr. DURENBERGER] was able to support cloture today because of changes that were made in the conference.

Again, I want to say that I think the conference, as the majority leader indicated, acted in good faith, got everything they could. They could not get the one provision, but they did get some language that even supports trying to avoid fraud and coercion and things of that kind.

So I think, after all is said and done, it is a better piece of legislation than it was. I do not know of anybody who is demanding it. I am not certain it is going to help get more people to vote. We will see what happens over the next few years.

But, in any event, this piece of legislation will soon be history, and I wanted to make certain that I acknowledged the untiring efforts of my colleague, Senator McCONNELL.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the conference report on the National Voter Registration Act of 1993 is the culmination of an ill-fated attempt to reform the voter registration system. It is yet another example of the unwillingness of Congress to halt the waste of taxpayer dollars through unfunded mandates on the States.

CBO has estimated that during fiscal years 1994 through 1998, this bill will cost taxpayers $18 million at the Federal level and $105 million at the State level.

Last November, voter turnout records were shattered. More people voted than in any election since 1972, yet Congress wants to force taxpayers to waste their hard earned money to increase voter participation. Aren't there better ways to spend limited taxpayer funds? I just don't get it.

According to a report from the Commerce Department's Census Bureau, released May 5, 1993, titled, "Voting and Registration in the Election of November, 1992," "61 percent of the voting-age population said that they went to the polls in 1992, the highest turnout since the elections of 1972."

Jennings report shows that in total, approximately 114 million people voted in 1992 compared with 86 million in 1972. It also shows an increase in new registrations before the 1992 election.

This bill mandates a specific approach to voter registration, in a purported attempt to get even more people to register to vote. Well, Mr. President, voter registration has traditionally been a State issue. I believe it should stay that way.

Iowa offers numerous opportunities for people to register to vote. For example, people may register at driver's license renewal offices, State government offices, universities, through the mail, including registration forms provided in tax returns and in telephone directories, and various other ways.

More than 30 States already offer these various opportunities to register to vote. In light of these efforts to register people to vote and the recordbreaking turnout in the November elections, why do we need the motor-voter bill?

With the extensive availability of voter registration in 30 States, perhaps the lower turnout in past years should be attributed to other things besides the difficulty of voter registration, as the proponents suggest.

Could it be attributed to the frustration that citizens feel with their Federal leaders and the political system?

Could it be that our constituents are tired of their leaders acting as if they live above the law by passing laws that apply to everyone but themselves?

Or maybe it is the foolish way they see their leaders spending Federal funds when the deficit is breaking the backs of our children.

If we want to see higher voter turnout, perhaps we need to work toward greater accountability for Government officials. Maybe this increased accountability would restore the confidence of the American people in their leaders and the system.

If the election of 1992 told us anything, it told us that our constituents want a change. They are tired of the same old way of doing things.

I am pleased that the conference committee saw fit to remove unemployment offices from the list of mandatory registration sites. Unfortunately, I do not believe this step goes far enough in removing the prohibitive costs on the States to implement this bill.

Maybe we should run the numbers for other Federal programs which will be affected by this mandate. The WIC Program in Iowa sees approximately 30,000 adults each month. Add to this the offices providing services to the disabled and the expense would be astronomical.

Mr. President, I simply do not believe we can justify the cost of another unfunded Federal mandate when we consider the active involvement of the States in registering people to vote and the recordbreaking turnout of the November elections.

I believe the States should maintain their authority in this important area. Iowa is doing a good job with almost 78 percent of our citizens registered to vote in this past election and over 70 percent actually voting. I don't want the Federal Government to do anything to interfere with Iowa's success. It is for these and other reasons that I will vote against the conference report to the motor-voter bill.

Mr. AKAKA. Mr. President, as a cosponsor of the National Voter Registration Act of 1993, I am dismayed that our colleagues on the other side of the aisle are continuing to block passage of this legislation. The problem of declining voter registration is not new to this Chamber.

Opponents of the conference report argue that the bill gives rise to increased voter fraud. To safeguard against this, the measure would impose Federal criminal penalties on anyone who attempts to commit registration or other election fraud. An individual who knowingly and willfully intimidates, threatens, or coerces another into registering or voting, procures or submits false registration, or procures, casts or tabulates fraudulent ballots would face a fine or a prison sentence.

Critics of the bill also contend that H.R. 2 would place an unfair financial burden on the States. I disagree. The Congressional Budget Office estimates that the total direct cost of this bill to all 50 States would be $20 million. However, CBO concludes that States could save $10 million in a Presidential election year and $7 million in a non-Presidential election year. Added to this $7–$10 million savings is an approximate $4 million annually saved in postage costs because H.R. 2 would reduce the postal rate for all mailings required by the bill.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they are more likely to vote. But when approximately 40 percent of all eligible votes are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals must now contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures is the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Mr. President, I cosponsored this bill as I did in the 102d Congress. And, during the last Congress, I was pleased to cosponsor Public Law 102–344 which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure reconfirmed Congress' commitment to enfranchising all eligible Americans. Passage of this conference report takes this commitment a giant step further.

Mr. SPECTER. Mr. President, I seek recognition to speak for not in excess of 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Joint Resolution 93 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I thank the Chair and yield the floor.

Mr. FORD. Mr. President, I see no other Senator wishing to be recognized.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on adoption of the pending conference report occur at 4:30 p.m. today, and that at 4 p.m. tomorrow the Senate proceed to the consideration of Calendar No. 53, S. 714, the RTC reauthorization bill.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleague, the distinguished Republican leader, and the managers of the bill, the distinguished Senators from Kentucky, for their cooperation in this matter.

Under this agreement, there will be a vote at 4:30 today, that is, in approximately 21 minutes, on the conference report, and then the Senate will proceed to consideration of the RTC reauthorization bill at 4 p.m. tomorrow. Senators should not infer from that agreement that no action will occur between those two events. There may be other business before the Senate then. I am discussing with the distinguished Republican leader other matters that may be before the Senate.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I have indicated to some of my Members on this side that the majority leader may move to some of the nominations on the calendar. I have indicated to them there are some cases where there may be a legitimate reason to hold the nomination. And others I would hope they would not. If they are waiting for a personal visit from the nominee or if they are waiting for a letter to be answered, some legitimate request, then I assume there will not be any effort to move those nominations. But I have advised and will advise by hotline that we would like to dispose of as many nominations this evening and tomorrow as possible.

Mr. MITCHELL. Mr. President, the distinguished Republican leader is correct. As in the past, we will, of course, honor a reasonable request for a Senator to have a chance to speak with or to obtain information from a prospective nominee, and we will not make any effort to proceed immediately as long as such matters are outstanding for, obviously, a reasonable amount of time. We do hope to gain approval of as many other nominations, where no such circumstance exists, as is possible.

Mr. President, might I say that is the subject to which I referred earlier. It may be necessary—although we hope not—to attempt to proceed to some of these nominations during the day tomorrow, and it is that to which I referred earlier when I stated that Senators should not assume from this agreement that there will be no votes between 4:30 today and 4 p.m. tomorrow; although we will make every effort to accommodate the schedules of Senators.

Mr. President, I thank my friend, the distinguished Republican leader, and I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, announces that pursuant to title 22, United States Code, section 276–276g, as amended, appoints the Senator from Iowa [Mr. GRASSLEY] as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 103d Congress, to be held in Halifax, Nova Scotia, Canada, May 13–17, 1993.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING ADDITIONAL COPIES OF SENATE HEARING

Mr. FORD. Mr. President, on behalf of the majority leader, Senator MITCHELL, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate Resolution 101, a resolution authorizing additional copies of the Senate hearing titled "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States"; that the Senate proceed to its immediate consideration; that the resolution be deemed agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 101) was deemed agreed to, and reads as follows:

S. RES. 101

Resolved, That in addition to the usual number, there shall be printed 250 copies of volumes 1, 2, 3, and 4 of Senate hearing entitled, "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States", which may be printed at a cost not to exceed $1,200 per volume, for the use of the Committee on the Judiciary.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DURENBERGER. Mr. President, I rise today in support of the conference report on the National Voter Registration Act, better known as the motor-voter bill.

At the outset, I have to say that the State of Kentucky which is well known for a variety of things, from race horses to things that are consumed, has been incredibly well represented during the debate on motor-voter bill by their Senators. I want to be the first of many to compliment Senator WENDELL FORD for his leadership to promote universal access to voter registration. And I also want to thank my friend and colleague Senator MCCONNELL for his firm commitment to preserving the integrity of the election process. I believe having been sort of in the middle of this for a while, it is because of the involvement of these two Senators from different political parties from the same State that made it possible for the motor-voter bill to accomplish both of their objectives.

The motor-voter bill provides for voter registration at driver's license stations, registration by mail, and registration at certain State agencies. I have always supported the concept of this legislation. I believe that we should remove barriers that prevent any American from participating in civil society, especially barriers to full participation in the political process.

I was the author of the Voters' Rights Act a few years ago for people with disabilities which required much of the same access at the local level for people with disability.

My home State of Minnesota already registers voters using the methods outlined in this bill. In fact, we go even further than that. We allow voters to register on election day, as a result of which provision my State of Minnesota is specifically exempted from coverage under motor-voter.

So you see, Mr. President, I have had the rare luxury of considering legislation that will impact nearly every State but my own. In spite of my support for the motor-voter concept, I felt a responsibility to listen to the concerns of my colleagues from other States where the motor-voter bill will apply.

Many of my Republican colleagues were concerned that in expediting the voter registration process, we might also be opening the door to increased fraud, abuse, and coercion in the electoral process. For this reason, Republicans offered a core package of amendments to address these concerns.

If not for the presumption of unlimited debate in the Senate, these amendments might never have been seriously considered. But because the Senate requires 60 votes to cutoff debate, Republicans were able to leverage the acceptance of their core package in the Senate version of motor-voter.

The conference report adopts virtually all of the Republican core package. Some of the provisions in the core package included: Requiring an affirmative act to register; informing registrants of the penalties for submitting a false application; allowing registrants to refuse assistance, and to fill out their application in private; allowing States to determine the proper polling place for persons who have moved within a voting jurisdiction, and removing the loophole that would allow States to adopt same-day registration in the future solely to escape the mandates of motor-voter.

I think each of these would be substantial improvement to this bill.

The most contentious part of the core package for the conferees seemed to be the provision that would permit—but not require—States to place voter registration in public assistance agencies and unemployment offices. The concern Republicans were trying to address was twofold. First, that States should have flexibility in determining where to place registration, and second, that applicants should not feel pressured to register—or to register a certain way—when they are in the very offices where they have gone for help.

On the other hand, the concern of many of the conferees was that people who don't have driver's licenses, many of whom are disabled or receiving public assistance, might be disadvantaged if voter registration were not required in public assistance offices.

Because I did not want to see the motor-voter bill die over this issue, I offered compromise language to the conference committee that I believe addresses the concerns of both sides. Under the conference agreement, voter registration will be required in public assistance agencies, and agencies that provide services to the disabled. Voter registration will not be required in unemployment offices.

Under my compromise, applicants in State agencies would be provided with a form that advises them of their right to register or not register, that their benefits will not be affected by their decision, that they have the right to privacy or assistance while they register, and that they may file a complaint with election officials if they believe they have been coerced in the registration process.

I also urged the conference committee to accept a Senate provision that was offered by Senator McCAIN, requiring voter registration in military recruitment offices.

I am happy that the conference committee adopted the Republican core package virtually in its entirety, along with my compromise language dealing with coercion and Senator McCAIN's military recruitment provision. I believe that a strong, solid motor-voter bill emerged from conference.

Some people have recently criticized the presumption of unlimited debate in the Senate—denouncing it as an instrument of gridlock.

I would ask these critics to learn the lesson of motor-voter—that our tradition of unlimited debate can serve as a powerful tool to promote consensus-building and dialog between the parties. I hope that this lesson will carry over to the many other difficult policy issues that will face this body.

Again, I thank Senator FORD and Senator McCONNELL for their efforts on the floor and in conference committee regarding motor-voter. I believe that we have a better bill because of their leadership.

I would also like to thank the League of Women Voters and the many other groups who have championed increased access to the political process during the debate on motor-voter. In particular, I am grateful for the involvement of the disability community—in Minnesota and nationwide—for their efforts in helping us understand issues involving access, and helping us resolve these issues in a successful compromise.

I look forward to working with my colleagues and others in the months ahead to promote full participation in the political process by all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, as I understand it, the unanimous-consent agreement is that we vote on the conference report on motor-voter. With that in mind, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, I will always remember with pride the first amendment I introduced on the floor of the Senate. As the first in my freshman class, I sought an amendment to the motor-voter bill, which would have exempted from the onerous provisions of this bill, States which had demonstrated their ability to register their citizens to vote. I introduced an amendment to remove from consideration States which had registered to vote 75 percent of their voting-age populations. I will always be proud of this amendment because I felt compelled to act for Idaho and for all States which will suffer under the boot of this costly and unrelenting Federal mandate.

Following the 1992 election cycle, 22 States had over 75 percent of their eligible voters registered. My amendment recognized the accomplishments of those States and exempted them from the provisions of the motor-voter bill. Furthermore, my amendment held out the incentive to any State which could better the national average before the implementation dates by allowing them to avoid the mandates in motor-voter.

This Congress must end the practice of imposing new mandates on States and local governments. We must give incentives to induce performance to States and local governments.

The Congressional Budget Office estimated that the motor-voter bill would cost between $20 to $25 million a year for the first 5 years and a one time cost of $60 to $70 million to computerize registration lists. The Conference of State Legislatures estimated total costs of $58 million.

Pete Cenarrusa, the Idaho secretary of state, Secretary Cenarrusa railed against what he called an insidious intrusion into the rights of the States. He is justifiably proud of the efforts the State of Idaho has made under his stewardship and he sees motor-voter as an effort to hold a legislative hammer over the head of his State.

Anything sincerely believed is worth pursuing. And since I sincerely believe that the U.S. Senate must hear the cry from the people to stop heaping new requirements on the backs of States and local governments, I rose to try to seek relief for States which have acted most responsibly and cannot, by anyone, be faulted for their efforts.

During the debate on my amendment, my good friend from Kentucky, Senator WENDELL FORD claimed that my amendment would provide a disincentive to States to purge their voter registration records; that the registration rolls would swell. To this I answer that the presumption that heretofore responsible States would begin to act irresponsibly is simply Federal paternalism and must be swept from the Hill.

We do not argue here whether it is worthwhile to have Americans participate in this democracy. All of us recognize that it is worthwhile. What we argue here is, at what cost do we mandate the method and manner by which that participation is increased? We argue here an elemental principle between the paternalism of the Federal Government and the clear freedom of individual State legislatures who seek to develop a system that works best for their individual State. Many argue that this motor-voter bill is the correct solution to the apparent problem in some States of low voter registration, and I may agree.

I agree that if the State legislatures of the States are satisfied with the version of motor-voter that they have found successful that they should take no act which will reduce their success. If on the other hand States have found that another system has brought them equal success—why is it left to this body to steal that success away from them?

The time has truly come for this body to see that we must stop applying unfunded Federal mandates to States and local governments. The tide of public opinion is rising against the Federal Government. I am now, and will, stand on the side of the people. I will work to see this practice put to an end.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—36

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Hatch
Rockefeller

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I worked long and hard on this piece of legislation that now will become law upon the signature of the President, and he has said that he will sign it.

You try to thank a lot of people and it is very difficult to do because so many people played different roles and created different atmospheres that probably none of us will ever know about.

But I do want to thank Jack Sousa and Tom Zoeller of the Rules Committee and our director, Jim King. I want to especially thank Senator HATFIELD. He stood out like a beacon, if I could use that term, on the other side who was the original cosponsor from the beginning. We worked together very hard to bring this into being. Even though the percentage was not very big, he said it was a bipartisan effort.

I want to thank Sue Hildick of his staff for her hard work, and from Senator WELLSTONE'S staff, Colin McGinnis.

I have not heard anything from a politician who is for this bill. But we are going to find some elected officials who are for this bill out in the States. But, Mr. President, this was a grassroots effort. It started at home. The people at home, the organizations that came together, are the ones that brought this bill to its final conclusion today. There are representatives here today, Mr. President, of over 40 organizations in the coalition group which supported this measure and worked diligently to see its completion today.

It is unusual, I guess, that you thank someone from the other body for their hard work, but I want to thank Congressman AL SWIFT for his long and dedicated work on this legislation.

Mr. President, I hope that our constituents will begin to see a puzzle come together. We passed legislation on gifts and what we can receive, about lobbyists and all that. That was a plus, in my opinion. This bill is another piece of that puzzle coming together that we passed that will reconnect our constituency with Government and, oh, do we need that.

So I look forward now to this piece of legislation becoming law, and I look forward to seeing more participation in Government. This does not mean we are going to have an overwhelming number of people vote after this goes into place. This does not guarantee that more people will come to vote, but it does guarantee that more people will be registered. And if people are registered, they have the opportunity when they are inspired to do so to go to the polls and vote. And that is all we have done here.

But when you say that is all we have done, we have done something that is amazing, in my opinion. We have made it easier for the American people to be a part of their Government and when we do that, I think we have accomplished the purpose here. Oh, yes, we have a lot to do and we will do a lot.

But, Mr. President, again, I thank all those I did not name who had a part. The majority leader worked long and hard with all of us on this. He was never wavering in his effort to see this bill come together. I appreciate the President early on saying that he looked forward to receiving this piece of legislation and signing it into law.

THE EFFECT OF MOTOR-VOTER MANDATES ON RHODE ISLAND

Mr. CHAFEE. Mr. President, the Senate has voted to approve the conference report on the National Voter Registration Act. I have no argument with the intent of the bill, to increase voter registration in the hope of encouraging greater participation in the election process. As I stated in previous debate on this legislation, my own State of Rhode Island has a motor-voter program that has worked very well since its inception in 1990. My objection to this bill is that this is excessive micromanaging by the Federal Government. There is no public outcry for this legislation, and, even worse, in States like Rhode Island, we are preempting an existing, well-functioning motor-voter program.

H.R. 2 requires all 50 States to adopt uniform, federally mandated voter registration practices. Included are three major provisions: the well-known motor-voter provision, which requires the automatic registration of eligible individuals during routine transactions with State motor vehicle registries; a provision which would permit individuals to register by mail; and agency registration, which would permit individuals making applications for public assistance to be registered and allows registration at other facilities, such as community centers.

The majority of States already have some form of motor-voter registration. I am pleased that Rhode Island is among those States. All of the States are able to adopt motor-voter registration if they choose to do so. There is no reason for the Federal Government to impose these requirements on the States.

Many States will be compelled to revamp their registration procedures in order to comply with the Federal mandates. In the case of Rhode Island, it seems ridiculous to me to require a State that is grappling with difficult decisions about cutting basic services and already has highly accessible voter registration procedures—an established motor-voter program and more than 1,000 registrars during election years—to spend scarce resources on implementing federally mandated registration procedures.

The Board of Elections in Rhode Island has worked hard to develop and implement a fair system of registration, taking care to ensure that fraud is at a minimum. This bill, which the President is sure to sign into law, will cause our board of elections to throw away that system and start from scratch. In Rhode Island, we require proof of residence and ask the registrant to sign his or her name in two places so that an original signature will be on file both at the polls and in the office of the board of elections. This bill not only permits an individual to register without showing any proof of identity or residence, but the board of elections in Rhode Island wonders what they would be required to do if the mail registration form was filled out incorrectly. Would they be required to telephone each potential mail registrant? Would they throw the incorrect form away and leave the individual with the mistaken belief that he or she was registered?

Finally, the Rhode Island secretary of state, Barbara Leonard, is deeply concerned about preventing registration by illegal aliens. This conference report fails to require any verification of citizenship, thus opening the door to registration by illegal aliens.

This bill, while well motivated, is seriously flawed. The Federal Government should have better things to do with its time than inflict burdensome registration requirements on States that are already doing a fine job registering voters.

Mr. FORD. Mr. President, I do not know of any other Senator wishing to speak. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations: Calendar 67, Calendars 80 through 88, Calendar 97 through 101, Calendar 103 through 108, Calendar 111, Calendar 113 and 115; I further ask unanimous consent that the nominees be confirmed en bloc; that any statement appear in the RECORD as if read; that the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Frank N. Newman, of California, to be an Under Secretary of the Treasury.

DEPARTMENT OF AGRICULTURE

James R. Lyons, of Maryland, to be an Assistant Secretary of Agriculture.

Richard E. Rominger, of California, to be Deputy Secretary of Agriculture.

Richard E. Rominger, of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

Bob J. Nash, of Arkansas, to be Under Secretary of Agriculture for Small Community and Rural Development.

Bob J. Nash, of Arkansas, to be a member of the Board of Directors of the Commodity Credit Corporation.

Wardell Clinton Townsend, Jr., of North Carolina, to be an Assistant Secretary of Agriculture.

Eugene Branstool, of Ohio, to be an Assistant Secretary of Agriculture.

Eugene Branstool, of Ohio, to be a member of the Board of Directors of the Commodity Credit Corporation.

DEPARTMENT OF DEFENSE

Jamie S. Gorelick, of Maryland, to be General Counsel of the Department of Defense.

DEPARTMENT OF THE INTERIOR

Nicolas P. Retsinas, of Rhode Island, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF STATE

Thomas R. Pickering, of New Jersey, a career member of the Senior Foreign Service, with the personal rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Harry J. Gilmore, of Virginia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

E. Allan Wendt, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Victor Jackovich, of Iowa, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bosnia and Herzegovina.

Patrick Francis Kennedy, of Illinois, to be an Assistant Secretary of State.

Eric James Boswell, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

Mary A. Ryan, of Texas, to be Assistant Secretary of State for Consular Affairs.

Conrad Kenneth Harper, of New York, to be Legal Adviser of the Department of State.

Victor Marrero, of New York, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Wendy Ruth Sherman, of Maryland, to be an Assistant Secretary of State.

DEPARTMENT OF THE TREASURY

Margaret Milner Richardson, of Texas, to be Commissioner of Internal Revenue.

Jeffrey Richard Shafer, of New Jersey, to be a Deputy Under Secretary of the Treasury.

George J. Weise, of Virginia, to be Commissioner of Customs (new position).

Mr. DOLE. Madam President, I just indicate that that clears all but eight on this list, and I assume some of those may be cleared maybe by tomorrow. So we are making progress. I discussed this earlier with the majority leader. Some have barely been on the calendar a day or two, but others have been on the calendar for a couple of weeks.

Again, I would say where there is a legitimate reason for the delay, waiting for a letter to be answered, waiting for a meeting, a personal meeting, I think everybody agrees that those are reasonable requests, as long as they do not run on and on, because I certainly agree that President Clinton needs and is entitled to have his people on board at the earliest possible time.

Mr. FORD. Madam President, I appreciate the attitude of the Republican leader. We want to move this along just as fast as we possibly can, and hopefully with just a few remaining we might be able to clear them today and tomorrow.

STATEMENT ON NOMINATION OF GEORGE WEISE TO BE COMMISSIONER OF CUSTOMS

Mr. DOLE. Mr. President, I want to reaffirm my support for the nomination of George Weise to be the new Commissioner of Customs. On January 28, just days after his inauguration, I sent a letter to President Clinton urging him to nominate George Weise to the position. I think it is important that Mr. Weise has previous experience in the commercial side of the programs under the jurisdiction of the Customs Service. He has held related positions in the private sector, and in both the legislative and executive branches of Government.

An article in today's Journal of Commerce written by staff reporter Tim Shorrock calls into question my support for George Weise. Mr. Shorrock might be in line for some kind of award. The article contains six factual errors, and that may be a record for an article about the mundane mechanical workings of the Senate. About the only thing that I agree with in the article is the statement by a spokesman of the Department of the Treasury. The quote is: "That's absolutely not true." Well, that quote is true, and that is about all that is in the article.

Mr. President, some 2 months ago, I wrote a letter to the Department of the Treasury asking certain questions about a personnel matter. That letter had remained unanswered until yesterday. In an effort to receive a response I placed a hold on the nomination for what is now only 2 days.

It did not get here until Friday, and we are going to act on it today. I was pleased that the Secretary of the Treasury, Secretary Bentsen, visited my office yesterday and hand delivered the letter. I think I can say, without revealing what was discussed, that he was a little upset that a letter dated March 17 had not yet been answered. He happened to give me the letter, and he indicated it was much too late.

This action is totally within the precedents of the Senate and should not be taken as any indication of my lack of support for Mr. Weise. It should be taken, however, as a sign that my colleagues and I expect the administration to respond to requests for information by the Congress.

This morning I received certain information I had originally requested and which was inadvertently left out of the response I received yesterday. Following that receipt, I asked for further clarification of the matter and hope to receive a response to that request either today or tomorrow. It is my hope the response will meet my objective to obtain this information and that the Senate can then approve the Weise nomination.

Mr. President, due to a new requirement in law, George Weise will be the first Commissioner of Customs to be confirmed by the Senate. I know his tenure at Customs will set a standard for all other Senate-confirmed Commissioners to follow. So George, I wish you, your wife Therese, and daughters Michelle and Melissa all the best in the future.

Mr. President, I ask unanimous consent that a letter from me to President Clinton regarding the Weise nomination be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, January 28, 1993.

Hon. BILL CLINTON,
President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to recommend George J. Weise, Staff Director of the Trade Subcommittee of the Committee on Ways and Means, as the next Commissioner of Customs.

As a member and former Chairman of the Senate Committee on Finance, I am aware of the important responsibilities of the Customs Service and believe strongly that Customs' complex mission in the future will require highly experienced and dedicated leadership. Mr. Weise's specialty is customs law. He worked at the Customs Service and has been a staff member of the Ways and Means Committee for nine years, serving as Staff Director of the Trade Subcommittee for the past four.

He has worked on virtually every piece of legislation affecting trade and customs law in that time. He has consistently demonstrated an ability to work successfully with the wide variety of interests affected by this legislation. His knowledge and professionalism are highly respected by Republican Members and he has worked well with both sides of the aisle in the Senate.

I respectfully urge that you give his appointment the most serious consideration.

Sincerely,

BOB DOLE.

STATEMENT ON THE NOMINATION OF NICOLAS RETSINAS

Mr. D'AMATO. Mr. President, I rise today to offer my support for the nomination of Mr. Nicolas Retsinas to be Assistant Secretary of Housing at the Department of Housing and Urban Development.

As ranking minority member of the Committee on Banking, Housing, and Urban Affairs I have had the opportunity to hear the testimony of the nominee and feel confident that he is qualified to fulfill the duties required of him.

In my view, as the Assistant Secretary of Housing, Mr. Retsinas will have one of the most demanding jobs at HUD. He will have a big job in front of him to carry out HUD's mission of increased housing opportunity, home ownership, and economic growth. The position for which he has been nominated encompasses a broad range of assisted housing, home ownership, and regulatory programs that benefit low- and moderate-income families and elderly and handicapped individuals. The goal of providing decent, safe, and affordable housing for all American families is the core of HUD's mission. Responsible management of the FHA and all programs as well as making the best use of available financial and human resources in the Office of Housing is essential.

It is only by working with HUD that we can best further the rights and needs of our citizens. I believe that we can only do that once the Department has a strong, qualified staff that is able to take on new responsibility and become involved in the day-to-day operation of HUD. I am confident that Mr. Retsinas possess' the responsibility, knowledge, and desire to fulfill the positions for which he has been selected and I look forward to working with him in the future.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on May 10, 1993, received a message from the President of the United States submitting a nomination, which was referred to the Committee on Energy and Natural Resources.

The nomination received on May 10, 1993 is shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-811. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to Military Composite Standard Rates for fiscal year 1994; to the Committee on Armed Services.

EC-812. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, a report on continued military need for Bellows Air Force Station, Hawaii; to the Committee on Armed Services.

EC-813. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention to offer a vessel for transfer to the Government of Morocco; to the Committee on Armed Services.

EC-814. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, notice relative to reports on the revitalization initiatives for the U.S. shipbuilding industry; to the Committee on Armed Services.

EC-815. A communication from the Acting Comptroller of the Department of the Defense, transmitting, pursuant to law, notice of a fund transfer relative to the Republic of Kazakhstan; to the Committee on Armed Services.

EC-816. A communication from the Director of Defense Research and Engineering, Scientific Advisory Board, transmitting, pursuant to law, a report on the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC-817. A communication from the Chairman of the United States Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-818. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a Presidential Determination relative to China; to the Committee on Banking, Housing and Urban Affairs.

EC-819. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Coast Guard Authorization Act of 1993"; to the Committee on Commerce, Science and Transportation.

EC-820. A communication from the United States Trade Representative, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1994 and 1995 for the Office of the United States Trade Representative; to the Committee on Finance.

EC-821. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements; to the Committee on Foreign Relations.

EC-822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-22 adopted by the Council on April 7, 1993; to the Committee on Governmental Affairs.

EC-823. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-23 adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-824. A communication from the Senior Vice President, Federal Intermediate Credit Bank of Jackson, transmitting, pursuant to law, the report for the Farm Credit Retirement Plan for calendar year 1992 and audited financial statements; to the Committee on Governmental Affairs.

EC-825. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities and operations of the Public Integrity Section for calendar year 1991; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A resolution adopted by the Arkansas General Assembly relative to Federal banking laws; to the Committee on Banking, Housing and Urban Affairs.

"HOUSE RESOLUTION

"Whereas, Arkansas banks have a commitment to meet the financial needs of their communities; and

"Whereas, Arkansas banks must remain healthy and profitable in order to participate in the state's economic recovery; and

"Whereas, Arkansas' small businesses need bank credit to assist continuing to stimulate the economic growth of this state; and

"Whereas, Congress and federal regulators have reacted to the savings and loan crisis by enacting onerous laws and regulations; and

"Whereas, these new regulations and laws, specifically FIRREA and FDICIA, mandate that banks apply many more restrictive guidelines in their management and lending practices; and

"Whereas, compliance with these new restrictive guidelines will impose excessive cost in reporting and compliance; and

"Whereas, these funds could be better utilized by meeting the credit needs of Arkansas businesses: Now, therefore, be it

"*Resolved by the House of Representatives of the Seventy-Ninth General Assembly of the*

State of Arkansas, That the Congress is encouraged to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which do not effect safety and soundness, however, are unfairly restrictive and burdensome.

"*Be it further resolved,* That President Clinton is urged to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations; and

"*Be it further resolved,* That copies of this resolution shall be transmitted by the clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Arkansas Congressional Delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 927. A bill for the relief of Wade Bomar; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. DECONCINI):

S. 928. A bill to improve the cost-effectiveness of Federal property management; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 929. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 930. A bill to extend the deadline under the Federal Power Act to applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 931. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the treatment of certain sports clothing; to the Committee on Finance.

By Mr. PELL (by request):

S. 932. A bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the United States contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE:

S. 933. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

S. 934. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies in all States and to modify the requirements with respect to such policies; to the Committee on Finance.

S. 935. A bill to amend title XVIII of the Social Security Act to exempt mental health services furnished to an individual who is a resident of a nursing facility from the limitation on the amount of incurred expenses for mental health services that may be taken into account in determining the amount of payment for such services under part B of the Medicare Program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. SIMON, and Mr. SHELBY):

S. 936. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 937. A bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 938. A bill to amend the Solid Waste Disposal Act to enhance recycling opportunities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S.J. Res. 91. A joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 93. A joint resolution calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. BURNS):

S. Con. Res. 25. A concurrent resolution expressing the sense of the Congress that China should purchase a majority of its imported wheat from the United States in order to reduce the trade imbalance between China and the United States; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 927. A bill for the relief of Wade Bomar; to the Committee on the Judiciary.

PRIVATE RELIEF OF WADE BOMAR

Mr. BAUCUS. Mr. President, I rise today, along with my colleague Senator BURNS, to introduce an important piece of private relief legislation.

On August 6, 1989, hundreds of courageous men and women braved the intense heat and dense smoke in an effort to control the Pryor Gap fire that was steadily ripping through the heart of eastern Montana. Sadly, on this particular day, a young man by the name of Wade Bomar was severely injured when a tree unexpectedly toppled over and struck Mr. Bomar's back and legs. As a result of this tragic accident, Wade Bomar was left with the next to impossible task of providing for his wife and two young children while being permanently disabled.

The Public Safety Officers' Benefits Act as amended January 23, 1990, awards benefits to firefighters and other public safety officers that are permanently disabled as a result of injuries sustained in the line of duty on or after November 29, 1990.

Simply put, Wade Bomar and his young family are unfortunate victims of bad timing; a glitch in a law that was passed to help folks like them. The specific intent of this legislation is to compensate individuals just like Wade Bomar. Frankly, this young Montanan has been deprived of the compensation he deserves.

The private relief legislation that Senator BURNS and I are introducing today will award Wade Bomar the long overdue benefits that he has certainly earned.

I would ask that this letter of support for Mr. Bomar and his family from the U.S. Department of the Interior, Bureau of Indian Affairs as well as the full text of the bill be inserted into the RECORD at the end of my statement.

I strongly encourage my colleagues to support this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding section 1303 of Public Law 101-647, Wade Bomar, of Billings, Montana, shall be eligible for public safety officers' disability benefits under section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) to compensate for injuries sustained in the line of duty on August 6, 1989, while fighting the Pryor Gap fire, permanently depriving him of the use of his limbs.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Billings, MT, May 3, 1993.

Hon. MAX BAUCUS,
U.S. Senator,
Billings, MT.

DEAR SENATOR BAUCUS: The Bureau of Indian Affairs, Billings Area Office, supports the request by Mr. Wade Bomar to have the recent modification to the Public Safety Officer's Benefit Program made retroactive to the date of his accident which occurred on August 6, 1989. Mr. Bomar suffered an injury to his back which left him permanently without the use of his legs. At the time of the accident, Mr. Bomar was an employee of the Bureau of Indian Affairs serving as an emergency firefighter.

It is our understanding that the Public Safety Officer's Benefits Act of 1976, which initially covered only death benefits, was modified recently to increase the amount of the benefits and to include disability benefits. The effective date established for the modification was November 29, 1990.

Mr. Bomar has requested assistance from your office, as we understand, in seeking an exception to the effective date to make him eligible for the disability benefits under this Act. Since Mr. Bomar's accident occurred just shortly before the Act was modified we support Mr. Bomar's request for the exception to the effective date.

If you have any additional questions, please contact Mr. Keith Beartusk, at (406) 657-6358.

Sincerely,

——— ———.

Area Director.

By Mr. COHEN (for himself and Mr. DECONCINI):

S. 928. A bill to improve the cost effectiveness of Federal property management; to the Committee on Governmental Affairs.

FEDERAL PROPERTY MANAGEMENT LEGISLATION

Mr. COHEN. Mr. President, the anger, cynicism, and disillusionment of the public about the performance of Government has calcified into a rage which shows little sign of abating. What fuels this rage is the public's sense that while they are having to cut back and trim expenses, the Government rolls merrily along, wasting money at a furious clip, and, in so doing, sending the message that we really aren't serious about changing the way Washington does business.

As one example of this, I offer the way in which the Government manages the vast office space which it owns or leases. Any private landlord who operated the way the Government is operating would long ago have gone bankrupt. Like all Senators, I talk to many real estate agents and property managers in my State, and I know that times are extremely tight in that field and the margin between survival and failure can be thin indeed.

Into this atmosphere lumbers the GSA as the Government's landlord, building buildings we don't need, leasing space we can't afford, and making decisions which anyone in the private sector with a speck of common sense wouldn't make.

Imagine that you come home and find two light bulbs out, a slight leak in the upstairs faucet, and the bedroom in need of a paint job. The sensible move is to make these modest repairs. The GSA approach would be to build a new home from scratch, and to pay top dollar.

Mr. President, the legislation I offer today draws attention to significant waste caused because the Federal Government does not effectively manage its office space. In the aggregate the Federal Government currently owns over 400,000 buildings that were purchased with hundreds of billions of taxpayer dollars. This number includes almost 438,000 buildings under the control of the Department of Defense and nearly 100,000 buildings under the control of civilian agencies, ranging from the Capitol and the White House to storage sheds and public restrooms at national parks.

The General Services Administration [GSA], the Government's so-called business manager, controls over 260-million square feet of office space in more than 7,500 leased and Government-owned buildings. The annual rents paid by Federal agencies to the GSA for both leased and Government-owned space adds up to about $4 billion. The Government is also the largest single tenant in the country and this year GSA will pay about $2 billion in rent to private landlords. The amount GSA pays is increasing by about $200 million a year.

The current Federal property program is senseless and the General Accounting Office [GAO], which has written scores of reports outlining its deficiencies, agrees. A senior GAO auditor has said that, "public buildings policy is in disarray, and the American taxpayer is certainly not getting value for the burgeoning dollars being spent." When the Government is the only one building in areas where there is already a significant glut in commercial real estate, the criticism of the Federal property management program is understandable.

In a Nation where we have 400 million square feet of unoccupied commercially available office space, the Government has $11.4 billion of construction in the works which, when completed at the end of this decade, will add another 23-million square feet in office space.

The Federal Government has yet to discover that new construction may not make sense when existing commercial real estate can be purchased for a fraction of what new construction will cost. The questions become clear. Why exacerbate the already high vacancy rates by building new buildings and forcing agencies to move out of their current space? Why spend hundreds of millions of dollars for new construction in Chicago, Philadelphia, or Atlanta, where the vacancy rates in those cities are 22, 17, and 30 percent respectively? Or why build additional office space for use by Federal agencies, when the base closure process will make millions of square feet of federally owned space available? The answer to these questions is equally clear. We must reform the Federal property management program to ensure that it is operating in the most cost-effective manner.

GSA maintains that new construction is necessary because the existing structures do not meet the needs of the agencies that will become tenants in the new buildings. GSA often claims that available space is not large enough to consolidate a large number of agencies under a single roof, does not meet the communication needs of agencies, does not meet modern fire codes, or simply does not conform to GSA standards. However, the truth of the matter is that the impulse to consolidate Federal agencies under one roof is not necessarily desireable or cost effective, and a large proportion of available office space has been constructed or modernized within the last 10 years and, consequently, complies with fire codes and safety requirements. I would suggest that the GSA and other Federal agencies, such as the Departments of Defense and Veterans Affairs, who have large construction and leasing programs, be flexible when determining requirements in order to take advantage of the existing real estate market.

Last October, Congress appropriated $626 million to begin 35 new Federal construction projects. At the same time the Resolution Trust Corporation [RTC] and the Federal Deposit Insurance Corporation [FDIC] had about 9,000 office buildings for sale. Recently, GSA announced the construction of a $20 million Federal office building in Louisiana to house 400 Federal workers and consolidate the offices of 14 agencies under one roof. This was done despite the fact that a building which could have been acquired in lieu of new construction was sold by the RTC for $2.5 million. In fact, GSA has never acquired a single one of the office buildings offered for sale by the RTC or FDIC. Instead the Federal Government continues to spend, spend, and spend for new construction.

In Dallas, despite the fact that a number of FDIC and RTC properties are on the market, not to mention all of the inexpensive commercial real estate available in this market, the Federal Reserve Bank just spent over $100 million to complete the construction of its new office building. In Philadelphia, the Postal Service is spending over $250 million to construct a 1-million square foot building which GSA has agreed to lease for 20 years at a cost totalling $490 million. The construction cost amounts to at least $250 a square foot. Over the life of the lease, GSA will pay about $490 a square foot, while prime commercial real estate in the Philadelphia area is currently selling for between $100 and $125 a square foot. As Peter Linneman, director of the University of Pennsylvania's Wharton School Real Estate Center states, "It's blatantly stupid to build in this market. Only the Government would consider it. You couldn't find another party in the world who wants to build, in Philadelphia, right now."

Mr. President, foolish arrangements are not limited to the Government's construction projects, but also apply to leasing arrangements. In Atlanta, where there is already a 30-percent commercial vacancy rate, the Federal Government has agreed to lease a new 1.9-million square foot building from a private developer. This requires the Government to vacate more than 1.2-million square feet currently being rented by Federal agencies in six buildings, and the result is a 73-percent increase in annual rent from $15 million to $26 million. In this period of belt tightening and pay freezes for Federal workers, this is a particularly galling lapse of judgment. An Arthur Andersen study concluded that if GSA proceeds with its plans, Atlanta's downtown vacancy rate would increase to 47 percent. The study further stated that by abandoning its plans to move to a new Federal center, the Government could save $166 million over 30 years by moving into modern existing space, or $505 million if Federal agencies did not move at all.

For a number of years, GSA has pushed to consolidate Federal agencies under one roof. GSA claims consolidation is necessary to realize economies of scale and improve communication and technological capabilities. And, as you can see from the Louisiana, Philadelphia, and Atlanta cases, GSA continues to push for consolidation. However, given the current real estate market and advances in telecommunications, the consolidation requirement is no longer valid. We must ask ourselves, does it matter to the regional office of IRS if it is in the same location as the Department of Veterans Affairs regional office? The answer is clearly no. Both agencies operate independently of one another, and I can't remember the last time a national crisis arose because the local offices of the Federal Transit Administration and the Drug Enforcement Administration were housed in separate buildings. Yet the argument is used again and again to justify these large dollar construction projects that agencies do not need and the American taxpayer can ill afford. In Philadelphia, the new building being constructed by the Postal Service was justified by GSA claiming it required 1-million square feet in a single building, despite the fact that hundreds of millions of dollars could be saved by leasing some of the 2-million square feet of modern office space which is currently sitting vacant.

Mr. President, while some of the blame clearly rests on the shoulders of the GSA and other Federal agencies, part of the problem rests with the budget requirements. For example, I am very concerned that the current OMB scorekeeping rules encourage leasing which is, in most cases, the most expensive alternative as compared to lease/purchase agreements or purchasing existing buildings. For example, GSA was leasing three floors of the four story Atrium Building in Herndon, VA, from a private developer that subsequently went bankrupt. Riggs National Bank of Washington, DC, foreclosed and shortly offered GSA a lease-purchase agreement for the entire building including the vacant fourth floor, that would, including maintenance expenses, be cheaper than the current lease terms. However, because OMB would have required that GSA be scored in both budget authority and outlays for the entire cost of the lease/purchase, and GSA was unable to program additional funds to cover the requirements, the agency was unable to take advantage of the offer which was clearly more cost effective.

The scorekeeping rules and the cost of acquiring buildings has pushed the Government toward leasing and away from ownership. In 1969, the Federal Government owned 90 percent of the buildings it occupied. Today, just 56 percent of Federal office space is in Government-owned buildings. Consequently, more and more Federal dollars go down the drain in rent with nothing to show for it. Individuals and businesses alike understand the importance of building equity. Unfortunately, the trend suggests that the Government does not.

What is more disturbing about the Federal Government's repeated failure to choose the least costly options is the fact that GSA's property program was designed to be self-sustaining. In 1972, Congress established the Federal building fund as a revolving fund to cover GSA's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings. The fund receives revenue from rent that agencies pay to GSA. Over the years, the fund's revenues have not been able to keep pace with the cost of basic repairs resulting in billions of dollars in deferred maintenance and no available funds for construction projects. Consequently, Congress has authorized the fund to borrow extensively from the Federal Financing Bank and subsidized the fund with direct appropriations.

Mr. President, the Federal Government's property management program is in need of reform that will permit it to function more like a business and less like a Federal construction program that benefits few, is paid for by all, and hurts the already struggling commercial real estate market. If the Government has a legitimate need for additional office space then why doesn't it take advantage of all the modern overbuilt office space that exists and acquire, lease or lease purchase, existing buildings which are much cheaper than new construction.

It is my hope that the legislation I propose today will jump start the reform of Federal property management. My legislation directs the Office of Management and Budget to examine Federal property management policies and make the changes necessary to improve coordination between Federal agencies, promote cost-effective property acquisition strategies, and realize cost savings. Clearly, changes are needed to more effectively manage the Nation's real estate portfolio.

Mr. President, my legislation also urges OMB to encourage all Federal agencies to modify building requirements, such as GSA's consolidation goals, in such a way as to permit the kind of flexibility that will allow the Government to achieve the greatest cost-effectiveness. Requirements should promote flexibility so that agencies may realistically consider the purchase, lease, lease/purchase of existing buildings at market rates, including those owned by the RTC and FDIC, rather than requiring new construction. New construction should only be considered as a last resort and only when it is the most cost-effective option.

My legislation further directs OMB to review its scorekeeping rules and determine what changes are necessary to permit the Government to consider a variety of options and choose those which are most cost efficient. The current scorekeeping rules, in some cases, encourage the government to be penny-wise and pound-foolish.

Mr. President, the public will not be fooled if Congress professes outrage about agency mismanagement and the waste generated by one Federal program or another but fails to pass meaningful solutions. Likewise, the administration will not fool anyone if it invites citizens to call a series of toll free 800 numbers to report waste and mismanagement but nothing happens. Inaction will only continue to fuel public discontent and confirm the public's view that we are not serious about changing the way Washington does business.

My legislation may deal with only a single program but it is one step down the road of rethinking how Government works. If passed and implemented, this legislation should result in significant savings. It will also provide a small dose of the medicine that must be administered if we in Washington ever hope to cure the chronic distrust, anger, and cynicism felt by the American people about their Government.

Mr. President, it is my hope that my colleagues will support this legislation, and that Congress, the President, and OMB will demonstrate their sincerity about rethinking the way Government works and begin a comprehensive review of the Government's property management program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works

which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly by the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

SEC. 2. COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(b) INCLUDED IN REVIEW.—The review required by this section shall include—

(1) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(A) the purchase, lease, lease/purchase of existing buildings at market rates; and

(B) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(2) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(3) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

SEC. 3. REPORT.

Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this Act to—

(1) The Senate Committees on Governmental Affairs, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

Mr. DECONCINI. Mr. President, I commend the Senator from Maine [Mr. COHEN] for bringing the matter of Federal office space acquisition to the attention of the full Senate. As a cosponsor of this bill, I have serious concerns about current policy with respect to the scoring of Federal building acquisitions. Under a provision accompanying the 1990 Omnibus Budget Reconciliation Act, all budget authority is scored up front for the full construction and financing costs for any long-term capital building lease or lease purchase in the year in which the project is approved. Outlays are scored up front for projects financed through arrangements where there is no financial risk to the private sector. Where there is private risk, outlays are scored to reflect estimated construction expenses as they occur.

Prior to the rule change, budget authority and outlays were scored as the expenses occurred. The logic behind the 1990 rule change was to reflect the long-term obligations to the Federal Government for the costs of Federal projects when Congress took action and to discourage Congress from authorizing projects which, long term, where more costly than direct Federal construction. However, there are limited funds to initiate new direct Federal construction and if the needs of the Federal Government are going to be met, it seems to me that we ought to be taking advantage of arrangements where the Federal Government does not have to provide the full amount for the project up front. Scoring should occur as expenditures are made, much the same as an individual makes mortgage payments for a personal residence.

Along the southwest border, a number of communities have expressed a desire to construct new border facilities to meet the anticipated trade demands associated with the North American Free-Trade Agreement. These communities are willing to sell bonds to finance the projects, then lease the facilities back to the Federal Government over a period of 30 years with the title to the facility being transferred to the Federal Government at the end of the contract term. However, because of the current scorekeeping rule, the Federal Government cannot take advantage of the financial support from State and local governments because the agency approving the action would have to demonstrate that it had the money in hand to cover the full long-term cost for the project.

As another example, when the Subcommittee on Treasury, Postal Service and General Government, which I chair, initially prepared its fiscal year 1993 spending recommendations for the General Services Administration, it was faced with a request to provide funding for a new Federal office building to be constructed in Philadelphia, PA. The project was to be constructed on land owned by the U.S. Postal Service with the Postal Service developing the estimated $300 million project. Because GSA would have entered into what appeared to be a capital lease for the Philadelphia project with the Postal Service, the subcommittee could not approve the project because it did not have $300 million to allocate to the project. As a result, the subcommittee recommended instead, direct Federal construction and provided several million dollars to initiate construction activities. By the time the appropriations bill went to conference, OMB had approved the project in the form of an operating lease for a period of 27 years. The only difference between the capital lease and operating lease that I could tell was that at the end of the operating lease the property would not be owned by the Federal Government whereas with a capital lease, title to the property would be transferred to the Federal Government. This is bad policy; why should the Federal Government make significant investments in an asset and then not own it at the end of the contract term? It appears that OMB renders decisions on what constitutes a capital lease versus an operating lease based on subjective criteria to get around the scoring rule when it so desires.

Scoring appears to be driving Federal building acquisition policy, not sound policy judgment. This whole issue must be dealt with in the context of the Government's long-term office space requirements. If those requirements can be best met through a capital lease, purchase, lease purchase, or direct construction, decisions should not be hamstrung because of budgetary scoring rules.

Again, I commend the Senator from Maine and would encourage the Clinton administration to take a hard look at this entire issue.

By Mr. HATFIELD:

S. 930. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

TALENT IRRIGATION DISTRICT LICENSE EXTENSION ACT

Mr. HATFIELD. Today I am introducing legislation which allows the Federal Energy Regulatory Commission to grant the Talent Irrigation District, in Jackson County, OR, an extension of its hydro project construction commencement deadline. The project is a 2.4-megawatt powerhouse, planned as an attachment to the existing Emigrant Dam, on the Emigrant River in southern Oregon. Low water conditions in the Emigrant River, resulting from 7 years of continuous drought in Oregon, have caused the irrigation district to reevaluate the operating plan of the project. Although the district is scheduled to begin construction of the project before May 24, 1993, I believe granting them an extension of this deadline will enable them to better configure their project to maximize power production and fish enhancement in light of the reduced water flows in the Emigrant River.

Construction of the existing Emigrant Dam was completed in 1959. It has a structural height of 176 feet and impounds 39,000 acre feet of water, which is delivered to about 8,000 users, irrigating approximately 30,000 acres.

On May 24, 1989, FERC issued a construction license to the Talent Irrigation District for the hydro project extension at Emigrant Dam. The license required construction to commence within 2 years—by May 24, 1991. In January 1991, the district requested and received a 2-year extension of the construction commencement deadline, until May 24, 1993, citing the need to consult further with the Bureau of Reclamation and continue negotiating a power sales agreement.

All negotiations were completed by April 1992, but the low flow conditions in the Emigrant River have caused the Talent Irrigation District to reevaluate the hydro project's proposed operating plan. In order to do this, the district needs at least another 2-year extension of its construction commencement deadline. The Federal Power Act, however, only allows FERC to grant one 2-year extension to the district, which it already granted in 1991. Therefore, legislation is required to authorize FERC to extend the deadline further.

The legislation I am introducing today authorizes the FERC to grant the irrigation district up to two consecutive 2-year extensions. FERC already supports extending the deadline, as outlined by their November 30, 1992, letter to House Energy and Commerce Chairman DINGELL.

I am confident this legislation will provide the Talent Irrigation District with the opportunity to evaluate the operating plan for the Emigrant hydro project and adjust it to perform better under low water conditions, both for power production and fish enhancement.

I ask unanimous consent that a copy of the legislation and a copy of the November 30, 1992, letter from FERC to Chairman DINGELL appear in the RECORD after my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon request of the licensee for FERC Project No. 7829 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project for up to a maximum of 2 consecutive 2-year periods. This section shall take effect for such project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, DC, November 30, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN DINGELL: Thank you for your letter of October 13, 1992, requesting comments on H.R. 5967, a bill to authorize the Commission to extend the deadline for commencing construction of the Emigrant Dam Hydro Project No. 7829, to be located at the Bureau of Reclamation's Emigrant Dam on Emigrant Creek in Jackson County, Oregon.

On May 24, 1989, the Commission issued a 50-year license for the Emigrant Dam Hydro Project to the Talent, Rogue River Valley, and Medford Irrigation Districts. The license required project construction to commence within two years, *i.e.*, by May 24, 1991. In January 1991, the licensees requested and received a two-year extension of the construction commencement deadline, *i.e.*, until May 24, 1993, in light of the length of time required to consult with the Bureau of Reclamation on a required access agreement, and because the licensees had not been able to negotiate a power sales agreement. Pursuant to Section 13 of the Federal Power Act (FPA), 16 U.S.C. §806, there can be no more extensions of the deadline to commence construction.

H.R. 5967 would authorize the Commission, notwithstanding Section 13 of the FPA, to further extend the deadline for commencing construction of Project No. 7829 for up to two consecutive two-year periods, to May 25, 1995, and May 25, 1997, respectively. In a May 20, 1992, letter to Congressman Smith, the licensees stated such additional extensions would permit them to study the availability of flows for project generation and would allow the avoided cost rates to rise to a point that would make the project feasible at the present, reduced flows.

As I noted in my letter to you of August 13, 1992, on a similar bill, it may be appropriate, in light of current financing realities, to consider increasing the construction commencement deadline in Section 13 to six years. Consequently, I do not oppose H.R. 5967.

I appreciate your inquiry. If I can be of further assistance in this matter, please do not hesitate to call me.

Yours truly,

MARTIN L. ALLDAY.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 931. A bill to amend the Harmonized Tariff Schedule of the U.S. to clarify the treatment of certain sports clothing; to the Committee on Finance.

TARIFF REDUCTION LEGISLATION

Mr. HATCH. Mr. President, I would like to introduce legislation today that will maintain tariff rates that were in place prior to January 1, 1989, and which were sustained as a result of the inclusion of chapter 99 of the U.S. Harmonized Tariff Schedule [HTS], on certain types of protective ski apparel.

As you know Mr. President, on December 31, 1992, temporary duty suspensions expired on various articles coming into the United States. In the case of certain protective ski apparel, chapter 99 of the HTS provided temporary relief to ski apparel items that were deemed to be "sports clothing" due to the protective nature of the articles. I refer to the specific provision, as stated in the HTS, 1992, chapter 99, subheading 9902.62.01(a)(1). The term "sports clothing" refers to: (A) ice hockey pants, provided for in subheadings 6113.00, 6114.30, 6210.40, 6210.50, 6211.33; and (B) other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury; for example, from blows, falls, road burns, or fire.

Mr. President, the reason for adding chapter 99 to the HTS was because when the HTS replaced the old United States Tariff System [USTS] in 1988, there was no distribution made in the HTS between protective sports clothing and regular textile items. In many cases, as was the case with protective ski wear, these apparel items had been classified in the USTS as sports equipment at tariff rates much lower, sometimes as much as 8 to 10 times, than equivalent nonprotective textile items. Therefore, the intent of chapter 99 was to establish a mechanism to eliminate drastic duty increases that resulted from incompatible classification categories between the HTS and the USTS.

Chapter 99 was in complete harmony with the earlier classification of protective ski wear in the USTS, which classified protective ski wear as "sports equipment" at a 5.5-duty rate. Unfortunately, chapter 99 was only a temporary provision of the HTS and has now expired as of December 31, 1992. Due to the expiration of the duty suspension legislation of 1990, there is no longer any clear definition for "sports clothing" contained in the HTS.

This creates a problem because the term "sports clothing" is still referenced in the HTS. In the title to chapter 95 of the HTS, it states that "sports equipment" is covered in the chapter. In the legal notes of the chapter, "sports clothing" or "fancy dress" of textiles is directly specified as not being covered in chapter 95 but is covered in chapters 61 and 62. However, without a clear definition of "sports clothing" provided for in chapters 95, 61, or 62 of the HTS, there is uncertainty as to how certain protective sports apparel should be classified. Should the items be classified as sports equipment, as was formerly the case, or as general sports apparel?

As you know, Mr. President, the U.S. Customs Service makes determinations as to how various products are classified when the articles arrive at our borders. And since nonprotective ski apparel such as ski sweaters, ski suits, and ski pants are contained in chapters 61 and 62 of the HTS, Customs has little choice, in accordance with international textile agreements, but to classify all ski wear as "apparel" under chapters 61 and 62, regardless of whether it is protective in nature for the purpose of protecting participants against the hazards of ski racing.

Thus, I am lead to the reason for which I am introducing this legislation today. I would like to see protective ski apparel classified the same as it has always been historically, which is necessary "ski equipment" for ski racers. I submit that this determination is no different than classifying a football helmet as necessary sports "equipment" for football players. Unfortunately, there is no longer any distinction made between recreational ski wear and special racing apparel designed for the specific purpose of protection of participants in the sport of ski racing, and I think there should be a distinction.

Mr. President, I would like to provide some background and history in order to add substance to my argument. As I have mentioned earlier, under the old USTS all ski equipment, including protective ski wear such as padded sweaters, one-piece ski suits, and pants, was classified as ski equipment and dutiable at a rate that ranged from duty free to a rate of 7.3 percent. All protective ski wear was dutiable at a rate of 5.5 percent. In fact, until the United States began operating under the HTS, protective ski wear was classified in the USTS as "other skis and ski equipment" in section 735.06, due to the protective nature of the apparel, even though the apparel items were textile articles.

I refer to the Customs Service New York Port of Entry Rulings No. 805228 and No. 808946, dated March 11, 1983, and April 6, 1984, respectively, in which Spyder-Active Sports, Inc., requested a tariff classification for a protective, downhill ski racing sweater, style SR-1, manufactured in Hong Kong, and a pair of protective slalom ski racing pants, style Comp-pant, manufactured in Japan. It was ruled by Customs in each case that:

> Since this/these sweater/pants has/have a substantial protective feature along with its/their other features, style SR-1/Comp-pant shows design for use in the sport of slalom skiing. Style SR- 1/Comp-pant is classifiable under the provision for other ski equipment in item 735.06.

A more recent directive was issued to the New York import specialist from the Customs Commissioner's office in Washington, DC. Spyder-Active Sports, Inc., requested a tariff classification for protective, one-piece racing suits that were designed specifically for the U.S. Ski Team, located in Park City, UT. The issue arose because the ski team racing suits, which had been coming into the United States at a rate of 5.5 percent as ski equipment, were suddenly reclassified under a subheading in chapter 62 of the HTS at a rate of 30 percent. I personally inquired at the Customs Service in behalf of the U.S. Ski Team, which receives all of its racing apparel from Spyder.

Subsequently, in a letter addressed to me on September 16, 1992, former Customs Commissioner Carol Hallett determined that "after reviewing the matter—involving the one-piece racing suits—we determined that our field offices have mistakenly interpreted the tariff so that subheading 9902.62.01, Harmonized Tariff Schedule of the United States * * * does apply to ski racing suits, provided that those garments comply with the requirements of that subheading." Again, I refer to subheading 9902.62.01, which states "other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury, for example, from blows, falls, road burns, or fire.

To repeat, Mr. President, my purpose in introducing this piece of legislation is to preserve the tariff rates for protective ski wear and to avoid the inevitable consequences that will materialize if there is no substantive clarification provided for in the HTS as to what the term "sports clothing" actually refers. For without a substantive clarification, duty rates for specific protective ski wear items that have historically been classified as sports equipment under the USTS and chapter 99 of the HTS will increase as much as 10 times the current rates, which could devastate a very small and specialized industry.

I have several concerns about the effects that this much of a duty increase would have on U.S. ski wear importers. First, most ski wear importers are small in size, typically less than 20 employees, and duty rates play a significant role in the financial operations of a majority of these businesses. A significant increase in the tariff rates would be potentially devastating for several small ski wear importers in Utah and other States where the ski industry is a significant portion of the economy.

For example, Spyder-Active Sports, Inc., of Boulder, CO, who supplies the U.S. Ski Team with all of its racing apparel, imported a total of 362,002 dollars' worth of protective ski wear during 1992. Of that amount, $18,872, or 5.2 percent, represented the duty expense calculated at a 5.5-percent tariff on all the protective articles that Spyder imported that year. With the elimination of chapter 99 from the HTS, Spyder's duty expense, assuming the same import numbers from 1992, will be $61,810, a 225-percent increase in duty expense. This large of an increase will be destructive to a specialized company like Spyder, which supplies more than 70 percent of the protective ski wear market in the United States. Moreover, when these increases go into effect this year, the Federal Government will only be increasing its revenues from Spyder by $42,938. On the other hand, if the 5.5 tariff rate is maintained for protective ski wear, the Federal Government would maintain revenue neutrality with respect to protective ski wear.

Second, there is literally no domestic production capability for the specialized racing apparel that the U.S. Ski Team uses. You must remember that I am not talking about general recreational ski apparel but rather very specialized items produced only overseas for the specific purpose of racing. Furthermore, the end users of this type of specialized racing equipment happen to be the U.S. Ski Team members. In other words, these articles do not compete for sales against recreational ski apparel items that may be either produced domestically or imported at a higher duty rate. Therefore, by maintaining the lower tariff rates, there would be no negative impact for domestic producers, because there are none, or for domestic producers of recreational apparel, due to the lack of sales competition between recreational ski apparel and specialized, protective racing apparel.

Third, U.S. Ski Team equipment suppliers provide financial sponsorship to the team in addition to providing the team's equipment on a complimentary basis. Large increases in duty rates on imported equipment will make it more difficult for many of these suppliers to provide adequate levels of badly needed financial support for the U.S. Ski Team.

Finally, Mr. President, I would like to reiterate a point I made earlier in my remarks by readdressing the issue of revenue. At this time of budget constraints, there is much skepticism about the reality and practicality of passing a miscellaneous tariff measure due to the expected reduction of Federal revenues that would occur. Lack of offsetting revenues for many tariff reduction and suspension measures during the 102d Congress was the very reason why there was no miscellaneous tariff measure taken up by Congress during that time.

However, protective ski apparel items have never been classified as ski clothing, of which some articles are subject to tariff rates of as much as 30 percent. Thus, by ensuring that protective ski wear retains its uniqueness from general recreational ski wear via a technical change in the U.S. notes of chapters 61 and 62 of the HTS, there will be no revenue loss as a result of implementing this measure.

I strongly encourage my colleagues to support this legislation.

By Mr. PELL (by request):

S. 932. A bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Relations.

GLOBAL ENVIRONMENT FACILITY LEGISLATION

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the global environment facility, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the acting general counsel of the Department of the Treasury to the President of the Senate, which was received on May 4, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 932

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 285. et seq.) is amended by adding at the end the following new section:

"SEC 61. (a) The Secretary of the Treasury is authorized to contribute to the Global Environment Facility $30,810,000, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated without fiscal year limitation, $30,810,000 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC, April 28, 1993.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for the United States contribution to the Global Environment Facility, and for other purposes."

This legislation is a critical component of United States policy toward global environment issues. The Global Environment Facility (GEF) is a three-year pilot facility, created in 1991, that provides grants to developing countries for projects that benefit the global environment but have low financial returns and would not otherwise be undertaken. Pilot GEF funds are used to combat global warming, ozone depletion, loss of biodiversity, and pollution of international waters. The four tranches of GEF projects that have been developed thus far have steadily improved in project quality and balance among the four subject areas.

At the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil last year, The Climate Change and Biodiversity Conventions accepted the GEF as their financial mechanism on an interim basis. Acceptance of the GEF as the permanent financing mechanism will require restructuring in several areas. International negotiations are underway on the restructuring and eventual replenishment of the GEF and are expected to be completed by the end of 1993. Creation of transparent, accountable and cost-effective financial mechanisms for these Conventions is central to vital U.S. interests in international environmental affairs.

In order to advance our international environmental objectives, the Administration is now seeking authorization for the United States to contribute $30.81 million to the GEF. Such authority, of course, is subject to obtaining the necessary appropriations. This contribution would provide leverage to the United States during the crucial 1993 restructuring and replenishment negotiations. It would also allow the United States to contribute to the Core Fund of the permanent GEF immediately upon its restructuring, thus assuring a steady revenue stream and preserving the GEF's momentum. Failure to contribute to the GEF Core Fund in FY 1994 would undercut U.S. negotiating leverage by sending a signal to GEF member countries that the United States is hesitant about playing a strong role in the GEF.

The draft bill would add a new section to the Bretton Woods Agreements Act to authorize the Secretary of the Treasury to contribute $30.81 million to the GEF, subject to obtaining the necessary appropriations.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the transmittal of this draft bill to the Congress, and that enactment would be in accord with the Administration's program.

Sincerely,

DENNIS I. FOREMAN,
Acting General Counsel.

By Mr. CHAFEE:

S. 933. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

● Mr. CHAFEE. Mr. President, in recent years we have seen significant increases in the cost of health care. One of the areas that I most frequently hear about from my constituents is the increasing cost of prescription drugs. These increases have disproportionately affected the population which most widely uses prescription drugs—our Nation's elderly.

According to the Congressional Budget Office, average annual out-of-pocket expenditures for prescription drugs are $550 per Medicare part B enrollee. For some, the cost will be much higher. Although Medicare covers the cost of prescription drugs while a patient is hospitalized, the program does not cover the cost of outpatient prescription drugs. Some seniors do have coverage of such drugs. For those who can afford Medicare supplemental insurance policies, or Medigap insurance, prescription drugs are usually covered. In addition, very low-income seniors are eligible for coverage under the State Medicaid programs.

There are Medicare-eligible individuals, however, who do not qualify for Medicaid, and do not have insurance coverage for outpatient prescription drugs. For these seniors, the cost of daily medication for a condition such as high blood pressure or high cholesterol, can severely restrict their ability to meet other critical living expenses such as food and rent. In come cases they are forced to forgo the medication altogether. Without proper medication, these people often wind up in our hospital emergency rooms, at a much higher cost to our health care system.

Today, I am reintroducing the Prescription Drug Purchasing Assistance for Older Americans Act. This legislation, which I originally introduced in 1991, will help make the cost of prescription drugs more affordable to low-income seniors. This bill gives States the option of extending their Medicaid prescription drug program to Medicare-eligible individuals with incomes below 110 percent of the Federal poverty level. In addition, this measure would give States the option of allowing those with slightly higher incomes to buy-in to the States' Medicaid prescription drug benefit. States would be permitted, but not required, to charge a premium to persons with incomes between 110 and 200 percent of the Federal poverty level. This premium, however, would be limited to 5 percent of the individual's adjusted gross income.

I am hopeful that this legislation will greatly assist low-income seniors who are struggling to pay for their medications, or who cannot afford them at all. I urge my colleagues to join with me in sponsoring this legislation. Thank you, Mr. President.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TIME.

This Act may be cited as the "Prescription Drug Purchasing Assistance for Older Americans Act".

SEC. 2. OPTIONAL STATE MEDICAID COVERAGE OF COSTS OF PRESCRIPTION DRUGS FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this title, in a State which provides medical assistance for prescribed drugs under section 1905(a)(12), the State may provide to—

"(i) a qualified medicare beneficiary, or

"(ii) an individual who would be such a beneficiary but for the fact such an individual's income exceeds the income level established by the State under paragraph (2) or section 1902(a)(10)(E), but is less than 200 percent of the official poverty line described in paragraph (2),

benefits for prescribed drugs in the same amount, duration, and scope as the benefits made available under the State plan for individuals described in section 1902(a)(10)(A)(i).

"(B) A State electing to provide benefits for prescription drugs to an individual described in subparagraph (A)(ii) may charge a premium or co-payment to such individual for such benefits but such premium or co-payment may not exceed 5 percent of such individual's gross income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1994, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.●

By Mr. CHAFEE:

S. 934. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies in all States and to modify the requirements with respect to such policies; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

● Mr. CHAFEE. Mr. President, I am pleased to introduce legislation that would improve access in all States to Medicare supplemental insurance policies that provide benefits to Medicare beneficiaries through managed care networks such as health maintenance organizations and preferred provider organizations.

Also known as Medigap insurance, these policies pay a Medicare beneficiary's share of health care costs such as deductible and coinsurance payments for Medicare, as well as other services not covered under the Medicare Program. About 40 percent of elderly Medicare beneficiaries have some form of privately purchased Medigap insurance. But like all health insurance, the costs are rising quickly and not every beneficiary can afford to buy a policy.

Millions of Americans receive health care service through managed care networks. These plans are often more affordable and more comprehensive than traditional health insurance. Employers also use managed care systems to provide an additional option, along with fee-for-service medicine to their employees and retirees.

In 1990, I sponsored legislation which created a new choice for Medicare beneficiaries called Medicare Select. Medicare Select is a Medigap option linked to a managed care network. We hoped that because of this linkage, Medicare Select policies would cost less than traditional Medigap policies, would offer beneficiaries greater choice, and would improve quality of care through better coordination of services. Medicare Select gave beneficiaries who enrolled in managed care plans greater flexibility by allowing them to choose from a list of providers through a preferred provider organization or PPO. In effect, Medicare beneficiaries were given the same choices as the nonelderly population which chose to enroll in managed care.

Although the Senate passed the proposal without any limitations, the conference agreement limited the program to 15 States and will be allowed to continue for only 3 years. In addition, other changes in Medigap insurance regulation enacted at the same time create barriers to the success of managed care in the Medicare Program.

For example, most HMO's require a small copayment for each outpatient visit, usually excluding prevention services, in order to encourage appropriate utilization. Under the 1990 Medigap insurance law, Medigap policies cannot require Medicare patients to make copayments. This requirement does not fit into the traditional structure used by HMO's to offer coverage to Medicare beneficiaries.

This bill will correct these and other programs, and will create a standardized plan that HMO's and PPO's can use to ensure the success of managed care for Medicare patients. My bill also will eliminate the current arbitrary and unnecessary 15-State, 3-year limitation on the Medicare Select Program. Under this bill Medicare beneficiaries in every State will be able to choose this managed care option which will make the Medigap insurance more affordable. In encourage my colleagues to join with me in improving the managed care options offered to Medicare patients.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICARE SELECT.

(a) AMENDMENTS TO PROVISIONS RELATING TO MEDICARE SELECT POLICIES.—

(1) PERMITTING MEDICARE SELECT POLICIES IN ALL STATES.—

(A) IN GENERAL.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 is hereby repealed.

(B) CONFORMING AMENDMENT.—Section 4358 of the Omnibus Budget Reconciliation Act of 1990 is amended by redesignating subsection (d) as subsection (c).

(2) REQUIREMENTS OF MEDICARE SELECT POLICIES.—Section 1882(t)(1) of the Social Security Act (42 U.S.C. 1395ss(t)(1)) is amended to read as follows:

"(1)(A) If a medicare supplemental policy meets the 1991 NAIC Model Regulation or 1991 Federal Regulation and otherwise complies with the requirements of this section except that—

"(i) the benefits under such policy are restricted to items and services furnished by certain entities (or reduced benefits are provided when items or services are furnished by other entities), and

"(ii) in the case of a policy described in subparagraph (C)(i)—

"(I) the benefits under such policy are not one of the groups or packages of benefits described in subsection (p)(2)(A),

"(II) except for nominal copayments imposed for services covered under part B of this title, such benefits include at least the core group of basic benefits described in subsection (p)(2)(B), and

"(III) an enrollee's liability under such policy for physician's services covered under part B of this title is limited to the nominal copayments described in subclause (II),

the policy shall nevertheless be treated as meeting those standards if the policy meets the requirements of subparagraph (B).

"(B) A policy meets the requirements of this subparagraph if—

"(i) full benefits are provided for items and services furnished through a network of entities which have entered into contracts or agreements with the issuer of the policy,

"(ii) full benefits are provided for items and services furnished by other entities if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition and it is not reasonable given the circumstances to obtain the services through the network,

"(iii) the network offers sufficient access,

"(iv) the issuer of the policy has arrangements for an ongoing quality assurance program for items and services furnished through the network,

"(v)(I) the issuer of the policy provides to each enrollee at the time of enrollment an explanation of—

"(aa) the restrictions on payment under the policy for services furnished other than by or through the network,

"(bb) out of area coverage under the policy,

"(cc) the policy's coverage of emergency services and urgently needed care, and

"(dd) the availability of a policy through the entity that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation without regard to this subsection and the premium charged for such policy, and

"(II) each enrollee prior to enrollment acknowledges receipt of the explanation provided under subclause (I), and

"(vi) the issuer of the policy makes available to individuals, in addition to the policy described in this subsection, any policy (otherwise offered by the issuer to individuals in the State) that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation and other requirements of this section without regard to this subsection.

"(C)(i) A policy described in this subparagraph—

"(I) is offered by an eligible organization (as defined in section 1876(b)),

"(II) is not a policy or plan providing benefits pursuant to a contract under section 1876 or an approved demonstration project described in section 603(c) of the Social Security Amendments of 1983, section 2355 of the Deficit Reduction Act of 1984, or section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, and

"(III) provides benefits which, when combined with benefits which are available under this title, are substantially similar to benefits under policies offered to individuals who are not entitled to benefits under this title.

"(ii) In making a determination under subclause (III) of clause (i) as to whether certain benefits are substantially similar, there shall not be taken into account, except in the case of preventive services, benefits provided under policies offered to individuals who are not entitled to benefits under this title which are in addition to the benefits covered by this title and which are benefits an entity must provide in order to meet the definition of an eligible organization under section 1876(b)(1)."

(b) RENEWABILITY OF MEDICARE SELECT POLICIES.—Section 1882(q)(1) of the Social Security Act (42 U.S.C. 1395ss(q)(1)) is amended:

(1) by striking "(1) Each" and inserting "(1)(A) Except as provided in subparagraph (B), each";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (ii), in the case of a policy that meets the requirements of subsection (t), an issuer may cancel or nonrenew such policy with respect to an individual who leaves the service area of such policy.

"(ii) If an individual described in clause (i) moves to a geographic area where an issuer described in clause (i), or where an affiliate of such issuer, is issuing medicare supplemental policies, such individual must be permitted to enroll in any medicare supplemental policy offered by such issuer or affiliate that provides benefits comparable to or less than the benefits provided in the policy being canceled or nonrenewed. An individual whose coverage is canceled or nonrenewed under this subparagraph shall, as part of the notice of termination or nonrenewal, be notified of the right to enroll in other medicare supplemental policies offered by the issuer or its affiliates.

"(iii) For purposes of this subparagraph, the term 'affiliate' shall have the meaning given such term by the 1991 NAIC Model Regulation.".

(c) CIVIL PENALTY.—Section 1882(t)(2) of the Social Security Act (42 U.S.C. 1395ss(t)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) in clause (iv), as redesignated—

(A) by striking "paragraph (1)(E)(i)" and inserting "paragraph (1)(B)(v)(I); and

(B) by striking "paragraph (1)(E)(ii)" and inserting "paragraph (1)(B)(v)(II)";

(4) by striking "the previous sentence" and inserting "this subparagraph"; and

(5) by inserting at the end the following new subparagraph:

"(B) If the Secretary determines that an issuer of a policy approved under paragraph (1) has made a misrepresentation to the Secretary or has provided the Secretary with false information regarding such policy, the issuer is subject to a civil money penalty in an amount not to exceed $100,000 for each such determination. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).".

(d) EFFECTIVE DATES.—

(1) NAIC STANDARDS.—If, within 6 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subsection referred to as the "NAIC") makes changes in the 1991 NAIC Model Regulation (as defined in section 1882(p)(1)(A) of the Social Security Act) to incorporate the additional requirements imposed by the amendments made by this section, section 1882(g)(2)(A) of such Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed under this paragraph (such changed Regulation referred to in this subsection as the "1994 NAIC Model Regulation").

(2) SECRETARY STANDARDS.—If the NAIC does not make changes in the 1991 NAIC Model Regulation (as so defined) within the 6-month period specified in paragraph (1), the Secretary of Health and Human Services (hereafter in this subsection as the "Secretary") shall promulgate a regulation and section 1882(g)(2)(A) of the Social Security Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed by the Secretary under this paragraph (such changed Regulation referred to in this subsection as the "1994 Federal Regulation").

(3) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State adopts the 1994 NAIC Model Regulation or the 1994 Federal Regulation, or

(ii) 1 year after the date the NAIC or the Secretary first adopts such regulations.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 1994 NAIC Model Regulation or the 1994 Federal Regulation, but

(ii) having a legislature which is not scheduled to meet in 1995 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1995. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.●

By Mr. CHAFEE:

S. 935. A bill to amend title XVIII of the Social Security Act to exempt mental health services furnished to an individual who is a resident of a nursing facility from the limitation on the amount of incurred expenses for mental health services that may be taken into account in determining the amount of payment fur such services under part B of the Medicare Program; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

● Mr. CHAFEE. Mr. President, today I am introducing the Medicare Mental Health Improvement Act. This legislation will assure that Medicare beneficiaries who reside in nursing homes will get needed mental health care. Problems with untreated, or inappropriately treated, mental illnesses and behavioral problems are far too common in our nursing homes today.

Due to inequities in Medicare payment for mental health treatment, patients who reside in nursing homes have limited access to psychiatric and psychological services. All too often, when nursing home residents need mental health counseling and treatment, the common response of the attending physician is to prescribe psychoactive drugs. These medications often have unpleasant side effects such as leaving patients confused and causing them to lose their sense of balance. As a result, patients often fall and must be treated for serious physical injuries.

How can we improve access to these services? Under current law, Medicare treats physicians' services to nursing home patients as outpatient care. While most Medicare outpatient services require patients to pay for 20 percent of the charge, patients must pay for 50 percent of outpatient mental health services. For many Medicare patients, particularly those who live in nursing homes, this requirement is a major financial burden that worsens if they need followup treatment. For others, who may have serious mental illness, the copayment is uncollectible, and further discourages providers from treating nursing home residents.

The legislation that I introduce today would simply bring Medicare payments for outpatient mental health services for nursing home residents in line with reimbursement for other types of outpatient services. Under my proposal, copayments for mental health services for nursing home residents would be reduced from 50 to 20 percent.

Specialized consultation and treatment for mental illnesses has been proven to help, dramatically, patients who suffer from depression, and illness affecting one in three nursing home residents. This treatment can minimize the need for patient restraints and psychoactive drugs. Benefits of this treatment include more precise diagnosis, careful review of drug regimens, and better identification and treatment of depression. Patients will benefit from careful consideration of nondrug options for treatment, training for nursing home staff on how to better handle behavioral disturbances, and assistance to families to better understand the problem and assist in decisionmaking. One may also see resulting cost-savings for the Federal Government through decreased hospital admissions resulting from the use of inappropriate drugs.

In short, the treatment can result in better quality of life and well-being for nursing home patients, staff, and their families. I urge my colleagues to join me in cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM LIMITATION ON INCURRED EXPENSES FOR MENTAL HEALTH SERVICES UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED TO NURSING HOME RESIDENTS.

(a) IN GENERAL.—Section 1833(c) of the Social Security Act (42 U.S.C. 1395(c)) is amended by inserting after "hospital" the following: "or a resident of a nursing facility (as defined in section 1919(a))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses for mental health services incurred in calendar years beginning with 1994.•

By Mr. CHAFEE (for himself, Mr. SIMON, and Mr. SHELBY):

S. 936. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing legislation to make it easier for senior citizens to get needed physical therapy services through the Medicare Program. These services are critical to individuals who are suffering from such conditions as stroke or heart attack. My bill eliminates an existing $750 cap on payments for physical therapy or occupational therapy provided by therapists in independent practice.

Under current Medicare law, there is no limit to physical therapy services when they are provided either in a physician's office or on an outpatient basis in a hospital. Medicare does, however, limit reimbursement for services provided by an independent physical or occupational therapist to $750 per calendar year. When a patient who receives services from an independent therapist reaches his or her limit, the patient must either stop treatment, change to a therapist in a physician's office or a hospital, or pay for these services out-of-pocket. Not only is it a burden for seniors to change providers, but for those Medicare patients who live in areas where there is a shortage of health care providers, a therapist in a physician's office or hospital may be unavailable, or reachable only by traveling long distances.

Some may argue that removal of this cap will significantly increase Medicare expenditures for physical therapy services. The Health Care Financing Administration [HCFA], however, has placed the services of these physical therapists under the new Medicare physician fee schedule and volume performance standards. These regulations would control payment for services performed by independent practitioners based on a fee schedule. Therefore, an arbitrary cap on reimbursement is no longer necessary.

Beside decreasing the availability of services to senior citizens, the current limit may actually increase costs to the Medicare program. According to 1988 data, Medicare paid on average $1.62 less for physical therapy services by independent providers than for these same services when provided by a physician. Although $1.62 doesn't seem like much, when multiplied by the 1 billion physical therapy procedures that were billed to Medicare in 1988, the cost becomes clear.

My legislation would allow patients in need of physical and occupational therapy to receive these services without having to face the possibility of terminating treatment early, or continuing treatment elsewhere, because of a predetermined limit on Medicare reimbursement. I hope that my colleagues will join me in sponsoring this legislation which assures our senior citizens access to these critically needed services.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF ANNUAL CAP ON AMOUNT OF MEDICARE PAYMENT FOR OUTPATIENT PHYSICAL THERAPY AND OCCUPATIONAL THERAPY SERVICES.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by repealing subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 2. EXTRA-BILLING LIMITS.

(a) ENFORCEMENT AND UNIFORM APPLICATION.—

(1) ENFORCEMENT.—Paragraph (1) of section 1848(g) of the Social Security Act (42 U.S.C. 1395w–4(g)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES.—

"(A) IN GENERAL.—In the case of a nonparticipating physician or nonparticipating supplier or other person (as defined in section 1842(i)(2)) who does not accept payment on an assignment-related basis with respect to a physician's service furnished to an individual enrolled under this part, the following rules apply:

"(i) APPLICATION OF LIMITING CHARGE.—No such physician, supplier, or person may bill or collect an actual charge for the service in excess of the limiting charge described in paragraph (2) for such service.

"(ii) NO LIABILITY FOR EXCESS CHARGES.—No person is liable for payment of any amounts billed for the service in excess of such limiting charge.

"(iii) CORRECTION OF EXCESS CHARGES.—If such a physician, supplier, or other person bills, but does not collect, an actual charge for a service in violation of clause (i), the physician, supplier, or other person shall reduce on a timely basis the actual charge billed for the service to an amount not to exceed the limiting charge for the service.

"(iv) REFUND OF EXCESS COLLECTIONS.—If such a physician, supplier, or other person collects an actual charge for a service in violation of clause (i), the physician, supplier, or other person shall provide on a timely basis a refund to the individual charged in the amount by which the amount collected exceeded the limiting charge for the service. The amount of such a refund shall be reduced to the extent the individual has an outstanding balance owed by the individual to the physician, supplier, or other person.

"(B) SANCTIONS.—If a physician, supplier, or other person—

"(i) knowingly and willfully bills or collects for services in violation of subparagraph (A)(i) on a repeated basis, or

"(ii) fails to comply with clause (iii) or (iv) of subparagraph (A) on a timely basis,

the Secretary may apply sanctions against the physician, supplier, or other person in accordance with paragraph (2) of section 1842(j). The provisions of section 1842(j)(4) shall apply for purposes of this paragraph except that any reference in such section to a physician is deemed also to include a reference to a supplier or other person under this subparagraph.

"(C) TIMELY BASIS.—For purposes of this paragraph, the term 'on a timely basis', means not later than 30 days after the date the physician, supplier, or other person is notified by the carrier under this part of a violation of the requirements of subparagraph (A).".

(2) UNIFORM APPLICATION OF EXTRA-BILLING LIMITS TO PHYSICIANS' SERVICES.—

(A) IN GENERAL.—Section 1848(g)(2)(C) of the Social Security Act (42 U.S.C. 1395w–4(g)(2)(C)) is amended by inserting "or for nonparticipating suppliers or other persons" after "nonparticipating physicians".

(B) CONFORMING DEFINITION.—Section 1842(i)(2) of the Social Security Act (42 U.S.C. 1395u(i)(2)) is amended—

(i) by striking ", and the term" and inserting "; the term", and

(ii) by inserting before the period at the end the following: "; and the term 'nonparticipating supplier or other person' means a supplier or other person (excluding a provider of services) that is not a participating physician or supplier (as defined in subsection (h)(1))".

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(A) in subsection (a)(3)—

(i) by inserting "AND SUPPLIERS" after "PHYSICIANS",

(ii) by inserting "or a nonparticipating supplier or other person (as defined in section 1842(i)(2))" after "nonparticipating physician", and

(iii) by adding at the end the following: "In the case of physicians' services (including services which the Secretary excludes pursuant to subsection (j)(3)) of a nonparticipating physician, supplier, or other person for which payment is made under this part on a basis other than the fee schedule amount, the payment shall be based on 95 percent of the payment basis for services of such type which are furnished by a participating physician, supplier, or other person.";

(B) in subsection (g)(1)(A), as amended by subsection (a), in the matter before clause (i), by inserting "(including services which the Secretary excludes pursuant to subsection (j)(3))" after "a physician's service";

(C) in subsection (g)(2)(D), by inserting "(or, if payment under this part is made on a basis other than the fee schedule under this section, 95 percent of the other payment basis)" after "subsection (a)";

(D) in subsection (g)(3)(B)—

(i) by inserting after the first sentence the following: "No person is liable for payment of any amounts billed for such a service in violation of the previous sentence.", and

(ii) in the last sentence, by striking "previous sentence" and inserting "first sentence"; and

(E) in subsection (h)—

(i) by inserting "or nonparticipating supplier or other person" after "physician" the first place it appears,

(ii) by inserting ", supplier, or other person" after "physician" the second place it appears, and

(iii) by inserting ", suppliers, and other persons" after "physicians" the second place it appears.

(b) INFORMATION ON EXTRA-BILLING LIMITS.—

(1) PART OF EXPLANATION OF MEDICARE BENEFITS.—Section 1842(h)(7) of the Social Security Act (42 U.S.C. 1395u(h)(7)) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) in subparagraph (C), by striking "shall include" and by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) in the case of services for which the billed amount exceeds the limiting charge imposed under section 1848(g), information regarding such limiting charge (including information concerning the right to a refund under section 1848(g)(1)(A)(iv)).".

(2) DETERMINATIONS BY CARRIERS.—Subparagraph (G) of section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended to read as follows:

"(G) for a service that is furnished with respect to an individual enrolled under this part, that is not paid on an assignment-related basis, and that is subject to a limiting charge under section 1848(g), will—

"(i) determine, prior to making payment, whether the amount billed for such service exceeds the limiting charge applicable under section 1848(g)(2);

"(ii) notify the physician, supplier, or other person periodically (but not less often than once every 30 days) of determinations that amounts billed exceeded such limiting charges; and

"(iii) provide for prompt response to inquiries of physicians, suppliers, and other persons concerning the accuracy of such limiting charges for their services;".

(c) REPORT ON CHARGES IN EXCESS OF LIMITING CHARGE.—Section 1848(g)(6)(B) of the Social Security Act (42 U.S.C. 1395w–4(g)(6)(B)) is amended by inserting "on the extent to which actual charges exceed limiting charges, the number and types of services involved, and the average amount of excess charges and" after "report to the Congress".

(d) EFFECTIVE DATES.—

(1) ENFORCEMENT AND UNIFORM APPLICATION.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1994.

(2) EXPLANATIONS.—The amendments made by subsection (b)(1) shall apply to explanations of benefits provided on or after January 1, 1994, except that the requirement for including information concerning the right to a refund shall apply to explanations of benefits provided on or after July 1, 1994.

(3) CARRIER DETERMINATIONS.—The amendments made by subsection (b)(2) shall apply to contracts as of January 1, 1994.

(4) REPORT.—The amendment made by subsection (c) shall apply to reports for years beginning after 1994.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 937. A bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE LANDFILL REGULATORY EXTENSION ACT OF 1993

• Mrs. KASSEBAUM. Mr. President, I rise today on behalf of myself and Senator DOLE to introduce legislation that will promote compliance with new Federal solid waste management standards scheduled to take effect in October.

In 1984, Congress established stringent amendments governing municipal solid waste landfills. The regulations implementing that statute were made final in October 1991, and those requirements become effective in October of this year.

I strongly support the tough environmental standards embodied in these regulations, and I would oppose any effort to weaken them. But, as is so often the case in this Chamber, we have adopted a one-size-fits-all standard, and for residents of rural areas, the fit is particularly poor.

Despite a good-faith effort to comply, countless small communities will be unable to meet the October deadline. In my State of Kansas, for example, the timeline tells the tale. The EPA regulations were issued in October 1991, and the legislature passed implementing legislation at its next session, in the spring of 1992. That legislation created a fund to promote regional landfilling—a fund that, for technical reasons, did not become effective until January of this year. The State implementing regulations, which will be the final implementing mechanism, will not be approved by EPA and in place until at least August and possibly as late as early October. Remember, Mr. President, the deadline for counties to meet these requirements is October 9. In Kansas—and, I understand, in a number of other States—most landfills simply will not be able to comply.

At worst, the result will be roadside dumping as landfills close to avoid the new regulations before an alternative site is available. In many rural areas, there is no alternative. In parts of western Kansas, for example, the nearest subtitle D landfill is more than 200 miles away. Sparse population density makes the area unattractive to commercial disposal companies, and no regional landfills yet are sited. Except roadside ditches and gullies, there is no place to put trash once the local landfill closes.

Even if we are able to provide alternative sites, the best we can hope for is hurried planning, and that means bad planning. Our goal should not be to compel States to comply with Federal environmental law merely for the sake of compliance. Rather, our objective should be to develop thoughtful solid waste management programs within States that will best serve local environmental needs. But it takes time to site new regional landfills, taking into account geological, hydrological, and economic factors, to mention nothing of the political difficulties involved. It takes time to negotiate regional compacts committing counties to developing regional sites, and it will take time to win approval of those compacts from the State attorney general, as required under State law. It also takes time to build sufficient local support for the new taxes and bond issues that will be necessary to finance these changes.

Mr. President, this bill gives us that time.

This legislation would grant a 1-year extension of the initial deadline, from October 1993 to October 1994. It would not affect subsequent deadlines imposed by the regulation. I have given considerable consideration to many other options and have concluded that a 1-year legislative delay is necessary.

In a series of meetings, officials at the Environmental Protection Agency have been truly sympathetic to the concerns raised by Kansas and other States. They recognize that environmental protection is ill served if hurried decisions are forced upon rural communities, and they recognize that subjecting resources-poor small towns to citizen lawsuits for noncompliance would serve no environmental purpose.

As a result, EPA officials are contemplating an effort to extend this deadline administratively. I strongly support that effort, but for several reasons, I am not optimistic that it will prove effective. The regulatory rulemaking process is long and cumbersome, and in this effort, we are working against a rapidly approaching deadline. EPA pledges to try to resolve this issue before October, and I will support their efforts however possible, but rural communities need certainty much sooner.

Additionally, like EPA itself, I am skeptical that the Agency has the statutory authority to grant this extension. And even if it does, there is little doubt that there will be a legal challenge to any such decision. While the titans litigate, the deadline would loom and rural areas still would have no certainty and no relief. I am convinced that we must seek a statutory solution.

I have worked with a number of interested parties to try to fashion a flexible solution, but to date we have been unable to reach agreement. Some have proposed making an extension contingent upon approval of a State waste management plan. Some have supported establishing criteria to extend the deadline for small, rural landfills while maintaining it for others. Still others have proposed giving regional EPA administrators the discretion to grant extension on a case-by-case basis to landfills that have made a good-faith effort to comply.

I am sympathetic to all of these notions, and I have delayed introducing this legislation in an effort to bring these competing interests together. Unfortunately, to date, that has produced a great deal of talk but little real progress. I am certainly willing to continue that dialog, and in fact I have requested from the chairman and ranking member of the Committee on Environment and Public Works a hearing on this matter.

But obtaining relief for rural landfills will take time, and I do not believe we can wait any longer to begin. The choice is clear: We can punish small communities for not meeting a arbitrary deadline, or we can give them the time they need to implement environmentally sound waste management.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Landfill Regulatory Extension Act of 1993".

SEC. 2. EXEMPTION OF CERTAIN LANDFILLS FROM MEETING REVISED CRITERIA.

(a) EXEMPTION.—During the 1-year period beginning on October 9, 1993, each municipal solid waste landfill that—

(1) is in existence on October 8, 1993; and

(2) meets the requirements of the criteria contained in regulations issued pursuant to sections 4004(a) and 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6944(a) and 6949a(c), respectively) as in effect on January 1, 1993, shall not be required to meet any revised criteria that take effect after the date specified in paragraph (2).

(b) PRIOR CRITERIA APPLICABLE DURING EXEMPTION PERIOD.—During the period specified in subsection (a), a landfill referred to in such subsection shall be subject to the criteria referred to in paragraph (2) of such subsection.

(c) EFFECTIVE DATE OF REVISED CRITERIA.—Beginning on October 9, 1994, each municipal solid waste landfill shall be subject to the revised criteria applicable to the landfill issued pursuant to sections 4004(a) and 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6944(a) and 6949a(c), respectively), and any subsequent revision to the criteria.●

By Mr. LAUTENBERG:

S. 938. A bill to amend the Solid Waste Disposal Act to enhance recycling opportunities, and for other purposes; to the Committee on Environment and Public Works.

RECYCLING ENHANCEMENT ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing the Recycling Enhancement Act. This bill, which incorporates ideas I introduced in the last Congress, contains a number of initiatives to enhance recycling opportunities in the United States.

Mr. President, the Congress has established source reduction followed by recycling as the highest priorities for waste management. Recycling reduces the amount of waste which must be disposed of, conserves natural resources and saves energy. Recycling has increased from 14.5 million tons or less than 10 percent of the garbage generated in 1980 to over 33.4 million tons or over 17 percent of the garbage generated in 1990. I am particularly proud that my State of New Jersey has increased its solid waste recycling rate in 1992 to 55 percent and its municipal garbage rate to 36 percent.

But if recycling is to achieve its full potential, we must address a number of problems. First, we must ensure that adequate markets are available for recycled goods. It is clear that communities will expand their recycling programs if markets exist for materials which could be collected. Markets need to be expanded for plastics and mixed paper. I will be working with Senator BAUCUS to develop proposals to ensure that adequate markets exist for used materials.

We also must use the procurement capability of the Federal Government to demonstrate leadership in recycling and to increase markets for collected materials. President Clinton's recent Earth Day announcement that he will sign an Executive order committing each Federal agency to increase its purchase of recycled products is an excellent example of the role the Federal Government can play in furthering markets for recycled materials. The Congress' decision to print the CONGRESSIONAL RECORD on recycled paper manufactured by Garden State Paper in New Jersey also shows the role the Government can and should play to further markets for recycled materials.

We also need to develop programs for wastes like lead acid and dry cell batteries, tires, cars, and appliances, also known as white goods, which present special problems.

My bill contains a number of programs to enhance recycling efforts. It will address problems in recycling white goods, automobiles, and plastics and in collecting materials for recycling from multistory buildings.

I. AUTOMOBILES AND APPLIANCES

Mr. President, the first provision in the Recycling Enhancement Act would establish a process to remove obstacles to the recycling of automobiles and appliances. Congressman TORRICELLI and I introduced provisions relating to automobile recycling in 1991.

Mr. President, three growing problems threaten our ability to recycle automobiles. Unless addressed, these problems will worsen our garbage disposal problems.

Discarded automobiles currently are recycled at a very high rate. Over 9 million automobiles were recycled in 1990. Auto hulks are fed into shredders which reduce the hulk into fist sized pieces of metal. This metal is recycled. The plastic, rubber, fabric, glass, and dirt in a car comes out as processing waste or fluff. Land disposal is the only present option for dealing with the fluff.

Right now, none of the nonmetallic material used in automobiles are being recycled. The amount of fluff from cars is growing because the amount of plastics used in cars is growing and plastic recycling has not addressed the different plastics resins mixed in the fluff.

If the nonrecoverable percentage of an automobile increases significantly, the recycling industry may be faced with disposal costs for fluff which are greater than the value of the recyclable fraction of the automobile.

Many Western European countries have proposed or pending regulations that effect the life cycle of automobiles. As a result, European auto manufacturers are the current world leaders in car recycling. We need to tap into the European auto recycling efforts.

A second problem facing automobile recyclers is the use of air bags containing sodium azide. Sodium azide is an explosive chemical and a poison and has been associated with threats to human health. Unexploded air bags cannot be detected in normal recycling operations.

The explosion of an undetonated air bag in equipment used to process and recycle automobile metal could cause serious injury to employees, damage equipment, and expose employees and others to sodium azide.

Finally, toxic materials may be used in building an automobile which can hamper recycling efforts and threaten human health. For example, cadmium is used widely to coat certain bolts in automobiles or as a coloring medium. Cadmium is included on numerous Federal lists of toxic chemicals which threaten human health and the environment including EPA's list of 17 chemicals which it has targeted for reductions.

According to EPA, in 1990 appliances made up 2 percent of the solid waste stream. The recycling rate for appliances jumped from 7 percent in 1985 to 34 percent in 1990. This shows the potential for recycling white goods. But concerns regarding the use of plastics and toxics which inhibit recycling of automobiles also affect appliances.

My bill would require EPA to report to Congress on obstacles to auto and appliance recycling, methods to incorporate recyclability into the planning of new cars and appliances, amounts and types of toxic and nonrecyclable materials now used in cars and appliances, and methods for engineering new plastics which would be more easily recyclable.

The bill also requires EPA to study the use of economic incentives to promote recycling of appliances and publish guidance for using economic incentives to recycle appliances based on the results of the study.

The provisions regarding automobile recycling are supported by the Institute of Scrap Recycling Industries, which is the recycling industry's trade association. The institute sees these provisions as a model for working with other industries to design their products for recyclability. The provisions regarding appliances recycling are supported by the Association of Home Appliance Manufacturers.

II. MULTISTORY BUILDING RECYCLING

Mr. President, the Recycling Enhancement Act also incorporates the provisions of the Recycling Building Code Act of 1991. These provisions would require the Environmental Protection Agency to develop model construction standards providing suitable space for the separation, collection, and temporary storage of recycled materials in new multiunit and multifamily office and residential buildings.

While many communities are beginning recycling programs, most local building codes do not currently make provisions for recycling systems in multiunit and multifamily buildings.

Every multiunit or multifamily building constructed today is expected to last well into the 21st century. Most of these buildings will have internal waste management systems that address the needs and priorities of the 1950's. They have designs that made sense when their purpose was to remove garbage from a building as efficiently as possible. However, these designs, with their undersized garbage rooms and their single-chute garbage disposal systems, become serious impediments to the implementation of high-rise source separation and multimaterial recycling programs. By continuing to design and build outdated waste disposal systems in these buildings, developers are creating a lasting barrier to the widespread implementation of recycling programs.

Recycling programs have enormous potential in multiunit and multifamily buildings. Because these buildings generate a large volume of resolvable material in a small amount of space, it is possible to recycle in an efficient and profitable manner. In urban areas, materials, such as paper, accumulate quickly in large office buildings and apartment complexes. Collection can be far more efficient than in geographically extended curbside collection.

Unfortunately, unique obstacles confront recycling in office and residential multiunit buildings when recycling systems are not considered in the initial building design. Because the collection of recycling materials requires more space than does normal trash collection, many efforts to implement recycling programs are hindered by a lack of adequate space. Lack of collection space in these buildings can make it impossible to recycle bulk recyclables, can limit the types of materials that can be collected, and can make large-scale programs unprofitable.

Without some basic building design characteristics, recycling in multiunit and multifamily buildings may prove unworkable. Multiunit buildings must have adequate space for the storage and handling of recyclable materials which is in proximity to a loading dock or trash area that is easily accessed by a scrap dealer. Sprinklers must be installed near paper storage areas to reduce fire threats. In multiple story buildings recyclables must somehow get from the top to the bottom. Building such as rest homes or apartment complexes, with their characteristic long narrow hallways, must have space for collection containers that do not interfere with fire exits or fire regulations.

That is why these provisions are so important. They begin the process of planning ahead. They will require the EPA to develop model construction standards with the assistance of organizations involved in establishing national building construction standards. The EPA will then work to ensure that authorities which regulate building construction within States and localities adopt the Agency's model standards.

The Recycling Building Code Act was endorsed by the National Recycling Coalition, which represents organizations implementing recycling programs throughout the Nation.

The coalition's support is not surprising. State and local governments are recognizing the problem of recycling in buildings. Santa Monica, Minnesota, and Wisconsin have already changed their building costs for multitenant residences and offices for this reason. The Santa Monica ordinance requires an onsite recycling space standard for all new residential and commercial buildings. Residential buildings of over 10 units are required to have 100 sq. ft. for the first 10 units and 5 sq. ft. for each additional unit while commercial buildings over 10,000 sq. ft. are required to have 100 sq. ft. The State of Minnesota has recently amended the State building code to require suitable space for the separation, collection, and temporary storage of recyclable materials within new or significantly modeled buildings, and has a task force that is presently developing standards for this suitable space requirement.

Mr. President, if we want to make strides toward mitigating our present solid waste disposal problems, we must plan ahead. Buildings built today with outdated waste disposal systems will impede our progress in recycling tomorrow. This legislation will help ensure that we construct buildings with recycling in mind.

III. PLASTICS

Plastics are a rapidly growing segment of our garbage problem. In 1988, plastics made up almost 10 percent of the garbage which is discarded, up from 0.5 percent in 1960. But by 1990, the United States recycled only a small portion of this plastic, 0.37 million tons or roughly 2 percent of the plastic waste generated. Plastic soft drink bottles are the only plastic product which is recycled in any significant amount. The plastics industry has established a goal of recycling 25 percent of the plastic bottles and containers entering the solid waste stream by 1995.

EPA expects plastics entering the waste stream will increase from 16 million tons in 1990 to almost 25 million tons by 2000.

If we are going to increase recycling of plastics, we will need additional research to address the technical and economic problems in collecting, sorting, reclaiming, and marketing recycled plastics.

The most important problem revolves around the mixing of different types of plastics. Some use of plastics includes different resins. Mixed plastics can be processed only into relatively low-value items. Even those products which use one type of resin must be separated from products made with other types of resin.

Much of the existing research on plastics recycling is being conducted by the Center for Plastics Recycling Research at Rutgers University. This facility, which has been designated as a national University/Industry Cooperative Research Program by the National Science Foundation, is developing ways to recycle plastics at the highest level of economic value and with the greatest environmental benefits. The center developed an automated system for sorting virtually any plastic resin in the solid waste stream. It is essential that we foster these research efforts if we are going to increase our recycling of plastics and reduce the amount of garbage which must be disposed.

My bill would require EPA to designate three universities as plastics research recycling centers to conduct research. These centers would conduct research on promoting increased recycling of plastic products and materials which are not currently recycled in significant amounts, developing improved methods for collecting, sorting, and reclaiming plastics, and new commercial applications for recycled plastic products and ways to expand commercial markets for recycled plastic products. The centers would be chosen based on a competition. And EPA funding would have to be matched by the universities and any corporate sponsors. Congressman TORRICELLI and I introduced this provision in 1991.

My bill also establishes plastic codes for plastic containers and lawn and leaf bags. These codes generally parallel the established voluntary coding system currently used by the plastics industry. And it requires EPA to establish codes for resins for which a code is not established based on standards established by the American Society for Testing and Materials and for plastic products. These codes will identify different types of plastic resins. Plastic coding eases sorting of plastics into different resins. This sorting enhances product quality makes the plastic resins more valuable.

Mr. President, the programs contained in the Recycling Enhancement Act will be important components of our Nation's recycling efforts. I hope my colleagues will support this legislation. And I ask unanimous consent that a copy of the bill be included in the CONGRESSIONAL RECORD.

The being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recycling Enhancement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the use of recycled materials in manufacturing can result in significant energy resource savings when compared to the use of virgin materials; and

(2) recycling can significantly reduce the quantity of waste that must be disposed of.

SEC. 3. NATIONAL RECYCLING OPPORTUNITIES.

Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following new heading:

"Subtitle F—Recycling and Federal Responsibilities";

and

(2) by inserting after section 6004 the following new sections:

"SEC. 6005. WHITE GOODS AND AUTOMOBILE RECYCLING.

"(a) STUDY REQUIREMENT.—The Administrator, in consultation with the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, and interested and affected members of the public, shall conduct a study of the opportunities for recycling white goods and automobile components in the United States and the steps needed to increase the recycling.

"(b) MATTERS TO BE STUDIED.—In carrying out the study, the Administrator shall—

"(1) identify the quantities of white goods and automobiles collected for recycling and the percentage of the collected quantities that is recycled; and

"(2) consider, at a minimum—

"(A) the major obstacles to increased recycling of white goods and automobile components and how the obstacles can be overcome;

"(B) methods of incorporating recyclability into the planning, design, and manufacturing of white goods and new automobiles;

"(C) the use of toxic and nonrecyclable materials in white goods and automobiles and possible substitutes for the materials;

"(D) the feasibility of establishing design guidelines for white goods and automobiles that would result in a gradual phase-out of hazardous and nonrecyclable materials used in white goods and automobiles;

"(E) methods of engineering new and more easily recyclable plastics for use in white goods and automobiles;

"(F) any environmental impact from the recycling of white goods and automobile components;

"(G) reasonably available economic or market incentives to promote, as appropriate, recycling or environmentally sound alternatives for minimizing the landfilling of white goods, taking into account—

"(i) population densities;

"(ii) local markets;

"(iii) transportation distances and costs; and

"(iv) such other factors as the Administrator determines are relevant and appropriate.

"(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study required by subsection (a). The report shall contain a discussion of each matter described in subsection (b), and the findings and recommendations of the Administrator.

"(d) GUIDELINES FOR WHITE GOODS RECYCLING.—Not later than 1 year after the submission to Congress of the report required under subsection (c), and after consultation with other interested Federal agencies, appropriate State and local officials, and interested and affected members of the public, the Administrator shall promulgate guidelines identifying appropriate economic and regulatory incentives to encourage recycling and other environmentally sound alternatives for minimizing the landfilling of white goods. In preparing the guidelines, the Administrator shall consider, at a minimum—

"(1) deposits;

"(2) disposal fees and rebates;

"(3) loans and loan guarantees;

"(4) tax incentives; and

"(5) regulatory restrictions on disposal in landfills.

"(e) DEFINITION OF WHITE GOODS.—As used in this section, the term 'white goods' means major appliances such as refrigerators, washing machines, water heaters, stoves, clothes dryers, and air conditioners.

"SEC. 6006. RECYCLING BUILDING CODES.

"(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Housing and Urban Development, shall develop model construction guidelines that provide suitable space for the separation, collection, and temporary storage of material for recycling in new multifamily or multiunit building construction and major renovation of multifamily and multiunit buildings.

"(b) GUIDELINES.—The model construction guidelines shall be consistent with the safety, health, and well-being of building occupants and shall provide for recycling as an integral component of the waste management systems of the building.

"(c) ASSISTANCE OF ORGANIZATIONS.—To the maximum extent possible, the model construction guidelines shall be developed with the assistance of—

"(1) organizations involved in establishing national building construction standards; and

"(2) authorities of State governments or political subdivisions of State governments that regulate building construction.

"(d) REVIEW OF GUIDELINES.—

"(1) DRAFT GUIDELINES.—The Administrator shall make a draft of the model construction guidelines available for public review and comment.

"(2) FINAL GUIDELINES.—The Administrator shall make the final model construction guidelines available to the public not later than 2 years after the date of enactment of this section.

"(e) OUTREACH.—

"(1) IN GENERAL.—The Administrator shall conduct outreach activities to encourage the organizations and authorities described in paragraphs (1) and (2) of subsection (c) to adopt the final model construction guidelines.

"(2) ADDITIONAL OUTREACH ACTIVITIES.—The Administrator shall conduct additional outreach activities to disseminate information regarding recycling building programs of States and political subdivisions of States (in existence at the time of the outreach activities) and the implementation of the final model construction guidelines.

"SEC. 6007. NATIONAL CENTERS FOR PLASTICS RECYCLING.

"(a) ESTABLISHMENT OF CENTERS.—The Administrator shall establish 3 National Plastics Recycling Research and Development Centers (referred to in this section as 'Centers') at institutions of higher education.

"(b) TOPICS OF RESEARCH.—The research activities conducted by the Centers shall include research concerning—

"(1) methods of promoting the increased recycling of plastic products and materials present in large quantities in the solid waste stream that are not currently recycled in significant quantities;

"(2) the development of improved methods for collecting, sorting, and reclaiming plastics; and

"(3) new commercial applications for recycled plastic products and methods of expanding commercial markets for recycled plastic products.

"(c) GRANTS.—

"(1) IN GENERAL.—The Administrator shall make a grant to each Center.

"(2) AMOUNT.—The amount of the grant shall be equal to 50 percent of the cost to the Center of carrying out the research activities described in subsection (b).

"(3) MATCHING FUNDS.—The grant shall be made on the condition that the institution match the amount of the grant with funds provided from non-Federal sources (including funds provided by the State in which the Center is located, the institution of higher education associated with the Center, and the private sector).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section, $5,000,000 for each of the fiscal years 1993 through 1996.

"SEC. 6008. PLASTICS RECYCLING CODES.

"(a) Definitions.—As used in this section:

"(1) ASTM.—The term 'ASTM' means the American Society for Testing and Materials.

"(2) ISO.—The term 'ISO' means the International Standards Organization.

"(3) Plastic container.—

"(A) In general.—Except as provided in subparagraph (B), the term 'plastic container' means—

"(i) a rigid or semirigid vessel, including bottles, made of plastic with a capacity of 8 fluid ounces or more and less than 5 gallons, designed to hold a commodity; and

"(ii) a flexible garden or leaf bag made of plastic.

"(B) Exclusions.—The term shall not apply to—

"(i) a vessel manufactured for use in a medical or laboratory process or procedure; or

"(ii) a container used in a motor vehicle.

"(4) Plastic product.—The term 'plastic product' means an article, other than a plastic container, made of plastic and weighing more than 0.1 kilogram. The term shall not include a lead-acid battery regulated under part V.

"(5) Plastic.—The term 'plastic' means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, that is solid in its finished state, and that at some stage in the manufacture or processing into finished articles can be shaped by flow.

"(6) SAE.—The term 'SAE' means the Society of Automotive Engineers.

"(b) Coding Requirements for Plastic Containers.—

"(1) Identification of plastic resin.—Effective beginning on the date that is 1 year after the date of enactment of this section, a plastic container manufactured in or imported into the United States shall be encoded on or near the bottom of the container to identify the principal plastic resin used in the manufacture of the container in accordance with paragraph (2) or (3).

"(2) Particular resins.—In the case of a resin identified in subparagraph (B), the code required under paragraph (1) shall consist of all of the following:

"(A) A symbol that is triangular in shape.

"(B) A specific number within the symbol and a series of letters immediately below the base of the symbol identifying the principal type of plastic resin from which the container was produced in accordance with the following schedule:

"(i) The number '1' and the letters 'PETE' for polyethylene terephthalate.

"(ii) The number '2' and the letters 'HDPE' for high density polyethylene.

"(iii) The number '3' and the letter 'V' for vinyl.

"(iv) The number '4' and the letters 'LDPE' for low density polyethylene.

"(v) The number '5' and the letters 'PP' for polypropylene.

"(vi) The number '6' and the letters 'PS' for polystyrene.

"(vii) The number '7' and the letters 'PC' for polycarbonate.

"(3) Other resins.—In the case of a resin or multiple resins that are not identified under paragraph (2)(B), including a resin that is added or revised by the Administrator under paragraph (4), the code required under paragraph (1) shall consist of all of the following:

"(A) A symbol that is triangular in shape.

"(B) Immediately below the base of the symbol, the letter or letters identifying the principal type of plastic resin from which the container was produced as provided in Table 1 or 2 of the American Society for Testing and Materials' Standards for Generic Marking of Plastic Products, ASTM D1972.

"(4) Revisions.—

"(A) In general.—The Administrator, after consultation with standard setting organizations such as the ASTM, may, by rule, from time to time, add to or otherwise revise the designation of a resin referred to in paragraph (2)(B).

"(B) Requirements.—Any such revision shall, as appropriate—

"(i) require any additional information that the Administrator considers appropriate to facilitate recycling of plastic resins;

"(ii) prohibit the use of any single resin code established under paragraph (2)(B) or designated under paragraph (4)(A) on any plastic container, if any nonprincipal resin used in the manufacture of the container is incompatible with its recycling based on the single resin code for the principal resin;

"(iii) adopt consensus codes developed under the auspices of ASTM, or, as appropriate, similarly recognized standards organizations, except in any case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection; and

"(iv) adopt codes that, to the maximum extent practicable, promote an internationally uniform and compatible system of plastic container coding.

"(5) Petitions.—

"(A) In general.—Any person may petition the Administrator to revise regulations issued under this subsection either to—

"(i) add to or otherwise revise the designation of a resin referred to in paragraph (2)(B), including a resin added or revised by the Administrator under paragraph (4); or

"(ii) adopt internationally accepted consensus coding requirements.

"(B) Explanation.—The Administrator shall, not later than 90 days after receiving a petition under this paragraph, publish an explanation of the proposed response of the Administrator to the petition.

"(6) Savings clause.—Nothing in this subsection should be construed—

"(A) to require coding or to prohibit the sale of any noncoded plastic container manufactured or imported and placed in commerce, or held as inventory prior to the effective date provided in paragraph (1); or

"(B) to preclude any manufacturer of a plastic container from including additional information on the container relevant to the identification of resins or additives used in the manufacture of the container if the information is not inconsistent with the requirements of this subsection.

"(c) Coding Requirements for Plastic Products.—

"(1) Regulations.—

"(A) Proposed regulations.—Not later than the end of the 9-month period beginning on the date of enactment of this section, and after consulting with the ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations, the Administrator shall propose regulations requiring manufacturers of plastic products manufactured or offered for sale in the United States to encode the products to identify the principal plastic resins used in their manufacture.

"(B) Final regulations.—Final regulations requiring the encoding shall be promulgated, after notice and opportunity for public comment, not later than 18 months after such date of enactment.

"(C) Effective date.—The effective date for the requirement to encode plastic products shall be 4 years after the date final regulations under this paragraph are promulgated, except that the Administrator may encourage earlier compliance where practical and without a cost penalty to the manufacturers.

"(2) Limitations.—Regulations required under paragraph (1) shall adopt codes—

"(A) that have been developed under the auspices of the ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations, except in any case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection; and

"(B) that, to the maximum extent practicable, promote an internationally uniform and compatible system of plastic product coding.

"(3) Applicability.—The regulations required under paragraph (1) shall not apply to a manufacturer with respect to a plastic product produced in a quantity of less than 1,000 per year by the manufacturer and that has an expected useful life of 15 years or more.

"(4) Revisions.—

"(A) In general.—The Administrator shall revise regulations issued under this subsection, as necessary and on a timely basis, to keep domestic plastic product recycling codes consistent, to the maximum extent practicable, with internationally accepted consensus coding requirements.

"(B) Standards organizations.—The revisions shall be made after consultation with the Secretary of Commerce, ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations and shall adopt codes developed under the auspices of the organizations, except in a case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection.

"(C) Petitions.—

"(i) In general.—Any person may petition the Administrator to revise regulations established under this subsection to adopt internationally accepted industry consensus coding requirements.

"(ii) Response.—Not later than 90 days after receiving any such petition, the Administrator shall publish an explanation of the proposed response of the Administrator to the petition.

"(5) Savings clause.—Nothing in this subsection shall be interpreted to—

"(A) require coding of standing inventory manufactured prior to the effective date of the regulations, or parts or replacement parts made after the effective date of the regulations, if the parts or replacement parts are made (i) with tooling, and (ii) for products, both of which were manufactured prior to the effective date of the regulations; or

"(B) preclude any manufacturer of plastic products from including additional information on the products relevant to the identification of resins or additives used in their manufacture, if the information is not inconsistent with the requirements of this subsection.

"(d) Uniformity.—No State or political subdivision of a State may enforce any requirement of a State or local law applicable to the coding of any plastic container or plastic product unless the requirement is identical to the provisions of this section and regulations issued under this section.

"(e) Violations.—A violation of this section or a regulation issued under this section shall be determined on a per run basis, not on a per unit basis.".

SEC. 4. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended—

(1) by striking the item relating to the heading of subtitle F and inserting the following new heading:

"Subtitle F—Recycling and Federal Responsibilities";

and

(2) by inserting after the item relating to section 6004 the following new items:

"Sec. 6005. White goods and automobile recycling.
"Sec. 6006. Recycling building codes.
"Sec. 6007. National centers for plastics recycling.
"Sec. 6008. Plastics recycling codes.".●

By Mr. SPECTER:

S.J. Res. 91. A joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

DOMESTIC VIOLENCE AWARENESS MONTH

● Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate October 1993 and 1994 as National Domestic Violence Awareness Month. This resolution is the successor of four Senate joint resolutions which I introduced in the 100th, 101st, and 102d Congresses making National Domestic Violence Awareness Month public law in 1989, 1990, and 1991.

I have long been a supporter of legislation to address violence against women. As ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, funding for family violence prevention programs has increased from $8.3 million in fiscal year 1990 to $24.7 million in fiscal year 1993. It is crucial that programs which assist in the prevention of family violence and provide shelter and related assistance for victims of family violence continue to receive our support. That is why I am again introducing National Domestic Violence Awareness Month to continue the focus of attention on controlling domestic violence.

According to the U.S. Department of Justice, 93 percent of the victims of violent crimes from 1982 to 1984 where the offender is a relative were females. In 1984, U.S. Surgeon General C. Everett Koop reported that domestic violence is the single largest cause of injury to women in the United States.

Domestic violence affects urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. Therefore, it is fitting that we force attention on the growing national tragedy of domestic violence, and demonstrate our support for those individuals and organizations working to address it.

The incidence of domestic violence nationwide is staggering. According to the National Coalition Against Domestic Violence, over 50 percent of all married women experience some form of physical abuse in their relationships. However, the violence does not end there. A 1984 independent study by Ms. Lenore Walker, author of "The Battered Women Syndrome," found that 53 percent of abusive husbands beat their children as well as their wives, and that this violence is frequently repeated. During 1992, the National Coalition members provided shelter to more that 450,000 women and children from their unsafe homes. More disconcerting, however, is that across America approximately 70 percent of women and children seeking shelter in 1991 were turned away due to a lack of space.

In my own State of Pennsylvania, the incidence of domestic violence is especially acute. In fiscal year 1991–92, hotlines throughout the Commonwealth handled 157,428 abuse-related calls. The Pennsylvania Coalition Against Domestic Violence, headquartered in Harrisburg, PA, operates 47 shelters, 7 counseling centers and safehomes, and 61 hotlines throughout the Commonwealth. The Pennsylvania Coalition reports that in fiscal year 1991–92, these facilities provided services to 88,269 persons. The coalition members also provided 510,380 hours of counseling to victims and their children, and 166,170 shelter days to battered individuals.

Statistics show that there is a growing need for such facilities. The Pennsylvania Coalition reported a 12-percent increase in the number of shelter recipients in 1991. The total number of victims seeking aid is expected to continue to increase.

Unfortunately, despite these extensive efforts, existing shelters are as yet unable to meet the needs of all the victims. The Pennsylvania Coalition reported that in 1990, shelters were forced to turn away 11,339 women and children. According to national statistics provided by the National Coalition Against Domestic Violence, for every woman sheltered, three women in need of shelter must be turned away due to lack of space.

I long have been concerned about the devastating effects of domestic violence on American families. As a former district attorney of Philadelphia, I have witnessed first hand the tragic consequences of domestic abuse cases. Accordingly, I commend the efforts of the Pennsylvania Coalition against Domestic Violence, the National Coalition against Domestic Violence, the National Network for Victims of Sexual Assault, the Pennsylvania Junior League, and similar organizations that take such an active role in combating domestic abuse.

I urge my colleagues to join me in supporting this resolution to designate October 1993 and October 1994 as "National Domestic Violence Awareness Month" to focus attention on the pressing needs of domestic violence victims.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 91

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;

Whereas rural and urban women of all racial, social, religious, ethnic, and economic groups of all ages, physical abilities and lifestyles are affected by domestic violence;

Whereas increasing evidence indicates that there are large numbers of immigrant women trapped in violent homes, isolated by abusive spouses who use the threat of deportation to maintain power and control over them;

Whereas violence escalates in both frequency and severity over time, becoming greatest at and after separation, when women are 75 percent more likely to be killed;

Whereas 40 percent of female homicide victims in 1991 were killed by their husbands or boyfriends;

Whereas in 1991, at least 21,000 domestic crimes against women were reported to the police each week;

Whereas one-fifth of all reported aggravated assaults—assaults where the victims suffered serious bodily injury—occur in domestic violence situations;

Whereas 74 percent of employed battered women are harassed by their abusive partners at work, causing 54 percent to miss at least three full days of work a month and 20 percent to lose their jobs;

Whereas 35 percent of medical emergency visits by women are the result of domestic violence, and 25–45 percent of all battered women are battered during pregnancy;

Whereas one-third of the domestic violence incidents involve felonies such as rape, robbery, and aggravated assault;

Whereas in 50 percent of families where the wife is being abused, the children of that family are also being abused;

Whereas some individuals in our law enforcement, medical, religious, mental health, and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1991 over 450,000 women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes;

Whereas 40 percent of women in need of shelter may be turned away due to lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the months October 1993 and October 1994 is designated as "National Domestic Violence Awareness Month." The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month"; to the Committee on the Judiciary.

NATIONAL DOWN SYNDROME AWARENESS MONTH

● Mr. MOYNIHAN. Mr. President, I rise today to introduce along with my colleague, Senator D'AMATO, a joint resolution to recognize the months of October 1993 and 1994 as National Down Syndrome Awareness Month.

Approximately 5,000 children are born each year with Down syndrome in the United States. While research and improving health care offer a brighter outlook for people with Down syndrome, we can significantly improve the lives of individuals with Down syndrome by increasing our awareness of their needs and capabilities. Many people with Down syndrome have demonstrated success in regular schools, businesses, and recreational teams. Their efforts must not go unnoticed and should be encouraged.

The National Down Syndrome Society, teachers, parent groups, and physicians are all making significant efforts to prepare those with Down syndrome for more independent living and are encouraging their further participation in mainstream activities. Television now offers programs with actors with Down syndrome and viewers can appreciate how Down syndrome affects families and individuals. We should continue to become more acquainted with their needs and abilities.

This resolution will do much to raise attention to Down syndrome. I encourage you to contribute to this effort by joining as a cosponsor. Those who have Down syndrome, their families, friends, and employers will appreciate your support.

Mr. President, I submit the following joint resolution and ask that the full text be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 92

Whereas advancements in education, research, and public awareness are continuing to improve the quality of life for people with Down syndrome;

Whereas approximately 5,000 children are born with Down syndrome annually in the United States;

Whereas as ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, parent groups, and the National Down Syndrome Society, programs are being established to educate the parents of individuals with Down syndrome, to include people with Down syndrome in all school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and by offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas advancements in research are improving health care and offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many people with Down syndrome who attend regular schools, play on Little League teams, work in corporations and businesses both large and small, and volunteer in the community demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are each designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue proclamations calling upon the people of the United States to observe these months with the appropriate ceremonies and activities.●

By Mr. SPECTER:

S.J. Res. 93. A joint resolution calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court; to the Committee on Foreign Relations.

INTERNATIONAL CRIMINAL COURT JOINT RESOLUTION

Mr. SPECTER. Mr. President, I am today introducing a resolution to promote the establishment of a permanent international criminal court with jurisdiction to try individuals alleged to have violated international law or to have committed crimes of an international character. This is a subject which this Senator has worked on, going back to 1986, in the context of terrorism and international drug dealing.

The question is now on center stage, with consideration for an international criminal court to try war criminals who have committed atrocious acts as the nation of Yugoslavia has disintegrated.

We saw, for some substantial period of time, nations unwilling to take action against terrorists or to extradite those terrorists to the United States where we would have jurisdiction. We saw, in the 1984 omnibus crime bill, the assertion of Federal jurisdiction on international hijacking and hostage-taking of Americans. Then, in the 1986 Terrorist Prosecution Act, which this Senator introduced and which was passed, we took a stand to protect American citizens, like those who were assassinated, murdered in cold blood at the Vienna and Rome airports in December 1985.

We had a serious situation with Abu Abbas, who was on an Egyptian airliner leaving Egypt, forced down over Italian soil by United States fighter pilots. In a standoff, the United States did not acquire custody. Abu Abbas was indicted in absentia in Italy—he was not present—and received a 30-year sentence, meaningless because he was not present. At that time, Mr. President, had there been an international criminal court to try terrorists, I think we would have succeeded in pursuing Abu Abbas and others like him.

We did gain jurisdiction over Fawaz Yunis, on a maneuver in the Mediterranean, off Cyprus. He is now serving a sentence in a Federal penitentiary, not long enough for the satisfaction of this Senator, but he is serving a sentence.

We made efforts on the international criminal court after the international drug problem became very acute. We had the situation, in Honduras, where the United States Embassy was stoned. Here, again, in our dealings with Colombia, I think, had we had an international criminal court, we could have gained jurisdiction over some international criminals where there was an unwillingness to extradite to the United States.

The issue has come to a head in Bosnia and Herzegovina, the former Yugoslav nation, where we have had atrocious acts, and the matter is now before the United Nations.

This resolution calls upon the President and our Ambassador to the United Nations to move ahead, to push the formation of an international criminal court.

There is a group of international parliamentarians, whom this Senator has worked with and others have worked with on the House side, working on this important measure. I think it would be an enormous step forward. It would, in effect, institutionalize the kind of criminal court we had in Nuremberg, but do it in a systematic way. There is nothing like the rule of law, and there is nothing like the rule of international law on areas where there is agreement that certain conduct constitutes international crimes. We need an international court to try those crimes.

As the United Nations and the International Law Commission work to draft a code for an international criminal court, this resolution calls upon President Clinton and Ambassador Albright to support these efforts and to provide any assistance necessary to these bodies to expedite the establishment of such a court.

I have been seeking to encourage the establishment of an international criminal court since 1986, but the concept for such an institution goes back to 1945. In the wake of the heinous crimes committed by Germany and Japan during World War II, the allied powers established international military tribunals to try individuals accused of war crimes. The success of these tribunals in hearing the evidence and rendering judgment in accordance with principles of due process showed that international tribunals to try crimes committed in violation of a developing body of international law could be successful. Since 1945, the United Nations has sought to create an international criminal court.

My initial involvement with the issue stemmed from the increase in terrorism directed against Americans and the rise of international drug trafficking during the 1980's. I observed that many nations were unwilling or unable to extradite terrorists and drug traffickers to the United States to stand trial here for transnational crimes committed against Americans. Many of these nations face domestic political problems in extraditing someone to this country. Extradition can be perceived as a violation of a nation's sovereignty. In some cases, especially terrorist attacks, the people of a foreign nation in which the alleged criminal is located may be strongly supportive of the criminal act committed against an American, making it politically impossible to secure his extradition. In other cases, we may not even have an extradition treaty with the host country.

As a result of these difficulties in bringing terrorists and drug traffickers to justice in the United States, I began to search for an alternative mechanism to allow the rule of law to be enforced in a manner consistent with principles of due process.

I cannot overstate the importance to the international community of the need for adherence to principles of international law. The concept of a binding international law is an old one. It has roots in ancient and medieval legal and political doctrines, and was given a comprehensive theoretical treatment by the great jurist Hugo Grotius. Since then, the fortunes of international law have waxed and waned, but a critical step was taken with the success of the international military tribunals established after World War II.

Many examples of permanent international tribunals have been established in recent years. Among these courts are the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the European Community, the East African Common Market Tribunal, and the Court of Justice of the Andean Union. Other permanent international courts dealing with specialized subjects also have been established, especially in Western Europe.

Against this background, I offered an amendment to the Omnibus Diplomatic Security and Antiterrorism Act of 1986 expressing the sense of the Congress that the President consider the possibility of establishing an international court to prosecute terrorists. My amendment was adopted and subsequently enacted.

During consideration of the Anti-Drug Abuse Act of 1988, I offered an amendment expressing the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international court to try international drug trafficking cases and other criminal cases of an international nature. This amendment was also adopted and signed into law.

In 1989, after my two amendments had been enacted, the U.N. General Assembly adopted a resolution calling on the International Law Commission, a body of jurists affiliated with the United Nations, to study the feasibility of establishing an international criminal court. The draft report of the International Law Commission, issued in July 1990, expressed the Commission's agreement in principle with the establishment of an international criminal court.

In the 101st Congress, I offered yet another amendment to the foreign operations appropriations bill calling on the President and the Judicial Conference of the United States to study and report to the Congress on the feasibility of establishing an international criminal court and on U.S. participation in such a venture. This amendment was also adopted and subsequently enacted into law.

As the 101st Congress drew to a close, we were all transfixed by events in the Persian Gulf after Saddam Hussein marched his army into Kuwait. The military invasion of Kuwait was an act of unwarranted aggression in violation of international law. Subsequent acts by the Iraqi military in Kuwait can also be categorized as blatant war crimes and other crimes in violation of international law. Among these were the horrible environmental terrorism committed by Iraq by setting Kuwaiti oil fields aflame and by spilling millions of gallons of oil into the Persian Gulf. In the wake of these actions by Iraq, the Senate passed the Persian Gulf War Criminals Act in 1991, calling on the President to propose to the United Nations the establishment of an international tribunal to prosecute Persian Gulf war criminals. This provision was based on Senate Resolution 71, which I had previously introduced in the 102d Congress. Nothing came of this effort to prosecute Iraqi leaders of war crimes.

Unfortunately, in 1992, the world was once again confronted with the face of war and a campaign of genocide in the former Yugoslavia. It appears as if Serbian forces have been conducting campaigns of ethnic purification, genocide, and organized rape, first in Croatian areas and now in Bosnian Moslem regions. These vile acts recall the barbarism of the Nazis and the genocide of the Khmer Rouge in Cambodia in the 1970's.

In the face of this most recent outrage and the continuation of international terrorism and drug trafficking, efforts to establish an international criminal court have become galvanized. In the summer of 1992, the American Bar Association adopted a resolution calling on the U.S. Government to work to establish an international criminal court. Then, in November 1992, the U.N. General Assembly adopted a resolution calling on the International Law Commission to begin the process of drafting a statute to establish an international criminal court. The U.N. Security Council has most recently established an ad hoc court to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia. I would note that had a permanent international criminal court already existed, the process for investigating and bringing these war criminals to justice would have been greatly expedited. An international criminal court with jurisdiction over war crimes should act as a significant deterrent to those who would contravene the norms of international behavior and the laws of war.

The time has finally arrived for the creation of a permanent international court to try crimes of an international nature committed in violation of international law. Such a court is an institution that has been in the making since 1945. Its establishment has been debated and examined for almost five decades and it is now time to make it a reality. The world needs the court now because nations and individuals continue to be victimized by all manner of international crime, including genocide, military aggression, war crimes, including rape, terrorism, and drug trafficking.

Creation of a permanent international criminal court, established with the sanction of all the nations of the world acting in concert, will finally turn the promise of an international rule of law into a reality for all the peoples of the world. It is time to turn the goal into reality.

This resolution calls upon the President to assist in bringing this goal to fruition. Adoption of this resolution will advance an idea whose time has come and which will work to the benefit of all humankind. I urge my colleagues to support adoption of this resolution.

I ask unanimous consent that a copy of the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 93

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the preservation of international security and peace rests on adherence to the rule of law and principles of justice by the nations and peoples of the world;

(2) international security and peace are threatened by violations of international law by war crimes, genocide, military aggression, terrorism, drug trafficking, and other international crimes;

(3) violations of international law by such international acts have a severely detrimental effect on the United States, putting Americans at risk and costing the nation billions of dollars;

(4) the prosecution of individuals suspected of violating international law is often impeded by domestic political and legal obstacles imposed by the nations involved;

(5) the International Military Tribunals established after World War II to try suspected war criminals demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum by nations acting in concert under international law;

(6) since its establishment in 1945 the United Nations has sought to establish a permanent international criminal court to try crimes committed in violation of international law;

(7) there are many examples of international judicial bodies successfully exercising legal authority over nations that have voluntarily agreed to submit to the jurisdiction of such tribunals;

(8) in 1978 the American Bar Association adopted a resolution urging the Department of State to open negotiations for a convention to establish an international criminal court with jurisdiction over international crimes of hijacking, violence aboard aircraft, crimes against diplomats and internationally protected persons, and murder and kidnapping;

(9) in the 99th Congress, in the Omnibus Diplomatic Security and Antiterrorism Act of 1986, it was expressed as the sense of the Congress that the President should consider the possibility of eventually establishing an international tribunal for prosecuting terrorists;

(10) in the 100th Congress, in the Anti-Drug Abuse Act of 1988, it was expressed as the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international criminal court to expedite cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes;

(11) the United Nations General Assembly adopted Resolution 44/39 on December 4, 1989, calling on the International Law Commission to study the feasibility of an international criminal court;

(12) the draft report of the International Law Commission issued in July 1990 expressed the Commission's agreement in principle with the idea of establishing a permanent international criminal court;

(13) in the 101st Congress, in the Foreign Operations Appropriations Act, Congress required the President and the Judicial Conference of the United States to report to the Congress on the establishment of an international criminal court;

(14) in the 102d Congress, the Senate passed, as part of the Persian Gulf War Criminals Act of 1991, a proposal calling on the President to propose to the United Nations the establishment of an international criminal tribunal to prosecute Persian Gulf War criminals;

(15) in 1992 the American Bar Association adopted a resolution calling on the United States Government to work toward solving the legal and practical issues regarding the establishment of an international criminal court;

(16) the United Nations General Assembly adopted Resolution 47/33 on November 25, 1992, calling on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session;

(17) the United Nations Security Council adopted Resolution 808 on February 22, 1993, establishing a war crimes tribunal to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia; and

(18) the time has come for the United States to advocate the establishment of a permanent international criminal court and to assist in the preparation of a code under which such a court can operate and in the establishment of the court.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should support the efforts of the United Nations and the International Law Commission to establish an international criminal court with jurisdiction over violations of international law and crimes of an international character, including war crimes, acts of terrorism, and drug trafficking, and should provide any assistance necessary to expedite the establishment of such a court.

SEC. 3. REQUIRED REPORT.

Not later than December 1, 1993, the President shall submit to the Congress a detailed report in developments relating to, and United States efforts in support of, the establishment of an international criminal court.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BIDEN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 50

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 106

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 106, a bill to modernize the U.S. Customs Service.

S. 176

At the request of Mr. DOLE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 269

At the request of Mr. BAUCUS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 269, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 466, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 479

At the request of Mr. DODD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 499

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 499, a bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony.

S. 540

At the request of Mr. HEFLIN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 545

At the request of Mr. BOREN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 726

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 726, a bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes.

S. 730

At the request of Mr. DORGAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 730, a bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 784

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 858

At the request of Mr. BOREN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax system, and for other purposes.

S. 880

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 880, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives.

S. 920

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 920, a bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes.

S. 925

At the request of Mr. INOUYE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 925, a bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes.

SENATE JOINT RESOLUTION 84

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. HEFLIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 84, a joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nations arms embargo against Bosnia and Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE CONCURRENT RESOLUTION 25—RELATIVE TO CHINA

Mr. DORGAN (for himself and Mr. BURNS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 25

Whereas China enjoys an overall annual trade surplus of more than $40,000,000,000, while the United States absorbed a $96,000,000,000 trade deficit for 1992;

Whereas China's trade surplus with the United States has exploded in the past 5 years, increasing from $3,500,000,000 in 1988 to $18,200,000,000 in 1992;

Whereas the United States share of China's wheat imports has undergone a downward trend, from 52 percent in 1988 to between 35 and 40 percent in the past 3 years;

Whereas China's actual volume of wheat purchases from the United States has fallen even more rapidly than the United States shares of that market, declining from nearly 300,000,000 bushels in the period 1988 to 1989 to a projected 110,000,000 bushels for this marketing year;

Whereas the Government of China has chosen to increase its purchases of wheat from other exporting nations despite the cash and grain incentives the United States offers to China to make United States wheat competitive in the world market; and

Whereas China's reduction in purchase of United States wheat during a period of rapid growth in China's trade surplus with the United States aggravates the serious trade imbalance between the 2 nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting under his authority in trade matters, should insist that the Government of China purchase a majority of its wheat imports from the United States as an indication that China is concerned about the trade imbalance between the 2 nations and wants to restore a healthy, reciprocal trading partnership.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 11, 1993, at 2:30 p.m. to consider the nominations of Gene Moos, James Gilliland, and Ellen Haas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 11, 1993, at 9:30 a.m., in open session, to receive testimony from current and former members of the military services on the service of gay men and lesbians in the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 11, 1993, to receive testimony from James Hoecker, William Massey, Donald Santa, and Vicky Bailey, Nominees to be members of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, May 11, 1993, at 10 a.m. to hold hearings on Treaty Doc. 103-1, the START II Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 11, beginning at 10 a.m., to conduct a hearing on the President's proposed fiscal year 1994 budget for the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on national service during the session of the Senate on Tuesday, May 11, 1993, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee be authorized to meet for a markup on Tuesday, May 11, at 9:30 a.m. on S. 185, the Hatch Act Reform Amendments of 1993; and S. 587, the Mansfield Fellowship Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, May 11, 1993, at 10 a.m. to conduct a hearing on tools for revitalizing severely distressed public housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 11, 1993, in open session, to receive testimony on Trident submarine and missile programs in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OLDER AMERICANS MONTH

• Mr. SARBANES. Mr. President, since 1963 when President Kennedy began this important tradition, May has been proclaimed "Older Americans Month," a time set aside each year for our Nation to honor senior citizens for their many important contributions.

Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their retirement years look forward to this opportunity to pause and reflect on the contributions of those citizens who played such a major role in shaping the great Nation in which we live today. We honor them for the hard work and countless sacrifices they have made throughout their lifetimes and look forward to their continued contributions to our Nation's welfare.

Senior citizens of today have witnessed more technological changes than any other generation in our Nation's history. The average senior today has lived through a major depression, a world war, and incredible developments in the fields of science, medicine, transportation, and communications. It is imperative that we address the needs of these Americans who have devoted so much of their lives to the betterment of our Nation. I would note, in this regard, the passage last Congress of the reauthorization of the Older Americans Act. As a vigorous and consistent supporter of measures to benefit senior citizens, I am pleased that we were able to reauthorize this critical legislation. First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need into today's dynamic network of community and home-bases services so critical to so many of our Nation's seniors.

The need for such legislation becomes especially apparent during a time set aside to honor older Americans, the most rapidly growing segment of our population. Currently, the older Americans comprise 12.5 percent of the country's population. In my own State of Maryland, over 750,000 individuals are over the age of 60, representing 15.6 percent of Maryland's total population. By the year 2000, that percentage is expected to increase to 16.2 percent, slightly higher than the national average. This demographic transformation poses significant challenges and opportunities and the Older Americans Act provides an excellent framework from which to address these challenges as we move into the next century.

Mr. President, I was pleased that the Secretary of Health and Human Services appeared before the Senate Aging Subcommittee last month to pay tribute to the contributions of older Americans and to reaffirm the President's commitment to the Nation's elderly. I am confident that we now have an administration sensitive to the needs of older Americans and committed to affirming their continued dynamism. We are, of course, very fortunate in Maryland to have Senator BARBARA MIKULSKI serving as the new chair of the Senate Labor and Human Resources Committee's Subcommittee on Aging. As we continue our observance of "Older Americans Month," I look forward to working with Senator MIKULSKI and the rest of my colleagues in affirming the continuing contributions of older Americans to our society and in ensuring that they are able to live independently and with dignity.•

WE THE PEOPLE . . .

• Mr. DURENBERGER. Mr. President, it is with great pride that I again rise to commend an exceptional group of students from Hutchinson Senior High

School in my home State of Minnesota. In what has become a yearly tradition, these students once again proudly represented the people of Minnesota in the 1993 We the People . . . The Citizen and the Constitution competition. Held this past weekend in Washington, DC, this nationwide program judges students on their knowledge and understanding of the Bill of Rights and its relationship to both historical and contemporary issues.

Hutchinson's continued success is the result of constant hard work and immeasurable preparation. These leaders of tomorrow have put in countless hours of sacrifice and dedication in order to achieve a better understanding of the U.S. Constitution and the role it plays in our daily lives.

Mr. President, I congratulate the following individuals on a job well done and along with coaches Mike Carls and Barry Anderson, extend my thanks for allowing us all to benefit from their commitment to education: Cari Jo Larson, Emily Felling, Kari Carlson, Kerry Jensen, Jeremy Carter, Polly Nass, Patti Streeter, Jennifer Hoeft, Beth Haugen, James Meece, Sara Shimanski, Peter Hultgren, Adam Reiter, Justin Mann, and Scott Gesinger.

It has been a distinct pleasure for me to meet with the participants in this program throughout Hutchinson's 6-year reign as Minnesota State champions. This past Monday I was again afforded the opportunity to meet with these outstanding students. During our time together, I was again reminded of the talent and unlimited potential which fill America's schools.•

THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

• Mr. BAUCUS. Mr. President, I rise today to cosponsor a very important bill, S. 636, the Freedom of Access to Clinic Entrances Act of 1993. This legislation will protect women, physicians, and other health personnel by establishing new Federal criminal penalties for individuals who choose to use the threat of force, or physical obstruction, that intentionally injures, intimidates or interferes with any person who is obtaining or providing abortion services. Furthermore, this legislation will protect private health care clinics from arson, vandalism, bomb threats, blockades, and other extremist tactics by allowing the Attorney General and the Federal Bureau of Investigation to bring Federal criminal charges against any person who intentionally damages or attempts to destroy the property of a medical facility simply because the facility provides abortion services.

The acute need for this legislation is all too evident in my home State of Montana where just last month the Blue Mountain Women's Clinic in Missoula burned to the ground at the hands of an arsonist. The Blue Mountain Women's Clinic became the second clinic that had to be closed in Montana due to arson in the last year and one-half. Frankly, this behavior cannot be condoned any longer in this country. If enacted into law, the Freedom of Access to Clinic Entrances Act will not only punish such crimes but it will also help to deter these criminal activities in the future by establishing strict penalties for individuals responsible for such acts. The Blue Mountain Woman's Clinic might still be intact today if we had had in place stronger Federal penalties. This bill deserves broad support from all who are opposed to this kind of senseless violence.

Mr. President, I have a constituent by the name of Dr. Susan Wicklund in Bozeman, MT who has received several life-threatening letters and phone calls over the last few months simply because she assists women who chose to exercise their constitutional right to have an abortion. I was appalled when I learned that the Federal Bureau of Investigation could not protect Dr. Wicklund or bring Federal charges against the perpetrator of these threats because there is no law which specifically gives them the authority to do so. Basically, their hands are tied. I think the time to untie their hands is now. Dr. Wicklund should not have to live in fear simply because she is doing her job and abiding by the law. S. 636 will allow Dr. Wicklund, and many doctors like her across the country, to practice their medical profession without living in fear and continually looking over their shoulder for potential attackers.

As we all know, the spread of violence surrounding the choice issue is on the rise in this country. We need to get a handle on it. We cannot stand by any longer and watch as more doctors are murdered like Dr. Gunn in Florida.

The first amendment to the Constitution guarantees all Americans the right to peaceful assembly. This bill is carefully crafted to ensure that this right is not violated. Peaceful expression of antiabortion views will not be penalized by this legislation. However, as should be the case, violent and intimidating behavior will be punished in a strict, but fair manner.

I ask my colleagues to help deter violence in this country by strongly supporting this important bill.•

A TRIBUTE TO TONY VOLPENTEST

• Mr. GORTON. Mr. President, "If you can dream it, you can do it."

No one knows the true meaning of this statement better than Tony Volpentest. He utters these words when confronted by the inevitable doubt of those who do not know him or the strength of his spirit. You see, Tony Volpentest was born without hands or feet. For 5 years he has pursued his dream of becoming a world class sprinter with long hours of training and a large dose of optimism. Many times people would challenge him, saying "You can't do that." Tony has shown them all that he can.

The bedroom walls in Tony's home in Mountlake Terrace, WA, are covered with plaques and medals he has won at track meets around the world. His greatest achievement occurred at the 1992 Paralympic Games in Barcelona, Spain, where he set world records in the 100- and 200-meter sprints. His times of 11.63 and 23.07 seconds respectively are impressive by any standard.

Tony was recently awarded the title of the "Old Spice Athlete of the Month" and his story was featured in last week's Sports Illustrated. His coach, Julie Rowe, says "he is the most impressive athlete I've coached in 25 years." Those who know Tony are not surprised.

Tony Volpentest's triumphs hold special meaning for me because his grandfather, Sam Volpentest, is a long-time friend. The encouragement and support of the entire Volpentest family played a significant role in fostering Tony's belief in himself. I know that Sam is endlessly proud of his grandson and his family. The Volpentest family has faced adversity and success together. I can think of nothing more honorable.

Tony continues to pursue his dreams. He is now training for a 100-meter exhibition race to be held July 27 at the U.S. Olympic Festival in San Antonio, TX. He also plans to try out in the fall for the track team at the University of Washington, where he will be a junior transfer. I salute Tony for his remarkable athleticism and his outstanding commitment to personal excellence, and I wish him, and his family, the very best.•

WE THE PEOPLE . . .

• Mr. BUMPERS. Mr. President, on May 1–3, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We The People . . . The Citizen and the Constitution Program. It is with pride that I announce that the class from Prairie Grove High School in Prairie Grove, AR, represented Arkansas in this competition.

The competing members of the team representing Arkansas were: Daniel Barker, Kevin Cohea, Stephanie Crawley, Matthew Dalmut, Kristina Elam, Travis Farrell, Lee Green, Bridgette Johnson, Natasha Moore, Mary Kay Row, April Sloan, Susan Vickery, and Janda Wetzel. These young students have expended tremendous effort to reach the national finals by winning district and State competitions.

The group's teacher, Frank Dalmut, has been tireless in his commitment to his students and this program. This is the second time that Prairie Grove has carried the Arkansas banner in this contest.

Lacy Randall and Jeff Myers, district coordinators and State coordinator Judy Butler also deserve much credit for the success of the team.

This is a fine program, providing an opportunity for students to learn about and appreciate, with a more educated eye, the significance of our Constitution and its place in our history and our lives today.

Test results have shown that high school students who participate in this program score better than college freshman and sophomores who have not had the benefit of this program. This is one reason why I'm proud to support the legislation to make this program a permanent one at the Department of Education.

I take great pride in these students and I wish them well in future endeavors.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 7, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated May 6, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 7, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 4, 1993, there has been no action that affects the current level or budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Directors.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, AS OF MAY 7, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level resolution
ON-BUDGET			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,147.4	−313.8
OFF-BUDGET			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 7, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level[1]	1,247,892	1,241,794	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under Section 9 of the Concurrent Resolution on the Budget.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.●

TRIBUTE TO PHIL PHILLIPS

● Mr. BUMPERS. Mr. President, I rise to pay tribute to Arkansas' small business person of the year, Phil Phillips, Jr.

Phil Phillips, Jr., owner of Phillips Litho in Springdale, AR, started as a small printer in 1973 with five employees and $100,000 in revenues. Today his company boasts 100 employees and more than $7 million in sales.

Recently, the Arkansas Democrat-Gazette carried a story about Phil and his selection for this award. It characterizes much better than I can how Phil represents that entrepreneurial spirit that every successful businessman in this Nation possesses. I ask that it be included in the RECORD at this point.

The article follows:

PHILLIPS WINS BIG IN SMALL BUSINESS

(By D.R. Stewart)

SPRINGDALE.—When Phil Phillips Jr., president of Phillips Litho Inc., is congratulated these days for being named Arkansas Small Businessman of the Year, he reacts like the football coach he used to be.

"You want to try to do the best you can no matter what you do, and you want people around you to share those goals," Phillips said. "I have been fortunate to have those kinds of people around me." Teamwork. Loyalty. High standards. A tradition of excellence. Those have been the trademarks of Phillips Litho, the Springdale-based commercial printing company, for the past 20 years, area businessmen say.

But, in recognizing Phillips' odyssey from a small printer with five employees and $100,000 in revenues in 1973 to more than $7 million in sales and 100 employees today, the U.S. Small Business Administration and the Springdale Chamber of Commerce were noting more than business acumen.

G. Till Phillips, acting regional administrator of the Small Business Administration in Dallas, said Phil Phillips represents the entrepreneurial spirit at its best.

"Phil Phillips is noted for the contributions of his business to the local economy * * * as well as his personal contributions to the community, whether it's playing Santa at Christmas or the many boards he serves on," Phillips said.

The SBA official said Phillips was judged on seven criteria: staying power, growth in number of employees, increase in sales or unit volume, current and past financial reports, innovativeness of product or service, response to adversity and contributions to community-oriented projects.

Phillips is among 53 top small-business owners—one from each state, plus the District of Columbia, Puerto Rico/Virgin Islands and Guam—who will be honored by the SBA at national ceremonies in Washington from

May 9–15. As winner of the Arkansas Small Business Person of the Year award, Phillips is eligible for the National Small Business Person of the Year award, which will be given in May.

The Arkansas State Chamber of Commerce and Associated Industries of Arkansas Inc. will honor Phillips and other small-business award winners at the Third Annual "Arkansas Small Business Awards Luncheon" at the Riverfront Hilton Hotel in North Little Rock at noon May 5. Tickets must be ordered from the chamber by April 29.

Phillips said all the attention is not deserved. "Our success is due totally to the times and the area we live in and the attitude of the people in Northwest Arkansas," he said. "If local people can provide the same quality or better at affordable prices, people around here will stay with you and grow. * * * And, we have been very fortunate to attract a quality work force that can meet deadlines and do excellent work."

Tex Holt is an example, he said. Holt, owner of Tex Holt Tire Co. in Springdale, was Phillips' college roommate at Arkansas Tech, where Phillips graduated with a bachelor's degree in education in 1965. It was Holt, he said, who helped propel Phillips Litho's growth.

After playing defensive tackle at Arkansas Tech, Phillips coached high school football at Huntsville (Madison County) for four years. Then, in 1969, he moved to Siloam Springs High School where he coached football for another four years.

In 1973, Donrey Publishing Co., a newspaper publishing chain, purchased the Springdale News and wanted to shed its commercial printing business. Phillips was ready for a change. He bought the business.

It was a rough transition from a high school coach to the world of commercial printing, he said.

"Some of the lessons were hard to learn. There was so much of the business to comprehend," Phillips said. "There were so many different areas that made up the whole and becoming master of all of it was difficult. So you have to seek out masters in each area and rely on their expertise and wisdom for decisions that benefit the company."

One of those he relied on in the early days was Bob Hoyt, who had worked for the Springdale News (now the Springdale Morning News) and stayed on to tutor Phillips in the commercial printing business. Hoyt, he said, was a good teacher and very patient.

Although he knew little about the business when he started, Phillips said he could see the potential of commercial printing in Northwest Arkansas.

"The businesses that are dominant in the area today were here then—Tyson Foods, J.B. Hunt," Phillips said. "At that time, their (commercial printing) work was going out of the area." Phillips hired Holt to bring some of that business to Phillips Litho.

"Tex started our route sales business," Phillips said. "When we took over the business, the Springdale News was like a walk-in print shop. There were no salesmen. Everybody was their own salesman. Tex really developed our customer base, and gave us customers that have stayed with us ever since." Phillips Litho's customers read like a Who's Who of American business: Tyson Foods, J.B. Hunt, the Internal Revenue Service (tax forms), Allen Canning Co., Harp's Food Stores, Ozark Farms, Highland Dairy, Pride Farms and nearly 500 others. From a single offset press in a 5,000-square-foot print shop, the company has grown to include half a dozen presses, camera and paste-up rooms, collating and assembly lines and warehouses totaling 72,000 square feet. Eight construction programs have been undertaken during the past 20 years, the latest a 12,000-square-foot addition to house a million-dollar, six-color Heidelberg Speedmaster offset press.

The Heidelberg press is state-of-the-art technology, key to Phillips' telephone directory publishing division and one of its fastest-growing business segments, Phillips said.

"The reason it is important to our company is that these (telephone) companies want high quality covers but they also want to recycle those books," he said. "Recyclers won't take laminated or varnished covers. On this press we do high quality process color printing with an aqueous (water-based) coating. It gives a coating for protection and a quality look, and it is environmentally sound." Phillips' other divisions produce product and food container labels, business cards and letterheads, advertising brochures and annual reports.

Former Phillips salesman Tex Holt said his friend has come a long way and deserves the accolades he is receiving for his award.

"Phil has always been hardworking, very demanding, but very fair to work for," Holt said. "You always knew where you stood with Phil. We were fortunate to come along at the right time. The timing was probably perfect for a couple of kids right out of college.

"What Phil has done at Phillips Litho is just great. The quality controls—they check-and cross-check themselves to make sure they put out a quality product—is really something."

Holt paused for a moment, then added a thought that could have come from his friend, the former coach: "If you have pride in your work, you can produce a quality product," Holt said. "Phil has put together some quality people down there who do a great job at a fair price."

Mr. President, Phil Phillips is most deserving of this award and I want to congratulate him on his selection as the 1993 Arkansas Small Business Person of the Year.●

GORHAM HIGH SCHOOL, WINNERS IN WE THE PEOPLE—THE CITIZEN AND THE CONSTITUTION

● Mr. SMITH. Mr. President, I want to applaud the effort of the Gorham High School team of Gorham, NH, for their successful participation in the We the People . . . The Citizen and the Constitution Program.

The We the People Program is the most extensive education program in the country designed to educate young people about the Constitution and Bill of Rights. The national academic competition, in which entire classes testify and respond before a panel of judges to questions on constitutional issues, helps students understand their rights and responsibilities as American citizens. During the competition, the students received the highest score in the New England region, an honor for which we are very proud.

The team from Gorham High School was led by social studies teacher Michael Brosnan. The students included: Dan Adams, Chris Addario, Dale Burcalow, Allan Carpenter, Ryan Carreau, Lisa Ciacciarelli, James Godbout, Amy Horne, Sarah Lambertson, Leah Lemieux, Ellen McCrum, Bethany Parker, and Jennifer Simon.

These young scholars worked diligently to reach the national finals by winning district and State competitions. They traveled to Washington, DC, May 1–3, 1993, to compete against State winners from across the Nation. During the 3-day academic competition, students simulated a congressional hearing. They acted as expert witnesses and testified before a panel of prominent professionals from across the country, to demonstrate their knowledge of constitutional issues.

I believe this program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our lives today. I am proud of the Gorham High School team and commend them for taking part in this outstanding program.●

THE NEED FOR GREATER FOOD SAFETY AND INSPECTION

● Mr. DURENBERGER. Mr. President, I rise today to again draw attention to the concerns I have with the current food safety and inspection systems being carried out by the Federal Government. On May 6, I questioned the effectiveness of the Federal Government's food safety and inspection in a statement in the Senate.

I would like to announce to my colleagues that I have drafted a bill to unify the jurisdiction of the U.S. Department of Agriculture, Food and Drug Administration, Department of Commerce, and Environmental Protection Agency under a single, independent, Food Safety and Inspection Agency. This agency would better ensure the safety of our Nation's food supply through uniform scientific, risk-based analysis of food products. Scientific, uniform inspection procedures will be better for farmers, food processors, and consumers alike.

Mr. President, as world markets become more and more unified through international trade agreements, it will be important for the United States to adequately inspect the food that comes across our borders. The recent deaths in Washington State from Australian beef contaminated with E. coli, salmonella-tainted cantaloupes from Mexico that were in the news a year ago, and Chinese mushrooms contaminated with staphylococcus enterintoxin [SET] in 1989 are just a few examples of the potential hazards. Our food safety and inspection system must be reformed. I would like to reinforce this concern with the fact that only 2 percent of all imported foods are inspected by the Food and Drug Administration. The GAO has concluded that the FDA's inspections are woefully inadequate—most recently in a report last summer on the inspection of imported cheese for Congressman TOBY ROTH of Wisconsin.

I will continue to raise the concerns I have with the Federal Government's food safety and inspection system, and I look forward to introducing my legislation in the very near future. It is my hope that my colleagues will join me in recognizing the need for reinventing this aspect of the Federal Government.

I ask that an article titled "Contaminated Cider Sparks Inquiry" from the May 11, 1993, Washington Post be printed in the RECORD following my statement. This article reveals that contamination does not exist solely in food products from foreign countries but also in cider from a local orchard.

Last, I want to stress again that uniform regulations will be good farmers, food processors, and consumers. A single agency will decrease the regulatory and legal burden on farmers and food processors while assuring consumers the absolute safest supply of food in the world. I look forward to introducing legislation and I urge my colleagues to join with me.

The article follows:

[From the Washington Post, May 11, 1993]

CONTAMINATED CIDER SPARKS INQUIRY—APPLES MUST BE WASHED BEFORE PRESSING TO REMOVE E. COLI BACTERIA

(By Wendy Melillo)

First hamburgers, now fresh-pressed apple cider—two American favorites. But today they share an unusual notoriety. Federal researchers have announced that fresh cider can contain the same harmful type of bacteria that last winter made people wary of ground beef.

The conclusion is based on a outbreak of *E. coli* 0157:H7 bacteria in 23 people who drank fresh cider purchased at a roadside stand in the Fall River area of Massachusetts. The patients, who ranged in age from 2 to 70, experienced abdominal cramps, vomiting and severe diarrhea. No deaths were reported.

The case, which occurred in the fall of 1991, was described in last week's Journal of the American Medical Association.

Although researchers were never able to isolate the *E. coli* bacteria from the cider, they concluded that the manufacturer's failure to wash and brush the apples before processing caused the outbreak of food poisonings. In autumn, orchards typically try to recoup apples that drop to the ground—and therefore are not eligible to be sold as fresh fruit under the U.S. Department of Agriculture's grading system—by adding them to the crop used to make cider. These apples can be exposed to dirt, animal waste and other debris. Scientists suspect that the apples involved in this case may have been contaminated on the ground or during production of the cider.

"We were able to link all but one of the ill people to the cider," said Richard E. Besser, a medical epidemiologist with the Centers for Disease Control and Prevention in Atlanta and an author of the study. "We are very confident that it was the cider."

The virulent *E. coli* bacteria also were responsible for the food poisoning outbreak on the West Coast last winter when four children died and more than 500 people became ill after eating infected hamburgers at Jack in the Box restaurants.

Apple cider, because of its strong acid content, is an unusual beverage to harbor *E. coli* organisms, officials say. The bacteria, which live in the intestinal tract of some animals including cows and deer, are more typically associated with undercooked meat and person-to-person contact. Outbreaks have been reported in day-care centers and nursing homes where, once a resident is infected, the organism has been passed to others through fecal contamination and unsanitary procedures.

Consumers can cut their risks of such an infection from apple cider, officials say, by heating the liquid to a boil, purchasing cider that has been treated with the preservative sodium benzoate, ensuring that the orchard washed and brushed the apples and used sanitary procedures in the cider-making process.

Researchers at the CDC were notified of the Massachusetts case after four children from the same Fall River area were diagnosed at Children's Hospital of Boston with hemolytic uremic syndrome, a condition that causes kidney failure, anemia and brain damage. Massachusetts public health officials said they eventually were able to trace the food poisonings to the cider because the initial cases were from the same town and were admitted to the same hospital.

"Many times, you have individual cases of food poisonings that are scattered and you never make a link to a particular product," said Nancy Ridley, director of the division of food and drugs for the Massachusetts Department of Public Health.

Epidemiologists have been hampered in their efforts to track *E. coli* infections because not all states require physicians to report cases to the local health department. As of October 1992, only 11 states require that *E. coli* infections be reported, and only four states require cases of hemolytic uremic syndrome to be reported, according to an editorial that accompanied the JAMA study.

The CDC's Besser has recommended changes to a committee of physicians established by the Department of Health and Human Services to advise states on the prevention of communicable diseases. He is suggesting that all states require physicians to report *E. coli* infections.

Officials are also concerned about the nature of the organism itself. It takes very few *E. coli* bacteria to cause serious illness in humans, and public health experts are uncertain about how widespread the microscopic "bugs" are in the environment.

"We don't know a lot about this organism," said Douglas L. Archer, deputy director of the federal Food and Drug Administration's Center for Food Safety and Applied Nutrition. "It is usually associated with cows, but how prevalent is it? Do raccoons carry it? I wish we had more research on this under our belts."

Archer said the federal agency is weighing whether to issue an advisory notice to state health departments, stressing the need for producers to adhere to safe manufacturing practices and emphasizing the importance of inspecting small retail operations.

The Massachusetts food poisonings were traced to the Old Swanzey Orchard, a small cider mill in the southeastern town of Swansea, which produced about 150 gallons of cider a week during the fall. The orchard had been issued a permit by the local board of health to produce the cider and sell it at a farm stand. State law requires that retail operations be inspected by the local board of health twice a year, but state officials were unclear about whether those inspections had taken place in 1991.

Massachusetts law also requires cider makers to include a date on all cider containers. This was not done in the case of the Swansea orchard, officials said. Since the food-poisoning outbreak, the orchard no longer produces apple cider.

"From our perspective, we feel there are some problems with how apple cider is produced," said the CDC's Besser. "We are encouraging manufacturers to only make cider from apples that are washed and brushed."

Yet, thoroughly washing apples before making cider may not be enough to eliminate bacteria, researchers say. There are cracks and crevices in apples that can allow bacteria to penetrate the fruit, said Michael P. Doyle, a professor of food microbiology at the University of Georgia who assisted in studying the Massachusetts outbreak.

Doyle tested samples of the Swansea apple cider for *E. coli* bacteria and also studied the effectiveness of preservatives in killing off the organisms. He found that the preservative sodium benzoate prevented the growth of *E. coli* and reduced bacteria levels to undetectable amounts within seven days, according to the study. Researchers also tested the preservative potassium sorbate and found that it had little effect on the bacteria.

Doyle said, however, that pasteurization or fermentation will also destroy the *E. coli*.

"The real take-home message is apple cider can be a hazardous food unless it is treated in some way to kill harmful bacteria either by heating or adding preservatives," said Doyle.

There have been two other reported cases of food poisonings from apple cider, federal researchers say. In 1980, an outbreak in Canada was traced to *E. coli* in fresh-pressed apple juice. A second outbreak, due to Salmonella contamination, was reported in New Jersey in 1974.

Locally, public health officials are reacting cautiously to the Massachusetts study. In Maryland, officials are reviewing how apples are harvested and will study if any changes need to be made regarding the licensing and inspection of cider mills. In Virginia, state officials plan to distribute a copy of the JAMA study to all 28 food inspectors. "We will reemphasize the need to thoroughly wash all fruits and vegetables where appropriate," said Art D. Dell'Aria, chief of the bureau of food inspection for the Virginia Department of Agriculture and Consumer Services.

Meanwhile, cider manufacturers are concerned that this is literally a case of one bad apple spoiling the entire barrel. "This was a very isolated case," said Frank Carlson, a co-owner of Carlson Orchards in Harvard, Mass., and chairman of the Massachusetts Cider Guild, which has conducted two educational seminars for cider producers since the outbreak. "When the state went to investigate the illnesses [at the orchard], they found food manufacturing violations. That answers it right there."

While Carlson is a firm believer in thoroughly cleaning apples before processing and has no problem with the use of preservatives, he questions the need for pasteurization. "Heating cider changes the taste," he said.

In addition, Carlson wonders about the failure to isolate the bacteria in cider samples taken from the Swansea orchard. "It does leave a question of was it really the cider?"

As for whether this will cause people to stop drinking cider, Carlson is doubtful.

"People are still eating hamburgers," he said, "and there are more hamburgers eaten in a day than cider is consumed in a month."●

HONORING A SERVANT OF THE PEOPLE

● Mr. KEMPTHORNE. Mr. President, today the people of my State lost a long-time friend and servant. I am saddened to report that Joe Williams, the State auditor for the State of Idaho for over 30 years, passed away.

Joe Williams was born into a pioneer Idaho family in Samaria, Oneida County, ID. He went to Boise High School where he was a distinguished athlete, and my alma mater, the University of Idaho. Elected in 1958 as State auditor, Joe served the people of Idaho longer than any elected official in Idaho's history.

Joe Williams was recognized nationally as well as within the State of Idaho. Joe Williams was the president of the National Association of State Auditors, Comptrollers and Treasurers and an honorary president of the National Conference of State Social Security Administrators. Joe Williams was also recognized when he received an award for patriotic service from the U.S. Treasury Department.

The father of seven college educated children Joe served his community in PTA and YMCA. He was honored as a Distinguished Citizen by the Idaho Statesman. The Hall of Mirrors in Boise was renamed the Joe R. Williams State Office Building when Joe retired in 1989.

Joe Williams was a founding father of Idaho and he will be missed.●

COMMEMORATING THE CAREER OF ROBERT W. FLEMING

● Mr. DURENBERGER. Mr. President, everyone knows that the past few decades have brought many changes to the practice of medicine in the United States. New technology has led to advances in the diagnosis and treatment of illness. Medical knowledge has developed to a point where what we once considered miracles are performed on a daily basis.

There is one man, Robert "Bob" W. Fleming, chair of administration at Mayo Foundation in Rochester, MN, who has experienced firsthand the changes in medicine in the last 40 years—at least at one institution.

Since Bob began his career at Mayo on January 3, 1950, his tenure has been seasoned by several Mayo milestones. In December 1950, a Mayo physician and a Mayo chemist, won the Nobel Prize for the discovery of cortisone. And in 1953, the Mayo Building opened and is now the primary location for patient care at Mayo.

During the 1960's and 1970's, Bob led the development of the Mayo appointment system that now handles more than 300,000 patient registrations annually. He also helped develop the organization of Mayo's largest department, the department of internal medicine.

The 1980's brought about many significant changes at Mayo—the merger of Mayo Clinic with Saint Marys and Rochester Methodist hospitals, and the openings of Mayo Clinic Jacksonville and Mayo Clinic Scottsdale. Bob was instrumental in guiding the institution through these changes.

Bob's first position at Mayo was in the insurance and collections department where he worked as an administrator. His early success in that department led him to other administrative positions in several medical and surgical areas. In 1972, Bob was named chair of the division of administrative services for Mayo, a position he held until 1982 when he was named chair of administration.

Bob has worked hard at whatever job he has held at Mayo. His hard work continued in his activities outside Mayo. In fact, at the time he joined Mayo, hockey was his No. 1 priority. He played right wing for the Rochester Mustang's hockey team. A job at Mayo was an added bonus.

Others in Mayo organization noticed his stamina, speed, and determination, the same traits he demonstrated on the hockey rink. Soon his capacity for work, keen memory, and penchant for organization became well known. More than 40 years later, his colleagues still credit him with these characteristics.

His 43-year career at Mayo, marked with numerous highlights, will end in February 1993, when he retires. He plans to travel and continue to be involved in the sport that led him to Rochester—hockey. He served as chair of the U.S. Olympic Hockey Committee from 1969 to 1981, and took up the challenge again in 1990. He will continue his service for the 1994 games.

Mr. President, it is with great pride that I recognize the tremendous contributions of Bob Fleming. In the words of those who know him best, "Bob would succeed, no matter what the time or the challenge, because he is truly a leader."●

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

● Mr. KEMPTHORNE. Mr. President, from May 1 through May 3, a class from Blackfoot High School came to the Nation's Capital to represent the State of Idaho in the national finals of the We the People . . . The Citizen and the Constitution Program. The team members included Matt Archibald, Joy Aldous, Ted Cannon, Brian Cook, Amber Empey, Eric Eskelson, Chad Harrington, Kamber Hone, Niklas Lampenius, Mandy Williams, and Kimberly Young. Their teacher, Joan Thompson, should be applauded for the time and effort she dedicated to educating and motivating this successful team. The district coordinator George Gates and the State coordinator Richard Pearson also provided essential support to help the students reach the national finals.

The competition included more than 1,200 students from 47 States and the District of Columbia. The program consisted of simulated congressional hearings, where the students testified before public and private professionals to demonstrate their knowledge of constitutional issues. The experience was an excellent opportunity for students to gain an appreciation of the significance of our Constitution, its place in our history and in our lives today.

I am proud of the way these students represented Idaho, and commend them and their teacher for their hard work. I wish them the best of luck in their future endeavors.●

HONORING DR. WON PARK

● Mr. D'AMATO. Mr. President, I rise today to honor a fine man upon his retirement. Dr. Won Park, a general surgeon, has retired from an active surgical practice after more than 33 years of dedicated service to the State of New York and the communities of Orange County.

Dr. Park was born in Korea. He graduated from Chonnan University in 1958 and, in 1960 came to the United States and settled in the Newburgh area of New York where he specialized in general surgery. He distinguished himself as a very skilled surgeon, a compassionate person and a dedicated physician to all of his patients. He is highly respected by his colleagues and is a fine example of what a skilled and gentle physician should be.

Dr. Park's dedication to the betterment of the community is an inspiration to all. His continued activities will continue to help the communities of East Orange County, NY.

I commend him.●

A CHILD'S FIRST TEACHER—PARENTS' ROLE IN EDUCATION REFORM

● Mrs. KASSEBAUM. Mr. President, as we renew the discussion of Federal education reform with the Clinton administration's Goals 2000 legislation, I would like to offer a few thoughts on the very origins of every child's education. Long before a child steps foot onto school grounds, he or she has already experienced the guidance of his or her first, and most important, teacher. Parents not only provide the love and nurturing children need in their early years but also help develop the social and communication skills that will ensure that a child is ready to learn. Although some children will need special help to meet that first education goal, the role of the parent in this process is undeniable.

We all know that a parent's job as an educator does not end when the child enters school—in fact, it is just beginning. As a mother of four, I firmly believe that parents need to impress upon students the need to work hard and strive for high standards. Even the most motivated students can benefit from the reinforcement of interested and informed parents. On the other hand, without parental involvement in education, all the innovative strategies and instructional techniques that our schools can muster may be for naught.

The values of respect, responsibility, and perserverance—which are critical to success in school and life—are properly instilled in the home. There is little our school system can do if responsible behavior is not reinforced at home. In fact, I believe the biggest difference between American schools and schools in other countries is not the amount of money which is spent for education, but a difference in attitude toward the importance of education and in willingness to work hard in order to excel.

Unfortunately, we seem to have lost the respect for, and love of, learning, which is so critical to our ultimate success. The Washington Post reported last month that respect and discipline are rare commodities among students at Washington area high schools. "It used to be, certain things were assumed wrong. Stealing was wrong. Calling a teacher a name was wrong. At some point over the years, there was a shift. Now we have to explain what appropriate behavior is," stated Fairfax County School Board member Carla M. Yock. Clearly, appropriate behavior should be taught in the home, but parents' guidance is too often replaced by television and friends, which are hardly adequate role models.

Robert Samuelson recently wrote in the Washington Post that the real reason American students are falling behind is that "they don't work very hard." Not only are the problems in our educational system misdiagnosed to a large degree, the prescribed cure often misses the mark. He argues that school reform efforts are largely motivated by politicians' desire to "'do something' without frightening parents. The solution is a 'blame the schools' agenda that makes institutions responsible for any shortcomings of our students."

What, then, can be done to get at some of the root causes of educational failure? While I am convinced that parental involvement in education is crucial, and that a lack of family support can seriously impair a child's intellectual development, I realize that the Federal role in promoting parental involvement throughout the educational system is limited. What we have done at the Federal level is require parental involvement in Federal education programs. In chapter 1, the largest Federal education program, parental involvement is mandated by law. Local education agencies may only receive chapter 1 funds, which help educationally disadvantaged children reach their peers' level of performance, if they provide parental involvement opportunities. We are finding out, however, that a mandate alone may not be sufficient to achieve this goal.

The National PTA has released the results of its comprehensive survey of how well parent involvement provisions are being implemented in chapter 1 programs. The results show that less than 40 percent of chapter 1 parents are involved in school activities such as participating in parent advisory councils, attending parent skill workshops, or visiting schools. School districts involve just over half of eligible parents in making major decisions about the goals, budgets, and improvements needed in the programs. The survey revealed that not only do parents need to take a more active role in their children's education, but schools also need to work to make their environments more inviting to parents. The survey shows that we are far from where we want to be with regard to parent involvement in this important program.

I applaud the PTA for its efforts in bringing this problem to light. I know that the Senate Committee on Labor and Human Resources, on which I serve as ranking Republican, will look closely at the PTA's recommendations for improvement in the chapter 1 program as we reauthorize the Elementary and Secondary Education Act during this Congress. I am also grateful to the PTA for being an active participant in the education reform debate and for highlighting the importance of parent involvement throughout our educational system.•

NATIONAL DOWN SYNDROME AWARENESS MONTH

• Mr. D'AMATO. Mr. President, I rise today to join my colleague from New York, Senator MOYNIHAN, in introducing legislation designating October 1993 and October 1994 as "National Down Syndrome Awareness Month."

Every year, approximately 5,000 children are born with Down syndrome. The ignorance, prejudice, myths, and stereotypes that people with Down syndrome face can only be overcome through increased awareness and education.

We now know much more about Down syndrome than we did 20 or 30 years ago. In fact, many children who once would have been institutionalized now grow up at home and become productive members of their communities. Increasingly, children with Down syndrome attend mainstream classes at school, participate in sports and other extracurricular activities, and prepare to live independently.

Individuals with Down syndrome, through work in businesses, participation in volunteer programs, and involvement in community activities, demonstrate how successful people with Down syndrome can be.

National Down Syndrome Awareness Month provides an opportunity for the public to become more knowledgeable about Down syndrome and take actions to better integrate people with Down syndrome into the community. I am pleased to join my colleague, Senator MOYNIHAN, in introducing this legislation and urge my colleagues to join us in support of National Down Syndrome Awareness Month.•

ORDER OF BUSINESS

Mr. FORD. I suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DO NOT WRITE OFF BOSNIA

Mr. DOLE. Madam President, the momentum that had been building toward taking tough steps to stop Serbian aggression against Bosnia has slowed to a virtual halt. This is a direct result of our allies' unwillingness to come to grips with the reality of Serbian aggression and its consequences. It seems that the Europeans are quite comfortable and content with writing off Bosnia, while publicly pretending not to.

Mr. President, I am here to say that writing off Bosnia is terribly shortsighted and will have dire consequences not just for Bosnia, but for Europe, the United States, the NATO alliance, and the international community. Let me offer a few reasons to support this view: First, if not stopped in Bosnia, the conflict will spread to Kosova and Macedonia and will draw in our NATO allies, Greece, and Turkey on opposite sides; second, lack of United States and Western support for the besieged Bosnian Government, is leading, and will continue to lead, to the strengthening of radical Islamic fundamentalist forces in moderate, pro-Western Islamic States; third, the precedent of allowing internationally recognized borders to be changed by force will fuel instability in regions such as the former Soviet Republics, by demonstrating world tolerance for acts of aggression by stronger countries against their weaker neighbors.

Let me remind everybody that Bosnia is a member of the United Nations; it is an independent nation.

Some of my colleagues may ask the question: Why does not Europe recognize the great risks of appeasing aggression in Bosnia?

Frankly, I do not have a good answer to that question. Perhaps it is lack of forward thinking; perhaps it is denial; perhaps it's weakness of will.

Over the last few days, it seems that the Europeans are eager to believe that the hardline Serbian President Slobodan Milosevic is a new hope for peace. In my view, this born-again Milosevic is just a mirage which will evaporate once the pressure is off.

Our allies also seem willing to wait indefinitely for the Serbian leadership to invent new ways to say no to peace. During the 6 weeks after the Bosnian Government signed the Vance-Owen plan the Bosnian Serb leader, Radovan Karadzic kept saying "No." Then last week, he reversed his position in Athens and signed the plan, after winning further concessions from Lord Owen. But, only a few days later the so-called Bosnian Serb parliament voted against the plan and proposed a referendum. Now the Europeans want to wait for the results of that referendum—even though it is illegitimate, and despite the fact that nearly all of the Bosnian Serb political and military leaders are openly adamant in their opposition to the peace plan.

Meanwhile nothing changes on the ground, it is the same situation we have seen for over a year now, ethnic cleansing continues unabated and is now also being carried out by Croat paramilitary forces.

Yet, in response, the Europeans are proposing unrealistic options for allied action, options which offer no hope of bringing this war to an end, let alone, containing it. These options are ones which, at best, freeze the current situation.

Most troubling is the Europeans' push to involve United States troops in protecting U.N. declared safe havens in Bosnia. One of these safe havens, the town of Zepa, was basically a ghost town by the time the U.N. observers got in 2 days ago; Thousands of people fled into the hills fearing they would be massacred by advancing Serb forces.

How do we help the Bosnians by sending our troops into a situation in which they cannot prevent the shelling of towns, and in which they have to rely on the goodwill of aggressor forces? The Europeans say that they are helping to get humanitarian aid in. Well, most of the citizens of Bosnia are not dying from starvation, but from sniper bullets and artillery shells. So participating in the protection of safe havens amounts to protecting U.N.-sponsored POW camps in which the POW's are innocent civilians.

Madam President, it seems to me that one way to bring the Europeans back into the real world is to unequivocally reject the safe havens proposal and to limit our consultations to options which offer hope of ending the war in Bosnia and containing it. As I see it, the options with the best hope of doing so are: First, lifting the arms embargo against the Bosnians, who under the U.N. Charter have the right to self-defense; and second, air strikes against Serbian military targets.

This is the course that the President set out on last week. I urge him to stay on that course and to really press our allies to join us.

The Allies' main objection to these two options is the presence of their troops on the ground. However, the Bosnian Government has not asked that these troops remain exposed and vulnerable. Indeed, the Foreign Minister of Bosnia and Herzegovina, Dr. Haris Silajdzic, on behalf of his government, officially requested that U.N. relief personnel be withdrawn or redeployed. In his statement, the Foreign Minister explained this decision:

> We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

I ask unanimous consent that the full text of the Foreign Minister's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

To Remove Final Obstacle to Lifting of Arms Embargo, Bosnian Government Officially Requests Withdrawal of U.N. Relief Personnel

WASHINGTON, DC, May 9.—The Foreign Minister of Bosnia-Herzegovina, Dr. Haris Silajdzic, today announced the formal request of his government that United Nations relief personnel either depart his country or be reconfigured to ensure their military defensibility. On behalf of his government, Silajdzic released the following statement:

The presidency and government of Bosnia-Herzegovina hereby officially requests that the United Nations withdraw, as expeditiously as possible, all U.N. personnel deployed on our territory for purposes of delivering humanitarian relief. We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

While deeply grateful for the valor of the many individuals who have served under the auspices of the United Nations on our territory, we find that the U.N. presence on the ground has become an impediment to critical decisions by the international community now urgently needed if our democratic, multiethnic republic is to be permitted the means to defend itself.

It is our intention today, in requesting the withdrawal of relief personnel, to remove that final obstacle to the lifting of the arms embargo.

Despite our best efforts, it remains insufficiently understood by international public opinion that the war in Bosnia-Herzegovina is not a civil war, but a war of fascist aggression against a multiethnic democratic republic. Our government and our army remain multiethnic, and we remain committed to the goal of preserving the Bosnian republic as a multiethnic democracy with full guarantees of all human rights for all citizens.

President Clinton understands our commitment and our desperate plight, and we have been encouraged by his efforts to achieve a lifting of the arms embargo so unfairly imposed upon our nation in its hour of need. We believe that the maintenance of the embargo, in the face of a continuing onslaught by fascist Serb forces, is not an act of conscience but of arrogant indifference to the fate of hundreds of thousands of loyal Bosnian citizens, who plead only for the right to defend themselves.

We regret that world opinion has been beguiled by the image of us as a helpless people. To be sure, we are besieged by a relentless aggressor. But our forces have fought with courage and skill against overwhelming odds created inadvertently by the misguided policies of the United Nations. Our forces and our people remain ready to fight on in defense of their liberty and their principles. Only if they are permitted the means to do so will we attain, within our nation and our region, the balance of power that is the prerequisite to a negotiated settlement that will bring lasting peace and stability.

Should the United Nations in its wisdom chose to reconfigure U.N. forces on our territory so that they can adequately defend themselves and so that their safety does not dominate international concern, we will welcome that decision. In the meantime, as the fate of our nation hangs in the balance, we beseech the Security Council to cease an arms embargo that has, in practice, constituted an international intervention against our legitimate rights as a Member of the United Nations. It is an intervention that not only undermines our own security but, by its unfairness and perverse result, compromises the principles and future of the United Nations itself.

Mr. DOLE. Madam President, it is high time that we start treating Bosnia and Herzegovina as a sovereign country with the same rights as other members of the United Nations. The members of the U.N. Security Council who oppose lifting the arms embargo are denying Bosnia a fundamental right—a right included in the U.N. Charter—a right which they would never wish to see denied to them.

Mr. President, the bottom line is that Europe, NATO, and the United States cannot afford to write off Bosnia and Herzegovina. If we do write off Bosnia, if we make this mistake, I fear we will have helped sow the seeds of instability not only in Europe, but also in the rest of the world.

Madam President, I conclude by suggesting that the President, in my view, has been doing the correct things. He has been trying to get a consensus. He had Secretary Christopher visit with our allies. He has consulted with Members in both parties. In fact, he is consulting, as I speak, with a number of Senators who just returned from this area.

I think the next step is to bring in the American people. Tell the American people why this is in our national interest. Why should the United States care? Notwithstanding all the horrible pictures we see and horrible acts we read about, why should we care about Bosnia and Herzegovina or the people who live there? Why should we risk American capital or American lives? Does it really make any difference? We need to demonstrate to the American people what the national interest is.

So I would hope that that will be forthcoming, and again I will support the President. I think he is on the right track, but again, I would urge the President not to listen too closely to our European counterparts who stood by for far too long, 1 year, 2 years, waiting in hopes that some resolution or some rhetoric might have some impact on the Serb regime, not the Serbian people; I might add, I think most of the Serbian people want peace, too. In fact, in the Serbian elections for President, Milan Panic received 35 percent of the vote. That is what was reported. I think he may have received many more votes than that, which is a strong indication that the Serbian people want peace, too. I make a distinction between the Serbian regime and the Serbian people.

So we do have an interest in this part of the world, and I know that many of my colleagues on both sides of the aisle are very concerned about any involvement. But if not now, when?

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. EXON. Madam president, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m., Wednesday, May 12; that following the prayer, the Journal of proceeding be approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized to speak for the time limits specified: Senators DURENBERGER, LEAHY, GRASSLEY, GORTON, and GRAMM, of Texas, for up to 10 minutes each; Senator DORGAN for up to 20 minutes; and Senator DASCHLE for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 1 P.M.

Mr. EXON. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:48 p.m., recessed until Wednesday, May 12, 1993, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 10, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF ENERGY

VICKY A. BAILEY, OF INDIANA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1996, VICE JERRY JAY LANGDON, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1993:

DEPARTMENT OF THE TREASURY

FRANK N. NEWMAN, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

MARGARET MILNER RICHARDSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE.

JEFFREY RICHARD SHAFER, OF NEW JERSEY, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

GEORGE J. WEISE, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS.

DEPARTMENT OF DEFENSE

JAMIE S. GORELICK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

DEPARTMENT OF STATE

THOMAS R. PICKERING, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

HARRY J. GILMORE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE.

E. ALLAN WENDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

ERIC JAMES BOSWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

MARY A. RYAN, OF TEXAS, TO BE ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS.

CONRAD KENNETH HARPER, OF NEW YORK, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

VICTOR MARRERO, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

VICTOR JACKOVICH, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE.

DEPARTMENT OF AGRICULTURE

JAMES R. LYONS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF AGRICULTURE.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

BOB J. NASH, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR SMALL COMMUNITY AND RURAL DEVELOPMENT.

BOB J. NASH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

WARDELL CLINTON TOWNSEND, JR., OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EUGENE BRANSTOOL, OF OHIO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NICOLAS P. RETSINAS, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, May 11, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We earnestly pray, gracious God, for peace in our hearts and in our troubled world. From every background of faith or party, from every person of our Nation or across the seas, from every voice whether in the conflicts or not, we pray for the easing of hostilities and for the protection of human lives. May all those involved see in both friend and foe the unity we have in Your gift of life, the possibilities for understanding and a shared compassion one for another. May the words of our mouths and the meditations of our hearts be found acceptable in Your sight, O creator of our lives and every person. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Washington [Ms. DUNN] come forward and lead the House in the Pledge of Allegiance.

Ms. DUNN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 71. Concurrent resolution authorizing the use of the Capitol Grounds for the 12th annual National Peace Officers' Memorial Service.

H. Con. Res. 81. Concurrent resolution authorizing the 1993 Special Olympics Torch Relay to be run through the Capitol Grounds.

H. Con. Res. 82. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 349. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S.J. Res. 58. Joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

The message also announced that pursuant to section 1024, of title 15, United States Code, the Chair, on behalf of the Vice President, appoints Mrs. BOXER, to the Joint Economic Committee, vice Mr. BRYAN.

DEFENSE REINVESTMENT AND HIGH-TECH JOB CREATION ACT OF 1993

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, the President and the Committee on Ways and Means have decided to forgo the original investment tax credit proposal and look for other means to stimulate the economy.

Today I and a bipartisan group of cosponsors are introducing the Defense Reinvestment and High-Tech Job Creation Act of 1993, which can serve as one of those economic catalysts that the Congress is seeking.

There is no more important mission for this Congress than to retain and build high-skill, high-wage jobs. Over the past decade, the Defense budget has served as a catalyst for those jobs, but the downsizing that is occurring with the end of the cold war will force us to be more creative.

This bill is designed to allow aerospace companies to diversify into critical and competitive industries such as transportation, communications, medical research, and green technologies. The bill will give tax incentives to defense companies to hire employees and buy equipment targeted for commercial manufacturing.

Defense reinvestment is one of the most difficult and challenging problems confronting this Congress. This bill will help move this process forward using market forces and without the Government determining winners and losers.

I urge its prompt consideration by the House Ways and Means Committee.

LET THE SUNSHINE IN ON TAX BILL DECISIONS

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, the virus of secrecy has spread from the White House health care task force to the Committee on Ways and Means. If this is indeed the Age of Aquarius, why don't we let the sunshine in? Its Democrat members seem to fear public scrutiny the way a vampire fears the sunlight. The result is likely to be an ugly tax bite on the neck of the average American family.

Last Thursday, the committee majority slammed the doors on the public by evicting all nonmembers from their tax-writing session.

All committee Republicans voted against the closed-door session, and our Republican freshmen hung a sign on the door outside that read, "Do not disturb: Democrats Raising Taxes."

Mr. Speaker, the American people should know what is being said behind those locked doors and who is saying it.

Mr. Speaker, scripture assures us that deeds done in darkness will one day come to light. This is one text even the Committee on Ways and Means majority cannot rewrite.

So let us open those doors, you Democrat Aquarians and let the sunshine in; it is a great disinfectant.

NATIONAL SMALL BUSINESS WEEK

(Mr. MAZZOLI asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. MAZZOLI. This is the National Small Business Week, and I am honored to announce that the Small Business Person for the Year from the State of Kentucky is a friend of mine from my hometown of Louisville, Allen Steinbock, president of Whip-Mix Corp., which has been in business since 1919 and engages heavily in export activities involving dental supplies and equipment.

Certainly, Mr. Speaker, the President's economic program for this year is designed to encourage small business, which is the engine of jobs in America and in Kentucky.

The President wants to reduce the deficit. He has reduced some of the regulations to encourage bank lending to small businesses. He hopes to create a secondary market for small-business securities.

In the last analysis, Mr. Speaker, America's economy will only become stronger if small business becomes stronger. And, in that connection the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

President's program is on the right track.

DEMOCRATS ACT BEHIND CLOSED DOORS ON TAX PROPOSALS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the Committee on Ways and Means reconvened this morning to continue their consideration of the tax bill. And once again, the Democrats on that committee voted to shut out the public by going behind closed doors to vote on important tax issues. It seems that the Democrats do not want to let their constituents know their votes on specific tax increases.

Mr. Speaker, we are back to business as usual here in the District of Columbia, a place where decisions that affect all our constituents are made behind closed doors by a handful of Democrat committee members. I am disappointed that my colleagues on the Ways and Means Committee have chosen to operate in this fashion once again. The American people are angry—they deserve to know what next taxes are being proposed, since they are the ones who will have to empty their wallets.

What are we scared of? Why can we not let the sunshine in? Why do the Democrats not want their votes on record?

It is business as usual with the tax and spend Democrats—more taxes and more spending for a bigger Government is what is happening here.

IMPROVEMENT IN ECONOMY HINGES ON ENACTMENT OF THE PRESIDENT'S PLAN

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, our last President erred when he maintained that the economy would take care of itself.

Under President Bush's watch, the deficit soared, U.S. jobs were exported overseas and middle-class families strayed off course of the American Dream.

Last November the U.S. electorate held a national referendum on which direction the country should be heading.

In choosing President Clinton, the American people embraced change and they indicated they wanted a departure from the "business as usual" politics of the Bush and Reagan administrations.

More importantly, President Clinton has recognized that middle-class Americans have carried more and more of the tax burden while enjoying less and less of the benefits.

That is why President Clinton wants the wealthiest individuals and corporations to pay a fairer share of taxes.

The last administration stated the economy would improve as millions of Americans lost their jobs. We cannot afford 4 more years of inaction.

Already the Congress and President Clinton have enacted a budget resolution that cuts Government spending by more than $500 billion over the next 5 years.

The President has a program to create jobs, to make our neighborhoods safe again and to provide college for young people. These programs will help recapture the American dream.

Mr. Speaker, middle-class Americans deserve the full attention of the President and the Congress. We need to enact the President's plan.

□ 1210

FARMERS AND THE CLINTON ENERGY TAX

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, as the Democrats in the Ways and Means Committee raise taxes behind their closed doors, I hope they keep in mind the role of farmers in this country.

Daniel Webster once said, "The farmers are the founders of civilization."

Well, Mr. Speaker, the founders of civilization will be in big trouble with the Clinton energy tax.

According to the American Farm Bureau, the President's planned tax will cost American farmers $1 billion a year. Think of it, $1 billion of additional cost each and every year.

And that is not all. Because foreign producers would not pay the Clinton energy tax, they will be able to compete more effectively with American farmers in both overseas and domestic markets.

The Clinton energy tax will have a communities devastating impact on farmers and rural communities which are forced to use more fuel annually than those who live in cities.

Farmers may indeed be the founders of civilization, but Bill Clinton has found a new way to make them pay over and over again for the privilege.

TAX AND TAKE

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, the President says the communications vouchers in his campaign finance reform package will not be paid for by the American people and not one red cent will be diverted from other programs to pay for congressional campaigns. I respectfully but strongly disagree.

It is public financing, folks. It is coming out of the public's pocket because the so-called $5 voluntary checkoff takes tax revenues from other programs. And the lobbyist tax deduction should be going to those other programs rather than paying for our campaigns. This is worse than tax-and-spend Government; it is tax-and-take for politicians.

Tax and take, tax and take. That is bad politics and bad public policy.

Mr. Speaker, I support the President's campaign reform initiatives, but let us stop direct public financing and look for some alternative options for getting politicians to limit their campaign spending.

THE STEALTH TAX

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, at this very moment, Ways and Means Democrats are quietly trying to levy a stealth tax on the middle-class taxpayer.

Remember the stealth bomber? This was a plane that was able to evade radar detection and bomb the enemy more effectively.

The Clinton administration has designed a tax that will do the same thing to the taxpayer. Code-named Btu, this stealth tax is supposed to silently hit the taxpayer hard in the wallet, without the taxpayer really ever knowing it.

Mr. Speaker, stealth taxes are not in the best interests of the American people. The taxpayer should not be treated by the Clinton administration as if he were the enemy.

KEEP FOREIGN AID AT HOME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Congress gives Egypt $2.4 billion a year in foreign aid, and last year our Government had forgiven a $7 billion loan to Egypt.

Now, Egypt repaid that by putting three Americans in jail. Their crime? They were promoting Christianity, but President Mubarak said, "I'll pardon these Americans."

You know, we spend billions of dollars all around the world to protect human and religious rights and then people who get our hard-earned taxpayer dollars in foreign aid put Americans in jail for promoting Christianity.

I say it is time to stop foreign aid. Send it to the American cities where maybe we can have a little bit of development and opportunity for our own people.

A WRONG ENERGY TAX

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, we have all heard the arguments for and against the President's proposed energy tax from the politicians. Unfortunately, the one voice we have not heard enough of is the voice of the American taxpayer.

I recently received a letter regarding the proposed energy tax from a constituent, Mr. Craig Phelps, owner of a family farm in Groveland, NY.

In his letter, Mr. Phelps estimated that this tax will cost his farm an additional $8,200 a year in increased energy costs, with the indirect costs of this tax pushing that total even higher.

As Mr. Phelps correctly points out, Americans who live and work in rural areas will bear the brunt of this unfair and unwise tax increase.

Maybe it is the unpopularity of this Btu energy tax that has compelled the Ways and Means Democrats now to decide to hold their secret sessions to consider this tax.

The President has said that due to the energy tax, "Middle income families experience only a slight increase in their tax liabilities."

Obviously, neither the President nor his staff consulted with a taxpayer before proposing this onerous tax. Congress and the President cannot impose new taxes on working Americans, even in secret, and continue to believe that families, employment, and the economy will not suffer.

FEDERAL MANDATES ON LOCAL GOVERNMENTS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, we pass a lot of very good bills in this House. In fact, I vote for almost all of them, but I think they would be a lot better bills if we knew the impact that they were going to have upon State and local governments and the private sector.

Last year State and local governments spent more money complying with unfunded Federal mandates than they received in total Federal assistance.

We have a bill called the Fiscal Accountability and Intergovernmental Reform Act. What it would do is to require that we know what the cost is going to be to the State and local governments and the private sector before we pass legislation out of committee to the House floor.

The gentleman from Pennsylvania [Mr. GOODLING] and about a hundred cosponsors are on this bill, as well as dozens of mayors, local government officials, and State officials.

Mr. Speaker, I urge my colleagues to get on board and to correct what really is an injustice from the point of view of State and local officials and heads of private sectors who have to come up with the money that has resulted from an increasing policy of passing a bill and then passing the buck to others.

PULLING THE PLUG

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the Democrats have pulled the plug on the open hearing process.

Last week, Ways and Means Democrats kicked the public out of their committee meeting so they could raise taxes without public scrutiny.

Today, they may kick Republicans out of the process, so they would not have to vote on Republican amendments.

One of the most onerous provisions is the so-called Btu tax, which is better known as the middle-class energy tax. This tax will not only increase the energy bill of almost every American family by $500. It will also increase the costs on almost every other consumer good.

Republicans are strongly opposed to this middle-class energy tax. But because the light of public scrutiny has been dimmed by the Democratic majority, we have not had the opportunity to kill this tax.

Maybe the Democrats are simply getting the jump on saving energy by raising this tax in the dark. In my mind, that energy would be better spent killing this harmful tax on the middle class.

NUCLEAR TESTING

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, last year my colleague, the gentleman from Oregon [Mr. KOPETSKI] introduced, and the Congress passed, legislation banning nuclear tests after 1996. Now we hear that the President may be advised to allow resuming those tests beyond 1996 if their yield is less than one kiloton.

But when is a test not a test?

I want to quote George Orwell's book, 1984, as the Pentagon and the Department of Energy would edit it: "War is peace, freedom is slavery, ignorance is strength, a small nuclear test is not a nuclear test."

This year, DOE has been given $462 million to conduct nuclear tests. But the ironic thing is, they will probably not even conduct any tests this year.

There are so many more valuable programs to spend money on that truly make our Nation strong. We could use that money to provide childhood immunizations, quality education and affordable health care.

Mr. Speaker, those are areas I would rather invest in and I think the majority of the American people would agree. Let us consider testing nuclear weapons only if we actually plan to use them. And I do not think any of us are ready to do that.

☐ 1220

LET THE SUNSHINE IN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, at the beginning of the 1970's, my home State of Washington began some remarkable pioneering in public policy. First, a series of environmental protection laws to guard the land and water resources of our lovely State.

Next, the State of Washington took another historic step by passing an open meetings law that required all levels of government to conduct the public's business with an open door to all citizens and the news media.

No more closed door committee meetings. No more executive sessions where, behind closed doors, committees write the final text of legislation and the budget.

Mr. Speaker, many of us who are new to the Congress have been surprised to find that much of our Nation's important business is conducted behind closed doors. We believe—and we hear the same message from citizens—that the great decisions of Congress ought to be made in the sunshine—in full view of citizens and the media.

Mr. Speaker, this week the Republican freshman class will introduce a measure that will significantly open the process of congressional meetings and hearings. It is our equivalent of the sunshine law that Washington State has enjoyed for nearly a quarter of a century.

My colleagues, let us have this 103d Congress be remembered in history as the Congress that let the sunshine in on all the people's business.

HONORING DAVE JOSEPH SANTOS AS A POSTHUMOUS RECIPIENT OF THE SBA STATE SMALL BUSINESS PERSON OF THE YEAR

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, this week we honor extraordinary men and women who are seldom recognized for their contributions to this country. They are, nevertheless, the backbone of this great Nation's economy and in a larger sense the very embodiment of the American dream.

I choose to honor today Dave Joseph Santos, a small business man from

Guam who, sadly, passed away last December at the age of forty-one. But by that young age, having started with only 2 employees, 4 clients, and no computers, he had built his business into a successful advertising agency, employing dozens of people and servicing 30 corporate clients and the government of Guam.

Throughout his company's early years, Dave kept the firm's entire accounting records—job orders, billings, collections, payroll, financial statements, and tax returns, leaving very little time for himself. Dave sacrificed throughout his company's growth to ensure the success of his business and the success of others who worked for and with him. The extra time he had; he gave to the community: serving on the board of the Guam Chamber of Commerce, the school board, and as treasurer of the Guam Tax Code Commission. He worked hard to give back to the people that had helped make him a success.

It is through the sacrifices of people like Dave Santos that Guam and America have been built. You see, men and women like Dave Santos create the majority of the jobs in this country. Men and women like Dave Santos drive our economy. Men and women like Dave Santos embody the ideals of self-help and are inspiring examples to all, especially our youth. It is only fitting that we honor them.

Si Yu'os Ma'ase' Dabet!

ELIMINATING TIMBER SALES ON PUBLIC LANDS WOULD DEVASTATE NORTHERN WISCONSIN

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, President Clinton wants to stop timber harvesting on our public lands. This would devastate northern Wisconsin.

Mr. Speaker, logging in the Nicolet National Forest directly provides 1,000 jobs and is responsible for $49 million that goes into the local economy.

Charles Linderud, from Crandon, WI, put it best when he wrote and asked, "Must we put local industry out of work and let the forest crop rot?"

Mr. Speaker, the timber program provides jobs not just in logging, but in lumber, housing, and paper. It supports many of our rural communities entirely.

For example, Dennis Fincher, from Antigo, says, "The schools and local government will lose some $3.4 million in revenues, not to mention the millions of dollars in lost income taxes due to increased unemployment."

Members of Congress, I am asking you to help me save these jobs and return commonsense to our Government. Let us do something for working Americans for a change.

DEMOCRATS DANCING IN THE DARK

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Democrats have decided to exercise the privileges of membership and exclude the American people from their tax dance. It is ironic that the American people are required to pay the dues but are not allowed to attend the balls of the Democrats' tax club. The result is that the Democrats are dancing in the dark while the public pays the band.

The Democrats decided to hold their tax dance after tax club President Bill Clinton said that there was not enough money coming in. The solution? It was not to cut spending as you might expect in some organizations. No, that is not the tax club's way. You see the tax club is different. It is the only club in the world where nonmembers pay the dues and club members do the spending.

Of course, tax club President Clinton does not call them dues any more than he calls them taxes. Their name has ranged from sacrifices to contributions and according to today's Washington Times, the new euphemism for taxes is "responsibilities." Fortunately, for President Clinton and the other taxdancers, whatever you call them—sacrifices, contributions, or responsibilities—they all spend the same. Unfortunately, for the American people paying the musicians, they all cost like taxes.

LAVERGNE HIGH SCHOOL STUDENT LEADERSHIP PROGRAM

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, some naysayers would have us believe that today's young people are not motivated, do not care about others, and will not work hard.

I challenge the critics to visit LaVergne High School and its student leadership program. They will see all that is good about today's teenagers. And they will leave knowing that today's students represent a bright future for us all.

Many people deserve credit for what the leadership program has accomplished: the teachers and administrators for guiding the program, the Ingram Distribution Group for its commitment, parents for being involved.

But the leadership program students are the real success story. From beautifying their school to overcoming apathy to increasing handicapped awareness to fighting teen pregnancy, they have tackled tough issues with hard work and innovative ideas.

And, they have gotten results that will have a lasting impact while setting an example for the rest of the Nation. In fact, the program has been cited as one of the top five education improvement ideas in the country. Dozens of other schools have sought information on how to get started.

We should congratulate the students on their success. And more importantly, we should thank them for showing that our young people still can and do want to make a difference.

INTRODUCTION OF THE 1993 NUCLEAR WASTE POLICY REASSESSMENT ACT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation which would establish an independent study of the activities at Yucca Mountain, NV.

Yucca Mountain is currently the only site under consideration for permanent disposal of the Nation's thousands of metric tons of lethal high-level radioactive waste. This came about in 1987, when the Federal nuclear waste disposal site characterization program was shifted from three sites to one during budget reconciliation.

"At the time, we in Nevada and the Nation were told that this was the best policy because it would save money, time, and ensure maximum scientific objectivity. Well, as anyone who has followed developments over the past 6 years knows, those predictions have not come true. The cost overruns at Yucca are enormous, the program is far behind schedule, and disputes about the safety of long-term, deep geologic disposal at Yucca Mountain are well-documented, longstanding, and continue to this day.

Perhaps most troubling, it would appear that the Clinton administration is following a more-of-the-same policy regarding the Yucca Mountain project.

For the reasons mentioned above, I am introducing the Nuclear Waste Policy Reassessment Act of 1993.

The legislation would do three key things: First, place a moratorium on all spending at Yucca Mountain for 5 years; second, direct the National Academy of Sciences, in consultation with all stakeholders in the siting controversy at Yucca Mountain, to determine the scientific and financial merits of continuous study of a single potential site or return to consideration of multiple sites; and, third, rebate moneys from the nuclear waste trust fund to the utilities for onsite storage as a result of program delay mandated by this bill.

I call on the administration and my colleagues to support this legislation and send the message that this problem-plagued program should get the outside review that is so desperately needed.

□ 1230

INTRODUCTION OF FASB RESOLUTION

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, the Financial Accounting Standards Board, known as FASB, proposed a requirement that companies deduct from their profits the value of stock options granted to employees.

Although the Board's intent—to improve disclosure of compensation—is important, the proposal does nothing to improve current reporting.

Instead, it stifles entrepreneurship which is what we need and want.

Startup companies use stock options to attract talented people who are willing to both work hard and take a risk.

It allows the secretary, the receptionist, or the engineer to buy options which may only cost 50 cents a share today, but could be worth $5 or more down the road. When employees buy in, they share the responsibility of the ultimate success of their company.

Mr. Speaker, to rebuild our economy we need to both retain small businesses and encourage new ones.

That is why I am introducing a concurrent resolution today which expresses Congress' view that the accounting board not adopt the proposal.

I urge my colleagues to join me in supporting this resolution.

PRESIDENT HAS NOT DEFINED BOSNIA STRATEGY

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, last night at the Wayzata Fire Department back home in Minnesota, a firefighter said to me, "Please tell the President not to send my Marine son or my Air Force son to the Balkans. He has not explained our national interest or mission."

Mr. Speaker, this firefighter constituent is a wise parent and wise patriot. Before we put one American pilot or troop in harm's way, the President must clearly define our national interest and mission.

We must not repeat the nightmare of Vietnam.

As Gen. Colin Powell has told us, before we send troops into a dangerous situation, we must have a precise mission statement that defines how we get in, accomplish our goals, and get out.

So far, we have not seen such a well-defined strategy from the President. As one who lost three close friends in Vietnam, it is downright eerie to hear another President talk about bombing his enemies to the negotiating table.

Military experts have told us air strikes alone will not do the job and would cost American lives.

Lord Owen has said, "It's only a delusion that bombing will end the war. You can't solve the problem at 10,000 feet."

Mr. Speaker, there must be a reason no European ally has endorsed the administration strategy against the Bosnian Serbs. Perhaps they have learned history's hard lessons.

THE RELIGIOUS FREEDOM RESTORATION ACT

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, for the past 3 years, our religious rights have been under siege. In 1990, a single Supreme Court decision abolished the standard that protects religious freedom in this country. Today, I urge my colleagues to vote in favor of the Religious Freedom Restoration Act in a bold move to resurrect the first inalienable freedom set forth in the Bill of Rights.

Years ago, the Pilgrims came to this country after facing religious persecution in other parts of the world. Similarly, members of the Church of Jesus Christ of the Latter-Day Saints settled in my home State of Utah in the late 1800's after encountering discrimination in the East and Midwest. Unfortunately, the religious rights of other groups like native Americans and Orthodox Jews continue to be sabotaged in the 3 years following the Supreme Court's decision. Without quick and decisive action, members of other faiths will face the same fate.

Mr. Speaker, today this Congress can restore faith to the first amendment by returning religious rights to the American people. I encourage my colleagues to vote in favor of this bill.

MAJORITY EXCLUDES REPUBLICANS IN DRAFTING TAX BILL

(Mr. POMBO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, last Thursday the Ways and Means Committee of the House began marking up President Clinton's enormous tax bill. The majority voted to take the committee into executive session. To you and me, that is a secret meeting. The Republicans objected to throwing out the press and the taxpaying public. Why? Because when the Tax Committee is considering the largest tax increase in the history of our Nation, we must have an open process.

Worse still, I understand that the majority has become fed up with the presence of the pesky minority, their colleagues on the committee. I am told that the majority has now started meeting alone to draft up this tax bill. Did they not learn anything from the $16 billion pork-filled stimulus bill?

The majority leadership has a big decision to make. They can work with us or against us. They can include us in the process or exclude us. The decision is theirs. We cannot force them to allow the press and the taxpaying public into the Ways and Means Committee hearings. We cannot even force them to allow the Republican members of the committee into the room as they consider the largest tax increase in history.

But, Mr. Speaker, we can tell the American people that so far this year it is business as usual and nothing has changed.

TRIBUTE TO RABBI ABBA HILLEL SILVER

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, it is with great pride that I rise today to deliver a tribute to the late Rabbi Abba Hillel Silver. While Rabbi Silver is best known as one of the chief architects of the State of Israel, he was also one of this country's great civil rights advocates and Jewish spiritual leaders. This week the rabbi's Cleveland synagogue, the Temple-Tifereth Israel Congregation, concludes a yearlong celebration of the centenary of his birth. The main branch of what is affectionately known as Silver's Temple is located in Congressman LOUIS STOKES' district, and a sister branch is located in my district, Ohio's 19th. While Congressman STOKES could not stand with me today, we wanted to take a moment on the floor of the House of Representatives to recognize Rabbi Silver's work and note how it still ripples through America today.

Born in Lithuania in 1893, Abba Hillel Silver immigrated to America with his parents as a 9-year-old. Following in the footsteps of three successive generations of his family, he was ordained a rabbi in 1915. Two years later, he was installed at the Temple in Cleveland, which, under his 47-year leadership, grew to become one of the country's leading synagogues.

A tireless advocate for America's workers, he helped draft Ohio's first unemployment insurance law and advised President Herbert Hoover on the country's unemployment problems.

During the early years of Nazi power in Germany, while many American Jewish leaders declined to oppose Hitler, Silver helped organize anti-Nazi boycotts. His 1941 book, "The World Crisis and Jewish Survival," provided eloquent hope for a Jewish people facing persecution. As president of United Palestine Appeal and cochair of the United Jewish Appeal, Silver helped persuade Congress, President Harry

Truman, the British Government, and the United Nations that: "Just as there is an England, a France, and a Germany, there must be a land of Israel in order that the status of the Jewish people might be normalized throughout the world." When the State of Israel was officially proclaimed on May 14, 1948, the victory was as much Silver's as it was David Ben-Gurion's or any other Zionist leader's.

While Rabbi Silver influenced United States policy to Israel for years, in the Cleveland area we remember Rabbi Silver for his wisdom and spiritual guidance. A 1953 Life magazine profile said of Silver, "When he preaches, his words come out in organ tones." Years later, we can still hear the music of his words, and we can still feel the strength that they gave to so many.

THE CREATION OF JOBS UNDER NAFTA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it gives me great pleasure to support President Clinton when he is right. Clearly, he is right when he says we need NAFTA because NAFTA will create American jobs.

Last week a group of us met with the U.S. Trade Representative and my fellow Angeleno, Mickey Kantor, who said that we need NAFTA because NAFTA will create a net gain of 400,000 American jobs, primarily in the small- and medium-sized business area.

I would like to be specific. Cal-State Lumber Sales in San Ysidro, CA, the largest Hispanic-owned business in our State, increased their sales from $14 million in 1989 to $138 million in 1991, with $84 million in exports to Mexico. Mary Alice Acevedo, their director of international sales, says, and I quote:

> Mexico has allowed us to remain competitive, and our U.S. employment has gone up 30 percent.

In Indianapolis, IN, the SaniServe Corp. manufactures ice cream and slush machines. Exports to Mexico accounted for $450,000 of business in 1991 and grew by 50 percent last year.

Mr. Speaker, it is clear that we need NAFTA because it will create jobs here in the United States of America.

THE CREATION OF A DEFICIT REDUCTION TRUST FUND

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today I am circulating, along with my colleagues, the gentleman from Oklahoma [Mr. BREWSTER], the gentleman from Texas [Mr. EDWARDS], the gentlewoman from California [Ms. HARMAN], and the gentleman from West Virginia [Mr. WISE], a letter to all of my colleagues on this side of the aisle to join us in asking for a deficit reduction trust fund.

The idea is very simple. In the reconciliation bill that comes before us, all new taxes, as well as entitlement cuts, should go into a trust fund that must go to deficit reduction. Any new spending must come out of old spending. In that way we can assure the American people that although, yes, we are raising taxes, the money is going to go to the purpose that we all want it to go for, and that is deficit reduction.

We all know this well. I believe in government. I believe that we have to increase spending and investments in other areas, but until we get a handle on the deficit, we are not going to be able to do the kind of spending that this country needs.

So, Mr. Speaker, I urge my colleagues to look at our letter and sign on to the deficit reduction trust fund. In that way we can assure the American people that President Clinton's goal of reducing the deficit will happen, and will happen with strict and tough enforcement mechanisms.

☐ 1240

ALL IS RIGHT WITH THE WORLD

(Mr. RAVENEL asked and was given permission to address the House for 1 minute.)

Mr. RAVENEL. Mr. Speaker, you heard me a couple of times last week criticizing this Houses' actions in trying to retire a mentally challenged employee, Ms. Fifine, because she could not work a full day. Well, the story has a happy ending. Late last Friday I got word that the Speaker's Office had told Bob Miley that Fifine would not be let go but kept on at her job and paid only for the hours she could work. So, thanks to a lot of help from lots of good folks, an impending embarrassing wrong has been adverted and all is right with the world, especially Fifine's.

CONTINUE MORATORIUM ON NUCLEAR TESTING

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, May 18 is a historic day. Assuming the Clinton administration does not submit its report to Congress outlining its plan for obtaining a comprehensive test ban in the community of nations by this date—and it is my understanding they will not submit such a report by this date—then America will reach a remarkable milestone.

That milestone is the reality that for the first time since 1944—a period of 48 years—this Nation will not have detonated a nuclear bomb in a full calendar year. Because of various reporting requirements in current law it will be impossible to test a nuclear bomb in calendar year 1993 unless the report is filed by May 18.

What a historic occasion. For the first time in 48 years this Nation will go for a full calendar year without detonating a nuclear bomb. No nuclear explosions for 1 year.

The question this raises for President Clinton, therefore, is will he become known in history as the President who resumes this Nation's dance with death and start detonating nuclear bombs again?

Will President Clinton flip the switch and detonate nuclear bombs? What will history say about this flick of the switch?

I trust the President will give this decision the utmost consideration. This is without question one of the most important decisions he will make as President.

Were he to flip the switch, the chain reaction he would begin is not limited to the nuclear chain reaction that unleashes the single most powerful destructive force created by mankind. He will also set off another nuclear chain reaction. Other nations—France could detonate nuclear bombs again—Russia could again demonstrate its nuclear prowess. The President's flip of the switch could give the green light to China to detonate another nuclear bomb. What will Pakistan, India, and other nations with a nuclear capability do?

Today, this calendar year, we have a world pause in the detonation of nuclear bombs. Will President Clinton break the pause or will he turn the pause into a policy of cessation?

What a grand, peaceful opportunity for our new President. By not acting, by not flipping the switch he could make history. By not flipping the switch he will make peace, make the world so much safer. He will restore sanity to the world. A saneness we have not had for nearly 50 years, 50 years.

Will he flip the switch? I plead and pray he will not.

CONGRESSIONAL PAY FOR PERFORMANCE BILL

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the time has come for Members of this body to stop talking about how they want to reduce the deficit and to do something about it. That is why I have introduced a congressional-pay-for-performance bill.

My bill indexes the salaries of Members of Congress to reductions in the

Federal deficit. For every $100 billion in the deficit, Congressional salaries would be cut by 2 percent. If we continue to spend, the percentage doubles the following year and keeps doubling until the problem is solved.

The most successful American companies tie pay to the successful performance of an objective. In this bill I link congressional salaries to this body's ability to harness the chief cause of budget deficits, uncontrollable Federal spending.

This is a great opportunity for all of us who have had so much to say about deficits to make a personal contribution to bringing discipline to the congressional budget process.

Mr. Speaker, I ask Members to please sign on to the bill. I ask constituents to encourage their Representative to get on board.

END NUCLEAR TESTING

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, the issue of nuclear testing has been debated in Congress for many years. Last year on two separate occasions, the House adopted, overwhelmingly, legislation to impose a moratorium on U.S. nuclear weapons testing.

This legislation calls for an end to U.S. nuclear weapons testing after September 30, 1996. We must remain committed to this date and a final end of a U.S. nuclear testing if other nations refrain also from testing. Any recommendations to continue nuclear testing beyond 1996 clearly are not consistent with the law. Additionally, I believe this sends the wrong message to the international community and particularly nations who may consider the nuclear option, now in the future. Specifically, continued U.S. nuclear weapons testing threatens the extension of the Non-Proliferation Treaty which expires in 1995.

It is very important that we are supportive of an end to nuclear testing and a comprehensive test ban. The United States must maintain its leadership and lead the world away from nuclear threats. I am confident that the American people share this goal.

TELEVISION TAX INCREASE HEARINGS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, it is, I think, very disturbing to have the Democratic leadership decide to write the tax bill in secret in the Committee on Ways and Means. It seems to me the American people deserve to be able to see live on C-SPAN what their Representatives are doing to raise their taxes.

The people who are going to pay the energy tax, senior citizens who are going to pay the Social Security tax, all the people who are going to be affected by the restaurant tax, and people who are going to be affected in small business and agriculture by the tax increases on their rates, all of these folks, it seems to me, have a right to see their Representatives raising their taxes.

I think it is wrong for the House Democrats to decide to close the meeting, to not allow the public to watch, and I urge the Democratic leadership to open up the Committee on Ways and Means and let the public watch the tax increasing process.

ASKING THE WRONG QUESTIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, status quo politicians and the media elite often ask the wrong questions—which explains why they so often have the wrong answers. In today's Washington Post we read editorial musings on who should be taxed and how. If not an energy tax, it reads, how about a value added tax? The editorial criticizes those who oppose any new taxes for failing to provide a positive alternative that will cut the deficit. It appears the Washington Post is a victim of the incredible dissembling going on among the tax-and-spenders in Washington. There are specific proposals to cut hundreds of billions of dollars in wasteful and low-priority spending. I provided one, the minority on the Budget Committee provided one, and so on. Not only were those specifics given directly to the President, but they appeared on the pages of the Washington Post. While the President reads his mail, the writers at the Post should read their own newspaper. Then maybe they will ask the right questions and get the right answers about cutting spending first.

NAEP ASSESSMENTS FOR FISCAL YEAR 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 801) to authorize the conduct and development of NAEP assessments for fiscal year 1994, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Michigan?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I do not object, but I take this time to have the subcommittee chairman explain the legislation.

Mr. KILDEE. Mr. Speaker, if the gentleman will yield, this bill addresses a very urgent issue. It provides directly needed authority for the Department of Education to prepare for and administer State assessments in fiscal year 1994 under the national assessment of educational progress.

As recommended by the National Academy of Education, this bill authorizes the extension of these State assessments on a trial basis and requires that they be thoroughly evaluated.

The administration strongly urges the swift enactment of this bill. I know of no objection to it, other than the perfunctory one, and I urge its passage.

Mr. GOODLING. Mr. Speaker, reclaiming my time, these amendments are well thought out and continue the ongoing evaluation of this effort by the National Academy of Education.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) IN GENERAL.—Section 406 of the General Education Provisions Act (20 U.S.C. 1221e–1) is amended—

(1) in paragraph (1) of subsection (f), by striking "and 1993" and inserting "1993, and 1994"; and

(2) in subparagraph (C) of subsection (i)(2)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(B) by inserting after clause (ii) the following new clause:

"(iii) The National Assessment shall—

"(I) conduct, in 1994, a trial mathematics assessment for the 4th and 8th grades, and a trial reading assessment for the 4th grade, in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data;

"(II) develop a trial mathematics assessment for the 12th grade, and a trial reading assessment for the 8th and 12th grades, to be administered in 1994 in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data; and

"(III) include in each such sample assessment described in subclauses (I) and (II) students in public and private schools in a manner that ensures comparability with the national sample."; and

(C) in clause (vi) (as redesignated by subparagraph (A)), by striking "paragraph (C) (i) and (ii)" and inserting "clauses (i), (ii) and (iii)".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 405(f)(1) of the General Education Provisions Act (20 U.S.C. 1221e(f)(1)) is amended by striking "1993" and inserting "1994".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 801, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

☐ 1250

RELIGIOUS FREEDOM RESTORATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1308) to protect the free exercise of religion.

The Clerk read as follows:

H.R. 1308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Freedom Restoration Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) Findings.—The Congress finds—

(1) the framers of the American Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;

(2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not burden religious exercise without compelling justification;

(4) in Employment Division of Oregon v. Smith the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in Sherbert v. Verner and Wisconsin v. Yoder is a workable test for striking sensible balances between religious liberty and competing governmental interests.

(b) Purposes.—The purposes of this Act are—

(1) to restore the compelling interest test as set forth in Federal court cases before Employment Division of Oregon v. Smith and to guarantee its application in all cases where free exercise of religion is burdened; and

(2) to provide a claim or defense to persons whose religions exercise is burdened by government.

SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.

(a) In General.—Government shall not burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) Exception.—Government may burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) furthers a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) Judicial Relief.—A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

SEC. 4. ATTORNEYS FEES.

(a) Judicial Proceedings.—Section 722 of the Revised Statutes of the United States (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration Act of 1993," before "or title VI of the Civil Rights Act of 1964".

(b) Administrative Proceedings.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking "and" and at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting "; and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1993" after clause (iii).

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "government" includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, a "State" or a subdivision of a State;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "exercise of religion" means exercise of religion under the first article of amendment to the Constitution of the United States.

SEC. 6. APPLICABILITY.

(a) In General.—This Act applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act.

(b) Rule of Construction.—Federal statutory law adopted after the date of the enactment of this Act is subject to this Act unless such law explicitly excludes such application by reference to this Act.

(c) Religious Belief Unaffected.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.

(a) In General.—Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion. Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause of the First Amendment, shall not constitute a violation of this Act.

(b) Definition.—As used in this section, the term "granting government funding, benefits, or exemptions" does not include a denial of government funding, benefits, or exemptions.

The SPEAKER pro tempore. (Mr. Mazzoli). Pursuant to the rule, the gentleman from Texas [Mr. Brooks] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. Hyde] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. Brooks].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1308, the Religious Freedom Restoration Act of 1993, reflects a commitment to one of our most cherished freedoms—the right to practice one's faith without undue interference at the hands of the Government. It will restore the standard for addressing claims under the free exercise clause of the first amendment as it was prior to the Supreme Court's Smith decision in 1990. Under longstanding constitutional principles, any governmental burden on the free exercise of religion was subject to the strictest test of constitutional scrutiny. In order to satisfy the free exercise clause, Government had to demonstrate that it had a compelling State interest in burdening the free exercise of religion and that it used the least restrictive means of furthering that interest.

In Smith, the Supreme Court abandoned the compelling State interest test in favor of a much weaker standard of review. H.R. 1308 statutorily reinstates the strict test that was in place prior to Smith.

The Supreme Court's decision 3 years ago transformed a most hallowed liberty into a mundane concept with little more status than a fishing license—thus subjecting religious freedom to the whims of Government officials. That, indeed, has been the sorry legacy of the Court's view of this matter. Passage of this legislation is the only means to restore substance to the constitutional guarantee of religious freedom.

I commend Mr. Edwards of California, chairman of the Subcommittee on Civil and Constitutional Rights, for his steadfast dedication to religious freedom, and Mr. Hyde, the ranking member on the subcommittee, who was instrumental in ensuring the remarkable breadth of support for the bill. I also congratulate Mr. Schumer, who introduced the legislation and has guided it well.

Finally, I want to note the unprecedented coalition of religious denominations and civil rights groups who have united to stand up for the liberty given meaning by this bill. I am proud of how such marvelous diversity was united by a shared view of the place and role of religion in our society. I urge the approval of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished ranking Republican on the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the ability of men and women of faith to freely practice their religion as guaranteed by the first amendment was seriously threatened by the 1990 decision of the U.S. Supreme Court in Employment Services Division versus Smith. In response to the Smith decision, a broad and unprecedented coalition of religious groups including the American Jewish Congress, the Church of Jesus Christ of Latter-day Saints, the Christian Life Commission of the Southern Baptist Convention, and the National Council of Churches have come together to support enactment of the Religious Freedom Restoration Act.

In Smith, the U.S. Supreme Court abandoned the compelling State interest test which had been applied by the Supreme Court and lower Federal courts for almost 30 years. Prior to Smith, Government actions which hindered religious practices were required to be justified by a compelling interest, that is, an interest of the highest order. As a result of Smith, Government actions which impede religious worship or other legitimate religious activities now need only be rationally related to a legitimate governmental interest—a far weaker constitutional standard. Even long established religions have expressed grave concerns over this loss of constitutional protection.

Since Smith was decided in 1990, individuals seeking to practice their religion, unhampered by Government action, have largely been without recourse. The Religious Freedom Restoration Act will provide them with a means to challenge Government regulations which unnecessarily burden the free exercise of religion.

The legislation will guarantee that all Americans, regardless of their particular creed or oath, are able to enjoy the right to worship and practice their faith, from unnecessary Government intrusion.

Mr. Speaker, I urge my colleagues to support this legislation. I congratulate my colleagues on the Committee on the Judiciary for bringing us this legislation today.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Subcommittee on Civil and Constitutional Rights, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, this has been a long and arduous task to be able to come today before this body and ask for the enactment of the Religious Freedom Restoration Act of 1993.

As my chairman explained, it was an unfortunate decision of the Supreme Court in 1990 that put religious freedom in jeopardy in our country.

Our former Member, Steve Solarz of New York, introduced the original bill about 3 years ago. And ever since then, we have been working on it.

We are grateful to the gentleman from New York [Mr. SCHUMER] and to our colleague, the gentleman from California [Mr. COX] for introducing the bill again this year and helping us negotiate with the various parties so we could have virtual unanimity.

Of course, I thank the gentleman from Illinois [Mr. HYDE], who has been splendid in helping to reconcile the various differences, and the differences were real, and the other members of the subcommittee, including the gentleman who will speak, the gentleman from New York [Mr. NADLER], and the splendid minority and majority staffs.

This is a very, very important bill. People say, "Well, why is it so important?"

Let me just point out things that have happened that violate religious freedom, since the 1990 Smith decision.

Autopsies have been unnecessarily and wrongly performed upon the Hmong and Jewish deceased in violation of strong religious feelings that autopsies should not be performed.

For example, the Amish in Minnesota. It is an important part of their religious freedom that their buggies—we have seen them, Mr. Speaker, the buggies of the Amish, driving along the country roads—be very plain. That has religious significance to the Amish.

And yet the State of Minnesota, I believe, or maybe it was the local ordinance, required the Amish to put a light on the buggies, a fluorescent light, in violation of the religious freedom of the Amish people. And they had to finally seek State help, the State constitution, to rescue them from this violation.

And so here is another case. I think it is important to see the examples of why this bill is needed. A Federal investigator was fired because it was against his religion to do a certain investigation of a pacifist group.

And so certainly, there is no peril to the Government. It was a violation of his religious freedom, and this bill would not allow outrages like this to happen.

The right to free exercise of religion is the first constitutional protection enumerated in the Bill of Rights. Despite this clear constitutional mandate, the United States has a troubling history of unintentionally undermining religious practices. However, since the Supreme Court's 1963 decision in Sherbert versus Verner, the courts have protected religious exercise unless the Government could articulate a compelling reason to do otherwise. It was not until the Supreme Court's April 1990 decision in Oregon versus Smith, that the first amendment's guarantee of free exercise of religion was seriously threatened.

The Smith case is important because the Court, without being asked by either litigant, lowered the standard under which free exercise claims are reviewed. By invoking a new, low-level standard of review for these claims, the Court removed an important barrier to the very real, though unintentional, burdening of religion.

The Religious Freedom Restoration Act of 1993 simply restores the compelling governmental interest test. This test has never meant, nor will it ever mean that religious claimants will always win their cases. Rather, it gives those who successfully assert a burden on their exercise of religion a chance to protect that religious practice.

I, as many Members on both sides of the aisle, believe the passage of the Religious Freedom Restoration Act is the right thing to do. I would also like to thank the coalition of secular and religious organizations supporting this legislation. The coalition represents the diversity of the American population and is symbolic of the wide range of interests the Constitution seeks to protect. I would like to specifically express my gratitude to Oliver Thomas, Rabbi David Saperstein, Forest Montgomery, Elliot Minceburg, Robert Peck, and Judy Golub.

I urge you to vote for this important piece of legislation.

□ 1300

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think accolades are certainly due to the chairman of the full committee, the gentleman from Texas, JACK BROOKS, and the chairman of the subcommittee, the gentleman from California, DON EDWARDS, who helped get this bill to the point where it can be passed today over many difficult compromises and discussions, but their patience and their intelligence and their good will paid off.

I should mention Melody Barnes and Alan Erenbaum, counsel, who spent many hours working with our counsel, Kathryn Hazeem, in resolving the many difficulties inherent in this bill.

The Religious Freedom Restoration Act will overturn the 1990 decision of the U.S. Supreme Court in Employment Division versus Smith. Smith held that neutral laws of general application that incidentally burden religious exercise do not violate the free exercise clause of the first amendment to the U.S. Constitution.

H.R. 1308 will replicate the compelling State interest test for the adjudication of free exercise claims which was in place prior to the Supreme Court's decision in Smith.

When this legislation was considered by the Subcommittee on Civil and Constitutional Rights and the full Judiciary Committee in the 102d Congress, I offered several amendments. These amendments were designed to address concerns I had with respect to abortion-related claims, third-party challenges to church-run social service programs, and challenges to the tax-exempt status of religious institutions. Since that time, my concerns have been resolved either through explicit statutory changes or through committee report language.

A major issue of contention in the 102d Congress was whether the bill was a true restoration of the law as it existed prior to Smith or whether it sought to impose a more stringent statutory standard. Of course, the label restoration is inappropriate in this context since the Congress writes laws—it does not and cannot overrule the Supreme Court's interpretation of the Constitution. We are unable to restore a prior interpretation of the first amendment. H.R. 1308 is a proposed Federal statute and its meaning will be determined by its plain language and, to some extent, by the intent of Congress in enacting it.

Several changes were made to the bill during the Judiciary Committee markup in late September 1992 and prior to the bill's introduction in the 103d Congress. These changes make clear that the statutory standard of the Religious Freedom Restoration Act is the same free exercise standard that was applied by the U.S. Supreme Court prior to Smith.

The intended standard of the bill was of particular concern to me in the area of abortion rights. I have been deeply concerned that the Religious Freedom Restoration Act would create an independent statutory basis to challenge abortion restrictions that does not exist under current law. The bill now clearly imposes a statutory standard that is to be interpreted as incorporating all Federal court cases prior to Smith. The one successful district court free exercise challenge to an abortion funding restriction prior to Smith was rejected by the U.S. Supreme Court in *Harris* v. *McRae*, 448 U.S. 297 (1980). In that case the Court stated that none of the parties had standing to sue because "none had alleged, much less proved, that she sought an abortion under compulsion of religious belief." Because free exercise challenges to abortion restrictions were ultimately unsuccessful prior to Smith, I am confident that although such claims may be brought pursuant to the Act, they will be unsuccessful.

Individuals seeking to challenge abortion restrictions should not look to the Religious Freedom Restoration Act, but to Planned Parenthood versus Casey which describes how claims pertaining to abortion are resolved. We want to make it absolutely clear that this bill does not expand, contract, or alter the ability of a claimant to obtain relief in a manner consistent with the Supreme Court's free exercise jurisprudence prior to Smith.

Language has also been added to resolve concerns about application of the act to social service programs operated by religious institutions with public funds and possible challenges to the tax-exempt status of religious institutions. The new language, found in section 7 of the bill, makes clear that such claims are not the appropriate subject of litigation under the Religious Freedom Restoration Act.

The changes made to the bill as introduced in the 103d Congress make clear that the Religious Freedom Restoration Act is not seeking to impose a new and strengthened compelling State interest standard, but is seeking to replicate, by statute, the same free exercise test that was applied prior to Smith.

In conclusion, the Religious Freedom Restoration Act will not guarantee that religious claimants bringing free exercise challenges will win, but only that they have a chance to fight.

Mr. Speaker, I wonder if I might engage the gentleman from New Jersey [Mr. HUGHES] in a colloquy.

Mr. Speaker, I would ask the gentleman, it is my understanding that prior to 1987 many courts evaluated free exercise challenges by prisoners under the compelling governmental interest test. The courts considered not only the exercise of religion, but also the difficulty of the prison officials' task of maintaining order and protecting the safety of prison employees, visitors, and inmates. Is it the gentleman's understanding that challenges of prison regulations were generally not successful, even under a strict scrutiny standard of review?

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding to me. Mr. Speaker, that is also my understanding, I might say to my colleague. Religious liberty claims in a prison context present far different problems for the operation of those institutions than they do in civilian settings. Ensuring the safety and orderliness of prisons has repeatedly been recognized as a compelling governmental interest.

Mr. HYDE. I ask the gentleman, is there anything in this bill that would somehow make courts less likely to find that a State has a compelling interest in maintaining order and discipline in its correctional facilities?

Mr. HUGHES. Mr. Speaker, if the gentleman will continue to yield, there is absolutely nothing in this bill which suggests that courts should not view prison regulation as a governmental interest of the highest order, which has always been the case.

Mr. HYDE. Mr. Speaker, I certainly thank the gentleman, and I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my purpose to discuss the effect of H.R. 1308 on prison administration, and I will include for the RECORD a letter from the Attorney General, Janet Reno, addressing the matter and urging support for the bill as ordered reported by the committee.

Mr. Speaker, I want to address any concerns Members might have about the effect of this important legislation on the administration of Federal and State prisons. In evaluating claims of prisoners under the free exercise clause, courts have always considered the difficulty of the prison officials' task of maintaining order and protecting the safety of prison employees, visitors, and inmates. This will continue to be the case under this bill.

Restoring the strict scrutiny standard of review in prison cases by no means indicates that prisoners will prevail any more frequently than they have in the past. First of all, a threshold consideration for a free exercise claim is that the religious beliefs are sincerely held—and prisoner suits are often thrown out of court on a finding that the supposed beliefs are really manufactured pretexts. Second, many prison regulations have been found to impose only an incidental burden on a prisoner's ability to practice his or her religion—a finding which would preclude a claim under this bill.

Third, religious liberty claims in prison settings pose far more serious problems for the operation of those institutions than they do in civilian settings. Ensuring the safety and orderliness of prison institutions has been recognized as a governmental interest of the highest order, and this is unaffected under the bill.

Mr. Speaker, the Nation's chief law enforcement officer, Attorney General Janet Reno, has also looked at this question, and has come to the conclusion that the provisions of the Religious Freedom Restoration Act are compatible with the safe, effective, and efficient administration of our prison system. In a letter to me today, she stated that:

> Concerns have been expressed that the standard of review of H.R. 1308 will unduly burden the operation of prisons and that the bill should be amended to adopt a standard more favorable to prison administrators when confronted with the religious claims of prisoners. These concerns have been presented by knowledgeable and sincere individuals for whom I have great respect, but I respectfully disagree with their position and urge the committee to approve the bill without amendment.

Under leave to include extraneous matter, I am including Attorney General Reno's letter in the RECORD in its entirety.

In short, prisoners challenging institutional rules based on religious exercise have prevailed only in extraordinary situations—even under a compelling governmental interest standard. This legislation presents no threat to the administration of our correctional institutions.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 11, 1993.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I strongly support H.R. 1308, the Religious Freedom Restoration Act of 1993 and urge its swift enactment. The bill is designed to overturn *Employment Division* v. *Smith*, 110 S. Ct. 1595 (1990), which in my view, mistakenly rejected the balancing test of *Sherbert* v. *Verner*, 374 U.S. 398 (1963). According to *Sherbert*, government action that substantially burdened religious practice had to be justified by a compelling government interest. In *Smith*, however, the Court held that application of a neutral law of general applicability—even if it has the effect of burdening religious practice—does not run afoul of the Free Exercise Clause of the First Amendment. This weakening of the protection afforded one of society's most fundamental freedoms is extremely troubling and should be corrected by substituting the stronger protection afforded by H.R. 1308.

Concerns have been expressed that the standard of review of H.R. 1308 will unduly burden the operation of prisons and that the bill should be amended to adopt a standard more favorable to prison administrators when confronted with the religious claims of prisoners. These concerns have been presented by knowledgeable and sincere individuals for whom I have great respect, but I respectfully disagree with their position and urge the Committee to approve the bill without amendment.

Prior to 1987, the Supreme Court had not distinguished explicitly between the standard of review applicable to the religious claims of prisoners and those of others. In that year, for the first time, it held that a prison regulation that impinges on an inmate's right of free exercise "is valid if it is reasonably related to legitimate penological interests." *O'Lone* v. *Estate of Shabazz*, 482 U.S. 342, 349 (1987), quoting *Turner* v. *Safley*, 482 U.S. 78, 89 (1987). Thus, the Court had abandoned the compelling interest standard regarding inmate claims only a few years prior to doing so for the general population in *Smith*.

Prisons had operated under Sherbert for a number of years before *O'Lone* and *Turner* adopted a standard that is plainly less accommodating to the prisoners' exercise of religious rights. During that period, prisoners attempted to gain privileges based on fabricated free exercise claims. Not surprisingly, those types of claims have continued even under the standard of *O'Lone* and *Turner*. They will doubtless continue whether H.R. 1308 becomes law or not.

In my view the four dissenters in *O'Lone* had the better of the argument. They would have required prison administrators to demonstrate that the restrictions imposed in the case—preventing certain Muslims from attending a religious service central to their faith—furthered a compelling government interest and were no greater then necessary to achieve legitimate penological objectives. This standard parallels that incorporated in H.R. 1308.

Certainly, the strong interest that prison administrators and society in general have in preserving security, order, and discipline in prison will receive great weight in the determination whether the government meets the compelling interest test when there is a claim that exercise of religious rights is burdened and whether it has pursued the least restrictive means of doing so. Activities that are presumptively dangerous or carry a demonstrable likelihood of jeopardizing discipline within a prison will continue to be subject to regulation after enactment of H.R. 1308.

Likewise, prison administrators will retain authority, in many instances, to regulate the time, place, and manner of an inmate's exercise of religion. Restrictions that do not deny inmates the opportunity to engage in otherwise permissible religious practice, but merely require them to pursue such activities within the context of prison life, likely will not substantially burden inmates' free exercise rights and will be permissible.

I, therefore, strongly urge the Committee to approve H.R. 1308 without amendment.

Sincerely,

JANET RENO.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the Religious Freedom Restoration Act. It is a good bill. I urge my colleagues to support it.

Mr. Speaker, today, the House is considering the Religious Freedom Restoration Act. This bill is intended to ensure that governmental regulations and laws do not unduly interfere with the freedom to practice one's choice of religion in this country.

For many years, the Supreme Court evaluated governmental actions with respect to religious practices on the basis of whether the governmental entity had a compelling State interest in imposing on the religious practice. Unfortunately, this strict standard was abandoned by the U.S. Supreme Court in a 1990 decision.

For the past 3 years, a large number of groups have worked together to respond to that decision. Their efforts have resulted in a narrowly drawn bill being considered today which is intended to restore the standard of review in religious cases to that of a compelling interest. This bill has wide support on a bipartisan basis.

There are now last minute claims that passage of this legislation would create a severe problem for prison officials in their ability to control and manage prison institutions. If a compelling interest has to be established, the opponents argue that they will never be able to justify control of certain religious practices.

This fear is unfounded, as Attorney General Janet Reno has noted in her letter to the chairman of the Judiciary Committee dated today. Prior to 1990, there was no significant problem experienced by prison systems in providing that a State's correctional policy was justified under a compelling State interest. Under this legislation, that same conclusion would prevail. The applicable standard would still ensure that State and Federal prison officials would be able to guarantee the safety and security of prisons while permitting the practice of religion as guaranteed under the U.S. Constitution.

Mr. BROOKS. Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it was interesting to hear the gentleman from California [Mr. EDWARDS] allude to the Amish in Pennsylvania as a prime example of the efficacy of the law which we are about to pass. He is absolutely correct. As a matter of fact, the Commonwealth of Pennsylvania was founded by William Penn, who, with his Quaker background and with all the rationale that existed at that time in his sect in England, was the basic reason that they came to the shores of our country in the first place. The entire Commonwealth is steeped in the tradition of religious freedom, stemming from its first charter.

Today, in Lancaster County, where Mr. WALKER and I share a constituency, the remnants of those particular plain sects to which the gentleman from California alluded are thriving, and everyone seeks in various ways to make sure that their ultimate right to practice their religion is protected.

I support the legislation, and say, as a matter of record, that in my district, and I am sure it is true in every one of the districts of the Members here, the diversity of our citizenship is not more clearly reflected than in the religious diversity in the community. One need only have to go through one's district and look at the different churches or houses of worship of the various denominations and recognize the fulsome diversity that exists, without ever having to study the demographics of a particular district.

We are sanctifying today that diversity and religious freedom, and we urge the passage of this legislation.

☐ 1310

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise in support of the Religious Freedom Restoration Act. This landmark legislation will overturn the Supreme Court's disastrous decision, Employment Division versus Smith, which virtually eliminated the first amendment's protection of the free exercise of religion.

As the Representative of one of the most religiously diverse congressional districts in the country, I believe that this legislation must be given top priority. In the communities I represent, Jews from Syria, the former Soviet Union and Iran live alongside Catholics from Ireland, Italy, and Latin America, Evangelical Christians and Baptists and many others.

What has made the American experiment work—what has saved us from the poisonous hatreds that are consuming other nations—has been a tolerance and a respect for diversity enshrined in the freedom of religion clauses of our Bill of Rights. It was no accident that the Framers of our Bill of Rights chose to place the free exercise of religion first among our fundamental freedoms. This House should do no less.

Unless the Smith decision is overturned through the speedy enactment of the Religious Freedom Restoration Act, the fundamental religious rights of all Americans, to keep the Sabbath, to use wine in religious ceremonies, to observe religious dietary laws, to be free from unnecessary autopsies, to worship as their consciences dictate—will remain threatened.

Indeed, even Justice Scalia, writing for the majority in Smith, acknowledged that "[i]t may fairly be said that leaving accommodation to the political process will place at a relative disadvantage those religious practices that are not widely engaged in." Our experience in the 3 years since Smith has demonstrated that religious minorities—and even majority religions—have been placed at a tremendous disadvantage. The rights of religious Americans in every State have been violated as a result of this decision.

If there is a shared American value it is the commitment to religious liberty. The American people have waited long enough for the restoration of their first freedom. I urge my colleagues to vote for the Religious Freedom Restoration Act.

Mr. Speaker, I thank the chairman of the subcommittee and the full committee and the ranking minority members for their diligence in bringing this legislation to the floor.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time and for his support of this important measure. And I also compliment the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Judiciary Committee, and the gentleman from New York for their support of this truly bipartisan measure.

Mr. Speaker, "Congress shall make no law * * * prohibiting the free exercise of religion." We have all heard and read these words in the first amendment. Unfortunately, the U.S. Supreme Court has allowed serious erosion of this right.

For over 200 years every family or individual who has lived in our great Nation has been free to follow their religious beliefs without threat of Government interference because of this first amendment protection. However, since the Oregon Employment Division versus Smith ruling, over 50 court cases have been decided against religious groups or individuals acting upon their religious beliefs.

Clearly this situation must be reversed. That is why I urge support of the Religious Freedom Restoration Act, which would restore higher constitutional protection for our religious liberty.

Included in the broad and diverse coalition supporting this important bill are the United Methodist Church, the National Association of Evangelicals, the American Jewish Congress, Presbyterian Church U.S.A., United Church of Christ, American Association of Christian Schools, Episcopal Church, Church of the Brethren, and 50 other diverse organizations representing nearly every major religious organization in the country.

The deeply held desire to worship their God free of government intrusion drove the Pilgrims in small wooden boats across the dangerous Atlantic Ocean and to a hostile wilderness of the New World almost four centuries ago. Their courage, convictions, and tenacity, coupled with the blessings of God, allowed them to help create the greatest country on Earth. We owe it to our heritage and to our children and grandchildren to protect these religious freedoms won at such great cost.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER], chairman of the Subcommittee on Crime and Criminal Justice.

Mr. SCHUMER. Mr. Speaker, as the lead sponsor of the Religious Freedom Restoration Act, along with the gentleman from California [Mr. COX], I want to thank Chairman EDWARDS for his work on this bill and support in bringing the bill to the House today. I also want to thank and give special mention to the efforts of Steve Solarz, who originally introduced this bill in the 101st Congress, and his support for religious freedom first brought this issue to the Congress.

As we all know, the first amendment guarantees the right of free exercise of religion, and traditionally the Supreme Court interpreted that guarantee to mean religious freedom can be infringed only when Government has a compelling interest to do so. And this was sort of an exquisite balance, one of the times that it works out almost just right in Anglo-Saxon jurisprudence when the Government really had a compelling interest. Yes, they could infringe on religion, and when they did not we would let the religious issue predominate, and it made eminent sense. It was working admirably well.

But in 1990, in the infamous case known as the Smith case, the Supreme Court changed the standard radically and said that the Government only had to show a legitimate interest in order to burden religion, unless the religious practitioners could show they were directly targeted for persecution. In my opinion, that decision rubbed against totally the American grain of allowing maximum religious freedom. Of course when the Government had a compelling interest, that is where it should stop. But up to that point, why not let religious freedom bloom?

But, incomprehensibly, Justice Scalia's decision explained that requiring the Government to accommodate religious practice was a luxury. Tell to millions and millions of Americans that religion is a luxury, and I think we get the reaction that we have had universally here on the floor from the most liberal to the most conservative Member.

Smith was a devastating blow to religious freedom, and we are trying to undo it. Under Smith, the practice of using sacramental wine, wearing a yarmulke, Kosher slaughter, and many other religious practices all could be jeopardized.

The parade of horribles had already begun. In the 3 years since the case, evangelical store-front churches have been zoned out of commercial areas and Orthodox Jews and the H'mong people have been subjected to autopsies in violation of their religious faiths.

Quite simply, we cannot allow this to continue. The Founders of our Nation, the American people today know that religious freedom is no luxury, but is a basic right of a free people.

The bill will restore the first amendment to its proper place as one of the cornerstones of our democracy. It is simple. It states that the Government can infringe on religious practice only if there is a compelling interest and if the restriction is narrowly tailored to further that interest.

I want to thank everyone for their broad and bipartisan support, the dozens of religious groups from across the spectrum, the Agudath Israel of American, the Baptist Joint Committee, the National Association of Evangelicals, and the National Religious Action Committee, as well as President Clinton and the Attorney General for their support of this bill. I urge my colleagues to join me today as we strike a blow for religious freedom. We should vote to restore one of this country's cherished traditions by voting for the Religious Freedom Restoration Act.

Mr. GEKAS. Mr. Speaker, I yield such time as he might consume to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I am delighted that the Religious Freedom Restoration Act has reached the House floor today, and I look forward to joining my colleagues in restoring the traditional protections for religious liberty guaranteed in the first amendment of our Constitution.

In response to the Smith case, my constituents, in the Fourth District of Georgia, expressed to me the negative impact that this case has had—and will have—on their first amendment rights. We must protect the religious rights of our citizens, and it was for these reasons that I joined as an original cosponsor of this legislation. Our Founding Fathers created a document that would last through the ages, and this act is our opportunity to assure that the protection of free religious exercise remains an inalienable right for persons of all religious faiths.

This act does not create special protections for any particular religion. This act does not mean that religious claims in court will succeed at all times. The Religious Freedom Restoration Act simply states that the Government may not regulate the religious practices of its citizens unless the Government demonstrates that there is a compelling interest, and the Government action is the least restrictive means of furthering that interest.

While generations of Americans have been indebted to our Founding Fathers because they had the wisdom to protect the free exercise of religion in the first amendment, today, we are thankful that they also had the foresight to entrust the legislative branch of the United States with the power to protect the rights and liberties that we, as Americans, enjoy. Today, we have the opportunity to fulfill our constitutional duty to protect this cherished right for ourselves and our posterity.

□ 1320

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER], a member of the Committee on Appropriations and chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding this time to me.

I commend the chairman, the gentleman from Texas [Mr. BROOKS], the gentleman from California, [Mr. EDWARDS], and the ranking member of the committee for their action on this bill.

Mr. Speaker, to restore freedom is always timely, to restore in particular the rights that Americans hold so sacred under the first amendment and in particular the right to practice their religion as they see fit.

Mr. Speaker, after all, it was that right that was hallmark to the founding of this country, and it was that right that in many respects made us unique in the world.

Mr. Speaker, in Maryland we have the Religious Toleration Act of 1648, one of the first enunciations in our Nation that the practice of religion ought to be unfettered by Government, except if there is a compelling reason.

I want to say to our former colleague, the gentleman from New York, Mr. Steve Solarz, who led the fight for this early on, that his efforts will be realized today as will the efforts of Chairman BROOKS, the gentleman from New York [Mr. SCHUMER], and others. This is a bill whose time not only has come but was for many years prior to the Smith decision.

In my prepared remarks I call this one of, and some would say it is, the most important bill affecting religious liberty in our lifetime. That is an expansive statement, but I think it correctly enunciates the impact of this bill. It is appropriate, Mr. Speaker, that we restore this sacred right for every American.

I am pleased to rise in strong support of this legislation.

Mr. Speaker, I rise today in very strong support of H.R. 1308, the Religious Freedom Restoration Act. I would like to thank and commend the chairman of the Subcommittee on Civil and Constitutional Rights [Mr. EDWARDS], for his tireless work on this bill and the chairman of the Judiciary Committee [Mr. BROOKS], for expeditiously bringing this bill to the floor for consideration.

H.R. 1308 is one of the most important bills affecting religious liberty in our lifetime. The Religious Freedom Restoration Act will restore the traditional requirement that Government demonstrate a compelling interest before restricting religious practices. That requirement was scrapped by the Supreme Court in the Employment Division of Oregon versus Smith case, when the Court held that Government actions can burden a person's exercise of religion as long as the Government had a legitimate purpose and are not aimed at suppressing religion. This ruling did great mischief to the rights of all Americans. Religious liberty was no longer a fundamental constitutional right.

Since Smith, more than 50 cases have been decided against religious claimants. Amish farmers have been forced to affix garish warning signs to their buggies, despite expert testimony that more modest silver reflector tape would be sufficient. Orthodox Jews have been subjected to unnecessary autopsies in violation of their family's religious faith and one Catholic teaching hospital lost its accreditation for refusing to provide abortion services. Evangelical churches have been zoned out of commercial districts in some cities prompting a Minnesota trial judge to remark that churches have no more constitutional rights than adult movies theaters.

Today Mr. Speaker, we have an opportunity to correct these injustices. We can restore the Nation's first amendment and religious liberty to its rightful preeminence.

I want to thank the President and the Attorney General for their support. And, I commend the coalition for the free exercise or religion—the 60 religious and civil liberties groups—for their willingness to lay aside their political agendas in order to unite in a common vision for the common good—religious liberty for all Americans.

I urge all my colleagues to support this legislation.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON] a leader of the Mormon community.

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as an original cosponsor of H.R. 1308, I urge my colleagues to join me in reaffirmation of the first amendment by the passage of this legislation.

Mr. Speaker, I rise today in support of H.R. 1308, the Religious Freedom Restoration Act. The U.S. Supreme Court seriously eroded the first amendment guarantee of freedom of religion when, in Employment Division versus Smith 1990, they abandoned the compelling government interest test on all Government action burdening a person's exercise of his or her religion. Although it would be preferential for the Supreme Court to reverse the Smith case and restore the full constitutional dimensions of the first amendment protection of freedom of religion, I believe that this statutory restoration of the compelling governmental interest standard is both a legitimate and a necessary response by Congress to the degradation of religious freedom resulting from the ruling in the Smith case.

Freedom of religion is one of the most fundamental truths upon which this great Nation was established. I am a member of a church whose people were once cruelly persecuted and I remember the anguish of my ancestors who were driven from their homes because the Government of this Nation condoned oppression.

Last year during testimony before the House Judiciary Subcommittee on Civil and Constitutional Rights Elder Dallin H. Oaks, apostle of the Church of Jesus Christ of Latter Day Saints, could not have stated it more clearly when he said:

> The conflict between individual rights to freely worship God and Government attempts to regulate or interfere with religious practices remains today. For decades the United States Supreme Court adhered to the first amendment guarantee of free exercise by requiring the State to demonstrate a compelling governmental interest before interference with religious freedom would be tolerated. This test struck an appropriate balance between the needs of Government to establish rules for the orderly governance of our society and the rights of citizens not to be unduly restricted in their religious practices. In those instances where elected officials approved laws which interfered with a specific religious practice, they had to sustain the burden of justifying their action by identifying a compelling government reason or interest for doing so * * * the compelling governmental interest test provided an essential protection for the free exercise of religion. Such protection is vital. There is nothing more private or personal than the relationship of an individual to his or her God. There is nothing more sacred to a religious person than the service or worship of God * * * if past is prolog, the forces of local, State and Federal governmental power, now freed from the compelling governmental interest test, will increasingly interfere with the free exercise of religion. We fear that the end result will be a serious diminution of the religious freedom guaranteed by the United States Constitution * * * the Bill of Rights protects principles, not constituencies. The worshippers who need its protections are the oppressed minorities, not the influential constituent elements of the majority.

I urge my colleagues to support H.R. 1308 and join me in reaffirmation of the first amendment. Freedom to worship God according to the dictates of one's own conscience is still a fundamental right of our society.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I thank the chairman for yielding this time to me.

Mr. Speaker, today I rise in strong support of H.R. 1308, the Religious

Freedom Restoration Act. This act merely seeks to reflect what had been the constitutional standard prior to the ruling in Employment Division versus Smith. Justice Sandra Day O'Connor stated in her concurring opinion that "Today's holding dramatically departs from well-settled first amendment jurisprudence, and is incompatible with our Nation's fundamental commitment to individual religious liberty." Mr. Speaker, I agree and would encourage my colleagues to reverse this ill advised decision by supporting the tenet contained in H.R. 1308, that only a compelling State interest should justify the denial of the free exercise of one's religion. If the first amendment means anything at all, it means the freedom to believe and the freedom to worship. To deny a citizen the right to practice his religion, the State should have nothing less than a compelling interest in doing so.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the chairman for yielding this time to me.

Mr. Speaker, I want to credit the Committee on the Judiciary, led by the gentleman from Texas [Mr. BROOKS] for their work on the measure before the House.

Mr. Speaker, I think this is an opportunity, to reaffirm our support for the Constitution, and the religious freedom that is inherent in the Bill of Rights, and the practices and laws of our country for the past 200 years.

I think that most of us who are yet students of law—not lawyers—obviously understand the dynamic nature of the court decision process. Today the balance is tipped against the exercise of religion and especially against those that need the protection of our Constitution and our laws, those that are minorities in our society, either ethnically, as my colleagues mentioned, the native Americans groups, the Hmong a significant population that I represent in St. Paul, MN, a significant Southeastern Asian population, or other ethnic groups, and/or other minority religious groups such as the groups to whom we have referred, whether they are people who practice the Jewish faith, Mormons or the many other religious groups that exist in our Nation.

Frankly, as we look at that challenge for us as a nation in writing law and establishing policy government interference really should have overwhelming justification. Today that is not the case. The balance is restored in the measure before the House by making the test by a compelling interest and as to the least restrictive means of attaining the Government's objective with regard to law. I hope that this balance will be restored with this change. I am pleased to note that my colleagues in the Congress have acted with great sensitivity and conscientious effort to try to make sure that our laws are evenhanded, especially as it affects this cherished right of religious freedom.

I urge my colleagues to join the Committee on the Judiciary and the lead sponsor, CHUCK SCHUMER, and other cosponsors such as myself in supporting this meritorious measure.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, one of the fundamental freedoms on which our Nation was founded is in jeopardy. The religious liberties which were a driving force behind the formation of this Nation have been seriously eroded by the court ruling in Oregon versus Smith and subsequent cases. Only enactment of the Religious Freedom Restoration Act can repair the damage done and give Americans confidence that their right to observe their own religious beliefs is secure.

Throughout our history, America has always been a haven for those who have feared religious persecution. At the time of the establishment of the American colonies, there was no country in Europe without a state church, and unity of religion was considered essential to the unity of the state. Those whose faiths differed from the officially designated religion were prevented from practicing their own religious and observing their own spiritual beliefs.

But in the United States, we have always cherished our religious liberties. The freedom to practice one's religious beliefs is enshrined in the first amendment to our Constitution, and it is experienced every day in the diversity of our society. Indeed, our goal in setting public policy has and must always be to accommodate religious diversity to the maximum extent possible. To do otherwise would be to abandon our heritage and to turn our Constitution on its head.

But the Supreme Court of the United States in Oregon versus Smith found that States do not have to show a compelling interest in restricting a religious practice. After two centuries of commitment to the protections of religious freedom and understanding that true freedom of religion can only be possible if we are willing to go the extra mile to respect the beliefs of others, this decision and others have undermined the willingness to accommodate the religious beliefs of others.

In Michigan, an autopsy was performed on the body of an orthodox man because State law there requires autopsies for all violent deaths. His orthodox faith prohibits autopsies and there was no mystery surrounding his death. He died in an auto accident. But the court found that the State could perform an autopsy with no compelling reason.

In another case, an Ohio court held that an individual could not display a cross on her own front law. According to the court, the Smith decision enabled the State to prevent, without any compelling reason, people from displaying religious articles. In other areas, individuals have been prevented from wearing yarmulkes, crosses, or rosaries, and courts, citing Smith refused to defend their rights.

Rulings such as these risk making a mockery of our religious liberties, and—in light of these pernicious rulings—we must ask ourselves what might be next if we do not act? Will it be permissible to tell a mashgiach how a kosher chicken should be cut? Will it be acceptable for the EPA to tell priests how to handle holy water?

This legislation is a simple reaffirmation of our strong commitment to religious liberty in the fullest sense. It states, without equivocation, that there must be a compelling public reason—health, safety, or the like—before religious traditions or observances would be subject to Government restrictions. That is, as it should be, in this land of religious liberty.

Mrs. LLOYD. Mr. Speaker, I rise in support of the Religious Freedom Restoration Act. This legislation is important in restoring the protection for the exercise of religion that existed prior to the Oregon Employment Division versus Smith decision in 1990.

When our forefathers drafted the Constitution of the United States, they put forth an underlying premise that no person shall be denied life, liberty, and the pursuit of happiness. In codifying this premise our forefathers incorporated language in the first amendment that specifically addresses the rights that shall be enjoyed by all Americans, including the exercise of religion, Congress shall make no law respecting the establishment of religion, or prohibit the free exercise thereof.

Prior to the Smith decision the courts have applied a compelling interest test that requires the Government to demonstrate that any law burdening the free exercise of religion is essential to furthering a compelling interest and is the least restrictive means of furthering that interest. However, the Smith decision abandoned the longstanding compelling interest test for evaluating whether a governmental action unconstitutionally interferes with a religious practice.

The Smith decision has sent out a clear signal to the American people that the Government no longer has to justify most burdens on religious exercise. The Religious Freedom Restoration Act would simply require States seeking to outlaw a questionable religious practice to demonstrate a compelling interest to do so.

Mr. Speaker, I find that the Smith decision places religious rights in a subcategory to other first amendment rights, such as freedom of speech and press. The exercise of religion is a fundamental right and is not to be regarded as a luxury. The Religious Freedom Restoration Act does not provide any additional rights under law, it restores the full exercise of religion established in the first amendment. This bill has bipartisan support and I would urge my colleagues to vote for the Religious Freedom Restoration Act.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 1308, the Religious Freedom Restoration Act.

I am proud to be an original cosponsor of this legislation and I believe is one of the most important bills that Congress will pass this year.

It is almost inconceivable that in 1993, the fundamental right of all Americans to the free exercise of religion is in serious jeopardy. But the sad fact is that the Supreme Court's ruling in Employment Division versus Smith has already begun to chip away at the first freedom protected by the Bill of Rights, the freedom of religion.

I was not in Congress when I read Justice Scalia's decision in which he called freedom of religion a luxury. But like many of my colleagues who have cosponsored this bill, I was shocked by this pronouncement. After all, our Nation was founded by people who fled religious persecution and it remains the world's safe haven for those who cherish religious freedom and tolerance.

In New York City, my constituents are quite concerned about the unwarranted governmental interference with religious practices that could come about unless we overturn the court's decision by enacting this bill. The Jewish practices of kosher slaughter and circumcision, for example, might be threatened, as might the use of ceremonial wine, which is important to many faiths. Congregations of different religions have already run afoul of zoning regulations which have banned houses of worship in particular neighborhoods.

The diverse array of religious and other public policy groups which support this bill is proof of the strong sentiment across this land that we cannot tolerate an erosion of religious liberty. Freedom of religion is a fundamental right which transcends ideological, religious, and partisan differences.

I am pleased to join with my colleagues in voting for the Religious Freedom Restoration Act and am pleased that President Clinton will sign the bill when it reaches his desk. That will be a historic day for all Americans.

Ms. PELOSI. Mr. Speaker; I rise today to express my support for H.R. 2927 the Religious Freedom Restoration Act of 1993, and to urge my colleagues to vote in favor of this measure. I commend my colleagues Representatives SCHUMER and COX for reintroducing this important legislation in the 103d Congress.

The Religious Freedom Restoration Act was drafted in response to the 1990 Supreme Court case Employment Division versus Smith. In that case, the Supreme Court discarded the free exercise rule of the first amendment and decided that general laws could deny an individual's right to the free exercise of religion.

In order to protect the constitutional rights of Americans, it is necessary to return the criteria for abridging religious freedom to pre-Smith days. Before this trial, any Government action restricting the free exercise of religion had to pass the "compelling governmental interest test" to prove that the action was essential to further a compelling Government interest.

This legislation is important because it protects an individual's religious freedom from unnecessary Government interference. It provides for the reestablishment of fair standards to determine if Government intervention is necessary.

Religious freedom is one the founding principles of this Nation. H.R. 2927 would ensure the continuation of this important principle. I hope that my colleagues will join me in supporting the protection of religious freedom by voting in favor of the Religious Freedom Restoration Act.

Mr. CARDIN. Mr. Speaker, I rise in strong support of the Religious Freedom Restoration Act, H.R. 1308.

The Supreme Court's decision in Employment Division of Oregon versus Smith seriously weakened the first amendment's guarantee of freedom of religion. In the case, often referred to as the "peyote case," the Supreme Court found that the State of Oregon could deny unemployment compensation benefits to drug rehabilitation counselors who were fired for the sacramental use of peyote in native American religious ceremonies.

Prior to the decision, the test used by the courts for evaluating the constitutionality of a statute that restricted the free exercise of religion was whether the Government could prove it had a compelling interest. In this case, the Supreme Court discarded the strict compelling interest standard in favor of a lesser valid governmental purpose standard.

Under the lesser standard, people's constitutional right to freely exercise their religion was infringed. Here are some examples: Veterans have been denied the right to be buried in some veterans' cemeteries on Saturday and Sunday even if their religious beliefs required it; the Amish have been forced to be required by State law to display fluorescent orange emblems on their horse-drawn carriages even though this violates their religious beliefs; autopsies have been performed on individuals whose religious beliefs prohibit autopsies even though the State was unable to show a compelling reason for performing the autopsy; and on and on.

The Religious Freedom Restoration Act would restore the requirement that the government demonstrate a compelling interest in order to restrict the free exercise of religion. It would also require the government to use the least restrictive means possible to further its compelling interest.

As a long-time cosponsor of the Religious Freedom Restoration Act, I am pleased the bill has received the support of virtually every major religious denomination, the Clinton administration, and, most recently, the unanimous vote of the House Judiciary Committee. I urge my colleagues to support this legislation that strengthens one of our most fundamental rights—the free exercise of religion.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in support of H.R. 1308, the Religious Freedom Restoration Act. I am proud to be a cosponsor of this important legislation, which will be considered before the House today.

Religious liberty is at the very heart of America's heritage. Indeed, the search for religious tolerance was a principle upon which our great Nation was founded. Over 200 years later, the United States continues to attract a tremendous diversity of people as a safe haven from religious persecution. It is, therefore, important to ensure that such constitutional liberties are protected from unwarranted Government intrusion.

That protection, however, was diminished in 1990, when the Supreme Court abandoned the compelling interest standard in Oregon Employment Division versus Smith. That strict scrutiny test, which had been the constitutional standard for nearly 30 years, was replaced by a less restrictive general interest standard. Accordingly, the Smith decision has permitted Government to infringe upon religious practices so long as the discriminatory effects are not intended to limit any particular religious belief.

This rationale has seriously eroded religious protection as envisioned by the Framers of the Constitution. Its implications are especially burdensome for those whose beliefs lie within the religious minority. Since Smith, over 50 court decisions have used the new standard to decide against religious claimants. It is my understanding that the Founding Fathers authored the first amendment to protect religious minorities from exactly the kind of Government discrimination which has resulted from the Smith decision.

Mr. Speaker, H.R. 1308 is not just about protecting the rights of religious minorities, it is about preserving the constitutional freedom of religion for all Americans. It is time to restore religious freedom to the intended equivalent status of other first amendment freedoms. Therefore, I urge my colleagues to vote in support of the Religious Freedom Restoration Act.

□ 1330

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1308.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1308, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 873) entitled the "Gallatin Range Consolidation and Protection Act of 1993," as amended.

The Clerk read as follows:

H.R. 873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gallatin Range Consolidation and Protection Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that:

(1) It has been the clear policy of the Federal Government since 1925 to consolidate the checkerboard lands along the Gallatin Range north of Yellowstone National Park.

(2) These lands north of Yellowstone possess outstanding natural characteristics and wildlife habitat which give them high value as lands added to the National Forest System.

(3) Although these lands have historically remained pristine up to now, failure to consolidate at this time will in the near future lead to fragmentation and development.

(4) The Federal Government has already invested a great deal in keeping the lands along the Gallatin Range protected from excess development.

SEC. 3. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall, subject to the provisions of sections 4(a) and 5(a) and notwithstanding any other provision of law, acquire by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (hereinafter in this section referred to as the "company"), in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b) DESCRIPTION OF LANDS.—(1) If the company offers to the United States the fee title, including mineral interests, to approximately 37.752 and $^{15}/_{100}$ *acres of land owned by the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, upon such acceptance the Secretary of the Interior shall convey, subject to valid existing rights, by patent the fee title to approximately 12,414 and* $^{6}/_{100}$ *acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—*

(A) the reservation of ditches and canals required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations, and exceptions as may be agreed upon by the Secretary and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the county wherein the leased lands are situated.

(c) EASEMENTS.—Reciprocal easements shall be exchanged at closing on the conveyances authorized by this section—

(1) in consideration of the easements conveyed by the company as provided in paragraph (2) of this subsection, the Secretary shall, under authority of the Act of October 13, 1964 (16 U.S.C. 532 et seq.; commonly referred to as the "National Forest Roads and Trails Act"), or the Federal Land Policy and Management Act of 1976, execute and deliver to the company such easements or other rights-of-way authorizations over federally owned lands included in this exchange as may be agreed to by the Secretary and the company in an exchange agreement; and

(2) in consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States such easements or other rights-of-way authorizations across company-owned lands included in this exchange as may be agreed to by the Secretary and the company in an exchange agreement.

(d) TIMING OF TRANSACTION.—Subject to the provisions of sections 4(a) and 5(a) of this Act, it is the intent of Congress that the conveyances authorized by this section be completed within 90 days after the date of enactment of an Act making the appropriation authorized by subsection (e).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum of $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

(f) QUALITY OF TITLE.—Title to the properties referenced in this section to be offered to the United States by Big Sky Lumber Company, its assignees or successors in interest, shall include both the entire surface and subsurface estates without reservation or exception. The owner shall be required to acquire any outstanding interest in mineral or mineral rights, timber or timber rights, water or water rights, or any other outstanding interest in the property, except reservations by the United States or the State of Montana by patent, in order to assure that title to the property is transferred as described in this section and sections 4, 5, and 6. Title to land to be conveyed to the United States shall be acceptable to the Secretary and shall otherwise be in conformity with title standards for Federal land acquisitions.

(g) REFERENCES.—The reference and authorities of this section referring to Plum Creek Timber Company, L.P., shall also refer to its successors and assigns.

SEC. 4. LAND CONSOLIDATION; PORCUPINE AREA.

(a) IN GENERAL.—The exchange described in section 3 of this Act shall not be consummated by the Secretary until the Secretary or a not-for-profit corporation (hereinafter in this section referred to as the "conservation entity") exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 acting for later dispositions to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Porcupine property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. And further that, if said acquisition or option to acquire has been consummated by a conservation entity, said entity shall have notified the Secretary that the quality of title in fact secured meets applicable Forest Service standards with respect to surface and subsurface estates or is otherwise acceptable to the Secretary.

(b) AUTHORIZATION OF ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Porcupine Area", dated September, 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) REFERENCES.—The reference and authorities of this section referring to the owner shall mean the Big Sky Lumber Company, and its successors and assigns.

SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) IN GENERAL.—The exchange described in section 3 of this Act shall not be consummated by the Secretary until the Secretary or a not-for-profit corporation (hereinafter in this section referred to as the "conservation entity") exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 acting for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Taylor Fork property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. And further that, if said acquisition or option to acquire has been consummated by a conservation entity, said entity shall have notified the Secretary that the quality of title in fact secured meets applicable Forest Service standards with respect to surface and subsurface estates or is otherwise acceptable to the Secretary.

(b) AUTHORIZATION FOR ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Taylor Fork Area", dated September, 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisition pursuant to this section shall be under existing authorities available to the Secretary, except that notwithstanding any other provision of law, exchanges authorized in this section shall not be restricted within the same State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) REFERENCES.—The reference and authorities of this section referring to the owner shall mean the Big Sky Lumber Company, and its successors and assigns.

(f) REPORTS TO CONGRESS.—For a period of 2 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 6. LAND CONSOLIDATION—GALLATIN AREA.

(a) IN GENERAL.—It is the policy of the Congress that the Secretary shall attempt to acquire by purchase or exchange all lands within what is generally known as the Gallatin Range owned by Big Sky Lumber Company, its assignees or successors in interest, not otherwise acquired, purchased, or exchanged pursuant to sections 3 and 4 of this Act.

(b) AUTHORIZATION FOR ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Gallatin Area", dated September 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary, except that notwithstanding any other law, ex-

changes authorized in this section shall not be restricted within the same State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) QUALITY OF TITLE.—The quality of title to the properties references in this section in fact secured shall meet applicable Forest Service standards with respect to surface and subsurface estates or shall otherwise be acceptable to the Forest Service.

(f) REFERENCES.—The references and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors and assigns.

(g) REPORTS TO CONGRESS.—For a period of 3 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 7. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated, its successors and assigns (referred to in this section as the "company");

(2) there are federally-owned minerals underlying lands of the company lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within 2 years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary and the company, the Secretary may acquire mineral interests owned by the company or an affiliate of the company thereof underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988 and "Severed Minerals Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the minerals interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To ensure that the wilderness or other natural values of the areas are not affected, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, but the Secretary and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by the company.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying lands, the Secretary and the Secretary of the Interior may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—(1) The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company and its affiliates.

(f) DEFINITION.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

SEC. 8. GENERAL PROVISIONS.

(a) MAPS.—The maps referred to in sections 3, 4, 5, 6 and 7 are subject to such minor corrections as may be agreed upon by the Secretary and the company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of any corrections made pursuant to the subsection. The maps shall be on file and available for public inspection in the office of Chief, Forest Service, United States Department of Agriculture.

(b) TITLE OF LANDS CONVEYED TO THE UNITED STATES.—The rights, title and interests to any lands conveyed to the United States in furtherance of section 4 in the Porcupine Area, section 5 in the Taylor Fork Area, and section 6 in the Gallatin Area shall, at a minimum, consist of the surface estate and all the subsurface rights except that the Secretary may accept title subject to outstanding or reserved oil and gas and geothermal rights, except that there shall be no surface occupancy permitted on such Federal lands for any access to reserved or outstanding rights or any exploration or development thereof. Notwithstanding any provision of State law, section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), or similar law pertaining to access over federally owned land, no portion of lands acquired by the United States in furtherance of this Act shall be available for access to, or exploration or development of, any reserved or outstanding oil, gas, geothermal or other non-Federal property interest.

(c) NATIONAL FOREST LANDS.—All lands conveyed to the United States in furtherance of this Act shall be added to and administered as part of the National Forest System lands by the Secretary in accordance with the laws and regulations pertaining to the National Forest System. Until Congress determines otherwise, lands acquired within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area shall be managed so as to maintain the present wilderness character and potential for inclusion in the National Wilderness Preservation System in accordance with Public Law 95-150. Other lands acquired shall be subject to the Gallatin National Forest planning process under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.).

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 873, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 873, the Gallatin Range Consolidation Act, was introduced by my friend and colleague on the Natural Resources Committee, Congressman PAT WILLIAMS. This bill would block up checkerboard land ownership in the Gallatin Range of the Gallatin National Forest in Montana. Through a series of exchanges and purchases between the Big Sky Lumber Co. and the Forest Service, approximately 80,000 acres would be added to the national forest. These lands are of great ecological importance. They, along with the rest of the Gallatin Range, are part of the Greater Yellowstone Ecosystem and include the endangered grizzly bear, one of the largest elk herds in the Nation, pristine watersheds, trout fisheries, and spectacular scenery.

Although the Gallatin Range lands are currently privately owned, they have remained unroaded and wild. However, if this legislation is not enacted, it is quite likely that the Big Sky Lumber Co. will road, will log, and will develop these very special lands. Adding to the urgency is the fact that options to purchase some of the lands for the Forest Service expire on June 1, this year. Therefore it is imperative that we move expeditiously on the legislation.

H.R. 873 is very similar to language that we passed in the House in the Montana wilderness bill in the 100th Congress and again in the 102d Congress. There is widespread support for this legislation and the policy change. Big Sky Lumber Co., the Forest Service and the environmental community all testified in favor of the bill at the hearing on March 23, 1993.

I urge my colleagues to support this measure and help bring resolution to an issue that the Congress and the Forest Service have been trying to resolve since the 1920's.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the intent of H.R. 873 which is to consolidate the onerous checkerboard land ownership in the Gallatin National Forest.

It is my understanding that Members of the other body have some concerns with this legislation and are proposing several minor amendments that are noncontroversial. I question whether passing this legislation on suspension prior to our consideration of those amendments is wise but I will defer to the gentleman from Montana [Mr. WILLIAMS] on that point.

Coming from a State that is nearly two-thirds owned by the Federal Government, I believe we should make every effort to acquire lands through exchanges which do not result in net gains in Federal ownership rather than direct acquisition which results in increased acreage under Federal control.

I am pleased that section 3 of H.R. 873 is largely based on a equal value land exchange between the Forest Service and Big Sky Lumber Co. Although I would have preferred that more of the bill was based on this type of exchange rather than direct acquisition, I realize that Mr. WILLIAMS had a difficult task of trying to please so many diverse interests at once.

Mr. Speaker, I do not oppose H.R. 873 on suspension.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

I am obviously strongly in favor of the bill, as I have pointed out in my opening statement.

The Forest Service and the private landowners have been working for nearly 70 years to accomplish the objectives that are in the bill, the transfer of these lands, these very sensitive lands.

There is a time certain agreement with the owner of the lands and those who own the timber on the lands, the Big Sky Lumber Co., sometime in June. In fact, that agreement will expire. Unless we act on this, these lands which have been really very much a part of the Yellowstone ecosystem are in fact going to be lost in terms of any opportunity in the future to try to preserve such lands.

I appreciate the concern of my colleague insofar as the lands may require some dollars or cash to purchase and add additional public lands in the State of Montana, which has a significant percentage of public lands today. However, there is nothing that precludes the opportunity for exchanges of equal value in the law. The process obviously, and I think rightly, recognizes that all the tools ought to be open and in option, and realistically the fact that they have not been traded out in previous years indicates the difficulty of that particular task.

Mr. Speaker, I am pleased to yield such time as he may consume to my friend and colleague, the gentleman from Montana [Mr. WILLIAMS], the principal sponsor of this measure, who has worked very diligently on it in committee, both in the Committee on Natural Resources and the Committee on Agriculture.

Mr. WILLIAMS. Mr. Speaker, I say to my friends and colleagues, that I want to thank them for scheduling my bill today and for moving so quickly in this year's agenda to consider this important piece of legislation, the Gallatin Range Consolidation and Protection Act.

My legislation consolidates checkerboard lands in Montana. The consolidation is being presented because of the real public lands disaster that is looming in Montana if this legislation is not adopted by this spring.

Just north of Yellowstone National Park the Gallatin Range connects to the other mountains of the Yellowstone ecosystem like a spoke in a wheel. This range was not protected a century ago when the park was set aside because every other section of the area was granted to the railroads as payment for the trans-America construction. This range's importance to the integrity of Yellowstone has never been questioned, however, and it has essentially remained wild ever since. This range is the home of the largest elk herd in America along with countless other species, including the endangered grizzly bear. The range also is the headwaters of some of the most pristine streams and rivers anywhere in this country.

The first attempt to consolidate these lands happened in 1925 and since then there have been countless attempts to bring the Gallatin Range into Federal ownership. The Federal Government has already spent more than $12 million to acquire elk winter range and the House of Representatives had held countless hours of testimony on the importance of these lands. The House itself passed no fewer than three bills to complete these land trades and purchases, but still the range remains chopped up in checkerboard land ownership.

Not long ago the railroad sold its land to a private timber company to avoid a hostile takeover, and the company has since again sold the lands to several new owners interested in timber and development. Part of the new sale arrangement requires that timber be provided off the private lands, and so now we face a serious problem if we do not solve these intermingled land problems by the time the contractual harvest is necessary. The days of the gracious corporate neighbor in and around the Gallatin are over and increasingly important recreation lands will be subdivided, posted off limits, or sold for private hunting rights, if this legislation is not signed into law.

I helped bring the various parties together last year and we hammered out this agreement. Without this agreement in the Gallatin and because we face a June deadline, the company will soon enter and log the nationally significant Porcupine drainage, with the public losing precious recreation opportunities and scarce public access. I am committed to seeing this does not happen, and I am hopeful that we can continue to move quickly to assure these lands are brought into public ownership. The local landowners are in agreement; conservation organizations and local environmentalists are in agreement; the Park Service and Forest Service are in agreement and we need the Congress and the President to act. This opportunity, dreamed of since 1925, must not be lost and it shows the continued support of this Committee and the Congress in seeing that this job is done.

I would like to note that some of the folks who are supporting this legislation as a way of showing the broad cross section of support for this bill. They include all three members of Montana's congressional delegation, the Governor of Montana, the local county commissioners, the mayor of Bozeman, the Montana Outfitters and Guides Association, the Wilderness Society, the Greater Yellowstone Coalition, the Cottonwood Canyon Homeowners Association, local snowmobile and motorcycle groups, employees at the Belgrade mill.

I would like to particularly note a statement that I received from the Montana Wilderness Association Flathead chapter regarding the lands in its area which are involved in the trade. This statement is important because of some who believed that the lands in the Flathead which are exchanged were not reviewed by the local environmental community. They were in fact suggested by local conservationists as suitable for trading.

As this body knows this type of legislation is difficult to negotiate and even more difficult to pass through Congress. As custodians of our Federal land Congress must be very careful that any trade we consider meet the most stringent requirements of fairness and value. The trade must clearly be in the public's interest and must fulfill public policy goals. I take this responsibility very seriously and have never considered any public land trade without clearly knowing that these goals be met. Montana has been aggressive in consolidating lands and we have never had a problem to date only because with the help of this body we have assured that any consideration had clear public policy goals.

These trades in the Gallatin meet those policy requirements and the 15 years I have been involved in this discussion have shaped these trades to assure they are in the public interest. Any changes in these trades or consideration of other trades also should have to meet the conditions applied to the Gallatin exchange.

This legislation does not represent the end of the Federal Government's interests in the Gallatin. This legislation is just the continuation of an historic concern. And this legislation will set a clear process to identify and assure the continued protection of our national treasures in the greater Yellowstone ecosystem.

I also want to note that there were some concerns recently raised by a local landowner group in Montana about several of the sections traded from Federal ownership in an area known as North Bridgers. There have been discussions, brokered by my office and involving both the private landowners and the Forest Service which continue to seek assurances on appropriate guidelines for private harvest on traded lands the North Bridgers. These efforts also involve the identification of new land combinations and alternatives that help us better achieve protection of the local landowners and still achieve our goals.

I have worked with our two Senators on these issues raised by the folks north of Bozeman and I believe accommodation is possible within the framework of the legislation we pass today. I will continue working with the Senators as the bill is considered in the Senate and to share with them my work on behalf of the North Bridgers Homeowners Association. It is only through compromise and hard work that these difficult land inholding situations can be solved and I remain committed to continuing in that effort.

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Mr. HANSEN. Mr. Speaker, I yield 5 minutes to my friend the honorable gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for yielding this time to me.

Mr. Speaker, I understand, after studying this, that there is a lot of merit to trying to solve this problem. Unfortunately, the way we are trying to solve it, Mr. Speaker, is by asking the taxpayers to belly up to the bar and spend another $13 to $20 million to buy more Federal land. This Nation, approximately one-third of this Nation, is already owned by the Federal Government, and now they want to spend another $13 to $20 million. We believe it is going to be around $20 million to buy 70,000 acres in this particular park.

Now they can do this by land trade. They do not need to do it by spending taxpayers' money.

If my colleagues look at this chart, they will see that this year the U.S. Forest Service annual land acquisition budget is $63.9 million, and they are going to spend one-third of this on this one project, and it is something that I do not think should be done.

I want to give my colleagues a few reasons why it is important that we defeat this piece of legislation. We should make every effort to acquire lands through these exchanges that have been discussed earlier. Federal direct purchase of private land is costly and resulted in increased acreage under Federal control. We do not need the Federal Government owning more than one-third of this Nation. We need to divest ourselves of a lot of our holdings because the taxpayers are paying to support this land year-in and year-out. We do not need that kind of overhead.

The CBO estimates the land acquisition costs will be at least $13 million, but we believe, when they reappraise this land, it is going to be more like $20 million, approximately one-third of the total amount that is going to be spent on acquisition this year. Furthermore, Mr. Speaker, CBO warns us that this figure might even be much higher than that once these appraisals are finally finished. This single bill would exhaust one-third of the total budget all at once.

With all due respect to my colleague from Montana, Mr. Speaker, this is a pork barrel project. It is one that is not a high priority, and I believe that this legislation should not be brought to the floor under suspension, and I would urge my colleagues to vote against it.

Mr. VENTO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is an outstanding piece of legislation worked out by the National Forest Service. It is something that has gone through the priority system and is strongly supported by the administration, by conservation, indeed by the very companies, the timber companies and others, that we might expect under some circumstances not to be receptive to the type of bills brought before us.

The gentleman's chart that displayed the costs said the CBO said over a period of 5 years, if in fact depending on land values that there be a cost of $12 to $20 million over a period of 5 years, and I would say that even at the outside, if all of that were spent, which we do not believe it will be, it will be something like $4 million a year. The estimation here is we are making trades. We are using all the tools available to the Forest Service in terms of trading out lands.

So, the accumulation of land is not the purpose here. It is the quality of the land that is absolutely essential, and the equalization numbers are $3.4 million that we are saying that, if the land that we bring into the Forest Service is worth more than the land that is traded out, that we can equalize that in dollars. It could be something like $3.4 million.

Now, Mr. Speaker, these other costs, of course, reflect a higher estimate on the part of CBO, but we think that the equalization will be less than that, but obviously we are hampered by the fact that for 70 years there has been efforts to make trades. They have not been successful, but we think it would be far less than that.

So, these lands, which really are the corridors and the areas where the wildlife and Yellowstone is, where we have an opportunity to really bring into the Forest Service and provide the type of ecosystem management that we talked about, I do not think is a controversial bill, and it should be on suspension, it should be strongly supported and passed on for trade as the meritorious measure it is.

Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me.

Mr. Speaker, I want to be sure my colleagues understand that this is not an appropriation bill. There is not a dime of money being appropriated in this bill. I believe most of my colleagues understand that. How much money may have to eventually over the next 3, 4, 5 years or so be appropriated? Well, that depends on what we are able to trade.

What this bill does is sanction a trade. The gentleman says the bill will cost $20 million, as if to indicate this year the bill would cost $20 million. The very people he cites indicate that is not so. They say, rather, over the next 5 years the bill might cost between $12 and an upward limit of $20 million. Knowing the likelihood of these trades, I can tell my colleagues in the Chamber that it is unlikely that the bill would ever cost as much as $20 million.

But perhaps as important as that is this matter of whether or not the Federal Government is consuming huge parcels of land. For the decade that I looked at, and that is the one where the facts, and statistics, data, is most readily available, and that is from 1972 to 1982, the public actually lost ownership of land in this country. We divested the public of approximately 70 million acres of land that went to private holdings.

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On millions of those acres of land the public suffered because they were shut out. Public ownership does not mean that the public was shut out. It is the public's land, and they have access to it.

If this trade does not go forward, the private sector, not through fault of its own, because the private sector supports this trade—and they are the ones at the table asking for this trade—will not get the trade. The private sector that now owns this land wants the trade. Because they profit? No. Why does the private sector support it? Because they are going to profit by it? No. In fact, at today's timber prices, the private sector ownership of this land has come to this Interior Committee and said, "The profit for us is to begin to harvest now."

However, they have also said to me that they would like to see this dream, a dream of the American people since 1925, consummated so that from Yellowstone north the land can remain green and with public access.

Mr. Speaker, this is a good deal for the public and I encourage the Members to support it.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman from Utah for yielding time to me.

Mr. Speaker, I do not rise to oppose the idea of my friend, the gentleman from Montana [Mr. WILLIAMS]. On the contrary, I think trades are an excellent idea. I think there needs to be some blocking up, not only for management purposes but also so that unique lands can be used, and I support that.

I also support the idea of supporting a bill that is carried by all the members of a delegation. I want to state that the thing I do object to, however, is that there is not an even trade. There is a 70,000-acre deficit here in terms of no net loss in private property.

We argue sometimes that, well, there is no place for a trade, and, of course, that is not true. There may not be places to trade in the forests that have been reserved for unique purposes, and I understand that. But in our State and in Montana, there are millions of BLM land that were not retained for any particular purpose. They were simply there when all the homesteading and everything else was over. So really there ought to be a stronger effort to trade this off.

I really do not imagine there is any reason to have a net loss of private property in terms of these kinds of things. I simply want to make the point that although there is an effort here, and I applaud that, I think there could be a stronger effort to trade net values for net values so there is not a loss of private property.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, first of all, this is not going to be a trade. It is going to be 70,000 acres of new land acquired by the U.S. Government at a cost of $20 million.

This is an authorizing bill. It is not an appropriation bill. But we all know that before we get to the appropriation process, we have to authorize a project, and once it is authorized, then the Member who gets the bill authorized goes to the Appropriations Committee and says, "I've got to have this. It is absolutely imperative that my constituents have this accomplished." Then they get it appropriated.

So this is just the first step, but it will be appropriated because I am confident the gentleman from Montana has the clout with the Appropriations Committee to get it done. So the Members should not be misled, I say to my colleagues, into thinking that this is something that is not going to happen. It is going to cost $20 million.

Mr. Speaker, let me end up by saying that $20 million is not a lot of money over 4 or 5 years when we are talking about a trillion-and-a-half-dollar budget. But the great Senator from Illinois, Senator Everett Dirksen, God rest his soul, when he was in the Senate, used to say, "You know, a million here and a billion here and a billion there, and pretty soon you are talking about real money."

I want to point out, of course, that we have these things come to the floor day in and day out, week in and week out, month in and month out, and year in and year out, and they add up to millions and billions and hundreds of billions of dollars.

I understand this is a small $20 million project, but we do not need to acquire another 70,000 acres in this area. There can be a trade consummated if they really work at it and without the taxpayers shouldering this responsibility.

This is, in my opinion, another waste of taxpayers' money at a time when we cannot afford it. The deficit this year, even though we are going to raise taxes $402 billion plus, whatever the health program costs, is still going to be huge. There will be huge deficits, and we simply do not have the money to keep going on and on and on with programs that are not absolutely a top priority.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just briefly, I would point out to my colleagues that the land and water conservation fund actually takes money from offshore oil and gas. We deplete one resource in that instance, and we are supposed, as a Congress and as law and policy, to try and retain other types of resources that are part of our American heritage.

What the gentleman from Montana [Mr. WILLIAMS] is attempting to do is to make an exchange where it is possible in terms of land and utilize that, and also to use it and keep our commitment in terms of America's future and the heritage of our Nation, our natural heritage.

This area has been de facto a part of the forest. It is protected. It is a very, very important area, Mr. Speaker, and I would appeal to my colleagues to recognize this.

We have been deficient in taking that money and using it for other purposes in many cases. We do not nearly use the proportion we should in terms of making a commitment in keeping the trust with regard to our natural heritage and our cultural heritage.

What I am asking in this instance and what the gentleman from Montana [Mr. WILLIAMS] is asking is that in a small way we attempt to do that in this key natural area in Montana that is so much a part of the Yellowstone ecosystem, to keep these items of natural areas as much intact as we possibly can, using all the tools at the disposal of the Forest Service, including exchange, but also, of course, using a small part of our resources for this very, very important part of our Nation's needs and our national heritage.

So, Mr. Speaker, I would plead with our colleagues to support this measure. It is a good measure. It is a meritorious bill.

Mr. COPPERSMITH. Mr. Speaker, I rise today to endorse passage of the Gallatin Range Consolidation and Protection Act of 1993. I know many of you have visited Yellowstone Park and, just as my family and I have done, experienced the wonders of the world's first national park. The Greater Yellowstone Ecosystem is world-renowned as home to the greatest concentration of geothermal features in the world, some of our largest remaining herds of elk, bison, and other wildlife species, and one of only two places in the lower 48 States where the grizzly bear still roams.

The lands involved in this act lie immediately north of Yellowstone Park, interspersed with Federal lands in the Gallatin National Forest. These lands are threatened with massive development in the form of logging, roading, and subdivision. H.R. 873 represents our last opportunity to protect these critical lands for the American people and for future generations. This act consolidates the checkerboard land pattern in the Gallatin Range and the lower half of the Madison Range and will assure protection of over 80,000 acres currently threatened with immediate development. This act also serves as a model for resolving checkerboard and Federal in-holding problems throughout the West.

I want to thank my colleague PAT WILLIAMS for his superb leadership with this legislation. I also want to recognize the Greater Yellowstone Coalition for its critical work on behalf of H.R. 873, and the lands it will protect.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 873, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The Chair understands that the gentleman withdraws his point of order of no quorum. The point of order of no quorum is considered withdrawn.

FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 194) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fort Carson-Pinon Canyon Military Lands Withdrawal Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Withdrawal and reservation of lands at Fort Carson Military Reservation.
Sec. 3. Withdrawal and reservation of lands at Pinon Canyon Maneuver Site.
Sec. 4. Maps and legal descriptions.
Sec. 5. Management of withdrawn lands.
Sec. 6. Management of withdrawn and acquired mineral resources.
Sec. 7. Hunting, fishing, and trapping.
Sec. 8. Termination of withdrawal and reservation and effect of contamination.
Sec. 9. Delegation.
Sec. 10. Hold harmless.
Sec. 11. Amendment to military lands withdrawal act of 1986.
Sec. 12. Authorization of appropriations.

SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Fort Carson Military Reservation that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 3,133.02 acres of public land and 11,415.16 acres of federally-owned minerals in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Base", dated February 1992, and filed in accordance with section 4.

SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Pinon Canyon Maneuver Site that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 2,517.12 acres of public lands and 130,139 acres of federally-owned minerals in Las Animas County, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site", dated February 1992, and filed in accordance with section 4.

SEC. 4. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and

(2) file maps and a legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the Senate and with the Committee on Interior and Insular Affairs of the House of Representatives.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) LOCATION OF COPIES.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management, and the Commander, Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—(1) Except as provided in section 6, during the period of withdrawal, the Secretary of the Army shall manage for military purposes the lands covered by this Act and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads and trails on the lands withdrawn by this Act commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this section shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—The Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 2 and 3 for the period of withdrawal. The plan shall—

(1) be consistent with applicable law;

(2) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands;

(3) identify those withdrawn and acquired lands, if any, which are to be open to mining or mineral and geothermal leasing, including mineral materials disposal; and

(4) be developed not later than 5 years after the date of enactment of this Act.

(c) LISTING OF LANDS SUITABLE FOR MINING.—On completion of the management plan prepared pursuant to subsection (b), the Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined under such subsection to be suitable for opening to mining, and mineral and geothermal leasing, including mineral materials disposal, and specifying the opening date.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—(1) The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan described in subsection (b).

(2) The duration of any such memorandum of understanding shall be the same as the period of withdrawal under section 8.

(3) The memorandum of understanding may be amended by agreement of both Secretaries.

(e) REEXAMINATION OF LANDS FOR SUITABILITY FOR MINING.—At least every five years after the initial identification of lands suitable for opening to mining required by subsection (b)(3), the Secretary of the Army and the Secretary of the Interior shall determine those withdrawn lands, if any, which the Secretaries consider suitable for opening to mining, mineral and geothermal leasing, or mineral material disposal, and those acquired lands, if any, which the Secretaries consider suitable for opening to mineral and geothermal leasing or mineral material disposal. The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening and specifying the opening date.

(f) USE OF CERTAIN RESOURCES.—The Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources when the use of such resources is required for construction needs of the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

(a) AUTHORITY OF SECRETARY OF THE INTERIOR.—Notwithstanding any other provision of law, and except as provided in section 5 of this Act, the Secretary of the Interior shall manage all withdrawn and acquired mineral resources contained within the boundaries of the Fort Carson Reservation and Pinon Canyon Maneuver Site.

(b) EFFECT OF IDENTIFICATION OF LANDS AS SUITABLE FOR MINING.—On the day specified by the Secretary of the Interior in the notice published in the Federal Register pursuant to subsections (c) and (e) of section 5, the land identified as suitable for opening to the operation of the mining, mineral, and geothermal leasing and the mineral material disposal laws shall automatically be open to the operation of such laws without the necessity for further action by either the Secretary of the Interior or the Congress.

(c) EXCEPTION FROM CERTAIN LAWS.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (30 U.S.C. 611; 69 Stat. 368), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.), or any other law providing for the location of mining claims, on lands described in sections 2 and 3.

(d) REGULATIONS.—On lands identified for opening to mining, mineral, and geothermal leasing or mineral material disposal by section 5(b)(3), or by subsequent amendments to the management plan described in section 5, all minerals contained in those lands shall be subject to mining, mineral, and geothermal leasing or mineral material disposal under such rules and regulations as the Secretary of the Interior may promulgate pursuant to the terms and conditions of section 12 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466).

(e) CLOSURE OF LANDS UNDER CERTAIN CIRCUMSTANCES.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the Army, shall close any lands that have been opened to mining, mineral, and geothermal leasing or mineral material disposal pursuant to this section.

(f) MINING CLAIMS.—(1) Except as otherwise provided in this Act, mining claims located pursuant to this Act shall be subject to the provisions of the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.), or to the provisions of other laws enacted hereafter (including provisions for payments to the United States) that are applicable to similar claims on the public domain.

(2) All mining claims located under the terms of this Act shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS FOR LOCATABLE MINERALS.—(1) Patents issued pursuant to this Act for locatable minerals shall convey title to the locatable minerals only, and shall be issued together with an appropriate authorization for use of so much of the surface as may be necessary for purposes incident to mineral activities under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this Act:

(A) The term "locatable minerals" means any mineral not subject to disposition under any of the following:

(i) The Mineral Leasing Act (30 U.S.C. 181 et seq.).

(ii) The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(iii) The Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 et seq.).

(iv) The Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 et seq.).

(B) The term "mineral activities" means any activity for, related to, or incidental to mineral exploration, mining, beneficiation, and processing activities for any locatable mineral, including access.

SEC. 7. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this Act shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION AND EFFECT OF CONTAMINATION.

(a) TERMINATION DATE.—The withdrawal and reservation established by this Act shall terminate 15 years after the date of the enactment of this Act.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—(1) At least three years prior to the termination under subsection (a) of the withdrawal and reservation established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall evaluate the environmental effects of renewal of such withdrawal and reservation, shall hold at least one public hearing in Colorado concerning such evaluation, and shall thereafter file an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses. The Secretary of the Interior shall notify the Congress concerning such filing.

(3) If the Secretary of the Army concludes under paragraph (1) that prior to the termination date established by subsection (a), there will be no military need for all or any of the lands withdrawn and reserved by this Act, or if, during the period of withdrawal, the Secretary of the Army decides to relinquish any or all of the lands withdrawn and reserved under this Act, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) DETERMINATION OF CONTAMINATION.—Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(3), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the notice of intention to relinquish. Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(d) EFFECT OF CONTAMINATION.—(1) If any land which is the subject of a notice of intention to relinquish under subsection (b)(3) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Army, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose.

(2) If the Secretaries of the Army and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(3) If, because of their contaminated state, the Secretary of the Interior declines under paragraph (2) to accept jurisdiction of the lands proposed for relinquishment, or if at the expiration of the withdrawal made by this Act the Secretary of the Interior determines that some of the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(A) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(B) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(C) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of the subsection.

(4) If the lands are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) PROGRAM OF DECONTAMINATION.—Throughout the duration of the withdrawal and reservation made by this Act, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Act at least at the level of effort carried out during fiscal year 1992.

(f) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, is authorized to revoke the withdrawal and reservation established by this Act as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 9. DELEGATION.

The functions of the Secretary of the Army under this Act may be delegated. The functions of the Secretary of the Interior under this Act may be delegated, except that the order referred to in section 8(f) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 10. HOLD HARMLESS.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, mineral activity, or geothermal leasing activity conducted on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 11. AMENDMENT TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100

Stat. 3461) is amended by adding at the end a new paragraph (2) as follows:

"(2) The Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, this measure was referred jointly to the Committee on Natural Resources and the Committee on Armed Services, and I am pleased to yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 194, as amended, the Fort Carson-Pinon Canyon Military Lands Withdrawal Act, which would withdraw and reserve certain public lands and minerals in the State of Colorado for 15 years for military purposes.

Our colleague, the gentleman from Colorado [Mr. HEFLEY] introduced H.R. 194 on January 5, 1993, and it was jointly referred to the Committee on Armed Services and the Committee on Natural Resources.

On March 31, 1993, the Committee on Natural Resources adopted minor and technical amendments to improve the bill and ordered H.R. 194, as amended, favorably reported to the House by a voice vote.

On May 5, 1993, the Committee on Armed Services accepted the amendments adopted by the Committee on Natural Resources and agreed by voice vote to report H.R. 194, as amended, to the House with a recommendation that it pass.

Let me provide a little background. Before 1958, withdrawals of public lands for military purposes were accomplished through administrative actions. Since enactment of the Engle Act of 1958, Public Law 85-337, a peacetime military withdrawal exceeding 5,000 acres of public lands can only be accomplished through congressional action.

The Fort Carson Reservation, has been used by the Army for many years and was permanently withdrawn prior to enactment of the Engle Act. H.R. 194 would withdraw another 3,133 acres of public lands and 11,415 acres of mineral rights within the reservation.

The Pinon Canyon maneuver site is a newer facility established primarily by acquisition of privately owned lands. H.R. 194 would withdraw about 2,517 acres of land and 130,139 acres of minerals.

The principal use of Pinon Canyon and Fort Carson is mechanized training at battalion and brigade levels. The Fort Carson lands would be used primarily for military maneuvering, training, and weapons firing; the Pinon Canyon lands would be used for maneuvering and training but not weapons firing.

Consistent with the Military Lands Withdrawal Act of 1986, the withdrawals would terminate 15 years after enactment. H.R. 194, as amended, would provide procedures for renewal or relinquishment of the reserved and withdrawn lands upon termination.

Mr. Speaker, you may recall that the House passed a bill identical to H.R. 194, H.R. 4404, House Report. 102-813, part I, in the last Congress. Both the House and the Senate passed the provisions of H.R. 4404, as stand alone legislation and in omnibus bills, but the 102d Congress adjourned sine die before action could be completed.

Mr. Speaker, these lands have been withdrawn for military purposes since the 1930's and renewals have occurred every 5 years since. This legislation is needed and necessary to permit our military personnel to train and maintain a high level of readiness.

I am pleased to join my colleague, BRUCE VENTO, from the Natural Resources Committee, in urging the House to pass H.R. 194, as amended.

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Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the chief sponsor of this bill.

Mr. HEFLEY. Mr. Speaker, I would like to thank my colleagues on the Armed Services and Natural Resources Committee for bringing my bill, H.R. 194, to the floor today. This bill extends the Bureau of Land Management's withdrawal of minerals at the Fort Carson tank training center near Colorado Springs.

With the exception of a few largely technical amendments, this bill is identical to H.R. 4404, which passed the House no less than four times in the last Congress but stalled in the Senate over procedural matters. The bill is intended to withdraw and reserve certain public lands and minerals within El Paso, Pueblo, and Teller Counties in Colorado for military purposes. Pursuant to the Engle Act, the bill withdraws 3,133 acres of public lands and minerals and another 11,415 acres of public domain mineral estate already within Fort Carson from general mining laws and the mineral and geothermal leasing laws.

Since Fort Carson was established in the 1930s, the BLM and the Department of the Army have renewed the withdrawal of BLM-controlled mineral rights every 5 years. The previous withdrawal expired on June 23, 1992. In order to simplify this procedure, the BLM last year proposed a 25-year withdrawal with a review every 5 years. This would have been similar to earlier legislation which provided a 15-year withdrawal for Nellis Air Force Base in Nevada.

The BLM argued that 5-year withdrawals were too short, since environmental assessment work leading up to the renewals take about 8 years. Thus, the Army and the BLM are in a constant state of preparing applications.

The bill before you incorporates the 15-year withdrawal adopted by the Natural Resources Committee last year. This is consistent with the 1986 Military Lands Withdrawal Act and represents an improvement on the 5-year rule. Still, the amended bill will leave agencies involved in the work of environmental assessments for more than half the term of the withdrawal.

Last year, the public lands subcommittee expressed some concerns over the bill's requirement, in Section 5(b), that the Secretary of the Army develop a plan for the management of lands acquired and withdrawn under the bill. The BLM argued, and the subcommittee agreed, that this was fitting since the Army will control approximately 95 percent of the Fort Carson withdrawal.

Section 8(b) of last year's bill has been deleted from H.R. 194 with the concurrence of the BLM. This section would have administratively extended the existing mineral withdrawal for up to 2 years if congressional action was delayed and was viewed as necessary because of Fort Carson's mission as a tank-training area. Suspending the mineral withdrawal could conceivable result in the suspension of training exercises. The BLM no longer believes this provision is necessary and it has been removed.

Section 11 amends the Military Lands Withdrawal Act of 1986 to allow the Army to use sand, gravel or other materials to on-base construction during the term of the withdrawal. The BLM believes, and I concur, that this corrects a flaw in Public Law 99-606 and that section 11 offers an opportunity to correct that flaw.

There are two other, technical amendments which have been added to Sec. 6, ss. 1 (f) and Sec. 6, ss. 3 of H.R. 194. Those sections, which deal with mining claims and patents for locatable minerals, were amended to reflect possible future changes in the General Mining Law of 1872.

This bill retains provisions from last year including a technical requirement that the application for renewed land withdrawal meet requirements of the National Environmental Policy Act and that the Secretary of the Army, to the extent funds are made available, maintain a decontamination program consistent with the 1986 omnibus military withdrawal act.

As I said, Fort Carson's immediate past mineral withdrawal expired on June 23, 1992. The withdrawal has been extended, first administratively and later, by a 1-year extension, added in the Senate. This is an important administrative matter and I hope the other body will move quickly on this legislation and we can send this measure to the White House for the President's signature.

Again, I thank my colleagues for allowing me to express my support on behalf of H.R. 194.

Mr. HUNTER. Mr. Speaker, I, too, support the legislation proposed by the gentleman from Colorado, and urge my colleagues in the House to support this important bill.

The Military Installations and Facilities Subcommittee of the House Armed Services Committee, on which I serve as ranking Republican member, was discharged from further consideration of the bill H.R. 194 on Wednesday, May 5. Also on that date, the full Armed Services Committee reported this legislation to the House with a recommendation that it do pass. The legislation was passed by voice vote.

I should note for the record that the subcommittee as well as the full Armed Services Committee did approve a nearly identical bill, also sponsored by the gentleman from Colorado, just last year. Although the bill passed the House, action was not completed before the end of the 102d Congress.

I commend the gentleman from Colorado for his tenacity, and state without equivocation that I support the legislation and urge my colleagues in the House to vote in favor of this important measure.

Mr. HANSEN. I yield myself such time as I may consume.

Mr. Speaker, on behalf of my colleague, the gentleman from Colorado, I stand in full support of H.R. 194. The withdrawal of these lands and minerals is vital for the armored vehicle training that occurs at Fort Carson and Pinon Canyons in Colorado. Fort Carson represents the foremost training facility for our Nation's armored vehicles and this legislation will greatly enhance the efforts of our Armed Forces.

I commend the chairman of our subcommittee for moving this legislation so quickly and I urge support for H.R. 194.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 194, the Colorado military lands withdrawal bill, was introduced by the gentleman from Colorado [Mr. HEFLEY], who serves on both the Natural Resources Committee and the Committee on Armed Services.

The bill would withdraw and reserve for military uses certain lands and minerals in two existing military-use areas, the Fort Carson Reservation and the Pinon Canyon maneuver area both in Colorado.

The bill is identical to one passed by the House last year on which action was not completed in the 102d Congress. I am not aware of any controversy about it.

As the bill comes before the House today, it includes several amendments developed by the Committee on Natural Resources.

The amendments are essentially technical. The first adopts the suggestion of the administration, made at our hearing, to eliminate a provision that was included last year to respond to concerns about a possible period of uncertainty if a renewal of this withdrawal is sought but not completed before the end of the specified term. The testimony was that this was not needed, and the administration suggested it be deleted—which this amendment would do.

The other three amendments revise the so-called unlock provisions of the bill, which allow the Secretary of the Interior to open some or all of the withdrawn lands to mineral entry if the Secretary of the Army concurs.

The effect of the amendments is to make clear that in the event that this unlock occurs, mining claims on these lands would be subject to any revisions to the mining law of 1872 that may be in force at that time—for example, if the President's proposal for mining claim royalties is enacted, that will apply to claims on these lands to the same extent that it does to claims on other public lands.

The amendments themselves do not amend the mining law. They merely clarify that if it is amended, the revised law will apply to any claims that may someday be filed on these lands. It is my understanding that our committee does expect to bring before the House a bill to revise the mining law of 1872, and that issue is a matter for another day.

As I said, Mr. Speaker, this is a noncontroversial bill that the House approved last year. I urge its approval, and am hopeful that this year the Senate will be able to complete the process of its enactment.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say how very important this bill is. It is identical to what we passed before. I want to thank both committees for acting so expeditiously, because this really is critical. We do not know why it got delayed, but it is time we do it. I wish to thank those Members responsible for moving this forward.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I would like to point out that the handler of this bill is the gentleman from Oklahoma [Mr. McCURDY]. The gentleman is the chairman of the subcommittee that this bill came out of. The gentleman wished he could be here but is not able to be present on the floor. The gentleman had a lot to do with moving this legislation, and I want the RECORD to show that.

Mr. VENTO. Mr. Speaker, I would like to recognize the contribution of the gentleman from Oklahoma [Mr. McCURDY] to this legislation. The gentleman chairs a key subcommittee of the Committee on Armed Services.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 194, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 236) to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes, as amended.

The Clerk read as follows:

H.R. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem and indicators of environmental quality, and contribute significantly to the quality of wildlife and human communities.

(3) These public lands also contain important historic and cultural resources (including significant archaeological resources) as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military

use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 4(e) of this Act, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that—

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

(B) provides for continued military use, consistent with the requirements of section 4(e) of this Act, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;

(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There exists near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There also exists at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 202 and 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1732), the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this Act.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decisionmaking concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) Public lands in the Snake River Birds of Prey Area have been used for domestic livestock grazing for more than a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of raptor habitat and the other resource values of these lands; therefore, subject to the determination provided for in section 4(f), it is expected that such grazing will continue in accordance with applicable regulations of the Secretary and the management plan for the conservation area.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 3.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID-237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.

(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 3(b), and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 3(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 3(b).

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this Act.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—(1) There is hereby established the Snake River Birds of Prey National Conservation Area (hereafter referred to as the "conservation area").

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 4, uses of the public lands in the conservation area existing on the date of enactment of this Act shall be allowed to continue.

(b) AREA INCLUDED.—The conservation area shall consist of approximately 482,457 acres of Federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) MAP AND LEGAL DESCRIPTION.—As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this Act; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) WITHDRAWALS.—Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act, without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

SEC. 4. MANAGEMENT AND USE.

(a) IN GENERAL.—(1)(A) Within 1 year after the date of enactment of this Act, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 3(d) and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.

(b) MANAGEMENT GUIDANCE.—After each review pursuant to subsection (a), the Secretary shall make such revisions as may be needed so that the plan and management program to im-

plement the plan include, in addition to any other necessary or appropriate provisions, provisions for—

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this Act;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this Act, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

(c) VISITORS CENTER.—The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

(d) VISITORS USE OF AREA.—In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) NATIONAL GUARD USE OF THE AREA.—(1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after the date of enactment of this Act, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this Act.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.

(4) Nothing in this Act shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after the date of enactment of this Act, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 3(a)(2). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this Act shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

(f) LIVESTOCK GRAZING.—(1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by section 4(a)(1)(B).

(2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

(g) COOPERATIVE AGREEMENTS.—The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this Act.

(h) AGRICULTURAL PRACTICES.—Nothing in this Act shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

(i) HYDROELECTRIC FACILITIES.—Notwithstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a et seq.), located within the boundaries of the conservation area.

SEC. 5. ADDITIONS.

(a) ACQUISITIONS.—(1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this Act.

(b) PURCHASE OF LANDS.—In addition to the authority in section 318(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

(c) LAND EXCHANGES.—The Secretary shall, within 4 years after the date of enactment of this Act, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

SEC. 6. OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) OTHER LAWS.—(1) Nothing in this Act shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act to any lands within the conservation area.

(2) Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, or the Native American Graves Protection and Repatriation Act.

(3) Nothing in this Act shall be construed as by itself altering the status of any lands that on the date of enactment of this Act were not managed by the Bureau of Land Management.

(4) Nothing in this Act shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) RELEASE.—The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby released from further management pursuant to section 603(c) of such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

(c) EXISTING ADMINISTRATIVE WITHDRAWAL TERMINATED.—Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).

(d) WATER.—(1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands

for purposes of conservation of fish and wildlife and that consequently there is no need for this Act to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this Act or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this Act shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before the date of enactment of this Act.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the "McCarran Amendment").

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 236, the bill being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 236, introduced by the gentleman from Idaho [Mr. LaRocco], is a bill to designate the Snake River Birds of Prey National Conservation Area, in Idaho.

The bill affects public lands managed by the Bureau of Land Management, the BLM, that are located about 30 miles south of Boise, ID, along the Snake River.

Nowhere else on this continent do climate, vegetation, and soils merge to create such an important habitat for birds of prey, and this area supports North America's densest known nesting populations of eagles, hawks, falcons, owls, and other raptors.

Each year, over 600 pairs of raptors, representing some 15 different species, return to the area to breed and rear their young. These include peregrine and prairie falcons; bald and golden eagles; kestrels; great-horned, screech, barn, burrowing, and long-eared owls; red-tailed, ferruginous, swainson's, and marsh hawks; ravens; and turkey vultures.

This bill deals with lands that have very special qualities that certainly qualify for designation as a BLM National Conservation Area.

H.R. 236 is similar but not identical to a bill that the House passed in the last Congress. Let me briefly explain the background of this bill and the evolutionary process that has produced the version of the legislation that is before the House today.

In the last Congress, consideration of Mr. LaRocco's birds of prey bill began in August 1991, with a subcommittee field inspection and field hearing in Idaho, followed by a further hearing here in Washington. The bill was approved in committee on November 20, and the House passed the bill on November 23, 1991.

For nearly a year after that, the Senate took no action on the bill. Finally, in September 1992, it was reported from the Senate committee in considerably amended form.

With time running out, discussions were held to see if agreement could be reached on compromises that would bridge the gaps between the House-passed version and the version reported in the other body.

Those discussions resulted in agreement on a revised version that was in fact passed by the Senate on October 7, 1992. However, as Members who served in the last Congress will recall, the parliamentary situation was such that the House was unable to act further on this and many other matters, and so the bill died with the sine die adjournment of the 102d Congress.

H.R. 236, as introduced by Mr. LaRocco on January 5 of this year, embodies the compromises worked out at the end of last session.

As a result, in several respects the bill is somewhat different from the overall version that the House passed in 1991.

For example this measure is stronger than the version reported from committee last Congress in the Senate, and in one respect stronger than the previous version passed by the House.

A very important point about this bill, Mr. Speaker, is that the lands involved had been given a special management status by administrative actions, most recently by public land orders issued in 1980 by then-Secretary of the Interior Cecil Andrus, now the Governor of Idaho.

However, under the Federal Land Policy and Management Act of 1976, such public land orders are not permanent. Their effectiveness is limited to 20 years.

The purpose of Mr. LaRocco's bill, like that of the version passed by the House in 1991, is to replace the temporary administrative designation and management requirements with a permanent, statutory designation, and management requirements. This makes the bill very different from most measures to designate BLM-managed public lands as national conservation areas.

That difference is reflected in the provisions of the bill, particularly those dealing with three existing uses of these lands—materials disposals, grazing, and military uses.

The House-passed bill of 1991 would have left the Secretary with complete discretion to dispose of sand, gravel, and similar materials located within the new national conservation area. The Senate committee's version would have prohibited any such disposals. The bill now before the House includes language to permit continued disposals of materials from existing permits, so long as that was compatible with the purposes of the conservation area, but prohibit establishment of any new disposal sites. In this respect, this bill is more restrictive than the House-passed version of 1991.

On grazing and on military use, the bill now before the House would be slightly less stringent than the version the House passed in 1991.

Livestock grazing is currently permitted on the lands covered by the bill. The 1991 House bill would have authorized the Secretary to permit grazing to continue to the extent that the Secretary determined it to be compatible with the purposes of the conservation area. The bill now before the House says that determinations about compatibility will be part of the management-planning process, and so long as the Secretary does determine grazing is compatible with the purposes, grazing shall be permitted.

The effect of this is to provide for a regular process of decision-making about grazing in terms of its compatibility with the purposes of the conservation area.

On military uses, both the House-passed bill of 1991 and this bill would assure that the National Guard could continue to use the orchard training area—within the boundaries of the conservation area—until the completion of an ongoing research project about the effects of this use, that is, for up to 5 more years.

The 1991 House bill provided that after that period, the Secretary could permit military use to continue, to the extent that it was determined that this would be compatible with the purposes of the conservation area. The bill now before the House provides that after the research period, the military use will continue unless the Secretary determines that it would not be compatible with the purposes.

In short, this version shifts the burden of proof, so that ending of military use would have to be based on a determination of incompatibility.

As I noted, Mr. Speaker, the measure is different with such compromises, but I think that in the particular context of this bill they are acceptable—especially since this bill is primarily intended to codify into law the current status and management of these lands.

They would not necessarily be acceptable in other contexts or with respect to other lands that might be proposed for national conservation area status.

For example, in no way should the guidelines contained in this bill for determining the compatibility of secondary uses be viewed as precedent-setting for future legislation. This is particularly significant for compatibility determinations on other BLM-managed national conservation areas or, for that matter, with respect to units of the National Wildlife Refuge System.

Similarly, Mr. Speaker, the bill includes an explicit statement that designation of the area as a national conservation area is not to be construed as effecting a new reservation of a Federal water right. This is an expansion of the language of the bill passed by the House in 1991, which merely stated the finding that no such new reserved right was necessary in view of previous administrative actions. But, like the bill the House passed in 1991, this bill will not diminish any water rights of the United States in Idaho.

In summary, Mr. Speaker, this is a good bill that appropriately provides for the protection and sound management of a very special part of the Nation's public lands. I want to commend the gentleman from Idaho, Congressman LARRY LAROCCO, for the persistence and hard work that have enabled us to bring the bill before the House today, and I urge the House to approve the bill.

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Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 236 which has been described in detail by Chairman VENTO.

I would like to congratulate our former colleague, who is now in the other body, and Mr. LAROCCO for their hard work and willingness to accommodate ranchers, the military, and others who use these lands for their livelihoods. This bill is living proof that diverse groups can be brought together to protect a truly unique area.

I would particularly like to commend them and Chairman VENTO for section 6(d) which disclaims a Federal-reserved water right for this proposed national conservation area. I am hopeful that this language can be used to establish a precedent for new wilderness areas and national conservation areas in the arid West.

My only concern with this legislation is the grandiose plans BLM has for an $8 million visitor center. I would hope that the Idaho delegation could scale this plan down when they request appropriations for this purpose in the future.

I urge my colleagues to support H.R. 236.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the principal architect of this bill, the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I rise today in support of H.R. 236, my legislation to make permanent the Snake River Birds of Prey National Conservation Area in Idaho. Passage of this legislation will mark the establishment of the eighth national conservation area in the United States.

The Snake River Birds of Prey Area contains some 482,000 acres of canyons and plateaus along 81 miles of the Snake River in southwest Idaho.

This special high desert is home to the densest nesting concentration of birds of prey in North America. More than 600 pairs of raptors nest there including bald eagles, peregrine falcons, and red-tailed hawks.

Some of the canyon walls along the Snake River soar as much as 375 feet, providing ideal nesting sites for the birds of prey.

Deep, wind-blown soil covers the expansive plateaus above the canyons. This fine-textured earth contains all the characteristics which make the area a perfect site for an unusual variety and number of small, burrowing animals—food for the raptors.

Not only does the area provide unique habitat for birds of prey, but the story of human use of the area is also remarkable.

The Snake River Canyon contains some of the oldest native American archaeological sites in Idaho. The discovery of gold in the 1860's in the nearby Owyhee Mountains brought settlement to the area.

Today, ranching, power generation, recreation and the National Guard training continue to exist as multiple uses of the Birds of Prey Area.

In 1984, when the World Center for Birds of Prey sought a new home, it found it in Boise, ID, located only a few miles from the area. The center, operated by the Peregrine Fund, conducts research on endangered species of raptors in conjunction with Boise State University.

Today, the entire Snake River birds of prey network is recognized by conservationists worldwide.

Mr. Speaker, on my election to Congress in 1990, I made the permanent protection of the Snake River Birds of Prey Area a priority so I am especially gratified for today's passage of H.R. 236 by the House.

Along the way, a number of people have played critical roles in reaching today's House action. Among them are Gov. Cecil Andrus, who as Secretary of the Interior in 1980, issued a public land order to protect the lands from development.

In 1991, the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, came to Idaho to hold a field hearing and to inspect the conservation area. I thank Chairman VENTO and his staff, particularly Stan Sloss, for all their assistance with this legislation.

I also thank Congressman JIM HANSEN of Utah, the ranking minority member of the Public Lands Subcommittee, and former Congressman Robert Lagomarsino of California, for their help.

During the last Congress, different versions of the bill passed both the House and the Senate, but time ran out before it could be approved by both Houses.

Early this year, I introduced a revised bill which reflected an agreement with the senior Senator from Idaho, Senator CRAIG, the chairman of the Natural Resources Committee, Mr. MILLER, and Mr. VENTO.

Others who deserve recognition include such diverse groups as the Idaho Cattle Association, the Sierra Club, the Idaho Conservation League and the Idaho Water Users Association, the Audubon Society and Idaho National Guard.

Mr. Speaker, as one of eight national conservation areas, the Snake River Birds of Prey Area represents a common-sense approach to resource management as advocated by the Bureau of Land Management.

Fulfilling the BLM's multiple-use mission requires the thoughtful management of a diversity of resources, uses and values. Conservation of natural resources is an important element in multiple-use management. The national conservation area designation has become a valuable tool for BLM managers in conserving nationally significant resource values.

NCA's encompass lands of national outstanding values which can be managed for a variety of uses with heightened sensitivity to identified resource values. The seven current NCA's are the result of separate and different statutory actions by the Congress between 1970 and 1990.

One area, the California Desert NCA was included as part of the Federal Land Policy Management Act. Two others, the Steese NCA and the Gila Box NCA in Arizona were created as part of larger wilderness acts. The others, King Range NCA in California, El Malpais NCA in New Mexico, San Pedro NCA in Arizona, and Red Rock Canyon NCA in Nevada were created by single-purpose statutes.

The Snake River Birds of Prey Area will take its place as a valuable addition to the national conservation area system.

Mr. Speaker, I am submitting an editorial from today's Idaho Statesman, entitled Diligence May Finally Win Birds Bill to be reprinted in the RECORD following my statement.

The editorial states:

A Birds of Prey protection bill is expected to fly out of the U.S. House of Representatives today, At last.

I could not agree more, Mr. Speaker, and I urge my colleagues to support passage of H.R. 236.

[From The Idaho Statesman, May 11, 1993]

DILIGENCE MAY FINALLY WIN BIRDS BILL

A Birds of Prey protection bill is expected to fly out of the U.S. House of Representatives today. At last.

Credit Idaho Rep. Larry LaRocco for sticking to his 1990 campaign promise to win protection for the home of one of the world's densest populations of eagles, hawks and other raptors.

The bill next goes to the Senate, where Idaho Sen. Larry Craig has also pledged to work for passage.

Gov. Cecil Andrus, as Interior secretary in 1981, set aside 482,000 acres along the Snake River south of Boise for a Birds of Prey Natural Area. That interim protection will expire in the year 2000.

Permanent protection for Birds of Prey nearly made it out of Congress last year, but instead was crushed in the gridlock of the 102d Congress.

Although LaRocco and Craig have had their differences along the way, both invested a good deal of time working through concerns about water rights and grazing. The payoff for their diligence will be permanent protection for an area that has brought southern Idaho worldwide attention.

Mr. VENTO. Mr. Speaker, I ask Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 236, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LECHUGUILLA CAVE PROTECTION ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 698) to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park, as amended.

H.R. 698

Be it enacted by the Senate and House of Representatives of the United States of America, assembled,

SECTION 1. SHORT TITLE, FINDING, AND DEFINITIONS.

(a) SHORT TITLE.—this act may be cited as the "Lechuguilla Cave Protection Act of 1993".

(b) FINDING.—Congress finds and declares that Lechuguilla Cave and other significant cave resources of Carlsbad Caverns National Park and adjacent public lands in the cave protection area have internationally-significant scientific, environmental, and other values and should be retained in public ownership and protected against adverse effects of mineral exploration and development and other activities presenting threats to those values.

(c) DEFINITIONS.—As used in this Act—

(1) the term "the Secretary" means the Secretary of the Interior.

(2) the term "cave protection area" means the lands within the area depicted on the map referred to in section 2(b).

(3) except as otherwise specified in this Act, all other terms, including the term "public lands," shall have the same meaning as such terms have in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq).

SEC. 2. LAND WITHDRAWAL.

(a) WITHDRAWAL.—Subject to valid existing rights, the approximately 6,280 acres of public lands within the cave protection area, and all other lands within the boundaries of the cave protection area which may hereafter become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation or disposal under the public land laws (including the mining and material disposal laws) and from the operation of the mineral leasing and geothermal leasing laws.

(b) LAND DESCRIPTION.—The lands referred to in subsection (a) are the lands generally depicted on the map entitled "Lechuguilla Cave Protection Area" dated April 1993 and filed in accordance with subsection (c).

(c) PUBLICATION, FILING, CORRECTION, AND INSPECTION.—(1) As soon as possible after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing the legal description of the lands withdrawn by subsection (a) and shall file such legal description and a detailed map of the lands referred to in such subsection with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act except that the Secretary may correct clerical and typographical errors in such map and legal description.

(3) Copies of the map and legal description referred to in subsection (b) shall be available for public inspection in the offices of the Director and appropriate State Director of the Bureau of Land Management.

(d) MANAGEMENT.—The public lands withdrawn by this section shall be managed by the Secretary, through the Director of the Bureau of Land Management, pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 17901 et seq.) and other applicable law, including this Act.

SEC. 3. MANAGEMENT OF EXISTING LEASES.

(a) SUSPENSION OF NEW DRILLING.—(1)(A) Effective on the date of enactment of this Act, the Secretary shall not permit any new drilling on or involving any valid mineral or geothermal leases within the lands withdrawn by section 2.

(B) If the Secretary deems it appropriate in order to prevent an adverse impact on Lechuguilla Cave or other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area, the Secretary shall require suspension of any other activities with respect to such leases.

(2) The prohibition on new drilling imposed by paragraph (1) shall remain in effect until the effective date of a record of decision regarding the proposal to drill analyzed in the Dark Canyon Environmental Impact Statement, or for 12 months after the date of enactment of this Act, whichever first occurs. Nothing in this subsection shall be construed as requiring the Secretary to permit or prohibit new drilling after such period.

(b) NEGOTIATIONS.—(1) During the period specified in subsection (a)(2), the Secretary shall seek the agreement of the holders of existing valid mineral or geothermal leases on the public lands withdrawn by section 2(a) for the termination of such leases or to such restrictions on activities on lands covered by such leases as the Secretary deems appropriate to protect Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area.

(2)(A) With respect to any lease for which no agreement of the type described in paragraph (1) of this subsection has been reached at the end of the period specified in subsection (a)(2), the Secretary shall take such steps as the Secretary deems appropriate in order to protect Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area.

(B) The steps referred to in subparagraph (A) may include acquisition of the lands covered by such leases or any interests therein. In the event of such acquisition, and lands or interests therein so acquired shall be managed pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this Act.

(3) To the extent the Secretary deems desirable, the Secretary shall seek the cooperation of the State of New Mexico and any other parties owning lands within the cave protection area with respect to such restrictions on the use of relevant lands owned by such parties as the Secretary may suggest in order to further the protection of Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area.

SEC. 4. ADDITIONAL PROTECTION AND RELATION TO OTHER LAWS.

(a) ADDITIONAL PROTECTION.—(1) If on the basis of scientific analysis found by the Secretary to be relevant and credible, the Secretary deems it appropriate to take additional steps to protect Lechuguilla Cave or the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area, the Secretary, pursuant to the authority of the Federal land Policy and Management Act of 1976 or other applicable law, shall take such steps.

(2) To the extent the Secretary finds appropriate in order to protect Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park or the lands within the cave protection area, the Secretary may limit or prohibit access to or across lands owned by the United States or prohibit the removal from such lands of any mineral, geological, or cave resources except as the Secretary may permit for scientific purposes.

(3) If the Secretary determines that existing law, including this Act, provides the Secretary insufficient authority to take any step the Secretary deems desirable in order to protect Lechuguilla Cave or other significant cave resources of Carlsbad Caverns National Park or the lands within the cave protection area, the Secretary shall inform the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the additional authority the Secretary believes desirable.

(b) RELATION TO OTHER LAWS.—Nothing in this Act shall be construed as increasing or diminishing the ability of any party to seek compensation pursuant to other applicable law, including but not limited to the Tucker Act (28 U.S.C. 1491), or as precluding any defenses or claims otherwise available to the United States in connection with any action seeking such compensation from the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 698 is a measure I introduced earlier this year to provide additional protection for Lechuguilla Cave and the other resources and values of Carlsbad Caverns National Park in New Mexico, as well as the cave resources and values of certain adjacent lands.

Lechuguilla Cave, is acknowledged by scientists and cavers as a world-class resource, is the deepest cave in the United States. It is also very large, extending for more than 60 miles—exceeding Carlsbad Cavern itself—with the possibility that only a small percentage of its full size has been mapped.

It also contains many unusual features, such as gypsum chandeliers described by experts as the best examples of such formations in the world.

The gentleman from New Mexico [Mr. RICHARDSON], members of the New Mexico delegation, and others have for some time expressed concern that existing law might not be adequate to assure proper protection of this world-class resource.

Recently, serious concerns about possible effects of oil and gas drilling on Lechuguilla and other cave resources have heightened as there has been increased mineral exploration activity in the general area.

In response, during the last Congress I proposed withdrawing BLM lands in the Dark Canyon area, adjacent to the national park, from mineral entry and mineral leasing. That withdrawal was approved by the then Interior and Insular Affairs Committee as part of the bill to withdraw other public lands for the waste isolation pilot project facility, but it was not included in the final version of that legislation.

The purpose of H.R. 698 is to make a similar withdrawal, and also to address possible development of already existing mineral leases where drilling or other activities could present a risk to Lechuguilla or other significant cave resources.

Since the introducing of the bill, I've worked with the gentleman from New Mexico [Mr. SKEEN], in whose district the affected lands are located, and I am glad to be able to inform the House that we were able to reach an agreement on a revised version of the bill that is acceptable to both of us and to the administration as well.

The Committee on Natural Resources adopted an amendment in the nature of a substitute that embodies our agreement, and that is the version of the bill that is now before the House.

The bill as reported provides for withdrawal of about 6,280 acres of public lands within an area described as a "cave protection area" adjoining Carlsbad Caverns National Park on the north. The boundaries of the cave protection area are based on suggestions from the administration, and reflect the work of their geologists and other experts.

The cave protection area includes some lands owned by the State of New Mexico and other parties besides the United States, but these non-Federal lands would not be affected by the withdrawal or the other provisions of the bill that relate to the Federal lands.

As to existing leases in the cave protection area, the substitute would prohibit any new drilling until BLM issues a record of decision on the one pending application for such drilling, or for 1 year after the bill's enactment—whichever comes first.

During this moratorium period, the Secretary of the Interior would be required to negotiate with the leaseholders to see if agreement can be reached on whatever restrictions the Secretary believes appropriate in order to protect Lechuguilla and the other significant cave resources in the national park and the cave protection area.

At the end of the moratorium period, the Secretary of the Interior would be required to take whatever action is needed, in the absence of an agreement, to protect these resources. That could include acquisition of some or all of the leases, but the choice of options would be left to the Secretary.

Under the bill, if the Secretary thinks it is desirable, the Secretary is to seek the cooperation of the State of the New Mexico or other parties that own the non-Federal lands in the cave protection area, regarding restrictions on uses of those non-Federal lands the Secretary may suggest in order to further the protection of Lechuguilla Cave and the other significant cave resources of the national park and the cave protection area. Let me stress that there is nothing in the substitute that directly affects these non-Federal lands—we merely provide that the Secretary can seek the cooperation of their owners.

To supplement these provisions, the bill directs the Secretary of the Interior to use existing authority to the extent appropriate to protect Lechuguilla and the other significant cave resources covered by the bill, and directs that if this authority is inadequate, the Secretary is to inform the Natural Resources Committee and request additional authority.

The bill also provides some additional authority for control of collection of cave resources, as requested by the administration at our hearing.

Finally, the bill includes specific language to make clear that the bill will not affect the rights of any party to seek compensation for any claimed taking of property, through existing channels such as the Court of Claims.

Mr. Speaker, as I said, this substitute has been worked out on a bipartisan basis. I believe that it will provide appropriate protection for Lechuguilla and other significant cave resources in a way that so far as I know is acceptable to all concerned.

I want to express my appreciation for the cooperation and the contributions made by the gentleman from New Mexico [Mr. SKEEN] which made it possible for us to bring this measure before the House today. I urge the approval of the bill.

☐ 1420

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN], the chief sponsor of this piece of legislation.

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the efforts made by the chairman and ranking member of the National Parks, Forests, and Public Lands Subcommittee to work with me in developing legislation which protects Lechuguilla Cave and those leaseholders in my district who are directly affected by this bill. I am concerned about the idea of buffer zones and the cost to the taxpayer, but this bill represents a compromise which I helped draft and which I support completely.

Lechuguilla Cave is a world renowned natural resource located near Carlsbad National Park, formed from limestone and gypsum with many fractures and a very permeable bedrock. Over 60 miles of cave have been discovered so far, and yet this is estimated to be only 5 percent of its total mass. Truly this is one of the most extraordinary caves ever discovered.

This particular area and geological formation also happen to be very rich in oil and gas. The further this cave extends, the greater the potential for conflict due to the dangers associated with hydrocarbon gases infiltrating Lechuguilla Cave and the Carlsbad Caverns. Hydrocarbon contamination of these internationally known natural wonders could pose a safety problem to researchers and visitors who may be in the caves at the time of a leak.

Mr. VENTO and I drafted this bill to protect this natural resource, as well as the researchers and visitors in the caves. And we made certain that oil producers and their constitutional rights are protected. If an active lease is affected, we should provide the fair market value compensation for the taking of their leases. I believe this should include the value at which the potential reserve is valued. Oil and gas producers spend millions of dollars developing the appropriate infrastructure, and many years of expertise are required before leases are acquired from the Federal Government. This bill does not authorize any appropriations; however, it does provide a mechanism for the lease owners to seek compensation.

Absent the drilling of a well, the Interior Department, or anyone else for that matter, cannot give absolute assurance that drilling activity will not have an adverse affect on the cave resources. Therefore, in my opinion, we must continue to work toward developing a strategy which will deal with future conflicts; it must be a reasonable solution which does not shut out the interests of the oil and gas producers.

It was January 28, 1991, when one of the owners of a lease, Yates Energy Corp., submitted an application to drill [APD] and was notified by BLM that the APD would not be approved within the normal 30 days. Two years later BLM had informed Yates that they are strongly considering a no-drill recommendation.

It is appropriate that we leave the decision of whether or not oil and gas production will have an effect upon Lechuguilla to the Secretary of the Interior. In this protected area which is the closest to the cave, we should prevent further oil and gas activity as long as we compensate the leaseholders. I believe this bill is a good compromise in this regard.

Again, I commend Chairman VENTO and Mr. HANSEN for giving this issue the heightened awareness that it deserves. I look forward to working with you to protect this cave and provide adequate compensation to the oil and gas industry which is vital to sustaining the current tax base in our rural communities.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first state my appreciation to Chairman VENTO for his willingness to work with the Member who represents the area, Mr. SKEEN, and those of us on this side of the aisle on this measure. I believe the net result of that cooperation is a much improved bill.

Let me also say from my own perspective, that while the bill we have today does adequately protect the interests of the leaseholders, I still have several concerns with the direction taken by this bill. First, of course is the buffer zone aspect of this measure. While I will not object to this site-specific buffer zone as it comes to protecting what is truly an outstanding cave of international renown, I must reiterate my general concerns with this approach to Federal land management.

Second, I must state my concern about the potential cost of this effort. Inasmuch as there has been drilling on these BLM lands adjacent to the park for over 20 years, and no impacts to park caves have been detected, I wonder if we are really justified in exposing the American taxpayer to a potential liability of tens of millions of dollars with this measure.

Having raised those concerns, I do not intend to oppose this measure and again want to thank Chairman VENTO for working with us on this measure.

☐ 1430

Mr. HANSEN. Mr. Speaker, I ask for support of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 698, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CAVE CREEK CANYON PROTECTION ACT OF 1993

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 843) to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cave Creek Canyon Protection Act of 1993".

SEC. 2. WITHDRAWAL OF LANDS WITHIN CAVE CREEK CANYON DRAINAGE.

(a) WITHDRAWAL.—Subject to valid existing rights, after the date of enactment of this Act lands within the Cave Creek Canyon Drainage are withdrawn from entry, location, or patent under the general mining laws, the operation of the mineral and geothermal leasing laws and the mineral material disposal laws.

(b) DEFINITION.—For the purposes of this Act, the term "Cave Creek Canyon Drainage" means lands and interest in lands owned by the United States within the area depicted on the map of record entitled "Cave Creek Mineral Withdrawal", dated November 1, 1991. The map shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEHMAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 843, the Cave Creek Protection Act, was introduced by Representative JIM KOLBE of Arizona.

The pending measure would withdraw, subject to valid existing rights, approximately 13,000 acres of public lands within Cave Creek Canyon in Arizona from the general mining laws, mineral leasing, and material sales statutes.

The Cave Creek Canyon is a sanctuary to many endangered and threatened plants, birds, and mammals. It has also been recognized as having a high potential for mineralization. Although there are no active plans or operations in the area today, there is no permanent mechanism, short of legislation, to protect this significant natural resource area.

I would conclude by saying that at the hearing we held on this bill in March, we received testimony in near universal support of the bill.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 843, the Cave Creek Canyon Protection Act sponsored by our colleague from Arizona, Mr. KOLBE. I'd like to take this opportunity to thank him for working through the proper legislative channels to see that this unique riparian area is protected.

Mr. Speaker, we passed a similar bill last Congress to set aside the Cave Creek drainage and I supported that bill despite misgivings I had regarding protection of valid existing rights for mining claim already staked in the canyon. This year's bill is actually an improvement in this regard and I wish to give my thanks to the new chairman of the subcommittee, Mr. LEHMAN of California, for agreeing to leave out the offending provision of last year's bill.

What we have in H.R. 843 is a simple withdrawal bill unencumbered by extraneous requirements of a retroactive nature. Cave Creek Canyon has been demonstrated to be a haven of extreme biological diversity because of its ecological setting, and I believe it ought to be specially recognized. On the other hand, we must not run roughshod over the property rights that may have been established under the public land laws prior to enactment of this bill. I am satisfied that in this instance we have done so, and I give the bill my unqualified support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the chairman of the subcommittee, and I thank the ranking member of the subcommittee for their support for this bill and for yielding this time to me today.

Mr. Speaker, I rise in strong support of the Cave Creek Canyon Protection Act of 1993. Last year, this bill enjoyed widespread support in Congress, with both the Senate and the House passing the bill—regrettably not before it was too late in the session for the bill to become law.

This year, the House, with the leadership and assistance of Chairman LEHMAN, Chairman MILLER and ranking Members BARBARA VUCANOVICH and DON YOUNG, has moved quickly to bring the bill through the committee process to the House floor. I want to thank them for their support and hard work. I know that their support, like the support of so many people from southern Arizona and around the country, is a credit to this remarkable little place called Cave Creek Canyon.

I grew up near this area. For years I have enjoyed the spectacular beauty of the Chiricahua Mountains. Cave Creek and Portal, on the north side of the mountains, have been, until now, one of the best kept secrets among the many natural wonders in this country.

Cave Creek is magnificent. It is a place unparalleled in its diversity of species and plant life, its value to scientific researchers and recreational users, and its breathtaking beauty.

There is biodiversity unlike any other area of comparable size in the United States. Cave Creek is home to endangered species such as the peregrine falcon, the desert tortoise, and the Sanborn long-nosed bat. Javelina, jaguar, and jaguarundi frequent the area. Birds of all stripes and color also call Cave Creek home.

There are 13 species of hummingbirds and 12 species of owls, alone. That is more variety of hummingbirds than found anyplace else in the United States. The 50 trogons that use the canyon for breeding comprise half the U.S. population of this colorful tropic species.

Thick-billed parrots, not found any place else in the United States, are flourishing in the friendly confines of the canyon. Over 330 species of birds have been recorded in the area. This area is considered by many to be the single best birding spot in the country.

But we do not have to look to the sky over Cave Creek to find unusual, astonishing animal species. There's the exotic Chiricahua leopard frogs, the green rat snakes, and the Yacqui black-headed snakes that occupy the canyon, and on and on. Studying the area's plant and animal life is like looking in Who's Who of rare and exotic species.

The scientific value of the region is immeasurable, resulting in almost 1,000 disparate scientific publications, many outlining new discoveries in ecology, toxicology, and evolutionary biology. For example, research on scorpion venom is being conducted at Cave Creek to determine its possible use in treating human neurological diseases. The presence of the Southwestern Research Station of the American Museum of Natural History has played a significant role in much of this research. It is not a stretch to say that this region has produced more scientific discovery and achievement than any other area in the world of comparable size.

The scenic values are also spectacular. Perhaps A.B. Gray summed up the beauty of the canyon in 1854 when he wrote in his journal:

> The view of this canon[sic] in the morning, with the sunlight reflected from its deep recesses, and upright wall rising majestically on all sides to a height of several thousand feet, tapering like spires amid the clouds, presented a scene of grandeur and beauty.

Mr. Speaker, as those words, written 140 years ago suggest, these lands truly are magnificent. But a lot of other public lands could fit this description as well. That doesn't mean beautiful scenery should automatically preclude other, productive uses of land. That's why I support multiple use of public lands. I believe that mining, grazing, recreation, among others, are valuable and legitimate uses of public lands. However, we should recognize there are some places so unique and so special that mining activity, with its physical scarring and ecological disruption, would be inappropriate. Cave Creek is such an area.

The Cave Creek Canyon Protection Act of 1993 is a simple bill. Like its predecessor, it protects lands in Cave Creek from mineral activity. This bill is virtually identical to the one I introduced last Congress and that passed the Senate in the final hours of the session.

This bill must become law soon. Forest Service protection, through an administrative withdrawal, will expire September 27, 1993, leaving the area open to possible mining operations. We have come too far to allow this to happen.

This process started when the Forest Service approved a plan of operations for exploratory drilling in the Cave Creek area. The plan was approved November 23, 1990, and subsequently appealed on January 7, 1991, by the Portal Mining Action Coalition. On December 21, 1990, before the appeal, Newmont decided to defer mineral activity for 1 year in order to allow interested parties to seek a withdrawal from mining activities of the area.

At the request of local residents and others in southeastern Arizona, as well as hundreds of people from around the country, I introduced the original bill in June 1991 to accomplish a legislative withdrawal of the Cave Creek area. The original bill and this bill are the product of extensive discussions with all interested parties. It would prevent only mining activity in the area. Other uses would be unaffected.

Following the introduction of the original bill, the Forest Service announced its own administrative withdrawal of Cave Creek for 2 years to allow consideration of its proposal to establish a national recreation area in the Coronado National Forest. Its proposal had included the area proposed for withdrawal in the original bill. Subsequent to that announcement, Newmont withdrew its request for exploratory drilling operations in the area.

The Forest Service, however, shelved its national recreation proposal and the 2-year withdrawal period is quickly expiring. Simply put, Congress must act and act quickly to assure protection of this irreplaceable gem called Cave Creek Canyon.

We would not be here today if the citizens from southern Arizona and around the country had not worked so hard to bring to Congress' attention this threat to the Canyon. This legislation represents a grassroots effort and, with passage today, we will demonstrate that Congress does listen to the people.

I urge my colleagues to support the Cave Creek Canyon Protection Act. A vote for this bill is a vote to preserve a national treasure for future generations.

Mr. LEHMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to join my colleagues on both the Republican and Democratic sides of the aisle in supporting this legislation.

I do want to note though, in referring back to the debate on the Gallatin land exchange bill which is my bill, that debate occurred about one-half hour ago, and there were objections by some of the Republican side because there was a cost in that bill. My bill probably costs as much as the last bill that was talked about here on the floor, and yet there was no mention made whatsoever of the cost of that bill.

CBO says, at least at the time this bill reaches the floor, the bill now under consideration, they do not know what the cost is going to be.

There is another bill that is going to be coming up pretty soon which is the Reserve officers' personnel management. The cost of that bill is going to be $500,000.

Many of these bills will cost money. The Congress would not have them out on the floor if we did not believe that cost was worthwhile. That is what the votes are going to be about.

I just suggest that there may be more going on here with the attack on the bill to preserve the boundary around an area around Yellowstone National Park than really meets the eye in this Chamber, and I want to join my colleagues again on both sides of the aisle in supporting this Cave Creek Canyon Protection Act as well as the next few bills that are going to come before use today.

Some of the costs are minimal, but they are in the public good that we are doing this, just as it is in the public good that we protect this huge forested area north of the Nation's first park, Yellowstone National Park.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I just want to assure the last speaker, the gentleman from Montana, that there is no clandestine reason why we are going after that 70,000 acres in Gallatin National Park.

My experience is that there should be a land trade there. We should not be spending up to $20 million, or one-third, of the Park Service's land acquisition moneys just for this one purpose.

I can assure him that there is no clandestine reason. I hope that issue is not raised in the minds of my colleagues.

We are simply going after this because it is going to cost, we believe, up to $20 million, and we do not need to spend the money, and we should not.

Mr. LEHMAN. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I just wanted to follow to the floor here my colleague, the gentleman from Montana, who made a very good point about the bills that are coming up on suspension today that have come out of the Natural Resources Committee generally with unanimous agreement, Mr. Speaker. They have come to the floor where we have worked these things out.

We are not in the Committee of the Whole, and we have charts on the floor of the House of Representatives that do not even say anything about the land and water conservation fund, and my colleague and neighbor from Montana is doing the best he can to move legislation here to help his district. Yet we have these bogus arguments that are coming to the floor of the House without any documentation whatsoever.

I am a little chagrined that my neighbor, the gentleman from Montana [Mr. WILLIAMS], cannot bring an issue to the floor of the House here, that cannot come through here with a spirit of comity that they moved through the whole committee system, and I am just sort of here in wonderment about what truly is going on.

My colleague, the gentleman from Indiana, says that there is nothing clandestine, and I take him at his word, Mr. Speaker. But I just wonder why we cannot move some bills through here and be honest with our colleagues and honest, Mr. Speaker, with the people in America about what is truly going on here with the purse strings.

Because, as you know, Mr. Speaker, in the land and water conservation fund, we are not dealing with that here on the floor of the House here today. We are dealing with these issues.

Mrs. VUCANOVICH. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, could I ask the gentleman from Idaho a question, a real quick question?

I just wanted to ask if he knew that 80 percent of the Republican Members, 80 percent of the Republican Members on that committee signed dissenting views on this particular piece of legislation, the Gallatin Park that he is talking about?

Mr. LAROCCO. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Idaho.

Mr. LAROCCO. I did not see any of the gentlemen speaking here. It would be nice if the people who are on the committee would come and really pound the table for their position. They did not. They did not do it in the committee forcefully, and so here we are at this juncture.

Mrs. VUCANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN. Mr. Speaker, I yield myself 1 minute only to point out that the bill before us has nothing to do with the prior discussion.

This is a noncontroversial measure to protect Cave Creek in the district of the gentleman from Arizona [Mr. KOLBE]. There is no opposition.

I urge an "aye" vote.

Mr. LEHMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 843, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BODIE PROTECTION ACT OF 1993

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 240) to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bodie Protection Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as a priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 4(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, explo-

ration, extraction, milling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 4. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) Restriction.—Subject to valid existing rights, after the date of enactment of this Act Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this Act, the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) Valid Existing Rights.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

(c) Validity Review.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this Act. The Secretary shall make a determination with respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this Act.

(d) Limitation on Patent Issuance.—

(1) Mining claims.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statues (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) Mill site claims.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 5. MINERAL ACTIVITIES.

(a) In General.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this Act and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) Restoration of Effects of Mining Exploration.—As soon as possible after the date of enactment of this Act, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) Annual Expenditures; Filing.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) Regulations.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this Act. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94–429; 16 U.S.C. 1901–1912).

SEC. 6. STUDY.

Beginning as soon as possible after the date of enactment of this Act, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. Lehman] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. Vucanovich] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Lehman].

Mr. LEHMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 240, the Bodie Protection Act of 1993, would protect the valuable historic and recreational resources of California's Bodie State Historic Park and National Historic Landmark from potential mineral activities on Bureau of Land Management acreage adjacent to the park. The bill, as amended, is similar to a bill which the House approved last year.

The 19th century Bodie mining district is located east of the Sierra Nevada Mountains in Yosemite National Park, California. Today over 200,000 tourists visit Bodie every year to see the 100-plus buildings still standing in the West's oldest mining town. At Bodie, visitors can see firsthand how people lived in the mining camps that cropped up throughout California in the aftermath of the discovery of gold at Sutters Mill in 1848; a discovery that gave rise to the world famous California Gold Rush.

While Bodie stands as testament to the mining days of old—and despite its status as a national landmark and state park—the area is in jeopardy from the threat of modern-day mining activities. In order to extract and process the gold and silver believed to be in the area surrounding Bodie, large-scale mining techniques, such as strip mining, heap-leach piles, cyanide spraying and waste ponds, most likely would be required.

The 450-acre Bodie State Historic Park is closed to mining. However, the area adjacent to the State park and under BLM jurisdiction is open to mining and as such poses a threat to the historic district. In recognition of this danger, the BLM has recently designated the Bowl Bodie as an area of critical environmental concern and—consistent with this legislation—is recommending that the area be closed to mining.

H.R. 240 would provide some additional protections to Bodie in order to preserve its historic and visual integrity. The pending measure would put the nearly 6,000 acres of public land within the Bodie Bowl off-limits to mining under the general mining laws. Mining on valid claims would be allowed to proceed under rules designed to protect the area's important historic and cultural resources. In addition, mining claims could not be patented in the Bodie Bowl except where rights had vested by January 11, 1993. Finally, the bill would require the Secretary of the Interior to review possible actions to preserve the cultural and natural values of the Bodie Bowl and report back to Congress within 3 years.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, regrettably I rise in opposition to H.R. 240, a bill to protect the historic Bodie ghost town from the potential effects of modern mining. My chairman and I clearly have a difference of opinion here on what may or may not be necessary to preserve the experience of visitors to Bodie State Park.

Mr. Speaker, I like to consult the views of the Member of Congress representing an affected area before sitting in judgment on public lands issues. In this case, Chairman LEHMAN no longer represents Mono County, rather it is Mr. DOOLITTLE, a member of the subcommittee. He is opposed to the measure as a heavy-handed approach to providing adequate protection to Bodie ghost town, and so am I.

Beyond the dispute, however, on how best to protect what I agree is an important vestige of our mining past, lies a very troublesome question: What protection do we grant to existing property rights holders in the Bodie Bowl before launching into a rigorous regulation of their potential activities under the 1872 mining law? In the past, the Congress has seen fit to protect valid existing rights. Instead, today we embark upon a new philosophy whereby we affirmatively set a retroactive cut-off date for mining claimants to apply to patent their claims and gain fee simple title to the land.

Mr. Speaker, I am aware of no claimants that seek to patent their interests in the Bodie Bowl, but it is the precedent we are establishing here that bothers me. Generic mining law reforms bills in both Houses of the 103d Congress likewise would deny miners an ability to even attempt to patent their claims—with or without terms and conditions in those patents—because a date impossible to meet is in those bills as well. Whether or not one agrees with me that this provision may be a taking of a miner's property rights, I firmly believe we ought not to be legislating the cutoff of rights in such a cavalier manner. What is so bad about using the date of enactment, or better still, a future date certain, by which all miners that choose to seek patent must come forward to apply?

Mr. Speaker, that is what we have just done with the Cave Creek Canyon bill immediately prior to this one. While I do not ask for a vote on H.R. 240, I am confident the other body will look askance at this provision and modify it before sending it back.

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Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN. First of all, Mr. Speaker, I yield myself 2 minutes to indicate that all of the jurisdictions charged with looking after the Bodie area support protection of the area. First of all, the local government agency, the Mono County board of supervisors, supports this legislation and Federal protection for the area surrounding the Bodie Bowl; the State of California, through the California State park and recreation commission, supports the legislation, withdrawal of these lands for protection of the Bodie Bowl; the Bureau of Land Management has already stated that the land around the Bowl should be withdrawn from mineral entry. Hundreds of citizens of the area and the National Trust for Historic Preservation and numerous local and national environmental groups have expressed their concern that we pass this legislation and protect this resource.

This is something that is unique in all the United States. We are not making another area here a park, we are not making another area a recreation area; there is nothing else in the United States like Bodie, no place where a resource as precious as this remains. This is the one last chance we have to protect this part of the Old West. We are not asking for great sacrifice here to do this, a very small one supported by all of the interested parties in the area and at the same level as well.

I urge my colleagues to support this legislation.

Mr. LEHMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 240, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was agreed to.

A motion to reconsider was laid on the table.

RESERVE OFFICER PERSONNEL MANAGEMENT ACT

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1040) to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the Reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the Reserve components, and for other purposes as amended.

The Clerk read as follows:

H.R. 1040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Reserve Officer Personnel Management Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.

TITLE I—RESERVE OFFICER PERSONNEL MANAGEMENT

PART A—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

Sec. 101. Promotion and retention of reserve officers.

PART B—CONFORMING AMENDMENTS

Sec. 111. Definition of reserve active-status list.
Sec. 112. Authority to suspend officer personnel laws during war or national emergency.
Sec. 113. Active-duty list promotion boards to have authority to recommend that reserve officers considered for promotion be required to show cause for retention on active duty.
Sec. 114. Applicability of chapter 36 to reserve officers during war or national emergency.
Sec. 115. Grade in which reserve officers are ordered to active duty.
Sec. 116. Date of rank.
Sec. 117. Discharge before completion of required service in case of officers having twice failed of selection for captain or navy lieutenant.
Sec. 118. Conforming amendments relating to Navy and Marine Corps officers.
Sec. 119. Repeal of reserve officer personnel policy laws.
Sec. 120. Amendments to title 32, United States Code.

TITLE II—OTHER PERSONNEL POLICY AMENDMENTS

PART A—APPOINTMENTS

Sec. 201. Repeal of separate authority for accession of women in reserve components.
Sec. 202. Appointment authority for reserve grades of lieutenant colonel and commander.
Sec. 203. Appointment of former commissioned officers in reserve components.
Sec. 204. Constructive credit for appointment of officers in reserve components with qualifying education or experience.
Sec. 205. Computation of years of service for transfer of Army officers to Retired Reserve.
Sec. 206. Repeal of miscellaneous obsolete appointment authorities.

PART B—SEPARATION AND RETIREMENT

Sec. 221. Computation of highest grade in which satisfactorily served for reserve commissioned officers and former officers.

PART C—OTHER AMENDMENTS

Sec. 241. Tenure in office of Chief of National Guard Bureau.
Sec. 242. Right to reenlist in Regular Army or Regular Air Force after service as an officer.

TITLE III—REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

Sec. 301. Laws relating to organization and administration of reserve components.

Sec. 302. Laws relating to reserve component personnel policy.
Sec. 303. Laws relating to reserve component training and educational assistance programs.
Sec. 304. Laws relating to reserve component procurement and equipment.
Sec. 305. Legislative construction.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

Sec. 401. Amendments to subtitle A of title 10, United States Code.
Sec. 402. Amendments to subtitle B of title 10, United States Code.
Sec. 403. Amendments to subtitle C of title 10, United States Code.
Sec. 404. Amendments to subtitle D of title 10, United States Code.
Sec. 405. Amendments to subtitle E of title 10, United States Code.
Sec. 406. Amendments to titles 32 and 37, United States Code.
Sec. 407. Amendments to other laws.

TITLE V—TRANSITION PROVISIONS

Sec. 501. Continuation on the reserve active-status list of certain reserve colonels of the Army and Air Force.
Sec. 502. Effects of selection for promotion and failure of selection for Army and Air Force officers.
Sec. 503. Effects of selection for promotion and failure of selection for Navy and Marine Corps officers.
Sec. 504. Delays in promotions and removals from promotion list.
Sec. 505. Minimum service qualifications for promotion.
Sec. 506. Establishment of reserve active-status list.
Sec. 507. Preservation of relative seniority under the initial establishment of the reserve active-status list.
Sec. 508. Grade on transfer to the Retired Reserve.
Sec. 509. Rights for officers with over three years service.
Sec. 510. Mandatory separation for age for certain reserve officers of the Navy and Marine Corps.

TITLE VI—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

Sec. 601. Effective date.
Sec. 602. Preservation of suspended status of laws suspended as of effective date.
Sec. 603. Preservation of pre-existing rights, duties, penalties, and proceedings.

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

TITLE I—RESERVE OFFICER PERSONNEL MANAGEMENT

PART A—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 101. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

“Subtitle E—Reserve Components

“PART I—ORGANIZATION AND ADMINISTRATION

“Chap. Sec.
“1001. Definitions 10001
“1003. Reserve Components Generally 10101
“1005. Elements of Reserve Components 10141
“1007. Administration of Reserve Components 10201
“1009. Reserve Forces Policy Boards and Committees 10301
“1011. National Guard Bureau 10501
“1013. Budget Information and Annual Reports to Congress 10541

“PART II—PERSONNEL GENERALLY

“1201. Authorized Strengths and Distribution in Grade 12001
“1203. Enlisted Members 12101
“1205. Appointment of Reserve Officers 12201
“1207. Warrant Officers 12241
“1209. Active Duty 12301
“1211. National Guard Members in Federal Service 12401
“1213. Special Appointments, Assignments, Details, and Duties 12501
“1215. Miscellaneous Prohibitions and Penalties—[No present sections]
“1217. Miscellaneous Rights and Benefits 12601
“1219. Standards and Procedures for Retention and Promotion 12641
“1221. Separation 12681
“1223. Retired Pay for Non-Regular Service 12731
“1225. Retired Grade 12771

“PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

“1401. Applicability and Reserve Active-Status Lists 14001
“1403. Selection Boards 14101
“1405. Promotions 14301
“1407. Failure of Selection for Promotion and Involuntary Separation 14501
“1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal 14701
“1411. Additional Provisions Relating to Involuntary Separation 14901

“PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

“1601. Training Generally—[No present sections]
“1606. Educational Assistance for Members of the Selected Reserve 16131
“1608. Health Professions Stipend Program 16201
“1609. Education Loan Repayments 16301

“PART V—SERVICE, SUPPLY, AND PROCUREMENT

“1801. Issue of Serviceable Material to Reserve Components—[No present sections]
“1803. Facilities for Reserve Components 18231
“1805. Miscellaneous Provisions 18501

“PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

“Chap. Sec.
“1401. Applicability and Reserve Active-Status Lists 14001
“1403. Selection Boards 14101
“1405. Promotions 14301
“1407. Failure of Selection for Promotion and Involuntary Separation 14501
“1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal 14701
“1411. Additional Provisions Relating to Involuntary Separation 14901

“CHAPTER 1401—APPLICABILITY AND RESERVE ACTIVE-STATUS LISTS

“Sec.
“14001. Applicability of this part.
“14002. Reserve active-status lists: requirement for each armed force.
“14003. Reserve active-status lists: position of officers on the list.
“14004. Reserve active-status lists: eligibility for Reserve promotion.
“14005. Competitive categories.
“14006. Determination of years in grade.

“§ 14001. Applicability of this part

“This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

“§ 14002. Reserve active-status lists: requirement for each armed force

“(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

“(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

“§ 14003. Reserve active-status: position of officers on the list

“(a) Position on List.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

“(b) Effect on Position Held by Reason of Temporary Appointment or Assignment.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

“§ 14004. Reserve active-status lists: eligibility for Reserve promotion

“Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

“§ 14005. Competitive categories

“Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

“§ 14006. Determination of years in grade

“For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

"Sec.
"14101. Convening of selection boards.
"14102. Selection boards: appointment and composition.
"14103. Oath of members.
"14104. Confidentiality of board proceedings.
"14105. Notice of convening of selection board.
"14106. Communication with board by officers under consideration.
"14107. Information furnished by the Secretary concerned to promotion boards.
"14108. Recommendations by promotion boards.
"14109. Reports of promotion boards: in general.
"14110. Reports of promotion boards: review by Secretary.
"14111. Reports of selection boards: transmittal to President.
"14112. Dissemination of names of officers selected.

"§ 14101. Convening of selection boards

"(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

"(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

"(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

"(1) for continuation on the reserve active-status list under section 14701 of this title;

"(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

"(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§ 14102. Selection boards: appointment and composition

"(a) APPOINTMENT.—Members of selection boards convened under section 14101 shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

"§ 14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

"§ 14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§ 14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

"§ 14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§ 14107. Information furnished by the Secretary concerned to promotion boards

"(a) INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) INFORMATION TO BE FURNISHED.—The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) LIMITATION ON MODIFYING FURNISHED INFORMATION.—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

"§ 14108. Recommendations by promotion boards

"(a) RECOMMENDATION OF BEST QUALIFIED OFFICERS.—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) MAJORITY REQUIRED.—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) BOARD RECOMMENDATION REQUIRED FOR PROMOTION.—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) PROHIBITION OF COERCION AND UNAUTHORIZED INFLUENCE OF ACTIONS OF BOARD MEMBERS.—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§ 14109. Reports of promotion boards: in general

"(a) REPORT OF OFFICERS RECOMMENDED FOR PROMOTION.—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) CERTIFICATION.—Each report under subsection (a) shall include a certification—

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) SHOW-CAUSE RECOMMENDATIONS.—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§ 14110. Reports of promotion boards: review by Secretary

"(a) REVIEW OF REPORT.—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) RETURN OF REPORT FOR FURTHER PROCEEDINGS.—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

"§ 14111. Reports of selection boards: transmittal to President

"(a) TRANSMITTAL TO PRESIDENT.—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) REMOVAL OF NAME FROM BOARD REPORT.—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

“§ 14112. Dissemination of names of officers selected

“Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

“CHAPTER 1405—PROMOTIONS

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“§ 14301. Eligibility for consideration for promotion: general rules

“(a) One-Year Rule.—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

“(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

“(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

“(b) Requirement for Consideration of All Officers in and Above the Zone.—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

“(c) Previously Selected Officers Not Eligible To Be Considered.—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

“(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

“(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

“(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

“(d) Officers Below the Zone.—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

“(e) Reserve Officers of the Army; Consideration for Brigadier General and Major General.—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

“(f) Certain Reserve Officers of the Air Force.—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

“(g) Nonconsideration of Officers Scheduled for Removal From Reserve Active-Status List.—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

“§ 14302. Promotion zones

“(a) Promotion Zones Generally.—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

“(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

“(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

“(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

“(3) Those officers who—

“(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

“(B) have not failed of selection for promotion to that next higher grade; and

“(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

“(b) Officers Above the Zone.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

“(1) are eligible for consideration for promotion to the next higher grade;

“(2) are in the same grade as those officers in the promotion zone for that competitive category; and

“(3) are senior to the senior officer in the promotion zone for that competitive category.

“(c) Officers Below the Zone.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

“(1) are eligible for consideration for promotion to the next higher grade;

“(2) are in the same grade as those officers in the promotion zone for that competitive category; and

“(3) are junior to the junior officer in the promotion zone for that competitive category.

"§ 14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O-1 AND O-2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O-3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§ 14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	Maximum years of service in grade
"First lieutenant or Lieutenant (junior grade)	5 years
"Captain or Navy Lieutenant	7 years
"Major or Lieutenant commander	7 years

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§ 14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§ 14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§ 14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) Below-the-Zone Selections.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§ 14308. Promotions: how made

"(a) Promotion List.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) Promotion; How Made; Order.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) Date of Rank.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) Officers With Running Mates.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) Army Reserve and Air Force Reserve Promotions To Fill Vacancies.—Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) Effective Date of Promotion After Federal Recognition.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) Army and Air Force General Officer Promotions.—A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§ 14309. Acceptance of promotion; oath of office

"(a) Acceptance.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) Oath.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§ 14310. Removal of officers from a list of officers recommended for promotion

"(a) Removal by President.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) Removal for Withholding of Senate Advice and Consent.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) Continued Eligibility for Promotion.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§ 14311. Delay of promotion: involuntary

"(a) Delay During Investigations and Proceedings.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) DELAY FOR LACK OF QUALIFICATIONS.—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) NOTICE TO OFFICER.—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) MAXIMUM LENGTH OF DELAY IN PROMOTION.—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

"(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

"(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§ 14312. Delay of promotion: voluntary

"(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that—

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) EFFECT OF APPROVAL OF REQUEST.—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) EFFECT OF DECLINING A PROMOTION.—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§ 14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) AUTHORITY.—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) EFFECT OF PROMOTION BEING VACATED.—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§ 14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) GENERAL OFFICERS.—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§ 14315. Position vacancy promotions: Army and Air Force officers

"(a) OFFICERS ELIGIBLE FOR CONSIDERATION FOR VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.—A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) CONSIDERATION FOR VACANCY PROMOTION TO BRIGADIER GENERAL OR MAJOR GENERAL.—(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) VACANCY PROMOTION BOARDS.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) EFFECT OF NONSELECTION.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) SPECIAL RULE FOR OFFICERS FAILED OF SELECTION.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§ 14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) OPPORTUNITY FOR PROMOTION TO FILL A VACANCY IN THE GUARD.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) AUTOMATIC FEDERAL RECOGNITION.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) NATIONAL GUARD OFFICERS FAILED OF SELECTION.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) TRANSFER TO ARMY RESERVE OR AIR FORCE RESERVE.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§ 14317. Officers in transition to and from the active-status list or active-duty list

"(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR RETIRED STATUS.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) EFFECT OF PLACEMENT ON ACTIVE-DUTY LIST.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) OFFICERS ON A PROMOTION LIST REMOVED FROM ACTIVE-DUTY LIST.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) OFFICERS SELECTED FOR POSITION VACANCIES.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.
"14501. Failure of selection for promotion.
"14502. Special selection boards: correction of errors.
"14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).
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"14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
"14511. Separation at age 62: major generals and rear admirals.
"14512. Separation at age 64: officers holding certain offices.
"14513. Separation for failure of selection of promotion.
"14514. Discharge or retirement for years of service or after selection for early removal.
"14515. Discharge or retirement for age.
"14516. Separation to be considered involuntary.
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§ 14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§ 14502. Special selection boards: correction of errors

"(a) OFFICERS NOT CONSIDERED BECAUSE OF ADMINISTRATIVE ERROR.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) REPORT.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) APPLICABLE PROVISIONS.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) TIME LIMITS FOR CONSIDERATION.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have power or jurisdiction—

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) DESIGNATION OF BOARDS.—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

"§ 14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) AUTHORIZED DISCHARGES.—The Secretary of the military department concerned may discharge any reserve officer who—

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) TIME FOR DISCHARGE.—(1) An officer described in subsection (a)(2)—

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) REGULATIONS.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§ 14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) GENERAL RULE.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) EXCEPTIONS.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§ 14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

"Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§ 14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and reserve lieutenant commanders of the Navy

"Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§ 14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

"(a) LIEUTENANT COLONELS AND COMMANDERS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

"(b) COLONELS AND NAVY CAPTAINS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§ 14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) THIRTY YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance fith section 14514 of this title.

"(c) RETENTION OF BRIGADIER GENERALS.—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(d) RETENTION OF MAJOR GENERALS.—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(e) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

"§ 14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§ 14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§ 14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§ 14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) NAVY AND MARINE CORPS.—The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§ 14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§ 14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§ 14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

"Sec.
"14701. Selection of officers for continuation on the reserve active-status list.
"14702. Retention on reserve active-status list of certain officers until age 60.
"14703. Authority to retain chaplains and officers in medical specialties until specified age.
"14704. Selective early removal from the reserve active-status list.
"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.
"14706. Computation of total years of service.

"§ 14701. Selection of officers for continuation on the reserve active-status list

"(a) CONSIDERATION FOR CONTINUATION.—(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§ 14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

"§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or claplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§ 14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§ 14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§ 14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

"CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.
"14902. Separation for substandard performance and for certain other reasons.
"14903. Boards of inquiry.
"14904. Rights and procedures.
"14905. Officer considered for removal: retirement or discharge.
"14906. Officers eligible to serve on boards.
"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§ 14901. Separation of chaplains for loss of professional qualifications

"(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§ 14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§ 14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.—After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§ 14904. Rights and procedures

"(a) PROCEDURAL RIGHTS.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) SUMMARY OF RECORDS WITHHELD.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 14905. Officer considered for removal: retirement or discharge

"(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) REQUIRED RETIREMENT OR DISCHARGE.—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) SEPARATION PAY.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§ 14906. Officers eligible to serve on boards

"(a) COMPOSITION OF BOARDS.—(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) LIMITATION.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§ 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be.".

PART B—CONFORMING AMENDMENTS

SEC. 111. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.".

SEC. 112. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) AUTHORITY.—Section 123 is amended to read as follows:

"§ 123. Authority to suspend officer personnel laws during war or national emergency

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned.".

(b) CONFORMING REPEAL.—Section 644 is repealed.

SEC. 113. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting "or reserve" after "any regular"; and

(2) by inserting "or 1411" after "chapter 60".

SEC. 114. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting "(a)" before "Officers in the following"; and

(2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence.".

SEC. 115. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and

(2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

SEC. 116. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";

(2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and

(3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.".

SEC. 117. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

"(4) an officer whose discharge or transfer from an active status is required by law.".

SEC. 118. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting "while on the active-duty list" after "to the next higher grade"; and

(B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list.";

(2) in subsection (b), by striking out "or (f)";

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";

(C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";

(D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out "26 years" and inserting in lieu thereof "28 years";

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

SEC. 119. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) ARMY PROVISIONS.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) NAVY AND MARINE CORPS PROVISIONS.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) AIR FORCE PROVISIONS.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 120. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§ 310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.".

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.".

TITLE II—OTHER PERSONNEL POLICY AMENDMENTS

PART A—APPOINTMENTS

SEC. 201. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) ENLISTMENTS.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) APPOINTMENT OF OFFICERS.—Section 591 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 202. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

SEC. 203. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

"§ 596a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.".

SEC. 204. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 203) the following new section:

"§ 596b. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. Except as provided in subparagraph (D), in determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of postsecondary education in excess of four that are required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being so appointed, designated, or assigned was admitted to a professional school. However, a person may not receive additional credit under this subparagraph if the amount of that person's baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.".

SEC. 205. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) INTERIM REPEAL OF OBSOLETE PROVISION.—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 601, section 3853 is amended by striking out "the greater of—" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 206. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.—Section 3352(a) is amended by striking out the second sentence.

(b) AIR FORCE AVIATION CADETS.—Section 8356 is repealed.

(c) REDUNDANT STATEMENT OF AUTHORITY.—Section 8379 is repealed.

PART B—SEPARATION AND RETIREMENT

SEC. 221. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.".

PART C—OTHER AMENDMENTS

SEC. 241. TENURE IN OFFICE OF CHIEF OF NATIONAL GUARD BUREAU.

Section 3040(c) is amended by adding at the end the following new sentence: "While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.".

SEC. 242. RIGHT TO REENLIST IN REGULAR ARMY OR REGULAR AIR FORCE AFTER SERVICE AS AN OFFICER.

(a) ARMY.—Section 3258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

(b) AIR FORCE.—Section 8258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

TITLE III—REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

SEC. 301. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle E, as added by section 101, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap.	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally	10101
"1005. Elements of Reserve Components	10141
"1007. Administration of Reserve Components	10201
"1009. Reserve Forces Policy Boards and Committees	10301
"1011. National Guard Bureau	10501
"1013. Budget Information and Annual Reports to Congress	10541

"CHAPTER 1001—DEFINITIONS

"Sec.
"10001. Definition of State.

"§ 10001. Definition of State

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.
"10101. Reserve components named.
"10102. Purpose of reserve components.
"10103. Basic policy for order of National Guard into Federal service.
"10104. Army Reserve: composition.
"10105. Army National Guard of the United States: composition.
"10106. Army National Guard: when a component of the Army.
"10107. Army National Guard of the United States: status when not in Federal service.
"10108. Naval Reserve: administration.
"10109. Marine Corps Reserve: administration.
"10110. Air Force Reserve: composition.
"10111. Air National Guard of the United States: composition.
"10112. Air National Guard: when a component of the Air Force.
"10113. Air National Guard of the United States: status when not in Federal service.
"10114. Coast Guard Reserve.

"§ 10101. Reserve components named

"The reserve components of the armed forces are:

"(1) The Army National Guard of the United States.

"(2) The Army Reserve.

"(3) The Naval Reserve.

"(4) The Marine Corps Reserve.

"(5) The Air National Guard of the United States.

"(6) The Air Force Reserve.

"(7) The Coast Guard Reserve.

"§ 10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§ 10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§ 10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§ 10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of—

"(1) federally recognized units and organizations of the Army National Guard; and

"(2) members of the Army National Guard who are also Reserves of the Army.

"§ 10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§ 10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§ 10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§ 10109. Marine Corps Reserve: administration

"The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§ 10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§ 10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of—

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§ 10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§ 10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§ 10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.
"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.
"10142. Ready Reserve generally.
"10143. Ready Reserve: Selected Reserve.
"10144. Ready Reserve: Individual Ready Reserve.
"10145. Ready Reserve: placement in.
"10146. Ready Reserve: transfer from.
"10147. Ready Reserve: training requirements.
"10148. Ready Reserve: failure to satisfactorily perform prescribed training.
"10149. Ready Reserve: continuous screening.
"10150. Ready Reserve: transfer back from Standby Reserve.
"10151. Standby Reserve: composition.
"10152. Standby Reserve: inactive status list.
"10153. Standby Reserve: status of members.
"10154. Retired Reserve.

"§ 10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

"§ 10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

"§ 10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

"(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

"§ 10144. Ready Reserve: Individual Ready Reserve

"Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

"§ 10145. Ready Reserve: placement in

"(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

"(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

"(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§ 10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the Governor or other appropriate authority of the State.

"§ 10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§ 10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§ 10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

"(1) transferred to the Standby Reserve;

"(2) discharged; or

"(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

"§ 10150. Ready Reserve: transfer back from Standby Reserve

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

"§ 10151. Standby Reserve: composition

"The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§ 10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§ 10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§ 10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.
"10201. Assistant Secretary of Defense for Reserve Affairs.
"10202. Regulations.
"10203. Reserve affairs: designation of general or flag officer of each armed force.
"10204. Personnel records.
"10205. Members of Individual Ready Reserve: requirement of notification of change of status.
"10206. Members: periodic physical examinations.
"10207. Mobilization forces: maintenance.
"10208. Annual mobilization exercise.
"10209. Regular and reserve components: discrimination prohibited.
"10210. Dissemination of information.
"10211. Policies and regulations: participation of reserve officers in preparation and administration.
"10212. Reserve components: dual membership prohibited.
"10213. Adjutants general and assistant adjutants general: reference to other officers of National Guard.
"10214. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§ 10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 136(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§ 10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§ 10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§ 10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.

"(3) Military qualifications.

"(4) Civilian occupational skills.

"(5) Availability for service.

"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§ 10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§ 10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every four years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§ 10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§ 10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§ 10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination—

"(1) among Regulars;

"(2) among Reserves; and

"(3) between Regulars and Reserves.

"§ 10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§ 10211. Policies and regulations: participation of reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

"§ 10212. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§ 10213. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§ 10214. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force.".

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"261. Reference to chapters 1003, 1005, and 1007.

"§ 261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.".

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98-525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.
"10301. Reserve Forces Policy Board.
"10302. Army Reserve Forces Policy Committee.
"10303. Naval Reserve Policy Board.
"10304. Marine Corps Reserve Policy Board.
"10305. Air Force Reserve Forces Policy Committee.

"§ 10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§ 10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§ 10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve.".

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:—

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.".

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§ 3021. Army Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.".

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§ 8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.".

(c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1009, as added by subsection (b), the following:

"CHAPTER 1011—NATIONAL GUARD BUREAU

"Sec.
"10501. National Guard Bureau: organization; function.
"10502. Chief of Bureau: appointment.
"10503. Chief of Bureau: term of office; grade; filling vacancy.
"10504. National Guard Bureau: assignment of officers of regular or reserve components.

"§ 10501. National Guard Bureau: organization; function

"There is a National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"§ 10502. Chief of Bureau: appointment

"(a) CHIEF.—The National Guard Bureau is headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of the Bureau from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

"§ 10503. Chief of Bureau: term of office; grade; filling vacancy

"(a) TERM OF OFFICE.—The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time. An officer may not hold the office of Chief of the Bureau after attaining 64 years of age. He is eligible to succeed himself. While holding that office, the Chief of the Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(b) GRADE WHILE SERVING.—If an officer appointed as Chief of the National Guard Bureau holds a lower reserve grade, the officer shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as Chief of the Bureau.

"(c) DISABILITY; VACANCY.—If the Chief of the Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty in the Bureau shall act as its chief until the disability ceases or a successor is appointed.

"§ 10504. National Guard Bureau: assignment of officers of regular or reserve components

"Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army and the Air Force as he considers necessary.".

(2) Sections 3040, 3541, and 8541 are repealed.

(d) ANNUAL REPORT ON GUARD AND RESERVE EQUIPMENT.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by subsection (c), the following:

"CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

"Sec.
"10541. National Guard and reserve component equipment: annual report to Congress.".

(2) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(3) The heading of that section is amended to read as follows:

"§ 10541. National Guard and reserve component equipment: annual report to Congress".

SEC. 302. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 101, is amended by inserting after part I of such subtitle, as added by section 301, the following:

"PART II—PERSONNEL GENERALLY

"Chap.	Sec.
"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
"1211. National Guard Members in Federal Service	12401
"1213. Special Appointments, Assignments, Details, and Duties	12501
"1215. Miscellaneous Prohibitions and Penalties	[No present secs.]
"1217. Miscellaneous Rights and Benefits	12601
"1219. Standards and Procedures for Retention and Promotion	12641
"1221. Separation	12681
"1223. Retired Pay for Non-Regular Service	12731
"1225. Retired Grade	12771

"CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.
"12001. Authorized strengths: reserve components.
"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
"12003. Authorized strengths: commissioned officers in an active status.
"12004. Strength in grade: reserve general and flag officers in an active status.
"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
"12006. Strength limitations: authority to waive in time of war or national emergency.
"12007. Reserve officers of the Army: distribution.
"12008. Army Reserve and Air Force Reserve: warrant officers.
"12009. Army and Air Force reserve components: temporary increases.
"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.
"12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
"12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"§ 12001. Authorized strengths: reserve components

"(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

"(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

"§ 12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

"(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

"Army National Guard and the Army National Guard of the United States	600,000
"Army Reserve	980,000
"Air National Guard and the Air National Guard of the United States	150,000
"Air Force Reserve	500,000

"(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

"§ 12003. Authorized strengths: commissioned officers in an active status

"(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

"Army	275,000
"Air Force	200,000
"Navy	150,000
"Marine Corps	24,500

"(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

"(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§ 12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	207
"Air Force	157
"Navy	48
"Marine Corps	10

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	28
"Medical Corps	5
"Chaplain Corps	1
"Judge Advocate General's Corps	1
"Dental Corps	2
"Nurse Corps	1
"Medical Service Corps	1

"(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

"(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

"(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

"(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

"(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

"(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0
Captain	35	32.0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§ 12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

"(1) each special branch; and

"(2) all other branches taken together.

"§ 12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§ 12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§ 12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§ 12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard

"(a) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	279	14
E–8	2,585	429	800	74

"(b) Whenever the number of members serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E–8.".

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§ 12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b),".

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

"Sec.
"12101. Definition.
"12102. Reserve components: qualifications.
"12103. Reserve components: terms.
"12104. Reserve components: transfers.
"12105. Army Reserve and Air Force Reserve: transfer from Guard components.
"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.
"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§ 12101. Definition

"In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§ 12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe—

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§ 12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§ 12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve.".

(2) Sections 510 (as amended by section 201(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	**Redesignated section**
510	12102
511	12103
512	12104

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

"Sec.
"12201. Qualifications for appointment.
"12202. Commissioned officer grades.
"12203. Commissioned officers: appointment, how made; term.
"12204. Commissioned officers: original appointment; limitation.
"12205. Commissioned officers: appointment; educational requirement.
"12206. Commissioned officers: appointment of former commissioned officers.

"12207. Commissioned officers: service credit upon original appointment.
"12208. Officers: appointment upon transfer.
"12209. Officer candidates: enlisted Reserves.
"12210. Attending Physician to the Congress: reserve grade while so serving.
"12211. Officers: Army National Guard of United States.
"12212. Officers: Air National Guard of United States.
"12213. Officers; Army Reserve: transfer from Army National Guard of United States.
"12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.
"12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§ 12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.".

(2) Sections 591 (as amended by section 201(b)), 592, 593 (as amended by section 202), 594, 596, 596a (as added by section 203), 596b (as added by section 204), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 203)	12206
596b (as added by section 204)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 206(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213
8352	12214

(d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207—WARRANT OFFICERS

"Sec.
"12241. Warrant officers: grades; appointment, how made; term.
"12242. Warrant officers: promotion.
"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

"Sec.
"591. Reference to chapters 1205 and 1207.

"§ 591. Reference to chapters 1205 and 1207

"Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).".

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"CHAPTER 1209—ACTIVE DUTY

"Sec.
"12301. Reserve components generally.
"12302. Ready Reserve.
"12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
"12304. Selected Reserve: order to active duty other than during war or national emergency.
"12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
"12306. Standby Reserve.
"12307. Retired Reserve.
"12308. Retention on active duty after becoming qualified for retired pay.
"12309. Reserve officers: use of in expansion of armed forces.
"12310. Reserves: for organizing, administering, etc., reserve components.
"12311. Active duty agreements.
"12312. Active duty agreements: release from duty.
"12313. Reserves: release from active duty.
"12314. Reserves: kinds of duty.
"12315. Reserves: duty with or without pay.
"12316. Payment of certain Reserves while on duty.
"12317. Reserves: theological students; limitations.
"12318. Reserves on active duty: duties; funding.
"12319. Ready Reserve: muster duty.
"12320. Reserve officers: grade in which ordered to active duty.
"12321. Limitation on duty with Reserve Officer Training Corps units.".

(2) Sections 672 through 687, section 689 (as amended by section 114), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) Chapter 39 is amended by inserting after section 671b the following:

"§ 672. Reference to chapter 1209

"Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).".

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

"CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

"Sec.
"12401. Army and Air National Guard of United States: status.
"12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.
"12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.
"12404. Army and Air National Guard of United States: mobilization; maintenance of organization.
"12405. National Guard in Federal service: status.
"12406. National Guard in Federal service: call.
"12407. National Guard in Federal service: period of service; apportionment.
"12408. National Guard in Federal service: physical examination.

"§ 12401. Army and Air National Guard of the United States: status

"Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§ 12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§ 12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

"Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§ 12404. Army and Air National Guard of United States: mobilization; maintenance of organization

"During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§ 12405. National Guard in Federal service: status

"Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§ 12406. National Guard in Federal service: call

"Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§ 12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

"(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§ 12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States.".

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.
"12501. Reserve components: detail of members of regular and reserve components to assist.
"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§ 12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§ 12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.
"12601. Compensation: Reserve on active duty accepting from any person.
"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§ 12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§ 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.".

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

"Sec.
"12641. Standards and procedures: Secretary to prescribe.
"12642. Standards and qualifications: result of failure to comply with.
"12643. Boards for appointment, promotion, and certain other purposes: composition.
"12644. Members physically not qualified for active duty: discharge or transfer to retired status.
"12645. Commissioned officers: retention until completion of required service.
"12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.
"12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.".

(2) Sections 1001, 1002, 266, 1004 (as amended by section 301(b)(4)), and 1005 through 1007

are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section:	**Redesignated section**
1001	12641
1002	12642
266	12643
1004	12644
1005	12645
1006	12646
1007	12647

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

“§ 12641. Standards and procedures: Secretary to prescribe”.

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

“§ 12644. Members physically not qualified for active duty: discharge or transfer to retired status”.

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

‘‘Sec.
‘‘1001. Reference to chapter 1219.

“§ 1001. Reference to chapter 1219

‘‘Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641).’’.

(i) SEPARATION.—(1) Part II of subtitie E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

“CHAPTER 1221—SEPARATION

‘‘Sec.
‘‘12681. Reserves: discharge authority.
‘‘12682. Reserves: discharge upon becoming ordained minister of religion.
‘‘12683. Reserve officers: limitation on involuntary separation.
‘‘12684. Reserves: separation for absence without authority or sentence to imprisonment.
‘‘12685. Reserves separated for cause: character of discharge.
‘‘12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

“§ 12681. Reserves: discharge authority

‘‘Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

“§ 12682. Reserves: discharge upon becoming ordained minister of religion

‘‘Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

“§ 12683. Reserve officers: limitation on involuntary separation

‘‘(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

‘‘(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

‘‘(2) by the approved sentence of a court-martial.

‘‘(b) Subsection (a) does not apply—

‘‘(1) to a separation under section 12684, 14901, or 14907 of this title;

‘‘(2) to a dismissal under section 1161(a) of this title; or

‘‘(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

“§ 12684. Reserves: separation for absence without authority or sentence to imprisonment

‘‘The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

‘‘(1) who has been absent without authority for at least three months; or

‘‘(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

“§ 12685. Reserves separated for cause: character of discharge

‘‘A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

‘‘(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

‘‘(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

“§ 12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

‘‘Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.’’.

(2) Sections 1162 and 1163 are repealed.

(j) RETIRED PAY.—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

“CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

‘‘Sec.
‘‘12731. Age and service requirements.
‘‘12731a. Temporary special retirement qualification authority.
‘‘12732. Entitlement to retired pay: computation of years of service.
‘‘12733. Computation of retired pay: computation of years of service.
‘‘12734. Time not creditable toward years of service.
‘‘12735. Inactive status list.
‘‘12736. Service credited for retired pay benefits not excluded for other benefits.
‘‘12737. Limitation on active duty.
‘‘12738. Limitations on revocation of retired pay.
‘‘12739. Computation of retired pay.

“§ 12731. Age and service requirements

‘‘(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

‘‘(1) is at least 60 years of age;

‘‘(2) has performed at least 20 years of service computed under section 12732 of this title;

‘‘(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

‘‘(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

‘‘(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

‘‘(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

‘‘(A) the person performed active duty during World War I or World War II; or

‘‘(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

‘‘(2) In this subsection:

‘‘(A) The term ‘World War I’ means the period beginning on April 6, 1917, and ending on November 11, 1918.

‘‘(B) The term ‘World War II’ means the period beginning on September 9, 1940, and ending on December 31, 1946.

‘‘(C) The term ‘Korean conflict’ means the period beginning on June 27, 1950, and ending on July 27, 1953.

‘‘(D) The term ‘Berlin crisis’ means the period beginning on August 14, 1961, and ending on May 30, 1963.

‘‘(E) The term ‘Vietnam era’ means the period beginning on August 5, 1964, and ending on March 27, 1973.

‘‘(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

‘‘(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

“§ 12731a. Temporary special retirement qualification authority

‘‘(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 12731 of this title, the Secretary of a military department may—

‘‘(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1995, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary within one year after the date of the notification referred to in paragraph (1), transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1995.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary of the military department concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2713).

"(d) EXCLUSION.—This section does not apply to persons referred to in section 12731(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense.

"§ 12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of—

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§ 12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

"§ 12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

"§ 12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§ 12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§ 12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§ 12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§ 12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of $1, shall be rounded down to the next lower multiple of $1.".

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) RETIREMENT UNDER SUBTITLE A OR E.—

"(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.";

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.".

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)—

(i) by striking out "CHAPTER 67" in the heading and inserting in lieu thereof "CHAPTER 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

"CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

"Sec.
"1331. Reference to chapter 1223.

"§ 1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).".

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

"CHAPTER 1225—RETIRED GRADE

"Sec.
"12771. Reserve officers: grade on transfer to Retired Reserve.
"12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
"12773. Limitation on accrual of increased pay or benefits.
"12774. Retired lists.

"§ 12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§ 12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§ 12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§ 12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay.".

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended—

(i) by striking out subsection (a); and

(ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§ 1376. Temporary disability retired lists".

SEC. 303. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 101, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap.	Sec.
"1601. Training Generally	[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"CHAPTER 1601—TRAINING GENERALLY

"[No present sections]".

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"16131. Educational assistance program: establishment; amount.
"16132. Eligibility for educational assistance.
"16133. Time limitations for use of entitlement.
"16134. Termination of assistance.
"16135. Failure to participate satisfactorily; penalties.
"16136. Administration of program.
"16137. Reports to Congress.".

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section:	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and

(B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and

(B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended—

(A) in subsection (b)(1)(B), by striking out "section 268(b)" and inserting in lieu thereof "section 10143(a)"; and

(B) in subsection (b)(4)(A), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"2131. Reference to chapter 1606.
"2138. Savings provision.

"§ 2131. Reference to chapter 1606

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).".

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

"CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

"Sec.
"16201. Financial assistance: health-care professionals in reserve components.
"16202. Reserve service: required active duty for training.
"16203. Penalties and limitations.
"16204. Regulations.

"§ 16204. Regulations

"This chapter shall be administered under regulations prescribed by the Secretary of Defense.".

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§ 16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.
"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.
"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§ 16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or $500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title.".

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out "person for—" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.".

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended—

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§ 2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

SEC. 304. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 101, is amended by adding after part IV of such subtitle (as added by section 303) the following:

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"Chap.	Sec.
"1801. Issue of Serviceable Material to Reserve Components	[No present sections]
"1803. Facilities for Reserve Components	18231
"1805. Miscellaneous Provisions	18501

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[No present sections]".

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section:	**Redesignated section**
2231	18231
2232	18232
2233	18233
2233a	18233a
2234	18234
2235	18235
2236	18236
2237	18237
2238	18238
2239	18239

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—

(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a)(3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)—

(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a)(2), (3) or (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

"Sec.
"2231. Reference to chapter 1803.

"§ 2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).".

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

"Sec.
"18501. Reserve components: personnel and logistic support by military departments.
"18502. Reserve components: supplies, services, and facilities.

"§ 18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§ 18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.".

(2) Section 2540 is repealed.

SEC. 305. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 301 through 304 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this title.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 401. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

"E. Reserve Components .... 10001".

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out "524," in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

"672. Reference to chapter 1209.";

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

"1376. Temporary disability retired lists.".

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

"2171. Education loan repayment program: enlisted members on active duty in specified military specialties.".

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(a)(13) is amended by striking out "672(a), 673, 673b, 673c, 688, 3500, or 8500" and inserting in lieu thereof "688, 12301(a), 12302, 12304, 12305, or 12406".

(2) Section 113(c)(3) is amended by striking out "chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers" and inserting in lieu thereof "chapters 1219 and 1401 through 1411 of this title ".

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out "section 265" and all that follows through "of this title" and inserting in lieu thereof "section 10211, 10302 through 10305, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(4) Section 527 is amended by striking out "524," in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out "section 175" and all that follows through "of this title" and inserting in lieu thereof "section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(6) Sections 1201, 1202, and 1203 are each amended by striking out "section 270(b)" and inserting in lieu thereof "section 10148(a)".

(7)(A) Section 1076(b)(2)(A) is amended by striking out "under chapter 67 of this title" and inserting in lieu thereof "under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)":

(B) Section 1370(a)(1) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(8) Section 1482(f)(2) is amended by striking out "section 1332" and "section 1331" and inserting in lieu thereof "section 12732" and "12731", respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out "chapter 67 of this title" and inserting in lieu thereof "chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) The following provisions are amended by striking out "section 1331(d)" and inserting in lieu thereof "section 12731(d)": sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 402. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 305 is amended by striking out the item relating to section 3040.

(2) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080.

(3) The table of sections at the beginning of chapter 331 is amended by striking out the items relating to section 3212 and sections 3217 through 3225.

(4) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(5) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(6) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 3961(a) is amended by striking out "chapter,67" and inserting in lieu thereof "chapter 1223".

(3) Section 4342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 403. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 6389(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(2) Section 6954(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(d) REPEAL OF SECTION REDUNDANT WITH SECTION 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 404. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 405. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) CHAPTER 1203.—Section 12102 (as transferred and redesignated by section 302(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) CHAPTER 1205.—Sections of chapter 1205 (as transferred and redesignated by section 302(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12213, or 12214".

(2) Sections 12213 and 12214 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) CHAPTER 1209.—Sections of chapter 1209 (as transferred and redesignated by section 302(e)(2)) are amended as follows:

(1) Section 12301 is amended—

(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)."; and

(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended—

(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";

(B) by striking out "section 268(b)" in subsection (a) and inserting in lieu thereof "section 10143(a)"; and

(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended—

(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and

(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) CHAPTER 1219.—Sections of chapter 1219 (as transferred and redesignated by section 302(h)) are amended as follows:

(1) Section 12642 is amended—

(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and

(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended—

(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";

(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

"(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

"(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.".

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

SEC. 406. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) Title 32, United States Code.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.
"310. Federal recognition of National Guard officers: automatic recognition.".

(b) Title 37, United States Code.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—

(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and

(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—

(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and

(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 407. AMENDMENTS TO OTHER LAWS.

(a) Title 5, United States Code.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10"

(2) Section 6323(b) is amended—

(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10".

(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10".

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) Title 14, United States Code.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) Internal Revenue Code of 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) Title 38, United States Code.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) Public Law 99-661.—Section 403(b)(1) of Public Law 99-661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) Military Selective Service Act.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

TITLE V—TRANSITION PROVISIONS

SEC. 501. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) Continuation Under Old Law.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this Act—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this Act.

(b) Exemption.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this Act; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this Act.

SEC. 502. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) Promotions To Fill Vacancies.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this Act, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this Act, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this Act.

(b) Promotions Other Than To Fill Vacancies.—A reserve officer of the Army or Air Force who, on the day before the effective date of this Act, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this Act, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this Act.

(c) OFFICERS FOUND QUALIFIED FOR PROMOTION TO FIRST LIEUTENANT.—A reserve officer of the Army or Air Force who, on the effective date of the Act, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of the Act, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section 14308(b) of title 10, United States Code, as added by this Act.

(d) OFFICERS ONCE FAILED OF SELECTION.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this Act, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this Act, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this Act. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this Act, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of the Act, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this Act, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) OFFICERS TWICE FAILED OF SELECTION.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this Act, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this Act.

(f) OFFICERS WITH APPROVED PROMOTION DECLINATIONS IN EFFECT.—A reserve officer of the Army who, on the day before the effective date of this Act, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of the Act, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this Act), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) COVERED OFFICERS.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this Act are in an active status; and

(2) on the effective date of this Act are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 503. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) RECOMMENDATIONS FOR PROMOTION.—An officer covered by this section who, on the day before the effective date of the Act, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this Act.

(b) FAILURES OF SELECTION.—An officer covered by this section who, on the day before the effective date of this Act is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this Act, as if such failure or failures had occurred under the provisions of those chapters.

(c) OFFICERS OTHER THAN COVERED OFFICERS RECOMMENDED FOR PROMOTION.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this Act (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this Act.

(d) OFFICERS FOUND QUALIFIED FOR PROMOTION TO LIEUTENANT (JUNIOR GRADE) OR FIRST LIEUTENANT.—A covered officer who, on the effective date of this Act, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of the Act, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this Act.

(e) OFFICERS WHOSE NAMES HAVE BEEN OMITTED FROM A LIST FURNISHED TO A SELECTION BOARD.—A covered officer whose name, as of the effective date of this Act, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this Act. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this Act.

(f) COVERED OFFICERS.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this Act is in an active status, and (2) on the effective date of this Act is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 504. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) DELAYS IN PROMOTIONS.—(1) A delay in a promotion that is in effect on the day before the effective date of this Act under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this Act.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this Act, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this Act.

(b) REMOVALS FROM LIST.—An action that was initiated before the effective date of this Act under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this Act.

SEC. 505. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this Act, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this Act. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this Act.

SEC. 506. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) SIX-MONTH DEADLINE.—Not later than six months after the effective date of this Act, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this Act, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) REGULATIONS.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this Act, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this Act. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this Act.

SEC. 507. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 506 of this Act, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this Act, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 508. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this Act, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this Act, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this Act, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this Act.

SEC. 509. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this Act and who was subject to placement of the reserve active-status list on the effective date of this Act may not be discharged under section 14503 of title 10, United States Code, as added by this Act, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 510. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION AGE.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this Act is in an active status, and

(B) on the day before the effective date of this Act was an officer described in section 6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this Act is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this Act, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this Act.

(b) SAVINGS PROVISIONS FOR MANDATORY SEPARATION FOR AGE.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this Act, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

TITLE VI—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

SEC. 601. EFFECTIVE DATE.

(a) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE FOR NEW RESERVE OFFICER PERSONNEL POLICIES.—(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 101, shall become effective on the first day of the ninth month that begins after the date of the enactment of this Act.

(2) Any reference in title V of this Act to the effective date of this Act is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date of the enactment of this Act and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 101, shall, notwithstanding the provisions of subsection (a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 101, shall take effect on the date of the enactment of this Act.

SEC. 602. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this Act is transferred or amended by this Act, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 603. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BUYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1040, presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, this afternoon I rise in strong support of H.R. 1040, the Reserve Officer Personnel Management Act also known as ROPMA. This historic legislation, introduced by the gentleman from Mississippi [Mr. MONTGOMERY], is similar to a previous version of ROPMA that passed the House last year but died when the Senate took no action on the measure. H.R. 1040 contains only minor changes from last year's bill. The Military Forces and Personnel Subcommittee marked up this bill on March 24, and ordered it favorably reported by a rollcall vote of 13 to nothing. The House Committee on Armed Services ordered the bill favorably reported on a unanimous voice vote on May 5, 1993.

This bill was designed to be a companion bill to the Defense Officer Personnel Management Act or DOPMA, which was enacted in 1980 and today governs officer personnel management for the active components. DOPMA the active duty legislation was the first comprehensive revision of the statutes relating to the appointment, promotion, tenure and separation of regular commissioned officers in the military, on active duty. This law DOPMA included major changes in the way active duty officers are managed.

Enactment of ROPMA presently before us would constitute the first comprehensive overhaul of reserve officer personnel management statutes since the Reserve Officer Personnel Act of 1954. ROPMA is primarily concerned with the appointment, promotion, tenure and separation of officers who are not on active duty, but are in reserve status, i.e. National Guard and the Reserves.

ROPMA would parallel DOPMA to some degree by ensuring reserve officer personnel management practices that are compatible with those for active duty officers, while preserving those aspects of reserve officer personnel management that have no active duty counterpart.

The war in the Persian Gulf showed, Mr. Speaker, just how important the Reserve components are to both the total force policy and successful military operations. The emphasis on integrating missions between active and reserve components that Desert Storm showed is necessary to win a major war makes it imperative that the two elements Reserve on one hand and active duty on the other work closely together.

ROPMA is intended to make this process easier by providing a comprehensive approach to officer management that ensures compatible practices concerning the appointment, promotion, separation, and retirement of officers in the Active and Reserve components.

ROPMA represents a significant step forward from the piecemeal approach to changing Reserve officer personnel management laws that has existed since the enactment of the Reserve Officer Personnel Act back in 1954. ROPMA would ensure a Reserve officer personnel management system that enhances the readiness of the reserve components and would foster fair and equitable practices and policies designed to attract, retain and promote the high quality Guardsmen and reservists we need for the future. The bill would also provide additional management flexibility to accommodate the needs of citizen soldiers who as we all know serve on a part time basis.

To make sure we have the kind of people we need for the high-tech military of tomorrow, and if we are to expect from them the same kind of magnificent performance we saw in the Persian Gulf, Desert Storm, then we must have a well managed Reserve and National Guard Force in which interservice and active/reserve differences are minimized. I believe ROPMA goes a long way toward achieving those objectives.

I urge passage of this legislation, H.R. 1040.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Reserve Officer Personnel Management Act, H.R. 1040, has been years in the making and is an important long-needed piece of legislation that revises and standardizes the way in which the National Guard and the Reserve officers are appointed, promoted, and separated. I compliment my colleague, also the man who always has the veteran and soldier at heart, the gentleman from Mississippi, SONNY MONTGOMERY, for his long, dedicated hours toward this bill.

Also I compliment the committee chairman, the gentleman from Missouri [Mr. SKELTON] for his devotion and steadfastness to assure that we have a system that parallels the active-duty system for officer management, that being DOPMA.

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H.R. 1040 is a complex and technical bill, but it is built on a solid base and common points in existing law that can be found among what are sometimes radically different approaches by the services for managing the officer reserve components in the National Guard.

This legislation provides a substantive improvement over the existing officer management systems, encourages new mechanisms by which the Department of Defense can better integrate the quality of officers in reserve components into the total force concept.

I know the gentleman from Missouri [Mr. SKELTON] just made some remarks regarding the success of Operation Desert Storm in which he also had a son on active duty in the Persian Gulf war. Him being on active duty, I was one who was called up as a reservist. I understand about the total force concept, not only the integration of the Reserve with the active duty, but also bringing in the National Guard.

I believe in the total force concept, and I also support its concept.

DOPMA being the active duty role of the management of officer personnel, ROPMA I concur with the gentleman from Missouri that it does parallel in part and it achieves the very same goals, and that is the true integration of quality officers from the National Guard and the Reserves into the one total force concept.

H.R. 1040 passed unanimously in the subcommittee and had strong bipartisan support in the full committee.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, it is a pleasure to yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], one who has worked so hard on this piece of legislation and so much other legislation that has his fingerprints thereon, for not just the Reserve and Guard members of our armed forces, but those on active duty.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the chairman of my subcommittee for those very kind remarks. I have enjoyed working in that subcommittee. We get things done, in my opinion.

I rise in support of H.R. 1040, the Reserve Officers Personnel Management Act [ROPMA]. I have been involved in this legislation since I first introduced it in January 1988.

It took us 8 years to pass DOPMA, the Defense Officers Personnel Management Act, for the active component officers. DOPMA has worked very well in improving the management of active officers. Many of us hoped we could pass the companion reserve bill in less time. We still have a chance to do that.

This bill does two major things to the laws that govern our Reserve and National Guard officers. It provides the first comprehensive revision, since 1954, of the reserve officer management laws. ROPMA will help ensure consistent policies for officers in all the reserve components in the areas of appointment, promotion, separation and retirement. Second, it consolidates all the various provisions into a new subtitle E to title 10, thereby making it easier to find and use the laws that apply to the reserve components. Right now they are spread all through title 10.

I want to thank Chairman SKELTON, the ranking minority member, the gentleman from Arizona, Mr. JON KYL and the staff of the Military Forces and Personnel Subcommittee for their work on this bill. I also know the work that has been done by staff, so our thanks go to Jim Schweiter, Karen Heath, Charlie Tompkins, Mike Higgins, Cary Ruppert, Arch Barrett, and Bob Cover, House legislative counsel. Without their help we would not have gotten this far. As you can see, ROPMA is not a small bill, so it took a lot of effort.

You can see there are several hundred pages of codifying and bringing the Reserve officer statutes to where you can interpret them and make it easier to find.

I also want to thank Chairman DELLUMS and the gentleman from South Carolina [Mr. FLOYD SPENCE], the chairman and ranking minority of the full Armed Services Committee for their support.

This bill is fully supported by the Defense Department.

Again to the gentleman from Missouri, Mr. IKE SKELTON, I want to thank him for his leadership.

Mr. Speaker, I urge immediate passage of this legislation.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, but I do want to thank the gentleman from Indiana [Mr. BUYER] for handling this bill today so ably, and the gentleman from Arizona [Mr. KYL] for his work, and Mr. Thompkins, the staffer, and Mr. Schweiter, the staffer, who are with us today. But for the gentleman from Mississippi [Mr. MONTGOMERY] we would not be able to take this up, and I thank the gentleman for his tireless efforts for several years in putting this together.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from Missouri [Mr. SKELTON] that the House suspend the rules and pass the bill, H.R. 1040, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN DEFENSE ACQUISITION WORKFORCE POSITIONS

Mr. SISISKY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1378) to amend title 10, United States Code, with respect to applicability of qualification requirements for certain acquisition positions in the Department of Defense, as amended.

The Clerk read as follows:

H.R. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN ACQUISITION POSITIONS IN THE DEPARTMENT OF DEFENSE

SEC. 101. APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN ACQUISITION POSITIONS IN THE DEPARTMENT OF DEFENSE.

Section 1724(c)(2) of title 10, United States Code, is amended—

(1) by inserting “or lower” before “grade”; and

(2) by inserting “or lower” before “level”.

TITLE II—DEFENSE TECHNICAL AND CLERICAL AMENDMENTS–

SEC. 201. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) Resolution of Inconsistent and Duplicative Amendments.—Section 166a of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out “the Chairman” and all that follows through the period at the end of the sentence and inserting in lieu thereof “the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose.”; and

(2) in subsection (b)(7), by striking out the second parenthetical phrase before the period at the end.

(b) Duplicate Section Numbers.—Title 10, United States Code, is amended as follows:

(1)(A) Chapter 141 is amended by redesignating the second sections 2410c and 2410d as sections 2410j and 2410k, respectively.

(B) The items relating to those sections in the table of sections at the beginning of such chapter are amended to reflect the redesignations made by subparagraph (A).

(2)(A) Chapter 401 is amended by redesignating the second section 4316 as section 4317.

(B) The table of sections at the beginning of such chapter is amended by striking out the last two items and inserting in lieu thereof the following:

“4316. Reporting requirements.
“4317. Military history fellowships.”.

(c) Cross Reference Amendments.—Title 10, United States Code, is amended as follows:

(1) Section 1104 is amended—

(A) in subsections (a), (b), and (c), by striking out “section 8011 of title 38” and inserting in lieu thereof “section 8111 of title 38”; and

(B) in subsection (d), by striking out “section 8011A of title 38” and inserting in lieu thereof “section 8111A of title 38”.

(2) Section 2145(b) is amended by striking out “means the actual cost” and all that follows and inserting in lieu thereof “has the meaning given the term ‘cost of attendance’ by section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).”.

(3) Section 2198(c) is amended—

(A) by striking out “an annual” and inserting in lieu thereof “a”; and

(B) by striking out “section 2522” and inserting in lieu thereof “section 2506”.

(4) Section 2371(g) is amended—

(A) by striking out “section 11” and inserting in lieu thereof “section 12”; and

(B) by striking out “sections 10 and 11” and inserting in lieu thereof “sections 11 and 12”.

(5) Section 2372(g)(5) is amended by striking out “section 2522” and inserting in lieu thereof “section 2506”.

(6) Section 2401(c)(2)(A) is amended by striking out “the Internal Revenue Code of 1954” and inserting in lieu thereof “the Internal Revenue Code of 1986”.

(7) Section 2501(a)(1)(A) is amended by striking out “section 104” and inserting in lieu thereof “section 108”.

(8) Section 2535(b)(2)(B) is amended by striking out “paragraph (1)” and inserting in lieu thereof “subparagraph (A)”.

(9) Section 2677(c)(1) is amended—

(A) by striking out “section 21A(b)(12)(F)” and inserting in lieu thereof “section 21A(b)(11)(F)”; and

(B) by striking out “(12 U.S.C. 1441a(b)(12)(F))” and inserting in lieu thereof “(12 U.S.C. 1441a(b)(11)(F))”.

(10) Section 5038(e) is amended by striking out “subsection” and inserting in lieu thereof “section”.

(11) Section 7721(a) is amended by striking out “(46 U.S.C 781–790)” and inserting in lieu thereof “(46 U.S.C. App. 781–790)”.

(d) Amendments for Stylistic Consistency.—Title 10, United States Code, is amended as follows:

(1) Section 1597 is amended—

(A) in subsection (c)(3)—

(i) by striking out “defense agency” in subparagraph (A)(v) and inserting in lieu thereof “Defense Agency”; and

(ii) in subparagraph (C)—

(I) by striking out “defense agency” the first place it appears and inserting in lieu thereof “Defense Agency”; and

(II) by striking out “defense agency” the second place it appears and inserting in lieu thereof “Defense Agency,”; and

(B) in subsection (e), by striking out “of the date” and inserting in lieu thereof “on the date”.

(2) The table of sections at the beginning of chapter 142 is amended by striking out “Sec.” in the items relating to sections 2418 and 2419.

(3) Section 2513(c)(2)(B) is amended by striking out the second clause (iii) (as added by section 4223(d) of Public Law 102–484 (106 Stat. 2681)) and inserting in lieu thereof the following:

“(iv) An institution of higher education designated by a State or local government.”.

(4) Section 2536 is amended by striking out the period at the end of the section heading.

(5) Section 2537(a) is amended in the first sentence by striking out “respectively, which” and inserting in lieu thereof “respectively, that”.

(6) Section 2701(j)(2) is amended by striking out “applies (42 U.S.C. 9619(g))” and inserting in lieu thereof “(42 U.S.C. 9619(g)) applies”.

(7) Section 2828 is amended by striking out “per annum” each place it appears in subsections (b)(2), (b)(3), and (e)(1) and inserting in lieu thereof “per year”.

(e) Subsection Headings.—Title 10, United States Code, is amended as follows:

(1) Section 2513 (as transferred and redesignated by section 4223(b) of Public Law 102–484 (106 Stat. 2681)) is amended—

(A) by striking out “Centers” in the heading for subsection (b) and inserting in lieu thereof “Alliances”; and

(B) by striking out “Center” in the heading for subsection (e) and inserting in lieu thereof “Alliance”.

(2) Section 2308 is amended by inserting after “(a)” the following: “Facilitation of Procurement.—”.

(f) Date of Enactment References.—Title 10, United States Code, is amended as follows:

(1) Section 1151(e)(1) is amended by striking out “the date of the enactment of this section” and inserting in lieu thereof “October 23, 1992,”.

(2) Section 1331a(b) is amended by striking out “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993” and inserting in lieu thereof “October 23, 1992,”.

(3) Section 1802(b) is amended by striking out “not more than two years before the date of the enactment of this chapter” and inserting in lieu thereof “after October 22, 1990”.

(g) Punctuation, Spelling, Etc.—Title 10, United States Code, is amended as follows:

(1) Section 1078a is amended—

(A) in subsection (b)(3)(C), by striking out “subparagraphs” and inserting in lieu thereof “subparagraph”; and

(B) in subsection (d)(2)(A), by inserting “under” after “coverage”.

(2) Section 1590(a) is amended by striking out the second semicolon at the end of paragraph (1).

(3) Section 1802(a) is amended by striking out “carrys” and inserting in lieu thereof “carries”.

(4) Section 2321(d)(1)(B) is amended by striking out “adherance” and inserting in lieu thereof “adherence”.

(5) Section 2361(b)(2) is amended by striking out “inconsisent” and inserting in lieu thereof “inconsistent”.

(6) Section 2410j (as redesignated by subsection (b)(1)(A)) is amended in subsection (f)(2)(B) by striking out “aid” and inserting in lieu thereof “aide”.

*(7) The heading of section 2505 is amended by striking out “**capabilty**” and inserting in lieu thereof “**capability**”.*

(8) Section 2516(b)(4) is amended by striking out “dual use” and inserting in lieu thereof “dual-use”.

(9) Section 2524(b)(2)(F) is amended by striking out “work force” both places it appears and inserting in lieu thereof “workforce”.

(10)(A) The heading of section 4313 is amended to read as follows:

“§4313. National Matches and small-arms school: expenses”.

(B) The item relating to section 4313 in the table of sections at the beginning of chapter 401 is amended to read as follows:

“4313. National Matches and small-arms school: expenses.”.

(h) Redundant Provisions.—Title 10, United States Code, is amended as follows:

(1) Section 1598(e) is amended by striking out paragraph (4).

(2) Section 2537 is amended by striking out subsection (d).

(i) Clarification of Amendments.—Title 10, United States Code, is amended as follows:

(1) Paragraph (4) of section 1142(b) is amended by striking out “job placement assistance” and all that follows through the end of the paragraph and inserting in lieu thereof “job placement assistance, including the public and community service jobs program carried out under section 1143a of this title, and information regarding the placement program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers’ aides.”.

(2) Section 2433(e) is amended—

(A) by striking out “a at least 15 percent increase” both places it appears and inserting in lieu thereof “an increase of at least 15 percent”; and

(B) by striking out “a at least 25 percent increase” both places it appears and inserting in lieu thereof “an increase of at least 25 percent”.

SEC. 202. AMENDMENTS TO FISCAL YEAR 1993 DEFENSE AUTHORIZATION ACT.

(a) In General.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 195 (106 Stat. 2349) is amended by striking out "initiative" and inserting in lieu thereof "Initiative".

(2) Section 234(e)(2) (106 Stat. 2357) is amended by striking out "in subsection (d)" and inserting in lieu thereof "in subsection (c), as redesignated by subsection (b)(2)(B)".

(3) Section 243 (106 Stat. 2360) is amended by striking out "Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.), the Secretary of Defense is authorized" and inserting in lieu thereof "The Secretary of Defense is authorized".

(4) Section 653(b)(2) (106 Stat. 2428) is amended by striking out "section 1463" and inserting in lieu thereof "section 1463(a)".

(5) Section 704(1) (106 Stat. 2432) is amended by striking out "paragraph (15)(D)" and inserting in lieu thereof "paragraph (15)".

(6) Section 801(f) (106 Stat. 2444) is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) by striking out 'Secretary with' in paragraph (2) and inserting in lieu thereof 'Secretary toward attaining';".

(7) Section 843(c) (106 Stat. 2469) is amended—

(A) by striking out "On the date which is two years after the date of the enactment of this Act," and inserting in lieu thereof "Effective October 23, 1994,"; and

(B) by striking out "section 2350a" and inserting in lieu thereof "sections 2350a(c) and 2350d(c)".

(8) Section 911(b)(2) (106 Stat. 2473) is amended by striking out the period and closing quotation marks at the end and inserting in lieu thereof closing quotation marks and a period.

(9) Section 933 (106 Stat. 2476) is amended—

(A) in subsection (b)(1), by striking out "or" and inserting in lieu thereof "and"; and

(B) in subsection (c), by inserting a comma after "United States Code".

(10) Section 1312(b)(4) (106 Stat. 2548) is amended by striking out "the" in the quoted matter stricken out in the amendment made by subparagraph (B).

(11) Section 1135(c)(2) (106 Stat. 2541) is amended by striking out "unit deployment designators" and inserting in lieu thereof "Unit Deployment Designators".

(12) Section 1314(b) (106 Stat. 2549) is amended in the second sentence by adding a period after "of member nations".

(13) Sections 1814 and 1834 (106 Stat. 2583, 2586) are each amended by striking out "section" and inserting in lieu thereof "subtitle".

(14) Section 4219(c)(2)(H) (106 Stat. 2672) is amended—

(A) by striking out "Work force" and inserting in lieu thereof "Workforce"; and

(B) by striking out "work force" and inserting in lieu thereof "workforce".

(15) Section 4301(b)(1)(C) (106 Stat. 2697) is amended by inserting "the first place it appears" before "the following".

(16) Section 4407(b)(2) (106 Stat. 2708) is amended by inserting "the second place it appears" before "and inserting in lieu thereof".

(17) Section 4422(a) (106 Stat. 2718) is amended—

(A) in paragraph (3), by striking out "after" after "by inserting"; and

(B) in paragraph (4), by inserting "the first reference to" after "after" the first place it appears.

(18) Section 4470(a) (106 Stat. 2753) is amended—

(A) by striking out "section 4303(a)" in paragraph (1) and inserting in lieu thereof "section 4443(a)"; and

(B) by striking out "section 4303(b)" in paragraph (2) and inserting in lieu thereof "section 4443(b)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

SEC. 203. AMENDMENTS TO FISCAL YEAR 1992/1993 DEFENSE AUTHORIZATION ACT.

(a) REPEAL OF PREVIOUSLY CODIFIED PROVISION.—Section 523 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1363) is repealed.

(b) OTHER AMENDMENTS.—The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

(1) Section 236(d) (as redesignated by section 234(b)(2)(B) of Public Law 102–484 (106 Stat. 2356)) is amended by striking out "subsection (a) through (d)" in paragraph (1) and inserting in lieu thereof "subsections (a) through (c)".

(2) Section 704(a) (105 Stat. 1401) is amended by striking out the closing quotation marks and period at the end of paragraph (2) of the subsection inserted by the amendment made by that section.

(3) Section 3136(b)(1)(C)(ii)(I) (105 Stat. 1578) is amended by striking out "section 2522 of title 10, United States Code" and inserting in lieu thereof "section 2506 of title 10, United States Code".

(4) Section 3137(c) (105 Stat. 1579) is amended by striking out the comma after "the Secretary of Energy".

SEC. 204. AMENDMENTS TO OTHER LAWS.

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 205(a)(7)(B) is amended by striking out "the Veterans' Administration," and inserting in lieu thereof "the Department of Veterans Affairs,".

(2) Section 411f(c) is amended by striking out "section 401 of this title" and inserting in lieu thereof "section 401(a) of this title".

(b) PUBLIC LAW 98–94.—Section 1215(c) of the Department of Defense Authorization Act, 1984 (Public Law 98–94; 97 Stat. 688; 10 U.S.C. 2452 note), is amended by striking out "regulatons" and inserting in lieu thereof "regulations".

(c) PUBLIC LAW 101–189.—Effective as of November 29, 1989, paragraph (1) of section 631(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1449) is amended by inserting a comma after "18" in the matter struck by such paragraph.

(d) STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—Section 11(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(a)(1)) is amended by striking out "six-month period" and inserting in lieu thereof "fiscal year".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REAL PROPERTY REPAIRS AND MINOR CONSTRUCTION DURING FISCAL YEAR 1993.

In addition to using the funds specifically appropriated for real property maintenance under the heading "REAL PROPERTY MAINTENANCE, DEFENSE" in title II of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1885), the Secretary of Defense and the Secretary of a military department may also use funds appropriated to the Secretary concerned for operation and maintenance under any of the first 11 headings of such title in order to carry out a major repair project that costs $15,000 or more or a minor construction project that costs not less than $15,000 and not more than $300,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. SISISKY] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SISISKY].

GENERAL LEAVE

Mr. SISISKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1378, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SISISKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1378, which was reported out of the Armed Services Committee on a unanimous vote last week. This is a very simple bill in three titles. The second and third titles contain about 17 pages of technical corrections to title 10 of the United States Code and a clarification of the military construction laws. These technical amendments do such things as fixing spelling and punctuation, and correcting headings and cross references.

The reason for this bill is not the technical corrections, however. It lies in title I, which is all of 11 lines. Since time immemorial, when the government lays off people, a civil servant has been allowed to bump someone at the next lower grade, who in turn bumps someone at the next lower grade and so forth.

Two years ago, when we passed the Defense Acquisition Workforce Improvement Act, we created a formal, professional cadre of acquisition specialists.

We established certain criteria, saying you had to have such education, such training, such experience to be in this cadre. So as not to penalize older people who could not meet the new criteria, we allowed them to stay in the cadre in the same or a similar position.

Those were the key words—same or similar position. The point was to say they would not be fired, but they could not be promoted without meeting the new criteria.

Unfortunately, that term "same or similar position" causes a problem when there is a RIF, because it means these people can not bump someone below them, it means they cannot serve in a lower position. That was not our intent. The intent was to prevent their promotion, not to put them in a position where they would be fired because they could not bump.

H.R. 1378 simply adds the words "or lower" at two points in the law. This allows these people to serve in the same or similar position—or in a lower position—thus preserving the rights they have always had. In other words, this bill fixes an unintended consequence of the act we passed 2 years ago. We have been asked to act quickly because RIF's will begin soon. I urge rapid approval of H.R. 1378.

Mr. HANSEN. Mr. Speaker, I yield myself as much time as I may consume.

This legislation is fairly straight forward.

As the gentleman from Virginia [Mr. SISISKY] just explained, H.R. 1378 makes necessary fixes in previous legislation that could produce unintended problems for members of the defense acquisition community.

It also contains a number of other technical fixes to last year's defense authorization bill, all noncontroversial and with no real substantive importance.

But, because of the possible problems facing certain defense acquisition personnel facing RIF's, it is important that the House move quickly to send this legislation to the other body for prompt consideration.

Mr. Speaker, I want to commend my colleague, Mr. SISISKY, on the open and bipartisan manner in which he has handled this bill, and urge that the House adopt it without delay.

☐ 1510

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SISISKY. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from Virginia [Mr. SISISKY] that the House suspend the rules and pass the bill, H.R. 1378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition workforce positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.".

A motion to reconsider was laid on the table.

GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 873, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 873, as amended.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 140, not voting 30, as follows:

[Roll No. 158]

YEAS—262

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Coleman
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rostenkowski
Roukema
Rowland
Roybal-Allard
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Strickland
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Walsh
Washington
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—140

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hancock
Hastert
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Paxon
Penny
Pombo
Portman
Quinn
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Slattery
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—30

Ackerman
Barton
Bevill
Boehlert
Carr
Clyburn
Collins (IL)
DeFazio
Dornan
Ford (TN)
Gekas
Gingrich
Henry
Leach
McCurdy
McHugh
Mfume
Mollohan
Ros-Lehtinen
Rose
Rush
Sangmeister
Smith (MI)
Snowe
Stokes
Stupak
Thomas (WY)
Torres
Waters
Wheat

☐ 1541

The Clerk announced the following pairs:

On this vote:

Mr. Ackerman and Mr. Sangmeister for, with Mr. Barton against.

Mr. KLEIN, Mrs. ROUKEMA, Mr. PETE GEREN of Texas, and Mr. WHITTEN changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, on Tuesday, May 11, 1993, I was unavoidably detained and missed a record vote on H.R. 873, the Gallatin Range Consolidation and Protection Act. Had I been present, I would have voted "nay" on Rollcall No. 158, to agree to suspend the rules and pass H.R. 873.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was unavoidably absent when the House cast vote 158 as I was attending a regional hearing and site visit of the Base Closure and Realignment Commission in Michigan.

These hearings relate to the potential closure of K.I. Sawyer Air Force Base, a matter of utmost concern to Michigan's First Congressional District. If I had been present, I would have voted "yea" on vote 158.

FREEDOM OF THE PRESS IN PANAMA

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BISHOP. Mr. Speaker, freedom of the press should be a bulwark of strength for the foreign policy of America. Without it, there can be no democracy. Last month, the Supreme Court of Panama overruled the expropriation of one of the leading newspapers of Latin America, El Panama America. Manuel Noriega's military dictatorship carried out the expropriation because of the newspaper's courageous condemnation of Noriega's human rights violations.

The Interamerican Press Association fought to have El Panama America returned to its rightful owners. One of these papers, Miami-based Diario Las Americas a Spanish-language newspaper founded by Francisco and Horacio Aquirrre, was among the newspapers which battled for El Panama America. The Supreme Court spoke the last word. Freedom of the press survived.

Diarios Las Americas also published an editorial which I call to the attention of my colleagues, who like myself, are anxious to lend support to freedom of the press in the world. I include it for reprinting in the RECORD.

AN HISTORICAL DECISION BY THE SUPREME COURT OF JUSTICE OF PANAMA

In 1968, the military dictatorship that took over the Republic of Panama stripped the Arias Guardia family of their publishing company, the "Editora Panama America", which was owned by Panama's distinguished ex president, Harmodio Arias, and rightfully belongs to the Arias Guardia family. "Editora Panama America" publishes various things including newspapers.

Protest over the confiscation of the publishing company received protests not only from within Panama but from without as well, especially in the western hemisphere, not just because it violated the right to private property but also because it violated the right to freedom of expression. The InterAmerican Press Association (SIP) denounced this crime and called for the dictatorial government of Panama and the current constitutional government of Panama, to return this publishing company to its rightful owners. Nonetheless, the current government's Executive branch resisted returning "Editora Panama America" to its rightful owners, a move which tarnished the image and prestige of the democratic government, as an institution.

The Panamanian legislature approved a law that returned the confiscated properties to the Arias family and allowed for them not be obligated by whatever commitments were made by the previous administration of the companies.

Presidente Endara vetoed the law which was later appealed in the Supreme Court of Panama on behalf of the legitimate owners headed by the well-respected lady who is Rosario Arias Guardia de Galindo.

The Panamanian Supreme Court, in a unanimous decision, ruled on behalf of the Arias Guardia family and against the presidential veto of the laws that was approved by the Legislative Chamber favoring the claims of "Editora Panama America, S.A.".

Thus it has ended a sad chapter of the history of freedom of expression in Panama in a satisfactory manner for the institutional prestige of the Republic. The highest Court of Justice of the Nation has done its duty on behalf of the essential respect to private property and freedom of expression, so vital also.

Diario Las Americas, which always defended through more than twenty years the rights of "Editora Panamá América, S.A." now expresses its satisfaction regarding the decision rendered by the Panamanian Supreme Court of Justice. Likewise, it congratulates the Arias-Galindo family for the victory obtained thanks to their resolute defense of their rights. Around this process, it must be remembered the memory of the distinguished Panamanian attorney and politician, Dr. Gilberto Arias Guardia, who died a few years ago and who, together with his sister, Mrs. Rosario Arias Guardia Galindo—highly regarded in her country—struggled for this cause, not only because of economic interests which, for them, were less important, but mainly because of the moral and juridical caliber of what they were defending.

INTRODUCING THE NUCLEAR NON-PROLIFERATION POLICY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, with the end of the cold war and the breakup of the Soviet Union, nuclear proliferation is now the leading military threat to the national security of the United States and its allies.

While the threat of a full-scale nuclear war is at its lowest level in decades, the chances of nuclear terrorism, regional nuclear conflict, or an accidental nuclear launch are increasing all the time. North Korea is dropping out of the Nuclear Non-Proliferation Treaty [NPT] and may already have the bomb, Iran is not far away, the Soviet breakup has loosened controls on nuclear materials and technology, and Ukraine and Kazakhstan may keep the large nuclear arsenals on their soil. Saddam Hussein would have had the bomb, had he waited a year or two on invading Kuwait, and Israel, India, and Pakistan have all emerged as de facto nuclear weapon states located in unstable regions. China is suspected of continuing to support nuclear weapons activities in a number of countries.

While all of this is taking place, the NPT is coming up for review and extension in March 1995. The NPT is not a perfect agreement—for example, it allows countries to acquire a stockpile of bomb-grade material and then withdraw from the treaty on 3 months notice. But with more than 150 parties, the NPT is the cornerstone of international efforts to stop proliferation. The United States should support the indefinite extension of the NPT in 1995 and, at the same time, support additional measures to close some of the loopholes in the treaty and pull in countries which are not party to the NPT.

Today, I am introducing legislation that will set forth a blueprint for accomplishing these important objectives. The bill, the Nuclear Non-Proliferation Policy Act of 1993, establishes 16 policy goals for the United States to pursue on nuclear arms control and nonproliferation. The arms control objectives are less important now for their own sake than for preventing nonproliferation. A comprehensive test ban, a global ban on the production of fissile material, verified dismantlement of United States and Russian nuclear warheads, and controls on fissile material from dismantled nuclear weapons are measures that will help build international support for tough nonproliferation agreements, could cap the nuclear weapons programs of the threshold nuclear weapons states, and could reduce the chances of theft or diversion of nuclear material from the former Soviet Union.

Additionally, the United States must seek to strengthen International Atomic Energy Agency [IAEA] nonproliferation safeguards, tighten nuclear export controls in the United States and elsewhere, and increase the role of the U.N. Security Council in enforcing international nonproliferation agreements. These measures will help prevent the next Saddam Hussein from building a secret nuclear weapons program.

Finally, the United States must make it clear that it will make no first use of nuclear weapons, that our nuclear weapons will only be used to deter nuclear attack. We should seek to have the other permanent members of the U.N. Security Council—who are also the other nuclear weapon states—adopt such a "no first use" policy and to pledge to assist any country which is party to the NPT and against which first-use of nuclear weapons is made. These positive and negative security assurances can help build crucial support among developing countries for lengthy or indefinite extension of the NPT. On the other hand, if the United States begins targeting third world countries with nuclear weapons, as some in the Pentagon propose, it would give added rationale for those countries to build their own nuclear deterrents.

None of the objectives in this bill will, on its own, stop proliferation. But by adopting a comprehensive nonproliferation policy, the United States can accomplish its overall goal of ending the further spread of nuclear weapons capability, rolling back proliferation where it has occurred, and preventing the use of nuclear weapons anywhere in the world.

It's time for the United States to take on the security challenges of the post-cold war world. The Nuclear Non-Proliferation Policy Act of 1993 will help point us in the right direction.

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Non-Proliferation Policy Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The United States has been a leader in seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons, especially to countries in unstable regions, is now the leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring. The establishment of the United Nations Special Commission on Iraq was an important precedent to that end.

(4) Aside from the 5 declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) Regional nuclear arms races pose perhaps the most likely prospect for the future use of nuclear weapons.

(6) The break-up of the Soviet Union has increased the threat of nuclear proliferation.

(7) In May 1992, Ukraine, Belarus, and Kazakhstan signed the protocols to START I and committed to acceding to the Nuclear Non-Proliferation Treaty as non-nuclear weapon states "in the shortest possible time".

(8) Iraq had a substantial, clandestine nuclear weapons program which went undetected by the International Atomic Energy Agency (IAEA) inspection process and was greatly assisted by dual-use exports from western countries, including the United States.

(9) North Korea's statement of intent to withdraw from the Nuclear Non-Proliferation Treaty, and its refusal to allow IAEA inspections of all of its known and suspected nuclear facilities, are unprecedented actions which could greatly undermine efforts to stop nuclear proliferation.

(10) Brazil and Argentina had substantial programs to build nuclear weapons and South Africa has admitted developing and building 6 nuclear weapons, but in response to reduced regional tensions and other factors, all 3 countries have renounced nuclear weapons and accepted IAEA safeguards for all of their nuclear facilities, and South Africa has acceded to the Non-Proliferation Treaty as a non-nuclear weapon state.

(11) United States security interests and current policy and practices are consistent with the terms of the South Pacific Nuclear Free Zone Treaty which, like nuclear weapons free zones in Latin America, South Asia, and the Middle East that the United States supports, can contribute to efforts to avoid regional conflicts and prevent arms races.

(12) The IAEA is a valuable tool to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by institutional and financial constraints.

(13) The Nuclear Non-Proliferation Treaty, which codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995, should be expanded in membership and extended indefinitely, and additional steps should be taken to strengthen the international nuclear nonproliferation regime.

(14) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(15) The goal of the United States is to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world. To that end the United States should adopt a comprehensive nuclear nonproliferation policy.

SEC. 3. COMPREHENSIVE NUCLEAR NON-PROLIFERATION POLICY.

In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it shall be the policy of the United States to pursue the following objectives:

(1) Encourage Ukraine to join Kazakhstan and Belarus in ratifying the START I treaty and encourage Ukraine and Kazakhstan to join Belarus in voting to accede to the Nuclear Non-Proliferation Treaty as non-nuclear weapon states in the shortest possible time.

(2) Encourage Belarus, Ukraine, and Kazakhstan to remove all nuclear weapons from their territory, accept IAEA safeguards over all of their nuclear facilities, and implement effective controls on nuclear and nuclear-related dual-use exports.

(3) Reach an agreement with the Russian Federation—

(A) to deactivate and retire from field deployment on an accelerated schedule all weapons to be withdrawn under the START I treaty and the START II treaty;

(B) on data exchanges and inspection arrangements to verify the elimination of all nuclear weapons scheduled to be withdrawn under the START I treaty and the START II treaty; and

(C) to place all fissile materials from such weapons under bilateral or international controls, or both.

(4) Prepare for the ratification of the START II treaty by seeking the exchange of information between the United States and the Russian Federation on nuclear weapons stockpiles and fissile material facilities and inventories as required by the United States Senate as a condition to its approval of the START I treaty.

(5) Conclude a multilateral comprehensive nuclear test ban treaty by early 1995, before the conference to renew and extend the Nuclear Non-Proliferation Treaty is held.

(6) Ratify the START II treaty in the United States and encourage ratification of that treaty by the Russian Federation, and reach agreement with the Russian Federation to end the production of new types of nuclear warheads.

(7) Conclude a multilateral agreement to reduce the strategic nuclear arsenals of the United States and the Russian Federation to within a range of 1,000 to 2,000 each, with lower levels of the United Kingdom, France, and the People's Republic of China.

(8) Conclude additional multilateral agreements to significantly and continuously reduce the nuclear arsenals of all countries through a stage-by-stage process.

(9) Reach immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and achieve worldwide agreements to—

(A) end by 1995 the production of fissile material for any purpose;

(B) place existing stockpiles of such materials under bilateral or international controls' and

(C) require all countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthen IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Strengthen nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(12) Reduce incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(13) Support the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(14) Adopt a United States policy of "no first use" of nuclear weapons, reach agreement with the other nuclear weapon states to adopt such a policy and to assist immediately any country which is a party to the Nuclear Non-Proliferation Treaty should the use of nuclear weapons be initiated against such country.

(15) Conclude a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapon states this zero option for tactical nuclear weapons.

(16) Sign the appropriate protocols to the South Pacific Nuclear Free Zone Treaty.

SEC. 4. REQUIREMENTS FOR IMPLEMENTATION OF POLICY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than February 1 of each year thereafter, the President shall submit to the Congress a report on—

(1) the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this Act;

(2) actions which have been taken by the Russian Federation, by the other former Soviet republics, and by other countries and institutions to achieve those policy objectives; and

(3) obstacles that have been encountered in seeking to implement those policy objectives.

Each such report shall be submitted in unclassified form, with a classified appendix if necessary.

(b) REPORT ON NUCLEAR STOCKPILE INFORMATION.—The President shall submit a report to the Congress on the specific actions that have been taken and those that are planned to comply with [Condition 8 concerning the "Nuclear Stockpile Weapons Arrangement" of the Senate resolution of ratification of the START I treaty (Treaty Doc. 102-20 and 102-32)].

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "fissile materials" means highly enriched uranium and plutonium;

(2) the term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U-235;

(3) the term "IAEA" means the International Atomic Energy Agency;

(4) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(5) a policy of "no first use" of nuclear weapons means a commitment not to initiate the use of nuclear weapons;

(6) the term "non-nuclear weapon state" means any country that is not a nuclear weapon state;

(7) the term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(8) the term "nuclear weapon state" means any country that is a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(9) the term "START I treaty" means the Treaty on the Reduction of Strategic Offensive Arms, signed by the United States and the Union of Soviet Socialist Republics on July 31, 1991; and

(10) the term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, we have just returned from a trip to Mexico, as observers, and yes, as investigators of the conditions in that nation preliminary to the decision we are all going to be called upon to make on the North American Free-Trade Agreement [NAFTA].

This afternoon—or on another day—each of us will be speaking on what impressed us the most from this experience. From my prior knowledge of Mexico and my concerns for the viability of this economic marriage between Mexico and Canada and the United States, I can only report that every concern I had was reinforced, no fear quietened or put to rest.

We all saw heart-breaking poverty and frightening pollution of the water supply flowing directly into canals that empty into the shared waters of the Rio Grande River. We all spoke with Mexican workers, who, because they are employed, are much better off than millions of Mexicans who have been moved off their land into abject poverty, but these workers, Mr. Speaker, are pitifully poor even though they work as hard as any industrial workers in the world.

You will be hearing about all of this in depth from other Members who were on the trip. I want to address two issues directly related to my personal response to what we saw on the May 1 weekend.

One is the threat to the sovereignty of not only the United States but of both Canada and Mexico. The other is the very shape of the NAFTA agreement, which will address none of the critical problems which we were exposed to on this trip.

The Canadian Free-Trade Agreement and NAFTA and GATT provide for dispute resolution panels to adjudicate differences in the laws and regulations of the signator nations. This mechanism allows for questions to be raised and settled over domestic law inside each nation that can be construed to be structural impediments to the free flow of goods and services across national borders.

Any protective legislation or agreement now on our books—whether "Buy America" or an import duty—whether a quota, such as the Voluntary Restraint Agreements on machine tools, or a label identifying product, Georgia peaches or Chesapeake Bay oysters, will be negotiated away or become subject to challenge.

These laws, and court actions upholding these laws, when challenged by the foreign signators, are heard by a binational panel in NAFTA and, in the GATT, by the Multinational Trade Organization. These panels are comprised of international trade lawyers whose firms, for the most part, represent transnational corporations who are the major supporters of all of these trade treaties.

What kind of laws will be challenged? Under the existing GATT, Canada is challenging our restrictions on asbestos, charging that our high safety standards have been put in place simply to keep Canadian asbestos out of our markets.

Fortunately, under the current GATT, this decision—along with the decision that dolphin-free nets must be used by commercial fisherman, a challenge to our law brought by Mexico—are made in American courts, reviewing American law made by the representatives of the American people.

After all of these trade treaties—if they pass—no longer will our laws or our people have the protection of the American Constitution, nor will the people of Mexico or Canada have the protection of their Constitutions. We will all be at the mercy of supranational panels of international lawyers, meeting in secret, having the power to overturn the actions of this body, the decisions of our courts—all the way to the Supreme Court.

We have already given this power away to the Canadian Free-Trade Agreement. And using our experiences of the last couple of years, this is the record. Of the 14 or so challenges to laws, both of Canada and the United States, the panel has overturned the laws of our sovereign nations in two-thirds of the cases.

In one of the major cases brought by the American pork farmers, it was discovered—upon investigation—that one of the attorneys picked for the American side of the panel was a registered foreign agent of the Government of Canada. When this was exposed, he stepped down. However, you will not be surprised to hear that the American pork producers lost their case, but more than that, the U.S. Congress and the courts lost their power over that section of the law.

Consitutional? I think not. The President of Mexico is reported to be gravely concerned for his nation's sovereignty in the side agreements to the NAFTA on labor and the environment. If that is so, I would suggest that he study the operation of the dispute mechanism embedded in the main body of the NAFTA Agreement which he says that he will not allow to be amended.

He may want to amend it himself.

My second major concern is that NAFTA does not address either the problems of Mexico nor the threat to this country of the loss of jobs to a country where the average wage nationwide is 50 cents an hour.

When the European Community was being structured—back in the mid 1970's—Spain, Portugal, Greece, Ireland, and the southern part of Italy wanted to be included in the emerging European Community.

Recognizing the disparate standard of living in those nations vis a vis the accepted standards in the more highly industrialized nations, accepting the responsibility for creating a level playing field among the nations in the EC, so that the poorer nations would not be exploited and the wealthier not lose jobs and tax base, the European Community started planning in the late 1970's for the amalgamation of these nations into the Community by 1992.

Greece came in much earlier than the others on the basis of a trade agreement signed previously with Great Britain, but they still had to fulfill criteria. In their case, it was to become a democracy.

Spain and Portugal were accepted in in 1985 and 1986, respectively, but it was not until 1992 that they gained full acceptance, along with Ireland and southern Italy, because many issues took that long to negotiate.

Having seen the conditions in Mexico, having talked with both sides—those for and against NAFTA—I am convinced that the NAFTA must be renegotiated with the care and responsible concern shown by the European Community for their neighbors. Currently, we are pushing to do in 3 short years what the European Community worked on for 15 years.

This is a very serious matter, which will ultimately affect the standards of all three nations—living, labor, health, and safety. It is imperative that every effort be made to level the competitive playing field among the three nations of North America before we sign on.

Some agreement must be hammered out but NAFTA is too much, too soon, and leaves too many problems between our nations unaddressed, problems which should not be solved by international lawyers meeting behind closed doors.

□ 1550

Madam Speaker, there will be additional statements on this floor over the next few days about the NAFTA Agreement from the eight Congresswomen who visited Mexico, and we will discuss some of the specific economic condition down there at that time.

CAMPAIGN FINANCE: SCANDAL AND SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 15 minutes.

Mr. HORN. Madam Speaker, if there is one issue that has brought this noble institution into disrepute, it is our scandalous system of campaign finance.

It has been said that "American politics is held hostage by big money interests. Members of Congress now collect more than $2.5 million in campaign funds every week while political action committees, industry lobbies, and cliques of $100,000 donors buy access to Congress and the White House."

That statement was from the official Clinton-Gore position paper on campaign finance reform their successful campaign in 1992.

I happened to use it in my own campaign, in my Republican literature to Democrats, and I must say I strongly stood with that. Needless to say, I am disappointed at what has happened in the last few years.

Nothing would raise the level of respect for Congress more than putting an end to this scandal by implementing serious and extensive campaign finance reform. Many Americans feel that most, if not all Members of Congress are bought and paid for. You and I know that is not true, but such anger and such voter outrage fueled much of the so-called Perot phenomenon, and no amount of clever explanations by defenders of the current system will persuade people otherwise. Once again, the people know that something is wrong, and it is time for the politicians to wake up, catch up, put up or shut up.

Campaign finance is not simply an issue for political scientists and good Government types. The harmful effects are clear. Conventional wisdom says gridlock results from a President of one party and a Congress controlled by the other. But the real gridlock occurs when Congress, both Democrats and Republicans, refuses to make the tough decisions for fear of alienating often competing groups on the same issue, and thus losing campaign contributions.

□ 1600

The failures of Congress to reform our health care and legal systems are two prime examples of campaign finance gridlock.

The 1992 year-end report of the Federal Election Commission illustrates the extent of the problem:

First, House incumbents overwhelmingly outspent challengers: $322 million to $181 million.

Second, PAC's contributed $95 million to incumbents and $12 million to challengers.

The goal of serious campaign finance reform must be to create competitive elections, giving people real choices and keeping incumbents in touch with their districts. Although I have advocated term limits since 1973, and I continue to do so, real, competitive elections will produce far more beneficial results.

Previous campaign finance reforms have failed because they did not deal with the two major causes of the problem: First, contributions from outside the candidate's district and, second, unlimited campaign spending.

Mr. President, who stressed this issue during his campaign, has just introduced his proposals for campaign finance. Unfortunately, the President's proposals fail to offer real solutions to this problem.

Are there good points in the President's proposal? Of course there are. Virtually any reform has to be an improvement. But the tragedy of the President's proposal, indeed, it may be a metaphor for this administration so far, is what might have been had the President been bold, resolute and kept his promise to the American people.

Where he should have been bold, he has chosen to be timid and has sent a package of reforms that fall far, far short of what, during the campaign and the first months of his administration, he said he would do.

Where he should have been resolute, he has compromised in the face of opposition from leaders of his own party in Congress.

Where he should have kept his promise to the America people, and where there was absolutely no excuse not to, he has broken his word again.

The President has chosen to send a weak, deceptive package to Congress. There is just enough rhetoric in the package to label it a reform proposal and some have fallen for it, and some who should know better have fallen for it but there are more than enough loopholes to ensure that nothing will really change.

Above all, the greatest failure of this package is the failure to seriously reform the current limits on contributions by Political Action Committees.

For Presidential elections, where PAC's currently have the least influence, President Clinton has proposed limiting PAC contributions to $1,000.

For elections to the Senate, where PAC's do have considerable influence, President Clinton has proposed reducing PAC contributions in half to $2,500.

Yet for elections to the House, where PAC's have the most influence and where the harmful effects of PAC contributions are most clear, President Clinton has completely abandoned the hopes of reformers and recommended no change at all for the current PAC limit of $5,000 per election.

As with other proposals by this administration, the American people will begin to see through this deceptive package of illusory reforms.

If President Clinton is serious about campaign finance reform, he will find House Republicans, in particular freshman House Republicans, his strongest allies. We stand willing to work with President Clinton and could give him a victory which his administration, and the country, sorely needs.

Here are a few essential steps that President Clinton and Congress can take to clean up this mess.

First, set a meaningful ceiling on the amount that can be spent in a congressional election. A combined total of $600,000 for the primary and general seems more than adequate for a congressional campaign, $600,000 is one dollar for every resident of the average congressional district and $2 to $3 for every registered voter. That is more than enough for a candidate to run for an open seat or to run against an incumbent who would be limited to the same amount, which is also why many incumbents fear spending limits.

Second, abolish political action committees [PAC's]. PAC's can now give up to $5,000 to a candidate in each election, $5,000 in the primary and $5,000 in the general. We simply do not need this massive amount of special interest money, often not even connected with the local district, having such a strong influence on elections.

If it is not politically possible at this time to abolish PAC's, then we should have the guts to limit them to a maximum contribution per election of $1,000, which is the same as the limit on individual donations.

Third, we ought to require that at least 75 percent of contributions must come from within the candidate's district. This will force candidates and incumbents to gain support from their own district. Often, the victor in a congressional race receives 50 percent or more of his or her contributions from outside the district. This reform will bring politics back home to the constituents, where it belongs.

Fourth, require public service time on television and radio for presentations by candidates and for debates among the opponents in the primary and general election. The airwaves are a public resource. They should be used to let voters see the candidates present their cases and how they handle a live, unrehearsed situation.

Fifth, let candidates for office make their case in a voter booklet sent to each voter before the election. This is already done by the secretary of state in California and many other States for initiatives and referenda, and by county registrars for local initiatives and nonpartisan offices across many States in this country. The same opportunity should be given to all of the candidates for each partisan office.

Sixth, I will introduce this shortly: Pass a constitutional amendment giving Congress the authority to limit spending in campaigns. The 1976 Supreme Court decision in Buckley versus Valeo struck down earlier limits on campaign spending by an individual candidate as an abridgement of free speech. In my judgment, that decision is absolute nonsense and absolutely against the public interest of this country. A constitutional amendment would remedy this. We could still permit a wealthy individual to spend his own money up to the limits, and I would like to see that limit lower, at perhaps $100,000 for everybody in this country, but this would prevent what is becoming increasingly common, wealthy individuals simply spending their opponents into submission.

If this trend continues, Congress will be a collection of millionaires—on both sides of the aisle. Ironically, this would greatly lessen the influence of PAC's, but it would hardly be a representative body. As James Madison would say, this is a cure worse than the disease.

Currently, I am one of only 25 Members of the House of Representatives who does not take PAC money. Many more would like to be able to refuse PAC money, but worry that if they do, their next opponent would win simply by outspending them.

Real reform can only come when a majority in Congress has the courage to take a leap of faith and reform our campaign finance laws. If necessary, they need to be willing to run the risk of losing an election in order to do what is right for the country. Who knows, they just might find that a vote for reform will be worth far more in the eyes of the voters than all the out-of-district and PAC contributions they could collect.

WOMEN MEMBERS' DELEGATION TO MEXICO: THE HUMAN FACE OF TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 15 minutes.

Ms. KAPTUR. Madam Speaker, I wish to join this evening my colleague, the gentlewoman from the State of Maryland [Mrs. BENTLEY] in reporting on our delegation mission to Mexico, the first women Members' factfinding mission in over one decade.

I would like to enter my full remarks into the RECORD, but this evening I wish to say that this was the first ever congressional women Members' delegation to Mexico.

We were there for over 4 days, and our focus was extensive investigations and discussions with individuals from the Government as well as the ordinary people of Mexico regarding the proposed North American Free-Trade Agreement.

The bipartisan group of Members titled our mission "The Human Face of Trade." We wanted to open up this agreement and take a look at what it meant not just for the people of the United States and Canada but for the people of Mexico as well, because, of course, the ordinary people of Mexico will not have a chance to speak out on this agreement in that one-party state.

Our delegation began its journey in Mexico City by first meeting with Minister of Commerce Jaime Jose Serra Puche. The delegation also met in Mexico City with a broad array of environmental, human-rights, religious, and labor organizations comprised of ordinary citizens both in Mexico City and in the border communities that we traveled to just south of Brownsville, TX, and McAllen, TX, in Matamoros and Reynosa, Mexico.

□ 1610

While we were in Mexico City, our delegation conducted the first ever binational meeting with women legislators from all political parties, from both the United States and Mexico. This event occurred at the home of United States Ambassador to Mexico, John Negroponte. Our delegation visited barrios in Mexico City and colonias on the border in the Matamoros and Reynosa. We spoke at length with the people who lived there under appalling conditions.

Our delegation discussed border area issues with the residents there, with the so-called Maquiladora workers who work in the U.S. companies located south of the border.

We met with local government officials, industry leaders, and others. Gov. Ann Richards of Texas made a special effort to fly down to Mexico and join our group for an evening of very frank discussions, I might say, about the proposed NAFTA agreement.

Our delegation returned from our mission to Mexico with these major findings: First, it is absolutely necessary that the United States and Mexico take the time necessary to shape a continental agreement that encompasses the full range of economic, social, and political issues attendant to such integration.

The current treaty does not even come close to what is needed. The dislocation of jobs, of people who have been thrown out of work in the United States and in Canada already, by unregulated trade, confirms the dangers of continuing a hands-off approach to a narrowly cast trade and tariff agreement that does not address these broader issues. This is especially true where wage disparities and living conditions are as divergent as they are in the United States and Mexico.

The majority of our meetings were with Mexican women, who have been most affected by trade policy. We have met thousands of United States workers who have lost their jobs to these companies that have located to Mexico, largely United States companies, now over 2,000 of them, south of our border with Mexico.

But it is interesting that over 70 percent of the people that have been hired to work in these relocated plants are women, Mexican women, women who live at a subsistence level. In fact, we met one woman who worked for Zenith Corp., who, after 10 years of seniority with our U.S. company located south of the border, takes home, for 48 hours of work in a week, $15.75. That is her net pay.

Mexico's rising unemployment rate and falling real wages have severely jeopardized the ability of millions of Mexicans to feed and house their families.

We met many of these people.

High-wage manufacturing jobs have been drained from communities across our country to low-wage Maquiladoras operating in Mexico. We visited many of these runaway plants along the border. But in Mexico, these jobs have not resulted in rising standards of living for Maquiladora workers. In fact, that was a misconception I had. I went down there, and I thought if I met the workers in Mexico who are workers in these United States firms that have relocated, their standard of living would be a little bit higher than people who would be working for Mexican-owned companies. I found that was not true.

In fact, as you look at what has happened in Mexico, the rising unemployment rate and falling real wages have severely jeopardized the ability of millions of Mexicans to feed and house their families. We heard that between 35 and 40 percent of the people of Mexico are now part of what we call the informal sector of their economy. That means they do not really get a paycheck. That means that they are out there selling Chiclets on the street, their children are performing as little clowns on the corners to try to pick up little bits of money that they can take home to buy beans and rice for their families. It is truly a low-wage economy.

High-wage manufacturing jobs have been drained from communities across our country to these low-wage companies. But in Mexico these jobs have not resulted in rising standards of living for Maquiladora workers, but have resulted in a double tragedy because of the subsistence wages that workers are paid. So not only do United States workers lose their jobs here, but Mexican workers earn so very little money that there is not any way for those wages to produce the great booming consumer market that we hear so much about from the proponents of this agreement.

And why? Because El Pacto, the wage agreement between the leaders of the Government of Mexico, industries that have located there, and official unions have held wages to one-tenth of United States levels. In fact, even though the Government claims there has been an 8 percent increase in wages in Mexico over the last year, inflation down there in fact is running at 15 percent and interest rates are 35 percent. So there is no way for the average family down there to upgrade their standard of living.

In fact, workers in Mexico have seen their real wages decline over the last decade, and all economists will agree on that.

We met with apparel workers in Mexico City who earn 40 cents an hour. We visited people in Mexico City neighborhoods who asked us to help them in their efforts to gain the right to food as a part of Mexico's constitution because so many of their friends are hungry. And we met with them in their neighborhoods, saw where they lived, went to the neighborhood stores that they tried to set up in a kind of cooperative way, trying to buy beans and rice so that they can subsist.

I asked them how do you define poverty, thinking that they would give me a dollar or peso figure definition. They said:

> We define poverty as anyone in our country who has less than 60 percent of the calories needed on an average day to merely meet subsistence levels of food and nutrition.

Further, it became clear to us that United States companies operating in Mexico along with Mexico's own domestic firms have enjoyed the additional advantages of extremely lax enforcement of environmental and labor regulations as well. For anyone with a conscience, it is disturbing to view the conditions under which the majority of Mexican people live.

Our delegation would like to highlight these specific findings, and over the weeks we will be bringing more of this information forward to the American people.

First of all, access for Mexicans, including all of its elected representatives, even the fledging opposition party, to information about the ongoing trade negotiations. We were asked for copies of the proposed treaty. The people of Mexico have so little information about what is being proposed that the ordinary people, including some of their own elected representatives, do not have information from the ruling party.

That information is now tightly controlled by the Mexican Government, inhibiting informed policy making.

We also were asked that we as Members of Congress pay more attention to the human impact of Mexico's recent economic policies, which has gone largely ignored in this country. These impacts include unemployment that is approaching 40 percent, changes in Mexico's land ownership system for its farmers that will drive 10 million more people off the land. These people are wandering through Mexico, flocking into some of the large cities. They no longer are growing their own food. This is not an inconsequential issue. It has an impact on our own immigration policy and also has an impact on whether Mexico will be able to become the stable economy as our closest neighbor.

We saw the inability of wage growth to keep pace with inflation. We also noted that Mexico's foreign debt has also climbed, despite their efforts to try to lower it, from $89 billion to $103 billion now. The severe economic restraints that they have put on their own people have not resulted in Mexico being able to pay off the debts that it owes to foreign banks. That is a huge part of the problem they are facing.

We received a request from concerned Mexican scholars that United States and the press investigate the structure of Mexico's stock market, which they claim is controlled by Mexico's wealthiest families, allowing them to manipulate it for their profit, profit for a very few.

We received a complaint by border communities that the Mexican Government assesses a housing tax on the low-paid workers in these Maquiladora plants, which amounts to over $62.5 million cumulatively last year; but these funds were not returned to the border area where housing is desperately needed and where environmental cleanup is desperately needed.

We received a request that our Congress give more attention to the Mexican Government's preparation of its environmental inspectors, which may be inadequate to train them to recognize instances of environmental noncompliance. In fact, we were told that the average inspector, most of them having just been hired because of this agreement being talked about, they received about 45 hours of training.

□ 1620

The North American Free-Trade Agreement as negotiated will not contribute to the promise of raising standards of living for the families of all three nations. The negotiated agreement's narrow focus on tariff and investment barriers overlooks issues which a true free trade agreement must address: real enforcement of labor and environmental laws, wage disparities in export-oriented industries, accessible dispute resolution which provides justice to citizens and businesses of all three nations, and implementation of the polluter-pays principle to fund desperately needed environmental cleanup and infrastructure improvements.

We need more attention to the human rights issue and to the electoral process in Mexico itself, which even makes their Presidential elections called into question because of the manner in which people are treated at the polls and the way votes are counted.

The gradual and successful integration of the countries of the European Community should serve as a model for our own continent. We invited the Mexican women parliamentarians from all parties to continue discussions with us on these important questions. We will reissue that invitation.

Our delegation intends to continue meeting as a working group. We are in the process of preparing a detailed report on our findings that we will use to share with our congressional leadership, Members of Congress, President Clinton and other administration officials, as well as the American people.

We also hope to work with the Office of the Trade Representative to ensure that negotiations on NAFTA's parallel agreements fully address our concerns. Currently they do not.

This factfinding mission to Mexico was the first step on a journey that will not end until we forge an agreement with Mexico that will truly benefit the families of both of our countries, and all countries on our continent.

I thank the Chair for its patience this evening.

THE NORTH AMERICA FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. VELÁZQUEZ] is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Chairman, I want to thank Congresswomen KAPTUR and BENTLEY for organizing the trip to Mexico which was attended by a group of Congresswomen last week. Congresswoman KAPTUR'S leadership and hard work on this issue has made a lasting impression on me and many new female Members. Having just returned from that trip and having just witnessed the maquiladoras up close, I can say in no uncertain terms, that there is no way that Congress can approve NAFTA in its present form.

Before going on, let me set the record straight on one point. This delegation of Congresswomen visited the maquiladoras to examine conditions first hand. This delegation traveled to Mexico to search for answers to the question, "What will NAFTA mean for American and Mexican workers?" Sure, we already had our doubts about the agreement, but no hard conclusions, that was until our visit.

The stories that were recounted by the people living in the shadows of the maquiladoras, the portraits that were painted every day by the women we met, these encounters told a grim, futuristic story of NAFTA. If NAFTA were approved now, the maquiladoras would increase tenfold. And with this increase would come an increase in the conditions we saw.

The living conditions of thousands of families working for the infamous maquiladoras are deplorable. Many of these families were promised good jobs and decent wages more than 10 years ago by American-based companies. The reality is that the majority of the families are struggling under substandard living conditions. We witnessed the plight of families living in cardboard houses, with no electricity or running water, where children play in fields of toxic waste. The runaway plants that were established in the border area are not lifting the Mexican standard of living. We met many families who asked us to help them in their effort to gain the right for food because of the rampant hunger they are experiencing. These families are suffering from a high-risk experiment of unregulated economic integration. The environmental disaster created by the dumping of toxic waste as a result of the maquiladoras is an indicator of things to come with NAFTA, American companies avoiding pollution controls in the United States and making huge profits at the expense of others.

Like many other Caribbean and Latin American countries, Mexico serves as a major apparel assembly center for the United States market because of its low level of wages, benefits and poor working conditions. Labor standards are not only low in terms of the needs of Mexican workers but, more importantly, are disastrously low compared to those in the United States.

Never before have three countries with such disparate standards of living proposed economic integration. We must seek gradual and equal integration of labor, occupational safety, health and environmental standards for Mexico, the United States, and Canada. The challenge for the United States is to expand trade in North America and at the same time, offer a real opportunity to upgrade wages and living standards in Mexico without compromising them in the United States.

In its present form NAFTA does not pass this test and the flaws in the agreement are so deep and so complex that supplemental agreements will not satisfy these needs either. NAFTA should be relegated to a text book experiment that was never attempted.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL) for today, on account of attending a funeral.

Mr. MCHUGH (at the request of Mr. MICHEL) for today, on account of official business.

Mr. LEACH (at the request of Mr. MICHEL) for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes each day, on May 18 and 19.

Mr. KASICH, for 60 minutes, today.

Mr. FRANKS of Connecticut, for 60 minutes each day, on May 12, 19, and 26.

Mr. FRANKS of Connecticut, for 5 minutes, on May 13.

Mr. SOLOMON, for 60 minutes each day, on June 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, and 30.

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. RUSH, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mrs. MINK, for 5 minutes, today.

Mr. BACCHUS of Florida, for 5 minutes each day, on May 12 and 13.

Mr. BLACKWELL, for 60 minutes, on May 13.

Mr. CONYERS, for 60 minutes each day, on May 19 and 26.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 15 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. VELÁZQUEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. TALENT.
Mr. KING.
Mrs. VUCANOVICH.
Mr. SOLOMON in two instances.
Mr. GILMAN.
Mr. ZELIFF in two instances.
Mr. FISH in three instances.
Mr. PETRI in two instances.
Mr. BATEMAN.
Mr. RAMSTAD.
Mr. CRANE.
Mr. MOORHEAD.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. VENTO.
Mr. STOKES.
Mr. FORD of Michigan.
Mr. ANDREWS of Maine.
Mr. HOYER.
Mr. BILBRAY.
Mr. ACKERMAN.
Mr. BONIOR in two instances.
Mrs. MINK.
Mr. STARK in two instances.
Ms. PELOSI.
Ms. NORTON.
Ms. ENGLISH of Arizona in two instances.
Mr. FOGLIETTA in three instances.
Mrs. LLOYD.
Mrs. KENNELLY.
Mr. DELLUMS in two instances.
Ms. MARGOLIES-MEZVINSKY.
Mr. MFUME.
Mr. VISCLOSKY.
Mr. DINGELL.
Mr. STUDDS.
Mr. HOAGLAND.
Mr. MINGE in two instances.
Mr. ANDREWS of New Jersey.
Mr. PAYNE of New Jersey.

(The following Members (at the request of Ms. VELÁZQUEZ) and to include extraneous matter:)

Mr. CONDIT.
Mr. SPENCE.
Mr. BRYANT.
Ms. HARMAN in two instances.
Mr. FAZIO.
Ms. NORTON.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 349. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on the Judiciary.

S.J. Res. 58. Joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Ms. KAPTUR. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1177. A letter from the Acting Secretary of the Air Force, transmitting notification that a major defense acquisition program has breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1178. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Department's annual report on research, development, test and evaluation chemical/biological defense programs during fiscal year 1992, and the fiscal year 1992 report on the non-use of human subjects for testing of chemical or biological agents, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

1179. A letter from the Secretary, Department of Health and Human Services, transmitting a report on estimated funds for abatement of lead-based paint hazards in HUD-owned properties, pursuant to 42 U.S.C. 4822(f); to the Committee on Banking, Finance and Urban Affairs.

1180. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

1181. A letter from the Resolution Trust Corporation, Interim CEO, Thrift Depositor Protection Oversight Board, President, transmitting the Board's semiannual report on the activities and efforts of the RTC; to the Committee on Banking, Finance and Urban Affairs.

1182. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 10-22, "Confirmation temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1183. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 10-23, "Right to Privacy Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(3); to the Committee on the District of Columbia.

1184. A letter from the District of Columbia Retirement Board, transmitting financial disclosure statements of Board members for calendar year 1992, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

1185. A letter from the Secretary of Education, transmitting final regulations, Fund for the Improvement of Postsecondary Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1186. A letter from the Chairperson, Advisory Committee on Student Financial Assistance, transmitting a report on Student Loan Program Simplification: Interim Recommendations; to the Committee on Education and Labor.

1187. A letter from the National Foundation on the Arts and the Humanities, transmitting a draft of proposed legislation to authorize appropriations for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for fiscal years 1994 and 1995; to the Committee on Education and Labor.

1188. A letter from the Secretary of Energy, transmitting the annual/quarterly report on the Strategic Petroleum Reserve, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Energy and Commerce.

1189. A letter from the Secretary of Health and Human Services, transmitting a report on Health Care to Hispanics in Medically Underserved Areas; to the Committee on Energy and Commerce.

1190. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1992 annual report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Energy and Commerce.

1191. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of proposed lease to the United Kingdom for defense articles (Transmittal No. 4-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1192. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification relating to enhancements or upgrades of technology described in AECA certification 90-29 (Transmittal No. B-93), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1193. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 93-12), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1194. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1195. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for the U.S. Contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Affairs.

1196. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 328, pursuant to Public Law 101-508, section 13101(a) (104 St. 1388-582); to the Committee on Government Operations.

1197. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in March 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1198. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to provide assurance that contractors do not include unallowable costs in their proposals for settlement of indirect costs incurred under Federal agency contracts, and other purposes; to the Committee on Government Operations.

1199. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1200. A letter from the Acting Director, Peace Corps, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1201. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on activities pursuant to the Inspector General Act, pursuant to Public Law 95-452, Section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1202. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1203. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1991 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

1204. A letter from the Federal Bureau of Prisons, Director, transmitting the fiscal year 1992 annual report of the Board of Directors of Federal Prison Industries, Inc., pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary

1205. A letter from the Chief Justice, Supreme Court of the United States, transmitting a request for urgent supplemental appropriations; to the Committee on the Judiciary.

1206. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1207. A letter from the Acting Administrator, General Services Administration, transmitting the fiscal year 1994 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1208. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated 21 May 1990, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103-83); to the Committee on Public Works and Transportation and ordered to be printed.

1209. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the annual report to the Congress on actions taken and planned to implement fully the metric system of measurements; to the Committee on Science, Space, and Technology.

1210. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Family Preservation and Family Support Act of 1993"; to the Committee on Ways and Means.

1211. A letter from the Secretary of Energy, transmitting notification of a 45-day delay in the submittal of the Implementation Plan for Defense Nuclear Facilities Safety Board Recommendation 92–7 concerning technical training and qualification of personnel through the defense nuclear facilities complex; jointly, to the Committee on Armed Services and Energy and Commerce.

1212. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled, "Nuclear Regulatory Commission Authorization Act for fiscal years 1994 and 1995"; jointly, to the Committees on Natural Resources and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 843. A bill to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes; with an amendment (Rept. 103–85). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R.698. A bill to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park; with an amendment (Rept. 103–86). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 240. A bill to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; with an amendment (Rept. 103–87). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1308. A bill to protect the free exercise of religion (Rept. 103–88). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee on Foreign Affairs. Senate Joint Resolution 45. An act authorizing the use of United States Armed Forces in Somalia; with amendments (Rept. 103–89). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of May 7, 1993]

The Committee on Agriculture discharged from further consideration of H.R. 873; H.R. 873 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New Jersey (for himself, Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. KILDEE, Mr. MARTINEZ, Mr. ROEMER, Mr. BECERRA, Mr. BAESLER, and Mr. UNDERWOOD):

H.R. 2055. A bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, and so that those obligations do not foreclose community service-oriented career choices for those borrowers; to replace, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes; to the Committee on Education and Labor.

By Mr. BATEMAN:

H.R. 2056. A bill to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Postal Building"; to the Committee on Post Office and Civil Service.

By Mr. BERMAN:

H.R. 2057. A bill to amend title 11 of the United States Code with respect to the waiver of sovereign immunity by governmental units; to the Committee on the Judiciary.

H.R. 2058. A bill to amend title 11 of the United States Code with respect to the distribution of securities under a plan under chapter 11 of such title; to the Committee on the Judiciary.

By Mr. BLUTE:

H.R. 2059. A bill to rescind unused funds resulting from the abolition of the Select Committees on Aging; Children, Youth and Families; Hunger; and Narcotics Abuse and Control; to the Committee on Appropriations.

By Mr. CLEMENT:

H.R. 2060. A bill to amend the Internal Revenue Code of 1986 to allow the moving expense deduction for moving expenses associated with the sale of a residence eligible to receive benefits under an approved airport noise compatibility program; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 2061. A bill to establish a U.S. Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; jointly, to the Committees on Energy and Commerce, Armed Services, Banking, Finance and Urban Affairs, the District of Columbia, Education and Labor, the Judiciary, Post Office and Civil Service, Veterans' Affairs, and Ways and Means.

By Mr. FISH:

H.R. 2062. A bill to amend chapter 11 of title 38, United States Code, to provide that veterans who are former prisoners of war shall be deemed to have a service-connected disability rated as total for the purposes of determining the benefits due to such veterans; to the Committee on Veterans' Affairs.

By Ms. FURSE:

H.R. 2063. A bill to amend existing law relating to the National Coastal Resources Research and Development Institute; to the Committee on Merchant Marine and Fisheries.

By Ms. HARMAN (for herself, Mr. MATSUI, Mr. BROWN of California, Mr. MCKEON, Mr. LEWIS of California, and Mr. HUNTER):

H.R. 2064. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for defense conversion; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself and Mr. SHAW):

H.R. 2065. A bill to facilitate the creation of Financial Asset Securitization Investment Trusts; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 2066. A bill to extend until January 1, 1999, the existing suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Ways and Means.

By Mr. KYL (for himself and Ms. FOWLER):

H.R. 2067. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to provide temporary transitional and indemnity compensation payments to the dependents of a member of the Armed Forces who is separated from the Armed Forces following conviction for an offense involving the abuse of one of those dependents, and for other purposes; to the Committee on Armed Services.

By Mr. MACHTLEY:

H.R. 2068. A bill to revive, and extend until January 1, 1999, the suspension of duty on certain narrow fabric weaving machines; to the Committee on Ways and Means.

H.R. 2069. A bill to revive, and extend until January 1, 1999, the suspension of duty on decorative lace-braiding machines; to the Committee on Ways and Means.

By Mr. MFUME (for himself, Mr. VELÁZQUEZ, and Mr. TOWNS):

H.R. 2070. A bill to amend the Housing and Community Development Act of 1974 to establish a program to demonstrate the benefits and feasibility of redeveloping or reusing abandoned or substantially underutilized land in economically and socially distressed communities, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. NORTON (for herself and Mr. MCDERMOTT):

H.R. 2071. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to eliminate congressional review of newly passed District laws, to provide the District of Columbia, with autonomy over its budgets, and for other purposes; jointly to the Committees on the District of Columbia and Rules.

By Mr. PENNY (for herself, Ms. LONG, Mr. LEACH, Mr. MINGE, Mr. POMEROY, and Mr. JOHNSON of South Dakota):

H.R. 2072. A bill to reform the payment limitation provisions of the Food Security Act of 1985, and for other purposes; to the Commerce on Agriculture.

By Mr. PETRI (for himself, Mr. GEJDENSON, Mr. ACKERMAN, Mr. GUNDERSON, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. INHOFE, and Mr. DURBIN):

H.R. 2073. A bill to establish a higher education loan program in which a borrower's annual repayment obligation is dependent upon both postschool income level and borrowing history, and for other purposes; jointly to the Committees on Education and Labor and Ways and Means.

By Mr. ROSE:

H.R. 2074. A bill to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997; to the Committee on House Administration.

By Mr. SLATTERY:

H.R. 2075. A bill to require truth in disclosures for financial intermediaries, and for other purposes; jointly to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

By Mr. STARK (for himself, Mr. McCloskey, Mr. Penny, and Mr. Faleomavaega):

H.R. 2076. A bill to establish a policy of the United States and respect to nuclear nonproliferation; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 2077. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 to establish an entitlement of certain individuals to receive payments for attendance at certain health professions schools; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. TORRICELLI:

H.R. 2078. A bill to amend the Solid Waste Disposal Act to require comprehensive plans and cooperative programs for the recycling of plastics, automobiles, and appliances; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 2079. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act with respect to myelogram-related arachnoiditis; to the Committee on Energy and Commerce.

By Mr. VENTO:

H.R. 2080. A bill to improve the management of public lands used for military purposes, to require assessments of future needs for withdrawals of public lands for such uses, and for other purposes; jointly, to the Committees on Armed Services and Natural Resources.

By Mrs. VUCANOVICH (for herself and Mr. Bilbray):

H.R. 2081. A bill to prohibit site characterization of the Yucca Mountain site in the State of Nevada during fiscal years 1994 through 1998, and for other purposes; jointly, to the Committees on Natural Resources and Energy and Commerce.

By Mr. WYDEN (for himself and Mr. Lipinski):

H.R. 2082. A bill to direct the Secretary of Transportation to dispose of certain vessels in the National Defense Reserve Fleet; to the Committee on Merchant Marine and Fisheries.

By Mr. MACHTLEY:

H.R. 2083. A bill to revive, and extend until January 1, 1999, the suspension of duty on certain carding and spinning machines; to the Committee on Ways and Means.

By Ms. ESHOO:

H. Con. Res. 98. Concurrent resolution expressing the sense of the Congress regarding the accounting standards proposed by the Financial Accounting Standards Board; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. Rowland, Mr. Stump, Mr. Gilman, and Mr. Bachus of Alabama):

H. Con. Res. 99. Concurrent resolution expressing the sense of Congress concerning the appropriate level of funding for Department of Veterans' Affairs research programs for fiscal year 1994; to the Committee on Veterans' Affairs.

By Ms. BYRNE:

H. Res. 168. Resolution amending the Rules of the House of Representatives to limit election expenditures by candidates for the House of Representatives; to the Committee on Rules.

By Mr. KILDEE (for himself, and Mr. Goodling):

H. Res. 169. Resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

130. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to the E. Coli outbreak; to the Committee on Agriculture.

131. Also, memorial of the Legislature of the State of New Hampshire, relative to government-owned land; to the Committee on Natural Resources.

132. Also, memorial of the Legislature of the State of Louisiana, relative to Ranch Apocalypse; to the Committee on the Judiciary.

134. Also, memorial of the Legislature of the State of Nebraska, relative to stability and unity of families in the United States; to the Committee on Rules.

133. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the Pipeline Safety Act; to the Committee on Public Works and Transportation.

135. Also, memorial of the House of Representatives of the State of Illinois, relative to Social Security; to the Committee on Ways and Means.

136. Also, memorial of the Legislature of the State of Washington, relative to Federal income taxes; to the Committee on Ways and Means.

137. Also, memorial of the Legislature of the State of Montana, relative to the North American Free Trade Agreement; to the Committee on Ways and Means.

138. Also, memorial of the Legislature of the State of Missouri, relative to the Social Security System; to the Committee on Ways and Means.

139. Also, memorial of the Legislature of the State of Nebraska, relative to service personnel and civilians in Southeast Asia; jointly, to the Committees on Intelligence (Permanent Select) and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. MINK introduced a bill (H.R. 2084) for the relief of Fanie Phily Mateo Agneles; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Ms. Velazquez.

H.R. 39: Mr. Dixon, Mr. Torres, Mr. Oberstar, Mr. Ramstad, Mr. Gutierrez, and Mr. Fish.

H.R. 58: Mr. Rohrabacher.

H.R. 94: Mr. Price of North Carolina.

H.R. 159: Mr. Hutchinson.

H.R. 302: Mr. Menendez and Mr. Martinez.

H.R. 304: Mr. Kim.

H.R. 325: Mr. Levin, Mr. DeFazio, Mr. Rush, Mr. Clement, Mr. Emerson, Mr. Dicks, Ms. Furse, Mr. Mfume, Mr. Quillen, Mr. Deutsch, Mr. Brown of Ohio, and Mr. Pombo.

H.R. 326: Mr. Bilbray, Mr. Hinchey, Mr. Pallone, Mr. Gilman, Mr. Boehlert, Mr. Mollohan, Mr. Walker, Mr. Moran, Mr. Johnston of Florida, Mr. Lipinski, Mr. Synar, Mr. Fields of Louisiana, Ms. Long, Mr. Rush, Mr. McDade, Mr. Cardin, Mr. Deutsch, Mr. Borski, and Mr. Mfume.

H.R. 349: Mr. Hamburg.

H.R. 425: Mr. Baesler, Mr. Beilenson, Mr. Carr, Mrs. Clayton, Mr. Conyers, Mr. Holden, Mr. Horn, Mr. Hutto, Mr. Inslee, Mr. Klein, Mr. Kyl, Mr. Lazio, Ms. Maloney, Mrs. Mink, Mr. Moran, Mr. Oberstar, Mr. Olver, Ms. Roybal-Allard, Mr. Stokes, and Mr. Traficant.

H.R. 427: Mr. Baesler, Mr. Beilenson, Mr. Carr, Mrs. Clayton, Mr. Conyers, Mr. Holden, Mr. Horn, Mr. Hutto, Mr. Inslee, Mr. Klein, Mr. Kyl, Mr. Lazio, Ms. Maloney, Mrs. Mink, Mr. Moran, Mr. Oberstar, Mr. Olver, Ms. Roybal-Allard, Mr. Stokes, and Mr. Traficant.

H.R. 428: Mr. Gallegly, Mr. Gilchrest, Mr. Wolf, and Ms. Snowe.

H.R. 429: Mr. Franks of New Jersey, Ms. Fowler, Mr. Inhofe, and Mr. Smith of Oregon.

H.R. 518: Mr. Dixon, Mr. Lantos, Mr. Fingerhut, and Mr. Hoagland.

H.R. 544: Mr. Shays.

H.R. 559: Mr. Nadler, Ms. Lowey, Mr. Stokes, Mr. Mineta, Mr. Owens, Mrs. Schroeder, Mr. Porter, Mr. Inglis, Mr. Studds, Mr. Payne of New Jersey, Mr. Hinchey, Mr. McCloskey, Mr. Hamburg, Mr. Foglietta, Mr. Yates, Mr. Machtley, Mr. Rangel, Mr. Fish, and Mr. Johnston of Florida.

H.R. 579: Mr. Faleomavaega.

H.R. 735: Mr. Scott, Mr. Sanders, Mr. Zimmer, and Mr. Franks of New Jersey.

H.R. 749: Mr. Rose.

H.R. 818: Mr. Moakley, Mr. Tucker, Mr. Conyers, and Mr. Berman.

H.R. 852: Mr. Royce and Mr. Manzullo.

H.R. 911: Mr. Canady and Mr. Packard.

H.R. 918: Mr. Hastings, Mr. Dellums, and Ms. Velazquez.

H.R. 999: Mr. Blute, Mr. Castle, and Mrs. Meyers of Kansas.

H.R. 1029: Mr. Shays.

H.R. 1036: Mr. Murphy, Mr. Kreidler, Mr. Foglietta, Ms. Harman, and Mr. LaRocco.

H.R. 1078: Mr. Machtley.

H.R. 1079: Mr. Machtley.

H.R. 1080: Mr. Machtley.

H.R. 1081: Mr. Machtley.

H.R. 1082: Mr. Machtley.

H.R. 1083: Mr. Machtley.

H.R. 1135: Mr. Evans.

H.R. 1191: Mr. Machtley.

H.R. 1245: Mr. Blackwell.

H.R. 1270: Mr. Beilenson and Mr. Penny.

H.R. 1276: Mr. Santorum, and Mr. Taylor of North Carolina.

H.R. 1322: Mr. Grams.

H.R. 1325: Ms. English of Arizona.

H.R. 1419: Mr. Scott and Ms. Pelosi.

H.R. 1490: Mr. Thomas of California, Mr. Dornan, Mr. Baker of Louisiana, Mr. Thomas of Wyoming, Mr. Boehner, Mr. Penny, Mr. Barton of Texas, Mr. Stump, and Mr. Callahan.

H.R. 1521: Mr. Richardson, Mr. Evans, and Mr. Menendez.

H.R. 1555: Mr. Penny.

H.R. 1640: Mr. Rangel.

H.R. 1645: Mr. Frost, Ms. Eddie Bernice Johnson, Mr. Rangel, Mr. Hastings, Mr. Schiff, Mr. Hughes, and Mr. Foglietta.

H.R. 1697: Mr. Spence, Mr. Price of North Carolina, Mr. Johnson of South Dakota, Mr. Gilman, Mr. Faleomavaega, Mr. Skelton, Mr. McHugh, Mr. Fish, Mr. Pomeroy, Mrs. Meyers of Kansas, Mr. Meehan, and Mr. McDermott.

H.R. 1714: Mr. Gilchrest and Mr. Byrne.

H.R. 1747: Mr. Schiff, Mr. Bartlett, Mr. Klug, and Mr. Wilson.

H.R. 1776: Mr. Waxman and Mr. Shays.

H.R. 1788: Mrs. Johnson of Connecticut.

H.R. 1796: Mr. PALLONE and Mr. SMITH of New Jersey.

H.R. 1877: Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. MAZZOLI.

H.R. 1887: Mrs. CLAYTON, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. WALKER, Mr. MCHUGH, Mr. FROST, Mr. INGLIS, Mr. DORNAN, Mr. BOEHNER, Mr. EVERETT, and Mr. BEREUTER.

H.R. 1890: Mr. PASTOR, Mr. ENGEL, Mr. WATT, Mr. NADLER, Ms. NORTON, Mrs. BENTLEY, Mr. STOKES, Mr. PORTER, Mr. PAYNE of New Jersey, Ms. DELAURO, Mr. WALSH, Mr. HINCHEY, and Mr. FISH.

H.R. 1897: Mrs. MORELLA, Mr. APPLEGATE, Mr. HINCHEY, Mr. TAUZIN, Mr. CHAPMAN, Mr. FROST, and Ms. ROYBAL-ALLARD.

H.R. 1948: Mr. VENTO, Mr. ENGEL, Mr. PETERSON of Minnesota, Mr. BEILENSON, Mr. FILNER, Mr. BLACKWELL, and Mr. DEUTSCH.

H.R. 1973: Mr. TORKILDSEN.

H.R. 1996: Mr. MILLER of California and Ms. PELOSI.

H.R. 2010: Mrs. CLAYTON, Mr. GLICKMAN, Mr. MATSUI, Mr. NADLER, Mr. PICKLE, Mr. THOMPSON, Mr. WYNN, Mr. STARK, Mr. MINETA, Mr. GEJDENSON, and Ms. EDDIE BERNICE JOHNSON.

H.R. 2034: Mr. KENNEDY and Mr. BISHOP.

H.J. Res. 108: Mr. HUNTER, Mr. SPENCE, Mr. DEUTSCH, Mr. KLINK, and Mr. FIELDS of Louisiana.

H.J. Res. 122: Mr. BALLENGER, Mr. GIBBONS, Mr. GUNDERSON, Mr. LEVY, Mr. KLINK, and Mr. KENNEDY.

H.J. Res. 129: Mr. MACHTLEY.

H.J. Res. 133: Ms. ENGLISH of Arizona, Mr. POMEROY, Mr. HOLDEN, Mr. RAHALL, and Mr. STRICKLAND.

H.J. Res. 142: Mr. KASICH, Mr. MOAKLEY, and Mr. STUDDS.

H.J. Res. 165: Mr. FILNER, Mr. WELDON, Mr. WALSH, Mr. SANDERS, Mr. GEKAS, Mr. QUINN, Mr. SCHIFF, Mr. HOYER, Mr. FISH, and Mrs. MEYERS of Kansas.

H.J. Res. 178: Mr. VOLKMER, Mr. DIXON, Mr. BOEHLERT, Mr. ROTH, Mr. FLAKE, Ms. ROYBAL-ALLARD, and Mr. FISH.

H. Con. Res. 6: Mr. RIDGE, and Mr. JOHNSTON of Florida.

H. Con. Res. 15: Mr. VENTO and Mr. DICKS.

H. Con. Res. 24: Mr. BECERRA.

H. Con. Res. 66: Ms. ESHOO, Mr. SCHIFF, Mr. TUCKER, Mr. VENTO, and Mr. BERMAN.

H. Con. Res. 80: Mr. WASHINGTON, Mr. MCNULTY, Mr. EWING, Mr. BARRETT of Wisconsin, Mr. HINCHEY, Ms. KAPTUR, Mr. HORN, Mr. VENTO, and Mrs. CLAYTON.

H. Con. Res. 83: Mr. SOLOMON, Mr. BATEMAN, Mr. LEVY, Mr. KIM, Mr. WELDON, Mr. FISH, Mr. BARTON of Texas, and Mr. EMERSON.

H. Con. Res. 95: Mr. PETERSON of Florida, and Mr. KANJORSKI.

H. Res. 40: Ms. KAPTUR and Mr. RUSH.

H. Res. 128: Mr. HINCHEY, Miss COLLINS of Michigan, Mr. RANGEL, Mr. MFUME, Mr. HASTINGS, Mrs. CLAYTON, Mr. EDWARDS of California, Mr. MCCURDY, Mr. FOGLIETTA, Ms. MCKINNEY, Ms. MEEK, Mr. SCHIFF, Mr. STARK, Mr. GEJDENSON and Mr. MCCLOSKEY.

H. Res. 146: Mr. SUNDQUIST, Mr. ROTH, and Ms. FURSE.

H. Res. 148: Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. JACOBS, Mr. KLUG, Ms. DUNN, Mr. GOSS, Mr. SHAYS, and Mr. PETE GEREN.

H. Res. 154: Mr. FISH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the city council of Seattle, WA relative to elimination of discrimination against gays and lesbians in the military; which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

THE 1993 NUCLEAR WASTE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. VUCANOVICH. Mr. Speaker, I rise today to introduce legislation to establish an independent study of activities at Yucca Mountain, NV.

Yucca Mountain is currently the only site under consideration for permanent disposal of the Nation's thousands of metric tons of lethal high level radioactive waste. In 1987, during consideration of the Omnibus Budget Reconciliation Act, the Nuclear Waste Policy Act of 1982 was amended to dictate that the Federal nuclear waste disposal program shift from the simultaneous characterization of three sites—Deaf Smith County, TX; Hanford, WA; and Yucca Mountain, NV—to characterize only Yucca Mountain.

At the time, we in Nevada and the Nation were told that this was the best policy because it would save money and ensure maximum scientific objectivity. Well, as anyone who has followed developments over the past 6 years knows, neither of those predictions have come true. In 1987, when Senator JOHNSTON attached the screw Nevada legislation to the reconciliation provision, he justified single site characterization by saying it would save $730 million over 3 years. However, as of this year, the Department of Energy [DOE] has spent $1.2 billion on the Yucca Mountain project and underground work has just begun. Clearly, the financial savings argument has failed.

Regarding scientific considerations, the ability of DOE to conduct an open-minded scientific determination that the site is suitable has been under continuous and sustained criticism since 1987. Disputes about the safety of long-term, deep geologic disposal at Yucca Mountain are well documented, longstanding, and continue to this day.

Perhaps the most troubling and recent criticism of the program is a March, 1993 special report to Congress by the Nuclear Waste Technical Review Board [NWTRB], an independent board established by Congress to continuously review the technical and scientific validity of the DOE nuclear waste program. The March report made some basic conclusions which I find most disturbing. Perhaps the most glaring, but not surprising, is that the DOE program is being driven by unrealistic deadlines.

The report stated,

> The Board is especially concerned that an attempt to meet current unrealistic deadlines may force the DOE to make important technical decisions without first performing the appropriate technical and scientific analyses. This could lead to mistakes, costly remediation, or licensing problems. The DOE already seems to have made some important choices based on expediency without a thorough technical analysis of the data.

Further evidence that this program has failed scientifically and politically—and is in need of independent review—comes from a significant recent public admission by the Secretary. Earlier this year, Secretary O'Leary said in an interview that the 1998 date, mandated under the NWPA, by which the Federal Government must take responsibility for spent fuel from utilities cannot be met. The administration has also publicly admitted that it will not be able to file the license application for a repository license by 2001, which would be necessary to meet the federally mandated deadline of 2010 when the permanent repository is to begin accepting waste.

Frankly Mr. Speaker, I am also very concerned about the political viewpoint of this administration based on a review of the fiscal year 1994 budget and the so-called examination of the Office of Civilian Radioactive Waste Management which administers the Yucca Mountain Program currently being undertaken by the administration. With the exception of the DOE's large expenditure of funds this year on multipurpose spent fuel casks, this administration's activities appear to be more of the same when compared with previous administrations. The DOE review so far reflects precious little in terms of real reform of the program.

I believe the time is right for halting the activities at Yucca Mountain and an independent review of the program. Such a review is particularly appropriate and timely due to the current preparation activities now taking place on site for the sinking of the Exploratory Studies Facility. I would hasten to add that in the NWTRB's March report, they said that "[a]n independent evaluation of the Office of Civilian Waste Management's organization and management should be undertaken."

Because of the widespread recognition that the program is being driven by unrealistic guidelines and scientific criticism of the program continues, because the administration has not disputed that the 1998 and 2010 dates will slip, and because onsite storage in the short- to medium-term will be needed due to the slippage in the dates, I am today introducing the Nuclear Waste Policy Reassessment Act of 1993.

The legislation would accomplish several things: First, for a period of 5 years, all site characterization at Yucca Mountain will be stopped; second, during this 5-year period, an independent study will be undertaken by the National Academy of Sciences in consultation with the NWTRB, Nuclear Regulatory Commission, DOE, the EPA, and other interested parties, including the State of Nevada, affected local governments and others; third, the study will examine the scientific, economic, and regulatory merits of studying one site versus the merits of studying multiple sites; fourth, as a result of the requirements of the legislation, the 1998 date for the Federal Government taking title to nuclear waste and the 2010 date for the opening of the repository will be extended 5 years, to 2003 and 2015 respectively; and, fifth, due to the mandates of this legislation, the Secretary will refund or credit to utilities such revenues, from the nuclear waste trust fund, as are necessary to build and maintain on-site storage at reactor sites, for fiscal year 1994, specific moneys will be rebated to those utilities that have currently existing on site storage.

I call on the administration and my colleagues to support this legislation and send the message that this problem plagued program should get the outside review that is so desperately needed.

TRIBUTE TO OTSIKITA COUNCIL OF GIRL SCOUTS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Otsikita Council of Girl Scouts who are celebrating their 35th anniversary of being chartered by the Girl Scouts of the United States of America.

In 1958, several troops joined together to form the Otsikita Council of Girl Scouts, including the Mount Clemens Council and the St. Clair Shores Council. On July 28, 1958 the Girl Scouts of the United States of America chartered the Otsikita Council of Girl Scouts.

The organization is chartered to provide the Girl Scout program for the girls of Macomb County, MI. The Otsikita Council is committed to the mental and physical health and well-being of all Macomb County girls regardless of race, creed, or national origin. Otsikita has a rich history of success evidenced by hundreds of happy, healthy, productive citizens who have benefited from membership in the Otsikita Council.

The Otsikita Council will celebrate 35 years of extending the hand of friendship to girls in Macomb County at the Third Annual Adult Recognition Dinner to be held Tuesday, May 11, 1993 at 6:30 p.m. at Athena Hall in Roseville, MI.

I ask my colleagues to join me in saluting the Otsikita Council of Girl Scouts. Their commitment to providing a high quality program for the girls of Macomb County is commendable. I am proud that the Otsikita Council is in my district.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PUBLIC SERVICE RECOGNITION WEEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. HOYER. Mr. Speaker, last year during Public Service Recognition Week, I highlighted the fact that football coach Knute Rockne, Walt Whitman, Charles Lindbergh, Washington Irving, Nathanial Hawthorne, and James Thurber were all public employees at one time in their distinguished careers. And while each of these great Americans served their government and their fellow citizens admirably, I believe it is also important to note that millions of public employees continue the proud efforts of these men.

Firefighters, police, teachers, food inspectors, research scientists, engineers, economists, and public works specialists impact our daily lives in so many ways. They protect our property from the ravages of fire. They educate our children and ensure that the food we eat is safe and nutritious. They find cures to debilitating diseases and design the infrastructure and roads our economy needs to function efficiently. They help business keep track of how well it is doing compared to international competitors, and they keep our neighborhoods clean.

Despite the important work our public employees do, more often than not, these same employees do not receive the respect or compensation they deserve from the general public and their elected leaders. I can't tell you how much this effects the morale and mission of public employees.

However, I can tell you that as morale and benefits deteriorate, we can expect our public work force to deteriorate as well. This would be a terrible mistake. Not only would the Government not be able to attract or retain public employees like Clara Barton, the founder of the Red Cross, or Neil Armstrong, the man who inspired an entire generation to focus on science and technology, but it will slowly lose its capacity to serve the American public in a timely and cost-efficient manner.

Our local, State, and Federal workers deserve the recognition and support of all of us. And, perhaps more importantly, they deserve to know that their elected leaders will stand behind them in their effort to make our country safer, stronger, and more equitable.

While I hope we all recognize those public employees in our districts this week, I hope we do more than that. I hope we actively work to improve their workplace, and our Government's ability to attract and retain talented employees. I know the Members who are recognizing public employees today agree with me, and I hope we can convince our fellow colleagues to join our effort to improve our work force. Not only will we show our employees we recognize their important contributions, but we will ensure that our local, State, and Federal Governments are capable of meeting the challenges they have always been able to overcome in the past.

IN TRIBUTE TO PUBLIC SERVANTS AND PUBLIC SERVICE RECOGNITION WEEK

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. NORTON. Mr. Speaker, it gives me great pleasure to pay tribute both today and throughout this week to the millions of public servants across this nation who dedicate their lives, day in and day out, to serving their community and their country.

As the Member from the District of Columbia, I have an especially strong appreciation for the value and the importance of public service. The Federal Government is not only the largest employer in the Nation, but is undeniably the largest in the District. Nearly 62,000 District residents work for the Federal Government. More than 55 percent of D.C. Government workers, or 15,219 employees, live in the District.

Public Service Recognition Week is about recognizing and commending the millions of Americans who have chosen careers in public service. It is a week to say thank you to the countless public servants whose daily efforts to serve their fellow Americans go unnoticed and unheralded. As chair of the Subcommittee on Compensation and Employee Benefits, I know first hand the breadth of the mission we, as a Nation, ask our civil servants to accomplish. I also know first hand that Federal workers perform their duties for wages substantially below those paid to persons performing comparable work in the private sector. Such selfless service deserves far more recognition than it generally receives.

Public Service Recognition Week is also important to the rejuvenation of careers in public service. The previous decade was particularly hard on public sector recruitment and retention. Skilled senior employees left the Government in significant numbers and a generation of young entrepreneurial talent bypassed the Federal Government in favor of greater wages and benefits in the private sector.

Today, more people are looking for careers in public service. But the Federal sector must become more competitive with private sector wages and benefits to ensure that it can continue to attract the best and brightest talent this country has to offer.

The District of Columbia is proud to be a city of public service. The residents of the District are our Nation's frontline public servants. Like public servants all over the country and at all levels of government, they are always there for us. We in the Congress must now be there for them. I salute the public servants of the District of Columbia and of the Nation.

NATIONAL SERVICE TRUST ACT 1993 INTRODUCED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FORD of Michigan. Mr. Speaker, on May 6, I had the honor to cosponsor the introduction of one of President Clinton's most exciting legislative proposals: The National Service Trust Act of 1993, an initiative that will expand educational opportunity, reward individual responsibility, and build community by encouraging Americans of all ages to work together to tackle our common problems.

In the last few days, I have received more than two dozen letters from volunteer organizations endorsing the President's idea and this legislation. They include the Close Up Foundation, the Girl Scouts, the Points of Light Foundation, Save the children, Youth Services America, People for the American Way, the Child Welfare League, directors of Older American Volunteer Programs, the National Association of Service and Conservation Corps, the American Federation of Teachers, and the International Association of Fire Fighters.

One hundred and forty-five of our colleagues, Democrats and Republicans, have signed on as original cosponsors of this important legislation, H.R. 2010, which as the President has noted was the most enthusiastically received proposal of his campaign last year.

Our excitement is easy to understand. As the American Alliance for Rights and Responsibilities wrote to me, "We believe that National Service will serve to revitalize the spirit of citizenship and community among young Americans, will help them to transcend racial and socioeconomic barriers, and will serve to teach the skills and habits of participatory democracy."

The initiative offers educational awards to Americans willing to serve in a variety of programs that benefit their communities, addressing pressing educational, environmental, human, or public safety problems.

The National Service Trust is to be open to all individuals, age 17 and up, who have high school diplomas or agree to achieve their GED before using their awards. Individuals may serve before, during, or after their postsecondary education.

Most of the publicity about the proposal has centered on the young people who would receive college tuition aid. But the fact is, National Service presents an opportunity to all Americans to give of themselves and in return receive monetary help to enable them to receive higher education or career training.

To qualify for an educational award of $5,000, a participant must complete at least 1 year of full-time service or 2 years of part-time service, for which the participant also would be paid a minimum-wage stipend and health and child care benefits as necessary. Awards may be used to repay loans for higher education or to pay for additional postsecondary education or training. Individuals may receive two $5,000 awards.

Qualifying service programs may be operated by Federal agencies, States, local governments, school districts, colleges, or community-based not-for-profit organizations. The National Service Trust, a Government corporation, will help local organizations qualify for the initiative and ensure their public mission is up to standards of usefulness for participants and communities.

Thus, the bill would not establish a new Federal bureaucracy to run programs but one that would work with successful organizations to extend their reach. The initiative relies on locally driven programs, allowing participants flexibility and stimulating competition among sponsoring organizations.

After the Second World War, a generation of returning servicemen took advantage of the GI bill to educate themselves and help launch America's unprecedented era of prosperity.

As the social and economic benefits continued to unfold, President Kennedy appealed to our sense of service in launching the Peace Corps, a mission that secured America's reputation as the most generous nation on Earth. It remains the most admired program of the 1960's.

This legislation builds on the legacies of the GI bill and the Peace Corps, helping to create a new era of prosperity for a generation of Americans and nurturing a more compassionate, public-spirited consciousness among our citizens, producing ripples that will benefit us all.

Throughout the 1992 campaign, in Michigan and across America, the national service principle struck a responsive chord among citizens who sense an urgent need for cooperation and service for our mutual benefit. In approving this important legislation, we anticipate that all Americans will join us in promoting a renewed sense of civic responsibility.

I urge my colleagues to cosponsor this important legislation.

TRIBUTE TO THE JUNIOR LEAGUE OF NORTHERN WESTCHESTER ON THE OCCASION OF THEIR 40TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to the Junior League of Northern Westchester. The Junior League is celebrating its 40th anniversary, a culmination of the achievements and many years of dedicated community service. Throughout these years, the Junior League has been a pillar of the community and a model of service for all.

The enthusiastic volunteerism that the Junior League has given to the Westchester community is highly commendable. These women have been on the forefront of many contemporary issues such as the health and education of our children, the needs of the aging, domestic violence, and sustainable development. The many projects they undertake with such determination benefit all. I am honored to offer my best wishes on this occasion, and I applaud all of the Junior League members who have contributed to this success.

Their service to our community has made the quality of life in northern Westchester richer. I wish all of them continued success and accomplishments in the future. I know they will provide invaluable service to our community in the years to come.

SAMUEL E. PERRY, SR., POST OFFICE

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BATEMAN. Mr. Speaker, I am extremely proud today to introduce legislation to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry, Sr. Postal Building." I believe that naming the city's post office in Sam Perry's honor is certainly an appropriate act for this Congress to take as well as a fitting tribute to an exceptional individual, public servant, and friend.

No one was better known or respected in the Fredericksburg area than Sam Perry. His unselfish devotion to helping the people of Fredericksburg through his work in the Postal Service, Fredericksburg Rescue Squad, and the city council not only touched, but enriched the lives of all who knew him. He was everybody's friend.

I cannot think of a better way to recognize Sam than to name the city's post office after him, particularly since he was no stranger to the U.S. Postal Service. Sam retired from the Postal Service in 1961 after a 42-year career. At the time of his departure, he was superintendent of mails.

Everyone who knew Sam Perry knows that the Fredericksburg community is a better place today because of him. For those who were not fortunate enough to be touched personally by his life's works, I believe renaming the post office in Sam's honor can be a daily reminder of what a caring and committed individual can do for his family, friends, and community. Indeed, Congress can reaffirm its own commitment to public service by swiftly enacting this legislation.

SALUTE TO 30TH ANNUAL SMALL BUSINESS WEEK

HON. DAVID MINGE

OF MINNESTOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MINGE. Mr. Speaker, I am pleased to recognize Ms. Arlene DeCandia of Monticello, who has been chosen the Minnesota Small Business Person of the Year by the U.S. Small Business Administration.

Ms. DeCandia is the founder, owner, and president of the Riverwood Conference Center in Monticello. Riverwood is the largest privately held conference center in the United States, hosting 1,000 meetings and 35,000 people worldwide. It is also the only meetings and 35,000 people worldwide. It is also the only conference center in the United States owned by a woman. Arlene DeCandia is an inspiration to all Minnesotans. She started out with a dream and built her own success story. I commend Arlene for her outstanding efforts toward economic growth in Minnesota.

American small business is vital to our Nation, especially to rural areas like southwestern Minnesota. I commend the Small Business Administration for recognizing outstanding entrepreneurs from throughout the United States. I am delighted that Ms. Arlene DeCandia will be honored during this 30th Annual Small Business Week.

A SPECIAL SALUTE TO DAVID PHOENIX: 1993 CONGRESSIONAL SENIOR CITIZEN INTERN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STOKES. Mr. Speaker, during the month of May, our Nation celebrates Senior Citizen Month. In communities throughout the United States, senior citizens will be recognized for their contributions to our communities and the Nation.

On Capitol Hill, this week marks the start of our annual Congressional Senior Citizen Intern Program. I am pleased to participate in this outstanding educational program. During their Capitol Hill internship, seniors attend meetings, workshops, and issue forums on topics that will impact the elderly. They will also have an opportunity for extensive dialog with Members of Congress and representatives of President Clinton's Cabinet on legislative initiatives.

Mr. Speaker, I am proud to rise today to salute my congressional senior intern for 1993, Mr. David Phoenix. I want to share with my colleagues some biographical information on this outstanding individual who resides in my congressional district.

Mr. Phoenix was reared in the Cleveland area and graduated from East Technical High School. He served in the military during World War II. From 1945 until his retirement in 1977, Mr. Phoenix enjoyed a distinguished career with the U.S. Postal Service in Cleveland.

During his tenure with the Postal Service, David Phoenix held a variety of positions including distribution clerk, foreman of mail, director of administrative services and manager of retail sales and services. He was also selected for specialized training during his postal career. Mr. Phoenix successfully completed the administrative courses for midmanagers and staff postal positions at the Postal Service Institute in Bethesda, MD. Following his retirement from the Postal Service, Mr. Phoenix moved to Arizona. He returned to the Cleveland area in 1989.

David Phoenix is very active in the Cleveland community. He is a member of the Sussex Community Association and the National Association of Retired Federal Employees. In addition, Mr. Phoenix is a past member of the American Association of Retired Persons; a past board member of the NAACP; and a past member of the board of the Urban League.

Mr. Phoenix and his wife, Anne, reside in Shaker Heights. They are the proud parents of Dr. David D. Phoenix, Jr. Dr. Phoenix serves as associate professor and director at the S.E. Minority Rural Health Research Center, Morehouse School of Medicine. Mr. and Mrs. Phoenix are also the proud grandparents of four children, and great-grandparents of one child.

Mr. Speaker, I am proud to salute Mr. David Phoenix. I take this opportunity to welcome him and other seniors to our Nation's Capitol.

MILITARY LAND REFORM AND REASSESSMENT ACT INTRODUCED

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. VENTO. Mr. Speaker, today I am again introducing a bill to revise the existing procedures for allocating public lands for military uses.

This bill, the Military Land Reform and Reassessment Act of 1993, is similar to the one I introduced in the last Congress that was favorably reported by the Committee on Interior and Insular Affairs but on which the House did not have time to act.

The bill is a generic measure of nationwide applicability, based on and responding to problems explored in oversight and legislative hearings and other activities during the 101st and 102d Congresses by the Interior Committee's Subcommittee on National Parks and Public Lands. Its basic purpose is to rationalize and regularize the way in which our Government makes decisions concerning how much and which lands should be placed under control of military agencies, and to increase the extent to which the natural, environmental, fish and wildlife, and other values of affected lands are taken into account in the making of those decisions.

Toward that end, the bill would require the development of an inventory of all public lands withdrawn for military purposes, and a justification for their continued withdrawal. It would also require that, to the extent feasible, future-years defense plans include identification of any additional public lands expected to be proposed for withdrawal for military uses.

The bill would also reduce the extent to which decisions about military use of lands are shaped by legalistic distinctions, such as those between the regular national armed services and the National Guard units, which are technically State military agencies, and increase the extent to which more realistic considerations, such as other uses of these lands, are taken into account.

Provisions addressing use of public lands by State military agencies were in fact passed by the House in the 101st Congress as part of a general reauthorization bill for the Bureau of Land Management, but were not acted upon by the Senate. My new bill has similar but not identical provisions. The chief difference is that my new bill would give the Secretary of the Interior authority to withdraw administratively no more than 5,000 acres of public lands for any one State military installation—an acreage limit identical to that now imposed by the Engle Act of 1958 on peacetime administrative withdrawals for national military installations or sites.

The bill also addresses the use of airspace over nonmilitary Federal lands. As did the bill approved by the Interior Committee in 1992, my new bill provides that there must be consultation with Federal land-managing agencies and an opportunity for comment by the Governors of affected States, affected Indian tribes, and the public prior to any allocation of such airspace for military uses—and that a proposed allocation for military use of airspace over more than 5,000 acres of nonmilitary lands managed by the Bureau of Land Management or the Forest Service cannot take effect until Congress has had 180 days to review the proposal and the comments.

Other parts of the bill include changes in existing legislation relating to transfers of certain lands to the Defense Department, so as to appropriately recognize the importance of protecting natural and environmental resources and values.

Finally, my new bill would clarify the status of lands previously allocated to military uses when they are no longer used for those purposes, and to spell out the duty of the Defense Department to undertake needed cleanup and decontamination of those lands so they may be used for other purposes.

Mr. Speaker, the Nation is beginning the process of rethinking all aspects of our national defense policies, in response to the dramatic changes in the world situation that have accompanied the end of the cold war. One important part of that process, I believe, is a reexamination of how decisions are to be made about military uses of public lands. The bill I am introducing today is intended to begin that reexamination, and to lay the foundation for new policies for a new era.

TRIBUTE TO THE COMPLETION OF THE GEROPSYCHIATRIC CARE CENTER AT THE FRANKLIN DELANO ROOSEVELT HOSPITAL IN MONTROSE, NY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute upon the completion of the new Geropsychiatric Care Center at the Franklin Delano Roosevelt Hospital in Montrose, NY. I am proud to be a part of the opening ceremony on May 14, 1993, a dedication to the growing needs of our brave veterans.

This 2-year project is the first major renovation of an entire building in this hospital's 43-year history. The 80-bed center will provide medical and psychiatric services to a special group of geropsychiatric patients. Academic training and research will also enhance the Center's mission in caring for our Nation's veterans.

The entire $5.6 renovation was completed within budget and on time. What better way to acknowledge our debt as a nation to our veterans than to recognize that they are special and deserve focused attention. I commend all of those who worked so hard to achieve this accomplishment, and am proud to represent a district that includes such an outstanding veterans hospital.

A TRIBUTE TO THE MEMORY OF JIM JOYCE

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to speak in tribute and in memory of a great Nevadan, my friend Jim Joyce.

Although he never held an elected office, as far back as I can remember, Jim Joyce has been a stalwart fixture on the political landscape of the State of Nevada. He was president of his own companies, Joyce & Associates, Inc. and Joyce Advertising, Inc., the latter being one of the oldest and most respected agencies in Nevada. Jim may have been best known for his abilities at the Nevada State Legislature as the principal governmental representative of such major interests as the Nevada Resort Association, the Gaming Industry Association, and Howard Hughes Estate Companies.

And while one might expect a person, by virtue of such a job, to make both friends and enemies, such was not the case for Jim Joyce. Will Rogers said he never met a man he didn't like. The same and more was true of Jim Joyce. In my years in Nevada politics at many different levels, I often dealt with Jim Joyce. In all that time, I never heard Jim speak poorly of a single person, and I never heard a single lawmaker utter a negative word about Jim.

That fact reflects the style of the individual that made Jim Joyce such a consummate professional. No matter where you stood on an issue, after making his case for a concern, Jim always took time to listen to your side of things. By doing so he made clear his respect for you, your position, and your opinions. There was never a raised voice or angry threat. He knew he would be talking to you again on another issue; that he would have another chance to convince you to vote his way on another issue. For Jim Joyce there was always next time.

Until now. Jim will be missed. Many will come to take his place, but none will be able to fill his shoes. Jim Joyce leaves us having left his indelible mark on our State. His efforts will be long remembered as a lobbyist, as a friend, and as a great Nevadan.

So I ask my colleagues to join me today in paying proper tribute to Jim Joyce, a man who devoted his life to making Nevada a better place to live and a place of which we can be proud.

NATIONAL ENDOWMENT FOR DEMOCRACY HONORS DR. VESNA PESIC

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. HOYER. Mr. Speaker, on April 26–27, the National Endowment for Democracy on whose board of directors I am honored to serve, convened its fourth world conference on democracy. This was an extraordinary event, bringing together endowment grantees and other democratic activists from nearly 60 countries throughout the world to address the conference theme "Challenges to Democracy in the New Era."

At the concluding awards dinner, President Clinton joined guests in paying tribute to three truly heroic individuals who are in the forefront of the struggle for democracy: Vesna Pesic, director of the Center for Anti-War Action in Belgrade; Gitobu Imanyara, human rights lawyer and journalist in Kenya; and Han Dongfong, leader of the Beijing Workers Autonomous Federation. Each was presented with NED's Democracy Award, and I had the privilege of making the presentation to Doctor Pesic.

At a time when people throughout the world associate Serbia with the abhorrent policy of ethnic cleansing, Doctor Pesic represents another Serbia, one composed of those who believe that democracy is incompatible with exclusive nationalism and are fighting every day for peace and human rights.

Long before she emerged as the leading critic of the militarism of ex-Yugoslavia's ultranationalist leaders, Doctor Pesic was an outspoken human rights and prodemocracy dissident. Jailed for her activism, she later organized the Belgrade Helsinki Committee in 1985. When the war broke out in 1991, she founded the Center for Anti-War Action, which initiated a legislative proposal for an amnesty for deserters from the civil war and has organized many anti-war demonstrations.

Doctor Pesic's efforts to defend human rights and values of tolerance which are the foundation of democracy should serve as an inspiration to those of us who pray that these values will yet prevail amidst all the hatred and violence consuming her country. I am pleased to share with my colleagues her thoughtful address accepting NED's Democracy Award.

Remarks by Dr. Vesna Pesic, Director, Center for Anti-War Action, Belgrade National Endowment for Democracy 1993 Democracy Award Dinner

I would like to thank the National Endowment for Democracy for honoring our anti-war efforts with this award. In honoring me with this award, the National Endowment for Democracy is recognizing all of the activists and friends of the Anti-War Center and their war to end the war and abuses of civil and human rights. These efforts, carried out in the most difficult of circumstances, often under harsh criticism for being so-called traitors, prove that even now many people are committed to keeping alive the ideals of peace and democracy.

What distinguishes us from other opposition groups and parties is our double agenda—for democracy and against nationalism. Many people talk about democracy, but you cannot implement democratic values and institutions within the framework of aggressive nationalism and war. You cannot be silent about the horrors of bloodshed and ethnic cleansing and the destruction of cities and villages and places of worship and claim that you are a democrat. You cannot call yourself a democrat if you are only seeking democracy for your ethnic community. We raise our voices against such thinking and against those who inflame national feelings and fears in their own struggles for power.

I would like to take this occasion to convey three messages to US policy makers and to the public at large. First, I want to stress the existence of those who do not support the policies of national hatred and war. For example, a group of people in the Bosnian Serb stronghold of Banja Luka have formed an organization called the Civic Forum. These people—Muslims, Croats and Serbs—reject the notion that they cannot live together. They resist the nationalist propaganda. There are independent women's groups speaking out against the war and caring for women who have been raped and abused. There are independent associations of intellectuals who are trying to raise the voice of reason; journalists challenging the official accounts of the war; and people from all over the ex-Yugoslavia working together in the struggle for real peace and democracy. These people need to be recognized and supported. When I speak to US and European officials about these efforts, they often respond, "You are only a small minority." My answer to them is: "Do you want us to disappear all together? To not exist at all? Who is going to build democracy if our efforts are both silenced by our regimes and ignored by the outside democratic world?" To those who are all too ready to accept any deal with nationalist forces, to these for whom "never again" means "another time, but not now," I would point out that the so-called utopias have a concrete basis in the basic norms of international and humanitarian law. This moral vision is the only one that is practical in the long run.

Second, we feel that the international community can and must do more for all those trapped by the power games and violence in the war in the former Yugoslavia. The vacuum of the post-communist period allowed the extreme forces in the country to gain momentum, to push us into a vicious cycle of threats, aggression, and drastic violations of human rights. The international response to date has been confused and without any consistent or understandable policy. In between packages of food and bombs there are steps that can and must be taken. In the first place, there should be rapid and effective establishment of protective zones for civilians in Bosnia and Hercegovina and distribution of humanitarian aid by all means. Ultimately the international community should establish a civil administration for the whole territory of Bosnia-Hercegovina. Rather than spending all efforts and resources in order to create elaborate peace plans, the international community must attend to the immediate suffering of civilians. Long term solutions for the region can be deliberated after an effective cease-fire. In addition, help must be given to establish and maintain a free press, television and radio throughout the region. This is essential in order to rebuild communications, to break the monopoly over information and the psychology of war.

Third, we need support for our commitment to the idea of individual rights. We must be able to move away from the notion and practice of collective responsibility and guilt and develop foundations for individual responsibility, which is a basis for democratic citizenship. Not all members of a national or ethnic group are guilty of war crimes, but the individuals who can be named must be made accountable. I'm not suggesting that we engage in witch hunts after the war, but we do need fair trials for those who have committed crimes. The Center for Anti-War Action has developed a project for an international war crimes tribunal which should be supported and which could ultimately fit into the international process. This can be a starting point in ending the historical cycle of collective revenge and introduce the rule of law into our societies.

During this occasion of the world conference on democracy, I can still hear the echo of our warlords with their claims that we cannot live together. Do not believe them. With so many people gathered here from so many regions, races and religions, we ourselves prove that multi-ethnic communities and cross-cultural communities are possible and present the only just future.

I firmly believe that in defending values of individual rights and mutual tolerance we are the real patriots of our nations.

RECOGNIZING THE UNIVERSITY OF HAWAII, WILLIAM S. RICHARDSON SCHOOL OF LAW, INTERNATIONAL LAW MOOT COURT TEAM'S VICTORY IN THE PHILLIP JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. MINK. Mr. Speaker, it is with great pride that I take this moment to recognize the accomplishments of the University of Hawaii, William S. Richardson School of Law, International Law Moot Court Team. The UH International Law Moot Court Team, competing against students from Georgetown, UC-Berkeley, the University of Washington, and a number of foreign law schools, finished first in the Nation and second in the world, behind only the University of Melbourne in the final international round of the Phillip Jessup International Law Moot Court competition.

The four team members from the UH Law School are Andrew Bunn, David Forman, David McCauley, and Karla Winter. The team was coached by Prof. Jon Van Dyke.

The team walked away with numerous awards for their outstanding efforts in the competition, including best oralist and best brief. The individual accomplishments of the UH Law School Moot Court Team and the accomplishments of the UH Law School, just 20 years old, honor the hard work, the talent, and the outstanding effort put forth by the four team members, and their team coach, Prof. Jon Van Dyke, the Law School faculty, the UH Law School dean, Jeremy Harrison, and the many UH Law School alumni, including our Governor, John Waihee, who gave their heart and soul to ensure that this law school succeeded.

The victory of the UH Law School International Law Moot Court Team is also a symbolic victory for the University of Hawaii Law School. Many critics of the law school have repeatedly questioned whether a law school should exist in the middle of the Pacific, and therefore this victory, in light of the past struggles of the school, is all the more sweet, affirming the quality and commitment to legal scholarship at the UH Law School.

Mr. Speaker, on behalf of the people of Hawaii, I extend a warm, heartfelt congratulations to the UH Law School, International Law Moot Court Team for its outstanding achievements at the Philip Jessup International Law Moot Court competition.

[From the Honolulu Advertiser, Apr. 7, 1993]

LEGAL WINNERS—UH LAW SCHOOL TOPS IN NATION

When the William S. Richardson School of Law was first established at the University of Hawaii, some wondered whether the idea made good sense.

Critics feared that Hawaii was too far away from the intellectual and legal mainstream; that students would miss out because of our isolation.

Well, put that fear to rest. A four-member team from the UH law school has just returned from Washington, D.C., where they were judged best in the nation (and second in the world) in the Phillip Jessup International Law Moot Court competition.

Students from Georgetown, Berkeley, the University of Washington, Hawaii and a number of foreign law schools competed in mock litigation before the International Court of Justice.

The UH team took first place for the United States and finished behind only the University of Melbourne in the final international round.

That's a feather in the cap for today's law school class and we hope the honor will help the school recruit the best and brightest of students and faculty in the years to come.

In the meantime, congratulations all around for student competitors Andrew Bunn, David Foreman, David McCauley and Karla Winter and faculty coach Jon Van Dyke.

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BONIOR. Mr. Speaker, I'd like to associate my remarks with those of my colleagues from California, Congressman RICHARD H. LEHMAN and Congresswoman ANNA G. ESHOO who organized the commemoration of the 78th Anniversary of the Armenian Genocide on the floor of the House.

Perhaps the greatest lesson of the Armenian Genocide is that forgetting the past threatens our future. By failing to demand that Turkey recognize and atone for its crimes against humanity, the international community set the stage for a century of unparalleled suffering.

The commemoration of the Armenian Genocide is especially significant this year given the rising tensions in the Caucasus caused by Turkey's recent threats to take military action against Armenia. Given Turkey's continued campaign to deny the Armenian Genocide, the Armenian people have good reason to take these threats seriously.

The prospect of Turkey invading Armenia is fearsome. The continued blockade has devastated Armenia's economy. Last month, Ambassador Shugarian told me that they still only get 2 hours of electricity a day and only 50 enterprises in the entire country are working. The thought that Turkey's action would be supported by aid from the United States should make us pause and reconsider our policy.

The establishment of good neighborly relations between Turkey and Armenia depends largely on mutual trust. Turkey's recognition of the Armenian Genocide is an important element of that trust. The whole region is suffering from the inability to peacefully coexist. Reconciliation must be achieved.

The most convincing manner for the Turkish Government to put an end to the fears that it will invade Armenia would be recognition of the Armenian Genocide. Such an acknowledgment by Turkey would help secure regional stability by increasing the level of trust in a highly sensitive area of the world.

JOINING HANDS TO FIGHT HUNGER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. DINGELL. Mr. Speaker, despite the vast prosperity our Nation enjoys relative to other nations, more than 25 million Americans receive food stamp benefits each year, and about the same number of school children are fed daily in the National School Lunch Program.

I want to call to the attention of my colleagues the joint efforts of the National Association of Letter Carriers with the U.S. Postal Service to help make a difference for those who would otherwise go without another meal.

On May 15, the NALC and the Postal Service will conduct what may be the largest 1-day food drive in American history. Letter carriers in all 50 States will be participating in their annual food drive, which was originally implemented 10 years ago to combat nationwide hunger. This year, the letter carriers hope to reach 1.5 million homes.

In Michigan, the NALS'c Branches 3126, 4374, and 654 will participate in the food drive. Cities participating in the food drive include:

Algonac, Birmingham, Centerline, Clawson, Detroit, Eastpointe, Ecorse, Farmington, Ferndale, Fraser, Garden City, Groose Pointe, Hamtramck, Harper Woods, Hazel Park, Livonia, Madison Heights, Marine City, Mt. Clemens, New Baltimore, Novi, Oak Park, Redford, River Rouge, Romeo, Roseville, Royal Oak, Southfield, St. Clair Shores, Sterling Heights, Troy, Utica, Walled Lake, and Warren.

Mr. Speaker, I salute the spirit of volunteerism and goodwill, and commend the food drive's leaders for their hard work and dedication. I hope my colleagues will join me in expressing appreciation to the NALC and the Postal Service for their outstanding efforts.

CREATING A VISION FOR NEWARK'S CENTRAL CLUSTER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to share with my colleagues a bright light in education. The Newark Teacher Professional Development Project was introduced by the Princeton Center for Leadership Training in 1991 as part of the Newark Board of Education's restructuring initiatives. Newark's Central Cluster is made up of eight schools—Cleveland School, Eighteenth Avenue School, Burnet Street School, Morton Street School, Newton Street School, Quitman Street School, Samuel Berliner School, and Central High School.

The purpose of the project is to train members of the school community, both educators and parents, in the skills they need to work effectively together on issues affecting the school climate and student learning. The goal of the project is to train teams of faculty, administrators, and parents on how to create learning communities where: First, students stay in school, have increased motivation, and improve their academic performance; second, all members of the learning community work collaboratively for positive change; and third, team members serve as models and resources for their colleagues, creating an environment in which the initiative for change comes from within the school.

The training focuses on developing skills in team building, organizational planning, communication, and problem solving, including conflict resolution. At each school three groups have been established—leadership team, faculty corps, and parents corps. Through these teams each school has created a common goal, a vision for the future development of their school.

This project shows that there are willing participants in the struggle to see positive progress in formal learning and the development of values, self-esteem for our students. I ask my colleagues to join me in thanking the educators and parents who are participating in this program, as they gather at a ceremony in their honor on Thursday, May 13, 1993 for their valiant efforts. Again, congratulations.

IN HONOR OF BOATSWAIN'S MATE SENIOR CHIEF JOHN DOWNEY ON THE OCCASION OF HIS CHANGE OF COMMAND

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STUDDS. Mr. Speaker, I rise today to pay tribute to one of the U.S. Coast Guard's finest; Senior Chief Jack Downey.

Four and one-half years ago, Jack Downey, took command of the search and rescue station at Chatham, MA. Chatham, a town on Cape Cod which I have the privilege to represent, hosts a proud and important commercial fishing fleet. Taking charge of the station was no easy task. Along with the unique, and often treacherous, navigational challenges that Chatham offers, he assumed duties of officer-in-charge at a time when the relations between the Coast Guard and the town's fishing fleet were at an all-time low.

Realizing the importance of that relationship to the Coast Guard's efforts, Jack began what I refer to as coffee mug communication.

By simply walking down to the fish pier to talk—and more importantly—to listen to the concerns of fishermen, he did more to foster good relations with the community than any government-sponsored PR program could ever do. In doing so he gained the respect of a group of people that don't offer respect lightly.

His good humor, and his ability to instill a sense of confident and pride in his crew were also important elements he brought to the job.

As a member of my staff, who as a Coast Guard reservist served under Chief Downey, put it: "Jack Downey was very tough and he demanded the best from his people. During his many training sessions—some would call them interrogations—he could challenge the most self-assured sailor. But, no matter how tough he was, you always had the sense that you were being trained by the best. When you earned his approval, you truly felt there was nothing you couldn't do."

On Saturday of this week, Senior Chief Downey will complete his tour of duty in Chatham to the praise and gratitude of many Cape Codders.

But, of all the accolades he will receive, whether from current or former crewmembers, appreciative fishermen and their families, or from scores of rescued recreational boaters, perhaps the highest honor lies in the knowledge that he leaves Chatham Station a better place then when first he came.

That, I suggest Mr. Speaker, is the highest compliment of all.

Mr. Speaker, on behalf of this body and all the citizens of Cape Cod, I offer Senior Chief Downey a hearty well done and wish he and his family the traditional mariner's salute as they depart for their new assignment just across the sound on the Island of Nantucket: May you have fair winds and following seas.

TIME TO SLAM THE DOOR ON TERRORISTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. GILMAN. Mr. Speaker, the State Department's report on terrorism, issued April 30, 1993, stated: "Until recently, terrorism had receded from the attention of most Americans. Terrorism is now back in the headlines * * * Since the new year, we have had the bombing of the World Trade Center, the killing of two CIA employees outside CIA Headquarters * * * These incidents remind us of our vulnerability to violent attacks."

For far too long, the U.S. overseas visa issuance procedures and operations have been inadequate to meet the challenges and threats of our modern and dangerous world. The State Department's visa watch system, intended to prevent those with links to terrorism and other criminal elements from entering this country, was intended to be our front line defense in preventing such threats from entering the United States. The visa watch system is, in fact, a limited defense at best. It is outdated and badly in need of modernization and bureaucratic overhaul to make it truly effective.

The mistaken issuance of a U.S. visa to Sheik Abdel Rahman, who has been linked to some of the individuals indicted in the recent New York World Trade Center bombing, illustrates the urgent need to reform this system. The State Department's issuance of a visa to Sheik Rahman, even though he was on the visa watch list in the United States Embassy in Khartom, Sudan, and the INS' failure to stop the Sheik while he later traveled in and out of the United States reminds one of the old Abbott and Costello routines of "Who's on First?"

The costs of not making the necessary modernization and bureaucratic changes in our visa system are enormous. The cost of the World Trade Center bombing has been estimated at more than $600 million in property damage and business disruption alone. It took the lives of 6 innocent Americans, including a constituent of mine, and caused over 1,000 injuries. On top of this, an INS official recently testified that each illegal alien who is permitted to enter the United States costs the American taxpayer $30,000 in administrative and detention expenses.

The bill I recently introduced, H.R. 2041, with my distinguished colleague from Maine, Ms. SNOWE and my distinguished colleague from Florida, Mr. MCCOLLUM, will modernize the State Department's visa issuance machinery. It will replace the current microfiche system which is labor intensive, not updated on a timely basis, and easily subject to human error. The legislation will also make the system more accountable by holding the U.S. consular officer who issues the visa responsible for any mistakes relating to the visa lookout system. It will also restore the State Department's access to the FBI's criminal records on aliens who might seek U.S. visas to again travel to this country. Such access will help prevent not only terrorists from gaining entry to this country, but those who have engaged in narcotics and other criminal conduct as well.

The American people are entitled to an overseas visa lookout system that is first rate, modern, effective, and fully coordinated within the U.S. law enforcement community. Our country is entitled to a front line defense against those who would represent a threat to the lives, property, and safety of our citizens, a defense that meets the challenges of this modern era and the new threats that terrorists and other criminal elements present. This bill will bring the State Department's visa system up to date, and provide our State Department with the necessary tools to fight the threat that international terrorism presents to our Nation.

As members of the House Foreign Affairs Committee and Judiciary Committee, my colleagues and I will work together to provide the Department of State, and other U.S. agencies charged with defending our borders, with the necessary tools to protect Americans from the threat international terrorism poses to our society.

PUBLIC SERVICE RECOGNITION WEEK

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. PELOSI. Mr. Speaker, I am pleased to join my colleagues in celebrating Public Service Recognition Week. I commend Congressman MORAN for introducing House Joint Resolution 108 on behalf of the Federal Government Service Task Force, and I thank all of the Members who supported this resolution.

As we enter a new era of change in America, Government workers have an even stronger role to play. Efforts by President Clinton and the new administration to improve the operation of the Government will increase responsibility for the front line workers and ensure that public employees continue their important contributions to society.

Public Service Recognition Week is a part of the annual nationwide celebration honoring the 20 million public employees at the Federal, State, and local levels. This week presents us with an opportunity to thank public employees for their hard work in keeping our cities, States, and Nation running smoothly.

Many Federal, State, and local workers have made special contributions to our country. Government employees have discovered the AIDS virus, invented the first modern computer, developed the vaccine for meningitis, created flame-retardant clothing for firefighters and contributed to countless other societal developments.

Perhaps even more importantly, we would be unable to function as a Nation without the day-to-day dedication of public employees who teach our children, protect our environment, help keep our cities safe, ensure our national security, conduct health research, assist the needy and perform numerous other vital tasks for people throughout the United States. I want to take this opportunity to especially thank the government workers in the San Francisco Bay Area who make it such a great place in which to work and live.

Public employees merit recognition for their daily contributions to the well being of our communities, and I join Americans throughout our nation in thanking them for making this a better and stronger country.

HONORING BYRDIE AND STUART GOULD AND HELAINE AND FREDERIC GOULD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. ACKERMAN. Mr. Speaker, I rise to commend the Long Island division of State of Israel Bonds, which will be holding its third annual Absorption Gala Dinner Dance on Thursday, May 13, 1993, at the Garden City Hotel, in Nassau County, NY. I am proud to state that Byrdie and Stuart Gould, and their son and daughter-in-law, Helaine and Frederic Gould, will be honored at the gala for their efforts and achievements on behalf of the State of Israel.

State of Israel Bonds is an international securities organization offering interest-bearing instruments issued by the Government of Israel. Since its inception in 1951, the organization has secured approximately $13 billion in investment capital for the development of every aspect of Israel's economy, including agriculture, commerce, and industry. Throughout its history, Israel has maintained a perfect record of the payment of principal and interest on the securities it has issued. Now, with Jews arriving from the former Soviet Union, Bonds proceeds are being utilized to absorb these, Ethiopian and other immigrants.

Byrdie and Stuart Gould are true philanthropists whose involvement in local and national organizations, spanning more than 60 years, is demonstrative of their love for and devotion to Israel and Judaism.

During the years that Stuart operated his own certified public accounting firm, he was active in the accountants division of UJA, the United Jewish Appeal. In 1949, he and his family moved to Manhasset, in Nassau County, where he organized the local UJA drive and served as its chairman for 20 years. Currently, he is a UJA chairman in Hollywood, FL, where he also chairs an Israel Bonds dinner. Stuart is a Mason, a member of B'nai B'rith, and a guardian of the American Friends of the Hebrew University in Jerusalem. His activities and selfless contributions have benefited such institutions as North Shore Hospital, Long Island Jewish Hospital, Parker Geriatric Institute, the Jewish National Fund, and the Strathmore Village Civic Association.

Byrdie, Stuart's wife of 60 years, has served as a North Shore Hospital volunteer, first vice president of the Sisterhood of Temple Judea, and editor of the temple newsletter. She was publicity chairwoman of Roslyn Hadassah, and a columnist for the Roslyn News. Currently, she is a chairwoman of Hillcrest UJA, and is secretary and a member of the board of directors of the Gould's condominium in Florida.

Stuart and Byrdie have been honored with many citations and awards. They are founders of Temple Judea of Manhasset, and were instrumental in the acquisition of the temple's property. They have been honored by Israel Bonds before, both in Manhasset and in Hollywood, FL.

Proud of their family who have followed in their footsteps, they are honored to join Fred and Helaine as cohonorees on this notable occasion.

Helaine and Frederic Gould epitomize service to the Jewish community and have repeatedly proven themselves to be dedicated and effective supporters of Israel. Their lives have been characterized by their selfless devotion to the world of Jewry.

An accomplished sculptress, Helaine was one of the original members of the National Young Women's Leadership Cabinet of UJA and as such contributed significantly to its founding and expansion.

She has held many important positions in UJA-Federation's Long Island Women's division and New York Regional division, and has also served on the board of directors of the Sid Jacobson Y and on the national board of the Women's Pro Israel National PAC.

Fred, chairman of the board of BRT Realty Trust [NYSE], One Liberty Properties, Inc. [AMEX], and a general partner of Gould Investors, L.P., is also a member of the board of directors of Bankers Federal S&L. A cofounder and former chairman of the North Shore Cabinet of the UJA-Federation, he is presently a member of the board of directors of UJA-Federation of New York, an associate trustee of North Shore Hospital, and a member of the New York Coalition for Soviet Jewry.

Helaine and Fred have long been active on behalf of the UJA Mission Program, having been involved in the leadership of 13 local and national missions to Israel. Furthermore, they have, on several occasions, been the dinner cochairs of the UJA North Shore inaugural dinner dance.

They are the parents of three children and the grandparents of four grandchildren.

Mr. Speaker, I call on all of my colleagues in the House of Representatives to join me now in lauding the achievements of Byrdie Gould, Stuart Gould, Helaine Gould and Frederic Gould, as they are honored for their unstinting service and numerous accomplishments by Israel Bonds.

OAKLAND UNIFIED SCHOOL DISTRICT DEPARTMENT OF ADULT EDUCATION COMMENDATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. DELLUMS. Mr. Speaker, I rise to recognize the contributions made by the Oakland Unified School District Department of Adult Education [OUSDD of AE]. It is a privilege for me to acknowledge that since 1874 the department has amassed a long and distinguished history of service to the greater bay area. As evidence by the over 28,000 students who enrolled in classes last year, the department continues to work diligently to provide a wealth of quality educational, vocational, and social opportunities for adults and youth who seek personal and professional growth.

The OUSDD of AE is to be especially commended for expanding its collaborations with public and private community-based organizations. Together, they are proactively responding to the needs of our community for new and higher opportunities for our citizens who must constantly address the economic competition and daily complexities of our changing society.

I take this occasion to recognize and commend the tireless efforts of the teachers, students, and staff who work diligently to make the concept of lifelong learning a reality. This program is an outstanding example of the excellent resources that are readily available through our public education institutions.

TRIBUTE TO OLDER CITIZENS OF MINNESOTA'S SECOND DISTRICT

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MINGE. Mr. Speaker, I would like to submit the following proclamation to honor and recognize the older citizens living within the boundaries of Minnesota's Second Congressional District.

PROCLAMATION

Whereas: Older Citizens of the Minnesota Second Congressional District have contributed significantly to the Quality of Life throughout the District; and

Whereas: Without the Influence and Vision of the Older Citizens, this great Minnesota Second Congressional District would not be a Haven of Safety and Prosperity for those who Reside here; and

Whereas: The Older Residents of the Minnesota Second Congressional District represent a "Touch Stone" to the past and hold a keen knowledge of the rich History of our District; and

Whereas: Many Older Citizens of Second Congressional District provide valuable volunteer services which make it possible for the Culture of our area to thrive and grow; and

Whereas: Senior Citizens are Deserving of Honor and Recognition for their Contribution to the Social and Cultural Environment of Minnesota's Second Congressional District;

Now therefore, I, David Minge, Representative of the great Minnesota Second Congressional District, do hereby proclaim May 25, 1993 to be a day of special celebration to honor and recognize the older citizens living within the boundary of Minnesota's Second Congressional District.

REAL REFORM OR JUST TINKERING?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STARK. Mr. Speaker, the Lancet is a British publication comparable to the New England Journal of Medicine. The March 27 edition included an editorial which supports the theory held by an ever-increasing number of policymakers, health care professionals, and others involved in the health care reform debate—that managed competition will not deliver what its proponents promise.

The Lancet editorialist maintains that the administration's rumored mixed approach to manage competition will likely result in class-based access through a multi-tiered system of benefits and eligibility. The writer also warns that reform should not concentrate on redirecting money, but rather a restructuring of the American health care system. We would be wise to recognize that we have embarked on a colossal task. A little tinkering here—a change or two there will not spell reform. I urge my colleagues to read this article and keep it in mind when the critical task of health care reform begins in earnest.

[From the Lancet, Mar. 27, 1993]

U.S. HEALTH REFORMS: CLICHÉS, COST, AND MRS C

The US Office of National Health Statistics, in a pair of articles, has crisply sketched the central problem facing President Clinton, the US Congress, and the business community in overhauling the American health care system. This overhaul takes place against a background of free-market economic theory's influence on the delivery of US health services (see p 805). In 1971, when President Nixon officially acknowledged the health cost crisis that many had observed during the 1960s and declared that the American health care system was near to collapse, expenditure stood about $75 billion or 7.6% of gross domestic product (GDP). It was said at the time that if health care exceeded $100 billion, the American economy would begin to crumble. Nixon and Congress broke ground with laws that reviewed and rationalised new facilities, strengthened planning, subjected physicians' clinical decisions to peer review, and sponsored HMOs (health maintenance organisations). The result? By 1980, expenditure stood at $250 billion or 9.2% GDP.

Declaring that "regulation doesn't work", President Reagan and business leaders launched the most concerted effort in modern medicine to use markets and competition as the weapons for containing costs—and by 1990, expenditure stood at $666 billion or 12.2% GDP. The new projections are that US health care expenditure, already over $900 billion or 14.1% GDP this year, will reach $1740 billion or 15.1% GDP at decade's end. Sloping up into the overcast sky of the 21st century, like a plane taking off from the runway, are estimates for nursing home costs and for federal expenditure.

Meanwhile, private insurance companies have been helping employers hold down their premium increases through hundreds of "managed care" programmes that largely amount to shifting costs either directly back to workers through deductions of the first $500–1000 of medical bills and requirements that workers pay 10–20% of all bills up to a ceiling of $2000–2500, or indirectly by driving hard bargains that lead providers to charge more to others. Americans pay far more out of pocket—25% more—than do citizens in any other industrialised country, but several American business leaders swear that costs rise so fast because Americans are "overinsured". None of the nations that have better controlled their expenditures holds this unrealistic belief.

At the same time that costs are soaring, the new data show that more and more citizens have either less insurance coverage or no health insurance at all. More than 1 in 7 Americans are uninsured, a figure that rises to 1 in 4 among the working poor. Only 12.5 percent of these uninsured did not work in 1991. Private insurers and employers dropped 2.2 million more people from their rolls between 1990 and 1991. Increasingly, they are denying coverage to people at high risk. But it is the "Swiss cheese" policies, full of holes in coverage—for example, through exclusion clauses for pre-existing conditions and through payments limited to "allowable charges" set well below the prevailing fees—that are hitting the middle class and the medical profession and have them up in arms.

The Clinton proposal is likely to combine universal coverage with some form of managed competition to hold down costs. The former might end uninsurance and Swiss cheese policies, depending on how truly universal the coverage provision are for part-time workers, seasonal workers, laid-off or redundant workers, the self-employed, and all those working for the 95 percent of businesses that employ fewer than 50. Even the, employers seem increasingly loath to provide health benefits as they transform full-time workers to what the Wall Street Journal calls "a temporary or sub-contracting nether world * * * [of] a just-in-time, barebones and cheaper work force * * * [that is] seeping like a mist into every corner of American livelihood * * *." Universal health insurance seems like betting on a horse that is running away form the track.

Exacerbating this problem the kitchen cabinet that Hillary Clinton has assembled will apparently propose a mandatory package of basic health services and then allow competing insurers and health service groups to offer other, presumably richer, packages. It is difficult to imagine how managed competition will not result in class-based access through a multi-tiered system of benefits and eligibility. Moreover, both insurers and health service groups will find it easiest to "compete" via favourable selection of healthier groups. The United States can readily avoid these difficulties, as virtually every other country does, by making the basic package so comprehensive that virtually nothing is left out except private hospital rooms and private nurses. When people are sick, they and their doctors want access to whatever they think will help.

The version of managed care apparently favoured by the Clintons was developed by the Jackson Hole Group (p. 816), an influential mix of millionaire academics, industrialists, providers, and insurance executives who meet regularly at the home of Paul Ellwood, a physician of extraordinary dedication and creativity in health policy over the past quarter century. Unfortunately, the Jackson Hole version has many purchasing consortia ("sponsors") and insurers, as well as many streams of private money coming in, so that budget caps are not possible and many potential savings cannot be captured. Administrative costs will be high, and the detailed managing of clinical work is likely to increase. Mrs. Clinton's recent claim that her proposal will save $200 billion in administrative costs is wholly unrealistic. Moreover, the evidence from a decade of experiences with managed competition in certain cities (eg. Minneapolis), in the Medicaid programmes of Arizona and California, and in certain large corporations indicate modest savings at first and then a setting in of a few large provider organizations. As John Kenneth Galbraith observed nearly 40 years ago, oligopolies do not compete on price because they could drive each other into bankruptcy.

In short, the Jackson Hole plan for managed competition is likely to be inequitable and costly. As the Wall Street Journal remarked on the Clinton proposal, "Most countries do it a simpler way. They collect taxes from the people and businesses, and then use the money to pay for medical care for everyone. As the sole buyer of care, the government sets hospital budgets and in some cases even controls the number of people entering the field of medicine, or decides which technologies a physician or hospital is allowed to buy. The result: universal access and contained costs." One might add that businessmen in other countries are delighted not to get tangled up in health care.

At the centre of the problem are America's private insurance companies, which is perhaps why the Jackson Hole plan has been dubbed the Insurance Industry Preservation Act. If managed care is built around purchasing consortia, why have the extra layer of insurance companies at all? Aside from giving them a way to profit (a word almost never used in American research on health insurance) from their administrative skills, there seems to be no reason. However, American insurers have thoroughly discredited themselves during the past decade by showing how "skillful" they can be at avoiding high-risk subscribers and delaying payments of legitimate claims. One can hardly go to a family or neighborhood gathering these days without finding someone with a harrowing story of what have now become standard techniques—unreadable claims forms, rejected claims for lack of a trivial piece of information, "gotcha clauses" that allow legitimate claims to be rejected because the patient failed to call a number before going under the knife, shunting of patients between different insurers when they have more then one, and just plain delays. In the case of serious illness, this results in file boxes of insurance forms and correspondence for each doctor, laboratory, and hospital as patients try to recoup the money that is rightfully theirs. The most profitable tactic of all is to reject claims, because most people lack the time and resources to fight. Using the subpoena power of the U.S. Congress, Senator Sam Nunn of Georgia has documented how some health insurance companies sit of claims forms so that they can collect most interest on the premium income. Why the Clintons are so soft on the insurance industry is hard to explain, unless it has something to do with all the money the industry spends buying political influence as the most powerful and quietest lobby in the USA.

Mrs. Clinton, sensing that the Jackson Hole version of managed competition is likely to be very complex, inequitable, and costly, is rumored to have another cabinet behind the kitchen, in the pantry, cooking up a much simpler fall-back plan to "universalise" Medicare. Others, looking at a way of overcoming the polarised choice between the Jackson Hole Group and direct federal initiatives in cost containment, have a compromise—managed competition within a restricted budget. This approach would require all individuals and employers to share the cost of health insurance through regional health insurance purchasing cooperatives (HIPCs) under federal budgetary control. HIPCs would contract with HMOs to provide care for consumers who could choose their plan annually. The benefit package would be uniform (a "benchmark plan") and consumers would choose on the basis of both cost and quality. Federal government would set global budgets within which HIPCs will have to operate and would initiate research into practice guidelines and assessment technology.

The trouble with so many of these schemes is that they concentrate on redirecting money, when the needs for the 21st century also call for a restructuring of services towards community-based health care. The leading edge of the UK National Health Service reforms is moving in this direction, away from competition within a single payer towards a budget-capped integration of preventive, community, primary, and secondary-care services centered around one's chosen personal doctor. It makes a lot of sense.

CONGRATULATIONS TO MINNESOTA'S SMALL BUSINESS PERSON OF THE YEAR

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. RAMSTAD. Mr. Speaker, I rise to offer my heartfelt congratulations to Arlene M. DeCandia of the Riverwood Conference Center in Monticello, MN, who was recently named the small business person of the year in Minnesota.

As the only member from Minnesota on the Small Business Committee, I was privileged to attend a special awards breakfast May 7 to honor Arlene DeCandia. I must say I was extremely impressed both by Arlene personally and by her remarkable achievements.

She started building Riverwood Conference Center 14 years ago in an undeveloped alfalfa field overlooking the Mississippi River near Monticello.

Through hard work and tenacity, she has developed Riverwood into the Nation's largest privately owned conference center.

Today, Riverwood consists of over 65,000 square feet of building space, lodging for over 100 guests, a restaurant, 12 meeting rooms and 58 acres of landscaped grounds. The center hosts an average of 35,000 visitors and more than 1,000 meetings annually.

Mr. Speaker, small businesses like those owned by Arlene DeCandia are absolutely critical to our Nation's economy. Small business people like Arlene DeCandia, who create the jobs we need to put people back to work, are true heroes.

I want to salute her for her strong contribution to our country and heartily applaud her as the Minnesota small business person of the year. Congratulations.

A TRIBUTE TO YOLANDA RUIZ

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MOORHEAD. Mr. Speaker, it is a privilege for me to come before my friends and colleagues in the U.S. House of Representatives to recognize and pay tribute to a longtime employee of the county of Los Angeles, Yolanda Ruiz.

For more than two decades, Yolanda Ruiz has been the perfect paradigm of the public servant. She has always been informed, helpful, and gracious. She was dignified when dignity was called for; she was strong when strength was needed; she displayed a sense of humor when things got too serious. Her class has always been obvious; her panache easily apparent.

As an advocate for county residents, she always represented their interest before the delegation with intelligence, fairness, and efficiency.

As the Federal representative for the largest urban county in the country, Yolanda Ruiz has immeasurably assisted both the country and the Federal Government in dealing with the difficult issues of our day in the areas of law enforcement, health care, employment, education, business, and economics.

Just last year she played a critical liaison role between Washington, DC, and the county during last year's tragic Los Angeles riots.

Mr. Speaker, if all public servants were like Yolanda Ruiz, we would be held in the highest regard. If all public servants served with the same charm and ability of Yolanda Ruiz, public service would be an esteemed and sought after occupation.

Mr. Speaker, I am not speaking for the Los Angeles County Congressional Delegation, but I know that none of my colleagues in the delegation would disagree with what has been said and written on her behalf.

I also know that my colleagues and I are grateful to Yolanda Ruiz for all her contributions to good Government, for her friendship, and for her charitable spirit.

Mr. Speaker, Yolanda Ruiz is a grand woman. I wish her the very best.

TRIBUTE TO RICHARD ANDREW COCHRAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. ZELIFF. Mr. Speaker, as we celebrate small business week, I would like to take this opportunity to recognize an exceptional young man from my district, who has been named the New Hampshire and New England Small Business Person of the Year. We must never forget that small business is the engine that drives our economy and it's people such as Richard Andrew Cochran (Andy), that will continue to make America number one. Andy is an inspiration to small business people everywhere.

Mr. Speaker, I would like to enter into the RECORD an excerpt from the Small Business Administration's program about the small business people of the year. I would like everyone to be able to acknowledge the significant accomplishments of Richard Cochran.

Congratulations, Andy, on this prestigious achievement.

STATEMENT FROM THE SMALL BUSINESS ADMINISTRATION PROGRAM FOR SMALL BUSINESS WEEK AND SMALL BUSINESS PERSONS OF THE YEAR

There is an art to being a businessman, and there is a business side of art; Andy Cochran has mastered both. From pottery peddled out of a pushcart 20 years ago, Andy has built a company that sells its wares through more than 6,000 retail outlets nationwide as well as its own factory outlet store. With his unique blend of talents as artist, salesman and entrepreneur, Andy created 65 jobs in the Dover area; he and his employees produce over 300,000 units per year for annual sales of more than $2 million.

Andy's pottery combines time-honored salt glazing with contemporary designs and uses. In a time of economic hardship, Andy built his company by investing in research and development, broadening the product line, automating the kiln-firing process and introducing machines to a portion of the manufacturing process. Salmon Falls Stoneware now makes more than 100 shapes in combinations of 17 patterns. Every piece is hand-decorated.

Andy and his company have had a long and successful relationship with SBA, first with SCORE counselors in the '80s, then with a loan that helped buy equipment. Today, he and his crew work out of an old railroad engine house converted into a pottery studio and retail sales shop. Andy bought the entire 10,000-square-foot building with the help of an SBA loan in 1990.

"Andy the Potter" changed the name of his company to Salmon Falls Stoneware in the mid-'80s because, as he puts it "my role is no greater than the role of every potter, decorator and kilnmaster who works here." That kind of generosity is also seen in his contributions to the community: he donates thousands of dollars worth of pottery to charities for auctions and raffles, contributes tons of clay to schools and other organizations, and gives studio tours for schools and other organizations in the Dover area.

TRIBUTE TO RAY G. KELLY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. TALENT. Mr. Speaker, I rise today to recognize Mr. Ray G. Kelly, who I am proud to represent from the second district of Missouri. Mr. Kelly is president of the Angeles Group, Inc., and is being honored as Missouri's small business winner in conjunction with the 30th annual Small Business Week here in Washington, DC.

Angeles Group was a 25-year-old company in Los Angeles with five employees and $650,000 in sales. In 1986, Mr. Kelly relocated the company to Missouri with the goal of producing high-quality preschool toys and equipment to encourage better child development. Today, the firm markets its extensive product line in the United States and five foreign countries. Two years ago, with the help of a Small Business Administration loan, Mr. Kelly more than doubled his facilities in 1991, and will nearly triple that with the SBA loan which was granted in 1992. In 8 years the Angeles Group grew to 65 employees with annual sales of $6.7 million. The company expects to employ 180 by 1996.

Mr. Kelly's interest in his business and in childhood development includes involvement with the National Association for Education of Young Children, the School Supply Dealers Association, and the Head Start Association. In 1990, when his company was rapidly expanding, he also became president of the Missouri Venture Forum, a nonprofit group which brings together people interested in helping entrepreneurs. The organization had suffered declining membership, poor attendance, and had severe cash-flow problems. Since Mr. Kelly took over, membership has tripled and attendance and cash-flow have dramatically improved. In 1991, Mr. Kelly was named the Manufacturing Entrepreneur of the Year for St. Louis.

Additionally, Mr. Kelly is committed to public service. Each Christmas, Mr. Kelly and his employees volunteer time to construct tricycles for the Toys for Tots Campaign. These tricycles are made of parts that were rejected for minor cosmetic flaws.

Mr. Kelly is in town attending the 30th annual Small Business Week. A national small businessman of the year will be chosen at this conference. I wish Mr. Kelly well at this upcoming conference.

Mr. Speaker, it is truly an honor to represent such an outstanding individual.

TRIBUTE TO THOMAS E. SCHNEIDER

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. KING. Mr. Speaker, I rise today to recognize Thomas E. Schneider from the community of North Babylon, Long Island for his dedication to law and order and his long service to the residents of Nassau County, NY, as an officer in the Nassau County Police Auxiliary.

Mr. Schneider has devoted much of his life to law enforcement, serving with the United States Army in Germany for 3 years as a military police investigator. Mr. Schneider's dedication to protecting and preserving life, limb, and property was such that he devoted his valuable time and expertise as a volunteer with the Nassau County Police Auxiliary.

As a deputy inspector with the auxiliary, he supervised auxiliary police operations in the communities of Bethpage, Plainedge, and Hicksville in my Third Congressional District. His devotion to duty and concern for his fellow citizens is indeed worthy and deserving of our recognition and of our thanks.

I am sad to report that Mr. Schneider is currently in failing health. I would like to extend my best wishes for his recovery and ask the residents of the third Congressional District to remember him in their prayers.

NEW YORK TOWN OF GREENFIELD CELEBRATES BICENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. SOLOMON. Mr. Speaker, as far as I'm concerned, few districts in this great Nation are as rich in history as the 22d of New York.

The Saratoga County Town of Greenfield will celebrate its bicentennial this summer, but its history extends far beyond 1793. I'd like to say a few words about that history today.

We know that in 1642 Mohawk Indians traveled across what is now Greenfield near Lake Desolation. In 1693, a large force of French and Algonquins, with about 300 captive women and children, were chased across Greenfield by Lt. John Schuyler.

The first three-quarters of the 18th century was a period of conflicts with Indians, which hampered white settlement. The first of those white settlers was Preston Denton from Dutchess County, although some claim it was Gershom Morehouse, who build the first sawmill and gristmill. The first large influx of settlers was in 1786. The first store, the first tavern, and the first church were built within the next 5 years. The town charter was signed in 1793, although the town was first called Fairfield. The northern part of the town was cut off to form the present town of Hadley in 1801, reducing Greenfield to its present proportions.

Farming was the primary occupation in those early years, but many residents soon went to work in the various mills, carriage shops, hotels, and stores that were built.

The town of Greenfield has prospered since then, attracting new residents with its rich and diversified natural resources and fertile land. But despite the bewildering flux of change in America, especially in late 20th century, Greenfield has never lost its smalltown charm. It is that special quality that town officials will celebrate June 5 on Heritage Day.

Mr. Speaker, I ask you and other Members to celebrate that special quality with me. Please rise with me to wish the town of Greenfield a Happy 200th Birthday.

TRIBUTE TO B.P.O.E. LODGE NO. 275 ON THE OCCASION OF THEIR 100TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FISH. Mr. Speaker, I rise before you today to recognize and pay special tribute to the Poughkeepsie Lodge No. 275, of the Benevolent Protective Order of Elks. We are celebrating their 100th anniversary, a culmination of the achievements and many years of dedicated service of the lodge. Throughout these years, the lodge has been a pillar of the community and a model of service for all.

As a member of Lodge No. 275, I am well aware of the outstanding contributions that have been made over the years that have greatly benefited the people of Poughkeepsie. My brothers host such functions as Flag Day, Mothers Day, and Veterans Day ceremonies. Youth activities are held and scholarship funds raised. In the past year alone, the Elks were able to donate over $35,000 to local charitable organizations. I am therefore honored to offer my best wishes on this historic occasion, and I commend all of the lodge members who have contributed to this success.

Mr. Speaker, I ask all my colleagues to join me in congratulating these upstanding citizens at the Elks lodge during the celebration of their 100th anniversary as an active unit. I know they will continue to provide invaluable service to our community in the years to come.

SOME PEOPLE WILL NEVER GET A PIECE OF THE ROCK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STARK. Mr. Speaker, the task of health care reform is probably the most important and far-reaching task this Congress will undertake. It is our responsibility to ensure changes that result in health care reform for the people who are suffering and need it most.

Simply stated, our mission is to provide equal access to adequate health care for everyone. This is much easier stated than actually accomplished. Rumors abound and speculation is plentiful about the White House's health care reform proposal. The most often repeated rumor is that the White House will propose some form of managed competition.

I have been warning against the dangers and pitfalls of managed competition for months. The Congressional Budget Office says managed competition will not save money or help to contain costs. And an increasing number of noted health professionals are telling us that managed competition will probably result in the urban and rural poor not being served much more effectively than under the current system.

This fear was reinforced during a recent hearing of the House District of Columbia Committee. The hearing examined the potential impact of the various health care reform proposals on residents of the District of Columbia. Proponents claim that this managed competition will be miraculously different—everyone will be covered. We must not allow ourselves to be duped by the proponents of managed competition—huge insurance companies, for-profit hospitals, and big pharmaceutical companies.

I want to share with you the testimony of one of the members of the Alliance for Managed Competition, the Prudential. This testimony supports my worst fears about managed competition—the same people who are left out or subject to inadequate care now—will just get more of the same under the managed care proposals I've seen.

The Prudential submitted written responses to questions which clearly stated that they have many providers who don't want poor people in their waiting rooms and would not participate in a managed care operation that included large numbers of Medicaid clients.

Mr. Speaker, I urge my colleagues to read this portion of the testimony and keep it in mind as we begin the debate on the best health care reform for everyone—not best for big insurance companies, doctors and hospitals—not best for corporate America, and not best, just for the middle class—but for everyone.

> Currently, only Chartered Health Plan offers insurance to 16,000 of the District's 100,000+ Medicaid population—an IPA model HMO. Are there requirements placed on insurers by the Insurance Commissioner that limits the ability or interest of insurers to contract for Medicaid enrollees? If similar restrictions were extended to all AHPs—like a requirement on insurers to contract with District hospitals—how would this influence your decision as to whether to participate in a D.C. HIPC?
>
> There are obstacles to participating in the Medicaid market, but they are not placed there by the Insurance Commissioner. Most prohibitive is the fact that when we investigate participating in the D.C. Medicaid market, we discovered that rates paid were lower than Maryland's even though there is no evidence that the costs of caring for D.C. residents would be any lower than Maryland residents.

There were other unattractive contract provisions as well. For example, the District requires that, if an HMO serves Medicaid recipients, all the HMO's providers must serve Medicaid recipients in all their offices. We knew that some of our providers who do not currently serve Medicaid recipients and whose practices are located in areas where there are few Medicaid recipients, would drop out of our network if we required them to serve Medicaid recipients. Rather than jeopardize our provider network we elected not to participate. Maryland has no such requirement, but allows us to designate a provider network for Medicaid which is chosen to be located in the necessary communities to promote access to care.

In Maryland, the State also effectively protects HMOs against the impact of certain catastrophic illnesses like AIDS by offering "stop loss" provisions in its contract. D.C. offers no such protection.

In terms of restrictions upon AHPs, we'd have to examine each to determine whether, singly or comulatively, they would influence our decision whether to participate in a D.C. HIPC. For example, we have no objection in theory to contracting with District hospitals—we do already—but we would not wish to be required to contract with all D.C. hospitals. To do so would destroy our ability to require a hospital to meet quality of care standards, to say nothing of negotiating reasonable fees. For example, we have high standards for quality assurance. But a hospital that couldn't be cut from the network could ignore them and we would be powerless to do anything about it.

INTRODUCTION OF DUTY SUSPENSION LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would extend the expiring suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines. The extension of this duty simply would amend the Harmonized Tariff Schedule of the United States by striking the date of December 31, 1992, and inserting in its place, the date, December 31, 1998.

This suspension has been in effect since October 1988. In fact, this proposal was part of legislation considered and approved by the House last year. Since the suspension has expired, foreign exporters now have an advantage over U.S. manufacturers. This is of great significance to our manufacturers since copier parts are imported at 3.9 percent ad valorem and generic parts used in copier manufacturing are imported at even higher rates. There then exists incentive to manufacture offshore since foreign manufacturers of finished copiers exporting to our country have an advantage over those who manufacture on our soil.

We must be able to maintain competitive manufacturing costs. A strong manufacturing base is key to this Nation's competitive advantage and success.

THE CROATION SONS LODGE NO. 170 CELEBRATES 85TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croation Sons Lodge No. 170 of the Croation Fraternal Union on the occasion of their 85th anniversary.

This year the Croation Fraternal Union will commence at the Croation Center in Merrillville, IN. Traditionally, the anniversary ceremony includes recognition of members who have achieved 50 years of dedicated membership. Honorees who will rejoice in 50 years of allegiance include: Frances C. Ballard, Zenka M. Barancyk, Kathryn Batusic, Anna Briski, Jeff Cogelja, Dorothy Cunningham, Madeline Johnson, Rudolph A. Markovich, Edward Milosevich, Jack Pavisich, Adolph Pericak, Mildred Pratt, Frances M. Ryczek, Walter Skrobot, Mary Solay, Anna A. Sommers, Anne E. Sperko, Frank Svaco, Mary Uhrin, Helen Visclosky, and Anna Yeager. Including these loyal individuals, there are a total of 234 lodge members who have attained this status.

This memorable day begins with Mass at St. Joseph the Worker Catholic Church in Gary, IN, officiated by the Reverend Father Benedict Benakovich. The regular monthly meeting will follow, and is to be succeeded by the anniversary banquet. Croation Fraternal Union National Vice President, Mr. John Sicko, will be this year's distinctive guest speaker. Festivities shall be enriched by the music of the Croation Glee Club, "Peradovic" directed by Brother Walter Kazic, and by the Hoosier Hrvati Adult Tamburitza Orchestra, directed by Roko Abramovich. The Croation Fraternal Union Kolo dancers, under the direction of Sister Angie Dezelich, as well as the Drina Tamburitza Orchestra with Brother Jack Tomlin, will also entertain.

It is my special pleasure to commend Lodge President Elizabeth Morgavan, as well as every member of the Croation Fraternal Union Lodge No. 170, for their loyalty and radiant display of passion for their ethnicity. It is my hope that this year will bring renewed hope and prosperity for all Croation community members and their families. May this 85th anniversary celebration prove to be most joyous.

NATIONAL GUILD OF HYPNOTISTS

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. ZELIFF. Mr. Speaker, New Hampshire State Representative Dennis H. Fields recently brought to my attention the activities of the National Guild of Hypnotists. At the request of Representative Fields, I am sharing his information with my colleagues.

The basic objectives of the National Guild of Hypnotists are: "to provide an open forum for the free exchange of ideas and to actively pursue due recognition of the importance of hypnotism for mankind." The National Guild of Hypnotists is pledged to constantly strive to establish and maintain a high code of ethics and to encourage continuing education and high standards for all individuals and organizations in the in field of hypnotism and hypnotherapy.

Advisory board members have been enlisted from the major healing arts and other professions to provide a comprehensive pool of professional opinions and philosophies. A strong code of ethics guides members as they serve the public and other professionals. Researchers find the National Guild of Hypnotists to be a valuable resource for books, audiotapes, and videotapes and their widely read publications, the Hypno-Gram and Journal of Hypnotism.

Hypnosis has been used through the ages, but first started to be utilized more widely after recognition as a valid therapy by the British Medical Association in 1955 and the American Medical Association in 1958. The U.S. Department of Labor recognizes the occupational title of "hypnotherapist," and hypnotherapy is rapidly gaining recognition as a separate and distinct profession.

The National Guild of Hypnotists has initiated and continually upgrades basic and postgraduate educational resources for the benefit of students, practitioners, and the general public. Alternative therapies studies rank hypnotherapy as one of the most highly favored by the general public.

Annually, a thousand or more hypnotists come from around the world to New Hampshire for what has become known as the world's largest and friendliest hypnosis convention and educational conference. During the 42d year of the National Guild of Hypnotists, we should commend and encourage them by recognizing their outstanding past accomplishments and wishing continued growth to this unique organization and its dedicated members.

GLENS FALLS CEMENT CO., OUTSTANDING CORPORATE NEIGHBOR FOR 100 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. SOLOMON. Mr. Speaker, on June 19 of this year, the Glens Falls Cement Co. will celebrate 100 years of being an outstanding corporate neighbor.

Festivities will actually begin the night of June 18 with a dinner cruise on Lake George, and will include a community-wide open house.

Mr. Speaker, I would like to take this opportunity to say a few words about Glens Falls Cement Co. and how it has made such a positive mark on the area.

The company was incorporated on June 17, 1983, to manufacture cement from limestone deposits found on the banks of the Hudson River. The present quarry on the river's south bank was opened in 1906 and provides 750,000 tons of rock a year.

The plant employs 130 people and has the capacity to produce up to 550,000 tons of cement every year. Its products include a variety of portland and masonry cement all bearing the "Iron Clad" trade name.

But the importance of Glens Falls Cement goes far beyond its manufacturing activities. Its involvement in civic and cultural affairs is equally important. As part of its centennial, the company is underwriting restoration of "The Nuremberg Chronicle," an epic work published in Germany in 1493, and currently owned by the nationally renowned Hyde Collection of Glens Falls. This priceless work contains 645 hand-colored woodcuts.

Glens Falls Cement has also made a special contribution to the Glens Falls Symphony. The company will underwrite the composition of a work to mark the centennial of the Adirondack Park. The symphony will premiere the work during its next season.

Students from area schools will participate in buying a time capsule at Glens Falls Cement during the open house program. Those students have been asked to write letters addressed to students in the year 2093. Letters from area government and business officials, current newspapers, television film, brochures of area attractions, and other memorabilia also will be placed in a time capsule housed in a special cement vault provided by the Fort Miller Co. The cite of the capsule will be marked by an engraved plaque.

As you can see, Mr. Speaker, the presence of Glans Falls Cement has enhanced the quality of life for our area in many ways.

It is my privilege to ask all Members to join me in wishing Glens Falls Cement Co. a happy 100th birthday, and continued success in the 21st century.

THE UNITED BLACK FUND CELEBRATES 21ST ANNUAL VICTORY LUNCHEON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. DELLUMS. Mr. Speaker, I rise today to enthusiastically extend my heartfelt congratulations to the staff of the United Black Fund [UBF] in celebration of its 21st Annual Victory Luncheon.

This year I would like to commend the many member agencies and the staff of the UBF for their continuous work in serving the needs of our community. It is my understanding that the UBF funds over 70 community agencies in the Washington Metropolitan area. These programs include caring for senior citizens, treating substance abusers, and sheltering the young. As a former social worker myself, I have deep appreciation for the commitment it takes to serve the community.

I believe it is important to recognize the contributions of the unsung heroes in the community. As you may recall, there was a time when the family attended to the needs of the less fortunate in the community. Times have changed. Today community organizations are a necessity in providing services of all types to those in need. Community workers answer the call of those in distress and unselfishly put the concerns of others above their own. This is an attribute of the community worker that deserves praise and respect.

As a Member of Congress, I know that community organizations are doing more with less. As the problems in our community increase, the dollars appropriated to address them decrease. On many occasions, I have taken to the floor of the House of Representatives, to inform my colleagues of the pain and agony suffered by people in our community because of lack of funds. Nevertheless, each year the UBF gives me reason to be optimistic, because they remind me that the human spirit can persevere and overcome obstacles placed in our path. Indeed, we are our brothers' and sisters' keeper.

It is important that community workers know that their work is appreciated by others. It is because of their tireless efforts that seniors are cared for, the young are directed, and the addicted have hope. There are not enough accolades to bestow upon the UBF and its staff for continuing to meet the unmet needs of the most deserving.

Once again, I ask my colleagues to join me in recognizing the valuable contributions of the many community agencies funded by the UBF and Dr. Calvin W. Rolark. I remain hopeful that the UBF will continue to meet the challenges placed before it.

A SALUTE TO MARGARETTA PALMER

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Mrs. Margaretta Palmer, for her service to the Intergenerational Program of the Philadelphia Housing Authority.

Mrs. Palmer volunteered her time to the Intergenerational Program for 8 years. As a member of this program, she took the time to share her love with students enrolled in the PHA Day Care and Head Start Centers, joining them in numerous educational, cultural, and recreation activities. Presently, Mrs. Palmer is a member of the advisory council for the Intergenerational Program.

Mrs. Palmer was also a member of the Tasker Older Adult Center from 1987 to 1992, serving as its president for 4 years. As president, Mrs. Palmer was directly involved with planning the center's agenda of food programs, cultural events, trips, and other activities of interest to the seniors community. Presently, Mrs. Palmer, at the age of 91, still spends her time working at the St. Rita Senior Center.

I wish to join with Mrs. Palmer's friends and coworkers in thanking her for all the time she has spent serving the students and senior citizens of Philadelphia. We are honored to have her as a member of our community.

HONORING RANDOLPH R. CORNELL AS THE TENNESSEE SMALL BUSINESSPERSON OF THE YEAR

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. LLOYD. Mr. Speaker, I am here today to honor Randolph R. Cornell, the recipient of the Small Business Administration's Small Businessperson of the Year Award for the State of Tennessee. Mr. Cornell, president of Reliable Heating and Air Conditioning Co., Inc., is a sterling example of individual innovation, hard work, and diligence. He has built his company from a one-man shop in 1972, to a $4 million enterprise employing 40 people today, with a reputation for meticulous and responsive customer service.

Mr. Cornell's personal fairness and generosity have earned him a reputation beyond that of simply a good businessman. As the low bidder for a job to rebuild the Salvation Army building after a fire, he finished below cost and donated much of the insurance money back to charity. Caring and involved treatment of his employees and others associated with his business has brought him respect and appreciation.

Mr. Cornell also stays active in his community, attending church regularly, serving on the Salvation Army board, and tutoring the illiterate.

I want to extend my personal congratulations to Mr. Cornell for being chosen by the Small Business Administration, and my heartfelt thanks for his dedication to his business and community and the good he has brought to both.

HONOR THE NUCLEAR WEAPONS TESTING MORATORIUM

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, like many people across the country and across the world, I have great concern about the proposal for the United States to resume nuclear weapons testing. I have heard some people say that we will only test small nuclear devices, but nuclear weapons, no matter how small, are still nuclear weapons.

The United States stands today as the last remaining superpower. As such we have a great responsibility to lead the world of nations, and to lead in a positive way. We, and other countries, have previously pledged to honor a moratorium on nuclear weapons testing. It would be a mistake for us to violate this moratorium.

We can only hope for other nations to follow if we lead by example. One example we should set is to continue to honor the moratorium on nuclear weapons testing and to encourage other countries to likewise agree not to test nuclear weapons.

ABANDONED LAND REUSE ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MFUME. Mr. Speaker, today I introduce the Abandoned Land Reuse Act of 1993 to provide much needed assistance to communities blighted by abandoned industrial lands. Such lands dot the landscape of many of our communities—communities often financially unable to redevelop them.

The bill establishes a grant program funded at $100 million each year for 3 years, providing an infusion of capital to distressed areas. Through this program, jobs will be created, tax bases increased, and neighborhoods improved. Additionally, public health and environmental hazards presented by degraded industrial lands will be reduced.

My own congressional district is home to abandoned industrial sites, serving as testament to the problems belying communities and neighborhoods plagued by deserted industrial complexes. Vacant bottling plants, steel factories, and chemical companies degrade neighborhoods. Remnants of former industry undermine the economic health of communities and propel their decline.

To reverse this trend, grants equaling 75 percent of the costs of redeveloping the land will be provided on a competitive basis. State and local agencies and community development organizations receiving these grants will be required to contribute 25 percent of the share of site rehabilitation. The resulting improved properties can be used by light industry, technology, or even retail establishments, and will serve as catalysts to the revitalization of entire neighborhoods. To ensure returns are experienced on the Federal Government's investment, up to 85 percent of proceeds recovered in excess of the 25 percent non-Federal contribution will be used to reimburse the Federal grant.

Highest priority for grant awards will be given to the most economically and socially distressed communities. Criteria established for selection of grant sites include the degree of distress experienced by a community, the relative commitment of State and local grantees to the successful implementation of the demonstration program, the relative number of abandoned sites in the State, job training and employment opportunities generated by that project, and the potential intergovernmental agency cooperation and possible public-private partnerships.

The Housing and Urban Development Secretary will approve the demonstration grant proposals, or delegate the responsibility to a State's Governor with respect to the demonstration project sites in that State. The Secretary may even waive the 25-percent non-Federal contribution in the event the net proceeds realized from the transfer of the site will approximate at least 25 percent of the eligible costs of carrying out a reuse action at the site.

Again and again we hear about the need to invest in our Nation's infrastructure. Remediation of existing industrial sites, even if they have been neglected, can rely on existing infrastructure. Resources already at our disposal will be regenerated rather than be squandered.

Job training opportunities would be created as part of the ripple effect of redeveloping sites. Specifically, one of the key criteria in selecting the sites for funding is the resulting employment opportunities to be generated. Certainly, a program that improves existing infrastructure, creates jobs, and eliminates health and environmental hazards merits implementation.

Already nationwide enthusiasm has been expressed for this legislation. Senator DON RIEGLE has introduced this legislation in the Senate, where it has been well-received by a wide cross-section of Senators. The Northeast-Midwest Institute and the Congressional Northeast-Midwest Coalition have promoted the concept of reuse of old industrial structures and sites.

Few communities with an industrial base are exempt from the problems created by abandoned industrial sites, and few would hesitate at the opportunity to redevelop them and eliminate a source of blight and decay. This legislation will offer the incentive to help communities overcome the difficulties surrounding redevelopment of potentially contaminated industrial sites.

I look forward to providing a resource for those communities eager to propel their economies forward and improve the surrounding health, environmental, and employment conditions. The Abandoned Land Reuse Act will achieve these two complementary goals in an efficient and cost-effective manner and reinvigorate cooperation between government and community development organizations.

I encourage support for and cosponsorship of this grant program by other Members given its broad application to communities nationwide.

A TRIBUTE TO BRENDA PERSON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Ms. Brenda Person, community activist and leader in the North Philadelphia neighborhood.

Since 1990, Ms. Person has been assistant to the president of the Beech Corp. of North Philadelphia. In this role, she has been instrumental in the corporation's work to revitalize the economic and social climate of the Cecil B. Moore area and other neighborhoods in north-central Philadelphia. She has assisted the Beech Corp. in giving out grants to nonprofit groups in the Cecil B. Moore corridor of Philadelphia. Most importantly, she has helped form a dialog among community residents, business persons, and government officials to develop and implement neighborhood improvement programs.

Ms. Person is the past president of the South of South Neighborhood Association. As president, she worked to develop procedures for the input of concerned citizens into the work of local development agencies.

I stand today with Brenda Person's friends, family, and colleagues to thank her for all the selfless work she has done for the people of North Philadelphia. She has helped to make this neighborhood a better place for everyone.

A TRIBUTE TO CORLISS GRAY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mrs. Corliss Gray. Mrs. Gray has dedicated her life to Philadelphia, the city she has always called home. She has fought to improve the living conditions of African-Americans and the poor of Philadelphia, focusing primarily on the need to improve public housing.

This struggle has included years of grassroots work, walking the halls of the State legislature, Philadelphia City Council, and the Philadelphia Housing Authority to fight for better housing. She has also traveled to Washington to press Congress and HUD for more help for Philadelphia and more power for its public housing tenants.

Currently, Mrs. Gray is president of the Queen Lane Tenant Management Corp. With the support of an excellent board of directors, the group was awarded grants of $100,000 in 1991, and $200,000 in 1992 to help manage a local highrise building and 19 row homes for rent to lower-income residents. In conjunction with Queen Lane, Mrs. Gray has organized food programs, a GED program, youth programs and job training programs for area residents.

In addition to all this work, Mrs. Gray has still found time to donate to numerous community organizations. she confounded Share-Philadelphia, a food program for the poor. She is treasurer of the Resident Advisory Board, a public housing tenant umbrella organization, and she is the former vice president of the Wissahickon Boys Club.

For all Mrs. Gray has done for the city of Philadelphia, I stand with her family, friends, and all the citizens she has served in applauding her work and her life. She is an example to us all.

WHAT, US WORRY? WE HAVE PROGRAMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. CRANE. Mr. Speaker, the deterioration of our schools and the rise in the crime rate are obvious problems in our country. Many politicians continue to believe that the answer to these most serious problems is increased spending and government programs. It is time to learn from the many failed attempts and accept the fact that new government programs are not the answer to all our ills. In his article, "What, Us Worry? We Have Programs," Mike Royko tells why we need to consider a new approach to these issues. I submit Mr. Royko's article to my colleagues' attention and urge them to keep it in mind as we consider these important matters.

WHAT, US WORRY? WE HAVE PROGRAMS

(By Mike Royko)

When the worried talk is about schools, the answers are always money and new programs. The politicians talk about the money, where it will come from and how it will be spread around. The educational experts talk about programs and how they will be implemented. Where would they be without programs to implement?

When the worried talk is about crime, the answers are always stricter gun control laws and, of course, the implementation of a vast array of new drug programs.

When the worried talk is about troubled families, the answers are new federal social service programs. Even now the White House is talking about new multibillion-dollar "family preservation" programs that will send out hordes of social workers to bring broken families together. Assuming, of course, that these programs are properly implemented.

And now that we have a Democratic president and a Democratic Congress, there will be a blizzard of new program. If there is anything that Democrats believe in, it is that for every problem, there should be a federal program. But there is something missing in the talk about the problems and the programs that are intended to solve these problems.

It is what I call the "Who, me?" factor. As in, "It is your responsibility," followed by, "Who, me?"

Start with the schools. The problem isn't money. We spend vast sums on schools. Nor is it a lack of programs. We have more educational programs that can be implemented in the next 100 years.

Where there are problem schools, the biggest source of the problem is the parent. The kind of parent who, when told that she or he is responsible for her or his children, says: "Who, me?"

Show me the worst school districts in Chicago, Detroit, New York, Los Angeles, and I will show you parents who should not be raising a Chia Pet, much less a child.

These are the places where the illegitimacy rates are jaw-dropping, where ignorance and illiteracy are handed down from generation to generation like family heirlooms.

What kind of program do we implement to persuade some dense teen-age girl that she should not couple with some street-swagger boyfriend? What program, if implemented, will make the young man understand that if he fathers children, it is his responsibility to live with those children and try to support them?

"Who, me?" they will answer with amazement. Isn't that what the school is for? Or the social workers? Isn't there a program that does it?

The same applies to crime. Strict gun laws will make only a tiny dent in that problem. Thickheaded as the gun lobby can be, they are right about one thing: The gangbangers, grocer-killers and drug dealers aren't deterred by registration or cooling-off laws. They don't shop at sporting marts with the skeetshooting crowd. Their gun suppliers deal out of car trunks or abandoned buildings.

And we can trace the rise in violent crime to the same source of the school ailments. The parts of the cities that produce the illegitimate illiterates are giving us the greatest number of trigger-happy young felons. You don't have to know how to parse a sentence, much less read one, to point a gun at a convenience store clerk or deliver a load of crack.

So now we are going to get a Family Preservation Act and more programs for social workers to implement. If it does some good, which I doubt, fine.

But what we need as much as a Family Preservation Act is a Family Prevention Act. There's not much point in trying to preserve families that weren't families in the first place. If you go to a Family Court in a big city, what you see is some stupefied young woman, her physically or mentally abused kids and a slackjawed boyfriend sitting in a back row. Since when has that been a family? And what is there to preserve? If the kids survive the abuse and neglect, they'll be the next generation of social misfits and menaces.

And when they are told that they are responsible for their own actions and for those of their children, they will look blank and say: "Who, me?"

If President Clinton intends to create public works jobs, then I suggest he do it this way: Round up the young fathers who breed and walk away. Give them a choice: Work and use the paycheck to support your family or go to jail.

If he wants to reform welfare, then apply the same standards we do in our fishing and hunting laws. There is a limit. And what would be wrong with telling a woman: "Two is your limit and you have reached it. Any more than that, you support them yourselves."

Is that hardhearted and insensitive? Maybe. But for several decades, we have been good-hearted, bleeding-hearted and ultrasensitive. And what has it given us? The highest rates of illegitimacy, illiteracy, homicide and chronic dependency of any developed country.

And at the rate we're going, it is only going to get worse, not better.

So the social engineers and program implements should start taking a new approach. That used to be the old approach.

When someone says: "Who, me?" the answer should be, "Yes, you, and don't do it again."

SUPPORT OF H.R. 1308, THE RELIGIOUS FREEDOM RESTORATION ACT

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise today in support of H.R. 1308, the Religious Freedom Restoration Act.

In the tradition of Ellis Island, our Nation has always been a beacon of religious freedom around the world. The Religious Freedom Restoration Act will correct the Supreme Court decision which severely limits the freedom of all Americans to practice the religion of their choice without interference by the Government.

It is imperative that the Government not interfere with our religious rights absent a compelling reason. Without this critical piece of legislation, any religious act—from receiving communion to eating kosher food—is in jeopardy.

I am proud to be an original cosponsor of the Religious Freedom Restoration Act and I urge my colleagues to support this bill. We must ensure that America continues to be a haven for religious freedom.

Only with the passage of the Religious Freedom Restoration Act can we honor those who came before us—like my grandparents who fled from Russia to escape anti-semitism and pogroms—and know that our religious freedom will be secure for generations to come.

DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT OF 1993 INTRODUCED

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. NORTON. Mr. Speaker, granting the District of Columbia budget autonomy was first considered in 1973 as both the House and Senate were considering Home Rule legislation. The Senate version, as well as the bill reported by the District of Columbia Committee, provided that the Mayor submit a balanced budget to the council with only the Federal payment being subject to congressional review. However, the final version, the result of a conference compromise, required the Mayor to submit a balanced budget for review by the city council and subsequently to Congress as part of the President's annual budget. In the end, this process was enacted into law as part of the 1973 Home Rule Act.

Under the current process, the District is required to submit to the President a balanced budget proposal for the next fiscal year. This includes proposed expenditures of locally raised revenues as well as a proposed Federal payment. The proposed District budget is then included in the Federal budget which the President forward to Congress for consideration. The District of Columbia Appropriations Subcommittees in both the House and Senate review the budget and exercise the right of line item changes. Following markup and passage by both Houses, the D.C. appropriations bill is sent to the President for signature. The bill is subject to various political considerations as well as fiscal soundness. During the past 18 years, this process has taken 18–22 months from start to finish.

The bill I introduced today sets forth a very simple process. First, it grants budget autonomy to the District of Columbia over locally raised revenues, which is to say, the local community that pays taxes and revenues to the local government has the last word through its duly elected officials to determine how and when it wishes to expend its own money.

The Federal payment to the District of Columbia, as authorized by the Federal payment formula legislation, is subject to the congressional appropriations process as is every other authorized Federal dollar. Nothing in the bill, or any other piece of legislation directly affecting the District of Columbia, diminishes the power of Congress to "exercise exclusive legislation in all cases whatsoever" over the District of Columbia, under article I, section 8, clause 17 of the U.S. Constitution. Any Member of Congress wanting to have direct impact on the affairs of the District of Columbia can do so by directly introducing legislation reflecting his/her concerns, which is the appropriate way under most circumstances.

In addition to granting budget autonomy to the District of Columbia, the bill eliminates the congressional review period of 30 days and 60 days, respectively, for civil and criminal acts passed by the council. Presently, all council acts are subject to the aforementioned congressional layover period. this process has not worked as intended.

Since the passage of the Home Rule Act in 1973, almost 1,800 acts have been passed by the council and signed into law by the Mayor. Of that number, only 18 acts have been the subject of congressional disapproval resolutions introduced in either the House or the Senate or both during the respective 30- and 60-day layover periods. Of that number, only three resolutions of disapproval have been passed by the Congress, two of which involved a clear Federal interest.

I urge my colleagues on both sides of the aisle to support this very important piece of legislation.

TRIBUTE TO ROSEMARY MUILENBURG

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Rosemary Muilenburg for her outstanding, dedicated service to the Rancho Palos Verdes community. In recognition of her 25 years as the Palos Verdes Peninsula Drill Team director, Rosemary Muilenburg will be honored at a recognition banquet by the Parents' Boosters Organization at the Torrance Marriot Hotel.

For many years, Rosemary Muilenburg has served as drill team director in Rancho Palos Verdes—spending 23 years at the Palos Verdes High School, and 2 years at the Palos Verdes Peninsula High School. It is essential that we recognize persons who through their motivation and deeds have contributed immeasurably to those around them. Mr. Speaker, I would like to make my colleagues aware of the extent of this woman's continuous service toward the education and achievement of the youth in her community.

During her years of service, Mrs. Muilenburg has set difficult goals for her team, and has brought them to a level of excellence and professionalism unusual for high school students. This superior level of performance has taken her drill team to perform at local events as well as international festivals. Their tours included the Hollywood Bowl, the Forum, and the Los Angeles Sports Arena. Over the years, the drill team was even given the opportunity to travel to Nagoya, Japan, for Miss Dance Drill Team International; Marne la Vallee, France, for the Grand Opening of Euro Disney; and Johannesburg, South Africa, for an exhibition tour. Rosemary Muilenburg's competence and dedication to young women on the drill teams was not without acknowledgement—she was named "Outstanding Drill Team Director for Southern Los Angeles" in 1992 by the California Association for Drill Team Directors.

Rosemary Muilenburg received her BA from Hope College in Michigan, and achieved a masters in physical education from California State. In the Rancho Palos Verdes school system, Rosemary has taught physical education, dance, and English. While she will relinquish her duty as drill team director, she will continue as an English teacher and continue to inspire young people in my district.

Mr. Speaker, I am proud to know that this outstanding leader lives in my district, and shares with our young people the value and rewards of team work and discipline. As a mother of four, I know what her work means to the young adults she directs, their parents, and our community.

IN RECOGNITION OF NATIONAL NURSES WEEK

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. SPENCE. Mr. Speaker, this week is National Nurses Week and I rise today to pay tribute to a group whose role in the medical profession represents the core of health care delivery in the United States. Day in and day out, with little recognition, nurses across the country take care of all kinds of patients at all levels, including primary care, rehabilitation, intensive care, and nursing homes. I know from personal experience the kind of care and attention and hard work that nurses do, and indeed, thanks to their efforts, I am able to recognize and pay tribute to these individuals today.

During the ongoing national debate about health care reform and the problems with our health care system we have overlooked one of the facets of that system which has made it one of the best in the world—the quality of care that nurses provide. As medicine becomes increasingly specialized, impersonal, and cold, our nurses offer that nurturing and caregiving element so vital in any type of recovery. This is where nurses make a real difference, personalized care. And equally as important is the role nurses play in meeting the health care needs of our rural areas where primary care is crucial. States such as South Carolina, with large rural populations, cannot thank these nurses enough for their dedication and service.

I offer my greatest appreciation to the nurses of my State and the entire United States during National Nurses Week.

IN HONOR OF SAMUEL EDELSTEIN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FAZIO. Mr. Speaker, I rise today to honor Mr. Samuel Edelstein on the auspicious occasion of his 80th birthday, and to recognize the limitless energies he has exerted to benefit the business, civic, and spiritual health of his community.

As a businessman, Sam has been a one-man economic stimulus plan. From his work in the trades in New York to a stint in the Army during World War II, from boardwalk amusement rides and a french fry stand to a stationary store, he was well-prepared for his greatest business success. That success came as a product of his vast experience, a tremendous work ethic, and the 21 years he invested in Arrow Home Improvement and later Edelstein Construction Co.

Through his business, Sam helped to build the Sacramento of today. He has made his indelible mark on our fair city not only with his homes and apartments in the South Land Park Hills area, but also with outstanding commercial and public buildings.

One principle that has guided Sam's life is an understanding that his role as a business and community leader extends beyond his company. His list of civic involvement activities is as varied as his business background, volunteering for everything from Boy Scouts to a wildlife refuge. He has been an active member of the Sacramento Jewish Community Relations Council and found the time to be president of the David Lupin Lodge of B'nai B'rith and the Sacramento chapter of the Jewish War Veterans.

Knowing of the importance of children to the future of any community, this father of three and grandfather of six has shown his endless dedication to youth. He built the Shalom School infant and toddler room, the science room as well as other projects at the school. For his hours of service and caring he was recognized as the Sacramento Shalom School's Grandparent Volunteer of the Year.

Perhaps one of his greatest contributions cam out of his belief that we all, in particular the young, must learn from history. To that end, Sam was instrumental in the construction of the Holocaust Memorial on the grounds of the Sacramento Jewish Federation. This beautiful and moving monument is a fitting testimonial to the work of Sam Edelstein.

I ask my colleagues to join me today in honoring a remarkable man, Mr. Samuel Edelstein. I applaud his many years of service to the Sacramento community and wish him all the happiness and continued success he so richly deserves.

CONGRATULATIONS TO THE YOUNG ENTREPRENEUR OF THE YEAR

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. RAMSTAD. Mr. Speaker, I offer my heartfelt congratulations to Sean S. Nguyen, president of Nguyen Electronics, Inc. in Blaine, MN, who was recently named the young entrepreneur of the year for the United States.

As the only member from Minnesota on the Small Business Committee, I was privileged to attend a special awards breakfast May 7 to honor Sean Nguyen and other small business award winners in Minnesota.

At the time, I was proud of Sean as the Minnesota young entrepreneur of the year. But now it turns out he won the award for the entire country—a fitting tribute to a remarkable individual.

Sean's achievements are absolutely incredible. He has truly lived the American dream—and he's only 29 years old.

Raised in Vietnam, Sean Nguyen came to this country in 1982, at the age of 19. He arrived here after a terrifying journey on the high seas and survival in a series of refugee camps.

Working 16-hour days, Mr. Nguyen established and developed his state of the art electronic assembly company. Today, the firm employs 75 people and has broken ground for a new 13,000 square foot factory—and he has not yet reached his 30th birthday.

Mr. Speaker, America remains the land of opportunity for people like Sean Nguyen—and we all appreciate the jobs his creativity and drive have provided for American workers.

Small businesses are absolutely critical to our Nation's economy. Small business people like Sean Nguyen, who create jobs we need to put people back to work, are true heroes.

I want to salute him for his strong contribution to our country and heartily applaud him as the U.S. Young Entrepreneur of the Year. Congratulations.

THE CERES UNIFIED SCHOOL DISTRICT RECOGNIZES DEDICATED EMPLOYEES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. CONDIT. Mr. Speaker, the Ceres Unified School District recognizes employees who have provided distinguished and faithful service to the students and parents of Ceres and Modesto. Their personal involvement in both time and energy has helped immeasurably to further the educational opportunities available in these communities.

Dedicated employees create the significant edge for our future citizens in these austere times of limited funds and resources. Without their commitment many programs and services would not have become realities. Our public thanks is an acknowledgement of their value and contributions.

CLASSIFIED EMPLOYEES

30 years or more—Mary Ann McBride.

25–29 years—Helen Perry, Faye Lane, Alice Coito, Shirley McKim, Jacquelyn Winans, and Betty Coit.

CERTIFICATED EMPLOYEES

Arthur McRae, Samuel Vaughn, Marlys Weekley, Samuel Chafkin, Marilei Mendenhall, Roger Perry, and Robert Sprague.

25–29 years—Carol Perry, Ben Williams, Gail Jackson, Doloris Foster, Yvonne Jones, Charles Cully, Eldon DeWitt, Carolyn Pendergrass, Marilyn Hildebrandt, Eva Kalinich, Jack Rudd, Joseph McAnulty, James Bratenas, Charles Lindsay, Roger Mettler, William Fortson, Surinder Dosanjh, Donald Hopkins, Karl Nielson, Elma Sunga, Edilberto Teves, Virgil Farquhar, Zanetta Erickson, Cheryl DeShields, Melba Meadows, Nemie Santos, Dale McDannel, Vicki Morales, Barbara Carson, Benjamin Brenning, and Norman Mendonca.

PARAGUAYAN ELECTIONS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BRYANT. Mr. Speaker, in January 1989, I had the privilege of traveling to Latin America with a distinguished delegation that included: then-Senator ALBERT GORE, JR., now our Vice President; former Senator Tim Wirth, who was just confirmed as Under Secretary of State for Global Affairs; and the late Senator John Heinz III of Pennsylvania.

On that mission, which focused on environmental concerns such as the preservation of the rain forests, we stopped briefly in Paraguay.

In a meeting with the Hemisphere's longest ruling dictator, General Alfredo Stroessner, we pressed him to open up that wonderful country to the winds of democracy that were blowing through the continent.

Less than a month later, on the night of February 2 and the following morning, Andres Rodriguez, who had been a close associate of the dictator, and much of the disaffected, disenfranchised and oppressed population of Paraguay overthrew General Stroessner's 34-year dictatorship and sent him into exile in Brazil.

Rodriguez, in spite of his ties to the former dictator and his regime, called for democracy and respect for human rights and moved immediately to legalize political opposition and permit the media which had been closed down to reopen.

His administration embarked on a policy of encouraging foreign investment, a market economy, privatization of state enterprises, and fiscal responsibility.

In the first relatively free election in Paraguyan history—one in which the opposition had little time to organize, but monitored by observer delegations from the United States and throughout the world—Rodriguez was elected president. And, in an historic step, he pledged publicly and privately not to seek reelection.

Last Sunday, May 9, Rodriguez' pledge of free, democratic elections was realized in an open contest among three civilian candidates. After almost four decades, the event was a transcendent moment for the people of Paraguay and, we can all hope, for the future of democratic government in a portion of the world that for too long has had too little of it.

The people of Paraguay deserve our congratulations and good wishes.

DEFENSE REINVESTMENT INVESTMENT TAX CREDIT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. HARMAN. Mr. Speaker, earlier today, I spoke on the House floor and introduced the Defense Reinvestment and High-Tech Job Creation Act of 1993 because a bipartisan group of colleagues and I believe there is no more important mission for this Congress than to retain and build high-skill, high-wage jobs. Over the past decade, the defense budget has served as a catalyst for those jobs, but the downsizing that is occurring with the end of the cold war will force us to be more creative.

This bill is designed to allow defense companies and high-technology companies with defense subsidiaries to diversify into critical and competitive industries such as transportation, communications, medical research and green technologies. It borrows the most successful ideas in the administration's proposals for an investment tax credit, enterprise zones and aid to small business, but targets them to control costs and aid our distressed industrial base.

Specifically, the bill contains three tax incentives:

A defense conversion employment tax credit similar to the wage credits established under the urban enterprise zone provisions passed by both Houses of Congress last year. This incentive will provide a wage and job training credit for former defense business-related employees who transition to nondefense or dual-use enterprises;

A defense conversion investment tax credit similar to the administration's investment tax credit for small businesses. This incentive will provide a credit covering a percentage of the costs of converting a defense industry's entities to nondefense or dual-use businesses;

Accelerated depreciation for excess defense capacity.

Under the Constitution, the Federal Government provides for the common defense. As we downsize, a related and derivative obligation is to provide for the transition to productive peacetime activity in order to preserve the industrial and human bases necessary to defend us in the future should we need them. We have seen in the past 5 years that the marketplace cannot handle this transition: downsizing has led to consolidation and massive unemployment of our highest skilled as well as unskilled workers.

It is vital that the Government act as a catalyst to the transition without building a heavy-handed bureaucracy that picks winners and losers. This legislation will spur the marketplace to diversify, and our human capital and communities will be the winners.

Defense reinvestment is one of the most difficult and challenging problems confronting this Congress. The Defense Reinvestment and High-Tech Job Creation Act of 1993 will help move this process forward using market forces and letting industry find its own roles manufacturing the products of the future.

INCOME DEPENDENT EDUCATION ACT OF 1993

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. PETRI. Mr. Speaker, today I am introducing the Income Dependent Education Act of 1993, a bill that radically reforms and simplifies the existing student loan programs.

The American people want change, and aid for students is one good place to start. Currently, the major Federal student loan program costs the taxpayers 28 cents for every dollar loaned out. Little of that cost helps the average student, however. Instead, it subsidizes banks, administrators, defaulters and high-income graduates.

This program will experience $2.5 billion of gross defaults this year. Moreover, it is regressive: Since no interest is charged while the student remains in school, those who go to school longest, and therefore eventually have the highest incomes, receive the biggest subsidies. Students in short-term vocational programs receive no subsidy at all, if they don't default.

There ought to be a better way, and there is. It's called income dependent education assistance—IDEA for short—loans in which repayment can vary with post-school income, and is collected by the Internal Revenue Service as additional income tax.

Under IDEA, any student regardless of parents' income, could borrow up to $100,000 for college and graduate school—$148,000 for medical students—with complete confidence that repayment would always be affordable. Although the student could choose a straight-line amortization schedule or any other more expedited repayment schedule, the minimum payment required each year would always be kept to a manageable percent of income.

If a former student lost a job, got sick, accepted a low-wage public service job, or took time off to raise kids, the loan would automatically be stretched out. If income dropped below the income tax filing threshold in any year, there would be no required payment at all.

Most students would finish repayment, including interest at a subsidized rate of 2 percent over the average 91-day T-bill rate each year, in 12 to 16 years. Those needing more time would continue payments for up to 25 years, after which any remaining balance would be forgiven, resulting in a further subsidy. Those with very high incomes would finish in 12 years or less, paying a standard interest rate of 3 percent over the T-bill rate. Unlike current programs, there would be no up-front fees for loan origination or insurance.

In general, the IDEA terms provide a better deal for most students than they get under current programs.

IDEA can be offered to all students regardless of their parents' incomes because those from higher income families tend on average to have higher later incomes themselves and will be more likely to repay at the standard interest rate, T-bill plus 3 percent.

Also, the IDEA approach dramatically simplifies the question of who gets special deferment and forgiveness benefits. Everyone who needs deferment because of temporary low income, or forgiveness because of persistently low income, automatically gets it, with not extra record keeping or arguments in Congress over which occupations are deserving.

And despite all its other advantages, IDEA can save taxpayers about $3 billion a year because it is vastly more efficient than our current programs.

One major efficiency is a lower cost of capital—the Government's cost rather than the politically negotiated T-bill plus 3.1 percent rate we now pay banks. Currently, the banks bear no risk since the loans are guaranteed by the taxpayers. Under IDEA, banks would not be needed for loan origination or collection, so there would be no useful function for them to perform.

An even bigger source of efficiency is the virtual elimination of defaults. Under IDEA, there is no reason to default because repayment is based on ability to pay and capped at a reasonable percentage of income. And there is no opportunity to default because payments are defined as income taxes.

Some who would have defaulted because of low incomes under current programs would become subsidized under IDEA—while continuing to pay whatever is appropriate for their incomes, which in most cases will eventually rise.

These subsidies are partly balanced by the standard interest payments from high income graduates. In fact, there is a third source of efficiency here: Careful targeting of subsidies, which go to all who need them, but only to those who need them and only in the amount of their need.

Apologists for the current program argue that the private sector is better at administering it than the Government would be. But IDEA is a revolutionary change that eliminates many of the old administrative functions.

IDEA can provide access to higher education for all students, give them a better deal, and still save billions of dollars. The main things holding it back are vested interests and tremendous resistance to new ideas.

I am delighted that President Clinton has adopted as one of his major objectives the reform of the student loan program. IDEA achieves his objectives and merits bipartisan support. It is a classic example of reinventing government.

Mr. Speaker, I would request that the following materials be included in the RECORD, a description of IDEA, a description of the advantages of IDEA over the current student loan program, and sample repayment tables.

DESCRIPTION OF THE INCOME-DEPENDENT EDUCATION ASSISTANCE ACT (IDEA)

IDEA is designed as a replacement for the Stafford and SLS programs. The program would be administered primarily by the Treasury Department with repayment through the IRS as part of income taxes. The Department of Education would be responsible for monitoring institutional eligibility and compliance. Loans would be financed through the general fund of the Treasury.

Because the program practically eliminates defaults, precisely targets government subsidies, simplifies administration, and relies on inexpensive capital, it is expected to be significantly less costly than any of the existing federal student loan programs, while providing a better deal for students.

The following is a description of the basic elements of IDEA:

1. Eligibility.—There is no needs test under the program. All students are eligible.

Borrowers are eligible for no more than the full-time equivalent of nine academic years (not more than five years as an undergraduate of five years as a graduate student).

2. Borrower fees.—There are no up-front fees such as the current loan origination fee or insurance premium.

3. Interest rates.—Borrowers are charged interest based on the average 91-day T-bill rate plus 3%, capped at 9%. Borrowers who take longer than 12 years to repay their loans, pay only T-bill plus 2% over the life of the loan. Interest is accrued and capitalized.

4. Loan limits.—Under the program the maximum annual loan principal that can be borrowed is: $6,500 per year for undergraduate students in the first year of study; $7,000 per year for undergraduate students in the second year of study; $10,000 per year for undergraduate students in the third and future years of study; $30,000 per year for students enrolled in a graduate degree program in medicine, dentistry, veterinary medicine, podiatry, optometry or osteopathic medicine (lifetime borrowing cannot exceed $148,870); $22,500 per year for students enrolled in a graduate degree program in pharmacy, chiropractic, public health, health administration, clinical psychology or allied health fields, or in an undergraduate degree program in pharmacy, (lifetime borrowing is limited to $120,270); $18,000 per year for students enrolled in other graduate programs; there is a lifetime borrowing limit of $100,000 for all non-health professions students, and loan limits and repayment schedules would be adjusted to the CPI.

5. Repayment.—Repayment begins once the borrower leaves school. The minimum repayment schedule is determined based on income and loan balance. A borrower's total payments are capped by a percentage of his income that rises gradually as income rises (generally below 15% at a moderate income level). However, borrowers wishing to pay on a more expedited schedule may do so as long as they meet the minimum repayment requirement.

No borrowers will owe payments for any year in which their income is below the tax return filing threshold, which is currently $6,050 for single filers and $10,900 for joint filers.

Repayment ends whenever the account balance is paid off or upon death or disability. However, if the loan is not repaid after 25 years, the remaining balance is forgiven. Borrowers cannot discharge their loans through bankruptcy proceedings.

6. Deferments.—Given the program's repayment structure, students automatically receive deferments or forgiveness as they are needed.

7. Other provisions.—Borrowers may voluntarily convert any HEAL, Stafford and SLS debt to IDEA loans of the same origination date.

INCOME DEPENDENT EDUCATION ASSISTANCE [IDEA]: REPAYMENT BY TAXPAYERS FILING JOINT RETURNS

Income	$12,000	$15,000	$20,000	$25,000	$30,000	$35,000	$40,000	$50,000	$75,000	$100,000	$160,000	$255,000
1. Progressivity Factor [1]	0.495	.536	.604	.73	.824	.904	.984	1.	1.223	1.307	1.457	2.
2. Annual payment per $10,000 MAB [2]	$0	$675	$761	$919	$1,037	$1,138	$1,239	$1,259	$1,539	$1,645	$1,834	$2,518
3. (a) Max. Annual Payment [3]	$0	$600	$1,600	$2,600	$3,600	$4,600	$5,600	$7,600	$12,600	$17,600	$29,600	$48,600
(b) Amount in 3(a) as percent of income	0%	4.0%	8.0%	10.4%	12.0%	13.1%	14.0%	15.2%	16.8%	17.6%	18.5%	19.1%
(c) MAB at which 3(a) is reached [4]	NA	$8,884	$21,028	$28,307	$34,721	$40,432	$45,214	$60,365	$81,857	$106,981	$161,377	$193,010
4. Years in Repayment at Indicated Interest Rate: [5]												
5 percent			22	16+	14−	12−	11−	10.5	8+	7+	6.5	4.5
7 percent			37	21+	17−	14+	12+	12	9−	8+	7+	5−
9 percent					23.5	18+	15+	14.5	10+	9+	8−	5+

[1] Based upon income level of borrower; derived from pre '86 income tax rate structure and specified in the IDEA Act.

[2] Line 2 = Line 1 $1,259; MAB is the highest amount of unpaid principal and accrued interest during the history of a borrower's IDEA account.

[3] Line 3(a) = 20% of (income −$12,000). $12,000 is the estimated tax filing threshold for joint returns in 1995.

[4] Line 3(c) = 3(a) divided by Line 2 $10,000.

[5] Numbers greater than 25 are illustrative only, since borrowers are excused from any remaining obligation after 25 years.

INCOME DEPENDENT EDUCATION ASSISTANCE (IDEA): REPAYMENT BY UNMARRIED TAXPAYERS

Income	$6200	$10,000	$15,000	$20,000	$25,000	$30,000	$35,000	$40,000	$50,000	$75,000	$100,000	$176,500
1 Progressive Factor [1]	.467	.507	.602	.74	.843	.941	1.	1.006	1.139	1.333	1.506	2.
2 Annual Payment per $10,000 MAB [2]	$0	$638	$758	$931	$1,062	$1,185	$1,259	$1,266	$1,434	$1,678	$1,896	$2,518
3 (a) Max. Annual Payment [3]	$0	$760	$1,760	$2,760	$3,760	$4,760	$5,760	$6,760	$8,760	$13,760	$18,760	$34,060
(b) Amount in 3(a) as percent of income	0%	7.6%	11.7%	13.8%	15.0%	15.9%	16.5%	16.9%	17.5%	18.3%	18.8%	19.3%
(c) MAB at which 3(a) is reached [4]	NA	$11,913	$23,231	$29,642	$35,416	$40,167	$45,751	$53,400	$61,100	$82,008	$98,927	$135,266
4 Years in Repayment at Indicated Interest Rate: [5]												
5 percent		31	22	15+	13	11+	10+	10+	8−	7+	6.5	4.5
7 percent			38	20.5	16−	13+	12	12−	10−	8−	7−	5−
9 percent				40−	22−	16.5	15−	14+	11+	9−	7.5	5+

[1] Based upon income level of borrower, derived from pre '86 income tax rate structure and specified in the IDEA Act.

[2] Line 2 = line 1 $1259; MAB is the highest amount of unpaid principal and accrued interest during the history of a borrower's IDEA account.

[3] Line 3(a) = 20% of (income − $6200). $6200 is the estimated tax filing threshold for unmarried returns in 1995.

[4] Line 3(c) = (3(a) divided by line 2) $10,000.

[5] Numbers greater than 25 are illustrative only, since borrowers are excused from any remaining obligation after 25 years.

ADVANTAGES OF THE INCOME-DEPENDENT STUDENT ASSISTANCE (IDEA) ACT OVER THE CURRENT FEDERAL FAMILY EDUCATION LOAN PROGRAM* (FFELP)

Multiple, Flexible Repayment Options: The minimum borrower repayment is based on the amount due on the income-contingent scale (see examples in attached table), which should always be affordable. However, borrowers can use fixed-term or graduated repayment schedules should they wish to repay their loans on a more expedited schedule. Borrowers may alternate their repayment options as frequently as they like with no paperwork to file—not even to notify anyone—as long as they pay at least the income-dependent amount required for their income category.

No Upfront Borrower Fees: Under the current FFELP, borrowers pay an upfront 5% loan origination fee and up to a 3% loan insurance premium. Under IDEA, no upfront fees are collected; thus borrowers have more money to pay their educational expenses when they need it most.

Consolidation: Under IDEA, current FFELP (except parent loans) are consolidated into one streamlined program with one simple set of terms and conditions and no need to apply for multiple programs.

No Needs Test: All students at eligible schools are eligible, with no needs test, so loan origination is a simple sign-up procedure.

Automatic Deferments and Loan Forgiveness: Because minimum loan payments are based on income, borrowers who experience reduced income automatically receive deferments. Loan forgiveness is also automatic after 25 years.

Loan Access Problems Eliminated: Loan capital is provided directly from the Federal Treasury to institutions, by passing the current system of banks and guaranty agencies.

Loan Limits Indexed: Under IDEA loan limits are indexed to the CPI every three years. This ensures that students can borrow increased amounts as costs rise, rather than waiting for Congress to authorize higher loan limits.

Interest and Principal Subsidies Targeted to Those Who Need Them, based on their ability to repay: The standard IDEA interest rate is the 91-day t-bill rate plus 3.0%, .10 less than the standard interest rate charged under FFELP's. Borrowers who need longer than 12 years to repay have their interest rate, over the life of the loan, reduced to t-bill plus 2.0%. Some borrowers receive further subsidies in the form of interest and even forgiveness of loan principal if they make payments for 25 years.

National Service Accommodated: All low income periods are accommodated, including all of those resulting from national service.

Convenience of Repayment: Repayment through income tax withholding eliminates the need to write monthly checks.

Simplified Loan Administration: The FFELP is carried out by a bureaucratic quagmire of 7,800 banks, 35 secondary markets and 46 guaranty agencies. Not only is this multilayered administrative structure expensive for the government to maintain, it is far too complicated and confusing to the students and the institutions it serves. Under IDEA, the administration of student loans is far simpler. Any school participating in the federal student aid delivery system will easily be able to originate the loans; all loan servicing functions will be carried out through the IRS; loan deferments and forgiveness will be granted automatically; and repayment schedules can be revised at the will of the borrower. Most of the administrative functions necessary under FFELP will simply be eliminated.

Virtually Eliminates Student Loan Defaults: In FY 92, the federal government paid over $3 billion in defaulted student loan claims. Under IDEA, with its feature of IRS collection, defaults are virtually eliminated—there is neither reason nor opportunity to default. Some borrowers, because of insufficient income will be subsidized but at least they will pay what they can and the government will get 100% of it rather than splitting collections with third parties. Other borrowers will have low incomes and pay little for a time, but eventually see their incomes rise and repay 100% of what they owe.

Enormous Savings: Enactment of IDEA would yield considerable savings over the current FFELP which can be used to provide better loan terms to borrowers or additional grant or work-study assistance. Earlier analysis by CBO suggests that moving from the FFELP to IDEA could conceivably save the entire $3 billion annual cost of the FFELP—or more than Clinton budget plan assumes. Extra savings could be better spent on other student financial aid programs.

*FFELP refers to only the Stafford and SLS programs. IDEA assumes that the current structure of the PLUS program would remain intact.

SENATE—*Wednesday, May 12, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The guest chaplain, the Reverend Drema McAllister-Wilson, Fairlington United Methodist Church, Alexandria, VA, offered the following prayer:

Let us pray:

All gracious and loving God, this is the day which You have made. We rejoice and are glad in it. As this body begins this day of deliberation and decisionmaking, make Your presence known, that all here may turn to You for wisdom and direction. May we realize the great potential there is in the freedom of this country and this deliberative body. May this potential be realized, so that what is said here and what is done here will represent the best that our country stands for.

As we remember Mother's Day, grant to this Senate the compassionate wisdom of mothers. Help all to be ever mindful of the important and sacred responsibility we have to protect and care for all Your children. As You have loved us, so may we be channels of Your generous compassion to others.

There are days of great complexity with no easy answers. Grant us wisdom, grant us courage for the living of these days, in communion with You and all our sisters and brothers. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

THE PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 12, 1993.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. KERREY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN AND GUEST CHAPLAIN

Mr. MITCHELL. Mr. President, I welcome our guest chaplain, and I am pleased to see our Senate Chaplain, Reverend Halverson, as well.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, there will be a period for morning business which will extend until 3 p.m. At 4 p.m., the Senate will begin consideration of S. 714, legislation to provide funding for the resolution of failed savings associations, and for other purposes. That is the RTC funding bill that will come up at 4 p.m. I am advised that a number of Senators intend to offer amendments, and I encourage Senators to be present and ready to offer amendments on the floor today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I assume we are still in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DECONCINI. I thank the Chair.

THE YUGOSLAV CONFLICT

Mr. DECONCINI. Mr. President, it seems as if with each passing day there are new twists and turns in the former Yugoslavia and the tremendous conflict that is going on there, particularly with the international effort to try to stop the fighting in Bosnia and Herzegovina. The only constant in this tragedy is the aggressions that are continued from day to day. Additional civilians are slaughtered or otherwise so-called cleansed, which means moved out of their homes and their property, and sometimes killed on the way, their properties burned or taken over by other ethnic people.

The Bosnian people have had enough. There is no question about it. The Serbs, the Croats, and the Moslems, who believe and have proven they have been able to live together, struggle with surprising vigor in light of what is happening over there. There has to be an end to it. It cannot continue.

Over the weekend, we saw Croat forces take the demonstrative initial steps to increase aggression against the Bosnian forces around Mostar. Having been to Mostar, it is a tragedy that this very ancient city, steeped in history, and a city that has had Croats, Serbs, and Moslems living together since the Second World War in relative peace, should be torn apart as the pictures showed and as the reports come from that war-torn town.

Those responsible for these policies and for the latest offensive deserve the strongest condemnation of the international community. Croatia must abandon any aims of gaining territory at the expense of Bosnia and Herzegovina in keeping with the CSCE principle of territorial integrity which they have signed and agreed to.

I have been on this floor making statements in condemnation of Serbia and Serbian nationals in Bosnia and Herzegovina. And now a good ally, someone who has attempted to bring about a cease-fire, some of the Croat nationals are out doing it again. There can be no double standard here.

What applies to one side has to apply to all sides. Just as I spoke out against the aggression when the Croats were victimized by the Serbs, I speak out now against those in Zagreb who would seek to do the very same thing to the other people. And so the Moslems should not engage, as well, in any atrocities, and if they are so-called involved in that, they, too, must pay a price.

We know that the biggest perpetrators have been the Serbs, but now this last weekend the Croat nationalists also were involved. The Croats in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Bosnia and Herzegovina did not stop the fighting. The wide range of measures applied to Serbia should be considered for Croatia as well. Europe should have no more room for a Croatia that seeks to change borders by force than it does for a Serbia that seeks to change borders by force, and indeed it has done it.

Over the weekend, we also saw yet another diversion of the international community from the action that is necessary in Bosnia and Herzegovina to bring a cease-fire and peace—namely, multilateral air strikes should be used against Serbia and their heavy weapons and supply lines in Bosnia and outside of Bosnia. The European Community and its member states have decided to take a wait-and-see approach to the ongoing war by urging the United States to postpone any further consideration of military intervention or lifting of the embargo on Bosnia and Herzegovina, until the referendum is finished this weekend.

Can you imagine a referendum in the middle of a war, in the middle of the fear of just trying to protect yourself and get out of the village or the area that you are in, that you are going to go to the polls and vote?

Why should any legitimacy be attached to this referendum whatsoever? Clearly, the referendum is another stalling tactic by Mr. Karadzic, the head of the Serbian nationalists in Bosnia. If the Bosnian-Serb militants want to stop their aggression and agree to the plan, they can do it now, today. That is all it takes. We should, therefore, proceed with taking action as soon as possible, according to our schedule and not that of Mr. Karadzic's. He and the militants who surround him should have only the time we need to ready ourselves to make up their minds via the referendum, otherwise is foolishness.

I fully support the lifting of the embargo in Bosnia and Herzegovina on the grounds that U.N. members have a right to self-protection. This is an independent, recognized sovereign nation, Bosnia and Herzegovina. The emphasis should be put on active air campaigns that inflict punitive damage to the Serbian forces and Croatian forces, as well, if in fact they are involved as they were over the weekend.

Most people agree that what is lacking most in this sad situation in which we find ourselves is a clearly defined objective, an objective that has the support of the American people in regard to Bosnia and Herzegovina and to other problem spots around the world.

In my view, that objective is not just to seek to stop aggression fueled by nationalist hatred and territorial ambitions, but to prevent it and to attempt to punish for it, and certainly not to reward any aggressor that might use ethnic cleansing or invasion of another country's territories.

We have seen in the former Yugoslavia this conflict that aggression cannot be checked by giving it a little of what it wants or just some more time to work it out. Aggressors—be they in Belgrade or Zagreb, or some other part of the world—have a different frame of mind, and view such efforts as sufficient grounds for pursuing even more gains on the ground, more territory, more ethnic cleansing, regardless of the price, the human price.

In other words, the world's attempts to contain aggression, some of which were very well-intentioned, perhaps, has not done anything but end up encouraging such aggressions, because they have not paid a price. Yes, today there are sanctions, and they are being tightened on Serbia, and maybe that will be a small price, but look what they have won from their standpoint—70 percent of the Republic of Bosnia and Herzegovina today is occupied or under the control of the Serbs. Hundreds of thousands of people have been kicked out of their homes, driven out, their properties taken over by others living in their homes, using their property. Thousands have been killed through ethnic cleansing and torture.

In short, like the containment of communism during the decades of the cold war, the containment of nationalist-inspired aggression can only work if coupled with a credible form of deterrence. When facing the Soviet leadership, a strong nuclear arsenal provided such deterrent. When facing a new nationalist people who are going to commit murders, and who are on a mission to destroy certain other people, do we need a less potent threat of force? Yes. We do not need to threaten nuclear force, but we have to supply and be able to deliver truthfully, in anybody's mind, some punishment, some price for such aggressive action.

There must be some cost for this aggression. It is today's reality that the same aggression that so egregiously violates the rights and dignities of innocent human beings also violates our principles, and the principles which all Europeans in the world have agreed should govern their affairs.

I am speaking about the principle of nonuse of force, of peaceful settlement of disputes, the inviolability of frontiers, of the respect for human rights and fundamental freedoms and of the equal rights and self-determination of the people, all enshrined in the Helsinki Final Act and other international documents that have been signed by all of the republics that make up the former Yugoslavia.

It is today's reality that those who violate these principles have no interest in stopping their action. Indeed, they survive in today's more democratic world only on the basis of continuing to resort to force and repression. They will not stop on their own accord, but they must be stopped, or at least deterred, or at least realize there is a cost for such action. The longer this continues, the bigger it will become, and the more it will be clear that it does affect our national interests; it affects the globe, and it affects the well-being of all who live in Europe and in the free world.

The United States interests are at stake here. This is a national interest. Some will say, well, it is a national interest, but not like Kuwait. It is not like Kuwait that had oil that the Western Europeans needed, the Eastern Europeans needed, and that the United States and other Western countries wanted and had to have. No, but this is a strategic interest because this can blow up to be another world war. We have potential problems here far greater in my judgment than we had even in the Middle East, if it gets out of hand.

If, in fact, troops were deployed by the Serbians into Macedonia and were engaged in ethnic cleansing in the Province of Krusevo in Serbia, we would have another holocaust, another disaster, another cleansing of proportions that we have seen in parts of Bosnia and Herzegovina today.

And we again as a nation will be embarrassed that we stood by and took no action.

Like it or not, it is today's reality that the United States must take the lead. We cannot wait any longer. We have to embarrass, if we have to use those terms; force, if there is a way to do so; coerce our European allies to realize that when these leaders said "never again," as a result of the Holocaust during the Second World War, it was meant. It was not just said for political rhetoric. We are all justifiably concerned about the dangers of involvement in the Bosnian war.

I know that President Clinton can make that case to the American people. All you have to do—and I do not say this is not a lot—but all you have to do is parade out the pictures that have been seen on our television screens, parade out some of the statements and people who escaped from the concentration camps, the American people will respond to that.

They are not interested, in my judgment, in a military conflict that would demand that the United States occupy a country and conquer it and run it and put in a new form of government. But I believe they can be convinced and will be convinced that the United States has to stand for the principle of the human rights of each person, the dignity of that person, and no other group sponsored by a government or just nationalists within an area can commit these atrocities that have been going on.

When confronted with such a clear case in light of today's reality, particularly the tremendous human sufferings that are going on for their rights, I am confident that the American people will respond and support President Clinton's efforts, and I compliment the President for taking a stand that is difficult, and I urge him to be as specific as he possibly can and to continue to use the good offices and to prepare a plan that would use limited air strikes, would lift the embargo, would involve the United States in a multilateral U.N. military force to bring peace and to bring an end to the atrocities to the war that is going on there.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I think my time is 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRASSLEY. I thank the Chair.

DEVELOPMENTS ON SENTENCING

Mr. GRASSLEY. Mr. President, I wish to address my colleagues about two recent developments regarding the Federal sentencing guidelines.

As you know, Congress provided for sentencing guidelines so that we could ensure that crime would be punished and that sentences would be uniform in all Federal courts.

First, I would like to comment on a recent Federal district court decision that held the guidelines unconstitutional. And second, I would like to discuss letters recently sent by the House Republican leadership to two Federal judges. These two judges, by the way, have decided not to hear drug cases that require sentencing guidelines to be followed.

Mr. President, this is appalling. Our Federal judicial system is based fundamentally on the notion that lower court judges are to follow Supreme Court rulings. This is one of the major reasons why the Judiciary Committee approaches a Supreme Court confirmation so differently from other judicial nominations. Unlike lower court judges, who must apply Supreme Court precedents, Supreme Court justices may overturn established law.

So, I was surprised to learn of the decision by a Federal judge here in Washington that the Federal sentencing guidelines are unconstitutional. Although many other courts had so ruled, this court was the first to declare the guidelines unconstitutional since the Supreme Court's 1989 Mistretta decision had upheld them. Judge Harold Greene held that the guidelines could not be constitutionally applied to impose a 30-year sentence on a defendant convicted of his third felony drug offense. The court so ruled, even though under the governing statute, a life term could have been imposed. Under the sentencing guidelines, a 30-year sentence applied.

The district judge gave two basic reasons for holding the guidelines unconstitutional. First, although Congress could impose any prison term without running afoul of the constitutional prohibition of cruel and unusual punishment, the Sentencing Commission was entitled to no such deference; and second, due process and article III are violated when Federal courts are stripped of their historic power not to impose sentences which are entirely at odds with what justice and basic concepts of morality and equity require.

These arguments are not at all persuasive, in my view. The Sentencing Commissions is entitled to receive the same deference that a court would owe Congress. The Supreme Court held constitutional the establishment of the Sentencing Commission as an independent agency located in the judicial branch, and whose guidelines would be followed by every Federal court. Mistretta held that the Sentencing Commission's process of promulgating guidelines did not in any way constitute excessive delegation of Congress's lawmaking powers. Thus, the fact that the particular sentence was prescribed by the Commission and not by Congress is irrelevant, so the Supreme Court declared in holding the basic law constitutional. By holding that the Commission's guidelines, notwithstanding congressional authorization, constituted cruel and unusual punishment, the district court thus failed to follow the Mistretta case.

Contrary to Judge Greene's view, Federal judges have an obligation to impose sentences established under a system whose constitutionality has been proclaimed by the Supreme Court. To deviate from that system is to ignore the rule of law and it is, in fact, the practicing of judicial activism. I would urge Judge Greene to reconsider his ruling. I hope the Clinton administration will appeal his ruling and avoid nominating judges who put what they might declare in their minds as a desirable world somehow above the constitutionally enacted laws of this body and the Congress as a whole.

Nonetheless, judges do have the ability, consistent with the canons of judicial ethics, to voice opposition to laws affecting the administration of justice. This brings me then to the recent letters sent by the House Republican leadership to two New York senior Federal judges. These judges declared that they will no longer hear drug cases requiring application of sentencing guidelines. The letters demand the resignations of the two judges involved on the ground that the judges must uphold the law, and not subjectively select which laws to enforce. Indeed, the letters' signers, in their words, "stand ready to introduce a resolution of impeachment."

The threat of impeachment in these letters, no matter how lightly made, concerns me. These are senior judges. They have the discretion to hear whatever cases they choose. Under the Constitution, they could even hear no cases at all and still receive their full salaries for life. Senior judges perform an important service by hearing cases and reducing backlogs. While I agree that judges must enforce all laws, that principle does not apply to the case selection of senior judges. Moreover, since judicial independence is a vital part of our constitutional system, impeachment should not even be lightly threatened. I hope that calmer responses will follow these initial statements by the House Republican leaders.

Finally, I recognize that the Attorney General will conduct a review of mandatory minimum sentences as they apply to first-time nonviolent offenders. However, mandatory minimums are not the same as sentencing guidelines. Perhaps mandatory minimums in those cases should be evaluated in light of whether they have achieved their intended results: uniformity of treatment and an appropriate interrelationship with the functioning of the sentencing guidelines. Because of my longstanding interest in sentencing policy, I look forward to the results of that study by our Attorney General.

Mr. President, Federal judges are permitted, within proper bounds, to express their opinions on the operation of sentencing guidelines and mandatory minimums. They are also bound by the Constitution to apply the law and guidelines governing sentencing. But they may not render subjective sentences.

Mr. President, I yield the floor.

I see no one else wishing to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 10 minutes under the previous order.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 940 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, will you state the amount of time to which we are entitled? Is it 5 minutes?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. REID. I ask unanimous consent that be extended to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONFLICT IN BOSNIA

Mr. REID. Mr. President, are we about to repeat history?

Barbara Tuchman said in "The Guns of August" that "Dead battles, like dead generals, hold the military mind in their dead grip."

I was troubled this morning to learn that there is suggestion that we send American troops into Macedonia. This whole area is an area about the size of New Hampshire, Vermont, and Rhode Island combined—that is Bosnia and Herzegovina. And this area has a deep history of ethnic conflict.

The current war in the Balkans is the continuation of a battle which has been fought, with only occasional pauses between crusades, since the Middle Ages.

I used the word "crusades" intentionally. The enmity and hatred which characterizes the Balkans is a result of their geographic position as the clashing point among three cultures and religions: Moslem, Catholic, and Orthodox. This is a dividing line that was created with the division of the Roman Empire into separate Eastern and Western empires.

Into those stark mountains over the years have poured Turks out to conquer Europe for Allah, and Christians on their way to loot the Holy Land in the name of Christ.

Every time the mounted men rode in, there was one universal result. The common people suffered. Every time the mounted men rode out, there was one immutable consequence. The common people paid with their blood. "What fated impulse blinds all mounted men," the poet wrote.

Before we mount our own crusade, let us pause for some reflection.

As much as any Member of this body I have stood for the principle that the borders of freedom must know no bounds, and that international aggression must be met with firm resolve. I will not gainsay that principle.

Neither, however, will I blindly call on our young men and women to sacrifice their blood, their limbs, and their lives in a vain or useless cause.

The Balkans are the fountainhead of guerrilla war. Since time immemorial, irregular soldiers have fought larger and more powerful armies to a standstill in those heavily wooded or snowbound mountains. As the Nazis learned, you may seize the roads and ports, you may control the towns and cities, but, in the Balkans, that means little, if anything.

We can no more win such a war than we could in Vietnam, because we are neither Nazis nor angels. We are incapable of the cold-blooded brutality of the Ottoman Turks, and we have not the patience and forbearance needed to occupy the place long enough to win its heart.

During the Nazi occupation of that part of the world Hitler had, it is said, at times up to 30 divisions trying to maintain the so-called peace in that part of the world. And he of course was unable to do so.

It is therefore, that I hear again, with some trepidation, the language of graduated response, which was spoken so confidently by Robert McNamara and Dean Rusk. I should think we would have learned from our history the lesson for which we paid so dearly.

Clear and obtainable objectives must be set before we commit troops to battle.

What objective are we to accomplish by bombing Serbian artillery? There is no shortage of artillery the Serbs have. What would be the objective of this country, allowing bombing by our airplanes and our Air Force and our Navy?

From the conflicts in the Middle Ages among the Roman Catholic Croats, the Orthodox Serbs, and the Bogomils to the conflict that sparked World War I to the present-day fighting, Bosnia has been a center of ethnic strife, and has never known independence.

The only thing that has kept this region from falling apart in the past has been domination by outside forces. For instance, the Ottoman Empire controlled Bosnia from the 15th to the 19th century. During the 20th century, it was Tito who kept the Yugoslav State together with brute force and power and terror.

The point is that any military engagement may be a permanent one. It may be necessary for the United Nations to create a protectorate to keep factions from fighting. Do we want to commit to a permanent military engagement in Bosnia?

This is a matter for the European Community to handle. Europe's interests are the ones most directly concerned, and I believe they should be called upon to respond.

The United States cannot, and should not, become the police force for the world.

Who would we fight? And who would fight with us? The Serbs are hostile, the Bosnian Croats are of dubious loyalty, and the Bosnian Government forces are weak.

Bosnian Croats, temporarily aligned with the Moslems, have now started attacking Moslems again. Monday's newspaper reports that the Moslem town of Mostar was attacked by Croats, we have all seen it on television, and it is true—forcing civilians, including women and children from their homes to a soccer stadium and other such places.

The sides change almost daily.

The only instance in which the United States should get involved militarily is under the auspices of the United Nations. And I do not mean as a thinly disguised U.N. cover for American unilateral action.

I am not convinced that any military action would solve the problems, in that part of the world. It certainly has not for centuries—some take it back as far as the fifth century.

We have seen that military solutions do not work with such deep-rooted ethnic conflict. For example, the problems in Lebanon and Northern Ireland.

The United States would be drawn into a guerilla war like the one the Partisans fought in Bosnia against the Germans in World War II.

Even if Bosnia is preserved by force—and that is the only way it would be—there will always be a significant minority within its borders dedicated to its demise. Serbs in Bosnia are not outsiders who can be sent home. Thirty-one percent of Bosnia's native population is ethnic Serb.

So why get involved with Bosnia? What about the conflicts in other parts of the world?

What about what's happening in Cambodia? Pol Pot is back. When he was in power before, he killed between 1 and 3 million of his own people.

Should we allow him to kill another million? Or another half a million? Where do we decide where we should put our resources? What about Kashmir? This part of the world, which has seen tens of thousands of people killed during the last 5 years, upward of 40,000 some estimate during the last 5 years, violence on a daily basis, violation of civil rights on a daily basis—do we side with India? Do we side with Pakistan? How do we resolve or help resolve that part of the world's crisis? Do we choose what is going on in Bosnia over what is going on in Kashmir or what is going on in Cambodia?

What about Armenia, Azerbaijan, and Nagorno-Karabakh? Should we not be involved there? There is certainly ethnic cleansing taking place.

What about South Africa?

The conflict in Bosnia, whether we like to acknowledge it or not, is a civil war. As we know from our own domestic wars, they can be brutal and unforgiving. We only need to call to mind the prison at Andersonville, or what was referred to as "Bleeding Kansas," during the years just prior to the Civil War, for example, when John Brown came to just a few miles from Washington to commit his acts of brutality in the name of antislavery.

The last thing the United States needs at this time in its history, or ever again, is another Vietnam, and that is exactly what this would be. I believe we need to call upon the European Community or the United Nations, not the United States. It should not always be the United States.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 941 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Madam President, as President Clinton travels the country in an attempt to win support for his economic program, I, along with 18 of my colleagues, today introduced a program he should come home to. The headlines are showing a precipitous drop in the confidence Americans have in the program President Clinton has been pushing. One such article was on the front page of the Sunday New York Times, and I ask that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROTH. It is important to keep in mind that when it comes to the economy, all Americans want the same thing, a strong, long-term, growing, job-creating environment. Whether the program comes from the left, the right, or the middle makes little difference, only that Washington promote the kinds of policies that give families the security they need, businesses and laborers the opportunities to succeed, and America the ability to compete in the global economic community.

Unfortunately, study by study, news report by news report, Americans are coming to understand that President Clinton's program does not offer these basics. They have come to understand that the jobs created by the Clinton spending stimulus program are short-term jobs that will not strengthen our economy in the long run. What's more, Americans know that these short-term jobs he proposes to create will be insignificant when his record-setting tax increases—some $270 billion over 5 years—will cost up to 1.2 million American jobs.

Today we offered Americans the program they were waiting for—a jobs program that will get our country back where it belongs. It is an eight-point alternative economic plan that offers almost $36.5 billion in tax incentives for private job creation as well as savings and investment. It is a program that will create more than 800,000 new jobs by 1998—long-term, private-sector jobs. Jobs that will get America moving again. Jobs that will restore consumer confidence. Jobs that will provide security for our families. Jobs that will create even more jobs and raise the revenue the Federal Government needs to approach the deficit responsibly.

What is more, the program we offered this morning is completely paid for—not by tax increases but through $45 billion in spending cuts—responsible cuts that the American people want and that are long overdue.

As I explained when we introduced our program earlier today, 280,000 new jobs will be created by reducing the cost of capital and the tax penalties on investment. This is accomplished through indexing capital gains and changing the alternative minimum tax to provide for greater incentives to invest in new equipment. One hundred and fifty thousand new jobs will be created by encouraging investment in small business through increased expensing deductions. Another quarter-millon jobs will be created by reducing the tax bias against family savings and restoring the fully deductible IRA, allowing for penalty-free withdrawals for first-time home purchases, education, and other contingencies.

By encouraging businesses to hire new employees through a 13.85-percent jobs income tax credit, our plan reduces the cost to business of new employees and will create at least 50,000 new jobs. And finally, this program will create jobs by reducing the tax penalties on certain industries. By modifying the passive-loss rules for real estate, this jobs bill will spur construction building. By repealing the luxury tax on boats, cars, airplanes, and other items, these changes will create 70,000 new jobs.

The major spending offsets include the elimination of the lump sum benefit for Federal employees, Medicare secondary payer reform, a responsible reduction in Federal aid for mass transit, a reduction through attrition of 100,000 Federal employees, both within the administrative and legislative branches. Likewise, it calls for responsible reductions in the special defense acquisition fund and the European Bank for Reconstruction and Development. Likewise, there will be no increase for the International Development Agency. And these are just a few of the more than a dozen areas where real reductions can be made in the Federal budget, where money can be saved by increasing Government efficiency and responsibility and be put back into the private sector where it can go to work.

Americans need this job stimulus package. They need Congress to get beyond partisan politics. We know where tax and spend economics have lead this Nation. The consumer is still trying to recover from the 1990 record-setting tax increases that were supposed to take care of all of our problems—cut the deficit and bring America back. Now they are confronted by President Clinton's plan to even break that record. It is not going to work. Ours is a program that can work, one that can be embraced in a bipartisan way. It must be embraced.

Madam President, I ask unanimous consent that the outline of my plan—along with the accompanying tables and its cosponsors—be printed in the RECORD, and I encourage my colleagues to take a serious look at what this program offers. I believe they will agree: It is the plan Americans are waiting for.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REAL JOBS FOR AMERICA—DESCRIPTION OF TAX PROVISIONS

REDUCE THE COST OF CAPITAL AND TAX PENALTIES ON INVESTMENT

1. Indexing for Capital Gains

Fairness in the Tax Laws

Under current law, a taxpayer's basis in his assets for purposes of determining his capital gains tax is determined by historical cost of the asset. However, a taxpayer can have gains for tax purposes even though the real value of the assets (i.e. adjusted for inflation) has not increased.

Because it is unfair to tax inflation, the proposal provides for inflation adjustments to a taxpayer's basis for purposes of determining gain on the disposition of assets held more than one year.

Assets Covered

The proposal would provide for an inflation adjustment to the basis of assets held for more than one year, including corporate stock, homes and tangible property which are capital assets used in a trade or business owned by individuals.

The adjustment applies to assets sold after January 1, 1993, and indexing applies on a prospective basis, both to assets currently owned and those purchased in the future.

Assets excluded from the indexing proposal would include collectibles, debt, warrants/options and depreciable assets of a C corporation.

Amount of the Adjustment

The adjustment is based on the increase in the consumer price index (CPI) between the calendar year prior to the year in which the asset was acquired and the year prior to the year in which the disposition takes place.

2. Cost Recovery Improved Under Alternative Minimum Tax

Current AMT Penalty is Redundant and Penalizes Investment

Under current law, many capital intensive taxpayers are penalized twice under the alternative minimum tax by the depreciation adjustment under that system. Under the Modified Accelerated Cost Recovery System (MACRS) a 200% declining balance method over recovery periods shorter than the asset's class life is generally allowed. But in computing the AMT, the recovery system is reduced to 150% declining balance over the asset class lives. And, under a second adjustment, called the adjusted current earnings (ACE) adjustment, depreciation is computed using the straight-line (100%) method over the class life of the property.

Because the current system penalizes capital intensive businesses not once, but twice, it is a severe disincentive to capital investment and consequently, job creation. Its bad economic effects are magnified for growing capital intensive businesses, and for start up businesses or ones with depressed earnings.

New Cost Recovery System for Future Purchases of Assets

This proposal would eliminate the ACE adjustment for assets purchased after July 1, 1993, and modify the current AMT adjustment used in determining alternative minimum taxable income.

Eliminating the ACE adjustment will still insure that taxpayers with substantial economic income will continue to pay taxes, while also eliminating a redundant penalty on capital investment. In addition, the AMT depreciation system would be changed to reflect more realistic economic effects from the purchase of business assets. An across the board adjustment would apply to depreciation on all assets so as to meet the revenue requirement.

ENCOURAGE INVESTMENT IN SMALL BUSINESS

3. Increase in §179 Expensing Deduction

Increase From $10,000 to $25,000 for Depreciable Assets

Current law reflects the reality that assets depreciate more quickly during early years, more slowly in later years. It also reflects the attempt to correct a misallocation of capital caused by inflation. However, these current depreciation rates are only appropriate for given rates of inflation.

In order to improve the incentive for small businesses to invest in new machinery and equipment, this proposal brings the depreciation deduction closer to reality by allowing a larger deduction in the first year, when these asset's values decline the most.

This proposal would increase the current law amount that can be deducted in the first year that an asset is placed in service. Under current law, a maximum deduction of $10,000 is allowed each year, and that amount is reduced dollar for dollar where the taxpayer places in service more than $200,000 of depreciable business property (not real estate). Thus, the rule is intended to benefit only small businesses. The deduction is further limited to the amount of taxable income of the business, however, if the $10,000 deduction is denied because of this rule, then it can be carried over to a later year when taxable income is available. Limitations apply for automobiles and "listed property" (like computers) under current law.

Determination of Depreciation Amount

Under the proposal, the amount that could be expensed in any one year would be increased to $25,000 from the current $10,000 amount.

The depreciable basis of asset(s) that are expensed would be reduced by the amount of the expense election, up to $25,000, and the remaining basis would be depreciated over the remaining life of the asset.

The provision would be effective for assets purchased after July 1, 1993.

Support for the Legislation

Treasury proposed this as part of their "small business" package of tax incentives last year.

Senator Dole and Congressman Michel introduced this as part of their small business package earlier this year (S. 160).

Small business is an enthusiastic supporter of this proposal, and NFIB has been a leader in supporting its enactment.

REDUCE THE TAX BIAS AGAINST SAVINGS THROUGH INDIVIDUAL RETIREMENT ACCOUNTS

4. Make Deductible IRAs Available to All Americans

Under the bill, all Americans would once again be eligible for fully deductible IRAs. Current law only those taxpayers who are not covered by any other pension arrangement and whose income does not exceed $25,000 for single filers and $40,000 for married filers are eligible for a fully deductible IRA.

The $2,000 contribution limit will be indexed for inflation in $500 increments in the year in which the indexed amount exceeds the next $500 increase. The non-working spouse limit of $250 is indexed by the same $500 amount in the same years.

No longer will a spouse be "deemed" to have a pension plan because their husband or wife has one. If the individual does not have a pension plan at work, regardless of their income level, they will qualify for an IRA to the extent of their "earned income."

Limits on IRAs ($2,000) are coordinated with the limits on 401(k) plans, 403(b) plans, SEPs and section 501(c)(18) plans. For example, if someone contributes $7,000 to a 401(k) plan, then their IRA contribution is limited to $1,728 in 1992 because the 401(k) limit is equal to $8,728.

The provision would be effective beginning January 1, 1996.

New Kind of IRA Option

Taxpayers will be offered a new choice of IRA. Under this new IRA, contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. A 10% penalty will apply to early withdrawals, unless they meet one of the four exceptions outlined below under number 5.

Taxpayers can contribute up to $2,000 to either a traditional IRA, or the new IRA. They can also allocate any portion of the $2,000 limit to the different accounts (e.g. $1,000 to a traditional IRA and $1,000 to the new IRA).

This provision would be effective January 1, 1994.

5. Penalty-Free IRA Withdrawals for Important Purposes

The 10% penalty on early withdrawals (those before age 59½ or 5 years for the new IRA) will be waived if the funds are used to buy a first home, to pay educational expenses, to cover catastrophic health care costs or during periods of unemployment after collecting 12 weeks or more of unemployment compensation. Taxpayers will still be liable for the income tax due on the withdrawal, but no penalty will apply.

Parents and grandparents can make penalty-free withdrawals for college or home expenses of a child or grandchild. Children and grandchildren can make penalty-free withdrawals for health costs in excess of 7½ percent of the income of their parents and grandparents. An individual wanting to go back to school after being in the work force could use the IRA to save for anticipated education or retraining expenses. The withdrawal rules apply across generations and between spouses.

Penalty-Free 401(k) and 403(b) Withdrawals

Similar penalty-free withdrawal rules will apply to 401(k) and 403(b) employer sponsored plans for purposes of first home, education or unemployment costs. Penalty-free withdrawals are already allowed for medical expenses for these plans.

Section 401(k) and 403(b) plans are employer-provided retirement plans that allow employees to make tax-free contributions out of their paychecks. Under current law, once an employee makes a contribution to a 401(k) or 403(b) plan, withdrawals are generally subject to a 10% penalty tax like that applied to early withdrawals from IRAs.

Support for the Legislation

In the Senate, S. 612, the Bentsen-Roth Super IRA had 78 co-sponsors; 48 Democrats and 30 Republicans, in the 102nd Congress.

In the House, the companion bill, HR 1406, had 269 co-sponsors; 141 Democrats and 128 Republicans, in the 102nd Congress.

The legislation was enacted twice in 1992, and vetoed both times for other reasons.

ENCOURAGE PRIVATE BUSINESSES TO HIRE NEW EMPLOYEES

6. 13.85% Jobs Hiring Tax Credit

Determination of the Credit

While the economy is improving, employers are not hiring enough new workers. This "new jobs" credit would give the private sector an incentive to hire new workers now, as opposed to increasing overtime or hiring temporary workers from other sources.

This temporary credit would give employers a tax credit equal to 13.85 percent of a new employee's wages for the first six months of employment. This credit would apply against the applicable wage base for FUTA and FICA taxes.

The amount of 13.85 percent is equal to the employer's FICA tax of 7.65 percent plus FUTA tax of 6.2 percent. The actual FICA and FUTA taxes would not be reduced, but the proposed income tax credit would return to the employer the out-of-pocket cost of those taxes on labor. Also, as a result, this change would not affect the social security or unemployment trust funds.

The credit would be available for any employee hired during the period from July 1, 1993 to July 1, 1994. This will provide employers enough of a phase-in period to take advantage of the full credit.

Employers would receive a credit only to the extent there was actually a net increase in employees in a given pay period. The eligibility for the credit would be determined over each payroll period of the employer. Appropriate anti-abuse rules would apply.

The tax credit would directly affect employers' decisions to hire labor because the credit would reduce the price of labor, without reducing wages or workers' legal benefits. If jobs are not created, there will be no cost to the government.

7. Repeal of the Luxury Excise Taxes

Current Law

Present law imposes a ten percent excise tax on the portion of the retail price of the following items that exceeds the thresholds specified: automobiles above $30,000; boats above $100,000; aircraft above $250,000; jewelry above $10,000; and furs above $10,000. The tax took effect on January 1, 1991, and expires on December 31, 1999.

Proposal

This proposal would repeal the luxury excise tax on boats, airplanes, jewelry, furs and automobiles, effective retroactively to January 1, 1993.

8. Modify Passive Loss Rules for Real Estate

Present Law

Under current tax rules, deductions and credits from passive trade or business activities are limited to the extent they exceed income from passive activities. They can not be used to offset other income, such as wages, portfolio income, or business income that is derived from a passive activity. Credits are treated similarly.

Deductions and credits suspended under these rules are carried forward to the next taxable year, and are allowed in full when the taxpayer disposes of his entire interest in the passive activity to an unrelated person.

Passive activities are defined as trade or business activities in which the taxpayer does not "materially participate." Rental activities (including rental real estate activities) are also treated as passive activities, regardless of the level of the taxpayer's participation. However, rental real estate activities can be deducted against other income, up to $25,000 a year, which is phased out by one dollar for every two dollars of AGI over $100,000 (i.e. $100,000 to $150,000 phase-out)

Proposed Change

Under the proposal, a taxpayer's rental activities would not be subject to the passive loss limitation if the taxpayer meets eligibility requirements relating to real property trades or businesses in which the taxpayer performs services, i.e. "materially participates." Thus, the same rules would apply to rental real estate as apply to other industries. Rental real estate activities would no longer be per se considered "passive."

Real property trade or business means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business.

An individual meets the eligibility requirements if more than half of the personal services the taxpayer performs in a trade or business are in real property trades or businesses in which he materially participates. Personal services performed as an employee are not treated as performed in a real estate trade or business unless the person performing the services has more than a five percent ownership interest in the employer.

A closely held C corporation meets the eligibility requirements if more than 50 percent of its gross receipts for the taxable year are derived from real property trades or businesses in which the corporation materially participates.

The effective date of this provision would be July 1, 1993.

DESCRIPTION OF SPENDING CUTS

Offsets for Economic Incentives for Growth and Savings

Mandatory Programs

1. Eliminate Lump Sum Retirement Benefit for Federal Employees. This benefit allows federal civilian employees to elect upon retirement to receive a lump sum payment roughly equal to employee contributions in exchange for a reduced annuity for life. The 1990 budget agreement suspended this benefit through 1995. This option eliminates it entirely, for savings in 1996–1998.

2. Medicare Secondary Payor Reform. S.285, would require employers to mark a new box on IRS W-2 form to indicate whether employees are in a group health care plan. This information would be used by Medicare and other federal programs to know whether to seek payment from the private insurer for working Medicare beneficiaries who are being provided with insurance coverage.

Discretionary Programs. Savings in these programs could be enforced through a reduction in the 1994–1995 discretionary spending caps, and an extension of spending caps through 1998.

3. Reduce Federal Aid for Mass Transit. In 1993, the principal federal transit assistance programs will provide about $2.8 billion in capital grants and about $0.8 billion in operating assistance for local mass transit. Federal grants generally pay 80% of the costs of qualifying capital projects and offset up to 50% of local transit operating deficits. This option reduces the federal share of qualifying investment costs for mass transit to 50% and eliminates operating assistance.

4. Eliminate Highway Demonstration Projects. According to CBO, the federal government will provide a total of $96 billion in highway grants to states during the 1994–1998 period. States will obligate most of this money on highway projects of their own choosing. The Department of Transportation will distribute about $90 billion, or 93% of the total, according to broad statutory formulas and other procedures prescribed by law. The remaining $6 billion will be obligated on projects earmarked by the Congress in both the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and annual appropriations bills. ISTEA alone contains more than 500 separate projects. This option would amend ISTEA to eliminate contract authority for the demonstration projects contained in the bill.

5. Modify the Service Contact Act by Eliminating the Successorship Provision. The McNamara-O'Hara Service Contract Act of 1965 sets basic labor standards for employees on government contracts whose principal purpose is to furnish labor, such as laundry, custodial, and guard services. Contractors covered by this act generally must provide these employees with wages and fringe benefits that are at least equal to those prevailing in their locality or those contained in a collective bargaining agreement of the previous contractor. The latter provision applies to successor contractors, regardless of whether their employees are covered by a collective bargaining agreement. This option would eliminate the successorship provision and as a result, federal procurement costs would fall because this option would promote greater competition among contractors.

6. Reduce Federal Employment by 100,000. This option can be accomplished through attrition during the next five years. In addition, greater savings in personnel might be achieved through S.797, which would provide a one-time government wide early retirement window.

7. Reduce Federal Government Administrative Expenses. This option would reduce government administrative expenses in such areas as travel, rental payments to others than GSA, equipment (does not include pay or benefits for employees). In 1993, this option would provide for $1.2 billion rescission in these accounts.

8. Modify Vacation Leave for Federal Managers. Most federal employees may accumulate no more than 240 hours of vacation leave—the equivalent of 30 working days. When employees leave federal service, they or their survivors are entitled to payment for the unused leave. By contrast, senior career employees may accumulate unused leave without limit. This option would hold the career Senior Executive Service to the standards that govern leave accumulation for most other employees, payments of used leave would drop.

9. Reduce Legislative Branch Administrative Expenses. This option requires the Legislative Branch to reduce administrative expenses by $20 million a year.

10. Eliminate Interstate Commerce Commission. The Interstate Commerce Commission (ICC) regulates rates, operating rights, and mergers and acquisitions of interstate motor carriers and railroads. It also rules on rail abandonments and construction of new rail lines. The ICC's powers have diminished since the passage in 1980 of the Motor Carrier Act and the Staggers Rail Act, and its staff and budget have decreased accordingly. Some regulation remains, including a number of routine applications for ICC approval of operating rights, rates, and other business decisions. Deregulation would apply only to economic regulation; motor carrier safety would continue to be regulated by the Federal Highway Administration.

11. Close/Privatize Federal Helium Reserves. This option would sell the federal government's helium installation and pipeline to private industry.

12. Reduce Legal Services Corporation Funding by 50%. The Legal Services Corporation, an independent, not-for-profit organization, supports free legal aid to the poor in civil matters. About 300 state and local programs receive grants from federally appropriated funds. This option would reduce funding for the Legal Services Corporation by 50% between 1994–1998.

13. Terminate Copyright Royalty Commission. This agency establishes copyright payments for jukebox records and rebroadcasts of television programs over cable TV systems. Some believe such work could be accomplished by ad hoc arbitration panels. This option terminates the Commission.

14. Reduce Foreign Aid. This option would reduce foreign aid spending for the European Bank for Reconstruction and Development, reduce funding for the Special Defense Acquisition Fund, and provide for no increase in funding for International Development Authority.

ECONOMIC INCENTIVES FOR GROWTH AND SAVINGS

[In millions of dollars]

	Effective	1993	1994	1995	1996	1997	1998	Total
TAX INCENTIVES FOR PRIVATE JOB CREATION AND SAVINGS								
Reduce the cost of capital and tax penalties on investment:								
1. Index the basis of assets for capital gains; assets sold after indexing begins	1/1/93	0	($400)	($1,200)	($2,200)	($3,300)	($4,600)	($11,700)
2. Alternative minimum tax changes to alter AMT adjustment and eliminates "ACE" adjustment	7/1/93	0	(142)	(383)	(594)	(756)	(648)	(2,523)
Encourage investment in small business:								
3. Increase expensing deduction under § 179 to $25,000 from current $10,000 limit	7/1/93	0	(1,600)	(2,600)	(1,800)	(1,400)	(1,000)	(8,400)
Reduce the tax bias against savings (that favors consumption):								
4. Bentsen-Roth Super IRA: Reinstates fully deductible IRAs and creates backloaded IRA option; frontloaded effective	1/1/94 1/1/96	$15	2,953	1,696	312	(3,175)	(4,847)	(3,046)
5. Penalty-free early withdrawals for first home purchases, college education, medical expenses and long-term unemployment costs from IRAs, 401(k)s and 403(b)s	DOE	(155)	(567)	(567)	(474)	(378)	(253)	(2,394)
Encourage private businesses to hire new employees:								
6. 13.85 percent jobs income tax credit for hiring new employees	7/1/93	(850)	(2,550)	(0)	(0)	(0)	(0)	(3,400)
Repeal tax penalties on industry sectors:								
7. Repeal luxury taxes on boats, cars, airplanes, jewelry and furs	1/1/93	(173)	(314)	(386)	(471)	(563)	(665)	(2,572)
8. Modify passive loss rules for real estate/material participation	7/1/93	0	(632)	(479)	(471)	(473)	(486)	(2,541)

ECONOMIC INCENTIVES FOR GROWTH AND SAVINGS—Continued

[In millions of dollars]

	Effective	1993	1994	1995	1996	1997	1998	Total
Total tax incentives for jobs and savings		(1,163)	(3,252)	(3,919)	(5,698)	(10,045)	(12,499)	(36,576)
SPENDING OFFSETS TO PAY FOR JOBS PROGRAM								
Mandatory programs:								
1. Eliminate lump sum benefit for Federal employees	10/1/95	0	0	0	2,100	3,032	3,197	8,329
2. Medicare secondary payor reform	10/1/93	0	400	650	650	650	650	3,000
Discretionary programs: Enforced through spending caps		1,200	3,297	6,113	7,025	7,961	8,747	34,343
3. Reduce Federal aid for mass transit	10/1/93	0	530	950	1,300	1,600	1,850	6,230
4. Eliminate highway demonstration projects	10/1/93	0	180	760	1,000	1,150	1,200	4,290
5. Modify successorship provision in government service contacts	10/1/93	0	160	180	180	190	190	900
6. Federal employee savings (Federal employment 100,000)	10/1/93	0	788	1,844	1,951	2,122	2,191	8,896
7. Federal Government administrative expenses (1993 rescission)	DOE	1,200	1,300	1,500	1,700	2,000	2,400	10,100
8. Modify vacation leave for Federal managers	10/1/93	0	5	5	10	10	15	45
9. Legislative branch administrative savings ($20 million/year)	10/1/93	0	20	20	20	20	20	100
10. Eliminate Interstate Commerce Commission	10/1/93	0	25	30	30	30	30	145
11. Close/privatize Federal helium reserves	10/1/93	0	128	133	138	143	150	692
12. Reduce Legal Services Corporation funding by 50 percent	10/1/93	0	160	190	195	195	200	940
13. Terminate Copyright Royalty Tribunal	10/1/93	0	1	1	1	1	1	5
14. Reduce foreign aid: European Bank for Reconstruction and Development and spec. def. acq	10/1/94	0	0	500	500	500	500	2,000
Total offsets		1,200	3,697	6,763	9,775	11,643	12,594	45,672
Net budget impact		37	445	2,844	4,077	1,598	95	9,096

Job creation plan—paid for in full

Job creation incentives:	*Jobs created by 1998*
Index capital gains (prospectively for all assets)	250,000
Increase expensing deduction under §179 to $25,000 from $10,000	150,000
Bentsen-Roth Super IRA and penalty-free early withdrawals	250,000
Alternative minimum tax changes	30,000
13.85 percent jobs income tax credit	50,000
Passive loss rule changes	40,000
Repeal luxury excise taxes	30,000
Total jobs created by 1998[1]	800,000

[1] Estimates prepared by the minority staff of the Joint Economic Committee.

[From the New York Times, May 9, 1993]

CONFIDENCE IN CLINTON IS SLIPPING AMONG MANY BUSINESS LEADERS

(By Sylvia Nasar)

From his economic summit meeting in December to his budget speech to Congress in mid-February, President Clinton wooed, and seemed to have won over, many of America's top executives, most of whom are lifelong Republicans. The corporate world was charmed by the President's sincerity and intelligence, disarmed by his plans to tackle the deficit and promote economic growth and more than ready to give him a chance.

Three months later, the chorus of executive complaints is growing in volume, as expectations about the economy have deteriorated. And many business leaders, including some who are Democrats and others who supported Mr. Clinton during the election campaign, now say bluntly that the President's handling of economic policy has left them disillusioned and uneasy.

"This was the fastest honeymoon since Ernest Borgnine married Ethel Merman," said Jerry Della Femina, a Republican advertising executive who supported Mr. Clinton, recalling a Hollywood romance that lasted 12 days. "It's over."

"HIGH DEGREE OF ANXIETY"

Stanley C. Gault, chairman and chief executive of the Goodyear Tire and rubber Company and an influential business leader, commented: "I don't think there's any doubt today that the business community is very frustrated. They are disappointed. There's a high degree of anxiety and uncertainty."

And Irving S. Shapiro, a prominent Democrat who is a former chairman of E.I. du Pont de Nemours & Company, observed, "Bill Clinton has a repair job to do."

In telephone interviews last week, more than a dozen business leaders said that the President's tax proposals were anti-growth and that the Administration's approach to health care reform—which could involve a new payroll tax—could end up heaping heavy new costs on business.

MOOD AFFECTS RECOVERY

That these executives are far more worried than they were a couple of months ago is not just a political problem. Confidence is a necessary ingredient in business decisions to invest in technology, hire workers or start new ventures, so the bleaker mood is bad for an economy that is already on a slow-growth path.

"When you have conditions like this, what everybody does is clam up," said Mr. Gault of Goodyear. "They pull back on spending, they don't hire people, it's wait and see. You're seeing it reflected in the data already."

Mitchell S. Fromstein, chairman and chief executive of Manpower Inc., the nation's largest supplier of temporary help, said: "The process of job formation has a lot of psychology in it. We sense an increasing amount of uncertainty."

And F. Kenneth Iverson, chairman and chief executive of the Nucor Corporation, a steel producer in Charlotte, N.C., said flatly, "Everybody's sitting on his hands because nobody knows what's going to happen."

In addition to the top executives interviewed last week, a monthly survey by Cahners Economics of 400 manufacturing executives found that since February, business confidence has slipped, giving back more than two thirds of its earlier rise. Earlier surveys found that the business mood started to improve after the election; jumped in December, the month of the economic summit meeting in Little Rock, Ark., and peaked in February, the month President Clinton announced his economic plans to Congress.

That survey supports the observation of several executives that business approval of Mr. Clinton eroded as more details of his economic plans emerged, and also slipped with the defeat of his economic stimulus package in Congress.

The business executives are not alone. A Times-Mirror poll released on Friday found that the President's approval rating had dropped to 12 percent from 25 percent in February among people who voted for President Bush in November, 21 percent from 29 percent among Republicans, and 45 percent from 58 percent among people with family incomes of more than $50,000. The poll carries a margin of sampling error of three percentage points.

FAILING MARKS AS MANAGER

As much as the specifics of the Clinton economic plan, it is the President's performance as a manager that has many corporate leaders gritting their teeth.

"It's the disarray," said Jerry Jasinowski, president of the National Association of Manufacturers. "These guys can stand a lot of stuff, but they can't stand confusion and chaos. They see this big enterprise called the Federal Government, and they say to themselves, 'Jesus Christ, there's nobody really managing this.'"

And John B. McCoy Jr., chairman and chief executive of Banc One, the nation's eighth largest bank said: "There was sort of a high when Clinton got elected. Everybody said, 'Let's go.' Now we have 87 agenda items and we're not getting anything."

Yet if the chorus of disappointment is swelling, not every executive goes along.

"My confidence hasn't deteriorated," said Jerry K. Pearlman, chairman, president and chief executive of the Zenith Electronics Corporation. He said that when he hears business people complain about President Clinton, he asks: "Do you like where your interest rates are today? Do you like the billions you're saving in corporate debt payments?"

And Don L. Gevirtz, chairman and chief executive of the Foothill Group, a Los Angeles-based venture capital firm and a major fundraiser for the Mondale, Dukakis and Clinton campaigns in California, said: "I don't sense a wave of pessimism. People keep buying stocks."

But even these gung-ho defenders of Mr. Clinton's first 100 days have some complaints.

Mr. Pearlman, for example, said: "Right now, we've seen the policies. We haven't seen effective implementation." And Mr. Gevirtz observed, "Their lack of focus lost them the opportunity to turn around the California economy."

"The mood is very bad," said George Hatsopoulos, an active Democrat and the chief executive of the Thermo Electron Corporation, a company in Waltham, Mass., that makes instruments and pollution control equipment. "I still don't think we're going to break the recovery. I tell you it's very scary."

Mr. Hatsopoulos is one of the "high-technology Democrats" who felt that the Clinton victory in November contributed to a revival of the nation's economic confidence.

TAX-AND-SPEND MIX DIVIDED

Three times seem to be bothering most executives.

First, many dislike the mix of taxes and spending in the Clinton budget. To hear executives tell it, many were initially impressed by the President's commitment to cut the deficit. But as the details of the budget emerged, there were more taxes and fewer spending cuts than many had hoped for. The executives worry that new spending will derail deficit reduction and that higher taxes will stifle economic growth.

"Most individuals are ready to pay more taxes if the money is going toward deficit reduction," said Mr. Gault at Goodyear. "If you're going to take the money and dissipate it, they won't be interested."

Ted Van Dyck, a Washington political consultant with close ties to Democrats in the business community, said of President Clinton: "He misread his mandate and essentially overweighted the taxes and spending side in his basic package. It's already the largest tax increase in history. Combining it with health care reform could cripple the economy."

A second concern of many executives is that the Administration will try to solve problems on the back of the business community.

"The label of New Democrat got put on the President when he ran, but the business community doesn't see much difference between this Democrat and the prior Democrat," said Mr. Shapiro, the retired Du Pont Chairman.

And Mr. Della Femina commented: "Every business person I know has the same look that King Kong had at the top of the Empire State building when the helicopters started shooting. They are stunned."

The third factor on many executives' complaint list is their qualms about Mr. Clinton's management.

"What I hear," said Mr. Pearlman of Zenith, "is why are so many jobs still unfilled so that nothing's happening, and why are they doing so many things at one time?"

Paul Tsongas, the former Senator from Massachusetts who ran against Mr. Clinton in the Democratic primaries and who sits on eight corporate boards, commented, "A lot of it is the question about focus."

Part of the concern about Mr. Clinton's management is that the Presidential team has too few experienced hands on it. "We have a building full of Rhodes scholars who love their current position but don't have any practical experience," Mr. Shapiro said. That's showing."

HOW TO WOO BUSINESS BACK

Most executives interviewed said they thought President Clinton could win back the disaffected business community, and they are not shy about telling him how.

The Democrats "need some wins in Congress," Mr. Pearlman said, adding, "They have to pick a few things to get done, run them all the way through."

Mr. Shapiro said, "There's a great question of credibility on whether they are really cutting spending. The public can't put its finger on anything. To get credibility, the White House has to do something major, like get rid of an agency and pick up a lot of money in a hurry."

And Mr. Tsongas insisted: "There is still a consensus that if he does well, we do well. I don't detect any disrespect for Bill Clinton that I used to get about George Bush."

Mr. ROTH. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington, under the previous order, for 10 minutes.

THE SPOTTED OWL CONTROVERSY

Mr. GORTON. Mr. President, this another in my series of reflections about the ongoing spotted owl controversy. The Clinton administration's opportunity to meet this challenge may be the last hope for our timber dependent communities and their citizens in the Pacific Northwest. I hope that I will be able to work with the administration on a proposal that will truly help timber dependent communities regain their economic viability. The administration must remember that people and their communities are a fundamental part of what we now call the ecosystem.

One proposition I heard from both sides of the table at President Clinton's Forest Conference was that we must take a big picture, global management approach toward managing this country's natural resources. The buzzword for this concept is ecosystem management.

I will discuss briefly both the concept of ecosystems and the concept of management.

With respect to ecosystems, I believe that taken to its logical extreme, there is only one ecosystem, the entire Earth. As a consequence, no environmental choice is made in a vacuum. When we decide to use one resource rather than another, that choice has real world consequences. Proposals to replace wood and wood products, perhaps the most readily renewable of all of our major natural resources, with manufactured metals and plastics are now popular in certain environmental circles. But such a choice will have real environmental consequences—and they will not be pleasant.

One recent study demonstrated that using 1 ton of steel rather than 1 ton of timber releases about 1 ton more of carbon dioxide into the planet's atmosphere. In fact, using steel rather than wood for same sized buildings causes 3½ times more carbon dioxide emissions.

In addition, building with wood makes even more sense when we reflect on energy and water use. Another study showed that building with steel takes 3 times the energy inputs of wood and 16 times the water usage. A study by Peter Koch showed that the enforcement of the Thomas plan on all public and private land in the Pacific Northwest and the substitution of other manufactured products for the lost wood products would require an additional 6 billion gallons of oil a year and contribute another 62 million tons of greenhouse gases every year.

This is just one cost—a major cost to the world ecosystem—of a policy which exalts forest preservation over all other social, economic, and social goals. The policy now being systematically pressed on the Clinton administration by much of the environmental community. Clearly, using wood is the right environmental choice when we take into account the total effect of substituting other manufactured products for wood products.

Next, I wish to address the issue of management of our public forests. Currently, management, or more accurately the lack of an active management of our national forests, may both be robbing the country of some of those species which are dependent on non-old growth forests and slowing down the process of regenerating old growth forests.

As Dr. Chad Oliver of the University of Washington has pointed out, the scientific paradigm of forest development has changed in the last couple of years. The problem is that the public perceptions have yet to catch up with scientific knowledge. The environmental community actively propagandize against this new view because it means that we would have actively to manage our forests by selective timber harvesting.

Dr. Oliver explains that the traditional steady state paradigm of old growth forests that are perfect habitat for all species has been demonstrated to be incorrect. Scientists have come to realize that the process of creating an old growth forest is both dynamic and violent in a state of nature. It is by a process of cataclysmic natural disturbances and regrowth through successive stages by which old growth forests are created by nature.

This University of Washington professor also points out that forests at each stage in the process of developing old growth are hospitable to different species. And, because there never were immense tracts of undifferentiated old growth forests, to maintain a truly genetically diverse population of species we must continue to encourage all types of forests and different stages of development.

Dr. Oliver told me that only an active management of forests will ensure that the needs of all species are taken into consideration. He believes that we can actively manage our forests for the benefit of all species. Where species are dependent on forests without old growth characteristics we can harvest more timber. And, where necessary, we can assist nature in growing forests with old growth characteristics through selective thinning and pruning.

Madam President, I firmly believe that a true ecosystems management approach to managing this country's forests will prove best for our forests, best for the communities and species that depend on them, best for the environment of the planet and best for people. I hope that President Clinton will advocate a true ecosystems management scheme as he approaches the problem of the spotted owl in the Pacific Northwest.

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of S. 942 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent that I be allowed up to 10 minutes for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITIAN PRESIDENT JEAN-BERTRAND ARISTIDE

Mr. GRAHAM. Madam President, over 19 months ago, the first democratically elected President in the modern history of Haiti, President Jean-Bertrand Aristide, was overthrown in a violent coup.

Since then our efforts, the United Nations, the Organization of American States, the United States, other members of the international community, our efforts to help restore President Aristide have been unfocused, low priority and, as a result, ineffective.

Our ineffectiveness is costing us and is costing the people of Haiti dearly. Human rights abuses continue, Haiti transships more drugs than it used to—most of it to the United States—and Haiti's economy is in a freefall.

In a recent report on human rights released on May 5, the Organization of American States charged the Haitian military with numerous and grave human rights violations, citing arbitrary detentions, systematic beatings, and torture.

Madam President, I ask unanimous consent that a May 6 Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 1993]

HAITI'S ARMY IS ACCUSED OF NEW OFFENSES

(By Michael Tarr)

PORT-AU-PRINCE, HAITI, May 5.—The Haitian military has committed "numerous and grave" human rights violations in the two months since an international observer mission began monitoring the situation in Haiti, the joint United Nations-Organization of American States mission charged in a report today.

In its first public assessment of the military's overall performance, the mission said it had voiced "serious concern" to the army chief, Lt. Gen. Raoul Cedras, about "arbitrary detentions, systematic beatings and torture" aimed at suppressing freedom of opinion and assembly.

The Clinton administration had been hoping the mission's deployment would bring a quick improvement in the human rights situation and defuse criticism of its decision to continue the forcible repatriation of all Haitian boat people.

The mission's report also accused the military of noncompliance with a February accord promising the observers immediate access to detainees.

The charges came two days after a former Amnesty International secretary general, British citizen Ian Martin, took over in a newly created post as the mission's director for human rights. They cited incidents in which people were arrested and beaten for holding public demonstrations, distributing leaflets, putting up posters or possessing pictures of Jean-Bertrand Aristide, who was ousted from the presidency in 1991 military coup.

Quizzed by mission observers after a March 29 incident in which a teacher was hospitalized with injuries received in a beating, the northwestern military commander spoke of "the need to use force in order to obtain information," the report said.

In another incident, the mission reported that it was denied access to three jailed trade unionists for three days following their arrest and severe beating in a police barrack here on April 23.

Foreign diplomats said the observers are usually effective in obtaining the release of detainees or in dissuading the military from the use of violence when they are physically present at street demonstrations. The mission's presence and mounting international pressure for Aristide's return have spurred more overt expressions of pro-Aristide sentiment—resulting in a renewed military crackdown.

So far, the mission has 119 members in Haiti, of whom about 95 are actually deployed as observers. The immediate target is to have 260 in the field and 30 administrators by the end of June.

A source close to the mission said mediator Dante Caputo was not expected to return for another attempt to negotiate a settlement before the middle of next week. Despite expectations of success, Caputo failed in mid-April to obtain the military's agreement to Aristide's return in exchange for an amnesty covering the military.

Mr. GRAHAM. Madam President, on the drug front, the State Department cites reports indicating increases in both surface and air shipments of cocaine to the United States since President Aristide was removed from office.

Economically, the economy is a disaster. The country, which already has the lowest per capita income in the Western Hemisphere, suffered a decline in its real gross domestic product in 1992 of 12.6 percent, double the rate of decline in 1991.

While Haiti goes over the cliff, the de facto government continues to stall on negotiations. The longer we delay, the harder its is going to be for a new government to put Haiti back together.

We need to break the regime's stall strategy by continuing to unambiguously and publicly support President Aristide's return. We must also set a date for the President's return. Deadlines are the only way to advance negotiations.

In a statement which I made approximately 6 weeks ago, I had advocated that we set the date of May 31 for the return of President Aristide. I am concerned that we are now on the eve of that date, no date has been set, and the consequence which I anticipated, which is further delay, further stalling in the negotiations, has in fact occurred. I would urge the President and his advisers to reconsider the necessity of setting a firm date and to make that date as early as practicable.

The Clinton administration is making progress. I am particularly encouraged that U.N. peacekeepers may soon be sent to Haiti. This would be a significant step in restoring President Aristide and creating an environment for a peaceful restoration of democratic government.

It is too early to tell whether the efforts of President Clinton and others will succeed in building democratic institutions in Haiti. But at least we have a road map that offers some promise of getting us from where we are to that goal—from dictatorship to some form of democratic rule.

President Clinton has taken a number of positive actions.

First, he has made Haiti a priority and placed Ambassador Larry Pezzullo in charge. Pezzullo, from my own personal meetings and his previous background I would represent to my colleagues as being a first-rate diplomat. He has a well-earned reputation as a no-nonsense, can-do representative of the United States.

Second, the President has publicly met with Aristide and stated his support for his government. Like Boris Yeltsin in Russia, the freely elected Aristide symbolizes democracy in Haiti. You cannot have one without the other. Our unambiguous support of President Aristide is essential if we are to convince the Haitian elite that we are deadly serious about democracy and about his return.

Third, the President recognizes the complexity of the current situation. No single party is solely to blame for the current morass. Everyone contributed. That is why the President has properly preached reconciliation and amnesty to all parties.

Fourth, President Clinton has fully absorbed a fundamental truth of the last decade—a free and fair election does not a democracy make. Functioning democracy requires democratic institutions. Haiti has none. Until it does, democracy is unlikely to take root.

Fifth, the Clinton administration has acknowledged the need for a peacekeeping force to give all sides a sense of security.

Finally, the President realizes that to achieve our goals in Haiti is going to require resources. Working with the international community, President Clinton is assembling a 5-year, $1 billion economic package. The bulk of the money will come from the World Bank and the InterAmerican Development Bank.

Madam President, after 19 months of inaction, the time has come to get serious about Haiti. The previous administration never did, and Haitians have paid a bloody price under a brutal regime. Haiti is another example of what happens when we simply ignore problems, allowing them to fester.

Although President Clinton has buoyed Haitian spirits, hopes have a short half-life in Haiti. That is why Haitians maintain an insurance policy. More than 1,000 boats stand ready to be launched if Aristide fails to return.

We all hope that will not happen. I am more confident today than I have been since the coup that President Aristide will return to power and those boats will not be used.

If the Clinton strategy is successful, our challenge will soon shift from assuring President Aristide's return to making certain that he has the resources to make this experiment in democracy a success. That success will be measured in several ways.

Economic recovery will be critical. The embargo has ruined the economy. Economic aid must be earmarked for quick employment civil works projects, and the embargo must be lifted as part of any political settlement.

The Caribbean Basin Initiative, which has been a great assist to Haiti in the past, must be both protected and strengthened particularly as the North American Free-Trade Agreement comes on line.

An independent police force, separate from the army, must be created. An independent judiciary also must be established. Finally, the military must be professionalized and reformed. Its training must change to emphasize tasks that can help the country, not destroy it.

There are many tasks a revamped military could perform. Haiti's infrastructure, what there is of it, is a crumbling mess. Repairing it could occupy several armies. Although the private sector must be encouraged to bid on projects, certain construction needs lend themselves to an army corps of engineer approach. With the proper training, the Haitian Army can play an important role in that area of infrastructure reconstruction. Likewise when it comes to medical and health services, the military could play a significant service to the nation. There is a crying need for these services.

Madam President, each of these goals are important in the short and medium term if democracy is to take root in Haiti.

Longer term, we must help Haitians confront the environmental disaster their country has become. Once the breadbasket for colonial France, Haiti today is a moonscape wasteland. Until Haitians squarely confront the issue, critically needed agriculture production will remain severely limited.

Also long term we must confront the brain drain that has crippled the country. The return of thousands of professionals who have fled must be a top priority. If Haiti is to ever become a functioning democracy, their contribution is vital.

Madam President, the ultimate measure of success will be the attitude with which President Aristide resumes his Presidency. With an attitude of patience, reconciliation, and a renewed commitment to consensus building, all things become possible. President Aristide can play a historic role by closing the door on a bleak past and opening up Haiti to a new future—a future where all Haitians will have an opportunity to live their lives in safety and with the hope of human rights, democracy, and prosperity.

Thank you, Madam President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to be recognized for 15 minutes to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. DORGAN. Madam President, first, let me compliment my colleague from Florida.

I recall one day leaving the island of Haiti with our late colleague, Congressman Mickey Leland, from Texas, who tragically was later killed on a hunger relief mission in Ethiopia. We had toured refugee camps in Haiti in our work together on the Task Force on Hunger in the House of Representatives.

I asked myself on the plane on the way out of Haiti that day: How would I fix this problem? The most gripping, wrenching poverty I have ever witnessed in my life exists in our neighborhood, in that country. It is hard to hold a dying child in your arms in a primitive clinic near Cite Soleil, one of the most desperate slums in the world, and not think about it for the rest of your life.

These are neighbors of ours. We must be concerned about the kinds of policies that will assist in bringing democracy back to Haiti. We must restore hope to some people who live in our neighborhood who desperately need some hope.

I just wanted to compliment my friend from Florida for his statement.

S&L FRAUD TASK FORCE

Mr. DORGAN. Madam President, I wanted to take the floor today to discuss two items briefly. One in an amendment which I intend to offer to the legislation dealing with the savings and loan bailout that will very shortly come to the floor.

The amendment that I intend to offer to this legislation I have offered previously when I was a Member of the House of Representatives. This amendment passed the House of Representatives and was part of the crime bill, which last year died because it was blocked by the minority side here in the U.S. Senate.

My amendment, very simply, requires the Attorney General to establish in the Department of Justice a task force on savings and loan fraud. Nowhere in the Attorney General's office, nowhere in the Justice Department does a task force exist to bring all the spotlights to shine on the same spot in order to prosecute fraud in the S&L industry.

In 1980, we saw a massive collapse of the S&L industry in this country. About two-thirds of the cases of collapsed S&L's involved fraud, according to those who have studied them.

It will now cost, we are told, with interest payments over a long period of time, nearly $0.5 trillion to bail out these failures in the thrift industry.

My feeling is that those who perpetrated crimes, those who committed fraud, and those who did so and now still live in the lap of luxury need to be prosecuted vigorously and need to have their assets seized in that prosecution, in order to restore that money to the Public Treasury. I do not want the American taxpayer to spend one additional cent in bailing out the S&L problem unless we are also assuring the American people that those who committed fraud in S&L's in the 1980's are going to be prosecuted aggressively and will have their assets seized.

Now what is the record? Why do I ask this kind of a task force in the Justice Department?

The record is, the Justice Department has not organized the kind of task force you would expect it to organize after this almost unprecedented fraud in the 1980's. Yes, it has a task force on dealing with financial institutions, but the data show that most of the investigations and most of the prosecutions are still oriented towards banks, not S&L's. And one would think, with the massive scandal that existed in the savings and loan industry, we would see just the opposite.

The Resolution Trust Corporation has estimated that, in the thrifts it oversees, criminal misconduct by insiders contributed to the failure of 33 percent of the thrifts. That is, fraud contributed to bringing down one-third of the thrifts that failed. About 64 percent of the RTC-controlled thrifts have had suspected criminal misconduct that has been referred to the Justice Department.

The FBI data show something very significant about savings and loan fraud. The FBI data show that most major cases being investigated involved banks rather than S&L's. For fiscal year 1991, nearly 86 percent of the pending cases under investigation by the FBI involved nonthrift, non-S&L financial institutions. For fiscal year 1991, a larger percentage of FBI agent work years were going to non-S&L investigations. Of the 5,000 major cases pending in July 1992, 74 percent were bank investigations. Only 23 percent involved S&L investigations.

One would expect exactly the opposite. One would expect the massive resources of the Justice Department, even as we are asked to bail out the S&L industry, to be devoted to prosecuting crime and fraud that ran rampant through that industry in the 1980's.

I think the most interesting statistic that persuades me once again to offer this amendment is that the asset recoveries and collections of court-ordered fines and restitutions in thrift cases have been minuscule. As of July 1992, the Government had collected about 4.5 percent of the total court-ordered fines and restitutions. Yes, you heard right. Ninety-five percent of the court-ordered fines and restitutions against those who committed fraud in the S&L industry have gone unpaid. Less than 5 percent have been recovered.

We now will talk on this floor about having the American taxpayer ante up more money to deal with this problem, much of which was caused by fraud on a massive scale in the S&L industry. I want to make sure the Justice Department, the investigators and the prosecutors for this country, make those folks that committed that fraud own up to their responsibility. I want to put the criminals in jail. I want to have them make restitution of property that they acquired inappropriately. And I believe we ought to seize assets to do that.

I am not confident that this has been happening in the Justice Department in recent years. I am hoping it will, and I hope this amendment will allow the Attorney General to move forward.

I have written to Attorney General Reno in recent weeks and indicated to her that I intended to offer this amendment. I have not had a response from her, but, as I said, this amendment was passed by the House of Representatives when I offered it in the last Congress. My amendment died only because the crime bill to which it was attached did not move past this Chamber. I will offer that amendment when we get to the bill which is scheduled to be on the floor late this afternoon.

CAMPAIGN FINANCE REFORM

Mr. DORGAN. Madam President, I would like today to address one additional issue that we will be taking up soon.

President Clinton recently proposed campaign finance reform. His proposal was aggressive and controversial. Some of it I like; some of it I am not crazy about.

The one thing I will say about this President is he is moving to try to accomplish things. He wants to change things. That is the campaign he ran. He ran on a campaign of change.

It is interesting that this is the first election in some time in which people were more afraid of the status quo than they were of change. People are pretty afraid of change. They do not know what it is going to bring, so they are a little worried about it.

The President proposed and promised change, and he is offering it in a number of areas now, including campaign finance reform.

President Bush did not care much for change. He thought things were fine just the way they were. He did not push for campaign finance reform. President Bush opposed, said he would veto, and would not have anything to do with the kind of campaign finance reform most of us believe is necessary for our campaigns.

What is the major problem in political campaigns? It seems to me the major problem is there is too much money spent on all these campaigns.

If you have too much money in political campaigns in this country, how do you remedy this problem? The obvious way to remedy it is to limit campaign spending. Let us simply place a limit on campaign spending in this country.

The Supreme Court in the Buckley case says you cannot do that. That would simply thwart the free speech of someone who has $10 million in the bank and says, "I am going to run for Congress and I am going to spend $8 million of my $10 million; it is my money and it is none of your business how much of it I spent on my campaign."

The Supreme Court says, "You are right. You cannot pass a law that injures someone's opportunity to spend $8 million to run for Congress if it is that person's own money. That is free speech." So we are thwarted by the Buckley case.

I think it is a goofy case. I have no idea why the Justices reached that conclusion. Nonetheless, that is the conclusion the Supreme Court reached. But there are ways to deal with this, ways in which we impose spending limits that are voluntary limits with conditions that almost required every candidate to abide by them. Let me describe them.

I think we should have a spending limit, for campaigns for the House of Representatives, of $400,000; and a spending limit for a Senate campaign, in a State below 1 million in population, of $800,000. Let us just suppose we have those kinds of voluntary spending limits. How do you get people to subscribe to those spending limits so we ratchet down all these campaign expenditures?

First of all, when you run for Congress, if you adopt these spending limits and abide by them, several things will happen. One, you are going to be able to get the lowest rate for television advertising; two, you are going to get lower rate postal charges—because there is a lot of mailing in campaigns. That will be very helpful. These are a couple of approaches that we could use.

If you do not decide to abide by the spending limits we can say a couple of things to you. We can say you are not going to get the lower rate television advertising, you are not going to get the lower rate postal charges, and we will give you something else. We will impose a 50-percent excise tax on all expenditures that you make over the spending limit.

We are not injuring your exercise of free speech. You can spend $20 million if you want. But it is going to be very expensive for you because you have to pay a 50-percent excise tax on every dollar you spend above the spending limit. Then we'll use the money that is collected from those people who want to overspend—if they break the spending limits, those big shots who want to empty their own pocketbooks of millions of dollars for their own cause—then we'll use the excise tax we collect from those people to finance the campaign spending reform bill.

That makes a lot of sense to me. The President and some others say let us have the taxpayers pay for public financing. I do not particularly like that. I am not saying I would not vote for it if that was the only compromise we could get in order to achieve campaign finance reform, because I believe we need reform.

So I am not saying I would not vote for it under any conditions. But I am not saying I prefer to have the American taxpayers pay for campaigns, or even parts of campaigns. Whatever the costs of a campaign reform finance bill, why not have the money to pay for those costs come from an excise tax levied against those folks who will not abide by spending limits? That seems to me to be the ultimate wonderful irony in how you enforce spending limits.

The first thing we ought to do is deal with spending limits. I know the minority side does not like it. They say we will never support limits on spending. They are wrong. That is the problem with campaign finance in this country: we have no limits, so there is too much money. The Republicans are wrong. One day they will wake up on this issue.

But we fight, it seems to me, for spending limits. That is the centerpiece of trying to fix what is wrong in campaign finance: Impose spending limits. If they cannot be mandatory, make them voluntary, but make the conditions of voluntary spending limits sufficient so that it is very hard to decide you will not abide by them.

The second provision, then, would be to lower the limit on the amount of money that political action committees can give to campaigns. I say let us take the $5,000 limit down to $2,500. That seems sensible to me. Cut it in half.

And the third provision, that ought to accompany limiting spending and reducing the PAC contributions, is to get rid of all soft money in campaigns—all of it. It is a pernicious influence in campaigns that I think we should get rid of. It ought to be part of a three-step reform process: Limit spending in a workable and enforceable way—yes, a voluntary way, but the conditions are such you almost have to abide by them; reduce the amount of PAC money in campaigns. Although I must say about those people who say that PAC money is awful, you do not hear them say, when a person contributes $1,000 to a candidate, that somehow that is worse than when 30 farmers get together and put in $30 apiece and contribute about $1,000 to a candidate. I think the 30 nurses or farmers or others who get together in a political action committee with small contributions are probably giving a better contribution to the political system than someone who whips out his wallet and writes out a $1,000 or $2,000 check.

I recognize that there is too much money in campaigns, that too much of it has now come from political action committees, and that soft money is not a good influence. And the way to construct an answer, it seems to me—and I hope our side will consider this approach as an alternative to proposals for public campaign financing—is to construct a voluntary spending limit that works, ratchet down the special interest money by reducing the PAC contributions, and get rid of all soft money in campaigns. That would be a significant step forward in real campaign finance reform that would work, in my judgment, for this country.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

TRIBUTE TO WILLIAM ENGLER OF WISCONSIN AND THE PRESIDENT'S PLAN FOR DEFICIT REDUCTION

Mr. FEINGOLD. Mr. President, I rise to just briefly first say that we are very proud in our State of Wisconsin today. Today, the President, at the White House in the Rose Garden, honored one of our Wisconsin business people, Mr. William Engler, as the Small Business Person of the Year, for his company's long record in the State, and especially for the company's involvement in aiding the victims of Hurricane Andrew.

This was the top prize, first prize and, frankly, I was pleased to be allowed to come down and for the first time go to the Rose Garden and hear the President bestow this honor on one of our Wisconsinites. I expected a pleasant experience, which is what it was, but I expected it to be largely ceremonial. What I did not expect is that the President made a very important and substantive announcement at the same time, having to do with the Federal deficit which was, to me, one of the most encouraging moments of the new President's administration.

President Clinton said he would be announcing today that he would support the creation of a special deficit fund so that whatever taxes we raise through the President's budget, those dollars are actually placed in a fund to ensure that those dollars—every dollar—be used to help reduce our Federal deficit.

This is especially encouraging because it was followed right after the ceremony by the introduction by Senator DECONCINI, the Senator from Arizona, of a bill that would do just that. This afternoon, the Senator from Arizona introduced legislation which would create a deficit trust fund into which all of the new revenues adopted in the 1993 reconciliation bill will be placed. I am pleased to be one of the original cosponsors of that bill, Mr. President.

The purpose of the bill is very simple. It is to ensure that any new tax money we raise actually goes to deficit reduction. It would implement the amendment which Senator DECONCINI and I offered to the budget resolution in March. That amendment was unanimously adopted by the Senate.

This is something that the Senator from Arizona has pursued for several years, and I was proud to join him in offering the amendment which directed the Finance Committee and Ways and Means Committee to adopt this deficit reduction trust fund as part of the reconciliation bill.

Obviously, with the President now proposing this—and also there was a very excellent piece in one of the newspapers today by the Senator from New Jersey [Mr. BRADLEY] suggesting the very same thing—it looks like there is a real sense here that the country is demanding that if we are going to take these rather difficult steps, especially in the revenue area, we have to ensure that the money raised will in large part—and I hope in all cases, with regard to tax revenue—be used for deficit reduction.

This bill is aimed at restoring the public trust that if American taxpayers are going to make sacrifices and pay additional taxes to help get this country's fiscal condition in order, the money will actually be used for that purpose. Years from now, people will not say: Whatever happened to the deficit reduction money? Did you go out and spend it on something else?

This reminds me of a similar experience we had in Wisconsin when I had the opportunity to serve in the State Senate. The people of Wisconsin were convinced, over my objection and the objection of many, that a new State lottery should be created. It was going to be, according to some, the solution to our terrible property tax burden; all of it will be used for property tax relief. The folks in the State adopted the provision, and hundreds of millions of dollars were collected from the lottery revenue after the prizes were given out. But what happened? The money was used for regular State spending, even though the people of the State felt the money should be used for property tax relief.

I had the opportunity to bring a successful lawsuit which said that the State of Wisconsin has to return this money to the people directly. What I am hoping, frankly, is that the same thing can happen here.

By creating this legislation, the Senator from Arizona has proposed, and the President has endorsed, that if somehow we in this body and in the other body fail and cannot show that this money is used for deficit reduction, the people of this country will have some recourse.

I want to congratulate the President, in particular. There are many out there now saying that the President is trying to do too many things. I say to them that the President has to do many things in order to be President. there are those who say he has lost his focus. But I do not think so. I think this President announced it very clearly, and got this country moving on the deficit issue more than anyone ever has, through his speech in February, the State of the Union.

I think he has consistently worked with his staff and with Members of Congress to try to advance many parts of this goal. Now, the main task is before him to show that any spending cuts or any revenue increases actually go toward the goal he talked about this morning—deficit reduction. I even heard him use that word "focus" several times, literally. He is well aware that the country wants him to frequently articulate that his top priority has to include deficit reduction. I am delighted the President has done so, and I look forward to working with him and voting with him on many of the efforts to help us reduce our Federal deficit.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. That is correct.

PRESIDENT CLINTON'S NEW TRUST FUND

Mr. DOLE. Mr. President, President Clinton and his aides were promising a major breakthrough today on the economic front, but unfortunately what the taxpayers are seeing is just more taxing and spending from a White House that has lost touch with the American people.

The President's proposed Tax Increase Trust Fund is just a gimmick—it will give smoke and mirrors a bad name—to make his unpopular tax increases look good.

That's why the President has it backward—the American people do not care where the new taxes go, they do not want them, period—in a trust fund, or anywhere else.

The President might regain some trust on his handling of the economy by eliminating his new spending, dropping much of the new taxes, and making tough, across-the-board cuts in Federal spending.

What the American people really want to see is the deficit reduced by spending cuts, not tax increases.

In fact, there was a survey released last week that showed if you ask the American people, should we cut Federal spending or cut Federal taxes, 84 percent said cut spending first; 14 percent said cut taxes first. Because the American people understand—even though it is lost on Washington—that if we do not cut spending, it does not make any difference about taxes.

So, Mr. President, I think you have it backward. If you are going to create a trust fund, let us create a spending cuts trust fund. Let us cut spending and put that money in a trust fund, if you can tell us how it is going to work.

Now, that kind of leadership could really earn the trust of the American people.

There is still time to go back to the drawing board, still time to junk all the taxing and spending, and to put together a real deficit reduction plan.

And every day now we are reading stories in renowned newspapers, and hearing on television and radio, about how business is slowing down; people are not going to hire anybody.

I had three CEO's in my office today from Wichita, KS, who told me the same thing. They do not know what the tax bill is going to be. Too much taxes and not enough spending cuts is not going to expand their business.

It seems to me, unless we go back to the drawing board and really have a deficit reduction plan and cut spending first, the White House will only continue to destroy the confidence of consumers, investors, and business men and women all across this country with this obsession about increasing taxes.

Why have a tax increase trust fund? And how is it going to work? What happens to all the new spending programs in the President's budget? We can eliminate all the new spending programs. That would be a big step in the right direction. Then you can eliminate a lot of the new taxes. Then you could cut additional spending, as the President proposed; take his spending cuts. Then you have a pretty good deficit reduction package that might have some impact in a positive way on the American economy.

So all this talk about a trust fund for tax increases—I do not know how long they are going to be there, how long it is going to operate. It is an accounting gimmick. It is certainly something that is not new. It is something that has been around for a long time: Put it in a trust fund and then the American people are going to know how we spend it.

I do not think so. What the American people want, if they had their choice, would be no new taxes and a spending-cuts trust fund.

So if you listen to the American people, that is the message. Then if that happened, they would have more trust and confidence in Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I ask unanimous consent that since there is no one here to take up the bill that I might have 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

REDUCING THE DEFICIT

Mr. DOMENICI. Mr. President, I rise today to speak about something I have heard and seen on the network news and seen in an Associated Press release. Frankly, unless I am reading wrong or missing something, I am absolutely amazed that the President of the United States would talk about a deficit reduction trust fund into which he will put the taxes that are going to be imposed on the American people, as if that was going to reduce the deficit.

The President of the United States has said he wants to be the most truthful President since we have had a budget process. No smoke and mirrors, no accounting gimmicks, truth in budgeting. The notion of a trust fund for new taxes to be used only to reduce the deficit when there are no significant reductions in the expenditures of Government is a hoax, a joke, a gimmick calculated to convince people that they ought to be taxed and be glad of it because we are now entrusting their taxes to a special fund for deficit reduction.

If you put the taxes there and you do not cut the expenditures, and the expenditures are going up every year substantially, how will the trust fund reduce the deficit? Mr. President, it does not change one single bit the ratio of taxes in the President's budget to reductions in expenditures. The ratio remains the same. You can entrust it, you can put it in a bushel basket, you can put it in a box, and the truth of the matter is that if you are raising $267 billion in taxes—and I would add to that the user fees which are taxes, so let me say it this way: If you are raising $284 billion in taxes and only cutting expenses of Government over and above what you are already legally bound to do by $45 billion, you tell me what good the trust fund is?

At the end of 4 years, the debt has grown. The deficit has changed a little bit annually and starts back up. Nobody should be fooled that in a unified budget where everything is in the same boat, so to speak, that to put these taxes on the American people and say I am going to put them over here on the front of the boat so you can really trust that they are going to the deficit and on this side of the boat, we are just going to let expenditures continue on as they were, unabated, and tell the American people this trust fund in some way will get the deficit under control, that they should gladly pay it.

I am hopeful that this is not what the President is recommending. Let me just give an example. I have great respect for the occupant of the chair. We have raised taxes four times since 1981. What if we had told the American people, "pay these taxes willingly"? We are going to put them in a trust fund and only use them for the deficit and each year we run up a big deficit on the spending side and then we say, put those taxes on the deficit and make it a little bit less? Is that what the American people would think after 10 years when the deficit is higher than you began and you have taxed them on four different tax increases that the trust fund worked, when the deficit is larger after the fourth tax was imposed than when the first tax was imposed?

So the issue is not taxes in a trust fund, it is more like the Republican leader said a while ago, if I read him right: Put some budget cuts in a trust fund. Have a trust fund for the cutting of expenditures of the Government and say to the American people, we have two of them and we would like to maybe make it one and one. We will cut $1 over here in the cost of Government and $1 in taxes.

That is not the case. The best I can figure, using legally binding reductions—in other words, we already have paid for a certain level of reductions in the budget; those are called caps. We have already paid for that with $162 billion in new taxes. That is where that cap, the set of enforceable limits came from. Do you want to take credit again for that?

So you start with that and you one for one reduce the expenditure side for the taxes. In fact, the President says he might be doing that. I do not believe that. It is $4 in taxes for $1 in cuts. Frankly, that is not the way to go and it is not the way to have an accounting gimmick to try to convince the American people that, indeed, we are cutting expenditures when we are not or when we are not doing enough to justify the taxes that are being asked for and call it a trust fund, or whatever you call it. It is not what the American people expect. It is not what they are going to live with. It is not what they are going to be supportive of.

I once again point to the President's budget. Here is my best high graph of it in simple form: $267 billion in new taxes, $17 billion in user fees. That is $284 billion in new revenues to the Government. The total net spending cuts over that which is required by law are $45 billion. You can put all this red and green in a trust fund until the cows come home, and it does not mean anything other than you are taxing the American people $284 billion while you are reducing spending, cutting spending $45 billion.

Let me also suggest, since I know the occupant of the chair is one who is concerned about defense cuts—I read that and I hear him speak of that—this entire spending cut in net terms, the entire spending cut that the President has, is all defense cuts.

Now, you cannot get away from the facts by creating trust funds. You cannot divide a boat that is sinking with red ink into two pieces, and up at the front end of the boat you put a trust fund with the new taxes and at the back end it is leaking out so fast in expenditures the boat is sinking. Nobody is going to believe it when you say, "Nothing is wrong; the trust fund is up in the front part of the boat." It is all there floating around until the backside is all gone, and then it will go right with it, too.

I thank the Senate for yielding me time this afternoon, and I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair advises the Senator from Texas that under the previous order——

Mr. GRAMM. Mr. President, I ask unanimous consent to proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

DEFICIT REDUCTION TRUST FUND

Mr. GRAMM. Mr. President, I wanted to join my colleague today in talking about the President's new proposal which, in his words, will "create a legally separate deficit reduction trust fund which will tell you where your money is going."

Mr. President, let me remind my colleagues that we have just adopted a budget in the Senate that over the next 4 years will call for a larger borrowing of money by the Federal Government than in any other 4 years in American history, roughly $1.5 trillion of new cumulative deficits. Now the President is telling us he wants to set up a legally separate trust fund to reduce the deficit.

Mr. President, I have had an opportunity to look at the American budget and work on it now for 14 years. I have seen a lot of phony ideas, but I think this idea takes the blue ribbon as the most genuinely phony proposal I have ever seen on the American budget.

Let me explain why. Next year we are going to spend about $1.6 trillion under the President's budget. We are going to collect in revenues about $1.3 trillion under the President's budget, so we are going to have a deficit of about $300 billion.

Now, what the President says is take, say, $50 billion from the $1.3 trillion of revenues and put them into a trust fund and say you are going to use that only for deficit reduction.

Well, that is great because that will reduce the deficit by $50 billion. But it also reduces revenues by $50 billion that are available to apply against spending, and so the deficit goes up to $350 billion. So you reduce the deficit by $50 billion, you raise it by $50 billion, and on net you have no impact on it.

Now, I ask my colleagues to look at the difference between this fraudulent proposal the President has made today and a real proposal which was made in the last Congress, which was to let taxpayers check off on their income tax return money they want to go to reduce the deficit, and then cut spending across the board by a corresponding amount. By doing that, the money actually goes to deficit reduction.

Now, I say to the President: Mr. President, if you are serious about this proposal, add to it a provision that when you put money into this deficit reduction trust fund, you cut spending by a corresponding amount so that the funds can actually go to reduce the deficit.

In fact, I want to say to the President today that if he will make that commitment, I will be glad to take the lead in the Senate to adopt this proposal. But I submit that a real deficit reduction trust fund is not going to be proposed. The President has an established pattern of behavior in the 4 months he has been in office. When something goes sour, he changes the subject. When the spending package that posed as a jobs creation bill was defeated in the Senate, the President turned the conversation to Bosnia. Now Bosnia has gone sour, and the President has changed the focus of debate to a phony deficit reduction proposal that simply says: Let us take money out of one pocket and put it into another pocket.

I do not believe that people are going to be fooled. I think that this is a transparent attempt to mislead the American people and, quite frankly, I think the American people are going to see through this proposal as if it were branch water.

I want to ask the President if he wants to do something about the deficit to give us a real proposal. And what is required to make this proposal work is a corresponding, binding reduction in spending so that when you take the revenues and put them into this trust fund, you do not go on and spend the money.

That is basically what this issue is about. The deficit problem is a spending problem. Putting money into a trust fund, moving money from your right pocket to your left pocket to your back pocket, is not going to change the reality that we are spending more than we are taking in.

The President has proposed 284 billion dollars' worth of new taxes. He has proposed virtually no spending cuts outside defense. And 80 percent of all spending cuts promised to be delivered are as yet unspecified, with the savings to come after the votes are counted in the 1996 Presidential campaign. That is the problem on the budget. As in all else, we have great rhetoric; we have good talk; but we have no effective action.

I yield the floor.

UNITED STATES WHEAT CAN HELP REVERSE SPIRALING UNITED STATES-CHINA TRADE DEFICIT

Mr. DORGAN. Mr. President, representatives of the People's Republic of China will visit the United States this week on a wheat-buying mission. I have invited them to meet with Members of the Senate about their purchases and about the need to reverse the extraordinary trade deficit that has developed between the United States and China.

As most of us in this body are aware, China's exports to the United States have multiplied year after year while China continues a comparatively restrictive policy toward imports from the United States Chinese exports to the United States have exploded, from $2.2 billion in 1983 to $25.7 billion last year. The result is a U.S. trade deficit of $18.2 billion for 1992. This cannot continue.

Our administration must work on several fronts with China to gain fair access to that market, and enforce our own trade laws where they are disregarded, so we can bring our trade volumes back into balance.

As part of that objective, I believe wheat is an excellent candidate to help deflate the ballooning trade deficit.

First of all, China produces a lot of wheat, and uses even more. Chinese farmers produce approximately 150 percent or more than the United States produces. And, while Americans consume about 1 billion bushels of wheat annually in bread, cereal, and feed products, the Chinese consume 4 billion, or four times as much as we do. Wheat consumption in China has grown tremendously in the past 30 years, so China must import wheat to meet its domestic food demand.

In addition, China's import needs are precisely the hard spring and hard winter wheat varieties produced across the plains of our Western and Northern States. Chinese millers need hard, high-protein wheat varieties to blend with Chinese wheat varieties to make good bread-baking flours.

Looking at our own agricultural export reports in recent years, you would never guess that China is setting records every year in exports to the United States. You wouldn't expect that because that would suggest China would reciprocate—buy more from the United States as we buy more from China.

Not so, it seems. We have sold a lot of wheat to China over the years, and their millers know our product well. It is excellent quality milling wheat.

In the past few years, however, wheat buyers for the Chinese Government have been shopping elsewhere and their United States orders have fallen off. On the list of our largest export items to China, wheat was third in 1990, fourth in 1991, and eighth in 1992.

It appears China's leaders are not extremely concerned about our gaping trade deficit, and they are willing to take the United States trade largess for granted. At least, that is my perception when looking at China's wheat purchases in recent years. The Chinese Government has been buying more wheat from nations that already enjoy a trade surplus with China, or have a virtual balance of trade, and less from the United States.

For example, China has been buying an ever-greater share of its wheat needs from Canada, a country that maintains a near-balance of trade with China. Canada's share of the China wheat import market was 29 percent 2 years ago, 42 percent last year, and is projected at 48 percent this year.

Let me point out, in the area of agricultural commodities, the list of United States commodities that China needs to import is very short. Other than a modest demand for American cotton in some years, wheat has stood alone as the major United States agricultural export to China in most years. In fact, wheat has amounted to 60 percent to 90 percent of our farm commodities shipments to China in most years.

So, if agriculture is going to play a part in correcting our trade deficit with China, wheat must certainly be a large part of the picture.

Not only must we reduce our trade deficit, not only is United States wheat an excellent choice to help reduce that deficit, but we have been giving China a good deal on the wheat besides.

China has bought virtually all of its wheat from the United States in recent years with Export Enhancement Program bonuses, in the form of wheat or cash. EEP is the system of bonuses USDA adds to exported American grain to selected countries and markets, largely to counter the subsidies offered by the European Community.

In fact, China has gotten EEP bonuses on more than 900 million bushels of United States wheat since 1987. That means the United States has given China about $500 million—estimating 50–60 cents per bushel—in EEP bonuses in the past 6 years.

In comparison, the United States has another trading partner that enjoys a huge trade surplus with the United States. It is Japan. Japan is asked to buy United States wheat without EEP; that is, above the price it may be able to find elsewhere. In fact, Japan buys all if its United States wheat without bonuses or other price incentives.

It seems to me that the very least we should expect of the Chinese Government is to buy most of its wheat imports from the United States when we buy the price down so it is comparable to what any other exporting nation will offer.

I believe we are all aware of the need for President Clinton to decide in the coming weeks whether or not to extend the most-favored-nation status to China in the treatment of Chinese exports. We have many concerns about the extension of that status and about the conditions upon which MFN is extended to China or any other country.

At the same time, I am one who believes the exploding trade deficit with China is a much broader and urgent issue than the bare MFN extension. We can no longer stand for a trade deficit with China that surges upward by $3–$5 billion every year. That is not tolerable for our economy, and it is not trade policy we can swallow any longer.

Wheat exports to China can make a difference in our trade balance. China imports about 500 million bushels of wheat in most years, or about 400 million more than it will buy from the United States this year. Those 400 million bushels amount to about $1.5 billion in additional exports to China, a significant slice out of our trade deficit.

A few days ago I visited with Mr. Li Daoyu, China's Ambassador to the United States, about this matter, and I will meet Thursday with Tong Zhiguang, Vice Minister of Foreign Trade and Economics, who heads China's trade mission here this week. I extend an invitation to any Members of this body who wish to join us.

RECOGNITION OF LT. COL. AUGUST "GUS" C. MANGUSO, USA PRODUCT MANAGER OF THE STRATEGIC TARGET SYSTEM

Mr. INOUYE. Mr. President, today I ask the Senate to recognize the contributions of Lt. Col. August C. "Gus" Manguso, who will retire soon from the U.S. Army after 22 years of service to our Nation.

Between August 1, 1990, and April 1, 1993, Colonel Manguso was the manager of a development project for the strategic Defense Initiative [SDI] known as the Strategic Target System, or STARS Program. The STARS Program would launch refurbished Polaris—former submarine—missiles from the Navy's Pacific Missile Range Facility, Barking Sands, Kauai.

As you can imagine, Mr. President, the STARS Program has been controversial, and my constituents on Kauai and throughout the State of Hawaii are divided on the program.

Throughout this controversy, Colonel Manguso conducted himself in a most professional manner and in a way which brings high credit to himself and to the military service to which he belonged.

As the controversy grew about STARS, for example, Colonel Manguso moved quickly to establish a special citizens advisory group to ensure that local community leaders were consulted and community concerns were addressed. He also lead the way to modify STARS' operational procedures to strengthen environmental protection efforts and still accomplish the military mission.

Colonel Manguso worked diligently to provide me with timely, detailed information about the STARS Program and to respond to the special concerns of the people of my State. He also dedicated himself to developing a complex target system which would meet its military objectives.

Colonel Manguso's superior efforts were rewarded in late February 1993, when the first STARS target missile was launched without mishap.

Mr. President, Colonel Manguso decided to end his Army career on this high note, and I want to salute him for his dedicated public service. I know that his family—his wife Nancy and his children, Chris and Beth—are proud of him, as they have every reason to be.

At this time, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at the end of my remarks a copy of Colonel Manguso's biography, which highlights his service to the United States and his distinguished achievements.

I would note that Colonel Manguso is a 1972 graduate of the U.S. Military Academy and the recipient of two awards of the Army Commendation Medal and four awards of the Meritorious Service Medal.

He also was the 1983 recipient of the Army Systems Analysis Award as the outstanding individual analyst in the Department of the Army and was the 1991 recipient of the Secretary of the Army's Product Manager of the Year Award.

In closing, Mr. President, I want to give Colonel Manguso my personal thanks for his service to the country and for his cooperation with me during the past 2 years. He and his family have my best wishes for good fortune and continued success in the future.

Colonel Manguso's biography from the U.S. Army Strategic Defense Command follows:

BIOGRAPHY OF AUGUST C. MANGUSO

Lieutenant Colonel August (Gus) C. Manguso is the Product Manager for the Strategic Target System program conducted by the U.S. Army Space and Strategic Defense Command (USASSDC) is support of the nation's Strategic Defense Initiative (SDI).

LTC Manguso assumed his current duties on August 1, 1990 and is responsible for the design, development, payload integration, testing, and launch operation of the Strategic Target System.

A 1972 graduate of the United States Military Academy at West Point, N.Y., he was commissioned as a Second Lieutenant in the Air Defense Artillery. In addition to a Bachelor of Science degree, LTC Manguso holds a Master of Science degree in Industrial Engineering from the University of Pittsburgh, Pittsburgh, Pa.

His military education includes completion of the Air Defense Artillery Officer's Advanced Course, the Army Command and General Staff College and the Project Manager's course at the Defense Systems Management College, Ft. Belvoir, Va. He is a board-certified Materiel Acquisition Manager.

LTC Manguso has held a wide variety of military assignments including Research and Development (R&D) Staff Officer at Headquarters, U.S. Army Strategic Defense Command (the predecessor of USASSDC). Others include R&D Staff Officer, U.S. Army Laboratory Command, Adelphi, Md.; Operations Research Analyst, U.S. Army Concepts Analysis Agency, Bethesda, Md.; Brigade Adjutant, U.S. Army Air Defense Training Brigade, Ft. Bliss, Texas; Battalion Training Officer and Battery Executive Officer, 2d Battalion, 60th Air Defense Artillery, Ramstein, Germany.

His military awards and decorations include two awards of the Army Commendation Medal, and four awards of the Meritorious Service Medal. LTC Manguso was the 1983 recipient of the Army Systems Analysis Award as the outstanding individual analyst in the Department of the Army and the 1991 recipient of the Secretary of the Army's Product Manager of the Year award.

LTC Manguso is married to the former Nancy Gabler of Chambersburg, Pa., and they have two children.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,239,181,013,973.83 as of the close of business on Monday, May 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,503.92.

NATIONAL VOTER REGISTRATION ACT

Mr. PELL. Mr. President, as a cosponsor and conferee on H.R. 2, the National Voter Registration Act, I want to register my satisfaction and sense of encouragement on the final passage of the conference report yesterday.

Motor-voter was an idea whose time had come even before it was taken up in the Senate this year. The commonsense notion that voter registration should be made as easy as possible and that it could be readily combined with other government services is such an appealing one that it seems surprising that we had to spend as much time as we have in bringing it to final passage.

But I do fully understand that many Members of the Senate on both sides of the aisle has special and legitimate concerns that had to be accommodated.

One such concern that was important to Rhode Island interests was that the list of agencies processing voter registrations should include offices providing services for the disabled, and that full provision be made for registration at home by mail. I am very pleased indeed that these concerns were taken into account.

So passage of this bill today marks a major step forward in expansion of the franchise and strengthening the democratic process.

Of equal importance is the way by which final passage was achieved, in the face of determined opposition by some. The conference process was deliberate and thorough, making full and appropriate allowance and adjustments for several Senators who might otherwise have not been able to support the bill.

Thus was gridlock avoided and I for one found this a particularly welcome sign that the Senate can indeed pull together.

I particularly want to congratulate the senior Senator from Kentucky [Mr. FORD] for his patient and persistent leadership in bringing H.R. 2 to final passage. His work should stand as a model of how the Senate should operate in the months ahead.

GEORGE SHULTZ RECEIVES HUMAN RIGHTS AWARD FROM THE AUSTRALIAN INSTITUTE OF JEWISH AFFAIRS

Mr. PELL. Mr. President, former Secretary of State George Shultz was recently honored by the Australian Institute of Jewish Affairs, in conjunction with the World Jewish Congress in Melbourne, Australia. Secretary Shultz received the human rights award in recognition of his uncompromising commitment to democracy and human rights.

The award was presented by Mr. Isi Leibler, president of the institute and cochairman of the World Jewish Congress. Mr. Leibler is known throughout the world for his enormous efforts to help secure freedom for Soviet Jewry. Secretary Shultz, of course, worked relentlessly and marshalled the full resources of the U.S. Government in the fulfillment of this goal.

I know that many of my colleagues share my appreciation for Secretary Shultz's work, as well as my deep regard for his personal integrity. His presence at the award ceremony, combined with that of Mr. Leibler, must have made for a remarkable evening. In that regard, Mr. President, I thought that the Senate would benefit from reading a transcript of the remarks made by Secretary Shultz and Mr. Leibler during the presentation of the award.

I ask unanimous consent that the transcript appear in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF ISI LEIBLER, HUMAN RIGHTS AWARD PRESENTATION TO GEORGE SHULTZ, MARCH 18, 1993

Our distinguished guest of honour, the Honourable George Shultz,

Your Excellency Ambassador Avner,

Mis Marilyn Meyers—Charge d'Affaires, US Embassy,

Distinguished Guests,

Ladies and Gentlemen.

The Institute of Jewish Affairs, in conjunction with the World Jewish Congress, has till today presented its distinguished Human Rights Award to two outstanding international statesmen—Bob Hawke and Alexander Dubcek.

Alexander Dubcek, the most recent recipient was a man who, 25 years ago, had the singular courage to stand up to the Soviet colossus. His was a cry for freedom that moved not only his people, but the entire world, in that unforgettable brief Prague Spring which was crushed by the Soviet guns and tanks in August.

Dubcek ultimately heralded the collapse of communism, not only in his country but in the former Soviet Union as well. His tragic death last year deprived the Czech people, and the world, of a voice of conscience and commitment.

But his memory and his inspiration endure for all around the world who cherish freedom and the courage of the human spirit.

Our first recipient, Bob Hawke, was probably Australia's most outstanding prime minister, and I am delighted to welcome him here tonight.

Bob is a man of the people who came to lead his people, and Australia, into a modern redefinition of our country and its destiny. He led us with his heart, as well as his head.

In the course of his evolution as a national leader, he developed a unique resonance with the Jewish people—with Jews who were imprisoned in the Soviet Union, and with Jews who were free in Israel.

The Jewish people have never had such a friend in Australia, who projected himself on the world stage on behalf of their distressed brethren with such selflessness and dedication.

It is in this great and meaningful tradition that tonight's award is presented to the former United States Secretary of State, the Honorable George Shultz.

We honour you tonight, Mr. Secretary, because of the force of your character: your overriding personal convictions, your uncompromising fidelity to moral principle, your unflinching courage, and your insistence on never deviating from the truth.

These are characteristics—qualities of character—that are, let us say, not typical of most people embroiled in the day-to-day pressures of international politics.

They are certainly not traits one comes to expect of Members of Cabinet—in America or Australia. You, Sir, brought these qualities into the art of politics and into the realm of diplomacy.

I vividly recall, Mr. Secretary, when you were nominated by President Reagan to assume the helm at Foggy Bottom. Washington's conventional wisdom and dens of intrigue swung into action.

You were from Bechtel—that pro-Arab multinational conglomerate. You could never be independent. You would bring an anti-Israeli bias to US Mideast policies.

I am ashamed to say that many of us shared and even propagated these views—to your initial detriment.

Typically, you simply sloughed it all off—precisely because you knew who you were, where you were going and, equally important, you knew and wanted to assist the President in keeping, among many other things, his wholehearted commitment to the security of Israel and the Jewish people.

The ultimate result was the emergence of probably the greatest friend the Jews have ever had at the top levels of the State Department and within the White House.

Over and over again, you proved yourself to be a genuine, intelligent and constructive friend of the State of Israel.

You brought trust and confidence to the special relationship that exists between the United States and Israel.

You have heard messages tonight from Israeli leaders. In his absence, permit me to say that I can personally testify to the fact that Menachem Begin, *alav hashalom*, also held you in the highest possible esteem.

You came to feel heartfelt bonds of emotion and empathy with Israelis who had faced too many wars in too few generations, with families who had lost too many sons at too tender an age, with a country that wanted to find peace in a region ravaged by war.

In distant lands, particularly the Soviet Union, you engaged in an enduring, powerful and persistent struggle on behalf of freedom for Soviet Jewry. You unhesitatingly and unshamedly used the power of your office to cast, like the angel in the night three millennia ago, a shield over the Jews of Moscow on the Passover.

Because of what you did on that Passover night, not even the Pharaohs of the Kremlin could escape the meaning of the tradition being evoked in the United States residence in Moscow and the Seder with refuseniks at which you participated.

On my visits to Moscow, the ageing Soviet leaders and their apparatchiks kept asking me: "George Shultz, why is he doing this on behalf of the Jews? Are you sure he isn't Jewish himself?"

And I would always reply: I really don't think so. In Washington, they always tell me he's Buddha.

Mr. Secretary, this is one Jew who is not only happy but very proud to align himself with Buddha.

We celebrate all these things, and more, with you this evening.

But it is imperative that we also appreciate that you were the architect of concerted policies that led to the end of the Evil Empire, to the collapse of communism in the Soviet Union and the end of the Cold War.

Those dramatic turning points in the history of mankind may not technically have happened on your watch, Mr. Secretary, but they could not have occurred without what you did, with President Reagan, during your tenure in office.

When others advocated equivocation, or compromise, you stayed the course. When others counselled caution, you stood your ground.

When others lost hope, you never lost faith.

And in the end all that you stood for was redeemed in triumph.

Your job as Secretary of State may have ended, but as Secretary Emeritus your responsibilities continue.

As most of the world stood by last year, in self-imposed helplessness, to watch the horror and agony of ethnic cleansing in Bosnia, you, characteristically, refused to stand by in silence.

Ladies and Gentlemen, we still have not acquitted our moral responsibility, 50 years after the Holocaust, to ensure that the unspeakable does not happen ever again—but the world has not failed for want of hearing the truth from a pre-eminent statesman.

It is this inherent, essential quality to your character—your refusal to deviate from your moral and intellectual compass—that we both cherish tonight and sorely miss in a world that continues to be afflicted by forces of evil, depravity and inhumanity.

In searching for a singular example, among many, that could define what you brought to public service in government itself, you were kind enough to complete your memoirs in time for my remarks this evening.

An extended excerpt from "Turmoil and Triumph: My Years as Secretary of State" was published last month in Time magazine. They recounted perhaps the most painful and trying episode in your tenure, the disclosure and unravelling of the Iran-Contra affair.

You discuss in vivid detail a covert operation that had run amuck, a conspiracy of public officials pursuing a terribly misguided and dangerous affair that had become a disaster.

You recount, in chilling terms, precisely the danger that the escapade with Iran represented: that the United States was violating its sacred commitment never to give in to terrorism, never to reward terrorism, never to pay arms to tyrants for hostages.

In a world confronted by unspeakable evil, you understood that if the United States engaged in such sordid practices, the voice or moral authority on this critical moral issue of our time would be suppressed.

You never flinched. You always called it as you saw it and as it was: a violation of basic principles that had to guide American foreign policy.

You told the President. You told the Vice President. You told the National Security Adviser. You told the Director of Central Intelligence. You told the Pentagon. You told the rogue agents that were perpetrating this misguided adventure.

And it very nearly cost you your job.

In reading your account, I kept asking myself: Why is this man persisting: Why doesn't he resign?

How can he go on fighting for what appeared, at the time, a losing position against powerful forces that seemed beyond control and accountability?

And then I came across these words. For me, they embodied everything that you stood for then and still stand for today.

"A political tidal wave", you wrote, "was bearing down on President Reagan and would, in my opinion, destroy his presidency unless the arms-for-hostages deal was stopped immediately.

"I felt the President was clearly being misled and deceived by his staff in the White House.

"I knew now that I must fight FOR the President by fighting AGAINST members of his own staff."

A lesser man would have thrown in the towel—would have walked away secure in the knowledge he was right—but leaving it for others to manage the catastrophe.

But there was no-one else except you to do the job—and you did it.

It seems to me, in reflecting on all this, that at that most critical moment, you did what you have done throughout your career: fighting for the principles and beliefs you know are right—for the good of your country and, indeed, the world.

Just as an episode in experience or history can capture an individual, so can a particular term. And in the richness of our Jewish tradition, Mr. Secretary, there is a word that inescapably comes to mind in the effort to characterise you.

Mr. Secretary, for over a thousand years our Rabbis designated exceptionally noble and just Christians as "*hasidei umot haolam*". Mr. Secretary, you undoubtedly qualify that distinction.

If I can take this one step further, Mr. Secretary, permit me to state that the highest praise a Jew can extend is to describe someone as a *Tzadik*. The Talmud states "*Bishvil tzadik echad haolam nivra*": the world would have been created even for one righteous man. Whilst this phrase is usually extended to a Jewish sage or a Rabbi, in your case, like that of Noah, I would describe you truly as a *tzadik*, Mr. Secretary: a righteous person who acts as a force for moral and intellectual good.

In closing, I wish to return to that special Seder you attended with refuseniks in Moscow a few years ago.

At that time, Soviet Jewry was imprisoned. The Evil Empire was ensconced in power. Oh, there were signs of moderation and limited change, but the power of the State was very much intact.

I would like to think that you shared that Passover night with the Jews of Moscow because of the meaning that holiday holds for all tyrants—but particularly those in the Kremlin at that time.

That Passover did not witness the exodus to Israel, but because of what you did, that exodus did indeed occur for all of Soviet Jewry to be redeemed. The new Exodus occurred for all of us to see and experience and comprehend.

Because of your efforts, Soviet Jewry is free tonight—free to return to their homeland in Israel. And as a close friend of many of those who shared that Seder, or met you on other occasions at the US Embassy in Moscow who now live in Israel, I can assure that they have not and will never forget you.

And they are, of course, all aware that in addition to what you did for them during their slavery in the Soviet Union, that Israel they claim is more secure tonight because of what you did during your tenure.

In past years, we used to raise a fifth glass of wine during the Seder for the incarcerated Jews of the Soviet Union.

Because of what you did, that special glass no longer needs to be drained in a symbolic bond of hope that they be freed.

They are free—on this Passover and on all the Passovers to come.

Another Passover is nearly upon us, Mr. Secretary. And this year, as we raise our glasses in celebration of the miracle of freedom, there will be a toast at our Seder for you.

And may I extend a toast to you tonight—a traditional Jewish toast for life. To you and Mrs. Shultz—*Le Chaim*.

And there is something else that we have for you.

I want you to carry with you a special piece of Judaica that will commemorate permanently Passover and your distinctive contribution to its fulfillment in our lifetime.

Accordingly, I am very pleased to present to you this ceramic Seder plate, re-created from a Spanish version that existed 500 years ago, to grace your household for many years to come.

The inscription reads:

"Presented in appreciation and gratitude to The Honourable George P. Shultz, Secretary of State of the United States of America, in recognition of his uncompromising commitment to democracy and human rights by Isi Leibler, AO, CBE on behalf of the World Jewish Congress and the Australian Institute of Jewish Affairs."

Ladies and gentlemen, I am deeply honoured to present to you the 1993 recipient of the World Jewish Congress/Institute of Jewish Affairs Human Rights Award—George Shultz.

SHULTZ: A STRONG ISRAEL—TO MAKE AND KEEP THE PEACE

(Former U.S. Secretary of State (1982-89) George P. Shultz was the keynote speaker at a dinner in his honour hosted by Australia/Israel Publications and the Australian Institute of Jewish Affairs in Melbourne on March 18 at the Southern Cross Hotel. He was also the recipient of a World Jewish Congress—AIJA human rights award, particularly for his support for Soviet Jewry. Secretary Shultz's speech follows:)

Thank you for these wonderful words, the beautiful plate and the warmth of this evening. I have been able to feel it all evening long, as people have come by to say "hello" and of course, this is one of those occasions where the Master of Ceremonies has a hard time keeping things going because everybody is out around visiting with each other, they don't want to eat, they don't want to sit. And so it has a kind of family gathering feeling to it and I feel it is as though you have welcomed me into your family here and I appreciate it so much and I am so moved by this occasion.

I have made some preparations but I think what I will do, if I may, is merely just talk to you and visit with you about some of my experiences and perhaps try to use them to reflect a little bit on some of the problems that we see right now in the Middle East and some of the things, it seems to me Israel confronts and is trying to deal with.

But you mentioned the Seder in Moscow in April 1987. Many people have commented about that, and have said how much it meant to them that my wife and I were there. I remember that Seder vividly. I remember I had met with one of the children of the Slepaks and they came with pictures of their children, and grandchildren of the Slepaks in Moscow and so I took pictures of grandchildren and being a grandfather myself, we thought we had these pictures and maybe they will never see their grandchildren, what a pity, but anyway, at least they will see pictures.

And we said "hello" and visited. By the time we got through meeting with those wonderful people, it wasn't at all the way most people think of it, and in a sense, the way we started in, we thought these poor oppressed people, and we felt for them. By the time we got though, it was altogether the other way around. I can't tell you the sense of inspiration you get from meeting with people like that, in that setting. Because here were human beings with an indomitable spirit, who knew what they believed, and no state, no force, no prison, no denial could take it away from them or change them. So they had a kind of an inner conviction that was stronger than the rulers of the Kremlin and you couldn't help but take away from it an inspiration for your own work, your own efforts.

The next day I went to the Kremlin and actually had a terrific meeting with Gorbachev, I usually did, it always had its ups and downs. But anyway, at one point he went after me hard, he said "I know, I see, you went to that, with those bunch of Jews, in the American Embassy, and you're always meeting with these people, and they're trouble makers, and you're a trouble maker for meeting with them. And why do you meet with these people they're no good", and so on, and he tackled me. So I listened to him and I said to him finally, "Well, you know, General Secretary, I see what your opinion is of those people, and I have a deal for you. I've got a great big airplane out there at your airport, and there isn't anybody in my party, no member of the press, no security person, none of the professional people, me, my wife, that wouldn't give up their seat on that airplane. So you just let them all get on that airplane, and I can assure you I know three countries that will be glad to take them. And he changed the subject".

But by next year's Passover, that is in 1988, every person who was at that Seder was allowed to emigrate and I will always remember getting a note, saying would I be able to take a telephone call. I think it was about three o'clock in the afternoon in my office, and the phone rings, and I answer the phone and on the other end of the phone this voice comes: "This is Ida Nudel. I'm in Jerusalem. I'm home". It was the most moving moment of my time as Secretary of State, and just thinking about it, I am moved by it.

So my experience in working on behalf of Soviet Jewry, as is almost always the case when you work at something like that, is one of those things where you get praise as you have praised me this evening, and I appreciate it. But I can tell you I got more from that than I could possibly give, it has been a great experience for me.

There was one thing that my counterpart Shevardnadze kept saying to me, as I would argue with him about human rights matters. He said, you know, we are not going to do anything just to please you. We will take actions if they seem to us to be in our interest. I wracked my brains about that and you know, there are all sorts of approaches that we could take, opening our trade barriers if you would allow so many people to emigrate and so on. Approaches like that never appealed to me, they seemed sort of morally wrong. I wracked my brains to think of a different approach and with President Reagan we did develop a different approach and I think, I know, it had an impact. We developed a very carefully crafted argument and as a matter of fact, I made it carefully to Shevardnadze not long after I left that Seder. And the argument went along these lines.

We are moving into a new era in this world. It is a knowledge and information age. In a knowledge and information age, a country will only prosper if it can participate and you can't participate if your society is compartmentalized and restricted. People have to be able to move around physically and intellectually. So you have to treat people in a manner that we think of as giving them their human rights. If you are going to achieve the things in the way of material advance, think of human rights. So if you allow people to express themselves in their own way, in their own religion, if you allow people to travel, to emigrate, if you open up your society, in the long run, you are going to be better off. I think that argument did make some impact.

I believe that the information age is changing things radically and that it has its lesson for the peace process, because it is changing the meaning of borders, it is changing the meaning of sovereignty. Think of what goes across borders and even when he was Prime Minister, Bob Hawke couldn't do anything about it. Information goes across, ideas go across, money goes across, we have a global financial market. Unfortunately, pollution goes across. Ballistic missiles go across. If they carry chemical or nuclear warheads they can go across. All sorts of agreements are emerging among countries which tend to diminish the importance of their boundaries. In the case of the European Community they are deliberately lessening the meaning of their boundaries, in those ancient nation states. So we are emerging into a world where sovereignty is changing its meaning, and where you see situations everywhere, which you must characterize as a situation of mixed sovereignty.

Now when I think of the problems that confront Israel, with Israel's neighbors, with the Palestinians, I having struggled with that knowing how difficult it is to get anywhere, it seems to me that the concept that is going to yield an answer in the end is not so much in the sort of unambiguous "land for peace" formula, as it is in a formulation of mixed sovereignty of some sort, because the concept of peace is ambiguous, the concept of land is really ambiguous. I can't imagine in the end the 'Syria first' strategy or work on the West Bank, that Israel will so arrange things that it neglects its security interests with respect to those areas. At the same time, I can't imagine that there is an answer in so far as the Palestinians are concerned, unless it recognizes the ethnic orientation of the Palestinians and gives them a sense of themselves, applying in a passport as the saying goes, an identity of some sort. When you consider all of the intricate problems that have to be dealt with involving municipal activities of one kind or another, and the intricacies of water or electricity or whatever, it seems to me you come to the conclusion that there is no answer except one that is a mixed sovereign situation. I suspect, in the end, something like that will have to be worked out with respect to the Golan Heights.

So I think this broad lesson, that comes out of the reality of an information and knowledge age and its deep meaning for our world and our society, has a direct applicability to the nature of the solution to problems that Israel confronts with its neighbours.

But of course, as has been said earlier there won't be a negotiation unless Israel is strong, so that Israel's neighbours recognize that there is no military solution for them. I also believe that when there is a solution—I say "when" not "if"—when there is a solution there will need to be an insurance policy that the solution stays in effect and that insurance policy must be continued strength on the part of Israel. So no doubt there will be a peace dividend but it will not be a large peace dividend, because strength will be necessary to keep the peace, just as strength is necessary to make the peace.

I think that the desire for peace in Israel is very broad. I happened to go there about a week after Sadat's visit. I have never seen a group of people so turned on, and so elated, not by the probability of peace, nobody thought it was probable, but at least it was possible. And I think that the desire to move forward is shared across the political spectrum. And I will give you one example, involving a person who is thought of as a very hardline person who never gives any ground, Yitzhak Shamir.

I had the idea, and President Reagan gave me the green light to go ahead with it before the summit meeting that ended up taking place in December 1987. We could see that coming and I had the idea that with King Hussein saying that there needed to be an international umbrella over direct talks, that we should say to the Israelis who resisted the international umbrella, and to Hussein, and then if they agreed, to Gorbachev, suppose the President and General-Secretary Gorbachev invite the Israelis, the Jordanians, and for that matter the Syrians and the Lebanese to join at them at the summit meeting in Washington. The idea was that after the meeting that would be the umbrella under which they could then go on and have direct talks, that that might satisfy Hussein. We didn't think the Syrians would come but, anyway, we should invite them. After some thought about it, the President agreed to go ahead and I was on my way to Moscow so I went by way of Israel, to talk about Soviet Jewry, and then I went to London where King Hussein was and then I was on to Moscow. So my first stop was Israel.

At that time, we had the divided Unity Government which was very difficult to deal with, so I worked out my presentation very carefully and I said practically precisely the same words to Shamir and to Peres on two separate occasions. The Israeli Ambassador to the US was present on both occasions so that he could check that neither was favoured. I put my proposition that they agree to come to the summit meeting in Washington and we would invite others and that would be an international umbrella and direct talks would follow. Well, there was first of all a quiet meeting with Peres and he said to me, "I agree. And I hope it happens. I hope so much it happens that I won't say anything. Because if I agreed, probably that would cause the Prime Minister not to agree! So I will just be quiet but you should know that you have me in your pocket".

So then with Shamir we went through long hard discussions and I went off to the Weizmann Institute for a day and came back. We came to the final session, the next morning I was leaving. We still didn't know whether Shamir would say yes or say no, or what. I was to go over and have dinner with Shamir at the Prime Minister's residence, after which a few of his people would gather with some of the people with me and we would have our final discussion. Before I went, Dick Murphy the Assistant Secretary of State said to me, "Either we are going to have a short evening or an all night session." If he says no, we'll just have a pleasant evening and that'll be the end of it, and we'll all have a good night's sleep and go on. If he says yes, we'll be up all night, because you know it's tough negotiating with the Israelis. There'll be a memorandum of understanding like you wouldn't believe. There will be side letters, there will be conditions, these will be so surrounded that we'll be up all night negotiating it, you'll have to be up all night, and maybe we will get it done and maybe we won't. Anyway, that is what will happen if he says 'yes'". So I said okay, I went over to my dinner with Shamir and we talked about Soviet Jewry and we talked about Syria and we talked about this and that, not subject A. And afterwards, our groups gathered and we had a little preliminary discussion and then the Prime Minister said, he looked at me and said, "Well Mr. Secretary you know our dreams, you know our nightmares, we trust you, go ahead". That was it. No memorandum of understanding, no side letters, no nothing. He just said "we trust you, go ahead."

Well, I went to London. King Hussein in the end felt that he could not agree to this arrangement and he declined, but it made a deep impact on me, about the willingness of the person that I suppose you would think of as the hardest liner, the toughest, the most inflexible person in the Israeli political landscape, who nevertheless was willing to roll a dice with us. So the desire for peace in Israel is very strong, there is no doubt about it. But also I am sure people are deeply aware of the security threat that is always there and the need to be very careful. Margaret Thatcher once put it to me, and Margaret was no fan of Shamir. I was in London. I was on my way to Israel and she had had a visit from Shamir a few days earlier. She said "Shamir said something to me that really stuck with me". I said "What's that?" "He said: The United States is a big country. It can make a mistake, it's not fatal. Great Britain can make a mistake, it's not fatal. Israel can only make one mistake. If it makes one big mistake—it's fatal. Therefore we have to be careful". It's true. So friends of Israel have to help her be strong, avoid mistakes, but also to work for peace.

Let me make a comment about another aspect of life in Israel. Some of you know, that I worked hard on the economic problems of Israel. Israel did have a terrible period in the mid 1980s when inflation was just about totally out of control and with some hard work on their part, with a lot of pressure, I was the "Heavy" in that * * * I was the tough guy who insisted on things, but they were happy to have me assist and the American Congress, which is always difficult, was happy to have me assist, and the American Jewish Community was happy to have me assist and tell them that what they had to do. And they did—and was to come to grips with their inflation successfully, and keep their economy going. But I felt and feel today, that while it was OK as economies around the world go, it could be a great deal better if they would open it up and learn the lessons that have been learned around the world, about what happens if you really open yourself up to the market place, if you privatise, if you get the State out of trying to run the economy and let the market run it, if you get the taxes down and give people incentives and so forth. And so I worked with a wonderful man named Max Fisher, a great philanthropist and industrialist in the United States and friend of Israel and he gathered together, a hundred or so people, friends of Israel and prominent American businessmen and financiers and I believe there were some from Australia who became part of this effort of Max's called "Operation Independence". They went over to Israel ready to make investments as businessmen and to in one way or another help with the Israeli economy. Max told me about some of his frustrations. He said "I went into the Prime Minister and I said to him: Prime Minister when a guy like me is asked to make a contribution to Israel, as a businessman I ask questions. And I want to know if I am going to be able to operate my business in a way that I am going to make a good return on my investment. So I am asking. And I am not getting answers." And they worked at it for about a year and a half or so, and finally, the

Israeli bureaucracy sent them home with their tail between their legs. Yet from the standpoint of Israel and Israel's strength and independence and the people who live there and the people who, underneath it all, want to live there, I think it is important for Israel to face up to these economic issues sweeping from communist China to capitalist Hong Kong.

There are warm sentiments that have been expressed to me privately, one by one, as people come around and have said "hello". May I thank you for that and for all of the wonderful words that have been said at this Podium from my friends in Israel and from my friends here. My thanks to you for the warmth of your welcome and for this wonderful gift.

Thank you very much.

THE U.S. MILITARY ACADEMY AT WEST POINT: ENSURING AMERICA'S FUTURE

Mr. PRESSLER. Mr. President, last weekend I attended a meeting of the U.S. Military Academy Board of Visitors at West Point, NY. I was appointed to the Board of Visitors on March 4, 1993. The Board acts as an oversight committee to inquire into morals and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy at West Point. After its annual meeting in October, the Board of Visitors will submit a report to the President, outlining its observations and recommendations.

I would like to share with my colleagues what I learned from my visit to West Point. I toured the facilities, discussed academic issues, and other matters concerning the future of the Academy. These activities indicate West Point is at a crossroads in its history. The Academy is succeeding in its ability to streamline costs without sacrificing modernization. Also, the institution is demonstrating its flexibility to meet the challenges of a changing world without compromising its historic integrity as a traditional school for training tomorrow's leaders.

West Point educates cadets with an outcome assessment learning focus. According to the Academic Dean of West Point, General Galloway, this means "preparing people for a future of change." The mission statement of the U.S. Military Academy is: "To educate and train the Corps of Cadets so that each graduate shall have the attributes essential to professional growth throughout a career as an officer in the Regular Army."

West Point's curriculum includes a traditional core of required courses, including extensive math, physics, and natural sciences. Each cadet also must take a variety of courses in the humanities, including international relations, English, composition, and history. In their third year, cadets may begin to specialize in one of 28 fields of study, or choose a major, which requires even more extensive specialization. While the curriculum has remained fairly constant in recent years, the content of individual courses has changed to reflect the changing focus of the world's security situation.

Civilians currently make up approximately 7 percent of West Point's faculty. In compliance with a congressional mandate, the Academy is increasing the proportion of the civilian faculty to 25 percent over the next decade. Doing so will broaden the educational and intellectual spectrum of the cadets and expose them to diverse academic and social views.

The drawdown in defense spending has not reached West Point. However, the Academy is preparing itself for the possibility of budget cuts. The buildings and infrastructure are deteriorating slowly, but instead of complete replacement or construction of new facilities, the Academy is involved in a much more economical repair by replacement strategy, which maximizes the use of existing resources. This facelift for the Academy is sorely needed. The barracks are in a state of deterioration. Many cadets have rooms with leaking ceilings. The mess hall suffers from various health code violations, including the presence of asbestos, high temperatures, lack of sufficient ventilation, standing water near electrical switches, and improper garbage removal equipment. The process of refurbishing is scheduled for completion by the Academy's bicentennial celebration in 2002. The entire project will cost approximately $300 million by 1997. I was most impressed with how each dollar's potential will be maximized. I am pleased to report the U.S. Military Academy at West Point is on track with an efficient modernization plan and a successful transition to meet the many challenges and demands of the 21st century.

Mr. President, no discussion of West Point is complete without talking about the cadets themselves. Rarely have I had the opportunity to meet with a more impressive group of young people. A group of leaders from the second class or junior year met with the Board of Visitors to voice their concerns and ideas about recent issues facing their Academy and their world. These cadets impressed me both with their candidness and their knowledge. Their respect for ethics, leadership, and the cadet values of "duty, honor, and country" was evident in their comments. They embody the excellence of West Point and the hope of America. I was pleased to see the Academy has not retreated from its grand tradition and continues to produce such fine young leaders. I rest easy knowing the future will one day be left to such distinguished individuals.

America needs to appreciate the importance of West Point once again. Last weekend's visit exposed me to only a small portion of the extraordinary contributions the Academy is making to our country. West Point remains committed to continuing this tradition of excellence for many years to come.

MEETING THE NEEDS OF THE U.S. AVIATION INDUSTRY

Mr. PRESSLER. Mr. President, I rise today to urge my distinguished colleagues on the Aviation Subcommittee to join me in formulating possible remedies for our Nation's ailing aviation industry. As ranking member of the subcommittee, I have been working with my Republican colleagues to propose an agenda designed to address many pertinent issues confronting airlines, manufacturers, and consumers.

I commend President Clinton for taking the first steps to address the needs of the airline industry. President Clinton spearheaded the formation of the National Commission to Promote a Strong and Competitive Airline industry. This Commission will have 90 days to develop recommendations for improvements in the airline industry.

By the time the Commission begins its work, however, it will be August, at the earliest, before recommendations are sent to Congress. Given the normal legislative process, it will be 1994 before the full Senate acts on these recommendations. We need to begin the process and consider solutions now.

Along with the other Republican members of the Aviation Subcommittee, I have contacted our chairman, Senator FORD. We expressed our desire to begin hearings and explore possible solutions to the problems facing the Nation's aviation industry. Bipartisan cooperation is necessary if our subcommittee is to act aggressively and decisively. However, the longer we wait, the more the industry must wait, and the more the industry stands to lose.

Many aviation issues currently merit hearing consideration and should be examined during the time the Commission is formulating its recommendations. Several legislative initiatives—including predatory pricing restrictions; elimination of the aviation fuel tax increases under the proposed energy tax; Federal loan guarantees for the purchase of new Stage 3 aircraft; and provision for airlines to expend immediately their accumulated net operating losses to obtain a refund of earlier ticket tax payments—could be and should be examined now.

Questions of foreign investment in U.S. carriers and the extent of U.S. use of foreign air slots should be studied closely by the Aviation Subcommittee. In December, the General Accounting Office issued a report entitled "The Impact of Changing Foreign Investment and Control Limits on U.S. Airlines." This report and other studies could serve as a possible focus for hearings on international aviation issues.

In an industry heavily dominated by the concerns of airlines, the needs of the general aviation community should not be ignored. Proposed registration fee increases and the effects of higher energy taxes together could cripple substantially this sector of the aviation industry. Product liability remains an issue of longstanding concern to aircraft manufacturers. Sales of domestic general aviation aircraft declined from 17,000 in 1979 to 899 last year, due in large part to the present product liability system.

Environmental issues are becoming more important to the aviation industry. Compliance with new environmental standards and efforts to preserve the environment have affected the industry considerably. We should examine these issues in hearings as well.

It is essential that small, rural communities receive adequate and reasonably priced air travel access. In my home State of South Dakota and similar States, it is often more expensive to fly from place to place within our home States than it is to fly abroad. This practice imposes an unfair pricing burden on travelers to and from small cities and rural areas. What can be done to alleviate such air fare discrepancies? A thorough examination of this issue should be pursued.

Finally, recent events compel us to examine small aircraft safety. South Dakota Gov. George S. Mickelson and seven other distinguished South Dakotans were killed when their small aircraft crashed last month. Initial investigations indicate the crash possibly was the result of a propeller assembly defect. I recently learned that the National Transportation Safety Board [NTSB] had contacted the Federal Aviation Administration [FAA] on three occasions to urge a full-fleet investigation of possible defects in the same type of propeller assembly found on the airplane carrying Governor Mickelson. Until last week, the FAA ignored these requests.

The Aviation Subcommittee should consider questioning the FAA about its investigatory procedures and criteria. Why, for example, were the propeller investigation requests by the NTSB initially denied: Uniform safety criteria and investigation policies at the FAA are needed to avert air service tragedies. Small aircraft safety and FAA investigative practices should be placed at the top of the agenda. I am pleased to report that Chairman FORD has agreed to hold hearings on this subject. I commend him for his leadership and his willingness to address this vital matter expeditiously.

The future of aviation depends on solutions to the problems I've raised. At present, the aviation industry, from the manufacturers to the air carriers, faces many challenges. As ranking members of the Aviation Subcommitte, I am ready to work with my colleagues and the industry through the hearing process to meet these and other challenges head on.

Mr. President, I ask unanimous consent that a letter from the Republican members of the Aviation Subcommittee to Senator FORD be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 26, 1993.

Hon. WENDELL H. FORD,
Chairman, Commerce Subcommittee on Aviation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In view of the airline industry's well-documented financial difficulties, we believe it is important for the Aviation Subcommittee to plan an agenda and hearing schedule. We are eager to work with you in this endeavor.

As you know, the commercial airline industry has lost approximately $9 billion over the last three years—more than the total profit it generated during its first 50 years of existence. These losses have resulted in large layoffs of personnel throughout the industry. Additionally, most airlines simply cannot afford large capital expenditures. All of this has had a seriously negative impact on the aerospace manufacturing industry.

The Republicans on the Subcommittee believe the airline industry's problems should be addressed expeditiously. While we support the National Commission to Promote a Strong and Competitive Airline Industry, our Subcommittee should begin working now. Many ideas could be considered in hearings now, rather than waiting for the Commission's recommendations. Members of this Subcommittee have indicated already their support for several legislative initiatives, including: predatory pricing restrictions; elimination of proposed aviation fuel tax increases under the energy tax initiative; federal loan guarantees for the purchase of new State 3 aircraft; and provision for airlines to expend immediately their accumulated net operating losses to obtain a refund of earlier ticket tax payments. These issues are so pressing, the Subcommittee should examine these proposals soon.

Another issue of major concern is the question of foreign investment in U.S. airlines and the relationship between such investments and the rights of U.S. and foreign carriers under international aviation treaties. In December, the General Accounting Office issued a report requested by you and Senators Hollings, Danforth, and McCain, entitled "The Impact of Changing Foreign Investment and Control Limits on U.S. Airlines." This report and other studies might serve as a useful focus for a hearing on international aviation issues.

Environmental issues are becoming more important to the aviation industry. Compliance with new environmental standards and efforts to preserve the environment have affected the industry considerably. We should examine these issues in hearings.

In an industry heavily dominated by the concerns of airlines, the needs of the general aviation industry must not be ignored. The recent crash killing Governor George S. Michelson and seven other South Dakotans demonstrates small aircraft safety is a vitally important issue. The Federal Aviation Administration's treatment of National Transportation Safety Board recommendations concerning a propeller assembly that may have played a role in this crash have raised concerns about the communication between these agencies. In addition, there are critical issues affecting the financial health of general aviation, including proposals to increase registration fees and energy taxes that could cripple this aviation sector. Product liability in the general aviation industry is also an issue of longstanding concern. Sales of domestic general aviation aircraft declined from 17,000 in 1979 to 899 last year, due, in large part, to the present product liability system.

Finally, it is also important to ensure that small, rural communities receive adequate and reasonably priced air travel access. In my communities, it is often more expensive to fly from place to place within our home states than it is to fly abroad. Such inconsistencies place an unfair pricing burden on travellers in small cities and rural areas.

The future of aviation depends on solutions to the industry's problems. We, as members of the Aviation Subcommittee, are ready to begin the hearing process to develop these solutions.

Sincerely,

LARRY PRESSLER.
SLADE GORTON.
JOHN MCCAIN.
TED STEVENS.

TRIBUTE TO FORMER CONGRESSMAN BOB TRAXLER

Mr. LEVIN. Mr. President, he is not a household name. Although he was a cardinal, one of the most powerful members of the House Appropriations Committee, he preferred to work behind the scenes, without a lot of fanfare and press attention. And in that role, former Congressman Bob Traxler proved to be an effective, thoughtful, progressive public servant.

I readily confess that I miss his presence. Throughout his long and distinguished career, he was an astute spokesman for his congressional district and for the entire State of Michigan. Now that he has retired, I think all of us in Washington realize just how important a Member of Congress he was, and how much his expertise is missed.

The Boys and Girls Clubs of Bay County, MI, are presenting Bob Traxler with their Helping Hand Award this month. As executive director Don "Hutch" Hutchens has noted, this is the clubs' most prestigious award, given to individuals who have enhanced the quality of life for youth in the Bay County area.

I cannot think of a more deserving person than Bob Traxler. He may have shunned the limelight, but all of those whose lives he affected know how much he cared and how hard he fought for them. Our one consolation: I know Bob will stay active in mid-Michigan affairs, and I know we can continue to rely on his sage advice.

IN MEMORY OF MARVIN M. SCHWAN

Mr. DURENBERGER. Mr. President, I would like to remember Marvin M.

Schwan who passed away unexpectedly May 9, 1993, of a heart attack. Marvin was president of Schwan's Sales Enterprises Inc., a major door-to-door food company located in Marshall, MN.

Marvin Schwan, son of a German immigrant, acquired his father's business in the late 1950's. The present billion-dollar business grew out of a dairy plant in 1948 that delivered milk door-to-door in a horse pulled wagon. The company now has a delivery fleet with an estimated 2,300 vehicles in 49 States.

Schwan's Sales Enterprises Inc., or Schwan's as it is commonly know in Minnesota households, extended its line of ice cream and dairy treats to other frozen foods in 1970 when it introduced pizza currently sold under the Tony's brand. The company, still expanding, recently bought Chicago Bros. Frozen Pizza, Inc., in San Diego last March.

A native of Marshall, MN, he attended Bethany Lutheran College in Mankato, MN, where he graduated in 1949.

Marvin Schwan was a man everyone in Marshall knew. A quiet man who looked out for his neighbor, never let anyone go unnoticed. People recall him acknowledging everyone as he passed through the coffee shop next to the company plant in the late 1950's. He wasn't one to think himself better than anyone else.

During the mid-1970's drought which plagued many Minnesota farmers financially, Marvin provided numerous farmers with part-time employment. In 1988, he contributed several million dollars to his alma mater for a fine arts center.

Marvin Schwan's kindness and generosity are reflective of his values. In business his philosophy was not to compete with his customers. In his own words, "The American family has been kind and good to me and my company. Our policy is not to compete with them. We don't own a dairy herd and we don't own farmland."

With regard to his success, the 70th wealthiest American on Forbes magazine list stated humbly that "his gift of money had come from the Lord." His belief is evident as he reinvested his money to create more jobs for others.

Marvin Schwan was known as a private, introverted person who kept to himself. He didn't like a lot of media or attention given to himself. Reflective of many Minnesotans, he was one who liked doing a job well done, living an honest life, and sharing his fortune with others.

He will be missed by many and especially by the community of Marshall.

RECOGNITION OF NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE

Mr. FORD. Mr. President, I rise today to commend the National Association of Letter Carriers in their 1993 food drive. This Saturday, May 15, 1993, letter carriers all across the country will collect food donations along their mail routes to help stock community food banks. I would like to encourage all Americans to participate in this charitable effort simply by leaving nonperishable food items by their mailboxes on Saturday.

Millions of Americans depend on local food banks as their only chance of having a decent meal. Through the efforts of the citizens who donate and the letter carriers who facilitate the distribution, many hungry Americans can be assured their local food bank will be well stocked.

Established in 1991 as a pilot program covering 10 cities, the food drive has expanded in conjunction with the U.S. Postal Service and the AFL–CIO to include over 600 communities in all 50 States. In Kentucky, letter carriers in the Lexington and Louisville greater metropolitan areas will participate in the food drive. When the collection process ends on Saturday, it is estimated several thousand tons of food will stock community food banks for the entire summer.

Mr. President, I think this program—while a simple concept—is quite clever in its design. First of all, I know many Americans are often frustrated by a lack of time or resources to devote to charitable causes. By design, the NALC food drive facilitates participation for everyone by making it easy and inexpensive to lend a helping hand. Simply by leaving a few cans or items of nonperishable foods by a mailbox this Saturday, millions of Americans can help feed hungry children, homeless individuals, and needy families.

Second, donations made through the food drive go straight to the local food bank to serve members of the participating community. This affords those who participate the pleasure of knowing their donations are helping neighbors and members of their own communities.

Mr. President, I would like to encourage Kentuckians in Lexington and Louisville as well as Americans all across the country to participate in the NALC food drive this Saturday. I can't think of a better or easier way to ensure community food banks receive the necessary resources to serve needy citizens.

REGARDING AIDS HOUSING OF WASHINGTON

Mrs. MURRAY. Mr. President, I am proud to announce that a nonprofit organization from Washington State recently won the Maxwell Award of Excellence from the Fannie Mae Foundation. AIDS Housing of Washington was honored for the creation of affordable housing in the category of special needs housing.

The excellence of this nonprofit group, AIDS Housing of Washington, was in doing something that had never been done before—provide an affordable place for people with AIDS/HIV to live permanently while receiving the medical attention and emotional support they need.

AIDS Housing of Washington started the Bailey-Boushay House in 1988 to shelter AIDS patients who cannot afford prolonged hospital stays. This may seem simple—providing affordable housing for people with AIDS and HIV—but it is not. It is a new concept that had never been attempted in the Seattle area. Even today, for residents of Seattle and King County living with AIDS and HIV, the 35-unit Bailey-Boushay House provides the only 24-hour, skilled nursing care residence and day health program in the area. An affiliated day center enables 80 nonresidents to receive daily supervision and therapy while continuing to live at home. Staying at Bailey-Boushay House costs less than one-third of what a similar visit to a hospital would cost. What's more, AIDS and HIV patients live in a supportive environment. It is their home.

The financing package for Bailey-Boushay House is a lesson in creative thinking as well. The $6.3 million package included $630,000 raised through telemarketing, $312,000 from corporate donors, and a $500,000 challenge grant from the Kresge Foundation. The city of Seattle made a $1.65 million 1-percent 40-year loan, forgivable at 5 percent a year. Additional grants were made by the Washington State Housing Trust Fund, as well as three county sources. The permanent financing for the project was a program-related investment of $1.5 million for 10 years from the Robert Wood Johnson Foundation. There were over 5,000 individual, corporate, and foundation donors to the capital campaign.

AIDS Housing of Washington has received broad-based support from the community. The Bailey-Boushay House is one of three projects nationally to receive a multiyear grant from the U.S. Public Health Service, Health Resources and Services Administration [HRSA] division, to evaluate the project as a national model for 24-hour care for people with HIV/AIDS.

Out of 175 applicants, AIDS Housing of Washington was among 6 nonprofit groups from across the Nation selected to receive the award of excellence, which includes a $25,000 grant.

I want to congratulate all those who made the concept of Bailey-Boushay House a reality, including Betsy Lieberman, the executive director and Donald Chamberlain, the associate director. Thank you for the goodness you have brought into the lives of so many people.

START II TREATY

Mr. PELL. Mr. President, on Tuesday of this week, the Committee on Foreign Relations held its first hearing on the START II Treaty between the United States and the Russian Federation. Secretary of State Warren Christopher was our opening witness. He did an exemplary job in setting forth the merits of the treaty and in discussing the obstacles the administration intends to overcome as we move toward ratification.

In the next several weeks, the committee will hear from the Hon. Lawrence S. Eagleburger, former Secretary of State; Thomas Graham, Jr., Acting Director, Arms Control and Disarmament Agency; Ambassador Linton Brooks, START II Negotiator; and Douglas MacEachin, Deputy Director for Intelligence, Central Intelligence Agency. In June and July, we expect to receive testimony from Secretary of Defense Aspin, Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, the military service chiefs, Director of Central Intelligence R. James Woolsey, and a number of nongovernmental experts.

According to Secretary Christopher:

> START II completes the work of the first START Treaty. Where the first START Treaty discouraged MIRVed ICBMs, START II bans them. Where the first START Treaty eliminated half the heavy ICBM launchers, START II eliminates all of them—and their missiles as well. At the same time, START II preserves the U.S. force structure needed for deterrence and allows us to adapt our bomber force to future needs.

Moreover, the Secretary told the Committee:

> When coupled with START I, the START II Treaty will lead to a world in which nuclear weapons have been eliminated from all states of the former Soviet Union except Russia, and a world in which the strategic forces of Russia are dramatically reduced and restructured. START II will complement the political integration of Russia into the family of nations by codifying a strategic relationship appropriate for an era of cooperation, not confrontation.

The START II Treaty will turn back the clock 20 years on the strategic offensive arms race. It will do so by accomplishing three long-cherished goals of the United States:

Ban land-based intercontinental ballistic missiles [ICBM's] equipped with multiple warheads [MIRV's];

Require the physical destruction of all Russian SS–18 heavy ICBM's—the largest, most threatening, and most destabilizing ICBM in the world; and

Significantly reduce the number of nuclear warheads deployed on strategic ballistic missiles and heavy bombers.

With regard to the SS–18 eliminations, Secretary Christopher told the committee:

> No single act better symbolizes the end of the superpower nuclear arms race. While economic pressures may well have required Russia to reduce strategic offensive arms drastically, it is the START II Treaty that will ensure that Russia reduces in stabilizing ways. And it is the START II Treaty that will remove the issue of strategic force size from the Russian political debate.

When the reductions required by START II are completed no later than January 1, 2003, the United States and Russia may each have no more than:

Between 3,000 and 3,500 warheads deployed on ICBM's, submarine-launched ballistic missiles [SLBM's], and heavy bombers;

Between 1,700 and 1,750 warheads deployed on SLBM's;

Zero warheads on deployed ICBM's; and

Zero warheads on heavy ICBM's.

These limitations, when implemented, will represent a two-thirds reduction in the size of the current nuclear arsenals of both sides. Moreover, these reductions will significantly enhance strategic stability as well as lower even further the likelihood or potential for nuclear war.

Unfortunately, there are roadblocks to ratification of the START II Treaty that should not be overlooked or underestimated.

First, the START II Treaty is based on the START I Treaty, which the Senate approved in October 1, 1992. START II may not enter into force before START I. Ukraine, one of the five parties to the START I Treaty, has failed to fulfill a pledge made in the May 23, 1992, protocol to the START I Treaty to ratify the treaty and rid itself of all nuclear weapons. Because of its failure to agree to ratification of START I, Ukraine is holding START II hostage. I am very pleased that Secretary Christopher attaches high priority to resolution of this problem.

Second, the Russian Parliament has approved the START I Treaty, but with the condition that it will not permit the treaty to enter into force without Ukraine, Kazakhstan, and Belarus first having acceded to the 1968 Nuclear Nonproliferation Treaty [NPT], as they are required to do so pursuant to the Lisbon protocol. Ukraine and Kazakhstan have so far not lived up to this legally binding commitment. This problem also jeopardizes both the START I Treaty and the START II Treaty.

The issue with respect to the Nonproliferation Treaty is not trivial. I believe that the three former Soviet Republics, who have pledged to be nonnuclear, must be held to their promise. It would constitute a major threat to our national security if any of these former Soviet Republics were to breach their legal obligation to eliminate nuclear weapons.

I see Ukraine's recalcitrance as very much tied to its economic woes with an overlay of security concerns. I know that this administration is striving to deal with Ukraine's fears of Russia's military prowess and to arrange, with strong congressional backing, the actual delivery of significant economic support and assistance in getting rid of its nuclear arsenal. We need to be mindful of the security concerns of Ukraine, which fears renewed Russian domination. If Ukraine feels itself isolated and vulnerable, it is possible that it will reach the erroneous judgment that intercontinental ballistic missiles targeted against the United States are somehow a meaningful deterrent to Russia.

We must also make it clear to Ukraine that we have vital interests at stake. We will be responsive to legitimate needs, as we are able, if Ukraine meets its obligations—but we will not bribe them to do so.

The importance of getting Ukraine and Kazakhstan on track with regard to the NPT becomes steadily greater as we approach the 1995 review conference at which it will be decided whether to extend the treaty. As we look at problems around the world, we should have not one second's doubt that it is imperative that the NPT be extended and, if possible, strengthened.

In this connection, I would point out that we are at the crucial decisionmaking stage with regard to a comprehensive nuclear test ban [CTB]. I am glad that the President is committed to a CTB. Those who follow this issue may have noted that the option of permitting nuclear testing at low levels beyond September 1996 is being offered by some who do not appreciate the imperative of bringing an end to nuclear testing. We must be steadfast in our quest of a test ban if we are to ensure the preservation of the Nonproliferation Treaty.

Mr. President, I have addressed several critically important arms control issues. It should be clear to us all that arms control problems are not going away. I have reached the conclusion that, as an integral part of our efforts to address these arms control issues, it is important to strengthen and reinvigorate the Arms Control and Disarmament Agency. President Clinton is considering options regarding ACDA. I know that virtually all of my colleagues, who have had a chance to address the question of what to do about ACDA, have concluded that the Agency needs to be genuinely strengthened, refocused, and allowed to remain independent.

I have legislation to strengthen ACDA now under consideration by the administration. I hope that we will be able to settle on mutually acceptable legislative approaches in the near future.

CONGRATULATIONS TO DANIEL DELPRETE, RHODE ISLAND SMALL BUSINESS PERSON OF THE YEAR

Mr. PELL. Mr. President, throughout this week, America is celebrating

Small Business Week during which recognition is paid to the many small business men and women throughout the country that run the enterprises which form the backbone of our local economies.

Today I am pleased to welcome to Washington, DC, Daniel DelPrete, the 1993 Rhode Island Small Business Person of the Year. He is being honored this week here in the Senate and I am pleased and proud to note his fine accomplishment.

Dan's Management Co., the business that has grown out of the 1974 enterprise known as Dan and Jim's Donut Shop, today employs 172 individuals throughout the State of Rhode Island. He is additionally noted for encouraging local employment for his donut shops, including when a store opens in an economically depressed area. It is the small businessperson such as Dan that will turn our troubled economic State around and I applaud his efforts in the face of the difficult business climate Rhode Island has experienced in recent years.

It is not surprising that outside of his business, Dan is active in civic and church organizations and that he spends his off hours in the gym at Western Hill Junior High School where he is the wrestling coach. He is a successful businessman and conscientious community member who truly deserves the honor he receives this week as Rhode Island's Small Business Person of the Year. I wish him well in his future endeavors and hope that others will follow the sterling example he sets for all small businesses.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

THRIFT DEPOSITOR PROTECTION ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 714, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes.

The Senate proceeded to consider the bill.

Mr. RIEGLE. Mr. President, as chairman of the Banking Committee, I urge swift passage of the Thrift Depositor Protection Act of 1993. On March 25 of this year, the Banking Committee voted 16 to 3, with strong bipartisan support, to adopt this legislation.

The purpose of this bill is to continue to honor the Federal Government's commitment to insured depositors, individual savers, at failed thrift institutions. This bill is expected to complete the thrift cleanup by providing funds to enable the Resolution Trust Corporation, which we call the RTC, and the savings association insurance fund; namely, the insurance fund now that is in place to protect deposits in the future for savings and loan institutions, called the SAIF fund, to enable them to protect those deposits from any institution that might fail in the future.

As reported by the committee, the bill would have provided money to the RTC and to the SAIF fund, consistent with the administration's high-end estimate of the cost of finishing the thrift cleanup. They did that to be, I think, careful, conservative, and to make sure that they were taking an adequate step to resolve any possible remaining size of this problem.

However, the managers' amendment that I will shortly offer with Senator D'AMATO, will reduce the funding available both to the RTC and to the SAIF insurance fund.

After amendment, the bill we will be presenting will reduce the amount of funds appropriated to the RTC from $28 billion to $18.3 billion.

Additionally, that amendment will also reduce the amount of funds appropriated to the SAIF fund from $17 billion to $8.5 billion, while keeping available an additional $7.5 billion of the authorizations in current law for further appropriations to the SAIF fund, should it be demonstrated in the future that that is necessary.

No funds, whether appropriated now or later, will be spent unless they are needed and unless the Treasury Department and FDIC agree together that there is no reasonable alternative.

Very directly, the funds provided in this legislation fulfill the national commitment that we made to insured depositors in federally insured institutions. The RTC has the responsibility to protect insured depositors and thrifts that are closed before the end of the current fiscal year. Responsibility to protect insured depositors at savings institutions that might fail after this fiscal year will pass over to the new insurance fund, the SAIF insurance fund, that has been created to replace the old FSLIC insurance fund.

I know many have concerns, as I do, about the operation of the RTC. Since the RTC was created in August 1989, the committee has been active in its oversight of the RTC. The committee has held 26 hearings related to the RTC and the SAIF, 10 of which have been held since the time the last RTC bill became law on December 12, 1991. Additionally, since the establishment of the RTC, I have sent 36 letters of inquiry to the RTC, RTC inspector general or the RTC Oversight Board seeking explanation, clarification, and accountability for RTC policies, procedures, and operations.

Given the magnitude of the RTC's task and the speed of its growth, some problems were inevitable. Some have been corrected, but there are important changes that still must be made, and the new administration has promised to make them. This legislation puts those promises into statute. Particularly important in my view, this bill assures that:

The RTC's contractor systems are strengthened to address the waste, fraud, abuse, and mismanagement that has arisen from inadequate oversight of RTC contracts.

The bill also requires:

Improved internal controls;

A reevaluation of RTC's strategies;

Expanded opportunities for minorities and women;

Improvements in information systems;

Improvements in the conduct of professional liability lawsuits; and

The appointment of a full-time chief financial officer and an audit committee.

I think these changes are essential, and I applaud the administration for its willingness to tackle these problems immediately.

In fact, in order to handle the issue of vacancy created by the resignation of Mr. Casey, Roger Altman, a key figure in the administration and the Treasury Department, has been assigned to the task of overseeing the duties of the RTC until a permanent replacement is found. I feel very good about his stewardship in that assignment, but it shows as well the great seriousness that has been given to finishing this cleanup job.

It is fair to say I think that the managers' amendment will greatly tighten and strengthen the requirements in the areas I just mentioned and add further safeguards to the process of this operation.

Additionally, funds for the RTC and the SAIF are made available in funding increments only after certification by the Secretary of the Treasury and the Chairperson of the FDIC that specific improvements in management controls and other areas have been or are being made at the RTC and at the insurance fund. So we only allow this money to be released on the basis of those kinds of certifications at those points.

I note that we are once again considering an RTC funding bill because, notwithstanding the fact that the Senate did act on a timely basis to fund this item last year, the House of Representatives was unable to pass a companion bill. However, because of improved recovery on asset sales, lower interest rates, and a steeper yield curve, less money is likely now to be needed to finish the job.

That is the good news. This is must legislation. There is no reasonable alternative to providing Federal Government funds to the RTC to meet the Federal Government's full faith and credit guarantee to insured depositors at failed thrifts. Failure to pass legislation means that thrifts that should get closed do not get closed. The Congressional Budget Office estimates that the failure to provide funds to close thrifts in the 1980's raised the total S&L bill by $66 billion. Delay in providing funds just to cover existing conservatorships raises costs by $3 million a day, so the delay over the past year in providing this funding has added at least $1.1 billion in unnecessary additional costs. I want to stress again, as I suspect my colleague from New York has done, that this money is not being provided to bail out any of the S&L wrongdoers. The money goes to protect depositors, and only depositors, as they have been promised by the Federal deposit guarantees. The average size of the protected savings account so far that has been covered by the expenditure of funds to back up the insurance guarantee has been an average of $9,000. So far, the RTC has protected 21.8 million individual savers accounts, but there are millions more that need to have the protection guaranteed in place and kept, and that is the purpose of completing this job so that that is done.

Finally, I would point out that while the administration originally proposed funding in the amount of $45 billion, our managers' amendment for $26.8 billion has the full support of the administration and the total amount appropriated or authorized to be appropriated is the same as the amount reported out by the House Banking Committee last week.

I urge my colleagues to move quickly to pass this legislation.

Finally, I want at this point to make a letter from Treasury Secretary Lloyd Bentsen a part of the RECORD. It is dated May 10, and it sets forth his very strong view that this legislation has to be passed and passed now.

He says here, and I will just quote a few lines from it:

> It is essential to the stability of our financial system that the government fulfill its promise to the millions of depositors who have placed their savings in insured institutions. Therefore, I ask for bipartisan support for—

This act. He drops down to say:

> I am well aware of the need to improve the RTC's operations so that it is managed in as efficient and cost effective manner as possible. As I have pledged, the RTC under the leadership of the Deputy Secretary Altman, the interim Chief Executive Officer of the RTC, has begun the ten reforms I described in my March 17 testimony before the Senate Banking Committee. We expect these reforms will, among other things, help RTC maximize the return on the sale of its assets and provide small, minority, and women investors with additional opportunities to bid on RTC assets.

He adds another paragraph here:

> I believe it is important for (this bill) to remain a narrowly focused bill, with only the managers' amendment that strengthens the provisions requiring improved operations at the RTC. The bill is not a proper vehicle for controversial financial institutions and regulatory provisions that, if added, will complicate its passage.

So the Treasury Secretary, I know, feels very strongly about it and communicated that view to many Members and to, I know, Senator MITCHELL, the majority leader, and we are ready now to move forward on the bill.

Let me now yield for any additional comments that Senator D'AMATO may wish to make, and then at the appropriate point I will lay down the managers' amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Secretary of the Treasury.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, May 10, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR DON: The Senate will soon begin debate on a very important funding bill for all of our citizens. It is essential to the stability of our financial system that the government fulfill its promise to the millions of depositors who have placed their savings in insured institutions. Therefore, I ask for bipartisan support for the Thrift Depositor Protection Act of 1993 (S. 714).

This bill will provide the remaining funds needed for the Resolution Trust Corporation (RTC) and the Savings Association Insurance Fund to finish the savings and loan cleanup. The funds will protect depositors, including your constituents, in failed federally insured savings and loans.

I am well aware of the need to improve the RTC's operations so that it is managed in as efficient and cost effective manner as possible. As I have pledged, the RTC under the leadership of Deputy Secretary Altman, the interim Chief Executive Officer of the RTC, has begun the ten reforms I described in my March 17 testimony before the Senate Banking Committee. We expect these reforms will, among other things, help RTC maximize the return on the sale of its assets and provide small, minority, and women investors with additional opportunities to bid on RTC assets.

I believe it is important for S. 714 to remain a narrowly focused bill, with only the managers' amendment that strengthens the provisions requiring improved operations at the RTC. This bill is not a proper vehicle for controversial financial institutions and regulatory provisions that, if added, will complicate its passage.

I know this is a hard vote for some members, but I believe the best way to reduce the cost of the S&L cleanup is to provide prompt funding that will fulfill the government's promise to protect the savings of insured depositors.

Sincerely,

LLOYD M. BENTSEN.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, as the ranking Republican member of the Banking Committee, I want to join Chairman RIEGLE in support of the Thrift Depositor Protection Act of 1993 (S. 714). The bill would provide the Resolution Trust Corporation, or the RTC, with funds needed to protect federally insured depositors at failed savings and loans.

Mr. President, voting for more RTC funding is not an easy vote for any of us. It is a vote that can easily be demagogued. But Congress must honor the Federal Government's promise to protect the hard-earned savings of Americans who deposited their money in these failed savings associations. At the same time, Congress must ensure that the RTC fulfills this mission in a manner that minimizes the cost of the savings and loan cleanup to the American taxpayers.

Subsequent to the Banking Committee's adoption of RTC funding legislation, I have worked hard with the chairman to develop a managers' amendment to improve the legislation and make certain that we accomplish the dual goals of protecting insured depositors and minimizing the cost to the taxpayers.

The GAO recently reported that the RTC may not need the full $28 billion requested by the administration. In addition, the amount of funds initially requested by the administration to fund the savings association insurance fund, or SAIF, was cut in half from $17 billion to $8.5 billion.

However, no money should be provided to the RTC without sufficient assurances that the money will be spent carefully and efficiently. Accordingly, several members of the Banking Committee, as well as other Members of the Senate, have worked with the chairman and myself to strengthen provision adopted by the Banking Committee which are designed to ensure the efficient and effective operation of the RTC. In particular, the legislation as modified by the managers' amendment will require the Secretary of the Treasury to certify to Congress that reforms needed to enhance internal controls, to ensure accurate financial data, and to make the RTC contracting process more effective, that have been put in place. Congress cannot and will not tolerate waste, fraud, and abuse at the RTC.

I am also pleased that the managers' amendment incorporates my efforts to end the kind of wasteful and unconscionable RTC contracts that we have all heard about. Many of these outlandish contracts wee signed because the RTC failed to follow its own procedures. To address this problem, I authored provisions designed to ensure that only authorized RTC officials execute contracts for goods and services, and that they do so within the limits of their delegated authority. Under these new rules, an RTC employee will have to present a certificate of their authority to enter into the contract—before signing a contract. If there is no certificate, the contract is void.

This should serve notice to RTC vendors and contractors that they must deal with authorized contracting personnel, or run the risk of an unenforceable contract and nonpayment.

Once and for all, only those people designated by written authorization will be able to execute contracts on behalf of the RTC.

I am also pleased that the managers' amendment includes Senator BOND's suggestion that the RTC be closed 1 year early, in December 1995.

This amendment will provide incentive to complete its mission with all due speed. By the end of 1995, the FDIC will take over the remaining duties of the RTC. We certainly do not need two RTC's.

Mr. President, the RTC's work of resolving failed savings and loans has been on hold for over a year. As Chairman RIEGLE indicated, this delay has added $3 million a day to the cost of resolution; this amounts to total cost to taxpayers of over $1.1 billion. That is intolerable.

We can say we passed RTC funding legislation last Congress, and the House did not. However this will not solve the problem at hand; the American people are sick and tired of that kind of nonsense. We have the obligation and the duty to do the right thing. If the other body wants to play games, then they are going to be held accountable.

The problem of resolving failed thrifts is not going to go away, and it is not going to get any cheaper because someone says, "No, I am not going to vote for these funds."

By funding the RTC, we are making good on the promise our Government made to Americans who deposited their savings in these institutions.

As Secretary Bentsen stated in his recent appearance before the Banking Committee, since the RTC began making payments to the depositors, the size of the average account protected is $9,000.

We are not protecting rich, fat cats. Nor are we providing funds for thrift stockholders, officers, or any of those responsible for the savings and loan debacle. This legislation will help make whole millions of ordinary Americans who deposited their savings in these institutions, based on the Federal Government's assurance that their savings would be safe.

We should not put these people in the position where they are going to lose their savings. That is exactly what we will be doing by failing to act.

I am tired of this business of playing games with the savings of depositors, so that you say to voters, "I never voted to authorize the bailout of the savings and loans."

This bill is not a bailout of savings and loans. We must have enough courage to come forward and see to it that widow Smiths of this world who had their life savings in a failed thrift, get their money.

Mr. President, this is an important bill. The Committee demonstrated, considerable restraint in not offering myriad amendments, other than a managers' amendment designed to implement some needed cost-saving reforms.

I want to commend the chairman and I want to commend the staff for bringing us to this point.

Mr. President, the Senate has a duty to the taxpayers and to the depositors. We should act expeditiously to fulfill both.

Mr. President, let me, and if I might, I think we have to remove this issue RTC funding from the political realm, and concentrate on doing the business of the people, saving taxpayers' money.

I hope that we can concentrate on closing insolvent institutions that should be closed. By doing so we will be saving taxpayers' money, because every day we delay we cost the American taxpayers an additional $3 million. That is a lot of money that we can, and should, be saving.

I hope that we can do this in a bipartisan manner, with a bipartisan effort. I believe that we will have significant support on the Republican side of the aisle to do just that—to minimize the political rhetoric and to concentrate on how we can bring about this process as expeditiously as possible, with a minimum cost to the taxpayer. That is what this bill is about.

Mr. BENNETT. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. BENNETT. Mr. President, I rise to congratulate the chairman and the ranking minority member of our committee for the spirit in which they have addressed this issue, and to make it clear that as a freshman member of the committee I, too, feel this is not a partisan issue, and it is one that we should address in a properly responsive fashion.

I want to briefly comment on one portion of this legislation which deals with the certification required for the use of appropriated funds for SAIF by the FDIC. The legislation requires, in part, that the FDIC must certify that an increase in SAIF premiums will threaten the ability of healthy SAIF member institutions to remain healthy. That is, the FDIC must verify that premium increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis, before appropriated SAIF funds may be utilized

I would expect that the FDIC will need to examine, in detail, many elements of the industry's condition and operations before it determines that SAIF should be funded through increased premiums.

For example, it will have to examine the existing capital of the industry and weigh the need to maintain or increase capital levels, under the prevailing economic conditions and regulatory policies. It will also be important to this analysis how the FDIC treats the relationship between the need to preserve or increase capital for an institution and premium levels. It will need to examine the condition of the industry to determine the need for SAIF members to follow good banking practices such as the posting of appropriate reserves from earnings against future losses. The constraints imposed on thrift institutions to undertake these and similar prudent activities could be deemed evidence of deterioration in SAIF member institutions and the consequent inability to offer banking services on a competitive basis.

Further, the FDIC should consider and examine the important question of any disparity in BIF and SAIF premiums which creates by itself an unhealthy condition by producing a competitive imbalance between BIF and SAIF member institutions. Such an imbalance, the FDIC could conclude, may occur when interest rates on mortgages of SAIF member institutions are materially greater than BIF member institutions; or when differences in rates on deposits would cause deposit outflows from SAIF member institutions. Clearly the FDIC's analysis will involve many complex factors and will require detailed review.

Of course, FDIC must also be mindful that it is our desire not to expend taxpayer funds where the industry's health would not be impaired by increased premiums.

However, the managers' amendment has wisely added a provision that will support the long-held policy that the maintenance of prudential capital levels provides protection both for the insurance fund and taxpayer dollars.

I say to the Senator from New York that as a member of the committee, I look to him for his leadership here. As a businessman, I recognize that when you have a bad quarter and problems you did not anticipate, the worst thing you can do is to try to stretch it out over a long period of time. The best thing you can do is take your lumps and write it off for the quarter and get on with it.

I congratulate the minority ranking member and the distinguished chairman for their willingness to take those lumps and move forward in a responsible fashion. I am happy to associate myself with that effort.

Mr. D'AMATO. Mr. President, I thank the Senator from Utah for his remarks and for his consistent support in helping to bring the bill to this point. He has provided the kind of leadership and thoughtfulness that makes this a very credible bill. I think his remarks about getting on with the business and making it possible to clean up this mess as quickly as possible, saving the taxpayers money, are really the key. I thank my friend.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, let me just add a thought or two to the remarks of the Senator from New York.

We have not discussed it here today, but we should to put this into context, that back in 1989, we passed a major, sweeping, comprehensive reform bill that stopped all of the abuses and the problems in the savings and loan industry, that created the difficulties that we are still dealing with. The fact that there are still troubled and wounded institutions out there is, in part, a carryover of practices that existed in years past that no longer exist. We also, of course, had problems of a weak economy and interest rate gyrations and things of that kind that contributed.

But it should be understood that the kind of problem that existed before that gave rise to these losses, we have corrected in other ways to prevent that kind of thing from happening again.

I will not lay out all of the different elements of that. Although we are not dwelling on that here today, the final phase of the cleanup here is for practices that used to exist but have not existed for some time.

So now we need to resolve these remaining institutions. Many of them should have been resolved last year or the year before. But the inability to get the funding approved in both bodies has prevented that from happening, so now that day of reckoning is here and it has to be acknowledged and dealt with.

AMENDMENT NO. 354

(Purpose: To provide funding for the resolution of failed savings associations, and for other purposes)

Mr. RIEGLE. Mr. President, I want to now offer jointly with Senator D'AMATO the managers' amendment in the nature of a substitute to S. 714, the Thrift Depositor Protection Act of 1993, the text of which I now want to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. RIEGLE], for himself and Mr. D'AMATO, proposes an amendment numbered 354.

Mr. RIEGLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. RIEGLE. Mr. President, I want to say this amendment has been developed in cooperation with Senator D'AMATO, the Republican manager of the bill, and also has the support of the Clinton administration.

I ask unanimous consent, as well, that a letter from Secretary Bentsen be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, May 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR DON: I would like to take this opportunity to commend you and Senator D'Amato for your hard work and leadership in developing the Thrift Depositor Protection Act of 1993.

In April, the Administration asked the Senate to provide the Resolution Trust Corporation (RTC) with $25 billion and the Savings Association Insurance Fund (SAIF) with $17 billion to finish the savings and loan cleanup. Although we would prefer that the Congress provide full funding of up to $42 billion so that we could all be reasonably confident that there would be no more costly stop and start funding related to depositor protection, we think the managers' amendment takes a responsible approach to funding both the RTC and the SAIF.

The managers' amendment appropriates $18.3 billion for the RTC and $8.5 billion for SAIF and authorizes an additional $7.5 billion for SAIF. This amount may be enough if regional economic conditions remain at current levels. However, FDIC has estimated that losses, which the SAIF will have to cover, could be as high as $21 billion through 1998. Therefore, it is imperative that neither the amount appropriated nor the amount authorized in the managers' amendment be reduced. As I said in my March testimony, Treasury will not release the money unless it is needed.

We also support the important management reforms and safeguards in the managers' amendment. However, as I said the other day, I believe it is important for S. 714 to remain focused on RTC and SAIF funding issues. This bill is not a proper vehicle for controversial financial institutions and regulatory provisions.

Prompt funding will reaffirm the government's commitment to fulfilling its promise to protect depositors. This bill is in the best interest of depositors and taxpayers and does not provide funds for owners and managers of savings and loans. Thanks again for your leadership on this essential issue.

Sincerely,

LLOYD M. BENTSEN.

Mr. RIEGLE. Mr. President, I want to refer to that letter. The letter is dated May 12. It is not the letter that I referred to earlier and read into the RECORD. This is a more recent letter that deals precisely with this managers' amendment that just went to the desk.

I want to read it. It is addressed to me, in my capacity as chairman of the Banking, Housing, and Urban Affairs Committee.

The Treasury Secretary writes as follows:

I would like to take this opportunity to commend you and Senator D'Amato for your hard work and leadership in developing the Thrift Depositor Protection Act of 1993.

In April, the Administration asked the Senate to provide the Resolution Trust Corporation (RTC) with $25 billion and the Savings Association Insurance Fund (SAIF) with $17 billion to finish the savings and loan cleanup. Although we would prefer that the Congress provide full funding of up to $42 billion so that we could all be reasonably confident that there would be no more costly stop and start funding related to depositor protection, we think the managers' amendment takes a responsible approach to funding both the RTC and the SAIF.

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Sincerely,

LLOYD M. BENTSEN.

I might just say, to add a footnote to his letter and to underscore what Senator D'AMATO earlier said, all the money provided here goes to pay back the amount of money that depositors have put in the institutions under the insurance limits and, where that institution has failed, they do not have the ability to pay back the individual depositor. The money has not gone to savings and loan shareholders or stockholders, it has not gone to bondholders, it has not gone to people who run those companies. None of that money has gone for that. The money has gone for one purpose and that is the citizens who have made deposits in one of those institutions that fails. When they want to go in to get their money out, we are making sure that there is money there so their savings account is paid off, at least up to the amount of the Federal deposit insurance level which is $100,000.

As has been noted, the average paid out to over 21 million depositors across the country has been an average of $9,000. That is what the money is for. That is where it goes. It is not for any other purpose, and it does not go to any other use.

Let me just complete, then, a brief explanation of the managers' amendment that is now at the desk.

The managers' amendment reduces the funding provided directly by the bill from $45 billion to approximately $26.8 billion, while leaving in place $7.5 billion in authority in current law to appropriate additional funds should that need arise and should we reach a decision to want to take that action. That would not happen automatically. That would be something we would have to act on to make happen.

This reduction in funding in the managers' amendment removes the cushion that was requested by the administration to protect against an unexpected increase in costs. While the amounts are substantially lower, the bill as amended has the administration's full support, as that letter I just read indicates.

The bill provides $18.3 billion to the RTC by lifting a restriction in a previously passed appropriation that the money be spent before April 1, 1992. Of $25 billion that was appropriated subject to that restriction, only $6.7 billion was spent. The amended bill also provides $8.5 billion for the SAIF. The use of these funds is conditional on annual certifications by the FDIC that deposit insurance assessments on the thrift industry cannot reasonably be raised to reduce taxpayer costs.

The amendment also extends and enhances requirements in the committee bill for reform of RTC operations and management and for safeguards in the SAIF's future operations. These include measures to improve financial and contracting controls, recoveries in asset marketing information systems, an independent inspector general at the FDIC, contracting opportunities for minorities and women, management of professional liability claims, to limit bonuses to highly paid personnel, and to expand whistleblower protection.

The amendment also moves up the termination date for the RTC by 1 year to December 31, 1995, and provides expanded ability to purchase assets from the RTC and the FDIC for an Alaskan Native corporation, the Cook Inlet Region Inc.

So that is the description of the managers' amendment now at the desk supported by the administration. It is being offered on a bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I am pleased to support the managers' amendment. I think Chairman RIEGLE has outlined the key provisions in it so I am not going to revisit them. I will say there was a very sincere effort to deal with many of the problems that have been cited in the RTC and its operation,—the problems with the enormous billings, 67-cents-a-page copies, and the work being done by large law firms where some lawyers were billing more hours in a day than actually exist in a day. In one classic example, one lawyer billed the RTC 26 hours work during a 24-hour period.

We have attempted to address these abuses and the manner in which they came about by establishing procedures that will limit the occurrence of these abuses, and hopefully reduce most of them, if not all of them.

We have to do the business of the people, and I think we need to act with speed since every day that goes by costs the taxpayers $3 million. I am pleased to support the managers' amendment. I hope we could move it to adoption.

Mr. RIEGLE. Mr. President, so we have the managers' amendment before the Senate and in the proper form, I ask the amendment be agreed to and the bill, as amended, be considered original text.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 354) was agreed to.

The PRESIDING OFFICER. Without objection, the bill, as amended, will be considered original text.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I want to say to Members who have opening statements they wish to make or comments they wish to offer or questions they want to ask, or in the event anybody has an amendment he or she wants to discuss or intends to offer, this would be an appropriate time to do it. I suspect tomorrow, when we get rolling on the bill, there will be people who will want to speak and there may be a jam-up of people wanting to speak at the same time. So this would be a very opportune time for anyone who wishes to be heard on this issue to come to the floor.

I invite such participation.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I want to elaborate on one particular provision of the manager's amendment. It is intended to address the issue of wasteful spending. Added to the managers' amendment at my request, this provision is intended to ensure greater compliance with RTC contracting policies and procedures. This provision will help the RTC avoid abuses in its contracting process. It is consistent with the Banking Committee's overall goal in reporting this bill—that the RTC be provided with the funds necessary to complete its mandate, but that there be greater accountability for, and control over, the expenditure of funds.

Mr. President, the Resolution Trust Corporation has worked hard to complete a huge job—resolving hundreds of failed thrift institutions. In the rush to carry out this job, mistakes have been made, especially in the RTC's contracting for services. Some of these errors have been well-documented; by now, we are all familiar with the stories, like the law firm that charged the RTC for its lawyers' stays at a luxury hotel in the city where the firm is located, while lawyers at the firm billed the RTC for sick and vacation time and for 26 hours of work in a single day.

Recently, we learned of the wasteful spending that occurred in connection with the HomeFed resolution: 67-cent-per-page photocopies and 340 percent markups on the fees for temporary employees. These and other excessive charges resulted from the use of an inappropriate contracting vehicle—a 2-page contract with no cost ceiling was used to govern a multimillion-dollar job. One RTC official described the contract as a contractor's dream. According to the RTC's inspector general, this situation arose, in part, because RTC contracting and legal personnel were not involved in the contracting process. In his testimony before the Senate Subcommittee on Regulation and Government Information, he stated that if the RTC's contracting procedures were followed, and the Contracts Office and the Legal Division were involved in the process, you would not have situations like HomeFed occurring.

The HomeFed resolution is only one of a number of expensive aberrations from contracting policy by RTC staff. Last year, we learned of the problems associated with the Western Storm asset reconciliation project. According to the RTC inspector general, poor planning and oversight, circumvention of RTC procedures, and the failure to consult RTC contracting and legal personnel added between $3.8 and $6 million to the overall cost of this project. As was the case in the HomeFed situation, the inspector general found that the Western Storm contact did not contain provisions and specifications necessary to protect the RTC's interests.

These are only some of the more notable examples of wasteful spending in the RTC's contracting efforts. As you can see, these incidents of waste have often resulted from inattention to RTC contracting policy, and from a failure to involve RTC contracting specialists in the contracting process.

This provision is designed to address these problems. It is designed to ensure that only authorized RTC officials execute contracts for goods and services, and that they do so within the limits of their delegated authority. It will also serve notice to RTC vendors and contractors that they must deal with authorized personnel, or run the risk of an unenforceable contract and nonpayment. Prior to closing, an RTC contracting employee will have to present certification evidencing their contracting authority authenticated copies may be provided in order to allow the RTC to close transactions with contractors in other locales.

In addition, the RTC will be required to publish in the Federal Register notice of the nature and extent of the contracting authority of each contracting position. This notice will also contain the relevant qualifications for appointment as a warranted contracting officer. This publication is intended to supplement, not supplant, the RTC's current policy of publishing authorization levels and qualifications in its Contract Policies and Procedures Manual. Contractors will be put on notice as to the contracting authority of RTC employees, and the need to ascertain the nature and extent of that authority. Hopefully, prudent contractors will request a copy of the contracting employee's certificate of authorization.

This provision is designed to ensure the involvement of the RTC's contracting specialists in the contracting process. By doing this, it will ensure greater compliance with all RTC contracting policies and procedures. Contracting officials are trained to ensure that contracts protect the RTC, and taxpayers, against wasteful spending, and promote meaningful oversight of contract performance. In doing this, it will help the RTC achieve the contract policy compliance goals that Secretary Bentsen recently expounded. More specifically, this provision should aid the RTC in its ongoing effort to control the contracting activity of unauthorized personnel.

I believe that this provision, like the managers' amendment as a whole, strikes a careful balance between the RTC's need to expeditiously resolve failed savings & loans, and the need to protect the taxpayers from profligate spending. It is not intended to make the office of contracts a micromanager of RTC's dealings with the private sector. However, only authorized contracting personnel should contract for the RTC. This provision is intended to ensure that only authorized contracting personnel enter into, modify, terminate or enlarge any RTC contracting vehicles, and that the appropriate RTC divisions, such as legal services, are consulted. We expect that all the RTC employees will work in a spirit of good-faith cooperation to give full effect to the intent of this provision and the RTC's contracting policies and procedures—to ensure that the interest of the RTC and the taxpayer are protected in a contracting process that is expedient, but also prudent. In the resolution process, we need haste without waste.

This provision is intended to apply to all devices and arrangements that the RTC employs in private sector contracting—including, but not limited to, contracts, purchase orders, task order agreements, task orders, and the statement of work or scope of services under any such vehicle.

This provision would not pertain to contracting by the inspector general, or any designee of the inspector general, for goods or services for the Office of the Inspector General. This exemption was included in recognition of that office's statutory autonomy, and its need for operational integrity. It is the intent of this provision that the Office of Inspector General may continue to avail itself of the services of RTC contracting officials, at the inspector general's discretion.

The RTC has played a vital role in formulating this provision because they believe that this legislation will improve the RTC's contracting function. Hopefully, it will allow us to avoid the instances of wasteful spending that have occurred in the past, the costs of which are ultimately borne by the taxpayer.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at this point a letter of support from the interim chief executive officer of the RTC, Roger Altman, regarding the amendment that I have just discussed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RESOLUTION TRUST CORPORATION,
Washington, DC, May 4, 1993.

Hon. ALFONSE M. D'AMATO,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: I would like to take this opportunity to offer my support of your anticipated amendment to the RTC funding legislation which would put into statute a warranted contracting officer program for the RTC. Your amendment would improve the RTC's contracting process designed to deter unauthorized actions which could drive up the costs of operating the RTC.

Your amendment provides that the RTC can only be contractually bound by warranted contracting officers and managing agents of a conservatorship who are trained in the RTC contracting processes and are duly authorized to act on behalf of the RTC. Contracts entered into by unauthorized personnel are not enforceable against the RTC. Authorized personnel are required to display evidence of their contractual authority and to furnish copies of the evidence upon request, giving potential contractors an easy method of compliance.

Secretary Bentsen has committed the RTC to making significant improvements in its contracting system. Codifying a warranted contracting officer program will strengthen the RTC's internal controls of its contracting system and ensure that all firms are engaged under fair, equitable, and consistent terms. In the end, this will help to ensure that the taxpayers' money is being spent appropriately.

I want to thank you for your diligent efforts on this important amendment and for your continuing support of the RTC and its mission to protect the depositors of this country.

Sincerely,

ROGER C. ALTMAN,
Interim CEO.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise tonight to talk about the RTC and the bill before us. The thrift crisis started more than a decade ago and, hopefully, with this legislation, we will be providing the last of the funding needed for the RTC to complete its work of disposing of failed thrifts and their assets.

No one likes this bill and, yet, it is a must-do piece of legislation. We have no alternative other than to make the funds available to the RTC to complete its work. We are passing this bill for the 21.8 million depositors who have relied upon the Federal Government's pledge to provide deposit insurance to savers who put their money in their local thrifts' savings accounts and certificates of deposit. The 654 insolvent institutions have been closed; $337 billion in assets have been sold. There remains 83 insolvent institutions with about 4.3 million depositors that are depending upon Congress to pass this bill so that the RTC can complete its work. We should get on with it.

The figures vary, but the unanimous conclusion is that delay costs more money. The Secretary of the Treasury testified in March before the Senate Banking Committee that losses due to delays in funding exceed $1 billion. At one point, the statisticians estimated that Congress' inaction was costing the taxpayers $6 million a day.

I would prefer a clean bill. That is what the chairman and ranking member of the committee worked toward and reported out. At that time, Senator KERRY made some very good points about needed management reform at the RTC. He gave us examples of some industrious but dubiously scrupulous lawyers, each billing the RTC for 26 hours of work in a 24-hour day. He talked about huge bills for xeroxing documents, the time being charged at the rate paid for legal work. I have my own litany of complaints and abuses from constituents. To know the RTC is, quite frankly, to criticize the RTC.

It has touched people in many ways—borrowers, lenders, realtors, appraisers, business persons, civic groups, neighbors, neighborhoods committees, and people who want to help their community by serving as outside directors of community S&L's.

Local residents complain that the RTC is a bad landlord and undesirable neighbor because it fails to maintain properties, allows them to deteriorate, ignores broken windows and doors, and it lets properties sit empty, lets the weeds grow wild in neighborhoods where other neighbors take pride in their streets.

Borrowers who had a mortgage with a failed institution criticize the RTC's inability to provide an accurate accounting. Some borrowers simply wanted to pay off their loan, checkbook ready, only to wait by the mailbox for a letter giving the amount due. Some wanted to refinance but were caught in the twilight zone of unanswered letters, unresponded to offers, and an uncaring and ever-changing array of bureaucrats.

Bankers who are in subordinate lien positions with their loans complain that the RTC is indifferent in executing routine mortgages satisfaction documents. Getting the necessary documentation required time, effort, and often out-of-State travel for bankers trying to do their jobs.

Realtors complain about the RTC disrupting the local real estate market, about it using out-of-State agents and property managers, and refusing to hire people who know the local market.

The list goes on. The mayor and city council lament the project they want to fund by restoring a historic high school in downtown Albuquerque, only to have the RTC ignore their inquiries. This one may be back on track, but I hesitate to make predictions.

The organizers of a very, very good group of New Mexicans who put on the Albuquerque Balloon Festival, which is an international event, complained that an ideal site for expansion was auctioned out from under them because the RTC would not consider the festival's fair market offer. By the time the organizers deciphered the rules of the RTC and their various myriad of regulations, the property was already on the auction block.

Honest citizens with ongoing businesses need to be able to work with their financial institutions. When the RTC takes over that role, I have had businesses forced into bankruptcy by the indecision and indifference of the RTC.

Constituents complain that the RTC representatives who attend meetings usually lack the authority to make decisions.

Yes, you can tell that the RTC has touched many people in many ways, even in a small State like New Mexico. I wonder what it has been like in those States where there are even more institutions in default.

When the RTC closed its New Mexico office, there was a banner headline in the local paper, and constituents sent me the news clipping with notations like: "Amen." "Goodbye and good riddens."

Litigation is always unpleasant, but the RTC developed it into an art form. Lawyers handling cases for the RTC routinely delay, giving directors who were being sued access to documents necessary to answer allegations and to prepare a defense.

The issue of outside officers and directors' liability is a tale of two sides. Damning accounts of loans approved to friends, family members, and business associates that were incompletely documented, lacking in collateral, or simply outright frauds are incidents that some of my colleagues will discuss on this floor.

But there is also another tale of a professional person agreeing to serve on a board of a local institution as a form of community service and involvement, only to find himself or herself named as defendants in a case brought by the RTC. I really do not think there has been an adequate case management to protect innocent citizens whose only offense is having a deep pocket or the RTC to pursue.

I agree with colleagues that we should pursue those who committed fraud to the fullest extent provided under the law; but we should also exercise some good case management and professional discretion. We should not be suing everyone who was a director and officer.

Notwithstanding what I have already said, progress can be made. I have seen it. The Denver office has improved greatly. In fact, some of my field staff is highly complimentary of the RTC Denver office's staff. They became vastly more helpful after the Denver office personnel came to my State and held a seminar to help congressional caseworkers deal with our constituents on their problems. The RTC conducted a briefing for staff and brought many top staff directors of different divisions, congressional liaison, and Dallas office representatives. My office people tell me that this meeting really helped them do their job and seemed to open up lines of communication. Simple things like telephone numbers, continuity of personnel, are management tools that those who work for me on cases for my constituents point to and give the RTC in Denver high marks. Ultimately, some of these problems have been solved. I have said we have to make the money available to the RTC, and I cited a lot of problems with the RTC. I also have a modest notion about how to improve it. The RTC needs a total quality management. Many successful corporations are total quality management practitioners. Several Government agencies are devotees of this. Our State recently has become a total quality management State at the suggestion of my junior Senator, Senator BINGAMAN.

Total quality management theory espouses that every individual has an important role to play in satisfying customers and making defect-free decisions and products. It means that every business transaction, every function, every task should be performed with the goal of doing it right the first time. Employees should be encouraged to develop better ways of doing tasks, of processing the paperwork, of making information about properties for sale available to the inquiring public who they should be serving. I am convinced that the RTC needs a real major dose of total quality management.

This bill provides the money necessary to complete the RTC's work. It should be a short and concise piece of legislation, but the bill keeps growing in length. The Senate Banking Committee reported out essentially a straightforward funding bill.

The managers' amendment includes some reforms that may be useful:

Requires the RTC to appoint a senior officer to set uniform standards for contracting and enforcement; and

Requires that the FDIC appoint a chief financial officer, who will comply with the Chief Financial Officers Act.

The truth of the matter is that the Secretary of the Treasury is correct. Management reform is needed. In my opinion, what we need is for people to do the best they can and you cannot legislate a conscientious attitude.

Let us pass the funding and not include a lot of other provisions at this time. Let us give the Secretary of the Treasury a vote of confidence. He can improve this situation. I believe he will.

Mr. President, I ask unanimous consent that the article about the medical doctor who was involved in an S&L directorship be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 18, 1992]

CAUGHT IN AN S. & L. NIGHTMARE

(By Leah Beth Ward)

ROSWELL, N.M.—When Thomas D. Ramage was asked in 1983 to serve on the board at Valley Federal Savings and Loan in Roswell, N.M., the young physician jumped at the chance. He says he saw the part-time post as a form of community service, a way to give the growing thrift institution an outside voice. Besides, Dr. Ramage dabbled in real estate in the area—a prosperous patch of oil and natural gas in southeastern New Mexico sometimes called Little Texas—and wanted to learn about banking.

Valley Federal gave Dr. Ramage a director's manual to read and he also studied some business journals. The doctor, an internist specializing in rheumatology, was confident he could handle the job, which paid $300 for each monthly board meeting.

But today, nearly 10 years later, Dr. Ramage, 47, finds himself in a nightmare. He is spending $8,000 a month to defend himself against the Federal Government in a civil lawsuit that accuses him of being grossly negligent as a director at Valley Federal, which was closed two years ago by regulators who found $36 million in allegedly improper loans and other transactions. The Resolution Trust Corporation, the agency charged with liquidating failed savings and loans, has named more than 20 others in the suit, including Dr. Ramage's wife, Judith, who was listed in the event a judgment against marital community property proves necessary.

OUT OF THEIR ELEMENT

Whether Dr. Ramage's situation is the result of bad luck, poor judgment, actual negligence or something else has yet to be decided by a judge or jury. It may never be resolved. When the lawsuit was filed last March, Dr. Ramage vowed to fight. But lately, with two children in college and two more heading there, Dr. Ramage sees no way out except to settle. But his last offer of $60,000 was rejected by the R.T.C., which is seeking $500,000.

Dr. Ramage's suit most likely will end up as a footnote in the history of the savings and loan disaster. But for now it is a case study from the underside of the industry cleanup, representative of the parlous situation faced by many outside directors around the country who had little or no banking experience when they became board members and are now, they say, being unfairly asked to pay for the misdeeds of others.

To be sure, many of the 200 civil suits that the R.T.C. has brought nationally against thrift officers and board members have been replete with damning accounts of the behavior of outside directors. These include numerous instances of loans approved to friends, family members and business associates that were incompletely documented, lacking in collateral or simply outright frauds.

But some of the outside directors simply found themselves out of their element as the savings and loans were buffeted by deregulation and a declining economy, said Tim Pryor, a lawyer and vice president of the American Association of Bank Directors, a trade group based in Washington. If they acted incorrectly, the argument goes, they did so out of ignorance or because they relied on misleading information supplied by more sophisticated directors and officers.

"There are literally hundreds of people like this," said Mr. Pryor. "Every one of these people is a doctor, a dentist, a lumberyard owner, a small-time business person who had no idea they would be targeted in this thing and for the most part they are innocent."

Critics of the Resolution Trust Corporation say the agency is pursuing Dr. Ramage and others like him less because of their alleged culpability and more because they are thought to have sizable assets.

A CAUSE CÉLÈBRE

Indeed, after publicizing his predicament on local television and granting interviews to journalists—against his lawyer's wishes—Dr. Ramage has turned his case into something of a cause célèbre. His patients have written to state and Federal officials complaining of big government's "attack" on their doctor, the only rheumatologist within 200 miles of Roswell.

And New Mexico's two United States Senators—Jeff Bingaman, a Democrat, and Pete V. Domenici, a Republican—have joined the chorus of outrage. Senator Bingaman has accused the R.T.C. of filing frivolous lawsuits. Senator Domenici, a member of the Banking Committee, has raised the possibility that the agency is trampling on individual rights.

Going after crooks is one thing, the Senator told the agency's chairman, Robert Casey, at a committee hearing in August. "It is a totally different matter," he said, "for the Federal Government to file a lawsuit against citizens simply because they have deep pockets."

But the R.T.C. says the matter is simple: directors have an obligation to do more than just a cursory review of matters that come before their boards and they are negligent. If all they do is rubber stamp the improper actions of others. The agency does its homework before filing a lawsuit, said a spokeswoman, Felisa Neuringer, and if an individual is negligent in the Government's eyes, his or her assets are fair game, regardless of the degree of guilt.

"We are in the business of recovering money for taxpayers," said Ms. Neuringer. "We are not going to pursue somebody who is broke."

Some poor decisions were made by the Valley Federal board, Dr. Ramage conceded in a recent interview in his office here. But that is only clear in hindsight; he added, and he refuses to share blame for the institution's collapse. Valley Federal, founded in 1945, was New Mexico's third-largest savings and loan when it failed, with $246.6 million in deposits. The R.T.C. could not find a buyer and the failure has cost taxpayers $130.5 million.

"PUNK" LAWYERS

Dr. Ramage's bitterness is palpable. He is particularly angry that four of the five questionable transactions outlined in the Government's lawsuit were authorized before he joined the board. The other was voted upon at a meeting he did not attend.

"I'm well over six figures in legal fees and these punk R.T.C. lawyers are still trying to bury me," he said, pounding his desk.

When Dr. Ramage joined the board, most of Valley Federal's collateral consisted of farmland and oil and gas properties. By 1986, oil prices had fallen from more than $28 a barrel to $10. Meanwhile, a Federal court determined that New Mexico owed Texas a huge water debt from the Pecos River. Nearly 100,000 acres of nearby pecan, alfalfa, cotton and soybean farms, irrigated by the Pecos, had to be taken out of production to repay Texas. Land values slumped.

"I controlled none of these things," Dr. Ramage says.

Valley Federal was hardly alone in its failure. Half of New Mexico's 23 thrift institutions have been shut down in the last few years, costing taxpayers $1.7 billion. Indeed, Valley Federal directors served from the mid-1980's without liability insurance, Dr. Ramage said, because insurers, frightened by the national epidemic of thrift insolvencies, would not renew their policies.

But such vagaries as slumping oil prices and land values are beside the point to the R.T.C., which notes that directors assume certain fiduciary duties when they agree to serve. At Valley Federal, the directors "had been ineffective in managing and operating the institution in a safe and sound manner," the R.T.C.'s lawsuit says, quoting the Federal Home Loan Bank Board.

Though he did not vote on the original loans in question, Dr. Ramage participated in extending them, R.T.C. officials say. He and the other directors tolerated " nonexistent loan analysis," including loans based on outdated appraisals and unaudited financial statements as well as deals alleged to have benefited thrift insiders, according to the lawsuit. One $5 million loan for an apartment project shifted the risk of failure from a group of private investors to Valley Federal, the lawsuit states, resulting in losses of $7.6 million. Meanwhile, the suit alleges, cash from the project was paid to the limited partners, who included four Valley insiders and two Valley attorneys. (Dr. Ramage obtained several small loans from Valley Federal while a director. These have been repaid and the R.T.C. has never questioned their propriety.)

ASKING QUESTIONS

For his part, Dr. Ramage says he asked detailed questions of officers about the apartment project loan and the others cited in the lawsuit. "Basically I was always satisfied," he said. "You depend on the officers, the lawyers and the accountants."

Dr. Ramage also thinks it is unfair for the R.T.C. to sue him now when Federal regulators knew they had a big problem on their hands with Valley Federal as far back as 1982, before he joined the board. Then, a Federal audit questioned Valley Federal's lending practices and the role of a stockholder who served as a "loan procurement officer," earning a percentage from the loans he brought in. By 1985, Valley Federal was operating at a loss and agreed to tighten its procedures. But there was no indication in an examination that year by regulators that directors were operating in an unsafe manner.

Dr. Ramage maintains he was an involved director who looked out for Valley Federal's interests. He cites the thrift president's decision, made without board approval, to buy two quarterhorses in an apparent attempt to make a repossessed farm more attractive to potential buyers. "We immediately told him to sell those horses," Dr. Ramage said. "We were not in the horse business."

But there were also moments of ethical ambiguity that Dr. Ramage admits gave him pause. For instance, when the thrift president offered him the use of a condominium in Ruidoso, NM, a mountain resort area, the doctor said he declined because "I didn't want to be beholden to anyone." Nevertheless, he didn't object to others using the condominium.

ONE LOAN THAT SOURED

What would a similarly situated business person on a bank board have done?

Tim Pryor of the American Association of Bank Directors in Washington thinks the question should be asked in the case of Dr. Thomas D. Ramage and other outside directors of savings and loan institutions who are being sued for damages as part of the Government's attempt to recover taxpayer money.

But a director's latitude for judgment has narrowed considerably under the approach taken by the Resolution Trust Corporation in its lawsuits against directors, Mr. Pryor said. And Dr. Ramage, who is being sued over his role as a director of the failed Valley Federal Savings and Loan in Roswell, N.M., says he found too late that he had almost no room at all to maneuver.

In 1984, a "loan procurement" officer for Valley Federal brought to the board a proposed $1.2 million loan to owners of a cattle ranch near Carlsbad, N.M. A four-year-old appraisal indicated the ranch land, near a new Federal recreation area, would be worth $2.3 million if developed into a subdivision. The loan was approved.

Dr. Ramage missed the vote because of his medical practice, board minutes show. Later, Dr. Ramage said he questioned thrift officers about the loan. He said he was told that the land fronted on a lake created by a dam and that the property "would take off after the recreation area was finished."

According to the Resolution Trust Corporation, the loan was made without an updated appraisal, without an audited financial statement and without any evidence of the borrower's ability to repay.

After examiners declared the loan an improper investment, the directors foreclosed. A subsequent appraisal revealed the best use of the land was for grazing, and Valley sold it for $53,000 a mere 4 percent of the original loan amount.

As it happened, the ranch land wasn't lakefront property at all.

"If the lake ever got big enough, it would be lakefront property, but as this thing un-

> raveled, the lake would have to rise substantially," Dr. Ramage said. "The numbers looked good. Was I supposed to go out there and stake the property? I had no reason not to believe the people at the bank. I just took it that these folks knew what they were doing."

Mr. DOMENICI. I yield the floor.

Mr. RIEGLE. Mr. President, I want to just say that I appreciate very much the statement of the Senator from New Mexico and also his constructive role and leadership on this. It is important that we move this matter forward in a way that is sensible, and I think his participation is very much assisting in that effort. I thank him for it.

Mr. DOMENICI. I thank the chairman.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate finds itself in an all-too-familiar situation. I announced several days ago that we would be bringing up the RTC funding bill following disposition of the motor-voter bill, and then, yesterday, 24 hours before the fact, we obtained an explicit agreement to that effect.

So every Senator has received ample notice that the Senate would be considering the RTC funding bill. That bill came before the Senate this afternoon. We have received indications from several Senators on both sides of intentions to offer amendments, but demonstrating anew that the problem in this respect is not partisan in nature, we are unable to get any Senator to actually come to the floor and offer an amendment.

So, once again, the Senate has been unable to act because of the unwillingness of Senators to come before the Senate and offer their amendments. All this means, of course, is that we will be in later tomorrow, or on Friday, to do what could have been done and what should have been done today.

The managers have been here waiting patiently, while the Senate has been in a quorum call for about an hour, for somebody who says they want to offer an amendment to come and do so, without success. So I will ask the managers to proceed vigorously tomorrow.

I hereby place Senators on notice that there will have to be good progress on the bill tomorrow, or we will simply stay in session for a long time tomorrow evening. I know the managers are prepared to process with the bill. Also, the inability or unwillingness of Senators to proceed today increases the likelihood that we will be in session with votes on Friday.

Mr. President, I encourage Senators who wish to offer amendments to do so promptly tomorrow, so that the Senate can debate and dispose of those amendments one way or the other. Any Senator who says he wants to offer an amendment, but refuses to come to the floor to actually offer the amendment, accomplishes little, other than inconveniencing the entire Senate.

Mr. President, this being the situation, there is no point in continuing further this evening. But I repeat what I have just said. Senators should be prepared tomorrow for a lengthy session, with votes. I stated last week in a discussion on the Senate schedule that I was reconsidering the entire schedule as previously announced, the days on which we will be in session, the times during the day when votes will occur, the days on which recesses are to begin, whether or not there will be recesses.

I want to emphasize this. All of that is still under consideration, and this is further notice to Senators that all such matters are under consideration.

I am most especially reconsidering the practice I have pursued as majority leader of not calling for procedural votes at all and, in addition, not calling for procedural votes without advanced notice.

One consequence of the course of action that I have taken is that a number of votes have been reduced and the predictability of when votes will occur has been increased.

As a result the voting records of Senators have substantially risen as Senators have known more and more when votes would occur. That is a beneficial result of the policy which I have pursued.

Unfortunately, there have been other results not beneficial. Those other results are evident here today. If Senators know that I will not call for procedural votes to obtain their attendance, then they are much less likely to actually attend and much less likely to be willing to be present to come to the floor to offer their amendments.

Therefore, I simply state that, while I do not now and never do make decisions on the spur of the moment of this magnitude, continuation of the practice pursued tonight will make much more likely a change in the procedure so that we will have to return to the previous practice of having unannounced and unexpected votes occur as a way of ensuring the presence of Senators to conduct the business of the Senate.

All of this, of course, is within the control of Senators, and unfortunately to date the record has not been good.

Having said that, Mr. President, I now announce that there will be no further votes this evening and we will resume consideration of this bill in the morning following morning business with the expectation that a specific amendment will be offered and be before the Senate at that time.

MORNING BUSINESS

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-6

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Tax Convention with the Netherlands (Treaty Document No. 103-6), transmitted to the Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification the Convention Between the Government of the United States of America and the Government of the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on December 18, 1992. An Understanding and exchange of notes are enclosed for the information of the Senate. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention replaces the existing income tax convention between the United States and the Kingdom of the Netherlands signed at Washington in 1948 and last amended in 1965. It is intended to reduce the distortions (double taxation or excessive taxation) that can arise when two countries tax the same income thereby enabling U.S. firms to compete on a more equitable basis in the Netherlands and further enhancing the attractiveness of the United States to Dutch investors. In general, the Convention follows the pattern of other recent U.S. income tax treaties and is based on the U.S. and OECD Model treaties and recent income tax conventions of both parties. It will serve to modernize tax relations between the two countries.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 1993.*

MEMORIAL TO HONOR VETERANS OF WORLD WAR II

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 214.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 214) entitled "An Act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) In General.—The American Battle Monuments Commission (hereinafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) Compliance With Standards for Commemorative Works.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) Handicapped Access.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

SEC. 2. ADVISORY BOARD.

(a) Establishment of Board.—There is hereby established a World War II Memorial Advisory Board, consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) Appointments.—Members of the Board shall be appointed not later than 3 months after the date of the enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) Responsibilities of the Board.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) Sunset.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

The American Battle Monuments Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) In General.—There is hereby created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) Deposits and Credits.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under section 3. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) Obligations.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) Abolition.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress a draft of legislation (including technical and conforming provisions) recommended by the Secretary for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the American Battle Monuments Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. MITCHELL. I move to reconsider the action by which the Senate agreed to the motion.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a treaty which were referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 801. An act to authorize the conduct and development of NAEP assessments for fiscal year 1994.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–826. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Helen Keller National Center For Deaf-Blind Youths and Adults for the period July 1, 1991 through June 30, 1992; to the Committee on Labor and Human Resources.

EC–827. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans Compensation Cost-of-Living Adjustment Act of 1993"; to the Committee on Veterans' Affairs.

EC–828. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the financial audit of the United States Government Printing Office's financial statements for fiscal year 1992; to the Committee on Rules and Administration.

EC–829. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a report on Safeguards Information for the period January 1, 1993 through March 31, 1993; to the Committee on Environment and Public Works.

EC–830. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Environment and Public Works, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–831. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in my possession from October 1, 1992 through March 30, 1993; ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy (Domestic and International Energy Policy);

John D. Leshy, of Arizona, to be Solicitor of the Department of the Interior;

Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy (Environmental Restoration and Management).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. PACKWOOD):

S. 939. A bill to amend the Internal Revenue Code of 1986 to simplify the definition of dependent, to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 940. A bill to amend the Agricultural Trade Act of 1978 to make modifications in the market promotion program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. FEINGOLD):

S. 941. A bill to amend the Internal Revenue Code of 1986 to establish the Deficit Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. PRESSLER):

S. 942. A bill to amend section 2119 of title 18, United States Code, to make carjacking a Federal offense without regard to whether the offense is committed with the use of a firearm and to authorize imposition of the death penalty if death results from commission of the offense; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 943. A bill to protect children from the physical and mental harm resulting from violence contained in television programs; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 944. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the reserve components or other non-regular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods, and for other purposes; to the Committee on Armed Services.

By Mr. GLENN:

S. 945. A bill to amend the Internal Revenue Code of 1986 to provide for the permanent extension of qualified small issue bonds and to except certain expenditures from the limitation of such bonds; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. BURNS, Mr. GREGG, Mr. FAIRCLOTH, Mr. KEMPTHORNE, and Mr. SMITH):

S. 946. A bill to reduce the legislative branch budget by 25 percent; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE (for himself, Mr. SIMON, and Mr. INOUYE):

S. Res. 107. A resolution to express the sense of the Senate that comprehensive and equitable mental health and substance abuse benefits should be included in any comprehensive health care bill passed by Congress; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. PACKWOOD):

S. 939. A bill to amend the Internal Revenue Code of 1986 to simplify the definition of dependent, to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

TAX SIMPLIFICATION FOR FAMILIES ACT OF 1993

• Mr. MOYNIHAN. Mr. President, I am pleased to join the ranking member of the Senate Finance Committee, Senator PACKWOOD, in introducing the Tax Simplification for Families Act of 1993. Senator PACKWOOD has been a longtime supporter of tax simplication, particularly for working families.

The legislation we are introducing will greatly simplify tax returns for over 38 million families who claim children as dependents, and for over 10 million individuals who file as head of household, by making several changes to the Tax Code.

First, the legislation eliminates the confusing and burdensome support test for claiming a dependent. The support test would be replaced with a simpler residence test used for the earned income tax credit [EITC]. Under the residency test, a taxpayer could claim the exemption for dependents who lived with him or her at least half the year.

This change would have two important simplification benefits. First, it would bring current law in line with the common practice of taxpayers since most taxpayers claim a dependent exemption for all individuals living with them regardless of whether they could, in fact, document that they provided more than one-half of the claimed dependent's support. Second, it would make the tests for claiming a dependent substantially identical to those for claiming the EITC, thereby eliminating the need for a separate EITC form.

The bill also makes similar changes to the definition of head of household, by eliminating the requirement that the taxpayer provide more than one-half of the cost of maintaining a household for a dependent. Because the costs of providing a place of residence are generally the largest of all household costs, the maintenance test layered on top of the residency test for dependence status is redundant. The need for simpler laws in this area is apparent from IRS data that show the head of household filing status accounted for an estimated 82 percent of all filing status errors in 1988.

The legislation also replaces some 50-plus definitions of child in the Tax Code with one uniform definition, and it expands EITC eligibility to military personnel based abroad.

Mr. President, I hope that our colleagues will join us and cosponsor this important bill.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Tax Simplification for Families Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—DEFINITION OF DEPENDENT

SEC. 101. DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

(a) IN GENERAL.—Section 152 (defining dependent) is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

"(1) a qualifying child, or

"(2) a qualifying relative.

"(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

"(2) DEPENDENTS OF 2 OR MORE TAXPAYERS.—If, after application of all provisions of this section other than this paragraph, an individual would be treated as a dependent of 2 or more taxpayers for taxable years beginning in the same calendar year, such individual shall be treated as the dependent of the taxpayer with the highest adjusted gross income.

"(3) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(4) NONRESIDENT ALIENS.—

"(A) IN GENERAL.—A nonresident alien shall not be treated as a dependent under subsection (a).

"(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not apply to any legally adopted child of a taxpayer if—

``(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

``(ii) the taxpayer is a citizen of the United States.

``(c) QUALIFYING CHILD.—For purposes of this section—

``(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

``(A) who is a child of the taxpayer or a descendant of a child of the taxpayer,

``(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, and

``(C) who meets the age requirements of paragraph (2).

``(2) AGE REQUIREMENTS.—An individual meets the requirements of this paragraph if such individual—

``(A) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

``(B) is a student who has not attained the age of 24 as of the close of such taxable year.

``(3) SPECIAL RULES FOR DISABLED CHILDREN.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the calendar year described in paragraph (2)—

``(A) the requirements of paragraph (2) shall be treated as met with respect to such individual, and

``(B) if the requirement of paragraph (1)(B) is not met, such requirement shall be treated as met if the taxpayer provided over half of the individual's support for such calendar year.

``(d) QUALIFYING RELATIVE.—For purposes of this section—

``(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

``(A) who bears a relationship to the taxpayer described in paragraph (2),

``(B) whose modified adjusted gross income for the calendar year in which such taxable year begins is less than the exemption amount,

``(C) with respect to whom either—

``(i) the principal place of abode of the individual is the same as the taxpayer for more than one-half of such taxable year, or

``(ii) if clause (i) does not apply, the taxpayer provides over half of the individual's support for the calendar year in which such taxable year begins, and

``(D) who is not a qualifying child of such taxpayer or any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

``(2) RELATIONSHIP.—An individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

``(A) A child or a descendant of a child.

``(B) A brother, sister, stepbrother, or stepsister.

``(C) The father or mother, or an ancestor of either.

``(D) A stepfather or stepmother.

``(E) A son or daughter of a brother or sister of the taxpayer.

``(F) A brother or sister of the father or mother of the taxpayer.

``(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

``(3) MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C)(ii) and subsection (c)(3)(B), over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

``(A) no one person contributed over half of such support,

``(B) over half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

``(C) the taxpayer contributed to the support of the individual in an amount equal to or greater than the exemption amount, and

``(D) each person described in both subparagraphs (B) and (C) (other than the taxpayer) files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

``(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income—

``(A) determined without regard to sections 135, 911, 931, and 933, and

``(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

``(5) CERTAIN INCOME OF HANDICAPPED DEPENDENTS NOT TAKEN INTO ACCOUNT.—

``(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

``(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

``(ii) the income arises solely from activities at such workshop which are incident to such medical care.

``(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

``(i) which provides special instruction or training designed to alleviate the disability of the individual, and

``(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

``(e) SPECIAL RULES FOR DIVORCED PARENTS, ETC.—

``(1) SPECIAL RULE WHERE CHILD LIVES WITH BOTH PARENTS FOR REQUIRED PERIOD.—Notwithstanding subsection (b)(2), if a child has parents—

``(A) who—

``(i) are divorced or legally separated under a decree of divorce or separate maintenance,

``(ii) are separated under a written separation agreement,

``(iii) live apart at all times during the last 6 months of the calendar year, or

``(iv) are married individuals filing separate returns for any taxable year beginning in the calendar year, and

``(B) who each satisfy the requirements of subsection (c)(1)(B) or subsection (d)(1)(C)(i), then such child shall be treated as the qualifying child or qualifying relative, whichever is applicable, of the parent with whom such child shared the same principal place of abode for the greater portion of the calendar year (hereafter in this subsection referred to as the 'custodial parent').

``(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—A child of parents described in paragraph (1) shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if—

``(A) the noncustodial parent provides support for such calendar year in an amount equal to or greater than the exemption amount,

``(B) as of the time the noncustodial parent files the return for any taxable year beginning in such calendar year, the noncustodial parent has paid all child support payments required to be paid for such calendar year, and

``(C) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this subsection, the term 'noncustodial parent' means the parent who is not the custodial parent.

``(3) EXCEPTION FOR CERTAIN PRE-1994 INSTRUMENTS.—

``(A) IN GENERAL.—A child of parents described in paragraph (1)(A) shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if a qualified pre-1994 instrument between the parents applicable to the taxable year beginning in such calendar year provides that—

``(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

``(ii) the custodial parent will sign a written declaration that such parent will not claim such child as a dependent for such taxable year.

``(B) QUALIFIED PRE-1994 INSTRUMENT.—For purposes of this paragraph, the term 'qualified pre-1994 instrument' means any instrument described in subparagraph (A) or (B) of section 71(b)(2)—

``(i) which is executed before January 1, 1994,

``(ii) which on such date contains either of the provisions described in subparagraph (A)(i), and

``(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

``(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

``(1) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

``(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

``(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

``(2) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

``(3) SPECIAL RULES FOR SUPPORT.—For purposes of this section—

``(A) payments to a spouse (or former spouse) which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any individual, "(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support, and

"(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(4) Cross references.—

"For provision treating a child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(f)(2)(B), and 213(d)(5)."

(b) Modifications of Deduction.—Section 151(c) (relating to additional exemption for dependents) is amended to read as follows:

"(c) Additional Exemptions for Dependents.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year."

(c) Modifications of Certain Credits.—

(1) Dependent care credit.—

(A) In general.—Section 21(a) is amended by striking "who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))" and inserting "who has one or more qualifying individuals (as defined in subsection (b)(1)) who have the same principal place of abode as the taxpayer for more than one-half of the taxable year".

(B) Conforming amendment.—Section 21(e)(1) is repealed.

(2) Earned income credit.—

(A) In general.—Paragraph (3) of section 32(c) is amended to read as follows:

"(3) Qualifying child.—

"(A) In general.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) with respect to whom the taxpayer is entitled to a deduction under section 151(c) for the taxable year (determined without regard to section 152 (d)(3) or (e)(2)).

"(B) Place of abode.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States. The preceding sentence shall not apply during any period during which the taxpayer is stationed outside the United States while serving on extended active duty (as defined in section 1034(h)(3)) with the Armed Forces of the United States."

(B) Reporting requirements on certain excludable income.—

(i) In general.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a comma, and by inserting after paragraph (9) the following new paragraphs:

"(10) in the case of an employee who is a member of the Armed Forces of the United States, such employee's earned income as determined for purposes of section 32 (relating to earned income credit), and

"(11) in the case of a minister of the gospel, any amount excludable from gross income under section 107 (relating to rental value of parsonages)."

(ii) Simplified valuation.—The Secretary of the Treasury or his delegate may, for purposes of paragraphs (10) and (11) of section 6051(a) of the Internal Revenue Code of 1986 (as added by clause (i)), prescribe a simplified valuation method for determining the value of any housing allowances of members of the Armed Forces and the rental value of parsonages.

(C) Conforming amendment.—Section 32(c)(1) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraph (D) as subparagraph (B).

(d) Technical and Conforming Amendments.—

(1) Section 21(e)(5)(A) is amended by striking "or (4)" and inserting "or (3)".

(2) Section 51(i)(1) is amended to read as follows:

"(1) Related individuals.—No wages shall be taken into account under subsection (a) with respect to an individual—

"(A) who bears a relationship described in section 152(d)(2) to—

"(i) the taxpayer,

"(ii) if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation (determined with the application of section 267(c)), or

"(iii) if the taxpayer is an estate or trust, a grantor, beneficiary, or fiduciary of the estate or trust, or

"(B) in the case of a taxpayer which is an estate or trust, who is a grantor, beneficiary, or fiduciary of the estate or trust."

(3) Section 170(g)(3) is amended to read as follows:

"(3) Relative defined.—For purposes of paragraph (1), the term 'relative of the taxpayer' means an individual who bears a relationship described in subsection (d)(2) of section 152 to the taxpayer."

(4) Section 2032A(c)(7)(D) is amended by striking "section 151(c)(4)" and inserting "section 152(f)(1)".

(5) Section 7701(a)(17) is amended by striking "152(b)(4), 682," and inserting "682".

(e) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) Reporting requirements.—The amendments made by subsection (c)(2)(B) shall apply to taxable years beginning after December 31, 1994.

SEC. 102. MODIFICATIONS OF DEFINITIONS OF HEAD OF HOUSEHOLD AND SURVIVING SPOUSE.

(a) Surviving Spouse.—Section 2(a)(1) is amended—

(1) by striking subparagraph (B) and inserting:

"(B) subject to the provisions of subsection (e), who has a child who is a dependent with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151.", and

(2) by striking the last sentence.

(b) Head of Household.—Section 2(b) is amended to read as follows:

"(b) Head of Household.—For purposes of this subtitle—

"(1) In general.—An individual shall be considered a head of a household for any taxable year if—

"(A) such individual is not married as of the close of the taxable year, and

"(B) subject to the provisions of subsection (e), such individual is entitled to a deduction for such taxable year under section 151(c) for 1 or more dependents (determined without regard to section 152 (d)(3) or (e)(2)).

"(2) Determination of status.—For purposes of this subsection—

"(A) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

"(B) a taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

"(C) a taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (B)) died during the taxable year.

"(3) Limitation.—A taxpayer shall not be treated as a head of a household under this subsection if at any time during the taxable year the taxpayer is a nonresident alien."

(c) Certain Dependents Must Live With Taxpayers.—Section 2 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Certain Dependents Must Live With Taxpayer.—For purposes of subsections (a)(1)(B) and (b)(1)(B), an individual shall not be treated as entitled to a deduction under section 151(c) for a qualifying relative unless the requirements of section 152(d)(1)(C)(i) are met with respect to such relative. The preceding sentence shall not apply to the father or mother of a taxpayer."

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 103. MARRIED INDIVIDUALS LIVING APART.

(a) In General.—Section 7703(b) (relating to married individuals living apart) is amended to read as follows:

"(b) Certain Married Individuals Living Apart.—For purposes of the provisions of this title which refer to this subsection or section, an individual shall not be treated as married for a taxable year if—

"(1) such individual—

"(A) is married (within the meaning of subsection (a)) and files a separate return, and

"(B) has a principal place of abode for more than one-half of such taxable year which is the same principal place of abode of a child (as defined in section 7701(l)) with respect to whom such individual is entitled to a deduction under section 151 (or would be so entitled but for paragraph (2) or (3) of section 152(e)), and

"(2) such individual's spouse does not have at any time during the last 6 months of such taxable year the same principal place of abode as such individual."

(b) Conforming Amendments.—

(1) Section 21(e)(4) is amended to read as follows:

"(4) Certain married individuals living apart.—Individuals described in section 7703(b) for any taxable year shall not be treated as married."

(2) Section 7703(a) is amended by inserting "or section" after "subsection".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 104. COORDINATION OF BENEFITS FOR DEPENDENTS.

(a) Health Insurance Credit and Medical Deductions.—

(1) Medical expense deduction.—Section 213 is amended by striking subsection (f).

(2) Self-employed individuals.—Paragraph (3) of section 162(l) is amended to read as follows:

"(3) Coordination with medical deduction.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(b) Young Child Credit and Dependent Care Credit and Exclusion.—Section 32(b)(1)(D) is amended by striking the last sentence.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE II—DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) UNIFORM DEFINITION OF CHILD.—For purposes of this title—

"(1) IN GENERAL.—The term 'child' means, with respect to any individual, the son, daughter, stepson, or stepdaughter of the individual.

"(2) ADOPTION.—The term 'child' includes—

"(A) any legally adopted child of an individual, and

"(B) any child who is a member of an individual's household if placed with such individual by an authorized placement agency for legal adoption by such individual.

"(3) OTHER CHILDREN.—The term 'child' includes any individual not described in paragraph (1) or (2) who—

"(A) a taxpayer cares for as the taxpayer's own child, and

"(B) has the same principal place of abode as the taxpayer for the taxpayer's entire taxable year."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 21(e)(6) is amended by striking "a child of the taxpayer (within the meaning of section 151(c)(3))" and inserting "a child of the taxpayer (within the meaning of section 7701(l))".

(2) Section 129(c)(2) is amended by striking "a child of such employee (within the meaning of section 151(c)(3))" and inserting "a child of such employee (within the meaning of section 7701(l))".

(3) Section 132(g)(2)(B) is amended by striking "any child (as defined in section 151(c)(3))" and inserting "any child (as defined in section 7701(l))".

(4) Section 318(a)(1) is amended to read as follows:

"(1) MEMBERS OF FAMILY.—An individual shall be considered as owning the stock owned, directly or indirectly, by or for—

"(A) his spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and

"(B) his children, grandchildren, or parents."

(5) Section 1563(e)(6) is amended by striking subparagraph (C).

(6) Section 2032A(e)(2) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1994, except that such amendments shall not apply to taxable years beginning before such date.●

● Mr. PACKWOOD. Mr. President, today I am pleased to join the distinguished chairman of the Finance Committee, Senator MOYNIHAN, in introducing the Tax Simplification for Families Act of 1993. Senator MOYNIHAN has been a leader in the Senate on issues impacting working families and I am pleased to work with him on this legislation.

This legislation culminates a 2 year effort of mine to create a simple, uniform set of rules for filing status, dependency deductions, and the earned income tax credit [EITC].

Right now, taxpayers must shift through a maze of complicated rules and instructions to figure out their filing status and whether or not they can claim a child as a dependent. A representative of the Internal Revenue Service noted that some taxpayers must answer as many as 80 questions to just figure this out. Understandably, many taxpayers simply use their best guess. To further complicate matters, the EITC is based on different qualification requirements than dependency deductions and filing status. As a result, the General Accounting Office recently estimated that 9 million dependents were improperly claimed and that 3 million taxpayers claimed the wrong filing status.

The legislation we are introducing today will eliminate most of this confusion and greatly simplify this part of the Tax Code. The legislation conforms the eligibility requirements for claiming a child as a dependent with the eligibility requirements for the EITC. This simplification will permit the Internal Revenue Service [IRS] to compute a family's EITC from the face of their tax return and eliminate the special form that families must now fill out.

More than 1 in every 10 households will benefit from the change to the EITC. I know in my home State of Oregon, over 120,000 families who currently claim the EITC will benefit from this legislation.

The legislation also simplifies the definition of a dependent child and the eligibility requirements for head of household and surviving spouse filing statuses by eliminating the so-called support or maintenance tests and replacing these tests with a residency test similar to the one used by the EITC.

Under current law, to be eligible for head of household filing status, a taxpayer living with a child must provide more than 50 percent of the cost of maintaining the household, maintenance test. To be eligible to claim a child as a dependent, the taxpayer must provide more than 50 percent of the child's support, support test. For low income families whose living arrangements may include multiple families or multiple generations of one household, the computation of maintenance or support is difficult, confusing and time consuming. A further complication is that welfare, food stamps, and Aid to Families with Dependent Children [AFDC] are computed as support provided by the Government and not the taxpayer. Our bill simply requires that a child resides with the taxpayer. For most taxpayers, residency approximates the greatest component of support or maintenance—the cost of housing.

These changes will greatly simplify the tax return for the over 38 million families who claim a child as a dependent and the over 10 million families claiming head of household or surviving spouse filing statutes.

The legislation also contains the following other changes: It permits military personnel living overseas with their family to qualify for the EITC; and eliminates the over 50 definitions of a child in the Tax Code by providing one single definition.

This legislation is needed now to make our tax laws easier for families to understand and comply with. I hope many of my colleagues will join Senator MOYNIHAN and myself and support this bill.●

By Mr. LEAHY:

S. 940. A bill to amend the Agricultural Trade Act of 1978 to make modifications in the Market Promotion Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MARKET PROMOTION PROGRAM AMENDMENTS ACT OF 1993

Mr. LEAHY. Mr. President, most Americans are painfully aware that the United States is failing to effectively compete with many of our international trading partners. With the help of the Department of Agriculture's Market Promotion Program, farmers and small business owners can do better—much better.

The Market Promotion Program [MPP] is a Federal farm export program that is designed to help American farmers to promote agricultural product exports.

The legislation that I am introducing today will reform the Market Promotion Program and reshape it to help small- and medium-sized companies in States like Vermont to find new markets overseas.

Reform of Market Promotion Program will make a difference throughout rural America. In Vermont, for example, new markets for agricultural products are the key to helping Vermont's farms to thrive. With this program on their side, farmers and small business owners will be able to make a difference.

Vermont is a hotbed of new agricultural product development, including premium ice creams, condiments, and other specialty food items. Growing Vermont agricultural sectors such as fruits and vegetables and livestock can thrive if they can find new markets.

The Market Promotion Program was not designed to be a corporate welfare program, and this legislation will reform MPP to prevent it from being abused by the same corporate giants who have taken advantage of the program in the past.

I want to put a priority on helping those farmers and businesses that are trying to break in to new markets—those who need help getting started.

In the past, some have said that what MPP really stands for is more perks please. If these reforms are successful, then this program can be referred to as the MEP or "more exports and profits" for our farmers.

I have examined the effectiveness of the Market Promotion Program and possible ways to restructure it. I want to make sure that the money spent on the Market Promotion Program is making a difference to the organizations that receive the grants, and that the Market Promotion Program achieves the goal intended in its inception—to promote U.S. agricultural products abroad.

We finally have an administration that will work with us, instead of against us, on this issue. I want to help the Department of Agriculture set goals for the level of agricultural exports, develop priority growth markets, and coordinate U.S. export assistance programs and foreign food assistance programs to meet these goals.

I am introducing a bill today that would amend the Market Promotion Program in order to give the Department of Agriculture additional direction on the types of programs which should be funded.

The Department of Agriculture must make sure that taxpayer money is properly spent. USDA does not actually do the spending, it gives the money to trade organizations which carry out promotion programs, or subcontract with businesses to carry out promotion programs, in foreign countries.

Two-thirds of the grants in 1991 went to industry associations that conduct generic promotions for products like strawberries and cling peaches. This generic promotion can be extremely helpful to specialty industries. The rest went to a long list of companies to advertise their brand-name products. Those brands include Burger King, McDonald's, Nabisco, Quaker Oats, and many more.

The question is—why companies such as these, with substantial advertising budgets of their own, have received thousands of dollars from the Government for promotions they would likely conduct anyway?

We do not want the Market Promotion Program to be a corporate welfare program. American taxpayers do not want that. Farmers do not want that. We need the Market Promotion Program to do what it is supposed to do—help small farmers and small business owners develop new markets. That is what I have set out to begin with this legislation .

This bill proposes amendments that would:

Give priority to small-to-medium businesses that have little experience with export;

Set a goal that 30 percent of MPP funds go to these small-to-medium businesses that are new to export;

Require that the MPP funds do not go to companies which would use the Government's money to replace funds which they would already spend on promotion in a foreign market;

Require companies to gradually increase their share of the cost of promotion until these companies are operating without Government assistance. This process cannot last longer than 5 years;

Prohibit any of use of MPP funds for tobacco promotion;

Require independent audits so we can be sure of how this money is being spent.

This bill achieves these objectives by including the following provisions;

Priority to small-to-medium businesses that are new to export: The Market Promotion Program currently has a priority for funding where there is an unfair trade practice. This legislation would add a second priority for small or medium-sized business and cooperatives that are beginning exporters. This bill sets a goal that 30 percent of the funds made available in any year go to these small- or medium-sized businesses and cooperatives. Small businesses are defined as having up to 50 employees and medium businesses as having 51 to 500 employees.

Additionality requirement: The bill would keep companies from using MPP assistance to replace money that they would likely have spent in the foreign market without the Government's help. The amendment would compare the amount of money that a company spent for promotion in a foreign market during the past year with the current year's expenditures. MPP assistance could only be used for promotion in excess of the prior year's funding.

Graduation criteria: Requires that businesses or trade organizations progressively increase their share of the cost of promotion after an initial period in a market, and cannot have MPP funds for promotion activities in a country for more than 5 years.

For example, current legislation requires a 50-percent cost share match on most branded promotion. The amendment would allow a 50-percent match for up the 3 years, but the company must provide at least 67 percent of the funds in fourth year, and 83 percent in fifth year. There is an exception for regional trade associations if they are supporting generic marketing programs in the same market for different commodities. Generic graduation rules are more general, but also phase-out in 5 years.

Prohibition on tobacco participation: The bill excludes the use of any MPP assistance to promote tobacco exports.

Independent audits: Require participants of branded promotion to conduct independent audits if they receive more than $50,000 per year. It strikes existing law that exempts the cooperator program from Government audit standards.

Mr. President, the Market Promotion Program can be the boost that is needed to propel small businesses into the international marketplace. A reformed Market Promotion Program will help small businesses in Vermont and throughout the country, become more competitive in new, international markets.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Market Promotion Program Amendments Act of 1993".

SEC. 2. MODIFICATIONS TO MARKET PROMOTION PROGRAM.

(a) SMALL-SIZED COMMERCIAL ENTITIES AND MEDIUM-SIZED COMMERCIAL ENTITIES THAT ARE BEGINNING EXPORTERS.—Section 203(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(c)) is amended—

(1) in paragraph (2), by striking "in the case of an unfair trade practice" and inserting "in the case of—

"(A) an unfair trade practice; or

"(B) a small-sized commercial entity, or a medium-sized commercial entity, that is a beginning exporter, as determined by the Secretary."; and

(2) by adding at the end the following new paragraph:

"(3) GOAL FOR SMALL-SIZED COMMERCIAL ENTITIES AND MEDIUM-SIZED COMMERCIAL ENTITIES THAT ARE BEGINNING EXPORTERS.—In carrying out the program established under this section, the Secretary shall use, to the maximum extent practicable, at least 30 percent of the total funds available or 30 percent of the value of any commodities employed, as determined by the Secretary, for each of fiscal years 1994 and 1995 for program activities involving small-sized commercial entities, and medium-sized commercial entities, that are beginning exporters.".

(b) BRANDED PROMOTION.—Section 203(e)(4) of such Act is amended by adding at the end the following new sentence: "Assistance provided under this paragraph may be used only for market promotion activities that are in addition to activities for which a commercial entity expends an amount during a year in a foreign country, in United States dollars adjusted to reflect the latest Consumer Price Index for all-urban consumers published by the Department of Labor, that is equal to the dollar amount expended by the commercial entity (other than amounts provided under this section) on all market promotion activities during the preceding year in the foreign country.".

(c) OTHER TERMS AND CONDITIONS.—Section 203(f) of such Act is amended by adding at the end the following new paragraphs:

"(4) INDEPENDENT AUDITS.—In addition to an audit that is required by section 403, the Secretary shall require that, as a condition of eligibility for assistance under this section, a commercial entity that receives more than $50,000 a year in assistance under this section shall provide for an independent audit of program activities under this section during the year to determine whether the entity has complied with the requirements of this section.

"(5) PROHIBITION ON ASSISTANCE FOR TOBACCO.—No assistance under this section may be used for the development, maintenance, or expansion of a commercial export market for tobacco.

"(6) DEFINITIONS.—As used in this section:

"(A) COMMERCIAL ENTITY.—The term 'commercial entity' means a cooperative or private organization that exports or promotes an agricultural commodity, including an entity that controls, is controlled by, or is under common control with such a cooperative or private organization.

"(B) MEDIUM-SIZED COMMERCIAL ENTITY.—The term 'medium-sized commercial entity' means a commercial entity that employs not less than 51, nor more than 500, individuals.

"(C) SMALL-SIZED COMMERCIAL ENTITY.—The term 'small-sized commercial entity' means a commercial entity that employs not more than 50 individuals.".

(d) GRADUATION.—Paragraph (2) of section 203(g) of such Act is amended to read as follows:

"(2) LIMITATIONS.—

"(A) BRANDED PROMOTION.—

"(i) IN GENERAL.—Assistance provided under this section to a commercial entity for activities described in subsection (e)(4) that are conducted in a foreign country—

"(I) during each year of the first 3-year period the commercial entity receives assistance for the activities, shall not exceed 50 percent of the cost of implementing the marketing plan in the country;

"(II) during the 4th year of the period the commercial entity receives assistance for the activities, shall not exceed 33 percent of the cost of implementing the marketing plan in the country; and

"(III) during the 5th year of period the commercial entity receives assistance for the activities, shall not exceed 17 percent of the cost of implementing the marketing plan in the country.

"(ii) MAXIMUM PERIOD.—Assistance provided under this section to a commercial entity for activities described in subsection (e)(4) that are conducted in a foreign country shall not be provided for more than 5 years.

"(B) GENERIC PROMOTION.—

"(i) IN GENERAL.—To be eligible for assistance under this section (other than for activities described in subsection (e)(4) or clause (iii)), an eligible trade organization shall contribute a larger share of the cost of a marketing plan for a foreign country in each year the organization conducts activities in the country, as determined by the Secretary.

"(ii) MAXIMUM PERIOD.—The nonfederal share shall be progressively increased in such a manner that an eligible trade organization shall not receive assistance under this section in the country for more than 5 years.

"(iii) REGIONAL STATE-RELATED TRADE ORGANIZATIONS.—Assistance may be provided under this section for a period not to exceed 5 years for each agricultural commodity for which an eligible regional State-related organization has an approved marketing place for an activity, other than for an activity described in subsection (e)(4).

"(C) WAIVER.—The Secretary may waive the limitations described in subparagraphs (A) and (B) in the case of an agricultural commodity with respect to which there has been a favorable decision by the United States Trade Representative under section 301 of the Trade Act of 1974 (19 U.S.C. 2411). To grant waivers, the Secretary shall establish criteria that are consistent and documented.".

SEC. 3. COOPERATOR FOREIGN MARKET DEVELOPMENT PROGRAM.

Section 1126(b) of the Food Security Act of 1985 (7 U.S.C. 1736u(b)) is amended by striking "shall be" and inserting "shall not be".

SEC. 4. EFFECTIVE DATE; REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out this Act and the amendments made by this Act.

AGRICULTURAL MARKET PROMOTION PROGRAM AMENDMENTS ACT OF 1993—SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 states that the Act is titled the "Agricultural Market Promotion Program Amendments Act of 1993".

SECTION 2—MODIFICATIONS TO MARKET PROMOTION PROGRAM

This section makes several amendments to the existing Market Promotion Program, authorized in section 203 of the Agricultural Trade Act of 1978 (referred to as "that Act"), as revised in section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Small and medium commercial entities that are beginning exporters

Section 2(a) amends section 203(c) of that Act to increase the focus of the program on helping businesses and cooperatives that are small-sized or medium-sized and that are beginning exporters. Paragraph (1) provides that the Secretary of Agriculture shall give priority to small-sized or medium-sized commercial entities that are beginning exporters under the program. Paragraph (2) requires that the Secretary use, to the maximum extent practicable, at least thirty percent of the funds or commodities under the program in 1994 and 1995 for activities with small-sized or medium-sized commercial entities that are beginning exporters.

Branded promotion requirement of additionality

Section 2(b) amends section 203(e)(4) of that Act to require that commercial entities that receive program funds use those funds to supplement, not supplant, their own funds in foreign market promotion activities. The threshold is that assistance for branded promotion may only be provided in addition to funding by the commercial entity in a foreign market which is at least as much as the level of funds a commercial entity spent on all market promotion activities during the preceding year in a foreign market. The level of funding in the preceding year does not include any funding received under the Market Promotion Program. The level of participant funding in the current year is adjusted to reflect the latest Consumer Price Index from the prior year's funding level.

Independent audits

Section 2(c) adds a new paragraph 203(f)(4) of that Act which requires that any commercial entity that receives more than $50,000 a year in program assistance shall provide for an independent audit of program activities to determine whether all program requirements have been met.

Ban on tobacco promotion

Section 2(c) adds a new paragraph 203(f)(5) of that Act which prohibits the use of any program assistance to develop, maintain, or expand commercial export markets for tobacco.

Definition

Section 2(c) adds a new paragraph 203(f)(6) of that Act which defines commercial entities to include cooperatives and private organizations that export or promote agricultural commodities, including entities that control, are controlled by, or are under common control with a cooperative or private organization. This section also defines a small sized commercial entity as having not more than 50 employees, and a medium sized commercial entity as having between 51 and 500 employees.

Graduation requirement

Section 2(d) amends section 203(g)(2) of that Act to provide for increased cost share requirements of program participants over time in a particular foreign market.

For branded promotion by commercial entities, the government's share of funding can not be more than 50 percent of the cost of the marketing plan for the first three years in a foreign country. The government's share can not exceed 33 percent of the cost of the marketing plan in the fourth year in that country, and not exceed 17 percent in the fifth year in that country. Program assistance for branded promotion can not be provided for more than 5 years.

For generic promotion activities by any eligible trade organization (other than a regional State-related organization), the organization must contribute a larger share each year of the cost of the marketing program in a foreign country, and the level of cost provided by the organization must be progressively increased so that program assistance can not be received for more than 5 years in a country.

For generic promotion activities by a regional State-related organization, program assistance can be provided for up to 5 years in any foreign market for each agricultural commodity covered by marketing plan of the organization.

Cooperator foreign market development program

Section 3 amends the Cooperator Foreign Market Development Program, as authorized in section 1126 of the Food Security Act of 1985, to require that the independent audit and program control provisions of Circular A 110 issued by the Office of Management and Budget apply to the program.

Effective date, regulations

Section 4 provides that the Act becomes effective upon enactment, and that the Secretary must issue regulations to implement the Act not later than 60 days after enactment.

Mr. LEAHY. Mr. President, again to use my own small State as an example, we have found more and more that we create jobs in Vermont when we develop products that can be exported outside of Vermont. We do it to other States throughout the Nation. We do it to our neighbor and largest trading partner, Canada. We do it throughout the world.

If we find, in a State as small as Vermont, we can create jobs that way, think what we can do throughout the Nation in creating jobs. This is one way we can start catching up with the Europeans and Japanese, countries that create far, far more jobs for the export market than we do.

I yield the floor.

By Mr. DECONCINI (for himself
and Mr. FEINGOLD):

S. 941. A bill to amend the Internal Revenue Code of 1986 to establish the deficit trust fund, and for other purposes; to the Committee on Finance.

DEFICIT TRUST FUND ACT OF 1993

Mr. DECONCINI. Mr. President, I am introducing a bill today for the millions of taxpayers across this country who are being asked to pay additional taxes in order to reduce our growing national debt. This bill will ensure that 100 percent of new tax revenues proposed by the administration would be used solely for deficit reduction. These taxes would be deposited in a deficit trust fund to be established within the Department of Treasury that could only be used to retire outstanding debt obligations of the U.S. Government. None, I repeat none, of the revenues deposited in this account would be available for appropriations for new or additional spending programs.

During consideration of the fiscal year 1994 budget resolution, I offered an amendment which was adopted by the Senate and included in the conference report directing the Senate Finance and House Ways and Means Committee to develop legislative language to establish such a fund. Today, I am introducing my own legislative proposal which, I hope, can provide the basis for further discussions by the relevant congressional committee during their consideration of the Budget Reconciliation Act.

I have spoken with the President, the Vice President and other administration officials about this issue over the past several months. It is my understanding that the President is going to announce today his support for the concept of a deficit reduction trust fund. I applaud him for doing so. Needless to say, I am delighted to have the administration on board, and I look forward to working closely with them and my colleagues in the Senate to ensure that this concept becomes a legislative reality.

If we, in Congress, are going to ask American taxpayers to pay additional taxes, I believe we must ensure that, at a minimum, all of those funds go toward deficit reduction. I am sure I need not remind my colleagues that even after the 1990 budget agreement, record tax hikes resulted in record deficits. During that timeframe, Congress spent $1.83 for each $1 that it raised in new taxes. We even promised the people, though I voted against it, that the deficit would come down and as we know, the deficit went up. This bill will go a long way toward ensuring that our deficit reduction goals are actually realized.

Mr. President, there are those who will claim that a deficit trust fund is not necessary. They will argue that the current budget proposal ensures real, meaningful deficit reduction. Perhaps they are right, and I hope they are. My legislation will, I believe, ensure that they are right. At the very least, it is an insurance policy to guarantee that our deficit reduction goals are really achieved. We owe it to the American people. We must put in a policy that has discipline, and that will cause he deficit to go down.

Mr. President, the Senate will soon be considering a budget reconciliation measure to enact President Clinton's comprehensive 5-year proposal to reduce the Federal deficit by a total of $496 billion. Over the next 5 years, the plan calls for billions of dollars of reduction in Federal spending, billions in net revenue increases and billions for increased long-term domestic investments. While I strongly support the President's investment strategies, I still believe we must continue to focus like a laser beam on the deficit. Long-term economic growth is inextricably linked with reducing the deficit. Investment and deficit reduction must move in tandem or we set ourselves up for certain failure.

President Clinton has asked the American people to answer the call to arms for shared sacrifice in combating our national debt. The American people have responded, indicating time and time again that they are willing to sacrifice for the future of their country and their children's futures if, and only if, we, in Congress, are serious about tackling the deficit monster. In my home State of Arizona, I have spoken to many people who are willing to pay more now to ensure a better future, but they also want to ensure that increased taxes are directed at deficit reduction. They want a guarantee that new taxes will not inevitably mean more Government spending. They want an air-tight, ironclad deficit reduction mechanism that will ensure that their hard-earned paychecks will actually be used to reduce the deficit and put this country and this economy back on the correct path. I believe my bill will give the American people the assurance that their sacrifices will not be made in vain.

I am not surprised by the good people of Arizona's reservations. For too long, they have seen Congress and administration after administration far too willing to spend now and pay later. For too long, they have seen how budgetary quick-fixes have resulted in a $4 trillion debt. They recognize that this $4 trillion debt means that a family of four today must pay $51,764 just to retire the debt. They recognize that if we do not act by the year 2003, that same family of four will have to pay an astounding $106,380. They recognize how 12 years of inaction in Congress and the White House have created an all too real financial crisis.

Mr. President, I believe all of us recognize that we can ill afford to sit back and ignore the debt. Inaction is worse than stagnation in this case; it is fiscal suicide. The national debt is quickly and significantly reducing the wealth of our country. In fact, in just 10 years we have gone from being the largest creditor nation in the world to the largest debtor nation. In a timely book on our current fiscal crisis entitled "Bankruptcy 1995," Harry Figgie, Jr., a cost reduction expert, and Dr. Gerald Swanson, an associate professor of economics at the University of Arizona, address our budgetary situation and make some remarkably dire predictions.

These authors contend that unless the United States undertakes massive corrective measures to tackle the debt, our country's accumulated debt will reach approximately $13 trillion by the year 2000. Additionally, they assert the new millennium will bring our annual interest to more than $1.5 trillion. Other consequences we can look forward to are even higher taxes, rising interest rates, credit shortages, reduced economic growth, reduced standard of living, loss of control over domestic economic policy, and ultimately a loss of world power.

Mr. President, I cannot think of a better time to establish a deficit trust fund account within the Department of the Treasury. The American people understand that the current budgetary system has built-in loopholes. They also understand that these loopholes are large enough to drive a truck through. Tragically, that is precisely what has happened. We need to demonstrate to the American taxpayer that we, in Congress, are serious about deficit reduction. We owe ourselves, our constituents, and our country a fighting chance at economic success. This bill offers us that opportunity, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Trust Fund Act of 1993".

SEC. 2. DEFICIT TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. DEFICIT TRUST FUND.

"(a) TRUST FUND ESTABLISHED.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Deficit Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

"(2) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN REVENUES.—There are hereby appropriated to the Deficit Trust Fund amounts equivalent to 100 percent of the revenues resulting from the amendments made to this title by the provisions of the Revenue Reconciliation Act of 1993.

"(b) EXPENDITURES.—Amounts in the Deficit Trust Fund are hereby authorized to be appropriated and are appropriated for the sole purpose of paying at maturity, or redeeming or buying before maturity, an obligation of the Government of the United States included in the public debt. Such an obligation that is paid, redeemed, or bought with money from the Deficit Trust Fund shall be canceled and retired and may not be reissued."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by inserting after the item relating to section 9610 the following new item:

"Sec. 9511. Deficit Trust Fund."

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1993.

By Mr. LIEBERMAN (for himself and Mr. PRESSLER):

S. 942. A bill to amend section 2119 of title 18, United States Code, to make carjacking a Federal offense without regard to whether the offense is committed with the use of a firearm, and to authorize imposition of the death penalty if death results from commission of the offense; to the Committee on the Judiciary.

CARJACKING LEGISLATION

Mr. LIEBERMAN. Madam President, I rise this afternoon to introduce legislation to strengthen the Federal carjacking law that we enacted last year.

The brutal and varied character of the carjackings occurring in my own State of Connecticut, and elsewhere in the country, has convinced me that we need to broaden that law that we adopted last year to cover all carjackings, not simply armed carjackings, and to provide prosecutors with the option of seeking the death penalty if an innocent person dies as a result of a carjacking.

It is absurd that citizens of our country now have to be afraid not only of walking the streets of our cities and towns, but also of driving the streets of our cities and towns. People are afraid to do perfectly ordinary things when driving today, like idling at a light, or leaving their windows open on a warm day, or stopping at a rest stop along the interstate. Their fears, as we all unfortunately know, are not irrational.

Just last week, for instance, a woman was dragged along the streets of Hartford, CT, as she clung to her carjacked car in which her small children were strapped—an experience painfully like the one right here in suburban Maryland, where a young mother on the way to work with her daughter was dragged to her death by carjackers.

In Waterbury, CT, recently a man with a utility knife forced his way into a car stopped at a light and drove off with the car after terrorizing the driver.

Along Interstate 95 in Connecticut, carjackers have recently been striking at rest stops. In one case, a man with a knife crept up behind a woman as she opened her car door, forced his way behind the wheel and drove off, only releasing her after an hour of terror.

In another case, a couple that stopped at a rest stop along the interstate in Connecticut to catch some sleep before driving further north to Massachusetts, woke to the sound of carjackers smashing their car's windows. The carjackers grabbed the female passenger, struck her in the face with a revolver, ordered the couple out of the car, and drove off. Madam President, that is barbaric, outrageous behavior that no civilized society can accept.

So I say that we need to send a louder and clearer message than we have apparently sent so far—that this new violent crime of carjacking will not be tolerated. Criminals must learn that when they choose to expand their violence to carjacking, the law enforcement resources of the Federal Government will be brought to bear against them, regardless of whether they used a gun or not. They must understand that if a carjacking causes somebody's death, then the carjackers will face death themselves.

We were all sickened by the Basu case—the carjacking in suburban Maryland. It was the collective horror over that case that prompted Congress last year to federalize carjacking and provide stiff penalties for the crime. Ironically, the law we passed last year could not be used to prosecute that crime, even if it had occurred after the law's enactment, because a gun was not used in taking the car, although the carjacking resulted in that innocent woman's death. So one of the carjackers, now convicted of the crime, faces the possibility of life in prison, and not the death that he brought to this young woman and her family.

Madam President, the bill I am introducing today removes the requirement that a firearm be used before Federal law may be invoked. It also provides that if a death occurs as a result of the carjacking, the death penalty may be imposed. The law currently provides that if a death results, a carjacker may be fined and imprisoned for any number of years up to life.

The point is that we must galvanize Federal and State resources before carjacking becomes just another in the array of crimes that too many of us simply accept and adjust to. We should not and must not adjust to these horrible, lawless acts. Like all crimes, carjacking terrorizes not only the victims but all who are forced to stay on guard, change their normal patterns of life, or otherwise alter their behavior to avoid becoming a victim.

The National Crime Prevention Council has just released a very helpful informational booklet on how citizens can reduce the risk of being carjacked. It is full of good advice, and I commend it to all of my colleagues. Yet, the booklet itself bears witness to how broad the reach of this crime has become and how it affects people's daily lives. For example, the booklet identifies what it calls the following "windows of opportunity that carjackers look for," and they are: Intersections controlled by stop lights or signs, garages and parking lots for mass transit, shopping malls and grocery stores, self-serve gas stations and car washes, automatic teller machines, residential driveways and streets, as people get into and out of their cars, highway exit and entry ramps, or anyplace else that drivers slow down or stop.

When you read that list, you just have to ask yourself: What is left? Where can people feel safe anymore?

Since armed carjacking became a Federal crime last October, U.S. attorneys have actually brought over 90 prosecutions of carjackers—90 prosecutions. Some have been brought to justice and are sitting in jail where they belong, and many more prosecutions are anticipated. The bill that I am introducing today will broaden and strengthen the law so that our U.S. attorneys have every possible tool available to them to attack the problem.

Criminals need to know that our response to these new crimes will be swift and decisive and that society will not tolerate this outrageous behavior.

Madam President, I invite my colleagues to join me in cosponsoring this legislation, the Carjacking Prosecution Act of 1993, and ask unanimous consent that the text of my bill be printed in the RECORD with these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARJACKING.

Section 2119 of title 18, United States Code, is amended.

(1) by striking ", possessing a firearm as defined in section 921 of this title,"; and

(2) in paragraph (3) by striking "or imprisoned for any number of years or for life, or both" and inserting "or punished by death or imprisoned for any term of years or for life, or both".

By Mr. DURENBERGER:

S. 943. A bill to protect children from the physical and mental harm resulting from violence contained in television programs; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S TELEVISION VIOLENCE PROTECTION ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to introduce the Children's Television Violence Protection Act of 1993.

In 1950, 15 percent of American homes had television sets. In 1990, that number reached 93 percent. Over that same period, the number of U.S. murders per year increased from 7,942 to 21,860. The ratio of murders to population doubled during that period—from 5.3 per 100,000 people to 10.2 per 100,000 people. Currently, the U.S. homicide rate is rising six times faster than the population.

Mr. President, I am not saying that television is the sole cause of this increase in violence. Many other factors have also contributed to the general coarsening of America's moral sense. But these numbers are undeniable—and they are compelling.

A full 25 percent of prime time shows in the 1992 fall season contained very violent material, according to the National Coalition on Television Violence. The TV homicide rate rose 27 percent from the year before.

According to research done by the University of Pennsylvania's Annenberg School of Communications, there were 32 acts of violence per hour, with 6 per hour during prime time, in 1992.

Any of my colleagues who doubt that there is a link between television and violence should pick up yesterday's edition of the Washington Post. Right there, on the front page of yesterday's Style section, is a story about the ABC miniseries "Murder in the Heartland," where the Presiding Officer and I come from.

"Murder in the Heartland," which ABC aired last Monday and Tuesday evenings in prime time, dramatized the true story of Charles Starkweather—who in 1958, at the age of 17, shot and killed the mother, stepfather, and baby sister of his 14-year-old girlfriend.

After watching "Murder in the Heartland" last week, an 18-year-old Canadian boy murdered his 13-year-old girlfriend's mother and brother, and wounded the girl's sister with a shotgun.

The excessively violent nature of today's TV cannot escape at least partial responsibility. On the very same page of the Washington Post, in an unrelated review of another TV show, critic Tom Shales, with whom many people constantly agree—remarked—and I quote: "Finally, a May sweeps movie that's about something other than how to kill people."

Mr. President, I do not know enough about Tom Shales to know if he is a good TV critic. But as a social commentator, he is right on the money.

The parents' groups who monitor television violence have told me that this most recent rating period—May sweeps—is stacking up to be the most violent in history. In addition to "Murder in the Heartland," the networks are running violent shows like "Total Recall" and "Lethal Weapon" in prime time.

Mr. President, I would like to ask unanimous consent that copies of both articles from the Washington Post that I just referred to—Tom Shales' article and the story on the ABC miniseries "Murder in the Heartland"—be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 11, 1993]

BADGES OF COURAGE—ABC'S GUTSY TALE OF TWO FEMALE COPS

(By Tom Shales)

Finally, a May sweeps movie that's about something other than how to kill people. "With Hostile Intent," the CBS film at 9 tonight on Channel 9, dramatically documents the case of two female cops who sued the Long Beach, Calif., police department for sexual harassment.

By this account, the harassment was blatant, vicious and virulent, and many of the male cops behaved like goons and Neanderthals. Here, for anyone who needs one, is yet another good reason never to go to Long Beach.

The film was originally titled "Two Cops"; the two cops in question are Miranda Berkeley (Melisa Gilbert), whose career goes radically awry when she breaks up with a male cop she'd been dating; and Kathy Arnold (Mel Harris), who is greeted with considerably worse than cold shoulders when she attempts to integrate the all-male canine corps.

Peter Onorati is very convincingly creepy as the lover scorned, a coldblooded manipulator whose promise that he plans to divorce his wife is just one of a vast selection of lies. When he and Berkeley spat, he engineers a campaign of coercion, even to the point of having other cops refuse to respond when Berkeley calls for backup while collaring a crackhead.

Arnold is married to a cop (Cotter Smith) who is sympathetic to her problems at work, but the marriage hits the rocks when she tailspins into depression over the harassment she's getting. The male cops in the canine corps even have the German shepherds attack her during a drill.

Officials in the department dismiss the women's complaints or bury them under bureaucratic camouflage. Their two parallel stories intersect when they hire a feisty civil rights lawyer (Holland Taylor) to sue the department for its harassment and negligence.

"All this," Gilbert sighs to Harris, "because we're missing that little piece of equipment they're so proud of."

Gilbert, Harris, Onorati and Smith are all in good form, perhaps encouraged by the meatiness in the script by Marjorie David and Alison Cross. Taylor, as always brings a special impudent energy" to her role. The script bogs down in bickering too often, but when the going gets tough for the two heroines, you may find your blood gets boiling, just as the filmmakers want it to.

The executive producer of the film is, of all people, Andrew Lack, the CBS News producer subsequently named president of NBC News. Lack's fondness for cross-pollinating fact and fiction is not an admirable trait in a news executive, but the film is compelling and persuasive. And unlike nearly every other May sweeps movie, this one took some guts to make.

"HOLLYWOOD PALACE"

The second half of tonight's ABC special, "More of the Best of The Hollywood Palace," includes a clip of animal trainer Gus Augsburg and his two sassy monkeys having a tea party. You probably do not remember Gus Augsburg. But if you were born before 1960, you are likely to find you do remember those two cute apes.

And if you were born after 1960, well, the hell with you.

"More of the Best," at 10 on Channel 7, is the sequel to a special that aired in November. Again Suzanne Somers is the able-bodied host, guiding viewers through highlights from the ABC variety show that brightened Saturday nights from 1964 through 1970.

With 50 clips crammed into 48 minutes of program time, it all flies by in a breathless blur, and naturally some of the short clips leave one painfully unsatisfied. Groucho Marx and faithful foil Margaret Dumont were reunited on "Palace" in 1965, for their last appearance together. Dumont died a short time later. But only a tiny snippet is shown.

Sid Caesar and Imogene Coca also reunited, for one of their classic skits (with drummer Buddy Rich) on a 1969 show, but again, barely a peep makes the cut.

Worse, "Best" starts out badly, with the supposedly memorable teaming of Sammy Davis Jr. and Aretha Franklin in 1968. This alleged duet amounts essentially to a screech session, Davis not very convincingly trying to emulate James Brown. He's much more at home in a later clip doing a Vegasy "Birth of the Blues."

For the most part, the show is a steady stream of delights: comics like Bill Cosby (his famous "Noah" routine), Phyllis Diller, Buddy Hackett, Don Rickles, Rich Little, Rowan and Martin, Jackie Mason, and John Byner doing a great impression of Bing Crosby; singers like Crosby himself, Brown himself, the Mamas and the Papas, the Temptations, Nancy Sinatra ("These Boots Are Made for Walk-in'"), Johnny Rivers ("Secret Agent Man"), Gladys Knight and the Pips and Diana Ross and the Supremes, scintillatingly slinky in sparkly silver gowns.

Plus: Sonny and Cher a couple of noses ago.

A sequence on legends includes Louis Armstrong merrily mangling the foreign words in "Wilkommen" from "Cabaret"; Lena Horne doing "Stormy Weather"; Jimmy Durante and Ella Fitzgerald teamed on "Bill Bailey"; and Judy Garland doing "Once in a Lifetime."

Though the original shows were shown on tape, some of the bloopers have been preserved, among them the fateful night when Allan Sherman suffered the show biz nightmare of the unzipped fly. Victor Borge turns problems with his piano bench into clever comedy. And a resolute tumbler keeps his poise and his cool even as his pants do some of the tumbling.

Jack Benny, George Burns, Mel Brooks and Milton Berle also appear, Berle uttering his immortal, and much-uttered, line "And now, ladies and gentleman, as I look into your faces—and believe me, some of your faces need looking into * * *"

The "Best of" specials are executive-produced by Malcolm Leo. Credited as consultants are Felisa Vanoff and William Harbach, the widow and longtime partner of producer Nick Vanoff, who with Harbach did the original series. Somers indicates as she closes the show that there'll be additional specials, and Leo suggested recently that he has plenty of material left.

That would be wonderful.

Maybe next time, though, they could halve the number of acts and double the length of each clip. It is good to leave an audience wanting more, as the old show biz axiom says, but hey, let's not be ridiculous.

[From the Washington Post, May 11, 1993]

ECHOES OF MINISERIES MURDERS—CANADIAN KILLINGS MIMIC TV MOVIE

(By Anne Swardson)

TORONTO, May 10.—If violence on American television begets violence in real life, a double murder in the heartland of Canada last week suggests that the effect reaches beyond the borders of the United States.

Mounties and other law enforcement authorities in Flin Flon, Manitoba, today arrested James Philip Bridson, 18, after a 72-hour man-hunt for him and his former girlfriend, 13-year-old Meaghan McConnell. Bridson is charged with the shooting deaths of McConnell's mother, Marjorie, and her brother, Christopher, as well as the wounding of her sister, Shannon. Meaghan McConnell was not charged.

A few days before the killings, Bridson watched the ABC miniseries "Murder in the Heartland." The movie dramatized the true story of Charles Starkweather, who in 1958 at the age of 17 killed the mother, stepfather and baby sister of his 14-year-old girlfriend, Caril Ann Fugate. He then roamed the roads of Nebraska and Wyoming with Fugate, murdering other people.

Starkweather killed Fugate's mother after she told the girl to break up with him. Two weeks before the Manitoba murders, Marjorie McConnell ordered her daughter to break up with Bridson.

Starkweather did his killing with a rifle. Bridson's parents had tried unsuccessfully to persuade authorities to confiscate a rifle their son kept in the trunk of his souped-up 1971 Chevelle.

Bridson and Meaghan McConnell were found inside an abandoned cement mixer on the grounds of a local concrete contractor about a mile from the McConnell house. It was not clear whether they had been there the entire time since the shootings; authorities had been searching the scrubby bush territory for miles around Flin Flon.

Like nearly every other Canadian hamlet, Flin Flon, about 400 miles north of North Dakota on the border between Manitoba and Saskatchewan, has full access to American television. Through cable technology, its 8,000 residents can watch all the U.S. networks beamed from Detroit, and a sports channel. Because there is little else to do in the bleak mining town, where the earth stays so cold all year that the sewage is piped above ground, people watch a lot of TV.

"People in communities like that are remote and isolated, and they depend on TV a great deal," said Toby Rutner, a psychologist in Winnipeg, 300 miles southeast of Fin Flon. Rutner, a specialist in stress-related disorders, emphasized that television doesn't cause murders, but he said he had no doubt that there is some connection between the broadcast and these killings.

"The movie portrayed Starkweather as a guy who was rebelling not only against his parents' authority, but against society in general. That is a very appealing image for male adolescents whose lives are not working. . . . As I watched, I thought this is going to appeal to a lot of frustrated, unhappy young men age 19."

Bridson is an unemployed high school dropout who moved to Flin Flon—named for the Jules Verne character Josiah Flinabbatey Flonatin—with his parents 18 months ago.

He left his parents' home about three weeks ago, allegedly at their request. Their lawyer said in a press conference Sunday that they had tried to have Bridson involuntarily committed to a hospital because he was severely depressed, apparently after Meaghan McConnell acceded to her mother's wishes and broke up with him. During that period, Marjorie McConnell also reported to the local office of the Royal Canadian Mounted Police that Bridson had sexually assaulted her daughter.

Last Monday and Tuesday evenings, Bridson watched the miniseries in the company of a friend and the friend's girlfriend, according to Beverly Van Meer, the mother of Bridson's roommate. The next night, Bridson was called in by RCMP officials to discuss the sexual assault charges. He was released late Wednesday and asked to come back the following morning.

Some time before 2 a.m. Thursday, a man broke into the McConnell house through a window. Neighbors heard shots and called the police. As the police arrived at the front door, neighbors saw Meaghan being pulled out the back window by someone.

It was not clear today whether Meaghan McConnell, who was said to be unharmed, was accompanying Bridson on her own volition. The role in 1958 of Caril Ann Fugate, who spent 18 years in prison for one of the murders committed with Starkweather, was ambiguous. She claimed after his capture that she was an innocent hostage, though she had holed up with him in her parents' home for several days after they were murdered.

If Bridson is tried and convicted, there will be one way in which his case cannot follow the earlier one: Starkweather was executed in 1959 in Nebraska by electrocution. Canada does not allow capital punishment.

Mr. DURENBERGER. The problem of TV violence is not confined to live action television shows, or to prime time, 1992 also set a record for violence in children's shows. The National Coalition on Television Violence estimates that by the age of 18, the average American young person has witnessed 200,000 acts of violence on television, including 40,000 murders.

With American children glued to the television for an average of 27 hours each week, the American Psychological Association now estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

Young children often cannot distinguish between violence in televised cartoons and violence in live action programs. A school board in Indiana recently had to issue an advisory to young children warning that there is no such thing as Teenage Mutant Ninja Turtles. Children had been crawling down storm drains looking for them.

Prof. Brandon Centerwall of the University of Washington, summarizing evidence which he considered conclusive, recently found that, "if, hypothetically, television technology had never been developed, there would be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults. Violent crime would be half what it is [today]."

Back in Minnesota, I have heard from concerned parents, teachers, and State legislators—asking me to do something—anything—to help stop this epidemic of TV violence and the devastating impact it is having on our Nation's children and on our society.

Mr. President, at this point, I ask unanimous consent that a copy of a bipartisan resolution recently introduced in the Minnesota State Legislature, authored by Representative Mark Olson, that strongly supports the Children's Television Violence Protection Act of 1993 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION

Whereas, there is a broad consensus in the scientific literature that exposure to television violence increases children's physical aggressiveness; and

Whereas, recent research indicates that exposure to television violence is a strong risk factor for increased levels of violence in society in general and, specifically, for increased homicide and other violent crime rates; and

Whereas, television violence typically involves unsafe gun practices, thereby potentially causing children to learn to handle guns in an unsafe manner; and

Whereas, legislation has been introduced in the United States Congress directing the federal communications commission to adopt standards requiring television broadcast licensees, including cable and independents, to broadcast a video and audio warning that a program may contain violence or unsafe gun practices and may adversely affect the mental and physical health of children; Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That Congress should speedily enact the Children's Television Violence Protection Act of 1993.

Be it further resolved that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

Mr. DURENBERGER. The bill I am introducing today is not a perfect solution. It won't solve all our social problems, nor will it put an end to television violence. We in Congress are constrained by the first amendment in what restrictions we can—or should—place on television.

In this regard, I applaud the efforts of my colleague from Illinois, Senator SIMON. Senator SIMON was the chief author of the 1990 Television Program Improvement Act which granted broadcast networks, cable television, and programmers an exemption from antitrust law so that they could draft voluntary guidelines. Given first amendment constraints, perhaps the best solution to reducing violence is for the programmers, cable, and networks themselves to exercise self-restraint, as Senator SIMON's bill seeks to encourage.

The bill I am introducing goes hand-in-hand with that effort.

I understand that they are beginning to make progress, but they have not gone far enough.

This bill provides parents with the information they need to make responsible decisions about what their children are watching.

My bill would use another approach. It would provide parents—or others who supervise children—with the important information they need in order to make decisions about which shows children can watch. If cable and the networks are not going to take responsibility for reducing the violence they continue to show on television, I think it is only fair that they be required to warn parents and other concerned adults that this violence is coming into their living rooms. It may be harming our children and our society.

My bill would require that a video and audio warning label appear before and possibly during certain television shows—warning parents and others that the program may contain violence or unsafe gun practices which might adversely affect the mental or physical health of a child.

THIS BILL IS CONSISTENT WITH THE FIRST AMENDMENT

In my view, this is a moderate approach that is consistent with the first amendment. As I said earlier, it does not mandate that no violence can be shown on TV. Further, it does not limit the showing of violence to certain hours, as we do with broadcast indecency.

It simply provides warning labels. It does not require that those warning labels appear on programs that air after 11 p.m. and before 6 a.m.—when children are less likely to be in the viewing audience. It gives the FCC the authority to exempt certain programs, such as news, documentaries, sporting events, and educational programming.

Further, to stay within first amendment guidelines, the bill makes no content distinctions based, for example, on whether the violence is gratuitous or merely incidental. The bill merely requires warning labels to appear whenever violence is present on cable or broadcast programs.

If the marketplace is to function properly, consumers—including parents—should have the information necessary to make informed decisions about what their children should watch.

Mr. President, this bill is extremely important. Television is an intrusive medium—it is not like a magazine or newspaper that you can see before you buy. It comes right into your living room.

My bill would notify parents and others that a program may be violent and may cause harm to their children. This is a legitimate health and safety concern. Anyone who knows public health will tell you that the biggest public health problem today is violence. In my opinion, enacting this bill would be an anticrime measure every bit as important as some of the provisions in this year's crime bill.

I ask my colleagues to join me in looking for creative ways to reduce the amount of violence and crime in society. To this end, I offer the Children's Television Violence Protection Act of 1993, and ask unanimous consent it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Television Violence Protection Act of 1993".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "violence" means any action that has as an element the use or threatened use of physical force against the person of another, or against one's self, with intent to cause bodily harm to such person or one's self. For purposes of this Act, an action may involve violence regardless of whether or not such action or threat of action occurs in a realistic or serious context or in a humorous or cartoon type context.

(2) The term "programming" includes cartoons.

(3) The term "child" or "children" means any individual or individuals under 18 years of age.

(4) The term "person" shall have the same meaning given that term under section 602(14) of the Communications Act of 1934 (47 U.S.C. 522(14)).

(5) The term "cable operator" shall have the same meaning given that term under section 602(4) of the Communications Act of 1934 (47 U.S.C. 522(4)).

(6) The term "cable service" shall have the same meaning given that term under section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

(7) The term "television broadcast licensee" means a "licensee" as defined in section 3(c) of the Communications Act of 1934 (47 U.S.C. 153(c)) authorized to engage in television broadcasting, including independent television broadcasting.

(8) The term "franchising authority" shall have the same meaning given that term under section 602(10) of the Communications Act of 1934 (47 U.S.C. 522(10)).

SEC. 3. RULEMAKING REQUIRED.

(a) STANDARDS.—The Federal Communications Commission shall, within 30 days after the date of the enactment of this section, initiate a rulemaking proceeding to prescribe standards applicable to television broadcast licensees, and cable operators providing cable service under a franchise granted by a franchising authority, requiring such television broadcast licensees and cable operators, including cable programmers, in connection with the broadcasting of any video programming which may contain violence, or unsafe gun practices, to require a video and audio warning at the time of such broadcast to the effect that such programming may contain violence, or unsafe gun practices, and may adversely affect the mental or physical health, or both, of a child, and may, if the events portrayed in such programming occur in real life, warrant the imposition of criminal penalties.

(b) CONTENTS OF STANDARDS.—Standards required by subsection (a) shall require:

(1) Broadcast television licensees, and cable operators, including cable programmers, to include, at the beginning of the programming, and at other appropriate times during such programming, a warning label, with an audio voice over, to the effect that the programming may contain violence, or unsafe gun practices, and may adversely affect the mental or physical health, or both, of a child, and may, if the events portrayed in such programming occur in real life, warrant the imposition of criminal penalties.

(2) Public notice to assist interested persons in identifying programming which may contain violence, or unsafe gun practices.

(c) FINAL STANDARDS.—The Commission shall within 150 days following the date of the enactment of this Act, prescribe final standards in accordance with this section.

(d) EXCEPTION.—The provisions of subsection (a) shall not apply to any programming broadcast, in any time zone, during the period commencing at 11:00 P.M. and ending at 6:00 A.M.

SEC. 4. VIOLATIONS.

(a) VIOLATIONS.—If a person violates any rule or regulation issued or promulgated pursuant to section 3, the Federal Communications Commission may, after notice and opportunity for hearing, impose on the person a civil fine of not more than $5,000. For purposes of this subsection, each day of violation constitutes a separate violation.

(b) INTENTIONAL VIOLATIONS.—If a person intentionally violates any rule or regulation issued or promulgated pursuant to section 3, the Federal Communications Commission shall, after notice and opportunity for hearing, impose on the person a civil fine of not less than $10,000 or more than $25,000. For purposes of this subsection, each day of violation constitutes a separate violation.

SEC. 5. EXCEPTIONS FOR CERTAIN VIDEO PROGRAMMING.

The Federal Communications Commission may exempt, as public interest requires, certain video programming from the requirements of section 3, including news broadcasts, sporting events, educational programming and documentaries.

SEC. 6. CONSIDERATION OF VIOLATIONS IN BROADCAST LICENSE RENEWAL.

The Federal Communications Commission shall consider, among the elements in its review of an application for renewal of a television broadcast license, including an independent television broadcaster, whether the licensee has complied with the standards required to be prescribed under section 3 of this Act.

Mr. DOMENICI. Mr. President, I just happened to catch Senator DURENBERGER'S speech and the introduction of his bill. I did not come to the floor for this purpose, but let me commend you. I am not at all sure as I speak here that what you are trying to do will cause substantially less violence on television, but I hope it does. And I hope you stick with it in a position of leadership to try to address one of the biggest reasons for our young people being violent today.

We can talk all we want about needing more law enforcement—and we do—about needing better parents—and we do—about our schools not being able to do the job, a job which they are doing well considering the environment in which they are working, but we would do more for young people violence—that is, to bring it down—if we could find a way during their growing-up years, from 4 to 12, or thereabout, where their brains were not bombarded incessantly by crime and violence on television.

You need not be embarrassed to speak that way on the floor because it is now proven scientifically. The networks and others used to say, "What do you know about it? You just want to tell us what to say." There is a major American Medical Association study reported on by medical doctors who unequivocally find that violence on television is related in an immeasurable way to the violence by teenagers in the United States of America.

Frankly, I am not sure we can legislate away that problem, as you have said. But maybe sooner, rather than later, the leadership of America's television, production companies, movie companies and, yes, the American consumer that pays for this trash might get the message and somehow we might get less of it.

I hope your bill is a start in that direction, and I am very appreciative of the opportunity to speak my piece and to congratulate you.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I just want to acknowledge the kind comments of my friend from New Mexico. He is absolutely right. We are not going to legislate good health in America, but we can do something by way of example and we can do something by way of setting some standards for changing the attitude that people take in this country toward their health.

My colleague from New Mexico has changed a lot of our views on mental health. So has my colleague from Minnesota, who is sitting in the chair right now. The problems of mental health, the problems of psychosocial behavior that are plaguing our communities today are something people on this floor today have experienced in their own communities.

I am happy the Senator took the time to address the subject. I hope after he has had an opportunity to review this bill that he will be a cosponsor.

Mr. DOMENICI. I promise to do that, and you will receive an answer very shortly.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 944. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the Reserve components or other non-Regular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods, and for other purposes; to the Committee on Armed Services.

RESERVE COMPONENT PERSONNEL LEGISLATION

● Mr. AKAKA. Mr. President, today I am introducing legislation to correct an inequity which affects certain retired Reserve and other non-Regular components of the Armed Forces. Senator INOUYE has joined me in this effort.

Under current law, reservists who were in service prior to August 16, 1945, but did not perform active duty during periods of conflict are not eligible to receive retirement pay. Congress instituted this active duty service requirement to express the Nation's gratitude to reservists who performed active duty. However, the law unfairly discriminates against those military personnel who, through no fault of their own, were not allowed to serve their country. The current law tarnishes the years of distinguished service certain reservists gave in defense of our Nation.

These reservists are being unjustly penalized because they did not perform active duty. We do not penalize current retired military personnel who served 20 or more years without a period of active service. Yet, this requirement still exists for those who served prior to 1945. This is blatantly unfair.

There is no indication that Reserve deferments and exemptions were not sanctioned by the military during the times in question. It is highly improbable that a person who had been deferred or exempted would continue to serve his country for 20 years or more to escape active service. In fact, a comprehensive military retirement program, an incentive for career service, was not established until after World War II.

For those serving in Hawaii's National Guard during World War II, one of the periods included in the active duty requirement, such service would have been impossible since Hawaii guardsmen were restricted to their jobs as a consequence of martial law and denied any opportunity to serve in active duty. In other parts of the Nation, individuals were also frozen to their jobs and not allowed to enlist for active service. These people are being unfairly punished for not having actively served their country.

The bill I am introducing today seeks to correct this injustice. Given the number of years that have passed since the last world war, a number of these people have passed away. The time has come for us to resolve this inequity and provide fairness to those who proudly served this Nation. The Department of Defense supports this legislation, and I ask my colleagues to join in support as well.●

By Mr. BROWN (for himself, Mr. BURNS, Mr. GREGG, Mr. FAIRCLOTH, Mr. KEMPTHORNE, and Mr. SMITH):

S. 946. A bill to reduce the legislative branch budget by 25 percent; to the Committee on Appropriations.

DEFICIT REDUCTION LEGISLATION

Mr. BROWN. Mr. President, we have heard much about the fight against rising deficits and the need to control Federal spending. If Congress is going to scale back Federal programs and ask the American people to sacrifice in the war against the deficit, then Congress should be the first to lead the charge.

I rise today to introduce legislation that will bring the fight against rising deficits to Congress. This bill calls for a 25-percent reduction of legislative branch funding. Before we shrink Federal spending, and we must reduce Federal spending, Congress should tighten its own belt and lead by example.

This bill does not call for anything drastic. Quite to the contrary, we could do more. A 25-percent reduction from this year's level would leave Congress with a larger budget, adjusted for inflation, than we had in 1982. That is right, Mr. President. Since 1982, outlays for the legislative branch have increased over 95 percent, while the Consumer Price Index rose only 44.4 percent. Congress has grown at double the rate of inflation for over a decade.

President Clinton called for a 25-percent reduction in congressional staff and expenditures during the campaign. This legislation will accomplish that goal. The 38,000-plus staff of Capitol Hill is nine times bigger than any other legislative body in the world. A 25-percent reduction will still leave Congress with a staff six times larger than the Canadian Parliament, the second largest institution.

This legislation will also eliminate the use of slush funds by congressional committees. Over the years funds not expended by committees each year have been rolled over into a slush fund and spent in future years. Not only is there no incentive to save money, there is no way.

The congressional leadership in each body will also be authorized to select an independent firm to study congressional staffing and funding levels in future years. This bill is a beginning to a leaner, more efficient legislative body.

Without doubt, Congress should take the lead in the fight to reduce the deficit. However, there are many other areas in the Federal Government where programs can be streamlined and inefficient bureaucracies improved. I will offer a series of bills, this session of Congress, to realize these benefits. In February, I released a budget plan to save $679 billion over the next 5 years. This is the first step. I am pleased Senators BURNS, GREGG, FAIRCLOTH, KEMPTHORNE, and SMITH have joined with me in sponsoring this bill.

ADDITIONAL COSPONSORS

S. 81

At the request of Mr. NICKLES, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 120

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 120, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for the purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 226

At the request of Mr. DASCHLE, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 226, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 291

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 291, a bill to amend the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and for other purposes.

S. 322

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 322, a bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 431

At the request of Mr. EXON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 431, a bill to amend the Motor Vehicle Information and Cost Savings Act.

S. 462

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 462, a bill to prohibit the expenditure of appropriated funds on the United States International Space Station Freedom program.

S. 482

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 517

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 517, a bill to reduce the deficit in the Federal budget for fiscal year 1994 by limiting to $2,000,000,000 the amount that may be appropriated for the Strategic Defense Initiative.

S. 519

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II Ballistic Missile Program.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

S. 544

At the request of Mr. BUMPERS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 544, a bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes.

S. 573

At the request of Mr. MACK, his name was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such act with respect to the health and safety of employees, and for other purposes.

S. 627

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 627, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes.

S. 671

At the request of Mr. DOMENICI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 671, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 921

At the request of Mr. BAUCUS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

SENATE RESOLUTION 107—RELATIVE TO COMPREHENSIVE HEALTH CARE LEGISLATION

Mr. WELLSTONE (for himself, Mr. SIMON, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 107

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that the model mental health and substance abuse services provisions described in this resolution should be considered in determining those mental health and substance abuse services to be included as part of any benefits package that is contained in any comprehensive health care or health insurance reform bill passed by the Congress.

SEC. 2. MODEL SERVICES AND COMMISSION.

(a) SERVICES.—The model services described in section 1 should include:

(1) IN GENERAL.—Mental health and substance abuse services described in this resolution, including all medically or psychologically necessary services related to the prevention, diagnosis, treatment, and rehabilitation of mental illnesses and substance abuse disorders and the promotion of mental health.

(2) SERVICES.—To be included in coverage under this section, services must be provided as part of a continuum of care which includes—

(A) assessment, diagnosis, and referral services;

(B) crisis intervention services including—

(i) intervention services designed to facilitate entry into or continuation in treatment; and

(ii) hospital, nonhospital, or ambulatory detoxification programs;

(C) outpatient services provided in a variety of State-licensed settings, including hospitals, mental health or substance abuse clinics or centers, office practices or school-based health services, including services ranging from brief counseling to day and evening treatment and family therapy, limited to the extent provided according to a utilization review that is conducted at intervals determined appropriate by the Secretary of Health and Human Services (or the Federal entity responsible for the administration of the comprehensive program), to ensure that services are being appropriately utilized;

(D) partial hospitalization (such as day and evening treatment programs for seriously emotionally disturbed children and adolescents and seriously mentally ill adults, and other types of day programs);

(E) psychosocial rehabilitation services;

(F) pharmacotherapeutic interventions;

(G) residentially based treatment, including halfway house care and three quarterway house care;

(H) inpatient care that includes services provided at hospitals, other inpatient facilities, community-based facilities, and residential treatment centers as clinically necessary, to the extent provided according to a utilization review that is conducted at intervals determined appropriate by the Secretary of Health and Human Services (or the Federal entity responsible for the administration of the comprehensive program), to ensure that adequate care is being provided in the least restrictive and most clinically appropriate setting for the needs of the patient; and

(I) care coordination services, including—

(i) the coordination and monitoring of mental health care and substance abuse services; and

(ii) the provision of transition management from inpatient facilities to other community based care services (or vice versa) and assisting patients with identifying and gaining access to appropriate ancillary services (such as housing assistance programs, dental care, education, and job placement and training).

(b) CARE COORDINATION.—

(1) OBJECTIVES OF CARE COORDINATION.—The objectives of the care coordination services described in subsection (a)(2)(I) shall be to ensure appropriate comprehensive, continuous, and coordinated care the amount, duration, and scope of which shall be based on the clinical needs of the patient.

(2) ELIGIBILITY.—

(A) IN GENERAL.—Patients with a serious mental illness or a substance abuse disorder (as defined by the Secretary or responsible Federal entity) or who have encountered repeated treatment failures (as defined by the Federal entity responsible for the administration of the comprehensive program) shall be eligible for care coordination services—

(i) on entry into a crisis intervention setting or inpatient service setting as described in subparagraphs (B) and (H) of subsection (a)(2); or

(ii) on referral by a qualified mental health or substance abuse treatment professional.

(B) EXEMPTION.—Patients who enter services described in subparagraph (B) or (H) of subsection (a)(2) may be exempt from care coordination services at the discretion of a qualified professional if the qualified professional determines that such services are not clinically indicated.

(C) PREVIOUS CONDITIONS.—Individuals whose previous condition entitled them to care coordination services under this section will be eligible for care coordination services after completion of treatment or discharge from a program for a period of time to be determined by the Secretary or responsible Federal entity.

(3) STANDARDS FOR CARE COORDINATION.—

(A) IN GENERAL.—To be covered under the provisions of this subsection, care coordination services must be provided by a care coordinator that—

(i) has successfully completed formal training, or any other entry path determined appropriate by the State;

(ii) is supervised by a health professional with licensing and field experience requirements as determined appropriate by the State; and

(iii) for patients receiving services from a Certified Employee Assistance Professional (CEAP), has worked with a CEAP in coordinating care.

(B) REQUIREMENTS.—Care coordination services shall be delivered pursuant to appropriate State requirements that—

(i) provide for services according to an organizational plan developed by the State;

(ii) provide for the option of developing different levels of care coordination services for subgroups;

(iii) provide for the establishment of care coordination guidelines that detail the levels of care coordination services provided, and that, at a minimum, will identify—

(I) the population targeted;

(II) the range of services offered; and

(III) the maximum caseload size for each care coordination service level; and

(iv) establish safeguards to assure that care coordinators receive no financial benefits from treatment decisions or placements.

(4) REQUEST FOR DIFFERENT COORDINATOR.—Patients may ask for a different care coordinator or refuse care coordination after having been offered such service.

(c) UTILIZATION REVIEW STANDARDS.—Utilization review for services provided pursuant to this section shall adhere to the following minimum standards:

(1) All utilization reviews shall be supervised by a physician, or other professional licensed in that State to provide the services under review.

(2) The utilization criteria to be applied shall be provided to patients and providers upon request and a written explanation of the basis for any denial of payment based upon such a review shall be provided to the provider or patient upon request.

(3) Based on consultation with care coordinators, care providers, and patients, utilization reviewers shall make the final decision as to whether a patient's benefits can be extended beyond its limits, subject to the appeals process.

(4) Based on consultation with care coordinators and patients, care providers shall make the final decision as to the appropriate course of treatment for a patient when treatment decisions are between utilization review intervals, subject to the appeals process.

(5) Utilization review and appeals shall be conducted promptly in order not to disrupt a course of treatment and providers shall not deny necessary care while a review or appeal is pending.

(6) During an appeal or alternative dispute resolution under this subparagraph, providers shall have the right to be reviewed by an equivalent professional.

(7) The utilization review system may not permit any incentive or contingent fee arrangement based on the reduction or denial of services through utilization review.

(d) DUTIES OF SECRETARY.—The Secretary (or the Federal entity responsible for the administration of the comprehensive health care program) shall—

(1) authorize a mechanism for recognizing an approved care coordination plan that shall include timing intervals for utilization review and that is devised by the care coordinator with input from the utilization review professional, if there is one, the mental health or substance abuse treatment provider and the patient;

(2) devise a mechanism to review and monitor care coordination and utilization review guidelines;

(3) define an appeal and alternative dispute resolution process by which care coordinators, care providers and patients can appeal utilization review treatment decisions; and

(4) determine intervals for utilization review, and which services should be subject to review.

(e) COMMISSION ON MENTAL HEALTH AND SUBSTANCE ABUSE.—

(1) ESTABLISHMENT.—With respect to model services covered under this section the Secretary of Health and Human Services shall establish a Commission, under the auspices of the Substance Abuse and Mental Health Services Administration, in collaboration with the National Institute of Mental Health, the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and other appropriate agencies, to study, prepare and submit to the appropriate committees of Congress and to the Secretary a report containing further recommendations concerning the manner in which the benefits for mental disorders and substance abuse treatment services should be modified to best meet the objectives of this Resolution.

(2) DUTIES.—The duties of the Commission established under paragraph (1) should include—

(A) studying changes in utilization patterns and costs which accompany the provision of mental health and substance abuse treatment benefits contained in this Resolution;

(B) making further recommendations on ways to create a continuum of care and encourage the provision of care in the least restrictive, most clinically appropriate setting;

(C) developing a standard set of practices for care coordination services, including—

(i) the range of care coordination services that should be offered for a specific target population;

(ii) the organizational structure in which care coordination services should be based;

(iii) the minimum training requirements for care coordinators; and

(iv) standards for the clinical necessity of care coordination services; and

(D) studying peer care coordination and making recommendations regarding the development and implementation of peer care coordination services.

(3) REPORT.—The Commission should make its first report not later than 1 year after the date of the enactment of any comprehensive health care bill and at 2 year intervals thereafter.

Mr. WELLSTONE. Mr. President, I am pleased and proud to come before the Senate today to introduce a resolution which expresses the sense of the Senate that comprehensive and equitable mental health and substance abuse benefits should be included in any comprehensive health care reform legislation. This resolution is based upon the premise that mental illness

and alcohol and other drug abuse disorders are diagnosable and treatable, and that by improving access to such treatment we will greatly reduce the human suffering and economic impact of these disorders on our society. The resolution builds upon the work of several of my colleagues and I want to acknowledge and commend Senator DOMENICI, Senator SHELBY, and Senator KENNEDY for their contributions toward moving this body toward an understanding that mental illness, including substance abuse, must be treated equitably with physical illness within our health care system.

Let me take a moment to remind my colleagues of the scope and nature of the problem that we are dealing with. An estimated 20 to 30 million Americans suffer from a diagnosable mental illness. Over 15 million adult Americans have symptoms of alcoholism or alcohol dependence, and an estimated 5 million are in need of treatment for abuse of other drugs. The individual, social and economic costs of these disorders are staggering. Indeed, estimates put the annual economic costs to society of mental illness and substance abuse at $273 billion.

Much of the cost is due to the fact that of the millions of Americans suffering from a diagnosable mental illness, only 20 to 33 percent ever receive any kind of mental health treatment. Similarly, only 15 percent of alcoholics receive any formal treatment, and an even smaller percentage of people dependent on other drugs get treatment. This, despite the fact that mental illnesses and addictions can be effectively treated.

In addition, mental illness and chemical dependency put especially heavy burdens on the rest of the health care system. Patients with diagnosable mental disorders have been shown to average twice as many visits to their primary care physicians as those without mental disorders. Health care costs for untreated alcoholics and their family members are double those of nonalcoholics and their families. Estimates have been made that average alcoholism treatment costs can be entirely offset by reduced health care costs within 2 to 3 years after alcoholism treatment begins. Another study of over 26,000 families with a mentally ill family member showed that health care costs decreased 30 percent 2 years after treatment. A study of Medicaid patients showed that patients who are hospitalized for physical ailments and provided with mental health services realized average cumulative savings of $1,500 over a subsequent 2½ year period. The cost of mental health intervention was entirely paid for by these savings.

These studies suggest that although untreated mental illness and alcohol and other drug abuse create huge costs for the health care system, these costs can be avoided if treatment is made available to those in need.

Unfortunately, existing social, medical, and psychological services for mental illness and substance abuse are fragmented and complex, inadequately utilized, and often delivered in a discriminatory fashion. Many health plans do not cover mental health and substance abuse services, and of those that do, few do so on an equal basis with treatment for physical illness. Many problems with mental health care and substance abuse treatment today are due to the fragmentation of financing responsibility. Administrative costs are too high. Patients lose services when their insurance or other resources run out. People are denied needed services, even when their insurance covers the service. There is a lack of adequate and rational financial controls and practice guidelines, leading to abuses. People are put into inappropriate and costly inpatient service settings because that is the only care for which they can be reimbursed, or because they are unaware of possible alternatives.

There is a fear that if mental health care is made more available, mental health services will rise in a precipitous and unpredictable manner. Studies have shown this to be unlikely. Mental health needs have shown themselves to be similar to physical health needs and should be treated accordingly. Studies show a manageable and predictable level of mental health care use after changes in the benefits offered. Even when broad mental health and substance abuse benefits are introduced, run-away costs do not follow. In Canada, mental health services are provided on a basis equal to physical health services, as medically necessary, and have continued to be a manageable part of the health care budget, currently consuming approximately 16 percent of direct health care costs.

Importantly, provision of services in the least restrictive, clinically appropriate setting would reduce the utilization of expensive inpatient treatment and reduce average treatment costs. Consequently, for approximately the same amount spent in our current flawed system, it would be possible to expand coverage and provide vastly improved, comprehensive, and universal mental health and substance abuse treatment services for those in need.

In the context of other effective cost control measures, early and appropriate treatment would reduce unnecessary utilization, and complement efforts to control costs. Care coordination services should be covered, to help manage transitions between modes of care, and also to offer support for chronically ill people over longer periods of treatment. Where utilization review is called for, reviewers should be qualified and independent from financial incentives to deny care without justification. Consumers and their families should have as much control as possible over the treatment provided.

The provisions of this resolution outline a comprehensive array of services which will meet these goals, including assessment, diagnosis, and referral services; crisis intervention services; outpatient, partial hospitalization, and inpatient care, including residentially based treatment; pharmacotherapeutic interventions; rehabilitation services; and care coordination services.

An important and innovative piece of this proposal is the inclusion of care coordination services. While most recipients of mental health and chemical dependency treatment services are able to serve as their own advocates and make their own arrangements, persons with chronic conditions suffer cognitive and/or emotional impairments that may limit their ability, at least for periods of time, to make and carry through on plans to improve their lives. Care coordination is a specialized, highly individualized service which augments the routine information, referral and linking function that all clinicians routinely do as part of case planning.

The resolution also recognizes that while utilization review is an important tool in controlling costs, it has been prone to abuse in the past. Therefore it proposes the establishment of minimum Federal standards for utilization review procedures. In addition it supports establishing a commission under the auspices of the Substance Abuse and Mental Health Services Administration [SAMHSA], whose purpose is to study mental health and substance abuse treatment services, changes in utilization and costs, the development of practice guidelines, and other issues related to mental health care and substance abuse treatment policy.

This year, with the intense interest in health care reform, we must ensure that mental health and substance abuse services are equitably covered and incorporated into any health care reform legislation. The administration's consideration of coverage for a full range of mental health and substance abuse services within health care reform is enlightened and encouraging. This resolution will put the Senate on record as supporting the provision of a full continuum of mental health and substance abuse services, while recognizing the need for cost control and protection of patients from unnecessary care, and protection of providers from overly intrusive utilization review.

I invite my fellow Senators to join with me as cosponsors of this resolution, which should help guide and shape the upcoming debate on this important issue. I also request that a copy of the resolution and the following supporting documents be printed in the RECORD at the conclusion of these remarks: a set of definitions of terms which should be considered in health care reform, which reflect input from a variety of sources and are intended to stimulate discussion and improvement of existing definitions; and a list of national organizations endorsing the resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFINITIONS OF TERMS USED IN MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

(1) Care coordination. The term "care coordination" includes provision of emotional support and encouragement, referral and linkage to other necessary or desirable medical, psychological or social resources, advocacy with and on behalf of the client, and monitoring and reassessment of client functioning and client care. The goal of the care coordinator shall be to make available to clients those aspects of community living which are necessary to restore them to their highest possible functioning level.

(2) Crisis intervention services. The term "crisis intervention services" includes assessment, diagnosis, and referral services aimed at intervening during a crisis due to deteriorating mental health status. Such services will include an evaluation of the individual's mental health status. Such review and evaluation will include consultation with the patient, and when appropriate, consultations with family, and significant others to assist in the assessment, diagnosis, and proper referral of the individual. Crisis intervention includes the availability of crisis beds, mobile treatment intervention, and patient diversion activities.

(3) Partial hospitalization. The term "partial hospitalization" is defined as an ambulatory, active treatment program that offers intensive, coordinated, and structured clinical services within a stable therapeutic environment. Such programs employ an integrated, comprehensive, and complementary schedule of recognized treatment approaches including individual, group and family interventions, crisis intervention, and skill building (such as interpersonal and problem solving skills). Such programs may be provided in a variety of settings, including schools, mental health centers, hospitals or free-standing settings. These services are provided for children and adolescents with serious emotional disturbance, and adults with serious mental illness.

(4) Detoxification. The term "detoxification" means the medical and psychological management of an individual while he or she withdraws from alcohol or drugs.

(5) Family therapy services. The term "family therapy services" means organized, non-residential services, office practices, or home visits with designated addiction or mental health treatment personnel or credentialed clinicians that provides a planned regimen of professionally directed evaluation, prevention, treatment, and recovery services to the families of affected individuals.

(6) Halfway house and three quarter-way house care.

(A) Substance abuse. The term "halfway house care" in the context of substance abuse treatment means an organized, long-term residential service with designated addiction treatment personnel or addiction-credentialed clinicians that provides a planned regimen of professionally directed evaluation, care, and treatment of addicted individuals. Clinical services include medical, educational, and individual, group, and family therapy. Therapeutic efforts are directed to the rehabilitation of the individual including educational and vocational rehabilitation and locating permanent housing. "Three quarter-way" house care refers to the provision of these services for individuals who are resuming activity in the community.

(B) Mental health care. The term "halfway house care" in the context of mental health care means an organized, long-term residential service staffed with mental health professionals or rehabilitation practitioners that provides a planned regimen of professionally directed evaluation, care and treatment of mental illness. Clinical services include medical, educational and individual, group, and family therapy. Therapeutic efforts are directed to the rehabilitation of the individual including educational and vocational rehabilitation and locating permanent housing.

(7) Medically or psychologically necessary services. The term "medically or psychologically necessary services" means services performed by qualified mental health or substance abuse professionals for patients with DSM-III-R (or the most recent update) diagnoses in order to assure patient safety, promote patient recovery, prevent patient deterioration, or improve patient functioning.

(8) Outpatient services.

(A) Substance abuse. The term "outpatient services" in the context of substance abuse treatment means organized non-residential services or office practices with designated substance abuse treatment personnel or addiction-credentialed clinicians that provides professionally direct evaluation, treatment, and recovery services to addicted patients. Services are provided on a regular basis, usually fewer than nine treatment hours per week.

(B) Mental health care. The term "outpatient services" in the context of mental health care means organized, non-residential services, office practices, or home visits with qualified mental health professionals providing assessment and treatment of mental illness.

(9) Pharmacotherapeutic intervention. The term "pharmacotherapeutic intervention" means an organized medical intervention with a patient under the supervision of a licensed physician that uses approved medications in conjunction with comprehensive medical, casework, and counseling services.

(10) Psychosocial rehabilitation services. The term "psychosocial rehabilitation services" in the context of mental health care means organized services designated with qualified mental health or rehabilitation professionals whose purpose is to restore an individual to the maximum functioning level. These services address the practical day-to-day needs of living in the community, including education about employment and housing, socialization and recreation, coping skills, and other activities of daily living.

(11) Qualified mental health professionals. The term "qualified mental health professionals" means mental health professionals who are licensed or certified under the laws of the State in which they practice or, in the absence of such laws, meet the qualification standards determined by the Secretary.

NATIONAL ORGANIZATIONS ENDORSING THE WELLSTONE RESOLUTION

American Society of Addiction Medicine.
Bazelon Center for Mental Health Law.
National Association of Social Workers.
National Association of State Mental Health Program Directors.
National Council of Community Mental Health Centers.
National Mental Health Association.

AMENDMENTS SUBMITTED

RESOLUTION OF FAILED SAVINGS ASSOCIATIONS FUNDING LEGISLATION

RIEGLE (AND D'AMATO) AMENDMENT NO. 354

Mr. RIEGLE (for himself and Mr. D'AMATO) proposed an amendment to the bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Depositor Protection Act of 1993".

SEC. 2. THRIFT RESOLUTION FUNDING PROVISIONS.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) in paragraph (3), by striking "until April 1, 1992"; and

(2) by adding at the end the following new paragraphs:

"(4) RELEASE OF RTC FUNDS CONTINGENT ON CERTIFICATION BY THE CHAIRPERSON OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.—Of the amount appropriated under paragraph (3), not more than $10,000,000,000 shall be paid after the date of enactment of the Thrift Depositor Protection Act of 1993 by the Secretary of the Treasury to the Corporation until the Chairperson of the Thrift Depositor Protection Oversight Board (hereafter in this subsection referred to as the 'Chairperson') has certified under paragraph (5) to the Congress that a program that meets the criteria specified in paragraph (5) has been put into place to curb waste, fraud, and abuse at the Corporation.

"(5) CERTIFICATION.—The Chairperson shall certify to the Congress that—

"(A) the Corporation has formulated and is implementing, in a manner acceptable to the Chairperson, a program to—

"(i) strengthen internal controls against waste, fraud, and abuse;

"(ii) respond to problems identified by auditors;

"(iii) prepare a comprehensive business plan for the balance of the Corporation's mission;

"(iv) expand opportunities for minorities and women by, among other things, elevating the director of minority and women's programs to a vice presidential position and voting member of the executive committee and by reviewing and restructuring the use of basic ordering agreements to ensure that minorities and women are not inadvertently excluded;

"(v) improve the professional liability section of the Corporation by, among other things, appointing a senior attorney, at the assistant general counsel level or above, responsible for the professional liability section;

"(vi) improve management information systems to provide complete and current information on a cost-effective basis;

"(vii) strengthen contractor systems and contractor oversight, including contracting for legal services, by, among other things, appointing a senior officer whose responsibilities shall include setting uniform standards for contracting and enforcement and who shall be a voting member of the executive committee;

"(viii) provide for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the chief executive officer of the Corporation and who will comply with the provisions of sections 9105 and 9106 of title 31, United States Code;

"(ix) improve the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost; and

"(II) employing outside counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, subsection (t) of this Act, and regulations promulgated under those provisions, under a negotiated fee, contingent fee, or competitively bid fee agreement, if the use of outside counsel under such agreement or fee would provide the most cost-effective and appropriate resolution to the action; and

"(x) ensure that every regional office of the Corporation contains a client responsiveness unit responsible to the Corporation's ombudsman; and

"(B) the Thrift Depositor Oversight Board has provided for the appointment of an audit committee.

The certification shall be accompanied by a report that describes in detail the implementation of the program specified in the certification, including the specific measures that have been and are being undertaken to correct the problems identified.

"(6) TESTIMONY.—The Chairperson shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives 30 days prior to the expected expenditure of any funds requiring a certification under paragraph (4). The Chairperson shall, at the request of either committee, testify before such committee during the 30 days following the notification.

"(7) INABILITY TO CERTIFY.—If the Chairperson is unable to make a certification required by paragraph (4), the Chairperson shall notify the Congress and the Corporation of the reasons for the inability to provide the certification. Upon such notification, the Corporation shall—

"(A) begin to correct any deficiencies in the program described in paragraph (5), or explain why it is not possible to take such action; and

"(B) request that the Chairperson provide the certification.".

SEC. 3. SAVINGS ASSOCIATION INSURANCE FUND PROVISIONS.

Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended—

(1) by striking subparagraph (E) and inserting the following:

"(E) TREASURY PAYMENTS TO FUND.—

"(i) IN GENERAL.—To provide sufficient funding for the Savings Association Insurance Fund to carry out subparagraph (F), the Secretary of the Treasury shall pay to such Fund not later than September 30, 1998, out of moneys in the Treasury not otherwise appropriated, such amounts as the Secretary of the Treasury may find necessary, not to exceed $8,500,000,000.

"(ii) CERTIFICATION REQUIRED.—No funds shall be paid under clause (i) in any fiscal year unless the Chairperson of the Federal Deposit Insurance Corporation has first made a certification to the Congress in that year that further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis.";

(2) in subparagraph (F)—

(A) by striking "The Secretary" and all that follows through the colon and inserting the following: "From amounts provided in subparagraph (E), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund, for each fiscal year described in the following table, such amounts as the Corporation and the Secretary of the Treasury determine are necessary to pay insurance losses at failed institutions, unless the balance of the Fund meets the minimum net worth referred to in such table in the applicable fiscal year:";

(3) by striking subparagraph (H) and inserting the following:

"(H) DISCRETIONARY RTC PAYMENTS TO THE SAIF.—

"(i) IN GENERAL.—Upon request by the Corporation and not later than 2 years after the date on which the Resolution Trust Corporation terminates pursuant to section 21A(m) of the Federal Home Loan Bank Act, the Secretary of the Treasury may pay to the Savings Association Insurance Fund to carry out subparagraph (F), or to the FSLIC Resolution Fund, any funds made available by section 21A(i) of the Federal Home Loan Bank Act to be paid to the Resolution Trust Corporation that the Secretary of the Treasury determines are not required to meet the obligations of the Resolution Trust Corporation.

"(ii) USE OF FUNDS BY SAIF.—Funds paid to the Savings Association Insurance Fund under clause (i) may only be used to resolve institutions that the Director of the Office of Thrift Supervision has identified, not later than October 1, 1993, as problem institutions.";

(4) in subparagraph (J)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) the amount in clause (ii) shall be reduced by any funds provided in subparagraph (E)."; and

(5) by adding at the end the following:

"(K) RELEASE OF SAIF FUNDS CONTINGENT ON CERTIFICATION BY THE SECRETARY OF THE TREASURY AND THE CHAIRPERSON OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.—

"(i) INITIAL CERTIFICATION.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid by the Secretary of the Treasury to the Savings Association Insurance Fund until—

"(I) the Secretary of the Treasury, in consultation with the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that such additional funds are needed to meet obligations of such Fund to depositors, as set forth in subparagraph (F); and

"(II) the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that—

"(aa) further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis;

"(bb) such Fund is implementing a program to operate efficiently;

"(cc) such Fund is implementing a program to prevent waste, fraud, and abuse in its operations;

"(dd) the Corporation has provided for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the Chairperson of the Corporation, comply with the provisions of sections 9105 and 9106 of title 31, United States Code, and take appropriate steps to respond to any recommendations of the Comptroller General of the United States in the most recent audit of such Fund conducted under section 17(d), or certify that such action is not necessary or appropriate;

"(ee) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(ff) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(gg) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(hh) the Corporation is taking steps to improve the management of legal services by utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost, and, if the use of outside counsel would provide the most cost-effective and appropriate resolution to the action, employing such counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and regulations promulgated under those sections, under a negotiated fee, contingent fee, or competitively bid fee agreement.

"(ii) SECOND CERTIFICATION.—No funds in excess of $8,500,000,000 of the amount appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid by the Secretary of the Treasury to the Savings Association Insurance Fund until—

"(I) the Secretary of the Treasury, in consultation with the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that such additional funds are expected to be needed to meet obligations of such Fund to depositors, as set forth in subparagraph (F); and

"(II) the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that—

"(aa) further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis;

"(bb) such Fund is implementing a program to operate efficiently;

"(cc) such Fund is implementing a program to prevent waste, fraud, and abuse in its operations;

"(dd) the Corporation has provided for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the Chairperson of the Corporation, comply with the provisions of sections 9105 and 9106 of title 31, United States Code, and take appropriate steps to respond to any recommendations of the Comptroller General of the United States in the most recent audit of such Fund conducted under section 17(d), or certify that such action is not necessary or appropriate;

"(ee) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(ff) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(gg) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(hh) the Corporation is taking steps to improve the management of legal services by utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost, and, if the use of outside counsel would provide the most cost-effective and appropriate resolution to the action, employing such counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and regulations promulgated under those sections, under a negotiated fee, contingent fee, or competitively bid fee agreement.

The certifications required by this clause shall be made not later than 30 days before the date by which such additional funds are expected to be needed.

"(L) TESTIMONY.—The Secretary of the Treasury shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives 30 days prior to the expected payment of any funds requiring a certification under subparagraph (K). The Secretary of the Treasury and the Chairperson of the Corporation shall, at the request of either committee, testify before such committee during the 30 days following the notification.".

SEC. 4. APPEALS PROCEDURE.

Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Chairperson of the Thrift Depositor Protection Oversight Board shall certify to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that the Corporation has formulated and is implementing, in a manner acceptable to the Chairperson, a program to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) to terminate or otherwise adversely affect credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations.".

SEC. 5. FINAL REPORT ON RTC AND SAIF FUNDING.

(a) IN GENERAL.—The Secretary of the Treasury shall prepare and transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives final reports relating to the use of the funds provided by this Act to the Resolution Trust Corporation and the Savings Association Insurance Fund. Each such report shall contain a detailed description of the purposes for which the funds were used.

(b) TIME FOR SUBMISSION.—The reports described in subsection (a) shall be transmitted—

(1) not later than 45 days after the final expenditure of funds under this Act by the Resolution Trust Corporation; and

(2) not later than 45 days after the final expenditure of funds under this Act by the Savings Association Insurance Fund.

SEC. 6. THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUDIT COMMITTEE ESTABLISHED.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(w) THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUDIT COMMITTEE ESTABLISHED.—

"(1) IN GENERAL.—There is hereby established the Thrift Depositor Protection Oversight Board Audit Committee (hereafter referred to in this section as the 'Committee'), the members of which shall be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board.

"(2) FEDERAL ADVISORY COMMITTEE ACT NOT APPLICABLE.—The Committee shall not be deemed an 'advisory committee' within the meaning of section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 7. INDIVIDUAL SALES OF REAL PROPERTY BY THE RESOLUTION TRUST CORPORATION.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(x) INDIVIDUAL SALES OF REAL PROPERTY.—

"(1) IN GENERAL.—For 90 days after acquiring title to any real property, whether held directly or indirectly by an institution described in subsection (b)(3)(A) for which the Corporation is acting as receiver, the Corporation may sell any such property only on an individual basis.

"(2) EXCEPTION FOR CERTAIN RESOLUTIONS.—Notwithstanding paragraph (1), the Corporation shall not be required to set aside real property for a 90-day period for individual sales if such property is sold simultaneously with a resolution in which a buyer purchases assets and assumes liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution described in subsection (b)(3)(A) or in which assets are transferred to a new institution organized pursuant to the provisions of section 11(d)(2)(F) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1821(d)(2)(F)).".

SEC. 8. INDIVIDUAL SALES OF REAL PROPERTY BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 11(d) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1821(d)) is amended by adding at the end the following new paragraph:

"(20) INDIVIDUAL SALES OF REAL PROPERTY.—

"(A) IN GENERAL.—For 90 days after acquiring title to any real property, whether held directly or indirectly by an institution for which the Corporation has been appointed receiver pursuant to subsection (c), the Corporation may sell any such property only on an individual basis.

"(B) EXCEPTION FOR CERTAIN RESOLUTIONS AND BRIDGE BANK PURCHASES.—Notwithstanding subparagraph (A), the Corporation shall not be required to set aside real property for a 90-day period for individual sales if such property is sold simultaneously with a resolution in which a buyer purchases assets and assumes liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution for which the Corporation has been appointed receiver pursuant to subsection (c) or in which assets are transferred to—

"(i) a bridge bank organized in accordance with the provisions of subsection (n);

"(ii) a new national bank organized in accordance with the provisions of subsection (m); or

"(iii) a new institution organized pursuant to the provisions of paragraph (2)(F) of this subsection.".

SEC. 9. LIMITATION ON CASH BONUSES.

Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 1833b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Federal Deposit Insurance Corporation"; and

(2) by adding at the end the following subsection:

"(b) LIMITATIONS ON CASH BONUSES BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.—Notwithstanding the provisions of subsection (a)—

"(1) no executive-level employee of the Federal Deposit Insurance Corporation who is on assignment to the Resolution Trust Corporation or whose work is allocable to the Savings Association Insurance Fund shall receive a cash bonus in excess of that which may be awarded to a Senior Executive Service employee pursuant to chapter 53 of title 5, United States Code; and

"(2) no employee of the Federal Deposit Insurance Corporation on assignment to the Resolution Trust Corporation or whose work is allocable to the Savings Association Insurance Fund shall receive any cash bonus if such employee has given notice of an intent to resign to take a position in the private sector before the payment of such cash bonus or accepts employment in the private sector not later than 60 days after receipt of such bonus.".

SEC. 10. WHISTLE BLOWER PROTECTION.

(a) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—Section 21A(q) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)) is amended—

(1) in paragraph (1), by striking "regarding" and all that follows through the end of the sentence and inserting the following:

"regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the Corporation, the Oversight Board, or such person or any director, officer, or employee of the Corporation, the Oversight Board, or the person."; and

(2) by inserting after paragraph (4) the following:

"(5) Burdens of proof.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this subsection.".

(b) Amendments to the Federal Deposit Insurance Act.—Section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) is amended—

(1) in subsection (a)(1), by striking "regarding" and all that follows through the end of the sentence and inserting the following:

"regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution."; and

(2) by adding at the end the following:

"(f) Burdens of Proof.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this section.".

SEC. 11. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) Deputy chief executive officer.—There is established the office of deputy chief executive officer of the Corporation. The Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer, may appoint the deputy chief executive officer, who shall be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i) of this paragraph. The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) Acting chief executive officer.—

"(i) In general.—Subject to subparagraph (C), the chief executive officer may designate the deputy chief executive officer to act as chief executive officer if the chief executive officer dies, resigns, or is sick or absent; or if the chief executive office fails to make such a designation or is unable to make such a designation due to death or disability, the Chairperson of the Thrift Depositor Protection Oversight Board may designate the deputy chief executive officer to act as chief executive officer if the chief executive officer dies, resigns, or is sick or absent.

"(ii) Powers.—An acting chief executive officer designated under clause (i) shall possess the power to perform the duties vested in the chief executive officer pursuant to subparagraph (D).".

SEC. 12. GENERAL COUNSEL OF THE RESOLUTION TRUST CORPORATION.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)), as amended by section 11 of this Act, is amended by adding at the end the following new subparagraph:

"(G) General counsel.—There is established the office of general counsel of the Corporation. The chief executive officer, with the concurrence of the Chairperson of the Thrift Depositor Protection Oversight Board, may appoint the general counsel, who shall be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i). The general counsel shall perform such duties as the chief executive officer may require.".

SEC. 13. INSPECTOR GENERAL OF FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) Amendments to the Inspector General Act of 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 11—

(A) in paragraph (1), by striking "the chief executive officer of the Resolution Trust Corporation;" and inserting "the chief executive officer of the Resolution Trust Corporation; and the Chairperson of the Federal Deposit Insurance Corporation;"; and

(B) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "Resolution Trust Corporation,";

(2) by inserting after section 8B the following new section:

"SEC. 8C. SPECIAL PROVISIONS CONCERNING THE FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) Delegation.—The Chairperson of the Federal Deposit Insurance Corporation may delegate the authority specified in the second sentence of section 3(a) to the Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

"(b) Personnel.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of the Federal Deposit Insurance Corporation may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Federal Deposit Insurance Corporation.";

(3) by redesignating sections 8C through 8F as sections 8D through 8G, respectively; and

(4) in section 8F(a)(2), as redesignated, by striking "the Federal Deposit Insurance Corporation,".

(b) Position at Level IV of the Executive Schedule.—Section 5315 of title 5, United States Code, is amended by inserting after "Inspector General, Small Business Administration." the following:

"Inspector General, Federal Deposit Insurance Corporation.".

(c) Transition Period.—The individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the effective date of this section may continue to serve in such position until and unless the President appoints a successor under section 3(a) of the Inspector General Act of 1978, except as otherwise provided by law. For the purposes of the preceding sentence, the term "successor" may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this section.

SEC. 14. AUTHORITY TO EXECUTE CONTRACTS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(y) Authority To Execute Contracts.—

"(1) Authorized persons.—A person may execute a contract on behalf of the Corporation for the provision of goods or services only if—

"(A) that person—

"(i) is a warranted contracting officer appointed by the Corporation, or is a managing agent of a savings association under the conservatorship of the Corporation; and

"(ii) provides appropriate certification or other identification, as required by the Corporation in accordance with paragraph (2);

"(B) the notice described in paragraph (4) is included in the written contract; and

"(C) that person has appropriate authority to execute the contract on behalf of the Corporation in accordance with the notice published by the Corporation in accordance with paragraph (5).

"(2) Presentation of identification.—Prior to executing any contract described in paragraph (1) with any person, a warranted contracting officer or managing agent shall present to that person—

"(A) a valid certificate of appointment (or such other identification as may be required by the Corporation) and signed by the appropriate officer of the Corporation; or

"(B) a copy of such certificate, authenticated by the Corporation.

"(3) Treatment of unauthorized contracts.—A contract described in paragraph (1) that fails to meet the requirements of this section—

"(A) shall be null and void; and

"(B) shall not be enforced against the Corporation or its agents by any court.

"(4) Inclusion of notice in contract terms.—Each written contract described in paragraph (1) shall contain a clear and conspicuous statement (in boldface type) in immediate proximity to the space reserved for the signatures of the contracting parties as follows:

"'Only warranted contracting officers appointed by the Resolution Trust Corporation or managing agents of associations under the conservatorship of the Resolution Trust Corporation have the authority to execute contracts on behalf of the Resolution Trust Corporation. Such persons have certain limits on their contracting authority. The nature and extent of their contracting authority levels are published in the Federal Register.

"'A warranted contracting officer or a managing agent must present identification in the form of a signed certificate of appointment (or an authenticated copy of such certificate) or other identification, as required by the Corporation, prior to executing any contract on behalf of the Resolution Trust Corporation.

"'ANY CONTRACT THAT IS NOT EXECUTED BY A WARRANTED CONTRACT OFFICER OR THE MANAGING AGENT OF A SAVINGS ASSOCIATION UNDER THE CONSERVATORSHIP OF THE RESOLUTION TRUST CORPORATION, ACTING IN CONFORMITY WITH HIS OR HER CONTRACTING AUTHORITY, SHALL BE NULL AND VOID, AND WILL NOT BE ENFORCEABLE BY ANY COURT.'.

"(5) Notice of requirements.—Not later than 30 days after the date of enactment of this Act, the Corporation shall publish notice in the Federal Register of—

"(A) the requirements for appointment by the Corporation as a warranted contracting officer; and

"(B) the nature and extent of the contracting authority to be exercised by any warranted contracting officer or managing agent.

"(6) Exception.—This section does not apply to—

"(A) any contract between the Corporation and any other person governing the purchase or assumption by that person of—

"(i) the ownership of a savings association under the conservatorship of the Corporation; or

"(ii) the assets or liabilities of a savings association under the conservatorship or receivership of the Corporation; or

"(B) any contract executed by the Inspector General of the Corporation (or any designee thereof) for the provision of goods or services to the Office of the Inspector General of the Corporation.

"(7) EXECUTION OF CONTRACTS.—For purposes of this subsection, the execution of a contract includes all modifications to such contract.

"(8) EFFECTIVE DATE.—The requirements of this subsection shall apply to all contracts described in paragraph (1) executed on or after the date which is 45 days after the date of enactment of this subsection.".

SEC. 15. TERMINATION DATE OF THE CORPORATION.

Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

SEC. 16. ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(z) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(1) APPOINTMENT.—The Corporation shall appoint, within the Division of Legal Services of the Corporation, an Assistant General Counsel for Professional Liability who shall report to the Associate General Counsel for Litigation and the chief executive officer of the Corporation.

"(2) DUTIES.—The Assistant General Counsel for Professional Liability appointed under paragraph (1) shall—

"(A) direct the investigation, evaluation, and prosecution of all professional liability cases involving the Corporation; and

"(B) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(3) REPORTS TO THE CONGRESS.—The Assistant General Counsel for Professional Liability shall submit semiannual reports to the Congress not later than April 30 and October 31 of each year concerning the activities of the Assistant General Counsel.".

SEC. 17. DEFINITION OF PROPERTY.

(a) Section 9102(e) of the Department of Defense Appropriations Act, 1990 (16 U.S.C. 396f note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

(b) Section 12(b)(7)(vii) of Public Law 94-204 (43 U.S.C. 1611 note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, May 12, 1993, at 2:30 p.m., in open session, to receive testimony on the Chairman of the Joint Chiefs or Staff report on the roles, missions, and functions of the Armed Forces of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on "Freedom of Access to Clinics" during the session of the Senate on Wednesday, May 12, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nominations of Jerry W. Bowen to be Director of the National Cemetery System, D. Mark Catlett to be Assistant Secretary for Finance and Information Resources Management, Mary Lou Keener to be general counsel, and Edward P. Scott to be Assistant Secretary for Congressional Affairs. The hearing will be held in room 418 of the Russell Senate Office Building at 10:30 a.m. on Wednesday, May 12, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 12, 1993, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. MITCHELL. Mr. President, I ask that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 12, beginning at 10 a.m., to conduct a hearing on superfund reauthorization with EPA Administrator, Carol M. Browner testifying.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 12, 1993, at 10 a.m. to hold a hearing on "Fiscal Year 1994 Foreign Relations Authorization Act: Budget Requests."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 12, 1993, at 2 p.m. to hold a hearing on "The United Nations: Establishment of an International Criminal Court."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

I'M HERE: AN INTERVIEW WITH ANDREW SULLIVAN

Mr. SIMON. Mr. President, the Senate is occupied, among other things, on the question of whether there should be gays in the military. It is part of a more fundamental question we are grappling with in our society.

My strong belief is that we should not discriminate, but there are others who have equally strong beliefs in the opposite direction.

This is not a troubling question only for those of us who create public policy and for our constituents. Recently, I read in America, the fine publication of the Jesuits, an interview by Thomas H. Stahel, S.J., executive editor of America, with Andrew Sullivan, editor of the New Republic and someone who is openly gay. He is not only openly gay, he is also a practicing and conscientious Roman Catholic.

How does he handle this struggle? The article is a good insight into this whole matter.

At one point in the interview, Andrew Sullivan says: "Homosexuality is, so far as one can tell, an involuntary condition."

The scientific evidence on that is now very strong.

I did not take an interest in girls because my father at some point told me, "Paul, you better take an interest in girls." It came very naturally. It was part of my genetic makeup. Others have a different genetic makeup. And the point that President Clinton is trying to make is that people should be judged on their conduct, not by their genes.

That does not seem to me to be too radical a step.

I ask to insert into the RECORD at this point the interview conducted by Father Thomas Stahel, "'I'm Here': An Interview with Andrew Sullivan." And I urge my colleagues who are concerned about this question to read this interview.

The interview follows:

[From America, May 8, 1993]

"I'M HERE": AN INTERVIEW WITH ANDREW SULLIVAN

(Andrew Sullivan, 30 years old, is editor of The New Republic. English by birth, Mr. Sullivan studied modern history at Oxford University, where he was also president of the Union. He then won a Harkness Fellowship to Harvard and wrote a Ph.D. dissertation on

Michael Oakeshott, the British political philosopher. In a talk he gave at the New York Public Library earlier this year on journalism and minorities, he expressed enthusiasm for the openness of America society—citing his editorship of The New Republic as an example of it. His writings have touched on themes, among others, having to do with Catholic thought and gay life. This interview took place in his office at the magazine, in Washington, D.C., March 19, 1993. The interviewer was Thomas H. Stahel, S.J., executive editor of America.

You are both Catholic and gay and open about both, and it would be helpful to others in the church to know how you bring those two parts of your life together, in view of official church teaching on homosexuality and also in view of your evident respect for the Catholic tradition.

Well, part of what I've found frustrating is the notion that I've made some public announcement that I was these two things—which is not true. The fact of the matter was that both those things were part of my life, as a human being, when I got this job. As a writer, I had written about both areas of my life. As a journalist, my first material—and I've always found this—is trying to understand oneself and one's life through telling these things. That's why I studied philosophy and theology and why I found myself drawn to writing about and wrestling with issues of sexuality. So it was what everybody else said, it was they that presented this matter as such.

It's very hard to know where to start in saying how you actually reconcile the two elements, and it is something profoundly personal and private. There were two things I didn't want to do, however. One, I did not want to lie about either. I did not feel that that was intellectually or spiritually worthy. And I did not want to make an issue of this with the church either. It was foisted upon me. I was asked the questions. As the editor of a public magazine, I was, to some extent, obliged to answer them.

It was not as if you wished to issue a challenge, then?

No, not at all. And I have not, in anything that I've written. I think I've been extremely respectful of the authority of the church—I mean, authority as it is understood in the church's complex notion. That's not what I wanted to do. I've never challenged the church. I've always attempted to understand its teachings on sexuality within the context of the teachings of the church on broader notions of sexuality and in general.

On the other hand, of course, I do try and live a life that is not in complete internal conflict. But I don't believe that any Christian or any person trying to live a life of faith expects a life which is not full of conflict. One of the things I've tried to resist is the temptation to resolve contradictions. There are some convictions which cannot be resolved or explained away that have to be lived with. It would be, I think, an insult both to the intellectual coherence of a great deal of the church's teaching and to what I hope may be the moral integrity of my own and many other people's lives, to say that contradiction can easily be avoided.

There was a moment once in a talk I gave at the University of Virginia, on the politics of sexuality. At the end of the talk, a young kid, who must have been about 19, said, "I'm struggling with this. I'm gay, and I'm in the church, and I don't know what to do. Can you help me?" And I said, "No, I can't help you. I don't have the moral authority to help anybody." Undoubtedly, the very fact of my existence, at some level, in the public area, has provoked and prompted an enormous number of letters and an enormous amount of interest from people in exactly the same position—who want desperately to have a life that can be spiritually and morally whole. The church as presently constituted refuses to grapple with this desire.

I'm not being very coherent. If I were writing an article, I'd be more coherent.

Your argument, in any case, has to do with a contradiction that nevertheless cannot be avoided.

There is a basic contradiction. I completely concede that, at one level. At another level—and I confronted this, actually, with my first boyfriend, who was also Roman Catholic. When he had a fight one day, he said: "Do you really believe that what we are doing is wrong? Because if you do, I can't go on with this. And yet you don't want to challenge the church's teaching on this, or leave the church." And of course I was forced to say I don't believe, at some level, I really do not believe that the love of one person for another and the commitment of one person to another, in the emotional construct which homosexuality dictates to us—I know in my heart of hearts that cannot be wrong. I know that there are many things within homosexual life that can be wrong—just as in heterosexual life they can be wrong. There are many things in my sexual and emotional life that I do not believe are spiritually pure, in any way. It is fraught with moral danger, but at its deepest level it struck me as completely inconceivable—from my own moral experience, from a real honest attempt to understand that experience—that it was wrong.

I experienced coming out in exactly the way you would think. I didn't really express any homosexual emotions or commitments or relationships until I was in my early 20's, partly because of the strict religious upbringing I had, and my commitment to my faith. It was not something I blew off casually. I struggled enormously with it. But as soon as I actually explored the possibility of human contact within my emotional and sexual makeup—in other words, as soon as I allowed myself to love someone—all the constructs the church had taught me about the inherent disorder seemed just so self-evidently wrong that I could no longer find it that problematic. Because my own moral sense was overwhelming, because I felt through the experience of loving someone or being allowed to love someone, an enormous sense of the presence of God—for the first time in my life.

Within the love?

Yes.

And within the sexual expression of that love?

The mixture of the two, the inextricable mixture of the two. I mean, I felt like I was made whole.

Having made this discovery that you were whole for the first time, how then did you retain your respect and reverence for the church understood as a contrary tradition?

It's very curious, I think, because I've never felt anger toward the church. I know I'm weird in this regard.

Many gay people do feel anger.

Enormous anger, enormous. They've left. The depth of the pain that's been caused people—I mean, real pain—not only by the laity, but by the clergy too, is extraordinary. Honestly and truly, there are few subjects on which the church is now, by virtue of its teaching, inflicting more pain on human beings than this subject—real physic, spiritual pain. I'm not sure why I don't feel anger. I have always, I think, assumed that I probably don't understand enough to experience anger, that the church was never meant to be a perfect institution, that it was grappling and finding and struggling to find its way toward the truth of its own doctrine, the truth of its own mission.

The official church teaching is at a loss to deal with homosexuality, in my view, because according to this official moral teaching homosexuality has no finality. Any comment?

It is bizarre that something can occur naturally and have no natural end. I think it's a unique doctrine, isn't it? The church now concedes—although it attempts to avoid conceding it in the last couple of letters—but it has essentially conceded and does concede in the new Universal Catechism. . . .

Have you seen it?

I've read it in French, yes.

What does it concede?

That homosexuality is, so far as one can tell, an involuntary condition.

An "orientation"?

Yes, and that it is involuntary. The church has conceded this: Some people seem to be constitutively homosexual. And the church has also conceded compassion. Yet the expression of this condition, which is involuntary and therefore sinless—because if it is involuntary, obviously no sin attaches—is always and everywhere sinful! Well, I could rack my brains for an analogy in any other Catholic doctrine that would come up with such a notion. Philosophically, it is incoherent, fundamentally incoherent. People are born with all sorts of things. We are born with original sin, but that is in itself sinful—an involuntary condition but it is sin.

The analogy might be thought to be disability, but at the core of what disabled human beings can be—which means their spiritual and emotional life—the church not only affirms the equal dignity of disabled people in that regard but encourages us to see it and to take away the prejudice of not believing a disabled person can lead a full and integrated human life even though they cannot walk or they experience some other disability.

But the disability that we are asked to believe that we are about is fundamental to our integrity as emotional beings, as I understand it. Now, I have tried to understand what this doctrine is about because my life is at stake in it. I believe God thinks there is a final end for me and others that is related to our essence as images of God and as people who are called to love ourselves and others. I am drawn, in the natural way I think human beings are drawn, to love and care for another person. I agree with the church's teachings about natural law in that regard. I think we are called to commitment and to fidelity, and I see that all around me in the gay world. I see, as one was taught that one would see something in natural law, self-evident activity leading toward this final end, which is commitment and love: the need and desire and hunger for that. That is the *sensus fidelium*, and there is no attempt within the church right now even to bring that sense into the teaching or into the discussion of the teaching.

You see it even in the documents. The documents will say, on the other hand compassion, on the other hand objective disorder. A document that can come up with this phrase, "not unjust discrimination," is contorted because the church is going in two different directions at once with this doctrine. On the one hand, it is recognizing the humanity of the individual being; on the other, it is not letting that human being be fully human.

Would you agree that the acknowledgment of this issue within Catholic family life will inevitably change the way the church expresses itself toward people who are professedly homosexual?

I would probably. My family is an interesting example. My mother is a very devout Catholic. My sister is a devout and practicing Catholic. Both are now pillars of moral and emotional support for me, and for gay people in general. That, I think, is the authentically Catholic response. And the family is the key to broader change. I think that's how it will get resolved in society in general, because homosexuality—when you actually look at it people whom you need and love—is a very different issue from when it's some abstract mode of being or some closeted, repressed mode of being, which is equally abstract. Once it is actually human—well, there are many sides to the Catholic temperament and sensibility, but one great strand is its ability to understand the human experience and empathize with it. That will overcome so much, I think.

Of course, there's "Hate the sin, but love the sinner." But as we've said, it's no longer that. It's "Accept the condition, and reject the conditioned." That's what it is.

As the church's present policy . . .

That's the present policy. But that will not hold, because it is intellectually incoherent. I have searched in vain for a truly coherent intellectual defense of the position that doesn't merely come down to "We're sorry."

Also, I think that the competence and the change in gay society as a whole, in American society as a whole, will trickle in. I think in a small way someone like me has an effect on people: Well, here's someone who looks like a real human being, who is responsible, who can do a job, who doesn't seem to be depraved or dysfunctional or disordered in any more than a usual sense. Do we really think this person merits this particular censure, so much that we could not tolerate being in the same march or organization or pew?

If you had been a consultor to New York's Cardinal John J. O'Connor, how would you have advised him to act with respect to gays seeking to march in the St. Patrick's Day parade? [ED.: This conversation took place two days after St. Patrick's Day.]

He's in an impossible position. He really is. I think there could have been a far clearer statement from the Cardinal that gay human beings are human beings and that the church fights for the dignity of every human being and fights for the dignity of every homosexual human being. He could have made that statement and distinguished it—however incoherently, but he could have distinguished it—from an endorsement of a particular political platform that approves something the church still believes is a sin.

Once, I remember, I was downtown late on a Sunday afternoon, and I wanted to go to Mass, and I was wearing a gay T-shirt, the question was whether I could go to Mass wearing this T-shirt. And I did, because as a gay person I am a human being, and the church says that. The way that the Cardinal Archbishop of New York behaved, I think, failed to make that important distinction—which, given the existence of bigotry, was an extremely unnerving stance.

Why would you have characterized his position as "impossible"?

Because the church's position is so incoherent. You can't really say, "We love gay people, but you can't be gay." You have to assume, if they're marching as gay people that they practice. But of course the church is there defining gay people by a sexual act in a way it never defines heterosexual people, and in this the church is in weird agreement with extremist gay activists who also want to define homosexuality in terms of its purely sexual content. Whereas being gay is not about sex as such. Fundamentally, it's about one's core emotional identity. It's about whom one loves, ultimately, and how that can make one whole as a human being.

The moral consequences, in my own life, of the refusal to allow myself to love another human being were disastrous. They made me permanently frustrated and angry and bitter. It spilled over into other areas of my life. Once that emotional blockage is removed, one's whole moral equilibrium can improve, just as a single person's moral equilibrium in a whole range of areas can improve with marriage, in many ways, because there is a kind of stability and security and rock upon which to build one's moral and emotional life. To deny this to gay people is not merely incoherent and wrong, from the Christian point of view. It is incredibly destructive of the moral quality of their lives in general. Does that make sense? These things are part of a continuous moral whole. You can't ask someone to suppress what makes them whole as a human being and then to lead blameless lives. We are human beings, and we need love in our lives in order to love others—in order to be good Christians! What the church is asking gay people to do is not to be holy, but actually to be warped.

Technically, the church is asking gay people to live celibately.

Right. But let's take that for a minute. Celibacy for the priesthood, which is an interesting argument and one with which I have a certain sympathy, is in order to unleash those deep emotional forces for love of God. Is the church asking this of gay people? I mean, if the church were saying to gay people, "You are special to us, and your celibacy is in order for you to have this role and that role and this final end," or if the church had a doctrine of an alternative final end for gay people, then it might make more sense. It would be saying God made gay people for this, not for marriage or for children or for procreation or for emotional pairing, but He made gay people in order to—let's say—build beautiful cathedrals or be witnesses to the world in some other way. But the church has *no* positive doctrine on this at all. You see, that would be a coherent position at some level—that, for some mysterious reason, God made certain people with full sexual and emotional capability and required them to sublimate that capability into other areas of life.

So you don't really accept the analogy of homosexuality to a handicap?

Not really. There are various ways in which that analogy doesn't work. It's not a physical handicap, clearly. It's not as if there's a physical impediment. It's the possible analogy to a mental handicap that is more interesting—because that's the closest it comes to what one might call an "objective disorder." But in a mentally handicapped person, the acts that person commits under the influence of that handicap are not morally culpable. When an epileptic knocks someone out in the process of a fit, that act is not regarded as an intrinsic moral evil, as is understood of a homosexual act. The acts of a retarded person are morally blameless insofar as they are produced by their handicap. But with gay people, the condition is like a handicap, but its expression is an intrinsic moral evil!

In the strongest terms one can use, the argument is intellectually contemptible. It really is. It's an insult to thinking people.

If that's the worst possible construction that can be put on the church's present teaching, what is the best?

Well, the best is that human sexuality is procreative, inextricably procreative, and that human beings are somehow meant to be that way, and that any expression of their sexuality is related to Human Life [the title of Paul VI's 1968 encyclical]. It's part of a continuous doctrinal argument. Undoubtedly, the impulse behind that reasoning is not merely biological but is to protect and promote human well-being as much as possible.

Do you see homosexual love as procreative?

It can't be procreative.

Not in the technical sense, but in some metaphorical or otherwise more significant sense than the merely biological?

In terms of the other thing the church understands conjugal love to be about, insofar as it teaches one the disciplines of love, yes, it's procreative. Marriage in its broadest sense teaches us something, I think, about the love of God for man. . . . that's part of it. The permanent commitment of one person to another teaches human beings—the church teaches—what love is. In that sense, the love of one man for another man, or the love of one woman for another woman, in that conjugal bond, teaches exactly the same thing.

There is also enormous capacity, I think, for gay people to adopt children. Again, the church does not see that, in its attempt to care about the unborn—it's never been so imaginative as to say, If we are interested in adoption and caring for children—which is the important other side of a pro-life stand—here are all these people able to love. Why not put the potential with the need?

What has been your own experience of pastoral care within the Catholic Church? Granted the possibility of a difference between official teaching and sympathetic advice of a counselor or priest, have you been well treated?

Yes, in general. But I have to say that I find it increasingly difficult. Once I had lost, at one point, my prime confessor who knew me, it was hard for me to reconstruct it all for someone else for fear of rejection. You never know what you are going to get back. For a Catholic that sometimes is the great. . . . I mean, I've heard stories about people who have been wounded, deeply, by brusque treatment, a complete inability to understand what this is about. But, personally, I have nothing but positive things to say.

My parish in Washington is the cathedral parish. I go there for Mass on Sunday, and the congregation must be about 25 percent gay—I mean, it's the mid-city. There is almost no ministry to gay people, almost no mention of the subject. It is shrouded in complete and utter silence, which is the only practical way they can find to deal with it. Partly, of course—and here I'm not speaking of this particular cathedral or any particular congregation—because of the *great* tragedy of the church in what it requires of its own gay clergy. I mean, this horrific bargain they have to strike, which is not only are they required to be silent about their own sexuality but, the repression is so great, they cannot even bring themselves to speak about it. It would bring up so much emotion and difficulty that it's best not even to touch upon it.

This is not a defense of a non-celibate clergy. The gay priest, in a way, would be ideal. If the church were really true to its convictions, it would be perfectly happy with openly gay priests who were also openly celibate, because presumably celibacy is the only issue the church has with homosexuals. Maybe the church should say the final end of all gay people is the priesthood—explicitly rather than implicitly. That would be a final end.

But it doesn't. It's crippled by its own internal inconsistency.

I think that in every statement the church makes, given the forces within our society as a whole, it has to be extremely careful that its doctrines not be misunderstood—especially in this matter—for fear that it become an accomplice to all sorts of forces that, of all things, it really should not be an accomplice to. People are beaten up. People are killed, actually, for their sexual orientation—on the streets, in bars, in the military. Slurs are made. This is surely something the church should oppose.

It's amazing that these distinctions are not made. If the church believed in its own position, it would constantly be making these distinctions, saying, for example, "We can't accept an explicitly pro-sexual-activity cohort in the [St. Patrick's Day] march. . . . But we do believe that gay men and women are human beings, that they have dignity, that they are to be protected, that bigotry against them is to be resisted, that violence against them is to be opposed at all levels." There are ways in which you can frame these questions. The church has an obligation to teach both—if it's going to teach this doctrine.

But, you see, I think the church, at the highest levels, does not believe this. I think that on this doctrine, more than many others actually, the church is suffering from a crisis of its own internal conviction. Because homosexuality is not a new subject for the Roman Catholic Church. It is not a distant subject. It is at the very heart of the hierarchy, so every attempt to deal with it is terrifying. But the fact of the matter is, if the church is to operate in the modern world, the conspiracy of silence is ending. So something has to be said. And the something that has to be said has to be coherent, or it will be exposed, as incoherence is always exposed.

There is so much in the church's doctrine that could give us an ability—even within the current doctrine—to present it in a positive way. I think the inability to do so suggests that, on the part of the hierarchy, there's a problem.

What are the good and positive elements in the Catholic tradition that could lead us to a more coherent position?

Natural law! Here is something [homosexuality] that seems to occur spontaneously in nature, in all societies and civilizations. Why not a teaching about the nature of homosexuality and what its good is. How can we be good? Teach us. How does one inform the moral lives of homosexuals? The church has an obligation to *all* its faithful to teach us how to live and how to be good—which is not merely dismissal, silence, embarrassment or a "unique" doctrine on one's inherent disorder. Explain it. How does God make this? Why does it occur? What should we do? How can the doctrine of Christian love be applied to homosexual people as well?

Now it may be this search will turn up all sorts of options and possibilities. There may be all sorts of notions and debate about the nature of this phenomenon and what its final end might be. But that it *has* a final end is important. The church has to understand—people in the church have to understand—what it must be to grow up loving God and wanting to live one's life well and truly, as a human being, able to love and contribute and believe, and yet having nothing.

I grew up with nothing. No one taught me anything except that this couldn't be mentioned. And as a result of the total lack of teaching, gay Catholics and gay people in general are in crisis. No wonder people's lives—many gays lives—are unhappy or distraught or in dysfunction, because there is no guidance at all. Here is a population within the church, and outside the church, desperately seeking spiritual health and values. And the church refuses to come to our aid, refuses to listen to this call.

You know, I see something like the AIDS quilt. What an extraordinary and spiritual thing that was, and this was done by people who are denied any spiritual support. What has happened with AIDS is the most extraordinary event for so many people of my generation, who have seen many of our friends die. The spiritual dimension of this event is enormous, and the need for the church to provide some structure, some hope, some spiritual guidance and balm—and nothing! Virtually nothing.

The quilt was in Washington. It is made by families, many of them Catholic, mothers and fathers and sons and daughters, who found somehow in their own lives a way to sacramentalize the lives of their sons and daughters, and to go to the Mall and do it. That afternoon, I went to church. The Gospel was about the 10 lepers who were cleansed and the one who came back to give thanks [Lk. 17:11–19]. This Gospel, on this day of all days—when I had read the names of my friends on a loudspeaker—with its notion of the double alienation of being a leper and a Samarian, like suffering a plague and being gay: It was too perfect.

The sermon was about modern leprosy and how it was being cured. The bidding prayers had no reference to AIDS whatsoever, whereas a quarter of the congregation had been stricken or had seen it directly in their own lives. What is the church for? Could it not see this?

For the first time, I went up to the priest afterward and I said, "I just want you to know that I've just been to the quilt. It's here in Washington. It's the most extraordinary event. I came here to pray. I came for what the church is here for, to help me, and to help me understand this. And you said—with this Gospel—you said nothing! Don't you understand how that must feel?"

He said, "Well, we prayed for the sick."

"Sure," I said. "But isn't there anybody here who can witness to what is happening?"

"Well, you are a witness to it."

And I said, "Well, you should be the witness to it."

In other words, there are basic, human, spiritual needs among gays that the church refuses to minister to, uniquely among all human beings. Even to ask the question "How can we help you?" or "How can we inform your moral and emotional life?" That is the church's first duty to its members and to the world at large, and it's refusing to live up to it, to such an extent that people have to do it themselves. The quilt was a great cathedral, really, a spontaneous cathedral, but it was an indictment of the church's inability to deal with it.

Do you think the church's denial is hardheartedness, or fear and confusion?

The latter. I'm not angry at the church, because I do not believe the church is an evil institution. I do not believe it wants to hate gay people. I think the church just cannot cope. It's like a family that cannot talk about this even though its own son or daughter is gay.

That's why I think the family is important here . . .

Yes. If the analogy is complete, nothing can be healed until this can be dealt with.

Maybe the healing will come precisely from the families who deal with the issue more directly at the level of human love.

Exactly.

One problem in that case is that the hierarchy, who are the authorities, do not have to deal with gay children the way your mother did.

Also it's incumbent upon gay Catholics, just as it is always incumbent upon the gay child, to say, "I'm here." There's a two-way street.

You know, I see so many ways in which people are trying to say that, but they are so fearful of the rejection that they can't say it. I listen to gay America, and I hear this great cry for spiritual help. It doesn't sound like that a lot of the time. It sounds like anger, or protest. Many of the movements are semi-religious. And look at their tenacity. Look at Dignity, look at what people are doing to insist upon the spiritual possibilities, despite the disincentives.●

TRIBUTE TO THE EMPLOYEES OF FILMTEC CORP., EDINA, MN

● Mr. DURENBERGER. Mr. President, it has been said that we never know the worth of water until the well is dry. The United States troops who were sent to Somalia almost learned that lesson while at sea of all places. But, fortunately, thanks to the efforts and the determination of the patriotic work force at FilmTec Corp. in Edina, MN, our troops were guaranteed a safe supply of drinking water.

With the recent international demands that have been placed upon the U.S. Armed Forces, the military discovered that the climate and the environment had taken a toll on the cleansing membranes of their purification units. When the United States moved into Somalia to provide humanitarian and peacekeeping assistance to Somalis, the military discovered worn membranes and sought emergency help from the company that has been supplying their sea water desalination reverse osmosis elements since 1986. This company, FilmTec, which is a subsidiary of the Dow Chemical Co., is the leading manufacturer of reverse osmosis membranes and is a pioneer in thin film composite membrane technology.

Within a few weeks, the 250 people who work at FilmeTec Corp. had produced 3,600, 6-inch by 40-inch membranes for the portable drinking units. In order to complete this task, they worked in 12-hour shifts, 24 hours a day, 7 days of the week, and the membranes were practically shipped out as soon as they were completed. The portable drinking units offered the U.S. military flexibility, safe and rapid water production. The employees of FilmTec certainly aided our service women and men in their overseas efforts by ensuring our military personnel's effectiveness and well-being.

Indeed, it is appropriate to take this time to thank the dedicated and freedom loving citizens at FilmTec Corp. as our military efforts in Somalia are nearing completion. Their efforts in assisting our Armed Forces fulfill our Nation's humanitarian mission to the suffering people of Somalia. Credit and thanks belong to everyone at FilmTec for being united in purpose, in pride, and in accomplishment.•

MOST INFLUENTIAL AMERICANS

• Mr. SIMON. Mr. President, I recently had the opportunity to read a speech given by the then-chancellor of the University of Wisconsin at Madison, Donna E. Shalala, now our Secretary of Health and Human Services.

It is an insight into her thinking about the massive unmet needs of our country, and it is also a practical guideline for what we have to do.

I have always felt that the President's appointment of Donna Shalala was an excellent appointment, but I feel even better about it having read her comments.

I ask to insert them in the RECORD at this point.

The remarks follows:

[Ganders Lecture Series, Syracuse University, Oct. 17, 1991]

THE MOST INFLUENTIAL AMERICANS: WHAT'S WRONG WITH THIS PICTURE?

(By Chancellor Donna E. Shalala, University of Wisconsin-Madison)

This room brings back many memories—I first taught here in 1968. I'm grateful for the rigorous training I received at Syracuse. I am grateful for the extraordinary teacher-scholars who provided a first-rate graduate program.

This university has many great traditions, and one of them is its tradition of public service. Here, scholars are equipped with the practical skills and theoretical background that give them the ability not just to change their own lives, but to change the world. I owe a deep debt to Scotty Campbell, Steve Bailey, Seymour Sacks, Bill Mangin, Jesse Burkhead, Guthrie Burkhead—my teachers.

A few weeks ago, all of us were humbled by the grace and courage of the Russian citizens who rallied around Boris Yeltsin. By the soldiers who lay down their arms and extended their hands. Our hearts pounded when they told the regressive bullies, no, we will not be moved.

We marveled at the extraordinary challenge to the common woman and man in the failed coup attempt in the Soviet Union. Would we Americans be equal to the challenge, we wondered? Would Americans risk their lives for the things they hold most dear?

I know that we would. No matter how inept our congress. Americans are a generous, just, deeply emotional people, known throughout the world for our unwillingness to tolerate injustice.

And yet, we do tolerate injustice.

We tolerate a terrible infamy.

Every day.

We were so outraged, not long ago, by the image of Kuwaiti children threatened by Saddam Hussein.

Why are we not roused to outrage by the plight of our own children? They are being stalked by a villain fully as evil, even more powerful, just as deadly. And so far, we have (as a nation) not stepped in to protect them.

When we talk about the "future of America," those words have a bright, noble sound. The future is a time for success, for harvest, for dreams fulfilled.

But I came today to talk about the future of America.

To talk about some young Americans who will, more than any other group, shape the future for all of us.

Are these very influential Americans our best and brightest? Our superstar athletes, students, musicians and artists? They are not.

The most influential people in America are young and poor, often African-American and Latino.

The most influential people in America are playing in a courtyard filled with broken bottles at the Robert Taylor Homes in Chicago. They live in a wood frame firetrap in Jersey City, and watch TV all day while their mother works. The future of our country is growing up without immunization shots in Compton. He is two years old and living in a trailer outside Memphis with no running water. She will enter third grade in Boston this year, and she doesn't yet know her colors or her letters.

This isn't all the future of America. It is also here, proud and hopeful, on this campus, in this room. In the shining eyes of children at the Beethoven Project Schools in Chicago's inner city, at the Dallas Model Preschool and the Success by Six program in Minneapolis.

But all the talents and hard work that are fostered in this fine university and at other places will not be enough to hold our course if the weight of need and despair becomes too great.

We need to look at the picture of America's most influential citizens, our poorest children, and ask ourselves, what's wrong with this picture?

What's wrong with this picture?

Edward Zigler, the renowned child-development specialist from Yale, puts it bluntly: "We have never seen the plight of American children as bad as it is today."

New York Congressman Tom Downey told a congressional subcommittee a few months ago that we should be proud of what we have done for our elderly and horrified at what we're doing to our children.

All of us here know that these statements are true. What these statements lack are the visions of hope and expectation that can change them. That's where we come in. We must believe that America's poorest children are our children. We've got to think of them as our younger brothers and sisters. Our own future. We cannot act too soon to help. Fortunately, with children it's almost never too late.

Since we've all done it, we know. Growing up isn't easy in the best of circumstances.

We idealize childhood as a time of bliss and irresponsibility. Of innocence and joy. Childhood is a time of tasks. Of problems. But also of freedom and adventure. To be innocent and happy, though, you have to be safe.

Not long ago, Harold Shaprio, who is president of Princeton University, talked about the fairy tales of childhood. Goldilocks and Little Red Riding Hood meet up with strangers, good ones and bad ones. Dorothy is swept away to Oz and threatened by many kinds of crises.

There's always a sense of danger in childhood. Children worry. Even loved, well-fed children with predictable lives worry a great deal. There's always fear—fear of childhood ending, of neglect, of loss. When a child is poor, from a broken or terribly dysfunctional or brutally poor family, those fears are magnified.

But there is hope. In fairy tales, everyone always gets saved at the last minute. And the thing that saves everyone, in every fairy tale, is the benevolent interference of a caring adult.

In America today, it is time for the good witch to show up.

We need the kindly woodcutter.

The lost parents. The fairy godmother.

They are late arriving on the scene.

The influence of the caring adult restores children's sense of worth, competence and safety. The caring adult would provide our at-risk children with the safety they need to become useful, happy adults.

But who will be the hero in this tale?

Who will slay the dragon of disadvantage? Our poorest children are at risk for crime, dropping out of school, becoming part of the inherited tradition of welfare dependency.

Who will step in with the handful of magic beans, the wand, the ruby slippers? Our leaders? Many of them seem to have other things on their minds. Our teachers? They are overwhelmed. Leaders of business? They're coping with a recession and a labor shortage.

We all feel squeezed to the last drop of energy by our crowded lives. And so we turn away from the most serious problem that has faced America in generations. Who will help and how?

I think we are going to need to know the answer to that question before the turn of the century. If this future of our country was a patient in a hospital, her condition would be considered critical.

Let's talk some facts.

It doesn't matter whether you are a woman or man. Republican or Democrat. German-American or African-American, Asian-American or Polish-American, fresh out of college or heading for retirement. What I'm going to share with you now aren't beliefs informed by an ideology; they're simple truths.

Here are the reasons we need adult heroes. Between 1970 and 1990, the poverty rate for children increased nearly 33 percent—a third.

In 1990, close to one-fourth of children under six lived in poverty. One-fourth of births were to unmarried mothers, most of whom were young and poor. When multiple risk factors such as poverty, family structure and race are taken into account, as many as 40 percent of all children may be considered "disadvantaged."

How can this be? Forty percent of children in this nation with the highest standard of living on earth.

More than 25 percent of all students still fail to graduate from high school every year. That's more than a million young people. And those who do graduate are not necessarily in much better shape than those who don't.

Fewer than half of all 17-year-olds who stay in school have the reading, writing or math skills to prepare for jobs in business, government or higher education. It was estimated recently that fewer than half of all juniors at an inner city high school had sufficient reading skills to understand the directions to change the oil in a car or prepare a nutritionally sound three-course meal.

So what about operating a piece of heavy machinery? What about giving a child prescription medicine?

These are personal costs. Let's talk dollars now.

A year of quality preschool has been shown to decrease the likelihood of dropping out and getting arrested as a teen by 40 percent. About 82 percent of Americans in prison are high school drop outs. They each cost us $20,000 a year. A year of preschool costs about $5,000 for a child. But fewer than half of the children who need it have the chance to go.

Any owner of a business—from a truck farmer to General Motors—knows the value of seed money. You plow your profits back into your business to reap greater benefits down the road. Yet, though we know that every dollar spent on prenatal care saves three-and-a-half times that much in health care costs down the road, the programs that provide that care are being trimmed instead of fattened.

We are saving money in the short term by robbing our seed crop, and it's going to kick us right square in the pocketbook later on.

In fact, it already is. Labor force growth, which averaged 2.9 percent per year in the 1970s, will average about one percent in the 1990s, and may decline in the beginning of the next century. There will be fewer working people to support our nation's largest population of retired elderly, so their security may be threatened as well.

Millions of skilled job openings already are going unfilled. Even the dry cleaner and the restaurant owner can't find help, no matter what they're willing to pay.

In an earlier industrial era, the economy did not need to ensure that every child was well-educated, partly because the available labor pool was large enough and there were plenty of manual labor and low-skilled manufacturing jobs for everyone to have one. That's no longer the case.

So, it seems, we are raising a generation of takers. They will absorb far more than their share of police, medical and remedial education dollars. They will not pay into Social Security. Instead of building houses, they will tear them down. They will take and take and take, because the skills for giving were never given to them.

Are these isolated pockets of pain? Small numbers that affect the overwhelmingly healthy majority?

Sad to say, they are not.

Let's look at a family portrait. One day in the life of our family of American children.

In one day in America, 2,795 teenagers get pregnant. One thousand, one hundred and six have abortions. One thousand, two hundred and ninety-five give birth. Six hundred and eighty-nine babies are born to mothers who have had inadequate prenatal care.

Seven hundred babies are born low birthweight. One hundred and twenty-nine are born very low birthweight, less than three pounds, five ounces.

In one day in America, 105 babies die before their first birthday. Three children die from child abuse, 27 die from conditions caused by poverty.

Ten die from guns. Thirty children are wounded by guns. Six teens commit suicide.

One hundred and thirty-five thousand children bring guns to school.

Seven thousand eight hundred teens become sexually active; six hundred teens get syphilis or gonorrhea.

In one day in America, four hundred and thirty-seven children are arrested for drunk driving.

Every day, a thousand drop out of school. Two thousand are abused or neglected. Three thousand run away from home.

One hundred thousand American children, every day, are homeless.

We are threatened by these children. Threatened not just because their plight is evidence of callous on our national character.

We are threatened because, though these children have no access to political power, no vote, no public forum to speak to their problems, they have enormous power.

They will shape the character of our future as a nation. If we ignore them, their want will cripple us.

But when we help them stand, we stand taller ourselves.

Who is going to make the difference for these children?

I think we know for sure that it's going to be one individual. No one tower of vision, however powerful, could weave together the threads of concern into one strong safety net for all our poorest children.

The fuel that fired Americans to become the conscience of the world, the most compassionate nation on earth is in danger of drying up into cynicism and empty flag-waving. All of us own a piece of that dream. The furnaces of compassion need to be stoked and we all need to stock them.

When we save one family, we keep a whole segment of a community from slipping away. When we teach one child the value of looking beyond the fast pleasures of one day to the fulfillment of the future, we extend the dream to everyone that child touches. We know what to do.

We actually have some pretty good ideas about what to do—from three decades of research.

We know now that we need to develop a comprehensive and coordinated strategy of human investment—one that redefines education as a process that begins at birth and encompasses all aspects of children's early development, including physical, emotional and cognitive growth" [Committee for Economic Development].

We know that programs to assist children should also help strengthen their entire families.

We know that the rest of the world uses tax policies and proactive programs.

We know the importance of quality early childhood education.

We know we need more flexibility in the design, administration and funding to meet the complex needs of children.

We are beginning to understand how schools might be restructured.

We are also beginning to understand that students must be encouraged to take greater personal responsibility for the success of their own education.

We are learning about diversity—and about racism and sexism.

We are even learning about markets and investments. A critical point is the importance of evaluation and assessment—corporate people are shocked at the lack of research and development in our educational system.

We are also learning about the politics of children—the politics of poor children.

The new language of this effort—to talk about investments to tie our future as a nation to our ability to deal with the next generation—is the language of business.

The entry of the corporate community through these organizations—the Committee for Economic Development, the Business Roundtable—has been the first fundamental change in the politics of education since the initiation of the Elementary and Secondary Act of 1965. That was the time when the federal government's entry into education—elementary and secondary—put another player on the side of poor children with Head Start and Title I (now Chapter 1).

Business involvement is even more significant. They are recognizing their long-term economic interests for a skilled and highly educated workforce.

This is the kind of programmatic intervention we are talking about with the fairy tales. The ruby slippers that can take children anywhere is education. The beanstalk they can climb to a productive future is health care and a healthy home.

But all of this is complicated by a pattern of hopelessness and rootlessness in our land that has to be broken.

When I was a girl growing up in Ohio, it was still the era of the traveling circus. And every year, sure enough, the train would come to a nearby town and the elephants would walk down the street or the midway, each one holding to the tail of the elephant in front.

At the fairgounds, the trainer would tie the elephant down with a rope to a single stake in the ground. Then the keeper could go about his business without any fear that the elephant would escape.

I used to wonder, why doesn't the elephant just pull that stake up and walk away?

There are those of you here in the audience who have those same memories. Didn't you wonder, too? After all, we all learned in schools that a full-grown elephant could easily uproot a tree with its trunk.

Well, I found out a few years ago that what happened was, when the elephant was very young and not at all strong, the trainer would chain it to the ground with heavy chains and sturdy, long stakes. No matter how hard the young elephant tried to pull away, it simply couldn't break away from the chains.

But as the elephant grew older and larger and stronger, it gradually stopped trying.

By the time it could have easily ripped apart it chains, the chains were no longer necessary. The elephant could be restrained with a flimsy chain or a piece of rope. In spite of its enormous power, the memory of the chains made it helpless. It had learned the lessons of its captive youth. It still believed in the power of the chains that held it down.

We are all like those young elephants. If we are taught when we are young that we are powerless, that our best efforts to be free and effective will get us nothing but trouble, we believe that all our lives. We believe it long after we are strong enough and smart enough to turn our lives to the good. We still believe in the power of the chains, and it is easy to hold us down.

As much as any of the other things we know we must put in place educational and community systems that work to give children a sense of power and place. As much as health programs that insure all our children immunization, good food and access to medical care. As much as preschool programs for every American child from age three on up and parenting skill building for their mothers and fathers. As much as new allies from business.

As much as all these things, *we need expectation*.

We need to expect better from our most needy children. We need to believe that they aren't condemned by their circumstances to life of dullness and waste. Our expectation will translate into action. We can look at these children and say, come on. You can do it. I'll help. A hero is more than a role model. A hero is someone who believes in you in spite of all your trouble or your race or gender or parents.

It won't be easy. We cannot expect to wave a wand and change the fate of children overnight.

We are talking about a war here today. A campaign of thousands of sorties into our nation's cities and rural areas.

We know wars cost money. But we recently took such pride in our ability to save children and families 5,000 miles away. The cost didn't seem so important when we saw their gratitude and relief.

If we can feel so deep and personal a pride in a victory halfway around the world, let us find the courage to declare war, today, on the cruel and implacable forces that threaten our national pride most seriously.

Just as courageous young men and women took up arms in that war, I hope that Syracuse will continue to educate young women and men who care about helping our poorest children. I hope your research will continue to inform the policy debates and the programs.

Outside of this room is the wonderful oath of the Athenian City-State—it has informed my work and my life.

I hope it continues to send generations from the School of Education, from the Maxwell School and from other schools and colleges of Syracuse University to do battle—to save our poorest citizens and our country's future.

Good luck. And thank you.•

OUTSTANDING SCHOOL VOLUNTEER

• Mr. LIEBERMAN. Mr. President, each year the National Association of Partners in Education sponsors the National Outstanding School Volunteer Awards Program, to recognize the valuable contributions that school volunteers make to the academic and personal success of students. The program also increases national awareness of the importance of parental and citizen involvement in public education.

I am very pleased that Mr. August F. Serra of Bridgeport, CT, was selected as 1 of 7 runners-up in the 1993 program. Mr. Serra was chosen as the runner-up in the Business/Agency Partnership Program category for his volunteer leadership with the Bridgeport public schools, where, as manager of communication and community relations for General Electric, he developed an after-school mentoring program at the company's headquarters in Fairfield. The mentoring program pairs sixth-grade students with employees. During the last 10 years, Mr. Serra's volunteer service has included launching the district's Adopt-a-School Program, serving as the business liaison with Central High school, and creating the local public education fund. He also chaired the Bridgeport Futures Initiative, a community partnership focused on dropout prevention and other youth-related issues.

The National Association of Partners in Education is a national organization devoted to providing leadership by forming effective partnerships that ensure success for all students. NAPE and its infrastructure represent more than 2.6 million volunteers involved in 200,000 partnerships nationwide. Through its 7,500 member programs, NAPE connects children and classroom teachers with corporate, education, volunteer, government, and civic leaders. This year, NAPE received more than 1,300 nominations, in seven award categories, from school districts across the country.

Mr. President, August Serra and outstanding school volunteers like him are practicing what I and others have advocated—that a partnership between business and education is essential if our students are to become better educated and trained in the skills necessary to join the work force of the 21st century. The knowledge, experience, resources, and time that school volunteers share so generously are gifts, not only to our children, but to our Nation, for we will all benefit in the future. All of us who are concerned about education in America owe school volunteers like Mr. Serra a debt of gratitude.•

LABOR LAW REFORM

• Mr. SIMON. Mr. President, I have recently held two hearings on the question of labor law reform and have participated in a dinner discussion about what can be done.

What is clear is that the continued decline of labor union membership, as a percentage of the work force in our country, may offer some temporary pleasure to those who fight the unions but, long term, is not the best interests of our country.

Studies show clearly that a satisfied work force is a more productive work force and that a unionized work force is generally a more satisfied work force.

There are exceptions.

I do not suggest for a moment that unions are always right, and management is always wrong.

I do suggest that to have only 16 percent of working men and women around the Nation belonging to unions is not healthy. And if you exclude the Government unions, only 11.8 percent of working men and women are organized.

I will be introducing legislation this fall that deals with this problem.

My reason for commenting on this is an article I saw recently by Nick Serraglio, international president of the Allied Industrial Workers Union.

He suggests that we have to change some of our practices.

I could not agree with him more.

I ask to insert his statement into the RECORD at this point.

The statement follows:

LABOR LAW REFORM ONLY WAY TO RECOVER USA'S ECONOMIC LEAD

(By Nick Serraglio, AIW International President)

(The following is adapted from a speech given by President Serraglio to the Harvard Businessmen's Club in Cleveland, Ohio.)

The National Labor Relations Act of 1935, which is still a law of this land, goes farther than just affirming the right of workers to join unions. The Act says that it is federal policy to promote collective bargaining so that workers have a voice in determining their wages and the conditions under which they must work.

However, loopholes in the law have made it possible for employers to ridicule the expressed policy of the United States government. I can cite case after case where companies have flatly broken the law by discharging workers who sympathize with unions in organizing campaigns. Companies know that they eventually will be forced to rehire these workers, but only after months or even years of litigation. In the meantime, the union has lost its majority and consequently the organizing election. If the union demands and receives a new election, the company can just repeat the same procedure with the same results. In some cases, companies have gone so far as to close down entire plants in an attempt to "chill" union sympathy among its employees.

In a few cases, the NLRB has ordered firms to recognize unions in cases where the company has deliberately destroyed the union's majority before an election could be held. This is, at best, a stop-gap measure. What is needed are more and stronger incentives for the company to obey the law.

NLRB procedures should, first of all, be overhauled to speed up processing of unfair labor practice discharge cases. Justice delayed is all too often justice denied to workers. The law also should be amended to enable workers and their unions to sue to recover treble damages, court costs, and reasonable attorney fees from employers who discharge workers in violation of the law. The law should prohibit attorneys who encourage companies to flout the law from being able to process cases before the NLRB in the future, and government contracts should be denied to repeated violators of federal labor laws, just as they are to violators of other laws.

It is no secret that union-busting has become a multi-million dollar industry of its own. At the same time, some business leaders, and many government and academic leaders, are calling for greater cooperation between labor and management in an effort to improve America's competitive position in the world economy.

You can't have your cake and eat it too. Cooperation must begin at the bargaining table if we are ever going to build mutual respect and trust between unions and management in this country. Most union leaders I know are more than willing to meet their employers halfway if they are treated as equal partners. This is already the case in most of the other industrialized nations of the world. We certainly realize that our members' jobs can be made secure only if the employers they work for are solvent.•

TRIBUTE TO ARLENE DECANDIA

• Mr. DURENBERGER. Mr. President, I rise today in recognition of Arlene DeCandia, Minnesota's Small Business Person for 1993.

Arlene founded Riverwood Conference Center near Monticello, MN, in 1979 and since then has seen her vision grow to become the largest privately owned conference center in the Nation. Overlooking the magnificent Mississippi River, Riverwood has expanded to include a 65,000-square-foot meeting and guest center and more than $2 million in revenues.

Yet Arlene's success goes far beyond expansion and sales figures. Endless hours of hard work and extreme sacrifice have been coupled with an extraordinary attention to detail in order to provide her clients with a relaxing, yet professional, conference environment. She is truly among the best and the brightest young business owners I have ever had the pleasure to meet.

Mr. President, it goes without saying that this recognition is richly deserved. Yet I cannot help but believe that it is only one of many such awards in Arlene's future.●

REGARDING THE LINE-ITEM VETO

● Mr. MCCAIN. Mr. President, this morning when scanning the CONGRESSIONAL RECORD, I read with great interest the history lesson presented by the senior Senator from West Virginia. At the outset, let me compliment Senator BYRD. I can think of no individual in the Senate who could so eloquently and with such heartfelt passion discuss the Roman Empire and its relation to the line-item veto.

I also intend to discuss a bit of history and the line-item veto—although I believe the seminal date we should focus on is 1974 A.D., rather than 753 B.C.

Mr. President, 1974 was the year in which the Congress, in one fell swoop, overturned nearly 200 years of precedent. From the time of the founding of our country until that year, the President of the United States had exercised, as was his right, the power of impoundment.

The impoundment power allowed the President to not spend money that the Congress had appropriated. In many instances, throughout the history of our Nation, the President had seen fit not to spend money that he deemed wasteful or unnecessary.

President Jefferson, for example, in 1801, refused to spend $50,000 on gunboats as appropriated by Congress. He, of course, had good reason. When the gunboats were appropriated, a war with Spain was considered imminent. The war never materialized, and the threat posed by Spain ebbed. Circumstances changed, and Jefferson thought it was within his power to eliminate this unnecessary spending.

Although some continue to wax eloquently on the Senate floor that such a transfer of power would prove fatal to our constitutional democracy, clearly, the Union did not fall because the President refused to waste the taxpayers' money.

The ability of the President to control spending was severely restricted in 1974 by the Budget Control and Impoundment Act. That act represented a dangerous transfer of political power from the executive branch to the Congress. Specifically, the Budget Control and Impoundment Act of 1974 weakened executive power by allowing the Congress the legal option of ignoring the spending cuts recommended by the President through simple inaction.

Since 1974, the Congress' attitude toward presidential rescission has become one of near total neglect.

For example, President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescissions, and Congress ignored 38. President Reagan proposed 601 rescissions, and Congress ignored 384. President Bush has proposed 47 rescissions, and Congress ignored 45.

If the Congress had accepted the 564 Presidential rescissions that it has ignored since 1974, $40.4 billion would have been saved. This is not a trivial sum to a taxpayer, even if it is to a hardened Washington veteran.

What sparked this dramatic shift in power? In its infinite wisdom, the Congress decided that the answer to what plagued the economy was giving itself the power to spend more of the taxpayers' money—something it has proven to be expert at.

We know the results: staggering deficits and a Congress with out-of-control spending habits. Now we have the unique opportunity to change the status quo and create new history.

Mr. President, as a student of the past, I have the utmost respect for those who came before us and blazed new trails. I firmly believe that we must know our history and the mistakes of the past, or we are doomed to repeat them.

Mr. President, we may again be at a seminal moment in this Nation's history. While we must heed the lessons of history, we can ill afford to dwell on the past. We must look forward and be prepared to exercise bold leadership. I challenge my colleagues to demonstrate that leadership, and when others stand on the Senate floor to recant the volumes from history, I remind my colleagues to remember the words of President Lincoln:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.●

IN HONOR OF PAUL W. ABRAMOWITZ, PRESIDENT OF THE AMERICAN SOCIETY OF HOSPITAL PHARMACISTS

● Mr. DURENBERGER. Mr. President, I am pleased to recognize the installation next month of Paul W. Abramowitz as president of the American Society of Hospital Pharmacists at the society's 50th annual meeting.

Dr. Abramowitz is the director of pharmaceutical services at the University of Minnesota Hospitals and Clinics and associate professor of pharmacy in the College of Pharmacy at the University of Minnesota.

The American Society of Hospital Pharmacists is the professional association representing pharmacists in the hospital, home care, and managed care settings. With more than 27,000 members throughout the 50 States, the society has extensive publishing, educational, and accreditation programs benefiting the Nation's health.

Dr. Abramowitz' inauguration is the capstone to professional achievements spanning two decades. He holds not one but two bachelor's degrees, in arts from Indiana University, and science, majoring in pharmacy, from the University of Toledo. He served his residency in hospital pharmacy at University Hospital of the University of Michigan, and received the doctor of pharmacy degree from Michigan.

Recognition of his achievements include pharmacy awards from Toledo and Michigan and, 4 years ago, a fellowship in health care economics from the Wharton School of the University of Pennsylvania.

Prior to coming to Minnesota, Dr. Abramowitz served as associate director of pharmacy services at the University of Chicago Medical Center for nearly 5 years. He was also adjunct professor of pharmacy practice in the College of Pharmacy at the University of Illinois.

A prodigious author, Dr. Abramowitz has more than 40 publications to his credit. In addition, he has made numerous presentations on pharmacy issues around the country, and received research grants totaling more than $100,000.

I am delighted, Mr. President, to recognize Dr. Abramowitz on this happy occasion. I look forward to working with him and his colleagues on health care issues in the years ahead.●

TRIBUTE TO POLISH WOMEN'S ALLIANCE OF AMERICA

● Ms. MIKULSKI. Mr. President, it gives me great pleasure as an American of Polish descent to rise today and express my deepest affection and admiration for the Polish Women's Alliance of America [PWA]. This exceptional fraternal organization, which is about to celebrate its 95th anniversary, embodies the very best of the Polish-American community. Since 1898, it has succeeded in preserving and promoting the culture, traditions, heritage, and pride of that community.

The PWA sponsors a number of important programs, including support for hospitals, orphanages, and religious and educational institutions. It also supports programs for battered women, abused children, the mentally impaired, and many others. Additionally, the PWA provides its members with a strong program of fraternal life insurance.

In the late 19th and early 20th centuries, when Polish women had great difficulty getting insurance, the founders of the PWA got together and helped Polish-American women to help themselves. The PWA provided these women with the insurance they needed and the peace of mind they deserved. These principles of sound insurance and community service have never wavered, and are as vital today as they were in 1898.

I am proud of what the PWA has accomplished for Polish-Americans during the last 95 years, and like my grandmother and mother before me, I consider it a great privilege to be a member of this unique and vital organization. The PWA extends itself into all parts of the Polish community and reaches out to all age levels. It stands by its families with great compassion in times of need, and shares their joys in times of triumph. It instills pride in the generations of today and preserves our Polish-American heritage for the generations to come. Above all, it places the welfare and interests of its members as its highest priority.

Mr. President, on this occasion I offer my heart-felt congratulations and best wishes to the membership of the Polish Women's Alliance of America. I have no doubt that their exemplary work will continue to help Polish-Americans and our Nation long into the future.●

CANADA'S LESSON—NO SUBSTITUTE FOR MARKETS

● Mr. DURENBERGER. Mr. President, I rise today to bring to the attention of my colleagues a valuable article from the most recent edition of Forbes magazine.

We in this Chamber have long been cajoled by the advocates of the so-called single-payer health care system to look to the example of our neighbor to the north.

I think those advocates—and all others concerned with health care cost containment in this country—would do well to take a serious look at the sobering information contained in this article.

Nearly one-third of Canada's doctors sent patients outside their country for medical treatment in the last 5 years—compared to only 7 percent of United States doctors.

The lesson is clear: America leads the world in health care because we don't have Government bureaucrats allocating our health resources. That's why Americans by and large don't have to leave the country to get the care they deserve. And any intelligent health reform package has to take account of—and build on—that fundamental fact.

We have to reform health care by making the market work better, not by replacing it with Government. I ask my colleagues to examine the perils of that latter course, as described in the article entitled "Our system is just overwhelmed." To that end, I ask that this article be included in the RECORD at the conclusion of my remarks.

The article follows:

OUR SYSTEM IS JUST OVERWHELMED

(By Marcia Berss)

After listening to advisers urging her to adopt a Canadian-style health system for the U.S., Hillary Clinton might learn something from a talk with Ronald Stokoe, of Prince George, British Columbia. Stokoe, 70, is a retired timber inspector who has been sent at Canadian taxpayers' expense to a Seattle hospital for the radiation therapy he needs to treat prostrate cancer.

"Canada let me down," says Stokoe. His treatment costs are entirely paid for by the British Columbia health authority, but Stokoe resents the fact that he must undergo the uncomfortable treatments far from his wife and family.

Such stories are heard increasingly these days all along the border, from Seattle to Buffalo. For decades, better-off Canadians frustrated with standing in the long lines their state-run health care system produces have dug into their own pockets and paid for care in the U.S. Now Canada's provincial health authorities are making U.S. care available to ordinary Canadians.

"We see this as a safety valve," says Dr. Robert MacMillan, head of health insurance for the Ontario Ministry of Health. "all of Canada faces a lag in accessibility, particularly in highly sophisticated care."

Since 1991 the British Columbia government's agency overseeing cancer services has contracted with U.S. hospitals for radiation oncology treatment. Already about 750 people, some 10% of all British Columbians requiring cancer therapy, have been sent to the U.S.

Out east, in January, Ontario's provincial health authority contracted with hospitals in Buffalo, Detroit and Duluth to provide magnetic resonance imaging services for Ontario citizens. This month Ontario will also sign contracts with U.S. hospitals for acquired brain injury care, and it is considering contracts covering child and adolescent psychiatric, eating disorder, and drug and alcohol addiction treatment. Canadians now account for 75% of the patients in the chemical dependency unit at the Falls Memorial Hospital, International Falls, Minn.

"It seems ridiculous that we have to send people to the U.S." says Irene Bergman, a senior addictions counselor in Ontario. "But our system is just overwhelmed." Her patients requiring in-hospital chemical dependency treatment wait three months in Ontario. In Minnesota they wait only three days.

Here's an international comparison not trumpeted by those who advocate a Canadian-style health care system for the U.S.: According to a recent study in the New England Journal of Medicine, nearly one-third of Canada's doctors sent patients outside their country for treatment in the last five years. Compare that with 19% of West German physicians and 7% of U.S. doctors.

As any Frenchman, German or Brit—but hardly any American—knows, the problem with state-run health systems is that bureaucrats and their computers aren't very good at allocating resources to where they're needed, when. As in any planned economy, shortages quickly develop and the planners must then hustle to fill the gaps. Sighs Dr. David Klaassen, executive director of British Columbia's Cancer Agency: "We didn't do a good job predicting [demand for] radiation treatment for British Columbia or Canada in general."

As a result, British Columbia has 9 linear accelerators for radiation oncology to treat a population that is two-thirds of Washington State's, while Washington State has 20 machines. Despite the shortage, Klaassen says it will probably be two or three years before British Columbia gets new accelerators.

Are there too many machines in Washington? Yes, but which is better, a surplus or a shortage? The surplus means fast access to treatment for Washingtonians, and the saving of hundreds of Canadians' lives.

Economically, Canada's taxpayers get a great deal when Canadians are sent south of the border for treatment. Canada is able to buy U.S. health care goods and services at a cost far below what it would cost Canada to provide the products itself.

Secondary benefits make the cross-border treatments even more attractive. For example, for about one year British Columbia's Workers Compensation Board sent workers to Bellingham, Wash. for magnetic resonance imaging (MRI), at the going rate of around $1,000 per test. Buying U.S. service was attractive because the line for an MRI in British Columbia was up to two months long, during which time patients could collect workers' compensation. Sending patients to Bellingham speeded treatment, saved on the cost of buying new MRI machines and saved on compensation claims. (A Vancouver hospital recently added a second shift in its MRI unit, and workers' compensation claimants are now being treated in the province.)

With so many advantages, why doesn't Canada send more patients to the U.S.? Because doing so would eliminate the Canadian government's primary means of controlling health care costs—namely, the state's authority to tell Canadians who can get what care, when.

Runaway cost was the reason that in 1991 Ontario tightened the screws on a partial easing of cross-border medical care trade. In 1989 Ontarians had to wait seven months for heart surgery. But then the province's cardiologists found a loophole in the health insurance law that required the province to pay 75% of the cost of treating an Ontarian overseas.

Ontarians began flocking south. Pretty soon, Canadians seeking other treatments, notably for drug and alcohol addiction, joined the flood, wooed by American chemical dependency centers.

The market was working. The lines in Canada began to shrink. But at a cost: Ontario's out-of-country payments more than doubled, to $244 million in 1991 (nearly 2% of the province's health budget) from $81 million in 1988 (less than 1% of the budget). So in 1991 Ontario capped out-of-country payments at $175 per day, virtually shutting off U.S. care.

Many knowledgeable Canadians believe their health authorities may again move to curtail cross-border medical trade. In anticipation, David Miller, a Winnipeg insurance broker, has teamed up with a U.S. health insurer, American Medical Security of Green Bay, Wis., to offer a policy that covers American medical treatment for Canadians who have to wait longer than 45 days for surgery or diagnostic procedures at home. Cost: about $450 a year.

Miller says his first customer for the new policy was a Canadian doctor. But if the Clinton Administration adopts Canada's health care system as a model for the U.S., where will Canadians—and Americans—go to get well?●

LET THOSE WHO MUST FIGHT DECIDE

● Mr. GRAHAM. Mr. President, I ask unanimous consent to include the attached column by Mr. Max Berking in today's CONGRESSIONAL RECORD. Published recently in the North Port Sun Herald, the column offers another perspective on the tragic events in Bosnia. Mr. Berking is a thoughtful commentator on world events, and I am pleased to offer his views for the consideration of my colleagues.

The column follows:

[From the North Port Sun Herald, Apr. 18, 1993]

LET THOSE WHO MUST FIGHT DECIDE

Diplomacy, threats, embargos, and bluffs are not working in Bosnia. Armed intervention—at least to create "safe" zones—appears to offer the only solution.

Yet most of our experts say this would drag us into another unwinnable Vietnam. All seem to agree that nothing will happen unless the U.S. takes the lead. Clinton is thus in a box—where he's damned if he commits our troops and damned if he doesn't.

There is, however, one way out: shift the decision committing our troops from Clinton and the other leaders of the free world to the thousands of men and women now serving in the armies of these Democracies.

Let *them* volunteer for this cause. Since *their* lives will be at risk, let *them* decide whether they wish to fight in a Great Cause to stop aggression, genocide, and the bestial organized rape of the innocents.

How would it work? Offer our 1.8 million men and women in uniform the option of "detached duty" to serve in a United Nations peacekeeping force. Recruit from all levels of all services in all the participating nations. Expand the multinational type of command we had in Korea and in the Gulf War. Search for a new Eisenhower or a Schwarzkopf to head the effort.

Lend/lease the complicated equipment of modern warfare to the United Nations as we did with Britain in 1941.

Open up the program to recently retired service personnel, the Reserve, and volunteers with special skills in maintaining electronic and other gear.

Volunteering for such an overarching cause is an honorable tradition. Kosciuszko, Lafayette, Pulaski, and von Steuben helped us win our Revolution. American airmen in the Lafayette Escadrille returned the favor in WWI. The Abraham Lincoln Brigade in the Spanish Civil War fought valiantly as volunteers for their cause.

Why could we not rally similar volunteers today—particularly, in the U.S., with the offer of combat pay, a service ribbon for this campaign, and full maintenance of pensions? Let these brave men and women keep their blue berets—as a badge of honor for the rest of their lives.

We have 344,000 uniformed servicemen and women stationed in bases around the world. The 15 other members of NATO have troops in uniform and unified international commands. I shall skip Russia for now, since they tilt toward helping the Serbs. But India, Pakistan, South Africa, Australia, and dozens of other nations are potential sources of trained personnel.

The organization of such a force would be daunting, and it is, of course, very late. But just starting such an effort would be worth it. To frighten the Serbs into a possible truce. To focus world attention on how to stop aggression in the future. To give our own troops experience in a difficult terrain. To teach them to operate in a multi-national force. To test our new equipment under battle conditions. And, most of all, to satisfy those who want action at any price—and, simultaneously, those who vehemently do not.

The first steps? Check it out with United Nations Director General Boutros-Ghali and his staff and the NATO leaders. Then conduct a quickie poll among the uniformed troops of the world's Democracies. Ask these men and women if they'd volunteer for humanity, justice, and peace.

I think back to my earlier years, and my friends at that time. Would we have enlisted in such a cause even without the pay and pensions?

I think yes. Some of us out of idealism; some out of boredom with our present circumstances; and some because, in a world that has reduced the importance of us as individuals, it might just be the quickest way for a nobody to become a somebody in one quantum jump.●

DEMOCRATIC LEADERSHIP SUBSTITUTE TO CAMPAIGN FINANCE REFORM

● Mr. BOREN. Mr. President, I am inserting in the CONGRESSIONAL RECORD today the proposed substitute that the Democratic leadership intends to offer to S. 3, the campaign finance reform bill that will soon be before the Senate. This legislation was reported by the Senate Rules Committee last month.

The leadership substitute reflects the proposal, announced by President Clinton last week, for comprehensive campaign finance reform. However, this substitute does not include the spending limit system proposed for the House of Representatives.

For the most part, this substitute is identical to the campaign finance reform legislation that passed Congress last year, but that was vetoed by President Bush. The basic approach of voluntary spending limits with communications vouchers remains the same. This bill also includes the fundamental reforms in the areas of soft money, bundling, PAC limitations, FEC reform, and improved disclosure of campaign contributions and expenditures. There are several additions to the bill including provisions that prohibit lobbyists from making contributions to Members of Congress that they lobby, that enhance the ability of the FEC to enforce, and that simplify the operation of the Presidential election finance system. Provisions from the conference report that originated in the House have been removed from this substitute.

I ask that a copy of the proposed leadership substitute be printed in the RECORD.

The bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Restrictions on activities of political action and candidate committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Excess campaign funds of Senate candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Definitions.
Sec. 312. Contributions to political party committees.
Sec. 313. Provisions relating to national, State, and local party committees.
Sec. 314. Restrictions on fundraising by candidates and officeholders.
Sec. 315. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Computerized indices of contributions.

Sec. 504. Filing of reports using computers and facsimile machines.
Sec. 505. Political action committees.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.
Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 610. Reimbursement fund.
Sec. 611. Insolvent political committees.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 704. Telephone voting by persons with disabilities.
Sec. 705. Provisions relating to Presidential primary elections.
Sec. 706. Certain tax-exempt organizations not subject to corporate limits.
Sec. 707. Aiding and abetting violations of FECA.
Sec. 708. Deposit of repayments of excess payments from the Presidential Election Campaign Fund.
Sec. 709. Disqualification from receiving public funding for Presidential election campaigns.
Sec. 710. Prohibition of contributions to Presidential candidates who receive public funding in the general election campaign.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Budget neutrality.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.
Sec. 805. Regulations.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c) and (d) of section 502, reduced by—

"(I) the amount of voter communication vouchers issued to the candidate; and

"(II) any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or "(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and section 503(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 503(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $1,200,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(B)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

"(3) payments in the amount determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(3), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1)(B).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The aggregate amount of voter communication vouchers issued to an eligible Senate candidate shall be equal to the sum of—

"(A) 12.5 percent (6.25 percent if the candidate is not a major party candidate) of the sum of—

"(i) the primary election expenditure limit under section 501(d)(1)(A); and

"(ii) the general election expenditure limit under section 502(b), plus

"(B) the independent expenditure amount.

"(2) If an eligible Senate candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount not less than twice the threshold contribution requirement under section 501(e), paragraph (1) shall be applied by substituting '25 percent' for '12.5 percent' and '12.5 percent' for '6.25 percent'.

"(3) For purposes of paragraph (1)(B), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304 with respect to the general election period and are certified by the Commission under section 304(d)(7).

"(4) Voter communication vouchers shall be used by an eligible Senate candidate—

"(A) to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate, except that any broadcast so purchased must be at least 60 seconds in length;

"(B) to purchase print advertisements during the general election period; or

"(C) to pay for postage expenses incurred during the general election period.

"(5) In the case of an eligible Senate candidate in a State in which the primary election is treated as a general election under section 301(20), the aggregate communications vouchers issued to such candidate for both the primary election and the regular general election shall not exceed the amount which would have been received for the regular general election if the primary election were not also treated as a general election.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1)(B) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(k), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) The Commission shall conduct an examination and audit of the candidates' campaign accounts in 10 percent of the elections to seats in the Senate in each general election, and of the candidates' campaign accounts in each special election to a seat in the Senate, to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a general election to a Senate seat for examination and audit, the Commission shall examine and audit the campaign activities of all candidates in that general election whose expenditures were equal to or greater than 30 percent of the general election expenditure limit under section 502(b) for that election.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) Unexpended Funds.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) Payments Returned to Source.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) Limit on Period for Notification.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) Judicial Review.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Application of Title 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) Agency Action.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) Appearances.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Institution of Actions.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) Injunctive Relief.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) Appeals.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) Reports.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate; and

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Rules and Regulations.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Statement to Senate.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) or vouchers under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.".

(b) Effective Dates.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) Effect of Invalidity on Other Provisions of Act.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. RESTRICTIONS ON ACTIVITIES OF POLITICAL ACTION AND CANDIDATE COMMITTEES IN FEDERAL ELECTIONS.

(a) Contributions by Political Action Committees.—Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) Contributions by Political Action Committees to Candidates for Federal Office.—(1) In the case of a candidate for election, or nomination for election, to the office of President (and such candidate's authorized committees), subsection (a)(2)(A) shall be applied by substituting "$1,000" for "$5,000".

"(2)(A) In the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), subsection (a)(2)(A) shall be applied by substituting "$2,500" for "$5,000".

"(B) It shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee), or such candidate or committee to accept such a contribution, to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

"(i) $825,000; or

"(ii) 20 percent of the sum of the general election spending limit under section 502(b) plus the primary election spending limit under section 501(d)(1)(A) (without regard to whether the candidate is an eligible Senate candidate).

"(C) In the case of an election cycle in which there is a runoff election, the limit determined under subparagraph (B) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(B) (without regard to whether the candidate is such an eligible Senate candidate).

"(D) The $825,000 amount in subparagraph (B) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of subparagraph (B), the base period shall be calendar year 1996.

"(E) A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under subparagraph (B) shall return the amount of such excess contribution to the contributor.".

(b) Contributions to Political Action Committees.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312(a), are each amended by striking "$5,000" and inserting "$1,000".

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"Sec. 304A. (a) Candidate Other Than Eligible Senate Candidate.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) Reports on Personal Funds.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) Candidates for Other Offices.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) Certifications.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) Shorter Periods for Reports and Notices During Election Week.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) Copies of Reports and Public Inspection.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) Definitions.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) In General.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) Return of Excess Campaign Funds.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a).

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) Broadcast Rates.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "45" and inserting in lieu thereof "30"; and

(B) by striking out "lowest unit charge of the station for the same class and amount of time for the same period" and insert "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(3) by reason of the independent expenditure amount.".

(b) Preemption; Access.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) Revocation of License for Failure To Permit Access.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "willful or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the congressional district or State, whichever is applicable.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

"(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(3) Any statement under this subsection shall be filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

"(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Any statement under subparagraph (A) shall be filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 504(a) or section 604(b).

"(8) The Clerk of the House of Representatives and the Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5)."

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot for a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A), by striking "It is the intent of Congress that a Member of, or a Member-elect to, Congress" and inserting "A Member of, or Member-elect to, the House"; and

(2) in subparagraph (C)—

(A) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(B) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services' shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of the Federal Election Campaign Fund pursuant to section 504(a)(3) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of paragraph (2), by inserting "and" at the of paragraph (3), and by adding at the end the following new paragraph:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of paragraph (2), by inserting "and" at the end of paragraph (3), and by adding at the end the following new paragraph:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(30)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause

"(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act.".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

“(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

“(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

“(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

“(2) Any generic campaign activity.

“(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

“(A) a State or local candidate is also identified or promoted; or

“(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

“(4) Voter registration.

“(5) Development and maintenance of voter files during an even-numbered calendar year.

“(6) Any other activity that—

“(A) significantly affects a Federal election, or

“(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

“(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

“(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

“(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

“(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

“(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a canf, a candidate for Federal office).

“(dte Party Grassroots Funds.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

“(A) any generic campaign activity;

“(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

“(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

“(D) voter registration; and

“(E) development and maintenance of voter files during an even-numbered calendar year.

“(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

“(A) has established a separate segregated fund for the purposes described in paragraph (1); and

“(B) uses the transferred funds solely for those purposes.

“(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

“(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

“(B) the State or local candidate committee—

“(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

“(ii) certifies that such requirements were met.

“(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

“(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

“(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

“(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

“(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.”.

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking “and” at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

“(xv) any amount contributed to a candidate for other than Federal office;

“(xvi) any amount received or expended to pay the costs of a State or local political convention;

“(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

“(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

“(I) overhead, including party meetings;

“(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

“(III) conducting party elections or caucuses;

“(xix) any payment for research pertaining solely to State and local candidates and issues;

“(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

“(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).”.

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking “and” at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

“(xi) any amount contributed to a candidate for other than Federal office;

“(xii) any amount received or expended to pay the costs of a State or local political convention;

“(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

“(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

“(I) overhead, including party meetings;

“(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

“(III) conducting party elections or caucuses;

“(xv) any payment for research pertaining solely to State and local candidates and issues;

“(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

“(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).”.

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.”.

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of FECA (2

U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: “Each limitation under the following paragraphs shall apply to the entire election cycle for an office.”.

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

“(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

“(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

“(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

“(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

“(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

“(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

“(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

“(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

“(A) holds a Federal office; or

“(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.”.

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

“(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

“(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

“(A) holds a Federal office; or

“(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.”.

SEC. 315. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

“(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

“(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in 301(32).

“(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by 304(b)(3)(A).

“(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

“(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

“(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).”.

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

“(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.”.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

“(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.”.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking “and” at the end of subparagraph (H), by inserting “and” at the end of subparagraph (I), and by adding at the end the following new subparagraph:

“(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;”.

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking “within the calendar year”, and

(B) by inserting “, and the election to which the operating expenditure relates” after “operating expenditure”.

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

“(8) For the purposes of this subsection:

“(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

“(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

“(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

“(ii) the intermediary or conduit is—

“(I) a political committee;

“(II) an officer, employee, or agent of such a political committee;

“(III) a political party;

“(IV) a partnership or sole proprietorship;

“(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

“(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

“(C)(i) The term ‘intermediary or conduit’ does not include—

“(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

“(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

“(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

“(IV) an individual who transmits a contribution from the individual's spouse.

“(ii) The term ‘representative’ means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

“(iii) The term ‘contributions made or arranged to be made’ includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsection:

"(m)(1) An individual who is described in section 315(a)(8)(B)(i)(V) shall not make contributions to, or solicit contributions on behalf of—

"(A) any Member of Congress with respect to whom such individual has, during the preceding 12 months, either appeared before, or made a lobbying contact with, in such individual's representational capacity, or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, such individual has either appeared before, or made a lobbying contact with, a covered executive branch official.

"(2) An individual who is described in section 315(a)(8)(B)(i)(V) who has made any contribution to, or solicited contributions on behalf of, any Member of Congress (or any authorized committee of the President of the United States) shall not, during the 12 months following such contribution or solicitation, either appear before, or make a lobbying contact with, such Member (or a covered executive branch official) in such individual's representational capacity.

"(3) For purposes of this subsection, the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 710, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)), as amended by section 314(f), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year on magnetic media or other machine-readable form if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

"(ii) may maintain and file them in that manner if not required to do so under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature."

SEC. 505. POLITICAL ACTION COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee",

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers", and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following new paragraph:

"(7) a statement of the purpose for which the political committee was formed.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking "20th" and inserting "15th".

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting ", and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year" before the semicolon; and

(B) in subparagraph (B) by striking "20th" and inserting "15th".

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking "submit" and inserting "report"; and

(2) by adding the following at the end: "In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.".

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 314(e), is amended by adding at the end the following new subsection:

"(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) IN GENERAL.—Section 309 of FECA (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

"(2)(A)(i) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, agrees, by an affirmative vote of 3 of its members, with the General Counsel's recommendation that facts have been alleged or ascertained that, if true, give reason to investigate whether a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has occurred or is about to occur, the Commission shall, through its Chairman or Vice Chairman, notify the person of the alleged violation. The General Counsel may make an investigation of the alleged violation, which may include a field investigation or audit, in accordance with this section.

"(ii) If the General Counsel recommends that the Commission find no reason to believe an alleged violation has occurred and the Commission rejects that recommendation by an affirmative vote of 4 of its members, the Commission shall notify the person of the alleged violation and shall direct the General Counsel to make an investigation in accordance with clause (i).

"(B)(i) Notwithstanding section 307, in an investigation conducted under this section, the General Counsel shall have the powers provided in section 307(a) (2), (3), (4), and (5), including the power to issue subpoenas signed by the General Counsel.

"(ii) A person to whom a subpoena is directed by the General Counsel may file a motion to quash or modify the subpoena with the Commission prior to the time specified therein for compliance, but in no case more than 5 days after receipt of such subpoena. The Commission may determine, on an affirmative vote of 4 of its members, to quash or modify the subpoena at issue.";

(B) by adding at the end of paragraph (4)(A) the following new clauses:

"(iii) In a case initiated by a complaint under paragraph (1), if the General Counsel recommends that the Commission find probable cause to believe that a person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and the Commission fails to sustain or reject the General Counsel's recommendation, or any portion thereof, by an affirmative vote of 4 of its members, the complainant may bring a civil action in the name of the complainant to remedy the violation alleged in the complaint on which the Commission failed to achieve 4 votes.

"(iv) In a civil action brought by a complainant under subparagraph (iii), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty that does not exceed the maximum amount permitted under paragraph (6)(B). The complainant shall be awarded an amount deemed appropriate by the court, but in no case more than 10 percent of the proceeds, which shall be paid out of the proceeds. The complainant shall also be awarded an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees, and costs. All such expenses, fees and costs shall be awarded against the defendant."; and

(C) by adding at the end the following new paragraph:

"(14) Nothing in this subsection shall be construed to limit the ability of the Commission to determine at any time to take no further action in a proceeding under this subsection."; and

(2) by adding at the end the following new subsection:

"(e)(1) A complaint filed under subsection (a)(1) shall be, to the best of the signer's knowledge, information, and belief (formed after reasonable inquiry), well grounded in fact and warranted by a Commission regulation or decisional precedent or a good faith argument for the extension, modification, or reversal of existing law, and shall not be interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.

"(2) If the Commission determines, on its own motion or on the basis of a complaint, that a complaint fails to meet the requirements of paragraph (1), it may proceed against the complainant in accordance with this section. In such a case, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that a party to the conciliation agreement pay a civil penalty not to exceed $20,000.".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B)(i) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(ii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in subparagraph (A) (ii), (iii), and (iv) are met, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under subparagraph (A).

"(iii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.

"(C) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

(c) REFERRAL OF APPARENT VIOLATIONS TO THE ATTORNEY GENERAL.—Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by adding the following at the end: "The preceding sentence shall not be construed to detract from the general authority of the Commission under section 307(a)(9) to refer an apparent violation of law, including a violation of this Act, to the Attorney General at any time without making a finding of probable cause.".

(d) FAILURE TO PRESENT MATTER BEFORE THE COMMISSION.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) In a proceeding before a district court or court of appeals in which there is under review a decision of the Commission made in a proceeding under this section, the court shall not consider an argument, objection, issue, or other matter that was not presented to the Commission, but if the court finds that there was good cause for the failure to present the matter to the Commission, the court may remand the proceeding to the Commission for consideration of the matter.".

(e) REPRESENTATION OF THE COMMISSION IN COURT.—Section 306(f)(4) of FECA (2 U.S.C. 437c(f)(4)) is amended by adding at the end thereof the following: "The Commission may appear and submit briefs as amicus curiae in a proceeding a decision in which may affect the administration of this Act even though the proceeding may not arise under this Act or require interpretation or application of this Act. In any proceeding in which the Commission appears under authority of this paragraph or section 309, the Commission and its attorneys may be required to comply with local court rules, except that the Commission shall not be required to appear by local counsel.".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation.".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986, to an authorized committee of an eligible Senate candidate subject to audit under section 505(a), or to an authorized committee of an eligible House of Representatives candidate subject to audit under section 605(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate rules to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 610. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement fund (referred to in this subsection as the "fund").

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 611. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the date of enactment of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 301(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal

Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit, but should be funded by disallowing the Federal income tax deduction for expenses paid or incurred for lobbying the Federal Government.

SEC. 803. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall issue any regulations required to be issued by it to carry out the provisions of this Act within 9 months after the date of the enactment of this Act.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 13; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; with Senators METZENBAUM, DORGAN, and CONRAD to be recognized for such times as they desire during the period from 9 a.m. to 9:45 a.m.; with Senators GRAMM and GORTON recognized for up to 10 minutes each and Senator PRESSLER for up to 20 minutes; that at 10:30 a.m., the Senate resume consideration of S. 714, and upon resuming the bill, Senator METZENBAUM be recognized to make a statement and at the conclusion of his statement offer an amendment relating to statute of limitations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now stand in recess, as under the previous order.

There being no objection, the Senate, at 6:36 p.m., recessed until Thursday, May 13, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 12, 1993:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHRISTOPHER FINN, OF NEW YORK, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE JAMES DAVID BERG, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, May 12, 1993*

The House met at 2 p.m.

The Reverend Dr. William P. DeVeaux, senior pastor, Metropolitan African Methodist Episcopal Church, Washington, DC, offered the following prayer:

O Lord, our God, how excellent is Thy name in all the Earth. We, your servants, charged with the responsibility of government, do call upon You for guidance and strength. We confess our weaknesses and ask that You would make us what we cannot hope to be by ourselves. We invoke Your blessing upon our Nation and our world. We pray for Your guidance that peace and justice prevail. In all our deliberations, may Your divine presence be felt. Let us not grow weary in well doing, but always understand that in due season we shall reap if we faint not. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Alabama [Mr. BROWDER] will come forward and lead the House in the Pledge of Allegiance.

Mr. BROWDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) entitled "An Act to establish national voter registration procedures for Federal elections, and for other purposes.".

The message also announced that pursuant to sections 276d–276g, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRASSLEY as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 103d Congress, to be held in Halifax, NS, Canada, May 13–17, 1993.

THE REVEREND WILLIAM P. DEVEAUX

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, may I welcome Rev. William P. DeVeaux, pastor of one of the most historic churches in this country and in this city, the Metropolitan African Methodist Episcopal Church. This church, steeped in the history of its denomination and of this city, is where President Clinton chose to worship on the day of his inauguration. Reverend DeVeaux has brought great distinction to this already distinguished church. Pastor DeVeaux, who has a doctorate in theological ethics from Vanderbilt, has made Metropolitan not only a center of spiritual revival but also a resource for community activism and a magnet for events of national importance. Reverend DeVeaux has served his church also in Massachusetts, Tennessee, and Ohio and his country as a chaplain in the U.S. Army. This city is fortunate to count Reverend DeVeaux among its most distinguished leaders and his church as one of its rich historic assets.

PLEASE, DON'T DO THIS TO US

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, as the Committee on Ways and Means Democrats now meet behind closed doors in secret, we plead with them, "Don't do this to us, don't raise taxes, and please do not raise the energy tax."

We do not need any tax increases to balance the budget if we cut unnecessary Federal spending.

Second, the energy tax is on the middle class, those who drive to work, those whose electric bills are too high already, those who live on the farm, those who live in a rural area and must drive everywhere for everything.

The energy tax will be especially onerous to my part of eastern Kentucky, the coal-producing area of our State, and the rest of the coal-producing areas in the rest of the country. The cost of coal will be driven up by 26 percent. Those who drive to work or drive to the grocery or anywhere else, their gasoline or diesel fuel would be increased; farmers would suffer, and those on fixed incomes would find their electric bills and all other bills, including grocery, increased.

If we cut unnecessary spending, we do not need to raise taxes, any taxes, but especially a tax on those who can least afford to pay it, the energy tax.

Please, Ways and Means Committee Democrats, "Don't do this to us."

THE NEED FOR A JOBS BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I recently received a letter from a constituent of mine in Clinton, CT. He is one of the thousands of people in my State affected by layoffs in the defense industry. Listen to what he has to say:

> I am writing to you about the staggering loss of jobs in the State of Connecticut. I served four years in the U.S. Navy and have worked hard all my adult life for the American Dream. I did what I was supposed to do, paid my taxes, and did my civic duties, as did thousands of other Connecticut citizens.
>
> Now it will all be taken away—my job, my home, my family—all the things I worked so hard and so long for.
>
> I'm not asking for charity or sympathy, but your help in stopping the devastating loss of jobs. I am asking you to please help us save our jobs, our way of life, our State.

Mr. Speaker, I want to answer my constituent by telling him that Congress is ready to put aside partisan differences and pass a bill to put people back to work. Productivity has fallen, the leading economic indicators are down and jobless claims are up. Millions of people across the country need our help. We owe it to them—and to the man from Clinton—to pass a jobs bill.

A TRIBUTE TO WILLIAM D. ENGLER, JR., SMALL BUSINESS PERSON OF THE YEAR

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, President Clinton has just named Chilton resident William D. Engler, Jr., Small Business Person of the Year. Mr. Engler, chief executive officer of Kaytee Products, Inc., was honored at a Small Business Week ceremony at the White House May 13.

Since 1984, Mr. Engler has increased sales at his family-owned business from $10.6 to over $70 million, and he has increased the number of employees from 64 to 365. His business has thrived due to his personal commitment to inten-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sive research, innovative product development, and careful marketing.

Mr. Engler was chosen from among men and women previously selected as Small Business Persons of the Year in the 50 States. I think this award is both a recognition of his great personal achievements, and also symbolizes the achievements of many business leaders in Wisconsin—where we have a strong business climate due both to the quality of our business leaders and to the quality of our State's highly trained and motivated work force.

APPOINTMENT OF MEMBERS TO U.S. CAPITOL PRESERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of sections 801(b) (6) and (8) of Public Law 100-696, the Chair appoints the following Members of the House to the U.S. Capitol Preservation Commission: Mr. FAZIO of California; and Ms. HARMAN of California.

MADONNA

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, the sponsors of the proposed campaign reform plan have assured us that the American taxpayers will not have to pay for the communications vouchers under their plan.

Don't you believe it. Just because somebody says something is true does not make it true.

There is a saying back in Alabama which I would like to recommend to you as you evaluate these promises:

"You can put lipstick on a pig and call her 'Madonna'—but she's still a pig." Look at my porky friend here. I've put lipstick on her and we'll name her "Madonna." But she is still a pig.

Why don't you join me and my friend Madonna, a real live pig, tomorrow, Thursday, at 1:30 p.m. in the Rayburn horseshoe, when Madonna and I will expose the realities of public financing in the proposed plan.

MORE BROKEN PROMISES

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, Candidate Clinton promised middle-class Americans a tax cut. President Clinton has said that is impossible for working people.

Candidate Clinton promised not to raise taxes until Government spending is cut. President Clinton has proposed the largest tax increase in American history despite the fact that he proposes over $250 billion in new spending initiatives.

Candidate Clinton promised to support a line-item veto. President Clinton has refused to do so.

Candidate Clinton promised to reduce the White House staff by 25 percent. President Clinton has requested funding for up to 200 additional White House personnel, far in excess of staff levels during the Bush administration.

Mr. Speaker, the President's broken promises raise the question of fairness. Why should working Americans be required to bear the largest tax increase in American history while the President refuses to contribute to that sacrifice? Why does the President continue to insist that the addition of over 200 White House personnel comprises a staff cut?

Mr. Speaker, the President must level with the American people. Excessive Government spending is not investment, increased taxes are not contributions, enhanced rescission is not a line-item veto, and a 200-person staff increase at the White House is not a staff cut.

□ 1410

LET'S LOOK AT THE FACTS

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, I am glad to hear my friends on the other side of the aisle talking lately about deficit reduction. It is heartening, if ironic.

Ironic given the fact that Democratic Congresses have appropriated $29 billion less than Republican Presidents have requested over the last 12 years.

Ironic given the fact that just last year President Bush asked for nearly $12 billion more in spending than Congress ended up approving.

All through this period, so many of you have been so quick to accuse this institution and so slow to recognize the responsibility of Republican Presidents.

I would like to remind my Republican colleagues that—as much as you would like to blame him—President Clinton did not create the country's fiscal problems. He did not create these problems, but in the very short time he's been in office, he has taken responsibility for trying to solve them.

He has proposed putting the Nation on a strict budgetary diet—one that will reduce the deficit by $500 billion over 5 years. This Democratic Congress has stepped up to the same plate—adopting budget requirements that will dictate less appropriated spending in each of the next 5 years than will occur this year.

It is a budget based on over 200 specific spending cuts and, yes, some tax increases. Taxes proposed not with any pleasure, but out of necessity. The large deficits and the debt built up over that 12-year period, were of course, caused in large part by the tax breaks granted by a Republican-controlled Government to the wealthiest Americans. Which reminds me of one of the other objectives of this new President: restoration of basic fairness in the Tax Code.

Our problems as a nation cut across party lines. We did not get in the situation we are in overnight. Potshots at a new administration for not solving these problems in a few short months rate high marks—but only on a scale of convenient memory lapse, about where Republican leadership took us.

HYPOCRISY IN THE CLINTON WHITE HOUSE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Webster's Dictionary defines "hypocrisy" as "a feigning to be what is not or to believe what one does not."

On February 7 of this year, President Clinton said, "I'll be making cuts in the White House staff, cutting payrolls * * *." He vowed to cut the staff by 25 percent, bringing the number of White House personnel to 408.

On February 9, he said:

> I should point out that this is one of the few times in this century that any President has actually shrunk the size of the White House staff.

The facts: On March 30, the staff numbered 512. A little more than a month later, the number was 527. And now, the White House supplemental appropriation includes a request for an additional 100 to 200 staffers.

Remember, my friends, this is the President who asked the American people to sacrifice—to pay more and more taxes to finance more and more deficit spending. He said, "We in government cannot ask the American people to change if we will not do the same * * *."

Well, Mr. Speaker, it looks like we have been fooled again.

RESPONSE TO GOVERNOR CASEY'S VOW TO FIGHT THE WHITE HOUSE OVER ABORTION

(Ms. MARGOLIES-MEZVINSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, yesterday, at the National Press Club, Governor Casey of Pennsylvania spoke about drawing lines in the sand and double daring the President of the United States over the issue of abortion.

For years, men in both Washington and Harrisburg have been dictating the terms and conditions of the abortion debate. Governor Casey's political rhetoric yesterday is the latest episode of political grandstanding designed merely to divide our society on the issue of abortion.

Governor Casey should make no mistake: Such rhetoric does not intimidate women who feel passionately about our reproductive rights. It does not threaten us. It tells us how far we have come, but more importantly, how far we have to go.

His words must be met with action, not simply for us, but for our daughters, daughters whom we hope will live in a world in which Roe versus Wade is codified, where access and availability to abortion and family planning is part of a national health care strategy, and where safe and easy access to any health care facility is guaranteed.

SO MUCH FOR HYPOCRISY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, a few minutes ago someone suggested that the administration will bring forth a budget that will deal with reducing the deficit.

More immediately, someone talked about hypocrisy.

On February 9, President Clinton said, "Our White House will be leaner and more effective."

I should point out that this is one of the few times this century in which any President has actually shrunk the size of the White House staff. Shrinking the White House staff was presented as a sign that the administration would make true sacrifices, but in the President's supplemental appropriation the administration requested $7½ million more money so they can hire employees for the White House. So much for hypocrisy.

The sad truth is the White House will never get to their promised 25-percent cut. In fact, they never really made any general cuts at all.

Is the White House guilty of hypocrisy? Only they know for sure, but according to the definition, the case seems all too clear.

CONGRESS CAN STILL ENACT PRESIDENT'S ECONOMIC GROWTH PLAN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, despite recent setbacks on our economic program, the Congress still has the opportunity to enact most of President Clinton's proposals for economic growth.

Clinton's plan reduces the deficit by $500 billion over 5 years by making over 200 specific cuts. The programs that will be created are designed to increase jobs and promote the economy by investment in people and communities.

The failure of the economic stimulus package to pass the Senate will not hinder our efforts to reinvigorate the economy; however, it will have some adverse impacts. For instance, this summer in Houston, there will be over 5,000 young workers who are unable to participate in the summer jobs program because the Republicans in the Senate blocked the President's bill.

We have the momentum now to move the President's budget plan and get our economy moving. Those who have presided over 12 years of borrow and spend policies are coming to terms with the fact that these changes must occur in order to get our economy moving.

THE PRESIDENT'S "TRUST DEFICIT"

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the President's description of his budget has been so inaccurate and deceptive that David Broder, the respected Washington Post columnist, coined the term "trust deficit." Another example came to light yesterday when Carol Browner, EPA Administrator, testified before the Senate Environment Committee.

In the volume "Vision of Change for America" and his much-heralded budget speech, the President claimed that $733 million could be saved from the EPA's wastewater treatment grants. He called it a program that doesn't work or is no longer needed. That was nothing but a slick deception.

You see, his deficit-stimulus package included $845 million in new wastewater funds. The administration never intended to save the money; they simply did not want to pay for it; they wanted to add it to the deficit. Now, with the phony stimulus bill dead, the President faces the prospect of living with his own proposal to cut the money—living up to his words. Yesterday Carol Browner was backpedaling fast. This was just another ploy to fool the taxpayer. The President's "trust deficit" just gets bigger.

AMERICAN JOBS TO MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan, China, Taiwan, and even Europe have come out in support of NAFTA, the free-trade agreement, including Mexico.

Think about it. Even our dog-eat-dog competitors just want us to do so well in the future, they all say that it is going to create hundreds of thousands of new jobs.

I agree, Mr. Speaker, new jobs in Mexico for Mexican people.

It will also allow Japan and Germany to build factories down there, hire people at 50 cents an hour. They will not have to invest in America, and then truck their products across the border, pushing our workers out of work.

Beam me up, Mr. Speaker. When our competitors agree with the Congress of the United States about what we are trying to do about jobs, that says it all.

THE BTU TAX

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, it was once said that, "No man's life, liberty and property are safe while the legislature is in session." As our taxes are raised in the backrooms of the Ways and Means Committee, those words are once again proven true.

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Mr. Speaker, it is sad that tax bills can be written with no Republicans present, no media present, and no sunlight present. The Btu tax is unjustified and will hit the American taxpayers not once, but many times over.

But the real issue here is the secrecy in Government. As with most muggings, this one will also have no eyewitnesses. The Btu tax is not even being raised in sight of the American public that it will hurt. Instead, the Democrat leadership has judged it necessary to raise this particular tax behind closed doors.

The public has the right to know what their Representatives are doing for them, or in this case, to them. With regard to raising taxes and the freedom of information, the Democrat leadership has decided that when we have one, we cannot have the other.

CALLING FOR INVESTIGATION OF ATTEMPTED ASSASSINATION ON FORMER PRESIDENT BUSH

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, on more occasions that I can recall in this century the United States has been called upon to defend our interests. From battlefields to negotiating tables we have demonstrated the lengths to which we will go to ensure that our interests are defended. Never, however, have we had to demonstrate our particular revulsion for the cowardice with which we regard those who would assassinate our political leaders.

Mr. Speaker, that question now arises because of allegations that the Iraqi intelligence services may have contemplated, even attempted, to assassinate former President George Bush during his visit to Kuwait.

It is time, Mr. Speaker, for the Kuwaiti intelligence services to reveal all that they know, time for this division to conduct investigations at the highest levels, and then it is time for this Government, if these allegations are proven to be true, to unleash the real wrath of the United States Government, as it has never been unleashed before, upon Saddam Hussein if he genuinely attempted to assassinate the former President of the United States.

EARTH SUMMIT MOVES TO LOUISVILLE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, as we remember, last year the nations of the world gathered in Rio de Janeiro, Brazil, for the Earth summit to discuss, in a conference, all of the global strategies for sustainable development or sustainable growth. These are policies which sustain the health of the environment and which at the same time promote economic growth.

Now those global strategies need to be translated into State and local action. And, later this month in my hometown of Louisville, under the auspices of Gov. Brereton Jones, we will have a conference exactly entitled: "From Rio to the Capitols: State Strategies for Sustainable Development."

Mr. Speaker, I think that from this conference will come many environmental and economic growth ideas that are feasible to be undertaken at the State and local level.

Our main speaker will be the Vice President. Vice President AL GORE will be the keynote speaker at that conference.

Once again, Mr. Speaker, it is now time to translate from the global level to the local level steps that we may take to maintain and sustain our environment and at the same time enhance economic growth.

INTRODUCTION OF THE REGULATORY REFORM AND RELIEF ACT

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of North Carolina. Mr. Speaker, today, I and other Members of Congress introduced the Regulatory Reform and Relief Act. The purpose of the act is simple. It will require any rule or regulation promulgated by a Federal Agency to be approved by both Houses of Congress and signed by the President before the regulation can take effect.

Direct and indirect costs of Federal regulations are almost $17,000 per household—twice the average household Federal tax burden.

In my office today, we are working on a regulatory snafu that may cost the apple farmers of my district between $20 and $30 million and thousands of jobs. In another part of my district we are trying to unsnarl regulations that are stopping the salvage of downed timber in a national forest in Graham County where unemployment is 30 percent. Few Members of Congress realize the damage being done by regulations flowing from legislation passed by this body. We are relinquishing our responsibility for creating the laws of this Nation to nameless, faceless and unaccountable bureaucrats.

Mr. Speaker, I urge my colleagues to join me in sponsoring this needed legislation.

TERRITORIAL AMERICANS SHOULD BE ALLOWED TO VOTE IN PRESIDENTIAL ELECTIONS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, today I introduce a measure that would end the exclusion of 4.6 million American citizens from Presidential elections simply because they happen to live in a U.S. territory. Today I call upon my colleagues, Republicans and Democrats alike, to join me and the bill's 27 original cosponsors on this issue that goes to the heart of who we are as a nation. This is an effort I first made in 1973, Mr. Speaker. I made another in 1985, and another in 1987. This is my fourth attempt, and it is my hope that a fifth will not be necessary.

I urge all of my colleagues to defend my right—and that of millions of other patriotic American citizens—to vote for our President, just as we have fought for the rights of the voteless in Cuba, China, South Africa and a host of nations around the world.

Mr. Speaker, the same territorial Americans denied the vote today would be allowed to vote were they to simply move to the mainland. So, clearly, we are not being denied the vote because of who we are, but because of where we live. Our exclusion from this most precious expression of citizenship therefore reflects, not a problem of principles, but one of logistics. And this is one logistical problem, Mr. Speaker, that can and must be fixed.

I thank the 27 Members who have joined me as original cosponsors, and I am making a personal appeal to all of my other colleagues to join us in this assertion of the time-honored American ideals of fair play and justice.

Mr. Speaker, I would be remiss if I did not remind everyone that American citizenship has brought territorial Americans many a lonely death on many a distant battlefield because our citizenship brings with it the responsibility to fight and die in defense of our country. This we accept willingly. This responsibility needs to be balanced by a very basic right, the right to vote for the man or woman with the power to send us to those distant battlefields.

Democrats and Republicans can agree, I am sure, that this is not too much to ask.

HYPOCRISY AT 1600 PENNSYLVANIA AVENUE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, when he asked the American people to sacrifice, Mr. Clinton vowed to lead the way. He promised to set an example by cutting the White House staff to 408 people, a reduction of 25 percent. It sounded good. Has he done it? Not a chance.

In fact, on March 30, the number of White House employees stood at 512. On May 6, the number was 527. And now, Mr. Speaker, the White House is asking for an additional 100 to 200 warm bodies in its 1993 supplemental appropriation request. So much for sacrifice.

The American people are quickly catching on to this nonstop White House hypocrisy. This administration tells you one thing. They do another. They ask the taxpayers to sacrifice. And they feather their own nest at taxpayer expense.

It is time to stop the hypocrisy. It is time to start keeping those campaign promises to the American people. It is time to cut the White House staff.

EQUITY FOR CONGRESS

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, today I am introducing a bill—along with more than a dozen Democrat and Republican cosponsors.

The Equity for Congress Act will remove the perceived barrier between Congress and the people it serves. Equity for Congress mandates that Congress comply with basic civil rights, health, safety, and labor laws.

This idea has garnered widespread support that transcends political parties and ideologies. In fact, it has been endorsed by both the Democrat and Republican freshman classes.

Equity for Congress proves to our constituents that we are devoted to real change by establishing an administrative action policy. Any employee of the U.S. Congress can be brought to answer for their actions just as any other private citizen would for breaking the laws we mandated in the Civil Rights Act, National Labor Relations Act, Fair Labor Standards Act, Occupational Safety and Health Act, and Family and Medical Leave Act.

I realize this may raise separation of powers concerns for some of you, but I will leave you with these thoughts: How many Americans would favor legislation that prohibited undesirable acts in the workplace and subsequently empowered management to set up a panel to hear and dispose of complaints from workers? I suspect none.

Second thought: When Congress decides to play prosecutor, judge and jury through in-house enforcement of laws, this is when we have a serious separation of powers issue.

I urge you all to cosponsor the Equity for Congress Act and show your constituents that our campaign promises for reform in Congress were not just a facade.

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WHITE HOUSE STAFF CUTS TURN INTO INCREASES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, President Clinton promised in January that he was going to cut the White House staff by 25 percent. He traveled around the country spreading his word of sacrifice to the American people. He made the American people believe that he was willing to cut his staff to save money and balance the budget, just like all the businesses around the country are having to do.

But now it seems that the President has changed his mind, once again. He has asked the Appropriations Committee for an additional $7.5 million for the White House budget, which includes $2.7 million for temporary staff. I understand that much of this money is to fill the 20 open positions in the correspondence area. Those 20 open positions are the people he fired in January during his so-called 25 percent cutback.

Mr. Speaker, what is going on at the White House? We hear President Clinton make a promise one day, and then turn around and go back on his word. He is not cutting back any staff at the White House—in fact, he is increasing it. The American people will not be fooled. This is hypocrisy at its worst. Bigger taxes, more spending, and a bigger Government; that is what President Clinton really wants.

CLINTON SEEKS ECONOMIC CHANGES, BUT PARTISANSHIP REMAINS A PROBLEM

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the reason there is so much noise on the other side opposing the President is because this President wants to change things. He is taking on the status quo and the special interests.

In the coming days Congress is going to decide on his plan for economic growth. The President's plan cuts the deficit by $500 billion in 5 years. It cuts wasteful spending. It cuts 200 specific projects. Seventy percent of all revenue measures are going to bear on the wealthiest 5 percent of all Americans. This is why the other side is so concerned. This President wants change and the American people want change, so we have a battle of the narrow interests against the national interest.

Mr. Speaker, the American people voted for change. Let us give the President a chance. Let us move ahead on the reconciliation package and stop the partisanship that is hurting this country.

BOSNIA, ANOTHER VIETNAM?

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Mr. Speaker, I rise today to urge my colleagues to be very, very cautious about entering the Bosnia conflict. I am very, very hesitant to have us send ground troops to Bosnia or to Macedonia because I fear it could easily become another Vietnam. Military leaders, particularly those in South Carolina, tell me there are two considerable differences between the Persian Gulf, where we were very successful, and Bosnia.

The first is that it is a civil war, a centuries-old conflict that has not been resolved by warring factions, and the second is that there is a real opportunity here to get mixed up with the enemy all around us. Just like in Vietnam, there are hamlets surrounding enemy villages as well as those that are friendly villages. The result is that the enemy is all around us.

For those reasons, I think we should be very, very hesitant to enter the Bosnian situation. If the warring factions in Bosnia have not been able to work out their differences in the centuries that have passed, how in the world do we in the United States of America think we can enter the situation, fix it quickly, and then come home. I fear it will not happen.

INTRODUCTION OF LEGISLATION TO AUTHORIZE A FINANCIAL ASSET SECURITIZATION INVESTMENT TRUST

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, yesterday I introduced H.R. 2065, that is intended to extend the economic benefits that were created when Congress enacted the REMIC provisions of the 1986 Tax Reform Act. This new legislation would authorize a new tax vehicle for the securitization of loans, called a financial asset securitization investment trust or FASIT. While REMIC was limited to mortgage loans and designed with mortgage loans in mind, the FASIT legislation is designed to accommodate the securitization of a much wider variety of debt obligations.

As REMIC has shown, securitization works. Mortgage securitization has increased the availability of mortgage credit, decreased its cost, made mortgage loans more liquid in the hands of their owners, and broadened the universe of actual and potential providers of mortgage credits. It is my hope and expectation that modernizing the tax rules applicable to nonmortgage asset-backed securities will provide similar benefits for many more types of loans.

With securitization, the private financial markets will be able to make more loans. In addition, by facilitating the issuance of more efficient asset-backed securities we will be contributing to more diversification and liquidity in the Nation's financial markets. And, to the extent more efficient securitization acts as an alternative to increased reliance on governmental guarantees, we will be enhancing the availability of credit without increasing the potential demands on the FDIC and other agencies.

A detailed explanation of the technical provisions will be made available to any Members that may be interested.

DRUG USE OUT OF CONTROL—PASS A CRIME BILL NOW

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, the Department of Justice last week released a report on the impact of drug use on crime in this country.

The numbers are startling. In 1990, more than 3 out of 4 jail inmates admitted using illicit drugs; more than 50 percent of criminals voluntarily tested for drug use tested positive; and offenders under the influence of drugs committed more than 336,000 violent crimes.

The point is clear: there is a high correlation between drug use and violent crime—with 85 percent of violent crime linked to drugs—and the number of hard-core drug users continues to increase.

Yet we haven't heard a word from the Clinton administrator on a crime bill.

Mr. Speaker, the President promised in the St. Louis debate on October 11, "The crime bill will be one of my highest priorities next January if I become President."

Mr. Speaker, it is now the month of May—and still no word on any crime legislation. If the President gave the crime bill the same priority as gays in the military, we would now be holding hearings on a crime bill. Let's get to work now to pass a strong and comprehensive crime bill that includes drug treatment and education, as well as the death penalty for the most heinous crimes.

The victims of crime in this country deserve nothing less.

A TRIBUTE TO MANUEL LUJAN, JR.

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to a great New Mexican and a great American—Manuel Lujan, Jr.

After serving 20 years in the Congress of the United States—in the seat that I am now proud to hold, Manuel planned to retire to private life back in his native New Mexico in 1988. But then he received a call from the new President, George Bush, who summoned him to the White House and asked his old friend and colleague to assume the role of Secretary of the U.S. Department of the Interior in the new administration.

During his 4 years as trustee of America's public lands, Manuel combined compassion and integrity with a commitment to balance, to conservation and wise management of this Nation's precious natural resources.

He distinguished himself as a great leader who was willing to listen to all sides, and one who always tried to do what was right for his country and its people. All of us are grateful for his dedication, his sacrifice and his service.

During his two decades of service in the House of Representatives, Manuel was known for his concern for the plight of each and every one of his constituents. He never forgot the common man, or his own roots in the land of enchantment. He will always be remembered for the tenacity with which he fought against wasteful government spending and for the value he placed upon every single tax dollar paid into the U.S. Treasury. Manuel also established the endowment for Excellence in Education, which continues today to provide scholarships to New Mexico college students.

From your many friends and admirers in New Mexico and across the Nation—including myself—please accept our sincere thanks for all you have done for all of us, Manuel, during a lifetime of public service. We are pleased and proud to have you back in New Mexico full-time and we wish you what you have always fought for, for all of us—the very best of everything.

So it is on this day, your 65th birthday, that I pay tribute to you for all of the citizens of our State and country. Muchas Gracias, Manuel.

PRESIDENT CLINTON'S RECIPE FOR DUPLICITY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, we are witnessing the sight of the chef fleeing the heat of his own kitchen as President Clinton goes back on the campaign trail in the Midwest. Main course campaign promises have gone up in smoke—going from a middle-class tax cut to a tax hike on everyone, from no gasoline tax to a tax on all energy.

However, a new concoction is Chef Clinton's masterpiece. Just a few short months ago President Clinton announced with great fanfare a staff cut he called the biggest, as far as I can tell, in the history of the Republic, certainly in the 20th century. He said "We in government cannot ask the American people to change if we will not do the same."

It sounded new then, but today we find it is simply another recipe for duplicity. Instead of cutting staff, they are growing staff: Their target goal was 408; in March the level was 512; today the level is 527 and they are now asking Congress for 100 to 200 additional positions.

Maybe Chef Clinton should quit trying to disguise the fact that the administration is slinging the same old hash of more government, more spending, and more taxes and instead try a new menu.

WORK BEGINS ON BIG CLINTON TAX INCREASE

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Oh where, oh where have the Democrats gone? Off raising taxes, all alone.

Mr. Speaker, somewhere, and no one knows exactly where, the Democrats on the House Ways and Means Committee are huddled together in secret, drafting the largest tax increase in American history.

No wonder they're hiding.

Their candidate for President, Bill Clinton, promised the American people he wouldn't raise taxes on the middle class. In fact, he said he would cut taxes.

Now, the President's gone back on his word, and the dirty work of passing the huge Clinton tax package has begun.

I know why the Democrats are hiding. It's because they're ashamed. Ashamed to admit that their President mislead the American people. Ashamed that they lack the courage to control Federal spending. And ashamed to tell the American people that they are going to take more of their hard earned income.

Well, Mr. Speaker. They say if you tax something, you get less of it.

If that's true, maybe we should tax dishonesty, broken promises, secret meetings, and back door dealings in Washington.

If we did, one of two things might happen: We might get better Government, or we'd balance the budget. Either result would be good for a change.

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IT'S TIME TO DO SOMETHING ABOUT WASTE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, since 1978, the General Accounting Office has written 15 reports telling Congress that Federal agencies are not listening to auditors. This year, the GAO needed four volumes to list its 2,334 unresolved recommendations.

The most recent report on this matter from the GAO states that recommendations that could have saved the taxpayers approximately $15 billion were ignored by agencies of the Federal Government.

Every member of this House can think of a better use for $15 billion than being wasted in the Federal bureaucracy, reducing the deficit, for example. And this waste is particularly unacceptable at a time when Congress and the administration are proposing the largest tax increase in the Nation's history.

For the last two decades, Congress has taken several steps to legislate some accountability into Government agencies, but had little success.

Nearly every major financial disaster or scandal in the Federal Government during the last decade was preceded by years of warnings from the GAO or the inspectors general. The GAO in 1985 warned of major financial problems in the Government fund to protect savings and loans. The S&L fund collapsed 4 years later at a cost now estimated at more than $150 billion.

The reason is that these agencies have no incentive to implement internal reforms and save taxpayers money. That's why I believe the time has come to give our Federal agencies the best incentive to save of all—necessity.

Next month, we will begin the process of passing the annual appropriations bills, Congress should look at the GAO's recommendations, and make mandatory cuts in the budgets of those agencies that refuse to cut waste.

ACCOLADES TO NEW JERSEY CARRIERS

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to praise the letter carriers in my State of new Jersey who are planning to participate in a Nationwide food drive this coming Saturday, May 15.

In the past, various branches of the National Association of Letter Carriers have held their own, local food drives, usually in the fall. But this year, their union has made the decision to go national with this effort and to hold it in the spring—when the stocks of the community food banks are beginning to run down after the holiday buildup.

I take the floor today to urge all of my constituents with participating branches—from South Plainfield and Woodbridge to Edison and Short Hills—to contribute to this food drive by leaving nonperishable food in their mailboxes this Saturday. It's a simple action that helps your local community help others.

And I especially want to salute the community spirit of all the New Jersey letter carriers helping out with this fine project.

INTRODUCTION OF RESOLUTION URGING REDIRECTION OF FOREIGN AID PROGRAM

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today this Member, together with the distinguished gentleman from Ohio [Mr. HALL] is introducing a concurrent resolution urging the President and Congress to reform the U.S. foreign aid program to make it responsive to the post cold war environment.

We are joined by the following 19 distinguished colleagues from both sides of the aisle as cosponsors: the gentleman from New York [Mr. GILMAN], the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Maryland [Mr. MFUME], the gentleman from Minnesota [Mr. PENNY], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Florida [Mr. HASTINGS], the gentleman from Michigan [Mr. HOEKSTRA], the gentleman from New York [Mr. ACKERMAN], the gentleman from Indiana [Mr. MCCLOSKEY], the gentleman from California [Mr. EDWARDS], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Florida [Mr. DEUTSCH], the gentleman from New Jersey [Mr. TORRICELLI], the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from New Jersey [Mr. PAYNE], the gentleman from Massachusetts [Mr. MEEHAN], the gentleman from Ohio [Mr. FINGERHUT], the gentleman from Missouri [Mr. WHEAT], and the gentlewoman from Hawaii [Mrs. MINK]. Our resolution would call for a specifically described redirection of our foreign aid program to an emphasis on sustainable development, and in particular, the reduction of hunger and poverty in environmentally sound ways.

This Member would like to emphasize that this resolution does not call for increased foreign aid spending. Rather, it simply calls for shifts within the existing budget so that more funds meet sustainable development and humanitarian needs.

Sustainable development must be brought to the top of the world agenda, for both humanitarian and economic reasons. Promoting long-term development that both reduces poverty, attacks hunger, and protects the environment will help prevent costly famines in the future. It will also enhance global stability by addressing conditions that lead to social tension and violent conflict.

Redirecting our assistance programs toward sustainable development makes economic sense. Raising the living standards of low-income people abroad should promote United States and global prosperity. Modest levels of carefully directed assistance can help to create markets for U.S. products. And, by promoting patterns of development that truly enhance self-reliance, the goal of reducing the need for foreign aid will eventually be achieved.

Mr. Speaker, over the years our foreign assistance program has become an unmanageable tangle of conflicting objectives. It is time to get back to basics and promote a commonsensogram of sustainable development. This legislation does just that.

Mr. Speaker, Members are encouraged to consider a "Dear Colleague" letter which they will receive with details on this legislation and are encouraged to bec become cosponsors.

A "NO" VOTE URGED ON COMPETITIVENESS BILL

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker. Today we are asked to vote on a competitiveness bill which adds $1½ billion to our deficit over the next 2 years.

When are we going to learn that we do not get more competitive by going deeper and deeper into debt?

If we want to do something about competition then our current administration needs to drop their plan to create an energy tax. Because new taxes mean higher prices which means we are less competitive.

This great country of ours will only become more competitive by lowering prices and raising productivity.

Neither of these will ever be accomplished by burying business in more taxes and more regulations. Please join me and vote no on this bill because it will not help us compete with anyone but the tax collector.

EMPLOYMENT UP AT WHITE HOUSE

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, soon the House will vote on another supplemental appropriations bill, to give millions more to the Clinton White House for this year's budget.

You heard right. President Clinton says he needs more staff, and more money, and he needs them right now.

This is the same President who travels the country, telling folks he has cut the White House by 25 percent. He says it's a done deal. But that is just not true.

A month ago his assistant admitted to me that the White House was up to 512 employees, way more than the 408 promised by the President. But they promised the number would be going down, week by week.

Now, last week, Clinton's people admitted to me that the White House staff is up again, not down—up to 527 employees—even further above the promise of 408.

I know Bill Clinton promised to put people to work. I did not know he intended to hire them all at the White House.

CHAMBER OF COMMERCE JUMPING SHIP FROM S.S. CLINTONOMIC

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker. The U.S. Chamber of Commerce, aboard the sinking S.S. Clintonomic, finally jumped ship. The chamber's opposition to the Clinton economic plan should send a message to the White House—this plan won't float.

You know, the administration and the Democrats in Congress still think the Clinton plan will work. They just don't get it. They'll tax and spend—and regulate without end—and tell American businesses to just sink or swim.

Mr. Speaker, I applaud the U.S. Chamber for realizing what some of us have known all along—Americans still don't want, don't need, and don't deserve new taxes.

COMMITTEE ON WAYS AND MEANS DELIBERATIONS REMAIN CLOSED

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, last week, the Ways and Means Committee started meeting to write a huge bill, full of new taxes. Hundreds of billions in new taxes. That's right, hundreds of billions.

You may have missed the story on the evening news, there probably wasn't one. Why is this? Because the first thing the majority did was note to close the markup to the taxpaying public and the press. They kicked everyone out and locked the door.

This week, the Democrats have taken their policy of inclusion one step further, now they have kicked out the Republican Members of Congress. Today they are holed up somewhere in the Capitol writing the largest tax bill in the history of the United States. Alone, no taxpayers, no press, no cameras, and no Republicans.

Then next week they are going to bring that bill down to the floor of the House and wring their hands and moan about the lack of bipartisan spirit in the House. They are going to talk about gridlock.

Didn't they learn their lesson a few weeks ago when they passed a $16 billion pork spending bill without bipartisan support and the bill failed in the Senate?

Didn't they learn when the American people demanded that Hillary Rodham Clinton's secret health care task force be opened up as the Federal open meetings law requires?

Didn't they learn when the House bank scandal dragged on and on because the majority kept voting not to release any information to the public.

The House must open up and let the taxpayers see what is going on.

THE PRESIDENT'S BROKEN PROMISE TO CUT THE WHITE HOUSE STAFF BY 25 PERCENT

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, America is always a land of promise in an election year. However, President Clinton's promise to the American people to cut the White House staff by 25 percent has not been fulfilled.

In reality, the President's plan to trim jobs represents a mere 10 percent cut in the White House staff. There is also a lot of smoke and mirrors and creative budgeting clouding the President's supposed staff reduction.

What is worse, this small staff reduction will not even save taxpayers money. Instead, according to the President's fiscal 1994 budget proposals, spending by the White House will increase by some $4 million.

Mr. Speaker, voters are tired of broken promises. They are tired of politicians spending half their time making promises and the other half making excuses.

Let us clear the smoke, shatter the mirrors, and play by sound fiscal rules. The President's pledge to cut the White House staff by 25 percent can still be achieved—it simply will require some tough decisions on where to cut.

In addition, Congress should shrink the size of its bloated staff by cutting the number of committees and subcommittees.

The rallying cry from main street to Wall Street is to reduce the size of the enormous Federal budget deficit. The American people want a leaner, more efficient and responsive Federal Government—not more of the same bloated bureaucracy from one end of Pennsylvania Avenue to the other. Mr. Speaker, I urge the White House and Congress to start this process by cutting their own budgets and staffs.

□ 1450

A LANGUAGE PROBLEM AT THE WHITE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the Clinton White House has a severe language problem. In politically correct jargon, they might be referred to as definitionally challenged.

They say the words, but they do not know what they mean.

For example, they say, "We want to reduce taxes on the middle class," and then they propose to increase taxes.

They say, "We will reduce the deficit," but then the deficit goes up the next year.

They say, "We will reduce Government spending," but then they propose to increase it.

They say, "We will cut the White House staff by 25 percent," but then just last week they came to Capitol Hill and asked for more money so they can employ more people than worked for George Bush.

Contributions are taxes. Higher taxes are spending cuts. And patriotism is something that gets measured at the Congressional Budget Office.

George Orwell's vision of a frightening future was when those in power rendered words meaningless by changing their definition to meet a political test rather than reflect reality.

George Orwell, meet the Clinton administration.

ATROCITIES WORLDWIDE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, a horrible thing is going on in Yugoslavia, and the world knows about it because we see it on television every day and every night. But equally horrible things are taking place in other parts of the world, and the world does not even know about it. The media never reports about it.

We, as a government, need to do something about these things. We need to put pressure on the governments that are bringing about these atrocities, that are raping women, that are killing children and bringing about horrible things in these countries.

One of these countries is India. In the northwestern part of India in Kashmir, people are being raped, killed, murdered, put in jail for long periods of time without any trial, without any judicial procedures.

The same thing is happening right next door in Punjab, and now we find out today in Sudan, in Sudan they are kidnaping children and women and putting them into slavery.

The Government of Sudan is killing people. They are murdering large numbers of people, masses of the population, and they are putting people into slavery.

In this day and age, that is something we as a government cannot tolerate.

Mr. Speaker, I urge this administration, this House, and the Senate to do everything in our power to focus public attention on this so that these atrocities will stop.

THE CONSEQUENCES OF BIG GOVERNMENT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, when government gets too big, a few benefit while many suffer. When government gets too big, the wealthy and powerful and influential get the goodies, while the average person gets the crumbs, if anything at all.

There are so many examples of Federal waste and inefficiency, favoritism and cronyism, that it is almost unbelievable.

One example of this is a dam that the city of San Francisco has in the Yosemite National Park. This dam provides San Francisco with a great deal of water, huge amounts of water, and hydroelectricity on which the city makes a profit of $26 million each year.

San Francisco pays $30,000 year to make this $26 million.

The American taxpayers are really being ripped off by this deal. The city's fee has not gone up for 60 years.

Is it any wonder that the Federal Government continues to lose almost $1 billion a day, when it agrees to deals like this?

Unless and until we reduce the size of our Federal Government, huge amounts of taxpayer funds will continue to be wasted. And we will never even come close to getting out of debt.

NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. (Mr. MONTGOMERY). Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 820.

☐ 1454

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 820) to amend the Stevenson—Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. HEFNER (Chairman pro tempore) in the chair.

The CHAIRMAN pro tempore. (Mr. HEFNER). When the Committee of the Whole rose on Thursday, May 6, 1993, title III was open for amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 56, after line 19, insert the following new section:

SEC. 324. RECOUPMENT.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended by adding the following new subsection:

(l)(1) Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish procedures and criteria for recoupment in connection with any project, for which a grant, contract, or cooperative agreement is made under this section, which has led to the development of a product or process which is marketed or used.

(2)(A) Except as provided in subparagraph (B), such recoupment shall be required as a condition for award and be proportional to the Federal share of the costs of such project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

(B) In the case where a product or process is used by the recipient of the financial assistance under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

(3) The Secretary may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

(A) the commercial competitiveness of the entity or entities developing or using the product or process;

(B) the profitability of the project; and

(C) the commercial viability of the product or process utilized.

Amend the table of contents accordingly.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is an amendment that I am offering today as a consensus amendment that we have gotten some cooperation and has been accepted by the majority, and I am pleased that that is the case.

It was somewhat controversial when it was before the committee. I think now we have it worked out, and it is going to be something which we will be able to do fairly easily on the floor.

During the last Congress this Committee, in the full House, adopted a very similar kind of concept. It was dropped only at the last minute of the first session at the request of the Senate in order to get a clean level funding bill, which became Public Law 102-245, the American Technology Preeminence Act.

But the concept itself, which is to pay the taxpayer back for his or her investment, is, to my way to thinking, a sound concept.

If we are going to put the taxpayer at risk, as we do in many sections of this bill, then at the very least, they ought to expect a fair return for the money that is invested.

I am not so certain that this whole idea of putting taxpayers' money into venture capital, which puts it at risk, is a good idea to begin with. That is not the way that we are going to improve the economy.

But if that is the route we are going to go, then at the very least we ought to be assured that the taxpayer is going to get some money back, particularly if some of these companies become highly profitable.

I am simply not one who is willing to tell the American people that they deserve no consideration for their trouble of such kinds of investments. And for the argument that this idea of recoupment is not workable or too complicated or cannot be done, let me say that we already have this kind of concept in place.

The language is very similar, the language approved by both Houses and signed into law as part of last year's national energy bill. And this was done for the coal research and development branch, which is quite similar in scope to the ATP grants that we are talking about here. There is a similar requirement that affects the Defense Department. So this is something which we have found useful and workable before.

I think we have gone even one step better here in going back to a concept that we had several years ago of using royalties as part of this.

Last year, when we did the ATP bill, we found out that royalties were something that they wanted to drop, and so we came up with a different kind of recoupment.

Now the majority has come to us, and in particular the gentleman from New Jersey [Mr. KLEIN] has been very helpful in this regard, has come to us with a suggestion that we ought to include that. And we have come up with some language.

I have to say, I am very pleased with the consensus language. I think it is good language, and I congratulate the gentleman from New Jersey [Mr. KLEIN] and others on his side who worked on this and thank them for their support and contributions to the provision.

I think we have come up with something which is better than the original amendment I planned to offer. I think that it meets the demands that I had for this particular program, and that is, we get some taxpayer recovery. And I think the fact that we have been able to work out a consensus on it means that we have a good chance to preserving it through the process.

So again, I would say to the gentleman from New Jersey [Mr. KLEIN], who has been someone who has provided some leadership here, I thank him for his contribution. And I think that the language is some for which the committee can be proud of its work.

Mr. VALENTINE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we appreciate the work of the gentleman from Pennsylvania [Mr. WALKER], and the work of the gentleman from New Jersey [Mr. KLEIN].

I rise in support of this amendment and agree with its underlying principle, that taxpayers should be reimbursed if a company makes a substantial profit on Government-funded research. However, we should not forget that recoupment has been tried before with the Advanced Technology Program and was terminated at the request of the previous administration because of its complexity and the burden it imposed on our high-technology innovators and on the bureaucracy.

We now have a letter from the Secretary of Commerce expressing reservations with this amendment; therefore, as this bill continues to move through the legislative process, I feel that we should work with the administration to assure that it will be acceptable to the President.

☐ 1500

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I want to thank the gentleman from Pennsylvania [Mr. WALKER] for his kind words, and for taking time to examine my proposals for recoupment.

This amendment is offered in the spirit of bipartisanship. I concur with its worthy objectives of the gentleman from Pennsylvania in his effort to recoup some of the Federal support provided under the ATP. I am pleased that gentleman saw fit to adopt many of the procedures for recoupment that I had originally planned to offer as a substitute.

This compromise language removes many of the costly recordkeeping requirements for both the grant recipient and the Government. Detailed records of revenue and costs would have led to administrative costs that would in many cases exceed the return.

Also, grant recipients who invent products that turn out to have little or no commercial value would have been required to repay the same amount as those who invent products of great commercial profitability. This runs counter to the essential purpose of the grants to give incentive and encouragement to cutting edge research and I am pleased that we were able to remove this stipulation.

The royalty approach offered here achieves the goal of recoupment, but carries with it none of the problems of a loan. It enables the Government to realize a return on the grant whose commercial success is achieved. The revenues obtained will go back to the Treasury and can be used to fund future research grants.

The Director of NIST will have the flexibility to determine what is an appropriate royalty in light of the commercial profitability of the invention and to forgo a royalty if the imposition of a royalty would deter research in any given situation.

Once again, I want to thank the gentleman for embracing the concepts I had put forth and, in the spirit of bipartisanship, I urge all Members to support the amendment before us now.

The CHAIRMAN pro tempore (Mr. HEFNER). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III of the bill?

AMENDMENTS OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. CALVERT:

Page 56, line 20, through page 98, line 14, strike subtitles C and D.

Page 3, amend the table of contents by striking the items relating to subtitles C and D of title III.

Page 125, lines 8 through 15, strike paragraphs (1) and (2).

Page 125, lines 16 and 21, redesignate paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

Page 126, lines 1 through 7, strike "Of the amounts" and all that follows through "administrative expenses.".

Mr. CALVERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Chairman, my colleague the gentleman from California [Mr. ROYCE] and I are offering an amendment to H.R. 820—the national competitiveness bill—which would eliminate title III, subtitles C and D.

Mr. Chairman, before I begin, I would like to thank the chairman and ranking members of both the full committee and subcommittee for their efforts on behalf of this bill. I would especially like to thank the chairman, the gentleman from California [Mr. BROWN], the gentleman from North Carolina, Chairman VALENTINE, for arranging an open rule for this bill. This is my first open rule as a Member of Congress. Hopefully, the leadership on the other side will follow this example—it has been 16 years since the Science Committee has brought a bill to the floor without it being considered under an open rule.

These sections establish programs which provide loans and equity financing to small businesses involved in high technology development. These would be administered by the Department of commerce. They are programs which we believe should be eliminated from this legislation because they are potentially wasteful; they are not supported by the Clinton administration; and they are redundant.

First, they are potentially wasteful.

History has shown that the Department of Commerce has been ineffective in administering recent loan programs. The Department has provided nearly $1.2 billion in loans over the last 2 decades and not even half of the money has been paid back. If Commerce can't recover its loans, how can we expect it to undertake the potentially more difficult tasks which this legislation seeks to give it?

Second, neither commerce Secretary Brown not the Clinton administration wants to assume responsibility for these programs. In his testimony before the Technology, Environment and Aviation Subcommittee on March 22, of this year, Secretary Brown stated:

> * * * I would like to reserve judgment at this time on the loan and equity financing provisions of title III.

The administration has continued to express concern through the acting general counsel of the Department of Commerce, Carol Darr. Ms. Darr stated in a letter March 24:

> * * * We are not in a position to support the loan and equity financing provisions of subtitles C and D of title III until (the Clinton administration has) completed, a review of technology financing.

Further, on the day of the full committee markup, April 21, a letter was received from Ms. Darr expressing, the administration's "grave concerns about a number of provisions." The administration is "most seriously concerned about the following provisions * * * title III, subtitles C and D * * * We believe that these provisions will be counterproductive to the achievement of the objectives of H.R. 820, and may have unintended, serious consequences."

Finally, these provisions are redundant, especially the equity financing provision.

I have a letter from the National Venture Capital Association—an association comprised of hundreds of members, which seeks to stimulate the free flow of capital to young companies—just the kind of companies this legislation seeks to help. And this association wants this provisions removed. Why? Because it is redundant. Its provisions are modeled after the SBA's small business investment companies program. Starting a new program will involve tremendous startup costs, will create a new set of regulations and will require that venture capital firms have to deal with two bureaucracies. In addition, we will be dividing the pot of money for these new companies. If we have one program, we make it easier for new companies to apply for funds and we make it most cost effective for the government.

Why is it that business people can so clearly see that avoiding duplication will save money and make it better for all involved, yet Government seems to be the last to realize this?

On Monday, May 3, Chairman BROWN received a letter from the Congressional Budget Office. The CBO estimated that the Government would be providing guaranteed loans of not $70 million as stated in the bill. In reality, government would be guaranteeing $696 million. This is $696 million ripe for fraud and abuse. $696 million that your constituents and mine are ultimately responsible for. And let's remember—this is investment in companies that the private sector considers too risky to finance. What happens if they fail? The taxpayers will have to bail them out, up to $696 million.

And that brings me to another very important fact. The administration in its recent budget provided no funding for these sections. The Clinton administration doesn't want to have a mini S&L problem on its hands. Do we? If the administration isn't ready to implement these programs, why authorize the money? Why provide one more excuse for raising taxes on our constituents?

Mr. Chairman, the administration doesn't want these programs. In fact, the administration, again through Ms. Darr, states on April 21, "* * * we are concerned that including authorization for fiscal year 1995 for these programs prejudges the outcome."

And as recently as May 3, in a statement of administration policy from OMB, the administration stated that it "may seek certain improvements to the legislation as it continues through the legislative process." And based on the Commerce Department's previous statements, it is clear this is one change it wants made.

Let us not prejudge the outcome. First, let us give the administration an opportunity to work out its position. Second, let's bring these sections up after the administration has had their opportunity to formulate an opinion, since they have shown no desire to fund these sections now; and finally, let's show our constituents that we are fiscally responsible.

While I support programs that will create jobs—especially in the high technology arena—I can not in good faith support these subtitles in the achievement of that goal. I believe that one of my primary responsibilities to my constituents is to stop wasteful government spending. Let us not spend money for the sake of spending it, but rather wait and use it wisely. Why duplicate an already existing program? The taxpayers do not want duplication, they do not need waste; they want and deserve responsibility.

☐ 1510

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

The amendment would strike provisions in the bill that promote business development and entrepreneurial activity in the high-technology sector.

Venture capital and America's entrepreneurial spirit are responsible for many of the great technology innovations and companies in this country. Venture-backed companies create a greater percentage of high-skilled, high-wage jobs than the general population of U.S. companies, and they spend more on research and development than do Fortune 500 companies.

Unfortunately, capital for early-stage technology companies in the United States is disappearing. Data from the Commerce Department show that venture capital for early-stage companies has declined over 80 percent since 1988.

In testimony before our committee, Dr. John Carruthers, the director of research for Intel, stated that:

> Since the mid-1980's, our Nation has failed to produce a new generation of technology companies (because of) the alarming and growing inability of American entrepreneurs to obtain seed and venture funding.

The need for action is clear. If we do not respond, many promising new technology-based companies will suffocate from the lack of adequate capital. The financing provisions in this bill reflect our committee's best judgment on how we can deal effectively with this problem. Others agree.

The American Electronics Association, other industry groups, the States, and early-stage venture capitalists support these provisions.

The sponsors of the amendment argue that these programs should be rejected because the administration has not requested funding for them, they are redundant, and the record of the Commerce Department in administering loan programs is poor. These arguments are misleading and should be rejected.

The administration has not taken a position on these programs. It is continuing to evaluate these proposals and has not requested funding for them in its fiscal year 1994 budget request.

We have accommodated the administration by deferring the effective date of these provisions until fiscal year 1995 to allow them more time to review these programs and to propose changes if necessary.

The bill's venture capital program does not duplicate the SBA's Small Business Investment Company [SBIC] Program. While it was deliberately modeled after the SBIC program, there are significant differences that play to the strengths of the Department of Commerce.

The focus of the program in this bill is early-stage technology investing where the capital shortfall is greatest. The SBIC program is not oriented toward technology. Less than 20 percent of SBIC investments are in technology.

These two programs are not redundant; they are complementary. The bill further avoids potential duplication by allowing the Commerce Department to subcontract program administration to the SBA.

It is true that the Commerce Department had a poor record in administering loan programs during a previous administration. That experience was an isolated event involving the ailing steel industry. That experience, and other similar experiences, led the Congress to pass the Federal Credit Reform Act. Under credit reform, appropriations for credit programs of this type must be made in advance and the amount of credit made available is limited by appropriations. The credit programs in this bill will operate under the guidelines of credit reform. This more disciplined approach will minimize the Government's risk in these programs.

Mr. Chairman, there is a dearth of venture capital in the United States for early-stage technology companies. If we do not respond to this problem, our economy may suffer irreparable harm. We have tried to act responsibly to this problem in this legislation.

The amendment would deny American's high-technology industry the help it desperately needs to bring new technologies to the market and to create the high-skilled, high-wage jobs that will improve living standards for Americans.

I urge my colleagues to encourage and support entrepreneurial activity in the high-technology sector, and to reject the amendment.

Mr. Chairman, I insert for the RECORD at this point a letter signed by Ronald Brown, Secretary of Commerce, wherein it states that the administration does not seek further amendments to this legislation.

THE SECRETARY OF COMMERCE,
Washington, DC, May 12, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As stated in the enclosed letter from Director Panetta dated May 6, 1993, the Administration does not seek further amendments to H.R. 820, as reported. Specifically, I want to express the Department of Commerce's concerns about two amendments that may be offered this week.

First, the Department of Commerce opposes the amendment proposed by Mr. Walker which would require the Department to establish procedures and criteria for the recoupment of the Federal share of all ATP projects for a period of up to 20 years after the project has been completed.

The Department of Commerce believes that this amendment would create enormous disincentives to participation, increase administrative costs, and undermine the basic philosophy of the program.

The recoupment model is extraordinarily difficult to apply to a program such as ATP which does not lead directly to the creation of commercial products. Because ATP funds precompetitive, generic technology projects that require large subsequent expenditures by the private sector before a commercially viable product is released to the marketplace, recoupment raises serious problems for determining what relation the ATP award had to the eventual product and the applicant's subsequent expenditure and assumption of risk. Thus, recoupment is not a requirement for other, larger programs supporting dual use or generic technology development, such as ARPA's $500 million Technology Reinvestment Program.

Recoupment would require burdensome rules, audit procedures, and financial control systems to administer. The amendment would require that these administrative mechanisms be kept in place for twenty years. This would be a tremendous disincentive to private sector participation, and is beyond the capabilities of many small and mid-sized businesses. The mandatory nature of the amendment and its long time period make it impossible to administer effectively.

Because ATP creates breakthroughs in precompetitive generic technologies applicable across a number of industries and leading to the development of a number of commercial products, the taxpayers are compensated by the development of a generic technology that can benefit many industries and yield many products.

Second, the Department of Commerce would oppose any reduction to the FY 1995 authorization level of $950 million. The authorization levels for FY 1995 provide necessary flexibility for the Administration to plan for the FY 1995 budget cycle which is just getting under way and ensures that all of these programs can at least receive proper consideration. They allow for the orderly growth of important new programs, such as the Advanced Technology Program which the Administration would like to see reach levels of $750 million by FY 1997. At the same time, they preserve a delicate and judicious balance between these new programs, the orderly growth of NIST's core programs which had received virtually no increases throughout the eighties, and reconstruction of antiquated, inadequate research facilities at Gaithersburg and Boulder.

Sincerely,

RONALD H. BROWN.

Mr. ROYCE. Mr. Chairman, I rise in support of the amendment.

The spend-and-control crowd assumes that bureaucrats can target investments better than private investors in the market. This philosophy ignores the Government's dismal past record.

The venture capital funds would be administered by the Department of Commerce, but in the 1970's, DOC issues $1.2 billion in loan and loan guarantees, and not even half of that amount was paid back. The taxpayers lost over $650 million, and loans still carried on the books are of questionable value. For example, the Economic Development Administration at Commerce, which lent $471 million in the 1970's, and has recovered $60 million to date, recently sought congressional approval to sell off its bad loans for less than 10 cents on the dollar.

The spend-and-control crowd systematically ignores the venture capitalist's real problems. First and foremost, the problem is limited access to capital. Congress dusts the ashes off the furniture while the house that is set afire burns down, thus a capital gains tax means that in addition to the corporate tax, and the personal tax, the up-and-coming entrepreneur must pay a special tax that punishes him for increasing the value of his enterprise. Under the 1986 tax law, and with the Clinton 10-percent tax surcharge added in, a venture capitalist in Silicon Valley who makes a profit could be hit with a 50-percent Federal and State tax. But if he loses money, he can only deduct $3,000 maximum against his taxable income.

Thus we come full circle. The Federal Government is the mad doctor who breaks legs and then charges a hefty price for aspirin that do little to relieve the pain.

Yes, there are crucial technologies that can keep America a cutting-edge economic power, and yes, venture capital is crucial to producing such technologies. But the Federal Government, rather than trying to help those it hurts, would be better off not to harm venture capitalists in the first place.

Thus, I ask for an "aye" vote on this amendment.

Mr. KLEIN. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, the amendment offered strikes at the very heart of this bill which is to provide financing for early stage venture capital companies.

If we look at the history of what is happening to the manufacturing industry in this country. We see that manufacturing jobs have dropped from 30 percent of the total work force to 15 percent, that the large companies, the Fortune 500 companies are no longer producing jobs, that we must rely on small and medium-size companies, that investment in new and small companies has dropped by 80 percent in the past 5 years, and Germany and Japan spend twice as much on commercial research and development as we do. And then we wonder why we are losing jobs.

Clearly, the answer to our woes lies in improving investment in research and development in the commercial sector and in building up high-technology industries and new companies. The proponents of this amendment argue that private investors will not invest in these companies. That is the very reason why we need new capital.

We have had an array of witnesses from the private sector. Each and every one of them said uniformly that we need more access to venture capital money.

My own personal experience in the period before I became a Member of Congress emphasized that. Time and again I found that venture capital money was just not available for startup ventures. Indeed, just the other day I had a visit from a group from the electronics industry who said to me that they can create new jobs, that they have the business, that they can sell to foreign companies, and they cannot get the capital to finance their ventures.

Clearly, what this bill does and what the amendment would frustrate it from doing is to fill the breach, to provide venture capital funds. And contrary to what the proponents of the amendment have said, it is not Government that will be making the decisions. It is private industry, private venture capitalists who will be risking their own funds along with Government funds.

□ 1520

Private venture capital will be risking their own funds along with Government funds. They are not going to risk their money unless they think the venture is one that has commercial value and potential for commercial success.

I want, finally, to point out that a number of States have adopted programs of this sort with great success, and clearly we have the opportunity on the Federal level to use the same approach to provide much-needed funds for startup ventures. This is our chance, and we cannot let it pass.

Mr. Chairman, I urge all Members to vote in opposition to this amendment and to preserve the spirit of this very, very important bill.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. KLEIN. I yield to the gentleman from California.

Mr. COX. I would like clarification of the point of who controls this investment. Is it not true that, under this bill, the Department of Commerce, which is operated by the 1992 chairman of the Democratic National Committee, will have the absolute power to remove directors of companies in which it invests?

Mr. KLEIN. That is absolutely untrue.

Mr. COX. I believe if you will check the bill, you will find that is true.

Mr. KLEIN. Mr. Chairman, reclaiming my time: The manager of the venture capital companies will be the ones who will be in control of the ventures, control of the management of the companies, will make the management decisions, the investment decisions, and they are going to be making it using Government money, to be sure, but their own money in equal—in proportionate parts at the same time.

Mr. COX. If the gentleman would yield further on that point, is it not likely that the Government would exercise substantial influence over the management of the venture capital firm? It has the absolute right to remove its directors.

Mr. KLEIN. Well, I do not agree with your assumption. The fact is that the Department of Commerce will only have nonvoting stock, and I have never seen nonvoting stockholders have any control over the operation or management of the company.

Mr. COX. The nonvoting stock provision is separate from the provision in your bill that would give the Department of Commerce absolute discretion to remove directors if they felt they were breaching their fiduciary duty.

Mr. KLEIN. Only if they violate the law. I think our experience in the savings and loan industry serves to emphasize the fact that where directors violate the law, we do not want them around.

I think even the gentleman from California would agree with that.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. KLEIN] has expired.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there are a number of things the House should reflect on as they reflect on this amendment. I think, first of all, it should be noted that when the Members who were in the committee, who were there and listened to the debate and voted on this matter in the committee, voted, this amendment passed in committee 13 to 10. When in fact we hold out the proxy votes and changed the votes, it then became 13 to 29, using the votes of a lot of people who were not in the room.

But people who listened to the debate in the committee and understood what is going on around here decided that this should be a section of the bill which should be eliminated.

Now, why do you suppose they decided that?

Well, first of all, because there are real concerns about the nature of the program, and I will get to that in a minute, but one of the main reasons was that this amendment reflects the Clinton administration's position. The Clinton administration has real reservations about this provision in the bill.

Now, the gentleman from North Carolina [Mr. VALENTINE] a moment ago quoted to you from a general letter from the Secretary of Commerce in which he says he does not want any amendments to the bill. I realize that, having been embarrassed in committee, they went running to the Department of Commerce to get a letter that protected them a little bit.

The fact is that on the specifics of this issue, the Secretary of Commerce, when he testified before the committee—and I have copies of his testimony here—made it very clear that he did not support this particular section of the bill that the gentlemen, the two gentlemen from California, want to strike, because they got real reservations. What kind of reservations do they have?

Well, we got a letter from the general counsel at the Department of Commerce, and the general counsel said about these provisions, and I quote:

> We believe that these provisions will be counterproductive to the achievement of the objectives of H.R. 20 and may have unintended, serious consequences.

That is pretty clear, that this is stuff the Department of Commerce has some real concerns about.

Now, why do you suppose they might have real concerns about these particular provisions? Well, because, first of all, the entire argument in favor of these provisions is based upon some faulty assumptions. You have heard some of them in the debate already. You have heard in the debate a couple of minutes ago that manufacturing jobs in this country have diminished. Now, the only way you come up with that figure is if you say they diminished as a percentage of the overall jobs in the economy. That is true.

However, what you need to realize is we have exactly the same number of manufacturing jobs in the country today as we had in 1961. The number of nonfarm jobs have grown substantially during that period of time. The percentage of manufacturing jobs have remained steady. And obviously so as a percentage of the overall job market they have dropped.

But we have not lost manufacturing jobs in the country; it is just that we have been creating all kinds of other jobs. And manufacturing jobs have not increased as productivity in the manufacturing industry has gone up.

We also heard it said that venture capital money is not available in the economy any longer.

The gentleman from North Carolina quoted to us, and the question I wanted to ask him, I wanted to make certain he was quoting from the same place as I am, that he was quoting from the U.S. Industrial Outlook Venture Capital, 1993.

From what he was saying, his figures seem to fit precisely with that. But I think we need to understand that they gave reasons in that report for the lack of venture capital, and those reasons do not jell with what we are doing in this bill.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia for a moment.

Mr. LINDER. I thank the gentleman for yielding.

Is it not true that between 1978 and 1986 venture capital pools increased 100-fold in this country?

Mr. WALKER. Well, I think the gentleman had some experience with that in another light and might be a greater expert on this than I am. I mean, my understanding was that the formation of small businesses, particularly small entrepreneurial businesses, during the period of the early 1980's was largely based upon the increase in venture capital pools.

Mr. LINDER. Is it not further true that they were—the increase in venture capital pools were a direct result of the 1977 reduction in the capital gains tax, which made it attractive for businessmen to take risks on small businesses and new technologies?

Is it not further true that from 1978 through 1986 and every succeeding year, revenues to the Federal Treasury from the venture capital category increased in every year until we increased the capital gains tax in 1986 and 1987? Revenues from that category fell off the table. Venture capital pools have dried up.

I happen to have had some experience in the real world in this business, in financing companies and startups.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. LINDER. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. LINDER. Further, is it not true that if we want to help venture capital pools and increase venture into small businesses and new technologies, rather than trying to select—if we as a Congress wanted to really do some good for venture capital pools and new technologies rather than trying to select that which were worthy of our support, what we ought to be doing is to reduce capital gains tax so that businessmen with a keen eye to profits will find these technologies that have a future and make the investments in them?

Mr. WALKER. Well, I thank the gentleman, and I would say that what he has just said is right on target with the report of the U.S. Industrial Outlook for 1993. They pointed out that the evidence right now suggests that the increase in the capital gains tax in 1986 did in fact drive venture capital out of the marketplace. They say the evidence now pouring in suggests that.

And they further say, and I quote:

> The anecdotal evidence then indicates that the high rates of return in the late 1970's and early 1980's encouraged more investors to participate in the venture capital industry, thereby driving up the amounts of new capital raised, disbursements, and capital undermanagement to all-time highs.

In other words, what the gentleman is saying is absolutely correct. We knew the formula back then, and we destroyed that formula in 1986, and now, because many of the politicians in this town do not want to lower the capital gains rates, we then will come up with phony spending programs of the Federal Government to replace that which we already know works.

It is also interesting to note in the same report that the majority used as a foundation for their proposal that it also indicates that venture capitalists, and I am quoting again:

> Finally, venture capitalists are concerned about the effect of Government regulations on the ability and cost of a startup or growth company to bring products to the market.

And they go on to point out examples of that.

In other words, it is taxation and regulation that are driving the capital out of the marketplace, and no amount of Government infusion is going to change that mixture.

□ 1530

We do not have money that is going to be put into this bill to possibly make up for the fact that capital gains rates are too high and regulations are too onerous. So that is the real thing that is not being fixed here.

Meantime, what we are doing is creating something which the Department of Commerce says, and I quote from them again, "We are creating something which may have unintended serious consequences."

I think that if you want to support the position of the Clinton administration, if you want to do what is right in terms of making certain that more capital is available for the future, if you want to make certain that we do not have serious unintended consequences for something that we develop on this floor, the right thing to do is to adopt this amendment.

This amendment makes good sense and it should be something that Members of Congress should feel very comfortable in supporting and also will save the Government about $700 million in the process.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

First, I would like to thank the Rules Committee for offering this open rule. I think we have all gained from the debate that has been heard here today and the last time this bill was before us.

Second of all, I want to say that I regret having to speak in favor of an amendment and thereby implicitly against the bill as it now stands, because I agree completely with the philosophy by which this bill was put together. I agree that we need to look to be competitive with other nations around the world, even more so in the future than today.

I agree that being competitive in what we call high-technology industries is the center of that overall competitiveness. Nevertheless, Mr. Chairman, I think that this amendment should pass and I encourage my colleagues to vote for it, because the provision that would be removed is the provision that would make the Government the provider of venture capital to an extent that is unprecedented in any other way that I am aware of.

In the first place, where is the expertise of the Government to decide who are the winners and who are the losers, who will succeed and who will not succeed in terms of beginning industries?

Second of all, once something enters the Government process, it enters the whole Government process. If we set up this system, then every developer who is not funded by the Government is going to be requesting a GAO report why someone else was selected for this Government largess and they were not.

Further, this has got to lead to a bailout mentality. If the Government lends money to a venture and that venture is about to fail, not only is the money on the line, but the political credibility of the administration that provided it is on the line and that could lead to putting good money after bad in an attempt to shore up a project that is not going to succeed.

Mr. Chairman, in conclusion, I think that providing venture capital should remain in the private sector where it has always been.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me. I think he makes an excellent point. It is a point that I hope gets across here, that what you have is $50 million included in the bill, but you also have $450 million in loan guarantees that are a part of this, which means that this money going to venture capital outlets or going into venture capital that the market will not take a risk on. So we are putting basically $500 million of taxpayer money at risk on things that a very efficient capital market will not touch. So the exposure of the taxpayers in this particular scheme is just absolutely horrendous.

And meantime, the gentleman from New Jersey tells us that the Government has no ability to even vote on whether or not these are good projects, are not within the firms going out to get the money.

It really is something where, when we talk about unintended serious consequences, as the Department of Commerce has said, it is really very true because this could have a major impact, and I think the gentleman's point about venture capital needing to remain in private hands in an excellent point, and I thank him for making it.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Chairman, I would also like to speak in favor of this amendment, and I would like to remind my colleagues who are watching in their offices right now about the people who testified in favor of this, in favor of the R&D venture capital funding in committee, because the people who came up to speak in favor of the funding were actually fund managers. The reason they were there to speak in favor of the funding was, at least in my opinion and the opinion of others there as well, that what they were doing was they were creating for themselves full employment act and an opportunity to have more funds to manage. As a result of that, this was why they were very, very interested in having hundreds of millions of dollars of new venture capital to manage.

I could see them literally licking their chops as they testified on behalf of this wonderful Government handout for them.

So I would like, in speaking in favor of the amendment, to remind my colleagues as they watch this that this was not something that the producers of intellectual property were advocating, but the people who were speaking on behalf of it in committee were those who would manager the big funds for big fees.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, just to follow up on that point, it was interesting to note that in a recent study by OSTP what they really found was the seed financing for startup companies does not come from these venture capital funds anyway. What it comes from is private investors. So these guys are looking to line their pockets and it will not in any way help with the startup companies, because the money for those is coming from private investors.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong opposition to the amendment to strike the Civilian Technology Loan Program and Civilian Technology Development Program from the National Competitiveness Act.

The need to commercialize advanced technologies developed here in the United States has been identified as a critical challenge for American high-technology companies.

The Civilian Technology Loan Program and the Civilian Technology Development Program will provide effective ways to maximize the use of scarce Government resources and will help U.S. companies move ideas from the lab to the marketplace.

The dissenting views to H.R. 820 assert that this bill is a continuation of the, and I quote, "schizophrenia of the past." Unquote.

Mr. Chairman, the ideology of the Bush and Reagan administrations represented the schizophrenia of the past.

Recall that these were the administrations that believed that computer chips were no different than potato chips in terms of economic importance. The past administrations supported industrial policy and commercialization loans for agriculture, but not for the manufacturing sector.

Mr. Chairman, the schizophrenia ended when the American people elected President Clinton and Vice President GORE in the last election.

The Civilian Technology Loan Program and the Civilian Technology Development Program represent innovative ways to address the lack of patient, low-cost capital by providing the Department of Commerce with new tools to provide capital to the high-technology industries.

Recognizing that small companies are our laboratories for the future, both of these programs will provide patient, low-cost capital to help U.S. companies move ideas from the lab to the marketplace.

Mr. Chairman, small companies are the breeding ground for the new technologies our Nation will need to stay competitive in the world economy. For every $1 million spent on research and development, small firms produce six times more new products than larger companies.

These same small companies face the greatest barriers in terms of access to the resources needed to bring their ideas to the marketplace and to commercialize their innovations.

The two provisions that this amendment seeks to defeat are the kinds of measures that are necessary to help American businesses do what they do best—compete and win.

Again, I strongly oppose this amendment and I urge its defeat.

☐ 1540

Mr. LINDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendments offered by the gentleman from California [Mr. CALVERT].

Mr. Chairman, I guess it is impossible to expect that we can debate the merits of a bill without talking about President Bush, or President Reagan, or the last 12 years, and all those silly things, but the fact of the matter is that this bill has a history, and its history starts in 1988, 2 years after we destroyed capital gains in America and eliminated venture capital pools. We decided that politicians and governments can do a better job of selecting which technology is deserving of its attention and its money.

The original bill said that we would do this for 6 years, and, if the company was profitable after 6 years, it would survive on its own. If not, it would lose funding.

Mr. Chairman, we are not changing that. We are not turning it into an entitlement, and, if Bill Gates had been looking for Government money in 1980, we would not have a Microsoft today because Governors and politicians would be in there telling him how to run the company instead of making him the wealthiest man in America.

The fact of the matter is we have never done a good job in this country at selecting at the governmental level which businesses, technologies, programs, are more deserving and more worthy of support from the taxpayers' dollars.

These are not, by the way, let me say, venture capital pools. This is not venture capital, as has been said from the other side. These are taxpayers' dollars. These are dollars taken from people who cannot invest them into their own choices of technologies because the Government has taken them away. These taxpayer dollars are then appointed to certain technologies or businesses that we think are deserving.

Venture capital pools are truly that, individuals who choose to take their own money, and put their own money at risk, and some win and some lose. I have had experience at this for the last 16 years, and we have taken gambles on companies, and some win, and some lose, when in point of fact, if we had government or politicians telling us what to choose, we would have lost them all.

The fact is we must leave these dollars in the pockets of the taxpayers, save a billion dollars or so next year, and let the taxpayers choose which ventures that they seem to think have profitable potential, which ones to appoint, and let them make the selections, and let them lose or win, but this bill is all losers, taxpayers' money in the pockets of individual technology people, and there is no upside for the Government.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Georgia [Mr. LINDER] for yielding to me. I just want to make his point a little further.

Dr. William Solomon, who is at the Harvard Business School, reflected on exactly what the gentleman has said recently, and his quote was, and I am quoting him: "Loan guarantees are the heroin of government," and his point is exactly what we hear from the other side, which is, because we have done this before, it is a good thing to do again.

The fact is that these are not good things to do again for exactly the reasons that the gentleman specifies.

Mr. LINDER. I would like to add they probably were not good things to do before, they are not good things to do now. We are facing serious problems with the loan guarantees in the student loan programs and every other program that we have, and we are not recapturing their money.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from California.

Mr. COX. Mr. Chairman, it is my understanding that the money that will be spent on this program will amount to at least $1 billion in 1995 and that this money goes straight to the deficit; that is to say, there is not any other program that costs a billion dollars that we are talking about cutting here. We are talking about adding $1 billion to the deficit in the name of allegedly helping start up business. I ask, "Can you figure any way that this is possible?"

Mr. LINDER. It cannot be paid for and will not be paid for. The loans will not be paid back. I know people in Atlanta, GA, who are in the business of buying federally guaranteed loan programs. I know one package that was bought, a $200 million package of student loans that was bought, for 10 cents on the dollar. If they get these people back in 3 months in a row, they get it guaranteed by the Government again. They guarantee the thing again.

This is heroin, and I cannot add any better explanation to it than that, and people will become addicted to it, and the ones who want it the most are the ones that benefit from it the most. That is the handlers of the money.

Mr. COX. Mr. Chairman, if the gentleman would yield further, might the gentleman's thinking be that by taking a billion dollars out of the private sector, where it might have been invested by authentic investors and authentic risk capital ventures, and putting it in the Department of Commerce, that the bureaucracy at Commerce will handle that money more efficiently and get more bang for the buck? Is that the thinking?

Mr. LINDER. We know that individual investors are always making better decisions about their own money because they do a better underwriting job than politicians or Government bureaucrats can ever do because they are putting their own money at risk, and they are hoping to make great gains, and we hope that they all do, but I do not see any upside on this. If these companies succeed, are we going to be shareholders in all of this? If we had funded Bill Gates and Microsoft, would we be worth $7 or $8 billion in profits now?

Mr. Chairman, this bill does not provide that. It provides, under an amendment by the gentleman from Pennsylvania, that we may have an opportunity to recoup what we put in, but there is no real upside on this bill, and I urge the adoption of the amendment offered by the gentleman from California [Mr. CALVERT].

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of the amendment offered by the gentleman from California [Mr. CALVERT]. It seems reasonable to point out the irony of the fact that here Federal Government is borrowing almost one-third of the available capital in this country to overspend, to spend the money the way we think Government should spend it. If my colleagues would imagine a pot of available capital that is out there for business venture, to go to spend to go to college, to spend to buy a new home, there is only so much money available for borrowing, and what has led some people to think that it is important that Government come up with an effort to lend venture capital to somebody is because of the fact that we have taken almost one-third of the available money that is up for borrowing out of circulation for Government overspending.

So, here we are forced. Some people feel we are forced into a predicament of taking some of this overspending money and putting it back in circulation, by us picking and choosing certain industries, but here again sometimes, someplace, somehow, this Congress, the politicians in Washington, are going to have to start dealing with a deficit, stop overspending, leave this money back out where people who earn it can decide how to spend it and how to invest it.

So, Mr. Chairman, I would suggest that we vote for this amendment, that we not borrow the $1½ billion over the next 2 years that is going to be required to fund this legislation.

Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by Messrs. CALVERT and ROYCE.

As a member of the House Science, Space, and Technology Committee, I also sit on the subcommittee which had oversight of this legislation.

While I could discuss the merits of this amendment based upon my position on the Science Committee, the arguments I will make today come as a member of the House Banking Committee.

I have here a letter from the chairman of the House Banking Committee, as well as the chairman of the Subcommittee on Economic Growth and Credit Formation dated May 3, 1993.

I would like to quote from this letter for my colleagues:

> Under clause (1)(d) of rule X of the Rules of the House of Representatives, the Committee on Banking, Finance and Urban Affairs has jurisdiction over money and credit, economic stabilization, defense production, and financial aid to commerce and industry. This authority includes Federal loan and loan guarantee programs; matters relating to the growth, development and stability of both the economy generally and specific sectors of the economy in particular; and the industrial base of the United States, particularly for critical technologies and materials.

Mr. Chairman, while this letter clearly points out that under the rules of the House, these sectors of H.R. 820 should have been referred to the House Banking Committee, the letter goes on to state that jurisdiction will be waived "in the interests of expediting consideration of this bill."

As a member of the House Banking Committee, I am outraged that the rules of the House are irresponsibly waived in order to expedite floor consideration.

We are talking about over $70 million of the riskiest types of loans that will be guaranteed by the Federal Government via the American taxpayer.

When Dr. T.J. Rodgers appeared before the Technology Subcommittee, he stated that the best way to create successful high-technology companies "is to allow knowledgeable investors, steering their money through world-class venture capitalists, to try to fund just the right companies with just the right technologies at just the right time. Even these venture experts are not right all the time. But surely they are right more often than Washington."

I agree with Dr. Rodgers and would have liked to have had a hearing in the Banking Committee to expand upon this point.

In the interest of rushing to enact this legislation, the leadership is willing to by-pass the House Banking Committee without even one Banking hearing as to why the private sector has not been willing to fill in this capital void.

The administration does not want these programs—so why not review these loan provisions carefully before enacting them into law.

The only way to ensure that the American people are not stuck footing the bill for a bunch of bad loans is to adopt the Calvert-Royce amendment.

The letter referred to follows:

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, May 3, 1993.

Hon. GEORGE BROWN,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR MR. CHAIRMAN: This is with reference to H.R. 820, the National Competitiveness Act of 1993, ordered reported by your Committee on April 28, 1993.

Subtitle C of Title III of H.R. 820 creates a new civilian technology loan and loan guarantee program to make loans to qualified small and medium-sized businesses for research, development, demonstration, or utilization of critical technologies or advanced technologies. It also creates an outreach program to economically depressed areas, particularly those with a significant concentration of defense-related industries.

Subtitle D of Title III of H.R. 820 creates a new civilian technology development program whose primary purposes are: to contribute to United States economic competitiveness, employment, and prosperity; to promote the advancement, maturation, and application of critical and other advanced technologies; to supplement and stimulate long-term investment in qualified business concerns; and to encourage and facilitate the formation and growth of professionally managed technology investment companies throughout the United States that will give preference to satisfying the capital needs of qualified business concerns.

Under clause (1)(d) of Rule X of the Rules of the U.S. House of Representatives the Committee on Banking, Finance and Urban Affairs has jurisdiction over money and credit, economic stabilization, defense production, and financial aid to commerce and industry. This authority includes federal loan and loan guarantee programs; matters relating to the growth, development and stability of both the economy generally and specific sectors of the economy in particular; and the industrial base of the United States, particularly for critical technologies and materials.

Pursuant to discussions with your Committee with regard to the provisions of H.R. 820 that fall within this Committee's jurisdiction, and in the interests of expediting consideration of this bill by the House, the Banking Committee will not request a sequential referral of H.R. 820. This action is taken without any prejudice to this Committee's jurisdiction.

I appreciate the cooperative and thoughtful spirit in which you have worked with the Committee on banking, Finance and Urban Affairs on H.R. 820. I look forward to continuing to work with your Committee in that same spirit.

I request that a copy of this letter be included in the report to accompany H.R. 820, the National Competitiveness Act of 1993.

Sincerely,

HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs.
PAUL E. KANJORSKI,
Chairman, Subcommittee on Economic, Growth and Credit Formation.

□ 1550

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GRAMS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. In other words, Mr. Chairman, the Banking Committee that has jurisdiction over this did not even take a look at it?

Mr. GRAMS. They did not provide one hearing to find out why capital was not being provided in the private sector to fund the things that now the taxpayers are going to be asked to shell out dollars to do.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, we have had some real problems before with these loan guarantee programs with regard to fraud, abuse, and nonpayment, have we not?

Mr. GRAMS. Yes, and I think that is more evident because when the people here are responsible for handling this money, it is not their own money. The venture capitalists are providing the best shield, and that is when they are using their own money for investment.

Mr. WALKER. In fact, when you look at the Commerce Department where we are going to set up this program, they already had the EDA program, and they are 50 percent in default. So the record down there has not been particularly good where they have been handling this money. And now we are about to throw another $500 million program at them, and it does raise some questions. I thank the gentleman for making his points. I think he has made some very good points.

Mr. GRAMS. And I think the numbers speak louder than words when we talk about the default record.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. GRAMS. I yield to the gentleman from California.

Mr. COX. If we had had these hearings, do you think anyone might have suggested as an alternative means of reducing the cost of capital that we might have reduced or eliminated the capital gains tax or restored the deductibility on passive loss or perhaps stopped before they tax again with these new Clinton tax increases on businesses of all kinds? Do you think they might have suggested that as a means of reducing the cost of capital for new startups?

Mr. GRAMS. I believe some of these incentives or the ability for the private sector to get more involved might have been mentioned or raised. That is why I stand in opposition to this. I feel that we should have had an opportunity to at least have a full hearing on these options.

Mr. WALKER. Mr. Chairman, will the gentleman yield on that point?

Mr. GRAMS. Yes, I yield to the gentleman from Pennsylvania.

Mr. WALKER. We did in fact in the Science Committee raise exactly those points about capital gains taxes and a number of those things. However, we were told they could not be handled through the Ways and Means Committee and other places, or expedited, so in this case we expedited the section of the bill that the majority wanted to move. But with regard to those sections where we thought there might be some real merit, we could not get those passed in the Ways and Means Committee, I am afraid.

Mr. Chairman, I thank the gentleman for yielding.

Mr. GRAMS. Again, Mr. Chairman, let me say that I support this amendment. I hope we will adopt the Calvert-Royce amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. CALVERT].

The question was taken; and on a division (demanded by Mr. CALVERT) there were—ayes 15, noes 12.

RECORDED VOTE

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 239, not voting 18, as follows:

[Roll No. 159]

AYES—180

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—239

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bishop
Blackwell
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—18

Abercrombie
Bevill
Borski
Clyburn
Dellums
Flake
Hall (OH)
Henry
Leach
Maloney
Matsui
McCurdy
Porter
Romero-Barcelo (PR)
Rostenkowski
Rush
Schumer
Stupak

☐ 1616

The clerk announced the following pair:

On this vote:

Mr. Porter for; with Mr. Dellums against.

Messrs. WYDEN, BARCIA, POSHARD, COSTELLO, PICKLE, WHITTEN, and HALL of Texas changed their vote from "aye" to "no."

Mr. FIELDS of Texas changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to talk about product liability and how it relates to competitiveness.

I had noticed an amendment, which would require the Secretary of Commerce to do a study of the relationship between American competitiveness and our product liability laws, particularly as they relate to aerospace and aviation. But it could have been expanded to include all our product liability laws.

I had become convinced that those laws and the use of our civil justice system have had a very negative effect on product development in this country. And notwithstanding all the good research and development we are doing, if we cannot get a product to market because our liability insurance is too high, or because fear of litigation envelopes our ability to get that product to market, then we will not do it. And the rest of the world is not governed or subject to the same product liability laws as we are in the United States.

Mr. Chairman, this particularly affects aviation. I happen to represent central Kansas, where we have companies like Beech and Cessna headquartered there.

We produce most of the small airplanes made in the world. In 1978, we produced 20,000 airplanes; last year, less than 900.

☐ 1620

There has been a dramatic fall-off. Imagine, 20,000 airplanes in 1978, and less than 900 last year, largely because of the product liability issue.

I noticed this amendment because this bill deals with competitiveness and technology. I said, "Okay, the Secretary of Commerce should do an investigation of the relationship between the two." I was told the amendment would not be germane. I know the gentleman from Pennsylvania [Mr. WALKER] had some interest in the issue as well, and others, too, besides the gentleman from Pennsylvania.

What I would like to do is get a commitment. I do not see the gentleman from California [Mr. BROWN] on the floor, but I would like to get a commitment that we can at least get a letter from Mr. BROWN and myself, from the gentleman from North Carolina [Mr. VALENTINE], from the gentleman from Pennsylvania [Mr. WALKER], and others, to the Secretary of Commerce asking that he conduct a serious study of American product liability laws, particularly as they relate to aerospace and aviation, but collaterally to all other issues as well, how they relate to American competitiveness, and perhaps having the Secretary of Commerce suggesting changes in those laws which might help American industry be more competitive and might produce more jobs.

I would hope that the gentleman from California [Mr. BROWN] and the gentleman from North Carolina [Mr. VALENTINE] would agree to that so we would get that request. As long as we cannot get that amendment in this bill, having a letter by the distinguished senior members of this committee would be most helpful.

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, as chairman of the Subcommittee on Technology, Environment and Aviation of the Committee on Science, Space and Technology, of which the gentleman from Kansas [Mr. GLICKMAN] is a very senior and very, very valuable member, I want to express to him my deep and sincere concern about the problem which he has mentioned here on the floor of the House, and which we have discussed on many occasions, and pledge to him my wholehearted support in attempting to address the problem. I think this is the way to start. I will be delighted to sign the letter which the gentleman referred to and otherwise cooperate.

It is obvious that there is a problem in this area which, in fairness and justice, needs to be addressed. I say again, I would be happy to have this opportunity to express in this forum that we will work with the gentleman in every way possible.

Mr. GLICKMAN. Mr. Chairman, I appreciate the gentleman's support.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I, too, pledge to the gentleman that we will be fully cooperative in any effort we can make to get the administration to focus on this particular problem. I agree with him, it would be better if we could have a broad-based competitiveness bill on the floor where we could address a number of these issues, because the tort reform issue is certainly one that affects our competitiveness.

It does not matter how much venture capital we put into a firm. If the venture capital people out there believe that the firm will be subjected to massive liability costs in the years ahead, it is going to be very difficult to get the money that is needed.

I think the gentleman raises a legitimate point, and we do want to cooperate fully with him in hopes we can get this and some of the other issues that affect our competitiveness addressed.

Mr. GLICKMAN. Mr. Chairman, I thank my colleagues. I appreciate that.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding to me, and I appreciate his statement. I know how strongly he feels about this. However, why another study, I would ask the gentleman. We all know what the problem is. We have studied product liability to death.

Let us go back to the old negligence standard. We know that product liability is harming our competitiveness, and just another study to go to the Secretary of Commerce, who is a well-intentioned man but who comes out of one of the leading law firms in Washington, is not going to be the answer. What we need is action. We do not need another study.

Mr. GLICKMAN. Mr. Chairman, I would say to the gentleman that I agree with him, and I support the broad-based product liability bill offered by the gentleman from Georgia [Mr. ROWLAND] and the gentleman from Michigan [Mr. DINGELL], and a lot of other people, that I have sponsored and I am sure you have, as well.

I also have my own bill, along with the gentleman from Utah [Mr. HANSEN], that deals with general aviation liability. We need to move those. We also need to get this administration and the distinguished Secretary of Commerce to focus on this as well, so a collateral move to the legislation is to let them know that we believe that American technology and competitiveness and jobs relates to our liability laws as well as relating to more money for Government programs.

The CHAIRMAN. The gentleman's additional time has expired.

AMENDMENTS OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Cox:

Page 74, line 8, through page 85, line 13, strike sections 347 and 348.

Page 85, line 14, through page 98, line 4, redesignate sections 349 through 361 as sections 347 through 359, respectively.

Amend the table of contents accordingly.

Page 90, lines 6 and 7, strike “with outstanding preferred securities”.

Page 90, line 13, strike “353(b)” and insert in lieu thereof “351(b)”.

Page 125, lines 12 through 15, strike paragraph (2).

Page 125, lines 16 and 21, redesignate paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

Page 126, lines 4 through 7, strike “Of the amounts” and all that follows through “administrative expenses.”.

Mr. COX. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Chairman, I would like to congratulate the chairman of the Committee on Science, Space, and Technology for his energy on behalf of this bill, and for his favorable intentions on behalf of venture capital. I worked in venture capital for 2 years, and I share his commitment to lowering the cost of capital and improving opportunities for high-technology venture capital investment in America.

The preferred stock provisions of this bill will do just the opposite. I think that that part of the bill might better be called the Jurassic Park bill, because it is going to take millions of dollars from taxpayers' pockets and spend it on cloning new industrial dinosaurs.

Rather than lowering the cost of capital, which we might accomplish through generalized measures such as reducing or eliminating the capital gains tax, restoring the deductability of passive losses, or stopping the new Clinton tax increases on business of all kinds, this bill will quickly encourage Government to buy up equity in business.

Let me repeat this: Under this bill, Government is authorized to buy up to 20 percent of the equity capital in venture firms. Not only that, but the Government, under this bill, is going to be authorized to guarantee the dividends on preferred stock, and it could put all of the securities that it buys from private firms in a pool and then develop trust certificates of participation in the private capital markets, where they will compete with those privately issued securities of private firms. I suppose, therefore, it is fitting that this bill is called the National Competitiveness Act, because it will give most private firms the opportunity to compete with Government-subsidized securities.

Obviously it is foolish to think that Government will do a better job of allocating risk capital than the market does, but that is the presumption of this bill. Rather than rely on our free and competitive capital markets, this bill will put millions of dollars of taxpayer funds under the control of the 1992 chairman of the Democratic National Committee, who now runs the Department of Commerce.

Ron Brown and the bureaucrats at Commerce will decide which venture firms will be the winners and which will be the losers. They will take away dollars from private investors on the theory that Government knows better where and how to invest. This whole plan reeks of special interest favoritism and make-work waste for bureaucrats. Anyone who has read Ayn Rand's "Atlas Shrugged" will see frightening similarities between this statist scheme and the disastrous projects of the novel's arch bureaucrat, Wesley Mouch.

However, we do not have to be a reader of fiction to recognize just how costly the failures can be under Government-directed investment. Take a look at Eastern Europe and Russia. For 70 years know-it-all bureaucrats, presuming that they could invest resources more wisely than the market, bankrupted their societies. As a result, even Sweden's voters rejected socialism, and the voters in France resoundingly rejected socialism just last month. Look at our experience here in the United States. The American people know the difference between real venture capital and Government subsidies. Government subsidies coddle and featherbed inefficiency. The Commerce Department, which would manage this new bureaucracy, is itself a model of waste. Clearly one half of its $1.2 billion portfolio of economic development administration loans are now in default.

□ 1630

It is highly unlikely that this new Government spending program, and I should add it is projected that the provisions of this bill will cost about $1 billion in 1995 that will go straight to the deficit and the Commerce Department Secretary has just told us he has no idea where the money is going to come from, it is highly unlikely this new Government spending will reap more productive and efficient results than the other schemes that have been rejected in Sweden and France. But it is almost a certainty that this intervention by bureaucrats will crowd out authentic private investments by real venture capitalists. Deserving entrepreneurs will have less access to funds for their make-or-break startup enterprises.

In recent days I have been talking to real venture capitalists in California about this program, and in fact, just before coming to the floor I talked to a venture capitalist in Irvine, CA, in my district. He told me this program will be a waste of taxpayer dollars.

Allen Meltzer of the Carnegie Mellon University, one of the leading scholars in financial research, recently published a detailed study on this very subject in the May 5, 1993, Wall Street Journal. When Government presumes to play the role of venture capitalist, Professor Meltzer wrote, it

> Is more likely to delay the closing of costly failures. It is more likely to pump in additional money to try to cover mistakes and misjudgments. This strategy of government as venture capitalist will produce lower risk-adjusted returns and spectacular losses.

That according to Allen Meltzer in the May 5, 1993, Wall Street Journal.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX was allowed to proceed for 3 additional minutes.)

Mr. COX. Mr. Chairman, let us listen to the voices from Silicon Valley. Listen to Finnis Conner, the entrepreneur that became Silicon Valley's leading disk-drive maker. He says:

> The development of all technologies and products involves risks and rewards. The government shouldn't be in the business of speculating with taxpayers' money on which of those risks will be winners and which will be losers.

And listen to Don Valentine, one of the venture capitalists who helped launch Apple Computer and a number of other high-technology companies. Again I quote:

> To Washington I say, please do not help us. The world of technology is complex, fast-changing, and unstructured. It thrives best when individuals are left alone to be different, creative and disobedient. Go help all the people who know how pork works and who want to be taken care of. But please do not help us.

Let us not spend taxpayers' money on a bureaucratic theme park for industrial dinosaurs. We have created enough monsters already.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendments. Let me say at the outset, Mr. Chairman, that this amendment would do about what the preceding amendment would do if it were adopted, and I hope that that will not occur. It eviscerates at least this portion of the legislation with respect to venture capital.

Before I get into my prepared remarks, let me say and try to clarify again, we do not suggest that the Government own any business enterprises. That is not what this legislation is about. It is far fetched for anyone to suggest there are socialistic overtones in this measure. My philosophy is as far away from that sort of thing, I believe, as is the philosophy of the gentleman who offered this amendment.

The amendment would strike sections in the bill that provide the Secretary of Commerce with the financing authority necessary to carry out the Civilian Technology Development Program established under title III(d). In so doing, the amendment would gut the program.

The gentleman argues that the Government should not be picking winners and losers and it should not compete with the private sector by taking ownership positions in companies. It is clear from a careful reading of H.R. 820, that neither of these is permitted under the Civilian Technology Development Program.

Under this program, the Government would provide financing to technology investment companies that the Commerce Department would license and regulate. Licensees would invest this capital, along with private capital, in U.S. technology companies subject to certain guidelines.

Those licensees would have the sole discretion to make investment decisions and would take ownership positions in companies. Therefore, venture capital companies make all business decisions under this program.

The Government does not pick winners and losers in this program. It would merely act as a facilitator to increase the availability of long-term capital for U.S. technology companies, and would leave venture capital investing to the venture capitalists.

This approach to providing financial assistance to industry is not new.

The SBA has similar authority provided under the Small Business Investment Company Act which the House almost unanimously passed last year.

I urge defeat of the amendment.

Mr. WALKER. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, once again we hear interesting arguments opposed to an amendment which I think makes a good deal of sense.

First of all we hear the argument that this is not socialism. I was always taught in school that socialism was when the Government came in and began to buy up private businesses, industry, and basically took them over. You do not have to have a whole lot of trappings on that. It is whether Government is involved in buying private industry. In this particular section of the bill the gentleman from California seeks to strike, that is exactly what we are doing.

Let me quote from the bill just so we are careful that we know exactly what it is we will be voting on.

The bill says the Under Secretary, meaning the Under Secretary of Commerce,

> May purchase or commit to purchase nonvoting preferred securities, with or without equity warrants, issued by a licensee, or guarantee, or commit to guarantee, the payment of 100 percent of the redemption price of and dividends on such preferred securities.

That is buying companies. In case Members do not understand the language, that is the Government stepping in and buying companies. It is the Government taking control of private industry. That is socialism. Just so we clear the decks here, I mean, we may not be moving toward complete socialism, we may be taking a baby step toward socialism, but the fact is what we are doing in this bill is the classic definition of what socialism is all about, and the gentleman from California is seeking to save us from ourselves.

Now I think that we ought to take a look at this and understand that it also makes some fiscal sense. What the Cox amendment really does is it takes away the guarantee and loan provisions in the bill and assures that the program becomes a $50 million grant only, so the Government's exposure is reduced substantially here.

The problem with guaranteed loans is the ultimate exposure that the taxpayer faces. This particular program estimates that the Government would allow a guarantee of $494 million in equity and principal. The Cox amendment averts us from this kind of loss by removing the subsidy features and making the $50 million the only potential loss under the program.

So if you are someone who thinks that maybe we cannot afford $500 million in losses at the present time, you are for the Cox amendment. You would still end up with some of this program, and perhaps that may bother you a little bit, but at least we have averted $5 million.

Now, in case you think this $500 million that we know about is going to be well spent, you might also be interested that I just got today, fascinating timing, I just got today from the Secretary of Commerce himself several answers to questions that I asked about this program back when he appeared before the committee. I submitted some questions in writing.

☐ 1640

I asked him, for instance, how this program was going to be financed, and here is what he tells me. He tells me,

> The Department is exploring various financing mechanisms contained in H.R. 820 with the National Economic Council. So I am not yet in a position to predict whether we will support the concepts and, if so, what accommodations may be made to other programs in subsequent fiscal years.

They have no idea how they are going to spend this money.

We are putting money up front here in loan guarantees that the Department of Commerce has absolutely no idea how they are going to do it. We are committing taxpayers' money here to a program that borders on socialism that is just absolutely inane.

So I would suggest that, you know, at the very least what we ought to do is support the Cox amendment and make certain that we do not take that small step toward socialism, and we do not take a big step toward doing something that the Commerce Department has absolutely no idea how they are going to operate the financing mechanism.

At the very least we ought to know what we are voting for before voting for $500 million in potential loss.

The CHAIRMAN (Mr. LANCASTER). The question is on the amendments offered by the gentleman from California [Mr. COX].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COX. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 237, not voting 20, as follows:

[Roll No. 160]

AYES—180

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—237

Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Abercrombie
Borski
Clyburn
Dellums
Faleomavaega (AS)
Flake
Hall (OH)
Henry
Leach
Maloney
Matsui
McCurdy
Porter
Romero-Barceló (PR)
Rose
Rostenkowski
Rush
Schumer
Sisisky
Stupak

☐ 1702

The Clerk announced the following pair:

On this vote:

Mr. Porter for, with Mr. Schumer against.

Mr. DOOLEY changed his vote from "aye" to "no."

Mr. HOEKSTRA changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mrs. MEYERS of Kansas:

Page 62, after line 23, insert the following new paragraph:

(1) the term "Administrator" means the Administrator of the Small Business Administration;

Page 62, line 24, through page 66, line 3, redesignate paragraphs (1) through (14) as paragraphs (2) through (15), respectively.

Page 66, line 18, strike "Technology Administration of the Department of Commerce" and insert in lieu thereof "Investment Division of the Small Business Administration".

Page 66, lines 22 and 23, strike "Secretary, through the Under Secretary" and insert in lieu thereof "Administrator, in consultation with the Secretary".

Page 67, line 21, strike "Secretary, acting through the Under Secretary" and insert in lieu thereof "Administrator, in consultation with the Secretary".

Page 67, line 24, insert "the Department of Commerce and" after "the capabilities of".

Page 68, line 2, insert "and" after "of this subtitle;".

Page 68, lines 3 through 9, strike subparagraph (B).

Page 68, line 10, strike "(C)" and insert in lieu thereof "(B)".

Page 68, lines 17 and 18, strike "Secretary, acting through the Under Secretary" and insert in lieu thereof "Administrator, in consultation with the Secretary".

Page 68, line 19, insert "the Department of Commerce and" after "under section 344.".

Page 68, line 24, strike "Secretary" and insert in lieu thereof "Administrator, in consultation with the Secretary,".

Page 69, lines 7 and 8, strike "Secretary, acting through the Under Secretary" and insert in lieu thereof "Administrator, in consultation with the Secretary".

Page 69, line 9, strike "Secretary" and insert in lieu thereof "Administrator".

Page 69, lines 24 and 25, strike "Under Secretary" and insert in lieu thereof "Administrator, with the advice of the Secretary,".

Page 74, line 8, through page 82, line 10, amend section 347 to read as follows:

SEC. 347. FINANCING FOR LICENCEES.

The Administrator is authorized to guarantee the payment of the redemption price and prioritized payments on participating securities issued by licensees, and a trust or pool acting on behalf of the Administrator is authorized to purchase such securities, under the same terms and conditions as are applied to guarantees and purchases of participating securities under section 303(g) and (h)(1) through (4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g) and (h)(1) through (4)).

Page 82, line 11, through page 85, line 13, amend section 348 to read as follows:

SEC. 348. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

The Administrator is authorized to issue trust certificates and guarantee the timely payment of principal of and interest on such trust certificates under the same terms and conditions as are applied to the issuance and guarantee of trust certificates under section 321 of the Small Business Investment Act of 1958 (15 U.S.C. 6871).

Page 87, line 3, insert ", in cooperation with the Administrator," after "Secretary".

Page 87, line 26, strike "Under Secretary" and insert in lieu thereof "Secretary, in cooperation with the Administrator,".

Page 88, line 6, insert "by the Department of Commerce" after "technical assistance provided".

Page 62, line 17, through page 98, line 14, strike "Under Secretary" each place it appears, and insert in lieu thereof "Administrator".

Page 91, line 14, through page 98, line 3, strike "Secretary" each place it appears and insert in lieu thereof "Administrator".

Page 125, line 15, strike "$50,000,000" and insert in lieu thereof "$10,000,000".

Mrs. MEYERS of Kansas (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise to offer an amendment to help correct a serious problem in this bill, and that problem is the wasteful duplication of Government programs. Specifically, my amendment addresses the Civilian Technology Development Company Program in title III, which would help provide venture capital for companies involved in producing emerging and critical technologies.

My amendment basically does three things: First, it places management of the Civilian Technology Development Company Program at the SBA; second, it provides that the Government shall receive a share of the profits from the CTDC, in addition to repayment of principal and interest invested by the Government in the CTDC; and third, it reduces the program's authorization from $1 million in fiscal year 1994 and $50 million in fiscal year 1995 to $1 million in 1994 and $10 million in 1995.

As created in H.R. 820, the CTDC Program is flawed in two respects. First, it is almost an exact replica of an existing program, the Small Business Investment Company Program, at the Small Business Administration. Why duplicate this program, at significant cost to the taxpayer, under the guise of aiding industrial competitiveness?

Second, while the Civilian Technology Development Company [CTDC] Program closely replicates the SBIC Program, it does not include some important safeguards for the taxpayer dollars invested in this program, safeguards which are an integral part of the SBIC Program.

Mr. Chairman, I can think of no reason to reproduce this program at the Department of Commerce. They have no existing staff, or experience, to administer this program. The SBA, on the other hand, has been managing the SBIC Program—upon which the CTDC was modeled—for over 30 years. It is simply sound Government to establish the CTDC Program at the SBA.

I understand that H.R. 820 includes language which states that the Department of Commerce may delegate the administration of this program to the SBA. However, as we all know, any Government agency given a new program does not readily relinquish control. Furthermore, the Clinton administration appears to share my concerns.

The committee report contains two separate letters from the General Counsel at Commerce expressing grave concerns over the possible duplication of existing programs. The first letter, sent in March of this year, expressed hope that the administration could work with the Science Committee to overcome concerns about duplication. A second letter, reiterating those same concerns, was sent a month later. Unfortunately, this act has come to the House floor with these concerns unresolved.

Mr. Chairman, let me make it clear that my amendment puts only the management of the program at the SBA. We have no desire to wrest the technical assistance and outreach sections of the program from the Commerce Department's capable hands. My amendment just authorizes the SBA Administrator to set up and run the program on a day-to-day basis.

In adopting this amendment, we will be putting people with program management experience at the SBA in charge of the fiscal end of the program. The policy issues will still be handled by the technology experts at the Department of Commerce. This is a much more efficient plan than hiring and training new staff at the Department of Commerce to manage the finances of the CTDC.

In addition to stemming needless Government waste through duplication, my amendment helps further avert some of the risk to the taxpayer dollars that are invested in this program. The current language allows the investment companies to issue preferred securities, guaranteed by Commerce, and defer repayment until the investment companies show a profit.

Mr. Chairman, this is close to the SBA's program but it is missing one crucial element: a participation for the taxpayers on any returns on the investments. My amendment will replace the current language with the same program passed overwhelmingly by the House last year.

We must have this participation agreement in order to protect the taxpayer's investment. The Congressional Budget Office has given this program a subsidy rate that would allow investment companies to issue $494 million in securities backed only by $50 million of

Government funds and the assets of the investment companies.

This is far less backing than required for the SBA program with the participation agreement. We cannot allow this liability to be issued without more protection for our constituents' dollars.

There was a purpose behind the implementation of the participation agreements—protecting the Government's funds. How can we turn a blind eye to the safety and soundness of a virtually identical program now? The taxpayers' money is going to be invested in high-risk ventures. Fairness to the taxpayer demands that we protect their investment; we have a fiduciary duty to do no less. These are professional investors, and we shouldn't give them a free ride at the taxpayer's expense.

I have also moved to reduce the program's funding from $1 million in 1994 and $50 million in 1995 to $1 million in 1994 and $10 million in 1995. This reduction will give the program time to establish itself and the funding can be reviewed at that time. We cannot realistically expect to establish such narrowly focused investment companies, specializing in high-risk ventures, and give them more funding than a similar program with a diversified portfolio, such as the SBIC Program.

Mr. Chairman, my purpose is simple. Avoid duplicating Government programs and protect the Government's investments. This is a proposal for responsible Government, and I urge my colleagues to support this amendment.

□ 1710

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Kansas (Mrs. MEYERS).

Mr. Chairman, as I understand the amendment, it would change the Civilian Technology Development Program to allow the Government to take a portion of profits realized by private technology investment companies that participate in the program. This profit participation is similar to what is allowed under the SBA's Small Business Investment Company [SBIC] Program. The amendment would also transfer the program to the SBA.

There is no profit participation in this program because, unlike the SBIC Program, this program is focused on promoting investment in early-stage technology companies. Technology investing, by its very nature, is high risk. Private investors demand an adequate return to compensate for this risk. Profit participation would reduce returns for private investors and would discourage them from making the types of investments this bill seeks to encourage.

I share the desire of the gentlelady to carry out this program in the most efficient way. That is the reason this legislation authorizes the Department of Commerce to delegate administrative functions of the program to the SBA.

However, the legislation reflects the concern of our committee about the SBA's capability to provide the technical assistance to licensees and technology companies necessary for the program to succeed. The Commerce Department has that expertise at the National Institute of Standards and Technology [NIST].

Regardless of which agency is best suited to carry out this program, the legislation allows the administration to make that final determination. I believe we should provide the administration this discretion.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. VALENTINE] has expired.

(On request of Mrs. MEYERS of Kansas and by unanimous consent, Mr. VALENTINE was allowed to proceed for 2 additional minutes.)

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

□ 1720

Mr. VALENTINE. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, I would like to say to the gentleman from North Carolina [Mr. VALENTINE] that I am not quarreling with the need for venture capital in this amendment. Nor am I quarreling with the ability of the Department of Commerce to supervise the technology part of this. We recognize that they would have the experience there, more for the outreach portion of this.

What we are saying is that to handle the fiscal part of this, the structure is already present in the SBA. I think the gentleman even recognizes that within the bill itself by saying that it may be run by the SBA. But I think it is much more appropriate to provide for specifically in the bill, because I have the feeling that once it is set in the Department of Commerce, it will stay there and we will have two duplicate structures.

It will cost probably $5 million to get the people on board and do the training necessary for what the SBA has been doing for the last 30 years, and I would say doing very well.

I am not quarreling with the substance of the venture capital.

Mr. WALKER. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the House, on two occasions on the last two amendments, has made it clear that the majority of the House wishes to stick with the loan program and the grant program that is contained in the bill, and that is certainly the right of the House to do that.

I happen to think that that is a mistake. But the gentlewoman from Kansas [Mrs. MEYERS] is not doing anything to damage that position of the House. She is suggesting though something that I think we ought to listen to, and that is if we are going to go ahead with these kinds of programs, at the very least we ought not duplicate the bureaucracy required to do the loan.

Now, it is clear that the Commerce Department does not know how they want to do this financing program. As I explained earlier, I got a letter from the Secretary of Commerce just today in which he answers questions that I posed to him following his appearance before the committee in which he says that they are exploring various financing mechanisms. They have no idea how they want to do this thing.

What we have got is a program that has been ongoing for 30 years. We have people who are trained in how you do loan programs.

All the gentlewoman from Kansas [Mrs. MEYERS] is suggesting is that we ought to utilize that which the Government already has in place to do the program. If we need the technical assistance for the high-technology portion of it, she in her amendment allows the Commerce Department to provide that kind of advice so that in fact you do not duplicate bureaucracy, but instead have the experts advising the people who are going to make the loans.

But the fact is people who know technology do not necessarily know loans. Those two do not necessarily match up.

So what the gentlewoman in suggesting is let us take the expertise of the best of both agencies, meld them in this program, and make it more workable.

Now, for the life of me I cannot understand why our committee would be resistant to the idea of melding the expertise of two different agencies in order to get the best of both. If we are going to do a loan program, why do we not do it in the most efficient and the most cost effective way possible?

My perception of this amendment is that that is what the gentlewoman from Kansas [Mrs. MEYERS] is suggesting we ought to do. Let us do it in a cost effective, efficient manner, so that we get this thing done and do it right, if we are going to do it.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, in addition to that, last year the House provided overwhelmingly that in the SBIC program the companies would have a delay in having to pay interest until their company was showing a profit. The House agreed with that. But in return for that patient capital, that we will wait for a few years until they show a profit, we said that there should be a reward in that for the taxpayer and for the Government. So we decided on the House floor to provide for a return from those successful companies.

The structure that is provided for in the bill duplicates the SBA language exactly, and it even provides for the delay in payment until the company makes a profit, except it then does not provide for any reward in case that company is successful. I think that that is a sad flaw in this bill.

Mr. WALKER. Mr. Chairman, reclaiming my time, the House has made a decision today in the amendment passed earlier on the question of recoupment to go this particular route, so we have already determined that.

The gentlewoman from Kansas [Mrs. MEYERS] adds another kind of flourish to that. I think the important thing here is we ought not take steps that provide duplicate bureaucracy. One thing we should have learned, if we are going to in fact manage Government better in the future, is we ought not be duplicating bureaucracy at every turn of the wheel. This gives us an opportunity to use the same bureaucracy now in place to do similar kinds of jobs.

Why this committee feels that we have to duplicate the bureaucracy already in place to do loans, I do not know. But if in fact Members feel that maybe it is a little overboard to have duplicate bureaucracy, then maybe the rest of the membership will reject the committee on this and support the amendment of the gentlewoman from Kansas [Mrs. MEYERS] and do something to end this constant desire on the part of some to create more bureaucracy in Government.

Mr. SWETT. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from New Hampshire.

Mr. SWETT. Mr. Chairman, why is the gentleman from Pennsylvania [Mr. WALKER] already insisting on seeing this from the point of view of duplicating bureaucracy? I think what we are doing is setting up the technical capability in the NIST program that has the equal ability to call upon those with the expertise in the SBIC–SBA program, to call upon their technology, their ability to operate the loan program, and they can be brought in as consultants to serve in just the reverse direction.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for two additional minutes.)

Mr. WALKER. Mr. Chairman, I think I did explain to the gentleman from New Hampshire [Mr. SWETT] a few moments ago. It takes an entirely different set of skills to make loans than it does to evaluate technology. The amendment of the gentlewoman from Kansas [Mrs. MEYERS] suggests that the people in the business who have the skill of loan making be permitted to do so, while the people needed to evaluate technology would have that capability within the Department of Commerce. But we ought not to have the Commerce Department duplicating that which is already available at SBA in terms of skill in making loans. So the gentlewoman is suggesting that you can have a melding of both, and that does make some sense.

What my question back to the gentleman from New Hampshire [Mr. SWETT] would be is why in the world would we want to duplicate that which already exists in Government? Why not use the expertise already there?

Mr. SWETT. Mr. Chairman, if the gentleman will yield further, my understanding of the way the system is set up is that that in fact already can take place and there is not a duplication, but this technology evaluation can draw upon the existing expertise.

Mr. WALKER. Mr. Chairman, reclaiming my time, then the gentleman from New Hampshire [Mr. SWETT] had better check with his own Secretary of Commerce, because his own Secretary of Commerce wrote me today and said that they have no idea how they are going to do this financing mechanism, and that in fact what the gentleman is saying does not really exist for real. What we need to have is, it seems to me, some assurance in this bill that we are not going to get duplicative functions. The best way to do that is to have the amendment of the gentlewoman from Kansas [Mrs. MEYERS] adopted that tells Commerce that they ought to use for the loan making process the resources that are available to them at the Small Business Administration.

Mr. SWETT. Mr. Chairman, has the gentleman from Pennsylvania [Mr. WALKER] apprised the SBA how they are going to handle the technological aspect of this?

Mr. WALKER. Mr. Chairman, the amendment takes care of that, because it assigns that duty, if the gentleman from New Hampshire [Mr. SWETT] would listen, to the Department of Commerce. It is in the amendment.

Mr. SWETT. Mr. Chairman, if the gentleman will yield further, I think just the reverse exists in the bill, and the Secretary of Commerce has the opportunity to operate under those positions.

Mr. WALKER. Mr. Chairman, he also has the opportunity to duplicate bureaucracy, which is what we are trying to prevent.

☐ 1730

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Kansas [Mrs. MEYERS].

The question was taken; and on a division (demanded by Mrs. MEYERS of Kansas) there were— ayes 42, noes 29.

RECORDED VOTE

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 224, not voting 19, as follows:

[Roll No. 161]

AYES—194

Allard
Andrews (ME)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wheat
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—224

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bishop
Blackwell
Boehlert
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro

Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—19

Ballenger
Borski
Brooks
Dellums
Dingell
Flake
Henry
Knollenberg
Leach
Maloney
Matsui
McCurdy
Rangel
Romero-Barcelo (PR)
Rose
Rostenkowski
Rush
Schumer
Stupak

☐ 1751

Mr. BARLOW and Mr. GORDON changed their vote from "aye" to "no."

Messrs. CAMP, COSTELLO, and POSHARD changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. SHEPHERD

Ms. SHEPHERD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SHEPHERD:

Page 68, line 9, strike "and".

Page 68, line 13, strike the period and insert in lieu thereof a semicolon.

Page 68, after line 13, insert the following new subparagraphs:

(D) consult with State governments to ensure that the existing programs run by or chartered by State governments which seek to accomplish purposes similar to those stated in subsection (b) are encouraged and not undermined by the implementation of this subtitle; and

(E) explore with State governments ways in which programs currently run by or chartered by State governments which seek to accomplish purposes similar to those stated in subsection (b) can serve as models for the Secretary or be used to ensure the efficient and effective implementation of this subtitle.

Ms. SHEPHERD. Mr. Chairman, H.R. 820 is a fine bill. I am proud to be a cosponsor of this legislation, and I will support it regardless of the fate of my amendment. I support H.R. 820 in part because it mirrors a number of programs initiated in recent years by my own State of Utah. I have witnessed the success of these programs on a small scale, and I commend Chairman VALENTINE and Chairman BROWN for their persistence in bringing this legislation to passage.

My amendment would clarify the subtitle of the bill establishing the Civilian Technology Development Program. In this subtitle, the Department of Commerce is directed to explore with other executive agencies efficient means of implementing this program and ways in which to avoid duplicating efforts.

My amendment directs the Secretary to undertake further consultation with State governments, such as my own State of Utah, which have initiated programs designed to foster the growth and development of critical civilian technologies.

This amendment makes good sense for a number of reasons. First, State-run and State-chartered programs stand to be among the primary beneficiaries of the Civilian Technology Development Program. Roughly forty States, including my own, have already established programs to promote the financing of critical technology companies. Virtually every State with a research university is promoting high-technology spinoff firms in software, biotechnology, and environmental technologies.

Integral to the success of this program is the effective integration of efforts at both levels of government. For this reason, efficient implementation of this program must involve not only consultation among Federal agencies, but between the Federal Government and States as well. Finally, some State programs are undoubtedly more successful than others. It only makes sense that the Federal Government take into account the successes—and the failures—of State efforts when implementing this program.

I want my colleagues to know that existing State programs stand to benefit considerably from enactment H.R. 820. The State of Utah, for example, has established a centers of excellence program in conjunction with the private sector and its fine State-run universities. Under this program, the State works with the University of Utah, Utah State University, and the private sector to promote private sector spinoffs. Seventy new high-technology companies and over 2,200 jobs have been created through this program. Seventy percent of Utah's engineering graduates are now staying in the State, and tens of millions of dollars in private funding and laboratory equipment have been leveraged for these spinoff firms. Utah has established the Utah Technology Finance Corporation, which helps to provide sources of public and private capital for small, high-technology startup firms. And it has helped to establish a Technology Assistance Center at Weber State University.

In short, my amendment simply ensures that State governments will be intimately involved in the development and implementation of the Civilian Technology Development Program, and that the effectiveness of existing State programs will be enhanced by this legislation. In no way does my amendment alter the intention or effectiveness of H.R. 820, and I urge its adoption.

Mr. Chairman, I thank the chairman of the committee and his staff for their assistance in crafting this amendment. Hopefully, this legislation will help to create a Research Triangle Park in every State.

Mr. VALENTINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to say that we accept the gentlewoman's amendment and wish to express to her our appreciation for the contribution that she has made to this legislation.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. VALENTINE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I just want to indicate that we, too, accept the amendment and will be happy to have it voted on.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Utah [Ms. SHEPHERD].

The amendment was agreed to.

☐ 1800

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER:

Page 62, line 11, insert "Nothing in this section shall permit or require the use of quotas or a requirement that has the effect of a quota in determining eligibility for loans made available under this subtitle." after "including women).".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, when the committee considered this bill, we added a section in the bill that provided for a set-aside, which I personally think is bad policy, but at the very least what we want to do is assure that such set-asides do not become quotas.

Because this particular amendment does specify a particular percentage, it did have the danger of being regarded by those who would interpret such law as being a quota-based amendment.

All the language that we have before us says is that in no way should that language be regarded as a quota, nor should it have the effect of a quota in determining any eligibility for loans.

I think this is consistent with the legislative history, but, nevertheless, I think that this kind of statement will assure that we will not have this become a quota. It is language similar to that which is in current law in a couple of different places to assure there is no quota-based policy.

I would urge the House to adopt the amendment.

Mr. VALENTINE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, I just wanted to say to the gentleman that we are happy to accept his amendment.

Mr. WALKER. I thank the gentleman.

Mr. BECERRA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to add a few remarks with regard to the amendment that was proposed by my colleague, the gentleman from Pennsylvania.

If you take a close look at the wording of the bill as it is now, you would find that the program itself that requires that there be loans set aside for these competitive companies, which includes as well that there be 10 percent set-aside to the extent possible to disadvantaged, socially and economically disadvantaged, firms; it is very clear there is no need for the amendment the gentleman from Pennsylvania [Mr. WALKER] is proposing.

By the language in the bill itself, "to the full extent possible, the Secretary shall ensure," what we are saying is that only if it is possible, if and only if it is possible and to the extent that it is possible that there be a 10-percent set-aside for these economically and socially disadvantaged firms should we then go ahead and try to do so.

It is clear from the language that this is not a quota.

The efforts of the gentleman from Pennsylvania [Mr. WALKER] to include this, I think, are redundant and superfluous, and I would question the true reasons behind this, because it is very clear that quotas are not permitted. We have case law that the Supreme Court has said quotas are not permitted.

For us to be including language in a bill that is unnecessary, to me, it strikes against the heart of what we are here to do, and that is to do a job the people out in the public understand. For us to be including language which is clearly superfluous makes no sense. For us to say this is not a quota when it is very clear, because of case law, that it is not, I think makes us look like we are doing nothing but playing games with legislation.

I would urge my colleagues to reconsider or consider closely whether or not they are going to vote for this particular measure, whether or not it is necessary. We have language very similar to what is included in the bill that talks about set-asides, again, to the extent that it is possible to do so, that does not have language associated with it that says that this is not a quota. It is very clear that it is not a quota.

For us to be including this type of language makes no sense, and I think it is an attempt to bring up an issue that really has long——

Mr. WALKER. Mr. Chairman, I ask that the words be taken down.

The CHAIRMAN. The gentleman will suspend.

Does the gentleman from California [Mr. BECERRA] ask unanimous consent to withdraw his words? The gentleman from Pennsylvania has asked that the gentleman's words be taken down. Does the gentleman request unanimous consent that the words be withdrawn?

Mr. BECERRA. Mr. Chairman, I ask unanimous consent to withdraw the words that were used.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman's words are withdrawn. The gentleman may proceed.

Mr. BECERRA. Mr. Chairman, as I was saying, I believe that we must try to, in our legislation, do the best job we can to make sure that there is participation by all Americans in our particular programs that we are passing. I do not believe that we should be doing anything more than that.

It is very clear from the language, and I think it was very carefully crafted, that we have in this bill that says that we should try to provide diversity, we should try to be somewhat cognizant of the needs of the folks that are out there in America that are trying to gain contracts from the United States. I think it is very clear that the language speaks for itself. Phrased again in the language of the bill, it says to the extent possible the Secretary shall ensure that loans are made available to socially and economically disadvantaged firms. There is nothing there that requires that this be done. There is nothing there that would require that there be a specific amount set aside. There is no quota here.

I would just, again, urge my colleagues to consider this amendment as being unnecessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. LAZIO. Mr. Chairman, I rise today to express my opposition to H.R. 820, The National Competitiveness Act of 1993. In my opinion, this $1.5 billion legislation is a dangerous and expensive precursor to industrial policy. H.R. 820 takes decision-making authority and fiscal ability away from industry and vests it with the Federal Government while increasing the budget deficit. In effect, we are announcing to the world, that this Government has proclaimed itself all-knowing and American investors untrustworthy. Mr. Chairman, we as a nation and a Government cannot afford to be so presumptuous or so fiscally irresponsible.

The true intention of this so-called Competitiveness Act is to institute a national industrial policy—a policy of giving bureaucrats the power to choose technological winners and losers. That any government can successfully pick winners and losers, however, remains dubious, at best.

What is really hurting our industries and competitiveness is not the complete failure of businessman to make wise choices, but a lagging economy and a punishing budget deficit. Throwing tax dollars—the same taxes paid by industry—at the problem will not increase our competitiveness, but will add to the deficit.

How then can we in good conscience spend another $1.5 billion, increasing the commerce department's spending alone by 100 percent, over the next 2 years on a gamble that Washington is smarter than business?

Let us not forget that U.S. trade will also suffer from industrial policy. In fact, a recent New York Times editorial reminds us that attempts at industrial policy will bring on less economic competition and sharply higher trade barriers. It could even spark international economic warfare, because in every place it has ever been attempted, industrial policy has been linked to protectionism.

The truly shameful aspect of this legislation is the affront to American industry and its investors. President Clinton has proposed an increase in the tax rates for business, taking much-needed venture capital from industry. Then, the President's program calls for redistributing the same revenue among the same industries from which it was taken. This is ludicrous. Congress should acknowledge this as inefficient, redistributional, social engineering, and reject it.

The National Competitiveness Act creates a program that will inevitably fall victim to pork-barrel politics. Not a person here today can promise to turn a blind eye and a deaf ear to the loud constituent demands for funding when attempting to pick winners and losers. Already included in the bill are provisions to fund enterprises regardless of their efficacy, but in an attempt to enact social welfare policy under the guise of technology policy. Behind its neon glitter and rhetoric, H.R. 820 is tax, spend, and pork-barrel politics at its worst.

Mr. Chairman, I may be new to this game, but I do know four things. It is wrong for us to increase the deficit. It is wrong to think Government can pick winners and losers. It is wrong for us to deny business and industry the right to make their own decisions. And, it is wrong for any of us dedicated to change and against business as usual in the Congress to vote for H.R. 820.

Mr. Chairman, I urge my colleagues to vote no on H.R. 820.

Mr. VALENTINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Ms. SHEPHERD) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was unavoidably absent when the House cast votes 159, 160, and 161 as I was attending a regional hearing and site visit of the Base Closure and Realignment Commission in Michigan.

These hearings relate to the potential closure of K.I. Sawyer Air Force Base, a matter of utmost concern to Michigan's First Congressional District. If I had been present, I would have voted "nay" on votes 159, 160, and 161.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, unfortunately I missed rollcall vote 161. Had I been present I would have voted "aye" on the amendment. The Small Business Administration already has a similar program and this amendment would have eliminated the creation of a duplicative effort and also saved the Government roughly $5 million.

HOUR OF MEETING ON TOMORROW

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CALLING FOR ACTION AGAINST SLAVERY IN SOUTHERN SUDAN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I am submitting for the RECORD a highly classified document which has been declassified. It is an embassy cable from our embassy in Khartoum to the State Department. It talks about massacres in southern Sudan. It talks about slavery.

Let me just read it for my colleagues, Mr. Speaker. It says:

> There are recent, credible reports of massacres, kidnapping and forced labor, conscription of children.

It goes on to say:

> Credible sources say Government of Sudan forces, especially the PDF, routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform forced labor on Kordofan farms or are exported, notably to Libya.

Mr. Speaker, where is the Congress on this issue? Where is the Clinton administration on this issue? Where is the media on this issue, slavery in 1993, women and children being trucked from southern Sudan and exported to other countries?

Mr. Speaker, I call on the Clinton administration to appoint a high level emissary to deal with this issue or the blood of the southern Sudanese children, and women and men will be on the hands of the Clinton administration.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 12, 1993.

Hon. FRANK R. WOLF,
House of Representatives.

DEAR MR. WOLF: Thank you for your letter of May 5, regarding human rights abuses in Sudan. The Embassy in Khartoum provided the information you requested, which is enclosed. Assistant Secretary Moose provided much of this information in his testimony on May 4 to the Senate Foreign Relations Subcommittee on Africa.

Sincerely,

ROBERT A. BRADTKE,
Acting Assistant Secretary for Legislative Affairs.

Enclosure.

Sudanese government personnel appear to be perpetrating widespread human rights abuses in parts of the Bahr El Ghazal and the Nuba Mountains. There are recent, credible reports of massacres, kidnapping and forced labor, conscription of children, forced displacement and Arabization, and other abuses in these regions. There is evidence that some abuses, notably kidnapping, may be carried out by poorly-controlled militias without the approval and perhaps against the wishes of the authorities. Other abuses, however, are occurring with a frequency and on a scale that make it difficult to think that they are happening without the knowledge of the authorities.

Reliable information on the western "transition zone"—south Kordofan, including the Nuba Mountains, and Bahr El Ghazal—is hard to obtain. Access to the area is restricted. Recently, however, there has been evidence from credible, well-informed sources of widespread GOS abuses in this zone.

According to several sources, forces of the Government of Sudan regard the entire Bahr El Ghazal south of Babanusa, outside of government-held towns, as an "operational area." Anyone found there is considered a SPLA member or supporter and killed or captured. For example:

In late 1992 and in February-March 1993 two military trains, each with about 3,000 troops aboard, proceeded from Babanusa to Wau. Some of the troops were from the army, but most were members of former Arab tribal militias, which the Government of Sudan/National Islamic Front (GOS/NIF) has incorporated into the Popular Defense Forces (PDF).

The first train advanced preceded by foot soldiers who killed or captured the civilians on their path. Thy burned houses, fields, and granaries, and stole thousands of cattle. Hundreds are estimated to have died.

The March 1993 train carried horses that extended the soldiers' range. In five days, they reportedly killed almost a thousand persons between Manwal Station and Aweil and captured 300 women and children. The burning of granaries and fields and theft of cattle caused many who escaped the troops to die later of starvation.

The sources state that when military convoys moving in the Bahr El Ghazal lose vehicles to SPLA mines, the troops typically burn the first village they find and kill its inhabitants.

Credible sources report heavy fighting from December 1992 to March 1993 in the Nuba Mountains, particularly in the Tulisci Range. Fleeing Nubans speak of widespread destruction of villages and killings near Dilling and Kadugli—including a massacre at Belenya, which reportedly was razed.

Credible sources say GOS forces, especially the PDF, routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform forced labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to be performing forced labor in the areas of Meiram and Abyei. Others are said to be on farms throughout Kordofan.

There are also credible reports of kidnappings in Kordofan. In March 1993 hundreds of Nuer displaced reached northern Kordofan, saying that Arab militias between Abyei and Muglad had taken children by force, killing the adults who resisted. The town of Hamarat el Sheikh, northwest of Sodiri in north Kordofan, is reported to be a transit point for Dinka and Nuba children who are then trucked to Libya.

While PDF kidnapping of women and children seems recurrent, it is not, however, condoned by all GOS authorities. When the March train from Babanusa arrived in Wau, authorities forced the PDF to release the 300 women and children they had captured. Later that month, army forces at Aweil searched a train of PDF returning from Wau. They found and freed women and children who were being held in boxcars. In early 1993 the PDF captured near Meiram five children between 7 and 12. When a relative learned of their whereabouts and contacted the police, the children were released.

Credible sources say that when the March military train to Wau reached Meiram, soldiers raped scores of displaced women. Thousands of displaced are currently reaching northern Kordofan from Bentiu and the Nuba Mountains. Medical workers note an unusually high rate of pregnancies among the women, who say the PDF raped them.

There are credible reports of widespread conscription into government militias of children 10 or 11 and above from "peace camps" (resettlement camps) in the Nuba

Mountains. In late January, 1993, soldiers in El Obeid impressed into the PDF scores of boys 13 and above. (The families, however, later secured the release of the children who could prove they were enrolled in school.)

Credible sources state that since November 1992, thousands of displaced Nubans, particularly from the Tulisci, Habila, Koalib, Mendi, Tima, Lagawa, Sellara, Dilling, Kadugli, and Miri areas have been passing through El Obeid. Some are fleeing on their own, but others are being moved by the authorities. The governor of Kordofan has publicly said that the Government has moved many civilians from "unsafe to secure areas." Some 2,000 Nubans from En Nahud were left in rags last November outside El Obeid, without money, food, or shelter.

Credible sources describe different forms of forced Arabization. Under a policy sometimes known as "the marriage of fifty," Arab soldiers are encouraged to wed southern women they capture. Soldiers who have children from these marriages get special premiums. In displaced camps in Meiram and Abyei, some Islamic charities reportedly offer to feed, clothe, and educate destitute Dinka children—but in return, parents may not have contact with their offspring. Some areas are closed to Christian charities, even indigenous ones, while Muslim charities operate freely.

There are reports that thousands died of starvation in Meiram displaced camps last year, while local authorities would not release donated relief food stored in Babanusa. There are consistent, credible reports that the PDF routinely steals large amounts of relief food donated for the displaced. Credible sources state that if the populations in the displaced camps at Meiram, Abyei, and Daeim do not receive food urgently, thousands more will die this year.

Some casualty figures and other details may have been exaggerated by frightened and shocked witnesses, but the general tenor of the above report appears credible. It tracks with fragmentary reports of abuses in the Nuba Mountains and Bahr El Ghazal that have become available from other sources over a period of months.

To be fair, it must be said that many of these abuses, including the massacres, kidnapping and forced Arabization, have occurred time and again in these areas for years. Moreover, the reaction of the authorities in specific cases of kidnapping and enslavement suggest that the letter may be the fact of poorly-controlled militias acting without official approval—although, if this is the case, the authorities are derelict for not energetically curbing PDF excesses. Other abuses, however, are occurring with a frequency, and, in the case of the massacres in particular, on a scale that make it difficult to think that they are happening without the knowledge of the Government of Sudan.

☐ 1810

H.R. 1395, THE ETHICS IN GOVERNMENT REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Madam Speaker, I rise to address an issue that I believe is paramount to restoring public confidence in this institution. I'm speaking about the revolving door through which executive and legislative officials leave their Government posts and then return to lobby their old agency or committee on behalf of special interests.

In Florida, in the 1970's, I had the high privilege of helping a great Governor, Reubin Askew, stop the revolving door in Florida's government by amending the constitution of the Sunshine State. Today, we need similar reform in Washington.

As a former trade negotiator for this country, I am especially concerned that since 1974, nearly half of all former senior U.S. Trade Representative officials have personally registered or gone to work for firms registered with the Justice Department as foreign agents. Currently, too, there are at least 138 former members of Congress who are lobbying their old colleagues, More than a third of the committee staff directors in the House go on to be lobbyists. These facts raise a serious question in the public's mind: Are their representatives serving them or serving their own future career interests?

Following the lead of President Clinton, I have introduced bipartisan legislation with my Republican colleague from New Jersey, Mr. ZIMMER, which would impose reasonable post-employment restrictions on senior officials of both the executive and legislative branches. This bill, H.R. 1395, the Ethics in Government Reform Act, would bar former Members of Congress from lobbying committees on which they serve for 5 years and bar them from lobbying any current Members or staff for 2 years. In addition, senior level staffers in both the legislative and executive branches would be barred from lobbying their former employer, office or committee for 5 years. These restrictions would allow for a cleansing of the personal contacts between the lobbyist and his or her former realm of influence.

This bill also places a lifetime ban on Members of Congress, trade negotiators and other high-level officials in the executive and legislative branches that would prohibit them from ever lobbying for any foreign entity. This component of the bill is essential not only to restoring public trust in government, but to ensuring the integrity of our long-range economic strategies. How can U.S. companies trust government officials with sensitive information about their technology, trade strategy, and long-range goals if they think those officials may some day be working for their competitors from overseas? The Ethics in Government Reform Act would mandate the national loyalty that is essential to public service. Violation of the added restrictions in this bill would lead to heavy fines, imprisonment, or both.

Madam Speaker, I didn't come here to get a job lobbying here later. I came here to serve. I'm confident that the vast majority of my colleagues also came here to serve. I challenge each of my colleagues to join as cosponsors.

Madam Speaker, I urge swift consideration of this bill. Let us insist that this institution serve the people who sent us here and only the people. Let us end the temptation to treat public service as a means to a golden end. Let us stop the revolving door.

SOCIAL SECURITY TAXES WAGE THRESHOLD TO BE RAISED IN PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK. Madam Speaker, too much lip service is paid to the needs of the working poor and there is not enough action on their behalf. The Ways and Means Committee is now marking up its provisions of the reconciliation bill and I want my colleagues to be aware of one recommendation that will hurt the economic security of the some of the poorest of the working poor.

The Ways and Means Committee is proposing to raise the wage threshold for the payment of Social Security taxes to $1,750 per year. Earlier this year I testified before the members of the committee to recommend a modest increase and to improve compliance, but my recommendation was for an increase only to $300 annually. I was concerned that raising the threshold too high would eliminate from the Social Security system too many people who do domestic work for a number of employers. A worker who gets paid to clean house once every 2 weeks for several employers would have a hard time reaching the threshold. Such a person could work for 10 families and earn $13,000 annually and still not qualify to have Social Security taxes withheld. $300 per year may be too low a threshold, but $1,750 is too high.

Mr. Speaker, I told the committee that I knew firsthand what it is like to be a household worker. I was a domestic worker at one time. My mother was a domestic worker. My sisters were domestic workers. I had neighbors who were domestic workers and who never had any kind of retirement provisions made for them. The families that employed them would express much affection and gratitude towards them, but they did nothing for their employees' future economic security. Domestic workers affected by this proposal are mostly female and mostly minority. They are women who struggle to support their own families while seeing to the needs of others for very low pay. They don't belong to unions that can fight for them. They don't have any political power. If we do not watch out for their interests, who will?

The committee may be very well-intentioned in its current proposal, but it is misguided. The $1,750 threshold will provide tax relief for those who can afford to hire domestic help. It will not help, and will actually hurt, many of the low-income workers who now have taxes withheld on their behalf.

A recent Washington Post editorial, which with your permission, Madam Speaker, I am including in the RECORD, noted that 80,000 to 115,000 household workers a year could lose some coverage. What happens to all these people when they are too old and frail to work? They won't have IRAs sitting in the bank to help them through their retirement years. They could have been collecting welfare instead of cleaning houses. I begin to wonder if they would have been better off. Our society claims to place a high value on work, but reducing the participation of so many workers in the Social Security system sends a different message. We need to encourage better compliance with the law, not provide tax relief for employers.

Madam Speaker, I am pleased that some members of the Ways and Means Committee were able to see the injustice in this proposal and attempted to amend the provision during full committee markup. I commend them for their courage and willingness to take a stand on behalf of the working poor. This first attempt came within one vote of being successful, but this is just the beginning of a long legislative process. If there is no chance to deal with this on the House floor, there is still Senate consideration and a House-Senate conference. I pledge my support for efforts to scale back the threshold, and I urge my colleagues to do the same.

[From the Washington Post, May 3, 1993]

NOT THE ZOE BAIRD PROBLEM

The so-called Zoe Baird problem has been described as just about everything but what it first and foremost is—a problem of (a) tax avoidance that (b) costs some of the poorest people in the society Social Security benefits in their old age or if disabled. You hear it described as a child care problem, an immigration problem, a women's problem, an employer's problem—and yes, to some extent it is all those. But at benefit time it is not the employers who lose.

Lately it has been described as a paperwork problem. The forms are too hard. In fact it takes very little every three months to fill them out. Congress has nonetheless set out to simplify the task. One of the chosen methods is to cut some of the lowest-paid people in the economy out of the Social Security system. Yes, you heard us right. Read the sentence again. It's true.

To reduce the supposed paperwork burden, a House Ways and Means subcommittee has voted, among other things, to raise the wage threshold above which the Social Security tax must be paid. Current law is that you owe the tax for any household employee you pay more than $50 a quarter. The subcommittee would make that $1,750 a year. To reduce non-compliance, in other words, it would reduce the obligation to comply; you can't beat that. But, unfortunately, the effect would be to reduce future benefits as well, since a worker gets no credit toward benefits from wages on which no tax is paid.

No one is sure how many workers would be edged out this way, but officials say on the strength of wages reported and taxes paid that anywhere from 80,000 to 115,000 household workers a year could lose some coverage (and if all household wages were reported and taxes paid, the figure would of course be higher). The thought is that a lot of the losers would be women who have several employers and work, say, one day every two weeks for each. An employer who paid a household worker $50 for one day every two weeks would pay $1,300 a year and owe no tax; the worker would get no credit. A worker with, say, eight such employers would still get no credit.

The Clinton administration, having, you might say, brought the problem of failure to pay this tax to national attention, has yet to take a position on the House bill. We look forward to what it and the champions of the working poor on the full Ways and Means Committee have to say on the subject of the shut-outs particularly. There are other aspects of the bill, including use of the income tax form to collect Social Security taxes owed for household employees. That may well be a good idea; a lesser increase in the Social Security threshold to weed out only occasional employees may also be defensible. But it's more than a matter of taxpayer convenience and tax simplification when this many tens of thousands of low-paid workers are put in the way of losing a basic benefit each year. The alleged inconvenience to the employers of hardworking, low-income household and other workers is surely the least of it. It is an outrage to think otherwise and an embarrassment to have to point this out to members of Congress and the administration undertaking to simplify the lives of the noncompliers and increase compliance with the code.

□ 1820

SITUATION IN HAITI GRAVE AS EVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, the situation in Haiti remains as grave as ever. Democracy has been dethroned in Haiti by a band of military thugs in concert with aristocrat parasites and drug smugglers. People have been dying ever since the first day that President Jean-Bertrand Aristide was driven from his rightful place as the President elected by 70 percent of the voters.

The atrocities committed in Haiti are as grave as the atrocities committed anywhere in the world. More than 3,000 people have died and they are continuing to suffer death, torture and imprisonment, even in the face of U.S. human rights observers.

The situation in Haiti is grave. The administration has disappointed all of us in its slow movement toward a resolution of the Haitian problem. The situation in Haiti is far simpler than the situation in Bosnia or Yugoslavia. It is closer to us. Just 90 miles from the shores of the United States, there is Haiti. For some reason our press, radio and television, cannot find their way there. They go across the world to Yugoslavia. They go across the world even to Somalia and other places at great expense, but somehow the cameras cannot find Haiti. The reporters do not seem to be able to develop an interest in Haiti. But the situation is there. Human beings are being sacrificed.

There is no reason why we cannot move at minimal cost, almost nothing in dollar terms, at minimal political risk.

The people want back their President. Jean-Bertrand Aristide is as popular now as the day he was elected. He is as popular now as the day he was driven from his rightful place as the President.

It has been almost 20 months now since President Aristide was upon risk of assassination whisked out of the country.

The Congressional Black Caucus thinks we have had enough. Today the Congressional Black Caucus at its weekly meeting adopted a position calling for the return of Jean-Bertrand Aristide to his rightful place as the legal ruler of Haiti within 60 days. within 60 days from today, May 12, we are asking that Jean-Bertrand Aristide be returned by July 12, that steps be taken to guarantee his safety and that the people of Haiti be given the support of the international community in their quest for democracy, their long, long, quest for democracy.

We have come to this conclusion because we feel that the administration, despite its recent positive moves, despite the fact that it recently approached the United Nations and said it would like to offer a resolution calling for the use of a police force, an international police force of 500 people to go to Haiti. They took that step. Despite the fact that is a positive step forward, we are gravely concerned about the fact that when you inquire about the details of that move, you encounter a great deal of vagueness. We do not know for sure when the resolution is really going to be introduced and what the wording of it is. We do not know when the United Nations is going to act on it.

This is 20 months after Aristide was driven out of Haiti. We are still groping in the dark it seems for every little step.

We are treating Haiti as if the situation was a game. We are treating President Aristide as if he was a toy.

We are not serious about democracy in Haiti, about using the clout of the international community to return democracy to Haiti. We are not serious about assuming our role in the world as the last remaining superpower to be a force for good in guaranteeing the human rights of human beings everywhere.

We seem to have a double standard. We are drawing a line. The people of Haiti are not as important as the people of Bosnia. That is the implication of our move. The people of Haiti are not as important as the people of Yugoslavia.

The situation in Haiti is far simpler. It does not require air bombardment. It does not require a great use of ground troops under any circumstances. You do not have civil war. You do not have a conflict of great bodies of people, one group against another. You have the total population of Haiti, except for 7,000 army troops who have the guns. Everybody else is in favor of Aristide except the army and a handful of aristocrats who have always run Haiti as if it was their plantation, never paid any taxes, treated people like dogs, and are the last of the feudal systems probably in the whole world.

The Congressional Black Caucus would like to see us take some definitive steps to end this.

We are proud of the fact that we live in a country which has assumed the role of a superpower for good, a superpower ready to enforce high standards of morality in the world, a superpower ready to support human rights anywhere in the world, a superpower ready to take great risks in order to enforce certain standards of democracy and human rights.

I am proud of the fact that there is a controversy right now about whether we should go into Bosnia with air power which might lead to a ground war. I am proud of the fact that our Government is even considering taking action there, because we have no vested interest. There is no oil involved. There is uranium there. There is nothing we need there. It is not strategically located so that somewhere at sometime we may need to cross that area in order to put down a world conflict threatening the United States of America.

Any interest in Yugoslavia, Bosnia and all the related matters there is purely a high moral position. I am proud of the fact that our Nation has taken that high moral position and is ready to become fully involved, far more involved than any of the European nations which are right there on the border with Yugoslavia.

I am proud of the fact that we have assumed this position. I am proud of the fact that our Nation dispatched troops to Somalia in a strictly humanitarian venture for the purpose of restoring the human rights of the individuals, the citizens of Somalia. I am very proud of that.

I think that when history is written, the United States of America will be praised for thousands of years to come for the kinds of positions it has assumed, which are not the traditional vested interests or statecraft kinds of considerations where every nation is expected to take steps to protect its own interests. We have no direct interest except the interest of humanity in Somalia, in Bosnia and Yugoslavia.

The same thing is true of Haiti. While our Government has taken a very principled position in Haiti, even the past administration on paper and in public took a very principled position that it would support the return of President Aristide, it would support the return of democracy in Haiti, our past administration took the position that it would not recognize the military government of Haiti. I praise them. I applaud President Bush for taking that position.

We took the position that there should be an embargo on certain products going into Haiti. We took some proud positions, some positions that were high moral positions, and we should be praised as a nation for that. The previous administration should be praised.

We did some terrible things also in terms of denying the Haitians the same kind of access to the country that we have given to the Hungarians, the Cubans and other people.

□ 1830

We put them in Guantanamo Naval Base, and we treated them very badly. We have done a number of things including finally putting a flotilla, a naval force, around Haiti to keep the people of Haiti in, which is totally illegal. We have done some bad things, too. We expected some of those outrageous things to end since a new administration was elected. Of course the new administration promised they would end them, but that would not happen.

Good things have happened, bad things have happened, with respect to Haiti, and we want to, as a Congressional Black Caucus, move to make certain that we get out of this vague middle ground and do the right thing with respect to the support of democracy in Haiti.

It has been more than 19 months since the President of Haiti, who was democratically elected by nearly 70 percent of the voters, was overthrown and forced to leave his nation under the threat of possible assassination. A coalition of murderous troops, drug smugglers and aristocratic parasites united to thwart the will of 7 million Haitian citizens. Guns, bullets, terrorism, and death were the weapons used by these smug and arrogant fascists. As in the case of Nazi Germany, Somalia, Kuwait, Yugoslavia, it is the same in Haiti. Overwhelming force is being used to enslave the civilian population.

The fact that Haiti, like Somalia, represents black on black tyranny means that the moral responsibilities of the Congressional Black Caucus are not lessened, but they are made greater. The atrocities being committed against the people of Haiti are no less than the atrocities displayed daily in Croatia and Bosnia. The decentralized terror of Haiti which takes place under the cover of darkness and in remote corners of the country is as murderous as any savage and inhuman oppression anywhere in the world.

I repeat: Haitian diplomacy should not be considered again. President Aristide should not be treated like a toy. Outrage and revulsion are still appropriate reactions to the occupation of Haiti by this coalition of aristocratic parasites, military criminals, and drug smugglers.

In the past few days the prospects for negotiated settlements have been shattered, in my opinion, by the fact that they were ready to make every concession possible to the military thugs who overthrew President Aristide's government and took control with their guns and grenades. They have the ability to overwhelm the civilian population. We capitulated to these murderers who are responsible for more than 3,000 deaths. We were ready to offer them amnesty.

Part of the agreement was that nobody would be punished for all that has gone on before. President Aristide reluctantly would agree to this. Certainly he did not publicly oppose it in an attempt to go all the way and do everything possible to get a settlement that was a so-called peaceful settlement which would not necessitate the use of troops to restore democracy in Haiti.

What we do not realize is that this negotiated settlement was accepted one day and then rejected the next day by the military powers because they have so much to lose that they are never going to give up voluntarily their control of Haiti.

When Jean-Bertrand Aristide was elected as President, Madam Speaker, some things happened in Haiti that had never happened before. The government went after drug smugglers and tried to stop the smuggling of drugs through Haiti. Haiti is a major point of departure, a point of transshipment. They come through Haiti with drugs that are destined for the shores of the United States, drugs that are being fed to our young people in our cities and towns. A large part of it comes through Haiti, and, with the overthrow of Jean-Bertrand Aristide, more of it began to flow through Haiti than ever before.

The drug smugglers are getting richer every day. The drug smuggling operation has been decentralized. It used to be that primarily generals and colonels were involved in the illegal smuggling trade. Now we have a decentralization so that the captains and the sergeants also have their private operations with respect to smuggling drugs through Haiti into the United States.

Very authoritative sources have said that there is a $200 million-plus drug trade pumping poison into the United

States. That is a conservative estimate. That $200 million is being made in a year, over a year's period, by the Haitian drug smugglers; $200 million is a tremendous amount of money in Haiti. Some people estimate that that is a very conservative estimate, and we are talking, probably talking, about a billion-dollar drug trade, drug smuggling trade.

With that much at stake, Madam Speaker, are we really naive enough to really believe that the Haitian military will ever voluntarily give up their power and their access to all of these illegal dollars?

Madam Speaker, I am going to submit an article entitled "Drug Money Snags Haiti's Peace Talks," which appeared in Sunday's New York Times on Sunday, April 25, 1993. In this article, which I would submit in its entirety, Madam Speaker, it explains why a settlement is not likely to happen. It starts by reading as follows, and I quote:

> When the midnight skies here shuttered unexpectedly one night last week with the roar of jets taking off, people close to Haiti's military leadership dismissed what the planes carried as simple cargo. For cautious diplomats, contraband was the preferred term for what was carried on the unscheduled flights. These flights came on the eve of an expected agreement to settle Haiti's political impasse.

This article was written from Port-au-Prince by Howard French.

"Whatever the label," I quote from the article again:

> Whatever the label, the assumption of many military and political experts and economists here is that the flights were part of the Haitian Army's booming trade in cocaine.
>
> Accompanying this assumption is the belief that the fattening of the bank accounts of many officers has emerged as a thorny obstacle to any political settlement.
>
> THE CRIMINALITY ANGLE
>
> So far, discussions about restoring democracy in Haiti have centered on amnesty for military leaders for acts of political violence since the coup in September 1991 that deposed President Jean-Bertrand Aristide. There are also unresolved concerns about the need to protect all sides against reprisals.
>
> And lurking largely unaddressed is how to wean the Army from the proceeds of a criminal drug enterprise that experts estimate brings in $500 million or more a year.
>
> "When others like Jean-Claude Duvalier and Prosper Avril were being forced out of power, they had already made their fortunes," said one diplomat here, discussing two recent dictators who were nudged into exile. "The United States could credibly threaten them not only with the loss of power, but with dispossession. Now you have a bunch of young officers who have just begun to taste fabulous wealth.
>
> "What do you tell guys like these that they are risking—their lives?"
>
> Further complicating a settlement, these experts say, is the breakdown of Army discipline. In the past, a handful of key figures lead the trafficking; now, it is widely believed, officers down to the rank of captain have become economic powers in their own right.
>
> WAY OUTSIDE THE LOOP
>
> "One thing that everyone seemed to be ignoring last week is that these are people who don't take their orders politely from Washington," said a businessman here with extensive contacts in the Army. "They have their own sources of revenue, their own arms, their own lobbyists and, short of the menace of direct intervention, they can hold on for a long time."
>
> Diplomats and military experts say that the decentralization of drug trafficking can be seen in the smaller aircraft that have peppered the countryside with bales of drugs for months.
>
> United States officials say they have been virtually powerless to do anything because the Drug Enforcement Administration, which routinely posts agents in Haiti, has not had a recognized Government to work with since Father Aristide's overthrow.
>
> "The D.E.A. is very frustrated because they don't have anyone to work with in Haiti," said Representative Charles B. Rangel, Democrat of New York and leader of the House Caucus on Drug Abuse. "The country has become just a free port for this kind of thing. It is hard to imagine a more undisciplined military than you have in Haiti, and the drug problem goes straight to the top."
>
> The Army commander, Lieut. Gen. Rauol Cedras, declined several requests for any interview.
>
> ARMY REJECTS A "SWEETENER"
>
> To sweeten the proposed political settlement, international donors led by the United States have pledged $1 billion in economic assistance to Haiti. To further neutralize opposition among the rank and file, mediators have spoken of offering soldiers jobs in a reconstituted Army and a new professional police force.
>
> Still, the military unexpectedly rejected this offer last week, and experts who have followed the talks now say that those "sweeteners" failed to account adequately for the corruption.
>
> According to an international consultant who has studied the Haitian economy, over $100 million was injected into Haiti's central bank last year from sources that were not accounted for. The funds are widely presumed to be drug money being laundered by officers.
>
> "Let's be conservative," the expert said. "If they are surrendering half of their funds to the bank, they are keeping the other half abroad for themselves. That means these people have a goose that is laying $200-million eggs each year. Do you think they are going to simply surrender that?"
>
> People familiar with the Haitian military say that if a settlement is reached soon, as Washington still hopes, the planned integration of army members into a newly constituted force would be a recipe for disaster.
>
> "There is nothing there that hasn't been corrupted," said one American. "Are you really going to take the same people who have been rigging things at the port for years, running all kinds of rackets, and turn them into policemen?"
>
> A senior Western diplomat, still guardedly optimistic, said, "What is at stake here are the interests that have been running this society, not only the drug interests and the contraband, but everything. We are talking about building a new balance of power."

□ 1840

Madam Speaker, the point here is we now have some vital interests at stake with respect to the return of democracy in Haiti. The drugs which we fight so hard against in this country; we have spent billions of dollars fighting drugs in one way or another in the criminal justice system and the medical system. Yet we are turning our back and watching the flow of extraordinary amount of drugs, cocaine, into this country, via Haiti, and we do nothing about it.

There is a simple correlation between action to restore democracy in Haiti and a cutoff of a large amount of the drug trafficking into the United States. To protect its children, the United States must take steps to end the utilization of Haiti as a transshipment center for drugs. To protect its credibility as an impartial and race-blind protector of democracy in this hemisphere and the world, the United States must take the necessary steps to rush Aristide to Haiti immediately.

Mr. Speaker, at this point I would like to enumerate the position taken by the members of the Congressional Black Caucus. We have called for a 6-point program, a 6-point process, for the return of President Aristide to Haiti. If this 6-point process is followed, President Aristide will be returned to Haiti by July 12. Starting from today, May 12, we are insisting that President Aristide be returned to Haiti in 60 days. Step one in this process is that since the Haitian coup leaders have made a mockery of the negotiations by refusing to accept the most generous possible amnesty terms, Gen. Raoul Cedras and the rest of the illegal military dictators in Haiti should be given a 10-day ultimatum starting from today.

The illegal military rulers should be told that at the end of the next 10 days they will no longer be accepted at the negotiating table and that a solution will be developed by the Organization of American States and the United Nations, supported by the U.S. Government, without them.

The illegal military rulers should also be informed that the failure to act within 10 days forfeits their right to any consideration of amnesty, and they would hereby from that date be deemed to be war criminals, guilty of the illegal overthrow of a lawfully elected government and guilty of presiding over the commission of more than 3,000 atrocities against the people of Haiti.

That is step one, a 10-day ultimatum. Within 10 days, if they do not come to the bargaining table and complete an agreement, the illegal murderous rulers of Haiti would no longer be a part of the process.

Step two: Within the same 10 days, starting today, the United States Government should take all necessary steps to halt the flow of drugs from Haiti into the United States. We think it is outrageous that the Drug Enforcement Agency makes the statement that they are helpless. They know the drugs are coming in, but they are helpless.

Since when is the United States of America helpless, with the Coast Guard, the Navy, the Army, and the Marines? They cannot stop drugs from flowing into the country from Haiti if they want to? Why are we taking such a soft approach to what we know is happening throughout Haiti?

Agencies such as the Drug Enforcement Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, the others, should act in concert with military forces to eradicate the pipeline of drug poisons to the youth of America. They should begin that today.

Step three: Within 15 days from today the most effective possible enforcement of the embargo on strategic materials, such as oil, should be commenced. Ships presently in place to prevent Haitians from leaving their island should be utilized to enforce this embargo. Additional ships and planes should be deployed also to signal the military dictators that the U.S. Government is finally serious.

At the same time, the administration should freeze the assets of the coup leaders and revoke the visas of the coup leaders and their supporters. We have called for this for the last 20 months, since the overthrow of John Bertrand Aristide. Members of the caucus have called for a tougher approach to the people who financed the coup and to the military leaders.

We do have an embargo in force now, but it is like a sieve. We have been told that this sieve is very loose indeed, and anything that wants to get through to Haiti can get through.

There are regular oil shipments from other nations, not the United States, but regular shipments from France and some other nations. So the vital commodity of oil that is needed to keep the economy of Haiti going is very much there.

A number of other kinds of supplies are not going in, but the Haitian elite, the aristocratic parasites and members of the army, can come back and forth to the United States to buy what they need. They regularly come in and carry plane loads of goods back as part of their personal trip. This is going on day in and day out from Port-au-Prince to Miami.

Why not let these sponsors of the illegal coup know that we are serious by cutting off their privileges, by freezing their visas, and by freezing their accounts. Many of them have open bank accounts here in the United States, in addition to the hidden ones they have.

That is step three, which we would implement within 15 days.

Step four: Within 30 days from today the U.S. Government should announce a commitment to supply the necessary resources of the United States to the United Nations and to the Organization of American States to form a corps of bodyguards for President Aristide. The corps of bodyguards shall be equal to the size of the Haitian Army, and it shall escort President Aristide upon his return.

The United States should not supply manpower for the corps of bodyguards, but only equipment. It should only supply equipment, supplies, and transportation. The corps will not serve as an invasion force, but only as a protection force that will use force only when challenged with force.

At the time of the announcement of the formation of the corps, the United States, the OAS, and the United Nations, shall commence an information and education campaign directed at the population of Haiti via radio, television, and possibly the air dropping of leaflets to explain what steps are being taken to facilitate the return of President Aristide.

In other words, we are saying that it is nice that the administration is now considering proposing a resolution to the United Nations for a police force of 500 people to go back and confront the 7,000-man Haitian Army. That is at least a step forward from where we were a few weeks ago.

□ 1850

But it is totally inadequate. These are vicious killers. These are people that have a great deal to lose, as I told you before. These are criminals, and they will not back down in the face of a 500-person police force.

Instead, we propose a corps of bodyguards, made up from French-speaking countries, Caribbean countries, other than the United States, to supply the manpower. We think that a force of this kind, which is not an invasion force, would not fire upon anybody, would not threaten anybody with arms, but make it clear that they do not intend to allow President Aristide or any other elected officials in Haiti to be threatened with force at all. That would be step four, and step four should be communicated in great detail to the population of Haiti.

Step five is that within 45 days from today, the United States, the Organization of American States, and the United Nations shall announce the exact arrangements for the return of President Aristide. Within 45 days, the exact arrangements should be explained in public, communicated to the people of Haiti. And of course, step six is that within 60 days, President Aristide shall return to his legal position in Haiti, accompanied by the corps of bodyguards. Sixty days from today is July 12, Monday, July 12.

The Congressional Black Caucus has taken this position fully aware of the fact that we do not have the power to dictate to the administration or to the Congress, but we think that it is long past time that a high moral ground was assumed, that a firm position was taken and established for immediate action to return President Aristide to his rightful place in Haiti, and to show that we support democracy anywhere in the world, regardless of race.

There is no special situation dictated by Haiti. Haiti is as important as Kuwait. Haiti is as important as Bosnia and Herzegovina, Sarajevo, any other place in the world.

I close with just a couple of updates to demonstrate or indicate why we feel it is so important for us to take a firm position and to call for a definite timetable and to call for a definite date for the return of Aristide.

In the Associated Press wires, there is an article stating the following, that came in as of today, indicating the position that Secretary of State Warren Christopher has voiced concerning where the United States is presently on its policy for Haiti. And I quote:

> Secretary of State Warren M. Christopher voiced hope Wednesday for a restoration of democracy in Haiti and a return to power of the elected President, the Rev. Jean-Bertrand Aristide. While U.N. officials reported plans to send a 500-man police force to the troubled Caribbean country were "well underway," Christopher met with U.N. Secretary-General Boutros Boutros-Ghali and then gave an optimistic account to reporters at the delegates entrance.

Quoting Mr. Christopher,

> There is considerable progress on the Haitian matter. There are plans underway for a restoration of democracy and the ultimate return of President Aristide. We had a good discussion of this subject.
>
> Christopher said the session, attended also by Dante Caputo, who represents the United Nations and the Organization of American States, and Lawrence Pezzullo, a U.S. adviser, considered procedures for an orderly transition."I think it's an example of the significance of the United Nations," Christopher said. The Clinton administration and several U.S. allies are expected to urge the Security Council to authorize the deployment of an international police force in Haiti. Helping to return Aristide to power, he was overthrown in a violent military coup in September of 1991, would boost the administration's stock as a supporter of democracy. However, the price could be amnesty for Aristide's enemies in the military.
>
> Aristide, on the other hand, has been reluctant to call for international intervention or the use of force. There is no indication when the resolution will be presented to the Security Council. Haiti evidently was the dominant topic in Christopher's meeting with Boutros-Ghali. The Secretary-General's office said they also talked about Bosnia and the Middle East, among other subjects.

Let me just stop and analyze this simple press statement. In the second paragraph we have the following sentence:

> While the United Nations officials reported plans to send a 500-man police force to the troubled Caribbean country were "well underway," Christopher met with the United Nations Secretary-General and gave an optimistic account to reporters at the delegates entrance.

They reported that the plans were well underway.

In the paragraph at the bottom of the article there is a sentence which reads as follows:

> There is no indication when the resolution will be presented to the Security Council.

In between there are several statements made which are exact carbon copies of statements that have been made in the Bush administration.

> There are plans underway for restoration of democracy and the ultimate return of President Aristide. We had a good discussion on this subject.

We could lift that right out of the previous administration's last 3 months. They made similar statements several times.

> Aristide, on the other hand, has been reluctant to call for international intervention or the use of force. There is no indication when the resolution will be presented to the Security Council. Haiti was a dominant topic, but other topics were discussed.

Immediately, it is clear that we are not moving progressively forward. The issue of amnesty is raised again, when 2 weeks ago the military rejected amnesty in exchange for an agreement. Why are we retreading the same territory? Why are we going over the same ground again?

Madam Speaker, I have met with several representatives of the administration. I have met with Pezzullo. I have met with the head of the National Security Council, met with other unofficial representatives. And we hear the same language over and over. We heard it for the last 2 months.

We do not think that the administration is serious about moving forward on Haiti.

Finally, the last article I would like to place in the RECORD is a report that also came in today from the Associated Press from Haiti, Port-au-Prince.

> Soldiers in provincial Gonaives broke up a demonstration Wednesday by hundreds of slum dwellers who want the return of ousted President Jean-Bertrand Aristide, witnesses said. It was the second straight day of unrest in Gonaives, a port city 100 miles north of Port-au-Prince.
>
> Hundreds of slum dwellers took to the street Wednesday morning, setting up a barricade of burning tires in L'Autre Bord Canal, a poverty-stricken quarter of Gonaives, according to telephoned accounts by witnesses.
>
> Soldiers dispersed the demonstration and arrested one protester, the witnesses said.
>
> On Tuesday, around 500 Gonaives high school students took to the streets shouting "Long live Aristide, Aristide or death."
>
> In the presence of international human rights overservers, club-wielding soldiers broke up the protest and arrested three participants, witnesses said.
>
> The students were later released when the human rights team interceded. The United Nations and the Organization of American States has placed about 130 monitors in provincial capitals across Haiti. The number of observers should reach 260 within six weeks, Mission head Colin Granderson said recently.
>
> According to witnesses, this week's unrest appeared fueled by reports that the United Nations might prepare an international police mission for Haiti. Leaders of the protests called out for foreign intervention to help bring back Aristide.

The people of Haiti want the return of Aristide. They are going to use any break, any step forward as a sign of hope. And there will be increasing unrest in Haiti.

People who have been docile, frightened by the military, they know what they will do in the dead of night. If they will beat schoolchildren before U.N. observers, we may rest assured that the reports that they torture and kill people in the mountains at night are true.

□ 1900

People who have been cowed and frightened and terrorized will rise up in increasing numbers to demonstrate that they want democracy returned to Haiti. We are going to have more bloodshed, more deaths in the days to come. There is every reason for the U.S. Government, the Organization of American States, and the United Nations to act with immediate speed, to move as rapidly as possible to return President Aristide to his rightful place as the President of Haiti.

That resolve should be communicated right away. The Congressional Black Caucus' 60-day plan is an attempt to communicate the resolve of the caucus, and we think the majority of Americans, who believe in democracy and who believe in our country taking a high moral position on human rights anywhere in the world.

We want to communicate that to the people of Haiti and the people all over the world. We want to communicate that to the military thugs, to the aristocrat parasites. We want to communicate that to the drug smugglers.

We resolve that President Aristide should be returned to his rightful place within 60 days from today, which is July 12, 1993. That is the position of the Congressional Black Caucus. We will come to the floor of the Congress to attempt to have it adopted as a position of the U.S. Congress, and we intend to do everything possible to make certain that the American people from one coast to the other understand that this is the moral position we would like to see them support.

TRIBUTE TO OLIVER TAMBO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Madam Speaker, I rise today in this House of Representatives to pay tribute to a great man, a fallen warrior in the battle of peace, equality, and democracy in South Africa. I am talking about Oliver Tambo, chairperson of the African National Congress, who died on April 24.

Madam Speaker, last week I returned from South Africa, where I was a member of the official delegation named by President Clinton to pay our country's last respects to Oliver Tambo. While there, I had the opportunity to meet with Nelson Mandela and other ANC leaders with whom I've worked over the years in the struggle against apartheid in South Africa.

Though the death of Oliver Tambo, coming after the assassination of Chris Hani last month, is a terrible loss, the ANC is nevertheless forthrightly carrying on their program of negotiations designed to lead to one-person, one-vote in South Africa. Though Oliver Tambo and Chris Hani did not live to see their dream of a free South Africa, their work helped assure a future of freedom and opportunity for their children and grandchildren.

Oliver Tambo was born into a peasant family in the Transkei of South Africa on October 27, 1917. He attended a local Methodist mission school and the Holy Cross Mission School at Flagstaff before attending St. Peter's Secondary School in Johannesburg.

Mr. Tambo registered at the University of Fort Hare after receiving a scholarship, and earned a bachelor's degree in science. He returned to Johannesburg and worked as a science and mathematics teacher until 1947.

He was a founder of the African National Congress Youth League, along with, among others, Walter Sisulu and Nelson Mandela.

Oliver Tambo was always keen to study law and so, in 1948, he began training with a legal firm in Johannesburg. In December 1952, in the midst of the campaign of defiance of unjust laws, he and Nelson Mandela hung out their own shingle and opened the first African legal partnership in South Africa.

After serving in various posts of the ANC Youth League, Oliver Tambo was elected to the ANC National Executive Committee in December 1949. He was subsequently elected deputy president general. After the white minority regime's banning orders necessitated Walter Sisulu's withdrawal from the ANC leadership in 1954, Tambo took over as acting secretary general and was confirmed in that position the following year. In 1954 he was banned in terms of the Suppression of Communism Act, prohibited from attending public meetings, and required not to leave his magisterial districts.

In 1956 he and 156 others, including Nelson Mandela, were arrested and charged with treason. The charges were dropped in 1957. In 1959, however, Oliver Tambo was served with a second banning order, prohibiting him from attending public meetings for 5 years.

Since the ANC leadership was convinced that a ban on the organization was imminent—to be followed by arrests and imprisonment—the leadership decided that Tambo should leave the country to establish ANC missions abroad and to rally international opinion against apartheid.

Oliver Tambo traveled tirelessly in working to isolate the apartheid regime abroad, summoning up the conscience of the world against that racist regime.

In 1965 Oliver Tambo was instrumental in setting up what later became the ANC's military headquarters in Tanzania. On the death of Chief Albert Luthuli in 1967, Tambo became acting president of the ANC. Later in 1967 the ANC leadership, imprisoned on the infamous Robben Island, suggested Tambo assume the full title of president-general of the ANC.

One measure of Tambo's success abroad can be seen in the fact, by 1989, the ANC had more official diplomatic representatives accredited around the world than the South African Government.

Mr. Tambo authored the Harare Declaration, adopted by the Organization of African Unity in March 1989. It was instrumental in clearing the way for the opening constitutional negotiations with the minority white regime.

Oliver Tambo returned triumphantly to South Africa after 30 years of exile in 1990. After Nelson Mandela's release from prison in 1991, Tambo became national chairperson of the ANC with Mandela elected as ANC president.

Oliver Tambo is survived by his wife, Mrs. Adelaide Tambo, the eldest daughter, Thembi, son, Dali, and the youngest daughter, Tselane.

Madam Speaker, Oliver Tambo's legacy will be complete, finally, when all South Africans—whatever their color or ethnic origin—can freely participate in charting their own destinies. His life, his belief in human dignity, and the liberation of his people humble us all and inspire us in our own efforts to win democracy and equality in South Africa.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PORTER (at the request of Mr. MICHEL) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes each day, on May 12, 19, 20, 26, 27, and June 8, 9, 15, and 16.

Mr. KIM, for 5 minutes each day, on May 27 and June 16.

Mr. EWING, for 5 minutes each day, on May 18, 19, and 20.

Mr. BILIRAKIS, for 60 minutes each day, on July 20, 21, and 22.

Mr. BACHUS of Alabama, for 5 minutes on May 13.

(The following Member (at the request of Mr. COPPERSMITH) to revise and extend her remarks and include extraneous material:)

Mrs. MEEK, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. GALLO.
Mr. RAMSTAD.
Mr. GEKAS.
Mr. BALLENGER.
Mr. KLUG.
Mr. CLINGER.
Mr. BOEHLERT.
Mr. KING.
Mr. PORTER.
Mr. DUNCAN.
Mr. SMITH of Michigan.
Mr. LEWIS of California.
Mr. GINGRICH.
Ms. MOLINARI.
Mr. VUCANOVICH.
Mr. SOLOMON in two instances.
Mr. SCHAEFER.
Mr. GILLMOR.
Mr. TALENT.
Mr. ROTH.
Mr. FRANKS of New Jersey.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. COPPERSMITH) and to include extraneous matter:)

Mr. TRAFICANT.
Mr. UNDERWOOD.
Ms. SLAUGHTER.
Mr. POMEROY.
Mr. RICHARDSON.
Mr. KENNEDY.
Mr. ACKERMAN.
Mr. LEVIN.
Mr. MANN.
Mr. KANJORSKI.
Mr. HALL of Ohio.
Mr. SCHUMER.
Mr. STUDDS.
Mr. VOLKMER.
Mr. HAMILTON in two instances.
Mr. LANTOS.
Mr. RUSH in two instances.
Mr. DERRICK.
Ms. HARMAN.
Mr. TORRES.
Mr. BROWN of California in two instances.
Mr. VENTO.
Mr. MURTHA in two instances.
Ms. FURSE.
Mr. CARDIN.
Mr. PARKER.
Mr. GEPHARDT.
Mr. BACCHUS of Florida.
Mr. HOCHBRUECKNER.
Mr. DE LA GARZA.
Mrs. LOWEY in three instances.

(The following Members (at the request of Ms. WATERS) and to include extraneous matter:)

Mr. MURPHY.
Mr. LIGHTFOOT.
Mr. LEWIS of Georgia.
Mr. KILDEE.
Mr. STRICKLAND.

ADJOURNMENT

Ms. WATERS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Thursday, May 13, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1213. A communication from the President of the United States, transmitting an amendment to the fiscal year 1994 request for appropriations for the Departments of Education and Agriculture, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–85); to the Committee on Appropriations and ordered to be printed.

1214. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–84); to the Committee on Appropriations and ordered to be printed.

1215. A letter from the Chairman, District of Columbia Retirement Board, transmitting the Board's annual report of activities for fiscal year 1992, pursuant to D.C. Code, section 1–732, 1–734(a)(1)(A); to the Committee on the District of Columbia.

1216. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on activities pursuant to the Inspector General Act, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1217. A letter from the Director, Office of Management and Budget, transmitting the annual report on the financial management by State and local governments of Federal financial assistance programs for the period ending January 31, 1993, pursuant to 31 U.S.C. 7507(b); to the Committee on Government Operations.

1218. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the principal financial statements of the U.S. Government Printing Office for the fiscal year ended September 30, 1992, pursuant to 44 U.S.C. 309(d); jointly, to the Committees on House Administration and Government Operations.

1219. A letter from the Acting Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS], pursuant to Public Law 100–223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

1220. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; jointly, to the Committees on Intelligence (Permanent Select), Armed Services, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. JOHNSON of Connecticut (by request):

H.R. 2085. A bill to temporarily suspend the duty on N-((4-chlorophenyl)amino)carbonyl)-2-difluorobenzamide, and for other purposes; to the Committee on Ways and Means.

H.R. 2086. A bill to extend the temporary suspension of duty on 2,6-Dichlorobenzonitrile; to the Committee on Ways and Means.

H.R. 2087. A bill to extend the temporary suspension of duty on 1-(-((4-Chloro-2-(trifluoromethyl)-phenyl)imino)-2-propoxyethyl)-1-H-imidazole, and for other purposes; to the Committee on Ways and Means.

By Mr. BALLENGER (for himself, Mr. Pickle, Mr. Rohrabacher, Mr. Armey, Mr. Barcia, Mr. Boehner, Mr. Bunning, Mr. Burton of Indiana, Mrs. Clayton, Mr. Coble, Mr. Condit, Mr. Cox, Mr. Doolittle, Mr. Duncan, Mr. Ewing, Mr. Fawell, Mr. Pete Geren, Mr. Gingrich, Mr. Grams, Mr. Gunderson, Mr. Hancock, Mrs. Johnson of Connecticut, Mr. Sam Johnson, Mr. Kolbe, Mr. Kyl, Mr. Lancaster, Mr. Linder, Mr. McCrery, Mr. McMillan, Mrs. Morella, Mr. Packard, Mr. Paxon, Mr. Petri, Mr. Poshard, Mr. Shays, Mr. Solomon, Mr. Stenholm, Mr. Tauzin, Mr. Thomas of Wyoming, Mr. Traficant, Mr. Taylor of North Carolina, and Mr. Wolf):

H.R. 2088. A bill to amend the Internal Revenue Code of 1986 in order to promote and improve employee stock ownership plans; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 2089. A bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, and the Judiciary.

By Mr. CRANE:

H.R. 2090. A bill to amend the Internal Revenue Code of 1986 to exclude tips from gross income; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2091. A bill to amend section 507(a)(3) of title 11 of the United States Code to give priority to certain claims of persons that are independent sales representatives; to the Committee on the Judiciary.

By Mr. EVANS (for himself and Mr. Pickett):

H.R. 2092. A bill to amend title 10, United States Code, to include chiropractic care as an authorized health care benefit under the Civilian Health and Medical Program of the Uniformed Services; to the Committee on Armed Services.

By Mr. GALLO:

H.R. 2093. A bill to encourage the use of clean fuels, encourage the development of a clean fuels refueling infrastructure, and reduce the dependency on foreign oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GIBBONS (for himself, Mr. Schumer, Ms. Pelosi, Mr. Hochbrueckner, Mr. Young of Alaska, and Mr. Ackerman):

H.R. 2094. A bill to provide for the transfer of funds from the Harbor Maintenance Trust Fund to support nautical charting and marine navigational safety programs, and other activities of the National Oceanic and Atmospheric Administration related to commercial navigation, and for other purposes; jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means.

By Mr. HAMILTON (for himself and Mr. Bunning):

H.R. 2095. A bill to provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes; to the Committee on Natural Resources.

By Mr. KENNEDY (for himself and Mr. Studds):

H.R. 2096. A bill to amend the Export-Import Bank Act of 1945 to promote the export of goods and services that benefit the environment; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KENNEDY:

H.R. 2097. A bill to suspend until January 1, 1997, the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 2098. A bill to suspend until January 1, 1997, the duty on certain instant print cameras; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. McHale, Mr. McMillan, Mr. Minge, Mr. Barrett of Wisconsin, Mr. Baesler, Mr. Holden, Ms. Schenk, Mr. Inglis, Mr. Goss, Mr. Bachus of Alabama, Mr. Mann, Mr. Levy, Mr. Everett, and Mr. Kreidler):

H.R. 2099. A bill to require the Congress to comply with the laws which it requires others to comply with; jointly, to the Committees on House Administration, Education and Labor, Government Operations, the Judiciary, Rules, and Public Works and Transportation.

By Mr. LEWIS of Georgia:

H.R. 2100. A bill to amend the Internal Revenue Code of 1986 to permit the use of certain agricultural byproducts in wine production; to the Committee on Ways and Means.

H.R. 2101. A bill to temporarily suspend the duty on certain piston engines entered on or before December 31, 1998; to the Committee on Ways and Means.

H.R. 2102. A bill to amend the Internal Revenue Code of 1986 to enable small, zero-coupon municipal bonds to be issued and later redeemed at an accreted value less an early redemption; to the Committee on Ways and Means.

H.R. 2103. A bill to amend the Internal Revenue Code of 1986 with respect to the depreciation period for tuxedos held for rental; to the Committee on Ways and Means.

H.R. 2104. A bill to provide duty-free entry privileges to participants in, and other individuals associated with, the XXVI Summer Olympiad in Atlanta, GA, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Ms. McKinney, Mrs. Collins of Illinois, Mr. Miller of California, Mr. Towns, Mr. Serrano, Mr. Stokes, Ms. Waters, Miss Collins of Michigan, Ms. Norton, Mr. Hochbrueckner, Mr. Clyburn, Mr. Conyers, Mr. Peterson of Minnesota, Mr. Edwards of California, Mr. Filner, Mr. Foglietta, Mr. Dellums, Mrs. Clayton, Mrs. Mink, Ms. Velázquez, Mr. Washington, Mr. Thompson, Ms. Pelosi, Mr. Clay, and Mr. Payne of New Jersey):

H.R. 2105. A bill to establish a program to assure nondiscriminatory compliance with all environmental, health and safety laws, and to assure equal protection of the public health; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, Education and Labor, and Agriculture.

By Mr. LIGHTFOOT (for himself, Mr. Allard, Mr. Bateman, Mr. Buyer, Mr. Clinger, Mr. Fields of Texas, Mr. Hobson, Mr. Leach, Mr. Livingston, Mr. Petri, Mr. Ramstad, Mr. Rogers, Mr. Schiff, Mr. Sundquist, Mr. Thomas of Wyoming, and Mr. Weldon):

H.R. 2106. A bill to establish a blue ribbon commission to eliminate duplicative and noncompetitive Federal regulations; to the Committee on Government Operations.

By Mr. MAZZOLI:

H.R. 2107. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the cost of installing automatic fire sprinkler systems in certain buildings; to the Committee on Ways and Means.

By Mr. MURPHY (for himself, Mr. Ford of Michigan, Mr. Boucher, Mr. Wise, Mr. Bevill, Mr. Holden, Mr. Sanders, Mr. Rahall, Mr. Klink, Mr. Murtha, Mr. Rogers, Mr. Kopetski, Mr. Kanjorski, and Mr. Mollohan):

H.R. 2108. A bill to make improvements in the Black Lung Benefits Act; to the Committee on Education and Labor.

By Mr. RUSH (for himself, Mr. Gonzalez, Mr. Frank of Massachusetts, Mr. Evans, Mr. Durbin, Mr. Peterson of Minnesota, Mr. Towns, Mr. Gene Green, Ms. Eddie Bernice Johnson, Mr. Stupak, Mr. Fingerhut, Mr. Barlow, Ms. Roybal-Allard, Ms. Maloney, Mr. Gutierrez, Mr. Hinchey, Mr. Klein, and Mr. Hyde):

H.R. 2109. A bill to amend the International Revenue Code of 1986 to provide for the treatment of governmental plans under section 415 of such Code; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. Towns, and Mr. Waxman):

H.R. 2110. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for the prevention, control, and elimination of tuberculosis; to the Committee on Energy and Commerce.

By Mr. STRICKLAND:

H.R. 2111. A bill to amend the Internal Revenue Code of 1986 to provide for the permanent extension of qualified small issue bonds and to except certain expenditures from the limitation of such bonds; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Ms. Furse, Mr. Olver, Mr. Kennedy, Mr. Laughlin, Mrs. Unsoeld, Mr. Manton, Mr. Hughes, Mr. Lancaster, Ms. Eshoo, and Mr. Thompson):

H.R. 2112. A bill to provide for the development and implementation of a national strategy to encourage and promote opportunities for the U.S. private sector to provide environmentally sound technology—including marine biotechnology—goods, and services to the global market, and for other purposes; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. TAYLOR of North Carolina (for himself, Mr. COBLE, Mr. BALLENGER, Mr. NUSSLE, Mr. SANTORUM, Mr. BOEHNER, Mr. DOOLITTLE, Mr. KLUG, and Mr. HEFLEY):

H.R. 2113. A bill to require approval by law of agency rules and regulations; to the Committee on the Judiciary.

By Mr. UNDERWOOD:

H.R. 2114. A bill to amend title 10, United States Code, to ensure equitable treatment for members of the Armed Forces from outside the continental United States in the provision of excess leave and permissive temporary duty in connection with the separation of the members from the Armed Services; to the Committee on Armed Services.

By Mr. DE LUGO (for himself, Mr. EDWARDS of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. MFUME, Mr. SABO, Mr. SERRANO, Mr. PENNY, Mrs. MINK, Mr. MURPHY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. COLEMAN, Mr. PASTOR, Mr. RAHALL, Ms. WATERS, Mr. RANGEL, Mr. HASTINGS, Mr. BERMAN, Ms. MEEK, Mr. FALEOMAVAEGA, Mr. PETERSON of Minnesota, Mr. VENTO, Mr. DE LA GARZA, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. DELLUMS, and Mr. UNDERWOOD):

H.J. Res. 195. Joint resolution proposing an amendment to the Constitution of the United States regarding Presidential election voting rights for residents of U.S. territories; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. HALL of Ohio, Mr. GILMAN, Mr. GEJDENSON, Mr. MFUME, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. HASTINGS, Mr. HOEKSTRA, Mr. ACKERMAN, Mr. MCCLOSKEY, Mr. EDWARDS of California, Mr. OBERSTAR, Mr. DEUTSCH, Mr. TORRICELLI, Ms. MCKINNEY, Mr. PAYNE of New Jersey, Mr. MEEHAN, Mr. FINGERHUT, Mr. WHEAT, and Mrs. MINK):

H. Con. Res. 100. Concurrent resolution urging the President to redirect U.S. foreign assistance policies and spending priorities toward promoting sustainable development, especially the reduction of global hunger and poverty in environmentally sound ways; to the Committee on Foreign Affairs.

By Mr. SCHUMER:

H. Con. Res. 101. Concurrent resolution concerning the 26th anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HEFLEY:

H.R. 2115. A bill for the relief of Gorsha Michaelovich Sur; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina:

H.R. 2116. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Prince of Tides II*; to the Committee on Merchant Marine and Fisheries.

H.R. 2117. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Aftersail*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. EVERETT, Mrs. SCHROEDER, Mr. DIAZ-BALART, Mr. GILMAN, Mr. MURTHA, Mr. WYDEN, Mr. PETERSON of Florida, and Mr. POSHARD.

H.R. 25: Ms. MCKINNEY, Mr. RICHARDSON, Ms. FURSE, Ms. THURMAN, Ms. BROWN of Florida, Mrs. ROUKEMA, Mr. SERRANO, Mr. HASTINGS, and Mrs. CLAYTON.

H.R. 123: Mr. NEAL of North Carolina, Mr. WELDON, Mr. BARTLETT, Mr. HOEKSTRA, and Mr. KINGSTON.

H.R. 124: Mr. DORNAN, Mr. WELDON, Mr. BARTLETT, and Mr. HOEKSTRA.

H.R. 125: Mr. GREENWOOD, Mr. MURPHY, Mr. PETERSON of Minnesota, Mr. TOWNS, Mr. MILLER of California, Mr. HASTINGS, Mrs. CLAYTON, Mr. FROST, and Ms. NORTON.

H.R. 133: Mr. DICKS, Mr. JACOBS, and Mr. INGLIS.

H.R. 181: Ms. THURMAN.

H.R. 290: Mr. RAVENEL.

H.R. 324: Mr. KIM and Mr. MCDERMOTT.

H.R. 349: Mr. FINGERHUT and Mr. COPPERSMITH.

H.R. 455: Mr. NEAL of North Carolina and Mrs. MORELLA.

H.R. 456: Mr. NEAL of North Carolina.

H.R. 462: Ms. CANTWELL, Mr. WILLIAMS, Mr. PETERSON of Florida, Ms. MCKINNEY, Mr. NADLER, Mr. DEUTSCH, Mr. TAYLOR of North Carolina, Mr. SARPALIUS, Mr. LAZIO, Mr. KANJORSKI, Mr. GILCHREST, Mr. DORNAN, Mr. EDWARDS of California, Mr. LEWIS of California, Mr. MCKEON, and Ms. SLAUGHTER.

H.R. 508: Mr. RANGEL.

H.R. 544: Mr. LIPINSKI.

H.R. 551: Mr. SPENCE, Mrs. THURMAN, Mr. MCNULTY, and Mr. MACHTLEY.

H.R. 553: Mr. DORNAN.

H.R. 585: Mr. JACOBS and Mrs. SCHROEDER.

H.R. 634: Mrs. VUCANOVICH.

H.R. 643: Mr. NADLER and Mr. FISH.

H.R. 667: Mr. CRAMER.

H.R. 739: Mr. SHUSTER and Mr. TAYLOR of North Carolina.

H.R. 784: Ms. DUNN and Mr. FISH.

H.R. 789: Mr. SMITH of Oregon, Mr. BUYER, Ms. SHEPHERD, Mrs. FOWLER, and Mr. DORNAN.

H.R. 799: Mr. GLICKMAN and Mrs. UNSOELD.

H.R. 830: Mr. DICKEY.

H.R. 840: Ms. NORTON, Mr. PETE GEREN, Mr. PETERSON of Minnesota, and Ms. FURSE.

H.R. 885: Mr. TALENT and Mr. SWETT.

H.R. 957: Mr. CLAY, Mrs. UNSOELD, Mr. TOWNS, Mr. DELLUMS, Mr. DEFAZIO, Mr. HASTINGS, Mr. SERRANO, Mr. MCDERMOTT, Mr. SABO, Mrs. MINK, Mr. CONYERS, Mr. MURPHY, Mr. WATT, Mr. FLAKE, Mr. RANGEL, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. HINCHEY, and Mr. SYNAR.

H.R. 967: Mr. BISHOP, Mr. CLYBURN, Mr. GUNDERSON, and Mr. DARDEN.

H.R. 999: Ms. FURSE.

H.R. 1026: Mr. PETRI.

H.R. 1094: Mr. OLVER, Mrs. MINK, Mr. HASTINGS, Ms. DANNER, Mr. ROYCE, Mr. TALENT, Mr. FILNER, Mr. BONIOR, and Ms. ROYBAL-ALLARD.

H.R. 1099: Mr. SCHAEFER.

H.R. 1108: Mr. HAYES of Louisiana and Mr. ARMEY.

H.R. 1116: Mr. TOWNS.

H.R. 1120: Ms. FOWLER, Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, and Mr. HYDE.

H.R. 1127: Mr. JACOBS.

H.R. 1270: Ms. EDDIE BERNICE JOHNSON.

H.R. 1276: Mr. STUMP and Mr. RAHALL.

H.R. 1322: Mr. DERRICK.

H.R. 1332: Mr. ABERCROMBIE, Mr. DEUTSCH, Mr. FISH, Mr. HEFLEY, Mr. KLINK, Mr. MACHTLEY, and Mr. WELDON.

H.R. 1355: Ms. FOWLER, Mr. COX, and Mr. SHUSTER.

H.R. 1392: Mr. PAXON and Mr. TAYLOR of North Carolina.

H.R. 1406: Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. JOHNSON of South Dakota, Mr. OBERSTAR, Mr. CLYBURN, Mr. KYL, Ms. MEEK, Mr. JOHNSTON of Florida, Mr. FORD of Tennessee, Mr. FILNER, Mr. STUMP, Mr. SCOTT, Mr. ENGLISH of Oklahoma, and Mr. KINGSTON.

H.R. 1419: Mr. RANGEL, Mr. LIPINSKI, and Ms. SLAUGHTER.

H.R. 1459: Mr. WALSH and Mr. MACHTLEY.

H.R. 1491: Mr. CHAPMAN, Mr. HUGHES, and Mr. KREIDLER.

H.R. 1552: Mr. SWETT, Mr. ROYCE, Mr. EVERETT, Mr. DICKS, Mr. SCHAEFER, Mr. BILBRAY, Mr. JACOBS, and Ms. SLAUGHTER.

H.R. 1566: Mr. GONZALEZ.

H.R. 1573: Mr. DELAURO and Mr. EVANS.

H.R. 1586: Mr. HUGHES, Ms. MALONEY, Ms. PELOSI, Mr. BLACKWELL, and Ms. FURSE.

H.R. 1595: Mr. HASTERT, Mr. MONTGOMERY, Mr. NUSSLE, Mr. CAMP, Mr. WALSH, and Mr. MACHTLEY.

H.R. 1608: Mr. CARR, Mr. HENRY, Mr. KILDEE, Mr. LEVIN, Mr. DE LUGO, Mrs. MORELLA, Mr. POSHARD, and Mr. UNDERWOOD.

H.R. 1627: Mr. HOUGHTON, Mr. COLEMAN, Mr. STEARNS, Mr. THOMAS of Wyoming, Mr. HEFNER, Mr. MCCRERY, Ms. DANNER, Mr. GOODLING, Mr. MCDADE, Mr. VALENTINE, Mr. BURTON of Indiana, Mr. DREIER, Mr. LEWIS of Florida, Mr. CLYBURN, Mr. GEKAS, Mr. DEAL, Mr. KANJORSKI, Mr. GINGRICH, Mr. SHUSTER, and Mr. GRAMS.

H.R. 1636: Mr. KING, Mr. EMERSON, and Mr. SENSENBRENNER.

H.R. 1645: Mr. VENTO and Mrs. CLAYTON.

H.R. 1697: Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. EMERSON, Mr. SISISKY, Mr. EVANS, and Mr. CAMP.

H.R. 1709: Mr. INGLIS, Mr. DOOLITTLE, and Mr. PASTOR.

H.R. 1718: Mr. DELLUMS, Mr. MCDERMOTT, Mrs. CLAYTON, Mr. RANGEL, Mr. VALENTINE, and Mr. DE LUGO.

H.R. 1786: Mr. SCOTT.

H.R. 1795: Mr. DEUTSCH, Mr. LEVY, Mr. PETERSON of Minnesota, and Mrs. CLAYTON.

H.R. 1811: Mr. DORNAN.

H.R. 1812: Mr. DORNAN.

H.R. 1863: Mrs. JOHNSON of Connecticut, Mr. FROST, Mr. FAWELL, Mr. HOEKSTRA, Mr. BILBRAY, Mr. CRANE, Mr. MCHUGH, Mr. WELDON, Mr. BUNNING, Mr. PAXON, Mr. FISH, Mr. SCOTT, Mr. SCHIFF, and Mr. KIM.

H.R. 1873: Mr. FILNER, Mr. INSLEE, Mr. FISH, Ms. DELAURO, Mr. VENTO, and Mr. DELLUMS.

H.R. 1887: Mr. BARRETT of Nebraska.

H.R. 1888: Mr. FRANKS of New Jersey, Mr. HORN, Mr. HEFNER, Mr. ROBERTS, Mr. BEILENSON, Mr. THOMPSON, Mr. BAKER of Louisiana, Mrs. THURMAN, Mr. WOLF, Mr. TOWNS, Mr. GOSS, Mr. BOEHNER, Mr. CLAY, Mrs. MALONEY, Mr. OXLEY, Mr. WALSH, Mr. ZIMMER, Mr. BARTON of Texas, and Mr. PETE GEREN.

H.R. 1901: Mr. CLINGER, Mr. LIGHTFOOT, Mr. PETRI, Mr. PETE GEREN, Mr. FAWELL, Mr. WALSH, Mr. GALLEGLY, and Mr. LEVY.

H.R. 1928: Mr. QUINN, Mr. BOEHNER, Mr. RAVENEL, Mr. KING, Mr. WALSH, Mr. BLUTE, Mr. GALLEGLY, Mr. ANDREWS of New Jersey, Mr. BUNNING, Mr. SOLOMON, and Mr. MURPHY.

H.R. 1932: Mr. KING.

H.R. 1985: Mr. BONIOR, Mr. RICHARDSON, Mr. WISE, Mrs. LANCASTER, Ms. FURSE, Mr. SCHUMER, Mr. ABERCROMBIE, Ms. KAPTUR, Mr.

HINCHEY, Mr. MCDERMOTT, and Mr. TRAFICANT.

H.R. 1991: Mr. BURTON of Indiana.

H.R. 2025: Mr. KOPETSKI, Mr. CRAPO, Mr. THOMAS of California, and Mr. HAMBURG.

H.R. 2066: Mrs. JOHNSON of Connecticut.

H.J. Res. 78: Mr. ANDREWS of Maine, Mr. DE LA GARZA, Mr. FRANKS of Connecticut, Ms. EDDIE BERNICE JOHNSON, Mr. KREIDLER, Mr. LEWIS of Georgia, Mr. MCCLOSKEY, Mrs. MINK, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. ORTIZ, Mr. PETERSON of Florida, Mr. QUINN, Mr. ROBERTS, Mr. SMITH of Michigan, and Ms. SNOWE.

H.J. Res. 80: Mrs. BENTLEY, Mr. BORSKI, Ms. BYRNE, Mr. CARDIN, Mr. COSTELLO, Mr. DINGELL, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. HOBSON, Mr. PRICE of North Carolina, Mr. TANNER, Mr. TUCKER, Mr. VENTO, Mr. SMITH of Iowa, Mr. CHAPMAN, Mr. MICHEL, Mr. MURTHA, Mr. NEAL of North Carolina, Mr. REYNOLDS, Mr. RIDGE, Mr. SCOTT, and Mr. TRAFICANT.

H.J. Res. 111: Mrs. VUCANOVICH, Mr. RAMSTAD, Mr. WALSH, Mr. HAYES of Louisiana, Ms. THURMAN, Mr. BONIOR, Mr. HASTINGS, Mr. MORAN, Mr. HUNTER, Mr. CLEMENT, and Mr. MEEHAN.

H.J. Res. 122: Ms. MALONEY, Ms. ROYBAL-ALLARD, Mr. OLVER, Mr. MOAKLEY, Mr. EMERSON, Mr. MEEHAN, and Ms. MARGOLIES-MEZVINSKY.

H.J. Res. 137: Mr. SENSENBRENNER, Mr. JEFFERSON, Mrs. LLOYD, Mr. HUGHES, Mr. ZELIFF, Mr. FORD of Tennessee, Mr. HAMILTON, Mr. SCHIFF, and Mr. EVERETT.

H.J. Res. 160: Mr. MEEHAN.

H.J. Res. 177: Mr. MAZZOLI, Mr. STARK, Mr. RANGEL, Mr. MILLER of California, Mr. GINGRICH, Mr. CONYERS, Mr. SABO, Mr. FROST, Mr. DE LUGO, Mr. PAYNE of New Jersey, Mr. LEWIS of Georgia, and Ms. PELOSI.

H.J. Res. 187: Ms. FOWLER, Mr. SUNDQUIST, Mr. EMERSON, Mr. JOHNSON of South Dakota, Mr. FISH, Mr. CLYBURN, and Ms. ROYBAL-ALLARD.

H.J. Res. 193: Mr. CONYERS, Mr. COLEMAN, Mr. KINGSTON, Mr. MCDERMOTT, Mr. HINCHEY, Mr. MURTHA, Mr. WISE, Mr. LEWIS of Georgia, Mr. FISH, Mr. MOAKLEY, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. KLECZKA, Mr. JEFFERSON, Mr. BREWSTER, Mr. CLYBURN, Mr. JOHNSON of South Dakota, and Mr. PETRI.

H. Con. Res. 3: Mr. YOUNG of Alaska.

H. Con. Res. 29: Ms. ROYBAL-ALLARD.

H. Con. Res. 42: Mr. FISH and Ms. ROYBAL-ALLARD.

H. Con. Res. 48: Mr. FISH, Mr. PARKER, and Mr. INGLIS.

H. Con. Res. 49: Mr. ANDREWS of New Jersey.

H. Con. Res. 61: Mr. ANDREWS of New Jersey.

H. Con. Res. 74: Mr. DORNAN and Mr. FRANKS of Connecticut.

H. Con. Res. 76: Mr. HUGHES, Mr. ENGEL, Mr. FISH, Mr. MANZULLO, and Mr. DORNAN.

H. Con. Res. 79: Mr. POMBO, Mr. BALLENGER, Mr. FAWELL, Mr. EWING, Mr. PORTER, Mr. KIM, and Mr. HOEKSTRA.

H. Con. Res. 84: Mr. DELLUMS and Mr. FRANK of Massachusetts.

H. Con. Res. 85: Mr. DORNAN.

H. Con. Res. 92: Mr. MCDADE and Mr. COLLINS of Georgia.

H. Res. 38: Mr. VENTO.

H. Res. 116: Mrs. MORELLA, Mr. BAKER of Louisiana, Mr. DEFAZIO, Mr. LAZIO, and Mr. ZELIFF.

H. Res. 117: Mr. DARDEN, Mr. PARKER, Mr. REED, and Mr. SWETT.

H. Res. 135: Mr. VENTO, Mr. LANTOS, and Mr. FRANKS of Connecticut.

H. Res. 156: Mr. SOLOMON, Mr. KLUG, Mr. EVERETT, Mr. EWING, and Mr. BEREUTER.

H. Res. 165: Mr. BERMAN, Ms. ESHOO, Mr. LEVIN, Mr. BEILENSON, Ms. PELOSI, Mr. GORDON, Ms. MARGOLIES-MEZVINSKY, and Mr. COBLE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

35. The SPEAKER presented a petition of Eira I. Mattsson, Silver Spring, MD, relative to the anniversary of the end of World War I; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

IMPORTANCE OF FEDERAL SUPPORT FOR THE ARTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Ms. SLAUGHTER. Mr. Speaker, I was pleased to testify yesterday, May 11, 1993, before the House Interior Appropriations Subcommittee to urge continued support for our Federal arts agencies—the National Endowments for the Arts [NEA] and Humanities [NEH] and the Institute of Museum Services [IMS]. The arts are an asset for the Nation which have simply been underutilized. The arts have a significant role in the economy, urban renewal, education, and cross-cultural understanding. Simply put, the arts must be made a priority in the national agenda.

I hereby insert the statement I made before the subcommittee to be printed in the RECORD.

STATEMENT OF CONGRESSWOMAN LOUISE M. SLAUGHTER ON THE FISCAL YEAR 1994 BUDGETS OF THE FEDERAL ARTS AGENCIES

Mr. Chairman and Members of the Subcommittee. I am honored to appear before you today as Chair of the Congressional Arts Caucus to testify on the Fiscal Year (FY) 1994 budgets of our nation's federal arts agencies, namely the National Endowments for the Arts (NEA) and Humanities (NEH) and the Institute of Museum Services (IMS). Before I begin, I must express my deep admiration for the Chairman and the Subcommittee for the commitment you have consistently shown in ensuring that the American arts remain vital and that they are enjoyed by citizens in every corner of the country. This nation is indebted to you for the sensitivity, knowledge and devotion you have demonstrated on this issue.

We have in the arts an asset for our nation that has been under-utilized. While American artists are respected, emulated and imitated the world over, we have somehow treated the arts as a second thought—as a frill, an adornment or as something marginal or tangential. They are none of these things. The arts are part and parcel of what it is to be an American, of the way we live our lives as well as the way in which we record the essence of the American experience for future generations.

But, perhaps more importantly, the arts are vital to be here and now, to the very success of our nation—economically, socially and spiritually. The arts must be made a part of our national agenda, not simply because they enrich our lives but because they are at the very core of our economy, the education of our children, the rebuilding of our cities, and the balance of trade. In the arts, we have an economic catalyst which can anchor a community and revitalize a ravaged community. In the arts, we have a creative educational tool which can keep children in school and boost ability in virtually every other discipline. In the arts, we have a means to communication, understanding and healing which—as we have seen—our cities desperately need.

We must discard the posture of neglect and embrace the arts as the astounding resource they are. There is no better way to do that than through support for our nation's federal arts agencies, which have already changed the face of the American cultural landscape. The NEA has reached every corner of the country, funding works of folk arts, media centers, choruses, jazz musicians, museums, musical theatre, works of visual art as well as state and local arts agencies. With this rise in the number of arts organizations has come increased audiences and access to the arts.

As arts groups have proliferated, they have had an enormous and positive economic impact on the areas in which they have developed. Throughout America, be it in urban or rural areas, cultural institutions and artistic offerings have made profound and dramatic contributions to the economic vitality of entire regions. Attracting increased business, revenue, jobs, tourism, restaurant and other related spending, the arts are very often a city's best economic asset. For instance, arts and cultural institutions in Cleveland generate an annual economic impact of $168 million for the city (in comparison to the $79 million which was generated the same year by professional sports) and created 6,300 net new jobs. Similar results have been found throughout the country: the economic impact of arts and cultural organizations on the economy of Atlanta was greater than $625 million in 1992; in San Francisco, the overall arts-related economic value to the local economy in 1987 was found to be between $1.2 and $1.3 billion; and, studies in Florida and North Carolina completed in 1988 estimated the impact of the arts to be greater than $1 billion in each state.

However profound the effect of the arts on the economic level, the arts play a role in communities of every size that cannot be matched or duplicated by anything else. Quite simply, the arts foster a sense of community pride and understanding, bridge gaps between seemingly widely divergent groups, and inspire and motivate children as well as adults. In a tangible way, the arts can redirect lives and help to build bridges where they have formerly been burnt.

Artists and cultural organizations, however, do not only respond to crisis. Much of their work, day in and day out, is directed toward serving their communities, and these programs are directly affected by Federal aid. Each Member has within his or her District arts organizations which, despite dire financial conditions, maintain outreach and education programs aimed at every segment of the community.

For instance, in my District in the Rochester area, the Garth Fagan Dance Company—an internationally acclaimed modern dance company—is funded by the NEA and offers matinee performances for junior and senior high school students from inner-city schools. Organizations such as the Memorial Art Gallery and Arts Reach also offer outstanding programs which serve at-risk students and every segment of the community. Through its Community Partners Program, Arts Reach distributed more than 3,000 tickets free of charge to at-risk youth so that they could attend cultural activities in greater Rochester, including the Rochester Museum and Science Museum, George Eastman House, Rochester Philharmonic Orchestra and the Sonnenberg Gardens. Each and every Member can boast of such groups and activities in their Districts, which at one time or other have been aided by NEA grants.

Mr. Chairman, we cannot afford to have the potential talent of our children laying in waste. As we address the funding for the federal arts agencies, we must evaluate the need for greater arts education and the enormously powerful role which the arts can have in the education and lives of our nation's young people. Ironically, our art programs are disappearing just when they are needed most, for the arts are perhaps the most effective means of improving education methods, across all curriculum disciplines.

Arts education programs are not the only arts offerings facing reduction or elimination. Due to difficult economic conditions, an unwarranted assault on the arts over the past few years, and a decline in corporate giving, virtually every artistic discipline is facing some of the worst conditions seen in years. Simply put, our nation's arts organizations are fighting for their lives. All of these organizations are continuing to fight as they have throughout the years—by budget tightening, shorter seasons and innovative methods for staying afloat while still presenting outstanding performances and servicing the community through education and outreach programs. Yet, these groups are facing increasingly dire circumstances while we at the federal level are doing less. Those who criticize federal arts funding as supporting the elite have it completely wrong. It is the public funding—however small—that assists arts organizations in touring and in reaching out to underserved areas.

It is past time that we as a nation declare the importance of the arts and of the NEA and proceed with the vast work that can and must be done. We have in the NEA a remarkable success story—an agency that has and continues to accomplish its mission of nurturing and supporting every type of American art, helping to ensure access to the arts by every American, and acting as a catalyst to private arts giving. In fact, in 1992, NEA grants of $123 million generated matching funds estimated at $1.4 billion—an elevenfold return.

I commend President Clinton for recognizing the importance of the federal arts agencies and his recommendation to fund these agencies at: $174.593 million for the NEA, $177.491 million for the NEH and $28.777 million for the IMS. As we all know, these are difficult budgetary times. But much can be accomplished by this Congress and Administration by recognizing and articulating the importance of the arts in the lives of every American.

It is important to note that the arts community does not ask for special treatment—only fairness. Currently, all federal arts spending allotted in the Administration's FY 1994 budget—including the NEA, NEH, IMS, Smithsonian Institution, National Gallery of Art, etc.—comprises 0.05 percent of the total budget.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As we consider budgets for these agencies and federal arts funding in general, many people question how we can justify this spending when poverty, AIDS, urban blight and a health care crisis exist. It is during these times, we must assert, that the arts are needed the most—for healing, understanding and hope.

Mr. Chairman, we must not miss the opportunity to integrate the arts into our national priorities. We must ignore the great resource we have in the arts and the chance to use our national cultural infrastructure to aid the economy, motivate our children and promote tolerance and understanding. We must reach out to young people across the nation and allow them to take part in the arts, for the arts are simply one of the best investments we can make in them, in ourselves, and in the future of our nation.

HONORING DARBY McQUADE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. RICHARDSON. Mr. Speaker, during this, the 30th Annual Small Business Week, I am pleased to advise my colleagues to my State's Small Business Person of the Year, Charles "Darby" McQuade.

Darby, who owns Jackalope, Inc., in my hometown of Santa Fe, is a good friend who embodies the spirit and enthusiasm of New Mexico's lively arts and crafts community. Darby arrived in Santa Fe in 1976 with $4,000 in Mexican pottery. He sold his goods from the sidewalk in New Mexico's capital city and never looked back.

Through ingenuity and instinct, Darby provides decent quality for the lowest price around. Today, his company is a mainstay of the Santa Fe business community as well as a cultural center, offering diversions like gardening clinics, summer concerts, and an Easter egg hunt.

His company made the Inc. 500 list of fastest-growing privately held businesses in 1983 and 1984, and is a regular contributor to a large number of charitable organizations, artistic associations, and museums. In addition to winning local business awards, he has been director of the Santa Fe Community Foundation, the Santa Fe Chamber of Commerce and the Museum of International Folk Art.

As we salute our Nation's small business owners this week, let us pay special tribute to those entrepreneurs, like Darby McQuade, who have that special ability to shine and succeed in the particularly competitive business world.

TRIBUTE TO DUANE "DEWEY" TIETZ

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. POMEROY. Mr. Speaker, to commemorate Small Business Week, I would like to take this occasion to recognize Duane "Dewey" Tietz, the North Dakota Small Business Person of the Year.

Dewey exemplifies the spirit of North Dakota in the way he took the challenge of turning a problem into a success story. While working for a local manufacturer, Dewey was frustrated by productivity lost when employees had to leave their work stations to run company errands and pick up parts. He recognized the need for a delivery service and began Old West Express, a small cross-town service.

What started as a six-employee business grew into CrossCountry Courier now employing 88 people and offering overnight service to 544 cities. By focusing his attention on customer service, total quality management and employee satisfaction, Dewey has built a first-rate business.

Small businesses continue to lead the way for economic recovery in our country. I truly believe that small business people like Dewey are the key to getting our economy back on track. So it is with great pleasure that I salute Dewey Tietz today.

TRIBUTE TO MAHONING COUNTY NUTRITION PROGRAM FOR THE ELDERLY, INC.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Mahoning County Nutrition Program for the Elderly, Inc. This program is very important to the people of my 17th Congressional District. This year the program is celebrating its 20th anniversary.

Mr. Speaker, this vital program serves the local community by serving home delivered meals to those persons over the age of 60 years. Over the years they have served over 115,000 meals a year in 13 dining centers. They have also served 112,500 meals-on-wheels annually. The services they provide include transportation for the elderly to medical centers, nutrition, and rides to shopping and recreational centers.

The Mahoning County Nutritional Program for the Elderly, Inc. began in July of 1973 as a 6-month pilot project under the administration of the Youngstown Area Community Action Council and bearing the name Community Meals for the Elderly. In November 1973, the city received a Federal grant that established elderly nutrition program administrated by the Community Corp. of Youngstown, also known as the Community Chest.

Today, the nutrition program continues to serve the nutritional and transportation needs of the county's older adult population. Approximately 950 meals are served each day, and a small fleet of vans provides passenger services, while station wagons are used to deliver meals.

Mr. Speaker, as the nutrition program approaches its 20th anniversary, they take pride in the quality and value of our program and look forward to serving the future needs of the older population of our community. I congratulate them on this magnificent feat.

RECOGNITION OF ALVIN MORRIS CULLOM, SR., FOR HAVING BEEN SELECTED AS MISSISSIPPI'S SMALL BUSINESS PERSON OF THE YEAR

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of an outstanding businessman and citizen from my district, Mr. Alvin Morris Cullom.

A.M. Cullom stood on his experience and knowledge to seize a great opportunity. During his 25-year career as a chief inspector with Illinois Central in McComb, MS, he noticed a more frequent practice of rail companies switching from company shops to independently owned shops to perform their railway freight car repair. With the help of a small business seminar, he soon set out to start a two-employee freight car repair shop in Magnolia, MS. Since 1986, Southeast Railway Services has expanded to employ 25 full-time workers and up to a dozen part-time contractors with sales well over $1.6 million. He has also bought out his former partner and built a modern high-technology facility.

Relying on creativity and technology to keep costs down, Mr. Cullom's business has averaged 40-percent growth a year, with service that not only meets, but exceeds strict Federal standards. Mr. Cullom's commitment to excellence has benefited the surrounding area as well. He has been instrumental in bringing 20 million dollars' worth of unrelated industry and 400 jobs to Pike County.

I salute Mr. A.M. Cullom for his boldness and dedication to building a top rate business. His record is one worth following. Mr. Cullom, congratulations.

ENVIRONMENTAL EXPORTS PROMOTION

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing a bill that will greatly enhance our ability to compete for export business in one of the most dynamic areas of economic growth—environmental technologies and services. The bill will do two things: create a $500 million fund in the Export-Import Bank to finance the export of U.S. environmental services and technologies; and, apply existing environmental impact criteria to more Export-Import Bank applications.

The bill will complement other legislation being introduced this week by Representatives STUDDS, FURSE, and myself to develop a national strategy for the export of environmental technologies. We have been working closely with the Environmental Business Council of New England to draft these bills.

This bill offers us the opportunity to do well by doing good. On the one hand, we can lend support to a burgeoning industry here in the United States to meet the growing worldwide demand for environmental technologies and services—our environmental industry is probably the most competitive in the world.

At the same time, we can help the rest of the world, particularly the developing world, clean up their environment and adopt industrial practices and policies that prevent pollution.

The market for environmental technologies and services is estimated to be $200 billion. It will grow to $300 billion by the turn of the century. A good portion of that growth will occur in Eastern Europe and the former Soviet Union, where industrialization was extremely rapid and no concern was shown for any environmental impacts.

Many of these nations face environmental devastation that is simply unimaginable to us. In certain regions of Poland, for example, children are not allowed to play outside for fear of the particulates they will breathe. Certain rivers are so polluted that they do not even qualify for industrial uses—the grit and grime would hurt the machinery.

The Rio Conference on Environment and Development held last year resulted in an international consensus on the importance of pollution prevention and cleanup. The Bush administration refused to sign some of the agreements because of fears of economic dislocations.

The fact is, however, that the Rio agreements create a whole new series of opportunities for U.S. scientists and manufacturers. As a result of increasingly strict environmental laws here in the United States, our industries are already world leaders in this area.

Mr. Speaker, the Export-Import Bank of the United States can play a key role in facilitating environmental exports of U.S. businesses, employing U.S. workers engaged in high technology, high value-added business. I strongly urge my colleagues to join me in this effort.

NATIONAL POLICE WEEK

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today during National Police Week to pay tribute to our Nation's police officers and to offer special honor to the 143 law enforcement officers who made the ultimate sacrifice to protect us all in 1992.

The 143 law enforcement officers who were killed in the line of duty are genuine heroes.

I knew one of those heroes personally. I used to spend late night hours with Jerry Haaf, a traffic cop in Minneapolis, drinking coffee at the same Pizza Shack where he was shot in the back in cold blood by a gang member.

Jerry was a good cop and a good friend, and he is missed dearly by his family and friends. But as I told a group of law enforcement officers at a memorial service for Jerry, his death serves as a constant reminder of the need to support our outstanding police officers—of the need to provide a legacy of respect for law enforcement in our community.

As one who has participated in over 65 search warrants with the brave officers of the third and fourth precincts in Minneapolis, I know in a very small way the danger our brave officers face every day to keep us safe.

On Saturday, May 15, there will be a National Peace Officers' Memorial Day Service to honor those who died in the line of duty. And a candlelight vigil will be held at the National Law Enforcement Officers Memorial tomorrow, which nearly 4,000 people are expected to attend. The memorial contains the names of nearly 13,000 law enforcement officers who have given their lives in the line of duty.

In 1962, President John F. Kennedy set aside May 15 as National Peace Officers' Memorial Day and the week of May 15 as National Peace Officers' Memorial Week.

Mr. Speaker, setting aside a week to honor our law enforcement officers is a highly appropriate demonstration to the families of those officers who sacrificed for all of us. I am also a cosponsor of a bill to fly the U.S. flag at half-staff on all Government buildings on Peace Officers' Memorial Day.

But in a larger sense, we can never repay the brave men and women like Jerry Haaf who have given so much for all of us.

That is why I want to offer my deepest and most heartfelt thanks to all the families of the brave officers who died in the line of duty and to the brave officers who place their lives on the line every minute of every day so that we might all live safe and free.

Without you, our country could not survive.

THE CONGRESSIONAL AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 12, 1993 into the CONGRESSIONAL RECORD:

THE CONGRESSIONAL AGENDA

A demanding agenda looms before the 103rd Congress this year. Further consideration of the President's economic program, as well as a host of other major issues, will soon be on the front burner.

FEDERAL BUDGET

The federal budget will dominate Congress's agenda for the next several months. The budget resolution, approved by Congress on March 31, establishes broad spending and revenue targets for the next five years. While the budget resolution includes some modifications to President Clinton's plan, including a greater emphasis on spending cuts and deficit reduction, overall it incorporates the economic proposals the President submitted to Congress. It contains measures to increase long-term investment and to reduce the deficit by $496 billion over five years—half from spending reductions and half from revenue increases. Congress must now pass measures to effect these changes. There are several key areas in this process.

Defense.—The budget resolution calls for cutting $110 billion from the five-year defense budget proposed by President Bush—about one-fifth of the savings in the Clinton deficit reduction plan. Included in the President's budget is almost $1.7 billion to cushion the impact of defense cutbacks on companies, communities, and individuals. The President has deferred specific decisions on major weapons programs pending the outcome of a review by the Pentagon this summer.

Investment.—The budget resolution adopted the President's proposal to spend $150 billion over five years for investment. His plan emphasizes investment in infrastructure (roads, airports, water systems), in worker retraining, and in new plant and equipment. Likely debate will concern what are worthy investments and what are pork-barrel projects.

Taxes.—Tax increases are being proposed to make serious reductions in the deficit. Tax increases are unpopular with Americans and consensus will not be achieved easily. Controversial issues include the President's proposals to raise corporate tax rates, tax more of the Social Security benefits of higher-income recipients, and levy a broad-based energy tax. Congress will also be considering targeted capital gains incentives and investment tax credits for small businesses.

Entitlements.—The budget resolution assumes a reduction of $90 billion in entitlement spending—or about one-fifth of all deficit reduction. Some of the programs proposed to be scaled back include Medicare and COLAs of federal retirees.

Appropriations.—A reduction in spending for domestic programs is also being proposed. About one-tenth of the net deficit reduction must come from annual spending bills other than defense (such as education and transportation). The debate over the cuts will concern whether these cuts should be made across the board or by specific programs.

As Congress moves to and debates key areas of the budget, it will have additional opportunities to refine measures to implement the President's proposals.

OTHER AGENDA ITEMS

Besides the federal budget, there will be other important issues before Congress.

Health-Care Reform.—President Clinton has indicated that within the next few months he will submit a health-care reform package to Congress. The plan may seek to extend health care to the roughly 37 million who now lack medical coverage. The President wants a reform bill enacted this year, but that may be difficult. The issues, which range from how to pay for health care and control costs to what benefits should be extended, will be contentious and not easily resolved.

Savings and Loan Bailout.—President Clinton has asked Congress for $42 billion more to finish bailing out the thrift industry. Congress will debate the size of the bailout package and ways to improve the management of the assets of failed thrifts.

Homosexuals in the Military.—Current Defense Department policy bars homosexuals from serving in the military. President Clinton favors lifting the ban. He has asked Defense Secretary Aspin to review the issue, and Aspin will make his recommendations by July 15. Congress will likely debate those recommendations.

Supreme Court Nominee.—The President has indicated that he expects to nominate a replacement for Justice Byron White in May. The Senate will have plenty of time to hold hearings and bring the nomination to the floor before the Court's next term begins in October.

Crime/Gun Control.—Congress likely will work on a crime bill this year. Most of the issues, like requiring a waiting period before the purchase of a handgun and adding new death penalty offenses, have been proposed before. The President has called for adding 100,000 new police officers and wants to move a crime bill quickly.

Campaign Finance.—The White House recently announced its proposal for congressional campaign finance reform, including limits on campaign spending and PAC contributions. It also proposes vouchers for campaign advertising and postage to be funded by a voluntary income tax checkoff.

Congressional Reform.—The Joint Committee on the Organization of Congress, of which I am cochairman, is conducting a major review of the organization and operation of Congress and will recommend reforms later this year. Issues being reviewed include reducing the number of committees and reforming the ethics and budget processes.

Foreign Affairs.—Possible U.S. intervention in Bosnia is focusing attention on the Clinton Administration's foreign policy. Other items on Congress' foreign policy agenda will be President Clinton's proposed aid package to Russia and increased funding for international peacekeeping. To pay for these programs, spending for most other foreign programs will have to be cut.

Trade.—The President's trade negotiators are busy hammering out side agreements that might make the North American Free Trade Agreement more palatable to Congress. Congress has serious concerns about the impact NAFTA could have on U.S. jobs and on the environment. The administration hopes to send implementing legislation to Congress this summer. Other trade issues include the status of China's Most Favored Nation trading privileges and consideration of the General Agreement on Tariffs and Trade aimed at removing certain trade barriers.

CONCLUSION

Congress this session will be faced with many major issues. If the 103d Congress is to be successful, it must move quickly and effectively on its agenda.

THE HEALTH INSURANCE PURCHASING COOPERATIVE ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. BROWN of California. Mr. Speaker, today I am introducing a bill to improve the availability and accessibility of health care to small businesses.

Small businesses are the backbone of our economy. From 1986 to 1988, they accounted for 45 percent of all new jobs in our country, as well as in California. One problem that is especially acute for small businesses is the spiraling cost of health care. Small employer profits or employee earnings are often low and the structure of the small group market impairs small employers' ability to obtain reasonable premium costs due to economies of scale. Small employers end up paying more for their employees' health insurance because they do not have the buying power that large corporations enjoy. As a result, some small businesses have great difficulties finding any insurer at all.

My bill will address these problems by establishing a network of cooperatives, Health Insurance Purchasing Cooperatives [HIPC's], which will purchase and manage large blocks of insurance for small businesses. Through this new Health and Human Services Program, States will apply for grants to establish HIPC's for employers with less than 50 employees. HIPC's will act as a health benefits office for participating employers, accepting bids from carriers on standardized benefit plans. By pooling small employers together, as proposed in my bill, small groups would be given the purchasing power that large corporations now possess.

Plans offered by the HIPC's would be based on community ratings, assessing age, gender, and geography to determine premiums, and would limit exclusion of coverage for preexisting conditions to no more than 6 months. This would eliminate the all-too-common insurance practice of experience rating—basing premium rates on factors such as the health status of employees in the group, which often forces small employers to exclude unhealthy individuals from their policies.

Savings would be achieved through uniform medical billing forms and electronic billings through the HIPC network. All HIPC carriers will issue standardized magnetic cards to their beneficiaries. Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing, which will pass the information on to the Department of Health and Human Services, State and local governments, and communities.

Last, my bill creates an incentive for small companies to offer health insurance to their employees by providing a 100-percent deduction for the health insurance costs of small businesses that join a HIPC. Today, small unincorporated businesses can only deduct 25 percent of their health care costs, while large corporations can deduct 100 percent. This unfair policy places yet another hurdle in the path of small companies' efforts to offer coverage to their employees.

Mr. Speaker, I believe we must take the steps contained in the Health Insurance Purchasing Cooperative Act to stem the rising tide of health care costs for small businesses, their employees, and their families. The problems in our health care system are not limited to the small group market. There is no question that we need comprehensive reform. The President will be coming out with a comprehensive health care reform plan in just a few weeks. I would like to offer this bill today as my contribution to the health care debate. In our efforts to reform our health care system, a task that is long overdue, let us consider how we can best help family-owned businesses obtain affordable health care.

TRIBUTE TO PAUL LAWRENCE DUNBAR VOCATIONAL HIGH SCHOOL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. RUSH. Mr. Speaker, it is with exceptional honor that I rise today in recognition of Paul Lawrence Dunbar Vocational High School of Chicago, IL and their commemorative program honoring the 50th anniversary of the school's opening.

Dunbar, located at 3300 South Dr. Martin Luther King Drive in the First Congressional District of Illinois, was founded during World War II to meet the needs of the community and to help the war effort by establishing a training school for black youth. Dunbar made Chicago history by being the first and only program to provide training to African-Americans in the fields of craft and trade.

Dunbar began its training program in an elementary school with 16 students led by Mr. Clifford J. Campbell. That original setting ultimately became a large, thriving high school located on Chicago's South Side.

Today, 50 years later, Dunbar's original vision continues to provide skilled men and women who go on to become productive contributors to America's industry. Dunbar, in addition to its vocational program, produces world leaders in education, media, entertainment, and government. Dunbar not only teaches practical skills, it installs the attitudes, work ethic, and abilities necessary for its graduates to succeed at whatever endeavors they choose to pursue.

Dunbar's distinguished graduates include J.W. Smith, the Reverend Steve Jones, Haki R. Madhubuti, CNN anchor Bernard Shaw, Lou Rawls, Lawrence Tero "Mr. T" and Reuben Cannon.

Mr. Speaker, I would like to salute Dr. Floyd M. Banks, principal, and the staff, students and alumni of Dunbar High School as they celebrate the school's 50th anniversary. I am privileged to represent this historically significant institution and proud to enter these words of congratulations into the RECORD.

THE ESOP PROMOTION AND IMPROVEMENT ACT OF 1993

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. BALLENGER. Mr. Speaker, I am pleased to introduce the Employee Stock Ownership Plan [ESOP] Promotion and Improvement Act. I have been a longtime supporter of ESOP's because I have direct knowledge of employee-ownership through an ESOP at my company in Hickory, NC. An ESOP seemed the best way to give my employees a meaningful stake in the company, provide them with economic security, and a say in the management of the company. Today, most of the employees, 76 percent, participate in the ESOP, and own roughly 32 percent of the stock in the company, valued at over $3 million. In addition to my family business, there are approximately 168 ESOP's in North Carolina covering 141,570 employees.

Congress encouraged the growth of ESOP's in 1974 through the Employee Retirement Income Security Act [ERISA]. An ESOP is an ERISA plan that creates an ownership stake for the employees in the corporation where they work. Between 1975 and 1990, the number of workers in ESOP plans grew from approximately 248,000 to over 11 million, and the number of ESOP's grew from 1,600 to over 10,000.

Employee ownership through ESOP's have a solid record. Data shows that most employee-owned companies perform better than their conventionally owned counterparts. For example, a recent survey by the ESOP Association found that more than 80 percent of companies with an ESOP believe that creating employee ownership was a good business decision, and more than 50 percent believe it improved corporate performance.

This legislation represents a milestone in the history of employee ownership and ESOP's. Today, a record number of Members of Congress from both parties have joined to be original sponsors of the ESOP Promotion and Improvement Act of 1993. With 41 original supporters, I believe that we have made an important statement that this nation needs ESOP's in order to create widespread ownership of capital, and to help American business compete.

As background, this is the third Congress in succession that I have personally worked to bring as many people together as possible to express support for employee stock ownership plans. Prior to this Congress, I worked with our former colleague Beryl Anthony from Arkansas. I would also like to extend my thanks to our colleagues DANA ROHRABACHER of California and J.J. PICKLE, a senior member of the House Ways and Means Committee, for their strong support for ESOP's and their efforts to gain support for this important bill.

In 1990, nearly 65 of our colleagues sponsored the ESOP Promotion and Improvement Act with 16 colleagues as original cosponsors. In the 102d Congress, we had 33 colleagues as original cosponsors of the 1991 version of the legislation, and nearly 100 cosponsors by the end of 1992. Today, I am pleased that we have 41 supporters. I plan to increase this support in future months.

For those colleagues who have not yet joined our effort for ESOP's, allow me to set forth the five provisions and why they are needed!

INTRODUCTION OF LEGISLATION REGARDING BANKRUPTCY ESTATE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. DUNCAN. Mr. Speaker, today, I am introducing legislation that amends the section of the Bankruptcy Code defining the classes of priorities with regard to settlement of a bankruptcy estate.

This amendment to the Bankruptcy Code will allow independent sales agents to participate in a bankruptcy estate on the same level in which employees are now permitted to participate.

Currently, independent sales representatives, including individuals, corporations, partnerships, and sole proprietorships, who are not otherwise classified as employees under section 507 of the Bankruptcy Code, do not share in the bankruptcy estate in the same manner that employees do. As a matter of fact, they are not recognized at all in the hierarchy of the priority list and, consequently, are among the last creditors eligible to be paid.

The existing exclusion, apparently based solely on the characterization of one's employment, creates an inequitable result that is unfair because many citizens of the United States earn their livelihood as independent contractors.

Every year, thousands of sales agents lose money because they do not fit into the priority classification definition of employee in the same manner as regular salaried employees do.

The unfairness of this situation is amplified by the realization that independent contractors work without the security provided employees such as health insurance, profit sharing plans, pension plans, life insurance, sick leave pay, and a host of other benefits that are often available to employees but not to independent sales representatives.

I do not believe that when the Bankruptcy Code was first promulgated, Congress could have intended this unfair result.

Mr. Speaker, I introduce this legislation in light of the ever increasing importance of independent contractors to our workforce and in the interests of leveling the playing field for all of America's workers.

The immediate effect of this amendment to the priorities classification section 507 will be to allow independent sales persons to equitably share in the bankruptcy estate and receive their just wages and commissions in the same manner as regular employees now do.

This bill will not cost the taxpayers one dime. I urge my colleagues to join me in cosponsoring this legislation.

CRITICISM OF EUROPEAN ALLIES

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. KING. Mr. Speaker, I rise today to strongly criticize our European allies for their continued inaction in the current Balkans crisis. The nations of Western Europe seem content to sit idly by, ignoring the suffering, savagery, and bloodshed in their own backyard.

Serbian aggression continues unabated; the hateful genocidal policy of ethnic cleansing grinds on with grim monotony; mass rape continues as an officially sanctioned implement of military policy—and our European allies refuse to be stirred to action.

The spirit of Neville Chamberlain is very much alive in the Europe of 1993. Appeasement is once again the watchword of the day.

The timidity and shortsightedness of our allies is rooted in their stubborn support for the fatally flawed Vance-Owen plan, which rewards Serbian aggression and will allow the Serbs to consolidate their ill-gotten gains and complete the process of ethnic cleansing in the areas they control.

The enforcement of Vance-Owen would require a sizable U.N. ground force to keep the peace, presumably including a large commitment of U.S. forces. We cannot allow this to happen. Under this scenario, thousands of U.S. troops will be on the ground in the former Yugoslavia, in harm's way, amidst three mutually hostile forces. This peace keeping role would make our fighting men and women sitting ducks—it would be Beirut 1983 on a grand scale.

Twice this century, the failure of the European democracies to effectively address international crises resulted in world war. Twice this century, American blood was shed to restore order and peace to Europe. In this, the last decade of the 20th century, the United States has offered to take the lead in responding swiftly and decisively to this European crisis before it compounds in scope and cost, but our allies have refused to join us.

By not working with us to take decisive action against Serbia, the European powers are issuing a de facto endorsement of armed aggression as an accepted means of pursuing national policy. Serbia's victory will be sealed and the ethnic cleansing of the Bosnian Muslims will be completed. Future historians will add Bosnia to the list including the Holocaust and the Armenian and Cambodian genocides.

For more than 1 year, I have been an outspoken advocate of taking firm action against Serbian aggression and ethnic cleansing. I support surgical air strikes against Serb weapons positions, supply lines, and industrial plants, as well as efforts to arm the Bosnian Moslems. This is the right course of action, but the United States cannot, and will not, take unilateral action in the Balkans. The indecisiveness of our European allies is preventing needed action in Bosnia. History will condemn their cowardice in 1993 just as it did their cowardice in 1938 and 1939.

INTRODUCTION OF THE BLACK LUNG BENEFITS RESTORATION ACT OF 1993

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. MURPHY. Mr. Speaker, today I rise to introduce the Black Lung Benefits Restoration Act of 1993. My action is guided by the belief that we are near the end of a long road. The Subcommittee on Labor Standards initiated hearings on the Black Lung Program during the 101st Congress. Late last year at the end of the 102d Congress, the House passed H.R. 1637, the Black Lung Benefits Restoration Act of 1992. Once more, the frustration of America's miners has given us the impetus to reintroduce reform legislation.

Too many people have told me at our hearings and in their sad letters that they feel ignored by the very system that was established to help them. The U.S. Congress intended black lung benefits to be a means of support for miners broken by years of coal mine service. Unfairly denying miners access to these funds is a travesty. Miners and their families have come to believe that the administrators of the Black Lung Program over the last decade have become their adversary. The authors of this program never would believe that any of this is happening.

Over the past 4 years, the subcommittee has worked diligently to craft compromise black lung legislation that would return fairness to this program while recognizing and living within budgetary limits. We have consulted numerous groups and organizations, and worked hard to take into account the concerns of the unfortunate people served by this program.

This year, I look hopefully to the White House for support of this critical legislation. Unlike a year ago, we now have a President who cares about the struggles of the average working person. We no longer have to worry about the threat of an instant veto when we talk about worker rights and labor legislation. The veto game of the past benefited no one, and it punished American workers. I am grateful that those days are over.

The purpose of the Black Lung Benefits Restoration Act of 1993 is to establish a more objective process for determining entitlement to black lung benefits, to ensure that survivors of beneficiaries are fairly treated and properly cared for, to encourage legal representation for claimants, to avoid hardships for initially approved but subsequently denied claimants, and to restore basic fairness to the program.

In closing, I'd like to commend the hard work and distinguished leadership of the National Black Lung Association and Education and Labor Committee chairman, WILLIAM FORD. Their efforts on behalf of America's retired miners are truly outstanding examples of compassion and courage. I encourage my colleagues to pass the Black Lung Benefits Restoration Act of 1993, and return justice and fairness to a long neglected and deserving group of people.

A TRIBUTE TO TED REARDON

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. KENNEDY. Mr. Speaker, I rise to pay tribute to Timothy J. Reardon, Jr., a close and longtime friend of the Kennedy family who died on March 5, 1993.

Since his days at Harvard in the 1930's, when he was the college roommate and best friend of my uncle and namesake, Joseph P. Kennedy, Jr., Ted's life was inextricably entwined with my family. As my uncle said at his funeral, "Ted Reardon was the other Ted in President Kennedy's life, and we loved him like a brother."

Returning to Boston after the war, Ted Reardon organized his native Somerville in the first congressional campaign of his fellow veteran and college friend, John F. Kennedy. After the election, the newly elected Congressman asked Ted to be his administrative assistant, a position he held throughout President Kennedy's 14 years in the House of Representatives and U.S. Senate.

In 1960, Reardon served as the New England coordinator for the Presidential campaign. After President Kennedy's inauguration, Ted served as special assistant to the President for Cabinet affairs and secretary of the Cabinet. Resigning from the White House in 1964, Ted directed congressional affairs for the Federal Deposit Insurance Corporation until he retired in 1978.

Ted's loyalty and love for my uncles was complete and never wavered. The strength of his friendship for my namesake is manifested by his being asked to write the first chapter of "We Remember Joe," the memorial book presented by the Kennedy siblings to their parents on the Christmas following Joe's tragic death in the war. I am told that my election to the House of Representatives was very gratifying for Ted, having often said that he always knew there would be a Joe Kennedy in Congress, it just took a little bit longer than expected. For the 17 years that President Kennedy served in elected office, Ted Reardon never left his side. When Ted's wife, Betty, converted to Catholicism, it was my father who proudly served as her Godfather. As Senator KENNEDY said during his eulogy—which I ask be submitted for the RECORD—"All four of us—Joe and Jack and Bobby and I—thought the world of him."

Ted Reardon has left us a great legacy—President Kennedy often said that he never met anyone in politics who didn't love Ted Reardon. If we in this Chamber were to reflect upon Ted's memory as we go about our business of debating great policy issues and of governing the Nation, I believe we could achieve a great deal more in promoting the common good of the United States and its citizens.

REMARKS OF SENATOR EDWARD M. KENNEDY, EULOGY FOR TED REARDON, HOLY TRINITY CHURCH, GEORGETOWN, MARCH 11, 1993

Ted Reardon was the other Ted in President Kennedy's life, and we loved him like a brother. We inherited Ted from my oldest brother Joe. They were roommates at Harvard in the 1930's, which is where our family's lifelong friendship with Ted began.

He was the perfect blend of the active life and the contemplative life—a rare combination of intellectual ability and athletic excellence—an English major at Harvard who loved poetry and read the Greeks, shortstop on the baseball team and high-scoring halfback in football.

1946—it seems like only yesterday, when Ted and Jack came home to Massachusetts from World War II and my brother won his seat in the House of Representatives. Ted was still in uniform when Jack recruited him for that campaign. Ted organized Somerville from the Reardon family kitchen—the same kitchen where he and Joe had spent so many wonderful times at all hours together before the war.

After that first auspicious taste of Reardon-Kennedy teamwork in politics, Jack wanted Ted to come to Washington to run the new congressional office. At first Ted said no, Washington was not for him. But he soon relented. And for 17 extraordinary years, from the House to the Senate to the White House, he never left my brother's side.

In the years after 1963, every November here in Holy Trinity, Ted had a memorial mass said for Jack. It was also in this church that Robert Kennedy became godfather to Betty Reardon, when she was baptized as a Catholic. All four of us—Joe and Jack and Bobby and I—thought the world of him.

Ted always preferred to stay behind the scenes. But his advice and counsel were highly valued by my brother, and never more so than in the White House years. Jack never hesitated to telephone Ted at home at any hour. In self-defense, Betty finally took to pretending she was the French maid, struggling to understand the President's name and get his message correctly in English.

With his great Irish sense of humor, Ted loved to tease my brother. On the morning after the 1960 election, Ted and his son Tim were playing in the first post-election touch football game at Hyannis Port. Tim made an outstanding play. But Ted immediately made him give the ball back to my brother, telling him in no uncertain terms, "You must never ever intercept the pass of the President-Elect."

President Kennedy loved to tease Ted in return. Once he told Ted, "You think you were such a high and mighty halfback. But the real reason we called you "Six-Yard-Reardon" is because that was as far as you could throw the ball."

And yet, when President Kennedy needed practice to throw out the first baseball on opening day at Griffith Stadium, it was Six-Yard-Reardon he summoned to the Rose Garden to practice with him.

As my brother often said, he never met anyone in politics who didn't love Ted Reardon. And, believe me, that's a great deal to say about anyone in politics—then or now or ever.

Ted had served in the Army Air Forces in World War II. They had a famous slogan that my brother loved, "The difficult we do immediately; the impossible takes a little longer." And on so many occasions in all those years together, my brother was able to do the impossible, because of Ted Reardon.

THE LONG-TERM FUTURE OF SOCIAL SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 5, 1993, into the CONGRESSIONAL RECORD:

THE LONG-TERM FUTURE OF SOCIAL SECURITY

In my meetings with Hoosiers I often hear from older persons concerned about protecting social security from changes or cutbacks, but I increasingly hear from younger workers in their twenties to forties wondering whether they will be getting any social security retirement benefits at all. They recognize the value of social security disability protection during their working years, but are skeptical whether social security will be around to help them when they retire.

PROJECTED BENEFITS

Younger workers realize that the older someone is, the better he or she will do under social security. Workers who retired ten years ago, for example, on the average got back within three years all they and their employer contributed into social security, even factoring in interest. People retiring today do not do quite as well. Most will get back what they and their employer paid in (with interest), but it will take them 10–15 years to do so. And for middle-aged workers who will be retiring in twenty years, the payback continues to decline. Low-income workers on the average will get back more than their employee/employer contributions, middle income workers will just about get them back, and higher income workers will not.

But, if I understand them correctly, that is not the main concern of today's younger workers. They are worried that they will not receive even these projected benefits. They have heard scary projections about the long-term prospects for social security and are concerned that the system may collapse when the large number of baby boomers—those born between 1946 and 1964—retire and there are nearly twice as many retirees as today. A recent poll indicated that 47 percent of Americans do not believe that social security will be able to pay them any benefits when they retire.

FUTURE CRUNCH

Between now and the year 2015, social security payroll taxes are expected to be sufficient to cover all benefits. Starting in 2015—when workers in their early forties today expect to retire—social security starts to run into financing problems which gradually worsen.

The future strain on social security arises from a variety of factors. Social security is to a large extent a pay-as-you-go system, with benefits of current retirees paid for by current workers. But when the baby boomers retire, there will be a sharp increase in the number of retirees; at the same time, they will be supported by the smaller "baby bust" generation. The ratio of workers to retirees will decline from the current 3.2 to 1 to just 2.2 to 1 in thirty years.

This problem was supposed to have been addressed during the 1983 social security reform, when social security taxes were increased so that the baby boomers would be putting in additional funds to build up a "surplus" to be tapped when they retired. Yet these "surplus" funds are invested in interest-bearing government securities, so in effect the surplus becomes a pile of IOUs from the government to pay back social security. These IOUs will have to be paid either by raising other taxes, curtailing spending, or public borrowing.

Social security will have to start tapping the "surplus" in 2015; in other words, the government will have to start making good on the accumulated IOUs. Initially these redemptions will be manageable, but the shortfall will continue to grow, reaching annual redemptions of almost $1 trillion by 2035. In today's economy that would be equivalent to somehow financing an annual payment of $100 billion. And under current projections, even these "surplus" funds will be depleted by 2036, which is when someone in their twenties today expects to retire.

LIKELIHOOD OF FUTURE BENEFITS

The question of what sorts of benefits today's younger workers can expect is thus not easy to answer. But several things need to be kept in mind. First, it is far too pessimistic to think that today's workers will not be getting back anything from social security. The "surplus" was designed to cover about 20 percent of baby boomers' social security payments during their retirement years. So even assuming the worst case—that the government defaults on all the accumulated IOUs that make up the "surplus", which will never happen—payroll taxes collected from future workers will be enough to cover 80 percent of the baby-boomers' retirement benefits. Second, in all likelihood policymakers will put together some sort of social security rescue package as the crunch approaches, as they have done in the past. That could involve a combination of steps, such as gradually raising social security payroll taxes and reducing the expected benefits of baby boomers through COLA reductions or further increases in the retirement age. Overall, a rough guess of experts is that if a rescue package is needed around 2015 or 2020, today's younger workers might see their benefits reduced by about 10 percent from currently projected levels. Such changes, though difficult for those nearing retirement, would certainly be less dramatic than the doomsday scenario many workers expect.

POLICY IMPLICATIONS NOW

The possibility of diminished future returns has implications for policymakers today. At a minimum, Congress and the President should not take steps that will make the prospects for today's workers even worse. For example, they should generally resist moves to raid the growing "surplus" to give more benefits to current retirees. Moreover, as changes are considered in social security to help reduce the budget deficit, policymakers should make sure that younger workers do not shoulder most of the cutbacks. The vast majority of the changes made in the 1983 social security reform, for example, hit primarily younger workers—by raising their payroll taxes and reducing future benefits.

A complete overhaul of social security is not expected soon, since the projected crunch depends on a lot of assumptions and is so far in the future. Yet important steps can still be taken now. First, Congress and the President should adopt policies to strengthen the economy and promote long-term economic growth. Stronger growth means more employment, higher wages, and more payroll tax collections. The financial condition of social security is particularly sensitive to gains in worker productivity. If productivity growth could be restored to the levels we saw in the 1947–73 period, more than half of the projected long-term deficit in the social security system would be eliminated. Boosting productivity will take greater public and private investment in education and training, research, and infrastructure. Second, policymakers need to redouble their efforts to reduce the federal budget deficit. If the budget is balanced, then the social security "surpluses" can be used to free up resources for private investment, rather than financing current government operations. Moreover, a balanced budget would greatly increase the ability of government around 2015 to make good on its accumulated IOUs to the social security system. A strong growth-oriented economic policy centered around deficit reduction and increased investment is the most important thing we can do to ensure the long-term viability of social security.

TRIBUTE TO VERONICA O'SHEA'S INDUCTION INTO THE CHICAGO SENIOR CITIZENS HALL OF FAME

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to a very special woman who will be inducted to the Chicago Senior Citizens Hall of Fame on May 20, 1993. Veronica O'Shea, or "Sarge" as she is affectionately known from her 28 years as a school crossing guard, is very active in Chicago senior citizens events. As the chairperson of the legislative committee and a member on the Outreach Committee of the Chicago Council on Aging, "Sarge" gives tirelessly of herself to help others in need. Her endeavors have won her many awards by the Chicago Police Department, South Shore Chamber of Commerce, and the Greater Midway Economic and Development Committee.

Veronica "Sarge" O'Shea was nominated for this honor because of her dedication and leadership in elderly issues, and her driving determination to help comfort those seniors who are experiencing poor health and facing advancing age alone.

Her tireless work on behalf of Chicago's seniors is indeed an inspiration to us all, and she richly deserves this great honor. I commend "Sarge" O'Shea for her efforts, and I am sure that other Chicagoans who have been touched by her caring will join me in conveying to her our sincere congratulations, our gratitude for her efforts, and our best wishes for the days ahead.

20TH ANNUAL NATIONAL PIKE FESTIVAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. MURTHA. Mr. Speaker, I'd like to take this opportunity to note that the 20th annual National Pike Festival will take place in Fayette County, PA on May 14, 15, and 16.

This festival celebrates the importance of the National Pike, which led so many early settlers through the Allegheny Mountains to the original Northwest Territory in the 18th century. The construction of the National Pike enabled these early settlers to develop western Pennsylvania and move farther West, beginning the growth of the United States across the continent.

The residents of Fayette County celebrate the construction of the National Pike with a 3-day festival, highlighted by a wagon train procession depicting the travels of the settlers who picked up their homes and families and set out in hopes of creating a better life in the wilderness. The people of Fayette County are justifiably proud of the history of their area, and its contribution to our westward expansion, and they began the National Pike Festival to remind people all over the United States of our heritage.

I'd like to congratulate everyone associated with the National Pike Festival for their hard work in putting this event together. This observance of our history has proven to be an educational, enjoyable celebration, and I'm certain that everyone who participates in the festival will go home not only having had a good time, but also with a better understanding of the westward expansion of our Nation.

TRIBUTE TO HENRY A. SCHEERER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Mr. Henry A. Scheerer of Fremont, OH. Mr. Scheerer was recently awarded a medal by the Carnegie

Hero Fund Commission for saving Mr. Larry A. Bell from a burning car.

On April 28, 1992, Mr. Bell's van was involved in a car accident and burst into flames. Having witnessed the accident Mr. Scheerer ran from his home and, in a selfless and courageous act, pulled Mr. Bell from his van minutes before its interior was engulfed with flames. Mr. Bell recovered after being treated for severe burns, while Mr. Scheerer also suffered extensive burns on his right arm.

At a time when we are constantly bombarded in the media with negative images of violence and crime, I think it is important to recognize those Americans who are willing to put themselves in danger for the sake of others. It is this spirit of community and genuine caring that made this country great.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Mr. Henry Scheerer, a true American hero. I am proud to be his Congressman and glad that I have the opportunity to recognize him on the House floor today.

CONGRATULATIONS TO PRESIDENT LEE OF THE REPUBLIC OF CHINA

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. VOLKMER. Mr. Speaker, much of the world is aware of Taiwan's recent economic and political developments. Much of Taiwan's miracle is due to the untiring efforts of Taiwan's political leadership.

The Republic of China on Taiwan is led by Dr. Lee Teng-hui, a Cornell educated statesman, who envisions a free democratic republic with a well educated and prosperous citizenry. President Lee is ably assisted by his Vice President, Dr. Li Yuan-zu, and his Premier, Dr. Lien Chan. Other government luminaries include Foreign Minister Dr. Frederick Chien and Representative Mou-shih Ding.

Together, these leaders are committed to constitutional reform at home and ever growing presence abroad. In 1992, Taiwan's per capita income reached $10,000; most recently, Taiwan has established new diplomatic offices throughout the former U.S.S.R. and upgraded substantive ties with a number of countries in Asia and Central America.

Together Taiwan's leaders have brought their people democracy and prosperity. Today's Taiwan is young and dynamic. On the occasion of President Lee Teng-hui's third anniversary in office which falls on May 20, 1993, I wish him and his cabinet the best of everything.

MEMORIAL TRIBUTE TO WILLIAM K. LOMASON

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. GINGRICH. Mr. Speaker, it is my regret to announce to the House the death of an exemplary American who personified the entrepreneurial spirit and love of individual freedom that makes this country unique.

Mr. William K. Lomason died of cancer on September 2, 1992, in Atlanta.

I know you will join me in mourning the loss of this admirable man, one who created jobs and hope for thousands of fellow citizens, one who gave his time generously to support the causes that he loved, and one who never wavered in his support of freedom.

William Keithledge Lomason was born July 12, 1910, in Detroit, MI. He was educated at the University of Michigan, receiving both a bachelor's and a master's degree.

Mr. Lomason served first as president, and then chairman, of the board of Douglas and Lomason Co., a North American automobile parts supplier headquartered in Farmington Hills, MI. His company provided jobs for over 5,500 people.

During his tenure at the helm of the company his father cofounded, Bill was able to expand its operations from the original plant to over 30 factories located in 11 States.

Not satisfied with outstanding success in the business world, Bill Lomason lent his many talents to a wide variety of worthy causes.

A lover of fine music, especially opera, Bill chaired the Metropolitan Opera National Council's southeast regional auditions committee and even served as the director of the Atlanta opera.

Bill Lomason lived the American dream. And it is to his eternal credit that he was not satisfied with his own success, but became a lifelong warrior in the battle to extend the dream to a new generation of Americans.

It was as a tireless fighter for individual worker rights that Bill demonstrated his deep commitment to the principle that freedom, the ability to prosper through one's own labors, would bring the blessings of liberty to all men.

After serving 3 years on the board of the National Right to Work Committee, his colleagues recognized his leadership and steadfast devotion to voluntary unionism by elevating him to the vice-chairmanship of the committee in 1970.

He also helped the cause of worker freedom by serving on the board of trustees of the National Right to Work Legal Defense Foundation. He remained in both posts until his death.

Bill's leadership and encouragement to the cause of worker freedom will be greatly missed by those who value the right to work.

But the thousands of American workers who owe their livelihoods to the energy of Bill Lomason, the musicians and performers that were encouraged to develop their talent to the fullest by Bill Lomason, and the millions of freedom-living Americans who were inspired to remain steadfast in the fight against compulsory unionism by Bill Lomason, remain as a living and lasting tribute to one extraordinary man and an extraordinary life.

I rise today to honor his many achievements and offer my deepest condolences to his wife, Ruth, and all the family and friends who were influenced by Bill.

William Lomason's courage, vision, and dedication will be sorely missed by me and by the cause that he so ably served.

CONGRESSMAN TONY P. HALL INTRODUCES MANY NEIGHBORS, ONE EARTH RESOLUTION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. HALL of Ohio. Mr. Speaker, I am pleased to join the gentleman from Nebraska [Mr. BEREUTER] in introducing the many neighbors, one earth resolution. This resolution, developed with the assistance and support of Bread for the World, urges the President to redirect foreign aid policies and spending priorities toward promoting sustainable development and relieving poverty and hunger in the developing countries.

Despite the end of the cold war, suffering in the developing world continues. Global priorities clearly have not been redirected to address that suffering.

A quarter of a million children still die every week from hunger, disease, violence, and neglect.

About 1 billion people suffer from malnutrition.

Half of the people in the world do not have access to clean water.

Streams are polluted, and soil is eroding.

AIDS and other diseases expand.

Illiteracy, especially among women, is endemic.

And poverty deepens.

Despite the general unpopularity of foreign aid, the American people have shown repeatedly that they are willing to support initiatives to help the poor help themselves. Unfortunately, while some in the developing world have benefited from four decades of foreign aid, there is more poverty—both relative and absolute—in the world than ever before. Past efforts to substantially reduce poverty have not been adequate.

Reform of foreign aid is being examined, both in the administration and in Congress. In particular, the Clinton administration has been engaged in a critical analysis of the effectiveness and goals of foreign assistance.

The purpose of this resolution is not to interfere in this process, but to offer guidelines for the redirection of U.S. foreign aid so that it will fulfill the humanitarian purposes supported by the American public.

My colleagues and I who are introducing this resolution believe that hunger and poverty can be reduced in environmentally sound ways. In addition to being morally correct, support for sustainable development is an investment in our own future. It will contribute to our long-term security in several ways:

It will enhance international peace and stability by addressing the conditions that lead to social tensions and conflict, escalating migration, environmental degradation, and excessive population growth.

It will help to prevent future famines, which are costly both in terms of human life and resources.

It will help ensure that people are healthier, more productive members of their societies, thus enhancing both personal and national self-reliance.

It will promote democratic values and traditions by fostering citizen participation and respect for human rights and civil liberties.

It will enhance both global and American prosperity by increasing people's ability to produce and purchase goods.

My colleagues and I do not expect an improved U.S. foreign aid program, by itself, to bring about equity in the world. Certainly, there are many other international economic transactions and arrangements in need of reform. But the foreign aid program is a key place to start, a place to show that we will respond to the challenges of our role as leader in addressing humanitarian emergencies.

One of the lessons I observed as chairman of the Select Committee on Hunger was the need for our Nation to move from hunger and famine relief to hunger and famine prevention. A revitalized foreign assistance program can help to head off the need for the recurrent humanitarian disaster response operations in which our country has been so deeply involved in recent years. A program aimed at prevention and sustainable development also will ease the compassion fatigue that comes from having to react to a seemingly never ending string of humanitarian crises.

The resolution I am introducing today is intended to elevate a poverty-oriented, sustainable development perspective in the national debate on foreign aid reform. I urge my colleagues to join with me and with the gentleman from Nebraska in cosponsoring the many neighbors, one earth resolution, and in participating in the dialog about making foreign assistance more effective.

HONORING JIM BURGESS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. KLUG. Mr. Speaker, I rise today to honor Mr. Jim Burgess, the publisher of the Wisconsin State Journal in my hometown of Madison, WI.

On June 1, 1993, Jim will step down as publisher of the State Journal and president of Madison Newspapers, Inc. Jim will leave behind a long and distinguished career in journalism that began in 1958 while a student at the University of Wisconsin—Madison's School of Journalism.

Jim got his first taste of publishing at the UW when he worked at one of the student newspapers, the Daily Cardinal. He learned the business side of journalism working as business manager and director of the paper.

After graduation, Jim joined the staff of the Minneapolis Star and Tribune as an intern. He left the paper to serve in the U.S. Air Force as a lieutenant in West Germany.

After returning from the service, Jim resumed his career in journalism, this time on the editorial side, as a reporter for the Wisconsin State Journal.

Jim's climb up the career ladder took him away from Wisconsin for several years following his tenure at the State Journal. His rise through the ranks included serving as district manager and production employee for the Davenport Times-Democrat in Iowa; business and production manager for the Missoula Missoulian in Montana; and publisher for the Helena, MT, Independent Record.

Jim returned to his home State in 1971 when he was named editor for the La Crosse Tribune, a newspaper where his father and grandfather had served as publisher.

In 1974, Jim left La Crosse to become executive vice president and a member of the board of directors for Lee Enterprises, Inc., a newspaper and television group based in Davenport. He held that post for 10 years, when he was named publisher of Lee's flagship newspaper, the Wisconsin State Journal.

As publisher of Madison's morning paper for 9 years, Jim has worn several other hats. He is a former member of the Associated Press board of directors and its benefits and finance committees. He is former chairman and president of the Inland Daily Press Association and a former member of the American Newspaper Publishers Association Labor and Personnel Committee.

Jim has long been an officer and member of the board of directors of the Wisconsin Newspaper Association, and will become president of that group in June.

During Jim's long and outstanding career, he received many awards, including the 1992 Inland Press Association Distinguished Service Award, the highest honor accorded by the organization.

Beyond publishing, Jim has been committed to his family and the community in which he lives and works. While in Madison, he has been a trustee for Edgewood College, a director and past chairman of the Greater Madison Area Chamber of Commerce, a director of Meriter Health Service, Inc. and a director of the Madison Art Center. He also served as a member of the Governor's Blue Ribbon Task Force on Gambling and was recently appointed to the Governor's Privacy Council.

Jim lives in Madison with his wife Cathie, who is also active in community and charity work. They have four children: Kary, Peter, Sydney, and Curtis.

The paper's loss, however, will not be the community's loss as Jim and Cathie plan to stay in Madison. I know the paper—and its thousands of daily readers—will miss Jim's leadership and guidance. I want to wish him well as he starts this new part of his life continuing his civic work and devoting more time to family.

THE McKINNEY CLINIC HONORED FOR PROVIDING HEALTH CARE TO THE HOMELESS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues, an exemplary health care program in my district in Pennsylvania, the McKinney Clinic. This month marks the fifth anniversary of this program.

In the fall of 1987, Rural Health Corp. of northeastern Pennsylvania responded to a Federal initiative to develop a comprehensive set of health and supportive services to the homeless. RHC was one of only 109 projects to receive funding from the U.S. Public Health Service in national competition under this, the first round of health care grants made under the Stewart B. McKinney Homeless Assistance Act.

The McKinney Clinic opened on March 4, 1988, and began providing comprehensive primary care services to the homeless in 2 part-day sessions each week. The medical staff was deployed, on a rotating basis, from other Rural Health Corp. centers to provide coverage for the project. Volunteers were recruited and have been an important part of the McKinney Clinic since the beginning. In the first year of the program, 180 homeless patients were served. By 1991, more than 500 homeless were treated in the clinic.

The medical staff now includes second year residents from the Wyoming Valley Family Practice Residency Program and they provide coverage as part of their community medicine responsibilities.

Housed in the St. Vincent DePaul Soup Kitchen building, the clinic has been expanded twice in its 5 years. Last summer, the clinic staff and volunteers, including some of the homeless patients, painted the entire building. The project took more than 5 months of volunteered time. Other agencies answered the call to assist in providing health care for the homeless and the list of participating agencies shows the community spirit which has been the hallmark of this entire project.

Mr. Speaker, as Rural Health Corp. and the McKinney Clinic celebrate their fifth anniversary of service, I am proud to congratulate its staff and volunteers on responding to the needs of those less fortunate. This project is truly an example of the concerned and caring people who live and work in northeastern Pennsylvania.

TRIBUTE TO MR. ROBERT B. FULTON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. MURTHA. Mr. Speaker, most of us spend a great deal of time traveling on our Nation's roads. We've seen the improvements that have taken place in our highway system over the past 35 years, but we also know the hazards and difficulties for drivers who spend large amounts of time on the road.

Professional drivers are in a demanding profession, and anyone who makes a career in this profession deserves a great deal of respect from everyone. In light of this, I'd like to extend my heartfelt congratulations to Mr. Robert B. Fulton, who will honored in Apollo, PA, on May 22 for 36 years of service as a busdriver for Stewart Bus Lines of Avonmore, PA.

Mr. Fulton has earned a great deal of admiration during his tenure for Stewart Bus Lines. He has performed a difficult and strenuous job with enthusiasm and efficiency, and his skills as a driver will be difficult to replace.

I join the hundreds of thousands of passengers that have ridden safely with Mr. Fulton in wishing him all the best as he completes his service with Stewart Bus Lines. And to paraphrase a frequently used slogan of the past, Mr. Fulton, if you decide to travel in the future, I hope you'll leave the driving to someone else.

WINNER OF "WHAT AMERICANISM MEANS TO ME" CONTEST

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize three outstanding young people from northwest Ohio who recently won the annual "What Americanism Means to Me" essay contest. West M. Ruggles, Jaclyn Reynolds, and Elizabeth Holman are three students who have certainly captured in their essays, the essence of what it means to be American.

Their essays recognize the pillars of freedom, hope and justice that are at the foundation of our country while also realizing that we must all work together to overcome the challenges that lay ahead. As a Congressman, their words remind me of the great sense of responsibility that my colleagues and I share in shaping the future of our country for these young people. I hope that as a nation we live up to the high expectations that these students have set for us.

In recognition of their outstanding achievements and for the benefit of my colleagues, I herewith include the three winning essays.

WHAT AMERICANISM MEANS TO ME

(By West M. Ruggles)

It must be said that the average American is no longer a patriot in the true meaning of the word, or is obligated to be thought of as such. He merely thinks of himself as a peasant-type, unimportant to the state, except as a source of revenue. Therefore, he is generally apathetic, ceasing to care for the well-being of America, of which he is an important part, and ceasing to vote intelligently, or at all. He throws up his hands and gives up on his important duty as an invaluable cog in the great machine of the people—America.

Failure to recognize one's potential in America is like throwing one's life away. The freedoms we possess as individuals, which were granted by the Creator and laid out in the Constitution, allow us to achieve things those in oppressive countries only dream about. Yet, we have grown complacent in taking pride in and being thankful for those freedoms. We have given the reins to apathy, as if being a patriot no longer is essential—America will always exist and be a success—we as individuals aren't really that necessary. What could be worse than a lie such as this?

America is all of us and all of our dreams. Each and every person in America has the opportunity to make an impact for the good of all. Thomas Jefferson once put forth this idea when he said, "It is the manners and *spirit of the people* which preserves a republic in vigour. A degeneracy in these is a canker which soon eats the heart of its laws and constitution." Jefferson really knew what he was talking about because he had seen first-hand of what the "spirit of the people" was capable. Would the Continental Army have had a fighting chance in its absence? There was no room for apathy then and there still isn't.

America is losing its competitiveness to Japan and Western Europe. Congress is in shambles because of politics, shady back-room deals, and special-interest dominated legislation which amounts to vote-buying. The average Joe is burdened by a heavy load of taxation which limits his buying power. Legislators continue to run up the national tab, or deficit, which has reached astronomical proportions. Taxpayers have to foot the bill for the ever-increasing interest. Where will it all end? That question is up to us.

We have to decide whether or not we want to take a stand, no matter how small or insignificant, in everything we undertake, for America. This is Americanism in the purest sense!

In conclusion, I believe if everyone took it upon himself to gain an understanding of the precepts of the Constitution, voted in all elections, kept abreast of current events which shape our nation and the world, and worked hard and attempted excellence in all things, a proud and true American would emerge from the bonds of apathy. As we accomplish things of significance for America, we also build character within ourselves, which is what the problems of the present times sorely necessitate.

WHAT AMERICANISM MEANS TO ME.

(By Jaclyn Reynolds)

America is the melting pot where all the countries unite. To me, this is Americanism. Wanting peace and actually going out there to the rest of the world and trying to help. Americanism is leading, always helping other countries in need and pulling together when there is despair. America is a land of freedom. Americans can go to school wherever they want and be whatever they want. We can choose our religion and no one leader controls us.

Americans have the right to fight issues they don't want as well as fight for the issues they do.

Americanism is being proud of who you are and knowing how lucky you are. It means any American would be proud to fight for their country. If they are in a foreign country and someone asks "What country are you from," they are proud to say, "I am an American." Let them express their freedom by speaking rights and loving their country, America the beautiful. As John F. Kennedy said, "Ask not what your country can do for you but what you can do for your country." Americans must be everything for their country.

Americanism is also being able to vote. We are so lucky to be able to vote for our leaders and government. We don't need to worry about any kings or queens or any violent takeovers.

Americanism is a feeling inside of each and every American. The feeling of freedom, and of hope, and of justice. A feeling that wherever you are in the world that home is where the heart is and that home is the best country in the whole world—the United States of America.

WHAT AMERICANISM MEANS TO ME

(By Elizabeth Holman)

As an American citizen, it is my obligation to carry on the American tradition established by my forefathers—a tradition of hardwork and perseverance that has made America what it is today. Therefore, the sole definition of Americanism is working for the betterment of this great country we call "America."

In what other country can a person be guaranteed the rights of life, liberty, and the pursuit of happiness? In America, we are unconditionally given the freedom of speech and expression without the fear of an oppressive government. We are granted the freedom of religion following whichever faith we desire. And perhaps the greatest privilege awarded to Americans is the opportunity to maintain and better the high standards of living we have been accustomed to. America's technological field is becoming more advanced and is among the best in the world.

Although Americanism applies mainly to the current generations, the children of tomorrow will be granted the same or more opportunities as were we. Many will perform technical skills dealing with computers, televisions, and various kinds of machinery. While others will hold special degrees in agriculture, medicine, law, accounting, engineering, and teaching. Each job relies upon the other and holds its importance in American society. Their expectations will be set high, and with enough encouragement, the United States' labor force will maintain its excellence.

Though Americanism means holding a high level of patriotism, we must not ignorantly make America out to be perfect. We are challenged each day with controversial issues such as, abortion and capital punishment. The AIDS epidemic has also become an intense topic of discussion that has taken society by storm. And most of all, the prejudice eyes that still remain in our country today. Never before have so many pressing topics been placed on the shoulders of one generation. However, this is where the idea of being an American ignites a spark of hope and determination. I have the freedom to change the circumstances that surround me. We must all band together as one nation and combat gang wars, drug cartels, and inner-city violence. By strengthening morals once again, we can return to the family-focused idea and aid the ridding of teenage pregnancy and widespread suicide. Now more than ever, we must recognize equality among all human beings, put aside past qualms, and live peacefully as God intended.

I am an American, with my sights set high and my determinations on a mission. I will not settle into complacency for I know that I live in the land of hope and opportunity, America.

IN MEMORIAL TO KENNETH GETHMANN

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. LIGHTFOOT. Mr. Speaker, it is my regret to announce the death of a man who exemplified the virtues of hard work and of unwavering commitment to a just cause.

Mr. Kenneth Gethmann died on November 30, 1992 in Marshalltown, IA.

The fruits of his hard work were not one but three thriving small businesses, which provided a livelihood for hundreds of Iowans and their families. And his cause was typically American, the pursuit of freedom against union tyranny.

Kenneth Gethmann was born May 10, 1913 in Gladbrook, IA.

After graduating from Cornell College in Mt. Vernon, IA with an engineering degree, he returned to Gladbrook and founded, in 1937, Gethmann Construction. Co.

He was still at the helm of the Gethmann Construction Co. at his death.

Ken Gethmann's creative skills weren't exhausted with one thriving business. He founded several other enterprises, Iowa Builders Supply and Inns of Iowa, Inc., that have become essential parts of the community. Mr. Gethmann also served as a member of the board of directors for Commercial State Bank for 17 years.

Kenneth Gethmann did more than create jobs. He was active in his community, serving on the Gladbrook Town Council for 16 years and for 3 terms on the Gladbrook School Board, including 1 year as president.

For Ken Gethmann, the building of successful businesses that achievements and offer my deepest sympathies to his wife Clyda and his family and friends.

Their emotions, of course are bittersweet—the sorrow of losing the father, husband, brother, and friend they loved is mixed with the pride they must feel in a life that was so full of accomplishment. One could even be envious of one who lived so vigorous a life as this.

Mr. Speaker, no one will build a monument to Kenneth Gethmann—and if Ken Gethmann were here today, he'd argue that such a monument ought not to be built. Why? Because those attributes that we admire in Ken's life—hard work, unassuming patriotism, unswerving devotion to principle, faith and loyalty—these are attributes that God has invested, not in a few of our fellow Americans, but in many.

That such virtues are the stuff and essence of our Nation's people doesn't lessen their preciousness—but it does explain the greatness of our Nation.

Someone once said "Our country is great because it is good." The writer might have said something else—it is great because of men and women like Kenneth Gethmann, millions of them, for 300 years or more, have helped make it so.

And so, Kenneth Gethmann leaves behind not one, but many significant monuments to his life. Those who earn a living in his companies, who learned in the schools he oversaw, those Iowans whose freedom he helped secure, and the family he loved so dearly are living memorials to Kenneth Gethmann. For all this, he shall be remembered and missed.

DR. RADFORD BYERLY, JR. HONORED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. BROWN of California. Mr. Speaker, Dr. Radford Byerly, who has served as chief of staff of the Committee on Science, Space, and Technology for the past 2 years, is leaving for Boulder, CO, to become vice president of the University of Corp. for Atmospheric Research and the first director of the Walter Orr Roberts Institute.

I have accepted Dr. Byerly's resignation with regret but also with admiration and appreciation for the work he continues to do bringing research to bear on the problems of society.

Rad Byerly's career has been a seamless path of "better science for a better world." He was a Phi Beta Kappa student in physics at Williams College, and received a National Science Foundation fellowship to earn his Ph.D in physics from Rice University. After a 2-year position as a postdoctoral fellow at the Joint Institute for Laboratory Astrophysics, he moved to the National Bureau of Standards. A primary focus of his work at NBS was the development of environmental measurement methods used for auto emissions and for ozone depletion.

In 1975, Rad became a member of the staff of the House Science Committee. During his 12-year stay, he served first on the Subcommittee on Natural Resources and Environment and then on the Subcommittee on Space Science and Applications, becoming the Space Subcommittee's staff director in 1985.

He left the committee in 1987 to direct the Center for Space and Geosciences Policy at the University of Colorado in Boulder. Here his work combined the two aspects of science and society he had so skillfully developed and enhanced over his decade of work at the Science Committee—space policy issues and the problems of environmental protection without economic disruption.

In 1991 when I became chairman of the Science Committee, I asked Rad Byerly to become chief of staff of the committee. Over the last 2 years, he has performed with excellence all the difficult tasks of managing a large staff and of directing an institution with broad jurisdiction. He has also answered a demanding taskmaster who has been grateful for his presence and his leadership. I know I speak for all the committee members and staff in wishing him well in his new position. His contributions will continue to move us toward the goal of greater harmony between human endeavor and planetary survival.

E.H. STRANG HOSE CO. NO. 3 CELEBRATES 100 YEARS OF PROTECTING CITY OF MECHANICVILLE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. SOLOMON. Mr. Speaker, as a volunteer fireman in my own hometown for more than 20 years, I naturally have a great deal of admiration for volunteer fire companies and the dedicated men and women who contribute their time to providing fire protection to their communities.

One of those dedicated people is Frank Grimaldi, secretary of the Mechanicville Fire Department and a good friend. It was Frank who prepared the article for the Mechanicville Express, which I proudly place in today's RECORD. It concerns the 100th anniversary of the E.H. Strang Hose Company No. 3, the third fire company to be formed in the city of Mechanicville. I'll let the article that follows tell the story.

E.H. STRANG HOSE CO. CELEBRATES 100TH YEAR

(By Frank Grimaldi)

MECHANICVILLE.—Volunteer. The American Heritage dictionary states: one who performs or gives services of his own free will.

As volunteer firefighters we take this explanation one step further. Each time the horn sounds, we place above our family and loved ones, our life for residents of our city.

Young men and women have been volunteering to protect life and property for residents for over 118 years.

The first volunteer fire company locally, formed in June 1875 was the Washington Engine Company No. 1. The second company began in 1883 and was known as the D.E. LaDow Steamer.

The E.H. Strang Hose Company No. 3 was the third company to be formed in the City of Mechanicville.

This year marks the 100th anniversary of E.H. Strang Hose Company No. 3.

The following information about the history of the Strangs is from an article written by the late Hal Sheehan for the 100th anniversary of the Mechanicville Fire Department.

The E.H. Strangs was organized in the old YMCA rooms on Park Avenue in November 1883 with a roster of 22 firefighters. This fire company claims the distinction of being the first volunteer fire company in New York State to secure a piece of motorized equipment.

They were accepted by the village on November 9, 1893. The hose cart which had been known as the Washington No. 1 was given to the new company and storage rented for it in the barn of E. E. Wood on Broadway.

In February of their first year of organization, they raised money for the purchase of uniforms.

During the summer of 1895, a site was selected for the new company on Howland Avenue (now Third Street) and the lot was purchased. In the summer of 1896 the contract was let by the village and the fire station was erected at a cost of $2.000.

The fire company secured a lease for ten years on ground in the rear of their station on which they built a large drill room connecting the hose house proper at a cost of $500.

At a cost of $650 they had Charles Burn, a School Street blacksmith, build a new hose wagon which appeared for the first time in the big Tri-County Convention parade held in Mechanicville September 1, 1902.

The Strangs brought themselves out of the horse and buggy bondage with the acquisition of a tricky Franklin air-cooled fire truck on February 3, 1912, beating the La Dow's into the motor era by a little more than a month.

This equipment replaced their splendid horse drawn wagon which the company had owned since that September day.

In 1922, Strangs became the owners of a new International truck, an apparatus which served them until it was destroyed in a tragic railroad crossing accident in the fall of 1945. A Mack pumper followed, being replaced in 1973 by a Hahn pumper.

Fire destroyed the 78 year old E. H. Strang Fire Station in the early hours of August 26, 1973. In the spring of 1976 the Strangs moved into their newly constructed home just two blocks north of their old station.

Officers and members of the fire department congratulate the E. H. Strangs on 100 years of dedicated volunteering to residents of our city.

Mr. Speaker, I ask you and all Members to join with me in wishing E.H. Strang Hose

Company No. 3 a happy 100th birthday, and many more years of giving the city of Mechanicville outstanding fire protection.

NATIONAL POLICE OFFICERS' MEMORIAL DAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mrs. LOWEY. Mr. Speaker, it is a great honor to rise in solemn tribute to the men and women on the front lines in the fight against crime.

Police officers risk personal safety and life itself in order to protect the public, and preserve the order on which a free society depends.

We count on the police to guarantee the security of our homes, the safety of our children, the livability of our cities and parks, and to uphold the essential restraints through which we relate to one another peacefully. All persons owe police officers a huge debt of gratitude.

Today at noon, the Westchester County Department of Public Safety is hosting a memorial service recognizing law enforcement officers, and remembering the courageous sacrifices of the past and the present.

It gives me great pleasure to express my personal appreciation on this special day, and to pledge recognition of law enforcement officers and their essential contribution on each and every day to come.

TRIBUTE TO RICHARD A. CASTELLINI, ESQ.

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. MANN. Mr. Speaker, I rise today to pay tribute to a good friend and one of the finest public servants we have had in Cincinnati, Richard A. Castellini, Esq. Mr. Castellini retired from public service on April 1, 1993, after 27 years of distinguished service to the citizens of Cincinnati.

Dick started with the city in 1966 as an assistant city prosecutor. It was only 7 years before he was made deputy city solicitor and chief of the civil division. In 1975, Mr. Castellini was promoted to director of public safety, where he served with distinction. Dick was offered the position of city solicitor in 1980, where he stayed until the city manager tapped him for a command performance as deputy city manager in 1990.

As a member of the Cincinnati Bar Association and past president of the Ohio Municipal Attorneys Association, Dick Castellini has played an important role in providing increased professional opportunities and career development for women and minorities in Cincinnati's legal community and within city government. Dick's long institutional memory and breadth of experience tackling a wide range of municipal issues will be sorely missed at city hall.

Mr. Castellini's professional career should not be highlighted at the expense of neglecting something even more important to him—his civic contributions and his family. Dick has played an active role in the Greater Cincinnati Notre Dame Alumni Association, the St. Xavier High School Dad's Club, St. Mary's School Board, the Ancient Order of Hibernians, and the Friendly Sons of St. Patrick, to name but a few of the organizations that have benefited from his energy and experience. Most important, Dick has been a devoted family man who helped his lovely wife, Madeleine, make a wonderful home for eight children.

I extend my congratulations to Dick on a job well done and wish him all the best with his future endeavors.

THE TERRORIST PLOT AGAINST PRESIDENT BUSH—ARAB-LANGUAGE NEWSPAPERS REPORT ON THE PLOT DISCOVERED IN KUWAIT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. LANTOS. Mr. Speaker, American newspapers and our news media have reported in the past few days the incredible story about an Iraqi-sponsored terrorist plot to assassinate President Bush during his recent visit to Kuwait. As incredible and bizarre as this story sounds, there is reliable evidence to take the accounts seriously. U.S. law enforcement and intelligence officials are considering these reports and are working with officials of the Kuwaiti Government to evaluate the evidence.

Mr. Speaker, the Foreign Affairs Committee's Subcommittee on International Security, International Organizations and Human Rights, which I have the privilege of chairing, has given high priority to our Nation's policy against terrorism. For this reason, I would like to call the attention of my colleagues to two news items from the Arabic press which report information about the plot against President Bush. While these press accounts are not conclusive, they do provide additional information expanding upon what has already appeared in the U.S. media.

I ask that these two items be placed in the RECORD for the information of my colleagues.

MENA [Middle East News Agency] in Cairo reports on the plot against President Bush. MENA, April 25, 1993:

LONDON, 25 April [MENA]—Citing high-level sources in Kuwait, the newspaper Al-Sharq Al-Awsat reports today that Iraqi elements infiltrated Kuwait's northern border on 13 April prior to former U.S. President George Bush's visit to Kuwait to carry out several acts of sabotage, including the assassination of Bush and his entourage.

The newspaper says the elements were arrested before they could carry out their terrorist operations. The eight-member group includes one Kuwaiti citizen. The others are from the Bidun category (stateless Bedouins who live permanently in Kuwait) and are of Iraqi origin. They left Kuwait during the Gulf war crisis and now work for Iraqi intelligence.

The newspaper adds that the defendants confessed to their Kuwaiti interrogators that they had come to Kuwait to carry out acts of sabotage during Bush's visit.

The defendants said Iraqi intelligence drew up a three-phased plan for them. They were to assassinate Bush as he left the airport. If that failed, they were to use a booby-trapped vehicle to blow up the building where Bush would be awarded an honorary doctorate by Kuwait University. If they could not get the car to the ceremony, they were to detonate a car bomb in a public place crowded with civilians.

The sources said the elements were arrested in Al-Jahra' Governorate and made detailed confessions of what they intended to do.

Al-Sharq Al-Awsat publishes names of network members; Kuwaiti security forces pursue fugitives after uncovering plan to assassinate Bush. Al-Sharq Al-Awsat, April 29, pages 1 and 4:

KUWAIT.—Kuwaiti sources have revealed to Al-Sharq Al-Awsat full details of the arrest of elements of the Iraqi terrorist network which tried to carry out a number of sabotage operations inside Kuwait.

The sources pointed out that the network planned to destroy commercial installations and key places in Kuwait, using arms, bombs, explosives, and technical equipment to facilitate its first task, namely blowing up former U.S. President George Bush's motorcade.

The sources said that a force from the Kuwaiti interior ministry stormed a number of barns in the Al-Sulaybiyah area after receiving information about the presence of the two fugitive Iraqi suspects there. But this operation did not succeed, because they had left the site a few hours before the force arrived. They added that all those under suspicion in the area were arrested and interrogated to find out where the two suspects fled to.

When Al-Sharq Al-Awsat asked about the possibility of the two suspects' fleeing to Iraqi territory by land or Iranian territory by sea, the sources said that their fleeing by sea is a weak possibility, because of the extensive coastguard patrols, which are difficult to penetrate.

But the Kuwaiti authorities' fear is that they might manage to flee across the borders on foot, avoiding the interior and defense ministries' security posts.

The sources said that the terrorist network and their supporters are mercenaries and former convicts. And that 15 suspects have been arrested so far. They include 10 Iraqis, four Kuwaitis, and one non-Kuwaiti.

Following are the names of the suspects and their roles in the sabotage operation, as mentioned in the investigations conducted by the state security prosecution office:

Suspect no. 1: Ra'd 'Abd-Al-Amir 'Abbud Al-Asadi; Iraqi, age 22 (under arrest); assumed name Fahd Hamid Mutlaq.

Role in the operation: Leader of the sabotage network and main executor of the plan; member of Iraqi intelligence, works in a cafe in Al-Basrah as a cover; Iraqi intelligence supplied him with 10 explosive charges as well as arms and explosives to sabotage shops, markets, and vital installations in the country; Iraqi intelligence supplied him with a vehicle (super ban) (as published) to use to infiltrate the country; the Kuwaiti number plate is forged and does not belong to the vehicle; brought with him from Iraq a quantity of alcoholic drinks to deceive security men about the real aims of the operation.

Suspect no. 2: Wali 'Abd-Al-Hadi 'Abd-Al-Hasan Al-Ghazali; Iraqi, age 26 (under arrest).

Role in the operation: On a suicide mission, to blow himself up with the booby-trapped jeep; received training in Iraqi intelligence camps in bombing operations and the use of explosives; to participate with suspects nos. 1, 2, and 3 in the bombing plan and blow up the jeep by remote control.

In the event of failure to blow up the jeep the decision was to blow himself up among the crowd and citizens, using a belt of explosives. He was trained in its use by Iraqi intelligence. A forged passport was found on him.

Suspect no. 3: Salim Nasir Rumi Al-Shamari; Iraqi, age 40 (under arrest), assumed name Khalid Farhan Salih.

Role in the operation: Key member of the network; an Iraqi intelligence element; former convict; knew of infiltration operations and smuggling of alcoholic drinks; investigated one of the coalition forces' positions in order to blow it up and spread alarm and confusion; to watch coalition forces' positions on the Kuwaiti-Saudi-Iraqi border, particularly posts on the Kuwaiti border.

Suspect no. 4: Bandar 'Ujayl Jabir Al-Shamari; Iraqi, age 22 (under arrest), assumed name Hamdan Sa'ud Sa'd.

Role in the operation: Key member of the sabotage network, Iraqi intelligence element; has full knowledge of the sabotage plan and knows desert roads and routes; sheltered the network leader and suspects nos. 2 and 3 and facilitated their movements in view of his knowledge of the locations, as he was resident in Kuwait and has been deported after the invasion; a former convict, accused in several cases.

Suspect no. 5: 'Adil Isma'il 'Isa'; Iraqi, age 42 (under arrest).

Role in the operation: Key member of the network and an Iraqi intelligence element; drove the super ban vehicle in which elements of the network infiltrated the country; participated in planning the operation of entering the country; hid explosive charges in the Al-Barr (as transliterated) area and, after his arrest, informed police of their whereabouts; sheltered suspects nos. 6, 7, and 8; has a friendship with suspect no. 14, who is involved in smuggling and trading in alcoholic drinks and drugs; former convict, sentenced in several cases.

Suspect no. 6: Hadi 'Awdah Harjan Al-Shamari; Iraqi, age 42 (under arrest).

Role in the operation: Member of the network; knew of the plan and its aims; inspected explosives himself and ensured their correct preparation, offered suspect no. 14 a quantity of drugs to sell inside the country and share the money with members of the network.

Suspect no. 7: 'Ali Khudayr Biday 'Id (known as Al-Majidi); Iraqi, age 64 (under arrest).

Role in the operation: Member of Iraqi intelligence; element of support for members of the network; Iraqi intelligence supplied him with a Kalashnikov to resist security men if they should confront the network; knew of the plan and saw the explosives; participated in bringing the explosives from Iraq in collaboration with suspect no. 6.

Suspect no. 8: Jabbar Nasir Zayir; Iraqi, age 42 (under arrest).

Role in the operation: Member of Iraqi intelligence; knew of the plan; saw the arms, bombs, and explosives to be used in the sabotage operation.

Suspect no. 9: Daydan 'Atiyyah Al-Khalidi; Iraqi (at large).

Suspect no. 10: Jabbar Habib Muhammad; Iraqi, age 45 (under arrest).

Role in the operation: Member of Iraqi intelligence; knew of the arms, explosives, alcoholic drinks, and drugs seized with them (suspects); knew of details of the sabotage plan; knows all members of the network, who are Iraqi intelligence members; father of suspect no. 11 and related to suspect no. 1, leader of the network.

Suspect no. 11: Ahmad Jabbat Habib Muhammad; Iraqi, age 21 (under arrest).

Role in the operation: Concealed information from security men concerning suspects, admitted receiving bag containing the bombs and remote control device before the network members' attempt to flee the country; hid leader of the network and suspects nos. 2, 3, 4, and 10 and helped them to escape to the house of suspect no. 13; son of suspect no. 10.

Suspect no. 12: Badr Jiyad Tamir Mutlaq Al-Shamari; Kuwaiti, age 30 (under arrest), assumed name Badr Salim Al-Shamari.

Role in the operation: Key helper for members of the network; concealed information from security men; hosted leader of the network and suspects nos. 2, 3, and 4 despite his knowledge that they were infiltrators; distributed network members—especially suspects nos. 5, 6, 7, and 8—to various areas of the country to hide them; received alcoholic drinks brought by members of the network to sell inside the country; former convict, accused in several cases.

Suspect no. 13: Muhammad Khalifah 'Uqlah; Kuwaiti, age 55 (under arrest).

Role in the operation: concealed information from police; hid and sheltered suspect no. 10 and suspects nos. 2, 3, and 4; met with them privately despite his knowledge that they were infiltrators.

Suspect no. 14: Nasir 'Abd-Al-Rida Husayn Al-Sayl; Kuwaiti (under arrest).

Role in the operation: Concealed information from security men; sheltered suspects in his apartment in Al-Salimiyah area, where suspects nos. 5, 6, 7, and 8 were arrested; frequented Al-Jakhur (as transliterated) with suspect no. 5, with whom he had a friendship during his residence in Kuwait.

Suspect no. 15: Salim Jiyad Tamir Mutlaq Al-Shamari; Kuwaiti, age 22 (under arrest).

Role in the operation: Concealed information from security men; facilitated the movements of the network leader and suspect no. 2; met with suspect no. 12.

Suspect no. 16: Nahar Rumi Al-Khalidi; non-Kuwaiti, age 60 (under arrest).

Role in the operation: Concealed information from police; moved the network leader and suspects nos. 2, 3, and 4 to the house of suspect no. 13, where they met; had prior knowledge of the infiltration.

Suspect no. 17: Iraqi (at large); inquiries about him continuing.

SMALL BUSINESS WEEK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. GEPHARDT. Mr. Speaker, I rise today to commend and congratulate one of my constituents, Mr. Patrick Heavy. Pat has been selected by the Small Business Administration as the winner of the National 1993 Veteran Advocate of the Year Award.

After serving in Vietnam, Pat cofounded the Private Business Group, and later, Patrick Heavy & Associates, to provide financial consulting services to veterans interested in establishing their own business. In the years since, he has assisted over 20 veterans per year in forming personal business ventures. He has been active in numerous veterans organizations and in the small business community in St. Louis. Pat has served on my Veterans Advisory Committee since its inception. He is generous with his time and committed to helping veterans realize their dreams.

Pat is one of the people that exemplify the very best of our American tradition—a concern for the welfare of others and a belief in the entrepreneurial spirit.

PAY EQUITY FOR THE TERRITORIES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation to correct an inequity in the treatment of military personnel from the territories, Alaska, and Hawaii.

Several months ago, a young Navy enlisted man from Guam named James Peddicord contacted my office. He was preparing to leave the Navy under honorable conditions and therefore would be eligible for permissive temporary duty pay [PTDY]. Mr. Peddicord wanted to travel from his post in California to his home on Guam. He was told he would receive 20 days of PTDY. However, he knew of service people stationed on Guam who were returning home to California. They receive 30 days to PTDY. Why, he wondered, were people receiving different amounts of pay for the same distance traveled?

Last summer, the Pentagon expanded the PTDY Program, allowing persons stationed overseas to receive 30 days of transition pay for moving expenses. Persons stationed in the continental United States could receive 20 days of pay. This policy was made, in part, to accommodate the large number of reduction-in-force separatees. It was an example of benefits based on the distance one traveled to return home.

The Pentagon's oversight occurred in determining what constitutes an American's home. Even if a service member is stationed in the continental United States, he or she may have to cross water to get home. I am talking about Americans from Guam, the Virgin Islands, American Samoa, Puerto Rico, and even the States of Alaska and Hawaii.

A service member from any of these places who is stationed on the continental United States should receive the 30 days of PTDY pay.

On February 23 of this year, I wrote to Secretary of Defense Aspin about this issue. On April 9, Nicolai Timenes, the Principal Director for Military Manpower and Personnel Policy, sent me a response. Regarding the issue of Americans from outside the continental United States, he said,

> We agree these members are as disadvantaged by distances from their intended post-service homes as members overseas desiring to return to the CONUS after they leave the service. In this regard, the Department is reviewing a change to leave and liberty policy that would make domiciliaries of the territories, possessions, and noncontiguous states eligible for 30 days PTDY.

I am encouraged by the Pentagon's forthright admission that their policy needs review. My bill would codify equal treatment for Americans who live outside the continental United States.

In addition, my bill requires the Department of Defense to report to Congress within 180 days on other cases were service people from outside the contiguous 48 States are treated differently from their mainland colleagues. The Pentagon would also have to recommend policy changes to remedy these problems.

The bottom line is, the Pentagon forgot to think about people from Guam, the other territories, Alaska, and Hawaii. I am taking action to make sure that military personnel, in this and any other policy area, are given equal treatment, no matter where they reside.

GOVERNMENT MUST DO A BETTER JOB

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. SMITH of Michigan. Mr. Speaker, this morning, in Detroit, MI, I attended a hearing before the BRAC Commission regarding military base closings. The Defense Logistics Agency [DLA] is participating in this base-closing procedure for the first time. They have recommended that two DLA units in Battle Creek be transferred.

I am frustrated that they have used low quality, and often inaccurate, information—and have processed this information through a COBRA model that was not designed to analyze to move of units whose workload would actually increase as the Department of Defense downsizes.

When I talk to taxpayers about this Battle Creek move, their first reaction is why in the world would the Government build yet another new military building at a time when we are downsizing the military and bulldozing or abandoning excellent facilities across this Nation. To build yet another DOD building costing $89 million that was requested by the DLA 7 years ago, during our defense build-up, seems shortsighted. The DOD has used the high rent they pay GSA as one of the reasons for the move. Suggesting the rent we pay ourselves is cost-savings, and not taking into consideration the building and operating expenses of new construction, is ludicrous.

The DLA has just made available to me a second analysis and COBRA run which reduces their estimated savings from the original $55 million. An independent economic analysis by the Upjohn Institute has resulted in estimated savings of $4 million.

Mr. Speaker, I support the cost-saving goals of the BRAC Commission. However, if the cost of closing down, hiring and retraining workers is considered in the Battle Creek case, there will be no savings whatsoever. If this proposal, because of dislocation, new hires and retraining, results is as much as a 1 percent loss in the value of military surplus equipment handled by just one of the units at Battle Creek, the move could result in $29 million added cost to taxpayers.

Not only DOD but the rest of Federal Government must start doing a better job of economic analysis if we are to start reducing the tremendous waste in the Federal bureaucracy.

SENIOR CENTERS IN AMERICA 50 YEARS OF SERVICE TO OUR NATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mrs. LOWEY. Mr. Speaker, I rise today in proud recognition of the 50th anniversary of the founding of the first senior center in the United States.

One of the most dramatic changes and profound challenges we face as a nation is the aging of our population. Advances in medicine and in social services have extended the life and improved the health of millions of older Americans. Every segment of our society will be influenced by the needs, resources, expertise, and wisdom of senior citizens.

Fore the past 50 years, senior centers have played a vital role as service delivery focal points, helping older persons to help themselves and each other through a range of programs, and access to needed community resources.

Senior centers throughout the Nation affirm the dignity, self-worth and independence of older persons by facilitating independent decisionmaking and action, and by utilizing their experiences, skills and knowledge, to provide for continuing contributions to our society.

As you know, the month of May has been proclaimed Older Americans Month. Communities across the Nation have been encouraged to give special recognition to older persons and to the role of senior centers in serving them.

I call upon all Americans to recognize the importance of strengthening the bonds between generations, and I pledge continued support to the special institutions which offer so much to individuals who have given generously of themselves for our benefit.

NATIONAL ENVIRONMENTAL TRADE DEVELOPMENT ACT OF 1993 INTRODUCED

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. STUDDS. Mr. Speaker, it is with great pleasure today that I introduce with Representatives FURSE, KENNEDY, OLVER, LAUGHLIN, UNSOELD, MANTON, ESHOO, HUGHES, LANCASTER, and THOMPSON, the National Environmental Trade Development Act of 1993. This bill has two simple purposes—create American jobs and protect the global environment. How can anyone object?

In his Earth Day Address of April 21, 1993, President Clinton called on the Secretary of Commerce, in cooperation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to develop an interagency strategic plan to increase exports of U.S.-made environmental technologies and improve the competitiveness of those technologies. I applaud the leadership of President Clinton in recognizing that the United States has developed environmental technologies which the world needs and that we have to explore new ways of getting these technologies to the global marketplace. Creating linkages between U.S. know-how and foreign markets in need of this know-how requires a partnership between the Government and the private sector. The National Environmental Trade Development Act establishes this partnership.

What are environmental technologies? Broadly speaking, they are technologies, goods, and services used to prevent, reduce, and clean up air, water, and land pollution. They consist of the actual hardware plus the education, training, and information needed to put these technologies to good use in improving our environmental condition.

The United States is the world leader in the development of environmental technologies needed to comply with our tough environmental standards, but, unfortunately, we are not the dominant trader of these technologies in the global market. Other countries, like Japan and Germany, are expending more of their GNP to help their companies sell their technologies in the global market. We have to do the same if we wish to compete, if we wish to create new jobs for the next century, and if we wish to save this planet from further pollution.

I support the President's initiative to expand our envirotech exports and especially agree with his decision to give lead agency responsibility to the Secretary of Commerce. I know that Secretary Ron Brown understands the importance of this issue to jobs, competitiveness, and environmental protection. The Secretary also understands that the National Oceanic and Atmospheric Administration within his Department, with its important environmental and scientific assessment responsibilities, has a valuable role to play in making sure that new technologies get from the Government to the private sector.

There is, however, one group that the President failed to mention in his address, namely the private sector. Unless the private sector is included in the strategic planning process, I fear we will not be able to meet the President's goals of improving U.S. competitiveness. For it is the private sector that has developed these technologies, it is the private sector that will sell these technologies in the global market, and it is the private sector that will create the jobs we so badly need in this country.

According to the Office of Technology Assessment, in 1990, the global market for environmental technology, goods and services, was $200 billion. By conservative estimates, it is expected to grow to $300 billion, or possibly $500 billion, by the year 2000. The U.S. share of this market, while substantial, is only a small percentage compared to that of its major trading partners. According to a 1992 report from the Brookings Institution, entitled "Going Globa," exports for the 12-nation European Community average more than 30 percent of total GNP. In contrast, U.S. exports were less than 7 percent of GNP. The reason for this difference—the lack of a coherent trade strategy in the United States compared to our European trading partners. If we create a true public-private partnership in the area of environmental technologies, we can capture a greater share of the world market and create more than 300,000 new jobs in this country at the same time.

This is good news for economically hard-hit regions like New England, where defense cutbacks and base closures are taking a toll on an already depressed regional economy. Yet, New England businesses are not waiting for the Government to do something for them. They are starting to form their own organizations to promote exports of green technologies. In my own State of Massachusetts, it is estimated some 1,300 companies employing over 40,000 people are involved in green businesses. At least 200 of these companies, along with State agencies and institutions of higher education, such as the University of Massachusetts, have joined forces to establish the Environmental Business Council of New England [EBC]. Founded by Don Conners and Jack Driscoll in 1990, the EBC has already entered into a major technology cooperation agreement with CONCAMIN, the trade association of Mexico. This is precisely the kind of cooperative arrangement that the United States, among other countries, pledged to support in "Agenda 21," the strategic plan for sustainable development adopted at the 1992 Earth Summit. The EBC-Mexican agreement has already spawned major new contracts for air and water pollution equipment from Massachusetts businesses and more are expected.

On June 8–9, 1993, the EBC of New England will host a major summit on the envirotech industry in Washington, DC. Leaders of the Government and of the private sector will participate in this conference. At the meeting, the EBC will launch a national trade association, the EBC of the United States, and discuss strategies for increasing competitiveness of U.S.-made environmental technologies. Thus, the private sector is organizing and stands ready to work with the Government in developing a national strategic plan.

While the private sector is getting organized, I cannot say the same for the Government. At a February 25, 1993, hearing of my Environment and Natural Resources Subcommittee, witnesses testified that the Government has no clear leadership, focal point or agenda on this issue. At least 12 agencies have export promotion programs, and none is clearly in charge or has as its mission helping environmental businesses to sell their products overseas.

The National Environmental Trade Development Act of 1993 will put somebody in charge, help President Clinton carry out his goals for promoting exports of U.S.-made environmental technologies, and provide the Secretary of Commerce clear authority and direction in developing a strategic plan jointly with the private sector. The legislation has four key elements. First, it establishes a joint Government-private sector Environmental Trade Promotion Council and calls on the Council to develop by April 30, 1994, a national strategy for increasing exports of U.S. environmental technologies, goods, and services. The Council will be chaired by the Secretary of Commerce and will include representatives of key agencies with responsibility for export promotion and environmental assistance as well as representatives of environmental businesses, labor, consumer, and conservation groups.

Some people have asked, "Why create a new Council?" when we already have numerous interagency coordinating mechanisms, including the Trade Promotion Coordinating Committee and the Environmental Trade Working Group. To my knowledge, the Environmental Trade Working Group has never been established. But, more importantly, these groups are only comprised of bureaucrats, albeit well-intentioned bureaucrats, and lack any private sector participation. Unless the private sector is brought into the process in a meaningful way, as this legislation would do, the export promotion plan cannot succeed.

A second important component of the bill is authorizing matching funds for up to six Regional Environmental Business and Technology Cooperation Centers designated by the Secretary of Commerce. Funding for the centers is modest, is only for 5 years, but is necessary if we are to create an interface between the Government and the private sector. The centers will do what the Government alone cannot do—prepare detailed assessments of foreign countries' demands for environmental technologies, provide hands-on assistance to small- and medium-sized environmental companies interested in establishing and expanding their export programs, and bring foreign nationals to the United States for training in U.S. environmental laws, management and technologies.

A third piece of the legislation establishes a new senior-level Environmental Service Corps within the Peace Corps. The concept of the Senior Environmental Service Corps is to take advantage of the experience of American businessmen, teachers, and environmentalists who want to go abroad and provide technical assistance to developing nations. While the Peace Corps is already moving in the direction of using more experienced volunteers, this legislation will provide them explicit authority to do so and enable the Peace Corps, if necessary, to pay an additional stipend commensurate with the level of experience, qualifications, and range of duties for the Senior Environmental Service Corps volunteers.

Lastly, the bill authorizes the Secretary of Commerce to establish American Business Centers and Environmental Business Centers in nations other than the independent states of the former Soviet Union. The concept of establishing American Business Centers was authorized in last year's Freedom Support Act (Public Law 102–511, the Soviet aid bill), but was limited to centers in the former Soviet Union. The centers offer space, facilities, and market analysis services to U.S. firms, trade associations, and state economic development offices on a user-fee basis; serve as repositories of commercial, legal, and technical information, including environmental information; and provide assistance to small- and medium-sized businesses wishing to sell their goods and services to the independent states.

One difficulty with the Freedom Support Act, besides the restriction on where the centers can be established, is that funding was authorized to be appropriated to the Agency for International Development [AID] and was to be passed through to the Secretary of Commerce. This resulted in some interagency squabbling over the amount of funding to be transferred from AID to Commerce for the centers. To avoid these problems in the future, my bill authorizes direct budget authority to the Secretary of Commerce to establish American Business Centers and Environmental Business Centers in other parts of the world which have promising markets for U.S.-made environmental technologies.

The National Environmental Trade Development Act was drafted in consultation with the Department of Commerce, EPA, and other agencies and has been reviewed by many interested persons. I appreciate all their comments and assistance in developing this legislation.

I urge my colleagues' support of this proposal.

The following is a section-by-section analysis of the National Environmental Trade Development Act of 1993:

SECTION-BY-SECTION ANALYSIS

Sec. 1. The short title of the bill is the "National Environmental Trade Development Act of 1993".

Sec. 2. This section contains the findings on which the bill is based, including the finding that the global market for environmental technologies is currently $270 billion and may grow to $500 billion by the year 2000.

Sec. 3. This section contains the policy and purposes of the bill. The central policy is to enhance the U.S. leadership in exporting environmental technologies, goods, and services in order to create private sector jobs and benefit the global environment.

Sec. 4. Section 4 calls on the President, acting through the Office of Environmental Policy and the National Economic Council, to coordinate the policies and programs of agencies involved in export promotion of U.S. environmental technology, goods, and services.

Sec. 5. Section 5 directs the Secretary of Commerce to coordinate all relevant Department of Commerce programs, including those of the National Oceanic and Atmospheric Administration; report to Congress concerning any needed legislative changes required to implement the national strategy; and create one-stop shops at the Commerce Department and abroad at offices of the U.S. and Foreign Commercial Service for export assistance and information for U.S. environmental businesses.

Sec. 6. Section 6 authorizes the President to establish a 19-member Environmental Trade Promotion Council comprised of representatives from the government and the private sector. The Council will be chaired by the Secretary of Commerce. The new Council is needed to bring the private sector into the strategic planning process for promoting U.S. environmental exports. Neither the trade Promotion Coordinating Committee nor its subgroup, the environmental Trade Working Group, has any private sector representation. The Council is directed to develop, by April 30, 1994, a national strategy and action plan to increase exports of U.S. environmental technologies, goods and services. The Council will cease to exist on September 30, 1998.

Sec. 7. Section 7 authorizes the Secretary of Commerce to designate and provide matching (50–50) grants to no more than six

Regional Environmental Business and Technology Cooperation Centers. The Centers will provide hands-on assistance to small- and medium-sized businesses in their regions on exporting environmental technologies, analyzing market needs for those technologies, and helping foreign businesses and individuals obtain training and assistance to use U.S.-made environmental technologies.

Sec. 8. Section 8 establishes a Senior Environmental Service Corps as a new division of the Peace Corps. The Senior Environmental Service Corps will consist of experienced environmental managers, regulators, educators, and other environmentalists; will serve generally under the same terms and conditions as other Peace Corps volunteers; will provide advice to governments and organizations in nations requesting Peace Corps volunteers with this type of specialized expertise; and will be eligible for additional stipends commensurate with experience and education, if needed to recruit Environmental Service Corps volunteers.

Sec. 9. Section 9 authorizes the Secretary of Commerce to establish American Business Centers and Environmental Businesses Centers in nations that offer promising new market possibilities for U.S.-made environmental technologies, goods and services. The Secretary is encouraged to use the private sector to the maximum extent practicable in establishing such Centers. The Centers are facilities with services and information for U.S. small- and medium-sized companies that want to do businesses overseas but lack the wherewithal to establish their own presence overseas. The Centers are modelled on Centers authorized in section 301 of the Freedom Support Act (Public Law 102-511), but are not limited to the independent states of the former Soviet Union and are to be funded through the Commerce Department.

Sec. 10. Section 10 authorizes appropriations for the Secretary of Commerce and the Director of the Peace Corps for fiscal years 1994-1998 to carry out the Act.

TRIBUTE TO THE COLD SPRING HARBOR WHALING MUSEUM, COLD SPRING HARBOR, LONG ISLAND, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. ACKERMAN. Mr. Speaker, the Cold Spring Harbor Whaling Museum was recently awarded the most prestigious honor a museum can be bestowed, accreditation by the American Association of Museums. Of the nearly 6,500 museums nationwide, only 737 museums have been accredited. Of the 72 accredited museums in New York State, the Whaling Museum is only the second maritime museum in the State to win accreditation.

Opening its doors to the public more than 50 years ago, the museum has preserved Long Island's rich maritime history. In addition, the museum has accurately portrayed Cold Spring Harbor as a bustling port, with whaling ships and coasting vessels. Serving three generations of Long Islanders, the year round attendance of the Harbor Whaling Museum has steadily increased over the past decades. Each year, thousands of visitors have flocked to see this historical and educational institution.

Mr. Speaker, I ask my colleagues to salute the leadership and dedication of the numerous individuals who were responsible for preserving the history of Long Island's whaling heritage. Furthermore, I urge my colleagues to join me in congratulating the museum on gaining the accreditation granted to this Nation's most distinguished museums. I wish to praise the museum's executive director, Ann Gill, its members of the board, employees, the 65 community volunteers of the Cold Spring Harbor Whaling Museum, and the entire community of Long Island.

TRIBUTE TO DAVID H. PARKER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating David H. Parker for his outstanding success as an entrepreneur in California. Mr. Parker was nominated as State Small Business Person of the Year and is being honored at the White House today during Small Business Week, May 10–17, 1993.

In 1976, David Parker started his scuba supply business named Pelican Products. The business that began with a product line of two items is now a multimillion dollar, 150-employee company that sells a wide assortment of scuba-related products to over 150 countries. He started selling items such as a diver's marker float, scuba tank rack, waterproof first aid kits, and flashlights. Sales accelerated when he was asked to supply 2,000 waterproof flashlights for a highly covert military operation. Another of his successes came when he realized that customers were more interested in the waterproof case of the first aid kit than the kit itself. He quickly began marketing waterproof cases as all-purpose containers. Soon after, Pelican Products found itself on the INC. 500 list of fastest growing companies. Today, its products are used by police and fire departments, oil companies, manufacturers, photographers, the military, and environmental nonprofit groups. It is this innovation and agility in perceiving new markets that distinguishes Pelican Products and sets a high standard for others.

David Parker lends his winning spirit to the community through youth athletics. A former minor-league hockey player, he coached the first co-ed team in his son's hockey league and led them to a victory in the State championships. Mr. Speaker, I am proud to know this outstanding leader, and salute his many contributions to my district. As a mother of four, I know that the values we teach our children are the foundation of their future endeavors. I hope David Parker's example in the marketplace as well as the community will encourage others to achieve excellence.

A TRIBUTE TO BOB AND PENNY HOLCOMB

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my very good friends Bob and Penny Holcomb of San Bernardino, CA. Bob and Penny will be recognized for their many years of community service at a farewell dinner in their honor on May 20.

Bob Holcomb is a native son of San Bernardino and followed in his father's footsteps to city hall. He was first elected mayor of San Bernardino in 1971, and he was subsequently reelected in 1973, 1977, 1981, and 1989.

Over the years, Bob's leadership has meant a great deal to our city. When the California State College System sought a new location in southern California, Bob was instrumental in having a college established in San Bernardino which, now in its 25th year, is a State university. His support was also critical in rallying community-wide support for the development of the Western Regional Little League Headquarters.

During his tenure, Bob has focused upon creating jobs and implementing a comprehensive beautification program for our city. He has also directed special attention to upgrading the living standards for senior citizens and conveniences for the physically challenged.

Penny's leadership in civic and community affairs, spanning her many diverse interests, is well known. She is the past president of the San Bernardino Historical and Pioneer Society, past president of the Arrowhead Republican Women's Club, and the past president of the Assistance League of San Bernardino. In addition, Penny has served on the Inland Empire Symphony Board, the San Bernardino California State University Library Advisory Board, and the Preservation Task Force for the city of San Bernardino.

Bob and Penny have been equal partners in involving themselves wholeheartedly in community and civic projects, striving in every way to enhance the quality of life for the people of San Bernardino. When they are not working, Bob and Penny both enjoy skiing, horseback riding, swimming, gardening, and spending time with their family.

Mr. Speaker, I ask that you join me, our colleagues, and many friends in recognizing Bob and Penny Holcomb for their many years of commitment and selfless service to San Bernardino. They have touched the lives of many people and are certainly worthy of recognition today by the House of Representatives.

INTRODUCTION OF LEGISLATION TO CREATE THE BLUE RIBBON COMMISSION TO ELIMINATE DUPLICATIVE AND NONCOMPETITIVE FEDERAL REGULATIONS

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. LIGHTFOOT. Mr. Speaker, the American people are fed up with the bureaucracy. They want action, and they are getting nothing but partisan bickering from Washington.

Federal bureaucracy and regulations have gotten out of control. There are four Federal agencies involved in wetlands regulations. Overregulation by OSHA has jeopardized the viability of many small businesses in my district and has gone so far as to put a volunteer fire department out of business.

One of the major reasons I first ran for Congress was to fight the growing bureaucracy, which is stifling economic development and job growth. Therefore, I am introducing legislation to establish a blue ribbon commission to eliminate duplicative and noncompetitive Federal regulations.

This commission will be similar to the President's private sector survey on cost control, otherwise known as the Grace Commission. This commission will have the freedom to review Federal regulations and reduce overlap between agencies, as well as look for ways to minimize overly burdensome regulations hurting small businesses.

The commission would identify and address opportunities for increased efficiency and reduced costs in regulations issued by the Federal Government that can be achieved by executive action or legislation without jeopardizing safety or environmental quality.

My goal is not to drastically alter any Federal law or regulation but to streamline these regulations. It will be easier for businesses and individuals to comply with the regulations and it will save taxpayers' dollars.

TRIBUTE TO DR. ALLAN GEORGE THURMOND

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. DERRICK. Mr. Speaker, I rise today to pay special tribute to the late Dr. Allan George Thurmond, a beloved and noted physician for over half a century from my home area of Edgefield, SC and the younger brother of U.S. Senator STROM THURMOND.

Dr. Thurmond was born on September 4, 1907, to the late Eleanor Gertrude Strom and John Williams Thurmond of Edgefield. Dr. Thurmond is survived in addition to his brother, Senator THURMOND, by three sisters, Anna Gertrude Thurmond of Columbia, SC, Martha Bishop of Greenwood, SC, and Mary Tompkins of Edgefield.

Dr. Thurmond graduated from Edgefield High School. He attended Clemson College and received a medical degree from the Medical College of Georgia in Augusta in 1933.

After serving in World War II, Dr. Thurmond practiced medicine in Georgia and then in North Augusta, SC. He was affiliated with the University Hospital in Augusta with a specialty in obstetrics and gynecology. He retired in 1984 after a long and illustrious career providing health care to many families in the central Savannah River area.

Dr. Thurmond was a member of the American Medical Association and the Medical Association of Georgia. He belonged to the First Baptist Church in Edgefield.

Mr. Speaker, Dr. Thurmond has given countless hours to thousands of South Carolinians and others who have needed health care. His contributions and generosity to others will be sorely missed. I am honored to pay a special tribute to Dr. Allan George Thurmond, a caring individual.

TRIBUTE TO THE AMERICAN ACADEMY OF MEDICAL ADMINISTRATORS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to the American Academy of Medical Administrators in recognition of their 35 years of service. This health care organization, headquartered in Southfield, MI, has done much to improve medical service to the public.

The academy was founded in Boston, MA, in 1957 with the goal of establishing a professional society which would recognize the dedicated individuals engaged in the many facets of medical administration and encouraging a scientific approach to the practice of medical administration. The academy also has a strong role in promoting education in this area.

The purpose of the American Academy of Medical Administrators, a not-for-profit society of health care professionals, is to develop and refine concepts and practices in the field of health care administration and to promote the advancement of its members in knowledge, professional development, credentialling, and personal achievements through continuing education and research in health care management.

The current role of the American Academy of Medical Administrators is to serve health care management at all levels, within all types of health organizations. It is the only national health association serving the entire field at all levels of management and administration.

The organization provides a forum for the discussion and study of topics of mutual interest among health care professionals and the management of health care facilities and organizations.

Since the academy's inception, many of its goals have been achieved. Formal courses in the fundamentals of hospital administration have been conducted; scholarships and grants have been awarded; colloquiums have been conducted in various parts of the United States, and noteworthy topics have been presented in the academy's publication.

The membership of the American Academy of Medical Administrators has increased from a few hundred to over 3,500 nominees, members, and fellows. These affiliates occupy positions of middle management through chief executive officers in hospitals, nursing homes, group practices, and all forms of health care facilities. This organization is represented in all 50 States and has worked in the past 35 years to enhance quality patient care in America.

The American Academy of Medical Administrators believes the management of health care should provide an environment for delivering the maximum level of patient care with dignity and human concern. It is committed to melding the present with the future to provide the fundamental basis for encouraging the participation of managers at every career stage in the activities and governance of the academy.

CAIRO HOSE COMPANY HONORS 50-YEAR SERVICE OF WALTER BALDWIN, ROLAND JONES, AND THOMAS ROGERS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. SOLOMON. Mr. Speaker, those of you who have been in my office have asked about my display of fire helmets, only a few of the hundred or so I've collected over the years.

Why do I display them? I'll give you three good reasons: Walter Baldwin, Roland Jones, and Thomas Rogers.

In upstate New York and other rural communities all over this country, volunteer fire companies have been providing outstanding fire protection for many years.

Volunteer firefighters come in all shapes and sizes, educational backgrounds, and careers. One thing they all have in common is an abundance of that spirit of civic pride and self-sacrifice which made this country great.

Even by those high standards, Walter Baldwin, Roland Jones, and Thomas Rogers stand out. This year those three volunteer firemen celebrate 50 years of service each to the Cairo Hose Company, a monumental achievement.

Mr. Speaker, volunteer firefighters are dedicated and well-trained. They do not flinch from the occasional dangers that come with fighting fires. Every year, volunteer fire companies save countless lives and billions of dollars in property. Imagine how many lives and how many homes these three men helped save over 50 years.

As a volunteer fireman in my own hometown of Queensbury for over 20 years, I am extremely proud to represent these three men.

They preserved the spirit of volunteerism long before it was revived in America during the 1980's.

The community they serve is equally proud. A special 50-year dinner is scheduled for June 18 to honor these men.

Let us honor them today. Mr. Speaker, I ask all Members to join me in a standing tribute to Walter Baldwin, Roland Jones, and Thomas Rogers, 50-year firemen, and great Americans.

TRIBUTE TO PAUL FEUER

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Ms. MOLINARI. Mr. Speaker, on July 9, 1993, the Navy Exchange Service Command on Staten Island will suffer a great loss. On this day, after dedicating 38 years of service to NEXCOM, Paul Feuer will retire.

Paul, a native of Brooklyn and former resident of Staten Island, was chosen for a summer job with NEXCOM in 1955, after graduating from Lafayette High School. That summer job never ended, and Paul progressed from the most junior clerical position, to one of the most senior executive positions within NEXCOM, serving as deputy commander of the contracts group.

As the deputy commander, Paul has provided oversight, guidance, and direction for the worldwide contracting of services, merchandise, equipment, and supplies for Navy exchanges, commissaries, ships stores, Navy Lodges, and the Navy Uniform Program.

While he has had many accomplishments over the years, Paul's primary focus throughout his time with NEXCOM was to get the very best for the sailor, while providing service members with a taste of home, away from home.

Paul was always a team player, and encouraged teamwork amongst all associates. He also provided numerous opportunities for training and advancement for women and minorities.

In 1976, the Department of Defense decided to relocate NEXCOM from Brooklyn to Great Lakes. Paul was instrumental in getting NEXCOM's rent reduced by several hundred thousand dollars, thereby canceling the relocation.

And when NEXCOM was looking for a new home in 1981, it was Paul who took an active role in soliciting support for NEXCOM to move to Forth Wadsworth on Staten Island.

During his 38 years of service to NEXCOM, Paul married his wife Doris, and together they raised four children. Besides family and work, Paul found the time to get involved in our community, by managing Little League Baseball for 6 years.

Mr. Speaker, it is a privilege for me to have this opportunity to honor Paul Feuer, for his distinguished career, and his commitment to our community. On behalf of the Brooklyn and Staten Island community, I would like to thank him for his dedication and service. NEXCOM will not be the same without him.

SUPPORT MORATORIUM ON NUCLEAR TESTING

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. VENTO. Mr. Speaker, President Clinton may soon be faced with a critical decision as to whether the United States resumes testing nuclear weapons.

I have joined with many of my colleagues in the House in sending a letter to the President expressing strong support for maintaining the current moratorium on U.S. nuclear testing which is contained in Public Law 102–377 passed by Congress last year.

This law provides for an end to U.S. nuclear weapons tests after September 30, 1996. The irony here is that even before the law passed by Congress, only last October, takes effect, it may be reversed based upon an ill-advised recommendation and a subsequent executive endorsement.

Ending the moratorium on nuclear testing would, in my view, represent a profound reversal of U.S. policy and would work against the U.S. objective of slowing and stopping the proliferation of nuclear weapons around the world. Many countries are actively engaged in efforts to acquire nuclear technology for the purpose of manufacturing weapons of mass destruction. The sale of such technology, or even of finished weapons, could prove to be an irresistible proposition for some countries which are hard-pressed for foreign exchange.

The credibility of the United States would be seriously undermined by any backsliding on our commitment to stop nuclear testing in 1996. How could the President persuade other nations around the world to refrain from acquiring or deploying nuclear weapons when the United States renounces a commitment to end nuclear testing?

I strongly urge the President to reject any recommendation which would reverse the nuclear testing moratorium as defined in Public Law 102–377. While the Non-Proliferation Treaty, which expires in 1995, has been an imperfect vehicle for limiting the spread of nuclear technology and weapons, nevertheless, it is the only multilateral vehicle we have to move the world collectively away from a nuclear nightmare.

A TRIBUTE TO YOLANDA RUIZ ON HER RETIREMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. TORRES. Mr. Speaker, I rise today to honor a special friend and a committed public servant of the county of Los Angeles. For the past 20 years, Ms. Ruiz has been a dedicated representative of the needs of Los Angeles County. She has witnessed the growth in the Los Angeles County congressional delegation and has met the challenge that has accompanied it.

The members of the Los Angeles County congressional delegation will sorely miss the faithful devotion Ms. Ruiz gave to the Los Angeles community. In her work she spoke of the needs of all the communities—the Afro-American community, the Latino community, the Asian-American community, the Los Angeles community as a whole. The commitment to this goal did not end at work. Her active participation and tireless dedication to improving our communities also included service in voter registration drives, community assistance for Latino organizations, the PTA, the Little League, the Red Cross, to name a few. To understand the magnitude of her commitment one must also know that she and her husband, Carlos Ruiz, raised seven sons—Daniel, Donald, Carlos, Richard, Anthony, Michael, and Nicholas.

Tomorrow, at the annual luncheon of the Los Angeles County congressional delegation, we will recognize Ms. Ruiz for her efforts and wish her the best in her retirement. It is with great pleasure that I join my colleagues of the southern California congressional delegation in paying tribute to Ms. Ruiz for her many years of dedication to our community. From each of the barrios, each of the neighborhoods which Ms. Ruiz unfailingly sought to improve, we will all miss her, as a professional and as a friend.

It is with great honor that I commend Ms. Ruiz.

TRIBUTE TO RABBI JACOB S. RUBENSTEIN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mrs. LOWEY. Mr. Speaker, I rise today to join the congregation and friends of Young Israel of Scarsdale in tribute to and recognition of their distinguished rabbi, Jacob Rubenstein.

Young Israel of Scarsdale is a vital and dynamic center of the Jewish community in Westchester County. Rabbi Rubenstein comes to his position there by way of a broad educational experience in religious philosophy, tradition, literature and history, in locations as widespread as Memphis, Chicago, Boston, and Israel.

The wisdom and subtlety of Jewish tradition is best revealed through the lessons and guidance of learned scholars and teachers. Rabbi Rubenstein's impressive experience and incisive wisdom have enriched the spiritual life of our entire community. His passionate and thoughtful sermons highlight the richness of Jewish heritage, and enliven the experience of religious exploration for all members of his congregation.

For his dedicated involvement in a range of Jewish service organizations, and for his inspiring example of community activism, Rabbi Rubenstein has been honored by Israel Bonds, Yeshiva University, the U.J.A. Federation, and the Combined Jewish Federations.

It gives me great pleasure to recognize the generous spirit with which he guides our daily lives, and the powerful intellect through which timeless traditions are made part of our moral character.

ALLSTATE INSURANCE: LEADING IN THE FIGHT AGAINST HOMELESSNESS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. PORTER. Mr. Speaker, I am very proud of the many private sector organizations in my district who work tirelessly to find solutions to our Nation's problems. Today, I am especially proud of Allstate Insurance Co.—headquartered in Northbrook, IL—and its chairman and chief executive officer, Wayne Hedien who recently accepted the National Alliance to End Homelessness Award for Private Sector Achievement.

Wayne Hedien has tackled head-on the problem of affordable housing. He cochaired the National Task Force on Affordable Housing which has identified what must be done to reverse problems in the multifamily mortgage finance system. Moreover, Wayne Hedien has made Allstate a company that leads by example. Allstate has invested millions of dollars in affordable housing through organizations like Neighborhood Housing Services, blazing a path for other corporations to follow.

Mr. Speaker, I hope that all members will join me in commending Allstate and Chairman Hedien for this ongoing effort to address pressing housing affordability problems and thereby breathe real meaning into the concept of corporate responsibility. In accepting the award on behalf of Allstate, Wayne Hedien spoke eloquently of the need for American business to view itself as a part of society and not apart from society.

I believe that all members would benefit from the insights contained in the remarks that follows:

> On behalf of our good hands people all across the country. I am very honored to accept this award. It means a great deal to us at Allstate, for a couple of reasons.
>
> First, we have been particularly interested in housing for a long time. Over the years we have invested millions of dollars and worked with many public and private groups on issues like affordable housing and neighborhood revitalization.
>
> It has been challenging, but very gratifying. Shelter is one of the greatest gifts one human being can give another. So, as all of you know, there is a special satisfaction that comes with working in this area.
>
> But we are also pleased to accept this award because it symbolizes a principle in which we believe very strongly—that business must be a part of, not apart from, society as a whole.
>
> In Allstate's case, it's an idea that can be traced back to our founder, Gen. Robert Wood, who said more than 50 years ago: "In these days of changing social, economic and political values, business must account for its stewardship not only on the balance sheet, but also in matters of social responsibility."
>
> Today, that commitment to service and society is one of four basic principles that guide all our decisionmaking at Allstate.
>
> But we are not unique. Companies of all kinds have become involved with communities on many levels. Why? Again, there are several reasons.
>
> For one thing, improving housing, or education, or health care makes better communities. And better communities make better companies.
>
> Beyond that, we are motivated by the example of our own employees. At Allstate, for instance, three out of four are active in some form of voluntary community work. And they expect the same kind of commitment from their employer.
>
> But in the end, I think the main reason companies are involved with their communities is because this is America—and everyone pays their democratic dues.
>
> The three institutions represented by tonight's honorees—business, the nonprofit sector and Government—all exist at the pleasure of the people. All have a stake in the success of the system. So all must work together to serve society.
>
> Harnessing all that talent and balancing all those responsibilities is what groups like the National Alliance do so well. Over the past decade, you have proven to pundits, to politicians, and to people on the street that home-less is not synonymous with hope-less.
>
> Still, there are some who might say your ultimate goal is unreachable. They think the problem is too big. They think the questions are too complex.
>
> Well, I do not think so! When John F. Kennedy committed America to a different mission more than 30 years ago, he said we will go into space, "not because it is easy * * * because it is hard."
>
> He understood that confronting an unusually difficult challenge calls forth something special. We draw on our resolve, as well as our resources. We bring out the best in others, as well as ourselves.
>
> It is called rising to the occasion. And the unexpected result is that sometimes the higher our goal, the higher our chance for success.
>
> That is the paradox that makes our pluralist system special. The more we attempt, the more we attain—as long as we try together.
>
> It is the idea that made America, America. It is the principle on which the alliance is based.
>
> And it is the reason we all will succeed.

ST. MARYS MIDDLE SCHOOL ODYSSEY OF THE MIND COMPETITION WORLD FINALS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. CLINGER. Mr. Speaker, I am honored to have this opportunity to recognize the St. Marys Middle School Odyssey of the Mind team as it prepares for the world finals, to be held at the University of Maryland from June 3 through June 5.

The St. Marys team advances to the world finals after facing five teams in regional competition and 12 regional champions at the State finals.

Odyssey of the Mind is a competition which encourages students from kindergarten through high school to combine knowledge acquired at school with their own originality and creativity. At the world finals, these students will have the opportunity to share their ideas with students from North America, Australia, China, Europe, and Japan.

The team consists of Matt Kneidel, Kathy Keller, Sarah Blazek, Carl Riccadonna, Adam Freeburg, Dan Sorg, and Jennifer Yavorksy. The coach is teacher Nancy Gerber.

Mr. Speaker, these dedicated individuals are a credit to themselves, to their school, and to this very special part of Pennsylvania.

NATIONAL ENVIRONMENTAL TRADE DEVELOPMENT ACT OF 1993

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Ms. FURSE. Mr. Speaker, I am extremely pleased to see the introduction of the National Environmental Trade Development Act of 1993 today. I commend Representative STUDDS, who fathered this effort, and thank him for generously allowing me to participate in the crafting of this legislation.

This bill is aimed at developing the U.S. environmental technology industry and promoting that capability to foreign nations which seek such goods and services. In this legislation there are no losers; all parties involved are winners. Private businesses that provide products and services to improve the environment would be provided with technical and marketing assistance; the expansion of these businesses will create new jobs; foreign nations discovering the need for sustainable use of resources will not need to reinvent the wheel in seeking solutions to environmental dilemmas, and the overall global environment will be improved and better protected.

Under this legislation the "environmental technology" tent houses all capabilities and efforts in education, chemical and biological research, implementation and enforcement techniques for environmental laws and policies, as well as the traditional manufacturing and engineering technologies that help us build anything from better mousetraps to graphic simulators to perform "field" tests on the computer.

While the United States has some of the toughest environmental laws in the world and some of the best environmental expertise in the world, we have not made a nationally concerted effort to market or make readily available our American know-how. Federal laws such as Superfund, the Clean Water and Clean Air Acts, and the National Environmental Policy Act [NEPA] have served as catalysts in the rapid growth of our environmental technology industry over the last 25 years. The United States, however, has lost its share of the global environmental technology market to nations such as Japan and Germany, which have been supporting and vigorously promoting their own enviro-tech capabilities. This bill endeavors to coordinate the policies and programs of all Federal agencies to work toward the same national strategy, and to bring all private and public parties together to get the U.S. industry in shape to compete in the global market. It would create a network to explore opportunities and provide businesses with information and assistance toward their growth and successful competition in the international market.

I am extremely interested in the development and marketing of enviro-tech because I believe it is a key opportunity for this Nation and the State of Oregon. So many jobs in Oregon are directly or indirectly related to the research, development, or implementation of some environmental technology. Since the majority of U.S. and Oregon enviro-tech businesses are small to medium in size, it is difficult for them to compete with large, nationally supported foreign companies.

This legislation should do much to help put us back on track in the global market for this information. It would contribute to domestic growth through an increased U.S. share of the global market, and enhance the U.S. role as a leader in exporting environmental technology, goods, and services by helping small- and medium-size businesses find their way into the global market.

As nations around the world are awakening to the economic value of their natural resources, they are discovering that measures must be taken to use resources wisely and in environmentally benign ways. The opening of the former Soviet Union and Eastern European block countries is, additionally, revealing massive needs in the areas of environmental cleanup, resource restoration, management, and sustainable use. It only makes sense that we as a nation do everything we can to respond to this growing global need through the promotion of U.S. enviro-tech capabilities.

The enviro-tech industry in Oregon is on the cutting edge in some areas of environmental technology with some of the most advanced capability in the world. Our situation is similar to Mr. STUDDS' description of his home State of Massachusetts. We are perhaps the flip side of the same illustration. Due to the problems Oregon has experienced over the Northwest forest protection issue, and with the declining salmon fishery, the economy in several areas is depressed, and unemployment is on the rise. The enviro-tech industry can not only provide more jobs in Oregon, but it might also provide answers to restoration of our salmon populations and to some of our forest dilemmas.

Due to our location on the Pacific, we in the Northwest have a strong trade relationship with Pacific rim nations. Several of Oregon's businesses are beginning to forge relationships with other Pacific nations. The assistance engendered by the National Environmental Trade Development Act of 1993 will allow many more of Oregon's businesses, notably the small- and medium-size businesses, to be able to participate in the Pacific rim market.

We need to work together to establish a close partnership among industry, research institutions, and Government agencies to pool our efforts into a network to explore opportunities and provide assistance for industry growth and competition in the global economy. Because this bill would do much toward the establishment of a coordinated U.S. effort that includes all parties, I urge my colleagues to support the National Environmental Trade Development Act of 1993.

CHRONIC FATIGUE SYNDROME AWARENESS DAY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. BOEHLERT. Mr. Speaker, today is Chronic Fatigue Syndrome Awareness Day. Until recently, I had no idea how intrusive and devastating chronic fatigue syndrome, or CFS, can be.

CFS affects hundreds of thousands of American children and adults. It is characterized by incapacitating fatigue and a dysfunctional immune system. Fatigue is so debilitating that routine acts like brushing your teeth or pouring a glass of milk become monumental, energy expending tasks.

After listening to the personal experiences of individuals in my district afflicted with this illness, I can understand their frustration with the public's misconceptions concerning CFS. Because its specific cause is not yet known, it is often misconstrued as a psychosomatic illness.

It is encouraging that the National Institute of Health has paid increasing attention to chronic fatigue syndrome during the past 5 years, but significant increases in modest funding levels for CFS research are needed.

In the past, the United States has successfully conquered such illnesses as diphtheria, polio, and tuberculosis with adequate research funding, we should demand no less for chronic fatigue syndrome victims.

TUBERCULOSIS PREVENTION AND CONTROL AMENDMENTS OF 1993

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. SCHUMER. Mr. Speaker, Mr. Speaker, today I introduced along with my colleagues Mr. WAXMAN and Mr. TOWNS, the tuberculosis prevention and control amendments, a bill to combat the outbreaks of tuberculosis we have been experiencing over the last several years. This dreaded disease, which many people think of as a disease of the past, has reared its ugly head once again in this country. TB is back in epidemic proportions and, in addition, many individuals have contracted a fatal strain that resists traditional medical treatment.

Nationwide the number of reported TB cases has exploded to over 26,000 in 1991, up more than 10 percent since 1989. The increases in reported new cases we have been seeing in the last few years are the largest since the institution of nationwide reporting in 1953. In the last 3 years in New York City alone we have seen a dramatic 45 percent increase in the number of TB cases. In addition, almost 150 cases of TB were detected in New York City's children in 1990, nearly double the number in 1989, and the majority of those cases were in children 4 years old or younger.

However, Mr. Speaker, this outbreak of TB is not just an urban problem. New cases have been reported in virtually every State of the Union, and in rural and suburban communities as well as urban. In fact, more than half of all TB cases occur in communities with populations of less than 250,000 people.

Even more ominously, this epidemic of TB has been accompanied by deadly strains of the bacterium that are resistant to traditional drug therapy. Arising mostly in patients who do not complete their drug therapy regimens—yet spread as readily as conventional TB—these multi-drug resistant strains are very expensive to treat and have fatality rates of up to 75 percent.

While TB currently represents the greatest threat to a number of high risk groups, including the poor, homeless and persons with HIV, the disease also poses a very real threat to workers in hospitals, homeless shelters and other public service agencies. Children and the elderly are also at increased risk of TB because of their fragile immune systems.

In addition, health officials warn us that the recent outbreaks in these most vulnerable segments of society are a signal—an advance warning of what the general population will soon face unless we confront this scourge now. Indeed, TB poses a threat to everyone if prudent prevention and control strategies are not undertaken quickly.

Despite all this bad news, there is reason to be optimistic. Fortunately, TB is a preventable and, in virtually all cases, treatable disease. For almost all TB cases, the cure is a regimen of up to four drugs taken daily for at least 6 to 9 months. While inconvenient, time-consuming and somewhat expensive, if followed faithfully the treatment will cure the disease with near 100 percent certainty. It is critical, however, that patients adhere strictly to the drug therapy and complete it. Failure to follow and complete it often results in the onset of multi-drug resistant TB [MDR TB].

We need more public health workers to monitor and ensure the successful completion of each patient's drug therapy program on a daily basis—directly-observed therapy. This is a tried and true method of TB control that countries all over the world have continued to practice with great success, yet one we have imprudently neglected over the years. We must also increase the amount of training health care workers receive so they can readily recognize the disease and safely treat it.

We also need to shore up the infrastructure of many of our hospitals and other health centers that encounter the largest numbers of TB cases. Hospitals must install new ventilation systems or retrofit old ones to control the flow of bacteria-infected air. They also need to install UV lighting in all of the appropriate waiting rooms and hallways; studies have shown UV lighting to be effective in killing airborne bacteria.

Finally, we need to increase funds for research on new testing methods and new drugs. Currently, it takes weeks and even months to get results from TB tests. The turnaround time should be hours or days, not weeks. We also need to conduct research to find drugs to cure MDR TB.

The legislation that we have introduced addresses these needs. This bill would provide increased funding for the Center for Disease Control TB prevention and control programs and for the National Institutes of Health TB research programs. It would also provide funds for bulk purchases of drugs, TB-related renovations in hospitals and other health centers, and for the establishment of five state-of-the-art training centers. Finally, the bill would permit States to extend Medicaid eligibility to persons who test positive for TB and meet a State's poverty standards.

Mr. Speaker, we are experiencing a rise in TB cases because we have failed to maintain our vigilance against this terrible disease. This country succeeded in steadily reducing the tuberculosis rate until the mid-1980's, when the Reagan/Bush health care budget cuts began to take their toll. This legislation will restore and reinvigorate the Federal TB programs neglected by the Reagan and Bush administrations.

We know how to fight and beat this scourge, but shortsightedly have neglected to do so. It is imperative we act now to stem this outbreak. Delaying will only allow the problem to worsen, needlessly threatening thousands of lives and increasing health care costs exponentially.

Fortunately, these TB prevention programs are highly cost effective. HHS estimates that the Nation saves between $3 and $4 for every dollar of TB prevention and control funds expended. These savings are even greater when the increased costs of treating MDR TB are taken into account.

I urge my colleagues to help halt the advance of this deadly disease by supporting this bill.

CLEAN FUELS INCENTIVES ACT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. GALLO. Mr. Speaker, today I am introducing legislation to establish a 3-year grant program for the States and qualified private businesses to develop clean fuels distributions outlets in areas with severe ozone problems, as defined by the Clean Air Act.

With enactment of the Clean Air Act, we have committed ourselves to specific reductions of air pollution from motor vehicles by the end of the century.

We have been reminded repeatedly that much of the fuel we burn in our cars, trucks, and buses comes from foreign sources, posing a hazard to our economy as well as our environment.

We have the technology to build vehicles that safely use a wide variety of cleaner, domestically produced fuels, but those fuels are not readily available at retail outlets.

Retailers are awaiting increased demand before making the investment in distributions systems, and consumers are reluctant to convert to cleaner fuels until they are available.

This cycle of inaction is of particular concern as States like New Jersey work to complete plans for meeting Clean Air Act requirements. These plans must be submitted to the Environmental Protection Agency by 1994, with measurable reductions in pollution to begin in 1996.

We cannot afford to wait until the Clean Air Act deadline is upon us, or until there is another oil crisis, to do something positive to promote fuels that are both cleaner and domestically produced.

That is why I am urging the Federal Government to become more involved in private sector efforts to promote cleaner burning, domestically produced fuels for motor vehicles.

We must move the United States toward greater energy independence and meet Clean Air Act requirements at the same time.

That is also why I authored legislation establishing a 3-year grant program to States and qualified private businesses to develop clean fuels distribution outlets in areas with severe ozone problems under the Clean Air Act.

Our national goals are energy independence and cleaner air. We will never accomplish either goal without the cooperation of the marketplace.

My bill is designed to move the market in positive directions. It is an incentive, not a mandate.

This program will be good for the environment and good for the U.S. economy.

The Clean Air Act requires all fleet vehicle operators and States with severe ozone problems to promote use of cleaner burning fuels, but where in northern New Jersey would you go to buy such fuels? We can't expect people to comply with the law when no one is selling fuels of this type to the public.

States like New Jersey are going to have a tough time meeting Clean Air Act requirements, unless we take aggressive action now to promote cleaner fuels. We cannot afford to do nothing.

We also must become more energy efficient as a nation if we hope to remain competitive in the international marketplace.

In order to continue to be successful and to protect American jobs in the future, we must invest in environmentally safe domestic energy technologies today.

Right now, 42 percent of our energy comes from foreign sources. If we do nothing, that level will increase to 65 percent by the year 2010.

As a member of the Energy and Water Development Subcommittee of the House Appropriations Committee, I have been fighting for continuation of some critical research projects in solar and fusion energy which hold great promise for the future.

But, we need to do more. If we cooperate, we can ensure dependable sources of clean energy for the foreseeable future and rebuild our economy at the same time.

What are these alternative fuels and are they safe and economical to use?

Clean fuels covered by my legislation include natural gas, liquefied petroleum, liquefied petroleum gas, hydrogen, electricity, and any fuel at least 85 percent methanol, ethanol, other alcohol or ether.

Methanol, ethanol, and alcohol-based blends are already available in some places and require little in the way of conversion for existing facilities.

About 30,000 vehicles equipped to run on natural gas are already in use in the United States. These vehicles emit up to 90 percent less carbon monoxide and hydrocarbons compared with conventional vehicles at a competitive per gallon cost and equivalent records for safety and reliability.

Electric cars are also being developed that can compete with current cars in cost and safety.

Other, more experimental fuels, such as hydrogen, may be years away for consumers, but they hold great promise for the future.

Mr. Speaker, it is not often that we can meet two critical national priorities with one program, but this is clearly one of those occasions.

Clean, domestic fuels must be a part of our future—for a cleaner environment and a healthier economy. Our investment now will return many benefits for our future.

1993 COOPERATIVE HALL OF FAME HONOREES

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. DE LA GARZA. Mr. Speaker, I rise today to pay tribute to four remarkable individuals who were inducted into the Cooperative Hall of Fame in a ceremony held here in Washington on April 28. Established in 1974 by the National Cooperative Business Association, the Cooperative Hall of Fame honors individuals for their distinguished contributions to cooperative business development and growth. The honorees are:

Lloyd and Mary Anderson, founders of the Recreational Equipment Cooperative [REI]. In 1938, seeing a need for quality climbing gear at fair prices in the Pacific Northwest, the Andersons formed REI and ran the business out of the basement of their west Seattle home for several years. In the early years the couple took no salary and even advanced the co-op interest-free loans to keep it going.

Today, REI remains committed to the cooperative form of business, and has grown to over 3 million members. REI is one of the Nation's most successful retailers of outdoor products, and an example of how a well-managed cooperative can be a competitive and successful business.

Orville L. Freeman, former Governor of Minnesota and former Secretary of Agriculture. Freeman first established his credentials as an agriculture and cooperative advocate during his three terms as Governor of Minnesota in the 1950's. He successfully promoted cooperative development throughout the State and was a pioneer in declaring October as Co-op Month.

As Secretary of Agriculture from 1961 to 1969, under both Presidents Kennedy and Johnson, Mr. Freeman made cooperative development a priority at the U.S. Department of Agriculture. He urged Congress to substantially increase funding for cooperative development activities and as a result of his lobbying effort the budget for USDA's Farmer Cooperative Service more than doubled between fiscal 1968 and 1970. He even prevailed on President Johnson to tape a Co-op Month message for radio broadcast.

Since stepping down as Secretary of Agriculture, Mr. Freeman has continued to play an active role in agricultural policy, particularly in alleviating hunger and promoting agricultural development in Third World countries. He has served on numerous boards and committees, including President Carter's Commission on World Hunger, the Advisory Committee for the Humphrey Institute of Public Affairs, World Watch Institute, CARESBAC, the International Fund for Agriculture Research, Agriculture Council of America, and the United Nations Association.

Ken Holum, rural electric cooperative leader and former Interior Department official. Since the early 1940's, Holum has been a leader in rural electrification nationally and in his home State of South Dakota. He founded the East River Rural Electric Cooperative in Madison, and the James Valley Telephone Cooperative, both in South Dakota.

Holum also formed the Nation's first fuel supply cooperative, Western Fuels Association. As the Assistant Secretary for Water and Power Development in the U.S. Department of the Interior from 1961 to 1969, Holum consistently stressed the importance of cooperatives, consumers, and the Nation. For a half century, Holum has been one of the Nation's most vigorous advocates of the cooperative idea of doing business.

Mr. Speaker, the dedication and achievements of these four persons to the advancement of business cooperatives in our Nation are truly heroic. It is with great admiration that I salute Lloyd and Mary Anderson, Orville Freeman, and Ken Holum, this year's inductees into the Cooperative Hall of Fame.

THE CAPITALIZATION OF SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. STRICKLAND. Mr. Speaker, I would like to announce the introduction today of a bill to improve the ability of small manufacturing firms to establish new plants and modernize existing facilities—and thereby create jobs—by amending the capitalization requirements for the issuance of tax-exempt small issue industrial development bonds, or IDB's. This proposal would expand the limitation on capital expenditures by recipients of small issue industrial development bonds in the years following an IDB issue—and it would do so through private funding sources, not through any additional tax-exempt public financing.

The inclusion of capital expenditures in the cap was intended to encourage the use of small issue bonds by small and medium-sized businesses; that is, to discourage companies like General Motors from using these bond issues for large capital projects. Assuming an entity receives proceeds from a small issue bond in an amount equal to or near the $10 million cap, the recipient is prevented from making capital expenditures to improve or expand the funded facilities, or any facility within the same locale, for a 3-year period following the bond issue. This provision is particularly burdensome on successful small businesses because it prevents them from expanding, regardless of the source of the capital.

This problem was brought to my attention by a business in my district, which serves as an unfortunate example of how a provision in the current Tax Code is impeding real, long-term job creation. A facility in Jackson, OH—a community with over 8 percent unemployment—used IDB's to renovate an abandoned food processing plant, creating 73 new jobs in the beginning of last year. The $9.2 million IDB package for this facility consisted of $6.5 million in public financing and $2.7 million in private capital.

And the number of jobs kept growing. In March of last year, the plant added 120 new workers. In September, the operation increased employment by another 50 people, and in December, added another 102. In February of this year, the plant added yet another 100 new workers, bringing the total employment figure to 445 new jobs in just 1 year.

The present facility is now at its space capacity and needs to make further capital expenditures in order to expand—but it is prevented from doing so under the current cap. A further expansion would cost approximately $9.6 million and would take 1 year to build. With the completion of this expansion, plant employment is expected to increase by approximately 550 to 600 new employees. My proposal would avoid an unnecessary delay in the creation of those additional jobs.

This amendment would allow expenditures of additional private capital of up to $10 million beyond the total bond issue during the 3 years following an IDB issue. It is not an expansion of the public portion of the IDB Program; it would still preserve the current limit on bond issues to no more than $10 million per project. The additional private capital expenditures would be fully taxed like any other investment. The Jackson, OH, project is just one example of the impact this amendment can have; businesses across the country will be able to start up and expand.

In 1992, Congress passed legislation which would have accomplished these goals. The Senate passed an amendment to the Urban Aid Bill, raising the capital expenditure limit such that the total amount of capital expenditures could reach $20 million, with the $10 million in additional expenditures limited to private capital. This amendment was agreed to by the House in conference and was contained in the final version of the bill, which was pocket-vetoed by President Bush for entirely unrelated reasons. The small issue bond provisions received wide bipartisan support. I urge my colleagues to support this amendment.

CONGRATULATIONS LAUGHLIN

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mrs. VUCANOVICH. Mr. Speaker, I am pleased to congratulate the community of Laughlin, NV, on its 27th anniversary. Founded in 1966 by Don Laughlin with the opening of his Riverside Resort Hotel and Casino, Laughlin is located right on the banks of the Colorado River and flourishes as a river resort getaway.

In August 1983 the community began celebrating Founders Day in honor of Don Laughlin. Today the yearly celebration is known as Laughlin River Days. The 11th annual celebration of Laughlin River Days is a 4-day-long event, May 13 to 16, 1993. Included in the festivities are the Miss Laughlin Pageant, a carnival, a soap box derby, street dancing, a 5K run right on the banks of the Colorado River, a battle of the bands competition, and a valet foot race up Casino Drive. Luckily for all the participants, the celebration was eventually and wisely moved to the spring, as Laughlin is infamous for the highest summer temperatures in the Nation.

It is my sincere honor to commend Don Laughlin for founding the city of Laughlin, NV. I would also like to thank the citizens of Laughlin for sharing this delightful celebration with the State of Nevada. I wish the city many more years of prosperity and growth.

TRIBUTE TO THREE EXCEPTIONAL STUDENTS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. TALENT. Mr. Speaker, I rise today to honor three students from Missouri's Second Congressional District for their scholastic achievements and recent scholarship awards: Daniel Todd Cohen, Paul Nathan Talley, and Thomas Rutkowski. Each has been awarded a scholarship from the Creve Coeur/Olivette Area Chamber of Commerce and the Lyons Club for their participation in an annual essay contest and competition.

The theme of this year's competition was, "What Are the Limits of Small Businesses in Providing Health Care Benefits to Their Employees?" These students were challenged to think on their feet and respond to questions concerning the health care crisis facing our Nation's small businesses. The issues they stressed were the working uninsured—most of who are self- or small business employed, the cost of Federal and State insurance mandates, and the necessity of opening up the insurance marketplace to small businesses.

First place in the competition, along with a $2,000 scholarship, went to an essay written by Mr. Daniel Todd Cohen, a senior at Ladue Horton Watkins High School. His answer to the health care crisis facing small businesses emphasized restructuring the insurance market to increase the purchasing power of small businesses, and how the 225-percent increase in Federal and State mandates over the past 10 years has contributed to the woes of small businesses attempting to purchase health insurance. These observations have correctly identified the major problems with health care facing our Nation's small businesses. And, the suggestions could not have identified possible solutions any better.

Second and third place in the competition went to Mr. Paul Nathan Talley, a senior at Westminster Christian Academy, and Mr. Thomas Rutkowski, a senior at DeSmet Jesuit High School. I am very impressed by the ability of these young people to grasp and formulate solutions to a problem that even Congress has yet to solve.

The health care crisis is one of the most pressing issues facing small businesses and our country today. The United States will spend approximately $900 billion on health care this year; yet, there are still 37 million Americans with no access to health insurance—many of who work in small businesses. Clearly, we need to reform our health care system and open the health insurance market to small businesses.

I commend the Creve Coeur/Olivette Area Chamber of Commerce and the Lyons Club for their support of these students and higher education in our community. I congratulate these students on their achievements and wish them success in their future endeavors.

Mr. Speaker, it is truly an honor to represent such exceptional students.

CONGRATULATE COLORADO SMALL BUSINESS PERSON OF THE YEAR

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. SCHAEFER. Mr. Speaker, our Nation was founded on the principles of free thought, free speech, and free enterprise. From this base, America has become preeminent in the world because we are free to work as we wish, and to achieve what our talents will allow.

Today, I would like to congratulate one of my constituents who exemplifies the small-business tradition of hard work and perseverance. Colorado's Shari G. Leigh, president/chief executive officer of MIACO—an Englewood-based computer consulting firm—has recently been named the Colorado Small Business Person of the Year. As such, she is a special honoree of the 30th annual Small Business Week—which is being celebrated this entire week.

Shari's story is a familiar one to those who have traveled the rugged road to creating a successful small business. Disillusioned with her high-technology job, Shari struggled against the odds, took on countable risks and worked with limited resources to mold a long-time dream into a million dollar small-business venture in computer consulting. Through hard work, she turned a simple idea into a $100,000 enterprise in the first year, and $300,000 the next. Today, annual sales exceed $2.5 million.

MIACO diversified quickly, eventually offering computer training classes, software application development, and consulting services ranging from information management planning to systems design. Now, the company markets it own software, offers courses in Europe and Australia and lists over 40 top firms and Federal agencies as clients.

In addition to running MIACO, Shari devotes her time and energy to a variety of community endeavors. She is a board member of several professional and charitable organizations, including the American Red Cross, and serves as a volunteer tutor at her children's school.

Today, I congratulate and thank Shari for her belief in our Nation's system of free enterprise. Her accomplishments are an incentive for all Americans to work toward achieving their dreams.

REAR ADM. PAUL L. KRINSKY RETIRES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, it is my great pleasure to rise today to honor Rear Adm. Paul Krinsky, an outstanding individual who will soon retire as Superintendent of the Merchant Marine Academy in Kings Point, NY.

The U.S. Merchant Marine Academy, under the jurisdiction of the Maritime Administration of the U.S. Department of Transportation, is one of the Nation's prime sources of licensed merchant marine officers and the largest single source of Naval Reserve officers.

Paul Krinsky entered the Merchant Marine Academy in 1946 and graduated with honors in 1950. He sailed in the merchant marine as a deck officer for the United States Lines aboard the passenger vessels SS *America* and SS *United States*. In 1955, Paul Krinsky went on active duty with the U.S. Navy, serving as navigator aboard the U.S.S. *Everglades*. Leaving active duty in 1958, he remained in the U.S. Naval Reserves and retired as a captain.

In 1958, Paul Krinsky joined the faculty of the Merchant Marine Academy teaching a wide range of navigation and seamanship courses in the Department of Nautical Sciences. Over the years, Paul Krinsky held many important jobs with the Academy including, Director of Admissions, Academic Dean, Deputy Superintendent, and in 1987, he was appointed Superintendent.

Mr. Speaker, as a member of the Board of Visitors of the Merchant Marine Academy, it is my honor and privilege to recognize Rear Adm. Paul Krinsky for his many accomplishments and his many years of service to the U.S. Merchant Marine Academy. I wish him and his wife Audrey a long and happy retirement. He will be sorely missed by the men and women of the Merchant Marine Academy.

LOCKHEED OFFICERS, EMPLOYEES DEDICATED TO SPACE SHUTTLE SAFETY AND QUALITY WORK

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. BACCHUS of Florida. Mr. Speaker, I was very concerned recently by reports that a pair of pliers was lodged in a solid rocket booster of the space shuttle *Discovery* when it was launched on April 8, 1993. I felt that incidents of this sort could signal a breakdown in quality control and tarnish the shuttle processing team's well-deserved reputation for excellent performance and commitment to safety.

I have been very much reassured to learn that the prime contractor on the shuttle processing team, the Lockheed Space Operations Co., has dealt with this problem promptly and effectively. I would like to enter into the RECORD a column by Gerald T. Oppliger, president of Lockheed Space Operations Co., that appeared in the May 1, 1993, edition of the Florida Today newspaper. This column outlines the extraordinary efforts being made to manage and minimize risks at the Kennedy Space Center.

LOCKHEED OFFICERS, EMPLOYEES DEDICATED TO SPACE SHUTTLE SAFETY AND QUALITY WORK

(By Gerry Oppliger)

On April 8, we launched the Space Shuttle Discovery on what would prove to be a highly successful mission.

However, as our team processed the retrieved solid rocket boosters, we discovered a pair of pliers that had been lodged in a cavity near the base of the right-hand solid rocket booster—wedged in so securely that neither the blast-off from the launch pad nor the splashdown into the ocean had shaken them loose.

Shortly afterward, *Florida Today* termed the incident "disturbing," and said that "NASA needs to ensure that the chances of such mishaps occurring are minimized.

We could not agree more!

Our investigation of the incident, initiated immediately after the pliers were discovered, revealed that on April 2, during an end of shift inventory, it was noted that the pliers were missing.

The technician's supervisor inexplicably failed to file a report that would have triggered an intensive search for the lost item.

We took immediate action to reaffirm our work place discipline and our commitment to quality performance.

We took appropriate disciplinary action.

We initiated an exhaustive in-depth audit of our tool control program.

We completed a physical inventory of all external tank/solid rocket booster tool boxes.

We directed our shuttle processing contract director of quality control to investigate the incident to determine the root cause and recommend corrective action.

We sent a personal letter to each of our employees describing the incident and its consequences and appealing to them to ensure 100 percent compliance with existing procedures and safeguards.

The complexity of the task of preparing the space shuttle for launch a significant and the margin for undetected error is virtually non-existent.

For example, in 1992 we processed eight shuttles for launch utilizing 4 million hours of "touch labor" on the flight hardware. For each processing flow, 300,000 controlled tools were available to our work force and our tool control program achieved a 99.987 success rate.

We focus a tremendous amount of attention on our safety and quality assurance programs at Kennedy Space Center and our achievements in these vital areas far exceed industry standards. The men and women of our work force are highly skilled and dedicated to mission success.

Even so, we are aware that the safety and well-being of our personnel and the astronauts themselves depend squarely upon our ability to eliminate the potential for problems. Space exploration programs will never be risk-free, but our challenge is to manage and minimize every type of risk.

We are fully committed to attaining that goal.

ENVIRONMENTAL JUSTICE ACT INTRODUCED

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. LEWIS of Georgia. Mr. Speaker, today, I am pleased to introduce the Environmental Justice Act which focuses on the impact of pollution on our health.

It is my belief that all of us have a right to know what is in the air we breathe, what is in the water we drink, and what is in the food we eat.

People have a right to know how landfills, hazardous waste sites, manufacturing plants, incinerators, and other polluting facilities in their communities affect their health. They need to know how each facility affects their health. And, they need to know how the combination of facilities affects their health.

For example, you can have a paper mill in a community that is in full compliance with all environmental laws * * * and then have an incinerator in that community that is in compliance * * * and a drycleaning operation that is in compliance * * * and so forth * * * and so on. But together the paper mill, the incinerator, and the drycleaner may be killing the community!

People need to know this information. They have a right to know.

This bill would look at the health effects of pollution. It would mandate that we also look at the combined effects of pollution.

The Environmental Justice Act would empower Federal agencies to assess the heath conditions in communities that have high concentrations of polluting facilities. It would identify 100 environmental high impact areas [EHIA's] around the country for study. The act would require the collection of data for cumulative effects of pollution in the air, water, and soil in a community.

This legislation is an important first step toward dealing with the fact that some communities have an unfair share of polluting facilities.

I am delighted to have several of my colleagues join me as original cosponsors of the Environmental Justice Act. I look forward to working with them, others of my colleagues, and members of the civil rights and environmental communities, to work for environmental justice.

KILDEE CONGRATULATES REV. THOMAS L. MURRAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Rev. Thomas L. Murray as he is installed as the new pastor of Vermont Christian Church (Disciples of Christ) in my hometown of Flint, MI.

Reverend Murray will be installed pastor of the church at ceremonies to be held on Sunday, May 16. His installation at the Vermont Christian Church (Disciples of Christ) is the culmination of a distinguished career of service to the faithful. Born in Birmingham, AL, on March 7, 1953, Reverend Murray began his service under the tutelage of his father, Rev. Earl Murray, Sr., at the Macedonia Christian Church (Disciples of Christ). From there he went on to study at Tuskegee Institute, Eureka College, and Brite Divinity School at Texas Christian University. Reverend Murray served as student minister with a congregation near each school while completing his studies.

He was ordained by the Alabama Christian Missionary Convention on May 27, 1981. Reverend Murray has served as minister at the New Bethel Christian Church (Disciples of Christ) in Greenville, AL; the 92d Street Christian Church (Disciples of Christ) in Los Angeles, CA; the United Christian Church (Disciples of Christ) in Los Angeles, CA; First Christian Church (Disciples of Christ) in Lynwood, CA; Mississippi Boulevard Christian Church (Disciples of Christ) in Memphis, TN; Gay-Lea Christian Church (Disciples of Christ) in Nashville, TN; and the Jeffries Memorial Christian Church (Disciples of Christ) in Birmingham, AL.

At each community Reverend Murray was committed and involved. His commitment extended from the care of children to reconciliation of prisoners. He was involved in the political life of each community. He joined with not only the ministers from other Disciples of Christ churches but actively pursued interdenominational convocations to extend his ministry.

In December 1992, Reverend Murray was called to become pastor of the Vermont Christian Church. He has continued his involvement by becoming a member of the Concerned Pastors for Social Action, the Greater Flint Council of Churches, and Southside Ministerial Alliance. Coming to Flint with him are his wife, Kim, and his daughters, Tiffany Latrice and Tieara La'sha.

Vermont Christian Church has been a consistent influence for social change and the betterment of Flint for the past 48 years. I look forward to working with Reverend Murray as he assumes a leadership role in our community. I ask the House of Representatives to join me as we congratulate Thomas Lewis Murray as he is installed pastor of Vermont Christian Church (Disciples of Christ) this Sunday.

BILINGUAL EDUCATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. ROTH. Mr. Speaker, this past Wednesday, an important conference on bilingual education was held here in our Nation's Capital. Learning English Advocates Drive [LEAD], the sponsors of the conference, allowed us to hear from the top researchers in the field, as well as from bilingual education teachers. I was proud to be asked to address this august gathering.

The most important speech that day was given by Carol Nevarez, a bilingual education teacher in Los Angeles.

Carol Nevarez is the granddaughter of migrant laborers. She told us this of her parents: "Had they not learned English as youngsters, they may have been left to work their entire lives as migrant laborers." But today, she must deny her own pupils—her own people—the same opportunity for a better future. She plainly told us: "I am a good teacher who does what is required of me, which is to teach Spanish—under the guise of bilingual education."

Carol Nevarez' plea on behalf of her students brought tears to most eyes that day. She was begging us to give today's immigrants the same opportunity we gave previous generations of immigrants and their children; an education in English. That is the simple purpose of my bill, H.R. 739, a bill with 40 cosponsors. When we take up the renewal of bilingual education requirements this year, I urge my colleagues to remember Carol Nevarez' words: "I would just like to see today's children have the same chance. With English, they will. Without English, they won't. It's that simple."

The full text of Carol Nevarez' statement follows:

PREPARED STATEMENT OF CAROL NEVAREZ

I became a teacher to help young children get a good start in life. I appreciate the opportunities this nation offers to young people who work hard and value education. At the risk of sounding idealistic, I wanted to make a contribution to their success.

However, I find myself in a very frustrating situation. It seems that my educational philosophy is now in conflict with my professional duties. My educational philosophy has been greatly influenced by my own family. My parents are first generation Americans. They grew up in migrant families as child laborers in the fields of Ventura County, California. During the "off season", when little hands were not needed, they were allowed to attend public school. Fortunately, the only classroom instruction available to them was in English. I know that it certainly was challenging for them to learn a new language. But had they not learned English as youngsters, they may have been left to work their entire lives as migrant laborers. This is no insult to a laborer, for we in America admire anyone who makes an honest living. But we all also know that a laborer's life is not easy. And like many of those who work as manual laborers, my parents aspired to a better life for themselves and for their children. My parents are a perfect example of two people who were truly able to take advantage of all that this country offers because they were determined to learn English. They are both bilingual and proud of their abilities in both languages.

With this heritage in mind, it is easy to understand why I do not believe in bilingual education programs as they exist today. When I was hired by the Los Angeles Unified School District, I did not intend to be a bilingual teacher, though I am fluent in both Spanish and English. However, I was strongly encouraged by local school personnel to take a Spanish fluency exam. As a matter of job security, I took the test and passed. Now I am locked into the bilingual program.

I am a good teacher who does what is required of me, which is to teach Spanish—under the guise of bilingual education. I know that the bilingual education curriculum I am forced to follow is not teaching English to my students. Like so many other teachers, I know that the program is a failure. I am not afraid to speak out but most teachers are afraid. They are afraid of retaliation if they speak out about their dissatisfaction with the program. They are afraid of subtle and overt job discrimination, of closed doors to teaching opportunities. But most of all they are afraid of personal attacks, especially if they are Hispanic.

I am here today, after carefully weighing the odds, to speak out for reform of bilingual education. Everyone in America needs to know English to function effectively. Hispanics are no exception. We must teach English to our children while they are young and enthusiastic learners, for their is no better time. Just as we teach our children to avoid strangers, to say no to drugs, we must teach them English as a part of everyday surivial.

To deny them the right to learn English is to rob them of self-sufficiency. As a classroom teacher, I know that self-esteem comes from success and accomplishment. What better satisfaction can there be than to know how to communicate with all the races and nationalities in the United States. What message are we sending to our Hispanic children when we teach them Spanish at the expense of English? We are in effect saying "stay in the border states where Spanish is spoken—you do not belong in the mainstream of America."

As a teacher in the public schools my responsibility is to prepare children to take their place in the social and economic structure of our society. Without English, they cannot do so. Without English, they will always be on the outside looking in. They will be unable to exercise fully the rights they are entitled to as members of the American community. It is my job as a teacher to encourage and to inspire students to achieve their full potential. It is not fair to send these children into society with inadequate English skills. And it is not fair to require teachers to follow a program that does not work. We must give these children an opportunity to succeed.

From my heart I tell you how deeply disturbed I am by what is taking place in the bilingual education program. Its failure has affected not only me and the students I teach, but their parents who dream of success for their children. It has also deeply affected the Hispanic community. Bilingual education advocates have made this a political issue. They do not care about the children. The federal and state governments pay a subsidy to schools for every child maintained in a bilingual class. The longer a child fails to learn English, the longer he's condemned to a bilingual class, the more money the school receives. School administrators have a disincentive to see that these students learn English.

I urge those of you who care about education reform to listen to the teachers, not to the bureaucrats and the administrators or the union officials. Talk to the teachers who are silently being driven from the classroom because they know these policies are hurting, not helping children. Talk to Hispanic parents who want their children in English classes but are told that they must be in a bilingual program.

I refuse to become cynical, I refuse to be quiet, and most important I refuse to give up hope. My parents were given a chance for a better life for themselves and for their children. I would just like to see today's children have the same chance. With English, they will. Without English, they won't. It's that simple.

TRIBUTE TO FRANK W. PRZECHACKI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to Frank W. Przechacki, the Polish Arts Club of Trenton's 1992 "Man of the Year."

I have known Frank for many years and have admired his dedication and commitment to our community in Trenton, NJ. He has been active in a number of civic, religious, and fraternal organizations. He is a member of the Catholic War Veterans, Post 417, the American Legion Post 458, the Polish Falcons Numbers 59 and 145, the Holy Name Society of St. Hedwig Church, and the Polish-American Congress. Additionally, he is the past president of the Polish-American Club of Central Jersey and the Trenton Polish Business and Professional Men's Club.

As president of the General Porcelain Manufacturing Co., Frank has also been an active leader in the city's business community. He has served as president of the Trenton section of the American Ceramic Society and the Ceramic Association of New Jersey. Frank's exemplary work has helped Trenton maintain its longstanding reputation as a manufacturer of some of the world's finest ceramic and high grade porcelain specialty products.

On a personal level, I walked with Frank during the 1985 Pulaski parade up New York's Fifth Avenue. At the time, he was serving as division marshall of the Polish-American Congress. He was honored to have been chosen to perform such a role, and as always, his remarks to me conveyed the deep sense of caring he has for the Polish-American community in Trenton and across our great land.

Mr. Speaker, Frank Przechacki has clearly earned this distinctive honor. He has managed to contribute to his community while not neglecting the duties of a loving husband and a caring father. He and Stella, his wife of 46 years, have raised a son, Francis Przechacki, and a daughter, Virginia Soltis. They have also been blessed with two grandchildren, Maria and Stefanie Przechacki.

I commend the Polish Arts Club for selecting Frank as their Man of the Year. I am pleased to join with his many friends, family members, and colleagues in extending our gratitude for Frank's many years of service and in wishing him the best of luck and success in the years ahead.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 13, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 14

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.

SD-430

Governmental Affairs

To hold hearings on S. 24, to revise the Federal judicial code to reauthorize and extend independent counsel law for an additional five years.

SD-342

Indian Affairs

To hold oversight hearings on proposed regulations to implement the 1988 Amendments to the Indian Self-Determination and Education Assistance Act.

SR-485

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.

SD-192

Finance

Medicare and Long-Term Care Subcommittee

To hold hearings on primary care work force issues.

SD-215

Labor and Human Resources

To hold hearings on S. 846, to improve learning and teaching by providing a national framework for educational reform, focusing on title IV, and other education issues.

SD-430

MAY 17

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Mortimer L. Downey, of New York, to be Deputy Secretary, Michael P. Huerta, of California, to be Associate Deputy Secretary, and Stephen H. Kaplan, of Colorado, to be General Counsel, all of the Department of Transportation.

SR-253

MAY 18

9:30 a.m.

Armed Services

Defense Technology, Acquisition, and Industrial Base Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on the state of the defense industrial and technology bases and Administration plans for fiscal year 1994.

SH-216

Energy and Natural Resources

To hold hearings on S. 721, authorizing funds for fiscal years 1994-1998 for the Federal land and water conservation fund.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Commodity Futures Trading Commission, the Food and Drug Administration, Department of Health and Human Services, and the Farm Credit Administration.

SD-138

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine U.S. competitiveness in the global marketplace.

SR-253

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H-5, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs, focusing on development assistance and sustainable development.

SD-138

MAY 19

9:00 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-96 future years defense program, focusing on the personnel compensation and benefits programs of the military services.

SH-216

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.

SD-138

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.

SR-232A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To hold hearings on the Administration's proposals to reform campaign financing.

SR-301

Veterans' Affairs

Business meeting, to consider pending calendar business; to be followed by a hearing on the Department of Veterans Affairs roles in geriatrics and long-term care.

SR-418

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.

SR-253

2:00 p.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program.

SH-216

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs.

SD-419

MAY 20

9:30 a.m.

Rules and Administration

Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994-1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.

SR-301

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Small Business Administration and the International Trade Commission.

S-146, Capitol

Finance

To hold hearings on the Administration's proposals to extend fast track authority for the Uruguay Round of Multilateral Trade Negotiations, and to extend the Generalized System of Preferences (GSP) program for 15 months.

SD-215

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S-5, Capitol

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for Small Community and Rural Development, the Farmers Home Administration, the Federal Crop Insurance Corporation, the Rural Electrification Administration, and the Rural Development Administration, all of the Department of Agriculture.

SD-138

Indian Affairs

To hold oversight hearings on the National Indian Policy Center.

SR-485

MAY 21

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.

SD-138

MAY 24

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.

SD-192

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for Market and Inspection Services, the Animal and Plant Health Inspection Service, Food Safety, and Agricultural Marketing Service, all of the Department of Agriculture.

SD-138

MAY 25

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.

SD-366

10:00 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education, and the Administration for Native Americans.

SR-485

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H-5, Capitol

3:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings with the Committee on Indian Affairs to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

SR-485

Indian Affairs

To hold hearings with the Committee on Agriculture, Nutrition, and Forestry to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

SR-485

MAY 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.

SD-116

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization and chemical defense programs.

SR-222

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 27

9:30 a.m.

Indian Affairs

To hold hearings on the proposed "Native American Grave Protection and Repatriation Act."

SR-485

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S-5, Capitol

2:00 p.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Indian Health Service and Environmental Protection Agency.

SR-485

MAY 28

10:00 a.m.

Judiciary

Immigration and Refugee Affairs Subcommittee

To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.

SD-226

JUNE 9

2:00 p.m.

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the Strategic Defense Initiative program.

SR-222

JUNE 10

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

JUNE 11

2:00 p.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.

SR-485

JUNE 16

9:30 a.m.

Indian Affairs

To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."

SR-485

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD-192

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 22

9:30 a.m.

Indian Affairs

To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.

SR-485

JUNE 24

9:30 a.m.

Indian Affairs

To hold hearings on the proposed "American Indian Religious Freedom Act."

SR-485

POSTPONEMENTS

MAY 13

9:30 a.m.

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs.

SD-419

HOUSE OF REPRESENTATIVES—*Thursday, May 13, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all the influences that help us see the demands of the day and the road for tomorrow. For the good traditions of our Nation when justice is served, we are thankful; for the freedoms that make us proud and for the liberties that allow us to serve others, we offer our praise. For families and friends who care for us and seek our best and whose concern is greater than we can ever know, we remember with appreciation. Help us, gracious God, to live each day with the spirit of gratitude and thanksgiving for all the gifts we have received and to offer our praise that Your spirit is ever with us and will never depart from us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Jersey [Mr. FRANKS] will please come forward and lead us in the Pledge of Allegiance.

Mr. FRANKS of New Jersey led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 214) "An Act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be a recognition of not more than 15 Members from each side for 1-minute requests.

A PENSIONLESS FUTURE

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I rise this morning to call the attention of my colleagues to an article appearing on the front page of today's Washington Post entitled, "A Pensionless Future?" This article highlights the very real problem that our society faces in preparing for the retirement of today's workers. Unless we increase the rate of retirement savings, starting this year, tens of millions of today's workers will find themselves destitute in their golden years.

And it is for this reason that I introduced H.R. 298 earlier this year to require employers to properly fund their pension plans. For the past year the Subcommittee on Oversight of the Committee on Ways and Means has investigated this problem and has received extensive reports from the U.S. General Accounting Office, the Congressional Budget Office, and the Pension Benefit Guaranty Corporation. The facts are clear. A small minority of large employers in this country have chosen to seriously underfund their pension plans. Today the unfunded current liabilities in private pension plans exceed $51 billion, and that figure has grown rapidly over the past few years. Even worse, the PBGC, which guarantees these pension promises, currently has a deficit of $2.7 billion, more than double its deficit in 1989.

When an employer shortchanges the company pension plan and then encounters financial difficulty it is the workers and the PBGC that bear the loss. The subcommittee has received direct, personal testimony from workers who have lost over a third of their promised benefits. Every month, for the rest of their lives, their monthly pension checks will be several hundred dollars short, because their pension plan was not properly funded.

A major reason their plan was not funded was because the law does not require employers to fully fund their pension promises. Therefore, when a company gets into economic trouble, it cuts back on funding its pension plan. When a company can't afford to pay higher salaries, it makes unfunded pension promises. And the union leaders and corporate managers agree to these empty promises because it allows them to look good in negotiating pay and benefits today, while shifting the risks to future taxpayers and retirees. The GAO found that in 1991 among eight of the largest underfunded pension plans, unfunded liabilities increased by $5 billion, of which $2 billion was due to new benefit promises.

There is no dispute about the facts of this situation. However, there is great reluctance to address this problem because it is never convenient for some to pay their bills. It is for this reason that the United Auto Workers have testified against any requirement that their pension plans be better funded, even though their plans are underfunded by over $14 billion. They are absolutely opposed to any change in the funding rules because they are currently negotiating a new pay and benefit agreement to replace their current contract, which expires in September 1993. If the past is any indication, we can expect that these negotiations will result in additional billions in unfunded pension promises.

H.R. 298, the Pension Funding Improvement Act of 1993 would put a stop to this abuse. I had hoped that this measure could have been advanced as part of this year's budget reconciliation bill. Unfortunately that effort was thwarted because the administration opposed taking any action to correct these pension abuses prior to September 1993. The administration has assured the subcommittee that it will propose reform legislation of its own at that time, and the subcommittee members eagerly await that proposal. Of course, there is a world of difference between proposing and enacting legislation. In the meantime, the problem will undoubtedly get worse and the solutions more unpleasant. I personally am deeply disappointed that we have, by not including these provisions in the reconciliation bill, missed what is perhaps our best opportunity to address the problem this year.

Everyone always has a good reason for waiting until a later day to fund their pension plans. But if we don't start making those hard decisions today we will all be the losers in the future.

THE HOMAGE VICE PAYS TO VIRTUE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, a French philosopher once said, "Hypocrisy is the homage that vice pays to virtue."

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This statement came to me as I learned that the Clinton administration has requested $7.5 million in additional funding for the White House staff.

On February 9, 1993, the President stated:

> Our White House will be leaner but more effective * * *. I should point out that this is one of the few times in this century that any President has actually shrunk the size of White House staff.

Well, Mr. Speaker, the truth is the White House staff has not shrunk.

There are now 527 warm bodies at the White House compared with 398 in 1992, an increase of over 100 employees. With this supplemental appropriation, the White House staff will expand again by up to 200 more employees.

The White House has indeed paid homage to the idea of shrinking its staff. But it has shown hypocrisy by not following through on that virtuous proclamation.

DEFICIT REDUCTION TRUST FUND: NO GIMMICKS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I want to applaud the President for endorsing an idea that many of us have been working on for over the past year or so, the deficit reduction trust fund, by which money from any new taxes raised would go to deficit reduction.

Now, some, I am interested to see, some opponents of this, have called this a gimmick. Now, they are the ones that gave us the last three Gramm-Rudman's; they sure worked, didn't they? They gave us a $4 trillion deficit, they gave us the lowest economic growth in anybody's recent memory, and they gave us the lowest rate of job growth. They killed the jobs bill. They are the opponents. That is why I am for it.

Now, the cuts in the deficit reduction package that the President put forward outnumbered tax increases better than a 1-to-1 ratio. The important thing here, though, is that Americans are being asked for shared sacrifice—and the message that I get at town meetings is, "Bob, we want to do our share. We want to make sure everyone is involved, and we want to make sure that there is true deficit reduction."

Well, with the deficit reduction trust fund, that keeps the trust with the American people, says that there is true deficit reduction and that you are sharing and you are seeing a result.

TRIBUTE TO JOHN JORDAN AND MEMBERS OF THE CLARK, NJ, VOLUNTEER FIRE DEPARTMENT

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, today I recognize the actions of John Jordan, from Rhode Island, and the members of the Clark, NJ, Volunteer Fire Department. For the last month, John Jordan has been risking his life in Sarajevo, responding to fires caused by Serbian shelling. The fires light up the scene, making the firefighters prime targets for the Serbian snipers and mortar shells. To date, a dozen firefighters have been killed in the line of duty.

These Sarajevo firefighters lack almost everything they need, and yet they continue. The Clark, NJ, Volunteer Fire Department, recognizing their need, has agreed to donate their retired fire pumper to the firemen's brigade of Sarajevo. The engine began the long trip to Sarajevo last night, when it was transported to upstate New York for renovation.

Mr. Speaker, the 14,000 citizens of Clark, NJ, are exhibiting what is best about this country. Within the next couple of weeks, engine No. 4, painted in red with Clark, NJ in gold, will be helping to protect life and property in the war-torn streets of Sarajevo.

PRESIDENT CLINTON HAS BEGUN OUR ECONOMIC CLIMB BACK UP

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, during the past 12 years Republican Presidents Reagan and Bush bulldozed this Nation into a $4 trillion hole of debt. What we found at the bottom of this pit of debt was unemployment, failing schools, crumbling roads and bridges.

President Clinton was elected to change the practices of the past two administrations and began our economic climb back. That is what he is doing.

The Clinton economic plan reduced the deficit by over $500 billion, makes over 200 specific spending cuts, and invests in job creation. He also assures that we have investments for our Nation's future and, yes, he does raise revenue. But the revenue measures are fair and balanced in their approach.

For example, during the 1950's, the 1960's, during the height of our postwar economic growth, corporate taxes represented 4.4 percent of GDP. They have fallen to 1.7 percent.

In light of this, the President has proposed a modest rate increase for corporate America that will raise between $5 billion to $6 billion annually, a reasonable proposal to make the tax system of our country fairer for the average working families and to reduce the burden on our grandchildren.

CORRESPONDING WITH THE PRESIDENT

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, remember when Bill Clinton said:

> We in government cannot ask the American people to change if we will not do the same.

He made this pitch as he announced his plan to cut the White House staff by 25 percent. Clinton started that process by firing 20 employees of the White House correspondence unit, the group that responds to letters from constituents.

Well, according to the administration's supplemental appropriation request, the President has received a lot of mail.

In this funding request, the President asked for more than $1 million to be used by the correspondence unit, probably to hire the 20 previously fired employees.

Instead of hiring more people to answer his mail for him, the President should read some of it for himself.

Then he will understand that the American people want some real change from the White House, not empty promises of phony budget cuts.

□ 1010

IN SUPPORT OF SINGLE-PAYER HEALTH CARE SYSTEM

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the word is out. A single-payer system of health care is popular with Americans and it is the real solution to health care cost containment.

The Congressional Budget Office has confirmed that adopting the single-payer system could cover everyone and still save $14.2 billion.

I want to share with you a letter from a neighbor in Massachusetts—but he could easily be any of your neighbors.

He tells me both his sister and daughter are suffering from cancer. His sister did not have insurance and could not afford the doctor when she discovered a lump in her breast. And now his daughter cannot afford the procedure to cure her cervical cancer. I can think of no better reason to reform our health care system than these two people who may not live because they cannot afford basic health care.

Eighty percent of the thousands who attended my health care forums raised their hands and voted for a single-payer system. They want to stop the exploding cost of health care and provide health security for every American citizen. So do I, and that is why I urge my colleagues to support a single-payer system.

DEMOCRATS AND ADMINISTRATION NEED TO GET THE BIG PICTURE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Clinton administration thinks big is better. We have got big Government, big spending, big regulations, and soon, we will have really big taxes. In this big bureaucracy, what is small business going to do?

Each year, Government regulations cost this country over $400 billion big ones. Small businesses alone spend 1 billion hours and $100 billion just completing Government paperwork.

You know, on the campaign trail, the Democrat in the White House pledged to help small businesses. But since January, the only relief that he has offered is more than 27,000 pages of new regulations.

The administration and the Democrats in Congress need to get the big picture. If we do not reduce Government, reduce spending, and reduce regulations, small businesses and the whole Nation will be in big trouble.

Americans still do not want, do not need, and do not deserve more taxes and bigger Government.

DEFICIT REDUCTION TRUST FUND IS NO GIMMICK

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, as one of the five original architects of the deficit reduction trust fund in the House, I am delighted that the President has decided to make our plan one of his major budget proposals.

This plan is no gimmick. This deficit reduction trust fund represents a guarantee to our constituents that our collective sacrifices will not be in vain.

It makes clear that all revenues raised under the budget proposal are for deficit reduction, and any new spending is matched by spending cuts. We need a pay-as-you-go system for Government so that we can balance our checkbook at last.

For the past 12 years, our Government has run on the philosophy of spend now, and worry about the bill later. This deficit reduction trust fund is an attempt to shift that mindset. It is a formula to pay our bills when the debt is incurred, and to pay down our deficit now so that our children and their children will not be burdened with this generation's spending.

I commend the President for this bold step, I urge this House, both Democrats and Republicans, to unify behind his plan to end our addiction to deficit spending.

LISTEN TO PRESIDENT, BUT WATCH WHAT HE DOES

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, with a flurry of publicity, the White House took great pride in announcing a 25-percent cut in White House staffs a couple months ago. Now we see a supplemental appropriations bill going through the Congress which will result in a new increase of almost 10 percent in the total money available to the White House for administration. That is over and above last year's appropriation level, by the way.

Mr. Speaker, this is just one more example of why the American people would be well-advised to listen to the President's speeches, but also to watch and see what he actually does.

PRESIDENT IS ON RIGHT TRACK WITH DEFICIT REDUCTION TRUST FUND

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, on February 17 on the rostrum just behind me, the President of the United States speaking to Congress and to the Nation indicated how important deficit reduction was for the economic health and future of our country. He indicated then that deficit reductions would lower the interest rates, create capital, create jobs, and grow the economy.

Yesterday the President took that message another step by indicating his desire to have created a trust fund into which would go for deficit reduction alone the net gain in tax increases and the net gain in spending reductions.

I salute the President, Mr. Speaker, on having made this very strong statement in behalf of a lower deficit and in behalf of a stronger economy.

Several of us on the Hill have sent letters to the President recently encouraging him in this direction, saying that we would support him in legislative efforts to accomplish that creation of a trust fund.

Once again I think the President is definitely on the right track. Reduce the deficits and we improve the economy.

LOOK AT PERFORMANCE, NOT GIMMICKRY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, it is getting harder and harder in this town to have any confidence in what is being said. Indeed, it is harder and harder to even understand what is being said.

First we heard we are going to have a focus on the economy. It turns out rather than a laser beam, it was more like a strobe light.

Then we heard we are going to reduce taxes on the middle class. Now we know that a Btu tax will extend those taxes down to poverty levels for families.

We were told we were going to reduce the cost of the staff in the White House. Now we know there is an additional request for appropriations to staff the White House.

So today we hear a new example of gimmickry, that is the trust fund to reduce the deficit.

My friends, the only way to reduce the deficit is to reduce spending. You can have all the new taxes you choose over here in the trust fund. As long as the other side of the equation goes up faster, you have not achieved anything.

We have a way to check that. You can check that by the debt, by the way the debt grows. So let us not talk about gimmickry. Let us take a look at performance and make some changes. Reform is by taking a look at the growth of the debt. Gimmickry will not help it.

DEFICIT REDUCTION TRUST FUND MAKES SENSE

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, I want to applaud President Clinton for proposing a deficit reduction trust fund. This fund will insure that new taxes will go to reducing the Federal deficit. It insures that new taxes will not be spent on pork barrel or new spending programs.

This is a commonsense idea. Even those who oppose new taxes should support this idea, that is if we are to have new taxes let us not waste that money. Let us spend it on deficit reduction.

Nothing in this plan prevents Congress from passing additional spending cuts.

Mr. Speaker, some Members of Congress have called this reduction plan a gimmick. I hope the American people will remember that many of these critics are the architects of our $4 trillion national debt. To give credibility to their criticism of this reduction plan is like listening to Al Capone on law enforcement or Bonnie and Clyde on banking regulations.

Mr. Speaker, the deficit reduction trust fund plan makes sense and deserves our support.

AN EMPTY PROMISE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Clinton now has proposed putting taxes into a trust to reduce the Federal deficit.

This, from the same person who promised Americans a tax cut, no energy tax, and that he would not tamper with Social Security.

Actually, this latest proposal is an improvement. Mr. Clinton has gone from broken promises to an empty promise.

This so-called trust fund will not cut spending one dollar, it will not reduce the deficit one dollar, and it will not put one more dollar into the pockets of Americans.

What it does do is remind us we have two deficits—the financial deficit and the trust deficit.

The financial deficit will be solved when we cut spending and cut taxes—not increase them.

The trust deficit will be solved when we elect more fiscally responsible Members of Congress and when Mr. Clinton remembers to keep the promises he made to the American people.

President Clinton should remember Abraham Lincoln's advice:

> It is true that you may fool all of the people some of the time; you can even fool some of the people all the time, but you can't fool all of the people all of the time.

□ 1020

CHANGE, NOT CHANCE

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, we have seen what a few wily apostates can do to this Nation's people when they opt to place politics above principles.

Most of our friends on the other side would have the American public believe that chances are the voodoo economics of the Reagan-Bush years will soon yield some positive results.

Mr. Speaker, last November a majority of America voted for change, not chance.

We cannot leave it to chance that this Nation's economy will heal itself and the deficit will reduce itself.

We cannot leave to chance jobs and educational opportunities for America's people.

We cannot leave it to chance that our children will become healthy, well-adjusted adults prepared for tomorrow's challenges if we do not make some fundamental changes today.

We must stop the pillaging of this Nation's households and restore dignity and respect to America's families.

It is time to support President Clinton's plan for economic growth and fundamental change.

CONNECTICUT CELEBRATING TAX FREEDOM DAY ON MAY 14—THIS YEAR

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, I want to take this opportunity to commemorate Friday, May 14, as Tax Freedom Day in my home State of Connecticut.

According to the Tax Foundation Research Group, Mr. Speaker, the average American spends the first 123 days working to pay their Federal, State, and local taxes. In Connecticut we need to work an extra 11 days before we can have enough to pay off our tax burden. Thanks to the Connecticut Legislature, Connecticut's workers toil for the government almost a month longer than the workers of South Dakota. Only two States in the country have the dubious distinction of celebrating Tax Freedom Day on a later date than Connecticut.

Unfortunately, Mr. Speaker, if the President's proposed tax increases are enacted, we will all be celebrating Tax Freedom Day even later next year, and I doubt that those extra days of working for the government will prove worthwhile.

MILITARY BAN ON GAY MEN AND LESBIANS

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, hearings in the other body on Tuesday featured the drama of testimony by Marine Col. Fred Peck opposing the President's plan to end antigay discrimination in the military while revealing that his own son is gay. It is not a question of prejudice, Colonel Peck assured the Nation: it is just that gay men and lesbians are not suited for military service.

Sometimes, however, people tell more about themselves than they mean to. So it was with Colonel Peck. In discussing his son, Colonel Peck made a remarkable statement, and I quote:

> If he walked into a recruiter's office, he would be a dream come true—6-1, blue-eyed, blond hair.

Blue-eyed. Blond hair. What is it, in Colonel Peck's value system, that makes such coloring the ideal—a dream come true—for military service? Hair color? Eye color? What kinds of standards are those for fitness for military service? Quite unintentionally, Colonel Peck made it abundantly clear how narrow a view he takes of the ideal qualities for a soldier. It is hard to believe that the chairman of the Joint Chiefs of Staff, Gen. Colin Powell, would agree.

TAX PROPOSALS AND BUDGETARY GIMMICKRY

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, we know the President's tax proposals are in trouble when he has to resort to old-fashioned smoke and mirrors in order to rescue them.

The Clinton administration has gone to great lengths to promise no more accounting tricks. It has taken barely 100 days for this promise to be jettisoned.

The President is now proposing a trust fund to house the tax increases earmarked for deficit reduction. This is nothing less than budgetary legerdemain. All revenues are fungible. How they are accounted for is irrelevant insofar as economic impact is concerned, but obviously, Mr. Clinton believes it plays well politically.

But accounting gimmicks cannot change the fiscal fundamentals, and the bottom line fundamental is how much the Government must borrow. No matter how the accounts are jiggled or rearranged or reconstructed, the amount the Government must borrow in any given year is the only deficit that counts. The markets know this and so do the American people.

This political ploy is nothing less than a disingenuous attempt to create credibility that has gone away. Our deficit problem is too important and too serious for phoney budgeting.

SUPPORT THE DEFICIT REDUCTION TRUST FUND

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday the President proposed a deficit reduction trust fund, and it did not take more than a minute for the other side to knock it.

Mr. Speaker, what are they afraid of? At the very least it is not going to do any harm, and it certainly, in the words of an economist, can do a lot of good.

I will tell my colleagues what the other party is afraid of: Very simply, under 12 years of their watch the deficit climbed. The thing that makes the other party quake in their boots is the fact that the deficit may actually be reduced under, of all people, Democrats. And the deficit reduction trust fund that the President has proposed, while not affecting future taxes and not affecting future cuts, says that everyone of us, Democrat, Republican, liberal, conservative, House, Senate, White House, Congress, we must put our money where our mouth is.

Yes, we are voting these painful cuts and taxes, my colleagues, but, yes, we are guaranteeing to the public that those taxes and those cuts go to deficit reduction and not pork.

I urge my colleagues to support the deficit reduction trust fund, especially those on the other side of the aisle. It is the kind of thing they have been advocating for a long time.

PRESIDENT CLINTON'S EMPLOYER-MANDATED HEALTH PLAN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, the Clinton administration floated another health care trial balloon yesterday.

They want to require employers to provide health coverage—by spending a fixed percentage of payroll—for all their workers.

This pay or play plan would literally signal doom for many of America's small businesses and the millions of workers they employ.

The Joint Economic Committee estimates that at least 710,000 jobs would be lost in the first year alone.

The administration also said employers would be required to spend 7 or 8 percent of their payroll on health care.

So even if a company can provide excellent coverage for its employees for 6.5 percent of its payroll, the Clinton administration's spending floor will force it to spend even more.

Why does this administration believe government knows better what's good for small businesses than business owners do?

Mr. Speaker, let's not adopt a health care plan that destroys more jobs.

Say no to this payroll tax. Say no to pay or play.

ONCE AGAIN PRESIDENT CLINTON DEMONSTRATES HIS COMMITMENT TO REDUCING THE DEFICIT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, once again President Clinton has demonstrated his commitment to reducing the deficit. First, Mr. Speaker, he proposed a $500 billion deficit reduction package. It was serious, no smoke and mirrors. Second, he strongly backed a modified line item veto, and now he has proposed a deficit reduction trust fund to demonstrate that new taxes and spending cuts go into deficit reduction.

Mr. Speaker, this is not a gimmick, this is serious, this is what the public wants, and the reason he is doing it is the American public does not believe that the executive branch and the Congress are really going to put this money that they get from taxes and spending cuts into deficit reduction. Mr. Speaker, the amounts in this fund are going to be permanently set aside and cannot be used for other purposes.

Once again, Mr. Speaker, the President has stolen his critics' thunder, and he is putting his money where his mouth is, into deficit reduction, into a trust fund that reduces the deficit and does not go to any other purposes.

□ 1030

REINTRODUCTION OF CHILD WELFARE SERVICES REFORM ACT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, many of us were shocked last week by the story of 2-year-old Donnell Robinson. Donnell passed away late last Tuesday night at Fairfax Hospital due to brain injuries allegedly inflicted by his mother's boyfriend. Many of us were similarly shocked last July when a 6-year-old boy in Baltimore was allegedly abused and starved by his grandmother. The boy's weight was half that of an average child his age and he had a broken arm that had not been set. Unfortunately, these tragedies are not isolated incidents. Events like these happen every day.

Unfortunately, our Federal Child Welfare Services Program does not offer the kind of assistance that State and local governments need. Federal child welfare services did not allow Federal funds to be used for counseling. In the past month, Donnell and his family had been visited by the local social services agency after a babysitter had noticed bruises on the boy's face, back, and buttocks. The social worker had the boyfriend sign an agreement in which he promised to get counseling and guaranteed to never be alone with the boy. Obviously, this did not work. Would it not make sense if Fairfax County had been permitted to use Federal funds to conduct follow-up visits on the condition of Donnell Robinson rather than having the boyfriend sign a bogus agreement?

In addition to not allowing counseling, our current system reimburses States through six different audits. This has created an enormous bureaucracy which has caused administrative costs to rise 1,000 percent since 1981. Our social workers are spending their time filling out forms rather than helping kids.

It is time for Congress to act upon the campaign buzz words of change and reinventing government. For that reason, Congressman ROB ANDREWS and I are, today, reintroducing the Child Welfare Services Reform Act. This bipartisan legislation greatly reduces the overwhelming red tape, and gives States the flexibility to best serve children. States will be able to focus on counseling and expanding family preservation programs, without adding to our Federal deficit. Instead, the bill locks into the current CBO 5-year budget projections, providing States flexibility with $8 billion in slated Federal funds over the next 5 years. We must act to prevent such incidents as the tragedy of Donnell Robinson, and we need to have our colleagues cosponsor the Child Welfare Services Reform Act to reform the way we serve our kids in America.

A SINGLE-PAYER HEALTH CARE SYSTEM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I want to call to the attention of my colleagues a recent Congressional Budget Office study conforming that a single-payer health care system will save money.

The CBO concluded that if a single-payer system, with a copayment and deductible, had been in effect in 1991, $14.2 billion would have been cut from America's health care costs that year.

That is 5 percent of the deficit.

Virtually all other health care reform options come with increased national health care costs.

Only a single-payer plan does all four of these things:

First, provides health coverage to everyone.

Second, provides high quality benefits and delivers them through a system that is easily understood.

Third, cuts costs by eliminating billions of dollars in administrative waste and duplication and putting in place real and enforceable cost controls.

Fourth, allows for choice of doctor.

I urge my colleagues on both sides of the aisle to review the CBO report and to join the other 73 Members who are cosponsors of H.R. 1200, the National Health Security Act, Representative MCDERMOTT's single-payer plan.

IT'S PRESIDENT CLINTON THAT NEEDS A TRUST FUND

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, yesterday President Clinton announced the creation of a trust fund into which all his new tax money will be put. Of course, it won't lower taxes, it won't lower spending and it therefore won't lower the deficit. Yet somehow this new gimmick is supposed to restore the American people's faith.

Mr. Speaker, it is not the Federal Government that needs another budget gimmick. It is President Clinton that needs a new trust fund. He needs it because in just over 100 days he has used up all the trust the American people had in this administration. He has used it up because he has broken every promise he has made and he has tried to fix each broken promise by making two more.

A classic example is his statement a few months ago that he would reduce White House staff. Just an hour ago the White House was before the appropriations committee asking for money to restore those people. Instead of cutting staff they are growing staff: their target was 408; in March the level was 512; today the number is 527 and now they have the nerve to ask Congress for 100 to 200 additional positions.

The trust fund gimmick is perhaps the only promise Clinton won't break because it was never intended to do anything in the first place.

FOCUS ON TRUST DEFICIT

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, President Clinton must finally be starting to realize just how bad his tax-and-spend economic plan looks, when you clear away all the flowery rhetoric and doublespeak.

Yesterday he announced a trust fund for deficit reduction, in an attempt to reassure the American people that all his new tax increases really will be used to lower the Federal deficit, and not just go for new spending.

Unfortunately for President Clinton, even his fellow Democrats have recognized this for what it is—just a gimmick that doesn't change existing law or anything else. In fact, it's just one more rhetorical patch on the leaky hull of a sinking economic plan.

The American people are not fooled. They have sat at home and watched the President break almost all of his major promises for the past 5 months. Why on Earth should anyone believe him now?

Mr. Clinton would do better to focus on his own trust deficit and start making his actions look a little more like his words.

As far as the budget deficit goes, we will just have to wait and see. Trust fund or not, Mr. Clinton's best-case scenario still calls for adding more than a trillion dollars to the Federal debt.

It will take more than a gimmick to change that.

OUTSTANDING BUSINESS LEADERS FROM HAGERSTOWN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, with creativity, initiative and faith in our system, small business entrepreneurs are the backbone of our economy. Appropriately, the Small Business Administration annually recognizes small business leaders and advocates who consistently pioneer new ideas and encourage growth, development and job creation.

Tomorrow, the Small Business Administration will honor two outstanding allies of small business from Hagerstown, MD. Terry Randall is being recognized as the Small Business Administration's Financial Services Advocate of the Year. For more than 20 years, Terry and his associates have been providing sound financial assistance to promising small businesses and innovative individuals wishing to contribute to the success of the free market system. David Elliott, manager of the enterprising "The Business Spirit" in Hagerstown has been named SBA's Media Advocate of the Year in Maryland for his energetic, skilled and motivating promotion of small business development and expansion in Western Maryland.

Mr. Speaker, I am extremely proud to extend my personal congratulations to Terry Randall and David Elliott and wish them continued success in their businesses. They are outstanding leaders in the Hagerstown community and are a fine example to other small business owners throughout the Nation.

CLINTON'S DEFICIT TRUST FUND TERMED A SHAM, NOT A GIMMICK

(Mr. HOKE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I find myself in the unusual situation this morning of having to disagree with my friends who have spoken before me on this side who claim this is a gimmick and agreeing with my friends on the other side of the aisle who say it is not a gimmick. It is not a gimmick. It clearly is not a gimmick; it is a sham.

It is a complete sham that is perpetrated on the American people to call this a trust fund. What are we going to do with this money, create another class, a new class of debt?

What is really disturbing about this is that this is so silly a proposal that it calls into question the seriousness of the administration proposing it. Either the President simply does not understand the fundamental budget process, and you cannot squeeze blood out of a turnip that does not exist, or he thinks that the American people are so stupid that they will not see through this. Either way, it clearly undermines the credibility of the administration, and it is one more trial balloon that I predict will come crashing down to Earth.

HUNGARY WANTS DEMOCRACY, BUT WHO PAYS FOR IT?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America wants to promote democracy in Hungary so bad that Hungary needed someone to run their state-holding company—a private company owned by the Hungarian Government—but they did not have the money, so Uncle Sam will provide $100,000 a year to pay the salary of Mr. Taleki to run a private holding company in Hungary to try to get their economy and their Nation in order.

I oppose this. What has happened to the common sense of America? While we are promoting democracy abroad with money we do not have, we have 25,000 murders and millions of kids graduating who cannot read.

If there is going to be democracy in Hungary, the Hungarians are going to have to pay for democracy, not the American taxpayers. I oppose it.

Mr. Speaker, I will be sending a letter to the State Department and to our President asking him to stop this business.

NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 820.

☐ 1040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. OBEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Wednesday, May 12, 1993, title III was open for amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 62, line 11, insert "The Secretary shall ensure that loans and loan guarantees made available under this subtitle are made to business concerns which are at least 51 percent owned or controlled by middle-class Americans. Middle-class Americans are defined as those individuals whose Adjusted Gross Income for Federal income tax purposes for the previous year was between $15,000 and $85,000." after "including women).".

Mr. WALKER. Mr. Chairman, it is disappointing that this bill has become a vehicle for establishing social policy. It was a bill that started off as a competitiveness bill dealing with questions of economic concern, but we have in fact now decided that we are going to make this bill into a social policy bill.

We have adopted set-asides for women and minorities. We have directed the Secretary to identify economically depressed areas so they can be given special treatment. We are making government once again a banker of last resort in this bill.

We are doing all of these things in the bill in the name of competitiveness, for which we are asking the American taxpayer to pay, and for which he is likely to get very little in return.

Now, the one thing that we hear constantly from the American people is then, "Why aren't we ever taken into account?"

Well, this amendment takes them into account. This amendment says that if we are going to use this bill as a vehicle for social policy, then let us assure that the middle class is capable of getting some of the loans under this program. Let us for once designate them specifically. Let us not just have designations for all of the groups out across the country that have special interest concern. Let us for once say that the middle class deserves some consideration.

Mr. Chairman, it is clear the American people do not believe that Government pays any attention to them. The American people do not trust us. They do not think we look out for their interest. They believe they have to pay all the bills and they get shafted.

Well, here is an opportunity in this bill, since we decided to make it into a social policy bill, to say okay, middle class America, you too are eligible for these loans.

Ross Perot's pollster back in the 1992 campaign interviewed people about their reasons for voting for Mr. Perot. Their answers ought to be a signal to us. Congress was repeatedly singled out as a broken institution. Some of the responses from the people were "Congress panders to special interest," and, "They all link arms and hook up with the special interests." The people said over and over again, "They are always shafting the middle class."

Well, middle class America deserves some attention. Since we have decided we are going to categorize people in this bill and we are going to do set-asides, all this amendment says is middle class America ought to also get the appropriate kind of treatment. So this amendment, if adopted would say to the Secretary, "Your loans should go to middle class America as well as everybody else that is designated in the bill."

Mr. Chairman, I think it is a commonsense amendment. It is the kind of thing we ought to have been doing for a long time, and I would ask my colleagues to adopt the amendment aimed at giving middle class America equitable treatment under the loan provisions of the bill.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the 10 percent minority participation goal set out in the bill as adopted by the Committee on Science, Space, and Technology is a measure intended to redress decades of well-documented discrimination against racial and ethnic minorities and women in the credit market and other areas which have excluded minorities and women from business opportunities.

We have settled the question as to whether or not this part of the bill is in any way a quota measure.

We have settled that yesterday. There was never any question about it, but any possible suggestion has been laid to rest forever.

The introduction of this measure into the legislation in the first place was in our opinion the gentlest effort to suggest to those who administer the program and to draw to their attention these certain preexisting or existing problems.

Mr. Chairman, this language has been adopted in numerous laws and supported by the past administration and the one before that, and basically represents the policy of the U.S. Government and the governments of most of the States in this Union, particularly with respect to procurement and business assistance programs like the small business programs.

There is absolutely no evidence to suggest that middle-class individuals have been systematically excluded from business opportunities because of their status as middle-class individuals. As a matter of fact, I might suggest to the gentleman from Pennsylvania [Mr. WALKER] that the whole reason for this legislation was to provide opportunities for middle-class Americans, middle class American business people, to be able to compete with the industrial and technological giants in the United States. The IBM's can take care of themselves. We tried to create a vehicle here that will enable middle-class Americans to get part of the action in the development of technology.

Indeed, to the contrary, as I have stated, the bill is aimed at assisting the middle class, as I have said. Therefore, there is, Mr. Chairman, in our opinion absolutely no reason to create a set-aside goal for the middle class, since they have not been victims, and, since as I stated, the legislation was created for the middle class.

The Walker amendment, so-called middle-class amendment set-aside, in our opinion demeans, demeans, the well-established policy to bring minorities and women into the economic mainstream and should be strenuously opposed. And I ask my colleagues to again support the committee in opposing Mr. WALKER's demeaning amendment.

Mr. WALKER. Mr. Chairman, I demand the words be taken down.

The CHAIRMAN pro tempore. The Clerk will report the words objected to by the gentleman from Pennsylvania [Mr. WALKER].

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POINT OF ORDER

Mr. TRAFICANT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TRAFICANT. Mr. Chairman, would it be possible for the House to conduct its business while all of this machination is going on behind the scenes and then when the Chairman finds the answer, to bring it forward?

The CHAIRMAN pro tempore (Mr. OBEY). No, this must be disposed of first. The Clerk is ready to report the words to which the gentleman from Pennsylvania objected.

The Clerk read as follows:

> The Walker amendment, so-called middle-class amendment set-aside, in our opinion, demeans, demeans the well-established policy to bring minorities and women into the economic mainstream and should be strenuously opposed. And I ask my colleagues to again support the committee in opposing Mr. WALKER's demeaning amendment.

The CHAIRMAN pro tempore. The Committee will now rise.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SHARP] having assumed the chair, Mr. OBEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

The SPEAKER pro tempore (Mr. SHARP). The Chairman of the Committee of the Whole House on the State of the Union reports that during the consideration of the bill, H.R. 820, certain words used in the debate were objected and, on request, were taken down and read at the Clerk's desk and does now report the words objected to to the House of Representatives.

The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows:

> The Walker amendment, so-called middle-class amendment set-aside, in our opinion, demeans, demeans the well-established policy to bring minorities and women into the economic mainstream and should be strenuously opposed. And I ask my colleagues to again support the committee in opposing Mr. WALKER'S demeaning amendment.

The SPEAKER pro tempore (Mr. SHARP). The Chair rules that the use of the language "demeaning" has, as its descriptive objective, the amendment itself and the policy therein and does not go to the motive or the character of the individual who is offering the amendment.

Members may take issue with the description of the amendment, but it is certainly, in this instance, not used to describe the character of the Member or his motives. The words are not unparliamentary.

The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 820, with Mr. LANCASTER in the Chair.

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Mr. BECERRA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to add a few remarks to those made by the chairman of the subcommittee. I think that the comments made by the chairman of the subcommittee were well taken.

I would also make a few other points. The set-aside language that was included in the committee bill, which deals with disadvantaged organizations, goes to the heart of the issue of diversity within the United States of America.

What we are trying to do is include firms using those that are run and operated by minorities and women that have not had an equal opportunity to compete for contracts for many, many years.

The language which spoke of having the Secretary attempt to assure that minorities and women or, actually, those that were economically and socially disadvantaged would have an opportunity to compete for approximately 10 percent of the loans was solely an amendment that said that the Secretary should make an effort. It was not a quota, because it did not require that any percentage of loans go to any particular class of individuals. It just asked the Secretary, it actually required the Secretary to make every effort possible to do so.

Now, compare that to the amendment we have before us now. The amendment by the gentleman from Pennsylvania [Mr. WALKER] requires, does not have as permissive language, it has as mandatory language that each and every loan under this program go to individuals that are between $15,000 and $85,000 to the degree that that individual has a 51-percent stake in the company.

If there is no individual in this company competing for this loan that has an income, a gross adjusted income of $15,000 to $85,000, then that individual cannot compete; $85,001 prohibits one from qualifying for a loan under this program.

I do not know if a person is middle class, if they are $85,000 or below and if they are $1 above, they are no longer middle class, but I do know it would be patently unfair to not be able to compete, period, solely because you do not have 51 percent of the ownership of the company, that is, between the income level of $15,000 and $85,000.

It seems to me that this amendment goes beyond what the gentleman from Pennsylvania [Mr. WALKER] is truly trying to do.

And again, I am not certain what his motives are, but it seems to me that if he is truly trying to address the issue of the middle class, he would not have made it so strict and rigid, which means that only those who are within the income range of $15,000 to $85,000 could qualify.

This is beyond the goal. This is beyond the quota, because it is a 100-percent quota for those that are within the $15,000 to $85,000 income range.

I would also ask at some point that my colleagues and the gentleman from Pennsylvania [Mr. WALKER] consider how the Department of Commerce would implement this amendment. How are we going to determine, and let us read the language, middle-class Americans are defined as "those individuals whose adjusted gross income for Federal income tax purposes for the previous year was between $15,000 and $85,000."

How will the Department of Commerce, which does not have access to people's tax forms, does not have access to a business' tax returns, how would the Department of Commerce determine if there is a firm or individual who owns or operates a firm that has an income level of $15,000 to $85,000 adjusted gross income?

That would require the Department of Commerce to then seek out the information from the IRS. It would require the IRS to thereby be able to provide all that information to the Department of Commerce, if, in fact, it is allowed to do so and not prohibited by confidentiality requirements.

☐ 1100

There is no way in the world that, under the existing rubric of the Department of Commerce, that it could achieve the goal in the amendment of the gentleman from Pennsylvania [Mr. WALKER]. Again, I think it is an ill-defined amendment. It does not go to the heart of perhaps what the gentleman from Pennsylvania is trying to do, and that is to make sure that the middle-class has a chance to compete against those who are wealthier.

I would agree with the gentleman to that degree if he is trying to make sure the middle class has an opportunity to truly compete, that that be allowed, but I do not see this doing that. All I see it doing is limiting those that could truly compete for worthy loans to those who are between $15,000 and $85,000, a very arbitrary limit. I would ask my colleagues to vote against this measure.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it would seem, and I think my colleagues should consider, that if we are going to give preferential treatment, that we cannot be too narrow in limiting special groups to whom we are going to give this special treatment. The amendment that suggests that we look at middle class America, who has often been disadvantaged by legislation, as the very rich can succeed with their money, where the very poor and the very outcast are sometimes given that preferential treatment, I support the amendment, because there is reasonableness to including a broader frame of Americans that are often left out.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman, I think, makes an excellent point. It is fascinating to hear the debate, first of all, to hear that an amendment designed to protect the middle class is demeaning. That is exactly what all those folks that were talked about by Ross Perot were saying out there. They think that Congress regards anything done for the middle class as being demeaning, and they are sick and tired of a Congress that does not understand the kind of pain they are going through as they pay the taxes. They are sick and tired of a Congress that believes that it is demeaning to include the middle class in these programs. They are sick and tired of the fact that every time the middle class wants something, that it is demeaning for Congress to consider something that is middle class in nature.

We heard an argument a minute ago that says that if a person makes more than $85,000 they ought to be eligible to compete for these programs. I will tell the Members, the problem is that the people making more than $85,000 get a chance to go to the banker. They have assets enough to go to the banker to get loans.

What we ought to be doing is thinking about those people who cannot go in to the banker to get the loans to do their small startup business. If we are going to have this loan program, we ought to be doing something about that. The $85,000 people are pretty well off. They are not rich, but they are pretty well off.

What we have now is the Democrats arguing that $85,000 a year and up ought to get these loans, that we ought not to give special treatment to the middle class, that in fact we ought not even make them eligible, that it is demeaning to suggest that they are going to be eligible, that it is demeaning to offer an amendment on the floor to suggest that middle-class Americans ought to be given a chance to compete.

I would suggest that much of middle class America does not think it is demeaning. They think it is exactly the kind of thing they have been waiting for, that they are sick and tired of a Congress that consistently ignores their wishes, comes to them only when it is time to pay the bill. Yes, when we want to raise the biggest tax increase in history, boy oh boy, at that time we come to the middle class and say, "You open up your pocketbooks to give us the money," but when it comes to the question of whether or not they should be eligible to compete for loans, no, we want to give those to only people $85,000 and above. Those are the people that ought to get these loans, and it is demeaning to do something else.

I would submit that if the Members do not think it is demeaning to try to help the middle class, they may want to support this amendment.

Mr. SMITH of Michigan. I would say to the gentleman from Pennsylvania that his point is well taken. I would hope that the gentleman who made the comment that it was demeaning would consider withdrawing that, because that is really not part of the debate.

Mr. FINGERHUT. Mr. Chairman, would the gentleman yield?

Mr. SMITH of Michigan. I am happy to yield to the gentleman from Ohio.

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman from Michigan, and I appreciate the eloquence and vehemence of the gentleman from Pennsylvania [Mr. WALKER], but he has asked us to vote on a specific proposal here, not about his general sentiments about the middle class, but rather about the amendment that is at the desk.

I wonder if the gentleman would care to answer some of the concerns that were raised by my friend, the gentleman from California [Mr. BECERRA]. That is, precisely how we shall implement, if we vote today for this proposal.

For example, I would ask the gentleman, is it truly the intent here, as the gentleman from California said, if we read this amendment, "The Secretary shall ensure that loans and loan guarantees made available," not a percentage but all loans, loans guaranteed under this shall come for individuals who have adjusted gross income between $15,000 and $85,000? Is it the gentleman's intent that no one under $15,000 nor anyone over $85,000, even by $1, should be in any way able to participate in the benefit of this program at all, whatsoever? Is that the gentleman's intent?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania, as the major sponsor.

Mr. WALKER. Mr. Chairman, the intent of the amendment is to make the middle class eligible. The gentleman may want to interpret it as including all loans. I do not see the word "all" anywhere in here. That is the gentleman's interpretation.

The intent of the amendment is to make middle-class people between $15,000 and $85,000 eligible for loans in the program, and if it is needed for me to say that eligibility is the intention here, they now have that statement for the legislative history.

Mr. FINGERHUT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could continue to ask the gentleman from Pennsylvania [Mr. WALKER] if he would consider continuing this dialogue for just a moment, he suggests that it is my interpretation. I would be happy to yield to him if he would tell me how else I should interpret the following language: "The Secretary shall ensure that loans and loan guarantees made available under this subtitle are made to business concerns which are at least 51 percent owned or controlled by middle class Americans," which then has gone on to be defined as adjusted gross income between $15,000 and $85,000.

I would ask the gentleman from Pennsylvania, how else should I interpret the language, other than that if we were to vote for this amendment, despite his eloquent statement of intent to the middle class, how else should I interpret it, other than every single dollar loaned under this program must go to someone with an adjusted gross income between those incomes?

Mr. WALKER. Will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman was the one who a few minutes ago said that the amendment contained the word "all." It does not say that. It simply says that the Secretary shall ensure they are made available to the business concerns that are middle-class oriented. I am saying to the gentleman that he can vote against this if he wants, if he thinks that people $85,000 and above ought to be the ones getting all of this. If he thinks the rich in the country ought to get all these loans, go ahead and vote against the amendment.

I am saying that I think the middle class ought to be taken into account, and that it is a question of eligibility here. My intent is to make the middle class eligible.

Mr. FINGERHUT. Reclaiming my time, Mr. Chairman, I respectfully suggest that the gentleman is making the argument that he wishes to make, but is not addressing the specific language of the amendment that he puts before us on the table. The language before us on the table says that the Secretary shall ensure that the loans and loan guarantees go to these individuals. The gentleman wishes to make a general point. I understand his general point, but he has asked us to vote for an amendment that says it shall go to those people.

If the gentleman would respond to another question, I would be happy to yield to him. That is, the gentleman from California [Mr. BECERRA] also raised, I think, what is a very important point, and that is, if we wish to vote for this amendment, if we share the gentleman's sentiments with respect to the individuals who have incomes between $15,000 and $85,000, and this is a program to be administered by the Secretary of Commerce, how does the gentleman believe, short of having every individual submit their income tax returns to the Secretary of Commerce for his perusal, how does the gentleman intend that the Secretary of Commerce will implement this section, should we all share his sentiment and choose to vote for it?

Mr. WALKER. Will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I assume that the people who are applying for the program will assure that they have established the eligibility requirements. That is what we do in all other programs. I assume that when they submit their application, that there will be a way of providing the information necessary to assure that they meet the eligibility requirements.

Mr. FINGERHUT. Mr. Chairman, reclaiming my time, short of submitting their Federal income tax returns to the Secretary of Commerce, how else might that be done, I would ask the gentleman?

Mr. WALKER. If the gentleman will continue to yield, that might be one way that they could do that. There are affidavits. There are various kinds of ways. I personally release my income tax returns as part of my duties as a public official. It seems to me somebody who is applying for Government money and wants taxpayers' money might have to do that as part of this.

However, that is one way to assure that middle-class people, in fact, are included.

Mr. FINGERHUT. Reclaiming my time, Mr. Chairman, and I am happy to yield back, the gentleman also proposes in the language of this amendment, in addition to having to submit their income tax returns, that the company might be 51-percent owned or controlled by individuals.

In my experience, many companies that might be eligible for this program are owned by a number of individuals. Would it not be the case, I would ask the gentleman from Pennsylvania, that every person who is a part owner, up to the 51 percent level, would have to submit income tax returns to the Secretary of Commerce in order to demonstrate fitting under this amendment?

Mr. WALKER. Will the gentlemen yield?

Mr. FINGERHUT. Yes, I yield to the gentleman.

Mr. WALKER. Once again, the gentleman overstates the case. It seems to me he is trying to find ways for voting against the amendment. Why does the gentleman not just vote against the amendment?

It does not have to be everyone, just 51 percent of the people, Mr. Chairman. Fifty-one percent of the company has to be owned, so not everybody would have to submit it. A few people who are poor, a few who are rich, could be there, they would not have to be included in this.

□ 1110

You just would have to show 51 percent of the ownership was in the hands of the middle class, and I do not see anything there of great onerous burden.

Mr. FINGERHUT. Reclaiming my time, it says individuals whose adjusted gross income; what does the gentleman intend with respect to joint-filing couples? If they file jointly, would the husband and wife and their adjusted gross incomes, if it is over $85,000, would that put them over the limit of the amendment?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. FINGERHUT] has expired.

(On request of Mr. BECERRA, and by unanimous consent, Mr. FINGERHUT was allowed to proceed for 1 additional minute.)

Mr. FINGERHUT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman sees that it says those individuals, so if the gentleman wants to read it as closely as he is reading it in other regards, he might want to reflect upon the fact that it is individual tax returns that we are talking about.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a couple of parts of this debate that I do not like. But let me say this: The gentleman from Pennsylvania [Mr. WALKER] has been a staunch supporter of what we have begun to refer to as the middle class. I think his efforts are noble.

I want to make a few comments and say that it might sound unusual, but I am going to support the gentleman from Pennsylvania [Mr. WALKER]. I think there are a lot of questions that have to be technically worked out, but at least the middle class, and the people that pay the taxes in America, are being addressed, maybe clumsily and without the type of construct necessary, but nevertheless addressed. And I want to give the gentleman credit for that.

But I want to talk about class here a minute. We have old and young, man and woman, black and white, and now we have rich and poor in America. The buzz word is taxing the rich. It is very easy to get trapped into this, Members of Congress.

I come from perhaps one of the most humble backgrounds of anybody in this House. My dad never worked for anybody who was poor. I do not like the discussion of class in this House. But we continue to get to it. We get to it on civil rights bills. We, Congress, are creating a class structure, stratified society in America that already does not need much of a helping hand.

I think just the opposite. We should be looking at other types of programs.

I want to say this: This is an amendment that probably should have been discussed much more, but I want to identify myself with the efforts of the gentleman from Pennsylvania, that not all Democrats disagree with him, and Democrats are not against the middle class. Democrats support the efforts of the middle-class taxpayers who pay the bills in America.

Now, if I look at his amendment, yes, we can go through all of the technical points that were brought out by my good friend and my colleague from Ohio, Mr. FINGERHUT. But while we provide all of these technicalities, sometimes we just use these technicalities to castrate and destroy opportunities too.

I want to say to the gentleman from Pennsylvania that I did not find anything he attempted to do to be in any way inconsistent with the competitiveness bill. I commend him for taking a look at that, and if we are going to provide opportunities, maybe it is time that we remember the people who pay the bulk of the taxes. And hopefully, if this amendment is to any degree accepted or worked out, some of those clarifying points can be developed. If it is not, I do not want to stand here today in opposition to the gentleman from Pennsylvania.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say I appreciate what the gentleman from Pennsylvania is trying to do, but I think this bill on an equity basis, on who can participate, does this very well. The gentleman from California [Mr. BECERRA], in the legislation, has a provision that recognizes the importance of the role of minority and women-owned small businesses in the development of these high-technology programs, and a lot of these women-owned and minority-owned businesses, all of these folks are middle class. The provision of the gentleman from California [Mr. BECERRA] would require the Secretary of Commerce to make available to the fullest extent possible at least 10 percent of the funding for this loan program to businesses owned or controlled by socially or economically disadvantaged individuals, including women.

Mr. Chairman, some of our colleagues have suggested that this is a social program or a set-aside, or most dangerously, a quota. This provision is none of these things: It is nothing more than an extension of current practice. The language represents a goal for the Department of Commerce, not a requirement, and has been successfully included in previous technology statutes in last year's National Energy Policy Act and in the fiscal year 1993 NASA appropriations bill.

To maintain our leadership position in the world, the United States must increase its efforts to diversify by ensuring that women and minorities play key roles in the transformation of our economy from cold war industries to the production of high-technology goods and services.

Two out of three workers in the year 2010 are going to be either minorities or women, two out of three of our American workers. We must strive to be inclusive, rather than exclusive, as we enter a future where minorities and women will play an increasingly prominent role.

Mr. Chairman, according to figures for fiscal year 1991 released by the National Association of Latino Elected Officials, the Federal Government has an anemic record of providing contracts to Hispanics under the section 8(a) requirements currently in place. In the Department of Commerce in fiscal year 1991, less than 2 percent of the department's total procurement went to Hispanic contractors—that's about $10 million. Unfortunately, 1991 represents the high water mark. The average procurement contract spending by the Department of Commerce between fiscal years 1983 and 1991 amounts to only 1 percent of their total procurement spending.

If you consider all of the Federal agencies in fiscal year 1991, only $1 billion or six-tenths of 1 percent of the Cabinet-level agencies total procurement dollars went to Hispanic firms.

Mr. Chairman, these numbers are appalling. I must admit that I am simply astounded by the lack of diversity that these figures represent.

I commend the gentleman from California [Mr. BECERRA] and the committee for adopting this language that is not quota language. It is in many of our previous statues, and many of my colleagues should remember the debate we had on the Department of Defense procurement, a 10-percent goal amendment, not a quota. It was a goal that many times is not met, and it simply is an effort to include middle class, mainly minorities and women contractors, business people into the process.

So, Mr. Chairman, any attempts to strike or alter the language or dilute the language could jeopardize future attempts to ensure diversity in Federal programs.

What this bill is doing is just ensuring that diversity, protecting the middle class that I think the gentleman from Pennsylvania [Mr. WALKER] very rightly wants to protect. So I urge my colleagues to preserve fairness, inclusiveness and diversity in U.S. high-technology loan programs by voting against any provisions that dilute some of the good efforts that this committee has pursued and are in the legislation already.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too join in the effort to if not actually but symbolically support the middle class in our Nation, particularly with reference to this piece of legislation and the amendments thereto.

We are in the middle of celebrating Small Business Week. Some time in May is set aside every year to honor our small businessmen. What better way to pay tribute to what they do, creating two out of every three new jobs, the largest tax base that we have, the employee creation vehicle of our country, than to also help those people in the middle class who are sustained by small business and who sustain small business themselves. This is the kind of an amendment that will pay tribute not just to the economy that is driven by small business people, who happen to be in the middle class, but also to actually help them continue fomenting the jobs and the enterprise that creates the new economy upon which we are relying.

☐ 1120

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman.

Mr. MARTINEZ. I thank the gentleman for yielding.

I ask the gentleman: I was sitting in my office and watching the debate and became more confused the more I listened and the more I watched.

Let me ask the gentleman—if I may, I would like to enter into a colloquy with the gentleman—is it the gentleman's understanding now that the loans are available to anybody that applies regardless of income, regardless of disadvantage or any other reason?

Mr. GEKAS. That is true.

Mr. MARTINEZ. The loans now, as the bill stands, before this amendment, anybody is eligible to apply for the loan.

Mr. GEKAS. Seizing back my time just to answer the gentleman, what this does is place special emphasis on the middle-income class, not to exclude everybody else.

Mr. MARTINEZ. If the gentleman would, please, I am not talking about the amendment, I am talking about the bill before the amendment. Anybody can apply for a loan regardless of income.

Mr. GEKAS. What I am saying to the gentleman is, even if that were so, what this amendment does is to focus on the middle class and give special emphasis to the engineers of the economy, the middle class.

Mr. MARTINEZ. I would like to point out to the gentleman that I am aware of that. I point out that it says "$85,000." Let me tell you, I was in business for 21 years, and I can tell you there were many years that I grossed more than $85,000, but I did not net, as an income to myself, more than $3,000 or $4,000, after I met my tax obligation and everything else. So, what I am saying is this amendment is very restrictive. Right now the bill is that you can loan to anyone. Now, the only condition previously to this amendment was the Becerra amendment, which had a 10-percent set-aside, which was clearly defined, and has been clearly defined, in other legislation that we have had.

I ask the gentleman: Now we have two set-asides because, as I understand it, the Becerra amendment will stay in place but we will have a new amendment that restricts anybody above $85,000 gross, $85,000 gross, which I find is an attack against many middle income, and especially, let me describe to you, farmers who many times gross much more than that and yet they lose money on the crop that they have raised, because of the costs that it cost them did not meet what the market price was.

Mr. GEKAS. Seizing back my time, we believe this expands the notion of the bill and allows the middle class to participate in ways which before have been blocked out by the special references in the bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania to expand and further respond.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is making a legitimate point that needs to be explained. When the bill was eligible to everybody, there was no need for an amendment like this. But then we began to carve out special territories. And while the 10-percent set-aside was not a flat 10-percent set-aside, we decided in the antiquota amendment last evening, it still began to carve out territories for individuals, in this particular case, who were socially and economically disadvantaged. My point is, when we started down that road, it seems to me that then we ought to carve out a place for the middle class as well. If we are going to ensure that the Secretary takes a look at the socially and economically disadvantaged, this amendment does not stop that at all; but now we also say that he needs to ensure that the middle class is also included.

It seems to me that that is precisely what the gentleman from Pennsylvania is saying should be achieved. That is what I want to achieve, to make it certain. And to the gentleman's point about business returns and so on, the fact is it refers to individual returns. And so, you know, if an individual in terms of individual income only netted $3,000, under this they would be covered by the Becerra amendment and so would the middle class.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 2 additional minutes.)

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield further?

Mr. GEKAS. I will yield to the gentleman from California first, and then to the gentleman from Ohio [Mr. TRAFICANT].

Mr. MARTINEZ. I thank the gentleman for yielding.

Now, it says "adjusted gross income for Federal income tax purposes." Small companies adjust their gross income when they pay their Federal income tax, but that income is adjusted from all the tax credits and everything else that he can apply to his business. But it is his business that is doing the income tax as well as he individually. I am telling you, if he grosses that amount, he does not necessarily get that amount.

Now, more than that, what we are doing here is restricting the ability of other people, people much larger than this, that may not be this high—these numbers are symbolic—but let me tell you numbers can work against you. We have to remember that. Numbers that are cited, in many cases, by the Federal Government in establishing criteria, all are not necessarily reflective of what the individual's wealth is.

Mr. GEKAS. Reclaiming my time, the gentleman is absolutely correct. Any set-aside does exactly the same thing, as the gentleman indicates. For purposes of policy, we have accepted certain types of set-asides. What we are doing here, what the gentleman from Pennsylvania [Mr. WALKER] is trying to do, is to add the real bone marrow of our economy, the small business people in the middle class, in this special set-aside.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has again expired.

(On request of Mr. TRAFICANT, and by unanimous consent, Mr. GEKAS was allowed to proceed for 2 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Chairman, I want to clarify a few issues. I am under the impression that the Walker amendment does not knock out section 336, and that the 10-percent set-aside for women and minorities is still in this bill.

Mr. GEKAS. That is correct.

Mr. TRAFICANT. Furthermore, let me say there are some questions on numbers brought up by the very intelligent question of Chairman MARTINEZ here. The bottom line is I see the intent to focus some direction to the smaller businesses, what we could call the middle income, middle class of American people. That is the intent.

Now, what I would like to say here is I am going to vote for this amendment; but when I do, I am a strong supporter of section 336, and I want it spread across the legislative history here that this amendment is in no way to threaten, endanger, or to stop the priority to minorities on set-asides necessary in the bill, and that is my point. And I would like an answer.

Mr. GEKAS. Reclaiming my time, we reemphasize that the Walker amendment supplements the ideas that have already been presented for the 10-percent set-aside.

Mr. WALKER. Mr. Chairman, will the gentleman continue to yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding further.

Mr. Chairman, I just want to confirm that. This language in no way replaces the language that the Becerra amendment put in the bill. This is simply a recognition that the Secretary needs to look to the middle class as well.

Mr. GEKAS. And to the gentleman, I say again, if the $85,000 worries you, that you netted only $3,000, then that is exactly the kind of economics that we are trying to help here in the Walker amendment. That is the kind of individual who will need special attention because he is middle class and could require that kind of loan.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has again expired.

(On request of Mr. MARTINEZ, and by unanimous consent, Mr. GEKAS was allowed to proceed for 2 additional minutes.)

Mr. GEKAS. I yield further to the gentleman from California.

Mr. MARTINEZ. I thank the gentleman for yielding.

As the gentleman knows, the Becerra amendment is not restrictive in any way; it is voluntary, it is optional. The Secretary has the right to, and can, if he wants to, does not have to. But here again we have said, or this amendment sets, a very restrictive kind of imposition in that it says numbers, it has numbers, definite numbers; not as an optional thing but as a mandatory thing.

So, what I am saying to you, would it not be much better if it were open? The gentleman from Pennsylvania's last remarks about the reason he came about this amendment was because of carving aside for a particular group; now, look, that has been well established in a lot of legislation, that in previous awards of contracts, the consideration has never been given to those people, and I know the gentleman does not disagree with that. Would the gentleman not say it would be a lot better if we left the bill open with the 10-percent set-aside?

The one thing I would like to see as an amendment to the 10-percent set-aside is that those companies—because there are a lot of companies in my district that are not owned by minorities, but everybody who is employed there is a minority—so that minority consideration should be given to those companies that employ minorities, not just the companies that are owned by minorities.

Mr. GEKAS. Again reclaiming my time, the gentleman should be convinced, we are trying to convince him that nothing in the Walker amendment in any way derogates against the set-aside in the main body of the bill. So, the gentleman need not concern himself with that. The numbers that the gentleman talks about crowding to the middle class, were 90 percent of the new efforts in the business economy exist anyway, and that is what we are pump priming here with an emphasis on the Walker amendment.

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Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Ohio.

Mr. HOKE. I think it is important to look at the amendment of Mr. BECERRA, section 336. The language there is that the Secretary shall——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 1 additional minute.)

Mr. GEKAS. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Chairman, I thank the gentleman for yielding to me.

The Becerra amendment says the Secretary shall to the fullest extent possible insure—and it is not absolutely mandatory language, but it is awfully darn close to it.

The Walker amendment uses simply the language that the Secretary shall insure that.

The Becerra amendment goes quite a bit farther—shall to the fullest extent possible insure that at least.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. MARTINEZ. The gentleman is a little bit wrong there. I do not want to criticize, but it says the Secretary shall insure. It does not say what the gentleman just said. It says shall insure. That means absolutely that he will do this particular thing.

Mr. GEKAS. Reclaiming my time, Mr. Chairman, the gentleman is talking about the Walker amendment, that is shall insure.

Mr. HOKE. Mr. Speaker, if the gentleman will yield, I am saying that the Becerra amendment says the Secretary shall to the fullest extent possible insure.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment. I hope not to use all that time.

I think I would like to make two points. The first is as the colloquy with my colleague, the gentleman from Ohio [Mr. FINGERHUT] showed, there is a noble intent behind this amendment, but the mechanics that are in the amendment are not easily workable. I think it needs to be more fleshed out.

But I think there is a larger point being missed. The whole point of this bill is that the middle class does qualify for these loans. The issue is that they qualify for all of them.

Hopefully, the bill is to encourage small- and medium-sized businesses, to give them access to capital. They have been frozen out. Venture capital has not been available, despite record low interest rates. They are included in the bill. The middle class can and will participate.

The best thing we can do for the middle class is make the investments in the kinds of technology and kinds of manufacturing jobs that will insure prosperity and a growing economy for all American citizens.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. COPPERSMITH. I am honored to yield to the gentleman from California.

Mr. MARTINEZ. There is one point I want to make, Mr. Chairman, and I did not get a chance in the last colloquy; that is, there is a difference between the 10 percent set-aside and the Walker amendment.

The Walker amendment is restricting and disallowing a whole group of people that would be eligible to apply for these loans.

The Becerra amendment is not restrictive. It simply asks for special attention and consideration to be given to a group of people who always are having to come with lesser technology expertise than the larger companies to compete with those same companies. All we ask is that some special consideration be given. It is a precedent that has been set in law in almost everything we have done before. It was evident by the statements of the gentleman from Pennsylvania [Mr. WALKER] that he came up with his amendment to actually diffuse the amendment of the gentleman from California [Mr. BECERRA].

For that reason, Mr. Chairman, I would urge my colleagues to vote against the Walker amendment.

Mr. COPPERSMITH. Reclaiming my time, Mr. Chairman, I think the gentleman makes the first point, which is that the point of the Becerra amendment is to extend the reach of this bill to the middle class to make sure that all businesses, small- and medium-size, have access to this type of capital that they have been frozen out for.

Ms. ESHOO. Mr. Chairman, will the gentleman yield?

Mr. COPPERSMITH. I yield to my colleague, the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I rise in opposition to the amendment, because I think it is extraneous.

This bill, as drafted and before the House now being debated, not only contains 51 percent for the middle class, but 90 percent. So we have already arrived there.

We do not need any more bureaucracy, tangled paperwork, litmus tests for people bringing in their IRS statements and returns.

We have recognized that we need to beef up our competitiveness in this country. We want people to come forward, to be able to compete, understanding that there are those who are disadvantaged with the language of the Becerra amendment. The rest is for the people that the gentleman from Pennsylvania [Mr. WALKER] is referring to that we embrace, the middle class, those that even go beyond the middle class. We want them to come in and compete as well. We have 90 percent for all those people.

Mr. COPPERSMITH. Reclaiming my time, Mr. Chairman, I think 90 percent may understate it, because a number of the people that the Becerra amendment attempts to reach will be themselves middle class.

Ms. ESHOO. Absolutely.

Mr. COPPERSMITH. They will be businesses within the category.

Ms. ESHOO. Yes, we want to bring more and more people into the middle class.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the opposition to the amendment.

Mr. Chairman, like many of my colleagues, I share the concern of the gentleman from Pennsylvania about trying to find ways to make our Government a government of inclusion. To that extent, many of us have been working for years to try to bring about language in Federal programs that do just that, including to some extent our former President, Mr. Bush, who established a Commission on Minority Business Development 2 years ago, recognizing that our Nation's economic growth and ability to compete in the international marketplace depended on full participation of all members of our society.

Interestingly enough, Mr. Chairman, one of the primary recommendations of that Commission, and I have the report here with me, involved the need to include minority business enterprises in the area of high technology.

So the efforts of the gentleman from California [Mr. BECERRA] are right in tune with the recommendations of the Commission, a Commission put together by George Bush that made its report public last year, that many of us on both sides of the aisle adopted and said was the correct thing to do.

Having said that, let me go back to the point of the gentleman from New Mexico, who said and I think it is worth repeating that six-tenths of 1 percent of all procurement dollars through Federal agencies went to African-American or Latino businesses, six-tenths of 1 percent. That is in light of the Commission's report and recommendations. That is in light of previous existing set-aside programs and goals that have been a part of our Federal Government and our procurement process for well over a decade.

I need to also point out something that is very important here today that has not gotten a lot of attention. The Becerra language, the language of this amendment is a goal. It is a goal. It says that we shall to the fullest extent possible. It does not mandate anything. It goes back to the section 8(a) language that is a part of the Commission's recommendation that we have been using throughout our Federal Government for some time.

The Department of Defense uses that language in its set-aside program, which is a goal.

The Department of Energy uses that language in its set-aside program, which is a goal.

The National Aeronautics and Space Administration uses that language, which is a goal.

I could go through agency by agency.

So we are not creating anything new. We are trying to extend to this Competitive Act and all these civilian technology programs the same sort of goals that the Commission recommended that we ought to be doing as a government to ensure full participation by all people.

Interestingly enough also, most of the people who benefit from this are in fact middle-class Americans. We found, however, that historically because of a pattern of discrimination in this Nation over decades that even middle-class people were being discriminated, not because they were middle class, but because they happened to be black or Latino or female.

So this Government, this Congress, and previous administrations, have set aside this goal language, the section 8(a) language which this amendment embraces.

So we are extending that. We are not creating anything new.

I would argue that we have to keep in mind that we are treading now on some very dangerous ground. Are we prepared to say to people who have been historically left out, economically and socially disadvantaged, and perhaps a better word is under-utilized businesses, that we are not prepared now to do what we have said we would do through recommendations and Commission reports and through a legislative history of doing just that.

Someone said earlier that this is Small Business Month and that we ought to do this in tribute. Let me say what we ought to do in tribute to small businesses. We ought to ensure that the playing field is equal and that it is even and that all people who are small businesses and are middle class have an opportunity to compete.

The gentleman from California raised a very important point. Using gross income as a determiner of the criteria creates an unreal situation. It does not take into account the circumstances that occur, and that an individual might have a gross of up to $85,000 and nets only $5,000 or $10,000, we are back into a situation where we have to come back and rectify what we are doing.

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What I am saying, Mr. Chairman, and I will yield to the gentleman from Pennsylvania [Mr. WALKER] in just a moment, but what I am saying is that maybe we ought to keep things as they are. It is not working as well as we would like it to work because many of us still feel, based on the comments of the gentleman from New Mexico, that six-tenths of 1 percent of all procurement dollars to Latinos, and women, and African-Americans is not enough, but at least let us not change that to create a situation where we do more harm than we do good.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. MFUME] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. MFUME was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Maryland [Mr. MFUME] for yielding to me, and I just want to make a couple of points.

First of all, Mr. Chairman, it is not gross income in the amendment. It is adjusted gross income, which means that all business expenses are deducted before it is done, so we do deal with the problem that the gentleman from California had raised.

Second, Mr. Chairman, there is nothing in this amendment that does not speak to Latino, and black, and other kinds of businessmen who are middle class. In fact, this helps in that regard because it does nothing to take away from the Becerra amendment. The Becerra amendment is still in place saying that they have to go to economically and socially disadvantaged, and then in addition what we are saying is, "You've got to take into account the middle class, and so what you've got then is a combination of those businesses, along with a demand from middle class participation, and it seems to me that it helps the very people that you say was cited in your report."

Mr. MFUME. Mr. Chairman, I would submit to the gentleman from Pennsylvania [Mr. WALKER] that the statement of the gentlewoman from California is correct, that the middle class is represented because those persons who have been historically underutilized, economically disadvantaged, and who are in business are middle class.

Mr. WALKER. Mr. Chairman, if the gentleman would yield just further, what this excludes is very, very wealthy people who could come into the process and be counted, for instance, into a category of maybe socially disadvantaged, but actually be very, very wealthy people. What we are saying is, "If you're going to do this, keep it within the middle class."

That is the only people that I can see will be excluded in this amendment is extremely wealthy people. I would say, "You could get money from the bank."

Mr. MFUME. Mr. Chairman, I would submit that the report of the U.S. Commission on Minority Business Enterprise Development, which was commissioned by George Bush and released its recommendations last year which were accepted by this Congress, is right on track. It says that what we are doing is what we ought to be doing in terms of using 8(a) language for setaside.

Mr. WALKER. Mr. Chairman, if the gentleman would yield, this amendment does not in any way strike at that. This amendment goes directly to the same points being made. It simply says the middle class should be taken into account.

Mr. MFUME. Mr. Chairman, this amendment sets up a goal.

The CHAIRMAN. The additional time of the gentleman from Maryland [Mr. MFUME] has expired.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. MFUME] be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BROWN of California. Mr. Chairman, reserving the right to object, I do not intend to object, but I wish to point out, and I am reluctant to point out, that this is the first bill this year with an open rule. I am sadly fearing that this may give open rules a very bad name if we are not able to control our unconstrained appetite for unlimited debate over trivialities, and I am suggesting that it would be desirable if we can bring this to a vote.

I think I have given up, and I suspect the leadership has given up, on finishing this bill today. I am about to give up any idea of finishing it next week.

POINT OF ORDER

Mr. MFUME. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MFUME. Mr. Chairman, the gentleman from California [Mr. BROWN] has reserved a point of order.

Mr. BROWN of California. Mr. Chairman, I reserved the right to object in order to make this very eloquent statement, and I hope the Chair will recognize that I am within my rights for having done so.

The CHAIRMAN. The Chair recognizes the gentleman from California.

Mr. BROWN of California. Now, having made those points, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. TRAFICANT]?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. MFUME] is recognized for an additional 2 minutes.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, No. 1, I tend to think that maybe open rules might be good around here, and maybe close the doors and not come out until we work our will rather than just putting through legislation which nobody reads and understands.

I want to make this point: I voted every time with the gentleman from Maryland [Mr. MFUME], the distinguished chairman of the Congressional Black Caucus. I think he is an outstanding leader. I just want to make one point before I get off. If I thought this would infringe upon that 10-percent setaside, I would be against it. But let me say this:

What we have in the law now is tokenism. The reason we have six-tenths of 1 percent with all of this so-called 10-percent setaside is the following words: "At least 10 percent of amounts loaned under this subtitle shall be made available," not "made to," but "available."

I say this to the House of Representatives today, that the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] will provide more grants to Latinos, blacks, and minorities with this in the bill than it will without it.

I want to know how many businesses between $15,000 and $85,000—my God, we have got people who cut grass with adjusted gross income in that range. These are the types of small businesses, the minority business men and women, that we want to, in fact, service.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. MFUME] has expired.

Mr. MFUME. Mr. Chairman, I ask unanimous consent to have an additional 2 minutes so that I might be able to respond to the gentleman from Ohio [Mr. TRAFICANT].

(By unanimous consent, Mr. MFUME was allowed to proceed for 2 additional minutes.)

Mr. MFUME. Mr. Chairman, first of all the gentleman is correct. He and I have voted together more times than either of us could even remember.

On this particular issue though, Mr. Chairman, let me offer something for his consideration. His point that the Walker amendment would enhance the ability of African-Americans, and Latinos, and women to do business with the Government begs the question: How can that take place when this amendment is a goal? The Becerra amendment is a goal. Neither of them mandate, and so a goal on top of a goal does not enhance anything. It just simply makes what we are trying to do much more cumbersome.

Mr. Chairman, these are goals. These are not set-asides.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Ohio.

Mr. TRAFICANT. "The Secretary shall ensure," not "make available," "that loan guarantees made available under the subtitle are made to," not "made available," "are made to business concerns which are at least 51 percent owned or controlled by middle-class Americans"—No. 1, they have to be an American, too, in the Walker amendment, which is good—"as defined as those individuals"—and the point I want to make——

Mr. MFUME. Mr. Chairman——

Mr. TRAFICANT. What Walker says is that that Secretary has to ensure between 50 and 85 gross adjusted income. Those are the people that we have been with tokens trying to help around here with six-tenths of 1 percent.

Mr. MFUME. Reclaiming my time, Mr. Chairman, what the language is saying is that the Secretary shall to the fullest extent possible, and, over the last 15 years in this country, never has the fullest extent possible equaled what we were trying to do. So, it does not ensure that, and we have to be very careful of that, and there is a legislative history that proves it.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I will not yield. I only have a little bit of time left.

Let me say this: I appreciate the position of the gentleman from Ohio [Mr. TRAFICANT] on this. I would just respond, as it relates to this whole idea about open rules, that we ought to have more of them around here so we can do what we ought to do in this place, and that is to have active debate on issues regardless of what side of the aisle we are on, and, if it takes us until hell freezes over, then so be it.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. MFUME] has expired.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment may not seem objectionable at first glance, but placed in the context of language already in the bill, it makes a mockery of attempts to provide fair treatment to minorities.

The Walker amendment would undermine a provision in the bill, included at committee markup, which calls on the Commerce Secretary, to the best extent possible, to ensure that 10 percent of the funds made available under the Civilian Technology Loan Program, go to socially and economically disadvantaged individuals.

This original language establishes a reasonable goal, nothing more. It does not impose a quota. It does not provide for sanctions if that goal is not met. It simply says that the Secretary shall try to ensure that minorities and women, who are routinely left out of the process due to intentional or inadvertent discrimination, be included in the loan program.

The Walker amendment undermines the spirit of the minority goals in the bill by expanding the language to include a business owned by any individual who earns up to $85,000 a year. Are people making $85,000 frequently denied the opportunity to participate in Federal programs? Do people making $85,000 a year have a history of discrimination and disenfranchisement? Contrary to what the Walker amendment tells us, the answer clearly is no.

Mr. Chairman, we should not let the thoughtful language included in the bill to protect minority participation in the loan program be compromised by the Walker amendment. I ask my colleagues to not be fooled by the Walker amendment and to reject it outright.

Mr. COPPERSMITH. Mr. Chairman, I oppose this amendment offered by my friend from Ohio. I know he wants to craft the best possible bill, but I disagree with his analysis and must oppose this amendment.

I believe the facts show the usefulness and need for large-scale consortia. First, opponents of the provision claim that the administration has not made a specific budget request for large-scale consortia in either the fiscal year 1994 budget or the fiscal year 1995 projections, supposedly indicating a lack of support. However, the amounts authorized for the large-scale consortia are a subsection of the total amount authorized for the ATP Program. The administration projects requesting $460 million in fiscal year 1995 for ATP, and this bill's total ATP authorization actually represents spending of $100 million below that projected request. Section 322 provides program direction for part of the overall ATP Program, a program strongly supported by the administration and specifically endorsed in both the Clinton-Gore technology policy and the vision of change of America that accompanied the President's State of the Union Address.

Also, section 322 does not restrict unnecessarily the ATP Program. This bill does not require establishment of large-scale consortia; it simply gives preference for such consortia for a $100 million portion of the fiscal year 1994 funds for ATP. If the National Institute of Standards and Technology [NIST] does not receive any large-scale consortia proposals worth funding, it can simply award the funds in the same way as other ATP money. The $50 million Federal share size is not binding, but rather a guide, and NIST could choose to fund a consortium at any smaller size as well.

I also believe the facts do not support the criticism of Sematech, one of the principal models for the ATP Program. Critics have claimed a variety of failures for Sematech, principally betting on losing technologies and unfairness to small business. While everyone can agree that Sematech has had some difficulties, as anyone would expect with such a new type of cooperative effort, I think the critics focus narrowly and incorrectly on certain technologies and overlook the broader contributions Sematech has made to the recovery of the U.S. semiconductor industry, particularly in the semiconductor manufacturing equipment sector. The equipment and processes Sematech has helped develop and improve apply not just in the manufacture of D–RAMS or any other one set of technologies, but rather have helped a much wider range of semiconductor manufacturing, including microprocessor manufacturing.

Recent developments in the U.S. semiconductor industry that rely on Sematech developments provide concrete proof of success. Intel Corp. reports that as a result of Sematech's contribution to the equipment industry, last year Intel spent $150 million more than it had anticipated on U.S. semiconductor manufacturing equipment. Similarly, when Motorola opened its MOS–11 microcontroller production facility in Austin TX, 2 years ago, Sematech's success enabled the company to buy over 75 percent of the equipment from U.S. companies; in Motorola's prior facility, 80 percent of the equipment came from foreign firms. Just last month, Motorola announced plans to open a similar microcontroller production facility MOS–12, in Chandler, AZ, in my district. This plant will eventually provide 700 Arizona jobs. Motorola attributes its ability to purchase more American equipment as well as this expansion in large part to the success of Sematech in increasing the competitiveness of the U.S. semiconductor industry. We should look at the increased sales and the new jobs created for American workers, rather than dry academic studies of the consortium's flaws, to judge the success of Sematech.

The actual experience of Sematech also refutes the argument that large-scale consortia exclude small business. While the 14 members of Sematech are large firms, by no means do large firms receive all the funding. A 1992 GAO report on Sematech noted that in 1991, 48 percent of the Sematech budget supported external R&D. Many small- or medium-sized companies have received this external funding. In addition, the GAO report noted that Sematech has become the focal point for * * * improving long-term relationships between semiconductor manufacturers and their key equipment and materials suppliers through the Partnering for Total Quality Program. This program works directly with Semi/Sematech, a 130-member organization of U.S. semiconductor manufacturing equipment manufacturers and component and materials suppliers, to encourage communication between primary semiconductor manufacturers and the related equipment suppliers. Most of the firms in Semi/Sematech are small- or medium-sized companies. The success of small business in no small measure depends on the health of the leading companies in our most important industries. Without the larger buyers, small high-technology businesses have no customers.

Some of my colleagues also have questioned whether small businesses participate effectively in another consortium, the U.S. Advanced Battery Consortium [USABC], sponsored by the Department of Energy, the "Big Three" auto manufacturers, and the electric utility industry. As with Sematech, small businesses do participate in the consortium's research efforts as contractors. In fact, the first contract awarded by the USABC went to a small business, Ovonic Battery Company of Troy, MI. The $18.5 million awarded under that contract represents over 20 percent of the budget for the 4 major contracts awarded through the consortium. In addition, just as small businesses realized much of the benefit of Sematech work by supplying equipment to primary semiconductor manufacturers, small businesses supplying components to battery manufacturers will reap much of the benefit from the Battery Consortium's work.

Finally, the GAO study of Sematech stressed that research consortia should support projects likely to have effect throughout the industry. When we try to improve the competitiveness of entire industries, it makes no sense to exclude the largest firms, the leaders in those industries. It does make sense to encourage cooperation among both the large firms, who can contribute the substantial resources and expertise needed to address industrywide problems, and smaller firms, who often contribute greater innovation and flexibility.

Sematech has achieved considerable success in fostering such cooperation and has the results to show. I hope that future consortia will build on that experiment with even more successful outcomes. Unfortunately, this amendment will prevent us from achieving the goals of this legislation, and I must urge my colleagues to vote against it.

☐ 1150

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 231, not voting 25, as follows:

[Roll No. 162]

AYES—181

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Machtley
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stokes
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—231

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Strickland
Studds
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Wilson
Woolsey
Wyden
Wynn
Yates

NOT VOTING—25

Barton
Brown (OH)
de la Garza
Dellums
Faleomavaega (AS)
Gallegly
Henry
Leach
Lehman
Livingston
Manzullo
McDade
Murphy
Neal (NC)
Reed
Romero-Barcelo (PR)
Sarpalius
Spence
Stupak
Tanner
Tauzin
Torkildsen
Torricelli
Tucker
Wise

☐ 1211

Mr. OWENS, Mrs. COLLINS of Illinois, and Mr. MENENDEZ changed their vote from "aye" to "no."

Mr. McMILLAN and Mr. ROYCE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. REED. Mr. Speaker, during rollcall vote No. 162, on H.R. 820, the Walker amendment, I was unavoidably detained. Had I been present I would have voted no.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VALENTINE: Page 52, line 23, strike "shall" and insert in lieu thereof "may".

Page 53, line 20, strike "$50,000,000" and insert in lieu thereof "$30,000,000".

Page 55, after line 15, insert the following new subsections:

(f) STUDY.—The Secretary, through the Director, shall undertake a study to determine the best way to maximize the benefit of large-scale research and development consortia to industry as a whole in carrying out this section. The results of such study shall be submitted to the Congress within 6 months after the date of the enactment of this Act. Such report shall include criteria and procedures for the evaluation by the Director of the progress of consortia funded under this section.

(g) TERMINATION.—The Secretary shall establish criteria and procedures for terminating Federal funding of a consortium under this section if the Secretary determines that such consortium is not making acceptable progress toward achieving its goals. No consortium shall receive funding under this section for more than 7 years.

Page 55, line 16, strike "(f)" and insert in lieu thereof "(h)".

Mr. VALENTINE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. VALENTINE. Mr. Chairman, as part of the Advanced Technology Program, large-scale R&D consortia will have the ability to benefit an entire industry or to benefit several industries. Large-scale consortia will benefit many suppliers, manufacturers, and users—small, medium, and large. Large-scale consortia will bring together the variety of skills and resources increasingly needed to advance the technological frontier. Large-scale consortia will give significant leverage to each dollar that the firms invest.

It should be made clear that large-scale consortia are not all imitations of Sematech, although Sematech has provided many valuable lessons on how such consortia can best contribute to industry. Large-scale consortia will likely take many different forms, reflecting the variety of industries in our economy.

The amendment that I am offering would accomplish the following:

First, it would direct the Secretary of Commerce to conduct a 6 month study of how this program can best be implemented to provide maximum benefit to industry.

Second, it would give the Secretary the discretion to implement this program based on the study and other criteria that the Secretary deems appropriate.

Third, it would direct the Secretary to establish criteria for evaluating the progress of consortia, and, if necessary, terminating consortia that are not making acceptable progress.

Fourth, and it would lower the threshold for government support from $50 to $30 million. We want these consortia to have broad impact in high tech industries, which is why we have established a preference for a threshold. A lower threshold would, again, give the Secretary more flexibility.

I believe that this is an important provision and that these modifications will improve it implementation in an effective and responsible way.

Mr. HOKE. Mr. Chairman, I rise today to comment that there is really no objection from this side of the aisle to this particular amendment, except for the fact that it really does not get to the heart of the problem with section 322 with respect to large-scale research and development consortia.

I do not urge my colleagues to vote for or against it. I think we ought to go to a vote, and we will follow this amendment with another amendment to strike the entire section.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

I rise in strong support of the Valentine amendment to section 322 on the subject of large-scale R&D consortia.

Before I speak to it, I want to say a word about our colleague, the gentleman from Ohio [Mr. HOKE], who was just speaking.

He has made an enormous contribution to the debate in our subcommittee and in the full committee on consortia. He is an expert in the field. He is concerned that some R&D consortia have been ineffective, and I agree with him. And I know that his contribution later today will be valuable.

But I must say that the gentleman from North Carolina [Mr. VALENTINE], our subcommittee chairman, in my mind, wins the day with this amendment, which would make the implementation of large-scale R&D consortia discretionary with the Secretary of Commerce.

We must be able to permit Sematech and even better versions of R&D consortia to be formed in this country, whether they be small scale, medium, or large scale, because the future, in my view, of our competitiveness in the world depends on the ability of our industry to combine together to make cutting-edge advances in technology.

This amendment would direct the Secretary of Commerce to conduct a 6-month study of ways to best implement the program, to maximize the benefits to industry as a whole.

And let me stress that there would be a study so that we would not be wasting money. It would clarify termination, that a consortium would not receive Federal funds beyond a maximum life of 7 years. It would reduce the preferred threshold level for the Government cost share in a large-scale R&D consortium from $50 to $30 million. And this would give the Secretary greater discretion and reflects a greater range of proposals and programs from industry, such as the Advanced Battery Consortium and the American Textile Consortium.

Remember, this is not a cap on contributions. A cap is opposed because it reduces the potential incentives of industry. Several industry consortia have been proposed that are on a scale of Sematech, and there should be discretion to evaluate these on their merits.

In conclusion, let me say that there is bipartisan interest in our subcommittee and full committee on this issue, and I would commend our Republican colleagues, especially the gentleman from Ohio [Mr. HOKE] for the contribution he has made to this debate.

□ 1220

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would think it would be highly unfortunate that on this very excellent amendment, which is fully agreed to on both sides, we would not have some extensive debate. Therefore, I am taking this time in order to give a portion of that debate in the hope that other Members will be inspired to get in and we can take up another hour or two on this totally agreed to, noncontroversial amendment.

Let me say, first of all, that I share the feelings of the gentlewoman from California [Ms. HARMAN] who just spoke about the importance of subjecting large scale consortia to considerable analysis. We have been trying to stay on top of the problems of consortia in our committee now for several years. We have held hearings on Sematech and other similar types of consortia in an effort to evolve rules which will lead us to be able to judge how effective these are.

I think we are making good progress on that, and it is my view that the amendment of the gentleman from North Carolina [Mr. VALENTINE], which lays upon the department a duty to continue this kind of analysis, actually is something that they probably should be doing in any event, as we seek to evolve a more effective way of relating to some of the problems of industry.

I think probably some of the Members already know, and I am sure that the gentleman from Ohio [Mr. HOKE] and others who studied this know that Sematech, which was initiated by the Reagan administration in an effort to be of assistance to the semiconductor industry, was flawed in a number of ways, which were pointed out in some of the hearings that we had.

We want to correct those flaws. We want to make the system work. We think it is appropriate that industry should be able to form the kind of consortia which will benefit industry and that government's role should be to respond to the legitimate interests of industry to the fullest extent that they can. I think this amendment will do that.

I apologize if I have belabored this unnecessarily, but I am hopeful that a message will emanate from my remarks that we should not belabor noncontroversial amendments too much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Hoke:

Page 52, line 20, through page 55, line 20, strike section 322.

Page 55, line 21, redesignate section 323 as section 322.

Page 3, amend the table of contents by striking the item relating to section 322; and by striking "Sec. 323." and inserting in lieu thereof "Sec. 322.".

Page 124, lines 13 through 15, strike "of which" and all that follows through "322 of this Act, and".

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, we have information as to one amendment. I would ask the gentleman, do we have copies of both of the amendments?

Mr. HOKE. I would say to the gentleman, I believe he has a copy of both amendments. One is the authorizing language that goes to title 5 of the bill.

Mr. VALENTINE. Mr. Chairman, I thank the gentleman.

Mr. HOKE. Mr. Chairman, these amendments represent one of the easiest spending cut votes that Members will be able to cast this year. My amendment strikes section 322 of H.R. 820, permitting the Commerce Department to set up new large-scale technology research and development consortia in partnership with industry.

The authors of this section have authorized $100 million in fiscal year 1995 to begin the effort, but they have also included language in section 322 which mandates a minimum Federal commitment of no less than $30 million to each of the select consortia, and allows the Government to continue funding at that level for up to 7 years.

Assuming that the Commerce Department elects to fund only one consortium and the Senate does not limit the number, this part of H.R. 820 alone could make the taxpayers liable for as much as an additional $210 million.

Mr. Chairman, I think, instead of beginning with my own arguments about the section 322, we really ought to see how little support it has, both within the committee itself, the subcommittee itself, as well as from the administration, because the fact is that we just passed by voice vote an amendment which significantly changes the language and the mandate that goes to the Secretary of Commerce. We have changed the language that "the director shall establish a program" to saying that "the director may establish a program."

Why have we done that? We have done that because my friends on the other side of the aisle recognize that the administration is not really asking for this amendment to be passed. They do not want section 322 as part of this bill, and that was why the gentleman from North Carolina [Mr. VALENTINE] offered his earlier amendment which was just passed.

Why is it that the administration is not in favor of making this a priority of their economic program at this time? I will tell the Members why. The fact is that these kinds of consortia just do not work very well. If the Members try to find a line item in the Clinton budget for the establishment of a large-scale technology R&D consortia, they will not find it. They will find one that was proposed for an environmentally clean automobile, they have proposed one for a fiber optic information highway, they have proposed one for the Energy Department's national laboratories, but they have not proposed one for section 322.

This invitation to enlarge government did not tempt the administration. Let me cite the arguments of industry with respect to this. None of the witnesses who came before the Subcommittee on Technology, Environment and Aviation of the Committee on Science, Space, and Technology in hearings this year chose to testify explicitly on behalf of section 322. Not even the chairman of Sematech, who presides over the largest government-industry consortium, mentioned section 322 in his February 17 testimony before the Subcommittee on Technology, Environment and Aviation.

Therefore, although I am offering the amendment, I would suggest that the members do not have to listen to me about it at all, that they would do better to listen to the authors of 322 themselves as they chip away progressively at their own language; listen to the Clinton administration as it speaks loudly with silence with respect to it, clearly not making it a priority; and listen to industry as it says nothing about a section that was supposedly designed to help the private sector.

If we listen long enough we come up with one more question: Why should Congress invite the Commerce Department to add another $200 million to the deficit, only for an unwanted, nonexistent program that will assist none of our constituents, at least for the next fiscal year and probably beyond.

Mr. Chairman, none of these developments should surprise us, because innovations in U.S. technology have never occurred primarily through Government patronage. They have occurred through imaginative companies responding to market changes. This fact even applies to Japan, and it does not apply only in Japan, it applies everywhere that markets exist.

According to a study that was done by a scholar at the American Enterprise Institute, the Japanese industries that have encountered the greatest success over the past 30 years——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. HOKE] has expired.

Mr. HOKE. Mr. Chairman, I ask unanimous consent that I may have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. VALENTINE. Mr. Chairman, reserving the right to object, and I do not know that I will object, but I would beg the gentleman and the Members on the other side to cooperate with us. This is not altogether an open rule. We call it an open rule, but this is a rule on perpetuity.

Everybody here can get 5 minutes, every Member. Therefore, I suggest that to go beyond that seems to be taking a lot for granted Mr. Chairman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Mr. Chairman, we do not need section 322. The most inefficient sectors of the Japanese economy, the steel, the oil, the rail, the telephone industries, have all struggled under heavy public subsidization or outright ownership. The greatest successes that the Japanese have encountered have not been in any of those areas that have been subsidized that way.

Mr. Chairman, we do not need this section. We cannot afford this section. The Clinton administration does not want this section. If 820 is going to become law, let us at least place it on the President's desk without a section like this, one which simply adds weight instead of substance to the bill.

The last observation that I would like to make is that we are nibbling around the edges so much with something like this. If we really wanted to make a difference, in 1993 the capital gains tax in this country will actually raise $34 billion. By eliminating the capital gains tax, that would put $34 billion back into the hands of people who would make exactly the kinds of investments we are suggesting here, much better in the private sector than through the public sector.

☐ 1230

Finally, I would like to thank very much the gentlewoman from California for her kind comments.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while I have tried hard to work with the gentleman to accommodate his concerns with large scale consortia, we have a fundamental difference of opinion concerning whether or not the Department of Commerce should be involved in large scale efforts with U.S. industry.

U.S. industry faces unprecedented, costly, Government-aided challenges in many technological fields. Europe and Japan have poured resources into a wide variety of initiatives, some of which have borne fruit and some of which have not. We have successfully met some of these challenges, usually through the Department of Defense. Sematech, despite what our Republican colleagues may say, has been credited by the Semiconductor Industry Association and the Semiconductor Equipment Manufacturers International [SEMI] as a major contributor to the turnaround of both of these industries. Before Sematech was proposed by industry to government, many of our major chipmakers were on the ropes and equipment manufacturers were going out of business right and left. Now that the results of Sematech are being felt, companies like Intel and AMD had record profits in 1992. Intel was able to buy 80 percent domestic equipment for its last fab; a few years ago that figure was 20 percent. Sematech's concentration on assuring strong suppliers to the semiconductor industry is a major success story.

Another widely misunderstood victory for large-scale U.S. Government-industry cooperation is high definition systems. This is a topic we championed in the late 1980's in our committee when it became obvious that digital electronics was making an opening for our companies. While the furor over industrial policy was occurring, Darpa quietly spent $200 million to make these concepts a reality. Yes, U.S. Government funds played a big role in our resurgence in this field. Darpa now is investing hundreds of millions of dollars in other largely civilian technologies including flat panel displays and x-ray lithography.

The purpose of the provision Mr. Hoke tries to limit is to provide a civilian alternative for the Government role in these programs. We badly need a civilian technology agency which can infuse civilian values into these efforts and which can cooperate with Darpa when the projects like Sematech have major civilian and defense consequences. Setting an artificial cap of $50 million ignores the reality that U.S. efforts to gain a position in the industries of the future are expensive. Most of the major consortia which have begun in the last several years both here and abroad cost well over $50 million per year.

Voting for the Hoke amendment is saying, yes we do want to complete, but first let us tie one hand behind our backs so we don't compete very well. My colleagues, the time when we could win economically with a second-class effort is long gone. Defeat the Hoke amendment so we can get on with the job of keeping America a great manufacturing nation.

Mr. WALKER. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, we have now heard it described that the reason why we ought to do these large-scale consortia that the gentleman from Ohio wants to strike is because of the success of Sematech, that Sematech has been this huge success, and if we only would replicate that over and over again we would be able to get U.S. competitiveness back into the realm of world competition. Well, I think we better again raise a few questions about that. We raised some questions in the committee about whether or not Sematech had really been successful in their promotion of D-RAM technology.

But let us look at some more recent information about what is really happening over there and decide whether or not Sematech or this bill has anything to do with reality. Sematech, prior to its current leadership, withheld state-of-the-art semiconductor manufacturing equipment from those people who were not members. This tended to hurt the small semiconductor manufacturers. So the small guys out there were basically being shoved aside by Sematech, and so small American manufacturers were being disadvantaged.

Members want to know why just a few minutes ago we tried to get middle-class small business included. It is because concerns like Sematech have been purposely excluding them.

And then what we find is Sematech also began to lose membership, and most recently one of the single largest recipients of a Sematech funding, GCA, which is a lithography company, went up for sale, and it is conceivable, in fact, press reports indicate that it is reality that the buyer of GCA that has gotten all of this taxpayer money is going to go to a foreign company. What that means is that Sematech is now out looking for some other kind of lithography equipment, and guess who they signed up with? Canon, which is Japan's largest manufacturer of lithography equipment.

If that is the case, if Sematech, this great success story, is now going to the Japanese to get what they need, the fact is that under our bill they would not be able to do that. Our bill has excluded people from allowing them to make those kinds of deals, and so if our bill is supposed to replicate Sematech, we have already destroyed that which Sematech is finding they are having to do in order to be successful.

This tells you something about the fact that if we are truly going to save American technology with this kind of stuff, we are not going to get there with this bill. And certainly the Sematech experience also leaves something to be desired.

Then let me point out one other thing we just learned yesterday. It turns out that the Hampshire Co. of New York, which is a joint venture partner with McDonnell Douglas, and received a first-round ATP program award of a little over $1 million, well, sorry folks, our record of picking winners does not look very good. They went belly-up. When we checked yesterday, the Hampshire Co. NIST said they have closed. They are no longer open. They think that some other company is going to take over the work done by this joint venture, but sorry about that, we did not pick very well. I mean, I think it is nice if someone is going to take over the work, but the fact of the matter is the taxpayer has invested money in this failed venture, and may not get any return whatsoever on the investment we made. This is 1 failure out of the first 10 ATP grants awarded in the first round in 1991.

Proponents of the bill are saying well, we expect some failures. That may be. But when we talk about large-scale consortia like is being talked about in this particular bill, what we are talking about is millions of dollars being invested in one firm, and it should give us all pause.

Let us go back to the GCA that is selling out. We find out that the president of Sematech said they put $30 million into that venture, and it turns out that the electronic news publication, one of the most respected publications in the business, said it spent a lot more than that, and the Member of Congress who represents that district has estimated that it may have been as high as $90 million that went into that one firm, one firm, $90 million, boom, went under. We do not know. We are going to have to go out and make deals with the Japanese, and what are we doing? We find out that the first round of ATP grants has at least one, 10 percent of them that are already under and not likely to be revived.

Picking winners and losers in business is not something we ought to be doing. The gentleman from Ohio is absolutely right. The best way to get U.S. competitiveness is to get the Government out of this business and assure that the markets pick the winners and the losers. They will do as good a job if not a better job than what Sematech has shown up until now.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words. I have several comments. First, I rise in opposition, sadly, to the Hoke amendment. I had hoped that by the offering of the immediate last amendment we would have been done with this issue, because the last amendment, as we all know, makes the grants to consortia discretionary with the Secretary of Commerce.

□ 1240

I believe that that is the right accommodation of the point of view just offered that some of these consortia may not be successful.

But at any rate, some comments have just been made by the gentleman from Pennsylvania about Sematech which I believe are inaccurate, and I would like to put the facts before us. It is not the case that the lithography technology was sold to Canon, a Japanese company. Canon has licensed Sematech's technology, and the license is with the Silicon Valley group which was not a large-scale company and was about to go bankrupt until Sematech was able to help it.

We could debate for hours the successes of each individual consortium, but there certainly are many in this country that are successful.

What I would like to suggest is that it is not just a question of the success of U.S. consortia, because, remember, for the future, the approval of any of these will be discretionary, but it is also the fact that a lot of the competitive enterprises overseas in Europe and Japan have been developed by means of consortia.

If the United States wants to compete effectively in the world market, we have to be able to do what our European and Japanese competitors can do, and let me just offer some facts: Over the period 1984–93, the governments of the European Community will spend about $25 billion on R&D consortia, on technologies that include telecommunications and computers, industrial technologies, enabling technologies, advanced materials and biotechnology, and in addition, over the past 30 years, the Japanese Government has supported over 30 consortia.

I would offer again the point that the amendment offered by the gentleman from Ohio [Mr. HOKE] would eliminate the opportunity for our Government to fund or to cost-share the large-scale consortia necessary to make us competitive in the global marketplace.

I reluctantly oppose it because I had hoped this whole committee, on a bipartisan basis, would come to agreement on this issue.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. HOKE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOKE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 234 not voting 27, as follows:

[Roll No. 163]

AYES—176

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Darden
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Traficant
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—27

Bateman
Bryant
Clay
de la Garza
Dellums
Faleomavaega (AS)
Gallegly
Gephardt
Henry
Hoyer
Huffington
Leach
Lehman
Manzullo
Murphy
Neal (NC)
Romero-Barcelo (PR)
Rose
Sarpalius
Slattery
Stupak
Tanner
Torricelli
Towns
Tucker
Wilson
Zeliff

□ 1303

Ms. CANTWELL and Ms. BROWN of Florida changed their vote from "aye" to "no."

Mrs. JOHNSON of Connecticut changed her vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF FINANCIAL DISCLOSURE DEADLINE

(By unanimous consent, Mr. McDERMOTT was allowed to speak out of order for 1 minute.)

Mr. McDERMOTT. Mr. Chairman, I rise to remind Members and senior staff that financial disclosure statements must be filed with the Office of Records and Registration by the close of business on Monday, May 17. That is this coming Monday.

If you have any questions regarding financial disclosure matters the staff of the Committee on Standards of Official Conduct is available to answer them at 57103 or 53787.

Any request for extension of the filing deadline must be received by the committee prior to close of business on May 17.

Mr. VALENTINE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GORDON) having assumed the chair, Mr. LANCASTER, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was unavoidably absent when the House cast votes 162 and 163 as I was attending a regional hearing and site visit of the Base Closure and Realignment Commission in Michigan.

These hearings relate to the potential closure of K.I. Sawyer Air Force Base, a matter of utmost concern to

Michigan's First Congressional District. If I had been pesent, I would have voted "nay" on votes 162 and 163.

REPORT ON H.R. 2118, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1993

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–91) on the bill (H.R. 2118) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. GALLO reserved all points of order on the bill.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have asked for this time to engage the gentleman from Maryland in a colloquy about the schedule for the remainder of the day and perhaps even next week, and I yield to the gentleman for that purpose.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I would say that we have finished our business for today. We expect no further votes today. That is assuming we do not have an adjournment vote or something of that nature.

Mr. SOLOMON. We will try to see to that.

Mr. HOYER. We do not have any scheduled votes.

There will be no legislative business on Monday.

We will go in Tuesday at noon and we will have three suspensions:

H.R. 2034, Veterans' Health Programs Amendments of 1993;

H.R. 1934, Federal Maritime Commission Reauthorization; and

H.R. 1189, Armored Car Industry Reciprocity Act.

On Wednesday, May 19, and the balance of the week we will have consideration of the National Competitiveness Act, hopefully to complete consideration of that bill which has been on the floor today.

Then H.R. 1159, the Passenger Vessel Safety Act, which will be subject to a rule, of course. Then we will take up the fiscal year 1993 General Supplemental Appropriations bill.

We will then have a resolution (S.J. Res. 45) which will authorize United States forces in Somalia.

Then last, H.R. 873, the Gallatin Range Consolidation and Protection Act, which was a suspension we previously had on the floor.

Mr. SOLOMON. Mr. Speaker, if I might just ask the gentleman, there are no votes on Monday, and there are three suspensions on Tuesday?

Mr. HOYER. That is correct.

Mr. SOLOMON. What is the likelihood of votes on Tuesday, and how early might they come?

Mr. HOYER. Well, I really cannot respond as to how likely votes are, but if there are votes, it would be my presumption that they would certainly be after 1:30 or 2 o'clock, not before.

Mr. SOLOMON. I see. And the original schedule that I saw said we were coming in at 10. That has been changed, and on Wednesday we will be coming in at noon on Wednesday?

□ 1310

Mr. HOYER. We are going to be coming in at noon, yes. We will ask for unanimous consent after this.

Mr. SOLOMON. And I notice that the general supplemental appropriation bill is scheduled. It does not make mention of the need for a rule, and I assume that that bill is going to be brought right directly to the floor.

Mr. HOYER. I believe that the chairman is not on the floor, but it is my understanding the chairman will be bringing that bill, under the rules, directly to the floor.

Mr. SOLOMON. I wonder how much debate time he might be asking for under a unanimous consent. Does anyone know that?

Mr. HOYER. I do not know. I am sure that the chairman will discuss that with the ranking member, in addition to the minority leadership.

Mr. SOLOMON. We appreciate that very much.

And just lastly, there is no mention made of votes on Friday. Could the membership expect votes on Friday?

Mr. HOYER. We do not know the answer to that question. We are hopeful that there will not be the necessity to have votes on Friday, but we cannot now tell Members that there will be no votes on Friday.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER] for enlightening us, and I hope the gentleman has a nice weekend.

Mr. HOYER. Mr. Speaker, I reciprocate those wishes to the gentleman from New York [Mr. SOLOMON].

HOUR OF MEETING ON WEDNESDAY, MAY 19, 1993

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 18, 1993, it adjourn to meet at noon on Wednesday, May 19, 1993.

The SPEAKER pro tempore (Mr. GORDON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ADJOURNMENT FROM THURSDAY, MAY 13, 1993, TO MONDAY, MAY 17, 1993

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND MEETING OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment as members of the United States delegation to attend the meeting of the Canada-United States interparliamentary group the following Members of the House: Mr. JOHNSTON of Florida, Chairman; Mr. LAFALCE of New York, Vice Chairman; Mr. OBERSTAR of Minnesota; Mr. GIBBONS of Florida; Mr. WILLIAMS of Montana; Mr. PETERSON of Minnesota; Mr. HASTINGS of Florida; and Mr. KOLBE of Arizona.

There was no objection.

A "TRUST" FUND?

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I understand that our President has recommended a trust fund to put the taxes in that we really should not be increasing to pay off the debt. I have several comments relative to this:

First of all, Mr. Speaker, a trust fund? This implies that somebody has trust if they are going to set up a trust fund. What has happened to every other trust fund in our Treasury now is that the fund has been raped, it has been exploited, it is not there. Why should the voters feel that that trust fund would be any different than any other trust fund?

Second, Mr. Speaker, Milton Friedman has pointed out, which is true and history bears it out, that every time we increase taxes we increase the deficit. That is true because, as he says, Government will spend all the money it is given plus as much more as it can get away with. When we increase taxes, we are simply going to increase the deficit, and, if we put those taxes in a so-called trust fund, that is not going to decrease the deficit because with our right hand we may pay off a little of the debt, but with our left hand we are going to borrow more money in order to fund the increased spending that is bound to result as a result of increased taxes.

Furthermore, Mr. Speaker, even if it were legitimate, why do we need a trust fund? We are like a family that has about 20 credit cards run up to the max, so the wife says to the husband, "Why don't we set up a savings account to put our money in to pay off these credit card accounts?"

I say, "If you got money coming in, pay off the accounts. If the intent is to really use this money to pay off the debt, then pay off the debt. You don't need a trust fund, you don't need a savings account, to pay off the debt."

The whole thing obviously is disingenuous, it is a gimmick, it is a sham, and I think almost everyone in America finds it is transparent.

WHY H.R. 820 IS A BAD BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, today we were asked to vote on a competitiveness bill which adds $1½ billion to our deficit over the next 2 years.

When are we going to learn that we don't get more competitive by going deeper and deeper into debt?

This administration is not listening to the American people. Americans want debt reduction. Not a bigger and bigger deficit. This bill adds $1½ billion of future deficit. The bottom line is that this bill costs too much. This bill is bad fiscal policy.

Let's fact it. This bill authorizes massive new spending that flies in the face of debt reduction. If we wanted to make American competitiveness, we should be passing bills to cut the cost of this huge Federal bureaucracy—we would be working to balance the Federal budget—we certainly would not be standing here today voting on a bill that increases the deficit by $1½ billion. We would be working for tax cuts not tax increases.

Because new taxes mean higher prices which means we are less competitive, this great country of ours will only become more competitive by lowering prices and raising productivity. But neither of these will ever be accomplished by burying businesses in more taxes and more regulations.

If we were truly committed to returning America to her rightful place as No. 1 in competitiveness around the world, then we would be passing an indexed capital gains tax capped at 20 percent.

It is ludicrous to think that we will be more competitive with a bigger deficit and higher taxes.

H.R. 820 is misnamed. We should call it the national increase the deficit act. The administration and the authors of this bill have offered taxpayers a hoax. You can't make a silk purse out of a pig's ear. This bill adds to our deficit, no matter how you look at it.

There is a hard core in this Congress who are dedicated to spending the hard-earned tax dollars provided by wage earners, small businesses and retired persons on fixed incomes.

I just answered a letter from a 71-year-old gentleman who said he would pay higher taxes if his tax money went to retire the national debt.

Mr. Speaker, how could I possibly vote for H.R. 820 and then look this old gentleman in the eye? H.R. 820 is a bad bill I urge you to vote "no."

□ 1320

TAXPAYER DEBT BUYDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, some months ago the Senator from New Hampshire [Mr. SMITH] and I, created a concept known as taxpayer debt buydown. The idea was to allow people to voluntarily take some of the money that they were already paying in taxes, put it into a fund to buy down the national debt, and then for every dollar put into debt buydown, one dollar would have to be subtracted from spending, thereby getting you both debt reduction and deficit reduction at the same time.

To assure people that that was not a gimmick of some sort we had that particular plan scored by the Congressional Budget Office. In other words, we had the Congressional Budget Office look at it to find out whether or not it would result in real savings.

The Congressional Budget Office took a look at it and said if it worked optimally, that this plan would in fact reduce the budget deficit so much that within 6 years you would end up balancing the Federal budget, and within 15 years totally abolish the entire national debt.

I make the point about this taxpayer debt buydown concept because in some ways some people may think it sounds remarkably similar to what President Clinton talked about yesterday when he talked about setting aside a trust fund for deficit reduction.

Let me tell you there is absolutely no relationship between the two. The deficit reduction trust fund that the President talked about yesterday is precisely the kind of gimmick that those of us who are really concerned about this issue were always afraid someone would come forward with. In other words, all he does is say we are going to set money aside in a fund that is going to be used for deficit reduction, but he offers no spending cuts. If you do not have the same amount of spending cuts as you have deficit reduction, you have nothing.

In the case of the President's program, he ends up with nothing. There is no trust in his trust fund because it simply takes an accounting gimmick and makes it sound as though he is doing something for deficit reduction.

If in fact you want something to work, the money that is paid into the fund has to go for something real. In the case of the taxpayer debt buydown fund created by Senator SMITH and myself, what we have done is have the money used for specifically buying down the debt, and then we force Congress to subtract the same amount in spending. If Congress does not do the job, we require across-the-board cuts in the accounts of Government in order to achieve the savings. So you always get the savings at the end of the year.

Now, the reason why the Clinton administration would not come forward with a plan like that is it requires real spending cuts, spending cuts on the order of $40 billion to $50 billion a year to implement that kind of a plan. That is more than what they have been willing to talk about. In fact, they have not been willing to talk about any spending cuts in the first year. They load all of their spending cuts into what we call the outyears, out in 1998 and 1999. That just happens to follow after the next presidential election. Everybody knows that is a phony.

They then come along with a new phony gimmick of a trust fund for deficit reduction. It just will not sell. The American people are anxious to do something that is real. They will in fact set aside money. If you gave them the opportunity to have a 10-percent checkoff on their tax form for debt reduction, I am assured that 70 to 75 percent of the American people would probably participate in that kind of a program and we would really begin to have the debt bought down and begin to get at spending. But they are tired to death of the phoniness that comes out of Washington, of politicians reading polls and then trying to find some kind of gimmick that will allow them to sound like they are doing what the American people are asking them to do.

Mr. Speaker, it is high time we begin to do for real what the American people are asking us to do for real—cut the debt, for real cut the deficit, for real cut spending, and use the taxpayers' money responsibly for real. If we cannot do that, then the American people have every reason to say, "You are all phonies, and you all should go."

STUDY SHOWS GENERIC DRUGS DRAMATICALLY FIGHT HEALTH INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, generic pharmaceutical products, when available, allow consumers to escape brand name prescription drug price gouging. In a decade that saw brand name prescription drug prices shoot through the roof, the generic industry has operated in a competitive marketplace, offering consumers some real health care expenditure relief.

A recent study prepared by the University of Mississippi shows that wholesale generic drug prices have decreased over the past 5 years, while brand name drug prices have soared. The study found that continual decreases in selling prices is the norm for generic products.

The study finds that differences in market competition are a result of brand name drugs competing through product variation, whereas generics compete on the basis of price. I quote: "Due to the intensity of [generic] price competition, generic pharmaceutical manufacturers have not enjoyed the same pricing freedom that the manufacturers of branded pharmaceuticals have."

I recently introduced legislation that would promote awareness and usage of generic prescription drugs. The bill, H.R. 916, creates a Prescription Drug Prices Review Board, which will disseminate information to consumers about therapeutically equivalent alternatives to excessively priced drugs.

To encourage greater price competition among brand name drugs, the Board will have the ability to recapture tax credits and/or decrease patent length of excessively priced drugs.

The following charts represent the study's findings. It should be noted that half of the drugs which were tracked in the study have been tracked by GAO and Families USA analysts in their respective drug price studies with generally similar results.

TABLE 1.—BRANDED AND GENERIC PHARMACEUTICAL PRODUCTS USED FOR THIS ANALYSIS

Brand	Compound
Darvon	propoxyphene Compound 65MG.
Elavil	amitriptyline 25mg.
Motrin	ibuprofen 400mg.
Inderal	propranolol 80mg.
Diabinese	chlorpropamide 100mg.
Tolinase	tolazemide 100mg.
Valium	diazepam 5mg.
Restoril	temazepam 15mg.
Dalmane	flurazepam 15mg.
Tylenol 3	APAP w/codeine #3.
Bactrim	sulfamethoxazole/trimethoprim.
Lasix	furosemide 20mg.

Prescription drug	Price (dollars)					Percent change in price
	1988	1989	1990	1991	1992	1988–92
Darvon	18.41	20.07	21.88	23.84	26.07	41.6
Generic 1	6.23	4.55	4.55	5.35	5.69	−8.7
Generic 2	5.95	4.01	4.95	5.63	5.91	−0.7
Elavil	20.61	22.57	24.04	27.61	27.61	33.9
Generic 1	1.25	0.88	0.88	0.98	1.04	−16.8
Generic 2	1.32	1.32	1.42	1.42	1.42	7.5
Motrin	13.85	13.85	13.85	13.85	14.49	4.6
Generic 1	5.31	2.34	2.34	2.34	2.34	−55.8
Generic 2	5.57	4.65	4.65	4.65	4.65	−16.5
Inderal	37.97	41.58	51.83	54.94	57.36	51.1
Generic 1	4.01	2.72	1.67	1.66	1.84	−54.1
Generic 2	1.43	1.43	1.43	1.81	1.81	26.6
Diabinese	17.43	19.13	22.05	24.34	26.55	52.1
Generic 1	1.37	1.28	1.17	1.24	1.36	0
Generic 2	1.26	1.26	1.26	1.41	1.47	16.7
Tolinase	13.88	15.25	16.47	17.79	18.98	36.7
Generic 1	5.71	5.71	4.75	3.24	3.35	−41.3
Generic 2	3.01	3.01	3.01	3.88	4.37	45.2
Valium	26.78	33.88	36.89	40.41	44.56	66.4
Generic 1	1.84	1.84	1.42	1.42	1.27	−30.9
Generic 2	1.75	1.75	1.75	1.75	1.25	−28.6
Restoril	25.94	31.25	37.49	41.33	46.79	80.4
Generic 1	7.95	8.81	4.94	3.61	3.61	−54.7
Generic 2	11.81	4.99	4.99	4.99	4.99	−57.7
Dalmane	23.74	31.43	34.23	37.49	41.34	74.1
Generic 1	11.31	9.19	4.99	4.99	4.99	−55.8
Generic 2	12.11	8.28	4.95	4.95	4.95	−59.1
Bactrim	31.88	39.52	43.04	47.13	53.69	68.4
Generic 1	7.35	4.01	4.08	4.08	4.08	−44.4
Generic 2	7.55	6.37	6.37	6.37	6.37	−15.6
Lasix	7.38	8.58	9.38	9.99	10.79	46.3
Generic 1	1.27	1.27	1.22	1.22	1.22	−3.9
Generic 2	1.27	1.21	1.27	1.42	1.42	11.8
Tylenol 3	14.12	16.17	17.29	19.38	23.09	63.7
Generic 1	4.71	3.21	3.21	3.21	3.21	−31.7

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANZULLO (at the request of Mr. MICHEL), for today, on account of official business.

Mr. TANNER (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore, entered, was granted to:

(The following Members (at the request of Mr. BARTLETT of Maryland) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 60 minutes, on May 19 and 20.

Mr. WALKER, for 5 minutes, today.

Mr. THOMAS of Wyoming, for 5 minutes, on May 17.

Mr. HORN, for 20 minutes, on May 20.

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. RUSH, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARTLETT of Maryland) and to include extraneous material:)

Mrs. ROUKEMA.
Mr. GOODLING.
Mr. MCCOLLUM.
Mr. ROHRABACHER.
Mr. SHUSTER.
Mr. HORN.
Mr. GILLMOR.

(The following Members (at the request of Mr. SCOTT) and to include extraneous matter:)

Mr. BECERRA.
Mr. OBEY.
Ms. ESHOO.
Mr. PASTOR.
Mr. GEJDENSON.
Mr. HILLIARD.
Mrs. LOWEY.
Mrs. SCHROEDER.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. NADLER.
Mr. SHAYS.
Mr. RAMSTAD.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 214. An act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.) under its previous order, the House adjourned until Monday, May 17, 1993, at 12 noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. A report on Revised Subdivision of Budget Totals for Fiscal Year 1993 (Rept. 103–90). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. H.R. 2118. A bill making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–91). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2034. A bill to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes (Rept. 103–92). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECERRA (for himself, Mr. CONYERS, Mr. EDWARDS of California, Mr. Gutierrez, Mr. Pastor, Mr. Serrano, and Mr. Torres):

H.R. 2119. A bill to establish an Immigration Enforcement Review Commission; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 2120. A bill to prohibit the furnishing of international security to countries that consistently oppose the United States position in the United Nations General Assembly; to the Committee on Foreign Affairs.

By Mr. MINETA (for himself and Mr. Shuster):

H.R. 2121. A bill to amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOEKSTRA:

H.R. 2122. A bill to extend until January 1, 1995, the existing suspension of duty on bendiocarb; to the Committee on Ways and Means.

H.R. 2123. A bill to suspend temporarily the duty on N,N-dimethyl-N-(3-((methylamino)carbonyl)oxy)phenyl) methanimidamide monohydrochloride; to the Committee on Ways and Means.

By Mr. KNOLLENBERG:

H.R. 2124. A bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2125. A bill to make an exception to the United States embargo on trade with Cuba for the export of medicines or medical supplies, instruments, or equipment; to the Committee on Foreign Affairs.

By Mr. SHAYS:

H.R. 2126. A bill to amend the Federal Election Campaign Act of 1971; to the Committee on House Administration.

By Mr. WELDON (for himself and Mr. Andrews of New Jersey):

H.R. 2127. A bill to amend title IV of the Social Security Act to establish a new comprehensive child welfare services program under part E, to make other amendments to the program under parts B and E, and for other purposes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Ms. Eshoo and Mr. Rangel.

H.R. 349: Mr. Mica, Mr. Quinn, Mr. Traficant, and Mr. Hoke.

H.R. 357: Mr. Inslee.

H.R. 513: Mr. McCloskey, Mr. Minge, Mr. Blute, Mr. Franks of New Jersey, Mr. Horn, Mr. Huffington, Mr. Kingston, Mr. Knollenberg, Mr. Levy, and Mr. Barrett of Wisconsin.

H.R. 943: Mr. Mazzoli, Mr. Sabo, Ms. Furse, Mr. Wilson, Mr. Barlow, Mr. McCloskey, Mr. Vento, and Mrs. Kennelly.

H.R. 1009: Ms. Slaughter.

H.R. 1105: Mr. Torkildsen, Mr. Gilchrest, Mr. Ballenger, Mr. Fawell, Mr. McCandless, Mr. Hancock, Mr. Livingston, Mr. Lightfoot, Mr. Solomon, and Mr. Kim.

H.R. 1142: Mr. Hastert and Mr. Williams.

H.R. 1181: Mr. Lewis of California.

H.R. 1222: Mr. Machtley.

H.R. 1360: Mr. Torres, Mr. Hastings, and Mr. Jefferson.

H.R. 1492: Ms. Molinari.

H.R. 1609: Mr. Serrano, Ms. DeLauro, Ms. Furse, and Mr. Rangel.

H.R. 1710: Mr. Dickey, Mr. Callahan, Mr. Inhofe, Mr. Collins of Georgia, Ms. Dunn, Mr. Upton, Mr. Blute, Mr. Kingston, Mr. Coble, Mr. Clinger, Mr. Canady, and Mr. Petri.

H.R. 1762: Mr. McHugh.

H.R. 1763: Mr. Swett.

H.R. 1900: Mr. Hochbrueckner, Mrs. Unsoeld, Ms. Pelosi, Mr. Vento, Mr. Waxman, Mr. Filner, Mr. Romero-Barceló, Mr. Schiff, Ms. Woolsey, and Mr. Skaggs.

H.R. 1911: Mr. Ravenel, Mr. Frank of Massachusetts, Mr. Johnson of South Dakota, Mrs. Thurman, Mr. Ackerman, Ms. Byrne, Mr. Rangel, Mrs. Clayton, and Mr. Kopetski.

H.R. 1912: Mr. Ravenel, Mr. Sanders, Mr. Frank of Massachusetts, Mrs. Thurman, Ms. Byrne, Mr. Rangel, Mrs. Clayton, and Mr. Kopetski.

H.R. 2043: Mr. Clay, Mr. Jacobs, Mr. Engel, Mr. Ackerman, Mr. Borski, and Mr. Becerra.

H.J. Res. 6: Mr. Visclosky.

H.J. Res. 108: Mr. Vento.

H.J. Res. 133: Mr. Bereuter and Mr. Minge.

H.J. Res. 184: Mr. Applegate, Mr. Barlow, Mr. Clay, Mr. Clyburn, Mr. Dickey, Mr. Emerson, Mr. Horn, Mr. Jacobs, Mr. Kasich, Mr. Oberstar, Mr. Rogers, Mr. Scott, and Mr. Sisisky.

H. Con. Res. 75: Mr. Dellums, Mr. Hastings, Mr. Engel, Mr. Miller of California, Mr. Ackerman, Mr. Cooper, Mr. Wynn, Mr. Towns, Mr. Tucker, Mr. Foglietta, Mr. McCurdy, Mr. Beilenson, Mr. Wheat, Mrs. Unsoeld, Mr. Clay, Ms. Pelosi, Mr. Conyers, and Ms. Woolsey.

H. Res. 26: Mr. Sensenbrenner, Mr. Machtley, Mr. Lazio, and Mr. Franks of Connecticut.

H. Res. 86: Mr. Hoke, Mr. LaFalce, Mr. Kolbe, and Mrs. Vucanovich.

H. Res. 127: Mr. Machtley.

H. Res. 148: Mr. Barrett of Wisconsin and Ms. Furse.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

36. By the SPEAKER: Petition of Killeen Industrial Development Department, Killeen, TX, relative to the Direct Student Loan Processing System; to the Committee on Education and Labor.

37. Also, petition of county of Sampson, Clinton, NC, relative to Federal tax on the sale of cigarettes; to the Committee on Ways and Means.

38. Also, petition of Nash County, Nashville, NC, relative to the tax on the sale of cigarettes; to the Committee on Ways and Means.

SENATE—*Thursday, May 13, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

"God is love." (I John 4:8) Eternal God, our Heavenly Father, the Bible is filled with examples of Your infinite love, despite which we find it difficult to believe. It is so easy to condemn ourselves when we fail or sin, so difficult to believe that, whatever else You are, You are love. Forgive us for thinking of You exclusively in a judgmental way. Help us to realize You love us when we are not deserving of that love, that there is nothing more certain in life than that each of us is loved by God.

Teach us, dear Lord, that there is nothing we can do to make You love us more than You do, and there is nothing we can do to make You love us less than You do—that Your love is eternal, infinite, and it is Your nature to love. God who is love give us grace to accept Your love so generously offered unconditionally.

We pray in His name who was love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 1993.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

In the Chair's capacity as a Senator from the State of Colorado, the Chair suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NAFTA

Mr. METZENBAUM. Mr. President, I rise to address the proposed North American Free-Trade Agreement, commonly referred to as NAFTA, among the United States, Mexico, and Canada. I believe this agreement will have staggering consequences for our workers, our industrial base, and our environment.

Although we may not be asked to pass judgment on this proposed agreement for some time, we cannot simply wait for this issue to come to us. NAFTA represents the most important issue facing this country in the years to come.

The agreement would eliminate virtually all trade restrictions and tariffs between these three countries over the next 15 years. The proponents claim that eliminating trade barriers with Mexico will improve United States competitiveness and permit United States manufacturers to gain easier access to Mexico's consumer markets. They acknowledge that we may lose tens of thousands of jobs, but they claim that those losses will be more than offset by new jobs resulting from expanded trade with Mexico.

Let me say those workers who lose their jobs are not going to be interested in the statistical figures. A worker in Ohio or Michigan or Pennsylvania, or any other State in the Union who loses his or her job, is not going to be gratified if some other worker gains a job in Arizona or in Texas or in Washington State, for that matter. That is not the issue. The issue is real American people who have spent their lives working for a company who suddenly learn one day that the company is moving its entire operation down to Mexico.

NAFTA's critics paint a different kind of picture. They predict that NAFTA will eliminate hundreds of thousands of American jobs, leaving our industrial landscape littered with abandoned factories. Our standard of living will drop, significantly reducing the wages of most of those lucky enough to keep their jobs, and further widening the gap between the rich and the poor of this country. And NAFTA's critics say we will face new pressures to scale back longstanding labor and environmental protections that American workers have counted on for decades.

Employers will come to their workers and say, "Look, you will have to work for a lesser amount, you will have to agree to certain changes, downgrading, because otherwise we are going to have to move the plant to Mexico."

Other arguments will be made: "We cannot comply with these environmental laws to clean up the air and water here in the United States because down in Mexico we can operate without having all of those constraints placed upon us."

There is much at stake in this legislation, and the Members of this body cannot afford to sit idly by. We owe it to the American people to be involved now, to represent their interests, and to work with the Clinton administration to address NAFTA's problems.

While I generally support the liberalization of trade restrictions, it goes without saying that any such effort must be in the best interests of the American people. I am frank to say I am not certain that any supplemental agreement can overcome the challenge of having $2 labor compete with $15 or $16 an hour labor. I am not convinced that the environmental conditions that exist in Mexico are suddenly going to be changed by a side agreement.

Let us look at the facts.

Mexican manufacturing workers earn $2.17 an hour, less than one-seventh of the $15.45 earned by American manufacturing workers. As a consequence, the elimination of current trade restrictions would entice many United States firms to shift production to Mexico over the next few years. There is no secret about it. Many have already done so. Even George Bush's Secretary of Labor projected the elimination of 150,000 jobs if NAFTA were adopted. That impact would likely be worsened by foreign manufacturers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

using Mexico as an export platform to make further inroads into United States markets.

But even if it were only 150,000 jobs—a figure which I very strongly question—what about those 150,000 workers? Are we not to be concerned about them? Their family livelihood, their opportunity to pay the mortgage on their home, their opportunity to send their children to college, their opportunity to pay the necessary household expenses—are these not concerns even if it were only 150,000 jobs? The fact is, in my opinion, it will be far, far greater than 150,000 jobs lost.

Recent experience suggests we could lose between half a million and a million jobs if NAFTA is adopted as drafted. Consider what is already happening with the United States-Mexico Maquiladora Program. Under the program, American manufacturers ship components to Mexico for assembly and then import the finished products back to United States markets. The Maquiladora Program provides for this to occur, in the main, right across the border from the United States. The Maquiladora Program, which has been in effect since 1965, has enticed many of the Fortune 500 to move production facilities south of the border.

I went down to the Maquiladora area, and I walked around and looked around and drove around. I want to tell you, it was upsetting. One of the things I saw was General Dynamics—one of America's largest defense contractors, receiving many billions of dollars for defense contracts—operating a plant in the Maquiladora area.

I thought it looked like my own home community of Cleveland. There were Eaton Manufacturing, Parker Hanifin, and other Cleveland companies.

There they were, with operations that had formerly been in Cleveland, no longer there, now in Mexico. I know what has happened in Cleveland. I know I can go out to the General Motors facility that used to have thousands of employees. They are not working now. There is nobody working in that plant. But I know that General Motors has 30 plants in Mexico.

As a result of the Maquiladora program and the existing wage differential, we have literally lost hundreds of thousands manufacturing jobs to Mexico in the past decade alone. And the automobile industry, to which I have just referred, is a good example. The big three have established an estimated 70 plants in Mexico, churning out 250,000 cars and over 1 million engines annually for export. The great American road may belong to Buick, but the Buick Century two-door is produced entirely in Mexico, as are the Mercury Tracer, the Dodge Ram Charger two-door and the Chrysler LeBaron sedan.

In Matamoros, which is just across the border, American-owned companies employ Mexican workers who live in horrifying squalor. Their homes are one-room cardboard shacks, patched together wooden shanties without electricity or running water.

I spoke with some of the people who live in those shanties, and I am not going to tell you they are all unhappy. Many are actually living better than they were living before they were able to work in the Maquiladora plant. But the conditions in which they live are just unbelievable. Their children breathe air thick with pollutants, and bathe in unfiltered streams filled with toxic runoff from nearby plants. There is no water or electricity in their homes.

It is incredible to think that we are expecting American labor to compete on an equal basis. You can pass all the environmental laws you want, and that is not going to change things overnight in Mexico. You can pass all the labor laws you want, and that is not going to change things overnight in Mexico. It is an impossible situation.

Let us not kid ourselves. It is difficult to believe that corporate America, which professes to have a social conscience in this country, is exploiting Mexican workers in such a shameless, degrading fashion just over the border. But I tell you, I have been there. I have seen it, and I urge you, Mr. President, I urge every Member of this Senate, to go down and see what is happending in Mexico and see if you think American workers are going to get a bad deal if we enact the free-trade agreement. Ask whether or not you think that is fair competition for the American worker.

For obvious reasons, many American employers are reluctant to admit that their growth in Mexico has cost United States jobs, but one cannot overlook the connection between General Motors' announced plan to close 21 United States and eliminate some 74,000 American jobs and the fact that the same company is the largest private employer in Mexico today. It has 30 plants and a growing work force. Who do they think is going to buy those cars? Where is the American worker going to get the money if American firms move down to Mexico to hire workers for substandard wages?

If NAFTA is adopted and existing trade restrictions are dropped, American manufacturers will no longer have to supply Mexican Maquiladoras with American-made components. Instead, many more U.S. manufacturers will relocate plants south of the border. Thousands of high-paying U.S. manufacturing jobs will be eliminated in industries such as electronics, apparel, glassware, textiles and automobiles, striking at the core of America's industrial base.

I conducted a hearing on this subject last year in Cleveland. We used to have about 21 textile mills in Cleveland. Now we have only one. Its owner testified before my committee and indicated the difficulty he will have in remaining in business if NAFTA is adopted.

Other labor-intensive industries, such as food production firms, sugar producers, truckers, and fruit and vegetable growers will be devastated, if not wiped out entirely. For American workers, the slogan says it all: "After NAFTA, the shafta."

NAFTA's proponents claim that Mexican consumers will have the purchasing power to create enough United States jobs to offset these losses. Frankly, I am not convinced. Currently, Mexico has a 20-percent unemployment rate, a 40-percent poverty rate and a gross domestic product 120th of ours. Mexican workers with an average annual income of $2,490 can barely afford food and shelter, and certainly are in no position to buy our American products.

"But wait," NAFTA supporters say, "just be patient. If we adopt the agreement, Mexico's economy will expand and Mexican consumers will be able to buy more United States goods."

I do not buy that. First, even as Mexico's trade with the United States increased dramatically over the last decade, its workers' wages dropped over 40 percent and its per capita gross domestic product fell 15 percent. Listen to that: Even as their trade with this country expanded dramatically during the last 10 years, workers' wages dropped 40 percent and its per capita gross domestic product fell 15 percent.

Beyond that, even if Mexican demand for United States products did increase substantially, United States firms would meet that demand from their Mexican plants rather than their United States plants.

NAFTA supporters point to increasing United States exports to Mexico as proof of the benefits of free trade. But look closely at these exports. Heavy machinery sales account for much of the current trade surplus with Mexico, but that very equipment is being used to build Mexican factories which will make products to be sold in the United States. They cannot produce in Mexico the heavy capital goods that the American manufacturer uses for production.

So this heavy equipment is being made in this country, shipped down into Mexico for the purpose of building factories, which will then export goods back into the United States. So the surplus that we find from those particular sales is a very unreal surplus and one that we would be better off if we did not have. It is these Mexican-based factories, for example, that created a $3 billion deficit with Mexico in 1991 in the trade of automobiles.

If we adopt NAFTA as drafted, our heavy industries might benefit briefly from Mexico's industrialization. I would accept that. Ultimately, though, any short-term benefits will be dwarfed in the long run as our industrial base is systematically dismantled and moved south of the border.

So the ominous forecast of U.S. job losses are, indeed, a reality. What will the impact of these job losses be? Many of NAFTA's displaced workers will not find new jobs. Most of those who do find new jobs will take substantial pay cuts. Many will lose their cars, their possessions, and their homes as well. And we will look back and say, "Wasn't it a terrible thing? We shouldn't have done that."

As a Member of the U.S. Senate, I have supported legislation which, in retrospect, I do not think was very good; I do not think it helped the American economy. I do not think deregulating the telephone industry truly helped the American economy. I do not think deregulation of the airline industry helped the American economy. I do not want to be in a position of finding another situation where I support something that I think is going to be good for the American economy, but which I find does not work.

The arguments were made then that there will be more competition and more competition will be better for American industry, for the American economy, for the American worker. It has not turned out that way.

My opinion is that NAFTA will not be good for the American worker and the American economy. As a matter of fact, many communities that lose jobs will be unable to reconcile the shrinking tax revenues with increasing demand for welfare and other social services. Some will actually face economic ruin.

This is how Mayor Dixon of Dayton, OH, described this problem at a hearing I held in Cleveland last October. Said Mayor Dixon:

> As a long-time Dayton elected official and son of an automobile factory worker, I have seen the aftereffects of job losses. I have seen our tax base dwindle and valuable economic development dollars shrivel up; I have seen supporting jobs and businesses be affected by the fallout; I have seen the standard of living decrease; I have seen families fall apart and move away; I have seen Dayton's population drop significantly; and I have seen people's dreams dashed. I don't want to see any of that again. I am not convinced that this version of the NAFTA agreement will protect American jobs or American communities to the extent that it should.

He concluded by saying, "We already have 10 million unemployed Americans. We do not need any more." I could not agree more.

Even those American workers who keep their jobs may be adversely affected by NAFTA. In a report to Congress on the impact of NAFTA, the United States Office of Technology Assessment concluded that unless relations among Government, industry, and labor are fundamentally changed here and in Mexico, NAFTA "could drive down wages and living standards in the United States without accelerating development in Mexico."

First, with an open border, America's blue collar workers will see significant downward pressure on their wages.

Second, while Mexico has many labor protections on the books, as a general matter it does not enforce them.

As a matter of fact, when I was in the Maquiladora area, I was astounded to learn that the main labor union they have down there, which is really not as powerful as American unions, had had some delays before they could get into negotiations with an employer. When they finally got into the negotiations, somehow, some way, the head of the labor union was incarcerated and during the labor negotiations he was in the slammer.

Incredible. I heard no outrage from the Government of this country. The workers down there were not in much of a position to cry out, and the Government of Mexico certainly was not going to cry out because they were doing the incarcerating.

What an unbelievable situation, and we think there is going to be protection for the Mexican worker by reason of the strength of the Mexican labor unions? Who are you kidding?

The principal effect of Mexico's lax enforcement will be to entice firms to relocate there. But even those employers who choose not to relocate will use the threat of relocation as leverage to scale back their labor and environmental protections.

Let me point something out, Mr. President. When I was down in Mexico, I talked with some of the employers, and I visited some of the plants. The plants were not bad plants; they were good plants; they were impressive; they were clean; the machinery looked like it was working fine; the workers appeared to be doing their jobs well. But as I was walking through, I saw some bottles and some packages with labels that indicated that they contained toxic materials, and that they should not be used under certain circumstances and certain restrictions.

We had a dinner meeting that evening with representatives of the Mexican employers in that area, and at the conclusion of the dinner, there was not much question that we were not going to come to agreement on the issue of NAFTA. I said to them, "Do me one favor. Before I leave here I would like you to promise me one thing—that you will put Spanish-language labels on all of those packages and bottles and materials that I saw sitting around your plants, which contain toxic materials. There ought to be precautionary means to protect the worker, but your workers cannot read the English on them, and they do not know that there is poisonous material that they are dealing with daily. Promise me that you will see to it as the employer organization that there will be changes made."

Mr. President, I have not been back there since October. But I would be willing to make a pretty good-sized wager that nothing ever happened, that their promise did not actually come true, and those workers are still being exposed to toxic materials.

One way or another, if NAFTA is adopted, American workers are effectively going to be punished for living in a country with collective bargaining rights, a minimum wage, child labor safeguards, health and safety rules, civil rights laws, and other basic work protections so fundamental to a progressive democratic society. I think it is a real problem and I think it is insoluble if we pass NAFTA as drafted.

So where do we go from here? President Clinton has promised that he will not support NAFTA unless side agreements are negotiated which address labor as well as environmental problems. We have yet to see what these agreements will look like. But I must say that I am skeptical as to whether they can really eliminate the agreement's many deficiencies. I am concerned—and I believe the American people are concerned—that unless these side agreements are very, very tough this whole exercise may amount to little more than shuffling deck chairs on the *Titanic*.

Mr. President, our country was built on the free enterprise system, and I strongly believe in that system. I am a product of that system. But believing in free enterprise does not mean we have to accept the exploitation of cheap foreign labor at the expense of American workers, and that is just what NAFTA as currently drafted would mean. Congress cannot ratify a free trade agreement that leaves American workers out in the cold.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from North Dakota is recognized.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, the debate about international trade in this city very quickly becomes a discussion between those who are labeled protectionist and those who are chanting about free trade. It becomes very quickly an almost thoughtless discussion about slogans.

The question of trade policy is really rooted in the question of what does it do to our job base in America. What does it do to economic growth in this country? How does it affect our economy and our workers? During especially the past decade we have been treated to a discussion, by first the Reagan administration and then the Bush administration, about free trade.

Whenever they propose trade policies, they describe them as "free" trade policies, a "free" trade pact. We had one with Canada. They are proposing NAFTA now, which is a "free" trade pact with Mexico. The word "free" attached to trade is a unique device, I suppose, to sell the notion that it is a good pact. "Free" connotes free gift or free lunch, free trade, freedom; free is a pretty good word, I suppose.

The problem is that free trade is not what it sounds like. Here is an example in United States-Canada trade: Our negotiators went to Canada and negotiated a free trade agreement and, in my judgment, at least with respect to the agricultural side of it, deceived the American people and deceived the Congress about much of the agreement. And we are now stuck with a terrible agreement that undercuts the American farmer, undercuts American interests, and creates, in my judgment, unfair trade for which there has not at this point yet been a remedy. I do not view that as a step forward. I view it as a step backward.

Before the obvious and major problems with the Canadian Free-Trade Agreement are resolved, the Bush administration went down to negotiate another so-called "free" trade agreement, this one with Mexico.

It is my hope that President Clinton will not offer that agreement as negotiated with Mexico to this body for a vote on implementation legislation, because I do not think President Clinton inherited a good agreement.

In my judgment, the previous administration erred in this agreement. They reached an agreement that, in my judgment, undercuts our need for economic growth and undercuts our desire for new employment and new jobs in our country.

This issue really, as I said, comes down to jobs. What do we do in this country to move ourselves ahead? Oh, we can worry forever about everybody else in the world, but we better take care of things here at home. Our economy is languishing. We see statistical economic growth without jobs. Well, as I have said on this floor many times, a recovery without jobs is like a meal without food. What we need is a recovery with jobs.

The major question about the Mexican Free-Trade Agreement is: What will it do to the employment base in this country? There is a body of evidence produced by economists—who are prone to produce whatever conclusion the procurer of the study would like—that says the Mexican Free-Trade Agreement will produce new jobs, more jobs; it will be an expansion of American jobs. There is another body of evidence that says it would be a disaster for our country.

Common sense would cause you to ask if you have a country south of our border that has a wage base of one-tenth of ours, if you are manufacturing something and it is easy to go down there, and you do not have any tariffs coming back, why would you not manufacture in Mexico what you now manufacture in the United States?

The whole purpose of the free-trade agreement is to eliminate tariffs. If you eliminate tariffs coming back, you are eliminating a barrier, and what you are saying is that we are going to make it easy for somebody to move a plant to Mexico and sell its products back into the United States. That is a plain fact. That is not a disputable contention. That is what is happening with NAFTA.

It is interesting. There is a Hufbauer-Schott study which was regarded as making the definitive case for NAFTA. They say that in the first 5 years, 316,000 jobs will be gained in this country and 145,000 jobs lost, for a net increase, they trumpet, of 170,000 new jobs in America.

There are two things you need to know about this study. First, in order to arrive at that conclusion, they had to assume that the United States trade surplus with Mexico would double. Nobody really believes that is going to happen. Second, they had to assume that although foreign investment in Mexico would grow substantially, none of it would come from the United States. That, of course, is absurd.

This whole approach is to grow Mexico in order to become a better market for the United States. So the theory goes, if you grow Mexico as a market, the United States will be able to serve that market and will have more jobs, producing things to serve the Mexican market.

Question: Where does the investment come from to grow Mexico? How do you grow the Mexican economy? What kind of new investment pours into Mexico to grow Mexico? Well, we see that about two-thirds of the current new investment in Mexico comes from the United States.

Would it not be logical to assume that if you are going to grow Mexico in the future, two-thirds of the new investment would come from the United States? What is one of the largest problems we face in the U.S. economy? An investment deficit. We are spending money we do not have. Therefore, we do not create the savings pool which equals investment. We have an investment deficit in this country. What are we talking about? Growing Mexico with predominantly United States investments so that Mexico, in the future, can become a market for the United States producer.

I have seen salesmen on all stripes, of all kinds. I answer my phone every night, and these direct callers pitch everything from chimney sweeps to magazines. I will tell you what, the toughest sales job in the world, in my judgment, is going to be to have to try to sell this nonsense to the American people. The American people understand the mechanics of a trade agreement that says: Let us make it easier for a corporation to move their manufacturing plant to Mexico and produce at a much lower wage and ship the product back into the United States. The American people understand that means lost jobs for the United States.

I am not concerned just about jobs, although that is a major concern. I am concerned about the details. Let me just give you a hint about the trouble in some of the details.

If you are a producer of dry, edible beans, such as lentil, kidney, and so on—and we have a lot in my State—you want to know what is going to go on with respect to the potential to ship beans to Mexico, because we had a Mexican market for United States dry, edible beans. Well, the negotiators went to Mexico and reached an agreement as part of NAFTA, and it says we are going to allow you, in the next 5 years, to ship fewer beans to Mexico than you have shipped over the previous 5 years. In other words, we are setting a quota that is lower than you have historically shipped to Mexico in dry, edible beans.

In addition to that, if you ship over this lower quota that we are imposing on you, we will impose a tariff of nearly 130 percent. Somebody might scratch their head and say that cannot be right. But it is right. Just take the small dry, edible bean details in this agreement and see what happens.

French-fried potatoes. Go to the agreement and look at what happens to french-fried potatoes. Travel through the United States-Mexican Free-Trade Agreement through the eye of a french-fried potato. Fewer will go from America to Mexico because of the agreement, and more french-fried potatoes to the United States, because somehow our negotiators decided they wanted to lose on french fries just as they wanted to lose on beans.

I can stand here and talk about the details for a while, but you get my point. We had a hearing, and I asked the trade people about beans. I asked, can you tell me why negotiators would do that in beans? "I am not going to defend every detail on this agreement," I was told. The fact is that this agreement is a set of details. If they are not defensible, then why would we consider moving an agreement like this through this Congress?

Agriculture is parochial, I understand that. But the agricultural portion of this agreement is fundamentally unsound. The most important consideration, in my judgment, for this agreement is: Will it advance this country's economic interests? Will it gain us new jobs or cost us jobs we already have? The conclusion, in my judgment, in 100 different ways, is that this agreement is not good for this country's economy. Our responsibility is not to be protectionists in the classic sense of wanting to keep things out of our country. I do not believe in that philosophy. Our responsibility is to represent the economic interests of our country and to try to advance those interests through trade agreements that make sense for us, that expand trade in all directions. And this trade agreement simply does not meet that test, Mr. President.

Mr. President, I and other colleagues will visit about NAFTA at some length in the U.S. Senate. This is an important issue. I regret that I do not necessarily agree with folks in this administration on the issue. I hope we can reach some agreements, as we move along, to develop a more sensible trade policy than we have seen in the last 12 years in this country, one that represents and protects the fundamental economic interests of this country for a new opportunity and hope and jobs in our future.

Mr. President, I yield the floor.

NAFTA

Mr. RIEGLE. Madam President, I want to speak now on the proposed free-trade agreement with Mexico, as other colleagues earlier this morning have. I want to begin by commending those who spoke about their concerns and reservations, coming to the floor and highlighting the grave danger that this proposal creates for our country and particularly for the job base in this country.

We have a terrible problem in America today. We do not have enough jobs for our people and there is a large backwards slide going on. People are losing higher paid jobs and, after a period of unemployment, when they finally get a replacement job, they most often get jobs at a lower income level and lower skill level than they were performing before.

A lot of this is due to trade imbalances and trade practices with various countries around the world. The most extreme example, of course, is with Japan. Japan has a huge—now seemingly permanent—trade surplus with the United States; a surplus in their favor, deficit on our side of the ledger, that is draining tens of millions of dollars out of our economy every year.

That problem does not seem to get any better. In fact it got worse last year. It looks like it is going to get even worse this year.

President Clinton, to his credit, and his trade negotiators have taken a much harder line with respect to trade abuse by Japan—abusive trade practices both in terms of coming into the United States market and in terms of practices they use to erect barriers to keep American products out of their market.

So that is one example on one end of the spectrum that has been very damaging to our country economically and to our job base. We have seen American jobs leaving America, going to other countries—Japan being one, Communist China being another, and certainly countries that are more in a Third World category.

That is the great danger that is posed by the proposed free-trade agreement with Mexico. Mexico has a Third World economy, in terms of its wage structure, its environmental protections, and the way its legal system functions—which is very poorly and in many cases corruptly. So, to try to talk about integrating two economies that are so fundamentally different—an advanced American economy and a Third World economy in Mexico—poses huge questions that are virtually impossible to solve. And no real effort, I might say, has been made, in my view, to solve them by the package that was negotiated by the Bush administration.

The former Trade Ambassador, Carla Hills, and the administration gave away the store in terms of negotiating with the Mexicans. Every time the Mexicans got tough, our side caved in. You see it in flat glass, you see it in the schedules for rule of origin regarding automobiles, and you see it in a number of agricultural areas. So we are stuck at the moment with a very bad package.

President Clinton recognizes it as a defective package and has come back by saying that the only way it can be corrected, and would be something he would be willing to support, is if there were very substantial side agreements put in place, that were tough and enforceable, to deal with some of the defects in that package.

Frankly, there is a real question in my mind as to whether you can correct the fundamental deficiencies and dangers with these kind of side agreements, no matter how well they are written or how tough they are. But obviously, if they are done just as window dressing, if they are weak and flaccid, which some of my friends on the other side of the aisle are calling for, then clearly we are stuck with a bad package. And so I hope there is no temptation to move in that direction.

But let me talk a little bit about why the NAFTA, the free-trade agreement with Mexico, is so dangerous to our country.

The main problem is the wage differential. Workers in Mexico earn about one-tenth of the comparable wage of a worker in the United States. So there is an enormous incentive, if there is a free-trade arrangement, for companies to close down in America, move their operations down to Mexico, put people to work down there at a tiny fraction of the cost that it costs to pay an American worker earning an American wage under American rules and regulations than it does down in Mexico. And so many firms have already done that. In fact, in the automobile industry alone, Ford, Chrysler, and GM have already located about 70 plants in Mexico in large part to take advantage of these very low-wage levels.

We are seeing that pattern accelerate. I think it will speed up much more if there is a free-trade agreement in place, particularly one that is drafted as this one is, which puts its main emphasis on protecting property rights and investment values, as opposed to what it means for people, job holders in this country and, for that matter, even job holders in Mexico.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RIEGLE. May I inquire how much time remains in the morning business period?

The PRESIDING OFFICER. Until 10:30.

Mr. RIEGLE. I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. There are a number of Senators who share these concerns. In fact, there were 25 Democrat Senators who sent a letter to the President in March covering several of these concerns. I ask unanimous consent to print that letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 12, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON: We are writing to express our serious concerns over portions of the North American Free-Trade Agreement (NAFTA) as negotiated. NAFTA, as it currently stands, fails to promote fair trade or serve American interests in the areas of fair labor standards, environmental protection, and worker health and safety standards. Further, any final agreement must ensure a level playing field for American interests in the agricultural and energy sectors.

NAFTA should only be finalized if it results in U.S. job growth, expands our national manufacturing base, and improves the standard of living for all Americans. Safeguards must be included in NAFTA to ensure the American economy develops along a high wage, high skill, high growth path.

We urge you to consult closely with Congress on both the supplemental agreements and implementing legislation. Only through close consultation between the Administration and Congress can NAFTA hope to achieve its stated goals of generating U.S. jobs and expanding economic growth. Further, the supplemental agreements should be concluded before any implementing legislation is referred to Congress for consideration. There must be sufficient time to examine the supplemental agreements carefully before Congress takes action on NAFTA.

NAFTA represents a fundamental restructuring of economic relations among Canada, Mexico, and the United States. Such a step should be taken only after full consideration and deliberation. We are concerned by reports that the Administration may be committed to meeting the January 1, 1994 target date for implementing this agreement. We consider it far more important to develop an accord which serves U.S. interests than to force the agreement by an arbitrary date. We do not believe the Administration and Congress should be confined by any artificial deadline on a matter of this consequence.

In closing, we state again our desire to work closely with you and your Administration on both the supplemental agreements and the implementing legislation.

Sincerely,

Don Riegle, Daniel K. Inouye, Paul D. Wellstone, John Glenn, Thomas A. Daschle, Byron L. Dorgan, Kent Conrad, Daniel K. Akaka, Herb Kohl, Russ Feingold, Howard M. Metzenbaum, Ben Nighthorse Campbell.

Wendell H. Ford, Jay Rockefeller, Richard Shelby, Tom Harkin, Barbara A. Mikulski, Harris Wofford, Ernest Hollings, Dianne Feinstein, Carol Moseley-Braun, Paul Sarbanes, Carl Levin, Jeff Bingaman.

Mr. RIEGLE. Mr. President, we have already entered a free-trade agreement with Canada, and Canada is tied into this new proposed package with Mexico. I want to point out that the gross domestic product per worker in Canada is about $21,400, which is almost precisely what it is in the United States. But down in Mexico, the GDP is a tiny fraction of that, only $3,350. And so that is another illustration of why, given these huge inequities between these economies, that it is really implausible to think that somehow we are going to start selling a whole lot of new American goods down in Mexico.

Frankly, they do not have the money to buy U.S. goods and they are not going to have it in the foreseeable future. In fact, if you look at what the real wage impacts and changes have been over the last few years in Mexico, Mexican wages have been dropping in real terms rather than rising. Further, if at some point a Mexican family working at a very low-wage level is able to save enough to buy a radio or buy a fan, to try to upgrade their standard of living, chances are they are not even going to buy it from the United States. They will probably buy it from Hong Kong, Singapore, or some other low-wage place.

So the notion that NAFTA is going to create a lot of jobs in the United States because Mexican workers are going to have a lot of money to spend is just nonsense. It is false on its face. There is no meaningful study that shows that to be a plausible concept.

We now have a study, as well, and I want to make a passing reference to it, done by Pat Choate, that says the jobs most targeted for being removed from America and sent to Mexico are in the manufacturing area; they are higher value-added jobs. It is a way for firms to close, go down to Mexico, take advantage of lower wages and lower environmental standards. The Choate study concludes 5.9 million jobs at risk. The study delineates the jobs State by State. I sent a letter to each Senator pointing out the number of jobs in each State so they can understand what the risk is in their own individual States by the kind of firms that have already been targeted.

In fact, the Mexican Government earlier invested in an investment fund designed to come to the United States, buy up manufacturing companies, shut them down, move them to Mexico, and increase the companies' value by lowering their production costs with low-cost Mexican labor. The idea was to sell those firms at a big profit in 4 or 5 years. We put the bright light on that and the Mexican Government pulled out of the fund, but the fund still exists.

Some say, "Well, even if American workers lose their jobs, we will give them retraining." The retraining concept, which is really a euphemism for unemployment, is proving not meaningful. What do we retrain people for? Right now in this country we have people who have gone through retraining programs in any number of different fields and cannot find jobs because there are not enough jobs out there at the present time.

The cold fact of the matter is we do not know what to retrain people for. Most of the big companies in America are closing down certain operations, shedding employees. the defense establishment is doing the same thing. We have a huge pool of unemployed workers with skills up and down the ladder who cannot be reabsorbed today.

So the notion that once an American worker loses their job they can be retained and they will be right back in the work force is just not borne out by the facts. It is misleading, it is disingenuous and the public sees through it.

I want to say I appreciate the leadership on this issue that Ross Perot has given. He has seen this from the point of view of a Texas businessman who sees the grave danger to the job base in this country. He has been willing to speak out about it. I appreciate the fact he has given leadership on this issue. We need more leadership out of the business community by people who understand what the real threat is and are not just looking at a way to make a quick buck by closing operations here and going down to Mexico to take advantage of cheap labor in that country.

Finally, there is another problem that has not gotten much attention. There is nothing in this agreement that prevents the Mexican Government from revaluing their currency after this agreement were to be put in place. There is absolutely nothing to prevent them from devaluing the peso and completely undercutting the alleged economics of this deal. We could be put in a situation where we are going to have an even greater acceleration of job loss to Mexico. There is really no way to fix that problem.

I would say that it is very important for people across this country in all the 50 States to pay very careful attention to what the risk is to the job base in this country, the risk to their job, the risk to the job prospects of their children coming down the track and needing to fit into the job market and the fact that even from the State of Texas, where there are some who argue for it, you have someone like Ross Perot who has come forward to point out the real dangers of this situation and why it can be a devastating blow to the job base in this country.

I yield the floor.

NORTH AMERICAN FREE-TRADE AGREEMENT [NAFTA]

Mr. INOUYE. Mr. President, I wish to insert into the RECORD the following resolutions that have been passed by the Hawaii State Senate and all four members of the Hawaii State Association of Counties. These resolutions express the concern of the people of Hawaii that the North American Free-Trade Agreement [NAFTA] as presently constituted would be inimical to Hawaiian agriculture and that this situation needs to be remedied before the NAFTA can be deliberated by the Congress. Therefore, Mr. President, I ask unanimous consent that this statement and the following resolutions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.C.R. No. 192

Whereas, the North American Free Trade Agreement (NAFTA), in its present form, has serious shortcomings that harm the United States (U.S.) economy by transferring U.S. production to Mexico and reducing domestic employment and wages; and

Whereas, there is specific concern in Hawaii about the negative impact on the sugar, pineapple, and the diversified agriculture industries; and

Whereas, although President Clinton and his administration recognize the necessity to correct these serious shortcomings, the Administration also believes that the benefits of greater trade in North America would be initially delayed if it were renegotiated to correct these flaws; and

Whereas, negotiations to correct the serious shortcomings of the NAFTA in its present form were initiated with Mexico and Canada on March 17, 1993, on side proposals addressing labor and environmental standards and import surge protections; and

Whereas, recognizing the threat posed to its sugar and diversified agriculture industries, Hawaii opposes NAFTA in its present form but recognizes the Administration's strong resolve to address those concerns through the parallel accords; and

Whereas, if these concerns are not addressed by the protocols on the environment, labor, and import surges, Hawaii will have no choice but to oppose ratification of NAFTA: Now, therefore, be it

Resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the House of Representatives concurring, That the Legislature supports President Clinton's efforts to negotiate protocols agreements to NAFTA to remedy the serious shortcomings concerning environmental, labor, and import surge regulations: and be it further

Resolved, That the Legislature urges the Administration to not only recognize, but to correct the inequitable and flawed nature of the current agreement that grants unfair marketing and regulatory advantages to Mexican sugar and diversified agriculture producers, allowing them to undermine efficient U.S. industries: and be it further

Resolved, That Hawaii's Congressional Delegation work with the U.S. Trade Representatives to effectively address the spirit of this Concurrent Resolution: and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States; the Governor of Hawaii; each member of Hawaii's Congressional Delegation; the Chairperson of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry; and the Chairperson of the U.S. House of Representatives Committee on Agriculture.

CITY COUNCIL, CITY AND COUNTY OF HONOLULU—RESOLUTION

Whereas, the "fast-track" authority, which enables the federal administration to negotiate and expedite trade agreements, received congressional approval based on assurances that American workers and industries would receive fair and equitable treatment under any trade agreement; and

Whereas, in the pending North American Free Trade Agreement with Mexico, the U.S. Trade Commission's study, conducted under the previous administration, of the potential effects of a trade agreement on a number of products conspicuously omits an analysis of the effects on U.S. sugar producers; and

Whereas, Hawaii is the nation's third largest sugar-producing state, is the state's largest agricultural industry, has the world's highest average raw sugar yields per acre, and continues to be a verdant backdrop that enhances our island lifestyles and making our islands a unique destination that attracts millions of tourists annually; and

Whereas, Hawaii's sugar industry creates, directly and indirectly, nearly 14,000 jobs—including more than 2,600 jobs on Oahu, pays its agricultural workers the highest wages and benefits received by farm workers in the world, and annually generates $380 million in revenues, primarily on the export sales of its sugar and diversified agricultural products; and

Whereas, the NAFTA agreement in its present form will jeopardize the no-cost provisions of the U.S. sugar program and will put more efficient U.S. sugar growers, including Hawaii's sugar growers, at unfair disadvantage with Mexico's less efficient producers; and

Whereas, the NAFTA agreement will stimulate Mexico, which has been a net importer of sugar, to become a surplus sugar producer, thereby, adding to the world surplus of sugar; and

Whereas, Mexico's current sugar quota of 7,258 metric tons per year will be raised indiscriminately to 25,000 tons within six years and 322,000 tons per year within years seven to fifteen, with the potential for unlimited exports of their surplus; and

Whereas, Mexico will be able to quickly achieve a large surplus of sugar for export in at least two ways without substantial increases in current production by:

(1) Converting its beverage industry, which currently uses 1,500,000 tons of sugar annually, to lower-priced corn syrup, imported from the U.S. or eventually produced in Mexico; and

(2) Reducing its national sugar consumption by merely raising its government-controlled retail prices, which are currently a little more than half the U.S. price;

and

Whereas, Mexico could create an exportable surplus of domestic sugar for shipment to the United States and fill its own needs by purchasing sugar at the world "dump" price; and

Whereas, Mexico will likely be able to ship to the United States surplus sugar in excess of 1,000,000 tons by year seven of the NAFTA, nearly equal to the entire U.S. sugar import quota from thirty-nine countries; and

Whereas, these and other concerns of U.S. sugar producers can be addressed and remedied through side, or protocol, agreements to the NAFTA: Now, therefore, Be it

Resolved, by the Council of the City and County of Honolulu, That this body urges President Clinton and his administration to negotiate side agreements with the provisions necessary to remedy the concerns of Hawaii's and the nation's sugar industries: and be it further

Resolved, That this body opposes the North American Free Trade Agreement in its present form and will steadfastly do so unless successful side agreements are reached: and be it finally

Resolved, That the Clerk is directed to transmit certified copies of this Resolution to the President of the United States; the United States Trade Representative; members of Hawaii's congressional delegation; Hawaii Sugar Planters' Association; and ILWU, Local 142.

COUNTY OF HAWAII—RESOLUTION NO. 54792

Whereas, the North American Free Trade Agreement (NAFTA), a treaty that would open trade barriers among the United States, Canada and Mexico, will be considered by the United States Congress and lawmakers in Mexico and Canada; and

Whereas, one of the conditions in the tentative agreement will allow Mexico, the eighth largest sugar producer and the seventh largest sugar consumer, to ship any amount of sugar it wants to the United States in excess of its own needs after the first six years of the agreement; and

Whereas, the potential impacts of the treaty would be disastrous to the nation's sugar industry, including Hawaii's $325 million a year industry, since Mexico's low labor costs will allow the production of cheaper sugar than Hawaii's higher cost product; and

Whereas, other losers under NAFTA would be farmers who grow labor-intensive crops, such as pineapple, tomatoes and lettuce, which might be undercut in the marketplace by low-wage competitors south of the border; and

Whereas, workers in the agricultural industry as well as other industries will see jobs disappear as United States companies transfer operations to Mexico to take advantage of meager wages; and

Whereas, NAFTA would clearly disrupt jobs and livelihoods in the United States, and would threaten the diversity and independence of our nation's economic base. Now, therefore, be it

Resolved, by the council of the County of Hawaii that it hereby urges Hawaii's Congressional delegation to protect our nation's agricultural industry by opposing the North American Free Trade Agreement: and be it further

Resolved, That the Clerk of the County of Hawaii transmit copies of this resolution to the Honorable Daniel K. Akaka, United States Senator; the Honorable Daniel K. Inouye, United States Senator; the Honorable Neil Abercrombie, United States Representative; the Honorable Patsy T. Mink, United States Representative; the Hawaiian Sugar Planters' Association; the ILWU, Local 142; the Executive Committee of the Hawaii State Association of Counties; Mr. Paul J. Ohri, President, Western Interstate Region; and Mr. John H. Stroger, Jr., President, National Association of Counties.

COUNTY COUNCIL OF MAINE—RESOLUTION NO. 92–82 INTRODUCED BY GORO HOKAMA COUNCILMEMBER

Whereas, the North American Free Trade Agreement (NAFTA), a treaty that would open trade barriers among the United States, Canada and Mexico, will be considered by the United States Congress and lawmakers in Mexico and Canada; and

Whereas, one of the conditions in the tentative agreement will allow Mexico, the eighth largest sugar producer and the seventh largest sugar consumer, to ship any amount of sugar it wants to the United States in excess of its own needs after the first six years of the agreement; and

Whereas, the potential impacts of the treaty would be disastrous to the nation's sugar industry, including Hawaii's $325 million a year industry, since Mexico's low labor costs will allow the production of cheaper sugar than Hawaii's higher cost product; and

Whereas, other losers under NAFTA would be farmers who grow labor-intensive crops, such as pineapple, tomatoes and lettuce, which might be undercut in the marketplace by low-wage competitors south of the border; and

Whereas, workers in the agricultural industry as well as other industries will see their jobs disappear as United States companies transfer operations to Mexico to take advantage of meager wages; and

Whereas, NAFTA would clearly disrupt jobs and livelihoods in the United States, and would threaten the diversity and independence of our nation's economic base; now, therefore, be it

Resolved by the Council of the County of Maui:

1. That it opposes the North American Free Trade Agreement;

2. That it urges Hawaii's Congressional delegation to protect our nation's agricultural industry by opposing the North American Free Trade Agreement; and

3. That certified copies of this resolution be transmitted to the Honorable Daniel K. Akaka, United States Senator; the Honorable Daniel K. Inouye, United States Senator; the Honorable Neil Abercrombie, United States Representative; the Honorable Patsy T. Mink, United States Representative; the Hawaiian Sugar Planters' Association; the ILWU, Local 142; the Executive Committee of Hawaii State Association of Counties; Paul J. Ohri, President, Western Interstate Region; and John H. Stroger, Jr., President, National Association of Counties.

COUNTY COUNCIL OF KAUAI—RESOLUTION NO. 137–92

Whereas, the North American Free Trade Agreement (NAFTA), a treaty that would open trade barriers among the United States, Canada and Mexico, will be considered by the United States Congress and lawmakers in Mexico and Canada; and

Whereas, one of the conditions in the tentative agreement will allow Mexico, the eighth largest sugar producer and the seventh largest sugar consumer, to ship any amount of sugar it wants to the United States in excess of its own needs after the first six years of the agreement; and

Whereas, the potential impacts of the treaty would be disastrous to the nation's sugar industry, including Hawaii's $325 million a year industry, since Mexico's low labor costs will allow the production of cheaper sugar than Hawaii's higher cost product; and

Whereas, other losers under NAFTA would be farmers who grow labor-intensive crops, such as pineapple, tomatoes and lettuce, which might be undercut in the marketplace by low-wage competitors south of the border; and

Whereas, workers in the agricultural industry as well as other industries will see their jobs disappear as United States companies transfer operations to Mexico to take advantage of meager wages; and

Whereas, NAFTA would clearly disrupt jobs and livelihoods in the United States, and would threaten the diversity and independence of our nation's economic base; now, therefore, be it

Resolved by the council of the County of Kauai, State of Hawaii, That it opposes the North American Free Trade Agreement, and it urges Hawaii's Congressional delegation to protect our nation's agricultural industry by opposing the North American Free Trade Agreement: and, be it further

Resolved, That certified copies of this resolution be transmitted to the Honorable Daniel K. Akaka, United States Senator; the Honorable Daniel K. Inouye, United States Senator; the Honorable Neil Abercrombie, United States Representative; the Honorable Patsy T. Mink, United States Representative; the Hawaiian Sugar Planters' Association; the ILWU, Local 142; the Executive Committee of the Hawaii State Association of Counties; Paul J. Ohri, President, Western Interstate Region; and John H. Stroger, Jr., President, National Association of Counties.

CONCERNS ABOUT NAFTA

Mr. DASCHLE. Mr. President, a number of my colleagues have come forward today to voice their concerns about the North American Free-Trade Agreement or NAFTA. Some are concerned about the implications of creating a free-trade zone with a country whose capital is so polluted that doctors encourage mothers to move out of the city to protect their young children from illness. Others are worried about the disparity in worker standards between the United States and Mexico, and the impact this will have both on United States workers and United States companies that may seek to take advantage of looser standards by moving to Mexico.

I share many of the concerns that have been expressed by my colleagues. The concerns are numerous and merit careful consideration both by the administration, which is currently negotiating the remaining details of the agreement, and the Congress, which will be asked to approve the final agreement sometime this fall.

Without question, Mexico represents a substantial market for producers of American goods and commodities. According to the International Trade Commission, estimated gains from NAFTA in United States exports to Mexico range from 5.2 to 27.1 percent. Even without the NAFTA, however, Mexico has been pursuing market-oriented reforms, and it has become the United States's third largest trading partner after Canada and Japan.

We must not be hypnotized by overly optimistic reports of the potential gains from signing the NAFTA. I would remind my colleagues of the reassurances surrounding the signing of the United States-Canada Free-Trade Agreement. If you ask many farmers in my State of South Dakota what they think of that agreement now, you are likely to get a very negative response. For swine, wheat, and lumber interests, the dispute resolution mechanism in the agreement has failed to provide the protection from unfair practices that was anticipated when the agreement was signed. I understand that those same dispute resolution procedures are duplicated in the NAFTA.

We also know that Canada has been dealing unfairly with the United States in the area of disclosure of grain prices and subsidies. Despite recent attempts by United States negotiators to address these issues, the Canadians have remained intransigent. In fact, their current situation with respect to agricultural trade is so good that they declined to accept a trilateral agriculture title as part of the NAFTA. The latter agreement contains only bilateral titles between Mexico and the United States and Canada, respectively. I fear that approval of the NAFTA will lock in the existing unfair posture of the Canadians on agricultural trade and remove whatever leverage we may have left to rectify the situation.

Mr. President, if we are to be asked to commit the country to a trade agreement with such far-reaching ramifications as NAFTA, a number of significant questions remain to be addressed. I look forward to working with the administration and with my colleagues in the weeks and months ahead on these unresolved issues.

The ACTING PRESIDENT pro tempore. The Senator from Maine [Mr. COHEN].

HEALTH CARE REFORM

Mr. COHEN. Mr. President, today's newspapers contain a number of items on the health care plan that the administration will be presenting to the Congress, hopefully, in June. I would like to just offer a few comments on the issue of health care reform.

First, the President is to be commended for having appointed Mrs. Clinton to lead the White House task force to put together a proposal for overhauling our health care system. She is enormously talented, qualified, and has been extremely diligent in this task.

A number of proposals have been floated in recent weeks to perhaps see what the reaction of the public might be to key components of the White House plan. Some of them may be just trial balloons, proposals to be floated and then discarded. Others may be, in fact, key ingredients of the program.

I might say that Mrs. Clinton has been most responsive to Republican Members who have asked to take part in the development of this plan. She has been to Capitol Hill on several occasions. A number of us have been to the White House for extended briefings and discussions with the President, the Vice President, and Mrs. Clinton.

So I commend the President, Mrs. Clinton, and the White House task force for really reaching out to Republicans to get our input.

Having said that, I would also point out that a number of us have been studying this measure for some time now. Senator CHAFEE has been appointed by Senator DOLE to head up a Republican task force. We have been meeting now for more than 2 years on a weekly basis. We just concluded another meeting this morning that lasted 1 hour and 15 minutes. We have devoted considerable time and, I think, talent to this particular issue.

We hope in the very near future to present a plan, not necessarily a Republican plan, but a plan that will be supported by a number of Republicans. And I must say at this particular point there is virtual unanimity within this group that we do not support mandating employer coverage of health insurance for all employees. We are particularly concerned about the impact this would have upon small businesses, people who are now operating very close to the margin, people who, having to take one more mandate, might be forced over the edge either to cut back on current programs or to cancel employment opportunities for people they might be considering hiring and cutting back on wages. To simply put another layer of mandates on the backs of people who are already heavily burdened, it seems to me, is not a wise thing to do.

We are hopeful that the President will not, in fact, mandate employer coverage, but that he will adopt a different approach, one that we think has greater merit and one that we will put before the American people very shortly.

I see my colleague, Senator CHAFEE, on the floor. He is really the leader of our effort to study this very complicated area of the law and social policy as well.

I now yield the floor, and I thank Senator GORTON for having yielded his time so I might make a few brief comments. Hopefully, he will be just a bit more patient so Senator CHAFEE and perhaps Senator SPECTER may also contribute a few comments on this subject.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON].

CANDLELIGHT VIGIL FOR FALLEN LAW ENFORCEMENT OFFICERS

Mr. GORTON. Mr. President, every year since 1963, we have paused to recognize and remember law enforcement officers who have died in the line of duty; 1991 was especially significant for that is when President Bush dedicated the National Law Enforcement Officers' Memorial. For years to come, that memorial will leave its visitors with a lasting image of the heroic and selfless work of the officers whose names are inscribed there—and the cause for which they gave their lives.

Tonight in Seattle and the Nation's Capital, law enforcement officials with their families and friends gather to hold a candlelight vigil to remember those who have fallen. I wish that I could be with them in Seattle, but instead I will express my support for these men and women on the floor of the U.S. Senate.

The men and women of law enforcement stand firmly beside the values and ideas that hold our communities together. Their work preserves and restores what is best about our society—their work enables families who live on troubled streets to remember that sometimes freedom has little to do with big governments and big philosophies, but everything to do with watching children play in your neighbor's yard instead of watching your back—or closing your store knowing that its contents will be there in the morning.

In a world full of violence, they are often our only source of security. The presence of a squad car slowly rolling by late at night, the silent coasting of a pair police officers on bicycles, and the boisterous thunder of a well-planned bust—these sights and sounds are crucial reminders that justice, law and order are just a phone call away. What may be to the enforcers of the law an everyday experience—to me—allows our communities, and our families, to live better lives.

The fortitude with which law officers meet the considerable frustrations of their job is inspiring. They must find the courage and strength to put their lives in the line of fire everyday—only to fight what is an endless battle. As long as evil exists in our world, their exhausting task will not end. And all too often, the men and women who fight so hard to take criminals off the streets, find themselves fighting a justice system that allows those same criminals to go free unpunished. Even more discouraging is the common second-guessing by public officials and the media of police actions which to the laymen may look severe, but are simply well-trained professionals doing their job of ensuring public safety.

Since the beginning of law enforcement in Washington State, 222 peace officers have been killed in the line of duty. The Department of Justice has estimated that one officer dies in the line of duty every 57 hours—these are grave statistics that clearly illustrate how dangerous the job is.

But those statistics, as statistics always do, mask the reality of human suffering. The statistics don't describe the courage it took for that officer to dive into dangerous situations, without concern for his or her personal well-being—but concern only for those whose lives he or she protected. Nor do they tell you that the officer had a family—a brother or a sister, a child, a husband or a wife—all of whom suffered an indescribable loss.

These heroes gave their lives fighting the tragedies of our time—they walked into homes ravaged by abuse, their feet pounded the pavement of streets that are safe only to drug traffic, and they threw themselves into deadly situations to protect the property—and lives—of our families, friends, and neighbors.

As we remember those who have given their lives for the safety and well-being of our communities, we must also remember those who are out on the streets at this very moment continuing the fight against crime. We can support these men and women, and we can honor the memory of those we have lost, by strengthening the very laws they uphold. We must stand true to our pledge to be tough on crime—and we must never turn our backs on those who protect us.

I have sent a flag which was flown over the U.S. Capitol. It flew next to the Statue of Freedom which rests on top of the Capitol—protecting our country from tyranny and destruction. It is so appropriate that this flag will now fly in dedication to those who died protecting our communities from the kind of tyranny and destruction that lies closest to our homes and our hearts—the tyranny that criminals impose when we are forced to lock ourselves in our homes, when women are afraid to take a walk after sunset, and when mothers tell their children not to talk to strangers—and the kind of destruction that devastates homes and shatters young lives. Today, these are the forms of tyranny and destruction that haunt and ravage our communities—and it is our Nation's law officers who possess the courage and resolution to challenge and conquer it.

Today, we remember and pay tribute to the heroes who have died in the line of duty. Candles have been lit in their honor across the country, and their fire will burn an image in our minds that will stand for years to come as a powerful reminder of the selfless contribution they made to our society. Their memory will never be forgotten. Their courage must guide our future.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island [Mr. CHAFEE].

HEALTH CARE REFORM COSTS

Mr. CHAFEE. Mr. President, many of us in this Congress and especially the Senate are wrestling with the problems of health care reform. We have all discovered it is an extremely difficult subject.

As we all know, Mrs. Clinton and her task force are also working on this. I commend Mrs. Clinton for what she is doing, because this is a problem that deserves the careful attention of all of us. Mrs. Clinton has certainly thrown herself into this problem with vigor and intensity, devoting tremendous amounts of time to it.

I think we all recognize that if we are going to cover everyone in our society who is currently not covered, it is going to take increased costs.

We hear different estimates of what those costs might be. Sometimes the suggestion is between $60 billion or perhaps $90 billion a year. Some of these costs, or potential costs, are going to be offset by changes that we will make in the system.

For example, there will be a greater accent in any program on managed care. We will have administrative improvements to reduce the high costs that are now associated with the administration of these complicated health care programs. Certainly there will be medical liability reform. There will be group purchasing, small-group purchasing, insurance market reform, a whole series of steps that will be taken. But, regardless of these, I think we all recognize there will be a requirement for net new additional dollars.

Now, how to raise it? Today there is an indication on the front page of the Washington Post that the administration is suggesting one of two approaches: One being a payroll tax of some percentage, 7 percent possibly; another being what is known amongst those who study this subject as an employer mandate. In other words, the employer would be required to cover *x* percentage of the insurance premium levied upon the individual employee for coverage.

Now it seems to me we ought to recognize that an employer mandate, saying that an employer must cover 80 percent, perhaps, or whatever it is, of the premium is no different from a tax. An employer mandate is indeed a tax, regardless of how it is termed.

Speaking on behalf of the Republican Senators who spent a lot of time on this subject, we have deep reservations that this is the way to go. We believe that the effect of an employer mandate is going to be extremely severe on small businesses. And, in fairness to Mrs. Clinton and her group, in our conversations with her, she is aware of this.

But I think it is safe to say that the approach of the Republicans will not be for the employer mandate. This has all kinds of ramifications, especially, as I mentioned before, on our small businesses. It will have an extremely serious effect upon them.

So, regardless of whether it is termed a payroll tax, as one approach—and, indeed, if you follow the payroll tax, you end up with a single-payer system. But setting that aside, the employer mandate, we believe, is not the correct way to go.

We look forward to continuing our deliberations on this and presenting a plan. And then we look forward to working with the administration, with what Mrs. Clinton and her group produces, because we recognize they have worked long and hard on this subject, have some very good ideas, and it is worthwhile that we consider what they do. And, hopefully, they will consider what we do likewise.

I wish to thank my distinguished friends who have worked with me on this. Senator SPECTER has been a leader in this whole area of health care reform, presenting legislation. Senator COHEN, who previously spoke, has also been deeply involved, as have many other Senators. But these two are certainly among the leaders of the effort.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank the Chair.

HEALTH CARE MANDATES ON BUSINESS

Mr. SPECTER. Mr. President, at the outset, I compliment my friend and colleague, the distinguished Senator from Rhode Island [Mr. CHAFEE] for his leadership on the Task Force on Health Care, having accepted that appointment from Senator DOLE and having worked laboriously for months, years, going back to 1991, where a proposal was submitted late in the year as a result of the work. The work has continued virtually every Thursday morning.

We met this morning, and the first topic on our agenda, by prearrangement, was the subject of whether we would have mandates on companies or mandates on individuals. Our group had pretty much decided sometime ago that we were going to go with the mandate on individuals because of the problems on ordering companies to undertake another burden.

Our conversation started with the lead story in the Washington Post today with the headline "Under Clinton Health Plan, All Employers Would Pay."

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, the full text of this story be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I join my colleague Senator CHAFEE, and our colleague Senator WILLIAM COHEN, who spoke earlier, on our offer to help President Clinton and First Lady Hillary Clinton and the administration in an effort to have a health plan which would cover the 37 million Americans who are now not covered, and also to reduce health care costs for everyone and to work in a constructive way on preventive care and the whole range of very serious health care problems which confront the United States.

The threshold issue is: How are we going to pay for this system?

It is my view—and I have expressed this extensively in legislation which I have introduced in Congresses going all the way back to 1985 when I introduced my first bill on low birth weight babies. It is my view that there can be tremendous savings on low birth weight babies, on terminal health care costs, on preventive measures, on more nurse assistants, and on a whole range of matters.

But I am very fearful of what was announced in the Washington Post today in terms of a mandate on business. I am fearful about it not only for small business and the groups which have been in town in the course of the past few days, the National Federation of Independent Businesses, but also for big businesses, as well.

I have had conversations with businesses in my State and in other States, like Bethlehem Steel and other major corporations. This goes not only for the big businesses, but for the small businesses as well, on telling them that they are going to have to pay a certain amount of money for health care benefits. Many businesses are already paying vast sums. As a part of our national health reform we need to cut back on what everyone is paying. I think this can be done.

The bill which the Chafee task force introduced in 1991 had some very remarkable savings on group insurance and ways to cut down costs.

No one knows for sure exactly what is going to happen and what the costs will be and precisely how we are going to bear those costs. But after a tremendous amount of analysis and deliberation in Senator CHAFEE's task force, our group has come to the judgment that it ought to be an individual responsibility. Individuals may have to have some help from the Federal Government where individuals cannot afford to pay for it, where they are at the poverty line or below.

But to say to American business there is going to be another requirement on you to pay more money for health care is going to drive many businesses out of business. This is not only for small business, this is for medium-sized business, and even the largest companies can only take so much of a burden. I mentioned Bethlehem Steel. The steel companies in America have had tremendous, tremendous problems.

I believe this is an issue which the American people ought to focus on right now. This is the first, most formal statement which is in the Washington Post this morning. I think it worthwhile—there is no other Senator on the floor and nobody is seeking recognition—to read just three of the paragraphs to show the scope of the problem of this announcement.

The lead paragraph says the following:

> After considering a broad range of taxes to finance health care coverage for the 37 million uninsured, President Clinton's health advisers have decided that most of the burden should fall to employers, a senior White House official said yesterday.

And then that senior White House official is designated to be Mr. Ira Magaziner, who headed the First Lady's task force.

Further into the story this statement appears.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SPECTER. Mr. President, in the absence of anyone on the floor, I ask unanimous consent to speak for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

The following statement occurs:

> But the administration has not yet decided whether its plan will require employers to pay a percentage of their total payroll (7 percent is the most frequently mentioned figure) into some type of centralized system, or to pay a percentage of employees' health insurance premiums, as many companies do now.

Then, where the story continues on page A13, the following paragraph occurs:

> To assuage fears that businesses' costs might rise rapidly if a mandate were imposed, the government would have to limit the annual growth of the employers' contribution and "to make that a guarantee" to the business community, Magaziner said.

When he uses the term "to make that a guarantee," that is absolutely nebulous and unenforceable. Mr. Magaziner cannot make a guarantee. This Senator, the presiding Senator nor the President can make a guarantee. We know the history of what happens when costs are imposed. Those costs inevitably go up. It is a rare, if ever, occurrence that costs go down.

I believe this announcement today, in this report, that "All employers would pay," is a clarion call to America to take a close look at this issue. There are going to be a good many differences between what the Chafee task force will recommend and what the Clinton task force is likely to recommend. But I suggest that this is a fundamental mandate, a requirement that businesses pay these costs.

We enacted a program on voter registration extension earlier this week, the so-called motor-voter. The Senator supported this program after we worked out some of the problems and issues of fraud. Regrettably, we divided along party lines, which is unfortunate. This is an illustration of a mandate where we are telling local government what they should be doing and how much they should be paying.

It is fine to set standards, it is fine to establish objectives, and it is fine to decide what our goals should be. But any time we mandate a program, that we say a program ought to be put into effect, we ought to be in a position to figure out a way to pay for it. Simply to shift the burden to businesses, I suggest, is going to be extremely counterproductive.

When those of us on the Chafee task force met this morning, Senator CHAFEE, Senator COHEN and I decided it would be useful to come to the floor. I would like to see the Senate engaged in taking up health care this morning. That is not a new call by this Senator, as the distinguished Presiding Officer knows. I brought this issue to the floor in July 1992, and I tried to bring it to the floor earlier this year. I made a statement on January 21, the first legislative day, after complimenting the President on his inaugural speech the day before, saying I wished he had said a little more about health care.

I wish he had a plan at that time. I brought the health care issue to the floor earlier on the Environmental Protection Act. I know it was a difficult matter at that time. I have done so because I am concerned that unless there is action early this year, we are not going to have a health care plan in 1993. I think if we do not initiate a plan on health care, the program will be set back.

There are issues to be considered as we move along with formulating a health care plan. This issue on employer mandate is something which I urge the American people to consider and, hopefully, to reject.

EXHIBIT 1

[From the Washington Post, May 13, 1993]

UNDER CLINTON HEALTH PLAN, ALL EMPLOYERS WOULD PAY

(By Dana Priest)

After considering a broad range of taxes to finance health care coverage for the 37 million uninsured, President Clinton's health advisers have decided that most of that burden should fall to employers, a senior White House official said yesterday.

"To our way of thinking, even though that's a difficult decision, we think it's the only equitable decision," Ira Magaziner told a manufacturers' group.

The administration plans to propose that all employers pay part of their employees' health coverage, he said. Currently about 71 percent of all workers and their families receive some coverage from their employers. Consequently, the administration has decided it would be less disruptive to build on that system rather than replace it, Magaziner told the National Association of Manufacturers at a breakfast meeting.

But the administration has not yet decided whether its plan will require employers to pay a percentage of their total payroll (7 percent is the most frequently mentioned figure) into some type of centralized system, or to pay a percentage of employees' health insurance premiums, as many companies do now.

White House officials have previously said that employees will be required to pay the remainder of the premium costs themselves, with government subsidies available to low-income workers.

Officials with the president's health care task force have estimated it would cost $30 billion to $90 billion a year to cover the 37 million uninsured. But 85 percent of that group is made up of working people and their families, according to the Employee Benefits Research Institute. If most of those uninsured could be covered through employers, then the federal government's cost of insuring the rest would be far lower than if it assumed the costs of bringing all of the uninsured into the system.

The president's health care task force has considered a wide array of financing options over the last three months. Magaziner said yesterday the White House believes that using a value-added tax to finance coverage for the uninsured is "a non-starter."

Other tax schemes, such as new "sin taxes" on alcohol and tobacco or taxes on health providers, were still under consideration as ways to pay for coverage of the uninsured.

In order to cushion the financial shock to companies that do not now pay for employees' health insurance, the administration plans to phase in the so-called employer mandate, Magaziner said, "so that the percentage of payroll that has to be paid goes up very slowly."

"You can't just say to a company that's paying nothing, 'You know, next year you've got to pay 8 percent of your payroll for health care," or something like that . . . because that would be too much for them," he said.

To assuage fears that businesses' costs might rise rapidly if a mandate were imposed, the government would have to limit the annual growth of the employers' contribution and "*to make that a guarantee*" to the business community, Magaziner said.

Requiring all employers to pay for part of their workers' health coverage also "creates greater equity" among companies, said Magaziner. Currently firms that pay for their employees' coverage end up subsidizing—by covering their workers' employed but uninsured dependents—the health care of workers in firms that do not offer coverage. Also, when people without insurance receive medical care and cannot pay for it out of pocket, hospitals and other health providers compensate for the loss by shifting the cost to paying consumers, who typically have employer-subsidized insurance.

The National Association of Manufacturers (NAM) calculates that such health "cost shifting" meant companies that provide health coverage paid an additional $11.5 billion in 1991.

Eliminating cost shifting makes the employer mandate an attractive feature of the national health overhaul for many employers, including those philosophically opposed to government mandates on business. Employer mandates have won qualified support from such groups as NAM, the U.S. Chamber of Commerce and the Association of Private Pension and Welfare Plans.

"The dialogue has moved much further" between business and the White House over reform, said Sharon Canner, NAM's assistant vice president for industrial relations.

However, the powerful National Federation of Independent Businesses—which represent small businesses, many of which provide no insurance—still opposes an employer mandate and is expected to mount a fierce campaign against it once health reform legislation is introduced.

"There's a strong whirlwind we know we're going to enter into," Magaziner told the business group yesterday, forecasting the opposition the administration expects. "This is a nightmare, politically."

Reflecting on the larger debate over whether government regulation or market competition will successfully drive down the cost of health care, he said, "in this town, most people don't believe in competition, that's my observation."

Mr. SPECTER. In the absence of anyone on the floor, so there is no one else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized.

Mr. PRESSLER. I thank the Chair.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 947 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VISIT TO THE SENATE BY MARY ROBINSON, THE PRESIDENT OF IRELAND

Mr. MITCHELL. Madam President, I am pleased, on behalf of all of the Members of the Senate, to welcome to the Senate Chamber the President of Ireland, the first female President of that nation, Mary Robinson.

[Applause.]

Mr. MITCHELL. Madam President, I have just come with President Robinson from a meeting which she had with a group of Senators and officials of the Irish Government. I want to say for the record that, on behalf of all of our colleagues, it was an extremely interesting and informative meeting, one which I believe will further the already strong bonds of friendship between our two peoples.

On behalf of all of the Members of the Senate, I welcome President Robinson. We admire her personally. We admire the people of the great nation she represents, and we look forward to many continuing years of friendship, trade, and warm relations between our two countries.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair advises the Senator that the regular order of business is to start at 10:30.

Mr. GRAMM. Madam President, I ask unanimous consent that the regular order of business be postponed 10 minutes so that I might speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROPOSED DEFICIT REDUCTION TRUST FUND

Mr. GRAMM. Madam President, we are all aware that the Federal City is abuzz this morning that the President, yesterday, at a fundraiser in New York City, proposed a new idea, at least for the administration, and that is the idea of setting up a deficit reduction trust fund.

I want to try to explain—at least given my ability to determine what the President is talking about—how it would work. I would like to outline a problem with it, and I announce to my colleagues that I am going to give us an opportunity to vote on it, probably today.

First of all, the President is trying desperately to sell the American people on the idea that we ought to raise taxes. His problem comes from the fact that, during the campaign, the President said if he were elected, he was going to be a new kind of Democrat, and he was going to cut spending and terminate agencies, and then he was going to save $3 in spending cuts for every dollar in revenues.

And then Senator Bentsen and Congressman Panetta, in their confirmation hearings for the appointments to Secretary of the Treasury and OMB Director, said $2 in spending cuts for every dollar in taxes.

And then the President, in the State of the Union Address, said $1 of spending cuts for every dollar of taxes. And, as all of the Members of the Senate know, relative to current law, we adopted the President's budget. And when it all totals up, it has $3.23 in taxes for every dollar in spending cuts.

The President is having a very difficult time selling Members of Congress on raising taxes on the American people—a one-third increase in the marginal tax rate for small business and family farms, taxing Social Security, taxing American families with an energy tax that would cost about $500 a family. And so the President now has come up with a new idea. I would like to say that we are now in the longest running campaign in American history. The President has been in office for 4 months, and he is still campaigning and not governing.

Let me explain why this deficit reduction trust fund is fraudulent, and then I want to propose a way to make it real. Here is why it is fraudulent. This year, looking toward next year in the budget that we have just adopted, in round numbers we are going to spend about $1.6 trillion. We are going to take in in revenues about $1.3 trillion So we are going to have a deficit, in round numbers, of about $300 billion, spending more than we are taking in in revenues.

The President says that if we had $50 billion of new taxes in this budget—and I just pick that number to keep it round and easy to comprehend—he wants to take that $50 billion and put it into a trust fund rather than into general revenues. And then he wants to use that $50 billion to reduce the deficit.

Well, that is great, but if you do not count it as general revenues and you put it in a trust fund, what happens? Well, you are still spending $1.6 trillion, but in general revenues you are taking in only $1.25 trillion; so the deficit rises to $350 billion; the President takes the $50 billion in the trust fund and reduces the debt by $50 billion, and you are back to the $300 billion you were at to begin with.

This is similar—though not the same—to the proposal that George Bush made. President Bush's proposal, however, would have reduced the deficit. I will explain how that worked, and I will read you what Alice Rivlin, Deputy Director of OMB in the Clinton administration, said about the Bush proposal. I do not know what she is saying about the Clinton proposal. It is not in the paper. But I can imagine.

President Bush's proposal would have worked as follows. It was a checkoff. So if you have people who want to reduce the deficit, they can say: I want up to 10 percent of my taxes to go not to spending, but to reduce the deficit. When people file their tax return, we would have totaled it up and then required an across-the-board spending cut of a corresponding amount; then we would have used those revenues to reduce the outstanding debt.

Notice, under the Bush plan, you had an automatic cut in spending so that the revenues actually went for deficit reductions; whereas, in the Clinton plan, as the President made very clear in New York, it does not change any of his spending programs.

Under the Bush plan, if the American people checked off $50 billion and said, "We want this to go to deficit reduction out of our taxes," Congress would have been required to cut spending by $50 billion so that the $50 billion designated for deficit reduction would reduce the deficit.

President Clinton's plan does not affect spending and, therefore, it does not really affect the deficit. It is in reality an attempt to mislead the American people and to give a fig leaf to those who want to raise taxes in a bill that will come to the floor of the Senate and that will raise taxes, in that particular bill, about $8 for every dollar in spending cuts.

The President said, and I quote from today's Wall Street Journal, that he wanted to "guarantee the American people two things. No. 1 is no tax increases without spending cuts."

So I want to announce today that, when we vote on the President's tax package, I am going to offer an amendment that says that in any fiscal year where there is a tax increase, that tax increase will not become effective unless spending is cut in that year by at least an equal amount.

And might I say to my colleagues, under the Clinton administration budget, which we adopted, not until after the 1996 Presidential campaign is over and the votes are counted would any of the Clinton administration cuts go into effect, because not only did our President sell Congress on a budget that raised taxes $3.23 for every dollar of spending, but he also sold Congress on a budget where 80 percent of the spending cuts occur after the votes are counted in the 1996 Presidential campaign.

The second thing the President wanted is: "No. 2 is that tax increases will go to reduce the deficit by creating a legally separate deficit-reduction trust fund which will tell you where your money is going."

The only way that could possibly have any effect is if we make the spending totals in the President's budget binding, if we say we not only promise these spending cuts, but we are going to force Congress to live up to them.

It is interesting, Madam President, because in the Budget Committee I offered an amendment to do exactly that and that amendment was defeated on a straight party line vote. It was opposed by the administration. All my amendment tried to do was simply this: It said, in the 5 years of this budget where we claimed that we have savings, we want to make these totals spending caps so that we know that spending does not go over those totals. And this would have been enforced the same way we enforce the 1990 budget summit agreement, by having an across-the-board cut in that category of spending if Congress spent over that total. That effort was defeated.

It seems to me that one way that we could show that we support what the President is trying to do is to, today, on this bill, adopt an amendment that would provide instructions that we make those spending totals binding so that we know by law that we will not let Congress, after they have raised all these taxes, then backslide on the commitment they have made to the American people by not cutting spending.

So I hope my colleagues will look at this amendment. I am going to try to get it drafted today and offer it on this bill, and we can find out who is with the President's sentiment. We all know, any rational person knows, that the proposal the President has made is not going to work. Taking money out of one pocket and putting it in another does not make one richer. It may wear out your pocket, but that is the only impact of it.

But it seems to me that the President has touched on a very real problem. One of the reasons the Congress is here is to help the president, and we can do that by taking action, perhaps today, maybe tomorrow, to make the spending totals in the President's budget binding. I suspect, Madam President, the American people would be outraged if they knew that we do not have binding constraints that force us to live up to the budget that we passed. Now we have laws that put you in jail if you do not pay these taxes, but we do not have any laws that force us to live up to the spending cuts. So I want to give us that opportunity today.

Madam President, when President Bush proposed his checkoff proposal, which, I remind my colleagues, required across-the-board cuts and, therefore, in fact did reduce the deficit, something that President Clinton's proposal of yesterday would not do, Alice Rivlin, then a private citizen, now Deputy Budget Director in the Clinton administration, said:

> I do not understand how earmarking a portion of the individual taxpayer's taxes for debt reduction can make a difference when we are running a deficit. As long as the Government is spending more than it is taking in, I do not see that that has any real meaning. It is just a gimmick.

I would like to ask Alice Rivlin today, is the Clinton administration proposal a gimmick? If the Bush administration proposal, which, after all, required us to cut spending dollar for dollar, when people checked off and said they wanted their existing taxes used for deficit reduction, if Ms. Rivlin thought that was a gimmick, certainly she must believe that the Clinton proposal is a gimmick, and I would like to hear from her.

Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,241,563,251,233.22 as of the close of business on Tuesday, May 11. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,513.20.

THE TAX INCREASE TRUST FUND IS A PUBLIC RELATIONS GIMMICK

Mr. DOLE. Mr. President, the American people are not going to buy President Clinton's wallet-busting tax bill. They cannot afford it. And they know that the President's tax increase trust fund is nothing more than a public relations gimmick.

The American people know there are only two ways to reduce the deficit: raise taxes, or cut spending.

And I might add that I am advised that in surveys taken a couple weeks ago, the American people were asked—at least some were asked—should we cut spending or should we cut taxes? And 84 percent said cut spending first.

I am afraid the President only sees one way and that is by raising taxes—not cutting taxes, but raising taxes.

So far, he is leading the league in tax increases. In fact, he has set an all-time record. But he is striking out again and again in the one category the people care most about—cutting Federal spending. That is what the people want from Washington: less spending, less government and less double-talk. So, I would say to President Clinton, "Mr. President, cut spending first, cut spending now, and cut out the gimmicks, starting with the phony tax increase trust fund."

Now, some folks will say, "Wait a minute, Senator Dole, didn't President Bush propose something similar last year?" Well, President Bush did call for a voluntary checkoff on your tax returns, where citizens could earmark up to 10 percent of their taxes to deficit reduction.

But there is one huge difference—while it may not have been the greatest idea in the world, the Bush plan did force real spending cuts.

In fact, an August 25, 1992, article in Newsday says it best:

> Economists agree on one point. Bush's proposal would not stimulate—and could in fact dampen—growth in the economy because of the significant spending cuts the plan would require.

The point is, it would have required spending cuts.

That was during the campaign. In fact, I guess that statement was made at the Republican convention in Houston.

Now, how did the Clinton campaign react, the same Clinton team that is now pushing the tax increase trust fund?

Listen to this from then-Democrat Party Chairman Ron Brown:

> It's a silly gimmick. What we need is a vision for getting the economy back on track instead of some checkoff scheme.

Let us remember, too, that the Democrat-controlled Senate itself rejected the so-called Bush gimmick by a 58 to 36 vote on September 26, 1992. During the debate, the distinguished chairman of the Appropriations Committee, Senator ROBERT BYRD, called the Bush checkoff, "A silver bullet—it sounds good. It's a gimmick." If taxpayers took the idea seriously, my friend went on to say, "There will be no spending left. * * * We would have to turn off the lights of the Capitol."

But there is more. Listen to this argument made by a prominent Democrat Senator just 8 months ago:

> We know how to manage, in an orderly fashion, the fiscal affairs of the largest government in the world, if we will simply rise to our responsibilities. We do not need some sort of ill-conceived, poorly thought out, flawed contraption to try to persuade us how we ought to deal with the problem of the deficit. No, this is simply another means by which some of our colleagues can go back to the Rotary Club back home, beat their chests, and claim they are doing something about the deficit, when in reality they are doing nothing of the sort.

I could not have made a better argument about the Clinton administration's phony public relations gimmick, but that is not Bob Dole talking. That is the Senate Budget Committee chairman, my friend, JIM SASSER, on President Bush's so-called deficit reduction gimmick.

With the beleaguered taxpayers already 113 days into the tax and spend Clinton administration, it looks like the campaign spin is going the other way now. Unfortunately, the only campaign the American people are interested in right now is a campaign to cut Federal spending—but so far they are not getting it.

As I indicated yesterday, this so-called trust fund is a gimmick that has been around here for years. I think Members on both sides have talked about it. It does not reduce the deficit. Nobody knows how it works. It does not do anything. They are still going to raise your taxes. It does not reduce your taxes. They are going to raise your taxes. It does not cut any spending.

If we are going to have any trust fund, if we can figure out how to make it work, which I doubt, there ought to be a spending cut trust fund. Cut spending and do not do all the new spending, $135 billion in new spending, for programs President Clinton is talking about. Why take away Social Security benefits to raise spending somewhere else? It does not make any sense to this Senator or to many of my colleagues, hopefully on both sides of the aisle.

If we are going to reduce the deficit you might make the argument, but we are not going to reduce the deficit.

So, I would just say this so-called trust fund idea, I agree with all my colleagues who were on the other side of the aisle making these great speeches last year when they were talking about President Bush's checkoff, which did force spending cuts.

This trust fund does not force anything. It does not force anything. It does not reduce the deficit one dime. I challenge the President to say how it reduces the deficit one dime.

Nobody said how it is going to work. Nobody said they thought about this for any length of time. It is all public relations because the President understands his program is very unpopular.

I do not care whether people are Democrats, Republicans, Independents—what they may be doing. Not many people write in saying please raise my taxes $3.23 for every dollar you cut spending. That is what we are doing under the so-called Clinton economic plan.

So it seems to me public relations will not reduce the deficit. Everybody can make all the speeches they want. We can have all the hype we want. We can have all these public relations gimmicks—like a trust fund—we want. It does not change the deficit one cent. Not one cent.

So it would seem to me we ought to get on to really going back and starting over. It is not too late to start over. When you make a mistake you ought to say we made a mistake, let us start over; let us go back and get some real spending cuts; let us listen to the American people who, by 84 to 14 percent said cut spending first when given the choice between cutting spending and cutting taxes. Not raising taxes. If it has been raising taxes it would have been 100 to 0.

So, it seems to me this little trial balloon that was floated yesterday—I cannot believe it was seriously floated, but it was mentioned several times by the President—I do not really believe he is serious. He knows it does not have any impact.

But, if so, we ought to have hearings on it and we ought to be told how it is going to work and how it is going to save America and how it is going to reduce the deficit and how it is going to restore the confidence the American people are losing because of all the taxes in the economic plan.

Let us talk about growth, let us talk about lowered taxes, let us talk about spending cuts, let us talk about creating jobs in the private sector—real jobs.

If we want to do some of those things, I think there will be a lot of support on both sides of the aisle.

SMALL BUSINESS WEEK

Mr. PRESSLER. Mr. President, I rise today as the ranking member of the Senate Small Business Committee, to salute America's small business women and men during this, the Small Business Week 1993. There is much to celebrate.

Small business is the engine that powers the American economy. According to the Small Business Administration [SBA], from June 1991 to June 1992, small business created 173,000 jobs, while firms with more than 500 employees lost 235,000 jobs. Small businesses accounted for two out of three new jobs from 1982 to 1990. In my home State of South Dakota, over 97 percent of businesses are small businesses. Indeed, just last week, the Corporation for Enterprise Development—a Washington-based group, that ranks all States on a variety of economic conditions—placed South Dakota second in the Nation in terms of small business job growth.

As we celebrate Small Business Week, I want to extend my congratulations to Erskine Bowles, the new Administrator of the SBA. I have had the opportunity to get to know Mr. Bowles during the Small Business Committee's work in confirming his nomination. Erskine Bowles understands many of the problems faced by America's small entrepreneurs. He has owned his own business. In that business he helped other businesses obtain the financing they needed to grow and prosper. He began his own company in 1975 and in that year generated revenues of only $5,000. Over the last 18 years, he built a successful, 60-employee, regional investment banking firm specializing in financial transactions for small- and medium-sized businesses. This is a true small business success story. Mr. Bowles' experiences should serve him well as the administration's new voice for small business. I wish him all the best and look forward to working with him.

Mr. President, I also want to take this opportunity to pay tribute to the business women and men who make enormous contributions to South Dakota's and America's economies. I begin by congratulating Carol Rae, president of Magnum Diamond Corp., in Rapid City, SD. Carol has been named by SBA as this year's Small Business Person of the Year for South Dakota. In addition to that honor, Carol was named first runner-up SBA Small Business Person of the Year by President Clinton in a White House Rose Garden ceremony that I was privileged to attend. This is a remarkable honor for Carol, her company, and South Dakota.

Carol Rae personifies America's greatest strength—the vision to capitalize on the opportunity our Nation offers. This is accomplished by using what is best in you to create something of lasting value for the community. This is precisely what Carol Rae has accomplished at Magnum Diamond since 1989 when she was appointed president and chief executive officer. Magnum Diamond manufactures surgical equipment used by eye surgeons in the United States and around the world. From 7 employees in 1989, the firm has grown to 68 employees and become the leader in ophthalmic surgical instruments used in cataract and refractive eye surgery. The company is lauded by SBA: "Its state-of-the-art computerized machining equipment, laser engraver, and support equipment contribute significantly to product quality, and [the company continues] to pioneer technologies and marketing expertise in research and development of new products." I congratulate Carol Rae for her dedication, hard work, and shining example as SBA's South Dakota and first runner-up National Small Business Person of the Year.

I also am proud to make note of several other South Dakotans being honored by the SBA. They are Gerald J. Sherman, a member of the Oglala Sioux Tribe, Gene A. Murphy of Sioux Falls, a disabled veteran, Sioux Falls accountant Wesley C. Nelson, and Ken Karels, president of Norwest Bank of Milbank.

Gerald Sherman has been named Minority Small Business Advocate of the Year for both South Dakota and the region. He recently changed employment, leaving his post as Pine Ridge area director of the Business Opportunity Center to start a bank training program with Norwest Bank in Sioux Falls.

Gene Murphy has been named the Veterans Small Business Advocate. Wesley C. Nelson has been named as one of South Dakota's State advocates, and Ken Karels, has been named Financial Advocate of the Year.

I am delighted the SBA continues its tradition of designating a week to celebrate small business success stories such as these.

Mr. President, it is essential that we in Congress create an environment in which existing businesses are able to realize their potential and that more and more new businesses spring from creative minds into the marketplace. By relying on people—by enacting low-tax, incentive-based, investment-oriented policies—we can do just that.

As ranking member on the Senate Small Business Committee, I am doing all I can to help more entrepreneurs succeed. It is for this reason that I am introducing the Small Business Tax Fairness Act of 1993 during Small Business Week. My legislation would freeze tax rates for small businesses at current levels. It is designed to prevent them from having to pay proportionately more in taxes than America's large corporations as proposed in the administration's tax plan.

We must never forget that the reason any small business succeeds is not programs, but people, people with visions of a better and brighter future. We must foster that vision. With that goal in mind and in the spirit of Small Business Week, I again would like to congratulate Carol Rae and all the other small business women and men out there with the vision of the future and the tenacity to see their dreams become reality. They truly embody the American spirit. I salute them.

OPPOSE EMPLOYER MANDATE

Mr. PRESSLER. Mr. President, the Clinton administration continues to work on its health care reform proposal. Senator CHAFEE and other members of the Republican health task force are drafting a bill to be introduced in the near future. We all share the goal of securing universal health care for all Americans and containing health costs. However, we may have some differences on how to achieve these goals. These fundamental principles will be debated extensively in the coming months.

As I have stated previously on the Senate floor, I believe that health care cost containment can be achieved through malpractice reform, reduction of Federal regulation, simplification of administrative procedures, changes in the antitrust laws, elimination of waste and fraud, greater emphasis on preventive care and reform of the small insurance market.

I do not contend that additional revenues will not be required to obtain universal coverage. However, effective cost containment would minimize the additional revenue required to finance a health plan. First, we must take steps to contain medical costs.

Today the Washington Post reported that the President's health care advisers have endorsed the concept of a mandated employer payroll tax to finance their health plan. I do not support this financing mechanism.

An employer mandate would not solve the problem. I fear the cost of such a system would be far greater than the benefits achieved. Nearly 70 percent of insured Americans received their health insurance from their employer. Most employers are into neglecting the needs of their employees. The average employee of a small business in the United States earns $10 an hour. In my State of South Dakota this figure is $8.84. An additional payroll tax to finance a health plan could increase the employer's hourly wage cost $1.50 an hour. This would result in higher costs for goods and services and less job creation.

An employer mandate would have a negative effect on our economy. Even worse, this mandate could spark an economic crisis. Republicans believe health care reform can be achieved without making our economy a sacrificial lamb.

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN: THE IMPACT OF HIGH HEALTH CARE COSTS ON SMALL BUSINESSES

Mr. RIEGLE. Mr. President, as part of my continuing effort to focus on the critical need for health care reform, I would like to highlight today the impact of skyrocketing health insurance premiums on small businesses.

I want to tell you the story of Douglas Erwin, a small business owner from Novi, MI. Douglas owns a fruit and vegetable market that was previously owned by his father and has been in operation since 1963. Erwin Farms, the family orchard that supplies the market, has been in operation since 1922.

Like many small businesses across America, the Erwin family business struggles with the high cost of providing health insurance to its employees and family members. I first heard about the impact of high health insurance costs on the Erwin family when Douglas' father, J.W., testified before the Finance Subcommittee on Health for Families and the Uninsured, at a hearing I held in Michigan in 1989. Since that time, the cost of health insurance has continued to escalate. These costs are more of a problem for the Erwin family today than when they first told their story 4 years ago.

Douglas Erwin knows personally that having adequate health insurance coverage brings a certain peace of mind to families. Two of his sons have experienced devastating illnesses. He lost one son to cancer in 1986, when the boy was 9 years old. His other son, who is 11, was born prematurely with underdeveloped lungs requiring intensive treatment in his first year of life. Without health insurance, the Erwin family would have faced over 370,000 dollars' worth of medical bills. It is for this reason that the Erwin business provides health insurance coverage to as many employees as they can afford.

Douglas employs a total of 15 people. In addition to covering himself and his family, Douglas is only able to afford health care coverage for three full-time salaried employees and their families. Two other full-time salaried employees have coverage through their spouses. The remaining 10 part-time employees are left on their own. The business currently pays 100 percent of the premium cost for the employees they cover.

In 1988, the cost of providing health insurance for four full-time employees and their families was over $12,000 a year for the Erwin business. Douglas now pays over $20,000 a year for four full-time employees and their families. Mr. Erwin expects the premium costs to increase again this year to over $24,000. In other words, the cost of providing health insurance will have doubled in 5 years.

The high cost of health insurance significantly increases the cost of doing business for the Erwins. The $20,000 in health care premium costs is a significant expense, which directly affects the profit margin of the business. Last year, the net profit of the business was only $5,000. In 1988, when their health care costs were lower, the business cleared over $39,000 in net profits.

It is not only business profits that are affected by the rising costs of health insurance; other aspects of the business suffer as well. Mr. Erwin has had to cut back on store renovations and employee paid vacations. If the costs of health care premiums continue to escalate, he will be forced to cut back on benefits provided to employees, end coverage for dependents, or impose cost-sharing for the cost of premiums.

The Erwin family business is just one example of how the high costs of health insurance are crippling small businesses in America. Many small business owners want to provide health insurance coverage for their employees but cannot afford it. We need national health care reform to control the escalating costs of health insurance, to make it more affordable.

Without health care reform, our businesses in America, both large and small, will continue to struggle to stay competitive. The strength of our economy depends on containing the growth of health care costs in America. I will continue to do all that I can to control skyrocketing costs of health care through comprehensive reform of our health care system.

THE 250TH ANNIVERSARY OF PELHAM, MA, HOME OF SHAYS' REBELLION

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to the residents of Pelham in western Massachusetts on the celebration of their 250th anniversary.

Pelham was founded in 1733 and was originally named New Lisburn, after the town of Lisburn in what is now Northern Ireland. The name was changed to Pelham in 1743, in honor of Lord Henry Pelham, who was visiting the town at the time and who had just become Prime Minister of Great Britain under George II.

Pelham is well-known in American history as the home of Daniel Shays, who fought in the battle of Bunker Hill at the beginning of the Revolutionary War. After the war, he settled in Pelham where he served as a member of the Committee of Safety and was later elected to several town and county offices. In 1786 and 1787, he led the famous Shays' Rebellion, the farmers' revolt that alarmed the newly independent colonies and convinced them to revise the Articles of Confederation and create a constitution establishing a stronger National Government.

Pelham's town hall still stands on its original site. It is the oldest town hall in continuous use in the United States, and has been the location of at least one town meeting every year since 1743.

A former church in the town is now a significant museum containing historical memorabilia of the Pelham area.

Other major points of interest include Pelham's cemetery, where many of the earliest settlers of the town are buried, and the commons surrounding the town hall, which was used to train the local militia.

I commend the people of Pelham for their outstanding history. Pelham has had a great 250 years—and may the next 250 years be equally great.

HONORING ELIZABETH GONZALEZ

Mr. D'AMATO. Mr. President, I rise today to pay tribute to Elizabeth Gonzalez. Ms. Gonzalez, 24, was tragically killed in a car accident on December 8, 1992. She was another tragic victim of a drunken driver.

At the time of her death, Elizabeth was the acting administrator of Touro Law School's Legal Education Access Program [LEAP]. As the administrator of this program, she coordinated all LEAP activities. She was an accomplished student, and an active member of the legal community. Her goal was to help those less fortunate than her.

Her desire to help those less fortunate was a result of the tough neighborhood in which she grew up. She was born in the east New York section of Brooklyn and came to be an outstanding leader in her law school community. She never forgot her roots and Puerto Rican heritage. Elizabeth always tried to set an example for others, and she gave the young people of her community hope for a better life.

I wanted everyone to know that Elizabeth Gonzalez was a fine young woman and a fine student. The world has lost a valuable human being, but her memory will live on in those whose lives she has touched.

A SINGULARLY ACUTE INSIGHT INTO THE LOS ANGELES RIOTS

Mr. BYRD. Mr. President, I recently inserted into the RECORD a particularly keen analytic essay from the American Scholar, "Defining Deviancy Down," researched and written by our distinguished colleague and friend, the senior Senator from the State of New York, Senator DANIEL PATRICK MOYNIHAN.

In that salient piece of commentary, Senator MOYNIHAN warned of our all-to-facile contemporary tendency of becoming so accustomed to violent, lawless, and antisocial behavior that many people begin to accept such behavior as customary at best and, worse, cease to be shocked by violent, lawless, and antisocial acts such as murder, assault, rape, muggings, and the like. As Senator MOYNIHAN wrote, we are "getting used to a lot of behavior that is not good for us."

In the Washington Post May 5, columnist Richard Cohen similarly cites Senator MOYNIHAN, and carries the analysis several steps further, particularly with regard to a current willingness—no, inclination—to excuse even the most heinous, violent, antisocial, and lawless behavior and actions if, by so doing, such excusing endorses or validates a prior ideological commitment.

In this instance, columnist Cohen has in mind the convoluted intellectual prostitution that allowed men and women who should know better to excuse the infamous destruction and thuggery subsequent to the first "Rodney King Trial" as an expression of social and economic protest—a further exercise, if you will, in "freedom of speech," "dissent," or "protest."

Citing a recent Los Angeles Times survey of people convicted of crimes during the riots, Cohen concludes that the mobs of ethnically mixed participants were not social crusaders inscribing their political frustrations in dramatic gestures of political disobedience and enthusiastic dissent from the Simi Valley jury verdict. On the contrary, the L.A. Times survey reveals that 60 percent of the arrested rioters had prior criminal records and, in fact, were just doing what they were most inclined to do if not restrained by law-enforcement agencies—that is, breaking the law by any means expedient.

To quote Mr. Cohen directly:

> In short, the Times has confirmed that criminals commit crimes. It's true that there are all sorts of cultural and economic causes of crime, but it stands logic on its head to describe the riots as a rebellion. All that language does is provide a tortured justification for theft, arson and murder.

In my opinion, as he often does, Mr. Cohen has hit the proverbial nail on the head and, in so doing, has defined the compounded crime that followed in the wake of the L.A. "Rodney King" riots—the willingness—no, the eagerness—of a disturbing number from among America's cultural elite to encircle that literal holocaust of flame, theft, and thuggery with a halo of social and political respectability.

Let someone attempt to explain that piece of intellectual legerdemain to those who lost their lives during the L.A. riots, or to the dozens of hard-working men and women—white, black, Asian, and Hispanic—who literally watched their jobs and property go up in thermonuclear-sized clouds of stinking black smoke that hovered over southern California for days.

As Senator MOYNIHAN asserted, a society can bear only so much aberrant, antisocial, and deviant behavior before that society crumbles and collapses. Both Senator MOYNIHAN and Mr. Cohen have gone far in sounding a social alarm. Let us hope that intelligent, concerned people recognize the perceptions and wisdom of both Senator MOYNIHAN and Richard Cohen before our society crosses the point of no return.

Mr. President, I ask that Richard Cohen's column on the op-ed page of this morning's Washington Post, "Look Who Looted," be printed in the RECORD, in order that more of our colleagues might have access to some important observations on a disturbing episode in our contemporary history.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1993]

LOOK WHO LOOTED

(By Richard Cohen)

Right after the Newark riots of 1967 (26 killed), I went door to door asking about the stores that had been looted. Had the storekeepers sold on credit? Were they hated? I did that because I had read that in the Watts riots of 1965, the looters had exercised some discretion. They had trashed only the stores of hated shopkeepers. In Newark, that was not the case.

Now comes a Los Angeles Times survey of people convicted of crimes during the L.A. riots. Once again, we find the looters were without sociological or political purpose. They were after loot—and not, for the most part, food. The Times studied nearly 700 people convicted of riot-related felonies (90 percent of them looters) and found their number one target was electronics gear followed by liquor, clothing and auto parts. Food and baby goods made up only 9 percent of what was taken.

The riots were supposedly triggered by the near exoneration of the police officers who had beaten Rodney King. But for all the talk of the riots being an "insurrection" or a "rebellion," the police reported only one riot-related crime in which King was mentioned. His name was invoked by two men, one white the other Latino, who robbed a black merchant at gun-point. Their reference to King was hardly adulatory.

The statistical profile of the looters is hardly a surprise. It's similar to the one developed by the Kerner Commission following the 1967 riots in various cities. Your typical looter is a young male, poor, likely to be unemployed, a high school dropout and a short-term tenant. For all the reports of yuppies engaging in the sacking of L.A., not one was found. On the contrary, the typical rioter (60 percent) had a criminal record. No condo owners here.

In short, the Times has confirmed that criminals commit crime. It's true that there are all sorts of cultural and economic causes of crime, but it stands logic on its head to describe the riots as a rebellion. All that language does is provide a tortured justification for theft, arson and murder. It implies that a kind of grand equity is at work, as if the stealing of stereo equipment is the equivalent of the sacking of grain warehouses by starving peasants. Just in terms of the preferred beverage—liquor—this so-called rebellion is hard to distinguish from spring break at the beach.

One would think that after the riots of the 1960s, lessons would have been learned. The wounds inflicted in many communities have not healed. Yet the voice of moral outrage has been muffled, while riots are treated as some sort of economic upheaval and not as what they are—the collapse of law and order. Now, we even see attempts to coopt street gangs, to treat them with respect and try to channel them into established enterprises. This has been attempted before and has failed, but it bestows legitimacy on what are criminal organizations composed of punks and goons.

In a recent speech, Sen. Daniel Patrick Moynihan (D–N.Y.) waxed nostalgic about the New York City of his youth. It was a safer, more efficient and altogether more livable city 50 years ago. Although New York in 1943 had 150,000 more people than it does now (and much poverty), it had relatively little violent crime—44 homicides by gun vs. 1,499 last year. The conclusion is inescapable: Something other than sheer economics plays a role in crime. The other factor—or at least a piece of it—is culture, a broad word, which can mean many things.

Inescapably, though, one aspect of our culture is the refusal to condemn criminal behavior. That lack of unambiguous reproof—or one so freighted with sociological caveats that it amounts to nothing at all—was present after the L.A. riots. It's not that anyone approved of the riots—those days, thank goodness, are gone—it was rather that in some cases the rioters were not the only ones blamed. So, too, was government and society—a lack of jobs, poor schools etc.

None of that can be overlooked. After all, people with jobs have something to lose and are therefore restrained in their behavior. But the statistics compiled by the L.A. Times strongly suggested that most of those who looted did so because they simply did what they felt like doing. It's hard to blame society for the looting of a liquor store. It's getting easier, though, to blame those who persist in blaming everything other than the criminal himself.

WHY THE SENATE NEEDS HERBLOCK

Mr. MOYNIHAN. Mr. President, as we conclude our work in the Senate for the week, one or two bills enacted, two or three better than average speeches, there is no mistaking the listlessness that has somehow taken hold of this Chamber, so often given to robust debate and the fearless confrontation of daunting challenge. A certain miasma somehow suffuses and even enervates our deliberations. The dread term malaise even suggests itself. New Members sense this; the more senior among us are at once perplexed and subdued. Something is awry and calls for explication.

It is accordingly not a moment too soon to address the matter, lest the Commentariat, to use the recent and felicitous formulation of the Washington Post editorial page, should seize on the matter and worry the public even more than we are worried. Happily there is an answer. Much as in homeopathic medicine, a cure will so often be found at the site of the malady, so we may turn to that very page and illuminate, if not indeed disperse altogether the gathering gloom. A box at the top of the upper right side declares: "Herblock Is Recuperating From Surgery." Voila! No wonder we are adrift! No wonder we lack direction.

But no matter. He will return presently, and with him our spirits will rise, even as do, on occasion, our tempers. And so, Mr. President, I ask unanimous accord, as I cannot doubt will be conferred, that we all wish him a speedy recovery and a prompt return to his incomparable and indispensible surveyance of the Nation's business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

THRIFT DEPOSITOR PROTECTION ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 714, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, today we are considering what I hope will be the last installment payment in a sad series of events that followed the collapse of our Nation's savings and loan industry.

To date we have approved $170 billion in taxpayers' money to bail the thrift industry out of that which was an avoidable disaster. There is a lot of anger and resentment here in the Congress and across the country because we have thrown away so much money. The history of the savings and local bailout is one we would all like to forget, but we must not and we cannot. We cannot turn our backs on the depositors in those savings and loans.

The collapse of the savings and loan industry which necessitated the bailout had its genesis in the mindless deregulation of the early 1980's. Deregulation let thrifts, which until then were largely community based and depositor owned, become gamblers and land speculators.

Financial operators took over, and they raked in Government-insured deposits by the barrelful. They turned around and loaned those billions of dollars out for the purchase of raw land and to developers with absolutely no creditworthiness.

From that point, it was all downhill. By 1985, the situation was literally grim. So many thrifts were broke that the Federal savings and loan insurance fund was out of money.

What did the regulators do? The regulators ducked rather than confront the problem. First, regulators kept the thrifts open by allowing them to turn up even larger debts that the taxpayer would have to pay. The cover story was that the thrifts were being allowed to work themselves out of the problem. That was phony. Thrifts did not and they could not work themselves out of these problems. They had made bad loans, and they were not going to get them repaid.

Then regulators tried selling the failed thrifts by offering large tax breaks in the now infamous 1988 deals. The Federal Savings and Loan Insurance Corporation transferred failed thrifts to private acquirers literally, literally in the middle of the night and in end-of-the-year deals. Billions of dollars in Federal subsidies, guarantees, and tax breaks were given to the country's sharpest financial manipulators, and the American people only learned about it much too late after the fact.

When the dust settled, we learned of one 1988 deal that was so sweet that it turned a failed savings and loan into 1989's most profitable savings and loan. It took a failed savings and loan, by reason of the deal that the RTC made, and turned it into 1989's most profitable savings and loan.

The acquired S&L failed.

How much of his money did he put up? Not very much. He put up only $1,000 of his own money and got Blue Bonnet Savings Bank and over $3 billion of Federal subsidies.

If somebody had told you that could be done, you would say it is impossible; no Government could possibly be a party to that. Even in normal times, he could not have acquired a thrift because he personally had entered a corporate guilty plea of fraud for a company that he owned and controlled.

But he was smart. He was clever. He hired a former Vice Presidential aide, who saw to it that the deal was approved.

The next year the RTC was born, replacing the failed, Savings and Loan Insurance Corporation [FSLIC]. The RTC was charged with closing down the remaining thrifts and suing those responsible. The RTC's record of recovering money from the crooks who caused this scandal is pitiful. The RTC's record of selling the assets of failed thrifts is marked with scandal, mismanagement, and inefficiency.

This $100 billion crisis was not caused by the Clinton administration. They had no part of it. They certainly were not in office. They cannot be responsible for it. But under the way our Government operates now, the Clinton administration bears the burden of finishing the cleanup. I believe the administration has made a good start and is doing everything possible to get control of it.

Hopefully the money we are about to approve, and the changes we are about to make, will close this shameful chapter in the country's history.

Despite this sorry legacy, I have a great measure of confidence as we look to the future. Most importantly, this bill will go a long way toward making improvements in an agency that has been wasting taxpayer dollars not by the thousands, not by the tens of thousands, not by the hundreds of thousands, not by the millions, but by the billions.

This bill now contains important and long-needed improvements in the way the RTC will be run. Not only that, it contains improvements in the way that its successor agency, the FDIC, will operate. Finally, we have a bill that begins to look forward. It did not come about easily. There were an untold number of hours put into remodeling, reworking, bringing this bill to the point that it is at. Those hours were spent by the staff and the members of the Banking Committee. They came forward with a product.

Then some members of the Banking Committee had some concerns about it. I had some concerns about it. There were a number of improvements made. And then, after that, there were further discussions made by myself and my staff. And with other members of the committee, the chairman, the staff, and the Treasury Department, substantial other amendments were agreed to and adopted.

I think the bill is a major step in moving forward. We are at long last beginning to take charge of the situation, learning from past mistakes and putting problems behind us.

Today, we are rounding a corner. We have the help of an administration that has been willing to take a hard look at the problem and agree to reforms that will correct them.

We worked hard with the Acting CEO of the RTC Roger Altman. Mr. Altman is meeting his responsibility to the public admirably. Although I am not in total agreement with him, he worked forthrightly to meet our concerns and was willing to push for the inclusion of many of our ideas in the managers' amendment. There has been much progress in bringing the bill to the floor.

Thanks as well and in large measure also to Chairman RIEGLE, we have before us a bill that recognizes most of the RTC's major weaknesses and inefficiencies and does something to fix them. Consequently, I hope that this bill will begin restoring public confidence that the Government can protect the average taxpayer's interests.

While I am enthusiastic about the progress this legislation represents, I believe that there remain areas for improvement. This Senator intends to offer an amendment to extend the period of time in which the Government may bring suit against those who caused taxpayer losses. I will introduce such an amendment later. A virtually identical amendment passed the Senate twice last year—78–10 and 68–12. Both of the managers of today's bill voted for it. The current Secretary of the Treasury voted for it. The former CEO of the RTC, Albert Casey, supported it. The former Secretary of the Treasury, Nicholas Brady, supported it. I hope that each Senator who voted for it—and, as I pointed out, there were 78 who voted for it at one point; and 68 to 12, there were 20 absences at that point, so the number was a bit less—will see fit to vote for it. And I believe that the companion measure in the House will move in this very same direction.

With an extension of the statute of limitations added to the bill, I am confident that we will have taken measures to further protect the taxpayers.

I am frank to say that I and my staff spent countless hours working with members of the Banking Committee, their staffs and the Banking Committee staff in order to incorporate many new RTC policies in the managers' amendment. I think they are useful and important changes. They reflect a vigor and excitement about the way Government can work for the public and the taxpayer. I hope they will be followed by many more involving other agencies.

There are few agencies that have been as expensive to the taxpayers of this country as has been the RTC and its predecessor agency, FSLIC. The American taxpayer had very little to do with it and could not do much about it. The blame very definitely fell upon the doorstep of those who preceded this administration. There was an indifference, a lack of caring and, in some instances, a kind of cooperation to help some special people make money out of the debacle that had occurred in the savings and loan industry.

Mr. President, let me describe some of the improvements now in the manager's amendment.

We will no longer have an RTC that is run by its own contractors for their private profit, rather than for the taxpayers who are footing the bill.

This bill creates—for the first time—a chief contracting officer at the RTC who would set uniform standards for contracting and contracting enforcement. The bill makes the chief contracting officer a senior official and makes him or her a voting member of the RTC's executive committee. The RTC has over 25,000 active contracts, and is in large part, an agency that operates through contractors, rather than its own staff. Hopefully with the chief contracting officer provision enacted into law, we will have seen the last of subterfuges such as Operation Western Storm, where a $24 million contract with a single company was broken down into 92 separate parts in order to get around competitive bidding requirements.

Another provision calls for certification by the Chair of the RTC's oversight board before more than $10 million of newly available funds can be used.

One of these certification's requirements is that the RTC improve management information systems to provide complete and current information on a cost-effective basis. What that means in substance is that the public, or those who are interested in doing business with the RTC, will be able to find out the facts. Right now it is an unbelievable situation. It has been. Changes are being made as we meet here today. But in the past, somebody who wanted to do business with the RTC might have been a man from Mars as far as the RTC was concerned. They were indifferent. They could not care less. They were not willing to sit down and talk. You could not buy a property from the RTC, you could not find out how it was going to be sold. The door was slammed in your face. It was an incredible situation that a Government would deal with the people of this Nation so crassly, while at the same time expending billions of dollars of the taxpayer's money.

Hopefully, this new management information system will end situations in which the RTC—listen to this—"misplaced"—that is their word—"misplaced $8 billion in savings and loan assets in its western region."

Another provision creates the position of chief financial officer. The CFO will report directly to the Chairman of the Corporation. Employees of the RTC, and of its many contractors will, for the first time, be protected if they expose waste of public funds and gross mismanagement. No longer will those who protect the public by revealing $25-a-hour copying charges have to risk their jobs by serving the public and the taxpayer.

The RTC was paying people $25 an hour just to do copying. Somebody raised the issue and that individual's job was placed in jeopardy.

The bill would also shift the burden of proof in disciplinary proceedings in favor of RTC employees who expose waste and fraud and abuse.

The managers' amendment looks forward to the time the FDIC will assume the RTC's present responsibility for shutting down failed thrifts. The amendment calls for an independent FDIC inspector general, appointed by the President and confirmed by the Senate. The new inspector general will no longer—no longer be beholden to the FDIC's Chair, who picked him or her—a Chair whose actions the inspector general will have to review and criticize.

It was an absurd situation that has been prevailing, that the chairman of the Commission would be choosing the inspector general. The inspector general then would be looking for the wrongdoing of the RTC. The fact is, he would be judging the person who gave him his job. It just did not make sense.

These measures, a senior contracting official, a chief financial officer, whistle blower protections for employees and contractors, an up-to-date management system, and an independent inspector general as well as others stem from the work of six Senators on the Banking Committee, including its four new members. It stems also from the fact that a member of my staff, Brian McTigue, has spent an unbelievable amount of hours working with the staff of the Banking Committee to bring about these changes. And the six Senators on the Banking Committee are to be applauded. Those are the ones who took the lead in inserting this language in the managers' amendment.

We have been in consultation with them but they were on the committee. This Senator is not on the committee. And they deserve the commendation of the American people.

Senator JOHN KERRY; Senator PATTY MURRAY, a new Senator; Senator BOXER, a new member; Senator BRYAN; Senator MOSELEY-BRAUN, also a new member; and Senator CAMPBELL, also a new member—four new members asserted themselves. There has been a feeling around here that Senators who are new should sort of sit in their seats and not really be involved. These four new Senators, and Senator BRYAN and Senator KERRY, did assert themselves and they worked with Senator RIEGLE and his staff, and they brought about these changes. They worked with a member of my staff. They all worked together and I am proud of the fact they brought about a bill that is far, far better than anything that has been brought to this floor in the past concerning this agency. The public will be well served because of their interest and the efforts of all of the others involved.

There is another provision in the managers' amendment that I want to bring to the Senate's attention. It has to do with the professional liability section of the RTC's legal division. The provision will reconstitute the professional liability section under one supervising attorney, the assistant general counsel for professional liability, who will be in charge of all RTC personnel including investigators and outside contractors engaged in the effort to sue those who cause failures at thrifts. The assistant general counsel for professional liability will become a statutory position, appointed by the Corporation. He or she will report to the general counsel and the chief executive officer of the RTC.

This provision in the managers' amendment is necessary to restore the professional liability section to its original operating structure. Early last year the professional liability section was reorganized. In effect, it was torn apart. It was not reorganized for the betterment of the people, it was torn apart by a callous administration, indifferent to the taxpayers' interests. A better description might be that the professional liability section was not reorganized, it was disorganized. A consequence, the professional liability section is in such disarray and discord that it is failing to sue the insiders, whose greed contributed billions to the cost of the bailout, leaving the taxpayers at risk.

The reorganization cut the authority of the assistant general counsel for professional liability who had built the unit from scratch. His budget was taken away and then his control over professional liability section lawyers in the field was drastically cut. Anything to keep him from doing the job that he was trying to do. He was then made so uncomfortable that he left.

Since then, four of the section's remaining six managing lawyers have left. In fact in the ensuing year, one-half—one-half of all professional liability section lawyers have gone, including the most senior and the most experienced. More would have gone, but the ensuing publicity cautioned the RTC to rescind its plans to let them go.

Fifty percent of the remaining professional liability section attorneys have less than 12 months of experience with professional liability cases, although the learning curve for professional liability section cases is 18 months, according to the FDIC.

This has left the RTC with a professional liability section that lacks the professional proficiency and independence to protect the taxpayers' interests. The professional liability section lacks the expertise to bring tough cases against the well-heeled and well-organized defendants responsible for major thrift losses.

Let me say this to you, Mr. President, this is an area where there have been so many doubters that have gone out the door, either willfully or unintentionally—but the fact is, this agency has been ripped off, and the American taxpayer has been forced to pick up the bill. We wound up with an agency, instead of doing the job it should have done and could have done, really trying to frustrate those lawyers who were in the agency who wanted to do a good job. And they were disorganized; they were reorganized; they were not supported or helped. It was a definite effort on the part of the previous people in charge to see to it that they did not do a good job. And we are talking about billions of dollars. We are talking about the failure to bring lawsuits in time. We are talking about not having the files organized. We are talking about not knowing what is going on. We are talking about immature people not being able to do the job. But the taxpayer has been stuck with the bill. Let me give an example.

The RTC has typically shied away from suing accounting firms that discovered risky and imprudent lending by insider board member officers who did not, then, inform outside thrift board members of the situation. What they are saying is they do not want to sue the insiders on the board who failed to inform the outsiders; the insiders being the people who work at the corporation, who work at the savings and loan and the outsiders being members of the community who were not really as familiar with what was going on. And the insiders had a responsibility to tell what was going on to the outsiders. But they did not do it.

Typically, the accounting firm's motivation for not disclosing these practices was to avoid jeopardizing its own lucrative contract with the thrift's inside director management. The accounting firm knew there were problems, knew action should be taken, but they did not want to rub the fur the wrong way. So they did not go to the leadership of the savings and loan, to the outside board members, and say: Look, are you aware these things are going on? And, for that, they were irresponsible and in many instances should have been held legally responsible for damages.

This Senator obtained one professional liability section lawyer's memo which describes the RTC's reticence to sue big accounting firms because it feared their "scorched Earth policies towards RTC legislation." Of course, such fear eliminates the potential to achieve significant money recoveries from accounts who are paid handsomely, and to this day are being paid handsomely by the thrift, to not exercise their professional duties.

The assistant general counsel for professional liability now has little control over professional liability section attorneys outside of Washington. Components of the RTC, which are not even part of the legal division, such as the division of assets, sales, have control—even veto power—over key actions of professional liability lawyers outside Washington. This is an agency that I importuned to try to do more on the inside, try to hire lawyers on the outside at a more reasonable figure. But no. The agency was not willing to do it.

I personally called major law firms of this country and said, "Would you handle these claims that arise out of the failure of these savings and loans? Would you handle these claims on a contingent-fee basis?" And with one exception they said they would have a conflict of interest, and one other exception said, "Yes, we will do it but not charge for it."

I asked if they would do it on a contingent-fee basis. I wrote to Mr. Seidman and said, "These are the firms willing to do it." Mr. Seidman paid no attention. He was not worried about saving the taxpayers dollars. He was indifferent.

The fact is they went out and hired lawyers and finally hired one firm on a contingent-fee basis, paying them $300 an hour as a going-in rate, and if they were successful, which was easy to do because it was the Milliken case, and they said if they raised over $200 million from the settlement, which anybody knew was going to be done and could be done, they would be paid not $300 an hour but $600 an hour—$600 an hour.

There are instances, and we have specific examples, where the professional liability section was paying law firms very, very substantial amounts of money, if my recollection serves me right, an amount like $127,000 for doing what? Just for the time spent in preparing the bill.

If I sound a bit irritated or upset about this it is because it is a subject that has upset me for over a period of many years when I see taxpayers' dollars flow out the door; when I see when we came to the floor and tried to get a few dollars for the WIC Program, or some program for feeding children or for immunization and we could not find the money, but we were perfectly willing to let billions of dollars go out the door.

The previous administration was unwilling to face up to its responsibility, and no matter how much we importuned them, no matter how much we begged them, no matter how much we entreated with them, they were not willing to meet their responsibility. I am hopeful that there will be a new day, and I am optimistic there will be under the new leadership of Mr. Altman over at the RTC.

Bringing professional liability lawsuits has also been difficult because the RTC's investigators who developed the cases are not part of the professional liability section. They are not even part of the legal division. They are part of the division of institution operations and sales, whatever that is. Consequently, if an investigator is asked by a lawyer to look at something, the investigator can ignore it with impunity. There was little a lawyer could do to stop it.

The administration supports this effort to reorganize, and I commend them for it. The administration wants, as do we in the Senate, to return professional integrity to the professional liability section, and I think we are moving very dramatically, very drastically in that direction by reason of that which is before us today.

Another important provision in the managers' amendment requires the Secretary of Treasury to make periodic certifications that the RTC has taken steps to control its legal costs. That is not a new subject with me, as I have already stated.

Finally, we have an administration that will address this matter head on. The RTC's legal spending has been a history of extravagant subsidy to the legal profession as well as for the accounting profession. Annual fees for outside legal costs have run to $600 million—$600 million. We are talking about an immunization program of $300 million and having some controversy about that. At a time when we cannot find an additional $100 million to expand the WIC Program or the nutrition program, the RTC is paying lawyers unbelievable amounts per hour, no negotiation, sending out all the cases, getting the biggest law firms in the country to handle the work and running up bills that are absolutely astronomical. It has been a shame and a disgrace.

I am pleased to report the managers' amendment would put the brakes on this. Before the RTC could draw more than $10 billion from the Treasury, the Secretary of the Treasury will have to certify that new controls on legal fees are in place. These controls would require that the RTC use staff lawyers before using high-priced outside law firms. RTC attorneys, some of them in high management positions, have informed my staff that this is the single best way to control legal costs without reducing the quality of the work.

When the circumstances require that the RTC hire outside lawyers with particular skills in areas like bankruptcy or environmental law, the RTC would be required to use negotiated contingent fee and competitively bid fee agreements, whichever would reduce the cost without reducing the quality of the legal work.

Mr. President, I congratulate the chairman and the ranking Republican member on the committee and the administration for the managers' amendment. The provisions of the amendment, along with the commitment and energies of the Clinton administration, give us the opportunity to put an end to the expensive and disruptive savings and loan bailout. While I will be offering an amendment to the managers' amendment having to do with the question of statute of limitations, I am pleased that we are finally going to get control of the bailout and save some taxpayers dollars in a more businesslike manner.

Mr. President, I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to just acknowledge the comments of the Senator from Ohio and respond to them briefly.

First of all, I want to thank him for his leadership on this issue, not just now but over a long period of time. I had many recollections about past moments in this problem area as he was speaking. I want to just cite one, and I am sure he will recall it quite readily. That is, he made a reference to the 1988 deals, as they are called, that were being made under tax law provisions that were about to expire at the end of the year of 1988.

The Senator from Ohio and I had a great concern about what was going on. In fact, we talked about it at the time and decided upon a strategy where we would call the then Secretary of the Treasury Nicholas Brady and specifically ask him to step into that process and, if things were the way they seemed, to put a stop to it so we did not end up spending a lot of money by use of the Tax Code simply because it was up against the end of calendar 1988 rather than allow those issues to carry on into the new year and be handled in a more direct and efficient and cost-effective way.

I remember at the time—the Senator can correct me if his recollection is different—that we both made calls to the Secretary of the Treasury who, at that particular time, because it was near the end of the year and the Senate was in recess, happened to be out of the country and we had to reach him some other place to speak to him by phone to present to him, each of us independently, this request that he use his power as Secretary of the Treasury to come in and monitor that situation and put a stop to these deals if, in fact, they looked as if they were going to turn out to be a raid on the Treasury by means of an abuse of the Tax Code.

As I remember it, he said initially that he wanted to reflect on that, and I think he took a period of maybe 24 hours or so to consider whether or not he wanted to exercise any power in that area and then called back later to indicate that he decided not to do so.

That was just one of many events I can remember over a period of time where a Senator from Ohio and the Senator from Michigan and myself were working to try to sort of rein in what we thought were tactics and practices we thought were either wrong or abusive or much too expensive for the nature of the problem that they were aimed at.

I might also say, the Senator at different times has come over to the committee and sat in on hearings that we have had. We have always welcomed him. At times, he has asked questions in those committee hearings.

You probably will recall, as well, we had a series of hearings last year on the issues of whether lawyers in the professional liability section were being undercut or pressured or in some way being prevented from carrying out their responsibilities as they saw them with respect to individual cases.

We not only called them in. They testified in public session. We tracked down each and every one of those cases individually, in terms of those individuals. We are prepared to continue to track down any other case that we hear about of that kind. So that has been another area the Senator has mentioned today which has been a matter of keen interest to me as well.

I think it is important to note, going back to the early part of the Senator's statement, we have put into this legislation now every safeguard we can think of to put in there, that we have been able to develop in terms of the professional staff of the committee, what I have been able to draw from my experience of service on the committee, what the Senator from Ohio has recommended—and he has made a number of recommendations—what the new members of the committee have brought in terms of their ideas, and other prior members of the committee.

With the new administration, which is in a position to take a fresh look with fresh people in place, and to put in place the kind of control mechanisms that were not there before, I think we are in the strongest position we have ever been in to certify to ourselves and to the public that we are doing this job as well as it possibly can be done given the inherent difficulties of getting it done.

Now obviously, it is going to depend upon the skill of the people who carry these responsibilities. But I say, based on the testimony of the Secretary of the Treasury, former Senator Bentsen, and also the team that he has assembled—he takes this very seriously. He understands the importance of getting it done and getting it done properly—I see a kind of discipline being applied.

So I think the legislative package we have here is a very good one. Frankly, it takes a new administration, willing to accept a lot of these additional strengthening steps, in order to be able to get it done and get it enacted, and we now have that.

I wish to again thank the Senator from New York for his leadership. We have done this in the committee on a bipartisan basis, taking into account the suggestions of the Senator from Ohio and others, to produce a bill which we bring forward on a bipartisan basis.

So I think this is a positive step, and I wish to thank the Senator from Ohio for his contribution not only in this instance but also, going back over time, in this very area.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I appreciate the comments of my friend, the chairman of the committee. We, indeed, have been on the subject together for a long time. I remember very well, in the middle of the Christmas season, he was one place—I am not sure where—and I think I was down in Florida. I think the Secretary of the Treasury was somewhere in the Islands, a perfectly proper place; he was vacationing. But the Senator and I felt it important enough to try to bring a halt to those deals going forward. We were not very persuasive. We did not win the battle.

As the Senator well knows, and the people of America do not know, even on December 31 they kept signing those deals, not alone on that night but right up to the very last minute until the New Year arrived. They had people who did not know what they were doing; they were just trying to bash them out. And the smart lawyers on the opposite side of the table were the sharpest lawyers in the country. They knew what they were doing. The Government was underrepresented. And I am not even blaming some of the people, because they were acting under orders. But those who were giving them the orders have reason to apologize profusely to the American people.

I am frank to say it was a great disappointment to me, and I would guess to the chairman as well, that Secretary Brady at that point did not shut down the operation. We could have saved the American people not millions but billions of dollars.

But the chairman of the committee has been unbelievably receptive to my coming over to his committee, speaking with his committee, sitting with his committee, and permitting me to ask questions. I do appreciate that. I think the Senator has done a good job in putting this work product together.

As I indicated, I will have one amendment which we already know about, and we will be talking further about other subjects before the day is over.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. Mr. President, If I may say to the Senator, it would be very helpful if we could go ahead and put the amendment down now and start on it within a matter of 5 minutes or so. That is really the lead amendment. It is the amendment on which everything else hangs.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 356

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, and Mr. WOFFORD, proposes an amendment numbered 356.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) By redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date of the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

Mr. METZENBAUM. Mr. President, this amendment would extend the time in which the RTC can sue savings and loan officials and others associated with failed savings and loans, whose negligence or worse resulted in losses to the taxpayers. The amendment extends the statute of limitations from 3 to 5 years.

The amendment is well known to this Senate; it was passed twice before. This amendment is well known to this Senate; it was passed twice before. This amendment was passed twice before, identical language, with bipartisan support. The votes were 78 to 10 and 68 to 12. Both managers of the current bill voted in favor, as did then-Senator Bentsen, who is now the Secretary of the Treasury.

At the time, it was known as the Wirth amendment. Its cosponsors included the chairman of the Banking Committee, Senator RIEGLE, and myself. It was supported by the former Secretary of the Treasury, Nicholas Brady, and the former chief executive officer of the RTC, Albert Casey. Unfortunately, because the other body never passed a bill, it was not adopted.

Under the managers' amendment, the RTC will take over failed thrifts until September 30 of this year. Starting on October 1 of this year, the FDIC will take over failed thrifts.

The Wirth amendment made it clear that the statute of limitations would be 5 years for actions against thrifts that the RTC took over.

This amendment is essential if we are to protect the taxpayers from having to pay for the losses that savings and loans caused by the negligence, gross negligence, branch of fiduciary duty, or fraud of the officers, directors, or accountants, auditors, and lawyers, who ignored their professional responsibilities.

This amendment attempts to assure that those whose actions caused financial damage to a failed thrift compensate the taxpayers for their actions. The taxpayers of this country have a right to expect that individuals who enriched themselves be made to pay back their ill-gotten gains—and there is much, very much to get back.

The RTC currently has lawsuits alleging $8 billion in damages against thrifts. But the GAO testified last year that RTC attorneys believed that there was wrongdoing in about 80 percent of the thrift failures. Yet the RTC has brought lawsuits in only about 20 percent of thrift failures. And there is ample evidence that the RTC has not brought all the meritorious lawsuits that they could have brought.

First, former staff of the RTC professional liability investigation units have informed my staff that that is the case. Some have provided their memos on the subject.

Second, the RTC professional liability section simply was not equipped to file all meritorious lawsuits. The unprecedented wave of thrift insolvencies—over 1,000—created a tremendous burden on the RTC to investigate the causes of each failure. It would have been a severe challenge for any established agency, but the RTC was a new temporary agency. Beginning in August 1989, the RTC took over savings and loans at the rate of more than one each working day.

Third, the unit the RTC designated to investigate and sue those responsible for the debacle never established stable operations.

The RTC was created in August 1989 and the RTC's professional liability section was not fully operational until 1991. Then, beginning in December 1991, the professional liability section was torn apart and effectively dismantled in a disastrous reorganization.

As a result of that reorganization, RTC offices and professional liability section units all over the country were closed, attorneys were let go or transferred, documents were moved, and cases reassigned. The assistant general counsel for professional liability had much of his authority over the professional liability section removed. Professional liability lawyers in the field were supervised by nonlegal managers of other units such as the Division of Asset Sales. So you have somebody in charge of asset sales controlling the actions of lawyers far removed from him or her in some cases.

In the year since the reorganization, 52 percent of the professional liability lawyers left or were dismissed, according to GAO.

I am aware of the fact, Mr. President, that I have addressed myself to some of this same material in the opening remarks that I made concerning this legislation, but I feel it important to repeat it, because the debacle that has occurred with respect to the professional liability section is of such a nature and it is so relevant to the whole section of extending the statute of limitations, that I am presuming upon my colleagues in the Senate to make these remarks even though some of them have been previously stated.

Five of the seven top managing attorneys are gone. They have left the agency. Some are now working on the other side. Fifty percent of the remaining lawyers have less than 12 months of experience. The GAO reviewed a sample of 17 professional liability attorneys dismissed in the reorganization. The GAO found that no thought was given to the deleterious impact that dismissal would have on their cases.

Under these circumstances, it is no surprise that the RTC has a difficult time bringing lawsuits within the current 3-year statute of limitations. When the RTC does sue, according to the GAO, 70 percent of all RTC lawsuits are filed less than a week before the statute of limitations expires and many are filed on the last day.

Last year, in 1992, just as the reorganization hit, the statute of limitations expired on 308 thrifts. In many cases the RTC filed no lawsuit. This year the statute of limitations will expire on another 213 thrifts. In 1994, the statute will expire on another 141. It is inconceivable to this Senator that the RTC, with all of its organization problems, will be able to keep up with this caseload.

In fact, the RTC has filed lawsuits involving fewer thrifts than those in which the Justice Department has filed criminal actions—171 savings and loans for Justice and 157 savings and loans for the RTC. This is true despite the fact that the RTC's 3-year statute of limitations is much shorter than the 10-year statute of limitations facing the Justice Department in criminal cases.

There is more evidence that the RTC cannot file all meritorious lawsuits within the 3-year statute of limitations. Two weeks ago, a Federal judge threw out a suit by the RTC against the officers and directors of a failed thrift in New Orleans—American Savings & Loan—because the RTC filed it 3 months too late.

It is clear to me that the reorganization of the RTC professional liability section last year was a material cause of the RTC's late filing in the New Orleans case.

My staff spoke to a former professional liability attorney who was knowledgeable about the situation. The RTC's office that was responsible for the case, Baton Rouge, was thrown into complete turmoil by the reorganization at about the time that the suit should have been filed, May 11, 1992. The attorney said the situation was so bad that the RTC had to fly in teams of professional liability attorneys from its Dallas and Washington offices to New Orleans. They sat in hotel rooms for several days going over reams of paper, case-by-case, trying to find out where the Baton Rouge cases were. This meeting took place just as the American Savings & Loan Association's statute of limitations was expiring.

Mr. President, there is no question that we need this amendment. So let me turn to the objections that have been raised.

The first objection is that an extension of the statute of limitations is not necessary because the RTC can bring all meritorious cases within the current 3-year period. There is overwhelming evidence that they cannot.

The second objection is that an extension of the statute of limitations cannot be applied retroactively. In fact, a Federal court has already upheld retroactive application of the 3-year statute of limitations we are dealing with here, which was enacted as part of FIRREA. The court held that the Congress intended it to be applied retrospectively. The name of that case is *Federal Deposit Insurance Corporation* v. *Howse*, 736 F. Supp. 1437, coming out of the southern district of Texas in 1990.

The last objection I hear is that extending the statute of limitations retroactively is unfair. The argument goes like this. The 3-year statute of limitations has already expired against many officers and directors, and it would be unfair to reopen the possibility that they might be sued after they thought they had put this behind them.

My response is that the individuals who were responsible for the loss of billions of dollars were not very fair either. Suing an officer, director, or professional for negligence, gross negligence, breach of fiduciary duty, or fraud is not a matter of unfairness.

But, I am asked, what about the outside directors who were not involved and not responsible for the losses? It is not fair to go back and extend the statute of limitations against them. Why should they be sued is the question. My response is that extending the statute of limitations against them is not unfair but suing them in many cases would be very unfair to the taxpayers of this country.

Let me point out that just because we passed the amendment and extend the statute of limitations does not mean that all directors are going to be sued. There is no suggestion of that at all. There are many outside directors that should not be sued and I would be willing to argue very strongly to that effect.

We are only talking about outside directors or inside directors who should be sued and have not been sued.

I can think of cases where outside directors have done an extremely great job of seeing to it that their pockets were enhanced very materially in substantial financial amounts.

There are indeed many outside directors who probably should not be sued, but that will be a matter of judgment for the agency to decide, for the lawyers to decide. There is nothing about this amendment that says everybody who is an outside director is going to be sued. I would not think that was proper and I would not think the RTC would do that.

This amendment does not mandate that anyone, or any type of officer or director, be sued. The amendment merely extends the time in which the RTC has to learn about, evaluate, and bring a claim if it so wishes. The RTC now has, and will continue to have under this amendment, the complete discretion as to who should be sued. I have confidence that the RTC's CEO, Roger Altman, and the Chair of the Oversight Board, Secretary Bentsen, will not sue individuals who had no responsibility for the losses of a failed savings and loan. They simply will not, and should not, allow that to happen.

The bottom line is that directors who performed a public service by serving on the board of a thrift, and performed that duty well, are not affected by this amendment. This amendment gives the RTC the opportunity to bring meritorious cases which might otherwise not be filed due to the RTC's enormous caseload.

If we give the RTC more time to do its job, more time to reflect on the merits of a case, I think we will be doing a public service to the taxpayers. Better and more cost-effective cases will be brought and the cost of the savings and loan bailout reduced.

I urge my colleagues to support this amendment.

Again, I point out it is the identical amendment that passed this body by a vote of 78 to 10 last year.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I have supported this legislation in the past, but I have to tell you I do have reservations regarding the manner in which we are proceeding. Let me tell you why.

My distinguished colleague, Senator METZENBAUM, should be commended for his vigilance regarding the RTC. Indeed, a good deal of the legislative language that has been proposed and adopted in the managers' amendment is a result of the long hours that the Senator and his staff labored in order to bring to our attention shortcomings of the RTC.

Nevertheless, I have a problem with the offered amendment. I have a problem with the proposition that we should sue those who have not been sued. The Senator said that there are some who should be sued but have not been sued.

I suggest to you that there is a corollary to that, and it is disturbing to me: What about the people who should not have been sued, but regularly have been sued, and will now face lawsuits in the future.

To suggest the Secretary of the Treasury or Mr. Altman are going to be able to deal with this is preposterous. They are good and decent people. But the fact of the matter is that this litigation is farmed out. They are not going to be in the position to intercede. They would be accused of improper conduct if they did try to intercede.

The lawsuits that I am concerned about are being brought for the wrong reasons. These suits are brought against the people who have money, people who have deep pockets, particularly members of boards of directors. These suits are brought with little or no regard for whether the directors did anything that even remotely approached negligence. These people become targets for lawsuits simply because they have some money.

Now what takes place? To defend these lawsuits, it often takes hundreds of thousands of dollars. Often we find that these lawsuits are brought because of the likelihood that some kind of a settlement will result. The lawsuit is directed at a person who really should not be sued. And it is marginal at best in some cases. It is marginal. That is wrong.

The question is: How can we best provide the Government, as the representative of our people, with the means to seek out wrongdoers? And I mean wrongdoers.

Now, if we cannot, within a 3-year period of time, determine which people have made mistakes, that is pretty sad. But let us focus our Government's energies on those people whose conduct was the most egregious—cases of fraud, or cover-ups.

I think that is the way to proceed. I think we should focus on cases of fraud, or where there is outrageous misconduct, not this broad area of negligence. That is too broad.

What is gross negligence? I ask my colleague. How do you differentiate negligence from gross negligence?

Some might say, "You have a case of gross negligence. We should pursue that." I would say that could be a rather subjective question.

I support the idea of continuing or attempting to get restitution from people who have acted deliberately, and whose actions have harmed the taxpayers. These people should be taken to the cleaners. They should lose their ill-gotten gains, that have cost us all millions and millions of dollars. It is one thing to continue to keep the corporate lawsuits against these people; it is another thing to throw out a net that will drag thousands of people into terrible litigation, simply because they have some money.

Now, look, there has been plenty of anecdotes. But, for every thief and crook there are 10 decent people who find themselves involved in litigation simply because they have some assets. Now that is wrong. How are we going to handle this?

Now, I'd like to point out that the Secretary of the Treasury and the CEO of the RTC have not called for this legislation. In a letter dated May 4, 1993, to the chairman of the House Banking Committee, Chairman GONZALEZ, Mr. Altman wrote that the RTC did not need this legislation.

Mr. President, I ask unanimous consent that the letter dated May 4, 1993, written by Mr. Altman, the interim CEO at RTC be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RESOLUTION TRUST CORPORATION,
Washington, DC, May 4, 1993.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for this opportunity to comment on the issue of extending the limitations period applicable to tort claims brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed insured depository institution.

As you know, over a year ago the RTC generally supported legislative efforts to extend this limitations period because its Professional Liability Section (PLS) was facing a peak number of institutions which were closed in 1989 and for which the federal limitations period would be expiring during 1992 and the first quarter of 1993. The limitations period expired during this time for 410 of the 752 thrifts under RTC control for PLS purposes. The RTC, however, survived this critical period of time without missing a deadline. In fact, as of March 31, 1993, the RTC had 220 pending offensive lawsuits involving RTC claims filed in 174 institutions. As of the same date, 120 settlement agreements have been executed, and 11 cases went to final judgment through trial.

In addition, beginning last autumn, the RTC has been increasing PLS staff to meet the demands of its workload. The Secretary of the Treasury, in his capacity as Chairman of the Thrift Depositor Protection Oversight Board, has further committed to review and recommend improvements in the organization and staffing of PLS as part of his nine-point plan for the RTC, recently announced during his semi-annual testimony before Congress. Consequently, the RTC has no need at this time either to revisit "closed" claims arising in institutions in which the limitations period has expired or to extend the limitations period prospectively as the RTC will continue to meet all upcoming deadlines.

Please let me know if you need any further information.

Sincerely,

ROGER C. ALTMAN,
Interim CEO.

Mr. D'AMATO. I would like to refer to just part of it.

Mr. Altman says:

> * * * The RTC has been increasing PLS staff to meet the demands of its workload. The Secretary of the Treasury, in his capacity as Chairman of the Thrift Depositor Protection Oversight Board, has further committed to review and recommend improvements in the organization and staffing of PLS as part of his nine-point plan for the RTC, recently announced during his semi-annual testimony before Congress. Consequently, the RTC has no need at this time either to revisit "closed" claims arising in institutions in which the limitations period has expired or to extend the limitations period prospectively as the RTC will continue to meet all upcoming deadlines.

I mean the letter is very clear. Mr. Altman does not support, and is not asking, for this extension.

I would ask the author of this legislation if we could limit it to the egregious instances—to fraud. Let us limit the net. Let us only go after real wrongdoers.

So I pose that as a question to my distinguished colleague from Ohio. I would be glad to support legislation that more carefully defined who the wrongdoers are, instead of using a standard that is too broad. Negligence can encompass just about anything and anybody. Standards that are too broad make possible the kinds of lawsuits that I have previously described. I know my colleague is not in favor of that.

I think we can do the business of the people, go after the wrongdoers, go after the people who covered up situations, and not unintentionally encumber thousands of good, decent people.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am happy to respond to my friend from New York. I think it would be a mistake to make that distinction. The Senate did not make that distinction in the past when it voted 78 to 10 in favor of this amendment and I think it would be a mistake to make that distinction now. The reason I say that is this. There is nothing, in passing the amendment, that provides any compulsion or requires any act upon the part of those who are running the RTC to bring litigation. If there is a situation where a member of the board was, really, inactive, not much involved, conceivably he or she should have been. But I think it is a definitional problem as to whether or not the individual should be sued. In some cases you might have it is hard to determine what is gross negligence.

What is negligence? I ask my colleague from New York if he would be good enough to explain to me, in layman's language, how he would define gross negligence as distinguished from pure negligence?

Mr. D'AMATO. I might say I raised that issue and said we are not going to be able to do that. The standard of negligence is so broad that you will be inviting, and this legislation will invite, the kinds of litigation that is simply not fair to good and decent people.

This standard invites litigation. It invites suits against people, not because they are wrongdoers but because they were on the board of directors and have some money. So you go after the money.

The fact is, while I know that is not the intention of the Senator from Ohio—to go after innocent people—the language in his amendment is so broad that that is exactly what will take place. And that is why I suggest a standard that is not ambiguous, a standard such as fraud. With a standard such as intentional misconduct, the intentional coverup by the accounting firms that my friend made mention of will be covered.

I understand what the Senator wants to accomplish and I want to support it. I have supported it. But I think it is too broad. That is why I have suggested we use another standard: fraud. That is intentional conduct. Is that not the kind of thing the Senator is after?

Mr. METZENBAUM. No. I think we must go beyond that. Fraud includes a willful intent to defraud and the conduct that follows therefrom. But there are many instances in which a board member could very well have known of things that were going on—no party to fraud at all—but was indifferent to his or her responsibilities on that board. As a consequence, the American taxpayer has been called upon to pay the difference. We are doing that here in this bill today—I forget the number—$34 billion, if my recollection serves me right.

What I am saying is if they are not guilty of anything, if they did not do anything wrong, then the administration running the RTC will not have to sue them. Nobody says they have to bring all these lawsuits.

But if there is a case which should be brought, then giving them the additional burden of proving willful fraud is, in this Senator's mind, far too much. If you accept the position of responsibility on the board you ought to be paying attention to what is going on, not just let the managers of the savings and loan just do anything they want.

Mr. D'AMATO. No, I am not suggesting that. No. 1, they, those people who act in a fiduciary capacity, are subject to lawsuits for negligence and gross negligence, for 3 years. What we are saying is if for an additional 2 years they should not have this same burden.

What this Senator is suggesting is that after 3 years, let us go after the egregious cases. Hold them to a standard of fraud. Do not keep tens of thousands of honest, decent people on the hook. Do not keep this net so wide open after 3 years. That is what I am suggesting.

Mr. METZENBAUM. May I respond?

Mr. D'AMATO. Certainly. The 3 years is still there. They are under the standard for 3 years. What I am suggesting, though, is if you really want to go after the wrongdoers, let us do it. But let us go after wrongdoers and not someone who sits on the board. The fact is that suits are brought across the country and directors are being sued, not because they did anything wrong, but because they have money. That is simply wrong.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I want to say to my colleague he is well intentioned and I understand his point. But this is not a decision that should be made by Members of the U.S. Senate as to whether somebody should or should not be sued. We are in no position to do that. We do not know all the facts.

All we are doing here is giving those who run the RTC that right to make the decision as to whether to sue or not to sue. I believe that is where the decision should be made, where all the facts are known, and that we here on the U.S. Senate floor should not be deciding whether somebody should or should not be sued. All we are saying is there is a right to sue if there was negligence, gross negligence, fraud, or willful abuse.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let me try to summarize my position, where I am coming from. We have a statute of limitations and it says it can take 3 years to bring cases where somebody has been negligent. I am not suggesting we pat negligent people on the back and say, "Wonderful." But you have had 3 years to sue them. This amendment says we are going to extend it to 5 years.

If we are really interested in going after the wrongdoers, then let us do that. Where there are egregious cases, where people have been fraudulent, have taken money, have made deals to enrich themselves at the expense of the failed institution and, ultimately at the expense of the taxpayers, then let us go after them. This Senator wants to do that.

But let us not continue in those cases that are doubtful, and often have little validity, but because of the cost of defending such suits you have settlements. Suits are brought for millions and millions of dollars. And they are settled for $50,000, $100,000, $200,000 because the people being sued just simply do not have the time, the energy, or the money to defend themselves.

That is wrong. It is legal coercion. It is absolutely wrong. And the Senator makes a point—we here on the Senate floor are not in a position to determine who should and should not be sued.

I want to tell you something else. Mr. Altman is not going to be in a position either. So when John Q. Citizen is being sued simply because he was on the board of a failed institution, and there was no wrongdoing or negligence on his part, and he is a respected member of the community and he is sued simply because he has some money and because they can bring him in. What is going to happen? Nobody here is going to be able to do anything for him or say, "What is going on? It is wrong. This is not what we intended." Because you will be accused of interference.

Mr. Altman—or anybody at the Treasury—is not going to be able to do anything because he will be accused of interference. So is civil suit version of prosecutorial misconduct and abuse going to continue? We are going to permit thousands of people to be sued for no reason.

I am for recapturing every penny of taxpayer money that we can. What I am saying is that our system is now running out of control. I am saying that the CEO of the RTC, Mr. Altman, says, "We don't need nor do we want the limitations to be extended."

Here we are extending it and there will be implications. People who serve on boards of directors and approve loans will worry about the possibility of lawsuits. This is going to have an impact on the availability of credit. This is not the kind of thing we should be doing willy-nilly.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, we have had a good debate. I support the amendment offered by the Senator from Ohio. I note when we had Mr. Casey, when he was running the RTC, come before the committee on August 5 of last year, he came in to testify in behalf of this amendment. When he was asked a question as to whether it was important or not, he responded very affirmatively that, in fact, it was necessary—I will not cite it for the RECORD, but I have it here—and he, in addition to that, sent us a letter on March 23 of last year affirming his support in behalf of the extension of the statute.

I also asked former Secretary Brady in that same hearing. He also indicated his support for the extension.

The Senate has voted twice on this. I understand the point the Senator from New York makes, and there is some validity to the point he makes. I would say, on the other hand, that anybody who is serving in a fiduciary capacity on a board of directors has a special obligation. It is not just to show up and receive the director's fees. If you are not going to be diligent and involved, you should not be on a board of directors.

There is a responsibility that carries with it, especially in the instance of a federally insured institution and where, if it goes belly up, there is going to be an exposure that may land on taxpayers; that imposes I think, in a sense, even an additional burden that is going to be on somebody who serves on a board of directors of a federally insured institution. If they do not have the time, the expertise, the interest, or the way to really track what is going on, then it is better they not be there because they are there for a purpose. They are there to exercise oversight and a fiduciary obligation that is real.

So if that is not done, that is a default on that responsibility and it is proper, in the case of a large loss that otherwise will fall to the taxpayers, to assign responsibility where there is a finding that there is negligence.

If somebody has been negligent in that assignment then, in fact, there is a responsibility. The question is, who should pay for it? If they have been negligent and a loss has been incurred, should the loss come out of their pocket or out of the taxpayers' pocket? It seems to me that in a situation like this, when somebody has accepted an affirmative obligation to serve on a board and has a duty to perform and does not do it and there is a liability created, why should the taxpayer up and down the streets of America have to step in and foot that bill when, in fact, that director who was paid a fee for their service basically did not do the job?

I do not think this new team is going to be frivolous in pursuing these negligent suits. I think they will set a real standard of trying to make a determination of where they are or are not warranted. But I think, when you have had a breakdown in fiduciary obligation and a big loss occurs where the Government and the citizens then have to eat the loss, I think it is appropriate to come back on the directors who did not do their jobs properly when they should have been doing it.

As I say—and I will just conclude with this—the Senate has voted on this now twice before. Very substantial majorities voted for it. It is exactly the same language that was offered previously, which I think is appropriate.

I think we ought to go forward with it, notwithstanding the fact there are points that could be made on the other side.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I know that the chairman and others want to get on with the vote on this amendment. I do not have any amendments to offer to this.

I have great respect, of course, for my colleague from Ohio, who cares deeply about this issue and has talked about it at great length in previous years. I certainly am not opposed to extending the statute of limitations, but I think we ought to narrow it down a little bit or, in the alternative, just eliminate the statute of limitations, in perpetuity, for these cases.

I think eliminating the statute of limitations is a very unwise way to go, but at some point that is the effect if we pass enough piecemeal extensions.

The statute of limitations is not just a procedural vehicle. There are substantive implications of profound significance to people who are virtually innocent and yet become a target of a lawsuit because they have deep pockets.

I am very uneasy about this amendment's approach because I can see it being used on a whole host of issues. Its use on this bill is particularly understandable because people are upset about the savings and loan mess, and rightfully so.

I think we have to be careful because we are setting precedent with regard to a provision that is very important and that can really create serious problems for this country. I suspect there will be similar amendments offered on other proposals.

I caution our colleagues about going down this pike too far and paying a real price in terms of people's willingness to step forward and serve on bank boards.

So clearly, on fraud, there is no question but that the statute of limitations ought to be extended. In fact, I can make a case that you ought not to have any statute of limitations on fraud. But I think you have to be careful when you get beyond fraud, because you risk having negative, deleterious effects.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. DODD. I will be glad to yield.

Mr. D'AMATO. Is it not true that a director who served on a failed institution, for example, and his last year of service was 1985, and the RTC takes over this failed institution in 1990, under this provision they can still go after him for his alleged negligence in 1985?

Mr. DODD. No question about it.

Mr. D'AMATO. And they can go right through to 1995, for something he may have done 10 years back?

Mr. DODD. What he may have done is not show up for a board meeting.

Mr. D'AMATO. Correct. Or what he may have done was just being on that board.

Mr. DODD. Just being on the board alone, having no culpability whatsoever.

I ask my colleague, how many people will still be willing to step forward to serve on boards of these institutions under such circumstances? We have to get good, competent citizens who will serve on these boards, but today, given the problems of liability coverage, people are walking away from it. They are not going to get good people. You would be a bit of a fool to serve on one of these boards.

Mr. D'AMATO. If you had any assets.

Mr. DODD. Mr. President, you would be a bit of a fool to serve, because I suspect we will extend the statute of limitations again, and again and again. We have to start thinking clearly and divorce the particular problem that really angers us from the principle of law. We have to understand what a chilling effect you create with people who have not engaged in fraudulent behavior. Those people we ought to pursue as long as we possibly can. But for people who just happened to be around, but who get hit with a lawsuit—you tell me how many good, competent people are going to step forward and serve in these institutions if we extend the statute of limitations in such cases. You would have to be out of your mind to do it.

So we ought to be careful how we go about extending the statute of limitations, despite the understandable desire to go after people to cover the cost of this cleanup.

I have no amendment to offer because I think we will get creamed here today if I offer an amendment. But I warn my colleagues, as we are going down this road, that this is dangerous stuff.

I do not know what will happen in conference or other places, but I urge us to proceed with some caution and some care, or alternately, to offer the amendment to just eliminate the statute of limitations altogether instead of revisiting this issue from time to time.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, we have had a fair debate, and I think my colleague from Connecticut has very aptly put his finger on the issue, very cogently. This is an easy vote. Vote yes, and we are going to get all the people responsible for all the billions of dollars that have been lost.

It is not going to result in that. But it will hold thousands of people as potential hostages, thousands of people who had committed no wrong, who were not negligent, who served on boards, who did good jobs. That is wrong. It is just simply not right. And so to have them swept up and to continue on and on and on ad infinitum with the possibility of exposing them to litigation because they may be successful is just not right. It is not right.

I urge upon my colleagues and the good Senator from Ohio to consider even after this vote—I have no doubt he is going to prevail because there are people who are going to be afraid to vote against it. Oh, you are afraid to recover money?

No, that is not what we are saying. We are saying really—and I have supported this. I have looked at this. I looked at it carefully—fraud, go after them. If you have some standard of conduct that is absolutely indefensible, go after them, but not this wide-open net that leaves people subject not to 3 years, not 5 years but in some cases 10 and 15 years simply because they were on a board and because the institution failed and because they may be successful in their chosen profession and so consequently they are sued. That is what is going to happen.

We say we do not want these suits to take place. They are going to take place. They will continue. They have been taking place. It is simply not right.

I hope my colleague from Ohio, who has been a champion in terms of trying to do what is right for the American people in getting them their money and recovering these dollars, would look at this thing closely, and, hopefully, we could improve upon it. I certainly understand his intentions. I have no quarrel with them. They are well founded. He does not want people who cost the taxpayers money, who have the ability, who should be called to account for it, to slip through. I support him. That is why I voted for this initiative.

I hope that at some point in time we can improve upon this legislation.

I yield the floor.

Mr. RIEGLE. Mr. President, I think we are ready to vote on this. I see no one else seeking recognition. So I ask we proceed to the vote.

Mrs. BOXER. Mr. President, I strongly favor the amendment offered by the Senator from Ohio [Mr. METZENBAUM] that would extend the statute of limitations to 5 years for lawsuits against savings and loan operators and others who are accused of negligence or fraud or breach of fiduciary duty. There are very convincing reasons to extend the statute.

First, the evidence of wrongdoing—behavior that should be punished—is overwhelming. The General Accounting Office has found that 80 percent of thrift failures were caused at least in part by wrongdoing. But in only 20 percent of these cases has some type of legal action been taken.

The arm of the RTC that is charged with bringing the suits—the Professional Liability Section—didn't become operational until 1991, and yet it was dismantled and reorganized in December of that year. More than half of the lawyers in that section have left or been dismissed since then. Half of the remaining lawyers have less than 12 months' experience on the job.

Second, the turbulence surrounding the RTC's Professional Liability Section has resulted in 70 percent of all the section's lawsuits being filed with less than 1 week left in the statute of limitations period. What this has meant is that rather than narrowly target wrongdoers the RTC has had to, sometimes, cast a much wider net than desirable in order not to lose potential cases. An extension of liability would mean that better indictments would be made.

Third, it is clear that our efforts at prosecution and restitution have been puny and unsuccessful. The New York Times Sunday magazine recently printed an article detailing our success—or lack of it—regarding savings and loan criminals. Some of the findings: Persons convicted of bank fraud receive an average of only 2.4 years in prison as compared with 7.8 years for bank robbers; out of $846.7 million in fines and restitution ordered between October 1988 and June 1992 the Government has collected only 4.5 percent; in cases where the defendant agreed to pay restitution the courts should have received $133.8 million—these payments were promised in return for leniency—but only $577,540 has been collected.

In conclusion, Mr. President, this matter has been visited by the Senate before. Twice in the last Congress this body voted—78 to 10 and 68 to 12—in favor of the extension of the statute of limitations. Also, the courts have upheld the validity of extending the statute of limitations. I strongly encourage my colleagues to support the amendment by the Senator from Ohio and help bring wrongdoers before the law.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 356 offered by the Senator from Ohio. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from Texas [Mr. KRUEGER], the Senator from Michigan [Mr. LEVIN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. SMITH] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 32, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—63

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Daschle
DeConcini

Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Wellstone
Wofford

NAYS—32

Bennett
Bond
Bumpers
Cochran
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Durenberger
Gramm
Hatch
Heflin
Helms
Johnston
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McConnell
Murkowski
Packwood
Pressler
Pryor
Stevens
Thurmond
Wallop
Warner

NOT VOTING—5

Campbell
Krueger
Levin
Rockefeller
Smith

So the amendment (No. 356) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, through human error I missed the vote on the Metzenbaum amendment to extend the statute of limitations.

Had I been present, I would have voted for the Metzenbaum amendment in favor of extending the statute of limitations.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I took the floor earlier this week to announce to my colleagues that I was introducing freestanding legislation that would deal with a problem that I think has reached scandalous proportions in this country.

Mr. President, the anger, cynicism and disillusionment of the public about the performance of Government has calcified into a rage which shows little sign of abating. What fuels this rage is the public's sense that while they are having to cut back and trim expenses, the Government rolls merrily along, wasting money at a furious clip, and, in so doing, sending the message that we really aren't serious about changing the way Washington does business.

As one example of this, I offer the way in which the Government manages the vast office space which it owns or leases. Any private landlord who operated the way the Government is operating would long ago have gone bankrupt. Like all Senators, I talk to many real estate agents and property managers in my State, and I know that times are extremely tight in that field and the margin between survival and failure can be thin indeed.

Into this atmosphere lumbers the GSA as the Government's landlord, building buildings we don't need, leasing space we can't afford, and making decisions which anyone in the private sector with a speck of common sense wouldn't make.

Imagine that you come home and find two light bulbs out, a slight leak in the upstairs faucet, and the bedroom in need of a paint job. The sensible move is to make these modest repairs. The GSA approach would be to build a new home from scratch—and to pay top dollar.

Mr. President, the legislation I offer today draws attention to significant waste caused because the Federal Government does not effectively manage its office space. In the aggregate the Federal Government currently owns over 400,000 buildings that were purchased with hundreds of billions of taxpayer dollars. This number includes almost 438,000 buildings under the control of the Department of Defense and nearly 100,000 buildings under the control of civilian agencies, ranging from the Capitol and the White House to storage sheds and public restrooms at national parks.

The General Services Administration [GSA], the Government's so-called business manager, controls over 260 million square feet of office space in more than 7,500 leased and Government-owned buildings. The annual rents paid by Federal agencies to the GSA for both leased and Government-owned space adds up to about $4 billion. The Government is also the largest single tenant in the country and this year GSA will pay about $2 billion in rent to private landlords. The amount GSA pays is increasing by about $200 million a year.

The current Federal property program is senseless and the General Accounting Office [GAO], which has written scores of reports outlining its deficiencies, agrees. A senior GAO auditor has said that, public buildings policy is in disarray, and the American taxpayer is certainly not getting value for the burgeoning dollars being spent. When the Government is the only one building in areas where there is already a significant glut in commercial real estate, the criticism of the Federal property management program is understandable.

In a nation where we have 400 million square feet of unoccupied commercially available office space, the Government has $11.4 billion of construction in the works which, when completed at the end of this decade, will add another 23 million square feet in office space.

The Federal Government has yet to discover that new construction may not make sense when existing commercial real estate can be purchased for a fraction of what new construction will cost. The questions become clear. Why exacerbate the already high vacancy rates by building new buildings and forcing agencies to move out of their current space? Why spend hundreds of millions of dollars for new construction in Chicago, Philadelphia, or Atlanta, where the vacancy rates in those cities are 22, 17 and 30 percent respectively? Or why build additional office space for use by Federal agencies, when the base closure process will make millions of square feet of Federally-owned space available? The answer to these questions is equally clear. We must reform the Federal property management program to ensure that it is operating in the most cost-effective manner.

GSA maintains that new construction is necessary because the existing structures do not meet the needs of the agencies that will become tenants in the new buildings. GSA often claims that available space is not large enough to consolidate a large number of agencies under a single roof, does not meet the communication needs of agencies, does not meet modern fire codes, or simply does not conform to GSA standards. However, the truth of the matter is that the impulse to consolidate Federal agencies under one roof is not necessarily desirable or cost-effective, and a large proportion of available office space has been constructed or modernized within the last 10 years and, consequently, complies with fire codes and safety requirements. I would suggest that the GSA and other Federal agencies, such as the Departments of Defense and Veterans' Affairs, who have large construction and leasing programs, be flexible when determining requirements in order to take advantage of the existing real estate market.

Last October, Congress appropriated $626 million to begin 35 new Federal construction projects. At the same time the Resolution Trust Corporation [RTC] and the Federal Deposit Insurance Corporation [FDIC] had about 9,000 office buildings for sale. Recently, GSA announced the construction of a $20 million Federal office building in Louisiana to house 400 Federal workers and consolidate the offices of 14 agencies under one roof. This was done despite the fact that a building which could have been acquired in lieu of new construction was sold by the RTC for $2.5 million. In fact, GSA has never acquired a single one of the office buildings offered for sale by the RTC or FDIC. Instead the Federal Government continues to spend, spend, and spend for new construction.

In Dallas, despite the fact that a number of FDIC and RTC properties are on the market, not to mention all of the inexpensive commercial real estate available in this market, the Federal Reserve Bank just spent over $100 million to complete the construction of its new office building. In Philadelphia, the Postal Service is spending over $250 million to construct a 1-million square foot building which GSA has agreed to lease for 20 years at a cost totaling $490 million. The construction cost amounts to at least $250 a square foot. Over the life of the lease, GSA will pay about $490 a square foot, while prime commercial real estate in the Philadelphia area is currently selling for between $100 and $125 a square foot. As Peter Linneman, Director of the University of Pennsylvania's Wharton School Real Estate Center states, "It's blatantly stupid to build in this market. Only the Government would consider it. You couldn't find another party in the world who wants to build (in Philadelphia) right now."

Mr. President, foolish arrangements are not limited to the Government's construction projects, but also apply to leasing arrangements. In Atlanta, where there is already a 30-percent commercial vacancy rate, the Federal Government has agreed to lease a new 1.9 million square foot building from a private developer. The arrangement requires the Government to vacate more than 1.2 million square feet currently being rented by Federal agencies in six buildings, and the result is a 73-percent increase in annual rent from $15 to $26 million. In this period of belt-tightening and pay freezes for Federal workers, this is a particularly galling lapse of judgment. An Arthur Andersen study concluded that if GSA proceeds with its plans, Atlanta's downtown vacancy rate would increase to 47 percent. The study further stated that by abandoning its plans to move to a new Federal center, the Government could save $166 million over 30 years by moving into modern existing space, or $505 million if Federal agencies did not move at all.

For a number of years, GSA has pushed to consolidate Federal agencies under one roof. GSA claims consolidation is necessary to realize economies of scale and improve communication and technological capabilities. And, as you can see from the Louisiana, Philadelphia, and Atlanta cases, GSA continues to push for consolidation. However, given the current real estate market and advances in telecommunications, the consolidation requirement is no longer valid. We must ask ourselves, does it matter to the regional office of IRS if it is in the same location as the Department of Veterans' Affairs regional office? The answer is clearly no. Both agencies operate independently of one another, and I can't remember the last time a national crisis arose because the local offices of the Federal Transit Administration and the Drug Enforcement Administration were housed in separate buildings. Yet the argument is used again and again to justify these large dollar construction projects that agencies do not need and the American taxpayer can ill-afford. In Philadelphia, the new building being constructed by the Postal Service was justified by GSA claiming it required 1 million square feet in a single building, despite the fact that hundreds of millions of dollars could be saved by leasing some of the 2 million square feet of modern office space which is currently sitting vacant.

Mr. President, while some of the blame clearly rests on the shoulders of the GSA and other Federal agencies, part of the problem rests with the budget requirements. For example, I am very concerned that the current OMB scorekeeping rules encourage leasing which is, in most cases, the most expensive alternative as compared to lease/purchase agreements or purchasing existing buildings. For example, GSA was leasing three floors of the four-story Atrium Building in Herndon, VA, from a private developer that subsequently went bankrupt. Riggs National Bank of Washington, DC, foreclosed and shortly thereafter offered GSA a lease-purchase agreement for the entire building including the vacant fourth floor, that would, including maintenance expenses, be cheaper than the current lease terms. However, because OMB would have required that GSA be scored in both budget authority and outlays for the entire cost of the lease/purchase, and GSA was unable to program additional funds to cover the requirements, the agency was unable to take advantage of the offer which was clearly more cost-effective.

The scorekeeping rules and the cost of acquiring buildings has pushed the Government toward leasing and away from ownership. In 1969, the Federal Government owned 90 percent of the buildings it occupied. Today, just 56 percent of Federal office space is in Government-owned buildings. Consequently, more and more Federal dollars go down the drain in rent with nothing to show for it. Individuals and businesses alike understand the importance of building equity. Unfortunately, the trend suggests that the Government does not.

What is more disturbing about the Federal Government's repeated failure to choose the least-costly options is the fact that GSA's property program was designed to be self-sustaining. In 1972, Congress established the Federal building fund as a revolving fund to cover GSA's cost of rent, repairs, renovations and to pay for the construction of new Federal buildings. The fund receives revenue from rent that agencies pay to GSA. Over the years, the fund's revenues have not been able to keep pace with the cost of basic repairs resulting in billions of dollars in deferred maintenance and no available funds for construction projects. Consequently, Congress has authorized the fund to borrow extensively from the Federal Financing Bank and subsidized the fund with direct appropriations.

Mr. President, the Federal Government's property management program is in need of reform that will permit it to function more like a business and less like a Federal construction program that benefits few, is paid for by all, and hurts the already struggling commercial real estate market. If the Government has a legitimate need for additional office space then why doesn't it take advantage of all the modern overbuilt office space that exists and acquire, lease, or lease-purchase, existing buildings which are much cheaper than new construction.

It is my hope that the legislation I propose today will jump start the reform of Federal property management. My legislation directs the Office of Management and Budget to examine Federal property management policies and make the changes necessary to improve coordination between Federal agencies, promote cost-effective property acquisition strategies and realize cost savings. Clearly, changes are needed to more effectively manage the Nation's real estate portfolio.

Mr. President, my legislation also urges OMB to encourage all Federal agencies to modify building requirements, such as GSA's consolidation goals, in such a way as to permit the kind of flexibility that will allow the Government to achieve the greatest cost-effectiveness. Requirements should promote flexibility so that agencies may realistically consider the purchase, lease, lease/purchase of existing buildings at market rates, including those owned by the RTC and FDIC, rather than requiring new construction. New construction should only be considered as a last resort and only when it is most cost-effective option.

My legislation further directs OMB to review its scorekeeping rules and determine what changes are necessary to permit the Government to consider a variety of options and choose those which are most cost-efficient. The current scorekeeping rules, in some cases, encourage the Government to be penny wise and pound foolish.

Mr. President, the public will not be fooled if Congress professes outrage about agency mismanagement and the waste generated by one Federal program or another but fails to pass meaningful solutions. Likewise, the administration will not fool anyone if it invites citizens to call a series of toll free 800 numbers to report waste and mismanagement but nothing happens. Inaction will only continue to fuel public discontent and confirm the public's view that we aren't serious about changing the way Washington does business.

My legislation may deal with only a single program but it is one step down the road of rethinking how Government works. If passed and implemented, this legislation should result in significant savings. It will also provide a small dose of the medicine that must be administered if we in Washington ever hope to cure the chronic distrust, anger and cynicism felt by the American people about their Government.

So, Mr. President, the amendment that I am offering today would direct the Office of Management and Budget to review the budget scorekeeping rules which may not yield the most cost-effective results, make recommendations to encourage the lease or purchase of existing real estate and, in essence, overhaul the way in which we manage Federal property.

While it makes absolutely no sense to do what we are doing, Federal officials have not worked to change the way the system operates for fear of awakening a political giant. The public should applaud one courageous Senator, LAUCH FAIRCLOTH, who has come out publicly against a building in his State. But instead of praise, Senator FAIRCLOTH was the subject of editorial scorn. Virtually every paper in his State has criticized him for publicly opposing the construction of a new building, which is unnecessary, unneeded, and costly. Unfortunately like those in every other State who have an insatiable appetite for Federal dollars, the critics of Senator FAIRCLOTH simply want to take advantage of the Government's largess.

Mr. President, the reason we are in the trouble that we are in today is because we continue to milk the Federal Government for every possible benefit we can and then cry on the other hand that we are squandering millions, billions and trillions of Federal dollars. We cannot have it both ways.

We need more people like Senator FAIRCLOTH to stand up and say, "This will benefit my State. I realize that. A lot of people want it. But it is the wrong thing to do."

It is the wrong thing to do because if we continue on our present course we will tax ourselves into a recession and continue to borrow until we bankrupt our children and grandchildren. This has to stop.

So I offer this amendment as a first step in rethinking the way the Government spends money. I hope it will enjoy the support of my colleagues.

I ask unanimous consent that the Senator from New York [Mr. D'AMATO] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise in support of this amendment which seeks to improve the way the Federal Government manages property and houses its Federal workers.

As the chairman of a new Senate Environment Committee Task Force created specifically to review the leasing and construction practices of the General Services Administration, I know first hand that this area is ripe for reform. This amendment, offered by my colleague from Maine, starts us down the road toward making better, more cost-effective decisions involving Government office space.

This is definitely the road we need to travel. Taxpayers are not being well served by the current policies governing the leasing and building of office space for Federal workers. The General Services Administration spends well over $4 billion annually to provide and maintain Government office space. Yet as many press reports have noted recently, GSA is a terribly poor manager and its public buildings function is in disarray.

I think GSA is way off track sometimes.

For a variety of reasons, GSA has failed to take advantage of the downturn in the commercial real estate market. Instead of buying existing buildings at inexpensive prices or entering long-term leases at good rates, GSA has embarked on many costly new construction projects. GSA is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with commercial vacancy rates as high as 30 percent. And as my colleague from Maine has noted, GSA has failed to take advantage of a single building offered for sale by the RTC or the FDIC.

Mr. President, I have been at this issue for quite awhile now. I know that GSA is not solely to blame for the awful public buildings program we have.

Part of the problem rests with the Office of Management and Budget. It is OMB's rigid budget scorekeeping rules that discourage GSA from purchasing existing properties, even when such properties are downright bargains. OMB's rules require that the budget authority and outlays for an entire obligation, paid over a period of years, be scored in the first year the contract is signed. This stops GSA dead in its tracks when good deals for existing buildings come up.

Another problem is the Federal buildings fund. This revolving fund was created in 1972 to cover GSA's maintenance and repair costs for the Federal office space it owns and leases and to help pay for new construction. It is funded by the rent other agencies pay to GSA. The fund always comes up short and GSA is forced to obtain separate appropriations to finance much of its new construction. Obviously, there is little money in the fund to buy existing buildings when they do become available.

The amendment before us starts us down the road toward fixing these problems. It directs OMB to conduct a comprehensive review of Federal property management policies and procedures in order to make recommendations to maximize efficiency and help save tax dollars.

As part of the review, the Director of OMB must consider its budget scorekeeping rules to permit more flexibility in the Federal property management policy arena. In other words, OMB should encourage GSA to purchase or lease existing buildings in lieu of new construction when it is more cost-effective to do so. Second, the amendment would ask OMB to determine why the Federal buildings fund is not self-sustaining.

These are important matters. OMB should be looking at ways to make the Government's real estate program operate in a more business-like and cost-effective manner.

Indeed, I and my colleagues on the Public Buildings Task Force, Senators BOXER and SIMPSON, have already written to Vice President GORE urging him to help reinvent Government by looking at these and other issues.

Mr. President, I think the amendment before us gets at only the tip of the iceberg as far as GSA is concerned. It is a good amendment and I support it. There are many, many other issues which need to be addressed to make GSA operate in a more cost-effective and business-like manner.

First off, we must improve congressional oversight of the activities of GSA. There have been many gaps in the process by which we review GSA's public buildings projects. Last year, we had a problem when the Senate Appropriations Committee funded several projects which had not been duly authorized by the Senate Environment and Public Works Committee.

And after much ado in the House, it was added as a part of the appropriations bill. It wound up, as the Senator from Maine has pointed out, as becoming law. And at the 11th hour signing off by the members of the Environment and Public Works Committee, it came into our law. It was not the way to do it, and I am not sure we made the right decision.

We also need to change the way GSA measures office space. GSA does it differently from the private sector and this hampers effective oversight.

We also have to look at GSA's planning process. It takes far too long from the time GSA determines an agency's space needs until GSA obtains approval of a project prospectus from the Senate and House Public Works committees. Project cost estimates are made 2 or 3 years before the committees see them and do not reflect current market conditions.

Any attempts at agency reform must also include a review of conflicting policies which impact GSA's location decisions and affect the cost of housing Federal workers. Does GSA need to secure space in the cities or the suburbs? And we simply must address the pernicious revolving door syndrome at GSA which undermines morale and hinders effective leadership of the agency.

It is unbelievable but in the past 16 years, the GSA Administrator's slot has changed hands 14 times and the Public Commissioner position has been filled by 13 different individuals. GSA needs continuity of leadership.

These are but some of the areas the task force, under the purview of the Senate Environment and Public Works Committee, will explore and work on in the months ahead. It is my hope that others who are interested in reform and saving tax dollars will join in the effort to fix the way the Federal Government leases and builds office space for its workers.

Having said that, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend Senator COHEN, the Senator from Maine, for a thoughtful amendment. He has pointed out a number of areas where we have just shoveled hundreds of millions, billions of dollars, into a hole. Not only that, when we have deliberately taken people out of good office space that we are getting our best dollar value out of, to put them into either something that we construct or into a more modern facility, sometimes costing us two and three times as much, exacerbating the vacancy rates that we have, it just makes no sense.

In New York City, we have a 17-percent vacancy rate. For us to be constructing, willy-nilly, additional space is wrong and it is wrong to do that in any area, whether it be in Atlanta, Philadelphia, or whether it be the big hole in the ground that we have across the street from the Commerce Department.

How many hundreds and hundreds and hundreds of millions of dollars will that cost us? Maybe we ought to examine some of these projects and try to save the taxpayers' money.

We are talking about increasing taxes to reduce the deficit. I have to tell you, we have it wrong. We have to cut the spending, and then you do not increase the deficit. Cut the spending.

I just want to say, because we want to move this process along, I commend the Senator from Maine. I look forward to working with him because this is a very important area. I can tell you right now, in the city of Washington, we have departments who have plans; they have submitted them. They are pushing to spend hundreds of millions of dollars in new office construction, and there is no reason to do it. Absolutely. Except it gives aggrandizement to some administrator because he or she now has this beautiful place, Taj Mahal. And the taxpayers are suffering as a result of it, and commercial real estate values go down as well when you have these huge vacancy rates, and we ignore the opportunity to save money.

I hope this is the beginning of an effort for us to redirect our priorities. I urge we accept this amendment. We have no objection on this side.

Mr. SPECTER. Mr. President, I would like to comment on the amendment offered today by Senator COHEN and respond to the project he mentioned regarding the General Service Administration's proposal for construction of a new Federal center in Philadelphia.

First, allow me to briefly describe this project for my colleagues. The General Services Administration [GSA] and the U.S. Postal Service [USPS] have proposed the construction of an 11-story Federal office building at 30th and Walnut Streets in Philadelphia. The owner of the building will be the U.S. Postal Service. The General Services Administration will be the tenant. The building will comprise some 1 million square feet of space for approximately 5,600 Federal employees of regional agencies.

The Philadelphia Federal Center is designed to make the Government's operations in Philadelphia more effective and save Federal tax dollars. Current Government leases in Philadelphia are located in older, substandard buildings which cannot be made to meet the current standards without major renovations such as retrofitting sprinkler systems, new elevators, or handicapped accessibility. It is estimated that the cost to construct a new building is significantly less than the cost of these major renovations. In addition, this new building will allow several agencies in Philadelphia to consolidate in one location which will offer the Government state-of-the-art office facilities for increased efficiency of public services.

It is unclear to this Senator where my colleague from Maine obtained his data regarding costs associated with the Philadelphia Federal center. Senator COHEN stated that this project will cost over $250 million. In fact, the most recent construction costs are considerably lower, estimated at $190 million. Further, my colleague states that space in Philadelphia can be purchased between $100 and $125 a square foot. In fact, that space in Philadelphia would be inadequate for long-term occupancy due to inefficient building systems and efficiency standards. Further, a great majority of available space are not large blocks of space which will provide efficiencies and cost savings to the Federal Government.

Mr. President, the amendment offered by Senator COHEN is a good amendment. Certainly, increased review of projects proposed by the General Services Administration is prudent to ensure that scarce Federal tax dollars are used most effectively. I would point out, however, that the proposed Federal center in Philadelphia has been thoroughly reviewed by the Office of Management and Budget, as well as the General Services Administration, the U.S. Postal Service, the House Committee on Public Works, the Senate Appropriations Committee, and the Senate Committee on Environment and Public Works.

The Office of Management and Budget reviewed the merits of the project along with the scoring of its costs prior to the approval of the project's prospectus in September 1992. When a Government agency proposes to enter into a contract for the purchase, lease-purchase, or lease of a capital asset the matter must be approved by the Office of Management and Budget. The Office of Management and Budget's review and scoring of the project resulted in its approval of the construction by the Postal Service under a lease agreement with the General Services Administration.

As approved by OMB, the lease agreement for the Federal center guarantees the Government and the taxpayers extremely favorable rates locked in for 60 years, the first 40 years without an escalation in rates. The project is expected to save money through more efficient operations and decreased rent expenses.

The Federal Government, through the General Services Administration and Office of Management and Budget, has the duty to pursue the most effective use of Federal tax dollars. The amendment by Senator COHEN attempts to ensure that the Federal Government will pursue only the most effective operations at the most efficient costs to the taxpayer. Mr. President, I am simply pleased to point out that the project, as proposed by the General Services Administration in Philadelphia and reviewed by the Office of Management and Budget, meets this criteria.

Mr. RIEGLE. Mr. President, I am also in support of this amendment. I am prepared to accept the amendment and upon doing so, I want to move to the amendment of the Senator from Minnesota.

At this time, I urge we accept the amendment offered by the Senator from Maine.

Mr. COHEN. May I ask also that Senator DOMENICI be added as a cosponsor, if he is not already on, and Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Has the amendment by the Senator from Maine been offered?

AMENDMENT NO. 355

(Purpose: To improve the cost-effectiveness of Federal property management)

Mr. COHEN. Mr. President, I have sent the amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. DOMENICI, Mr. D'AMATO, and Mr. LAUTENBERG, proposes an amendment numbered 355.

Mr. COHEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. ___. COST EFFECTIVENESS OF FEDERAL PROPERTY MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b) COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(2) INCLUDED IN REVIEW.—The review required by this subsection shall include—

(A) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(i) the purchase, lease, lease/purchase of existing buildings at market rates; and

(ii) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(B) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(C) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

(c) REPORT.—Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this section to—

(1) the Senate Committees on Governmental Affairs, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 355) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 357

(Purpose: To require the General Accounting Office to verify the certifications made by the Secretary of the Treasury and the Chairperson of the Federal Deposit Insurance Corporation and making additional certifications)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mrs. MURRAY, proposes an amendment numbered 357.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 3, strike the quotation marks and final period and insert the following:

"(M) INDEPENDENT REPORT BY THE GENERAL ACCOUNTING OFFICE.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid pursuant to a certification under clause (i) or (ii) of subparagraph (K) by the Secretary of the Treasury to the Savings Association Insurance Fund for 60 days after such certifications are made. During such 60 day period, the Comptroller General of the United States shall transmit a report to the Congress that—

"(i) states whether such certifications have been verified; and

"(ii) states whether—

"(I) further increases in the deposit insurance premiums paid by Savings Association Insurance Fund members could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income;

"(II) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semi-annual assessments under section 7(b) during such year at the assessment rate which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(III) an increase in the assessment rate for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default).".

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator MURRAY, from the State of Washington, be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, my amendment would require the General Accounting Office, [GAO] to report to Congress prior to the Treasury releasing taxpayer funds to the Savings and Loan Insurance Fund [SAIF] on the ability of the savings and loan industry to pay or to borrow money to capitalize its insurance fund.

In addition, this amendment requires the GAO to report independently that the FDIC and the RTC are implementing the reform measures.

What this amendment does is to make sure—is to make sure—that taxpayers are the wallet of last resort. What this amendment does, I repeat, is to make sure that taxpayers will be the wallet of last resort. Not the wallet of first resort.

It is one thing to pay off this debacle. It is quite another thing when we talk about capitalizing the insurance fund. And what we want to make sure of is that before we dish out any more funds, we are absolutely sure that the S&L's have carried their own responsibility to recapitalize their depleted deposit insurance fund.

My amendment, I believe, provides an extra layer of accountability to the stamp of approval by the Treasury to use taxpayer dollars.

My amendment looks to the GAO, because that is our separate accounting arm. I am convinced if we, in fact, establish this additional layer of accountability, we will have an opportunity to take a close look, by way of oversight—and I know my colleagues will be very much a part of that—to make sure that before any taxpayers' money goes into that insurance fund, we know with certainty that the S&L industry itself was not capable of being able to raise their own money or borrow money for that fund.

We must be extremely careful that the public perceives our actions as providing maximum safeguards against any raids on the Treasury. And, considering the fact that billions of dollars, taxpayers' dollars, have been shelled out already, it strikes me that the more accountability we build into this process by way of any certification, the better off we will be in terms of good public policy and the better off we will be in terms of keeping our trust with the people in this country.

Deposit insurance has become one of the most expensive Government programs in the United States of America, and it deserves the strongest possible congressional oversight. I believe this amendment contributes to that oversight.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I want to commend the Senator for his amendment. I think it is thoughtful, and it is certainly one that we can support.

I have one concern, though, and that is what happens if there is an emergency situation in which the SAIF needs funds immediately? Is there any waiver for an emergency situation? Would the Senator be willing to deal with that?

AMENDMENT NO. 357, AS MODIFIED

Mr. WELLSTONE. Mr. President, I send an amendment to the desk which would insert the language, "unless the Secretary determines and notifies the Congress that an emergency exists", which I believe would speak to the concern of the Senator from New York.

The PRESIDING OFFICER. Is the Senator asking to modify the amendment he earlier sent up?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment, with its modification, is as follows:

At the end of section 3, strike the quotation marks and final period and insert the following:

"(M) INDEPENDENT REPORT BY THE GENERAL ACCOUNTING OFFICE.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid pursuant to a certification under clause (i) or (ii) of subparagraph (K) by the Secretary of the Treasury to the Savings Association Insurance Fund for 60 days after such certifications are made. During such 60 day period, unless the Secretary determines and notifies the Congress that an emergency exists, the Comptroller General of the United States shall transmit a report to the Congress that—

"(i) states whether such certifications have been verified; and

"(ii) states whether—

"(I) further increases in the deposit insurance premiums paid by Savings Association Insurance Fund members could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income;

"(II) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semi-annual assessments under section 7(b) during such year at the assessment rate which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(III) an increase in the assessment rate for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default).".

Mr. D'AMATO. Mr. President, with that modification, this Senator sees no objection and again congratulates the Senator from Minnesota for his excellent and thoughtful amendment.

Mr. WELLSTONE. I thank the Senator from New York.

Mr. RIEGLE. Mr. President, I also want to indicate my support for the amendment of the Senator from Minnesota. I want to thank him for not only his initiative but also for the constructive way in which he has worked with the committee. I think, by presenting it in this form and with the modification just sent to the desk, this is a very helpful addition to the bill.

As I say, I am in support of it. If there is no further debate and if it is in order, I urge we adopt the amendment at this point.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 357), as modified, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. I thank the Senator from Michigan and the Senator from New York.

Mr. RIEGLE. Mr. President, let me just indicate now that Senator DORGAN, I know, has a matter that he wants to present. He had a timing conflict where he is in the middle of a press event where people have traveled in from, I believe, his home State. Upon the completion of that, which should be very soon, I think his intention is to come to the floor and present his amendment. We are prepared to have him do that.

I should say that, we are down to a very few other outstanding amendments that may be left. There is an amendment to be offered by Senator GRAHAM, of Florida, which we are prepared to accept, and we can also take that up at this time.

So let me also make the general suggestion to him, in light of the fact that we now have moved through all the other pending amendments, that we are prepared now either for the Dorgan or Graham amendments and would like to proceed with those at the earliest possible time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

AMENDMENT NO. 358

Mr. GRAHAM. Mr. President, I send an amendment to the desk on behalf of myself and Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. HARKIN, proposes an amendment numbered 358.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. SENSE OF THE SENATE RELATING TO PARTICIPATION OF DISABLED AMERICANS IN CONTRACTING FOR DELIVERY OF SERVICES TO FINANCIAL INSTITUTION REGULATORY AGENCIES.

(a) FINDINGS.—The Senate finds the following:

(1) Congress, in adopting the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101, (the ADA) specifically found that:

"(a) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing;

(b) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(c) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(d) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(e) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(f) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(g) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the chief executive officer of the Resolution Trust Corporation, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Housing Finance Board shall take all necessary steps within each such agency to ensure that individuals with disabilities and entities owned by individuals with disabilities, including financial institutions, investment banking firms, underwriters, asset managers, accountants, and providers of legal services, are availed of all opportunities to compete in a manner which, at a minimum, does not discriminate on the basis of their disability for contracts entered into by the agency to manage the institutions and their assets for which the agency is responsible or to perform such other functions authorized under any law applicable to such agency.

Mr. GRAHAM. Mr. President, this is in the nature of a sense-of-the-Senate resolution relative to the participation of disabled Americans in contracting for delivery of services to financial institution regulatory agencies.

There has been, unfortunately, instances in which disabled persons, particularly the blind, have been denied the opportunity to render professional services to the financial institution regulatory agencies. It is the purpose of this amendment to bring this issue to the attention of the Senate and to the regulatory agencies and call upon them to operate in all ways in such a manner as to not discriminate on the basis of disability for contracts entered into by those agencies.

This amendment is not intended to deal with the issue of whether minorities should be part of the group that has special preference in contract set-asides and others, but at least to establish the principle that the disabled should not be discriminated and denied the opportunity, because of their disability, to render services to these financial institution regulatory agencies.

Mr. President, I urge adoption of the sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there further debate?

Mr. RIEGLE. Mr. President, there is not any further debate. I can represent that this matter has been cleared on the Republican side, with Senator D'AMATO and his staff. It has been cleared on this side. I think it is a useful addition to the bill.

I thank the Senator from Florida. The Senator from Florida was previously a member of our committee, and we miss him very much. But I can see that he has not lost his interest in matters before the committee. They are matters of interest of longstanding. So we are pleased to accept the amendment. When time is appropriate, I will urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

So the amendment (No. 358) was agreed to.

Mr. GRAHAM. I thank the Chair. I thank the chairman.

Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 359

(Purpose: To establish a task force for the investigation and prosecution of crimes in or against federally insured savings associations and to provide for the appointment by the Attorney General of a Special Counsel for Thrift Fraud)

Mr. DORGAN. Madam President, I call up amendment No. 359, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. CONRAD, and Mr. MATHEWS, proposes an amendment numbered 359.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. 6. TASK FORCE ON THRIFT FRAUD.

Section 2539 of the Crime Control Act of 1990 (28 U.S.C. 509 note) is amended by adding at the end the following new subsection:

"(d) TASK FORCE ON SAVINGS ASSOCIATION FRAUD.—

"(1) ESTABLISHMENT.—The Attorney General shall establish within the Department of Justice, in accordance with subsection (a), the Thrift Fraud Task Force to coordinate and assist in the investigation and prosecution of crimes in or against federally insured savings associations (as defined in section 3 of the Federal Deposit Insurance Act).

"(2) SPECIAL COUNSEL FOR THRIFT FRAUD.—The Thrift Fraud Task Force shall be headed by a Special Counsel for Thrift Fraud, appointed by the Attorney General.

"(3) DUTIES.—The Thrift Fraud Task Force, under the direction of the Special Counsel for Thrift Fraud, shall—

"(A) assist, consult with, and advise all Federal agencies engaged in the investigation and prosecution of criminal fraud cases involving federally insured savings associations;

"(B) establish a system of information on the adequacy of Federal agency staffing for such cases;

"(C) determine the adequacy of such staffing; and

"(D) develop and assist in the implementation of measures for improving, if necessary, the effectiveness of the Federal investigative and prosecutorial efforts in such cases.

"(4) AGENCY COOPERATION.—Each member of the senior interagency group established under subsection (c), and all other relevant Federal agencies, shall provide such information, assistance, and cooperation to the Thrift Fraud Task Force as the Special Counsel for Thrift Fraud may request.".

Mr. DORGAN. Madam President, today we are debating in this Chamber additional billions of dollars for the bailout of the S&L industry. That bailout is required because in the 1980's there was a carnival of greed in the S&L industry by a number of people who systematically defrauded the S&L's, their depositors, and the American people.

Now, who is stuck paying the bill for this massive fraud? The American people, unfortunately, through these S&L bailouts. The 1980's will be recognized in history books as a decade of almost unprecedented speculation and greed, some on Wall Street, some from junk bonds, some from hostile takeovers, but much in the S&L industry as well.

We all understand the responsibility to address the bailout. The deposits in the savings and loans that failed were insured, and the Federal Government must make good on that. But the question is, what about those who defrauded these institutions? What will happen to those people? The American public wants to know, as we ante up U.S. tax dollars to bail out the S&L's, what is happening to those who helped cause the problem in the first instance?

About 64 percent of the RTC-controlled thrifts have suspected criminal misconduct that was referred to the Justice Department. The GAO has indicated that about two-thirds of all S&L's failed, in part, because of fraudulent actions.

My amendment addresses this in the following way: My amendment requires the Attorney General to establish within the U.S. Justice Department a special task force on S&L criminal fraud. The reason I offer the amendment is that I want the American people to understand that even as these bailouts take place, we have taken all of the spotlights and put them on the same spot to vigorously investigate and prosecute criminal fraud that occurred in the S&L industry.

The American taxpayers deserve to know that those who committed S&L crimes have had their assets seized, have been aggressively prosecuted, and have been required to pay restitution or spend time in jail. That is what the American people deserve to know.

Now, is that happening? The answer is no.

Is there some work being done in prosecuting those who defrauded the S&L industry? Yes, some, but not nearly enough. There is a task force in the Justice Department on financial institutions. But there is not a task force, and never has been a task force, in which all of the efforts and resources were marshaled to go after those who committed the greatest financial scandal in the history of this country.

Now, we have a new Attorney General, Madam President. She is a breath of fresh air in this Government. I think the world of Janet Reno. But she inherited a mess. The two previous administrations had people in the Attorney General's office who did not have any interest in creating a task force to make sure that we prosecuted those guilty of S&L wrongdoing and to ensure that we recovered assets that were acquired illegally.

We ought to decide today that we must move forward and require an S&L criminal task force fraud be established to give the American people the assurance that we are going to deal with this issue in a forthright way.

I want to show my colleagues a chart that ought to make the blood of every American boil when they look at it. This is the amount of fines and restitution ordered and collected in failed S&L fraud cases. This is a very small portion of it, but here is what has been ordered for restitution, and fines, and here is what has been collected: $220 million, as of July 1992, are the fines and restitutions that have been ordered; $6 million was collected. Would it make the average American angry to understand that over 95 percent of what has been ordered paid in fines and restitution from these wrongdoers has not even been collected? Of course, it would. They expect and demand better, even now as we move to further bail out this industry.

This record is not a good record. Some point out that there is already a task force on financial institutions fraud at the Justice Department using the FBI, Secret Service, and other agencies to investigate these cases. But frankly, most of the activity is in non-S&L areas; most is in the banking area.

This is the biggest financial scandal in the history of this country. I think we need to make sure, and give the American people the assurance that those who committed this fraud are going to have to pay for it.

I understand the Justice Department has reservations about my amendment. I offered it over on the House side and it passed. The only reason it is not now in law is it was in the crime bill, and that died in this Chamber last year. So I offered it again in this Chamber.

I have talked with the chairman of the committee about this subject. I have told him that, at his request, I will withdraw the amendment and reoffer it to the crime bill this year.

This ought to be law. I know the bureaucrats do not like it. They want things their way. But I think the American people ought to insist that the vigorous prosecution of S&L fraud cases move forward. I offered this amendment on behalf of Senators FEINGOLD, MATHEWS, BAUCUS, and CONRAD. I will not pursue a vote on this today and will withdraw the amendment, with the understanding among us that this will be offered to the crime bill, which the chairman has suggested to me.

I tell my colleagues, as I finish my statement, that—I understand the chairman's need to try to move this bill today—I think it also fits in the crime bill, which is where I would expect to ask my colleagues to vote on it again this year in the U.S. Senate.

Madam President, I am happy to yield to my colleague from Michigan.

Mr. RIEGLE. Madam President, let me say, first of all, that I appreciate the initiative of the Senator from North Dakota. I appreciate it not just here on this issue, but as he points out, he has been very active on this issue in his previous service in the House of Representatives, on more than just this aspect, but other related aspects. I think he has made a very important contribution in trying to corner this problem and solve it in a very direct way.

I think the points Senator DORGAN makes today are very important points. Going back to the original passage of the FIRREA legislation in 1989, we did, at that time, not only authorize specific requirements of investigative pursuit by the Justice Department, but we provided more money in the way of a direct allocation of funds than even they asked for. My memory is they asked for $50 million, and I think we provided $75 million. In any event, I know we provided more than they asked for. We do have a letter from the Justice Department today. I will not read it all. I ask unanimous consent that it be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. They argue that they are getting this job done now. I say, in response to the Senator's comments, that I think more needs to be done, and I think a more aggressive effort is required. I think the Justice Department needs to focus on this in a more intense way than it has.

I am supportive of what the Senator wants to do. I appreciate his willingness to put this matter on the crime bill. I think it is a more appropriate vehicle. One of the reasons it is, is that it helps us in terms of not getting into a jurisdictional dispute at a later point with respect to not just here, but to the other body as well; so that if we can get something like this in the crime bill, then it will be within the proper scope of the committee where the bill will originate and not get into a dual jurisdiction issue on the other body, as it would if put here.

I also appreciate his understanding of the need to move this legislation now in as clean a fashion as we can, because this issue has been outstanding now for well over a year. The RTC, today, does not have the funds it needs to close failed thrifts, and losses are mounting. So that anything that impedes the effort to get that done promptly, obviously, will cost us more money. That is a different problem, but it is nevertheless a real problem.

So I appreciate the understanding and the work of the Senator from North Dakota. I am supportive of what he is endeavoring to do here, and I intend to be supportive of his approach when he offers it on the crime bill.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 12, 1993.

Hon. BYRON L. DORGAN,
U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: This is in reply to your letter to the Attorney General dated April 1, 1993, in which you advised her that you are considering offering an amendment to the Resolution Trust Corporation funding bill, S. 714, which would call "for the establishment of a savings and loan criminal fraud prosecution task force within the Justice Department." We understand that the amendment you are considering would also establish a new "Special Counsel for Thrift Fraud" within the Department. We appreciate your efforts on this issue and your seeking to consult with the Department before offering your amendment. In our view, however, new legislation is unnecessary and could interfere with the Attorney General's ability to organize and administer the Department in the most effective and efficient manner.

Our principal concern with the proposal is that the Congress created what is essentially a task force—and did create a new Special Counsel—within the Department of Justice when it enacted the Financial Institutions Reform, Recovery and Enforcement Act of 1989 and the Crime Control Act (CCA) of 1990. A key aspect of the CCA was to codify the position of Special Counsel for Financial Institution Fraud, which was initially established by the Department to provide central leadership and direction for the financial institution fraud (FIF) enforcement effort. The CCA requires the Special Counsel to supervise and coordinate FIF matters within the

Department and to ensure adequate resources are available. This, in turn, requires a continuing effort by every other component of the enforcement team which forms the nucleus of a task force—most notably, the Senior Interagency Group, the United States Attorneys, the Criminal, Civil and Tax Divisions of the Department of Justice, the Executive Office for United States Attorneys, the Federal Bureau of Investigation and other involved federal law enforcement agencies, the Interagency Bank Fraud Enforcement Working Group, and the depository institution regulatory agencies.

This team has endeavored to develop an effective program which will bring to justice those who victimized federally insured financial institutions. Its enforcement goals are to (1) concentrate investigations on cases which are the most detrimental to the banking industry, a group we call "major cases," (2) prosecute those cases when it is appropriate, and (3) recover as much as we can of the funds which were obtained through fraud. The progress in prosecuting major FIF cases around the country, as reflected in the substantial numbers of convictions obtained in major cases, is a testament to the efforts of prosecutors and investigators alike. More important here, though, is that the achievements of the program are in no small measure attributable to the enforcement structure now in place.

For all of these reasons, new legislation establishing a task force or a new special counsel is not needed. Moreover, the establishment of such a task force or special counsel by statute could needlessly interfere with the ability of the Attorney General to manage the Department. We believe, instead, that the Attorney General should retain as much discretion as possible to ensure that she is able to respond with flexibility to new problems as they arise.

We appreciate your interest in the Department's efforts to investigate and prosecute financial institution fraud cases. Please do not hesitate to contact me if you require additional information on this or any other matter.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

M. FAITH BURTON,
Acting Assistant Attorney General.

Mr. MATHEWS. Mr. President, I am pleased to join Senators DORGAN and FEINGOLD in this amendment, and I rise today to speak of two things: First an apology we owe the American people, and, second, a promise we must make to protect the future savings of the American people.

Earlier this week, this body consumed considerable time in the passage of a bill that basically said we are not going to let a lobbyist buy us dinner anymore, or join them in a special performance at the Kennedy Center.

If, by doing this, the public now has greater confidence in us, then perhaps we spent our time wisely. Perception is important in Government.

Today, however, we must deal with reality—not perception.

We must tell the citizens of this country that one of the big reasons we could not afford a $17 billion stimulus package is that we are being called upon to add another $35 billion to the $105 billion already appropriated to bail out the failed thrift industry.

We're going to ask the American taxpayer to cough up another $35 billion to insure that the savings, which the American public had entrusted to our Federal financial institutions, are there for their retirement.

Madam President, it is possible that this will be the most painful vote I will have to cast during my tenure in the Senate.

It pains me that we must put another $35 billion into the savings and loan debacle.

At this point, we have no choice but to go ahead and finish cleaning up the mess.

After all, we have promised insured depositors at these institutions that their money was backed by the full faith and credit guarantee of the Federal Government.

What is more, the RTC estimates that delay in providing these funds adds to the cost of resolving existing conservationships by $3 million a day.

As the Congress votes to appropriate these funds, however, I believe we must offer an apology to the American people for this boondoggle perpetuated during the 1980's.

I sometimes hear the 1980's referred to as the decade of greed and in the case of the savings and loan crisis, that would certainly be an appropriate label.

A laissez-faire attitude of the past 12 years allowed directors of S&L's to make loans that never should have been made, pursuing deals to make a quick personal buck, regardless of the implications for the long-term financial health of the institutions they were supposed to be managing.

At the same time, the Government agencies that should have exercised oversight of these institutions turned a blind eye to the ongoing abuse and mismanagement.

So today, we must offer two things to the American people:

First, an apology for this disaster.

Second, a promise that we will work diligently to ensure that this never happens again.

We do not need to overreact and drown financial institutions in burdensome, unnecessary paper and regulators, but we certainly need to be sure that Government adequately plays its important regulatory role.

Since 1989, the Congress has provided the RTC with $105 billion to pay for losses incurred in resolving failed thrift institutions.

Today, we are voting to make available another $35 billion.

When we stop to consider what we could have done with these funds otherwise, this seems like nothing short of a tragedy.

We could finance the entire State government of my State of Tennessee for 14 years.

The sum of $140 billion is more than we will need to extend health care coverage to every American citizen.

The sum of $140 billion would have covered the entire budget of the Department of Education for over 4 years, 4 years of student loans, Pell grants, chapter 1 educational programs, teacher training, to name just a few of the worthy projects in that Department.

For less than the amount we have spent on the savings & loan disaster, we could have built all the wastewater treatment plants needed in this country.

Or, of course, we could have taken a good-sized chunk out of the deficit.

Madam President, I commend my colleague Senator DORGAN of North Dakota, and join him in supporting language that will establish a criminal fraud unit, a unit that will help us keep our promise that this will never happen again.

Mr. DORGAN. Madam President, I heard this morning from the Justice Department as well. They are not supportive of this. My intention is not to hinder the Attorney General. This Attorney General is an outstanding public official who is going to create, I think, an outstanding record. My intention is not to hinder but to help this Attorney General.

Yet the bureaucracy tends to eat up initiatives that we ought to consider. The bureaucracy exists before we get here and remains long after we are gone. But Congress spends the money; we are the ones that ask our constituents for the money. I am saying, on behalf of my constituents, that they expect a much more vigorous job than has been done in past years to prosecute S&L fraud. That is my intention with this amendment. I very much appreciate the statement of the chairman, Senator RIEGLE, and I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

The amendment (No. 359) was withdrawn.

Mr. RIEGLE. Madam President, I appreciate the work and leadership of the Senator from North Dakota, and I look forward to this issue coming back around at a later time on that other legislation.

Let me now indicate that the Senator from California has an issue she wants to discuss; so let me yield now so that we might proceed with that.

(Mr. DORGAN assumed the chair.)

Mrs. BOXER. Mr. President, I thank the chairman for yielding me this time. I compliment him on his leadership, as we go through this bill. I also would like to say to my colleague from North Dakota, Mr. DORGAN, how much I appreciate his leadership on this entire issue of going after those who deserve to be punished for their actions. I, too, will support him as he moves his amendment to the crime bill.

I want to take a moment to enter into a colloquy with the distinguished chairman and manager of this bill regarding an issue I believe critical to the continued health of our banking and thrift institutions. The issue concerns extensions of credit by member banks to any of their executive officers, directors, and principal shareholders, individuals who are known as insiders.

As one of the guardians of taxpayer dollars, and given the role played by insider lending in bank and thrift failures over the past few years, I believe that our current rules regarding insider lending must be strengthened. As long as taxpayer dollars, Mr. President, provide protection for private sector business decisions we are obligated to minimize the possibility of abuse.

Mr. RIEGLE. If the Senator will yield, I respond by saying that I, too, recognize the problems posed by insider lending. As the distinguished Senator from California knows, I have asked the GAO to report back to the Banking Committee with its analysis of the role insider lending has played in recent bank failures. The GAO has reached some preliminary conclusions, and I am hopeful, in terms of the indications we have from them, that the study will be finalized before the August recess.

Mrs. BOXER. Mr. President, I have drafted legislation to address the insider lending problem, and I intend to introduce that bill. I considered offering my bill as an amendment to the pending legislation, but I have chosen to await the GAO study commissioned by the chairman and Chairman Gonzalez, which should provide critical data, further illuminating the depth of insider lending problems.

Mr. President, I would like to ask two questions of the chairman: First, will he schedule a hearing on the problem of insider lending once the GAO report he requested is released? Second, after the conclusion of that hearing on insider lending, it is my understanding that the chairman would be willing to work with me on appropriate legislation.

Mr. RIEGLE. The answer to both questions is yes. I want to say that I appreciate and commend the Senator for her leadership in this area and, for that matter, many others as well. I agree with my colleague that this is an important issue that does merit a hearing, and I will schedule a hearing at a mutually convenient time after the GAO report is released.

I very much look forward to working with the Senator and with others in developing appropriate legislation, as we determine it is needed here.

Mrs. BOXER. Mr. President, I thank the chairman for his leadership on this issue. Without that GAO study, we would not know the extent of the problem that is caused by insider lending. So I do look forward to that report and to working with my chairman and other Senators on this very crucial issue.

I yield back my time.

Mr. RIEGLE. Very good. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, this is a story of responsibility, accountability, and honesty.

It seems to me that the policies of the past decade were all too often designed with the idea that Government is bad. In the early 1980's, when I was teaching preschool, I heard the call of the Reagan-Bush era: "Let's not get involved. Let's let the thrift industry and the Nation's savings and loans do whatever they want. This was the anthem of the 1980's—don't worry, be happy."

Then, when things fell apart, no one was happy. The abuse was obvious. S&L's collapsed in many parts of the country, and the Bush administration had to set up the Resolution Trust Corporation to clean up the mess. Again, everyone thought: "Let's let the RTC do its job. Let's not burden the RTC with too much oversight. Let's not get involved."

But, Mr. President, we are here today because it is our job to be involved.

There is a compact between American savers and their Government, and everyone understands its terms and its importance: We put our hard-earned money in accounts which are covered by Federal deposit insurance, and the Government guarantees it up to $100,000. This compact is the foundation of our savings system. It is the foundation of our economic stability.

We are here today because something went wrong when the Government reneged on its responsibility. It appalls me that the RTC needs billions of dollars to continue this bailout because the Government let down its guard and essentially gave away its duties to someone else. We cannot just hand out money to the RTC blindly. The RTC has proven that it is sorely in need of oversight.

Like it or not, our job as legislators is to see that the Government's money—the people's money—is being spent wisely and without waste.

That is why I support the changes to the RTC funding bill, which Chairman RIEGLE has placed in the managers' amendment. These changes are a beginning in restoring accountability, responsibility, and honesty, to this S&L crisis. I applaud the chairman for his leadership on this issue.

I must also praise my colleagues who sit at the end of the dais of the Banking Committee with me—especially Senator BARBARA BOXER and Senator CAROL MOSELEY-BRAUN. They have taken a fresh look at this extremely difficult issue. For months, we have worked with Senator JOHN KERRY and Chairman RIEGLE to implement what we see are much needed reforms to the RTC before we could agree to additional funding.

Accountability. Responsibility. Honesty. The story of the RTC is more home economics than rocket science.

Well, what about accountability? Mr. President, as you know, our Government has spent $86 billion since the summer of 1989, paying off more than 22 million depositors, who had accounts in failed S&L's. Of this $86 billion, approximately $74 billion has been paid to depositors to actually cover their insured deposits. This leaves about $12 billion—nearly $3 billion per year—for administration and overhead. Three billion dollars for overhead? How many Head Start programs could have been funded for that amount? How many children could have been immunized? The RTC has spent in overhead the equivalent of President Clinton's entire stimulus package which was filibustered in this body.

And, what about responsibility? To date, only $1 billion has been recovered in restitution from those involved in this debacle. Since October 1, 1988, 1,358 people have been charged with S&L criminal violations, but only 685 of them have been sent to prison. Someone has let the crooks get away with highway robbery.

And, what about honesty? As I campaigned last year on the streets of Tacoma and up and down the hills of Seattle, I heard a constant refrain: The Government does not speak the language that American people speak. Fundamental change is needed in the way things are done in Washington, DC. What this means to me is that people want the Government from the top down to level with them. Change and honesty means that there must be accountability written into this bill.

Mr. President, it would be easy for me to vote for no additional funding. When I read my mail from my friends and neighbors in Washington, I feel like voting no. Everyone in the State of Washington knows that this problem is centered largely in Texas. Failed thrifts in the State of Washington held assets of $329 million. But the citizens of Washington have contributed nearly $2 billion in their tax dollars to the cleanup. I will not allow any more money from the State of Washington to be sent south and go down the drain.

It would be easy for me to vote no. I am angry about the bailout. I am angry about a Government that did not do its job. I hate the fact that, as a taxpayer, my family and my neighbors have to pay for this mess. But I also realize that there are a lot of little old ladies who put their life savings into a thrift they thought was being managed responsibly, and they are depending on their money being there when they go to pick it up.

It would be easy for me to vote no, because I think about what might have been. When I see what that money could have been spent on, in the State of Washington, I get angry. When I visit a 6th-grade classroom and see 35 growing kids crowded into a room because we cannot afford more teachers, I get angry. When I see our emergency rooms packed with families without health care, I get angry. When I see nobody fishing in Puget Sound, as I did when I was a kid, because there is no money to clean it up, I get angry. The way this Government has prioritized its money in the past has made no sense. And it is time for a change.

I have listened to the people of Washington tell me horror stories about their experiences with the Resolution Trust Corporation. They tell stories of serious underpayment, low prepayment offers, mismanagement, favoring big money interests over small investors. No accountability, no responsibility, and no honesty.

I understand that this is yet another mess inherited by President Clinton. I understand that we need to fund the RTC, but I will tell you that my money and my constituents' money had darn well better be spend wisely. That means no more big bonuses for executives, no more lining the pockets of contractors, no more gilding the lily. Every single penny of our money should go as quickly and efficiently as possible to those depositors who lost their money in this savings and loan mess.

That is why we must pare down the amount we authorize to the bare minimum and put as many strings on this money as possible. There is an old saying which I am going to apply to the RTC: "In God We Trust, all others pay cash."

I get hundreds of letters a week from the citizens of Washington, who tell me to cut spending first. Well, here we go, Mr. President, let us cut some spending. Let us get involved. Let us put accountability into this disaster. Let us support the chairman's amendment, let us get the cleanup finished, and let us put this RTC out of business.

Mr. RIEGLE. Mr. President, if I may, I just want to respond briefly to the Senator from Washington and thank her for her very important leadership on the committee and on this issue and for the statement she has just made and the frustration that she cites. Believe me, it is widely shared by all of us in this institution.

I would say this: She cited one number that I just will take a moment to elaborate on in terms of where the losses had occurred and where the money has gone to cover those losses.

In the work that we have done in the Banking Committee, it has been determined that in all the S&L losses in the country's failures of institutions, over half of all the losses occurred in institutions in just one State, which she mentioned, namely, the State of Texas. More importantly, that occurred in State-chartered institutions in that State which had a different range of activities authorized by State law that were different from and more far ranging than what was granted in a Federal savings and loan charter. And yet through, I think, a misapplication of our laws, we were allowing the Federal deposit insurance guarantee to apply not just to federally chartered institutions but to State-chartered institutions, and where those charters were much too broad, that is where the losses piled up.

So over half the total losses occurred in just one State, namely, Texas, through its State-chartered institutions; and, secondly, the next 20 percent, the next largest share, also occurred in the State-chartered institutions in the State of California.

So if you add up the State-chartered institutions in just those two States that is 70 percent of the problem. When the Senator cited that minuscule amount of assets represented by S&L failure in her home State, that is equally true in my home State of Michigan.

So it can fairly be said that this problem, for the most part, occurred in a very limited number of places. It was not a 50-State problem.

Now, it can also be said that, because of broker deposits and other things, sometimes savers were having their money shipped around the country and they may very well have ended up in a Texas institution or an institution in some other State. So that when that failed and their insured deposits were returned to them, that does not necessarily mean that that saver lived in Texas or California or some other place. But I think it helps illustrate the lopsided nature of where this problem came from.

The Senator is quite right in noting that standing behind the Federal deposit guarantee, there has been a disproportionate amount of that money go to a very limited number of places.

But I wanted again to thank the Senator for her constructive work in the fashioning of this bill. This bill is a better bill, in my view, with the safeguards in this, as a result of her participation and that of other Members whose names she cited, and that has been a very worthwhile contribution.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 360

(Purpose: To strengthen internal controls at the Resolution Trust Corporation by imposing certain requirements on the execution of certain contracts)

Mr. LIEBERMAN. Mr. President, I have an amendment which I send to desk at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. CHAFEE. Mr. President, I wonder if the Senator from Connecticut will yield for a brief question?

Mr. LIEBERMAN. I yield to the Senator

Mr. CHAFEE. I do not know how long the Senator is going to take. I just wanted to engage in a brief colloquy with the manager of the bill that would take maybe 5 minutes. It is not an amendment. I am not going to have an amendment.

Mr. LIEBERMAN. If the Senator will yield, this should take less than 5 minutes.

Mr. CHAFEE. I thank the Senator.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. WOFFORD, proposes an amendment numbered 360.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

SEC. . RTC CONTRACTING.

(a) No person shall execute, on behalf of the Corporation, any contract, or modification to a contract, for goods or services exceeding $100,000 in value unless the person executing the contract or modification states in writing that—

(1) the contract or modification is for a fixed price, the person has received a written cost estimate for the contract or modification, or a cost estimate cannot be obtained as a practical matter with an explanation of why such a cost estimate cannot be obtained as a practical matter;

(2) the person has received the written statement described in paragraph (b);

(3) the person is satisfied that the contract or modification to be executed has been approved by a person legally authorized to do so pursuant to a written delegation of authority.

(b) A person who authorizes a contract, or a modification to a contract, for goods or services exceeding $100,000, shall state, in writing, that he or she has been delegated the authority, pursuant to a written delegation of authority, to authorize that contract or modification.

(c) The failure of any person executing a contract, or a modification of a contract, on behalf of the Corporation, or authorizing such a contract or modification of a contract, to comply with the requirements of this section shall not void, or be grounds to void or rescind, any otherwise properly executed contract.

Mr. LIEBERMAN. Mr. President, it seems that almost since RTC's inception we have heard warnings from the General Accounting Office about the potential for waste through RTC's contracting activities. Over the past few years, unfortunately, we have had vivid examples of that waste and abuse.

First, we had what RTC called Operation Western Storm, which could have just as well and probably more accu-

rately been called Operation Wasteful Storm.

That episode was a $24 million contract that was let through a noncompetitive procurement. The inspector general concluded that there was at least $1.7 million in waste and $1.2 million in questionable costs in Western Storm.

When the Committee on Governmental Affairs, on which I am privileged to serve, held a hearing to examine Operation Western Storm, it became apparent that there were a number of contracting deficiencies that contributed to that waste of money.

First, the contracting department was never consulted about the contract. Even more astounding, despite the fact that RTC's delegations of authority clearly required noncompetitive procurements valued at over $50,000 to be submitted to the RTC board of directors for approval, RTC's officers never formally notified—they never even formally notified, let alone got approval from—the board of directors that a $24 million noncompetitive procurement had taken place.

At the committee hearing on Operation Western Storm, the senior executives of RTC testified that they would never do it again. And yet, just a short while later, in May of 1992, a vice president in RTC's headquarters signed a task order—a contract—with Price Waterhouse that would ultimately run to nearly $30 million and result, Mr. President, in copying charges—copying charges—of 67 cents per page.

Not only did that vice president of RTC lack written authority to execute any contracts, he also only had the authority to approve expenditures up to $1 million. So, even if the Price Waterhouse contract had only cost $4 million to $5 million, which is what RTC subsequently said it estimated at the time, the vice president in question had no written authority to approve that contract.

And we, the taxpayers, ended up paying 67 cents a copy, which anybody who has ever gone into a copy store knows is outrageous.

In fact, as a result of that hearing, Price Waterhouse ultimately gave $4 million back to the Government. But that, in my opinion, was even not enough.

How did these outrages come about? In both cases, the RTC officers who signed the contracts believed that they had received an oral authorization to approve them. In both cases, these purported oral authorizations came from senior vice presidents at the RTC. And we have seen here in these two episodes that costly results to the taxpayer of such shortcuts.

Mr. President, senior managers need to be accountable for the decisions that they make. As a practical matter, however, they are only accountable when they are forced to put their spending decisions down in writing. It is difficult to hold an officer accountable for an oral approval or an action taken based on an oral delegation of authority. With oral approvals, accountability falls with the frailty of human memory.

The amendment I offer today will address these problems by making the contracting officer the last line of defense against unauthorized expenditures which too often have been wasteful expenditures. Before executing a contract or a modification to a contract for goods or services exceeding $100,000—so it will not involve every contract RTC enters into, but only to the larger ones—the contracting officer is required to state in writing that:

First, the contract is for a fixed amount, is supported by a written cost estimate, or that a written cost estimate cannot be obtained as a practical matter with an explanation of why a written cost estimate cannot be made. Cost estimates are fundamental to good management, and the occasions in which cost estimates are not made in advance of signing should be extremely limited.

Second, the contracting officer has received a written statement from the person who authorized the contract or modification that the person had the authority to do so pursuant to a written delegation of authority.

Third, the contracting officer is satisfied, based on the cost estimate, the statement of the approving person, and RTC's written delegations of authority, that the person who approved the contract or modification had the authority to do so pursuant to a written delegation of authority.

The amendment separately requires the person who authorizes a contract or modification to certify that he or she had the authority to do so pursuant to a written delegation of authority.

Mr. President, I want to make a few points clear. This amendment will have no effect on contractors. This amendment specifically states that RTC's failure to comply with the terms of this amendment shall not void or be grounds for voiding or rescinding a contract. On the other hand, the whole harmless provision of this amendment is not intended at all to change or alter RTC's rights to seek to void or rescind unauthorized contracts. The whole harmless provision only holds contractors harmless against RTC's failure to meet the procedural requirements prescribed by this amendment.

Second, the provisions in this amendment apply to substance not form. We saw in Operation Western Storm where RTC managers divided the single $24 million contract into 93 separate contracts in an attempt to avoid Board of Directors approval. In that case, the inspector general found that they should all have been treated as a single contract. The same is true here. RTC cannot avoid the requirements of this section by dividing a single procurement into several contracts of less than $100,000.

Third, this amendment is meant to apply to all procurements of goods or services exceeding $100,000 regardless of the form of the procurement. In other words, this amendment covers contracts, task orders, amendments or modifications to contracts, amendment or modifications to task orders, or any new procurement vehicle RTC might develop in the future.

Mr. President, in my opinion, this amendment is an important complement to the contracting safeguards that the managers of the bill have put into their amendment. Their amendment contains a provision that requires all contracts to be executed by warranted contracting officers, and declaring all contracts not executed by warranted contracting officers to be void. That is an important control.

But we need to be concerned about more than whether contracts are executed by contracting officers. We also need to make sure, before contracts are executed, that the contract and modifications are properly authorized. That is also an extremely significant element of management control.

Mr. President, RTC is not subject to Federal procurement laws or regulations. But that doesn't mean that we should completely abdicate our responsibility to ensure that RTC follows some basic procedures to protect the taxpayers. The procedures that would be imposed if this amendment is adopted and that will be imposed by the managers' amendment are, together, still much less than what would be required under standard Federal procurement laws and regulations of almost every other Federal Government agency when they enter into contracts.

I am pleased that this amendment is acceptable to the managers. I thank both managers, and their staffs, for their cooperation in working on this amendment, which I think will place a very few, simple, commonsense contracting requirements on the RTC to protect the dollars—so many dollars—we give it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I thank the Senator from Connecticut for his work on this. We are prepared to accept the amendment. The other side of the aisle feels the same. I think it is a positive addition to the bill, and I urge its adoption.

Mr. D'AMATO. Mr. President, I want to thank my colleague from Connecticut, Senator LIEBERMAN, for offering an amendment to S. 714 that is intended to address the problems that have been identified in the RTC's contracting program. This amendment will complement the provisions that I added to the managers' amendment, and will result in an improved and more cost-efficient contracting process at the RTC.

However, I have a question for Senator LIEBERMAN regarding this amendment. That question is: Will the last subsection of this amendment, subsection (c), abrogate the RTC's common law right to abrogate contracts that are entered into, or modified by, an unauthorized person at the RTC? Further, will the provision of subsection (c) affect any other right of the RTC under any other provision of law?

Mr. LIEBERMAN. I would like to thank my colleague, Senator D'AMATO, for raising this issue. As I stated in my introductory statement, the hold harmless provision, which is subsection (c) of my amendment, does not affect any common law rights of the RTC, or its rights under any other provision of law. This subsection would prohibit either party to an RTC contract, or a modification of an RTC contract, exceeding $100,000 in value, from voiding or rescinding that contract or modification due to failure to comply with the procedural requirements of this amendment. The procedural requirements that I speak of are those contained in subsections (a) and (b) of the amendment I have offered. Subsections (a) and (b) require the provision of certain written statements, respectively, from the individuals at the RTC who execute the contract or modification, and who authorize the contract or modification. Subsection (c) applies only to the provisions of the amendment of which subsection (c) is a part.

I also would like to take this opportunity to compliment the distinguished Republican manager of the bill, Senator D'AMATO, on the provisions he added to the managers' amendment regarding the execution of contracts on behalf of the RTC. Those provisions are extremely well thought out, and will make a real difference in preventing future contracting scandals at the RTC.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 360) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I am about to send a technical amendment to the desk. I will have that in one moment. That has been cleared on both sides. We will be able to send that through, and then Senator CHAFEE awaits to raise a matter of interest that he has prepared.

AMENDMENT NO. 361

Mr. RIEGLE. Mr. President, I send the technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Michigan [Mr. RIEGLE] proposes an amendment numbered 361.

Mr. RIEGLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 8, line 10, strike "the balance of the Fund meets" and insert, "after deducting losses anticipated during that fiscal year, the Fund is expected to meet."

Mr. RIEGLE. Mr. President, I assert again this has been cleared on both sides. I ask for the approval of the technical amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 361) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, if I may say, Senator CHAFEE is about to proceed. I want to make just a general announcement for Members before he begins. At this point we have resolved all outstanding issues I am aware of as manager of the bill. There are no further amendments awaiting action. So we are in a position now where, with respect to the substance of this bill, we can in due course, and I hope sooner rather than later, proceed to final passage.

There are two items that are outside the scope of this bill that still remain for us to deal with. One is an issue that Senator CHAFEE wishes to now raise and engage in some discussion on regarding banking regulation changes, which he can describe. That does not relate directly, of course, to the legislation that is before us now and which we are attempting to finish.

When Senator CHAFEE finishes that discussion, the only other outstanding item that I am aware of is that Senator GRAMM, of Texas, has indicated a desire to offer a nongermane item relating to the budget, Federal budget deficit, and has declared an intention to want to offer that today on this bill, although it is not part of this bill, in order to bring the issue forward and, presumably, get a record vote on it.

But I give that sort of update because we have concluded action on the bill as such at this point. The bill is ready to move to final passage pending the disposition of these two other items I have just mentioned, which are really not directly germane to the bill as such.

So, with that status report having been given, I am hopeful that before too much more time elapses today we can resolve these other two items and move to final passage and send this bill to conference.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Rhode Island.

LEGISLATION TO BE PROPOSED

Mr. CHAFEE. Mr. President, I thank the distinguished chairman of the Banking Committee and the ranking member for giving me a few minutes here. My concern is as follows. There is no question but what the small businesses in the United States of America are suffering from a tremendous credit crunch. They are not able to borrow money.

Why is that? One of the reasons is that the regulators have come down very hard, either pursuant to regulations or pursuant to statutes, on these banks. The bigger banks can handle the regulations, but the smaller banks are tangled up, with a great deal of their manpower involved with trying to obey this host of regulations and statutes, and regulations pursuant to statutes, that have arisen over the past several years.

I am not unique in this concern. I know this concern is shared by the chairman of the committee and by the ranking member likewise. What I am proposing—and I would like a reaction, if I might, from the managers of the bill—is as follows.

It seems to me it is time to do something, if we can, about the statutes that are underlying the regulatory requirements that are imposed. Is this just me talking? No. I quote from Alan Greenspan, who testified last month before the House Small Business Committee on recently enacted Federal banking laws and the accompanying regulations. This is what he had to say.

> A substantial tightening of bank lending terms and standards has occurred and has affected small business.

He says that in relation to Federal law.

The Vice Chairman of the Board of Governors of the Federal Reserve, Mr. David Mullins, made the following comments at a hearing before the Senate Committee on Small Business:

> The Financial Institutions Reform Recovery and Enforcement Act of 1989 and the Federal Deposit Insurance Corporation Improvement Act of 1991 produced, directly or indirectly, a substantial increase in the regulatory burden on the banking industry.

President Clinton has recognized this and said, on March 10:

> Under the current banking system, the paperwork is daunting and discourages banks from making smaller loans.

Pursuant to the orders of the President, the regulatory side of this is being addressed. That is, where the institutions under this jurisdiction—the Treasury Department and so forth—can make a change, because they are just changing regulations rather than a statute, they are doing what they can. But, as Chairman Greenspan said last month:

> These regulatory actions will be, I hope, quite helpful. But legislation is required.

That is why I am here today. What I am proposing—and I would like a reaction if I might; this is not going to be a drawn out affair—I have chosen as a cutoff for a small bank, a capitalization of $400 million in assets. This covers 10,000 of the 11,500 banks in America.

In other words, if we take a point of $400 million in assets, we are covering 90 percent of the banks, not 90 percent of the assets, but 90 percent of the banks in our country. These banks totaled, together, 20 percent of the Nation's banking assets.

This is what I would propose: First, under my legislation—which I am going to introduce today, and which is cosponsored by Senators BUMPERS, LIEBERMAN, WALLOP, KEMPTHORNE, and PRESSLER—it does the following:

First, it would freeze all new banking regulations until the appropriate agency conducts a regulatory impact analysis and concludes that the benefits of the new regulations outweigh the cost to small banks of implementing and complying with them. That is the first one.

Second, it would allow banking regulators to suspend regulations that it determines are unnecessary or have the effect of prohibiting small banks from lending to creditworthy small businesses. I know I am giving this rather rapidly.

Third, and this is one I think the managers are familiar with, currently the loan process for small businesses requires that if collateral in excess of $100,000 is being submitted, that a licensed or certified real estate appraisal is required. What I would do is boost that to $250,000 before the bank would have to go out and get a licensed or certified appraisal. It is my understanding that the U.S. Department of Treasury supports that.

Before I go on to the other two final ones, perhaps I could get a reaction, and I know this comes fast, if I could get some kind of a reaction from the managers on this and perhaps a commitment that they take a further look at it. What I would, of course, most of all like, is if we could have a hearing on these some time to address this particular problem of small banks being relieved of some of these regulations, because there is no question but the vast majority of small businesses get their money, their loans from small banks.

We had devastating testimony before the Small Business Committee on how these small banks are tangled up in these regulatory problems. One small banker told us that 50 percent of his personnel's time was devoted to these regulatory problems. That seems high to me, but that is what he said.

So there you are. I wonder if either of the managers might give me a reaction to these. Why do we not start with the easiest one first, which is the third one, raising the threshold from $100,000 to $250,000—and that is not written in concrete. If somebody has a better idea, I would be glad to hear it, before you require a licensed or certified appraisal.

Mr. RIEGLE. If the Senator will yield, and if I may, I need to send one more technical amendment to the desk. Does the Senator mind if I do that?

Mr. CHAFEE. No.

THRIFT DEPOSITOR PROTECTION ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 362 TO AMENDMENT NO. 355

Mr. RIEGLE. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Michigan [Mr. RIEGLE] proposes an amendment numbered 362 to amendment 355.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 5, line 6, of amendment No. 355 after "Affairs," insert "Budget,".

Mr. RIEGLE. Mr. President, this is a further refinement of the technical amendment offered in behalf of Senator D'AMATO and myself. I ask unanimous consent that it be adopted as sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 362) was agreed to.

LEGISLATION TO BE PROPOSED

Mr. RIEGLE. Mr. President, let me briefly respond to the Senator from Rhode Island. I think everyone here is sensitive to the issue of trying to encourage small banks to make prudent loans, particularly loans to business entities that could otherwise be creating jobs and need credit out there and so forth. We have heard plenty of argument that there is a credit crunch occurring. It is uneven, and you hear different stories about it.

Any part of it that can be relieved because of an excessive regulatory burden that is not justified and necessary clearly ought to be done. The new administration, as you know, has cited and has come forward with a whole series of administrative steps that they feel they want to take and are in the process of taking to try to ease this problem where they think it exists.

They also decided, speaking about the administration, not to come forward with legislative changes at this time, notwithstanding the suggestion the Senator makes, and he cites Alan Greenspan as saying that certain legislative changes may, in fact, be required.

I am not aware, as I stand here, that we have received from Alan Greenspan specific legislative recommendations, but he is certainly welcome to send them up to us. Insofar as I know, he has not done that at this point, and if he does, we will obviously take a very careful look at them.

I will just say, with respect to one item that the Senator mentioned about the cost of regulation, we do not want any more cost of regulation than is absolutely needed. But I cannot resist making the point that we are having this discussion as we are finishing providing $34 billion to bring to a total of $121 billion the cost of having to come in and sweep up the wreckage of the S&L collapse.

So we know that if there is not sufficient regulation in place and good supervision, you could lose an awful lot of money in federally insured institutions. The Senator does not want that to happen, obviously, and I do not say that to suggest that he does, but simply to say that the amount of regulation that you need to have in place to forestall financial catastrophes of that kind are real. They are as real as the fact that we are about to pass this funding of $34 billion today to finish cleaning up a problem where banking regulation was not adequate, was not sufficient, did not work and it cost taxpayers a ton of money.

So I think we have to always strike that balance. We want to make sure, on the one hand, that we have a regulatory structure in place that is adequate to do the job and protect against catastrophic loss and, on the same token, not overdo it so you end up creating an undue burden. There is a need to strike that balance.

I will conclude by saying I think on the issue of the degree to where appraisals should or should not be required and under what circumstances, that is a fair question. It has been looked at and addressed by the administration in its new approach to changes in the regulations, whether they could do it by administrative discretion.

I am open to what the Senator is saying. I will read his bill he is introducing with the cosponsors he mentioned. I will have the staff review it as well. I will seek comments from other interested parties, like Alan Greenspan or anybody else who is out there who wants to make comments on it. These are matters of interest to me, and we will look at them carefully when we have the bill in hand.

Mr. CHAFEE. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I hope that we could hold some more hearings on the areas of concern expressed by the Senator from Rhode Island, and that is the lack of capital, the inability of small business to borrow. We are not talking about small businesses that are not run well.

I risk mentioning—I will not mention the name, but I will tell you the most successful boat hardware entrepreneur on Long Island, a company that has been profitable, every single year has earned a profit in the last 20 years, cannot get the normal credit line that they have to have to continue to do their business. They employ 100 people and have three outlets. But what the banks require them to do is now put up property as collateral for a business loan, and then you get into the business of the appraisals, as Senator CHAFEE has raised.

I have to tell you, when you get down to the smaller loans, the cost of those appraisals absolutely is usurious if you take a look at the amount of the loan, $100,000 loan, and somebody has to pay $2,500, $3,000 for an appraisal. That is ridiculous. It is nonsense.

I think as it relates to the specifics now on the appraisals, we have to do something. I think as it relates to the suspension of regulations that impede credit and do not provide any substantive benefit as it relates to the adequacy of capital or the operation of a bank, that we should give to the President of the United States the ability to suspend these. I have introduced legislation to that extent.

So I want to commend the Senator for this approach. We cannot just simply say that because of the debacle that took place we will permit the institutions to be chained to rules and regulations that do not make sense and that have gone beyond what is realistic and now imprison those institutions and also, more important, keep the economic recovery from taking place.

If there is a reason we have not created the jobs in this country that people feel we should be able to, it is because the engine of economic growth has been stifled, and it has been stifled in good measure because they cannot get good capital, and that is small business.

So I encourage the Senator from Rhode Island to continue in his efforts, and I look forward—and I know that the chairman is acutely aware. We are working on legislation in a very cooperative manner, and I wish to commend the chairman of the committee and his staff for attempting to provide a vehicle by which we can open the artery. I share this with the Senator from Rhode Island. The fact is that I think if we can provide for the securitization of small loans as we have for credit cards, as we have for automobiles, as we have for mortgages, home mortgages, why we can open up a pool of tens of billions of dollars because the banks will then be able to sell these loans that they make.

I must say that we have made some progress. The administration has been very helpful, and the regulators, albeit slowly and cautiously, as they should be, because they do not want to risk capital standards, or jeopardize them, the soundness and safety of banks, are beginning to move to a point where hopefully we can pass legislation which will make it much easier for the small banks to make these loans and not have to carry the 8 percent reserve against them. And that is a problem, particularly since they do not make very much. The cost of these loans, as the Senator from Rhode Island said, is a very high one. So whatever we can do to reduce that—I know we are going to have a series of hearings relating to the securitization issue and some of the others, and I hope we would be able to entertain, if not the specific legislation, certainly aspects of the legislation which the Senator from Rhode Island is raising today.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, here is really what I would like. My legislation is not entirely unique. There are some aspects of it that are different but others have legislation similar dealing with loans to small business, trying to do something about this credit crunch. Perhaps my legislation is unique in that I deal solely with small banks, those with $400 million. As I pointed out, that is only 20 percent of the assets of the United States even though it is 10,000 out of the 11,500 banks in the country.

So what I hope is that we would be able to have a hearing on this. I am not trying to get a commitment in blood from the chairman, but if he would be receptive to the idea of a hearing on doing something about the small business credit crunch, I would be very grateful.

And then I had one more point I was going to raise.

Mr. RIEGLE. Let me say to the Senator, this is an issue of keen interest. As Senator D'AMATO has said, we are working now on a proposal to securitize small business loans and to be able to take them out of banks and sell them out in the secondary market. So that is a main line of effort and initiative right now with respect to the credit crunch.

I do think we will examine that issue. I cannot, as I stand here now, commit to a specific hearing time because we have a parade of nominees coming through plus other issues that are already lined up in the cattle chute that we have to deal with, but we will, of course, be looking at these issues and when we take them up, whether we do it in the context of securitization of small business loans, issues related to that such as the Senator is raising, I am interested in looking at it as well. So that might well be the time to do it.

I might say, too, that I have talked with Eugene Ludwig, the new Comptroller of the Currency, and as they are working to implement these new administrative changes that the President announced at the White House a month or so ago on bank practices, there is a very aggressive effort being done out in the field to actually see that those regulatory adjustments are made.

So there is underway an effort now to try to address a large part of this problem in that fashion. I do think it is only fair we give that process a chance to work, see how it is working, examine how it is working. I only cite that because it is also moving at the same problems the Senator is raising questions about, and that is something of course that is now underway.

Mr. CHAFEE. I appreciate that. I must say some of the most telling testimony I have heard around this Senate in quite a while came before the Senate Small Business Committee. It was the president of the American Bankers Association. You immediately think the president of the American Bankers Association is president of Citicorp or something like this. Not at all. The president of the ABA is a banker from a very small bank in Arkansas, very small bank. He was describing the problems that a young man had who had character, who came for a loan, and he wanted to buy a truck. You are talking something like an $18,000 loan. And he described the effort they had to go through to try to give this young man the loan without it affecting the balance sheet in some adverse way. I just conclude with the following thought.

Mr. RIEGLE. Will the Senator yield on that point because that may well be a valid illustration. I do not know the banker personally to which the Senator refers, but I would like to make an invitation to him now by means of this colloquy that if in fact he could not make a loan of $18,000 to somebody he thought ought to have it because of regulatory burden, I would like him to bring the facts to me. I am not saying that that is not accurate, but if he is in a position where he is that hamstrung and that is not an exaggeration, I wish to know the details of it.

I thank the Senator for yielding.

Mr. CHAFEE. In conclusion, I just want to ask that Senators be thinking about this fourth point of the recommendations that I had. It does the following. It applies obviously to small banks, under $400 million. A small bank which receives an outstanding rating under the Community Reinvestment Act, of which only 10 percent attain this, would be granted a safe harbor from Community Reinvestment Act protests should that small bank want to, for instance, engage in an expansion of some type. And furthermore, under this the regulators would be directed to significantly reduce the paperwork requirements under CRA for banks that obtain the highest CRA rating.

That is one side of the equation. That is what the chairman of the committee so aptly called the carrot.

On the other side, there would be a stick. The bill calls for stiff penalties on small banks with the worst CRA rating, specifically that is substantial noncompliance. In our legislation, we have a fine of up to $20,000 on small banks which receive that worse rating, so what we are trying to do is say if you get the best rating under CRA you ought to get something for it because that is an encouragement to try to seek this rating. On the other hand, if you get the worse rating, there is a penalty. So I urge the floor managers if they would give that some consideration, too.

Mr. RIEGLE. Let me just say to the Senator that the reward and penalty concept is sort of a new concept as put the way he has put it. It is an interesting idea. I think you would have to be sure you were balancing the scale of the reward with the scale of the penalty at both ends because we are trying to reward good conduct in one case and modify bad conduct in the other case. But as I say, I will take a look at the bill that the Senator is submitting today with his cosponsors. I will ask the staff to do so as well. Let us discuss these matters.

Mr. CHAFEE. I thank the chairman very much.

I know the Senator from Massachusetts is waiting. This is a problem of which I know the Senator from Michigan is very much aware and of which the Senator from New York is very much aware. It is true that we are dealing with a mammoth measure which resulted from lack of proper regulation, but we all recognize the pendulum can swing too far the other way, likewise. So if we can free up some of this credit, it would be a marvelous thing for job creation in our country because as every one of us knows we are all preaching the gospel that jobs are created by small businesses and if small business can have access to more credit from their most likely credit giver, namely the small banks, the whole country would be a lot better off.

I thank the Chair.

THRIFT DEPOSITOR PROTECTION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to support the effort of the managers of the bill to proceed forward with the Resolution Trust refunding.

As the chairman of the committee knows, for the last 2 years, I have opposed the efforts to fund the Resolution Trust Corporation. I recognized the responsibility that we have with respect to depositors. But many of us were deeply concerned about the level of mismanagement at RTC, the problems that existed within the RTC itself. And regrettably, for better or worse, simply calling it the way it was, in the past administration our efforts to reform the RTC, our efforts to really create an accountable system, frankly, fell on deaf ears.

This will be the first time that I am going to be voting for this then since the RTC's creation. The reason is very simple.

The chairman and the ranking member—I want to thank them for this—have made extraordinary efforts to reach out to both the administration and members of the committee to help to fashion a piece of legislation that represents our best effort to try to create the reforms and accountability we need, while simultaneously creating a structure that gives the RTC the flexibility it needs to be able to move large assets and be able to deal with large amounts of money that are necessary. It is a tough balance. The real proof will be in the efforts of Secretary Bentsen and the new leadership of the RTC to follow through on the structure that we institute here today.

I thank the chairman, particularly, for having been as openminded and as willing to work to encompass the views of many different people. He has a tough job, and it is a thankless job. There is no bright ends in spending these sums of money for past failings. I think he has walked us through this process with great skill and with a commitment to reforming this mess, while at the same time recognizing the larger responsibilities of keeping the system afloat. I think he deserves great credit for that.

I also thank my colleagues on the committee who joined together to create, I think, a consensus about some of the changes that we needed to implement; particularly Senators BRYAN, NIGHTHORSE CAMPBELL, MURRAY, MOSELEY-BRAUN, and BOXER who all brought to this a lot of creative energy and commitment to guaranteeing, as Senator MURRAY said a while ago on the floor, that we were not going to be voting this sum of money in an unaccountable fashion to our taxpayers.

We all know that the RTC has been, regrettably, something of a sinkhole of waste, mismanagement, and abuse, and it has never had adequate controls over its operation, with the result that it really was an invitation to the very waste, fraud, and abuse the taxpayers of this country are becoming so, rightfully, cynical about and exhausted with. Private law firms, accounting firms, and real estate contractors and others—who, I might add, are often the first people to come and bang on the Government for irresponsibility—were the first people to line up at the trough and not hesitate to rip it off and take advantage of whatever loopholes for problems existed. There are serious questions about the individual as well as corporate conscience with respect to those kinds of actions.

Second, I have had an objection in the past because the RTC, alone, among Government organizations, has been exempted from pay-as-you-go funding. We just had a major fight on the floor over a stimulus package, as it was called, which was really a jobs bill, to help get our dragging economy moving again. And I kept hearing colleague after colleague come to the floor and say, "We do not do this; it is not pay as you go." Yet, for several years at the behest of—I say this kindly—their President, because it was the President of their party, they were ready and willing to ante up billions of dollars—$90 billion at a time—in order to not pay as you go, but to create this incredible money machine which has been so abused.

Every dollar thus far spent on the RTC has added to the Federal deficit. Not a penny that we spent on it to date has been offset by other spending cuts, or by the taxes to pay for it. I think that the Clinton administration deserves credit for—for the first time in 12 years—giving us real numbers and a real approach that offset, by both revenue raised and cuts made, the money that we will now be expending for the RTC. Unlike an attitude that was willing to fake it consistently, by pretending we were not raising taxes on the American people, while we raised their debt and amount of money they had to pay in the long run, we are at this time being realistic that there is a need for money to try to pay for what we are undertaking to do.

There are, in the managers' amendment, a series of reforms, and I am extremely pleased that those reforms seem now to have met with a broad acceptance. I might add, just for the record, that Congress did try when we created the RTC—when we passed FIRREA, we did place into law some basic requirements at that time for the RTC. I do not think that the public should believe there was a total irresponsibility on the part of Congress.

Congress set out some requirements for the RTC. But the management of the RTC avoided those responsibilities. We did require the RTC to conduct its operations so as to maximize the recovery on assets it acquired; but, according to GAO, it never did that. So it was not that we did not require something of it. They did not meet the standard.

Second, we required them to minimize the impact on local markets, and this is a standard that the RTC largely accomplished to date by just failing to market; you do not impact the market if you do not sell things. What they basically did was leave the taxpayers stuck holding the costs on the real estate, and they have become the biggest manager of real property in the United States.

Third, the RTC was previously required to and was supposed to make efficient use of its funds. Again, the GAO found there were numerous failures there, and they did not do it.

Finally, the RTC was supposed to minimize the losses incurred in resolving cases, and according to the GAO, the RTC did not do that. One important reason is that, last year, the RTC destroyed its own ability to sue those whose wrongdoing contributed to the savings and loan losses. We can ask a lot of questions about why that happened. There is not anybody who did not know there was not a requirement for those losses to be minimized and for the recoupment to be maximized.

Notwithstanding that requirement, for reasons which I think some people ought to still explain, half of the staff devoted to such lawsuits were fired or left the RTC. The RTC's handling of the professional liability section of those cases has been positively atrocious, adding to the costs of the bailout and adding to the anger of citizens in this country.

I am not going to fall into the trap of suggesting that every suit they bring is perfect. I think we need to watch very, very closely that there is not abuse in the process, so that innocent people who happen to have deep pockets are not suddenly dragged into the recoupment process simply because they are there. I think it is up to us to pay close attention to make sure that it is the egregious who do not escape and not the innocent that are dragged into a net. I feel strongly about that.

I want to flag quickly one issue before I review how we arrived here and the steps we have taken to clean up the RTC.

These are taxpayers' dollars that represent the taxpayers' dollars of all Americans, not just the wealthy. And if the taxpayers of this country are going to ante up to bail out the depositors and keep a system whole, then the system deserves to benefit. And that means that the folks in our country who have the toughest time getting started, the toughest time getting a job, who are the most negatively impacted by the downturn of the economy today, ought to benefit through the taxes that they, as well as other people, are putting into this legislation. I think that is a vital principle and I am grateful that the leadership, that the managers, want that.

I now wish to spend some time reviewing what has taken place at RTC to date, and what must be fixed in order to protect the taxpayers.

BACKGROUND

In August 1989 we passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA], in response to the massive thrift losses arising out of the savings and loan crisis. We did not want a taxpayer bailout of the savings and loans. We did feel an obligation to repay depositors who had put their funds in federally insured institutions. Accordingly, at the request of the Bush administration, we created the Resolution Trust Corporation [RTC] to handle failed thrift institutions. At the time, we placed into law some basic requirements for the RTC, which unfortunately, the RTC has failed to meet.

First, we required the RTC to conduct its operations so as to maximize recovery on assets it acquires. According to the GAO, it hasn't done so, as a result of mismanagement, inadequate financial and information systems, and through fraud and abuse.

Second, we required the RTC to minimize the impact of its activities on local markets. This standard the RTC has largely accomplished to date by failing to sell—or even to market—most of the real estate it holds. The result has been that local markets haven't been affected—but the taxpayers are still stuck with the holding costs on the real estate.

Third, the RTC is supposed to make efficient use of its funds. Again, the GAO has found numerous failures here.

Fourth, the RTC is supposed to minimize losses incurred in resolving cases. According, to the GAO, RTC did not do this. One important reason is because the RTC last year destroyed its ability to sue those whose wrongdoing contributed to savings and loans losses, by firing half of the staff devoted to bringing such lawsuits. The RTC's handling of its professional liability section or PLS cases has been atrocious, and has added to the costs of the bailout.

Finally, the RTC is supposed to maximize the preservation of affordable housing. There is an RTC affordable housing program, but it has not done as much as it should have.

As the General Accounting Office has documented, the RTC in fact wasted billions of dollars through various forms of waste, mismanagement, and abuse over the past 3½ years.

The RTC's most serious problems have included contracting and management deficiencies, inadequate information and accounting systems, inadequate oversight of billions in loan servicing, inadequate recoveries on asset sales, and poor accounting and recordkeeping.

Even today, no one knows how much these bad practices have cost the taxpayers. As the GAO has concluded, the RTC's recordkeeping has been so bad that it remains impossible to analyze just how much money it has lost.

The Bush administration liked to argue that the one thing it did have was business competence. You have to wonder about that when it comes to its handling of the RTC.

As the GAO has found, at one point, nearly one third of all the entries in the RTC's real estate management data base was entered incorrectly. Apparently, the problem was sufficiently intractable that RTC wound up junking the computer system entirely and relying for a time on collecting the data by hand.

No wonder that much of the time, according to the GAO, RTC has literally not known what property it holds. Assessments of property value have been inaccurate and incomplete, and sometimes based on incorrect data.

There are other very significant issues about the way RTC has handled itself pertaining to its hiring of law firms and accounting firms as private contractors. For the past 3½ years, lawyers, accountants, and real estate speculators have been getting rich off the taxpayers in connection with the bailout.

Recently, I asked the RTC and the RTC inspector general to detail the degree to which the $95 billion we already appropriated has gone to waste, fraud, and abuse.

No one could tell me.

When I asked them to assess how much RTC spending had been lost due to waste, fraud, abuse, mismanagement, and lack of controls the response I received was, and I quote:

> An estimate of the total cost [of waste, fraud and abuse] is impossible to determine at this point. * * * Rather than look at past mistakes we want to concentrate on improving operations in the future.

I do not understand how we can improve operations in the future if we do not know what went wrong in the past. While we don't know how much it has cost us, we do know that there have been egregious abuses at RTC.

I will give you just one example.

Last September, the inspector general at the RTC found that the Manhattan law firm of Cravath, Swaine, & Moore had overbilled the RTC by $270,000 for legal services. Included were bills RTC paid to lawyers for having worked 26 hours each per day. The lawyers accomplished this amazing feat working out of a luxury hotel in Manhattan. Since their law offices were also in Manhattan, it is not clear why they were staying in the luxury hotel, and billing the RTC for it, but the RTC paid the bill anyway, luxury suites, meals and all.

During the lawyer's stay at the Manhattan hotel, they also managed to fax some 45,924 pages at the rate of $1 per page, all of which they billed to the RTC and the taxpayers.

The IG concluded more than 7 months ago that these and other practices by Cravath amounted to a rip-off of RTC. They told RTC it should demand a refund.

I asked RTC the simple question, did you ask for a refund yet?

The answer? As of January 22, 1993—the first day of the new administration—negotiations with Cravath hadn't started.

My friends, the Cravath case is not unique in connection with the thrift cleanup. As near as I can tell, it is commonplace. Over the past 4 years, the RTC has been the largest purchaser of legal services in the United States, using the services of some 1,986 outside law firms. The apparently endlessly deep pockets of the taxpayers have been dunned some $3 billion in total fees to private contractors of RTC—as much as we spend annually on the women, infants, and child nutrition program—WIC—to ensure the health of American families.

The RTC inspector general's office has yet to audit many of those contracts. So as of today, we don't know just how bad the abuse has been. But the RTC inspector general's office has told me that they expect to find a lot, including:

Charges to the RTC for legal services that were never performed.

Law firms charging the RTC hourly rates that differ from those RTC agreed to, and RTC paying it.

Duplicate or multiple payments to law firms by RTC for the same work.

An unreasonable number of hours charged for an attorney, such as more than 24 hours in a day, just like Cravath did.

Wolfpacking of attorneys, that is, using a platoon of unnecessary lawyers per case. This used to be called featherbedding.

Using inexperienced attorneys to bill huge numbers of hours on over-researching RTC legal matters.

Using lawyers to carry out clerical functions, like photocopying, and billing the photocopying work out at lawyer's hourly rates.

Charging RTC ridiculous markups, amounting to 300 or 400 percent for expenses, such as photocopying, telephone, fax, et cetera, et cetera, et cetera.

Let me emphasize. After 3½ years of RTC's operation:

No one knows how bad these problems have been.

No one is in a position to tell us.

No one appears able to tell the taxpayers how much they have been ripped off by RTC mismanagement and the privateers who have been banqueting off the S&L debacle.

I asked RTC in March to tell me what the range of hourly rates was for private lawyers hired by RTC. The answer?

"We don't know. We would have to go back manually and check the records, and we have never done that."

The RTC could not provide me with the maximum rate charged by the RTC by the lawyers it hired; the RTC couldn't provide me with the minimum rate charged the RTC by the lawyers. The RTC couldn't provide me with the average rate charged the RTC by private lawyers. The RTC said the only way it could find out is by manually reviewing the records, and it had never bothered to do it.

RTC MANAGEMENT REFORMS

Given these kind of problems, many of us on the Banking Committee have felt that we could not agree to provide further funding to the RTC without simultaneously putting into place a package of management reforms. We joined the committee in voting to report the Resolution Trust Corporation [RTC] legislation out of committee and to the Senate floor, with very substantial reservations about the past operations, management, and performance of the RTC, and with the conviction that the RTC has failed to uphold its commitment to the taxpayers of resolving the thrift crisis at the lowest possible cost.

We voted to report the RTC refunding out of committee with the understanding that the administration and the committee would work to develop a stronger legislative package to ensure substantially better performance and accountability by the RTC, and by the FDIC as the RTC's successor in handling thrift resolutions. We believe these reforms will continue to helping the administration bring about substantial improvements over current RTC and FDIC practicesm and thereby better protect the taxpayers from further abuses during the duration of the thrift cleanup. The reforms also are designed to ensure that as the cleanup proceeds, we will be in a position to exercise adequate oversight over the RTC, and ensure real accountability for what happens from here on out.

1. FINANCIAL CONTROLS

Since the RTC's creation, it has been plagued by weaknesses in its receivership internal controls, flaws in its methodology for estimating recoveries from the sale of receivership assets, and significant exposure to losses from both real estate and delinquent real estate-backed loans for both resolved and unresolved institutions. These problems were so severe that in 1990, the GAO was unable to express an opinion on the RTC's financial statements. By 1991, these were partially remedied, and the GAO was able to give the RTC an unqualified opinion on the RTC's balance sheet and cash flow.

The GAO today remains unable to assure the RTC that its internal controls have worked as intended to prevent or detect errors. At the end of 1992, GAO concluded that:

> * * * lack of accountability and poor internal controls over cash management in RTC receiverships could increase the cost of resolutions and the amount to be paid by taxpayers and negatively affect future financial statement opinions.

The GAO said that improving financial management and accountability at RTC must be a priority.

In 1990, after the passage of FIRREA, Congress passed the Chief Financial Officers Act of 1990, the most important financial management legislation since the Budget and Accounting Procedures Act of 1950. In essence, this law set into place a new leadership structure for Federal financial management, to control policy setting, implementation, and operations of Government agencies as a means of correcting existing financial management weaknesses. The law requires audited financial statements and management reporting, and makes changes in audits and reporting requirements for Government corporations. Most important, it makes Federal financial management in every agency responsible to a deputy director for management within the Office of Management and Budget. This position is appointed by the President and confirmed by the Senate and serves as the Federal Government's chief financial officer.

Today, neither the RTC nor the FDIC is fully subject to this act. The failure of either to develop adequate financial management systems is well-documented. This bill requires both the RTC and FDIC to adhere to the provisions of the Chief Financial Officers Act. This would not eliminate the independence of the agencies; rather, it simply would help ensure that their financial systems function properly.

2. LACK OF CONTRACTING CONTROLS

When the RTC was created, Congress provided the RTC with the authority to establish its own procurement rules and procedures, in hopes that the RTC would find mechanisms that are more efficient than those ordinarily used in Government. In response, the RTC adopted contracting procedures. According to the GAO, the RTC then "consistently failed to follow * * * resulting in millions of dollars of increased costs" to the taxpayers. Two weeks ago, on March 18, 1993, the Comptroller General of the United States testified before a House subcommittee that:

> * * * to prevent further contracting abuses, [the] RTC's top management needs to take immediate action to ensure that its staff comply with [the] RTC's contracting policies and procedures and that major contractors have adequate internal control systems.

As the General Accounting Office found in December 1992:

> We have identified weaknesses that have added millions of dollars to the cost of the Government's cleanup efforts, but we have no way of estimating the extent that losses may be occurring. * * * RTC [has] made a series of strategic decisions in developing and implementing its contracting system that have increased RTC's vulnerability to mismanagement and waste.

With 95,000 separate contracts and inadequate oversight, the GAO literally found it could not estimate how much had been lost due to waste, fraud, abuse, and mismanagement.

Neither the Secretary of the Treasury, nor the RTC itself, nor the RTC's inspector general's office, has been able to provide any estimate of how much waste, fraud, abuse, and mismanagement at the RTC have cost the taxpayers.

On March 18, 1993, the Comptroller General testified that both the GAO and the RTC inspector general had found "numerous instances of excessive costs paid to contractors." He said that "RTC's failure to follow its own contracting procedures has resulted in millions of increased costs over the past 2 years."

On March 30, 1993, after the committee vote on the RTC refunding, Deputy Treasury Secretary Roger Altman, in his capacity as acting chairman of the RTC, ordered a 30-day freeze on the awarding of new contracts by the RTC, after RTC officials discovered that some contracts were still being awarded without following regular contracting procedures.

The historic approach of both the RTC and the FDIC has been to view each failed financial institution as an independent conservatorship or receivership, rather than as part of an overall RTC or FDIC set of assets with consistent sales and contracting requirements. Both agencies have tended to look at each failed institution as a separate problem to be dealt with separately, without any need for centralized decisionmaking. This approach was reasonable for the RTC's predecessor agencies, and the FDIC, when only a few financial institutions failed each year. It is not a responsible approach when an agency is responsible for managing hundreds of billions of dollars of assets at a time, without comprehensive, centralized data and information systems.

Given the number and scope of bank and thrift failures that both agencies now must deal with, that approach is no longer appropriate. Instead, the RTC, and the FDIC to the extent it is responsible for the SAIF, needs to develop systemic approaches to the major responsibilities involved in a resolution: the issuance of contracts and the disposition of assets.

The current system whereby contracts are issued at the regional level, and, in many cases, on an institution-by-institution basis, has not worked. The decisionmaking and oversight processes need to be consolidated in a central location, with overall responsibility for contracting residing in a single person.

Accordingly, this legislation provides for contracting reforms at the RTC and for the SAIF, requiring clear, uniform, centralized contracting policies, as well as enforcement procedures which include the ability to renegotiate contracts in cases of contractor neglect or abuse.

3. INADEQUATE RECOVERIES IN ASSET MARKETING

As the GAO has found, the RTC has focused on the goal of reducing asset inventory, rather than on maximizing recoveries that would reduce the cost of the resolutions, an approach sometimes described as "speed at any cost" An obvious example of this practice is the RTC's practice of handling most of its sales of assets by pooling them through bulk sales securitization auctions and limited partnership joint ventures. In addition to reducing the recoveries on assets, RTC's pooling practices have also effectively excluded the kinds of investors who might be in a position to purchase RTC assets—including small businesses, women, and minorities.

This legislation requires the RTC and the FDIC to market individual real estate assets for 60 days prior to pooling them, as a mechanism to expand opportunities to small business, women, and minorities, and to increase overall recoveries to the taxpayers.

4. INADEQUATE INFORMATION SYSTEMS

A critical and continuing problem for the RTC has been its poor information systems. According to GAO, "real estate system data as of January 1992 contained property records that were incomplete and inconsistent." The RTC's real estate management system has had no checks that prevent inaccurate information from being entered into the system. The RTC has no way of knowing who makes changes in the data, or why. As a result, the opportunities for mismanagement, or even fraud, remain significant.

The administration has committed to improve RTC's management information systems, so that RTC has cost efficient, but complete information on its assets. This legislation now mandates this commitment by statute, in order to ensure that the RTC, and the FDIC as administrator for the SAIF, are able properly to carry out the critical mission of managing and selling assets.

5. IMPORTANCE OF EFFECTIVE, INDEPENDENT INSPECTORS GENERAL

Independent inspectors general have been found essential to protect against abuses. The effectiveness of the RTC Inspector General's Office has been questioned by some, and the level of its recoveries on behalf of RTC have been smaller than ideal. Even so, possibly because its is statutorily independent of the RTC, and RTC Inspector General's Office has still uncovered substantial cases of waste, fraud, abuse, and mismanagement.

By contrast, the inspector general of the FDIC is not independent, but appointed by and subject to the head of the FDIC. Given that the RTC is to phase out its operations beginning on September 30, 1993, and that subsequent thrift resolutions are to be carried out by FDIC as administrator of the SAIF, it is critical that FDIC itself also have a statutorily independent inspector general.

Accordingly, this legislation makes the FDIC subject to the Inspector General Act. The inspector general should be fully independent of the agency whose activities he or she must monitor and investigate. As successor to the RTC, the FDIC inspector general should be in a position to provide a comparable level of protection to the U.S. taxpayer.

6. NEED TO PROVIDE REAL OPPORTUNITIES FOR MINORITIES AND WOMEN

Recent hearings before the General Oversight Subcommittee of the House Banking Committee found that the RTC has failed to meet its statutory responsibilities to provide opportunities for minorities and women. Recruitment efforts have been virtually nonexistent. In 1991, a total of less than 3 percent of all contracting went to minority-controlled or women-controlled firms. Last year, that number was up to 9.7 percent, according to the RTC, which is less than half of the 20 percent goal that RTC set for itself last year.

Rather than continuing to rely on the RTC to provide adequate opportunities for minority- and women-controlled firms itself, this legislation requires the RTC and the FDIC by statute to expand opportunities for minorities and women in the management and disposition of assets, contracting, and asset acquisition.

7. LIMITATIONS ON BONUSES TO HIGHLY PAID PERSONNEL

At a time when the American people are being asked to pay an additional $33 billion for thrift resolutions, it is especially inappropriate to have highly paid employees of the RTC receive large bonuses as they leave Government. Such bonuses serve no good government purpose, especially when they go to those who are leaving Government. They instead reinforce the public's attitude that those in Government are interested in lining their own pockets at the public's expense. At the conclusion of the last administration, the outgoing chief executive office of the RTC authorized bonuses as high as $25,000 for those remaining, at least temporarily, with the RTC, and bonuses as high as $10,000 to those who were immediately departing the agency for new jobs in the private sector.

Under this bill, the RTC and FDIC in connection with the SAIF is limited to bonuses similar to those provided in the rest of the Federal Government, and bonuses given to employees who leave within 60 days of receiving the bonuses must be returned to the Government.

8. PROFESSIONAL LIABILITY ISSUES

The RTC has the mandate to seek damages in court from thrift industry officials whose negligence or civil fraud contributed to the savings and loan debacle.

Unfortunately, the professional liability section of the RTC was destroyed last year by outgoing RTC head Albert Casey, and as the GAO has documented, is now what GAO investigators have called dysfunctional, nonviable, and a disaster.

The PLS's relative independence has been abolished and many of its senior managing lawyers have been forced out. The commitment made to the public that those who contributed to the cost of the bailout should have to help pay for the bailout has not been met.

The managers' amendment creates powerful new protections for the PLS section, upgrades its status, and improves its operations. We had additionally sought an extension of the statute of limitations on professional liability lawsuits to 5 years—from 3—or the period provided in State law, whichever is longer, in order that those whose actions contributed to taxpayer losses are not shielded from prosecution by overly short statutes of limitations. This is not in the managers amendment, but I anticipate it being added to this bill during the remainder of the legislative process.

9. WHISTLE BLOWER PROTECTION

Current whistleblower protection laws only protect those employees who expose violations of law or regulation. An employee who merely exposes waste or mismanagement can face retaliation. Given the scope of the RTC's operations, and the continuing problems of waste, fraud, abuse, and mismanagement, there is a need to ensure that whistleblowers feel the freedom to come forward and expose these problems. Under this bill, RTC staff employees and outside RTC contractors are given protections for exposing waste, abuse, inefficiency, and mismanagement, not merely violations of law, and the burden of proof is shifted in whistleblower cases from the whistleblower to the Government agency in cases where retaliation is alleged.

Taken together, these reforms should substantially improve the RTC and help the taxpayers receive a better deal from the Government in connection with the bailout.

With these reforms legislated, it is now incumbent on us to watch very, very closely to make certain that they are put into place; that these are not viewed as a passing fancy of the U.S. Congress that are subsequently ignored.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to begin by thanking the Senator from Massachusetts for his very kind personal comments, and even more than that, I want to thank him for his leadership on this issue over a great length of time. These are not new issues to him, but ones for which he has expressed a concern and made an effort to correct over some great length of time.

The reforms that are included in this bill today are in part reflecting his leadership. He has kindly mentioned the other members of the committee, and particularly the new members of the committee, that have also had a very strong interest in this area.

But the Senator from Massachusetts has been very directly involved in this effort for a great length of time, and that should be noted. It is something that I very much appreciate.

I think the bill that we have, as the Senator has said, makes this as strong as we know how to do it with respect to the written law. In the end, we have to rely on others to implement the law. That really is beyond our reach. We can write the law; we can give them the tools, as we did going back to the initial formation of the RTC. But we cannot execute their jobs for them. They must do that. They do it, obviously, with the knowledge that we will conduct oversight to try to monitor to see what they are doing, and when we see that things are off track, to come back and tighten the law or change the law or provide additional methods to get things to happen the way we intend for them to happen.

I think it is also fair to say that we do now have a new administration. And leaving aside the long history of where the problem came from, I think the fact that new people will be coming in and taking a fresh look and are under pressure to perform by even more stringent legal requirements gives us some encouragement in thinking that problems that have been out there will be dealt with and will be corrected. There ought not to be anybody defending the status quo, and if there are changes and improvements that are needed they, in fact, can be done.

I want to thank the Senator again.

AMENDMENT NO. 363

(Purpose: To require a report to the Congress concerning the collection of fines and restitution in cases involving savings association and bank fraud)

Mr. RIEGLE. Mr. President, I send to the desk an amendment on behalf of Senators SHELBY and BRYAN. I state the purpose of the amendment is to require a report to the Congress concerning the collections of fines and restitutions in cases involving savings and loan associations and bank fraud.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. RIEGLE], for Mr. SHELBY and Mr. BRYAN, proposes an amendment numbered 363.

Mr. RIEGLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPORT TO CONGRESS BY SPECIAL COUNSEL.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Special Counsel appointed under section 2537 of the Crime Control Act of 1990 (28 U.S.C. 509 note) shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the status of its efforts to monitor and improve the collection of fines and restitution in cases involving fraud and other criminal activity in and against the financial services industry.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) information on the amount of fines and restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry, the amount of such fines and restitution collected, and an explanation of any difference in those amounts;

(2) an explanation of the procedures for collecting and monitoring restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry and any suggested improvements to such procedures;

(3) an explanation of the availability under any provision of law of punitive measures if restitution and fines assessed in such cases are not paid;

(4) information concerning the efforts by the Department of Justice to comply with guidelines for fine and restitution collection and reporting procedures developed by the interagency group established by the Attorney General in accordance with section 2539 of the Crime Control Act of 1990;

(5) any recommendations for additional resources or legislation necessary to improve collection efforts; and

(6) information concerning the status of the National Fine Center of the Administrative Office of the United States Courts.

Mr. RIEGLE. Mr. President, this amendment has been cleared on both sides. It is acceptable to the committee. It is a worthwhile study for us to do.

I ask unanimous consent that the amendment be adopted.

Mr. BRYAN. Mr. President, I rise in support of the amendment offered by the Senator from Alabama [Mr. SHELBY].

The collection of restitution and fines from the criminals responsible for a significant amount of the losses incurred by the American taxpayer for the savings and loan bailout has concerned me for some time.

Last year, in testimony before the Senate Banking Committee, the General Accounting Office presented some shocking data. The GAO analyzed the Justice Department's prosecution efforts for the 100 largest criminal savings and loan referrals. In these 100 referrals, Justice's efforts resulted in fines and restitutions being ordered of $83.6 million. Of this amount, only $365,000 had actually been collected—less than half of 1 percent.

Confronted by this information, the Justice Department agreed to make an effort to improve the collection of restitution. Several months after the GAO report, Justice reported back that their analysis showed an increase in the collection rate to a little more than 5 percent—an improvement, but still far below what I am certain the American taxpayer would expect.

My efforts to determine exactly how much of the restitution ordered by the courts has been collected have been frustrating, to say the least. It is clear to me that the Justice Department has not taken a sufficient interest in the collection of restitution—once the fines are levied, Justice seems to lose interest. It is also clear to me that Justice has no idea how much of the restitution that has been ordered has actually been collected.

I understand that in some cases the collection of fines and restitution can be difficult, if not impossible. Sometimes, I am sure, the assets simply are not there, and there is no way to collect a fine. Nevertheless, the American taxpayer, who is footing the bill for the criminal behavior of many of those involved in the savings and loan crisis, deserve a full report on the actual collection of fines and restitution, in addition to a full reporting of the prosecutions and sentencing.

Mr. President, the amendment offered by Senator SHELBY simply requires the Department of Justice to provide to Congress a single report on its efforts to collect fines and restitution assessed against savings and loan criminals. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is agreed to.

So the amendment (No. 363) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, again, if I can indicate this is the last amendment. There was one item that was brought over by one other Senator just a minute ago that is really not germane to this bill, and we cannot handle it in this bill. He left it with the thought in mind that if we could, he would understand; and if it were impossible, he would also understand.

The proposed amendment deals with the effort of unfreezing Iraqi assets. It is not related to the RTC funding, and we are not in a position to be able to take any extraneous amendments of that kind. So I appreciate the Senator's understanding of that. But that is the manner in which that has to be handled.

Having said that, there are no other amendments pending, and there are no other Senators on the floor seeking recognition. I know of no other amendments to be offered. I am not aware of any more on my side of the aisle, and I had the same statement from the Senator from New York, with the exception of the matter of the Senator from Texas, who has an unrelated matter that I gather he wishes to raise under the fact that this bill is before the Senate.

But sticking, for the moment, strictly to the subject matter of the RTC funding bill, there are no outstanding matters left to be resolved, insofar as I know. And I will make that representation on behalf of my side of the aisle.

Mr. D'AMATO. Mr. President, I understand that Senator BURNS may be presenting us with a possibility of something that is germane that deals with the RTC. He is speaking to them now. If he gets it down here to us and is able to work that out, and if it is, as I understand, an amendment that is almost technical in nature, I am certain we will consider it.

But first of all, let me, if I might, Mr. President, commend the chairman. Senator RIEGLE has done an outstanding job—and his staff has done an outstanding job—in bringing us to this point. We are really saying that, as a practical matter, the business of dealing with the problems attendant to this bill--the RTC and proper safeguards to deal with its operation and deal with some of the deficiencies that have existed—are contained in, I think, a very thoughtful bill.

Again, I do not think many people fully appreciated the complexity of it, nor did they believe that we would come to this point so quickly. It would be a shame for us not to be able to wrap up this bill.

I am going to exhort my colleagues, and particularly Senator GRAMM, to come to the floor to offer his legislation and let the Senate work its will so that we can pass this bill and go on about our other business.

We have been down here now all day. I hope at least within the next 10 minutes we can take this up because, otherwise, we are really working a hardship on the chairman and on the staff and on others, and we want to get this process moving.

Absent that, I think there is probably nothing else that remains.

But, again, let me commend the staff for their diligence and for their work in this effort. I hope we could get this legislative proposal on the floor.

I am going to see if I cannot find out where Senator GRAMM is—Senator GRAMM of Texas, not Senator GRAHAM of Florida, who is now presiding—and see if we cannot wrap this up.

Mr. RIEGLE. Very good.

Let me just say to the Senator from New York how much I appreciate his hard work and cooperation on this bill, and that of his staff, and how much I enjoy and appreciate the good working relationship we have established.

I think colleagues on both sides of the aisle have worked very constructively on this piece of legislation. It reflects the hard work of many individual Senators and their staff members.

So we are now at the point where the bill is ready for final action, pending only two items: the possibility of an amendment that may be technical in nature coming from Senator BURNS of Montana. He is apparently talking with the RTC now. That may or may not be something that he comes to the floor on. It sounds like it is not a very complicated matter; I hope it is not.

Then the only other outstanding matter that will prevent us from going to final passage would be an amendment Senator GRAMM of Texas earlier indicated he wanted to bring forward relating to the Federal budget and, apparently, the deficit fund that the President has talked about.

That is a large, encompassing issue. It has nothing to do, per se, with the RTC funding bill, although he is certainly within his rights under the rules of the Senate to come in and offer it, even though it is not germane or directly related to the matter that the Senate is acting on here.

So I hope, in due course, Senator GRAMM of Texas can bring that to the floor and we can have a debate, resolve the issue one way or the other, finish work on this bill, and get this bill into conference.

Our failure to have money ready at the RTC to close failed thrifts that should be closed is costing taxpayers over $3 million a day just in wasted costs. So, having this delayed any further is something that really cannot be justified.

Again, I thank everybody for their work at this point. We are ready to finish this bill. Hopefully, within a short time, we will be able to do that.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mrs. BOXER). The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Madam President, I rise today hopeful that the Congress is finally writing the last check to pay the enormous tab of the S&L bailout. But, as we in Congress gratefully close the Nation's checkbook, historians have already begun to open their notebooks and pen the sorry story of the S&L debacle.

The tale historians will tell of the Thrift bailout will in a way pay tribute to the American taxpayer, who has shouldered the burden of ensuring that depositors in failed S&L's have received payment for their deposits. It will also raise understandable questions about the justness of requiring a majority of Americans to pay what is essentially a tab rung up by the failed S&L's in a handful of States.

Last week, the Northeast-Midwest congressional coalition released the third part in its study of the State-by-State cost of resolving failed savings and loans. It should come as no surprise that once again Texas has the dubious honor of leading the list of States that contributed the most to the cost of the taxpayer bailout. In fact, by Northeast-Midwest's estimation, Texas alone accounts for over 41 percent of the total price of the thrift resolution from 1986 to 1992; Texas alone ran up a $50.6 billion bill for its failed savings and loans over that same period.

Madam President, my friends from Texas no doubt will argue that it is the oil crash that bears the blame for the collapse in Texas' thrift industry, and I will concede that there is some merit to that argument. Nevertheless, problems in the oil industry cannot along account for the truly astronomical figures that I have just mentioned. The fact is that the Thrift regulators in Texas, who were supposed to watch over the Texas savings and loan industry, were not paying enough attention and ignored the telltale signs that signaled impending trouble. By the time they had been stirred from their slumber, Texas S&L's were running wild, and many were too far gone to be rounded up and brought back into the fold.

I do not suggest that Texas alone

Since the beginning of the taxpayer bailout of the S&L industry, the U.S. Congress has asked every man, woman, and child in Maine to pay over $300. As always, the people of Maine have met their obligation—although Maine has contributed only about $12 per person to the price of the bailout.

Madam President, I must say with all candor that I cannot imagine myself asking the Maine taxpayer to pay for a similar bailout in the future without first seeing significant changes to the principles of Federal deposit insurance. Federal deposit insurance is not a right but a privilege, and it is a privilege that should be revoked if a State proves itself to be unworthy of it. During the 1980's, Thrift regulators in a very few States napped peacefully as their S&L's gambled with depositors', and, unfortunately, taxpayers' money. Nevertheless, those regulators saw the deposits in their failed S&L's covered under the Federal guarantee. Because these regulators have paid no penalty for their inattention, I have no reason to believe that they have learned a lesson from their mistakes.

It is for this reason that I intend in the next few weeks to offer legislation to introduce some sort of accountability to the concept of Federal deposit insurance. While depositors in thrifts should continue to rest easy knowing that the Federal Government will protect their deposits up to the statutory limit, State regulators should not rest easy believing that their mismanagement and inadequate oversight will be compensated for by Federal magnanimity. My legislation will serve notice to individual States that they must rigorously monitor their State-chartered financial institutions or face the penalty for their failure.

Madam President, I noted earlier that scholars have already begun to write the history of the great S&L bailout of the 1980's and 1990's. When they finally turn to composing an epilog to that history, I hope that they will be able to add that Congress learned the harsh lessons of the bailout. To earn those kind words, Congress must work to ensure that State regulators have an incentive to carefully scrutinize their State-chartered Thrifts. The people of Maine should not again have to see their hard-earned tax dollars whisked away to pay for the regulatory failures of a small number of States.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I rise today in support of S. 714, the Thrift Depositor Protection Act of 1993. I think this legislation is long overdue. We certainly have worked on it for a long time. Last year, the House failed to pass the RTC funding and, consequently, the RTC went without funds for a year, increasing the price tag for this fiasco by $3 million to $6 million per day. Although a GAO audit recently found excess reserves, the release of these funds only provides temporary relief. It does not finish the job.

I commend our chairman and our ranking member, and the rest of the committee, for getting on with the work and doing a job that needs badly to be done.

Clearly, the RTC needs further funding to complete its transactions. Insolvent thrifts have been left open while Congress ignored this festering problem. I am sure my colleagues in the Senate and in the House do not want to renege on the promise to insure deposits up to $100,000 if an institution fails. If the RTC does not have the money, it cannot pay off the depositors. If we are going to keep our promise on deposit insurance, we have to fund the RTC. It is as simple as that. There are a lot of people who have raised smoke screens in the past. We have heard a lot of disingenuous arguments on the floor that the money is going to the S&L crooks or incompetent institutions. That is just not the case. The money goes to the depositors. You have to make the payment when you shut down the insolvent institution.

There just seems to be a terrible case of institutional irresponsibility and willful ignorance of the consequences of our actions about the S&L fiasco. This collective amnesia extends further than the defeat of the S&L funding. That is only the most recent part. I heard, today, one more time, an effort to make partisan hay out of the S&L fiasco. Madam President, any time you have a $150 billion black hole, it takes a lot of teamwork. It takes a lot of people involved. It takes Congress; it takes the regulatory agencies, the executive branch; it takes State legislators; it takes lawyers, accountants, appraisers, all who were involved in it. I think it is time that we get beyond partisan finger pointing and blame gaming.

That is why, in the fall of 1990, the Senator from Connecticut [Mr. DODD] and I succeeded in passing authorization for an independent bipartisan nongovernmental commission to investigate the causes of the S&L disaster. We felt that these issues needed a full examination and a full hearing from a credible body. Those of us who sat in and listened to the hearings ad infinitum can probably give you a pretty good idea what happened. But, frankly, the American people want somebody else. They want an independent body to take a look at it.

Well, there were a lot of people who did not want to have the report. Senator DODD and I had to fight to get it through. We had foot dragging in the Treasury. They did not want the report coming out early. They did not want the report coming out before the elections. I think they made a gross mistake.

But after 2½ years of excuses and delays, the Savings and Loan Commission finally is close to issuing a report on what went wrong. This is more than just a historical interest, because it ought to lay out for us, and it ought to lay out to all policymakers, the missteps that we made in the past, so that we do not repeat this sad story. One time is enough on blunders of this magnitude—and I say blunders because there were many. This report is due to be released in mid-June, and I just urge my colleagues, as they consider this RTC legislation, to pass up the opportunity to get back in the blame game. This is not the campaign season. We do not need to be throwing partisan barbs at each other. There is plenty of blame to go around, and everybody will get their appropriate share.

The current atmosphere of finger-pointing and partisan demagoguery surrounding the S&L crisis obscures the important policy lessons that ought to be learned from this debacle. I believe we still need an objective, forward-thinking policy analysis of the role played by regulatory policies, supervisory practices, State and Federal legislation, and macroeconomic changes in causing the problems that led to the unprecedented losses to the deposit insurance fund. Ignoring and pushing this problem under a rug for too long was a mistake. Ignoring the lessons that the fiasco provides us for future action would be an absolutely unforgivable blunder.

I am anxiously awaiting the results from the commission's investigation. We need the benefit of an objective assessment of the policy decisions that led to the S&L crisis so that we can avoid similar mistakes in the future. We must prosecute the crooks who looted the S&L's and left the taxpayers with the bill, but that is not enough. If we focus solely on prosecutions and talk about colorful instances of malfeasance, we blind ourselves to the full picture of just how this fiasco took place.

We need to put this behind us. Let us learn some useful policy lessons from the wreckage of the S&L industry. Let us keep our promise to the depositors and fund the RTC.

I want to express my personal thanks to the chairman and the ranking member for including in the managers' amendment my amendment to close the RTC early. This bill provides the final funding for the S&L cleanup. I believe we should also take this opportunity to shut down the RTC once and for all.

Everybody said they were afraid when we set it up that we were going to establish an agency that would get marble floors and engraved stationery, lettering on the door, and big titles. I think the time has come to fulfill our promise that it was to be a temporary agency.

The current law provides that the RTC shall terminate and be merged into the FDIC no later than December 31, 1996. My amendment simply changes the termination date of the RTC to no later than December 31, 1995.

The RTC was established in 1989 to tackle the enormous job of resolving the failed savings and loans, but this September, the RTC will pass on its job of resolving those failed thrifts to the FDIC and therefore will stop taking in new assets to sell. After September, the RTC will exist to sell its remaining assets, while the FDIC takes on the role of resolving failed institutions and selling those assets.

This means that, beginning this October, both the FDIC and the RTC will be selling assets from failed thrifts. My question is simple: Why are two Federal agencies, the FDIC and the RTC, doing exactly the same thing?

Originally, I wanted to close the RTC earlier, but I compromised to consolidate the sale of thrift assets within FDIC by the end of 1995. Whatever the RTC does not sell by then—and I gather they are making good progress—can simply be handled by FDIC, which already will have been selling assets from failed thrifts for 2 years.

From now to December 31, 1995, is more than sufficient time for RTC to sell most of its remaining assets and to plan and complete a consolidation of the agencies without disruption. The FDIC already has begun the transition process and is absorbing RTC employees.

Like the private sector, the Federal Government must downsize, cut outdated programs, and become more responsive to the American people. We have an opportunity to downsize the Federal Government and eliminate a Federal agency if nothing else. That should give us some satisfaction. The RTC has served its purpose, and it will be time to shut it down by the end of 1995. We do not need duplicative, overlapping Federal bureaucracy to handle failed S&L's. We should not leave in place a bureaucracy in search of a mission. And I am most grateful that the chairman and ranking member agree it is time to pull the plug on RTC. Let us finish the cleanup once and for all, provide the last of funding, get on with the job. We all lived with one RTC, we do not want to continue with two beyond 1995. There is simply no reason to keep it open beyond then.

I thank the Chair and the chairman and ranking member and strongly urge my colleagues in both the Senate and House to act quickly. Let us get this resolved and get it behind us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, I acknowledge the remarks of the Senator from Missouri and say several things.

First of all, I very much appreciate the leadership he has given on our committee in crafting this legislation in this current instance and over a period of time. As he correctly notes, he and Senator DODD, of Connecticut, were teamed up on the issue of setting up the independent savings and loan commission to take a look as to exactly how this problem came about and what lessons to draw from it.

That commission has met at great length. I had the opportunity to go down to present our views to them and to engage in a very good, constructive give and take, and others have as well. I, like the Senator from Missouri, look forward to their final report and to the observations they will be making.

I want to further say that in this bill are suggestions made by the Senator from Missouri, including the one he cites about terminating the RTC a year earlier than the prior legislation had set forth.

Finally, I want to also thank him for his kind, personal remarks. I think on our committee we operate, as much as any committee in the Senate, on a bipartisan or a nonpartisan basis. This has been an issue that certainly had the potential for creating, and from time to time did, a great friction along partisan lines, for all of the obvious reasons that one might think. But I say I think we have managed to navigate through that, working together, and I think we brought a good work product here to the floor for our colleagues. I think it finishes the job and does it in a way where it imposes the tightest controls we know how to write into law. From there on it remains in the hands of those who have to carry out the law to get the job done and get it done right. I think the Senator for his participation and thank him for his comments.

AMENDMENT NO. 364

Mr. RIEGLE. Madam President, in behalf of Senator BURNS, I send an amendment to the desk which has been cleared on both sides and which I will propose to accept in just a moment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. RIEGLE] for Mr. BURNS, proposes an amendment numbered 364.

Mr. RIEGLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING REQUIREMENTS.

The Resolution Trust Corporation shall provide semiannual reports to the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. Such reports shall—

(a) detail procedures for expediting the registration and contracting for selecting auctioneers for asset sales with anticipated gross proceeds of $1,500,000 or less;

(b) list by name and geographic area the number of auction contractors which have been registered and qualified to perform services for the RTC; and

(c) list by name, address of home office, location of assets disposed, and gross proceeds realized the number of auction contractors which have been awarded contracts.

Mr. RIEGLE. Madam President, this is an amendment having to do with reporting on the use of auctioneers. It has been examined by the staff on both sides, and it is acceptable to both sides.

I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, it has been cleared on this side, and I thank the chairman for accepting his amendment. I express appreciation for his kind words. It is a pleasure to work with the chairman and other members of the Banking Committee.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

So the amendment (No. 364) was agreed to.

Mr. RIEGLE. Madam President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Madam President, let me say, again, it was unclear whether the Burns amendment would be offered or not. It has been and is now incorporated into the bill. Again, let me say, with the exception of the amendment on a different subject matter by Senator GRAMM of Texas, insofar as I am aware, we have completed work on the RTC bill. So that bill awaits final passage as soon as we can take up and handle the proposition that is going to be advanced by the Senator from Texas. Looking at the clock, it is now 10 minutes to 4. I hope that as soon as we can, we can bring the Gramm amendment to the floor for a discussion and disposition, and then it is my hope that at an hour that may not be too late into the evening we will be able to move to final passage on the RTC bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is to ordered.

AMENDMENT NO. 365

(Purpose: To guarantee that the $1.00 in Federal spending cuts promised to American taxpayers in return for each $3.23 in new taxes will actually occur by making the discretionary spending totals proposed by the President and adopted by the Congress binding and enforceable)

Mr. GRAMM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. MACK, and Mr. BROWN, proposes an amendment numbered 365.

Mr. GRAMM. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC.——. DEFICIT REDUCTION.

(a) DEFINITION OF CATEGORY.—Section 250(c)4 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(4) the term category" means:

(A) For fiscal years 1993, 1994, 1995, 1996, 1997 and 1998 any of the following subsets of discretionary appropriations: defense, international, or domestic. Discretionary appropriations in each of the three categories shall be those so designated in the joint statement of managers accompanying the conference on the Omnibus Budget Reconciliation Act of 1990. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate.".

(b) BUDGET LEVELS BINDING.—Section 601(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after subparagraph (e) the following new subparagraph:

"(F) For fiscal years 1994, 1995, 1996, 1997, and 1998 the applicable budget authority and outlay levels for the discretionary categories shall be the levels set forth in H. Con. Res. 64 as agreed to on April 1, 1993, in accordance with the definitions of categories set forth in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1995."

(c) APPLICATION OF PROCEDURES AND LIMIT.—Section 250 of The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subsection:

"(d) APPLICATION OF PROCEDURES AND LIMITS PROVIDED IN THE 1990 ACT.—All procedures and limits applicable to the discretionary categories for fiscal years 1991, 1992 and 1993 provided in the Budget Enforcement Act of 1990 shall apply to the limits established by this section and sections 251, 253, and 254.".

Mr. GRAMM. Madam President, first of all, I want to thank my colleagues for their indulgence. What I have been trying to do this afternoon is to craft an amendment to seize what I believe is a great opportunity to do something good for America. The President yesterday floated a lead trial balloon and that trial balloon basically said that he wanted to somehow guarantee the American people that their taxes were not going to be spent.

The President's proposal was to create a trust fund into which those taxes would go.

Well, Madam President, as we all know, we have many trust funds. Those trust funds count as part of the overall revenue coming into the Federal Government. And so, merely by creating a trust fund, we do not affect spending, we do not affect revenues, and therefore we do not affect the deficit.

It is much like people taking money out of one pocket and putting it into another and acting as if somehow that affects their net wealth or how much money they have.

Let me try to express it another way. Next year, we are going to be spending on the President's budget about $1.5 trillion. We are going to be taking in revenue from all sources, including trust funds, about $1.2 trillion. So we are going to have a deficit of about $300 billion, and under the President's budget we are going to have the largest cumulative addition to the debt that we have ever had in any 4-year period in American history.

What the President has said is that somehow he can guarantee deficit reduction by, for example, saying that if we get $50 billion of new taxes next year, to keep the arithmetic simple, that those taxes will not count as revenues and they will go into a trust fund.

Well, Madam President, if that is the case, we still have $1.5 trillion of spending. Now, we have $1.15 trillion of revenues and we have $50 billion in this trust fund. So the $50 billion in the trust fund lowers the deficit by $50 billion, but since we are not counting it as revenue, the deficit goes up by $50 billion and we still have $300 billion of deficit spending.

So the President's proposal is basically a way of trying to convince people that we have done something that we actually have not done.

In fact, the President says—and I quote his own words from the Associated Press:

> In the public mind out there in the country, people will see it as a guarantee that their money will go to reduce the deficit.

Well, Madam President, I do not think so. I do not think the American people are going to be deceived.

In fact, when a similar proposal—in fact, one that did cut spending—was proposed by President Bush, the tax checkoff—whereby taxpayers could allocate up to 10 percent of their taxes to deficit reduction and then Congress would have to cut spending across the board by a corresponding amount so that the deficit would actually go down—Alice Rivlin, who is now the Deputy Director of the Office of Management and Budget for President Clinton, said of the Bush proposal:

> I don't understand how earmarking a portion of the individual taxpayer's taxes for debt reduction can make a difference when we are running a deficit. As long as the Government is spending more than it is taking in, I don't see that that has any real meaning. It is really just a gimmick.

Well, Madam President, first of all, there was big difference between the Bush proposal and the Clinton proposal. Because the Clinton proposal just simply says:

> Let's say these revenues go to deficit reduction, but let's don't do anything about spending.

The Bush proposal said:

> Let taxpayers designate up to 10 percent of their taxes for deficit reduction and then make Congress automatically put into place an equivalent across-the-board spending cut, so that the deficit actually declines by that amount.

But, Madam President, if the Deputy Director of OMB in the Clinton administration called the Bush proposal a gimmick, I am not certain what she is calling the Clinton proposal.

Now we come to what I think is a real opportunity to take the Clinton proposal, which is not substantive, which is meant basically to convince people that we have done something which we actually have not done, and turn it into a real reform.

It seems to me there are two ways of doing that. One way is to make spending totals we have in our budget binding on the Congress.

When the President's budget was considered in the Budget Committee, I offered an amendment to set out the spending totals in law and to put into place an automatic process that if Congress spent more than those totals you would have an automatic across-the-board cut in all the spending within that category to bring us back to the amount set by law, so that there would be an automatic enforcement process whereby those savings would be achieved.

When I offered that amendment in the Budget Committee, back during the days of the consideration of the Clinton budget over a month and a half ago, that amendment was rejected on a straight party line vote.

However, given the fact that the President is now trying to convince the American people that we are shooting with real bullets, that we really want to do something about the deficit, I wanted today to try that again.

So I have offered an amendment that simply does this: The President's budget has 5 years of an economic plan. During that 5 years, the President proposes raising taxes by about $275 billion. The President proposes raising taxes $3.23 for every $1 of spending cuts, as compared to current law.

But the problem is we do not have effective enforcement. In fact, the only enforcement we have—and I will not get into great detail, unless my colleagues want to debate it—is a point of order which can be raised if those totals are breached. But we have no enforcement mechanism whereby, if Congress exceeds the spending constraints, we have a later adjustment to ensure that savings are made. And then, in a very remarkable change in the rules, we do not let the Congressional Budget Office measure whether we are violating the spending limits, we let the Senate Budget Committee.

So what my amendment does, in very simple terms, is this: It alters the 1990 budget agreement and it alters the underlying law, Gramm-Rudman, to take the budget submitted by the President, which we adopted, the 5 years of binding spending constraints. And in each of those 5 years there are three numbers—defense, nondefense domestic, and international discretionary spending.

So for 5 years, we set out three numbers in law. And what we say is that these numbers are binding. We promised the American people in the budget we would not spend more than that. They are binding.

And if Congress spends more within that category—for example, let us say we raise spending for nondefense spending. Let us say we spend a billion above what we allow in the budget. In that case, if we did not take any other action by the end of the year, there would be an automatic across-the-board cut in discretionary spending to bring us back under the total.

I noticed that Congressman SCHUMER, whose original idea this was, said in addition that he wanted a tight budget enforcement mechanism to cap discretionary spending.

Well, what I have done is send an amendment to the desk that will alter permanent law, take the President's budget as we adopted it, and make the spending totals binding so that the American people, who are about to be taxed, can be absolutely certain that they are going to get the spending cuts that are promised.

The President says that people are skeptical and they need to be reassured. Let me remind my colleagues why people are so skeptical. People are skeptical because basically they have been misled. In the campaign the President said, I will cut $3 in spending for every $1 of new taxes that I ask rich people to pay. And then, when Congressman Panetta was before the Senate to be confirmed as OMB Director, he said $2 in spending cuts for every dollar of new taxes. And Senator Bentsen, who was before the Senate to be confirmed for Secretary of the Treasury, said the target was $2 in spending cuts for every dollar of taxes. And then the President came before a joint session of Congress and the American people and, in the State of the Union Address said, $1 spending cuts for every $1 of taxes.

Finally, when the Congressional Budget Office looked at the final budget we adopted, compared it to what would have happened had we done nothing, they concluded that taxes go up by $3.23 for every $1 of spending cuts.

So, if people are somehow disillusioned and distrustful of what we say versus what we do, I think it is obvious that they are disillusioned and distrustful for very good reason. There is a huge gulf between what we say and what we do.

Mr. McCAIN. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. McCAIN. As I understand the amendment of my friend from Texas, as he, I think, very eloquently explained it, whenever Congress goes above the budget that is passed by the Congress of the United States, if they wish to spend additional moneys then their sequester would have to be enacted from existing programs.

My question to the Senator is this. I think most Americans believe if they, like every family, city, county, State in America, enact a budget they have to adhere to it. If they do not they better find some more revenues because they are required to have a balanced budget and not run a deficit or a debt. What has been the habit, I ask my friend from Texas, of Congress, that would make him feel this is so important? I ask that since I think most Americans are aware of the deficit but I do not think they are aware there is continuous additional spending over and above—for what are sometimes called emergencies, sometimes other things. Would he explain that a little bit?

Mr. GRAMM. First of all, there has been a consistent pattern where Congress adopts a 5-year budget, and we make all these promises as to what we are going to do in the sweet by-and-by in terms of controlling spending. It is normally the habit of Congress to ask people to pay new taxes in return for these promised spending cuts. But when it comes time to make the spending cuts, we do not do it.

A perfect example was in 1990, under the so-called budget summit agreement. The American people paid $165 billion in taxes and one of the things they got in return was a binding constraint on spending. One of the first actions of our new President was to try to designate a $16.3 billion spending bill as an emergency, so it would not count as spending, it would not count as deficit, it would not violate the spending cap. But it still spent the money and borrowed the money.

So what I am saying is this. We are getting ready to ask the American people to pay $275 billion in new taxes. We are getting ready to tax every American, directly or indirectly. One of the things that is being promised is that we are going to save money by not spending as much as we would have. The problem is, 80 percent of those spending cuts do not even go into effect until after the 1996 Presidential election. Unfortunately, many of the new taxes are retroactive to January 1.

So what my amendment simply says is let us make these spending limits mandatory, let us put them in permanent law, and let us set in place an automatic mechanism so if Congress and the President do not live up to the promise, that there is an automatic, across-the-board cut to keep us within the spending limits we set and that will force us to live up to the agreement.

It is the kind of enforcement mechanism that families have to live with every day, that businesses have to live with, but we have a huge deficit today because Government has not had to live with it.

All I am trying to do is this. If we are going to ask people to pay new taxes retroactive to January 1, and we are going to promise these big spending cuts in 1997 and 1998, do my colleagues not think we ought to have the strongest enforcement mechanism possible to try to see that those cuts are actually made? That is what I am trying to do.

Mr. McCAIN. If the Senator will yield for another question about the so-called trust fund without the amendment of the Senator from Texas. As I understand it, if there was $1.6 trillion in spending this year and there was, say, $1.3 trillion taken in, leaving us with roughly a $300 billion deficit—if those are roughly accurate numbers—contributing therefore to increase the already over $4 trillion debt, what would be the purpose of this trust fund? What possible accomplishment could it have? What difference would it be from taking the money and putting it in a mattress? What would be the effect on the accounting as the American people view the overall debt and the annual deficit?

Mr. GRAMM. The effect of the trust fund is to mislead people into believing that somehow it is a guarantee that Government will not simply increase spending by the amount of the revenue. But if we do not have some binding constraint, as the proponent of this very proposal in the House said—even though it is not included in the President's proposal—that he wanted an airtight budget enforcement mechanism to cap discretionary spending because the only guarantee that we will not spend the new tax revenues is a prohibition against such spending.

If you take money and put it in a mattress and you do not take it out, you cannot spend it because you do not have unlimited credit and you cannot print money. Government can borrow money and can print money indirectly through the Federal Reserve bank. So putting money into mattresses does not keep Government from spending it. It might keep Captain McCAIN from spending it, but it does not bind Uncle Sam. And that is why the President's proposal, unless we do something to make it effective, simply misleads the American people.

As a new member of the Council of Economic Advisers said, and I love this language, "This is our way of telling people you don't have to worry. All your sacrifice will go into deficit reduction," Gene Sperling, an economic advisor to the President is quoted as saying that.

My view is if all the sacrifice is going to go into deficit reduction why do we not write it into law that all these spending cuts really have to be made and have an enforcement mechanism that says if we should backslide—as Congress has always done—that we have an automatic mechanism that triggers the spending reductions. That is my point.

Mr. McCAIN. I would just ask one more question, then, and I thank my friend for his very eloquent explanation. I suggest that this amendment, for those who are truly serious about deficit reduction, absolutely cannot be opposed. I hope we could pass it on a voice vote.

I ask my friend from Texas this. Would he review—because we happen to lurch from day to day, hour to hour here, from issue to issue—given his involvement since 1980 on issues of the budget deficit, could he just review for the record the history we have had of the budget summit agreements, the commitments that were made, and the ultimate result? I think beginning with the famous Tip O'Neill-Ronald Reagan agreement—I believe it was 1982. Is that correct?

Mr. GRAMM. We have the real expert, Senator DOMENICI here, but let me give my recounting and then I will be happy to yield to Senator DOMENICI if he wants to add to it. Basically my experience has been in budgets, and my experience dates back to 1979. We adopt a 5-year budget. But my experience has been that the tax increases that are adopted almost always are forever; that the spending cuts that are adopted in return for the tax increases do not normally ever take effect. Even the spending control measures that are promised that first year are often not achieved.

And the spending control measures that are promised 3 years in the future, 4 years, 5 years away in return for all these taxes are never achieved.

Before I yield to our distinguished colleague from New Mexico, let me explain why this is so important.

In 1994, the President's proposal, as it was originally written, raises taxes by $27.4 billion. In that, we have income taxes, 73 percent of which is going to be borne by small businesses and family farms. We have a Btu tax that most outside experts say will cost the average American family about $500 a year. We have a tax on Social Security recipients who make over $25,000 a year. So the first year people are going to pay $27.4 billion of new taxes. Many of those taxes are retroactive to January 1.

What are we doing in the President's original budget to spending the first year? I know people come up to Senator DOMENICI, in the airport and they say: "Are you cutting spending first?" That happens to me everywhere I go. I have to look them in the face and say no.

Let me show you what the President's budget does. This first year it raises taxes by $27.4 billion and then, relative to what we would have spent, and spending is already growing at about 4.5 percent a year, in addition to that, it raises spending by another $5.1 billion. So the first year we raise taxes and we raise spending.

Now the second year, taxes are $40.4 billion—these big tax increases are now taking effect—and spending still increases relative to what we would have spent by about a billion dollars.

Not until 1996—and remember, defense is being slashed so this means new spending is more than offsetting the cuts in defense—not until 1996 do we supposedly start seeing any reduction in spending. And in 1997, after the Presidential elections are over, taxes still increase twice as much as the promised spending cuts.

We have several problems: One, we do not have any real binding constraint on spending. There is no guarantee that these promised spending cuts in discretionary spending will ever really be made. Second, none of them are really promised in any substance until after the 1996 campaign. So if we do not have an enforcement mechanism, we know those cuts will never be made.

Finally, people have been misled about how much in going to be cut in any case. So I think there are two measures—and I will yield the floor because I see my colleague from New Mexico wants to speak—there are two measures that can turn the President's proposal into an effective proposal. The first measure I have introduced today in this amendment. It takes the President's spending proposals, makes them binding, extends the 1990 budget summit mechanism whereby if we spend more, there will be automatic cuts to offset it so we insure that the cuts will be made. That is the first thing we need to do, and I hope we will adopt this amendment.

The second thing we need to do, which will be an amendment on the tax bill, would say if you do not have a dollar of spending cuts, you cannot have a dollar of taxes; that the taxes do not become effective until the spending cuts are made.

I, along with other of my colleagues, will offer such an amendment on the tax bill. I hope it will be adopted. We have an opportunity to turn this lead trial balloon of the President's, which has appropriately been called a phony proposal, into a real proposal by having binding constraints on spending and by not letting the taxes go into effect until the spending cuts are actually made we can take that first step today. We can take the President up on his offer. We can do something productive, and I hope my colleagues will do it.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I was unaware when I came to the floor, I say to my friend from Texas, that he had this amendment pending, but it really does permit me to talk about what I intended to come to the floor and talk about in any event.

Might I say to everybody in this body, the minimum thing we ought to do is adopt the Gramm amendment. Frankly, it is not near enough to justify the taxes that are being imposed on the people, but it begins to say that one portion of the budget will not grow for the next 5 years because we put in place a process that will not let it grow. Otherwise, everybody should know that one of the big problems with all these taxes is that nobody can assure the American people that we are not going to spend them all. And this trust fund does not do anything to help with that. Let me say, at least this amendment says the discretionary part of the budget is under control.

I might say to the American people, that really is just a tiny start because unless we figure out a way to control the mandatory expenditures, the health care part, all of these taxes are going to be eaten up by that.

Some of you may have watched Mr. Perot on television with a simple graph that shows the deficit coming down and then going through the roof. That is not changed by putting $275 billion of taxes in a trust fund and calling it entrusted money. The only thing that will fix that is to restrain spending.

Having said that, I want to take a couple of minutes, but I say to my friend, if anybody wants to vote quickly on this amendment, I will quit speaking. Does the chairman want to vote right now?

Mr. RIEGLE. Let me say to the Senator, if the Senator will yield, the answer is yes. I do not know whether the Senator from Tennessee wants to make a statement before we do. At the appropriate point, because this is extraneous to this matter, I will move to table the amendment. There may, in fact, be a point of order with respect to the budget resolution.

Mr. SASSER. If the Senator from New Mexico will yield for an observation.

The PRESIDING OFFICER. Does the Senator from New Mexico yield?

Mr. DOMENICI. I yield without losing my right to the floor.

Mr. SASSER. There are a couple of colleagues on the floor who are trying to catch an airplane.

Mr. DOMENICI. Yes.

Mr. SASSER. At the appropriate time, I do intend to make a budget point of order.

Mr. DOMENICI. Madam President, I wonder if there would be any objection by the ranking member and the chairman if we go ahead with this, if we can agree that after disposition of the pending amendment that I would have the floor again to complete 5 or 6 minutes of remarks.

Mr. RIEGLE. By all means.

Mr. DOMENICI. Is that all right with the Chairman?

Mr. RIEGLE. Yes, it is. Is that another way of saying it is the suggestion that we go ahead now and go to the budget point of order?

Mr. DOMENICI. Immediately, nothing in between. Is that all right?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico still has the floor.

Mr. SASSER. Will the Senator yield for just one question?

Mr. DOMENICI. I will be pleased to yield.

Mr. SASSER. I would certainly be agreeable to the Senator's request, and will accommodate some of our colleagues if we can do that. I ask that following the vote that myself and the Senator from California might have 10 minutes evenly divided.

Mr. DOMENICI. After I have used my time.

Mr. SASSER. Yes, after you have used your time.

Mr. RIEGLE. Will the Senator yield just 1 more moment so we have the parliamentary situation straight? I am very much of the mind to finish the RTC bill. So I am wondering in light of the fact that colleagues are leaving and if we dispose of the Gramm amendment, I also want to go ahead and vote on the RTC bill. I take it the request encompasses both items?

Mr. DOMENICI. Madam President, I was trying to accommodate Senator BURNS, I believe. I just as well take 4 minutes right now and you will not need me afterward. I cannot wait that long.

Senator BURNS, what is the latest you could vote here and still catch your flight to your daughter's graduation?

Mr. BURNS. I have a 5 o'clock flight, and I am going to go.

Mr. RIEGLE. Let us vote.

Mr. GRAMM. Will the Senator yield for 30 seconds?

The PRESIDING OFFICER. Will the Senator from New Mexico yield?

Mr. DOMENICI. I yield.

Mr. GRAMM. Madam President, the budget point of order which is going to be made is simply a technicality by amending the Budget Act. The issue is a very clear issue: Do you want to make President Clinton's budget binding so that all of the spending control measures, $1 in spending control for every $3.23 of taxes, hardly a good bargain, that they are really achieved? If you want to make the budget binding, you want to vote to waive this budget point of order.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, if it is agreeable with the Senator from New Mexico who is holding the floor—does the Senator yield the floor?

Mr. DOMENICI. I yield the floor, but we do not have any unanimous-consent agreement yet.

Mr. SASSER. Madam President, I ask unanimous consent that following the vote on the point of order, and I will inquire of the distinguished manager, will there be a vote on final passage?

Mr. RIEGLE. Yes, there will; and it ought to follow immediately so other Members are not inconvenienced as well.

Mr. SASSER. Madam President, if I may rephrase the unanimous-consent request, immediately following the vote on the point of order and following the vote on final passage, I ask unanimous consent that the distinguished Senator from New Mexico be recognized for a time not to exceed 6 minutes, and that myself and the distinguished Senator from California be recognized for a time not to exceed 10 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection to the protocol laid out by the Senator from Tennessee?

Mr. DOMENICI. Madam President, why not drop me out of that unanimous consent and say I will follow the Senator. I am not sure I can get back in time, but I would have the floor after the Senator has finished his 10 minutes.

Mr. SASSER. Would the distinguished Senator be limited to 6 minutes on that?

Mr. DOMENICI. Is that what the Senator thinks we ought to use, only 6 minutes?

Mr. SASSER. Senators have had a lot of time on that side already.

Mr. DOMENICI. I will settle for 10 minutes on my side, if the Senator does not mind.

The PRESIDING OFFICER. As stated by the Senator from Tennessee, as amended by the Senator from New Mexico——

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I wish to raise a point of order, and then we will go to final passage, as I understand it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. The unanimous-consent request is agreed to; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SASSER. Madam President, I raise a point of order.

The PRESIDING OFFICER. What is the Senator's point of order?

Mr. SASSER. That the pending Gramm amendment violates section 306 of the Congressional Budget Act of 1974.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the appropriate provisions of the Congressional Budget Act relating to the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

I further announce that the Senator from New Hampshire [Mr. SMITH] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—4

Kassebaum
Krueger
Rockefeller
Smith

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment offered by the Senator from Texas deals with a matter within the jurisdiction of the Senate Budget Committee and is being offered to a bill that was not reported from that committee in violation of section 306 of the Congressional Budget Act. The point of order is sustained. The amendment falls.

Mr. DOLE. Mr. President, we all know that the RTC is everyone's favorite punching bag. Over the years, I have taken a few swipes myself, expressing my disappointment, for example, that the RTC regional office in Kansas City had once used taxpayer funds to purchase original artwork.

KEEP A CLOSE EYE ON THE RTC

Today, I continue to receive complaints from constituents about irregular bidding procedures, or auctions that do not work as advertised, or RTC bureaucrats who make a habit of not returning phone calls. When I feel that a complaint has merit, I pass it along, and I expect the RTC to take remedial action. As long as the RTC is in business, I will be keeping a close eye on its activities.

But in the grand scheme of things, these problems are really minor blemishes on the RTC's overall performance. Congress gave the RTC one monster of a job—cleaning up the $200 billion savings and loan mess. And, if you step back for a second and try to take an objective view of what the RTC has accomplished, you would have to say it has made the best out of a very bad set of circumstances.

These circumstances have not changed. Today, there are roughly 83 thrifts in RTC conservatorship. At takeover, these thrifts had assets of nearly $74 billion. During the next 5 years, we can expect an additional 190 institutions to fail with assets totaling more than $115 billion. By any measure, the RTC still has its work cut out for it.

RTC FUNDING IS NOT PARTISAN

Now, this is the first RTC funding bill of the Clinton administration. When President Bush and Secretary of the Treasury Nick Brady came to the Hill seeking additional funding for the RTC, most of my colleagues on the other side of the aisle were ready to lend their support. They knew that RTC funding is an American issue, not a partisan issue. S&L's do not fail based on the number of Republican or Democrat depositors.

So when the political experts talk about gridlock, they are really talking about the gridlock of inaction, the gridlock that results when Congress fails to make the hard choices.

Certainly, no one likes voting money to bail out the S&L mess. It is not an easy vote, and it certainly does not make for great press releases. We can be sure that the Clinton administration will not be listing RTC funding as one of its top accomplishments during its next 100 days in office.

THE BOTTOM LINE

But the bottom line is that we must forge ahead and close one of the saddest chapters in our Nation's financial history. The longer we delay RTC funding in the short run, the greater the cost to the American taxpayers in the long run.

And let us be clear: We are not talking about bailing out S&L executives and stockholders. Every penny of this bill goes to protect depositors.

In my own State of Kansas, 23 institutions have been placed under RTC conservatorship. The RTC has protected nearly 542,000 accounts in these institutions, totaling more than $5 billion.

Those who will benefit from this bill are not the S&L high fliers, but the millions of people throughout the country who thought they were making a prudent decision when they chose to deposit their hard-earned savings in savings institutions.

To protect these deposits, this bill appropriates nearly $27 billion—$18 billion for the RTC and almost $9 billion for the savings association insurance fund. I am pleased that only $10 billion in funds will be made immediately available to the RTC. Access to the remaining funds is contingent on the Secretary of the Treasury's certification that the RTC has adopted certain management reforms, including stronger internal controls against waste and fraud.

Although these reforms will not prevent every glitch, they will help ensure that the American people get a bigger bang for their RTC buck.

Mr. President, many years ago, the U.S. Government made a commitment to the American people—that it would lend its full faith and credit to any deposit placed in an insured institution. If the Government is to remain true to this commitment today, we must act responsibly and pass this bill.

Mr. DURENBERGER. Mr. President, I rise today to support S. 714 which would grant a final round of funding to the Resolution Trust Corporation. The RTC was created in 1989 to bail out the failed Savings and Loans Associations which found themselves leveraged beyond their abilities to maintain their solvency. This situation developed because S&L's were too loosely regulated and were allowed to enter into highly risky investment portfolios.

In an endeavor to compete with commercial banking entities, savings and loans were allowed to invest in risky investments. These portfolios were expected to allow them to earn a higher rate of return and thus permit the S&L's to be more competitive in the financial marketplace.

Unfortunately, this plan was disastrous and the high risk investments failed to perform, plunging the S&L's who were involved in these transactions into a financial nightmare. Mismanagement and extreme risk-taking led this country's thrifts into a crisis which was so devastating that the Federal Government was forced to step in and take over.

And here we are today, $84½ billion later, $84½ billion taxpayer later. The extent of this crisis is staggering, and it is even more distasteful that we are relying on the U.S. taxpayer to foot the bill for these reckless business decisions.

I have heard from many Minnesotans regarding how disgusted they are with the handling of the bailout by the RTC. The shocking tales of abuse within the RTC are known throughout this country—attorneys charging the RTC for 26 hours of work in a single day; massive bonuses paid to executives at RTC; and ridiculous charges billed to the RTC for things such as photocopies. The abuse in the RTC has been widely reported, and I join with those who voice their shock and dismay at the management of this entity.

While I would prefer to stop pouring taxpayer dollars into the RTC, I fully recognize our obligation to finish the job that we have begun. I expect that these will be the last dollars that will be appropriated to the RTC. It is my understanding that this final funding will provide sufficient funding for the RTC to completely resolve the thrift crisis which it was created to address.

I also support the funding of the savings association insurance fund [SAIF]—the branch of the FDIC which will insure the remaining thrifts after the expiration of the RTC. While it would certainly be preferable to have the SAIF funded by the thrifts themselves, I believe that it is necessary to provide some initial funding of the SAIF to ensure its viability. If this insurance fails, we will face another S&L crisis, only this time it will be on a larger scale and will cost the U.S. Government more in the long run.

A successful SAIF will help us react to future S&L insolvencies, although I expect that those will be few and far between. A sound insurance fund will bring back the confidence of the depositor, protect the industry as a whole, and promote a more competitive financial marketplace. This will only benefit the U.S. economy as a whole. We cannot afford another crisis in the thrift industry—and we certainly will not allow another one to happen.

I urge the support of my colleagues for S. 714 along with the managers' amendment which will reduce the price tag.

Mr. BRADLEY. Mr. President, it is with some regret that I oppose the latest attempt to refund the RTC. I understand the pressures faced by the administration in its efforts to resolve this issue. I understand that the RTC is operating 85 thrifts that it cannot close due to lack of money, and that further delay will result in additional losses. If this measure were a final resolution of the problems of the thrift industry, I might support the bill. Unfortunately, this is just another in a long line of open-ended funding measures that fails to achieve real reform.

We are now in the 7th year of the S&L bailout. Since 1986, we have closed, merged, or stabilized 654 thrifts at a cost of roughly $120 billion. CBO tells us that the American taxpayer will pay for roughly 70 percent of those bailout costs. That means a total price tag of roughly $85 billion to date. For New Jersey, that means it has cost taxpayers $3.8 billion. Before we raise that price, we should make sure it goes no higher than it needs to.

Back in 1989, when this body gave the RTC $50 billion, I was one of eight Senators to vote against the bill. At the time, I said that while I recognized the serious time constraints that the Banking Committee was under in drafting the legislation, I could not vote for a bill that left so many questions unanswered. Some of those questions include: What will the role of the S&L's be in the future? How will the RTC bureaucracy behave and impact the economy? Do regulators have sufficient powers and capacity to deal with future problems?

In 1989, I also cautioned that we have not heard the last request for funding to deal with the savings and loan crisis. In making that statement, I echoed the opinions of many banking experts who told me that the magnitude of the S&L problems was far greater than anything the administration was willing to acknowledge.

To make matters worse, Mr. President, the legislation which created the RTC also allowed it to be partially funded through bonds issued by an off-budget authority. By using this scheme as opposed to pure Treasury funding, we increased the interest expense of this bailout significantly.

Mr. President, this is the fourth request for funding in the RTC's roughly 4 years of existence. The $50 billion we originally provided is gone. Another $30 billion we provided in 1991 is gone. And $7 billion out of the last $25 billion we provided is gone. But let's not fool ourselves. This probably won't be the last request. The Congressional Budget Office has warned that it will take $50 billion for RTC and SAIF to cover insurance losses through 1998. This bill simply reauthorizes $18 billion for RTC and authorizes $8.5 billion for SAIF. At some point, we simply must give an honest accounting to the American people.

Nor have we received adequate assurance that the RTC has reformed its operations to insure the maximum recovery and lowest cost to the taxpayer. GAO has continued to warn about a "number of long-standing weaknesses in the RTC's assets disposition strategies, contract planning and oversight, information systems, and financial management efforts." Indeed, the GAO cannot even perform a full audit of RTC's financial statements due to control and methodology problems. This bill does not address those concerns. Instead it relies upon a weak certification process that basically cedes congressional responsibility for RTC oversight to Treasury. This is simply not an acceptable approach. We are not only passing the buck to the Treasury, but to the extent that the RTC continues to operate poorly and costs continue to escalate, we are passing the buck on to our constituents.

Finally, this bill suffers from the fatal flaw of failing to look to the long term. We are about to cede responsibility to SAIF without even being sure that the agency is adequately funded over the next 5 years. Will premiums have to be raised to insure a self-funding insurance mechanism? Will we be turning again to the American people to subsidize this industry? Even more fundamental questions about the role thrifts are to play in our financial system have yet to be answered. Had this body answered some of these larger questions asked in 1969, we may have avoided this waste of the taxpayers' money.

Mr. CONRAD. Mr. President, I once again intend to vote against providing additional funding for the savings and loan bailout. I will do so because the Resolution Trust Corporation [RTC] has colossally mismanaged the S&L cleanup so far.

The managers amendment incorporates numerous provisions designed to eliminate mismanagement and minimize the cost to taxpayers of the remainder of the bailout. And the administration has committed itself to cleaning up the disaster that the RTC has become. These are very positive developments that I wholeheartedly support, and I want to congratulate the administration, the chairman, and members of the committee for the thought and work that went into crafting many of the safeguards in the managers' amendment. But too many of the same people and operating procedures that have made RTC synonymous with mismanagement and waste remain in place for me to vote for this bill at this time.

Mr. President, taxpayers have now paid more than $87 billion to clean up failed S&L's. We are now being asked to provide an additional $34.3 billion. And the taxpayers will have to cover additional hundreds of billions of dollars in interest costs before the clean up is completed.

There is no question that the Government has an obligation to make sure that insured depositors do not lose their life savings as a result of bank and thrift failures. It is scandalous that loosened regulations and relaxed oversight in the early 1980's under the Reagan administration allowed unscrupulous thrift operators to gamble with insured deposits. However, the Government guaranteed that the hard-earned savings of working Americans would be protected by the deposit insurance system in the case of bank and thrift failures, and the Government must make good on this guarantee.

But the Government should not use any more of the taxpayers' money than is absolutely necessary to fullfil this obligation. Unfortunately, so far the story of the S&L clean up has been one of waste, mismanagement, excessive costs, and a failure to prosecute those responsible for the disaster.

According to the General Accounting Office, over three quarters of all thrift failures involved fraud or negligence.

Efforts to prosecute criminal actions and recover damages have been insufficient; the RTC has brought civil suits against the operators of fewer than 40 percent of institutions that it controls. For example, RTC's professional liabilities section has been plagued by insufficient resources and low morale, and has been unable to meet the statute of limitations in many instances. In fact, about 60 percent of all civil cases are filed within 1 week of the expiration of the statute of limitations, and the statute of limitations has expired, or will expire in the next year, for more than 300 institutions. That is why I am a strong supporter of the amendment offered by Senator METZENBAUM to extend the statute of limitations to 5 years in order to allow RTC to crack down on those whose negligence is now costing the taxpayers billions of dollars. And it is why I am also a cosponsor of Senator DORGAN's amendment to create a Savings and Loan Criminal Fraud Task Force in the Department of Justice.

RTC's performance in the disposal of assets it has acquired as a result of thrift failures has been a disaster. It still has no core management system to track and manage assets. It doesn't know what it own, where it is or what it's worth. In fact, in the case of Operation Western Storm, the RTC lost track of $7 billion of assets. Let me repeat that, Mr. President. The RTC lost track of $7 billion of assets—$7 billion of the taxpayers money and it didn't know what had happened to them. Even when it does know what assets it has, the RTC has no business plan to maximize its return from their sales. In fact, the RTC seems to have gone out of its way to minimize its returns. Time after time I have heard from my constitutents and others that they wanted to purchase property from the RTC, but their inquiries were either ignored or their offers were rejected. In most of these cases, the properties were subsequently sold for far less than was originally offered the RTC.

RTC has also mismanaged its outside contracting. In November 1991, during consideration of the FDIC Improvement Act, I offered an amendment expressing the sense of the Senate that the RTC and FDIC should select outside legal counsel through competitive bidding based on the ability to perform required tasks at the lowest possible cost to the taxpayer. I offered this amendment because I discovered that RTC and FDIC were routinely paying hundreds of thousands of dollars to law firms for excessive photocopying charges, inflated wages, duplicate billings, and other waste. Since then, I have learned that it was not only lawyers that were ripping off the RTC and the taxpayer, but other outside contractors as well. Just a few months ago, for example, we learned that the RTC was paying $35 an hour—or about 67 cents a page in labor costs alone—for the photocopying of millions of pages of documents. And the Los Angeles Times reports that an RTC employee unilaterally increased another contract from $200,000 to $1.4 million without the knowledge of the contracting division.

Mr. President, most of this is not news to anyone who has paid any attention to the S&L bailout. Despite repeated investigations by the GAO at the urging of Chairman RIEGLE, myself and other Senators; despite repeated expressions of outrage by the public, the media and the Congress; despite clear failures, the RTC in the last administration showed little or no concern and made hardly any improvements.

That is why I was very pleased to receive a letter recently from Roger Altman, the new acting CEO of the RTC, in which he admitted the problems of the RTC and committed himself to more efficient operations and more effective asset sales. This represents a dramatic change from the head-in-the-sand attitude and policies of the previous administration. I applaud Mr. Altman's action to freeze outside contracting until adequate policies and effective enforcement of those policies are in place. The establishment of a team to prepare a comprehensive business plan and asset sales strategy and the shift in emphasis from speedy disposal to maximum recovery in asset sales are clear steps in the right direction. And the strengthening of internal controls are long overdue. I strongly support these changes, and I sincerely hope that they will be effective.

Similarly, I applaud those who worked on the managers' amendment for their attention to the mismanagement that has plagued the RTC. The requirement that RTC put in place a program to strengthen internal controls, implement the recommendations of auditors, prepare a comprehensive business plan, improve the professional liability section, improve management information systems, strengthen contractor systems and oversight, and improve the management of legal services should guarantee attention to existing weaknesses, and, I hope, will lead to measurable improvement in RTC operations. I am pleased that the managers have included in their amendment a provision that I had requested that will ensure that the thrift industry pays as much as possible before taxpayers are asked to contribute to the fund. I support provisions requiring that the RTC attempt to sell real properties on an individual basis for 90 days before selling them as part of a package. This will allow small investors an opportunity to bid on houses and other real estate, and should result in higher returns to the RTC than are generally achieved when large blocs of properties are sold as a package. And I strongly support the whistleblower protections included in the bill. Finally, I support the limitations on outside contracting that will help prevent some of the abuses the amendment I offered to the FDIC Improvement Act in November 1991 would have addressed.

So, Mr. President, if I support so much of what the Clinton administration plans to do to change the RTC, and if I support so many aspects of this bill, why do I intend to vote against it?

The answer is quite simple. While these provisions and announced changes sound great, I fear that the legacy of egregious failure at the RTC is too much to overcome. Certainly, the Clinton administration's willingness to address the RTC's problems in this bill and through unilateral administrative actions is a welcome change, and I hope that this administration and this bill will finally turn the bailout around and put an end to the waste and mismanagement of taxpayer dollars. But I am afraid they may not. Until I can be sure that they will not be wasted, I cannot support giving tens of billions more taxpayer dollars to the S&L bailout.

REGARDING AMENDMENT NO. 363

Mr. SHELBY. Mr. President, earlier this afternoon, Senator RIEGLE offered an amendment to S. 714, the RTC funding bill, on my behalf. The amendment was adopted by unanimous consent. I would like to thank the distinguished chairman of the Banking Committee for his courtesy.

This amendment is intended to focus attention on the Federal Government's efforts to obtain restitution from those responsible for the savings and loan crisis. The legislation that we consider this afternoon will provide almost $27 billion in additional funding to resolve the savings and loan crisis.

In addition to the $105 billion already spent to resolve failed savings and loans, considerable resources were authorized to investigate and prosecute bank and thrift fraud. The Crime Control Act of 1990 authorized $162.5 million per year for fiscal years 1991 through 1993. What has this money bought us.

In its third quarter 1992 report to Congress, the Department of Justice reported that it had charged 3,270 defendants with major financial institution offenses since October 1, 1988. Over that same period of time, from October 1988 to July 1992, the courts ordered $846.7 million in fines and restitution in major bank and thrift fraud cases.

However, of that amount, only $38 million has been collected; $38 million is 4.5 percent of $846 million.

Mr. President, I find that percentage shockingly low.

Last year, the Consumer Affairs Subcommittee of the Banking Committee, chaired by our former colleague from Illinois, held a hearing on the Government's efforts to prosecute bank and thrift fraud.

At that hearing, the special counsel of the Financial Institutions Fraud Unit testified that the Justice Department was attempting to improve its efforts to collect the restitution and fines ordered of those convicted of bank and thrift fraud.

My amendment would afford the Justice Department the opportunity to tell Congress and the American people what they have done to improve their collection efforts. This amendment directs the Office of the Special Counsel to prepare and submit a report to the Senate and House Banking committees. This report would explain what the Justice Department is doing to ensure that the criminals that cost the American taxpayers more than $100 billion are doing everything they can to pay the American people back. Four and a half percent is abysmally low. I hope that the Department of Justice's report will not try to justify this figure but instead will explain what efforts have been undertaken to significantly increase this figure.

The American people are entitled to this information. Indeed, they have paid dearly for it. I am pleased that the Senate adopted this amendment.

Mr. RIEGLE. Mr. President, a number of Senators indicated an interest to me in proposing an amendment to the RTC funding bill to require public disclosure of the examination reports of a depository institution that has failed. This amendment has passed in the Senate before, but I have discouraged its introduction to the bill based on assurances from the administration that they will fully explore the degree to which enhanced disclosure and market discipline can be used as supervisory tools. Both the Comptroller of the Currency and the Treasury have indicated that they will take a careful look at these issues over the next 6 months and would share their conclusions and recommendations with us at that time. I look forward to their reports on these issues by November. I ask unanimous consent that a letter on this subject appear in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE CURRENCY,
ADMINISTRATOR OF NATIONAL BANKS,
Washington, DC, May 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that Senator Conrad is thinking about proposing an amendment during the Senate's consideration of the Thrift Depositor Protection Act to require public disclosure of the examination reports of a depository institution that has failed. For the reasons outlined below, including our interest in reviewing the area of disclosure of bank-related information more broadly, I would respectfully request that you not support such an amendment at this time.

More particularly, there are concerns within the agency that such an amendment could hamper current efforts to make credit more readily available. At a time when the federal banking agencies are revising regulatory requirements to encourage banks to lend, the public disclosure of examination reports could send the wrong signal. If there is a possibility that an examiner's work product could be published in the local newspaper some day, he or she would be extra diligent in reporting even the most insignificant missteps by the institution. This might distract from the real problems the institution should be addressing.

Additionally, there are concerns that public disclosure of bank examination reports could hinder our supervisory effort. Such disclosure could impair the frank and open dialogue that is necessary for a full exchange of information between bankers and examiners. In effect, this legislation could turn bank examinations into an adversarial process and reduce the effectiveness of the process. There are also concerns about the effectiveness of provisions to allow the agencies to delay disclosure if it impedes an ongoing civil or criminal investigation and about the privacy rights and access to credit of innocent borrowers who happen to be institution-affiliated parties.

At the same time, I respect the serious interest you and Senator Conrad have in focusing on the value of public information as part of the bank supervisory process. As I mentioned during my confirmation hearing, I too want to explore the degree to which enhanced disclosure and market discipline can be used as supervisory tools. I believe they may have real value, both in terms of relieving burden on institutions and improving supervision. Accordingly, I intend to have the OCC staff take a careful look at these issues over the next six months and will be pleased to share our conclusions with you and Senator Conrad and others at that time.

Sincerely,

EUGENE A. LUDWIG,
Comptroller of the Currency.

The PRESIDING OFFICER. The bill is open to further amendment. If there are no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading was read the third time.

The PRESIDING OFFICER. The question occurs on the bill, as amended.

Mr. RIEGLE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislation clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER], would vote "nay".

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that the Senator from New Hampshire [Mr. SMITH] is absent due a death in the family.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "nay."

The PRESIDING OFFICER (Mrs. MURRAY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 35, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—61

Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Campbell
Chafee
Cohen
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Feinstein
Ford
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Simon
Simpson
Stevens
Thurmond
Warner

NAYS—35

Akaka
Baucus
Bradley
Brown
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
DeConcini
Dorgan
Exon
Faircloth
Feingold
Graham
Harkin
Helms
Hollings
Kempthorne
Kerrey
Kohl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Shelby
Specter
Wallop
Wellstone
Wofford

NOT VOTING—4

Burns
Krueger
Rockefeller
Smith

So the bill (S. 714), as amended, was passed, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Depositor Protection Act of 1993".

SEC. 2. THRIFT RESOLUTION FUNDING PROVISIONS.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) in paragraph (3), by striking "until April 1, 1992"; and

(2) by adding at the end the following new paragraphs:

"(4) RELEASE OF RTC FUNDS CONTINGENT ON CERTIFICATION BY THE CHAIRPERSON OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.—Of the amount appropriated under paragraph (3), not more than $10,000,000,000 shall be paid after the date of enactment of the Thrift Depositor Protection Act of 1993 by the Secretary of the Treasury to the Corporation until the Chairperson of the Thrift Depositor Protection Oversight Board (hereafter in this subsection referred to as the 'Chairperson') has certified under paragraph (5) to the Congress that a program that meets the criteria specified in paragraph (5) has been put into place to curb waste, fraud, and abuse at the Corporation.

"(5) CERTIFICATION.—The Chairperson shall certify to the Congress that—

"(A) the Corporation has formulated and is implementing, in a manner acceptable to the Chairperson, a program to—

"(i) strengthen internal controls against waste, fraud, and abuse;

"(ii) respond to problems identified by auditors;

"(iii) prepare a comprehensive business plan for the balance of the Corporation's mission;

"(iv) expand opportunities for minorities and women by, among other things, elevating the director of minority and women's programs to a vice presidential position and voting member of the executive committee and by reviewing and restructuring the use of basic ordering agreements to ensure that minorities and women are not inadvertently excluded;

"(v) improve the professional liability section of the Corporation by, among other things, appointing a senior attorney, at the assistant general counsel level or above, responsible for the professional liability section;

"(vi) improve management information systems to provide complete and current information on a cost-effective basis;

"(vii) strengthen contractor systems and contractor oversight, including contracting for legal services, by, among other things, appointing a senior officer whose responsibilities shall include setting uniform standards for contracting and enforcement and who shall be a voting member of the executive committee;

"(viii) provide for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the chief executive officer of the Corporation and who will comply with the provisions of sections 9105 and 9106 of title 31, United States Code;

"(ix) improve the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost; and

"(II) employing outside counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, subsection (t) of this Act, and regulations promulgated under those provisions, under a negotiated fee, contingent fee, or competitively bid fee agreement, if the use of outside counsel under such agreement or fee would provide the most cost-effective and appropriate resolution to the action; and

"(x) ensure that every regional office of the Corporation contains a client responsiveness unit responsible to the Corporation's ombudsman; and

"(B) the Thrift Depositor Oversight Board has provided for the appointment of an audit committee.

The certification shall be accompanied by a report that describes in detail the implementation of the program specified in the certification, including the specific measures that have been and are being undertaken to correct the problems identified.

"(6) TESTIMONY.—The Chairperson shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives 30 days prior to the expected expenditure of any funds requiring a certification under paragraph (4). The Chairperson shall, at the request of either committee, testify before such committee during the 30 days following the notification.

"(7) INABILITY TO CERTIFY.—If the Chairperson is unable to make a certification required by paragraph (4), the Chairperson shall notify the Congress and the Corporation of the reasons for the inability to provide the certification. Upon such notification, the Corporation shall—

"(A) begin to correct any deficiencies in the program described in paragraph (5), or explain why it is not possible to take such action; and

"(B) request that the Chairperson provide the certification.".

SEC. 3. SAVINGS ASSOCIATION INSURANCE FUND PROVISIONS.

Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended—

(1) by striking subparagraph (E) and inserting the following:

"(E) TREASURY PAYMENTS TO FUND.—

"(i) IN GENERAL.—To provide sufficient funding for the Savings Association Insurance Fund to carry out subparagraph (F), the Secretary of the Treasury shall pay to such Fund not later than September 30, 1998, out of moneys in the Treasury not otherwise appropriated, such amounts as the Secretary of the Treasury may find necessary, not to exceed $8,500,000,000.

"(ii) CERTIFICATION REQUIRED.—No funds shall be paid under clause (i) in any fiscal year unless the Chairperson of the Federal Deposit Insurance Corporation has first made a certification to the Congress in that year that further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis.";

(2) in subparagraph (F)—

(A) by striking "The Secretary" and all that follows through the colon and inserting the following: "From amounts provided in subparagraph (E), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund, for each fiscal year described in the following table, such amounts as the Corporation and the Secretary of the Treasury determine are necessary to pay insurance losses at failed institutions, unless, after deducting losses anticipated during that fiscal year, the Fund is expected to meet the minimum net worth referred to in such table in the applicable fiscal year:";

(3) by striking subparagraph (H) and inserting the following:

"(H) DISCRETIONARY RTC PAYMENTS TO THE SAIF.—

"(i) IN GENERAL.—Upon request by the Corporation and not later than 2 years after the date on which the Resolution Trust Corporation terminates pursuant to section 21A(m) of the Federal Home Loan Bank Act, the Secretary of the Treasury may pay to the Savings Association Insurance Fund to carry out subparagraph (F), or to the FSLIC Resolution Fund, any funds made available by section 21A(i) of the Federal Home Loan Bank Act to be paid to the Resolution Trust Corporation that the Secretary of the Treasury determines are not required to meet the obligations of the Resolution Trust Corporation.

"(ii) USE OF FUNDS BY SAIF.—Funds paid to the Savings Association Insurance Fund under clause (i) may only be used to resolve institutions that the Director of the Office of Thrift Supervision has identified, not later than October 1, 1993, as problem institutions.";

(4) in subparagraph (J)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) the amount in clause (ii) shall be reduced by any funds provided in subparagraph (E)."; and

(5) by adding at the end the following:

"(K) RELEASE OF SAIF FUNDS CONTINGENT ON CERTIFICATION BY THE SECRETARY OF THE TREASURY AND THE CHAIRPERSON OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.—

"(i) INITIAL CERTIFICATION.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid by the Secretary of the Treasury to the Savings Association Insurance Fund until—

"(I) the Secretary of the Treasury, in consultation with the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that such additional funds are needed to meet obligations of such Fund to depositors, as set forth in subparagraph (F); and

"(II) the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that—

"(aa) further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis;

"(bb) such Fund is implementing a program to operate efficiently;

"(cc) such Fund is implementing a program to prevent waste, fraud, and abuse in its operations;

"(dd) the Corporation has provided for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the Chairperson of the Corporation, comply with the provisions of sections 9105 and 9106 of title 31, United States Code, and take appropriate steps to respond to any recommendations of the Comptroller General of the United States in the most recent audit of such Fund conducted under section 17(d), or certify that such action is not necessary or appropriate;

"(ee) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(ff) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(gg) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(hh) the Corporation is taking steps to improve the management of legal services by utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost, and, if the use of outside counsel would provide the most cost-effective and appropriate resolution to the action, employing such counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and regulations promulgated under those sections, under a negotiated fee, contingent fee, or competitively bid fee agreement.

"(ii) SECOND CERTIFICATION.—No funds in excess of $8,500,000,000 of the amount appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid by the Secretary of the Treasury to the Savings Association Insurance Fund until—

"(I) the Secretary of the Treasury, in consultation with the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that such additional funds are expected to be needed to meet obligations of such Fund to depositors, as set forth in subparagraph (F); and

"(II) the Chairperson of the Federal Deposit Insurance Corporation has certified to the Congress that—

"(aa) further increases in the deposit insurance premiums paid by members of the Fund could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income or such increases would threaten the ability of the thrift industry to maintain or raise adequate capital and continue to provide financial services on a competitive basis;

"(bb) such Fund is implementing a program to operate efficiently;

"(cc) such Fund is implementing a program to prevent waste, fraud, and abuse in its operations;

"(dd) the Corporation has provided for the appointment of a chief financial officer who does not have other operating responsibilities and who will report directly to the Chairperson of the Corporation, comply with the provisions of sections 9105 and 9106 of title 31, United States Code, and take appropriate steps to respond to any recommendations of the Comptroller General of the United States in the most recent audit of such Fund conducted under section 17(d), or certify that such action is not necessary or appropriate;

"(ee) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(ff) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(gg) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(hh) the Corporation is taking steps to improve the management of legal services by utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at a lower estimated cost, and, if the use of outside counsel would provide the most cost-effective and appropriate resolution to the action, employing such counsel, in accordance with section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and regulations promulgated under those sections, under a negotiated fee, contingent fee, or competitively bid fee agreement.

The certifications required by this clause shall be made not later than 30 days before the date by which such additional funds are expected to be needed.

"(L) TESTIMONY.—The Secretary of the Treasury shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives 30 days prior to the expected payment of any funds requiring a certification under subparagraph (K). The Secretary of the Treasury and the Chairperson of the Corporation shall, at the request of either committee, testify before such committee during the 30 days following the notification.".

"(M) INDEPENDENT REPORT BY THE GENERAL ACCOUNTING OFFICE.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid pursuant to a certification under clause (i) or (ii) of subparagraph (K) by the Secretary of the Treasury to the Savings Association Insurance Fund for 60 days after such certifications are made, unless the Secretary determines, and notifies the Congress that an emergency exists. During such 60 day period, the Comptroller General of the United States shall transmit a report to the Congress that—

"(i) states whether such certifications have been verified; and

"(ii) states whether—

"(I) further increases in the deposit insurance premiums paid by Savings Association Insurance Fund members could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income;

"(II) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rate which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(III) an increase in the assessment rate for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default).".

SEC. 4. APPEALS PROCEDURE.

Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Chairperson of the Thrift Depositor Protection Oversight Board shall certify to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that the Corporation has formulated and is implementing, in a manner acceptable to the Chairperson, a program to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) to terminate or otherwise adversely affect credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations.".

SEC. 5. FINAL REPORT ON RTC AND SAIF FUNDING.

(a) IN GENERAL.—The Secretary of the Treasury shall prepare and transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives final reports relating to the use of the funds provided by this Act to the Resolution Trust Corporation and the Savings Association Insurance Fund. Each such report shall contain a detailed description of the purposes for which the funds were used.

(b) TIME FOR SUBMISSION.—The reports described in subsection (a) shall be transmitted—

(1) not later than 45 days after the final expenditure of funds under this Act by the Resolution Trust Corporation; and

(2) not later than 45 days after the final expenditure of funds under this Act by the Savings Association Insurance Fund.

SEC. 6. THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUDIT COMMITTEE ESTABLISHED.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(w) THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUDIT COMMITTEE ESTABLISHED.—

"(1) IN GENERAL.—There is hereby established the Thrift Depositor Protection Oversight Board Audit Committee (hereafter referred to in this section as the 'Committee'), the members of which shall be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board.

"(2) FEDERAL ADVISORY COMMITTEE ACT NOT APPLICABLE.—The Committee shall not be deemed an 'advisory committee' within the meaning of section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 7. INDIVIDUAL SALES OF REAL PROPERTY BY THE RESOLUTION TRUST CORPORATION.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(x) INDIVIDUAL SALES OF REAL PROPERTY.—

"(1) IN GENERAL.—For 90 days after acquiring title to any real property, whether held directly or indirectly by an institution described in subsection (b)(3)(A) for which the Corporation is acting as receiver, the Corporation may sell any such property only on an individual basis.

"(2) EXCEPTION FOR CERTAIN RESOLUTIONS.—Notwithstanding paragraph (1), the Corporation shall not be required to set aside real property for a 90-day period for individual sales if such property is sold simultaneously with a resolution in which a buyer purchases assets and assumes liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution described in subsection (b)(3)(A) or in which assets are transferred to a new institution organized pursuant to the provisions of section 11(d)(2)(F) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1821(d)(2)(F)).".

SEC. 8. INDIVIDUAL SALES OF REAL PROPERTY BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 11(d) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1821(d)) is amended by adding at the end the following new paragraph:

"(20) INDIVIDUAL SALES OF REAL PROPERTY.—

"(A) IN GENERAL.—For 90 days after acquiring title to any real property, whether held directly or indirectly by an institution for which the Corporation has been appointed receiver pursuant to subsection (c), the Corporation may sell any such property only on an individual basis.

"(B) Exception for certain resolutions and bridge bank purchases.—Notwithstanding subparagraph (A), the Corporation shall not be required to set aside real property for a 90-day period for individual sales if such property is sold simultaneously with a resolution in which a buyer purchases assets and assumes liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution for which the Corporation has been appointed receiver pursuant to subsection (c) or in which assets are transferred to—

"(i) a bridge bank organized in accordance with the provisions of subsection (n);

"(ii) a new national bank organized in accordance with the provisions of subsection (m); or

"(iii) a new institution organized pursuant to the provisions of paragraph (2)(F) of this subsection.".

SEC. 9. LIMITATION ON CASH BONUSES.

Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 1833b) is amended—

(1) by inserting "(a) In General.—" before "The Federal Deposit Insurance Corporation"; and

(2) by adding at the end the following subsection:

"(b) Limitations on Cash Bonuses by the Federal Deposit Insurance Corporation.—Notwithstanding the provisions of subsection (a)—

"(1) no executive-level employee of the Federal Deposit Insurance Corporation who is on assignment to the Resolution Trust Corporation or whose work is allocable to the Savings Association Insurance Fund shall receive a cash bonus in excess of that which may be awarded to a Senior Executive Service employee pursuant to chapter 53 of title 5, United States Code; and

"(2) no employee of the Federal Deposit Insurance Corporation on assignment to the Resolution Trust Corporation or whose work is allocable to the Savings Association Insurance Fund shall receive any cash bonus if such employee has given notice of an intent to resign to take a position in the private sector before the payment of such cash bonus or accepts employment in the private sector not later than 60 days after receipt of such bonus.".

SEC. 10. WHISTLE BLOWER PROTECTION.

(a) Amendments to the Federal Home Loan Bank Act.—Section 21A(q) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)) is amended—

(1) in paragraph (1), by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the Corporation, the Oversight Board, or such person or any director, officer, or employee of the Corporation, the Oversight Board, or the person."; and

(2) by inserting after paragraph (4) the following:

"(5) Burdens of proof.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this subsection.".

(b) Amendments to the Federal Deposit Insurance Act.—Section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) is amended—

(1) in subsection (a)(1), by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution."; and

(2) by adding at the end the following:

"(f) Burdens of Proof.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this section.".

SEC. 11. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) Deputy chief executive officer.—There is established the office of deputy chief executive officer of the Corporation. The Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer, may appoint the deputy chief executive officer, who shall be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i) of this paragraph. The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) Acting chief executive officer.—

"(i) In general.—Subject to subparagraph (C), the chief executive officer may designate the deputy chief executive officer to act as chief executive officer if the chief executive officer dies, resigns, or is sick or absent; or if the chief executive office fails to make such a designation or is unable to make such a designation due to death or disability, the Chairperson of the Thrift Depositor Protection Oversight Board may designate the deputy chief executive officer to act as chief executive officer if the chief executive officer dies, resigns, or is sick or absent.

"(ii) Powers.—An acting chief executive officer designated under clause (i) shall possess the power to perform the duties vested in the chief executive officer pursuant to subparagraph (D).".

SEC. 12. GENERAL COUNSEL OF THE RESOLUTION TRUST CORPORATION.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)), as amended by section 11 of this Act, is amended by adding at the end the following new subparagraph:

"(G) General counsel.—There is established the office of general counsel of the Corporation. The chief executive officer, with the concurrence of the Chairperson of the Thrift Depositor Protection Oversight Board, may appoint the general counsel, who shall be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i). The general counsel shall perform such duties as the chief executive officer may require.".

SEC. 13. INSPECTOR GENERAL OF FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) Amendments to the Inspector General Act of 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 11—

(A) in paragraph (1), by striking "the chief executive officer of the Resolution Trust Corporation;" and inserting "the chief executive officer of the Resolution Trust Corporation; and the Chairperson of the Federal Deposit Insurance Corporation;"; and

(B) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "Resolution Trust Corporation,";

(2) by inserting after section 8B the following new section:

"SEC. 8C. SPECIAL PROVISIONS CONCERNING THE FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) Delegation.—The Chairperson of the Federal Deposit Insurance Corporation may delegate the authority specified in the second sentence of section 3(a) to the Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

"(b) Personnel.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of the Federal Deposit Insurance Corporation may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Federal Deposit Insurance Corporation.";

(3) by redesignating sections 8C through 8F as sections 8D through 8G, respectively; and

(4) in section 8F(a)(2), as redesignated, by striking "the Federal Deposit Insurance Corporation,".

(b) Position at Level IV of the Executive Schedule.—Section 5315 of title 5, United States Code, is amended by inserting after "Inspector General, Small Business Administration." the following:

"Inspector General, Federal Deposit Insurance Corporation.".

(c) Transition Period.—The individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the effective date of this section may continue to serve in such position until and unless the President appoints a successor under section 3(a) of the Inspector General Act of 1978, except as otherwise provided by law. For the purposes of the preceding sentence, the term "successor" may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this section.

SEC. 14. AUTHORITY TO EXECUTE CONTRACTS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(y) Authority To Execute Contracts.—

"(1) Authorized persons.—A person may execute a contract on behalf of the Corporation for the provision of goods or services only if—

"(A) that person—

"(i) is a warranted contracting officer appointed by the Corporation, or is a managing agent of a savings association under the conservatorship of the Corporation; and

"(ii) provides appropriate certification or other identification, as required by the Corporation in accordance with paragraph (2);

"(B) the notice described in paragraph (4) is included in the written contract; and

"(C) that person has appropriate authority to execute the contract on behalf of the Corporation in accordance with the notice published by the Corporation in accordance with paragraph (5).

"(2) PRESENTATION OF IDENTIFICATION.—Prior to executing any contract described in paragraph (1) with any person, a warranted contracting officer or managing agent shall present to that person—

"(A) a valid certificate of appointment (or such other identification as may be required by the Corporation) and signed by the appropriate officer of the Corporation; or

"(B) a copy of such certificate, authenticated by the Corporation.

"(3) TREATMENT OF UNAUTHORIZED CONTRACTS.—A contract described in paragraph (1) that fails to meet the requirements of this section—

"(A) shall be null and void; and

"(B) shall not be enforced against the Corporation or its agents by any court.

"(4) INCLUSION OF NOTICE IN CONTRACT TERMS.—Each written contract described in paragraph (1) shall contain a clear and conspicuous statement (in boldface type) in immediate proximity to the space reserved for the signatures of the contracting parties as follows:

" 'Only warranted contracting officers appointed by the Resolution Trust Corporation or managing agents of associations under the conservatorship of the Resolution Trust Corporation have the authority to execute contracts on behalf of the Resolution Trust Corporation. Such persons have certain limits on their contracting authority. The nature and extent of their contracting authority levels are published in the Federal Register.

" 'A warranted contracting officer or a managing agent must present identification in the form of a signed certificate of appointment (or an authenticated copy of such certificate) or other identification, as required by the Corporation, prior to executing any contract on behalf of the Resolution Trust Corporation.

" 'ANY CONTRACT THAT IS NOT EXECUTED BY A WARRANTED CONTRACT OFFICER OR THE MANAGING AGENT OF A SAVINGS ASSOCIATION UNDER THE CONSERVATORSHIP OF THE RESOLUTION TRUST CORPORATION, ACTING IN CONFORMITY WITH HIS OR HER CONTRACTING AUTHORITY, SHALL BE NULL AND VOID, AND WILL NOT BE ENFORCEABLE BY ANY COURT.'.

"(5) NOTICE OF REQUIREMENTS.—Not later than 30 days after the date of enactment of this Act, the Corporation shall publish notice in the Federal Register of—

"(A) the requirements for appointment by the Corporation as a warranted contracting officer; and

"(B) the nature and extent of the contracting authority to be exercised by any warranted contracting officer or managing agent.

"(6) EXCEPTION.—This section does not apply to—

"(A) any contract between the Corporation and any other person governing the purchase or assumption by that person of—

"(i) the ownership of a savings association under the conservatorship of the Corporation; or

"(ii) the assets or liabilities of a savings association under the conservatorship or receivership of the Corporation; or

"(B) any contract executed by the Inspector General of the Corporation (or any designee thereof) for the provision of goods or services to the Office of the Inspector General of the Corporation.

"(7) EXECUTION OF CONTRACTS.—For purposes of this subsection, the execution of a contract includes all modifications to such contract.

"(8) EFFECTIVE DATE.—The requirements of this subsection shall apply to all contracts described in paragraph (1) executed on or after the date which is 45 days after the date of enactment of this subsection.".

SEC. 15. TERMINATION DATE OF THE CORPORATION.

Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

SEC. 16. ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(z) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(1) APPOINTMENT.—The Corporation shall appoint, within the Division of Legal Services of the Corporation, an Assistant General Counsel for Professional Liability who shall report to the Associate General Counsel for Litigation and the chief executive officer of the Corporation.

"(2) DUTIES.—The Assistant General Counsel for Professional Liability appointed under paragraph (1) shall—

"(A) direct the investigation, evaluation, and prosecution of all professional liability cases involving the Corporation; and

"(B) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(3) REPORTS TO THE CONGRESS.—The Assistant General Counsel for Professional Liability shall submit semiannual reports to the Congress not later than April 30 and October 31 of each year concerning the activities of the Assistant General Counsel.".

SEC. 17. DEFINITION OF PROPERTY.

(a) Section 9102(e) of the Department of Defense Appropriations Act, 1990 (16 U.S.C. 396f note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

(b) Section 12(b)(7)(vii) of Public Law 94–204 (43 U.S.C. 1611 note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

SEC. 18. CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall by the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

SEC. 19. COST EFFECTIVENESS OF FEDERAL PROPERTY MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b) COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(2) INCLUDED IN REVIEW.—The review required by this subsection shall include—

(A) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(i) the purchase, lease, lease/purchase of existing buildings at market rates; and

(ii) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(B) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(C) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

(c) REPORT.—Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this section to—

(1) the Senate Committees on Governmental Affairs, Budget, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

SEC. 20. SENSE OF THE SENATE RELATING TO PARTICIPATION OF DISABLED AMERICANS IN CONTRACTING FOR DELIVERY OF SERVICES TO FINANCIAL INSTITUTION REGULATORY AGENCIES.

(a) FINDINGS.—the Senate finds the following—

(1) Congress, in adopting the Americans with Disabilities Act of 1990, section 12101, of title 42, United States Code, (the ADA) specifically found that—

(A) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing;

(B) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, commmunication, recreation, institutionalization, health services, voting, and access to public services;

(C) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(D) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(E) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotyphic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(F) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(G) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the chief executive officer of the Resolution Trust Corporation, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Housing Finance Board shall take all necessary steps within each such agency to ensure that individuals with disabilities and entities owned by individuals with disabilities, including financial institutions, investment banking firms, underwriters, asset managers, accountants, and providers of legal services, are availed of all opportunities to compete in a manner which, at a minimum, does not discriminate on the basis of their disability for contracts entered into by the agency to manage the institutions and their assets for which the agency is responsible or to perform such other functions anthorized under any law applicable to such agency.

SEC. 21. RTC CONTRACTING.

(a) No person shall execute, on behalf of the Corporation, any contract, or modification to a contract, for goods or services exceeding $100,000 in value unless the person executing the contract or modification states in writing that—

(1) the contract or modification is for a fixed price, the person has received a written cost estimate for the contract or modification, or a cost estimate cannot be obtained as a practical matter with an explanation of why such a cost estimate cannot be obtained as a practical matter;

(2) the person has received the written statement described in paragraph (b);

(3) the person is satisfied that the contract or modification to be executed has been approved by a person legally authorized to do so pursuant to a written delegation of authority.

(b) A person who authorizes a contract, or a modification to a contract, for goods or services exceeding $100,000, shall state, in writing, that he or she has been delegated the authority, pursuant to a written delegation of authority, to authorize that contract or modification.

(c) The failure of any person executing a contract, or a modification of a contract, on behalf of the Corporation, or authorizing such a contract or modification of a contract, to comply with the requirements of this section shall not void, or be grounds to void or rescind, any otherwise properly executed contract.

SEC. 22. REPORT TO CONGRESS BY SPECIAL COUNSEL.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Special Counsel appointed under section 2537 of the Crime Control Act of 1990 (28 U.S.C. 509 note) shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the status of its efforts to monitor and improve the collection of fines and restitution in cases involving fraud and other criminal activity in and against the financial services industry.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) information on the amount of fines and restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry, the amount of such fines and restitution collected, and an explanation of any difference in those amounts;

(2) an explanation of the procedures for collecting and monitoring restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry and any suggested improvements to such procedures;

(3) an explanation of the availability under any provision of law of punitive measures if restitution and fines assessed in such cases are not paid;

(4) information concerning the efforts by the Department of Justice to comply with guidelines for fine and restitution collection and reporting procedures developed by the interagency group established by the Attorney General in accordance with section 2539 of the Crime Control Act of 1990;

(5) any recommendations for additional resources or legislation necessary to improve collection efforts; and

(6) information concerning the status of the National Fine Center of the Administrative Office of the United States Courts.

SEC. 23. REPORTING REQUIREMENTS.

The Resolution Trust Corporation shall provide semi-annual reports to the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. Such reports shall—

(1) detail procedures for expediting the registration and contracting for selecting auctioneers for asset sales with anticipated gross proceeds of $1,500,000 or less;

(2) list by name and geographic area the number of auction contractors which have been registered and qualified to perform services for the Resolution Trust Corporation; and

(3) list by name, address of home office, location of assets disposed, and gross proceeds realized, the number of auction contractors which have been awarded contracts.

Mr. RIEGLE. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Madam President, if I may be recognized briefly, I want to thank colleagues for their cooperation on this bill. Both sides worked together to resolve all issues.

I particularly want to thank Senator D'AMATO, the ranking member, for his efforts, and all the members of the Banking Committee on both sides, and Members for their energy and diligence. I appreciate the support of the leadership. I want to thank the staff on both sides, particularly the staff of the Senate Banking Committee on my side for all the hard work and the fact we were able to move this through in pretty short order. I am appreciative all around.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Madam President, I commend the distinguished Senator from Michigan, the chairman of the Senate Banking Committee. I think it is evidence of his skill, determination, and leadership that he has been able to organize and enact important legislation that is very controversial, that has been the subject of great difficulty in the House and the Senate over the past few years, and to have it pass the Senate in what is, for the U.S. Senate, the blink of an eye. Passing a bill in 1 day in the Senate is rare, and I think it indicates and is an example of the tremendous skill and leadership ability and knowledge of the subject that the Senator from Michigan, the chairman of the Senate Banking Committee, has brought to this matter.

So, on behalf of all the Members of the Senate, I thank him very much for the great effort he made in this behalf. I commend also the distinguished ranking minority member, Senator D'AMATO, for his participation in the effort as well.

NOMINATIONS ON THE EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I have a brief statement to make on one of the members of our staff leaving the Senate.

Before I do that, I would like to comment briefly on the schedule for the next few days. There are now a total of 11 nominations which are on the Senate Calendar. A number of nominations were cleared earlier this week and I had been under the impression that four, or five, or six more would be approved by yesterday. We are now near the close of business today. I am advised that none of the nine will be able to be cleared because of objection by Republican Senators.

I regret that very much but I wish to state, so there will be ample notice to all concerned, and Senators have notice of what will occur, that on Tuesday morning I will have no choice but to move to proceed to these nominations one at a time and will request votes on the motions to proceed.

The motion to proceed to a nomination is a nondebatable motion and if the nominations are not cleared by that time, if these objections to our proceeding to them are still in effect, then we will simply have to vote on them one at a time—that is on the motion to proceed to the nomination.

Once we get to a nomination, then, of course, Senators have the right, as they do on all such matters, to talk for as long as they want. It is my hope we are not going to have any filibusters of these nominations but that is, of course, the right of any Senator. If that does occur, why we obviously will have to take steps to deal with it at that time.

So Senators should be aware that, beginning next Tuesday morning, first there will be no rollcall votes prior to Tuesday morning and that, beginning on next Tuesday morning I will make a motion to proceed to the nominations which remain on the calendar. We will just go through them one at a time in the hopes that we can get them done. I hope that does not become necessary. I regret it if we do reach that point. As I said, I had been under the impression that we were going to get as many as somewhere between four and half a dozen of these nominations cleared earlier this week, but we are now advised they will not be cleared and, therefore, I have no alternative but to proceed as I have outlined.

Therefore, Senators should be aware that rollcall votes are possible beginning on Tuesday morning. It is my intention to proceed to these on Tuesday morning.

DEPARTURE OF CHARLES KINNEY

Mr. MITCHELL. Mr. President, I rise today with great regret to say goodbye and good luck to our chief floor counsel, Charles Kinney, who departs the Senate this week after 19 years of service.

Every one of my colleagues in the Senate, Democrats and Republicans alike, know how great is our reliance on the skills, the knowledge, the memories, the patience, and hard work of our Democratic and Republican floor staffs. Without their work, it is hard to see how the Senate could function at all.

Charles Kinney's service to me since I became majority leader for the last 4 years has been of immeasurable help.

It is not an overstatement to say that he and the other floor staff taught me the ropes, and it is no overstatement whatsoever to say that his place will not easily, or soon, be filled.

Charles' Senate career demonstrates something about the Senate that is too little known among the American people: the long service and hard work of many of our professional and support staff. They provide an institutional memory and a judgment for which no computer chip will ever be a substitute. They have a genuine commitment to the best interests of this institution itself and to the country. They are an extraordinary group of men and women, and Charles has been an outstanding member of that group.

Charles Kinney began working in the Democratic Cloakroom in March 1974, more than 19 years ago, when he was a senior at Georgetown University.

He completed his undergraduate degree, his law degree, and he passed the bar, all the while continuing to work here in the Senate.

Five years after joining the Cloakroom staff, Charles was appointed to be a member of the floor staff and counsel to the policy committee by my predecessor, the distinguished Senator from West Virginia, then the majority leader, Senator BYRD. During much of this time, Charles also served as chief Judiciary Committee advisor to Senator BYRD.

The range of his responsibilities reflects Charles' uncommon abilities and his meticulous care in giving advice to Senators. Both his talents and his care have earned him the confidence of every Senator.

When I became majority leader in 1989, Charles and his colleagues on the floor staff were one of the most important assets I inherited from my predecessor. I have valued that asset highly ever since. I could not have asked for a more competent, more effective, more loyal staff person.

Charles Kinney's work on the difficult and time-consuming judicial impeachment procedures we unfortunately have had to deal with, in the Senate, has been enormously helpful, as has been his advice and work on proposed rules modifications to help move the business of the Senate more expeditiously.

Charles will be sorely missed. I have come to rely on his judgment, and I very much rely on his good sense and his calm demeanor during the long days and many nights the Senate sometimes inflicts on itself. I know all my colleagues share those sentiments.

We wish Charles the very best in his future career. He will be badly missed in the Senate, but the compensating factor is, of course, that his wife, Joann, and his children will at least see more of him.

Madam President, I know I speak for all my colleagues when I say these words about Charles.

I now ask unanimous consent that a resolution unanimously adopted this week by the members of the Democratic Conference of the Senate commending Charles Kinney for his outstanding performance and extending their appreciation and gratitude for service be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION COMMENDING CHARLES L. KINNEY

Whereas Charles L. Kinney has served the United States Senate for nineteen years;

Whereas, as Senior Floor Staff Member and Counsel to the Democratic Policy Committee, Charles L. Kinney has performed his duties with unfailing courtesy; good judgment; superior intelligence; and dedication to public service. Now, therefore, be it

Resolved, That the Members of the Democratic Conference of the United States Senate hereby commend Charles L. Kinney for his outstanding performance and extend their appreciation and gratitude for his exemplary service.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

HEARTFELT APPRECIATION TO CHARLES KINNEY

Mr. METZENBAUM. Madam President, I too rise to offer my heartfelt appreciation to Charles Kinney and to express my enduring gratitude for his years of public service here in the U.S. Senate.

Charles is leaving us after nearly two decades of selfless dedication to this institution, and he deserves a great deal of credit for every good work accomplished by this body during that period of time.

As a matter of fact, Charles came to this body shortly after I came to this body. I came here in January of 1974. He came here in March of 1974. He did better than I did. He stayed during that entire period. I went home for 3 years and then came back later in 1977. But we worked together on any number of occasions, and his cooperative attitude and his helpfulness have been of immeasurable assistance to this Senator. In his counsel to the majority leader and as senior leader of the talented staff on the floor, Charles has demonstrated keen intelligence, personal integrity, political instincts, and an incredible ability to make clear sense out of the confounding and complicated situations we often find ourselves in on this floor.

As this Senator on rare occasion has been the cause of some of those complications, I have a special, personal affection for Charles, as well as great professional respect for his abilities. Many times I have relied upon him to keep a cooler head while all the rest of us were losing ours.

He has an objectivity about him, a fairness about him that is rare in human beings. It is almost impossible to even begin to describe the contributions Charles has made to the Senate, to the legislative process, and to the American people during his tenure. Suffice it to say that those contributions cannot be overstated.

So as Charles says goodbye to all the time agreements and unanimous consent requests, and all the late nights and irregular hours, the uncertain schedules and unanswerable questions, the illegible amendments and irascible Senators, I want to wish him well.

Enjoy more time with your wife, Joann, and your two children, and look back on your days here with tremendous pride. You have contributed to this Nation's legislative progress, such as it may have been, during the last 19 years, and we all appreciate what you have done, not only for us, but for all the people of this country.

We wish you well. Godspeed.

Mr. MITCHELL. Madam President, I ask Senators to join me in thanking Charles. [Applause.]

Madam President, one thing we know is that after 19 years here, Charles is unlikely to run for public office himself. [Laughter.]

But we are grateful for what he has done, and we look forward to his good success in the future.

I now yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

WISHING CHARLES KINNEY WELL

Mr. FORD. Madam President, may I join with the majority leader in the words he spoke about my friend, Charles Kinney.

I have had the opportunity of working with him over the years. His tenure in the Senate Chamber is a little bit longer than mine, but we joined up in the same year. And so I join in wishing him well, and in hoping that his new position in life will give him a greater opportunity to do some things that he personally would like to do, particularly with his wife and children.

I find that to be a great loss in this Chamber, Madam President, because we work so long and so hard and take it home with us, and on weekends, and we miss some of the joys of life.

But hopefully his tenure here has made life a little better for his family's future, and I say to him that I will never be able to put into words what I feel he has meant to me personally and to this institution. I have always been amazed at his patience.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

A TREMENDOUS ASSET TO THIS INSTITUTION—CHARLES KINNEY

Mr. DODD. Madam President, while he is still in our midst, let me join my colleagues in paying tribute to Charles Kinney. He has been a tremendous asset to this institution. The majority leader and the Senator from Ohio, I think, captured the feelings of all of us here. Regardless of political persuasion or what side of an issue you were on, you could always rely on Charles giving you the best advice, the best counsel as to how to proceed, and without necessarily showing favorites at all.

It is unfortunate, in many ways, that the American public does not get to appreciate, as much as I wish they could, the work of those who never have the opportunity to speak on the floor of the U.S. Senate, or to appear in print, or on television, people who really do make this institution function as well as it does.

Charles Kinney certainly belongs in the ranks of those who have contributed significantly to this institution. His name does not appear in the CONGRESSIONAL RECORD in making statements. He does not hold press conferences. He is not sought out by the media for his views. But in no small measure, he has contributed to the legislative product of this institution during his years of service.

He has been inordinately patient with all of us, particularly in the wee hours of the morning on many a late night as we grappled with some of the thorniest pieces of legislation we have had.

So I join my colleagues in wishing him well and telling him, as one Member of the Senate, how deeply I appreciate his valiant service to our country. It is deeply appreciated by this Senator and, I know, by all of my colleagues on both sides of the aisle. We wish him well. If the word patience could be embodied in a person, patience would be called Charles Kinney.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Madam President, I do not wish to precede the remarks being made of our distinguished floor assistant. Is the Senator from Tennessee rising to add his remarks with regard to Charles Kinney?

Mr. SASSER. I say to my friend from Virginia, I am rising to say a word about the distinguished service of Mr. Charles Kinney, but I was under the impression we had a unanimous-consent agreement that we would return to discussion of the bill we have just voted on following the vote on final passage.

The PRESIDING OFFICER. The Senator from Tennessee is correct. Time was reserved for that.

Mr. WARNER. Madam President, I ask unanimous consent that the Senator from Virginia may proceed as if in morning business for 1½ minutes.

Mr. SASSER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHARLES KINNEY

Mr. WARNER. Madam President, I thank my colleagues. I also add my words of praise to this distinguished individual, Charles Kinney, who has on many occasions saved me from a mistake.

(The remarks of Mr. WARNER pertaining to the introduction of S. 953 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. I ask unanimous consent I may proceed for 1 minute as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I thank the Chair.

CHARLES KINNEY

Mr. PELL. Madam President, I wish to add my words of sorrow and regret that Charles Kinney is leaving us. He is very knowledgeable. When asked a question, he always seems to know the facts. He used to provide us with a guess as to whether we were getting out or not getting out or when, and he was always extremely courteous under great pressure. I know how much we will miss him. I bid him not farewell but good luck.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. SASSER. Madam President, does the Senator wish to address the Charles Kinney departure?

Mr. WELLSTONE. Yes.

Mr. SASSER. That is a worthwhile endeavor. I commend the distinguished Senator from Minnesota for doing that. We have been waiting for a while to address this bill. May I ask my distinguished friend from Minnesota how much time he requires?

Mr. WELLSTONE. I will take at the most 2 minutes.

Mr. SASSER. I thank my friend.

Mr. WELLSTONE. I appreciate it.

THANKS TO CHARLES KINNEY

Mr. WELLSTONE. Madam President, I really thank the Senator from Tennessee because I heard people speaking on the floor, and I was in the office. I sprinted all the way back to try to get a chance to say something, and now that I am on the floor of the Senate I realize I actually never decided what I was going to say. So this is from the heart, Charles.

When I came to the Senate, which was just 2 years ago, it was not easy to master this process. I am nowhere near yet mastering this process in the way that I wish, but I have been learning every day. I think I am getting better and better at it, and I am trying to do well for people, as I think all Senators are.

Charles Kinney is brilliant, absolutely brilliant. But I personally do not think a person's brilliance should be at the top of the list. I think what should be at the top of the list is a person's brilliance and wonderful sensitivity to people. I came here. I was new to the Senate. I have only been here 2 years. And every single time, Madam President, I have asked Charles Kinney for advice, for assistance, for clarification, every time I have put questions to him, he has always been patient; he has been a fountain of wisdom; and he has been really a wonderful friend. We will miss him. I wish he was not leaving, except that I think he is going to go on and make enormous contributions to our Government. So it is a great gain for the country. I am sorry to see him leave and I wish him the very best.

Charles, I thank you very much.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

COMMENDATION OF CHARLES KINNEY

Mr. SASSER. Madam President, I wish to add my voice to those who today commended the distinguished service of Charles Kinney to the Senate. He has been a source of information and a source of counsel for many of us here for a number of years as we fought the legislative battles on the floor. We wish him bon voyage and godspeed in his new career.

THRIFT DEPOSITOR PROTECTION ACT OF 1993

GRAMM AMENDMENT NO. 365

Mr. SASSER. Madam President, I wish to address for a brief period the amendment offered earlier by the Senator from Texas [Mr. GRAMM]. That amendment was subject to a point of order under the Budget Act, and the Senate, in its wisdom, refused to waive that point of order, so the amendment went down.

But I should say, Madam President, I thought it was ironic this afternoon that our friend, the Senator from Texas, would be offering his so-called spending restraint amendment on the Resolution Trust Corporation financing bill. This so-called RTC bill, or bailout of the S&L's, is largely a bailout for the State of Texas; 50 percent of all the funds that will be expended in the so-called savings and loan bailout will be expended in the State of Texas, bailing out savings and loans that went under for a variety of reasons.

So it did not miss my attention that this spending restraint amendment to the Resolution Trust Corporation funding bill, with half of the money going to Texas, should be offered by the distinguished Senator from the State of Texas.

Now, Madam President, the amendment offered by the Senator from Texas was not accepted by the Senate, and it should not have been accepted by the Senate because it simply performed the same function as the caps that were included in the budget resolution which passed this Senate some weeks ago, which our friend from Texas voted against.

Now, the enforcement procedures that we are discussing here appear on page 26 of the budget resolution conference report, and that section "extends the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974."

Now, that budget resolution also extends the pay-as-you-go system, and again I am quoting, "to prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill, pursuant to section 7 of this resolution, will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985."

Now, what we are saying, Madam President, in very legalese terms, is that this amendment offered by the Senator from Texas would simply be surplusage. It is already in the budget resolution as it impacts on so-called spending restraints. And this is the same budget resolution that our friend from Texas voted against just a few weeks ago.

So I simply say this to reassure our colleagues who voted that this amendment should not be held to waive the budget resolution; that they were eminently correct in their vote, and that their vote in that regard in no way reflected a lack of concern about spending restraints under the budget resolution, because the spending restraints on pay as you go and the caps on the discretionary spending were already in our budget resolution.

So I simply wanted to speak to my colleagues in that regard.

I see the distinguished Senator from California on the floor, and I yield to her. How much time do I have remaining?

The PRESIDING OFFICER. Eight minutes are remaining.

The Senator from California [Mrs. BOXER] is recognized.

GIVE PRESIDENT CLINTON A CHANCE

Mrs. BOXER. Madam President, I thank my friend, the distinguished chairman of the Budget Committee, my chairman, for his comments, because I very much wanted to speak before the vote on the Gramm amendment, but we were pressed for time at that moment.

I have to say that, as I watch the debate on this Senate floor day after day, it strikes me that whenever our President makes any proposal whatsoever—and it does not matter what it is—we have Senators from the other side of the aisle coming down here and just blasting whatever proposal he has made.

As a result of the President recommending a deficit reduction trust fund, the Senator from Texas came down with what I consider to be a hastily put together amendment which was against the rules, and the Senate in its wisdom said this is not the time or the place.

I think it is very important, Madam President, in the interest of fairness, to make the point that so many of our friends on the other side of the aisle—and I do not include in that at all the Senator from New Mexico, who is going to address us shortly—but there are some who talk about the deficit day after day, who have suddenly found religion. And I ask you where they were year after year as the deficit grew on the watch of the Republican Presidents of the last 12 years; where were they? The deficit went up from $50 billion to $300 billion. The debt went from $1 trillion to $4 trillion. Where were they?

They basically said nothing, except "we will grow out of it." I remember it well. The Senator from Texas, who brought his amendment today, kept saying we will grow out of the deficit.

I ask unanimous consent to have printed in the RECORD an excerpt from an article that just came out in the National Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXCERPT

In a recent article in New Perspectives Quarterly, former budget director Stockman called the GOP's antitax war whoops "deceptive gibberish."

"There is no way out of the elephantine budget deficits which have plagued the nation since 1981 without major tax increases," he wrote. "Indeed, if Congressman [and House Minority Whip] Newt Gingrich [R-Ga.] and his playmates had the parental supervision they deserve, they would be sent to the nearest corner wherein to lodge their Pinocchiosized noses until this adult task of raising taxes is finished."

"The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability," Stockman said of the tax cuts that added up to an estimated $750 billion in lost revenue over five years. "The GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia."

Mrs. BOXER. I am going to read a quote not made by Senator BOXER or Senator SASSER, or Senator MITCHELL, but a quote from a Republican, David Stockman. He is the former Director of OMB under Ronald Reagan. This is his quote about the deficit:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability.

Stockman said of the tax cuts that added up to an estimated $750 billion in lost revenue over 5 years.

> The GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.

That is a new word.

The bottom line is that, if you look back to the 1980's, you see that it was Gramm-Latta that brought us down this road, and now we have the Senator from Texas coming here every day lecturing us on the deficit and lecturing this President, the first President to stand up and say the deficit is a problem.

And the deficit trust fund idea, I might say, is a reaction to criticism from just those Members who are throwing back the criticism at this President. They say: We do not trust the Democrats or the President to tax us and not spend that money elsewhere. We do not trust this President to cut spending and not spend it elsewhere.

So we have President Clinton get up and say: I am willing to put these dollars into a deficit reduction trust fund where all of the American people can see that their dollars will not be tapped for new spending. Yet, we have our Republican friends blasting him.

In closing I say this: If we had the Senator from Texas and the Republican leader say everyday for 5 days running that blue is the most wonderful color in the universe, and they said that day after day, and Bill Clinton, our President, got up and said blue is the most wonderful color in the universe, suddenly the Republicans who said that would say: We never said that; that is a terrible thing to say. Blue is a terrible color.

The point is that I think we are getting into a very childish time around here. This is one Nation. We are 4 years away from a Presidential campaign. Yet, our colleagues are going to New Hampshire and attacking our President.

Give this President a chance. He may not succeed. He may. But let us not, at every moment, tear apart every idea that comes forward, because that is not going to move our country forward. That is not going to lead to the change which the American people voted for. And when we listen to our colleagues speak about the deficit, I hope that the American people will think back to the fact that it was under their watch that we got into all this trouble.

Let us pull together as Americans, not as Democrats and Republicans. Let us pull together as Americans. Let us not tear apart an idea because maybe you did not think of it. A lot of people have great ideas, and they may not come from me or from the President, and they may not come from my chairman. We are willing to embrace these ideas. But let us not come to this floor and tear apart every idea simply because it may come from the Democrats or from our President.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico controls 10 minutes.

THE PRESIDENT'S PROPOSED DEFICIT REDUCTION TRUST FUND

Mr. DOMENICI. Madam President, I reserve this time not to speak about the Gramm amendment. I hope my silence with reference to Senator GRAMM is not taken to mean that I concur with what has been said. I believe the distinguished Senator is more than adequately prepared and equipped to respond on his own behalf. I choose to talk about something else.

I want to start my discussion by saying to the President of the United States that I think he makes a big mistake when he changes direction so frequently that the people have to begin to wonder what he is all about and what his proposals are all about.

Frankly, I believe he did himself an injustice and lowered his credibility with the people of this country when, yesterday, he came up with yet another gimmick regarding his fiscal policy and economic development plan. I note also, with interest, that those publicly defending the establishment of a trust fund and putting in that all of the taxes we are going to impose on our people as a deficit reduction trust fund—I note that not very many of the President's Cabinet entourage that know the budget are speaking out about it.

Maybe by my saying this, we will hear something tomorrow from Leon Panetta. Maybe we will see Dr. Alice Rivlin on some TV show defending it. I do not think so, because actually it is indefensible.

The best I can find out is at a speech a question was asked of Deputy Director Rivlin, and she said it is a display device, a display device.

I add it does not change any policy proposals. It does not change the taxes. They still go up. It does not change domestic spending. It still goes up. It does not change mandatory spending. That still goes up.

Who are we trying to fool?

I do not think the President ought to try to make a plan which the public is day by day saying we do not like, we now understand it. It is too many taxes, not enough cuts.

I do not think he does himself any good by saying, I am going to make it more credible by telling the American people that I am creating a trust fund with these taxes.

There is no effectiveness to this trust fund. If you are spending money and it is going out like a sieve, you have not controlled it. To say that you are holding their taxes in a trust fund is to say nothing other than we hope someday, somehow, but I do not have it yet, we will control the deficit and, yes, get the debt under control.

So I think that Alice Rivlin is right in saying that this is a display device, and if that is what the President wants it to be, why does he not just tell us that?

This is a display device, but I believe when you talk about this will make sure that the taxes I am asking you to pay will be used to go on the deficit is misleading. It is no different today than it will be 2 weeks from now if we pass this so-called trust. It is: What are the programs of the country? What are the limitations on spending? How much are you really cutting?

And the truth of the matter is you are not cutting very much and you are taxing a very, very big proportion of America's income.

If you think the public is going to be any happier to get taxed, I say to my friend from Oklahoma, because their taxes are going in a trust fund to be used to put on the deficit, as compared with just going into the Treasury and being put on the same deficit, you should think again, for there are no suggestions that I am aware of to change the deficit or to change the debt.

Those plans are before us and gaining less and less acceptance because we are beginning to understand that they are almost all taxes. I guess if I were putting such a large tax on the American people, I might want to put it in a trust fund, too, just because it might make it sound a little less onerous and maybe you would pay your taxes a little easier. I doubt either.

Let me close by saying, in the last election, Ron Brown, now Secretary of Commerce, talked about a President Bush proposal to check off money, check off part of your taxes in exchange for Congress cutting a certain amount of money out of the budget, and he said it is a silly gimmick. What we need is a vision for getting the economy back on track.

I did not say that. But, frankly, I believe that applies to the situation on the so-called trust fund.

And I close by saying then-candidate Clinton, when speaking about his opponent, George Bush, who had an idea to take a checkoff of 10 percent of your income tax and with that you would cut the deficit by 10 percent in equal amount, and his words were—these are not mine—then-candidate Clinton said about President Bush, this is as a desperate candidate, he told the Economic Club of Detroit, that Bush's proposals were the fool's gold of across-the-board cut, et cetera.

This is fool's gold. This is a shell game. I do not think the American people ought to believe the deficit program of the President, the jobs program of the President, the tax program of the President is any different today or tomorrow or next month whether we put the taxes in trust or whether we give them to the Treasury of the United States to pay for an ever-growing deficit and debt.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent to proceed as if in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDUCTION OF RHODE ISLAND SENATOR JOHN CHAFEE INTO THE NATIONAL WRESTLING HALL OF FAME, OKLAHOMA STATE UNIVERSITY, STILLWATER, OK

Mr. NICKLES. Madam President, today I rise to pay tribute to one of our colleagues who is about to be honored in a very special way. But if we relied on him to tell us, we would never find out about it.

I am talking about the Senator from the State of Rhode Island, JOHN CHAFEE, who will be inducted into the National Wrestling Hall of Fame this weekend.

As a wrestling fan, I am very proud that one of our colleagues is receiving that honor. I am also proud that his induction will take place in my State and at my alma mater, Oklahoma State University in Stillwater, OK.

I have done a little research on Senator CHAFEE's wrestling career. It spanned a number of years and weights. He has wrestled at weights from 118 pounds to 165 pounds, first at Providence Country Day School, then at Yale and finally in the New England AAU's.

He started wrestling in the 8th grade, then as a 10th grader he reached the State finals in the 118 pound class. In 1940 he enrolled at Yale and in 1941 was captain of the undefeated freshman wrestling team. And he won all his matches that year.

One year later, he made the varsity and won his first two matches before he entered the Marines. He took part in the epic battle for Guadalcanal in the South Pacific, a terrible struggle which marked the turning point of the ground war against the Japanese. Four years later after taking part in the battle for Okinawa, CHAFEE left the Marines and went back to Yale where he wrestled 1 more year as a senior at 165 pounds. The following year he finished his wrestling career on a high note when, as a student at the Harvard Law School, he entered the New England AAU championships and won the 165 pound title.

This weekend, Senator CHAFEE will be inducted into the Wrestling Hall of Fame in the 1993 class of outstanding Americans. They are former wrestlers who have achieved national or international recognition in government, business, education, science or the arts and humanities.

Also in the class of 1993 are former Princeton wrestler Frank Carlucci, Secretary of Defense in the Reagan-Bush administration; Stephen Friedman, a Cornell wrestler who was a national AAU champ for the New York Athletic Club and is now CEO of the investment banking firm of Goldman Sachs; Robert Haman, president and CEO of Thrift Drug, who captained the wrestling team at Slippery Rock; Dr. Peter W. Likins, president of Lehigh University and former captain of the wrestling team at Stanford; and the 26th President of the United States, Theodore Roosevelt, who wrestled for fitness.

Wrestling is an individual sport: Two competitors and a mat. If you lose, there are no excuses. Senator CHAFEE credits wrestling with giving him the self-confidence to meet the challenges of two wars, serving three terms as Governor of Rhode Island, as Secretary of the Navy, and, since 1976, as Senator from Rhode Island.

Wrestling is a great sport in which Oklahoma high school, college, university and AAU teams have long excelled. We are proud to have the National Wrestling Hall of Fame in Stillwater. We are proud to welcome JOHN CHAFEE to the illustrious rolls of the Hall of Fame. And if anyone ever questions the benefits of the sport of wrestling, we have only to point to the record of one scrappy, tough competitor, the Senator from Rhode Island, JOHN CHAFEE.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Madam President, let me just add my praise to what the Senator from Oklahoma said about Senator CHAFEE. I think it is a great honor for him. As a former wrestler, I am proud of him. I cannot really add more to the statement that the Senator from Oklahoma made. This is one issue we agree on entirely.

Mr. NICKLES. I thank the Senator.

THE PRESIDENT'S PROPOSED DEFICIT REDUCTION TRUST FUND

Mr. WELLSTONE. Madam President, I do not want to hold you or anyone else here much longer. I was on my way back to the office and I heard my good friend, Senator DOMENICI, speaking, and actually he is a good friend. There are some things we feel very strongly about and are in agreement.

I did not get a chance to hear all the specifics of what he had to say. But one more time since I think here on the floor of the Senate we ought to have a full discussion, and when people make their arguments, I think those who feel differently ought to respond. I just want to speak for the President for a moment—I think "speak in behalf of the President" would be a better way to say it.

We have had this decade of the eighties in which starting in 1981 we were told that if we slashed the revenue base of this country—the legislation was euphemistically called the Economic Recovery Act. Madam President, you were not here and I was not here either. It was euphemistically called the Economic Recovery Act. It was by all counts the most regressive piece of legislation passed since the twenties. What happened is it dramatically shifted the tax burden to low- and moderate-income people, and the people on the top saw the marginal rates go way down.

As a result of that—well, before I get to the result, let me go to the claim. The claim was that if you cut the taxes for wealthy people and high-income people—the most productive citizens—they would invest in the economy, there would be higher levels of productivity, there would be more economic growth, there would be more jobs, the deficit would be reduced, and all the rest.

Well, Madam President, what happened in this last election was a referendum on the tenure of President Reagan and President Bush. And the legacy—and I would recommend for the Senator from New Mexico and all of us here a book that I think has won a lot of awards, by several journalists from the Philadelphia Inquirer, called "America: What Went Wrong."

If you look at the figures and the data in that book, it is absolutely devastating, because what you will see is a massive transfer of wealth and income all to the top. You will look at people who had gotten away with murder when it comes to who pays the taxes and who does not pay the taxes. You will see record debt; you will see retreat on the environment; you will see wages going down; you will see an economy producing jobs, but not jobs that people can count on; and all the rest.

Now President Clinton has not been in office that long and he is making an effort as President to begin to change the direction.

So the President says now there is going to be a trust fund, as I understand it, for deficit reduction. And people are coming out here on the floor of the Senate and pointing the finger and saying, "That is a farce," and saying that it will not happen.

Why do we not just judge that? The way it works in a representative democracy is people are going to have a chance to make that retroactive judgment. After 4 years, if progress has not been made on deficit reduction, if progress has not been made on investment in this economy, if progress has not been made in terms of economic growth and more decent jobs for people and decent health care for people and the kind of issues that you care about, Madam President, finally a commitment to children and finally a commitment to families and finally a commitment to community, then I suppose that people will say, "You did not do well by us," and they will vote accordingly.

I just find it interesting and a bit ironic that those that were here during the very decade-plus when we not only ran up all this record debt—they did not tax and spend, they borrowed and spent, shifted the tax burden down to the middle and low income, let the high income get away with murder, built up the debt, built up the interest on the debt, abandoned children in many, many ways—look at poverty of children in our country; look at what is happening in neighborhoods in our cities—abandoned rural America in many, many ways. And now, with President Clinton having been in office just a short period of time, they point the finger, shrill, draw the line, on the attack.

I know that is part of what it is all about, I guess. But I, for a moment, would just like to say to you, Madam President, and the people of this country, that I think there is a lot of accusations out here about whether or not this is real or not real.

I think the people in this country elected Bill Clinton President of the United States because they thought it would be real. I believe it will be real. I think that he is someone who cares fiercely about public policy and cares fiercely about people in this country, and intends to do well.

So I just find this to be kind of a lot of attack on the floor of the U.S. Senate, a lot of words. That is just what I have done, too, is utter words. But I am just responding to some of what people have said.

The proof will be in the pudding. And we will see, assuming we do not have filibuster after filibuster after filibuster after filibuster after filibuster, so the President does not get a chance to move forward with the programs and policies that he thinks will work for the people in this country.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

THE THRIFT DEPOSITOR PROTECTION ACT

Mr. DOLE. Madam President, I just wanted the Record to reflect that we have just passed a very important piece of legislation, the Thrift Depositor Protection Act of 1993.

I wanted the Record to reflect that a majority of Republicans supported that measure; 25 Republicans voted yea, 36 Democrats voted yea, 19 Democrats voted nay, 16 Republicans voted nay.

We talk about gridlock around this place here. But this is $26 billion that was taken care of in 2 days because of cooperation on both sides of the aisle. I think that is going to be the way most legislation will be handled.

This is very important legislation, something President Clinton wanted, something that Secretary Bentsen—our friend and our former colleague, and now Treasury Secretary—wanted us to do very quickly.

So I think, while we can all stand up and say we did not do this, we did not do that, I just wanted the Record to reflect that on this very important measure, which is important to a lot of people out there who want to get their money from S&L's, this was a step in the right direction.

For those who voted in the affirmative, in particular, we could say that, yes, we voted "aye" to protect the thrift depositors, and to protect them as we should.

So the Record ought to reflect that in this case we had broad bipartisan support, and that a majority of Republicans and a majority in Democrats voted in the affirmative.

TRIBUTE TO CHARLES KINNEY

Mr. DOLE. Madam President, I am sorry I was not on the floor when the distinguished majority leader paid tribute to our longtime friend, Charles Kinney.

I have had, I do not know, countless, probably hundreds of meetings with Charles Kinney over the years. I can say that he has been objective, he is a man of integrity and honesty, and certainly someone that we appreciated working with on this side of the aisle.

As chief floor counsel, he has done an outstanding job for my colleagues on the other side of the aisle. But the Record should reflect that, as Republicans, we have appreciated his genuine spirit of cooperation.

As I said, he is a man of honesty and integrity. He has been around for some time—19 years. Now he is going out in a different phase of his life.

I can say, on behalf of all Republicans—everyone on this side—we want to extend him our very best wishes for success. And I know he will have success. He is very capable. He has great potential. We are proud to have worked with him, some of us, for the past 19 years.

We wish him our best and we congratulate him for a job well done.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 194. An act to withdraw an reserve certain public lands and minerals within the

State of Colorado for military issues, and for other purposes;

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes;

H.R. 240. An act to provide of Bodie Bowl area of the State of California, and for other purposes;

H.R. 698. An act to protect Lechuguilla Cave and resources and values in and adjacent to Carlsbad Caverns National Parks;

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes;

H.R. 1308. An act to protect the free exercise of religion; and

H.R. 1378. An act to amend title 10, United States Code, to revise the applicability of qualifications requirements for certain acquisition workforce positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

At 12:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 1040. An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the Reserve components, and for other purposes.

The message further announced that pursuant to the provisions of sections 801(b) (6) and (8) of Public Law 100-696, the Speaker appoints the following Members to the U.S. Capitol Preservation Commission on the part of the House: Mr. FAZIO and Ms. HARMAN.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 214. An act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict, and

S. 801. An act to authorize the conduct and development of NAP assessments for fiscal year 1994.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 2:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints as members of the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. JOHNSTON of Florida, Chairman, Mr. LAFALCE, Vice Chairman, Mr. OBERSTAR, Mr. GIBBONS, Mr. WILLIAMS, Mr. PETERSON of Minnesota, Mr. HASTINGS, and Mr. KOLBE.

MEASURES REFERRED

The following bills, previously received from the House of Representatives for concurrence, were read, and referred as indicated:

H.R. 194. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 240. An act to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 698. An act to protect Lechuguilla Cave and other values in and adjacent to Carlsbad Caverns National Park; to the Committee on Energy and Natural Resources; and

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1040. An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes; to the Committee on Armed Services.

The Committee on Environment and Public Works was discharged from further consideration of the following bill; which was referred to the Committee on Energy and Natural Resources:

S. 851. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1308. An act to protect the free exercise of religion.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 13, 1993, he had presented to the President of the United States the following enrolled bills:

S. 214. An act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

S. 801. An act to authorize the conduct and development of NAP assessments for fiscal year 1994.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition and Forestry:

James S. Gilliland, of Tennessee, to be general counsel of the Department of Agriculture.

Eugene Moos, of Washington, to be Under Secretary of Agriculture for International Affairs and Commodity Programs.

Eugene Moos, of Washington, to be a member of the Board of Directors of the Commodity Credit Corporation.

Ellen Weinberger Haas, of New York, to be an Assistant Secretary of Agriculture.

Ellen Weinberger Haas, of New York, to be a member of the Board of Directors of the Commodity Credit Corporation.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER (for himself, Mr. BENNETT, Mr. BURNS, and Mr. KEMPTHORNE):

S. 947. A bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE:

S. 948. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Finance.

By Mr. MITCHELL:

S. 949. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. BUMPERS, Mr. LIEBERMAN, Mr. PRESSLER, Mr. KEMPTHORNE, and Mr. WALLOP):

S. 950. A bill to increase the credit available to small businesses by reducing the regulatory burden on small regulated financial institutions having total assets of less than $400,000,000; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE:

S. 951. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to prohibit participation in Federal elections by multicandidate political committees, to establish a $100 limit on individual contributions to candidates, and for other purposes; to the Committee on Rules and Administration.

By Mr. DANFORTH:

S. 952. To reliquidate certain entries of lithotripters that were imported by nonprofit private or public institutions established for research or educational purposes; to the Committee on Finance.

By Mr. WARNER:

S. 953. A bill to provide a right for a member of the Armed Services to be voluntarily separated from military service if the existing policy concerning military service by homosexuals is changed so that homosexuality is no longer incompatible with military service and if such member has religious, moral, or personal morale objections to such change in policy, to provide separation benefits for certain such members, and for other purposes; to the Committee on Armed Services.

By Mr. KOHL (for himself, Mr. Leahy, and Mr. Feingold):

S. 954. A bill to prohibit the use of bovine somatotropin in intrastate, interstate, or international commerce until equivalent marketing practices for the use of bovine somatotropin are established with the marketing practices of other major milk or dairy products exporting nations; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH:

S. 955. A bill to suspend temporarily the duty on sulfathiozole; to the Committee on Finance.

S. 956. A bill to suspend temporarily the duty on difenzoquat methyl sulfate; to the Committee on Finance.

S. 957. A bill to suspend temporarily the duty on oxalacetic acid diethyl ester sodium salt; to the Committee on Finance.

S. 958. A bill to extend the temporary suspension of duty on 0,0-dimethyl-S{(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl}phosphorodithioate; to the Committee on Finance.

S. 959. A bill to extend the temporary suspension of duty on 4-fluoro-3-phenoxy benzaldehyde; to the Committee on Finance.

S. 960. A bill to extend the temporary duty reduction on certain unwrought lead; to the Committee on Finance.

S. 961. A bill to extend the suspension of duty on certain small toys, toy jewelry, and novelty goods, and for other purposes; to the Committee on Finance.

S. 962. A bill to extend the suspension of duty on triallate; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. Breaux):

S. 963. A bill to reliquidate certain entries on which excessive countervailing duties were paid, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH:

S. 964. A bill to suspend temporarily the duty on sulfamethazine; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. Mitchell, Mrs. Boxer, Mrs. Feinstein, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Sarbanes, Mr. Simon, and Mr. Wellstone):

S. 965. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide relief to local taxpayers, municipalities, and small businesses regarding the cleanup of hazardous substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. Chafee):

S. 966. A bill to reduce metals in packaging, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY:

S. 967. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations, to require the Internal Revenue Service to collect child support through wage withholding, and for other purposes; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. Leahy, Mr. Simon, and Mr. Harkin):

S. 968. A bill to establish additional exchange and training programs with the independent states of the former Soviet Union and the Baltic states; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER (for himself, Mr. Bennett, Mr. Burns, and Mr. Kempthorne):

S. 947. A bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes; to the Committee on Finance.

SMALL BUSINESS TAX FAIRNESS ACT OF 1993

Mr. PRESSLER. Madam President, I rise today, as the ranking member of the Senate Small Business Committee, to introduce the Small Business Tax Fairness Act of 1993. Both Senators Bennett and Burns should be listed as original cosponsors. It is most appropriate that this legislation is being introduced during Small Business Week 1993.

The administration has proposed the single largest tax increase in the history of the United States. Under the plan, small businesses and family farms and ranches, which are organized as subchapter S corporations, partnerships, or sole proprietorships, are being asked to bear a significant portion of the burden of the administration's new taxes. Add new energy taxes to increased income taxes, and job expansion may come to a grinding halt. I am deeply concerned about the effect of a tax increase on America's small businesses and that is why I am introducing this legislation today.

My legislation would cap tax rates for sole proprietorships, limited partnerships, and subchapter S corporations at their current levels, sparing small businesses, and people who work for small businesses, from taxes that will take away their jobs and run them out of business.

Madam President, 8 out of 10 small businesses—15,000 in my home State of South Dakota and 21 million nationwide—pay taxes as individuals. Increasing taxes on these entrepreneurs takes money out of their businesses that could be used to expand their operations and hire additional employees.

We must keep in mind that small businesses are creating the jobs. From June 1991 to June 1992, small businesses created 173,000 jobs, while big business lost 235,000. Small businesses accounted for two out of every three new jobs from 1982 to 1990. The bottom line is simple: Hamper small business development and you hobble our country's economy.

America's small business owners and family farmers believe our budget deficit is a result of too much spending, not too little taxation. Since 1977, the Government received a relatively steady 19 percent of gross national product [GNP] in revenues. During the same period, Government spending increased from 21 to 24 percent of GNP.

The administration and its numbers people are telling us they are merely trying to tax the so-called wealthy. What they are not telling us is a great many of the so-called wealthy are really unincorporated small businesses and family farms. Of the approximately 3.1 million people who earned over $100,000 in 1990, conservative IRS estimates show at least one-third of these people actually were small businesses. According to U.S. Treasury Department figures, 67 percent of the revenue paid by the top 2 percent of taxpayers is paid by small businesses and family farms.

So, Madam President, a lot of the rhetoric that has been going around about taxing the rich is really about taxing small businesses, and we should remember that they are the very units that create jobs and also account for much of the new technology in our society.

Under the administration's tax plan, individuals with adjusted gross incomes of $115,000 and joint returns of $140,000 would be taxed at the 36 percent rate—the same as the highest corporate tax rate. However, the plan then would impose a 2.9-percent Medicare tax on salaries and self-employment income above $135,000. Finally, the proposal reaches its top effective rate of 42.5 percent for those with taxable income over $250,000 when the 10 percent so-called millionaires surtax is added. Thus, the unfairness between corporate and individual rates, as put forth in the administration's plan, begins at $135,000—not $250,000, as some have alleged.

Indeed, we had an amendment on the floor of this Senate and the opponents alleged that the tax kicked in at $250,000. It kicks in at $135,000 as my statistics prove.

It is important to point out—because I don't think enough people understand this point—that self-employed business owners pay tax on much more income than they take home as salary. These business owners must pay tax on what the business earns after deductions, not just their salary. For example, if a successful dress shop earns $500,000 and decides to expand inventory by purchasing $450,000 in additional clothing, the shopowner will pay tax on much more than just the take home profit of $50,000. Since the owner is only able to deduct the cost of the clothing when it is sold, she could end up paying tax on most of her $450,000 worth of inventory. As a result, the additional taxes the administration is proposing would hamper seriously her ability to expand the business and hire additional employees, even though she takes home a modest income.

And I might say, many new businesses are run by women and minorities. In fact, by the year 2000 there is an amazing percentage of small businesses that will be run by women and minorities. And so this tax is aimed at them.

Some people will tell you the solution to the unfairness in the rate of taxation for sole proprietorships, subchapter S corporations, and partnerships is simple. Get them to incorporate. If that is the answer, then people should dub the administration's economic proposal the "Lawyers' and Accountants' Jobs Creation Act of 1993," because that is the kind of jobs we would be encouraging.

Incorporating a business is neither simple nor inexpensive. It is complicated and costly. Incorporation requires legal and financial documents prepared by lawyers, accountants, and consultants. Businesses also face questions about establishing a board of directors, holding annual stockholder meetings, the effects of double taxation, and numerous other issues. All of this is in addition to the fact that we already have passed this year's cutoff date by which small businesses could revoke their subchapter S corporation status retroactive to January 1. Revocations made now will take effect on or after the date they were made, limiting any resulting benefit for the 1993 tax year.

Cash-flow often is small businesses' primary source of working capital and new investment financing for growth and job creation. Since the aftertax profits of a business are critical in supporting its ability to borrow—in other words, establishing and sustaining its line of credit at the bank—increasing taxes would have a disastrous impact on economic growth. Increasing the tax burden on small businesses is counterproductive to our efforts to reduce the deficit and stimulate our economy. Every extra dollar of income small businesses hand over to the Government is a dollar less that can be used to hire a new employee.

The administration's original tax plan included at least $3 of tax increases for every $1 of tax incentives. It now appears the investment tax credit, which was supposed to help offset the devastating effects of the proposed tax increase on small business, may be scrapped by the tax writing committees of Congress. While I found the investment tax credit an inadequate offset for the big jump in tax rates in the first place, the potential that it may be lost further reinforces the need for legislation like mine. It also appears the House Ways and Means Committee will use the savings from the investment tax credit to hold the increase in corporate tax rates to 1 percent. This again highlights the unfair treatment of unincorporated small businesses.

Madam President, I might say that small business does not have the same kind of voice here in Washington that big business does. There are some fine organizations representing it. But nobody is aware of what is happening to small business in this tax plan.

In addition to the investment tax credit, the administration's proposal regarding selective capital gains relief appears to be in trouble with the President's own party. All of this could result in an even bigger burden for small businesses. It means we could get the bad parts of the tax proposal with the allegedly good sections stripped away.

The proposed increase in income tax rates by the administration is shortsighted policy. Small businesses will see their income tax bills increase, and some could end up paying proportionately more in taxes than our Nation's major corporations. The Main Street clothing shop I talked about earlier could pay a higher percentage of taxes than IBM or General Motors. Madam President, this essentially is the point I made in a recent letter to the editor of the New York Times. I ask unanimous consent that my letter, which appeared April 18, 1993, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

In summary, under the administration's plan, small businesses would end up paying more in taxes than big businesses. Furthermore, the Federal Government would be taking money away from small businesses that could be used to expand and hire more employees. The economics are simple. The results could be disastrous.

Madam President, I encourage our colleagues to join in cosponsoring this legislation. If we are serious about economic stimulus and deficit reduction, the Senate should be supporting small businesses—the engine driving our economy—rather than continuing to increase their taxes, regulatory burdens, and paperwork requirements.

Madam President, I have a chart here showing small business, the engine of job creation. Small businesses added 173,000 jobs during the same time that big business lost 235,000 jobs. This is between June 1991 and June 1992.

I might say that in addition to this, I have been very involved in S. 4, a new piece of technology legislation that is stalled in the Senate Commerce Committee. But most of the new technology in our society comes from small business innovation, not big business. It is what drives our country. If we talk about a stimulus package, this is it.

Exhibit 1

[From the New York Times, Apr. 18, 1993]

What Small Business Really Wants

To the Editor: The small-business men and women I know would give up all the "little apple seeds" of tax incentives the Administration is promising in exchange for the elimination of two of the rotten apples in his plan—the tax increase on individuals and the energy tax. ("Clinton Plan—Small Businesses Smile," March 28.)

President Clinton's quest to raise taxes on the so-called "wealthy" actually falls flat on the backs of small businesses and family farms. He is asking small businesses that are organized as Subchapter S corporations, sole-proprietorships and partnerships to pay higher marginal tax rates than I.B.M. or General Motors. Small businesses also are the least likely to be able to absorb the additional costs of the energy tax.

And yet, the President still is expecting small businesses to continue creating the majority of the new jobs in our country!

Senator Larry Pressler,
Washington.

Mr. PRESSLER. Madam President, I am proud to introduce this legislation. I am proud that one of my cosponsors, Senator BENNETT of Utah, is present.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAXIMUM SMALL BUSINESS TAX RATE.

(a) In General.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(i) Maximum Small Business Tax Rate.—

"(1) In general.—If a taxpayer has taxable small business income for any taxable year to which this subsection applies, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of taxable small business income, or

"(ii) the amount of taxable income taxed at a rate below 31 percent, plus

"(B) a tax of 31 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

"(2) Taxable small business income.—For purposes of this subsection, the term 'taxable small business income' means the taxable income of the taxpayer for any taxable year attributable to the active conduct of any trade or business of an eligible small business in which the taxpayer materially participates (within the meaning of section 469(h) (other than paragraph (4)).

"(3) Eligible small business.—For purposes of paragraph (2)—

"(A) In general.—The term 'eligible small business' means for any taxable year an individual, partnership, S corporation, or other pass-through entity the average annual gross receipts of which do not exceed $5,000,000 for the 3-taxable-year period ending with the preceding taxable year.

"(B) Applicable rules.—

"(i) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as 1 person for purposes of subparagraph (A).

"(ii) Special rules.—The rules of subsections (c)(3) and (d)(8) of section 448 shall apply for purposes of subparagraph (A).

"(4) Years to which subsection applies.—This subsection shall apply to any taxable year if the highest rate of tax set forth in subsection (a), (b), (c), (d), or (e) (whichever applies) for the taxable year exceeds 31 percent."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

Mr. BENNETT. Mr. President, I appreciate the leadership of the ranking member of the Small Business Committee in offering this legislation.

It coincides completely with the statement I made on the floor some weeks ago pointing out that the major problem in dealing with small business, from the Government's standpoint, is that the Government does not understand how small business operates.

Small business does not operate from accounting profits. The Government taxes accounting profits. Small business operates from cash-flow. Very often, the worst thing that can happen to a small business is to get a big order. They cannot finance it out of their cash-flow, and they are buried by their own success.

I have made a living advising small businesses occasionally, and I stepped into being a CEO of a small business and made an even better living doing that. And I know very clearly that the issue is cash-flow.

Madam President, the fact is, as I have said, that small businesses are managed on the basis of cash-flow, not accounting profits and, yet, the tax man shows up and demands his slice of the success on the basis of accounting profits and not cash flow, which produces tremendous problems. So now we are recognizing in this bill that Senator PRESSLER has offered the reality of things, which is that the proposals made by President Clinton would, in fact, not only damage small business but cut down the opportunity to create jobs.

I put it in this context because many people have difficulty with some of the numbers that get thrown around here in the Senate from time to time. It is as if a small business wants to solve its cash-flow problem and says, well, the way to do this is to increase prices. We are selling 1,000 widgets a month; if we raise the price on every widget by 10 percent, we will increase our cash-flow by 10 percent of our total revenue, and all of our problems will be solved.

The only difficulty with that, as every small business person knows, is that the market might say, if you are going to raise your profits, we are going to quit buying your product. So it might work on paper, but it does not work in reality. Transferring that to the Government, we have the deficit problem, and the people in the Congressional Budget Office and Office of Management and Budget say: We will solve the problem by raising our prices; we will charge more for the governmental services we are providing. Only we do not call it raising prices; we call it raising taxes, since we will raise taxes on the wealthy—and we are not aware of the fact that the ranking member pointed out, that most of these so-called wealthy are, in fact, small business people—and we will get the same return.

The fact is, just like the businessman who cannot get a return by automatically raising prices, the Government cannot get an automatic return by raising taxes. For that reason, I am proud to serve as a cosponsor for this bill.

By Mr. MITCHELL:

S. 949. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

INTERNATIONAL DEPARTURE TAX ON SHIP PASSENGERS

Mr. MITCHELL. Mr. President, I am reintroducing legislation today that would address a problem with the implementation of a section in the Internal Revenue Code that imposes a $3 departure tax on ship passengers. That provision was intended to apply to passengers on cruise ships and gambling voyages. The language of the statute reaches further, however, and the Internal Revenue Service interprets the law to apply to a broader class of passenger ship traffic, including ferry services that operate between the United States and Canada.

Section 4471 of the Internal Revenue Code, the ship passengers international departure tax, was added to the Internal Revenue Code in the Omnibus Reconciliation Act of 1989. The provision originated in the Senate Commerce Committee as a means of that committee fulfilling its reconciliation instructions. The tax writing committees assumed jurisdiction once it became clear that the provision was more in the nature of a tax than a fee. The fee, as envisioned by the Commerce Committee, was intended to apply to overnight passenger cruises and to gambling boats providing gambling entertainment to passengers outside the jurisdiction of the port of departure.

Unfortunately, the statutory language of the 1989 act was not drafted in accordance with the intent of Congress. As a result, the tax appears to apply to three commercial ferry operations traveling between Maine and Nova Scotia and Seattle and Vancouver. The Maine ferries carry commercial and passenger vehicles to Nova Scotia in the warmer months as a more direct means of transportation between Maine and eastern Canada. As such they are an extension of the highway system, carrying commercial traffic and vacationers. The lengths of the voyages are approximately 11 hours and almost all passengers traveling on the outbound voyages do not return on the inbound voyages of the two ferries. Because the trips are of some length, the ferries provide entertainment for the passengers, including some gaming tables that bring in minimal income.

This is not a voyage for the purpose of gambling and the great majority of the passengers, including children, do not gamble. Clearly, these ferries are not the kind of overnight passenger cruises or gambling boats intended to be covered by the law. However, the IRS in proposed regulations is interpreting the statute to apply this tax to ferries.

The statute establishes a dual test for determining if the tax applies. First, the tax applies to voyages of passenger vessels which extend over more than night. As a factual matter, the Maine ferries do not travel over more than night but the IRS interprets that they do because it takes into account both the outward and inward voyage of the vessel. The IRS considers both portions of the trip to be one voyage even though virtually no passengers are the same.

Second, the tax applies to commercial vessels transporting passengers engaged in gambling. Although the intent was to apply the tax to gambling boats, the wording of the statute applies to all passengers on vessels that carry any passengers engaged in gambling, no matter how minor that gambling. That interpretation subjects the Maine ferries to the tax because they earn a minimal amount of income from providing gambling entertainment to some passengers.

The legislation I am introducing clarifies the statute in two ways. First, the inward and outward bound trip of a passenger vessel would not be considered one voyage if no more than 50 percent of the passengers complete both portions of the voyage. Second, the tax would apply, not to vessels with any passengers engaged in gambling, but to vessels which are gambling voyages. A gambling voyage would be a vessel where at least 10 percent of the gross proceeds of the voyage are derived from gambling.

This legislation is not intended to give a special break to a certain class of passenger ships. It is instead intended to clarify the statute so that it achieves its original intent: to tax passengers on cruise ships and gambling voyages, not passengers on ferry boats.

The tax bills that were approved by Congress last year, but vetoed by President Bush, both included this change in law.

I ask unanimous consent that a copy of the introduced legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. EXEMPTION FOR TRANSPORTATION ON CERTAIN FERRIES.

(a) GENERAL RULE.—Subparagraph (B) of section 4472(1) of the Internal Revenue Code of 1986 (relating to exception for certain voyages on passenger vessels) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN VOYAGES.—The term 'covered voyage' shall not include—

"(i) a voyage of a passenger vessel of less than 12 hours between 2 ports in the United States, and

"(ii) a voyage of less than 12 hours on a ferry between a port in the United States and a port outside the United States.

For purposes of the preceding sentence, the term 'ferry' means any vessel if normally no more than 50 percent of the passengers on any voyage of such vessel return to the port where such voyage began on the 1st return of such vessel to such port."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to voyages beginning after December 31, 1989; except that—

(1) no refund of any tax paid before the date of the enactment of this Act shall be made by reason of such amendment, and

(2) any tax collected from the passenger before the date of the enactment of this Act shall be remitted to the United States.

By Mr. CHAFEE (for himself, Mr. BUMPERS, Mr. LIEBERMAN, Mr. PRESSLER, Mr. KEMPTHORNE, and Mr. WALLOP):

S. 950. A bill to increase the credit available to small businesses by reducing the regulatory burden on small regulated financial institutions having total assets of less than $400,000,000; to the Committee on Banking, Housing, and Urban Affairs.

SMALL BUSINESS-ASSISTANCE AND CREDIT CRUNCH RELIEF ACT

● Mr. CHAFEE. Mr. President, I am introducing legislation today—along with Senator BUMPERS, chairman of the Senate Committee on Small Business, Senator LIEBERMAN, Senator WALLOP, Senator KEMPTHORNE, and Senator PRESSLER—to promote small business lending by reducing unnecessary burdens on small banks. This legislation, the Small Business Assistance and Credit Crunch Relief Act, should ease the credit crunch by making it easier for small businesses to secure the capital they need to expand and to hire new workers.

The credit crunch is having a terrible impact on the small business community in Rhode Island, throughout New England, and around the nation. Virtually every small business owner that I meet tells me that banks are not lending. This problem is reflected in the enormous demand for SBA loans—in fact, the SBA's 7(a) loan guarantee fund ran out of money on April 27 because demand for capital in the small business community is so high.

In my view, the credit crunch has been caused in large part by misguided Federal banking policies. Laws and regulations designed to correct past abuses in the banking industry have simply gone too far. Because regulators are determined to avoid a repeat of the S&L crisis and the banking problems of the late 1980's, they have gone overboard in their regulatory zeal. Federal Reserve Chairman Alan Greenspan shares this view. Just last month he said before the House Small Business Committee that recently enacted Federal banking laws and their accompanying regulations have caused "a substantial tightening of [bank] lending terms and standards and it has affected small businesses."

Now, I want to make clear that I am all for safety and soundness. I am all for strong enforcement actions to protect the Federal deposit insurance funds. But banks need to be permitted to exercise some judgment in their credit decisions. Banks need to be able to make loans to creditworthy small business borrowers without being interrogated by Federal bank examiners.

The president of a healthy community bank in Rhode Island told me that every small business loan he makes today is subject to regulatory micromanagement and second-guessing by bank examiners. He tells me that it causes fewer headaches if he simply invests in no-risk Government securities and slams the door on small business borrowers.

What has led to this unfortunate situation? How did we create these unnecessary paperwork and regulatory burdens? I went back and reviewed the 1989 and 1991 banking laws. I wanted to see whether Congress shoulders part of the blame for an environment that discourages small business lending.

Let me share with you what I learned. In the past 5 years, more than 4 major provisions affecting bank operations have been enacted into law, resulting in hundreds of new regulations. A sampling of some major provisions is documented on the accompanying chart.

Now some of these provisions are good, even necessary. But the cumulative burden on small banks—and their small business customers—has created a terrible credit crunch.

Even leaders at the Federal banking agencies themselves are now saying that these regulations are too much. Vice Chairman of the Board of Governors at the Federal Reserve, Mr. David Mullins, made the following comments at a recent hearing before the Senate Committee on Small Business:

> [The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and the Federal Deposit Insurance Corporation Improvement Act of 1991] produced, directly and indirectly, a substantial increase in the regulatory burden on the banking industry.

President Clinton also recognizes this problem. On March 10 he said, "Under the current [banking] system, the paperwork is daunting * * * and discourages banks from making smaller loans."

The Treasury Department has already begun making regulatory changes to ease the credit crunch, and plans to make new announcements in the coming weeks. I applaud the Treasury Department's efforts to end the credit crunch. But more needs to be done. Again, perhaps Federal Reserve Chairman Greenspan's comments last month said it best: "these regulatory actions will be, I hope, quite helpful, but legislation is still required."

Accordingly, the bill we introduced this morning will promote small business lending by reducing unnecessary burdens on small banks. I define small banks as those institutions with less than $400 million in assets. Nationwide, roughly 10,000 of the Nation's 11,500 federally insured banks have assets below $400 million, but these banks represent less than 20 percent of the Nation's total banking assets.

Let me briefly describe the highlights of my legislation.

First, it would freeze all new banking regulations until the appropriate agency conducts a regulatory impact analysis and concludes that the benefits of the new regulations outweigh the costs to small banks of implementing and complying with them.

Second, it would allow banking regulators to suspend regulations that it determines are duplicative, unnecessary, or have the effect of prohibiting small banks from lending to creditworthy small businesses.

Third, the loan process for small businesses would be accelerated and borrowing costs reduced by raising the threshold for licensed or certified real estate appraisals on small business loans to not less than $250,000 from $100,000. I understand that the U.S. Treasury Department supports this proposal, and plans to raise the threshold pursuant to its regulatory powers sometime later this month.

Fourth, it would reward small banks that have received the highest rating under the standards established under the Community Reinvestment Act—a rating of outstanding—by creating a safe harbor for CRA protests. Further, regulators would be directed to significantly reduce the onerous paperwork requirements under CRA for banks with the highest CRA rating.

At the same time, the bill calls for stiff penalties on small banks with the worst CRA rating. Specifically, it would provide Federal regulators with the authority to levy fines up to $20,000 on small banks that receive the worst CRA rating—Substantial noncompliance. These underperforming banks would also be required to enter into an agreement with its supervising agency to implement a plan to ascertain and meet the credit needs of the community.

Small businesses create the jobs that drive our economy. If enacted, this legislation would help end the credit crunch, and spur the job creation necessary to fuel our recovery, all at no cost to the Treasury.●

• Mr. BUMPERS. Mr. President, I am pleased to join Senator CHAFEE today in introducing the Small Business Assistance and Credit Crunch Relief Act. This legislation provides relief to the many bankers and small businesses which have suffered from the ever-increasing regulatory burden.

In March, the Senate Committee on Small Business held a hearing to examine lack of credit availability for small businesses, known as the credit crunch. All witnesses acknowledged the great problem small businesses face in obtaining bank loans today. Like them, I am convinced that overly zealous regulatory policies have kept bankers from being able to offer credit to creditworthy small businesses.

Today, when facing mountains of paperwork and appraisal requirements, banks simply find making loans to small companies uneconomical. As a result, small businesses have had to resort to other sources of credit, such as SBA, or simply do without adequate capital. Unfortunately, these sources cannot meet the demand. SBA, the Government's leading guarantor of loans, has used all available funding for its popular 7(a) guaranteed loans. Unless additional funding is authorized, SBA will be unable to provide creditworthy applicants with needed loans until the beginning of fiscal year 1994.

In March, President Clinton announced changes to banking regulatory policies to provide bankers greater incentive to lend to small businesses. The Small Business Assistance and Credit Crunch Relief Act takes us one step further. This bill provides reasonable relief to bankers and small businesses without endangering the safety and soundness of the banking industry. It directs Federal banking regulators to change regulations which discourage community banks from lending to small businesses. It also reduces banks' paperwork and appraisal requirements by raising the threshold for licensed or certified real estate appraisals on small business loans from $100,000 to $250,000 and exempting some borrowers from Truth in Lending Act disclosure provisions. Finally, it directs regulators to report promptly to the Congress on changes in legislation which are needed to alleviate the credit crunch.

This legislation does not endanger the well-being of the banking industry. This bill does not include some of the sweeping changes that some have proposed which could ultimately result in a disastrous bailout situation. It ensures that regulators do not suspend laws which directly relate to banks' safety and soundness, preserving important protective measures necessary to a healthy banking industry.

This bill will help provide needed credit to small businesses, allowing banks to make loans without facing needless requirements and regulations. Best of all, it won't cost the taxpayer one additional nickel. I urge my colleagues to support and cosponsor this bill, and I hope the Banking Committee will schedule hearings expeditiously.•

By Mr. WELLSTONE:

S. 951. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to prohibit participation in Federal elections by multicandidate political committees, to establish a $100 limit on individual contributions to candidates, and for other purposes; to the Committee on Rules and Administration.

FAIR ELECTIONS AND GRASSROOTS DEMOCRACY ACT OF 1993

Mr. WELLSTONE. Mr. President, in anticipation of the upcoming debate in the Senate on campaign finance reform, today I am introducing the Senate Fair Elections and Grassroots Democracy Act of 1993, legislation which I believe should serve as a benchmark for true campaign finance reform for U.S. Senate campaigns.

I have been working on this bill for many months, with one goal in mind: to develop legislation designed to address the central ethical issue of politics in our time—the way in which big money special interests have come to dominate governmental decisionmaking.

The essential standard of a truly representative democracy is this: Every person should count as one, and no more than one. This bill squarely meets that standard.

As I have said on this floor before, my own experience as a candidate in 1990 illustrates the problem. The gatekeepers of today's politics, big-money donors, weren't interested in my positions or experience. They only wanted to know if I could raise millions to run a media-driven campaign. They knew that big money talks—and that early money screams. Outspent almost 7 to 1, my election was a rare exception to this big-money rule that stifles countless promising candidacies.

Americans have pressed for a complete overhaul of the way we finance and conduct Federal elections—not a set of modest, incremental changes. People feel ripped off by our political system, unrepresented, angry and frustrated by gridlock. They are demanding change, we have promised change, and I intend to do whatever I can to help the Senate deliver on that promise.

Recent public opinion polls demonstrate clearly that the public's trust in Congress is at a historic low, and the demand for serious political reform is very high. When people hear that almost $500 million was contributed to congressional candidates in the 1992 elections, they react with anger. They know that without real campaign reform, attempts to restructure America's health care system, create jobs and rebuild our cities, reduce defense spending, and solve other pressing problems will remain frustrated by the pressures of special interest, big-money politics.

I do not believe the current campaign finance reform proposals that are before the Congress meet the true test of reform. In general, the contribution limits in these bills are much too high—well beyond the reach of ordinary Americans—and the amount of public financing is too low to promote a genuinely level playing field for incumbents and challengers.

The American people have demanded fundamental political reform, and they deserve nothing less. "To give the capital back to the people to whom it belongs," was President Clinton's challenge to Congress in his inaugural address. Congress will either answer that call with fundamental campaign reform—a real revolution to reduce private big-money influence on our Government—or shrink from the challenge by enacting only superficial reforms. If we in the Senate are to earn back the trust of the American people, we must enact sweeping reform now.

And let me be frank. If Congress enacts S. 3 without significant changes, claiming that it has successfully addressed a difficult and divisive issue, it will likely backfire. Ultimately, such an attempt to present piecemeal reform as fundamental change would simply intensify already high levels of voter anger and further erode public confidence in our democracy.

Critics of public financing argue that many Americans don't want their tax dollars going for political campaigns. If public funding is presented polemically, as food stamps for politicians, this is true. But if asked whether they'd be willing to invest a small amount to restore competitive elections, end the mortgaging of governance to big-money contributors, and restore representative democracy, polls consistently show Americans enthusiastically agree.

A recent Greenberg-Lake poll, for example, found that almost three-fourths—72 percent—of voters support extending the Presidential public financing system to congressional elections if the reform package includes limiting campaign spending and reducing individual and PAC contributions, funded by a voluntary tax check-off and new taxes on lobbyists.

The cost of such a public financing system for Senate elections has been estimated at approximately $150 million per cycle, assuming all candidates participate. That is still well under half the cost of the subsidy provided by the political contributions tax credit prior to passage of the Tax Reform Act of 1986.

Often overlooked are the actual costs, to taxpayers and our democratic process, of the current system. For a fraction of the estimated $500 billion it is costing to fix the damage done by S&L lobbyists who pressed for weakened thrift regulations, we could finance decades of honest, democratic elections.

Or how many billions are lost each year in tax breaks for the securities and finance industries, who together gave more than $16 million to Federal candidates in 1992?

The same hidden costs pervade our current system. From this perspective, extending public financing to congressional races would save billions, maybe tens of billions, each year.

Any campaign reform bill enacted must be judged according to some basic standards: Does it effectively sever the money links between incumbent lawmakers and special interests seeking their votes? And does it get big money out of politics once and for all? Or does it simply rechannel campaign contributions through yet more clever loopholes? In particular, does it limit the practice that most smacks of corruption, where incumbents solicit large amounts of money from lobbying coalitions of corporations and other special interests. This bill meets these tests.

The Senate Fair Elections and Grassroots Democracy Act provides for individual limits of $100 on contributions to Senate candidates, a total ban on Political Action Committee [PAC] contributions, lower spending limits than in S. 3 based on State voting-age population, a 90-percent reduction in the amount wealthy candidates can contribute to their own campaigns, a prohibition of soft money, free broadcast time, reduced mail rates for eligible candidates, and prohibitions of contributions from certain lobbyists—all within a comprehensive system of voluntary public financing of primary and general Senate campaigns patterned after the Presidential system. I believe these elements are key to true reform.

This is the best time in two decades for fundamental reform, when we have a President committed to change, a Congress elected on pledges of change, and a citizenry angry enough to demand change. We must restore the basic democratic principle of one person, one vote by enacting true reform.

I have attached a summary of my bill, and urge my colleagues to join me by cosponsoring this bill and supporting amendments embodying key elements of my reform package, which I intend to offer to the campaign finance reform bill when it comes to the Senate floor.

I ask unanimous consent that the text of the bill be printed in the Record at this point, along with a summary of its major provisions.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Senate Fair Elections and Grassroots Democracy Act of 1993".

(b) Amendment of FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) Table of Contents.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
Sec. 2. Findings and declarations of the Senate.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Free broadcast time.

Subtitle B—General Provisions

Sec. 131. Extension of reduced third-class mailing rates to eligible Senate committees.
Sec. 132. Reporting requirements for certain independent expenditures.
Sec. 133. Campaign advertising amendments.
Sec. 134. Definitions.
Sec. 135. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Contributions to political party committees for grassroots Federal election campaign activities.
Sec. 312. Provisions relating to national, State, and local party committees.
Sec. 313. Restrictions on fundraising by candidates and officeholders.
Sec. 314. Reporting requirements.
Sec. 315. Limitations on combined political activities of political committees of political parties.

TITLE IV—CONTRIBUTIONS

Sec. 401. Reduction of contribution limits.
Sec. 402. Contributions through intermediaries and conduits; prohibition of certain contributions by lobbyists.
Sec. 403. Contributions by dependents not of voting age.
Sec. 404. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 405. Limited exclusion of advances by campaign workers from the definition of the term "contribution".

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.
Sec. 504. Computerized indices of contributions.

TITLE VI—PRESIDENTIAL DEBATES

Sec. 601. Findings and purposes.
Sec. 602. Presidential and vice presidential candidate debates.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Sense of the Senate regarding funding of Senate Election Campaign Fund.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.

SEC. 2. FINDINGS AND DECLARATIONS OF THE SENATE.

(a) Necessity for Spending Limits.—The Senate finds and declares that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) permitting candidates for Federal office to raise and spend unlimited amounts of money constitutes a fundamental flaw in the current system of campaign finance; it has undermined public respect for the Congress as an institution and has given large private contributors undue influence with respect to public policymaking by the Congress;

(3) the failure to limit campaign expenditures has driven up the cost of election campaigns and made it difficult for qualified candidates without personal fortunes or access to large contributors to mount competitive congressional campaigns;

(4) the failure to limit campaign expenditures has caused individuals elected to the Senate to spend an increasing proportion of their time in office as elected officials raising funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(5) the failure to limit campaign expenditures has damaged the Senate as an institution, due to the time lost to raising funds for campaigns;

(6) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to limit campaign expenditures, through a system that provides substantial public benefits to candidates who agree to limit campaign expenditures; and

(7) serious and thoroughgoing reform of Federal election law that imposes strict new rules on spending and contributions would—

(A) help eliminate access to wealth as a determinant of a citizen's influence in the political process;

(B) help to restore meaning to the principle of "one person, one vote";

(C) produce more competitive Federal elections; and

(D) halt and reverse the escalating cost of Federal elections.

(b) Necessity for Prohibition of Political Action Committees.—The Senate finds and declares that—

(1) contributions by political action committees to individual candidates have cre-

ated the perception that candidates are beholden to special interests, and leave candidates open to charges of corruption;

(2) contributions by political action committees to individual candidates have undermined the Senate as an institution; and

(3) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to ban participation by political action committees in Federal elections.

(c) Necessity for Attributing Cooperative Expenditures to Candidates.—The Senate finds and declares that—

(1) public confidence and trust in the system of campaign finance would be undermined should any candidate be able to circumvent a system of caps on expenditures through cooperative expenditures with outside individuals, groups, or organizations;

(2) cooperative expenditures by candidates with outside individuals, groups, or organizations would severely undermine the effectiveness of caps on campaign expenditures, unless they are included within such caps; and

(3) to maintain the integrity of the system of campaign finance, expenditures by any individual, group, or organization that have been made in cooperation with any candidate, authorized committee, or agent of any candidate must be attributed to that candidate's cap on campaign expenditures.

(d) Necessity For Providing Substantial Public Financing for Senate Elections.—The Senate finds and declares that the replacement of private campaign contributions with partial or complete public financing for Senate elections would enhance American democracy by eliminating real and potential conflicts of interest and increasing the accountability of Members of Congress, thereby helping to restore public confidence in the fairness of the electoral and policymaking processes.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) In General.—FECA is amended by adding at the end the following new title:

"TITLE V—EXPENDITURE LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. ELIGIBILITY.

"(a) In General.—For purposes of this title, a candidate is an eligible Senate candidate if—

"(1) the candidate and the candidate's authorized committees meet the threshold contribution and ballot access requirements of subsection (b);

"(2) the candidate and the candidate's authorized committees do not make expenditures from personal funds in an amount that exceeds the personal funds expenditure limit except as permitted under section 502(e);

"(3) the candidate and the candidate's authorized committees do not make expenditures in excess of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit except as permitted under section 502(e);

"(4) the candidate and the candidate's authorized committees—

"(A) do not accept contributions for the primary or runoff election in an amount that exceed the primary election expenditure limit or the runoff election expenditure limit except as permitted under section 503(e); and

"(B) do not accept contributions for the general election except as permitted under section 503(e); and

"(5) the candidate's authorized committees do not accept contributions from multicandidate political committees for the primary election or runoff election in an amount that exceeds the primary election multicandidate political committee contribution limit or the runoff election multicandidate political committee contribution limit that may be in effect in accordance with section 502(f);

"(6)(A) with respect to a primary election, at least one other candidate has qualified for the same primary election ballot under the law of the candidate's State;

"(B) with respect to a general election, at least one other candidate has qualified for the same general election ballot under the law of the candidate's State;

"(7) the candidate and the candidate's authorized committees do not accept any contribution in violation of section 315;

"(8) the candidate and the candidate's authorized committees deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(9) the candidate and the candidate's authorized committees furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(10) the candidate and the candidate's authorized committees cooperate in the case of any examination and audit by the Commission under section 505;

"(11) the candidate and the candidate's authorized committees comply with all of the requirements of this Act that apply to eligible candidates; and

"(12) the candidate, not later than 7 days after becoming a candidate, files with the Commission a declaration that the candidate and the candidate's authorized committees have complied with and will continue to comply with all of the requirements of this Act that apply to eligible Senate candidates and their authorized committees.

"(b) Threshold Contribution and Ballot Access Requirements.—

"(1) In general.—The requirements of this subsection are met if—

"(A) the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 5 percent of the general election expenditure limit from contributors at least 60 percent of whom are residents of the candidate's State; and

"(B) the candidate has qualified for the ballot for a primary election, runoff election, or general election, respectively, under State law.

"(2) Definitions.—For purposes of this section—

"(A) the term 'allowable contributions'—

"(i) means contributions that are made as gifts of money by an individual pursuant to a written instrument identifying the individual as the contributor; and

"(ii) does not include—

"(I) contributions made directly or indirectly through an intermediary or conduit that are treated as being made by the intermediary or conduit under section 315(a)(8)(B); or

"(II) contributions from any individual during the applicable period to the extent that such contributions exceed $100; and

"(B) the term 'applicable period' means—

"(i) with respect to a candidate who is or who is seeking to become a candidate in a general election, the period beginning on January 1 of the calendar year preceding the calendar year of the general election and ending on the date on which a candidate submits a first request to receive benefits under section 503; or

"(ii) with respect to a candidate who is or who is seeking to become a candidate in a special election, the period beginning on the date the vacancy occurs in the office for which the election is held and ending on the date of the general election.

"SEC. 502. EXPENDITURE AND CONTRIBUTION LIMITS.

"(a) Personal Funds Expenditure Limit.—

"(1) In general.—The personal funds expenditure limit applicable to an eligible Senate candidate is an aggregate amount of expenditures equal to $25,000 made during an election cycle by an eligible Senate candidate and the candidate's authorized committees from the sources described in paragraph (2).

"(2) Sources.—A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) Primary Election Expenditure Limit.—The primary election expenditure limit applicable to an eligible Senate candidate is an amount equal to the lesser of—

"(1) 67 percent of the general election expenditure limit; or

"(2) $2,500,000.

"(c) Runoff Election Expenditure Limit.—The expenditure limit applicable to an eligible Senate candidate is 20 percent of the general election expenditure limit.

"(d) General Election Expenditure Limit.—

"(1) In general.—The general election expenditure limit applicable to an eligible Senate candidate is an amount equal to the lesser of—

"(A) $4,500,000; or

"(B) the greater of—

"(i) $775,000; or

"(ii) $325,500, plus—

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) State with one television transmitter.—In the case of an eligible Senate candidate in a State that has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in the State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '60 cents' for '30 cents' in subclause (I); and

"(B) '50 cents' for '25 cents' in subclause (II).

"(e) Exceptions.—

"(1) Legal and accounting compliance fund.—(A) An eligible Senate candidate and the candidate's authorized committees may accept contributions and make expenditures without regard to the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit for the purpose of maintaining a legal and accounting compliance fund meeting the requirements of subparagraph (B), out of which fund qualified legal and accounting expenditures may be made.

"(B) A legal and accounting compliance fund meets the requirements of this subparagraph if—

“(i) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

“(ii) the aggregate amounts transferred to, and expenditures made from, the fund do not exceed the sum of—

“(I) the lesser of—

“(aa) 10 percent of the general election expenditure limit for the general election for which the fund was established; or

“(bb) $300,000, plus—

“(II) the amount determined under subparagraph (D); and

“(iii) no funds received by the candidate pursuant to section 503(a)(3) are transferred to the fund.

“(C) For purposes of this paragraph, the term ‘qualified legal and accounting expenditure’ means the following:

“(i) An expenditure for costs of a legal or accounting service provided in connection with—

“(I) any administrative or court proceeding initiated pursuant to this Act during the election cycle for the primary election, runoff election, or general election; or

“(II) the preparation of any documents or reports required by this Act or the Commission.

“(ii) An expenditure for a legal or accounting service provided in connection with the primary election, runoff election, or general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for the primary election, runoff election, or general election.

“(D)(i) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under subparagraph (B)(ii)(I), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed that limitation. The Commission's determination shall be subject to judicial review under section 507.

“(ii) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

“(E)(i) A candidate shall terminate a legal and accounting compliance fund as of the earlier of—

“(I) the date of the first primary election for the office following the general election for the office for which the fund was established; or

“(II) the date specified by the candidate.

“(ii) Any amount remaining in a legal and accounting compliance fund as of the date determined under clause (i) shall be transferred—

“(I) to a legal and accounting compliance fund for the election cycle for the next primary election, runoff election, or general election; or

“(II) to the Senate Election Campaign Fund.

“(2) Payment of taxes.—An eligible Senate candidate and the candidate's authorized committees may accept contributions and make expenditures without regard to the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit for the purpose of funding and making expenditures for Federal, State, or local income taxes with respect to the candidate's authorized committees.

“(3) Independent expenditure amount and excess expenditure amount.—An eligible Senate candidate who receives payment of an independent expenditure amount under section 503(b)(1)(B) or an excess expenditure amount under section 503(b)(1)(C) may make expenditures from such payments to defray expenditures for the primary election, runoff election, or general election, respectively, without regard to the primary expenditure limit, runoff election expenditure limit, or general election expenditure limit.

“(4) Unmatched excess expenditures.—(A) An eligible Senate candidate and the candidate's authorized committees may accept contributions and make expenditures without regard to the personal funds expenditure limit, primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate raises aggregate contributions or makes or becomes obligated to make aggregate expenditures that exceed 200 percent of the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit, respectively, applicable to the eligible Senate candidate.

“(B) An eligible Senate candidate and the candidate's authorized committees may accept contributions without regard to the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit in anticipation of their being needed for the purpose of making expenditures under subparagraph (A) if—

“(i) any opposing candidate in the primary election, runoff election, or general election who is not an eligible Senate candidate raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the primary election, runoff election, or general election that exceed 75 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit applicable to the candidate; or

“(ii) any opposing candidate in the general election who is the nominee of a major party is not an eligible Senate candidate.

“(C) The amount of the contributions that may be accepted and expenditures that may be made by reason of subparagraphs (A) and (B) shall not exceed 100 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit, respectively.

“(f) Multicandidate Political Committee Contribution Limits.—

“(1) Multicandidate political committee primary election contribution limit.—The multicandidate political committee primary election contribution limit applicable to an eligible Senate candidate is an amount equal to 10 percent of the primary election spending limit.

“(2) Multicandidate political committee runoff election contribution limit.—The multicandidate political committee runoff election contribution limit applicable to an eligible Senate candidate is an amount equal to 10 percent of the runoff election spending limit.

“(3) Periods when provisions are in effect.—This subsection and other provisions in this title relating to multicandidate political committees shall be of no effect except during any period in which the prohibition under section 324 is not in effect.

“(g) Indexing.—The $2,500,000 amount under subsection (b)(2) and the amount otherwise determined under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of those provisions, the base period shall be calendar year 1993.

“(h) Expenditures.—For purposes of this title, the term ‘expenditure’ has the meaning stated in section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

“SEC. 503. BENEFITS.

“(a) In General.—An eligible Senate candidate shall be entitled to—

“(1) free broadcast time under title VI;

“(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

“(3) payments in the amounts determined under subsection (b).

“(b) Amount of Payments.—

“(1) In general.—For purposes of subsection (a)(3), the amounts determined under this subsection are—

“(A) the public financing amount;

“(B) the independent expenditure amount; and

“(C) the excess expenditure amount.

“(2) Public financing amount.—For purposes of paragraph (1), the public financing amount is—

“(A) in the case of an eligible Senate candidate who is a major party candidate—

“(i) during the primary election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the primary election spending limit;

“(ii) during the runoff election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the runoff election spending limit, less the amount of any unexpended campaign funds from the primary election, which the candidate shall transfer to the runoff election; and

“(iii) during the general election period, an amount equal to the general election expenditure limit applicable to the candidate, less the amount of any unexpended campaign funds from the primary election or runoff election, which the candidate shall transfer to the general election; and

“(B) in the case of an eligible Senate candidate who is not a major party candidate—

“(i) during the primary election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the primary election expenditure limit;

“(ii) during the runoff election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the runoff election expenditure limit, less the amount of any unexpended campaign funds from the primary election, which the candidate shall transfer to the runoff election; and "(iii) during the general election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the general election expenditure limit, less the amount of any unexpended campaign funds from the primary election or runoff election, which the candidate shall transfer to the general election.

"(3) Independent expenditure amount.—For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the primary election period, runoff election period, or general election period, respectively, by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate that are required to be reported by such persons under section 304(c) with respect to each such period, respectively, and are certified by the Commission under section 304(c).

"(4) Excess expenditure amount.—For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of an eligible Senate candidate of an eligible Senate candidate of major party who has an opponent in the primary election, runoff election, or general election, respectively, who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, an amount equal to the sum of—

"(i) if the excess is not greater than 133⅓ percent of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if the excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if the excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a candidate of a major party who has an opponent in the primary election, runoff election, or general election, respectively, who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, an amount equal to 50 percent of the amount of the excess of the contributions received or expenditures made or obligated to be made by an opponent over the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, but not exceeding the amount of contributions received by the eligible Senate candidate during the primary election period, runoff election period, or general election period, respectively, from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the excess primary election expenditure limit, the runoff election expenditure limit, or the general excess expenditure limit, respectively.

"(c) Use of Payments.—

"(1) Permitted use.—Payments received by an eligible Senate candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election primary election period, runoff election period, and period for the candidate.

"(2) Prohibited use.—Payments received by an eligible Senate candidate under subsection (a)(3) shall not be used—

"(A) except as provided in subparagraph (D), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of the candidate;

"(B) to make any expenditure other than expenditures to further the primary election, runoff election, or general election of the candidate;

"(C) to make any expenditures that constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(D) subject to section 315(i), to repay any loan to any person except to the extent the proceeds of such loan were used to further the primary election, runoff election, or general election of the candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—

"(1) In general.—The Commission shall certify to any candidate that meets the eligibility requirements of section 501 that the candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such a certification if it determines that a candidate fails to continue to meet those requirements.

"(2) Requests to receive benefits.—(A) A candidate to whom a certification has been issued may from time to time file with the Commission a request to receive benefits under section 503.

"(B) A request under subparagraph (A) shall—

"(i) contain such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(ii) contain a verification signed by the candidate and the treasurer of the principal campaign committee of the candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(C) Not later than 3 business days after a candidate files a request under subparagraph (A), the Commission shall certify to the Secretary of the Treasury the amount of benefits to which the candidate is entitled.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 507.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) Examination and Audits.—

"(1) Random audits.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a candidate, the Commission shall examine and audit the campaign accounts of all other candidates in the general election for the office the selected candidate is seeking.

"(2) Reason to investigate.—The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to investigate whether the candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—

"(1) Excess payments.—If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) Revocation of status.—If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures (except as permitted under section 502(e)) that in the aggregate exceed—

"(1) the primary election expenditure limit;

"(2) the runoff election expenditure limit; or

"(3) the general election expenditure limit, the Commission shall so notify the candidate and the candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties for Excess Expenditures and Contributions.—

"(1) In general.—If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against the candidate in an amount not greater than 200 percent of the amount involved.

"(2) Low amount of excess expenditures.—An eligible Senate candidate who makes expenditures that exceed the primary election expenditure limit, runoff election expenditure, or general election expenditure limit by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(3) Medium amount of excess expenditures.—An eligible Senate candidate who makes expenditures that exceed the primary election expenditure limit, runoff election expenditure, or general election expenditure limit by more than 2.5 percent and less than 5 percent shall pay an amount equal to 3 times the amount of the excess expenditures.

"(4) Large amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed the primary election expenditure limit, runoff election expenditure, or general election expenditure limit by 5 percent or more shall pay an amount equal to 3 times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(f) Unexpended Funds.— Any amount received by an eligible Senate candidate under this title may be retained for a period not exceeding 120 days after the date of the primary election, runoff election, or general election for the liquidation of all obligations to pay expenditures for the primary election, runoff election, or general election incurred during the primary election period, runoff election period, or general election period. At the end of such 120-day period, any unexpended funds received under this title, except those that are transferred as required by section 503(b)(2) (A) (ii) or (iii) or (B) (ii) or (iii), shall be promptly repaid.

"(g) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than 3 years after the date of such election.

"(h) DEPOSITS.—The Secretary of the Treasury shall deposit all payments received under this section into the Senate Election Campaign Fund.

"SEC. 506. CRIMINAL PENALTIES.

"(a) ACCEPTANCE OR USE OF BENEFITS EXPENDITURES IN EXCESS OF LIMITS.—

"(1) OFFENSE.—No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary election expenditure limit;

"(ii) the runoff election expenditure limit; or

"(iii) the general election expenditure limit,

except as permitted under section 502(e).

"(2) PENALTY.—A person who violates paragraph (1) shall be fined not more than $25,000, imprisoned not more than 5 years, or both. An officer, employee, or agent of a political committee who knowingly consents to any expenditure in violation of paragraph (1) shall be fined not more than $25,000, imprisoned not more than 5 years, or both.

"(b) USE OF BENEFITS.—

"(1) OFFENSE.—It is unlawful for a person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, the benefit or such portion other than in the manner provided in this title.

"(2) PENALTY.—A person who violates paragraph (1) shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

"(c) FALSE INFORMATION.—

"(1) OFFENSE.—It is unlawful for a person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) PENALTY.—A person who violates paragraph (1) shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) OFFENSE.—It is unlawful for a person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by an eligible Senate candidate.

"(2) PENALTY.—(A) A person who violates paragraph (1) shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

"(B) In addition to the penalty provided by subparagraph (A), a person who accepts any kickback or illegal benefit in connection with any benefits received by an eligible Senate candidate pursuant to the provisions of this title, or received by the authorized committees of such a candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"SEC. 507. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals to expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—Chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning stated in section 551(13) of title 5, United States Code.

"SEC. 508. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission may appear in and defend against any action instituted under this section and under section 507 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission may, through attorneys and counsel described in subsection (a), institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission may, through attorneys and counsel described in subsection (a), petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission may, on behalf of the United States, appeal from, and to petition the Supreme Court for certiorari to review, judgments, or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 509. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS.—The Commission may prescribe regulations, conduct such examinations and investigations, and require the keeping and submission of such books, records, and information, as it deems necessary to carry out its functions and duties under this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing a regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed regulation and containing a detailed explanation and justification of the regulation.

"SEC. 510. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—

"(1) IN GENERAL.—There is established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2) APPROPRIATIONS.—(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under section 505(h); and

"(iii) any other amounts that may be appropriated to or deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) AVAILABILITY.—Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) ACCOUNTS.—The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Commission such sums as are necessary for the purpose of carrying out its functions under this title.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such individuals certify that such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national or State committee of a political party; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the prohibition under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$250" for "$5,000"; and

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) the greater of—

(i) $375,000; or

(ii) 20 percent of the sum of the general election expenditure limit under section 502(b) of FECA plus the primary election spending limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate (as defined in section 301(19)) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 and $375,000 amounts in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year in which the first general election after the date of the enactment of paragraph (3) occurs. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1993.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 1 business day after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 1 business day after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 1 business day after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 1 business day after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(e) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 133, is amended by adding at the end the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. FREE BROADCAST TIME.

(a) AMENDMENT OF COMMUNICATIONS ACT.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"FREE BROADCAST TIME FOR ELIGIBLE SENATE CANDIDATES

"SEC. 315A. (a) IN GENERAL.—In addition to broadcast time that a licensee makes available to a candidate under section 315(a), a licensee shall make available at no charge, to each eligible Senate candidate in each State within its broadcast area, 90 minutes of broadcast time during a prime time access period (as defined in section 601 of the Federal Election Campaign Act of 1971).

"(b) APPEARANCES ON NEWS OR PUBLIC SERVICE PROGRAMS.—An appearance by a candidate on a news or public service program at the invitation of a broadcasting station or other organization that presents such a program shall not be counted toward time made available pursuant to subsection (a).".

(b) AMENDMENT OF FECA.—FECA, as amended by section 101, is amended by adding at the end the following new title:

"TITLE VI—DISSEMINATION OF POLITICAL INFORMATION

"SEC. 601. DEFINITIONS.

"In this title—

"(1) The term 'free broadcast time' means time provided by a broadcasting station during a prime time access period pursuant to section 315A of the Communications Act of 1934.

"(2) The term 'minor party' means a political party other than a major party—

"(A) whose candidate for the Senate in a State received more than 5 percent of the popular vote in the most recent general election; or

"(B) which files with the Commission, not later than 90 days before the date of a general or special election in a State, the number of signatures of registered voters in the State that is equal to 5 percent of the popular vote for the office of Senator in the most recent general or special election in the State.

"(3) The term 'prime time access period' means the time between 6:00 p.m. and 8:00 p.m. of a weekday during the period beginning on the date that is 60 days before the date of a general election or special election for the Senate and ending on the day before the date of the election.

"SEC. 602. USE OF FREE BROADCAST TIME.

"An eligible Senate candidate shall ensure that—

"(1) free broadcast time is used in a manner that promotes a rational discussion and debate of issues with respect to the elections involved;

"(2) in programs in which free broadcast time is used, not more than 25 percent of the time of the broadcast consists of presentations other than a candidate's own remarks;

"(3) free broadcast time is used in segments of not less than 1 minute; and

"(4) not more than 15 minutes of free broadcast time is used by the candidate in a 24-hour period.

"SEC. 603. REPORTS.

"(a) CANDIDATE REPORTS TO THE COMMISSION.—An eligible Senate candidate that uses free broadcast time under section 602 shall include with the candidate's post-general election report under section 304(a)(2)(A)(ii) or, in the case of a special election, with the candidate's first report under section 304(a)(2) filed after the special election, a statement of the amount of free broadcast time that the candidate used during the general election period or special election period.

"(b) COMMISSION REPORTS TO CONGRESS.—The Commission shall submit to Congress, not later than June 1 of each year that follows a year in which a general election for the Senate is held, a report setting forth the amount of free broadcast time used by eligible Senate candidates under section 602.

"SEC. 604. JUDICIAL PROCEEDINGS.

"(a) IN GENERAL.—The Commission may appear in any action filed under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of that title.

"(b) ENFORCEMENT.—At its own instance or on the complaint of any person, and whether or not proceedings have been commenced or are pending under section 309, the Commission may petition a district court of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a).

"(c) APPEALS.—The Commission may, on behalf of the United States, appeal from, and petition the Supreme Court of the United States for certiorari to review, a judgment or decree entered with respect to an action in which it appeared pursuant to this section.".

Subtitle B—General Provisions

SEC. 131. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) The terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

SEC. 132. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of FECA (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $5,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $5,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as a candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(7) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

SEC. 133. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the statement required by paragraph (1) shall—

"(A) appear at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 134. DEFINITIONS.

(a) In General.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.

"(30) The term 'personal funds expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(a).

"(31) The term 'primary election expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(b).

"(32) The term 'runoff election expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(c).

"(33) The term 'general election expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(d).

"(34) The term 'multicandidate political committee primary election contribution limit' means the limit applicable to an eligible Senate candidate under section 502(e)(1).

"(35) The term 'multicandidate political committee runoff election contribution limit' means the limit applicable to an eligible Senate candidate under section 502(e)(2).

"(36) The terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 510.".

(b) Identification.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 135. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A), by striking "It is the intent of Congress that a Member of, or a Member-elect to, Congress" and inserting "A Member of, or Member-elect to, the House"; and

(2) in subparagraph (C)—

(A) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(B) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $500; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of the mailing in the case of advertising by a mailing.".

Subtitle B—Provisions Relating to Soft Money of Political Parties

SEC. 311. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES FOR GRASSROOTS FEDERAL ELECTION CAMPAIGN ACTIVITIES.

(a) IN GENERAL.—Section 315(a)(1)(C) of FECA (2 U.S.C. 441a(a)(1)(C)) is amended by striking "$5,000." and inserting "5,000, plus an additional $5,000 that may be contributed to a political committee established and maintained by a State political party for the sole purpose of conducting grassroots Federal election campaign activities coordinated by the Congressional Campaign Committee and Senatorial Campaign Committee of the party.".

(b) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees which are taken into account for purposes of paragraph (1)(C).".

(c) DEFINITION.—Section 301(a) of FECA (2 U.S.C. 431(a)), as amended by section 134, is amended by adding at the end the following new paragraph:

"(37) The term 'grassroots Federal election campaign activity' means—

"(A) voter registration and get-out-the-vote activities;

"(B) campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified;

"(C) the preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified;

"(D) development and maintenance of voter files;

"(E) any other activity affecting (in whole or in part) an election for Federal office; and

"(F) activities conducted for the purpose of raising funds to pay for activities described in subparagraphs (A), (B), (C), (D), and (E),

to the extent that any such activity is allocable to Federal elections under a regulation issued by the Commission.".

SEC. 312. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e). This paragraph shall not authorize a committee to make expenditures for audio broadcasts (including television broadcasts) in excess of the amount which could have been made without regard to this paragraph.".

(b) Contribution and Expenditure Exceptions.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (xi), by striking "direct mail" and inserting "mail"; and

(B) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by repealing clauses (viii) and (ix).

(c) Soft Money of Committees of Political Parties.—(1) Title III of FECA, as amended by section 102(a), is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"Sec. 325. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a):

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) A grassroots Federal election campaign activity shall be treated as in connection with an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are conducted in a year that is not a Presidential election year.

"(E) Research pertaining solely to State and local candidates and issues.

"(F) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on January 1 of any even-numbered calendar year; and

"(B) ending on the date during such year on which regularly scheduled general elections for Federal office occur.

In the case of a special election, the Federal election period shall include at least the 60-day period ending on the date of the election.

"(c) Solicitation by Committees.—A Congressional or Senatorial Campaign Committee of a political party may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) Amounts Received From State and Local Candidate Committees.—(1) For purposes of subsection (a), any amount received by a national, State, district, or local committee of a political party (including any subordinate committee) from a State or local candidate committee shall be treated as meeting the requirements of subsection (a) and section 304(d) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount, and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met, and

"(ii) certifies to the other committee that such requirements were met.

"(2) Notwithstanding paragraph (1), any committee receiving any contribution described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act with respect to receipt of the contribution from such candidate committee.

"(3) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5)(A) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 325(b)(2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)).

"(B) Expenditures authorized under this paragraph shall be in addition to other expenditures allowed under this subsection, except that this paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4).

"(C) No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990.

"(D) For purposes of this paragraph—

"(i) a local committee of a political party shall only include a committee that is a political committee (as defined in section 301(4)); and

"(ii) a State committee shall not be required to record or report under this Act the expenditures of any other committee which are made independently from the State committee.".

(3) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following new sentence:

"For purposes of subparagraph (C), any payments for get-out-the-vote activities on behalf of candidates for office other than Federal office shall be treated as payments exempted from the definition of expenditure under paragraph (9) of this section.".

(d) Generic Activities.—Section 301 of FECA (2 U.S.C. 431), as amended by section 311(c), is amended by adding at the end the following new paragraph:

"(32) The term 'generic campaign activity' means a campaign activity the purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate.".

SEC. 313. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) State Fundraising Activities.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end the following new subsection:

"(k) Limitations on Fundraising Activities of Federal Candidates and Officeholders and Certain Political Committees.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, and are not from sources prohibited by this Act with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, or any national, State, district, or local committee of a political party (including subordinate committees).

"(3) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) Tax-Exempt Organizations.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(l) Tax-Exempt Organizations.—(1) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 314. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 325) and all payments for combined activities under 326;

"(3) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election or for combined activities.

"(4) If any receipt or disbursement to which this subsection applies exceeds $50, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(5) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end the following:

"(C) The exclusions provided in clauses (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $50 shall be reported.".

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) is amended by inserting at the end the following:

"(C) The exclusions provided in clause (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $50 shall be reported.".

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

SEC. 315. LIMITATIONS ON COMBINED POLITICAL ACTIVITIES OF POLITICAL COMMITTEES OF POLITICAL PARTIES.

Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 312(c), is amended by adding at the end the following new section:

"LIMITATIONS ON COMBINED POLITICAL ACTIVITIES OF POLITICAL COMMITTEES OF POLITICAL PARTIES

"SEC. 326. (a)(1) Political party committees that make payments for combined political activity shall allocate a portion of such payments to Federal accounts containing contributions subject to the limitations and prohibitions of this Act, as provided for in this section.

"(2) National party committees shall allocate as follows:

"(A) At least 65 percent of the costs of voter registration drives, development and maintenance of voter files, get-out-the-vote activities, and administrative expenses shall be paid from a Federal account in Presidential election years. At least 60 percent of the costs of voter drives and administrative expenses shall be paid from a Federal account in all other years.

"(B) The costs of fundraising activities which shall be paid from a Federal account shall equal the ratio of funds received into the Federal account to the total receipts from each fundraising program or event.

"(C) The costs of activities subject to limitation under section 315(d) which involve both Federal and non-Federal candidates, shall be paid from a Federal account according to the time or space devoted to Federal candidates.

"(3) State and local party committees shall allocate as follows:

"(A) At least 50 percent of the costs of voter registration drives, development and maintenance of voter files, get-out-the-vote activities, and administrative expenses shall be paid from a Federal account in Presidential election years. In all other years, the costs of voter drives and administrative expenses which shall be paid from a Federal account shall be determined by the ballot composition for the election cycle, but, in no event, shall the amount paid from the Federal account be less than 33 percent.

"(B) The costs of fundraising activities which shall be paid from a Federal account shall equal the ratio of funds received into the Federal account to the total receipts from each fundraising program or event.

"(C) The costs of activities exempt from the definition of 'contribution' or 'expenditure' under section 301, when conducted in conjunction with both Federal and non-Federal elections, shall be paid from a Federal account according to the time or space devoted to Federal candidates or elections.

"(D) The costs of activities subject to limitation under section 315 (a) or (d) which involve both Federal and non-Federal candidates, shall be paid from a Federal account according to the time or space devoted to Federal candidates.

"(b) For purposes of this subsection—

"(1) the term 'combined political activity' means any activity that is both—

"(A) in connection with an election for Federal office; and

"(B) in connection with an election for any non-Federal office.

"(2) Any activity which is undertaken solely in connection with a Federal election is not combined political activity.

"(3) Except as provided in paragraph (4), combined political activity shall include—

"(A) State and local party activities exempt from the definitions of 'contribution' and 'expenditure' under section 301 and activities subject to limitation under section 315 which involve both Federal and non-Federal candidates, except that payments for activities subject to limitation under section 315 are not subject to the limitation of subsection (a)(1);

"(B) voter drives including voter registration, voter identification and get-out-the-vote drives or any other activities that urge the general public to register, vote for or support non-Federal candidates, candidates of a particular party, or candidates associated with a particular issue, without mentioning a specific Federal candidate;

"(C) fundraising activities where both Federal and non-Federal funds are collected through such activities; and

"(D) administrative expenses not directly attributable to a clearly identified Federal or non-Federal candidate, except that payments for administrative expenses are not subject to the limitation of subsection (a)(1).

"(4) The following payments are exempt from the definition of combined political activity:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any payments for legal or accounting services, if such services are for the purpose of ensuring compliance with this Act.

"(5) The term 'ballot composition' means the number of Federal offices on the ballot compared to the total number of offices on the ballot during the next election cycle for the State. In calculating the number of offices for purposes of this paragraph, the following offices shall be counted, if on the ballot during the next election cycle: President, United States Senator, United States Representative, Governor, State Senator, and State Representative. No more than three additional statewide partisan candidates shall be counted, if on the ballot during the next election cycle. No more than three additional local partisan candidates shall be counted, if such offices are on the ballot in the majority of the State's counties during the next election cycle.

"(6) The term 'time or space devoted to Federal candidates' means with respect to a particular communication, the portion of the communication devoted to Federal candidates compared to the entire communication, except that no less than one-third of any communication shall be considered devoted to a Federal candidate.".

TITLE IV—CONTRIBUTIONS

SEC. 401. REDUCTION OF CONTRIBUTION LIMITS.

Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$100".

SEC. 402. CONTRIBUTIONS THROUGH INTERMEDARIES AND CONDUITS; PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) IN GENERAL.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or "(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a lobbyist; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate;

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

"(iii) bona fide fundraising efforts conducted by and solely on behalf of an individual for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, but only if all contributions are made directly to a candidate or a representative of a candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsection:

"(m)(1) A lobbyist shall not make a contribution to or solicit a contribution on behalf of a legislative branch official before whom the lobbyist has appeared or with whom the lobbyist has made a lobbying contact, in the lobbyist's representational capacity, during the 12-month period preceding the date on which the contribution is made or solicited.

"(2) A lobbyist who makes a contribution to or solicits a contribution on behalf of a legislative branch official shall not appear before or make a lobbying contact with that legislative branch official, in the lobbyist's representational capacity, during the 12-month period after the date on which the contribution is made or solicited.".

(c) DEFINITIONS.—Section 301(a) of FECA (2 U.S.C. 431(a)), as amended by section 311(c), is amended by adding at the end the following new paragraphs:

"(37) The term 'lobbyist' means—

"(A) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

"(B) a person required under any other law to register as a lobbyist (as the term 'lobbyist' may be defined in any such law); and

"(C) any other person that receives compensation in return for making a lobbying contact with Congress on any legislative matter, including a member, officer, or employee of any organization that receives such compensation.

"(38)(A) The term 'lobbying contact'—

"(i) means an oral or written communication with a legislative branch official made by a lobbyist on behalf of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license) but—

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a legislative branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a legislative branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.

"(39) The term 'legislative branch official' means—

"(A) a member of Congress;

"(B) an elected officer of Congress;

"(C) an employee of a member of the House of Representatives, of a committee of the House of Representatives, or on the leadership staff of the House of Representatives, other than a clerical or secretarial employee;

"(D) an employee of a Senator, of a Senate committee, or on the leadership staff of the Senate, other than a clerical or secretarial employee; and

"(E) an employee of a joint committee of the Congress, other than a clerical or secretarial employee.".

SEC. 403. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

(a) IN GENERAL.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 402(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 404. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

(a) IN GENERAL.—Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.”.

(b) CONFORMING AMENDMENT.—Section 315(a)(5) of FECA (2 U.S.C. 441a(a)(5)) is amended—

(1) by adding “and” at the end of subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 405. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM “CONTRIBUTION”.

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking “and” after the semicolon at the end;

(2) in clause (xiv), by striking the period at the end and inserting: “; and”; and

(3) by adding at the end the following new clause:

“(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the aggregate value of advances on behalf of a committee does not exceed $500 with respect to an election.”.

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)-(7)) are amended by inserting after “calendar year” each place it appears the following: “(election cycle, in the case of an authorized committee of a candidate for Federal office)”.

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: “, except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed”.

SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of FECA (2 U.S.C. 434(b)(3)(A)) is amended by striking “$200” and inserting “$50”.

SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) maintain computerized indices of contributions of $50 or more.”.

TITLE VI—PRESIDENTIAL DEBATES

SEC. 601. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) American voters are increasingly frustrated with the lack of significant political debate in presidential elections in the United States, and voting participation in the United States is lower than in any other advanced industrialized country, due in part to such frustration;

(2) the right of eligible citizens to participate in the election process as informed voters, provided in and derived from the first and fourteenth amendments to the Constitution, has consistently been protected and promoted by the Federal Government;

(3) United States presidential debates sponsored by nonpartisan organizations offer important fora for free, open, and substantive exchanges of candidates' ideas, and should include all significant candidates, including non-major and independent candidates; and

(4) throughout United States history, significant minor party and independent candidates have often been a source for new ideas and new programs, offering American voters an opportunity to engage in a diverse and open political discourse on critical issues of the day.

(b) PURPOSES.—The purposes of this title are to make participation in presidential debates a requirement for receipt of Federal general election campaign funds and to allow all candidates who meet the criteria outlined in this Act to participate in such debates.

SEC. 602. PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATE DEBATES.

Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATE DEBATES.—

“(1) AGREEMENT TO DEBATE.—In addition to meeting the requirements of subsection (a), (b), or (c), in order to be eligible to receive any payments under section 9006, the candidates for the office of President and Vice President in a Presidential election shall agree in writing that—

“(A) the Presidential candidate, if eligible under paragraph (3), will participate in not less than 3 Presidential candidate debates, which shall be held in the September and October preceding a Presidential general election at least 2 weeks before the election; and

“(B) the Vice Presidential candidate, if eligible under paragraph (3), will participate in not less than 1 Vice Presidential candidate debate, which shall be held prior to the third Presidential candidate debate.

“(2) DEBATE REQUIREMENTS.—

“(A) IN GENERAL.—Each debate under paragraph (1) shall—

“(i) be sponsored by a nonpartisan organization that has no affiliation with any political party;

“(ii) include all candidates that meet the criteria stated in paragraph (3) (except any such candidate who elects not to receive payments under section 9006), who shall appear and participate in a regulated exchange of questions and answers on political, social, economic, and other issues; and

“(iii) be of at least 90 minutes' duration, of which not less than 30 minutes are devoted to questions and answers or discussion directly between the candidates, as determined by the sponsor of the debate.

“(B) ANNOUNCEMENT OF TIME, LOCATION, AND FORMAT.—The sponsor of debates shall announce the time, location, and format of the debate prior to the first Monday in September before the Presidential election.

“(3) CRITERIA FOR PARTICIPATION IN PRESIDENTIAL CANDIDATE DEBATES.—A candidate is eligible to participate in a debate under paragraph (1) if—

“(A) the candidate has qualified for the election ballot as the candidate of a political party or as an independent candidate to the office of President or Vice President in not less than 40 States;

“(B) the candidate met the requirements of section 9033(b) (3) and (4); or

“(C) the candidate raised not less than $500,000 on or after January 1 of the calendar year immediately preceding the calendar year of the Presidential election, as disclosed in a report filed pursuant to section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).

“(4) ENFORCEMENT.—If the Commission, acting on its own or at the complaint of any person, determines that a Presidential or Vice Presidential candidate that has received payments under section 9006 failed to participate in a debate under paragraph (1) and was responsible at least in part for that failure, the candidate shall pay to the Secretary an amount equal to the amount of the payments made to the candidate under section 9006.”.

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

“(3)(A) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

“(i) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

“(ii) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

“(B) As used in this paragraph, the term ‘support’ does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate.”; and

(2) by adding at the end the following new paragraph:

“(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

“(B) For one year after the effective date of this paragraph, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $250 to candidates for elective office.”.

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

“(D) A contribution of polling data to a candidate shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1994.

SEC. 802. SENSE OF THE SENATE REGARDING FUNDING OF SENATE ELECTION CAMPAIGN FUND.

It is the sense of the Senate that—

(1) the current Presidential checkoff should be increased to $5.00, its designation changed to the "Federal Election Campaign Checkoff", and individuals should be permitted to contribute an additional $5.00 to the fund in additional taxes if they so desire;

(2) the Internal Revenue Service and the Federal Election Commission should be required to develop and implement a plan to publicize the fund and the checkoff to increase citizen participation; and

(3) funds to pay for the increase in the checkoff to $5.00 should come from the repeal of the tax deduction for business lobbying activity.

SEC. 803. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SUMMARY OF SENATE FAIR ELECTIONS AND GRASSROOTS DEMOCRACY ACT

CONTRIBUTION LIMITS

Political Action Committees—prohibited from making contributions or expenditures to influence federal elections. If ban declared unconstitutional: (1) lowers PAC contribution limit to $250 per candidate, and (2) imposes aggregate PAC receipts limit on Senate candidates.

Individual Contribution Limits—lowered to $100 for donations to Senate candidates, per election cycle.

VOLUNTARY CAMPAIGN EXPENDITURE LIMITS

General election period: Formula-based, from $775,000 (small states) to $4.5 million (large states).

Primary election period: 67% of general election limit ($2.5 million max).

Runoff election: 20% of general election limit.

Candidate's personal funds: $25,000.

Limits increased if opponent raises or spends more than 200% of general election limit.

BENEFITS FOR CANDIDATES ABIDING BY VOLUNTARY EXPENDITURE LIMITS

Public funding—Primary (and Runoff): match for individual in-state donations of $100 or less, up to 50% of spending limit;

General: Major party candidates given subsidy equal to spending limit;

Minor party candidates: provided match for individual in-state donations of $100 or less, up to 50% of spending limit;

Contigent funding: payments to participating candidates to compensate for and in amount of (1) opponents' expenditures in excess of spending limit, and (2) independent expenditures made against participant or for opponent;

Free Broadcast Time—broadcasters must provide 90 min. of prime access time to eligible candidates within broadcast area, in segments of at least 1 min., with no more than 15 min. within a 24-hr. period and no more than 25% of a broadcast consisting of other than candidate remarks.

Reduced Postal Rate—1 mailing per eligible voter during general election period, at lowest non-profit third-class rate.

Eligibility threshold for benefits—candidate must raise 5% of general election limit in amounts of $100 or less (at least 60% within-state).

Funding source—appropriated funds, financed by increase in dollar checkoff to $5 and elimination of tax deduction for lobbying.

SOFT MONEY

Prohibits all "soft" money in federal elections; requires that all federal election expenditures be from sources allowed by federal law.

Establishes Grassroots Federal Election Fund to be maintained by state political parties for grassroots political activities that benefit federal candidates exclusively. Contributions to these funds must be raised and disclosed under federal limits, and may not exceed $5000.

BUNDLING

Prohibits bundling by all PACs; parties; unions, corporations, trade associations, and national banks; partnerships or sole proprietorships; and lobbyists.

Prohibits lobbyists from contributing funds to, or soliciting funds for Members of Congress if they have lobbied those Members or their staff within the last twelve months.

INDEPENDENT EXPENDITURES

Tigthens definition to ensure proper distance from candidates; augments disclosure and disclaimer requirements.

By Mr. DANFORTH:

S. 952. To reliquidate certain entries of lithotripters that were imported by nonprofit private or public institutions established for research or educational purposes; to the Committee on Finance.

DUTY-FREE ENTRY OF CERTAIN LITHOTRIPTERS

● Mr. DANFORTH. Mr. President, today I am introducing legislation to provide for the duty-free entry of certain lithotripters imported into the United States last year. A lithotripter is a medical instrument that permits the treatment of kidney stones without invasive surgery. It essentially pulverizes the kidney stones with sound waves so they can be passed out of the kidney without surgery.

Current law permits nonprofit institutions that are established for educational or scientific purposes to import "instruments and apparatus" for their use duty-free if articles of equivalent scientific value are not being manufactured in the United States. This provision was enacted in 1966 to permit the United States to implement the Florence agreement relating to international trade in scientific and educational devices.

Last year, Midwest Stone Institute imported a new-generation lithotripter from Europe for its ongoing research needs. Midwest Stone Institute is one of the world's leading research centers on the treatment of kidney stones. As an affiliate of Barnes Hospital in St. Louis and the Washington University School of Medicine, the institute regularly supports research conducted by the professors and students at those institutions. Its director, Dr. Ralph Clayman, is a pioneer in the use of lithotripters for the treatment of kidney stones. The institute was one of the first institutions in the country to receive a lithotripther in the mid-1980's. More recently, it has been chosen as the site for Food and Drug Administration [FDA] premarket approval tests for the latest generation of lithotripters.

When Midwest Stone Institute imported its lithotripter last year, it submitted applications for duty-fee entry under the Educational, Scientific and Cultural Materials Importation Act of 1966. Despite the fact that the institute would otherwise qualify for duty-free treatment under the law, the U.S. Customs Service ruled that the fact that the institute was also the test site for FDA approval rendered the importation commercial, and therefore not entitled to duty-free treatment.

In my view, the Customs Service's position is not supported by the 1966 act or the Customs Service's own regulations. Nonetheless, a legal challenge to the Customs Service's position would be time-consuming and costly, especially for a nonprofit organization like Midwest Stone Institute. Rather than having the issue settled in court, the extension of temporary duty-free treatment to the importation of lithotripters by nonprofit institutions seems a reasonable solution.

Accordingly, the bill I am introducing today would allow nonprofit private or public institutions established for research or educational purposes to obtain a refund of any duties paid on lithotripters imported into the United States after June 1, 1992, and before September 30, 1992. The bill would not affect imports of lithotripters by profitmaking hospitals or providers of medical services and would assure that the spirit of the Florence agreement is carried out.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIQUIDATION OF CERTAIN LITHOTRIPTERS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry of an extracorporeal shock wave lithotripter that—

(1) is described in subheading 9018.90.70 or 9018.90.80 of the Harmonized Tariff Schedule of the United States,

(2) was entered after June 1, 1992, and before September 30, 1992, and

(3) was imported by a nonprofit private or public institution established for research or educational purposes,

shall be liquidated or reliquidated as free of duty and the Secretary of the Treasury shall refund any duties paid with respect to such entry.●

By Mr. WARNER:

S. 953. A bill to provide a right for a member of the Armed Services to be voluntarily separated from military service if the existing policy concerning military service by homosexuals is changed so that homosexuality is no longer incompatible with military service and if such member has religious, moral, or personal morale objections to such change in policy, to provide separation benefits for certain such members, and for other purposes; to the Committee on Armed Services.

LEGISLATION ON HOMOSEXUALS IN THE MILITARY

Mr. WARNER. Madam President, I am introducing today a bill, which will accord rights to men and women of the Armed Services who volunteered for such service prior to the announcement by the President of his intention to change the policy with respect to gays and homosexuals in our military services. This policy is now under review in the Department of Defense. It is now under review in the Senate. However, I think it is appropriate at this time to introduce legislation to show my concern, the concern of many, should a policy along the lines of the one now proposed by the President be ultimately adopted either by regulation, Executive order, or law, or a combination thereof.

Madam President, I rise today to introduce a bill designed to address the concerns of many men and women on active duty today.

That concern is, what are the rights of military personnel if the Department of Defense policy, before President Clinton took office, as expressed in DOD Directive 1332.4, enclosure 3, which states, "that homosexuality is incompatible with military service" is substantially changed, either by Executive order or by the Congress? As of today, men and women who volunteered to serve before the policy change, now being proposed by the President, would be required to continue to serve under materially changed conditions if that policy becomes permanent. They would be required to continue to serve no matter how sincerely they are against the policy for religious, moral, or personal morale reasons.

Since the President's proposal will accord new rights to homosexuals, the bill which I introduce today will provide rights to members of the Armed Forces who volunteered to serve under the existing policy. They will be entitled to leave active duty status and be separated, without losing all the benefits they have earned to date through lengthy, honorable service.

This legislation will apply equally to heterosexuals as well as homosexuals. Some in the latter category may well find that their continued service will become intolerable, especially if they desire not to go public. Peer pressure is likely to be brought on them to do so and conflict with their personal morale.

Specifically, my bill would become effective only if the current DOD regulations are changed, directive 1332.4 The legislation would permit any member who had entered military service prior to a change in policy to make, within 1 year after the effective date of a new regulation, a formal, written request for release from active duty, honorably, based on the service person's religious, moral, or personal morale objections to continuing to serve under a changed policy. Those persons who make such a timely, formal, written request pursuant to regulations to be issued under this legislation will be separated within 6 months after their request is approved. However, I have provided the Secretaries of the military departments authority to delay the effective date of separation for up to 2 years if the Secretary determines that the individual has unique skills and capabilities and that the separation of such individual would have direct and serious impact on the readiness of the military department concerned.

For those members who have served 6 or more years and who are separated under this section, separation benefits are provided as set forth in subsection (d) of my bill. These are the same separation benefits approved during the past 2 years by the Congress as part of the ongoing downsizing of our military forces.

Those who advocate lifting the current ban have indicated that they want to do so to protect what they describe as the "rights of gays and lesbians."

If they succeed in gaining their rights by the ban being lifted, then I believe that Congress has an equal obligation to certain members of the Armed Forces who would find their continued service in the military to be unequivocably incompatible with their moral, religious, or personal values and beliefs.

Those who argue that this legislation might cause a serious impact on the capabilities of our Armed Forces due to a potential sizable loss of qualified people must consider such an impact before moving to change policy and allow gays and lesbians to serve and openly profess their homosexuality or lesbianism while serving on active duty.

My legislation would be effective only if the ban were lifted. Those who are genuinely concerned about the capabilities and effectiveness of our military services must consider also the statements of numerous, authoritative current and former members of our military, including retired Gen. Norman Schwarzkopf, the commander of our forces in Desert Storm, his deputy commander, retired Lt. Gen. Calvin Waller and Col. Fred Peck, U.S. Marine Corps, some of our most recent combat commanders, and combat experienced officers.

These witnesses have described the severe degradation that will occur to our military if the ban were lifted. Therefore, in order to be equally fair to all those who oppose lifting the ban and see the change as one which significantly alters the terms and conditions under which they volunteered to serve, they should be allowed to exercise the option to voluntarily leave military service.

It has been suggested that there may be those who don't truly have religious, moral, or personal morale objections to a change in the homosexual policy, but who would attempt to use this legislation as a way to avoid completing their military service obligation for other reasons. My bill gives the Secretary of the military department concerned the discretion and authority to inquire into and verify a member's claims.

Furthermore, I believe my bill provides sufficient disincentive to prevent attempts to misuse this authority.

Madam President, I believe this is an appropriate, fair response if there is a substantial change in the existing policy concerning homosexuals serving in the military.

I provided a copy of this legislation in advance to Secretary of Defense Aspin on March 29, 1993, for his review and consideration. I have not received any comments from him on this legislation to date.

In accordance with the agreement entered into by Senators on February 4, 1993, I do not intend to seek final passage of this bill unless there is action taken by the administration or in the Congress to make further changes, from the interim policy in effect today, regarding homosexuals in the military.

Madam President, I request that the text of this bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 59 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"SEC. . VOLUNTARY SEPARATION FOR REASON OF OBJECTION TO MILITARY POLICY ON HOMOSEXUALS.

"(a) GENERALLY.—A member of the Armed Forces may request separation from the Armed Forces under this section and, if found eligible for separation under this section by the Secretary of the military department concerned, such member shall be separated from military service as provided for in this section.

"(b) ELIGIBILITY.—A member is eligible for separation under this section if such member—

"(1) became a member of the Armed Forces on or before the date on which the policy of the Department of Defense that was in effect on May 11, 1993, that homosexuality is incompatible with military service, was changed to a policy under which homosexuality is not incompatible with military service;

"(2) has not incurred or accepted any new or additional military service obligation on or after the date of such change in such policy;

"(3) is not eligible to retire from the Armed Forces;

"(4) has not previously been approved for separation from the Armed Forces under any other section of law; and

"(5) has religious, moral, or personal morale objections to such change in such policy, and has filed within one year after the date of such change in such policy a written request to the Secretary concerned for voluntary separation under this section because of such religious, moral, or personal morale objections to such change in such policy.

"(c) ADMINISTRATION.—The Secretary concerned shall determine, under such regulations as are deemed appropriate by such Secretary, if a member who requests separation under this section is eligible for separation under this section. In determining if such a member has met the requirements of subsection (b)(5), a written request for voluntary separation by such member that asserts the request is made because the member has religious, moral, or personal morale objections to such change in such policy will generally be sufficient to establish that such member has met the requirements of that subsection. However, the Secretary may consider such other information as he deems appropriate in determining if such member's request for separation is because of such objections, including any information that such member previously has sought separation or relief from any military service obligation for any other reason, information concerning whether such member has previously expressed any opinion about such member's religious, moral, or personal morale objections to such change in such policy, or any information that such member has expressed a desire or intent to be separated or relieved from any military service obligation for any other reason.

"(d)(1) ACTIVE DUTY BENEFITS.—A member who is separated under this section and who—

"(A) has served on active duty for more than six years on the date of the policy change described in subsection (b)(1);

"(B) has served on active duty for not more than twenty years on the date of such separation;

"(C) has served at least five years of continuous active duty immediately preceding the date of such separation; and

"(D) if a Reserve, is on an active duty list,

shall be entitled to the benefits payable to either a member voluntarily separated under section 1174a(b) or a member voluntarily separated under section 1175, at the discretion of the member being separated under this section.

"(2) RESERVE BENEFITS.—A member of the Selected Reserve, as defined in section 4412 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), who is separated from the Armed Forces under this section and who has completed at least six years of service computed under section 1332 on the date of the policy change described in subsection (b)(1) shall be entitled to either—

"(A) the benefits provided to member involuntarily discharged or transferred under section 4418 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484); or

"(B) if such member also has completed at least fifteen years of service computed under section 1332, to the rights and benefits provided to members found eligible for such rights and benefits under section 1331a of title 10, United States Code,

at the discretion of the member being separated under this section.

"(3) ELECTION OF BENEFITS.—A member separated under this section may not receive benefits under both paragraphs (1) and (2) of this subsection. If such a member is eligible for benefits under both paragraphs (1) and (2) of this subsection, such member will elect which benefits he shall receive.

"(e)(1) DATE OF SEPARATION GENERALLY.—The Secretary concerned may determine the date upon which a member entitled to be separated under this section is to be separated. However, except as provided in paragraphs (2) and (3), such date of separation shall not be later than 180 days after receipt by the Secretary concerned of such member's request to be separated under this section.

"(2) REQUIREMENT FOR REIMBURSEMENT.—Notwithstanding the 180-day period established by paragraph (1), the date of separation for a member entitled to be separated under this section who has any military service obligation for which, because of contract, agreement, or law, such member is liable for reimbursement to the United States if such military service obligation is not fully served, may not be prior to the earlier of—

"(A) the date on which the member fully reimburses the United States for any such military service obligation as required by such contract, agreement, or law; or

"(B) the date on which the member completes such military service obligation.

"(3) READINESS EXTENSION.—Notwithstanding the 180-day period established by paragraph (1), the Secretary concerned may delay the date of separation of an individual member entitled to be separated under this section if the Secretary determines that the separation of such member within that 180-day period would create a direct and serious negative impact on the readiness of the military department concerned. However, a delay under this paragraph may not extend a date of separation more than two years beyond that which would otherwise be required by paragraph (1).".

SEC. 2. EFFECTIVE DATE.

This section shall take effect only if that policy of the Department of Defense that was in effect on May 11, 1993, that homosexuality is incompatible with military service is changed to a policy under which homosexuality is not incompatible with military service, but shall be effective on the date of any such change in such policy.

By Mr. KOHL (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 954. A bill to prohibit the use of bovine somatotropin in intrastate, interstate, or international commerce until equivalent marketing practices for the use of bovine somatotropin are established with the marketing practices of other major milk or dairy products exporting nations; to the Committee on Agriculture, Nutrition, and Forestry.

BOVINE GROWTH HORMONE LEGISLATION

• Mr. KOHL. Mr. President, I rise today to introduce legislation to place a temporary moratorium on the commercial use of recombinant bovine somatotropin [rBST] in the U.S. dairy industry, until other major dairy exporting nations such as the European Community, Australia, New Zealand, and Canada have equivalent marketing practices regarding rBST. I believe that this is a reasonable approach to addressing one aspect of what has become a very contentious issue.

This legislation is important for several reasons. But primarily it is important because this Nation in general, and the dairy industry specifically, cannot afford to invite other nations to erect barriers to our dairy product exports at a time when the dairy industry is striving to expand markets abroad.

The Food and Drug Administration is currently reviewing rBST, and could potentially approve it for commercial use in the very near future. If rBST were to be used commercially in the United States at this time, the United States would be the first major dairy producing nation to do so. While this in and of itself is not bad, it is necessary to take a close look at the potential affects that unilateral introduction of rBST could have on our dairy product exports.

Although the European Community has conducted the standard health and efficacy review normally associated with the animal drug approval process, the EC has imposed a temporary moratorium on the use of rBST, pending a review of the economic effects of the product. The moratorium is in effect until December 31, 1993, at which time a decision must be made, based on all the data, whether or not rBST will be permitted to be used commercially in the European Community.

Australia has also conducted its health and efficacy review of rBST and found no problems. However, recognizing the potential sensitivity of the world market to this new technology, Australia has prohibited the use of rBST commercially on dairy cows. New Zealand and Canada have not approved rBST for commercial use, either.

While U.S. dairy product exports are not as large as some other agricultural products, they are significant. During fiscal year 1991–92, the United States exported 638 million dollars' worth of dairy products. Analysis of these markets shows that at least one quarter of these exports would be at risk of restriction or embargo. This loss would be multiplied many times in the form of cost to dairy farmers and the taxpayers alike.

The dairy supply-demand and price balance in the United States has become extremely sensitive over the past several years as the dairy price support level has been reduced to levels well below average market prices. As a result, the loss of sales to potential rBST-embargoing nations could cause a 5-percent erosion of U.S. average prices and a loss of U.S. dairy farm income of approximately $1 billion annually. Corresponding to these losses in dairy farmer income would be large increases in the cost to taxpayers, as the Federal dairy price support program would be responsible for purchasing any surplus created by the lost markets.

Mr. President, this legislation does not purport to address any of the other issues regarding the use of recombinant rBST, such as labeling or structural affects on the dairy industry, which are currently being debated. While these are critical issues which need to be resolved before rBST is used commercially in this Nation, the exclusive purpose of this bill is to ensure that rBST does not become the source of a trade barrier on U.S. dairy product exports.

I am proud that Senator LEAHY, chairman of the Senate Agriculture Committee, and my colleague Senator FEINGOLD, are cosponsoring this legislation, and I am pleased that it is also endorsed by the National Milk Producers Federation and the National Family Farm Coalition.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 954

SECTION 1. SHORT TITLE.

This Act shall be known as the Bovine Somatotropin Marketing Equivalency Act of 1993.

SEC. 2. DEFINITIONS.

(a) "Bovine Somatotropin". The term "bovine somatotropin" means a synthetic growth hormone produced through the process of recombinant DNA techniques intended for use in Cows (bovine animals).

(b) "Equivalent Marketing Practices". The term "equivalent marketing practices" means:

(1) Practices designed to affect the use of bovine somatotropin in intrastate, interstate or international commerce; or

(2) Measures which have the effect of discouraging the sale of, or discriminating against, the use of bovine somatotropin in intrastate, interstate or international commerce which are similar or quantitatively approximate.

SEC. 3. FINDINGS.

Congress finds that—

(1) the United States is the single largest milk producing country in the world;

(2) an important national policy interest exists for the United States when entering into trade agreements to provide a more level playing field for international trade;

(3) it is important that the dairy industry in the United States with respect to the use of bovine somatotropin have equivalent marketing practices with those of other major milk or dairy products exporting nations and regions, such as New Zealand, Australia, Canada, and the European Community;

(4) the European Community has imposed a moratorium on the use of bovine somatotropin through December 31, 1993;

(5) in order to avoid possible discrimination against its dairy exports, Australia has announced its intention not to approve the commercial use of bovine somatotropin until other major milk and dairy exporting nations approve bovine somatotropin;

(6) bovine somatotropin has not been approved for commercial use in either New Zealand or Canada;

(7) the dairy price support program in the United States relies on the federal government to remove surplus dairy products from the domestic market, and to make subsequent sales of surplus products to defray budgetary costs of the program;

(8) the introduction by the dairy industry in the United States of bovine somatotropin into intrastate, interstate or international commerce prior to achievement of equivalent marketing practices by other countries could have a detrimental effect on the sales of milk or dairy products, causing disruptions to milk consumption, to management of the dairy price support program, to Commodity Credit Corporation dairy stocks, and to dairy producer income; and

(9) the Food and Drug Administration is likely to approve the use of bovine somatotropin prior to December 31, 1993.

SEC. 4. DEFINITION OF BOVINE SOMATOTROPIN FOR PURPOSES OF THE FOOD, DRUG, AND COSMETIC ACT.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) the term 'bovine somatotropin' means a synthetic growth hormone produced through the process of recombinant DNA techniques intended for use in cows (bovine animals).

SEC. 5. PROHIBITION ON THE USE OF BOVINE SOMATOTROPIN IN COMMERCE.

(a) Prohibited Act. Section 301 of the Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(u) the use of bovine somatotropin in intrastate, interstate or international commerce absent a certification by the President as provided in the Bovine Somatotropin Marketing Equivalency Act of 1993."

(b) Exception. Nothing in subsection (a) shall preclude:

(1) the conduct of research on bovine somatotropin; or

(2) the introduction into intrastate or interstate commerce of bovine somatotropin to be used for research.

SEC. 6. CERTIFICATION.

A "certification" as used in this Act means a certification originated by the President, and submitted to Congress, in which the President makes findings that, with respect to the use of bovine somatotropin, the dairy industry in the United States has established equivalent marketing practices with those of one or more other major milk and dairy exporting countries.•

• Mr. FEINGOLD. Mr. President, I am pleased to cosponsor legislation being introduced today by the senior Senator from Wisconsin [Mr. KOHL] which would place a moratorium on the use of bovine growth hormone, BGH, until the President has certified that its introduction in the U.S. dairy system would not adversely affect the marketing activities of the United States abroad.

Senator KOHL has focused upon a very important aspect of the controversy over FDA approval of the use of BGH, sometimes called BST or supplemental bovine somatotropin—the adverse impact that this action will have on the ability of milk producers in this country to export milk and milk products which have been produced by injecting cows with BGH. The European Community [EC] has a ban on the marketing of milk from cows treated with BGH at least until December of 1993. BGH has not been approved in either Canada or New Zealand, and Australia has announced the intention not to approve the commercial use of BGH until other major dairy product exporting nations approve such use in order to avoid possible discrimination against Australian dairy imports. This legislation would require the same safeguard for U.S. milk products.

The United States is now the single largest milk producing country in the world. If major areas of the world, such as the EC, have banned the sale of milk produced through the use of BGH, it is clear that United States exports will suffer enormously. That will have serious consequences not only for our international trade efforts, it will also adversely impact the Federal deficit. Under the U.S. dairy price support system, the Federal Government is obligated to purchase surplus milk products from the domestic market and sell our surplus products to help defray the budgetary costs of the problem. If major international markets are closed to U.S. milk products because of BGH usage in this country, neither our dairy farmers or the Federal Government will be able to export substantial amounts of milk produced in this country.

Mr. President, this legislation focuses upon the adverse economic impact that introduction of BGH into the U.S. dairy system will clearly have. This adverse economic impact has been the focus of my efforts against BGH. Last month, I introduced three measures, S. 734, S. 735, and S. 736, which, respectively, would impose a moratorium on use of BGH until an economic impact study has been completed, require labeling of milk and milk products produced through the use of BGH in order to help reduce the likelihood of consumer adverse reactions to this product, and shift increased dairy assessments upon those producers who use BGH, rather than on all producers. In fact, the negative trade impact which would be caused by the introduction of BGH into the United States is one of the negative economic consequences which the U.S. Department of Agriculture was asked to study in S. 734. The legislation being introduced today is fully consistent with the goals of each of these measures.

Mr. President, I want to make one final observation about the adverse economic consequences of introduction of BGH. Obviously, BGH will have a significant impact upon the Federal budget and international trade. But it is the small and medium-size family dairy farmers in this country who are likely to suffer the most. Studies have shown that many may be driven out of business if BGH is approved for use in the United States. I am deeply committed to exploring every possible avenue that will prevent that result.●

By Mr. DANFORTH:

S. 955. A bill to suspend temporarily the duty on sulfathiozole; to the Committee on Finance.

S. 956. A bill to suspend temporarily the duty on difenzoquat methyl sulfate; to the Committee on Finance.

S. 957. A bill to suspend temporarily the duty on oxalacetic acid diethyl ester sodium salt; to the Committee on Finance.

S. 964. A bill to suspend temporarily the duty on sulfamethazine; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mr. DANFORTH. Mr. President, I am introducing today four miscellaneous tariff bills of critical importance to agricultural chemical production facilities in my State. The first two bills extend retroactively the temporary suspensions of duty on sulfamethazine and sulfathiazole through the end of 1995. Both of these chemicals are used as animal feed additives and neither is produced in the United States.

The third bill extends retroactively the temporary suspension of duty on difenzoquat methyl sulfate through the end of 1995. The fourth bill suspends temporarily the duty on oxalacetic acid diethyl ester sodium salt through the end of 1995. Both of these chemicals are used in herbicides and, again, neither is produced in the United States.

I ask unanimous consent that the texts of these bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SULFATHIAZOLE.

(a) IN GENERAL.—Heading 9902.29.82 of the Harmonized Tariff Schedule of the United States (relating to sulfathiazole) is amended by striking "12/31/90" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.29.82 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1990; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to such entry or withdrawal.

S. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIFENZOQUAT METHYL SULFATE.

(a) IN GENERAL.—Heading 9902.29.65 of the Harmonized Tariff Schedule of the United States (relating to 1,2-Dimethyl-3,5-diphenylpyrazolium methyl sulfate) is amended by striking "12/31/90" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.29.65 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1990; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to such entry or withdrawal.

S. 957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.31.12	Oxalacetic acid diethyl ester sodium salt (provided for in subheading 2918.30.50)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse consumption, on or after the 15th day after the date of the enactment of this Act.

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SULFAMETHAZINE.

(a) IN GENERAL.—Heading 9902.29.80 of the Harmonized Tariff Schedule of the United States (relating to sulfamethazine) is amended by striking "12/31/90" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.29.80 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1990; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to such entry or withdrawal.●

By Mr. DANFORTH:

S. 958. A bill to extend the temporary suspension of duty on 0,0 - dimethyl - S[(4 - oxo - 1,2,3 - benzotriazin - 3 - (4H) - yl)methyl] phosphorodithioate; to the Committee on Finance.

S. 959. A bill to extend the temporary suspension of duty on 4-fluoro-3-phenoxy benzaldehyde; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mr. DANFORTH. Mr. President, today I am introducing two bills to extend retroactively the temporary duty suspensions on certain chemicals used in the manufacture of insecticide products for the domestic agriculture market. The first would extend the temporary suspension of duty on 0,0 - dimethyl - S - [(4 - oxo - 1,2,3 - benzotriazin - 3 - (4H) - yl)methyl] phosphorodithioate. The second bill would extend the temporary suspension of duty on 4-fluoro-3-phenoxy benzaldehyde. In both cases, the chemicals in question are not manufactured in the United States. However, the duty suspensions on these chemicals are critical to the competitiveness of the domestic industry.

I ask unanimous consent that the texts of these bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 0,0-DIMETHYL-S-[(4-OXO-1,2,3-BENZOTRIAZIN-3-(4H)-YL)METHYL] PHOSPHORODITHIOATE.

(a) In General.—Heading 9902.31.09 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking "12/31/92" and inserting "12/31/95".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) Retroactive application to certain entries.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.31.09 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to such entry or withdrawal.

S. 959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 4-FLUORO-3-PHENOXY BENZALDEHYDE.

(a) In General.—Heading 9902.30.54 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking "12/31/92" and inserting "12/31/95".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) Retroactive application to certain entries.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.30.54 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to such entry or withdrawal.●

By Mr. DANFORTH:

S. 960. A bill to extend the temporary duty reduction on certain unwrought lead; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mr. DANFORTH. Mr. President, today I am introducing a miscellaneous tariff bill to reinstate the import duty arrangement on unalloyed, unwrought lead that expired at the end of last year. This temporary arrangement was put into place on January 1, 1980, and has had the effect of stabilizing the effective tariff on these lead imports. The arrangement reduced the previously existing ad valorem tariff rate from 3.5 to 3.0 percent but also established as a specific duty floor a minimum tariff of 2.3424 cents per kilogram of lead content.

The underlying purpose of this legislation is to ensure the continued operation of this lead duty arrangement pending the conclusion of the Uruguay round tariff negotiations. In these negotiations, the U.S. industry has proposed the elimination of U.S. and foreign import duties on this product. However, in the event that these multilateral negotiations are not concluded by the end of the year, the legislation would continue the duty arrangement for a period during which the U.S. industry hopes that negotiations can be completed.

The duty arrangement aids both the domestic producers and consumers of primary lead by contributing to stability in the primary lead market. During periods of relatively high lead prices, the reduction in the ad valorem rate reduces the duty cost for consumers, while the specific rate duty floor assists the domestic producers when lead prices are relatively low and the domestic industry is vulnerable to cyclical pressures.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNWROUGHT LEAD.

(a) In General.—Heading 9902.78.01 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/95".

(b) Effective Date.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. DANFORTH:

S. 961. A bill to extend the suspension of duty on certain small toys, toy jewelry, and novelty goods, and for other purposes; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mr. DANFORTH. Mr. President, today I am introducing legislation to extend retroactively the suspension of duty for certain small toys, toy jewelry, and novelty goods imported at not more than 8 cents per item. This duty suspension has been in place since 1982 and expired at the end of last year only because the Congress was unable to pass any duty suspension legislation whatsoever.

The small toys and novelty items in question are sold through bulk vending machines found in supermarkets, department stores, theaters, bowling alleys, and other retail establishments. The tariffs in question no longer serve a useful purpose; there no longer is any significant domestic industry producing these small toys. However, the American bulk vending industry, which relies on duty-free imports of these goods, employs over 10,000 people throughout the United States. This is a small industry, which represents less than 1 percent of the vending industry overall and includes less than 500 operators and 12 manufacturers of bulk vending machines.

The companies involved in the bulk vending industry are entirely small businesses. Due to the nature of the industry, these small businesses cannot readily pass on increases in costs, including the outdated and unnecessary tariffs suspended by this legislation. This industry has already been hit hard by the recent economic downturn and the closing of national supermarkets and chainstores. As a result, half the companies in this industry have closed over the last decade; the rest are struggling with small profit margins. Extending the duty suspension on small toys and novelty items will help ensure that these jobs are not lost and that this group of small businesses survives.

The bill also amends the Harmonized Tariff Schedule to increase the maximum value of small toy and novelty items which could enter the United States duty free from 5 to 8 cents. This increase is designed to offset inflation and increased labor costs between 1989—when the previous duty suspension legislation was introduced—and 1995, when this legislation would sunset.

I ask unanimous consent that the text of the bill be printed in full in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL TOYS, TOY JEWELRY, AND NOVELTY GOODS.

(a) In General.—Heading 9902.71.13 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "5 cents" each place it appears and inserting "8 cents"; and

(2) by striking "12/31/92" and inserting "12/31/95".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) Retroactive application to certain entries.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.71.13 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a)(2) applied to such entry or withdrawal.●

By Mr. DANFORTH:

S. 962. A bill to extend the suspension of duty on triallate.

DUTY SUSPENSION LEGISLATION

● Mr. DANFORTH. Mr. President, today I am introducing legislation to extend retroactively the suspension of duty for triallate—S-2,3,3-trichlorallyl diisopropylthiocarbamate—that expired at the end of last year. Triallate is the active technical ingredient of a herbicide used to control wild oats in small grain crops such as wheat and barley. There has been no U.S. manufacturer of this product since 1986, and the duty on this product has been suspended since passage of the 1988 Trade Act. I ask unanimous consent that the text of the bill be printed in full in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRIALLATE.

(a) IN GENERAL.—Heading 9902.29.60 of the Harmonized Tariff Schedule of the United States (relating to S-2,3,3-trichloroallyl diisopropylthiocarbamate) is amended by—

(1) striking "S-(2,3,3′-trichloroallyl) diisopropylthiocarbamate" and inserting "S-2,3,3-trichloroallyl diisopropylthiocarbamate"; and

(2) striking "12/31/92" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in heading 9902.29.60 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendments made by subsection (a) applied to such entry or withdrawal.●

By Mr. DANFORTH (for himself and Mr. BREAUX):

S. 963. A bill to reliquidate certain entries on which excessive countervailing duties were paid, and for other purposes; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mr. DANFORTH. Mr. President, on behalf of myself and Senator BREAUX, I am introducing today legislation to correct certain clerical errors by the Customs Service that have prevented the Bunge Corp. of St. Louis, MO from receiving refunds on excess countervailing duty deposits previously paid by Bunge.

Under our trade laws, where an import is subject to a countervailing duty order, the importer of the product is required to pay countervailing duty deposits based on the estimated countervailing duty rate established by the Department of Commerce. Later, if the actual countervailing duty rate is found to be lower than that previously estimated, the importer is entitled to a refund on the excess deposited, plus interest.

During the 1980's, one division of Bunge imported cotton yarns from a related company in Peru. Those imports were subject to an outstanding countervailing duty order, and Bunge therefore paid deposits on each of these imports based on the estimated countervailing duty rate. Unfortunately, due to some clerical errors, Customs liquidated—that is, closed-out—certain entries prior to the determination of the actual countervailing duty rate that was to apply. By the time Bunge became aware of this problem, it was too late for the Customs Service to correct the error and refund Bunge its excess deposits. It is therefore necessary to introduce this legislation to authorize the reliquidation of these entries so that the excess deposits can be refunded to Bunge with appropriate interest.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR RELIQUIDATION AND PAYMENT OF INTEREST.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to section 2, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act—

(1) any entry listed in section 3 that was not reliquidated as of such date of enactment shall be reliquidated so as to reduce the amount of countervailing duty imposed on such entry to the amount found by the Secretary of Commerce to be owed as a result of final review under title VII of the Tariff Act of 1930 and a refund of any excess countervailing duty so found shall be made to the importer of record; and

(2) interest on the amount of any excess countervailing duty found as a result of—

(A) any reliquidation under paragraph (1); or

(B) a reliquidation of any entry listed under section 3 that occurred before such date of enactment;

shall be paid to the importer of record.

SEC. 2. ADMINISTRATION.

(a) REQUEST INFORMATION.—A request filed under section 1 shall contain sufficient information to enable the United States Customs Service—

(1) to locate the entry in question; or

(2) to reconstruct the entry if it cannot be located.

(b) INTEREST.—Interest shall be paid under paragraph (2) of section 1 on the excess countervailing duty imposed on an entry from the date of the liquidation of the entry to the date of the liquidation.

(c) TIME FOR MAKING REFUNDS AND PAYMENTS.—

(1) The refund of excess countervailing duties, and the payment of interest thereon, resulting from a reliquidation under section 1(1) shall be made within 90 days after the date of the reliquidation.

(2) The payment of interest on reliquidations described in section 1(2)(B) shall be made within 90 days after the date on which the request therefore is filed under section 1.

SEC. 3. ENTRIES.

The entries referred to in section 1 are as follows:

Entry No.:	*Date of Entry*
832779703	05/06/83.
832779716	05/06/83.
832782677	05/31/83.
832782680	05/31/83.
832785852	06/23/83.
832793174	08/11/83.
832796074	08/29/83.
841387694	06/20/84.
841390432	07/11/84.
841616064	08/15/84.
842683627	02/03/84.
842691732	03/30/84.
842691745	03/30/84.
842716484	08/27/84.
842720098	09/20/84.
855108089	10/10/84.
855118613	11/26/84.
856113838	11/01/84.●

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. SARBANES, Mr. SIMON, and Mr. WELLSTONE):

S. 965. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide relief to local taxpayers, municipalities, and small businesses regarding the cleanup of hazardous substances, and for other purposes; to the Committee on Environment and Public Works.

TOXIC CLEANUP EQUITY ACT OF 1993

● Mr. LAUTENBERG. Mr. President, I am pleased today to introduce legislation that comprehensively addresses the issue of Superfund municipal liability. As you know, I have been championing this issue for the last several years. As chairman of the Senate Superfund Subcommittee I will be looking forward to hearings and legislative action on this critical problem in the coming months.

My home State of New Jersey has the dubious privilege of having more Superfund high priority toxic waste sites than any other State in the country—113 all told. As New Jersey Environment Commissioner Scott Weiner testified at a hearing before my subcommittee last month, cleanup has been completed at half of the 302 subsites in the State, and cleanup activity is underway at all but 1 percent of the sites in my State. So while the pace of cleanup can certainly be speeded up, there has been considerable progress already in New Jersey.

But this has not come without a price. Some 108 municipalities in New Jersey have been sued for sending ordinary household garbage and sewage sludge to landfills that have since become Superfund sites; 18 other municipalities in my State—are owners or operators of Superfund landfills. Their taxpayers are already burdened and simply cannot afford to bear the crushing burden of these lawsuits.

This problem is not unique to New Jersey. Over 450 local governments and thousands of small businesses in a dozen States across the country have been sued by industrial polluters for sending ordinary household garbage to Superfund sites. The Girl Scouts and Boy Scouts, churches, pizza parlors, and other innocent parties have been faced with extortionate claims by the real polluters, simply because the Superfund law theoretically allows these parties to be held liable. For these parties, it is cheaper to settle with industrial polluters than it is to hire a lawyer and get a court to adjudicate their miniscule liability.

In the last Congress I introduced legislation, held hearings, and ultimately passed through the Senate a bill that would provide relief to municipalities, small businesses, and others who generated or transported ordinary household garbage or sewage sludge to a site that later became a Superfund site. Although the House of Representatives did not act on a companion bill and the measure therefore died with the 102d Congress, I reintroduced my bill as S. 343 on February 3, 1993, and the bill has been reintroduced in the House as H.R. 870. The bill expands the scope of the legislation to address settlements with municipal owners and operators of landfills subject to Superfund response actions.

I have expanded the scope of the legislation because the problem is not limited to local governments which sent ordinary household garbage to Superfund sites; 18 municipalities in New Jersey and approximately 175 local governments across the country currently own a Superfund site. These numbers will only grow, as more municipally owned or operated sites are added to the Superfund priority list. These governments face potentially crushing liabilities, since the person who owns or operates a Superfund site often picks up the biggest part of the tab for its cleanup.

Yet for many of those local governments, there was no choice. State laws often required local governments to handle waste disposal and operate landfills. They were discharging a public service for their citizens, and they didn't run a profit making operation in the same way a private landfill owner/operator may have. Today, faced with the lion's share of responsibility for cleaning up sites which average $25 to $30 million, many of these local governments would be forced to cut back on police and fire protection, or sacrifice other critical public health and safety services, or even declare bankruptcy and default on all their obligations. They simply cannot raise the revenue needed to pay for cleanup, either because their tax base cannot support the additional strain, or because these governments are facing State laws that limit the amount that they can raise in revenues each year for any of their many public duties.

We in Congress have increasingly heard the concerns about unfunded Federal mandates being heaped on local governments, without regard to the mounting costs of compliance and the inevitable sacrifices that will be made in other, sometimes equally important public health and safety areas. The Clinton administration has fully recognized this concern, and much of its economic stimulus package was targeted to funding environmental obligations, such as ensuring safe drinking water, that may hitherto have lacked sufficient local funding. For example, the city of Columbus, OH commissioned an important study that found that, by the year 2000, nearly one-quarter of the city's budget will be devoted to environmental compliance, costing the average household $856 per year.

This is not to say that we should let municipal owner/operators off the hook for Superfund liability. While there are certainly sympathetic circumstances that warrant special treatment when compared to private owner/operators of Superfund sites, some of these municipal operators may have engaged in inappropriate waste disposal practices.

But we should not bankrupt these parties or turn a blind eye to the broader public health and safety repercussions of demanding too much from them. We cannot squeeze blood from a stone—particularly when the public may end up paying in lost lives from diminished police and fire protection, or reduced disease control, or other key services that could be sacrificed.

To some extent, the EPA already takes into account a municipality's ability to pay for a possible Superfund settlement demand when it negotiates with these parties. But there are no guidelines for how this is to be done, and no process for expediting these settlements and saving the taxpayers from paying lawyers' fees for years while settlement discussions drag on endlessly. Nor is there protection against third-party lawsuits brought by industrial polluters, who may be less willing than EPA to consider the ability of the municipality to pay any judgment.

Therefore, Mr. President, I am introducing this legislation to require EPA to expeditiously consider a good faith settlement offer from local governments who owned or operated a Superfund site. A key component in that consideration will be the municipality's ability to pay. EPA will be required to consider the cost of other competing environmental obligations in deciding how much to demand in settlement. And if a settlement demand would lead to a significant, demonstrable risk that the local government would be forced into bankruptcy, default, or budgetary cutbacks that would unduly impede public health and safety activities, EPA will be required to tailor its settlement demands accordingly. You cannot get blood out of a stone—particularly if you end up cannibalizing other public health and safety obligations.

I am pleased to be joined by Senators Mitchell, Boxer, Feinstein, Kennedy, Kerry, Kohl, Sarbanes, Simon, and Wellstone in introducing this bill today. A companion bill is being introduced in the House of Representatives by Representative Torricelli. In addition, my legislation has the support of the major national environmental and municipal organizations, including: the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, the National Association of Towns and Townships, the Sierra Club, the Environmental Defense Fund, the Natural Resources Defense Council, the U.S. Public Interest Research Group, and Friends of the Earth.

As these endorsements suggest, there will be no sacrifice in environmental protection here. Indeed, the national municipal and environmental groups are this week endorsing a continuation of the tough liability scheme and stringent cleanup standards of Superfund. But what we will assure through this legislation is the consideration of appropriate, special constraints and repercussions on a local government's ability to pay for a Superfund judgment. If we don't do so, we may end up hurting, not helping, the public health and safety of our citizens.

I ask unanimous consent that the full text of the bill and section-by-section analysis be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic Cleanup Equity Act of 1993".

SEC. 2. FINDINGS.

Consistent with the policies under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.), the Congress finds that—

(1) the polluter should pay for cleanup, and cleanups must fully protect human health and the environment;

(2) municipalities have traditionally performed the public service of helping their citizens dispose of ordinary garbage and sewage, and have at times been required to perform this function under State law;

(3) municipalities did not operate their waste disposal services for the purpose of receiving a profit;

(4) many municipal landfills used to dispose of garbage and sewage sludge also have been used to dispose of industrial hazardous waste, which has contaminated the sites and created the need for Superfund cleanups;

(5) the vast majority of the hazardous substances that are causing threats to human health and the environment at Superfund sites were produced by non-municipal operations;

(6) third-party contribution suits based on the generation or transportation of municipal solid waste and sewage sludge distort the intent of CERCLA and drain the precious resources of municipalities, small businesses, and nonprofit associations;

(7) many of the Nation's local governments are facing a financial crisis, and their ability to provide essential public services is being threatened;

(8) municipalities are facing expensive mandates imposed by the Federal and State governments, including some related to environmental protection; and

(9) municipalities that own Superfund sites bear a double burden: their citizens live near the sites and these local governments may be forced to cut back on important public health and safety services to help pay for the cleanup.

SEC. 3. MUNICIPALITIES, MUNICIPAL SOLID WASTE, AND SEWAGE SLUDGE.

(a) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding the following new paragraphs at the end thereof:

"(39) The term 'municipal solid waste' means all waste materials generated by households, including single and multiple residences, and hotels and motels. The term also includes waste materials generated by commercial, institutional, and industrial sources (A) when such waste materials are essentially the same as waste normally generated by households, or (B) when such waste materials were collected and disposed of with other municipal solid waste or sewage sludge and, regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d) of the Solid Waste Disposal Act (42 U.S.C. 6921(d)). Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, school science laboratory waste, and household hazardous waste (such as painting, cleaning, gardening, and automotive supplies). For the purposes of this Act, the term 'municipal solid waste' does not include combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

"(40) The term 'sewage sludge' refers to any solid, semisolid, or liquid residue removed during the treatment of municipal waste water, domestic sewage, or other waste waters at or by a publicly-owned treatment works.

"(41) The term 'municipality' means any political subdivision of a State and may include cities, counties, villages, towns, townships, boroughs, parishes, schools, school districts, sanitation districts, water districts, and other local governmental entities. The term also includes any natural person acting in his or her official capacity as an official, employee, or agent of a municipality.".

(b) Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9613) is amended by adding the following new subsections at the end thereof:

"(m) Contribution Actions for Generators and Transporters of Municipal Solid Waste and Sewage Sludge.—No municipality or other person shall be liable to any person other than the President for claims of contribution under this section or for other response costs, penalties, or damages under this Act for the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge.

"(n) Contribution Actions for Municipal Owners and Operators.—No eligible municipality as defined in section 122(p) shall be liable to any person other than the President for claims of contribution under this section or for other response costs, penalties, or damages under this Act for the ownership or operation of a facility to the extent that the municipality is an eligible municipality under section 122(p)(1).

"(o) Public Right-of-Way.—In no event shall a municipality incur liability under this Act for the acts of owning or maintaining a public right-of-way over which hazardous substances are transported, or of granting a business license to a private party for the transportation, treatment, or disposal of municipal solid waste or sewage sludge. For the purposes of this subsection, 'public right-of-way' includes, but is not limited to, roads, streets, flood control channels, or other public transportation routes, and pipelines used as a conduit for sewage or other liquid or semiliquid discharges.".

(c) Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622) is amended by adding the following new subsections at the end thereof:

"(n) Settlement Procedures for Generators and Transporters of Municipal Solid Waste or Sewage Sludge.—

"(1) Eligible persons.—The term 'eligible person' under this subsection means any person against whom an administrative or judicial action is brought, or to whom notice is given of potential liability under this Act, for the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge. An eligible person who may be liable under paragraph (1) or (2) of section 107(a) or for substances other than municipal solid waste or sewage sludge is covered by this subsection to the extent that the person is liable for the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge.

"(2) Negotiation of settlements; moratorium.—Eligible persons under this subsection may offer to settle their potential liability with the President by stating in writing their ability and willingness to settle their potential liability in accordance with this subsection. Upon receipt of such good faith offer to settle, no further administrative or judicial action shall be taken against the eligible person, unless the President determines that the eligible person's offer or position during negotiations is not in good faith or otherwise not in accordance with this subsection or that the matters addressed include liability not related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge. Nothing in this subsection shall limit or modify the President's authority under section 104(e).

"(3) Timing.—Eligible persons may tender offers under this subsection within 180 days after receiving a notice of potential liability or becoming subject to administrative or judicial action, or within 180 days after a record of decision is issued for the portion of the response action that is the subject of the person's settlement offer, whichever is later. If the President notifies an eligible person that he or she may be a potentially responsible party, no further administrative or judicial action may be taken by any party for 120 days against such person.

"(4) Expedited final settlement.—The President shall make a good faith effort to reach final settlements as promptly as possible under this subsection, and such settlements shall—

"(A) allocate to all generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge a combined total of no more than four percent (4%) of the total response costs for the facility: *Provided, however*, That the President shall reduce this percentage when the volume of municipal solid waste and sewage sludge present at the facility is not significant;

"(B) require an eligible person under this subsection to pay only for his or her equitable share of the maximum four percent (4%) portion of response costs described in subparagraph (A);

"(C) reduce an eligible person's payments based on such person's inability to pay, litigative risks, public interest considerations, precedential value, and equitable factors;

"(D) permit an eligible person to provide appropriate in-kind services with regard to the response action in lieu of cash contributions and to be credited at market rates for such services;

"(E) reduce a publicly owned treatment works' payments if it has promoted the beneficial reuse of sewage sludge through land application when the basis of liability arises from sewage sludge generated 36 months after the date of enactment of this subsection or thereafter; and

"(F) be reached even in the event that an eligible person may be liable under paragraph (1) or (2) of section 107(a) or for substances other than municipal solid waste or sewage sludge.

"(5) Covenant not to sue.—The President may provide a covenant not to sue with respect to the facility concerned to any person who has entered into a settlement under this subsection unless such a covenant would be inconsistent with the public interest as determined under subsection (f).

"(6) Effect of agreement.—A person that has resolved his or her liability to the United States under this subsection shall not be liable for claims of contribution or for other response costs, penalties, or damages under this Act regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties unless the terms of the settlement so provide, but the settlement reduces the potential liability of the other parties by the amount of the settlement.

"(7) DE MINIMIS SETTLEMENTS.—Nothing in this subsection shall alter or diminish a person's ability to reach a settlement with the President under subsection (g).

"(8) JUDICIAL REVIEW.—Any judicial review of a settlement reached with the President under this subsection shall be limited to the administrative record. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court. In considering objections raised to such a settlement, the court shall uphold the President's decision to enter into the settlement unless the objecting party can demonstrate, on the administrative record, that the decision was arbitrary, capricious, or otherwise not in accordance with law.

"(o) FUTURE DISPOSAL PRACTICES.—This subsection applies only to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge occurring 36 months after the date of enactment of this subsection or thereafter. Beginning at such time and with regard to such future municipal solid waste or sewage sludge, eligible persons who are municipalities or operators of publicly owned treatment works may assert the provisions of subsection (n) only under the following circumstances:

"(1) If liability arises from municipal solid waste collected and disposed of 36 months or later after the date of enactment of this subsection and the eligible person is a municipality, a qualified household hazardous waste collection program must have been operating while such municipal solid waste was collected and disposed.

"(2) If liability arises from sewage sludge generated 36 months or later after the date of enactment of this subsection and the eligible person is an owner or operator of a publicly owned treatment works, a qualified publicly owned treatment works must have been operating while such sewage sludge was generated at such treatment works.

"(3) The term 'qualified household hazardous waste collection program' means a program that includes—

"(A) at least semiannual, well-publicized collections at conveniently located collection points with an intended goal of participation by ten percent of community households;

"(B) a public education program that identifies potentially hazardous household products, safer substitutes (source reduction), and proper use and disposal of consumer products;

"(C) efforts to collect hazardous waste from conditionally exempt small quantity generators under section 3001(d) of the Solid Waste Disposal Act (42 U.S.C. 6921(d)), with an intended goal of collecting wastes from twenty percent of such generators doing business within the jurisdiction of the municipality; and

"(D) a comprehensive plan, which may include regional compacts or joint ventures, that outlines how the program will be accomplished.

"(4) To satisfy the criterion of having a qualified household hazardous waste collection program in operation, a municipality may operate its own program or may certify that other persons are, jointly or individually, operating each of the elements of a qualified program which serves the municipality's jurisdiction, and such other persons may include, but are not limited to, private contractors and businesses, other municipalities, and States.

"(5) A person that operates a 'qualified household hazardous waste collection program' and collects hazardous waste from conditionally exempt small quantity generators under section 3001(d) of the Solid Waste Disposal Act (42 U.S.C. 6921(d)) must transport or arrange to transport such waste in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and must dispose of such waste at a hazardous waste treatment, storage, or disposal facility with a permit under section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925), but such person is otherwise deemed to be handling only household waste under the Solid Waste Disposal Act when the person operates a qualified household hazardous waste collection program.

"(6) Nothing in this Act is intended to prohibit a person from assessing fees to persons whose waste is accepted during household hazardous waste collections, or shall prohibit a person from refusing to accept waste that the person believes is being disposed of in violation of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(7) The term 'qualified publicly owned treatment works' means a publicly owned treatment works that complies with section 405 of the Federal Water Pollution Control Act (33 U.S.C. 1345).

"(8) The President may determine that a household hazardous waste collection program or a publicly owned treatment works is not qualified under this subsection. Minor instances of noncompliance do not render a household hazardous waste collection program or publicly owned treatment works unqualified under this subsection.

"(9) If the President determines that a household hazardous waste collection program is not qualified, the provisions of subsection (n) shall not apply, but only with regard to the municipal solid waste disposed of during the period of disqualification.

"(10) If a municipality or operator of a publicly owned treatment works is notified by the President or by a State with a program approved under section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)) that the publicly owned treatment works of the municipality or operator is not in compliance with the requirements of paragraph (7), and if such noncompliance is not remedied within twelve months, the provisions of subsection (n) shall not apply, but only with regard to the sewage sludge generated or disposed of during the period of noncompliance.

"(p) SETTLEMENT PROCEDURES FOR MUNICIPAL OWNERS AND OPERATORS.—

"(1) ELIGIBLE MUNICIPALITIES.—The term 'eligible municipality' under this subsection means any municipality against which an administrative or judicial action is brought, or to which notice is given of potential liability, under paragraph (1) or (2) of section 107(a) with respect to a facility that does not contain, by overall volume, predominantly wastes produced by municipal operations that are wastes other than municipal solid waste or sewage sludge, and which meets all of the following conditions:

"(A) Before the date of enactment of this subsection, the municipality owned or operated the facility or an identifiable unit at such facility.

"(B) Such facility or identifiable unit at such facility was or is subject to a response action.

"(C) Such facility or identifiable unit at such facility, with respect to which the municipality seeks to resolve its liability under this subsection, does not receive any waste after the date of enactment of this subsection.

A municipality that may be liable under paragraph (3) or (4) of section 107(a) is covered by this subsection to the extent that the municipality is eligible under this paragraph.

"(2) NEGOTIATION OF SETTLEMENTS; MORATORIUM.—Eligible municipalities under this subsection may offer to settle their potential liability with the President by stating in writing their ability and willingness to settle their potential liability in accordance with this subsection. Upon receipt of such good faith offer to settle, no further administrative or judicial action shall be taken against the eligible municipality, unless the President determines that the eligible municipality's offer or position during negotiations is not in good faith or otherwise not in accordance with this subsection. Nothing in this subsection shall limit or modify the President's authority under section 104(e).

"(3) TIMING.—Eligible municipalities may tender offers under this subsection within 180 days after receiving a notice of potential liability or becoming subject to administrative or judicial action, or within 180 days after a record of decision is issued for the portion of the response action that is the subject of the municipality's settlement offer, whichever is later. If the President notifies an eligible municipality that it may be a potentially responsible party, no further administrative or judicial action may be taken by any party for 120 days against such municipality.

"(4) EXPEDITED FINAL SETTLEMENT.—The President shall make a good faith effort to reach final settlements as promptly as possible under this subsection, and such settlements shall conform to the following criteria:

"(A) Such settlements shall take into account the public interest factors normally considered by the President in formulating settlements under this Act.

"(B) The amount demanded in settlement shall not exceed the municipality's ability to pay. The municipality's 'ability to pay' shall be determined by the President through a consideration of factors, including but not limited to the following: (i) the ratio of debt service to operating revenues, other than obligated or encumbered revenues, (ii) the ratio of total funds, other than dedicated funds, to total expenses, (iii) the ratio of total revenues, other than obligated or encumbered revenues, to total expenses, (iv) the ratio of debt service to population, (v) the ratio of operating revenues, other than obligated or encumbered revenues, to population, (vi) the ratio of total expenses to population, (vii) the ratio of total funds, other than dedicated funds, to total revenues, (viii) the ratio of total funds, other than dedicated funds, to population, (ix) the impact of the settlement on essential services the municipality must provide, and (x) the feasibility of making delayed payments and payments over time.

"(C) A municipality shall not be deemed to possess the ability to pay to the extent that such payment would create a significant, demonstrable risk that the municipality will default on existing debt obligations, be forced into bankruptcy, be forced to dissolve, or be forced to make budgetary cutbacks that unduly impede the protection of public health and safety by the municipality. Municipal activities that protect 'public health and safety' include all operations that can protect the environment, human and animal health, and public safety, including but not limited to environmental protection and restoration, police and fire protection, hospitals and medical services, human services, and water, sewage, and solid waste services. Such municipal activities do not include operations that are primarily intended to provide recreational activities or aesthetic civic improvements.

"(D) A municipality shall not be deemed to possess the ability to pay to the extent that the President determines that raising the funds for such payment would violate legal requirements or limitations of general applicability concerning the assumption and maintenance of municipal fiscal obligations: *Provided*, That for the purposes of this subparagraph, a legal requirement or limitation of general applicability means a legislative enactment that governs a municipality's financial affairs generally and that is not limited to the payment of claims for costs or damages under this Act.

"(E) If a municipality asserts that it has obligations under any applicable environmental law besides the municipality's potential liability under this Act, such municipality may create a list of the obligations and estimate the costs of complying with each obligation, and, if requested by the municipality, the President shall provide assistance with these tasks and shall consider the total cost of these obligations in determining whether the municipality has an ability to pay.

"(F) Once the appropriate settlement amount has been determined, the President shall permit an eligible municipality to provide appropriate in-kind services with regard to the response action in lieu of cash contributions and to be credited at market rates for such services.

"(G) Notwithstanding the entry of consent decrees by the President with other potentially responsible parties, the provisions of this paragraph shall apply to the remaining allocation of response costs, penalties, and damages to eligible municipalities.

"(5) EFFECT OF AGREEMENT.—An eligible municipality that has resolved its liability to the United States under this subsection shall not be liable for claims of contribution or for other response costs, penalties, or damages under this Act regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties unless the terms of the settlement so provide, but the settlement reduces the potential liability of the other parties by the amount of the settlement.

"(6) CONSOLIDATED SETTLEMENTS.—If a municipality is an eligible municipality under this subsection and an eligible person under subsection (n) with regard to the same facility, the President should attempt to reach a single, expeditious settlement with the municipality covering all liability that may be addressed by settlements under subsection (n) or (p).

"(7) ONGOING WASTE DISPOSAL; BURDEN OF PROOF.—If an eligible municipality receives waste after the date of enactment of this subsection at units adjacent to those units of the facility for which the municipality is eligible under paragraph (1), and if releases or threatened releases into the environment on or beneath the open units are threatened or occur, then the municipality shall bear the burden of proving that such releases are caused by the closed units in any judicial or administrative proceeding in which the municipality's liability is at issue under environmental law.

"(8) JUDICIAL REVIEW.—Any judicial review of a settlement reached with the President under this subsection shall be limited to the administrative record. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court. In considering objections raised to such a settlement, the court shall uphold the President's decision to enter into the settlement unless the objecting party can demonstrate, on the administrative record, that the decision was arbitrary, capricious, or otherwise not in accordance with law.".

(d) Section 122(g)(1)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)(1)(A)(i)) is amended by adding the following new sentence at the end thereof: "The amount of hazardous substances in municipal solid waste and sewage sludge shall refer to the quantity of hazardous substances which are constituents within municipal solid waste and sewage sludge, not the overall volume of municipal solid waste and sewage sludge present at the facility.".

(e) Nothing in this section or the amendments made by this section shall modify the meaning or interpretation of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) Nothing in this section or the amendments made by this section shall modify a State's ability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) to carry out actions authorized in such Act and to enter into a contract or cooperative agreement with the President to carry out such actions.

(g) The settlement procedures and bar on judicial and administrative proceedings addressed in this section and the amendments made by this section shall apply even if any constituent component of municipal solid waste or sewage sludge may be considered a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) when the constituent component exists apart from municipal solid waste or sewage sludge.

(h) This section and the amendments made by this section shall apply to each municipality and other person against whom administrative or judicial action has been commenced before the date of enactment of this Act, unless a final court judgment has been rendered against such municipality or other person or final court approval of a settlement agreement including such municipality or other person as a party has been granted. If a final court judgment has been rendered or court-approved settlement agreement has been reached that does not resolve all contested issues, this section and the amendments made by this section shall apply to all contested issues not expressly resolved by such court judgment or settlement agreement.

SECTION-BY-SECTION ANALYSIS OF THE TOXIC CLEANUP EQUITY ACT OF 1993

SECTIONS 1 AND 2—SHORT TITLE AND CONGRESSIONAL FINDINGS

The short title of this legislation is "The Toxic Cleanup Equity Act of 1993" (TCEA). The purpose of the TCEA is to protect citizens, municipalities, and other generators and transporters of municipal solid waste and sewage sludge from lawsuits equating these substances with industrial hazardous wastes. The TCEA will also protect municipal owners and operators of Superfund sites who are struggling to provide essential public services, without profit, while facing unfunded mandates. The TCEA will reaffirm the basic Superfund philosophy of requiring the polluter to pay for the cost of cleaning up the nation's toxic waste sites.

SECTION 3

Subsection (a)—Additional Definitions

The legislation adds three new definitions to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9601 *et seq.* Any reference to "CERCLA" or "Superfund" should be construed as a reference to that act. The subsection does not alter any existing definitions under CERCLA and thus, for example, does not affect current law's definition of "person" as virtually any public or private entity or natural person, including federal, state, and local governments.

The subsection defines "municipal solid waste" (MSW) as including all waste materials generated by households and multiple residences, as well as waste from other sources when it is essentially the same as household waste. The definition also includes small amounts of hazardous waste that qualify as conditionally exempt small quantity generator waste under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6921(d). Thus, for example, if a person disposed of less than 100 kilograms in a given calendar month of RCRA hazardous waste along with municipal solid waste, it would be able to claim the benefits of the legislation as to such hazardous waste. For the purposes of Superfund only, the term municipal solid waste does not include incinerator ash or waste from industrial processes not essentially the same as household waste but also regulated under Subtitle D of RCRA.

The subsection defines "sewage sludge" as essentially any residues removed during the treatment of waste water at a publicly-owned treatment works.

The subsection defines "municipality" to be any political subdivision of a state and includes individuals who act in an official capacity on behalf of a municipality.

Subsection (b)—Contribution Actions

Under CERCLA, "potentially responsible parties" (PRPs) who have been notified by EPA or others that they may be liable for cleanup costs may sue, subject to certain provisions in CERCLA, other parties who may also be responsible for the hazardous waste site. Such "third-party" or "contribution" suits provide PRPs a mechanism for making other polluters share the cleanup costs.

This subsection modifies CERCLA to prohibit third-party suits for contribution or for other response costs, penalties, or damages against any persons if the actions challenged were related to the generation or transportation of MSW or sewage sludge. As used herein, "generation" or "generators" is meant to refer to actions or persons described by section 107(a)(3) of CERCLA and may include arranging for the transportation, treatment, or disposal of hazardous substances. "Transportation" or "transporters" is meant to refer to actions or persons described by section 107(a)(4). To the extent municipalities or other persons generated or transported waste materials that do not meet the definitions of municipal solid waste or sewage sludge, the block on third-party suits does not apply.

The subsection also prohibits third-party suits against municipalities that owned or operated sites, as long as the municipality owned or operated the site before the date of enactment and did not accept waste after the date of enactment at any identifiable units at the site that are the subject of a response action and the settlement, and also so long as the site does not contain predominantly hazardous wastes produced by municipal operations that are wastes other than municipal solid waste or sewage sludge.

The subsection defines two situations in which a municipality will not be liable under Superfund for exercising its regulatory power: when it owns a public right-of-way, such as a road or sewage pipeline, over which hazardous substances are transported, or when it grants a business license to a private party to transport or dispose of municipal solid waste or sewage sludge.

Subsection (c)—Settlements

The subsection creates a special settlement opportunity for any person alleged to be a generator or transporter of MSW or sewage sludge in an administrative or judicial action. Such persons may offer in good faith to settle their potential liability with the President by stating in writing their ability and willingness to pay their share of cleanup costs in accordance with this subsection. Upon receipt of such a good faith offer to settle, all further administrative or judicial action against such party is stayed pending negotiations with the President, unless the President determines that the party is not negotiating in good faith or that the settlement offer addresses liability not related to the generation or transportation of MSW or sewage sludge.

This good faith requirement is intended, for example, to prevent a person from seeking permanent shelter from third-party suits but avoiding paying a settlement to EPA by simply engaging in dilatory settlement discussions. This moratorium on administrative or judicial actions is not intended, however, to affect EPA's authority under CERCLA section 104(e) to obtain access or information, or exercise other authorities in that subsection.

Eligible persons may tender offers either (1) within 180 days after receiving a notice of potential liability or becoming subject to administrative or judicial action or (2) within 180 days after a record of decision is issued for the portion of the response action for which the person may have liability, whichever is later. In any event, neither the President nor any other person may pursue administrative or judicial action against any eligible party for 120 days after such party receives a notice of potential liability from the government.

In negotiating final settlements with persons eligible to tender offers under this subsection, the President shall (1) make a good faith effort to reach such settlements expeditiously; (2) allocate to all generation and transportation of MSW or sewage sludge at a particular facility a combined total of no more than four percent of total cleanup costs; (3) reduce such percentage share when the volume present of MSW or sewage sludge is not significant at the facility; (4) require each individual eligible party to pay no more than his or her fair share of the total MSW or sewage sludge share; (5) reduce an eligible person's contribution based on such person's inability to pay, public interest considerations, and other equitable factors; (6) permit eligible persons to provide appropriate in-kind services credited at market rates in lieu of a cash contribution; and (7) beginning 36 months following the date of enactment, for disposal of sewage sludge occurring after the date, reduce a publicly owned treatment works' payments if it has promoted the beneficial reuse of sewage sludge through land application.

To minimize frivolous or dilatory litigation by parties challenging such a settlement, any court reviewing a proposed consent decree or administrative settlement should give great deference to the proposed settlement under the subsection, which is intended to provide an expedited process that minimizes taxpayer-funded transaction costs. Judicial review shall be limited to the administrative record, and the settlement should be upheld unless an objecting party can demonstrate that EPA's decision to enter into the settlement was arbitrary, capricious, or otherwise not in accordance with law. Consistent with existing Section 122(a), a decision of the President to use or not to use the procedures in this section is not subject to judicial review.

The subsection provides further that eligible parties shall be able to negotiate settlements under its terms even if they have committed acts that could give rise to potential liability under other sections of the statute by, for example, acting as the owner or operator of a site. However, a settlement reached under this subsection, regarding generator/transporter liability, would presumably be reached independently of or on parallel tracks with a settlement reached under subsection (p), regarding owner/operator liability.

The subsection states that the President may provide a covenant not to sue with respect to the facility concerned to any person who has entered into a settlement under the subsection and that any such settlement blocks all future claims of contribution or other cost recovery, penalties, or damages regarding matters the settlement addresses. Such a settlement does not discharge the liability of any potentially responsible parties who do not participate in it, although such parties' liability shall be reduced by the amount paid under the settlement.

This subsection further provides that beginning three years after the date of enactment of the legislation, for disposal of MSW or sewage sludge that occurs at such time or later, municipalities wishing to take advantage of the settlement provisions of the subsection must take the following affirmative steps.

For municipal potentially responsible parties allegedly liable for the generation or transportation of MSW, eligible municipalities must establish, or must certify that another person has established, a "qualified household hazardous waste collection program" that includes at least (1) semiannual, well-publicized collections at conveniently located collection points with the intended goal of participation by ten percent of community households; (2) a public education program that identifies potentially hazardous household products, safer substitutes, and proper use and disposal of consumer products; (3) efforts to collect hazardous waste from conditionally exempt generators; and (4) a comprehensive plan, which may include regional compacts or joint ventures, outlining how the program will be accomplished.

Potentially responsible parties who are owners or operators of publicly owned treatment works and whose liability allegedly arises out of the generation or transportation of sewage sludge, must comply with section 405 of the Federal Water Pollution Control Act regulating the disposal of sewage sludge in order to be eligible for settlements under this subsection.

This subsection further provides that the President may determine that a household hazardous waste collection program or a publicly owned treatment works is not qualified under the subsection, but that minor instances of noncompliance do not render such programs or facilities unqualified. The subsection states that if a municipality is notified that its publicly owned treatment works does not comply with the requirements of the subsection and does not remedy such noncompliance within 12 months, or if the President determines that a household hazardous waste collection program is not qualified for some period, the municipality shall lose its ability to use the settlement provisions of the subsection with respect to waste materials disposed of during the period of noncompliance or disqualification.

Subsection (p) also provides a settlement opportunity for municipalities that own or operate facilities subject to a Superfund response action. To be eligible, a municipality must have owned or operated the site before the date of enactment and must not receive waste after the date of enactment at any identifiable units at the site that are the subject of a response action and the settlement, and also so long as the site does not contain predominantly hazardous wastes produced by municipal operations that are wastes other than municipal solid waste or sewage sludge.

If eligible, the municipality can offer to settle its liability with the President and invoke a moratorium on litigation similar to the one made available to municipal waste generators and transporters described above. The President must then make a good faith effort to settle promptly with the municipality according to the following criteria.

EPA in arriving at a settlement must consider the normal public interest factors under Superfund, must not require a settlement amount greater than the municipality's "ability to pay" as defined below, and must give the municipality the option to assert that it has other environmental obligations besides Superfund. The President can be called upon to assist in identifying and estimating the total cost of those obligations and the municipality may require the President to consider that total cost when determining the municipality's ability to pay.

The municipality's ability to pay shall be determined by considering: (a) several financial tests comparing factors such as a municipality's debt service, operating and encumbered revenues, funds and dedicated funds, total expenses, and population; (b) the settlement's impact on the municipality's ability to provide essential services; and (c) the feasibility of making payments over time. Furthermore, EPA may not demand in settlement payments which would create a significant, independently demonstrable risk of bankruptcy, default, or cutbacks that would unduly impede the protection of public health and safety. Such a risk should be established to EPA's satisfaction by independent bond counsel or other independent auditors.

The importance given to competing public health and safety obligations stems from Congress' recognition that, unlike private parties, municipalities often cannot be forced to pay enormous Superfund liabilities without directly jeopardizing police and fire protection or other critical services that can save lives. It would be inadvisable, for example, to allow EPA to extract large settlements that would force cutbacks in fire protection services that end up costing communities the lives of some of their citizens.

In addition, the municipality could not be required to violate legal requirements or limitations of general applicability concerning the assumption and maintenance of municipal fiscal obligations. Such legal requirements or limitations of general applicability include, but are not limited to, legal limitations on a municipality's ability to raise revenues and incur debts, and legal restrictions on a legislative body's authority to bind future legislative bodies. The requirement that these legal requirements be of "general applicability" is intended to deter states or local governments from enacting laws which, while worded generically, create a ceiling on payments for specific Superfund obligations and thereby improperly reduce the settlement amount that EPA could demand. Invocation of such laws should be deemed in bad faith and grounds for terminating settlement discussions and the moratorium on actions provided in this subsection.

Once the appropriate settlement amount has been determined, the municipality must be offered the opportunity to provide appropriate "in-kind" services in lieu of cash, valued at market rates.

The subsection states that any settlement blocks all future claims of contribution or other cost recovery, penalties, or damages regarding matters the settlement addresses. Such a settlement does not discharge the liability of any potentially responsible parties who do not participate in it, although such parties' liability shall be reduced by the amount paid under the settlement.

The subsection further provides that if an eligible municipal owner or operator accepts waste after the date of enactment at identifiable disposal units adjacent to those for which the municipality is eligible under the subsection, then the municipality will bear the burden of providing that any contamination on or beneath the open units was caused by the closed units in any judicial or administrative proceeding in which the municipality's liability is at issue under environmental law.

Finally, when courts review a settlement reached under this subsection between the President and a municipal owner or operator, judicial review shall be limited to the administrative record, and the court must uphold the settlement unless an objecting party can show that it was arbitrary, capricious, or otherwise not in accordance with law. Consistent with existing Section 122(a), a decision of the President to use or not to use the procedures in this section is not subject to judicial review.

Subsection (d)—Volume of Municipal Solid Waste and Sewage Sludge

The subsection states that in determining eligibility for de minimis settlements under section 122(g)(1)(A)(i) of CERCLA, the amount of hazardous substances in MSW or sewage sludge shall refer to the quantity of hazardous substances which are constituents within the MSW or sewage sludge, not the overall volume of municipal solid waste or sewage sludge present at a facility.

Subsection (e)—Effect on Other Law

The subsection states that the legislation does not modify the meaning or interpretation of the Solid Waste Disposal Act.

Subsection (f)—State Enforcement

The subsection states that the legislation does not modify the states' ability to carry out actions authorized by Superfund or through cooperative agreements with the President.

Subsection (g)—Constituent Components of MSW and Sewage Sludge

The subsection makes clear that the legislation shall apply to municipal solid waste and sewage sludge as defined, even though these materials may contain constituent components that are considered hazardous substances under Superfund when they exist apart from MSW or sewage sludge.

Subsection (h)—Retroactivity

This subsection provides that the legislation applies to all administrative or judicial actions that began before the effective date of the legislation, unless a final court judgment has been rendered or a court-approved settlement agreement has been reached.•

• Mr. WELLSTONE. Mr. President, I express my support for the Toxic Cleanup Equity Act of 1993, which solves a serious problem in the administration of the Superfund law. That problem is the legal extortion of municipalities, small businesses, and other small waste generators by large industrial polluters.

Under current law, when the EPA sues a major polluter to pay for the cost of cleaning up a Superfund site, that polluter may in turn sue others who are alleged to have contributed to the mess to help pay for the cleanup. Unfortunately, the larger polluters have been abusing this provision, sending notices to any municipality or Mom-and-Pop establishment that has used the site, giving them a choice between paying a settlement discount and hiring a lawyer to protect them in court. It's a lose-lose situation. Many small business owners in my State have every right to call this extortion.

By bringing these suits, some of the major polluters—the large businesses the Superfund law is meant to focus on—are making a mockery of the Superfund system.

I have been receiving desperate calls from irate Minnesotans faced with the prospect of taking on stables of lawyers hired by major corporations. Among the small businesses being extorted for having their waste brought to the Oak Grove Municipal Landfill are a donut shop and travel agent. All they did was dump their office trash, and now they are told it could cost them thousands.

In Minnesota and in other parts of the country, municipalities that owned the landfills or sent municipal waste there, have been sued, sometimes for more than they can afford to pay without cutting important municipal services. In the end, the taxpayers are the ones who suffer.

This bill would protect the small business from frivolous third party suits. It would bar third party contribution suits against small businesses and municipalities that have started their good faith intention to settle with the EPA, but only to the extent that the material they sent to the landfill was similar to municipal solid waste. They could still be sued for contribution as to their hazardous wastes, and if they were held responsible for such toxic pollution, then they should contribute.

There are a couple of aspects of this bill that concern me somewhat, and I hope the problems can be remedied as the bill moves through the legislative process. First, since this measure fosters settlement with the EPA and would prevent third party suits against potential settlors, the result might be an increased burden on EPA resources in order for full cleanup funds to be provided.

Second, the new bill would cap at 4 percent the total amount of nonhazardous cleanup costs that the EPA would be able to collect from municipalities and other generators and transporters of municipal-type wastes. This figure is based on EPA's estimate of what the relative cleanup costs would likely be, but it seems to me that to put this percentage in the legislation might be a bit too restrictive of EPA's discretion.

Those two concerns aside, this bill solves a serious, current problem without sacrificing the goal of Superfund, which is to make major polluters pay to clean up after themselves. To that end, I lend my support.•

By Mr. LAUTENBERG (for himself and Mr. CHAFEE):

S. 966. A bill to reduce metals in packaging, and for other purposes; to the Committee on Environment and Public Works.

REDUCTION OF METALS IN PACKAGING ACT

• Mr. LAUTENBERG. Mr. President, today I am reintroducing the Reduction of Metals in Packaging Act. I am being joined by the ranking member of the Environment Committee, Senator CHAFEE. The bill is based on the model legislation developed by the Source Reduction Council of the Coalition of Northeast Governors [CONEG]. The Reduction of Metals in Packaging Act will phase down the use of four metals—cadmium, mercury, lead, and hexavalent chromium—in packaging in favor of more benign alternatives. This will tackle waste at the source, before it is generated and before it is released into the air, soil, and water.

Mr. President, lead, mercury, cadmium, and chromium are among the most harmful substances found in packaging today. A 1989 report by the Office of Technology Assessment identifies cadmium, mercury, and lead as the principal toxic metals in municipal solid waste. The medical community has concluded that these metals can damage the nervous system and cause mental retardation. As part of our solid waste stream, these metals pose significant threats to the environment and public health. When disposed of in landfills, these metals can leach into groundwater and poison our drinking water supplies or migrate into surface waters where they harm fish and wildlife. Humans and wildlife can also inhale or injest these toxic metals when they are incinerated, either through air emmissions or landfill disposal of the incineration ash.

And hexavalent chromium can cause lung cancer. In 1990, the Environmental

Protection Agency banned the use of hexavalent chromium in certain heating and air conditioning systems because they release dangerous amounts of chromium into the air.

Two years ago, EPA announced a program to reduce releases of 17 toxic chemicals that present both significant risk to human health and the environment and opportunities to reduce such risks through pollution prevention. All 4 of the metals which are the subject of this bill are included in the list of 17 pollutants EPA is targeting for reduction.

Sources of lead in packaging include solder in steel cans, paint pigments, ceramic glazes and inks, and plastics. Cadmium is found in metal coating and plating, in pigments for some plastics, and in some printing inks. Chromium is also used to plate metal products and appears in paints, pigments, and dyes. Mercury is found in certain paints.

Mr. President, alternatives to these harmful materials in packaging are available. For example, the National Association of Printing Ink Manufacturers has noted that the use of leadbased orange and yellow inks can be further reduced by using organic pigment substitutes. Progress is already being made in many areas. The use of lead in soldering food cans declined 77 percent between 1979 and 1986.

Mr. President, packaging comprises nearly one-third of all municipal solid waste. It is about time that we stop using these dangerous metals in packaging when safe alternatives are readily available.

The bill I am introducing today requires that manufacturers reduce the total concentration of cadmium, mercury, lead, and chromium in packaging to 600 parts per million in 2 years, 250 parts per million in 3 years, and 100 parts per million in 4 years. It does allow exemptions for packaging that either is made from recycled materials or where the metals are needed to protect its contents, such as medical products used in radiation and x rays. Finally, this legislation requires that manufacturers present certificates showing that they are complying with these reductions.

The Reduction of Metals in Packaging Act was included in both the House Energy and Commerce and Senate Environment and Public Works Committees' versions of RCRA reauthorization legislation which were considered in the last Congress. And the Lead Exposure Reduction Act introduced by Senator REID includes a provision to reduce levels of lead in packaging which are based on my bill.

Mr. President, the bill I am offering today reflects the hard work of CONEG, industry, and environmental organizations. I commend all of the organizations involved for their effort to protect the environment from these toxic materials.

Since CONEG developed this model legislation, 14 states have adopted legislation to reduce toxic metals in packaging including: Connecticut, Maine, New Hampshire, New York, Rhode Island, Vermont, Iowa, Wisconsin, Georgia, Maryland, Minnesota, New Jersey, Washington, and Illinois.

Mr. President, the swift action on behalf of the States to enact this legislation indicates that getting toxic metals out of packaging is a pressing problem—and one that can be solved efficiently and effectively under this bill.

I urge my colleagues to support this legislation. And I ask unanimous consent that the bill be included in the RECORD.

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reduction of Metals in Packaging Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the management of solid waste can pose a wide range of hazards to public health and safety and to the environment;

(2) packaging comprises a significant percentage of the overall solid waste stream;

(3) the presence of heavy metals in packaging is a concern in light of the likely presence of heavy metals in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;

(4) lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern;

(5) it is desirable as a first step in reducing the toxicity of packaging waste to eliminate the addition of these heavy metals to packaging; and

(6) the intent of this Act is to achieve this reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and components of packaging.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) DISTRIBUTOR.—The term "distributor" means any person who purchases goods from a manufacturer for sale or promotional use.

(3) INCIDENTAL PRESENCE.—The term "incidental presence" means the presence of lead, cadmium, mercury, or hexavalent chromium in a package or packaging component if the substance was not intentionally introduced into the package or packaging component for its own properties or characteristics.

(4) INTENTIONAL INTRODUCTION.—

(A) IN GENERAL.—The term "intentional introduction" means the purposeful introduction of lead, cadmium, mercury, or hexavalent chromium into a package or packaging component with an intent that one or more of the substances be present in the package or packaging component.

(B) EXCLUSION.—The term does not include—

(i) the background levels of the substances that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

(ii) any trace quantities of a processing aid or similar material used to produce a product from which a package or packaging component is manufactured, if the processing aid or similar material is reasonably expected to be consumed or transformed into a nonregulated material during the process.

(5) MANUFACTURER.—The term "manufacturer" means any person in the chain of production who makes a package or packaging component for sale or promotional purposes, including an importer of packages or packaging components.

(6) PACKAGE OR PACKAGING.—The term "package" or "packaging" means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate, and a chipping container as defined in standard D-996 issued by the American Society of Testing and Materials, and unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil, and other trays, wrappers and wrapping films, bags, and tubs.

(7) PACKAGING COMPONENT.—The term "packaging component" means any individual assembled part of packaging, including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, label, adhesive, and stabilizer, except that the term does not include steel strapping. For the purposes of this section, tin-plated steel that meets the specification under standard A-623 issued by the American Society of Testing and Materials shall be deemed an individual packaging component.

SEC. 4. PROHIBITION ON ADDITION OF CERTAIN HEAVY METALS IN PACKAGING.

(a) IN GENERAL.—Except as provided in section 5, effective 2 years after the date of enactment of this Act, the intentional introduction of lead, cadmium, mercury, or hexavalent chromium to packaging or any component thereof during manufacturing or distribution by any person is prohibited.

(b) CONCENTRATION LEVELS.—The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in packaging or any component thereof may not exceed—

(1) 600 parts per million by weight (0.06 percent) on or after the date that is 2 years after the date of enactment of this Act and before the date specified in paragraph (2);

(2) 250 parts per million by weight (0.025 percent) on or after the date that is 3 years after the date of enactment of this Act and before the date specified in paragraph (3); and

(3) 100 parts per million by weight (0.01 percent) on or after the date that is 4 years after the date of enactment of this Act.

SEC. 5. EXEMPTIONS.

(a) IN GENERAL.—The requirements of section 4 shall not apply to packaging and any component thereof—

(1) with a code indicating a date of manufacture of the packaging or component, or date of bottling or manufacturing of distilled spirits and wines, that is prior to the effective date of this Act; or

(2) if alternative evidence of a date of manufacture or bottling prior to the effective date of this Act is provided to the satisfaction of the Administrator.

(b) SAFETY CONSIDERATIONS.—

(1) IN GENERAL.—The requirements of section 4 shall not apply to packaging and any component thereof to which lead, cadmium, mercury, or hexavalent chromium has been added in the manufacturing, forming, printing, or distribution process—

(A) in order to comply with health or safety requirements of Federal law; or

(B) because the addition of one or more of the substances is essential for the protection, safe handling, or functioning of the contents of the packaging,

if the Administrator grants an exemption from the requirements of this Act to the manufacturer of the package or packaging component on the basis of either criterion.

(2) PERIOD.—If the Administrator determines that circumstances warrant an exemption from the requirements of this Act, the Administrator may grant an exemption for a period of 2 years.

(3) RENEWAL.—An exemption under paragraph (2) may, on meeting either criterion under paragraph (1), be renewed every 2 years.

(c) USE OF RECYCLED MATERIALS.—During the 6-year period beginning on the date of enactment of this Act, the requirements of section 4 shall not apply to packaging and any component thereof that would not exceed the concentration levels in section (b) but for the addition of recycled materials.

SEC. 6. CERTIFICATE OF COMPLIANCE.

(a) IN GENERAL.—

(1) REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the manufacturer or supplier of packaging or any component thereof shall furnish to each purchaser a certificate of compliance stating that the packaging or packaging component is in compliance with the requirements of this Act.

(2) EXEMPTIONS.—If the manufacturer or supplier claims an exemption under section 5, the manufacturer or supplier shall state the specific basis on which the exemption is claimed on the certificate of compliance.

(3) SIGNATURE.—The certificate of compliance shall be signed by an authorized official of the manufacturing or supplying company.

(4) RETENTION OF CERTIFICATE BY PURCHASER.—The purchaser shall retain the certificate of compliance for as long as the packaging is in use.

(5) RETENTION OF COPY BY MANUFACTURER OR SUPPLIER.—A copy of the certificate of compliance shall be kept on file by the manufacturer or supplier of the packaging or packaging component.

(6) COPIES TO ADMINISTRATOR AND PUBLIC.—A copy of the certificate of compliance shall be furnished to the Administrator on request, and to members of the public in accordance with section 7.

(b) AMENDED OR NEW CERTIFICATE.—If the manufacturer or supplier of packaging or packaging components reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

SEC. 7. PUBLIC ACCESS.

(a) REQUEST.—A request from a member of the public for a copy of a certificate of compliance from the manufacturer or supplier of packaging or components thereof shall be—

(1) in writing, with a copy provided to the Administrator; and

(2) specific as to the package or packaging component information requested.

(b) RESPONSE TO REQUEST.—A manufacturer shall respond to a request that meets the requirements of subsection (a) not later than 60 days after receipt of the request.

SEC. 8. FEDERAL ENFORCEMENT.

Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this Act, the Administrator may issue an order assessing a civil penalty in an amount not to exceed $25,000.

SEC. 9. NONPREMPTION.

Nothing in this Act shall be construed so as to prohibit a State from establishing and enforcing a standard or requirement with respect to toxic metals in packaging that is more stringent than a standard or requirement relating to toxic metals in packaging established or promulgated under this Act.

SEC. 10. REGULATIONS.

Not later than 18 months after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this Act.•

By Mr. SHELBY:

S. 967. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations, to require the Internal Revenue Service to collect child support through wage withholding, and for other purposes; to the Committee on Finance.

CHILD SUPPORT LEGISLATION

• Mr. SHELBY. Mr. President, last year the Congress approved and the President signed into law a bill that I sponsored to make interstate flight to avoid child support payments a Federal crime. The passage of this law provided hope to the thousands of custodial parents and their children who face the nightmare of confronting an unbelievably complicated and most often ineffective interstate enforcement system. Today, I intend to continue in my commitment to improve our Nation's archaic child support system by introducing the Uniform Child Support Enforcement Act of 1993. This measure would federalize the collection, distribution, and enforcement of child support orders.

Mr. President, this measure might be scrutinized and read as an effacement of States rights. However, my legislation simply acknowledges that we already have a child support system that is largely paid for by the Federal Government but administered by the States. Through the title IV-D enforcement guidelines, the Federal Government has mandated the basic mission and structure of state child support systems and has provided two-thirds of the funding for these programs. Congress continues to consider additional State mandates on an annual basis to further improve the system and I would predict that another round of mandates is on the way in the not so distant future. Therefore, Mr. President, let us not delude ourselves into believing that we do not have a Federal child support system already in place. We just simply order the States to administer a program that we in Washington outline and fund.

Mr. President, child support issues touch on a number of matters related to family welfare that include paternity and order establishment, health care, and public assistance. However, the overriding concern facing custodial parents within the child support system is still the simple issue of collection, the problem of getting the money from the people who owe it to the children to whom it is owed. At present, only 50 percent of the custodial parents in this country who are owned child support receive regular payments; $20 billion in back child support is now owed in this country to some 16 million children. Mr. President, the present system is failing us with regard to its most basic function: collection.

We could, Mr. President, consider another set of mandates to improve child support collection. However, States are drowning in a sea of Federal mandates ranging from child support to Medicaid rules. The present set of child support mandates only promises to become more financially and administratively burdensome to States that are carrying an ever increasing share of public services and regulatory functions at the command of the Federal Government. The present child support mandates are already proving difficult for the States to meet. Only 15 States have met or say that they will meet the 1995 deadline for the federally mandated child support automation requirement.

We've heard a good deal about efficiency, rethinking government, and cutting expenditures in the last few months. The legislation that I am introducing today, Mr. President, meets these criteria. First, with regard to efficiency, custodial parents now face a collection and enforcement system that often involves a complicated web of local and State administration, courts and law enforcement. So often, if the custodial parent needs to have a delinquent order enforced, she or he often lacks any access to the most basic information about how to approach this diffuse and complicated system. If they do acquire such information, they often find that any one part of the system may be unwilling to cooperate with the other or is simply unaware of the other's action. This is only at the in-State level, Mr. President. The problem is even more complicated and frustrating when one must deal with an interstate case.

The legislation will replace this confusing and inefficient system with a centralized IRS-based system. Child support orders and arrearages, as established by the States, would be transmitted to the IRS from the States. Child support payments would be withheld from paychecks or collected through self-employed tax payments just as taxes are now collected. Payments received would be promptly mailed from the Treasury to the custodial parent. Enforcement would be handled by the IRS, treating nonpayment as tax evasion and applying the same penalties in these cases. Countless amounts of paperwork, court hearings, legal costs, and suffering would be eliminated and be replaced with this simple, efficient, unified system of collection, enforcement, and distribution.

In terms of rethinking government, this legislation takes the burden of numerous mandates off the States and relieves them of millions of dollars in annual child support enforcement costs by repealing the various requirements in the IV–D program that require the States to have child support collection and distribution programs. The present State based system is inefficient and ineffective with regard to collecting and distributing child support payments. Why not replace it with a more efficient and rational system of wage withholding? Further, if we really want to get women and children off public assistance, what could be a better method than payments received through the improved collection rate that would result from this legislation?

Finally, the issue of cost is never far from our minds these days. Presently, the Federal Government is providing over $1 billion per year for title IV–D enforcement and collection programs, two-thirds of the amount currently provided by the Federal Government for the IV–D program. The CBO estimates that this amount will grow to over $1.5 billion by the end of the decade. This act will repeal not only the mandates for these programs but 60 percent of the funding for the present program, savings of well over $1 billion per year over the next decade. These savings will more than pay for an expansion of the IRS's collection duties. This legislation leaves in place the programs and funding for paternity and order establishment.

Mr. President, the time has come for this legislation. No one, especially myself, looks at federalization issues in a casual manner. However, we must realize that our present system is heavily funded and directed by the Federal Government already. That system, Mr. President, is not adequately utilizing our money nor following our mandates. The policy of Federal collection and distribution makes fiscal and social sense. I look forward to a vigorous debate on this matter and I urge my colleagues to join me in support of this effort.•

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, and Mr. HARKIN):

S. 968. A bill to establish additional exchange and training programs with the independent states of the former Soviet Union and the Baltic States; to the Committee on Foreign Relations.

THE FREEDOM EXCHANGE AND TRAINING ACT

• Mr. BRADLEY. Mr. President, I rise to introduce Freedom Exchange and Training Act. I am delighted to have Mr. LEAHY, chairman of the Appropriations Subcommittee on Foreign Operations, join me in introducing this legislation. His efforts last year to make the exchange program a reality are remembered and appreciated. I am also pleased to be joined by my colleagues Senator SIMON, from Illinois, and Senator HARKIN from Iowa.

Mr. President, this bill is in America's best interests. America's interest are to see Russia become a democracy with a market-based economy that raises living standards, with a much smaller defense establishment, and with an acceptance of free flowing capital, trade, and ideas. In other works, the United States objective should be to normalize our relations with Russia and bring them into the international system as full members.

One of the most cost-effect ways to accomplish our goals of economic prosperity and political security for Russia, its neighbors, and ourselves is provide for cultural exchanges. Cultural exchanges benefit both sides. Not only would we be assuring peaceful ties between these nations and ours, we can also learn much. Americans can learn from having foreign student in their homes and classrooms. Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Alta will return with a better understanding of the people of these new republics; they will also have the unique privilege of witnessing first hand the new frontiers of democratic capitalism.

The purpose of these educational exchanges is to bring young people from the former Soviet Union and Baltics to the United States so that they might experience firsthand how a free market democracy functions. Person-to-person contact—not dollars—will build the bonds that will construct an era of mutual respect to replace the cold war era of mutual suspicion. On a long-term basis, it's not food or supplies that the people of the former Soviet Union need, but a vision. A vision of what their new societies could look like. A vision of what their societies should look like. And by accepting students into their homes and lives, Americans can help to provide this. This program calls for a personal involvement that other aid programs do not demand of Americans. Instead of shipping over a plane full of advisers, we will bring in a plane full of talented youth. They will come into our communities to live, to study, to work. We believe this is what the situation demands.

The dramatic changes we have all witnessed in the world in recent years should prompt us to reflect on our own Nation's task in years ahead: How can we adapt to the altered world?

Mr. President, I believe that recent events will lead to a redefinition of our superpower role. We will continue to exercise a leadership role, but in a new form. In a multipolar, multicultural world, we must lead by example. We should be able to lead the world by our example of a pluralist nation that is a free and democratic society—a nation striving to accommodate ethnic and religious minorities, a nation of economic opportunity. We recognize our problems, and that, too, we can show others is a key element of a democratic society.

But in order to lead by example, we should give the youth of these former Communist republics the chance to see for themselves what a free market democracy means and how our institutions work. By doing so, we can provide the type of aid they most need. The needs of the states of the former Soviet Union and the Baltics are many. They need skill building and institution building so that they can begin the process of nation building. All of this will require increased understanding of democratic principles.

We must move swiftly. The people of the newly independent states must be brought out of their isolation now. We must make up for 40 years of barriers between our citizens and theirs. We cannot afford to be complacent. A slow response risks retrenchment of economic and democratic reforms. It also risks the growth of new versions of authoritarian rule.

This year, 3,360 high school students from the former Soviet Union will visit the United States under the Freedom Exchange Act, and 1,990 American students will participate in the exchange program. But, much more is required if we are to accomplish our goals of economic prosperity and political security for Russia, its neighbors, and ourselves. In March, 1,500 Armenian high school students gathered outside the American Embassy in Yerevan to hear whether they had been selected as semifinalists for 32 exchange slots.

The $77 million authorization sought for educational exchanges will substantially increase the number of students who can participate in the program. The key component of the educational exchanges is the high school exchange program. The bill authorizes $40 million for high school exchanges for the 1994 school year, twice the amount provided for 1993. This amount will serve over 10,000 high school students. These youths will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can build their own institutions. Because we want the students' experiences to be meaningful, the legislation favors long term exchanges over short term stays.

We have added a new section to the high school exchange component. For the first time, exchanges for secondary school teachers and administrators are included. The bill authorizes $5 million for these exchanges. There is a real need in the Soviet Union for teachers of social science, humanities, English teachers. The legislation gives preferential treatment to persons interested in studying these areas.

The second component of the exchange legislation authorizes $18 million for undergraduate and graduate exchanges. Also, for the first time, the college and university section will specifically target community colleges. The bill authorizes $6 million for community colleges, with special emphasis placed on providing vocational training for adults from the former Soviet Union and the Baltics. As in the high school exchanges, the college and university exchanges will allow future leaders of the former Soviet Union to study and experience American society. The bill also authorizes $8 million for the sister university program. This program would create links between our universities, colleges, and community colleges, and their institutions of higher learning.

The third component of the bill provides $20 million for technical assistance and training programs. The bill establishes exchange and training programs in public administration and governance for government officials. Legal initiatives to assist the former Soviet Union and Baltic States in modifying or restructuring their law and legal systems to reflect democratic principles are among the types of programs supported. Programs in agriculture, agribusiness are to be included, as well as agriculture exchanges that will allow foreign farmers to live on American farms for extended periods to learn the latest in agriculture technology. Energy and environmental programs, such as nuclear safety and energy conservation are to be supported. The bill also lists health and medicine, and trade and investment, as areas for program development. The legislation also requests funds for leadership training.

The Iron Curtain between our societies has parted, Mr. President, but contact between our people and the people of the former Soviet Union remains woefully limited. In the 1990–91 school year, the total number of undergraduate and graduate students from the former Soviet Union was 1,210. China had almost 40,000 for the same period. Even Switzerland had more students at American universities than did the former Soviet Union. There are over 5 million college and graduate level students in the former Soviet Union. We should see thousands more over here.

It is my hope that in the years ahead we will see tens of thousands more students here. According to Dr. Elena Lenskaya, head of the International Cooperation Department of the Russian Ministry of Education, as word of the exchange program has reached into the corners of the former Soviet republics, its impact has been profound. Doctor Lenskaya states that for many the exchange program is the first tangible evidence of outside help, inspiring a hope for the children of Russia and the former Soviet Union that the future will be brighter.

Mr. President, let us continue to build new relationships with Russia and the other former republics—one based on two peoples coming together in a common commitment to make the tough choices for the long-term health of each country and the world; two peoples aware that having stared each other to the brink of nuclear holocaust, we now have a special responsibility to find in each other and within ourselves the capacity to reorder, to begin anew, to reconceive our possibilities as two nations, two peoples, one world.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom Exchange and Training Act".

SEC. 2. STATEMENT OF PURPOSE.

The purpose of this Act is—

(1) to bring young people, teachers, and education administrators of the former Soviet Union and the Baltic states to the United States so that they might experience first-hand how a free market democracy functions;

(2) to assist the skill-building process necessary for both institution-building and nation-building; and

(3) to provide leadership training and technical assistance to officials and others from the former Soviet Union and Baltic states.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Baltic states" means Latvia, Lithuania, and Estonia;

(2) the term "eligible organization" means, during fiscal year 1994, any private nonprofit organization which has experience in exchange programs and demonstrates a capacity to carry out such programs in the independent states of the former Soviet Union or in the Baltic States; and

(3) the term "independent states of the former Soviet Union" includes the following states that formerly were part of the Soviet Union: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

TITLE I—EDUCATIONAL EXCHANGE PROGRAMS

SEC. 101. AUTHORITIES FOR AWARDING EDUCATIONAL EXCHANGE GRANTS.

(a) GENERAL AUTHORITY.—The Director shall establish and carry out an exchange program with the independent states of the former Soviet Union and the Baltic states in accordance with this title. In carrying out such a program, the Director shall award, on a competitive basis, grants to eligible organizations to enable such organizations to finance—

(1) the exchange of secondary school students in accordance with section 102;

(2) the exchange of secondary school teachers and administrators in accordance with section 103;

(3) the exchange of postsecondary students in accordance with section 104; and

(4) exchanges of college and university educators in accordance with section 105.

(b) ADMINISTRATIVE EXPENSES.—The Director may use up to 5 percent of the funds appropriated under this title for administrative expenses.

(c) APPLICATION.—(1) Each eligible organization seeking a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(2) Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Director determines to be essential to ensure compliance with the requirements of this section.

(d) ELIGIBILITY FOR GRANTS.—Grants may be made to eligible organizations only if such organizations agree to comply with the requirements specified in this title.

(e) IMPLEMENTATION.—In carrying out this title, the Director shall—

(1) encourage colleges and universities receiving students to supplement public grants with their own resources, to the extent possible; and

(2) allow for a wide range of United States institutions to participate in programs under this title.

(f) COMPLIANCE WITH BUDGET ACT.—The authority to make grants under this title shall be effective only to such extent or in such amount as are provided in appropriations Acts.

(g) DEFINITIONS.—For purposes of this title—

(1) the term "Director" means the Director of the United States Information Agency;

(2) the term "institution of higher education" has the same meaning as is given to such term by section 1201(a) of the Higher Education Act of 1965; and

(3) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965.

SEC. 102. SECONDARY SCHOOL STUDENTS.

(a) GRANT USES.—(1) Grants awarded under section 101(a)(1) shall be used to finance—

(A) visits of short duration by eligible secondary school students, to the United States, to any of the independent states of the former Soviet Union, or to any Baltic state; or

(B) studies, instruction, and other educational exchange activities in the United States, in any of the independent states of the former Soviet Union, or in any Baltic state, each educational exchange activity lasting not less than one semester or more than one year, for eligible secondary school students.

(2) Of the amount of grants awarded under section 101(a)(1), not more than 35 percent in fiscal year 1994 may be used for the purpose of paragraph (1)(A).

(b) CONDITIONS.—(1) The Director may require that a portion of a grant awarded under section 101(a)(1) be used only for educational activities that are conditioned on the reciprocal exchange of American students.

(2) Not more than 25 percent of the total amount of grant funds awarded under section 101(a)(1) may be used to finance educational exchanges of American students under this section.

(c) DEFINITION.—For purposes of this section, the term "eligible secondary school student" means a secondary school student from the United States, any of the independent states of the former Soviet Union, or any Baltic state who—

(1) is at least 15 years of age;

(2) is attending school at a grade level equivalent to any of the grade levels 10 through 12 in United States secondary schools or has just completed secondary school in any of the independent states of the former Soviet Union or any Baltic state; and

(3) has a minimum level of proficiency in English, as determined by testing.

(d) ADMINISTRATION.—(1) To the maximum extent practicable, a grant under this section shall be used to support the activities described in subsection (a) for secondary school students of widely divergent backgrounds.

(2) The recruitment of foreign students under this section shall be carried out in an efficient, uniform manner, preferably under direction of a United States-based group or organization under guidelines established by the Director.

(3) The selection and examination of students from the former Soviet Union and Baltic states under this section should be a cooperative effort with input from organizations involved in the placement of the exchange students.

(4) The specific structure for this cooperative effort should be approved by the Director as part of the granting of funds for selection and examination of students.

(5) The selection process under this section should be designed to ensure selection of a representative group of students from the former Soviet Union and the Baltic states.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $40,000,000 for fiscal year 1994 to carry out this section.

SEC. 103. SECONDARY SCHOOL TEACHERS AND ADMINISTRATORS.

(a) GRANT USES.—(1) Grants awarded under section 4(a)(2) shall be used to finance visits of at least four weeks duration for eligible secondary school teachers and administrators to the United States, to any of the independent states of the former Soviet Union, or to any Baltic state.

(2) Visits financed under this section—

(A) shall focus on a particular area of study or project and may involve seminars, with special emphasis on classroom practicums; and

(B) should, where possible, be developed and coordinated with programs established under section 102.

(b) PRIORITY EXCHANGES.—Preference is to be given to foreign teachers and administrators interested in the social sciences, the humanities, teaching English, and acquiring knowledge or skills applicable to building democratic institutions.

(c) RESTRICTION.—Not more than 25 percent of the total amount of funds awarded under this section may be used to finance educational exchanges of American secondary teachers and administrators.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1994 to carry out this section.

SEC. 104. POSTSECONDARY STUDENTS.

(a) COLLEGE STUDENTS.—

(1) GRANT USES.—Grants awarded under section 101(a)(3) shall be used to finance studies, research, instruction, and other educational exchange activities for eligible college students in institutions of higher education in the United States, in any of the independent states of the former Soviet Union, or in any Baltic state, each educational exchange activity lasting not less than one semester or more than one year, with special emphasis on—

(A) those foreign students who are interested in studying the social sciences and humanities;

(B) those foreign students who are studying to become English teachers; and

(C) those foreign students who are seeking to acquire knowledge or skills applicable to restructuring the economy or building democratic institutions.

(2) CONDITION.—(A) The Director may require that an eligible organization, in order to receive a grant under section 101(a)(3), agree to use a portion of such grant for educational activities that are conditioned on the institution of higher education providing an eligible college student with some financial resources, either in the form of room and board or as a waiver of tuition.

(B) Not more than 25 percent of the total amount of grant funds awarded under this subsection may be used to finance educational exchanges of American students under this section.

(3) DEFINITION.—For purposes of this subsection, the term "eligible college student" means a student enrolled in four-year programs of study at a college or university in the United States, any of the independent states of the former Soviet Union, or any Baltic state, including any American-founded school in the former Soviet Union, and who—

(A) has completed at least one year of study and is not in the last year of such study; and

(B) in the case of a foreign student, is sufficiently proficient in English to undertake the course of study proposed, as determined by testing.

(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $9,000,000 for fiscal year 1994 to carry out this subsection.

(b) GRADUATE STUDENTS.—

(1) GRANTS USES.—Grants awarded under section 101(a)(3) shall be used to finance studies, research, instruction, and other educational exchange activities for eligible graduate students in the United States, in any of the independent states of the former Soviet Union, or in any Baltic state, each educational exchange activity lasting not less than one semester or more than one year, with special emphasis on—

(A) those foreign students who are interested in studying the social sciences and humanities;

(B) those foreign students who are studying to become English teachers; and

(C) those foreign students who are seeking to acquire knowledge or skills applicable to restructuring the economy or building democratic institutions.

(2) CONDITION.—Not more than 25 percent of the total amount of grant funds awarded under this subsection may be used to finance educational exchanges of American students under this section.

(3) DEFINITION.—For purposes of this section, the term "eligible graduate student" means a student from the United States, any of the independent states of the former Soviet Union, or any Baltic state, including any student attending an American-founded university in the former Soviet Union, who—

(A) is enrolled in a graduate course of study at a college or university;

(B) has completed one year of such study; and

(C) in the case of a foreign student, is sufficiently proficient in English to undertake the course of study proposed, as determined by testing.

(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $9,000,000 for fiscal year 1994 to carry out this subsection.

(c) COMMUNITY COLLEGES.—(1) Grants awarded under this subsection shall be used to finance—

(A) studies and research in any of the independent states of the former Soviet Union, or in any Baltic state;

(B) vocational retraining of foreign students from the former Soviet Union or Baltic states; and

(C) faculty and student exchange activity lasting not less than one semester or more than one year,

with special emphasis on—

(i) those foreign students who are interested in studying the social sciences and humanities;

(ii) those foreign students who are studying to become English teachers; and

(iii) those foreign students who are seeking to acquire knowledge or skills applicable to restructuring the economy or building democratic institutions.

(2) An individual is eligible for a grant under this section who—

(A) is at least 18 years of age;

(B) has completed secondary school in the United States, any of the independent states of the former Soviet Union, or any Baltic states;

(C) if an American, is enrolled in a community college and has completed at least one year of study; and

(D) in the case of foreign students, is sufficiently proficient in English to undertake the course of study proposed, as determined by testing.

(3) In addition to funds otherwise available for such purpose, there are authorized to be appropriated $6,000,000 for fiscal year 1994 to carry out this subsection.

SEC. 105. "SISTER" UNIVERSITY PROGRAM.

(a) GRANT USES.—(1) Grants awarded under section 101(a)(4) shall be used to finance exchanges of college and university educators of eligible paired institutions for the purpose of developing curriculum and otherwise strengthening ties between the independent states of the former Soviet Union and the Baltic states and the United States at the institutional level.

(2) Each grant awarded under this subsection shall not exceed $100,000.

(3) Each grant awarded under this subsection to eligible paired institutions may be disbursed during a period of two fiscal years.

(b) DEFINITION.—For purposes of this section, the term "eligible paired institutions" means in fiscal year 1994, a pairing by the Director of one United States institution of higher education with a college or university in any of the independent states of the former Soviet Union or any Baltic state wherever such pairing is likely to promote a continuing relationship between the institutions after the termination of assistance under this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $8,000,000 for fiscal year 1994.

TITLE II—OTHER TRAINING AND EXCHANGE PROGRAMS

SEC. 201. PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) GENERAL AUTHORITY.—The President shall establish and carry out technical assistance and exchange programs with the independent states of the former Soviet Union and the Baltic states in accordance with this title. Such programs may be implemented by grants to eligible organizations or otherwise. Programs funded by this title are as follows:

(1) PUBLIC ADMINISTRATION AND GOVERNANCE.—Funds made available under this paragraph shall be used for programs of up to 8 weeks duration for—

(A) exchanges and training of local and regional government officials, practitioners and experts in public administration to assist the former Soviet Union and Baltic states in establishing and sustaining democratic institutions;

(B) exchanges and training that will assist the former Soviet Union and Baltic states in the establishment of social services programs; and

(C) exchanges and training in the area of political science.

It is the sense of the Congress that technical assistance and training of public officials under this paragraph should be conducted by American organizations that are representative of elected officials.

(2) RULE OF LAW.—Funds made available under this paragraph shall be used for legal initiatives to assist the former Soviet Union and Baltic states in modifying or restructuring their laws and legal systems to reflect democratic principles and be compatible with a democratic society and free market principles.

(3) AGRICULTURE AND AGRIBUSINESS.—Funds made available under this paragraph shall be used for—

(A) technical assistance and training for the development of market-oriented policies, agricultural financial institutions and marketing systems, agribusiness organization, privatization of state agricultural organizations; and

(B) agricultural exchanges that will allow foreign farmers to come to the United States to acquire agriculture skills.

(4) ENERGY AND ENVIRONMENT.—Funds made available under this paragraph shall be used for a comprehensive exchange and training program for enhancing environmental management and sustainable economic development, emphasizing the active participation of local scientific expertise, nongovernmental organizations, and the public, and including—

(A) environmental monitoring and protection,

(B) establishment of appropriate environmental institutions and infrastructure,

(C) programs to enhance energy conservation and efficiency, and

(D) nuclear safety and other appropriate initiatives consistent with this paragraph.

(5) HEALTH AND MEDICINE.—Funds made available under this paragraph shall be used for exchange and training programs that will enhance medical delivery systems, assist in establishment of pharmaceutical industry, and provide general medical training and education.

(6) TRADE AND INVESTMENT.—Funds made available under this paragraph shall be used to assist in the development of American business centers and the expansion of the Special American Business Internship Training (SABIT) program of the Department of Commerce.

(7) LEADERS TRAINING.—Funds made available under this paragraph shall be used for training by United States business, universities, and others to build a cadre of young technocrats with strong grounding in market economics principles who are likely to rise to positions of responsibility in the public and private sectors and influence future national development. Training under this paragraph shall be targeted on the priority sectoral areas of the United States technical assistance program, including health, energy, environment, banking, and agriculture, and educational training shall be combined with on-the-job training experiences and practical internships.

(b) DEGREE OF ENGLISH LANGUAGE PROFICIENCY.—Foreign participants in the programs under this section shall be sufficiently proficient in English to fulfill the purposes of this section.

(c) ADMINISTRATIVE EXPENSES.—The President may use up to 5 percent of the funds appropriated under this title for administrative expenses.

(d) GENERAL AUTHORITY FOR AWARDING GRANTS.—Training and other exchange programs carried out under this section shall be administered by the Agency for International Development or such other Government agency as has experience and expertise in carrying out such programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for fiscal year 1994 to carry out this section.●

● Mr. SIMON. Mr. President, I am pleased to be an original cosponsor of Senator BILL BRADLEY's admirable legislation expanding our foreign exchange programs with the peoples of the former Soviet Union and Baltic States. For the price of two or three F-15 fighters, we can exchange more than 10,000 students a year each way.

I hope that we can work something out with the United States Information Agency [USIA] so that a fair number of the new exchanges called for in this bill go to students from Republics other than the Russian Federation, which will clearly get the lion's share of slots. It seems to me that we should be reaching out a little more than we have to the people of these new independent States.

I would also like to say again that in this whole area of exchanges, and this is not related to the Bradley bill, we really have to broaden our approach more than we have. In particular, we should exchange more students, faculty, and professionals between Africa and the United States.

Africa has gotten the short end of the exchanges stick over the years. If we can increase and expand our exchange programs with African countries, it would send a powerful message to the people and governments there. There is a lot we can learn from our friends in Africa, and there is much we can teach them. We can all gain from stepping up our exchanges with Africa.

I look forward to working with my colleagues on both the former U.S.S.R. exchanges and Africa exchanges as we consider the Foreign Relations Authorization Act later this summer.●

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. HATCH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 13, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 50

At the request of Mr. WARNER, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 69

At the request of Mr. BREAUX, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 102

At the request of Mr. MACK, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 102, a bill to provide for a line item veto; capital gains tax reduction; enterprise zones; raising the social security earnings limit; and workfare.

S. 236

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 271

At the request of Mr. GRASSLEY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans.

S. 299

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 299, a bill to amend the Housing and Community Development Act of 1974 to establish a program to demonstrate the benefits and feasibility of redeveloping or reusing abandoned or substantially underutilized land in economically and socially distressed communities, and for other purposes.

S. 338

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 338, a bill to amend the Petroleum Marketing Practices Act to clarify the Federal standards governing the termination and nonrenewal of franchises and franchise relationships for the sale of motor fuel, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 360

At the request of Mr. DORGAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 360, a bill to amend the Internal Revenue Code of 1986 to extend the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction.

At the request of Mr. LIEBERMAN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 360, supra.

S. 482

At the request of Mr. BOREN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 487

At the request of Mr. DANFORTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 540

At the request of Mr. HEFLIN, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 655

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 655, a bill to provide for the transfer of funds from the Harbor Maintenance Trust Fund to support nautical charting and marine navigational safety programs, and other activities of the National Oceanic and Atmospheric Administration related to commercial navigation, and for other purposes.

S. 666

At the request of Mr. DANFORTH, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes.

S. 667

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 667, a bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud.

S. 687

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 775

At the request of Mr. WALLOP, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 775, a bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 895

At the request of Mr. DANFORTH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 925

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 925, a bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes.

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Nebraska [Mr. EXON], the Senator from Montana [Mr. BAUCUS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. BOND], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week."

SENATE JOINT RESOLUTION 88

At the request of Mr. DECONCINI, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Vermont [Mr. LEAHY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Nevada [Mr. BRYAN], the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. FORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. DORGAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Washington [Mrs. MURRAY], the Senator from Louisiana [Mr. BREAUX], the Senator from California [Mrs. FEINSTEIN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 88, a joint resolution to designate July 1, 1993, as "National NYSP Day."

AMENDMENTS SUBMITTED

THRIFT DEPOSITOR PROTECTION ACT OF 1993

COHEN AMENDMENT NO. 355

(Ordered to lie on the table.)

Mr. COHEN (for himself, Mr. DOMENICI, Mr. LAUTENBERG, Mr. FAIRCLOTH, Mr. D'AMATO, Mr. DECONCINI, and Mrs. FEINSTEIN), submitted an amendment intended to be proposed by him to the bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes, as follows:

At the appropriate place, add the following:

SEC. ___. COST EFFECTIVENESS OF FEDERAL PROPERTY MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b) COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(2) INCLUDED IN REVIEW.—The review required by this subsection shall include—

(A) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(i) the purchase, lease, lease/purchase of existing buildings at market rates; and

(ii) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(B) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(C) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

(c) REPORT.—Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this section to—

(1) the Senate Committees on Governmental Affairs, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

METZENBAUM AMENDMENT NO. 356

Mr. METZENBAUM (for himself and Mr. WOFFORD) proposed an amendment to the bill (S. 714), supra; as follows:

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

WELLSTONE—MURRAY AMENDMENT NO. 357

Mr. WELLSTONE (for himself and Mrs. MURRAY) proposed an amendment to the bill (S. 714), supra, as follows:

At the end of section 3, strike the quotation marks and final period and inset the following:

"(M) INDEPENDENT REPORT BY THE GENERAL ACCOUNTING OFFICE.—No funds appropriated in subparagraph (E) or made available under subparagraph (H) shall be paid pursuant to a certification under clause (i) or (ii) of subparagraph (K) by the Secretary of the Treasury to the Savings Association Insurance Fund for 60 days after such certifications are made. During such 60-day period, the Comptroller General of the United States shall transmit a report to the Congress that—

"(i) states whether such certifications have been verified; and

"(ii) states whether—

"(I) further increases in the deposit insurance premiums paid by Savings Association Insurance Fund members could create a substantial risk that losses due to additional failures caused by the increases would exceed the increased premium income;

"(II) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rate which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(III) an increase in the assessment rate for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default)."

GRAHAM-HARKIN AMENDMENT NO. 358

Mr. GRAHAM (for himself and Mr. HARKIN) proposed an amendment to the bill (S. 714), supra, as follows:

At the appropriate place, insert the following:

SECTION 1. SENSE OF THE SENATE RELATING TO PARTICIPATION OF DISABLED AMERICANS IN CONTRACTING FOR DELIVERY OF SERVICES TO FINANCIAL INSTITUTION REGULATORY AGENCIES.

(a) FINDINGS.—The Senate finds the following:

(1) Congress, in adopting the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101, (the ADA) specifically found that:

(a) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing;

(b) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(c) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(d) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(e) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(f) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(g) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the chief executive officer of the Resolution Trust Corporation, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Housing Finance Board shall take all necessary steps within each such agency to ensure that individuals with disabilities and entities owned by individuals with disabilities, including financial institutions, investment banking firms, underwriters, asset managers, accountants, and providers of legal services, are availed of all opportunities to compete in a manner which, at a minimum, does not discriminate on the basis of their disability for contracts entered into by the agency to manage the institutions and their assets for which the agency is responsible or to perform such other functions authorized under any law applicable to such agency.

DORGAN AMENDMENT NO. 359

Mr. DORGAN (for himself and Mr. FEINGOLD, Mr. BAUCUS, Mr. CONRAD, and Mr. MATHEWS) proposed an amendment to the bill (S. 714), supra, as follows:

At the appropriate place, insert the following new section:

SEC. 6. TASK FORCE ON THRIFT FRAUD.

Section 2539 of the Crime Control Act of 1990 (28 U.S.C. 509 note) is amended by adding at the end the following new subsection:

"(d) TASK FORCE ON SAVINGS ASSOCIATION FRAUD—

"(1) ESTABLSIHMENT.—The Attorney General shall establish within the Department of Justice, in accordance with subsection (a), the Thrift Fraud Task Force to coordinate and assist in the investigation and prosecution of crimes in or against federally insured savings associations (as defined in section 3 of the Federal Deposit Insurance Act).

"(2) SPECIAL COUNSEL FOR THRIFT FRAUD.—The Thrift Fraud Task Force shall be headed by a Special Counsel for Thrift Fraud, appointed by the Attorney General.

"(3) DUTIES.—The Thrift Fraud Task Force, under the direction of the Special Counsel for Thrift Fraud, shall—

"(A) assist, consult with, and advise all Federal agencies engaged in the investigation and prosecution of criminal fraud cases involving federally insured savings associations;

"(B) establish a system of information on the adequacy of Federal agency staffing for such cases;

"(C) determine the adequacy of such staffing; and

"(D) develop and assist in the implementation of measures for improving, if necessary, the effectiveness of the Federal investigative and prosecutorial efforts in such cases.

"(4) AGENCY COOPERATION.—Each member of the senior interagency group established under subsection (c), and all other relevant Federal agencies, shall provide such information, assistance, and co-operation to the Thrift Fraud Task Force as the Special Counsel for Thrift Fraud may request.".

LIEBERMAN AMENDMENT NO. 360

Mr. LIEBERMAN (for himself and Mr. WOFFORD) proposed an amendment to the bill (S. 714), supra, as follows:

At the end of the bill, insert the following new section:

SEC. . RTC CONTRACTING.

(a) No person shall execute, on behalf of the Corporation, any contract, or modification to a contract, for goods or services exceeding $100,000 in value unless the person executing the contract or modification states in writing that—

(1) the contract or modification is for a fixed price, the person has received a written cost estimate for the contract or modification, or a cost estimate cannot be obtained as a practical matter with an explanation of why such a cost estimate cannot be obtained as a practical matter;

(2) the person has received the written statement described in paragraph (b);

(3) the person is satisfied that the contract or modification to be executed has been approved by a person legally authorized to do so pursuant to a written delegation of authority.

(b) A person who authorizes a contract, or a modification to a contract, for goods or services exceeding $100,000, shall state, in writing, that he or she has been delegated the authority, pursuant to a written delegation of authority, to authorize that contract or modification.

(c) The failure of any person executing a contract, or a modification of a contract, on behalf of the Corporation, or authorizing such a contract or modification of a contract, to comply with the requirements of this section shall not void, or be grounds to void or rescind, any otherwise properly executed contract.

RIEGLE AMENDMENT NO. 361

Mr. RIEGLE proposed an amendment to the bill (S. 714), supra, as follows:

On page 8, line 10, strike "the balance of the Fund meets" and insert ", after deducting losses anticipated during that fiscal year, the Fund is expected to meet".

RIEGLE AMENDMENT NO. 362

Mr. RIEGLE proposed an amendment to the bill (S. 714), supra, as follows:

On page 5, line 6, of amendment No. 355, after "Affairs," insert "Budget,".

RIEGLE FOR SHELBY AMENDMENT NO. 363

Mr. RIEGLE (for Mr. SHELBY, for himself and Mr. BRYAN) proposed an amendment to the bill (S. 714), supra, as follows:

At the appropriate place, insert the following new section:

SEC. . REPORT TO CONGRESS BY SPECIAL COUNSEL.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Special Counsel appointed under section 2537 of the Crime Control Act of 1990 (28 U.S.C. 509 note) shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the status of its efforts to monitor and improve the collection of fines and restitution in cases involving fraud and other criminal activity in and against the financial services industry.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) information on the amount of fines and restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry, the amount of such fines and restitution collected, and an explanation of any difference in those amounts;

(2) an explanation of the procedures for collecting and monitoring restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry and any suggested improvements to such procedures;

(3) an explanation of the availability under any provision of law of punitive measures if restitution and fines assessed in such cases are not paid;

(4) information concerning the efforts by the Department of Justice to comply with guidelines for fine and restitution collection and reporting procedures developed by the interagency group established by the Attorney General in accordance with section 2539 of the Crime Control Act of 1990;

(5) any recommendations for additional resources or legislation necessary to improve collection efforts; and

(6) information concerning the status of the National Fine Center of the Administrative Office of the United States Courts.

RIEGLE FOR BURNS AMENDMENT NO. 364

Mr. RIEGLE (for Mr. BURNS) proposed an amendment to the bill (S. 714), supra; as follows:

SEC. . REPORTING REQUIREMENTS.

The Resolution Trust Corporation shall provide semi-annual reports to the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. Such reports shall—

(a) detail procedure for expediting the registration and contracting for selecting auctioneers for asset sales with anticipated gross proceeds of $1,500,000 or less;

(b) list by name and geographic area the number of auction contractors which have been registered and qualified to perform services for the RTC; and

(c) list by name, address of home office, location of assets disposed, and gross proceeds realized the number of auction contractors which have been awarded contracts.

GRAMM AND OTHERS AMENDMENT NO. 365

Mr. GRAMM (for himself, Mr. MACK, and Mr. BROWN) proposed an amendment to the bill S. 714, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . DEFICIT REDUCTION.

(a) DEFINITION OF CATEGORY—Section 250(c) 4 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(4) The term category means:

(A) For fiscal years 1993, 1994, 1995, 1996, 1997 and 1998, any of the following subsets of discretionary appropriations: defense, international, or domestic. Discretionary appropriations in each of the three categories shall be those so designated in the joint statement of managers accompanying the conference on the Omnibus Budget Reconciliation Act of 1990. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate.

(b) BUDGET LEVELS BINDING—Section 601(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after subparagraph (E) the following new subparagraph:

"(F) For fiscal years 1994, 1995, 1996, 1997, and 1998 the applicable budget authority and outlay levels for the discretionary categories shall be the levels set forth in H. Con. Res. 64 as agreed to on April 1, 1993, in accordance with the definitions of categories set forth in Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1995.".

(c) APPLICATION OF PROCEDURES AND LIMITS.—Section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subsection:

"(d) APPLICATION OF PROCEDURES AND LIMITS REQUIRED IN THE 1990 ACT.—All procedures and limits applicable to the discretionary categories for fiscal years 1991, 1992, and 1993 provided in the Budget Enforcement Act of 1993 shall apply to the limits established by the section and sections 251, 253, and 254.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Thursday, May 20, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building on the National Indian Policy Center.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 25, 1993, beginning at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the Subcommittee. The bills are:

S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, SC, in order to permit a land exchange, and for other purposes;

S. 472, to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands;

S. 548, to provide for the appointment of the Director of the National Park Service, and for other purposes;

S. 742, to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes;

S. 752, to modify the boundary of Hot Springs National Park, and for other purposes; and

Senate Joint Resolution 78, designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, AL, as Arkasas Beach in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies of the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–7145.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 20, 1993, at 9:30 a.m., to hold a markup. The committee will consider the following legislative business: S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution; S. 779, to continue the authorization of appropriation for the East Court of the National Museum of Natural History, and for other purposes; S. 345, to authorize the Library of Congress to provide certain information products and services, and for other purposes; S. 685, to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997; an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1994; S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; and an original resolution to authorize the purchase of 104,000 1994 U.S. Capitol Historical Society wall calendars for the use of the Senate.

The committee will also consider certain legal issues raised by the petitions relating to the election in Oregon.

For further information regarding this meeting, please contract Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Coverage for Mental and Addictive Disorders in Health Care Reform: A Cost-Effective Approach, during the session of the Senate on Thursday, May 13, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 13, 1993 at 4 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., May 13, 1993, to receive testimony from George Frampton, Jr., nominee to be Assistant Secretary of the Interior for Fish and Wildlife and Parks, and Daniel Beard, nominee to be Commissioner of the Bureau of Reclamation, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 13, at 10 a.m., to conduct a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 13, 1993, at 10 a.m. on S. 674—Sensible Advertising and Family Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on S. 843, the uniformed services employment and reemployment rights bill. The hearing will be held in room 418 of the Russell Senate Office Building at 10:30 a.m. on Thursday, May 13, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet for a markup on Thursday, May 13, at 9:30 a.m. on S. 185, the Hatch Act Reform Amendments of 1993; and S. 587, the Mansfield Fellowship Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY ACQUISITION, AND INDUSTRIAL BASE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition, and Industrial Base of the Senate Armed Services Committee be authorized to meet on Thursday, May 13, 1993, at 2:30 p.m. In open session in SR-222, to receive testimony on the State of the National Defense Industrial and Technology Bases in review of the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee Agricultural Research, Conservation, and Forestry be allowed to meet during the session of the Senate on Thursday, May 13, 1993 at 9 a.m. to hold a hearing on the oversight and reauthorization of the Federal Grain Inspection Service [FGIS].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 13, 1993, at 9:30 a.m., in open session, to consider the nomination of Thomas P. Grumbly to be Assistant Secretary of Energy for Environmental Restoration and Waste Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 13, 1993, at 2 p.m. on S. 329, Campaign Advertising and Disclosure Act; S. 334, Clean Campaign Act and S. 829, Campaign Advertising and Accountability Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 13, at 2 p.m., to conduct a briefing on Chinese compliance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WAMBAW DISTRICT EARNS FOREST SERVICE'S TOP HONOR

• Mr. HOLLINGS. Mr. President, I rise with pride and gratitude to note that the Francis Marion National Forest's Wambaw District has been rated as the top ranger district in the U.S. Forest Service's southeastern region. The Wambaw District won this high honor in competition with more than 100 other ranger districts on 32 national forests in 13 States.

Mr. President, I know from my own personal involvement with the Francis Marion National Forest that prime credit for this achievement goes to Glen Stapleton, the Wambaw District's head ranger. Ranger Stapleton and his team have shown tremendous initiative and creativity in implementing the Forest Service's new ecosystem management philosophy.

Bear in mind that Francis Marion National Forest was devastated in 1989 by Hurricane Hugo, which downed more than a billion board feet of the forest's timber. In the wake of Hugo, fast-growing loblolly pines have reseeded themselves and made a strong comeback. But Wambaw rangers have concentrated their efforts on restoring vast stands of slower growing longleaf pines, which require planting and management. Longleaf woods serve as hosts to endangered species such as the cockaded woodpecker, and the Wambaw District's work in reviving the woodpecker population since Hugo has been one of the most intensive and successful programs ever mounted to restore an endangered species.

Mr. President, I salute Ranger Stapleton and his Wambaw District colleagues for their excellence and achievement. They have done a brilliant job in restoring Francis Marion National Forest to its pre-Hugo splendor. We owe them a debt of gratitude.•

IN COMMEMORATION OF NATIONAL SMALL BUSINESS WEEK

• Mr. MACK. Mr. President, as my colleagues may know this week is National Small Business Week. I believe it is extremely important that we pay tribute to America's small business owners, for small businesses are the catalyst for job creation. According to the Small Business Administration, from 1988 to 1990, small business accounted for 150 percent of all net new job growth in the United States. From January 1992 to September 1992 alone, small businesses accounted for 171,000 new jobs compared to a loss of 347,000 jobs in our large corporations and factories.

We hear a great deal of talk coming from the Clinton administration about job creation. With statistics like those I just mentioned, it would clearly make sense for the President to support policies which encourage the creation of small businesses, job growth and productivity. However, his actions tell a very different story.

Small business owners are alarmed by President Clinton's economic policies. Their message to me has been loud and strong: The tax and spend policies which the President has proposed will hurt small businesses. Small business owners are already drowning in a sea of redtape, regulation, bureaucracy, and paperwork. Higher taxes and more government have never created permanent jobs. Yet, it seems as though we hear proposals such as a value added tax and a Btu tax coming out of the administration every couple of weeks. Small business owners are opposed to these tax increases. They believe the President's proposed plan for change will only worsen many of the burdens they currently face.

Perhaps more than any other issue, small business owners are growing increasingly anxious over their ability to provide health insurance for their employees. While we don't have the details from the President's health care task force, the initial reports are indeed ominous. Small business owners say they simply cannot withstand the weight of a federally mandated health insurance package. In a recent poll conducted by the National Federation of Independent Business, 87 percent of small business owners opposed a federally mandated health insurance program. This approach can only lead to one result—higher prices, lower wages, layoffs, and, in some cases, bankruptcy. Clearly, this is the wrong approach to take with regard to health care reform.

Small business owners are also concerned about the lack of available credit, especially for minority small business owners. Banks aren't lending, and loan officers tell me that the SBA paperwork requirements for loans aren't worth the trouble. What's the Clinton solution to the credit crunch? He tied the recapitalization of the SBA's 7(a) loan guarantee program to a pork-laden spending bill—and then he turns around and blames Republicans who defeated this ill-conceived bill because the 7(a) account has run dry. But small business owners aren't buying into that story. They know that President Clinton could reprogram funds from other SBA accounts into the 7(a) account with the stroke of a pen. The President should stop playing politics with small business owners who desperately need the credit to start new businesses and create new jobs.

I am, however, hopeful that the new Administrator of the SBA, Erskine Bowles, will be the successful advocate for small business owners within the administration. This may mean Mr. Bowles taking a Cabinet member or agency administrator aside and saying, "this policy will only hurt small businesses across America. I cannot accept this, and we must find an alternative." This hands-on approach is what small business owners need and, quite frankly, it's what they expect out of the Administrator of the SBA. After listening to his testimony before the Small Business Committee, I am hopeful Erskine Bowles will be the advocate they are looking for.

Congress also has an obligation to enact legislation to support small business. We should pass Senator BUMPERS' proposal to reduce the capital gains tax on small business investment. The Regulatory Flexibility Act must be strengthened to relieve some of the regulatory burdens imposed upon small business. We should establish a secondary market for small business investment. Finally, Congress must stop the practice of exempting itself from the laws we pass on to small business owners. As a member of the Small Business Committee, I look forward to working with my colleagues to pass these and other meaningful initiatives which will help small businesses.

Mr. President, small business is truly the backbone of America's economy. More than 80 percent of all Americans work for a small business. It is therefore imperative that Congress and the administration work together to enact laws which will help, not inhibit, small business owners to expand and create meaningful new jobs.●

THE RIGHT TO A JOB

● Mr. SIMON. Mr. President, recently, the Chicago Defender ran an op ed piece written by Dr. Benjamin F. Chavis, Jr., who then was executive director of the United Church of Christ Commission for Racial Justice, but has since become head of the National Association for the Advancement of Colored People.

What he talks about is the need to have a jobs program in America.

I could not agree more.

There will be no genuine welfare reform until we have a job opportunity for everyone.

And it need not be that costly.

Some years ago I wrote a book called "Let's Put America Back To Work," which basically took the idea of the old WPA of the 1930's and applied it to the modern situation.

Senator DAVID BOREN and several of us, including Senator HARRIS WOFFORD and Senator HARRY REID, have introduced a demonstration program along that line.

The basic idea that providing jobs for people is a fundamental civil rights issue, I accept completely.

I ask to insert the Benjamin Chavis item in the RECORD at this point.

The article follows:

THE STRUGGLE FOR FULL EMPLOYMENT

(By Dr. Benjamin F. Chavis, Jr.)

The spring of 1993 has now become another critical time for a renewed national debate on the issue of full employment. The need for jobs in the African American and other communities comprising people of color has reached a crisis stage. This is certainly the situation in many of the nation's urban centers. Yet, in addition, we have found, from our own survey, that joblessness is also a growing problem in rural America.

Joblessness is a civil rights issue because so much of the ultimate impact of racial discrimination on the African American and other people of color leads to a displacement from the mainstream of American life, from employment and education to economics. The Civil Rights Movement, therefore, must exhibit the capacity to help determine the outcome of the debate now gaining attention on Capitol Hill concerning President Clinton's "Jobs Package."

Clinton presented an "Economic Stimulus Plan" which included a billion-dollar summer jobs program for the nation's youths who have been entrapped in a spiral of continuous unemployment for the last several years. (Editor's note: The Senate defeated the president's plan via a 56–43 vote last week in a losing bid to stop a filibuster that was holding up work on the plan.)

There are many who are arguing against a "stimulus" approach to solving the bad state of the U.S. economy. Those who take that position say priority should be placed on reducing the huge national deficit.

We believe, however, that the economy needs a significant stimulation from the infusion of new money for new programs. Further, we maintain that any national strategy that involves the infusion of new financial resources into the economy should include specific programs that are designed to confront the growing unemployment in the African American and other communities historically disenfranchised.

We join with the Congressional Black Caucus and other concerned organizations in efforts to pass a strong jobs bill. We must not let our children down. We must not let our communities continue to be wreaked with havoc as a result of joblessness.

Full employment must become a rallying slogan of the new Civil Rights Movement. Our collective efforts on this issue will not only help to create jobs, but also will help to save our communities.●

THE 85TH ANNIVERSARY OF THE U.S. NAVY NURSE CORPS

● Mr. DODD. Mr. President, I rise today to express my sincere appreciation to the thousands of women and men who have served honorably in the U.S. Navy Nurse Corps since its inception 85 years ago.

Founded on May 13, 1908, by an act of Congress, the Navy Nurse Corps can boast a long and proud record of contribution, achievement, and excellence. Since its first superintendent, Esther Voorhees Hasson, was appointed to head the original team of 20 pioneering women, who became known as the Sacred Twenty, the Navy Nurse Corps as developed into an invaluable source of unparalleled patient care at naval hospitals and clinics worldwide. Today, the corps has 3,000 active duty members and 2,500 reserves, who serve as ambassadors of good will in places as remote as Guam, Japan, and Alaska.

Providing critical support to our armed service men and women in every major conflict of the 20th century, the Navy Nurse Corps has braved the perils of two world wars in field hospitals set up throughout Great Britain, Ireland, and France. Of the four Navy nurses who were awarded the Navy Cross for extraordinary heroism during World War I, three received this honor posthumously. In World War II, nurses served in the Atlantic and the Pacific. Five nurses were captured by the Japanese on Guam and were interned for 6 months before repatriation. Eleven other Navy nurses were captured in the Philippines and spent 37 months as prisoners of war.

Navy nurses served with distinction in the Korean war, the Vietnam conflict, and, most recently, in Operation Desert Storm. Over time, Navy nurses have expanded their role in and contribution to the U.S. Navy. They now serve in a variety of capacities, as consultants, analysts, resource managers, and as commanding officers throughout the fleet.

I am proud to convey my gratitude to this outstanding organization—the Navy Nurse Corps—whose contribution to our military has helped to ensure its status as the most respected force in the world.●

L.W. HIGGINS HIGH SCHOOL, WINNERS OF THE LOUISIANA COMPETITION OF "WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION"

● Mr. JOHNSTON. Mr. President, I rise today to congratulate Jamie Fratello Staub's civics class from L.W. Higgins High School in Marrero, LA, winners of the Louisiana competition of the "We the People * * * the Citizen and the Constitution" Program. The team represented our State with honor in the national competition held in Washington, DC, on May 1–3, 1993.

Ms. Staub deserves a great deal of credit for preparing her students for this rigorous and challenging program. The competing members of the team were: Erick Arteaga, Stephanie Badeaux, Johtell Brown, Shawntell Crossgrow, Adam Delyea, Sheena Earl, Mitzy Lasseigne, Keanna Louper, Titus McGee, Michelle Miles, Michelle Moore, Anne Nguyen, Katherine

Nguyen, Serena Pham, Kelly Robichaux, Eddie Seaberry, Lakisha Seldon, LaQona Surratt, Kelly Talley, Jaime Taylor, Krystal Thibodeaux, Rachel Till, Hahn Tran, Kitty Tran, Michelle Truong, Angela Turcios, Marylynh Vu, Ann Wactor, Jarzel Williams, and Tanya Williams.

State coordinator, William Miller and district coordinator, John Alexander also are to be commended for their contributions in supporting the efforts of the team.

Mr. President, approximately 250 schools in Louisiana participated in the program this year. I would note that L.W. Higgins High School is a public school, a fact of which I am particularly pleased. The efforts of the teachers and students of L.W. Higgins are clear examples of the power, potential, and value of public education in this nation.

I also want to use this occasion to express my support for the continued growth and success of the "We the People * * * the Citizen and the Constitution" Program. It is essential that we support and provide incentives for quality educational programs and, especially, civic education.

To underscore my support, I have joined 39 of my colleagues in cosponsoring S. 881, the Civic Education Act of 1993. This legislation would reauthorize this valuable program.

Last year 4.1 million students participated in the program and 16.2 million students have taken part over the past 6 years. Statistics compiled by the Center for Civic Education also show that participants in the program are much more likely to vote, once they become eligible, than their peers. In addition, participants consistently score higher on civic education tests than college freshmen and sophomores.

As we, in Congress, consider legislation in the future concerning issues such as national educational goals, national assessment procedures and standards, and innovative learning techniques, we must look to this program as a guide and resource. It works.

Participating students learn lessons that will stay with them throughout their lives. Lessons including the paradox of an external, yet changing Constitution. Lessons which balance our history with the challenges of the future. Lessons which confirm that our Republic can thrive only when citizens remain engaged in the debate of politics and governing.

Most important, in my view, is the lesson that our system of government will only thrive if citizens remain informed and vigilant to secure democracy for future generations. Vigilance implies and requires discipline. And the discipline needed is not only related to civic education.

These students learn that hard work and effort are fundamental requirements for citizens to be vigilant and disciplined. They also learn that hard work in and of itself can be rejuvenating, joyful, and rewarding. Even if this were the only lesson learned, the investment we make in this program is well worth the effort to ensure its continued existence.•

DRUG WAR NEEDS A NEW DIRECTION

• Mr. SIMON. Mr. President, the Chicago Sun-Times recently ran a column by Cynthia Tucker suggesting that we have to reexamine how we are dealing with drug policy. We have assumed that just throwing people in prison for long terms is going to have a massive impact on drug use. After wasting billions of dollars and tens of thousands of lives, we are gradually learning—I hope—that this policy does not work.

I have written a column about a conference at Dana College in Nebraska on the question of crime and sentencing.

The column by Cynthia Tucker, as well as my column, deal with essentially the same subject, each from different perspectives.

I ask to insert the column by Cynthia Tucker from the Chicago Sun-Times in the RECORD at this point, as well as the column I wrote on the question of sentencing.

The material follows:

[From the Chicago Sun-Times, May 4, 1993]

DRUG WAR NEEDS A NEW DIRECTION

(By Cynthia Tucker)

There is an old cliche about the definition of insanity. You know the one: You're insane if you keep doing the same thing over and over again and expect to get different results.

I think of that because President Clinton has nominated Lee P. Brown to head the Office of National Drug Control Policy. Here's hoping Mr. Brown will bring a new era of sanity to the nation's crusade against illegal narcotics.

For the last decade or more, year in and year out, the country has fought its war on drugs the same way, never veering from a rigid course that emphasized force, punishment, capture, criminals.

For every federal dollar spent in the fight against drugs, 65 cents to 70 cents have gone to law enforcement and only 30 cents to 35 cents have gone to drug treatment and preventive education. And we have spent billions.

And what have we bought with our money? Largely through drug-related arrests, we have filled our prisons to overflowing. Experts say America now locks up a higher percentage of its citizens than any other country.

The cost to our economy in prison upkeep and lost workers is staggering.

And there are other costs, as well. The color-conscious drug war has brought its weight down most heavily on African-American men. In 1989, USA Today analyzed drug arrest figures and found that black men made up 38 percent of those arrested for drug violations. Yet, according to the National Institute on Drug Abuse, blacks make up only 12 percent of those who regularly use drugs.

Even drug laws are not colorblind.

Penalties doled out for the use of crack cocaine, more often used by blacks and Latinos, can be 100 times harsher than the penalties for powdered cocaine.

With so many African-American men behind bars, it is no wonder that the black family structure deteriorates. Who are the teenaged mothers to marry? The fathers are often in prison. Would it not be better to put a nonviolent drug offender in treatment so that he (or she) can continue to support a family?

The militaristic war on drugs also has helped to nurture the culture of violence that has made some urban neighborhoods unlivable and some cities (Miami comes to mind) resemble war zones. As Prohibition created a class of heavily armed criminals who terrorized the streets of the nation's biggest cities in the 1920s, so the anti-drug crusade has helped to create a group of well-armed thugs who brutalize even babies and old women.

In the long run, it may be harder to take the Uzis away from them than the cocaine.

Has the money spent in the drug war curbed drug use in this country? Surveys show that if there has been any decrease in drug use it has been slight. In fact, while cocaine may have decreased in popularity among our nation's youth, LSD has come back into vogue.

Some skeptics don't think Mr. Brown will do what must be done—redirect the bulk of federal anti-drug spending to rehabilitation and preventive education—because he has spent his career in law enforcement.

He has headed up police departments in New York, Houston, and Atlanta.

But Mr. Brown has not hesitated to part with the thinking of law enforcement traditionalists when their policies are clearly not working.

The war on drugs needs a cop with his common sense.

[From P.S./Washington, May 3, 1993]

BY ALL SCORES, OUR PRISON SYSTEM HAS FAILED

(By Senator Paul Simon)

At a recent gathering of prison officials, judges and policymakers from around the nation at Dana College in Nebraska, the discussion centered on these questions: Are we dealing with crime effectively? How can we do better?

Among those at the meeting were directors of state departments of corrections; several people who have spent time in prison; Professor Norval Morris of the University of Chicago—who is probably the nation's top expert in this field; Gov. Benjamin Nelson of Nebraska; Tom Wicker of the New York Times, who has written extensively in this field, and others.

You would probably not find agreement among them on some things, but this came through clearly: We are failing in our attempts to reduce crime—and we are failing at a huge economic and social cost.

In 1970, the U.S. had 134 people in prison for each 100,000 population. Now we have 455 for each 100,000—far more than any other nation that records such numbers. South Africa is second with 311 and Canada has 109.

On the theory it would reduce crime we started spending billions on building more prisons, and the violent crime rate has gone up. The evidence is strong that most of our prisons are schools of crime, rather than places to prepare people for life after prison.

It costs an average of $14,000 to $20,000 a year to take care of a prisoner, not counting the cost of prison construction.

There is no question that people who have been involved in crimes of violence, who represent a possible threat to society, should be locked up.

But in the federal system, for example, a majority of the prisoners have committed non-violent crimes like embezzlement, forging checks or minor drug offenses.

They should be punished, but I tend to think they should serve a short time in prison, to understand what that's like, and then be forced to spend the rest of their time doing some type of community service: Helping in a mental hospital, planting trees in a national forest, or other constructive work. They could be paid minimum wage, but most of what they earn should go to pay their room and board and in some cases to compensate their victims. It would save the nation billions, and the evidence suggests that it would be more effective in reducing crime.

And our prisons do painfully little to prepare people for life on the outside, as former Chief Justice Warren Burger has pointed out again and again. The Dana College conference found judges, prosecutors and everyone in agreement that mandatory sentences in the law sound tough, but sometimes lead to great injustices. Judges should have guidelines, but if they want to sentence someone for more than the guideline or less than the guideline, they should be able to do that. But if they go outside of the guidelines, they have to explain in writing why they do it, and that sentence must then be reviewed by a higher court or a sentencing commission.

If the billions we have spent to build more prisons and house more people were partially spent on creating jobs, better schools and constructive opportunities for the poor—and most people in prison are poor—my instinct is that we would do much more to reduce crime than we now do.

Building more prisons has been an expensive and ineffective way to halt crime. It has been a flop.

Other countries have found better answers, and we can too.•

FRENCH DOCUMENT SHOWS EXTENSIVE SPYING EFFORT AGAINST UNITED STATES FIRMS

• Mr. DECONCINI. Mr. President, last week there were a number of press stories concerning a French document which had been provided to several journalists and to the United States Government which purported to show a widespread effort by French intelligence services to collect information regarding a number of United States firms. Indeed, after being apprised of the existence of the document which show it to be one of the targets of the spying effort, Hughes Aircraft Co. decided that it would not take part this year in the Paris Air Show to be held in June.

The French Government did not deny the authenticity of the document, but it did dismiss it as a thing of the past and accused the CIA of having resurfaced it now in an effort to justify its existence.

Mr. President, the Select Committee on Intelligence obtained a copy of the document at issue. It is, in fact, undated, and one cannot ascertain precisely when it was written.

Be that as it may, I think the document clearly does indicate an extensive effort by the French to collect information on United States companies, particularly those in the Defense and Financial sectors. In all, 87 United States firms are identified targets for French intelligence-gathering. Specific programs undertaken by many of those firms are identified.

It is a rather graphic reminder, Mr. President, that in an era where global economic competition is intensifying, the efforts of even friendly and allied governments to collect information to improve their competitive positions vis-a-vis this country—or at the expense of this country—cannot be underestimated.

I think that the U.S. Intelligence community, when it becomes aware of information like this, does have an obligation to bring it to the attention of policymakers as well as to ensure that the information reaches the U.S. companies affected. I call upon the administration to take appropriate actions on the displomatic front to curtail these sorts of activities by the French Government as well as other countries who may be so inclined. We should not tolerate such activities by other governments, be they hostile or friendly. And I call upon U.S. firms to continue to maintain a vigilant posture in terms of protecting their own proprietary data. The cold war may be over, but the Nation cannot afford to lose its technological edge, either in terms of maintaining a strong national defense or maintaining a strong competitive position in the world marketplace.

Mr. President, I have ascertained that there is no national security objection to making public a translation of the French Intelligence Document at issue. I therefore ask unanimous consent that the full text of the document be printed in the RECORD at the conclusion of my remarks.

Memorandum for: Director/DR.

Subject: DEST Collection Plan.

Prepared by the Exploitation-Implementation Office of the Department of Economics, Science, and Technology (DEST), this document lists the intelligence requirements and related targets, based on guidance and studies for each section.

It consists of three general categories:

Technical-Industrial: (Computers/electronics/telecommunications, aeronautics/armament, nuclear, chemical, space, consumer goods, capital goods, raw materials, and major civilian contracts).

Finance.

Maritime Matters

This document is divided into two parts: general presentation of requirements; a list of intelligence requirements by geographic sector and country: specific targets in priority order, descending from 1 to 3. Under each country, requirements are grouped similarly.

[Translator's note: all abbreviations as given]

UNITED STATES

DEFENSE-SPACE

Target: Bell.

Priority: 1.

Requirements:

Aeronautics

Commercial activities with BELL civilian and military helicopters.

Industrial strategy regarding industrial alliances.

V-22 Osprey technology—commercial strategy in association with Westland (UK).

Industrial compensation plans related to equipment sales.

Company participation in LHX program.

Target: Boeing.

Priority: 1.

Requirements:

Civil Aeronautics

To follow:

Commercial activities related to sale of civilian aircraft.

Analysis of production capacities.

Current technical problems with BOEING aircraft.

Restructuring of the means of production.

757-X (and 767-X) programs.

Exploratory developments concerning orbital aircraft.

Composite, resin, and alloy technology, manufacturing costs, and production plans.

Dispute with AIRBUS (notably as regards GATT).

Priority: 1.

Requirements:

Electronics and Arms Systems

Follow:

Company activities in SDI program.

Integration of equipment into materiel intended for special forces.

Company activities regarding beginning work on major programs (C3I, aeronautic, naval).

Industrial compensation plans (notably Saudi PEACE SHIELD and PEACE SENTINEL programs).

Determination of priorities regarding association with European companies.

Company activities in the ground-to-air field.

Target: Ford Aerospace.

Priority: 1.

Requirements:

Telecommunications, weather, and NATO satellites (SUPERBIRD platform).

Target: General Dynamics.

Priority: 1.

Requirements:

Military Aeronautics

Follow activities relating to the Middle East, Asia, Africa, Europe.

Commercial activities regarding the F-16 AGILE FALCON program.

Company participation in the ATA program.

Target: General Dynamics Corp. (Space Systems Div.).

Priority: 3

Requirements:

Atlas/Centaur 1-2 AS launchers competing with Ariane

NASP module (CC-MMC materials).

Target: Hughes Aircraft Co. (Space and Communications Group).

Priority: 1.

Requirements:

Telecommunications, weather, probe satellites.

HS 601 platform.

Target: Itex Optical Systems.

Priority: 1.

Requirements:

Optical element for space (mirrors: composites and cryogenic cooling) CCD.

Target: Kearfott (formerly Singer).

Priority: 1.

Requirements:

Inertial equipment (accelerometers, VBA).

Stellar sensors (Trident II D 5 missile command).

Target: Lockheed.

Priority: 1.

Requirements:

ATF program development and technologies, notably: aerodynamic and infra-red stealth integration of passive sensors.

Priority: 2.

Requirements:

Follow:

Commercial activities regarding C130 and P3 aircraft.

Technical problems with C5 Galaxy aircraft.

Activities of company's Arab subdivision (Lockhar).

Development of LRAACA program (maritime patrol).

Target: Lockheed Missile and Space Co. Inc.

Priority: 1.

Requirements:

Shuttle titles, space station.

Milstar satellite.

SDI/BSTS, SSTS, ERIS.

Target: Los Alamos and Lawrence Livermore Lab.

Priority: 1.

Requirements:

Follow ongoing research and development for military projects.

Target: McDonnel Douglas

Priority: 1.

Requirements:

Civil Aeronautics

Follow:

Commercial activities regarding range of civilian aircraft (MD 80–90x–11)

Production capacity, costs and charges plan.

Seeking of industrial alliances with foreign manufacturers.

Priority: 1.

Requirements:

Military Aeronautics

Follow:

Activities relating to Middle East, Asia, Europe.

Related industrial compensation plans.

Technologies in fields of: stealth, maneuverability (F 15 STOL demonstrator).

Commercial activities relating to sales of military and civilian helicopters.

Target: McDonnel Douglas Astronautics Co.

Priority: 1.

Requirements:

SDI/GSTS, BMC 3

Delta 2 launcher/competition/Ariane.

ALV

NASP module (CC-CMC materials).

Space station (external framework) stage 2, Johnson Center.

Target: Martin Marietta Astronautics Group.

Priority: 1.

Requirements:

Target: Liquid-fuel boosters.

Titan 2, 3, and 4 launchers; competition Titan 3/Ariane 4.

Strategic missiles (Pershing 2 knowledge: i.e., cooperation/West Germany).

SDI: Zenith Star laser, space intercepter: SBI.

Satellites (Tethered satellite project).

Space probes.

Priority: 1.

Requirements:

Follow:

Technical problems of ADATS system (developed with OERLIKON SUISSE).

Target: Northrop.

Priority: 1.

Requirements:

Gyrolasers.

AIRS command systems for MX missiles, MIDGETMAN's MODAIRS.

Target: Perkin Elmer Corp.

Priority: 1.

Requirements:

Electro-optical on-board systems (CCD).

SDI: mirrors for lasers.

Target: Pratt and Whitney (engines).

Priority: 1.

Requirements:

Follow:

Commercial activities concerning civilian and military engines.

Company participation in foreign fighter aircraft programs.

Target: Rockwell International (Space Transportation Systems Div.) (Satellite and Space Electronics).

Priority: 1.

Requirements:

GPS Satellites: ROCKWELL COLLINS, Cedar Rapids, Iowa.

Propulsion/Rocketdyne Div. (Canoga Park, Cal.) SCRAMJET for NASP.

Future shuttle.

Space station/Rocketdyne Div. (energy production step 4—LEWIS center).

NASP module (metals, CC).

SDI/SBI.

Target: Sikorsky.

Priority: 1.

Requirements:

Helicopters

Follow: Commercial activities regarding civilian and military helicopters.

Industrial strategy (OPA—associations with other manufacturers—penetration of European market by WESTLAND).

Target: TRW (Space and Defense Sector).

Priority: 1.

Requirements:

Military telecommunications (detection: DSCS, DSP (phase II), Fltsatcom system) and surveillance satellites.

SDI/SSTS, ERIS, BM/C3.

Electronic listening systems (FERRET program code 711).

Target: Westinghouse (airborne, naval, and ground-based radar).

Priority: 1.

Requirements:

Follow:

New generation radar technology (military).

Commercial and industrial strategy activities (compensations—alliances).

Target: Aerojet General Corp.

Priority: 2.

Requirements:

Solid and liquid propellants (2nd stage MINUTEMAN SACRAMENTO).

Satellite sensors.

Powered commands ["pilotage en force"].

Target: Allied Signal Inc. (Guidance Systems Div.).

Priority: 2.

Requirements:

Inertial sensors, calculators.

Stellar sensors.

Altitude control (GPS).

Target: Allison (turbo engines).

Priority: 2.

Requirements:

To identify:

Marketing strategy.

Company participation in new LHX helicopters programs.

Target: Atlantic Research Corp.

Priority: 2.

Requirements:

Development of solid and liquid propellants.

Composite materials.

Target: General Dynamics.

Priority: 2.

Requirements:

Technical problems of F-16 aircraft.

Research and development of stealth material.

Marketing strategy regarding STINGER ground-to-air missile.

Bimodal sensor technology (IR/UV) on this system.

STINGER licensed construction accords.

Commercial activities regarding M 1 ABRAMS tank (sales, licensings, industrial compensation).

Submarine anechoic exterior technology.

Target: Gould (naval activities).

Priority: 2.

Requirements:

Follow:

Research and development work on sensors and ships.

Research on new generation light torpedoes.

Marketing of MK 48 torpedoes.

Ship modernization activities.

Target: GTE Communications Products Corp.

Priority: 2.

Requirements:

Microwave communications system.

Strategic recognition system, lasers in space.

Target: B.F. Goodrich (aeronautical equipment).

Priority: 2.

Requirements:

Follow:

Carbon brakes technology.

Negotiations with airline companies.

Target: Boeing.

Priority: 2.

Requirements:

Military Aeronautics

Follow:

V–22 OSPREY program (technology, marketing strategy).

Integration of electronic equipment in E6A aircraft (TACAMO).

Target: Fiberite Corp.

Priority: 2.

Requirements:

New materials.

Target: GE Astrospace Div.

Priority: 2.

Requirements:

Satellites, payloads, sensors, software, propulsion, guidance, command ["pilotage"], energy source.

Space station (automatic platform) step 3 Goddard center.

Target: Grumman Aerospace Corp.

Priority: 2.

Requirements:

Space station.

SDI/BSTS.

Target: Hercules Aerospace Co.

Priority: 2.

Requirements:

Engines.

Materials.

Target: Honeywell Inc. (Satellite Systems Div.).

Priority: 2.

Requirements:

Guidance, gyrolasers (CLEARWATER CFL).

Stellar sensors.

Target: LTV (Missiles and Electronics Group).

Priority: 2.

Requirements:

SCOUT launchers.

Non-ablative materials, Stealth materials.

SDI: directed-energy weapons.

Development of highspeed ground-to-air systems (anti-missile missiles).

Guidance technologies for these systems.

Target: MDC.

Priority: 2.

Requirements:

Follow:

NOTAR technology (rotor tail suppression).

Company participation in LHX program.

Development of C-17 transport aircraft program.

Company participation in ATF (Advanced Tactical Fighter) program.

Commercial activities concerning F-15/F-18/AV-8 aircraft.

Priority: 2.

Requirements:

Electronics

Follow:

Commercial activities and industrial strategy of the Detection and Communications Division (SDC).

Guidance technology for air-to-ground and ground-to-air weapons.

Target: Martin Marietta (weapons systems).

Priority: 2.

Requirements:

Follow:

Development and marketing of vertical launch ground-to-air weapons systems.

Research and development in the field of ground-to-air weapons.

Research and development in the field of electro-optical sensors.

Target: Northrop.

Priority: 2.

Requirements:

Military Aeronautics

Follow:

Commercial activities.

Relations with foreign countries with a view to providing F-20 program technology.

Technologies used in B-2 program.

Target: Systron Donner (Inertial Div.)

Priority: 2.

Requirements:

Inertial systems (sensors, accelerometers).

Target: Texas Instruments (radar).

Priority: 2.

Requirements:

Follow:

Airborne radar industrial objectives and cooperative programs with Europe and Japan.

Target: Textron Corp. (Textron Defense Systems) (Textron Aerostructures).

Priority: 2.

Requirements:

Re-entry vehicles.

Target: United Technologies. (Chemical Systems Div.).

Priority: 2.

Requirements:

Solid propellants (ORBUS family) (Hamilton Standard).

Inertial systems.

Space Station (Pratt and Whitney).

Development of SCRAMJET for NASP.

Target: Allied Signal.

Priority: 3.

Requirements:

Follow:

Research and development in the field of military avionics (Bendix).

Research and development in the field of cruise missile propulsion.

Research in the field of high-altitude turbo-propulsion (GARRETT).

General commercial activities, industrial strategy (OPA, alliances), participation in major programs.

Target: American Rocket Company (AMROC).

Priority: 3.

Requirements:

Launcher development.

Target: Ball Corp.

Priority: 3.

Requirements:

Satellites (main contractor).

Instrumentation (spectrographs).

Target: Bell.

Priority: 3.

Requirements:

Follow activities regarding helicopters in Africa.

Target: Boeing Aerospace Co.

Priority: 3.

Requirements:

Space station (contracts for modules) step 1 Marshall Center.

IUS

OTV.

Target: Cadillac Gage (combat tanks).

Priority: 3.

Requirements:

Follow commercial activities followed by licensing (local production).

Target: DGA International.

Priority: 3.

Requirements:

Follow:

Intermediary activities for European firms in order to penetrate American market.

Target: EOSAT.

Priority: 3.

Requirements:

LANDSAT.

Target: Fairchild Space Co.

Priority: 3.

Requirements:

TOPEX satellites.

Communications networks.

Target: General Dynamics.

Priority: 3.

Requirements:

Follow commercial activity (F-16 in Cameroon).

Target: GM Hughes Electronics Delco Electronics Corp.

Priority: 3.

Requirements:

Inertial systems, calculators.

Target: Grumman.

Priority: 3.

Requirements:

Military Aeronautics

Follow activities concerning Middle East, Asia.

Commercial activities concerning HAWKEYE E-2C detection aircraft.

Target: Harris Corp. (Satellite Communications Division).

Priority: 3.

Requirements:

Communications satellites.

Target: Honeywell (sensors).

Priority: 3.

Requirements:

Follow:

Research and development concerning electro-optical sensors on aircraft, ships, and ground-to-air weapons systems.

Research and development work on MK-50 light torpedoes.

Guidance unit technology.

Target: Hughes (weapons systems).

Priority: 3.

Requirements:

Follow:

Technology for fiber optic-guided ground-to-air anti-tank weapons.

Technologies used in land and naval radar, systems marketing.

Air-to-air PHOENIX 54 C missile technology.

Technologies used in the field of electro-optical sensors.

Guidance technology for air-to-ground, air-to-air, and ground-to-air weapons.

Technologies for APG 65/71 airborne radar.

Target: ITT/Gilfillan (radar).

Priority: 3.

Requirements:

Follow:

Technologies used in new military radar.

Systems commercialization.

Commercialization and industrial strategy in the field of very short-range ground-to-air systems.

Radar: research, development, and marketing activities for land and naval radar.

Technologies and operational criteria for retrodiffusion systems (OTH B radar).

Naval activities: technologies used in the new range of active and passive sonars.

Commercial activities regarding gas turbine sales (LM 2500).

Target: Litton Loral Sanders Tracor Sperry (electronic equipment).

Priority: 3.

Requirements:

Follow technologies for electronic warfare systems on aircraft and ships.

Target: Morton Thiokol Inc.

Priority: 3.

Requirements:

Liquid propulsion.

Target: NASA.

Priority: 3.

Requirements:

Marshall, Johnson, Goddard, and Lewis (materials) centers.

Target: NOAA.

Priority: 3.

Requirements:

Weather satellites.

Target: Norden.

Priority: 3.

Requirements:

Electronics

Follow guidance technology for ground-to-ground weapons.

Target: Northrop.

Priority: 3.

Requirements:

Electronics

Identify:

Weapons guidance electro-optical detection sensor technology.

Airborne electronic warfare equipment technology.

Target: Pacific North American Launch Systems Inc.

Priority: 3.

Requirements:

LIGHTSAT programs.

Target: Rockwell.

Priority: 3.

Requirements:

Aeronautics

Identify technical problems in B1B aircraft.

Target: Sikorsky.

Priority: 3.

Requirements:

Follows:

Electromagnetic compatibility problems between (Black Hawk) S-70 modules and equipment.

Target: Space Commerce Corp.

Priority: 3.

Requirements:

Commercial agent for the Soviet PROTON launcher.

Target: Watervliet (arsenal).

Priority: 3.

Requirements:

Follow:

Chrome-plating technology for tank cannons.

Electro-thermal and electro-magnetic cannon technology.

Developments in the field of liquid propulsion for munitions.

Research and development on reactive armor for tanks.

Target: Westinghouse.

Priority: 3.

Requirements:

Follow:

Magnetic anomaly detection (MAD) systems technology.

Company participation in fight aircraft modernization markets.

NUCLEAR

Target: Babcock and Wilcox (Nuclear Power Division).

Priority: 1.

Requirements:

Identify their strategy regarding nuclear products and services.

Target: Motorola.

Priority: 1.

Requirements:

Strategy for penetrating the European cellular radiotelephone market.

Military application of numeric signal treatment, research on numeric modulations (cost, efficiency, etc.), as well as on problems and solutions relating to encoding information and data.

Development of secure radiotelephone equipment intended for high-level authorities, i.e., governmental.

Target: Corning Glass Works.

Priority: 2.

Requirements:

Draft industrial accords in the USSR to build or renovate television tube production plants.

Target: High Definition Television (see Zenith).

Priority: 1.

Requirements:

Enterprises involved in the program, names of officials.

All information on defining standards, the positions of American negotiators in international arenas, particularly vis-á-vis European and Japanese standards.

What technologies are being applied: flat screens, memories. . . .

Actions undertaken by Japanese manufacturers to impose their standards on cinema and audiovisual professionals (producers, film-makers, technicians).

FINANCE

Targets: Lazard Brothers, Goldman Sachs, First Boston, Wasserstein Perella and Co., Salomon Brothers, Morgan Guaranty, Drexel Burnham Lambert, Prudential Bache, Shearson Lehman, Bankers Trust, Morgan Stanley, Irving Trust, Kidder and Peabody, Chase Manhattan Bank, Merrill Lynch, First National Bank, City Bank, Chemical Bank, KKR, Park Tower, Republic National Bank, International Capital Access Group, founded by M. Milken in Los Angeles, Proxy fighters such as the Carter Organization, DG King and Co., and Princial consultants offices, such as MacKinsay.

Priority: 1

Requirements:

Development strategy; participation, fusions, acquisitions, joint ventures, establishment in Europe.

Lawyers, consultants, financial companies used for any operation.

Proposals and projects regarding debt.

All types of accords with Japanese financial firms or banks.

Target: USTR, Economic and Finance Department, Agriculture Department, Commerce Department, and Central Bank.

Priority: 2

Requirements:

Follow issues causing problems with the EEC: agriculture, subsidies, national and reciprocal treatment, within the framework of the Uruguay Round.

Proposals and projects regarding debt.

Ministries' studies regarding the main issues of the Uruguay Round: agriculture, services, intellectual property. . . .

Mrs. Carla Hills.

Basic analysis and positions of the U.S. Treasury [Department] on international monetary problems.

U.S. positions on relations between the EEC and the Eastern countries.

U.S. representatives' instructions at major international meetings (G7, G10, Summits); they are useful; even after the meetings.

Follow bilateral commercial negotiations between the United States and the newly industrialized countries.

Target: International organizations: World Bank, International Monetary Fund.

Priority: 2

Requirements:

Follow their general policy.

Proposals and projects regarding debt issues.

Target: SEC.

Priority: 1

Requirements:

Reforms.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Senators COHEN, COCHRAN, GLENN, MCCAIN, and ROTH and James Bodner, a member of the staff of Senator COHEN, to participate in the 29th Wehrkunde conference, sponsored by the Wehrkunde Conference and the U.S. Government, from February 5–7, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senators COHEN, COCHRAN, GLENN, MCCAIN, and ROTH and Mr. Bodner in this program.

The select committee received notification under rule 35 for Christine Ciccone, a member of the staff of Senator STEVENS, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinator Empresarial, from February 9–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Ciccone in this program.

The select committee received notification under rule 35 for John Zirschky, a member of the staff of Senator JEFFORDS, to participate in a program in Taiwan, sponsored by Soochow University, from December 14–21, 1992.

The committee that no Federal statute or Senate rule would prohibit participation by Mr. Zirchsky in this program.

The select committee received notification under rule 35 for Mike Harvey, a member of the staff of Senator JOHNSTON, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial, from February 9–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Harvey in this program.

The select committee received notification under rule 35 for Margarte Goud-Collins, a member of the staff of Senator BAUCUS, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial, from February 9–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Goud-Collins in this program.

The select committee received notification under rule 35 for Steven Shimberg, a member of the staff of Senator CHAFEE, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from February 9–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Shimberg in this program.

The select committee received notification under rule 35 for Mike Tongour, a member of the staff of Senator SIMPSON, to participate in a program in Israel, sponsored by Project Interchange, from January 9–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Tongour in this program.

The select committee received notification under rule 35 for James Bodner, a member of the staff of Senator COHEN, to participate in a program in Belgium, sponsored by the United States Liaison Office of the NATO Office of Information and Press, from January 13–16, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bodner in this program.

The select committee received notification under rule 35 for William Reinsch, a member of the staff of Senator ROCKEFELLER, to participate in a program in Brussels, Strasbourg, and London, sponsored by the European Community's Visitors Program

[ECVP], from January 30–February 13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Reinsch in this program.

The select committee received notification under rule 35 for Mr. Brad Figel a member of the staff of Senator PACKWOOD, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from February 9–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Figel in this program.

The select committee received notification under rule 35 for Amy Dunathan, a member of the staff of Senator CHAFEE, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from February 9–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Dunathan in this program.

The select committee received notification under rule 35 for Edward Long, a member of the staff of Senator HARKIN, to participate in a program in Chile, sponsored by the Chilean American Chamber of Commerce, from January 9–13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Long in this program.

The select committee received notification under rule 35 for Stuart Feldman, a member of the staff of Senator HATCH, to participate in a program in Israel, sponsored by the Project Interchange, from January 10–17, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Feldman in this program.

The select committee received notification under rule 35 for Brian Ahlberg, a member of the staff of Senator WELLSTONE, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinator Empresarial [CCE] from January 12–15, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ahlberg in this program.

The select committee received notification under rule 35 for Melissa Patack, a member of the staff of Senator GRASSLEY, to participate in a program in Germany, sponsored by the Konrad Adenauer Foundation, from January 9–13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Patack in this program.

The select committee received notification under rule 35 for Kennie Gill, a member of the staff of Senator FORD, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinator Empresarial [CCE] from January 12–15, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Gill in this program.

The select committee received notification under rule 35 for Todd Bernstein, a member of the staff of Senator WOFFORD, to participate in a program in Germany, sponsored by the Konrad Adenauer Foundation, from February 7–14, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bernstein in this program.

The select committee received notification under rule 35 for Sandra Chiu, a member of the staff of Senator MOSELEY-BRAUN, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, from April 3–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Chiu in this program.

The select committee received notification under rule 35 for W. Kirk Johnson, a member of the staff of Senator KASSEBAUM, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, from April 3–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Johnson in this program.

The select committee received notification under rule 35 for Eric Liu, a member of the staff of Senator BOREN, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from April 5–16, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Liu in this program.

The select committee received notification under rule 35 for Patricia J. Beneke, a member of the staff of Senator JOHNSTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from April 3–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Beneke in this program.

The select committee received notification under rule 35 for Rose Johnson, a member of the staff of Senator NUNN, to participate in a program in China, sponsored by Tamkang University, from April 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Rose Johnson in this program.

The select committee received notification under rule 35 for David Hill, a member of the staff of Senator PRESSLER, to participate in a program in Hong Kong, sponsored by the Hong Kong Chamber of Commerce, from April 5–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hill in this program.

The select committee received notification under rule 35 for Patricia Davies, a member of the staff of Senator DOMENICI, to participate in a program in China, sponsored by Tamkang University, from April 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Davies in this program.

The select committee received notification under rule 35 for Peter D. Caldwell, a member of the staff of Senator JEFFORDS, to participate in a program in Hong Kong, sponsored by the General Chamber of Commerce, from April 5–12.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Caldwell in this program.

The select committee received notification under rule 35 for Brian Cavey, a member of the staff of Senator BAUCUS, to participate in a program in China, sponsored by the United States-China Friendship Program, from April 3–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cavey in this program.

The select committee received notification under rule 35 for Paul Taylor, a member of the staff of Senator CAMPBELL, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 5–12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Taylor in this program.

The select committee received notification under rule 35 for Erik Autor, a member of the staff of Senator PACKWOOD, to participate in a program in Taiwan, sponsored by the Chung Yuan Christian University, from April 10–17, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Autor in this program.

The select committee received notification under rule 35 for Brian Riendeau, a member of the staff of Senator MCCONNELL, to participate in a program in Korea, sponsored by the Korea Economic Institute of America, from April 10–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Riendeau in this program.

The select committee received notification under rule 35 for Judy Siegel, a member of the staff of Senator BREAUX, to participate in a program in Taiwan, sponsored by Tamkang University, from April 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Siegel in this program.

The select committee received notification under rule 35 for Sam Spina, a member of the staff of Senator GORTON, to participate in a program in South Korea, sponsored by the Korea Institute for International Economic Policy, from April 10–18, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Spina in this program.

The select committee received notification under rule 35 for Kent Knutson, a member of the staff of Senator PRESSLER, to participate in a program in Taiwan, sponsored by the Chung Yuan Christian University, from April 10–17, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Knutson in this program.•

THE LIBYAN POSITION

• Mr. D'AMATO. Mr. President, I wish to submit to the RECORD a copy of a letter that I received from a delegation of the Secretariat of the Basic People's Congress of Libya. It is an interesting letter that outlines the basic Libyan position regarding a letter that my colleagues and I sent to President Clinton asking him to seek an oil embargo against Libya for its total lack of cooperation in the investigation into the bombing of Pan Am Flight 103.

The tone of the letter suggests that Libya still refuses to cooperate, and moreover, explains that the plane crashed over Lockerbie, with no mention that it was in fact blown up by terrorists.

This letter is just another form of Libyan treachery and hypocrisy. I am including it in the RECORD so that Mu'ammar Qadhafi's continued defiance of the world is plain to see for all.

I ask that the text of the letter be printed following the conclusion of my remarks.

The letter follows:

[Translation]

APRIL 3, 1993.

Hon. ALFONSE M. D'AMATO,
U.S. Senate, 520 Hart Senate Office Building, Washington, DC.

DEAR SENATOR D'AMATO: We saw the letter that you and several of your colleagues in Congress sent President Clinton on 24 February 1993 urging him to intensify the embargo imposed on the Great Socialist People's Libyan Arab Jamahiriya.

We were astonished by your position and that of your colleagues in Congress regarding this request, and your insistence upon it, especially since the Great Socialist People's Libyan Arab Jamahiriya has taken numerous steps in response to Security Council Resolution 731, and what remains, before completing the response to the Security Council resolution, is the issue concerning the trial of the two suspects in the incident of the American airplane which crashed over Lockerbie in 1988.

Even though Libyan law prohibits the extradition of Libyan nationals for trial outside of Libyan territory, the Great Jamahiriya has suggested that the suspects be tried by a fair and unbiased court in a neutral state, upon which all parties could agree, in order to find the truth, which we believe to have been the main purpose of Security Council resolution 731.

The Secretary of the General People's Committee for the People's Bureau of Foreign Liaison and International Cooperation has transmitted to the Secretary-General of the United Nations all measures taken by the Great Socialist People's Libyan Arab Jamahiriya as well as its suggestions aimed at solving this dispute.

The unjust sanctions imposed against Libya have resulted in great losses to its people in various health, agricultural and developmental fields, and has led to tragic accidents, the latest of which was the destruction of a Libyan civilian airplane that killed 157 passengers. There has also been an increase in road accidents due to the dependency on land transportation. Among the victims of such accidents was the Secretary of the General People's Committee for Justice and Public Security in Libya.

These unjust sanctions imposed on the whole Arab Libyan population are not consistent with the principles of human rights, nor do they correspond to the noble human principles and ideals that the Founding Fathers of the United States of America called for.

The United States of America, as a great power, bears international responsibilities regarding peace and security in the world, and Libya still hopes that the American legislature will try to find a solution which will serve the interests of both our countries and spare the region any further tension.

Please accept our deepest respect.

Secretariat of the Basic People's Congress, Bab Akara.

Secretariat of the Basic People's Congress, Al Munshiya.

Secretariat of the Basic People's Congress, The Airport.

Secretariat of the Basic People's Congress, Airport Region.

Secretariat of the Basic People's Congress, Arramlah.

Secretariat of the Basic People's Congress, Alawaneau.

Secretariat of the Basic People's Congress, Abou Aljawaba.

Secretariat of the Basic People's Congress, Abdul Jalil Martyrs.

Secretariat of the Basic People's Congress, Al Salmani Martyrs.

Secretariat of the Basic People's Congress, Al Salawi.

Secretariat of the Basic People's Congress, Almansoura.

Secretariat of the Basic People's Congress, Ibrahim Bakkar.

Secretariat of the Basic People's Congress, Al Qods.

Secretariat of the Basic People's Congress, Ali Bin Abi Taleb.

Secretariat of the Basic People's Congress, Bunaina.

Secretariat of the Basic People's Congress, Alhira.

Secretariat of the Basic People's Congress, Alsabri Alsharqi.

Secretariat of the Basic People's Congress, Alsabri Algharbi.•

COMMENDING TAIWAN ON PROTECTION OF INTELLECTUAL PROPERTY

• Mr. WALLOP. Mr. President, I rise today to recognize the achievement of Taiwan's legislative Yuan in passing the Republic of China-United States Copyright Agreement and revisions to the copyright law. Anyone who understands the importance of intellectual property—patents, trademarks, and copyrights—and that is probably all of this Chamber, recognizes the need to establish consistent international rules regarding their protection. Abuse of intellectual property rights is said to cost American manufacturers some $12 billion per year in lost revenue.

Anyone who has followed the evolution of trade negotiations on intellectual property protection also knows that Taiwan has been cited repeatedly as a priority watch country under the special 301 provision of the 1988 Trade Act. But just as we should be vocal in the need to protect intellectual property, we must be just as conscientious in recognizing the successes of those countries who have lived up to their commitments. In fact, Taiwan's executive was so committed to passing the Copyright Agreement, that no less than three Cabinet ministers pledged to resign if Washington were to proceed with trade sanctions even after the legislature ratified the copyright protection bill.

This is a big achievement on the part of Taiwan and I hope the administration will be evenhanded in recognizing progress as well as problems. I have never been a proponent of special 301 because it, like super 301, puts the executive branch in an automatic pilot mode from which it cannot retreat. Our trade relationships with other countries are but one part of the overall picture, which includes broader security and democratization issues. I oppose Government putting itself into a position where it cannot weigh objectives and reactions without the flexibility it needs to fulfill these broader initiatives. In closing, Mr. President, let me again commend Taiwan for its commitment to the protection of intellectual property rights, and more broadly, the bold steps it has taken over the last decade to provide a prosperous and secure life for its citizens.•

HONORING THE CAREER OF DR. DAVID G. ASHBAUGH

• Mr. GORTON. Mr. President, I would like to take this opportunity today to honor a distinguished surgeon and educator who will shortly retire following a long and exemplary career.

Dr. David G. Ashbaugh, a native of Ohio and a graduate of the Ohio State University College of Medicine, completed his residency in surgery and thoracic surgery at the University of Colorado. He then joined the faculty of that renowned institution where, with Dr. Tom Petty, he described for the first time the clinical condition that has come to be known as the adult respiratory distress syndrome. This process, which confronted those who cared for combat casualties in Viet Nam, also faces clinicians in civilian practice. Although important new insights into the cause of this syndrome have been gained, it is still responsible for the deaths of more than 150,000 people in the United States each year. What is most remarkable, however, is that Dr. Ashbaugh's original observations about the nature of the syndrome are as pertinent today as they were a quarter century ago when he first described it.

Dr. Ashbaugh next entered private practice in Boise, ID, where he was an esteemed member of the medical community for more than 15 years. His leadership in areas of quality improvement, dealing with the problem of the impaired physician, and upgrading the practice of vascular and thoracic surgery are only a few of his accomplishments while in Boise.

In 1988, Dr. Ashbaugh joined the faculty of the School of Medicine at the University of Washington as professor of surgery and chief of thoracic surgery at Harborview Medical Center. He brought to those institutions his vast experience and keen insight, based on both his own observations and the critical examination of the literature. A revered teacher, skilled surgeon, and thoughtful writer, Dr. Ashbaugh further raised the level of surgical scholarship. He was deservedly honored by his peers by his election to the presidency of the Western Surgical Association and by his appointment as acting chairman of the department of surgery at the University of Washington from 1990 to 1992.

Mr. President, Dr. Ashbaugh will shortly retire from the faculty of the University of Washington and return to his beloved Lopez Island with his wife Shari. He will leave behind a legacy of high ethical standards, an exemplary role model for a whole generation of medical students, surgical residents, and other professionals whom he has inspired. He also leaves an enormous number of patients whose lives he has touched and improved. I am proud to honor this adopted son of Washington State, and wish him well in his retirement.●

MEASURE PLACED ON THE CALENDAR—H.R. 1308

Mr. MITCHELL. Madam President, I ask unanimous consent that H.R. 1308, the Religious Freedom Restoration Act of 1993, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 851

Mr. MITCHELL. Madam President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 851, a bill to establish the Carl Garner Federal Lands Cleanup Day, and that the measure then be referred to the appropriate committee of jurisdiction, Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 14, AND TUESDAY, MAY 18

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Friday, May 14; that on Friday, May 14, the Senate meet in pro forma session only; that upon the close of the pro forma session the Senate then stand in recess until 9:30 a.m. on Tuesday, May 18; that on Tuesday, May 18, following the prayer, the Journal of proceedings be deemed approved to date, with the time for the two leaders reserved for their use later in the day; there then be a period for morning business not to extend beyond 10:45 a.m., with Senators permitted to speak therein for up to 5 minutes each; with Senator GRAMM, of Texas, recognized for up to 10 minutes; with the time from 9:45 a.m. to 10:45 a.m., under the control of Senator BYRD; that on Tuesday, the Senate stand in recess from 12:30 to 2:15 p.m., in order to accommodate the respective party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:11 p.m., recessed until Friday, May 14, 1993, at 10 a.m.

EXTENSIONS OF REMARKS

LAWRENCE WALSH INVESTIGATION

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. McCOLLUM. Mr. Speaker, the concept of an independent office charged with the investigation and prosecution of possible criminal activity by the most senior officials in the Government is one that I still support. But I am concerned, as we should all be, by the possibility of abuses of prosecutorial powers and even misconduct when almost limitless powers are claimed by an independent counsel gone amok. A constant stream of revelations about improprieties in the Lawrence Walsh investigation into the so-called Iran-Contra affair provide tangible evidence that Congress needs to look for ways to build safeguards into any new legislation.

A recent article by Michael Ledeen in the March edition of "The American Spectator" contains new revelations about Walsh's cavalier and indeed reckless handling of the investigation. If these revelations can be verified, it is fair to say that any other Federal prosecutor would have been removed from the case and even fired from office had he or she been guilty of similar misconduct.

Ledeen reports that several employees Walsh hired to handle the highly sensitive, compartmented intelligence information that Walsh received during the investigation had arrest records that normally preclude the granting of a security clearance. Some even had arrest records for narcotics violations. One must wonder about the lack of common sense in Walsh's personnel decisions since common sense would argue against hiring applicants with arrest records for narcotics violations to handle highly sensitive intelligence information or to be involved in a highly sensitive investigation of public officials.

The concept behind the Independent Counsel Act is that we choose someone of the highest integrity to carry out these important but highly sensitive tasks of investigating senior officials. It should be axiomatic that everyone subsequently employed to assist in these tasks would be persons of equally high integrity and unquestioned conduct. I was taken aback when I read in Ledeen's article that several of Walsh's staff members cannot obtain full normal security clearances and thus are allowed only restricted access to the documents involved in this matter and that others were removed from office because of their inability to meet security clearance requirements for even restricted access.

It is Walsh's professional judgment that must be questioned when he insists on hiring employees when his client—U.S. Government—does not trust the employees to handle the sensitive documents associated with the case.

Most shocking is Ledeen's revelation that Walsh took highly classified documents with him last July when he traveled to California to interview President Reagan, and promptly lost them. As he left California, Walsh took the classified documents and had them checked in at the curbside check-in at Los Angeles International Airport. A container with these documents is now missing. This was a significant and costly violation of the normal security requirements for safeguarding codeword intelligence information. The minority leader has asked the executive branch for information about the direct and indirect costs of this outrageous security violation.

But one must ask again, where is the common sense? Anyone with normal common sense and good judgment would know that you do not take highly classified documents, put them in a box, and then abandon the box at a curbside check-in counter. Something went haywire in Walsh's professional judgment, and he seemed not to understand the basic principles for protecting confidential documents.

This is a question of professional competence. If Walsh were still engaged in private law practice and acted with equal carelessness with equally secret information provided to him by a private client, I think it fair to say that Walsh would now be the defendant in a multimillion dollar negligence lawsuit by the client and that the client would win. I think you could also say that the client would also have substantial grounds to file a complaint with the Bar Association seeking Walsh's removal from the further practice of law. One of a lawyer's most sacred obligations is to safeguard the secrets of his client.

Another revelation in the Ledeen article raises further questions about whether Walsh meets the integrity standards for service as an independent counsel. Ledeen reports that Walsh has had a rather consistent record of compliance problems with regard to State income tax laws. For 6 years Walsh lived and worked in the District of Columbia full time but refused to file a D.C. income tax return or to pay taxes on his income. Walsh has tried to pretend that he did not know that he had to pay taxes to the District of Columbia. It does not take a law degree to know that when you live and work in the District of Columbia for 6 years, you have to pay income taxes. The question is whether Walsh knew or had reason to know that there was an income tax obligation to the District of Columbia. I find it hard to believe that a former president of the American Bar Association, former Federal judge, and former Deputy Attorney General never had had some inkling that he owed D.C. income taxes. At the very least, did he not have an obligation to inquire with the D.C. government concerning his tax liabilities? I think he did.

Ledeen now informs us that this pattern of trying to stiff State tax authorities and refusing to meet his legal obligation to pay his income taxes has a history. Walsh ended up in court when he refused to pay taxes to New York State for income he earned as a partner at Davis Polk & Wardwell, a New York law firm.

Walsh's record of prosecutions in the Iran-Contra matter is not much to brag about, but one of his more successful tactics has been to prosecute his suspects for income tax evasion. It is unseemly for the prosecutor in an income tax evasion trial to be himself in violation of income tax laws.

I do not think it too much to expect that an independent counsel or special prosecutor meet the minimum standards that the Justice Department sets for its most junior prosecutors.

As Ledeen points out, Walsh has two sets of standards—one an unprecedented and rigorous standard by which he judges the conduct of others, the other a broadminded standard he applies to himself and his office staff.

As we move forward to consider the reauthorization of the Independent Counsel Act, I think we need to consider clear guidance to strengthen the integrity standards that independent counsels must meet both for their initial appointment and for their retention. The Walsh situation has shown us that it is possible for a rogue prosecutor to get himself appointed and to remain in office long after it has become obvious that he does not meet the minimum standards of ethical and professional conduct. There ought to be a mechanism for the Attorney General to remove independent counsels from office for professional incompetence or for personal failure to meet the highest standards of integrity.

INTRODUCTION OF LEGISLATION TO ALLOW MEDICAL SUPPLIES TO BE EXPORTED TO CUBA

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. NADLER. Mr. Speaker, today I am introducing legislation which would allow medicines, medical supplies, instruments or equipment to be exported to Cuba. I am introducing this legislation because the current United States trade embargo in place against Cuba has, since 1964, prohibited even the sale of these most basic humanitarian supplies to Cuba.

I understand that some of my colleagues may be concerned that this legislation could undermine efforts to work for improved human rights in Cuba. I disagree. Whatever disagreements our Government may have with the policies of the Cuban Government, it cannot justify denying access to life saving medicines by private Cuban citizens. This prohibition undercuts the moral authority of the humanitarian

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

message many Americans wish to communicate to the Cuban people and their Government.

The U.S. embargo on medicines, medical equipment, and medical supplies is virtually unprecedented:

It was not part of our sanctions against the racist regime of South Africa;

It was not part of our sanctions against the Pinochet dictatorship in Chile, even when they committed an act of state terrorism on the streets of our Nation. Nor was this sanction imposed against the Government of El Salvador after it refused to act against the murderers of Archbishop Romero and a group of American nuns;

It was not even part of our sanctions after the former Soviet Union invaded Afghanistan.

Why has the United States departed from this traditional humanitarian exception in the case of Cuba? This Nation does not normally punish a people in this way because we dislike the policies of their government. It makes no sense and it violates the values we have always espoused.

Mr. Speaker, I am pleased to reintroduce this legislation today. It was previously introduced by my predecessor, the late Ted Weiss, and the late Congressman Mickey Leland. It would merely make an exception for the export of medical supplies, medical equipment, and medicines. Its purpose is humanitarian and entirely consistent with our values and the way in which we have imposed sanctions in the past.

I urge my colleagues to support this humanitarian legislation.

SUPPORT LETTER CARRIERS HOMELESS FOOD DRIVE ON MAY 15

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mrs. SCHROEDER. Mr. Speaker, we see the homeless and hungry just outside the Capitol steps and in every one of our districts—rural, small towns, large cities, and the suburbs. We want to help, but when an opportunity arrives, work or family demands often get in the way. Not this time. Now, you can make a difference in the simplest yet most productive way.

On Saturday, May 15, 1993, history will be made. The National Association of Letter Carriers, in conjuction with the U.S. Postal Service and the AFL–CIO, will be participating in a national food drive. The letter carriers were expecting several thousand tons of food to be collected by more than 198 union locals. Postal patrons will leave nonperishable food by their mailboxes. The food will be picked up by their mail carriers and brought to local community food banks to help them stock up for the coming months.

This is a time to show the world that something can be done. This is a time for the Nation to come together and support the poor, the hungry, and the homeless.

I urge all Coloradans to simply place a few cans of food by your mailbox Saturday, May 15, and let your mail carrier pick them up. It is that simple. Help make this the largest national food drive in history.

BLUE RIBBON SCHOOLS OF EXCELLENCE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today to congratulate three outstanding schools in my district which have been recognized by the Department of Education as National Blue Ribbon Schools of Excellence.

Deephaven Elementary in Wayzata, Clear Springs Elementary in Minnetonka, and Highland Elementary in Apple Valley have each demonstrated a strong commitment to excellence and innovation in education.

Under the outstanding leadership of Principal Duane Burns at Highland, Principal Linda Saukkonen at Clear Springs, and Principal Bradley Board at Deephaven, these schools are preparing their students for a lifetime of strong citizenship and giving them the academic skills to compete effectively.

Each of these schools has made a commitment to the highest quality education. The partnership among the administrators, teachers, parents, and students which exists at these three schools is a model for other schools throughout the country to follow.

In our increasingly competitive global marketplace, it is absolutely vital that our Nation's youth receive the quality of education which the students at these three schools receive. The entire Nation benefits when our youth are provided with critical decision and academic skills.

Clear Springs, Highland, and Deephaven elementary schools are leaders in education and certainly deserve this high honor of being recognized as a Blue Ribbon School of Excellence.

I congratulate each and every person involved in the success of these schools and wish you the best of luck in your continued efforts on behalf of our Nation's youth.

SUPPORT FOR ZAIRE'S DEMOCRATIZATION

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. HILLIARD. Mr. Speaker, I rise today to speak on the antidemocratic and destabilizing measures which are taking place in Zaire under the direction of President Mobutu Sese Seko. Mr. Mobutu has violated the transitional charter adapted by the High Council of the Republic, which is the duly elected Parliament of Zaire. Mr. Mobutu's gangster-like methods include: Using security troops loyal to him to intimidate government officials by surrounding their offices; ordering the Bank of Zaire to issue worthless currency; inciting ethnic violence and murder; and holding Members of Parliament hostage, without food, in an attempt to force them to vote for his ruinous monetary policies.

Mr. Speaker, the continued presence of Mobutu in Zaire is an affront and an obstacle to Zaire's peaceful attempt to become a democracy. Therefore, Mr. Speaker, I urge President Clinton to pressure Mobutu to leave Zaire so that the legal government can complete the process of democratization. I would additionally urge the President to: Expel Mobutu's Ambassador; freeze the bank accounts of Mobutu, his family, and associates; and deny all visas to Mobutu, his family, and associates.

In closing, I would like to urge the Congress and the President to do everything within reach to resuscitate the Parliament and help the people of Zaire to become a true democracy.

NEGOTIATED RATES ACT OF 1993

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. SHUSTER. Mr. Speaker, during the past 4 years, the House of Representatives has failed to resolve a problem that is hurting hundreds of thousands of American businesses.

The problem stems from bankrupt trucking companies suing businesses of all sizes for money they do not owe. The trustees of these motor carriers are using a legal loophole for the wholesale cancellation of business agreement and are frequently suing most or all of their previous customers.

If this Congress is serious about improving the economy and preserving jobs, we will take quick action to solve this problem.

I am pleased to cosponsor Mr. MINETA's bill, the Negotiated Rates Act of 1993, today. It is a good first step in addressing this pernicious problem—a step that I hope will move Congress toward positive action in the near future.

While I believe it would be wise to enact more permanent relief than that offered by the Negotiated Rates Act, I look forward to a prompt hearing on this measure to determine how effective it will be in containing the negotiated rates problem.

I congratulate Mr. MINETA for the leadership he has shown in this difficult matter and look forward to working with him to help countless businesses, large and small, break loose from the stranglehold of unfair negotiated rates claims.

NALC CONDUCTS FOOD DRIVE

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. SHAYS. Mr. Speaker, today I am pleased to recognize the National Association of Letter Carriers [NALC] as they conduct their 1993 food drive on Saturday, May 15.

On this day, letter carriers in participating communities, in conjunction with the U.S. Postal Service and the AFL–CIO, will collect nonperishable food left by postal customers near their mailboxes. The carriers will bring the food to postal stations to be picked up by food banks.

This program will benefit so many hungry people in our community and I encourage all of you to leave food by your mailboxes on Saturday.

Our country is a better place to live thanks to the good work by those participating in NALC's food drive and I wish my best for a successful drive.

DR. ALBERT ALEXANDER HONORED

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. NADLER. Mr. Speaker, I rise today to recognize the life and achievements of Dr. Albert Alexander whose retirement will be celebrated later this week by his many friends and colleagues.

Albert Alexander has devoted his distinguished career to the advancement of economics education at the secondary level. It is a discipline which is, regretably, not widely understood and I commend his dedication to its advancement.

Albert Alexander received his Ph.D. in economics and political science from the New School for Social Research in 1957 and taught high school economics and history in New York City from 1940 to 1958.

Dr. Alexander served as a consultant to the New York State Department of Education and the National Task Force on Economic Education, and has published an impressive collection of books and articles in the fields of political science and economics.

As a charter member of the New York City Council on Economic Education, Dr. Alexander served that organization as its executive director from 1961 to 1992. In that capacity, he played an integral role in overseeing the council's activities and shares a large measure of credit for its numerous accomplishments. The council has been a vibrant force in producing high school teaching materials and organizing institutes and conferences aimed at improving the quality of economics education in our city.

Mr. Speaker, we often hear that American education is failing our young generation and that no one cares about their future. While there is certainly much which still needs to be done to build a world class educational system, I can report to my colleagues that in my city there are skilled professionals who are making a difference and working to build a quality curriculum. Dr. Albert Alexander is one such educator. I am proud to join my neighbors in thanking Dr. Alexander on the occasion of his retirement and in saluting his half century of service to our city and our children.

THE VILLAGE OF PORT CHESTER 125TH ANNIVERSARY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mrs. LOWEY. Mr. Speaker, it is with great pleasure that I join the residents of Port Chester, NY, in celebration of the 125th anniversary of their village's incorporation.

The Port Chester region was in colonial times dominated by the lumber industry. In fact, the area was named "Sawpits" at the time, after the trenches dug for the milling of wood used in shipbuilding at the mouth of the Byram River. During the Revolutionary War, both loyalists and those seeking independence actively sought the support of this successful commercial locality. The Bush Homestead, located on King Street in what is now downtown Port Chester, became the headquarters of Gen. Israel Putnam, a Revolutionary War leader.

Throughout the 19th century, the area thrived as both a commercial and residential center, officially changing its name to Port Chester in 1837. Keeping pace with the industrial revolution, Port Chester grew to be a major manufacturing center, with firms such as the Abendroth Foundry and the Ernest Simons Manufacturing Co. establishing their factories there.

Most importantly, Port Chester is a vibrant and diverse community with a large array of businesses, houses of worship, civic organizations, cultural centers, and, of course, active citizens. They have all joined together to make Port Chester a very special place to live, with a rich heritage and a richer future.

Anniversaries are an important opportunity to reflect on the spirit of shared purpose that binds our Nation together. We must all remember that American greatness is built upon the strength of local communities. Indeed, Port Chester is one of those communities which, taken together, make this Nation a beacon of hope to the world. Port Chester's commitment to the future will most definitely enrich the Nation as we move into the next century.

TRIBUTE TO ADAM R. MILLER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Merchant Marine Academy.

Adam R. Miller will soon graduate Sandusky High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Adam has participated in varsity soccer for 4 years including his senior year as team captain, and the State Olympic Development Soccer Team for 3 years. Adam has been active in Saints Peter & Paul Catholic Church, and has consistently been named to the school's honor roll. He has been recognized throughout his high school career as a scholar-athlete.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Adam Miller has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

CONGRATULATIONS TO THE PRESIDENT AND VICE PRESIDENT OF TAIWAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. HILLIARD. Mr. Speaker, I rise today to congratulate President Lee Teng-hui and Vice President Li Yuan-zu of the Republic of China on Taiwan on the occasion of their third anniversary in office, which is May 20, 1993.

Since their swearing in, on May 20, 1990, President Lee and Vice President Li have maintained a strong economic growth for their country, advanced democracy at home, and expanded Taiwan's official and unofficial ties abroad.

Today Taiwan stands as a dynamic economic power in the world. It ranks as the world's 15th trading nation, with a global trade of $153 billion in 1992. Moreover, Taiwan is also noted for its rapid progress toward democratization. Taiwan is indeed a country well prepared for the 21st century.

I wish Taiwan the very best as it prepares to celebrate May 20, 1993.

FOREIGN ASSISTANCE RESPONSIBILITY ACT INTRODUCED

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. GOODLING. Mr. Speaker, today I am introducing legislation which is long overdue, requiring real accountability of the U.S. Foreign Assistance Program. In these tight budgetary times, we have all been asked to examine ways to cut Federal spending and increase the effectiveness of Federal programs. U.S. foreign assistance initiatives have always been among the least popular Federal programs. Primarily, this is because U.S. foreign aid programs seem ineffective and counterproductive. Members of Congress either oppose foreign assistance outright, or those who support it find themselves defending foreign aid as serving the interests of the United States. I believe Members subscribing to either position will be interested in the "Foreign Assistance Responsibility Act of 1993," which I introduced today.

The Department of State is required by law to submit a report to Congress each year outlining voting trends in the United Nations General Assembly [UNGA]. The overall voting coincidence with the United States—the number of times that nations voted the same as the United States on all votes—is always appallingly low, averaging 31 percent during calendar year 1992. A large number of nations receive foreign aid from the United States that clearly do not see things the way we do.

We spend American tax dollars on nations that block our initiatives and vote in opposition to values we hold as self-evident—human rights, democracy, et cetera—in the UNGA. There should be a standard to be met before military aid is given to these countries who clearly do not share U.S. interests. My legislation would cut all forms of security assistance to nations who do not vote the U.S. position at least 25 percent of the time each calendar year. The savings for fiscal year 1993 would have been approximately: $114.42 million for international military education and training [IMET] and foreign military financing [FMF] grants; $127 million economic support fund [ESF] grants; totaling $241.42 million just for fiscal year 1993.

We are justified in cutting the IMET, FMF, and ESF grants because these forms of assistance go to the militaries of the regimes that oppose the United States in the UNGA. We are not obligated to give U.S. taxpayer dollars to nations that mock our ideals and oppose us in the U.N. forum. Also, the State Department is enabled to request an exemption for countries which experience a change in government, which, of course, Congress would have to approve. Finally, the legislation exempts humanitarian aid and developmental assistance from the prohibition. Our intent should be to encourage countries to adopt our democratic traditions and commitments to human rights. For this reason the legislation cuts military aid but allows humanitarian and developmental assistance.

A 25-percent voting coincidental is not asking too much. We are not coercing states to vote our position. However, we have a right to withhold aid if we believe that the states we are currently aiding do not share our ideals and values. In these tight budgetary times, we need to make cuts and improve programs that are not working effectively. We require it of domestic programs, why not require it of our foreign aid program? I strongly encourage Members interested in accountability, reform, and fiscal responsibility to cosponsor this timely and imperative initiative.

IN HONOR OF THE BERGEN COUNTY VETERANS MEMORIAL COMMISSION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mrs. ROUKEMA. Mr. Speaker, as Memorial Day fast approaches, Americans across this great land are preparing to remember their family, friends, neighbors and fellow countrymen who made the ultimate sacrifice for the cause of freedom. It is fitting that we do so for we asked each of these brave men and women to interrupt their private lives—home, family, jobs, education—to trade the tools of their jobs for the tools of war, to risk and endure hardships that most of us can scarcely imagine, to sacrifice, and—yes—even to die to protect our way of life, our spirit, our dignity, our freedom. We asked. They answered. And today we enjoy a country second to none in the freedoms granted and opportunities extended.

Just across the Potomac River in Arlington National Cemetery a war memorial reads that veterans served "not for fame or reward, not for place or for rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it * * *." They understood their duty and responded. We, as a society, also have a duty—to see to the families they left behind, to remember their deeds on our behalf, and, most important, to honor their memory.

This weekend in my home State of New Jersey, the citizens of Bergen County will join together in order to fulfill that duty and dedicate their own series of memorials to these brave men and women. It is the culmination of many years of hard work—a labor of love by the Bergen County Veterans Memorial Commission who have fought their own struggle to keep the honor and glory of American veterans alive for eternity.

Mr. Speaker, theirs was not an easy road to travel. Led by Chairman Woody Matthews, the commission was off to a great start as the first monument—in honor of the veterans of the Korean war—was dedicated on June 21, 1990. However, as recently as June 1992, only $27,000 of the $150,000 needed to finish the project had been raised. With the planned dedication date looming less than a year away, the success of the project seemed a distant, unreachable goal.

Mr. Matthews then turned to an unlikely source. He approached the Kingdom of Saudi Arabia for a contribution to recognize the thousands of American service personnel who fought to drive Saddam Hussein from the Saudi border. After further contact from my office, Saudi King Fahd bin Abdul Aziz came forward with a generous contribution of $100,000. The memorial would be completed after all.

Working with Woody Matthews was a committed team of men whose names I would like entered into the RECORD for each deserves the gratitude of the American people. They are John Rhatigan, Michael Buckley, Michael Sawruk, Joseph J. Barattia, Dominick R. Barbera, Walter Bray, Paul Beland, Peter Sarthou, Alfred J. Thomas, Anthony L. D'Arminio, Theodore L. Steltmann, Andrew Torigian, Bob Jenkins and Harry Kazarian.

Mr. Speaker, the people of Bergen County owe a debt of gratitude to our veterans and they owe a debt of gratitude to the Bergen County Veterans Memorial Commission. For through the work of the commission we, as Americans, will continue in our duty: the duty to remember.

IN HONOR OF JOHN SOLA

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. OBEY. Mr. Speaker, today I want to go on record saying "thank you" to a dedicated long-time public servant: John Sola of Kimball, WI.

Mr. Sola is retiring from his position on the town of Kimball Board of Directors after a lifetime of service to his community. Mr. Sola, born and raised in Kimball, was unable to attend high school due to a lack of bus service to the closest high school. So in 1933 Mr. Sola began work at the Kimball store, which also served as a post office. After completing accounting courses at an extension office, Mr. Sola took over accounting duties for the Kimball store and other stores in the area. A hard worker, Mr. Sola enhanced his close understanding of country life as he dealt with rural area residents who often paid their bills, the ones on his balance sheets, on credit. Mr. Sola said he enjoyed his work.

In 1935 Mr. Sola became Kimball's town treasurer and in 1938 he was elected to serve as the town clerk. As town clerk, Mr. Sola had to deal with the effects that changes in the State code had on the town budget, town assessments, taxes, and town operations.

Mr. Sola left the clerk position in 1971 but returned to town government in 1984 when he was appointed to the town board of directors.

Futhering his community involvement in 1978, Mr. Sola became a member of the Agriculture Development Committee and was chosen to manage the Iron County Farmers' Market. Under Sola's guidance, the market has done well.

Mr. Sola further demonstrated his generosity by giving the town land along the West Branch of the Montreal River for a park.

Although Mr. Sola is stepping down from his position on Kimball's Board of Directors, it is my sincere hope that this gentleman will continue to serve his community with his ideas and his skills as he has done so effectively in the past.

To Mr. Sola, I say, thank you for all you've done for your community.

NAVY NURSES CORPS CELEBRATES ITS 85TH ANNIVERSARY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. GEJDENSON. Mr. Speaker, I rise today to celebrate the 85th anniversary of the Navy Nurses Corps. The corps was officially established by an act of Congress in 1908, and its members have served with honor and distinction in every military conflict since then.

The nurses' unmatched commitment and dedication to serving their country and to caring for our Nation's sailors and marines has remained constant, while their formal status in the Navy has changed through the years. First, uniforms were issued in 1924—after

World War I and nearly two decades after the corp's inception. Second, almost 40 years after the corps began, Congress passed the Army-Navy Nurses Act which incorporated the Nurses Corps into the Navy, making the nurses part of the permanent staff of the Navy and commissioning them with official ranks equivalent to those already awarded to other naval officers. Prior to this time, nurses were commissioned, but received no naval rank. Finally, in 1965 male nurses were integrated into the corps and they now make up 26 percent of its total membership.

I strongly believe that we owe an enormous debt of gratitude to the members of the Navy Nurses Corps for their hard work and courage during World Wars I and II, the Korean war, the Vietnam conflict and, most recently, Operation Desert Shield/Desert Storm in the Persian Gulf. Without these brave women and men, our wounded brethren might not have survived to make the United States the great democracy it is today.

Therefore, it gives me great pleasure to be able to acknowledge the long history of the Navy Nurses Corps on its 85th birthday and to publicly commemorate this momentous occasion.

STATEMENT IN SUPPORT OF NALC FOOD DRIVE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. PASTOR. Mr. Speaker, this Saturday, May 15, letter carriers from all 50 States will be participating in a food drive to help stock local food banks. Carriers will be collecting donations along their mail routes and taking them to a central postal station where they will be distributed to local food banks.

Mr. Speaker, I would urge Members of Congress to support this worthwhile initiative and encourage constituents to participate in this national food drive. It is only when we pool our resources and work for the common good that our country will be able to look to a brighter future. Hunger in America is all too real, and any steps we can take, however small, will help those most in need.

Many of our Nation's local food banks are in need of food. Letter carriers, by donating nonperishable foodstuffs to these banks, will be helping to guarantee that more families will be able to have a good meal on the table. By sponsoring the national food drive, the National Association of Letter Carriers is making a valuable contribution to those most in need. The least we can do is to lend our full support for this great volunteer effort. I urge Members and congressional staff to contribute to the letter carriers' initiative.

SUPPORT EMPLOYEE OWNERSHIP

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Mr. ROHRABACHER. Mr. Speaker, I am pleased to join my colleagues in introducing the "ESOP Promotion and Improvement Act of 1993."

This legislation marks the third consecutive Congress that I have worked with Congressman CASS BALLENGER, a champion of employee ownership, in creating legislation that establishes support for Employee Stock Ownership Plans [ESOPs] in the U.S. House of Representatives. This year, our colleague Congressman JAKE PICKLE assisted our initial efforts to push forward an employee ownership agenda.

I am particularly pleased that we have included in this year's legislation for the first time a provision that permits employees to sell stock to an ESOP without having to pay a capital gains tax on the employees gain. Specifically, current law permits an owner-founder, or an outside investor in a closely held corporation, to sell stock to an ESOP that holds at least 30 percent of the corporate stock and to defer the tax on their gain if the gain is reinvested stock in another U.S. corporation. But, due to a provision in the original ESOP law, an employee with stock cannot sell to an ESOP and obtain the same benefit. Our proposal corrects this anomaly.

My involvement with ESOPs and employee ownership dates to when I worked with President Reagan, who firmly believed that widespread employee ownership was good for America. During the 1980's his personal leadership led to many of the current law incentives for the creation of ESOPs.

But, as we turn into the 1990's, I am convinced that we need to encourage more ESOP creation. I am convinced that we need to do more to ensure that ESOPs reach all levels of corporate America, and all levels of the workplace.

In my view both political parties are missing an obvious point when we talk about empowerment. Ownership is powerful. Power is the essence of empowerment. Providing more Americans with the power of ownership will empower them. We do not need elaborate spending schemes to empower Americans. All we need to do is create more owners.

I believe that the bill I introduced today takes a modest step in the direction of making more Americans owners. I would urge my colleagues who have not yet signed on as a cosponsor to consider doing so. Your efforts will help empower millions of Americans.

TRIBUTE TO THE ELECTRIC POWER RESEARCH INSTITUTE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1993

Ms. ESHOO. Mr. Speaker, I would like to honor the Electric Power Research Institute on the occasion of the institute's 20th anniversary.

The institute, headquartered in Palo Alto in the 14th Congressional District, California, is known nationally and internationally for its leadership in advancing science and technology related to electricity. The institute manages a research and development program that covers a wide range of technologies related to the generation, delivery, and uses of electricity. Over its 20 year history, EPRI has facilitated leading edge research resulting in significant achievements in energy efficiency, reliability, environmental benefit, and cost control. At EPRI's headquarters in Palo Alto, more than 350 scientists and engineers manage some 1,600 contract research projects throughout the world.

Mr. Speaker, I am proud to represent the Electric Power Research Institute and honored to have this opportunity to congratulate it on the occasion of its 20th anniversary.

SENATE—*Friday, May 14, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9:30 A.M., TUESDAY, MAY 18, 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 9:30 a.m., Tuesday, May 18, 1993.

Thereupon, at 10 o'clock and 15 seconds a.m., the Senate recessed, under the order of Thursday, May 13, 1993, until Tuesday, May 18, 1993, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 17, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, May 17, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember this day all people who have any special need and who seek the full measure of Your grace. O gracious God, we pray for those most dear to us who have any hurt in body or soul and for all people who have not received the bounty of Your eternal gifts. May Your healing spirit touch every person with love and reconciliation and may Your peace that passes all human understanding be with us and remain with us always. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceeding and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Oregon [Ms. FURSE] please come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 17, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 10:25 a.m. on Friday, May 14, 1993, said to contain a message from the President wherein he submits a 6-month periodic report on the national emergency with respect to Iran.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN COVERING EVENTS THROUGH MARCH 31, 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–86)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 10, 1992, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report covers events through March 31, 1993. The last report, dated November 10, 1992, covered events through October 15, 1992.

1. There have been no amendments to the Iranian Transactions Regulations ("ITRs"), 31 CFR Part 560, or to the Iranian Assets Control Regulations ("IACRs"), 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control ("FAC") of the Department of the Treasury continues to process applications for import licenses under the ITRs. However, as previously reported, recent amendments to the ITRs have resulted in a substantial decrease in the number of applications received relating to the importation of nonfungible Iranian-origin goods.

During the reporting period, the Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITRs. FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the last report, the Tribunal has rendered 12 awards, for a total of 545 awards. Of that total, 367 have been awards in favor of American claimants: 222 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 145 were decisions adjudicated on the merits. The Tribunal has issued 36 decisions dismissing claims on the merits and 83 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases, and 56 were in favor of Iranian claimants. As of March 31, 1993, awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,340,072,357.77.

As of March 31, 1993, the Security Account has fallen below the required balance of $500 million 36 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992. The aggregate amount that has been transferred from the Interest Account to the Security Account is $874,472,986.47. As of March 31, 1993, the total amount in the Security Account was $216,244,986.03, and the total amount in the Interest Account was $8,638,133.15.

4. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000.00 or more. Since the last report, nine large claims have been decided. More than 85 percent of the nonbank claims have now been disposed of through adjudication,

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

settlement, or voluntary withdrawal, leaving 76 such claims on the docket. The larger claims, the resolution of which has been slowed by their complexity, are finally being resolved, sometimes with sizable awards to the U.S. claimants. For example, two claimants were awarded more than $130 million each by the Tribunal in October 1992.

5. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than $250,000.00, the Foreign Claims Settlement Commission ("FCSC") has continued its review of 3,112 claims. The FCSC has issued decisions in 1,201 claims, for total awards of more than $22 million. The FCSC expects to complete its adjudication of the remaining claims in early 1994.

6. In coordination with concerned Government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. In November 1992, the United States filed 25 volumes of supporting information in case B/1 (Claims 2 & 3), Iran's claim against the United States for damages relating to its Foreign Military Sales Program. In February of this year, the United States participated in a daylong prehearing conference in several other cases involving military equipment. Iran also filed a new interpretative dispute alleging that the failure of U.S. courts to enforce an award against a U.S. corporation violated the Algiers Accords.

7. As reported in November, Jose Maria Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. No successor has yet been named. Judge Ruda's resignation will take effect as soon as a successor becomes available to take up his duties.

8. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals. Iran's policy behavior presents challenges to the national security and foreign policy of the United States. The IACRs issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the ITRs issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1993.*

COMMUNICATION FROM THE HONORABLE BOB MICHEL, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 303(a)(1) of Public Law 103-3, I hereby appoint the following individuals to the Commission on Leave as established by the Family and Medical Leave Act of 1993: Representative Steve Gunderson (WI), Mr. Richard L. Reinhardt of York, PA, and Ms. Mary Tavenner of Alexandria, VA.

Sincerely,

BOB MICHEL,
Republican Leader.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 300

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 300.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SUNSHINE ON SENIOR CITIZENS TAX RATES

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, I am sure we have all seen the humorous depiction of President Clinton's new, simplified tax form with only two lines. Line one: How much did you make? Line two: Send it in.

Unfortunately, for some Social Security recipients, that joke is a little too close for comfort.

Under the Clinton tax-hike plan many retirees will be subject to a 52-percent marginal tax rate on interest, dividends, and pension income. And if a senior citizen is unlucky enough to be caught in the earnings limitation trap, their marginal tax rate could be over 90 percent.

In short, many retirees will see a bigger tax bite, and a higher marginal tax rate than the well-to-do who make over $140,000 a year. So much for soaking the rich and leaving the rest of America alone.

All of a sudden, Mr. Speaker, that joke about the tax form does not seem too funny.

Worse yet, this tax was passed behind closed doors last week. We freshmen Republicans believe this tax should have been debated in the open, with full media coverage. Ironically, some sunshine might have kept senior citizens from getting burned.

SEVEN ECONOMIC FACTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, last year, Bill Clinton asked the American people to take a chance and vote for him. Many did, but it is not paying off. In fact, it is American taxpayers who are doing the paying.

Here are seven economic facts for Americans to consider:

First, President Clinton's largest tax hike in history will reduce the deficit only $40 billion from 1994 to 1998, leaving it at $250 billion.

Second, over the next 4 years, Federal spending will increase from $1.4 trillion to $1.6 trillion. That means that 80 percent, $200 billion, of the proposed new taxes will go to pay for new spending, not to reduce the deficit.

Third, we have a deficit, not because the American people are undertaxed, but because the Government spends too much.

Fourth, Federal spending has increased 50 percent over the last 20 years, going from $250 billion to $1.4 trillion.

Fifth, never in American history has a large tax hike ever led to economic growth.

Sixth, candidate Clinton promised Americans a tax cut. President Clinton delivered a tax hike.

Seventh, the top half of all taxpayers already pay 94 percent of the taxes. President Clinton wants them to pay more.

If anyone in the administration can refute any of these facts, I would be happy to hear from them. But I would not bet on it.

THE PRESIDENT'S GOOD WEEK

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, last week, President Clinton successfully strong-armed the Ways and Means Committee, which passed the largest tax increase in American history.

President Clinton thinks he had a good week. I wonder what he would consider a bad week.

In this tax bill, we have energy taxes, Social Security taxes, corporate taxes, almost every tax you could think of, and a few you couldn't.

Next week, the House will consider this tax bill, under the name of reconciliation. But I don't think the middle-class tax payer will ever be reconciled with the President again after these taxes hit their wallets.

Mr. Speaker, the President's tax increase will cause inflation. It will send this economy into a deep recession. And it will not cut the deficit in any way, shape or form.

I am not sure how we as a country will survive if the President has any more good weeks like he had last week.

INFLATION ANXIETY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, the top editorial of the Washington Post today is entitled, "Inflation Anxiety."

Why is there inflation anxiety in the country? Could it have something to do with the fact that the Clinton administration has floated 14 new tax proposals in the first 16 weeks?

In fact, inflation rose in April.

President Clinton thinks he had a good week last week, because he was able to have his tax plan reported from the House Ways and Means Committee.

That may be good news for the President, but it is awful news for the Nation. And that is due to inflation anxiety.

The President's energy tax will increase the price of every single consumer good. That means even higher inflation.

With this kind of message coming from the White House, it is no wonder that the Nation suffers from inflation anxiety. Let us hope it does not turn into runaway inflation.

CRIMINAL CONDUCT OF ANIMAL RIGHTS ACTIVISTS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, a few days ago, yet another gang of animal rights activists attacked the home and personal property of medical researchers. These so-called defenders of animals vandalized the homes of these researchers by spray-painting slogans and smashing the windshields of family automobiles. None of the victimized researchers was guilty of any type of animal neglect or cruelty.

This is sadly just the latest attempt by this criminal minority in a campaign of intimidation and coercion aimed not just at biomedical research, but at American farmers and ranchers, zoos, circuses, and other legal animal operations.

Perhaps most reprehensible is that these so-called animal rights activists extended their campaigns of cowardice to the spouses and children of those who work to find the cures and treatments to the diseases and conditions which cripple us; to those who feed us so abundantly and cheaply, and to those who attempt to bring us joy and entertainment.

Over 150 acts of violence have been perpetrated against laboratories, farms, ranches, retailers, and others in the last 10 years, costing this country untold millions in lost medical advances and vital food production. For every attack of which we know, most are never reported.

Last August, Congress condemned the terrorism of lab and farm break-ins by passing overwhelmingly Public Law 102-346, which placed within the Federal Criminal Code a section on animal rights terrorism. Should this spineless behavior continue, it may be necessary to revisit and extend Federal protections beyond those we deemed adequate just 9 months ago.

I rise today to express my outrage at these acts of cowardice. I am the first to support a person's right to protest, but committing acts of vandalism and intimidation is indefensible. I fail to see how people who purport to protect defenseless animals can so wantonly attack undefended families in their homes.

Freedom of speech does not extent to such despicable criminal acts. We cannot permit criminal acts in the name of saving the animals. Just as this country does not tolerate terrorism abroad, it cannot tolerate it on U.S. soil.

□ 1210

REREFERRAL OF H.R. 1564 TO COMMITTEE ON MERCHANT MARINE AND FISHERIES, COMMITTEE ON NATURAL RESOURCES, AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that H.R. 1564 be rereferred to the Committee on Merchant Marine and Fisheries, the Committee on Natural Resources, and the Committee on Public Works and Transportation.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTRODUCTION OF LEGISLATION DESIGNED TO STRENGTHEN THE GAO

The SPEAKER pro tempore (Ms. FURSE). Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Madam Speaker, I rise today to talk a little bit about the GAO, the General Accounting Office, and to announce that we have put together some legislation that will be introduced today designed to strengthen the GAO as the accounting arm of the Congress to provide that the GAO will be in a stronger position to provide the kind of background informational studies that are necessary for good decisions to be made in this Congress. The purpose of the bill stems, and the bill itself stems, from a growing concern that the GAO is perceived to have lost its ability to conduct examinations in a fair and reasonable fashion, that in fact too many of the examinations done by this arm of the Congress are done to substantiate decisions that have previously been agreed to by the chairmen of the committees that call for GAO to make the study. Indeed it is simply a way to legitimize a notion that has already been decided upon by the person who called for the study. I think that is too bad if that is, indeed, the perception of this important arm of the Congress.

Madam Speaker, many Members of this body also have experienced situations where the final GAO reports are not made available for study until minutes before a hearing is held. We had one where that very occasion happened to us last year in the Governmental Oversight Committee in which the witnesses and the members of the committee were not given the study until the hearing was to begin, and it was our purpose, of course, to take a look at the issue which the study was designed to give us background on. So, this is not a reasonable way to do it, and it is not good conduct of oversight.

There is another matter that I think is of concern, and that has to do with the perception of an auditing group. The perception of a group that does studies needs to be isolated. It needs to be independent of the group they are studying. Recently a GAO assistant director for Federal management issues was detailed to Vice President GORE's National Performance Review. Clearly there is reason for any group, such as the Vice President's, to have the information that has come forth from the GAO and to be able to use the studies, but to assign a person to be involved in the decisions of revising the functions of government by the same group that will later audit the group and make some sort of an evaluation does not seem to me to be in keeping with the notion of auditing. This person was actually working full time at the White House for the national performance review. Now this issue has been resolved. That person is no longer there. The agency agreed that that was not a procedure that was useful, but the fact is that it was done, and there is not a clear policy as to what the role of the auditing group should be.

This is an issue that seems to me needs to be examined. This bill that we have introduced today, that I have introduced today, will create a bipartisan oversight review board of Members of Congress who will review the request, No. 1, to ensure that there are not more requests than are necessary. It seems to me there is like 7,000 people who work for GAO, and it is a huge organization and busy, I am sure, but more and more requests come to them.

There needs to be some screening process to put some priorities there.

Second, Madam Speaker, I think the independent group's purpose would be to ensure that a study was really designed to create some new, nonbiased, nonpartisan kind of information that could be used then to make the decisions.

So, Madam Speaker, this bill is not meant to hinder GAO. On the contrary, it is designed to strengthen the perception of this group as an independent agency. It does not preclude GAO from making an independent study without a request, and I think that is terribly important. It would be a shame if we had an auditing group that could only audit the Congress as a result of requests from Members of Congress and we continue to have the authority for this group to do it without a request.

The legislation is not meant to hinder. Indeed it will strengthen the investigative arm of GAO, which is critical to decisions, and it needs to be strengthened, and I submit that this bill will increase the soundness and the oversight that are the backbone of any organization designed to provide background information and audit to the Congress and the agencies of the Federal Government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEACH (at the request of Mr. MICHEL), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mr. ROBERTS, for 60 minutes each day, on May 24, 25, and 26.

Mr. DELAY, for 5 minutes each day, on May 19 and 20.

(The following Members (at the request of Ms. FURSE) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes each day, on May 18, 19, and 20.

Mr. NADLER, for 60 minutes, on May 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KNOLLENBERG) and to include extraneous matter:)

Ms. MOLINARI.
Mr. SANTORUM.
Mr. MACHTLEY.
Mr. BALLENGER.
Mr. SHAYS.
Mr. BURTON of Indiana.
Mr. ROTH.
Mr. THOMAS of Wyoming.
Mr. GALLEGLY.

(The following Members (at the request of Ms. FURSE) and to include extraneous matter:)

Mr. FAZIO.
Ms. ESHOO in two instances.
Mr. STOKES in two instances.
Mr. BARRETT of Wisconsin.
Mr. HUGHES.
Mr. STARK.
Mr. LIPINSKI.
Mr. LANTOS.
Mr. SCHUMER.
Mr. STUDDS.
Mr. ROEMER.

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. MFUME.
Mr. EDWARDS of Texas.
Mr. RICHARDSON.
Mr. MINETA.

ADJOURNMENT

Mr. THOMAS of Wyoming. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 18, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

1221. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting supplemental appropriations for fiscal year 1993, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–87), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. Supplemental report on H.R. 2118 (Rept. 103–91, Pt. 2).

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 1934. A bill to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes (Rept. 103–93). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAZZOLI:

H.R. 2128. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994; to the Committee on the Judiciary.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 2129. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. MACHTLEY (for himself, Mr. WYDEN, Mrs. MEYERS of Kansas, Mr. MAZZOLI, Mr. BILBRAY, Mr. MFUME, Mr. SARPALIUS, Mr. EMERSON, Mr. OXLEY, Mr. DURBIN, Mr. HUGHES, Mr. STRICKLAND, Mr. THOMAS of Wyoming, and Mr. LANCASTER):

H.R. 2130. A bill to amend the Small Business Investment Act of 1958 to modify requirements for payment and prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

By Mr. MCHUGH:

H.R. 2131. A bill to amend the Defense Base Closure and Realignment Act of 1990 to require that testimony before the Defense Base Closure and Realignment Commission be given under oath; to the Committee on Armed Services.

By Mr. SHAYS (for himself and Mr. PARKER):

H.R. 2132. A bill to require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish a President's Advisory Council on Recreational Camps, and for other purposes; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 2133. A bill to increase the effectiveness of international nonproliferation safeguards; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. MANTON, Mr. HUGHES, Mr. FRANK of Massachusetts, Mr. SAXTON, Mr. TOWNS, Mr. ACKERMAN, and Mrs. BENTLEY):

H.R. 2134. A bill to improve the conservation and management of interjurisdictional fisheries along the Atlantic coast by providing for greater cooperation among the States in implementing conservation and management programs, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMAS of Wyoming (for himself, Mr. MONTGOMERY, Mr. ROSE, Mr. MILLER of California, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mrs. SCHROEDER, Mr. STUMP, Mrs. MINK, Mr. BEREUTER, Mr. WILLIAMS, Mr. ROBERTS, Mr. SPRATT, Mrs. VUCANOVICH, Mr. GEJDENSON, Mr. SMITH of Oregon, Mr. TORRES, Mrs. MEYERS of Kansas, Mr. JOHNSON of South Dakota, Mr. GALLEGLY, Mr. MCDERMOTT, Mr. KYL, Mr. FALEOMAVAEGA, Mr. DOOLITTLE, Mr. ABERCROMBIE, Mr. CALVERT, Ms. ENGLISH of Arizona, and Ms. FURSE):

H.R. 2135. A bill to provide for a National Native American Veterans' Memorial; to the Committee on House Administration.

By Mr. THOMAS of Wyoming (for himself, Mr. ROHRABACHER, Mr. WALKER, Ms. Pryce of Ohio, Mr. Royce, Mr. Ewing, Mr. Ballenger, and Mr. Everett):

H.R. 2136. A bill to amend title 31, United States Code, to ensure that the General Accounting Office performs its functions in an impartial, complete, and timely manner in investigating issues of concern to the public; jointly, to the Committees on Government Operations and Rules.

By Mr. TORRICELLI (for himself and Mr. Dreier):

H.R. 2137. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide relief to local taxpayers, municipalities, and small businesses regarding the cleanup of hazardous substances, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. WAXMAN:

H.R. 2138. A bill to provide for budget reconciliation with respect to part B of the Medicare Program, the Medicaid Program, and other health programs within the jurisdiction of the Committee on Energy and Commerce; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROEMER (for himself, Mr. Goodling, Mr. Gunderson, Ms. Molinari, Mrs. Unsoeld, Mr. Petri, Mr. Barrett of Nebraska, Mr. Scott, Mr. Gene Green, Mr. Owens, Mr. Hefner, Mr. Hunter, Mr. Royce, Ms. Lambert, Mr. Towns, Mr. Cramer, Mr. Reed, Mr. Andrews of New Jersey, Ms. English of Arizona, Mr. Engel, Mrs. Mink, Mr. Becerra, Ms. Woolsey, Mr. Klink, Mr. Inslee, Mr. Lancaster, Mr. Hayes of Louisiana, Mr. Foglietta, Mr. Skelton, Ms. Meek, and Mr. Mazzoli):

H.J. Res. 196. Joint resolution to designate July 1, 1993, as "National NYSP Day"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI (for himself, Mr. Costello, Mr. Burton of Indiana, Mr. Diaz-Balart, Mr. Ackerman, Mr. Hastings, Mr. Washington, Mr. Hughes, Mr. Wynn, Mr. Glickman, Mrs. Clayton, Mr. Inslee, Mr. Deutsch, Mr. Mfume, Mr. Ballenger, Ms. McKinney, Mr. Tucker, Mr. Reynolds, Mr. Blackwell, Mrs. Meyers of Kansas, Mr. Thompson, and Ms. Brown of Florida):

H. Con. Res. 102. Concurrent resolution concerning the efforts to end the civil war in Liberia; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H. Res. 170. Resolution requesting the President to designate July 2, 1993, as "Thurgood Marshall Day"; to the Committee of Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Inslee and Mr. Sangmeister.

H.R. 44: Mr. Barrett of Nebraska, Mr. Chapman, Mr. Coppersmith, Ms. Danner, Mr. Diaz-Balart, Mr. Fingerhut, Mr. Gallo, Mr. Glickman, Mr. Holden, Mr. Johnston of Florida, Mr. Lantos, Mr. Lazio, Mr. Levin, Mr. McCloskey, Mr. McCrery, Mr. McDermott, Mr. Menendez, Ms. Molinari, Ms. Pelosi, Mr. Ramstad, Mr. Stupak, Mr. Volkmer, and Mr. Zimmer.

H.R. 114: Mr. Foglietta.

H.R. 145: Mr. Barcia and Mr. Cox.

H.R. 345: Ms. Shepherd.

H.R. 349: Ms. Pryce of Ohio.

H.R. 726: Mr. Evans and Ms. DeLauro.

H.R. 811: Mr. Hamburg.

H.R. 826: Mr. Goss, Mr. Dicks, Mr. Coppersmith, Mr. Walsh, Mr. Levin, Ms. Maloney, Mr. Deutsch, and Mr. Parker.

H.R. 933: Mr. Bryant.

H.R. 1255: Ms. Shepherd.

H.R. 1296: Mr. Rose, Mr. Hughes, and Mr. Mfume.

H.R. 1377: Mr. Kreidler, Ms. Woolsey, Mr. Hinchey, Ms. Kaptur, Mrs. Unsoeld, Ms. Brown of Florida, Mr. Foglietta, Mrs. Clayton, Ms. Meek, Mr. Moran, Mr. Deutsch, Mr. Ackerman, Ms. Eddie Bernice Johnson, Mr. Lantos, Mrs. Schroeder, and Ms. Furse.

H.R. 1389: Ms. Roybal-Allard.

H.R. 1437: Mr. Blackwell, Mr. Menendez, Mr. DeFazio, Mr. Gutierrez, Ms. Pelosi, Mr. Foglietta, Mr. Vento, and Mr. Pallone.

H.R. 1517: Mr. Barlow, Mr. Borski, and Mr. Sanders.

H.R. 1670: Mr. Bartlett.

H.R. 1671: Mr. Greenwood.

H.R. 1712: Mr. Sensenbrenner.

H.R. 1788: Mr. Shays and Ms. Furse.

H.R. 1814: Mr. Brown of Ohio and Mr. Strickland.

H.R. 1948: Mr. Waxman and Ms. Pelosi.

H.J. Res. 86: Mr. Shays, Mr. Visclosky, Ms. Roybal-Allard, and Mr. Emerson.

H.J. Res. 155: Mr. Quillen, Mr. Menendez, Mr. Engel, Ms. Byrne, Mr. Vento, and Mr. Lazio.

H. Con. Res. 36: Mr. Kingston.

H. Con. Res. 66: Mr. Underwood.

H. Con. Res. 91: Mr. Rohrabacher, Mr. Lipinski, Mr. Lantos, and Mr. Bilirakis.

H. Con. Res. 95: Mr. Lipinski, Mr. Rangel, Mr. Edwards of California, Mr. Kopetski, Mr. Waxman, and Mr. Hughes.

H. Res. 35: Mr. Richardson, Mr. Fish, Mr. Gutierrez, Mr. Slattery, Mr. King, Mr. LaFalce, Mr. Ortiz, Mr. Foglietta, Mr. Coleman, and Ms. Meek.

H. Res. 54: Mr. Stearns.

H. Res. 135: Mr. Regula and Mr. Sundquist.

H. Res. 165: Mr. Rohrabacher, Mr. McHugh, Mr. Lewis of California, Mr. Frank of Massachusetts, and Mr. Horn.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 300: Mr. Stearns.

EXTENSIONS OF REMARKS

H.R. 2135, A BILL TO ESTABLISH A NATIVE AMERICAN VETERANS' MEMORIAL

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today on behalf of myself and Representatives RICHARDSON, YOUNG of Alaska, MONTGOMERY, ROSE, MILLER of California, VUCANOVICH, ROBERTS, GALLEGLY, SMITH of Oregon, STUMP, KYL, DOOLITTLE, CALVERT, MEYERS, BEREUTER, GEJDENSON, SCHROEDER, WILLIAMS, MCDERMOTT, SPRATT, FALEOMAVAEGA, TORRES, JOHNSON of South Dakota, ABERCROMBIE, MINK, ENGLISH of Arizona, and FURSE to introduce legislation to establish a National Native American Veterans' Memorial.

From the Revolutionary War through our present peace keeping efforts in Somalia, native Americans have proudly served in all branches of the Armed Forces in defense of their country and to uphold the freedoms we all cherish. Many tribes supported the fledgling United States in their fight for independence from the British, in many instances making the difference between a battle fought and a battle won. In World War I, native Americans served gallantly in all major battles, many making the ultimate sacrifice. Members of the Choctaw Nation devised the only code used during that war that the enemy was unable to break.

During World War II, native Americans again displayed uncommon valor, fighting in numbers far exceeding their representation in the general population of the United States. Like the Choctaw code talkers before them, members of the Navajo Nation could deliver and receive communications in a manner that the Axis was unable to decipher, without any of the loss of time involved in the usual processes of encoding and decoding.

Native Americans continued to serve and die for their country in every conflict after that date in which Americans fought. Most recently, Eric Bentzlen of the Sisseton-Wahpeton Sioux Nation and Michael Noline of the San Carlos Apache Tribe gave their lives in Operation Desert Storm protecting the ideals for which this country stands.

Native American veterans count among themselves a number of Medal of Honor recipients, like Lt. Ernest Childers of the Oklahoma Creeks and Lt. Jack C. Montgomery of the Cherokee. Their numbers are also conspicuous in the ranks of those who have received other decorations for valor and distinguished service.

Sadly, though we may acknowledge their military prowess and their great contributions, we have not always acknowledged our debts to them. After the conflicts in which they fought have ended, they have returned home only to be rewarded with second-class citizenship and poverty on the reservations. That lamentable truth is captured in the life of Ira Hayes, a member of the Akimel O'odham who served in the Marine Corps during World War II. Across the Potomac River in Arlington National Cemetery, Ira Hayes stands immortalized in the Iwo Jima Memorial, planting the American flag atop Mount Suribachi. Tragically, his heroism was all but forgotten after the war and he died a broken man, victim of alcoholism.

On reservations and in native American communities throughout Indian country one of the most prominent and deeply felt observances is Veterans' Day. On the Wind River Reservation in my State, home to the Northern Arapaho and Eastern Shoshone Tribes, these observances are led by two very active veterans' groups: the Arapahoe American Legion Post 84 and the Richard Pogue American Legion Post 81. As these native Americans honor those of their brethren who have served their country, so too should we.

H.R. 2135 provides a small step toward this Nation honoring the service and sacrifice of our native American citizens. It would provide for the establishment of a Native American Veterans' Memorial in the soon-to-be-built National Museum of the American Indian located on the Mall. The museum was established by Congress to advance knowledge and understanding of native American cultures and the contributions those cultures have made to our society. The memorial would further the purposes of the museum by giving all Americans the opportunity to learn of the proud and courageous tradition of service of native Americans in the Armed Forces of the United States. The memorial would be financed entirely by private funds.

The National Congress of American Indians has recently called for the establishment of such a memorial. In addition, the Smithsonian Institution, under whose aegis the museum will be operated, "warmly supports the establishment of a memorial to Native American Veterans." The Secretary of the Smithsonian, however, has previously raised two minor concerns with the concept of such a memorial: First, that the Smithsonian has not yet had the opportunity to sound out the tribes on their views regarding the size, character, and placement of the memorial before detailed plans for it are made; and second, that the cost of a large memorial may be burdensome to the museum's planned fundraising efforts.

These concerns are addressed by the legislation. The bill leaves the design, size, placement, construction, and maintenance of the memorial entirely in the hands of the museum. The museum is free therefore—in fact, required by the language of the bill—to consult thoroughly with the tribes to tailor the memorial to both the wishes of Indian country and to any budgetary or architectural constraints they may have. As a result, the Smithsonian now fully supports the memorial.

Mr. Speaker, I hope that my colleagues will join me and my many cosponsors in honoring our native American veterans by supporting passage of this legislation.

RHODE ISLAND ASSOCIATION OF LETTER CARRIERS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. MACHTLEY. Mr. Speaker, I rise today in recognition of the Rhode Island Association of Letter Carriers for its upcoming food drive to be held on Saturday, May 15, 1993. The food drive is being coordinated by Mike Ardente, president of the Rhode Island Association of Letter Carriers, and Art Salzillo, president of Branch 15 of the Letter Carriers in Providence.

Letter carriers, through the very nature of their jobs, witness pain, poverty, joy, and wealth. It is all too easy to become so absorbed in our own lives that we lose sight of the problems and plights of others. This Saturday, the Letter Carriers of Rhode Island will be bringing much needed attention to the problems and plights of the hungry and undernourished. I am proud to extend my heartfelt appreciation to the letter carriers in the Providence, RI, area for their commitment to our community.

On Saturday, the Providence Letter Carriers will be carrying two mailbags—one to deliver mail and one to collect food donations. In exchange for Saturday's bills, catalogs, and letters from friends and relatives, the letter carriers will be taking something back. With the help of Providence residents, the letter carriers will be filling their extra mailbag with canned goods to be donated to the Rhode Island Community Food Bank.

This food drive is part of a national effort by the National Association of Letter Carriers to help the hungry. We are extremely fortunate in Rhode Island to have Mr. Ardente and Mr. Salzillo to coordinate this extraordinary effort. I know I speak for the people of Rhode Island in thanking them both for their dedication and compassion.

NORWEGIAN INDEPENDENCE DAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. ROTH. Mr. Speaker, because of its beautiful green forests and stunning lakes, it isn't surprising that so many Norwegian immigrants chose to settle in northeast Wisconsin. It reminded them of home. Today, the de-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

scendants of these people continue to honor their ancestors through membership in the Sons of Norway.

I rise today on May 17 as a fellow Son of Norway to wish all the members of the Sons of Norway in the Eighth Congressional District of Wisconsin a happy Norwegian Independence Day. Or as they say in Norway, a "flott Syttende Mai."

Norwegians celebrate May 17 in a wonderful manner. Throughout Norway, children dressed in traditional Norwegian folk costumes walk together in a children's parade through the streets of the town. And of course, there is plenty of music to dance to and wonderful Norwegian pastries and food to consume.

My district is home to many chapters of the Sons of Norway. One of these chapters is the H.R. Holand Lodge in Sturgeon Bay, which will be holding a dinner in celebration of May 17 this very evening. I wish the lodge's president, Gordon Anderson and its members a very "koselig" evening, and "lykke til"—good luck—with all of their other activities throughout the year.

TRIBUTE TO PALO ALTO HIGH SCHOOL BOYS BASKETBALL TEAM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Ms. ESHOO. Mr. Speaker, I rise today to honor Palo Alto High School boys basketball team on the occasion for their winning the California Division 3 State Championship.

This team, whose cocaptains are Grant Elliott and David Weaver, is coached by John Barrette. Team members in addition to the cocaptains are Seniors David Jefferson, Rod Mann, Boyd Smith, Chad Smith, and Josh Wetzel; and Juniors David Bennion, Ilan Ben-Yaacov, Andrew Brown, Ryan Derby, Jimmy Farris, Mikey Smith, Vonn Sumner, Mark Thompson, and Scott Young. Never before in the 100-year history of Palo Alto High School has the boys basketball team won a State championship. It is also the first time the team has won the Central Coast Championship, and the first time since 1927 that the team has won the Norcal Championship.

The camaraderie evidenced by the great teamwork of this group of boys has been an inspiration for both students and townspeople. Record crowds, of which I was fortunate to be part, turned out for the games to see the team work their special magic. School pride swelled as records were broken. This group of talented and hard working athletes are models for younger children. Not only are they members of a recordbreaking team, their collective grade point average of 3.7 is the highest of any high school boys basketball team in the central coast section.

Mr. Speaker, I am proud to represent Palo Alto and the Palo Alto High School 1993 boys basketball team. I am honored to have this opportunity to congratulate the players and coach on the occasion of their becoming State champions.

NEGOTIATED RATES ACT OF 1993

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. MINETA. Mr. Speaker, today I am introducing legislation that addresses a serious problem in the American economy. It is commonly referred to as the undercharge problem or the negotiated rate problem. It has been with us too long, and it needs to be resolved soon.

Many of you have heard from businesses in your districts about this problem. These businesses complain that they reached a mutually agreed to price for shipments by truck, then years later they receive enormous bills for amounts well above anything they and the trucking company ever agreed to.

The problem emerged as the result of certain practices that had occurred in the trucking industry. Carriers were quoting rates which the shipper and the truck carrier agreed to and which the shipper paid. However, in many cases the carriers were providing service at those quoted rates without filing them at the Interstate Commerce Commission [ICC], as required by regulatory laws. Often, the shipper had no idea what the carrier was or was not filing, and in some instances the shipper had no idea what the carrier was or was not required to file.

Subsequently, some of the carriers went into bankruptcy, and trustees for the bankrupt carriers began billing the shipper for the difference between the rate that was quoted and paid the carrier's rate which was on file at the ICC. A debate ensued as to the legality of these claims, with the ICC maintaining that pursuance of such claims was an unreasonable practice, and therefore, shippers need not pay them. In 1989, a coalition of shippers, brokers, and motor carriers brought this problem to my attention, and I cosponsored legislation to address the matter. No further action was taken during that Congress.

In 1990 the Supreme Court decided in Maislin versus Primary Steel that the rate on file at the ICC is the rate which must be paid by the shipper. Immediately following that decision, I held hearings on undercharges in July 1990 and received testimony from carriers, shippers, bankruptcy trustees and transportation brokers. Despite efforts to reach a resolution which continued up to the end of the last Congress, a disagreement on how best to handle the growing problem persisted mainly because of concerns about the possible effect pending proposals might have on back wages and pension fund payments due to employees of bankrupt carriers. Again, no further action was taken on pending relevant legislation.

In this Congress, I am renewing my efforts to bring about a fair and equitable solution to this problem. Following many meetings with representatives of both sides in the last several years, I am introducing a bill which I sincerely believe represents a fair and reasonable solution to the problem and which provides a mechanism whereby all parties will benefit.

The fact is that this issue, because it has been left unresolved, is creating great business uncertainty and economic inefficiency all across our country. Shippers do not know how much of these enormous bills they will ever have to pay, or when. Those with standing in the bankruptcy process do not know what proportion of these disputed amounts will ever be paid into the estate of the bankrupts, when, or even more importantly, how much of it will be left after paying all the legal expenses and other process costs which are now an enormous burden to everybody.

This is not a burden and an inefficiency which our economy needs at this time. All parties will be better off if we can quickly and equitably resolve this dispute, rather than leaving it to fester for years in the Federal courts, the bankruptcy courts, and before the ICC. We need to step in and resolve this issue, and we need to do it sooner rather than later.

The bill I am introducing provides three options to the shipper for resolving the undercharge claims. One maintains existing regulatory remedies and another provides a defense for claims arising up to 2 months after the Maislin decision. The last one is establishment of a settlement procedure which allows payment of a certain percentage of the difference between the carrier's applicable filed rate and the rate originally billed and paid. The settlement option allows the shipper to resolve the claim at a lower cost, while at the same time assuring that some money will be funneled into the bankruptcy pool for payment to unsecured creditors including employees for back wages and pension funds.

The bill further provides for changes in other rate matters such as outlawing phantom rates, requiring the ICC to issue regulations for contract carriage, and sanctioning the use of coded rates in the past, but requiring that customer names be used in the future. These latter provisions should go a long way to prevent additional rate problems in the future. Some of these provisions are supported by labor.

This problem has gone on far too long at a cost to everyone involved that is too great to estimate. I would note that many Members in this House share that view, and many have urged me to take action to bring this to a conclusion. I am particularly pleased that Mr. SHUSTER not only shares this view, but has agreed to cosponsor this bill as well.

The subcommittee on Surface Transportation, chaired by Mr. RAHALL, will hold hearings on this and all bills dealing with this issue in preparation for passing legislation in the House as quickly as possible.

I therefore invite my colleagues to cosponsor this legislation and I urge them to support its enactment.

RECOGNIZING THE CREW OF THE S.S. "SORELDOC"

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. EDWARDS of Texas. Mr. Speaker, the last official paper signed by President Franklin D. Roosevelt was a proclamation designating May 22 as National Maritime Day.

Today I rise to once again recognize the patriotism and bravery of this Nation's merchant mariners. On May 22 of this year, the surviving crew of the S.S. *Soreldoc* will be celebrating 50 years since they sailed out of Mobile, AL, to defend the United States during World War II.

The Merchant Marine has always been a strong asset to this Nation's national defense. I am pleased to be able to recognize the great men of World War II who entered the merchant marine and went to sea to fight for our country.

The battles that took place in the Atlantic Ocean were pivotal to the outcome of World War II. The heroism of the merchant seamen is well documented throughout the war, and was instrumental in our victory against the Axis powers.

We owe these merchant mariners a great debt: during World War II, 733 U.S. merchant ships were sunk by Axis powers and 5,638 officers and men of the merchant marine lost their lives. Seventeen hundred United States-flag merchant ships served as part of the U.S. Navy and thousands others, though not "in uniform," also contributed directly and indirectly to the war effort by hauling the goods and supplies needed by U.S. industry and by United States and allied forces overseas.

Since World War II, the merchant marine has been called upon in every major conflict, including the Korean war, the Vietnam war and the Persian Gulf war. In each case, the merchant mariners have served with distinction and have aided their country in defending freedom and democracy.

I ask my colleagues to join me in taking a moment on May 22 to remember those who sacrificed so that we might enjoy the freedoms and privileges that we too often take for granted.

HONORING GENE SISNEROS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. RICHARDSON. Mr. Speaker, it gives me great pleasure to publicly praise Raton, NM, resident Gene Sisneros, winner of the 1993 New Mexico Distinguished Public Service Award.

Mr. Sisneros has served as Colfax County assessor for the last 8 years. In addition to his government service, Gene has undertaken an active political life having served as chairman of the Colfax County Democratic Party since 1976.

In the 24 years of the Distinguished Public Service Award Program, only 226 New Mexicans have been bestowed this prestigious honor. Gene is one of these honorees and I am proud to call him a good friend, a fellow public servant, and a great American.

I call to my colleagues' attention a news article which appeared in Gene's local newspaper, the Raton Range. I also urge my colleagues to join me in paying special tribute to Gene Sisneros, New Mexico's latest Distinguished Public Service Award winner:

SISNEROS RECOGNIZED FOR SERVICE

(By David Wasserstrom)

As a dedicated public servant and Democratic Party leader, Gene Sisneros has worked through the years for the betterment of Colfax County and its residents.

Recently, though, he has garnered some official recognition for his efforts.

Sisneros was one of eleven 1993 recipients honored last week with the New Mexico Distinguished Public Service Award, presented to those whose service extends beyond traditional boundaries.

"It's a real honor," said Sisneros. "There aren't a lot of people who have received this in the past, so it really means something to me."

1993 marks the 24th anniversary of the service awards program. In that time, 226 New Mexicans have been recognized for their outstanding contributions to public service. Program sponsors quote President John F. Kennedy when outlying recipient characteristics:

"Let the Public Service be a proud and lively career."

No one can deny Sisneros' career that claim. As Colfax County Assessor for eight years and Deputy Assessor for three years, Sisneros lends a unique and professional tenor to assessment procedure and gives the county courthouse a lively appearance in his presence.

"We've worked hard to bring county valuation up while bringing mill levies down," he said. "I really enjoy working with the people to make this a better place."

Recently, Sisneros was also re-elected as Colfax County Democratic Party chairman during party meetings last month.

Sisneros has served as county chairman since 1976 and said he looks forward to many more years of democratic service.

"The state democratic party has always been political in a positive sense," he said. "Locally, we try to do whatever is good for the county and help the people here as much as we can."

Sisneros said party membership in the county has remained stable since 1976, but he sees President Clinton's rise in politics as a signpost to greater interest in the party and its objectives.

The Democratic Party acts locally to represent county democrats and lobbies in Santa Fe for the party agenda. As chairman, Sisneros represents Colfax County at all state sponsored democratic functions. He also belongs to the State Democratic Committee and participates actively on that level.

"The party here in Colfax County is united and well run," he said. "We are recognized on the state level, and that helps get our agenda across to the representatives."

Sisneros said the party plans on hosting a social function with state representatives sometime this summer in an effort to boost interaction between the representatives and their constituents.

Sisneros was born in Ocate, N.M. in 1943. He moved to Raton shortly after and has remained here all his life.

"This is a super place to live," he said. "The people here are what really make it special."

SUPPORT OF ITW SHAKEPROOF MILWAUKEE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. BARRETT of Wisconsin. Mr. Speaker, I would respectfully submit for the RECORD my testimony this morning before the U.S. International Trade Commission in support of ITW Shakeproof-Milwaukee.

Later this year, the U.S. Congress will address two very important international trade issues. That is, extending MFN status to People's Republic of China and of course, the controversial North American Free-Trade Agreement.

I support international free trade in general, but at the same time I emphatically believe that international competition must be fair and comply with laws of international trade. We must value and retain the remaining American industries and fight against unfair trade practices that harm our labor force and destabilize our economy.

TESTIMONY OF HON. TOM BARRETT BEFORE U.S. INTERNATIONAL TRADE COMMISSION IN SUPPORT OF ITW SHAKEPROOF-MILWAUKEE, MAY 13, 1993

Good morning, Mr. Chairman and members of the Commission. I am Tom Barrett, and I represent the 5th Congressional District of Wisconsin in the U.S. Congress. I would like to thank you for the opportunity to testify this morning to express my concern about a business in my district, the Shakeproof Industrial Products Division of ITW, and to learn about how the Commission conducts its investigation under the Antidumping Act.

I am aware that the Antidumping Act is complex and I am confident that the Commission will issue a decision based on its expertise.

I am here today to bring to the attention of the Commission my constituents' concern about unfair international trade practices affecting their lives and to explain to you the importance of Shakeproof to my district and the Milwaukee community.

My constituents have repeatedly asked me in their letters and in my town hall meetings about jobs—particularly stable well paying jobs. I share their concerns that creating and, most importantly, maintaining good jobs in the United States is critical to our economic growth and stability. It is important both for individual workers and for the maintenance of our competitive edge in today's global economy.

To me, Shakeproof represents the kind of industry my district needs, with the kinds of jobs we want to maintain and increase. I also know from both a political and a business perspective that it is much easier to maintain jobs than to create them.

The mellowes plant, which Shakeproof purchased in 1991, has been in Milwaukee for 37 years. While Shakeproof is a relatively small operation employing roughly 70 workers, these workers are extremely productive in today's competitive international market. With just 70 employees, Shakeproof produces billions of lockwashers every year. In 1991, they manufactured approximately over 3 billion lockwashers using American materials and American workers. According to Shakeproof, these workers are among the most efficient producers of lockwashers in the world.

This week, I had the opportunity to visit the plant and meet the hard working employees of Shakeproof. I was impressed by their obvious dedication to the production of a quality item. Like many Milwaukee workers, Shakeproof's employees are concerned about unfair trade practices, but they are confident that they can be the most efficient producers in the world, once the playing field is leveled.

Not only do the workers produce for the U.S. market, they also export. Beyond its 70 production workers, the company indirectly provides jobs in and around Milwaukee for hundreds of other workers, including its accountants, electricians, the health care providers who care for its employees. Another example of Shakeproof's indirect job-creation activities is the creation of downstream work like the plating of finished lockwashers. These Milwaukeeans also have a large stake in the outcome of this case.

The problem facing Shakeproof and other American companies is how to compete with unfairly priced imports. Under the antidumping law, the Commerce Department has the authority to decide whether imports are priced below fair market value. The Commission also decides whether the below-fair-value imports are injuring U.S. industries. I understand the Department of Commerce has already found that imports from Taiwan are unfairly priced. China's import prices, measured on a per pound basis, have ranged from 35 to 40 cents per pound. ITW-Shakeproof's prices, on the other hand, have varied from 60 to 78 cents.

As a Member of the House of Representatives, I support international free trade in general, but at the same time I emphatically believe that competition must be fair and that the game must be played according to the laws of international trade.

Mr. Chairman, I want to leave you with my central point. ITW-Shakeproof in Milwaukee, Wisconsin is essentially the sole U.S. manufacturer of helical spring lockwashers. Since 1980, all other U.S. competitors, for various reasons, have been forced out of the helical spring lockwasher business.

With growing political attention focused on international trade and the "global economy," it is easy to lose sight of the supreme importance of rewarding and encouraging our own labor force. The employees of the ITW-Shakeproof plant reflect the character and work ethic in Milwaukee, and we need to do everything we can to protect important jobs at home.

I would like to again thank the chairman and members of the Commission for giving me the opportunity to speak. On behalf of my constituents, I look forward to learning more about the activities of the ITC and relating this information to them.

SALUTE TO THE CALIFORNIA CENTRAL COAST WORLD TRADE CENTER ASSOCIATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a growing organization in Ventura County, CA, which is working hard to build international trade links.

The California Central Coast World Trade Center Association is a public-private partnership that is opening doors to economic development through international trade. The rapidly growing Oxnard-based center, now in its eighth year, provides information, communication services, and trade assistance to companies in the central coast region from Malibu to Monterey, and as far east as Kern County.

International trade is vital for America's economic well being, and that's especially true along the Pacific rim. Nearly 60 percent of California's real economic growth last year came from exports, and trade creates jobs both directly and indirectly.

Business leaders in Ventura County, and elsewhere along the central coast, recognize this. The expansion of the Port of Hueneme, in which I am proud to have played a role, is just one of many examples of how our region is looking over the horizon for new markets and new opportunities.

That is why I am pleased to help salute the California Central Coast World Trade Center as it prepares to commemorate World Trade Week, which was first initiated in 1926 by the Los Angeles Chamber of Commerce and first observed nationally by the proclamation of President Roosevelt in 1935.

As part of its observance of World Trade Week 1993, the California Central Coast World Trade Center will be holding a conference, entitled "Economic Revitalization Through International Trade." A key component of the conference will be an unprecedented matchmaking meeting between trade commissioners and consul generals from more than 20 countries and participating businesses, cities, and counties throughout the central coast.

The program also will include presentations on a variety of topics, including defense industry conversion, the North American Free-Trade Agreement, and the basics of exporting—all important issues for the Nation and especially for southern California.

Mr. Speaker, I urge my colleagues to join me in commemorating World Trade Week 1993, and in saluting the California Central Coast World Trade Center Association for the outstanding job it is doing in promoting exports and job creation in the region.

COMMEMORATING THE 73D ANNIVERSARY OF POLICE AND FIREMEN'S POST 303 OF THE VETERANS OF FOREIGN WARS

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. SANTORUM. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding history of community service of Pittsburgh's Police and Firemen's Post No. 303 of the Veterans of Foreign Wars.

This post, one of the oldest VFW posts in America, was originally organized in December 1919 by Pittsburgh Police and Firemen returning from service in the First World War. Among its members have been men who have served with honor in American conflicts from the Spanish-American War through Vietnam.

Throughout its early years, Post 303 was noted in the Pittsburgh area for its large uniformed marching band. More recently, the post's contributions have been in the form of generous donations to veterans hospitals, most notably the veterans hospitals library service. Through benefit shows and dances, Post 303 has raised more than $87,000 for VA medical centers in the last 9 years alone.

In addition, Veterans of Foreign Wars, Post 303 has been known for its dedication to youth activities, the Buddy Poppy program, the Boys Clubs of America, the Boy Scouts of America, Junior Olympics, and the junior rifle clubs of the National Rifle Association.

Mr. Speaker, I am particularly pleased to recognize the contributions of a constituent of mine, post commander Louis Drogoski; and the officers of Post No. 303, Constantine J. Knox, John J. Pearce, Robert C. Lang, Peter H. Turrill, Jr., Andrew A. Mammarelli, Albert H. Magnotta, and John F. McMahon.

The members of Veterans of Foreign Wars, Post 303 celebrate their 73d anniversary this year, and I salute them for their commitment to serving both America's veterans and the youth of Pittsburgh.

THE SMALL BUSINESS 503 LOAN REFINANCING ASSISTANCE ACT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. MACHTLEY. Mr. Speaker, I rise today to announce the introduction of the Small Business 503 Loan Refinancing Assistance Act of 1993.

The 503 Loan Program, now discontinued, was created under the Small Business Investment Act of 1958 to promote small business development through long-term moderate-rate financing. In this program, the Small Business Administration loaned money to small businesses through certified development companies at what was considered at the time reasonable market interest rates.

However, interest rates declined over the last few years, leaving businesses enrolled in the 503 program with high interest loans. Some of the interest rates on these loans are as high as 15 percent. When small business owners try to pay off their loan early in order to take advantage of the market's lower interest rates, they must pay a prepayment premium—or what some people call a prepayment penalty—in order to get out of the loan. Some businesses are paying penalties in excess of $150,000.

There is nothing remotely comparable to the 503 prepayment provision in the commercial banking industry.

There are 57 outstanding 503 loans the State of Rhode Island worth $14,197,000. Throughout the Nation some 3,700 small businesses are effected by this problem. One of my constituents, Dan McKee, owner of Woonsocket Health and Racket Club, estimates that if he were to prepay his 503 loan, he would have to pay somewhere between $35,000 and $40,000 in penalties alone.

It seems to me, Mr. Speaker, that if small businesses were given an opportunity to refinance their loans at today's lower interest rates, they would be able to expand, create new jobs and finance the many alterations to their businesses required by Government regulation. In short, any money which might be lost to the Treasury would surely be offset by lower unemployment rates and the increased tax revenues paid by 503 borrowers.

Today I am introducing the Small Business 503 Loan Refinancing Assistance Act, along with RON WYDEN and a number of our colleagues, in an effort to solve this problem which is unique to the 503 program. This bill would allow participants in the 503 Loan Program to prepay their 503 loan based on a more equitable formula or allow borrowers a reduction of the interest rate on their loan. This reduction, to be decided by the Treasury Department, would be calculated by the market rate of Government Treasury notes plus 4.5 percent. Interest rates would be between 8 and 12 percent.

Mr. Speaker, lately everyone is talking about small businesses and their ability to employ workers and invest in the community. With small businesses creating two of every three new jobs, producing 40 percent of the Nation's gross national product and inventing more than half of our country's technological innovations, it is important that entrepreneurs are able to reinvest in their ventures. If we are genuinely interested in helping these small companies, let's start by correcting a problem that has plagued many businesses and prevented them from making investment and expansion possible. I encourage my colleagues to cosponsor the Small Business 503 Loan Refinancing Assistance Act.

THE ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. STUDDS. Mr. Speaker, today I am introducing legislation that will improve the conservation and management of our valuable nearshore fisheries along the Atlantic coast. The Atlantic Coastal Fisheries Cooperative Management Act of 1993 will create a partnership between the States and the Federal Government to protect and rebuild these troubled stocks.

No one can dispute that many of these stocks, and the commercial and recreational fisheries that rely upon them, are facing a bleak future. Total landings of weakfish have declined by 85 percent in the past decade. Total landings of summer flounder have dropped by 70 percent in just the past 4 years.

The Atlantic States Marine Fisheries Commission—which is comprised of representatives from each of the 15 Atlantic coast States—has written conservation and management plans for many of these species. Unfortunately, a number of the plans have not been fully implemented by the States. The sad result is that stocks continue to decline and in the meantime, a disproportionate share of the conservation burden is carried out by States like Massachusetts that have done their part to implement the plans. This situation cannot continue.

Faced with a similar crisis in 1984, I authored the Striped Bass Conservation Act, which is widely credited with bringing the striper—or rockfish—back from the brink of extinction. Today, fisheries such as weakfish and summer flounder may actually be in worse shape than the striper was in 1984. We must do for these species what we did for the stripers back in 1984.

The Atlantic Coastal Fisheries Cooperative Management Act would authorize a cooperative effort between the States and the Federal Government to ensure that everyone does their fair share in conserving these species. While the responsibility for managing coastal fisheries would remain with the States and the Commission, the legislation provides the States with access to the resources of the Federal Government to enforce Commission rules, encourage the implementation of conservation measures, and provide financial assistance to facilitate these efforts.

For years, our small coastal communities have relied on the sea's resources for their livelihoods and recreation. With the passage of this legislation it is my hope that the sport fishermen on Martha's Vineyard will once again have a viable weakfish fishery, that the commercial fishermen on Cape Cod will see the return of the summer flounder, and that fishermen all along the coast will reap the benefits of a coordinated conservation and management program

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INTRODUCTION OF THE MADRID PROTOCOL IMPLEMENTATION ACT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. HUGHES. Mr. Speaker, today I, along with Mr. MOORHEAD, am introducing the Madrid Protocol Implementation Act. This legislation is introduced in anticipation of the United States becoming a member of the Madrid protocol, an agreement concerning the international registration of trademarks.

The United States has never belonged to an international trademark registration system. The United States has been involved in negotiations concerning a protocol to the Madrid agreement which established an international registration system for trademarks. The registration system is presently administered by the International Bureau of the World Intellectual Property Organization. The protocol resolves a number of provisions contained in the Madrid agreement which were not favorable to trademark owners in the United States and did not fit under existing United States trademark law.

Although the protocol must still be finalized, the Madrid Protocol Implementation Act is being proposed now so that a full and complete public discussion can be conducted on the provisions and how it will impact the public, trademark owners, and the Patent and Trademark Office operations. The protocol is expected to provide significant advantages for U.S. trademark owners by permitting ease of registration in countries other than the United States to receive the full protection of their trademarks in those countries.

TRIBUTE TO SACRED HEART PREPARATORY SCHOOL GIRLS BASKETBALL TEAM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Ms. ESHOO. Mr. Speaker, I rise today to honor Sacred Heart Preparatory School girls basketball team on the occasion of their winning the California Division 5 State championship.

The team members are seniors Wendy Miller and Elizabeth Rizzo; juniors Heidi Brady, Alexis Felts, Shawna Franceschini, Whitney Gould, Debbie Walery, and Elizabeth Walton; sophomores Jennifer Harris and Kobie Kennon; and freshman Lajwan Robinson. The head coach is Mike Ciardella and the assistant coach is Dan Greenleaf.

The team's final rankings place it No. 1 in San Mateo County, No. 1 in northern California, No. 1 in Division 5, and No. 4 in all divisions in California. The team won the Sacred Heart Gator Classic, the Branson Tournament, the Santa Barbara Tournament of Champions and the Archbishop Mitty Tournament. They were undefeated in their 37 game season and are girls private school champions. Their 37 wins are the most by any girls team in State history.

Mr. Speaker, I am proud to honor the Sacred Heart Preparatory girls basketball team and Sacred Heart School. I am pleased to have this opportunity to congratulate the players and coaches on the occasion of their becoming State champions.

U.S. HOLOCAUST MEMORIAL MUSEUM DEDICATION—SPEECH OF CHELSEA LANTOS-SWETT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. LANTOS. Mr. Speaker, perhaps the key audience to whom the recently dedicated U.S. Holocaust Memorial Museum is directed are our children and our grandchildren. This wonderfully executed but deeply disturbing museum has been erected both as a memorial to honor those who were consumed in the flames of the Holocaust and as a warning to future generations of Americans of the consequences of unbridled racism, religious intolerance, and national hatred.

It is most significant that, in addition to the permanent exhibition at the museum, there is a special exhibit—"Remember the Children"—which commemorates the more than 1 million children who died in the Holocaust and also provides a presentation aimed at children so that they can understand the experience of children who suffered in the Holocaust.

Mr. Speaker, on the afternoon of the dedication of the Holocaust Museum a special program was held to dedicate the "Remember the Children" exhibit and to provide a focal point for participation of young people in the dedication of this outstanding museum.

Among the young people who participated in that event was my 10 year-old granddaughter Chelsea Lantos-Swett—the daughter of my daughter Katrina and her husband, our distinguished colleague from New Hampshire, Congressman DICK SWETT.

At the children's program, Chelsea read a letter she had written expressing gratitude to Raoul Wallenberg—the Swedish diplomat who saved the lives of as many as 100,000 Hungarian Jews during the dark days of 1944. This heroic man risked his life to save the lives of tens of thousands whom he did not know, simply because they were fellow human beings. It was most appropriate for my granddaughter Chelsea to write and read that letter since it was only through Wallenberg's dedicated and selfless action that my life and the life of my wife Annette were saved.

It was also appropriate, Mr. Speaker, to honor Raoul Wallenberg at this dedication of "Remember the Children." The exhibits at the Holocaust Museum not only highlight the brutality and callous disregard for human life, but they also reflect the occasional heroic willingness of non-Jews to risk their lives in order to save another. It is appropriate that the street upon which the Holocaust Museum is located has been named "Raoul Wallenberg Place" by act of Congress.

Mr. Speaker, I include Chelsea Lantos-Swett's letter in the CONGRESSIONAL RECORD.

NARRATOR: There is a Hebrew saying that "He who saves one life, saves the universe."

The Nazis' campaign of terror spread while millions stood silent fearless people throughout Europe of all religions and backgrounds risked their lives to act as rescue the victims of the Holocaust. They had the courage to care, some whom we will never know. Those known are called the "Righteous Among the Nations."

Some rescuers risked their lives for an hour, some for the duration of the war. Some saved one Jew, others saved thousands. What all the rescuers have in common is an inability to avert their eyes to the tragedy of others. They could not look the other way.

On behalf of the unheralded rescuers, we will hear from Chelsea Swett, the granddaughter of Congressman and Mrs. Tom Lantos and daughter of Congressman Dick Swett.

DEAR MR. RAOUL WALLENBERG: I have wanted to write you a letter for a long time. My grandparents talk about you all the time. They tell me stories about how you saved hundreds of thousands of people in Hungary from the Nazis and their concentration camps.

You are a hero. Sometimes I think and wonder what happened to you. Grandfather says that it has been almost fifty years since anyone has heard from you. Still, no one can forget what you did and how brave you were.

My grandparents told me that you were very shy and modest. I can't believe that you were ever shy. My grandparents have told me how tough and strong you were against the Nazis. They said that, representing Sweden, you would walk up to people on their way to the camps and with a handful of fake passports you would hand them out and say "Of course you're Swedish. Here's your passport." and you'd take them away to safety. You had houses where you would hide these people and they were safe because you flew the Swedish flag over the homes. My grandparents said that you even went onto the death trains and pulled people into safety.

Most of all you are my hero because you saved my grandparents. You gave my grandfather a passport so he could escape the Nazis in Hungary. My grandfather is now a Congressman in the United States and he will never forget what you did for him and thousands of others. He worked to pass a law in the Congress saying that you are an honorary citizen of the United States. My grandmother also escaped from Hungary with a Portuguese passport. She, along with my mom, organized a committee to find you after you disappeared. After a long time of looking hard, they still could not find you.

That is why you are a hero to me. That is why you are a hero to so many others. You stood up to the Nazis and did what was right. You saved thousands of lives, because you were brave and courageous. Now, a museum for the Holocaust is being dedicated in Washington, DC and it is on a street named for you, Raoul Wallenberg Drive.

There are so many of us who owe so much to you. For all of us, I say thank you for all you did. Thank you.

Your friend,

CHELSEA SWETT.

INTRODUCING THE INTERNATIONAL NONPROLIFERATION SAFEGUARDS REFORM ACT OF 1993

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. STARK. Mr. Speaker, today I am introducing legislation to strengthen the International Atomic Energy Agency [IAEA] nonproliferation safeguards. The IAEA is the U.N. agency charged with verifying that civilian nuclear facilities around the world are not being used for military purposes. It is our first and most important line of defense against nuclear proliferation.

But historically, the IAEA has not been given the political, financial, or technical support necessary to adequately verify that countries do not have clandestine nuclear weapons programs. As a result, the Agency failed to uncover Saddam Hussein's elaborate nuclear bomb program.

The IAEA has been more effective at flushing our North Korea's nuclear ambitions, leading the Democratic People's Republic of Korea to announce its intention to withdraw from the Nuclear Nonproliferation Treaty [NPT]. But crucial tests lie down the road—can the IAEA adequately inspect all of Iran's nuclear activities? Can the Agency safeguard the bulk-scale plutonium reprocessing facilities due to come on line in Europe and Japan? Does the IAEA have the resources to safeguard all of the nuclear facilities in the Soviet successor states once those nations join the NPT?

My legislation, the International Nonproliferation Safeguards Reform Act of 1993, provides additional resources for the IAEA to address these challenges, but makes the added funding contingent on the IAEA carrying out reforms to strengthen the effectiveness of its safeguards activities. We cannot allow the next Saddam Hussein to actually acquire the ultimate terrorist weapon.

INTRODUCTION OF THE RECREATIONAL CAMP SAFETY ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. SHAYS. Mr. Speaker, today I am pleased to introduce the Recreational Camp Safety Act.

For more than 20 years Congress has failed to pass any legislation to address the lack of minimum safety standards to protect children at camps. In that time, hundreds more children have been hurt or killed in camping accidents.

The sad fact is that we cannot know exactly how many or if any of those accidents were preventable. There are no Federal safety standards to protect children when they are at camp and almost no information of the number of types of accidents suffered by children. In fact, many accidents are never reported at all.

Parents have the right to know that when they entrust the health and safety of their children to a camp, their children will receive proper supervision by trained professionals in a safe environment.

The Recreational Camp Safety Act will require the Secretary of Health and Human Services to collect data regarding injuries occurring at camps. Two years after enactment, the Secretary will submit an analysis of the data of the President, Congress, the National Association of Governors, and the National Association of State Legislators. Included in the report will be an evaluation of whether the incidents could have been prevented through increased oversight, regulation or enforcement of existing laws.

The legislation will also call upon the President to establish a council known as the President's Advisory Council on Recreational Camps. The council will develop model safety guidelines for recreational camps. It will also consider how the States can be encouraged to adopt the model guidelines.

There are far too many examples of children who have been injured or killed because of a lack of basic safety precautions at recreational camps. It is time for Congress to finally take steps to protect our children.

I urge my colleagues to pass the Recreational Camp Safety Act soon before any more of our children are injured or killed in preventable accidents.

TRIBUTE TO PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA ON TAIWAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. BURTON of Indiana. Mr. Speaker, among the leaders in the world, few are as impressive as President Lee Teng-hui of the Republic of China on Taiwan. With the assistance of his Premier, Dr. Lien Chan, and his Foreign Minister, Dr. Frederick Chien, President Lee has fully made Taiwan's presence felt in the world.

Taiwan impresses the world with its economic strength. Taiwan is an economic powerhouse, with a total trade volume of $153 billion in 1992 and a current foreign reserve in excess of $80 billion. Politically, it is moving toward a full democracy. Its people enjoy all the political freedoms that we enjoy in the West. Furthermore, Taiwan ranks as our sixth largest trading partner and maintains a strong relationship with our Government and people.

On the eve of President Lee Teng-hui's third anniversary in office which is May 20, 1993, this Member sends President Lee and his people warmest congratulations and best wishes.

INTRODUCTION OF NATIONAL YOUTH SPORTS PROGRAM DAY

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. ROEMER. Mr. Speaker, today I am pleased to introduce, along with 30 of my colleagues, a joint resolution designating July 1, 1993, as National Youth Sports Program Day. In 1993, the National Youth Sports Program [NYSP] will celebrate 25 years of helping economically disadvantaged youths gain opportunities and personal development through sports instruction and athletic competition. This joint resolution recognizes the accomplishments of NYSP in encouraging thousands of disadvantaged youngsters to break the cycle of poverty and attain a better existence for themselves and their families.

I am frequently reminded of the youngsters that come each summer to my alma mater, the University of Notre Dame. Hundreds of young people between the ages of 10 and 16 participate in a host of activities, including sporting events, drug education, citizenship seminars, and instruction in good health practices. The young people also become acquainted with career and educational opportunities, and many receive their first exposure to a college campus. Throughout the program, youngsters are shown that it is possible to transcend their surroundings through education and by avoiding the dangers of drugs and alcohol.

More than ever, it is important that we offer services like the National Youth Sports Program to disadvantaged youngsters during their teenage years. As drugs and crime continue to ravage our inner-city youth, it is crucial that we encourage and recognize programs like NYSP that foster a desire for educational and personal achievement.

Mr. Speaker, NYSP has been a safety net for tens of thousands of disadvantaged young people. The program has done a remarkable job of building self-esteem and good citizenship in these youngsters, and I applaud the work and efforts of those who have made the National Youth Sports Program a ray of hope for our Nation's youth. I hope my colleagues will join me in recognizing NYSP's accomplishments and support this joint resolution.

TRIBUTE TO BISHOP ALFRED LEO ABRAMOWICZ

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize a very special man from the city of Chicago who will soon be celebrating a most solemn occasion. Bishop Alfred Leo Abramowicz will be celebrating his 50th anniversary as a priest and his 25th anniversary as an auxiliary bishop on June 13, 1993, at a Holy Mass at Holy Name Cathedral in Chicago.

Bishop Abramowicz has spent his entire life working for the people of Chicago. From his first assignment at Immaculate Conception BVM Parish in 1948 to his work throughout the years, he has touched the hearts and minds of the entire Chicago congregation.

Bishop Abramowicz has held numerous positions during the past 50 years. I am particularly pleased to mention his position as national executive director of Catholic League for Religious Assistance to Poland in 1960 and cochairman of the National Committee of National Czestochowa Trust Appeal. His efforts on this international level will forever be appreciated by the first and second generation immigrant families on the Southwest Side of Chicago.

Mr. Speaker, I am pleased to congratulate Bishop Abramowicz on this milestone in his life. May he have a joyous celebration and many more years of service to the people of Chicago. His dedication has never gone unnoticed. I speak for the entire Chicago community in thanking him for all he has done as a moral and spiritual leader.

IN HONOR OF CECIL PADILLA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Mr. Cecil Padilla, who retires this month after 33 years of dedicated service to the Pacific Gas & Electric Co. in Winters, CA. To truly honor Mr. Padilla, we need to recognize his contribution to PG&E, his significant community involvement, and his tireless humanitarian efforts.

Cecil Padilla, a native of Oroville, has enjoyed a long and successful career with PG&E since starting out in the gas department in 1960. Through many years of distinguished service, Cecil worked his way up in the company to his current position as manager. When PG&E offered Cecil the golden handshake as part of their effort to downsize the company, he seized this opportunity to pursue other interests.

Community involvement has been a priority for Cecil since he moved to Winters in 1977. We are all grateful for the 4 years he invested on the Winters Community Center project, with the authority entrusted to him by the city of Winters to oversee the venture and make decisions about the design in conjunction with the architect. The result of this effort has been a tremendous benefit to the area since the 1980 completion of the center.

It is apparent to anyone who knows Cecil that he has a genuine commitment to his work and receives great enjoyment from helping others. Traveling throughout the world to provide aid to poverty stricken areas, he has devoted many hours to various Rotary medical and agricultural missions and insists that such activities are self-serving. Mr. Padilla also served as a member of the Private Industry Council for Yolo County, CA, fostering economic development in the region.

As further evidence of his selfless nature, Cecil plans to continue his volunteer work upon retirement with a trip to Chile in August. He will accompany a team of doctors from La Paz, Baja California, as part of a medical survey mission.

Mr. Speaker, I ask my colleagues to join me today in commending Mr. Cecil Padilla for his many accomplishments and successful career. His efforts have greatly enriched the city of Winters and numerous people around the world. The Winters Chamber of Commerce celebrated Cecil's retirement on May 14, and I join his family and friends in wishing him continued success in the years to come.

TRIBUTE TO BRIG. GEN. ROBERT ROSE ON THE OCCASION OF HIS RETIREMENT FROM THE ARMY NATIONAL GUARD

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Ms. MOLINARI. Mr. Speaker, on May 29, 1993, a special celebration will take place in my district. On this evening, an outstanding citizen and soldier, Brig. Gen. Robert R. Rose, will be recognized on the occasion of his retirement from a remarkable career. A lifelong resident of Brooklyn, NY, General Rose retired from the Army National Guard on February 28, 1993, after 34 years of service.

General Rose's military career exemplifies and celebrates the tradition of the citizen soldier which traces its roots back to our Founding Fathers' fear of a standing professional army. Their apprehension ultimately led to the creation of a citizen militia made up of farmers, craftsmen, merchants, et cetera, who could be called away from their civilian lives to serve when needed.

Over the course of his career in the Army National Guard, Rose attended 18 military schools and performed in 17 different duty assignments. In only 24 years, he ascended from the rank of 2d lieutenant to brigadier general.

General Rose has demonstrated equal success in civilian life, where he presently works as vice president of operations and sales at the Bayside Fuel Oil Depot Corp. in Brooklyn, NY.

Mr. Speaker, quite often, the work of the National Guard is overshadowed by that of the U.S. Army and Army Reserves. Brigadier General Rose reminds us of the National Guard's critical mission and the professionalism with which its members fulfill that mission. It is a privilege for me to have this opportunity to salute Brigadier General Rose. On behalf of the Brooklyn community, we thank him for his 34 years of selfless service to our community and our Nation.

THE NEED FOR PRODUCT LIABILITY REFORM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1993

Mr. ROTH. Mr. Speaker, I rise today to draw attention to a critical matter. The issue is the lack of uniformity in our product liability system that has led to an exorbitant number of liability cases. Our current product liability system is an irrational patchwork of varying State statutes and court rulings which cost the American consumer and make it difficult for American businesses to be globally competitive.

Product liability reform is crucial if America is to maintain its competitiveness. That is why I reintroduced product liability legislation that embodies the text of S. 640 from the 102d Congress. H.R. 1954, the Product Liability Fairness Act, will bring greater fairness to our product liability system by instituting distinct, uniform rules to govern some reoccurring issues that arise in product liability cases.

My product liability reform bill will protect both consumers and businesses by expediting the compensation of legitimate liability claimants. It will also help the United States maintain its competitive edge globally by creating a level litigation playing field that ensures that new U.S. products can come to market. Furthermore, the risk to our Nation's workers and businesses of plant closings due to excessive liability costs will be diminished.

In addition, this legislation will not hamper the ability of victims to seek and receive just compensation. This bill treats both the defendant and the plaintiff in an equitable manner. It does not cap damage awards or take away a jury's right to decide the size of punitive awards. Nor does my bill set up a defense for manufacturers of products that have been determined to be inherently dangerous or unavoidably unsafe.

I realize that some of my colleagues are a bit wary of this issue, but they must recognize that our Nation stands much to gain from product liability reform. My bill creates a rational liability system which will bring down costs for all consumers and provide the American public with the choice of products and services that they rightfully deserve.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 18, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 19

9:00 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994–96 future years defense program, focusing on the personnel compensation and benefits programs of the military services.

SH-216

Governmental Affairs

To hold hearings on the nomination of Sally Katzen, of the District of Columbia, to be Administrator of the Office of Information and Regulatory Affairs.

SD-342

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Veterans' Affairs

Business meeting, to mark up S. 616, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and to consider other pending calendar business.

SR-418

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.

SD-138

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, and to review the 1994–1996 future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.

SR-232A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To hold hearings on the Administration's proposals to reform campaign financing.

SR-301

Veterans' Affairs

To hold hearings to examine the Department of Veterans Affairs roles in geriatrics, gerontology and long-term care in the United States.

SR-418

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense.

SD-192

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on S. 924, to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages.

SD-538

Commerce, Science, and Transportation

To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.

SR-253

Environment and Public Works

To hold hearings on the nominations of David Gardiner, of Virginia, to be Assistant Administrator for Policy, Planning and Evaluation, and Steven A. Herman, of New York, to be Assistant Administrator for Enforcement, both of the Environmental Protection Agency, George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks, and Rodney E. Slater, of Arkansas, to be Federal Highway Administrator, Department of Transportation.

SD-406

Foreign Relations

To hold hearings on the nominations of Mark Johnson, of Montana, to be Ambassador to the Republic of Senegal, and Marshall Fletcher McCallie, of Tennessee, to be Ambassador to the Republic of Namibia.

SD-419

2:00 p.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program.

SH-216

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs.

SD-419

2:30 p.m.

Select on Intelligence

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.

SH-219

MAY 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the childhood immunization program.
SD-124

Rules and Administration
Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994-1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense.
SD-192

Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the District of Columbia Court System and the Board of Education.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Small Business Administration and the International Trade Commission.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration's research, engineering, and development program.
SD-138

Finance
To hold hearings on the Administration's proposals to extend fast track authority for the Uruguay Round of Multilateral Trade Negotiations, and to extend the Generalized System of Preferences (GSP) program for 15 months.
SD-215

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Labor and Human Resources
To hold hearings to examine proposals for comprehensive health care reform.
SD-430

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

10:15 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on legislative and oversight issues in the securities markets and related banking and futures markets.
SD-538

1:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 839, to establish a program to facilitate development of high-speed rail transportation in the United States, and to examine current initiatives in high-speed ground transportation.
SR-253

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for Small Community and Rural Development, the Farmers Home Administration, the Federal Crop Insurance Corporation, the Rural Electrification Administration, and the Rural Development Administration, all of the Department of Agriculture.
SD-138

Armed Services
Military Readiness and Defense Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for military construction, proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on policy matters concerning the Department of Defense facility infrastructure, and the implementation of military base closures.
SR-222

Indian Affairs
To hold oversight hearings on the National Indian Policy Center.
SR-485

4:30 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.
SH-219

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

9:30 a.m.
Environment and Public Works
To hold hearings on proposals to establish a Federal program to encourage the development and use of environmental technologies.
SD-406

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings to examine violence in television programming.
SD-226

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD-192

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for Market and Inspection Services, the Animal and Plant Health Inspection Service, Food Safety, and Agricultural Marketing Service, all of the Department of Agriculture.
SD-138

MAY 25

9:00 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on personnel compensation and benefits programs.
SH-216

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD-366

Special on Aging
To hold hearings to examine the security of retirement plans, focusing on investments, planning and fraud.
SD-628

10:00 a.m.
Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on S. 656, to provide for indoor air pollution abatement, including indoor radon abatement, and S. 657, to authorize funds for indoor radon abatement programs.
SD-406

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education, and the Administration for Native Americans.
SR-485

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, S.C., to permit a land exchange, S. 472, to improve the administration and management of public lands, national forests, unites of the National Park System, and related areas, S. 548, to provide for the appointment of the Director of the National Park Service, S. 742, to establish the Friends of Kaloko-Honokohau, S. 752, to modify the boundary of Hot

Springs National Park, and S.J. Res. 78, to designate a segment of beach on Hog Island in Alabama as Arkasas Beach in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942.

SD-366

3:30 p.m.

Agriculture, Nutrition, and Forestry

To hold joint hearings with the Committee on Indian Affairs to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

SR-332

Indian Affairs

To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

SR-332

MAY 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.

SD-116

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization and chemical defense programs.

SR-222

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 27

9:30 a.m.

Energy and Natural Resources

To hold hearings on the proposed Lower Mississippi Delta Initiative of 1993.

SD-366

Indian Affairs

To hold hearings on the proposed "Native American Grave Protection and Repatriation Act."

SR-485

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

Foreign Relations

To hold hearings on the nominations of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala, and William Thornton Pryce, of Pennsylvania, to be Ambassador to the Republic of Honduras.

SD-419

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S-5, Capitol

2:00 p.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Indian Health Service and Environmental Protection Agency.

SR-485

MAY 28

10:00 a.m.

Judiciary

Immigration and Refugee Affairs Subcommittee

To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.

SD-226

JUNE 9

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.

SH-216

2:00 p.m.

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the Strategic Defense Initiative program.

SR-222

JUNE 10

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

JUNE 11

2:00 p.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.

SR-485

JUNE 16

9:30 a.m.

Indian Affairs

To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."

SR-485

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD-192

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 22

9:30 a.m.

Indian Affairs

To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.

SR-485

JUNE 24

9:30 a.m.

Indian Affairs

To hold hearings on the proposed "American Indian Religious Freedom Act."

SR-485

HOUSE OF REPRESENTATIVES—*Tuesday, May 18, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray today for the gifts of peace and harmony in our lives and among the people of our world. O gracious God, who would have us live together in understanding and respect, we pray these words of petition that swords will be beat into plowshares and the spears into pruning hooks and that nation will not lift up sword against nation and we will not learn war any more. We earnestly pray for the peacemakers from every place that their good work will ease the day of war and let all people enjoy the fruits of justice and freedom. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 714. An act to provide funding for the resolution of failed savings associations, and for other purposes.

CROCODILE TEARS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, before 1980, this country had never seen a deficit larger than $74 billion. Then in the eighties the Reagan-Bush policies caused that deficit to explode from $70 to almost $300 billion, as this chart demonstrates.

Now President Clinton is producing a deficit reduction package which would cut $500 billion off that deficit over the next 4 years and cut that deficit by one-third, but the same people who brought us the mess are now saying, "Oh, it's not perfect. Oh, the mix isn't right. Oh, you have to do more."

I would suggest that the same people whose tax policies allowed the richest 1 percent of people in this country to double their income to $600,000 apiece are now crying crocodile tears because the President's package raises 75 percent of the new revenues from persons who make more than $100,000 a year.

You have got the same old boys singing the same old tune and giving us the same old free lunch answers. We have tried it their way. It is time for them to get real. It is time for them to get off the President's back and let him begin to try to clean up the mess which their policies over the last 12 years have created.

HE MAY RUN, BUT HE CANNOT HIDE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, burdened by his falling popularity, President Clinton has taken his show on the road. Yesterday, he was in San Diego and New Mexico, selling his program for new debt, new taxes, and new spending.

But the President has a big problem—a credibility problem. After 5 months of hearing Bill Clinton call taxes patriotism, and spending investment and watching him retreat from campaign promises like a gazelle from lions, the American people are no longer content to hear what he says. They are watching what he does, and finding that what he says and what he does rarely match.

Today, he says Washington is the problem, that Washington is keeping him from changing the country. But the fact is, Bill Clinton and the Democrats are Washington. And he cannot run from that.

Bill Clinton may run across the country. But he cannot hide from his new taxes, his old-style social welfare programs, or his broken promises.

A FAIR, BALANCED RECONCILIATION BILL

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, there is one thing that never changes in politics. Doing nothing is always the easy way out. If you take chances and really try to bring about fundamental change, you will be criticized.

There is no better example of this political truism than the administration of our new President, Bill Clinton.

President Clinton has taken bold action to bring the Federal deficit under control. He has proposed a balanced plan of spending cuts and tax increases that really will start the deficit on a downward path after 12 years of inaction by the Reagan and Bush administrations. And surprise, he is being vilified for his efforts.

In less than 2 weeks, this House will have the opportunity to pass an essential part of the President's deficit reduction plan, budget reconciliation. The reconciliation bill that is emerging from the House is a fair one. It requires 6 percent of American families, those earning more than $100,000 a year, to pay 75 percent of the increases in taxes.

It creates a deficit reduction trust fund that locks up $496 billion in deficit reduction and throws away the key. This money must go for deficit reduction.

It makes real spending cuts in 200 programs. Naturally, much of this is controversial and is drawing fire.

But at least this President has a program. It's now up to us to make sure his program becomes reality and that the American people get the deficit reduction they are demanding.

REPUBLICANS WANT A BIPARTISAN TAX POLICY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the gentleman who preceded me talked about having a program. Let me first point out that the House Republican budget proposal was 84 pages long and cut the deficit by $25 billion more than President Clinton's plan, without a single penny in tax increases.

But the reason I rose today goes directly to the heart of this tax increase bill, the largest tax increase in history.

I am told that a number of folks are saying to their citizens back home: "Well, I'm really against the energy tax, but I probably won't get a chance to vote on it.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"I'm really against the senior citizen tax, but I won't get a chance to vote on it.

"I'm really against the restaurant tax, but I won't get a chance to vote on it."

I just want to say, I believe on behalf of the Republican side that we would like to work on a bipartisan basis with every Democrat who would like to make in order an amendment so that together we could bring to the floor a rule which allows every citizen to see on every tax how, in fact, this House would vote.

There is no reason to hide behind being afraid to let the American people see how you stand on each of these taxes, and on a bipartisan basis I believe 176 Republicans would vote for a bipartisan rule to make in order those amendments.

THE CLINTON ECONOMIC PLAN—REAL CUTS, REAL CHANGE, AND REAL PROGRESS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the Republicans are at it again.

Last week, the minority in the other body offered their own jobs bill known as the real jobs for America plan.

A GOP jobs bill. Get Real.

As useless as a one-legged stool, the Republican plan offers nothing for working American families: no job creation, no deficit reduction, and no Government reform.

The only thing the Republican plan does is to serve up tax loopholes for the same rich people who benefited from the Reagan-Bush smoke and mirrors policy of the eighties.

In contrast, President Clinton has submitted the only real economic package. It contains 200 genuine spending cuts as well as hundreds of thousands of new jobs to propel the economy into a higher gear.

Bill Clinton's plan incorporates $3 in spending cuts for every new dollar in investments.

These investments will be spent on making our neighborhoods safer, on retraining defense workers, and to launch the national service program.

This program will ensure that a college education is still within the reach of lower and middle-class families.

Mr. Speaker, accept no do-nothing substitutes. The Clinton economic plan—real cuts, real change, and real progress.

FOUR MORE YEARS?

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, last night, Bill Clinton said he would come up with his middle-class tax cut—if we give him 4 years.

At a town meeting, when a member of the forgotten middle class asked the President about his famous campaign promise, Clinton replied, "Give me 4 years to try to deliver."

Of course, after 4 years of Clintonomics, the only way middle-class taxes could go is down. As the old saying goes, what goes way up, must come down.

Do not be fooled by the President's rhetoric. The tax bite on the middle class will be very painful.

The middle-class energy tax will cost the average family about $500 per year. The Social Security tax will hit senior citizens hard. And worse, these taxes will spur inflation and slow our economic growth even further.

The middle class should not have to wait 4 more years for the President to deliver their middle-class tax.

They should get it now.

PRESIDENT CLINTON FIRST TO CHANGE DIRECTION OF DEFICIT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, if the House votes next week to support the President's economic package and the reconciliation bill, this President will have done something that no President has done in the past 16 years, and that is reverse the direction of the deficit.

We saw Ronald Reagan say he wanted a balanced budget. He never submitted one and never achieved one.

We saw George Bush say he wanted a balanced budget. He never submitted one and he never achieved one.

They all said they wanted smaller deficits. Under their terms, the deficit never got smaller. It only got larger.

President Bill Clinton will be the first President in the last 12 years to change the direction of the deficit. Under his economic plan the deficit will actually go down. He has removed some $500 billion of deficit over the next 4 years; but what it will require is the courage of this House to support his program, to say no to the special interests, to say yes to taxes because there is no other way to get there.

The President stood here early this year and told that to the American people. He has kept his bargain. He has kept our feet to the fire. He has said "no" to the special interests. He has raised revenues and he has made specific budget cuts.

The moment of truth is arriving. When the smoke clears and we will prevail on behalf of the President, Republicans will be saddled with an old and outdated program which is higher deficits and protecting special interests.

AND PERMIT US TO SPEND MORE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, now we know why the Democrats went behind closed doors with their tax plan. It adds $322 billion in new taxes over 5 years. It does so with an energy tax that could cost up to 600,000 jobs and $475 per family, and a Social Security tax that slams seniors.

But that is not all. Let me read to you from the front page of last Friday's Washington Post what President Clinton himself had to say about his plan:

> I think it will help the economy, bring in more revenues and permit us to spend more.

This admission, not 24 hours after declaring a new trust fund for his new revenues to ensure that they were not—spent.

When the President announced the trust fund, he said, "Credibility is a difficult thing to come by in Washington today."

With performances and promises like this, it is no wonder. The reality is, Mr. Speaker, more taxes will not help the economy. More spending will not reduce the deficit, and more broken promises will not help this administration's credibility.

PRESIDENT CLINTON—WORKING HARD TO GROW THE ECONOMY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I just returned from New Mexico where I had the honor of accompanying President Clinton at a tour of the Los Alamos National Laboratories. A rally followed and there were 20,000 New Mexicans, mostly young people, enthusiastically cheering the President, and basically sending the message that they are backing the President on his economic plan and his effort to reduce the deficit.

Mr. Speaker, President Clinton is committed to getting the economy going, to helping real Americans earn a decent living, and to build an economy that will serve us today and in the future.

Mr. Speaker, polls are out there saying one thing, that the American people are supporting the President.

They are saying, give him a chance. He represents change. He is taking on the special interests. He has a thoughtful and provocative plan to restore the economy and reduce the deficit.

The President is showing leadership and is demonstrating the courage it takes to do what must be done:

To cut the deficit—in his plan, there are $3 in spending cuts for every new dollar in new investments.

To bring new fairness to the tax system—75 percent of new taxes proposed by the administration effect the top 6 percent—people making over $100,000. In addition, the expansion of the earned income tax credit will benefit families with incomes under $30,000.

Mr. Speaker, the rhetoric from the other side is based in politics, not reality. President Clinton was elected to do a job—and he is doing that job.

□ 1220

BACK IN THE DITCH

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, yesterday, Bill Clinton accused critics of his administration to be "the very people who drove this country in the ditch in the first place."

That is simply not true. Republicans were the ones who got this country out of the ditch that Jimmy Carter drove us in.

Mr. Speaker, you remember the Carter administration, economic malaise, double digit inflation, double digit interest rates, high taxes, and foreign policy disaster.

Then, there was little doubt that our country was in a ditch.

Under Ronald Reagan and George Bush, we had a complete reversal; economic recovery, low inflation, low interest rates, low taxes, and foreign policy triumphs. In the Reagan-Bush era, our country had its share of problems. But it was not headed for the ditch.

Unfortunately, Bill Clinton has spent so much time looking over his shoulder, he does not realize where he is taking the country. And that is right. That tired old campaign truck he is driving is pulling to the left and we are right back in the ditch.

THE BUDGET AND ECONOMIC PLAN

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, sometimes the Republican naysayers in this body remind me of Rip Van Winkle, because when they complain about the President's budget proposals, they sound like they have been asleep for the last 12 years.

As a matter of fact, these Republicans are the same folks who gave us the most unfair and lopsided economic policy in history. As a matter of fact, these are the same folks who gave historic tax cuts to the wealthy and shifted the tax burden to the middle class and the poor. Now we all know that was lopsided. Nowadays, however they are the ones professing a concern about the middle class because President Clinton wants to right that wrong by taxing the rich more heavily and relieving the burden on the middle class and poor folks. We cannot seem to satisfy them.

Mr. Speaker, I would suggest that my colleagues on the other side of the aisle wake up and realize that America wants a change. That is why they voted for Clinton. They want fairness in our taxing system.

DELIVER ME

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, yesterday, President Clinton reiterated his promise to cut taxes on the middle class. He said in response to a question about that famous promise: "Give me 4 years to try to deliver."

He sounds like a lost pizza delivery man who decided to eat the pizza.

Mr. Speaker, the middle class should not have to wait 4 years for their promised tax cut. And they should not have to pay for the privilege of waiting.

But that is exactly what they are going to do. Under the President's economic plan, the middle class will be hit the hardest by the energy tax, the social security tax, and the other hidden taxes passed by the Ways and Means Committee.

These taxes will lead to higher inflation, lower productivity, and more Government spending.

President Clinton has asked us to give him 4 years to deliver. I am beginning to think that the middle class would be better off eating in.

DEFICIT REDUCTION

(Mr. CLYBURN asked and was given permission to address the House for 1 minute.)

Mr. CLYBURN. Mr. Speaker, I want to commend President Clinton and congratulate the Ways and Means Committee for their foresight and courage, demonstrated by the budget reconciliation package approved last week.

This legislation represents the largest and most significant deficit reduction plan in history, a total of $343 billion over a 5-year period.

The President's budget will effectively bring to a close an era of borrowing and spending, an era of pseudo leadership and voodoo economics.

I believe, however, we can improve upon this measure by authorizing automatic designation of areas adversely affected by military base closings as empowerment zones and/or enterprise communities.

Such designations will provide economic stimulation and stability to those communities that are most in need.

Now is the time for us to support the President's bold initiatives and the Ways and Means Committee's fiscal responsibility.

They demonstrate the kind of leadership the country voted for, and expects for us to provide.

CLINTON'S STEALTH TAX—THE ENERGY TAX

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, during the Presidential campaign President Clinton promised the middle class a tax cut. Now his program appears to be to actually increase their taxes. One of the tax burdens the middle class must bear is President Clinton's stealth tax, otherwise known as the Btu, or the energy tax.

The energy tax is a stealth tax because its true burden is disguised from American consumers and families. It is a stealth tax because it is easy to increase in the future.

If the energy tax is passed, American families will pay more for their food. The exact cost increase because of the President's energy tax will be hidden from them. Americans will pay more to travel, but again the cost increase due to the energy tax will be hidden from them.

Americans will pay more for consumer goods, but the increase in manufacturing costs due to President Clinton's energy tax will be hidden from them.

Mr. Speaker, considering President Clinton's tax increase track record so far, it is only a matter of time before he introduces the other infamous stealth tax—a national sales tax. I urge my colleagues on the other side of the aisle to vote for their constituents and vote down the energy tax.

TRIBUTE TO J.D. SPELLER AND THE BENJAMIN BANNEKER HONORS MATH AND SCIENCE SOCIETY

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I want to take this opportunity to pay tribute to the Benjamin Banneker Honors Math and Science Society, of Montgomery County, MD. It is an example of a privately funded community organization making a positive difference in the lives of African-American youth.

The society was formed just 4 years ago by Joseph D. Speller, a committed parent, who at the time was president of the Benjamin Banneker Middle School PTA, and who was committed to raising the self-esteem and academic achievements among African-American youth, especially in the fields of science and math. What began as a weekly tutoring and role-modeling program has evolved to serve over 150 students from 45 schools in Montgomery County.

An integral and unique aspect of the program is the partnership initiated with the U.S. Naval Academy. Every other Saturday, during the school year, students of the society, accompanied by their parents, travel to the U.S. Naval Academy where over 100 midshipmen enthusiastically volunteer their time to serve as tutors.

Along with the midshipmen, the parents, and the Montgomery County public schools have played an integral role in making this program an unequivocal success with improved grades, high test scores, and admissions to some of the finest universities in the country. Today, I am proud to be one of the congressional sponsors of this fine organization as Mr. Speller, the students, parents, midshipmen, and key members of the Montgomery County public schools have come today to Capitol Hill. The Benjamin Banneker Honors Math and Science Society is truly a magnificent example of how one person and a committed community can inspire young people to academic success.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair would remind our visitors in the gallery that we are delighted to have them with us, but they are to refrain from responding positively or negatively to anything said on the floor.

THE MIDDLE-CLASS TAX CUT OF THE FUTURE

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, we all know about the President's failure to keep his promises and his bargains. He got elected promising tax relief—I repeat, tax relief—for the middle class and instead proposed the largest tax increase in American history.

But what Bill Clinton said at a town meeting last night in San Diego beats all. When a businessman said San Diego's economy was in too deep a slump to afford Clinton's new taxes, President Clinton said, and I quote "Give me 4 years to try to deliver on that middle-class tax cut."

Allow me to refresh the President's memory. The Clinton economic plan lasts 5 years and there is no middle-income tax relief in that economic plan. None. Zero. Nada. Nyet. Zilch. Zip. And next week, this House will vote on all the new Clinton taxes, over 300 billion dollars' worth, the largest tax increases in history. And that San Diego businessman and every American, will be able to watch who in the White House and who in this House, is for higher taxes and bigger government, and who is not.

THE CHALLENGE OF AMERICA'S UNEMPLOYED YOUNG PEOPLE

(Ms. WATERS asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, as I watched television last evening, I saw a young man at the President's town hall meeting who was described as a gang member, or a former gang member, who said:

> Mr. President, many of us would like to change our lives. We want jobs. We want to be in the mainstream. What can you do to help us?

While the President certainly did respond to him and indicated that he understood, the President did not explain to him how we are going to get thousands and thousands of young people across this Nation into jobs, thousands and thousands of young people, some of whom dropped out of school at the ages of 15 and 16. Some of them have been on the street for 10 years now, and they want to work.

Mr. Speaker, there is nothing we are doing in this House at this time to address that problem. This group of people fall between the ages of 17 and 30.

I maintain that with a small stipend we can get them enrolled in vocational education and remediation. We have got to do something about this group of young people. We cannot pretend they do not exist.

Mr. Speaker, America cannot move forward until it deals with the problem of these young people in our cities and in our rural areas.

□ 1225

THE SMALL BUSINESS TAX FAIRNESS ACT OF 1993

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today, I would like to address every Member who is either here or within earshot of C-SPAN, about a subject near and dear to our hearts: jobs.

America's small businesses are the engine of job creation. From 1988 to 1990, they created all—I repeat all—of the net new jobs, while businesses employing more than 500 had a net loss of jobs.

Most of these small businesses pay taxes as individuals—about 80 percent. Yet under the Clinton tax plan, over 60 percent of taxpayers impacted by the higher income tax rates report small business or farm income.

Simply put, by effectively increasing their tax burden by one-third, Clinton's tax plan takes aim at the heart of America's premiere job creator.

That is why I have introduced H.R. 2124, the Small Business Tax Fairness Act of 1993. This legislation will cap the income tax on small business entrepreneurs at 31 percent.

It will count only for businesses with a gross revenue of less than $5 million, and for owners who are actively engaged in day-to-day operations.

Small business owners already face a burdensome level of taxes and red tape. This bill will ensure that when President Clinton moves to soak the rich, American jobs do not get caught in the downpour.

LAYOFFS AT AT&T

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last year the AT&T plant in North Andover, MA, won the prestigious Malcolm Baldrige Award for quality and efficiency. This year the same 6,600 workers got their pink slips.

Congress, the saga goes on, with American workers continuing to lose their jobs. From penthouse to outhouse, from worker to unemployment and soup line, all in 12 months.

Mr. Speaker, is it any wonder that America now ranks No. 6 in the world for quality of life? How can there be quality of life in America without a job?

If it is any consolation to the workers in North Andover, I never heard of anybody committing suicide by jumping out of a basement window, and I apologize for the Congress of the United States of America for putting our American workers in the damn basement.

CONGRESS MUST NOT RAISE ESTATE TAXES

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, hard working Americans who have saved all their lives to pass something on to their children are again under siege.

As part of the largest tax increase in history, the Ways and Means Committee has just agreed to raise $2.1 billion in higher estate taxes.

And a plan to raise estate taxes even more might be included in the President's health care proposal.

This plan, modeled after legislation last year from the Democrat leadership, would decrease the estate tax exemption to $200,000—the value of a home or life insurance policy.

Reducing the exemption would raise the estate tax so much that middle-income families would be forced to sell their homes, farms or small businesses just to pay the taxes.

Mr. Speaker, in January I introduced House Concurrent Resolution 6, stating the firm opposition of Congress to any attempt to raise estate taxes.

Please join me and 150 cosponsors of the Ramstad resolution—from both sides of the aisle—and say no to these unfair and job destroying tax increases.

TRIBUTE TO CLARENCE "BIGHOUSE" GAINES

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, I rise today to honor a living legend, Clarence "Bighouse" Gaines, who is retiring as the basketball coach of the Winston-Salem State University Rams on June 30, 1993, after 47 years in that position.

"Bighouse," as he is affectionately known, had more wins than any other active coach in college basketball, and had the second highest number of wins in college basketball history with 828 wins. Bighouse is a member of the Naismith Memorial Basketball Hall of Fame, and numerous other sports halls of fame.

But Bighouse was more than a basketball coach, he was a teacher and a builder of young African-American men. He became the coach of the Rams during the era of Jim Crow, a time of limited opportunities for African-Americans with or without college educations. He never allowed these limitations to stop him or his players from reaching their potential.

The measure of Clarence "Bighouse" Gaines is not only in the number of wins or the number of professional basketball players he produced, but also in the number of businessmen, teachers, lawyers, doctors, and outstanding citizens of our Nation he helped mentor and encourage and push to greater heights.

Clarence "Bighouse" Gaines was a builder of African-American men during his 47 years at Winston-Salem State University and his retirement will leave a void which will be difficult, if not impossible, to fill. Today I am proud to honor him for his contributions to North Carolina and to the Nation.

VETERANS HEALTH CARE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, national health care reform is a hot topic these days. Our military veterans express concern that their separate health care system may be in jeopardy. In my opinion, any attempt to incorporate veterans health care as a part of the overall mix of a national plan would be very shortsighted. The Department of Veterans Affairs health care delivery system must play a role in a national health care structure—but as a distinctly separate plan as it now exists.

The VA health care system, as a separate system, is important for several reasons. First, the veteran population has a unique demand for services which in many cases is related directly to a person's military experience. The VA has developed nationally recognized expertise in several areas, including mental health services and rehabilitation for spinal cord injuries and loss of limbs.

Second, the VA supports an extensive research program. The high quality of VA research has led to regular improvements in the quality of health care, not only for veterans, but also for nonveterans.

Finally, the VA plays an important role in the training of our future doctors. Over half of the practicing physicians in the United States have received some of their training from the VA.

As we reform our current health care system, we must not overlook the VA as an important though separate component of that system.

COURT INJUNCTION JEOPARDIZES SALE OF TIMBER DOWNED BY WINDSTORM

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, politically correct special interest extremism has taken root in western North Carolina.

I am referring to a lawsuit filed by an out-of-State special interest group that would stop the salvage of timber that was blown down in a violent windstorm in the Nantahala National Forest. The sale was already made by the U.S. Forest Service, but this last-minute court injunction has put the sale in jeopardy.

I am deeply disturbed that at a time of high unemployment—30 percent or more in Graham County, NC, there is even a hint of protest to salvage dead trees.

If the downed salvaged timber can be used to make tables or chairs of wood instead of using finite resources like plastic or metal, then salvaging the damaged trees is, by far, the best environmental choice.

It is hard for me, as a conservationist, to accept the extreme position set forth in the plaintiff's complaint that we must use metal or plastic for our furniture because of the possibility that some day a bear might choose one of the downed trees as a den. There are a half million acres of land within sight of the salvaged timber where these bears can establish their dens. These areas can house more bears than can be supported by the food supply.

There are only a few acres left where man can harvest timber he needs. This downed white pine is becoming a victim of mold and rot, and nearby timber will become bug infested if this timber is not harvested. Surely, environmental balance dictates the salvage of this timber.

Mr. Speaker, as you know, the Forest Service returns a percentage of money to the county where timber sales originate, earmarked for roads and schools. Graham County Manager Pat Irons has estimated the county would lose $38,000 if this timber sale is stopped.

Here is a case where the schoolchildren in Graham are losing, the working people of western North Carolina are losing, the taxpayer is losing, and those who practice true conservation are losing so that a special interest group can practice extremism and try to raise money to fund their selfish goals.

HAZARDOUS WASTE BURNING BAN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I was pleased to read in today's newspapers that the EPA will today order an 18-month moratorium on building new hazardous waste incinerators. This is to give more time to the EPA to study the effects of air pollution caused by incinerators which burn hazardous wastes, and, of course, to possibly issue new regulations dealing with the health hazards thereof.

Mr. Speaker, I think this is a step forward, though I would have preferred an outright ban, not just on the 20 incinerators that commercially burn hazardous waste but the other 164 plants which burn hazardous material as final, one of which is located in our Jefferson County.

Mr. Speaker, I think instead of licensing more of these hazardous incinerators, we ought to limit the stream of hazardous waste in the first place.

Furthermore, when the EPA goes to the drawing board and studies the effects of these hazardous waste incinerators, they ought to study not just the health effects but also where they are located. They are often located in the areas of town in which lower income people live. So we have not only a matter of environmental safety, but there is a very big issue of environmental equity that the EPA ought to look into.

TIME TO IMPEACH JUDGE COLLINS

(Mr. CANADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANADY. Mr. Speaker, today I am introducing legislation to set right a wrong in our judicial system.

U.S. District Judge Robert F. Collins today sits in prison, a convicted felon.

Judge Collins is serving a 7-year sentence for accepting a $100,000 bribe from a drug smuggler. Judge Collins was convicted by a jury of his peers.

However, Judge Collins continues to draw his $133,600 Federal salary. That is an injustice and an insult to the American people.

Judge Collins was convicted of bribery, conspiracy, and obstruction of justice in June 1991, nearly 2 years ago.

The question of Judge Collins' guilt has been settled. But because only the Congress can remove a Federal judge, he continues to receive a salary from the American taxpayers.

This is an outrage.

It is an offense against the American taxpayers, whose money continues to go into Judge Collins' pockets, and it dishonors the American judicial system.

Mr. Speaker, this travesty must end now. This House should move forward to impeach Judge Collins without further delay.

☐ 1240

GUAM EXCESS LANDS ACT

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation to provide a method of returning excess lands no longer needed for defense purposes on Guam.

Many people in my district lost their lands after World War II to the military under unjust circumstances and through coercion. Today, some 50 years after the war, approximately one-third of Guam is still in military hands.

In the early 1970's, at the request of the late Congressman Antonio Borja Won Pat, a study of the military land use on Guam was initiated by the Department of Defense. That study revealed excess properties which no longer served the operational needs of the armed services on Guam. In 1986, the Secretary of Defense signed off on the transfer of approximately 3,500 acres of land back to Guam.

This legislation will bring a closure to this issue and will be a major component of the process of addressing historical injustices in land takings experienced by the Chamorro people of Guam.

The U.S. Government has an obligation to rectify these land takings. The people of Guam have already contributed greatly to the nation's defense in the Far East.

Returning Federal excess lands to the people of Guam is not just a good thing to do; it is the right thing to do, the just thing to do.

I urge my colleagues to vote for the Guam Excess Lands Act. The people of Guam and I thank you for your support. Si yv'os ma'ase'.

PUTTING FAMILIES FIRST: H.R. 1950, THE FAMILY AND ECONOMIC RECOVERY ACT, A CREDIBLE BLUEPRINT OF FAMILY AND ECONOMIC POLICIES

(Mr. WOLF asked and was given permission to address the House for 1 minute.)

Mr. WOLF. Mr. Speaker, someone once said, "Governments do not raise children—parents do." Someone also said, "Virtually every industrialized nation recognizes the importance of strong families in its Tax Code: we should too." That someone is now President. Unfortunately we have not heard anything along these lines in President Clinton's first 100 days.

Families do not have expensive lobbyists or consultants to plead their case. I rarely have people lobby me on the family. Rarely do you hear anyone at the Ways and Means Committee talk about how their policies affect families. Who is speaking for families?

The White House and the Congress are out of touch. At a time when families are struggling to make ends meet, when single mothers are working two jobs just to pay the bills, when kids everywhere are showing the need for parental time and direction, Congress is talking about raising taxes and putting more burdens on families. Now is not the time to raise taxes and increase the burdens on families. We have a better idea.

H.R. 1950, the Family and Economic Recovery Act is a credible blueprint of family and economic policies that focus on how we can start moving toward a better vision for both a family recovery and an economic recovery. It shifts our sights from Washington into the individual homes and communities. This will require sacrifice here in Washington instead of from America's struggling families. We can start to phase in these kinds of investments and reforms if we make a serious commitment to turn our hearts and policies toward home.

In introducing H.R. 1950 we have brought together a number of broad-based measures, each with bipartisan support, designed to directly reinvest in families. For example, the $600 tax credit for children is exactly what President Clinton campaigned on. In fact, President Clinton campaigned for an $800 tax credit of children. The bipartisan National Commission on Children recommended a $1,000 credit. Most of the other measures have had strong support in Congress and with the American people. Some have even been voted on by a majority of Members at one time or another, such as the IRA expansion.

H.R. 1950 would provide families with a plan for the kind of economic security families enjoyed in the 1950's. However, the measure also include support for families in a changing environment. We have included a grant program for businesses to develop and promote family friendly work policies such as part-time jobs, job sharing, flexitime, and telecommuting so that parents can be provided with more choices in balancing their work and family obligations and better meet both.

We have also included strong education reforms, including tax and savings provisions, to help parents meet the costs of education from preschool to college and a school choice pilot program that would allow low- and middle-income families to have the same choice in selecting a school that more affluent families currently enjoy.

This measure draws heavily on the common sense and the resourcefulness of American families and businesses by directly reinvesting in them instead of more Government programs. The American family will be better off if we directly invest in individual homes, communities, and businesses. This plan addresses the problems single parents and two-parent families face every day. This plan meets their needs head-on rather than simply adding more programs and spending to an already oversized Washington.

In the next 100 days and beyond I encourage the President to put families first and live up to his campaign promises for family tax relief, an invigorated economy, and real education reform. This will be real change for American families and for all Americans.

THE GIRL SCOUT BUREAUCRACY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, when we think of the sprawling bureaucracy, we usually think of big government bureaucracy, where bureaucrats implement rules and regulations that cost the taxpayers and consumers hundreds of billions of dollars, much of which goes back to paying the administration of the bureaucracy.

But the Wall Street Journal points out, there is another sprawling bureaucracy, and this one is eating up most of the profits of the Girl Scout cookies. This is the sprawling Girl Scout bureaucracy.

They point out that an 11-year-old girl, Kathleen Totz, who is one of the big cookie sellers, she sold $498 worth of cookies; $67 of that money only went back to her troop. The rest of it went to fund the sprawling Girl Scout bureaucracy.

Give me a break, folks. Big business is big business. Big bureaucracy is big bureaucracy. But Girl Scouts are still little girls.

THE HOLIEST TAX OF ALL

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, next week the House will vote on the Clinton energy tax. It was pitched as a broad-based tax that would hit everyone. But, it turns out some powerful special interests have found a way to avoid the sting of the Clinton energy tax.

Tax loopholes have been granted to the following partial list of industries: The aluminum industry, the oil industry, natural gas producers. Noticeably absent from this list are the vast majority of middle-income American families. They were promised a tax cut—and got a tax increase of $500 per family. They do not have powerful lobbyists. And to pay for all those Clinton special interest tax loopholes, it will be middle-income families who will have to pick up the tab.

The lesson is this. If you're a special interest * * * you will get your way in the Clinton White House. If you are just a regular taxpaying American, you will not.

AMERICANS FACE HARD CHOICES

(Mrs. MEEK asked and was given permission to address the House for 1 minute.)

Mrs. MEEK. Mr. Speaker, I implore the Congress to look to the next century or back to McKinley.

Last year the American people rejected the past and voted for the future. Those who voted for President Clinton and Mr. Perot were voting for the future. The vote was for action.

The past several years has seen job creation limited to lower paid disposable workers with little or nor health or pension benefits. We must have a jobs program.

The past several years has seen an administration unwilling to invest in America, in those areas which are the basis for future economic growth with well-paying jobs that have pension and health benefits.

The past several years have seen a disinvestment in our national parks, an unwillingness to seriously address our environmental difficulties.

The past several years has seen administrations ignoring the rights of working people and turning the clock back. I firmly believe that they would have tried to abolish the child labor laws if they thought they could get away with it.

The past administrations and their remaining allies in Congress seek to lead America aggressively back to McKinley.

President Clinton is making the tough decisions. He is telling the truth to the American people. He is aggressively addressing the deficit. He is addressing the broad range of education and training problems. He is producing a plan to provide health care for all Americans. He is seeking to invest in America. When he asks for hard choices, we know it is from a person of compassion, not someone with a shriveled soul. To those who say he is trying to do too much, I say he is addressing 12 years of neglect.

Hard choices are upon us. The choice is the next century or the last century. I choose the future; McKinley never did anything for my ancestors.

THE UNFPA AND CHINA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, on May 15, the New York Times reported that the United Nations Population Fund might leave China because of coercion in China's population program. It is high time they left.

Since 1979, the UNFPA has whitewashed, denied, downplayed, belittled and, as a consequence, aided and abetted the most egregious attack on women and babies in human history.

China's one-child-per-couple policy relies heavily on forced abortions and forced sterilization to ensure compliance with its brave new world of birth quotas.

Well over 100 million babies have been aborted since 1979; in excess of 90 percent of those, according to one anthropologist, the result of Government coercion.

China's policy is not only antichild, but it is antiwoman, as well.

Women's lives have been shattered, both emotionally and physically, by the butchers in Beijing.

Thus, I was shocked, dismayed and deeply disappointed when the Clinton administration announced their intention to break current U.S. law and provide $50 million to the U.N. Population Fund.

Since 1985, no funds from the United States have gone to the UNFPA because they supported and comanaged this program.

Just let me say that at this morning's hearings of the Committee on Foreign Affairs, Secretary Christopher said that if the UNFPA leaves China, it would simplify matters. He also said he was appalled by a recent New York Times article which details some of these abuses.

The UNFPA should get out of China.

THE VETERANS' HEALTH PROGRAMS AMENDMENTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today the House considers the veterans' health programs amendments. I applaud the spirit of bipartisanship in which this important bill comes forward. As we focus on the needs of veterans, I must emphasize that Florida is home to the oldest, most severely service-connected disabled veterans population in the Nation. Today another 90 veterans will become new residents and join the swelling ranks of underserved veterans in our State. Fact is, we are not meeting the needs of those vets who live in Florida today—what will we tell those who move there tomorrow? In a recent letter to a local newspaper a resident of southwest Florida described a visit to the one overcrowded outpatient clinic in the region:

> After two hours wait, they said I could see a doctor, if I paid $35 and signed a release that I would never come back. I left. I thought a veteran was a veteran no matter where he or she was.

Mr. Speaker, I was under the same impression. Today's legislation does nothing to reverse the inexplicable practice of funding veterans' services in parts of the country where the veteran population is shrinking while Florida's veteran population continues to grow and wait for services. That must change.

LAST 12 YEARS VERSUS LAST 12 MONTHS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, President Clinton is getting thin-skinned. He says about his critics, and I quote:

> When you hear people say No, No, No, ask them where they were the last 12 years.

What I want to know, is where has President Clinton been the past 12 months? He has flip-flopped on every important commitment he made to the American people. He promised to reduce the deficit by 50 percent in 4 years. He promised middle-income tax relief and delivered the largest tax increase in history. He spoke in the campaign of smaller government but his economic program calls for $1 trillion in new debt.

It is not where we have been the past 12 years, Mr. Speaker. In the past 12 months, this President has stood firmly on both sides of every conceivable issue. Because the real Bill Clinton has failed to deliver on his promises, he is failing to earn the trust of the American people.

☐ 1250

ENERGY COSTS WOULD ESCALATE WITH NEW TAX

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the Btu tax is just another link in the forever ending chain of Clinton inspired taxes.

By shackling the cost of production to an additional $70 billion in energy taxes over the next 5 years, the Btu ends up targeting primarily middle-income consumers.

For instance, it will cost the average family of four an additional $450 a year in higher energy prices, adding as much as 10 cents to the gallon at the gas pumps.

And to think that the average American actually believed the middle-class family was going to receive a tax break.

Mr. Speaker, it is time to call for a separate vote on the Btu tax so Members can put an end to the American consumers' chorus of working on the tax chain gang.

FASTEST GROWING DEFICIT—THE TRUST DEFICIT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, my friend, the gentleman from Ohio [Mr. HOKE] was very accurate in his statement a few minutes ago about the trust problem that the President has. It is sad that the trust deficit seems to be the fastest growing deficit around.

Last week President Clinton made a speech in Illinois in which he was bashing the banks. He attacked banks for making "good money in ways that you couldn't even begin to understand, on student loans."

He says that banks are making excess profits. The President knows that Federal law sets the rates. The rates are established by law. It requires that interest rates be 3.1 percent above the 91-day T-bill rate.

Clearly Government involvement here has exacerbated the problem. The President chooses to bash the private banking system when he knows full well that law already determines what those rates are for student loans. Frankly, getting the Government out of it would be a much better route for us to take. I wish the President could be more credible.

SUPPORT URGED FOR EFFORTS OF MODERATE DEMOCRATS TO CUT SPENDING

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, one little known fact is that the Committee on Ways and Means' amendments increased taxes by almost $4 billion more than the President's plan. In fact, because of the energy tax, this tax bill is regressive. That means that lower income Americans will pay proportionally more than the rich.

The American people clearly want spending cuts first, and instead of heeding them, the first move Congress has made is to increase taxes a record $246 billion. Because of increased spending, we will still see our national debt increase from the current $4.1 to $6.2 trillion.

I join other Members who want to cap entitlement spending and make responsible spending cuts.

I commend Congressmen like the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and the gentleman from Oklahoma [Mr. MCCURDY], for their willingness to stand up for reasonable spending cuts in the face of political pressure to increase taxes. I hope the American people will support the efforts of moderate Democrats to cut spending first.

THE PRESIDENT'S ECONOMIC PACKAGE CONTAINS REAL SPENDING CUTS

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, when my colleagues look at the proposed budget plan under consideration, I think we do have to be absolutely honest and recognize that it does include some very important spending cuts. The American people have made it clear they want spending cuts, and in the President's budget plan they are going to get spending cuts.

Let us look at those for just a second: $110 billion out of the military-industrial complex over the next 5 years; $3 billion out of agriculture; about $2.5 billion out of Veterans' Administration; 100,000 Federal employees losing their jobs; a freeze in pay for all military and Federal civil service employees, plus a freeze in COLA for many of our retirees.

These are not easy cuts. They are real cuts. They are going to get us billions of dollars in savings, the kinds of savings we have not been able to get in the past when we tried to reduce the deficit during the Reagan-Bush years.

Yes, there are some tax cuts in this proposal. There are also some tax increases proposed. On balance, the President has put forward a very decent package that we should debate very thoughtfully, and then try to find some additional spending cuts as we deal with the individual appropriation bills later on this year.

AMERICA NEEDS LESS TAXES, NOT MORE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is true that the President's package does in fact include some spending cuts. The problem with most of those spending cuts is that they are back-loaded out 4 or 5 years from now, and the tax is going to be increased immediately. The fact is that in the beginning of the package we raise taxes.

The American middle-class family today in median income is making somewhere around $35,000. If we take all of the tax burden they are bearing, we will find they have $16,500 in taxes they are paying. That is too much tax. The President's new program depends too much on new taxes; in other words, in increasing that $16,500 people are already paying. We do not need more taxes, we need less taxes.

We also need less spending. Whatever spending cuts the President has put in are more than offset by spending increases and then increased taxes. The problem with the President's program is, it is more tax and spend.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

VETERANS' HEALTH PROGRAMS AMENDMENTS OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2034) to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Programs Amendments of 1993".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—HEALTH CARE PLANNING AND PROGRAMS

Sec. 101. Health care facilities missions.
Sec. 102. Pilot program for noninstitutional alternatives to nursing home care.

TITLE II—MEDICAL FACILITIES ACQUISITION

Sec. 201. Major construction projects authorization.
Sec. 202. Revision to prospectus requirements.
Sec. 203. Prioritization methodology.
Sec. 204. Assessment of need for nursing home beds in Chesapeake network area.

TITLE III—ADMINISTRATION

Sec. 301. Authority for expedited reorganization of medical facilities in event of a life-threatening emergency.
Sec. 302. Clarification of contracting limitation.

TITLE IV—STATE HOME PROGRAM

Sec. 401. Per diem for adult day health care.
Sec. 402. Construction assistance program.
Sec. 403. Sharing of resources with State homes.

TITLE V—MISCELLANEOUS

Sec. 501. Department of Veterans Affairs research advisory committees.
Sec. 502. Limitation on claims for copayments.
Sec. 503. Child care services.

TITLE I—HEALTH CARE PLANNING AND PROGRAMS

SEC. 101. HEALTH CARE FACILITIES MISSIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe a specific, detailed statement of the mission of, and the clinical programs to be operated at, each health care facility of the Department, determined based upon a requirement that each such facility operate within a network of Department facilities in the same geographic area which, taken together, provide a full range of services for veterans.

(b) PURPOSES OF MISSION STATEMENTS.—The mission statements shall be designed so as to permit—

(1) effective planning;

(2) reduction in duplication of services and programs in the same geographic area;

(3) realignment of services among facilities within each network;

(4) improved means of resource distribution; and

(5) more efficient delivery of needed services.

(c) REVIEW OF CURRENT MISSIONS.—In preparing the mission statements under subsection (a), the Secretary shall review the existing missions and clinical programs at each health care facility of the Department.

(d) DEADLINE AND REPORT.—The Secretary, not later than nine months after the date of the enactment of this Act, shall—

(1) prescribe the mission statements required by subsection (a); and

(2) submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section and on the timetable and projected milestones for implementing actions to enable each such facility to carry out fully its prescribed missions.

SEC. 102. PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) EXTENSION OF PROGRAM.—Subsection (a) of section 1720C is amended by striking out "During the four-year period beginning on October 1, 1990," and inserting in lieu thereof "During the period through September 30, 1997,".

(b) VETERANS ELIGIBLE TO PARTICIPATE IN PROGRAM.—Such subsection is further amended by striking out "care and who—" and inserting in lieu thereof "care. The Secretary shall give priority for participation in such program to veterans who—".

(c) PROGRAM FUNDING.—Such section is further amended by adding at the end the following new subsection:

"(f) The Secretary shall carry out the pilot program under this section using funds available for the community nursing home program under section 1720 of this title.".

(d) REPORT DEADLINES.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 104 Stat. 438) is amended—

(1) by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1997,"; and

(2) by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1996,".

TITLE II—MEDICAL FACILITIES ACQUISITION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) AUTHORIZATION OF PROJECTS AND LEASES IN BUDGET.—Except as provided in subsection (b), the Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1994.

(b) NONAUTHORIZED PROJECTS.—The Secretary is not authorized to carry out the project for which funds are requested in the budget of the President for fiscal year 1994 for the construction of a nursing home facility in Baltimore, Maryland.

(c) AUTHORIZATION OF DESIGN FOR CERTAIN FUTURE PROJECTS.—In addition to the projects authorized in subsection (a), the Secretary may carry out design of the following major medical facility projects, in the amounts specified:

(1) Construction of an outpatient care addition at the Department of Veterans Affairs Medical Center in San Juan, Puerto Rico, $3,970,000.

(2) Construction of a spinal cord injury unit and energy center at the Department of Veterans Affairs Medical Center in Tampa, Florida, $4,490,000.

(3) Construction of an outpatient care addition at the Department of Veterans Affairs Medical Center in West Haven, Connecticut, $4,860,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1994—

(1) $110,420,000 for the major medical facility projects authorized in subsections (a) and (c); and

(2) $50,123,105 for the major medical facility leases authorized in subsection (a).

(e) LIMITATION.—The projects authorized in subsections (a) and (c) may only be carried out using—

(1) funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (d);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1994 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1994 for a category of activity not specific to a project.

SEC. 202. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) is amended—

(1) by striking out "shall include—" and inserting in lieu thereof "shall include:";

(2) in paragraph (1)—

(A) by striking out "a detailed" and inserting in lieu thereof "A detailed"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(B) by striking out "; and" and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(5) by adding at the end the following new paragraphs:

"(4) Demographic data applicable to the project.

"(5) Current and projected workload and utilization data.

"(6) The relationship between the mission of the facility and the missions and capabilities of other nearby Department facilities and, as applicable, the availability or lack of availability of alternative sources of service in the community and the cost-effectiveness of using such alternative sources.

"(7) Current and projected operating costs of the facility.

"(8) The raw score assigned to the proposal under the Department's prioritization methodology and, if the project is being proposed for funding ahead of a project with a higher score, a comprehensive explanation of the specific factors on the basis of which the project is being proposed for funding ahead of each such higher-scored project.

"(9) A listing of each alternative to construction of the facility that has been considered.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 203. PRIORITIZATION METHODOLOGY.

(a) REVIEW OF METHODOLOGY.—The Secretary of Veterans Affairs shall conduct a review of the methodology used by the Department for establishing the relative priority for major construction projects under consideration in the Department.

(b) REVISION.—Based upon the review under subsection (a), the Secretary shall revise the prioritization methodology so as to give additional weight, as determined appropriate by the Secretary taking into consideration particularly the needs of the aging veteran population, to projects intended to expand long-term care and ambulatory care programs.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the actions of the Secretary in carrying out this section.

SEC. 204. ASSESSMENT OF NEED FOR NURSING HOME BEDS IN CHESAPEAKE NETWORK AREA.

(a) ASSESSMENT.—The Secretary of Veterans Affairs shall conduct an assessment of the need for nursing home beds operated by the Secretary in the area (referred to as the "Chesapeake network") served by the Department of Veterans Affairs medical centers in Baltimore, Maryland; Fort Howard, Maryland; Martinsburg, West Virginia; Perry Point, Maryland; and Washington, D.C.

(b) MATTERS TO BE DETERMINED BY SECRETARY.—In conducting the assessment, the Secretary shall determine—

(1) what the specific mission of each medical center operated by the Secretary in the Chesapeake network should be to achieve the purposes identified in section 101;

(2) whether there is a need for expansion and modernization of the nursing home care unit at the medical center at Fort Howard, Maryland; and

(3) what effect the construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for the Department of Veterans Affairs for fiscal year 1994, would have for the missions of each of the other medical centers operated by the Secretary in the Chesapeake network.

(c) REPORT ON ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the assessment under subsection (a). The Secretary shall include in the report a statement of each determination made by the Secretary under subsection (b).

TITLE III—ADMINISTRATION

SEC. 301. AUTHORITY FOR EXPEDITED REORGANIZATION OF MEDICAL FACILITIES IN EVENT OF A LIFE-THREATENING EMERGENCY.

Section 510 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) The limitation in subsection (b) does not apply with respect to an administrative reorganization at a medical facility if the Secretary determines that the reorganization is necessary to respond to an emergency situation at that facility.

"(2) The Secretary may determine that there is an emergency situation at a medical facility for purposes of paragraph (1) only if the Secretary determines (A) that circumstances at the facility are such that patients and employees at the facility face imminent danger because of conditions at the facility that are permanent in nature, and (B) that those conditions are not susceptible to repair or that it is not feasible to repair those conditions.

"(3) For purposes of this subsection, an emergency situation may not be considered to exist in anticipation of, but before the occurrence of an event giving rise to any consideration of an administrative reorganization.

"(4) Whenever the Secretary determines under paragraph (1) that it is necessary to carry out an administrative reorganization at a medical facility without regard to the limitation in subsection (b), the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the administrative reorganization. The report shall provide the same information as is provided in a detailed plan and justification under subsection (g)(2). The Secretary shall include in the report an explanation of each alternative to the proposed administrative reorganization that was considered and each factor that was considered in the decision to reject each such alternative.".

SEC. 302. CLARIFICATION OF CONTRACTING LIMITATION.

Section 8110(c)(3) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C) and in that subparagraph striking out "section 213 or 4117" and inserting in lieu thereof "section 7409"; and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) to a contract under section 513 of this title if the Under Secretary for Health certifies to the Secretary in writing, before the contract is entered into, that the contract is necessary in order to provide services to eligible veterans at a Department health-care facility that could not otherwise be provided at such facility; or".

TITLE IV—STATE HOME PROGRAM

SEC. 401. PER DIEM FOR ADULT DAY HEALTH CARE.

(a) IN GENERAL.—Subsection (a) of section 1741 is amended to read as follows:

"(a)(1) The Secretary shall pay to each State a per diem amount for each veteran receiving domiciliary care, nursing home care, hospital care, or adult day health care in a State home if the veteran is eligible to receive that care in a Department facility.

"(2) The per diem rate to be paid under this subsection is as follows:

"(A) For domiciliary care, $11.79 for each day.

"(B) For nursing home care and hospital care, $27.61 for each day.

"(C) For adult day health care, $16.50 for each day.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to adult day health care provided in a State home after September 30, 1993.

SEC. 402. CONSTRUCTION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 81 is amended as follows:

(1) Section 8131(3) is amended by inserting "or adult day health care" after "hospital care".

(2) Section 8132 is amended by inserting "or adult day health care" after "hospital care".

(3) Section 8135(a)(4) is amended by inserting "and, in the case of adult day health care, not more than 25 percent of the number of patients participating in that program," after "occupancy".

(4) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting ", or would involve expansion, remodeling, or alteration of existing buildings for the furnishing of adult day health care" after "buildings".

(5) Section 8136 is amended by inserting "or adult day health care" after "hospital care".

(6) The heading of such subchapter is amended to read as follows:

"SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY HEALTH CARE, AND HOSPITAL CARE".

(b) CLERICAL AMENDMENT.—The item relating to subchapter III in the table of sections at the beginning of chapter 81 is amended to read as follows:

"SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY HEALTH CARE, AND HOSPITAL CARE".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to grants made to States using funds appropriated after the date of the enactment of this Act.

SEC. 403. SHARING OF RESOURCES WITH STATE HOMES.

(a) PURPOSE.—Section 8151 is amended by adding at the end the following: "It is further the purpose of this subchapter to improve the provision of care to veterans under this title by authorizing the Secretary to enter into agreements with State veterans facilities for the sharing of health-care resources.".

(b) DEFINITION.—Section 8152 is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The term 'health-care resource' includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 1701 of this title, any other health-care service, and any health-care support or administrative resource.".

(c) SHARING OF HEALTH-CARE RESOURCES.—Section 8153(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by striking out "other form of agreement," and all that follows and inserting in lieu thereof "other form of agreement for the mutual use, or exchange of use, of—

"(A) specialized medical resources between Department health-care facilities and other health-care facilities (including organ banks, blood banks, or similar institutions), research centers, or medical schools; and

"(B) health-care resources between Department health-care facilities and State home facilities recognized under section 1742(a) of this title.

"(2) The Secretary may execute a contract or other agreement under paragraph (1) only if (A) such an agreement will obviate the need for a similar resource to be provided in a Department health care facility, or (B) the Department resources which are the subject of the agreement and which have been justified on the basis of veterans' care are not used to their maximum effective capacity.".

TITLE V—MISCELLANEOUS

SEC. 501. DEPARTMENT OF VETERANS AFFAIRS RESEARCH ADVISORY COMMITTEES.

(a) STATUTORY BASIS FOR RESEARCH ADVISORY COMMITTEES.—Chapter 5 is amended by adding at the end of subchapter III the following new section:

"§ 544. Veterans research advisory committees

"(a) Congress declares that each of the veterans research advisory committees specified in subsection (c) (previously established by the Secretary in carrying out the duties of the Secretary under section 7303 of this title) has a continuing, ongoing function that is integrally related to the successful completion by the Department of its statutory duties. Each such committee shall, for all purposes, operate as though such committee had been established by, and chartered pursuant to, law. The objectives and scope of the activities of each such committee and the duties for which the committee is responsible, as specified by the Secretary as of March 1, 1993, shall be those in effect as of that date.

"(b) The Secretary may not terminate a veterans research advisory committee specified in subsection (c) unless the Secretary finds that the committee is no longer needed. Not less than 120 days before terminating such a committee, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed termination. The report shall include an explanation of (1) the basis for the Secretary's determination that such committee is no longer needed, and (2) the manner in which the Secretary will carry out the Secretary's responsibilities under section 7303 of this title in the absence of the committee.

"(c) For purposes of this section, each of the following committees and boards, as established by the Secretary as of March 1, 1993, shall be considered to be a veterans research advisory committee:

"(1) The Career Development Committee.

"(2) The Department of Veterans Affairs Cooperative Studies Evaluation Committee.

"(3) The Merit Review Board for Basic Sciences Programs.

"(4) The Merit Review Board for Cardiovascular Programs.

"(5) The Merit Review Board for Clinical Pharmacology, Alcoholism, and Drug Dependence Programs.

"(6) The Merit Review Board for Endocrinology Programs.

"(7) The Merit Review Board for Gastroenterology Programs.

"(8) The Merit Review Board for Hematology Programs.

"(9) The Merit Review Board for Immunology Programs.

"(10) The Merit Review Board for Infectious Diseases Programs.

"(11) The Merit Review Board for Mental Health and Behavioral Sciences Programs.

"(12) The Merit Review Board for Nephrology Programs.

"(13) The Merit Review Board for Neurobiology Programs.

"(14) The Merit Review Board for Oncology Programs.

"(15) The Merit Review Board for Respiration Programs.

"(16) The Merit Review Board for Surgery Programs.

"(17) The Scientific Review Evaluation Board for Health Services Research and Development.

"(18) The Scientific Review Evaluation Board for Rehabilitation Research and Development.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 is amended by inserting after the item relating to section 543 the following new item:

"544. Veterans research advisory committees.".

SEC. 502. LIMITATION ON CLAIMS FOR COPAYMENTS.

(a) HOSPITAL CARE AND NURSING HOME CARE.—Section 1710(f) is amended by adding at the end the following new paragraph:

"(6) A veteran may not be required to make a payment under this subsection for any day of care if the Secretary does not notify the veteran in writing of the amount owed for that care before the end of the two-year period beginning on the date on which the care is provided, unless the reason the Secretary did not notify the veteran within such period was due to reliance by the Secretary on information furnished by the veteran to the Secretary which was subsequently determined to be erroneous.".

(b) OUTPATIENT MEDICAL SERVICES.—Section 1712(f) is amended by adding at the end the following new paragraph:

"(5) A veteran may not be required to make a payment under this subsection for any medical services if the Secretary does not notify the veteran in writing of the amount owed for those services before the end of the two-year period beginning on the date on which the services were provided, unless the reason the Secretary did not notify the veteran within such period was due to reliance by the Secretary on information furnished by the veteran to the Secretary which was subsequently determined to be erroneous.".

(c) MEDICATIONS.—Section 1722A(a) is amended by adding at the end the following new paragraph:

"(4) A veteran may not be required to make a payment under this subsection for any supply of medication if the Secretary does not notify the veteran in writing of the amount owed for that medication before the end of the two-year period beginning on the date on which the medication is supplied, unless the reason the Secretary did not notify the veteran within such period was due to reliance by the Secretary on information furnished by the veteran to the Secretary which was subsequently determined to be erroneous.".

SEC. 503. CHILD CARE SERVICES.

(a) REVISED CHILD CARE AUTHORITY.—Chapter 81 is amended by inserting after section 8116 the following new section:

"§ 8117. Child care centers

"(a) The Secretary may provide for the operation of child care centers at Department facilities. The operation of such centers under this section shall be carried out to the extent that the Secretary determines, based on the demand of employees of the Department for the care involved, that such operation is in the best interest of the Department and that it is practicable to do so.

"(b)(1) In offering child care services under this section, the Secretary shall give priority (in the following order) to employees of—

"(A) the Department;

"(B) other departments and agencies of the Federal Government, and

"(C) schools affiliated with the Department and corporations created under section 7361 of this title.

"(2) To the extent that space is available, the Secretary may provide child care services to members of the public at a child care center operated under this section if the Secretary determines that to do so is necessary to assure the financial success of that center.

"(c)(1) The Secretary shall establish reasonable charges for child care services provided at each child care center operated under this section. Such charges may be established at different rates for different centers.

"(2) In establishing charges for child care services provided at a center, the Secretary—

"(A) shall (except as provided in paragraph (3)) establish the charges so as to ensure that the sum of all charges for child care services at that center is sufficient to meet the staffing expenses of that center; and

"(B) may also may consider the expenses of constructing or acquiring space for the center, the expenses of converting existing space into the center, and the expenses of equipment and services furnished to the center under subsection (d)(2).

"(3) The Secretary may establish charges for child care services provided at a center at rates less than those necessary to ensure that the sum of all charges for child care services at that center is sufficient to meet the staffing expenses of that center if the Secretary determines (with respect to a particular facility of the Department) that—

"(A) the operation of a child care center at that facility would help overcome serious recruitment or retention problems;

"(B) adherence to the requirement to establish charges for child care services at that center at rates sufficient to meet the staffing expenses of that center would make the operation of a child care center at that facility unfeasible; and

"(C) there are no other practical alternatives to meeting the needs of employees at that facility for child care services.

"(4) Proceeds from charges for child care services shall be credited to the applicable Department of Veterans Affairs account and shall be allotted to the facility served by the child care center and shall remain available until expended.

"(d) In connection with the establishment and operation of a child care center under this section, the Secretary—

"(1) may construct or alter space in any Department facility, and may lease space in a non-Department facility for a term not to exceed 20 years, for use as a child care center;

"(2) may provide, out of operating funds, other items and services necessary for the operation of the center, including furniture, office machines and equipment, utility and custodial services, and other necessary services and amenities;

"(3) shall provide for the participation (directly or through a parent advisory committee) of parents of children receiving care in the center in the establishment of policies to govern the operation of the center and in the oversight of the implementation of such policies;

"(4) shall require the development and use of a process for determining the fitness and suitability of prospective employees of or volunteers at the center; and

"(5) shall require in connection with the operation of the center compliance with all State and local laws, ordinances, and regulations relating to health and safety and the operation of child care centers.

"(e) The Secretary shall prescribe guidelines to carry out this section.

"(f) For the purpose of this section, the term 'parent advisory committee' means a committee comprised of, and selected by, the parents of children receiving care in a child care center operated under this section.".

(b) CONFORMING REPEAL.—Section 7809 is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8116 the following new item:

"8117. Child care centers.".

(2) The table of sections at the beginning of chapter 78 is amended by striking out the item relating to section 7809.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2034, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2034, as amended.

Its primary purpose is to improve the VA's construction and planning process. For many years we have encouraged the Department of Veterans Affairs to do a better job of long-range planning in its construction program. Notwithstanding our efforts, little progress has been made and this bill is designed to force the Department of Veterans Affairs to do a better job of planning and to set priorities for the establishment of health facilities based on need. That should not be too hard to do, but those who have served on the committee know it has been a difficult task to accomplish.

H.R. 2034 requires the Department to provide the Congress with specific information to justify its expenditure of funds for construction and leasing projects. If such information is not submitted in future years, the Department needs to know that the committee will not authorize new projects.

H.R. 2034 is the first bill reported to the House since our distinguished colleague, the gentleman from Georgia, J. ROY ROWLAND, became chairman of our Subcommittee on Hospitals and Health Care. I want to commend the gentleman from Georgia for his many years of work as a member of the committee. As my colleagues know, J. ROY ROWLAND is a physician and practiced medicine for many years before coming to the Congress.

As a physician, he is uniquely qualified to head our Subcommittee on Hospitals and Health Care.

Mr. ROWLAND also serves on the Subcommittee on Health and the Environment as a member of the Energy and Commerce Committee. He is one of our Nation's health experts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND], who will explain the provisions of this bill, as amended.

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Mr. ROWLAND. Mr. Speaker, I thank the chairman for yielding time to me, and I appreciate very much his kind remarks.

Mr. Speaker, I rise in support of H.R. 2034, the Veterans' Health Programs Amendments of 1993.

H.R. 2034 is an omnibus bill aimed primarily at improving the VA's construction planning process and instituting some needed changes. Its provisions won broad support from our veterans organizations. I will briefly highlight its key elements.

A central concern underlying H.R. 2034 is that the VA has yet to establish well-defined medical center missions to guide planning and operating as a system. H.R. 2034 would thus require the VA to establish specific detailed missions for each of its health care facilities. VA has for years acknowledged the need to set facility missions to guild future planning. And for years, it has failed to accept that responsibility.

A related concern has been that in setting its construction priorities, VA has tended to favor acute-care hospital projects. Other pressing needs have gotten less attention. To remedy this, H.R. 2034 would require the VA to adjust its methodology for ranking construction projects to give additional weight to those that would expand long-term and ambulatory care.

This bill would also authorize construction funding for several major construction projects which VA proposed for fiscal year 1994 as well as for the design of three long-delayed, high-priority projects that will correct critical deficiencies at the VA medical centers in San Juan, PR; Tampa, FL; and West Haven, CT.

H.R. 2034 also proposes to expand health care alternatives for aging veterans. First, it would enable VA to conduct a pilot program to furnish noninstitutional alternatives to nursing home care. Second, it aims to stimulate the States, through proven cost-sharing models, to develop programs to help chronically ill veterans get needed care while still living at home. H.R. 2034 would do that by encouraging the development of adult day health care programs at State veterans homes. The bill would authorize VA both to make per diem payments to State homes for providing adult day health care and to provide grant support to enable States to expand or remodel facilities to furnish that care. Finally, a companion provision would authorize VA to share health care resources with State veterans homes. Such sharing can benefit both VA and the State homes by creating opportunities to stretch dollars.

I urge my colleagues to support passage of H.R. 2034.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2034, the Veterans' Health Programs Amendment of 1993. This legislation represents a compilation of noncontroversial provisions which are very important improvements to VA health care.

Although noncontroversial, these provisions will provide the cornerstone for future VA construction planning. It is essential that VA revise its planning methods in order to adequately prepare the agency to meet the changing needs and demographic trends of veterans.

Also in this ERA of increasing health care costs, the bill provides an opportunity for greater sharing of resources between VA and the over 71 State veterans homes. These homes provide cost-effective long-term care services to veterans and like VA they are facing ever-increasing operating costs.

Mr. Speaker, I want to thank the distinguished chairman of the committee, SONNY MONTGOMERY, as well as, the chairman and ranking minority member of the Subcommittee on Hospitals and Health Care, ROY ROWLAND and CHRIS SMITH for their leadership and expertise on these important issues.

Mr. Speaker, I urge the support of my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey, Mr. CHRIS SMITH.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, as ranking minority member of the Subcommittee on Hospitals and Health Care, I rise to join the distinguished chairman, the gentleman from Georgia [Mr. ROWLAND], the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP], in support of the Veterans' Health Programs Amendments of 1993.

As the chairman indicated, this legislation contains various provisions that are very important improvements to VA health care and they are noncontroversial.

I am especially pleased to support the provisions of the bill which would mandate that VA review the missions of its medical facilities in relation to the anticipated future needs of veterans. As you are aware, the VA has been promising to send to Congress its own national plan which was supposed to have included specific mission plans for individual facilities. Recently however, we have heard that VA's national plan will only provide broad guidance. Of course we won't know until we actually see the plan and the Secretary states that he expects to send it to Congress around the time that the Clinton administration submits its health plan for the Nation.

Like the chairman, I believe that the identification of missions for VA medical centers is an essential first step in reforming the system. Such changes must be made if the system is to survive.

This provision is similar to the recommendation made by the Secretary's Commission on the Future Structure of Veterans' Health Care submitted to Congress in November of 1991. It is past time for the VA to embark on this necessary reorganization.

Also important to VA's overall planning are the provisions pertaining to construction prioritization. These provisions will help ensure that VA submit to this committee a detailed prospectus for each major construction project. This requirement will allow this committee the information necessary to authorize construction projects which are the highest priority. In particular, the bill reflects the current trend in medical treatment to shift inpatient care to less costly outpatient settings. It gives additional weight to projects to expand long-term care, an area of critical deficiency in the VA.

Like many of my colleagues, I have a particular interest in the long-term health care needs of veterans in my home State. Therefore, I have already introduced a bill to examine my State's long-term care needs. This bill, fortunately, will perform the same task nationwide.

The mission planning required under this legislation will be essential in determining whether VA facilities in a given State are capable of meeting the needs of veterans in that State.

For instance, in my case, the mission reviews of the VA facilities in New Jersey will indicate whether our facilities can meet the nursing home needs of veterans. If the mission reviews demonstrate a shortage in nursing home care—our State department of military and veterans affairs has already identified a need for more nursing home care for aging veterans—I will have the factual data I need to revisit this issue and to expand the nursing home care provided to New Jersey veterans. This bill will offer similar insights for each State and help direct VA resources on a needs basis.

I would like to take this opportunity to thank Chairman MONTGOMERY, Mr. STUMP, and Dr. ROWLAND for cosigning my letter to Secretary Brown seeking a nursing home needs assessment in New Jersey. Before we can begin to expand long-term care, we must have an accurate projection of future needs and an evaluation of current nursing home beds. This information will help determine the merit and priority of new projects.

In keeping with the subcommittee's position of authorizing high priority construction is authorization for fiscal year 1994 major construction projects. The bill includes changes to the President's request as detailed by the chairman. I believe it is appropriate for the Committee on Veterans' Affairs to discourage projects which jump ahead of other construction priorities.

The bill also contains various technical amendments to certain VA programs and I want to state my support for them as well.

I want to thank my colleague, Dr. ROWLAND. It was a real pleasure to work with him in introducing these amendments. I commend his work on the bill we have before us and I urge my colleagues to support the bill.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS], the ranking member of the Subcommittee on Compensation, Pension, and Insurance.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Arizona for yielding me this time.

Today, as the House is considering this very important piece of legislation, the Veterans' Health Programs Amendments of 1993, there is one aspect of this legislation that I would particularly like to highlight.

The bill authorizes design funds for a spinal cord injury [SCI] unit at the James Haley Medical Center in Tampa, FL. Currently, there are 70 SCI beds at the Tampa facility and 36 beds at the Miami VA Medical Center. Since the State of Florida has one of the highest concentrations of spinal cord injured veterans, the number of beds available to treat veterans is woefully inadequate.

The VA first proposed expanding the Tampa SCI facility in 1971. It is now over 20 years later, and we are still waiting for construction to begin.

The Veterans' Health Programs Amendments of 1993 moves us one step closer to the completion of this important project. I would like to thank subcommittee Chairman ROWLAND and the ranking minority member, CHRIS SMITH, for including the SCI project in this legislation. Moreover, I wish to thank the full committee chairman and ranking minority member, SONNY MONTGOMERY and BOB STUMP, for their continued support of Florida's veterans.

In addition to authorizing major construction projects for fiscal year 1994, H.R. 2034 also contains important provisions that mandate a review of the missions of each VA medical facility. As we contemplate the future health care needs of veterans, it is important that we have a VA health care system capable of serving those needs. H.R. 2034 will help ensure that our veterans receive the care they have earned.

This is a noncontroversial measure that will make significant improvements in our VA health care system. I urge my colleagues to support it.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in strong support of H.R. 2034, the veterans' health care amendments. I commend the distinguished gentleman from Georgia, [Dr. ROWLAND] for introducing this worthwhile legislation and the distinguished committee chairman, Mr. MONTGOMERY and the ranking minority member, Mr. STUMP, for their support.

Mr. Speaker, H.R. 2034 will amend current law by revising veterans health care programs. In an ongoing attempt to improve the care that is provided to our Nation's veterans, this measure will authorize a variety of innovative measures that will assist eligible veterans, including emphasis on effective planning, reduction of duplication of services, realignment of services, improved means of resource distribution and more efficient delivery of needed services.

These provisions include:

The development of non-institutional alternatives to nursing home care for all eligible veterans, and, the establishment of child care centers in VA department facilities.

This measure also encourages the VA to support construction projects that are intended to expand extended and ambulatory care.

These provisions will ensure that the VA health care system continues to adapt to meet the changing needs of our Nation's veterans.

As requested in the President's fiscal year 1994 budget request, H.R. 2034 will authorize $110.4 million for major medical facility projects and $50.1 million for major medical facility leases.

Specifically, the congressional budget office has estimated that this measure will require outlays of: $18 million in fiscal year 1994; $43 million in fiscal year 1995; $60 million in fiscal year 1996; $67 million in fiscal year 1997; and $35 million in fiscal year 1998.

I believe this is a small price to pay as we continue to improve the services that are provided to our Nation's veterans.

Mr. Speaker, I am pleased to support this important measure. Our Nation needs to take the necessary steps to improve our veterans' health care. I would like to take this opportunity to urge the Veterans' Committee to take a hard look at providing more preventive services through our veterans health care system.

Prevention plays a crucial role in improving the health of our Nation. Prevention averts human suffering by reducing illness and disability and also by preventing premature death. Preventive measures can also provide a cost-effective alternative to other health care approaches. I believe that disease prevention and health promotion is the key to helping all Americans, especially our Nation's veterans, to achieve healthier and more productive lives.

Mr. Speaker, I welcome this opportunity to speak in support of our veterans' health care amendments, as I believe it is a step in the right direction for improving the quality of our veterans' health care programs.

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Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have the blue sheets here that further explain this bill at the different tables.

It has been a pleasure working with the gentleman from Arizona [Mr. STUMP], the gentleman from New Jersey [Mr. SMITH], the gentleman from Georgia [Mr. ROWLAND], the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from New York [Mr. GILMAN], who is always supportive of these bills and to bringing them to the floor.

Mr. ROWLAND. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am happy to yield to the gentleman from Georgia.

Mr. ROWLAND. Mr. Speaker, I thank the gentleman for yielding.

I just want to commend the ranking member on the full committee as well as on the subcommittee for the work that they have done and look forward to continuing to work with them.

I want to commend the gentleman from New York [Mr. GILMAN], too, for having said what he did about prevention. An ounce of prevention is worth a pound of cure. The gentleman is exactly right, and we should work toward that goal.

I say to the chairman that I thank him so very much for the opportunity to work with him and under his guidance.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman very much.

Ms. BROWN of Florida. Mr. Speaker, thank you, Chairman MONTGOMERY. I would like to thank Mr. ROWLAND for his work on H.R. 2034 which authorizes the VA's health programs. This bill has many highlights. Most importantly, it preserves the independence and viability of the VA health care system as a resource to serve the particular needs of veterans.

It is clear from this bill that under the leadership of Chairman MONTGOMERY and subcommittee chairman ROWLAND, we are moving the VA in the direction necessary to deal with the changes that will come with national health care reform.

The bill requires the VA to prepare specific, detailed mission statements for each of the clinical programs operated at VA health care facilities.

In addition, the VA would be required to review its procedures for prioritizing major construction projects in order to give additional weight to projects intended to expand long-term care programs.

The committee is pushing the VA to be more efficient in its delivery of health care services by extending a pilot program to furnish noninstitutional alternatives to nursing home care for 3 years and giving the VA the ability to share health care facilities which are not used to maximum capacity with State veterans homes, subject to reimbursement.

Finally, I want to thank Chairman ROWLAND for including language in the committee report which will address a serious situation that I discovered when reviewing the VA construction program.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I urge the passage of H.R. 2034.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 2034, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL COOPERATIVE PRODUCTION AMENDMENTS OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1313) to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service, as amended.

The Clerk read as follows:

H.R. 1313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cooperative Production Amendments of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) technological innovation and its profitable commercialization are critical components of the ability of the United States to raise the living standards of Americans and to compete in world markets;

(2) cooperative arrangements among nonaffiliated businesses in the private sector are often essential for successful technological innovation; and

(3) the antitrust laws may have been mistakenly perceived to inhibit procompetitive cooperative innovation arrangements, and so clarification serves a useful purpose in helping to promote such arrangements.

(b) PURPOSE.—It is the purpose of this Act to promote innovation, facilitate trade, and strengthen the competitiveness of the United States in world markets by clarifying the applicability of the rule of reason standard and establishing a procedure under which businesses may notify the Department of Justice and Federal Trade Commission of their cooperative ventures and thereby qualify for a single-damages limitation on civil antitrust liability.

SEC. 3. AMENDMENTS.

(a) SHORT TITLE.—Section 1 of the National Cooperative Research Act of 1984 (15 U.S.C. 4301 note) is amended by striking "National Cooperative Research Act of 1984" and inserting "National Cooperative Research and Production Act of 1993".

(b) DEFINITION.—Section 2(a)(6) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(a)(6)) is amended—

(1) in the matter preceding subparagraph (A) by striking "research and development";

(2) in subparagraph (D) by inserting "or production" after "research";

(3) in subparagraph (E) by striking "and (D)" and inserting "(D), (E), and (F)";

(4) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(5) by inserting after subparagraph (C) the following:

"(D) the production of a product, process, or service,

"(E) the testing in connection with the production of a product, process, or service by such venture,"; and

(6) by striking "research" the last place it appears and inserting "such venture".

(c) EXCLUSIONS.—Section 2(b) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(b)) is amended—

(1) in the matter preceding paragraph (1) by striking "research and development";

(2) in paragraph (1) by striking "that is not reasonably required to conduct the research and development that is" and inserting "if such information is not reasonably required to carry out";

(3) by amending paragraph (2) to read as follows:

"(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing, distribution, or provision by any person who is a party to such venture of any product, process, or service, other than—

"(A) the distribution among the parties to such venture, in accordance with such venture, of a product, process, or service produced by such venture,

"(B) the marketing of proprietary information, such as patents and trade secrets, developed through such venture formed under a written agreement entered into before the date of the enactment of the National Cooperative Production Amendments of 1993, or

"(C) the licensing, conveying, or transferring of intellectual property, such as patents and trade secrets, developed through such venture formed under a written agreement entered into on or after the date of the enactment of the National Cooperative Production Amendments of 1993,";

(4) in paragraph (3)—

(A) in subparagraph (A) by striking "or developments not developed through" and inserting ", developments, products, processes, or services not developed through, or produced by,";

(B) in subparagraph (B) by striking "such party" and inserting "any person who is a party to such venture"; and

(C) by striking the period at the end and inserting a comma; and

(5) by adding at the end the following:

"(4) entering into any agreement or engaging in any other conduct allocating a market with a competitor,

"(5) exchanging information among competitors relating to production (other than production by such venture) of a product, process, or service if such information is not reasonably required to carry out the purpose of such venture,

"(6) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production (other than the production by such venture) of a product, process, or service,

"(7) using existing facilities for the production of a product, process, or service by such venture unless such use involves the production of a new product or technology, and

"(8) except as provided in paragraphs (2), (3), and (6), entering into any agreement or engaging in any other conduct to restrict or require participation by any person who is a party to such venture, in any unilateral or joint activity that is not reasonably required to carry out the purpose of such venture.".

(d) RULE OF REASON STANDARD.—Section 3 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302) is amended—

(1) by striking "research and development" the first place it appears;

(2) by striking "and development" the last place it appears and inserting ", development, product, process, and service"; and

(3) by adding at the end the following: "For the purpose of determining a properly defined, relevant market, worldwide capacity shall be considered to the extent that it may be appropriate in the circumstances.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) in section 4—

(A) in subsections (a)(1), (b)(1), (c)(1), and (e) by striking "research and development" each place it appears;

(B) in subsections (a), (b), and (c) by inserting "of this section" after "subsection (d)" each place it appears; and

(C) in subsection (e) by striking "the effective date of this Act" and inserting "October 11, 1984,"; and

(2) in section 5(a) in the matter preceding paragraph (1) by striking "research and development".

(f) DISCLOSURE.—Section 6 of the National Cooperative Research Act of 1984 (15 U.S.C. 4305) is amended—

(1) in the heading by striking "RESEARCH AND DEVELOPMENT";

(2) in subsection (a)—

(A) by striking "the date of the enactment of this Act" and inserting "October 11, 1984";

(B) in paragraph (1) by striking "and" at the end;

(C) in paragraph (2) by striking the period at the end and inserting ", and"; and

(D) by inserting the following after paragraph (2):

"(3) if a purpose of such venture is the production of a product, process, or service, as referred to in section 2(a)(6)(D), the identity and nationality of any person who is a party to such venture, or who controls any party to such venture whether separately or with one or more other persons acting as a group for the purpose of controlling such party."; and

(3) in subsections (a), (d)(2), and (e) by striking "research and development" each place it appears.

(g) LIMITATION.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"APPLICATION OF SECTION 4 PROTECTIONS TO PRODUCTION OF PRODUCTS, PROCESSES, AND SERVICES

"SEC. 7. Notwithstanding sections 4 and 6, the protections of section 4 shall not apply with respect to a joint venture's production of a product, process, or service, as referred to in section 2(a)(6)(D), unless—

"(1) the principal facilities for such production are located in the United States or its territories, and

"(2) each person who controls any party to such venture (including such party itself) is a United States person, or a foreign person from a country whose law accords antitrust treatment no less favorable to United States persons than to such country's domestic persons with respect to participation in joint ventures for production.".

SEC. 4. REPORTS ON JOINT VENTURES AND UNITED STATES COMPETITIVENESS.

(a) PURPOSE.—The purpose of the reports required by this section is to inform Congress and the American people of the effect of the National Cooperative Research and Production Act of 1993 on the competitiveness of the United States in key technological areas of research, development, and production.

(b) ANNUAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 1-year interval in the 6-year period beginning on the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—

(1) a list of joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 12-month period for which such report is made, including—

(A) the purpose of each joint venture;

(B) the identity of each party described in section 6(a)(1) of such Act; and

(C) the identity and nationality of each person described in section 6(a)(3) of such Act; and

(2) a list of cases and proceedings, if any, brought during such period under the antitrust laws by the Department of Justice, and by the Federal Trade Commission, with respect to joint ventures for which notice was filed under such section at any time.

(c) TRIENNIAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 3-year interval in the 6-year period beginning on the date of the enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a description of the technological areas most commonly pursued by joint ventures for production for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 3-year period for which such report is made, and an analysis of the trends in the competitiveness of United States industry in such areas.

(d) REVIEW OF ANTITRUST TREATMENT UNDER FOREIGN LAWS.—In the three 30-day periods beginning 1 year, 3 years, and 6 years after the date of the enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the antitrust treatment of United States businesses with respect to participation in joint ventures for production, under the law of each foreign nation any of whose domestic businesses disclosed its nationality under section 6(a)(3) of the National Cooperative Research and Production Act of 1993 at any time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased that so early in the session we are here to take up H.R. 1313, the National Cooperative Production amendments of 1993, legislation that will encourage American firms to undertake joint ventures for the production of high-technology goods and services.

If anything, H.R. 1313 is a reality check for all of us who care about the competitive position of this country as we move into the 21st century. Let's be candid: It is time that we acknowledge that America has not performed in peak condition at the high stakes game of international competition.

Over the past few decades, we ceded our market dominance to our trading partners in one vital industry after another. In the 1960's, we lost the lead in steelmaking and shipbuilding. In the 1970's, we slipped behind in consumer electronics. In the 1980's, we lost our edge in machine tools. Now, in the marketplace of the 1990's and beyond, the industrial winners will be those who excel at producing such products as high definition TV, robotics, and a host of other new technologies now on the horizon.

The economic winners will be those who recognize and adapt to the fact that high-technology manufacturing has shifted to short product life cycles and that rapid response is the key to meeting consumer demands. While a single firm might be daunted by these challenges, H.R. 1313 encourages competitors to collaborate at the production stage, thus speeding the commercialization of new technologies and products. The antitrust laws recognize this and are, in fact, very accommodating to this kind of joint production effort.

Unfortunately, reality and perception do not always coincide. A widely held misperception in the business community is that antitrust laws generally frown on all cooperative activity, regardless of its procompetitive benefits. After considering this issue carefully, the Committee on the Judiciary concluded that such a misperception can, in fact, impact on business behavior and decisions. It is, therefore, time to clear up confusion and release the innovative forces in our industrial sector that are second to none.

We dealt with a similar problem regarding joint ventures in the research and development field almost a decade ago by enacting the National Cooperative Research Act of 1984. The NCRA has been a pronounced success in encouraging R&D joint ventures. More than 300 have been registered since its passage.

H.R. 1313 builds on the success of the NCRA by extending its principles to cover production joint ventures. Thus, production joint ventures would be judged by the rule of reason standard, under which the procompetitive benefits of an activity are weighed against any anticompetitive effects, with damage exposure reduced to actual damages rather than the usual treble damages. In addition, the bill requires that to receive the benefits of the act, the principal facilities of the venture must be located in the United States. This last feature should promote job growth with no costs to the Government or the consumer.

I am gratified by the overwhelming bipartisan support for the bill within the House and the other body, as well as from President Clinton. Congressmen FISH, EDWARDS, and BOUCHER played leading roles in helping to move the bill we have before us today. Senators LEAHY and BIDEN made crucial contributions to moving the bill with unusual speed in the Senate.

I ask all my colleagues to join with me in supporting this important effort.

Mr. Speaker, I am including at this point in the RECORD a statement by President Clinton in full support of this legislation.

TEXT OF STATEMENT FOR PRESIDENT CLINTON ON INTRODUCTION OF PRODUCTION JOINT VENTURE BILL

I want to commend Chairman Jack Brooks, Senator Patrick Leahy, Chairman Joe Biden and the bi-partisan leadership of the House and Senate Judiciary Committees on the introduction today of an important new bill to help create jobs and build a more competitive, hi-tech American economy. This bill—the National Cooperative Production Amendments of 1993—will pave the way for companies large and small to pool their resources and talents in new joint production ventures. It is just the kind of forward thinking initiative we need to drive our economy toward a decade of creative change.

We live in a world in which our competitive advantage flows more and more from our command of high technology, but in which the development and production of hi-tech products has become enormously expensive. It is altogether appropriate to lift the legal barriers that prevent good companies from playing to win in the global market—provided, of course, that our antitrust laws continue to prevent improper collusion. Now is the time—as we work together to turn this nation in a new direction—to strip away outdated impediments to our growth and potential.

I took forward to working with Chairman Brooks, Chairman Biden, Senator Leahy and their colleagues on this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my hope and my expectation that the bill now before us, the National Cooperative Production Amendments of 1993, will serve to stimulate America's economic growth, extend our technological frontiers, create new jobs and enable this Nation to compete with greater success in the global market.

H.R. 1313 extends to production joint ventures the same protections for such enterprises that Congress provide to research and development joint ventures under the National Cooperative Research Act of 1984 [NCRA], 15 U.S.C. 4301–4305; 98 Stat. 1815–1818; Public Law 98–462. Their antitrust liability will be limited to actual, or single, damages and they will be judged under the antitrust standard known as the rule of reason, a competitive balance test. Single damages and the rule of reason will provide positive incentives for the creation of production joint ventures. The antitrust uncertainty that may previously have inhibited formation of production joint ventures, however unwarranted, will be reduced or eliminated for potential participants.

In 1984, I was involved in the legislative development of the National Cooperative Research Act. That statute has proved to be strikingly successful. By removing the disincentives in our antitrust laws to the formation of research and development joint ventures, it has enabled literally hundreds of companies to more successfully confront world competition. Global competitive pressures have made it abundantly clear, however, that the 1984 act did not extend far enough.

Commencing in 1989, I have introduced legislation entitled the Cooperative Productivity and Competitiveness Act in successive Congresses. In this Congress, my bill is H.R. 23. It builds on the success of the 1984 act by extending the scope of permissible joint activity to include manufacturing and production. The measure before us incorporates much of the approach taken by my proposals, and, therefore, I was pleased to join as an original cosponsor of H.R. 1313.

I am gratified that the committee report contains language that responds to a number of concerns that I and other Republican Members have raised during the progress of this legislation, including our full committee markup on March 24.

By way of background, it should be noted that section 3(g) of this bill adds a new section 7 to the NCRA that is applicable only to production joint ventures. This new section 7 sets forth two additional conditions for a production joint venture's eligibility for single damages rather than the usual treble damages.

The first condition, in section 7(1), is that a production joint venture is required to locate its "principal facilities" inside the United States or its territories. However, it is important to emphasize that this language in the new section 7(1) is not intended to preclude the venture from locating significant production facilities and production support facilities outside the United States or its territories. These overseas facilities can, and will, be an important component of these NCRA-sanctioned production joint ventures. Such activities will be a logical, efficient and cost-effective complement to the activities that take place in the United States, or its territories.

The second condition, in section 7(2), is that each person who controls any party to such venture, including such party itself, must be either a U.S. person or a foreign person from a country "whose law accords antitrust treatment no less favorable to the U.S. persons than to such country's domestic persons with respect to participation in joint ventures for production." This is the principal of national treatment. It simply means that U.S. companies must be treated the same as domestically owned companies in the home country of the foreign participant with respect to participation in joint ventures for production.

As the committee report makes clear, the phrase "whose law" in section 7(2) "is intended to include not only a country's domestic antitrust law but also all international agreements and other binding obligations to which that country and the United States are parties." H. Rept. No. 103–94, 103d Cong., 1st sess., at 20 (1993). Accordingly, the committee report states that "a country that is a party to an international agreement with the United States that provides national treatment satisfies the requirements of section 7(2)." Id. at 20. As the report also points out, "this would include treaties of Friendship, Commerce and Navigation [FCN's], Bilateral Investment Treaties [BIT's], Free Trade Agreements, and various OECD instruments." Id. at 20.

National treatment, in short, is satisfied for purposes of the National Cooperative Production Amendments of 1993 by an international agreement that mutually requires such treatment. The committee is satisfied with the provisions contained in such agreements which provide for consultations and exclusive remedies to resolve any disputes arising under these agreements. It emphatically does not seek to put conditions on unconditional obligations, or to allow an ex parte examination by the Federal courts or by the Federal enforcement agencies into whether the country in question applied or enforced the treaty. Again, the committee is content to leave any such questions that may arise in this regard to the terms of the treaties themselves. We do not seek to condition the unconditional.

Section 3(f) amends the notification provisions of section 6(a) of the NCRA with respect to production joint ventures only. Specifically, a production joint venture will have to disclose the nationality of each party to the venture and the identity and nationality of each person that controls a party to the venture. The committee reviewed a number of existing Federal laws, seeking guidance as to what actually constitutes control in a corporate setting. Public Utility Holding Co. Act of 1935, 15 U.S.C. section 79 et seq.; Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq.; Federal Deposit Insurance Act, 12 U.S.C. section 1811 et seq.; and regulations promulgated under the Securities Act of 1933, 17 CFR section 230.405. However, because of the differing public policy goals involved with each statute and regulation surveyed, and because each involved different threshold factors, it became clear that there is no universally agreed upon or generally applicable definition of control in Federal law. So, the committee determined that the antitrust enforcement agencies should interpret the term "control" for the purposes of the NCRA to mean having and exercising the power to direct the management or policies of a person. This controlling influence may be exercised directly or indirectly. The typical methods that can be used to exercise control are through the ownership of voting securities, through a contractual right, or by participation on the board of directors. It should be understood that a U.S. affiliate or subsidiary of a foreign corporation is a U.S. person under section 7 if it is incorporated in the United States and its principal facilities and operations are located inside the United States or its territories.

H.R. 1313 adds a new paragraph (7) to the list of excluded permissible conduct set forth in section 2(b) of the National Cooperative Research Act [NCRA]. This paragraph would prohibit "using existing facilities for the production of a product, process, or service by such venture unless such use involves the production of a new product or technology." The choice of the term "involves" represents a relaxation of the stricter prohibition in the bill as reported from committee, which forbade "using existing facilities in connection with the production of a product, process, or service by such venturer unless such use is for the production of a new product or technology." "Involves" would permit the production of a new product or technology to be part of but not necessarily to exclusively occupy an existing facility. Webster's defines "involves" as having "within or as part of itself."

This change proceeds from a realization that capital costs will often be of decisive importance in a decision whether or not to enter into a production joint venture. If, in a typical circumstance, the parties wish to combine old and new production technology but can proceed under the protection of the act only if they build an entirely new facility, a prospective joint venture may be halted in its tracks. On the other hand, if surplus existing space can be split between old and new applications, the venture may be projected to be economically sound and will go forward. The flexibility wisely provided by the new terminology, allowing the production joint venture to be within an existing facility but not necessarily exclusively so, may well represent the difference between no new joint production venture and a venture that goes forward with all of its attendant benefits for the American economy and our competitive strength in global markets.

Mr. Speaker, now that we have reached bipartisan agreement on this legislation, I anticipate that its enactment into law will be swiftly accomplished. This will be a significant achievement. Coming as it does so early in the 103d Congress, the national cooperative production amendments reflect not only the economic realities we confront in today's global marketplace but also a determination on both sides of the aisle to take effective and immediate steps to meet that challenge.

Mr. EDWARDS of California. Mr. Speaker, I rise in strong support of H.R. 1313.

In a year when we have heard so much about jobs and the need to expand our manufacturing base, we have before us legislation which would directly address these needs.

Our overseas competitors have learned the value of pooling resources to meet the high cost of product development and manufacturing. Unfortunately, too many U.S. companies see our antitrust laws as an obstacle to forming those same partnerships.

This is why I authorized the National Cooperative Research Act, which was enacted in 1984. Under the act, companies looking to form joint ventures can file a notice with the Department of Justice outlining their project. This notice gives possible competitors the opportunity to object to the partnership before it is formed. In return for providing notice, joint venturing companies who are later found in violation of the antitrust laws are subject only to actual damages, instead of the treble damages allowed under the antitrust laws.

Today, we are simply taking the philosophy of the cooperative research bill one step further and applying it to joint production ventures.

Mr. Speaker, as a representative from Silicon Valley, I know from my constituents in high technology industries about the enormous amounts of capital needed to compete in these markets. They know that rarely can one company alone acquire the funds necessary to develop new products, and that our overseas competitors have less trouble acquiring capital.

H.R. 1313 does not compromise the integrity of our antitrust laws, and it does nothing to lessen the importance of competition in our economy. Rather, it demonstrates to U.S. companies that joint ventures are not disfavored under our antitrust laws. It encourages these companies to form the partnerships needed in today's economy to produce first-rate goods.

Mr. Speaker, we cannot allow outdated perceptions of our antitrust laws to hold back the development of our high technology industries. Passage of H.R. 1313 will send the message to the manufacturing community that the laws that foster competition here in the United States will not harm their efforts to compete overseas. I urge my colleagues to vote for H.R. 1313.

☐ 1320

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. SYNAR], who, unfortunately, is opposed to this legislation.

Mr. SYNAR. Mr. Speaker, I rise today in opposition to H.R. 1313 because its sponsors have failed to establish the need for its enactment. Its proponents argue that H.R. 1313 is needed to encourage joint ventures between rival firms, enable the production of innovative goods and services and allow U.S. firms to remain competitive in the world market. There is no question that Congress has a serious responsibility to create a regulatory environment that promotes the competitiveness of U.S. firms and I have always supported legitimate efforts to achieve that goal. However, this bill, which codifies a more lenient antitrust standard and softens the impact of antitrust penalties for U.S. firms in joint ventures, is a remedy in search of a problem and its supporters have failed to establish otherwise.

The facts show that many joint ventures have been established under the current antitrust regime. A June 1990 Congressional Budget Office noted that since the mid-1970's, joint ventures have been announced at an average rate of nearly one per week. From this evidence the CBO concluded, "that so many joint ventures were formed suggests that the, antitrust, law was not a major constraint; if firms wanted to form a partnership, by and large they could." In other words, there's no evidence that the current antitrust regime is a problem for new joint ventures.

The facts also show that there is no credible evidence that joint ventures are the keys for promoting production efficiency, innovative or competitiveness. Studies of research and development joint ventures have concluded that these pacts may well reduce social welfare by diminishing competition for innovation. Others have concluded that retreating from competition, through joint ventures, "will not make American companies competitive, or make America competitive." On the contrary, economists believe that world class economic performance will not result from a comfortable home environment in which risks have been minimized but from pressure and challenge from demanding home customers, from capable home based suppliers and most of all from local rivalry.

This bill takes the wrong approach. It softens our antitrust laws in the hopes of making U.S. firms more competitive. Unfortunately this tack ignores hard facts and plain economic lessons. I urge my colleagues to oppose this bill and heed the counsel of Sherlock Holmes who said, "It is fatal to theorize in advance of the fact."

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of the National Cooperative Production Amendments of 1993 (H.R. 1313).

The idea of placing incentives in the Federal antitrust laws to encourage joint ventures was first proposed during the Reagan administration in 1983. At that time, I was proud to be the principal sponsor of the National Productivity and Innovation Act (H.R. 3878—98th Congress), an omnibus antitrust and intellectual property bill put forward by the Reagan administration. Title II of that bill proposed antitrust amendments with the express aim of encouraging research and development joint ventures. That bill eventually led to the enactment of the National Cooperative Research Act of 1984 (Public Law 98-462)—the so-called R&D joint venture bill.

During the Bush administration the idea of extending those same protections and incentives to production joint ventures was actively pursued. However, the Bush administration properly resisted the pressures to transform this otherwise positive idea into a tool for protectionism and trade retaliation. As an original cosponsor of H.R. 1313, I would point out that significant revisions have been made in the text of this year's joint production bill. Those changes, along with the clarifying language that has been included in the committee report, should greatly alleviate concerns about a possible protectionist result.

Specifically, H.R. 1313 amends the National Cooperative Research Act of 1984 [NCRA] so as to provide production joint ventures with the same benefits that are currently enjoyed by research and development joint ventures. This means that production ventures will be analyzed under the rule of reason standard of antitrust law. This standard requires the courts to balance a venture's procompetitive benefits against its possible anticompetitive effects. If the venture's effects are more procompetitive than anticompetitive, then it is completely lawful.

Furthermore, this legislation proposes that the antitrust damage reduction benefits of the NCRA—that is, single damages rather than the usual treble damages—also be extended to production joint ventures. To obtain such benefits, a venture must first file a written notification with the Department of Justice and the Federal Trade Commission. Once a disclosure notification is filed consistent with section 6 of the NCRA, then the maximum recovery against a production venture becomes actual damages, plus interest and reasonable attorneys fees, instead of treble damages.

Mr. Speaker, we are in a world marketplace and the Federal antitrust laws should reflect that reality. This legislation will foster a more favorable legal climate for cooperative activities among otherwise competing companies. It will encourage U.S. companies to join with other U.S. companies or with foreign companies to develop new products and new methods of production. For example, joint production ventures will allow U.S. companies to access new technologies, obtain needed capital, or to achieve greater production efficiencies. Importantly, jobs will be created here in the United States and the benefits of this statute will accrue to both our traditional basic industries—that is, steel, automotive, and pharmaceutical companies—as well as our high-technology computer and electronics firms.

The clear aim is to enhance America's ability to compete in the international marketplace. All too often, the costs of production and commercialization of new technologies are prohibitively high for one company to bear. Further, the short life cycles of many new products have greatly increased the risk of investment in new production facilities. Thus, joint production ventures, or as they are sometimes called in Europe, flexible manufacturing networks, make a great deal of sense in terms of economic efficiencies—that is, economies of scale.

In fact, cooperative activity on the part of competing companies often has a dramatically procompetitive effect. For example, joint ventures can mean a new or additional entrant into a particular market, where an individual company might not otherwise be able to enter. The production joint venture allows the participating companies to share both the costs and the risk of developing a new product or technology. Again, cooperation in production allows the companies to achieve economies of scale where an efficient output for a production facility may be beyond the resources of any one firm. Such joint activity also allows shared costs in the purchasing of supplies and transportation. In short, a production joint venture may bring with it many of the efficiencies of a merger while at the same time preserving the independence of the participating firms outside that particular production process.

Under section 3(g), which establishes a new section 7 of the NCRA, a production venture is required to locate its principal facilities inside the United States or its territories. However, it is important to emphasize that this language in the new section 7(1) is not intended to preclude the venture from locating significant production facilities and production support facilities outside the United States or its territories. In fact, in many instances, these overseas facilities will be a very important adjunct to a production venture.

Further, it is important to emphasize that the phrase "whose law" in section 7(2) is intended to include not only a country's domestic antitrust law but also all international agreements and binding obligations to which that country and the United States are a party. Consequently, a foreign country that is a party to an international agreement with the United States that provides national treatment, that is, treatment equivalent to domestic entities, fully satisfies the requirements of section 7(2). This would include Treaties of Friendship, Commerce and Navigation [FCN's], Bilateral Investment Treaties [BIT's], Free Trade Agreements, and various OECD instruments. For example, the United States-Canada Free Trade Agreement fully satisfies the conditions of section 7(2).

Section 3(f) amends the notification provisions of section 6 of the NCRA with respect to production ventures. Specifically, a production joint venture will have to disclose the nationality of each party to the venture and the identity and nationality of each person that controls a party to the venture. The Committee looked at existing Federal law in an effort to determine how corporate control has been previously defined. These laws included the Public Utility Holding Co. Act (15 U.S.C. §79 et seq.), the Investment Company Act (15 U.S.C. §89a-1 et seq.), the Federal Deposit Insurance Act (12 U.S.C. §1811 et seq.), and certain regulations promulgated to implement the Securities Act of 1933 (17 C.F.R. §230.405). However, because each of those laws and regulations sought to further different public policy goals, and because each set different ownership thresholds, the Committee concluded that those definitions were not totally transferable for our own purposes.

So, the Committee determined that the Department of Justice and the Federal Trade Commission should interpret the term "control" in the NCRA to mean having the power to direct the management or policies of a person. The typical methods for exerting this controlling influence would be through the ownership of voting securities, the exercise of a contractual right, or by direct participation on the board of directors. A U.S. affiliate or subsidiary of a foreign corporation is a United States person under the new section 7 of the NCRA if it is incorporated in the United States and its principal facilities and operations are located inside the United States or its territories.

Before concluding, I want to compliment the committee's ranking Republican Member, HAMILTON FISH, JR. Congressman FISH played a key role in developing compromise report language that has allowed this legislation to move forward. I also want to compliment Judiciary Committee Chairman BROOKS who has demonstrated a willingness to revise the bill's language on section 7 and to work out mutually agreeable report language.

Again, I am very pleased that we were able to reach agreement on language in the Committee report on a bipartisan basis—language that should help alleviate many of the concerns raised by our foreign trading partners and allies with respect to the meaning of section 3(g). I urge support for H.R. 1313.

□ 1330

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of H.R. 1313, the National Cooperative Production Amendments of 1993. I want to commend Chairman BROOKS for his leadership in moving this bill forward expeditiously.

The House Armed Services Subcommittee on Research and Technology, which I chair, has jurisdiction over one of the most difficult issues facing the Congress today, the question of defense conversion and reinvestment. One major barrier that the subcommittee heard as we conducted hearings on the issue is the problems raised by the antitrust laws. One specific problem is liability concerns of production joint ventures.

The National Cooperative Research Act of 1984 went a long way toward reducing the potential antitrust liability for certain research and development joint ventures. H.R. 1313 would expand this protection to certain joint production ventures entered into for the purposes of producing a product, process or service.

Providing this limited antitrust protection for production joint ventures will help encourage defense conversion and reinvestment. This protection will help stimulate technological innovation in production. Defense companies, employing skilled workers, need tools to ensure that new and innovative approaches, such as production joint ventures, can be attempted without undue fear of antitrust liability. H.R. 1313 provides a workable framework to provide this flexibility while preserving the basic antitrust framework I agree with.

Again, Mr. Speaker, I want to commend Chairman BROOKS for his leadership on this issue and urge our colleagues to approve this important bill.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1313, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on H.R. 1313, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1934) to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes.

The Clerk read as follows:

H.R. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act for Fiscal Year 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Federal Maritime Commission $19,450,000 for fiscal year 1994.

SEC. 3. FINANCIAL RESPONSIBILITY FOR NON-PERFORMANCE OF VOYAGES.

Section 3(b) of Public Law 89–777 (46 App. U.S.C. 817e(b)) is amended by striking "and such bond or other security shall be in an amount paid equal to the estimated total revenue for the particular transportation." and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1934, the fiscal year 1994 authorization for the Federal Maritime Commission [FMC], was introduced by Merchant Marine Subcommittee Chairman LIPINSKI, along with myself and the ranking minority members of the committee and subcommittee, on April 29, 1993.

The bill authorizes appropriations for the FMC at the level requested by the President: $19,450,000.

The FMC is charged with the regulation of oceanborne transportation in the foreign commerce and the domestic offshore trade of the United States. Last year, the Commission conducted a comprehensive review of its regulations which resulted in numerous changes for the benefit of all segments of the ocean shipping industry.

I would like at this time to congratulate the FMC's newly-designated Chairman, William D. Hathaway. Chairman Hathaway formerly served the State of Maine in both the U.S. House and Senate; and, as a House Member, served on the Committee on Merchant Marine and Fisheries.

I would also like to take this opportunity to applaud the leadership of Chairman LIPINSKI who has thrown himself wholeheartedly into the complex debate over maritime policy. The successful revitalization of our American merchant marine will rely in large measure on his efforts and those of ranking minority member HERB BATEMAN. I am confident they are both up to the task.

This bill has the full support of the members of the Committee on Merchant Marine and Fisheries, and I urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H.R. 1934, I am pleased to rise in support of this bill authorizing appropriations for the Federal Maritime Commission [FMC] for fiscal year 1994.

The funding level authorized by H.R. 1934 is $19,450,000, which is identical to the President's budget request. This is $1.15 million more than Congress appropriated last year and this small increase is necessary in order to cover certain salaries, rent, and moving expenses incurred by the FMC.

The Commission also intends to borrow an additional $410,000 from the U.S. Treasury to implement the new Automated Tariff-Filing and Information System [ATFI]. This borrowing authority was provided in Public Law 102–582, which repealed the highly unpopular recreational boat tax. This amount is necessary to fully implement the tariff filing information system and the Commission will repay these borrowed funds, with interest, from the proceeds generated by a 46-cent-per-minute access fee.

When the Merchant Marine Subcommittee held its hearing on this legislation, the new Chairman of the Commission, the Honorable William Hathaway, testified that the administration's budget request would allow the FMC to adequately perform all of their statutory and regulatory responsibilities.

While the FMC is not well known outside of the ocean shipping community, it does have a number of important functions, including regulating the practices of ocean common carriers and other entities operating in the foreign and domestic offshore trades, reviewing tariffs filed by ocean shippers, licensing international ocean freight forwarders, and issuing passenger vessel certificates of financial responsibility.

H.R. 1934 also includes a provision that would amend the Passenger Vessel Certification Act (Public Law 88–777), which insures that a passenger vessel owner has sufficient financial resources to reimburse passengers for nonperformance of a voyage. This provision would modify the existing law to allow the FMC greater flexibility in determining the amount of a bond, or other security, that an operator must post in order to establish evidence of financial responsibility.

Chairman Hathaway requested this change in his recent testimony, stating that the existing law, which requires a passenger vessel owner to post a bond in an amount equal to the estimated total revenue for the transportation, could be interpreted as requiring a dollar-for-dollar bond. He believes existing law is more restrictive than necessary. The Merchant marine and Fisheries Committee concurred in that assessment.

I believe that the Federal Maritime Commission is doing an outstanding job in implementing its numerous statutory and regulatory obligations and that this funding level is appropriate for the coming fiscal year.

Mr. Speaker, I urge the Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Subcommittee on Merchant Marine, the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I rise today to urge adoption of H.R. 1934, the Federal Maritime Commission Authorization Act for Fiscal Year 1994.

H.R. 1934 authorizes appropriations of $19,450,000 for use by the Commission in fiscal year 1994. This is the exact authorization level requested by the administration and includes an increase of $1,150,000 over fiscal year 1993 appropriations. Roughly 91.3 percent of this increase is composed of mandatory expenditures of a nondiscretionary nature. Specifically, the increase includes $431,000 for the annualization of fiscal year 1993 within-grade promotions and general pay increases, $98,000 for General Services Administration [GSA] mandated rent increases, an estimated $379,000 in expenses related to GSA's relocation of the Commission's headquarters, $49,000 for personnel benefits, and $93,000 for other miscellaneous expense items.

Section 3 of the bill amends section 3(b) of Public Law 89–777 to clarify the current requirement that passenger ships serving the U.S. market provide evidence of financial responsibility to indemnify passengers in the event of nonperformance of a voyage. An identical provision was approved by the committee last year and was added to the legislation as introduced at Commission Chairman Hathaway's request.

As currently written, section 3(b) of Public Law 89–777 requires a bond from a company in an amount equal to the estimated total revenue for the particular transportation. This language could be construed to require dollar-for-dollar coverage for all unearned revenue. The Commission has been using its authority granted in section 3(a) of that same law to require bonds of no less than 110 percent of all unearned passenger revenue and has capped this coverage at $15,000,000. The Commission reports that this safeguard has fully protected passengers financially whenever there has been nonperformance by a passenger vessel operator.

Mr. Speaker, the Federal Maritime Commission is an important independent agency which regulates the practices of ocean common carriers and other shipping entities operating in the foreign commerce and domestic offshore trades of the United States. This authorization level presents the Commission with the very minimum it will need to fulfill its mandate.

Among the Commission's most important functions is its responsibility to monitor the laws and practices of foreign governments to ensure they do not adversely impact shipping conditions in the United States trades. I urge the Commission to continue its excellent work under the Foreign Shipping Practices Act of 1988 and section 19 of the Merchant Marine Act to eliminate unfair foreign government practices which inhibit United States carriers and shipping related enterprises from competing on equal terms in foreign countries.

The Commission has recently conducted a comprehensive review of its regulations and has made great efforts to streamline the regulatory process to help foster a more competitive and flexible shipping environment. I commend the commission and its new Chairman, William Hathaway, for their efforts.

I would like to thank our distinguished committee chairman, Mr. Studds, and our ranking member, Mr. Fields, for their support. I would also like to extend my gratitude to Mr. Bateman for his outstanding leadership.

□ 1340

Mr. FIELDS of Texas. Mr. Speaker, I yield such time as she may consume to the great gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Texas [Mr. FIELDS], who has done an outstanding job on the minority side of the Committee on Merchant Marine and Fisheries. I also want to join with the leadership on the other side in supporting this bill, H.R. 1934, which authorizes appropriations for fiscal year 1994 for the Federal Maritime Commission, of which I was once chairman. It is a very important independent agency and does play a vital role in helping provide fair treatment for American-flag ships throughout the world.

The authorization is within the President's budget, and Chairman Hathaway, who, as the gentleman from Massachusetts [Mr. STUDDS] pointed out, is a former Member of this House and is the newly designated chairman, has testified on its behalf.

Mr. Speaker, I want to emphasize that the Federal Maritime Commission is the agency which has the authority and the only real clout that this country has to assure American-flag ships and American-flag bottoms equal access in all foreign ports. The American merchant marine industry needs the Federal Maritime Commission, and the Federal Maritime Commission needs this funding.

Again I want to commend the Federal Maritime Commission for all its responsibilities and what it does so well. The gentleman from Illinois [Mr. LIPINSKI] has outlined its duties in detail so well that I will not repeat them here.

Mr. Speaker, I want to commend the Committee on Merchant Marine and Fisheries and its chairman, the gentleman from Massachusetts [Mr. STUDDS], for all they have done.

Mr. FIELDS of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1934.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1189) to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

The Clerk read as follows:

H.R. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armored Car Industry Reciprocity Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the distribution of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both weapons' training and a criminal record background check before licensing a crew member to carry a weapon; and

(6) there is a need for each State to reciprocally accept weapons' licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

SEC. 3. STATE RECIPROCITY OF WEAPONS' LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the service of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapon's license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that—

(1) the crew member has received classroom and range training in weapon's safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

SEC. 4. RELATION TO OTHER LAWS.

This Act shall supersede any provision of State law (or any subdivision thereof) that is inconsistent with this Act.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and

(B) holding the appropriate certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

(3) The term "State" includes the several States and the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes, and the gentleman from Florida [Mr. STEARNS] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1189, the Armored Car Industry Reciprocity Act, would entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

On April 20, 1993, the Committee on Energy and Commerce favorably reported the bill by a unanimous voice vote. H.R. 1189 is virtually identical to companion legislation passed unanimously by the Senate in the last Congress.

Any time I discuss the problems experienced by the armored car industry because of State licensing laws and describe the solution proposed in this bill, just about everyone responds, "That makes a lot of sense to me." Mr. Speaker, this bill makes a lot of sense and I am pleased that there is such broad support for it.

As the author of H.R. 1189, and chairwoman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, which considered it, I would like to take this time to discuss the importance of adopting this bill.

The armored car industry is a necessary part of interstate commerce in the United States. Retail businesses use these companies to transfer their day's cash, checks, and credit card receipts between their stores and their banks. Armored cars transport jewelry, bonds, securities, financial documents, and other articles of unusual value. A typical truck transports anywhere from $100,000 to several million dollars' worth of cargo in one shipment.

Armored cars are also important to the operations of a number of agencies in the Federal Government. They transport over $18 billion in food stamps issued by the U.S. Department of Agriculture every year. They are hired by the U.S. Mint and the Bureau of Engraving and Printing to transport coins and currency and by the Federal Reserve System to transport documents and materials related to financial services.

In 1990, the Federal Bureau of Investigation received reports of 75 attempts made by armed robbers, including terrorists, to overpower the crew members of an armored truck and to seize the valuables. Four crew employees were killed in the line of duty during that year. Clearly, these firms must be able to equip their car crews with firearms in order to defend such cargo against attack.

However, these companies face many obstacles when it comes to arranging for their employees to guard their cargo. The regulation of permits to carry firearms is handled at the State level and many States do not recognize weapons licenses issued by other States. Thus, under the current system, armored car crew members must obtain separate weapons licenses from each State which they cross.

Because it is difficult to obtain licenses for every State in which they might travel, some crew members have, in the past, attempted to travel through States without holding the appropriate weapons licenses. In doing so, they place themselves in violation of State weapons laws and make themselves vulnerable to criminal charges.

If armored car personnel are subsequently arrested for carrying weapons without appropriate licensing, the cargo they are protecting may be left unguarded and open to attack during the period in which the crew members are detailed.

In one reported incident, an armored car was transporting over $50 million in food stamps from Pennsylvania, where they are printed, to upstate New York. The truck stopped at a weigh station in New York. Police at the weigh station asked to see the crew members' weapons permits. They produced their New Jersey licenses. The police took away their weapons and arrested the driver, who spent the night in jail. The guard was left behind to protect the truck although he was unarmed. The following morning, a judge dismissed the charges.

Another incident occurred in Louisiana, when an armored car transporting food stamps from Pennsylvania was stopped for a routine traffic check. The armed guards were asked to produce weapons permits and were arrested when it was determined that their weapons licenses had been issued in Pennsylvania. The guards were taken to jail and the truck was left unguarded along the side of the road. Again, a judge dismissed the charges the following morning.

The Armored Car Industry Reciprocity Act of 1993 addresses the problem of weapons licensing requirements for armored car crew members. Briefly, this bill would allow armored car crew personnel to cross State lines without obtaining a weapons permit from each State which the truck enters. In order to be eligible for this permission, the crew members must be licensed to carry a weapon in the State in which they are primarily employed.

A question has been raised about the meaning of the phrase "primarily employed" and I would like to make clear our intent. The bill requires the armored car crew member to hold a license in the State in which he or she primarily works for the armored car company.

We do not intend to permit armored car companies or their crew members to use this bill as a means for avoiding licensing requirements in States with tough weapons licensing regulations. If one armored car crew member usually works in New Jersey, he would be required to be licensed in New Jersey in order to gain reciprocity. If another crew member usually works in Georgia, in order to gain reciprocity, her license would have to come from Georgia. Let me underscore the fact that reciprocity is only triggered when the armored car is involved in interstate commerce.

H.R. 1189 requires States to recognize the weapons license issued by another State to an armored car crew member, so long as the State agency issuing the license meets certain requirements such as annual classroom and range training on weapons and an annual background check to confirm that the receipt and possession of a weapon by the crew member would not violate Federal law.

A Congressional Budget Office cost estimate was not available at the time the committee report on this bill was filed. The CBO estimate received by the committee on April 22 indicates that the enactment of H.R. 1189 would result in NO cost to the Federal Government or to State and local governments.

I am submitting at this time the full text of the CBO estimates.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, April 22, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1189, the Armored Car Industry Reciprocity Act of 1993, as ordered reported by the House Committee on Energy and Commerce on April 20, 1993. CBO estimates that enactment of H.R. 1189 would result in no cost to the federal government or to state and local governments. Enactment of H.R. 1189 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H.R. 1189 would provide that armored car crew members licensed by a state agency meeting certain criteria would be permitted to carry their weapons in any state while performing their duties.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John Webb, who can be reached at 226-2860.

Sincerely,
ROBERT D. REISCHAUER,
Director.

The interstate acceptance of weapons licenses only applies to individuals who are employed by an armored car company while they are acting in the service of that company to protect goods in interstate commerce.

The Armored Car Industry Reciprocity Act of 1993 does not increase the number of people who are eligible to carry weapons, nor does it impose additional licensing requirements.

I want to make clear that I am a strong advocate of gun control. However, this bill is not about gun control. We have consulted with all groups who deal with gun control issues, including the National Rifle Association, Handgun Control, the Fraternal Order of Police, the International Association of Chiefs of Police, the Bureau of Alcohol, Tobacco, and Firearms, the FBI, and the U.S. Marshal Service. Every one of these groups expressed either support or no opposition to this bill.

H.R. 1189 will help reduce unnecessary burdens on armored car companies and their employees and will facilitate the transportation of valuable cargo across State lines.

Before concluding, I would like to express my thanks for the assistance of our able chairman of the Energy and Commerce Committee, JOHN DINGELL, and that of the ranking minority member of our subcommittee, CLIFF STEARNS, in developing this bill. I also want to thank Congressman ALEX MCMILLAN, who assisted us during his tenure as ranking minority member of our subcommittee in the 102d Congress.

I encourage my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

□ 1350

Mr. STEARNS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as both the ranking Republican member of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, and as an original cosponsor of H.R. 1189, the Armored Car Industry Reciprocity Act, I rise today in strong support of this legislation. As I have said on so many occasions before, this is a simple bill that makes good sense.

We are all aware of the increase in violent crime in our society. Armored cars, which transport billions of dollars annually in coin, currency, valuable documents, and food stamps, have shown themselves to be ripe targets for terrorists and organized criminals, as well as everyday thugs. According to the FBI, in 1990, there were 75 robbery attempts against armored cars. Immediately prior to the subcommittee's hearing in March, there was an attempted robbery of an armored car in Massachusetts which was foiled because the crewmembers were armed.

H.R. 1189 creates a means by which, if a State requires firearms training and criminal background checks, its weapons permits for armored car crews will be valid in all other States, much like a driver's license. However, this license would only be valid while the licensed crewmember is performing his or her duties for the armored car company. This bill is a reasonable answer to the needs of the armored car industry to engage in interstate commerce while protecting the safety of the armored car crews and their cargo.

Mr. Speaker, I insert the following for the RECORD:

TALKING POINTS

The armored car industry is a vital part of our economy.

The armored car industry transports billions of dollars annually in currency, coin, food stamps, securities, and other valuables.

According to the Department of Agriculture, the armored car industry transported over $20 billion in food stamps during fiscal year 1992.

Due to the value of the cargo transported by the armored car industry, armored cars become ripe targets for robberies.

According to the FBI there were 75 robbery attempts against armored cars in 1990.

Since the cargoes carried by armored cars are so valuable, they are more likely targets for terrorists and other highly organized criminal elements.

H.R. 1189, the Armored Car Industry Reciprocity Act would eliminate the confusion and expense caused by the current system which requires armored car crew members to have weapons licenses in each state in which they might possibly operate.

H.R. 1189 is a bill which would require states to recognize the weapons licenses of armored car crews, so long as the state issuing the license requires criminal background check and annual firearms training.

Crew members of armored car crews would only be permitted to carry their weapons while performing their official duties in the employ of the armored car company.

Mr. Speaker, this bill is either supported or not opposed by all armored car companies, Handgun Control, Inc., the National Rifle Association, and the Fraternal Order of Police. In our hearings, and in my own conversations with friends and colleagues, no one has raised any objections to this legislation.

I want to take this opportunity to thank the distinguished chairwoman of the subcommittee for her hard work in shepherding this important legislation through the legislative process. I would also offer my thanks to the ranking Republican member of this subcommittee during the 102d Congress, Mr. MCMILLAN, as well as my good friend and colleague, Mr. OXLEY, who is also a strong supporter of this legislation.

This bill simply makes it easier for armored car crewmembers to do their job. I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1400

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the ranking member of the Committee on Energy and Commerce, the gentleman from California [Mr. CARLOS MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in strong support of H.R. 1189, a bipartisan bill to entitle armored car crewmembers to lawfully carry weapons in any State while in performance of their duties in transporting valuable cargo across State lines.

In the United States, armored cars are used to transport millions of dollars in currency, coins, food stamps, and other valuable property for both private entities and the Federal Government. Because of the value of their cargo, armored cars are often targets of crime. According to the FBI, there were 75 armed robbery attempts made against armored cars in 1990.

Currently, armored car crewmembers are required to receive a weapons permit in every State to which they travel. Since some States take up to 2 years to issue the necessary permits, some crewmembers carry permits only from the State in which they are domiciled. When detained by authorities in States for which crewmembers lack permits, the safety of the crewmembers and their cargo is jeopardized. H.R. 1189 is a narrowly drafted bill requiring armored car crewmembers to undergo background checks and participate in firearms training. Upon completion of this requirement, members of armored car crews are required to seek a weapons license only in the State where the crewmember is primarily employed.

This simple but much needed legislation has received widespread support from law enforcement authorities, armored car companies, and State and local officials. Last year, the Senate unanimously approved legislation identical to H.R. 1189. I urge all of my colleagues to support this bipartisan legislation.

Mr. STEARNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentlewoman from Illinois [Mrs. COLLINS] that the House suspend the rules and pass the bill, H.R. 1189.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 873, GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–95) on the resolution (H. Res. 171) providing for the consideration of the bill (H.R. 873) entitled Gallatin Range Consolidation and Protection Act of 1993, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1159, PASSENGER VESSEL SAFETY ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–96) on the resolution (H. Res. 172) providing for the consideration of the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE JOINT RESOLUTION 45, AUTHORIZING UNITED STATES FORCES IN SOMALIA

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–97) on the resolution (H. Res. 173) providing for the consideration of the joint resolution (S.J. Res. 45) authorizing the use of United States Armed forces in Somalia, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, May 13, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation, as per the attached listing.

Sincerely yours,
NORMAN Y. MINETA,
Chairman.

There was no objection.

INTRODUCTION OF WAYS AND MEANS RECONCILIATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, as a courtesy to all Members, I am introducing H.R. 2141, a bill containing the spending and revenue reconciliation recommendations of the Committee on Ways and Means.

House Concurrent Resolution 64 sets forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998. The resolution instructs the Committee on Ways and Means to report changes in laws within its jurisdiction sufficient to reduce the deficit by $299,771 million from fiscal year 1994 to fiscal year 1998. The committee is also directed to report changes in laws to increase the statutory limit on the public debt to not more than $4,900 billion.

On May 13, 1993, the Committee on Ways and Means approved its budget reconciliation recommendations by a vote of 24–14. These recommendations reduce the deficit by $299,801 million from fiscal year 1994 to fiscal year 1998 and increase the statutory limit on the public debt to $4,900 billion.

This bill is identical to the statutory language approved by the Committee on Ways and Means that will be assembled, by the Committee on the Budget, into an omnibus budget reconciliation bill later this month. I would like to further advise Members that—later this week—the committee will issue a committee print containing the normal explanatory report language, Congressional Budget Office cost estimates, and minority views for these provisions.

AMERICAN FOOD SUPPLY VULNERABLE UNDER NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, the bandwagon is rolling along for everyone to jump on and support the North American Free-Trade Agreement [NAFTA]—or to support the General Agreement on Tariffs and Trade [GATT]. Anyone who raises a voice of caution is castigated as backward or a hypocrite.

To err on the side of caution is not always a bad thing. Perhaps we should consider more carefully what Americans are giving up—are losing—under these new trade agreements, particularly NAFTA and GATT. A safe food supply always should be the No. 1 priority of the U.S. Government.

Once, the United States had the safest food supply in the world. But, in a current Newsweek article, Dr. Robert Tauxe of the Centers for Disease Control and Prevention [CDC] says, "You can't say we have the safest food supply in the world. * * * Ours is the food supply of the world. One bite of a fastfood hamburger can introduce you to beef from four countries."

What does this mean, to have a fast food hamburger containing beef from four countries? That means, the American Government does not know what makes up our food supply.

There have been stories of horsemeat and kangaroo included in ground beef. Now Newsweek has spelled out how real the threat is to Americans—and not just from foreign supplies, but also from domestic products.

We are probably most familiar with the contamination of beef in a Jack-In-The-Box hamburger which resulted in 477 sick people in 4 States and the death of a toddler.

What we were not familiar with was the illness 23 New Englanders suffered from drinking fresh cider, or that approximately 500 children in 11 States became ill drinking raw milk while on a school outing to dairies. That outbreak was caused by a germ called Campylobacter, unknown until 1977 when a British report ended up on someone's desk at the CDC. That germ, which is the world's leading foodborne pathogen, shows up in shell fish, cheese, and chicken, as well as milk.

I have become concerned about our food supply, ever since a close friend of mine, whom I shall call Mrs. Y, almost lost her husband from eating a roasted chicken purchased at the grocery store. Mrs. Y called it some kind of bug that no one understood, but apparently no longer is that uncommon.

It was not the first time her family had enjoyed already-roasted chickens, but it certainly was the last. No one else was stricken except her husband. The bug apparently had lurked in a joint where it was not sufficiently cooked.

After that incident, I started paying more attention to reports of tainted food, and started reading more about our food supply which was being negotiated in trade agreements.

Apparently, the experts who are concerned about the food supply and have testified against and expressed concern about the lowering of food standards under the trade agreements have been right. The United States is being besieged with new germs and no one knows exactly where they do come from.

Some of them are of domestic origin due to an insufficient food inspection system. Some are of foreign source where usually there is no inspection of any kind.

Newsweek mentions that:

> In 1990, people in 30 states fell ill after eating cantaloupe that had been trucked across Mexico in ice made with local river water. Imported cantaloupes also were linked to a 1991 Salmonella outbreak that struck at least 400 people in 23 states. The lesson, says CDC scientist Morris Potter, is that we can now enjoy "Third World" diseases with all the comforts of home.

I rest my case that we should be concerned about protecting our food supply under the terms of our trade agreements. We have been gradually lowering our standards to ship in food for a number of years. Perhaps we should rethink this policy and correct it. The life we save may be yours.

□ 1409

TRIBUTE TO PRISCILLA BEEDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PICKETT] is recognized for 5 minutes.

Mr. PICKETT. Mr. Speaker, on Friday, May 7, 1993, the Virginia Beach Jaycees honored Mrs. Priscilla Beede of that same city with the 43d Annual First Citizen of Virginia Beach Award.

This award is just one of many outstanding projects which the Virginia Beach Jaycees engage in each year, but it is certainly one of the most important.

By honoring and showcasing the real stalwarts of Virginia Beach, the Jaycees not only commend many people for a job well done, but also hold up for example the type of model citizens that the rest of us should try to emulate.

Priscilla Beede is an extraordinary lady and a most deserving recipient of this award.

In 1835, the French writer and historian Alexis de Tocqueville described our Nation and her people this way:

> America is a land of wonders, in which everything is in constant motion, and every change seems an improvement. The idea of novelty is therefore indissolubly connected with the idea of amelioration. No natural boundary seems to be set to the efforts of man; and in his eyes, what is not yet done is only what he has not yet attempted to do.

Aside from Tocqueville's use of the masculine noun only—when I am sure he meant men and women—his words are a perfect description of Priscilla Beede and her life's work in Virginia Beach.

Priscilla is in constant motion and has been for years. Everything she seeks to change, she seeks to improve. There is no boundary to her efforts on behalf of others, and to Priscilla, I think it's safe to say those things which she has not done are things which she has not yet attempted to do.

Several years ago in 1988 and 1989, when drug abuse among children was even more severe than it is today, Priscilla started the Just Say No Drug Free Youth Parade in Virginia Beach.

I remember being invited to speak briefly to the children at that event. I knew Priscilla was involved, but it wasn't until I got there that I knew just how involved she was. I realized she must have been chairing the event when I saw the large crowd, the perfect organization, the enthusiasm in the faces of the children and volunteers, and now looking back, in the results. That parade has continued since 1988, and Priscilla is leading the charge.

Priscilla has also served on the executive board of the Community Alliance for Drug Rehabilitation and Education since 1988, and is a cochair of the Reside With Pride Program.

For every person in Virginia Beach who has stayed away from drugs, and for every person who has been helped out once they fell into the trap of illegal drugs, Priscilla Beede deserves a share of the credit.

Mrs. Beede has helped with the Cub Scouts, Little League, and PTA's. She is president of the Green Run Homes Association. She has been involved with a number of activities at Holy Spirit Catholic Church in Virginia Beach, and she is a veteran of the Korean War. For years she has organized the largest Fourth of July Parade in southeastern Virginia. She has lobbied the Virginia General Assembly for increased funding of local community service boards, and she has been very active in local political affairs as well.

Mr. Speaker, Virginia Beach is a great community because we have many great citizens who are willing to do great things for their neighbors. Priscilla Beede is one of those people.

I salute her on the occasion of this award, and I salute the Virginia Beach Jaycees, and David McClees in particular, for upholding their 43-year tradition of honoring the very best people in our community. The Jaycee creed ends with these words: "service to humanity is the best work of life."

These words certainly capture the spirit of Priscilla Beede and the Virginia Beach Jaycees.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of New Jersey, for 5 minutes, today.

Mr. BACHUS of Alabama, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today, in lieu of previous 60 minutes.

(The following Members (at the request of Mrs. COLLINS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. UNDERWOOD, for 60 minutes each day, on today and May 19.

Ms. MALONEY, for 30 minutes, on May 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. MOORHEAD.

Ms. MOLINARI.

Mr. LEVY.

Mr. BLILEY.

Mr. KING in two instances.

Mr. COLLINS of Georgia in two instances.

Mr. LIGHTFOOT.

(The following Members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. TRAFICANT in eight instances.

Mr. STOKES in two instances.

Ms. SHEPHERD.

Mr. KLEIN in seven instances.

Mr. STARK in two instances.

Mr. SKELTON.

Mr. MURPHY.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An act to establish national voter registration procedures for Federal elections, and for other purposes.

ADJOURNMENT

Mrs. BENTLEY. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 10 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, May 19, 1993, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them for official foreign travel during the first quarter of 1993, pursuant to Public Law 95-384, as well as a consolidated report concerning the foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker of the House of Representatives in the first quarter of 1993, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Finnegan	2/7	2/12	Switzerland		845.00		3,049.45				3,894.45
Committee total					845.00		3,049.45				3,894.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Conyers, Jr	2/12	2/12	Cuba				(3)				
	2/12	2/15	Haiti	5,130.25	382.00		(3)		373.55		755.55
					150.00		(3)				150.00
Hon. Donald M. Payne	2/12	2/12	Cuba				(3)				
	2/12	2/15	Haiti	5,130.25	382.00		(3)			5,130.25	382.00
					150.00		(3)				150.00
Carol Bergman	2/12	2/12	Cuba				(3)				
	2/12	2/15	Haiti	5,130.25	382.00		(3)			5,130.25	382.00
					150.00		(3)				150.00
Sherille Ismail	2/12	2/12	Cuba				(3)				
	2/12	2/15	Haiti	5,130.25	382.00		(3)			5,130.25	382.00
					150.00		(3)				150.00
Jane O. Cobb	2/12	2/12	Cuba				(3)				
	2/12	2/15	Haiti	5,130.25	382.00		(3)			5,130.25	382.00
					150.00		(3)				150.00
Committee total					2,660.00		(3)		373.55		3,033.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] U.S. military aircraft.

JOHN CONYERS, JR., Chairman, Apr. 28, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kenneth M. Kodama, staff	1/3	1/8	Australia		487.00						487.00
	1/8	1/14	Asia		163.00						163.00
	1/14	1/17	Africa		363.00						363.00
Commercial air							6,995.00				6,995.00
Larry D. Cox, staff	1/3	1/8	Australia		487.00						487.00
	1/8	1/14	Asia		163.00						163.00
	1/14	1/17	Africa		363.00						363.00
Commercial air							8,211.00				8,211.00
Committee total					2,026.00		15,206.00				17,232.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN, Chairman, Apr. 30, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOMALIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 11, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony P. Hall	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
Hon. Nick Joe Rahall, Jr	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
Hon. Jack Reed	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
Martin S. Rendon	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
John H. Morrill	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
Hon. Curt Weldon	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
Rev. James D. Ford, chaplain	1/9	1/11	Kenya		340.93						340.93
Military air—Commercial 1st class equivalent.							7,490				7,490.00
Dorothy Jackson	1/9	1/11	Kenya		340.93		7,490				7,830.93

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOMALIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 11, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					2,727.44		59,920				62,647.44

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HILL, Mar. 29, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 6 AND FEB. 11, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Speaker Thomas S. Foley	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Bill Richardson	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Martin Frost	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Robert E. Wise, Jr	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Jim McDermott	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Henry J. Hyde	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Doug Bereuter	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Hon. Sherwood L. Boehlert	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Werner Brandt, Sergeant at Arms	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Jeffrey Biggs	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Michael J. O'Neil	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Janet Gilpatrick	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Bonnie Lowrey	2/6	2/11	Japan	360,777	2,892.00		(3)				2,892.00
Committee total					37,596.00						37,596.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military airplane.

THOMAS S. FOLEY.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BULGARIA, HUNGARY, AND LATVIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 6 AND FEB. 19, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	2/7	2/11	Bulgaria		990.00						990.00
	2/11	2/14	Hungary		495.00						495.00
	2/14	2/19	Latvia		1,015.00						1,015.00
Commercial transportation							3,540.85				3,540.85
William Freeman	2/7	2/11	Bulgaria		990.00						990.00
	2/11	2/14	Hungary		495.00						495.00
	2/14	2/19	Latvia		1,015.00						1,015.00
Commercial transportation							3,582.85				3,582.85
Henry Colins	2/7	2/13	Bulgaria		1,488.00						1,488.00
Commercial transportation							3,450.85				3,450.85
Committee total					6,500.00		10,574.55				17,074.55

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, May 10, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, POLAND, UKRAINE, AND RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 15 AND MAR. 19, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Margaret Sullivan	3/15	3/15	Germany		1,000.00		3,047.15				4,047.15
	3/15	3/16	Poland								
	3/16	3/17	Ukraine								
	3/17	3/18	Russia								
	3/18	3/19	Germany								
William Schuerch	3/15	3/15	Germany		1,000.00		3,047.15				4,047.15
	3/15	3/16	Poland								
	3/16	3/17	Ukraine								
	3/17	3/18	Russia								
	3/18	3/19	Germany								
Committee total					2,000.00		6,094.30				8,094.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—Travelers were issued and spent $1,000 U.S. per diem prior to departure. Plane tickets were issued by CATO (business class) round trip Dulles to Frankfurt at $3,047.15 each. Travel in theatre was completed by USAF C–21 (Lear Jet).

RICHARD A. GEPHARDT, May 4, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JIM McDERMOTT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 12 AND JAN. 15, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon.Jim McDermott	1/12	1/15	Japan				5,978.45		[3] 544.55		6,523.00
Committee total							5,978.45		544.55		6,523.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Hotel.

JIM McDERMOTT, May 6, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KRISTI WALSETH, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 20 AND MAR. 7, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristi E. Walseth	2/21	2/23	Czech Republic		460.00						460.00
	2/23	2/25	Slovakia		316.00						316.00
	2/25	2/27	Hungary		430.00						430.00
	2/27	2/28	Austria		215.00						215.00
	2/28	3/3	Bulgaria		744.00						744.00
	3/3	3/6	Albania		543.00						543.00
	3/6	3/7	Germany		248.00						248.00
Commercial transport, railway						189	6.48				6.48
Commercial air transport							3,972.85				3,972.85
Committee total					2,956.00		3,979.33				6,935.33

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, Mar. 22, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PETER ABBRUZZESE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 24 AND MAR. 28, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Peter Abbruzzese	3/25	3/27	Portugal		450.00						
	3/27	3/28	United Kingdom		200.00		3,144.45				
Committee total					650.00		3,144.45				3,794.45

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER ABBRUZZESE, Apr. 27, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1222. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1992, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

1223. A letter from the legislative liaison, Department of the Air Force, transmitting notification that the performance of the advanced cruise missile full scale development contract will continue for a period exceeding 10 years, pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

1224. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize joint duty credit for certain duty performed during Operations Desert Shield and Desert Storm; to the Committee on Armed Services.

1225. A letter from the Secretary of Education, transmitting copies of the fiscal year 1992 reports of the Department's advisory committees, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

1226. A letter from the Secretary of Education, transmitting final regulations—Training Personnel for the Education of Individuals with Disabilities—Grants for Personnel Training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1227. A letter from the Secretary of Education, transmitting final regulations—Removal of Regulations, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1228. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting the report on Verification of the START II Treaty, pursuant to 22 U.S.C. 2577(a); to the Committee on Foreign Affairs.

1229. A letter from the Chief Financial Officer, Health Care Financing Administration, transmitting the Health Care Financing Administration's fiscal year 1992 financial report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1230. A letter from the Chairman, Federal Election Commission, transmitting the fourth biennial report detailing the progress made on the accessibility of polling places to the elderly and handicapped population in the 1992 general elections, pursuant to Public Law 98-435, section 3(c)(2) (98 Stat. 1678); to the Committee on House Administration.

1231. A letter from the Executive Director, American Chemical Society, transmitting the annual comprehensive report and audit for the year ending December 31, 1992, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

1232. A letter from the Chairman, Board of Directors, State Justice Institute, transmitting a report on its review of concept papers requesting grants for fiscal year 1993; to the Committee on the Judiciary.

1233. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration for fiscal year 1992, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

1234. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Merit Systems Protection Board; to the Committee on Post Office and Civil Service.

1235. A letter from the Secretary of Transportation, transmitting a report on the national maximum speed limits, travel speeds, enforcement efforts and speed related highway statistics for fiscal year 1991, pursuant to public Law 102-240, section 1029(e) (105 Stat. 1970); to the Committee on Public Works and Transportation.

1236. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

1237. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to postpone the time for the performance of certain acts during contingency operations of the Armed Forces; to the Committee on Ways and Means.

1238. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act to reallocate a portion of the Social Security tax from the Federal Old-Age and Survivors Insurance Trust Fund to the Federal Disability Insurance Trust Fund; to the Committee on Ways and Means.

1239. A letter from the Acting Director, Office of Thrift Supervision, transmitting their 1992 Annual Consumer Report, pursuant to Public Law 101-73, section 301 (103 Stat. 279); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

1240. A letter from the Secretary of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association management report for fiscal year 1992, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

1241. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 1313. A bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; with an amendment (Rept. 103-94). Referred to the Committee on the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. House Resolution 171. Resolution providing for the consideration of the bill (H.R. 873) entitled the "Gallatin Range Consolidation and Protection Act of 1993" (Rept. 103-95). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 172. Resolution providing for the consideration of the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes (Rept. 103-96). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 173. Resolution providing for the consideration of the joint resolution (S.J. Res. 45) authorizing the use of United States Armed Forces in Somalia (Rept. 103-97). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDIT (for himself, Mr. CONYERS, Mr. THOMAS of Wyoming, and Mr. SHARP):

H.R. 2139. A bill to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission: to the Committee on Government Operations.

By Mr. EVANS (for himself, Mr. KENNEDY, Ms. WATERS, Mr. GUTIERREZ, Mr. FILNER, and Mr. VENTO):

H.R. 2140. A bill to amend the Homeless Veterans Comprehensive Service Programs Act of 1992 to remove the requirement that funds be expressly provided; to the Committee on Veterans' Affairs.

By Mr. ROSTENKOWSKI:

H.R. 2141. A bill to provide for budget reconciliation with respect to revenue and spending matters within the jurisdiction of the Committee on Ways and Means for fiscal year 1994 and subsequent fiscal years; jointly, to the Committees on Ways and Means, Energy and Commerce, and Rules.

By Mr. FRANK of Massachusetts (for himself and Mrs. MINK):

H.R. 2142. A bill to amend the Internal Revenue Code of 1986 to allow the child and dependent care credit to nonmarried individuals who are full-time students; to the Committee on Ways and Means.

By Mr. LEHMAN (by request):

H.R. 2143. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1994 and 1995; to the Committee on Natural Resources.

By Mr. UNDERWOOD:

H.R. 2144. A bill to provide for the transfer of excess land to the Government of Guam, and for other purposes; jointly, to the Committees on Natural Resources, Government Operations, and Armed Services.

By Ms. MALONEY:

H.R. 2145. A bill to amend section 227 of the Housing and Urban-Rural Recovery Act of 1983 to prohibit owners and managers of federally assisted rental housing from preventing elderly residents of such housing from owning or having household pets in such housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STEARNS:

H.R. 2146. A bill to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Natural Resources.

By Mr. SYNAR (for himself, Mr. DURBIN, Mr. ANDREWS of Texas, Mr. WYDEN, Mrs. COLLINS of Illinois, Ms. SCHENK, Mr. BLACKWELL, Mr. WHEAT, Mr. HUFFINGTON, and Mr. EVANS):

H.R. 2147. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, labeling, sale, distribution, and advertising and promotion of tobacco and other products containing nicotine, tar, additives and other potentially harmful constituents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ZIMMER (for himself, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. PORTER, Mr. KIM, Mr. GUTIERREZ, Mr. BLUTE, Mr. DORNAN, Mr. HOCHBRUECKNER, Mr. KING, Mr. BEREUTER, Mr. OXLEY, Mr. WALSH, Mr. MCHUGH, and Mr. GENE GREEN):

H.R. 2148. A bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transferor or receiver of a stolen firearm, to increase the general penalty for violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mr. KILDEE (for himself and Mr. GOODLING):

H.J. Res. 197. Joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to health care; to the Committee on Energy and Commerce.

141. Also, memorial of the Legislature of the State of Kansas, relative to municipal solid waste landfills; to the Committee on Energy and Commerce.

142. Also, memorial of the Legislature of the State of Kansas, relative to desecration of the United States flag; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 94: Mr. MICA.

H.R. 118: Mr. VENTO, Mr. BLACKWELL, and Mrs. CLAYTON.

H.R. 357: Mr. POMBO.

H.R. 417: Mr. MICHEL, Mr. ZELIFF, Mr. EWING, Mrs. JOHNSON of Connecticut, and Mr. HYDE.

H.R. 509: Mr. DOOLITTLE.

H.R. 562: Mr. BARCIA and Mr. BAKER of Louisiana.

H.R. 567: Mr. BOEHNER.

H.R. 692: Mr. BONIOR, Mr. VENTO, Mr. WATT, Ms. ROYBAL-ALLARD, and Mr. FILNER.

H.R. 723: Ms. THURMAN.

H.R. 749: Mr. CLYBURN.

H.R. 796: Mr. TORRICELLI, Mr. MORAN, Mr. ANDREWS of Maine, Ms. MALONEY, Ms. HARMAN, Mr. DELLUMS, Mr. FROST, Mr. PICKETT, Mr. COLEMAN, Mr. ACKERMAN, Mr. WYNN, Mr. SKAGGS, Mr. MATSUI, Mr. COYNE, Mr. FRANKS of Connecticut, Mr. GONZALEZ, Mr. PETERSON of Florida, Mr. ENGLISH of Oklahoma, and Mr. MACHTLEY.

H.R. 823: Mr. ACKERMAN, Ms. DELAURO, Ms. WOOLSEY, and Mr. BARRETT of Wisconsin.

H.R. 841: Mr. MOAKLEY, Mr. MILLER of California, Mr. FRANK of Massachusetts, Ms. MALONEY, Mr. TORRES, Mr. MAZZOLI, Mr. SWIFT, Ms. MEEK, Mr. EVANS, Mr. LEWIS of Georgia, Mr. TUCKER, Mr. HINCHEY, and Mr. ACKERMAN.

H.R. 882: Mr. LINDER.

H.R. 942: Mr. HUTTO, Mr. MONTGOMERY, Mr. BOUCHER, Mr. HALL of Ohio, Mr. GEJDENSON, Mr. ZELIFF, Ms. DELAURO, Mr. DOOLEY, Ms. SNOWE, Mr. HOBSON, Mr. BROWN of Ohio, and Mr. EVANS.

H.R. 949: Mr. FILNER.

H.R. 996: Mr. HEFNER, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 1009: Mr. PALLONE.

H.R. 1025: Mr. HENRY, Mr. DIXON, Mr. PALLONE, and Mr. THOMPSON.

H.R. 1082: Mr. PETE GEREN.

H.R. 1116: Mr. GILCHREST.

H.R. 1141: Mr. BROWDER, Mr. PRICE of North Carolina, Mr. WILSON, Mr. RAMSTAD, Mr. VENTO, Mr. SWIFT, Mr. HOKE, Mr. DICKS, Mr. SENSENBRENNER, Mr. PETERSON of Minnesota, Mr. FISH, Mr. PENNY, and Mr. SABO.

H.R. 1152: Ms. VELÁZQUEZ, Mr. MANTON, Mr. PALLONE, Mr. LAZIO, Mr. MINETA, and Mr. JOHNSTON of Florida.

H.R. 1153: Ms. THURMAN.

H.R. 1309: Mr. WALSH and Mr. SENSENBRENNER.

H.R. 1381: Mrs. VUCANOVICH.

H.R. 1394: Mr. UPTON.

H.R. 1419: Mr. FROST, Mr. PETE GEREN, and Mr. CLYBURN.

H.R. 1472: Ms. PELOSI, Mr. REYNOLDS, Mr. ROMERO-BARCELO, Mr. SCOTT, Mr. MILLER of California, and Mr. HOAGLAND.

H.R. 1520: Mr. OBERSTAR, Mrs. MORELLA, Mr. COOPER, Mr. PETERSON of Minnesota, Mr. TAUZIN, and Mr. SANTORUM.

H.R. 1555: Mr. OBERSTAR.

H.R. 1640: Mr. GUTIERREZ.

H.R. 1670: Mr. DOOLITTLE.

H.R. 1675: Mr. COLEMAN, Mr. TOWNS, Mr. COPPERSMITH, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON, and Mr. SISISKY.

H.R. 1697: Mr. MARKEY, Mr. REGULA, Mr. PARKER, Mr. GORDON, Mr. CHAPMAN, Mr. SLATTERY, and Mr. HAYES of Louisiana.

H.R. 1727: Mr. CASTLE, Mr. FISH, and Mr. JACOBS.

H.R. 1757: Mr. PAYNE of New Jersey, Mr. TOWNS, and Mr. MACHTLEY.

H.R. 1770: Mr. MOLLOHAN, Mr. BARRETT of Nebraska, Mr. LAUGHLIN, MR. NUSSLE, Mrs. MINK, Mr. GILLMOR, Mr. SCOTT, and Mr. SWETT.

H.R. 1771: Mr. MOLLOHAN, Mr. BARRETT of Nebraska, Mr. LAUGHLIN, Mr. NUSSLE, Mr. GILLMOR, Mr. SCOTT, and Mr. SWETT.

H.R. 1841: Mr. FISH.

H.R. 1910: Mr. MONTGOMERY, Mr. KOLBE, Mr. GREENWOOD, Ms. KAPTUR, Mr. McCURDY, and Mr. LINDER.

H.R. 1935: Mr. TOWNS, Mr. BEILENSON, Mr. SANDERS, and Mrs. SCHROEDER.

H.R. 1948: Mr. COLEMAN and Mr. FROST.

H.R. 1961: Mr. MAZZOLI, Ms. PELOSI, Mrs. UNSOELD, Mr. APPLEGATE, Mr. PETERSON of Minnesota, Ms. ESHOO, and Ms. VELÁZQUEZ.

H.R. 1986: Mr. YOUNG of Florida, Mrs. MORELLA, and Ms. DANNER.

H.R. 2043: Mr. FISH, Mr. WAXMAN, Mr. LIPINSKI, Mr. GILCHREST, Mr. WELDON, and Mr. REED.

H.R. 2053: Mr. DORNAN, Mr. ISTOOK, Mr. ZELIFF, and Mr. SCHIFF.

H.R. 2076: Mr. DELLUMS.

H.R. 2108: Mr. McCLOSKEY.

H.R. 2132: Mr. FROST.

H.J. Res. 80: Mr. ARCHER, Mr. BUYER, Mr. DIXON, Mr. GALLO, Mr. KIM, Mr. MACHTLEY, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. PETERSON of Florida, Mr. ROEMER, Mr. SABO, Mr. TORRICELLI, Mr. WYNN, Mr. ANDREWS of New Jersey, Mr. BISHOP, Miss COLLINS of Michigan, Mr. HUTCHINSON, Mr. McHUGH, Ms. NORTON, Mr. OBERSTAR, Mr. PACKARD, Mr. ROSE, Mr. ROTH, Ms. ROYBAL-ALLARD, Mr. SARPALIUS, Mr. SANGMEISTER, Mr. SAWYER, Mr. SERRANO, Mr. SHAYS, Ms. THURMAN, Mrs. VUCANOVICH, and Mr. WAXMAN.

H.J. Res. 122: Mr. LEVIN, Mr. WOLF, Mr. MYERS of Indiana, and Mr. McNULTY.

H.J. Res. 124: Mr. HILLIARD, Mrs. ROUKEMA, Mr. FISH, and Mr. GORDON.

H.J. Res 148: Mr. ANDREWS of Maine, Mr. ABERCROMBIE, Mr. BAKER of Louisiana, Mr. PASTOR, Mr. BROWDER, Mr. BROWN of California, Mr. CLEMENT, Mr. DEUTSCH, Mr. COBLE, Mr. BROWN of Ohio, Mr. DICKEY, and Mr. BALLENGER.

H. Con. Res. 14: Mr. NEAL of North Carolina, Ms. SHEPHERD, Mr. HOAGLAND, Mr. HOKE, Ms. HARMAN, Mr. SARPALIUS, Mr. CRANE, Mr. BEVILL, Mr. KENNEDY, Mr. THOMAS of California, Mr. McNULTY, Mr. FROST, Mrs. VUCANOVICH, Mr. HEFLEY, Mr. SHUSTER, Mr. McHUGH, Mr. MAZZOLI, Mr. HOBSON, Mr. BARLOW, Mr. MANN, Ms. PRYCE of Ohio, Mrs. UNSOELD, Mr. BARRETT of Wisconsin, Mr. FOGLIETTA, Mr. FISH, Mr. LEHMAN, Mr. GORDON, Mr. GUNDERSON, Mr. GINGRICH, Mr. WASHINGTON, Ms. SLAUGHTER, Mr. TALENT, and Mr. STUPAK.

H. Con. Res. 56: Mr. KLINK and Mr. HASTINGS.

H. Con. Res. 69: Mr. FROST, Mr. BROWDER, Mr. DINGELL, and Mr. BARLOW.

H. Con. Res. 92: Ms. MOLINARI.

H. Con. Res. 99: Mr. KREIDLER, Mr. McDERMOTT, Ms. BROWN of Florida, and Mr. BILIRAKIS.

H. Res. 41: Mr. PAXON.

H. Res. 135: Mr. KENNEDY and Ms. McKINNEY.

H. Res. 165: Mrs. BENTLEY, Mr. DIXON, Mrs. MORELLA, Mr. HUNTER, Mr. McKEON, and Mr. BURTON of Indiana.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER______________________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	Tahoe Basin Assn of Governments
M. Thomas Adkins Jr., P.O. Box 1914 Orange Park, FL 32067-1914	Criminal Justice Society of Florida
Patricia W. Aho, P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute
Judith A. Ahrens, 326 19th Street, NE Cedar Rapids, IA 52402	Steel Tank Institute
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Air Transport Assn of America
Do	Alleghany River Mining Company
Do	American Financial Corp
Do	Assn of Finance and Insurance Professionals
Do	Bank of America National Trust & Savings Assn
Do	Bechtel Group, Inc
Do	Chiquita Brands International, Inc
Do	Disabled American Veterans
Do	Fremont Group, Inc
Do	Ladies Professional Golf Assn
Do	Management Compensation Group
Do	Mortgage Guaranty Insurance Corp
Do	Nationwide Mutual Insurance Company
Do	USA Group,Inc
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For: Lummi Indian Gaming Commission)
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises (For: Greater Kansas City Chamber of Commerce)
Do	Albertine Enterprises, Inc (For: National Assn of Bareboat Charter Personnel)
Do	TASC
John M. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises (For: Greater Kansas City Chamber of Commerce)
Do	Albertine Enterprises, Inc (For: National Assn of Bareboat Charter Personnel)
Do	Albertine Enterprises, Inc (For: Potomac Capital Investment Corp.)
Do	TASC
Albertine Enterprises, Inc, 1899 L Street., NW Suite 500 Washington, DC 20036	Greater Kansas City Chamber of Commerce
Do	National Assn of Bareboat Charter Personnel
Do	Potomac Capital Investment Corp
Do	TASC
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Research to Prevent Blindness
Do	Savoy Capital, Inc
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc
David W. Almy, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn
American Society of Clinical Oncology, 750 17th Street, NW, Suite 1100 Washington, DC 2006	
Americans for a Presidential Line-Item Veto, 2020 Pennsylvania Ave.,NW, Suite 164 Washington, DC 20006	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc
Jill C. Andrews, 1331-A Pennsylvania Ave., NW, Suite 217 Washington, DC 20004	Small Business Alliance on Communications, Inc
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Island Development Corp
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Johanna Daines
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	City of Reading
Do	Tambrands, Inc
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee
Association of University Related Reserach Parks, 4500 South Lakeshore Drive, Suite 475 Tempe, AZ 85282	Association of University Related Research Parks
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	US Public Interest Research Group
Gary Bachula, 2250 Pierce Road University Center, MI 48710	CIESIN
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Oralco Management Services
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	BrightStar Group Limited
Do	Elken Metals Co
Do	Ferro-Alloys Assn
Do	Westinghouse Electric Corp
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Assn for Cost-Effective Cardiovascular Technology [ACCT]
Do	Assn of Organ Procurement Organizations
Do	Upper Midwest Organ Procurement Organization, Inc
Do	Vaulted Aboveground Storage Tanks Assn
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	AFG Industries, Inc
Do	Salomon Brothers, Inc
Do	Southern Star Shipping Co
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Anthracite Region Independent Power Producers Assn
Russell E. Barker, 9005 Congressional Court Potomac, MD 20854	American College of Medical Quality
Do	Peanut Butter & Nut Processors Assn
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc
Thomas M. Barry, 1667 K Street, NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp
Zemphria R. Baskin, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn
Sandy Bass-Cors, 116 N. Saint Asaph Street Alexandria, VA 22314	National Grass Roots & Communications, Inc
Russell B. Batson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
Hobart Bauhan, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For: Southern Pacific Transportation Co.)
Do	Richard J. Sullivan Associates, Inc (For: Williams & Jensen)
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company
Kenneth E. Becker, 760 Alexander Road, CN-1 Princeton, NJ 08543	New Jersey Hospital Assn
Trina Bellak, 1325 G Street, NW, #1000 Washington, DC 20005	Humane Society of the US
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Finance Corp
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Dow Chemical Co
Do	HealthCare COMPARE/AFFORDABLE/OUCH Corp
Do	Petroleum Marketers Assn of America
Dina L. Bernstein, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc
Michael J. Bertelsen, 453 NewJersey Ave. SE. Washington, DC 20003	Investment Company Institute
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc)
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Main San Gabriel Basin Water Quality Authority
Do	Manville Corp
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	New Hope Cancer Foundation
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Embry-Riddle Aeronautical University
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Morton International
Do	Tourism Development Properties of Puerto Rico
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	Assn of Private Pension and Welfare Plans
Bogle and Gates, 601 Thirteenth St., NW #370S Washington, DC 20005	Direct Service Industries, Inc
Terry K. Bolger, 901 31st Street, NW Washington, DC 20007-3838	Milliman & Robertson, Inc
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22134	American Federation of Home Health Agencies
Diana Culp Bork, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance co
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation
Evelyn Y. Boyd, 1350 I Street, NW, #400 Washington, DC 20005	Motorola
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	El duPont de Nemours & Co., Inc
Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Export Processing Industry Coalition
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Diamond Management
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Southern California Edison
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp
John J. Brady Jr., 1615 L Street,NW, Suite 1150 Washington, DC 20036	National Assn for the Superconducting Super Collider
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Federal Data Corp
Do	Hospital Systems, Inc
Karen Brechtel, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America
John J. Brittle, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp
Do	Florida Power & Light Co
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Lewis-Burke Associates (For: Edison BioTechnology Center)
Do	Lewis-Burke Associates (For: National History Museum of LA County, et al.)

Organization or Individual Filing	Employer/Client
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Cincinnati Bell Informaiton Systems [CBIS]
Do	Clark Oil and Refining Company
Robert D. Byrne Jr., 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn
John D. Cahill, 75 State Street, #2130 Lower Level Boston, MA 02109	Greater Boston Convention & Visitors Bureau, Inc
Do	John Drew Co
Do	Northeastern University
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Fibromyalgia Network
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Kimberly Quality Care
Do	Savings and Community Bankers
Do	Shriners Hospital for Crippled Children
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For: GEO-Centers, Inc)
Campbell Falk & Selby, 1101 30th Street, NW, #550 Washington, DC 20007	New York Power Authority
Charles Hollister Cantus, 410 First Street, SE. Washington, DC 20003	American Nuclear Energy Council
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Center for Science in the Public Interest
Do	Cooper Hospital
Do	Johns Hopkins University
Do	Leukemia Society of America
Do	New York University Medical Center
Do	Northwestern Memorial Hospital
Do	Partnership for Organ Donation
Do	Siemens Corp
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co
Melissa Coggeshall Carey, 4135 Lorcom Lane Arlington, VA 22207	Electronic Industries Assn
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For: Methanex, Inc)
George F. Carmeny Jr., 25 South Charles Street, BANC 121-013 Baltimore, MD 21203	First Maryland Bancorp
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Assn of Home Appliance Manufacturers
Robert J. Casey, Long Law Firm 801 Pennsylania Ave., NW, Suite 750 Washington, DC 20004	
Thomas Cassidy, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Assn of Homes for the Aging
Do	Chicago Board of Trade
Do	Chicago Mercantile Exchange
Do	City of Charlotte
Do	City of Vallejo
Do	Just Say No International
Do	Mac Andrews and Forbes
Do	Motion Picture Assn of America
Do	Southeastern PA Consortium for Info. Tech. & Training
Do	St. Francis Healthcare Foundation of Hawaii
Do	Sylvan Learning Systems, Inc
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Aegis Group, Ltd (For: Dairy Trade Coalition)
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Cooperative Housing Foundation
Do	Reno Cavanaugh & Hornig (For: Housing Assistance Council)
Do	Reno Cavanaugh & Hornig (For: National Assn of Service & Conservation)
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Falcon Seaboard
Do	P.H. Glatfelter Co
Do	Independent Power Tax Group
Do	Ryder System, Inc
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	USX Corp
L.J. Cherry, 1725 Jefferson Davis Hwy, Suite 900 Arlington, VA 22202	Vought Aircraft Co
Chwat & Company, 601 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Associated Locksmiths of America
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp
Citizen's Committee to Save the Federal Center, c/o Mr. Michael J. Jackson Battle Creek Area Chamber of Commerce 34 W. Jackson, 4 River Battle Creek, MI 49017.	
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For: American Communities for Cleanup Equity)
Do	Spiegel & McDiarmid (For: City of Piqua, OH)
Do	Spiegel & McDiarmid (For: Clean Water Action)
Donald A. Clarey, 1001 G St., NW 7th Floor East Washington, DC 20001	Strategic Management Associates, Inc (For: Our Lady of Mercy Medical Center)
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Diagnostek, Inc
Do	Winston & Strawn
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Carfax
Community Mutual Insurance Company, 37 West Broad Street Columbus, OH 43215	
Louis A. Constantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Biomagnetic Technologies
Do	Dillon Development
Do	Santa Barbara Metropolitan Transit District
Do	Westlands Water District
Jack Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For: Discovery Cruises)
Keyna Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For: Discovery Cruises)
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Committee on Royalty Taxation
Do	Council for Marketing & Opinion Research
Do	State of Washington, Dept of Social & Health Services
Sherry Tonubbee Cramer, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp
Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Kimberly Quality Care
Do	Savings and Community Bankers
Do	Shriners Hospitals for Cripled Children
Christopher K. Croft, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Federation of Teachers
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn
Do	American Land Conservancy
Do	New York Life Insurance Co
Do	Polyisocyanurate Insulation Mfrs Assn
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn
J. Courtney Cunningham, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund
Kent T. Cushenberry, 1120 Connecticut Ave., NW, Suite 460 Washington, DC 20012	Sallie mae
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc)
Do	Murphy & Demory, Ltd (For: Prodigy Services Company)
Do	Murphy & Demory, Ltd (For: US Telephone Assn)
Dart Industries, Inc, P.O. Box 2353 Orlando, FL 32802	
Davidson Colling Group, 1101 Pennsylvania Avenue, N.W. #810 Washington, DC 20004	Caraustar Industries
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	William H. Williams
Leslie Dawson, 1901 L Street, NW, Suite 300 Washington, DC 20036	Savarese & Associates (For: National Assn for the Superconducting Super Collider)
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Deferral Coalition
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc)
Lane Denton, 610 Brazos, Suite 410 Austin, TX 78701	Texas Highway Patrol Assn
Clayton S. Depue, 2020 Pennsylvania Ave., NW, Suite 164 Washington, DC 20006	Americans for a Presidential Line-Item Veto
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Boeing Company
Do	Georgia-Pacific Corp
Do	Goldman Sachs & Co
Do	Northwestern Memorial Hospital
Do	VIACOM International, Inc
James A. DeChaine, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For: Allied Charities of Minnesota)
Do	Hessian McKasy & Soderberg (For: City of Duluth)
Do	Hessian McKasy & Soderberg (For: City of Moorhead (MN))
Do	Hessian McKasy & Soderberg (For: Control Data Systems, Inc)
Do	Hessian McKasy & Soderberg (For: Minneopa Communications, Inc)
Do	Hessian McKasy & Soderberg (For: Minnesota Assn of Townships)
Do	Hessian McKasy & Soderberg (For: Northwestern National Life Insurance)
Do	Hessian McKasy & Soderberg (For: Planning Research Corp.)

Organization or Individual Filing	Employer/Client
Do	Hessian McKasy & Soderberg (For: Red Lake Tribal Council)
Do	Hessian McKasy & Soderberg (For: Wisconsin Towns Assn)
Gregory G. Diaz, 3200 Bristol Street, Suite 640 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell
John G. Dicks III, 1111 East Main Street P.O. Box 1122 Richmond, VA 23208-1122	Texaco, Inc
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	CoreSource
Robert E. Dillon, Sony Drive Park Ridge, NJ 07656	Sony Corp of America
Patsy B. Dix, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn
Ann DiDonato, 2266 Chimney Ridge Road Madison, OH 44057	Centerior Energy
Anna-Marie DiPasquale, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn [NSWMA]
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Cerrell Associates, Inc (for Calif Indep Mortgage Brokers..)
Robert J. Dotchin, One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	US Surgical Corp
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies
Pamela J. Driver, 1250 Connecticut Ave., NW Washington, DC 20036	American Paperboard Packaging Environmental Council
Susana A. Duarte, 1915 Eye Street, NW, 7th Floor Washington, DC 20006	Hispanic International Trade Council
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Healthcare Leadership Council
Dallyn Duggan, 1014 North Patrick Henry Drive Arlington, VA 22205	Kessler & Associates, Inc
Valerie Dulk, 1625 K Street, NW, Suite 1150 Washington, DC 20005	Americans for Democratic Action
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Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission
Do	American Methanol Institute
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	BOC Council
David Dyer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Kaman Diversified Technologies Corp
Do	Martin Marietta Corp
Do	Northrop Corp
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Physician's Remedy, Inc
Do	Praxis Community Healthcare Information
Do	Psychological Associates
Do	Riverview of Frankenmuth, Inc
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center
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J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Forest & Paper Assn
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care
George Elias Jr., 1177 Kane Concourse-PH Miami, FL 33154	George Elias Jr
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp
Nancy C. Elwood, 1919 9th Terrace Barling, AR 72923	Linville Henry
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20037	New York Life Insurance Co
Ernst & Young, 1200 19th Street, NW,Suite 300 Washington, DC 20036	Coalition Against Expanding Subpart F
Patricia Etzell, 901 E Street, NW, Suite 600 Washington, DC 20004	National Treasury Employees Union
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J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp
Farris Hancock Gilman Branan & Hellen, 1400 Morgan Keegan Tower 50 North Front Street Memphis, TN 38103	Southern Towing Company
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Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	People's Electric Cooperative
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Florid Atlantic University
Do	Lake City Community College
Do	University of Vermont
Theresa M. Forster, 519 C Street, NE Washington, DC 20002	Home Care Aide Assn of America/Nat'l Assn for Home Care
Foundation for Environmental & Economic Progress, 1350 I Street, NW, Suite 700 Washington, DC 20005	
Fourdrinier Wire Council, 1818 N Street, NW, Suite 200 Washington, DC 20036	Fourdirnier Wire Council
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For: Energy Tax Policy Alliance)
Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005	Franson Hagerty & Associates (For: Coalition for American Equity Expansion)
David J. Frantz, 1818 N Street, NW, Suite 200 Washington, DC 20036	Fourdrinier Wire Council
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Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Las Virgenes Municipal Water District
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions
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Giauque Crockett & Bendinger, 500 Kearns Building 136 South Main Salt Lake City, UT 84101	Intermountain Health Care, Inc
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Richard A. Goodman, 4925 Manor Lane Ellicott City, MD 21042	
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Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council
James C. Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For: Destec Energy, Inc)
Do	Hooper Hooper Owen & Gould (For: National Rural Letter Carriers)
Do	Hooper Hooper Owen & Gould (For: Pennsylvania Engineering Co.)
Do	Hooper Hooper Owen & Gould (For: Trammell Crow Co.)
Do	Hooper Hooper Owen & Gould (For: TECO Energy, Inc)
Do	Hooper Hooper Owen & Gould (For: Waste Management, Inc)
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Yavapai-Apache Indian Community
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	CBI Sugar Group
Do	Republic of Azerbaijan
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227	
Deborah Green, 610 W. 110th Street #75 New York, NY 10025	Ross & Green
Scott H. Green & Associates, 3159 North Quincy Street Arlington, VA 22207	Consortium of Universities of the Washington Metro Area
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Ginny Grenham, 1500 K Street, NW, #360 Washington, DC 20005	Healthcare Leadership Council
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Council of Smaller Enterprises [COSE]
Do	Delta Dental Plans Assn
Do	Hong Kong Trade Development Council
Do	Human Rights Campaign Fund
Do	Natural Disaster Coalition
Do	Yale New Haven Hospital
Kathleen Ann Griffith, P.O. Box 1234 La Jolla, CA 92038	Embassy of Mexico, NAFTA Office
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GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	Transtracheal Systems
Hackard & Taylor, 1435 River Park Drive, Suite 300 Sacramento, CA 95815	Hillman Properties West, Inc
C. McClain Haddow, 2921 Motherwell Court Herndon, VA 22071	Mylan Laboratories
Do	Somerset Pharmaceuticals
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For: Missouri Botanical Garden)
Do	L.E. Haefner Enterprises, Inc (For: Surface Systems, Inc)
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Harcourt Brace & Co
Do	Intra-Sonix
Do	Park Electrochemical Corp

Organization or Individual Filing	Employer/Client
Do	Psychological Corp
Do	Thinking Machines Corp
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Do	Keefe Company (For: Alarm Industry Communications Committee)
Do	Keefe Company (For: City of Homestead, FL)
Do	Keefe Company (For: Targeted Jobs Tax Credit)
Lawrie Platt Hall, 3175 North Orange Blossom Trail Kissimmee, FL 34744	Dart Industries, Inc
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce D. Cameron (For: Fibromyalgia Network)
Halprin Temple & Goodman, 1301 K Street, NW, Suite 1020 East Washington, DC 20005	Bell Atlantic
Do	NYNEX
Rita H. Hankins, 1828 L Street, NW, Suite 1000 Washington, DC 20036	NYNEX Government Affairs
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn
Do	Iowa Pork Producers Assn
Harkins Cunningham, 1300 19th Street, NW, Suite 600 Washington, DC 20036	Computer Sciences Corp
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical
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Do	Hecht Spencer & Associates (For: MCI Telecommunications)
Do	Hecht Spencer & Associates (For: National Atomic Merchandising Assn)
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Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition
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Richard T. Hines, 733 15th Street, NW, #700 Washington, DC 20005	
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Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Ad Hoc CFTC Energy Coalition
Do	AdminaStar
Do	American Registry of Pathology
Do	Burger King Corp
Do	Cholestech Corp
Do	Farm Credit Bank of Baltimore
Do	Grand Metropolitan
Do	JKC Stadium, Inc
Do	National Action Council for Minorities in Engineering, Inc
Do	National Assn of Community Health Centers
Do	National Osteoporosis Foundation
Do	Visiting Nurses Service
Do	Williams Telecommunications
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Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For: Hubbell, Inc)
Do	Hooper Hooper Owen & Gould (For: International Paper)
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	American Waterways Operators
Do	Cap Rock Electric Cooperative, Inc
Do	Guadalupe Valley Electric Cooperative, Inc
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Mark M. Hopkins, 2439 25th Street Santa Monica, CA 90405	Spacecause
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
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Peggy A. Houlihan, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Australian Meat & Live-stock Corp
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc
Hughes Hubbard & Reed, 901 Fifteenth Street, NW, #540 Washington, DC 20005-2301	Roger Sands
Matthew Huntington, 801 Pennsylvania Ave.,SE, Suite 400 Washington, DC 20003	American Rivers
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Media Photagraphers
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn
International Foundation for the Mentally Ill, Inc, 4119 North State Road, Suite 1240 Fort Lauderdale, FL 33319	
Paul Jacob, 666 11th Street, NW, Suite 840 Washington, DC 20001	U.S. Term Limits
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn
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Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Arco Transportation Company
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Kamber Group, 1920 L Street, NW, Suite 700 Washington, DC 20036	TDS Health Systems Corp
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Anthony P. Kavanagh, 2100 Pennsylvania Avenue, NW, #675 Washington, DC 20037	American Electric Power Service Corp
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Instruments SA, Inc
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Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Water Protection Assn of Central Kansas
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA
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Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Ahlstrom Development Corp
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Sears Roebuck & Co
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Sears Roebuck & Co
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	Lockheed Corp
Do	National Rifle Assn of America
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Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union
Lee Toomey & Kent, 1200 18th Street, NW Washington, DC 20036	Coors Brewing Company and Subsidiaries
Do	First Data Corp
Do	Golden Aluminum Company
Do	Golden Technologies Company
Do	Graphic Packaging Corp
Do	Premark International, Inc
Do	Reynolds Metals Company
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Monsanto Co
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company
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Organization or Individual Filing	Employer/Client
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Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce D. Cameron (For: Fibromyalgia Network)
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Loeffler & Leath, Inc, Suite 1290 East 555 13th Street, NW Washington, DC 20004	Hallmark Ghormley Development Co
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For: US Healthcare)
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Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the United States
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Westland Development Corp
Kenneth N. Luongo, 1616 P Street, Suite 310 Washington, DC 20036	Union of Concerned Scientists
Janet Lynch, 601 13th Street, NW, Suite 1170S Washington, DC 20005	Microelectronics & Computer Technology Corp [MCC]
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Cliff Madison, 1611 Landfall Drive Wilmington, NC 28403	City of Newport Beach
David C. Main Jr., 1301 K Street, NW, Suite 900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For: Rocky Mountain Health Maintenance Organization)
Linda Major, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp
Do	National Motorsports Council of ACCUS-FIA
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Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	NEC USA, Inc
Do	Western Dental Services, Inc
Do	World Cup USA 1994, Inc
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp
Morry B. Markowitz, 1001 19th Street, North Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc
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Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	American Society of Composers, Authors & Publishers
Do	Atlantic Richfield Company
Do	Cerrell Associates, Inc (for Calif Independent Mortgage)
Do	Government Employees Hospital Assn
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Midwest Stock Exchange, Inc
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Golden Hill Paugussett Tribe
Do	Imrig, Inc
Do	ICI Chemical
Do	Moore Capital Management
Do	National Realty Committee
Do	Orlando-Orange County Expressway Authority
Do	Soros Fund Management
Do	Tudor Investment Corp
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Amax, Inc
Do	Battle Mountain Gold Company
Do	Cyprus Minerals
Do	FMC Gold
Do	Gold Fields Mining Corp
Do	Homestake Mining
Do	Magma Copper Company
Do	Minorco, USA
Do	National Endagered Species Act Reform Coalition
Do	Newmont Mining Corp
Do	Pegasus Gold Corp
Do	Placer Dome US, Inc
Do	Santa Fe Pacific Minerals Co
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Methanex, Inc
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute
Carol A. McDaid, 1310 G Street, NW, 12th Floor Washington, DC 20005	R. Duffy Wall & Associates, Inc
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006	Chiquita Brands, Inc
Do	International Hearing Society
Do	Muscular Dystrophy Assn
Robert M. McDowell, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For: Nintendo of America)
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America
Carolyn McGraw, 4744 Butternut Hollow Lane Bonita, CA 91902	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness &Holch (For: National Nutritional Foods Assn)
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business [NFIB]
Timothy P. McKone, 1667 K St., NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For: IVAX Corp.)
Do	Rowan & Blewitt, Inc (For: North American Vaccine, Inc)
Do	Rowan & Blewitt, Inc (For: Scripps Research Institute)
Do	Rowan & Blewitt, Inc (For: Wadley Reserach Institute)
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For: PromoFlor)
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute
James Gregory Means, 1317 F Street, NW, Suite 400 Washington, DC 20004	Alliance of Nonprofit Mailers
Do	Eltech Systems Corp
John N. Meeks, 50 West Broad Street, Suite 2900 Columbus, OH 43215	Dayton Area Health Plan (For: Urbanistics, Inc)
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Sierra Pacific Power Company
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	Loeffler & Leath, Inc (For: Hallmark Ghormley Development Co.)
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For: Methanex, Inc)
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, Washington, DC 20004-1707	Air Transport Assn
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Forest & Paper Assn
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917	
Roger E. Middleton, International Square 1825 Eye Street, NW Washington, DC 20006	Martinez & Sandoval
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp
Do	Vought Aircraft Co
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Canadian Corps for Equitable Tax Treatment
Do	CHAPS Health Services, Inc
Anthony F. Mitchell, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Metropolitan Life Insurance Co
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America
Powell A. Moore. 1615 L Street, N.W., Suite#1150 Washington, DC 20036	EH Industries, Inc
Do	National Assn forthe Superconducting Super Collider
Do	Republic of Azerbaijan
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Morrow Realty Co, P.O. Box 020887 Tuscaloosa, AL 35402-0887	
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Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Air Lines, Inc
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Public Health Dentistry
Do	Coalition for Oral Health
Do	Porsche Cars North America, Inc
Do	Student Loan Interest Deduction Restoration Coalition
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Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba
National Assn of Criminal Defense Lawyers, 1627 K Street, NW, 12th Floor Washington, DC 20006	
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	

Organization or Individual Filing	Employer/Client
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National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Wal-Mart
National Lead Housing Assn, 2300 M Street, NW, Suite 260 Washington, DC 20037	
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037	
Terry Neese, 4527 North 16th Street, Suite 200 Phoenix, AZ 85017	Small Business Alliance on Communications, Inc
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Queens Borough Public Library
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For: PromoFlor)
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus
Do	Institute of International Bankers
New York for NAFTA, 70 Pine Street, 36th Floor New York, NY 10270	
New York State Assn of Fire Chiefs, 1670 Columbia Turnpike Castleton, NY 12033	
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265	
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For: US Healthcare)
Jonathan M. Norling, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	Integrated Building & Construction Systems
Do	University of Oregon
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Assn of American Railroads
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Physio-Control Corp
J. Michael Nussman, 601 13th Street, NW, #370 South Washington, DC 20005	American Fishing Tackle Manufacturers Assn
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Federal National Mortgage Assn
Do	Morgan Stanley & Co, Inc
Do	Tax Reform Action Coalition
John T. O'Connor, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Student Loan Funding Corp
Patrick G. O'Malley, 1600 Rhode Island Ave, NW Washington, DC 20036	National Rifle Assn of America
Joseph P. O'Neill, 1455 Pennsyvania Ave., NW Washington, DC 20004	American Forest & Paper Assn
Do	Anheuser-Busch Companies, Inc
Do	Johnson & Johnson
Do	Viacom International, Inc
John J. O'Shaughnessy, 1001 G Street, NW 7th Floor East Washington, DC 20001	Strategic Management Associates, Inc (For: Brooklyn Hospital Center)
Do	Strategic Management Associates, inc (For: Our Lady of Mercy Medical Center)
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc
Mario Obledo, 1100 15th Street, NW, Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute
Sharon E. Ogawa, 1227 25th Street, NW, Suite 610 Washington, DC 20037	American Managed Care & Review Assn
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn
Oldaker Ryan & Leonard, 1112 16th Street, NW, Suite 500 Washington, DC 20036	Alleghany Health Education & Research Foundation
Do	Alliance for Managed Competition
Do	American International Group
Do	Association of American Railroads
Do	Avis, Inc
Do	Baxter Healthcare Corp
Do	Burlington Resources, Inc
Do	Federal Express
Do	National Cable Television Assn
Do	Pfizer, Inc
Do	Phillip Morris, Inc
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Southern Star Shipping Company, Inc
Opperman Heins & Paquin, 1301 K Street, NW, Suite 650 East Washington, DC 20005	(For: Corporate Commission of the Mille Lacs Band of Ojibwe Indian)
Do	Washington County Housing & Redevelopment Authority
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For: Arctic Power)
Do	Hooper Hooper Owen & Gould (For: Mobil Corp.)
Margaret Owens, 750 First Street, NE, Suite 700 Washington, DC 20002-4241	National Assn of Social Workers
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473	
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Better Communications, Inc
Do	Blue Cross & Blue Shield of Texas, Inc
Do	Burlington Northern Railroad, Inc
Do	CSX Corp
DoMedi 20036	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	Cerrell Associates, Inc (For: California Independent Mortgage Brokers Assn)
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce
Ronald E. Park, 881 Grant Avenue, #234 Novato, CA 94945	Organization of American Taxpayers & Homeowners [OATH]
Leslie Parks, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Glaxo, Inc
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	American Bankers Assn
Do	Blue Cross of California
Do	Clorox Company
Do	EMILY's List
Do	Greensboro-Jamestown Neighborhood Assn
Do	Johanna-Dairies, Inc
Do	Nansay Hawaii
Do	National Assn of Health Underwriters
Do	National Assn of Theatre Owners
Do	New England Student Loan Marketing Corp
Do	Pepsico, Inc
Do	Republic of Uganda
Do	SmithKline Beecham
Do	Susan G. Komen Foundation
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Embassy of the Government of the Republic of Hungary
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit
Do	Council for Rural Housing & Development
Do	Institute for Responsible Housing Preservation
Do	National Leased Housing Assn
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	Electronic Industries Assn
Edward L. Pecotte, 2700 First Avenue Seattle, WA 98121	IBEW Local 46
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd
Jane Perkins, 218 D Street, SE Washington, DC 20003	Friends of the Earth
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses Assn
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For: American Peanut Product Manufacturers, Inc)
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Paul E. Pike, 1301 K Street, NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	PCS Action, Inc
Teresa Piquette, 1333 New Hampshire Avenue, NW, #1001 Washington, DC 20036	Atlantic Richfield Co [ARCO]
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society
Dale Pontius, 801 Pennsylvania Ave., NW, Suite 400 Washington, DC 20003	American Rivers
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions
Porter Wright Morris & Arthur, 1233 20th Street, NW Washington, DC 20036	Trading Arrangement Corp/Automanufacturas,SA
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents
Billy Powell, 5930 Birchbrook, #111 Dallas, TX 75206	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Dow Chemical Co
Do	Rollerblade, Inc
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Forest & Paper Assn
Do	Marine Resources Company International
Do	Royal Seafoods, Inc
Do	Weyerhaeuser Co
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	National Foreign Trade Council
Do	Oralco Management Services, Inc
Curtis A. Prins, 5101 Wisconsin Avenue, NW, Suite 500 Washington, DC 20016	American Collectors Assn
Do	Credit Union National Assn
Do	U-Haul International
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Hillwood Development Corp

Organization or Individual Filing	Employer/Client
Charles R. Pucie Jr., 1615 L Street, NW, Suite 1150 Washington, DC 20036	Republic of Azerbaijan
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance
PCS Action, Inc, 1200 19th Street, NW, 7th Floor Washington, DC 20036	
George Gregory Raab, 555 13th Street NW, #1260E Washington, DC 20004-1109	Health Industry Manufacturers Assn
James B. Rapp, 110 Roberts Lane, #101 Alexandria, VA 22314	
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	JA Associates, Ltd
Do	Pegasus Foods, Inc
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Goldman Sachs & Co
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia
Do	Republic of Guyana
Do	Republic of Nicaragua
Do	Saharawi Arab Democratic Republic
Do	Supreme Court of Justice of the Republic of Guatemala
Do	United Coconut Assn of the Philippines
Do	United Front for Multiparty Democracy [Malawi]
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB Drives, Inc
Do	Minnesota Power
Do	MDU Resources Group, Inc
Do	Parsons Brinckerhoff Quade & Douglas, Inc
Do	United Illuminating Company
Nooley Reinheardt, Nooley Reinheardt & Assoc P.O. Box 23190 Washington, DC 20024	North Carolina Council for Rural Rental Housing
Resource Management Consultants, Inc, 1212 New York Ave.,NW, Suite 345 Washington, DC 20005	
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc, Alaska Native Corp
Do	Old Harbor Native Corp
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company
Irene Ringwood, 601 13th Street, NW, Suite 370S Washington, DC 20005	Direct Service Industries, Inc
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Alexander Hamilton Life Insurance Co
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Allied-Signal Aerospace Companyy
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp
Randall B. Roe, 1400 K Street, NW Washington, DC 20005	Burns & Roe
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194	American Maritme Congress
Do	American Rice, Inc
Do	CBS, Inc
Do	Primerica Financial Services
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Canadian Steel Industry Council
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Cabot Corp
Do	Enron Corp
Burt E. Rosen, 655 15th Street , NW, Suite 410 Washington, DC 20005	SmithKline Beecham Corp
James H. Rowe III, 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Company
David R. Rozier Jr., P.O. Box 4545 Atlanta, GA 30302	Georgia Power Company
Cathleen Russell, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn
Richard M. Russell, 444 North Capitol Street Hall of States, Suite 326 Washington, DC 20001	Assn of California Water Agencies
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Society for Medical Technology
G. Joseph J. Ryan, P.O. Box 363 Wenham, MA 01984-0363	National Legal Assistance Foundation
Michael J. Ryan, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For: Allied Charities of Minnesota)
Do	Hessian McKasy & Soderberg (For: City of Duluth)
Do	Hessian McKasy & Soderberg (For: City of Moorhead)
Do	Hessian McKasy & Soderberg (For: Control Data Systems, Inc)
Do	Hessian McKasy & Soderberg (For: Minneopa Communications, Inc)
Do	Hessian McKasy & Soderberg (For: Minnesota Assn of Townships)
Do	Hessian McKasy & Soderberg (For: Northwestern National Life Insurance)
Do	Hessian McKasy & Soderberg (For: Planning Research Corp.)
Do	Hessian McKasy & Soderberg (For: Red Lake Band of Chippewa Indians)
Do	Hessian McKasy & Soderberg (For: Wisconsin Towns Assn)
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Union Sanitary District
Marc Steven Scarduffa, 15th & M Street,NW Washington, DC 20005	National Assn of Home Builders of the United States
Jennifer A. Schafer, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	ICC Technologies
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For: Oralco Management Services)
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For: National Institute for Water Resources)
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	J. Makowski Co
Do	Mobil Corp
Do	MJF Task Force
Do	Pfizer, Inc
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc
Erin E. Shaffer, 1620 Eye Street, NW, Suite 700 Washington, DC 20006	International Paper
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	International Small Satellite Organization
Do	Spectrum Astro, Inc
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For: American Assn of Crop Insurers)
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For: Advocates for Flexible Employment)
Do	Chambers Associates, Inc (For: Alarm Industry Communications Committee (AICC))
Do	Committee for Employment Opportunities
Do	Chambers Associates, Inc (For: Greater New York Hospital Assn)
Do	Chambers Associates, Inc (For: Management Insights)
Do	Chambers Associates, Inc (For: National Council of Chain Restaurants (NCCR))
Do	Chambers Associates, Inc (For: New York Hospital)
Do	Chambers Associates, Inc (For: PepsiCo, Inc)
Do	Chambers Associates, Inc (For: Targeted Management Consultants)
Hilary Sills, 1615 L Street, NW , Suite 1150 Washington, DC 20036	National Assn for the Superconducting Super Collider
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn
Do	Synergen, Inc
Bonnie J. Singer, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc)
Do	Murphy & Demory, Ltd (For: Prodigy Services Company)
Do	Murphy & Demory, Ltd (For: U.S. Telephone Assn)
Tracy Sivitz, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Hewlett-Packard Company
Do	National Steel Corp
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)
Jeffrey Smedsrud, 1101 15th Street, NW Suite 425 Washington, DC 20005	Communicating for Agriculture
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Co (For: City of Chino Hills)
Do	E. Del Smith & Co (For: City of Lynwood)
Mark Smith R., 1122 5th Street, NW Washington, DC 20001	Da Vinci Group
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center
Do	City of Gillespie, IL
Rand Snell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: Broward County)
Do	Hill & Knowlton, Inc (For: Port Everglades Authority)
Paul M. Snyder, 1455 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	Advanced Micro Devices
Do	American Forest & Paper Assn
Do	Anheuser-Busch Companies, Inc
Do	Blue Cross Blue Shield Assn
Do	Johnson & Johnson
Do	Viacom International, Inc
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn
Mary Sophos, 1133 20th St., NW Washington, DC 20036	Grocery Manufacturers of America, Inc
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For: Rocky Mountain Health Maintenance Organization)
Do	Gardner Carton & Douglas (For: Voluntary Hospitals of America, Inc)
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	National Assn of Bankruptcy Trustees

Organization or Individual Filing	Employer/Client
Carol A. Starbuck, P.O. Box 95212 Oklahoma City, OK 73143	Oklahoma Small Business Chamber of Commerce
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For: Regional Transportation Commission)
State Universities Retirement System of Illinois, 1901 Fox Drive Champaign, IL 61820	
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720	
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047	
Michael R. Stephens, 2449 W. Pensacola Ave. Chicago, IL 60618	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Hillman Properties, Inc
Helen H. Stidham, 5999 Stevenson Avenue Alexandria, VA 22304	American Counseling Assn
Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001	Brooklyn Hospital Center
Do	Our Lady of Mercy Medical Center
David A. Streilein, 5525 Reitz Avenue Baton Rouge, LA 70809-3802	Blue Cross & Blue Shield of Louisiana
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Commission on Self-Determination, Govt of Guam
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	National Assn of Manufacturers
Daniel Stull, 3540 Ridge Road Cleveland, OH 44102-5444	Stull Legal Services International, Inc
Henry D. Stull, 50 South Maple Street Akron, OH 44303-2199	Saloma International Co
J.S. Stull, 3540 Ridge Road Cleveland, OH 44102-5444	Stull Legal Services International, Inc
Stull Legal Services International, Inc, 3540 Ridge Road Cleveland, OH 44102-5444	International Import/Export Assn
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For: Southern Pacific Transportation Co.)
Do	Richard J. Sullivan Associates, Inc (For: Williams & Jensen)
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Southern Pacific Transportation Co
Do	Williams & Jensen
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Assn of Community Cancer Centers
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute
Jennifer Tanner, 1101 15th Street, NW Suite 425 Washington, DC 20005	Communicating for Agriculture
Tanner & Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co., Inc
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021	
Saramae Teich, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc
Thomas Testa, P.O. Box 75807 Washington, DC 20013	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	City of Kansas City, MO
Do	Greater Kansas City Chamber of Commerce
Do	TASC
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma
Do	CH2MHill Hanford, Inc
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	US Durum Milling, Inc
William N. Tindall, 1101 King Street, Suite 601 Alexandria, VA 22314	Academy of Managed Care Pharmacy
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For: American Forest & Paper Assn)
Do	Van Scoyoc Associates, Inc (For: Kellogg Company)
Do	Van Scoyoc Associates, Inc (For: Schering-Plough Corp.)
Jack F. Trope, Sant Angelo & Trope, P.C. 32 Division Street P.O. Box 609 Somerville, NJ 08876	Association on American Indian Affairs, Inc
James S. Turpin, 8532 Barrington Court Springfield, VA 22151	American Nukem
Stephen J. Ubl, 606 C Street, NE Washington, DC 20002	American Physical Theraphy Assn/Private Practice Section
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005	
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc
US Durum Milling,Inc, 7900 Van Buren Street St. Louis, MO 63111	US Durum Milling, Inc
USA NAFTA, 1317 F Street, NW, Suite 600 Washington, DC 20004	
Jeanette Van DeWater, 262 Pennsylvania Ave., NW Freeport, NY 11520	Friends of NIDCD, Inc
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	GNB, Inc
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For: American Forest & Paper Assn)
Do	Van Scoyoc Associates, Inc (For: Kellogg Company)
Do	Van Scoyoc Associates, Inc (For: National Institute for Water Resources)
Do	Van Scoyoc Associates, Inc (For: Schering-Plough Corp.)
Do	Van Scoyoc Associates, Inc (For: WINSM Consortium)
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473	
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company
Haleh Vaziri, 516 First Street, SE Washington, DC 20003	Gryphon International
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Western Michigan University
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	National Ag Underwriters
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	Regional Stock Exchanges Coalition
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Cook Inlet Region, Inc
Do	Large Public Power Council
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn
Marina Volkov, 750 1st Street, NE, Room 5004 Washington, DC 20002-4242	Federation of Behavioral, Psychological and Cognitive Scienc
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Community Mutual Insurance Company
Do	Professional Lawn Care Assn of America
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop (For: Chiquita Brands International, Inc)
James C. Waldo, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacomo
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Coalition on Superfund
Do	GAF Corp
Do	National Assn for the Superconducting Super Collider
Do	USA Group, Inc
Do	Wheelabrator Envrionmental Systems, Inc, et al.
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	CIBA-GEIGY Corp
Do	Levi Strauss & Co
Do	National Power Company
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Forest & Paper Assn
R. Douglas Wallin Jr., P.O. Box 1417 D49 Alexandria, VA 22313	Allied Signal Aerospace
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	TRW, Inc
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	Gabonese Republic
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn
Nancy Watzman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	El duPont de Nemours & Co., Inc
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Rural Utah Public Lands Council
Michael C. Weland, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn
Meredith K. Wellington, 1250 Connecticut Ave., NW, Suite 700 Washington, DC 20036	National Assn of Computer Consultant Businesses [NACCB]
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance
Sabrina L. Wesley-Nelson, 1819 L Street, NW, Suite 800 Washington, DC 20036	Consolidated Natural Gas Service Co, Inc
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Connie Lee Insurance Company
Do	Crow Tribal Council
Do	Fox Bennett & Turner
Do	Grand Trunk Western Railroad, Inc
Do	Hughes Aircraft Company and Space and Communications Group
Do	Washington Consulting Group
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	Cuyahoga County
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Houghton Mifflin Company
Ronald P. Whitmire, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn
Whitten & Diamond, 1725 DeSales Street, NW, #800 Washington, DC 20036	City of Philadelphia
Do	Ringling Bros. Barnum & Bailey Circus
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For: Jones Intercable)
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	RECOLL Management Corp
Do	RMJ Options Trading Corp
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Mid America Dairymen, Inc
Do	Pacific Telesis Group

Organization or Individual Filing	Employer/Client
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Credit Suisse Financial Products USA
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	Association of Directory Publishers
Christopher J. Wilmot, 1400 16th Street, NW, Suite 320 Washington, DC 20036	Zero Population Growth
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	Brown & Williamson Tobacco Corp
Do	Monk-Austin, Inc
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburm & Jenkins (For: American Insurance Assn)
Do	Winburn & Jenkins (For: Bell Atlantic Capital Corp.)
Do	Winburm & Jenkins (For: BR Services)
Do	Winburn & Jenkins (For: Chicago Northwestern Railroad)
Do	Winburn & Jenkins (For: Delta Air Lines)
Do	Winburn & Jenkins (For: Equipment Leasing Assn)
Do	Winburn & Jenkins (For: Fluor Corp.)
Do	Winburn & Jenkins (For: Hartford Insurance Group)
Do	Winburn & Jenkins (For: Leggett & Platt)
Do	Winburn & Jenkins (For: National Assn of County Office Employees)
Do	Winburn & Jenkins (For: Norfolk Southern Railroad)
Do	Winburn & Jenkins (For: Pfizer, Inc)
Do	Winburn & Jenkins (For: Philip Morris)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corp
Do	American Hospital Assn
Do	American Insurance Assn
Do	Cellular Telecommunications Industry Assn
Do	ELGARD Corp
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt
Do	Lockheed Air Terminal, Inc
Do	MERCK & Co, Inc
Do	National Marine Manufacturers Assn
Do	National Retail Federation
Do	NYNEX Corp
Do	Public Securities Assn
Do	PFIZER, Inc
Do	Robinson Terminal
Do	Sprint
Do	Student Loan Funding Corp
Do	SPR Task Force for Southeast Mississippi
Do	Walt Disney Co
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	American Automobile Manufacturers Assn
WinCapitol, Inc, 2300 N Street, NW, Suite 600 Washington, DC 20037	Geotherman Resources Assn
James E. Wisuri, 635 Wenonah Avenue Oak Park, IL 60304-1031	Pairie Oak Communications (For: Steel Tank Institute)
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Commission on Economic Opportunity of Luzerne County
Women's Voices, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	National Abortion Rights Action League
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee
Woolworth Corp, 233 Broadway New York, NY 10279	
StephenG. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc
M. Marty Youssefiani, 1615 L Street, NW, Suite 1150 Washington, DC 20035-6	Republic of Azerbaijan
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Tenneco, Inc

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?

IDENTIFICATION NUMBER________________________ ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	340.55	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For: Aerospace Industries Assn of Canada)		
Do	CANAMCO (For: Canadian Shipowners Assn.)		
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For: Vepco)		
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,965.00	1,727.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For: Association of American Publishers, Inc.)	1,000.00	
Do	Cohn and Marks (For: Direct Marketing Assn)		
Do	Cohn and Marks (For: Maclean Hunter Cable TV)		
Do	Cohn & Marks (For: USA Network)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,400.00
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		7,058.00	7,058.00
Advocacy Group, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	American Chiropractic Association		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc.		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, Inc		
Do	Georgia Southern University		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			11,566.05
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		5,651.90	5,651.90
Samuel J. Agger, 1133 Connecticut Avenue, NW, #700 Washington, DC 20036	DGA International, Inc (For: Zenith Data Systems)		
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	51.38	1,032.73
Judith A. Ahrens, 326 19th Street, NE Cedar Rapids, IA 52402	Steel Tank Institute	6,249.00	7,388.66
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	2,196.89
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		250.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	65.98
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		2,641.82	
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		140,121.00	98,212.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	6,400.00	174.00
Airport Operators Council International, 1220 19th Street, NW, #200 Washington, DC 20036			17,988.76
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	300.00	
Do	Air Transport Assn of America		
Do	Alleghany River Mining Company	1,470.00	19.00
Do	Amerada Hess Corp	2,190.00	38.00
Do	American Airlines, Inc	2,850.00	38.00
Do	American Financial Corp		
Do	American Share Insurance Corporation		
Do	American Telephone & Telegraph Co	680.00	
Do	Assn of Finance and Insurance Professionals		
Do	Bank of America National Trust & Savings Assn	360.00	
Do	Bank of Nova Scotia		
Do	Bechtel Group, Inc		
Do	Bolt Beranek & Newman, Inc		
Do	Burger King Corp		
Do	Cambridge Information Group		
Do	Chiquita Brands International, Inc		
Do	City of Houston	150.00	
Do	Clark/Bardes Organization, Inc		
Do	Colombia Government Trade Bureau [PROEXPO]		
Do	Consumers Power Company	620.00	
Do	Cotton Bowl Athletic Assn	2,195.00	38.00
Do	Disabled American Veterans		
Do	Dow Jones & Co	6,630.00	114.00
Do	Enron Corporation		
Do	Fremont Group, Inc	33.50	
Do	Fujitsu America, Inc		
Do	Government of Norway	6,120.00	114.00
Do	W. R. Grace & Co		
Do	Guardian Industries		
Do	Hunter Industrial Facilities, Inc		
Do	International Bank of Commerce	2,225.00	38.00
Do	International Specialty Products, Inc	375.00	
Do	Peter Kiewit Son's, Inc		
Do	Ladies Professional Golf Assn		
Do	Levi Strauss & Co		
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Management Compensation Group		
Do	Mazda (North America), Inc		
Do	Medical Protective Company	300.00	
Do	Mesa, Inc	100.00	
Do	Metropolitan Transit Authority of Harris County	4,980.00	95.00
Do	Miller Brewing Company	2,950.00	38.00
Do	Morgan Stanley & Co, Inc	465.00	19.00
Do	Mortgage Guaranty Insurance Corp	33.50	
Do	Motion Picture Assn of America, Inc	1,900.00	19.00
Do	MCA, Inc		
Do	National Football League		
Do	Nationwide Mutual Insurance Company	351.75	
Do	Natural Gas Vehicle Coalition	2,830.00	38.00
Do	New York Public Library	200.00	
Do	Ongard Systems, Inc		
Do	Pharmaceutical Manufacturers Assn		
Do	Public Services of Indiana, Inc		
Do	Riggs National Corp	225.00	
Do	Ryder System, Inc	6,625.00	114.00
Do	RJR Nabisco, Inc	200.00	
Do	Southern California Edison Co	700.00	
Do	Texas National Research Laboratory Commission		
Do	Time-Warner	100.00	
Do	Upjohn Company	200.00	
Do	USA Group,Inc	9,050.00	171.00
Do	Warner-Lambert Co	280.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Westinghouse Electric Corp	125.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For: May Department Stores Co.)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,799.91	
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For: American Business Conference, Inc.)		
Do	Albertine Enterprises, Inc (For: ARCTICO, Inc.)	2,401.00	44.00
Do	Albertine Enterprises, Inc (For: AST Research, Inc.)		
Do	Albertine Enterprises, Inc (For: Beckman Instruments, Inc.)		
Do	Albertine Enterprises (For: Business Executives for National Security)	2,100.00	193.00
Do	Albertine Enterprises (For: Castle-Harlan Delaware Management, Inc.)	7,000.00	346.00
Do	Albertine Enterprises, Inc (For: Council for Superfund Fairness, Inc.)		
Do	Albertine Enterprises, Inc (For: Exide Electronics)	6,300.00	210.00
Do	Albertine Enterprises (For: Fruit of the Loom, Inc.)	10,500.00	455.00
Do	Albertine Enterprises, Inc (For: Great Lakes Transmission Company)		
Do	Albertine Enterprises (For: Greater Kansas City Chamber of Commerce)	578.00	21.00
Do	Albertine Enterprises, Inc (For: Itron and Amrplus Partners)	2,772.00	44.00
Do	Albertine Enterprises, Inc (For: Materials Research Corp of Sony USA, Inc.)		
Do	Albertine Enterprises, Inc (For: Millipore Corp.)		
Do	Albertine Enterprises, Inc (For: Polaris Industries, LP)	2,800.00	438.00
Do	Potomac Capital Investment Corp	1,750.00	53.00
Do	Albertine Enterprises, Inc (For: Rogerson Aircraft Corp.)		
Do	Albertine Enterprises, Inc (For: SMS Corp.)	5,250.00	525.00
Do	Albertine Enterprises, Inc (For: West Point Pepperell, Inc.)		
Do	Albertine Enterprises (For: Western Digital, Inc.)		
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For: American Business Conference, Inc.)		
Do	Albertine Enterprises, Inc (For: ARCTICO, Inc.)	4,460.00	82.00
Do	Albertine Enterprises, Inc (For: AST Research, Inc.)		
Do	Albertine Enterprises, Inc (For: Beckman Instruments, Inc.)		
Do	Albertine Enterprises (For: Business Executives for National Security)	3,900.00	357.50
Do	Albertine Enterprises, Inc (For: Castle Harlan & Delaware Management Corp.)	11,050.00	61,750.00
Do	Albertine Enterprises, Inc (For: Council for Superfund Fairness, Inc.)		
Do	Albertine Enterprises, Inc (For: Exide Electronics)	11,700.00	390.00
Do	Albertine Enterprises, Inc (For: Fruit of the Loom, Inc.)	19,500.00	845.00
Do	Albertine Enterprises, Inc (For: Great Lakes Transmission Company)		
Do	Albertine Enterprises (For: Greater Kansas City Chamber of Commerce)	1,073.00	39.00
Do	Albertine Enterprises, Inc (For: Itron and Amrplus Partners)	5,148.00	81.25
Do	Albertine Enterprises, Inc (For: Materials Research Corp of Sony USA, Inc.)		
Do	Albertine Enterprises, Inc (For: Millipore Corp.)		
Do	Albertine Enterprises, Inc (For: Polaris Industries, LP)	6,630.00	812.50
Do	Albertine Enterprises, Inc (For: Rogerson Aircraft Corp.)		
Do	Albertine Enterprises, Inc (For: SMS Corp.)	9,750.00	975.00
Do	Albertine Enterprises, Inc (For: West Point Pepperell, Inc.)		
Do	Albertine Enterprises, Inc (For: Western Digital Corp.)		
Albertine Enterprises, Inc, 1899 L Street., NW Suite 500 Washington, DC 20036	American Business Conference, Inc		
Do	ARCTICO, Inc	6,862.00	125.00
Do	AST Research, Inc		
Do	Beckman Instruments, Inc		
Do	Business Executives for National Security	9,000.00	550.00
Do	Castle Harlan, Inc	20,000.00	950.00
Do	Council for Superfund Fairness, Inc		
Do	Exide Electronics	18,000.00	600.00
Do	Fruit of the Loom, Inc	30,000.00	1,300.00
Do	Great Lakes Transmission Co		
Do	Greater Kansas City Chamber of Commerce	1,650.00	60.00
Do	ITRON and AMR	7,920.00	125.00
Do	Materials Research Corp of Sony USA, Inc		
Do	Millipore Corp		
Do	Polaris Industries, LP	7,958.00	1,250.00
Do	Rogerson Aircraft Corp		
Do	SMS Corp	15,000.00	1,500.00
Do	West Point Pepperell, Inc		
Do	Western Digital Corp		
Dale L. Alberts, 401 East E Street Casper, WY 82601	Rio Algom Mining Corp	14,503.24	26,952.08
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Cargill Fertilizer, Inc	7,500.00	
Do	Center for Applied Engineering	3,750.00	
Do	City of Virginia Beach	15,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Eli Lilly		
Do	EMSA Limited Partnership	22,500.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce	6,000.00	
Do	Jim Walter Corp	3,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Research to Prevent Blindness	6,250.00	
Do	Savoy Capital, Inc		
Do	State Road 7 Association, Inc	600.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Towers Financial Corp	7,500.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	7,500.00	750.00
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	15,000.00	932.77
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For: Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For: American Financial Corp.)		
Do	Cadwalader Wickersham & Taft (For: Association of Finance & Insurance Professionals).		
Do	Cadwalader Wickersham & Taft (For: Bechtel Group, Inc.)		
Do	Cadwalader Wickersham & Taft (For: Bechtel Investments, Inc.)		
Do	Cadwalader Wickersham & Taft (For: Chiquita Brands International, Inc.)		
Do	Cadwalader Wickersham & Taft (For: Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For: Ladies Professional Golf Assn)		
Do	Cadwalader Wickersham & Taft (For: Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For: Mortgage Guaranty Insurance Corp.)		
Do	Cadwalader Wickersham & Taft (For: Nationwide Mutual Insurance Co.)	31.03	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For: Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For: Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For: Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For: Mirage Resorts, Inc.)		
Do	LeBoeuf Lamb Leiby & MacRae (For: National Assn of Chem Recyclers (NACR))		
Do	LeBoeuf Lamb Leiby & MacRae (For: Physicians Insurers Assn of America)		
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center	15,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	6,421.00	
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,681.28	658.70
Pamela J. Allen, 122 C Street, NW, #280 Washington, DC 20001	National Assn of Mutual Insurance Companies	477.00	21.88
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	925.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		65,000.00	
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			64,139.80
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		47,683.90	29,011.34
Alliance to Save Energy, 1725 K Street, NW, #509 Washington, DC 20006			1,081.00
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
David W. Almy, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	170.50
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	2,000.00	68.32
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	110.33	
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		40,071.90	40,071.90
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			6,193.46
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004-1151			37,800.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		44,781.00	44,781.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		42,394.00	42,393.16
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			44,705.36
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		659.81	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			597.65
American Automobile Assn, 1440 New York Ave., NW, Suite 200 Washington, DC 20005			
American Automobile Manufacturers Assn, 7430 Second Avenue, #300 Detroit, MI 48202		48,234.89	48,234.89
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		342,677.16	342,677.16
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		12,442.00	3,238.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		39,331.30	39,331.30
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044			
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		174,214.00	174,214.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			183,072.95
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		5,240.00	5,240.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,250.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		6.94	40.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	110,563.57
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			11,542.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,876.77	19,688.95
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			2,470.25
American Insurance Assn, 1130 Connecticut Avenue, NW, #I000 Washington, DC 20036		6,540.00	6,540.00
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		194,504.00	257,324.23
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,945.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		105,800.00	11,071.62
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	2,764.83
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		18,255.59	6,059.28
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			2,400.00
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		292,833.14	33,765.75
American Medical Association, 515 North State Street Chicago, IL 60610			321,067.28
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		28,125.00	12,856.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		20,302.24	20,302.24
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			5,619.00
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		669,833.70	112,810.48
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		103,479.41	103,479.41
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		10,618.47	10,618.47
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250.00	40,755.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		321,008.57	355,009.17
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		10,321.09	10,321.09
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			27,500.69
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		47,802.00	47,802.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			18,270.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		100.00	100.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			
American Soc for Medical Technology, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			13,672.12
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			15,780.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		52,321.61	68,088.80
American Trucking Assns, Inc, 430 First Street Washington, DC 20003		13,000.00	93,143.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW #710 Washington, DC 20005		11,135.00	582.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		491,737.00	9,153.38
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		47,640.38	52,156.61
Americans for a Presidential Line-Item Veto, 2020 Pennsylvania Ave.,NW, Suite 164 Washington, DC 20006		275.00	
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		68,032.58	35,488.16
Americans for Immigration Control, Inc, 717 Second Street, NE, #307 Washington, DC 20002		12,610.86	12,610.86
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		5,403.00	5,403.00
Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe		741.76
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Northrop Corp	12,000.00	
Do	Rand Eye Institute	5,000.00	
Do	Thompson Medical Co	2,000.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For: Physicians Who Care)		
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For: U.S. Banknote Corp.)		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	250.00	30.40
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	650.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	5,192.31	3,873.27
Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
John A. Anderson, 1333 H St., NW, #300 Washington, DC 20005	Electricity Consumers Resource Council [ELCON]		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,250.00	
Kenneth William Anderson, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		298.00
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	3,231.00	
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,293.40	
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	75.00
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	250.00	
Jill C. Andrews, 1331-A Pennsylvania Ave., NW, Suite 217 Washington, DC 20004	Small Business Alliance on Communications, Inc	4,000.00	6,093.77
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,168.76
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	775.18	775.18
Do	Coalition for Habitat Conservation		
Do	GNB, Inc		
Do	(For: Institute of Makers of Explosives)		
Do	International Alliance for Habitat Conservation		
Do	Island Development Corp	1,000.00	100.00
Do	RSR Corporation		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America [INGAA]		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson U.S., Inc		
Bill Angelo, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			20,000.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	10,238.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For: Comprehensive Medical, Inc.)		
Do	Frost & Jacobs (For: Louisville Imaging Services, Inc.)		
Do	Frost & Jacobs (For: Western Hills Imaging Center, Inc.)		
Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		72.00
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			395.00
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,174.26	
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	7,872.00	
John Archer, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
William T. Archey, 1615 H STreet, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	67.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	200.00	32.00
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,600.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	36,120.27	3,784.87
Do	American Assn of Occupational Health Nurses	12,528.16	376.71
Do	Jean-Bertrand Aristide	203,000.00	9,625.25
Do	Association of Professional Flight Attendants	664.00	290.00
Do	Central States SE & SW Areas Health Welfare & Pension Funds	39,044.05	1,290.63
Do	Children With Attention Deficit Disorder [CHADD]		
Do	City of San Diego		16.50
Do	Guardian Life Insurance Co of America	10,278.80	30.15
Do	Independent Federation of Flight Attendants	6,000.00	170.00
Do	International Society for Clinical Laboratory Technology	4,002.03	6.35
Do	Mercy Hospital of Des Moines, Iowa	2,378.00	1,185.29
Do	National Field Selling Assn		
Do	Republic Of Chile		
Do	SO-PAK-CO, Inc		14.30
Do	Toyota Motor Corporation		
Do	Video Software Dealers Assn		32.24
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	100.00
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance	800.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	Ashland Oil Co	480.00	
Do	Corporate Property Investors	750.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants		
Do	American Red Cross		
Do	Antonelli Unsecured Creditor's Committee		
Do	Avis, Inc		
Do	ACPC		
Do	AFL-CIO		
Do	Bank of Montreal		
Do	Building and Construction Trade Department, AFL–CIO	600.00	4.00
Do	Business Roundtable		
Do	Caribbean International News Corporation	780.00	15.50
Do	Commissioner, Dept of Telecommunications City of New York	150.00	
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	Federated Investors		
Do	Fujisawa USA, Inc		
Do	General Conference of Seventh-day Adventists	1,283.75	29.50
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)	712.50	26.00
Do	Montefiore Medical Center	2,516.25	23.00
Do	National Assn of Telecommunications Officers & Advisors	270.00	13.50
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	193.38
Do	Penn Central Industries Group		
Do	Philip Morris, Inc		
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Stanford University		
Do	State Farm Mutual Automobile Insurance Co	6,950.00	844.55
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Construction	1,000.00	
Do	FMC Corp	4,500.00	81.99
Do	Guam Airport Authority		
Do	Technology for Communications, International		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	340.20	69.00
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	8,871.30	259.53
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	7,201.62	470.58
Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	4,250.00	4,634.86
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		2,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			36,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,433.00	18,433.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001			140,898.43
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			3,750.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			520.00
Association of State and Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		10,811.25	10,811.25
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Richard C. Atchison, 1377 Camino Teresa Solana Beach, CA 92101	American Tunaboat Assn		1,000.00
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			925.00
Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209	American Meat Institute	2,000.00	2,543.43
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Frank W. Ault, 2009 North 14th Street, #101 Arlington, VA 22201	American Retirees Assn	5,000.00	3,059.00
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	US Public Interest Research Group	3,846.12	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,127.12	
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	6,750.85	
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co	230.00	360.00
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	John Nuveen & Co, Inc		
Gary Bachula, 2250 Pierce Road University Center, MI 48710	CIESIN		
Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn [IHPA]	4,550.00	526.65
Charlotte M. Bahin, 900 19th Street, NW, Suite#400 Washington, DC 20006	Savings and Community Bankers of America		
Kingsley E. Bailey, 50 Quincy Place, NE Washington, DC 20002	International Foundation for the Mentally Ill		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For: American Cyanamid Co, Inc.)		
Do	Bailey & Robinson (For: American Imaging Assn)		
Do	Bailey & Robinson (For: Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For: Case Management Society of America)		
Do	Bailey & Robinson (For: Human Factors Applications, Inc.)		
Do	Bailey & Robinson (For: Investment Company Institute)		
Do	Bailey & Robinson (For: Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For: Upjohn Corp.)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Assn of Discount Travel Brokers		
Do	American Cyanamid Company	15,000.00	
Do	American Imaging Assn		
Do	Blue Cross of Western Pennsylvania	22,500.00	
Do	Case Management Society of America	18,000.00	
Do	Human Factors Applications, Inc		
Do	Investment Company Institute		
Do	National Assn of Broadcasters		
Do	Natural Disaster Coalition	11,250.00	
Do	Natural Gas Vehicles Coalition		
Do	Oralco Management Services	10,000.00	
Do	Upjohn Company		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	659.78
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	3,020.48	160.29
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL–CIO	7,830.00	357.45
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technology		1,177.72
Do	Computer & Business Equipment Manufacturers Assn		278.73
Do	Greater Houston Partnership		
Do	Martini & Rossi Corporation		
Do	(For: Mickey Leland National Urban Air Toxics Research Center)	8,245.00	17.30
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc		
Do	Zinc Corporation of America		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc		
Do	American Resort & Development Assn	2,000.00	2,000.00
Do	California Independent Casualty Companies Assn	4,000.00	4,000.00
Do	Canadian Sugar Institute		
Do	Chubb Corporation	7,088.45	7,088.45
Do	Cleveland Clinic Foundation		
Do	Cominco, Ltd		
Do	Corroon & Black Corp		
Do	Edison Electric Institute	5,307.85	5,307.85
Do	Financial Holding Corp	2,000.00	2,000.00
Do	Flexi-Van Leasing/Pacific Holding Company	4,000.00	4,000.00
Do	Fund American Enterprises		
Do	Frank B. Hall & Co, Inc		
Do	Hyatt Corp		
Do	Johnson & Higgins		
Do	Marsh & McLennan Companies		
Do	Mitsui & Co (U.S.A.), Inc	262.50	
Do	Mitsui Plastics, Inc		
Do	National Assn of Insurance Brokers, Inc	2,000.00	2,000.00
Do	National Assn of Professional Insurance Agents	2,000.00	2,000.00
Do	Rollins Burdick Hunter		
Do	Sedgwick James, Inc		
Do	Soap and Detergent Association		
Do	St. Paul Fire & Marine		
Do	Travelers Insurance Co	2,000.00	2,000.00
Do	United Fidelity Life Insurance	2,000.00	2,000.00
Donald Baldwin, 888 16th Street, NW #600 Washington, DC 20006	Diagnostic/Retrieval Systems, Inc		
Do	Federal Investigators Assn		
Do	Law Enforcement Assistance Foundation		
Do	National Law Enforcement Council		
Do	VALOR		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	21.20
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,165.19
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	ARCO		
Do	City of Bellevue (Washington)	6,711.53	773.47
Do	City of Portland, OR	20,343.32	2,878.48
Do	City University	19,999.50	4,424.63
Do	Clackamas County	19,418.50	1,682.28
Do	Greenbrier Leasing, Inc	40,977.00	5,719.69
Do	Harsch Investment Corporation	1,008.00	201.75
Do	Mt. Hood Meadows Oregon, Ltd	1,383.50	116.88
Do	Northwest Industrial Gas Users	2,975.50	605.05
Do	Northwest Marine Iron Works		72.16
Do	Northwest Woodland Owners Council	15,000.00	3,177.06
Do	Oregon Department of State Lands	10,500.00	1,385.85
Do	Oregon Department of Transportation	23,100.00	2,203.58
Do	Oregon Graduate Institute of Science & Technology	3,743.00	400.55
Do	Oregon Museum of Science and Industry		
Do	Oregon Partnership for Metals Research	4,000.00	304.78
Do	PacifiCorp Leasing		
Do	Schnitzer Steel Industries	4,409.00	263.82
Robert H. Ballard, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,500.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For: Arab Republic of Egypt)	3,000.00	1,016.09
Do	Bannerman and Associates, Inc (For: Beirut University College)	1,000.00	56.00
Do	Bannerman & Associates, Inc (For: Government of the United Arab Emirates)	2,500.00	80.00
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004	General Electric Company	1,540.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,215.25	270.20
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Haley R. Barbour, P.O. Box 960 Yazoo City, MS 39194	American Maritime Congress		
Do	American Rice, Inc	5,000.00	51.20
Do	CBS, Inc	30,000.00	306.84
Do	Primerica Financial Services	5,333.34	94.60
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	632.89
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		915.20
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	2,550.00	95.00
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	9,000.00	2,484.70
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	600.00	
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	5,000.00	
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	900.00	
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,500.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	1,500.00	
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	987.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	750.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	8,293.42
Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	2,500.00	
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	900.00	90.85
Do	Family Violence Prevention Fund	200.00	
Do	Society for the Advancement of Women's Health Research	100.00	
Do	Women's Legal Defense Fund		
Sandy Bass-Cors, 116 N. Saint Asaph Street Alexandria, VA 22314	National Grass Roots & Communications, Inc		
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,350.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	2,479.32
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	1,750.00
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	5,400.00	
Richard M. Bates, 1101 17th St. NW, #501 Washington, DC 20036	Disney Worldwide Services, Inc	45,000.00	875.60
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	284.70
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	724.68	
Lana R. Batts, 919 18th Street, NW. Washington, DC 20006	American Financial Services Assn	250.00	
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	875.00	
Patricia M. Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For: Beirut University College)		
Do	Bannerman & Associates, Inc (For: Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For: Government of Egypt)	500.00	48.00
Hobart Bauhan, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn	365.00	67.00
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	18,615.00	8,263.00
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	2,661.24
James R. Baxter, 3517 Launcelot Way Annadale, VA 22003	Associated Specialty Contractors	2,000.00	2,000.00
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	1,360.00	8.70
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	
Bayh Connaughton Fensterheim & Malone, PC, 1575 Eye Street, NW, #1025 Washington, DC 20005	ALC Communications Corp		
Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	CoreTech	250.00	27.00
Do	Distilled Spirits Council of the U.S.	750.00	
Do	Southwest Airlines	323.00	
Do	Southwestern Bell Corp	950.00	
Do	Stewart & Stevenson Services, Inc	750.00	
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc	7,000.00	
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	New England Conservatory of Music	13,500.00	336.05
Do	Orton Dyslexia Society		
Do	TDS Healthcare Systems Corp	11,685.60	4,399.17
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	312.32	374.88
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	761.00	950.83
Jeffrey G. Becker, 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute		
Kenneth E. Becker, 760 Alexander Road, CN-1 Princeton, NJ 08543	New Jersey Hospital Assn		10,427.00
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,218.27	50.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	653.88	29.94
Teresa G. Beeman, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co [ARCO]		
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	1,939.43
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	246.03	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	183.60
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	66.26	542.66
Joe Belew, 1000 Wilson Boulevard, 30th Floor Arlington, VA 22209-3908	Consumer Bankers Assn		111.02
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,061.53
Sharon S. Bell, 429 N Street, SW, Suite 802 South Washington, DC 20024	SRI		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	685.86
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		100.47
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Finance Corp	4,200.00	
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	200.00
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	13,500.00	
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	1,433.21
Mary C. Bennett, 815 Connecticut Avenue, NW, Suite 900 Washington, DC 20006-4078	Baker & McKenzie (For: Continental European Insurance Coalition)	32,091.00	9,473.07
Do	Baker & McKenzie (For: Horsham Corporation)	9,975.00	95.02
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	12,261.36	845.50
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		107.60
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	70.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	3,810.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	China External Trade Development Council	2,000.00	150.00
Do	Elanco Animal Health	1,000.00	500.00
Do	Flo-Sun Land Corp	4,000.00	1,641.95
Do	McDonnell Douglas Corp	1,000.00	500.00
Do	Metpath	1,200.00	673.42
Do	Murry's, Inc		
Do	National American Wholesale Grocers Assn [NAWGA]		
Do	National Soft Drink Assn	3,000.00	721.07
Do	Orange & Rockland Utilities	4,000.00	1,495.14
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For: Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For: Halon Research Institute)		
Do	Smokeless Tobacco Council	1,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	303.85	401.81
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn. for Home Care	511.42	
Nathan R. Berkley, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard B. Berman, 607 14th Street, NW, #1100 Washington, DC 20005	Burger King Corp		
Do	S&A Restaurant Corporation, Inc		
William R. Berman, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	810.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		242.96
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,749.00	872.39
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	13,000.00	3,652.95
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	27.90
Michael J. Bertelsen, 453 NewJersey Ave. SE. Washington, DC 20003	Beneficial Management Corp		
Do	Investment Company Institute	1,243.13	938.51
Maria L. Berthoud, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	New England Council, Inc		
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc.)		
Do	Murphy & Demory, Ltd (For: Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For: U.S. Telephone Assn)		
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	14,250.00	724.27
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For: Alabama Hospital Association)	3,100.00	556.39
Do	American Assn of Eye & Ear Hospitals	2,250.00	
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	493.59	182.32
Everett E. Bierman, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	Loeffler & Leath, Inc		
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		449.01
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For: Nintendo of America, Inc.)	147.50	683.02
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	American Public Power Association		
Do	Main San Gabriel Basin Water Quality Authority	16,550.00	
Do	Manville Corp	26,312.50	
Do	South Coast Air Quality Management District	12,000.00	
Do	Sterling Forest Corporation		
Do	Waste Management, Inc	14,831.25	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,341.30	4,320.52
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,329.00	
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			291.13
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition	500.00	500.00
Do	Calista Corp	1,260.00	1,260.00
Do	Fish Alaska, Inc	500.00	500.00
Do	New Hope Cancer Foundation	250.00	250.00
Do	North Slope Borough	800.00	800.00
Do	Old Harbor Corp	270.00	270.00
Do	Professional Sportfish Col. for Fairness in Fed. Regulations	500.00	500.00
Do	Sealaska Corp	160.00	160.00
Do	Tanadgusix Corporation	150.00	150.00
Do	Wildlife Legislative Fund of America	2,000.00	2,000.00
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,786.95	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		308.01
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		47,204.00	50,798.92
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	800.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For: INDA, Assn of the Nonwoven Fabrics Industry)		
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life & Casualty		
Do	Embry-Riddle Aeronautical University		
Do	Health Images, Inc		
Do	Midland Risk Insurance Company		
Do	Nascar, Inc		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	100.50
Do	Allied-Signal Corp	22,500.00	160.37
Do	American Airlines	15,000.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Chrysler Corp	15,000.00	470.51
Do	Clark Construction Group	9,000.00	
Do	Cooper Hospital/University Medical Center	22,500.00	
Do	Delaware North Companies	9,000.00	
Do	First National Bank of Chicago	22,500.00	209.61
Do	Gas Safety Action Council	9,000.00	
Do	Government of Nigeria	12,500.00	
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	376.54
Do	Kashmiri American Foundation	35,000.00	136.11
Do	Katun Corp	11,250.00	
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	45,000.00	156.36
Do	Military Audits of Market Information, Inc	3,000.00	
Do	NOVA University	15,000.00	
Do	Republic of Kenya	66,000.00	
Do	Software Productivity Consortium	22,500.00	
Do	South Carolina Economic Development Board	2,000.00	
Do	Textron	3,750.00	94.28
Do	Tobacco Institute	22,500.00	
Do	Trump Organization	18,000.00	33.56
Do	Union Pacific Corp	15,000.00	
Do	UNITA	75,000.00	43.70
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	12,474.56
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	750.00	
Ernest Blazar, 122 C Street NW, #740 Washington, DC 20001	American League for Exports & Security Assistance [ALESA]	2,100.00	
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	5,250.00	760.89
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc		
Do	Barrett Refining Corp		
Do	Figgie International, Inc	1,137.50	67.79
Do	Hunter Industrial Facilities, Inc	6,325.00	773.85
Do	National Paint & Coatings Assn, Inc	500.00	720.93
Do	National Spa & Pool Institute	600.00	51.72
Bliss and Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	1,858.30	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	5,000.00	1,845.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	12,300.00	
Rebecca K. Blood, 2301 M Street. NW Washington, DC 20037	American Public Power Assn	1,000.00	
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,650.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	493.75
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	3,500.00	175.89
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For: Steel Service Center Institute)		
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	8,682.36	345.00
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For: American Hawaii Cruises)	137.50	
Do	Miles, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Graham & James (For: Milk Specialties Co.)		
Patti Blumer, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	609.00
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304			
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Bradley Bodager, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	800.00	39.00
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	7,555.80	246.18
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		130.00
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,875.00	
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	
Bogle and Gates, 601 Thirteenth St., NW #370S Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	United Sport Fishermen	1,500.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Association	10,000.00	
John K. Boidock, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	225.00
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	50.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	869.65
Mark P. Bolduc, 1125 15th Street, NW, #700 Washington, DC 20005	Mortgage Bankers Assn of America		
Terry K. Bolger, 901 31st Street, NW Washington, DC 20007-3838	Milliman & Robertson, Inc		
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corp		
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	170.00	110.00
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,721.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,812.50	4.99
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Diana Culp Bork, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance co		
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For: Embassy of Turkey)	3,333.00	320.79
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	7,377.00	
William J. Bosies Jr., 680 4th Ave. Louisville, KY 40202	New York State Bankers Assn	240.00	
Carroll Bostic, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	180.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	720.00	
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Evergreen International Aviation, et al.	1,000.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	789.02
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Jennifer O. Boucher, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc		44.31
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	417.50
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	109.60
Laura L. Bourne, 800 connecticut ave., n.w. Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,375.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Fluor Corporation	15,000.00	437.85
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL–CIO	19,099.08	
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	1,817.00	
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	4,000.00	149.00
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	4,000.00	1,189.52
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Namen Howell Smith & Lee (for Temple Junior College)		
Charles H. Bowser, 1511 K Street, NW, Suite 431 Washington, DC 20005			
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
Lavinia Boxill, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	716.26	120.50
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		4,605.76
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	1,535.75	
Do	Kemper Corp		
Do	Kemper Financial Services, Inc		243.00
Do	Kemper Investors Life Insurance Company		1,709.72
Do	Kemper Reinsurance Company		
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,124.00	170.00
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Gordley Associates (For: U.S. Canola Assn.)	65.00	
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	American Methanol Institute		
Do	Browning-Ferris Industries, Inc		
Do	Caribbean Marine, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	2,750.00	1,650.00
Do	Edison Electric Institute		
Do	Enron Corp	550.00	330.00
Do	Enterprise Products Co		
Do	Genentech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Hunt Oil Company		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	2,475.00	1,485.00
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc		
Do	Texas Ophthalmological Assn		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	3,025.00	1,815.00
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	City of Tucson	7,000.00	105.00
Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street,NW, Suite 1150 Washington, DC 20036	National Assn for the Superconducting Super Collider	5,000.00	
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	2,950.61	414.69
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,231.02	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	617.82	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Federal Data Corp	805.00	93.48
Do	Hewlett-Packard Co	1,139.50	32.73
Do	Hospital Systems, Inc		
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	1,732.50	18.00
Do	NCube	352.00	
Do	Oracle Corp		
Do	Seafarers International Union		
Do	Unisys	735.00	57.64
Robert M. Brandon, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	2,490.00	128.00
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Karen Brechtel, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	266.84
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	12.00
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	442.25
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	3,673.81	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	6,000.00	40.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
F.H. Brewer III, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		388.81
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative	132.50	7.35
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc	397.50	22.50
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	261.08
John R. Brigance, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,800.00	7.50
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,250.00	989.35
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
John J. Brittle, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	15,593.00	
Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney, P.C. (For: City of Detroit, Michigan)	13,272.18	
Do	Plunkett & Cooney (For: NBD Bancorp, Inc.)	5,625.00	1,590.01
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co.)	10,200.00	5,359.58
David A. Brody, 1100 Connecticut Avenue, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	500.00	
Do	Corn Coalition		
Do	Corning, Inc		
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	150.00	
Michael J. Brokovich, 8201 Greensboro Drive McLean,, VA 22102	Paramax Systems Corporation	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	8,777.01	
Edward J. Brothers, 1487 Weber Dr., Suite A Indianapolis, IN 46227			
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	600.00	48.00
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn [NDMA]	2,800.00	150.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Cynthia L. Brown, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	833.17
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons	646.15	
Jerry M. Brown, Post Office Box 1321 Springfield, VA 22151-0321	Bio-Technology General Corporation	6,000.00	400.00
John J. Brown, 50 E Street, SE Washington, DC 20003	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Do	John J. Brown & Associates (For: Labor Management Committee of the Tobacco Institute).	1,000.00	400.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)		
Do	Klein & Saks (For: Silver Institute)		
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For: Hazardous Waste Action Coalition)		
Do	Davis Wright Tremaine (For: Lockheed Engineering & Sciences Co.)		
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	957.50	20.37
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,358.00	293.82
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,000.00	1,381.07
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For: May Department Stores Co.)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	66.00	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	23,000.00	736.85
Thomas H. Brownell, GE Aerospace 1331 Pennslyvania Ave., NW, #890 Washington, DC 20004	General Electric Co	1,916.00	172.00
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Crystal Creek Homeowners Assn		
Do	Lake Catamount Joint Venture	3,785.43	
Do	New Valley Corporation	108.39	
Jeanne Broyhill, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp		
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	12,000.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	69.19	8.00
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	653.07	196.00
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	103.50
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,317.50	339.10
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp		
Bryant Miller & Olive, P.A., 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc		
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	18,327.00	
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	1,223.38
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	12,400.00	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: Citicorp Mortgage Finance, Inc.)		
Do	Thacher Proffitt & Wood (For: Massachusetts Bankers Assn)		
Do	Thacher Proffitt & Wood (For: Massachusetts State Carpenter's Guaranteed Annuity Fund).		
Do	Thacher Proffitt & Wood (For: Massachusetts State Carpenter's Pension Fund)		
Robert R. Budway, 1625 Massachusetts Ave., NW Washington, DC 20036	Can Manufacturers Institute	35,000.00	7,100.00
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Do	J. Bruce Bugg, Jr., P.C (For: Karnes Savings and Loan Assn)		
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			20,925.00
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,000.00	8.00
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	4,056.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 4660 Kenmore Ave., #1018 Alexandria, VA 22304	Cummins Engine Co, Inc	376.40	33.00
David G. Burden, 200 E. Randolph Dr. P.O. Box 87703 Chicago, IL 60680-0703	Amoco Corporation		
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Association of Independent Research Institutes [AIRI]	600.00	
Do	California Institute of Technology	1,000.00	
Do	Lewis-Burke Associates (For: Edison BioTechnology Center)	300.00	
Do	Lewis-Burke Associates (For: National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For: University of Cincinnati)	300.00	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,974.74	420.00
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	4,431.00	300.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		80,031.25	2,825.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	4,712.50	83.40
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	70.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,932.31	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Alliant Techsystems, Inc	500.00	
Do	Cincinnati Bell Information Systems [CBIS]		
Do	Clark Oil and Refining Company		
Do	Degussa AG	1,500.00	
Do	Eli Lilly & Company		
Do	Ethyl Corporation		
Do	Healthcare Leadership Council		
Do	Korea Iron & Steel Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McDonnell Douglas	1,000.00	20.00
Do	MAPCO		
Do	Republic of Indonesia		
Do	Thomson-CSF, Inc		
Do	Warner-Lambert Co		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	5,500.00	547.00
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,362.51	1,484.68
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		32,932.85
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Michael R. Bushman, Quaker Oats Company 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	1,760.00	98.41
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council		
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe		
Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037	United States Independent Microwave Television Assn [USIMTA]		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
C & C Consulting Group, Inc, 1925 North Lynn Street, #1101 Arlington, VA 22209	MacAndrews & Forbes Holdings, Inc	15,000.00	1,006.73
Do	Western Resources	15,000.00	1,231.14
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,120.00	1,175.06
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, Inc	1,750.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,475.00	
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	1,655.17
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	75.82
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	615.34	1,066.89
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	50.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Alliston Transmission	600.00	
Do	Eastern Technologies, Inc		
Do	FMC Corporation	250.00	
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Oshkosh Trucks Corp	300.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20005	International Union of Police Assns, AFL–CIO	3,125.00	
Do	Lukens General Industries, Inc	2,250.00	
Do	Potters Industries, Inc	1,125.00	
Do	Safetran Systems Corporation	5,550.00	
Do	Stimsonite Corporation	1,500.00	
Do	3M Company	4,276.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		1,220.00
Do	Embassy of Nicaragua	10,500.00	814.00
Do	Fibromyalgia Network	11,500.00	597.00
Do	National Council of Maubere Resistance	16,642.00	892.00
Timothy Neil Cameron, 710 North 20th Street Birmingham, AL 35203	City of Birmingham, AL		
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbados	123,181.44	58,506.53
Do	McDermott Bonenberger McDermott & Gallaway		
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	Bank of America	721.20	2,091.18
Paul A. Cammer, 1025 Connecticut Avenue, NW, #712 Washington, DC 20036	Cammer & Associates (For: Business Council on Indoor Air).		
D			
Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036	Exxon Corp		
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Anglo American Auto Auctions, Inc	5,670.00	
Do	BellSouth Corp		
Do	California Pipe Trades Council		
Do	Chemical Manufacturers Assn, Inc	625.00	
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Pennzoil Co		
Do	PGA Tour		
Do	Sheet Metal Workers' International Assn		
Do	Shell Oil Co		
Do	Texaco, Inc	150.00	
Do	Union Pacific Resources, Inc		
Carolann Campana, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,912.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturing Assn		
Do	American Nuclear Energy Council		
Do	AMT—Assn for Manufacturing Technology		
Do	Chubb Corp		
Do	Invest to Compete Alliance		
Do	National Electrical Manufacturers Assn		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For: ARCO Power Technologies, Inc.)		
Do	John G. Campbell, Inc (For: BDM International, Inc.)		
Do	John G. Campbell, Inc (For: Ebasco)		
Do	John G. Campbell, Inc (For: General Electric Co.)		
Do	John G. Campbell, Inc (For: Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For: Loral Corp.)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For: Sierra Nevada Corp.)		
Do	John G. Campbell, Inc (For: 3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	3,500.00	
W. Donald Campbell, 1250 Connecticut Ave., NW,#620 Washington, DC 20036	National Multi Housing Council	3,913.33	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	3,545.94
Can Manufacturers Institute, 1625 Massachusetts Ave., NW Washington, DC 20036		35,000.00	7,100.00
William Canary Jr, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	3,000.00	
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America		
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	700.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart and Stewart (For: Smith Corona Corp.)	484.38	
Do	Stewart & Stewart (For: Timken Co.)		
Do	Stewart & Stewart (For: Torrington Company)		
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Gary Capistrant, 1200 15th Street, NW Washington, DC 20005	US Strategies Corp		
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp		
Do	Madison Public...(for Leadership Council of Advertising...)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Academy of Allergy & Immunology	250.00	
Do	American Assn of Cancer Research	600.00	
Do	American Health Foundation	800.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	350.00	
Do	Carnation Co	3,500.00	
Do	Center for Science in the Public Interest	200.00	
Do	Citizens Comm for Medical Research & Health Education	1,000.00	
Do	Collagen Corp	400.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	10,500.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	800.00	
Do	Lipomatrix	200.00	
Do	Massachusetts General Hospital	2,400.00	
Do	Merck & Co, Inc	1,000.00	
Do	National Assn of Addiction Treatment Providers	800.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	600.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,000.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Partnership for Organ Donation	800.00	
Do	Ringling Brothers	1,500.00	
Do	Siemens Corp	1,000.00	
Do	U.S. Healthcare, Inc	1,000.00	
Do	U.S. Surgical Corp		
Do	Wellman Laboratory	1,000.00	
Capitoline International Group Ltd, 2001 M Street, NW Washington, DC 20036	Professional Lawn Care Assn of America		
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute [AMI]		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Career College Assn, Inc, 750 First Street, NE,Suite 900 Washington, DC 20002		10,000.00	10,000.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	875.00	
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	21,228.00	896.72
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	120.00	
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For: Commodities Corp.)		
Do	McClure Trotter & Mentz (For: Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For: Mercedes-Benz of North America, Inc.)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	37,449.00	
Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071	Gruma Management corp	2,381.42	2,381.42
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	4,562.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	266.16	
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen	1,909.50	24.00
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Carter Footwear	1,427.00	
Do	Kennametal, Inc		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
William Carney, 217 3rd St., SE Washington, DC 20003	American Nuclear Energy Council	5,000.00	
Do	Edison Electric Institute	15,000.00	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	392.00	
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,190.00	
Terry M. Carr, 1101 Vermont Avenue, NW, #604 Washington, DC 20005	College of American Pathologists	5,865.00	
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		126.00
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,755.08	720.94
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		14.00
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	2,800.00	473.27
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	493.70
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	14.80
Do	Federal Intermediate Credit Bank of Jackson		
Do	United Foods, Inc		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	2,250.00	23.60
Do	American Assn of Colleges of Podiatric Medicine		
Do	American Dredging Co	190.00	
Do	American Hospital in Shanghai Foundation		
Do	American Petroleum Institute		
Do	American Water Development		
Do	AmeriBrom, Inc		
Do	Armenian Assembly of America/Armenian Gen Benevolent Union		
Do	Atlantic Drydock Corp		
Do	AT&T	300.00	
Do	Babson College	75.00	
Do	Bean Dredging Company	190.00	
Do	Bishop Museum		
Do	Boston Carmen's Union		
Do	Boston College	1,550.00	110.65
Do	Boston University	900.00	18.90
Do	Bryant College	300.00	
Do	Buena Vista College	600.00	50.10
Do	California Community Colleges	2,775.00	88.40
Do	California Pacific Medical Center	2,050.00	332.85
Do	Capitol American Life Insurance Co		
Do	Center for Health Technologies, Inc	3,600.00	17.35
Do	CenterPort International		
Do	CertainTeed Corp		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	75.00	
Do	Children's Hospital and Health Center of San Diego	2,550.00	30.00
Do	Children's Hospital in Michigan		
Do	Children's Hospital of Pittsburgh	1,125.00	34.50
Do	Children's National Medical Center	600.00	80.55
Do	Clark Atlanta University		
Do	Columbia University	75.00	
Do	Community College Assn for Technology Transfer	900.00	
Do	Connecticut Health System, Inc	3,600.00	51.50
Do	Critical Languages & Area Studies Consortium, Inc		
Do	Cryotech, Inc		
Do	CSO Partnerships		
Do	Delaware State Dept of Transportation	1,360.00	
Do	Enichem Elastomers Americas, Inc		
Do	Epcint		
Do	Fairleigh Dickinson University	2,100.00	7.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Florida Institute of Technology	250.00	14.00
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	1,950.00	37.00
Do	Fudan Foundation	225.00	
Do	Garden Isle Cablevision, L.P.		
Do	General Dynamics Corp	1,950.00	20.00
Do	Genetic Design	3,100.00	156.00
Do	Glaxo, Inc	300.00	19.50
Do	Gonzaga University	350.00	15.00
Do	Governor of Hawaii, Executive Office on Aging		
Do	Great Lakes Dredge & Dock Company	190.00	26.00
Do	Hahnemann University Hospital	2,475.00	34.70
Do	Hebrew Vocational Institute		
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	600.00	70.20
Do	Infirmary Health Systems, Inc		
Do	Insituform of North America, Inc	4,300.00	33.00
Do	Intercontinental Energy Group	6,100.00	50.40
Do	International Data Group		
Do	T.L. James & Company	180.00	
Do	Jones Intercable, Inc		
Do	Kauai CableVision, L.P		
Do	Kendall Square Research Corp		
Do	Kimberly Quality Care		
Do	LaSalle University	850.00	20.30
Do	Lehigh University	225.00	
Do	Lewis and Clark College	1,275.00	74.85
Do	Loma Linda University Medical Center, Inc	1,875.00	79.50
Do	Loyola Marymount University	200.00	12.00
Do	Maersk, Inc	50.00	15.40
Do	Marquette University		
Do	Mary Washington Hospital Foundation	100.00	48.15
Do	Massachusetts League of Banks		
Do	Massachusetts Municipal Wholesale Electric Company		
Do	Medical Center of Central Massachusetts	975.00	69.75
Do	Miami-Dade Community College	3,600.00	32.50
Do	Michigan Biotechnology Institute		
Do	Monterey Institute of International Studies		
Do	Mt. Sinai Medical Center of Greater Miami	4,200.00	129.50
Do	Multinational Business Development	600.00	48.65
Do	MOOG, Inc	1,325.00	6.00
Do	National Assn of Dredging Contractors	180.00	12.00
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	1,125.00	41.60
Do	New England Deaconess Hospital Corporation	75.00	7.50
Do	New Jersey Instutute of Technology	300.00	55.50
Do	New York Medical College	1,125.00	32.50
Do	North Natomas Landowners Assn		
Do	Northwestern University	900.00	6.00
Do	Ocean Spray Cranberries, Inc	3,000.00	7.50
Do	Pennsylvania Turnpike Commission		
Do	Pine Bluff Sand & Gravel	190.00	
Do	Polaroid Corp		
Do	Polytechnic University	75.00	
Do	Providence & Worcester Railroad Company	2,100.00	
Do	Rehabilition Hospial of the Pacific		
Do	Rhode Island Hospital	1,875.00	7.50
Do	Rochester Institute of Technology	975.00	248.60
Do	Sacred Heart Hospital	2,100.00	
Do	Saint Joseph's University	600.00	70.65
Do	Savings Bank and Life Insurance Company of MA	3,075.00	55.50
Do	Scott County Highway Department	3,000.00	
Do	Sidney Frank Importing Company, inc		
Do	Societa Cavi Pirelli S.p.A.		
Do	Southwest Marine, Inc		
Do	St. Norberts College	750.00	46.60
Do	St. Xavier College	4,200.00	104.75
Do	State of Indiana, Office of the Governor		
Do	State of Rhode Island Office of Economic Development		
Do	Suffolk University		
Do	Sutter Bay Associates	2,550.00	57.30
Do	Teach for America		
Do	Tufts University	350.00	22.50
Do	Ukranian Federation of Greater Philadelphia		
Do	Union Memorial Hospital	1,200.00	64.20
Do	Union Switch & Signal	1,500.00	
Do	United Brotherhood of Carpenters National Health & Sfty Fund		
Do	University of the Arts		
Do	University of Detroit Mercy	75.00	
Do	University of Hawaii	450.00	12.00
Do	University of Limerick Foundation		
Do	University of Pennsylvania		
Do	University of San Francisco	75.00	
Do	University of Southern Mississippi	250.00	16.00
Do	University of St. Thomas	3,000.00	
Do	University of Vermont	75.00	38.00
Do	Waterman Health Care System (Lake Care)		
Do	Watsonville Community Hospital	1,200.00	96.25
Do	Western Townships Utilities Authority	225.00	
Do	World Learning	1,650.00	58.30
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	5,500.00	932.00
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		23,270.77	27,235.55
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	17,550.00	8,415.73
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Cooperative Housing Foundation	662.50	2.92
Do	Reno Cavanaugh & Hornig (For: Council of Large Public Housing Authorities)	26,475.50	660.46
Do	Reno Cavanaugh & Hornig (For: Housing Assistance Council)	181.25	
Do	Reno Cavanaugh & Horning (For: Housing Authority Insurance, Inc.)	93.75	
Do	Reno Cavanaugh & Hornig (For: National Assn of Service & Conservation)	737.50	32.07
Robert S. Cave, 11094-D Lee Highway, #102 Fairfax, VA 22030	American Public Gas Assn	125.25	15.50
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	703.44	85.75
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Biomass Energy Partners		
Do	BTR, Inc		
Do	Cogentrix, Inc	72.00	
Do	Falcon Seaboard	2,268.00	37.00
Do	P.H. Glatfelter Co		
Do	Independent Power Tax Group	6,264.00	49.00
Do	Napp Chemicals, Inc		
Do	OESI Power Corp		
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems	144.00	
Do	Ryder System, Inc	1,440.00	19.00
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL–CIO		
Do	Belk Stores Services, Inc	300.00	
Do	Coalition of Publicly Traded Limited Partnerships	1,500.00	
Do	Columbia Falls Aluminum Company		
Do	Council of Infrastructure Financing Authorities	1,530.00	
Do	Lead Industries Assn		
Do	Manville Corporation	1,800.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	15,675.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association		241.81
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	79.33
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	18,587.00	2,508.58
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For: Society for Nutrition Education)	4,500.00	445.76
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	106.44
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,107.72	118.50
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298		352.04	
Patricia A. Cheaure, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company		
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Crum & Forster Corp	11,352.00	
Do	Xerox Corp	36,894.00	275.20
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			47,236.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History	4,000.00	
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		
Do	Bishop Museum	2,000.00	
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	12,236.00	705.02
Do	Field Museum of Natural History		
Do	Ford's Theater	1,151.00	1,257.75
Do	Illinois State Museum Society		
Do	International Photographers Guild		
Do	Isabella Stewart Gardner Museum	750.00	
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art	2,000.00	
Do	Museum of Northern Arizona		
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		
Do	Peabody Museum of Archeology & Ethnology		
Do	Peabody Museum of Salem		
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota	1,000.00	
Do	Shakespeare Theater at the Folger	1,151.00	1,257.75
Do	Shelburn Museum		
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennsylvania Museum	1,000.00	
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,204.75
L.J. Cherry, 1725 Jefferson Davis Hwy, Suite 900 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For: McKesson Corp.)		555.00
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
John L. Child, 1725 Jefferson Davis Highway, #601 Arlington, VA 22202	Litton Industries	1,000.00	1,235.06
Child Protection Lobby, Inc, 101 E. Holly Avenue, #2 Sterling, VA 22170		2,000.00	1,938.97
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		150.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05601-0566	American Petroleum Institute	1,300.00	
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Stret, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	22,689.96	911.27
Christian Action Network, P.O. Box 606 Forest, VA 24551		492,067.93	286,622.89
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			54,836.24
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,550.00	623.94
Chwat & Company, 601 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American Home Sewing and Craft Assn	1,300.00	1,300.00
Do	American Radio Relay League	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,400.00	1,400.00
Do	National Licensed Beverage Assn	4,500.00	4,500.00
Do	National Weather Service Employees Organization	800.00	800.00
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		15,750.00	15,749.00
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		2,644.17	2,644.17
Citizens for Reliable and Safe Highways [CRASH], 81 Lansing Street, #106 San Francisco, CA 94105-1611		21,975.91	6,089.50
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For: American Communities for Cleanup Equity)	1,575.00	297.67
Do	Spiegel & McDiarmid (For: City of Piqua, OH)	2,362.50	
Do	Spiegel & McDiarmid (For: Clean Water Action)		
Donald A. Clarey, 1001 G St., NW 7th Floor East Washington, DC 20001	Strategic Management Associates (For: American Paper Institute)		
Do	Strategic Management Associates (For: Care Visions Corporation)		
Do	Strategic Management Associates, Inc (For: Greater New York Hospital Asn)	20,001.00	925.00
Do	Strategic Management Associates (For: Healthcom International)		
Do	Strategic Management Associates (For: Hospital for Special Surgery)		
Do	Strategic Management Associates (For: Lenox Hill Hospital)		
Do	Strategic Management Associates (For: Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For: MicroGeneSys, Inc.)	22,500.00	250.00
Do	Strategic Management Associates (For: Montefiore Medical Center)		
Do	Strategic Management Associates (For: Mount Sinai Medical Center)		
Do	Strategic Management Associates (For: New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For: Our Lady of Mercy Medical Center)		
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc [KEC]	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For: Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For: Fox Television Stations, Inc.)	22,500.00	
Do	Vern Clark & Associates (For: Metromedia Communications)		
Do	Vern Clark & Associates (For: Metromedia Company)	30,000.00	
Do	Vern Clark & Associates (For: RJR-Nabisco Washington, Inc.)	52,500.00	
Vern Clark & Associates, 2100 Pennsylvania Ave. NW #600 Washington, DC 20037-3202	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	
Do	Metromedia Communications		
Do	Metromedia Company	30,000.00	
Do	RJR-Nabisco Washington, Inc	52,500.00	
Richard Clarke, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		1,011.80
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	3,000.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Copolymer Rubber & Chemcal Corp		
Do	Crompton & Knowles Corp	570.00	10.25
Do	Day-Glo Color Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fleet/Norstar Financial Group, Inc		
Do	Government Representatives Cmte Securities Industry Assn	192.50	
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	11,281.25	539.14
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			916.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Dispatchers Assn	633.30	
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio	50.00	1,350.00
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	10,686.48	16,911.00
Lawrence Clinton, 900 19th Street, NW, Suite 800 Washington, DC 20006	U.S. Telephone Assn	1,250.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	300.00	
Do	Coalition of Higher Education Assistance Organizations	350.00	
Do	Consumer Bankers Assn	6,100.00	
Do	Student Loan Funding Corp of Ohio	13,500.00	
Do	Very Special Arts	325.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn	2,000.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		71,000.00	26,237.34
Coalition for an Undercharge Relief Bill, 2020 Pennsylvania Ave., NW, #626 Washington, DC 20006		43,000.00	8,506.00
Coalition of Americans to Protect Sports [CAPS], 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, 1800 M Street, NW, 8th Floor North c/o Morgan Lewis & Bockius Washington, DC 20036.			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		1,333.34	1,333.34
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	300.00	
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	500.00	
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For: Greenwood Development Corp.)		
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,500.00	
Catherine Grealy Cohen, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	650.00	141.00
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,451.92	1,030.78
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	200.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	1,530.00	2,078.89
Marvin S. Cohen, 3200 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	Sacks Tierney Kasen & Kerrick, P.A. (For: City of Globe)		
Do	Sacks Tierney & Kasen (For: City of Tucson)	546.00	
Philip Q. Cohen, 8525 Edinbrook crossing Brooklyn Park, MN 55443	Goff/Wilkie & Associates (For: North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For: North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	6,922.81	1,928.43
Do	Maclean Hunter Cable TV	481.25	4.48
Do	USA Network		
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		603.68
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics	1,000.00	715.00
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,340.00	
Eleanor Cole, 820 First Street, NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	1,157.18
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	60.00	7.00
Walter C. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Association	1,000.00	
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Alabama State Docks	3,000.00	
Do	Cambridge International, Inc		
Do	Coalition for Employment Opportunities	2,000.00	
Do	Invacare		
Do	MMW/Strategic Communications, Inc		
Do	National Rehabilitation Hospital	2,000.00	
Do	Orleans Levee District	2,000.00	
Do	RGDC, Inc	2,000.00	
Do	St. Bernard Port, Harbor & Terminal District	2,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	34.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity [ABATE]		
Do	Alliance for Capital Access		
Do	American Car Rental Assn	500.00	500.00
Do	American Couplings Coalition		
Do	American International Group	13,832.50	13,832.50
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	860.00	860.00
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	280.00	280.00
Do	Bicycle Manufacturers Assn of America	2,140.00	2,140.00
Do	Coalition for Safe Ceramicware		
Do	Committee of American Ammunition Manufacturers		
Do	Crop Insurance Research Bureau	1,015.00	1,015.00
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co	1,300.00	1,300.00
Do	Golden Gate Petroleum International		
Do	Hyster		
Do	Independent Lubricant Manufacturers Assn	500.00	500.00
Do	Inland Steel Corp	700.00	700.00
Do	International Crystal Federation		
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	3,845.00	3,845.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	700.00	700.00
Do	National Pasta Assn		
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	5,790.00	5,790.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Restor Industries, Inc		
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	7,650.00	7,650.00
Do	Specialty Steel Industry of the United States		
Do	Steel Manufacturers Assn		
John Collins, 2200 Mill Road Alexandria, VA 22314	American Trucking Assn, Inc	11,000.00	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	355.75
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		15.10
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,077.50	321.65
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute	660.00	1,254.97
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	160.74
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Company-Mesquite	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			14,087.00
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036		836.80	11,079.58
Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.			6,718.75
Common Cause, 2030 M St., NW Washington, DC 20036		3,337,259.00	601,036.72
Common Sense, Inc, 188-A Onville Road Stafford, VA 22554			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	EG & G/Dynatrend	7,500.00	
Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	United Way/Community Service Council of Central IN, Inc		
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		350,007.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102			
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024			
Bert M. Concklin, 1500 PRC Drive McLean, VA 22102	Professional Services Council	1,500.00	136.59
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA	12,900.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	30,000.00	
Bruce R. Condit, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	278.00
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			1,381.00
Charles Connelly, 4849 W Street, NW Washington, DC 20007			
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	238.50
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	International Assn of Fire Fighters	5,000.00	2,968.75
Do	International Chemical Workers Union	2,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	6,930.00	2,968.75
Do	Laborers National Health & Safety Fund	7,961.25	2,968.75
Do	Laborers/AGC Education & Training Fund	17,655.00	2,968.75
Do	National Coordinating Comm for Multiemployer Plans		2,968.75
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc	157.50	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 655 15th Street, NW, #444 Washington, DC 20005	CH2M Hill	1,000.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	205.79	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		18,000.00	12,766.76
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		105,874.00	79,068.00
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036			
Consumers Union of U.S., Inc, 2001 S Street, NW, #520 Washington, DC 20009		17,370.00	
Continental European Insurance Coalition, 815 Connecticut Ave., NW, Suite 900 Washington, DC 20006-4078		115,525.50	9,473.07
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	521.62
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			73,568.51
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,400.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,116.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Bente E. Cooney, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security	2,851.00	21.20
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	140.00	30.00
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	33,000.00	3.00
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		52,612.70	15,021.29
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	311.00
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	10,549.24	
Do	County of Alameda	12,672.00	
Do	County of Merced	6,750.00	
Do	CALSTART	3,462.03	
Do	Hazardous Waste Action Committee	1,571.18	
Do	International Bottled Water Assn	11,446.57	
Do	ICF International	6,107.43	
Do	Monarch Wine Company	2,292.98	
Do	ORINCON Corp		7,516.00
Do	Pacific Mutual Life Insurance Company	4,000.00	
Do	San Diego State University Foundation	2,500.00	
Do	Santa Barbara Metropolitan Transit District	2,475.00	
Do	SAIC, Inc	2,000.00	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,582.00	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	456.69
Chuck Corbett, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' National Assn		
James T. Corcoran, 2000 K Street, NW, #203 Washington, DC 20006	Dial Corp		
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp		
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		2,023.00	828.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,421.25	49.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	879.23	518.00
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,200.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For: Anadarko Petroleum Corp.)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		1,525.00	1,525.00
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		938.00
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			37,780.22
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		53,501.00	53,380.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		1,333.34	1,333.34
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		25,350.00	
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007.			
John F. Cove, 1114 Fallsmead Way Rockville, MD 20854	Cove Associates, Inc (For: Association of U.S. Night Vision Manufacturers)		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Assn of Oral & Maxillofacial Surgeons	4,735.00	85.00
Do	American Movers Conference		
Do	American PCS, L.P.	28,518.00	
Do	American Watch Assn	1,320.00	57.14
Do	Association of Maximum Service Television, Inc.		
Do	Attorneys Liability Assurance Society, Inc	4,880.00	27.00
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Committee on Royalty Taxation		791.25
Do	Consolidated Natural Gas Company	1,732.50	
Do	Council for Marketing & Opinion Research		
Do	Council of American Survey Research Organizations [CASRO]		
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee		
Do	International Business Machines Corp		
Do	Investment Company Institute		
Do	John E. Simon Trust	6,392.50	140.59

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Jones Financial Companies		
Do	Lin Broadcasting Corp		
Do	Lutheran Brotherhood		
Do	Midwest Television, Inc		
Do	National Football League		
Do	NationsBank Corp		
Do	Private Benefits Alliance	3,052.50	
Do	Public Broadcasting Service	4,649.26	
Do	State of Alabama, Dept of Human Resources Legal Office	7,500.00	
Do	State of California, Dept of Health Services	12,000.00	
Do	State of California, Dept of Social Services	6,300.00	
Do	State of Florida, Dept of Health & Rehabilitative Services	5,000.00	
Do	State of Georgia, Division of Family & Children's Services	12,500.00	
Do	State of Idaho, Dept of Health & Welfare	1,250.00	
Do	State of Illinois, Department of Public Aid	2,500.00	
Do	State of Illinois, Dept of Public Aid	3,125.00	
Do	State of Indiana		
Do	State of Kentucky, Dept of Social Insurance		
Do	State of Louisiana (Medicaid/QC)		
Do	State of Louisiana, Food Stamp Director	5,000.00	
Do	State of Maryland, Dept of Health Services	1,250.00	
Do	State of Missouri, Dept of Social Services	1,250.00	
Do	State of Nebraska, Dept of Social Services	3,125.00	
Do	State of New York Bureau of Deferrals & Disallowances	6,250.00	
Do	State of New York, Dept of Social Services	12,500.00	
Do	State of Ohio, Dept of Human Services		
Do	State of Oklahoma (Food Stamp/QC)	6,500.00	
Do	State of Oklahoma (Medicaid/QC)	800.00	
Do	State of Rhode Island, Dept of Human Services		
Do	State of Washington Office of Analysis & Medical Review	1,250.00	
Do	State of Washington, Dept of Social & Health Services	6,250.00	
Do	State of West Virginia, Bureau of Human Resources		
Do	State of West Virginia, Office of Medical Services		
Do	State of Wisconsin, Dept of Health & Social Services	4,000.00	
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	UniGroup, Inc		
Sharon Cowan, 1828 K Street, NW, #905 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,097.41	70.50
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	8,134.61	
Gary D. Coxon, 1015 15th Street, NW, #700 Washington, DC 20005	Bechtel Group, Inc		
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	600.00	48.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,788.00	542.04
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	2,025.00	
W. Bruce Crain, 900 19th Street,NW Suite#400 Washington, DC 20006	Savings and Community Bankers of America	13,818.75	263.88
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Sherry Tonubbee Cramer, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	48.80
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Invest to Compete Alliance		
Do	National Electrical Manufacturers Assn		
Do	Securities Industry Association		
Do	Campbell-Raupe (For: Stone and Webster Engineering Corporation)		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,000.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	District 2, MEBA-AMO		1,215.14
Joseph F. Crangle, 1250 Statler Towers Buffalo, NY 14202	Block & Colucci, PC		
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Adolph Coors Co	7,000.00	190.40
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	79.91
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004	U.S. Independent Microwave Television Assn		
Crop Insurance Research Bureau, 7301 College Boulevard, #240 Overland Park, KS 66210			1,015.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	1,581.25	9.00
Do	American Forest Resource Alliance		
Do	American Land Conservancy		
Do	Asarco, Inc	175.00	10.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	700.00	10.00
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	6,325.00	52.00
Do	ICF International, Inc & Subsidiaries		
Do	Lehn & Fink Products Group		5.00
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	1,137.50	10.00
Do	National Risk Retention Assn		
Do	New York Life Insurance Co		4.00
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		569.59
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	18,934.00	
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For: American Iron & Steel Institute)	20,748.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McCutchen Doyle Brown & Enersen (For: Arco)		
Do	McCutchen Doyle Brown & Enersen (For: Browning-Ferris Industries, Inc.)	520.00	
Do	McCutchen Doyle Brown & Enersen (For: Eastman Kodak Company)	2,964.00	
Do	McCutchen Doyle Brown & Enersen (For: Freeport-McMoRan, Inc.)	2,288.00	
Do	McCutchen Doyle Brown & Enersen (For: General Electric Co.)	16,016.00	
Do	McCuthchen Doyle Brown & Enersen (For: Rohr Industries, Inc.)		
Do	McCutchen Doyle Brown & Enersen (For: Southern California Assn of Governments).	7,514.00	
Do	McCutchen Doyle Brown & Enerson (For: USS Technical Center)		
Do	McCutchen Doyle Brown & Enersen (For: 3M)	1,742.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #650-E Washington, DC 20005	Songwriters Guild of America	1,000.00	
Charles V. Cunningham, 1155 15th Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
J. Courtney Cunningham, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	6,000.00	
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,575.72	835.40
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn		1,210.00
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	2,500.00	
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Do	University of Colorado	975.00	212.84
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,900.00	5,924.29
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833		500.00	
Norman E. D'Amours, 135 Chase Way Manchester, NH 03104	American Council of State Savings Supervisors	975.00	
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives [ZENCHU]		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	15,944.00	6,432.75
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For: General Motors Corp.)		
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc.)		
Do	Murphy & Demory, Ltd (For: Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For: US Telephone Assn)		
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	535.65
Sharon M. Daly, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	37.60	
John E. Daniel, 1133 21st St., NW, #710 Washington, DC 20036	International Technology Corporation		
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	5,842.85	
Dart Industries, Inc, P.O. Box 2353 Orlando, FL 32802			
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	8,100.00	
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Seth Davidson, 1742 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	4,368.75	
Davidson Colling Group, 1101 Pennsylvania Avenue, N.W. #810 Washington, DC 20004	Dun & Bradstreet Corporation	225.00	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
Charles Chandler Davis, 4029 Centerary Dallas, TX 75225	Vencor Inc		
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	123.20	250.02
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	3,609.40	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,488.03	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,500.00	365.71
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For: Valencia Community College)	7,500.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	76.56
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	748.07	
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	200.00	
Do	Alcoma Packing Company, Inc	175.00	
Do	American Automotive Leasing Assn	3,000.00	30.34
Do	American General Life Insurance Co	990.00	278.57
Do	American Horse Council	1,080.00	
Do	American Integrity Insurance Company	459.50	
Do	American Investors Life Insurance	1,200.00	116.22
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.00	640.56
Do	Committee of Annuity Insurers	5,968.00	65.50
Do	Dresser Industries, Inc	60.00	
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	845.00	125.71
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	235.35
Do	Hughes & Luce	260.00	
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	482.00	115.23
Do	National Business Aircraft Assn	1,500.00	99.79
Do	National Cattlemen's Assn	900.00	
Do	Retired Lives Reserve Group	200.00	
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	268.38
Do	Underwriters of Lloyd's London	6,750.00	
Do	Worldspan	900.00	
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co		
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation		
Davis Wright & Tremaine, 707 17th St., Suite 2919 Denver, CO 80202	American Honda Motor Co, Inc	2,130.00	53.29
Do	American Tunaboat Assn	14,745.00	
Do	Seattle Times Company		
Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	655.00
Leslie Dawson, 1901 L Street, NW, Suite 300 Washington, DC 20036	Savarese & Associates (For: National Assn for the Superconducting Super Collider).	4,000.00	
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	554.00
James M. Day, 1667 K Street, NW, Suite 801 Washington, DC 20006	American Samoa Government, Office of the Governor		
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Auto International Assn	33.00	33.97
Do	Coalition of Automotive Assns	150.00	76.26
Do	Specialty Equipment Market Assn	360.00	353.02
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	13,975.00	106.78
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	5,590.02	1,195.45
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For: American Soc of Composers Authors & Publishers)	75.00	
Do	Palumbo & Cerrell, Inc (For: Atlantic Richfield Co.)	705.00	15.00
Do	California Forestry Association		
Do	New Jersey Turnpike Authority	2,580.00	88.00
Do	Palumbo & Cerrell (For: Proctor & Gamble Mfg Co.)		
Do	Palumbo & Cerrell, Inc (For: Southern California Rapid Transit District)	6,742.50	190.20
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	1,717.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc		
Do	National Assn of Independent Insurers	18,000.00	1,988.84
Do	National Council of Business Advisors		
Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219	Alabama School of Mathematics & Science		
Do	Bishop State Community College		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Huntsville		
Do	City of Mobile		
Do	Madison County Commission		
Do	Spring Hill College		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc.)		
Do	Murphy & Demory, Ltd. (For: Prodigy Services Company)		
Do	Murphy & Demory Ltd (For: U.S. Telephone Assn)		
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Amex International, Inc		
Do	Edison Electric Institute		
Do	General Atomics		
Do	(For: Government of Sierra Leone)		
Do	Westinghouse Electric Corp		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America		
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	4,088.00	210.30
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,400.00
Lane Denton, 610 Brazos, Suite 410 Austin, TX 78701	Texas Highway Patrol Assn		6,785.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	9,716.10	310.25
Clayton S. Depue, 2020 Pennsylvania Ave., NW, Suite 164 Washington, DC 20006	Americans for a Presidential Line-Item Veto		2,231.00
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	4,500.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL–CIO	4,500.00	
Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005	Mobil Corp	1,000.00	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	168.30	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	SEMATECH	700.00	
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	7,500.00	
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,557.86
Law Offices of Paul H. DeLaney, Jr., 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Embassy of Japan	5,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,921.60	495.00
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	892.58
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	3,662.00	332.55
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,846.95
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,628.18	66.36
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	103.59
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For: Conference of National Park Concessioners)		
Gregory G. Diaz, 3200 Bristol Street, Suite 640 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell	8,613.00	327.96
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp		
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	2,200.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.		
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	9,355.38	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Cordova District Fishermen United, Inc	5,000.00	
Do	Electric Generation Assn	150.00	
Do	Federal National Mortgage Assn	4,661.25	
Do	Federated Cash Management Systems	2,500.00	
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Copper Company		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc	3,584.00	
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	8,529.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises	2,856.25	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute	600.00	
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL–CIO-CLC	2,281.25	150.00
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc		
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	31,312.49	1,300.02
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For: Kemper Investors Life Insurance Co.)	1,237.10	122.00
Do	Lumbermens Mutual Casualty Company (For: Kemper Reinsurance Company)	124.96	29.72
Do	Lumbermens Mutual Casualty Company	2,100.00	90.42
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		169,591.44	169,591.44
Discovery Cruises, Inc, 1850 Eller Drive, Suite 402 Fort Lauderdale, FL 33316			1,075.00
Patsy B. Dix, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	National Education Assn	3,978.55	566.00
Vanessa Dixon, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	25.00	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann DiDonato, 2266 Chimney Ridge Road Madison, OH 44057	Centerior Energy	4,700.00	2,249.66
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	DiMarco Riley & Bulger (For: Tom Gosnell)	2,290.00	713.19
Anna-Marie DiPasquale, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn	430.00	275.00
Lucia DiVenere, 925 15th St., NW Washington, DC 20005	National Assn for Home Care	511.42	
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	1,200.00	
Jeffrey A. Dodson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Company	48.00	52.00
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	672.07	74.19
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Finance Corp	2,315.00	
J. Jon Doggett, 300 Maryland Avenue,SW Washington, DC 20024	American Farm Bureau Federation	6,650.00	776.73
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
John D. Doherty Jr., 1421 Prince Street, #400 Alexandria, VA 22314	Federal Legislative Associates, Inc (For: Olin Brass)		
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	205.00	35.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn [NSWMA]	500.00	
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For: Associated Aviation Underwriters)		
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	337.84	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe and Spanos, Inc (For: H&R Block, Inc.)	1,070.00	18.00
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J. P. Morgan and Co., Incorporated (parent company)		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue and Donohue, 26 Broadway, Suite 911 New York, NY 10004	NSK Corporation		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	152.24

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For: American Soc of Composers Authors & Publishers)	322.50	
Do	Palumbo & Cerrell, Inc (For: Atlantic Richfield Co.)	30.00	
Do	Palumbo & Cerrell, Inc (For: California Forestry Association)		
Do	Cerrell Associates, Inc (for Calif Indep Mortgage Brokers..)	2,437.50	28.75
Do	Palumbo & Cerrell, Inc (For: Government Employees Hospital Assn)	5,415.00	234.54
Do	Proctor & Gamble Mfg Co		
Do	Palumbo & Cerrell, Inc (For: Southern California Rapid Transit District)	90.00	
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform	644.00	28.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For: Gabriella Rosenbaum Trust)	2,535.00	872.11
Kimberly Olson Dorgan, 2550 M Street, NW, #275 Washington, DC 20037	America's Public Television Stations, Inc		
Do	National Captioning Institute	115.00	
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	56.87
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	4,576.00	
Do	City of St. Paul	3,216.00	
Do	Guam Commission on Self Determination	7,178.00	
Do	National Computer Systems	7,178.00	
Do	Regional Transit Board		
Do	United HealthCare Corp	3,007.00	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	799.00	
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	750.00	
Robert J. Dotchin, One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	Smokeless Tobacco Council, Inc		
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	114.56
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		3,700.32
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	100.00	
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Co	225.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,800.72	24.76
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	249.74
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For: City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,468.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Qual-Med, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Do	Sun Coal Company		
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	167.00	388.31
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	10,083.09	
Do	PHLCORP	18,000.00	338.97
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	11,028.00
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	1,013.00	
Do	Anheuser-Busch Companies, Inc	800.00	
Do	Communications Satellite Corp		
Do	CompTel		
Do	Consolidated Rail Corporation	107.00	
Do	Dow Corning Corporation	125.00	
Do	Federal National Mortgage Assn		
Do	General Motors Corp	213.00	
Do	Goldman Sachs & Co	293.00	
Do	Healthcare Leadership Council	2,533.00	
Do	Monsanto Company	614.00	
Do	National Cable Television Assn, Inc	667.00	
Do	Nevada Resort Assn		
Do	Shell Oil Company	587.00	
Do	United Air Lines, Inc		
Do	Warner Communications, Inc	458.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	1,500.00	
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Ak-Chin Indian Community	125.00	
Do	Campo Band of Mission Indians	937.50	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	187.50	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Grand Portage Reservation Tribal Council		
Do	Grand Traverse Band of Chippewa and Ottawa Indians	450.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six Incorporated	300.00	
Do	Minnesota Indian Gaming Assocation	825.00	
Do	Native American Rights Fund	360.00	
Do	Santa Clara Indian Pueblo		
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	562.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For: Giddings & Lewis, Inc.)	2,250.00	13.28
Do	Whiteford Taylor & Preston (For: National Constructors Assn)	4,000.00	115.92
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	6,250.00	100.00
Valerie Dulk, 1625 K Street, NW, Suite 1150 Washington, DC 20005	Americans for Democratic Action	1,406.25	10.00
Deborah A. Dull, 2200 Mill Road Alexandria, VA 22314	Scenic America		
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	23,750.00	32.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	132.12
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of State Energy Officials	101.50	
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For: Acurex Environmental/CA Energy Commission)	2,700.00	372.25
Do	Dunlap & Browder, Inc (For: American Methanol Institute)	9,600.00	883.00
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission	4,500.00	372.25
Do	American Methanol Institute	15,000.00	883.00
Do			
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	14,439.58	1,349.73
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	3,000.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	678.66	95.00
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	660.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	725.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	16,962.00	1,421.19
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,854.12	594.11
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	52,000.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	408.68	11.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For: American Hawaii Cruises)	1,550.00	
Do	Graham & James (For: National Assn of Dredging Contractors)	150.00	
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America	3,000.00	6.90
Do	American Lithotripsy Society		27.61

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Apex Marine Corp		
Do	Atlantic Richfield Company	23,024.29	8,894.65
Do	ARCO Transportation Company	2,094.32	775.40
Do	Bay Area Renal Stone Center	10,850.08	
Do	Bender Shipbuilding & Repair Co, Inc	1,415.82	
Do	East Asiatic Company, et al.		
Do	Greek Shipping Cooperation Committee	26,250.00	1,989.80
Do	Healthcare 2000, Inc		
Do	International Air Transport Assn [IATA]	15,302.47	321.76
Do	Isolyser Company		
Do	Liberty Maritime Corporation	36,654.45	4,315.85
Do	Medical Care International, Inc	165.00	16.34
Do	National Steel & Shipbuilding Co		
Do	Naviera Del Pacifico CA	547.80	
Do	Northstar Shipping, Inc		
Do	Physician's Remedy, Inc		27.20
Do	Psychological Associates	1,640.00	21.58
Do	Radiation Care, Inc	21,765.55	186.10
Do	Sulzer Brothers, Inc		
Do	T/2 Medical, Inc	17,793.89	353.77
Do	U.S. Naval Institute		7.42
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center		
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	4,818.75	1,900.00
Do	Discovery Cruises, Inc	1,075.00	
Do	Ferris State University	455.00	
Do	Magic Line, Inc		
Do	Military Boot Manufacturers Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc	437.50	
Do	University of Michigan Medical Center	3,360.00	
Do	Wayne State University	1,662.50	
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Do	Sofreavia		
Do	Zenith Data Systems		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		13.95
Earnest Lee Easton, 3634 West Washington Street South Bend, IN 46619	South Bend Community School Corp		
Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815			
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	35.00
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	608.00	55.00
Kevin James Echols, P.O. Box 2952 Washington, DC 20002			10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,400.00	37.25
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	3,141.58	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		332,352.75	
Education Legislative Services, Inc, 5855 Staduim Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	5,257.61
Do	Long Beach Unified School District	3,750.00	5,257.61
Do	Oakland Unified School District	5,000.00	7,026.49
Do	San Diego Unified School District	5,001.00	7,026.50
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group		
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	9,500.00	
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	271.26	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,410.30	120.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	27.11
Conrad Egan, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	NHP, Inc	5,000.00	
Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007	Vietnam Veterans of America, Inc	13,587.00	214.50
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		641.22
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright Tremaine (For: Idaho Cooperative Utilities Assn)		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	16,750.00	
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	12,500.00	1,587.00
Electronic Frontier Foundation, 666 Pennsylvania Avenue, SE, #303 Washington, DC 20003			3,660.00
Elf Atochem North America, Inc, Three Parkway Philadelphia, PA 19102			6,405.57
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	151.20	
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For: Republic of Mexico)		7,489.49
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Charles Ellstein, 645 W. St. Joseph Way Lansing, MI 48917	Michigan Hospital Assn	1,540.00	468.77
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	17,141.25	111.55
Do	St. Charles County	11,250.00	377.15
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		87,870.24	131,908.63
JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			1,638.87
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,832.00	114.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	842.00	
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74818-1726		5,125.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		212.30
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006	Intel Corp	15,000.00	3,832.13
English First, 8001 Forbes Place, #102 Springfield, VA 22151		242,012.27	195,808.52
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers [FACT]	2,500.00	
Clyde F. Ensslin, 2300 N Street, NW, Suite 600 Washington, DC 20037	Tudor Investment Corp		
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,317.50	241.03
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20037	MFJ Task Force	11,250.00	
Do	New York Life Insurance Co		
Do	PKR Foundation	7,500.00	
Do	Southern California Edison Co	12,000.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	56,069.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209			
Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701	Panhandle 2000		
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		7.00
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005		100,800.00	8,427.51
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell, Inc	1,050.00	3,150.00
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Kaman Diversified Technologies Corp	9,175.03	175.03
Do	Lister Bolt & Chain, Ltd	4,044.63	1,044.63
Do	Martin Marietta Corp	17,665.12	1,414.12
Do	MIP Instandsetzungstriebe GmbH	37,361.85	10,361.85
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL–CIO	14,570.76	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	58.14
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	7,950.00	407.00
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Catherine Evans, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	9,000.00	
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	458.00	
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Boston Financial Group		
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	6,500.00	
Do	Republic of Cyprus	16,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Eversole Associates (For: North Dakota Agricultural Products Utilization Commission).	2,475.00	33.77
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			958.40
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	Employee Relocation Council		
Do	National Cable Television Assn, Inc		
Do	Northrop Corp		
Do	Wiley Rein & Fielding (For: Utilicorp United, Inc.)		
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,200.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,267.52	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	7,500.00	80.00
Robert R. Fahs, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	2,500.00	
Roger C. Fairchild, 14500 Avion Parkway, #300 Chantilly, VA 22021	TechLaw, Inc (For: Shutler & Low (for: Nissan R&D, Inc.))		
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		15,636.00	4,671.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		2,051.00	
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	6,516.85
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		199,556.00	86,362.79
Ben Farney, Route 1, Box 135 Rankin, IL 60960	American Agriculture Movement, Inc		
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	14,607.45
J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	33,963.75	4,080.43
Do	Clark County Nevada	15,997.50	
Do	Clark County Nevada-McCarran International Airport	17,126.25	228.59
Do	Kirton McConkie & Poelman	150.00	
Do	Las Vegas Valley Water District	20,253.75	1,675.02
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	27,593.75	600.66
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Manufacturing Co	134.75	
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	11,500.00	2,416.48
Elizabeth Fayad, 1033 Union Church Rd. McLean, VA 22102	National Parks & Conservation Association	2,292.00	13.00
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		149,126.09	28,059.17
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,646.61	1,646.61
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		16,500.00	16,500.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		13,442.50	257.00
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,784.00	296.04
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,538.99	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For: Embassy of Turkey)	1,667.00	
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,819.00	88.38
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For: Embassy of Turkey)	1,667.00	
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,290.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Laura Fennell, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	288.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	500.00
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204	American Petroleum Institute	432.78	890.12
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,000.00	1,004.38
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council	10,000.00	347.75
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	32,734.00	111.50
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation		
Ferris State University, c/o Steven E. Stanley 901 South State Street Big Rapids, MI 49307-2295			455.00
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	13,021.86	152.72
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters		
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Fighting Apartheid Confrontation Transformation Systems, 209 Underwood St., NW Washington, DC 20012			
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	154.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Linda D. Findlay, 1015 15th Street, NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Hyman Fine, 1515 Jefferson Davis Highway, #1515 Arlington, VA 22202	United Technologies Corp		
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	2,695.62	1,604.25
First National Bank of Boston, 100 Federal St. Boston, MA 02110			5,482.03
H. David Fish, 5855 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For: Central California Legislative Consortium).	1,284.00	
Do	Education Legislative Services, Inc (For: Long Beach Unified School District)	1,284.00	
Do	Education Legislative Services, Inc (For: Oakland Unified School District)	1,716.00	
Do	Education Legislative Services, Inc (For: San Diego Unified School District)	1,716.00	
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	4,930.80	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Martha Fisher, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	7,725.00	
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL–CIO		
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	15,000.00	2,745.57
T. E. Fitzgerald, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International	10,608.00	
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute	900.00	943.13
Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad Co	25,000.00	438.23
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,505.00	738.40
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For: Spiegel, Inc.)	100.00	
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manufacturers Assn, Inc	750.00	232.22
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	655.28	
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Daniel V. Flanagan Jr., 1600 Wilson Blvd. Suite 200 Arlingtton, VA 22209	Flanagan Group, Inc (For: Dominion Resources, Inc.)		
Do	ENVIPCO Management Services, Inc		
Do	Virginia Power		
Flanagan Group, Inc, 1600 Wilson Blvd., Suite 200 Arlington, VA 22209	Dominion Resources, Inc		
Do	ENVIPCO Management Services, Inc		
Do	Virginia Power		
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	30,000.00	1,627.67

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Optometric Assn	15,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Association of American Railroads		
Do	Centel Federal Systems		
Do	Chickasaw Nation		
Do	Children's Hospital Medical Center of Northern California	30,000.00	250.20
Do	Chiropractic Physicians Initiative Fund		
Do	Clark Oil and Refinery Corporation		
Do	Farmers Mutual Fire Insurance Co of Okarche		
Do	John Hoeven	14,400.00	
Do	Institute of Scrap Recycling Industries	12,000.00	
Do	Jason Pharmaceuticals		
Do	LaGere Walking Stick Foundation		
Do	Levi Strauss & Company		
Do	Litton Computer Services	25,000.00	8.00
Do	Marazul Charters	45,000.00	634.59
Do	Mastercard International	24,000.00	361.95
Do	McDonnell Douglas		
Do	National Auctioneers Assn	22,500.00	221.85
Do	National Collegiate Athletic Assn [NCAA]	9,715.00	149.27
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	4,900.00
Do	Nintendo of America, Inc	59,564.50	1,314.68
Do	Oklahoma Natural Gas		
Do	Oklahoma State Chamber of Commerce		
Do	Pathology Practice Assn		
Do	People's Electric Cooperative	7,500.00	
Do	Private Practice Section		
Do	Public Broadcasting Service	15,000.00	
Do	Safe Tire Disposal Corporation	24,000.00	171.41
Do	Sandoz	14,312.50	74.89
Do	Sony Corp of America	60,000.00	81.75
Do	St. Louis NFL Partnership		
Do	Superstar Connection		
Do	Syva Company	37,500.00	
Do	Third District Industrial Development Initiative Fund	7,500.00	
Do	Wackenhut Educational Services	27,000.00	
Mac A. Fleming, 26555 Evergreen Rd. Suite #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Lynne M. Fletcher, 1700 Pennsylvania Avenue, NW, #950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	825.00
Nancy J. Fletcher, 1212 New York Avenue, NW, Suite 1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc	20,000.00	628.13
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For: Alabama Power Co.)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For: Federal Express Corp.)	650.00	
Do	R.G. Flippo & Associates, Inc (For: Massachusetts Mutual Insurance Co.)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For: Norfolk Southern Corp.)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For: RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For: South Central Bell)	1,800.00	
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Control Data Corporation		
Do	Cray Research, Inc	32,500.47	
Do	Florid Atlantic University	1,000.00	
Do	Florida State University	5,000.00	
Do	Museum of the Rockies		
Do	MEDCO Containment	6,000.00	
Do	State University System	10,416.00	
Do	University of Alaska	10,001.34	
Do	University of Nevada-Las Vegas	15,920.61	
Do	University of New Mexico	21,283.68	
Do	Westinghouse Electric Corp	11,408.34	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	615.72
Joseph P. Foley, P.O. Box 61303 Potomac, MD 20859	Foley & Co, Inc (For: Media, Inc.)		
Do	PolyPhaser Corp		
Do	Pyrocap International Corp, Inc		
Do	Unified Industries, Inc		
Foley & Company, Inc, P.O. Box 61303 Potomac, MD 20859	Storage Concepts, Inc		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Coldwell Banker Real Estate Group		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		
Food & Allied Service Trades Dept, AFL–CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,547.00	16,547.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For: May Department Stores Co.)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			5,068.95
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	320.00	108.50
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	1,862.31	2,899.76
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Heather Forsgren, 1000 Connecticut Ave., NW, Suite 1202 Washington, DC 20036	Wildlife Legislative Fund of America	5,000.00	
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Aktiengesellschaft		
Do	Commerzbank Aktiengesellschaft	165.00	
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Companies	3,750.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	642.70
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	408.00	8.00
Foundation for Environmental & Economic Progress, 1350 I Street, NW, Suite 700 Washington, DC 20005		48,250.00	29,600.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems, Inc	1,275.00	2,119.74
Do	Greenwood Development Corp	9,135.00	2,771.05
Alissa T. Fox, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,438.00	1,211.89
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	10,000.00	1,649.12
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co	780.00	
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		235.00
Do	Lederle-Praxis Biologicals		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	National Coalition for Cancer Survivorship		
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries, Inc	2,859.50	310.21
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For: Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	648.47
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,140.00	
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For: Energy Tax Policy Alliance)	400.00	
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL–CIO		
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort Development Assn	1,500.00	
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,315.28	707.40
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	635.00	
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	191.88
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freedom Technologies, Inc, 1301 K Street, NW, Suite 1025 East Washington, DC 20005	Ameritech	1,662.50	1,662.50
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	1,425.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp		
Do	Dairymen, Inc	10,780.00	1,610.16
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For: International Electronics Mfgrs & Consumers of America, Inc.).	600.00	
Do	French & Company (For: Montgomery Ward & Co, Inc.)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,800.00	
Do	Montgomery Ward & Co, Inc	235.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	55.00
Anthony T. Freveletti, 850 South Spring Street Springfield, IL 62704	State Universities Retirement System		
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	150.00	
Do	Goldrich & Kest		
Do	Lonza, Inc	3,126.00	267.72
Do	Virgin Islands Rum Industries, Ltd	2,520.00	7.50
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For: Chem Service, Inc.)		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp		
Do	Summit Energy Storage, Inc		
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		13,650.00	6,832.97
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company	1,664.00	8,348.00
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Association	1,625.00	334.68
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	435.00
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,500.00	
Alan Front, 666 Pennsylvania Ave., SE, #4 Washington, DC 20003	Trust for Public Land	4,716.00	5,428.00
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	902.02	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	911.00	42.00
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,062.50	
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Basic Management, Inc		
Do	Central Basin Municipal Water District	5,000.00	215.71
Do	Central Utah Water Conservancy District	15,000.00	266.41
Do	Kamm & Associtės, Ltd	8,000.00	232.06
Do	Las Virgenes Municipal Water District	3,000.00	107.58
Do	South Dade Land Corp		
Do	Upper San Gabriel Municipal	7,000.00	222.25
Do	West Basin Municipal Water District	37,500.00	842.13
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,000.00	200.00
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,156.31	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Black & Decker Corp		
Do	Pepsi Co, Inc		
Do	Pizza Hut, Inc		
Floyd D. Gaibler, 888 16th Street, NW Washington, DC 20006-4103	International Dairy Foods Assn		
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute	230.77	16.00
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composite Fabrication Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	770.00	28.80
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		379.05
Kathleene E. Gallegos, 1925 N. Lynn Street., #502 Arlington, VA 22209	American Restoration Corp (For: Hercules Aerospace Company)	1,000.00	
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,122.00	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	7,452.50	
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For: American Communities for Cleanup Equity [ACCE])	3,675.00	694.58
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,540.85	595.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For: Lindsay Hart Heil & Weigler (for: RENTRAK Corp.)).		
Lynda Nelson Gardner, 121 S.W. Salmon , #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For: Lindsay Hart Neil & Weigler (for RENTRAK Corp.)).		
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1301 K Street, NW #900 East Tower Washington, DC 20005	Adventist Health System/Sunbelt Hospital System	17,927.00	1,045.25
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 57 Winfield Street San Francisco, CA 94110-5140	Citizens for Reliable and Safe Highways [CRASH]	162.50	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	6,600.00	188.98
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	13,050.00	769.25
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	3,317.70	
Do	City of Aberdeen		
Do	Early Winters Resorts, Inc		
Do	George Gabriel		
Do	Interocean Management Company		
Do	Ministry of the Environment		
Do	Space Industries, Inc		
Do	Tacoma Public Utilities		
Do	Totem Ocean Trailer Express, Inc	10,672.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 900 19th Street,NW Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores		
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For: Calorie Control Council)		
Do	Kellen Company (For: Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
Elise Gemeinhardt, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Company		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			5,369.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		1,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		10,837.25	10,037.25
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	684.97
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,281.14
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,282.00	143.50
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	991.28
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	500.00	
David A. Gerken, 1301 Connecticut Avenue, NW Eighth Floor Washington, DC 20036	Puerto Rico Senate	3,487.50	
Do	Times Mirror Corp	6,000.00	17.00
Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233			1,300.00
Kenneth Gersten, 69 Franklin Street Annapolis, MD 21401	Sierra Club		
John J. Gersuk, 3444 Valewood Dr. Oakton, VA 22124	Bechtel Group, Inc		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn		
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company	2,084.32	1,437.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,147.00	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	12,000.00	204.00
Martha A. Gibbons, 1155 Connecticut Ave., NW Washington, DC 20036	Laidlaw Transportation Management, Inc	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	583.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	4,215.00	50.88
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,075.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety		
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,200.00	76.30
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	1,296.30
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games		3,890.00
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	240.00	101.00
David Gillette, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,100.00	94.39
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,150.00	24.45
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For: Alaska Groundfish Data Bank)		
Do	Robertson Monagle & Eastaugh (For: City of Kodiak)		
Do	Robertson Monagle & Eastaugh (For: Crowley Maritime Corp.)		
Do	Robertson Monagle & Eastaugh (For: Kodiak Island Borough)		
Do	Robertson Monagle & Eastaugh (For: Sea-Land Services, Inc.)		
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	18,750.00	4,845.10
Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920	Brother Industries (USA), Inc		
Do	Brother International Corporation		891.76
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	418.00	
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co		
Do	Bofors AB		
Do	Firearms Training Systems, Inc		
Do	Lockheed Corporation	3,000.00	87.40
Do	Oglethorpe Power Corp		
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,545.00	
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	375.66
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			2,967.33
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	90.00	16.00
Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006			2,750.00
Matthew D. Glasser, 1919 Park Road, NW Washington, DC 20010	City of Broomfield, Colorado	30,000.00	5,928.02
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL–CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL–CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	415.41
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	28.84
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp		
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Murata Machinery, Ltd		
Do	Sage Alerting Systems, Inc		
Do	South Louisiana Port Commission		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,470.00	56.06
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	18,125.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	502.00	
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	8,988.05	39.93
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alco International Group, Inc	2,000.00	2,591.00
Do	Amercan College of Cardiology	4,500.00	2,591.00
Do	American Academy of Dermatology	12,000.00	2,591.00
Do	American Academy of Ophthalmology	6,300.00	2,524.00
Do	Beretta U.S.A. Corp	7,500.00	2,591.00
Do	Camp Barsh Bates & Tate		2,191.00
Do	Caremark, Inc	10,000.00	2,591.00
Do	Chemical Manufacturers Assn, Inc	105.00	2,305.00
Do	Coca Cola Company	7,258.00	2,545.00
Do	College of American Pathologists	6,000.00	2,591.00
Do	County of Fairfax, Board of Supervisors	3,492.00	2,191.00
Do	Coxson Penello Fogleman & Cowen		2,191.00
Do	Electronic Data Systems Corp	1,750.00	2,298.00
Do	Equitable Life Assurance Society of the U.S.		2,591.00
Do	Eye Bank Assn of America	3,581.00	2,451.00
Do	Federated Investors, Inc	5,000.00	2,591.00
Do	Fiat, U.S.A., Inc	7,200.00	2,591.00
Do	Ford Motor Co		2,191.00
Do	Genentech, Inc	24,000.00	2,591.00
Do	Hopi Tribe	14,400.00	2,191.00
Do	Investment Company Institute	2,000.00	2,591.00
Do	Korea Iron and Steel Assn	2,100.00	2,474.00
Do	LEGI-SLATE		2,191.00
Do	Mutual Of Omaha	6,000.00	2,591.00
Do	MCI Communications Corp	7,600.00	2,591.00
Do	National Football League	6,000.00	2,591.00
Do	National Restaurant Assn	19,500.00	2,591.00
Do	National School Transportation Assn	6,750.00	2,591.00
Do	Nestle USA, INC	2,400.00	2,591.00
Do	Pacific Enterprises	15,000.00	2,591.00
Do	Pennzoil Co	4,000.00	2,591.00
Do	Philip Morris Co	33,750.00	2,591.00
Do	Regional Transportation District	6,600.00	2,191.00
Do	Salomon Brothers, Inc	2,043.00	2,591.00
Do	Thomson-CSF, Inc	3,000.00	2,441.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,198.00
Do	Times Mirror Co	5,280.00	2,591.00
Do	Washington Metropolitan Area Transit Authority	26,180.00	2,191.00
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			2,500.00
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,075.00	93.97
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			2,300.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,950.00	
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For: Coalition to Preserve the Low Income Housing Tax Credit).		
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry I. Good, Capitoline International Group, Ltd 2001 M Street, NW Washington, DC 20036	Milliman & Robertson, Inc	4,620.00	
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	4,392.93
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	429.00
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	7,966.20
Do	Export Processors Industry Coalition [EPIC]	3,000.00	1,750.06
Do	Iowa Pork Producers Assn	2,250.00	1,444.83
Do	National Sunflower Assn	7,500.00	2,024.99
Do	U.S. Canola Association	9,000.00	2,985.75
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	2,722.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	33,000.00	3,968.58
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	20,404.72	30.54
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Edward J. Gorman III, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,764.00	
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	30.00	7.00
William P. Gotschall, 6222 Cheryl Drive Falls Church, VA 22044	World Resources Company		
James C. Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For: Destec Energy, Inc.)	2,500.00	
Do	Hooper Hooper Owen & Gould (For: National Rural Letter Carriers)	750.00	
Do	Hooper Hooper Owen & Gould (For: Pennsylvania Engineering Co.)	7,500.00	
Do	Hooper Hooper Owen & Gould (For: Trammell Crow Co.)	7,500.00	
Do	Hooper Hooper Owen & Gould (For: TECO Energy, Inc.)		
Do	Hooper Hooper Owen & Gould (For: Waste Management, Inc.)	1,250.00	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	20,846.70	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Navajo Area School Board Assn		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	1,556.49	
Do	Pueblo of Tesuque	333.31	
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo		
Do	Shoshone Tribe	9,077.07	
Do	Tonono O'odham Nation		
Do	Wind River Tax Commission		
Do	Zuni Housing Authority		
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Ronald P. Graf, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Baker & McKenzie		
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions		
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	102.24	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	2,881.22
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		275.45
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,750.00	
Clifford S. Graul, 1800 M Street, NW, #325 South Washington, DC 20036	Creative Strategies Group	5,000.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Ed Graves & Associates (For: Brickfield Burchette & Ritts)	300.00	
Do	Ed Graves & Associates (For: Correctional Education Consultants, Inc.)	15,000.00	
Do	CBI Sugar Group	600.00	
Do	Ed Graves & Associates (For: Emerald Resources, Inc.)		
Do	Furman Group		
Do	McAuliffe, Kelly & Raffaelli		
Do	Ed Graves & Associates (For: McGuiness & Williams)		
Do	Capitoline International Grouo, Ltd (For: MCI Communications Corp.)		
Do	Capitoline International Group, Ltd (For: Professional Lawn Care Assn of America).		
Do	Republic of Azerbaijan	4,312.50	
Adnenne A. Gray, 1301 K Street, NW Washington, DC 20005	IBM	106.55	42.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc.)	11,300.00	5,823.73
Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,788.00	
Neil A. Gray, 1776 Massachusetts Ave., NW, #500 Washington, DC 20036-1993	Highway Users Federation	1,455.00	59.18
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	1,064.00	
William T. (Tom) Gray, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		135.00
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		100.00	100.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			20.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	88.58
Deborah Green, 610 W. 110th Street #75 New York, NY 10025	Rainbow Lobby, Inc		
Do	Ross & Green	30,000.00	27,918.74
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	2,500.00	516.29
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	453.20
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL–CIO		
Robert H. Green, 1625 K Street, NW, Suite 1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	5,000.00	1,047.00
Do	National Center for Missing & Exploited Children	7,500.00	1,571.00
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	500.00	500.00
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	7,510.02	293.73
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	100.00	
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	3,124.00	
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	2,100.00	19.89
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			20,150.00
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business [NFIB]	3,401.00	200.00
John Wesley Griffin, #00311-158 P.O. Box 1000-S-318 Lewisburg, PA 17837			
Mary Louise Griffin, 2214 Paddock Way, #900 Grand Prairie, TX 75050	Allied Pilots Association		
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 1825 K Street, NW, #303 Washington, DC 20006	Texas Utilities Services, Inc	1,560.00	36.92
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	8,500.00	272.00
Do	American Nuclear Energy Council	11,250.00	360.00
Do	American Petroleum Institute	3,500.00	112.00
Do	American Psychological Assn	7,000.00	224.00
Do	Appalachian Coalbed Methane Assn	14,000.00	448.00
Do	Arthur Andersen & Co	31,500.00	1,008.00
Do	Blue Cross & Blue Shield Assn	2,750.00	88.00
Do	Central and South West Services, Inc	7,500.00	240.00
Do	City of Broomfield, CO	750.00	24.00
Do	Coal Industry Health Protection Coalition	3,000.00	96.00
Do	Council of Smaller Enterprises [COSE]	5,000.00	160.00
Do	Covia Partnership	4,000.00	128.00
Do	CBS, Inc	6,000.00	192.00
Do	COMSAT Corp	4,500.00	144.00
Do	Delta Dental Plans Assn	1,250.00	40.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fireman's Fund Insurance Cos	3,250.00	104.00
Do	General Atomics	2,250.00	72.00
Do	Grumman Corporation		
Do	Halliburton NUS Environmental Corporation	6,250.00	200.00
Do	Hong Kong Trade Development Council	11,000.00	352.00
Do	Human Rights Campaign Fund	3,750.00	120.00
Do	Martin-Marietta	5,000.00	160.00
Do	McCaw Cellular Communications, Inc	4,000.00	128.00
Do	Merck & Co, Inc	1,250.00	40.00
Do	Motorcycle Industry Council, Inc		
Do	National Football League		
Do	National Independent Energy Producers	4,500.00	144.00
Do	National Music Publishers Assn, Inc	4,500.00	144.00
Do	Natural Disaster Coalition	4,500.00	144.00
Do	Primerica Corp	10,750.00	344.00
Do	Tobacco Institute	5,000.00	160.00
Do	Waste Management, Inc	6,250.00	200.00
Do	Yale New Haven Hospital	3,750.00	120.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	540.00	115.00
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	500.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			421.32
Stephanie J. Grogan, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	7,041.73	
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp	315.00	30.00
Do	Eli Lilly & Company		
Do	Maxus Energy Corp	150.00	20.00
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	230.00	45.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		312.50
Christina M. Groszner, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,900.00	365.18
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology	790.00	243.00
Do	American Society of Hematology	1,790.00	206.00
Do	Cooley's Anemia Foundation	800.00	163.00
Guillermo Guemez, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	56,250.00	
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	200.00	
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	357.72
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co., Inc	816.00	
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	1,500.00	60.00
Do	McDermott, Inc	3,000.00	65.00
Do	Walk-Haydel & Associates, Inc	1,500.00	60.00
Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		212,049.38	199,675.67
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System	14,499.00	3,767.56
Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	13,754.64	2,846.50
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	50.00	25.00
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For: Cape Girardeau Regional Commerce & Growth Assn).		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc		
Barry Hager, 1701 K St., NW, #900 Washington, DC 20006	Fund for Private Assistance in Internat'l Development (Paid)		18.00
John F. Haifley, 1440 New York Avenue, NW,#200 Washington, DC 20005	American Automobile Assn		
James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001	American League for Exports and Security Assistance [ALESA]	2,100.00	
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,498.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	234.94	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		403.00
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Medallion Oil Company		
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc		
Do	Northeastern University	883.50	
Gregory V. Haledjian, 444 North Capitol Street, NW, Suite 711 Washington, DC 20001	Keefe Company (For: Advocates for Flexible Employment)		
Do	Keefe Company (For: Alarm Industry Communications Committee)		
Do	Keefe Company (For: Targeted Jobs Tax Credit)		
Anne Hall, 35 North Fourth Street, 3rd Floor Columbus, OH 43271-0157	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,310.30
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	1,880.06
Lawrie Platt Hall, 3175 North Orange Blossom Trail Kissimmee, FL 34744	Dart Industries, Inc		
Robert P. Hall, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	3,000.00	713.04
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,993.50	2,647.55
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		85.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	577.31
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	1,050.00	
Do	Bruce P. Cameron (for: Embassy of Nicaragua)	700.00	
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For: American Hawaii Cruises)		
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1301 K Street, NW, Suite 1020 East Washington, DC 20005	Bell Atlantic	5,500.00	5,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NYNEX	4,542.50	4,542.50
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	3,165.12
Martin Hamberger, The Willard Office Building 1455 Pennsylvania Avenue N.W., #1180 Washington, DC 20004	C-TEC Corporation		
Do	Westinghouse Electric Corporation		
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	600.00	3,179.37
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,748.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Mark Hamilton, 5400 Carillon Point, #400 Kirkland, WA 98083	McCaw Cellular Communications, Inc		
Philip W. Hamilton, 1828 K St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	2,698.27	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	650.00	81.66
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,600.00	116.00
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Do	Silver Dollar City, Inc	15,000.00	1,488.91
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	19.57
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,318.88	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	141.66	
Do	Ingalls Shipbuilding	354.57	
Do	Northrop Corp	2,008.33	
Do	Teledyne Industries, Inc	3,896.63	
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Rita H. Hankins, 1828 L Street, NW, Suite 1000 Washington, DC 20036	NYNEX Government Affairs	7,950.00	6,090.50
Thomas H. Hanna, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manuacturers Assn	300.00	
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For: Commonwealth of the Northern Mariana Islands)		
Do	U.S. Strategies Corp (For: Healthsouth Rehabilitation Corp.)		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		176.32
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	48.00	
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	US Canola Assn		
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	187.00
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	San Diego Gas & Electric	1,286.00	2,681.11
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,500.00	
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	393.42
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	5,430.00	245.00
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	500.00	73.75
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	5,000.00	426.00
James W. Harris, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America	4,250.00	835.00
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Coalition of Food Importers Assn		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	350.00	689.06
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	200.00	4,575.15
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	3,000.00	
Jayne A. Hart, 1101 Vermont Avenue, NW, #604 Washington, DC 20005	College of American Pathologists	2,600.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	6,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	401.04	
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,147.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Gabriel A. Hartl, Arlington Courthouse Plaza II, #711 2300 Clarendon Boulevard Arlington, VA 22201	Air Traffic Control Assn, Inc		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,988.06	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Donald F. Haskell Jr., 400 Christiana Road Newark, DE 19713	MBNA America Bank, NA		367.64
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	712.25	362.80
Janet S. Hathaway, 71 Stevenson Street #1825 Sanfrancisco,, CA 94105	Natural Resources Defense Council		
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,519.81
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	2,000.00	156.61
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,000.00	50.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	10,255.09
Do	Pharmaceutical Manufacturers Assn	21,000.00	6,049.14
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	299.20	
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	3,950.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For: Ad Hoc Electronics Coalition)	323.25	4.45
Do	Latham & Watkins (For: American Electronics Assn)	6,694.50	139.89
Do	Latham & Watkins (For: Semiconductor Industry Assocation)	6,535.88	63.38
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Association of Nurse Anesthetists	5,000.00	
Robert G. Hayes, Bogle and Gates 601 13th St., NW #370S Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	6,000.00	
Do	Natural Resources United	9,000.00	
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	442.03
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	28,373.00	2,593.34
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	188.80	29.00
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			4,598.94
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,250.00	
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	250.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,055.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	300.00
Timothy P. Hecht, 499 South Capitol Street, SW Washington, DC 20003	Hecht Spencer & Associates (For: Brown & Williamson Tobacco Corp.)		
Do	Hecht Spencer & Associates (For: Mid-American Waste Systems, Inc.)		
Do	Hecht Spencer & Associates (For: MCI Telecommunications)		
Do	Hecht Spencer & Associates (For: National Atomic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For: Bixby Ranch Co.)		
Do	Hecht Spencer & Associates, Inc (For: Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For: Brown & Williamson Tobacco Corp.)		
Do	Hecht Spencer & Associates (For: Colton Communities, Inc.)		
Do	Hecht Spencer & Associates (For: IEMCA)		
Do	Hecht Spencer & Associates, Inc (For: Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For: Mars, Inc.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates (For: Mid-American Waste Systems, Inc.)		
Do	Hecht Spencer & Associates (For: MCI Telecommunications)		
Do	Hecht Spencer & Associates (For: National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For: Charles E. Smith Management, Inc.)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Colton Communities, Inc	1,000.00	
Do	International Electronics Manufacturers & Consumers of Am		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn		
Do	Charles E. Smith Management, Inc	3,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	14,622.54	165.96
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	25,875.12	371.66
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,045.00	119.04
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control		
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,419.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	2,205.00
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,097.25	5,560.90
Wallace Henderson, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	2,500.00	
James E. Henry, P.O. Box 8000 Bradford, PA 16701-0980			
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott Inc	12,000.00	3,376.77
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,535.00	82.08
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	297.51	11.75
Wendy Herr, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		156.00
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		6,475.00
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	300.42
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	2,530.33
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co		
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,185.00	
William D. Hickman, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	600.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	320.12	151.50
Vern F. Highley, 1426 Duke Street Alexandria, VA 22314	National Watermelon Association	3,000.00	
Do	Whitefly Management Comm. of the Imperial Co. CO River Basin	7,500.00	1,745.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	15.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Frederick Wells Hill, 1801 K Street, NW, #800 Washington, DC 20006-1378	Westinghouse Electric Corp		
Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350	Amoco Corporation		
J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	2,000.00	
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	38.00
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	3,510.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	American Public Transit Association		
Do	Blue Cross Blue Shield of Florida		
Do	Broward County		
Do	Colorado State University		
Do	Fujisawa/Lyphomed		
Do	McAndrews & Forbes Holding, Inc		
Do	Phillips Petroleum Company		
Do	Port Everglades		
Do	Republic of Turkey		
Do	Sallie Mae		
Do	Shaklee Corp		
Do	Stelco, Inc		
Do	Tera Computer Company		
Do	Thomson Consumer Electronics		
Do	Universal Card Services		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Arthur William Hillman, 4301 N. Fairfax Drive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	5,000.00	10,441.15
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	682.00	132.22
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	18,909.50	6,338.35
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	201.96	1,708.68
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	73.20	
Do	Aroostook Band of Micmacs		
Do	Association of Navajo Community-Controlled School Boards	394.50	
Do	Black Mesa Community School Board	66.00	
Do	Evergreen Legal Services		
Do	Menominee Indian Tribe	740.00	
Do	Mississippi Band Choctaw Indians	100.00	
Do	Narragansett Indian Tribe		
Do	National Asian American Telecommunications Assn		
Do	National Indian Education Assn	980.00	
Do	Pinon Community School Board	88.00	
Do	Pueblo de Cochiti	1,590.00	
Do	Ramah Navajo School Board	73.20	
Do	Rock Point Community School Board	66.00	
Do	Rough Rock Community School Board	66.00	
Do	Seminole Tribe of Florida		
Do	Shiprock Alternative Schools, Inc	74.00	
Do	Spokane Legal Services Center		
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,011.51	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	468.95
A.R. 'Trey' Hodgkins, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,137.03	761.97
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,085.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Froedtert Malt Corp	3,000.00	2,957.31
Do	National Barley Growers Assn	14,500.00	11,829.23
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	12,020.84	525.75
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	10,606.09
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Alabama Construction Contractors	405.00	586.55
Do	American Academy of Pediatrics	845.00	14.00
Do	American Coke & Chemicals Institute		
Do	American College of Osteopathic Surgeons		
Do	American Frozen Food Institute		
Do	American Insurance Assn		
Do	American Physical Therapy Assn		
Do	American Registry of Pathology	56.25	
Do	Amgen, Inc	7,153.75	141.00
Do	Ansell	47.50	138.95
Do	Auburn University	14,532.92	434.34
Do	Berg Steel Pipe Corp	481.25	
Do	Blount, Inc		
Do	Brother International Corp	21,088.59	639.05
Do	Burger King Corp		
Do	BE&K Construction		20.02
Do	California State Teachers Retirement System	6,965.00	
Do	Cholestech Corp		
Do	Computer & Business Equipment Manufacturers Assn	412.50	43.80
Do	Damon Corp		
Do	Drummond Company, Inc	15,975.01	4,532.02
Do	Ductile Iron Pipe Research Assn	10,000.00	8.00
Do	Freightliner Corp		
Do	General Electric Co	5,785.00	252.83
Do	Glaxo, Inc		
Do	Grand Metropolitan		
Do	Grocery Manufacturers of America, Inc		
Do	Group Hospitalization and Medical Services, Inc	730,992.95	51,033.86
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company		
Do	Humane Society of the United States		
Do	Infectious Diseases Society of America, Inc	1,300.00	14.00
Do	Intergraph Corp		
Do	JKC Stadium, Inc		7,677.93
Do	May Department Stores Co	875.00	139.50
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	17,246.25	1,258.84
Do	Michigan Consolidated Gas Co	1,906.91	1,545.71
Do	Mortgage Insurance Companies of America	21,000.00	1,182.28
Do	National Action Council for Minorities in Engineering, Inc		
Do	National Apparel	8,435.00	9,764.84
Do	National Assn of Community Health Centers	370.00	
Do	National Broiler Council		
Do	National Child Care Assn	11,966.74	1,003.56
Do	National Consumers Bankruptcy Coalition		537.46
Do	National Hospice Organization		59.01
Do	National Osteoporosis Foundation		1,198.32
Do	National Structured Settlements Trade Assn	750.00	
Do	National Tissue Bank Council	1,820.00	8.50
Do	Nuexco Trading Corp, et al.		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	9,962.04	1,750.94
Do	Private Child Care Providers	27,972.98	657.09
Do	Product Liability Coordination Committee		1,195.32
Do	Rust Engineering	32,070.03	1,482.96
Do	Society of Critical Care Medicine	1,040.00	
Do	Southern Company Services	30,000.00	3,589.14
Do	Storage Technology Corp		
Do	Tektronix, Inc		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	620.00	80.00
Do	Vulcan Materials Company	20,000.00	4,003.19
Do	Jim Walter Corp	9,000.00	2,474.62
Do	Williams Telecommunications		92.50
Do	XXSYS Technologies,Inc		97.49
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	150.00	
Linda M. Hoggatt, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Philip A. Hogue, 2230 Gallows Rd., #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	49.00
Do	Stuzin & Camner	2,500.00	108.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For: Arch)		
Do	McGuiness & Holch (For: National Horse Show Commission)		
Do	Oneida Indian Nation		
Do	RJR Nabisco		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc.)	2,500.00	800.00
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Florida Celery Exchange		
Do	Florida International Bankers Association (FIBA), Inc		
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority		
Do	VITAS HealthCare Corp of Florida	675.00	
Brant Patrick Hollenkamp, 517 Second Street, NE Washington, DC 20002	David Turch & Associates	800.00	
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,432.40	1,458.67
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	567.00
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		33,000.00	33,061.41
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For: Enserch Corp.)	4,500.00	
Do	Hooper Hooper & Owen (For: EG&G, Inc.)	4,500.00	
Do	Hooper Hooper Owen & Gould (For: John Hancock Mutual Life Insurance Co.)	15,000.00	
Do	Hooper Hooper & Owen (For: National Assn of Royalty Owners)	3,000.00	
Do	Hooper Hooper & Owen (For: Ultramar, Inc.)	9,000.00	
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	828.82	
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For: ENSERCH Exploration)	4,500.00	
Do	Hooper Hooper Owen & Gould (For: Fluor Corporation)		
Do	Hooper Hooper Owen & Gould (For: Hallmark Cards)	4,688.00	
Do	Hooper Hooper Owen & Gould (For: Herzog Heing Gedold, Inc.)		
Do	Hooper Hooper Owen & Gould (For: Hubbell, Inc.)	2,500.00	
Do	Hooper Hooper Owen & Gould (For: Ifint, S.A.)	3,000.00	
Do	Hooper Hooper Owen & Gould (For: International Paper)	4,538.00	
Do	Hooper Hooper Owen & Gould (For: Kansas City Southern Industries)	7,500.00	
Do	Hooper Hooper Owen & Gould (For: Pameko Holdings, Inc.)		
Do	Hooper Hooper Owen & Gould (For: Phlcorp)	15,000.00	
Do	Hooper Hooper Owen & Gould (For: United Asset Management)		
Do	Hooper Hooper Owen & Gould (For: Utilicorp United, Inc.)	5,250.00	
Do	Hooper Hooper Owen & Gould (For: Western Resources Council)		
Mark Hopkins, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
Mark M. Hopkins, 2439 25th Street Santa Monica, CA 90405	Spacecause	660.00	308.00
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For: Waid Manufacturing Company, Inc.)		
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Estate of Helen Wodell Halbach		
Do	Grand Trunk Corp		84.00
Do	Tandy Corporation	1,040.00	
Sue E. Hopkinson, 777 N. Capitol St., SE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	11,130.00	644.06
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Charles H. Hossack, 50 South First aVenue Coatesville, PA 19320	Lukens, Inc	300.00	114.70
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Corp	35.00	15.00
Peggy A. Houlihan, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports		
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	4,800.00	
Do	Armour Pharmaceutical Company	15,000.00	
Russell Houston, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005	Society of American Value Engineers		
Hoving Group, 1575 Eye Street, NW, #325 Washington, DC 20005	American Film Marketing Assn	1,200.00	80.40
Do	Eagle-Picher Industries, Inc	27,200.00	84.35
Do	Western-Southern Life Insurance Co	4,200.00	211.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,372.70	1,640.12
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Susan Howe, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	1,000.00	1,000.00
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	300.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,900.50	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	6,000.00	
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	National Fed of Independent Business	3,401.00	300.00
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,471.85	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Hunter Industrial Facilities, Inc		
Do	Louisiana State University		
Do	Philip Morris, USA		
Do	Seneca Resources, Inc		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James J Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc	250.00	1,288.97
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council [ELCON]		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	1,390.89
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	6,333.00	300.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.50	
B. Jeanine Hull, 1667 K Street N.W. #585 Washington, DC 20006	LG&E Power Systems, Inc	10,000.00	57.96
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	3,874.98	2,699.26
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	25,050.24	
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For: Alascom, Inc.)		
Do	Koteen & Naftalin (For: Telephone & Data Systems, Inc, et al.)	3,465.00	49.25
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	2,030.13
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,470.00
Harriet Hunt-Burgess, 44 Montgomery Street, #4165 San Francisco, CA 94104	American Land Conservancy [ALC]	1,001.06	2,528.69
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,155.26	
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	9,499.98	
Lawrence A. Hunter, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	350.00	
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Media Photagraphers	9,418.75	
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association	4,500.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For: Case Management Society of America)		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	8,700.00	
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	429.59
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,931.00
Philip A. Hutchinson, 1001 19th Street North #1200 Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc	1,000.00	100.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	403.62
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,343.14	
Kimberly Hyatt, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015	American Osteopathic Hospital Assn	4,500.00	85.97
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,893.56
Randal H. Ihara, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20002	CSX Corp		
Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201	Ericsson Corporation	2,000.00	
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.			
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		59,702.00	59,702.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314			500.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		3,432.34	3,432.34
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	10,060.00	39.17
Charles W. Ingram, 305 C Street, NE, #309 Washington, DC 20002	Pat Collins & Associates		
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,831.92	
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			60,174.00
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	21,950.85
International Advisory Services Group, 601 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Steel Service Center Institute		
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			61,761.27
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn	637.50	32.60
Do	Hercules, Inc	6,760.00	378.06
Do	Procter & Gamble	2,775.00	356.37
Do	Totes, Inc	5,100.00	127.98
Do	Uniroyal Chemical Company, Inc	5,025.00	126.10
Do	USR Optonix, Inc	4,912.50	123.27
Do	Wine Institute	1,387.50	128.54
Do	Xerox Corp	7,500.00	1,022.00
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		5,565.49	5,565.49
International Longshoremen's Assn, AFL–CIO, 17 Battery Place, #1500 New York, NY 10004			72,221.31
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,064.00
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	715.72
Investment Company Institute, 1600 M St., NW Washington, DC 20036			30,603.67
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,400.00	1,348.38
Richard M. Irby III, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	4,000.00	
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,579.00	334.73
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		6,028.36	13,258.02
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,684.93	
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,250.00	
Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For: International Electronics Manufacturers & Consumers of Amer.).		450.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	300.00	
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For: Michigan Municipal/Cooperative Group, et al.)		
Eva Jack, 888 17th Street, NW #800 Washington, DC 20006	Intel Corp	6,000.00	3,774.32
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	391.99
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	3,323.00	
Benjamin R. Jackson, 14500 Avion Parkway,#300 Chantilly, VA 22021	TechLaw (For: Shutler & Low (for Nissan Research & Development))		
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	189.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	25,162.00	6,168.78
Paul Jacob, 666 11th Street, NW, Suite 840 Washington, DC 20001	U.S. Term Limits		1,050.00
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,200.00	212.00
Rachel L. Jacobson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		37.00
Jaffe Snider Raitt & Heuer, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,500.00	535.00
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	6,525.00	
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759	ATC/LDDS Communications		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	42,615.00	22,612.66
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,483.00	1,483.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL–CIO		
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For: Associated Aviation Underwriters)		
Debra Levin Jardot, 1101 17th Street, NW, #501 Washington, DC 20036-4704	Disney Worldwide Services, Inc	5,000.00	
Richard B. Jarman, 1776 Eye Street, NW, #S-1050 Washington, DC 20007	Eastman Kodak Co	300.00	42.00
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	6,000.00	
Do	Labor-Management Committee for the Timber Industry	11,250.00	
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	316.71
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	100.00	
Do	Rotary Power International, Inc	75.00	
Jenner & Block, 601 Thirtenth Street, NW, 12th Floor Washington, DC 20006	MCI Communications Corp		
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	6,180.00	107.00
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		2,537.76
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Association of Federal Credit Unions	1,250.00	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,575.72	1,209.05
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences		
Jacquelyn M. Johnson, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co	500.00	
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, Suite 1290 East 555 13th Street, NW Washington, DC 20004	Loeffler & Leath, Inc (For: Central South West Corp.)		
Do	Loeffler & Leath, Inc (For: Citicorp)		
Do	Loeffler & Leath, Inc (For: Electronic Data Systems Corp.)		
Do	Loeffler & Leath, Inc (For: Hong Kong Trade Development Council)		
Do	Loeffler & Leath, Inc (For: National Assn of Broadcasters)		
Do	Sematech		
Do	Loeffler & Leath, Inc (For: United Services Automobile Assn)	175.00	
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	8,125.25	21.00
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,700.00	303.93
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	2,500.00	45.08
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Caltex Petroleum Corp	13,750.00	
Do	Centex Corp	2,712.50	
Do	Permanente Medical Group, Inc	19,162.50	
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,641.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	12,537.14
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc		13,046.26
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	132.87
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,200.00	
Allan R. Jones, 430 First Street, S. E. Washington, DC 20003	American Trucking Assns, Inc	6,250.00	
Allison Humphreys Jones, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace and Edwards (For: American Soc of Farm Managers and Rural Appraisers).		
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	664.03	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Amoco Corporation	11,755.00	61.00
Do	Anchor Savings Bank		
Do	County of Los Angeles	44,802.00	540.20
Do	Genetech	5,924.00	31.00
Do	Pfizer, Inc	2,325.00	
Do	RJR Nabisco, Inc	15,308.00	48.00
Do	Upjohn Company	35,588.00	109.50
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company		
Do	Utah State University	700.00	
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	General Atomics		
Do	International Shipholding Corp	975.00	
Do	Jefferson Parish Council	300.00	
Do	Port of New Orleans	225.00	
Do	Tulane University		
Do	Turner Broadcasting System, Inc	175.00	
Roy Jordan, RR 6 Box 147 Starkville, MS 39759			
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Columbia University		
Do	Consortium for International Earth Science Info. Network	12,000.00	12,766.76
Do	Polytechnic University	1,000.00	1,000.00
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,500.00	
Diana Jost, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,007.00	603.99
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,355.00	
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave.,NW, Suite 700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	4,630.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Lucille R. Kaplan, 19064 Highstream Drive Germantown, MD 20874	Committee for Humane Legislation		
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	1,865.23
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,692.34	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,750.00	141.50
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	73.00
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	American Medical Directors Assn		
Do	Amersham		
Do	Associated Aviation Underwriters		
Do	Baxter Healthcare Corporation	975.00	343.40
Do	Fujisawa USA, Inc		
Do	Intercargo Insurance Co	195.00	68.68
Do	National Assn of Independent Colleges & Universities		
Do	Northwestern Memorial Hospital		
Do	NutraSweet Co		
Do	Saginaw Community Hospital	1,950.00	686.80
Do	G.D. Searle		
Paul C. Katz, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302	Colorado State University	9,000.00	
Anthony P. Kavanagh, 2100 Pennsylvania Avenue, NW, #675 Washington, DC 20037	Consolidated Edison Co of New York, Inc		
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,656.65
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Instruments SA, Inc		249.00
Do	Kraft, Inc		3,975.00
Do	Londontown Corporation		
Do	Morgan Guaranty Trust Co of New York		300.00
Do	Pepsico		
Do	Spanish Broadcasting System		
Do	United Television, Inc		
David Keaney, 655 15th Street, NW,Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp	456.25	
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	General Instrument Corporation	8,158.00	
Do	Group Health, Inc	17,760.50	
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,406.00	134.16
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	15.00	
Melvin Keener, 1155 Connecticut Ave., NW, #420 Washington, DC 20003-6	Laidlaw, Inc (For: Laidlaw Envrionmental Services)	2,500.00	
Jane M. Keffer, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace & Edwards		
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	376.00
Beth Keifer, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn, Inc	1,500.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,100.00	
Brant P. Kelch, 2270 Cedar Cove Court Reston, VA 22091	American Assn of Preferred Provider Organizations [AAPPO]	18,000.00	7,018.20
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For: Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	40,312.00	22,572.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Specialty Advertising Assn Int'l	2,450.00	2,719.00
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	7,500.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Besicorp Group, Inc		
Do	Coalition to Preserve the Low Income Housing Tax Credit	1,333.34	
Do	Council for Rural Housing & Development	1,333.34	
Do	Federal Legislative Associates, Inc		
Do	Institute for Responsible Housing Preservation	1,333.34	
Do	Kamine Development Corp		
Do	National Leased Housing Assn	1,333.34	
Do	Shaw Pittman et al (For: Institute of International Bankers)		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	Public Service Electric and Gas Company		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette Kellogg M., 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	150.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	909.40	369.10
Glenn F. Kelly, 2000 M Street, NW, Suite 550 Washington, DC 20036	North American Telecommunications Assn	3,000.00	
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,625.00	3,275.75
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,650.57
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	6,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			154.68
Kemper Securities, Inc, Chicago, IL 60601			30.00
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	6,475.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	2,000.00	
Do	Toyota Motor Sales, USA, Inc	2,500.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	1,906.25
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	65.00
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	12,036.00	7,830.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	655.70
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	4,156.25	293.64
Do	Pemco Aeroplex	1,312.50	16.00
John Paul Kennedy, 1385 Yale Avenue Salt Lake City, UT 84105	Edwards McCoy & Kennedy (For: Western Shoshone Judgment Distribution Assn)		7,284.56
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	100.00	72.22
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia Cregan Kennedy, 1725 Jefferson Davis Highway, #500 Arlington, VA 22202	Chrysler Corporation	4,600.00	20.00
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Development Corp		
Do	National Wood Energy Assn, Inc		
Jeannine M. Kenney, 1840 Wilson Blvd., #400 Arlington, VA 22201	National Milk Producers Federation	718.10	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	659.78
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	260.00	
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For: Adria Laboratories)	1,331.25	676.85
Do	Kent & O'Connor, Inc (For: American Soc of Plastic & Reconstructive Surgery)		
Do	Kent & O'Connor, Inc (For: American Supply Association)	1,500.00	773.56
Do	Kent & O'Connor, Inc (For: Carter Footwear, Inc.)	4,645.00	2,514.07
Do	Kent & O'Connor, Inc (For: International Assn of Airport Duty Free Stores)	7,062.50	3,771.11
Do	Kent & O'Connor, Inc (For: Liz Claiborne, Inc.)		
Do	Kent & O'Connor, Inc (For: MBI, Inc.)		
Do	Kent & O'Connor, Inc (For: National Customs Brokers & Forwarders Assn of America).	12,500.00	6,671.96
Do	Kent & O'Connor, Inc (For: Vista Chemical Company)	5,236.25	2,804.15
Kathy Lee Kent, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US	3,451.95	
William Kenworthy, 410 First Street SE, Washington, DC 20003	American Nuclear Energy Council	9,719.01	460.69
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	330.42
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,101.00	2,081.12
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,500.00	45.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,500.00	
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,693.68	74.00
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Auto International Assn	30.00	26.24
Do	Coalition of Automotive Associations	140.00	65.84
Do	Specialty Equipment Market Assn	240.00	235.34
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Distilled Spirits Council of the US	10,000.00	859.00
Do	Kessler & Associates (For: National Assn of Beverage Importers)	7,500.00	700.00
Do	Kessler & Associates, Inc (For: Sandoz Corp.)	6,000.00	622.00
Do	Kessler & Associates (For: Joseph E. Seagram & Sons, Inc.)	9,000.00	1,044.00
Do	Kessler & Asso (For: Upjohn Corp.)	15,000.00	1,336.00
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	128.85
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,172.15
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,196.70	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America		
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,586.00	291.00
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,190.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	1,917.94
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	149.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc		
Do	Atlanta Committee for the Olympic Games [ACOG]	3,807.50	18.00
Do	Banca Nazionale del Lavoro		
Do	Charter Medical Corp	4,015.00	15.00
Do	Citibank		
Do	Fleet North Star Financial Group		
Do	General Motors Corp		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste Incorporated		
Do	GPIA-Animal Drug Alliance	780.00	
Do	Martin-Marietta		
Do	National Pharmaceutical Alliance		
Do	Woodruff Foundation		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloys Association		
Do	Macalloy Corporation		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority		38.30
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the United States	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	1,973.36
Brian J. Kinsella, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Association	1,182.64	
Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymen's Society, Inc	1,050.00	
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,360.40	663.29
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Glendale Federal Savings Bank	10,172.50	617.15
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	11,563.00	12,198.53
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	191.71
Rhona Kisch, 215 Pennsylvania Ave., NW Washington, DC 20003	US Public Interest Research Group	3,979.05	
Steven B. Kistulentz, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,750.00	257.20
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For: Sealaska Corporation)	21,875.00	7,881.94
Do	Kito, Inc (For: Southeast Alaska Landless Native Coalition)	7,500.00	1,921.20
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,550.98	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,408.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	36,601.41	136.00
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	157.00
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	20,000.00	
Do	Mid-Atlantic Medical Services, Inc	12,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	1,732.00	
Theresa Knieriemen, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers		
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			8,467.86
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		7.00
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,732.28
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	33.75
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	9,596.25	32.89
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	214.86
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		146.89
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		53.00
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For: American Communities for Cleanup Equity [ACCE])	15,862.50	3,373.64
Do	Spiegel & McDiarmid (For: Guam Power Authority)	1,640.00	252.34
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	3,500.00	418.19
Timothy S. Kolly, 10706 Green Mount Road Richmond, VA 23233	Martin Public Relations		
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	2,000.00	5,246.00
Stephen Koplan, 1401 Eye Street, NW, Suite 1220 Washington, DC 20004-2204	Joseph E. Seagram & Sons, Inc	2,000.00	
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For: Earth Observation Satellite Co.)		
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For: American Tobacco Company)		
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	3,500.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Malcolm A. Kram, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Raymond R. Krause, 712 Fifth Avenue, # 4600 New York, NY 10019	Grand Metropolitan, Inc	2,000.00	840.30
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		116.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Association	134.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	500.00	10.00
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	155.08	
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	8,400.00	639.27
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Criminal Justice Oversight Committee		
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	2,200.00	788.00
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,880.43
Stuart S. Kurlander, 1101 17th Street, NW, Suite 1000 Washington, DC 20036	American Physical Therapy Assn-Private Practice Section	525.00	525.00
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	6,875.00	632.94
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	29,650.32	528.46
Jeffrey Kurzweil, 601 13th street, n.w. #1200 Washington, DC 20005	Jenner & Block (For: Marriott Corp.)		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL–CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		1,328.00	1,328.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Shirley Wiseman Lach, 337 11th Street, SE Washington, DC 20003	Shirley McVay Wiseman		
Marc E. Lackritz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	6,731.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,750.00	537.92
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
Betsy Laird, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	2,325.00	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp	867.53	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	7,540.02	1,252.22
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	3,000.00	127.15
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	5,538.00	
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Leiby & MacRae		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	NAIOP, Assn for Commercial Real Estate	14,250.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	Cryogenic Vacuum Technology Co		
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	6,300.00	945.03
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	240.00	10.00
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	271.06
Do	New York City Partnership, Inc	6,000.00	661.10
Do	School of Visual Arts	4,160.00	150.28
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	1,125.00	
Christopher D. Larsen, 412 First Street, SE., #300 Washington, DC 20003	Independent Insurance Agents of America, Inc [IIAA]	8,616.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For: Alliance of American Insurers)	6,250.00	3,750.00
Do	Health Policy & Strategy Associates, Inc (For: Blue Cross & Blue Shield of Massachusetts).	6,250.00	3,750.00
Do	Health Policy & Strategy Associates, Inc (For: Guardian Life Insurance Company).	1,325.00	300.00
Do	Health Policy & Strategy Associates, Inc (For: Liberty Mutual Insurance Group)		
Do	Health Policy & Strategy Associates, Inc (For: Northwestern National Life Insurance Co.).	5,000.00	623.95
Do	Health Policy & Strategy Associates, Inc (For: Washington National Life Insurance Co.).	11,469.23	7,746.00
Do	Health Policy & Strategy Associates, Inc (For: Wausau Insurance Companies)	5,000.00	2,197.97
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Alexander & Alexander Services, Inc		
Do	EUA Cogenex Corp		
William M. Latimer, 3306 Wydham Circle #126 Alexandria, VA 22302	American Group Practice Assn	194.90	
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	4,071.69	157.14
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	943.15
Nicole Laughlin, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For: Dallas Area Rapid Transit)	500.00	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	7,000.00	42.00
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	1,028.20	
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	6,000.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company		
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,276.29	
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn of America's Public TV Stations	4,027.50	221.09
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	292.55	21.50
Richard C. Lawson, 1300 I Street, NW, Suite 250 West Washington, DC 20005	Hoffman-La Roche, Inc		
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company	1,100.00	
Do	Lamb-Weston, Inc	1,000.00	
Do	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Sears Roebuck & Co	2,560.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Home Finance Coalition	5,000.00	
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	1,853.50	130.06
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #860-N Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Laurel Leach, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		200.00
League of American Investors, 23 W. Easy Street, Bldg. 201 Simi Valley, CA 93065-1698			
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		55,141.52	55,141.52
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		3,100.00	1,216.69
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: Chicago Board Options Exchange)		
Bruce Lear, 1101 15th street, N.W., #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	FMC Corp	3,000.00	
Do	General Dynamics Corp	3,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Rifle Assn of America	3,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business [NFIB]	3,401.00	100.00
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	2,000.00	
Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	2,000.00	25.00
Abraham Ju Myung Lee, 515 South Western Avenue Los Angeles, CA 90020			
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	Federal Home Loan Mortgage Corp	2,050.00	2,301.30
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	AutoZone, Inc		
Do	Harnischfeger Industries		
Do	MapPower Corporation		
Do	Midas, International		
Do	Pet, Inc		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn		
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	2,735.52
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco, Inc	1,400.00	211.47
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	21.00
J. Mark Leggett, NationsBank Corporation One NationsBank Plaza (T22-1) Charlotte, NC 28255	NationsBank Corporation		2,035.74
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	University of Pittsburgh	30,000.00	3,654.83
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,071.00	217.00
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Visiting Nurse Assn of America		
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,665.00	856.74
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	2,712.00	5,130.36
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For: Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For: Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For: Krueger, Inc.)	21,742.58	
Do	Leonard Ralston Stanton & Danks (For: SICPA Industries of America, Inc.)	13,807.66	
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For: Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For: Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For: Krueger, Inc.)	21,742.58	
Do	Leonard Ralston Stanton & Danks (For: SICPA Industries of America, Inc.)	13,807.66	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	8,490.53	391.20
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	349.79	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Monsanto Co		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	4,128.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	1,184.06
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	1,000.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL–CIO Maritime Committee		
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company		4,295.52
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause	5,616.00	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harns Corporation	607.50	72.05
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	100.00
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute	3,000.00	499.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,475.00	
Turna R. Lewis, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL–CIO	5,252.27	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	799.67	1,103.31
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	929.13	43.00
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	6,500.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp	900.00	927.47
Liberty Council, c/o Eligio Castro P.O. Box 21544 University Station San Juan, PR 00931-1544		800.00	800.00
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600 N Washington, DC 20004	North States Power Company	4,400.00	845.00
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	240.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,000.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	866.82
Brett E. Lief, 122 C Street, NW, Suite 750 Washington, DC 20001	National Asssn of Independent Colleges & Universities	8,645.00	
Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007	American College of Surgeons		
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Jennifer S. Lim, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			3,798.37
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	3,000.00	100.00
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce D. Cameron (For: Fibromyalgia Network)	482.00	
Do	National Council of Maubere Resistance	722.00	
Lipe Green Paschal Trump & Gourley, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business [NFIB]	3,189.00	200.00
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	655.15
Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608			782.08
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	Greater Washington/Maryland Service Station Assn	100.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	750.00	1,278.58
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	9,614.17
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	19,075.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	100.00	20.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #7/0 Washington, DC 20005	American Methanol Institute	6,750.00	98.35
Do	Biocraft Laboratories, Inc	275.00	17.90
Do	Generic Pharmaceutical Industry Assn	17,000.00	8,229.00
Do	San Francisco Bay Guardian	1,627.50	8.44
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Co	75.00	
Paul Locigno, 2001 M Street NW Washington, DC 20036	Capitoline International Group Ltd (For: City of America)		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For: Boy Scouts of America)		
Do	Hecht Spencer & Associates (For: Brown & Williamson Tobacco Corp.)		
Do	Hecht Spencer & Associates (For: Colton Communities, Inc.)		
Do	Hecht Spencer & Associates (For: IECMA)		
Do	Hecht Spencer & Associates (For: Mars, Inc.)		
Do	Hecht Spencer & Associates (For: Mid-American Waste Systems, Inc.)		
Do	Hecht Spencer & Associates (For: MCI Telecommunications)		
Do	Hecht Spencer & Associates (For: National Automatic Merchandising Assn)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	6,111.60	855.43
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Lockheed Information Management Services Company, Inc, 1350 Connecticut Avenue, NW, #700 Washington, DC 20036			
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn	300.00	4,100.00
Thomas G. Loeffler, 7710 Jones Maltsberger, Suite 540 San Antonio, TX 78216	Loeffler & Leath, Inc (For: Central South West Corp.)	200.00	
Do	Loeffler & Leath, Inc (For: CitiCorp.)		
Do	Loeffler & Leath, Inc (For: Electronic Data Systems Corp)		
Do	Loeffler & Leath, Inc (For: Hallmark Ghormley Development Co.)	400.00	
Do	Loeffler & Leath, Inc (For: Hong Kong Trade Development Council)		
Do	Loeffler & Leath (For: National Assn of Broadcasters)		
Do	Loeffler & Leath, Inc (For: Sematech)		
Do	Loeffler & Leath, Inc (For: United Services Automobile Assn)	200.00	
Loeffler & Leath, Inc, Suite 1290 East 555 13th Street, NW Washington, DC 20004	Central South West Corp	1,135.00	1,323.75
Do	Citicorp	625.00	762.50
Do	City of Philadelphia	125.00	128.75
Do	Electronic Data Systems Corp		
Do	Hallmark Ghormley Development Co	2,380.00	2,960.00
Do	Hong Kong Trade Development Council		
Do	International Hardwood Products Assn, Inc	270.00	427.50
Do	National Assn of Broadcasters	750.00	735.00
Do	Sematech		
Do	South West Florida Enterprises, Inc	120.00	190.00
Do	United Services Automobile Assn	2,000.00	2,140.00
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For: Coalition for Affordable Home Financing).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Montgomery McCracken Walker & Rhoads (For: International Republican Institute).		
Do	Montgomery McCracken Walker & Rhoads (For: Keene Corporation)		
Do	Montgomery McCracken Walker & Rhoads (For: Pilots Assn of the Bay and River Delaware).		
Do	Montgomery McCracken Walker & Rhoads (For: Ports of Philadelphia Maritime Exchange).		
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	390.00	
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph	6,000.00	66.55
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,800.00	885.07
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Employee Stock Ownership Assn		
Do	Greater New York Hospital Assn		
Do	Island Creek Corp		
Do	Medical Infusion Management, Inc		
Do	Metropolitan Life Insurance Co		
Do	MicroGeneSys, Inc		
Do	Milliken & Co		
Do	Natural Gas Vehicle Coalition		
Do	United Companies Financial Corp		
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 3030 N. Tuckahoe Street Arlington, VA 22213	National Parks & Conservation Association	446.60	5.00
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	600.00	300.00
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	10,653.00	3,097.13
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	300.00	
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
David Loveland, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	13,000.00	10,425.00
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	544.92	363.05
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For: Transport Workers Union of America, AFL–CIO).	10,000.00	350.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL–CIO	11,599.20	
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	20.00
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For: Beirut University College)		
Do	Bannerman & Associates, Inc (For: Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For: Government of Egypt)	9,000.00	87.28
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	260.00	70.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	Brevard County		
Do	City of Miami	11,200.00	
Do	City of Miami Beach	14,560.00	
Do	City of Palm Springs	6,000.00	
Do	Dade County, Florida	15,416.00	
Do	Florida Medical Center	40,000.00	
Do	Houston Independent School District	2,800.00	
Do	School Board of Dade County, Florida	17,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Services		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,203.40
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Power & Light Co	2,160.00	218.61
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
R. J. Lyerly, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	958.00	
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Dallas/Ft. Worth International Airport	20,000.00	
Do	Tandy Corp	10,500.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Associations, Inc	15,000.00	
Eaton Lynn, 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	5,000.00	335.00
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		130.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma care [CATC]		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	27,343.00	500.00
Robb S. Mackie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,554.66	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	2,620.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')		1,488.58
Uday Madiman, P.O.BOx 755 Beltsville, MD 20704	Indy Unlocks, Inc		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Transportation Commission	24,999.00	
Do	Mark Air, Inc	46,400.00	
Do	Sarasota-Bradenton Airport	6,333.34	
Do	Ventura Port District		
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	General Electric Government Services		
Do	General Public Utilities		
Do	Kraft General Foods		
Do	National Power		
Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999			
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	
Paul Magliocchetti Associates, Inc, 2001 Jefferson Davis Highway Crystal Plaza I, Suite 405 Arlington, VA 22202	American Ship Building Company		
Do	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	Medco Containment Services, Inc		
Do	MIC Industries, Inc		
Do	Orange Shipbuilding Co, Inc		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sunquest Information Systems, Inc		
Do	Technology Applications and Service Co		
Do	Textron, Inc		
Do	Trinity Marine Group		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	22,500.00	490.01
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For: Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For: Sofreavia)		
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,413.00	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	197.56
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	4,062.82

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David C. Main Jr., 1301 K Street, NW, Suite 900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For: Voluntary Hospitals of America, Inc.)	10,000.00	54.00
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	337.00	9.00
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	5,590.02	1,599.93
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Bankers Assn	2,625.00	6.00
Do	Appraisal Institute	890.00	7.50
Do	Barr Laboratories	1,773.75	15.50
Do	Bowling Proprietors Assn of America		
Do	California League of Savings Institutions	3,457.50	173.70
Do	Chemical Bank	3,052.50	25.50
Do	City of Hope	2,956.25	46.00
Do	Coalition for Continued Correctional Education		
Do	L.A. Gear, Inc		
Do	Money Store	1,375.00	81.09
Do	NEC Corporation		
Do	NEC USA, Inc		
Do	United Airlines, Inc		
Do	Western Dental Services, Inc	215.00	
Do	World Cup USA 1994, Inc	1,350.00	22.00
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	15,882.54	97.80
Donald W. Mann, 60 B Fraklin Street Tenafly, NJ 07670	Negative Population Growth, Inc	500.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	24,428.00	117.30
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	1,315.59	316.96
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			21,035.00
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	839.00	179.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Helen Keller National Center	250.00	
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			5.00
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			4,281.25
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			21,822.89
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Kotzbue Electric Association	3,200.00	
Morry B. Markowitz, 1001 19th Street, North Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc	13,000.00	2,400.00
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	5,425.00	324.11
Do	City of Venice, Florida	450.00	97.85
Do	Coalition to Keep Alaska Oil	1,125.00	41.50
Do	Coalition to Repeal the Wright Amendment	750.00	81.00
Do	End Notch Discrimination		
Do	Graphic Artists Guild	75.00	40.00
Do	Independent Pilots Assn	1,350.00	233.00
Do	National Society of Fund Raising Executives		
Do	Town of Longboat Key	75.00	
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
Julie Marsh, 2030 M Street, NW Washington, DC 20036	Common Cause	4,202.02	
Catherine A. Marshall, 2001 M Street, NW Washington, DC 20036	Capitoline International Group, Ltd. (For: Professional Lawn Care Assn of America).		
Do	Capitoline International Group, Ltd (For: Scott Paper Company)		
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	300.00	
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	5,000.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn	654.00	988.00
Susan Roeder Martin, 700 Universe Boulevard, Rm A3074 Juno Beach, FL 33408	Florida Power & Light Co		
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	25,749.99	521.70
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	394.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,288.00	430.77
Glen David Mason, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	4,484.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,000.00	87.00
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Daniel J. Massey, Huntington Center 41 South High Street Columbus, OH 43215-3406	Centerior Energy Corp		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	American Society of Composers, Authors & Publishers	60.00	
Do	Atlantic Richfield Company	15.00	
Do	Cerrell Associates, Inc (for Calif Independent Mortgage...)	1,695.00	
Do	Government Employees Hospital Assn	892.50	
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	1,200.00	
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	716.51	
Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036	Dawson Mathis & Associates (For: Massachusetts Mutual Life Insurance Co.)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Massachusetts Mutual Life Insurance Co	3,000.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,423.00	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	2,641.82	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,204.06
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	375.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For: American Commodity Distribution Program)	1,500.00	
Do	American School Food Service Assn	9,000.00	
Do	Olsson Frank & Weeda (For: United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For: Southern Company Services, Inc.)	300.00	70.00
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	803.20
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	14,895.00	226.50
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
William A. Maxwell, 1250 Eye Street, NW #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	9,000.00	222.97
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For: INDA (Association of the Nonwoven Fabrics Industry))		
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	7,900.00	985.00
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	4,941.20
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	714.80	335.83
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co. Ltd		
Do	Arthur Andersen & Co, et al.	881.25	
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.	4,500.00	2,085.00
Do	East-West Innovations, Inc		
Do	FMC Corporation		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	LaSalle Partners, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lehndorff & Babson Real Estate Counsel		
Do	Mayer Brown & Platt Sentencing Commission Coalition		
Do	Merrill Lynch Capital Markets		
Do	Midwest Stock Exchange, Inc	306.25	
Do	Morton International		
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Outboard Marine Corporation		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division	437.50	
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,465.00	232.58
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217-2022			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
McAdam Group, Inc, 1029 Vermont Ave., NW, #800 Washington, DC 20005	National Computer Systems	9,000.00	
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Timothy McAnarney, 413 West Edwards Springfield, IL 62704	Philip Morris, Inc		
Rebecca Craford McAuliffe, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	3,500.00	140.84
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Associacion de Hospitales de Puerto Rico	1,000.00	
Do	Association of Progressive Rental Organizations	1,000.00	
Do	Buena Vista Golf & Country Club		
Do	Chabot Observatory & Science Center	600.00	
Do	Cigna Corp		
Do	City of Chattanooga	900.00	
Do	Council of American Overseas Research Centers	100.00	
Do	Creative Discovery Museum	800.00	
Do	CAPX Corp		
Do	Dean Witter Realty, Inc	3,000.00	
Do	DeMarco Enterprises		
Do	Food 4 Less		
Do	Franklin Square Hospital	400.00	
Do	Ft. Worth Transportation Authority	3,000.00	
Do	HealthInfusion, Inc	800.00	
Do	Johnson Controls, Inc	800.00	
Do	Kamm & Associates, Ltd		
Do	Medi-Vu, Inc	400.00	
Do	Moore Capital Management	1,000.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	Nevada Power		
Do	Nevada Resort Assn		
Do	Niall Enterprises, Inc		
Do	RAILTRAN		
Do	Soros Fund Management	1,000.00	
Do	St. Michael Hospital		
Do	Tucker Flyer & Lewis		
Do	Tudor Investment Corp	1,000.00	
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Do	Viacom International		
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,675.04	47.50
Susan P. McCaffrey, 3901 N. Meridian Suite 25 Indianapolis, IN 46208	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Mary Stuart McCamy, 666 Pennsylvania Ave., SE, Suite 4 Washington, DC 20003	Trust for Public Land	840.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco, Inc	9,000.00	300.00
Do	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		
John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	75.00	
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	6,000.00	1,506.00
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	9,659.45	1,253.07
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	American Mining Congress	243.75	
Do	Asarco, Inc	243.75	
Do	Barrick Resources (USA, Inc.)	243.75	
Do	Brush Wellman, Inc	243.75	
Do	Coeur d'Alene Mines Corp	243.75	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	243.75	
Do	Echo Bay Mines		
Do	FMC Corp		
Do	General Atomics		
Do	Hecla Mining Co	243.75	
Do	Ida-West Energy Company		
Do	Idaho Power Company		
Do	Lockheed Corp		
Do	National Rifle Assn		
Do	Pacific Gas Transmission Gas Company		
Do	Phelps Dodge Corp	243.75	
Do	World Cup USA 1994, Inc		
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company	983.25	293.98
Do	Motion Picture Assn America, Inc		28.28
Do	Paramount Communications, Inc	2,910.94	91.49
Do	Perpetual Corp	432.95	19.83
Do	Rank Video Services America	991.88	33.74
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	686.00	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,646.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	11,460.00	
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006	Alaska Seafood Marketing Institute	175.00	
Do	Allergan, Inc	200.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Association of American Vintners	15,185.00	
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	California Avocado Commission	21,600.00	1,381.00
Do	California Canning Peach Assn	1,400.00	62.00
Do	California Children's Hospital Assn	2,100.00	
Do	California Energy Commission		
Do	California Kiwifruit Commission	793.00	
Do	California Raisin Advisory Board	5,340.00	72.00
Do	Caylor-Nickel Medical Center	500.00	
Do	Chiquita Brands, Inc		
Do	Fargo Clinic	2,500.00	
Do	Good Sam Club	350.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dorothy Holt Estate		
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	15,185.00	64.00
Do	National Grocers Assn		
Do	National Potato Council	988.00	
Do	Outpatient Opthalmic Surgery Society		
Do	Public Employees Retirement Assn of Colorado		
Do	Tropicana	185.00	
Do	U.S. Mink Export Development Council	2,275.00	62.00
Do	Welch Foods, Inc	1,750.00	45.00
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	1,680.00	180.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	25.00
James E. McDonald, 410 First Street, SE, 3rd Floor Washington, DC 20003	American Nuclear Energy Council [ANEC]	1,875.75	323.44
Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	500.00	50.00
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For: National Hockey League)	1,650.00	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn	1,000.00	
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	4,080.00	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	1,000.00	236.00
Kate McGee, 3 Bethesda Metro Center Bethesda, MD 20814	Oracle Corporation		1,000.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	11,882.52	143.50
Marianne McGettigan, 45 Memorial Circle Augusta, ME 04032-0957	Major League Baseball Players Assn	13,202.00	870.07
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,689.96	2,051.08
Michael McGovern, P.O. Box 916404 Longwood, FL 32791-6404	Towing & Recovery Assn of America, Inc	600.00	600.00
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	250.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	AT&T Federal Systems		
Do	System Resources Corp		
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	700.00	
Sheryl Peterson McGrath, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For: American Assembly of Collegiate Schools of Business)	2,700.00	
Do	McGuiness & Holch (For: Arch Mineral)	3,150.00	
Do	McGuiness & Holch (For: Barr Laboratories)	450.00	
Do	McGuiness & Holch (For: Conrail)		
Do	McGuiness & Holch (For: National Nutritional Foods Assn)	1,800.00	
Do	McGuiness & Holch (For: PepsiCo.)	225.00	
Do	McGuiness & Holch (For: RJR Nabisco)	500.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn		
Do	Workers Compensation Integrity Stability & Equity [WISE]	17,020.00	436.10
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	330.42
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	6,731.54	655.92
F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Company	2,500.00	125.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	6,600.00	703.56
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
C. A. 'Mack' McKinney, 909 North Washington Street, Suite 300 Alexandria, VA 22314	Military Coalition		467.05
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn	79.80	
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	16,790.11	287.17
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,750.00	
Timothy P. McKone, 1667 K St., NW, Suite 1000 Washington, DC 20006	Independent Insurance Agents of America, Inc		
Do	Southwestern Bell Corp		4,435.82
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For: American Assn of Blood Banks)		
Do	Rowan & Blewitt, Inc (For: C.R. Bard, Inc.)		
Do	Rowan & Blewitt, Inc (For: Bristol-Myers Squibb Company)		
Do	Rowan & Blewitt Inc (For: Medtronic, Inc.)	1,500.00	
Do	Rowan & Blewitt (For: Monsanto Company)	4,125.00	
Do	Rowan & Blewitt, Inc (For: Par Pharmaceutical, Inc.)	3,062.50	
Do	Rowan & Blewitt, Inc (For: Rhone-Poulenc Rorer)	687.50	
Do	Rowan & Blewitt, Inc (For: Upjohn Company)	4,250.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	750.00	
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	13,809.00	38.95
Thomas J. McLeod, 50 West Kellogg Boulevard St Paul, MN 55164	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	12,226.00	198.00
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		783.35
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	AAI	50.00	
Do	Hydroacoustics, Inc	50.00	
Do	Litton Data Systems	50.00	
Do	McDonnell Douglas Corp	100.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	500.00	122.45
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	Babcock & Wilcox	4,000.00	4,827.55
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	10,000.00	
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	American University of the Caribbean		
Do	Association of Banks in Insurance [ABI]		
Do	Coalition for Auto Repair Equality		
Do	Georgia-Pacific Corp	460.00	8.00
Do	International Assn for Financial Planning	2,700.00	30.00
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		10.00
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Susan McNally, 1350 Connecticut Avenue, NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	110.00	246.33
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	11,500.00	620.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For: Embassy of Turkey)	7,154.00	214.55
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John P. McNicholas, 8008 Westpark Drive McLean ton, VA 22102	Unisys Corp	2,500.00	2,282.76
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	11,261.00	1,856.00
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	1,575.00	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	15,628.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	Leboeuf Lamb Leiby & MacRae (For: Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For: Feibel-Garek/Environmental Standard Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For: Physicians Insurance Assn of America)		
James Gregory Means, 1317 F Street, NW, Suite 400 Washington, DC 20004	BP America, Inc	6,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Centerior Energy Corp	9,000.00	
Do	Systech Environmental Corporation	12,500.00	
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	24,999.99	883.02
Do	Sierra Pacific Power Company	3,750.00	107.70
Mehl & Pickens Associates, Inc, 230 East Capitol Street, NE Washington, DC 20003	Bogan Aerotech, Inc	10,000.00	
Do	Cessna Aircraft Company		
Do	Lockheed Aircraft Service Company		
Do	TCOM, LP	1,000.00	
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031	ICF International, Inc	900.00	100.00
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	7,475.00
Do	Chicago Mercantile Exchange	11,250.00	7,475.00
Do	National Rural Cooperative Business Center	3,000.00	1,663.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,374.95	495.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,574.63	
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	Loeffler & Leath, Inc (For: Central South West Corp.)	170.00	
Do	Loeffler & Leath, Inc (For: CitiCorp)	25.00	
Do	Loeffler & Leath, Inc (For: Electronic Data Systems Corp.)		
Do	Loeffler & Leath, Inc (For: Hallmark Ghormley Development Co.)	460.00	
Do	Loeffler & Leath, Inc (For: Hong Kong Trade Development Council)		
Do	Loeffler & Leath, Inc (For: International Hardwood Products Assn, Inc.)	90.00	
Do	Loeffler & Leath, Inc (For: National Assn of Broadcasters)		
Do	Loeffler & Leath, Inc (For: Sematech)		
Do	Loeffler & Leath, Inc (For: South West Florida Enterprises, Inc.)	40.00	
Do	Loeffler & Leath, Inc (For: United Services Automobile Assn)	125.00	
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	583.14
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	235.00	
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For: Citibank)		
Do	McClure Trotter & Mentz (For: Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For: Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For: GAF Corp.)		
Do	McClure Trotter & Mentz (For: Mercedes-Benz of North America, Inc.)		
Do	McClure Trotter & Mentz (For: Methanex, Inc.)	293.25	
Do	McClure Trotter & Mentz (For: Motion Picture Assn of America, Inc.)		
Do	McClure Trotter & Mentz (For: Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,468.76	100.00
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses Assn	9,740.10	130.96
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For: Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For: Sofreavia)		
Do	DGA International, Inc. (For: SNECMA)		
Do	DGA International, Inc (For: Zenith Data Systems)		
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	4,837.50	72.30
Do	Merrill Lynch & Company, Inc		
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			53,704.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company		
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	800.00	74.00
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Reynolds, Inc	1,500.00	268.77
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	576.80	18.00
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	10.00
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.00	
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Sean Meyer, 1000 16th Street, NW, #810 Washington, DC 20036	One Percent for Peace	6,875.01	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	732.70
Do	International Assn of Refrigerated Warehouses		
Do	National Peanut Growers Group	16,320.00	1,083.70
Do	Ricebelt Warehouse, Inc		487.41
Do	Texas A&M Research Foundation	22,920.00	3,057.91
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	2,922.89
Do	Centergas, Inc		
Do	College of Agriculture, New Mexico State University	9,000.00	559.82
Do	College of Engineering, New Mexico State University	9,000.00	602.44
Do	Federal Land Bank Assn	27,018.75	1,901.23
Do	Technology Services Group, Inc		
Do	Wellman, Inc	9,000.00	500.70
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	214.30
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	1,767.48	1,049.14
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	200.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,000.00	
Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315			
Frank G. Michelena, 1918 Kauai Place Costa Mesa, CA 92626	Landsdale Company		3,385.00
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			6,269.87
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			12,000.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		97,045.50	32,111.81
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,509.60	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	3,000.00	1,510.35
Do	National Council for Improved Health	4,000.00	3,120.79
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	415.40	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	300.00	
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Denny Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	500.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp	5,000.00	3,420.51
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	17,803.40	7,776.86
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	1,130.35
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	679.65	
Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	2,400.00	
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Dun & Bradstreet Corp		
Do	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Government of British Columbia/Min. of Dev. Trade & Tourism		
Do	Great Northern Insured Annuity Corp	2,915.00	
Do	Hewlett-Packard Co	440.00	
Do	Organization for Fair Treatment of Int'l Investments	6,520.00	
Do	Pulte Home Corp	15,230.00	
Miller & Co, P.C., 400 International Square 1825 I Street, NW Washington, DC 20006	Chevron USA, Inc		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque		
Do	City of Jamestown	45.00	
Do	City of Laredo		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of St. Louis		
Do	International Small Satellite Organization [ISSO]		
Do	Kenton-Boone Cable Television Board		
Do	Montgomery County Government		
Do	PRO-NAFTA		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company	1,000.00	862.00
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Comprehensive Health Education Foundation	1,875.00	1,530.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Tribal Council	300.00	245.00
Do	Momentum 92	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Troutlodge, Inc	1,000.33	833.33
Do	Waste Management Environmental Services, Inc	1,500.00	1,230.00
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Harold W. Mills Jr., 10916 Blue Roan Road Oakton, VA 22124	Eastman Kodak Company		
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For: Beirut University College)		
Do	Bannerman & Associates, Inc (For: Government of the U.A.E.)	2,000.00	88.00
Do	Bannerman & Associates, Inc (For: Government of Egypt)	2,000.00	72.00
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Houghton Mifflin Company		
Do	National Cable Television Assn, Inc	7,500.00	116.26
Do	Newspaper Assn of America	15,000.00	89.97
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	5,000.00	500.00
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	682.02	
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Acxiom Corp		
Do	Entergy		337.50
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	6,000.00	20.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Association	4,000.00	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,398.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For: International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For: Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For: Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For: Nissan North America, Inc.)	2,264.06	7.00
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL–CIO	5,000.00	
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	70.00
C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	180.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,125.00	
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,320.02	1,032.02
Catherine L. Monzel, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc		
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	18,385.00	
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT-Association for the Manufacturing Technology	1,398.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	Waste Management, Inc		409.99
Michael D. Moore, 601 13th Street, NW, Suite 850 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Powell A. Moore, 1615 L Street, N.W., Suite#1150 Washington, DC 20036	Agusta Group		
Do	Equifax Corp		
Do	EH Industries, Inc	750.00	
Do	Independent Video Retailers Assn		
Do	Lockheed Corporation	500.00	
Do	National Assn forthe Superconducting Super Collider	1,000.00	
Do	National Association of Broadcasters	500.00	
Do	Republic of Azerbaijan	4,000.00	
Do	DGA International, Inc (For: Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		
Do	STD Research Corp		
Do	U.S. Cane Sugar Refiners Assn of America		
Laura Moorhead, 1120 20th Street, NW, Suite 1000 Washington, DC 20036	NCR Corp		
Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036	Burlington Northern Railroad Corp	2,000.00	1,374.98
Do	Harvest States Cooperative	2,500.00	1,706.87
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,239.42
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		65.11	64.96
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,000.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	140.00	43.75
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	2,696.00
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,750.00	655.15
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	46.86
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	810.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition for an Undercharge Relief Bill	8,463.00	43.00
Do	Coalition of Supporters of the Shipping Act		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	21,363.42	200.00
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co		
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al	815.94	5,676.02
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc		
Do	Morrison Associates (For: Blue Cross & Blue Shield Assn)	60,321.42	291.74
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		49,200.00	34.85
Mark E. Morrison, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corp	2,000.00	473.54
Philip D. Morrison, 815 Connecticut Avenue NW, #900 Washington, DC 20006-4078	Baker & McKenzie (For: Continental European Insurance Coalition)	41,202.00	9,473.07
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco		
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	9,676.25	75.14
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp	1,403.75	
Morrow Realty Co., Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			866.00
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Do	Beneficial Management Corp of America		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	644.73	777.66
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	430.00	275.00
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Peyton H. Moss, 1050 17th Street, NW, #350 Washington, DC 20036	AFL–CIO Maritime Committee		
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	540.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical		
Do	ABECITRUS - Brazilian Citrus Assn		
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)		
Do	Seatrain Tankers Corp		
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			4,915.12
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	20,000.00	
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	165.34
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls		
Do	Delaware & Hudson Railroad	2,500.00	
Do	Florida East Coast Railway Co	1,000.00	
Do	North American Equipment Dealers Assn	2,500.00	
Do	Soo Line Corporation	10,000.00	
Do	TACA International Airlines		
Robert J. Mulligan, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	3,059.00	405.72
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp		
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		
Barbara Munson, 1000 Wilson Blvd #3012 Arlington, VA 22209	Consumer Bankers Assn		461.84
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	7,000.00	
Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75251	Caltex Petroleum Corp		
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware	33,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	1,313.22
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,062.00	96.86
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	1,300.00	22.00
Do	American Assn of Public Health Dentistry	1,375.00	5.50
Do	Atochem, N.A.		
Do	City of Philadelphia		
Do	Cleveland Cliffs Iron Co	350.00	11.00
Do	Coalition for Oral Health		
Do	Connecticut Mutual Life Insurance Co	400.00	16.00
Do	Delaware River Port Authority	400.00	5.50
Do	Independence Blue Cross	400.00	16.00
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	100.00	11.00
Do	International Assn of Environmental Testing Laboratories	600.00	27.50
Do	Iron Ore Assn	200.00	16.00
Do	LTV Corporation	400.00	22.00
Do	National Council of Coal Lessors	400.00	30.00
Do	New England Mutual Life Insurance Co	450.00	10.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	450.00	25.00
Do	Penn Mutual Life Insurance Co	450.00	25.00
Do	PepsiCo	400.00	25.00
Do	Philadelphia Regional Port Authority		
Do	Players Club International	450.00	25.00
Do	Porsche Cars North America, Inc	300.00	11.00
Do	Qualimetrics, Inc		
Do	Shubert Organization, Inc	800.00	25.00
Do	Student Loan Interest Deduction Restoration Coalition	850.00	38.50
Do	Swaziland Sugar Assn	200.00	11.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp	700.00	11.00
Do	Temple University	2,250.00	55.00
Do	Wisconsin Central Transportation Corporation	200.00	15.00
Mutual Life Insurance Co Tax Committee, 1111 Durham Avenue South Plainfield, NJ 07080-2398			
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	191.67
Christopher Alton Mynck, 1155 15th Street, NW, #900 Washington, DC 20005	National AgriChemical Retailers Assn	12,600.00	5,480.64
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For: Alascom, Inc.)		
Do	Koteen & Naftalin (For: Telephone & Data Systems, Inc.)		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	65.98
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	2,050.00
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		261,825.00	20,700.51
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,321.83	11,019.60
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			7,800.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		218,354.74	218,354.74
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			32,099.00
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			262.50
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			100,139.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		171,509.57	171,509.57
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		527.00	548.88
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			54,175.90
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,280.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		454,903.18	13,405.78
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598		58,036.00	32,397.17
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			8,600.00
National Coalition for Marine Conservation, Inc, 5105 Paulsen Street, #243 Savannah, GA 31405		69,238.83	35,762.93
National Comm of Cities and States for Air Service, Transportation Building Room 417 St. Paul, MN 55156		2.49	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		2,961,477.00	2,961,477.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		142,227.88	48,501.00
National Consumers League, 815 15th Street, NW, #516 Washington, DC 20005		3,000.00	3,165.12
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		49,064.41	49,064.41
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		21,304.38	24,813.21
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		3,770.00	8,718.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		9,699.71	8,029.66
National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005			6,644.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		5,624.63	5,624.63
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214			42,915.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	15,380.20
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			11,472.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			82.00
National Grange, 1616 H St., NW Washington, DC 20006		16,500.00	16,500.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality	971.77	1,235.54
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,487.25
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		6,727.35	39,590.18
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			9,683.00
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		75,000.00	12,545.21
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,709.43
National Lead Housing Assn, 2300 M Street, NW, Suite 260 Washington, DC 20037		666.67	666.67

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		1,333.34	1,333.34
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			1,115.71
National Multi Housing Council, 1850 m street, nw, suite 540 Washington, DC 20036			18,072.35
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		17,560.00	17,560.00
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			19,926.53
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		7,128.53	7,128.53
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036		2,666.50	
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			924.64
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group		282.51
Do	Columbia Communications Corp	12,548.30	518.17
Do	Ferrell Gas	2,204.69	236.32
Do	Mothers & Others for a Livable World		
Do	Reuters North America, Inc	223.44	43.10
Do	Mrs. Roger Stevens	3,000.00	
Do	Trian Group, L.P.		8.23
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		28,505.00	17,823.00
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,083.43
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		5,767.00	5,767.00
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			6,342.50
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			47,968.31
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn		
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	586.20
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	153.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		119,638.00	90,691.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Community Services Society	18,000.00	225.20
Do	Embassy of the Republic of Korea	67,500.00	756.41
Do	General Electric Industrial and Power Systems	36,000.00	767.13
Do	Government of Jamaica	55,000.00	6,739.63
Do	Government of Trinidad and Tobago	100,000.00	10,778.48
Do	Islamic Republic of Pakistan	90,000.00	2,027.82
Do	Joint Diseases North General Hospital	12,000.00	6.54
Do	Kingdom of Morocco		15,630.72
Do	Pasminco, Inc	1,487.50	71.66
Do	Queens Borough Public Library	24,000.00	2,731.59
Do	Republic of Cameroon		396.84
Do	Republic of Cote d'Ivoire		416.59
Do	Republic of Guinea	100,000.00	31,936.40
Do	Republic of Kenya		
Do	Republic of Tunisia	90,000.00	7,738.43
Do	Schomburg Center for Research In Black Culture	2,000.00	81.66
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	50.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Alexander Netchvolodoff, 1320 19th street, n.w. #200 Washington, DC 20036	Cox Enterprises, Inc		490.31
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	1,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		63,073.00	68,272.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,560.44	4,518.48
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: Castine Partners)		
Do	Thacher Proffitt & Wood (For: G.E. Capital Mortgage Insurance Corp.)		
Do	Thacher Proffitt & Wood (For: North Side Savings Bank)		
Do	Thacher Proffitt & Wood (For: Peoples Westchester Savings Bank)		
New York for NAFTA, 70 Pine Street, 36th Floor New York, NY 10270		1,000.00	
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017			38,440.11
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program		
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	13,418.76	51.00
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	944.77	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,250.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	4,000.00	1,015.21
William W. Nickerson, 1919 Pennsylvania Avenue, NW, Suite 850 Washington, DC 20006	Esstar	49,656.25	
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	1,800.00	
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For: Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For: Septemberfest Salute to Labor, Inc.)		
William A. Nitze, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy	644.00	
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	15.00	
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn		
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	243.00	
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	10,664.06	22.06
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			23,946.48
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,414.00	80.70
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For: Chatsworth Cranberry)		
Do	Montgomery McCracken Walker & Rhoads (For: Coalition for Affordable Home Financing).		
Do	Montgomery McCracken Walker & Rhoads (For: Heintz Corp.)		
Do	Montgomery McCracken Walker & Rhoads (For: International Republican Institute).		
Do	Montgomery McCracken Walker & Rhoads (For: Keene Corporation)		
Do	Montgomery McCracken Walker & Rhoads (For: Pilots Assn of the Bay and River Delaware).		
Do	Montgomery McCracken Walker & Rhoads (For: Ports of Philadelphia Maritime Exchange).		
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Ameritas Life Insurance Corp	45.00	
Do	Health Insurance of America	450.00	
Do	Lincoln National Life Insurance Company	450.00	
Do	Mutual of Omaha	495.00	
Do	National Assn of Chain Drug Stores	500.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	Washington National Insurance Company	450.00	
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036			3,000.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,531.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			4,299.87
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Assn of American Railroads	1,625.00	421.21
Glenn Lawrence Northup, P.O. Box 34595 Bethesda, MD 20827	Convenient Automotive Services Institute		
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Physio-Control Corp	9,750.00	
Do	Royal Seafoods, Inc	1,300.00	
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffman-LaRoche, Inc		
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	4,000.00	355.00
Julie Noufer, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	350.00	240.25
Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff Quade & Douglas, Inc		
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	200.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	2,000.00	
J. Michael Nussman, 601 13th Street, NW, #370 ?South Washington, DC 20005	American Fishing Tackle Manufacturers Assn	20,000.00	
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
NAIOP, Association for Commercial Real Estate, 1215 Jefferson Davis Highway Suite 100 Arlington, VA 22202		143,000.00	36,842.00
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,367.56	164.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual		
Do	ICI Americas, Inc	9,000.00	
Do	Kellogg Company		
Do	Mutual Life Insurance Co of New York		
Do	Pacific Architects and Engineers, Inc		
Do	Underwriters at Lloyd's London		
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc		
Do	Primerica Financial Services	15,999.00	356.43
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation		
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	316.64
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation	715.38	1,293.60
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	2,280.00	
John T. O'Connor, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	19,490.00	
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For: May Department Stores Co.)		
Do	Albers & Company (For: Profit Recovery Group)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For: American College of Occupational Medicine)		
Do	Kent & O'Connor, Inc (For: American Supply Association)	1,500.00	759.09
Do	American Warehousemen's Association	2,500.00	1,328.43
Do	Kent & O'Connor, Inc (For: National Assn of Fleet Administrators)		
Do	Kent & O'Connor, Inc (For: Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance of Marine Parks and Aquariums	2,288.75	
Do	American Clinical Laboratory Assn	2,900.00	
Do	American Family Life Assurance Co	6,799.00	
Do	Bobby Berosini, Ltd		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	7,349.00	
Do	Coca-Cola Company	758.50	
Do	Colt's Manufacturing Company, Inc		
Do	CNA Insurance Co	6,011.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation		
Do	Eastern Michigan University	243.00	
Do	Ecomarine USA		
Do	Glass Packaging Institute		
Do	Government of Israel Supply Mission		
Do	Government of Peru		
Do	Health Images, Inc	2,400.00	
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc		
Do	Mexican Fishing Association		
Do	Mullendore & Watt		
Do	National Assn of Optometrists and Opticians, Inc	2,000.00	
Do	National Assn of Portable X-Ray Providers		
Do	New York State Mortgage Loan Corp	3,859.37	
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc	125.00	
Do	Solid Waste Agency of Northern Cook County		
Do	State of Alaska		
Do	U.S. Wild Horse & Burro Foundation		
Do	Wards Cove Packing Company	167.69	
Grady O'Cummings III, 198 MacDougal St. Brooklyn, NY 11233			
Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	23,750.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,121.72	328.04
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,489.48	532.02
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Klukwan, Inc	20,743.00	3,289.60
Do	Mutual of America	49,200.14	14,686.19
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	96.70
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,875.00	46.52
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America	40.00	11,900.73
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Joseph P. O'Neill, 1455 Pennsyvania Ave., NW Washington, DC 20004	American Forest & Paper Assn	25,000.00	
Do	American Trucking Assn	20,000.00	
Do	Blue Cross Blue Shield Assn	40,000.00	
Do	Boston Capital Partners, Inc	12,000.00	
Do	Mexican Department of Commerce & Finance		
Do	Public Strategies Washington, Inc (For: Southwest Airlines)	12,000.00	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn		
Do	Beth Israel Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	General Mills, Inc		
Do	Glass Packaging Institute		
Do	JM Family Enterprises, Inc		
Do	Massachusetts General Hospital		
Do	National Cable Television Assn		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co		
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc		
John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036	Federal Home Loan Mortgage Corp		
Do	Sears Mortgage Corp	1,500.00	103.09
Do	Securities Industry Assn	2,788.20	86.10
Do	The Limited, Inc	830.00	118.85
John J. O'Shaughnessy, 1001 G Street, NW 7th Floor East Washington, DC 20001	Strategic Management Associates, Inc (For: American Paper Institute)		
Do	Strategic Management Associates, Inc (For: Brooklyn Hospital Center)		
Do	Strategic Management Associates, Inc (For: Care Visions Corporation)		
Do	Greater New York Hospital Assn	20,001.00	925.00
Do	Strategic Management Associates, Inc (For: Healthcom International)		
Do	Strategic Management Associates, Inc (For: Hospital for Special Surgery)		
Do	Strategic Management Associates, Inc (For: Lenox Hill Hospital)		
Do	Strategic Management Associates, Inc (For: Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For: MicroGeneSys, Inc.)	22,500.00	250.00
Do	Strategic Management Associates, Inc (For: Montefiore Medical Center)		
Do	Strategic Management Associates, Inc (For: Mount Sinai Medical Center)		
Do	Strategic Management Associates, Inc (For: New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For: Our Lady of Mercy Medical Center)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	7,500.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	331.98

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,604.79
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,498.83	
Mario Obledo, 1100 15th Street, NW, Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	4,500.00
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,007.60	
R. Michael Ochs, 1455 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	American Trucking Assn	20,000.00	
Do	PUblic Strategies Washington, Inc (For: Southwest Airlines)	12,000.00	
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Office & Professional Employees Intl Union, Local 2, AFL–CIO, 8455 Colesville Road, #1250 Silver Spring, MD 20910-3320			
Sharon E. Ogawa, 1227 25th Street, NW, Suite 610 Washington, DC 20037	American Managed Care & Review Assn		87.00
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	902.84
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	750.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,500.00	230.00
Oldaker Ryan & Leonard, 1112 16th Street, NW, Suite 500 Washington, DC 20036	Alleghany Health Education & Research Foundation		
Do	Alliance for Managed Competition	1,800.00	
Do	American International Group		
Do	Association of American Railroads		
Do	Avis, Inc		
Do	Baxter Healthcare Corp		
Do	Burlington Resources, Inc		
Do	Federal Express		
Do	National Cable Television Assn		
Do	Pfizer, Inc		
Do	Phillip Morris, Inc	200.00	
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America		
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	418.98	91.25
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	673.00	62.00
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	Duramed Pharmaceuticals, Inc		
Do	Gentrac, Inc		
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	1,550.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	3,975.00	
Do	National Frozen Pizza Instutute		
Do	Pillsbury Company	700.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	1,900.00	
Do	Southern Star Shipping Company, Inc		
Do	U.S. Surgical Corporation		
Do	Vicam		
Do	Western States Meat Assn		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,275.00	4,275.00
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		2,871.68	1,815.47
Raul Ortega, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext	625.00	1,255.60
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,315.78	
Sima Osdoby, 305 7th Street, SE Washington, DC 20003	Women's Action for New Directions, et al.	4,300.00	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	210.00
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	1,528.21
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	General Dynamics		
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For: Arctic Power)	1,400.00	
Do	Hooper Hooper Owen & Gould (For: Arkla, Inc.)	7,500.00	
Do	Hooper Hooper Owen & Gould (For: BP America, Inc.)	3,000.00	
Do	Hooper Hooper Owen & Gould (For: City of San Francisco)	9,000.00	
Do	Hooper Hooper Owen & Gould (For: CSX Corp/Yukon Pacific Corp.)	3,600.00	
Do	Hooper Hooper Owen & Gould (For: Ebasco Services, Inc.)	5,400.00	
Do	Hooper Hooper Owen & Gould (For: Entergy Corp.)	4,500.00	
Do	Hooper Hooper Owen & Gould (For: Integrated Resources Group, Inc.)	3,500.00	
Do	Hooper Hooper & Owen (For: Lockheed Environmental Sciences & Technology)		
Do	Hooper Hooper Owen & Gould (For: Mobil Corp.)	2,000.00	
Do	Hooper Hooper Owen & Gould (For: Panhandle Eastern Corp.)	15,000.00	
Do	Hooper Hooper Owen & Gould (For: Science Applications, Inc.)	11,250.00	
Do	Hooper Hooper Owen & Gould (For: Tulane University)	750.00	
Do	Hooper Hooper Owen & Gould (For: Water Island Civic Association)	4,500.00	
Sally LaHue Owen, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	3,412.00	115.88
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL–CIO Dept of Legislation	14,476.26	454.99
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	34,925.00	3,832.38
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	144.00	
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		61,436.00	19,845.00
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	164.70
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	266.34
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc		
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Better Communications, Inc	13,200.00	207.51
Do	CSX Corp	1,500.00	
Do	Government of the Republic of Transkei	18,000.00	
Do	Peoples Republic of the Sudan	60,000.00	1,093.89
Do	Tunisian Association for Freedom		
John Palafoutas, 111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP Inc	2,000.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	1,168.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For: American Soc of Composers Authors & Publishers)	6,750.00	198.50
Do	Palumbo & Cerrell, Inc (For: Atlantic Richfield Co.)	2,925.00	130.00
Do	California Forestry Association	262.50	
Do	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)	337.50	
Do	Palumbo & Cerrell, Inc (For: Government Employees Hospital Assn)	500.00	112.02
Do	New Jersey Turnpike Authority	1,612.50	102.44
Do	Proctor & Gamble Mfg Co	4,812.50	176.75
Do	Palumbo & Cerrell, Inc (For: Southern California Rapid Transit District)	1,862.50	
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	45,000.00	24,827.30
Do	Atlantic Richfield Co	27,000.00	11,023.08
Do	California Forestry Association	12,000.00	2,451.35
Do	Cerrell Associates, Inc (For: California Independent Mortgage Brokers Assn)	2,550.00	6,883.00
Do	Government Employees Hospital Assn	15,000.00	10,949.35
Do	New Jersey Turnpike Authority	23,999.25	8,106.30
Do	Proctor & Gamble Mfg Co	52,500.00	13,584.80
Do	Southern California Rapid Transit District	12,500.00	11,816.76
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,192.00	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA		6,787.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	15,000.00	
Lawrence Parks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		540.15
Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	11,192.30	745.90
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	450.00	
Do	C.R. Eggs	1,600.00	
Do	Cessna Aircraft Compnay		
Do	Columbia Laboratories, Inc	1,200.00	
Do	Eli Lilly & Company		
Do	Federal Judges Association	350.00	
Do	Genentech	1,400.00	
Do	Generic Pharmaceutical Industry Assn	1,000.00	
Do	Glaxo, Inc	1,000.00	
Do	Herbalife International of America, Inc	500.00	
Do	International Assn of Broadcast Monitors	1,800.00	
Do	Lockheed Aeronautical Systems Co	1,000.00	
Do	Motion Picture Assn of America, Inc	2,400.00	
Do	Nonprescription Drug Manufacturers Assn		
Do	Office of the Immigration Judges	150.00	
Do	Opperman Heins & Paquin	1,400.00	
Do	Pfizer, Inc	1,200.00	
Do	Recording Industry Assn of America	400.00	
Do	Syntex USA, Inc	800.00	
Do	Systech Environmental Corp	1,200.00	
Do	Unilever	1,000.00	
Do	Upjohn Company	1,400.00	
Do	Utah Natural Products Alliance	2,000.00	
Do	Won Door Corporation	1,000.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,224.64	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	576.62
Andrea B. Passarelli, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		1,836.60
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute	11.68	15.80
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra		
Do	City of Alhambra (Long Beach 710 Freeway)	12,033.50	2,133.41
Do	City of Bell & Bell Community Redevelopment Agency	4,592.00	135.50
Do	Burke Williams & Sorensen (For: City of Santa Ana)	1,299.00	
Do	Burke Williams & Sorensen (For: City of Santa Clarita)	272.00	
Do	City of Temecula		
Richard M. Patterson, 1776 Eye St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,987.00
Sally Patterson, 810 Seventh Ave. New York, NY 10019	Planned Parenthood Federation of America	221.39	
Patterson Belknap Webb & Tyler, 30 Rockefeller Plaza, Room 3600 New York, NY 10112	New York State Deferred Compensation Board	2,835.00	123.72
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	11,087.72	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for FPI Reform		
Do	Ad Hoc Coalition for Intermarket Coordination		
Do	Ad Hoc Coalition Administration for Native Americans		
Do	Air Products & Chemicals, Inc		
Do	Aiwa America, Inc		
Do	Alabama Power Co		
Do	Amenco	560.00	
Do	American Bankers Assn	682.50	40.00
Do	American Congress on Surveying & Mapping		
Do	American International Automobile Dealers Assn		
Do	American International Group		
Do	American Soc of Plastic & Reconstructive Surgeons		
Do	American Stock Exchange, Inc		
Do	Ares-Serono, Inc		
Do	Armco, Inc		
Do	Association of Trial Lawyers of America	2,251.25	115.00
Do	Bankers Trust Company		
Do	Bath Iron Works Corp		
Do	Beauty & Barber Supply Institute		
Do	Blair Corporation		
Do	Blue Cross of California	820.00	40.00
Do	Bluebonnet Savings Bank FSB		
Do	Board of Mississippi Levee Commissioners		
Do	Bristol Myers/Squibb Corp		
Do	BIC Corporation		
Do	Casio		
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology	455.00	16.50
Do	Center for Strategic Tax Reform [CSTR]	3,600.00	320.00
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	1,540.00	65.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange		
Do	Chrysler Corporation		
Do	City & County of Denver		
Do	City of Baltimore		
Do	Climate Council	435.00	14.00
Do	Clorox Company		
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Corridor Broadcasting Corp		
Do	Council on Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California	130.00	
Do	Dealer Action Association		
Do	Denver Colorado Planning Department		
Do	Discovery Channel		
Do	Dole Fresh Fruit Co		
Do	Doyon Corporation		
Do	Duty Free Shoppers Group, Ltd		
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Encore Computer Corp		
Do	EMILY's List	67.50	10.00
Do	Falconwood Corp		
Do	Federation Against Inequitable & Progressive Taxation		
Do	Fiart Cantieri Italiani, S.P.A.		
Do	Flexi-Van Leasing, Inc	22.75	2.00
Do	Florida State Assn of Supervisors of Elections, Inc		
Do	Freedom to Advertise Coalition	1,642.50	22.00
Do	Fuji Photo Film USA, Inc		
Do	Gana-A'Yoo, Limited		
Do	General Electric Co		
Do	Genstar Container Corp	22.75	2.00
Do	Greensboro-Jamestown Neighborhood Assn	165.00	
Do	Charles Heilbronn, et al.		
Do	Hillenbrand Industries		
Do	Hitachi Sales Corp of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Home Owners Warranty Corp		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc		
Do	Itel Containers International Corp		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	110.00	5.00
Do	Johanna-Dairies, Inc	3,667.50	665.00
Do	Johnson Controls World Services, Inc		
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation		
Do	KAO Infosystems		
Do	Landauer, Inc		
Do	Local Governments Coalition on Wetlands Protection		
Do	Loop, Inc		
Do	Loyola University		
Do	Manhole Adjusting, Inc		
Do	Marathon Oil Co		
Do	Mars, Inc	4,372.50	181.00
Do	Mass Mutual	271.25	1.50
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America		
Do	Maxell Corp of America		
Do	Metropolitan Life		
Do	Mitsubishi Electric Sales of America, Inc		
Do	Mutual Legislative Committee	575.00	8.00
Do	MCI Telecommunications, Inc	720.00	
Do	Nakajima USA		
Do	Nakamichi USA		
Do	Nansay Hawaii	967.50	20.00
Do	National Assn for the Superconducting Super Collider [SSC]		
Do	National Assn of Health Underwriters	307.50	15.00
Do	National Assn of Life Underwriters		
Do	National Assn of Retail Druggists		
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	2,087.50	53.50
Do	National Cable Television Assn, Inc		
Do	National Marine Manufacturers Assn		
Do	National Retail Federation [RITAC]	2,000.00	
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	870.00	30.00
Do	New York Life Insurance Company	768.75	22.50
Do	Newspaper Association of America	662.50	55.00
Do	Northwestern Mutual Life Insurance Co		
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc		
Do	NMTBA-National Machine Tool Builder's Assn		
Do	Onkyo USA Corp		
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	313.75	37.00
Do	Pepsico, Inc	900.00	20.00
Do	Pioneer Electronics (USA), Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	4,000.00	
Do	Donald Rector		
Do	Reinsurance Assn of America	775.00	30.00
Do	Reliance Group Holdings, Inc	22.75	2.00
Do	Republic of Guatemala		
Do	Republic of Uganda		
Do	Royal Trustco Ltd		
Do	Sanyo Electronics, Inc		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Sharp Electronics Corp		
Do	Charles E. Smith Companies	202.50	
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	4,560.00	159.00
Do	Sony Corp of America		
Do	Sprat Bay Corp	600.00	
Do	Standard Federal Savings Bank		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman		
Do	Susan G. Komen Foundation	880.00	60.00
Do	Sybron Corp		
Do	STS Hydropower, LTD		
Do	Thomson US, Inc	113.75	
Do	Toshiba America, Inc		
Do	Trans Ocean, Ltd	22.75	2.00
Do	Triton Container	22.75	2.00
Do	TDK USA Corp		
Do	TEAC Corp of America		
Do	U.S. Air, Inc	260.00	
Do	U.S. Tobacco Company		
Do	US JVC Corporation		
Do	USX Corporation		
Do	Waste Management, Inc		
Do	Wayne County Michigan	390.00	
Do	Westinghouse Electric Corp		
Do	Yamaha Electronics Corp, USA		
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	40.00	
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	2,000.00	21.32
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	5,690.00	
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology	2,755.00	
Do	American Trucking Assns, Inc	4,417.50	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	13,608.75	
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	1,448.75	
Do	Novo-Nordisk Pharmaceuticals, Inc	1,343.75	179.80
Do	Roadway Services, Inc		
Do	Siskiyou Co Board of Supervisors & Office of Education	218.75	
Do	Tobacco Institute	8,265.00	
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For: American Assn of Retired Persons)		
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	
Do	Congressional Consultants (For: National Renal Administrators Assn)	3,000.00	150.00
Do	Victims of Insurance Company Errors (Voice)	1,000.00	20.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	237.25
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,980.00	
Bruce Peabody, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	2,875.00	
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	National Leased Housing Assn	666.67	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	174.79
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			6,828.38
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin (For: Physicians Who Care)		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Physicians Who Care	1,500.00	
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Frank Pecquex, 815 16th Street NW, #510 Washington D.C.	Maritime Trades Department, AFL–CIO	5,000.00	27.30
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,166.00	309.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			3,878.61
Joseph M. Penot Sr., 1415 Moylan Road Panama City Beach, FL 32407	Radio-Electronics Officers Union		
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024		40.00	11,900.73
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	General Electric Co		
Do	James River II, Inc	4,375.00	1,250.00
Do	Puget Sound Power & Light Company		
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	1,100.00	346.00
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehabilitation Counseling Assn		
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	578.70	181.26
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	16,524.37	4,129.87
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,569.00	
John W. Pestle, 171 Monroe Ave., #800 Grand Rapids, MI 49503	Michigan Municipal Cooperative Group	25,869.00	6,060.00
Phillips S. Peter, 3135 Easton Turnpike Fairfield, CT 06431	General Electric Co	200.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn		
Robert Peters, 49 West 12th Street, #2A New York, 10 10011	Morality in Media, Inc	64.96	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Dan A. Peterson, 1314 Skipwith Road McLean, VA 22101	Martin Marietta Corporation	6,773.50	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
J. Scott Peterson, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,008.87	99.98
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute	848.00	1,213.27
Lars E. Peterson, 800 Connecticot Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,000.00	15.00
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	8,444.00
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	345.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,887.00
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	Medical College of Ohio	2,500.00	
Steven J. Pfister, National Retail Federation 701 Pennsylvania Avenue, NW #710 Washington, DC 20004	National Retail Federation	3,000.00	418.17
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	283.92
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		54,713.50	54,713.50
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,417.80	342.80
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	837.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	2,200.00	6,999.83
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	30,000.19	4,595.77
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	6,482.00	2,054.73
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	2,000.00	3,482.03
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	257.25
Pamela Phillips, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	503.09
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,967.00	83.19
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,985.00	
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	1,384.93
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	992.58	622.54
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		122.13
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	3,000.00	
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	City of Portsmouth, New Hampshire		
Do	Latin American Management Assn		
Do	Villa Banfi, U.S.A		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,363.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For: Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For: Septemberfest Salute to Labor, Inc.)		
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society	173.85	124.70
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		18,918.99	18,918.99
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	2,335.00	727.43
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	8,980.00	156.28
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	Loeffler & Leath, Inc (For: Central South West Corp.)	35.00	
Do	Loeffler & Leath, Inc (For: Citicorp)	175.00	
Do	Loeffler & Leath, Inc (For: City of Philadelphia)	35.00	
Do	Loeffler & Leath, In (For: Electronic Data Systems Corp.)		
Do	Loeffler & Leath, Inc (For: Hong Kong Trade Development Council)		
Do	Loeffler & Leath, Inc (For: National Assn of Broadcasters)	210.00	
Do	Loeffler & Leath, Inc (For: Sematech)		
Do	Loeffler & Leath, Inc (For: United Services Automobile Assn)	140.00	
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	1,110.00	105.61
Thomas C. Polgar, 1875 Eye Street, NW, Suite 1225 Washington, DC 20006	Paramount Communications, Inc	3,750.00	165.00
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		2,905.16
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		50.00
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons		1,701.16
Alfred M. Pollard, 900 19th Street NW Washington, DC 20006	Savings & Commmunity Bankers of America	5,230.77	29.00
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For: Greenwood Development Corp.)		794.28
Karen Pollitz, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	2,287.71	127.96
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
William B. Pomeroy, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn		
Kathryn Pontzer, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	14,000.00	
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			5,379.28
Julie Anna Potts, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	518.06
Davis W. Powell, 30 Rockefeller Plaza, Room 3600 New York, NY 10112	Ministers & Missionaries Board of American Baptist Churches	3,028.45	889.83
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Rollerblade, Inc	760.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,854.12	156.64
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,012.25
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	70.00
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,677.87	20.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American President Lines		
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co		
Do	Calista Corp		
Do	Chambers Development Co, Inc		
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	900.00	
Do	Data General Corp		
Do	Delta Queen Steamboat Company		
Do	Earthquake Project		
Do	ENVIROTIRE, Inc		
Do	Georgia-Pacific Corp		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America	253.00	
Do	Kraft General Foods		
Do	Kyokuyo Co, Ltd	637.50	
Do	Microsoft Corp	5,017.50	
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp	637.50	
Do	Nissui Shipping Corp	637.50	
Do	OMI Corp		
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rokuchu Marine Corp	637.50	
Do	Software Pubishers Association		
Do	Sunmar Shipping, Inc		
Do	Taiyo Gyogyo Kabushiki Kaisha	637.50	
Do	Tele-Communications, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	Westinghouse Electric Company		
Do	Weyerhaeuser Co		
Michael Allen Price, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	581.66
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation		
Do	General Electric Co		
Do	Investment Company Institute		
Do	National Foreign Trade Council	350.00	10.00
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Sydney Probst, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	3,100.00	
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	550.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation		
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		59,425.00	64,325.00
Public Employee Department, AFL–CIO, 815 16th St., NW Washington, DC 20006		81,929.44	24,437.50
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			192.50
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Hillwood Development Corp	1,080.00	63.57
Do	Sammons Enterprises, Inc		
Do	Southwest Airlines Co	3,600.00	191.90
Charles R. Pucie Jr., 1615 L Street, NW, Suite 1150 Washington, DC 20036	Republic of Azerbaijan		
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	4,894.00	3,240.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL—CIO		
Susan Putnam, 1301 K Street, NW Washington, DC 20005	[redacted]	143.66	79.92
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22005			
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610			
Patricia A. Quealy, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	7,750.00	1,467.61
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,700.00	
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	1,500.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	2,364.99
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	1,187.50	
Do	Radin & Associates Inc (For: Washington Public Power Supply System)	560.00	
Do	Radin & Associates, Inc. (For: Washington Public Utility Districts Assn)	1,781.25	
Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel	Rafael Armament Development Authority	550.00	2,100.00
Do	Soltam LTD		
Do	TAAS, Israeli Industries LTD [IMI]	3,000.00	2,100.00
Do	Urdan Industries LTD		
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	American Society of Hematology	500.00	130.00
Do	Association of American Cancer Institutes	2,000.00	350.00
Do	Washington Center for Internships		
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			28.16
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For: Ameritech, et al.)		
Do	Graham & James (For: R. R. Donnelley & Sons Company)		
Do	Graham & James (For: English Bay Corp.)		
Do	Graham & James (For: Federal Judges Association)		
Do	Graham & James (For: Federal Magistrate Judges' Assn)		
Do	Graham & James (For: Milk Specialties Co.)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For: Business Computer Training Institute)	1,850.00	364.27
Do	Lindsay Hart Neil & Weigler (For: Christian Copyright Licensing, Inc.)	15,573.00	2,649.69
Do	Lindsay Hart Neil & Weigler (For: Moex Corp.)	12,000.00	1,582.84
Diana Ramsay, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	1,195.44	
Do	National Independent Dairy-Foods Assn	137.92	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	7,854.81
Larry Rasky, One Beacon Street Boston, MA 02138	Rasky & Company (For: National Cable Television Assn, Inc.)		
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	5,193.35	
Do	Bayley Seton Hospital	13,073.97	
Do	Cumberland Packing Company	1,574.17	
Do	IA Associates, Ltd	3,915.19	
Do	Lutheran Medical Center	8,536.07	
Do	Pegasus Foods, Inc	1,096.50	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	500.00	45.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,379.00	668.10
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	64.00
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		14,430.00	14,430.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	717.75	
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	782.13	77.25
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	40.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Goldman Sachs & Co	255.00	
Do	High Speed Rail Assn	875.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	756.00
Reese Communications Companies,Inc., 3050 K St., NW., Suite 200 Washington, DC 20007	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	209.38
Martin A. Regalia, 900 19th Street NW Washington, DC 20006	Savings and Community Bankers of America		
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		322.60
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		7,040.00	2,150.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		28,447.50	29,043.72
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	3,500.00	204.19
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel	1,098.00	102.01
Do	City of Cleveland, Department of Port Control	1,702.50	63.69
Do	City of Philadelphia		
Do	Edison Electric Institute		
Do	Henschel, Inc		
Do	Kabi Pharmacia, Inc	947.75	96.59
Do	Minnesota Power	275.00	
Do	MDU Resources Group, Inc		
Do	Nishika Corp		
Do	Pride Refining, Inc	5,256.75	192.47
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	SPD Technologies		
Do	Tucson Electric & Power Co		48.50
Do	United Illuminating Company		22.00
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equipment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,500.00	655.15
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	21.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	4,514.81
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		246,661.57	281,218.75
Julia Renjilian, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors	2,500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	307.54
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	10,762.00	
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	Pepsico, Inc		
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	100.00	137.06
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		141,421.84	51,779.33
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	22,273.92	566.43
Allan R. Rexinger, 717 A Street, SE Washington, DC 20003	Nonprescription Drug Manufacturers Assn	875.00	
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,750.00	130.81
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Michael T. Richard, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,156.52	569.33
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	General Dynamics	1,000.00	
Do	Hughes Aircraft Company		
Do	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,750.00	
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,125.00	4,504.52
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	97.66
Mary Ann Richardson, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	400.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,056.00	120.81
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	27,571.00	2,093.58
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		4,500.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	907.40
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	16,100.00	66.50
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	3,650.00	22.50
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	800.00	
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	183.38	
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	375.00	
Joan D. Ringel, 511 Sixteenth Street, Suite 210 Denver, CO 80202-4227		875.00	
Irene Ringwood, 601 13th Street, NW, Suite 370S Washington, DC 20005	Direct Service Industries, Inc	3,000.00	
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Alexander Hamilton Life Insurance Co		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,692.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	260.16	493.58
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Authors Guild	7,500.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,599.00	4,414.00
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice Trade Association		
Do	Certified Color Manufacturers Assn		
Do	Flavor and Extract Manufacturers Assn		
Do	Fragrance Materials Assn		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,638.87
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	275.36
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	11,109.00	191.90
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	Crystal Cruises, Inc	435.00	8.00
Do	International Group of P&I Clubs	290.00	8.00
Do	Polaris Industries	4,500.00	42.00
Do			
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For: Feibel-Garek)		
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,500.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	16,200.00	1,600.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For: American Cyanamid Co, Inc.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bailey & Robinson (For: American Imaging Assn)		
Do	Bailey and Robinson (For: Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For: Case Management Society)		
Do	Bailey and Robinson (For: Human Factors Applications, Inc.)		
Do	Bailey & Robinson (For: Investment Company Institute)		
Do	Bailey & Robinson (For: National Assn of Broadcasters)		
Do	Bailey & Robinson (For: Natural Disaster Coalition)		
Do	Bailey & Robinson (For: Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For: Upjohn Co.)		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	6,000.00	
Do	Atari Games Corp		
Do	Central Valley Project Water Association		
Do	Commission on Self-Determination	500.00	
Do	CALCOT, Ltd		
Do	Ingersoll-Rand		
Do	Mesa Limited Partnership		
Do	Minolta Corp		
Do	Napa Flood Control and Water Conservation District		
Do	National Venture Capital Association	500.00	
Do	New York Mercantile Exchange [NYMEX]		
Do	Sun-Diamond Growers of California	1,500.00	
Do	United States Banknote Corp		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For: British Aerospace, Inc (Government Programs Office)).	1,000.00	
Do	Robison International, Inc (For: FMC Corp.)	1,000.00	
Do	Robison International, Inc (For: McDonnell Douglas Corp.)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW. #800 Washington, DC 20001	Allied-Signal Aerospace Companyy	2,960.00	2,625.74
Do	British Aerospace, Inc		
Do	British Aerospace, Inc (Government Programs Office)	9,801.98	8,687.40
Do	FMC Corporation	1,200.00	1,065.30
Do	General Atomics Technologies	3,191.10	2,820.83
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	3,915.84	3,465.98
Do	Oshkosh Truck Corp	760.00	650.32
Do	Solid Waste Composting Council	2,000.00	1,766.07
Do	SOFEC, Inc	4,200.00	3,721.03
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	2,500.00	413.98
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort & Residential Development Assn	3,000.00	
Do	Coalition for Fair Taxation of Real Estate	3,000.00	
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Daniel Rode, 1050 17th Street, NW, #510 Washington, DC 20036	Healthcare Financial Management Assn		1,507.03
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	1,500.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194	American Maritme Congress	15,000.00	157.00
Do	American Rice, Inc	10,000.00	
Do	Primerica Financial Services	10,666.00	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	848.22
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,912.00
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
Susan L. Rogers, 815 Connecticut Avenue, NW, #900 Washington, DC 20006-4078	Baker & McKenzie (For: Continental European Insurance Coalition)		
Do	Baker & McKenzie (For: Horsham Corporation)		
Do	Baker & McKenzie (For: Levi Strauss & Company)		
Do	Baker & McKenzie (For: Tandy Corp.)		
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Do	Canadian Steel Industry Council		
Do	Dofasco, Inc		
Do	Italian Trade Commission		
Barbara J. Rohde & Associates, 1701 K Street, NW, #D 1203 Washington, DC 20006	City of Grand Forks	3,000.00	220.00
Do	City of Moorehead	3,000.00	150.00
Do	Hubert Humphrey Institute of Public Affairs	3,000.00	3,650.00
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	266.00
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,047.50	
Stephen F. Rohrkemper, 2230 Gallows Road, #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,755.00	3,025.98
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	300.42
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		560.00
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Cabot Corp		
Do	Fleet Financial Group and Subsidiaries	4,327.71	172.18
Do	Industrial Development Authority of Ireland		
Do	National Food Brokers Assn		329.19
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For: H&R Block, Inc.)	1,284.00	51.97
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	9,750.00	3,634.62
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	750.00	
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Governmetn Affairs	17,000.00	3,722.89
Frederic B. Rose, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc		
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation	6,900.00	
Do	Johnson Matthey, Inc		
Burt E. Rosen, 655 15th Street , NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co		
Do	SmithKline Beecham Corp	2,500.00	800.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,000.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	15,230.75	63.10
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728		1,950.00	469.31
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	1,314.00	2,632.27
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Air Courier Conference of America	7,502.50	
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	2,424.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	2,233.88	2,443.71
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,665.87	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	11,916.24	204.00
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,005.75
Karen Rotterman, P.O. Box 99667 Raleigh, NC 27624	Rotterman & Associates (For: Genentech)	3,025.00	420.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority		
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
James H. Rowe III, 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Company		
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		10.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,032.00	6,107.26
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute		2,750.00
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	Philip J. Scutieri		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	John Nuveen & Co, Inc		
David R. Rozier Jr., P.O. Box 4545 Atlanta, GA 30302	Georgia Power Company	33,607.40	7,740.19
T. Peter Ruane, 501 School Street, SW, #800 Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston Diercks Harris & Cooke (For: Outdoor Advertising Assn of America, Inc.).		
Frank S. Ruddy, 5600 Western Avenue Chevy Chase, MD 20815	Edison Electric Institute		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	619.79
Paul M. Ruden, P.O. Box 23992 Washington, DC 20026-3002	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
Terry Cornwell Rumsey, 7900 Westpark Drive #A-400 McLean, VA 22102	Xerox Corp		167.80
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	36,231.00	
Tonda F. Rush, 1627 K Street, NW, #400 Washington, DC 20006-1790	National Newspaper Association		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	45.05
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		65.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Richard M. Russell, 444 North Capitol Street Hall of States, Suite 326 Washington, DC 20001	Assn of California Water Agencies		
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology	1,500.00	583.40
Do	American Optometric Assn	1,000.00	596.30
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	8,125.00	
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			32,510.17
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	455.05
Safe Streets Alliance, 1146 19th Street, NW, Suite 700 Washington, DC 20036			
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc	6,000.00	149.97
Do	Flash Technology Corporation of America	7,800.00	111.60
Do	Indiana Electric Assn	20,140.00	1,099.79
Do	Indiana University	10,800.00	135.25
Do	MSE Corp	238.75	113.09
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Manufacturers Assn	4,000.00	139.50
Lee Becker Salamone, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn		
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For: CSC Credit Services, Inc.)		
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	4,737.55
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	500.00	80.00
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL–CIO	13,065.36	1,412.93
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,500.00	121.64
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 1101 15th Street, NW, #400 Washington, DC 20005	Savings and Community Bankers of America		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	334.91
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For: Association of Home Appliance Manufacturers).		
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	334.00
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,575.00	468.59
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn	300.00	
K.E. Santhanam, 91 Strawberry Hill Avenue, Suite 338 Stamford, CT 06902	American Occupational Therapy Assn, Inc		
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	5,250.00	2,434.98
Do	ENS Resources, Inc (For: East Bay MUD)	1,682.00	1,280.37
Do	Union Sanitary District		
Do	Western Research Institute	360.00	65.99
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn	500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			2,021.32
Ernie Satterwhite, 1301 K Street, NW Washington, DC 20005	IBM	479.72	50.00
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	22.00
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For: Nintendo of America, Inc.)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Association of Truck Stop Operators		
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		37,801.81	26,342.46
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		4,340,094.00	30,235.28
Savings Coalition of America, 901 15th Street, NW, Suite 700 Washington, DC 20005		20,000.00	50,488.60
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Charles Scalera, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Sharp Manufacturing Company of America	350.00	
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks, Inc (for Int'l Racquet & Sports Club Assn)	9,000.00	352.16
Scenic America, 21 Dupont Circle Washington, DC 20036			
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,593.75	3,493.54
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Candace K. Schaller, 1129 20th Street,NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	69.35	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For: American Cyanamid Co, Inc.)		
Do	Bailey & Robinson (For: Oralco Management Services)		
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For: Special Committee for Health Care Reforms)	1,080.00	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036	Weyerhaeuser Company		238.84
David S. Schless, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,500.00	
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	164.84	
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	403.83	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	1,250.00	
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees		
Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912	Hormel Foods Corporation		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	6,400.00	69.00
Do	PepsiCo, Inc	6,250.00	99.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			32.50
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For: Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For: Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For: National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For: National Institute for Water Resources)	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Scoyoc Associates, Inc (For: Tulane University)	6,750.00	
Do	Van Scoyoc Associates, Inc (For: University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates, Inc (For: WINSM Consortium)		
Paul A. Schosberg, 900 19th Street NW Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	8,866.00	503.44
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	700.00	
Judy Schub, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	808.39	512.69
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,899.20	399.11
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company		
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	2,300.00
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		512.29
Do	Southwestern Bell Corporation		270.54
Do	Vulcan Materials		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	40.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	16,788.00	1,520.89
Do	Washington State Department of Natural Resources	3,910.00	5.74
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	9,773.00	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	12,000.00	
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			300.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For: Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	764.47
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	9,441.25	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,237.50	306.89
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	11,125.00	273.67
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	660.00	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,729.00	7,357.28
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	J. Makowski Co	500.00	137.00
Do	Mobil Corp	2,000.00	1,431.52
Do	Pfizer, Inc	250.00	
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,725.00	3,179.08
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	18,416.89	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	956.86
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			249,957.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			10,728.00
Pamela Sederholm, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines		100.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		30,400.00
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	55.50
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		250.00
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,750.00	
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	2,500.00	
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX Government Affairs Company	8,250.00	1,548.05
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	15,330.00	
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	500.14
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	2,530.33
Tess Serranti, 350 River Road South, C-1 New Hope, PA 18938	Enichem America, Inc		
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Merrill Lynch Money Markets, Inc		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,589.65
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For: Investment Co Institute)		
Mark R. Shapiro, 5 Darby Court Bethesda, MD 20817	Guam Office (For: Joseph George Bamba)	4,000.00	1,039.58
Dennis P. Sharon, 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	2,525.00	1,140.00
Do	Pipe Tobacco Council	850.00	285.00
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Bunge Corp	225.00	187.00
Do	Schoeller Technical Paper, Inc		
Do	Toy Manufacturers of America	1,745.00	1,489.29
Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202	National Treasury Employees Union	16,517.00	128.20
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	113.00
Do	Senior Executives Assn	10,000.00	1,063.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp		
Do	Edlow International Company	3,000.00	550.00
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Air.		
Do	Institute of International Bankers	27,215.00	15,561.92
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization		
Do	National Automobile Dealers Assn		
Do	National Marine Manufacturers Assn	27,352.85	1,050.03
Do	Nuclear Fuel Services, Inc		
Do	Presbyterian University Hospital		
Do	RJR Nabisco	6,906.30	280.15
Do	Spectrum Astro, Inc		
Do	University of Pittsburgh Medical Center		
Do	Utility Nuclear Waste and Transportation Program	500.00	
Do	Vulcan Materials Co	277.50	8.96
Do	Waste Management, Inc		
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	200.00	30.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Corporation		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Frost & Sullivan, Inc	61,070.40	
Do	Secretariat of Commerce & Ind. Development of Mexico [SECOFI]		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	16,238.77	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association	5,000.00	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	2,816.07
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	2,115.00	1,516.32
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,500.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc	184.00	
Frances R. Shepardson, 1025 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	39.00
Carl Shipley, 1575 Eye Street, NW, #325 Washington, DC 20005	Western Southern Life Insurance	3,000.00	275.00
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers		
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	3,208.92	3,108.80
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		1,001.04
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries		
Sidley & Austin, One First National Plaza Chicago, IL	Broadacre Development Co		
Do	Commerical Finance Assn		
Do	Commonwealth Edison Co		
Do	Donrey, Inc	651.25	7.00
Do	Eli Lilly and Company		
Do	General Electric Capital Corp		
Do	W. K. Kellogg Foundation		
Do	Peoria Journal Star, Inc		
Do	Wholesalers Gorup		
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Richard M. Siebert, 10 Whitestone Lane Rochester, NY 14618-4118	Association of Fire Districts of the State of New York, Inc		
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	Webster & Sheffield (For: ASARCO Corp.)	2,850.00	155.62
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	22,500.00	4,290.88
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Hilary Sills, 1615 L Street, NW , Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For: OHM Corp.)	9,067.00	
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For: Alaska Loggers Assn)		
Do	Robertson Monagle & Eastaugh (For: Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For: BP America, Inc.)	2,200.00	
Do	Robertson Monagle & Eastaugh (For: City of Craig)		
Do	Robertson Monagle & Eastaugh (For: City of Kotzebue)	1,000.00	
Do	Robertson Monagle & Eastaugh (For: City of Silverton)		
Do	Robertson Monagle & Eastaugh (For: Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For: Goldbelt)	12,000.00	
Do	Robertson Monagle & Eastaugh (For: Kennecott Corp.)	15,000.00	
Do	Robertson Monagle & Eastaugh (For: Klukwan, Inc.)		
Do	Robertson Monagle & Eastaugh (For: Municipality of Anchorage)	6,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		2,891.00	1,598.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For: Arab Republic of Egypt)	500.00	102.71
Do	Bannerman and Associates, Inc (For: Beirut University College)		
Do	Bannerman & Associates, Inc (For: Government of the United Arab Emirates)	1,500.00	119.18
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	6,240.00	134.50
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Walter Harris, et al.	800.00	
Do	International Chiropractors Assn	500.00	
Do	IEEE		
Do	Life College	2,000.00	
Do	Monrovia Nursery Company	1,500.00	
Do	MCA, Inc	10,000.00	
Do	National Structured Settlements Trade Assn	12,000.00	
Do	Pacific Cargoes, Inc		
Do	Republic National Bank of New York		
Do	5600, Inc	300.00	
David J. Simon, 3017 South Hill Street Arlington, VA 22202	National Parks & Conservation Association	1,060.00	120.00
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,500.00	5,320.63
Do	City of Portland, OR	13,672.48	6,243.11
Do	Elkhart, IN	5,186.36	5,781.99
Do	Gary, Indiana	7,943.43	5,764.06
Do	National Easter Seal Society	7,560.61	5,380.17
Do	Newark, CA	4,830.78	5,630.81
Do	San Bernardino, CA	5,751.16	6,072.81
Do	San Leandro, CA	4,799.41	5,872.10
Do	Tacoma Public Utilities	1,671.84	5,371.77
Do	Tacoma, WA	6,288.95	5,994.62
Do	Urban Redevelopment Authority of Pittsburgh	6,322.58	5,652.31
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	785.94	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co.)	2,000.00	
Do	First Mississippi Corp	2,000.00	
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn		30,493.48
Do	Synergen, Inc		7,547.60
Bonnie J. Singer, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: JEFA International, Inc.)		
Do	Murphy & Demory, Ltd (For: Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For: U.S. Telephone Assn)		
Christopher A. Singer, 1455 Pennsylvania Avenue, NW, suite 925 Washington, DC 20004	Pfizer, Inc		732.87
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	American International Group, Inc		
Do	Armco, Inc	10,000.00	
Do	Bethlehem Steel Corp	10,000.00	
Do	Dun & Bradstreet		
Do	Edersheim Maunts/Amstel Hudson Management Corp		
Do	Enron Corporation		
Do	General Mills		
Do	Inland Steel Industries, Inc	10,000.00	
Do	LTV Steel Company, Inc	10,000.00	
Do	Merrill Lynch & Co, Inc		
Do	Sara Lee Corporation		
Do	Transco Energy Corp		
Do	USX Corp	10,000.00	
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.	1,100.00	785.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	232.68	37.32
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For: American Soc of Composers Authors & Publishers)	7,327.50	91.03
Do	Palumbo & Cerrell, Inc (For: Atlantic Richfield Co.)	1,972.50	
Do	California Forestry Association	547.50	
Do	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)	60.00	
Do	Proctor & Gamble Mfg Co	4,065.00	126.75
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For: Commonwealth of the Northern Marianna Islands)		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	50.00	
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	591.66
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	615.19	77.25
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		172.41
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		40,865.71	29,444.72
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	3,000.00	232.20
Jeffrey Smedsrud, 1101 15th Street, NW Suite 425 Washington, DC 20005	Communicating for Agriculture	16,000.00	7,000.00
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	366.40	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Douglas Allen Smith, #40223-080 P.O.Box 4200 Three Rivers, TX 78071-4200			
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	320.49
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	12,500.00	
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	46,910.73	7,561.91
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For: International Electronics Mfgrs & Consumers of America, Inc.).	750.00	
Do	French & Company (For: Montgomery Ward & Co. Inc.)	60.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	458.00	
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	97.36	412.62
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,000.00	615.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	795.51	350.42
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	7,200.00	2,150.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	14,425.00	
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,295.52
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA		
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	3,442.75	332.37
W. Glenn Smith, National City Bank 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	9,500.00	
Do	City of Springfield, Oregon	1,500.00	
Do	Coalition Advocating State Regulation of Insurance	4,500.00	
Do	Composite Technology Transfer Consortium	20,000.00	
Do	CRASH	5,000.00	
Do	Haarmann & Reimer Corp	4,000.00	75.00
Do	Kansas City Transit Authority	6,666.66	
Do	Lane County, Oregon	4,666.66	
Do	N.Y. Metropolitan Transportation Agency	14,000.00	100.00
Do	National Assn of Foreign Trade Zones	3,400.00	150.00
Do	Port of San Francisco	4,500.00	
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance		
Smith McNulty & Kearney, 1 State Street 8th Boston, MA 02109	New England Telephone Company	1,250.00	432.50
Do	NYNEX Government Affairs	1,250.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		5,719.00	5,719.00
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	484.47	
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin Zavis & Dombroff (For: American Medical Directors Assn)		
Do	Katten Muchin Zavis & Dombroff (For: Amersham)		
Do	Katten Muchin Davis & Dombroff (For: Baxter Healthcare Corporation)	325.00	
Do	Katten Muchin Zavis & Dombroff (For: Fujisawa USA, Inc.)		
Do	Katten Muchin Zavis & Dombroff (For: Intercargo Insurance Co.)	65.00	
Do	Katten Muchin Zavis & Dombroff (For: National Assn of Independent Colleges & Universities).		
Do	Katten Muchin Zavis & Dombroff (For: Natural Gas Vehicle Coalition)		
Do	Katten Muchin Zavis & Dombroff (For: Northwestern Memorial Hospital)		
Do	Katten Muchin Zavin & Dombroff (For: NutraSweet Co.)		
Do	Katten Muchin Zavis & Dombroff (For: Saginaw Community Hospital)	650.00	
Do	Katten Muchin Zavis & Dombroff (For: G.G. Searle)		
Rand Snell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: Broward County)		
Do	Hill & Knowlton, Inc (For: Port Everglades Authority)		
Larry S. Snowhite, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For: Massachusetts Education Loan Authority).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For: National Truck Weight Advisory Council).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For: New England Education Loan Marketing Corp.).		
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Paul M. Snyder, 1455 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	American Forest & Paper Assn	25,000.00	
Do	Blue Cross Blue Shield Assn	40,000.00	
Do	Boston Capital Partners, Inc	12,000.00	
Do	Mexican Department of Commerce & Finance		
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp	87.50	353.92
Do	Puget Sound Naval Bases Assn, Inc [PSNBA]	63.42	782.04
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Soble & Associates, 1747 Pennsylvania Ave., NW, Suite 1200 Washington, DC 20006	National Coalition Government of the Union of Burma		689.83
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		8,445.04	12,174.08
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			45,000.00
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			4,988.76
Society of the Plastics Industry, Inc, 1275 K Street, NW, #400 Washington, DC 20005			
Lisa Sockett, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,400.00	
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	920.00	440.70
Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn		
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For: Republic of Mexico)	30,000.00	745.15
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	21.25
Thomas J. Soles Jr., 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Regina Solomon, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak	1,300.00	8.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	98.72
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	750.00	
Stanley L. Sommer, 700 New Hampshire Avenue, #305 Washington, DC 20037	Brunswick Corp		522.85
Mary Sophos, 1133 20th St., NW Washington, DC 20036	Grocery Manufacturers of America, Inc	64.00	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Tasha Soudah, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For: Beirut University College)		
Do	Bannerman and Associates, Inc (For: Government of Egypt)	500.00	80.00
Do	Bannerman and Associates, Inc (For: Government of U.A.E.)	100.00	36.00
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			12,923.00
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Space Industries, Inc, 101 Courageous Drive League City, TX 77573			
Thomas J. Spangler, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	16,000.00	104.00
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	595.24	76.86
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Specialty Vehicle Institute of America, Inc, 1235 Jefferson Davis Hwy, Suite 600 Arlington, VA 22202			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For: Desert Research Institute)	1,400.00	
Do	North American Interstate Weather Modification Council		
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City & County of Denver, Director of Aviation		
Do	City of St. Louis Airport Authority		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Richard Spotts, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	4,806.24	
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	105.83
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For: American Telephone & Telegraph)	22,500.00	3,156.77
Do	Gardner Carton & Douglas (For: Equity Strategies Fund, Inc.)		
Do	Gardner Carton & Douglas (For: Jones Intercable)	6,510.00	32.98
Do	Gardner Carton & Douglas (For: National Cable Television Assn, Inc.)	18,750.00	468.50
Do	Gardner Carton & Douglas (For: Perrigo Company)		
Do	Gardner Carton & Douglas (For: Rocky Mountain Health Maintenance Organization).	5,000.00	76.29
Do	Gardner Carton & Douglas (For: Telecommunications Industry Assn)		
Do	Gardner Carton & Douglas (For: Voluntary Hospitals of America, Inc.)	10,000.00	54.00
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in German, Rossmarkt		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn		
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	3,507.50	
Do	Public Securities Assn		
John W. Sroka, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	171.36
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc		
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,279.72
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	3,000.00	3,300.00
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc	8,366.33	
Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	7,825.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	7,923.00
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	66.80
State Universities Retirement System of Illinois, 1901 Fox Drive Champaign, IL 61820			
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	233.00
H. Gerald Staub, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp		
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720			
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	550.90
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Association	400.00	50.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For: Indiana Glass Company)		
Do	Barnes & Thornburg (For: Special Comm for Workplace Product Liability Reform).		
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,887.83	811.81
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047			15,246.00
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For: American Communities for Cleanup Equity [ACCE])	19,593.75	3,969.00
Do	Spiegel & McDiarmid (For: Guam Power Authority)	14,337.50	2,271.17
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc		
Do	Bear Stearns & Co		
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Del Webb Corp		
Do	Isolyser Company, Inc		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Michael Stern, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	6,164.83	3,016.62
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	900.00	
Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,000.00	
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	1,198.00	267.29
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Timken Co		
Jessica Stewart, 1350 New York Avenue Washington, DC 20005	Spiegel & McDiarmid (For: Michigan Municipal/Cooperative Group)		
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,363.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For: Hudson Industries Corp.)		
Do	Stewart & Stewart (For: Libbey Glass)		
Do	Monsanto Co		
Do	Novus International, Inc		
Do	PPG Industries, Inc		
Do	Smith Corona Corp	8,001.52	1,771.15
Do	Stewart and Stewart		8.60
Do	Timken Co	4,040.69	534.79
Do	Torrington Company	4,040.69	534.79
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	5,385.00	397.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,018.01	20.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	4,049.88	1,340.79
Heather Beeth Stilwell, 150 Oak Ridge Place, #4-0 Greenville, SC 29615	United We Stand		
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	2,046.00	
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John E. Stiner, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	American Electronics Assn	13,390.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,473.39
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	1,450.00	
Do	National Assn of Business PACs	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Springs Industries, Inc	1,000.00	
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		86.95
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety		
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	9,000.00	
Sam E. Story Jr., 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	12,750.00	775.36
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	5,500.00	311.62
Susan M. Stout, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	45.00	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	21,836.69
Luther J. Strange III, 801 Pennsylvania Ave. NW, #230 Washington, DC 20004	Sonat, Inc		
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001	American Paper Institute		
Do	Brooklyn Hospital Center		
Do	Care Visions Corporation		
Do	Greater New York Hospital Assn	20,001.00	925.00
Do	Healthcom International		
Do	Hospital for Special Surgery		
Do	Lenox Hill Hospital		
Do	Maimonides Medical Center		
Do	MicroGeneSys, Inc	22,500.00	250.00
Do	Montefiore Medical Center		
Do	Mount Sinai Medical Center		
Do	New York Hospital-Cornell Medical Center		
Do	Our Lady of Mercy Medical Center		
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
David A. Streilein, 5525 Reitz Avenue Baton Rouge, LA 70809-3802	Blue Cross & Blue Shield of Louisiana	600.00	1,212.55
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation		
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,238.48	63.43
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	Advanced Telecommunications Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	4,940.00	237.23
Do	Dreyfus Corporation		
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Association		
Heather P. Stroup, 750 First Street, NW Washington, DC 20002-4242	American Psychological Assn [APA]	803.25	90.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Company, Inc	4,030.50	978.64
Janet R. Studley, 888 17th Street, NW,#900 Washington, DC 20006	American Life Resources Corp		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,922.71	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 11 - 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	3,415.23	2,530.00
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For: Ingalls Shipbuilders)	68.00	
Do	Frank Sullivan Associates (For: ITT Corporation)	56.00	
Do	Frank Sullivan Associates (For: Textron, Inc.)	64.00	
Do	Frank Sullivan Associates (For: Waste Management Inc.)	82.00	
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701	Food Marketing Institute	600.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	100.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Bay Transportation Authority [MBTA]		
Do	Massachusetts Port Authority [MASSPORT]		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Laboratories, Inc	7,500.00	
Scott M. Summers, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	450.00	85.00
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	500.00	384.00
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	720.00	635.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: Citicorp Washington (Banking))		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	554.07
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,686.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	25,645.49	
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	244.64
Robert D. Swezey Jr., 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For: IUCN-US)		187.50
Philip E. Swink, 1Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute	560.00	1,402.92
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,060.00	207.95
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Systems Control, Inc, 10240 Old Columbia Road Columbia, MD 21046			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Szlavik Hogan & Miller, Inc, 1747 Pennsylvania Ave., NW, Suite 1150 Washington, DC 20006		9,750.00	9,750.00
SPACECAUSE, 922 Pennsylvania Avenue, SE Washington, DC 20003		1,023.00	1,023.00
Janis Tabor, 1828 K Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For: Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For: Great American Broadcasting Co.)		
Do	Taft Stettinius & Hollister (For: Telephone & Data Systems, Inc.)		
Do	Taft Stettinius & Hollister (For: Wald Manufacturing Co, Inc.)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	14.21
Alan Tank, 201 Massachusetts Ave.NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	392.00
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,472.52	174.50
Jennifer Tanner, 1101 15th Street, NW Suite 425 Washington, DC 20005	Communicating for Agriculture	8,000.00	200.00
Tanner & Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co., Inc	816.00	816.00
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	16,888.80	237.70
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,589.40	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			40.00
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Television, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		58.49
Larry D. Taylor, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	5,100.00	
Paul C. Taylor, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	NAIOP, Assn for Commercial Real Estate	22,250.00	342.00
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,802.96	702.47
Richard Taylor, CNG Tower 625 Liberty Avenue 21st Floor Pittsburgh, PA 15222-3319	Consolidated Natural Gas Co	200.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	175.00	
Do	National Assn of Convenience Stores		
Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Association		
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	654.81	46.97
Saramae Teich, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco, Inc	193.18	518.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard Teithorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute	1,051.55	1,425.90
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Theresa M. Termine, 1625 Massachusetts Ave., NW Washington, DC 20036	Can Manufacturers Institute		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	335.92
Leonard B. Terr, 815 Connecticut Ave, NW, Suite 900 Washington, DC 20006-4078	Baker & McKenzie (For: Continental European Insurance Coalition)	18,725.90	9,473.07
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For: Niagara Mohawk Power Corp.)	2,743.00	1,998.49
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	786.10	
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co. Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230		957.71	957.71
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Castine Partners		360.00
Do	Chicago Board Options Exchange		360.00
Do	Citicorp Mortgage Finance, Inc		
Do	Citicorp Washington (Banking)		360.00
Do	General Electric Capital Mortgage Insurance Corp	4,821.50	360.00
Do	Massachusetts Bankers Assn	2,632.98	360.00
Do	Massachusetts State Carpenter's Guaranteed Annuity Fund		
Do	Massachusetts State Carpenter's Pension Fund		
Do	North Side Savings Bank		180.00
Do	Peoples Westchester Savings Bank		180.00
Laura I. Thevenot, 1350 I Street, NW, Suite 1030 Washington, DC 20005-3305	Principal Financial Group	79.10	
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co. Inc	1,500.00	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		3,514.04
Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006	W.R. Grace & Co	500.00	
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,800.00	500.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	4,680.00	186.50
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	2,000.00	76.24
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co. Inc	7,500.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Herbert G. Thompson, 2430 Kingsley Drive Marietta, GA 30062	Southern States Police Benevolent Assn	15,658.50	8,414.63
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	BellSouth Corp		
Do	Business Executives for National Security, Inc	1,000.00	
Do	City of Kansas City, MO		
Do	Council for Superfund Fairness, Inc		
Do	Duke Power Co	18,000.00	
Do	Great Lakes Gas Transmission Company		
Do	Greater Kansas City Chamber of Commerce	5,000.00	
Do	Itron and AMRplus Partners	15,000.00	
Do	National Funeral Directors Assn	1,500.00	
Do	Polaris Industries	5,909.68	
Do	West Point Pepperell, Inc	15,000.00	
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		540.90
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	AMEC Holdings, Inc	2,700.00	1,091.23
Do	Chicago Research & Trading Group, Ltd		
Do	Mitsubishi Electronics America, Inc	7,500.00	2,907.36
Do	Peter Kiewit Sons', Inc	23,053.13	5,104.73
Do	Republic of Turkey	25,000.00	5,121.96
Do	Robert Wang	21,250.00	5,926.51
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	518.00	
Sarah R. Thomson, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn, Inc		
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc	41.00	
Jill Thorne, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordination Council	750.00	685.51
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	399.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,250.00	639.81
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Gil Thurm, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn	10,000.00	84.02
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	6,500.00	58.00
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Timmons & Co. Inc, 1850 K St., NW, #850 Washington, DC 20006	American Factory Trawler Assn	1,232.50	
Do	American Petroleum Institute	1,425.00	
Do	American Trucking Assns, Inc	1,232.00	
Do	Amoco Corporation	2,325.00	
Do	Anheuser-Busch Companies, Inc	3,600.00	
Do	Association of Trial Lawyers of America	945.00	
Do	Capital Cities/ABC, Inc	2,102.50	
Do	Chrysler Corporation	1,232.50	
Do	General American Life Insurance Co	761.25	
Do	H.J. Heinz Co	1,743.75	
Do	Major League Baseball	3,915.00	
Do	National Rifle Assn of America	1,232.50	
Do	Northern Telecom, Inc	1,425.00	
Do	Northrop Corp	1,015.04	
Do	NutraSweet Co	300.00	
Do	Phoenix Mutual Life Insurance Company	978.75	
Do	G. D. Searle & Co	3,450.00	
Do	SCEcorp and Subsidiaries	1,575.00	
Do	Union Pacific Corp	1,050.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	
Michael L. Tiner, 1824 s street, n.w. #402 Washington, DC 20009	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc	500.00	
Do	Parry & Romani Associates		
Do	Joseph E. Seagram & Sons, Inc	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Vought Systems Corp	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		0.34
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	250.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	841.65
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			3,675.00
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	12,600.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For: U.S. Banknote Corp.)		
Frank Toohey, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,231.00	
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	240.00	227.65
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn	750.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, P.O. Box 500 Denver, CO 80202			437.50
Mary C. Toups, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	558.15	762.45
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company	4,300.00	4,211.00
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For: Bixby Ranch Co.)		
Do	Hecht Spencer & Associates (For: Boy Scouts of America)		
Do	Hecht Spencer & Associates (For: Brown & Williamson Tobacco Corp.)		
Do	Hecht Spencer & Associates (For: IEMCA)		
Do	Hecht Spencer & Associates (For: National Automatic Merchandising Assn)		
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	33.42	3.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,000.00	
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			1,489.29
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		7,000.00	8,364.00
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For: Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,741.00	4,741.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,462.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Bernard R. Tresnowski, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Association	1,087.50	78.00
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For: American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For: Anheuser-Busch Companies)	12,500.00	
Do	Van Scoyoc Associates, Inc (For: Arkansas Electric Cooperative Corp.)	5,000.00	
Do	Van Scoyoc Associates, Inc (For: Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates, Inc (For: Kellogg Company)		
Do	Van Scoyoc Associates, Inc (For: National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For: National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For: National Realty Committee)	3,750.00	
Do	Van Scoyoc Associates, Inc (For: Schering-Plough Corp.)		
Do	Van Scoyoc Associates, Inc (For: USF&G Insurance)	1,250.00	
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	1,089.28	
Michael G. Troop, 900 19th Street NW Washington, DC 20006	Savings and Community Bankers of America	12,000.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	4,429.99
Tucker & Associates, 1350 Eye Street, NW, #870 Washington, DC 20005	Regional Transportation District	2,000.00	
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	2,030.00	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	193.50	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	3,270.42
Do	Golden Rule Insurance Company	9,000.00	4,939.74
Do	Recovery Engineering	6,000.00	3,037.66
William J. Turenne, 1901 L Street, NW, Suite 705 Washington, DC 20036	Eli Lilly & Company		
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	7,714.00	450.79
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union	5,000.00	5,000.00
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		11,244.00	11,244.00
Max Turnipseed, 451 Florida Street Ethyl Tower, Room 927 Baton Rogue, LA 70801	Ethyl Corporation	1,350.00	48.50
James S. Turpin, 8532 Barrington Court Springfield, VA 22151	American Nukem		
Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007	Blue Diamond Growers	8,662.50	556.88
Do	Sunkist Growers, Inc	39,612.50	2,325.38
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC	17,239.75	13,663.14
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For: Population Crisis Committee)		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	153.85	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	32.50	
U.S. Border Control, P.O. Box 10800 8001 Forbes Place Springfield, VA 22015		11,058.54	10,416.91
U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		129,637.44	131,822.93
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	American Day Treatment Centers, Inc		
Do	City of Las Vegas		
Do	Continental Medical Systems		
Do	Curaflex Health Services, Inc		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Do	USA Healthnet, Inc		
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		5,302.75	5,302.75
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,080.00	
Stephen J. Ubl, 606 C Street, NE Washington, DC 20002	American Physical Theraphy Assn/Private Practice Section	3,000.00	201.38
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,062.00	
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	450.00	40.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,787.00
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	404.12
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			24,756.31
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006			
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			3,998.10
Anne I. Urban, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	6,000.00	196.21
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	3,000.00	148.35
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	13,624.98	80.00
USA NAFTA, 1317 F Street, NW, Suite 600 Washington, DC 20004		3,346.00	1,545.00
Francis J. Vacca, 100 North Carolina Ave., SE Washington, DC 20003	Mid-America Dairymen, Inc	26,000.00	
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc		
Do	American Insurance Assn		
Do	Valanzano & Associates (For: American International Group)		
Do	Chubb Corporation	2,500.00	124.60
Do	Colonial Life & Accident Insurance Co	28,800.00	407.68
Do	Valanzano & Assocs. (For: Natural Disaster Coalition National Comm. on Property Insur.).	11,000.00	47.75
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	8,750.00	500.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Van Dyk Associates, Inc, 1250 24th St., NW, Suite 300 Washington, DC 20037	American Gas Assn		
Do	Pharmaceutical Manufacturers Assn		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	199.69
Do	Harsco Corporation	27,000.00	9,817.25
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	31,248.00	666.42
Do	American Investors Life	3,000.00	11.09
Do	DGA International	350.00	17.15
Do	Electrospace Corporation	10,500.00	263.50
Do	Fischer Imaging corp	3,600.00	77.81
Do	FLIR Systems, Inc		
Do	General Instrument Corp/Litton Applied Technologies	21,000.00	3,448.97
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	18,750.00	341.16
Do	Miltope Corp	7,500.00	150.91
Do	NCube	7,500.00	699.52
Do	Sea Beam Instruments, Inc	9,000.00	464.89
Do	Southern Maryland Naval Alliance	10,800.00	264.78
Do	Thermo Trex	7,500.00	136.05
Do	Vanguard Research	4,000.00	17.28
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	300.00	
Do	Bar-S Foods Company	350.00	
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe		
Do	Bumble Bee Seafoods, Inc		
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity [C.U.R.E.]		
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	384.00	
Do	Geothermal Resources Assn	552.00	
Do	GNB, Inc	192.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Intertribal Agricultural Council		
Do	Jicarilla Apache Tribe		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company		
Do	Large Public Power Council [LPPC]		
Do	Lower Colorado River Authority		
Do	Mack Trucks, Inc	775.00	20.00
Do	McKesson Corp		
Do	National Endangered Species Act Reform Coalition	2,970.00	
Do	National Nutritional Foods Assn		
Do	National Wetlands Coalition	4,792.50	
Do	Natural Gas Supply Assn		
Do	Navajo Nation		
Do	Price Waterhouse	144.00	
Do	Sacramento Municipal Utility District	426.00	
Do	Seneca Resources, Inc		
Do	Toyota Motor Corporate Services of North America, Inc	1,100.00	30.00
Do	Toyota Motor Sales, USA, Inc		
Do	Uranium Producers of America		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For: Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For: American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For: Anheuser-Busch Companies, Inc.)	12,500.00	
Do	Van Scoyoc Associates, Inc (For: Arkansas Electric Cooperative Corp.)	5,000.00	
Do	Van Scoyoc Associates, Inc (For: Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates (For: Champion International Corp.)	2,500.00	
Do	Van Scoyoc Associates (For: Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For: Dresser Industries, Inc.)	2,500.00	
Do	Van Scoyoc Associates (For: Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates (For: International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For: Kellogg Company)		
Do	Van Scoyoc Associates, Inc (For: National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For: National Association of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For: National Institute for Water Resources)	5,000.00	
Do	Van Scoyoc Associates, Inc (For: National Realty Committee)	3,750.00	
Do	Van Scoyoc Associates (For: Quanex)	8,375.00	
Do	Van Scoyoc Associates, Inc (For: Schering-Plough Corp.)		
Do	Van Scoyoc Associates, Inc (For: Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For: University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates (For: USF&G Insurance)	1,250.00	
Do	Van Scoyoc Associates (For: Weyerhaeuser)	2,500.00	
Do	Van Scoyoc Associates, Inc (For: WINSM Consortium)		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,693.50	
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,955.20	183.71
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	324.00	183.50
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	638.33	
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	7,248.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	625.77	133.75
Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc	456.00	676.02
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	2,057.63
Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000	New York Mercantile Exchange [NYMEX]		
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company		4,295.52
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Flour Corp	5,000.00	1,242.56
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Haleh Vaziri, 516 First Street, SE Washington, DC 20003	Gryphon International	3,525.00	
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Venable Baetje Howard & Civiletti, 1201 New York Ave., NW, #1100 Washington, DC 20005	United Video, Inc	3,500.00	200.00
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Sara Vickerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,261.57	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	9,000.00	210.36
Do	National Assn of Crop Insurance Agents	19,999.98	1,101.37
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	223.75	
Do	California Department of Insurance	6,975.00	
Do	California Franchise Tax Board	3,807.50	
Do	California Public Employees' Retirement System	8,775.00	
Do	Pacific Stock Exchange, Inc	2,050.00	
Do	State Board of Equalization (Calif)	2,100.00	
Mary Vihstadt, 2000 K Street, NW, Suite 203 Washington, DC 20006	Dial Corp		
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For: American Communities for Cleanup Equity)	8,220.00	1,587.60
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	82.68
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorney's Liability Assurance Society, Inc		
Do	Bank Tax Group	9,725.00	
Do	BMC Software, Inc		
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc	142.50	
Do	E. M. Warburg Pincus & Co, Inc		
Do	Federal Express Corp		
Do	Goldman Sachs & Co	1,350.00	
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp	38,057.50	
Do	Texas Veterans Land Board		
Do	Time-Warner, Inc		
Do	United Savings Assn of Texas FSB		
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Continental Insurance Companies	500.00	
Do	National Fraternal Congress of America	2,000.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	14,972.72	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		600.00	16.42
George A. Viverette Jr., 1440 New York Avenue, NW, Suite 200 Washington, DC 20005	American Automobile Assn		
Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	14,419.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	177.25
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			650.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	19,162.50	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Career College Assn, Inc	1,250.00	
Do	Cohn and Marks (For: Direct Marketing Assn)		
Do	Cohn & Marks (For: Maclean Hunter Cable TV)		
Do	Cohn & Marks (For: USA Network)		
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	100.00
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	250.00	
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For: Nintendo of America)	62.50	683.00
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	1,146.00	116.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company		
Do	Committee of Publicly Owned Companies	1,604.85	70.90
Do	CVI, Inc	980.00	
Do	Dale Michael A/K/A Riviera Bowling Lanes		
Do	Foreign Credit Insurance Assn Management Co, Inc		
Do	Grocery Manufacturers of America, Inc		
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Assn of Broadcasters	59.22	5.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Ohio Forestry Assn		
Do	Ohio Soft Drink		
Do	Professional Lawn Care Assn of America		0.48
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A		2,967.33
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	20,160.63	4,291.54
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	345.27
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert Waffle, 1421 Prince Street, #230 Alexandria, VA 22314	International Hardwood Products Assn[IHPA]	875.00	977.50
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	9,000.00	781.00
Do	Independent Federation of Flight Attendants	4,125.00	819.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	7,400.00	59.12
Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608	National Utility Contractors Assn		
Andrew F. Wahlquist, 1350 I Street, NW, #870 Washington, DC 20005-3305	McDonnell Douglas Corp	12,400.00	
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerman & Bishop (For: American Wire Producers Assn)		
Do	Ackerson & Bishop (For: Chiquita Brands International, Inc.)		351.78
Herbert R. Waite, 1036 South Collier Blvd. Unit 105 Marco Island, FL 33937	J.P. Morgan/Morgan Guaranty Bank	8,000.00	2,454.82
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	275.00	73.20
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	7,500.00	
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company	15,000.00	
Do	University of Pittsburg Medical Center	15,000.00	
Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central and South West Services, Inc	7,750.00	4,353.27
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Telephone & Telegraph Co	5,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	4,375.00	
Do	Coalition for Competitive Capital		
Do	Coalition on Superfund		
Do	CSX Corporation	3,750.00	
Do	Federal Home Loan Mortgage Corp	450.00	
Do	GAF Corp		
Do	Mexican Department of Commerce & Industrial Development	12,500.00	
Do	Mid Continent Oil and Gas Assn		
Do	MBNA America Bank NA		
Do	National Assn for the Superconducting Super Collider		
Do	National Stone Assn		
Do	Northville Industries Corp		
Do	Sony Music Entertainment, Inc	15,000.00	
Do	Sony Pictures Entertainment, Inc	7,500.00	
Do	Southern Company Services, Inc	3,750.00	
Do	USA Group, Inc		
Do	Wheelabrator Envrionmental Systems, Inc, et al.	5,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,780.00	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	449.22
Do	American Soc of Farm Managers and Rural Appraisers	10,000.00	
Do	American Sugar Cane League	22,500.00	
Do	Calgene, Inc	10,000.00	
Do	Cash America International	3,750.00	
Do	Cotton Warehouse Assn of America	22,500.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Service Corporation International	7,500.00	
Do	St. Louis Ship Holdings		
Do	U.S. Canola Association		
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc		
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,062.50	164.65
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	18,333.32	1,671.05
Do	National Assn of Dredging Contractors		
Do	National Rifle Assn of America	35,000.00	1,494.39
Do	Textron, Inc	19,166.66	788.77
Do	Thiokol Corp	14,000.00	177.36
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For: Soap & Detergent Assn)		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	25.00	
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	1,500.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	17,336.44	609.24
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	155.77
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	3,588.00	3,588.00
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For: Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For: Sofreavia)		
Do	DGA International, Inc (For: SNECMA)		
Do	DGA International, Inc (For: Zenith Data Systems)		
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	539.97
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	654.32
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	3,057.15
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	5,534.00	586.93
Do	City of Miami	1,196.00	120.75
Do	City of Oakland	4,500.00	114.90
Do	Coca-Cola Company	907.00	13.54
Do	Gabonese Republic		
Do	Government of the People's Republic of Angola		
Do	Government of Antigua		
Do	Greater Cleveland Regional Transit Authority	1,000.00	9.29
Do	San Francisco Public Utilities Commission	1,077.00	193.46
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Public Affairs Group, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	National Union for the Total Independence of Angola (Unita)		
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria	105,000.00	18.38
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Association of Chain Drug Stores	500.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	2,900.00	500.75
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		242.00
Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202	GEC-Marconi Electronic Systems Corp	1,300.00	101.38
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn. Inc	7,978.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	5,500.00	
Sherri D. Watson, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,000.00	5,531.54
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
Arthur B. Watts, 4496 Alfred Street Cocoa, FL 32927			
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	45.00	
Douglas R. Watts, 1155 21st Street, NW Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,500.00	534.25
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	21,958.00	2,065.14
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,000.00	
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	7,193.12	103.77
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp		
Jack Weber, 1301 pennsylvania ave., n.w. #900 Washington, DC 20004		37,500.00	214.35
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	James W. Bunger & Associates		
Do	Rural Utah Public Lands Council		
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery [NAPCOR]		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	1,000.00	27.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company	500.00	
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C		
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Robert A. Weissman, 14500 Avion Parkway, #300 Chantilly, VA 22021	TechLaw, Inc (For: Shutler & Low (for: Nissan R&D, Inc.))		
Michael C. Weland, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	1,146.00	116.00
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Meredith K. Wellington, 1250 Connecticut Ave., NW, Suite 700 Washington, DC 20036	National Assn of Computer Consultant Businesses [NACCB]	225.00	
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,000.00	129.40
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	13,752.00	58.00
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		913.33
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,987.50	
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	15,680.00	2,884.78
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,362.52	318.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	420.69
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	2,500.00	235.94
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	38,886.87	12,192.48
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121			
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation		
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	312.08	273.11
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc		
Do	American Airlines, Inc	378.00	
Do	American Institute for Foreign Study Scholarship Foundation		
Do	American Public Transit Assn		
Do	Anheuser-Busch Companies, Inc.	848.00	18.25
Do	ARCO		
Do	Catholic Health Association of the United States		8.00
Do	Century Council		93.40
Do	Comcast Corporation	1,200.00	103.75
Do	Consortium of State Maritime Schools		
Do	Coopers & Lybrand		80.91
Do	Crow Tribal Council	1,397.00	26.65
Do	Defense Rations Manufacturers Assn		
Do	Foothills Pipe Lines (Yukon) Ltd		
Do	FHP		147.05
Do	General Motors Corp		
Do	Grand Trunk Western Railroad, Inc		
Do	Hughes Aircraft Company and Space and Communications Group	262.50	47.00
Do	Intermountain Rural Electric Assn		
Do	J.P. Morgan & Co, Inc		
Do	Johnson & Johnson	375.00	
Do	Joslin Diabetes Center		
Do	Lamont-Doherty Geological Observatory		
Do	Massachusetts Maritime Academy		
Do	Motion Picture Assn of America, Inc		
Do	National Gypsum Co		
Do	New England Aquarium		
Do	Oceanic Institute		
Do	Ohio Edison		6.50
Do	Science Applications International Corp		
Do	U.S. Bioscience		
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	5,000.00	9,109.07
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	6,250.00	138.00
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	46,516.00	21,004.28
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,216.00	
Thomas E. Wheeler, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
John C. Whitaker, 1730 Rhode Island Ave., #206 Washington, DC 20036	Union Camp Corporation	4,144.00	48.00
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,250.00	7,426.55
Jeff White, 919 18th Street, NW, Suite 450 Washington, DC 20006	Energy Tax Policy Alliance	900.00	73.88
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	8,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Tobacco Institute	25,000.00	
John Thomas White III, 701 Pennsylvania Ave., NW, #610 Washington, DC 20004	Tenneco, Inc		
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.50	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	666.51	60.00
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	41.26
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	336.00	
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,901.50
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	57.90
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	250.00	133.66
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	2,000.00	
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	22,500.00	5,050.00
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	5,586.00	2,681.21
Do	National Constructors Association	9,999.99	1,826.23
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For: Central Utah Water Conservancy District)	1,406.00	
Do	Marcus G. Faust, PC (For: Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For: Clark County Nevada-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For: Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Faust, PC (For: Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For: Sierra Pacific Power Co.)	1,406.00	
Do	Marcus G. Faust, P.C. (For: State of Montana Dept of Natural Resources & Conservation).	1,406.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,444.00	73.62
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	251.76
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company	500.00	341.11
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Pamela J. Whitted, 1401 Eye Street, NW, #200 Washington, DC 20005	Pacific Resources, Inc	500.00	
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Pioneer Seed Co, Inc	3,000.00	195.88
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	125.00	
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	7,500.00	735.00
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,930.00	3,005.88
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	34,723.21	2,926.48
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Association Council International	17,175.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	9,210.00	31.00
Brian Wilcox, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	4,000.00	18.00
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		883.48
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc		
Do	Allied Marketing Group		
Do	Association of Telemessaging Services, International	384.00	
Do	CBS, Inc	8,734.00	72.00
Do	Firemen's Fund Insurance Cos		
Do	Marine Mammal Coalition	540.00	
Do	Merchants National Bank		
Do	National Assn for Information Services		
Do	Newspaper Assn of America [NAA]	1,792.00	87.88
Do	Olan Mills, Inc	4,284.00	34.88
Do	Prodigy Services Company	464.00	
Do	United Parcel Service	1,520.00	8.00
Do	United Student Aid Funds	3,900.00	13.00
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,343.75	964.45
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance	12,929.00	765.28
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet/Norstar Financial Group	22,901.00	2,886.00
Do	Hobbs Straus Dean & Wilder		
Do	Northwest Hydroelectric Assn	3,000.00	58.43
Do	RECOLL Management Corp	3,577.34	450.70
Do	RMJ Options Trading Corp		
Do	Solano Water Authority	2,920.00	56.00
Do	Summit Energy Storage, Inc		
Do	Suntrust Banks, Inc		
Do	Turlock Irrigation District	3,500.00	207.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	225.00	
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,450.00	250.00
Do	Arkansas Louisiana Gas Co [ARKLA]	1,250.00	300.00
Do	Electro Com Automation, Inc	1,550.00	350.00
Do	Riceland Foods, Inc	1,400.00	350.00
Do	Tyson Foods, Inc	1,400.00	350.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	322.77
Lucinda L. Williams, 733 15th Street, NW, #700 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048		1,860.00	
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,500.00	272.33
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	2,148.36	
Patrick H. Williams, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	4,930.00	4,340.00
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	JM Family Enterprises, Inc		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	7,630.00	
Do	Association of Family Farmers		
Do	Robert M. Bass Group	290.00	
Do	British Petroleum	787.00	
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	College Construction Loan Insurance Assn		
Do	Colonial Pipeline Company	240.00	
Do	Continental Airlines Holding, Inc.	15,150.00	
Do	Credit Suisse Financial Products USA		
Do	CIGNA Corp	3,655.00	
Do	Estee Lauder, Inc	570.00	
Do	First Boston Corp		
Do	Glaxo, Inc		
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	Marks Murase & White		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies	140.00	
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	540.00	
Do	Norfolk Southern Corp	290.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co		
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	1,110.00	
Do	Pittston Co	8,300.00	
Do	Recording Industry Assn of America, Inc	580.00	
Do	Southern Pacific Transportation Co.		
Do	Southwest Airlines		
Do	Student Loan Marketing Assn (Sallie Mae)	1,450.00	
Do	Texaco, Inc	7,640.00	
Do	Turner Broadcasting System, Inc		
Do	TTX Company		
Do	U.S. English		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		1,129.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,060.64	81.54
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	Association of Directory Publishers	2,059.00	
Do	Browning-Ferris Industries, Inc		
Do	Council of Appraisal & Property Professional Societies	580.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Morgan Guaranty Trust Co	2,987.00	152.61
Do	National Assn of Independent Fee Appraisers		
Do	Standard Commercial Tobacco Co, Ltd		
Do	Time Warner		
Do	Westinghouse Electric Corp	2,204.00	
Do	Yamaha Motor Co, Ltd, et al.	87.00	
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	American Cyanamid Co		15.00
Do	American Honda Motor Co, Inc		
Do	Capital Cities/ABC, Inc		
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	Council for Responsible Nutrition	5,921.00	
Do	CPC International, Inc		22.50
Do	G-IV Family Coalition, Inc		
Do	Handgun Control, Inc		
Do	International Metals Reclamation Company, Inc		
Do	Long Island Savings Bank		
Do	McDonald's Corporation		22.50
Do	Pepsico, Inc		
Do	Swiss Bankers Assn	8,865.00	233.88
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	4,500.00	
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For: Nintendo of America, Inc.)	337.50	683.00
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	413.00	8.00
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Patricia M. Wilson, 1101Pennsylvania Ave, NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For: Cadmium Council)		
Do	Wilson & Wilson (For: Hecla Mining Company)		
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc	25.00	16.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For: American Assn of Equipment Lessors)		
Do	Winburn VanScoyoc & Hooper (For: American Insurance Assn)		
Do	Winburm & Jenkins (For: American Insurance Assn)	45,000.00	
Do	Winburn & Jenkins (For: Bell Atlantic Capital Corp.)	15,000.00	
Do	Winburn Associates, Inc (For: Bradford Exchange)		
Do	Winburn Associates, Inc (For: Burlington Northern Railroad Co.)		
Do	Winburn Associates, Inc (For: Burlington Northern Services, Inc.)		
Do	Winburm & Jenkins (For: BR Services)	15,000.00	
Do	Winburn & Jenkins (For: Chicago Northwestern Railroad)	10,000.00	
Do	Winburn & Jenkins (For: Delta Air Lines)	10,000.00	
Do	Winburn & Jenkins (For: Equipment Leasing Assn)	22,500.00	
Do	Winburn & Jenkins (For: Fluor Corp.)	25,000.00	
Do	Winburn Associates, Inc (For: Hartford (The))		
Do	Winburn & Jenkins (For: Hartford Insurance Group)	45,000.00	
Do	Winburn & Jenkins (For: Leggett & Platt)	21,000.00	
Do	Winburn Associates, Inc (For: National Assn of County Office Employees)		
Do	Winburn & Jenkins (For: National Assn of County Office Employees)	3,000.00	
Do	Winburn & Jenkins (For: Norfolk Southern Railroad)	20,000.00	
Do	Winburn Associates, Inc (For: Pennzoil)		
Do	Winburn & Jenkins (For: Pfizer, Inc.)	15,000.00	
Do	Winburn Associates, Inc (For: Philip Morris)		
Do	Winburn & Jenkins (For: Philip Morris)	81,000.00	
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Shearson Lehman Brothers, Inc	500.00	32.02
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	6,690.48	
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	277.34
Joseph B. Winkelmann, Winkleman & Associates, Inc. 9220 Byron Terrace Burke, VA 22015	Winkelmann & Associates, Inc (For: American Resort & Residential Development Assn).	6,000.00	
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane	4,768.75	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	887.50	82.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Bedminster Bioconversion Corp		
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company	2,756.25	15.75
Do	Digital Equipment Corp		
Do	ELGARD Corp		
Do	Federal Intermediate Credit Bank of Jackson	6,168.75	100.39
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		
Do	Harpo, Inc	340.00	
Do	Illinios State Medical Society	16,283.75	911.69
Do	International Council of Shopping Centers	1,470.00	41.60
Do	Lockheed Air Terminal, Inc		
Do	National Marine Manufacturers Assn		5,077.50
Do	Port of Pascagoula (Jackson County, MS)	8,000.00	264.23
Do	Regional Transit Authority	1,897.50	81.00
Do	Robinson Terminal		
Do	Student Loan Funding Corp		842.00
Do	SPR Task Force for Southeast Mississippi		
Do	Waggoner Engineering, Inc	16,197.50	925.69
Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	491.70	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	American Automobile Manufacturers Assn		
Do	Amoco Performance Products, Inc		
Do	Bristol-Myers Squibb		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration [CRWI]	1,025.00	44.00
Do	Fiberite Corp		
Do	Goldman Sachs		
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc		
Do	MCI Communications Corp		
Do	MTN Coalition	650.00	
Do	National Assn of Demolition Contractors		
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	North American Chemical Company		
Do	Organization for International Investment [OFII]	23,833.57	40.00
Do	Refractory Ceramics Fiber Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Saloman Brothers, Inc		
Do	Securities Industry Assn		112.95
Do	Smith Corona		
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce		
Do	Thrifty Rent-A-Car System, Inc		
Elizabeth Winck, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		22.80
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	4,137.00	217.19
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	12,750.00	1,718.43

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Centennial Health Services, Inc		689.13
Do	Certain Teed Corporation		
Do	Children's Hospital of Philadelphia	54,750.00	1,661.16
Do	Children's Hospital of Pittsburgh	15,750.00	2,139.37
Do	Commission on Economic Opportunity of Luzerne County	3,000.00	
Do	Crozer-Keystone Health System		
Do	Episcopal Hospital		
Do	Healthcare Management Alternatives, Inc	9,000.00	650.14
Do	Hill Group		
Do	Hospital of the Philadelphia College of Osteopathic Medicine		
Do	Magee-Womens Hospital	12,750.00	2,199.24
Do	Mercy Health Corporation	21,750.00	1,702.17
Do	Mercy Health Plan		621.63
Do	National Down Syndrome Society		
Do	North Philadelphia Health System		
Do	Presbyterian University Hospital		
Do	Public Financial Management		
Do	Systems Control, Inc		
Do	Thomas Jefferson University Hospital		
Do	University of Pennsylvania	30,000.00	1,180.88
Henry C. Wolf, 3 Commercial Place Norfolk, VA 23510	Norfolk Southern Corp	1,000.00	
James Wolf, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	2,000.00	
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	5,750.00	2,762.59
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For: American Insurance Assn)	394.35	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	800.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	186.90
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	507.59	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America		
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,367.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance	200.00	
James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618	Teco Energy, Inc	20,100.00	10,957.00
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For: Special Committee for Health Care Reforms)		
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	7,800.00	615.00
Do	Woods Research Associates, Inc		
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,315.00	
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	8.77
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	480.00	64.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	4,700.00	
Workers Compensation Integrity Stability & Equity [WISE], P.O. Box 18300 Washington, DC 20036-8300		65,500.00	21,190.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
World Federalist Association, 418 7th Street, SE Washington, DC 20003		12,000.00	9,431.49
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	42,000.00	535.80
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	497.05	120.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	2,100.00	50.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Assn of Airport Executives		
Do	American Bus Assn	2,411.74	328.29
Do	American International Group, Inc		
Do	American Orthotic & Prosthetic Assn	10,707.56	560.02
Do	American President Companies		
Do	American Soc of Assn Executives	2,341.42	95.09
Do	Ares-Serono, Inc	1,945.38	16.31
Do	BellSouth Corp		
Do	Bermuda, Government of	2,532.75	84.39
Do	Bituminous Coal Operators Assn	23,800.00	761.92
Do	Connaught Laboratories, Inc	9,153.50	763.42
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Crescent Cities Jaycees Foundation, Inc	2,296.77	25.66
Do	CSX Corporation	200.00	
Do	Grand Metropolitan/Pillsbury	4,998.58	42.49
Do	Grand Metropolitan, Inc	362.69	
Do	HDTV 1125/60 Group	2,250.00	160.00
Do	Intermarine USA	2,400.00	298.55
Do	Kelly Assisted Living/Kelly Services		
Do	Kohlberg Kravis Roberts & Co	2,889.50	336.17
Do	Lonesome Dove Petroleum Company	2,777.50	18.56
Do	Manville Corporation	7,581.00	22.05
Do	Maxxam	1,517.95	50.70
Do	Metropolitan Life Insurance Co		
Do	Montana Department of Transportation	340.00	
Do	Mylan Laboratories, Inc		
Do	National Assn of Small Business Investment Companies	2,000.00	17.20
Do	National Assn of Temporary Services		
Do	National Funeral Directors Assn	4,996.53	663.25
Do	National Liquor Stores Assn.	1,666.67	250.14
Do	National Retail Hardware Assn	3,305.88	247.09
Do	Northwestern Mutual Life Insurance Co		
Do	Pfizer, Inc	3,000.00	299.00
Do	Philip Morris Management Corp		
Do	Polaris Industries		
Do	SmithKline Beecham	4,500.00	177.23
Do	Sony Corp of America	2,052.72	132.00
Do	South Dakota Dept of Transportation	340.00	
Do	Squibb Corporation		
Do	Tobacco Industry Labor Management Committee	4,664.25	724.72
Do	U.S. Telephone Assn	3,750.00	10.64
Do	Westinghouse Airship Industries	4,000.00	428.91
Do	Westinghouse Electric Corp	978.32	19.50
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	80.71	
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	350.02
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	125.00
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL–CIO	1,799.00	
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	4,621.41
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 599 Research Parkway P.O. Box 1030 Attn: Steve Piascik Meriden, CT 06450			759.52
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,745.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	2,360.92
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,058.48	171.94
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For: Aircraft Owners & Pilots Assn)		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	130.40
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Ann S. Young, 1350 Connecticut Avenue, NW, Suite 200 Washington, DC 20036	Association of America's Public Television Stations	3,500.00	234.27
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		76.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,388.18	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	148.70
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
M. Marty Youssefiani, 1615 L Street, NW, Suite 1150 Washington, DC 20035-6	Republic of Azerbaijan		
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	7,000.00	180.04
Deborah D. Zandarski, 468 Hall NW P.O. Box 4021 Warren, OH 44482-4021	Ohio Prison Education Network		72.00
Jerry Zanelli, 1127 11th Street Sacramento, CA 95814	County of Placer		
Do	San Joaquin Partnership		
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Renee E. Zavoico, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,168.24
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL–CIO		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,300.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	559.87
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,250.00	690.00
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents & Teachers		2,761.51
Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006	Illinois Power		
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	336.18
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,138.14
Mary Beth Zimmerman, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy		
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies	1,000.00	1,250.00
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Northern Arapaho Indian Tribe		2,535.40
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn		525.70
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	American Therapeutic Recreation Association	3,600.00	
Do	Federal Express Corp	10,500.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	75.00	
Do	Kaman Diversified Technologies	50.00	
Do	Newport News Shipbuilding	25.00	
Do	Woods Hole Oceanographic Institution	75.00	

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QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1992 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER____________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services

2. $..............Wages, salaries, fees, commissions (other than Item "1")

3. $..............Gifts or contributions made during Quarter

4. $..............Printed or duplicated matter, including distribution cost

5. $..............Office overhead (rent, supplies, utilities, etc.)

6. $..............Telephone and telegraph

7. $..............Travel, food, lodging, and entertainment

8. $..............All other expenditures

9. $..............TOTAL for this Quarter (Add "1" through "8")

10. $..............Expended during previous Quarters of calendar year

11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*—	*Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	39,000.00	39,394.25
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	5,056.07
Do	Reclamation District 1000		
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For: Aerospace Industries Assn of Canada)		
Do	CANAMCO (For: Canadian Shipowners Assn)		
Access Technology Assn, 1747 Pennsylvania Ave., NW, Suite 205 Washington, DC 20006			
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co		
Lois Wood Adams, 150 Paularino Avenue, Suite 190 Costa Mesa, CA 92626	Beer Drinkers of America		4,750.89
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	2,179.97	
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
Stephen Ahnen, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn	3,115.37	135.80
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	101.92
Air Transport Assn of America, 1709 New York Avenue, NW Washington, DC 20006		196,736.84	196,736.84
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	23,500.00	
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For: West Point Pepperell, Inc)		
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For: West Point Pepperell, Inc)		
Albertine Enterprises, Inc, 1899 L Street., NW Suite 500 Washington, DC 20036	ITRON and AMR	6,450.00	550.00
Do	West Point Pepperell, Inc		
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For: Foundation for Environmental & Economic Progress, Inc).	399.00	
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center		
Edwin H. Allen, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	765.00	
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,123.28	542.75
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	925.00	
Laura L. Allendorf, 2011 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Soc of Internal Medicine	1,250.00	325.11
Alliance to Save Energy, 1725 K Street, NW, #509 Washington, DC 20006			
Margaret S. Almond, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	61.50
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Montclair, VA 22026	Associated Universities	11,250.00	10,524.86
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		41,890.00	41,890.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			7,181.84
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004-1151			13,839.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		40,152.00	40,152.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		4,395.00	3,881.81
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			23.66
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		31,200.00	28,843.95
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005		41,578.87	54,493.98
American Counseling Association, 5999 Stevenson Ave. Alexandria, VA 22304		90,461.00	45,299.00
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			34,566.01
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			119,557.24
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		33,369.00	33,369.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		11.26	50.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		223,474.61	223,474.61
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		246,429.00	115,596.00
American Library Assn, 50 E. Huron St. Chicago, IL 60611		8,007.00	11,577.00
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			2,400.00
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		11,489.49	11,489.49
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		52,743.59	63,100.91
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003-2155			
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			2,640.12
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			13,800.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	646.00	
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For: U.S. Banknote Corp)		
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,250.01	
Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	3,065.00	289.56
Do	Bay Area Rapid Transit District		
Do	Evans Company		
Do	Japan Machine Tool Builders Assn		
Do	Liquidity Fund Management, Inc	2,350.00	227.68
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	10,238.00	
John K. Antholis, 22 Pine Street Morristown, NJ 07960	New Jersey Assn of Independent Car Rental Companies		
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			286.75
Appraisal Institute, 2555 M Street, NW, #301 Washington, DC 20037-1302		2,362.00	2,362.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Motor and Equipment Manufacturers Association		
John A. Armstrong, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Liberty Maritime		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice		
Karen McGill Arrington, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	3,534.75	
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,500.00	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			3,750.00
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		16,885.00	16,885.00
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	300.00	190.00
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	2,663.46
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		2,090.00	2,090.00
Automotive Refrigeration Products Institute, 4600 East-West Highway Bethesda, MD 20814			
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001		6,065.00	396.40
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	American Red Cross		
Do	City Utilities of Springfield		
Do	Colorado River Energy Distributors		
Do	Fujisawa USA, Inc		
Do	Gerber Products Company	225.00	
Do	Heart of America Northwest	6,450.00	5.00
Do	Hoffmann-La Roche Inc		
Do	Missouri Joint Municipal Electric Utility Commission	80.00	
Do	Philip Morris Companies, Inc		
Do	Sacramento Area Flood Control Agency	3,961.25	
Do	Sacramento Municipal Utility District	4,640.00	22.50
Do	Southern California Public Power Authority		
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	National Health Labs, Inc		
William A. Bailey, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technology	5,582.91	204.61
Do	Computer & Business Equipment Manufacturers Assn		
Do	Greater Houston Partnership		22.32
Do	Martini & Rossi Corporation		
Do	(For:Mickey Leland National Urban Air Toxics Research Center)		84.27
Do	Ministry of Foreign Affairs of the Republic of Yemen	15,593.15	146.51
Do	Rhone-Poulenc, Inc		
Do	Zinc Corporation of America	27,332.85	180.61
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Allen Memorial Hospital		
Do	American Protestant Health Assn	12,500.00	
Do	American Resort & Development Assn	3,000.00	3,000.00
Do	Amherst Hospital		
Do	ACEM	3,340.56	36.00
Do	California Independent Casualty Companies Assn	4,000.00	4,000.00
Do	Chubb Corporation	6,000.00	6,000.00
Do	Cleveland Clinic Foundation		
Do	College on Problems of Drug Dependence [CPDD]	3,000.00	49.83
Do	Corroon & Black Corp	2,500.00	2,500.00
Do	Devilbiss Health Care, Inc	10,529.92	102.15
Do	Edison Electric Institute	5,552.24	5,552.24
Do	Financial Holding Corp	5,000.00	5,000.00
Do	Flexi-Van Leasing/Pacific Holding Company	20,000.00	20,000.00
Do	Fund American Enterprises	2,500.00	2,500.00
Do	Frank B. Hall & Co, Inc	2,500.00	2,500.00
Do	Hospital Insurance Forum	33,208.42	613.03
Do	Hyatt Corp		
Do	Johnson & Higgins	2,500.00	2,500.00
Do	Life Gift Organ Donor Center	6,047.00	
Do	Lorain Community Hospital		
Do	Marsh & McLennan Companies	2,500.00	2,500.00
Do	Methodist Hospital of Indiana	529.00	61.54
Do	National Assn of Insurance Brokers, Inc	5,000.00	5,000.00
Do	National Assn of Professional Insurance Agents		
Do	Renal Physicians of Texas	3,009.00	33.50
Do	Rollins Burdick Hunter	2,500.00	2,500.00
Do	Schering Berlin, Inc	780.00	
Do	Sedgwick James, Inc	2,500.00	2,500.00
Do	Soap and Detergent Association	520.00	
Do	Society of Cardiovascular & Interventional Radiology	30,840.84	593.50
Do	St. Joseph Hospital & Health Center	1,300.00	
Do	St. Paul Fire & Marine	2,500.00	2,500.00
Do	Travelers Insurance Co	5,000.00	5,000.00
Do	United Fidelity Life Insurance	4,000.00	4,000.00
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Argo Air	90.00	
Do	AT&T	450.00	
Do	Burger King Corp		
Do	Dallas/Fort Worth International Airport Board	7,335.00	186.34
Do	Day & Zimmerman, Inc	270.00	157.00
Do	Duty Free International, Inc		
Do	Electric Data Systems, Inc		
Do	Federal Express Corp	742.50	63.43
Do	Fokker Aircraft, BV		
Do	Grand Metropolitan, Inc	4,275.00	
Do	Hashemite Kingdom of Jordan	1,080.00	92.96
Do	International Business Machines Corp [IBM]	360.00	
Do	Landauer, Inc		
Do	Los Angeles County Transportation Commission	6,097.00	50.00
Do	Morrison Knudsen Corp	112.50	
Do	Motion Picture Assn of America	4,387.50	
Do	Mutual Guaranty Corp	270.00	
Do	MAS-Hamilton Group		
Do	National Business Aircraft Assn	75.00	
Do	National Soft Drink Assn	225.00	
Do	North Carolina Air Cargo Airport Authority	421.90	
Do	Occidental Petroleum Corp		
Do	Pennzoil Co		
Do	Pillsbury Company	1,612.50	93.00
Do	Pratt & Whitney		
Do	Ryder Aviall, Inc		
Do	Schering-Plough Corp	1,522.50	113.73
Do	U.S. Air, Inc	1,117.50	100.00
Do	U.S. Sprint/Contel	2,332.50	50.00
Do	U.S. Tobacco, Inc	7,200.00	
Do	United Technologies Corp	450.00	
Do	Ventura Port District	3,000.00	
Do	Waste Management, Inc		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Helen M. Ball, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Halliburton Co	2,981.25	
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,500.00	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	College Football Association		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	1,050.00	
Do	National Hockey League		
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	27.98
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Abbott Laboratories	2,949.82	2.87
Do	American Tartaric Products, Inc	1,807.08	1.61
Do	American Xyrofin, Inc	1,458.25	1.77
Do	Cummins Engine Company, Inc	6,427.26	2.61
Do	Department 56, Inc	3,161.44	19.01
Do	J.G. Durand International	452.50	190.12
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		
Do	Marion Merrell Dow, Inc	2,023.83	36.59
Do	MFC Corporation	2,083.75	8.90
Do	Omni USA, Inc	2,838.38	29.51
Do	Polaroid Corp	12,311.87	328.78
Do	Schering-Plough Products, Inc	13,659.35	36.92
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Air Transport Assn of America	17,688.03	
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Timothy Barnicle, 1050 17th Street, NW, Suite 810 Washington, DC 20036- Bar	Neece Cator Barnicle & Associates, Inc (For: Riley Consolidated, Inc)	1,100.00	1,100.00
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority		
Kenneth R. Barrett, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For: Energy Fuels)		
Albert P. Barry, 2011 Crystal Drive, #606 Arlington, VA 22202	AAI Corp	5,837.50	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	480.00	
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	2,500.00	
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	1,800.00	61.86
Do	Family Violence Prevention Fund	700.00	
Do	Society for the Advancement of Women's Health Research	100.00	
Do	Women's Legal Defense Fund		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	1,750.00	1,081.99
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,800.00	1,526.59
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	2,922.21
James R. Baxter, 3517 Launcelot Way Annadale, VA 22003	Associated Specialty Contractors	2,000.00	2,000.00
Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Company	1,000.00	11.75
Do	CoreTech	500.00	
Do	Distilled Spirits Council of the U.S.	750.00	
Do	Hauser Communications, Inc	2,000.00	75.18
Do	National Food Processors Assn	95.40	
Do	Newmont Mining Corporation	170.00	36.57
Do	Southwest Airlines	323.00	
Do	Southwestern Bell Corp	525.00	
Do	Stewart & Stevenson Services, Inc	2,000.00	
Do	Trimble Navigation, Ltd	400.00	
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Big Brothers & Big Sisters of America		116.44
Do	Museum of Science & Industry	5,000.00	245.70
Do	Mystic Seaport Museum	6,000.00	536.99
Do	National Coalition for Volunteer Protection		82.65
Do	National Crime Prevention Council	13,500.00	780.80
Do	National Museum of Health & Medicine Foundation	14,000.00	1,670.40
Do	TDS Healthcare Systems Corp	10,830.00	6,161.83
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	189.50	591.99
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For: Association of American Railroads)		
Do	Richard J. Sullivan Associates, Inc (For: Design Professionals Coalition)	7,000.00	
Do	Richard J. Sullivan Associates, Inc (For: National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For: Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For: Southern Pacific Transportation Co)	3,000.00	
Do	Richard J. Sullivan Associates, Inc (For: Water Environment Research Foundation).		
Do	Richard J. Sullivan Associates, Inc (For: Williams & Jensen)		
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	2,800.00	35.55
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	260.36	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	315.79
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	
Donald K. Beich, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	89.45	462.98
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,349.39
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL–CIO	3,598.32	
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	5,000.00	1,025.00
Do	Capital Research & Management Company	2,000.00	500.00
Do	China External Trade Development Council	2,000.00	150.00
Do	Edison Electric Institute	2,000.00	525.00
Do	Elanco Animal Health	1,000.00	500.00
Do	Enseco	1,000.00	720.00
Do	Flo-Sun Land Corp	4,000.00	1,662.99
Do	Fox Broadcasting Company	3,000.00	586.63
Do	Friendship in Freedom Assn	1,000.00	550.00
Do	Glaxo, Inc	2,000.00	642.00
Do	Mallinckrodt, Inc	2,000.00	530.00
Do	McDonnell Douglas Corp	1,000.00	500.00
Do	Metpath	1,200.00	298.62
Do	Murry's, Inc		140.00
Do	National American Wholesale Grocers Assn [NAWGA]	7,000.00	975.00
Do	National Assn of Business & Educational Radio, Inc	500.00	333.40
Do	National Soft Drink Assn	3,000.00	658.00
Do	Ogden Martin Systems, Inc	2,000.00	1,220.51
Do	Okeelanta Corp	5,000.00	1,812.99
Do	Orange & Rockland Utilities	4,000.00	1,435.00
Do	Philip Morris Co, Inc	2,000.00	530.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	3,000.00	
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For: Advanced Network Systems)		
Do	Murphy & Demory, Ltd (For: Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For: U.S. Telephone Assn)		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	6,000.00	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,896.28	
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			4,217.48
David R. Bird, P.O. Box 11898 201 South Main Street Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For: Energy Fuels)		
Mark E. Bitterman, 12500 Fair Lakes Circle, Suite 350 Fairfax, VA 22033	Orbital Sciences Corp	658.00	951.00
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Puerto Rico Federal Affairs Administration	9,000.00	
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	210.57	
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For: American Hawaii Cruises)	1,416.25	
Do	Miles, Inc	1,113.75	
Do	Graham & James (For: Milk Specialties Co)		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,875.00	
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Bogle and Gates, 601 Thirteenth St., NW #370S Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	United Sport Fishermen	1,500.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Association	10,250.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	251.58
Mark P. Bolduc, 1125 15th Street, NW, #700 Washington, DC 20005	Mortgage Bankers Assn of America	5,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Bonneville Associates, Inc, 185 Sourth State Street, Suite 930 Salt Lake City, UT 84111	Western Regional Council	2,250.00	39.12
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	1,551.00	
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	346.08
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Fluor Corporation	15,000.00	8.00
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	3,100.00	
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Bowmer Courtney Burleson Normand & Moore (For: Naman Howell Smith & Lee (for: Temple Junior College)).		
Charles H. Bowser, 1511 K Street, NW, Suite 431 Washington, DC 20005			
Robert K. Boyd, 1100 H Street, NW Washington, DC 20080	Washington Gas Light Company	300.00	
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	210.17
Martha Braddock, 6808 Hathaway Street Springfield, VA 22152	Association of State DAM Safety Officials	800.00	44.90
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,537.74	44.28
Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Federal Strategies (For: American Independent Refiners Assn)		
Do	Legislative Strategies (For: Berry Petroleum Company)		
Do	Legislative Strategies (For: Calcasieu Refining Company)		
Do	Legislative Strategies (For: Consolidated Natural Gas Service Company, Inc)		
Do	Legislative Strategies (For: Huntway Refining Company)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Legislative Strategies (For: Laketon Refining Company)		
Do	Legislative Strategies (For: Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For: State of New Mexico (Natural Gas Programs))		
Do	Legislative Strategies (For: SEC Donohue)		
Do	Troutman Sanders		
Do	Legislative Strategies (For: U.S. Oil and Refining Company)		
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL–CIO	17,000.85	331.46
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	National Newspaper Assn	4,000.00	69.06
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	10,149.25	
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			51,515.62
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn [NDMA]	2,800.00	150.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
David C. Brown, 601 Pennsylvania Ave., NW, Suite 620-North Building Washington, DC 20004	Philadelphia Electric Company	20,000.00	8,068.21
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	136.20
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	8,350.00	7,150.00
Do	City of St. Louis - City Hall	4,700.00	3,200.00
Do	Lambert-St. Louis International Airport	26,600.00	8,800.00
Jerry M. Brown, Post Office Box 1321 Springfield, VA 22151-0321	Bio-Technology General Corporation	6,000.00	400.00
Lori D. Brown, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,115.48	70.00
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,358.00	762.68
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
William R. Brown Jr., 122 C Street, NW, #330 Washington, DC 20001	National Rural Letter Carriers Assn	40,523.00	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	10,000.00	756.19
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	Pennrose Properties		
Do	Related Companies of Florida		
Do	Related Companies, Inc		
Do	Starrett Housing Corporation		
Do	Technical Assistance Corp - of the City of St. Louis		
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	10,200.00	
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
J. M. Brunkenhoefer, 400 North Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	6,250.00	91.83
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For: Wasatch County)	6,000.00	1,500.00
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Barbara L. Bryant, 1101 17th Street, NW, #1000 Washington, DC 20036	American Physical Therapy Assn, Private Practice Section		
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	657.70
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: Citicorp Mortgage Finance, Inc.)	8,050.00	
Do	Thacher Proffitt & Wood (For: Massachusetts Bankers Assn)	12,650.00	
Do	Thacher Proffitt & Wood (For: Massachusetts State Carpenter's Guaranteed Annuity Fund).	2,587.00	
Do	Thacher Proffitt & Wood (For: Massachusetts State Carpenter's Pension Fund)	862.50	
Do	Thacher Proffitt & Wood (For: Residential Services Corp of America)		
Do	Thacher Proffitt & Wood (For: Savings Bank of Life Insurance)		
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Betsy Buffington, 23 North Scott #27 Sheridan, WY 82801	Sierra Club	300.00	49.47
Roderick Bunnell, 200 SW Market, Suite 1210 Portland, OR 97201	Blue Cross and Blue Shield of Oregon	1,500.00	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,297.24	292.00
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		176.74
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,224.02	
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,700.00	
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	2,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	1,500.00	
Do	ADVANTA Corporation	3,000.00	
Do	CRISIS	2,500.00	
Do	Dime Savings Bank of New York	1,000.00	
Do	Drayton Company		
Do	Edison Electric Institute		
Do	Euro-Nevada Mining Corp, Inc		
Do	Federation for American Immigration Reform	1,000.00	
Do	Franco-Nevada Mining Corp, Inc		
Do	Household International	10,000.00	
Do	NVR Savings Bank		
Do	Peoples Bank	1,000.00	
Do	River Bank America	1,000.00	
Do	Rochester Community Savings Bank	1,000.00	
Do	Savings Banks Assn of New York State	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	2,000.00	
Sydney J. Butler, 900 Seventeenth Street, NW Washington, DC 20006	Wilderness Society		
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	143.00	
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe		
Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037	United States Independent Microwave Television Assn [USIMTA]		
C & C Consulting Group, Inc, 1925 North Lynn Street, #1101 Arlington, VA 22209	MacAndrews & Forbes Holdings, Inc	15,000.00	116.47
Do	Western Resources	15,000.00	143.29
Patrick J. Cacchione, 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health Systems		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160 Japan			
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	Bank of America		
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Grupo de Economistas y Asociados		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		1,985.83	6,797.36
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Home Finance Coalition, Inc		
W. Donald Campbell, 1250 Connecticut Ave., NW,#620 Washington, DC 20036	National Multi Housing Council	3,870.00	
Campbell Falk & Selby, 1101 30th Street, NW, #550 Washington, DC 20007	Commonwealth of Puerto Rico	39,000.00	29,241.53
Do	New York Power Authority	2,295.00	2,200.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,150.00	315.78
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	700.00	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Council on Foundations, Inc		
Melissa Coggeshall Carey, 4135 Lorcom Lane Arlington, VA 22207	Harris Corporation		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	160.00	
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	500.00	
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For: Cement Kiln Recycling Coalition)		
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	67.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,600.00	1,060.73
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For: Council of Nursing Home Suppliers)	2,835.00	
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For: Southeastern Lumber Manufacturers Assn)		
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	17,550.00	1,666.59
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	3,175.00	
Cement Kiln Recycling Coalition, 1212 New York Ave. NW Suite 500 Washington, DC 20005			
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	1,564.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	AES Corporation		
Do	Biomass Energy Partners		
Do	BTR, Inc		
Do	Cogentrix, Inc		
Do	Diamond Energy, Inc		
Do	Napp Chemicals, Inc		
Do	OESI Power Corp		
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	23,250.00	1,645.48
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	15,400.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	4,875.00	87.04
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For: Society for Nutrition Education)	4,500.00	342.07
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	6,226.15
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Crum & Forster Corp	35,470.00	346.00
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		50.00
Do	Bishop Museum		
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Cleveland Museum of Natural History		
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	17,350.00	410.35
Do	Field Museum of Natural History		
Do	Ford's Theater	1,151.00	1,257.75

SENATE—*Tuesday, May 18, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Almighty God, we are profoundly grateful for a political system in which the purpose of government is to "secure human rights" and whose power is derived from the "consent of the governed." We thank You for elected leaders who take seriously their obligation to the people who put them in office.

But Your word declares that, "The powers that be are ordained of God." Therefore, elected leaders have an obligation to God as well. Grant, gracious God, that our elected leaders will take seriously this obligation as well. Give them wisdom to walk the fine line between representation and leadership. Help them understand that leadership requires that they give people not what they want but what they need—what is right in the sight of God. You have promised, Lord, that if we commit our works unto Thee, You will establish our thoughts. May this be a matter of first importance to Your servants in the Senate. Your will be done on Earth as it is in Heaven.

We pray in His name who came not to destroy the law and the prophets but to fulfill them. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning there will be a period for morning business, during which Senators will be permitted to speak. That period will end at 10:45 a.m., at which time it is my intention to seek consent of the Senate to proceed to consideration of a number of nominations made by the President to a number of Federal agencies. There are 16 in all. They have been on the calendar for periods as far back as April 28 and as recent as May 13.

I will have a more complete statement on the process for considering nominations and other legislative matters at 10:45 a.m. For now, I will simply state that we have been attempting for several days to obtain the consent of our Republican colleagues to permit us to proceed to these nominations. We have not been able to obtain that consent; that is, objection has been made. And, accordingly, we will have to proceed as I indicated last Thursday we would do, and that is to seek consent on the Senate floor, and if that consent is not forthcoming, I will make a motion to proceed to each nominee. That motion is not debatable and, of course, subject to a vote. It is my hope that if we do reach that point, the Senate will agree to the motion and that we can get on with the business of approving these various nominees.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. Am I correct in my understanding that, under the previous order, all of the leader time of the distinguished Republican leader is reserved as well?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 969 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Under the standing order, the time between 9:45 and 10:45 will be under the control of the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

The ACTING PRESIDENT pro tempore. The President pro tempore.

LINE-ITEM VETO III

Mr. BYRD. Mr. President, last week I traced the history of the Roman people from the founding of the capital city of Rome in 753 B.C., through the 243 years of the monarchy to the fall of the monarchy in 510, when Tarquinius Superbus was expelled, and the founding of the republic in 509 B.C., at which time the two first Roman consuls, Lucius Junius Brutus and Tarquinius Collatinus, were chosen.

The Roman consul was the supreme civil and military magistrate of Rome under the republic. There were to be two consuls elected annually, each for a term of 1 year. Each consul could veto the actions of the other consul.

The plebeians continued in their struggle to achieve admission to the offices and privileges of the patricians because the monopoly of the patricians over the magistrates with Imperium deprived the plebeians of a voice in determining public policy and deprived them of the commands in the army.

The plebeian soldier shared equally with patrician soldiers the dangers in war, and equality of political rights could not be forever kept from the plebeians. Custody of the civil and criminal law, the knowledge of civil and criminal law, of legal procedures, and the enforcement of the laws, all these were the monopoly of the patrician magistrates and priests, who naturally manipulated them to the benefit of their own class.

One of the causes for great discontent in the later stages of struggle was the fact that the plebeian farmers could not find the moneys with which to rent public land in order to make ends meet. The indebtedness of the plebeian landholders was caused, in the main, by their forced absence from their lands because of military service, and also by the burden of the property tax that was levied for military purposes. Additionally, as I say, they could not acquire the capital with which to rent public land or buy additional land. Adding to this condition was the severity of the harsh laws of debt, which enabled the creditor to seize the debtor and sell him into slavery.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The first objective of the plebeians was to acquire for themselves an officer who would act as their spokesman and who would defend them against the oppressiveness of, and exploitation by, the patricians and they, therefore, as I stated last week, retired to the Sacred Mount, seceded from the city, and threatened to become a separate city or state. They won the concession from the patricians of having an officer of their own, who could protect them against the dictates of magistrates, and that officer was the tribune.

There would be two tribunes, either of whom could veto the actions of the other tribune or the actions of any magistrate or the actions of the Senate or the actions of a private person.

The patricians recognized the tribunes as public officials in a sense, but not as magistrates in the strict sense of the term, because they were not elected by the whole people; they were elected only by the plebeians. The patricians also acknowledged the authority of the tribune to intervene on behalf of any person seeking aid from unjust actions by a patrician magistrate or a private person.

Legal status was given to meetings of the plebeians as long as the assembly was convened by a tribune and presided over by a tribune. But the meetings of the plebeians constitutionally were recognized as not being meetings in which the actions taken would apply to the people as a whole, because the meetings were summoned by a tribune and only the plebeians were summoned by the tribune. As a consequence, their actions did not constitute actions by the whole people.

The plebeian assembly took place in the Roman forum. It was not a comitia but a concilium, because only plebeians had been summoned. It was called the concilium plebis—a concilium meaning a meeting not of the whole people but of only a part of the people. The resolutions that were adopted in the concilium plebis, or in the meetings of the plebeians, were called plebiscites, and were binding only on the plebeians. A plebiscite was not recognized as a law that applied to the whole people because it was not created by a body representative of the whole people. For the plebiscite to be valid for the whole people, it had to be ratified by the Roman Senate.

Last week, we noted the development of the following magistracies following the fall of the monarchy and the establishment of the republic—the consul, the dictator, and the censor. There was also created a magistracy referred to as the aedileship. The aedile originated as a subordinate officer of the plebeians. He was to act as an assistant to the tribunes in the oversight of the archives, the management of the prison, and the supervision of public buildings. There being two tribunes, there were two aediles.

In time, the patricians also elected two such officers and, therefore, there were four aediles. The aediles had care over the streets of Rome, over the water supply, over the market, and especially supervision over weights and measures. They also had the responsibility for the regulation of traffic and for the public games. In the later republic, as the wealth of the city grew and as political rivalries increased, the conduct of the public games became more and more important, and gave an opportunity to the aediles to make themselves popular and gain votes. Therefore, the aedility became a stepping stone politically.

The lowest of the regular magistracies was the quaestorship. In the beginning of the republic, the consuls appointed two financial quaestors, one quaestor to serve each consul. As time went on, the Romans increased the number of quaestors to four, and they were elected by the tribal assembly. Two were to serve as the state treasurers. They had control over the aerarium, which was the state treasury located in the temple of Saturn below the capitol. They were to be supervised, however, by the Senate, which had full control over the aerarium. The other two quaestors were assistants to the consuls, whom they accompanied to war, where they served as quartermasters in charge of supplies and the payment of the troops.

Another magistrate was created, the office of praetor. The praetor was one of the higher magistrates. He possessed the Imperium—meaning the absolute authority to command the armies, the authority to interpret the laws and to execute the laws, the authority to inflict the death penalty.

He was not allowed to leave Rome more than 10 days at one time. He had the special responsibility of administering justice in the city. During the absence of both consuls from the city—if they were in the field with the legions—the praetor could convene the Senate or the assembly, and he had the responsibility for the defense of Rome.

So, now we have the consul, the dictator, the censor, the tribune, the aedile, the quaestor, and the praetor.

The plebeians would not rest content, however, with the tribunate and the aedileship, and so they continued to press for admission to the other offices. It was not until 367 B.C. that the Licinian plebiscite required that of the two consuls elected annually, one had to be a plebeian. But this was an enactment that was violated by the Comitia Centuriata over the next 25 years, and it was not until 342, under a stricter formulation of the measure, that we begin to see plebeians elected on a regular basis, one annually of the two consuls.

Of course, once the plebeians gained admission to the consulship they could no longer be barred from the other higher magistracies, such as the dictatorship or the censorship. And as it had long been the custom that ex-consuls, and later ex-praetors, were to be enrolled in the Senate's membership, the attainment of these higher magistracies meant an ever-increasing representation in the Senate by the plebeians. Therefore, we now see the plebeians becoming more and more represented by their own people in the Senate.

Now, what about the other assembly or assemblies under the republic? Was there just to be the Senate? No. The comitia was an assembly of the Roman people summoned by a magistrate.

The earliest comitia were the assemblies of the curiae. The curia was the smallest division of the Roman people. In the era of the kings, the monarch could call upon the Comitia Curiata for advice. This was an assembly of 30 curiae, 10 for each of the Romulian tribes. Originally, there were three tribes. Later, urban tribes were created, and then additional rustic tribes were added.

The number of tribes finally reached 35 in the year 241 B.C. This number was never exceeded. The sixteen oldest rustic tribes bore patrician names.

Early, following the fall of the monarchy, the Comitia Centuriata came to be substituted for the Comitia Curiata. The Comitia Centuriata was made up of centuries of soldiers. A century was 100 soldiers.

The old Comitia Curiata affirmed the appointments of magistrates. It witnessed adoptions and the writings of wills. It also witnessed the installation of priests, on which occasions the pontifex maximus would preside over the curiata assembly.

The Comitia Centuriata came into being in the earlier years of the republic, and progressively supplanted the Comitia Curiata. The Comitia Centuriata elected the magistrates with Imperium, as well as the censor. They declared war or peace, they enacted laws, and they acted as judges in some capital cases.

In 287 B.C., the Hortensian Law gave greater legislative authority to the Tribal Assembly than was accorded to the Comitia Centuriata.

So, here we saw, in the age of the kings, the assembly of the curiae, the Comitia Curiata, and, shortly after the fall of the monarchy, the establishment of the assembly of centuries, the Comitia Centuriata. We also saw the development of the concilium plebis.

Now we see the most powerful of all the assemblies, the Comitia Tributa—the Tribal Assembly.

In all of these, however, the actions of the assemblies were only valid if the Senate approved their actions. The Senate could exercise a veto over the actions of any of the assemblies.

We, therefore, see that the Senate remained supreme. The making of alliances and treaties, the formulation and the execution of foreign policy, the waging of war, the control of the aerarium. The public treasury. The government of the colonies and the provinces, the management and distribution of public lands, the power over the purse—all of these were the exclusive functions of the Senate, and they gave it enormous power. The Senate also acted as judge in such crimes as assassination, treason, and conspiracy.

The Senate met in Rome, or within a mile of the city. It met in a place that was public and consecrated. It was summoned by a magistrate with Imperium, or later, by tribune.

Upon the convening of the Senate, the magistrate made his report or presented the subject for discussion. After this was done, each Senator was asked for his opinion in the order of rank. The senior patrician—the Princeps Senatus—was given precedence.

And, in time, as the Senate became to be made up of ex-magistrates, the highest of the ex-magistrates in the Senate would be called upon for his opinion; and then the next highest, then the next highest—the ex-censors, ex-consuls, ex-praetors, ex-aediles, and so on.

After they had given their opinions, the vote was taken on each of the opinions by division. Senators in favor would go to one wall and be counted, Senators in opposition would go to another wall and be counted. There were other methods of division, just as there are several ways of taking a division here in this Senate.

There was absolute freedom of speech in the Roman Senate until the time of Augustus. He placed a limit on Senate speeches. But under the old republic, freedom of speech was assured. The Senate met from dawn until sunset.

Senators, by custom, were not allowed to engage in banking or in public contracts, and they could not own a ship with carrying capacity sufficient to engage in foreign commerce. They were predominately a landlord class.

Senators wore the latus clavus—a broad, purple, vertical stripe, either stitched onto, or woven into, the Roman tunic. They also wore the white toga, especially on formal occasions. They wore a special shoe, a red sandal, and it was fastened by straps that went around and up the leg.

Roman Senators were given special seats at religious ceremonies, and at the theater, and at other public entertainments. They were not allowed to leave Italy without permission of the Senate. It reminds us of rule VI of the standing rules of the U.S. Senate, by which, Senators are supposed to get permission of the Senate for leave of absence.

How were the Senators appointed? In the era of the kings, they were appointed by the king. When the monarchy came to an end in 510 B.C., and the republic was established in 509, and the two first consuls were elected by the Comitia Curiata, the consuls then appointed Senators. In those early days, heredity, wealth and being a member of a distinguished patrician family, were factors that guided the selection of Senators.

The censors, much later, enrolled members into the Senate. It was the plebiscite of Ovinius, a tribune, that formulated regulations by which Senators were to be enrolled in that body. Following the Ovinian plebiscite, the censors were expected to abide by the law, which required, in the enrollment of Senators, that precedence be given to all worthy ex-magistrates.

The Senate, therefore, became, largely, a body of ex-magistrates, men who had served as consuls, praetors, and other magistracies; men who had had command of the armies. Consuls commanded legions; praetors also had authority to command the legions. So, here was an experienced body of generals and former high administrative officials. Consequently, the Senate was the gathering of the wisest, the most experienced men in public life.

Now, let us take just a moment to talk about the Roman family. The capital stone, the cornerstone of the Roman social structure was the family. The father had complete authority over everyone in the family. It was there that the sons and daughters were taught discipline and respect for authority. They were taught to reverence, and to sacrifice to, the gods. They were taught to venerate their ancestors. This discipline and respect for authority were carried over by the Roman into his public relations, and it aroused in him a sense of duty to the interests of the state that was a basic quality of the Roman character. For the Romans, the highest virtue was piety, which meant the dutiful performance of all of one's obligations—to the gods, to one's kinsmen, and to the state.

It was particularly to the state that the Roman was expected to exhibit loyalty and devotion. Family, friends, life itself were to be sacrificed, if necessary, for the good of the state.

One cannot doubt the importance of these values in Roman life. Later generations of Romans would look back to the lives of statesmen and generals of this period, the period of the early and middle republic, to find examples of patriotism worthy of emulation.

A sense of duty ran deep. A Roman who was suited and inclined for public service felt that it was his responsibility—his destiny—to serve the state, in public office, certainly in public life. It could be in the military. But this was his duty.

The Romans believed in the principle that was enthusiastically enunciated and maintained by Cicero that it was the civic duty of the citizen to serve in public office and in public life.

Since public office and public service were never regarded as a profession, no remuneration was given to Roman magistrates. Senators served without pay. They had seats for life unless they were guilty of grave misconduct. But there was no remuneration for these high officials. They served for the honor of serving the state. The only remuneration for Roman magistrates was for journeys or special celebrations or for military commands and expenses, and so forth. It was one's duty to serve the Roman state. Senators believed that service in that body was the highest honor, and that attendance at sessions of the Senate was an integral part of that service.

This high sense of duty emerged from a dialog between the Emperor Vespasian and the Senator Helvidius Priscus, as written by Epictetus. When the Emperor Vespasian sent word to Helvidius not to attend a meeting of the Senate, Helvidius answered:

> It is in your power not to allow me to be a member of the Senate, but as long as I am one, I must attend its meetings.

Plutarch tells us that the same high sense of duty was demonstrated by Marcus Porcius Cato the Younger, who lived between 95 and 46 B.C. "There was no meeting of the Senate which he did not attend, in order to keep a watchful eye upon all partial remissions of fines and duties and all unreasonable grants. * * * Whenever the Senate was summoned to meet he was the first to give his attendance and the last to withdraw. * * * He thought that a good citizen ought to be as solicitous about the public, as a bee is about her hive." Those are the words of Plutarch concerning Cato the Younger.

Hence, Mr. President, we see the storm self-discipline, the respect for authority, the high sense of duty, the old Roman virtues that formed the sterling Roman character. We see the development over time of various magistracies that were held by men who served not to fulfill pecuniary ambitions, but men who had the ambition to give themselves to the service of the Roman state.

We have discussed the consuls and the praetors, who had the Imperium—the authority to command armies, to execute the law, to execute soldiers under their command or to execute the people within the city of Rome—execute without trial. At a later point, this power was taken away from the consuls in that they could not execute individuals within the city of Rome or within 1 mile of the city without trial.

We have again seen a separation of powers—the quaestors who had supervision over issuance of payments to soldiers and who also had supervision over the public treasury, the aerarium in Rome, always, however, under the control of the Senate. The Senate had the complete power over the purse. The consuls could issue their vouchers in the field, but the Senate, before those vouchers could be paid, had to approve the payments.

These were checks and balances, one consul being able to veto the acts of the other consul, one tribune being able to veto the acts of the other tribunes or consuls or other higher magistrates, with the exception of the dictator. We have followed the creation of the various assemblies, the various comitias, and we have observed that their actions could be vetoed by the Senate.

So here in the Roman Republic—from its earliest days, through the early republic and the middle republic, certainly—the Senate was supreme, and its power over the purse was supreme.

Little wonder that the average Roman was inspired as he looked back upon the examples of statesmen and generals of earlier times, inspired to give of his best, inspired to serve his country. Little wonder that the Romans acquired control over the surrounding tribes and stretched their supremacy from the Gallic north throughout the entire Italian peninsula. And little wonder that this small, fledgling city that was founded on the river Tiber, came to be the greatest city of antiquity and to rule over the greatest empire of antiquity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia yields the floor.

Who seeks recognition?

DENISE PAONE—AN OUTSTANDING CAREER IN NURSING

Mr. KENNEDY. Mr. President, earlier this month, on May 12, the New England Medical Center held a dinner honoring its employees who have reached the 25-year milestone in service. Among those honored was a native of Revere, Denise Paone, who completed her registered nurse training at St. Catherine Laboure Nursing School in 1968 and then joined the staff of the New England Medical Center. While working full time there, she continued her studies, earning a B.A. in nursing from Northeastern University, and an M.A. in nursing from Salem State University.

All who know Denise Paone are impressed by her outstanding ability, her compassion, and her extraordinary dedication to her duties in supervising the medical-surgical clinic at the New England Medical Center. It is a privilege to take this opportunity to pay tribute to Denise on her quarter century of exceptional service, and I hope that her next 25 years will be as successful as the first.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, May 14, the Federal debt stood at $4,247,908,515,485.90, meaning that on a per capita basis, every man, woman, and child in America owes $16,537.90 as his or her share of that debt.

COST OF FEDERAL REGULATION: $4,000 PER HOUSEHOLD

Mr. HELMS. Mr. President, the storm clouds of economic disaster have been gathering over America for the better part of a half century while big-spending politicians in the Congress paid little or no attention. Indeed they mocked those who tried to warn that Congress was in the process of heaping deadly destruction upon the working men and women—citizens who struggled constantly to cope with the spend-and-tax philosophy of liberal politicians who controlled Congress year after year.

Federal regulators infesting the bureaucracy looked constantly for new ways to add to the burdens of citizens operating the small businesses across the land. Congress dutifully approved the deluge of new regulations, either by legislation or by silent acquiescence.

So, Mr. President, there is now much wringing of hands by an administration that last year misled 43 percent of the voters into believing that there were easy answers and quick solutions to the Nation's problems. In fact, what the new administration has been proposing is more of the bad medicine that made the Nation and its economic stability sick in the first place. Burdens imposed by the Federal regulators have become heavier and heavier.

Nowhere are those burdens more clearly identified than in studies by Dr. Thomas D. Hopkins, the Gosnell professor of economics at the Rochester Institute of Technology in Rochester, NY. Dr. Hopkins asserts that the annual cost per household of complying with Federal regulations is in the range of $4,000 and rising. The cost of Federal taxes, per household, totals about $10,000 per household, Dr. Hopkins says.

Small wonder, Mr. President, that American's business and industry are so often being mutilated in the world marketplace. The U.S. Government, which professes to support free enterprise, is constantly crippling America's ability to compete—and the American taxpayer is paying the price.

President Clinton and his Katzenjammer Kids at the White House apparently believe they can reinvent Government. Their concept is as old as tyranny itself—to promote the growth and expansion of Government power over the working men and women of America.

Mr. President, Congress voted last week to elevate the Environmental Protection Agency to Cabinet status. It's now the Department of the Environment. Among the proposed amendments to this unwise legislation, was a wise proposal that the economic impact of promulgating environmental regulations be taken into account. This sensible amendment was shot down by the Senate's liberal majority. Who is going to pay for this gross error of judgment? The American taxpayers, of course.

According to Dr. Hopkins' study, the cost of environmental regulation has skyrocketed from $42 billion in 1977 to $122 billion at the end of 1992. He estimates the cost of the environmental regulatory burden will rise to $178 billion by the year 2000. And this is just one area of Federal regulation.

Mr. President, I ask unanimous consent that Dr. Hopkins' study, "The Cost of Federal Regulation" and an article published in the March Rochester, NY, Democrat and Chronicle be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COST OF FEDERAL REGULATION

(By Thomas D. Hopkins)[1]

We are in the midst of a major escalation in the cost of regulation, a trend that in some ways represents the exercise of power without accountability. The regulation of which I speak includes any mandate that the federal government places on people, business or local governments, specifying either what you must do or what you must not do. Much of this regulation is absolutely essential. The Cuyahoga River in Ohio used to catch on fire periodically from the chemicals being dumped into it. That is no longer allowed to happen thanks to regulation. But much regulation also is either poorly designed or just plain silly. Recently a California producer got in trouble with federal regulators who ordered him to stop labeling his product Rocky the Range Chicken. His chickens were allowed to range outside rather than being cooped up all the time and they were advertised as being raised in a stress-free environment. After a federal investigation of chicken living conditions, the government partially backed down, allowing Rocky the Range Chicken to remain on the label, but not allowing mention of stress, the level of which remains in contention. And I'll restrain myself from delving into the new ketchup regulations that took effect in 1992. Suffice it to say that consenting adults are involved, using a Bostwick Consistometer to calculate the distance a specific volume of ketchup flows in 30 seconds on a level plane.

The vast majority of regulations lie somewhere between the indispensable and the bizarre. Regulation is a powerful way to change the behavior of people and of organizations. From Washington's and perhaps Ottawa's perspective it also looks like a relatively low cost tool. The federal budget hardly budges when a major change is mandated by regulation. For example, when the Congress wants a new water treatment plant built it has two basic choices. It can write a check or it can issue a regulation. Either way, the same bricks and mortar will be used to construct the plant. With a check, the cost is made explicit and either federal taxes have to get raised to pay for it or the deficit gets bigger. With a regulation, the cost is hidden in that the federal government doesn't have to pay the bill. The factory owner or local government that must comply with the regulation pays the cost.

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[1] Arthur J. Gosnell. Professor of Economics, College of Liberal Arts, Rochester Institute of Technology. This is a revision of "The Costs of Federal Regulation," Journal of Regulation and Social Costs, March 1992. I am indebted to John F. Morrall III for his encouragement and comments on the research underlying this paper.

Most of the cost of government—taxation—is closely monitored and measured, not withstanding some argument about how well it is kept under control. But the cost of regulation is neither well-measured nor well-controlled. The Congress has no particular incentive to let the public know about the size of regulatory costs, for it realizes how upset people get when they learn how big their tax bill is. If they also had to keep track of and publicize regulatory costs, there would be that much more pressure created to constrain government actions. So if you are a Congress that wants to get something done without making the deficit worse or federal taxes higher, you can reach into your policy tool kit and pull out a regulation. Regulation looks beguilingly inexpensive to the federal government, which helps explain why we have so many of them.

Quite apart from direct compliance costs, regulation generates a variety of indirect costs as well. The regulated producer may contract, move elsewhere, or cease to operate, cutting jobs and the local tax base. Its altered service or product may be less appealing to consumers. Productivity may decline in the short run as unit costs rise, and in the long run as funds for plant expansion or improvements are absorbed by regulation-driven projects. The bill for all these costs is paid partly by those regulated and partly by the rest of society. Businesses try to shift such costs into higher product prices, creating problems for international competitiveness and the consumer's cost of living. State and local governments facing federal mandates boost their tax rate or curtail their services.

Just how large is the regulatory bill? By my reckoning, $500 billion annually is spent by those regulated just to comply with all federal mandates.[2] That is over and above any costs paid by the federal government itself. The accompanying charts highlight the costs, grouping all regulation into five broad categories. Two of these categories are social regulation. These are controls on environmental hazards and on other risks that people face in daily life. Two are economic. These are controls on product prices and availability. The fifth is paperwork requirements of process regulation.

To place this total cost number in context, Figure Three shows that each American household would be billed roughly $5,700 annually in addition to taxes, if federal regulatory compliance costs were shared equally and collected directly. From another perspective, total federal receipts in 1991 were $1,100 billion—just twice the total compliance cost of regulation. This 2 to 1 ratio between government tax receipts and regulatory costs certainly does not correspond to the relative emphasis each receives either in the government's statistics or in its decisionmaking.

My numbers understate regulatory costs, partly because I have no figures on the adverse effects that regulation has on innovation and investment. Moreover, because of data inadequacies underlying my estimates, they are only crude indicators of patterns.

Looked at over time, a ten-year period of gradually declining costs dating from the regulatory reform efforts of the Carter Administration seems to have ended about 1988, as new regulations, mostly in the environmental area, began to swamp cost reductions that had been created by the earlier reforms. Since 1988, in the U.S., we have had a sharp increase in the number of regulatory actions government-wide. In October 1991, the government reported that 59 different federal agencies were then at work on nearly 5,000 new regulations. As new regulations get completed, they are printed in a daily publication called the Federal Register. In 1991 it ran to 67,715 pages. Once they appear in the Federal Register, these new regulations are inserted into the body of already existing regulations. That is called the Code of Federal Regulations. It merely takes up 21 feet of library shelf space, at the moment.

These indicators fall short of providing a basis for judgment about regulation. Such judgment requires information on the benefits of regulation as well as on the costs. More important still, it requires analysis of incremental effects, rather than total effects. Only then is it possible to assess whether a particular regulation is the most economical way to achieve a particular objective. A very costly regulation is certainly justifiable on efficiency grounds if it delivers benefits that society values even more highly than those costs. This efficiency criterion, however, is not the only one used in government decisionmaking. In fact, one could say it rarely prevails, despite its ability to maximize the size of the economic pie. Concerns about fairness and protecting certain segments of society are more likely to drive most public decisions, even when one result is lessened efficiency. This may help explain why the incremental information needed for benefit-cost analysis is so rarely produced, especially on the benefit side.

Now a few comments on each of my five categories of regulatory costs.

TABLE 1.—ANNUALIZED REGULATORY COSTS IN BILLIONS OF 1991 DOLLARS

Year	Environmental regulation	Other social regulation	Economic regulation efficiency costs	Enonomic regulation transfer costs	Process regulation	Total regulatory costs
1977	42	29	120	228	122	540
1978	46	31	116	219	122	534
1979	50	33	112	210	123	528
1980	53	35	107	201	127	523
1981	56	33	103	192	130	514
1982	58	31	99	183	128	499
1983	64	29	94	174	128	490
1984	68	28	90	165	132	483
1985	72	28	86	157	134	476
1986	78	28	82	148	134	469
1987	83	29	77	139	156	483
1988	87	30	73	130	153	473
1989	93	32	73	130	159	487
1990	100	34	73	130	174	511
1991	115	36	73	130	189	542
1992	122	42	73	130	197	564
1993	133	45	73	130	200	581
1994	136	47	73	130	202	588
1995	150	49	73	130	205	607
1996	155	52	73	130	208	617
1997	161	53	73	130	211	628
1998	168	56	73	130	214	640
1999	173	58	73	130	217	650
2000	178	61	73	130	221	662

TABLE 2.—FEDERAL RECEIPTS AND REGULATORY COST PER HOUSEHOLD IN 1991 DOLLARS

Year	Households (thousands)	Federal receipts per household	Total regulatory costs per household	Combined federal burden per household
1977	74,982	10,179	7,205	17,384
1978	76,914	10,420	6,947	17,367
1979	78,845	10,872	6,697	17,569
1980	80,776	10 685	6,471	17.156
1981	81,979	11,050	6,273	17,323
1982	83,181	10,480	6,000	16,480

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[2] For details on estimation procedures, see Hopkins, "Cost of Regulation," RIT Public Policy Working Paper, December 1991, and Hopkins, "Costs of Regulation: Filling the Gaps," Report to Regulatory Information Service Center, Washington, DC, August 1992

TABLE 2.—FEDERAL RECEIPTS AND REGULATORY COST PER HOUSEHOLD IN 1991 DOLLARS—Continued

Year	Households (thousands)	Federal receipts per household	Total regulatory costs per household	Combined federal burden per household
1983	84,384	9,628	5,801	15,429
1984	85,586	10,166	5,643	15,809
1985	86,789	10,716	5,482	16,197
1986	88,458	10,754	5,302	16,056
1987	89,479	11,519	5,403	16,922
1988	91,066	11,658	5,197	16,855
1989	92,830	11,971	5,251	17,223
1990	93,347	11,901	5,424	17,324
1991	94,312	11,179	5,683	16,861
1992	95,392	11,255	5,831	17,085
1993	96,329	12,072	5,934	18,006
1994	97,243	12,886	5,935	18,822
1995	98,180	13,510	6,049	19,559
1996	99,082	14,149	6,083	20,232

Source of data on number of households: U.S. Bureau of the Census, Statistical Abstract of the United States: 1990 (Washington, DC: U.S. Government Printing Office, 1990), p. 45, supplemented by updates obtained by telephone from Census Bureau, along with author's extrapolated estimates for other years not included in the Abstract.

Source of data on government receipts: Budget of the United States Government, Fiscal Year 1992, Part Seven, Table 1.3: Mid-session Review: The President's Budget and Economic Growth Agenda, July 24 1992, Part 2, Table 2–12, adjusted to 1991 dollars using the Consumer Price Index.

ENVIRONMENTAL

The cost of environmental controls has been on the rise continuously since 1977. Mandated compliance costs in this area reached at least $115 billion by 1991. It is quite likely that the full social costs of air and water regulations in the 1980's exceeded my estimates substantially—perhaps by as much as 50 per cent, as price changes reflecting initial spending rippled through the economy, creating productivity problems. About half of this environmental regulatory cost was to control water pollution. About a third was for air pollution—auto emission, smoke stack controls, and so forth. The rest was for solid waste.

The net benefits of environmental regulation may be positive or negative. By 1990 the benefits of air pollution regulations probably were exceeding the compliance costs, perhaps by as much as $10 billion. For water pollution regulations, on the other hand, the results were just the opposite. The best information available suggests that costs exceeded benefits by roughly 20 billion dollars per year in the water pollution area. For other environmental areas, we lack comparable data. The general trend appears to be the adoption of regulations whose benefits do not exceed their costs. The 1990 Clean Air Act Amendments very likely will impose additional compliance costs of $30 billion annually while generating far smaller additional benefits. This trend is driven in part by the fact that many of the low cost options for lessening risks have already been adopted.

OTHER SOCIAL REGULATIONS

Many regulatory programs target risks that workers and consumers face unrelated to environmental quality. Product defects, misleading information, health hazards, energy shortages, job and pension concerns, discrimination, and inaccessible facilities have spawned regulations at dozens of federal agencies. OSHA, NHTSA, FDA, CPSC merely begins the familiar list of Washington acronyms. While the costs are substantial, there are few benefit estimates for these programs. The main exception is for highway safety regulations; probably there the costs are substantially smaller than the benefits. That is probably not the case with very many other sub-categories of social regulation. The two early warning regulatory documents are the Unified Agenda of Federal Regulations, which reports everything in the works, and the Regulatory Program of the U.S. Government, which comes out once a year and has a more extensive discussion of the more significant regulations in the pipeline. Even a casual reading of these two documents suggests the pace of other social regulation has picked up dramatically since 1987. So costs certainly are mounting.

ECONOMIC REGULATION

These are government restrictions on entry (who may do business) and on allowable prices and quantities. These are much less burdensome than they were in the 1970's in the U.S., thanks largely to the 1977–1982 wave of deregulation in transportation, energy and communication; but many persist. Moreover, economic regulation has not receded much since 1982, even though there is ample room for further deregulation. International trade restrictions probably now dominate this class of regulatory costs.

Unlike the situation with environmental regulation, it is difficult to find substantial benefits for economic regulation. Generally, whatever benefits arise are so swamped by their costs that economists typically focus on the net damage—terming it efficiency costs or dead-weight losses. These are simply wasted resources, losses imposed on one part of society that are not offset by gains to anybody else. By 1984, for example, U.S.-Japanese negotiated auto trade restrictions were creating annual efficiency losses of $5 billion, reflecting about $14 billion in higher consumer prices that were only offset partially by $9 billion in higher U.S. auto profits.

Regulation is an effective way to redistribute wealth among segments of the society. Termed transfer costs, this reshuffling exceeds a hundred billion dollars annually. For example, since textile import restrictions limit U.S. consumer access to inexpensive clothing, domestic producers gain windfalls from domestic consumers well in excess of a billion dollars a year according to the Congressional Budget Office. When transfers are this large, beneficiaries are quite willing to expend considerable resources on lobbying and on other rent seeking activities to protect their transfers.

This transforms a "mere" distributional issue into one of real resource usage. For example, when the concept of rent seeking is broadened to encompass lobbying activity aimed at spending and taxation as well as regulation, cost ". . . estimates cluster in the range of . . . $300–700 billion."[3] Since regulatory costs represent roughly one-third of the total federal burden as shown in Figure 3, perhaps a third of this $300–700 billion lobbying cost estimate can be attributed to regulation, which produces a number close to my own independently derived estimate of transfer costs.

PROCESS REGULATION

A variety of process regulations also create costly burdens. In 1991 paperwork requirements alone consumed some six billion hours of private sector time—mostly to comply with our tax laws. This deprives the private sector of an important resource: namely, time. Available research on valuing time suggest this burden translates into well over a hundred billion dollars annually. Furthermore, many other federal spending programs have reporting and paperwork requirements that fall on state/local governments as well as on the private sector. One example is health care cost reimbursement. Cost estimates for these paperwork requirements, while conjectural, are in the range of $25 billion annually. There are, of course, unquantified benefits associated with these requirements such as lessened tax fraud, but whether these benefits could be achieved at lower cost is an open question.

In closing, I merely would re-emphasize my finding that since 1986, in the U.S. environmental and other social regulatory costs began rising more rapidly, while further progress in economic deregulation stalled, and paperwork burdens continued unabated. The sheer size of this burden would be cause for concern even if all regulation were optimally crafted, but unfortunately such benefit estimates as exist suggest that, with some important exceptions, regulation is not proving to be a very good bargain. I hope that we here today can have a candid and productive exchange of views on the severity of this regulatory cost problem and on responsible ways to better cope with it in our two nations.

Note.—Figures 1, 2, 3, and 4 not reproducible in the RECORD.

[From the Rochester (NY) Democrat and Chronicle, Mar. 30, 1992]

WHAT OFFICIAL WATCHDOGS COST YOU

(By Thomas D. Hopkins)

The Carter and Reagan administrations had at least one thing in common: Both were able to bask in the glow of declining regulatory cost. A wave of deregulation in transportation, energy and communications between 1977 and 1982 generated large and continuing cost reductions. The savings masked increasing costs of other regulations.

But no longer. We now are in for a long period of steadily rising regulatory costs.

Unlike most spending programs, government regulations create costs not generally financed through federal taxation. Business and state-local governments pay most of the compliance costs.

Businesses tend to shift such costs into higher product prices, creating problems for U.S. competitiveness and the consumer's cost of living; local governments boost tax rates or are forced to curtail services.

Regulation absorbs resources that otherwise might be boosting productivity and innovation, and it limits choices available (for example, import quotas restrict consumer access to less costly clothing).

My study groups all federal regulation into five cost categories and tracks each over the period 1977–2000. For 1990, the five total nearly $400 billion.

Environmental controls have been on the rise continuously since 1977 and rapidly are coming to dominate the other four categories. EPA data show mandated compliance expenditures in 1990 reached $99 billion. Roughly half of this was for water pollution. The 1990 Clean Air Act amendments will add another $25 billion annually.

Many other regulatory programs exist that reduce risks to people in the workplace and as consumers—OSHA (Occupational Safety and Health Administration), NHTSA (National Highway Traffic Safety Administration), FDA (Food and Drug Administration), and CPSC (Consumer Product Safety Commission) begin the familiar list of Washington acronyms. More than 50 federal agencies have regulatory powers.

These social regulations cost at least $29 billion in 1990. Such costs fell between 1980 and 1986 before resuming their upward course. The FDA says its new food labeling rules, just one example, will cost $1.7 billion over the next two decades.

Government restrictions on who may do business and on prices are much less burdensome than they were, thanks to deregulation, but many persist, creating both economic efficiency costs ($46 billion) and economic transfer costs ($95 billion).

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[3] Jonathan Rauch, "The Parasite Economy," National Journal, April 25, 1992, p. 984.

By 1984, for example, "voluntary" import restrictions on Japanese cars were creating annual efficiency losses of $5 billion, reflecting $14 billion in higher consumer prices only partially offset by $9 billion in higher U.S. auto profits.

Finally, various process regulations create other costs. In 1990, paperwork requirements alone consumer over 5 billion hours of private sector time, mostly to comply with tax laws. At a $20 average hourly rate, that amounts to a $100 billion private sector burden. Additionally, health care process costs due to federal rules may account for $22 billion of the $500 billion spent annually on health care.

The annual cost per household of complying with all federal regulations is in the range of $4,000 and rising. For comparison, all federal taxation amounts to roughly $10,000 per household.

Whether this regulatory burden is excessive cannot be answered from my findings. Such conclusions require examination of the benefits created by these government activities. What my research does establish is that regulatory costs are substantial and growing. Magnitudes this large warrant a more vigorous effort to firm up the cost estimates and to examine regulatory benefits with greater care in the interests of more rational public policy.

HONORING AMBASSADOR PAMELA HARRIMAN

Mr. **BAUCUS**. Mr. President, I rise today to applaud the selection of Pamela Harriman as Ambassador to France, and to congratulate both Ambassador Harriman and President Clinton on her swearing-in yesterday.

Few relationships are so complicated as that between the United States and France. Our traditional alliance stretches back to Washington and Lafayette. Our common interests are many, yet our quarrels and disputes seem almost equally long and varied.

In the coming years our Nation's representative in Paris must deal with issues ranging from the resolution of the Uruguay round of the GATT; Airbus subsidies; oilseed and other agricultural trade negotiations; broadcasting and telecommunications; support for reform in Eastern Europe, Russia and other post-Soviet States; the war in Bosnia; and the future American military role in Europe.

Thus, few diplomatic assignments are so sensitive, complicated and difficult as that of Ambassador to France. This will be no easy posting. But I believe no one in America is a better choice for it than Pamela Harriman. Perhaps no living American combines such a deep knowledge of European issues, leaders and politics with such a depth of understanding of American policy and Government.

Ambassador Harriman's experience is unmatched. She was born and raised in England at the height of the British Empire. She was educated at the Sorbonne and during her studies there was a personal witness of Europe's slide through appeasement toward the Second World War. She watched crises and decisions at the highest levels of European and American politics from the Second World War to the formation of the European Community, to the reform effort in Russia today.

Here in the United States, through the Democratic Party and as an informed observer and participant in American politics generally, she has served the public interest as expert adviser on foreign affairs, political strategist, and tireless fundraiser. She has more than excelled in all of these roles.

In short, Ambassador Harriman knows all the leaders and has grappled with all the important issues, in Europe and the United States alike. And at a time of extraordinary change in Europe and around the world, our country is profoundly fortunate to have such a public servant.

I, and countless others, have had the benefit of her support in campaigns, and the even greater privilege of learning from her. We will profit throughout our lives from our association with her; and I am confident that our country will derive a lasting benefit from her service in Paris.

Our first Ambassador to France was Benjamin Franklin. His work in Paris during the Revolutionary War has served ever since as an example of what American diplomacy can achieve. Franklin's successor was no less a figure than Thomas Jefferson himself. As they say, these are big shoes to fill. But I am confident that no American can fill them as well as Pamela Harriman.

The President has made an outstanding choice with this appointment. I congratulate him, and I congratulate my dear friend Ambassador Harriman.

AVIATION SAFETY: A PROTECTION THE PUBLIC DESERVES

Mr. **PRESSLER**. Mr. President, since the small aircraft accident near Dubuque, IA, on April 19, 1993, which killed South Dakota Gov. George S. Mickelson and seven other well-respected South Dakota citizens, I have been outspoken in my criticism of the Federal Aviation Administration's [FAA] decision to ignore National Transportation Safety Board [NTSB] warnings issued against the Mitsubishi MU-2 small aircraft—the same type of airplane that crashed in Dubuque. While the FAA generally has a high acceptance rate of NTSB recommendations—90 percent in urgent cases— the Federal safety agency still chose to reject the warnings about the MU-2 aircraft. Why?

As ranking member of the Senate Aviation Subcommittee, I have requested a subcommittee hearing to examine the working relationship between the FAA and the NTSB. At that hearing we expect to hear testimony from both FAA and NTSB officials, as well as other independent experts from the aviation industry. Many people have contacted me to express interest in the upcoming hearing. I have received letters and phone calls from concerned citizens, both within and outside of the aviation industry.

Mr. President, I would like to share some of the concerns I have heard from individuals who are worried that the FAA no longer puts public safety first. It would seem that the resources of the Federal Government are not being used fully and effectively to prevent small aircraft accidents.

In a letter from Mr. Bert Werjefelt, president of Vision Safe Corp.:

> It is quite clear that the FAA has a pattern of arbitrarily obstructing and/or procrastinating on the enforcement of some basic safety regulations. The FAA is treating the unsafe conditions of defective propellers and smoke in the cockpit in the same way they were treating the aircraft icing problem. The FAA knew for many years that icing was the cause of several accidents and that there was a simple solution to remedy the unsafe conditions. Yet, FAA deliberately let the accidents continue.

According to Arthur Wolk, an aviation litigator in Philadelphia:

> The Federal Aviation Administration is usually just asleep at the switch when it comes to aviation safety, always finding itself a little behind and too late with safety improvements on aircraft. Most often it is only after major accidents take a large toll of human life, and the FAA becomes publicly embarrassed, that it does something.

Mr. President, after hearing these concerns, I sent letters to President Clinton and my colleague, the distinguished Republican leader, expressing my intent to put a hold on David Hinson's nomination as the new FAA Administrator. While media reports about Mr. Hinson have been quite favorable, particularly with respect to his safety record as chairman of Midway Airlines, I still intend to examine this nomination closely. I also intend to discuss with Mr. Hinson these and other aviation issues before and during Senate Commerce Committee consideration of his nomination. If I am unsatisfied with his qualifications and commitment to address Federal aircraft safety policy and procedures, I will keep a hold on his nomination until such time that I am completely satisfied that safety concerns will be his top priority. The next FAA Administrator must convince me he will resolve the questions that have arisen from the Dubuque, IA, crash.

Mr. President, I ask unanimous consent that the full text of a letter cited above and an article from the Honolulu Star Bulletin be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VISION SAFE CORP.,
Kaneoke, HI, April 29, 1993.
Hon. LARRY PRESSLER,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR SENATOR PRESSLER: I have with interest read an article from yesterday's Orange County Register regarding your concerns about aviation safety and the inexcusable foot dragging that goes on at the FAA of not enforcing vital safety regulations in the face of known unsafe conditions. After reading the article, I talk to your Legislative Assistant Ann Waltner and discussed with her the similar concerns of your colleague Senator Inouye and his recent introduction of S–787 (April 19, 1993) which calls on the FAA to enforce its existing safety regulations, to ensure that pilots are able to see to safely control and land their aircraft during emergencies with dense continuous smoke in the cockpit.

It is quite clear that the FAA has a pattern of arbitrarily obstructing and/or procrastinating on the enforcement of some basic safety regulations. The FAA is treating the unsafe conditions of defective propellers and smoke in the cockpit in the same way they were treating the aircraft icing problem. The FAA knew for many years that icing was the cause of several accidents and that there was a simple solution to remedy the unsafe conditions (practiced in other parts of the world). Yet, FAA deliberately let the accidents continue (see attached news article from the Newhouse Wire Service, which appeared in the Honolulu Star Bulletin recently)!

Whether the unsafe conditions concern smoke in the cockpit, defective propellers or icing, I stress strongly that NO new regulations are required. What is required however, is that the FAA cease its continuing violation of Federal Safety Laws and instead *ENFORCE* the existing safety regulations in accordance with the requirements of the Federal Aviation Act of 1958 as amended, Title VI section 601(b), to prevent the recurrence of accidents and, in accordance with the Federal Aviation Regulations 39.1, which requires the issuance of airworthiness directives when it is determined that unsafe conditions exist (i.e. smoke in the cockpit, propellers, icing). FAA, on the other hand, argues, in a very obstructionist manner that no FAA action is required. Or, if there is, then there is a need for the lengthy process of establishing new FAA regulations. This is not the case. These are merely deliberate FAA obstructions and delays. Enforcement of the existing law is what is required.

I commend you for seeking prompt action on these serious safety matters which concern all of us. I hope that any hearing, investigation or legislation that you support will include several other, but equally important, safety issues the FAA is presently deliberately ignoring. Your Legislative Assistant Ann Waltner indicated this to be your desire. (She also appeared to be very knowledgeable on the issues.)

Enclosed herewith is some recent, up to date information on the long and acrimonious dispute with the FAA on the smoke in the cockpit issue, which summarizes the many lineal feet of files we have on the matter. I have also included information on S-787. These documents and issues fully echo your concerns on the propeller issue. If you or your staff have any questions or deem that I can be of further assistance, please do not hesitate to contact me.

Sincerely,

BERT WERJEFELT,
President.

[From the Honolulu Star-Bulletin, Mar. 20, 1993]

PASSENGERS DIE AS AGENCIES DELAY SAFETY RULES

(By Keith C. Epstein)

In swirling snow, USAir's Flight 405 pulled away from New York's LaGuardia Airport, bound for Cleveland. The two men at the controls had taken the usual winter precautions, checking for ice and spraying the wings with antifreeze.

Moments later, as they readied for takeoff, they wished their Fokker F–28 could get a last-minute shower of de-icing chemicals the way jets do in Denver and at many European airports.

"The only sure-fire way," the pilot said to his co-pilot while waiting on the runway.

They didn't realize just how precarious their situation was.

But the federal government knew—and had known for seven years before that tragic March 1992 flight.

U.S. safety officials repeatedly had pinpointed the cause of nine crashes—planes with wings similar to that of Flight 405, wings with a high vulnerability to trace amounts of ice.

Yet the federal agencies charged with protecting the traveling public had done nothing to require simple, proven remedies advocated for years, such as checking the wings by hand or spraying with a stronger antifreeze just before takeoff.

Neither has the government acted on recommendations for making trucks, school buses and commuter planes safer, often failing to heed warnings issued more than a decade ago.

The airlines knew about the kind of danger encountered in the LaGuardia accident, but without federal requirements most had done nothing to address it.

As a result, the pilots of Flight 405 last March were forced to use outmoded methods of coping with ice on wings. The plane barely lifted before flipping into Flushing Bay in a fiery crash that claimed 27 lives.

Passenger Denise Miller watched her father die in a burst of flames. Miller, who now uses a wheelchair, asks: "How many plane crashes have to occur? How many people have to die before somebody finally does something?"

An investigation by The Plain Dealer of Cleveland has found that long after wreckage is examined for clues, causes determined and solutions urged, thousands of Americans still risk death or injury in accidents because the problems weren't fixed.

These deadly delays by federal bureaucrats are not limited to air travel.

Motorists have died because many big trucks have faulty brakes—while for 14 years the government failed to require proven solutions such as anti-lock brakes and automatic brake adjusters costing only $204.

Children trapped in school buses when front or rear doors jammed were drowned or burned—while for 19 years the government failed to require an extra emergency exit costing $557.

One firm has offered emergency side doors as an option since the 1950s.

Passengers have died in commuter airlines that crashed on routine approaches to airports—while for 18 years the government failed to require the same low-altitude alarms it mandated for large jets. It would seem to be a bargain for commuters even at $14,600 for each $3 million aircraft.

"The same stupid stuff keeps happening," said retired aviation investigator Rudolf Kasputin. "It's not just frustrating. It makes me want to throw up."

Federal agencies have acted on only two of 18 long-ignored safety concerns identified by the government's National Transportation Safety Board in 1990 as urgently needed improvements that could save nearly 3,000 lives each year.

"Everything takes too long nowadays," said Anthony J. Broderick, the Federal Aviation Administration's associate administrator.

Experts describe a bureaucracy increasingly paralyzed by fear of lawsuits from regulated industries, hobbled in conflicts with other agencies, buffeted by meddling members of Congress and political appointees, and crippled by weak leadership unable to choose priorities or stick to deadlines.

"If the average American knew how things work here, they wouldn't believe it," said Fred Emery, former director of the Federal Register, official publication of government rules. "They'd think it's a god-awful mess."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

HOLDS IN THE SENATE

Mr. MITCHELL. Madam President, there has been much discussion and some confusion over the definition and use of holds in the Senate. Some believe that holds give Senators the right to indefinitely postpone and, therefore, defeat outright nominations or legislation in the Senate. That is not true. It has not been the case. It is not now the case. It will not be the case as long as I am majority leader.

Although Senate rules do not make any provisions for holds, both Democratic and Republican leaders have developed informal systems by which Senators notify the leaders of potential problems with bills or nominations.

When I became majority leader in 1989, Senator DOLE and I discussed a uniform policy regarding schedule notifications by Senators. This policy was presented in both party conferences in June of 1989, and I will shortly—indeed, I will right now read that policy. It is dated June 19, 1989. It is a document entitled "Leadership Policy on Schedule Notifications," and it reads as follows:

> Over a period of time, the Democratic and Republican leadership have developed a system by which Senators ask the leaders to consult them regarding reservations or problems with particular legislation. These notifications are commonly called "holds".
>
> The leaders will find it necessary to schedule matters on which Senators have re-

quested consultation. When it is necessary to consider an issue, any Senator with an interest should be prepared to be on the Floor to defend his or her interests.

In order to develop a common understanding of what notifications mean, the leaders have agreed on the following principles.

1. It is the responsibility of every Senator to notify his or her respective leader, in writing, about any need to consult with that Senator on a bill or nomination. This notification should be made in a timely fashion. Each leader will develop his own notification system.

2. The leaders will respect the confidentiality of communications from Senators. However, in order to facilitate the scheduling of legislation, Senators, who ask to be consulted prior to the scheduling of a bill or nomination, should be prepared to discuss the issue with the relevant Committee Chairman and/or ranking member or sponsor of the measure. The leaders will encourage this type of consultation between Senators prior to Floor consideration.

3. The leaders will give as much advance notification as possible to any Senator who has asked to be consulted prior to the scheduling of legislation and nominations. Whenever possible, the leaders will announce a specific time for a unanimous consent request to go to a matter. Any Senator wishing to object to a unanimous consent request to go to legislation or to be involved in the arrangements under which a measure will be considered should be on the Floor at the announced time.

Madam President, that concludes the statement of leadership policy on schedule notifications, which Senator DOLE and I agreed on and announced in June 1989.

Essentially, our policy on notifications states that it is the responsibility of each Senator to provide timely notification to his or her respective leader about any problem with a bill or a nomination. Any Senator who has asked to be notified regarding the scheduling of any matter must be willing to be present on the floor when the matter is considered. While the confidential nature of communications with the leadership is respected, Senators with concerns are encouraged to discuss any potential problems with the relevant committee chairman and ranking member.

As majority leader, I attempt to give as much advance notice as possible to Senators who have asked to be consulted regarding the scheduling of a matter. Whenever possible, I set a specific time for interested Senators to be present on the floor for a unanimous-consent request.

As a general rule I try to respect requests by Senators for advance notifications of action on a matter in order to delay consideration for a period of time to permit review of the matter or to permit consultation with a nominee. I believe this is a reasonable procedure and I think a Senator is entitled to a reasonable period of time to prepare for legislation or to consult with a nominee.

So I do believe that Senators have the right, as a part of this process, to raise policy concerns with the administration. But it should be clear that no Senator has the right to insist that the administration agree with his or her position on a policy or on a project, as a specific price to be paid for action on a nominee or on legislation.

That is to say, a Senator cannot reasonably expect that a hold can be used as a way of indefinitely postponing or killing outright a bill or a nomination, simply because the administration does not agree with the Senator's position on a particular policy or a project.

So, simply stated, every Senator is entitled to as much advance notice as possible regarding the majority leader's intention to proceed to legislation or to a nomination. Every Senator has a right to ask that consideration of legislation or of a nomination be delayed for a reasonable time to permit review of legislation or consultation with a nominee. No Senator has, or has ever had, to my knowledge, the right to kill outright legislation or a nomination through this process.

I will continue to honor reasonable requests for delay for appropriate purposes. I will not agree to do so indefinitely, for what I regard as an inappropriate purpose.

With regard to the present situation, I notified Senator DOLE privately last week that I would have to move to consider nominations currently on the Executive Calendar unless unanimous consent were provided. Such consent was not provided and I announced my decision publicly on Thursday, May 13, for the information of all Senators who have concerns about any of the nominees on the Executive Calendar.

I wish to make clear that I believe there has been good cooperation on nominations in this Congress. I believe that the Republican leader and all of our colleagues have acted in good faith with respect to nominations and I note that we have been able to clear most nominations promptly.

I further note that on the Executive Calendar today there are 16 nominations: 5 were placed on the calendar on May 13; 2 were placed on the calendar on May 12; 2 were placed on the calendar on May 6; 6 were placed on the calendar on May 5; and 1 was placed on the calendar on April 28.

Therefore, as is clear from these dates, the maximum length of time which a nomination has been on the calendar is approximately 3 weeks in the case of one nomination; and with respect to the others less than 2 weeks; in the case of seven of the nominations, less than 1 week.

So I believe that these have been reasonable requests by Senators, for a variety of purposes to have the nominations delayed. However, it now appears that, at least with respect to some of these nominations, the delay would continue indefinitely and at some point it is necessary to proceed to attempt to get the nominations approved.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Therefore, Madam President, I now ask unanimous consent that the Senate proceed to Calendar No. 68, the nomination of Leslie B. Samuels of New York to be an Assistant Secretary of the Treasury.

The PRESIDING OFFICER. Is there objections?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Madam President, I move to proceed to the nomination, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the request?

Mr. DOLE. Could I suggest the absence of a quorum?

The PRESIDING OFFICER. The regular order is to determine whether there is a sufficient second.

Is there a sufficient second?

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. There is not a sufficient second.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I renew my request for the unanimous consent of the Senate to proceed to Calendar No. 68, the nomination of Leslie B. Samuels of New York to be Assistant Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Leslie B. Samuels of New York to be an Assistant Secretary of the Treasury.

The Senate proceeded to consider the nomination.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I listened carefully to the comments of the majority leader regarding the status of nominations on the Executive Calendar. I completely agree that when possible, we should move expeditiously on every nominee. I continue to support the agreement we made back in June 1989.

Since becoming the Republican leader, I have had the privilege and opportunity to speak to literally hundreds, maybe a thousand, nominees in the past several years. Every one of these

Republican nominees had one thing in common with the nominees of President Clinton: They were real people with real families who became concerned when their nominations were delayed. And sometimes—not too often—sometimes the Senate failed to recognize this and at times the process became sort of a political scoreboard.

Obviously, as we have made it clear, there are reasonable requests which cause delays. At times, there are legitimate needs to obtain information in the confirmation process after it leaves the committee. If some Member who may not have been on the committee, or someone on the committee, needs clarification or needs a personal visit, those have always been honored by majority leaders over the years. Sometimes these matters need to be addressed before the Senate gives its constitutionally required advise and consent. Of course, it has to be done or should be done in a manner so the issue can be resolved in a timely fashion.

As the majority leader has pointed out, I think with maybe one or two exceptions, I do not think anybody has taken advantage of the nominees on today's calendar. I think we are moving expeditiously. I will not repeat what the majority leader said with respect to the length of time each nominee has been on the calendar.

It has been true in the past that some nominees have been on the calendar for months and months without any action. Somebody suggested to me—I am not certain it is totally accurate—that a nominee in the Bush administration was held up for 3 months because she would not guarantee it would rain. I do not know even if it rained or not. In any event, the nomination was held up for 3 months.

Then there was a report by a Democratic task force on the confirmation process released December 18, 1991, and it said:

> The President should seek to engage in prior consultations with the leadership of the Senate in an effort to minimize unnecessary conflict and controversy in the confirmations process.

Now, obviously, we will be pleased to do that, but it seems to me that we have a perfect right as outlined by the majority leader; at the same time the nominees have some rights, too. They have families. They have obligations. And we need to move as expeditiously as we can. That means we may have lengthy debates on a nominee. The nomination may be defeated on the Senate floor, but that is part of the process and how the process works.

I do not believe that any slight delay caused by a review of the records should be construed as holding up the process. In fact, I read today in one of the papers that I am holding some nominee who was confirmed last Tuesday. He is enjoying his work, wrote me a nice letter thanking me for my support. But I read an article by a well-respected commentator, Norm Ornstein, that I have a hold on the nomination. I am certain it comes as a surprise to Mr. Weise, the new Customs Chief. But in any event, sometimes those things happen.

Mr. MITCHELL. Madam President, I thank the Republican leader for his comments, and I wish to add only the following: One thing that I learned upon becoming leader—and I know the distinguished Republican leader had learned long before that—is that this is not an entirely partisan matter. Many of the holds on President Bush's nominees were by Republican Senators, and I fully expect that holds will be placed on President Clinton's nominees by Democratic Senators.

So merely noting the length of delay that a nominee is on the calendar or was on the calendar does not in and of itself tell you what the cause of the delay is, whether it is partisan or not. Indeed, in almost all cases, it has not to do with specifically partisan matters but, rather, a Senator wishing to advance some other policy or personnel objective that lead to the delay. And so I thank my colleague for his comments.

As I noted earlier, the 16 names on the calendar now have not been there for an inordinate period of time. Indeed, only one of them was placed on the calendar prior to this month and that is the one to which we are now proceeding.

I believe the chairman and ranking member and others with an interest in that nomination are present, and so I will now yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, I rise for the simple purpose of suggesting that the Senate proceed directly to confirm Leslie B. Samuels, who has been nominated by the President to be an Assistant Secretary of the Treasury, in this case Assistant Secretary for Tax Policy.

This is a position of great importance in the Treasury. It is a position that over several generations—and I see my distinguished friend and learned friend, the former chairman of the committee here—is the one our committee continuously looks to for objective advice about facts and probable consequences of different courses we take. He/she is responsible for the Office of Tax Policy. That office is small but has a very high level of professionalism which over several generations has been the repository of our collective memory, our data, and our experience with tax matters.

Mr. Samuels would succeed Fred Goldberg, who performed the job with great responsibility, integrity. This is a position we see as an office of trust in the United States. We depend on this person to give us the best information the Treasury has about revenue flows, the best advice about the probable consequences of policy, and, of course, to advocate the Secretary's position and the President's position.

Over the years, there have been wonderfully creative persons in the post. I can recall when I was first in Washington as Assistant Secretary of Labor having the great honor to get to know Stanley Surrey, then Assistant Secretary for Tax Policy, a man of immense insight, energy. His concept of tax expenditures has made its way into the vocabulary of American public finance. It was Stanley Surrey's particular fate that few of his ideas for tax reform ever were really adopted by the Kennedy or the Johnson administrations in which he served. But two decades later, in 1984, in the celebrated Treasury I proposal, it was pure, if I may coin the term, "Surreyan." All his large ideas about cleaning the Tax Code, cleaning out the loopholes and the avoidances and the ambiguities and circularities and getting rates down by broadening the base, there it was.

He had left behind a group of career Treasury officials who refined the idea and satisfied themselves about its basic standard, and there it was sent to us—it was President Reagan's proposal, Treasury I, modified in Treasury II. It came to the Congress, came to the Finance Committee, and in 2 years' time under the leadership of my honorable friend, the able and learned junior Senator from Oregon, chairman of the Finance Committee, the Tax Reform Act of 1986 was passed, an epic event, and one in which many Senators were involved: Senator BRADLEY of New Jersey, of course; Senator PACKWOOD of Oregon; I was a member of the group, core group as we called ourselves. And yet none of it could have been done without the work of this Office of Tax Policy.

I see my friend nodding in agreement; Senator PACKWOOD agrees, as would anyone knowledgeable in this field.

In Mr. Samuels, we have a nominee of great experience and qualification. He is not only a lawyer of the Harvard Law School but he graduated from the Wharton School of Finance and Commerce. His particular work has been in multinational corporations and other international tax issues, which are of increasing importance to us, particularly as we shall be dealing with the results expected under the Uruguay round, the GATT negotiations, and, of course, the North American Free-Trade Agreement.

Madam President, I hope I would have need to say no more about this distinguished public servant who was unanimously reported from the Committee on Finance.

With approbation of all our Members, I am happy to be bringing it to the floor, and say, here is the choice of the President, of our colleagues, and, obviously, the choice of our former colleague, the Secretary of the Treasury. It is the unanimous recommendation of the Committee on Finance.

I see my friend, the ranking member, has risen. So, Madam President, I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. PACKWOOD] is recognized

Mr. PACKWOOD. Madam President, I do not propose to oppose the nominee. I find him qualified. I am very loathe to oppose any nominees of the President. He has been elected, and he is entitled to have his Cabinet. Unless I found somebody really persona non grata, which as a matter of conscience is I could not vote for, I will support President Clinton's nominees. Certainly this nominee does not fall into that category.

However, this nominee and the Treasury Department generally has a view about what they call family income that I find disturbing and misleading as far as the public is concerned. In any tax program put forth, you will say, who does it affect—the poor, rich, or middle-income Americans? Somebody will put out a chart that says nobody under $50,000 or $30,000 or $20,000 will be affected by this program. To the average American, when they hear a statement that no one under $20,000 will be affected, they compare that figure to their own income which is generally based upon how much they made last year. For example, if I earned $500 a week, for 52 weeks, I made $26,000. That is the way normal people think. Or, if you do your own tax return, the income shown on the last line on the 1st page of your form 1040 what you would call "adjusted gross income," is what you normally think of as your income. If somebody says, "What is your adjusted gross income?" most people would have a pretty good idea. For most Americans that is roughly what they made in wages.

Family economic income is a totally different concept, and it is a misleading concept. Family economic income presumes that the average family should count as their income a variety of things that the average family would never conceivably think to count as part of their income. Family economic income includes normal items like wages, business profits, interests, dividends, and realized capital gains. An example of a realized capital gain is when you sell a stock which has appreciated, you have realized a gain and that counts as income.

However, under current tax law, tax-exempt interest from municipal bonds is not counted as income. Under family economic income, it is. Also, under family economic income, the nontaxable portion of Social Security is counted as income. I do not know very many people that think the nontaxable portion of their Social Security is income. Of course, for income tax purposes it is not treated as income. For family economic purposes, it is.

The annual earnings credited to your life insurance policy, the so called inside buildup, is not treated as income for tax purposes. Let me give you an example describing inside buildup. Let us say your life insurance annual premium is $1,000 a year. The insurance company invests your premiums. Let us say your policy premiums earn an interest rate of 10 percent. So on your $1,000 premium, the insurance company credits you with $100 of interest. You, the policyholder cannot withdraw your premiums paid or interest without paying a large penalty. The insurance company accumulates your premiums and interest and it continually builds up, the so-called inside buildup. You never see it. You never get it. You do not see any of these amounts this year. However, family economic income counts that $100 as part of your income. Even though you do not have it, you do not touch it, you do not smell it, you do not feel it, it is counted.

Most people do not count their employer's contributions to pension plans, health insurance, or life insurance as part of their annual income. You are working at a normal job, and your employer pays $250 a month for your health insurance. That equals $3,000 for the year. Under the family economic income concept that $3,000 counts as part of your income. The average American does not think of it as income, but under family income it is counted. Any kind of Government transfer payments—food stamps, welfare—are counted as family economic income. For many poor families, these payments are large amounts. However, none of these payments are treated as income for tax purposes.

One of the most interesting items shown as income under family economic income is or assumed, rental value of your home. Of all of the things, if you were to say to the average American, "We are going to count as income what you could rent your home for if you did not live in it," the average American would say, "If I don't live in this home, where am I going to live?" Those who define family economic income say it does not make any difference. If your house is worth $100,000, under President Clinton's methodology he assumes you could rent it for $1,000 a month. That $1,000 counts as family economic income.

Finally, family economic income includes a generic thing called unreported income. For example, mother is living with you. She is receiving Social Security. Her Social Security is counted as part of your family economic income.

The upshot of all of this is that as a rule of thumb family economic income is about 50 percent higher than adjusted gross income. So, if you make $20,000 a year working in a factory, your family economic income is probably $30,000. When President Clinton says, "My tax program will affect nobody under $30,000," he means family economic income under $30,000. Thus, what he really means is that as far as the average American is concerned, no one below $20,000 is affected by his tax program. So, if you are making $25,000 or $26,000 and the President says, "This does not affect anybody under $30,000," you may think "I am home free, this doesn't affect me." The heck it does not affect you. You have just been misled by a definition that nobody on Earth but career tax economists understand or would assume to be normal income.

Mr. Samuels is a strong proponent of family income. We asked the Treasury Department to give us an income breakdown of the President's tax plan by adjusted gross income. They can do it. They have the tax figures to do it. They will not give it to us.

I have a letter that I ask unanimous consent be put in the RECORD from Secretary BENTSEN addressed to me today saying they are not going to supply us this information. I will tell you why they won't provide it. They do not want the American public to know that the President's tax plan actually impacts a lot more lower income people than they want to lead us to believe. That is the sole reason that we cannot get this information. And only the Treasury Department and the IRS can give it to us.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC., May 18, 1993.

Hon. BOB PACKWOOD,
Ranking Republican Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR BOB: Thank you for your letter requesting additional information about the Administration's revenue proposals. I appreciate the need for detailed information to evaluate the proposals. As you are aware, statutory language was made available April 30.

You also repeat a request for Treasury to prepare additional distribution tables for the Administration's proposals based on adjusted gross income (AGI). Distribution tables show the effect by income class of all taxes, including excises, payroll taxes, and the corporate income tax, as well as the individual income tax. Professional economists are in agreement that the fairness of the tax system can only be assessed if the income measure used in the tables provides a reasonable ranking of families by their economic well-being. Family Economic Income, the income classifier used by the Treasury Department to prepare distribution tables, and similar broad-based income measures provide reasonable rankings; AGI would not.

AGI is a concept specific to the individual income tax and was never intended to be a proper measure of income for distribution tables. AGI omits a number of income items that clearly are part of a family's economic well-being. For example, AGI excludes tax-exempt interest, most government transfer payments, IRA and other deductible retirement savings contributions, and employer-provided fringe benefits such as health insurance. Also excluded are most pre-tax corporate profits, which are the base for the corporate income tax. AGI may include more income than a family actually earns in a year. For example, capital gains are generally included in AGI in the year the gains are realized even though the gains may have accrued over many years, and gains are not adjusted for inflation.

Family Economic Income is a broad measure of income that includes items of income omitted from AGI, and adjusts the measure of certain items included in AGI (for example, capital gains are measured on an inflation-adjusted, annual accrual basis). Unlike AGI, which may be redefined by changes in the income tax, Family Economic Income is independent of the tax law itself, so families are classified in the proper income class even when the tax law changes. (Significant changes to the definition of AGI, for example, were made in the Tax Reform Act of 1986.) Further, Family Economic Income includes all income of all family members for all families; AGI is reported on tax returns, which are not filed by a significant number of families with AGIs below the tax filing thresholds, while some families have two or more filing units (each of which reports only its part of the family's AGI).

For lower- and middle-income families, over 90 percent of Family Economic Income on average is included in AGI or is in other forms of cash income, and over 95 percent is in cash or fringe benefits. Only for high-income families, those with Family Economic Incomes of $100,000 or more, do non-cash forms of income represent a meaningful share of the total.

Professional tax economists at universities, in research centers, and in State governments all use broad income measures in distribution tables. The Congressional Joint Committee on Taxation (JCT) and the Congressional Budget Office (CBO) also use measures of income considerably broader than AGI in their distribution tables. The Treasury Department has used Family Economic Income continuously in its distribution tables since 1984, and used a very similar concept in distribution tables during the Ford Administration.

The Treasury Department continues to believe that a distribution table using AGI as the income measure would confuse, rather than clarify, assessment of the Administration's revenue proposals.

Thank you again for writing.

Sincerely,

LLOYD BENTSEN.

Mr. PACKWOOD. Madam President, let us for just a moment talk about the tax plan that is coming. I am going to speak in rough generalities because there is a difference between the way the House of Representatives and the Senate counts or scores the tax plan for budget purposes. The House and Senate budget resolutions and the specific committee instructions are scored slightly differently because, for example, in the Senate the Finance Committee has sole jurisdiction of Medicare and Medicaid. When the Finance Committee reports out a bill making some cuts in those programs, they are all in the Finance Committee's jurisdiction. In the House that jurisdiction is divided between two committees. So you cannot actually compare what the Finance Committee is instructed to do with what the House Ways and Means Committee is instructed to do. That is the reason I am speaking in rough generalities. But I do not think I am off by more than $10 billion in total. I realize $10 billion is a lot of money, but in a budget of roughly $1.5 trillion, it is a relatively small amount.

If we were today going to vote on the so-called reconciliation package, which is in essence the President's tax package, this is roughly what we would have: $343 billion in new taxes, less about $71 billion in tax reductions, for a net tax increase of about $272 billion. In addition, the President's package user includes fees of somewhere between $10 and $15 billion, but I will use a $10 billion for purposes of this debate. User fees are what people pay for the use of something. I will give you an example.

Barge operators now pay almost 20 cents a gallon user fee. The President's initial budget raised that to $1.20, a 600-percent increase. On a $2 per bushel of corn, because they transport it by barge, it is roughly an 8-percent increase. This is a fair sized increase for farmers, let alone the barge people. At the moment, as the House is considering this, that user fee has now been cut from $1.20 to 60 cents. This is a threefold rather than a sixfold increase. But this is not counted under budget scoring as a tax increase. I would like to see President Clinton explain that to the person who is paying it. "This is not a tax; this is a user fee." You can talk until you are blue in the face. It is like trying to explain to a person about the rental value of his home being included in family economic income. You can talk all night long, but he won't understand it, nor should he.

You will have gross new taxes of about $343 billion, net new taxes of about $272 billion, and user fees of about $10 billion. Thus, roughly $282 billion of this bill that we will be voting on, called the reconciliation bill, is net new taxes.

The bill does not have the bulk of the spending cuts that we are promised. Compare the nonexistent spending cuts against this $282 billion in new taxes that are going to put into effect when this bill passes. A number of these tax increases are retroactive to the first of this year. You talk about discouraging business. They are going to be retroactive to the first of the year. Against the $282 billion are roughly $70 billion of cuts, that is all, that will be in this bill. And of the $70 billion, half of those will come from the Finance Committee, the bulk of which will be Medicare and Medicaid cuts. Half of the $70 billion will come from the one committee.Of the remaining $35 billion, $10 billion or $11 billion are these user fees which the administration counts as a spending cut. It is not a spending cut, it is a tax increase. Subtract that from the $35 billion and you have $25 billion. Of the remaining $25 billion, the Government Affairs Committee is ordered to produce about $10 billion of that. Subtract that from the $25 billion and you have $15 billion. All the rest of Government, in the bill that we will consider shortly, has to produce only $15 billion in cuts.

So you have $282 billion in increased taxes, new taxes, and roughly $70 billion in cuts. This leaves you with about $210 billion left over. Here is where the rub goes: Later on this year, we are to get a variety of bills in this Congress that detail spending cuts elsewhere, but also have a great deal of spending increases elsewhere. But we have been suckered on that deal before. "Give us the taxes now, and we will give you the spending cuts later." I do not intend to get suckered on that again, and I am going to oppose this so-called reconciliation bill until we reverse the process and put the spending cuts in law first.

If an argument is going to be made that the public is willing to increase taxes, maybe on a 1-for-1 basis, a dollar of increased taxes for a dollar in cuts, maybe that can be sold to the public, but this bill is not selling such a proposal. It is saying here are the taxes first; we promise you we will do the spending cuts later.

The history of Congress is not that. The history of the U.S. Government is that when we increased taxes, we spent them; we did not apply it to the deficit. It does not matter that the President has stated, "Let us have a deficit reduction trust funds." We have never followed that; we instead spent it. I predict that if we raise these new taxes, we will spend them, also. We will not cut spending. We will spend it on new programs or expansion of existing programs.

Mr. Samuels, who is our nominee for the Assistant Secretary of the Treasury for Tax Policy will be an integral part of this process. He is the one person in the Government who is the principal adviser to the Secretary of Treasury and to the President on tax policy, on recommendations to the President as to the kinds of taxes we should have, and to a slightly lesser degree, recommendations to the President as to where spending cuts should go.

So, first, I will support the nominee because I think the President is entitled, within reason, to the advisers he wants. Second, the definition of family economic income, in my judgment, is not a fraud; it is an economist's way of defining income that an average citizen does not comprehend, and if they comprehended it, they would not accept the definition as a real definition of income. But family economic income does make it appear that the President's new taxes are really more progressive than they are. If you take the normal definition of income that an average citizen understands as income, the President's tax program hits income levels at a lot lower level than he says it does.

Mr. MOYNIHAN. Will my friend yield for a question?

Mr. PACKWOOD. Yes.

Mr. MOYNIHAN. Is it not the case that in analyzing the impact of Treasury, No. 1, the Reagan administration's first proposal that led to the 1986 Tax Reform Act, the Treasury then, as since, used the concept of family economic income?

Mr. PACKWOOD. Yes, but there is a difference. The previous Treasury Departments would give us the adjusted gross income statistics, such as for the impact of capital gains proposals.

Mr. MOYNIHAN. But we have been using family economic income. We are in agreement. This has been the practice of the Treasury really going back to the Ford administration, but finetuned in the mid-1980's.

Mr. PACKWOOD. I cannot remember the actual figures on this. The Treasury Department has used these method since probably the Ford administration.

Mr. MOYNIHAN. Musgrave at Harvard and Pechman at the Brookings Institution have used very similar broad-based income concepts in their distribution studies. The conceptual basis of family economic income is the Haig-Simons definition, which is widely accepted by economists as the proper income concept for measuring ability to pay. I do not claim to understand it, but it defines income as consumption plus change in net worth. I will tell you what I have been told.

Mr. PACKWOOD. That is wonderful. Let us explain that to the public.

Mr. MOYNIHAN. All I say is that I tell you what I have been told.

Mr. PACKWOOD. All I am saying is that as we come forward with the tax plan, I do not want somebody making $25,000 a year thinking they will be unaffected; they will be hit by these taxes.

Mr. MOYNIHAN. You would not want the person with a half million dollars a year income from tax-exempt bonds being recorded as having no adjusted gross income, which is the case.

Mr. PACKWOOD. That is what we do now for income taxes and probably will continue to do. This family economic income concept is a concept only for statistical purposes to show who the tax bill impacts. It does not change the taxes you owe or make people pay taxes on interest from municipal bonds. It changes the tables for purposes of comparison.

Mr. MOYNIHAN. It was the judgment of the Reagan and Bush administrations, and now the Clinton administration, that it gives you the best comparisons. It is a judgment that cannot be proven otherwise, but it is certainly not a discontinuity, something that is suddenly appearing.

Mr. PACKWOOD. Tell the average citizen, whose mother is living with him, that her Social Security counts as his income in determining whether he will be hit by Clinton's new taxes, and we will soon be out of office.

Mr. MOYNIHAN. If you tell the average person with a $500,000 a year income from tax-exempt bonds that his adjusted gross income is zero, he would have a certain amount of cognitive dissidence, I believe the term is.

Mr. PACKWOOD. Mr. President, let me conclude by saying that I am not going to oppose the nominee, His qualifications are good. I disagree with his theory on family economic income, as I did under President Ford and under President Bush. I think the average citizen is entitled to know whether the burden of taxes is going to fall on them or not, and they will not know it from Clinton's definition of family economic income.

The much more important issue as to whether this affects people making $20,000 or $30,000 is the fact that we are about to vote on a bill—within the next month—that is going to increase taxes about $280 billion and is going to decrease spending by about $70 billion. That will probably be the type of bill we will vote on.

Then the public is going to be told, "but we are going to promise and deliver more spending cuts later." To that, I say hogwash; we will not. We will spend the money, and the deficit will not go down; it will go up.

That debate, however, is a battle for another time. The only reason I raise it now—and I may raise it a time or two before we get to the bill—is that under the peculiarities of the budget act, called the budget reconciliation bill, there is a limited time for debate of only 20 hours, 10 hours equally divided on each side. Many people are going to want to speak on it. So I want the opportunity from time to time, before we get to the bill, to explain that it is a shell game, and that this is not the entire President's budget. This is basically the President's tax increase program.

The remainder of the budget and whatever spending cuts are involved come later if and when Congress agrees to the spending cuts, and that is not something we have done in the past.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Delaware.

Mr. ROTH. Mr. President, it is rare that I put a hold on any nomination, but I felt so strongly in this case about open government that I felt compelled to do so. The nomination we are considering today is a man whom I do not personally oppose, but a man who is to be responsible as Assistant Secretary for Tax Policy.

It seems basic to me that as a part of the policy of the Treasury it is critically important that full information be made available to the American people. I can recall helping lead the fight that the then distinguished Senator from Florida, Senator Chiles, was promoting, what we called "sunshine in government." The idea of sunshine in government was that the public was entitled to full disclosure. And that has not been the case here, I think to the detriment of the American people.

Mr. President, on February 24, some 3 months ago, David Broder wrote in the Washington Post, "Beware the Trust Deficit." This story, by this distinguished columnist, was a story about the Clinton administration's new proposal to raise taxes, and the fact that the administration is less than honest with its statistics. The fact is that the President told the American public that they would only have to pay higher taxes if they made more than $30,000 a year in income, and that more than 70 percent of the new taxes would fall on families making more than $100,000. This $30,000 figure, of course, was a dramatic change from his earlier promises that his tax increases would not—and I emphasize would not—fall on anyone making less than $200,000.

As if this change from the $200,000 threshold to the $30,000 mark is not bad enough, David Broder writes that even, "the administration's $30,000 threshold * * * is not what most people understand as income, or even the form 1040's familiar adjusted gross income line. It is a figure concocted to include all kinds of 'noncash income,' including fringe benefits and"—as my distinguished ranking member said—"even the imputed rental value of the family home. As administration officials have conceded, the higher tax bites actually begin at a figure closer to $20,000 than to $30,000."

Let me add to Mr. Broder by stating that what the administration really intends gets a lot worse than that. On top of these noncash income items, Treasury adds items like employer contributions for health plans and life insurance—a figure that for auto workers in my State could mean $6,000 a year or more. However, Treasury is not exactly impartial in this respect. For example, if you have a private health plan, they add your employer's contributions to your income to make you look even richer. But if, for example, you are on welfare and receive Medicaid benefits from the Government, the Treasury does not consider those benefits to be income at all. The same is true with imputed rent. If you bought your own home, the Treasury adds the imputed rental value of your home to your income, but if you live in public housing then you do not have that subsidized housing included in income for purposes of their statistics.

They add back your contributions to any pension plans and any earnings on those pensions. They include the inside buildup on life insurance. They accrue your annual increase in the value of capital assets, even though you have not sold those assets. Thus, even though you have not realized any income at all—and you certainly do not feel any richer—the Treasury Department says you are. But this is not all. The Clinton administration also adds any pretax corporate profits to the income of any shareholders, and they do it for stock held by a pension plan, too. So, if you have an ESOP, or a stock purchase plan at work, or any other pension plan that invests in stock, then the Treasury says all the corporate earnings in that company belong to you, and they allocate the profits to all of the shareholders in the pension plan. So if you own stock in DuPont, and it earns a profit for the year, all of the profit is allocated to the shareholders, including the employees who own stock in the company benefit plan.

What is the point of what the Treasury Department is trying to do with all this data? The idea is to make the middle class look richer than they really are. This way, the administration can tell the public that they are not really going to raise taxes on the middle class when, in fact, that is exactly what they intend to do. In fact, the middle class is about to be overwhelmed with new taxes if the President's budget is enacted into law. And what is offensive is that the taxpayers of America—men and women who are entitled to know what the impact of the Government's tax laws will be on them—are being kept in the dark.

That is hardly sunshine as we envisioned many years ago.

The way the Treasury Department estimates the impact of these taxes, the public has no understanding of what is in store for them. I think if they were aware of what this administration has planned for them, they would be a lot more upset than they are now, and believe me, they are growing plenty upset. That is why I agree with the Broder article, that this really is a trust deficit we are talking about, and it is time for the administration to come clean and tell the American taxpayer the truth.

The truth is that almost all of the burden of the energy tax is going to be borne by the middle class, people earning between $20,000 and $75,000 a year. The truth is that hundreds of thousands of jobs will be lost as a result of these tax increases. The truth is that the deficit will not go down under this budget proposal, but instead will increase, just as it did after the tax increase in 1990—another record-setting increase that I opposed.

A reasonable question now is, Why would one hold up a Treasury Department nomination? On the same day as the Broder article appeared in the Washington Post, and when the Treasury Secretary appeared before the Finance Committee, I wrote to the Treasury Secretary along with seven of my colleagues to ask that they clarify the President's tax plan by providing distribution tables based on adjusted gross income, or AGI, something that the typical American understands, as he or she files their income tax forms.

We also asked that they define the lowest AGI level at which a taxpayer may realize a net tax increase under the plan. One month later, on March 24, I received a response back from the Treasury Secretary saying that this information would not be provided to me.

I ask unanimous consent both letters be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROTH. On April 20 the Treasury Secretary again came before the Finance Committee to testify on the Btu energy tax proposal. I asked again that the information be provided according to a measurement that the average taxpayer can understand, AGI. I stated that I had no quarrel with the family economic income method, but I wanted the statistics to be given in a way that all Americans would understand. Again, I was told I could not have the information.

At the close of the hearing, Senator PACKWOOD asked if he understood that the Treasury would not give the members of the Finance Committee the information they requested. The Secretary said he would consider it. Senator MOYNIHAN followed by saying that he joined "Senator PACKWOOD in saying that * * * we should see that because you are going to see it from some other source anyway." I ask unanimous consent that a copy of the relevant part of the transcript appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Roth, you have not had a chance to speak this morning.

Senator ROTH. Thank you, Mr. Chairman. It is always a pleasure to welcome our distinguished Secretary.

Mr. Secretary, a group of us wrote you asking you to provide tax burden tables according to adjusted gross income. The Administration's tax distribution tables are based on family economic income (or FEI). I am not objecting to that. I understand that that has been done before.

The problem is the average American does not know what family economic income is, but has a pretty good idea about what AGI, or adjusted gross income, is because they have to put it on the top of their own tax return.

Given the fact that the Administration already publishes hundreds of thousands of tax statistics, classified in terms of AGI, why not provide the American people and the Congress with data on the impact of the Clinton plan displayed by income group, defined by AGI?

Now in answer to my letter it was pointed out that the Administration felt FEI was a better measure of income. But as I said, the average person understands AGI and it seems to me that is information that should be available.

Secretary BENTSEN. Well, I would say, Senator, that the family economic income approach was used under the Ford Administration, was used under the Reagan Administration.

Senator ROTH. Mr. Secretary, I am not quarreling with the fact that others have used it. I am just saying that whatever information is most meaningful to the public ought to be available. I do not understand the reluctance of the Administration to provide this information.

Secretary BENTSEN. Well, we think, frankly, that it is a broader and a fairer presentation of family income and we also have, of course, a situation where Congress' Joint Tax Committee, it does not use the AGI for that purpose either. We think it is more representative. That is why, Senator.

Senator ROTH. Well, as I said, we are not arguing with you supplying it on that basis. But I am arguing the fact that the public better understands AGI.

Let me go on. I would like to know more about your estimates of the number of jobs that will be lost as a result of this new energy tax. Now according to some figures this tax will actually raise roughly $33 billion a year if you simply multiply the energy used by the tax rate.

Now the Treasury estimates the amount is closer to $22 billion. Can you tell me what is it that causes a loss of this $11 billion? Then, in addition, as I understand your proposals, you would offset part of the effect of energy tax by increasing food stamps, LIHEAP, and the earned income tax credit, all of which total about $11 billion.

So as I calculate it, you are raising $33 billion a year in taxes and losing or spending at least two-thirds of that tax. It seems to me that is not a very rewarding measure. What figures does the Administration have as to the impact on jobs that will be lost as a result of this?

Secretary BENTSEN. I think what you have to do, Senator, is look at the overall package of what the Administration is proposing. You are looking at something that has already had a material reduction on interest rates and that provides additional capital at lower costs which should lead to home building, which should lead to in addition the investment tax credits. It should lead to further modernization and the creation of jobs and increased competitiveness of this country in the international markets.

You would have to look at that whole package, not just the one.

Senator ROTH. Well, just let me point out that DRI McGraw-Hill, which is a very respectable organization, predicts that it will cause a loss of something like 400,000. Nomura Securities predicts a loss of 400,000 jobs. The National Association of Manufacturers projects that the plan would actually reduce job creation by 1.2 million over six years.

Would you agree that the energy tax in itself is going to have a negative impact on job creation?

Secretary BENTSEN. I would say that the energy tax with its impact overall on deficit reduction gives us, putting that all together, would end up creating jobs and making us more internationally competitive.

Senator ROTH. Could I just ask a following-up question?

The CHAIRMAN. Surely.

Senator ROTH. I think international competitiveness is of critical importance. And yet, it is my understanding, that this energy tax will particularly hit hard manufacturing industries, particularly those that use energy. What would be the average effect——

The CHAIRMAN. Can I ask you, what are the manufacturing industries that do not use energy?

Senator ROTH. Well, I do not know of any. But some use it in greater measure as the Secretary pointed out.

The CHAIRMAN. Energy intensive, I guess.

Senator ROTH. What would be the average energy tax on an American auto sale? Do you have any estimate?

Secretary BENTSEN. Oh, I do not have that specific one.

The CHAIRMAN. Well, again, perhaps we can——

Secretary BENTSEN. We can get it for you and be happy to send it to you.

The CHAIRMAN. We can work out that routine.

Secretary BENTSEN. I don't have it on specific items of production, such as an automobile or a tractor.

Senator ROTH. I think that would be helpful, Mr. Secretary, because cars are a critical manufacturer.

The CHAIRMAN. Well, the Secretary has made the point that apart only from Canada we have the lowest energy cost in the industrial world. Thank you, Senator Roth.

Senator ROTH. Thank you. I appreciate it.

The CHAIRMAN. Senator Conrad, you have been busily taking notes down there.

Senator CONRAD. Thank you, Mr. Chairman; and thank you, Mr. Secretary. I wonder if we could get the very first chart that was put up about regional differences.

(A showing of a chart.)

Senator CONRAD. As I read this chart, the impact around the country is roughly six-tenths of 1 percent. So less than 1 percent. It is about a half of 1 percent. That is the way I read this chart. And roughly equivalent around the country.

* * * * *

Secretary BENTSEN. What?

Senator PACKWOOD. Legislative language, when will we see it?

Secretary BENTSEN. We would anticipate in the next ten days.

Senator PACKWOOD. Oh, very good. Thank you.

The second question. I understand Senator Roth's difficulty of attempting to explain family economic income to average families. When you tell them it includes the rental value of their house and the value of their fringe benefits, they look at you and think you should not be here. I understand what it is.

Do I understand the Treasury will not give to us estimates based upon adjusted gross income, even if the members ask for them?

Secretary BENTSEN. Well, let me give consideration to that, Senator. We, frankly, think that just confuses the process. But let us look at it.

Senator PACKWOOD. Thank you.

The CHAIRMAN. Mr. Secretary, may I join Senator Packwood in saying I think we should see that because you are going to see it from some other source anyway.

Secretary BENTSEN. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Roth?

Senator ROTH. A couple of quick questions.

The CHAIRMAN. No, no, very quick.

Senator ROTH. Will utilities be able to itemize the amount of the tax in their monthly bills to consumer taxpayers?

The CHAIRMAN. Now you only get one of those questions now.

Senator ROTH. The third time does not count.

Secretary BENTSEN. They advise me it would be the utility's decision along with the regulators.

Senator ROTH. I am not following.

Secretary BENTSEN. They advise me it would be the utility's decision along with the regulators.

Senator ROTH. You mean the state regulators?

Secretary BENTSEN. Well, whatever the regulators are handling that utility.

The CHAIRMAN. Very, very succinct.

Senator ROTH. Mr. Chairman, I would just ask that we have permission to submit further.

The CHAIRMAN. Of course. And all of that will be done. Somebody is back there taking notes of all the things you agreed to send. We are pleased that we will have legislative language. And if it takes an extra day, that will do.

Mr. Samuels, we welcome you to this conference table. We hope one day to confirm you.

Mr. ROTH. On that same day, April 20, I, following my oral request with a written submission, asked for this information yet a third time. Yesterday my staff was informed that my request was denied. There would be no effort to accommodate me or the other Members who requested this information.

I also ask unanimous consent a portion of my letter and a copy of a letter written by Senators DOLE, PACKWOOD, and Congressmen MICHEL and ARCHER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 20, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury,
Washington, DC.

DEAR MR. SECRETARY: I previously asked the Treasury Department to provide me with additional information on the tax burden of the Administration's proposals according to adjusted gross income (AGI), rather than Family Economic Income (FEI). I requested the information again in a question to you this morning. Senators Packwood and Moynihan expressed their desire that you provide that information to the Finance Committee as well. As indicated at the hearing, there is no question but what information based on AGI is more meaningful to the public at large. I will ask again, will the Treasury Department supply the information I have requested on the tax burden of the Clinton tax proposals based on adjusted gross income, rather than Family Economic Income? If not, then why not?

CONGRESS OF THE UNITED STATES,
Washington, DC, April 22, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury, Washington, DC.

DEAR MR. SECRETARY: The purpose of this letter is to reiterate two requests to you by several Republican members of Congress for more details about President Clinton's tax proposals outlined in his budget.

First, we request that statutory language for the President's revenue proposals be sent to Congress and introduced as a bill immediately. As you know, the budget resolution sets a May 14th deadline for the Ways and Means Committee and a June 18th deadline for the Finance Committee. Although President Clinton outlined his proposals more than two months ago, not a single line of statutory text has been provided to the House and Senate committees responsible for acting on these proposals. This detailed information is important to fully analyze and evaluate these proposals.

We believe this is a reasonable and necessary request. Under similar circumstances last year, Ways and Means Chairman Rostenkowski wrote your predecessor on January 29, 1992: "if the Administration is serious in its desire to move this legislation quickly, the process must begin with your submission of the legislative language for all the revenue proposals contained in the President's budget proposals that are within the jurisdiction of the Committee on Ways and Means. Introduction of the President's revenue proposals by the Republican Leadership of the Ranking Member of the Committee is an absolutely necessary first step." In fact, the statutory language of President Bush's entire economic programs was introduced on February 4, 1992, one week after his State of the Union address.

Second, we request that you provide us with distribution tables for the President's revenue proposals using the widely understood "adjusted gross income" measurement to categories Americans by income. Most Americans recently completed their income tax returns and know the exact amount of their adjusted gross income. A distribution table showing adjusted gross income will allow Americans to easily determine the impact of the President's proposals on them.

The distribution tables previously supplied by the Administration used the concept of "family economic income" to categorize Americans by income. Unlike adjusted gross income, family economic income is not a widely understood measurement of income. Family economic income includes a variety of items, such as the imputed rental value of homes and the value of employer-provided fringe benefits, that Americans do not think of as income. As a result, the distribution tables previously provided by the Administration have created considerable confusion and uncertainty about the impact of the President's tax proposals. We believe that distribution tables showing the impact of the President's tax proposals by adjusted gross income are essential for Americans to be able to evaluate for themselves the fairness of these proopsals.

The task of reducing our budget deficit is a formidable one. We are anxious to get started and look forward to working with you in the coming weeks as Congress begins to consider the President's budget proposals.

Thank you in advance for your prompt consideration of our requests.

Sincerely,

Bob Dole, Republican Leader, U.S. Senate; Bob Michel, Republican Leader, U.S. House of Representatives; Bob Packwood, Ranking Republican Member, Committee on Finance; Bill Archer, Ranking Republican Member, Committee on Ways and Means.

Mr. ROTH. For the record, they have informed me they have received no response to the letter.

Mr. PACKWOOD. Will my good friend yield for a moment? We have unfortunately received a response to the letter. The answer is, "No. They are not going to give us the information."

Mr. ROTH. I thank my distinguished colleague, the ranking member of the Finance Committee. I guess the best we can say is they are consistent—consistent in permitting the public not to have the kind of information they are entitled to, to understand how the proposed tax package of this administration is going to impact upon them as individuals.

I ask the distinguished Senator from Oregon, Is there anything unreasonable about that request?

Mr. PACKWOOD. No. As a matter of fact, we have had similar information from past Treasury Departments. All Treasury Departments have loved family economic income concepts. But when we asked for adjusted gross income; that is, what the average citizen thinks they make, we got it. We were able to do distribution tables as to who does a particular tax affect based upon adjusted gross income. This Treasury Department will not give it to us.

Mr. ROTH. So it is really precedent-shattering?

Mr. PACKWOOD. I think so. I do not know if some Treasury Department in 1965 refused to give it, but in my memory we have been able to get it.

Mr. ROTH. Would the distinguished Senator join me in once more requesting here on the Senate floor that this information be made available as information that is critically important to understand what kind of impact this tax legislation is going to have on the typical American?

Mr. PACKWOOD. I would, with misgivings. I like the Secretary of the Treasury, Secretary Bentsen. We asked him twice. If we ask him a third time and he denies it, it puts him in bad company.

Mr. ROTH. The third time might be a charm.

Well, I have outlined my actions, my requests, and those of others, so that I might build a record that makes it very clear that it is the Treasury Department that is not cooperating. It is the Clinton administration that has failed, I think, to meet its obligations to the Members of the Senate to provide information that has very legitimately been requested.

My concern is why is this information being withheld? How can an honest, open, and productive debate take place among the American people when these people are being denied the information they need to make such monumental decisions? President Clinton, time and again, has compared himself to Thomas Jefferson. Let me conclude by reminding this administration of one of President Jefferson's principle tenets of good government.

Jefferson said:

> We might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every Member of Congress and every man of any mind in the Union should be able to comprehend them to investigate abuses, and consequently to control them.

This, Mr. President, in my judgment, begins with our taxes.

I will ask that the David Broder article of February 24, 1993, be printed in the RECORD. I just point out the subhead, I think, tells the whole story.

> As administration officials have conceded, the higher tax bites actually begin at a figure closer to $20,000 than to $30,000.

I think that is the reason the administration does not want to supply that information, because contrary to early understandings, and early statements, it was claimed this tax would not apply to anyone other than those who had a $30,000 income or higher. But, again, Dave Broder shows that it really hits squarely at the middle class and it hits at those whose income is $20,000.

Mr. President, I ask unanimous consent that a copy of a statement from the Wall Street Journal, "Public Ire Over Tax Plan Fueled by Tangled Tables"; an editorial that was contained in the Washington Times last May 7, 1993; and a February 23 memo to Senator PACKWOOD be printed as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 24, 1993]

(By David S. Broder)

BEWARE THE "TRUST" DEFICIT

President Clinton's economic plan is addressed, he says, not to one deficit but to three: the budget deficit, the investment deficit and the social deficit.

Americans, he says, must shut down the drain of red-ink budgets that have virtually quadrupled the national debt in the past dozen years. At the same time, we must increase the investments that promise productivity growth and future prosperity. And there are, he says, unmet needs for AIDS research, public housing rehabilitation, preschool education and a score of other things, that cannot wait.

Clinton is right to say all three deficits must be faced. But he is wrong—dangerously wrong—to do so in a way that worsen's a fourth deficit: people's trust in their leaders.

The new president is being rightly praised for putting all these issues on the table in a comprehensive and coherent fashion. But if his diagnosis of the nation's needs is accurate, his prescription falls far short of a remedy. His plan just doesn't achieve its advertised goals. And it will avail Clinton little to push his economic program to passage if voters decide afterward that they have been misled about what it will do.

Doubts about his reliability plagued Clinton all through the campaign year and caused him to wind up with the lowest share of the popular vote of any winner since Richard Nixon, in a similar three-way race, 24 years earlier.

Now people are discovering that Clinton really played fast and loose with the facts in last year's campaign. When reporters challenged the assumptions and the internal mathematics of Clinton's campaign-season economic plan, "Putting People First," the Democratic nominee brushed off the questions. When Republicans said he was being deceptive, he issued indignant denials that ring hollow today.

Last Oct. 1, for example, when the Bush campaign ran ads based on the calculation that Clinton could finance his campaign promises only by raising taxes on every family earning more than $36,600 a year, this is what the Democratic nominee said:

"It is blatantly false. . . . It is a disgrace to the American people that the president of the United States would make a claim that is so baseless, that is so without foundation, so shameless in its attempt to get votes under false pretenses."

Last week Clinton, unembarrassed, put forward a revised program requiring tax increases the administration says will affect most families making over $30,000, one-sixth below the threshold George Bush had forecast. Clinton claims he has been forced to these steps by the unexpected $346 billion size of the deficit he inherited. But last July, he told Business Week the deficits would approach $400 billion.

The more serious problem is that the new economic plan, "A Vision of Change for America," looks almost as jerry-built as the campaign document it replaced. The administration's $30,000 threshold, for example, is not what most people understand as income, or even the Form 1040's familiar adjusted gross income line. It is a figure concocted to include all kinds of "non-cash income," including fringe benefits and even the imputed rental value of the family home. As administration officials have conceded, the higher tax bites actually begin at a figure closer to $20,000 than to $30,000.

These artifices were carefully concealed in Clinton's State of the Union address, helping him to gain a favorable first public reaction. Assiduous salesmanship on his part has so far sustained that image of evenhandedness.

But the more that is learned about the plan, the less solid it looks. As much as $54 billion of claimed spending reductions are actually increases in taxes or fees. More important, major cost-cutting moves are of dubious value.

The plan calls for more than $38 billion in Medicare savings over the next four years, not through any reforms but simply by cutting government payments to hospitals and doctors. In the past, when Republican administrations have proposed such "savings," Democrats have objected, properly, that hospitals and doctors will be forced to shift those costs to private patients and to raise their rates to make up for the loss. The argument is still valid. In effect, Clinton is proposing an additional "tax" on anyone unlucky enough to enter a hospital as a non-Medicare patient in the next four years.

Leon Panetta, the conscientious former House Budget Committee chairman recruited by Clinton as director of the Office of Management and Budget, knows these games for what they are. That may explain why he looks so uncomfortable defending such artifices, as he was forced to do repeatedly after Clinton's speech. But the accounts of the plan's formulation suggest that Panetta lost some crucial inside battles when Clinton sided with political aides who wanted to sugarcoat the message, as Clinton did during the campaign.

That is bad politics as well as bad economics. Clinton is likely to get a budget-economic package passed this year. Passing one that just pretends to fix the deficit is no fix at all. It simply moves the day of reckoning closer to the next presidential election. George Bush is the living evidence of the danger of following that course.

[From the Wall Street Journal, Feb. 22, 1993]

Public Ire Over Tax Plan Fueled by Tangled Tables

Washington.—President Clinton's attempt to document that his tax plan would hit the rich much harder than the middle class is producing unexpected confusion and unjustified anger toward the president's plan.

On television and radio talk shows, and in telephone calls to reporters, taxpayers are asserting that Mr. Clinton proposes to subject to income taxes such items as interest on tax-exempt bonds, employer-provided fringe benefits, welfare benefits and even an estimate of the rent saved when one owns a house. Mr. Clinton isn't making any such proposal.

The confusion is caused by tables released by the Treasury that show how much families in various income categories would pay in extra taxes under the president's proposals. To make such analyses, the Treasury's economists have for years used something they call "family economic income," a theoretical concept that does include all sorts of income that doesn't show up on tax returns.

The Treasury economists' definition of "family economic income" has no effect whatsoever on what income the government actually taxes.

[From the Washington Times, May 7, 1993]

Secretary Bentsen's Coverup

The House Ways and Means Committee has begun work on President Clinton's proposed budget, a document that would levy sharply higher taxes on income, energy, Social Security benefits and more. Exactly which taxpayers would pay the price is hard to say, however, because Ways and Means has started work without getting that information from the Treasury Department.

The Clinton administration says it has provided all the information anyone needs to vote on the plan. Remember the president's claim that people making more than $100,000 would pick up the bulk of the new taxes and that no one making less than $30,000 would be affected? Well, it turned out those figures were based on something called Family Economic Income, which takes into account things like the imputed rental value of somebody's home but not whether you actually collect any rent, and the value of fringe benefits but not whether they provided you with additional income to pay higher taxes.

The problem here is not that you would be taxed on imaginary income. It's that most people have no idea what Family Economic Income is or whether it pushes them over the magic $30,000 mark. using FEI when most people think in terms of adjusted gross income is confusing at best, deceptive at worst.

So earlier this year, Republican members of the Joint Economic Committee led by Sen. William Roth and Rep. Dick Armey sought clarification of the matter in a letter to Treasury Secretary Lloyd Bentsen. Family Economic Income, they wrote, is an unknown concept to most taxpayers. Please lay out the impact of the administration's proposals in terms of AGI, they asked, and set the lowest AGI figure at which taxpayers would see net tax increases.

The request seemed reasonable enough. But back came a letter from Mr. Bentsen saying that FEI had been used by previous Republican administrations without any controversy. The Treasury Department, he said, "believes that preparing analyses of tax proposals based on alternative concepts of income, such as AGI, would only confuse, rather than clarify, the issues relating to the president's economic proposals."

Mr. Bentsen is more than a little disingenuous here. FEI was irrelevant in the Reagan years because the president was trying to cut taxes, not raise them. Thus there was no need to hide the impact of higher taxes. If Mr. Bush used FEI, his fate at the polls last November was not exactly an endorsement of the practice. At any rate, Mr. Clinton came to office preaching "change," not "more of the same." The reference to AGI as an "alternative" system, the one that hundreds of millions of Americans use to pay their income taxes, is a reminder of the Treasury Department's rather tenuous grasp of reality.

Last month, Senate Finance Committee Chairman Daniel Patrick Moynihan joined Republicans in asking Mr. Bentsen to provide information on tax impact in terms of AGI. So this newspaper called over to the Treasury Department to find out whether Mr. Bentsen had provided the information. "I don't think he asked for the figures," Treasury spokesman Chris Peacock said by phone. "I think he just said they would be helpful. Correct me if I'm wrong."

OK. A transcript indicates Mr. Moynihan said, "I think we should see that," meaning the AGI estimate. So would Treasury release the figures? "We will work with Sen. Moynihan," said Mr. Peacock. Does working with Mr. Moynihan mean giving him the information he wanted? "I can only refer you to my last answer. We wouldn't release information to you that he asked for anyway. No offense."

None taken. One hopes the agency would be willing to work with other elected representatives as well, especially those on the House Ways and Means Committee now taking up the tax bill. It may be that adjusting the tax impact of the Clinton plan for AGI won't change the administration's estimates. If that's the case, Mr. Bentsen should have no problem with releasing the figures. If, as seems more likely, the adjustment reveals that people making well under $30,000 face higher taxes, then the voters and their representatives should know about it. Either way, it's time to end the coverup.

Congress of the United States,
Joint Committee on Taxation,
Washington, DC, February 23, 1993.

Memorandum

To: Senator Packwood.
From: Harry L. Gutman.
Re: Income classifiers.

SUMMARY

The Treasury Family Economic Income concept is a broader measure of income than the JCT income classifier. The JCT income classifier, in turn, is broader than adjusted gross income ("AGI"). Generally speaking, the broader the income measure, the greater the income imputed to an individual or family. If families or individuals are classified by fixed dollar values of income, a broader income measure will show a greater number of families in the highest income category than will a narrower definition of income.

JOINT COMMITTEE ON TAXATION INCOME CLASSIFIER[1]

The Joint Committee on Taxation income classifier is broader than AGI. In particular, the JCT classifier is AGI plus:

(1) Tax-exempt interest;

(2) Employer contributions for health plans and life insurance;

(3) Inside buildup on life insurance;

(4) Workers' compensation;

(5) Nontaxable social security benefits;

(6) Deductible contributions to individual retirement arrangements;

(7) The minimum tax preferences;

(8) Net losses, in excess of minimum tax preferences, from passive business activities.

The JCT classifier may be thought of as adding to AGI the current cash value of selected untaxed forms of compensation and the cash value of certain untaxed cash receipts, plus adjustments for certain tax preferences.

The JCT classifier generally does not include as income, payments received from government transfer programs (e.g., AFDC, food stamps) with the exception of social security benefits, nor does the JCT classifier include payments received as part of the earned income tax credit (because these are included in taxes paid).

TREASURY DEPARTMENT'S FAMILY ECONOMIC INCOME

The Treasury Department's Family Economic Income is an attempt to measure what tax theorists call Haig-Simons income. The Haig-Simons concept defines income as the "total value of rights exercised in the market, together with the accumulation of wealth in that period."[2] In theory this can be measured as annual personal income, both cash and in kind, from all sources, plus imputed income from durable goods consumption, plus accrued capital gains.

The Treasury Department implements its measure of Family Economic Income by starting with AGI and making the following additions and subtractions or adjustments.

Additions

(1) Tax-exempt interest;

(2) Employer contributions for health plans and life insurance;

(3) Inside buildup on life insurance;

(4) Workers' compensation;

(5) Nontaxable social security benefits;

(6) Deductible contributions to individual retirement arrangements;

(7) Welfare payments, unemployment compensation, food stamps, and certain veterans' benefits;

(8) Net operating losses carried over from previous years;

(9) Employer contributions for other fringe benefits;

(10) Accrued earnings on pension and individual retirement arrangements;

(11) Imputed rental income from owner occupied housing net of costs such as mortgage interest, property tax, and depreciation;

(12) Pre-tax corporate profits allocated to individuals based on ownership of shares (both directly and through pensions holdings);

(13) Unreported income.

Subtractions or adjustments

(1) Distributions from pensions and individual retirement arrangements (this is to

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[1] The JCT staff is in the process of reviewing its distribution methodology, including the definition of the JCT income classifier. The definition of the JCT income classifier reported here is that used over the past several years.

[2] R.M. Haig, "The Concept of Income: Economic and Legal Aspects," in R.M. Haig (editor), "The Federal Income Tax," (New York: Columbia University Press), 1921.

avoid double counting with items (2) and (6) above);

(2) Dividends received by individuals (this is to avoid double counting with item (12) above);

(3) Capital gains realized on corporate stock (this is to avoid double counting with item (12) above);

(4) Indexation of capital income and depreciation.

The Treasury concept attempts to measure income on an accrual basis. A comparison of AGI to Family Economic Income using 1983 data showed that the value of total AGI in the economy was 67 percent of the value of total Family Economic Income. Alternatively stated, Family Economic Income was 50 percent greater than AGI.[3]

DISCUSSION

The Treasury Family Economic Income concept is a broader measure of income than the JCT income classifier. The JCT income classifier, in turn, is broader than AGI. Generally speaking, the broader the income measure the greater the income imputed to an individual or family. If families or individuals are classified by a dollar value of income (as opposed to percentiles), a broader income measure will show a smaller number of families in the lowest income category than will a narrower definition of income. Similarly, a broader income measure will show a greater number of families in the highest income category than will a narrower definition of income.

For example, a comparison of AGI, the JCT income classifier,[4] and Family Economic Income for 1983 levels of income showed the following. For the income category of $0 to $10,000, 48.4 percent of all returns were in that category for the AGI measure, 39.7 percent for the JCT income classifier, and 15.6 percent for the Treasury Family Economic Income measure. For the income category of $200,000 and above, the percentage of returns were 0.1 percent for the AGI measure, 0.3 percent for the JCT income classifier, and 0.4 percent for the Treasury Family Economic Income measure. For the income category $100,000 to $200,000 the percentage of returns were 0.5 percent for the AGI measure, 0.7 percent for the JCT classifier, and 1.5 percent for the Treasury Family Economic Income measure.[5]

For reference, the JCT staff estimated that in 1992, using JCT income classifier, approximately one percent of filing units were in the income category of $200,000 and over and an additional three percent were in the income category of $100,000 to $200,000. The JCT staff estimated that in 1992, approximately 20 percent of filing units fell in the income category of $10,000 and below.[6]

EXHIBIT 1

Congress of the United States,
Joint Economic Committee,
Washington, DC, February 24, 1993.

Hon. Lloyd Bentsen,
Secretary of the Treasury, U.S. Treasury, Washington, DC.

Dear Mr. Secretary: The tax burden tables produced by the Office of Tax Analysis (OTA) classify taxpayers by what is called Family Economic Income, a concept unknown to virtually all taxpayers.

To clarify the impact of the tax plan, please provide the tables on the Administration's Revenue Proposals which classify taxpayers according to adjusted gross income (AGI). Also, please define the lowest AGI defining the point at which taxpayers of any filing status are affected by net tax increases. Please provide the tables with and without the effects of the Social Security benefits tax changes, which the Administration does not classify as a tax increase.

We would appreciate this information by Friday, February 26, 1993. Please have your staff fax the new tables to 224-4468.

Thank you for your cooperation.

Joint Economic Committee Republican Members

William V. Roth, Ranking Republican; Connie Mack; Larry Craig; Robert Bennett; Richard K. Armey; Jim Saxton; Chris Cox; Jim Ramstad.

The Secretary of the Treasury,
Washington, March 24, 1993.

Hon. William V. Roth,
Joint Economic Committee, U.S. Senate, Washington, DC.

Dear Bill: Thank you for your letter addressing Family Economic Income (FEI).

FEI is an income measure used by economists to assess tax proposals. Treasury first used a concept nearly identical to FEI during former President Gerald Ford's Administration. FEI has been continuously used by Treasury since 1984 and without any change since the Reagan Administration. Thus, FEI was used during the Reagan and Bush Administrations in formulating the 1984 Tax Reform proposals (Treasury I), the 1985 Tax Reform proposals (Treasury II), the Tax Reform Act of 1986, the Omnibus Budget Reconciliation Act of 1990 (OBRA) and other proposals such as the 1991 capital gains proposals. There has been a consensus on the use of FEI. I am not aware of any controversy that arose relating to the concept of FEI.

Like the Treasury's analyses, the analyses prepared by the Joint Committee on Taxation and the Congressional Budget Office use income concepts very similar to FEI. These concepts are also broader than AGI. Similarly, academic economists have used broad measures of income for analyzing the impacts of Federal taxes.

Given the long history and bipartisan acceptance of the FEI concept in measuring income, the Treasury Department believes that preparing analyses of tax proposals based on alternative concepts of income, such as AGI, would only confuse, rather than clarify, the issues relating to the President's economic proposals. Treasury believes that use of the FEI concept, consistent with the practice of previous Administrations for over a decade and a half, will facilitate an objective assessment of the Administration's proposals and the policies they represent. Accordingly, Treasury intends to follow the long tradition of using the FEI concept.

Thank you again for writing.

Sincerely,

Lloyd M. Bentsen.

The PRESIDING OFFICER. Is there further debate? The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, it is my understanding that the distinguished Republican leader wishes to speak to this matter immediately upon our return from recess. That being the case, we will, of course, oblige him, accommodate him. I think that means our morning business is through, save, if I may, take the opportunity to thank the Senator from Delaware and the Senator from Oregon for the thoughtful and factual basis on which they have made their case. It is very effective.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12.30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Conrad].

NOMINATION OF LESLIE B. SAMUELS

The Senate resumed the consideration of the nomination.

The PRESIDING OFFICER. The pending question is the nomination of Leslie B. Samuels, of New York, to be Assistant Secretary of the Treasury.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, the distinguished Republican leader would like to speak briefly on this matter. He has left the Chamber to get his notes, he remarked a moment ago. And if it is agreeable to my learned friend from Delaware, I would like to suggest we wait for him.

Would that be all right?

The Senator from Washington may wish to speak.

Mr. ROTH. Yes. I believe the distinguished Senator from Washington wishes the floor.

Mr. GORTON. I would be happy to speak for just a moment. When the Senator from Kansas returns, I will be happy to yield.

Mr. MOYNIHAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I would like to address a brief inquiry to the distinguished Senator from Delaware.

As I understand, the nature of this debate is less over the qualifications of Mr. Samuels to be an Assistant Secretary of Treasury than it is over a certain degree of frustration expressed by the Senator from Delaware and others at his inability to get certain information from the Department of the Treasury—in fact, with the refusal of the Department of the Treasury to come up with certain information.

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[3] Susan C. Nelson, "Family Economic Income and Other Income Concepts Used in Analyzing Tax Reform."

[4] The JCT classifier in 1983 was less broad than that employed in more recent years.

[5] Nelson, "Family Economic Income."

[6] Joint Committee on Taxation, "Estimates of Federal Tax Expenditures for Fiscal Years 1993-1997" (JCS-8-92), April 24, 1992.

As I understand it, the Senator from Delaware would like to be able to analyze the tax bill which is going to be before the House perhaps next week and before the Senate shortly from the perspective of its impact on individuals and families in the United States with respect to their adjusted gross income.

I understand that the figures we have received from the administration are on a form of income which includes the imputed rental value of their homes and many other features which the Treasury used in imputing family income which tends to attribute to people much larger incomes in some cases than they feel they have themselves, than the cash which comes through their own hands.

The Senator from Delaware would like to be able to express, during the course of the debate, the real impact on the people of the United States in terms they understand. And they understand the lines on their income tax forms. They do not understand this imputed family income concept. I understand that the Senator from Delaware has been frustrated by his inability—nay, their unwillingness to supply him with those figures. That is the reason that he has carried on this debate.

Is the Senator from Washington correct?

Mr. ROTH. Yes. I say to my distinguished colleague he is exactly 100 percent correct. I have made several efforts to get information as to how the proposed tax of the President will impact on the American family. The one concept that the American taxpayer understands is adjusted gross income.

Mr. GORTON. It is right there on the tax form.

Mr. ROTH. That is exactly right. It is on the tax form. But that is the information we have been unable to get. There is nothing wrong economically with the so-called family economic income as a reasonable approach. But it does not give the kind of information that is meaningful to the typical American.

All I have been asking—I have asked three times, and it is signed by several Senators—is for this information. It has always been made available in the past. As far as I know, this is the first time we have not been able to get it.

Why cannot we get it? Because the administration, in announcing its tax program, said it will not impact on those below $30,000 income. But as Dave Broder observed in a very astute column several weeks ago, the fact is that this tax income will impact on those of $20,000 or more.

I think the American people are entitled to full information so they can make their decision whether they support it or not. There is absolutely no excuse for keeping it concealed or not available to the average taxpayer.

Mr. GORTON. I thank the Senator from Delaware for that explanation.

I ran up against exactly this concern literally the day after the State of the Union Address on the part of the President, not only from individuals in my State, but from radio talk show hosts, and from many people who were totally confused by this concept of family economic income and found it incredible that they were being charged, for the purposes of being categorized with respect to the President's new taxes, with all of these forms of income that none of them had ever considered to be such. They all knew what that bottom line on their income tax return form stated, and they wanted to know what the effect on that type of income would be of these figures. Since, of course, our taxes are figured on adjusted gross income plus a couple of other adjustments, not on family economic income, it seems to this Senator totally obvious that we should have the figures that the American people would understand and that we would understand in debating this issue.

I gather this is not Mr. Samuels' fault. He has not been confirmed and is not working yet. But his nomination provided an opportunity to discuss this question. We hope yet for a reversal of that decision on the part of the Department of the Treasury. I understand that to be the purpose of the remarks of the Senator from Delaware.

Mr. ROTH. The Senator from Washington is correct with this modification. I do think it should be the policy of the Treasury Department to make full information available to the public. And it does seem to me that the Assistant Secretary for Public Policy has a responsibility to ensure that there is some kind of policy when we are talking about tax policy. I am not opposing—the Senator is correct—his nomination. But I do think it is important that we try to get this information.

I ask the Senator this question: How many families or individual taxpayers does the Senator know, if he went up and asked them their income, would include imputed rent? They own their house. If I had to rent my house, it would be $500 a month, and it would be another $6,000. The answer is "no."

Mr. GORTON. I find it very easy to answer that question. Not a single one of my constituents would ever include that in what they considered to be their income.

Mr. ROTH. I appreciate the questions of the distinguished Senator and I appreciate his remarks.

Mr. GORTON. I thank the distinguished Senator from Delaware. I want to say that I believe that he has provided us with a public service, once again bringing this matter to the attention not only of the Senate but to the people of the United States. Whatever the merits or demerits of these tax proposals, whatever the merits or demerits of the President's proposed budget, the very least to which the people of the United States are entitled is frankness, an outline, a set of figures as to how it is going to affect them in figures and in words which they understand. That is the goal of the Senator from Delaware, and I believe it to be a highly worthy goal.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I will speak as if in morning hour for about 3 or 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SLAVE LABOR IN COMMUNIST CHINA

Mr. HELMS. Mr. President, I have been informed that NBC News has information that it received this morning and is going to broadcast tonight, if my information is correct. The information involves an official of the Columbus McKinnon Co. of Amherst, NY, which alleges that this company is importing slave-labor-produced chain hoists from Communist China.

The information was provided to NBC, I am told, by Harry Wu's organization, the Laogai Research Foundation. Laogai is Chinese for labor reform, shorthand for the Communist Chinese gulag.

Those of us who have been fortunate enough to have met Harry would know him to be uncommonly courageous. A victim of 20 years in the Chinese gulag for daring to question the Soviet invasion of Hungary in 1956, Harry is a survivor and a witness. He risked his life 2 years ago for the CBS TV show "60 Minutes" to document Communist China slave labor exports to the United States.

The story of the chain hoists and other Communist Chinese slave labor exports to the United States are detailed in this report entitled "Cruel Money" which I have here available for anybody to inspect. Anyone who wants to see color photographs of the Communist Chinese gulag can step right up after I yield the floor.

In one city in northeast China, there is a street lined with prisons making products for export into the United States of America and other places. Among the products made there are basic materials for children's rubber boots, et cetera.

Mr. President, I think American children would be horrified to learn of the great likelihood that the colorful rubber boots they wear to school and play are produced by Chinese slave laborers.

Accordingly, I have written to the Customs Commissioner, George Weise, today requesting a complete investigation of the materials provided by Harry Wu's organization and vigorous prosecution as appropriate.

I asked the Commissioner to pay particular attention to the allegation that half of Communist China's total rubber processing chemicals are produced in prisons. Since title 19, section 1307, of the United States Code prohibits importation of products containing even parts of products produced in prisons, a substantial proportion of Communist Chinese imports of rubber products may be tainted.

We know this trade in suffering is going on, and we know it is widespread, and we certainly know that it must be stopped.

Mr. President, I ask unanimous consent that my letter of this date to Customs Commissioner Weise be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 18, 1993.

Hon. GEORGE WEISE,
Commissioner of Customs, U.S. Customs Service, Washington, DC.

DEAR COMMISSIONER WEISE: This afternoon the Laogai Research Foundation released its report on slave labor in Communist China entitled, "Cruel Money". I am informed that you have been furnished a copy.

The report makes a number of serious allegations regarding the violation of 19 USC 1307, our statute which prohibits the importation of convict made goods:

1. The Columbus McKinnon Company of Amherst, New York, is importing chain hoists made in Communist Chinese prisons.
2. The Chinese are still attempting to sell slave labor-produced diesel engines in the United States despite an outstanding Customs seizure.
3. Half of Communist China's total rubber processing chemicals are produced in prisons.
4. Massive amounts of hand tools are produced for export to the United States and other countries by Chinese prisoners.

Please begin an immediate investigation of the Columbus McKinnon Company to determine whether it is violating 19 USC 1307. Further, please examine whether any existing Customs orders or seizures are being faithfully exercised, not just those relating to diesel engines. The volume of hand tool exports associated with Communist Chinese prisons is so large as to raise the question of whether blanket denial orders would be an appropriate remedy, if legally valid.

19 USC 1307 extends the import prohibition to items which are produced "in part" by prison labor. If it is in fact true that half of all Communist Chinese rubber processing chemicals are produced in prisons, it would raise a presumption that Communist Chinese products containing rubber are legally tainted. Therefore, it may be appropriate to deny entry into the United States of any product from Communist China containing rubber or rubber compounds unless the importer can prove its entire production cycle is prison labor free. This prohibition would extend to rubber-soled shoes, rubber boots, rubber kitchenware, athletic shoes, tires, toys made from rubber, sporting goods containing rubber or any other product containing rubber compounds.

Finally, it has been clear for some time that the Communist Chinese are not living up to the terms and conditions of the prison labor Memorandum of Understanding (MOU) which they signed with the previous administration. Given Laogai Research Foundation Executive Director Harry Wu's deserved reputation for thoroughness, integrity and personal courage, his report only serves to highlight this fact. In light of the Communist Chinese' failure to live up to other international agreements, including the Biological Warfare Convention, no one should be surprised that they are cheating on this commitment. Only swift, sure and vigorous enforcement of American law can stop the flood of slave labor-produced products reaching our shores.

Sincerely,

JESSE HELMS.

NOMINATION OF LESLIE B. SAMUELS

The Senate continued with the consideration of the nomination.

Mr. MOYNIHAN. Mr. President, there does not appear to be any other Senator wishing to speak on the nomination, and I suggest that we proceed accordingly.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I also move that the President be notified that the vote was unanimous.

The motion was agreed to.

Mr. DOLE. Mr. President, I ask to speak as in morning business on my leader time.

The PRESIDING OFFICER. The Republican leader is recognized.

PRESIDENT CLINTON'S TAX AND SPEND CRUSADE

Mr. DOLE. Mr. President, President Clinton has taken his tax-and-spend crusade to California, heading west while his poll numbers go south. So far, the American people have heard some pretty interesting excuses and explanations for his big tax, little cut policy. As Ronald Reagan used to say, "There he goes again."

His west coast public relations blitz is just another political makeover to try to convince people he is cutting spending when he is really breaking all the world records for tax increases. The President does not like it when some of us tell it like it is, that his economic plan is nothing but tax and spend liberalism. He calls this kind of criticism a myth, but the only myth is that he is a so-called new Democrat.

In San Diego last night, President Clinton reportedly declared, "I don't like taxes * * *." The problem is, if he does not like taxes, he must really hate spending cuts.

Let us face it, notwithstanding the President's considerable salesmanship skills, he cannot sell a package that raises taxes $3.23 for every dollar in spending cuts. He cannot convince us that the American people's concerns are merely a myth. And he cannot hide behind the 1980's gimmick to tax and spend America to its knees.

Instead of trying to tell the taxpayers that he knows best, the President ought to listen to the American people instead, listed to their cries for real spending cuts, listen to members of his own party appealing for fiscal restraint, listen to Ross Perot, and even listen to Republicans who proposed to reduce the deficit as much as the President by cutting spending, not raising taxes. But it is clear that the only people he is listening to these days are his slick campaign consultants who are telling him he only needs to do a better job of false advertising, when he really needs to pull the product off the market.

I think we ought to look at a few facts. Keep in mind that in a survey released a couple of weeks ago, the people were asked: If you had a choice between a tax cut and spending cuts, which do you prefer? By a margin of 84 to 14 percent, people in that survey said cut spending first, because the American people know that even with tax cuts, if you do not cut spending, we will end up the same way we have been going. So it seems to me that we need to take a look and ask: Where are the spending cuts the President talked about? Everybody agrees with the President that we have to reduce the deficit. Everybody applauded the President early on—78 percent of the American people said they agreed with President Clinton's economic plan. But that was in the first 30 days. The people have looked at it since that time, and they have seen the tax increases and no spending cuts, and now I think 60 to 70 percent say it is too much taxes—between 60 and 70 percent.

So we should take a look and ask: Where are the spending cuts? Aside from the President's assault on the Pentagon, he comes up with only $15 billion in net cuts during the next 5 years. That averages to only $3 billion in cuts per year out of a more than $1.5 trillion budget. Those net nondefense cuts amount to a paltry 4 percent of the deficit reduction his plan provides. His $75 billion in new defense cuts account for 20 percent of his deficit reduction. Let us see. That is 20 percent plus 4 percent, which equals 24 percent. Where does the other 76 percent of the deficit reduction come from? You guessed it. It comes from new taxes; that 76 percent comes from new taxes and user fees. There is about $10 billion in user fees and $270 billion or more in new taxes. Most people think user fees are taxes, and user fees are taxes, so that makes it $10 billion in additional taxes.

These are not my numbers. These are not Republican numbers. These numbers were provided by the Congressional Budget Office that the President told us earlier this year he insists we use. As for the President's proposed new spending cuts, 80 percent of them do not come until after the 1996 election. But you will not have to wait for your taxes to go up. You do not have to wait for 1996 for that. You may not know it—a lot of people do not know it in America, and a lot do not know they are rich—nearly everybody is going to be rich for tax purposes under the President's plan. The President's proposed tax rate increase are retroactive to January 1—it is not next year; that is the January 1 that just passed, in 1993. Let me repeat, if President Clinton has his way, many folks' taxes went up nearly 5 months ago. Unfortunately, all Americans will have to wait nearly 5 years for some disappointingly small cuts. As much as the President would like to believe, these are the facts, not myths. The most important fact is this: The American people know that the President has it backward. They want to cut spending first.

Again, I think when any of us go home and talk to friends and people who know us well enough to tell us how they think it ought to be, they tell you to cut spending first, whether they are Democrats or Republicans, whether it is in my hometown, Russell, KS, or somebody else's hometown. The American people do not have a great deal of confidence in Congress—that is me and the rest of us—and they do not have a great deal of confidence in the administration. They have a feeling they are going to pay all these new taxes, and somebody is going to figure out a way to spend the money. There is a lot of precedent for that in any administration, not just this one. So that is why the American people have said, OK, let us cut spending first. If you cut spending first, then maybe we will listen to you when it comes to the user tax or energy tax or whatever it might be.

Now the President is saying again, and I assume maybe in a couple of years we will probably have a middle-class tax cut if we can figure out how to pay for it. They have already been promised one tax cut and it turned into a tax increase. So it is hard to tell precisely what may happen in the next 2 or 3 years.

So I just say to the President that I still believe there are enough of us who have made pretty tough choices on spending cuts on both sides of the aisle, not just on this side of the aisle, who are still willing, if the President is willing, to go back and take a look at a plan that reduces spending substantially, that regains the confidence of the American people, that regains the confidence of people who make big money decisions on Wall Street, that helps the Federal Reserve in their efforts to keep inflation down. All these things, in my view, are sort of intertwined. For some reason, everything sort of got started in the wrong direction, and now most people think the country is moving in the wrong direction. I say to the President that I want him to succeed. There is still time to do the right thing.

The right thing is to cut spending first and not have so much emphasis on revenues, taxes, and user fees. That is not the change the American people thought they were going to get after the November election.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHEWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHEWS. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 60TH ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY

Mr. MATHEWS. Mr. President, I rise today to recognize the 60th anniversary of the creation of the Tennessee Valley Authority.

President Franklin Roosevelt's vision for TVA stands as a clarion call for sound resource management and future planning today, just as it did at TVA's inception in 1993.

As President Roosevelt said:

> Many hard lessons have taught us the human waste that results from lack of planning. Here and there a few wise cities and counties have looked ahead and planned. But our Nation has "just grown." It is time to extend planning to a wider field, in this instance comprehending in one great project many States directly concerned with the basin of one of our greatest rivers.

As TVA moves into the next century, the continuation of the planning of which Roosevelt spoke will be more important than ever.

Since its formation TVA has provided valuable community assistance, not only to the Tennessee Valley, but to the country as a whole.

Flood control and rural development were primary needs of Tennessee Valley farmers in the middle of this century. And TVA, through its hydropower program, was able to control the flow of the Tennessee River and its tributaries, and provide electric power for the first time to rural residents of the Tennessee Valley.

The National Fertilizer Center, also created in 1933, provided improved fertilizers and better application measures for farmers around the country.

Today, that Center is working toward improved farming methods, to help protect the watersheds surrounding our agricultural lands from nonpoint-source pollution.

TVA continues to represent one of the success stories of the New Deal agenda of the Roosevelt era.

Progress in the Tennessee Valley has often come as a direct result of the efforts of TVA—and continued economic growth and development in the region has flourished in large measure because of the low cost power provided by the agency.

TVA, through public/private partnerships, has and continues to be a vital resource for areas throughout the Southeastern United States and a model for both the Nation and the world.

The 1980's were turbulent, a decade which saw shifts in direction and major downsizing at the agency. In the 1990's and the rapidly approaching 21st century, TVA faces new challenges.

TVA's current strategic plan focuses on energy, the environment, the Tennessee River, and community partnerships. As the agency reaches its 60th anniversary, the leadership at TVA will have to address these power demands and the health of the valley's environment as priorities which demand immediate and thoughtful attention.

Today, an integrated resources planning process is underway to guide the agency well into the next century.

Such long-term planning will ensure that the next 60 years are as successful and meaningful to the valley as were the first 60. That success will be determined, not only in terms of kilowatt hours and reservoir acreage, but also in terms of the well being of the Tennessee Valley and its residents.

Today, the three member board at TVA has two vacancies. One of these vacancies occurred yesterday with the expiration of the term of John Waters. Chairman Waters had a distinguished career at TVA, and his service is marked by significant accomplishments for those of us living in the valley.

In recent years, TVA has shed its bureaucratic shell, by opening its proceedings to public involvement. It has become a leader in developing environmentally sensitive means of utilizing fossil fuels. Additionally, the streams and tributaries of the Tennessee River are again becoming safe for fishing and recreation.

I am pleased to name these accomplishments. They are contributions to the valley of which TVA, and especially Chairman Waters, can be proud.

For these successes to continue, strong leadership is needed at TVA. The President has now nominated two individuals to the TVA board whom I believe can provide this leadership.

Two well-qualified Tennesseans will soon be considered by the Senate as nominees for the TVA board: Craven Crowell, who brings 9 years of experience as a TVA manager and vice president, most recently serving our own Senator Jim Sasser here in Washington. And Tennessee economic and community development commissioner Johnny Hayes, with an outstanding career in both government and business. These nominees will bring to the board years of experience in the Tennessee Valley. More importantly, they bring an understanding of the role which TVA has played in the past and will need to play in the future.

The future of TVA rests in the decisions that will be made by the new board.

For that reason I would like to use this opportunity to encourage the Senate Environment and Public Works Committee to move as quickly as possible so that the full Senate may show our support for the nominations made by the President.

Mr. President, I thank you for this opportunity to observe the 60th anniversary of the Tennessee Valley Authority, an agency important both to Tennessee and to this entire country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Akaka). The Senator from Tennessee yields the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

Mr. BAUCUS I thank the Chair.

(The remarks of Mr. Baucus pertaining to the introduction of S. 978 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana [Mr. Baucus] suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

(The remarks of Mr. Dorgan pertaining to the introduction of S. 973 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Would the Senator withhold his suggestion?

Mr. DORGAN. Yes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CHARLES L. KINNEY

Mr. BYRD. Mr. President, after 19 years of exemplary, loyal, effective, efficient, and selfless service to the U.S. Senate, Charles Kinney, most recently our chief floor counsel, officially departed Capitol Hill to pursue a career in a Washington firm.

I was particularly pleased that a number of our colleagues, both Democrat and Republican, recognized Charles' departure with warm and sincere tributes. Our pleasure was inspired foremost as well because of my own rewarding and pleasant associations with this fellow West Virginian. And, further, because of Charles Kinney's vindication of the trust and the esteem in which I have held this outstanding patriot and public servant for nearly two decades.

For many years, I have contended that though my State of West Virginia is enviably rich in natural resources and scenic beauty, her greatest wealth is her seemingly endless supply of human talent, character, and integrity.

For roughly 19 years, Charles Kinney has helped to prove my case for me. Though I learned very early that Charles Kinney was, as a Senate staff person, a diamond in a platinum setting, I have been particularly heartened through the years to see and to hear my judgment of Charles Kinney confirmed in the words of approval and appreciation that have been shared with me by other Senators regarding this exceptional young man from Parkersburg, WV.

I want to join others of our colleagues in wishing Charles Kinney every success in his future legal career and in expressing gratitude to him for his years of exceptional service here in the Senate.

I know from time to time, when I was leader of the Democratic Party in the Senate, I would call on Charles Kinney to explain a matter to me, a difficult and complicated matter. He would always start at the bottom. And I commented on this and complimented him on starting at the bottom, because as I said to Charles, so many persons today when they start to explain a complex problem, they begin not at the bottom of the pyramid but somewhere up toward the middle or close to the top. They seem to assume that I, the listener and the student, already know everything that they know about the matter, so they can start just anywhere on the pyramid. They ought to assume, as I said to Charles, that I do not know anything about it. So, start at the bottom and lay this pyramid, stone by stone and brick by brick. That is the way I like to be taught. That is the kind of legal student Charles was. I was very proud of Charles Kinney. I thought that he was an exceptionally bright young man and that he had an exceptionally bright future.

I wish for Charles and his wife Joann, and for their two children, Matthew and Alida, all of the happiness and grace that this life can afford, as well as rich memories of the friendships and the associations to which they are entitled as members of the extended United States Senate family.

It isn't enough that we say in our hearts that we like a man for his ways;
It isn't enough that we fill our minds with psalms of silent praise;
Nor is it enough that we honor a man as our confidence upward mounts;
It's going right up to the man himself and telling him so that counts.
Then when you see a man do a work that you really admire, don't leave a kind word unsaid;
For fear to do so might make him vain and cause him to lose his head;
But reach out your hand and tell him, well done, and see how his gratitude swells;
It isn't the flowers that we strew on the grave; it's the word to the living that tells.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPACE STATION AND SUPER COLLIDER PROGRAMS

Mr. WARNER. Mr. President, a group of Senators have been actively engaged in preparing a case to come before this body at some point in time, my guess would be after the elections in Texas are determined for the Senate seat, but at some point in time we will come forward with amendments to eliminate two very expensive programs, one the space station and the second the super collider.

This is not an easy decision for me, because elements of both of those programs are being performed by Virginians. If we are successful, it will result in a direct loss of jobs in my State. Our President has urged Members of Congress to come forward and recommend to him and to our colleagues areas in which we can achieve further reductions in spending, spending at a time when we are being asked to raise our taxes.

Mr. President, I have approached this responsibility in a very careful manner, because I want to make sure I am right before making a recommendation which could mean a loss of jobs in my State and a loss of jobs in many States; therefore, I asked the General Accounting Office to provide an update on certain aspects of both of these programs.

Yesterday afternoon I concluded a second session with a team of professionals, very well informed, objective professionals from the GAO. I was given yesterday reports which are being filed today, a report on each of these two programs. These reports are responsive to the specific questions I directed, and I think that each Member of the Senate will find them a valuable resource as we approach the decision on these two programs.

In February, I introduced, with Senator BUMPERS and others, and the Senator from Tennessee joined us, specific legislation to eliminate these programs.

My concern regarding the cost increases and the questionable manner in which these programs have been managed through their relatively short lifetime, with the scheduled delays, prompted me to request these GAO reports to confirm my own findings, and indeed my findings are not only confirmed in these two reports, but there is additional material which clearly support a review by this body and, I think, a decision to terminate both programs.

Coincidentally, the Washington Post yesterday carried an article on the space station, written by Kathy Sawyer, who is recognized in professional circles as a very fair and objective analyst of this program, and at an appropriate time I will ask that her article be included as part of my speech for the RECORD today.

In the two reports, the question I posed regarding defense is answered very clearly. If we look at the budget process now being considered in reconciliation, defense is taking clearly the largest hit and, therefore, it can be said that defense is funding these programs, the SSC and the other program, the space station. I asked the GAO what, if any, direct, indirect, or ancillary benefit to our Nation's national security can be expected to be derived from either of these programs. The answer came back virtually no benefit from either of these programs to our Nation's defense.

Therefore, as I view these two programs, not only are they an indeterminant drain on our Treasury, but the benefit from the programs is going to be minimal. As a matter of fact, the GAO went back and addressed, for example, the space station. It will demand another $11.7 billion in this decade, plus another $78 billion following the permanent occupancy achievable date.

When the idea was originally sold to the American public, a manned space station was believed to have as many as eight clearly defined research goals. Today, as this program is being analyzed by NASA, they at least come forward with a certain measure of candor and say the eight is reduced to really only two. The redesigns which will eventually be decided upon have reduced the realistic number of research goals to two, life sciences and microgravity research.

I question the expenditure of so much of our dollars at a time when we have most urgent needs from health to our national security, to our education, indeed many others, which are well known to this body, which must compete. Therefore, we have a responsibility to prioritize that spending and to take into consideration what the potential benefits are of both of these programs against the benefits from other programs which, in my judgment, have a far greater priority than the two which I have addressed today in the context of the GAO reports.

I point out, in his 1991 testimony before Congress, the Comptroller General stated, according to the National Academy of Sciences, 87 percent of what could be achieved in the area of microgravity research could just as easily be performed elsewhere and, therefore, the space station is hardly needed in that one of two remaining goals. Moreover, in quantifying research time which would be spent aboard the space station, we learned that only 19 percent would be devoted to research. That is, conversely, 81 percent of the time would be consumed by the humans aboard just trying to operate and maintain the station.

We are confronted with two enormous, costly, and unmanageable programs, I say to my colleagues, at a time when we should be prioritizing our expenditures, and, therefore, I strongly urge the closest study of these two GAO reports, which confirm my reasons for joining others in this Senate to recommend the termination of both programs.

Mr. President, I ask unanimous consent that the two GAO reports and a very interesting and informative article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[GAO Report to Senator John W. Warner, May 1993]

SPACE STATION: INFORMATION ON NATIONAL SECURITY APPLICATIONS AND COST

MAY 20, 1993.

Hon. JOHN W. WARNER,
U.S. Senate.

DEAR SENATOR WARNER: This report responds to your request that we (1) provide information on the potential use of Space Station *Freedom* by the Department of Defense (DOD) for national security purposes, (2) update the information provided in our May 1, 1991, testimony on the total cost of the National Aeronautics and Space Administration's (NASA) space station program, and (3) identify other existing and planned space stations. NASA is in the process of evaluating alternatives to its current space station design in an attempt to reduce the overall costs of the program. As you requested, this report addresses the space station's existing design and does not reflect the revisions that are expected to be announced next month.

RESULTS IN BRIEF

DOD has no formal requirement for a manned space station for national security purposes. In fact, for many of DOD's space research needs, the facilities of Space Station *Freedom* would be less suitable than those currently available on the space shuttle. Some research that DOD currently conducts on the shuttle, particularly that which requires extended stays in orbit, could benefit from the capabilities of the space station. However, given NASA's plans to extend shuttle flights from the current 10 days to nearly a month, opportunities to conduct certain types of longer duration experiments will be available even without the space station.

In March 1993, NASA revised its cost estimate for the station to $31.3 billion. At the same time, NASA stretched the schedule for having permanent occupants in the space station to 2000. The $31.3 billion estimate, like previous estimates, excluded substantial budgetary resources required to successfully complete development and support the station over its planned 30-year life. Additional funding necessary to support and outfit the station for permanent occupancy would be another $11.7 billion. Further, at least $78 billion would be required to bring the facility to its full planned capability and maintain, supply, and operate the station after permanent occupancy is achieved. When these costs are included, the space station funding requirements through 2027 would be at least $121 billion.

The only existing space station is Russia's *Mir*. It's thought to be beyond its design life; however, it continues in use and major upgrades are planned in 1994 to add remote sensing and atmospheric studies capabilities. In the longer term, Russia plans to build a more capable space station, *Mir 2*; however, details about the program are uncertain.

BACKGROUND

The United States, Canada, Japan, and the European Space Agency are each supplying Space Station *Freedom* elements and crew members. Over its 30-year lifetime, Space Station *Freedom* will provide pressurized laboratories that allow researchers to interact with experiments in a "shirt sleeve" environment over extended periods of time. Such facilities currently exist only on Russia's *Mir* space station. Appendix I provides additional information on the *Mir* and plans to upgrade it, as well as the possibility of a follow-on space station.

Disciplines that NASA expects to benefit from the space station are life sciences, microgravity research, and technology development. Life scientists will work to gain information about the basic biological processes of cells, plants, animals, and humans. Microgravity researchers will study fluids, combustion, materials, biotechnology, and fundamental physics to increase the understanding of gravity-dependent phenomena. The testing of technologies in space will investigate how microgravity, radiation, and other aspects of the environment affect mechanical functions. DOD currently conducts research in each of these areas and also in earth observation, space environment monitoring, and the role of the "military man in space."

DOD experiments that require a pressurized environment or human interaction are flown in the mid-deck locker area of the space shuttle. On a smaller scale, this environment is analogous to that to be provided by the laboratories of Space Station *Freedom*. DOD researchers have found the mid-deck area of the shuttle to be well-suited for testing and evaluating technology. In that environment, DOD can conduct proof of concept testing relatively inexpensively because the experiments do not have to operate autonomously in the harsh environment of outer space. Research in the shuttle mid-deck is valuable to DOD even when its purpose is to develop new or improved automated satellites. Since 1989, at least 12 different DOD organizations have flown more than 62 experiments on the space shuttle's mid-deck, representing more than 20 percent of the shuttle's mid-deck capacity by weight.

The space station would provide another facility for those DOD experiments that require a pressurized environment or direct human interaction. The September 1988 space station intergovernmental agreement allows the space station to be used for national security purposes. The agreement stresses the civilian nature of the space station and states that the station is to be used for peaceful purposes. However, each international partner determines whether the proposed uses of its equipment is for peaceful purposes.

DOD HAS NOT IDENTIFIED ANY REQUIREMENTS FOR THE SPACE STATION

In March 1988, the Secretary of Defense prepared a report at the request of the Senate and House Armed Services Committees on the potential use of the space station.[1] The report concluded that DOD had no requirements for major payloads that would use or uniquely require the space station. Nevertheless, the report noted that, depending upon its design, a manned space station could be useful for researching potential military applications such as:

Direct observation for purposes of battle management, surveillance, weather support, and monitoring naval activities;

Development or improvement of systems to identify, collect, and remove space debris;

On-orbit maintenance and repair of satellite systems;

Development of techniques for assembly of satellite systems on orbit;

Detection of missiles launched from land, sea, and airborne platforms; and

Development and testing of technology, such as electrical power for space systems.

Because the design of Space Station *Freedom* has changed over time,[2] certain of the potential applications cited in DOD's 1988 report may no longer be relevant.

DOD still has no formal requirement for the space station, but it appears likely that DOD researchers would use it for some types of experiments. However, DOD is not actively planning or formally coordinating station experiments at this time and some DOD researchers maintain that it is too early to do so. If the space station is built, DOD researchers would consider the relative costs of accomplishing their research on that facility in comparison to other platforms such as the shuttle or unmanned systems.

MUCH OF DOD'S SHUTTLE-BASED RESEARCH COULD NOT BE DONE ON STATION

Several characteristics of the current space station design make it less suitable than the shuttle for much of the research DOD is currently conducting on the shuttle. Some types of DOD shuttle-based research might benefit from the capabilities of the space station, especially research that requires more time than currently available during the normal duration of a shuttle flight. However, given NASA's plans to upgrade the shuttle to extend flight duration to nearly a month, coupled with increased research capacity available when the Spacehab module is flown in the shuttle bay, DOD researchers will have increased research capability even without the space station.

SPACE STATION WOULD NOT BE SUITABLE FOR CERTAIN DOD USES

Much of the DOD research presently done on the space shuttle would not be possible on the space station because the station lacks suitable windows for "direct view" experiments. Direct view experiments, which have accounted for 50 percent of DOD's mid-deck experiments, involve astronauts directly observing the Earth or phenomena taking place outside of the shuttle. The following DOD experiments illustrate some of the types of test and evaluation activities that have or will use the shuttle windows:

The Army's Battlefield Laser Acquisition Sensor Test investigated the concept of conducting communications between ground personnel and orbiting spacecraft using lasers. To the military, such a capability would be useful for covert communications with troops, ships, or even downed pilots.

In "Terra Scout," the skills of an Army imagery analyst were used to investigate the human/machine interface with remote sensing devices. This research may aid in the development of more powerful and versatile sensors.

The Navy's Military Application of Ship Tracks experiment will analyze shiptrack signatures to determine their intelligence potential in identifying threats to the fleet.

The Auroral and Interactions Photography Experiment sponsored by the Air Force will quantify emissions induced by the space environment on spacecraft surfaces. This type of data could be useful for identifying and tracking spacecraft.

Unlike the windows of the shuttle, the windows of the existing design of the space station would not be useful for direct view experiments. Early space station designs included optical quality windows in the U.S. laboratory module that could have been used for research. The windows were deleted during an earlier space station redesign exercise to save money and weight. The windows included in the current space station design are intended for crew recreation and operational activities, and not for research. The windows are also not located where they would be useful for experiment viewing. In addition, the windows specified for the space station, like those of the shuttle, are not high optical quality. DOD researchers have noted that improving the optical quality of the windows would enhance direct view research.[3]

DOD officials pointed out several other aspects of the space station that could limit DOD's interest in using it. For example, the presence of foreign nationals on the space station would limit DOD's interest in its use for classified purposes. The shuttle, on the other hand, has been used on eight dedicated DOD flights, some of which included classified research. In addition, for many activities, it would be less costly and more effective to use unmanned satellites. In conducting surveillance, for example, the low altitude and inclination of the space station's planned orbit would provide limited coverage of the Earth. Much greater coverage can be provided by unmanned satellites in higher orbits.

SPACE STATION CAPABILITIES COULD ENHANCE SOME DOD RESEARCH

Certain types of research that DOD currently conducts on the space shuttle may benefit from the capabilities of the space station, especially those that require a long-duration flight. Three recent experiments flown illustrate the kinds of research that DOD could adapt for the space station laboratories:

The Army conducted the "Microencapsulation In Space" experiment to demonstrate that better pharmaceutical microcapsules could be designed in the microgravity of space. The test was considered a success in that the capsules were more perfectly formed and contained fewer impurities than those produced in earth's gravity. For the military, these superior microcapsules might be useful for inoculating troops and treating wounds on the battlefield.

The Army conducted its "Space Tissue Loss" experiment study the changes in the amount of bone and muscle cell degradation that occurs while in orbit. This research has potential military relevance in treating battlefield trauma, such as bone fractures.

The Strategic Defense Initiative Organization sponsored the "Cosmic Radiation Effects and Activation Monitor" experiment to measure the radiation environment of low-Earth orbit in order to help engineers design more effective radiation shields for electronic equipment in spacecraft.

These experiments illustrate the types of research that might benefit from the capabilities of the space station. Each was conducted on the shuttle over a period of days. The space station would offer the opportunity to conduct the research for much longer periods, thus permitting the use of much greater sample sizes and more iterations to increase researchers' confidence in the validity of their work. In addition, in research such as "Microencapsulation in Space," the additional time would permit the production of far greater quantities of pharmaceuticals.

SHUTTLE UPGRADES COULD ENHANCE ITS USEFULNESS FOR RESEARCH

Enhancements to the space shuttle would allow for some additional time in orbit. First, "Extended Duration Orbiter" improvements will permit the shuttle to fly for up to 16 days. Then, by 1999, "Long Duration Orbiters" could allow flights of up to 28 days—about 3 times as long as current flights. DOD researchers have not proposed experiments requiring either extended duration or longer duration shuttle flights.

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[1] "A report to the Committees on Armed Services of the Senate and the House of Representatives on Potential Department of Defense Use of the Permanently Manned Space Station," Office of the Secretary of Defense, March 1, 1988.

[2] Questions Remain on the Costs, Uses, and Risks of the Redesigned Space Station," (GAO/T-NSIAD-91-26, May 1991).

[3] At least one of the three space station design options under consideration may include windows suitable for direct view experiments.

Spacehab is a module which can be put into the shuttle's cargo bay to increase the volume of pressurized laboratory space beyond that available in the mid-deck. Scheduled for its first flight in June 1993, Spacehab is privately built and owned. DOD has no plans to use the facility because the cost is much greater than flying experiments on the shuttle's mid-deck.

The shuttle's usefulness for direct view research could be enhanced by upgrading the optical quality of the orbiter's windows. According to DOD and NASA officials, in 1989 NASA roughly estimated the total cost to be about $5 million to replace panes in the two overhead windows on each of the three shuttle orbiters that existed at the time.

SPACE STATION COST ESTIMATE

In May 1991, we testified that NASA's estimate of $30 billion did not include some cost elements attributable to the space station program. First, it did not include at least $10 billion in program cost attributable to the program prior to permanent occupancy. Second, it did not include at least $78 billion in funding required after permanent occupancy. When these costs were considered, the space station estimate was at least $118 billion. We cautioned in our testimony that the remaining technical challenges and risks associated with the program could also be understated. We noted that some cost elements were still undefined and significant cost growth could occur during hardware development.[4]

In testimony before the Congress on March 2, 1993, NASA acknowledged substantial new cost growth for research and development of the space station program through permanent occupancy. The preliminary results of a program cost assessment review team attributed the program cost growth to

An inability to meet the management challenges that had been incorporated into the program as a result of the 1991 restructure;

An inability to achieve productivity gains assumed in contractors' and subcontractors' bids and projections;

An overall lack of space station design maturity, which resulted in underestimating costs;

Change orders issued by NASA to its contractors;

Unanticipated increases in contractors' overhead rates; and

The need to begin funding spare parts which require a long lead-time.

NASA pointed out that the data supporting the fiscal year 1991 redesign cost estimate were incomplete and costs became higher than anticipated. For example, the avionics and software designs and verification requirements and implementation plans were not fully developed, and the avionics themselves were more complex and expensive than anticipated.

When we testified on NASA's original $30 billion station estimate in May 1991, we pointed out that the cost of other planned elements, such as an assured crew return vehicle, a centrifuge facility, science experiments, and additional shuttle costs, would add about $10 billion, bringing total costs to $40 billion. Today, based on revised NASA figures, these elements are estimated to cost about $11.7 billion. Together with NASA's revised estimate of $31.3 billion, the total cost of the current program to permanent occupancy in 2000 is estimated at $43 billion. Table 1 provides a breakdown of the current cost elements that make up the space station program and the annual appropriations that will be required to support those elements. It covers both NASA's latest estimate of $31.3 billion and those additional items we believe are also attributable to the space station program through 2000.

TABLE 1.—GAO ESTIMATE OF SPACE STATION COST THROUGH FISCAL YEAR 2000—MAY 1993 ESTIMATES (NASA DATA EXCEPT WHERE NOTED—IN BILLIONS OF THEN-YEAR DOLLARS)

Cost components	Prior	1994	1995	1996	1997	1998	1999	2000	Total
Research and development:									
Development	8.921	2.210	2.131	1.827	.892	.581	.342	.123	17.027
Operations		.030	.309	.843	1.688	1.919	1.858	1.902	8.549
Shuttle Modifications	.205	.089	.106	.107	.058	.060			.625
Flight Telerobotic Servicer	.283								.283
Program Definition	.612	.010							.622
Space flight, control and data communications:									
Shuttle Transportation		.012	.031	.168	.230	.367	.350	.324	1.482
Communications & Data Systems	.033								.033
Construction of facilities: Construction of Facilities	.171	.031	.043	.044	.027	.019	.004		.339
Research and program Management: Civil Service Personnel	.909	.182	.190	.199	.208	.217	.228	.238	2,371
NASA estimates	11,134	2.564	2.810	3.188	3.103	3.163	2.782	2.587	31.331
Additional appropriations to support space station program:									
Assured Return Vehicle[1]	.016		.366	.369	.332	.239	.200	.150	1.672
Centrifuge Facility[2]	.018	.021	.037	.084	.106	.133	.200	.200	.799
Science Experiments[2]	.064	.077	.155	.196	.221	.236	.300	.359	1.608
Additional Appropriations	.098	.098	.558	.649	.659	.608	.700	.709	4.079
Allocation of additional shuttle costs: Additional Shuttle Cost[3]						2.524	2.541	2.567	7.632
Grand total	11.232	2.662	3.368	3.837	3.762	6.295	6.023	5.863	43.042

[1] NASA has estimated that about $1.7 billion would be required to produce an assured return vehicle for a permanently manned capability. The agency is currently studying the feasibility of developing a less costly return vehicle by modifying the Russian Soyuz-TM spacecraft. Ten million dollars is allocated under program definition for this purpose in fiscal year 1994. However, in the absence of any new development estimates we have maintained the $1.7 billion to account for this requirement.

[2] NASA's planning did not provide funding estimates for development of science experiments or the centrifuge beyond fiscal year 1998. Amounts for fiscal years 1999 and 2000 are national estimates we developed based on continuing funding requirements and are subject to change when official NASA estimates are made available.

[3] Figures are based on NASA's estimates of 7 assembly or utilization flights per year at an average $413.5 million per flight less shuttle transportation costs already included in its $31.3 billion estimate. NASA's "average cost per flight" does not include any of the approximately $30.2 billion spent through 1992 to develop the shuttle, acquire reusable hardware and equipment, and construct and modify facilities. Nor does it include any of the more than $1 billion that NASA estimates will be needed annually for shuttle upgrades.

Not included in table 2 [table 2 not reproducible for the RECORD] is an estimated $78 billion (uninflated) necessary to support the space station after the year 2000. This estimate consists of $54 billion to maintain, supply, and operate the station for 27 years at $2 billion annually, and $24 billion necessary to bring the station to its full planned capability, provide shuttle transportation, conduct scientific research, and pay civil service salaries. Estimates of these outyear costs have not changed since we reported them in 1991. When these costs are considered, the total space station life cycle cost estimate through 2027 is at least $121 billion.

SCOPE AND METHODOLOGY

In the course of our review, we interviewed:

NASA officials responsible for planning and coordinating research on the space station and for estimating the costs of the space station;

Representatives of DOD organizations that may conduct research on the space station, including various components of the Army, Navy, Air Force, the Advanced Research Projects Office, and the Strategic Defense Initiative Organization. We identified these organizations through discussions with officials from the Space Test Program who arrange flight opportunities for DOD experiments;

Astronauts who have conducted research for DOD on the space shuttle;

Officials from the National Security Agency;

State Department officials responsible for space treaties and agreements; and

Government and private experts on the Russian space program.

We reviewed:

DOD studies on the military use of space stations;

Space station agreements and space treaties;

Space station program documents; and

DOD shuttle experiment plans.

We conducted our review from March to May 1993 in accordance with generally accepted government auditing standards. As requested, we did not obtain DOD or NASA comments on this report. We obtained the views of responsible DOD and NASA officials and considered them in preparing this report.

Information on the total cost of the space station in this report has been provided to Congressman Tim Roemer as part of his request for information related to the cost of the space station. Unless you announce its contents earlier, we plan no further release of this report for days. At that time we will send copies to the NASA Administrator; the Secretary of Defense; the Director, Office of Management and Budget; and other interested parties upon request.

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[4] For a more detailed discussion see "Questions Remain on the Costs, Uses, and Risks of the Redesigned Space Station" (GAO/T-NSIAD-91-26, May 1991).

If you or your staff have any questions, I can be reached at (202) 512-8412. Major contributors to this report are listed in appendix II.

Sincerely yours,
DONNA M. HEIVILIN,
Director, Defense Management and NASA Issues.

APPENDIX I

RUSSIA'S PLANS TO BUILD A NEW SPACE STATION ARE UNCERTAIN

The Russian *Mir*, launched in 1986, is the only space station currently in operation. *Mir* is modular in design, having a core module with six ports to which are docked modules that house the station's scientific and support equipment. Currently docked are *Kvant-1*, an astrophysics module; *Kvant-2*, a logistic module; and *Kristall*, a materials processing module. During lengthy stays in orbit, the longest of which was 366 days, cosmonaut teams have accumulated much information on the long-term effects of weightlessness on humans, and have performed considerable research in materials processing, astronomy, and earth remote sensing.

Mir is said to have surpassed its design life, and questions have been raised about its structural integrity. Nevertheless, the Russians continue to use the facility and, in fact, plan major upgrades in 1994. At that time, Russia plans to add two new modules—*Spektr* for atmospheric studies, and *Priroda* for remote sensing of the Earth.

Russia's plans for *Mir 2*, a follow-on to the current station, have become a matter for speculation. Among those familiar with the Russian space program, there seems to be general agreement that the Russians will go ahead with a *Mir 2* program; however, specifics are unclear. One expert on the Russian space program likened the uncertainty surrounding *Mir 2* to that surrounding NASA's Space Station *Freedom*. A launch time frame of 1977 is rumored, along with the hope that the current station will remain operable until that time. It appears likely that the new station's design would be a modification of the current one; however, it is expected to have more power and possibly a truss structure, similar to the current design of *Freedom*.

APPENDIX II

MAJOR CONTRIBUTORS TO THIS REPORT

NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION

David Warren, Associate Director.
Frank Degnan, Assistant Director.
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[General Accounting Office Report to Hon. John W. Warner, U.S. Senate, May 1993]

FEDERAL RESEARCH; SUPER COLLIDER—NATIONAL SECURITY BENEFITS, SIMILAR PROJECTS, AND COST

U.S. GENERAL ACCOUNTING OFFICE,
RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION,
Washington, DC., May 14, 1993.
Hon. JOHN W. WARNER,
U.S. Senate.

DEAR SENATOR WARNER: The Department of Energy's (DOE) Superconducting Super Collider (SSC) is intended to be the world's largest particle accelerator—a basic research tool for seeking fundamental knowledge about matter and energy. DOE's cost estimate to build the SSC grew from $5.3 billion in 1987 to $8.25 billion in 1991. The 1991 baseline cost estimate included an annual funding profile through the proposed 1999 completion date.

In February 1993, we reported that the SSC project was over budget and behind schedule and the DOE's prime contractor had not yet implemented a fully functioning system for managing the project.[1] Concerned about these cost increases and delays, you requested in a March 5, 1993, letter that we examine (1) the direct national security benefits, if any, of the SSC; (2) the extent to which similar programs are being developed by other countries or consortia; and (3) the total cost for completing the SSC project.

RESULTS IN BRIEF

The principal result of high energy physics is fundamental knowledge about matter and energy; therefore, the SSC will not produce any direct national security benefits. Additional benefits of high energy physics can be categorized as the physics' cultural value to society, the potential practical applications of research discoveries, and spin-off benefits. Although special national security benefits cannot be predicted or directly tied to high energy physics research, national security may indirectly benefit from the potential but unpredictable practical applications of research discoveries or from technological spin-offs.

Although the United States and other countries have smaller accelerators operating, no existing or planned accelerator is or will be exactly the same as the SSC. If built, the project most similar to the SSC would be the Large Hadron Collider (LHC), proposed by the European Organization for Nuclear Research, commonly called CERN. Although research and development has begun on the LHC, its construction has not yet been approved. Considered to be complementary to the SSC, the LHC is expected to be about one-third the size, and to collide particles at about one-third the energy, of the SSC. If built, the LHC is expected to be capable of conducting physics experiments that might be done at the lower energy range of the SSC.

Although the total cost for constructing the SSC cannot be reliably estimated, known cost increases show that the total cost will exceed $11 billion. As we reported in February 1993, DOE does not yet have in place a system for managing the project that will enable managers to reliably estimate the SSC's total cost and schedule. However, we also reported that the total cost will exceed the $8.25 billion estimate DOE made in January 1991 because (1) the estimate did not include $1.2 billion in costs that are to be funded by other sources and (2) the project was over budget and behind schedule. Since that report, the administration has proposed to stretch out the project's completion schedule and reduce the project's planned annual funding. Although the precise impact of this proposal has not been fully analyzed, stretching out the project will further increase the total cost of constructing the SSC by at least another $1.6 billion. Therefore, the project's total cost will exceed $11 billion.

To preclude the cost and schedule from continuing to increase beyond $11 billion, annual funding levels would need to increase dramatically over that projected in the President's budget. In fact, DOE is assuming in its projections that there will be no funding constraints after fiscal year 1998—an assumption that could prove unrealistic unless the budget deficit improves markedly. Conversely, continued funding constraints after 1998 would further increase the project's cost and schedule. For example, continued funding at the level projected for fiscal years 1995 through 1997 could lead to inflation and overhead costs consuming all available funding, thereby impacting on the ability to complete construction.

BACKGROUND

High energy physics facilities with colliding beam accelerators exist throughout the world in countries such as Germany, Japan, Russia, Switzerland, and the United States. The world's largest existing proton accelerator is the Tevatron, a 2-trillion-electron-volts (TeV) collider located at DOE's Fermi National Accelerator Laboratory (Fermilab), in Batavia, Illinois. However, a higher energy accelerator is needed to examine smaller particles and further the understanding of physics. Thus, the SSC is designed to accelerate two beams of protons to nearly the speed of light before they collide with an energy of 40 TeV. The principle components of the collider are superconducting magnets, which will be used to steer and focus the beams of protons through a 54-mile oval tunnel. By colliding two beams of protons at energies 20 times more powerful than can be created today, the SSC is expected to create particles that have never been seen before. Sensitive instruments will detect and record the results of the collisions for physicists to study.

The SSC facility will consist of (1) a series of four injector accelerators to accelerate the proton beams from rest to 2 TeV; (2) a 54-mile tunnel that will house the magnets and into which the beams will be injected and accelerated in opposite directions; (3) four underground interaction halls housing the detectors, where experiments will be conducted by colliding the beams; (4) conventional buildings such as a central laboratory building, industrial buildings, warehouses, and auxiliary support buildings; and (5) an infrastructure of roads and utilities.

At the end of fiscal year 1993, the SSC will have received about $1.6 billion in federal funding.

THE SSC WILL NOT PROVIDE DIRECT NATIONAL SECURITY BENEFITS

The high energy physics research that is proposed for the SSC will not directly lead to national security benefits. The primary result of high energy physics is fundamental knowledge that may ultimately benefit mankind in ways that cannot yet be predicted or even imagined. However, results from basic research have historically been applied to other research. Assuming that the knowledge gained from high energy physics research will be similarly applied, indirect benefits—which may include national security applications—could result. Similarly, technological spin-offs could also result in indirect national security benefits. Such indirect benefits, however, cannot be predicted with any degree of certainty. Nonetheless, DOE and SSC Laboratory officials furnished us with the following views on the potential benefits that the SSC may provide to national security.

The SSC's relationship to national security is illustrated in the response by Dr. Robert R. Wilson—the founding Director of

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[1] Federal Research: Super Collider Is Over Budget and Behind Schedule (GAO/RCED-93-87, Feb. 12, 1993).

Fermilab—to a similar question during a Joint Committee on Atomic Energy hearing in April 1969:

". . . this new knowledge has all to do with honor and country but has nothing to do directly with defending our country except to help make it worth defending."[2]

DOE officials said that this response is just as applicable today to the national security benefits of the SSC. By helping scientists explore and codify the basic laws of nature, the SSC will provide a deeper understanding of the universe and man's place in it.

DOE officials also pointed out that the fundamental knowledge gained from basic research ultimately results in a wide range of applications, including national security applications. According to a Fermilab study, a significant part of this country's gross national product could be attributed to activities that stemmed from the investigation of the atom at the turn of the century.[3]

According to DOE officials, the means and methods used to conduct high energy physics research can also provide benefits. For example, a two-part CERN study found that every Swiss franc spent on accelerator construction resulted in 3 Swiss francs of economic activity.[4] DOE officials did not know of any similar study conducted in regard to the SSC's benefits. However, CERN's policy is to make its purchases in Europe, while the SSC Laboratory is seeking foreign participation throughout the world and has made contracts for components to be built in countries such as China and Russia. Therefore, the economic benefits from funding the SSC that would remain in the United States would probably be less than what Europe gained from CERN's accelerator.

The indirect benefits of the SSC, if applied to military purposes, could assist national security. For example, one DOE official told us that producing the superconducting wire that is used in making the superconducting magnets would improve the industry's capability to produce such wire, and this could have national security benefits if the wire is used for national security purposes. In regard to such benefits, a report by the Congressional Budget Office noted that because the SSC will represent the bulk of the market for superconducting magnets during its construction, the SSC may be important to the development of the superconducting magnet industry.[5] However, the report concluded that outside of developing the magnet industry, the SSC is no more or less likely to produce an important advance than any other major laboratory.

Finally, another indirect benefit to national security cited by DOE officials was that the SSC provides work for defense-oriented industrial firms—such as General Dynamics, Babcock and Wilcox, and Westinghouse—that are developing the SSC's superconducting magnets. The officials pointed out that in the wake of the Cold War, the SSC is helping those firms make a transition to a stronger civilian industrial base.

LARGE HADRON COLLIDER IS MOST SIMILAR TO THE SSC

Although many countries have particle physics programs, the proposed LHC at CERN, based in Geneva, Switzerland, is the most similar to the SSC. The LHC and the SSC are both proton colliders, but the LHC is expected to be about one-third the size, and to collide particles at about one-third the energy, of the SSC.

CERN, founded in the early 1950s, is made up of 17 member states that contribute to its operation and maintenance.[6] CERN's objective is to provide for collaboration among European states in particle physics research of a pure scientific and fundamental character and to make the results of its experimental and theoretical work generally available. The CERN facility consists of a series of accelerators, the largest and latest of which is the Large Electron Positron (LEP) Collider, which began operating in 1989.

Key Characteristics of the LHC and SSC

In 1985, CERN included the LHC in its long-range planning. In 1988, CERN began research and development of the LHC. In December 1991, the CERN Council unanimously adopted a resolution stating that the LHC was the right machine for the advance of particle physics and for the future of CERN. As of April 1993, however, the Council had not approved the construction of the LHC. CERN officials expect approval by December 1994. Meanwhile, research and development of the LHC's magnets is under way.

Becaue the proposed LHC will use CERN's existing facilities—which are smaller than SSC's—the LHC's circumference is smaller than the SSC's, and its collision energy is lower. To make up for this smaller size and energy, the field strength of the LHC's superconducting magnets is higher. Table 1 describes some of the characteristics of the LHC and the SSC.

TABLE 1.—CHARACTERISTICS OF THE LHC AND SSC

Characteristic	LHC	SSC
Circumference	17 miles	54 miles.
Particles to be collided	Proton-proton, proton-electron, heavy ions.	Proton-proton.
Proton beam collision energy.	15.4 TeV	40 TeV.
Number of superconducting magnets.	About 2,000 twin bore	About 10,000 single bore.
Operating temperature	1.9 Kelvin[1]	4.35 Kelvin.
Magnet field strength	9.5 Tesla[2]	6.6 Tesla.
Currently estimated completion.	1999/2000	2002.

[1] 0 Kelvin equals −273 Celsius.

[2] A measure of magnetic field (1 Tesla is about 10,000 times the earth's magnetic field).

Source: Prepared by GAO from information provided by CERN and DOE.

Because the LHC will use existing facilities, CERN believes it can build the LHC at a lower cost and faster than the SSC can be built. A CERN official told us that the cost of the LHC's material is estimated at about 2,000 million Swiss francs (about $1.3 billion), without contingency and excluding labor costs. CERN will use its existing accelerators to accelerate and inject the particles into the LHC. The LHC will be built in the existing tunnel that houses the LEP. Although work on the SSC has already begun, it is being constructed on a site with no existing accelerators or facilities. The four accelerators needed to accelerate the particles and inject them into the SSC's collider must still be constructed.

Nonetheless, SSC Laboratory officials told us that they question whether the LHC can be completed before the SSC because (1) the LHC has not yet been approved for construction and (2) the superconducting magnets, key components of the LHC, are more complex than the SSC's magnets and have not yet been technically proven.

Magnet technology challenges for the LHC

Because the LHC is proposed to be built in the tunnel housing the LEP, the space for the LHC's magnets is limited. To overcome this limitation, these magnets will have two beam tubes and coils within the same mechanical structure and vacuum vessel. CERN officials have stated that the superconducting magnets are the most technologically challenging components of the LHC. Industries in four European countries—Italy, Austria, Netherlands, and France—are involved in the research and development program for the magnets. CERN placed orders with each industry for short 1-meter magnets in 1988. In order to test different ideas, the magnets were built with technical variations. The magnets required many "cool-downs" to reach their highest magnetic field of 10 Tesla. CERN placed orders for full-length prototype 10-meter magnets at four European companies at the end of 1990. CERN expects delivery of the first complete magnet in the second half of 1993.

Both LHC and SSC will be trying to find elementary particles

A CERN official told us that the LHC is complementary to the SSC. Both the SSC and the LHC will be trying to find elementary particles that are included in the Standard Model of physics but have not yet been found at the energies of the existing accelerators—that is, theorized particles.[7] Two primary factors—beam energy and beam intensity, known as luminously—will influence whether these particles will be found. The higher energy of the SSC would give it the potential to find things that the LHC at its lower energy would not be able to find. The higher luminosity of the LHC would increase the rate of particle collisions and thus increase the chance of finding the theorized particles.

CERN officials believe that the LHC would operate at an energy that would make it a plentiful source of one of the theorized particles. The officials also believe that the LHC would have an advantage over the SSC in this regard because the LHC could begin its research several years before the SSC and because the theorized particle might be found at the LHC's lower energy. According to CERN, the LHC is designed to have a higher luminosity than the SSC. CERN officials have stated that if interesting effects occur only rarely in the new energy range, the LHC could discover them despite its lower energy. DOE officials acknowledged that the LHC may discover the theorized particles, but they told us that because of the SSC's design, the SSC is a superior machine and thus has a greater chance of finding the theorized particles.

In addition, SSC Laboratory officials questioned whether general purpose detectors needed to carry out experiments at the LHC's higher luminously will be available. They also pointed to a 1990 DOE High Energy Physics Advisory Panel (HEPAP) report that concluded that there is no significant difference in the potential luminosities of the LHC and the SSC.[8] The HEPAP report noted that the SSC's design specifications are set at a luminosity level at which currently conceived general purpose detectors are expected to operate. The report also noted, however, that with more limited, special purpose detectors, the SSC could do some experiments at the higher luminosity being discussed for the LHC.

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[2] AEC [Atomic Energy Commission] Authorizing Legislation, Fiscal Year 1970, Hearings Before the Joint Committee on Atomic Energy, Congress of the United States, 91st Cong., 1st Sess., Apr. 17 and 18, 1969, part I.

[3] Leon M. Lederman and Richard A. Carrigan, Jr., "What Fraction of the U.S. GNP Makes Use of Devices Invented as a Result of the Success of the Quantum Theory of the Atom?" *Fermilab Industrial Affiliates Roundtable on Research Technology in the Twenty-First Century* (May 1987), pp. 173–79.

[4] H. Schmied, *A Study of Economic Utility Resulting From CERN Contracts*, European Organization for Nuclear Research (Geneva, 1975); and M. Bianchi-Streit, N. Blackburne, R. Budde, H. Reitz, B. Sagnell, H. Schmied, and B. Schorr, *Economic Utility Resulting From CERN Contracts (Second Study)*, European Organization for Nuclear Research (Geneva, 1984).

[5] *Risks and Benefits of Building the Superconducting Super Collider*, Congressional Budget Office (Oct. 1988).

[6] CERN member states are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

[7] The Standard Model of physics lists the known basic constituents of matter—leptons and quarks—and the forces that govern how they behave, together with the carrier particles—gluons, photons, and bosons—that communicate the forces.

SSC'S TOTAL COST TO EXCEED $11 BILLION

While the total estimated cost for constructing the SSC is not yet known, it is expected to exceed $11 billion. As we reported in February 1993, DOE does not yet have in place a system for managing the project that will provide a reliable projection of the SSC's total cost and schedule. However, it is known that the project has exceeded its budget and is behind schedule. We also reported that DOE's January 1991 estimated total project cost of $8.25 billion did not include about $1.2 billion in costs that is expected to be funded by other sources. Since our report, the administration has proposed to stretch out the project's completion and reduce the project's planned annual funding. Although the precise impact of this action has not been fully analyzed, stretching out the project will further increase the total cost of constructing the SSC by at least another $1.6 billion. Therefore, the total estimated project cost would exceed $11 billion. If the annual funding continues to be constrained after fiscal year 1997 to the level projected in the President's budget for fiscal years 1995 through 1997, costs might increase indefinitely, and the project may never be completed.

Some known costs excluded from $8.25 billion estimate

Our February 1993 report pointed out that DOE's January 1991 cost estimate of $8.25 billion excluded some costs that were expected to be funded by sources other than DOE's appropriation for construction. The baseline cost estimate does not include (1) about $500 million for the detectors, for which the SSC project is seeking primarily nonfederal funding; (2) about $400 million for laboratory preoperations costs not associated with commissioning the four injector accelerators or the collider, which are to be funded by DOE's High Energy Physics Program; (3) about $118 million through fiscal year 1999 for DOE program direction costs; and (4) about $60 million in land costs and $125 million in infrastructure and general support, which the state of Texas is contributing. Therefore, DOE excluded a total of over $1.2 billion in costs from its January 1991 estimate.

In commenting on this issue, DOE officials told us that their agency has historically omitted such costs from the estimated cost of the agency's accelerator projects. Therefore, the omission of such costs from the SSC's cost estimate is consistent with DOE's historical practice. We have reported on this practice in the past, pointing out that the practice makes it difficult for the Congress to assess the affordability of such projects; consequently, we have recommended that DOE furnish the complete costs of projects to the Congress.[9] DOE officials noted that, although the $1.2 billion is not included in the project's cost estimate, the costs have been disclosed to the Congress.

Work in progress is over budget and behind schedule

As of August 1992—according to the latest available data at the time we conducted our work for our February 1993 report—work in progress on the SSC was over budget and behind schedule. At our request, DOE analyzed the cost performance reports for the architect and engineering/conventional construction contractor and the superconducting magnet subcontractors. DOE's analyses showed that each subcontractor was running over cost and behind schedule. DOE also provided trend analyses that showed that unless management corrections were made, the subcontractors would incur substantial cost overruns when completed—$630 million, for example, for one of the subcontractors. SSC Laboratory officials advised us that they subsequently took some mitigating actions to ensure that such cost increases do not occur.[10]

In providing the trend projections, DOE asserted that it was too early to produce quality trend analyses. We noted that as of August 1992—the date of the data analyzed—each subcontract had incurred 11, 16, and 21 percent of its total subcontract costs, respectively. While we agree that the subcontracts are in relatively early phases, we believe that the large projected cost increases are of concern. Although it examined defense contracts, a 1990 Department of Defense study indicated that contractor cost performance does not improve after 15 percent of total contract costs are incurred.[11] This study was based on the Defense Department's experiences in more than 400 programs since 1977. The study found without exception that between 15 percent and 85 percent of contract performance, cumulative cost performance does not improve, but tends to decline.

Reduced Federal funding will stretch out the schedule and increase costs

DOE's January 1991 cost estimate of $8.25 billion assumes that the project will be completed in 1999 and that funding will be provided to DOE on a timely construction schedule. As noted in our February report, the DOE Project Director stated that reduced fiscal year 1993 funding had already increased the total cost by $50 million to $200 million, depending on whether past funding shortfalls are restored in fiscal year 1994.

Our report also cautioned that with the peak project funding period approaching, DOE's funding profile will need to be met or closely approximated if the project is to be completed within the estimated cost and schedule period. As an example, we referred to an SSC Laboratory study that found that at an annual federal funding level of $650 million, the SSC project would require an additional 18 months to complete, with a cost increase of about $570 million. In preparing this projection, the SSC Laboratory assumed that all other constraints, other than the level of federal funding received, would remain the same as those used in preparing the January 1991 baseline. The January 1991 funding profile, compared with the projection of the $650 million federal funding cap, is shown in figure 1.

At our request, the SSC Laboratory also prepared a profile using a $550 million funding cap. The SSC Laboratory's analysis showed that the project could not be completed at a $550 million federal funding level. This is because at the $550 million founding level, reduced buying power and overhead costs would consume most of the available funds after fiscal year 2000. A DOE official pointed out that this analysis, as well as the analysis for a $650 million funding cap, assumed that the approach for building the SSC would not be changed. The official explained that if it is known that less funding will be available, management can restructure the work to fit the available funding.

In April 1993, the President included $640 million for the SSC in his fiscal year 1994 budget request. The federal funding requested for fiscal year 1994 and projected for fiscal years 1995 through 1998 is shown in table 2.

Table 2. Federal funding for fiscal years 1994-98

[dollars in millions]

Fiscal year:	funding amount
1994	$640
1995	551
1996	570
1997	591
1998[a]	812

[a] Federal funding levels beyond fiscal year 1998 are yet to be determined.

Source: President's Fiscal Year 1994 Budget Request.

The reduced funding will further increase the project's cost because it will take longer to complete the project, resulting in inflation and overhead costs that would consume a larger amount of funds. However, the impact of the reduced funding has not yet been fully analyzed and will depend on what assumptions are made. According to a DOE official, as stated in the President's budget request, DOE's initial look at the impact of funding that is below the planning assumptions for fiscal years 1994 through 1998 indicated that the total cost would increase by about $2 billion, plus or minus 20 percent ($1.6 billion to $2.4 billion), and that there would be a 3-year delay in the project's completion.

The DOE Project Director has requested the SSC Laboratory to prepare a revised baseline budget and schedule by July 1, 1993. Three planning assumptions included in his guidance to the laboratory were that (1) inflation at the rates of 1.000 in fiscal year 1992, 1.030 in fiscal year 1993, 1.070 in fiscal year 1994, 1.114 in fiscal year 1995, 1.163 in fiscal year 1996, 1.215 in fiscal year 1997, and 1.269 in fiscal year 1998;[12] (2) a program will be put in place to minimize fixed indirect costs; and (3) make-or-buy decisions will be reviewed to minimize impacts on laboratory employment levels.

The guidance further advised the laboratory to assume that funding beyond fiscal year 1998 as necessary to complete the SSC in fiscal year 2003.[13] This last assumption will ensure that the SSC Laboratory's analyses will show that the project can be completed with the federal funding levels included

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[8] Report of the 1990 HEPAP Subpanel on SSC Physics, DOE, Office of Energy Research (DOE/ER-0434, Jan. 1990).

[9] *Nuclear Science: Information on DOE Accelerators Should Be Better Disclosed in the Budget* (GAO/RCED-86-79, Apr. 9, 1986).

[10] At the request of the Chairman, Subcommittee on Oversight and Investigations, House Committee on Energy and Commerce, we are currently examining the effect of the SSC Laboratory's mitigating actions on the project's cost and schedule.

[11] A-12 Navy Aircraft: System Review and Recommendations, Twenty-First Report by the Committee on Government Operations, H.R. Rep. No. 102-853, 2nd Sess., Aug. 27, 1992, pp. 31-69.

[12] These are actually inflation adjustment factors, not inflation rates.

[13] According to a DOE official, the SSC Laboratory is to assume that the project will be completed at the end of calendar year 2002 (the end of the first quarter of fiscal year 2003).

cluded in the President's Fiscal Year 1994 Budget Request. Using the more optimistic analysis included in the budget request, the SSC project cost will increase by at least $1.6 billion.

CONCLUSIONS

Since the SSC was first proposed to the Congress in 1987, costs have more than doubled—from $5.3 billion to the more than $11 billion identified in this report. However, the total cost to construct the SSC is still not known. Depending on the assumptions made, this cost could increase significantly. For example, if the projected subcontractor cost increases we have previously identified are not fully mitigated, the total project cost may increase.

Furthermore, to preclude the cost and schedule from continuing to increase beyond $11 billion, future annual funding levels would need to increase dramatically over that projected in the President's budget. Following DOE's guidance, the SSC Laboratory, in its current study of the effect of the President's proposed project funding, assumes that funding will increase in fiscal year 1998 and will not be constrained from fiscal year 1999 through the completion of the project at the end of calendar year 2002. Unless the budget deficit improves markedly, such an assumption could prove unrealistic. Funding constraints will further increase the cost of the project and delay its schedule. For example, continued funding at the level projected for fiscal years 1995 through 1997 could lead to inflation and overhead costs consuming all available funding, thereby impacting on the ability to complete construction.

To respond to your request, we interviewed officials at DOE, the SSC Laboratory, and CERN and reviewed pertinent documents, including reports provided by these officials and our past reports on these issues. With respect to the project's total cost, we relied primarily on our report issued last February and our workpapers supporting the report; we supplemented that work with the views of DOE and SSC Laboratory officials on the impact of the funding levels proposed in the President's Fiscal Year 1994 Budget Request.

We discussed the facts presented in this report with DOE and SSC Laboratory officials, including the Director of DOE's Office of Energy Research and the Director of the SSC Laboratory. We revised the report as needed to reflect their views on how the LHC complements the SSC, and we updated information on the potential cost increases. As requested, we did not obtain written agency comments. We performed our work from March to April 1993 in accordance with generally accepted government auditing standards.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days± after the date of this letter. At that time, we will send copies of the report to the Secretary of Energy and make copies available to others on request.

Please contact me at (202) 512–3841 if you or your staff have any questions. Major contributors to this report are listed in appendix I.

Sincerely yours,

VICTOR S. REZENDES,
Director, Energy and Science Issues.

APPENDIX I

MAJOR CONTRIBUTORS TO THIS REPORT

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Susan W. Irwin, Attorney Advisor.

RELATED GAO PRODUCTS

Federal Research: Super Collider Is Over Budget and Behind Schedule (GAO/RCED-93–87, Feb. 12, 1993)

Federal Research: Foreign Contributions to the Superconducting Super Collider (GAO/RCED-93–75, Dec. 30, 1992)

Federal Research: Implementation of the Super Collider's Cost and Schedule Control System (GAO/RCED-92-242, July 21, 1992)

Federal Research: Concerns About the Superconducting Super Collider (GAO/T-RCED-92–48, Apr. 9, 1992

Energy Reports and Testimony: 1991 (GAO/RCED-92–120, Mar. 1992)

Federal Research: Concerns About Developing and Producing Magnets for the Superconducting Super Collider (GAO/T-RCED-91–51, May 9, 1991)

Federal Research: Status of DOE's Superconducting Super Collider (GAO/RCED-91–116, Apr. 15, 1991)

Federal Research: Super Collider Estimates and Germany's Industrially Produced Magnets (GAO/RCED-91–94FS, Feb. 12, 1991)

Energy Reports and Testimony: 1990 (GAO/RCED-91-84, Jan. 1991)

Energy: Bibliography of GAO Documents January 1986-December 1989 (GAO/RCED-90–179, July 1990)

Federal Research: Information on Site Selection Process for DOE's Super Collider (GAO/RCED-90–33BR, Oct. 4, 1989)

Federal Research: Final Site Selection Process for DOE's Super Collider (GAO/RCED-89–129BR, June 16, 1989)

Federal Research: Determination of the Best Qualified Sites for DOE's Super Collider (GAO/RCED–89–18, Jan. 30, 1989)

Nuclear Science: DOE Should Provide More Control in Its Accelerator Selection Process (GAO/RCED-86–108, Apr. 4, 1986)

Nuclear Science: Information on DOE Accelerators Should Be Better Disclosed in the Budget (GAO/RCED-86–79, Apr. 9, 1986)

DOE's Physics Accelerators: Their Costs And Benefits (GAO/RCED-85–96, Apr. 1, 1985)

Increasing Costs, Competition May Hinder U.S. Position Of Leadership In High Energy Physics (EMD–80–58, Sept. 16, 1980).

[From the Washington Post, May 17, 1993]

SPACE STATION TETHERED BY EARTHLY CONCERNS

(By Kathy Sawyer)

NASA's dream of building a permanent human outpost in space has become a bad sci-fi movie: the Incredible Shrinking Space Station.

In its nine-year history, engineers have repeatedly reduced the size and capabilities of the planned orbital laboratory in response to management miscalculations and ebbing congressional support. The crew size has dwindled from eight to four, the number of research goals from at least eight to maybe two.

And yet, in a perverse alchemy, the projected costs have continued to rise through the tens of billions, currently resting at an official estimate of $31.3 billion for development and construction. Of that, more than $8 billion has been spent.

Insiders say that no one fully understands what it would cost to operate the facility in the event that it actually got built, but some estimates top $3 billion per year.

In February, President Clinton decided the space station must once again shrink on grounds that the design, dubbed Space Station Freedom, is unaffordable. Now, NASA administrator Daniel S. Goldin and a special redesign team are in the midst of a feverish 90-day scramble to produce three new design options aimed at reducing the price by about half. Goldin's deadline is June 7. On Capitol Hill, the combatants are already skirmishing.

"The space station is about generating jobs today, and jobs tomorrow," Sen. Barbara A. Mikulski (D-Md.), chairman of the subcommittee that funds NASA, said Friday.

But the president's fellow Arkansan, Democratic Sen. Dale Bumpers, is leading an effort to kill the project outright. "It is not as big as it was," he told the Senate recently. But "it is going to do the same thing as always: Nothing."

The White House says the streamlined model should provide a laboratory in orbit where scientists can use the absence of gravity for "significant long-duration space research" in two areas: improving industrial materials, such as semiconductors for computers and crystals for pharmaceuticals; and learning about the biology of humans and other living things.

But if the surreal logic of the program's history continues, some observers suggest,the project could just continue its pattern of contraction toward a point in infinity, steadily increasing its costs while never actually becoming real.

Others predict the new, hastily crafted design proposal is likely to be so limited, and its cost projections so suspect, that the new deficit-conscious Congress will finally kill the project, this year or next—and pay a billion or two for contract termination.

Goldin and White House officials vow that this time will be different: This time the design will be realistic and economical enough to win support and move toward completion.

Either way, said space policy analyst John Logsdon of George Washington University, "This is really the hinge point of NASA's future. The overall future of the United States in space is at stake."

But many of the same factors that created the present mess are still there. One is the project's lack of clear purpose at a time of fierce competition for money. Another is a system in which, for better or for worse, politicians tinker with engineers' blueprints, and engineers must play politics.

In 1984, President Ronald Reagan confronted the space station decision. His budget director, David Stockman, dismissed the project as a form of "high-tech socialism"; White House science adviser George A. Keyworth and Secretary of Defense Caspar W. Weinberger opposed it. Much of the scientific community opposed it. Key members of Congress, who held NASA's purse strings, opposed it.

Yet in his January State of the Union Address, Reagan directed NASA to "develop a permanently manned space station" within a decade. Why?

Reagan had been predisposed toward a major space initiative because of his background as governor of a key aerospace state and his desire to maintain U.S. leadership in key Cold War technologies, Howard E. McCurdy of American University writes in his book "The Space Station Decision."

But even Reagan approved the project only after years of political maneuvering to bypass the opposition, led by NASA administrator James M. Beggs and his top lieutenants with the help of White House aides such as Edwin Meese III.

In 1958, with space emerging as an arena of the Cold War, but before the first American had been blasted to orbit, the new-born National Aeronautics and Space Administration held its first symposium on space station design.

There it became obvious that there was a fundamental weakness in the concept—namely, the concept itself. It was one reason that, three years later, President John F. Kennedy would reject the space station proposal and call instead for a moon landing as a way of demonstrating technological superiority over the Soviet Union:

"Everyone could agree on the definition of a landing on the moon, but few could agree on the definition of a space station," according to a NASA history. There was—and is—no consensus on what it should be, where it should fly, or how to build it.

The Apollo moon program had its problems, but it produced spectacular results in about nine years. Besides clarity of purpose, it had geopolitical urgency, vastly more public support, a young space agency and about $100 billion in today's dollars to spend.

In 1969, the heady year of the moon landing, NASA planners were contemplating a 100-man earth orbiting space station to be operating by 1980.

But by 1972, space flight was fading fast as a national priority, and the Nixon administration in its turn dodged the space station decision. It decided that in order to reduce the costs of resupplying and operating any future space station, NASA first would develop a more economical launch vehicle, one that could ferry humans and cargo cheaply from Earth to the facility in orbit.

A decade later, in April 1981, that "shuttle"—the world's first reusable space plane—made its maiden flight.

A design nobody favored, it had been engineered by a committee of warring bureaucrats and politicians and built out of corner-cutting compromises that precluded it from achieving its primary goal: to make access to space routine and cheap.

In order to minimize near-term development costs, for example, NASA selected solid fuel boosters even though liquid fuels had always been used for human spaceflight and offered potentially lower long-term operating costs.

Despite such difficulties, incoming administrator Beggs promptly revived the space station proposal as "the next logical step"—a destination for the shuttle. With Reagan's blessing finally secured, the "committee" went to work, repeating in many respects the pattern that shaped the shuttle.

NASA officials advertised the cost of the proposed space station as $8 billion, not because that was what they expected the station to cost but because it was the maximum acceptable politically. Anything above that, one official told McCurdy, and they "reached the scream level."

When the cost estimates inevitably proved low, legislators were outraged.

In a recent interview, former astronaut Pete Conrad, now an executive with space station contractor McDonnell Douglas Corp. in California, angrily described NASA's handling of the cost estimates as "a terrible mistake. * * * What happened was NASA said this is what the hardware will cost, but they didn't mention operations, launches and so on. Then congress says, 'We were tricked!'"

Beggs, in an interview last week, called this particular criticism "unfair * * * We told the congressional committees very clearly what was included in the $8 billion." He acknowledged that the way the program has developed over the years "is different from what we intended."

When Reagan announced the space station directive, there was no doubt about the lack of public support, skepticism about NASA's cost estimates and the intense Balkanization of interest groups around the issue. NASA won its key constituency of one—the president—but these factors plagued the project like termites in a foundation.

The political battle lines formed on several fronts.

The most compelling source of the project's support was the jobs it provided—both those in the development of the facility, and those that, supporters argued, it would create in the future. The station was to generate new spaceborne sciences and commercial industries, and the research that would enable children of Earth to become, someday, "the first Martians."

With a 1993 budget of $2.1 billion, the project employs about 20,000 skilled engineers, computer experts and technicians in 37 states and, by NASA's count, has generated indirectly 55,000 jobs for suppliers and support services. Aerospace contractors and members of Congress from the project's host states—notably California, Texas, Florida and Alabama—have supplied much of its political muscle.

The most vocal opposition has come from scientists who believed the project would suck funding from their own activities; from others who oppose an aggressive human space flight program on grounds that robots can do the job for about one-fifth the cost; and from still others who favor a space station, but not *this* space station.

"The only identified interests, foreign or domestic, with a serious commitment to the station, are the organizations that stand to profit from it," said author-scientist Carl Sagan and others, in a 1987 statement on behalf of the Planetary Society.

Increasingly, as the deficit swelled, opponents charged that human space flight is a luxury the nation cannot afford when programs for the hungry and homeless are being cut. Many mocked the jobs argument. "My God, there is no bigger pork item in the domestic budget than this item," Rep. David R. Obey (D-Wis.) said in a 1992 floor debate.

But others see skilled jobs as the best social program. Last summer, even as her Los Angeles constituents struggled in the aftermath of riots, Democratic Rep. Maxine Waters supported the space station as a provider of jobs in her district and, an aide said, found it "outrageous" that the project was pitted against programs for the homeless. "We need both," she said.

There has also been a humming current of opposition from within the program itself, from engineers who privately disagreed with management decisions, or who feared the project was so flawed it would drag the whole human space flight program down.

In any case, in late 1984, congressional appropriators warned NASA to design a station that could be usable from its earliest stage of construction, in anticipation the money might run short. Then the full Congress gave NASA a half-hearted go-ahead.

At the same time, the Reagan administration decided to boost the project into the realm of foreign affairs, a domain where Congress deferred to the White House. In 1984, U.S. officials aggressively courted foreign partners for the project. Canada, Japan and 10 European nations eventually signed up and have spent some $3 billion to develop major components for the facility. Whenever the project faced trouble, its supporters have argued that it must continue because these commitments, and the United States' image as a technology leader, were at stake.

But in 1986, the shuttle fleet, linchpin of the whole project, was grounded for almost three years by the Challenger accident. Among many other things, this shook the rationale for the space station and also delayed the development of space-based research fields that could have led to greater demand for an orbital laboratory.

At the time Reagan approved "a space station," NASA had avoided advertising a single design. Much of the agency's success in selling the project lay in allowing each potential supporter to imagine it to his or her liking, according to NASA officials and historians. NASA's John Hodge told author McCurdy that the project's planners wanted to name the space station Proteus, after a mythological Greek: "To avoid telling the truth, he could change his shape."

But finally, NASA had to offer specifics.

The agency ignored its funding committees and designed a facility that could not be used for research until its construction in orbit was almost complete. By 1986, engineers had outlined the space station as an eight-person facility that could provide a platform for 19 scientific instruments to study both Earth and Space, a "garage" for repairing satellites like the Hubble Space Telescope, four laboratories to be used by a dozen countries for scientific and industrial research, and eventually a "hangar" for assembling the spaceships that would carry humans back to the moon and on to Mars. The grand plan also included two free-flying automated platforms to conduct science experiments far from the jostling that humans cause.

But the contractions began almost immediately, along with the first admission of cost growth. In 1987, NASA officials conceded that the $8 billion cost estimate had climbed to $14.5 billion as the design specifications emerged. One free-flying platform and most of the satellite garage capacity were canceled.

In 1989, the program was "rephrased" (delayed), increasing the costs. In 1990, when the program seemed to be self-destructing in a fury of mismanagement and ballooning costs, the White House ordered an outside study by experts and Congress ordered the program "restructured," to eliminate $6 billion over five years.

Some of the changes were prompted by technical, rather than financial, concerns. For example, NASA studies showed that the space station would require thousands of hours of construction and maintenance by spacewalking astronauts. So major elements were reduced so that more of them could be assembled on the ground and still fit inside the 15-foot-wide shuttle cargo bay.

By late last year, after a series of Capitol Hill appropriations fights worthy of a Buck Rogers serial, the orbital encampment had been reduced from its eight promised research functions to two. It was to house four astronauts, not eight. The U.S. laboratory and dormitory (pressurized modules resembling tin cans) each had 17 feet lopped off their 43-foot length. Two 345-foot-long vertical support beams had been eliminated. The electrical power—and therefore the number of experiments that could run at one time—had been reduced; and instead of AC/DC, it was just DC. The planned date for full operations to begin had receded into the next century.

The budget problems had another, less visible impact on the space station. Project engineers were faced with classic tradeoffs between costs and technical capability. They had intended to take the bolder course, to try and develop cutting-edge technologies that might benefit society. But doing so risked eating up dollars with technical surprises and delays. Under the circumstances, they repeatedly chose proven technology, which would cost less in the short-term but would likely be less efficient to operate in the long run.

This meant that the space station itself would not be "high tech." Its most adventuresome aspect would lie in its logistics—the high-drama effort to construct it in space, relying on 20 or so shuttle flights and teams of astronauts working with robots.

Another effect of this approach was to make the space station more dependent on a ground-based workforce. A space station official in Houston said privately, "Every time [the program] hit a snag, they'd just say, 'Let the ground do it.' This builds up an incredible marching army on the ground."

Thus unclear purpose, official overpromising and a diminished budget meant that NASA ended up trying to sell the public on less bang for the buck. And for its part of the pattern, year after year, Congress approved the program but refused to grant it full funding.

NASA now pegs the development cost of the current design at about $16.5 billion (adjusted for inflation), including the $8 billion spent. (The 1984 total-cost estimate of $8 billion would be $11 billion in current dollars.) The new design options due in June, under White House guidelines, are to fall between $5 billion and $9 billion.

By the agency's accounting, with some (though not all) of the cost of the required shuttle launchers included, the total cost to develop and build the space station was estimated last year at about $30 billion, or about the amount spent on the now defunct strategic defense initiative ("Star Wars") program.

But last year, even as the first elements of the facility were being manufactured, Congress continued its pattern by failing to meet even the lower level of funding it had promised NASA. Once again, the schedule for building the station was delayed. And delays raise costs two ways: by forcing NASA to keep the project workforce on the payroll longer, and by adding a bigger increment of inflation to the total.

In its effort to save several hundred million dollars immediately, Congress had added $1.3 billion to the total, which NASA pegs now at $31.3 billion.

Some critics of the program argued that its true cost should include not just the directly related shuttle launches, but the full cost of developing and flying the shuttle, since one program depends on the other. That would almost double the costs attributable to the space station without changing a bolt.

In addition, NASA left other costs off the project budget. For example, the agency did not include a centrifuge—a spinning device that would allow researchers to test and compare the effects of varying degrees of gravity on large primates and other animals.

And yet a series of advisory boards, in addition to Bush science adviser D. Allan Bromley and others, concluded that the only unique justification for the permanently habitable station was to support eventual human space exploration, which meant designing it for biological research on living things. That requires a centrifuge.

Congressional funding committees have opposed key scientific groups on this score. Concerned about the nation's industrial competiveness, lawmakers directed NASA to build the station so it would focus first on research on materials such as metals, crystals and the like that presumably would lead to new pharmaceutical and other products. However, experts say there is no mature industry yet to take advantage of the facility, and scientists complain that NASA has not spent enough to develop the necessary precursor research. Some scientists have complained that NASA ignored their requirements.

Mikulski has championed the project on grounds that its research "could yield medical knowledge that might lead to the cure for diabetes or another devastating illness." But numerous medical organizations, also hungry for research dollars, have attacked such claims as wildly speculative.

"Everybody is focused on competitiveness. NASA's research is 'pre-competitive,'" said a key Capitol Hill space analyst. "That means it could lead to some applications, maybe. In an era when the U.S. has lost some two million manufacturing jobs * * * space science does not compete on a head to head basis."

The predicament of the space station program has raised questions about whether the country has lost the ability, or the will, to manage big long-term technology projects. The American effort to build a superconducting super collider also is struggling.

Many familiar with the space station's history, including NASA administrator Goldin and key members of Congress, warn that tampering with hardware and software will not fix what's wrong.

What most needs reforming, they say, are the pattern of unpredictable short-term funding for long-term high-risk technology projects and an inbred space agency culture that has not changed with the times.

Rep. George Brown (D-Calif.), chairman of the House Science, Space and Technology Committee, has faulted the congressional appropriations process. "Projects of the magnitude required for space exploration cannot proceed with roller-coaster funding, or with daily uncertainty about the survival chances for major program initiatives."

The most successful projects, analysts say, are assured of full, or at least predictable, funding based on early agreement about the technical requirements—a consensus that has so dramatically eluded the space station.

NASA, for its part, invented a management scheme designed, not for economy, but to create political sponsors, congressional analysts say. The result is a sprawling, bickering organization that has become entrenched at NASA facilities in several states, each protected by a congressional delegation. Key players include Reps. Jack Brooks (D) and Ralph M. Hall (D) of Texas and Sen. Howell Heflin (D-Ala.). (Sen John W. Warner [R-Va.] earlier this year broke ranks and joined space station opponents, even though the project is headquartered in Reston.)

As a result, management failed to dwindle along with the hardware. Now, said a congressional aide, "you have the superstructure of a battleship sitting on the structure of a P.T. boat," and that keeps the program's management overhead costs enormous.

Finally, there is the timing. Analysts suggest that the American system rejects projects whose payback is deferred too far into the future—more than, say, two presidential terms. The White House, dumping NASA's requirement that the space station be built to last 30 years in orbit, has decreed that the program is to be operational within the two-term frame and function for only 10 to 15 years.

Brown said in a recent interview, "We've all committed errors. We must recognize those errors." His personal regret, he said, was in failing to call forcefully for "the kind of reforms I thought necessary" at NASA.

Analyst Logsdon said, "We have been going down a path in space for the better part of two decades that in large degree came to be a dead end." He said he is convinced the new redesign effort offers hope.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 976 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Executive Calendar No. 91 through Executive Calendar No. 95, inclusive, en bloc, for debate; that following the conclusion of debate, the Senate vote, without any intervening action, on five nominations in seriatim; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action.

I further ask unanimous consent that following disposition of Executive Calendar No. 95, the Senate proceed to the consideration of the following nominations, en bloc: Executive Calendar No. 117, John D. Leshy, to be Solicitor of the Department of the Interior; and Executive Calendar No. 118, Susan F. Tierney, to be an Assistant Secretary of Energy.

I further ask unanimous consent that the nominees be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent, as in executive session, that on Wednesday, May 19, the majority leader, after consultation with the Republican leader, may turn to consideration of Executive Calendar No. 112, Alicia H. Munnell, to be Assistant Secretary of the Treasury; that there be 1 hour for debate equally divided between the Senator from New York [Mr. MOYNIHAN] and the Senator from Mississippi [Mr. LOTT] or their designees; that following the conclusion or yielding back of time, the Senate vote, without any intervening action, on the nomination; that the motion to reconsider be laid upon the table; and that the President be notified of the Senate's action.

I further ask unanimous consent that following disposition of the Munnell nomination, the Senate proceed to consideration of Executive Calendar No. 114, Michael Levy, to be Deputy Under Secretary of the Treasury; that there be 20 minutes of debate equally divided between the Senator from New York [Mr. MOYNIHAN] and the Senator from Oregon [Mr. PACKWOOD] or their designees; that following the conclusion or yielding back of time, the Senate vote, without any intervening action, on the nomination; that the motion to reconsider be laid upon the table, and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk read as follows:

DEPARTMENT OF THE INTERIOR

Leslie M. Turner, of New Jersey, to be an Assistant Secretary of the Interior.

Elizabeth Ann Rieke, of Arizona, to be an Assistant Secretary of the Interior.

Robert Armstrong, of Texas, to be an Assistant Secretary of the Interior.

Bonnie R. Cohen, of Massachusetts, to be an Assistant Secretary of the Interior.

Jim Baca, of New Mexico, to be Director of the Bureau of Land Management.

The Senate proceeded to consider the nominations.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that biographical information on the nominees provided by the Department of the Interior be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT CLINTON NAMES LESLIE M. TURNER AS ASSISTANT SECRETARY FOR TERRITORIAL AND INTERNATIONAL AFFAIRS

President Bill Clinton today announced his intention to nominate Leslie M. Turner to serve as Assistant Secretary of the Interior for Territorial and International Affairs. Turner will assume her new post upon confirmation by the U.S. Senate.

"Leslie Turner's strong legal skills will be a great force in the Department's work with the territorial government," said Secretary of the Interior Bruce Babbitt.

Ms. Turner was one of six senior Interior Department officials named today.

"This group brings a great mix of skills and experience, and will provide great leadership for the Department," Secretary Babbitt said. "They bring a sense of balance. In different ways and in different fields, each helped to build agreements among groups that might otherwise have stayed opposed. That ability, is combined with their strong belief in environmental protection, is what makes them so valuable."

Ms. Turner is a senior associate with the law firm, Akin, Gump, Strauss, Hauer & Feld, located in Washington, D.C. She joined the firm in 1986 and has managed numerous cases involving the Foreign Corrupt Practices Act, international business, government contracts, securities fraud, employment discrimination, lender liability, real estate and commercial law, and privatization of urban transportation systems.

Prior to that, Turner served as a Judicial Law Clerk for Chief Judge William C. Pryor, District of Columbia Court of Appeals (1985–86).

A native of East Orange, New Jersey, Ms. Turner earned a B.S. degree from New York University (1980) and a J.D. degree from Georgetown University Law Center, Washington, D.C. (1985).

The Assistant Secretary for Territorial and International Affairs has administrative responsibility for coordinating federal policy in the territories of America Samoa, Guam, the U.S. Virgin Islands, and Trust Territory of the Pacific Islands (Palau).

PRESIDENT CLINTON NAMES ELIZABETH ANN RIEKE AS ASSISTANT SECRETARY FOR WATER AND SCIENCE

President Bill Clinton today announced his intention to nominate Elizabeth Ann (Betsy) Rieke to serve as Assistant Secretary of the Interior for Water and Science. She will assume her new post upon confirmation by the U.S. Senate.

"Betsy Rieke has a wealth of experience in water management issues, and played a pivotal role in helping Arizona avoid a water crisis," said Secretary of the Interior Bruce Babbitt. "She understands the importance of strong, credible scientific research, both as a decisionmaking tool and a key to building to public trust."

Ms. Rieke was one of six senior Interior Department officials named today.

"This group brings a great mix of skills and experience, and will provide great leadership for the Department," Secretary Babbitt said. "They bring a sense of balance. In different ways and in different fields, each helped to build agreements among groups that might otherwise have stayed opposed. That ability, combined with their strong belief in environmental protection, is what makes them so valuable."

Since April 1991 Ms. Rieke has been serving as Director of the Arizona Department of Water Resources, where she has gained extensive experience in a variety of water related issues.

She joined the law firm of Jennings, Strouss and Salmon, first as an associate in 1987–89, and then as a partner in 1989–91. She worked on numerous cases involving water law and administrative and legislative matters.

Subsequent positions included a semester as Adjunct Professor (1989) at Arizona State University College of Law, where she taught water law, Chief Legal Counsel for the Arizona Department of Water Resources (1985–87), and Deputy Legal Counsel, Arizona Department of Resources (1982–85).

She also worked as a law clerk (1981–82) for Judge William C. Canby, Jr., U.S. Court of Appeals for the Ninth Circuit. Before that, she worked one summer (1980) as a law clerk in the Department of the Interior's Office of the Solicitor, Division of Conservation and Wildlife, located in Washington, D.C.

Born in Buffalo, New York, Ms. Rieke has spent the last 25 years in Arizona. She graduated *summa cum laude* in political science from Oberlin College in 1965, and received her J.D. degree from the University of Arizona in 1981 with the highest distinction, "Order of the Coif."

She is a member of the Arizona and Maricopa County Bar Association, Arizona Hydrological Society, Arizona Women Lawyers Association, Phoenix Chamber of Music Society and a past member of the Arizona State Parks Board (1990–91).

Ms. Rieke is listed in *The Best Lawyers In America* (1990–1992 editions) and has written and contributed to numerous publications and articles on major issues involving groundwater and surface water law.

She has a son Fred, a post doctoral research assistant in neurobiology at the University of Chicago, and a daughter, Eowyn, a medical student at Brown University.

The Assistant Secretary for Water and Science has policy and administrative responsibility for the Bureau of Reclamation, U.S. Geological Survey and the Bureau of Mines.

PRESIDENT CLINTON NOMINATES BOB ARMSTRONG ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT

President Bill Clinton today announced his intention to nominate Bob Armstrong as Assistant Secretary of the Interior for Land and Minerals Management. Armstrong will oversee policy and activities for the Bureau of Land Management, the Minerals Management Service, and the Office of Surface Mining.

"Bob Armstrong has shown great skill in balancing environmental concerns with the need for resource development," Secretary of the Interior Bruce Babbitt said. "So many of the issues we face on the national level have already surfaced in Texas. His proposals have met the tough standards of statewide voters, and his experience will be a great help."

Bob Armstrong served as a senior advisor to Texas Governor Ann Richards, specializing in energy and natural resources. Prior to this assignment, he was in private law practice in Austin, Texas. He was elected Texas Land Commissioner for twelve years, from 1970–1982. During that period, he developed a Coastal Zone Management Plan for Texas and created the first Resource Protection Division within the Land Commission Office.

From 1975 to 1982, Armstrong was a member of the Western States Land Commissioners Association, made up of public land managers from 19 western states. He was appointed by Interior Secretary Cecil Andrus to the Public Land Advisory Board in 1978. In 1985, he was Appointed to the Texas Parks and Wildlife Commission, and last year became a founding member of the board of directors for the Texas Parks and Wildlife Foundation.

Armstrong is one of six senior Interior Department Officials named today. "This group offers a mix of skills and experience, and will provide great leadership for the department," Secretary Babbitt said. "They bring a sense of balance. In different ways and in different fields, each has helped to build agreement among groups that might otherwise have remained in opposition. That ability, along with a strong belief in protecting the environment, is what makes them so valuable.

Armstrong is married to Linda Aaker, with four children. He owns and operates a small ranch west of Austin, Texas. He is an avid fly fisherman and outdoorsman, and an instrument-rated private pilot.

President Clinton Names Bonnie Cohen Assistant Secretary for Policy, Management and Budget

President Bill Clinton today announced his intention to nominate Bonnie R. Cohen to serve as Assistant Secretary of the Interior for Policy Management and Budget. In this role, she will oversee the financial, management and administrative activities of all bureaus, as well as program and policy analysis.

"Bonnie Cohen is a superb financial manager," Secretary of the Interior Bruce Babbitt said. "Her grasp of policy issues, and her ability to work creatively within a very constrained budget environment will make her an invaluable asset to my senior staff."

Since 1989, Cohen has served as Senior Vice President and chief financial and administrative officer for the National Trust for Historic Preservation. She had previously served as Vice President for Finance since 1981. She has worked as a financial, investment strategy and management consultant for a variety of private and public clients, including the National Housing Partnership and the Stanford University Endowment. From 1976 to 1980, she served as treasurer, chief financial and chief investment officer for the United Mine Workers of America Health and Retirement Funds.

She helped to found and served as a member of the executive committee of the Council of Institutional Investors. She has been a trustee of the National Red Cross Retirement System, and has been active in a number of international investment organizations.

Cohen is one of six senior Interior Department officials named today. "This group offers a mix of skills and experience, and will provide great leadership for the department," Secretary Babbitt said. "They bring a sense of balance. In different ways and in different fields, each has helped to build agreement among groups that might otherwise have remained in opposition. That ability, along with a strong belief in protecting the environment, is what makes them so valuable."

Cohen is a 1964 graduate of Smith College in Northampton, Massachusetts. She holds a Masters in Education Research and Statistics from the Harvard Graduate School of Education. In 1967, she was one of the first women to receive a M.B.A. from the Harvard Graduate School of Business Administration, in Cambridge, Massachusetts.

Cohen is married to Louis Cohen. They have two children and reside in Washington, DC. She is the daughter of Harold Rubenstein and the late Irma Sims Rubenstein, of Brockton, Massachusetts.

President Clinton Names Jim Baca Director of the Bureau of Land Management

President Bill Clinton today announced his intention to nominate Jim Baca as Director of the Bureau of Land Management for the Department of the Interior. Baca will oversee policy and activities for more than 270 million acres of public lands, primarily in nine western states.

"Jim Baca has an established reputation in outstanding land stewardship as New Mexico's Commissioner for Public Lands," Secretary of the Interior Bruce Babbitt said. "He knows how to make the tough calls, and he knows how to balance strong environmental protection with good stewardship of the taxpayers' resources. He is an elected official, and his ideas have met the approval of the voters in a key western state."

Baca has more than twenty years of experience as a public servant. He is currently serving his second four-year term as state land commissioner. This office administers 13 million acres in New Mexico for oil and gas development, grazing, mining, archeological protection, hunting, fishing a wide variety of recreational activities.

During his tenure as Land Commission, he initiated numerous innovative programs, including the naming of a Assistant Commissioner for Environmental Affairs in 1991, and the unveiling of a Range Stewardship Incentive Program in 1992, to reward ranchers for superior care of leased state lands. Baca initiated and so-chaired the Alternative Fuels Task Force, resulting in the phased conversion of thousands of state vehicles to natural gas and low-emission fuels.

Baca is one of seven senior Interior Department officials named today. "This group offers a mix of skills and experience, and will provide great leadership for the department," Secretary Babbitt said. "They bring a sense of balance. In different ways and in different fields, each has helped to build agreement among groups that might otherwise have remained in opposition. That ability, along with a strong belief in protecting the environment, is what makes them so valuable."

Baca worked as a television and news reporter in New Mexico, and was chosen as a Ford Foundation Scholar to attend a summer program for minority journalists at Columbia University in New York City. He is a veteran of the United States Air Force, and holds a degree in Business Administration from the University of New Mexico.

He and his wife Bobbi, a civil engineer, presently reside in Albuquerque with their two children, Justin and Noelle. At the request of President Clinton, Baca has served on the transition team for the Department of the Interior.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH] is recognized.

Mr. DANFORTH. Mr. President, I have for a week or two had holds placed on six different nominations for the Department of Interior, including the five that are now before the Senate. I do not intend to engage in lengthy debate, and I do intend to allow these nominations to go forward, having received a letter from the Secretary of the Interior about the matter on which I have expressed concern. But I would like to review for the Senate what that matter is and explain the problem that I did have with these nominations.

The issue has to do with the construction of a highway extension in St. Louis County, together with a bridge crossing the Missouri River into St. Charles County. St. Louis County is the largest county in our State in population, and St. Charles County, which is on the other side of the Missouri River, is the fastest growing county in the State, in fact, one of the fastest growing counties in the United States.

Because of the population in this part of Missouri and because of the rapid growth in St. Charles County and because of the location of the Missouri River, there has been a constant traffic problem between St. Louis County and St. Charles County.

This has been something that has been recognized for a long, long period of time, and it continues to exist. It really is impossible for an elected official to set foot in St. Charles County for more than a few minutes without having the residents of St. Charles County bring up the problem of traffic. And ever since 1970, there has been a proposal to extend what is known as Page Avenue and to construct a bridge as part of the Page Avenue extension across the Missouri River.

Ever since 1970, this has been in the works.

I brought to the floor a photograph which I think provides a very clear visual demonstration of how the St. Louis County community has planned for this highway extension, and how zoning has been used in order to preclude building in the area where the highway is to be built, and how buildings, especially apartment buildings, apartment complexes, have been built up around this area, really relying on the highway to be constructed.

As the Senate will note, these white lines mark a blank in the photograph, and that is the area where the highway was to be constructed.

Well, after 1970, when this plan was first devised, a public park called Creve Couer Lake Memorial Park, which is in the area approaching the Missouri River, was expanded. In 1971, Missouri applied for this expansion. The expansion occurred, as I say, 1 year after the initial plan was made for the highway construction. And the expansion was made with funds from the Federal land and water conservation fund.

It was known at that time, back in 1971, that if funds are used from the land and water conservation fund, then there is a problem of converting that land to any other use but parkland. This was understood at the time the land was acquired. And at that time St. Louis County, which had a great interest in this matter, and the State of Missouri, went to some considerable ends to make a public record to the effect that it was understood, even as the parkland was being acquired, eventually there was going to be a roadway that would extend through a small fraction of that park. That was understood.

Well, over the next 20-plus years, the plans proceeded for the construction of the highway. St. Louis County was involved, the State of Missouri was involved, and various Federal agencies were involved. There were numerous meetings. There was a whole variety of reports that were filed by various Federal agencies.

Then we came to the end of 1992, and we realized that under the law as it had evolved, the case law that evolved, the Department of Transportation simply could not provide the necessary permit for any highway to be constructed through any kind of parkland. So then it was necessary at the end of last year to get a waiver in the statute.

Senator BOND and I talked about this matter with various members of the Environment and Public Works Committee, with people in the Senate who are very attuned to environmental matters, and we got it cleared. And we did get a change in the statute to provide for the possibility for the Department of Transportation to approve the construction of this highway, and that is what the Department of Transportation did.

It never ever occurred to us, the two Senators from Missouri, that there was any problem whatever with the Department of the Interior. We had no doubt that the Department of the Interior would approve this project under what is known as section 6(f) of the Land and Water Conservation Fund Act. The reason for our certainty went all the way back to 1971, when St. Louis County officials were in contact with the Department of the Interior and thought that they had their assurance that this was going to be all right. And then at the end of last year the expressed indication, as printed in the Federal Register from the Department of the Interior, was that the environmental impact statement for the Department of Transportation would suffice as far as the Department of the Interior was concerned.

Then there was a change of administrations, and Secretary Babbitt became the Secretary of the Interior. But even after the change of administrations, very early during the Clinton administration, my office was in contact with career people in the Department of the Interior who assured us—or at least we understood them to assure us—that there was no problem with what they viewed as an almost pro forma acceptance of this program under the terms of section 6(f) of the Land and Water Conservation Fund Act.

We spoke with Mr. Don Castleberry, who is the regional administrator of the National Park Service in Omaha, a career person, who told us that in his view the State met all of the technical requirements for approval of the conversion.

We also spoke to Mr. Herb Cables, the Acting Director of the National Park Service, and he also gave us every indication that there was no problem at all.

However, Secretary Babbitt has taken the position that despite all of these assurances, which in our mind go all the way back to 1971, which certainly include what was printed in the Federal Register last year, and which was given to us by career people in his department this year after the change of administration, Secretary Babbitt nevertheless takes the position that he does have the power to approve or disapprove the conversion of this property.

As part of the agreement with the Department of Transportation and as part of the arrangement worked out between the State of Missouri and St. Louis County, Creve Coeur Park, over which the highway traverses, is going to be expanded by 50 percent and is going to be vastly improved, according to the county executive of St. Louis County. But the position that has been taken by Secretary Babbitt is that he wants more mitigation land. He wants another environmental impact statement dealing with the question of additional mitigation land, and he wants, as he says, significant new land in mitigation for the land that would be taken by this highway.

Mr. President, I have spoken twice on the telephone and once in person with Secretary Babbitt. I have tried my best to convince him that this really is a change of position of the Department of the Interior, that this is a change of position that basically supplants the judgment of the Governor of Missouri and the county executive of St. Louis County and the relevant members of the congressional delegation representing this area with the opinion of the Secretary of the Interior relating to more mitigation land.

I have expressed that view. That view has not prevailed with the Secretary. I regret that it has not prevailed with the Secretary. And he today has written me a letter. The letter is really a good news and bad news letter. The letter says that the Secretary—in his words; I will repeat what the letter says: "I do not"—this is Secretary Babbitt speaking—"intend to use my authority under section 6(f) of the Land and Water Conservation Fund Act to block the construction of this highway project." That is good news. But then he goes on to say that he does want to identify a significant amount of additional lands to be included in the mitigation package.

He then says that he is prepared to engage in meaningful discussions with our State officials at an early date. He said: "I believe that we can identify available lands within a very short time period." Then he continues: "I believe that we can resolve this issue very quickly." He concludes: "You have my commitment that I will initiate this process immediately and will look forward to its speedy completion so that the State may proceed with highway construction."

Mr. President, my office has been in contact with the Governor's office in Missouri today. The Governor's office is attempting to set up an appointment with the Secretary of the Interior—to work out a time for a meeting. Hopefully, that meeting will occur this Friday. At least that would be the proposal, as I understand it, of Governor Carnahan, and, hopefully, it will be a meeting between the Governor and the Secretary of the Interior to work out the general ground rules or parameters of the agreement.

I want to simply add one additional point, Mr. President. It would be possible for the Secretary of the Interior to use the newfound requirement for yet additional land in mitigation to stop this project. It could be that a Secretary of the Interior could take the position that what he is asking for meets his requirement but that it could, in fact, never be accomplished by the State or by St. Louis County. It could be possible that asking for additional mitigation would be really a subterfuge for killing the whole project.

I want it to be known that I do take the Secretary of the Interior at his word. The Secretary of the Interior has indicated to me by phone and he has indicated in the letter that he has written to me that he does intend to go forward with the approval for this project, that it is not a subterfuge, that he is operating in good faith. And my hope is that whatever he requests by way of additional mitigation is something that is within the bounds of reason and something that reasonable people will conclude is a fair way of addressing this situation.

The Page Avenue extension is something that is supported by the Governor of Missouri, a member of the President's party, the county executive of St. Louis County, a member of the President's party, and county officials in both parties in St. Charles County, MO. It is a project which is so popular in our State that a billboard has appeared on the major highway connecting St. Louis and St. Charles Counties. The billboard says: "Want the Page Bridge? Call the Interior Department." Then it gives the telephone number of the Interior Department.

So this is a matter of tremendous public moment in our State. We believe that this is environmentally sound. We believe that it is essential for the quality of life in St. Charles County and in St. Louis County. I hope that the meeting between the Governor and the Secretary of the Interior will be fruitful. If there were anything further that I could do to advance the cause, I would do it.

I put the hold on these nominations for the purpose of getting the attention of the Secretary of the Interior. I do not know that that did much good. It did produce a letter. I do not know what else can be done from this end.

It really now is in the hands of the Secretary of the Interior, and it is in the hands of Governor Carnahan. I wish them well. I do hope that, when the Secretary says he thinks this could be brought to a speedy conclusion, he is correct in making that statement.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, it is imperative that the Director of the Bureau of Land Management be a person who is tolerant of a wide variety of views. He must manage our public lands where a wide variety of the public uses them for recreation, for science, for grazing, for mining, for timber exploration, for hunting, for fishing, for a multitude of purposes.

Each of these groups has in their mind a way in which they think these lands ought to be managed. We must not have a Director of the Bureau of Land Management who is intolerant of a diversity of views.

The reason for that statement is self-evident. The BLM Director is the largest landlord in 11 Western States. That agency oversees 272 million multiple-use acres of public land, plus a Federal mineral estate underlying 572 million acres of public and private land.

To manage all that takes 9,600 employees and over a billion-dollar budget. Therefore, its impact on the rural communities and livelihoods of the men and women who live and work and play in the West is enormous.

Mr. President, prior to committee's hearing on Mr. Baca, many of us were deluged with calls and letters opposing this nomination. The committee had an obligation to fairly and thoroughly examine the root causes behind this exceptionally strong opposition and determine for ourselves whether or not the causes were groundless.

Mr. President, with that background in mind, I have to state that Mr. Baca conducted himself well during the confirmation hearing. He pledged to the committee, under oath, to embrace differing opinions and to seek input from all sides of the very complex issues involved in the management of public lands. It remains to be seen if that is the type of leadership he will provide at BLM. It was not the type of leadership that he provided in the State of New Mexico.

Mr. President, there is no secret that Mr. Baca and I have very deep-seated philosophical differences on public land management. However, unlike most in the majority party over the past few years, it is my opinion that philosophical differences are not a reason to block a confirmation. The President of the United States, absent the moral imperative, or an imperative of incompetence, is entitled to those whom he wishes to run his government. I have those deep-seated differences with the President himself. But the deep-seated philosophical differences are not the end of my worry, Mr. President.

During Mr. Baca's confirmation hearing, we heard disturbing evidence that he held very casual views of the New Mexico constitution as it pertained to residency requirements for elected officials.

I do not doubt that it is a good deal cheaper to live in Albuquerque than it is to live in Santa Fe, but the requirements of that constitution say that a person holding his office live in Santa Fe.

Mr. President, one of the things that characterizes this administration is that rules and laws seem to be a matter of convenience. It is called a situational ethic, that if it is appropriate and comfortable to comply, by all means comply, but if it causes an awkward circumstance such as a constitutional requirement of residency, by all means do not be troubled by it because perhaps others may not be.

As well, Mr. Baca publicly insulted groups, such as People for the West, who disagreed with him. And the committee saw a pattern of intolerance to differing points of view.

Mr. President, the Director of the Bureau of Land Management cannot be an intolerant man. He may, as he will have to, reject the views of some and embrace the views of others. But he cannot lose his temper when having people in his office, under his domain or within his reach who disagree with him. That, sadly, was a pattern that was recurrent in the behavior of Mr. Baca in New Mexico.

Mr. President, the early evidence suggests that this administration is assembling a team on the public lands whose primary mission is to assault the hardworking men and women who live and work and play on the public-lands States. Already, we have seen draft proposals that would increase grazing fees so high that only wealthy hobby ranchers could afford to stay on the land. Their mining law royalty formula shocked even the Senator from Arkansas and would assure the absolute demise of the domestic mining industry. And their irrigation surcharge formulas are so convoluted that even their own people cannot explain how they would work, nor why it is that they seem quite willing and comfortable to break contracts, another distracting and disturbing tendency within the public land domain.

Mr. President, there is also an inherent tendency to populism in this nominee, and others of the President who shall come before us, to divide Americans by class, to play the politics of envy, to suppose that those whose living come from these properties are somehow or another abusers of the privilege of ownership that the rest of Americans have. They play it as though ranchers alone are rich and wealthy and none of them are hardworking. They play it as though those who seek for oil and gas and minerals and timber are rich and wealthy and powerful and that nobody else in this country is.

The fair truth of it is that the average rancher of the public lands takes home an income of less than $25,000. The corporate ranches, as some of which are quick to point out, that are among the largest users of public lands are guess who? They are the insurance companies who provided the funding for ranchers who went broke because of policies in part directed by the Bureau of Land Management.

The fact of it is that a bankrupt holding is not the business of some of America's large insurance companies, and they would like nothing better than to get out from under these properties. And guess who is going to make it the most impossible of all to get out from under? It is those who seek to make the economics of ranching on the public lands so intolerable that there will be no market for these places.

It is my hope that Mr. Baca was genuine when he stated that he would seek and embrace differing opinions from all sides of given problems or issues. He has to, because there are differing opinions and there always have been. There are differing challenges to the agency which he is empowered to direct.

It is my worry that the Clinton administration has more cluster bombs planned for the West. One can say that the President of the United States, if he is willing to throw cluster bombing at a region of this country, is entitled to his own detonator. One can say he has chosen what appears to be a detonator.

We who live and work, and whose lives have been on those lands, somehow or another feel that this administration and some of its appointees have lost touch with the reality of what is at issue in these fees and charges that the administration seek to impose. It is not about charging rich ranchers. It is about making it possible for small-town western America to work, for people to sell propane, for people to sell in their own pharmacies, shoe stores, tire stores, and sporting goods stores. It is these small communities' school systems that rely on revenues off of these shared public lands and the taxes that the livestock and the timber industry and the others bring to our local communities.

We cannot live with environmentalists and recreationists as the sole base of support for our communities. When we are looking at what makes the environment of Wyoming, Idaho, New Mexico, or Alaska attractive, it is, to be sure, the clear waters and the blue skies and the mountain sceneries and prairie landscapes. But it is also, to be sure, the hospitals that care for the visitor as well as the resident. It is also, to be sure, the tax base that provides for the universities and the community colleges. And it is also, to be sure, the tax bases and the revenue streams that make it possible to have highways and bridges and good high schools. It is also, to be sure, the human environment that is out there.

And it his nominee and this President's Department of the Interior can see only down the tube to a small collection of narrow interests, elitists who live and proffer opinions from the salons of New York City and Hollywood, then western America, as America knows it, will decline and ultimately disappear.

It was not that the West chose, unlike the East and the rest of America, to be public-land States. It was imposed upon us. The Director of the Bureau of Land Management is landlord of almost half of the State of Wyoming. It is not acceptable that the director of that amount of our land, and more of our minerals, be intolerant of a diversity of views. And I pray that Mr. Baca was forthright in his commitment to be tolerant, to hear and to listen and to understand as to what the nature of the problem facing our region is, when the Federal Government is the biggest landlord that any of us have.

I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. President, I rise to speak to the nomination of Jim Baca, to be Director of the Bureau of Land Management. Let me, also, at the outset, associate myself with the remarks of my colleague from Wyoming because we share a very similar interest and a very similar constituency as it relates to the nomination of one of our Nation's largest landlords, the Director of the Bureau of Land Management.

I stand on the floor of the U.S. Senate today as a third generation Idahoan, whose grandfather, prior to the turn of the century, came to Idaho and, under the homestead provisions provided by our Federal Government to disperse federally owned land into private ownership, chose to become a homesteader. From that he developed a farming and ranching operation and worked with State and Federal governments to create the Bureau of Land Management.

My grandfather and others at that time thought it to be the wise thing to do, to manage those public lands that had not gone into private ownership in a balanced way to assure there would be adequate resources to be utilized, not just for the economy of the State and the area and individual farmers and ranchers, but to be utilized to the benefit of the citizens of this country. That, in part, was the genesis of the Taylor Grazing Act and the Bureau of Land Management, or the BLM, as a division of the Department of the Interior today of which Jim Baca, under the nomination of President Bill Clinton, is now seeking to become the Director.

So, for two generations my family has been directly involved and associated with the practices that allowed wise and effective utilization of public lands. Why? As I said, not just to maintain a rancher or his family or to graze his or her cattle, but to assure that in large public land States like Idaho, a reasonable economy could exist, that small communities could flourish, that small businesses could grow, and that those businesses and those who they employed could pay taxes and provide livelihoods and do what all other Americans do—live, and, hopefully, prosper by their own wits and contribute to a society whose government afforded a freedom that assured an economy that did the most for as many people as possible.

That was a dominating attitude and a philosophy for well over a century of time. It was Western States like Idaho, that are still 64 percent controlled by Federal ownership and therefore Federal landlords, who were a part of the dividing up of those Western public lands.

Attitudes have changed from a time when this Government and its policies thought that the wisest use of that land was to utilize its resources for mining, logging, grazing, watershed, wildlife habitat, and all of that. Times have changed—or I should say public policy has changed, as a result of a perception created by a variety of interest groups that this type of land utilization was not in the best interests of the country.

I, as a western Senator, representing a State like Idaho, serving on the Interior Committee when I was in the House and now the Energy and Natural Resources Committee here in the Senate, have tried over the years to seek balance between what has been public perception in the last several decades and what we believe to be the needed reality of wise and effective utilization of those resources and preservation of those resources and conservation of those resources while at the same time allowing the Midvale, Idahos—which was my hometown, 200 people—or the Laramie, Wyomings, or whatever place in western public-land America, to be able to provide for itself, its people, and to maintain a western economy.

I, like the Senator from Wyoming, have had numerous correspondence with a variety of interests from our State and the West about the appointment of Jim Baca. I have been concerned about allegations made of his arrogance and his attitude toward elitism as it relates to the management of lands, that all who utilize the resources of those lands were somehow suspect, and that the only way to truly utilize the land was not to utilize it at all, but to preserve it, to take people off from it, to deny people the right to employ those resources for the purposes of generating an economy.

Those were the allegations, not just in a philosophy of management or style, but actually in ethical and moral choices. So when Mr. Baca came before the Energy Committee, I was one who questioned him very pointedly as to his approach as land commissioner in the State of New Mexico and did it really fit the Nation? Would he follow those styles and practices as Director of the Bureau of Land Management at the national level?

I must say that Mr. Baca, I believe, was very forthright and very direct in his answers to my questions—in all honesty, to my satisfaction. I think what I could conclude from that give and take before the Energy Committee was that he and I just disagree philosophically. I am much more a multiple-use person than he. I recognize that there really is more of a balance that needs to be struck than is oftentimes allowed by some who hold an opposing point of view. And on that we can agree to disagree, and we can continue to work together to strive for reasonable management for the public lands of the West.

It is with that in mind, and I think that recognition, that I will reluctantly support the nomination of Jim Baca. I wish there were someone else. I very selfishly wish that someone else would agree more often with me than he or she might, that we would have a greater common ground with which to recognize a balanced use of our public lands instead of more of a limited or elitist approach. Because, as my colleague from Wyoming said, jobs depend on it.

I have said publicly, and I will say again, until the rhetoric and the practice of this administration changes, I believe Bill Clinton and his administration, to date, have proposed an all-out assault on the economy and the jobs of the public-land West. There are yet tests to prove whether I am right or wrong. Our President recently traveled to Portland, OR, and, from that timber summit, is now attempting to arrive at balance toward an issue of the allocation of resources—on both BLM land and Forest Service timberland—as it relates to jobs and the environment and the endangered species that are involved there.

But, if I have one message that is important to go out this afternoon in direct association with the nomination of Jim Baca and all of those western issues, it is that they are job issues. There really are people's lives involved here. In the case of the Oregon issue that our President struggles with today, it is 27,000–30,000 families.

All of us shake if an auto manufacturer goes down and many people are put out of work, and there is a great flurry of activity here on the floor of the U.S. Senate. There are all kinds of Federal programs to bail those workers out. But out in the States of Oregon, Washington, Idaho, and California, if it is 30,000 woodworkers, all in the name of the spotted owl and the environment, so be it, it is just a casualty of the new world. It is just a casualty of a better world to be created because we are going to cut a few less trees.

I hope Jim Baca understands that if he fulfills the wishes of this President on grazing fees, if he, therefore, applies that kind of change to the BLM, that there will be hundreds if not thousands of farms and ranches and their employees that will be out of business because it will no longer be cost effective to graze cattle on public lands. But it will not just be that small rancher who is out of business. He will no longer buy the tires for the pickup truck at the local tire store in Weiser, ID, because he will be gone. And soon the tire salesman and the tire store will be gone.

Those dollars that are created from the resources of our public lands in small town America generate jobs on about a 3-to-1 ratio. And this President came to his office talking of jobs and job creation and the importance of not just maintaining, but building on an economic jobs base. Mr. Baca, Mr. President, your responsibility is balance and your responsibility is jobs.

A decision to run grazers off the land, to run miners from the land is a real choice in jobs and economics.

Another area that Jim Baca will be responsible for will be the overall mineral estate of this Nation, a very important part of the economy of the West: Thousands of people working to mine minerals from the land to turn those minerals into metals and resources that ultimately provide the very basis for the industries of this country. And yet this President, and Mr. Baca had to agree because he is the President's nominee, said that a 12.5-percent royalty is just OK with him.

Yet, now the facts are coming in, and the facts are simply this: that if Mr. Baca and his advice to this President are that a 12.5-percent mine royalty is adequate, there are going to be 49,000 men and women in the mining industry out of work. In an attempt to generate money for the Treasury of this country it, in fact, will take money out of the Treasury of this country because men and women who are not working have access to the largess, the public policy of this country that says they can draw unemployment, and they can draw some of the social benefits. Like that great luxury tax that in the grand wisdom of this Senate we put in place a few years ago that was going to stick the rich people for buying boats, airplanes and automobiles, we learned that rich people make choices, too, and they did not buy. And those people who crafted those products were out of business and out of work and our Treasury and the taxpayers had to pay for it.

Mr. President and Jim Baca, listen up: Recognize that your decisions have consequences and those consequences can, in fact, put people out of work. Whether they are third-generation ranchers, like my family is, or whether they are people working at the local tire store in Weiser, ID, they are there because of the wisdom of this country decades ago that said those public land resources should be wisely utilized in a balanced and environmentally sound way for the purpose of generating economies for the benefit of the Nation. That is the message, Mr. Baca. I hope you success, and I ask that you work with the Senate of the United States and the people on the land, of which you have become a landlord, in recognizing that a balanced approach—not an elitist attitude that says preservation is somehow better than conservation—will resolve these issues.

It is in that respect that I will support your nomination, recognizing that on the record you have promised your cooperation and your balanced effort to resolve these timely and important issues for our Nation and for the public-land West. I yield back my remaining time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I wish to just take a few minutes to speak in favor of the nomination of Jim Baca for the Director of the Bureau of Land Management. Jim brings a very distinguished career and record of public service to this position. He has served New Mexico with distinction and, as Director of the Bureau of Land Management, I know that he will build on this record of public service as the steward of our Nation's public lands.

In many ways, Jim's two terms as commissioner of public lands in New Mexico were a dress rehearsal for the position to which he has now been nominated. Jim brought to his first term the skills that he had developed in the news media world, and his success as a reformer in our State's liquor control division. He won election with a broad base of support which allowed him to introduce business principles to the public-lands management of our State and to implement much-needed reforms. He has gained wide acclaim for making State lands serve the owners of those lands; that is, the people New Mexico.

During his 6 years in office, New Mexico's 13 million acres of public land contributed approximately a billion dollars to our State's treasury.

In addition to seeing that New Mexico's taxpayers receive the highest possible benefit from their lands, Jim has initiated a host of environmental programs aimed at improving the long-term sustainability of multiple use. His range stewardship in that program rewarded ranchers who took care of leased State land. I think that program that he has initiated at the State level can be a model for what we do at the Federal level. I am sure he intends to work with Secretary Babbitt to see that it is.

Jim founded the New Mexico alternative fuels task force which led to the phased-in conversion of thousands of State vehicles to natural gas and low emission fuels.

Jim's sincere interest in the environment reflects a desire to maintain for his children and all of us the beautiful natural surroundings that have attracted so many to the State of New Mexico.

Madam President, the demands being placed on western lands are greater than ever. Competition among many interests for scarce resources requires administration that is both forward thinking but also pragmatic. The Bureau of Land Management, under whose purview all of these interests fall, controls more than 270 million acres of public land, and the administrator of these lands must be attuned to these competing concerns and make choices that will ensure the sustained productive health of western lands. This heightened responsibility calls for a new breed of manager, one who is innovative, experienced, and sensitive to the balance that needs to be struck.

Some of my colleagues have raised questions about whether that balance will be struck. I am confident that it will. Jim Baca understands the importance of our small communities in the rural parts of the West. He understands the importance of our traditional industries. He understands the importance of multiple use of those public lands.

Jim Baca is not some fringe nominee or some egghead who the President found in some university or some think-tank to come to this job. He is in touch with the real people of our State. He is one of those people. He is a native of our State, and he has demonstrated in his own races for commissioner of public land that he has the broad support of the people of New Mexico for the policies that he has pursued there.

Jim Baca is a friend. He is a distinguished citizen of our State, a distinguished public servant. The President has done well in choosing him for this important position. I am pleased that the President has nominated him to head the Bureau of Land Management, and I urge my colleagues to swiftly confirm him for this position.

Thank you, Madam President. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I originally anticipated that the senior Senator from Missouri and I would be on the floor for much of the day explaining that we could not let the five Interior nominations, which are before us, go forward today. We regretted this strategy, but we felt we had no choice given the fact that the Department has held up final approval of an absolutely crucial highway project in the State of Missouri, known as the Page Avenue Extension. It had been approved in the previous administration and has bipartisan support from elected officials at the State, local, and Federal level, as well as strong support from the majority of area residents.

I would like to take a minute to introduce and discuss an editorial cartoon that appeared in the St. Louis Post-Dispatch on Sunday. It shows my senior colleague, Senator DANFORTH, and I as terrorists holding the Interior Department nominees as hostages. Frankly, I thought it was rather flattering to the senior Senator and me. It made us look pretty good. As usual in the Post-Dispatch, the art work was better than the message. There are hostages in Missouri—the hostages are the people in St. Charles County, the fastest growing county in Missouri, who have been held hostage by highway traffic jams that go on for hours in the morning and hours in the evening. These are the people who desperately need this highway project.

Currently, over 200,000 vehicles are compressed into the narrow lanes available on the bridges now. And by the year 2015, there will be over 400,000 vehicles crossing that river every day.

But as previously noted by my distinguished colleague, Senator DANFORTH, it now appears that our efforts to delay the nominees will be unnecessary due to a letter we received just this morning from Secretary Babbitt. In that letter Secretary Babbitt states:

> I do not intend to block the construction of this highway project. I realize how important this project is to you and your State and am prepared to move this project along.

However, the Secretary goes on to state that he believes additional acreage is necessary in order to improve the mitigation plan and, further, that a supplemental environmental impact statement, or SEIS, on the additional land is also necessary for legal reasons.

While I am totally supportive of mitigation, I would say that the current mitigation plan is superlative. It requires the State to add over 600 more acres to the park, build new hiking and biking trails, a new nature center, add more wetlands, and dredge the lake, to name just a few of the required enhancements. As long as the State of Missouri can agree, I think a reasonable additional amount of land would be fine. However, what really troubles me is the delay that another EIS could cause. These studies, once undertaken, take on a life and a timetable of their own, and I do not think I have ever heard of an EIS that was prepared quickly. In fact, the phrase expedited EIS is, in my view, an oxymoron. However, the Secretary assures us that it will be completed in an expedited fashion. He states in this letter:

> I am prepared to instruct the Park Service to make swift completion of the SEIS a very high priority. The Service has estimated that the SEIS could take 6 to 9 months. I believe the process could be shortened significantly with a concentrated effort.

He goes on to state his intention to work with the State through Governor Carnahan, of Missouri, in order to get the negotiations started as quickly as possible.

I fully support this approach because the State is the key player in the project and will be diligent about keeping the discussions on schedule.

I know some are fearful that requiring more land and another EIS are just delaying tactics, tricks by opponents to ensure that the Page Avenue Extension never gets built. Our constituents have been waiting for over 20 years for this project, sitting in traffic jams which grow longer with every year. So their skepticism is understandable. However, I worked closely with the Secretary when we were both Governors, and I know that Secretary Babbitt negotiates in good faith. He has made a serious commitment to us in his letter that he will move the Page Avenue project along, and we will take him at his word. It has broad-based bipartisan support from public officials at the local, State, and Federal levels, and we all want to see progress on it. With the Secretary's assurance, I believe it will go forward.

I believe a brief history of why we are in this situation is in order. The Missouri Highway Department started work on the Page Avenue extension in 1970. It is planned as a 10-lane highway connecting St. Louis County with St. Charles County in Missouri. This is the fastest growing area of the State, to the point that the increase in houses and residents have far exceeded the capacity of the current highway and bridge network. The I-70 bridge, which is used by most county commuters, is already overcapacity for up to 6 hours a day. If the Page Avenue Extension is not begun soon, traffic studies estimate there will be gridlock almost half of every single workday. Having sat in this traffic on many occasions, I can personally testify to the urgent need for this expansion.

The Missouri Highway Department and St. Louis County have worked to set aside land for the project since its inception. As a result, numerous decisions have been made on the basis of the proposed route. Homeowners and businesses have relied on the State and county authorities in making their decisions about where to live and where to build along this corridor for 23 years.

Part of this planned route cuts through the tip of a park in St. Louis County, known as Creve Coeur Park. Some of the park land was purchased with funds from the Federal land and water conservation fund and this has resulted in the situation we face today. Federal transportation law makes it very difficult to build a road through a park. However, because of the special circumstances in this case—particularly the 23 years of reliance of the route chosen by the State—Congress passed legislation last year which allows the road to go through but under very, very limited conditions. The major condition is a requirement that the State implement an extensive mitigation plan which would require the following: First, an increase in park size of 50 percent, by adding over 600 additional acres; second, the construction of numerous additional biking and hiking trails; third, dredging the lake; and fourth, construction of a new nature center. This is truly a win-win plan: County residents will have both a vastly improved road system and a much larger and better park.

In addition, an extensive and detailed four-volume environmental impact statement was prepared on the route. These four volumes have covered every single environmental and traffic issue raised by the Page Avenue Extension. As a result of the legislation and the EIS, the Department of Transportation gave the necessary 4(F) approval for the Page Avenue project. The reason we are here today is because the Interior Department must issue a similar approval, known as 6(F), named for the provision in the Land and Water Conservation Act.

The requirements for the 6(F) approval act are fairly straightforward: Land converted for a road must be replaced by acreage of "at least equal fair market value and of reasonably equivalent usefulness and location." According to the several State agencies which have worked on the conversion, these tests are clearly met here: The 600 acres which will be added to the park are estimated to be $300,000 more valuable than the land they are replacing.

The Department of the Interior must issue the 6(F) approval before the State can begin work on the project, and that is the issue currently before Secretary Babbitt.

Madam President, I ask unanimous consent to have printed in the RECORD a summary of section 1.3, the traffic study from the EIS on the Page Avenue project, showing very clearly a great need for the new highway.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1.3 TRAFFIC DEMAND

The projected increase in Missouri River crossings and corresponding increase in average daily traffic (ADT) is a result of ongoing rapid suburban growth. St. Charles County is the fastest growing county in Missouri as well as the Missouri-Illinois eight-county St. Louis metropolitan area. The 1970 census figure for St. Charles County was 92.954 persons. By 1980, it has increased to 144,107 (55%) in ten years. The 1990 U.S. Census reported St. Charles County's population at 212,907, a gain of 119,973 or 129% in two decades. This growth has generated increased traffic demands upon the existing highway and local transportation systems.

Traffic projections indicate that the volume of traffic across the Missouri River will increase dramatically over the next 25 years. Traffic using the three existing river crossings (Route 115, Route I-70 and Route 40/61) in 1989 is 201,920 vehicles per day. By the year 2015, the traffic volume is expected to increase to approximately 404,000 vehicles per day, an increase of more than 100% in 25 years.

Even with the construction of the new six-lane Route 115 bridge and the four-lane Route 40/61 bridge capacity along with the existing 10-lane I–70 bridges across the Missouri River, traffic capacity will not be adequate to handle the 2015 traffic volume. The construction of another major river crossing will be required to reduce the overcrowding on the existing roadways between St. Charles and St. Louis Counties, especially Route I-70. To improve regional traffic flow and provide relief to Route I-70, traffic must be diverted from I-70 to other river crossings.

The Page Avenue (Route D) Extension is a proposed multi-lane controlled access freeway that would connect the present Page Avenue at Bennington Place in St. Louis County to Route 94 in St. Charles County and beyond Route 94 to Route 40/61. Table 1.3–1 reports historical and projected traffic volumes without this facility.

TABLE 1.3–1—MISSOURI RIVER CROSSING TRENDS

[Vehicles per day]

Route	1970	1980	1970–80 percent change	1989	1980–89 percent change	1995	2015
I–70	57,900	75,800	+30.9	141,970	+87.3	144,900	230,000
40/61	8,800	22,600	+156.8	41,900	+85.4	50,900	80,800
115	15,200	16,900	+11.2	18,050	+6.8	58,600	93,100
Totals	81,900	115,300	+40.8	201,920	+75.1	254,400	403,900

Route I–70

Traffic volumes across the Missouri River bridge have surpassed the roadway capacity of the bridge during peak hour periods in the direction of highest flow (eastbound in the a.m. and westbound in the p.m.).

During the p.m. peak hour period, major backups occur in St. Louis County on I–70 and the routes feeding I–70. The I–70/I–270 interchange is the major capacity constraint on traffic flow into St. Charles County. This interchange meters the traffic volumes carried on I–70 from I–270. Traffic demand continues to exceed the roadway capacity of I–70 from I–270. Traffic demand continues to exceed the roadway capacity of I–70 into St. Charles County to the Fifth Street Interchange. Between the Fifth Street and Zumbehl Road interchange. I–70 operates at the Level of Service D to the Salt Lick Road interchange. West of the Salt Lick Road interchange, I–70 operates with minimal delays at the Level of Service C. At the Route K interchange, I–70 reduces from six lanes to four. Backups on I–70 and its on and off ramps at interchanges occur in St. Charles County as traffic volumes are at or exceed roadway capacity.

During the a.m. peak hour periods, the major backups occur in St. Charles County. Traffic congestion creates backups on the approaches to I–70 interchanges as vehicles attempt to merge into the "at capacity" flow on I–70.

Mr. BOND. Madam President, I thank the Chair, and I yield the floor.

Mr. STEVENS. Madam President, I come to the Senate floor today to talk about the nominee, Mr. Baca. He and I have not met. That is not the fault of either of us. I was with a group of Senators who went to the Bosnia area and to Moscow during the period of time he was making his visits, and now when I am back he is in the West, as he should be, proceeding to meet some of the people who are involved in problems that are pending before his agency. And we have discussed getting together when he returns to Washington.

But I wish to start a series of comments that I am going to make on the floor about the Interior Department during the period of consideration of the nominees for this new administration. I do think I have a qualified interest in this Department. I served there for almost 6 years during the Eisenhower administration, and as that administration terminated I was the Solicitor of the Interior Department. Since I have been in the Senate, I have tried to pay as much attention as I could to the activities of the Interior Department because it is such an important Department to my State. No State is more impacted by the activities of the Interior Department than Alaska. Over 70 percent of our State is owned by the Federal Government and is primarily under the jurisdiction of the Department of the Interior.

When I came to the Senate, we had pending the claims of our Alaska Native people. They had been pending for over 100 years. And working together with my good friend, the late Senator "Scoop" Jackson, we were able to secure the passage of a bill in 1971 to settle those claims. One of the sections in that settlement, however, was section 17(D)(2) of the Alaska Native Claims Settlement Act, which imposed upon the State a period of review of what was called Federal interest lands, national interest land. That led ultimately to the passage, in 1980, of the Alaska Lands Act, and I wish to show to the Senate the land ownership pattern as of December of 1992 in my State.

Keep in mind that this is one-half of the coastline of the United States. The land mass is one-fifth of the land mass of the United States. And we are talking about an area that is almost three times the size of Texas.

This map shows the statehood lands that were given to our State by the Statehood Act. They were selected by our State. They are in blue. It shows the Federal land of the conservation system that was established pursuant to section 17(D)(2). We call them the D2 lands designated under the Alaska National Interest Lands Conservation Act that was passed in 1980. The map shows the Federal land that still exists in the State that will be under the jurisdiction of Mr. Baca as the Director of BLM. The Native lands that were settled and were selected by our Native people pursuant to their settlement act are in red.

I present the map just to show you the conflicting problem of our State where we have Native land within these exclusive reservations of the Federal Government. We have State lands that are also within them. We have very few privately owned lands. Less than 1 percent of our State is privately owned, and they are interspersed in all of these areas. The private lands are shown, for instance, within this one area of the Wrangell-Elias National Park going back to the days of the mining industry, the heyday mining industry at the turn of the century.

The management of Federal land in our State has a significant impact on both the State government and Native lands. We have in our State now 70 percent of the National Park System. That is, 55 million acres of Alaska is national parks. But of that land, 91 percent of all of the wilderness in national parks is in Alaska. We have 75 million acres of wildlife refuges. That is, 85 percent of all the wildlife refuges of the United States are in one State, our State. And, strangely enough, 97 percent of all the wilderness and wildlife refuges in the United States are in one State, my State of Alaska. We have 68 percent of all the wilderness that exists under the wilderness system in Alaska.

One of the things that I am disturbed about concerning these new nominees is I have read and heard statements they have made concerning the need for more wilderness in Alaska. We are proud of our national parks, the great Mount McKinley National Park. The Wrangell-St. Elias National Park was really suggested by one of our former Senators, Senator Gruening. I first suggested the great national park area of southeastern Alaska.

We do know that there is a need for Federal lands in Alaska to be protected, and we have tried to work with those who insist upon more and more protection each year.

But Alaska cannot survive as a State any longer with additional withdrawals. We have reached the point of no return as far as I am concerned in terms of wilderness in particular. I think that there is no question that these new nominees need to be educated a little bit about the history of the Statehood Act for Alaska, and of wilderness in Alaska in general.

I brought to the floor today an edition from the Fairbanks Daily News-Miner of March 9, 1979, because in it was a special edition concerning Alaska lands. It quotes at length the statements made by former Congressman Leo W. O'Brien. Congressman O'Brien, a New York resident, a Democrat, who chaired the Interior and Insular Affairs Committee of the House at the time, really understood the Statehood Act and what it meant. He had written a letter that was quoted in this article from the Daily News-Miner, that I think Members of the Senate ought to understand.

He spoke at length about my predecessor, the first senior Senator from Alaska, Bob Bartlett, who had been Alaska's territorial delegate and what he had done to obtain statehood. But beyond that, Congressman O'Brien wrote concerning the increasing tendency of Secretaries of the Interior, of different philosophies, to delay the implementation of the Alaska Statehood Act.

Madam President, despite the fact that we are now a great many years from the time we became a State, we have not yet fulfilled the pledges of statehood.

Let me read to the Senate just a few of the words that my friend, the late Congressman from New York, Leo O'Brien, wrote to the Albany Times Union. He said:

> The statehood bill gave Alaska the right to select 103 million acres of Federal land, with certain areas distinctly marked off limits. The new State was allowed 25 years to make its selections, but it has been balked repeatedly by Federal bureaucratic delays. Now the bureaucrats seek to break faith further by placing an additional 100 million acres off limits.

I continue the quote:

> The do-gooders and the bureaucrats will say that the statehood bill was only a bill and that any bill can be amended in later years. Nonsense. The statehood bill was a solemn pledge by Congress to the new State.
>
> Some may have forgotten that we wrote into the statehood bill a provision that it would not take affect unless approved by a majority of the Alaskan voters. They did approve, overwhelmingly, and that means that the current shenanigans in Washington not only would break a congressional pledge, but shatter a pact with the people of Alaska.

The letter also asks:

> What about the stake of the American public in this controversy? How much benefit will accrue to the average family in New York, Pennsylvania, Ohio, or any of the 50 States if 100 million acres in Alaska are transformed into a wilderness? I suggest that not one in 10,000 Americans will ever trudge through those trailless lands. I suggest we will be setting aside an area as large as Siberia for an American squirearchy.

The point that Congressman O'Brien meant—I know the Chair has the same impression I do about squirearchy. I knew what he meant—the hierarchy of squires that can hire people to take them through those trailless lands. Those are the only people who will ever enjoy the wilderness of Alaska.

I ask unanimous consent that the article about his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Fairbanks, AK, Daily News-Miner, Mar. 9, 1979]

STATEHOOD SPONSOR SAYS PLEDGE HASN'T BEEN KEPT

Leo W. O'Brien left Congress in 1966. Today, the retired Albany, N.Y. resident retains some pointed opinions about the Alaska Statehood Act to which his name is attached as author.

Actions by the federal government in recent years to withdraw and restrict lands from state selections are tantamount to a breach of the promises made to Alaska 20 years ago, O'Brien contends.

"One of the difficulties that members of Congress have today, they think of 100 million acres and 300 million acres—it boggles their mind a little bit. It's like switching to the metric system. I have noticed that with people on the street, they say, 'Well, they (Alaskans) still have 104 million acres, they should be satisfied,' " O'Brien said in a recent telephone interview.

"It's hard for them to realize that at one time they (Congress) gave a land grant to the university. The revenue wasn't enough to support a basketball team," the former U.S. representative said.

O'Brien said the Alaska Statehood Act of 1958 in reality was written by the House Interior Committee. O'Brien felt then that it should bear the name of Bob Bartlett, Alaska territorial delegate.

But Bartlett wanted O'Brien's name on the bill.

"He knew one of the big arguments (against statehood) was the population. He wanted somebody from the most populous state," O'Brien recalls.

Alaska's permanent population was about 80,000 then.

Alaskan land was a controversy even then, both to Alaskans and legislators, but the more noticeable division was over whether Alaskans really wanted statehood.

State land selection provisions at the time seemed adequate. "We thought 25 years would be more than ample. Never underestimate bureaucracy and red tape," O'Brien concludes.

The chain of secretaries of Interior with different philosophies has had a bearing.

"For a very long time, Alaska was a large part of the principality over which the secretaries rule. They seem to have very great difficulty in accepting the fact that it's no longer a territory," he added.

Earlier this year O'Brien spotted an editorial about Alaskan lands in the Albany Times-Union. He responded with a letter to the editor.

"The statehood bill gave Alaska the right to select 103 million acres of federal lands, with certain areas distinctly marked off-limits. The new state was allowed 25 years to make its selections, but it has been balked repeatedly by federal bureaucratic delays. Now the bureaucrats seek to break faith further by placing an additional 100 million acres off-limits," O'Brien wrote.

"The do-gooders and the bureaucrats will say that the statehood bill was only a bill and that any bill can be amended in later years. Nonsense! The statehood bill was a solemn pledge by Congress to the new state," his letter continued.

"Some may have forgotten that we wrote into the statehood bill a provision that it would not take effect unless approved by a majority of the Alaskan voters. They did approve, overwhelmingly, and that means the current shenanigans in Washington not only would break a congressional pledge, but shatter a pact with the people of Alaska," he added.

His letter also asks, "What about the stake of the American public in this controversy? How much benefit will accrue to the average family in New York, Pennsylvania, Ohio, or any of the 50 States, if 100 million acres in Alaska are transformed into a wilderness? I suggest that not one in 10,000 Americans will ever trudge through those trailless lands. I suggest that we will be setting aside an area as large as Siberia for an American squirearchy."

In a recent News-Miner interview, O'Brien said, "I know you have changes after a statehood bill goes through—you can't write a perfect bill."

But federal actions today " are a complete violation of the intent of the original statehood act, and I think the fact that we submitted the statehood act to the (Alaskan) people before it became a bill is significant," he added.

"Washington was never entirely at fault," O'Brien conceded, pointing to the Native claims settlement, which he defined as "almost unbelievable" in scope.

O'Brien last visited Alaska in 1967 with members of his family.

Mr. STEVENS. Madam President, that is what really brings me to the floor. I think that we need Interior nominees who will be respectful of the provisions of Federal laws already enacted. The Statehood Act, the Land Claims Act, and the 1980 Alaska Lands Act; those were hard-fought agreements between Alaskans and the Federal Government. And we certainly did not win all of our arguments, but while we were involved in those debates, we were seeking long-lasting agreements and we were seeking the right to be treated as residents of a full-fledged State.

The mentality that Alaska is somehow a territory or a colony is not there among the extreme environmentalists. They believe that Alaskans have no right to use the Federal lands in our State. That is more than 70 percent of the lands of our State.

I want to make sure that these new Interior nominees understand that my State is not a territory; it is not a colony; it is a full-fledged State. And we are going to insist that it be treated as a State.

One of the things we are going to insist on is that the pledges that were made to us at the time we became a State are kept, and that the commitments that were made in 1971 and 1980 in these two historic laws passed by Congress and approved by the President, will be honored by those who now seek to guide this Department of the Interior.

Madam President, lastly, let me just show you one of the great problems that we face in Alaska. This is the chart that shows the wildlife refuges and national parks. If one looks at them, one will see quite readily that the pattern of the creation of these areas was set up in order to block our access by any means of transportation. There is no north-south corridor except for one, and that is the current corridor for the haul road for the Alaska pipeline. There is no east-west corridor. There is no corridor down where you meet up with the mouth of the Yukon or the mouth of the Kuskokwim for access to the sea.

This whole Aleutian chain, the whole of the Aleutian chain, was withdrawn as a wildlife refuge. The wildlife refuges and the national parks are outlined by these borders. The whole coastal area in the southeast is withdrawn as a national forest. Alaskans were left with the interior, but with no access.

There are fewer roads in Alaska than there are in King County in Washington. Yet Alaska is one-fifth of the United States.

Today the post office tells me they have to increase the cost for parcel post for residents in my State because they have to send parcel post by air. The reason they have to send parcel post by air is there are no roads. There are no roads in southeastern Alaska at all that connect those islands.

You can go from Miami all the way down the causeway down to Key West. You cannot go from Juneau down to Ketchikan except by our ferry, which is maintained by our State of Alaska.

The only railroad in the State of Alaska is owned now by State. It goes from Seward, AK, up to Fairbanks. There is no connection into Canada. Some people now are suggesting there might be a connection across the Bering Straits into Russia. We prefer to see the connection into Canada first.

But in any event, there is no transportation in that area primarily because access was blocked by the setasides for these national systems.

We are barred from having ground transportation, and now we are even going to have to pay more for our mail that anyone else does in the United States because it all has to go by air. One hundred seventy-five of our communities can be reached only by air.

There is no reason for some of the things that are happening to this State. This State, at the time that Leo O'Brien saw it, was without those withdrawals. Those withdrawals came after the broken promises that he mentioned in 1979. In 1980 we had to accede to those withdrawals in order that the Natives could get title to their land, and our State could get title to our land that was promised to us by the Statehood Act.

I still believe, as a lawyer, that our State should sue the Federal Government. At the time we became a State, we had the right to select 103.5 million acres from the Federal domain—vacant, unappropriated, unreserved land. Along came the Congress, after statehood, and withdrew over 100 million acres.

As Congressman Leo O'Brien said, the shenanigans of Washington, they never stop. Now we have a series of new nominees. Some of these nominees have said there ought to be 100 million acres more of our State withdrawn from wilderness—that is the reason I am here—a State that already has the bulk, the overwhelming bulk of wilderness of the whole United States in it already. There is no room for additional wilderness in Alaska.

Lastly, that is ANWR. That is the location of the last great known prospect for oil and gas development on the North American Continent. Its prediction is that it could produce oil in quantities such as are produced from Saudi Arabian fields.

ARCO has a new discovery here they called Kuvlum right off of the Arctic National Wildlife Refuge, and it is one of the best wells ever drilled on the North American Continent. We cannot get in there to drill, although the area outlined in red was set aside by the Jackson amendment in 1980 for the purpose of exploration for oil and gas. It is not wilderness, and was never wilderness. We cannot get in there because of the opposition of the Wilderness Society.

In the weeks to come, I will talk about the members of the Wilderness Society that will now be coming to manage the Interior Department, advocates who have set aside over 100 million acres of Alaska land, who want to set aside more. Madam President, the Senate may get a little tired of hearing from me in the next week or so, but it is time the Senate is reminded of the commitments made to the people of Alaska at the time we sought statehood. I helped craft some of the provisions that are in that act. I do believe that it is up to this Congress, as well as all succeeding Congresses, to keep the commitments made to the people of our new State, the compact Congressman Leo O'Brien made.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I am advised that the Senate is now prepared to act on the nominations listed as Calendar Nos. 91 through 95, inclusive, and that under the previous order, unless otherwise agreed to, they would be taken up and voted in seriatim. I am further advised that there is no objection to proceeding to complete these nominations, en bloc, by voice vote.

I, therefore, ask unanimous consent that the five nominations now be considered and confirmed, en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF THE INTERIOR

Leslie M. Turner, of New Jersey, to be an Assistant Secretary of the Interior.

Elizabeth Ann Reike, of Arizona, to be an Assistant Secretary of the Interior.

Robert Armstrong, of Texas, to be an Assistant Secretary of the Interior.

Bonnie R. Cohen, of Massachusetts, to be an Assistant Secretary of the Interior.

Jim Baca, of New Mexico, to be Director of the Bureau of Land Management.

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the following nominations, which the clerk will report.

The bill clerk read as follows:

Department of the Interior, John D. Leshy, of Arizona, to be Solicitor of the Department of the Interior; Department of Energy, Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy.

Mr. JOHNSTON. Madam President, I ask unanimous consent that biographical information on the nominees provided by the Departments of the Interior and Energy be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT CLINTON NAMES JOHN LESHY AS SOLICITOR FOR THE DEPARTMENT OF THE INTERIOR

President Clinton today announced his intention to nominate John D. Leshy to be Solicitor for the Department of the Interior.

"There is no one who is better prepared for this job than John Leshy," said Secretary of the Interior Bruce Babbitt. "He has helped write the book on resource and environmental law, both literally and figuratively. His administration and Hill experience will also be a great help in advancing the President's programs."

The Solicitor furnishes legal advice and services to the Secretary, Deputy Secretary, Assistant Secretaries, and various bureaus and offices in the Interior Department. He will direct an office of about 400 employees.

Leshy was one of six senior Interior Department officials appointed today.

"This group brings a great mix of skills and experience, and will provide great leadership for the Department," Secretary Babbitt said. "They bring a sense of balance. In different ways and in different fields, each has helped build agreements among groups that might otherwise have stayed opposed. That ability, combined with their strong belief in environmental protection, is what makes them so valuable."

Leshy served as Associate Solicitor for Energy and Resources at the Interior Department 1977-1980. For the past 12 years, he has been a professor at the Arizona State University College of Law. He took leave from Arizona State University last summer to serve as Special Counsel to Chairman George Miller of the House Committee on Natural Resources.

After earning a bachelors degree cum laude from Harvard in 1966, Leshy graduated from the Harvard Law School magna cum laude in 1969. He has been admitted to practice in Ohio, California, Arizona and the District of Columbia. From 1969-1972, he was with the Civil Rights Division in the Department of Justice. From 1972-1977, he worked for the Natural Resources Defense Council in Palo Alto, California. He is the author of a book on mining law, a soon-to-be published book on the Arizona State Constitution, and numerous book chapters and articles on public lands, natural resources, water and environmental law. He was also co-author of the recently published third edition of the standard law text on public land and resources law.

He has served on the Board of Directors, Grand Canyon Trust (1987-1992), Phoenix Environmental Quality Commission (1987-1990); Governor's Task Force on Environmental Impact Assessment (1990); Committee on Onshore Oil & Gas Leasing, National Academy of Sciences/National Research Council (1988-1989); Governor's Task Force on Recreation on Federal Lands (1985-1986); and Board of Directors, Arizona Center for Law in the Public Interest (1981-1986).

Leshy, son of John Leshy and the late Dolores Leshy, was born in Winchester, Ohio, and graduated from Peebles High School, Peebles, Ohio, in 1962. He and his wife, Helen Sandalls, have one child, Alec.

SUSAN FALLOWS TIERNEY

From January 1991 through mid-March 1993, Dr. Tierney was the Secretary of Environmental Affairs for the Commonwealth of Massachusetts. She was appointed to this position in January 1991 by Governor William F. Weld. As the Cabinet Officer responsible for environmental matters, Dr. Tierney supervised five departments: Department of Environmental Management; Department of Environmental Protection; Metropolitan District Commission; Department of Fisheries, Wildlife and Environmental Law Enforcement; and the Department of Food and Agriculture. These agencies have a combined operating budget of approximately $140 million, a capital budget of approximately $165 million, and about 2,300 employees.

During the same period, she was also Chairman of the Board of Directors of the Massachusetts Water Resources Authority, the public utility responsible for the Boston Harbor clean-up and for providing water and sewer service to metropolitan Boston. She was also a member of the U.S. EPA's Clean Air Act Advisory Committee, the U.S. EPA's Science Advisory Board (Clean Air Science Advisory Committee), the Ozone Transport Commission, the National EMF Research Program Steering Committee, and the New Bedford Harbor Natural Resources Trustees.

Previously, Dr. Tierney was a commissioner of the Massachusetts Department of Public Utilities from April 1988 through December 1990. The Department of Public Utilities is the state agency that regulates utilities that provide electric, gas, telephone and water service.

While at the Department of Public Utilities, she was Chairman of the Transmission Task Force of the New England Governors Conference Power Planning Committee, and a member of the Energy Conservation Committee of NARU (the National Association of Regulatory Utility Commissioners); the Gas Research Institute's Advisory Council; the Keystone Project on Electric Transmission for Independent Power Producers; and the New England Conference of Public Utility Commissioners.

She has presented testimony before the Federal Energy Regulatory Commission, the U.S. Department of Energy, and the Massachusetts legislature, and has presented speeches at national and regional conferences.

Dr. Tierney served from Fall 1984 through Spring 1988 as the Executive Director of the Massachusetts Energy Facilities Siting Council, the state agency that reviews gas and electric companies' demand forecasts, supply plans, and proposals to construct power plants, electric transmission lines, and natural gas pipelines. From early 1983 through Fall 1984, she was Senior Economist for the Massachusetts Executive Office of Energy Resources. From 1978 to 1982, she was an assistant professor at the University of California at Irvine, where she taught and conducted research in public policy analysis and planning.

Dr. Tierney has a Ph.D. (1980) and Masters degree (1976) in regional planning and public policy analysis from Cornell University. At Cornell, she held the Herbert Lehman Fellowship in the Social Sciences (1974-1978) and the Mackesay Prize for Academic Excellence. She received a B.A. (1973) from Scripps College in Claremont, California, and studied at the L'Institut d' Etudes Politiques, in Paris, France. She holds an honorary degree—Doctor of Laws—from Regis College.

She authored "Preapproval of Utility Resources: A New Approach to Prudency in Massachusetts," the Electricity Journal (December 1990); authored "Using Existing Tools to Pry Open Transmission—A New Proposal," the Electricity Journal (April 1990); coauthored "Datawars: Computer Models in the Federal Government" (Columbia University Press, 1987); coauthored "The Evolution of the Nuclear Debate," Annual Review of Energy, 1978; and authored "The Nuclear Waste Controversy," in Nelkin (Ed.), Controversy: The Politics of Technical Decisions (Sage: 1977; 1984).

She currently resides in Chestnut Hill, Massachusetts, with her husband and two children.

APRIL 1993.

The PRESIDING OFFICER. Under the previous order, the nominees are confirmed, en bloc, and any statements will appear in the RECORD as if read. The motions to reconsider will be laid upon the table, and the President will be immediately notified of the Senate's action.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF THE INTERIOR

John D. Leshy, of Arizona, to be Solicitor of the Department of the Interior.

DEPARTMENT OF ENERGY

Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy (Domestic and International Energy Policy).

Mr. MITCHELL. Madam President, as a result of this action, the Senate today has completed consideration of and approved eight nominations to the Departments of the Treasury, Interior, and Energy.

There remain other nominations on the calendar. It is my intention to proceed to those nominations tomorrow. Under a previous order, agreed to by all Senators, I have the authority to proceed to nominations identified in Calendar Nos. 112 and 114.

I now state my intention to do so following consultation with the Republican leader beginning at 1 p.m. tomorrow.

Those nominations will be considered under specific time agreements, and upon their disposition, we will proceed with other nominations now pending on the Executive Calendar.

There will be no rollcall votes today in light of our ability to obtain approval of these eight nominations without the necessity of a vote. It is my understanding that votes may be required tomorrow on some of the nominees who remain on the Executive Calendar and have as yet not been approved.

LEGISLATIVE SESSION

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on May 14, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on May 14, 1993 are shown in today's RECORD at the end of the Senate proceedings.

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on May 17, 1993, received a message from the President of the United States a nomination, which was referred to the Committee on Banking, Housing, and Urban Affairs.

The nominations received on May 17, 1993, are shown in today's RECORD at the end of the Senate proceedings.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS OF THE SENATE—PM-21

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on May 14, 1993, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 10, 1992, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through March 31, 1993. The last report, dated November 10, 1992, covered events through October 15, 1992.

1. There have been no amendments to the Iranian Transactions Regulations ("ITRs"), 31 CFR Part 560, or the Iranian Assets Control Regulations ("IACRs"), 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control ("FAC") of the Department of the Treasury continues to process applications for import licenses under the ITRs. However, as previously reported, recent amendments to the ITRs have resulted in a substantial decrease in the number of applications received relating to the importation of nonfungible Iranian-origin goods.

During the reporting period, the Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITRs. FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the last report, the Tribunal has rendered 12 awards, for a total of 545 awards. Of that total, 367 have been awards in favor of American claimants: 222 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 145 were decisions adjudicated on the merits. The Tribunal has issued 36 decisions dismissing claims on the merits and 83 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases, and 56 were in favor of Iranian claimants. As of March 31, 1993, awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,340,072,357.77.

As of March 31, 1993, the Security Account has fallen below the required balance of $500 million 36 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring fund from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992. The aggregate amount that has been transferred from the Interest Account to the Security Account is $874,472,986.47. As of March 31, 1993, the total amount in the Security Account was $216,244,986.03, and the total amount in the Interest Account was $8,638,133.15.

4. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000.00 or more. Since the last report, nine large claims have been decided. More than 85 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 76 such claims on the docket. The larger claims, the resolution of which has been slowed by their complexity, are finally being resolved, sometimes with sizable awards to the U.S. claimants. For example, two claimants were awarded more than $130 million each by the Tribunal in October 1992.

5. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than $250,000.00, the Foreign Claims Settlement Commission ("FCSC") has continued its review of 3,112 claims. The FCSC has issued decisions in 1,201 claims, for total awards of more than $22 million. The FCSC expects to complete its adjudication of the remaining claims in early 1994.

6. In coordination with concerned Government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. In November 1992, the United States filed 25 volumes of supporting information in case B/1 (Claims 2 & 3), Iran's claim against the United States for damages relating to its Foreign Military Sales Program. In February of this year, the United States participated in a daylong prehearing conference in several other cases involving military equipment. Iran also filed a new interpretative dispute alleging that the failure of U.S. courts to enforce an award against a U.S. corporation violated the Algiers Accords.

7. As reported in November, Jose Maria Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. No successor has yet been named. Judge Ruda's resignation will take effect as soon as a successor becomes available to take up his duties.

8. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals. Iran's policy behavior presents challenges to the national security and foreign policy of the United States. The IACRs issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the ITRs issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1993.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on May 17, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that pursuant to section 303(a)(1) of Public Law 103–3, the minority leader appoints the following individuals to the Commission on Leave as established by the Family and Medical Leave Act of 1993: Mr. GUNDERSON; and from private life Mr. Richard L. Reinhardt of York, PA, and Ms. Mary Tavenner of Alexandria, VA, on the part of the House.

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2. An act to establish national voter registration procedures for Federal elections, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

The Committee on Finance was discharged from further consideration of the following measure which was referred to the Committee on Labor and Human Resources:

S. 887. A bill to amend the Public Health Service Act to improve immunization rates among children through the establishment of data registries and educational programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–832. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration; to the Committee on Commerce, Science and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 969. A bill to amend title 10, United States Code, to establish the United States Army Reserve Command as a permanent major command of the Army; to designate the Chief of Army Reserve as Commander of the United States Army Reserve Command; and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. AKAKA, Mr. DASCHLE, and Mr. JEFFORDS):

S. 970. A bill to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992, and to make a technical correction relating to the financing of discount points for certain veterans loans; to the Committee on Veterans Affairs.

By Mr. AKAKA (for himself, Mr. HEFLIN, and Mr. FORD):

S. 971. A bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 972. A bill to clarify that certain Federal assistance provided with respect to domestic building and loan associations shall be treated as compensation for purposes of determining the deduction for losses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 973. A bill to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for Mr. HEFLIN):

S. 974. A bill for the relief of Richard Kanehl of Mobile, Alabama; to the Committee on the Judiciary.

By Mr. HELMS:

S. 975. A bill to suspend temporarily the duty on 1,8,- Dichloroanthraquinone; to the Committee on Finance.

By Mr. WARNER:

S. 976. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 977. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. WOFFORD, and Mr. LAUTENBERG):

S. 978. A bill to establish programs to promote environmental technology, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 979. A bill to require the Administrator of the Environmental Protection Agency to establish an environmental export program, and for other purposes; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. METZENBAUM, and Mr. WELLSTONE):

S. 980. A bill to reduce hazardous pollution, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. SIMPSON, and Mr. SIMON):

S. 981. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. CAMPBELL):

S. 982. A bill to extend the purposes of the Overseas Private Investment Corporation to include American Indian Tribes and Alaska Natives; to the Committee on Foreign Relations.

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S.J. Res. 94. A joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for Mr. HEFLIN):

S. Res. 108. A resolution to refer S. 974 entitle "A bill for the relief of Richard Kanehl of Mobile, Alabama" to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 969. A bill to amend title 10, United States Code, to establish the U.S. Army Reserve Command as a permanent major command of the Army; to designate the Chief of Army Reserve as commander of the U.S. Army Reserve Command; and for other purposes; to the Committee on Armed Services.

COMMANDER OF THE U.S. ARMY RESERVE COMMAND ACT OF 1993

Mr. THURMOND. Mr. President, today I am introducing legislation to establish the U.S. Army Reserve Command as a permanent major command of the Army. This is a significant step in the proud history of the Army Reserves and, as one who retired as a major general from the Reserves, I feel that it is long overdue.

Mr. President, in the fiscal year 1992 National Defense Authorization Act, the Congress directed the establishment of the U.S. Army Reserve Command as a major subordinate command of the U.S. Force Command. I supported this legislation with the proviso that after a 2-year trail period, the Secretary of the Army would establish an independent Commission to assess the progress and effectiveness of the command.

That Commission, which was composed of a former member of Congress, and five active duty and Reserve officers, delivered its final report to the Secretary of the Army on October 15, 1992. In this report, the Commissioners unanimously recommended that the U.S. Army Reserve Command become a major Army command and that the commander be elevated to the rank of lieutenant general. Regretfully, of the 15 recommendations made by the Commission, the Secretary of the Army decided not to implement the two key recommendations which the Commission believed would improve the readiness, command, and control of the U.S. Army Reserve.

Mr. President, for many years the Congress has been concerned with the Army's failure to fully implement the spirit and letter of Public Law 90–168, the Reserve Force Bill of Rights and Vitalization Act enacted in 1967. This reluctance to implement the wishes of Congress contrasts sharply with the way the Air Force, Navy, and Marine Corps reacted to Public Law 90–168. For many years now, the Air Force Reserve, which is a separate command, has been a ready and equal partner in the Air Force. In my judgment, it is more than just incidental that the Air Force Reserve enjoys a high state or readiness and professionalism. It is because the Air Force Reserve is a separate command under the command of reservist.

Mr. President, currently all other service Reserves, including the Army National Guard, command and control their own forces until mobilization, at which point they are assigned to a commander in chief. On the other hand, the Army Reserve is subordinate to the U.S. Forces Command, which acts as an unnecessary filter between the Chief of Army Reserves and the U.S. Army Reserve Command. This interposition is an added organizational layer through which all communication and coordination between headquarters Department of the Army and the Reserve Command must pass. By making the Reserve Command a major Army command, we create unity of command and make the commander totally responsible and accountable for all aspects of his command, as are his counterparts in the other services.

Mr. President, concurrent with making the U.S. Reserve Command a major Army command whose commander reports directly to the Army Chief of Staff, my legislation elevates that commander to the grade of lieutenant general. The magnitude and responsibility of the Chief of Army Reserve's command is enormous. When considering all Army Reserves forces—troop program units, individual Ready Reserves, active Guard reservists, individual mobilization augmentees, and retired Reserves subject to recall—the commander of the U.S. Army Reserve Command will command 1.4 million soldiers. The level of authority vested in rank should be commensurate with the extent of the level of responsibility. I believe, as does the Independent Commission, that the grade of lieutenant general more appropriately reflects both the authority and level of responsibility of the commander of the Army Reserve Command.

Mr. President, this legislation is a historic opportunity to improve the peacetime relationships between the active duty and Reserve components of the Army. I urge my colleagues to join me in cosponsoring the legislation and put the Army Reserves at the same level as its counterparts in the other services.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES ARMY RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT MAJOR ARMY COMMAND.—(1) Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§3082. United States Army Reserve Command

"(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Army, with the advice and assistance of the Chief of Staff of the Army, shall establish a United States Army Reserve Command. The United States Army Reserve Command shall be a major command of the Army.

"(b) COMMANDER.—The Chief of Army Reserve is the Commander of the United States Army Reserve Command. The Commander of the United States Army Reserve Command reports directly to the Chief of Staff.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the United States Army Reserve Command all forces of the Army Reserve other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"30982. United States Army Reserve Command.".

(b) GRADE OF CHIEF OF ARMY RESERVE.—Subsection (c) of section 3038 of title 10, United States Code, is amended by striking out "major general" in the third sentence and inserting in lieu thereof "lieutenant general".

(c) CONFORMING REPEAL.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 3074 note) is repealed.

(d) TRANSITION PROVISION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on the plans of the Secretary for implementation of the amendments made by this section. Such implementation shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. AKAKA, Mr. DASCHLE, and Mr. JEFFORDS):

S. 970. A bill amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992, and to make a technical correction relating to the financing of discount points for certain veterans loans; to the Committee on Veterans Affairs.

VETERANS' COMPENSATION RATE CODIFICATION AND HOUSING PROGRAM TECHNICAL CORRECTION OF 1993

• Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am introducing today S. 970, the proposed Veterans' Compensation Rate Codification and Housing Program Technical Correction Act of 1993. I'm pleased to be joined by the ranking Republican member of our committee, FRANK MURKOWSKI, and committee members DENNIS DECONCINI, DANIEL AKAKA, TOM DASCHLE, and JIM JEFFORDS.

COLA CODIFICATION

Mr. President, at the end of the last session of Congress, Congress enacted the Veterans' Compensation Cost-of-Living Adjustment Act of 1992, Public Law 102–510. This law provided a cost-of-living adjustment, effective December 1, 1992, in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans.

Prior to 1992, Congress usually had enacted the annual veterans' compensation COLA in a form that specifies the new, adjusted compensation or DIC rate for each category of compensation provided by title 38 of the United States Code. The calculation of those new rates depends on the actual rate of inflation through the end of the previous fiscal year, September 30. The inflation rate for this period is not published until the middle or end of October.

In 1992, however, Congress acted so expeditiously that the inflation rate was not known at the time Congress took final action on the legislation on September 30, 1992.

Therefore, rather than specifying each specific, adjusted rate, the law simply required the Secretary of Veterans Affairs to increase the compensation rates by the same percentage as the increases automatically provided by law for Social Security and VA pension benefits, which themselves are based on the inflation rate through September 30. The compensation COLA also took effect on the same date that the increase for these other benefits took effect.

Section 1–5 of the bill we are introducing today would codify each actual, adjusted compensation rate that resulted from enactment of last year's compensation COLA law, Public Law 102–510. The legislation will have absolutely no effect on the payments that veterans and their survivors receive, but codifying the new rates will make it easier for everyone to determine the new rates.

For further information about the law enacted last year, I refer my colleagues to the statement by my predecessor as chairman, Alan Cranston, on final Senate passage of that legislation, which appears in the RECORD of September 22, 1992, beginning on page 26633.

I also want to advise my colleagues that we already have started work on this year's veterans' compensation COLA, which I introduced on March 18 as S. 616. That legislation would provide a veterans' compensation COLA effective December 1, 1993, that—like the law enacted last year—will be based on the automatic COLA provided for Social Security and veterans' pension benefits. The Congressional Budget Office estimates that the December 1, 1993, Social Security and VA pension COLA will be 3.0 percent. I urge all of my colleagues to support S. 616 when it comes before the Senate later this year.

HOUSING PROGRAM TECHNICAL CORRECTION

Mr. President, last year, Congress also enacted changes to the VA-guaranteed home-loan program that many housing experts have recognized as the most important improvements since the program took effect in 1944.

The most far-reaching provision of the Veterans Home Loan Program Amendments of 1992 gave veterans, for the first time under this program, the same rights to negotiate the terms of a VA-guaranteed loan that other homebuyers can exercise in negotiating the terms of conventional home loans and home loans insured by the Federal Housing Administration. Under the new law, veterans can negotiate for lower-interest loans by agreeing to pay the lender discount points up front. Each point is equal to 1 percent of the loan amount.

Unfortunately, VA interpreted last year's law as restricting veterans' rights under preexisting law to refinance discount points paid in connection with a VA-guaranteed, interest-rate-reduction refinancing loan.

This special type of VA-guaranteed loan was the one exception to the general rule that prohibited veterans from paying points in connection with a VA-guaranteed loan and financing the points as part of the loan. These loans benefit both the veteran and taxpayers by reducing the monthly payments on the veteran's home loan and thereby reducing the likelihood of default.

The chairman and ranking minority members of the Senate and House Committees on Veterans' Affairs wrote to the Secretary on October 23, 1992, expressing their collective opinion, as managers of the legislation, that Congress did not intend to eliminate veterans' ability to finance points as part of an interest-rate-reduction refinancing loan. The committee leaders stated several reasons they disagreed with VA's interpretation and indicated they would seek to enact clarifying legislation early in the 103d Congress.

Mr. President, I will ask unanimous consent that the letter from the chairmen, Senator Alan Cranston and Representative SONNY MONTGOMERY, and the ranking Republican members, Senator ARLEN SPECTER and Representative BOB STUMP, be printed in the RECORD at the conclusion of my remarks.

Mr. President, this letter sets forth the background of this issue. Unfortunately, VA was not persuaded by the arguments in the letter and the Department's general counsel has ruled that legislation is necessary to restore the previous special rule for interest-rate-reduction refinancing loans.

Section 6 of the bill I am introducing today would clarify that Congress never intended to change the rule allowing veterans to finance discount points as part of an interest-rate-reduction refinancing loan.

CONCLUSION

Mr. President, the COLA codification provisions of this legislation would have no substantive effect and the technical correction affecting the VA-guaranteed home-loan program would simply restore a rule Congress never intended to change. Although both parts of this bill are technical, they will provide real, immediate improvements in the ability of veterans and others to look up current compensation rates and in the availability of a special type of VA-guaranteed home loan that benefits both veterans and taxpayers alike by reducing the monthly costs of a home loan.

Mr. President, I urge my colleagues to support this measure and I ask unanimous consent that the text of the bill and the letter I referred to previously be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISABILITY COMPENSATION.

Section 114 of title 38, United States Code, is amended—

(1) by striking out "$83" in subsection (a) and inserting in lieu thereof "$85";

(2) by striking out "$157" in subsection (b) and inserting in lieu thereof "$162";

(3) by striking out "$240" in subsection (c) and inserting in lieu thereof "$247";

(4) by striking out "$342" in subsection (d) and inserting in lieu thereof "$352";

(5) by striking out "$487" in subsection (e) and inserting in lieu thereof "$502";

(6) by striking out "$614" in subsection (f) and inserting in lieu thereof "$632";

(7) by striking out "$776" in subsection (g) and inserting in lieu thereof "$799";

(8) by striking out "$897" in subsection (h) and inserting in lieu thereof "$924";

(9) by striking out "$1,010" in subsection (i) and inserting in lieu thereof "$1,040";

(10) by striking out "$1,680" in subsection (j) and inserting in lieu thereof "$1,730";

(11) by striking out "$2,089", "$68", and "$2,927" in subsection (k) and inserting in lieu thereof "$2,152", "$70", and "$3,015", respectively;

(12) by striking out "$2,089" in subsection (l) and inserting in lieu thereof "$2,152";

(13) by striking out "$2,302" in subsection (m) and inserting in lieu thereof "$2,371";

(14) by striking out "$2,619" in subsection (n) and inserting in lieu thereof "$2,698";

(15) by striking out "$2,927" each place it appears in subsection (o) and (p) and inserting in lieu thereof "$3,015";

(16) by striking out "$1,257" and "$1,872" in subsection (r) and inserting in lieu thereof "$1,295"and "$1,928", respectively; and

(17) by striking out "$1,879" in subsection (s) and inserting in lieu thereof "$1,935".

SEC. 2. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) of title 38, United States Code, is amended—

(1) by striking out "$100" in subparagraph (A) and inserting in lieu thereof "$103";

(2) by striking out "$169" and "$52" in subparagraph (B) and inserting in lieu thereof "$174" and "$54", respectively;

(3) by striking out "$69" and "$52" in subparagraph (C) and inserting in lieu thereof "$71" and "$54", respectively;

(4) by striking out "$80" in subparagraph (D) and inserting in lieu thereof "$82";

(5) by striking out "$185" in subparagraph (E) and inserting in lieu thereof "$191"; and

(6) by striking out "$155" in subparagraph (F) and inserting in lieu thereof "$160".

SEC. 3. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 of title 38, United States Code, is amended by striking out "$452" and inserting in lieu thereof "$466".

SEC. 4. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 of title 38, United States Code, is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$634	W-4	$911
E-2	654	O-1	803
E-3	672	O-2	829
E-4	714	O-3	888
E-5	732	O-4	939
E-6	749	O-5	1,035
E-7	785	O-6	1,168
E-8	829	O-7	1,262
E-9	[1]866	O-8	1,383
W-1	803	O-9	1,483
W-2	835	O-10	[2]1,627
W-3	860		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $934.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,744.";

(2) by striking out "$185" in subsection (c) and inserting in lieu thereof "$191"; and

(3) by striking out "$90" in subsection (d) and inserting in lieu thereof "$93".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) of title 38, United States Code, is amended—

(1) by striking out "$310" in paragraph (1) and inserting in lieu thereof "$319";

(2) by striking out "$447" in paragraph (2) and inserting in lieu thereof "$460";

(3) by striking out "$578" in paragraph (3) and inserting in lieu thereof "$595"; and

(4) by striking out "$578" and "$114" in paragraph (4) and inserting in lieu thereof "$595" and "$117", respectively.

(b) Supplemental DIC for Disabled Adult Children.—Section 1314 of such title is amended—

(1) by striking out "$185" in subsection (a) and inserting in lieu thereof "$191";

(2) by striking out "$310" in subsection (b) and inserting in lieu thereof "$319"; and

(3) by striking out "$157" in subsection (c) and inserting in lieu thereof "$162".

SEC. 6. TECHNICAL CORRECTION RELATING TO THE FINANCING OF DISCOUNT POINTS.

Section 3703(c)(4)(B) of title 38, United States Code, is amended in the second sentence by striking out "Discount" and inserting in lieu thereof "Except in the case of a loan for the purpose specified in section 3710(a)(8) or 3712(a)(1)(F) of this title, discount".

Congress of the United States,
Washington, DC, October 23, 1992.

Hon. Anthony J. Principi,
Acting Secretary of Veterans Affairs, Washington, DC.

Dear Tony: As the Chairmen and Ranking Republican Members of the Senate and House Committees on Veterans' Affairs, we are writing with regard to the Department's interpretation of a provision in the Veterans Home Loan Program Amendments of 1992 (H.R. 939), which is awaiting the President's signature. As the managers of this legislation, we want to make clear that Congress did not intend to restrict veterans' rights under current law to finance any discount points they pay to obtain a VA-guaranteed interest-rate reduction refinancing loan.

Section 10 of H.R. 939 authorizes VA to suspend the requirement that the Secretary establish maximum interest rates for VA-guaranteed loans and allow the rates to be negotiated between buyers and lenders. If VA exercises the negotiated-rate authority, it also must allow veterans to pay discount points for the loans. Section 10 contains a general prohibition against veterans financing the points as part of the VA-guaranteed loan. When Congress passed this provision, we were aware that sections 3703(c)(3)(A) and 3710(e)(1)(C) of title 38 allow veterans to pay discount points on interest-rate-reduction refinancing loans—and to finance those points as part of the loan. We note that H.R. 939 did not amend either of these provisions to restrict or repeal this authority. The general language of section 10 of H.R. 939 should not be interpreted as an implied repeal of the more-specific authority allowing veterans to finance discount points paid for interest-rate-reduction refinancing loans.

The congressional intent to leave this authority intact is clear from another provision in the same bill. Section 6 requires VA to increase its guaranty on interest-rate-reduction refinancing loans to at least 25 percent of the final loan balance when a veteran's financing of discount points and other closing costs for such a loan would make the existing guaranty less than 25 percent of the amount of the new loan. Discount points are the most significant potential closing cost of these loans. The congressional history of this section shows clearly that the purpose of section 6 was to allow veterans to finance points and other closing costs as part of an interest-rate-reduction refinancing loan without having to make a downpayment in lieu of the additional guaranty that section 6 will provide. If discount points could not be included in an interest-rate-reduction refinancing loan, there would have been little reason for Congress to enact section 6.

In addition to the general principle of statutory construction discouraging interpretations of a law as constituting an implied repeal of existing provisions, we believe that these specific considerations would make it especially dubious for VA to interpret section 10 of H.R. 939 as repealing by implication the existing provisions of law allowing veterans to finance discount points as part of an interest-rate-reduction refinancing loan.

We hope that this letter clarifies the congressional intent of section 10. We believe that the 103d Congress will enact clarifying legislation very early in the new year reflecting the position we have stated.

Thank you for your attention to this matter, Tony, and for your efforts to ensure that veterans' ability to refinance their loans is not impaired.

Sincerely,

Alan Cranston,
Chairman, Senate Committee on Veterans' Affairs.
G.V. (Sonny) Montgomery,
Chairman, House Committee on Veterans' Affairs.
Arlen Specter,
Ranking Republican Member, Senate Committee on Veterans' Affairs.
Bob Stump,
Ranking Republican Member, House Committee on Veterans' Affairs.●

By Mr. AKAKA (for himself, Mr. Heflin, and Mr. Ford):

S. 971. A bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes; to the Committee on Energy and Natural Resources.

PARK LEGISLATION

● Mr. AKAKA. Mr. President, I reintroduce legislation relating to two historic battlefields in the Pacific campaign of World War II. Senators Heflin and Ford have joined me in cosponsoring the bill. My legislation would increase authorizations for the War in the Pacific National Historic Park on Guam and the American Memorial Park on Saipan. An identical bill passed the Senate by unanimous consent last year, but the measure did not reach the House floor before the 102d Congress adjourned.

Next summer will mark the 50th anniversary of the liberation of the U.S. territory of Guam and the capture of the islands of Saipan and Tinian, both of which are part of the U.S. Commonwealth of the Northern Mariana Islands today. These island sites were host to two of the largest land battles of the World War II Pacific campaign. Nearly 6,000 U.S. soldiers and civilians gave their lives in these battles.

These dearly-bought victories are representative of the island-hopping campaign which characterized the unique, ferocious war in the Pacific theater, a campaign which led to the eviction of enemy Japanese forces from strategic islands in the Central and Southwest Pacific, and, eventually, to the surrender of Japan.

For the U.S. Marines and soldiers who survived these battles, as well as the families and descendants of those who perished, the words Saipan, Tinian, and Guam are synonymous with courage, duty, and sacrifice. Thoughts of these battles stir the deepest emotions in all who served in the Pacific campaign.

Unfortunately, despite the significance of the Marianas campaign and the river of blood spilled there by American servicemen, the condition of these historic battlefields is an affront to all Americans. Facilities at these sites are limited or nonexistent. Little identifies or interprets the history of these battles or recognizes the sacrifices of those who died there. Rust corrodes the tanks and cannons on public display, weeds and grass cover roads and walkways, and facilities are marred with graffiti.

The 50th anniversary of these battles will soon be upon us. Yet little has been done to construct the facilities necessary for a proper interpretation of these watershed battles of the Pacific War. I fear that unless Congress enacts this legislation in the very near future, the 50th anniversary of these battles will come as a grave disappointment to veterans returning to these sites 1 year from now.

Mr. President, the issue we face is rather simple. Congress and the Clinton administration must ask itself whether what we fought for in 1944 is worth honoring today. I certainly believe it is.

How we treat those who fought and died on our behalf is a reflection of our national character. We must fulfill the commitment made years ago to establish these battlefield parks as a lasting remembrance of these events for years to come.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) June 15 through August 10, 1994, marks the 50th anniversary of the Mariana campaign of World War II in which United States forces captured the Japanese islands of Saipan and Tinian and liberated the United States Territory of Guam from Japan;

(2) an attack during this campaign by the Japanese combined fleet, aimed at annihilating the United States forces that had landed on Saipan, led to the battle of the Philippine Sea, which resulted in a crushing defeat for the Japanese by United States naval forces and the destruction of the effectiveness of the Japanese carrier-based airpower;

(3) the recapture of Guam liberated one of the few pieces of United States territory that was occupied by the enemy during World War II and restored United States Government to more than 20,000 native Guamanians;

(4) units of the United States Army, Navy, Marine Corps, and Coast Guard fought with great bravery and sacrifice, suffering casualties of approximately 5,700 killed and missing and 21,900 wounded in action;

(5) United States forces succeeded in destroying all Japanese garrisons in Saipan, Tinian, and Guam, which resulted in Japanese military casualties of 54,000 dead and 21,900 taken prisoner;

(6) Guamanians, notably members of the Navy Insular Force Guard and volunteer militia, bravely resisted the invasion and occupation of their island, and ultimately assisted in the expulsion of Japanese forces from Guam;

(7) at the hands of the Japanese, the people of Guam—

(A) were forcibly removed from their homes;

(B) were relocated to remote sections of the island;

(C) were required to perform forced labor and faced other harsh treatment, injustices, and death; and

(D) were eventually placed in concentration camps and subjected to retribution when the liberation of their island became apparent to the Japanese;

(8) the seizure of the Mariana Islands severed Japanese lines of communication between Japan proper and those remaining Japanese bases and forces in the Central Pacific south of the Mariana Islands and in the South Pacific as well;

(9) the Mariana Islands provided large island areas on which advance bases could be constructed to support further operations against Japanese possessions and conquered territories such as Iwo Jima and Okinawa, the Philippines, Taiwan, and the south China coast, and ultimately against the Japanese home islands;

(10) the Mariana Islands provided, for the first time during the war, island air bases from which United States land-based airpower could reach Japan itself; and

(11) the air offensive staged from the Mariana Islands against Japanese cities and economic infrastructure helped shorten the war and vitiate the need for the invasion and capture of the Japanese home islands.

SEC. 2. SENSE OF CONGRESS

It is the sense of Congress that—

(1) an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned; and

(2) the Secretary of the Interior should take all necessary steps to ensure that two visitors centers to provide appropriate facilities for the interpretation of the events described in section 1 are completed, one at the War in the Pacific National Historical Park and one at the American Memorial Park, before June 15, 1994, the beginning of the 50th anniversary of the campaign.

SEC. 3. WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.

Section 6(k) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 493; 16 U.S.C. 410dd(k)), is amended by striking "$500,000" and inserting "$8,000,000".

SEC. 4. AMERICAN MEMORIAL PARK.

Section 5(g) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 492), is amended by striking "$3,000,000" and inserting "$8,000,000".•

By Mr. DORGAN:

S. 972. A bill to clarify that certain Federal assistance provided with respect to domestic building and loan associations shall be treated as compensation for purposes of determining the deduction for losses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S&L LEGISLATION

Mr. DORGAN. Mr. President, the taxpayers of this country are getting taken for a ride, and it's not by the President's economic plan.

Rather, it's by some of the Wall Street operators who made hay during the 1980's and left the taxpayers with the bill. And now some of these same people have the nerve to come back for second helpings.

They are buying failed savings and loans at fire sale prices, and then taking tax deductions for their alleged losses—even though they have already been reimbursed for these losses by the Federal bailout plan. It is outrageous, and we in Congress should stop it.

That's what I'm proposing today. It is bad enough that our honest taxpayers had to pay once to clean up the S&L mess. To make them dig down a second time, on behalf of the people who are profiting from this fiasco, would be a disgrace. The tax laws of this country should reward people for building up our economy, not for tearing it down.

Back in 1990, the Treasury Department reported to Congress that no reasonable authority has ever existed for this double dipping. Furthermore, the Treasury Department has said that the IRS intends to litigate these cases for all open years. And it would probably win these cases under existing law.

Still, that would require years of expensive litigation against well-financed litigants. It would require enormous legal costs and still more burden for our taxpayers. Congress can prevent that madness through a simple step: We can simply emphasize and underline that the reimbursed losses are not deductible—under existing law. My legislation would do just that. It would cover all past and future Federal assistance payments made to investors of failed financial institutions. It would prevent them from claiming losses from the disposition or repurchase of any asset of such institution, when that loss has already been compensated.

Some of the S&L operators may allege this is a retroactive change in the law. However, that claim doesn't wash because Congress never approved a tax deduction for covered losses and reimbursed expenses to begin with. My legislation merely clarifies what the tax law says already—and has said for the last 98 years. It specifies that a deduction is allowable only to the extent that the loss is "not compensated by insurance or otherwise." Congress never intended to allow thrift acquirers to deduct losses when they are reimbursed for such losses by the Federal Government. It's just that simple.

When the Treasury originally sought this clarifying law, it proposed a March 4, 1991, effective date, which was the date it released its report on the double dipping problem. The effective date in my bill is better because it would prevent a swamp of litigation for the 10 prior years. However, if the Congress chooses the Treasury's effective date, we should make it absolutely clear that Congress in no way sanctions the deduction of phantom losses before that date. We must not undermine the efforts of the IRS to litigate open tax years in which S&L acquirers double dipped. There is absolutely no compelling reason in this case to cut a deal on the backs of the American taxpayer.

My legislation also addresses the tax treatment of assets the RTC buys back from S&L acquirers which it can do under most of its negotiation agreements. Sometimes the RTC takes this costly step to avoid an alternative that is even more costly—maintenance payments which effectively guarantee a generous rate of return.

You read that right. The RTC virtually guarantees a profit to investors who buy assets of failed S&L's. Then, the investors, who get these cushy deals, turn around and claim tax benefits when the RTC buys back the assets, generally for their book value. To the extent this guarantees that an S&L acquirer suffers no economic loss, that's fine. But, some are apparently taking a tax loss based on the premise that part or all of the government purchase price doesn't count, and that they can report a loss as though they never received the money. There's nothing in the tax law to suggest that this ridiculous loss deduction is permissible. It's just a sophisticated ploy, and taxpayers shouldn't be asked to pay for it, nor for the cost of litigating the issue. That's why my legislation would close these controversies before they begin.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN FEDERAL ASSISTANCE PROVIDED WITH RESPECT TO DOMESTIC BUILDING AND LOAN ASSOCIATIONS.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any section 597 payment made with respect to any loss of principal, capital, or similar amount upon the disposition of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any section 597 payment made with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) SECTION 597 PAYMENT.—For purposes of subsection (a), the term "section 597 payment" means any assistance provided after December 31, 1980, if section 597 of the Internal Revenue Code 1986 (as in effect with respect to such assistance) excluded such assistance from gross income. Such term shall not include payments to which the amendments made by section 1401(a)(3) of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 apply.

(c) TREATMENT OF AMOUNTS PAID FOR REPURCHASE OF ASSETS.—Nothing in section 597 of the Internal Revenue Code of 1986 shall be construed to exclude from gross income any amount paid by the Federal Savings and Loan Insurance Corporation, the FSLIC Resolution Fund, the Resolution Trust Corporation, or the Federal Deposit Insurance Corporation for the repurchase of an asset or to exclude such amount in determining gain or loss under section 1001 of such Code.

(d) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 1980.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 973. A bill to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and for other purposes; to the Committee on Finance.

TELEVISION VIOLENCE REPORT CARD ACT OF 1993

Mr. DORGAN. Mr. President, I have introduced in the Senate today a piece of legislation dealing with television violence, and I want to describe it to my colleagues.

My colleague Senator SIMON, from the State of Illinois, has done a lot of excellent work in this area. My colleague Senator CONRAD, from North Dakota, has recently held a hearing on this subject. My colleague Senator DURENBERGER, of Minnesota, recently introduced some legislation on the subject of TV violence as well.

The most aggressive outbreak of violence in this country is not in the streets but on our television sets, and that is saying something because we are a very violent country. This country is the murder capital of the world. Some say that the increase in violence in America is attributable, at least in some part, even if in some small part, to the substantial increase in violence on television. There are plenty of studies on a number of sides of this issue, and there is disagreement. But I do not think there is any disagreement in the minds of most Americans that what we see on television, this increasingly violent television, injures America's children. Children aged 3, 4, 5, 6, and even up into the teens, but especially in the early years, cannot easily distinguish between fantasy and reality, and yet on television they see images of murders, of beatings, of bludgeonings.

I had two pediatricians from North Dakota in my office recently, and they told me something interesting. They said we are seeing young children in our offices who have different kinds of injuries than we used to see. One said, "Just recently I saw a young boy come in who had been hit in the head with a baseball bat by a neighboring boy. Why? Because this little neighbor boy watches 'Teenage Mutant Ninja Turtles' and did not understand the difference between fantasy and reality, and picked up a baseball bat, like a Ninja Turtle does, and hit his neighbor boy in the head."

Clearly, there must be some kind of relationship between violence on television and violence in our country. There is certainly a relationship between violence on television and some kind of injury to America's children.

Prime time violence tripled on television during the 1980's according to the American Academy of Pediatrics.

I want you to imagine the following scene with me. Imagine that you have young children in your home, and a large truck drives into your driveway, and a man in an expensive suit gets out of the truck and knocks on your door. He has come to your house to make a proposition to you today. He has a troupe of actors with him in the truck, and he has a lot of dazzling props in his truck as well. He proposes to take them into your living room, these actors and these props, and he proposes to put on a performance.

These actors and actresses will stab each other; they will shoot each other; they will bludgeon each other to death; they will bleed and yell and scream; they will firebomb; they will enact at least 32 such gory scenes every single hour, about one every 2 minutes.

These actors and actresses will come back and repeat these enactments tomorrow, the next day, and every day after that. They will spend more time with your children in your living room than you do. They will teach your children that the way to solve problems and the way to settle disputes is by killing. They will convey to your children that the adult world approves of these actions. It is the way the adult world behaves; it is glamorous and attractive; it is cool.

Is there in this country a parent who would accept that offer? I do not think so. More likely, we would call the police if someone knocked on our door with a proposition to put on those performances in our living room. We would probably report to the authorities the man in the expensive suit as someone who wants to harm our children. Yet this transaction happens every day in this country in virtually every home with children, through the television box in the living room, and it happens through that television because parents have an increasingly difficult time guarding the door. They try hard, but it is awfully difficult to succeed.

I do not suggest we ought to censor, and I do not suggest we ought to regulate; I do not suggest that we create a thought police or decide what someone can say or when someone can say it in this country. So I do not offer today in this Senate a proposal that infringes on the rights of broadcasters to bring to the American people through the television virtually anything that broadcasters want to bring and that the American people will accept.

I would go at this problem in a different way. I think it is important for parents to be able to understand how to supervise the viewing habits of children. What I would do is use a simple, market-based approach: give parents information. My legislation proposes that the Federal Communications Commission will be required, once a quarter, to issue a television violence report card, which will provide American families information about the frequency of violence by each television program and by each sponsor of the program.

Why do I propose that? Because I think parents ought to have the information. Those who sponsor these programs have an enormous amount of information that the Government gives them. We take a census, which develops enormous amounts of market information these companies can use. Why doesn't the Federal Communications Commission simply give parents the information about who is sponsoring this television violence and which shows contain this television violence so that we can supervise the children in their viewing and move them away from watching the most violent television programs?

There are, I suppose, a couple of choices that we can take at this point. We can sit passively by and say, yes, violence has tripled on television in the past decade. We can do nothing about it and say, "It does not matter. There is no cause-effect relationship between what children see and what happens in our society."

If you believe that, then you will believe that television stars do not affect children's habits with respect to listening to music, with respect to dress, with respect to behavior. But, of course, we know that is not true. We know TV stars have enormous influence on people of all ages but especially children. Television violence surely must have an influence on America's children as well.

I do not believe we should sit passively by. I think the approach, the proper approach, is not to decide to regulate, not to decide to censor, but to decide to develop a market-based decision mechanism which gives parents and gives the American people the information with which to make viewing decisions for themselves and for their children.

If parents decide that a show is the most violent show on television, according to the television violence rating report card issued by the Federal Communications Commission and based on the actual sampling of the programs, then they may want to say to their children, "We do not want you watching during this hour." Perfectly appropriate. In order to do that, they have to have the information. I am proposing we develop the information.

If parents want to register with a sponsor their displeasure at that company's sponsorship of an increasingly violent program, they ought to have the information with which to do that. That is a market-based approach that simply provides American parents and the American people with information so that they can take some action on their own volition to supervise the viewing habits of their children and to make comments and to provide input to those who are sponsoring this kind of television violence.

Some say, "What about the movies?" Well, when you go to the movies, you decide that you want to get in your car and drive someplace, take your wallet out and spend money, and you make a decision. We rate movies in this country. You decide what the rating of that movie is and you decide whether you want to go there and view the movie. That is a decision you make as a consumer. You can make a better decision because it has a rating. You can decide whether it is an R, whether it is a PG, whether it is a G, and you can make a decision whether you want to see it, whether it is appropriate for you to take your kids to see it.

But the same is not true with the television. I do not have to go anyplace to see the television. A couple of young 4-year-olds' hands can turn the button on and that television box in your living room comes alive. It might be alive with violence that would incur an R rating if it were shown in a movie theater. To supervise that in the home is very difficult.

I simply suggest that the Government not interfere but simply start helping parents to try to deal with this dilemma. I can hear now the objection. The people who sit in tall buildings in big offices, who disparage the cause and effect relationship between increasing television violence and greater violence in our society because violence sells, increase television violence because there is this enormous competition among this myriad of cable and broadcast networks. So they compete in showing violence.

How do they compete? By being more outrageous, more violent, more daring. That is the way they compete. They will sit in their plush offices and say, "This is once more an attempt to censor us." I do not support censorship. But I want at least some information about the connection between the cause and the effect.

I want those who put this box in our living room with 32 acts of violence an hour in prime time to have some understanding that the people out there who watch their shows have information that tells who sponsors this violence so that the people can register their opposition, if they so choose, to those sponsors.

Mr. Lawrence Gordon, who in 1979 produced a movie called "The War Warriors," had something to say about violence. The movie was recalled because it prompted so much violence on the part of young viewers. In fact, three killings were linked to the film the first week it was shown.

Here is what Mr. Gordon said.

> I would be lying if I said people don't imitate what they see on the screen. I would be a moron to say they don't because look how dress styles change. We have people who want to look like Julia Roberts and Michelle Pfeiffer and Madonna. And of course we imitate. It is impossible for me to think that they would imitate our dress, our music, our looks but would not imitate any of our violence or our other actions.

Mr. Gordon is right. Of course children imitate. And that is the problem. They pick up cues from television about how to solve their problems and how to be cool. That is why advertisers spend so many millions striving to reach these children through television.

I talked about prime time today. It is not just prime time. You can turn on the specific children's programs directed toward children and you will see increasing acts of violence on those programs as well. That is why we need to help parents supervise their children and their viewing habits and help parents reach those advertisers.

That is why I have introduced the legislation today that would require the Federal Communications Commission to issue on a quarterly basis a report that would provide that help, a television violence report card that gives that information to Americans.

I urge my colleagues to support this legislation. This is not the only idea, probably not even the best idea, on this subject. But I look forward to working with my colleagues, my colleague Senator CONRAD, my colleague Senator SIMON, my colleague Senator DURENBERGER, and others who understand this is a problem and one that we ought to pay some attention to.

The most aggressive outbreak of violence in America today is not in the streets of our cities. It is in the American living room. It is television that is filling the American home—and the minds of our children—with scenes of murder and bloodshed.

Some 1,800 scenes of violence are projected into the American home on a typical TV broadcast day. Prime time violence tripled during the 1980's, the American Academy of Pediatrics reports.

Especially on childrens shows, violence has run absolutely amok. Last year there were 32 acts of violence per hour on childrens shows—an all-time record. By the time our children finish elementary school, they have witnessed 8,000 murders and 100,000 acts of violence on TV.

It is not the role of government in this country to tell people what they can watch. Nor should we try to tell broadcasters and sponsors what they can put on TV.

But nor should we sit passively by, while our homes are being filled with scenes of violence and gore. We can help parents talk back to the media. We can help them express their own choices in the marketplace.

That's what I'm proposing—a market-based solution to the problem of violence on TV. Under this approach, the government wouldn't regulate; parents would, and other concerned adults too. Government would do for them no more than it does for business of all kinds: gather information that would help parents express their own free choices.

Specifically, the Federal Communications Commission would issue a quarterly report on violence on TV. It would tell the public which shows, and which corporate sponsors, portray the most violence. Then, when parents go to the supermarket or the shopping mall, they could cast their own vote of approval or disapproval at the checkout counter. They could send a market message on the subject of violence on TV—one the corporate sponsors would understand.

If Americans don't really care about this violence, then it would continue. If they do care about it, and send their market message accordingly, then it would change. That's the way a democracy and a market economy are supposed to work.

But this bill is about more than market messages. It's about more than violence on TV. It would start to get at something much more basic in our society: the breakdown in the connection between actions and consequences that is the warp and woof of any civilized society.

Violence on TV is just one symptom of this much larger problem.

Imagine the following scene. A large truck drives up to your house, and a man in an expensive suit gets out and knocks on your door. He's come to make a proposition.

He has a troup of actors in the truck, he says, and a lot of dazzling props. He wants to take them into your family living room and put on a show for your kids. The actors will shoot and stab and beat one another to a bloody pulp. They will firebomb cars and buildings.

They will enact at least 32 such gory scenes each hour—about two a minute. And they will come back and repeat these enactments tomorrow, and the next day, and the day after that. They will spend more time with your children than you do yourself. They will teach them to solve problems and to settle disputes by killing. They will convey to them that the adult world approves of this kind of behavior—that it is glamorous an attractive and the way the coolest adults themselves behave.

Is there a parent in this country that would accept that offer? More likely, they would call the police. They would report the man in the expensive suit for child molesting. Yet precisely this transaction happens every day in America, millions of times. But because it happens through TV, parents have a much harder time guarding the door. They try very hard, but they don't always succeed.

Television enables the media and corporate sponsors of this country to slip by the parents and speak directly to the kids. And because they sit in corporate offices in tall buildings in cities far away, they are insulated from the consequences on their own behavior.

I was raised in Regent, ND, a small town of some 300 people in the northwest corner of my State. Most of the folks in town knew one another, and the merchants were part of the community. None of those local merchants would dare exploit the kids the way TV does. The community would have been outraged. Folks would have driven to the next town, if necessary, to avoid doing business with that merchant.

That's the law of social cause and effect. If you try to exploit children—if you try to subject them to unhealthy influences—then you will pay a price. But that law gets diluted when we have huge corporations speaking through the mass media. There's no face-to-face contact. It's all impersonal and anonymous. People lose track of who's doing the talking and how to express their outrage.

That's why we have to do a little extra to right the balance—to start to restore the connection between action and consequence. Not through government and bureaucracy, but by giving people the tools to do what the folks in Regent would have done: to choose not to do business with the people who are inflicting these scenes of violence and gore upon the minds of our Nation's children.

My bill would require the FCC to report to the parents and citizens of this country on the amount of violence on TV. It would enable the public to know exactly which networks, and which corporate sponsors, are responsible for this violence. By fixing the individual responsibility in this manner, it would enable the laws of social cause and effect to take effect, without any regulation by government.

This bill would work from the ground up, rather than the top down. It would help to strengthen the roles of families and communities as the bulwarks of standards in our society.

The FCC would make these reports quarterly, including at least one sweeps week, when networks push the bloodshed peddle to the floor to get higher ratings. At first the survey would include only the major networks plus Fox, but it could be expanded in later years. The bill would not cost much money. The National Coalition on Television Violence, which does similar surveys from time to time, says that they cost about $10,000 a shot. Even allowing for bureaucratic bloat, we're talking about a pittance, especially considering the benefits to the whole society.

Besides, why shouldn't the Government start helping parents, the way it helps corporations? The Federal Government spends millions and probably billions of dollars a year, gathering data for use by business. The Census Bureau alone provides a treasure trove of demographic research for ad agencies and corporate marketing departments. Corporations use this Government data to target consumers. Now it's time to give parents data by which they can target advertisers who are abusing their children.

I can hear the people sitting in the plush offices in Manhattan and Los Angeles. They are saying that there's no evidence that violence on TV is harmful to kids. That we need further studies. I'm not making this up. "The issue is so complex," whined one former network executive recently. "It's not appropriate to deal with this in some superficial way. I don't think we know enough yet."

That's what happens to people who live in the gilded cocoon of commercial television. They start talking the way the tobacco industry talked for years. Well, parents do feel that they know enough; and more important, that they've had enough. The fact is, the National Institute of Mental Health and a host of other researchers have found—not surprisingly—a connection between what kids see on TV and what they do.

But this is a question for parents to decide for themselves. I have yet to meet a parent who thinks that violence on TV is good for their kids—that it has no effect, that we should just sit back and do nothing while this violence increases. If anyone has further doubts, I suggest they listen to Mr. Lawrence Gordon, who produced the 1979 movie "The Warriors." The movie was recalled because it prompted so much violence on the part of young viewers. Three killings were linked to the film the first week it was shown.

"I'd be lying if I said that people don't imitate what they see on the screen," Mr. Gordon said recently.

> I would be a moron to say they don't, because look how dress styles change. We have people who want to look like Julia Roberts and Michelle Pfeiffer and Madonna. Of course we imitate. It is impossible for me to think they would imitate our dress, our music, our look, but not imitate any of our violence or our other actions.

Of course children imitate. Of course they pick up cues from television regarding how to solve their problems and how to be cool. That's why advertisers spend so many millions striving to reach those kids through TV. And that's why we have to help parents reach those advertisers.

I urge my colleagues to support this legislation and I ask unanimous consent that the entire text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Television Violence Report Card Act of 1993".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Television is bringing an epidemic of violence into the American home. Twenty-five percent of prime-time television shows contain "very violent" material, according to the National Coalition on Television Violence.

(2) This epidemic has been growing steadily worse. Prime time violence tripled during the 1980's, the American Academy of Pediatrics reports.

(3) Shows aimed at children are especially violent. According to a University of Pennsylvania study, children's programming contains over 30 violent acts per hour, an all-time record.

(4) The average child watches 8,000 murders and 100,000 acts of violence before finishing elementary school on television.

(5) There is overwhelming evidence that children tend to imitate the behavior they see on television. The National Institute of Mental Health states that violence on television leads to aggressive behavior by children and teenagers who watch violent television programs.

(6) The growing international media market has put a premium on "action"-type television shows that require little verbal translation, making violence a major United States export to the rest of the world.

(7) It is not the role of government to tell people what to watch or broadcasters what to show, but the Federal Government should bolster the ability of families and communities to make these decisions themselves.

SEC. 3. ESTABLISHMENT OF TELEVISION VIOLENCE REPORT CARD PROGRAM.

(a) REGULATIONS.—The Federal Communications Commission (hereinafter referred to as the "Commission") shall, by regulations promulgated not later than 6 months after the date of enactment of this Act, establish a program for—

(1) evaluating and rating television programs, with respect to the extent of the violence contained in those programs; and

(2) publishing such ratings in the form of a Television Violence Report Card.

(b) PROGRAM SELECTION.—Under the program required by subsection (a), the Commission shall—

(1) select, within each quarter of a calendar year, at least one week for the Commission to evaluate the extent of the violence contained in each of the programs carried on any of the national broadcast television networks, or on cable television systems (in the case of programs available to a substantial percentage of the households that subscribe to cable television service nationally), during that week's prime-time and Saturday morning time slots; and

(2) ensure that at least one of the weeks selected under paragraph (1) in any calendar year is a sweeps week.

(c) VIOLENCE RATINGS OF PROGRAMS AND SPONSORS.—After evaluating the television programs described in subsection (c), and in accordance with criteria established by the regulations promulgated under this section, the Commission shall—

(1) rate those programs in terms of the extent of the violence they contain; and

(2) rate program sponsors in terms of the extent to which they sponsor television programs that contain a high degree of violence.

(d) REPORT CARD.—In the quarter following any quarter for which the Commission has made evaluations under this section, the Commission shall publish in the Federal Register a Television Violence Report Card that reports the violence ratings by the Commission under subsection (c) of the programs so evaluated and the sponsors of those programs.

By Mr. HELMS:

S. 975. A bill to suspend temporarily the duty on 1,8-Dichloroanthraquinone; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. HELMS. Mr. President, I am today introducing legislation on behalf of Ciba-Geigy to suspend temporarily the duties on 1,8-Dichloroanthraquinone.

Ciba-Geigy is a leading developer and manufacturer of agricultural chemicals, pharmaceuticals, dyes, plastics, and specialty chemicals in the United States. Ciba-Geigy employs over 1,500 people in North Carolina.

Ciba-Geigy is a major importer of 1,8-Dichloroanthraquinone, a dyestuffs intermediate that is used in the production of high lightfast disperse dyes. These dyes are in turn used in such things as the coloring of automotive fabrics.

The company must import this product from manufacturers in India and England because there are no United States producers of this product.

Enactment of a duty suspension of 1,8-Dichloroanthraquinone will help Ciba-Geigy moderate its costs and play an important role in making the U.S. automobile and textile industries more competitive.

By Mr. WARNER:

S. 976. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

STADIUM LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which will allow the Washington Redskins professional football organization to remain in the Nation's Capital and to provide enjoyment and economic benefits for the Washington metropolitan area for many years to come. Legislation has been introduced on the House side, and I join with the distinguished Representative from the District of Columbia in introducing legislation on the Senate side.

Let me state clearly at the beginning of my remarks that there is no cost to the American taxpayer for this legislation.

Specifically this legislation, which is the result of extensive discussions between the National Park Service, the District of Columbia and the Washington Redskins organization, authorizes the construction and operation of a new stadium located in Anacostia Park and extends the terms of the present lease for parking lots at Robert F. Kennedy Memorial Stadium for 99 years.

To remain consistent with the current law, the District of Columbia Armory Board will be the authority for the new stadium, thus controlling all stadium activities.

My active interest in providing a new home for the Washington Redskins and in responding to the District's financial constraints goes back to 1986 when I sponsored legislation to transfer all rights and title to the Robert F. Kennedy Memorial Stadium to the District of Columbia. That legislation, S. 1596, was amended and became Public Law 99–581.

Currently, the District of Columbia holds title to the RFK Memorial Stadium structure, while the National Park Service retains ownership to all lands beneath the stadium, the parking lots, and adjacent properties. There exists a lease arrangement between the National Park Service and the District of Columbia for the operation of the parking lots surrounding the stadium.

The legislation I am introducing today continues this relationship between the Federal Government and the District of Columbia. The Armory Board will manage the activities at the new stadium, the National Park Service will have the authority to extend the lease for the parking lots, and all title to lands remain with the National Park Service.

Mr. President, the Redskins organization has been negotiating for some time to find a suitable location for a new home. I am pleased that there have been successful discussions with the National Park Service and the District of Columbia to allow for the introduction of this bill today.

I am also pleased that the construction of the new 78,600-seat stadium will be confined to Park Service property that is currently used as a parking lot for RFK stadium.

I want to emphasize that neither the Langston Golf Course nor Children's Island will lose any property or be adversely impacted by this new design. Further, there will be no taking of private property for this project, and lastly, there will be no filling of Kingman Lake.

This proposal has been the focus of extensive discussions and public meetings. Recently, a draft Environmental Impact Statement was released by the National Park Service and the District of Columbia for a 60-day public comment period. During this process, which will include a public hearing, all issues relating to potential environmental impacts will be addressed.

I concur with the view that the current Robert F. Kennedy Memorial Stadium cannot be renovated to provide additional seating because it was originally designed for baseball and does not have an optimal configuration for football.

Mr. President, I believe this is a very thoughtful proposal which addresses the environmental sensitivities of the area, recognizes the financial needs of the District of Columbia and ensures that this project will be accomplished without the use of taxpayers' dollars.

Mr. President, I send the legislation to the desk and ask that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Stadium Act of 1957 Amendments of 1993".

SEC. 2. AUTHORIZATION OF A NEW STADIUM

The District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code sections 2–321 through 2–330) is amended by adding at the end thereof the following new section:

"SEC. 12. (a)(1) The District of Columbia is authorized to use, for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993, a portion of the lands adjacent to the stadium constructed pursuant to section 2 (known as 'Robert F. Kennedy Memorial Stadium'), as generally shown on the map identified as "Map to Designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306, for the purposes of constructing, maintaining, and operating, itself or through a third party, either public or private, a new stadium, or any replacement of a new stadium.

"(2) The use of the new stadium shall not be limited by the seating capacity, cost, and other provisions in section 2.

"(3) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the said portion to a third party, either public or private, for—

"(A) any use consistent with the use authorized by this section; and

"(B) any term not exceeding that which is authorized in this section.

"(b)(1)(A) Except for those lands used by the District of Columbia for the new Stadium authorized by subsection (a), the use of the lands leased to the District of Columbia for stadium and stadium parking lots purposes pursuant to section 7(b) shall continue in accord with the provisions of that section subject to the provisions of subparagraphs (B) and (C).

"(B) The term of the authorized use of the lands leased to the District of Columbia for stadium and stadium parking lots is extended for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993.

"(C) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the lands to a third party, either public or private, for—

"(i) any use consistent with the use authorized by section 7(b) and this section: and

"(ii) any term not exceeding that which is authorized in this section.

"(2) The responsibility and authority for construction, maintenance, and operation of the parking lots on the lands leased to the District of Columbia for parking lots purposes is vested exclusively in the District of Columbia. Such responsibility and authority for the parking lots may be assigned by the District of Columbia to a third party under any sublease executed pursuant to the authority provided in this section. The National Park Service shall not be responsible for construction, maintenance, or operation of the parking lots, or any cost arising therefrom.

"(c)(1)(A) Except for the lands described in subparagraph (B), the lands designated as 'Area F' on the map entitled 'Map to designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306 (hereinafter referred to as 'Area F'), are leased to the District of Columbia. Such lands may be used by the District of Columbia, or any sublessee of the District of Columbia, for the stadium parking lots purposes specified in section 7(b), during the term of use of stadium parking lots authorized by subsection (b)(1) of this section, only for 'overflow' parking, that is not to exceed 2,000 automobiles, and only when all other stadium striped parking spaces are filled to capacity.

"(B) The area described in subparagraph (A) excludes that area of land used by the District of Columbia for the new stadium authorize by subsection (a) of this section.

"(2) The use of Area F shall be in accord with the terms and conditions specified in an agreement between the National Park Service and the District of Columbia. The terms and conditions specified in such agreement shall be reasonable and necessary to ensure that Area F is maintained as grassed park land suitable for public recreational uses.

"(3) The National Park Service shall not be responsible for improvement, maintenance, or operation of Area F, or any costs arising therefrom.

"(d) The responsibility and authority for construction, maintenance, naming, and operation of the new stadium authorized by subsection (a) of this section is vested exclusively in the District of Columbia. Such responsibility and authority for the new stadium may be assigned by the District of Columbia to a third party, either public or private. The National Park Service shall not be responsible for construction, maintenance, naming, or operation of the new stadium, or any costs arising therefrom.

"(e) Notwithstanding the provisions of the Act entitled "An Act to regulate the height of buildings in the District of Columbia", approved June 1, 1910 (36 Stat. 452; D.C. Code 5-401 through 5-409), a stadium authorized by subsection (a) may be constructed If—

"(1) the design has been reviewed by the Commission of Fine Arts; and

"(2) reviewed and approved by the National Capital Planning Commission.".

By Mr. DECONCINI:

S. 977. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

MADRID PROTOCOL IMPLEMENTATION ACT

• Mr. DECONCINI. Mr. President, I introduce a bill to implement the protocol relating to the Madrid Agreement Concerning the International Registration of marks [protocol]. The protocol will establish an international trademark registration system which is independent of, but parallel to, the Madrid agreement which has been in existence since 1891.

At the diplomatic conference held in Madrid on June 27, 1989, the states, or countries and intergovernmental organizations party to the Madrid agreement, concluded a protocol which was signed by 27 states, including Spain, Korea, France, the United Kingdom, Germany, and Switzerland. The protocol provides for entry into force of the protocol 3 months after ratification, acceptance, approval, or accession by four states or organizations. To date, Spain has deposited its instrument of ratification.

It is important to note that the protocol does not change U.S. trademark law. It is simply a complementary system for international trademark registration. When the protocol enters into force, it will provide a trademark registration filing system that will permit a U.S. trademark owner to file for registration in any of the member countries by filing a single standardized application, in English, with U.S. currency, in the U.S. Patent Trademark Office [PTO]. Registration may be obtained without a local agent and without filing an application in each country. Equally important, under the protocol, renewal of a trademark registration in each country may be made by filing a single request with a single fee.

One major obstacle to the international protection of trademarks has been the difficulty and cost of obtaining and maintaining a registration in each and every country. The protocol will alleviate the lengthy and costly application process for U.S. trademark owners.

In the late 1960's, the United States considered joining the Madrid agreement, but concluded it contained provisions disadvantageous to U.S. trademark owners and was unworkable under existing U.S. trademark laws. The use of a trademark in order to maintain its registration and a comprehensive preregistration trademark examination procedure are required under our law. It was these considerations which resulted in our unwillingness to join the Madrid agreement and helps explain the current eagerness to enter the protocol.

The protocol contains several significant modifications to the Madrid agreement and positively resolves previous U.S. concerns. First, in addition to a country of origin registration, the protocol permits the filing of an international application on the basis of a country of origin application. Thus, a trademark owner may seek trademark protection internationally at an early stage in the development of a product. In the United States, a trademark owner will be able to seek protection internationally based upon a U.S. application alleging a bona fide intent to use a mark.

Second, if the country of origin application or registration is abandoned or canceled as a result of action commenced during the first 5 years of the international registration, the international registration must be canceled. However, the protocol permits the international registration to be transformed into national applications in all of the designated countries, and to retain the international registration's original effective filing date. After the fifth anniversary of the international registration, the international registration is independent of the fate of the country of origin application or registration.

Third, the working languages of the applications are English and French. The Madrid agreement required applications to be filed in French. Finally, member countries may have up to 18 months to refuse to effect an international registration, rather than the 12 months under the Madrid agreement, with an additional 7 months from the beginning of an opposition period. This increased time period enables examination of trademarks in the normal course without pushing U.S. domestic filings back.

U.S. trademark law differs significantly from the laws of most other countries, both with respect to use requirements and the extensive preregistration examinations. Therefore, a number of issues were given serious consideration in determining whether the United States should join the protocol.

Most countries do not have a requirement that a trademark be used in order to be registered. In the United States, however, all applicants for trademark registration must allege either actual use of their mark in commerce or a bona fide intention to use their mark. A declaration of actual use of the trademark must be filed before registration will issue.

Since the protocol does not address this issue, the United States negotiated a provision in the draft regulations to implement the protocol which requires any request for extension of an international registration to the United States to include an affidavit of bona fide intent to use the trademark in commerce in the United States. This requirement, along with the existing requirements in the law for use of a registered mark, should prevent the proliferation of registrations of marks which the owner has no intention of using.

The protocol provides that member countries may apply their national law to determine the acceptability of an international registration in that country. The nature of national requirements concerning identification of goods and services vary widely. U.S. law and practice require a registration to contain a specific identification of the goods or services to be trademarked. This is an important aspect of the law that allows PTO and the courts to make informed and reasonable determinations regarding the likelihood of confusion between conflicting marks.

Some countries permit registrations to encompass extremely broad categories of goods and services. The foreign owner of a registration covering broad categories of goods must narrow the identification of goods upon application to register in the United States. Conversely, a U.S. applicant seeking protection in a country permitting broad coverage, may be limited by reliance upon a narrow U.S. registration.

This difference in law and practice between the United States and some other countries underscores the fact that in some instances, a U.S. applicant may wish to file a trademark application directly in another country, rather than using the protocol. A positive aspect of the protocol is that it provides an easy and economical alternative to the country-to-country approach to obtaining international trademark protection. However, it does not preclude those trademark owners who, for whatever reason, wish to file an application directly with a foreign country.

The World Intellectual Property Organization [WIPO] will be implementing and administering the protocol. It will be sharing its computer records of international applications and registrations with the PTO where protection is being sought in the United States. This will enable U.S. trademark owners to have early notice of requests for recognition of trademarks in the United States through the protocol international registration system. This is an important aspect of the proposed relationship between PTO and WIPO because an extension of an international registration to the United States will usually have an effective filing date equivalent to its filing in its country of origin office.

Mr. President, accession by the United States to the protocol has been endorsed in principle by the Section of Patent, Trademark, and Copyright Law of the American Bar Association and the United States Trademark Association. U.S. firms benefit by the ease with which they will be able to register their trademarks with over 20 nations. This capability could not come at a better time. With the European market opening up, U.S. firms will have a greater need and desire to sell their branded goods overseas. The protocol not only creates ease of international registration, but it is an effective means for encouraging and facilitating commercial expansion.

Mr. President, I urge my colleagues to support this legislation and hope the State Department will seek early ratification of the protocol. Furthermore, Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Madrid Protocol Implementation Act".

SEC. 3. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended (15 U.S.C. 1051 and following) (commonly referred to as the "Trademark Act of 1946") is amended by adding after section 51 the following new title:

"TITLE XII—THE MADRID PROTOCOL

"SEC. 60. DEFINITIONS.

"For purposes of this title:

"(1) MADRID PROTOCOL.—The term 'Madrid Protocol' means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

"(2) BASIC APPLICATION.—The term 'basic application' means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(3) BASIC REGISTRATION.—The term 'basic registration' means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(4) CONTRACTING PARTY.—The term 'Contracting Party' means any country or intergovernmental organization that is a party to the Madrid Protocol.

"(5) DATE OF RECORDAL.—The term 'date of recordal' means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

"(6) DECLARATION OF BONA FIDE INTENTION TO USE THE MARK IN COMMERCE.—The term 'declaration of bona fide intention to use the mark in commerce' means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

"(A) the applicant or holder has a bona fide intention to use the mark in commerce,

"(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce, and

"(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

"(7) EXTENSION OF PROTECTION.—The term 'extension of protection' means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

"(8) HOLDER OF AN INTERNATIONAL REGISTRATION.—A 'holder' of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

"(9) INTERNATIONAL APPLICATION.—The term 'international application' means an application for international registration that is filed under the Madrid Protocol.

"(10) INTERNATIONAL BUREAU.—The term 'International Bureau' means the International Bureau of the World Intellectual Property Organization.

"(11) INTERNATIONAL REGISTER.—The term 'International Register' means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

"(12) INTERNATIONAL REGISTRATION.—The term 'international registration' means the registration of a mark granted under the Madrid Protocol.

"(13) INTERNATIONAL REGISTRATION DATE.—The term 'international registration date' means the date assigned to the international registration by the International Bureau.

"(14) NOTIFICATION OF REFUSAL.—The term 'notification of refusal' means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

"(15) OFFICE OF A CONTRACTING PARTY.—The term 'Office of a Contracting Party' means—

"(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks, or

"(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

"(16) OFFICE OF ORIGIN.—The term 'office of origin' means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

"(17) OPPOSITION PERIOD.—The term 'opposition period' means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

"SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.

"The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Commissioner.

"SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.

"Upon the filing of an application for international registration and payment of the prescribed fees, the Commissioner shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Commissioner shall transmit the international application to the International Bureau.

"SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.

"With respect to an international application transmitted to the International Bureau under section 62, the Commissioner shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or canceled, or has expired, with respect to some or all of the goods and services listed in the international registration—

"(1) within 5 years after the international registration date; or

"(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

"SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.

"The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

"(1) directly with the International Bureau, or

"(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Commissioner.

"SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.

"(a) IN GENERAL.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

"(b) IF UNITED STATES IS OFFICE OF ORIGIN.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

"SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.

"(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

"(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

"(1) The international registration date, if the request for extension of protection was filed in the international application.

"(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

"(3) The date of priority claimed pursuant to section 67.

"SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.

"The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

"(1) the international registration contained a claim of such priority; and

"(2)(A) the international application contained a request for extension of protection to the United States, or

"(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

"SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.

"(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Commissioner shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

"(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

"(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

"(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

"(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Commissioner shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

"(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Commissioner shall transmit to the International Bureau any of the following that applies to such request:

"(A) A notification of refusal based on an examination of the request for extension of protection.

"(B) A notification of refusal based on the filing of an opposition to the request.

"(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

"(2) If the Commissioner has sent a notification of the possibility of opposition under paragraph (1)(C), the Commissioner shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

"(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Commissioner after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

"(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Commissioner shall issue a certificate of extension of protection pursuant to the request.

"(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.

"SEC. 69. EFFECT OF EXTENSION OF PROTECTION.

"(a) Issuance of Extension of Protection.—Unless a request for extension of protection is refused under section 68, the Commissioner shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

"(b) Effect of Extension of Protection.—From the date on which a certificate of extension of protection is issued under subsection (a)—

"(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register, and

"(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

"SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.

"(a) Effect of Cancellation of International Registration.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Commissioner shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was canceled.

"(b) Effect of Failure To Renew International Registration.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

"(c) Transformation of an Extension of Protection Into a United States Application.—The holder of an international registration canceled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed pursuant to section 1 or 44.

"SEC. 71. AFFIDAVITS AND FEES.

"(a) Required Affidavits and Fees.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Commissioner—

"(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; and

"(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, and at the end of each 10-year period thereafter, unless—

"(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; or

"(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Commissioner.

"(b) Contents of Affidavit.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

"SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

"An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

"SEC. 73. INCONTESTABILITY.

"The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Commissioner issues the certificate of the extension of protection by under section 69.".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date on which the Madrid Protocol enters into force with respect to the United States.●

By Mr. BAUCUS (for himself, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, and Mr. WOFFORD):

S. 978. A bill to establish programs to promote environmental technology, and for other purposes; to the Committee on Environment and Pubic Works.

NATIONAL ENVIRONMENTAL TECHNOLOGY ACT OF 1993

Mr. BAUCUS. Mr. President, in this town, perceptions often last longer than reality. Take the impassioned debate over the economy versus the environment.

For more than a decade, we've heard that the economy and the environment are at odds. That somehow, we must choose between the two.

Well, that may be the rhetoric in Washington, but the reality in the country is that we usually can protect the environment and promote the economy at the same time. One concrete example of how to do that is with environmental technology.

That is why today I am introducing legislation, along with Senators LIEBERMAN, MIKULSKI, and others, to support the development, distribution, and export of environmental technology.

Environmental technology brings the economy and the environment together. By developing new products, new processes, and new services, environmental technology can protect environment, reduce waste, and create jobs. And these are good jobs in engineering, design, and manufacturing.

Enviro-tech is not just new cleanup technology. Scrubbers and similar equipment will continue to play a crucial role in cleaning up pollution. But we also have to get ahead of the curve, to develop new ways to prevent pollution before it occurs.

This means taking a new look at the manufacturing process, starting with the initial product design. It means looking at the full life-cycle environmental impacts.

Many businesses are already doing this. We need to encourage more of them to adopt this approach.

THE BUSINESS OF ENVIRO-TECH

The incentive for businesses of every kind to branch into environmental technology is the same that any other market offers—profit.

Enviro-tech can help cut a company's costs by reducing waste and improving efficiencies. it can also lead the company into new markets, both for its products and its production processes.

It's a big market. The estimated worldwide demand for environmental technology is now $200 billion per year. By the end of this decade the market should reach $300 billion.

America is the largest market. We produce and use more environmental technology than any other country in the world.

The enviro-tech industry already employs more Americans than General Motors. And it produces an annual trade surplus of $4 billion. We could use a few more industries like this one.

But like so many other markets where we once dominated, we can't rest on past accomplishments.

The Germans have the largest trade surplus in environmental technology, some $10 billion last year alone.

The Japanese have already formed large government and industry partnerships to build new environmental technology.

And our imports of environmental technology from these countries are soaring.

Mr. President, we simply cannot afford to let another important manufacturing sector wither. American business can do the job. But to compete, it needs the same kind of help other nations give their environmental industries.

In my view, environmental technology also represents a golden opportunity to help end the religious war that has separated us for so long on the environment. To bring us together is a common effort for the common good.

NEW LEGISLATION

The legislation we are introducing today will promote the development and use of environmental technology.

It will do four simple, but long overdue, things:

First, it will require the Government to get its act together, to develop a national strategy on environmental technology and then review existing programs and budgets in light of that.

One of our biggest problems is that we don't have a coordinated national strategy. The Federal Government spends some $4 billion per year on environmental technology related programs.

But no one has looked at the big picture and asked "What is worth our investment?" "What isn't?"

Before we commit more spending on environmental technology, we need to be sure we are getting the most from what we already spend.

Second, our bill will help stimulate development of cleanup technologies. It will set aside a small portion of the money the Government spends cleaning up contaminated waste sites for use in developing new methods to clean up these sites faster and cheaper.

Third, the bill establishes an institute to the EPA to help develop cutting-edge technology that may not otherwise get off the ground. This is critical for small business, which often faces huge financial hurdles in bringing innovative technology to market.

This institute would use a revolving fund to work in partnership with private companies developing the most promising innovations in environmental technologies.

Finally, the bill has several provisions to help spur demand for environmental technologies. For instance, it will make it easier for business to use the newest technology to meet current regulations.

It will also help small business find environmental technology that suits their special needs.

And it will coordinate and improve current export promotion programs to help U.S. companies target opportunities around the world.

CONCLUSION

Mr. President, the programs in this bill can help build a stronger bridge between two of the most important issues facing our Nation today—economic growth and environmental protection.

In fact, a healthy environment and a healthy economy go hand-in-hand. You either have a clean environment and a healthy economy, or you have neither.

I intend to hold a hearing on this bill later this week. I ask my colleagues to examine it. And to join with us in harnessing our energies to achieve these twin goals.

Mr. President, I send a bill to the desk and ask that it be appropriately referred.

I also ask unanimous consent that a copy of the bill and a summary of it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Environmental Technology Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

Sec. 101. Establishment.
Sec. 102. Membership.
Sec. 103. National environmental technology strategy.
Sec. 104. Coordination of budget requests for environmental technology.
Sec. 105. Report to Congress.
Sec. 106. Termination.

TITLE II—NATIONAL ENVIRONMENTAL TECHNOLOGIES INSTITUTE; CLEARINGHOUSE

Sec. 201. Purposes.

Subtitle A—National Environmental Technologies Institute

Sec. 211. Establishment.
Sec. 212. Reports.
Sec. 213. Environmental technology trade promotion.

Subtitle B—Environmental Technology Clearinghouse

Sec. 221. Database.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

Sec. 301. Findings; purpose.

Subtitle A—Environmental Innovation Research Program

Sec. 311. Environmental innovation research program.
Sec. 312. Guidelines and regulations of the environmental innovation research program.

Subtitle B—Innovative Technology Testing

Sec. 321. Program.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

Sec. 401. Program.

Subtitle B—Environmental Technology Advisory Council

Sec. 411. Establishment.
Sec. 412. Report by the Comptroller General.

Subtitle C—Coordination With National Institute of Standards and Technology

Sec. 421. Coordination with National Institute of Standards and Technology.
Sec. 422. Coordination with other federally supported extension programs.

SEC. 2. FINDINGS.

Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental and economic security of the United States and other nations;

(2) promoting a sound economy while maintaining a healthy environment is among the urgent public policy challenges of the United States, on both domestic and international levels;

(3) the development and deployment of environmental technologies will both enhance global environmental security and the economic standing of the United States in the world marketplace;

(4) the growing demand for environmentally sound products and processes, and for cost-effective environmental cleanup and pollution control technologies, presents strategic business opportunities;

(5) advances in environmental cleanup, pollution control, and pollution prevention technologies could significantly reduce Government and private cleanup expenditures and improve cleanup results;

(6) innovative environmental technologies face barriers to commercialization and diffusion, and are often slow to be adopted;

(7) while the Federal Government, research institutes, universities, and industries are conducting substantial relevant basic environmental research and development—

(A) environmental concerns must become a more pervasive and central dimension of technology research and development; and

(B) Federal environmental technology research and development programs should be better coordinated and better aligned with long-term, strategic environmental needs and business opportunities; and

(8) a coordinated, up-to-date, interagency strategy for environmental technology will greatly help the United States develop critical environmental technology that can respond to environmental programs and create jobs and new sources of income.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COVERED FEDERAL AGENCY.—The term "covered Federal agency" means a Federal agency for which, for a fiscal year, an amount greater than $50,000,000 is made available for environmental cleanup.

(3) CRITICAL ENVIRONMENTAL TECHNOLOGY.—The term "critical environmental technology" means environmental technology that—

(A) embodies a significant technical advance;

(B) has the potential to bring about large, cost-effective reductions in risk to human health or the environment;

(C) is generically applicable at the precommercial stage; and

(D) if adopted, would result in a favorable ratio of social to private returns.

(4) DIRECTOR.—The term "Director" means the head of the National Environmental Technology Institute established under section 211.

(5) ENVIRONMENTAL INNOVATION RESEARCH.—The term "environmental innovation research" means research related to the development, application, or commercialization of environmental technology.

(6) ENVIRONMENTAL TECHNOLOGY.—The term "environmental technology" means a tech-

nology, product, or process that reduces environmental risks by—

(A) fulfilling a function other than protection of the environment with less impact during its manufacture, use, or disposal on the environment than other technologies, products, and processes; and

(B) protecting or enhancing the environment through pollution control, prevention, or environmental remediation.

(7) FUND.—The term "Fund" means the Environmental Advanced Research Projects Revolving Fund established under section 211(f).

(8) FUNDING AGREEMENT.—The term "funding agreement" means a contract, cooperative agreement, grant agreement, patent agreement, royalty agreement, license agreement, equity agreement, or other appropriate legal agreement between the head of a covered Federal agency and a private business concern to provide funding and support to carry out environmental innovation research.

(9) INSTITUTE.—The term "Institute" means the National Environmental Technologies Institute established under section 211.

(10) SMALL BUSINESS CONCERN.—The term "small business concern" means a business concern that is recognized as a small business concern under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

SEC. 101. ESTABLISHMENT.

There is established within the Office of Science and Technology Policy a National Environmental Technology Panel (referred to in this section as the "Panel"), to operate as a Presidential initiative panel of the Federal Coordinating Council for Science, Engineering, and Technology. The Panel shall be responsible for coordinating environmental technology programs within the Federal Government and the development of a National environmental technology strategy.

SEC. 102. MEMBERSHIP.

The Panel shall consist of—

(1) the Administrator;

(2) the Director of the National Science Foundation;

(3) the Administrator of the National Oceanic and Atmospheric Agency of the Department of Commerce;

(4) the Secretary of Energy;

(5) the Secretary of the Interior;

(6) the Administrator of the National Aeronautics and Space Administration;

(7) the Secretary of Agriculture;

(8) the Secretary of Defense;

(9) the Secretary of Health and Human Services;

(10) the Secretary of Commerce;

(11) the Secretary of Transportation;

(12) the United States Trade Representative;

(13) the Director of the National Environmental Technologies Institute; and

(14) the Director of the Office of Science and Technology Policy, who shall serve as the Chairperson of the Panel (referred to in this title as the "Chairperson").

SEC. 103. NATIONAL ENVIRONMENTAL TECHNOLOGY STRATEGY.

(a) DEVELOPMENT OF NATIONAL ENVIRONMENTAL TECHNOLOGY STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Panel shall develop a National Environmental Technology Strategy.

(b) STRATEGY REQUIREMENTS.—The Strategy shall—

(1) identify critical environmental technologies for focused governmental support;

(2) prioritize the technologies identified in paragraph (1) based on trends in global and domestic environmental problems and the potential for economic benefits;

(3) recommend effective public and private partnership arrangements for the development and diffusion of environmental technologies;

(4) recommend approaches to encourage the commercialization and diffusion of environmental technologies, with special attention to small- and medium-sized business concerns;

(5) identify economic, regulatory, and other barriers and incentives to the development, deployment, and trade in environmental technologies;

(6) recommend administrative actions to remove barriers to and create incentives for the development and diffusion of environmental technology;

(7) recommend administrative actions to promote and assist trade in United States environmental technology; and

(8) recommend, as appropriate, changes in Federal procurement guidelines to promote the purchase of environmental technology.

(c) REVISION OF STRATEGY.—The Panel shall review and revise the Strategy not less frequently than once every 3 years.

(d) COORDINATION WITH OTHER GROUPS.—

(1) IN GENERAL.—The Panel shall consult with organizations involved in formulating Federal technology policy, organizations involved in technology development and commercialization, and organizations involved in making recommendations for redirecting research on military applications to civilian uses, including—

(A) the National Critical Technologies Panel established under section 601 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6681);

(B) the Advanced Manufacturing Council of the Federal Council established under section 401 of such Act (42 U.S.C. 6651);

(C) the Defense Technology Conversion Council of the Advanced Research Projects Agency of the Department of Defense;

(D) the Advanced Research Projects Agency of the Department of Defense;

(E) the Advanced Technology Program established under section 28 of the National Institutes of Standards and Technology Act (15 U.S.C. 278n);

(F) the Strategic Environmental Research and Development Program Council established under section 2902 of title 10, United States Code;

(G) the Environmental Technology Advisory Council established under section 411; and

(H) the environmental innovation and research program established under section 311.

(2) RECOMMENDATIONS.—The Panel shall make recommendations to the organizations covered in paragraph (1) to avoid duplication of efforts and to promote coordination of environmental technology efforts.

(3) TECHNICAL SUPPORT.—The Chairperson shall provide technical assistance regarding policy formulation to the Panel and may request technical and policy assistance from members of the Panel and other organizations, including the Academies of Science and Engineering.

SEC. 104. COORDINATION OF BUDGET REQUESTS FOR ENVIRONMENTAL TECHNOLOGY.

(a) STATUS OF FEDERAL ACTIVITY.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Chairperson, in consultation with the Director of the Office of Management and Budget, shall—

(1) submit to Congress a listing of all federally funded activities that promote, develop, or support environmental technology; and

(2) review the budget summary to determine whether the summary is consistent with the strategy developed under section 103.

(b) REPORT.—The Chairperson shall report any comments or views of the Panel regarding the budget summary to the Director of the Office of Management and Budget.

(c) CONSIDERATION BY DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(1) consider all Federal agency requests for research related to environmental technology as one integrated, coherent, and multiagency request; and

(2) review the budget summary developed in subsection (a) and the comments submitted in subsection (b) prior to submission of the annual budget request of the President.

SEC. 105. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Chairperson shall submit a report to Congress that includes—

(1) a summary of all Panel activities;

(2) the most recently prepared version of the strategy developed under section 103;

(3) any major findings of the Panel;

(4) the interagency budget summary developed under section 104 with any comments submitted by the Chairperson;

(5) descriptions of significant research initiatives in environmental technology;

(6) a listing of all public and private partnerships in critical environmental technology, including projects funded by—

(A) the Advanced Research Projects Agency of the Department of Defense, excluding any classified information;

(B) the Advanced Technology Program established under section 28 of the National Institutes of Standards and Technology Act (15 U.S.C. 278n);

(C) the National Environmental Technologies Institute established under section 211; and

(D) the environmental innovations research program under section 311; and

(7) a listing of all federally funded activities that promote, develop, or support critical environmental technology identified under section 103(b)(1).

SEC. 106. TERMINATION.

The authority provided by this title shall terminate on the date that is 7 years after the date of enactment of this Act.

TITLE II—NATIONAL ENVIRONMENTAL TECHNOLOGIES INSTITUTE; CLEARINGHOUSE

SEC. 201. PURPOSES.

It is the purpose of this title to improve the environment and strengthen the economic competitiveness of the United States through—

(1) assisting private industry, universities, nonprofit research centers, and Government laboratories in developing and commercializing environmental technologies; and

(2) facilitating the diffusion, adoption, and export of environmental technologies by improving the information available on new environmental technologies.

Subtitle A—National Environmental Technologies Institute

SEC. 211. ESTABLISHMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF INSTITUTE.—There is established within the Environmental Protection Agency the National Environmental Technologies Institute (referred to in this section as the "Institute").

(2) DIRECTOR.—The Institute shall be headed by a Director who shall be appointed by the President, with the advice and consent of the Senate.

(3) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director of the National Environmental Technologies Institute, Environmental Protection Agency.".

(b) FUNCTIONS.—The Director shall—

(1) in cooperation with the heads of other agencies, support and assist the development of products oriented research, development, and demonstration of environmental technology at the precommercial stage by industrial, academic, governmental, and nongovernmental entities;

(2) monitor on a continuing basis the research and development being conducted on environmental technologies by private industry in the United States and provide technical assistance to private industry conducting environmental research;

(3) in cooperation with the heads of other agencies, develop and transfer environmental technologies and mechanisms to address international environmental problems;

(4) develop and maintain a clearinghouse, as established under subtitle B, to provide information to private and public concerns that develop, apply, or export environmental technology;

(5) advise other officials, as appropriate, within the Environmental Protection Agency, and within other Federal departments and agencies, on programs and strategies for promoting the development and diffusion of environmental technology, including program managers for the environmental innovation research program established under subtitle A of title III, as appropriate;

(6) to the extent allowable by law, in cooperation with the Administrator or the head of any other Federal agency that the Director determines to be appropriate, ensure the availability of an initial market for critical environmental technologies;

(7) make recommendations for changes in Federal procurement guidelines to ensure the availability of an initial market for environmental technology; and

(8) consult with the Panel established under title I and the programs established under title III.

(c) COOPERATIVE AGREEMENTS AND OTHER ARRANGEMENTS.—

(1) IN GENERAL.—In carrying out the functions of the Institute under this subtitle, the Director may enter into cooperative agreements or other arrangements with—

(A) any department, agency, or independent establishment of the United States;

(B) any unit of State or local government;

(C) any educational institution;

(D) any company that is a United States-owned company; or

(E) any company that the Secretary finds is incorporated in the United States and has a parent company that is incorporated in a country that—

(i) affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any cooperative agreement similar to those authorized under this subsection;

(ii) affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and

(iii) affords adequate and effective protection for the intellectual property rights of United States-owned companies.

(2) AUTHORITY TO REQUIRE PAYMENT.—

(A) IN GENERAL.—A cooperative agreement or other arrangement entered into under paragraph (1) may include a provision that requires a person or other entity to make a payment or payments to the Institute (or any other department, agency, or independent establishment of the United States) as a condition of receiving assistance from the Institute under the agreement or other arrangement.

(B) AMOUNT OF PAYMENT.—The amount of any payment received by a department, agency, or independent establishment of the United States pursuant to paragraph (1) shall be credited to the Fund in such amount as the Director specifies.

(C) NONDUPLICATION AND OTHER CONDITIONS.—The Director shall ensure that, to the extent practicable, a cooperative agreement or other arrangement entered into under this section—

(i) does not provide for research that duplicates research being conducted under other programs carried out by the private sector or by a department, agency, or independent establishment of the United States; and

(ii) requires the other party to the agreement or arrangement to share the cost of the project or activity concerned.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a research and development project under this section may not exceed 50 percent.

(2) SMALL BUSINESS EXCEPTION.—The Federal share of the cost of a research and development project conducted pursuant to a cooperative agreement or other arrangement entered into with a small business concern under subsection (c) may not exceed 75 percent.

(e) PROGRAM REQUIREMENTS.—

(1) SELECTION CRITERIA.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director shall publish in the Federal Register proposed criteria, and not later than 1 year after the date of enactment of this section, following a public comment period, final criteria, for the selection of recipients of contracts, leases, grants, and cooperative agreements under this section.

(B) CRITERIA.—Selection criteria under subparagraph (A) shall—

(i) include requirements outlining business plans;

(ii) address the advancement of United States environmental technology and the promotion of the competitiveness of businesses of the United States; and

(iii) give special consideration to the needs of small business concerns.

(2) ADMINISTRATION OF PROGRAM FUNDS.—In cooperation with the heads of other agencies, the Director shall—

(A) determine categories of projects to be funded by the National Environmental Technologies Institute;

(B) issue solicitations for projects to be funded by the Institute;

(C) receive and evaluate proposals resulting from solicitations;

(D) select participants for funding agreements of the Institute;

(E) administer the funding agreements of the Institute; and

(F) make payments to recipients of funding agreements on the basis of progress toward, or completion of, the funding agreement requirements.

(3) CONSULTATION.—The Director shall, as appropriate, consult with the Panel established in title I and with the Environmental Technology Advisory Council established in subtitle B of title IV.

(4) FINANCIAL REPORTING AND AUDITING.—The Director, in consultation with the chief financial officer of the Environmental Protection Agency, shall establish financial reporting and auditing procedures to ensure that contracts and awards—

(A) are used for the purposes specified in this section;

(B) are made in accordance with sound accounting practices; and

(C) are not used for research programs existing or planned on the date of enactment of this section that would be substantially conducted in the same time period in the absence of financial assistance under this subtitle.

(5) DISSEMINATION OF RESEARCH RESULTS.—The Director shall provide for the dissemination of research results of the programs of the Institute established under this subtitle through the database established under section 221.

(6) CONTRACTS OR AWARDS; CRITERIA; RESTRICTIONS.—

(A) IN GENERAL.—No contract or award may be made under this section until the research project in question has been subject to a merit review by the Environmental Technology Advisory Council established under section 411, and has, in the opinion of the reviewers, been shown to have scientific and technical merit.

(B) DIRECT COSTS ONLY.—Federal funds made available under this subtitle shall be used only for direct costs and not for indirect costs, profits, or management fees of any contractor.

(C) CONSIDERATION.—In determining whether to make an award to a joint venture, the Director shall consider whether the members of the joint venture have provided for the appropriate participation of small businesses of the United States in the joint venture.

(D) ADMINISTRATIVE PROCEDURE.—Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any business or joint venture that receives funding under this section:

(i) Information on the business operation of a member of the business or joint venture.

(ii) Trade secrets possessed by any business or by a member of the joint venture.

(E) INTELLECTUAL PROPERTY.—Intellectual property owned and developed by a business or joint venture that receives funding under this subtitle or by any member of such a joint venture may not be disclosed by any officer or employee of the United States except in accordance with a written agreement between the owner or developer and the Director.

(F) LICENSING FEES AND ROYALTIES.—The United States shall be entitled to a share of the licensing fees and royalty payments made to and retained by a business or joint venture to which the United States contributes under this section in an amount that is proportionate to the Federal share of the costs incurred by the business or joint venture, as determined by an independent audit.

(G) DISCONTINUANCE.—A contract or award under this subtitle shall contain appropriate provisions for the discontinuance of the project and the return of the unspent Federal funds to the Institute (after payment of all allowable costs and an audit) if it appears that, due to technical difficulties, financial difficulty on the part of the recipient, or for any other reason, the recipient is not making satisfactory progress toward successful completion of the project.

(H) DISSOLUTION; RESIDUAL ASSETS.—Upon dissolution of a joint venture that receives funding under this section or at a time otherwise agreed upon, the United States shall be entitled to a share of the residual assets of a joint venture that is proportionate to the Federal share of the costs of the joint venture, as determined by an independent audit.

(f) REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "Environmental Advanced Research Projects Revolving Fund" (referred to in this section as the "Fund"), that shall consist of such amounts as are appropriated or credited to the Fund from time to time.

(2) EXPENDITURES FROM THE FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, to carry out this section.

(3) LOANS, GRANTS, LOAN GUARANTEES, AND OTHER FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Director may use the Fund for the purpose of making loans, grants, loan guarantees (of both principal and interest), and other financial assistance to industrial and nonprofit research centers, universities, and other entities that serve the long-term environmental security needs of the United States, to carry out this subtitle.

(B) REPAYMENT SCHEDULE.—A loan made under this section shall—

(i) have a repayment schedule and maturity date determined by the Secretary of the Treasury;

(ii) bear interest at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the loan is made) to be 3 percent less than the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period for which the loan is made.

(C) REPAYMENTS.—Repayments on a loan made under this section and the proceeds from any other agreement entered into by the Director under this subtitle shall be credited to the Fund.

(4) MANAGEMENT OF FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall manage the Fund and, after consultation with the Director, report to Congress each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on the expected condition and operations of the Fund during the next 5 fiscal years.

(B) INVESTMENT.—

(i) AUTHORITY TO INVEST.—Subject to clause (ii), the Secretary of the Treasury shall invest the portion of the Fund that is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) LIMITATION.—Investments of moneys in the Fund may be made only in interest-bearing obligations of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS.—There are authorized to be appropriated to the Institute to carry out this section—

(A) $36,000,000 for fiscal year 1994;

(B) $80,000,000 for fiscal year 1995; and

(C) $120,000,000 for fiscal year 1996.

(2) LIMITATION ON USE.—Of amounts appropriated to the Institute, not more than 5 percent may be used to pay for administrative expenses of the Institute.

(3) FEDERAL COOPERATIVE AGREEMENTS.—The Director shall allocate a significant percentage of the amounts made available to the Institute for the purpose of entering into cooperative agreements with departments, agencies, or independent establishments of the United States pursuant to subsection (c)(1).

SEC. 212. REPORTS.

(a) IN GENERAL.—The Director shall, not less frequently than annually, and at such other times as the Director considers to be appropriate, submit a report to the Committees on Environment and Public Works and Appropriations of the Senate, and the Committees on Science, Space, and Technology and Appropriations of the House of Representatives describing—

(1) the activities of the Institute, including descriptions and funding levels of all projects developed with assistance from the Institute;

(2) each phase of the implementation and operation of the environmental innovation research programs administered by the Director and the heads of covered Federal agencies under subtitle A of title III;

(3) the plans of the Institute for future activities;

(4) the manner and extent to which technologies developed with assistance from the Institute have been commercialized and used; and

(5) the extent to which the technologies have been transferred to foreign nations.

(b) RECOMMENDATIONS.—Each report submitted under this section shall include such recommendations for program improvements as the Director considers to be appropriate.

SEC. 213. ENVIRONMENTAL TECHNOLOGY TRADE PROMOTION.

The Director shall—

(1) collect and disseminate through the clearinghouse established under subtitle B, information useful for promoting the export of environmental technology, including information concerning—

(A) sources of financial assistance;

(B) sources of technical assistance; and

(C) the environmental needs of foreign nations;

(2) as appropriate, consult with the heads of other Federal agencies to facilitate the export of environmental technologies; and

(3) consult with—

(A) the Working Group on the Environment of the Trade Promotion Coordinating Council; and

(B) the National Environmental Technology Trade Initiative within the Department of Commerce,

regarding the appropriate administrative actions for the promotion of trade in environmental technology.

Subtitle B—Environmental Technology Clearinghouse

SEC. 221. DATABASE.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this section, the Administrator shall establish an operational electronic database to serve as a clearinghouse for the collection and dissemination of nonproprietary information on environmental technology.

(b) CONTENTS.—The database shall include—

(1) descriptions of environmental technologies verified under the program established under section 401;

(2) descriptions of environmental technologies tested under the program established under section 321;

(3) descriptions of environmental technologies developed under programs of the Institute under section 311;

(4) descriptions of environmental technologies developed under the environmental innovation research programs established under title III;

(5) analytical test results, costs, vendor information, performance specifications, and other appropriate information for all environmental technologies described in the database;

(6) information useful for promoting the export of environmental technology, including information concerning—

(A) sources of financial assistance;

(B) sources of technical assistance; and

(C) the environmental needs of foreign nations; and

(7) other relevant information on environmental technology.

(c) ACCESS TO CLEARINGHOUSE.—The clearinghouse shall be made available through an electronic data system (such as a computer bulletin board) and in paper report format, and shall be accessible to all persons and groups interested in environmental technology, including—

(1) industries that may use the evaluated environmental technologies either for compliance with any applicable regulations or voluntarily;

(2) Federal, State, and local programs likely to review permit applications proposing use of environmental technologies; and

(3) Federal, State, and local programs responsible for developing regulations establishing a level of performance or specific equipment for the prevention, mitigation, or abatement of environmental pollution.

(d) ADMINISTRATION.—

(1) UPDATING.—The data stored in the clearinghouse shall be updated continuously as new information is made available, but not less often than every 12 months.

(2) EXISTING RESOURCES.—The clearinghouse shall build on existing data sources and, to the extent feasible, shall be integrated with other technology databases maintained by the Environmental Protection Agency on the date of enactment of this section.

(3) OUTREACH.—The Administrator shall conduct appropriate outreach efforts to advertise, deliver, and disseminate the information stored in the clearinghouse.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

SEC. 301. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that:

(1) estimates of the cost to clean up the contaminated sites in the United States range as high as $1,000,000,000 over the next 30 years;

(2) the Office of Technology Assessment has found that, at some Federal sites, it may be impossible with current technology to remove contaminants from groundwater plumes and deeply buried soils;

(3) new technologies are needed to address these serious contamination problems in a more timely and cost-effective manner, with an enormous potential savings for the Government and private industry;

(4) the use of innovative technologies at certain contaminated sites has reduced site cleanup costs by more than half; and

(5) demonstration and testing of environmental technologies for performance and

cost characteristics is often a barrier to successful commercialization of environmental technology.

(b) PURPOSE.—It is the purpose of this title to reduce Federal and private cleanup costs by promoting the development and commercialization of environmental technologies.

Subtitle A—Environmental Innovation Research Program

SEC. 311. ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The head of each covered Federal agency shall establish an environmental innovation research program for the development and commercialization of environmental technology to further the progress of cleanup, pollution prevention, or abatement activities of the agency.

(b) FUNDING.—

(1) IN GENERAL.—The head of each covered Federal agency shall annually—

(A) notwithstanding any other provision of law—

(i) set aside not less than 1.25 percent of the amount of funds made available to the agency for environmental cleanup; and

(ii) reserve the amount set aside under clause (i) for awards to private concerns or other entities for the development and commercialization of environmental technology through a uniform process as described in subsection (e); and

(B) consult with the Environmental Technology Advisory Council established under section 411 and the Panel established under title I concerning the expenditure of the funds set aside pursuant to subparagraph (A).

(2) CONSTRUCTION.—Nothing in this Act shall be construed to limit the amount of funds that a covered Federal agency may spend on the research, development, or commercialization of environmental technology or any other environmental activity.

(c) DUTIES OF HEADS OF COVERED FEDERAL AGENCIES.—In carrying out an environmental innovation research program established under this section, the head of each covered Federal agency shall, in accordance with the requirements of this section—

(1) certify annually the amount of agency funds set aside in accordance with subsection (b)(1)(A);

(2) determine categories of projects to be included in the environmental innovation research program of the agency;

(3) issue environmental innovation research solicitations;

(4) receive and evaluate proposals resulting from the solicitations;

(5) select participants for the environmental innovation research funding agreements of the covered Federal agency;

(6) in administering paragraphs (3), (4), and (5), consider the needs of small business concerns;

(7) administer the environmental innovation research funding agreements of the covered agency (or delegate the administration to another agency);

(8) make payments to recipients of environmental innovation research funding agreements on the basis of progress toward, or completion of, the funding agreement requirements; and

(9) submit an annual report on the environmental innovation research program to the National Environmental Technologies Institute established in section 211 and the Office of Science and Technology Policy, which shall include—

(A) an accounting of the number and amount of awards made under the environmental innovation research program, classified by categories of projects; and

(B) the amount of funds awarded to projects for environmental cleanup, expressed as a percentage of the total funds awarded.

(d) COOPERATIVE AGREEMENTS.—The head of each covered Federal agency may enter into a cooperative agreement with the head of another Federal agency for the provision of technical assistance and other appropriate assistance to business concerns or other entities conducting an approved project.

(e) PHASES OF ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.—The head of each covered Federal agency shall carry out an environmental innovation research program consisting of the following 3 phases:

(1)(A) A first phase for determining, insofar as possible, the scientific and technical merit and feasibility of ideas that appear to have commercial potential, submitted pursuant to environmental innovation research program solicitations.

(B) With respect to the first phase, the head of the covered Federal agency may enter into funding agreements with governmental, industrial, academic, and other nongovernmental entities, each of which shall be in an amount not to exceed $250,000.

(2)(A) A second phase to further develop proposals that meet particular program needs, and with respect to which awards shall be made on the basis of the scientific and technical merit and feasibility of each proposal, as evidenced by the first phase (as described in paragraph (1)), taking into consideration, among other considerations, the commercial potential of each proposal, as evidenced by—

(i) the record of the private concern or other entity of successfully commercializing environmental innovation research or other research;

(ii) the existence of funding commitments for the second phase carried out under this paragraph from the private sector or sources other than the environmental innovation research programs to fund the development phase;

(iii) the existence of follow-on commitments for the third phase carried out under paragraph (3) for research conducted pursuant to this clause; and

(iv) the presence of other indicators of the commercial potential of the proposal.

(B) With respect to the second phase, the head of the covered Federal agency may enter into funding agreements with private concerns or other entities, each of which shall be in an amount not to exceed $750,000, unless the head of the covered Federal agency finds that additional funding is necessary and appropriate.

(3)(A) If appropriate, a third phase, in which—

(i) environmental innovation research funding is used to continue development activity that has demonstrated outstanding commercial potential in the second phase of the environmental research program and merits further environmental innovation research funding;

(ii) awards from funding sources other than the environmental innovation research programs are used for the continuation of research or research and development that has been competitively selected using peer review or scientific review criteria; or

(iii) commercial applications of research or research and development funded by environmental innovation research programs are funded by non-Federal sources of capital or, for products or services intended for use by the Federal Government, by Federal funding sources other than environmental innovation research programs.

(B) With respect to a research and development project funded under subparagraph (A)(i), the Federal share shall not exceed 50 percent of the total cost of the project.

(C) With respect to the assistance provided under this paragraph, the covered Federal agency may also assist the private concern or other entity in pursuing funding or procurement from other Federal cleanup programs and in pursuing financial and technical assistance for the export of technology developed under the environmental innovation research program.

(4) Funding agreements authorized under paragraphs (2) and (3)(A)(i) may make available, if appropriate, funds to test environmental technology in the program established under section 321.

SEC. 312. GUIDELINES AND REGULATIONS OF THE ENVIRONMENTAL RESEARCH PROGRAM.

(a) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Director shall promulgate guidelines for environmental innovation research conducted by covered Federal agencies pursuant to this subtitle.

(b) CONTENTS.—The guidelines promulgated by the Director under subsection (a) shall, at a minimum, provide for—

(1) simplified, standardized, and timely solicitations of project proposals;

(2) a simplified, standardized funding process that provides for—

(A) the timely receipt and review of proposals;

(B) the protection of proprietary information provided in project proposals;

(C) the selection of environmental technology projects;

(D) the retention of rights in data generated in the performance of a contract or other agreement by the private concern under the environmental technology research project;

(E) to the extent allowable by law, the transfer of title to property provided by a Federal agency to the private concern conducting an environmental research project, if the transfer would be more cost-effective than recovery of the property by the Federal agency;

(F) cost sharing; and

(G) cost principles and payment schedules;

(3) exemptions from the requirements of paragraph (2) in any case in which national security or intelligence functions would be jeopardized; and

(4) to the extent allowable by law and as appropriate, minimizing the regulatory burden of each private concern that participates in an environmental technology research project to improve the cost-effectiveness of the environmental technology research and development conducted under the program.

(c) REGULATIONS.—The head of each covered Federal agency shall, on the basis of the guidelines issued under subsection (a), promulgate such regulations as are necessary to ensure that the environmental innovation research program of the covered Federal agency meets the requirements of the guidelines.

Subtitle B—Innovative Technology Testing

SEC. 321. PROGRAM.

(a) ESTABLISHMENT.—In consultation with other appropriate Federal departments and agencies, the Administrator shall establish a program for testing environmental technology at federally owned facilities and sites listed on the National Priorities List established under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9605(a)(8)(B)), and the inventory of Federal agency hazardous waste facilities under section 3016 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6937) (referred to in this section as "applicable sites").

(b) DESCRIPTION.—As part of the program, the Administrator shall—

(1) enter into cooperative agreements with other Federal departments and agencies for the purpose of testing environmental technology at applicable sites;

(2) solicit and accept applications to test environmental technology suitable for prevention, control, or remediation of contamination at applicable sites, subject to the guidelines established under subsection (c);

(3) in consultation and cooperation with other Federal departments and agencies, State and local governments, industry consortia, and other groups interested in control, prevention, and remediation of environmental pollution at any applicable site, manage and oversee testing and evaluation of environmental technology at applicable sites subject to the guidelines established under subsection (c);

(4) document the performance and cost characteristics provided by any environmental technology tested at an applicable site;

(5) list and disseminate, through the clearinghouse established under section 221, nonproprietary information regarding the performance and cost characteristics of environmental technology that has been tested at one or more applicable sites and has been determined to be effective by the appropriate criteria in the guidelines established under subsection (c); and

(6) build upon, not duplicate, and, to the extent feasible, incorporate existing Environmental Protection Agency programs that facilitate testing of environmental technology at applicable sites, including the alternative or innovative treatment technology research and demonstration program established under section 311(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(b)).

(c) GUIDELINES.—Not later than 2 years after the date of enactment of this section, the Administrator shall, after notice and opportunity for comment, promulgate guidelines for the operation of the program established under this section. The guidelines shall include—

(1) an initial listing of applicable sites potentially available for testing of environmental technology categorized by site characteristics, including site geology and site contaminants;

(2) the criteria designating eligibility of applicants to the program established under this section, including—

(A) any business concern or consortium;

(B) any small business concern or consortium; or

(C) any nonprofit group, university, or State or local government entity or consortium;

(3) the application procedures for entities designated under paragraph (2) desiring to apply for testing of environmental technology at an applicable site including data, equipment, and findings or demonstrations required in a complete application for testing, including—

(A) appropriate testing and analytical procedures to demonstrate the effectiveness of an environmental technology;

(B) required data, findings, equipment, or demonstrations for a complete application for testing;

(C) provisions for sharing the costs of testing with applicants designated under subparagraph (B) or (C) of paragraph (2) that limit the Federal share to not more than 50 percent of the total cost of testing;

(D) a business plan that includes—

(i) the environmental problem the environmental technology is proposed to address;

(ii) the means by which the technology will be commercialized and marketed; and

(iii) the estimated benefits of the technology, including—

(I) quantitative or qualitative estimates of reductions in health and environmental risks; and

(II) the estimated number of jobs created if the technology is successfully commercialized; and

(iv) the projected capitalization costs and income; and

(E) provisions that provide special consideration to the needs of small business concerns;

(4) criteria for verification of the efficacy of tested environmental technologies, including—

(A) the efficiency of destruction or removal of contaminants;

(B) the reduction in the volume, toxicity, or mobility of contaminants;

(C) the operational and capital costs; and

(D) the operational reliability;

(5) specific procedures for the management and oversight of testing at applicable sites, including procedures for consultation or entering mutual agreements with—

(A) other Federal departments and agencies responsible for management and remediation of applicable sites;

(B) potentially responsible parties responsible for management and remediation of applicable sites;

(C) State and local government entities;

(D) private citizens or citizen groups concerned with management and remediation of applicable sites;

(E) nonprofit organizations concerned with management and remediation of applicable sites; or

(F) any persons or business concerns interested in investing in the commercialization of tested environmental technology; and

(6) appropriate provisions to limit the liability and, to the extent feasible, indemnify successful applicants to the program established under this section.

(d) LISTING OF VERIFIED TECHNOLOGY.—In the case of a technology tested under the program established by this section, the Administrator shall publish the test results, cost information, and a general description of the tested environmental technology, and disseminate the information through the clearinghouse established under section 221.

(e) AUDIT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall audit the performance of the program and report the results of the audit to Congress, including—

(1) the number of sites where environmental technologies have been tested, classified by the type of problem remedied and the technology tested;

(2) the number of environmental technologies tested that have subsequently become commercially viable;

(3) the number of sites for which environmental technologies tested have been selected in a formal agency record of decision;

(4) the number of sites that have been fully remedied with environmental technologies tested in the program;

(5) the cost in terms of labor and contract funds expended by the agency on the program;

(6) the estimated number of jobs and increased income associated with the development and commercialization of the environmental technologies tested;

(7) the estimated risk reduced through the use of environmental technologies tested; and

(8) the appropriateness of expanding the program to additional sites.

(f) INCORPORATION OF DEMONSTRATED TECHNOLOGY.—Where practicable, the covered Federal agency shall incorporate the demonstrated technology in the prevention, control, or remediation of contamination at applicable sites.

(g) FUNDING.—Evaluations conducted by the Administrator under this section are eligible for funding under section 311.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

SEC. 401. PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to evaluate, verify, and disseminate performance and cost information on environmental technologies appropriate for compliance with regulations promulgated under—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Federal Water Pollution Control Act (commonly referred to as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(3) title XIV of the Public Health Service Act (commonly referred to as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.);

(4) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.); and

(5) other laws that the Administrator determines appropriate,

collectively referred to in this section as "applicable regulations".

(b) FUNCTIONS.—As part of the program, the Administrator shall—

(1) accept applications to evaluate environmental technology subject to the guidelines established under subsection (c);

(2) evaluate and verify the performance and cost information on any environmental technology provided by an applicant subject to the guidelines established under subsection (c);

(3) develop protocols, test procedures, and quality assurance procedures to ensure quality, credibility, and comparability of data and information developed by applicants; and

(4) list and disseminate information regarding environmental technology that meets or exceeds the appropriate criteria in the guidelines established under subsection (c) through the clearinghouse established under section 221.

(c) GUIDELINES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall, after notice and opportunity for comment, promulgate guidelines for the operation of the program.

(2) DESCRIPTION.—The guidelines shall include—

(A) criteria for determining eligibility of applicants to the program, including—

(i) any large business concern;

(ii) any small business concern; or

(iii) any nonprofit group, university, or State or local government entity;

(B) application requirements and procedures for submitting data and information for evaluation and verification, including appropriate specifications, protocols, and quality assurance requirements relating to data and information development and presentation, including—

(i) appropriate, independently verified, analytical testing procedures to demonstrate compliance with the applicable regulations;

(ii) required data and findings; and

(iii) appropriate equipment or demonstrations;

(C) provisions excluding from verification any environmental technology that causes significant increases in environmental pollution in any media or is determined by the Administrator to have other unacceptable side effects;

(D) general criteria for verification and listing of environmental technologies, including—

(i) compliance with any applicable regulation at a lower cost than the estimated cost of the technology used to establish the applicable regulation; or

(ii) compliance with any applicable regulation with additional pollution prevention, control, or remediation benefits than the technology used to establish an applicable regulation;

(E) a schedule of fees for applications to cover the costs of the program, including—

(i) a sliding scale of fees based on the category of eligible applicants defined in subparagraph (A); and

(ii) lower fees for applicants defined in clause (ii) or (iii) of subparagraph (A); and

(F) provisions that provide special consideration to the needs of small business concerns.

(d) LISTING OF TECHNOLOGY.—For technologies that the Administrator finds, through the evaluation procedure established in subsection (c), meet or exceed all of the verification criteria established in subsection (c), the Administrator shall publish the results of the evaluation and a description of the evaluated environmental technology and disseminate the information through the clearinghouse established under section 221.

(e) ADMINISTRATION.—

(1) USE OF FEES.—All fees collected by the Administrator through the operation of the program established under this section shall be used to support the operation of the program.

(2) EVALUATION DEADLINE.—All evaluations conducted under the program established under this section shall be completed, and the applicant notified of the results, not later than 6 months after the receipt of a complete application.

(f) NO REVISION OF APPLICABLE REGULATIONS.—Nothing in this section shall be construed to revise any applicable regulation or release any person subject to an applicable regulation from the duty to fully comply with the applicable regulation.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Environmental Technology Advisory Council

SEC. 411. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established the Environmental Technology Advisory Council (referred to in this section as the "Advisory Council").

(b) MEMBERSHIP.—The Director shall appoint the members of the Advisory Council. The individuals appointed as members of the Advisory Council shall—

(1) be eminent in the fields of business, research, new product development, engineering, labor, education, management consulting, environment, or international relations;

(2) be selected solely on the basis of established records of distinguished service;

(3) not be employees of the Federal Government; and

(4) include—

(A) at least 1 representative of a leading consortium of manufacturing and technology firms;

(B) at least 1 representative of small business concerns;

(C) at least 1 representative of a State government;

(D) at least one representative of a local government body; and

(E) at least one representative of a nongovernmental public interest organization.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Advisory Council shall appoint from among the members of the Advisory Council a person to serve as Chairperson and a person to serve as Vice Chairperson, each of whom shall serve as Chairperson or Vice Chairperson, respectively, for a term of 1 year and shall not thereafter be eligible to serve as Chairperson or Vice Chairperson, respectively, until 1 year has elapsed after the end of the term.

(2) VICE CHAIRPERSON.—The Vice Chairperson of the Advisory Council shall perform the duties of the Chairperson in the absence of the Chairperson.

(d) DUTIES.—The Advisory Committee shall—

(1) review and make recommendations regarding general policy for the Institute established under title II, and the organization, budget, and programs of the Institute within the framework of national policies set forth by the President and Congress;

(2) review guidelines and regulations of the environmental innovative research program established under title III;

(3) on the basis of the reviews conducted under paragraphs (1) and (2), make recommendations to the Administrator, the Director, and the head of each covered Federal agency regarding the merits of the distribution of the funds under proposed funding agreements to fund proposed projects under the environmental innovation research program established under title III;

(4) establish merit review panels consisting of members with technical expertise and related business experience to review proposals for funding submitted to the Institute;

(5) consult with the heads of Federal agencies covered by the environmental innovation research program established under title III concerning the expenditure of funds from programs established under section 311;

(6) consult with the Panel established under title I in the development of the national environmental technology strategy;

(7) review the effectiveness of the clearinghouse established in section 221;

(8) make recommendations to the Director to improve the effective dissemination by the clearinghouse of research information and results; and

(9) make recommendations to the Director regarding administrative actions to promote the export of environmental technologies.

SEC. 412. REPORT BY THE COMPTROLLER GENERAL.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committee on Science, Space, and Technology and Appropriations of the House of Representatives a report concerning the implementation of the programs established under titles II and III, including a description of the research conducted under the programs.

Subtitle C—Coordination With National Institute of Standards and Technology

SEC. 421. COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) AGREEMENTS.—Not later than 180 days after the date of enactment of this section, the Administrator and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Environmental Protection Agency to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce.

(b) ASSISTANCE.—The assistance shall include—

(1) the preparation of environmental assistance packages for small business concerns generally and, where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sectors;

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of improvement.

SEC. 422. COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.

The Administrator may coordinate with representatives of small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small businesses.

LEGISLATIVE SUMMARY, NATIONAL ENVIRONMENTAL TECHNOLOGY ACT OF 1993

The bill seeks to improve both the environment and the economy by promoting the development and use of innovative environmental technology. The bill will: focus existing government environmental technology programs on critical needs; and fund the development of innovative environmental technology in partnership with the private sector; and increase demand for environmental technology by facilitating testing and demonstration of new technologies, by certifying the performance and cost of new technologies and by collecting and disseminating information for the export of environmental technologies.

TITLE BY TITLE SUMMARY

Title I—The National Environmental Technology Panel

The Federal government spends approximately $4 billion among 10 different agencies on environmental technology every year. These expenditures are not governed by an overall environmental technology strategy. The bill would establish an interdepartmental Panel to develop a government-wide environmental technology strategy and a unified federal environmental technology budget. The panel would identify environmentally critical technology, and recommend actions to spur their development, diffusion and export.

Title II—The National Environmental Technologies Institute

To further technology development, the bill establishes an institute within EPA modeled after the Advanced Technology Program at the Department of Commerce. The institute would work in cooperation with technology development agencies such as DOE and Commerce to enter into partnerships with private business concerns for jointly funding the development of environmental technology in the pre-commercial stages.

The Federal share of any institute project is limited to 50% except in the case of small businesses where it is limited to 75%. The institute would establish a revolving fund to share in any royalties from successful technology developments in proportion with the initial investment. The authorization of appropriations for the institute match the agencies budget requests for environmental technology: $36M in FY94; $80M in FY95 and $120M in FY96. Not more than 5% of appropriated funds can be used for administrative expenses of the institute.

The institute would also house a technology clearinghouse to disseminate information on environmental technologies. The clearinghouse would link technology developers, regulators, and users with information about the latest developments.

A special provision would establish a one stop shop for information on financial and technical assistance for exports of environmental technologies. In addition, information would be gathered and disseminated about the environmental needs of foreign nations.

Title III—The Environmental Innovation Research Program

The task of cleaning up contaminated Federal and Superfund sites poses daunting financial and technical challenges. Estimates of the total cost range from over $400 billion to $1 trillion. Further, the Office of Technology Assessment has found that, at many Federal sites, it may be impossible with current technology to remove contaminants from groundwater plumes and deeply buried soils. New technologies are clearly needed to reduce costs and improve the results of cleanup efforts.

The bill directs Agencies with cleanup budgets of more than $50 million to invest a small portion (1.25%) of their cleanup funds in technology development. The covered agencies are DOD, DOE, DOI and EPA. Based on the FY93 budget, $137M would be set aside by this program. The funds set aside by this program will support development of new technologies to clean up contaminated sites more efficiently and at a lower cost as well as research into methods of preventing further contamination.

This title is modeled on the successful Small Business Innovation Research Act (SBIR) program, which is funded by a research and development set-aside at federal agencies. Like the SBIR program, the bill has a three phase, carefully structured process for reviewing and funding proposals from technology developers. The bill, however, does not limit funding to small businesses. Any business can apply for funding under this program but small businesses are given special consideration.

To help move the new technologies into commercialization, this title also strengthens and enhances programs for testing new technologies. Demonstration and testing are often listed as one of the top barriers for commercializing new environmental technologies. This title would expand the existing SITE program at EPA to allow for more testing at more sites, including closed military bases. Testing would not be limited to only clean-up technology.

Title IV—Additional programs

American industry has often been slow to adopt new environmental technology, in part because of the technology-freezing effect of some environmental regulations. Once a regulation is promulgated, companies usually use the technology listed with the standard. To counter this effect, this title establishes a technology verification program at EPA. The program would allow technology vendors to apply to EPA to have their technology verified. Technologies that meet the compliance requirements of existing regulations as well as being more cost effective or more efficient would be verified. If verified, the technology would be listed in the database under title II and made available to industries, regulation writers and permit writers.

In making any policy or funding decisions regarding environmental technology, the input of the private sector and other nongovernmental groups is crucial. This title would establish a National Environmental Technology Advisory Council. This council would be comprised of representatives of industry, academia, State and local governments and non-governmental public interest groups. The council would advise the Interagency panel in title I, the institute in title II and the environmental innovation research programs in title III. The council would also review funding decisions made by the institute and the environmental innovation research programs.

This title also directs EPA to work with the Commerce Department to provide information on environmental technology and other environmental assistance to small businesses through the Department's manufacturing technology centers.

Ms. MIKULSKI. Mr. President, I rise to strongly support the Baucus, Lieberman, Mikulski bill on environmental technology.

Last year I made a pledge to Maryland residents. My pledge was to continue the fight for jobs today and jobs tomorrow. This is another step to creating the jobs for tomorrow.

This bill will act as a catalyst for public-private partnerships to develop the potential that's out there in environmental technologies.

New technologies to clean up Superfund sites. Products developed without the use of lead. More efficient engines. New products made from recyclable goods. We know the potential is endless.

This bill includes an idea that I introduced last year. This idea would provide targeted investments through loans and grants to the private sector and universities. These investments would develop the precommercial technologies that will lead to actual products.

Mr. President, this bill says that environmental protection is no longer antibusiness, or antijobs. Being good to the environment is good business.

The pattern has been in this country to develop the research and let someone else produce the product. As the United States continues to win the Nobel Prizes, we lose the markets. We have to translate R&D into the development of products and manufacturing.

We need to change the way we think and the way we operate. What we are doing here is retooling Government and getting it ready to do business in the new world.

Right now, the Federal Government spends more than $76 billion on research and development. Almost 60 percent of that amount still goes to defense research. The amount being spent on environmental technology is just a half percent. That is at the bottom of the list of our major competitors.

Mr. President, we have a chance here to become the Jolly Green Giant of the 21st century. I don't want to see another country steal that chance.

And you know that's what they are trying to do. The European Community has already set up agencies to study the technological future. Germany spends 23 percent of its R&D budget environmentally. And Japan is spending over $4 billion to develop its environmental research.

We are getting behind again. Other countries are becoming the leaders in developing air pollution control equipment and waste water treatment technologies.

Mr. President, we know the approaches in this bill work. They have worked to develop the smart weapons that won the cold war and now they can be used to develop the smart technologies to win the economic war. Now is the time to take these ideas and aim them at the environment.

Almost every report in the environmental technology area says this market is ready to explode with growth. Right now it's estimated at $200 billion. It's expected that market will be over $300 billion by the year 2000.

It's estimated there are 1.7 million jobs worldwide in the environmental industry right now. Imagine what that will mean for future jobs if the industry grows by $100 billion.

It's time for the United States to take a leadership position. Let's get out in front. I don't want this country to import ideas from abroad. I want it to export American ideas, American technologies, and American products.

Mr. LIEBERMAN. Mr. President, today Senator BAUCUS, the distinguished chairman of the Environment and Public Works Committee, is introducing the National Environmental Technology Act of 1993. As an original cosponsor of the bill, I would like to thank him, Senator MIKULSKI, and their staff for their leadership on this legislation. Both Senator MIKULSKI and I have previously introduced environmental technology bills. I am very pleased that, under Senator BAUCUS' leadership, we have developed a single, comprehensive environmental technology program.

Mr. President, the economy and the environment are two priorities of the American people. For too long, however, we have viewed these as competing concerns, and ignored the links between them. The Earth Summit in Rio last summer made clear, that if American industries are to compete successfully in the global economy they must be environmental leaders in their industries.

Innovative environmental technology advances both our environmental and economic agendas. The development and commercialization of clean technologies will play an important role in determining the competitiveness of American companies. New environmental technologies can save vast amounts of money. Pollution prevention technologies can make manufacturing process more efficient. As one computer industry executive explained to me, production of waste and pollutant byproducts is a sign of production inefficiency. And by reducing waste, they can lower the cost of waste treatment and disposal, chemical accidents and environmental cleanup liability.

In addition, innovative environmental technologies can increase U.S. exports and create jobs. As the worldwide demand for consumer goods—for cars, refrigerators, air conditioners, and other goods—expands, American products will have to be cleaner and more energy-efficient to compete successfully for market share. Likewise, the demand for pollution control and environmental cleanup equipment is growing rapidly. The Congressional Office of Technology Assessment estimates that the global market for environmental goods and services will reach $300 billion by the year 2000. As the global markets for environmentally beneficial products expand, American companies must capture their fare share.

But the United States does not have a coherent national policy to encourage the development, use, and export of environmental technology. Other nations, notably Japan and Germany, have fostered the development of new environmental technologies through active involvement with all stages of research, development and commercialization. But the United States, in its propensity to view the environment and the economy as competing priorities, has overlooked an important economic opportunity. The absence of an environmental technology policy threatens to leave America behind in a global marketplace that is increasingly shaped by environmental concerns.

The National Environmental Technology Act seeks to improve U.S. competitiveness and enhance environmental protection through promoting the development, use, and export of innovative environmental technologies. The bill has three major thrusts.

First, the bill focuses existing Federal Government environmental technology programs on critical needs. Currently 10 different agencies have technology programs related to the environment, but these programs are not governed by an overall strategy. The bill establishes an interagency panel under the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] to identify critical environmental technologies and to construct a unified Federal budget for environmental technology.

Second, the bill establishes two complementary programs to fund private-sector development and commercialization of environmental technology. The legislation establishes an Institute at the Environmental Protection Agency that would enter into cost-sharing arrangements with private sector companies and universities to help spur technology development. The bill also sets up a government-wide program, modeled on the highly successful Small Business Innovation and Research [SBIR] Program. This Environmental Innovation Research Program would reinvest a small percentage of Government cleanup funds—1.25 percent—in environmental technologies. Like SBIR, the program has a three-phase, carefully structured process for reviewing funding proposals—an approach that has successfully brought products to commercialization. The bill encourages the participation of small businesses, but does not limit funding to this sector.

This set-aside is a strategic reinvestment of Government cleanup funds. The task of cleaning up contaminated Federal and Superfund sites currently poses daunting financial and technical challenges. The total cost has been estimated to be as high as $1 trillion. Further, the Office of Technology Assessment has found that, at many Federal sites, it may be impossible with current technology to remove contaminants from ground water plumes and deeply buried soils. New technologies are clearly needed to reduce costs and improve the results of cleanup efforts. Over the long term, I expect the 1.25 percent set-aside will increase, not decrease, the progress of our cleanup programs by improving the cost-effectiveness of available cleanup technologies.

Finally, the bill helps break down some of the regulatory barriers to the use of new technology. For example, it establishes a testing and demonstration program to speed commercialization of new technologies, and creates a clearinghouse to link technology developers to technology users. It also promotes the diffusion of environmental technology by linking the Environmental Protection Agency and the Department of Commerce to provide technical assistance to small and medium-sized businesses through the Department of Commerce's manufacturing technology centers. The centers currently provide small and medium-sized business with general technology assistance, and are well-positioned to play a greater role in helping businesses comply with environmental mandates and reduce their pollution. There are only seven such centers today, but the Clinton administration has proposed establishing over 100 centers around the country in the next 4 years.

Mr. President, this bill is carefully constructed to substantially increase government support of environmental technology without increasing government bureaucracy. It is fully consistent with our shared efforts to reinvent government. Several provisions in the bill will streamline existing government programs and make them better serve public needs. For example, the inter-agency panel will set clear government-wide priorities for environmental technology programs and improve government accountability and efficiency. Further, the new institute at EPA will consolidate environmental technology information from across EPA and the Federal Government, making this information much more accessible to industry, State agencies, and other members of the public. The Institute at EPA will essentially serve as a one-stop shop for environmental technology, linking environmental programs across the Federal Government, and linking environmental technology developers with users both at home and abroad.

The bill will also improve the payback of existing spending programs. Over the long term, setting aside a small portion of our cleanup funds for technology development should reduce the cost to the Federal Government of cleaning up contaminated sites. In one study of certain Federal contaminated sites, the use of innovative environmental technology instead of conventional cleanup approaches reduced cleanup costs by over 60 percent.

Mr. President, I have seen directly what the lack of U.S. Government commitment to clean environmental technologies can mean. With its highly skilled work force, Connecticut is poised to be a leader in environmental technology. But companies have not had the support that a sensible energy and economic policy can offer. For example, Connecticut is home to two of the Nation's fuel cell manufacturers. Fuel cells are essentially large scale batteries that use a range of fuels, hydrocarbon fuel, without combustion, to produce electricity. They are superlative energy producers, reaching efficiencies of over 80 percent if heat is recovered, compared to about 30 percent for traditional power plants. They are virtually pollution-free, and because of their great efficiency, emit far less carbon dioxide per unit of energy produced than traditional power-generating devices.

The World Resources Institute and others have identified fuel cells as a critical environmental technology. Fuel cells are on the brink of commercialization, but our Government is not acting aggressively enough to foster that commercialization here in cooperation with the private sector. Even as they struggle in this country, however, fuel cells and other alternative energy industries are forming the basis of an aggressive energy and economic policy in Japan—including support of the commercialization process. That should come as no surprise to us, but it should serve as a warning. We cannot let fuel cells go the way of the VCR.

Mr. President, this is not old-fashioned industrial policy. It is not centralized government planning; it is not command and control from Washington; and finally, it is not a bailout for failing industries. It is government working as a catalyst to promote private sector development of socially beneficial technologies, and to make sure that the environmentally clean technologies of tomorrow are being created right here in America today.

By Mr. LAUTENBERG:

S. 979. A bill to require the Administrator of the Environmental Protection Agency to establish an environmental export program, and for other purposes; to the Committee on Foreign Relations.

GREENTECH JOBS INITIATIVE ACT OF 1993

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Greentech Jobs Initiative Act of 1993. This bill creates a comprehensive, lowcost effort to help America's environmental companies win the race for global markets.

Mr. President, our world is changing and our economic strategies must change with it. We need to embrace new realities and take advantage of our enormous creativity and new markets.

This legislation recognizes that creating jobs and protecting the environment are not at odds. They can, and must, go hand in hand. When we clean up pollution or prevent it from occurring in the first place, we create jobs for engineers, manufacturing workers, consultants, and many others. We put our people to work doing good—and we hope—doing well.

In addition, this legislation recognizes that American companies must start thinking globally, especially in the environmental field. The worldwide market for environmental goods, services, and technologies is expected to grow 5 percent per year and reach $300 billion by the year 2000.

In today's economy, a simple mathematical formula should be our guide: Exports equals jobs. That equation should be tacked to the wall, maybe beside the sign that says, "It's the economy, stupid."

Equally important, this legislation recognizes that our most powerful source of new jobs is America's small business community. Over a recent 3-year period, for example, small businesses accounted for 3.2 million new jobs while big business saw a net loss of 500,000 jobs.

The environmental field is populated largely by small companies, precisely the nimble, aggressive types of firms that will survive in an economy of intense international competition.

We must also recognize that our Government cannot stand by and let American companies get clobbered in this global environmental market. When I was at the Rio summit last year, I was deeply impressed at how the German and Japanese Governments had aided their environmental companies in capturing worldwide markets for their goods, services, and technologies.

Our Government no longer has the luxury of retiring to the sidelines. It must lend our companies and our workers a helping hand. Government shouldn't dictate how companies should operate and it shouldn't offer handouts, but it should provide the conditions and assistance that will allow these companies to flourish and create jobs.

That's what the Greentech Jobs Act tries to accomplish. The bill has four key components.

First, environmental technology information.

My bill establishes a program to collect credible and cutting-edge information on environmental technologies. Under this program, the Environmental Protection Agency will test new environmental technologies, develop testing protocols, conduct technology demonstrations, and establish a research and development program for low-cost technologies that meet foreign environmental needs.

Second, international environmental technology financing.

My bill directs the EPA, in conjunction with the Agency for International Development, to identify environmental projects in foreign countries that could benefit from U.S. knowhow. In addition, the agencies must establish financial mechanisms to increase the participation of U.S. businesses in supplying environmental goods, services, and technologies to developing nations.

Third, environmental export technology training.

My bill establishes environmental training programs for certain foreign service commercial officers so that these officers can better assist U.S. environmental firms.

Fourth, an Environmental Export Information Center.

My bill creates a one-stop center where American businesses can obtain vital information on: sources of financial and technical assistance, environmental needs of foreign countries, specific markets for American exports, and the names of business contacts in foreign countries who could assist U.S. exporters.

Mr. President, the Greentech Jobs Initiative Act also squares well with the goals of the Clinton-Gore administration. The administration's budget devotes $36 million to environmental technologies, $12 million of which is targeted to environmental exports.

In addition Mr. President, parts of this bill are based on a report issued by former EPA Administrator William Reilly, "Global Markets for Environmental Technologies: Defining a More Active Role for EPA Within a Broader U.S. Government Strategy." The report identifies two areas of expertise at EPA that would be valuable in the overall U.S. Government export assistance effort: demonstration of innovative solutions to environmental problems around the world, and technology innovation, development, and diffusion.

The bill's financial assistance program also parallels the program already enacted for renewable technologies in last year's National Energy Act.

And finally, the idea for the Environmental Export Information Center comes from many small- and medium-sized firms that are often unaware of the many existing Federal programs to provide assistance to environmental exports. They have applauded the idea of having a single point of contact to improve the services Government provides.

Mr. President, in my own State there are more than 2,000 companies providing environmental protection goods and services. Located in every part of the State, these companies employ tens of thousands of people as engineers, consultants, and manufacturers. They are ready, willing and able to expand their businesses and employ more people if given the helping hand this bill will provide.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Greentech Jobs Initiative Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; policy; purposes.

TITLE I—EXPORT PROGRAMS OF THE ENVIRONMENTAL PROTECTION AGENCY

Sec. 101. Definitions.
Sec. 102. Environmental protection agency global greentech initiative.
Sec. 103. Environmental technology information.

Sec. 104. International environmental technology financing program.
Sec. 105. Environmental export technology training.
Sec. 106. Authorization of appropriations.
TITLE II—AMENDMENTS TO THE EXPORT ENHANCEMENT ACT OF 1988
Sec. 201. Advisory committee.
Sec. 202. Study of export promotion practices.
Sec. 203. Environmental export information center and outreach program.

SEC. 2. FINDINGS; POLICY; PURPOSES.

(a) Findings.—Congress finds that—

(1) the estimated dollar amount of the world market for environmental technologies, goods, and services is expected to grow at a rate of 5 percent per year, and the amount is expected to reach $300,000,000,000 by the year 2000;

(2) the Administrator of the Environmental Protection Agency has the expertise to play an active role in the export assistance activities of the Federal Government relating to—

(A) the demonstration of innovative and proven solutions to environmental problems in foreign countries; and

(B) the development and dispersal of innovative and proven environmental technologies.

(b) Policy.—It is the policy of the Federal Government to—

(1) foster the export of proven, cost-effective environmental technologies, goods, and services to assist in achieving the environmental objectives of the Federal Government;

(2) promote international economic and social development on a sustainable basis;

(3) improve the competitiveness of the United States in international trade;

(4) reduce the balance of trade deficit of the United States through the export of environmental technologies and technological expertise;

(5) retain and create manufacturing and related service jobs in the United States;

(6) develop markets for environmental technologies to be used in meeting the environmental needs of foreign countries; and

(7) provide financial assistance to foster increased participation by business concerns of the United States in the financing, ownership, design, construction, or operation of environmental technology projects in foreign countries.

(c) Purposes.—It is the purpose of this Act to—

(1) develop information on environmental technology testing, demonstration, and evaluation;

(2) create financial mechanisms to assist domestic business concerns in establishing and operating technology projects in foreign countries;

(3) provide environmental training for export assistance officers; and

(4) establish a central repository for information on environmental exports.

TITLE I—EXPORT PROGRAMS OF THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 101. DEFINITIONS.

As used in this title:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Business concern.—The term "business concern" means a private firm, corporation, or other entity that the Administrator determines to be appropriate.

(3) Developing country.—The term "developing country" means a country eligible for foreign assistance from the United States, and includes the countries of—

(A) Central and Eastern Europe; and

(B) the independent states of the former Soviet Union.

(4) Domestic business concern.—The term "domestic business concern" means a business concern whose principal place of business is the United States.

(5) Environmental export activity.—The term "environmental export activity" means an activity associated with the export of environmental technology.

(6) Environmental technology.—The term "environmental technology" means a technology, good, or service that reduces environmental risks by—

(A) fulfilling a function other than protection of the environment with less impact on the environment than other technologies, goods, and services; and

(B) protecting or enhancing the environment through pollution control or environmental remediation.

(7) Foreign business concern.—The term "foreign business concern" means a business concern whose principal place of business is a foreign country.

(8) Host country.—The term "host country" means a foreign country that—

(A) is the participant in, or the site of, a proposed innovative environmental technology project under section 104; and

(B) is either—

(i) classified as a country eligible to participate in development assistance programs of the Agency for International Development pursuant to applicable laws (including regulations); or

(ii) a developing country.

(9) Innovative environmental technology.—The term "innovative environmental technology" means a new technology (or a related good or service) that—

(A) would effect a significant and cost-effective reduction in an environmental risk (as determined by the Administrator);

(B) represents a significant technological advance (or in the case of a related good or service, is associated with a technology that represents a significant technological advance); and

(C) would result in a high degree of social benefit from private investment.

(10) Secretary.—The term "Secretary" means the Secretary of Commerce.

SEC. 102. ENVIRONMENTAL PROTECTION AGENCY GREENTECH JOBS INITIATIVE.

(a) In General.—The Administrator shall establish and carry out a program to be known as the "Greentech Jobs Initiative".

(b) Duties of the Administrator.—In carrying out the Greentech Jobs Initiative, the Administrator shall—

(1) establish a program to develop environmental technology information pursuant to section 103;

(2) establish an International Environmental Technology Financing Program pursuant to section 104;

(3) provide for environmental training pursuant to section 105;

(4) participate in the establishment and operation of the Environmental Export Information Center and Outreach Program pursuant to section 2313(g) of the Export Enhancement Act of 1988 (as added by section 203);

(5) ensure the participation by a representative of the Environmental Protection Agency on the Environmental Trade Working Group of the Trade Promotion Coordination Committee, as required under section 2313(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4728(b));

(6) ensure the coordination of the environmental export promotion activities of the Environmental Protection Agency with the export promotion activities of the Department of Commerce and other Federal agencies; and

(7) cooperate with the Secretary—

(A) to facilitate contacts between persons and entities that possess environmental technologies and expertise and persons and entities that need the environmental technologies and expertise;

(B) to participate in environmental trade missions and trade fairs;

(C) to provide technical assistance to State export promotion offices, including information sharing and training; and

(D) to promote the level of awareness of environmental problems of officials of financial institutions of the Federal Government.

SEC. 103. ENVIRONMENTAL TECHNOLOGY INFORMATION.

(a) In General.—The Administrator shall establish a program to foster the development and international dissemination of credible data and information concerning the performance, costs, potential applications, and environmental applications of competitive technologies of the United States (referred to in this section as the "program").

(b) Coordination of Efforts.—The Administrator shall coordinate the activities of the program with the activities of—

(1) the Environmental Trade Promotion Working Group of the Trade Promotion Coordination Committee established under section 2313(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4728(b));

(2) national laboratories;

(3) appropriate officials of institutions of higher education; and

(4) representatives of nongovernmental groups and organizations.

(c) Duties of the Administrator.—

(1) Testing.—In carrying out the program, the Administrator shall conduct a program of field and laboratory testing of new and innovative environmental technologies. Under the testing program, the Administrator shall designate categories of innovative environmental technologies to receive priority for testing. The Administrator shall designate the categories on the basis of international needs for environmental technologies.

(2) Protocols for product testing; dissemination of information.—In carrying out the program, the Administrator shall—

(A) develop testing protocols and a peer review process to obtain technology performance data; and

(B) disseminate the information obtained pursuant to subparagraph (A) to the appropriate officials of Federal agencies, departments and agencies of States, institutions of higher education, and industrial testing organizations.

(3) Demonstrations; evaluations.—

(A) In general.—In carrying out the program, the Administrator shall establish a demonstration program to conduct projects to demonstrate environmental technologies and evaluate the technologies by applying the testing protocols developed pursuant to paragraph (2).

(B) Demonstration team.—To carry out a demonstration project referred to in subparagraph (A), the Administrator shall establish a team of individuals with recognized expertise in fields related to environmental technologies who represent professional societies, institutions of higher education, Federal agencies and departments and agencies of States. The Administrator shall, by regulation, provide for the administration of, and compensation for, members of each team.

(C) DEMONSTRATION.—With respect to the demonstration projects referred to in subparagraph (A), the Administrator shall—

(i) solicit applications from persons and entities for the demonstration and testing of an environmental technology;

(ii) approve each application that meets requirements that the Administrator shall establish by regulation;

(iii) conduct a demonstration project for each applicant that—

(I) submits an application approved by the Administrator; and

(II) enters into an agreement with the Administrator to accept such terms for the demonstration project as the Administrator determines to be appropriate; and

(iv) establish a schedule of fees that shall—

(I) as a condition to carrying out the demonstration, be assessed by the Administrator to cover, in whole or in part, the cost of the demonstration and testing of an environmental technology under this paragraph; and

(II) allow for adjustments by the Administrator to take into account the ability of an applicant to pay a fee under the schedule.

(4) ENVIRONMENTAL TECHNOLOGY PROFILES.—In carrying out the program, the Administrator shall publish monographs of technological approaches to address specific environmental problems. Each monograph published under this paragraph shall identify each available environmental technology and emerging environmental technology that could address the environmental problem that is the subject of the monograph, and describe, with respect to the environmental technology, the—

(A) performance costs;

(B) benefits;

(C) limitations; and

(D) design criteria.

(5) RESEARCH AND DEVELOPMENT.—In carrying out the program, the Administrator shall establish a research and development program. If the Administrator determines that a cost-effective technology is needed to meet environmental goals in 1 or more foreign countries, the Administrator shall, to the extent practicable, conduct a research and development project under the program to meet the identified need.

SEC. 104. INTERNATIONAL ENVIRONMENTAL TECHNOLOGY FINANCING PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator, in cooperation with the Administrator of the Agency for International Development, and in consultation with the other members of the Environmental Trade Promotion Working Group (in this section referred to as the "interagency working group") established under section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728), shall establish an environmental technology financing program to carry out the purposes described in subsection (b).

(2) WRITTEN AGREEMENT.—Not later than 150 days after the date of the enactment of this Act, the Administrator and the Administrator of the Agency for International Development shall enter into a written agreement to carry out this section.

(3) AGREEMENTS RELATING TO CERTAIN FOREIGN COUNTRIES.—With respect to any foreign country that does not receive assistance from the Agency for International Development, the Administrator may, if appropriate, enter into an agreement with the head of another Federal agency to provide the assistance that would otherwise be provided pursuant to paragraph (2).

(b) IDENTIFICATION.—

(1) IN GENERAL.—Pursuant to the agreements required by subsection (a), the Administrator, in consultation with the Administrator of the Agency for International Development, each head of a Federal agency who is a signatory to an agreement under subsection (a)(3), the Environmental Trade Promotion Working Group, representatives from domestic business concerns, and representatives from foreign countries, shall develop mechanisms to identify projects in host countries that could benefit from environmental technologies.

(2) LIST OF PROJECTS.—Not later than 240 days after the date of enactment of this Act, and periodically thereafter (as determined by the Administrator), the Administrator shall prepare a list of the projects identified pursuant to paragraph (1).

(c) FINANCIAL MECHANISMS.—

(1) IN GENERAL.—Pursuant to the agreement under subsection (a), the Administrator, acting through the Administrator of the Agency for International Development (or the head of a Federal agency who is a signatory to an agreement under subsection (a)(3)), shall—

(A) establish appropriate financial mechanisms to increase the participation of domestic business concerns with respect to supplying environmental technologies in developing countries; and

(B) use financial assistance authorized under this section to counterbalance assistance provided by foreign governments.

(2) FINANCIAL ASSISTANCE.—The financial assistance authorized under this section may be—

(A) provided in combination with other forms of financial assistance, including funding from sources from foreign countries and other non-Federal sources that is available to fund a project; and

(B) used to assist domestic business concerns in the development of financing packages for environmental technology projects that use other Federal financial assistance programs.

(3) APPLICABILITY OF OBLIGATIONS OF THE UNITED STATES.—The obligations of the United States under the Arrangement on Guidelines for Officially Supported Export Credits established through the Organization for Economic Cooperation and Development shall apply under this section.

(d) SOLICITATIONS FOR PROJECT PROPOSALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and as appropriate thereafter (as determined by the Administrator), the Administrator, in cooperation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a), shall solicit proposals from domestic business concerns of the United States for environmental projects in host countries.

(2) CONTENTS OF PROJECTS.—A project referred to in paragraph (1) shall be designed to provide assistance in a host country in carrying out a project identified and listed pursuant to subsection (c). The assistance may include engineering design, demonstration, transportation, personnel training, testing, and financing, except that no assistance may be provided or used under this Act for the purchase or construction of capital equipment or for the routine operations of a business concern.

(3) REQUIREMENTS FOR PROJECTS.—Each solicitation made by the Administrator under this subsection shall include notification of the following requirements relating to projects conducted under this subsection:

(A) Each domestic business concern that submits a proposal in response to a solicitation under this subsection shall have an equity interest (as defined and determined by the Administrator) in the project that is the subject of the proposal.

(B) Each project that is approved by the Administrator shall use a technology developed by a domestic business concern to meet any applicable environmental requirements of the host country.

(C) Each project proposal shall be submitted by, and carried out by, a domestic business concern, except that the Administrator may approve a project to be conducted pursuant to a joint venture or other arrangement that teams a domestic business concern with a foreign business concern.

(e) CERTAIN FINANCIAL ASSISTANCE TO DOMESTIC BUSINESS CONCERNS.—Pursuant to the agreements under subsection (a), the Administrator, in cooperation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a), and in consultation with the interagency working group, shall establish a procedure to provide financial assistance to a domestic business concern for a project identified under subsection (c) in any case in which a solicitation for the project is conducted by a host country or a multilateral lending institution.

(f) OTHER PROGRAM REQUIREMENTS.—Pursuant to the agreements under subsection (a), the Secretary, in cooperation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a), and in consultation with the interagency working group, shall—

(1) establish eligibility criteria for host countries;

(2) periodically review the environmental needs of host countries and export opportunities for domestic business concerns for the development of projects in host countries;

(3) consult with appropriate officials of the governments of host countries to determine the level of interest in, and support for, potential projects under this section; and

(4) determine whether each project selected under this section is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development.

(g) SELECTION OF PROJECTS.—

(1) IN GENERAL.—Pursuant to the agreements under subsection (a), the Administrator, in cooperation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a), shall, not later than 120 days after a deadline for receipt of proposals in response to a solicitation under subsection (e) that the Administrator shall establish, select 1 or more project proposals for approval.

(2) SELECTION.—In selecting a project proposal for approval, the Administrator, in cooperation with the Administrator of the Agency for International Development or the appropriate head of a Federal agency referred to in paragraph (1), shall consider—

(A) the ability of the domestic business concern, in cooperation with the host country, to undertake and complete the project;

(B) the degree to which the equipment to be included in the project is designed and manufactured in the United States;

(C) the long-term technical and competitive viability of the environmental technology that is the subject of the project proposal (including any related services);

(D) the ability of the domestic business concern to compete in the development of additional environmental projects using the environmental technology referred to in subparagraph (C) in the host country and in other foreign countries;

(E) the extent of technical and financial involvement of the host country in the project;

(F) the extent of technical, financial, management, and marketing capabilities of the participants in the project, and the commitment of the participants to completion of a successful project in a manner that will facilitate acceptance of the technology of the United States for future application;

(G) the extent to which the environmental technology effectively addresses the environmental needs of the host country; and

(H) such other criteria as the Administrator, in consultation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a), considers appropriate.

(i) UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.—The Administrator shall coordinate the activities carried out under this section with the United States-Asia Environmental Partnership.

(j) BUY AMERICA.—

(1) IN GENERAL.—Pursuant to the agreements under subsection (a), in carrying out this section, the Administrator, in consultation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a), shall ensure—

(A) that a maximum percentage, but in no case less than 50 percent, of the cost of any equipment furnished in connection with a project authorized under this section shall be attributable to components manufactured in the United States; and

(B) the maximum participation of domestic business concerns.

(2) DETERMINATION OF COST.—In determining whether the cost of the components referred to in paragraph (1) equals or exceeds the percentage specified in paragraph (2), the Administrator may not consider the cost of assembly of the components in the host country as part of the cost of the component.

(k) REPORTS TO CONGRESS.—The Administrator, in cooperation with the Administrator of the Agency for International Development and each head of a Federal agency who enters into an agreement under subsection (a) shall, not later than 1 year after the date of enactment of this Act, and annually thereafter, submit a report to Congress concerning the progress made with respect to introducing environmental technologies into foreign countries.

SEC. 105. ENVIRONMENTAL EXPORT TECHNOLOGY TRAINING.

(a) TRAINING OF ENVIRONMENT EXPORT ASSISTANCE OFFICERS.—The Administrator, in consultation with the Secretary of Commerce, shall establish a program to provide training to each Environmental Export Assistance Officer designated by the Secretary pursuant to section 2313(d) of the Export Enhancement Act of 1988 (15 U.S.C. 4728(d)).

(b) TRAINING OF INDIVIDUALS OF DEVELOPING COUNTRIES.—The Administrator, in cooperation with the Administrator of the Agency for International Development, shall establish a program to provide training to individuals of developing countries concerning the operation and maintenance of environmental technologies. Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into a written agreement with the Administrator of the Agency for International Development to carry out the program.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Environmental Protection Agency such sums as may be necessary to carry out this title.

TITLE II—AMENDMENTS TO THE EXPORT ENHANCEMENT ACT OF 1988

SEC. 201. ADVISORY COMMITTEE.

Section 2313 of the Export Enhancement Act (15 U.S.C. 4728) is amended by adding at the end the following new subsection:

"(e) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Working Group concerning increasing the number of exports of environmental technologies, goods, and services.

"(2) MEMBERS.—The advisory committee shall be composed of 11 members, including representatives of industrial groups, institutions of higher education, professional organizations, individuals with recognized expertise in fields related to trade, and environmental groups.

"(3) CHAIRPERSON.—The Secretary shall appoint a Chairperson from among the members of the advisory committee.

"(4) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the advisory committee who is not an officer or employee of the Federal Government may be compensated at a rate determined by the Secretary, but not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of 5 title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the advisory committee. All members of the advisory committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(B) TRAVEL EXPENSES.—The members of the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorities for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the advisory committee.

"(5) STAFF.—

"(A) IN GENERAL.—The Secretary shall provide to the advisory committee such staff as the Secretary, in consultation with the Chairperson, determines to be necessary for the advisory commission to carry out the functions specified in this subsection.

"(B) DETAIL.—The head of any Federal agency may, with or without reimbursement, detail to the advisory committee an employee of the Federal agency to assist in carrying out necessary functions of the advisory committee.".

SEC. 202. STUDY OF EXPORT PROMOTION PRACTICES.

Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728), as amended by section 201, is further amended by adding at the end the following new subsection:

"(f) STUDY.—

"(1) IN GENERAL.—The Working Group shall conduct a study of subsidies, incentives, and policies used by foreign countries to promote exports of the environmental technologies, goods, and services of the foreign countries. In conducting the study, the Working Group shall identify any foreign trade barrier that restricts the import of environmental technologies goods, or services manufactured, produced in, or otherwise originating from, the United States.

"(2) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Working Group shall submit a report on the findings of the study described in paragraph (1) to Congress.".

SEC. 203. ENVIRONMENTAL EXPORT INFORMATION CENTER AND OUTREACH PROGRAM.

Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728), as amended by section 202, is further amended by adding at the end the following new subsection:

"(g) ENVIRONMENTAL EXPORT INFORMATION CENTER AND OUTREACH PROGRAM.—

"(1) IN GENERAL.—The President shall establish an environmental export information center (referred to in this subsection as the 'Center').

"(2) FUNCTIONS OF CENTER.—

"(A) IN GENERAL.—The Center shall serve as a centralized repository for information concerning the export of environmental technologies, goods, and services to foreign countries, including information concerning—

"(i) potential sources of financial and technical assistance;

"(ii) the environmental needs of foreign countries;

"(iii) opportunities for the export of environmental technologies, goods, and services to foreign countries;

"(iv) the names of business contacts in foreign countries that could facilitate the exports; and

"(v) environmental and trade laws and regulations of foreign countries.

"(B) DISSEMINATION OF INFORMATION.—An appropriate official of the Center shall provide the information referred to in subparagraph (A) to any person or entity that requests the information.

"(C) OUTREACH.—The Center shall conduct a comprehensive program to identify domestic business concerns that might export environmental technologies and to provide information to these domestic business concerns about the programs and services of the Center.".●

By Mr. LIEBERMAN (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. METZENBAUM, and Mr. WELLSTONE):

S. 980. A bill to reduce hazardous pollution, and for other purposes; to the Committee on Environment and Public Works.

POLLUTION LEGISLATION

● Mr. LIEBERMAN. Mr. President, I am pleased to introduce today, along with my colleagues Senators MOYNIHAN, JEFFORDS, LAUTENBERG, FEINGOLD, METZENBAUM, and WELLSTONE, the Hazardous Pollution Prevention Planning Act of 1993. This does not use the old command and control technique of ordering businesses to adopt pollution prevention measures. Instead, it requires certain businesses currently covered by the toxic release inventory to conduct a self-analysis for

prevention opportunities and to set pollution prevention goals for themselves. It does not require those companies to implement pollution prevention, but it does ask them to take a careful look at its benefits. It is designed to help businesses see for themselves, in their own individual ways, how they can improve their bottom line while, at the same time, they improve the environment. In brief, this legislation:

First, requires those facilities that currently report under the toxic release inventory of the Emergency Planning and Community Right to Know Act to prepare pollution prevention plans. The plans would both consider options and establish 5-year goals for pollution prevention. The plans would not be public documents. Summaries of the plans and progress reports, subject to confidentiality provisions, would be available to the public.

Second, requires EPA to establish a small business pollution prevention compliance and technical assistance program including manuals and pollution prevention checklists for certain categories of smaller and medium-sized businesses, which would be used by those businesses in lieu of preparing plans.

Third, directs EPA to conduct a university and college based research, development, and demonstration program on pollution prevention.

Fourth, requires EPA to prepare a report on progress in pollution prevention and to identify industrial categories that need assistance in pollution prevention. EPA may provide, on request, technical assistance to facilities within those categories.

Fifth, provides for a demonstration program of regulatory incentives, including permit modifications, for those facilities which are doing a good job at pollution prevention.

Mr. President, we have spent the last 20 years trying to clean up the environmental mistakes of our predecessors. In Congress, we have passed comprehensive legislation protecting surface waters, drinking water, air, coastal zones, land pollution, wetlands, and oceans. The heart of our environmental legislation has been an attempt to regulate a vast array of industrial, agricultural, and individual behavior.

We have witnessed some significant victories. In my State, after an absence of many decades, salmon are returning to breed in the Connecticut River, one of our most valuable natural resources. We have taken most of the lead that contributed to lead poisoning out of the air. Comprehensive hazardous waste management regulations are in place which, according to EPA, have kept roughly 16 billion gallons of hazardous waste per year from being landfilled without prior treatment.

But while we have made strides, overall our efforts keep falling behind the pollution curve. For example, the Clean Water Act's objective of prohibiting the discharge of toxic pollutant in toxic amounts is not being met. Millions of tons of dangerous chemicals continue to be discharged into our waterways; 21 years after passing the Clean Water Act, there's no excuse for not doing a better job.

Also, 16 years after the Resource Conservation and Recovery Act was passed, we still have not made a real dent in the hazardous waste we produce. By one estimate, hazardous waste generation in the United States is likely to increase by 75 percent from 1988 to 2000.

Almost 5 billion tons of toxic chemicals were released into the environment or transferred off-site from manufacturing facilities in 1990, according to the toxic release inventory, which has the ability to measure only a portion of the toxic chemicals released by industry in America.

Many of us are bothered by the nagging questions: Is this the best we can do? Where do we go from here? How do we ensure that future generations will not inherit an ever-expanding multi-billion-dollar environmental deficit comprised of programs to clean up our mistakes? Is there some supplement or alternative to our traditional command and control regulatory strategy that will work better?

I believe that the answer to these questions is that rather than only control pollution after it is created, we should direct our efforts to preventing its creation in the first place. This is the conclusion reached in the report prepared by the EPA Science Advisory Board, "Reduced Risk." The report states:

> End of the pipe controls and waste disposal should be the last line of environmental defense, not the front line. Preventing pollution at the source is usually a far cheaper, more effective way to reduce environmental risk, especially over the long run.

The legislation I am introducing today does not use command and control measures to require pollution prevention directly but instead requires certain industries to review pollution prevention opportunities and to set their own goals for reduction.

Once businesses covered by the toxic release inventory see the advantages of pollution prevention through the planning process, they don't need to be forced into it. First, and foremost, pollution prevention provides substantial and far-reaching benefits to human health and the environment, going well beyond the benefits of traditional control regulations. Pollution prevention techniques, such as substituting other chemicals for lead in gasoline or eliminating the use of DDT, have resulted in the greatest environmental successes of the last 20 years. Pollution prevention also reduces the shifting of waste from one medium to another—such as turning hazardous air emissions into hazardous solids that must be disposed of in landfills.

Second, pollution prevention can significantly reduce costs to American companies associated with the purchase of raw materials, waste treatment, disposal, liability, and accidents. Currently, American business spends approximately $115 billion a year on pollution control. As Kenneth Derr, the chief executive officer of Chevron Corp., has stated: "Pollution prevention may be the best way to get out of this regulatory net and reduce operating costs."

The cost savings resulting from pollution prevention are well-documented and impressive. The most comprehensive work, by the nonprofit group INFORM, looked at 27 U.S. plants of varying types. The study found that the amount of waste reduced through pollution prevention at these plants is substantial: 128.7 million pounds in 1 year. INFORM also found an average waste reduction of 71 percent, an average annual amount of waste reduction per source reduction action of 1.6 million pounds, an average annual savings per action of $351,000, and an annual savings for all the plants combined of $21.8 million. Two-thirds of the actions recouped the initial investments within 6 months. In short, INFORM found that source reduction actions have typical returns on investment far exceeding that of virtually any other use of corporate dollars.

Third, pollution prevention can improve American competitiveness by leading to greater efficiency. As one computer industry executive explained to me, waste byproducts are actually a cost in his highly competitive industry, a sign of inefficiency. American companies produce five times more waste than German and Japanese companies per dollar of goods manufactured. As more and more business leaders are discovering, environmentally sound manufacturing can cut costs and improve the bottom line. Competing in the global market means limiting the inefficiencies that pollution from pipes and stacks often signals.

The INFORM study shows that pollution prevention actions significantly improved industrial efficiency, energy use, and product quality. For example, average product yield per source reduction activity among the 27 companies increased by 7 percent. These all translate into greater international competitiveness.

There is a growing consensus that the best way to achieve pollution prevention planning is through a careful planning process. First, leading business theorists support the process of doing planning to help renew companies. Robert Waterman, in his book, "The Renewal Factor: How the Best Get and Keep the Competitive Edge," states: "The renewers seem to know how important the process of planning can be in generating information; in identifying issues; in improving communications; in reinforcing the culture; in supporting the financial control systems; and in identifying possible crisis points." In testimony before the Environment and Public Works Committee last Congress, Morton Mullins of the Chemical Manufacturers Association said: "Planning is an essential, if not the essential, milestone or element of the pollution prevention process. We are totally supportive of it. We could not be doing the things we are doing without planning."

While a planning process might seem natural given the enormous competitive and environmental benefits, experts in pollution prevention told the Environment and Public Works Committee that it simply does not occur routinely.

Although there are large opportunities for pollution prevention, one of the reasons many facilities are missing them is that they are unaware of the sources of pollution. INFORM found that:

> Virtually every facility that looks at its operations finds significant opportunities for source reduction and toxic use reduction. Therefore, anything the government can do to stimulate companies to take a look when they otherwise wouldn't should promote significant source reduction progress.

William Mulligan of Chevron, testifying before the Environment Committee, agreed that planning provisions could in fact accomplish the goals of having companies look at their pollution and identify forms of pollution prevention that they might not otherwise have come up with. INFORM reported that even at plants with effective source reduction programs, not one official indicated that the plan had reached its potential, or even that a predefined level of source reduction can exist. In short, the full benefits of pollution prevention will only emerge after a careful analysis of a firm's operations and processes.

A recent GAO study reported that representatives of States, industry, and environmental organizations have endorsed planning as an effective approach to identifying opportunities for pollution prevention. At least 14 States have some kind of planning legislation. At a conference last year of industry, government, and public interest representatives on State strategies for pollution prevention, all participants agreed that planning should be part of a government program on pollution prevention.

The legislation I am introducing today builds on the successes of States where planning has been tried, and the proposed legislation reflects the lessons learned through that experience. The bill contains the provisions on pollution prevention planning as reported out of the Environment and Public Works Committee last Congress in S. 976. It reflects extensive discussions with industry, government, and public interest representatives.

Section 4 requires owners or operators of facilities currently reporting under EPCRA to develop pollution prevention plans considering options and establishing 5-year goals as appropriate for three types of pollution prevention: Source reduction, the source reduction method defined as toxic use reduction and in-process recycling. Smaller facilities and facilities which use, manufacture, or process below a certain threshold are not covered by EPCRA and therefore would not be covered in this legislation. It may be appropriate for an owner/operator of a facility to determine that no improvement can be made in a particular type of pollution prevention. In other words, a goal for toxics use reduction or any other type of pollution prevention might be zero.

Analyses and goals are required both for the facility as a whole and for targeted smaller units within a facility responsible for producing a product or family of product. The owner or operator of the facility is given discretion to determine which smaller units at the facility contribute significantly to pollution; it is those targeted units that will be analyzed as part of the plan. The National Academy of Sciences, the Office of Technology Assessment, and some businesses all agree that it is important to examine pollution prevention opportunities within smaller units, because simply looking at the facility as a whole may not give a sufficiently accurate picture.

The EPA Administrator is given discretion to enlarge the coverage of facilities within the scope of this bill if additional categories are added to the toxic release inventory. However, the Administrator must first research and make findings about the extent of pollution prevention to be achieved from such an expansion.

Companies are required to submit a plan summary describing the facility, identifying targeted production processes, identifying goals, and describing measures that will be taken to implement the plan. Progress reports must be submitted annually and should demonstrate progress and explain, if necessary, why progress is less than expected.

The legislation provides that plans are not public documents. The plan summaries and progress reports will be made available to the public, subject to confidentiality protection.

Although many smaller businesses are not within the scope of this legislation at all, section 4 contains a special compliance program for small and medium-sized businesses modeled after a California law. EPA is required to prepare manuals and checklists for certain industry segments which are to be used by those industries in lieu of preparing plans.

This approach was suggested to me last Congress by the National Association of Metal Finishers which represents small businesses. The association has informed me in a letter that its members,

> * * *have found this type of program to be an efficient method of complying with waste minimization and pollution prevention requirements. In fact, the association viewed the waste minimization opportunities assessment manual developed in consultation with our industry favorably enough that it was reproduced and provided to the entire national membership. It is a basic, efficient method of self-initiated pollution prevention assessment in this industry.

Section 4 also makes clear that EPA and States have the authority to review plans, but only to determine if they are complete and not to evaluate their substance.

Section 5 of the legislation requires EPA to prepare pollution prevention reports that summarize national progress in pollution prevention and identifying any industrial categories that need improvement and assistance in pollution prevention. EPA may, upon request, provide technical assistance to facilities within those identified categories.

The legislation makes clear that EPA is not given the authority to mandate that pollution prevention performance standards be achieved or that particular pollution prevention measures be implemented. Harvard Business School's Michael Porter has written that government must not constrain the technology used to achieve pollution prevention. I agree that government involvement might indeed hamper the development of innovative technologies and processes.

Under section 6, EPA is authorized to approve a State pollution prevention program to be implemented in lieu of the Federal program.

I'd like to highlight the research, development, and demonstration portion of the bill, section 7, which was proposed by my very able colleague, the distinguished senior Senator from New York, Senator MOYNIHAN. The language was originally offered and accepted as an amendment to the Environment and Public Works Committee markup of the Resource Conservation and Recovery Act last June. I was impressed by the amendments and asked Senator MOYNIHAN if he would agree to have the language included as part of my pollution prevention bill. I am glad he agreed to do so, because I think it is an important addition to my bill. An efficient infrastructure for pollution prevention, recycling and reuse simply does not exist. These provisions help us build this infrastructure now and maintain it in the future.

Section 7 encourages EPA to conduct a pollution prevention research program. It requires EPA to work with other Federal agencies involved in pollution prevention and with the States.

EPA is required to provide such grants, contracts, and cooperative agreements to colleges and universities as to insure they play a principal role in carrying out the program. This is an important national capacity-building effort and much needed if we are to create the flexibility needed to address regional and local problems and to make best use of our Nation's expertise in preventing pollution.

Research on the identification and evaluation of environmentally safe product substitutes is called for to promote and facilitate the design, development and production of environmentally preferable product alternatives for use by the private sector.

Research to assess the effects of manufacturing processes on pollution is authorized to develop, evaluate, demonstrate, and promote the use of pollution prevention and waste minimization process technologies by the private sector.

Research to develop methods is called for to allow assessment of the degree of reduction in pollution resulting from changes in key manufacturing processes. These research efforts will provide information needed over time to show us the best ways to prevent pollution and to evaluate the success of pollution prevention efforts.

Because recycling and reuse programs are in their early stages of development, section 7 authorizes a recycling and reuse research program to identify, evaluate, and demonstrate economic and environmentally safe product recovery, reuse and recycling methods. Section 7 encourages identification of innovative uses of and markets for recycled products.

A number of financial, political, and technological issues have hindered pollution prevention efforts. It is likely this will continue into the future. Perhaps the most important part of section 7 is Senator MOYNIHAN forward looking language authorizing socioeconomic and institutional research efforts to identify barriers and incentives to recycling and reuse in order to stimulate the development and implementation of acceptable waste minimization and pollution prevention technologies.

As technology evolves, new processes and products will enter commerce. Section 7 authorizes EPA to conduct an anticipatory program to identify emerging environmental problems and to develop ways to avoid them. It also authorizes EPA to develop ways to monitor the effectiveness of pollution prevention technology.

Section 8 provides confidentiality protection to provisions in plan summaries or progress reports.

Section 9 authorizes penalties only for failure to submit plans, summaries or progress reports.

Section 10 makes clear that State laws are not preempted. EPA and the States are authorized to deny a permit under any environmental law to the extent that a facility that is required to prepare a plan, plan summary, or progress report has failed to do so.

Section 11 of the legislation requires EPA to establish a regulatory incentives program for those facilities which are doing a good job at pollution prevention. The National Advisory Council for Environmental Policy and Technology, a panel of experts from government, academia, States, and public interest groups, has reported that incentives, particularly in the area of permitting procedures, can be useful in fostering pollution prevention. The administrator should develop a program which will implement the most effective incentives to encourage industries to implement ambitious pollution prevention plans.

Mr. President, I ask unanimous consent that the full text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Pollution Prevention Planning Act of 1993".

SEC. 2. FINDINGS.

Congress finds and declares that—

(1) the Environmental Protection Agency estimates that billions of pounds of toxic chemicals are released into the environment each year;

(2) the release of the toxic chemicals into the environment can cause harm to public health, welfare, and the environment;

(3) traditional approaches to environmental regulation that have emphasized controlling pollution after the pollution has been created are not sufficient to address all of the environmental problems of the United States;

(4) pollution prevention approaches are more effective than traditional pollution control and provide far-reaching benefits to human health and the environment;

(5) pollution prevention often prevents the solution to one environmental problem from reemerging as another type of environmental problem;

(6) pollution prevention must become the centerpiece of a long-term strategy for the United States achieving environmental protection;

(7) proven and cost-effective technologies and management practices in existence on the date of enactment of this Act can achieve pollution prevention;

(8) pollution prevention can result in tremendous cost benefit for industries, and lead to greater international competitiveness by—

(A) avoiding costs of control, cleanup, and liability; and

(B) causing increases in industrial efficiency and productivity through savings in purchases of chemicals, energy, water, and other input materials;

(9) one of the reasons many facilities are missing the opportunities available for pollution prevention is that operators of facilities are unaware of the sources of pollution;

(10) an important step in achieving pollution prevention is the development of plans with numerical goals for pollution prevention;

(11) pollution prevention planning helps businesses to make appropriate planning decisions and experience the benefits of pollution prevention;

(12) pollution prevention planning gives businesses the flexibility to develop new, and environmentally sound technologies that will enhance the competitiveness of the businesses;

(13) there is a need to provide technical assistance and training related to pollution prevention to smaller- and medium-sized businesses, including developing manuals and checklists to be used in lieu of preparing plans; and

(14) there is a need to conduct research to develop new industrial technologies and practices that will reduce the social, economic, and institutional barriers to preventing hazardous pollution.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGENCY.—The term "Agency" means the Environmental Protection Agency.

(3) BY-PRODUCT.—The term "by-product" means any toxic chemical other than a product that results from manufacturing, extraction, servicing, processing (including pollution control), handling, or other activity, including any fugitive emission, process residue, or other nonproduct outputs created prior to recycling, treatment, disposal, or release.

(4) FACILITY.—The term "facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or contiguous or adjacent sites and that are owned or operated by the same person (or by a person that controls, is controlled by, or under common control with, the owner or operator).

(5) IN-PROCESS RECYCLING.—The term "in-process recycling" means a process whereby materials are—

(A) returned to the original process or processes from which they were generated; and

(B) reused in the production process and through completion of reclamation, are enclosed by being entirely connected with pipes or other comparable enclosed means of conveyance.

(6) POLLUTION PREVENTION.—The term "pollution prevention" means—

(A) toxic use reduction;

(B) source reduction; or

(C) in-process recycling.

(7) PRODUCTION PROCESS.—The term "production process" means a production line, method, activity, or technique, or combination or series thereof, that is integral to, and necessary for, the production of a product or products, including the storage of raw materials and maintenance and handling of finished goods. The term shall not include waste management activities or out-of-process recycling.

(8) SOURCE REDUCTION.—The term "source reduction" shall have the same meaning given the term in section 6603(5) of the Pollution Prevention Act of 1990 (42 U.S.C. 13102(5)).

(9) TARGETED PRODUCTION PROCESS.—The term "targeted production process" means any production process that significantly contributes to the use, generation as a by-product, or release of toxic chemicals, as de-

termined by the owner or operator of a facility pursuant to criteria established by the Administrator.

(10) TOXIC CHEMICAL.—The term "toxic chemical" means a chemical described in section 313(c) of the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11023(c)).

(11) TOXIC USE REDUCTION.—The term "toxic use reduction" means any source reduction method that reduces or eliminates the use of any toxic chemical in processes or products so as to reduce overall risks to the public, workers, consumers, and the environment without shifting risks between workers, consumers, or parts of the environment.

SEC. 4. POLLUTION PREVENTION PLANS.

(a) IN GENERAL.—The owner or operator of each facility for which a toxic chemical release form is required to be submitted pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) as of the date of enactment of this Act, and each Federal facility, shall periodically prepare pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports that meet the requirements of this section.

(b) SCHEDULE.—

(1) POLLUTION PREVENTION PLAN.—

(A) IN GENERAL.—Subject to subparagraph (B), the owner or operator of each facility described in subsection (a) shall prepare a pollution prevention plan as described in subsection (d) not later than the end of the third full calendar year after the date of enactment of this Act.

(B) PHASE-IN OPTION.—The Administrator may establish and publish a schedule for requiring the preparation and submission of plans described in subsection (d). The schedule shall phase in the date on which the preparation and submission of the plans is required, beginning not later than the end of the fifth full calendar year after the date of enactment of this Act.

(2) SUMMARY.—The owner or operator of each facility that is subject to this section shall prepare a pollution prevention plan summary, as described in subsection (e), in accordance with the schedule for the preparation of a pollution prevention plan, as described in paragraph (1).

(3) PROGRESS REPORT.—

(A) IN GENERAL.—The owner or operator of each facility subject to this section shall, not later than the date specified in subparagraph (B), and annually thereafter, prepare a pollution prevention plan progress report, as described in subsection (f), in accordance with the schedule for the submission of toxic release forms under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

(B) INITIAL REPORT.—An initial pollution prevention plan progress report shall be prepared for the first full calendar year beginning after a pollution prevention plan has been prepared pursuant to paragraph (1).

(c) ADDITIONAL CATEGORIES.—

(1) FACILITIES.—The Administrator may require that the owner or operator of a facility that is in a Standard Industrial Classification code added by the Administrator after the date of enactment of this Act pursuant to section 313(a)(1)(B) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(a)(1)(B)) shall prepare a pollution prevention plan, plan summary, and progress report, according to a schedule established by the Administrator.

(2) CHEMICALS.—

(A) IN GENERAL.—The Administrator may require the expansion of a pollution prevention plan to include chemicals added to the list under section 313(d) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)) after the date of enactment of this paragraph. The Administrator may only require that the owner or operator expand a pollution prevention plan pursuant to this paragraph if the expansion is a revision of the pollution prevention plan of the owner or operator for the purposes of updating the plan.

(B) BASIS FOR DECISION TO ADD CATEGORIES.—A decision by the Administrator to add industrial categories or subcategories to the list of categories subject to the reporting requirements of this section shall be based on—

(i) the extent to which the category contributes to the total amount of toxic chemicals used, generated, or released; and

(ii) the extent to which a pollution prevention plan could result in—

(I) a reduction in the use, generation of byproduct, or release of toxic chemicals; and

(II) a reduction in any threat posed to the environment or public health.

(d) CONTENTS OF POLLUTION PREVENTION PLAN.—Each pollution prevention plan prepared under this section shall include—

(1) a statement by the highest ranking official at the facility supporting the pollution prevention plan;

(2) pollution prevention goals for the 5-year period beginning on the date of the preparation of the plan, including, if appropriate—

(A) toxic use reduction goals;

(B) source reduction goals; and

(C) in-process recycling goals for the facility as a whole and for each targeted production process;

(3) an evaluation of options for achieving reductions in the annual accumulation and output quantities of each toxic chemical, including reductions in the use of toxic chemicals, generation of by-products, release, or transfer as a product, for the facility and for each targeted production process, including—

(A) a search for pollution prevention options, including the substitution of raw materials, the reformulation or redesign of products, production unit modifications, improvements in operation and maintenance, and in-process recycling (except that the options shall not include waste management activities);

(B) an economic analysis of selected technically feasible options, including, with respect to each option, a description of the cost of implementing the option and anticipated savings from the option for the purposes of comparison with refraining from carrying out the option; and

(C) any technical assistance study required by the Administrator pursuant to section 5;

(4) a description and implementation schedule for the pollution prevention measures and activities selected by the owner or operator of the facility;

(5) for each plan prepared after the preparation of an initial plan under this section, a report concerning the success in achieving past goals; and

(6) if appropriate, a description of any pollution prevention strategies implemented prior to 1987.

(e) CONTENTS OF PLAN SUMMARY.—Each pollution prevention plan summary prepared pursuant to this section shall include, for the facility as a whole, and for each targeted production unit—

(1) a description of the facility, and an identification of each targeted production process;

(2) the 5-year numeric goals for pollution prevention for the facility and each targeted production process;

(3) a description of the techniques and measures that will be implemented to reach each goal referred to in paragraph (2); and

(4) a copy of the plan certification.

(f) CONTENTS OF PROGRESS REPORT.—Each pollution prevention progress report prepared pursuant to this section shall include—

(1) a description of the facility and an identification of each targeted production process;

(2) a numerical statement demonstrating the progress of the facility towards achieving each 5-year goal for pollution prevention under the pollution prevention plan of the facility; and

(3) if, for the year of the report, the facility does not achieve the level of progress anticipated in the schedule for implementation of the applicable pollution prevention plan, an explanation of the reasons that the level of progress was not achieved.

(g) GUIDELINES.—

(1) PUBLICATION.—Not later than 18 months after the date of enactment of this section, and after notice and opportunity for public comment, the Administrator shall publish guidelines for the preparation of pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports prepared pursuant to this section.

(2) CRITERIA FOR IDENTIFICATION OF TARGETED PRODUCTION PROCESSES.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Administrator shall establish, by regulation, criteria pursuant to which an owner or operator of a facility shall identify targeted production processes for the purpose of focusing pollution prevention strategies on the targeted production processes.

(B) CONSIDERATIONS.—The criteria for the identification of targeted production processes shall—

(i) be based on a consideration of the toxicity of specific chemicals used, generated as a by-product, or released in the targeted production process; and

(ii) require that a targeted production process be a production process that makes a significant contribution to the use, generation, or release of chemicals.

(h) AVAILABILITY OF PLANS, SUMMARIES, AND REPORTS.—

(1) IN GENERAL.—Each pollution prevention plan prepared for a facility pursuant to this section shall be retained at the facility and shall be available to the Administrator, the State in which the facility is located, and any department or agency of a political subdivision of a State with respect to which the State grants the authority to inspect the plans.

(2) NOT PUBLIC RECORDS.—Any document and other record obtained or reviewed pursuant to paragraph (1) shall not be considered a public record or document.

(3) SUMMARIES.—Each pollution prevention plan prepared pursuant to this section for a facility shall be—

(A) submitted to the Administrator and to the State in which the facility is located at the same time as a toxic release form required to be submitted under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) is submitted for the year for which the summary is required; and

(B) made available to the public at the facility during normal business hours, except as provided in section 8.

(4) Progress reports.—Each pollution prevention plan progress report prepared pursuant to this section for a facility shall be—

(A) submitted to the Administrator and to the State at the same time as a toxic release form required under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) is submitted; and

(B) made available to the public at the facility during normal business hours, except as provided in section 8.

(i) Completeness Review.—

(1) In general.—The Administrator or a representative of a State authorized by the Administrator may review a pollution prevention plan or pollution prevention plan summary prepared pursuant to this section and require a modification of the pollution prevention plan or pollution prevention plan summary if the Administrator or the appropriate official of the State finds that the plan or summary does not address each of the applicable requirements of subsection (d) or (e).

(2) Modification.—A modification required under this subsection shall be completed by the owner or operator of a facility not later than 90 days after the Administrator or the appropriate official of the State provides written notice that the modification is necessary.

(j) Product Formulas.—Nothing in this section shall be construed to authorize the Administrator or an official of a State to require that information concerning nontoxic chemicals, or product formulas for mixtures that include nontoxic chemicals, be included in a pollution prevention plan, summary, or progress report prepared pursuant to this section.

(k) Grouping of Processes.—The Administrator may publish rules establishing criteria pursuant to which the Administrator may permit an owner or operator of a facility to consider, as a single production process, production processes that use similar ingredients to produce 1 or more similar products.

(l) Small Business Option.—

(1) Small business defined.—As used in this subsection, the term "small business" means a business that is a small business concern, as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(2) Small business pollution prevention compliance and technical assistance program.—

(A) Establishment.—The Administrator shall establish a small business pollution prevention compliance and technical assistance program to assist facilities with identifying and applying methods of pollution prevention.

(B) Emphasis of program.—The program referred to in subparagraph (A) shall emphasize compliance assistance, technical assistance, and other assistance to small businesses that have inadequate technical and financial resources for obtaining information and assessing pollution prevention opportunities.

(3) Program requirements.—The requirements described in this paragraph include the following:

(A) Assessment manuals and checklists.—

(i) In general.—The program shall provide for establishment by regulation of pollution prevention opportunities assessment manuals and checklists for industrial categories for which waste audit studies have been prepared by the Department of Environmental Protection of the State of California. Each manual and checklist referred to in the preceding sentence shall require that the owner or operator—

(I) evaluate production processes, material, storage, and treatment practices;

(II) evaluate pollution prevention opportunities, including toxic use reduction, source reduction, and in-process recycling; and

(III) provide an economic impact analysis of options for achieving reductions.

(ii) Manual and checklist in lieu of plan and summary.—The Administrator may permit a small business subject to the requirements of section 4 within an industrial category for which a pollution prevention opportunity assessment manual and checklist has been promulgated to prepare and retain onsite a manual and checklist in lieu of preparing a pollution prevention plan and summary.

(B) Matching grants.—

(i) In general.—Subject to the availability of appropriations, the Administrator shall award grants from funds made available to the Administrator pursuant to section 6605 of the Pollution Prevention Act of 1990 (42 U.S.C. 13104) to States to conduct programs to promote the use of pollution prevention techniques by small businesses.

(ii) Matching requirement.—The Administrator may not make a grant to a State under this subparagraph unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the program for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant.

(C) Small business pollution prevention panel.—The Administrator shall establish a Small Business Pollution Prevention Panel (referred to in this subparagraph as a "Panel") within each Regional Office of the Environmental Protection Agency. Each Panel shall monitor the effectiveness of the small business pollution prevention compliance and technical assistance program.

(m) Training.—The Administrator or a representative of an authorized State may require each person responsible for the preparation of a pollution prevention plan under this section to attend seminars and workshops concerning the proper preparation of toxic release inventories, pollution prevention plans, and available pollution prevention measures or to receive another form of training that includes the items listed in this sentence.

(n) Research and Development Laboratories.—The owner or operator of a facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary, or pollution prevention progress report under this section, concerning a research and development laboratory located at the facility.

(o) Pilot Facilities.—The owner or operator of a facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report under this section, for a pilot facility.

SEC. 5. REPORTS AND IMPROVEMENT MEASURES.

(a) Pollution Prevention Reports.—

(1) In general.—The Administrator shall submit a report that meets the requirements of this subsection to the President and to Congress not later than the date specified in paragraph (3), and not less frequently than every 3 years thereafter.

(2) Contents.—The report referred to in paragraph (1) shall include—

(A) a description of the pollution prevention plans that have been prepared pursuant to section 4;

(B) a detailed analysis that describes the progress achieved toward any pollution prevention goals established by the Administrator pursuant to section 6604(b)(6) of the Pollution Prevention Act of 1990 (42 U.S.C. 13103(b)(6)); and

(C) the steps that must be taken to ensure that the goals referred to in subparagraph (B) are achieved, including an identification of the industrial categories or subcategories that—

(i) should be the highest priority for pollution prevention measures; and

(ii) need improvement with respect to pollution prevention.

(3) Initial report.—The initial report submitted to Congress pursuant to this subsection shall be submitted not later than 4 years after the date of enactment of this Act.

(b) Technical Assistance.—

(1) In general.—The Administrator may, on request from a facility, provide technical assistance with respect to pollution prevention planning to any facility in an industrial category or subcategory identified by the Administrator pursuant to subsection (a)(2)(C)(i) as having the highest priority for pollution prevention.

(2) Evaluation.—In providing technical assistance pursuant to this subsection, the Administrator may require an owner or operator of a facility required to prepare a pollution prevention plan pursuant to section 4 to evaluate alternatives to a pollution prevention measure referred to in the plan, including—

(A) the use of out-of-process recycling in any case in which no pollution prevention measures are available;

(B) the use of methods and techniques that may achieve a greater degree of pollution prevention at the facility; and

(C) the use of a particular pollution prevention measure at the facility or targeted production process.

(3) Schedule; publication.—An evaluation required by the Administrator under this subsection shall be conducted according to a schedule established by the Administrator. The results of the evaluation shall be included in the next pollution prevention plan prepared for the facility after the date of the evaluation.

(4) Reimbursement.—The Administrator may seek full, or in the case of a small business, partial, reimbursement from an owner or operator for any technical assistance provided to a facility. The reimbursement shall be in an amount determined by the Administrator and shall be made to the Administrator for deposit in the Treasury of the United States.

(c) Congressional Intent.—Nothing in this section is intended to be interpreted, construed, or applied to authorize the Administrator to require a particular pollution prevention measure to be implemented, or any pollution prevention performance standard to be achieved, at a facility or unit.

SEC. 6. STATE DELEGATION.

(a) State Program.—A State may submit to the Administrator for review and approval a program to exercise the authorities under sections 4 and 5. A State program under this section shall be approved by the Administrator if the State demonstrates that the program—

(1) requires plan summaries and progress reports addressing each element referred to in subsections (d) through (f) of section 4 to

be submitted according to the schedule established under section 4(b); and

(2) includes authority for—

(A) conducting completeness reviews; and

(B) taking enforcement actions.

(b) EFFECT OF APPROVAL.—On approval of a State program by the Administrator, each owner or operator of a facility in the State shall be exempt from the requirements of section 4 relating to the submittal to the Administrator of plans and plan summaries during the period that the State program is in effect and the State enforces the program in a manner satisfactory to the Administrator.

SEC. 7. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) IN GENERAL.—The Administrator shall carry out a comprehensive program of research, development, and demonstration concerning pollution prevention in coordination and consultation with other Federal agencies involved in pollution prevention.

(b) ELEMENTS OF PROGRAM.—The comprehensive program referred to in subsection (a) may include—

(1) a product research program designed to—

(A) develop, evaluate, and demonstrate methods for measuring the pollution burden attributable to the use and disposal of a product;

(B) identify and evaluate environmentally safe substitutes for products and the harmful components of products;

(C) promote and facilitate the design, development, production, and use of environmentally preferable product alternatives by members of the private sector; and

(D) evaluate, develop, and demonstrate methods for assessing the effectiveness of pollution prevention efforts related to product use and disposal;

(2) a process research program designed to—

(A) evaluate, develop, and demonstrate methods to assess the pollution burden attributable to production, use, maintenance and repair, and disposal processes;

(B) evaluate and demonstrate alternative, environmentally preferable processes;

(C) promote and facilitate the use and development of pollution prevention and waste minimization process technology by members of the private sector; and

(D) evaluate, develop, and demonstrate methods to assess pollution reduction resulting from process changes;

(3) a recycling and reuse research program designed to—

(A) identify, evaluate, and demonstrate environmentally safe product and pollutant recovery, reuse, and recycling methods;

(B) promote and facilitate the development and implementation of more effective reuse and recycling technologies; and

(C) identify innovative uses of and markets for recycled products and pollutants;

(4) a socioeconomic and institutional research program designed to—

(A) identify barriers in existence at the time of the program and potential barriers to and incentives for the development and implementation of pollution prevention, reuse, and recycling activities; and

(B) develop viable means to reduce barriers and increase incentives in order to stimulate the development and implementation of waste minimization and pollution prevention technology; and

(5) an anticipatory research program designed to—

(A) identify emerging environmental problems;

(B) evaluate, develop, and demonstrate methods to prevent or minimize waste from nascent pollution sources;

(C) facilitate the development of improved pollution prevention technologies designed to avoid anticipated pollution problems; and

(D) develop and implement methods to assess the effectiveness of pollution prevention research in meeting changing environmental needs.

(c) STATE COOPERATION.—The research program established under this section shall be conducted by the Administrator in close cooperation with the States. In carrying out the program, the Administrator shall award such grants and make such contracts with institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) as are necessary to ensure that the institutions of higher education play a principal role in carrying out the program.

SEC. 8. CONFIDENTIALITY.

(a) TRADE SECRETS; ENFORCEMENT.—The requirements of sections 322 and 325(d) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11042 and 11045(d), respectively) shall apply to the plan summaries and progress reports required under this Act in the same manner as the requirements apply to the reports under section 313 of such Act (42 U.S.C. 11023).

(b) AVAILABILITY OF SUMMARY FORM OF DISCLOSURE.—If the public disclosure of any numeric goals for pollution prevention or measures or techniques for implementing the goals would divulge information qualifying as a trade secret, the Administrator shall make available the information in summary form.

SEC. 9. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) FAILURE TO SUBMIT PROGRESS REPORT.—Any person who fails to prepare and submit a pollution prevention plan progress report or pollution prevention plan summary, as required under section 4, shall be subject to a civil penalty in an amount not to exceed $10,000. Each day of violation shall constitute a separate offense.

(2) FAILURE TO SUBMIT A POLLUTION PREVENTION PLAN OR OPPORTUNITIES CHECKLIST.—Any person who fails to prepare a pollution prevention plan or a pollution prevention opportunities checklist as required under section 4 shall be subject to a civil penalty in an amount not to exceed $10,000. Each day of violation shall constitute a separate offense.

(b) JURISDICTION.—

(1) ADMINISTRATIVE ORDERS.—The Administrator may issue an administrative order assessing a penalty or requiring compliance with the terms of this Act.

(2) CIVIL ACTIONS.—The Administrator may bring an action in the United States district court of the district in which the person against whom the penalty is sought resides, or in which the principal place of business of the person is located, to—

(A) assess and collect a penalty; and

(B) secure a permanent or temporary injunction to require compliance with this Act or of an administrative order issued pursuant to this Act.

(c) PROCEDURES FOR ADMINISTRATIVE PENALTIES.—

(1) REVIEW.—

(A) IN GENERAL.—A person against whom a civil penalty is assessed by administrative order under this section may obtain review in the appropriate United States district court by—

(i) filing a notice of appeal in the court not later than 30 days after the date of the order; and

(ii) simultaneously sending a copy of the notice of appeal by certified mail to the Administrator.

(B) RECORD.—The Administrator shall promptly file in the court a certified copy of the record upon which the violation was found or the penalty was imposed.

(2) COLLECTION OF PENALTY; SCOPE OF REVIEW.—

(A) COLLECTION OF PENALTY.—If a person fails to pay an assessment of a civil penalty after the assessment has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the United States, the Administrator may request the Attorney General to institute a civil action in an appropriate United States district court to collect the penalty.

(B) SCOPE OF REVIEW.—The court shall have jurisdiction to review the violation and the assessment of the civil penalty on the record.

(3) SUBPOENAS.—The Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with a hearing under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which the person is found, resides, or transacts business, on application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the district court, and any failure to obey the order of the court shall be held in contempt of court.

SEC. 10. RELATION TO OTHER LAWS.

(a) STATE AUTHORITY.—Nothing in this Act is intended to preclude or deny the right of any State or political subdivision of a State to adopt or enforce any law (including a regulation, requirement, or standard) that is more stringent than a provision under this subtitle or a regulation, requirement, or standard of performance promulgated pursuant to this subtitle, or to impose any additional liability.

(b) DENIAL OF PERMITS.—The Administrator or an authorized State may deny a permit under any environmental law to the owner or operator of any facility who is required to prepare a pollution prevention plan or pollution prevention opportunities checklist pursuant to section 4, if the owner or operator fails to prepare, pursuant to an applicable requirement under section 4—

(1) a pollution prevention plan or opportunities checklist; or

(2) a pollution prevention plan summary or progress report.

SEC. 11. REGULATORY INCENTIVES.

(a) DEMONSTRATION PROGRAMS.—Not later than 12 months after the date of enactment of this Act, the Administrator shall establish a demonstration program to provide regulatory incentives for achieving pollution prevention. The Administrator may designate up to 50 facilities for inclusion in the demonstration program.

(b) AUTHORITY TO MODIFY TERMS OF PERMITS OR AGREEMENTS.—

(1) IN GENERAL.—The Administrator, as part of the demonstration program, is authorized to modify the requirements imposed by the terms of all or part of any permit or agreement. Any modification granted under this subsection shall specify the requirements being modified and the length of time the modification is to be in effect.

(2) NOTICE; OPPORTUNITY FOR PUBLIC COMMENT.—Not later than 60 days before the ap-

proval of any modification under this subsection, the Administrator shall—

(A) publish a notice of the proposed modification including an explanation and appropriate documentation supporting the modification; and

(B) provide a reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility regarding the proposed modification.

(3) CRITERIA FOR APPROVAL.—The Administrator may approve a modification if the Administrator determines that—

(A) the facility applying for the modification is in compliance with the terms of existing environmental laws, regulations, permits, orders, or other requirements applicable to the facility and has a history of compliance that the Administrator and the State determine is satisfactory;

(B) greater net protection of human health and the environment than that required under environmental laws existing on the date of approval of the modification will result, with a special consideration to ensuring that the risks are not shifted from one environmental medium to another;

(C) a significant increase in pollution prevention will result, as compared to the reductions that would have resulted, under environmental laws existing on the date of approval of the modification; and

(D) the modification provided for in this section will contribute to achieving greater pollution prevention.

(4) CONTENTS OF APPROVAL.—An approval by the Administrator shall be accompanied by a response to each of the significant oral and written comments submitted in response to the notice provided under paragraph (2).

(5) MONITORING.—As part of any modification granted under this section, the Administrator shall require that the owner or operator of the facility granted the modification shall undertake monitoring operations adequate to determine compliance with the modified terms of any permit or agreement. The monitoring shall be carried out at such time as the Administrator shall provide. The owner or operator shall report the results of the monitoring operations in such form and at such times as the Administrator shall require.

(6) DURATION; RENEWAL.—The duration of any modification shall not exceed 1 year. Upon expiration of any modification granted pursuant to this section, the Administrator may renew the modified permit or agreement for a period not to exceed the original modification, if the Administrator determines that the requirements of paragraph (3) continue to be met.

(2) REPORT.—Not later than 24 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives concerning the implementation of this section. The Administrator shall include recommendations on whether or not the scope of the regulatory incentives program should be expanded.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out sections 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, there are authorized to be appropriated to the Environmental Protection Agency such sums as are necessary.

(b) RESEARCH AND DEVELOPMENT.—To carry out section 7, there is authorized to be appropriated $5,000,000 per year for each of fiscal years 1994 through 1998.●

By Mr. KENNEDY (for himself, Mr. SIMPSON, and Mr. SIMON):

S. 981. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994; to the Committee on the Judiciary.

REFUGEE RESETTLEMENT REAUTHORIZATION

Mr. KENNEDY. Mr. President, today I am joined by my colleagues on the Subcommittee on Immigration and Refugee Affairs, Senator SIMPSON and Senator SIMON, in introducing legislation to reauthorize the refugee resettlement program through fiscal year 1994. Yesterday, the chairman of the House Subcommittee on International Law, Immigration and Refugees introduced identical legislation, on which we are hopeful of prompt enactment.

Over the past 2 years, there has been considerable discussion among those involved with refugee resettlement regarding improvements which might be made to the program. Those debates reached no final conclusion. I am hopeful that they can continue into the coming year and that all involved—State and local governments, voluntary agencies, and mutual assistance associations—will have a voice in the ongoing deliberations over the program.

In the meantime, continuing funding considerations require that we reauthorize the program through next year, and our legislation would do so without changing the existing authorities under the current program.

The rescue and resettlement of refugees is one our Nation's oldest and proudest traditions. Resettlement needs continue as we assist refugees from Bosnia, former political prisoners from Vietnam, persecuted minorities from the former Soviet Union, and so many other refugees who have no alternative but to flee. And we must ensure that we maintain the capability to assist these refugees as they seek to start their new lives in a new land.

Mr. President, I ask that the text of the legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1993 AND 1994.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1992" and inserting "fiscal year 1993 and fiscal year 1994".

By Mr. McCAIN (for himself, Mr. INOUYE, and Mr. CAMPBELL):

S. 982. A bill to extend the purposes of the Overseas Private Investment Corporation to include American Indian Tribes and Alaska Natives; to the Committee on Foreign Relations.

OVERSEAS PRIVATE INVESTMENT CORPORATION ACT

● Mr. McCAIN. Mr. President, I introduce the Overseas Private Investment Corporation Indian Eligibility Act of 1993. The purpose of this bill is to authorize the Overseas Private Investment Corporation [OPIC] to extend their programs and services to American Indians and Alaska Natives. I want to express my appreciation to Senators INOUYE and CAMPBELL for joining with me as cosponsors of this legislation.

Over the past several years Senator INOUYE and I and other members of the Committee on Indian Affairs have sponsored legislation to improve current Federal services or offer alternative methods of strengthening Indian reservation economies. The primary focus of Federal economic development programs has been to assist Indian or tribally-owned businesses. These Federal programs have met with some success, but in large part have failed to stimulate any substantial private sector investment. Recent Indian economic development initiatives have expanded the focus to include both Indian and non-Indian-owned businesses. The most recent example occurred last year when Senator INOUYE and I were able to successfully amend H.R. 11, the Revenue Act of 1992, to include wage and investment tax credits for private sector businesses investing on Indian lands. H.R. 11 was ultimately vetoed, but efforts are being made once again to include an identical set of Indian tax incentives in the reconciliation bill now being debated.

Unfortunately, despite these well-intentioned efforts the unemployment and poverty rates on Indian reservations remain extremely high. Such conditions are major contributors to high levels of alcoholism, suicide, sense of helplessness, and other deep-seated social problems that today afflict far too many Indian people. There is no doubt in my mind that bold and innovative measures will be needed to overcome years of endemic poverty. It is my belief that enactment of the Overseas Private Investment Corporation Indian Eligibility Act is representative of such a measure.

For over 20 years OPIC has been the primary Federal agency responsible for encouraging American private investment in developing countries. OPIC assists businesses through three principal programs: direct loans, loan guarantees and equity investments; political risk insurance; and investment services. Each of these programs have helped to reduce real or perceived barriers to American-private investment in developing countries.

Ironically, many of the barriers that concern American companies abroad are virtually identical to the barriers that have inhibited private companies from investing on Indian reservations.

The private sector is often reluctant to invest on Indian reservations due to the legal status of Indian lands, the lack of infrastructure, and the unfamiliarity of investors with the political and legal structures and systems of Indian tribal governments and Alaska Native communities. The extensions of OPIC programs and services administered by an experienced corps of professional staff could dramatically change the nature and size of investments on Indian reservations and Alaska Native communities.

Last year, the Committee on Indian Affairs held a hearing to receive testimony on the potential application of OPIC to Native American communities. Although the Indian tribes unanimously supported the concept, the previous administration strongly opposed the legislation for two reasons. First, the administration argued that the application of OPIC to Indian reservations would unnecessarily duplicate existing services offered to tribes through the Bureau of Indian Affairs [BIA]. Second, the administration argued that unless the Congress directly appropriated funding to OPIC for this purpose, the bill would violate the budget firewalls that separate domestic and international spending.

Mr. President, it is my hope that the new administration and the new leadership at OPIC will carefully reexamine this issue. If they do, the new administration cannot possibly raise the first argument about duplicating existing Federal services. Indeed, this argument would be laughable if the suffering and deprivation which Indian and Alaska Native people must contend with on a daily basis were not so serious.

The extension of OPIC services to Native American communities would not duplicate existing programs administered by the BIA. The BIA does not offer political risk insurance or investment services, two of the principal programs offered by OPIC. While the BIA does not provide direct loans and loan guarantees, both programs face budgetary constraints and are only available to Indian and tribally owned businesses. Moreover, the BIA Program is essentially a lender of last resort and is therefore oriented toward high-risk projects. OPIC, on the other hand, would be able to offer its full array of services to both Indian and non-Indian businesses constrained only by the current operating guidelines they normally apply to all private investment.

Paraphrasing the words of one witness last year, perhaps the most significant difference between OPIC and the BIA is the fact that BIA programs are managed by career bureaucrats. Their goal or motto for any fiscal year is to loan all that the Congress appropriates. OPIC, on the other hand, consists of a highly trained, highly dedicated corps of individuals primarily from the private sector. Because OPIC services encompass the technical and complex fields of international insurance, finance, business development and marketing, OPIC's requirements for professional personnel include training in law, finance, business, or economics. Many men and women on OPIC's professional staff have graduate degrees in more than one area of study, academic honors, and several years of professional experience in the private sector and/or Government.

The second argument raised last year was that the extension of OPIC services to Native American communities would violate the budget firewalls that separate domestic and international spending. While this argument is technically correct, I would note that the budget firewalls will come down at the end of the current fiscal year. Moreover, should the firewalls be maintained, it does not mean that the problem is unsurmountable. The argument itself points to the solution; that is, the Congress can directly appropriate the necessary funding to OPIC from the domestic discretionary portion of the budget.

This second argument also raises a practical question: How much money would be required? Without the benefit of OPIC having prior experience in working with Indian tribes, it is impossible to answer this question with any degree of certainty. Nevertheless, the Congress can appropriate a fixed sum and allow OPIC to utilize those funds only for Native American communities. Since OPIC would be developing relationships with new cultures and working in a variety of different geographic settings, I think it is reasonable to assume that OPIC will start by working with a few tribes and gradually expand. Perhaps $5 to $10 million is a reasonable estimate of the amount of funding that might be necessary to begin extending OIC services to Native American communities. My point is that while this second argument is valid, it can also be favorably resolved. It is my hope that the new administration will have the courage to accept our proposal or to recommend an alternative solution.

I would like to address one other concern I heard last year about the treatment of Indian tribes as less developed countries. It appears that the primary concern is that the enactment of this bill would establish a precedent by which Indian tribes could access other foreign assistance programs. Let me assure my colleagues that this is not the intent of this legislation. Moreover, during the hearing held last year, many of the tribal witnesses testified that they were not seeking other types of foreign aid. Although, admittedly, they find it difficult to accept the fact that a great deal of attention and far more resources are spent overseas on some of the very same socioeconomic problems that afflict Native American communities.

The only reason we seek to treat Indian tribes as less developed nations is so they can benefit from the experience and expertise of OPIC. It may interest my colleagues to know that we have treated Indian tribes as States for purposes of certain Federal environmental laws. Obviously, Indian tribes are not States. But in order for Indian tribes to access Federal environmental programs, we found it necessary to expand the definition of a State. Perhaps the problem is really the fact that most Americans do not know how to deal with Indian tribes under our constitutional system. The fact is that in our history as a nation we have attempted every conceivable Federal policy in our relations with the Indian nations, save one. We have not made a serious effort to cooperate with Indian tribal governments to strengthen the viability of their communities. Indian people are seeking our cooperation. I believe it is incumbent upon us to respond in kind by making every effort to provide meaningful and proven forms of assistance. For over 20 years, OPIC has provided meaningful assistance to developing countries worldwide. I believe the OPIC experience can be successfully applied here at home to relieve the unconscionable levels of poverty and despair which exist on Indian reservations today. I urge my colleagues to support the Overseas Private Investment Corporations Indian Eligibility Act of 1993.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Private Investment Corporation Indian Eligibility Act of 1993".

SEC. 2. EXTENSION OF PURPOSES OF OVERSEAS PRIVATE INVESTMENT CORPORATION.

Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. et seq.) is amended by adding at the end thereof the following:

"SEC. 240B. EXTENSION OF PURPOSES TO AMERICAN INDIAN TRIBES.

"(a) AMERICAN INDIAN TRIBES TO BE CONSIDERED AS LESS DEVELOPED COUNTRIES AND PURPOSES OF TITLE IV.—In the administration of the provisions of this title, an American Indian Tribe shall be considered to be a less developed country.

"(b) DEFINITION.—For purposes of this section, the term 'American Indian Tribe' shall include any American Indian tribe, band, nation, pueblo, or other organized group or community, which is recognized as eligible for special programs and services provided by the United States to Indian tribes because of their status as Indians, including any Alaska

Native Village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(c) ASSISTANCE NOT AVAILABLE FOR GAMING ACTIVITIES.—No funds made available to any American Indian Tribe by reason of the enactment of this section may be used for purposes of conducting or housing class I, II, or III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

"(d) DISCLAIMER.—Other than for purposes of this section, nothing in this section shall be construed as treating an American Indian Tribe as a less developed country for the purposes of any other law of the United States or any Federal Government assistance program.".●

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S.J. Res. 94. A joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week"; to the Committee on the Judiciary.

NATIONAL CUSTOMER SERVICE WEEK

Mr. DOLE. Mr. President, my distinguished colleague from Kansas, Senator KASSEBAUM, and I rise to introduce legislation designating the week of October 3 through October 9, 1993, as "National Customer Service Week." I would take note of the fact that last year was the first year we provided national recognition for those who so diligently attend to the needs of customers across the United States, and I hope this year we can again provide the same recognition to these highly valuable men and women.

The purpose of this legislation is to direct attention to the important role that the customer and customer service play in the economic growth of companies and in turn, our Nation. Certainly, very little goes more to the success of a business—be it a small Main Street business or a Fortune 500 company—than its ability to satisfy its customers.

In today's competitive environment, businesses can no longer be content with producing a quality product, but must also be able to service the product and respond to the customers' needs. A company which has distinguished itself with a high quality of customer service will have more satisfied customers, which contributes to the growth and success of the company.

I hope that others will join me and support this legislation which provides important recognition to a critical component of American business and the American economy, which we will undoubtedly be hearing a great deal more about in the future.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 94

Whereas recognition of the value and importance of the customer raises the quality of customer service;

Whereas the high cost of attracting new customers today heightens the need for companies to keep existing customers through effective customer service;

Whereas recognition of the contributions made by customer service to the profitability of a company increases the professional status of customer service;

Whereas excellent customer service distinguishes successful companies that understand the important influence a customer has on the success of a company; and

Whereas excellent customer service can contribute to the growth and success of every company: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3, 1993, through October 9, 1993, is designated as "National Customer Service Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with the appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. ROTH, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 50

At the request of Mr. WARNER, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 98, a bill to establish a Link-up for Learning grant program to provide coordinated services to at-risk youth.

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 297

At the request of Mr. STEVENS, the names of the Senator from Utah [Mr. HATCH] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 411

At the request of Mr. D'AMATO, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 411, a bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels.

S. 438

At the request of Mr. GRAHAM, the names of the Senator from Nevada [Mr. BRYAN], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 438, a bill to amend the Internal Revenue Code of 1986 to remove certain high-speed rail facility bonds from the State volume cap.

S. 487

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 600

At the request of Mr. BOREN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 636

At the request of Mr. KENNEDY, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 639

At the request of Mr. DECONCINI, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of S. 639, a bill to make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes.

S. 649

At the request of Mr. RIEGLE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 649, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 666

At the request of Mr. DANFORTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 834

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 861

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 861, a bill to provide assistance to community development financial institutions, and for other purposes.

S. 862

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 862, a bill to promote the development of small business in economically distressed central cities by providing for entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs, and for other purposes.

S. 863

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 863, a bill to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency.

S. 864

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 864, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a community policing grant program.

S. 865

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 865, a bill to establish a Mobility for Work Demonstration Program, and for other purposes.

S. 866

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 866, a bill to provide for the establishment of a neighborhood reconstruction corps program to award grants for the employment of disadvantaged workers for infrastructure repair activities, and for other purposes.

S. 895

At the request of Mr. PRYOR, the names of the Senator from New Hampshire [Mr. GREGG], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

At the request of Mr. DANFORTH, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 895, supra.

S. 946

At the request of Mr. BROWN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 946, a bill to reduce the legislative branch budget by 25 percent.

S. 968

At the request of Mr. BRADLEY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 968, a bill to establish additional exchange and training programs with the independent states of the former Soviet Union and the Baltic States.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mr. MACK], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Alabama [Mr. HEFLIN], the Senator from Virginia [Mr. WARNER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Idaho [Mr. CRAIG], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. RIEGLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 71

At the request of Mr. BROWN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN], the Senator from Alabama [Mr. HEFLIN], the Senator from New York [Mr. D'AMATO], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 71, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Georgia [Mr. NUNN], the Senator from Vermont [Mr. LEAHY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Tennessee [Mr. SASSER], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Mr. SARBANES], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from California [Mrs. FEINSTEIN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE JOINT RESOLUTION 84

At the request of Mr. DOLE, the names of the Senator from Maine [Mr. COHEN], the Senator from Texas [Mr. GRAMM], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 84, a joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

SENATE JOINT RESOLUTION 86

At the request of Mr. SIMON, the names of the Senator from Virginia [Mr. WARNER], the Senator from Nebraska [Mr. EXON], the Senator from Florida [Mr. GRAHAM], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 86, a joint resolution commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the United States commitment to end hunger and malnutrition.

SENATE JOINT RESOLUTION 88

At the request of Mr. DECONCINI, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maine [Mr. MITCHELL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Mississippi [Mr. LOTT], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Virginia [Mr. ROBB], the Senator from South Dakota [Mr. PRESSLER], the Senator from Missouri [Mr. DANFORTH], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Idaho [Mr. CRAIG], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 88, a joint resolution to designate July 1, 1993, as "National NYSP Day."

SENATE JOINT RESOLUTION 89

At the request of Mr. SIMON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 89, a bill to designate October 1993, as "Polish-American Heritage Month."

SENATE RESOLUTION 108—RELATIVE TO THE RELIEF OF RICHARD KANEHL OF MOBILE, AL

Mr. MITCHELL (for Mr. HEFLIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Resolved, That the bill S. 974 entitled "A bill for the relief of Richard Kanehl of Mobile, Alabama." now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that two additional measures have been added to the hearing previously announced for May 25, 1993 before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources. The two additional measures to be considered are S. 851, a bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes, and S. 971, a bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

The hearing will take place on Tuesday, May 25, 1993, beginning at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–7145.

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. BUMPERS. Mr. President, I would like to announce that the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education will hold a hearing on childhood immunization. The hearing will take place on Thursday, May 20, 1993, at 10 a.m. in room 428A Russell Senate Office Building. For further information, please call Mary Ann Chafee, legislative assistant to Senator DALE BUMPERS at 224–4843.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 18, 1993, at 2:30 p.m., in open session, to consider the following pending military nominations: Lt. Gen. Gary E. Luck, USA, commanding general, XVIII Airborne Corps, for appointment to the grade of general and to be commander in chief, U.N. Command/Combined Forces Command/Commander, U.S. Forces, Korea; Lt. Gen. Wayne A. Downing, USA, commanding general, U.S. Army Special Operations Command, for appointment to the grade of general and to be commander in chief, U.S. Special Operations Command; Rear Adm. David E. Frost, USN, director of operations, U.S. European Command, for appointment to the grade of vice admiral and to be deputy commander in chief, U.S. Space Command and vice commander in chief, North American Aerospace Defense Command; and Col. Ronald G. Richard, USMC, commanding officer, Recruit Training Regiment, Marine Corps recruit depot, Parris Island, for promotion to brigadier general.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 18, 1993, to receive testimony on S. 721, a bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 18, 1993, at 10 a.m., to hold hearings on Treaty Doc. 103–1, the START II Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 18, 1993, at 2 p.m., to hold a USIA and U.N. nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on May 18, at 9:30 a.m., on the subject: "Rebuilding FEMA: Preparing for the Next Disaster."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, May 19, at 9 a.m., for a hearing on the nomination of Sally Katzen, to be Administrator, Office of Information and Regulatory Affairs, OMB.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 18, 1993, to hold a hearing on the nomination of Philip B. Heyman, to be Deputy Attorney General for the United States, Webster L. Hubbell, to be Associate Attorney General for the United States, and Drew S. Days III, to be Solicitor General for the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on the Domestic Volunteer Service Act Reauthorization, during the session of the Senate on Tuesday, May 18, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION, AND INDUSTRIAL BASE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition, and Industrial Base of the Senate Armed Services Committee be authorized to meet on Thursday, May 18, 1993, at 9:30 a.m. in open session in SH–216, to receive testimony on the state of the national defense industrial and technology bases and administration plans for fiscal year 1994 in review of the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Commerce and Tourism Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 18, 1993, at 9:30 a.m. on U.S. competitiveness in the global marketplace.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE THRIFT DEPOSITOR PROTECTION ACT OF 1993

• Mr. KERREY. Mr. President, recently we called upon the American people to write one final $34.3 billion check to recapitalize the Resolution Trust Corporation [RTC]. While I recognize that President Clinton and Treasury Secretary Lloyd Bentsen inherited this crisis, I nonetheless cannot support additional spending to complete the savings and loan cleanup.

In 1989, Congress passed the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA]. This legislation created the RTC to dispose of the insolvent savings and loans' assets. Because I was not satisfied that this entity provided adequate safeguards to prevent the type of fraud and abuse which precipitated the need for the thrift industry bailout in the first place, I voted against this measure.

Indeed, the deregulation of the thrift industry during which the Federal Government's guarantee allowed speculation with taxpayer funds imposed an enormous cost on the American taxpayer. To date, Congress has spent over $180 billion to bail out the collapsed savings and loan industry. This is a sad reminder of Government's inattention to both the collapse of the savings and loans and the mishandling of the newly created RTC tapped to rectify the situation.

It doesn't take more than a few anecdotal stories to illustrate the RTC's poor performance in cleaning up the savings and loan industry. Its failure to implement financial management and contracting controls has given the agency a black eye and compromised its integrity.

In an effort to correct the problems that fostered mismanagement, I offered an amendment to both FIRREA and the 1991 RTC Funding Act to restructure the RTC's oversight structure. Specifically, my proposal would have replaced the RTC's dual board structure with a single board of governors composed of five full-time non-Government members and four public officials. Unlike the agency's existing boards, this board would have utilized the talents of both private and public sector officials fully committed to ensuring that the RTC operated efficiently and reliably. Under the current organization, consisting of an oversight board composed of regulators and a board of directors composed of policymakers, independent representation has been absent from the asset disposition process. Because RTC board members have major job responsibilities, they conduct infrequent board meetings and are impeded from exercising oversight of the RTC's activities.

I am pleased that this legislation addresses the need for management reform by mandating that the Treasury Secretary release funds only after certain certifications are made regarding the operation of the RTC. However, I am frustrated by the fact that stiff standards were not in place 4 years ago. In addition, Congress' refusal to restructure the RTC board demonstrates its continued affirmation of the status quo despite the problems inherent in the dual board structure. We cannot restore public confidence in the bank insurance fund by continuing to ignore fundamental problems of inadequate oversight.

In September, the RTC will fold into the Federal Deposit Insurance Corporation. I am concerned about the ramifications of this merger the residual problems that the FDIC acquire. The FDIC is already burdened with a number of regulatory and supervisory responsibilities, and it is unclear whether it has the resources to expand its authority in order to balance the functions of both entities. By incorporating the RTC within the FDIC, Congress risks losing additional control over the asset liquidation process. Such an integration should cause some to pause and question if the abrogation of the RTC's formal responsibilities is prudent or if some type of alternative may be preferred.

As many of my colleagues know, I have been critical of the RTC since its inception. Unfortunately, however, the RTC has never given me reason to reverse this judgment. Because I have a responsibility to ensure that the taxpayers' money is not misspent, I am unable to view this legislation as simply fulfilling a prior congressional commitment. As we replenish the depeleted bank insurance fund one final time, it is not too late to fix the egregious problems that have caused me to assign fault to this agency. Despite my skepticism, reform can be achieved by strengthening oversight and focusing on the RTC's dissolution.•

THE NEED TO HELP FAMILY FARMERS

• Mr. DURENBERGER. Mr. President, I rise today to call my colleagues' attention to a trend with serious consequences not only for Minnesota but for the Nation. The deterioration of the family farm over the past decade has devastated rural America.

As a result of farm crises and low prices throughout the past decade, our farming population has aged considerably, according to a recent GAO report. This report, titled "Farm Finance: Number of New Farmers Is Declining" reveals the shocking truth of the harmful changes in America's rural economy and is required reading for all Senators and staff.

Today the median age of a farmer is 53. And the U.S. Department of Agriculture's [USDA] Economic Research Service [ERS] finds that the number of people entering farming each year has declined 25 percent since the mid-1980's.

Farming is much more than a job; it is a heritage—and we must protect it. Farmers and farm families are the backbone of the United States. They provide us with the largest source of inexpensive, safe, and plentiful food in the world.

But farming is tough. The work is hard, the days are long, and there is always uncertainty about the bottom line. Accordingly, more and more farmers are encouraging their children to pursue professional careers in the cities instead of beginning another generation of working the land.

This trend, if allowed to continue, will have tragic consequences for our Nation. We need farmers. Even with new technologies that allow today's farmers to reap huge gains in productivity over their fathers and grandfathers, there is still no substitute for the family farm.

The Government can and should do more to give incentives for beginning farmers. The time to act is now, before many of today's elder farmers retire.

I urge you again to join Senator GRASSLEY and me in supporting legislation to provide tax-exempt private agricultural activity bonds for beginning farmers. These aggie bonds will help lower the overall cost of entering the farming business. And since farming expenses have risen far faster than commodity prices, this type of assistance is necessary if this country is to maintain a strong base of family farms.

As America sees record numbers of farmers leaving the land, and younger generations moving to the cities, the need for tax exempt aggie bonds is clear. I urge my colleagues to support this initiative and begin the process of restoring one of America's most important assets—the family farm.•

FETAL ALCOHOL SYNDROME RESEARCH

• Mr. DASCHLE. Mr. President, today I would like to highlight a recent breakthrough in alcoholism and fetal alcohol syndrome treatment research which was published in this month's Journal of Neuroscience. The new research findings, produced by researchers at the University of Nebraska Medical Center and Duke University, explain how alcohol use impairs learning and memory, and may lead to more effective treatments for alcohol-related disorders. I am particularly optimistic about the possible applications these new findings may have for treatment of fetal alcohol syndrome and fetal alcohol effects [FAS/FAE], the range of debilitating physical and mental birth defects associated with alcohol consumption during pregnancy.

According to the National Institute on Alcohol Abuse and Alcoholism, a division of the National Institutes of Health, children with FAS/FAE and many alcoholics are physically and mentally impaired when alcohol interferes with activation of nerve cells that affect learning and memory. The neurological damage inflicted on children born with FAS/FAE and other alcohol-impaired persons causes a lifetime of cognitive disabilities that are difficult or impossible to treat. This new breakthrough in neurological research has revealed specific sites where alcohol impairs neuron activation, and will allow researchers to begin developing new, more effective drugs to treat disorders associated with alcohol abuse and FAS/FAE.

These new findings have far-reaching implications. The cost of treating an individual with FAS/FAE from infancy to adulthood has been estimated to be nearly $1.4 million. The human costs to the affected persons and their families are immeasurable. These costs are partially due to neurological impairments in affected individuals that hinder their ability to learn and to live independently. Advances in biomedical research may someday enable us to treat alcohol-impaired persons so that they can live fuller, more independent lives.

While the findings published in the Journal of Neuroscience represent a significant step forward in our efforts to reduce the disabilities associated with FAS/FAE and chronic alcoholism, the extent of our knowledge on this subject is sorely lacking. To reduce the costs associated with alcohol-related disabilities, we need better data on the causes, effective prevention methods, accurate and early diagnosis and treatment of alcohol impairments.

That is why I recently introduced the Comprehensive Fetal Alcohol Syndrome Prevention Act (S. 923), which would provide funding for the National Institute on Alcohol Abuse and Alcoholism, the Centers for Disease Control, and community-based research efforts targeted to refining our knowledge about the causes, prevention, and treatment of these alcohol-related disabilities.

Mr. President, there is no easy solution to the neurological problems associated with alcoholism and FAS/FAE. However, in conjunction with a renewed commitment to support comprehensive national, State, and community-based prevention efforts, we must make a commitment to support expanded research on treatment for alcohol impairments. The cost of supporting prevention, treatment and biological research programs is substantially less than the long-term human and financial costs of caring for children and adults who have been impaired unnecessarily due to exposure to alcohol.

I urge my colleagues to support efforts by the National Institute on Alcohol Abuse and Alcoholism, the Centers for Disease Control, and the thousands of research facilities across the country to conduct biological research into the prevention and treatment of alcohol-related disabilities.•

TELECOMMUNICATIONS

• Mr. KERREY. Mr. President, there is perhaps no field with as much potential for economic growth and job creation as there is in telecommunications. John Scully of Apple Computer has estimated that on a global basis the telecommunications, computer, software, and related markets could exceed $3.5 trillion by 2002. The extent to which the United States participates in that market will be determined to a large degree by a number of decisions which we make in the near future on taxes, investment, and regulation.

As a small businessman myself, and as the Governor who deregulated telephone companies in Nebraska, I believe that fair competition has proven to be the best engine of economic development and commercial prosperity in the United States and around the world. The entrepreneurial opportunities inherent in a competitive market allow American imagination and ingenuity to respond to consumers' desires with high quality, affordable products, and services. The rivalry created by a competitive market encourages providers to be constantly attuned to consumer needs and to make investment decisions prudently.

Not too long ago, Ameritech filed a proposal with the FCC that would bring competition to the local telephone business in its five-State Great Lakes region. The Ameritech plan would allow competitors to connect their network facilities with the telephone company facilities in a fair and efficient manner. This local equal access provision would allow customers to have a choice for local telephone service much in the same way that choices exist for long-distance service today.

In return for these competitive initiatives, the Ameritech plan requests that Ameritech be allowed to provide long-distance service, cable TV service, and to offer its existing range of services under modified regulation more appropriate for an emerging competitive market. The essence of the Ameritech plan is that competition for all telecommunications services by any potential provider will stimulate economic activity and encourage investment.

Local telephone service has been viewed traditionally as a monopoly utility service subject to regulation. Changes in the marketplace since divestiture of the local phone companies from AT&T, as well as advances in fiber-optic technology have changed that assumption dramatically. Competition for local telephone service is not only technologically feasible, but desirable. Businesses that are critically dependent on telecommunications services need the high quality, reliability, and diversity that competitive local telephone service provides. A recent survey indicates that over 85 percent of the new business opportunities in the United States will be in telecommunications-intensive industries. Our challenge is to move from our existing regulated model to a more competitive model as these industry changes continue to develop.

By opening up its local service networks to full competition, Ameritech is seeking to shed the regulatory restrictions it inherited at divestiture. Those restrictions limit the services that Ameritech, and other Bell Telephone companies, can provide using local phone lines. Under its proposal, Ameritech would provide a much wider range of services, with more streamlined regulation, in the new competitive marketplace. These services include long-distance and cable TV and would be offered simultaneously with the opening of the Ameritech network to competition.

Ameritech's plan could be the source of new network capabilities further enhancing the quality of life for its consumers. The plan would enable Ameritech to make additional network investments benefiting the educational and health care delivery systems in its region, while maintaining its strong commitment to universal service. This plan also changes our prescription for telecommunications infrastructure development, from a future network dominated by a single provider to a competitive network built and operated by a variety of willing providers.

The Ameritech plan represents the future direction of the telecommunications industry, and should be encouraged. The existing regime of limited local service competition and limited opportunities for local telephone service providers encourages regulatory gamesmanship rather than entrepreneurial investment. The telecommunications marketplace of the future must encourage providers to invest in new technologies and offer innovative services.

In addition, the Ameritech plan holds promise for keeping the basic local telephone service affordable. By allowing telephone companies who open their networks to competition to offer a wider range of services, basic local phone service may be only a small part of the overall revenue stream for communications firms, thus allowing costs to be dramatically reduced by further economies of scale. Furthermore, in a truly diversified, competitive marketplace, telephone companies will have incentives to offer low cost basic service to entice customers to connect to their network rather than a competitor's network.

Let me reiterate that competition has proven to be a marvelous tool in reducing prices and encouraging innovation, particularly in high-technology industries. I believe such competition is important to the development of new technologies and new services. I urge the FCC to review the Ameritech proposal and to seek the appropriate regulatory scheme to provide for a more competitive telecommunications environment.●

SONS OF ITALY FOUNDATION PRESENTS ANNETTE FUNICELLO SCHOLARSHIP AND CELEBRATES THE ACCOMPLISHMENTS OF YOUNG AMERICANS

Mr. DECONCINI. Mr. President, I want to commend and congratulate the Sons of Italy Foundation [SIF] for its highly successful fifth annual National Education & Leadership Awards Ceremony, in which I had the pleasure of participating, May 6, in the Everett M. Dirksen Senate Office Building.

The SIF awarded scholarships to the winners of the 1993 National Leadership Grant Competition, including a scholarship in the name of television, motion picture, and recording star Annette Funicello.

The SIF has shown superb judgment in publicly recognizing her significant achievements in the entertainment fields and her influential place in American culture with an honor that will inspire outstanding young men and women. Ms. Funicello has served as a role model for American women for several generations because of her professional successes and her dedication to traditional family values.

Ms. Funicello publicly announced her battle with multiple sclerosis in July of last year, and she is currently serving as a spokeswoman for the National Multiple Sclerosis Society. Walking with the use of a cane and the assistance of her husband, Mr. Glen Holt, and often requiring the use of a wheelchair, Ms. Funicello recently participated in the 1993 MS Walk, which the NMSS dedicated to her. Thousands of walkers in 300 cities participated in this event, which raised millions of dollars for MS research. Adding her influence to raising desperately needed funds for research into the causes, prevention, and treatment of multiple sclerosis, Ms. Funicello has established the Annette Funicello Research Fund for Multiple Sclerosis and Neurological Diseases.

In addition to the Annette Funicello Scholarship, the SIF has established scholarships in the names of Anthony S. Fauci, M.D., Director of the National Institute of Allergy and Infectious Diseases and the Office of AIDS Research at the National Institutes of Health, 1992; U.S. Supreme Court Justice Antonin Scalia, 1991; our dearly missed colleague, U.S. Congressman Silvio O. Conte, 1990; former St. John's University head basketball coach Lou Carnesecca, 1989; and Vincenzo Sellaro, M.D., the founder of the Order Sons of Italy in America [OSIA], which established the Sons of Italy Foundation in 1959.

OSIA's long and distinguished record of generous support for the education of America's youth should be highly praised by this revered body and indeed, by all citizens concerned about our educational system. During the past quarter century, OSIA has contributed nearly $18 million in educational scholarships.

I am pleased that a number of my colleagues in the U.S. Senate and the U.S. House of Representatives rearranged their busy schedules to attend this important and inspirational event; they include Messrs. LIEBERMAN, SPECTER, and MICHEL, Mesdames MORELLA and DELAURO, and Ms. MOLINARI.

The leaders of OSIA and the SIF have demonstrated great foresight by encouraging the achievements of the outstanding young people of America through merit-based financial aid for higher education and by recognizing them at a gala event in the Nation's Capital. I commend Peter R. Zuzolo, national president of OSIA and chairman of the SIF; Valentino Ciullo, president of the SIF; Joanne L. Strollo, chairwoman of OSIA's National Education Committee; Joseph Sciame, vice president of St. John's University and master of ceremonies; and Philip R. Piccigallo, Ph.D., national executive director of OSIA and the SIF, for their leadership roles in the 1993 National Education & Leadership Awards Ceremony and the National Leadership Grant Competition.

I now have the pleasure of sharing with you the biographies of the 12 winners of the 1993 National Leadership Grant Competition. I am certain that you will agree that these young men and women represent the highest level of academic achievement and leadership potential in our country today. They include:

Jacqueline Renee Fazio: Jacqueline, of Lighthouse Point, FL, is graduating first in her class at Ely High School, where she has participated in the science and pre-engineering magnet program. She has a 5.1 GPA on a 4-point scale, and she has been an officer of the National Honor Society, Mu Alpha Theta, and president of the Junior Academy of Science.

In addition to her scholastic achievements, Jacqueline is also an accomplished athlete, lettering for 4 years on the varsity swimming team and the varsity tennis team, as well as lettering 2 years on the varsity soccer team. She served as captain of the tennis team this past year and was a semifinalist at district competitions.

She is a National Science Foundation Scholar, a Westinghouse Science Talent Search Semi-Finalist, the Miami Herald Silver Night in Science, and the female recipient of the Amateur Athletic Union-Mars Milky Way All-American Award.

Jacqueline has volunteered nearly 300 hours as a student intern at the Cleveland Clinic of Florida, where she is currently working in the chemotherapy and cancer department. She plans a career in medicine and will participate in the University of Miami's joint bachelor of science and doctor of medicine degrees program. Jacqueline is the recipient of this year's very special Annette Funicello Scholarship.

Nick-Anthony Buford: Nick-Anthony, of Orange, CA, is graduating first in his class at El Modena High School, with a 5.0 GPA on a 4-point scale. His ACT composite score of 33 and his SAT combine score of 1460 rank him among the top 1 percent of his peers.

He is has been an active member of the Sister Cities Youth Foreign Exchange Program, the International Youth Leadership Conference, and the student advisory council to the board of education, and he was captain of the varsity soccer team.

He has been named a Xerox National Scholar in the Humanities, and he received first place in the Disneyland Creative Writing Contest for his short story titled, If I Rode My Ambition. He was selected by the California State Department of Education as one of two students from the State to attend the U.S. Senate Youth Program, and he recently was named America's most outstanding leader by the National Association of Secondary School Principals.

Nick-Anthony will attend Harvard University in the fall, and he plans a career in government service. He is this year's winner of the first annual Henry Salvatori Scholarship.

Christopher D. Whalen: Christopher, of Washington Crossing, PA, is graduating as valedictorian of his class at Council Rock High School, where he has earned a perfect 4.0 GPA. He was captain of his varsity swimming team, and he has been named an Academic All-American.

Christopher will attend Dartmouth College this fall. He is this year's recipient of the Vincenzo Sellaro Scholarship.

Andrew Whiting Oberwager: Andrew, of Bryn Mawr, PA, is a National Merit Commended Scholar at the Episcopal Academy, where he has been a straight-A student.

Cocaptain of the varsity soccer team and the varsity ice hockey team, Andrew was also sports editor of the school newspaper, vice president of the jazz ensemble, and a member of the Vestry at the academy. He was also a member of the Downingtown Colts, an amateur soccer team that finished third in the Nation in 1991.

Andrew will attend Princeton University this fall. He is the recipient of this year's Capellotti Family, Giovanni Glessi, Giuffrida Family Scholarship.

Kevin A. Gamper: Kevin has earned a 4.45 GPA on a 4-point scale and is ranked first in his class at Palma High School in Salinas, CA.

President of his school's National Honor Society and the Ecology Club, Kevin has been honored as a National Merit Commended Scholar and as a recipient of a Xerox Award in the humanities and social sciences. He was a photographer with the school newspaper, a member of the varsity soccer team, and an Earth Day volunteer.

Kevin plans to attend the University of California at Davis this fall and major in mechanical engineering. He is the recipient of the Pearl Tubiolo Memorial Scholarship.

Steven Christian Antonelli: Steven has been named valedictorian of his graduating class at Suffern High School in Suffern, NY. He has earned a 4.2 GPA on a 4-point scale. He was a National Merit finalist this year.

Steven has been captain of the varsity swim team and a member of Varsity Athletes Against Substance Abuse, which encourages younger students to say "no" to drugs.

Steven will attend the University of Pennsylvania this fall. He is this year's recipient of the Justice Antonin Scalia Scholarship.

Jason E. McCarthy: Jason, of Lake Ronkonkoma, NY., is valedictorian of his class at Centereach High School, where he was director of the Interact Club and a rape prevention seminar instructor.

Active in a variety of school activities, Jason participated on the Math team, the yearbook staff, the science club, and was captain of the fencing team.

He plans to become an electrical engineer and attend Massachusetts Institute of Technology. He is this year's recipient of the Peter B. Gay Scholarship.

Carolyn Delizia: Just a freshman at Tulane University in New Orleans, Carolyn has already distinguished herself as a Dean's list student with a 3.8 GPA, as a staff news writer for the student newspaper, and as an activist for the environment. She hopes to attend law school after receiving her bachelor's degree.

A graduate of Bishop Verot High School in Fort Myers, FL, Carolyn is a native of Staten Island, NY. She is this year's winner of the Honorable Silvio O. Conte Scholarship.

Edmund Lo Presti: A native of Pittsburgh, PA, Edmund is a freshman at Carnegie Mellon University, and he earned straight A's during his first semester of study.

Edmund graduated first in his class at Central Catholic High School and was named a National Merit Finalist, scoring 1510 out of 1600 on the SAT exam. He was a member of the National Honor Society and a volunteer at the Jubilee Soup Kitchen.

Edmund is this year's recipient of the Justice Frank J. Montemuro Jr. Scholarship.

David Brian Pecora: David, a native of Sacramento, CA, is completing his second year at the Massachusetts Institute of Technology, where he has already distinguished himself in the areas of advanced mathematics, computer science, and classical music.

In addition to his work in robotics and his chess hobby, David is principal violinist with the MIT Chamber Music Society and a member of the MIT Symphony Orchestra.

A National Merit Scholar who scored a perfect 800 on his SAT mathematics exam, David was valedictorian of his class at John F. Kennedy High School. He is this year's winner of the Dr. Anthony S. Fauci Scholarship.

Andrew T. Parasiliti: A scholar of international relations with a focus on U.S. foreign policy and Middle East politics, Andrew is a doctoral candidate at the Johns Hopkins University School for Advanced International Studies.

A native of South Windsor, CT, Andrew earned his bachelor's degree with honors in psychology at the University of North Carolina, in 1985, and a master's degree in foreign affairs at the University of Virginia, in 1988.

He has published academic articles and presented several conference papers, and he is currently working on his dissertation, which examines the politics of Iraq, the Persian Gulf, and United States Foreign policy in that region from 1978–1992.

Andrew is this year's recipient of the Betz Family-Jackson Family Scholarship.

Michele Anna Paige: Michele, of Flushing, NY, graduated magna cum laude from Brown University with a bachelor's degree in psychology in May, 1992. She was elected to Phi Beta Kappa and was a Rhodes Scholar finalist.

She scored in the top one-percent on the Law School Admissions Test, and she will attend Yale Law School this fall.

Already a published writer, Michele is the author of After the SATs: An Insider's Guide to Freshman Year, which grossed $200,000 in sales its first year of publication. She is this year's recipient of the Coach Lou Carnesecca Scholarship.●

THE NEED FOR GREATER FOOD SAFETY AND INSPECTION

● Mr. DURENBERGER. Mr. President, I rise for the third time in 3 weeks to bring to the attention of the Senate the serious problems with the Federal Government's food safety and inspection systems. The present system is defined by turf battles between FDA, USDA, EPA, and Commerce that are more determined to keep bureaucrats in their jobs than unsafe and unhealthy food off of the American dinner table. This divided and uncooperative system of inspection is inadequate and ill serves the American people.

I have drafted a bill to remove the jurisdiction for food safety and inspection from FDA, USDA, EPA, and Commerce and concentrate them in a single, independent, food safety and inspection agency. My bill, the Federal Food Safety and Inspection Agency Act of 1993, will be introduced shortly. This bill will provide for a uniform, risk-based assessment of food inspection. It is my hope that the Clinton administration will join with me in supporting this bill so that together we can make 1993 the most important year for food safety since Teddy Roosevelt.

Mr. President I urge my colleagues to join with me in the pursuit of greater food safety and inspection. I ask that an article from the May 24, 1993, issue of Newsweek magazine entitled "How Safe is Our Food?—Contamination Causes 9,000 Deaths a Year, and New Dangers Are Emerging" be printed in the RECORD.

The article follows:

[From Newsweek Magazine, May 24, 1993]

HOW SAFE IS OUR FOOD?—CONTAMINATION CAUSES 9,000 DEATHS A YEAR, AND NEW DANGERS ARE EMERGING

(By Geoffrey Cowley and John McCormick)

A few weeks ago a nation that loves to agonize over fat, cholesterol and food additives got a jarring bit of news. Writing in the Journal of the American Medical Association, a team of public-health officials described how 23 people in southeastern Massachusetts had contracted a potentially deadly illness from a product most purists adore. The 23 New Englanders had suffered from bloody diarrhea, and in some cases kidney failure, after drinking apple cider in the fall of 1991. The cider was fresh, local and free of chemical additives, but it contained something more dangerous: a new microbe called E. coli O157:H7.

The cider story was just the latest warning that a deadly new germ is on the march. Last January, when several kids turned up with the same symptoms at Children's Hospital in Seattle, tests implicated the same obscure strain of E. coli. Within days state health officials traced the outbreak to contaminated, undercooked hamburgers from Jack-in-the-Box restaurants. The fast-food chain promptly recalled thousands of frozen meat patties and tightened its cooking standards. But by that time, its outlets had already sold tainted burgers in four states. The result: 477 people got sick—nearly a third of them sick enough to require hospitalization—and at least one toddler died.

These E. coli outbreaks, along with a smaller one involving mayonnaise in Oregon this spring, have cast a harsh light on the safety of America's food supply. It's still possible to eat safely, but virtually everything about the way we produce, distribute and consume our food has changed during the past few decades. New farming techniques have made animals more susceptible to infection—and large-scale food distribution has ensured that when tainted food gets out, it travels far beyond the local church picnic. At the same time, our growing reliance on prepared and imported foods has created new conduits for contamination. Rather than keeping pace with these changes, however, the public agencies we rely on to protect us have either ossified or run out of resources. Now, thanks largely to the Jack-in-the-Box fiasco, officials are admitting as much—and calling for radical reform. "We have a piecemeal, haphazard system that needs to be replaced by a comprehensive system," says Dr. David Kessler, commissioner of the Food and Drug Administration. "This is a major challenge for the rest of the decade."

Depending on the bug, the dose and the victim, tainted food can cause everything from miscarriages and kidney disorders to meningitis and permanent brain damage. The government doesn't monitor foodborne disease as it does syphilis or gonorrhea, so no one knows just how pervasive it is. The best casualty tolls were calculated in 1985 by researchers at the Centers for Disease Control and Prevention (CDC). They concluded that 6.5 million Americans are stricken every year and that 9,100 die. Though no one has compiled a more recent tally, experts agree that the situation is growing ever dicier. "Are the dangers greater today than 10 years ago?" asks Dr. Robert Tauxe of the CDC's Foodborne and Diarrheal Diseases Branch. "Definitely."

One problem is that the microbial landscape is changing. A number of new pathogens have shown up in the food supply in recent years, and old ones are finding new ways to make mischief. Dr. Paul Blake, chief of the foodborne-diseases branch at the CDC, recalls an unusual British report that came across his desk in 1977. A researcher had found evidence of severe gastroenteritis—two to 10 days of diarrhea, vomiting and fever—caused by a germ called Campylobacter. "Nobody here had ever heard of Campylobacter," Blake says. Since then, Campylobacter has become the developed world's leading foodborne pathogen. It has turned up in cheeses and shellfish, but is rampant in chicken and raw milk. In a retrospective study, researchers from the CDC and the Minnesota Department of Health recently found that 20 Campylobacter outbreaks occurred during the 1980s among schoolchildren who drank raw milk during field trips to dairies. Of 1,000 kids in 11 states who took part in that rite, nearly half had been stricken.

Salmonella is another bug on the move. Reported poisonings from beef, poultry and dairy products have doubled since the 1960s. At the same time, devious new strains are growing ever more pervasive. During the late '70s and early '80s, the Northeastern states experienced a sixfold increase in disease outbreaks caused by Salmonella enteritidis, a strain found mainly in eggs. The bug has since taken hold nationwide, causing 375 outbreaks between 1985 and 1991 and raising new concerns about the safety of a food found in virtually every American fridge.

Because Salmonella often spreads through fecal contamination, experts once thought that clean, unbroken eggs posed little risk. But unlike most Salmonella, the enteritidis strain seems to hide in hens' ovaries and infects developing eggs before they form shells. Neither hen nor chick suffers any symptoms, but anyone eating undercooked eggs can be laid low. Most people suffer only six to 48 hours of misery, but the effects can be harsher in children, pregnant women and people with suppressed immune systems.

E. coli O157, the culprit in this year's Jack-in-the-Box outbreak, was first recognized as a human pathogen just 11 years ago, when people in two states got sick from hamburgers, and investigators found the microbe in the meat. Today it seems to be turning up everywhere. Beef is the most common source of trouble, but O157 has also turned up in pork, lamb, chicken, turkey and potatoes. Its recent appearance in apple cider and a restaurant's mayonnaise was doubly unsettling, because E. coli can't normally survive in such acidic environments.

Unlike more common strains, which move harmlessly through our intestines, E. coli O157 clings to the intestinal wall and produces a toxin that can cause widespread internal bleeding. Most patients recover after a week or so, but 2 to 7 percent suffer a complication called hemolytic uremic syndrome, or HUS, a destruction of red blood cells that can lead to kidney failure, seizures and death. In just one decade, O157 has become the leading cause of acute kidney failure in children, and experts warn that it has equally menacing cousins. "Why the others are less prevalent in human disease remains a mystery right now," says Dr. Douglas Archer of the FDA's Center for Food Safety Programs.

These emerging microbes have all been fostered by changes in the way we produce, distribute and consume our food. Modern farming techniques virtually guarantee rapid transmission of microbes among the animals we eat. In the U.S. beef industry, some 900,000 farms produce calves, which are typically shipped to one of 46,000 feedlots for finishing, and later to one of 81 large plants for slaughter. Because so many cattle pass through these "choke points," an obscure bug from one farm can ignite an epidemic.

Other farming practices compound the effect. Rather than waste the guts of slaughtered chickens, for example, growers often add them to animal feed for extra protein. The fortified feed spreads Salmonella and other germs. Because most farm animals also receive low doses of antibiotics to enhance growth, those germs are often drug-resistant. And when they end up in the food supply—as they did in northern Illinois in 1985—the results can be devastating for some people. An estimated 175,000 got sick during the outbreak, after drinking milk from a regional dairy. A study later found that people who had taken antibiotics within a month of the outbreak fell ill at five times the general rate. The antibiotics had cleared their digestive tracts of normal bacteria, enabling the drug-resistant Salmonella to take root and multiply freely.

As mass production has created new dangers, so has our reliance on imports. A greater share of the American diet comes from offshore than ever before. "You can't say we have the safest food supply in the world," says the CDC's Tauxe. "Ours is the food supply of the world. One bite of a fast-food hamburger can introduce you to beef from four countries." The FDA samples imported foods to ensure they meet U.S. safety and labeling standards. But only 2 percent of the imports are actually inspected, and the agency can't police food handling outside U.S. borders. In 1990, people in 30 states fell ill after eating cantaloupe that had been trucked across Mexico in ice made with local river water. Imported cantaloupes were also linked to a 1991 Salmonella outbreak that struck at least 400 people in 23 states. The lesson, says CDC scientist Morris Potter, is that we can now enjoy " Third World diseases with all the comforts of home."

Other hazards: Food production isn't all that has changed in recent decades. Shifts in the American diet, some of them laudable, have created still other hazards. The National Restaurant Association says consumers now spend 43 cents of every food dollar on meals eaten away from home, up from 25 cents in 1955 and 36 cents in 1980. There's nothing inherently wrong with prepared foods, but the extra handling they receive creates new opportunities for contamination. Nine million food-service workers now prepare much of what America eats. Most of these are low-pay, high-turnover jobs, and hygienic training ranges from excellent to nil.

At the same time, health-conscious consumers are eating more fresh fruit and vegetables, and eating them less cooked. From the heart's perspective, that's a trend to celebrate, but it has further complicated the issue of food safety. "The heart-healthy diet has not been equally kind to the gastrointestinal tract," says Minnesota state epidemiologist Michael Osterholm. Microbiologist Michael Pariza of the University of Wisconsin's Food Research Institute concurs, noting that many of today's big Salmonella outbreaks come not from processed meats and poultry but from salad bars. Because they combine foods requiring different levels of cleaning, cooking and refrigeration, salad bars make perfect microbial playgrounds. And even when they're well maintained, they can transmit germs from one patron to the next. As Pariza puts it, "You don't know who last touched the scoop that falls in the dressing."

To make matters worse, a growing segment of the population lacks normal resistance to foodborne pathogens. A healthy immune system can often expel a bacterial invader before it causes any illness. That's why we eat without problems most days. But even a fairly benign microbe can immobilize a person whose defenses have been compromised by age, chemotherapy, kidney dialysis or HIV infection. Listeria monocytogenes, a microbe found in a wide variety of foods, rarely causes illness in healthy adults. But as the immunocompromised population grows, so does the bug's impact. Though food-related listerial disease was unheard of a decade ago, it now strikes more than 1,800 Americans every year, and a fourth of them die.

No one expects government or the food industry to reverse these social trends, and reasonable people concede that there is no way to guarantee the purity of every morsel of food that every consumer ingests. But all parties now agree on the need for new approaches to food safety. As a General Accounting Office official said recently, "The federal food-safety inspection system is inconsistent, inefficient and unable to adjust to changing public-health risks." The U.S. Department of Agriculture, which regulates meat and poultry production, is virtually blind to problems like E. coli contamination. Operating under laws passed in 1906, the USDA's 7,400 meat inspectors spend their days in processing plants, touching, sniffing and eyeballing animal carcasses in search of physical signs of disease. If a pathogen is invisible, it's basically home free.

Meanwhile, the agencies responsible for monitoring outbreaks of foodborne illness are often too cash-strapped to try. Saddled with the AIDS epidemic and various congressional directives, the CDC this year budgeted a paltry $3 million for the task. The agency's foodborne-diseases branch has fewer than three dozen employees, several of them medical residents serving two-year stints. "We've got the most rudimentary surveillance of food-borne disease you can imagine," says Dr. James Hughes, the CDC official who oversees the branch. The system consists basically of state health departments reporting outbreaks that come to their attention. If the state epidemiology staff is underfunded or incompetent, the outbreak isn't reported.

Pushing reform: Spurred by the recent E. coli outbreaks and the arrival of a new administration, several agencies are now pushing blueprints for reform. Even before the outbreaks started, the CDC was working on plans for a "sentinel surveillance system" with 10 regional centers set up specifically to detect and monitor emerging diseases. In addition, the agency's food-borne-diseases branch is now proposing measures to improve the tracking and reporting of foodborne illness, with special emphasis on E. coli O157 (which few diagnostic labs now test for).

The USDA, for its part, wants to replace its antiquated inspection rituals with a unified system that would follow food from the farm to the supermarket, addressing potential hazards at every step along the way. Inspectors would rely less on physical exams to spot contamination, but because bacterial tests are slow and costly to administer, prevention would be the main emphasis. The FDA is now devising a similar proposal, and Minnesota Sen. Dave Durenberger is pushing a more sweeping reform: the creation of a single agency to handle all food-safety and inspection services.

If any of these reforms take shape, they could make 1993 the biggest year for food protection since 1906, when Congress passed the landmark federal meat-inspection law. Compared with guns or cigarettes, tainted food is still a nascent public-health problem, but that's no reason for complacency. The microbial world is full of unpleasant surprises, and as the recent E. coli outbreaks make clear, we haven't seen the last of them. As one official puts it, we've created a wide-open conduit, and no one knows what will come down it next.•

1993 TUCSON JEFFERSON AWARDS

• Mr. DECONCINI. Mr. President, on Sunday, March 14, 1993, five Arizonans received the distinguished Jefferson Award—an award recognizing their outstanding public service and dedication to Tucson and southern Arizona. These five individuals are: John Sharpe, Lillian Behr Hoff, Dorman W. Brown, Rose Marie Augustine, and Betty J. Liggins.

John Sharpe founded the Gangbusters Martial Arts Program. This program is free of charge to children with the only eligibility requirement being that the child is currently attending school. Once children are enrolled in the program, they must stay out of gangs and away from gang members, stay away from drugs and alcohol, and they must demonstrate a quarterly improvement in their grades during the school year. John deserves to be commended for devoting his time and efforts to improving the physical and mental health of our children of our community.

The preservation and celebration of the cultural heritage of southern Arizona has been an ongoing and active concern of Lillian Behr Hoff. Through her vision and devotion, she has brought the arts to the people of Santa Cruz County and especially to its children. In 1971, Lillian founded the Santa Cruz County Young Audiences to enable schoolchildren to experience the richness of the performing arts. Under her guidance for 17 years, the community's financial and volunteer support for Young Audiences continued to grow so that programs are now provided to all schoolchildren within the county. Once a month during the school year, children experience youth arts programs, and during the summer all communities enjoy the Concert in the Park series. In 1983, she sponsored the Very Special Arts-Nogales-Santa Cruz District organization to bring the arts to our physically and mentally challenged children. Lillian Behr Hoff stands as a symbol of unselfish dedication to the arts and to her community.

Ten years ago Dorman W. Brown retired. Needing an outlet for his energy, he decided to become involved in the restoration and rebuilding of the historical section of downtown Willcox. He began with a frame house built in 1880 for the military. Dorman came up with some novel ideas to raise funds for matching grants to rebuild this house. Recruiting many volunteers from the Willcox community the year-long project finally came to fruition. The house is currently listed on the State Historical Registry and stands tall and beautiful in the middle of Willcox.

Other projects he has devoted his time and energy to are the Rex Allen Cowboy Museum, the old theater and a one-half block of dilapidated buildings on Maley Street. The Rex Allen Museum not only features Rex Allen's life as an entertainer and movie actor, but also displays memories of early pioneers who helped homestead and settle this southeast corner of Arizona. To date, Willcox now has a first-rate theater that shows first-run movies on a regular basis.

Ten years ago the downtown area of Willcox was 80 percent vacant with buildings that could have been lost to razing. Today, through Dorman's endless energies and commitment to the Willcox community, only 20 percent stands vacant. This is a testament to the saying "it only takes one person to make a difference."

In September 1992, a National Law Journal [NLJ] investigation concluded that the Federal Government routinely engages in what the journal labeled "environmental racism." The NLJ study concluded the Environmental Protection Agency, among others, favored white over minority communities in its cleanup of hazardous sites and in its pursuit of polluters.

Rose Marie Augustine has worked diligently over the past decade to remedy that inequity. Rose Marie led the charge to organize Tucsonans for a Clean Environment, a grassroots group of southside Tucson residents living in the trichloroethylene [TCE] contaminated area. She was also instrumental in getting a clinic established for TCE victims. I was pleased to work with Rose Marie to bring Daniel W. McGovern, the EPA Region IX administrator, to Tucson to visit the TCE Superfund site which resulted in fast tracking the cleanup efforts.

She helped organize south Tucson's 12th Avenue business community in a united effort to force EPA to reroute the TCE pipeline thus minimizing its negative effects during the construction process on 12th Avenue. Rose Marie saw the need to help poor communities and communities of color mobilize against the environmental inequities these communities face.

So many people today just go home, lock their doors, and try to ignore what happens around them. Betty J. Liggins is not one of those people. She dove in and fought back to make her neighborhood, and our city, a better place to live. Betty has successfully chased gangs and crack dealers from her southside Tucson neighborhood by organizing a neighborhood watch and by working closely with police. She has been so instrumental in making the area safer that she was invited to testify before a Senate Committee in Washington, DC about the problem and resolution. The litany of Betty Liggins accomplishments are legion. Betty Liggins is a citizen whose past pursuits are a shining example for all, and whose every day, commonplace activities border on the amazing.

I urge my colleagues to join me in extending congratulations to all the recipients of the 1993 Tucson Jefferson Award and to salute them for their caring dedication to the people of Tucson and other southern Arizona cities.●

THE DRUG WAR, AGAIN

● Mr. D'AMATO. Mr. President, I rise today to ask that a column by A.M. Rosenthal, entitled "Dismantling the War," that was published on page A21 of the May 18, 1993, edition of the New York Times be printed in the CONGRESSIONAL RECORD as if read in its entirety. This column, one of Abe Rosenthal's regular "On My Mind" series, succinctly makes the point that we are drifting toward legalization of recreational drug use.

I commend this column to my colleagues and especially to those in the administration who are attempting to solidify their version of this Nation's drug strategy. I hope all will read it and take to heart its insights.

The column follows:

DISMANTLING THE WAR

(By A.M. Rosenthal)

Before it is too late, Americans should realize that the concept of the war against drugs is in danger of being dismantled and the result will be creeping legalization.

If that is what they want, fine—they can get it by just keeping silent.

But if they are among the huge majority of Americans who believe legalization would build drug addiction into American life forever then they should make themselves heard now. There is still time, while decisions are being made in government.

Until recently everybody interested in fighting drug addiction instead of surrendering to it by legalization accepted one concept: The struggle could not be won by one weapon but only through an irreducible variety, each strong. They were six:

Reduction of foreign drug crops. Interdiction of drug smuggling. Enforcement of laws against making, selling or using drugs. Education against drugs. Treatment of addicts. Presidential leadership.

Now four of the six are in question: reduction, interdiction, enforcement, leadership.

For about 20 years, ever since the drug war became an obvious top priority, there has been argument about how to divide the money. Mostly it was about how much law enforcement and interdiction should get compared with treatment.

I believe that funds for the whole arsenal should be expanded rather than weaken any part of it. If not, give more money to treatment, without killing the rest of the package.

But now elected and appointed officials are making it clear that they have no real interest in some of the essential instruments of the struggle.

A few Federal judges are saying they will no longer handle drug cases involving mandatory sentences. They should resign, rather than just defy legislative law—or be asked to leave by Congress.

They help spread the myth that the drug laws have failed. The truth is we do not know because the "mandatory" sentences have not been carried out nationwide.

Prof. John J. DiIulio Jr., of Princeton and the Brookings Institution, a particularly lucid expert, says that most drug criminals spend only 10 months in prison, less than a third of their average sentence; that most of them are not in jail for possession but for organized selling and distributing; that in state prisons they are mostly men who served time for other crimes, and that on the street the possibility of long jail time is a prime deterrent. I save my sorrow for Americans and foreigners hunted down by drug gangsters, or just shot in casual sport.

Interdiction is now routinely called a failure by trendies because it did not seal off America. That was not the goal—just to make life harder for the drug trade, instead of saying come right in and ruin us.

But some in the Clinton Administration, including Attorney General Janet Reno, make it known that they do not have much interest in pursuing interdiction. How would you like to be an American agent risking his life to fight drug smuggling and production? Or a Latin president who trusted America to carry out life-and-death promises from one administration to another?

Drug arrests diminish in some cities because the assumption grows that law enforcement does not work in the streets. Says who? Ask Americans who live in neighborhoods where children cannot step out of the house for fear of drug crossfire. Do they want even less protection than is now their miserable lot?

What's more, reducing drug arrests immediately reduces the hope in treatment. Drug criminals are often hard-core addicts who will not subject themselves to tough therapy until they are behind bars.

I do not suggest a conspiracy in Washington—just trendiness, mushy thinking, lack of commitment. Perhaps that is a matter of middle- or upper-class background, where it is easier to quit drug use, so it all seems not so terribly terrible. The legalizers will take advantage of all that, creep by creep.

They will achieve de facto legalization unless Americans speak up, most of all President Clinton. By acting as if the drug struggle is interesting, but not very, he dismantles his own leadership role. From the campaign, most voters did not expect that.

Four out of six endangered—but all salvageable. Pay attention or pay the price; free choice.●

PROF. HARDY WICKWAR: THE FIRST 90 YEARS

● Mr. HOLLINGS. Mr. President, I rise to salute a good citizen and good friend, Hardy Wickwar, on the occasion of his 90th birthday on May 22. Professor Wickwar is a native of England but an honored adopted son of South Carolina. In a distinguished lifetime spanning the 20th century and five separate careers, the common theme has been his dedication to humanitarian ideals and public service.

Today, as the very active chief executive officer of the Council of Aging of the Midlands, Professor Wickwar is in the prime of his fifth career. His personal mission is to debunk the popular prejudice, as he puts it, "that old age and uselessness sit side-by-side like rockers on a porch." On that score, of course, Professor Wickwar is a superb example of the enormous talents and energies in our elderly population.

Mr. President, Professor Wickwar was a United Nations official for 16 years, advising governments in Lebanon and Burma on social development. For 2 years he headed the World Food Program, giving a special focus to Africa and the Near East. He spent an additional 25 years as an educator, including at the University of South Carolina, where he has been professor emeritus since 1971. For another 20 years, he served as director of planning and research at Richland Memorial Hospital in Columbia, SC.

Mr. President, by any measure, this is a remarkable lifetime of service and achievement. Across the decades, Professor Wickwar has touched the lives of countless thousands, if not millions, of people. In South Carolina, he is universally regarded with professional respect and personal affection.

Mr. President, I salute Hardy Wickwar for a remarkable 90 years. There is no doubt in my mind that his next 90 years will be every bit as remarkable and rewarding.●

FRIENDSHIP VILLAGE CELEBRATES

● Mr. GRASSLEY. Mr. President, I would like to take this opportunity to extend congratulations to Friendship Village of Waterloo, IA, which will be celebrating 25 years of service come June.

In 1966, an area group of pastors, who met informally for prayer as the Friends of Faith, were incorporated into the Friends of Faith Retirement Homes, Inc. These committee individuals, and others, pledged their personal assets to secure the original financing for what is today Friendship Village.

Friendship Village was a pioneer in the development of the life care concept which encompasses a comprehensive array of the services designed to provide care to retirees. Friendship Village provides for its resident's physical, financial, social, psychological, and spiritual security.

I would like to salute the members of Friends of Faith whose vision of the future has resulted in 295 independent living units and a 67-bed skilled nursing facility which makes up Friendship Village today. I would also like to recognize the charter residents of the village: J.W. Cochran, Ella Knight, Anna Ralph, Gertrude Reed, Marian Tampkin, and Margaret Winninger.

I would like to extend to Friendship Village a thank you for providing high-quality care for the citizens of Iowa.●

THE C–17 PROGRAM

● Mr. D'AMATO. Mr. President, one of my House colleagues, having been forced to endure testimony from yet another Air Force officer claiming that the C–17 program "had turned the corner", is said to have exclaimed, "how many corners does this program have?"

That's a good question. If half the effort that has gone into the propaganda machine defending the troubled airlifter had gone into the design, engineering, and fabrication of the aircraft, the C–17 would be a model acquisition program.

But what are the hard facts? Are there measures of performance that allow us to fairly judge the progress of the C–17 program? I believe so. One such measure is the cost performance index [CPI]. The CPI compares work accomplished against the actual dollars spent for that work. Typically, CPI improves over time as workers on a production line climb the learning curve.

Mr. President, I ask that a table detailing the CPI over time for the C–17 Full Scale Engineering Development [FSED] and Lots I, II, and III contracts be inserted in the RECORD.

As can be seen, the CPI, the return on each dollar invested, is actually declining over time for all four C–17 contracts.

Clearly, the C–17 has not turned the corner. It was gratifying, in testimony before the Senate Defense Appropriations Subcommittee, and, I understand, the House Armed Services Committee, to hear Dr. Deutch make it clear that many technical, managerial, contractual, and financial problems associated with the C–17 are yet to be resolved. It was, in my experience, the first time a responsible Pentagon official candidly discussed this ill-starred program.

Rumors are rampant that a buy-out of the C–17 program is imminent, and that, in addition to whatever "rump force" of C–17's is settled upon, a small number of C–5B's and 767's will be purchased to flesh out Air Mobility Command. This is a notion, assuming the C–5B and 767 contracts are fixed price, that I can support.

The chart follows:

	1985	1986	1987	1988	1989	1990	1991	1992	1993
FSED CPI CUM:									
January	1.03	1.03	1.01	0.97	0.88	0.79	0.69	0.69	0.69
February	1.03	1.03	1.01	0.96	0.88	0.79	0.69	0.69	
March	1.02	1.03	1.00	0.95	0.87	0.78	0.70	0.69	
April	1.03	1.03	1.00	0.93	0.86	0.76	0.69	0.69	
May	1.03	1.02	0.99	0.93	0.85	0.74	0.69	0.69	
June	1.02	1.01	0.98	0.93	0.85	0.71	0.69	0.65	
July	1.03	1.00	0.98	0.92	0.84	0.71	0.69	0.69	
August	1.03	1.01	0.98	0.91	0.84	0.68	0.69	0.69	
September	1.03	1.01	0.97	0.91	0.83	0.67	0.69	0.69	
October	1.03	1.01	0.98	0.90	0.82	0.67	0.69	0.69	
November	1.03	1.01	0.97	0.89	0.81	0.69	0.69	0.69	
December	1.03	1.02	0.98	0.89	0.80	0.69	0.69	0.69	
LOTI CPI CUM:									
January					0.89	0.91	0.69	0.66	0.66
February					0.92	0.92	0.69	0.66	
March					0.87	0.94	0.69	0.66	
April					0.87	0.88	0.67	0.66	
May					0.89	0.85	0.66	0.66	
June				0.79	0.88	0.83	0.67	0.66	
July				0.81	0.89	0.84	0.67	0.66	
August				0.82	0.92	0.80	0.67	0.66	
September				0.83	0.93	0.76	0.67	0.66	
October				0.87	1.02	0.74	0.66	0.66	
November				0.87	0.99	0.66	0.66	0.66	
December				0.87	0.96	0.67	0.66	0.66	
LOT II CPI CUM:									
January						0.98	0.70	0.70	0.63
February						0.91	0.73	0.68	
March						0.67	0.73	0.69	
April						0.88	0.74	0.67	
May						1.07	0.75	0.67	
June						1.07	0.73	0.67	
July						1.21	0.73	0.66	
August						1.21	0.73	0.66	
September						1.04	0.72	0.65	
October						1.05	0.70	0.64	
November					0.97	0.64	0.70	0.64	
December					0.97	0.69	0.70	0.64	
LOT III CPI CUM:									
January								0.97	0.92
February								0.95	
March								0.96	
April								0.95	
May								0.95	
June								0.95	
July								0.95	
August								0.95	
September							0.92	0.95	
October							0.94	0.95	
November							0.95	0.94	
December							0.94	0.93	

THE NEVER ENDING SPIRAL OF GUN VIOLENCE

• Mr. SIMON. Mr. President, several months ago, the Chicago Tribune ran an article, "Chicago's Proliferating Guns: Armaments of a City at War." This article is part of the paper's year-long series, "Killing Our Children" documenting each child under the age of 14 who dies in the Chicago metropolitan area. In conjunction with this tracking, the paper is doing a number of in-depth, responsible articles on factors that play a role or are responsible for these deaths.

The article confirms what many of us have known for some time—guns on the street are more available, are more lethal, are being used by younger and younger people, and are resulting in more serious injury and death. We cannot allow this to continue. Our inability to pass reasonable legislation like the Brady bill, limitations on assault weapons, or tightening up Federal gun dealer licensing requirements is literally killing our children.

I urge my colleagues to read the article and ask that it be printed in full in the RECORD.

The article follows:

[From the Chicago Tribune, Mar. 5, 1993]

CHICAGO'S PROLIFERATING GUNS: ARMAMENTS OF A CITY AT WAR

(By Steve Johnson)

Chicago's guns get their last rites in a small suite of rooms in police headquarters.

Behind its locked doors, the police gun lab is dusty, low-tech and overflowing with confiscated killing machines. Its back wall is covered with scores of firearms, a combination gun museum and reference library.

Tacked to a filing cabinet is a quotation attributed to Al Capone, the 1920s gangster whose trigger readiness gave Chicago an international reputation it continues to deserve:

"You can get much farther with a kind word and a gun than you can with a kind word alone."

The guns that come through the lab are poked and disassembled and test-fired into a tank of water. They are marveled at, either for their crudity or their sophistication, and their filed-away serial numbers are made to reappear.

On one desk, there is a Davis P-380, a gun you could buy for less than $100, a few days' work at a fast-food joint. In the metal beneath the barrel, a deep groove has replaced the serial number.

At another desk, evidence technician Jim Treacy is probing the innards of a fearsome-looking 9 mm pistol made by S.W. Daniel Inc., a handgun commonly known as a Mac-11 that is loved (by crooks) and hated (by cops). Its magazine holds 34 rounds, Treacy said, and this one has been turned into a submachine gun.

It could spew the contents of its magazine with one trigger pull, 34 bullets sent flying in less than three seconds.

Still another desk bears a Glock semiautomatic 9 mm pistol. This is a classy gun—many police departments recommend it for their officers—and it bears a classy accouterment: A laser sight whose red beam marks precisely where a bullet will tear up your target's innards.

These are the armaments of a city at war, and the cataloging of them does not stop. "There used to be a time when, by Friday, it'd slow down," Treacy said. "Not anymore."

Sometimes so many guns come in at once—250 after one recent weekend—that they are moved in shopping carts. When the guns are no longer needed for evidence or training, they are sent to local foundries.

It is a losing battle. Last year, Chicago police confiscated 21,124 firearms, a higher tally than their counterparts in New York or Los Angeles. It has been illegal since 1982 for all but a few to own a handgun in Chicago. No matter: 80 percent of the guns Chicago police nab are handguns, and they were responsible for 96 percent of the city's firearm homicides in 1991.

Firearms are taking an especially heavy toll on society's future, killing children, particularly teenagers, at rapidly increasing rates.

Nationwide from 1986 to 1991, according to FBI statistics, the number of gun homicide victims aged 10 to 14 went to 209 from 101. For all children under age 18 slain by gunfire, the number rose to 1,273 from 602. Of the 60 children 14 and younger who were homicide victims in the six-county Chicago area last year, 24 of them died by gunfire.

Teens are found on the other end of gun sights too. In those same years, as the rate of adults over age 24 committing homicided continued to go down, the rate of 14-to-17-year-old killers increased 124 percent.

That increase in murders—and its parallels, jail time served and cost to society—is due mostly to firearms, said James Alan Fox, dean of the college of criminal justice at Northeastern University in Boston.

"A 14-year-old with a gun in his hand is much more dangerous than a 44-year-old with a gun in his hand," Fox said. "He tends to be trigger-happy * * * and doesn't think about the future, doesn't think about consequences."

Although the vast majority of guns in the United States are purchased legally and destined for nothing more menacing than killing a squirrel, this is a society that has not let go of the frontier mentality.

Guns are found in every other household in America, and there are roughly four of them for every five citizens. Compared with their peers in many other developed countries, U.S. teenagers are some 10 times more likely to die of gunshot wounds. In 1987, the U.S. firearm homicide rate for 15- to 19-year-olds was 21.9 per 100,000, according to one study; Scotland was next at five, and 13 of the 20 countries studied had rates below two.

In the inner cities, which have become the nation's combat zones, the reports ring out and the bodies pile up. In Chicago last year, there were 649 homicides with firearms. That was more than in any year since 1974, when bullets claimed 669.

There were a record 14,644 shootings last year in the city and more than 23,000 armed robberies.

In violence-torn neighborhoods, children become so familiar with firearms that the sound of a gunshot down the block is as likely to spark a detailed discussion over the type of weapon as a dash for cover.

Taurus Johnson said he heard gunshots outside his Near South Side home at about 4:30 p.m. one recent day. "It was a 'gauge,'" he explained casually. "A gun with two shots to it, shoots two bullets out." Taurus is 14 and a sophomore at King High School.

The presence of a gun too often means conflict turns into killing or suicidal impulse turns into suicide, said Dr. Katherine Kaufer Christoffel, a pediatrician at Children's Memorial Hospital and an expert on firearm violence.

With advances in gun technology, "you can be a much lousier shot and still kill somebody," she said, "and there seems to be greater access."

The children agree. Earlier this week, a 13-year-old girl watched from a second-story apartment window as a gunman approached her boyfriend, James Nance. When she picked herself up off the floor and looked out the window again, James lay dead, 17 bullet holes in his 13-year-old body, Chicago's seventh child homicide this year.

The girl said she worried that a jealous former boyfriend might have been the shooter. She was asked if the teen would have had access to a gun.

In a voice indicating amazement that someone might not know this, she said, "You can get a gun from anybody."

In January, five guns were found in a trash can at a West Side Boys Club after police broke up an alleged gang meeting there. A 16-year-old boy was charged with possessing two of them, guns that, purchased legally, would retail for more than $500 each.

The guns become totems. A handgun confiscated after a gang shooting outside Lake View High School on the North Side showed teenagers had been scratching gang symbols and initials into their guns the way some students scribble the names of girlfriends on their notebooks.

Like any family might, teenaged members of a Pilsen neighborhood gang have put together a photo album. In the album, acquired by police, the pictures feature the gang members displaying their hand signals and their handguns.

Those holding the weapons are barely old enough to shave.

When an 8-year-old boy brought a .380-caliber pistol to the McAuliffe Elementary School last March, police said he had taken it from his father. The boy fired the gun, apparently not knowing it was loaded, and seriously injured an 8-year-old classmate.

The shooting could have been prevented. Earlier that day, a 43-year-old school bus driver had spotted the armed 3rd grader. Instead of reporting him, the man bought another gun from the boy for $20, police said.

How do children acquire guns? Sitting one day last week in the neat living room of her Austin neighborhood apartment, Derlesher Edwards, 22, and her son Darnell, 6, tried to explain how the mother's gun ended up in the boy's possession in his 1st-grade classroom at Key Elementary School.

She bought the gun, Edwards said, after overhearing some men in a small family restaurant she owns. "They said, 'This is an easy place to stick up,'" Edwards said. "After I heard that, it wasn't a big decision."

She had never used a gun, but she said she believed her experience with video games was sufficient training. "A girlfriend knew a guy that was selling," and Edwards arranged to meet him. For $55, she got a .32-caliber pistol and 100 rounds of ammunition.

Darnell said that one of his little brothers came to him and said, "'Darnell, momma got a gun.' He said it was in her purse."

The next morning, Darnell said, he slipped it out of her handbag, along with a bullet, put both in his black-and-yellow gym bag, and left for school.

He did it, he said, because a classmate had taken Scottie Pippen's candy bars from him during gym class. Three days later, Darnell said, the same boy told him, "'If you don't give me your candy bars. I'm gonna shoot you.'"

The next Monday, Darnell told a friend he had the gun with him, and soon the word reached school authorities, who found the weapon in the boy's bag. Darnell was suspended for a week. His mother faces a misdemeanor child-endangerment charge.

School officials said they suspect Darnell brought the gun more to show off than out of genuine fear. "I know it was wrong, but that boy kept messing with me every day," Darnell said.

People who live and work in crime-ridden neighborhoods like Austin, along with older people who grew up in those neighborhoods, say that the situation has deteriorated rapidly in the last seven years or so.

"I've seen people get killed over nothing," said James, a 47-year-old South Shore resident and the father of six children from ages 7 to 21. "Life means nothing to kids these days."

Arrested recently for toting a small pistol he said was using to protect himself, James, who works as a security guard, asked that his last name not be used because he is planning to get another gun as soon as his 6 months of court supervision is up.

He spoke in the gray halls outside of "gun court," officially Branch 28 of the Circuit Court of Cook County, located on the 10th floor of Chicago police headquarters.

Inside the courtroom, two ceiling fans move stale air over the bodies packing the benches. Outside, a smoky stairwell serves as makeshift meeting room for public defenders and their endless parade of clients.

Justice proceeds swiftly and in a low murmur. A visitor to the courtroom is lucky to make out a few clipped phrases from the hushed conversations taking place at the bench—"firearm," "New Year's," "one year's probation."

Almost nobody goes to jail. Last year, the court processed 9,652 misdemeanor gun cases, most of them possession charges. Of those, 2,224 were convicted and fewer than 300, or about 13 percent, did some jail time. About 78 percent were sentenced to court supervision.

"We have a saying on the street," said James on his way out of the building. "We'd rather the police catch us with it than the other guys catch us without it."

The number of guns in the hands of civilians was 50 million in 1950 and has doubled every 20 years, according to federal estimates. Many experts think even the 1990 estimate—200 million non-military guns—is low. About a third of the guns are handguns, though in 1990 handguns were used in 93.5 percent of all the violent crime in Illinois involving firearms.

Lt. Wayne Wiberg worked with a special Chicago police gun squad until it was disbanded in September.

"It's like somebody opened a dike on us," Wiberg said. "Years ago, the Saturday night special was a .22-caliber revolver—$50 it cost. Today, it's a Tec-9—250 bucks, fires 30 rounds."

Looking through a crime report on his desk, Wiberg shook his head. "A gun bought in Alabama, what's it doing on the streets of Chicago a year later?"

The federal Centers for Disease Control studied the nation's gun injuries and determined that in 1988 they cost $16.2 billion to treat, three-fourths of which was paid for by taxpayers.

Taxpayer-funded Cook County Hospital operates one of seven trauma centers left in the Chicago area; four other hospitals have dropped out of the system since 1986 because they were going broke caring for the city's critically wounded.

When Dr. John Barrett, the trauma unit's director, arrived at County in 1982, he said the unit admitted about 2,500 patients a year, about 500 with gunshot wounds. In 1991, about 1,000 of 4,500 patients had been shot.

But the biggest change, Barrett said, are the nature and severity of the wounds. Bullet and stab wounds, he said, have grown much more common among 12- to 16-year-olds, who used to be treated mainly for blunt trauma: car wrecks, falling down stairs and the like.

In 1982, some 5 percent of gun patients had been shot more than once; nine years later, a fourth of the patients had crossed that painful threshold. At the same time, the type of bullets and guns used grew more powerful: The 9 mm replaced the .22 caliber as the most common bullet wound.

"A .22-caliber bullet gives you a nice, clean, punched-out hole. A 9 mm bullet blows huge chunks of tissue apart," Barrett said. "It's just a much more complex operative problem. The techniques we use now to deal with these wounds are the techniques we learned in Vietnam.

"We really feel as if we're in a war here. We've had surgeons come here from foreign countries—Japan, England, Canada—to see how you manage gunshot wounds. It's as if we're at war."●

INDECISION IN BOSNIA

● Mr. D'AMATO. Mr. President, I rise today to discuss the conduct of this Nation's diplomacy in Bosnia. Our foreign policy there is being previewed for public opinion and we appear disoriented and confused. Moreover, we have managed to appear weak and ineffectual to our allies and our foes alike.

I do not wish to criticize those who disagree with the use of military force in Bosnia, nor do I wish to directly advocate this. What I do wish to state is that the administration has done the people of the former Yugoslavia and the American people a great disservice by its incoherent policy and shallow threats.

When the President threatened to bomb Bosnian Serb positions if they did not agree to the Vance-Owen plan, Serbian President Slobodan Milosevic quickly convinced Bosnian Serb President Radovan Karadzic to sign the peace talks in Athens. When the Bosnian Serb Parliament voted it down, the United States did the worst thing possible, we did nothing. We didn't bomb, we didn't even threaten to bomb. We did nothing but lose face to Milosevic and his cohorts in Bosnia.

At the same time, Secretary of State Christopher was sent to Europe to elicit allied and NATO views on the use of force in Bosnia. Secretary Christopher was sent to Europe with no concrete United States plan and returned with nothing more than the scorn of a divided Europe hostile to anything that the United States was considering.

Because of the glaring missteps and the lack of a bona fide plan with which to deal with the conflict there, the United States appears weak in Serbian eyes. Where we once had the initiative in threatening military action should the Bosnian Serbs not sign the peace plan, we lost it. Worse yet, our failure to act only emboldened the Bosnian Serbs convincing them of our lack of resolve. Now, we appear weak in the face of a defiant Bosnian Serb nation, bent upon conquering the remnants of a sovereign Bosnian state.

Through this ill-planned course of events, the United States managed to send the message to the Serbs that our threats are hollow. The Serbs must now surely believe that they can act with impunity and that a spread of ethnic cleansing to Kosova or even to the former Yugoslav Republic of Macedonia will go unpunished. Through our actions, the Bosnian Serbs have been strengthened and the Bosnian Moslems have been abandoned. Simply put, through U.S. inaction, we have abdicated our position as a world leader and we have compromised our integrity as a nation.●

MAN'S INHUMANITY TO MAN

● Mr. MOYNIHAN. Mr. President, I rise to bring to the attention of my colleagues a wrenchingly eloquent article written for the Watertown Daily Times by the distinguished commentator Alan Emory. The article is titled "'Everyone Is Afraid'—Man's Inhumanity to Man Is Still Escalating." Mr. Emory recounts in gripping detail some of the abuses being committed around the world. He states:

> In recent days around the world * * * inhumanity has intensified. Throw a dart at a world map and the odds are that the thrower will hit some nation where bitter internal dissension has dissolved into mass murder.

Mr. President, we need to pay attention to this problem. And Mr. Emory's article places the facts before the reader in a manner which makes the dimensions and the horror of the problem unmistakable. I strongly commend the article to my colleagues and ask that the article be printed in the RECORD at this point.

The article follows:

[From the Watertown Daily Times, Apr. 25, 1993]

"EVERYBODY IS AFRAID"—MAN'S INHUMANITY TO MAN IS STILL ESCALATING

(By Alan Emory)

WASHINGTON.—And now Waco, as if we needed it.

So the streets of Los Angeles did not go up in smoke after the latest Rodney King beating case verdict, but the shooting murders continue in Washington, D.C.

The horrifying finish to the cult compound standoff in Texas is just more evidence of man's inhumanity to man.

Here in the nation's capital a museum that pictures and chronicles the Holocaust visited on the Jews by Nazis in Germany, Lithuania, Poland and Czechoslovakia vividly brings the issue home to Americans.

In recent days around the world that inhumanity has intensified. Throw a dart at a world map and the odds are that the thrower will hit some nation where bitter internal dissension has dissolved into mass murder.

The most obvious case is what used to be called Yugoslavia. In the state of Bosnia-Herzegovina the Serbs pursue a tactic of "ethnic cleansing" reminiscent of Adolf Hitler's wiping out of millions of Jews. Carnage has been widespread in Bosnian villages and towns that had the temerity to permit Muslim rule.

In the Bosnian town of Srebrenica alone it is estimated that nearly 5,000 people have died since the Serbs laid siege to the population.

But it is not simply a matter of Serbs against Muslims in Bosnia. Croats are also battling Muslims there. And, angry at large Serbian groups in their own state, Croats attacked Serbs in Croatia, so the Serbs fought back and threaten to overwhelm the Croats in their own backyard in a war that has claimed at least 25,000 lives.

"A LATTER-DAY DRESDEN"

The Associated Press circulated a picture of Vukovar, in Croatia, described as a "once-gracious town on the Danube" by New York Times correspondent Roger Cohen. The buildings are rubble. The town looks as if it had been hit by a devastating air raid and has been described as "a latter-day Dresden." Corpses lie in the streets of Vitez, in central Bosnia.

And that's not all.

In the Kashmir Valley, where Muslims strive for independence from India, which is mainly Hindu, whole sections of the capital city have been put to the torch and in the last week more than 125 people have been killed Sixteen were machine-gunned as they floated down a river, while others were reportedly wrenched from their houses and shot in the streets.

Much of the shooting has been done by Indian security forces and paramilitary police, according to those of the scene. A former high court judge named Bahauddin Farooqi, who monitors human rights abuses in the valley, told the New York Times, "Everybody is afraid. Everybody feels insecure."

INDIAN TROOPS RETALIATE

In one town guerrillas ambushed Indian troops and killed a soldier, so troops retaliated by burning much of the town, shops and homes, sprinkling kerosene on them and setting them afire.

The victims have included a labor organizer who recorded the deaths of people in the valley, an orthopedic surgeon who had documented human rights abuses who was shot in his car and left to bleed to death, a cardiac surgeon taken from his hospital office and found fatally shot.

Many of those in the valley prefer to be part of Pakistan, which is mostly Muslim, rather than India. Others want full independence.

Reuters reported the other day that four rockets had slammed into a Red Cross-run hospital in Afghanistan's capital of Kabul, killing three persons and wounding 44. Guerrilla groups and government troops continue fighting that, over the years, has taken thousands of lives and prompted as many as a million people to flee the capital city.

Some irony. Ten days ago, in an incident that had nothing to do with the fighting, a helicopter crashed near a mountain village 100 miles north of Kabul, killing 15 people.

BOMBINGS IN COLOMBIA

Bombings by Colombian guerrillas have been so severe that the South American country has had to import oil for the first time in eight years, and bounties have been set for guerrilla leaders. The guerrillas have linked up with traffickers in cocaine and heroin, though the only recent fatal incidents have involved premature dynamite explosions that killed more guerrillas than intended victims.

Let's not forget Sudan, where fighting among rebel groups has escalated and relief workers have been attacked. Government troops have moved across the border into neighboring countries to attack the rebels.

In South Africa the immensely popular black leader Chris Hani was assassinated in the driveway of his home, blacks demonstrated over the killing, a white man drove into a crowed of marchers and shot two blacks to death, three mourners were gunned down on their way to the funeral, two whites and a black were murdered and four black gunmen went on a rampage and killed 19.

MAYHEM IN MIDDLE EAST

In the Middle East, where killing is routine, Israeli helicopter gunships attacked a Palestinian motorcade, killing three people and wounding four. Then a member of an Israel-backed militia was killed in southern Lebanon a week ago when guerrillas fired mortars into an Israeli security zone. The Israelis retaliated with howitzer fire of their own.

"Pandaemonium" is the title of Sen. Daniel Patrick Moynihan's latest book, on ethnic conflict from Central Asia to South Central Los Angeles. Mr. Moynihan hopes that ethnic conflict and its causes can be understood and moderated.

Pandaemonium was the capital of hell in "Paradise Lost." It was, the senior senator from New York writes, "inhabited by creatures quite convinced that the great Satan had their best interests at heart."

And, he adds, trenchantly, "Poor little devils."

COMMENDING DAN McGUIRE AND JON CRAIG

• Mr. D'AMATO. Mr. President, I rise today to commend two reporters from my home State, Dan McGuire and Jon Craig of the Syracuse Herald Journal. These two enterprising reporters discovered that a loophole in Federal housing relocation policy allowed thousands of taxpayer dollars to be wasted.

Their investigation of the relocation of residents from the Mulberry Square housing project in Syracuse detailed how people forced to relocate from the project were given lump-sum payments intended to cover relocation costs.

According to the reports, 57 tenants of the since-demolished Mulberry Square housing complex received more than $750,000 in lump-sum relocation payments. Instead of using these payments for their intended purposes, the reporters found that some of the money was spent on drugs, stereos, video games, and other nonessential items.

Hard-earned taxpayer dollars intended to assist with the relocation were poured down the drain. This blatant waste of public funds is the kind of horror story that makes middle-class taxpayers feel that Government is out of control.

Thanks to Mr. McGuire's and Mr. Craig's reporting, this situation was brought to my attention. I introduced legislation to stop this abuse and the legislation was subsequently included in the Housing and Community Development Act of 1992. The new law allows payments only for moving expenses, downpayments, or closing costs on a new home.

Again Mr. President, I want to thank Dan McGuire and Jon Craig for their efforts in uncovering this story, enabling me to successfully end this abuse of taxpayer dollars. Let me suggest that this section of the legislation should properly be called the "McGuire/Craig Lump-Sum Abuse Clause."•

ACQUISITION WORK FORCE POSITIONS IN DEPARTMENT OF DEFENSE

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1378, relating to acquisition work force positions in the Department of Defense, just received from the House, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1378) was deemed read three times and passed.

REFERRAL OF S. 887

Mr. MITCHELL. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 887, and the bill be referred to the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon, Wednesday, May 19; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 5 minutes each; with Senators GORTON and GRAMM recognized to speak for up to 10 minutes each; that at 1 p.m., the Senate go into executive session to consider the nomination of Alicia Munnell, to be considered under the provisions of a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:42 p.m., recessed until Wednesday, May 19, 1993, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 14, 1993, under authority of the order of the Senate of January 5, 1993:

UNITED STATES INFORMATION AGENCY

PENN KEMBLE, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE EUGENE P. KOPP, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PHILIP R. LEE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JAMES O. MASON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THOMAS A. BAKER, 551-42-0058, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JAMES B. DAVIS, 505-38-3274, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN G. LORBER, 482-48-7661, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES L. JAMERSON, 242-58-3642, UNITED STATES AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be major

JOHN B. ALUMBAUGH, 333-62-1679
LIS * ANDERSON-LLOYD, 226-78-8101
SCOTT W. * ARNOLD, 115-38-0896
LEO E. * BOUCHER, 116-44-4835
BRIAN H. * BRADY, 440-74-9201
LEANNE P. * BURCH, 429-25-6963
JOHN M. * BURLINGAME, 330-52-4134
NATHANAEL P. * CAUSEY, 125-46-8219
ELWOOD A. CHANDLER, 472-80-1094
MEREDITH * CHARBULA, 464-21-8113
JOHN L. * CLIFTON, 443-72-8001
GREGORY B. * COE, 182-56-6861
SAUL * CONTRERAS, 452-19-3955
ALAN L. * COOK, 095-48-7534
MICHAEL A. * CORBIN, 135-64-6977
MICHAEL J. * COUGHLIN, 505-80-4690
DENNIS J. * CRUZ, 584-19-9086
PETER M. * CULLEN, 017-62-4881
PAUL V. * DEAGOSTINO, 368-72-9433
CHRISTOPHER DETORO, 222-46-1886
DOUGLAS A. DRIBBEN, 509-72-3513
MICHAEL A. * EGAN, 148-52-0615
BRUCE C. EVANS, 528-92-3233
DOUGLAS W. * FRISON, 522-76-2410
WILLIAM R. * GADE, 394-72-7176
CYNTHIA GLEISBERG, 265-35-2235
KENNETH H. * GOETZKE, 438-74-2916
CHARLES L. * GREEN, 579-78-0723
GREGORY A. * GROSS, 107-50-2293
PAUL D. * HANCQ, 054-46-3166
HERBERT L. * HARRY, 541-70-8836
MICHAEL E. * HOKENSON, 398-50-7085
JOSEPH * IMPALLARIA, 217-76-1030
RANDALL L. * KEYS, 395-76-8193
GARY A. * KHALIL, 146-56-9936
MICHAEL J. * KLAUSNER, 512-66-0626
PATRICK E. * KOEPP, 388-76-0033
DENISE R. * LIND, 126-52-3100
SCOTT E. * LIND, 123-50-1041
JERRY J. * LINN, 303-66-6677
KEVIN J. * LUSTER, 567-25-3020
KAREN L. MARSH, 454-13-1163
MARK S. MARTINS, 214-80-6526
DAVID A. * MAYFIELD, 551-84-0097
JEFFREY * MCKITRICK, 407-96-4437
MICHAEL W. * MEIER, 451-29-0499
JOHN W. * MILLER, 443-54-7915
RONALD W. * MILLER, 403-92-3842
JOHN P. * MORAN, 538-64-0760
MICHAEL P. * MORAN, 089-56-5982
SCOTT R. * MORRIS, 178-54-3872
CHRISTOPHER * MURPHY, 120-52-4209
MICHAEL J. * OFARRELL, 271-64-2149
BRADLEY D. PAGE, 398-70-4358
DANIEL K. * POLING, 235-06-0483
JODY M. * PRESCOTT, 213-80-4715
THOMAS M. * RAY, 439-13-6221
SHARON E. * RILEY, 439-76-6602
TIMOTHY J. * SAVIANO, 324-58-4022
LISA M. SCHENCK, 015-56-4013
SCOTT D. * SCHULER, 502-78-0585
DAVID S. * SHUMAKE, 231-62-3102
JAMES W. * SMITH, 471-62-0625
JEFFREY D. SMITH, 554-33-4072
RICHARD J. * SPRUNK, 376-74-7076
THOMAS P. SWANTON, 098-52-1466
ROBIN N. * SWOPE, 502-70-9013
SUSAN D. * TIGNER, 587-88-1347
ROBERT J. * WALTERS, 238-90-3458
KEITH C. * WELL, 502-62-9059
EMMETT G. * WELLS, 469-62-6658
KELLY D. * WHEATON, 412-11-1816
RICHARD M. * WHITAKER, 413-02-5986
PETER C. * ZOLPER, 154-44-4882

Executive nominations received by the Secretary of the Senate May 17, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ANDREW M. CUOMO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SKIRMA ANNA KONDRATAS.

Executive nominations received by the Senate May 18, 1993:

DEPARTMENT OF STATE

JAMES RICHARD CHEEK, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DEPARTMENT OF ENERGY

ARCHER L. DURHAM, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (HUMAN RESOURCES AND ADMINISTRATION), VICE WILLIAM H. YOUNG, RESIGNED.

WILLIAM J. TAYLOR, III, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL, INTERGOVERNMENTAL, AND INTERNATIONAL AFFAIRS), VICE GREG WARD, RESIGNED.

WILLIAM H. WHITE, OF TEXAS, TO BE DEPUTY SECRETARY OF ENERGY, VICE LINDA GILLESPIE STUNTZ, RESIGNED.

DEPARTMENT OF DEFENSE

HAROLD P. SMITH, JR., OF CALIFORNIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY, VICE ROBERT B. BARKER, RESIGNED.

CONFIRMATION

Executive nominations confirmed by the Senate May 18, 1993:

DEPARTMENT OF THE TREASURY

LESLIE B. SAMUELS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF ENERGY

SUSAN FALLOWS TIERNEY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (DOMESTIC AND INTERNATIONAL ENERGY POLICY).

DEPARTMENT OF THE INTERIOR

LESLIE M. TURNER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

ELIZABETH ANN REIKE, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

ROBERT ARMSTRONG, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

BONNIE R. COHEN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

JIM BACA, OF NEW MEXICO, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

JOHN D. LESHY, OF ARIZONA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

WANTAGH GRADUATE IS CALIFORNIA'S MOTHER TERESA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. KING. Mr. Speaker, I rise today to recognize Sister Patricia Crane, a 1964 graduate of Wantagh High School in my district, for her many good works and dedicated devotion to helping the less fortunate. Sister Crane, who now operates the Holy Cross Clinic in Fresno, CA, is an inspiration to us all and every day demonstrates that the efforts of one person can make a difference. Sister Crane's father, Harold L. Crane, is a respected businessman in Nassau County where he is active in many civic and fraternal organizations.

The following article from the Wantagh-Seaford Citizen, which tells Sister Crane's story, follows:

[From the Wantagh-Seaford Citizen, May 6, 1993]

WANTAGH GRADUATE IS CALIFORNIA'S MOTHER TERESA

(By Leon Summit)

Sister Patricia Crane, RN, BSN, MPH, a 1964 graduate of Wantagh High School, is now serving in a Mother Teresa-type role as the director of a multidimensional clinic in Fresno, California, maintained by Sisters of the Holy Cross, which provides free medical and dental care and other services for homeless and other needy people.

Last year, with a regular staff of only four persons, Sister Crane's Holy Cross Clinic assisted more than 8,000 indigent patients through the voluntary services of 86 physicians, dentists, nurses and hygienists. The clinic is physically part of Poverello House, an independent multiservice social agency that serves three meals a day to the needy. The clinic's staff, equipment and supplies are paid for by the St. Agnes Medical Center of Fresno.

This is the only free clinic in the San Joaquin Valley that provides dental services, Sister Crane told The Citizen in a telephone interview.

"Fresno is the first U.S. city in which I have worked where dentists volunteer their time," she said. "What an impressive commentary on the dentists in this area . . . I understand that not even San Francisco has such a clinic."

The clinic serves only people who are homeless or uninsured. It has never had to turn away any patient who qualified for its services, she said.

Approximately 70 percent of the clinic's clientele are male. About 47 percent are between 19 and 35 years old, and 34 percent are between 30 and 60. Sixty percent are Hispanic, 18 percent Caucasian, and 17 percent African-American.

In addition to free medical and dental care, the clinic also provides the required medications, "since the people we treat would otherwise be unable to get them."

The clinic's medical services are first-come, first-served, from 1 to 4 p.m., and appointments are not required. Hours for dental care vary, on the basis of availability of volunteer dentists. The clinic handles about 25 to 30 patients per day.

"We are blessed," Sister Crane said, "in being located right in the area where these services are needed. People don't have to travel far to get here. If they need to have some food with their medication, we can recommend that they go next door to Poverello House, where they will be served a meal."

Just across the street from Poverello House is "The Gathering Place," a day-shelter for women and children, which is located in the Holy Cross Center for Women.

If a woman has the flu, Sister Crane said, "we can send her across the street to rest. Poverello House also offers social services, which are another free benefit for our clients who need such assistance."

The number of women and children visiting the clinic is increasing, Sister Crane said. When a mother who has no primary care provider comes in with two or three children and some of the children are sick, "you really want to reach out and help them. You know they won't get better sitting out there on the street."

Poverello House was recently expanded, at a cost of $1.5 million. Part of the money came from the City of Fresno, but most has come from private contributions. Poverello House is now seeking contributions for the remaining $250,000 owed for its expansion.

The expansion included doubling the clinic's size and enlarging the dental clinic rooms by 25 percent.

In addition to volunteer clinical professionals, Sister Crane is constantly seeking other volunteers with or without medical backgrounds to help process patients, such as translators and clerical personnel.

"Pat," as Sister Crane is familiarly known to all who work with her, is the daughter of Harold L. Crane, C.R.B., of Bellmore, an active member of the Wantagh Lions Club. Mr. Crane's family resided at various time in Wantagh, Seaford and Bellmore and his office was in Wantagh for about 40 years before he moved.

Before coming to the Holy Cross Clinic she had served as a nurse in Mexico, El Salvador, and Washington, D.C.

Patricia Mary Crane graduated from Wantagh High School in 1964, and from Russell Sage College in Troy, New York, in 1968, with a Bachelor of Science in Nursing.

Her first job was as a nurse in Walter Reed Army Medical Center in Washington, where she worked for eleven years.

In 1979 she became a public health nurse in Mexico with the Eric Diocesan Mission Office, serving the Mayan Indian population. Her responsibility was to staff a mobile van with volunteers, train them, and with this team to go out into the villages providing free medical care.

In 1982, feeling a need for broader background in public health administration, she returned to the U.S. and enrolled in the Columbia University Graduate School, earning her Master's degree in Public Health in 1984.

She then returned to Latin America to serve as a public health nurse in El Salvador.

TRIBUTE TO LAURIE STOLL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, it gives me great pride to stand here today to honor a woman from my 17th Congressional District who has made a remarkable achievement.

Mr. Speaker, I rise to pay tribute to Laurie Stoll who last year, while still a college student only weeks from exams, took the 1992 Uniform certified public accountant exam. Out of a possible 100, she scored three 96's and a 97 on each of the 4 parts. This placed her first of 71,000 candidates.

A few weeks later, Ms. Stoll continued on to take the certified management accountant exam in December and finished first out of a possible 4,500 candidates. These two examinations cover quite different material. I have been told that this could be the first time the same person has received the top score on both exams.

Mr. Speaker, it is rare that I can recognize someone like Laurie Stoll. I am glad to say that she was raised in my district, and that she continues to live there. Congratulations to Laurie.

A TRIBUTE TO THE LATE RABBI ABBA HILLEL SILVER: LEADER OF TEMPLE-TIFERETH ISRAEL CONGREGATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. STOKES. Mr. Speaker, On Sunday, May 16, 1993, the Temple-Tifereth Israel congregation concluded its year-long celebration recognizing the birth of its founder, the late Rabbi Abba Hillel Silver. On that date, members of the temple congregation, distinguished guests and community leaders gathered to recognize the contributions of this great individual.

Last week my colleague, Congressman ERIC FINGERHUT, spoke in this Chamber in recognition of this special occasion. I appreciate the invitation which he extended to me to join in this salute to Rabbi Silver and the Temple-Tifereth Israel congregation.

Mr. Speaker, Rabbi Abba Hillel Silver was a leading architect and founding father of the State of Israel. During his lifetime, he was also one of our Nation's greatest civil rights advocates and Jewish spiritual leaders. His strong commitment and tireless efforts as cochair of the United Jewish Appeal were crucial to the establishment of the State of Israel in 1948.

In 1917, Rabbi Silver was installed at the Temple-Tifereth Israel congregation in Cleve-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

land. During his 47-year tenure, the temple became one of the country's leading synagogues, providing spiritual guidance and support for the community. He was an individual who was respected and admired tremendously.

Mr. Speaker, I am proud that the main branch of "Silver's Temple" is located in my congressional district. I join my colleague, Congressman FINGERHUT, and members of the Cleveland community in paying tribute to Rabbi Abba Hillel Silver as we mark the centenary of his birth.

TAKEN INDIVIDUALLY OR IN SUM, MANAGED CARE ORGANIZATIONS HAVE NOT PROVEN THEMSELVES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. STARK. Mr. Speaker, in February, I entered a statement in the CONGRESSIONAL RECORD that identified the level of administrative expenditures of a few managed health care organizations. From reviewing the SEC filings of three managed care insurance companies, it was evident that these entities—which are often viewed as the most efficient providers of health care—spend tremendous amounts on administrative expenditures. They have not proven themselves capable of restraining the growth in health care costs.

In response to my RECORD statement, I heard some criticism that I was unfairly picking out a few managed care companies and not giving the industry its due credit for cost saving innovations.

Sadly enough, it appears that the three firms I reviewed are actually pretty representative of the managed care industry as a whole. A survey of managed care organizations published this week in Modern Healthcare found that the medical loss ratio—the value of health care services provided as a percentage of premium revenues received—averaged 84 percent. In other words, the managed care firms surveyed spent 16 cents of every premium dollar for things other than medical care.

Depending upon one's perspective, this may or may not sound like much. But the Medicare Program provides a sharp contrast. The Medicare Program had administrative costs of 2.3 percent in 1991 and were even lower than that last year at 2.1 percent. A difference of 14 percent when you are dealing with billions of health care dollars is a lot of money.

If all these administrative expenses rung up by managed care organizations produced better care or achieved savings elsewhere, these added costs might be worth it. But the reality is, they don't.

A review of the research on the subject by the Congressional Budget Office published last August found that even if all of the insured in the United States were enrolled in managed care plans, "the resulting [one time] reductions in NHE [national health expenditures] might be no more than 1 percent."

The CBO was more definitive on the topic of health care cost growth. In its report, the CBO went on to say that "managed care would not affect [i.e. slow] the rate of growth in those costs."

In another assessment of managed care, Money magazine, after a 3 month review of patients, doctors, lawyers, administrators, and policy experts, reported in its April issue that "managed care buys us little in the way of savings but may cost us much in terms of quality of care." This is no surprise when we see more than 15 percent of health care resources being diverted away from direct patient care.

In its report, Modern Healthcare stated that the 36 corporations counted in its survey "represent a snapshot of the progress of managed care within the community based hospital system." If 16 percent overhead costs and no evidence of effective cost containment is to be considered progress, the prognosis for our country's health is not good.

NATIONAL POLICE WEEK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, this is National Police Week and I want to take this time to pay tribute to our Nation's law enforcement officers. For more than 200 years, thousands of brave men and women have paid the ultimate price—they gave their lives to protect their communities and their country. Last year alone, some 137 law enforcement officers from New York to California were killed in the line of duty.

Throughout our Nation's history, law enforcement officers—sheriffs, Texas rangers, U.S. marshals, FBI agents, beat officers—have played a key role in ensuring that America remained a nation of laws. All too often we forget what an important role law enforcement officers play in our daily lives. Each and every day some 500,000 law enforcement officers across this country put their lives on the line to protect their communities and to fight a never ending war against a wide array of criminals. Many times our law enforcement officers are outmanned and outgunned. But each and every day, men and women all over this Nation wear the badge with courage, pride, and dignity.

From 1981 to 1985, I had the honor of serving as sheriff of Mahoning County, OH. As a former law enforcement officer, I know all too well that there is no such thing as a routine assignment. When I was sheriff, one of my deputies, Sonny Litch, was brutally gunned down while transporting a prisoner. Sonny's name is now etched on the wall of the National Law Enforcement Officers Memorial here in Washington, DC. That beautiful memorial stands as a permanent and lasting tribute to the enormous sacrifices that have been made by a special group of men and women. I am gratified that Sonny's bravery and dedication to duty will be forever honored in our Nation's capital.

Mr. Speaker, in 1993 being a law enforcement officer presents many challenges and risks. The tragedy in Waco, TX stands as a sobering reminder of the awesome firepower our law enforcement officers often have to face. It is a difficult and demanding job.

Mr. Speaker, I'd like to take this time to recognize a very special group of men and women who I have a special respect for. As a Member of Congress for the past 8 years, I have had the honor and pleasure to work with the U.S. Capitol Police—a splended group of dedicated professionals who do a fine job and who deserve our recognition, support, and thanks.

Mr. Speaker, National Police Week is a time to not only recognize and honor our law enforcement heroes, it is also a time to join with the survivors of those who have fallen in expressing our sorrow and our lasting admiration for those who have died in the line of duty.

Mr. Speaker, I urge all of my colleagues to join me in paying tribute to those law enforcement officers who have died in the line of duty, as well as those who continue to serve with pride, dignity, and tremendous courage.

CONGRATULATING ROBERT C. JOHNSON

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Ms. SHEPHERD. Mr. Speaker, it is with great pleasure that I congratulate Mr. Robert C. Johnson of Cambria, Inc. in Salt Lake City for receiving the SBA's award for Small Business Person of the Year for the State of Utah.

With an initial investment of only $15,000, Robert, his wife, Sandy, and their two employees started with one single print shop in West Valley City, UT. With a little help from an SBA loan, but mostly through hard work and sound business fundamentals, Rob and Sandy turned their initial investment into an operation involving 8 franchises, 72 employees, and annual gross sales over $4,000,000.

Imprinted on the seal of the State of Utah is the word "industry." Rob Johnson personifies that very entrepreneurial spirit which has brought my State's business climate national acclaim.

As a former small business owner, I understand the pride associated with running a profitable business, as well as the trials and tribulations encountered along the road to success. National Small Business Week is not just a time to recognize our Nation's job-creating small business owners. It should remind us in Congress of our responsibility to always consider the effect of our decisions on the Nation's small business community.

AWARD WINNING SPEECH BY MS. NAOMI CASTEEL

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. LIGHTFOOT. Mr. Speaker, I would like to submit the following award-winning speech that was given by Ms. Naomi Casteel of Fort

Madison, IA. Ms. Casteel was 1 of 29 individuals chosen to receive scholarships from the Veterans of Foreign Wars of the United States

MY VOICE IN AMERICA'S FUTURE

(By Naomi Casteel)

Think with me for a moment about our country's future and try to select one group of people who you feel has the most influence on the next generation. A group that has the ability to change young people's lives. To give them a desire to learn and help them establish goals and dreams for their futures. To teach them that they can make a difference in the world today. While we all know that parents have the primary role of shaping their children's lives, the teachers of America, I feel, also share this rare privilege and have a direct impact on our nation's future and ultimately the world's. Because of the important role teachers have and because I want to make an impact in the world, I plan to make teaching young people my career.

One important way, I as a teacher can influence young people is by being a positive role model. In today's society there are far too many negative role models relaying messages to kids about who they should be, what they should look like, and overall what is important in life. Statistics prove that children's values and morals are founded by the time they are 5-7 years old which means that teachers of the kindergarten through 2nd grade have a huge responsibility of not setting a bad example. I plan to model as well as teach character qualities such as honesty, determination, reliability, and creativity. The students need to be taught that just as important as knowledge and skills are the qualities which enable them to use those skills in the work place and the community. Building up character is the first step to success.

Another way I plan to make an impact on my students lives is by recognizing the important role I play in building my student's self esteem. How successful can you be if you first don't believe in yourself and think positively about what you can accomplish? Teaching is more than just a class every day, its a relationship with each and every student that walks through the classroom door. Young people can tell when a teacher cares about them and what they do with their life. I hope to make each student feel like they're important and that they can become someone. If kids feel like there's someone else who believes in them, then that helps them to learn to believe in themselves. Success comes from within. If I as a teacher can help students recognize their strengths and weaknesses, then they can learn how to focus on their strengths and learn from their weaknesses. This process builds self-confidence and allows for real growth and development which eventually leads to success. Whether the success includes great financial gain or notoriety, when self-esteem is in tact, a job well done becomes sufficient.

One of the most rewarding jobs I feel I will have as a teacher is passing on to my students an excitement about learning. In order to do this, I must be convinced that learning involves more than just filling the students minds with facts and figures. Raymond Moore, a professional in the field of public and home education for the past 25 years stated in a book he authorized that learning is often times carried out in a fashion likened to the pouring of water from a pitcher to a glass. Water being the facts and the glass being the students mind. He emphasized that real education demands the process of learning how to learn, involving such skills as asking appropriate questions, using higher thinking skills, and becoming an independent thinker. The methods that teachers use will either foster this kind of learning or negate it. If I as a teacher possess an excitement for learning, then I can expect my excitement to become contagious. If only every student could contract this kind of disease.

Lastly, too often we find that teachers have lost their personal vision of the role they play in shaping the young minds of tomorrow, but can we really blame them? As a society we need to recognize that we to share responsibility for that problem, in that we have not given our teachers the recognition and support they deserve. As a nation we should be ashamed that such an influential profession receives among the lowest salaries in our job market. I feel we as student, parents, communities, and governments need to grasp a vision of the power our teachers have in molding our nation's future. Then we can empower the teachers to regrasp this vision and pass it on to our next generation.

As I look into my future of teaching kindergarten or first grade, I hope to instill a good foundation for the rest of my student's schooling careers by making learning a fun experience—something they'll look forward to. I want to teach my children to strive to be the best they can be.

But most of all I plan to build a solid relationship with each and every on and make sure that they know there's someone who believes in who they are and what they can accomplish. Everyone deserves the opportunity to become "someone" with his or her life, and, I want to take part in helping our youth on their road to success.

TRIBUTE TO WHO'S WHO OF YOUNGSTOWN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to honor the recent Who's Who of Youngstown, OH, nominees. These individuals have contributed extensively to the Mahoning Valley community over the years. The honorees are:

Charles and Virginia Axtmann, both of whom have been very active in the Youngstown community since the 1950's. Charles has been involved with the Axtmann and Lomax Certified Public Accounting firm since 1946. Virginia Axtmann is the founder and organizer of the nature trail for disabled and handicapped people in Mill Creek Park and has been instrumental in various other aspects of the park. Charles is a lifetime member of the Disabled American Veterans and the Benevolent and Protective Order of the Elks, while Virginia is a member of the advisory board of the Salvation Army and has worked with the blind. Both have been actively involved with the Easter Seal Foundation and First Covenant Church.

Mr. Otis Conel has been cited for his service to the community and giving of himself to others. He is the job developer at the Youngstown Area Community Action Center. He acts as a chauffer for some residents of International Tower in the city. He is always personally concerned for others and spends his time making sure no one is forgotten sending numerous cards to the ill. He is the father of five children.

Rev. Mrs. Irma Corbett is the pastor, founder, and executive director of the People's Chapel Ministries which is on Hillman Street in one of the toughest areas of the city. The church was built in an area where she felt there was a vital need for it. It has provided food and clothing to those in need and is currently assisting the children of those who originally sought assistance. It grew from a storefront operation in 1973 to its present newly constructed edifice which they moved to in 1990. Rev. Corbett has received the Sojourner Truth Award from the Black Business Womens Association in 1983. She is married to Dr. J.O. Corbett and is the mother of a daughter.

Rev. Mrs. Inez Ellis has been very active in the community as demonstrated by last year's running of the South Side Soapbox Freewheel Race in Youngstown's southside, which allowed youth to build their own vehicles, race them, and compete for prizes. Since coming to the city in 1965, she has been instrumental in the 7–9–10 Rainbow's End Daycare, Communities Children for Christ, and the parent crossing watch which received recognition from former Ohio Governor Richard Celeste. She is also responsible for the "Silent Guard" project that I have introduced to make it a special offense to anyone doing harm to the person or property of a veteran. Her evangelical outreach has impacted upon thousands of valley residents. She is married to Mr. Roy Ellis and is the mother of two sons.

Rev. Mrs. Emma Lee Johnson provides transportation and care for various people in the community. She counsels the sick, aged, homeless, needy, and troubled youth. She has served as a foster parent for 27 years and opened up her home as an emergency shelter during that time. She has been a minister for over 35 years and has gained national attention for her evangelistic work in the streets. Reverend Johnson has also been very active in other aspects of the community as well. She is a widow and is the mother of two sons.

Ms. Alberta Madison is very active in the church. This octogenarian currently holds the position of president of the church's Mothers Board and participates in Sunday school and prayer and bible band. She is also acting president of the People Art Hurting Senior Citizen's Club. She also finds time to prepare meals and visit those who are sick and shut-ins.

Det. Sgt. Delphine Baldwin has received special recognition for her work in the community. She was one of the first woman on the Youngstown police force to patrol the streets and was the first female supervisor in the department's history. She is the commander of the private security program which certifies students through the State of Ohio and owns and operates her own recertification company, Essence of Weaponry, Inc. Currently the president of the Youngstown chapter of the Black Knights Police Association and the Women Law Enforcement Officers of Ohio, she is also very active with the Fraternal Order of Police Lodge No. 28, the YWCAs battered Persons Crisis Center, NAACP, Urban League, and the Executive Link. She has received numerous community awards from organizations including the Sojourner House Award—domestic violence, Spirit of American Women Award, YWCA Woman of the Year—Business/Industry. She has three daughters.

Mr. Speaker, it gives me great pleasure to be able to stand here to recognize these individuals for their achievements and deeds. I only wish I had more constituents like these back home in my district.

TRIBUTE TO MR. ROBERT J. VAN SICKLE

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. BLILEY. Mr. Speaker, small business is the backbone of the U.S. economy. Employing more than 99 percent of all working Americans and the vast majority of working women and minorities, small businesses offer opportunity and flexibility to Americans in a manner rivalled by none. At this time of economic recovery, I think it is fitting that we recognize small business as an invaluable component to the private sector.

Small business leaders from around the country came to Washington last week to be honored during the 30th Annual National Small Business Week. At this time, I would like to pay tribute to that individual designated the outstanding small business leader from the State of Virginia—who just happens to be from my District—Mr. Robert J. Van Sickle.

Mr. Van Sickle is the president of United Power Corp., a company which manufactures the electrical power conditioning equipment used in protecting critical loads such as computer systems, telecommunications equipment, and medical imaging contracts.

Unlike other companies involved in this industry, United Power designs their equipment in a modular system of interchangeable parts—parts that can be quickly assembled or disassembled in order to meet the customers' needs. Other companies normally either build to order, or sell standard equipment, and are not able to fulfill orders with the specificity that United Power is able to offer.

Because United Power has been so successful in this innovative approach, their customer list includes Boeing Aerospace, IBM, the Defense Mapping Agency, MCI, Los Alamos National Labs, and a long list of Fortune 500 companies and Government agencies.

Mr. Van Sickle has certainly overcome obstacles to arrive at where he and his company are today, and I greatly admire his determination, skill, and perseverance. For 5 years, Mr. Van Sickle has been faced with not only the challenges of competing in today's world, as well as the recession, but also some extraordinary problems; in 1987, within 90 days of the United Power's start-up, the business was robbed at gunpoint. Later that year the pipes burst in the building and United Power lost many of its technical documents necessary for development. And lastly, Mr. Van Sickle's partner suffered an accident and was unable to work for 2 months.

United Power is testimony that success is possible today in the United States, and that the American Dream has not died. Within 5 years, United Power has grown into a company that employs 57 individuals, and in 1992 boasted sales of $7.4 million.

Mr. Van Sickle and the other individuals honored last week are leading this country out of recession city by city. It is this type of effort that will propel our private sector forward and create flexible and lasting jobs for men and women throughout our country.

BLACK LUNG BENEFITS RESTORATION ACT OF 1999 INTRODUCED

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. MURPHY. Mr. Speaker, today I rise to remedy an oversight. On Wednesday May 12, 1993 I introduced the Black Lung Benefits Restoration Act of 1993. When the bill was introduced one of the original cosponsors, FRANK MCCLOSKEY of Indiana, was omitted because of a clerical mistake. This was an unfortunate oversight, and I apologize to FRANK. Throughout my many years of fighting for the rights of America's miners, FRANK MCCLOSKEY has been one of my truest allies. He has stood by me and consistently voted in favor of improving the lives of these hard working citizens. I am adding FRANK MCCLOSKEY as an additional cosponsor today, but he should be counted as an original cosponsor because he has assisted me with advice and support throughout the drafting of this important legislation.

ARACHNOIDITIS QUALIFIES AS A DISEASE OF THE NINETIES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, arachnoiditis easily qualifies as a disease of the nineties. It has been described as "the greatest enigma in the field of spinal surgery" with few surgeons ever having seen it, and even fewer knowing how to treat it. In simple terms, arachnoiditis means "inflammation of the arachnoid," and characterized by chronic inflammation and thickening of the arachnoid matter, the middle of the three membranes that cover and protect the brain and spinal cord.

Arachnoiditis may develop up to several years after an episode of meningitis or subarachnoid hemorrhage—bleeding beneath the arachnoid. It may be a feature in diseases and disorders such as syphilis or it may result from trauma during a diagnostic procedure known as a myelogram. According to the Arachnoiditis Information and Support Network, more than 600,000 myelograms are performed in this country every year. Of the 12 million Americans who suffer from arachnoiditis, the cases resulting from myelograms could have been avoided.

In a myelogram, a radiopaque dye is injected into the spinal subarachnoid space. After the x-ray examination, as much of the oil as possible is withdrawn; however, a small amount is left behind and is slowly absorbed. Studies have implicated the iodized oil contract medium pantopaque, in arachnoiditis. Water-soluble dyes such as amipaque, omipaque, and isovue were once thought to be safer for use, however, recent evidence proves they also cause arachnoiditis.

Symptoms of arachnoiditis include chronic severe pain and a burning sensation which may attack the back, groin, leg, knee, or foot and can result in loss of movement to almost total disability. Other symptoms include bladder, bowel, thyroid, and sexual disfunction, as well as headaches, epileptic seizures, blindness, and progressive spastic paralysis affecting the legs and arms.

In the past few years, arachnoiditis sufferers and Members of Congress alike have repeatedly asked the FDA to recall the use of pantopaque, to no avail. As a result, I have introduced H.R. 2079, a bill to ban myelograms involving the use of pantopaque, amipaque, omipaque, or isovue. This is not a new idea. Since 1990, England and Sweden have banned the use of pantopaque in myelograms. In 1986, Alcon, Inc. took pantopaque off the market in light of litigation against the company. But there is evidence that pantopaque is still stocked by hospitals and is being used today.

A large number of medical professionals do not know how to diagnose myelogram-related arachnoiditis, and when they do, they cannot treat it. Medical journals and case studies from around the world document the connection between radiopaque dyes and arachnoiditis. Despite this documentation, the medical profession as a whole has not been effectively informed and still persists in its use. Moreover, the lack of information prevents the physician from recognizing the disease or side effects of the residual dyes after the fact. The time has come for thorough research to study this painful, disabling condition. H.R. 2079 will direct the National Institute of Neurological Disorders and Stroke to estimate the number of Americans suffering from myelogram-related arachnoiditis and determine the extent of this relationship.

Every year, chronic back pain is responsible for billions of dollars in lost revenues and millions more in health care costs. Of the 100 million Americans who suffer from back pain each year, those who work take off 5 days per year because of their pain, which amounts to a productivity loss of about $55 billion. Arachnoiditis sufferers want to become functioning, contributing members of society again. H.R. 2079 will provide research for treatments for arachnoiditis sufferers, including treatments to manage pain. Pain-management treatments would enable sufferers to once again become active, working members of society.

It's time to protect unsuspecting Americans from this debilitating and preventable condition. I ask Members of Congress to join me by cosponsoring H.R. 2079.

TRIBUTE TO THE STOCKBRIDGE HIGH SCHOOL NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to honor a fine group of young people from my district. The Stockbridge High School, Naval Junior Reserve Officer Training Corps, who captured first place in the 1993 Navy League National NJROTC field day championships.

I salute the following students for this outstanding accomplishment: Chris Baker, Chris Schaefer, Tim Bennett, Keith Shumate, Tom Bennett, Chris Strutko, Tommy Bloomberg, Matthew Brooks, Chantelle Claycomb, Todd Dixon, Jason Durden, Michael Ellis, John Fabbri, Mathew Felice, Sharon Franks, Jon Fretwell, Tony Furlough, Alex Gonzalez, Andrew Hall, Billy Maltbie, Adam Mathis, Paige Norwood, Jason Poole, Kenneth Renaud, Christine Rice, Valerie Rice, and Matthew Roberts.

The competition which the Stockbridge, GA Cadets won included academics, military drill and athletics. This event took place at the Naval Air Station in Pensacola, FL. I congratulate Capt. Maxwell L. Lewis and senior chief Elvin Hoskins the naval science instructors for this unit.

The NJROTC Program is a unique program for high school students. The program stresses leadership, self-discipline and self-esteem. Typically, students who go through a NJROTC Program have higher grades and higher graduation rates than their counterparts who do not go through the program.

Georgia schools are probably our Nation's most active advocates of NJROTC Programs. The Stockbridge High School, Naval Junior Reserve Officer Training Corps is indicative of the high quality of NJROTC Programs in my district and throughout Georgia.

THE KEY TO STEADY EMPLOYMENT IN NASSAU COUNTY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. KING. Mr. Speaker, I rise to express my concern about those Americans who have not yet benefited from the current economic recovery. Unemployment, unfortunately, continues to be a problem in my Long Island district as in other areas of the country.

I am encouraged, however, by the potential that exists for future employment growth on Long Island. For example, there will always be a great demand for legal and healthcare professionals that extend beyond doctors and lawyers, including court reporters and medical transcriptionists.

At the request of my constituent, Mary Hauptman, who is president of the Hicksville-based Court Reporting Institute, I would like to offer into the RECORD a speech she recently delivered entitled "The Key to Steady Employment in Nassau County".

THE KEY TO STEADY EMPLOYMENT IN NASSAU COUNTY

(By Mary Hauptman)

While businesses continue to consolidate over the next decade, corporate America will also continue to pare down. Everything from equipment to new employees must coincide with the new business thinking: running leaner and meaner.

Over the past five years, jobs have been lost to a faltering economy in almost all industries throughout the country. Nassau County was not immune. In fact, Nassau County was hit particularly hard.

Structural changes in companies have left trained workers in the service sector without an outlet for their skills. Jobs once thought to be indispensable have either been replaced by technology or consolidated into other positions. Whatever the case may be, there are many who are faced with the challenge of finding jobs with stability, growth potential and, of course, salary commensurate with experience. How can Long Islanders better increase their chances for finding jobs if faced with unemployment? Is there hope for these workers? Yes, if job seekers know what jobs to seek.

The potential for future employment on Long Island lies in jobs that are created to serve the needs of the community. Regardless of economic conditions, there will always be a great demand for legal and healthcare professionals that extend beyond doctors and lawyers. These include court reporters and medical transcriptionists.

The ever-growing significance and quantity of jobs for support workers in these industries have created a thriving workforce of professionals. Salaries for court reporters are on the rise. According to the Unified Court System of New York, the starting salary of a Supreme/County court reporter in Nassau County is approximately $50,705. The demand for court reporters is building due to dramatic increases in litigation, medical malpractice, bankruptcy, and civil action suits, not to mention the growing number of law firms opening in Nassau County.

Likewise, the need for the immediate return of official medical records is generating an increased demand for medical transcriptionists. The skills required for both professions are transferable and can be acquired in a matter of months, through intensive training at proprietary schools.

The merits of proprietary schools which prepare a workforce of highly skilled professionals should not be overlooked. The fact is these schools have taken a considerable interest in providing the education and training necessary to teach the skills that are in demand in the existing economic environment.

A stimulated local economy is and will be the direct result of these institutions being located on Long Island. With proper guidance and encouragement from school counselors and administrators, the newly trained professionals will be increasingly incorporated into the Long Island workforce.

TRIBUTE TO RETIRING EDUCATORS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to seven educators who are retiring from the Williamson Elementary School in the Youngstown City School District of my 17th Congressional District.

Mr. Speaker, these educators will be sadly missed by their colleagues and students, as they have collectively contributed over 194 years of educational service to the children of Ohio.

Principal Raymond Brown has been serving in education for 28 years. He has served in the Air Force, graduated from Youngstown State University, and received an M.S. from Westminster College. In 1972, he became the principal at Monroe Elementary School. Four years later, Mr. Brown became the principal at Hillman Jr. High School, before moving on again to Rayen High School in 1980. Finally in 1984, he was named principal at Choffin Career Center before he took over at Williamson Elementary. He is a past recipient of the Jennings Scholar award.

Nancy Zilavy has been teaching for over 31 years. She has had over 40 student teachers and has been at Williamson for 25 years. She has received numerous awards including the Outstanding Special Education Teacher Trophy, had art ideas published in Highlights magazine, and been featured on many local radio and television shows. She and her husband Gene have two children and two grandchildren.

La Verne Brown has been teaching for 29 years. She has lived, learned, and taught her whole life in the Mahoning Valley area. A graduate of Youngstown State University and Westminster College, she continued her education at Kent State and Youngstown. She has also given much of her time to committees related to teaching, textbooks, and community relations. She has received the Jennings Scholar Award, the Ashland Oil Group Award, and by numerous other teaching organizations. She feels that "teaching is recognizing the potential of children and helping them to utilize it to the best of their ability so that they can go out into the world and be all that they can be."

Rose Morris is retiring after 25 years in the classroom. She is a graduate of Youngstown State University, and a recipient of many awards including the Ashland Oil Co. Teacher Achievement Award, the Special Education Good Apple Teacher Award, and the East Ohio Gas Co. Science Award, 3 years. She has four children of her own, but the number of lives that she has touched over the years is in the thousands.

Christine Porter has taught over 2,500 students in over 35 years of teaching. Ms. Porter's credentials list runs long, so I will only include the most amazing aspects. She received her degree from Kent State in 1958, and first served as a speech pathologist in Cuyahoga County. Eventually she moved to Youngstown and began teaching children here. She was part of the first Head Start Program in Youngstown. She helped develop many innovative teaching techniques for children. She also was elected to office for the Public School Caucus, an arm of the American Speech/Language Hearing Association. One of her greatest experiences was hiking to the bottom of the Grand Canyon and out again and telling her students about it. Her rewards are the smiling faces of children when they have reached their goals.

Ester Adair is retiring as a librarian after 24 years. Maybe now she can devote time to her 5 children and 10 grandchildren. A graduate of Campbell Memorial High, Ester attended Youngstown College. She has worked with children for over 40 years in church and community centers. She has received numerous proclamations from her elected officials for all of her service to the community.

Quiny Penn has spent 19 of her 22 years at Williamson School. She is a graduate of East High School and attended Youngstown State University completing 2½ years of elementary education. Quincy has been active in many community groups including the Mayor's Advisory Committee. She has helped teens with summer jobs at the Youngstown Employment Training Corp., and has been an active parent. She also received a special service award for work rendered at Southside Hospital in Pediatrics for her 13 years there.

Mr. Speaker, it gives me great pride to stand here today to honor these wonderful educators. I don't know what the Williamson Elementary School will do without them. Their loss will be hard to recover from. I just hope that each of these amazing individuals is able to enjoy the retirements they have so truly earned.

POLICE MEMORIAL DAY, 1993

HON. DAVID A. LEVY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. LEVY. Mr. Speaker, each May 15, our Nation sets aside 1 day to honor the memory of police officers who gave their lives in the line of duty. In Washington, DC, alongside the monuments to brave members of the armed services and Americans who have made historic contributions to freedom, stands a memorial to police officers who died defending our local communities.

Police officers are a fixture in every American neighborhood. Our society cannot live safely without effective police protection. From the one man sheriff departments in small towns to the large forces in populous cities, police officers are dedicated public servants who daily risk their lives to protect our families and property. Many have died so that we may enjoy a safe life in a secure neighborhood.

The demands we make upon our police officers extend beyond defending our lives and property. Our police officers are routinely thrust into the role of social worker, mediator, marriage counselor, and community leader. These often thankless tasks are accepted by officers not because it has become "part of the job," but because our police officers care deeply about the people and neighborhoods they protect. Police officers are rightfully applauded for acts of bravery and headline-grabbing arrests. However, we should be more mindful and appreciative of the time and effort police put towards their day-to-day tasks.

Much of a police officer's work involves potentially perilous encounters which end peacefully yet take a demanding physical and psychological toll. Violent domestic arguments, bar fights, or traffic violators on dark roads all are possible life threatening confrontations which officers face every workday. Police officers are often subjects of lengthy tirades by citizens who may have been stopped for speeding or other lesser violations of the law. "You should be out catching the real criminals," irate people often tell officers. If only people took more care to obey minor laws, our police officers would have more time to spend on dangerous criminals.

Despite daily mental ordeals and risks to life and limb, our police continue to face daily dangers with determination and vigilance. Many of the men and women officers who have died lived with their families in the very neighborhood where they worked and were known and respected by the community.

We can be proud of these valiant public servants who have given much of themselves for the benefit of our others. We owe those who have fallen a debt of gratitude for their service, and their families have earned our deepest sympathies.

TRIBUTE TO KNOB NOSTER ELEMENTARY SCHOOL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize the students and staff of the Knob Noster Elementary School in Knob Noster, MO. Knob Noster Elementary was recently honored by the U.S. Department of Education as a Blue Ribbon School. Principal Dan Lowry, accompanied by teachers Clo Cass and Theresa Rhoderick, visited my office while they were in Washington to accept the Blue Ribbon School Award on behalf of Knob Noster Elementary.

The Blue Ribbon Schools Program identifies and gives national recognition to schools that are unusually effective in meeting local, State, and national goals and in educating all of their students. The selection criteria used by the Blue Ribbon Schools' Review Panel include leadership, teaching environment, curriculum and instruction, student environment, parent and community support, and organizational vitality. The panel also considers student performance on measures of achievement, daily student and teacher attendance rates, students' postgraduation pursuits, and school, staff and student awards.

The Blue Ribbon School Program brings deserved attention to schools receiving the award, and provides an opportunity for Blue Ribbon Schools to share with and learn about effective education techniques from other schools. Congratulations again to the students and staff of Knob Noster Elementary.

1993 HONOREES FOR THE CURBSTONE COACHES HALL OF FAME SALUTED

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the 1993 Honorees for the Curbstone Coaches Hall of Fame of Boardman, which is in my 17th Congressional District of Ohio. Mr. Speaker, these 13 men and women, in the words of the Hall of Fame, "are athletes who brought favorable reflection and distinction to our community." Mr. Speaker, I join the Mahoning Valley in saluting these noteworthy individuals.

Jim Vechiarella: Jim was a standout football player at both the high school, all city, and college—little all American level. He is currently a well-respected assistant coach with the Philadelphia Eagles of the National Football League [NFL].

Ronald W. "Ronnie" Stoops: Ronnie was an all city football player in high school, named both offensive and defensive player of the year by Youngstown State and played baseball in the Washington Senators farm league. He returned home to play on a variety of fast-pitch softball championship teams over a span of five decades. He died October 7, 1988 at the age of 54.

Sanford D. Rivers: Sanford was a three-sport letterman in high school who participated in the Ohio State track and field championships and who still owns the high hurdle record he set in 1962. He currently is a referee in the NFL with postseason experience.

Chuck Perazich: Mr. Perazich is the retired executive sports editor of the Youngstown Vindicator who has seen it all on the sports front, including the World Series and the Super Bowl. He has won numerous awards for his writing and is enshrined in the Media Wing of the Ohio Baseball Hall of Fame.

Joseph Anzivino: Joseph is a former sports editor, radio host, and public relations guru. He is currently the president of the Harlem Globetrotters.

William A. "Bill" Santor: Bill is a golfing legend. He has won numerous club championships and shot a course record 66 at Yankee Run. He also won the European Theater Operation championship while serving in World War II.

Dolly Viglio Ponzi: Dolly is the current president of the Youngstown Women's Bowling Association [YWBA] and delegate to the WIBC National Convention. Her 189 average during 1971–72 was tops in the YBWA.

John B. "Johnny" Pape: Johnny pitched a no-hitter in his first outing as a freshman in high school and once recorded 20 strikeouts in a single game. He played against the legendary Josh Gibson, Satchel Paige, and Ewell "The Whip" Blackwell. He also won the 1936 American Legion Pitching Award.

Dr. Larry Glass, D.D.S.: Dr. Glass is a football referee who has garnered much respect on the high school and collegiate levels. He has officiated in the Ohio and Mid-American Conferences as well as the Peach, Cherry, and Hall of Fame Bowls.

Mike Garcia: A coach extraordinaire. His Austintown Fitch High School cross country and track and field teams are unstoppable. Their combined record of 432–32—.931 winning percentage—is unheard of at any level in any sport. He is a member of the Ohio Track Coaches Hall of Fame.

Burl Charity, Jr.: Mr. Charity posted a 42–8 overall mark as a professional boxer, taking on the likes of Jake LaMotta, Joe Basora, and Peter Muller. He fought to a draw for the European middleweight title in 1955.

Alfred Boggia: Alfred is a gifted athlete and an ever-present coach. He roams the sidelines for basketball, baseball, and football, imparting his wisdom to a number of squads for the past 39 years. He is a member of the Old-Timers Baseball Hall of Fame.

Herbert W. Lake, Sr.: Herbert helped the Penguins become a household word nationwide while playing basketball for Youngstown State. He led them to a 77–34 overall mark between 1955 and 1959, with three consecutive trips to the NAIA national tournament. He is the only Penguin to ever average more career rebounds than points when averaging over 15 in either category.

DRUG REVIEW BOARD REWARDS PHARMACEUTICAL RESEARCH AND DEVELOPMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. STARK. Mr. Speaker, the President's Task Force on National Health Care Reform has suggested that a Prescription Drug Price Review Board be adopted by the administration as a mechanism to curb the soaring costs of prescription drugs. According to today's New York Times, "there is consensus on the task force in support of a drug price review board" which would be loosely modeled after the Canadian system.

Last February, I introduced the Prescription Drug Price Review Board Act of 1993 (HR 916). The bill would create a board to track drug prices and to ensure that pharmaceutical products are available at a reasonable price, for inpatient and outpatient care. The Board would be particularly interested in drugs which are developed with Government funds.

Many members of Congress and senior groups, including the AARP, Grey Panthers and the National Council of Senior Citizens are supportive of this initiative. The AARP wrote, "a better balance is necessary between record-breaking drug company profits and the affordability of prescription medications."

The Pharmaceutical Manufacturers Association, to its credit, has done a wonderful job of scaring away many would-be supporters of this legislation. The PMA has threatened that Federal involvement will equal less research and development.

As John McLaughlin would say, "Wrong!"

The Board will reward pharmaceutical firms for innovative research! My legislation proposes an increase in patent length for drugs which are reasonably priced. I do not know of one drug company which would turn its back on increased patent protection. The Board will help to shift pharmaceutical research from me-too drugs to new, therapeutically superior drugs.

Prescription drugs are important in keeping health care costs down. However, both the American consumer and taxpayer need to know that they're getting a good return on their investment. A drug review board can fill this void. It's already worked in Canada, and it will certainly work in America.

A SPECIAL SALUTE TO REV. DR. F. ALLISON PHILLIPS, MOUNT ZION CONGREGATIONAL CHURCH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. STOKES. Mr. Speaker, on Saturday, May 22, 1993, the Mount Zion Congregational Church, United Church of Christ, which is located in my congressional district of Cleveland, OH, will celebrate the 11th anniversary of its pastor, Rev. Dr. F. Allison Phillips. Members of the congregation, family, and friends will gather at the Omni Hotel for a special luncheon in honor of Reverend Phillips.

I am pleased to participate in this special tribute to an outstanding individual and dynamic minister of the gospel. I want to share with my colleagues and the Nation important information regarding Rev. Dr. F. Allison Phillips.

Reverend Phillips is a graduate of Virginia Union University where he received his bachelor of arts degree. He went on to receive a master of divinity degree from the Colgate Rochester Divinity School. Lastly, he is a graduate of the New York Theological Seminary. For the past 11 years, he has been a committed and dedicated leader at Mount Zion Congregational Church.

Mr. Speaker, I take pride in noting that under the direction of Pastor Phillips, the Mount Zion Church has been a beacon of light in the Cleveland community. The church has reached out with services and programs to benefit families, our youth, and the elderly. The church has also been vocal in its commitment to neighborhood development, educational opportunity, fair housing, and civil rights. The Cleveland community has benefited greatly from this commitment.

In addition to his pastoral assignment, Pastor Phillips is very active in the Cleveland community. He serves as a board member for a number prestigious organizations including the Urban League, American Red Cross, Greater Cleveland Roundtable, Leadership Cleveland, and the Phillips Wheatley Association. Pastor Phillips is also a member of the executive committee of University Circle, Inc.; a member of the board of commissioners, Cleveland Bicentennial, and national president of the Ministers for Racial and Social Justice, United Church of Christ.

Rev. Dr. Phillips and his wife, Velma, reside in Shaker Heights. They are the proud parents of Saidah and Alyson. They are also the proud grandparents of Jason, Janell, and Jamal.

Mr. Speaker, I am proud to rise to pay tribute to Rev. Dr. F. Allison Phillips. I join members of the Mount Zion Congregational Church family, his many friends, and others in extending my best wishes on the occasion of his 11th anniversary. I also wish him Godspeed as he and the Mount Zion family continue on this great mission.

TRIBUTE TO REV. THOMAS W. CEBULA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Reverend Thomas W. Cebula, a respected religious and community leader in my district.

Mr. Speaker, on May 25, 1993, the citizens of Warren, OH, will celebrate Father Cebula's silver anniversary as an ordained priest. He began his pastorship at the Sacred Heart Church in Youngstown and has since led St. Mary's, St. Aloysius', and St. Michael's parishioners in worship. He became the pastor of St. Pius X in Warren in 1982 and still serves the parish.

His tenure at St. Pius has been a glowing one. He has introduced a number of ministries there, including the Prayer Circle, Renew, the Ethnic Festival, and the Celebration of Life. He has also inspired commitment and involvement in his parish, resulting in 40 active committees and organizations at the church. He was appointed as dean of the priests of Trumbull County in 1988 and now serves as the county's secretary for the American Cancer Society.

Mr. Speaker, Father Cebula recently reached the half century mark, but his charm and exuberance belie his age. His antics, ranging from a singing cowboy to a hula dancer, have enlivened those around him, and inspired them to work for the good of the community.

I would like to take this special opportunity to congratulate this exceptional man on his silver anniversary as an ordained priest.

TRIBUTE TO GREGORY A. MONTE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Ms. MOLINARI. Mr. Speaker, as much as we may hear the term "hero," once in a while an act of true heroism will remind us how rare a commodity heroism is. It is far more impressive when the source of such an act is a mere 11 years of age. With this in mind, I rise today in tribute to my constituent, Gregory A. Monte, of Brooklyn, NY, the boy-hero from Public School 127, who recently received the American Automobile Association [AAA] School Safety Patrol Lifesaving Medal Citation.

In October 1992, Gregory Monte was on duty at the corner of 7th Avenue and 79th Street, a particularly dangerous intersection. Traffic was heavy, and visibility at the corner was limited for both drivers and pedestrians by a dense foliage and the lack of a sidewalk on 7th Avenue. The traffic signal was green for a vehicle on 7th Avenue when a second grade girl ducked under Gregory's arm and bolted into the roadway. Seeing an oncoming truck, Gregory raced after the child and pulled her back onto the sidewalk just as the truck sped past.

The School Safety Patrol Program is an excellent idea which provides a badly needed service to the community. It helps in ensuring the safety of younger children while teaching responsibility to the older children. The AAA is to be congratulated for providing the lifesaving medical citation and recognizing students for their courage—students like Gregory.

Mr. Speaker, perhaps the most remarkable thing about this is that Gregory, while participating in a problem designed to teach him responsibility, has taught all of us a great deal about courage and heroism. Accordingly, I ask my colleagues to join me in saluting Gregory Monte and all of the other recipients of the AAA School Safety Patrol Lifesaving Medal Citation.

TRIBUTE TO DICK THOMPSON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Dick Thompson, a radio icon in my district since 1958.

Mr. Speaker, Dick will retire after 35 years of service May 20, 1993. Longevity is rare in show business, but Dick started with WHOT-AM from its beginning and remained there throughout his career. He became program director 2 years after joining the station and guided it through tough times. As FM became more popular, the "50" rating WHOT received at its inception was endangered. But Dick launched intense marketing campaigns which constantly involved the station with the community. It hosted popular Friday night dances as well as "Hot Day" and "Spring Thing" rituals at Idora Park. With these trailblazing ideas, WHOT remained strong and continued to play the hits.

Nine years ago, WHOT made the switch to FM. This was not without a fight, however, as it was one of the last AM stations in the country to successfully play Top 40 music. It remains a popular station today.

Mr. Speaker, I would like to take this special opportunity to thank Dick Thompson for his 35 years service to not only WHOT, but to the Youngstown community.

GERALD MARKER 1925–1992

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. MOORHEAD. Mr. Speaker, it is my regret to announce the death of a courageous man who served American workers by fighting for their right to choose whether to join or support a union.

Gerald Marker died of cancer on August 20, 1992, at his home in Van Nuys, California. He was 66.

Gerald Marker lived his life with the same faith that caused Abraham Lincoln to remark:

> My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own lies at the foundation of the sense of justice there is in me. I extend the principle to communities of men as well as to individuals.

As an employee of the McDonnell Douglas aerospace firm for 23 years, he first encountered compulsory unionism in 1951 when he was forced to join the Electrical Workers Union.

In 1962, Gerry gave voice to employee protests and lawsuits opposing agency shop contracts forced upon thousands of aerospace employees.

And in 1967, he led a large group of aircraft production workers in suing officials of the Machinists Union to prevent them from using their forced agency shop payments for political purposes.

Gerry's ground-breaking lawsuit, known initially as the Seay case, began a train of legal precedents that led ultimately to the U.S. Supreme Court's 1984 Ellis/Fails and 1988 Beck decisions.

Both the Ellis/Fails and Beck decisions declared once and for all that union officials could not use workers compulsory agency fees for politics.

After years of fighting coercive unionism on the plant floor and in the court room, Gerry was elected to the board of directors of the National Right to Work Committee in 1973.

He was elevated to chairman of the National Right to Work Committee's board of directors in 1986.

His quiet courage and resolute dedication inspired his fellow advocates of worker freedom—right up to the end, when he met an enemy—cancer—that could not conquer his spirit, but did, finally, subdue his body.

I stand before this body to acknowledge his many accomplishments and to offer my condolences to his family and friends.

His leadership and vision will be sorely missed by everyone who believes in the fundamental principle that no one should be forced to pay union dues as a condition of employment.

TRIBUTE TO THE NEW INDUCTEES OF THE GREATER YOUNGSTOWN OLD-TIMERS ASSOCIATION'S HALL OF FAME

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the new inductees of the Greater Youngstown Old-Timers Association's hall of fame. This association has honored talented former ball players with induction into their hall of fame for 30 years. This year's inductees are: Frank Mogulich, Steve Garasic, Frank Murphy, Bill Babik, Joe Manichini, Steve Glozer, Steve Sheronovich, and Francis McHugh.

The posthumous honors go to the following: Tony Walley, Michael Ragan, Marv Birkholtz, and Steve Mlinarsik.

In addition, Joseph A. Vrabel will be honored with the king of the Realm Award. This honor is given in appreciation of his many years of service on behalf of the old-timers.

Senate—*Wednesday, May 19, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 12 noon, on the expiration of recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, Rabbi Alex Goldman, Temple Beth El, Stamford, CT.

PRAYER

The guest chaplain, Rabbi Alex Goldman, of the Temple Beth El, Stamford, CT, offered the following prayer:

Let us pray:

In Your wisdom, Lord, You create every day anew, and give us daily fresh insight and vision. We enjoy, daily, the blessings of life, health, mind, and heart. Keep us ever mindful of Your many gifts; may we use them wisely, at all times.

As we meet this newly created morning, we pray You to help us understand this new opportunity to live and strive, in fellowship, friendship, and concern, with all people, whatever their persuasion, creed, or origin.

As a community in this blessed land, Your promised land of freedom and opportunity, we pray, Lord, that You bless with Your wisdom, inspiration, and guidance, the President of these United States, the Vice President, distinguished Members of this Senate, and all who exercise just and lawful authority and leadership. Touch them with Your sensitivities and spirit of devotion for all the inhabitants of our land.

Give us the wisdom and will, Lord, to draw, with open arms, into our community, all who work for freedom, all who strive for peace, all who labor for justice—the bases of our heritage and ideology.

With You filling our hearts and minds, Lord, we vow to exert our all, so that, soon in our day, we may fulfill Your plan and our constant hope for a world community in which all are blessed with freedom, serenity, contentment, and peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

RESTRAIN SPENDING AND REDUCE THE DEFICIT

Mr. CRAIG. Mr. President, I come to the floor of the Senate today to talk to the President of the United States.

This body, in the next few weeks, will be asked to debate and consider a massive tax increase and a budget reconciliation bill. I voted against the President's budget resolution and certainly do not see how I can support a tax and reconciliation package that implements that budget.

But I note a very ironic situation that is developing with the President and the other body at this very moment. According to press releases and conversations I have had with conservative Democrats from the other body, they are insisting that the tax and reconciliation package include 5 years of caps on entitlement spending, enforced by a reinvigorated sequester process.

Are they suggesting that entitlement spending be held below the President's budget? No; they are not suggesting that at all. They are suggesting that the President and they agree to hold spending at his levels.

Is it not strange that the response from the administration to an enforcement mechanism of his own budget would be, "No"? It was surprising to me yesterday to hear that in the press and then to have those conversations.

Well, the President has been out flying around the country, suggesting that people support his effort to restrain spending and reduce the deficit.

So what does he do when members of his own party suggest a mechanism to guarantee those targets be met? He opposes them.

Last week, the administration told the public that their proposed increase in taxes would be put in a trust fund and that that was an added layer of insurance that the deficit reduction targets would be met. And yet, when members of his own party yesterday came up with an insurance program—spending caps on entitlements to meet those targets—they said no.

Let me get this clear. The President is opposed to enforcing the very spending targets that he himself has proposed. He is opposed to guaranteeing the very level of deficit restraint that he is flying around the country trying to take credit for right now.

And what is the enforcement process being proposed? The exact same process for exactly the same kind of spending caps proposed by the Director of the Office of Management and Budget last year when he was chairman of the House Budget Committee. Under the then Chairman Panetta's plan, if entitlement spending in the next 5 years exceeded levels requested by the President, there would be an across-the-board sequester of all entitlement programs, including Social Security.

In addition, for every $4 of spending sequestered, tax rates would have to be raised by enough to offset a dollar's worth of revenue.

There are only two things that would trigger this sequester process that appears to be worrying the President. And that, I guess, would be that the economy would fail to perform at the administration's projection, or the technical assumptions made in writing to the President's budget are wrong.

Well, that is the story. We have not heard the rest of the story yet. But it is awfully frustrating to those of us in this body and, I have to believe, Mr. President, it is awfully frustrating to the American people, when conservative Democrats of this President's own party step up with a mechanism to guarantee the President's budget, that he would walk away from it.

Well, I understand he is supposed to be up here on the Hill today, making amends and binding wounds.

Let me tell you, the American people, and a good many of us here in Congress, want to assure that spending is cut and, at the minimum, we want this President to guarantee that his budget numbers will be delivered.

Mr. President, you had better listen to a couple of those conservative Democrats. They are not all wrong.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington is recognized for 10 minutes.

THE WASHINGTON STATE HEALTH CARE PLAN

Mr. GORTON. Mr. President, with Monday's enactment of the most radical statewide health care reform effort in the 50 States, Washington residents now contemplate their health care status with anticipation and apprehension. Rather than waiting for national health care reform, State legislators charged forward with a comprehensive health care reform plan and passed in a few months a wide-ranging proposal that will have a tremendous impact on how health care is delivered and paid for in Washington State.

Hailed by its proponents as the "toast of the nation," Washington's plan is expected to provide additional security in access and availability to health care. However, critics charge that the program leaves many questions unanswered, defers many of the most difficult questions to a State insurance commission, irresponsibly underestimates actual costs, and gives far too much power over health care decisions to new bureaucracies. Regardless of whether or not the program lives up to expectations, the process of its enactment and its substance offer many valuable lessons for the debate on national health care reform. Most importantly, as a potential model for national health care, it raises crucial issues that must be addressed if national health care reform is to succeed.

The centerpiece of the State plan is a new regulatory five-member commission, with a powerful commissioner, that will regulate health care as a utility. The commission will ensure that all residents enroll in a certified health plan, will establish a uniform benefits package, and will decree a community-rated maximum premium for the benefit package. The State requires that all employers, both large and small, offer at least three certified health plans and contribute at least half of the cost of the health insurance plan for their qualified employees. All individuals are required eventually to be covered by a State approved health plan.

The benefit package will include coverage for primary and specialty health services, inpatient and outpatient hospital services; prescription drugs and medications; reproductive services; chemical dependency services, mental health services, short-term skilled nursing care, and home health and hospice services. Long-term care services will be included in the uniform benefits package by 1999.

Four health insurance purchasing cooperatives will be established in four geographic regions of the State. These bodies must admit all individuals and make every certified health plan available for purchase. Also included in the package is financial assistance to small businesses that cannot afford the employer mandate. In addition, data collection and short-term health insurance are essential parts of this comprehensive plan.

The financing of the new health care system for Washington State is to be provided by significant additional taxes on tobacco and alcohol products and taxes on insurance premiums and hospitals all of which are expected to raise $1 billion by the 1997–99 biennium. However, it is unclear exactly how much additional spending will be necessary to fulfill the lofty requirements of the plan.

There are invaluable lessons from Washington State's health care debate that can be applied to the national picture. First, it is clear that only with the unprecedented cooperation and support of the State medical and hospital associations was such radical reform possible. Unfortunately, that has not been the case at the Federal level where physician groups actually had to sue the administration to pressure it into listening to their legitimate concerns. Only late in the process were practicing physicians consulted by Mrs. Clinton's task force which consisted primarily of 500 congressional staffers from Democratic offices and Government employees.

Second, Washington State, as the entire Nation, is experiencing a budget crisis and health care crisis at the same time. In Washington State, the Governor and legislative leaders elected to pass health care reform first and then deal with the State's financial problems. However, here in the other Washington, the President has delayed introduction of his health care reform plan until his tax package is passed. This change in strategy was at the behest of his budget advisors who anticipate that national health care reform may cost more than $100 billion a year in additional spending.

Third, in Washington State, the new Governor, like Bill Clinton, campaigned on a promise to bring radical change to the State's health care system. The Republican alternative plan did not receive serious consideration as the Democrats remained unified and determined to enact their version of health care reform. In the U.S. Congress, however, there are already many competing plans. For example, some Members in the Democratic Party already have a introduced a single-payer plan that will compete with the administration's proposal. Others, like Congressman COOPER, a Democrat from Tennessee, propose a managed competition plan that is market-oriented rather than the administration's apparently Government-oriented plan. Republicans in the Senate who have been meeting for nearly 2 years as the Republican health care task force will offer a plan of their own. Thus, rather than Members having the option only either to pass or to reject health care reform, we in the U.S. Congress will have several thoughtful comprehensive plans to consider.

An additional lesson to be learned is the absence of finality in the State plan. The plan's sponsors and supporters have admitted that the plan will be phased in piece by piece over 6 years and that corrections in the plan may be made in future legislative sessions. In fact, under pressure from protesting seasonal workers who were explicitly excluded from employer-mandated coverage, the Governor may make the first of many unforeseen corrections. Considering that national health care reform will drastically alter a $900 billion industry, we at the national level must not pass incomplete legislation that is both radical and admittedly flawed. We have one chance, and we must do it right.

In addition, the financing of the State plan as well as other tax increases may be undermined by a growing statewide tax revolt. Finally, implementation of the State plan is contingent on the Federal Government granting waivers from existing Federal requirements. History indicates that getting all the waivers necessary will be difficult if not impossible.

The State's ambitious plan, despite its critics, will serve as an invaluable contribution to the national health care debate because its sponsors anticipated that Mrs. Clinton's proposal will be compatible with the Washington State plan. Indeed, Mrs. Clinton herself said yesterday that "[M]any of the elements (of the State plan) mirror essential elements of the national package." If that is the case, this Senator believes that the following questions must be answered publicly and candidly as soon as possible by the administration.

First, will Washingtonians pay additional taxes to finance national health care reform on top of those which are imposed at the State level? Will Americans pay more for health insurance while receiving fewer services with more bureaucracy? Can we be assured that the quality and value of our health care does not decline with additional Government involvement

Second, does the administration anticipate that its scheme to create strong state regulatory agencies to purchase and administer health insurance will lead to a single-payer or Canadian-style health care system? What are the steps necessary to transform the administration's program into a solely Government-run health care system? If they are minimal, why not simply pursue the Canadian model?

Third, how will the administration's program impact job-growth in the struggling economy? Has the administration considered delaying health care until the economy is growing at 3 to 4 percent?

It is not this Senator's attempt to discourage Mrs. Clinton from pursuing bold reform. Indeed, he wishes to offer his assistance in addressing these questions so that we may reach meaningful and cost-effective health care reform. First, however, we must be willing to ask and answer the most difficult questions. This debate must not be relegated to the simplistic level of either being for or against health care reform.

I will end by sharing with my colleagues the real-life impact of some of the proposed payroll taxes and employer mandates to provide health insurance for employees. Yesterday two small business owners from Yakima visited my office to inform me that for the very first time they decided against hiring an additional employee for a mid-level position and are not likely to provide bonuses or additional benefits to their employees this year. These gentleman had for years provided and paid for health insurance for their employees and their dependents in order to maintain their loyalty and security. They made their decision to not hire based solely on the new State health care employer mandates and anticipated increases in Federal taxes.

Tonight in central Washington someone is still looking for work in a struggling economy because State and Federal Governments are discouraging employers from hiring new people. Ultimately, the administration and Congress must realize that the two most important domestic issues, health care reform and economic growth, must be discussed together if we are to solve either problem. These decisions will have enormous and immediate impacts on the security and prosperity of individuals and families across the Nation—we must not forget that lesson.

Mr. President, seeing no one else seeking recognition, I ask unanimous consent to proceed on a separate subject.

The ACTING PRESIDENT pro tempore. The Senator from Washington, without objection, is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 985 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 10 minutes.

THE CLINTON ECONOMIC PLAN

Mr. GRAMM. Mr. President, yesterday the debate about taxes was given a reality check by a man that most people in America do not know, a man named Lorne Fleming. He stood up yesterday in San Diego, CA, and told the President that he did not have any more money to contribute to the Government. Mr. President, Lorne Fleming spoke not just for himself but for people all over America who do the work, pay the taxes, and pull the wagon in this country.

He then asked the President a question that we should ask ourselves every day as we consider the Clinton economic program. He asked if the President could name a single country in the history of the world which had ever taxed and spent its way to prosperity. And to his credit, the President said he could not. I do not believe that the United States of America, under the Clinton plan, will be the first country in history to do that.

Our President has a credibility problem because he continues not to level with the American people. Yesterday he went to great lengths to talk about his program and to talk about spending cuts in that program. He said that his program cut spending more than his predecessor's program. In fact, the budget summit agreement of 1990 cut mandatory and discretionary spending by $219 billion, and relative to current law, the Clinton budget cuts spending by less than $110 billion.

But the point is that nobody believed the statement that the President made about spending cuts. Let me tell you why they did not believe it. It is because, beginning in the campaign, through the State of the Union Address, through the release of the President's budget, and now in something we call reconciliation, where we change permanent law to implement the policy, we have had a constantly changing budget.

What I have tried to do here is represent the whole debate on one simple chart. I have plotted new taxes versus new spending. If you will recall, and everyone in America does recall, President Clinton in the campaign said that he was going to cut spending $3 for every $1 of new taxes. And then when Congressman Panetta, the OMB Director, was before the Senate for confirmation, he said the President's goal was $2 in spending cuts for every $1 of taxes. And then when President Clinton gave that great State of the Union Address, a speech that I could have given myself because it had almost nothing to do with the President's economic program, he said his program contained $1 of spending cuts for every $1 of taxes.

Then in the President's budget, which we finally have received and which has been adopted by both Houses of Congress, there are $3 in new taxes for every $1 in spending cuts. And now in reconciliation, as we change permanent law to raise taxes and cut spending, where we are actually changing the law of the land to raise taxes and cut spending, there are $5 in new taxes for every $1 in spending cuts.

I would say this: When you promise $3 in spending cuts for every $1 of taxes and in 4 months you propose $5 in taxes for every $1 of spending cuts, you should not be surprised that people do not believe that you are leveling with them about your program.

Yesterday, the President was also asked about middle-class tax cuts, and he said that he was awakened to the fact that we had this big deficit problem after the election.

In fact, the whole country was aware of it, and the Congressional Budget Office, which the President has chosen as the judge and jury of honest budgeting, told the world in August that we had a deficit problem of roughly the magnitude we recognize today. And no less an authority than Leon Panetta, who at the time was the chairman of the House Budget Committee, said that the President's budget did not meet the reality test in the campaign.

What I would like to do now is to read some statements from the Congressional Budget Office about the Bill Clinton budget. I remind my colleagues, the President made a point in the State of the Union Address that we ought not to be arguing about numbers; we ought to be arguing about policy. And so in order to shift the debate from numbers to policy, he named the Congressional Budget Office the judge and the jury of what was in the budget, what taxes were, and what spending was.

I would like to report the findings of this judge and this jury on the Clinton budget. I want to remind my colleagues and those watching, this is not Phil Gramm talking; this is not BOB DOLE talking. This is the Congressional Budget Office, designated by the President as the judge and the jury. The Director of the Congressional Budget Office is chosen by the Democratic chairman of the House Budget Committee and the Democratic chairman of the Senate Budget Committee.

Let me read you four quotes from the CBO's "Analysis of the President's February Budgetary Proposals" that I think tell the whole story.

This is chapter 1, page 6:

> Three-quarters of the $355 billion in cumulative deficit reduction contained in the administration's program would stem from increases in revenues and only one-quarter from cuts in outlays.

Now, I ask my colleagues, how is it that every day the administration continues to claim they have a dollar in spending cuts for every dollar of taxes? Forget the fact that they promised $3 in spending cuts for every dollar of taxes. How can they continue to claim $1 for $1 when, in fact, the judge and the jury they chose say that three-quarters of the President's deficit reduction comes from taxes and only a quarter from spending cuts.

Let me read a couple more statements from the Congressional Budget Office: "The spending increases would exceed the cuts through 1995."

In other words, in President Clinton's budget many of the new taxes are retroactive to January 1, 1993, but spending increases built into the budget exceed spending cuts promised in 1993, in 1994, and in 1995. In other words, for 3 years there are no net cuts in spending in the President's budget. Now maybe 4 years from now, or 5 years from now, there are great promises of things we will do in the sweet by-and-by. But the Congressional Budget Office says, "The spending increases would exceed the cuts through 1995."

I have a couple of more statements from CBO. This is still chapter 1, page 11, "Within the discretionary spending category, the administration proposes continued real reductions in defense and real increases in most areas of domestic spending. Domestic discretionary budget authority," which is bureaucratic language for spending, "would grow from its current level of $209 billion to $262 billion, a real increase of 7 percent." That means, after inflation, the discretionary parts of the budget other than defense would grow by 7 percent.

Well, Mr. President, is it any wonder people do not believe that this massive tax increase is going for deficit reduction? Is it any wonder people do not believe when they have been consistently misled by this administration about what we are doing about spending, what we are doing about deficits? Is it any wonder people are feeling they have been betrayed?

I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, the Senator from Texas is recognized for 5 more minutes.

Mr. GRAMM. Mr. President, last Friday on the front page of the Washington Post, we got a real insight into something the public feels, the public knows. I have to give the American people credit because, despite an incredible effort to continue a campaign 6 months after an election is over, to continue to present a picture that is at variance with the facts, the American people are getting the facts. The American people get it. Washington does not get it. And on the front page of the Washington Post, the President has a little quote about his tax program that I think says it all. He says, "I think it will help the economy, bring in more revenues, and permit us to spend more."

Now, Mr. President, the American people do not want to see their taxes raised to fund more spending. The American people want to cut spending first. Everywhere I go people run up to me and say, "Are you cutting spending first?"

Well, I ask the question, When the Congressional Budget Office says that for the next 3 years there are no net spending cuts in the President's budget, are we cutting spending first? Are these taxes we are talking about, taxes not on rich people, as promised in the campaign, but taxes on Social Security recipients, taxes on small businesses, taxes on every family in America, an energy tax that is going to cost families $500 per year, is that money going to reduce the deficit or is that money being spent?

Well, let me tell you, I think the American people have broken the code. I think they broke the code on this so-called stimulus package. For 3 months, the President said we have to raise your taxes; we have to tax Social Security. We have to tax your family on energy consumption. We have to tax your business with an income tax to lower the deficit and help the economy.

At 11 o'clock in the morning, the President's budget was adopted, totally by Democrat votes. Then at 2 o'clock in the afternoon we took up a new bill, the stimulus package, and then the President says we have to raise the deficit and spend more money to help the economy.

Now, the President blames Republicans for defeating his stimulus package, but the reality is he lost that debate around the kitchen table because he could not convince the American people that by simply raising the deficit from $300 billion to $316 billion suddenly prosperity was going to come to America.

So I submit that the President is having increasing difficulty in convincing the American people that he has done what he promised them he would do.

We are not cutting spending first.

I would like to ask the President to come back to Congress and throw out a budget that now asks us in a single vote to raise taxes $5 for every $1 of spending cuts. Come back to Congress, and let us work on a bipartisan basis to cut spending first.

I think it is very interesting that when the administration was asked, last Thursday, in the Senate to make even the $1 in spending cuts for every $3 in taxes binding, the amendment I offered to make those spending cuts binding was rejected on a straight party line vote, save the vote of the junior Senator from Alabama and the Democratic Senator from Virginia. Every other Democrat rejected that amendment. And people wonder why the public does not believe the Government when the Government says we are going to take your tax money and we are going to use it to reduce the deficit. We are going to put it in a trust fund. If there has ever been a laughable idea presented on the American budget, that was it.

What do I think we need to do to gain credibility and to strengthen the economy? Very simply this. None of these spending cuts happen until October 1. It is not even June. Let us throw out this budget. Let us go back and start again. Let us go back to the President's campaign promise of $3 in spending cuts for every $1 of taxes. Let us go back to that program of the President's which put out in such great detail what he was going to do.

Let us craft it on a bipartisan basis. Let us write a real budget that cuts spending first. Then we will have credibility. Then we will have the support of the American people. But you cannot win the support of the American people by promising to do one thing, and then doing another. You cannot win the support of the American people by continually misleading people about what our Government is doing.

You cannot fool the American people. There have been many efforts to fool them in the past. They have heard all of our empty promises. They have seen proposal after proposal where we say give us your money and in the sweet by-and-by we will cut some spending. They saw it in the 1990 budget agreement. They gave us $165 billion. All these promises were made just as President Clinton is promising now, even though he is promising only $1 of spending cuts for every $3 of new taxes. In 1990 people were promised $2 of spending cuts for every $1 of taxes. But the point is they did not materialize.

Let us cut spending first, and we will get credibility. We will get the support of the American people. The President is losing support on his economic program because it is not the program he was elected on. It is not the program he promised the American people. The President promised a Cadillac and he is delivering an Edsel. And he does not seem to understand that people are unhappy with the car, but they are very, very angry with the person who sold them the car because they were misled.

We can fix this by going back and doing it right. That is what I want to propose to the President today.

I thank the Chair for his indulgence.

I yield the floor.

Mr. BENNETT addressed the Chair.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

CABINET-LEVEL NOMINATIONS

Mr. BENNETT. Mr. President, it is now the time when we are finally receiving nominees from the administration for the sub-Cabinet-level positions that have been vacant for so long. I want to thank the President and the administration for finally getting to this point. It has been a point of some concern of mine that this administration has taken longer to do this than any in recent memory.

If I might be personal for just a moment, I remember when I joined the

Nixon administration back in 1969. I went in the month of March and I was the last appointee at that level, every other position having been filled. We are now in the month of May and similar positions are still unfilled. I think one of the major reasons why this administration seems to be in such disarray is that the President and the Cabinet officers have taken so long to come up with the names for these particular positions.

Some of those who have come before the committees on which I sit have been nominees whose positions are either hostile or in some cases offensive to the people of the State of Utah. Frankly, the people who have been nominated have taken positions that have been either hostile or offensive to me and that I campaigned against during the campaign.

So a lot of people back in Utah are contacting me as these names finally begin to show up, and they are saying to me, Senator, surely you are going to vote against all of these people. Surely you are going to vote against the people who have taken positions or whose lifestyles are offensive, that are in a manner different from that of the people of the State of Utah.

I am rising on the floor today to explain why in all probability I shall not vote against most of the nominees for Assistant Secretary and Commissioner and Administrator—the sub-Cabinet officials whose names we are receiving now.

First, I well remember as an outsider watching the confirmation circus that went on as members of the party opposed to the President would take the confirmation opportunity to make their points and to beat up people who really did not deserve the kind of personal character assassination that went on.

If I criticized those kinds of confirmation circuses as a Republican, pointing the fingers at Democrats who were involved in it, I cannot with clean hands participate in the same kind of circus myself just because it is now a Democratic and Republicans who want to oppose it. But if I thought those activities were improper then, they are equally improper now even though the targets may represent points of view that I disagree with.

Second, I think we need to remember that an Assistant Secretary is not necessarily a policy position regardless of what some people may tell people when they are trying to woe them into an assistant secretaryship.

I conducted the responsibilities of the Assistant Secretary, and I know very quickly that an Assistant Secretary who takes a policy position different from the Secretary or from the President is very quickly an ex-Assistant Secretary.

Policy is set by the President of the United States, and his agency for enforcing that policy is the Office of Management and Budget. I have seen the experience firsthand of Cabinet officers being given their marching orders by people from the Office of Management and Budget who say, Mr. Secretary, you may feel that way, everybody in your department may feel that way, but here at the White House, we feel this way and this is the way it is going to be.

I think the last time we have seen a Cabinet officer resign over a disagreement in principle was Secretary Vance in the Carter administration who stepped down as Secretary of State because he was being told he had to do something that his conscience would not allow. If that is the enforcement procedure for a Cabinet officer, it is certainly the enforcement procedure in spades for an Assistant Secretary.

Thus, when people come before the committees on which I sit who have backgrounds on issues that I disagree with, I recognize that however much I might complain about that, my real complaint must lie with the President. I did not vote for the President. I did not support the President. I did not prevail. The President won the election and having won the election he is entitled to the assistants that he may wish.

If the President has the right to the assistants that he may wish, I cannot in good conscience once I have expressed my disagreement with them use my right as a Senator to harass them or otherwise disrupt them as they go about carrying out the President's duties.

A number of names have been raised of people that we should oppose in Utah. George Frampton, Jim Baca, Roberta Achtenberg, and others. As I said earlier, I disagree with them. They have said things with which I have vigorously disagreed but they are not going into a policy position where they can overturn the President. They are going into a managerial position where they are being required to carry out the President's program. And I find these people qualified on a managerial basis even as I may disagree with them on a policy basis.

I think it is time that we pay attention to manners and civility in public discourse. That is what I am trying to do as I make this statement. I fully expect that in my service as a Senator we shall see a return to a Republican administration and a Republican President.

I would hope when that time comes that that Republican President will be given the same kind of consideration in his choice for assistants that I am trying to give to these people for President Clinton.

My final comment, Mr. President: Had I been the President, I would not have appointed these people. I am happy to go on record in that fashion. I am sure if I were the President, they would not want to serve in my administration because they hold different positions. But I think as a matter of conscience, I must respect their ability to hold different positions and not oppose their nominations just because I do disagree with the policy statements they have made in the past.

Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

SUPPORT OF PRESIDENT CLINTON

Mr. BUMPERS. Mr. President, I heard the distinguished senior Senator from Texas talking about my President and what he has promised and what he has not delivered. That is always a good way to get my attention.

The Senator from Utah has just said he does not support President Clinton. I certainly understand that. He is a Republican and I am sure he supported George Bush. I did not support Bill Clinton because he was the Governor of my State or because we have been good friends for all of these years. I supported him because I liked what he said and I thought nothing could be any worse than what we had. I will come back to that in just a moment.

In this morning's Post, there is an op-ed piece and the writer points out that in San Diego at a townhall meeting the night before last, the President was asked when have you ever known this Nation or any other nation to tax and spend its way into prosperity? That is a favorite ploy of my Republican brethren, and they have a right to talk that way if they want to.

The truth of the matter is, that is exactly what Franklin Roosevelt did. I am not suggesting it is a good idea for today. And as this author pointed out this morning, you cannot plow the same ground twice and expect the same results. But Franklin Roosevelt did precisely that. He raised taxes and he started spending, and he was the first President to ever pay any attention to the South.

I grew up in a small town of 851 people. I can remember how embarrassed we were because the population was on the city limit sign—851 people. Dirt streets, outdoor plumbing, no running water, malaria, typhoid—you name it, we had it all. We slept outside in the summertime because the heat was insufferable inside the house. Every time a car came by and we were sleeping in the yard, we choked to death on the dust. That is what some people call the "good old days." Not me. Do you know what Will Rogers said about the good old days? "They ain't what they used to be, and they never was."

They never were good. But Franklin Roosevelt inherited a 25-percent unemployment rate and when the Japanese bombed Pearl Harbor, the unemployment rate in this country was still 15 percent. Think about that.

But I will tell you something else, Mr. President. In this day and time, it may be a fair charge to say that you cannot tax and spend your way into prosperity. I am not positive of that. I do not think that is relevant anymore because the stimulus package has been killed and, in my opinion, a lot of proposed so-called investment and spending that the President wants to make will never see the light of day in this Chamber.

There are too many naysayers around here about anything that changes the way we do business. But I can tell you one thing. I watched the hurried instinct sweep across this body in 1981 when Reagan said the key to our eternal prosperity is to cut taxes and raise spending. You talk about an absurdity on its face. Yet, the U.S. Senate and the House of Representatives bought into it as though that was the greatest thing since night baseball.

As I have said on the floor before, the Arkansas Second Congressional District Congressman in the House, RAY THORNTON, told me that when Reagan was touring the county saying, "We are going to cut your taxes and raise defense spending, and we are going to balance the budget," his 84-year-old father-in-law said, "What a dynamite idea; I wander why nobody ever thought of that before." I will tell you why. It was sheer lunacy.

What is the biggest problem facing the Nation today? Why, the Presiding Officer and every Member of the U.S. Senate knows it is the deficit. So when the President says: "I want to reduce the deficit over the next 5 years, $500 billion, from what it would otherwise be if we do nothing," some of my friends on the other side of the aisle like to say that he is going to add a trillion dollars to the debt. And that is true. He has never made any bones about it. What he is saying is that we have to get the deficit headed south. That is precisely what he is proposing to do through taxes and spending cuts.

I do not know where these Republicans get those charts they keep bringing over here. Anybody can put graphs and bars up there and paint different colors and put figures behind them, but it does not make them accurate. The budget resolution called for $205 billion in net spending cuts. Even if the President gets his way in spending—$205 billion in net spending cuts will occur.

I think every single Republican voted against a budget resolution in the U.S. Senate to reduce the deficit by $505 billion because it had a tax component. They say we need to do more in spending cuts. I tested that out last fall. Senator SASSER and I stood on the floor of the Senate until we almost dropped dead trying to eliminate the space station and the super collider. Those are two big welfare projects for Texas. As the Senator from Maryland said, "They believe in welfare for Texas and free enterprise for the rest of us." We tried to kill the space station and super collider—$220 billion—and our high watermark was five Republican votes.

We tried to kill SDI, which now the Secretary is about to do. I do not know why any of us ever try to kill a weapons system. I believe I can truthfully say that the U.S. Congress, on its own initiative, has never killed a weapons system—never. Unless the Secretary of Defense or the President says we no longer need B-2 bombers, you are not going to catch this crowd voting to kill a weapons system, particularly if there is a plant in their home State that has any component of that weapons system.

So they keep saying: You do not have enough spending cuts. We can do it with spending cuts.

Let us start with SDI, the super collider, the space station, the Trident II missile, and the intelligence budget.

"Oh, no; that is not what we had in mind," the Republicans will say.

Well, what did you have in mind?

"I thought we would put a cap on entitlements."

That means the elderly people of this country, who depend on Medicare for their health care, have to dig deeper in their own pockets to pay medical bills; and people on Medicaid, which is health care for the poorest of the poor, get no care. It means that 10 percent of the people in this country who get food stamps will get them cut.

I will tell you what the economic policies of the last 12 years have brought us, Mr. President. They have brought us to the point that food stamps applications are soaring through the roof, and we are still only covering half of the poor, pregnant women in this country trying to provide them with a free diet so they can have a healthy baby.

What is the solution on the other side? Cut them further. Do not tax me.

Senators make $135,000 a year. Think about that. They were worried about somebody getting free health care because they are unemployed, or old, or because they are poor. You can call that liberalism, call it Ozark Mountain populism, anything you want to; but you can find it in the Bible, too. That is another book that everybody interprets however it suits them on any given day.

So, Mr. President, I have listened to those speeches for 12 years. I have listened to those speeches for 12 long years, as we went from a $1 trillion debt to a $4 trillion debt. And I have told the President: "You are not just the Nation's last best hope; you are the Nation's last hope."

I hate to be that apocalyptic about this Nation's future.

Mr. President, listen to this. We have the highest crime rate of any nation on Earth. We have 200 million guns in people's hands.

We have 35 million people with no health insurance. In math and science we are dead last among the 17 developed nations. In social studies we are 13th among developed nations. We probably have by far the highest debt per capita among all developed nations. Nobody is even in the same league with us on that.

We have doubled the population of the United States, and, incidentally, the population of the planet has gone up 150 percent in my lifetime and is going to double again in the next 45 years. Who in their right mind thinks we are better off because we have 250 million people here rather than the 130 million we had?

We have more people in jail as a percentage of our population than any nation on Earth. We have the lowest number of the eligible electorate voting of any nation on Earth. Even Colombia, the drug capital of the world, has a higher percentage of voters than we do in the United States.

And we have become so uncivilized that people do not even know how to say thank you, please, I am sorry, and pardon me.

I know I am old fashioned. You walk into a restaurant in a lot of places and every man in there has his hat on. That is a little thing. However, when I grew up that was unthinkable.

Mr. President, the good news is we are still the longest living democracy on Earth. What does that mean? That means the people ultimately will have the final say.

Betty Bumpers said, "Do you know what is wrong with you politicians?"

"No. What? I am anxious to hear." Lord knows, I hear plenty of it in my mail every day.

She said, "Politicians think when people see a 30-second spot they take leave of their senses."

The truth of the matter is people yearn for the unvarnished truth. And the thing that made Bill Clinton's State of the Union Address so memorial was he said: "Folks, we are in a heap of trouble, and I am going to raise our taxes, and we are going to cut spending and do our very best to salvage this great Nation."

Mr. President, our Constitution is still intact. So we have so much to be grateful for.

But what do people love most? What do the people of Alabama love most when they sit around the table in the evening? It is not that Mercedes in the driveway and it is not that split-level home they are sitting in and it is not that fancy office downtown. It is their children. That is what they love most. That is what they sacrifice most for. And it is tomorrow and the next generation that I think about every time I cast a vote.

So, yes, I am going to support the President. I am going to support his tax increases. I intend to pay my share, because I have two wonderful grandsons that I want to have a chance.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 986 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, is leaders' time reserved?

The PRESIDING OFFICER. Leaders' time is reserved.

IS THERE A BOSNIA POLICY?

Mr. DOLE. Mr. President, after deciding on a course of action to address the war in Bosnia-Herzegovina nearly 3 weeks ago, the Clinton administration, instead of moving forward, now seems to be drifting, or even backing away.

At his press conference last week, the President claimed not to have changed his mind about next steps, namely the so-called lift and strike options—steps which I strongly support. But, the newspapers and journals are filled with reports that the President is now abandoning his efforts to build support among our allies for his decision and is deferring to them.

Yesterday, in testimony to the House, Secretary Christopher added to that speculation by suggesting that rather than trying to end the fighting in Bosnia, the Clinton administration is attempting to contain the conflict.

Indecision. Lack of clarity. Waffling. Shifting. These words and phrases have been used in recent days to describe President Clinton's Bosnia policy. Some even ask whether there is a Bosnia policy.

Frankly, I do not know if President Clinton has changed his mind. I do not think he has. The consultations with Congress begun 3 weeks ago have suddenly come to a halt. I have not been told by the President or his staff that U.S. goals or options have been altered in any way. So I am going to continue to believe the President in what he told us previously.

I do hope the President has not changed his mind. I hope he sticks to his original decision and uses the U.S. position as the traditional leader of NATO to bring our allies on board. The President also needs to let our allies know that support for NATO in the U.S. Congress depends on NATO's ability to come to grips with crises that threaten European stability.

Some ask, why not defer to the Europeans? The answer is simple: Our allies have failed miserably. From the beginning their approach has been fundamentally flawed: They have pursued policies which address only the symptoms of the war, not the causes.

The allies want to continue along with this failed approach—it is easier than taking tough action. They want to add more peacekeepers where there is no peace. They say they are saving lives by delivering food, yet the vast majority of Bosnians are not threatened by starvation, but by bullets. In short, the Europeans are ready to accept the status quo. Despite their denials, they are willing to write off Bosnia as a state. As such, they have no realistic plans for ending and containing this war.

I understand and support President Clinton's wish to get our NATO allies on board any decision. But, leading the alliance does not mean accepting the European's failed policies. Nor does it mean splitting the difference between their ideas and ours.

Leadership means deciding on the best course of action and actively persuading our NATO allies to join us.

This type of U.S. leadership has been the key to NATO's success since it came into being. This type of U.S. leadership is essential if NATO is going to continue into the future.

Mr. President, the United States cannot duck Bosnia, nor can it allow NATO to do so. The longer we wait, the more difficult the decisions will become. The future of stability in Europe and the future of the NATO alliance depend on the successful handling of this crisis. Success, in turn, depends on U.S. leadership.

REGARDING: MR. JULIO MAGALLANEZ

Mr. MCCAIN. Mr. President, I was delighted to read about an Arizonan, Mr. Julio Magallanez on the front page of the Washington Post. Mr. Magallanez went into business for himself after overcoming great personal hardship and today is a successful bean broker. He was able to accomplish this modern day success story with the assistance of the Micro Industry Credit Rural Organization [PHDC/MICRO].

Mr. Magallanez's success is an outstanding achievement, one that he should be very proud of and one I believe the Senate should take note of. I would like to congratulate Mr. Magallanez on all that he has accomplished.

The PHDC/MICRO is also a great example of a nonprofit development company giving individuals such as Mr. Magallanez an opportunity to become successful entrepreneurs with extraordinary results. Mr. President, Julio's commitment to his company and his willingness to take a gamble sets a fine example and serves as an inspiration to all who are involved in the MICRO Program.

Again Mr. President, I would like to extend heartfelt congratulations on his outstanding achievement, and wish him every success in the future. Mr. Magallanez is an inspiration to us all.

Mr. President, I ask unanimous consent that the Washington Post article appear in the RECORD after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 1993]

HARVESTING A LIVING FROM SEEDS OF CREDIT

(By Guy Gugliotta)

NOGALES, AZ.—Three years ago Julio Magallanez almost died of a massive heart attack. Last year, heart disease again almost killed him and kept him in bed most of the time.

Sickness cost him his driver's license, and sickness means he will never get it back. "More than 20 years' driving a truck, and all of a sudden no job," said Magallanez, now 39.

So he went into business for himself. Today Magallanez is a "bean broker," using a lifetime of experience on both sides of the Mexican border to build a new career from his house trailer on a windswept stretch of desert a few miles from Nogales. Mexican clients contract for pinto beans, and Magallanez finds them in the United States and sees that they are delivered.

"It's a good business," Magallanez said, and he thinks it will get better. So does the Micro Industry Credit Rural Organization, a nonprofit development company that loaned Magallanez $1,000 so he could buy a computer to keep his records.

MICRO, now beginning its seventh year, is one of the nation's leading practitioners of "microenterprise development," providing very small loans and, in most cases, business training, to low-income entrepreneurs who have little or no access to banks or other forms of credit.

Microenterprise, a tried-and-true Third World development technique for more than three decades, is perhaps the hottest anti-poverty strategy in the United States today.

Experts list about 150 microenterprise organizations nationwide, most of them less than three years old. The Small Business Administration last year authorized a $15 million pilot program. Legislation to encourage microentrepreneurs is pending in Congress.

Secretary of Agriculture Mike Espy is a leading advocate, and President Clinton, as governor of Arkansas, actively encouraged a microloan program for rural areas of his state.

Using a variety of training programs and loan guarantee devices, the organizations have achieved extraordinary results, MICRO, based in Tucson and operating in rural and border areas of Arizona and eastern California, has made $1.6 million in loans over the life of its program, and has a cumulative default rate of 2.89 percent.

Its clients include near-rookies like Magallanez and seasoned pros like Danny Renteria, a onetime "shade-tree mechanic" who has opened his own garage in Nogales with MICRO loans. MICRO also helps a man who buys Mexican charcoal for resale in the United States, a woman who grows squash and sells gourds to novelty shops, and a man who makes his own lace and grosses $2,000 a week from amateur dressmakers and local milliners.

In Los Angeles, the Coalition for Women's Economic Development reports no defaults during almost four years of operations.* * *

By contrast, the Los Angeles coalition, a model among newer organizations, has 100 active borrowers. Interest received in 1992 was $7,600, less than 1 percent of operating expenses. This is a typical percentage for microenterprise programs, all of which rely on grants for most of their working capital.

"It's one of the most adaptable anti-poverty strategies, and that's a reason it's proliferated," said Fred O'Regan, who studies microenterprise and other jobs strategies for the Aspen Institute. "But expectations in terms of scale and sustainability have been higher than most programs can meet."

Inflated hopes probably arose because of the spectacular success of the Third World's model microenterprise programs. The prototype Grameen Bank, of Bangladesh, has loaned more than $400 million to more than 1 million clients since its founding in 1976. Indonesia's Bank Rakyat has 2 million borrowers and 8 million savers.

In Latin America, the Cambridge, Mass., based Accion International has set up microloan programs that have 147,000 borrowers in 14 countries. Seven of their programs are paying for themselves, and Banco Sol in Bolivia has evolved into a full-scale bank.

Only Accion, of the international giants, works in the United States. MICRO began as an Accion project, and a second Accion program has opened in Brooklyn with start-ups planned in Chicago, San Antonio and Albuquerque. Accion's technique is to target a borrower population, link up with local officials and tailor a program that—in a relatively short time—can operate independently.

Accion and other organizations have discovered basic differences between microenterprise in the Third World and the United States, chief among them the size and nature of the potential client base, the "informal sector" of self-employed people who are trying to earn a living on the fringes of the mainstream economy.

In the Third World, experts say, the sector easily can include more than one-third of the labor force, everything from street vendors to freelance plumbers and portrait painters. In the United States, by contrast, the sector is relatively tiny: "We don't have these massive informal sectors here," O'Regan said. "It's very unconventional to be poor and self-employed in the United States."

Also, Third World informal sectors include legions of highly motivated and trained people whose only real need is credit. For them, a microenterprise program simply is a finance company with reasonable interest rates. "In Latin America you can break even with a portfolio of $1 million, and you can put $1 million out in two years," said Accion associate director Maria Otero. "You're giving people a lifeline and an opportunity."

It's different in the United States, where a highly developed social welfare program takes away the sense of urgency. Accion researcher Elisabeth Rhyne described the difference in a recent essay: "While America has been trying to perfect and expand its social safety net, developing countries have to create strategies that work without one."

And finally, Third World entrepreneurs usually know how to use a loan once they get it, but even without business basics they can succeed in an environment where regulations are mostly honored in the breach.

In the United States, by contrast, microentrepreneurs often need business training, both to learn how to handle money and to prepare for the intrusion of the real world. "Very soon you start to rub up against the formal economy," O'Regan said. "The competition is fierce everywhere; even poor neighborhoods have a 7-Eleven."

To build competitive skills, virtually all U.S. microenterprise organizations have a training regimen to complement banking activities.

Coalition executive director Forescee Hogan-Rowles, like many experts, accords training and banking equivalent priorities. Her borrowers, she said, are embarked on a long-term "development process," involving "60 percent training and 40 percent lending." Clients must attend four to 10 weeks of business instruction before they can get any money.

Most experts agree that microenterprise is not the "magic bullet" that will end national poverty, but, they add, it is as good, if not better, than any other current policy at bringing poor people into the work force and rewarding their creativity. And despite the impossibility of cloning the international models, the U.S. organizations have shown that many of the Third World concepts can work.

Chief among these is the idea that it is possible to loan money successfully at market rates to people who are excluded from the mainstream banking system. Most U.S. microentrepreneurs, as in the Third World, have little or no formal credit history, and virtually all of them want loans so small that banks cannot justify the costs of processing them.

MICRO operations director John Newsome, a former banker, said Arizona banks will not issue a business loan for less than $25,000, also the minimum for a Small Business Administration-backed loan. At MICRO the average loan is $1,600, at 13 percent interest.

MICRO, like many microenterprise organizations, would like to forge an alliance with mainstream banks—offering to run a microloan program using bank funds—and is exploring a statewide relationship with Arizona's Bank One.

"We think our program trains future bank customers," said MICRO executive director Frank Ballesteros. "There is an untapped market out there, and banks see the handwriting on the wall."

Maybe so, but a more likely inducement is the Community Reinvestment Act, requiring banks to use some of their resources to meet credit needs of disadvantaged neighborhoods. Clinton has spoken of passing a "more progressive" act, and microenterprise may prove to be a useful way for banks to comply with the law.

"We could act as an intermediary between banks and borrowers, because we have the infrastructure to manage a small loans portfolio," said Accion's Otero, who has recently received several bank inquiries about the program's activities.

A large number of U.S. microenterprise programs, including the coalition, have adopted the Grameen Bank's "peer lending group" technique, in which a small number of borrowers (generally four or five) guarantee each other's loans and meet periodically to discuss business strategies and give each other pep talks. Zoila Perez's group, called "El Progreso de Bellas Ilusiones" ("The Progress of Beautiful Dreams"), includes one other clothing vendor, two custom clothing designer/seamstresses and a jewelry business. Each woman used a $2,000 loan to buy inventory.

Peer group lending substitutes shared responsibility for the collateral that the borrowers do not have. It is, program supervisors agree, the main reason microentrepreneurs seldom default. "Besides the payments, they develop solidarity and learn about bookkeeping and planning," said Paula Sirola, El Progreso's supervisor. "Bit by bit they develop."

If they wish. For most microenterprise organizations, goals are fuzzy. Experts speak of bootstrapping first-time business people into the mainstream, of stabilizing fragile family incomes, of nurturing self-image, of encouraging asset building and weaning poor people from welfare.

At El Progresso, the women speak of stability, extra spending money and modest expansion, always within Los Angeles's Latino community. One key to the coalition's success is that it has encouraged its Latin borrowers to replicate the informal street economy most of them knew as youngsters in Mexico and Central America.

Perez would like to become a full-scale importer-exporter, carrying goods to and from El Salvador on a regular schedule.

MICRO's Magallanez, as a facilitator in the bean trade, is filling a market niche that nobody else has discovered. "I'm taking a very tough gamble here but I'm almost sure that it will work," he said.

Also running a gamble are Valarie Holton and Ava Jackson, partners in the coalition's "Five Star Unlimited" peer group. Holton runs "Black L.A. Tours" for visitors to Los Angeles ("They don't have to be black!") and is interested in negotiating a deal with Ramada Inns. Jackson has a maintenance company that has expanded from two to five employees. She is bidding large jobs, and needs only one long-term contract to hit the big time. "We are a phone call away," she said.

Already in the big time is MICRO's Danny Renteria, who used to fix cars on the street and now has a garage with two lifts and seven full-time employees wearing blue "Danny's Service Center" uniforms.

Renteria is a microenterprise "graduate" working on a $10,000 loan, his fourth from MICRO and the biggest loan the program can provide. He is tired of paying rent on his garage ($28,000 last year) and would like to buy it from his landlord along with the rest of the building.

He figures he will need at least $300,000, and he will have to borrow it from a bank. No bank has ever granted Renteria a loan, but he thinks maybe this time will be different: "They couldn't find a better candidate than me," he said.

PRINCIPLES FOR AID TO RUSSIA AND THE NIS

Mr. PRESSLER. Mr. President, last month I was pleased to join the distinguished Senator from Connecticut [Mr. LIEBERMAN] and former Housing Secretary Jack Kemp—the cochairmen of the Alexis de Tocqueville Institution—and a distinguished group of United States leaders in advancing a statement of principles on aid to Russia and the newly independent states [NIS].

In my opinion, this is an hour of maximum danger—and opportunity—for freedom, democracy, security, peace, and prosperity for Russia and the rest of the former Soviet Republics.

In this statement of principles, we called on the United States and our Western allies to adopt a more urgent and significant effort to assist Russia and the NIS in building a lasting democracy and a free market economy.

In my view, this effort is not about pumping large amounts of taxpayer-financed foreign aid into the Russian bureaucracy. We are seeking to provide the confidence necessary for the people of Russia and its trading partners to continue economic and political liberalization.

Clearly, the recent referendum demonstrates that the Russian people are committed to democracy and market-oriented economic reforms. In the coming weeks, it is essential for America to demonstrate its clear support for these reforms by developing a truly bipartisan foreign and economic policy to aid Russia and the NIS. The bipartisan group of leaders who came together to sign a statement of principles for Russian aid represents a sound starting point from which to build such a policy. I am pleased that along with the Senator from Connecticut and myself, my friends and colleagues from Indiana, Senator LUGAR, South Carolina, Senator THURMOND, and Alaska, Senator MURKOWSKI, also signed the statement. It was endorsed also by Representatives LEE HAMILTON, NEWT GINGRICH, ESTEBAN TORRES, former Secretaries of State Alexander Haig and Edmund Muskie, William Bennett, and Jeane Kirpatrick, among others.

Mr. President, the statement of principles my colleagues and I signed is by no means exhaustive. Other factors also must be considered by the Senate when a Russian foreign aid plan comes to the floor. These principles reflect the general policy goals that should be achieved through foreign aid and other United States-Russian programs.

I ask unanimous consent that the statement of principles issued by the Alexis de Tocqueville Institution along with the undersigned names be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF PRINCIPLES FOR AID TO RUSSIA

1. The West under the leadership of the United States should commit itself to a significantly larger and more urgent effort to help Russia and the other newly independent states (NIS) build a democracy and a market economy;

2. We should endeavor to seek the implementation of START I and II, and to make sure that all the NIS sign the nuclear nonproliferation treaty.

3. Our economic assistance program should be viewed as an investment in the future of the United States, as well as in the future of Russia and the NIS;

4. The overall aim of our aid program should be to do good and do well—helping build the markets of Russia and the NIS, while at the same time seeking new opportunities for U.S. firms doing business in these emerging nations;

5. Any investment and assistance program should reflect the special circumstances of Russia, should be developed in direct consultation with the government and people of Russia, should take into consideration the fact that Russia is building a democracy as well as a market economy, should make full use of all resources available to the United States and the West, including those of the international financial institutions, and should include restructuring of the debt owed by Russia to the West but amassed in part by the Soviet Union; and

6. We support the formation of a G-7 working group to coordinate assistance efforts and the regularization of the recent practice of including Russia at G-7 conferences.

Joseph I. Lieberman, U.S. Senator; Jack F. Kemp, Former Secretary of Housing and Urban Development; Richard Lugar, U.S. Senator, Senate Foreign Relations Committee; Lee Hamilton, Member of Congress, Chairman, House Foreign Affairs Committee; Newt Gingrich, Member of Congress, House Minority Whip; Edmund Muskie, Former Secretary of State, Former U.S. Senator; William Simon, Former Secretary of the Treasury; William Bennett, Former Secretary of Education; George Soros, President, Open Society Fund; Paul Nitze, Founder and Diplomat in Residence, Paul H. Nitze School of Advanced International Studies, Johns Hopkins University; Jeane J. Kirkpatrick, Former U.S. Ambassador to the United Nations; Strom Thurmond, U.S. Senator, Ranking Member, Senate Armed Services Committee; Barton M. Biggs, Chairman, Morgan Stanley Asset Management, Inc.

James A. Courter, Chairman, Defense Base Closure and Realignment Commission; Frank H. Murkowski, U.S. Senator, Senate Foreign Relations Committee; Vin Weber, Former Member of Congress; Robert W. Kasten, Jr., Former U.S. Senator; Michael Boskin, Former Chairman, Council of Economic Advisors; Harald Malmgren, Director, MGK Limited; Thomas H. Kean, Former Governor of New Jersey; Richard Rahn, President, Novecon Inc.; Judy Shelton, Senior Research Fellow, The Hoover Institution; Bruce Morrison, Former Member of Congress; Arthur B. Laffer, President, A.B. Laffer, V.A. Canto and Associates; Howard Berman, Member of Congress, House Foreign Affairs Committee; Manuel Johnson, Former Vice Chairman of the Federal Reserve Board. Richard Gardner, Professor of Law and International Organizations, Columbia Law School, Former U.S. Ambassador to Italy; Shirley Williams, Professor of Politics, Kennedy School of Government, Harvard University; Larry Pressler, U.S. Senator; John Kenneth Galbraith, Professor of Economics, Harvard University; James Tobin, Professor of Economics, Yale University; Richard Leone, President, Twentieth Century Fund; Robert Torricelli, Member of Congress; Sir Frederick Catherwood, Member of the European Parliament; Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution; David M. Abshire, President, Center for Strategic and International Studies; Esteban Torres, Member of Congress; John Lehman, Former Secretary of the Navy; Alexander Haig, Former Secretary of State.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,282,840,338,892.20 as of the close of business on Monday, May 17. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,673.90.

IN SUPPORT OF THE CONFIRMATION OF BETSY RIEKE FOR ASSISTANT SECRETARY FOR WATER AND SCIENCE AT THE DEPARTMENT OF INTERIOR

Mr. DECONCINI. Mr. President, I rise today to congratulate my colleagues on their decision last night to confirm my good friend Betsy Rieke as Assistant Secretary for Water and Science at the Department of the Interior.

I have had the privilege of knowing Betsy for a long time on a professional level through her service to Arizona as the counsel for the State's department of water resources and, most recently, as the director of that agency, and I admire her. I have also known and respected her on a personal level for a number of years. Years ago, Betsy's family and mine were neighbors in Arizona. Our children grew up together, and our sons were friends. Betsy will be sorely missed in Arizona as she moves on to bigger and better things, but I am proud that the Senate has con-

firmed such a highly qualified candidate for the Assistant Secretary position.

Betsy Rieke has had a long history of involvement in Arizona's water issues and her background makes her uniquely qualified to serve as the Assistant Secretary for Water and Science. From 1982 to 1985, she served under then-Governor Babbitt as the deputy legal counsel for the Arizona department of water resources taking over as chief legal counsel for the department from 1985 to 1987. She left Arizona government service to join the law firm of Jennings, Strouss and Salmon eventually becoming a partner. She also taught water law at Arizona State University College of Law as an adjunct professor and has written and spoken extensively on water law issues.

Since April of 1991, Betsy has been the director of the department of water resources under Gov. Fife Symington. It is a testament to Betsy's ability and commitment to the issues that she has held positions of substantial responsibility under both Democratic and Republican Governors in the high profile area of water resources. And, it is a tribute to her skill and dedication that President Clinton has chosen her as a top advisor on water and science issues for the country.

Mr. President, I think that I can safely say that both Secretary Babbitt, during his tenure as Governor of Arizona, and Gov. Fife Symington have a high degree of respect and admiration for Betsy. She has the capacity to bring divergent interests together to work on common ground as evidenced by her success in settling numerous Indian water rights claims and implementing Arizona's ground water code, one of the most comprehensive pieces of water legislation in the West.

As director for the Arizona department of water resources, she has had the responsibility of not only dealing with ground water regulations and Indian water rights settlements, but also the highly charged issue of the central Arizona project [CAP]. Betsy has been a leader in trying to resolve some of the extremely complicated and contentious problems connected with the CAP. Water supplied by the CAP is vital to sustain Arizona's economy, and Betsy has been involved every step of the way in developing proposals to help the CAP maintain its financial viability.

Dealing with the CAP is no easy task and her efforts will be missed. However, the tenacity and creativity she has shown in addressing the CAP's difficulties will be a tremendous asset to her, to the Department of the Interior, and to the country in dealing with some of the tough issues the Department will face in the area of water and science.

President Clinton has made a wise choice in his selection of Betsy Rieke for the Assistant Secretary of Water and Science, and last night's Senate confirmation reaffirms this wisdom. He could not have made a more responsible or appropriate choice. I am confident that Betsy will be an outstanding addition to the Department.

Mr. President, I yield the floor.

OLDER AMERICANS MONTH

Mr. COHEN. Mr. President, I am pleased once again to take this time to commemorate Older Americans Month.

We set aside this time to recognize the contributions made by millions of senior citizens to our great Nation. Without their willingness to sacrifice, their embrace of hard work, their endurance of poverty and hard times, and their moral strength, America would be a very different place indeed.

The celebration of Older Americans Month is one small but meaningful way of acknowledging the fundamental role seniors have played in the perpetuation and preservation of our democracy. It is a time to express a debt of gratitude to them as well as a time to assess our progress on enriching their lives.

At present, senior citizens over the age of 65 comprise about 12 percent of the population. While their annual income is slightly less than that of their younger counterparts, age 18 to 65, the rate of poverty for seniors has been reduced more than half since 1966. Life expectancy rates for seniors have increased significantly in this century. Retirement is a greater option for many more seniors than in the past, and it lasts longer as well.

These statistics paint a relatively sunny portrait of our senior population, and reflect the success of programs like Social Security, Medicare, the Older Americans Act, and others that have helped to improve the lives of our older population.

As we move into the 21st century, however, we must take heed of the coming changes in the statistical portrait of the elderly population if we are to avoid serious challenges to their health and well-being. In addition, we must continue to pay close attention to the needs of today's senior population so that we can tackle the problems they face in living their golden years.

What do these statistics show? In 1989, almost a third of those over the age of 65 lived alone. Among people over the age of 85, however, far more, in fact almost half, lived alone. The number of women in these age categories is daunting indeed; a full 82 percent are widowed. They face special problems. Because they worked in low-paying jobs or did not work at all, their Social Security checks are not generous. As a result, the rate of poverty for those over 85 living alone is far higher than for other segments of the population. They are more vulnerable to criminal and fraudulent activities, they are more isolated, and they often escape the reach of even the most active aging network. We must do more to make the quality of life better for this segment of our elder population.

Let's also look more closely at statistics on the health of today's older Americans. While these seniors are living longer, they remain disproportionately dependent on health services in comparison to other segments of the population. They visit a physician eight times a year, compared with five visits by the general population. They are hospitalized over three times as often as the younger population, stay 50 percent longer, and use twice as many prescription drugs.

These figures demonstrate that as our overall health care costs continue to rise, the elderly will continue to shoulder a greater financial burden, At the same time, they are far more likely to be on a fixed income.

Finally, the projected growth of the aging population, while still several years away, raises important questions about our ability to serve them adequately. By the year 2030, the size of the population over 65 is expected to double to where it constitutes one-quarter of our Nation's population. During this time, the size of the population over the age of 85 is expected to triple.

If current trends in the lifestyle of our elders continue, we will be facing formidable challenges in caring for the frail elderly who don't require institutionalization, in making health care affordable for those on fixed incomes, and in ensuring that seniors continue to be involved in community life.

Both today's senior citizens and the aging baby boomers face serious problems that directly affect their well-being and that of our Nation as a whole. These include the potential insolvency of the Federal fund that guarantees private pensions, the health of the Social Security trust fund, ever-increasing costs of prescription drugs, the availability of affordable long-term care, and the potential elimination of retiree health benefits.

As I have traveled my State of Maine and listened to its senior citizens, it is evident that these concerns are very real. Maine's statistical portrait is generally similar to the national one. The proportion of elderly residents in Maine is slightly greater than the national average, and in the next 30 years, the number of individuals over the age of 65 is expected to more than double in size.

As in the Nation as a whole, today's problems are pressing indeed in my State. The number of seniors living in poverty in Maine exceeds the national average by 3 percentage points. In some counties in Maine, over half of those residents living alone are over the age of 65. The rural nature of the

State poses special challenges to those working to reach poor, isolated seniors and improve their quality of life. The task is an enormous one, but we must remain committed to it.

Unfortunately, senior citizens, who have contributed so much to this country over the years, are beginning to hear the cries and whispers of others who believe that they have received more than their fair share; that they are living well at the expense of the younger generation, and that they ought not to ask for any more from the rest of us.

Mr. President, in this Nation today we are on the verge of intergenerational warfare, as various groups compete for scarce Government funds brought on by our massive Federal deficit. It is widely believe that the new administration will place a special emphasis on issues affecting children, in part due to First Lady Hillary Rodham Clinton's involvement in the Children's Defense Fund.

While children's welfare is an important priority, we must resist the temptation to put generation against generation in dividing up the Government pie. Instead, we must work together to find the best solutions for our society as a whole, placing special emphasis on the needs of the most disadvantaged, regardless of age.

In my work on senior volunteer programs, I have been inspired by the enormous contributions made by seniors to their communities because of their commitment to serving others. Let us not turn our back on them. Let us work together to resolve common problems, and let us recognize how important it is to bind generations together rather than split them apart.

The problems that confront us will have enormous consequences for the future, especially for those citizens who will be reaching age 65 in the next 30 years. They are problems that must be handled now so that both today's senior citizens and those who will become seniors 40 years from now can live in security.

The recent elevation of the position of Administrator of the Administration on Aging to the Assistant Secretary level and the recognition of long-term care as a crucial component of comprehensive health care reform are encouraging early signals of this administration's attitude toward issues affecting senior citizens, and I urge its continued attention to these and other issues affecting the elderly.

As we take stock of how far we have come during this Older Americans Month celebration, let us also take stock of the vast amount of work that remains to be done to see that those reaching their older years can remain vibrant, independent, and involved citizens of this Nation.

I would like to state that the Senate Special Committee on Aging remains dedicated to focusing on the special problems of this segment of our population.

Over the years, the committee has done an enormous amount of work not only on behalf of the elderly, but also of benefit to the Federal Treasury. It has uncovered fraud and inefficiencies in our Federal programs and proposed solutions that will save the taxpayers over $6.5 billion in wasteful spending by 1997. The bulk of these savings, some $6.3 billion, is the result of legislation developed by the committee that ensures that the Medicaid Program obtains the lowest price on prescription drugs.

Another $200 million will be saved by a measure developed by the committee that stops fraudulent billings practices by medical equipment suppliers.

Additional work by the committee over the years has resulted in significant savings to the American consumer. For example, over 60,000 citizens have requested an Aging Committee report outlining how to receive free or low-cost prescription drugs from pharmaceutical manufacturers.

The committee has developed legislation and consumer information prints protecting the elderly against marketing abuses in the complicated private Medigap and long-term care insurance markets.

Legislation was developed by the committee that strengthened the law against misleading mailings designed to dupe seniors into believing they are officially sanctioned Social Security mailings.

The committee has also begun a series of hearings on several new types of consumer frauds perpetrated against the elderly.

In the first 5 months of this year, the Aging Committee's agenda has focused on the desperate need for more options and flexibility in long-term care services for senior citizens and their families who care for them; consumer ripoffs that have targeted or disproportionately hurt the elderly; health care fraud, which accounts for up to $90 billion a year in our health care budget; skyrocketing prescription drug costs and their effect on senior citizens; grandparents who are raising their grandchildren due to drug abuse or violence affecting their own children; and health prevention strategies for seniors and how these measures can save billions of dollars in health care expenditures.

Since the start of the 103d Congress, the committee has also sponsored Senate-wide briefings and forums on a variety of issues, such as long-term care, prescription drugs, guardianship, health care fraud, violence against elderly women, transportation for the elderly, the appropriateness of cataract surgery, and health care reform for rural areas.

Suffice it to say that the committee continues to work on a wide variety of problems facing the aging population and to propose meaningful solutions to them. In the long run, the work of the committee benefits not just a particular segment of our population but society as a whole.

It is my privilege as ranking minority member of the Special Committee on aging to work with Senator DAVID PRYOR on these issues. Under his able and talented chairmanship, the committee has been in the forefront in addressing issues of concern to today's senior citizens, as well as the seniors of tomorrow.

The problem of the elderly are universal—we are all growing old. Many of us are lucky enough to still have our parents or grandparents in our lives. Their concerns are our concerns.

President John F. Kennedy once said, "It is not enough for a great nation merely to add new years to life—our objective must also be to add new life to those years." All the breakthroughs in medicine and health care that result in longer life are meaningless if those additional years are spent in poverty, isolation, or despair.

And so, the Senate Special Committee on Aging remains dedicated to breathing new life into our years, not just for today's senior population but also for their children and grandchildren. I look forward to its continued contribution to improving the quality of life for millions of seniors nationwide.

ON THE RETIREMENT OF CHARLIE SCALA, SENATE ENGINEER

Mr. HATFIELD. Mr. President, the U.S. Capitol will lose a precious resource this month when Mr. Charles Lawson Scala, one of the Capitol's most senior engineers, retires. "Charlie," as most of us know him, became a Senate engineer in 1965, long before most of my colleagues and I came to the Senate. While he certainly will be remembered for his long and dedicated service to the Senate, what might stand out most in our minds will be his diligent quest to find the elusive cornerstone of the U.S. Capitol.

Since 1983, Charlie has been upstairs in the library digging through books on this topic, and has been down underneath the building digging through passageways in his search for the cornerstone. With flashlight in hand, he has taken me below the Capitol and has shown me the caverns where he has spent countless hours in his patient pursuit. Charlie, one might say, is Congress' ultimate insider.

Charlie is not what the experts might call an expert on archeological explorations like this one. He has had no formal training in this area. Charlie came to Washington after 4 years in the electronics division of the Navy and began work in the Senate shortly thereafter.

His work to find the Capitol's cornerstone, however, demonstrates that learning is a lifelong process, most of which takes place outside of school. Following approximately ten years of research on this subject, Charlie has become one of the most knowledgeable people on the Hill on the architectural history of this building. It is possible that Charlie may know the rites of the Freemason's cornerstone ceremonies better than even certain Freemasons. It was not through formal schooling that Charlie attained this expertise, but through his own initiative and persistent research on this topic.

Henry Ford once said:

> Anyone who stops learning is old, whether at twenty or eighty. Anyone who keeps learning stays young. The greatest thing in life is to keep your mind young.

Charlie Scala had indeed kept his mind young and has inspired us all to do the same. While the whereabouts of the cornerstone remains a mystery even to experts like Charlie, his diligent work will no doubt bring us closer to that end. His example is one for us to follow.

I would like to offer my heartfelt congratulations to Charlie on his retirement. I wish him all the best in the years ahead.

GEORGE FARRAR WILL BE MISSED

Mr. PELL. Mr. President, we recently lost George Farrar—a truly fine journalist who committed his considerable talents to local reporting for at the Call in Woonsocket, RI.

George Farrar, who retired in 1985 after 46 years at the Call, lost a battle he had been fighting with health problems over the last few years.

For nearly three decades, he served as the city hall and municipal affairs reporter. His encyclopedic knowledge and his unique perspective earned him the affectionate title of "Eighth Councilman."

I knew and liked George. He was focused, fair, and committed to his work. He also represented a relatively rare breed—individuals who are fortunate enough to devote their lives to the work they always wanted to do.

He was an excellent reporter, he loved his work and it showed. I would like to extend my condolences to his wife, Edith, and their children and grandchildren.

Mr. President, I ask unanimous consent that an editorial in the Call of May 11, 1993, be inserted into the RECORD as if read.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Consummate Reporter George Farrar Will Be Missed

All of us who worked at The Call during George R. Farrar's distinguished career mourn his passing at the age of 75.

Farrar, who retired in 1985 after 46 years at this newspaper, was the consummate reporter. Although he may have worked eight hours a day, he was on the job for 24, always keeping his eyes and ears open for leads to stories.

Even after his retirement, Farrar would frequently call the city desk with news tips. We heard from him just a few months ago; when he was hospitalized at Landmark Medical Center, he learned of a story he thought we might be interested in.

It is safe to say that no one in the city knew government better than George Farrar. In his final 29 years at The Call, he served as the City Hall and municipal affairs reporter, outlasting many mayors and City Council members. The faces he covered might change, but Farrar was always there.

It was fitting when he retired that the council placed a plaque, which still remains on the Harris Hall press table in his honor. The title of "Eighth Councilman" was officially his, and it's safe to say no one else will ever be considered for that moniker.

His mind was like a steel trap for facts and figures regarding all aspects of city government, the charter and the Public Works Department. If we wanted to know when the water treatment plant was built and what was its capacity, we'd ask George. He didn't have to look it up. To the younger reporters, it was like having a walking record of city history in our newsroom.

Farrar was easy-going, liked to laugh and raise a little hell. But when it came time to write a tough story, Farrar didn't shy away from the task. He made his enemies in politics over the years because of his straightforward approach, but he had a great many more admirers and earned tremendous respect.

He was the epitome of a grizzled reporter, straight out of a 1940s movie like The Front Page. Before the days of computers and bans on smoking in the newsroom, he'd bang away at his typewriter with a cigarette dangling from his lips, racing to beat deadline with his latest scoop. And after the day was done, George would head off to the Cercle Laurier or the Lodge of Elks to sip a cool beer and relax a little . . . until the next big story occurred.

Besides government and the city in general, George had another area of deep interest and passion. He was a huge sports fan, especially of Woonsocket High School teams. He covered local sports before switching to news, and he could rattle off names and statistics from three or four decades ago as easily as he could discuss the latest plight of the Red Sox.

Though he loved all sports, he could play few because of a childhood bout with polio. This did not restrict him from being a coach, manager, umpire or referee of city youth leagues.

His legacy was his reporting skills. He capsulized his life well in a brief speech upon accepting one of the many awards he received.

"My newspaper experience has been a pleasant road for me," he said back in 1980. "I've done what I've wanted to do all my life, be a reporter."

We'll miss George, who passed away Friday after struggling with health problems for the past several years. Our condolences are extended to Edith, his wife of 45 years, and their eight children and seven grandchildren, of whom he was always so proud.

An era in reporting at The Call ends with his passing.

PASTOR CARL BLOOMQUIST RETIRES AFTER 43 YEARS

Mr. PELL. Mr. President, after 43 years in the active ministry, the Reverend Carl W. Bloomquist, pastor of the Pilgrim Lutheran Church in Warwick, RI, is retiring.

His retirement will end four decades of devoted service to Pilgrim's congregation—which grew, under his ministry, from about 150 members in a converted clubhouse in 1958 to more than 1,000 current members.

I have had the honor of visiting and speaking at Pilgrim over the years and I have been pleased to receive the pastor and his wife, Lorraine, at my home in Newport.

Pastor Bloomquist has captured many hearts with his inspiring sermons, sense of humor, and love of life and innovative approach to relating everyday events to the Gospel and our lives.

In many instances, Pastor Bloomquist can relate to five generations in a single family that he has ministered to by presiding at baptisms, confirmations, weddings, and funerals.

In addition to his religious duties, he has shown keep interest in the social and economic affairs of Rhode Island and, in particular, to its Swedish-American community.

Pastor Bloomquist recently was chairman of the Swedish Heritage Foundation and was instrumental in inviting the King and Queen of Sweden to be quests of the Swedish Heritage Festival in Rhode Island.

He has personally been pursuing family archival research with various contacts in Sweden. His interests are as varied as the seasons, including travel to many countries of the world.

He also enjoys the recreational activity of chopping wood, not only for his wood stove, but for fitness as well. He has built a long rock wall in the decorative landscaping of his home, "Sol-Fest," in Charlestown, RI.

I am sure that the many men, women, and children who have been touched by his ministry, both at Pilgrim and elsewhere, will join me in wishing him the very best and in thinking him for a job exceptionally well done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

Mr. LOTT. Mr. President, I understand it has been agreed we can proceed with the pending nomination at this time.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. have arrived, the Senate will now go into executive session to consider the nomination of Alicia Haydock Munnell to be Assistant Secretary of the Treasury, which the clerk will report.

NOMINATION OF ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY

The bill clerk read the nomination of Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided and controlled between the Senator from New York and distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I understand the distinguished Senator from New York will be coming over shortly, but he agreed we could go ahead and proceed with the discussion here since the time is equally divided. When he arrives, of course, I will be happy to yield to the distinguished chairman of the Finance Committee.

Mr. President, I do rise to express my reservations about the nomination of Alicia Munnell to be the Assistant Secretary of Economic Policy. I ask unanimous consent at this point to have a sampling of media articles and other communities of economic policy of media articles and other commentaries concerning the nomination of Ms. Munnell to this position printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1.)

Mr. LOTT. Mr. President, I have made it a point this year to pay close attention to the President's nominees to Cabinet positions and now to sub-Cabinet-level positions. I think the record will show that the Senate has been very anxious to work with the new administrative confirming their nominees. In fact, while there were some discussions and problems along the way, with at least one Justice Department nomination being withdrawn and with some questions being raised about potential conflicts with other nominees, the President's Cabinet was confirmed by the Senate in record time—with the one exception, of course. That was the Attorney General, which was delayed. But not because of any delay here in the Senate.

So we have cooperated with the administration. We have moved forward with their nominations. I have had a lot of reservations about some of the nominees, but I share the view of a lot of my colleagues that the President of the Unites States, having been duly elected, is entitled basically to select the people he wants to work with in his Cabinet unless there are serious reservations about that person's qualifications, ethical conflicts, or legal problems. Generally speaking, that has not been the case. Where there have been ethical questions I think a serious effort was made to clear them up. I have been pleased to work with the administration as they have moved forward.

But now we come to the second tier of nominations, the Assistant Secretaries, the Assistant Attorneys General, and other positions that are very important in how this administration will proceed and how they will work with the Members of Congress and what they will do to get the economy of this country moving forward more robustly.

It appears to me that a pattern is developing. More and more nominees are coming to the Senate that I feel represent very extremist positions. You are going to hear more of that this week and next week, I guess, with some of the nominees for the Justice Department, Agriculture, Interior, and now for Treasury. This is a very important position to be Assistant Secretary of the Treasury for Economic Policy.

I want to say up front that I am going to go along with this nomination, but it is reluctantly and with a lot of questions. And I think the American people need to know what this nominee has said in the past and what she has advocated in the past because I think it would be disastrous economic policy if she put it into effect.

Also, there seems to be a pattern of people being nominated to various Assistant Secretary positions that really have no background or experience in this area. In fact, let me quote the nominee's own statement with regard to her qualifications. She stated that the bread-and-butter aspect of her job is economic forecasting and she is "not an expert in this area." In most instances, that would be enough said. You would think to be Assistant Secretary of the Treasury for Economic Policy, you would want somebody who would be experienced in the field, if not an expert, at least experienced. I do not understand why she was selected for this position, but that is the President's choice. I know from past experience, a lot of us learn on the job in Washington, DC.

But here we go again with the nomination of Alicia Munnell for this very important position. I think it is another threat to the American taxpayer. The solution in Washington always seems to be, "Oh, let's raise taxes. Great. You want to spend more? Raise taxes. Don't worry about it, the American people can afford more taxes."

I do not know where my colleagues go when they go home, but this past weekend when I was in Ashland, MS; Baldwin, MS; Corinth, MS; Tupelo, MS, that is not what I heard. When I went into Barnett's Restaurant in Baldwin, MS, the people came up and talked to me—the farmers, the small business men and women. They were saying, "Our backs are about to break. Too many Government regulations, too many Government mandates, too many taxes." A young 25-year-old man, college educated, beginning to make a little money—he finally figured it out: "I am paying close to 50 percent of my income in taxes." When you start adding it up—Federal, State, and local taxes, property taxes, taxes to die—great, let us find a new tax.

Here we have another idea where Ms. Munnell has been a tenacious proponent of taxing the pensions—taxing the pensions now—that millions of Americans rely on for financial independence upon retirement. Munnell's views are summarized in the following statement made in the last year's March issue of the New England Economic Review when he said:

> The time has come for the current taxation of compensation received in the form of deferred pension benefits.

That is her quote in this article.

When she was questioned before the Finance Committee, she said, well, that was not really her plans and perhaps maybe she would not do that, but that is what she wrote last year in this article.

This policy threatens the retirement plans of millions of working Americans and represents a dramatic change from the policy of deferred taxation of pension benefits that this country has followed for decades.

As Director of Research for the Federal Reserve Bank of Boston, Munnell earned a reputation as "perhaps the most prolific and persistent proponent of pension taxation."

Munnell details her pension taxation proposal in this 1992 article that I referred to in the New England Economic Review. "The specific proposal," she writes, "is to levy a tax of 15 percent of annual contributions and pension earnings." She goes on to say that "The proposed system could be eased in by a one-time assessment of 15 percent of existing pension fund assets." This plan marks a dangerous turn, in my opinion, from our Nation's policy of deferring taxation on pensions until pension funds are assessed in retirement. This is a flawed policy and is only the first of what I think are some of the nominee's dangerous beliefs.

Alicia Munnell contends the taxing of pensions can be justified by an erroneous belief, in my opinion, that pensions increasingly benefit a privileged and wealthy minority of our population, while they increasingly abandon our middle class. This assumption is proven to be incorrect by information provided by the Employee Benefit Research Institute. The EBRI's statistics show the middle class depends heavily on pensions for security in retirement. The institute found that contrary to Munnell's statements, 51 percent of all people covered and 41.9 percent of all participants in pension plans earn less than $25,000 annually. This group constitutes 65 million Americans.

The EBRI also found that the group that gained most from pension plans are families earning between $30,000 to $40,000 annually, a group that represents approximately 40 percent of all working families.

The EBRI proves that pensions do not only benefit what Munnell calls a privileged minority of our population, but they benefit the large middle class that was talked a lot about in the campaign of 1992 but which we do not hear a lot about in 1993. This will clearly hurt that group.

Munnell built a reputation not only for supporting pension taxation but also for backing up her declarations with what appears to me to be somewhat dubious information. After being confronted by Forbes magazine about the fact that her study claiming racial bias in mortgage lending provided no evidence for her conclusion, she admitted that she had no evidence of discrimination but justified her claims on the belief that discrimination occurs. What kind of information or factual basis is that?

The use of assumption over facts is a disturbing hallmark for a person going into such an important position at the Department of the Treasury.

In a New England Economic Review article published in a Brookings Institution book, Munnell declares the Pension Benefit Guarantee Corporation does not have enough money to insure many large pension plans. The assumptions are in stark contrast to the facts given by an employee who does studies and gives information on this thing at the Employee Benefit Research Institute. This person said that "Our work shows that most plans are highly funded. Some are even overfunded."

The EBRI also warns against the hazards of changing current taxation legislation of pensions. Dallas Salisbury, the president of EBRI, stated that "Unless legislative changes are made that cause employers to terminate well-funded defined benefit plans * * * denying PBGC a base of premium payers, a general taxpayers bailout should never be necessary." Munnell's statements on the PBGC are questionable as to the interpretation with regard to the overall pension activity during the 1980's.

At a symposium sponsored by the National Tax Association, she declared the number of workers covered by pension and savings plans declined during the 1980's. In their paper, "Death and Taxes: Can We Fund for Retirement Between Them" Gordon P. Goodfellow and Sylvester J. Schieber prove that from 1980 to 1990, full-time worker participants in pension plans increased by 20.3 million people. This is just another example of how the use of information very loosely by the nominee just does not jibe with the facts that are produced by the people or organizations actually involved.

The combination of the Munnell policy position on pension taxation and her loose statistics that she uses to back up her claims I think is a dangerous pairing for the workers of this country who depend on pensions for security in retirement. The taxing of pension benefits is not the way to soak the rich, as she maintains, but it is an added tax on over 65 million Americans making less than $25,000 a year who have already had the promise of a middle-class tax cut broken to them. These policies are dangerous. They should never happen, even though it was pointed out in one article that it would produce a windfall of money—I do not know—of $450 billion perhaps in terms of money that could be gained from taxing these pension funds. But, Mr. President, this is not the way to go.

I assume that Congress would not consider such a policy. And I assume that she has already learned from the questions she was asked in the Finance Committee and what is being said in the Senate today this is an idea that should be rejected, should never be considered again. But it scares me that we have a nominee to this important position who would have even written and thought such things, because it would be unfair, it would be breaking a faith, and I think it would cause a lot of people who are now supporting these pension plans to bail out at the first opportunity.

So I urge my colleagues to look at this nominee very closely.

EXHIBIT 1

A SAMPLING OF MEDIA ARTICLES AND OTHER COMMENTARIES CONCERNING THE NOMINATION OF ALICIA H. MUNNELL AS ASSISTANT SECRETARY OF THE TREASURY FOR ECONOMIC POLICY

[From the San Mateo Times and Daily News Leader, Apr. 19, 1993]

ALICIA H. MUNNELL IS VERY BAD CHOICE FOR TREASURY POSITION

The Clinton administration has not shied away from making controversial nominations for important policy positions. But the growing hubbub surrounding the proposal that Alicia H. Munnell, senior vice president of the Federal Reserve Bank of Boston, should be handed the job of assistant secretary of the treasury for economic policy seems to have no parallel.

For good reason. A vociferous advocate of pension taxation, she has made no bones about the fact she would like to tap into the savings of millions of Americans to the tune of billions of additional dollars for the treasury.

Munnell has been pressing for a 15 percent tax on all pension plan assets, as well as a 15 percent tax on all subsequent plan contributions. Private pension plan benefits would have to be cut by 15 percent.

In her writing on the subject, Munnell apparently revels in the prospect of "scooping up" (her words) a "pile" (again her word) of money. A $450 billion tax on plan assets and a $50 billion a year tax on plan contributions thereafter! A true ideologue, she says it's "intriguing" to think of what the treasury can do with that huge amount of money.

Pension plans encompassed by Munnell's sweeping proposal include: IRSs; 403(b) plans (usually referred to as tax sheltered annuities) that are used by virtually every teacher, professor, doctor, nurse and other employee of non-profit institutions; popular 401(k) plans; profit-sharing and thrift plans, as well as ordinary company and union pension plans. State pension plans and military plans would also be included in her proposal.

As many readers are aware, all contributions to qualified retirement pensions and the earnings they generate are currently tax exempt until benefits are withdrawn. And they should stay that way.

As Boston University economist Laurence Kotlikoff points out, the lack of savings in this country is already a serious problem. Japan, for example, saves four times as much of its national income as the U.S. does, and thus provides a huge pool of investment funds for its growing industries.

"People will no longer trust the government," he says, "if you tell them to go save a lot, then all of a sudden you zap them. It's bad public policy."

And Washington economist Barry Bosworth of the Brookings Institution explains that the largest group of beneficiaries of pensions are union members and public employees—not exactly "rich people." Given the shortage of savings in this country, he adds, "sending the message that we will tax private pension savings is crazy."

Our sentiments exactly. President Clinton should find another nominee for this influential treasury position. Failing that, Congress should lose no time in rejecting Alicia H. Munnell for the job.

[From the Philadelphia Inquirer, Apr. 26, 1993]

UNCLE SAM THREATENS TO CHANGE THE PENSION RULES AGAIN

(By Dick Marlowe)

Every time I read something new about Social Security, individual retirement plans, savings incentive plans and pensions these days, I am reminded of the old story about the blind man and his guide dog.

As the story goes, the dog almost got his master killed by leading him into the path of a truck. Disaster was narrowly averted, and the man casually reached into his pocket, pulled out a dog bone and offered it to his faithful companion.

A witness to the incident crossed the street and said to the man, "It's really nice that you would reward your dog even though he made a big mistake." The blind man replied, "Reward him, hell. I'm just trying to locate his head so I can kick him in the rear."

With the various retirement plans being threatened in so many ways, it almost seems as if government can't make up its mind whether it wants people to save or spend. It may simply be trying to find out where the money is so it can kick us in the pocketbook when it wants to do so.

The deal has been changed several times in recent years for individual retirement accounts, 401(k) plans—even U.S. Savings Bonds. Those who are seeking "revenue enhancement" also are looking at higher taxes on Social Security as one possibility to raise money. The result is that those who want to ensure their own retirement do not know what to do because the rules keep changing for individual retirement vehicles as well as corporate pension plans.

Although savings incentive plans, including the popular 401(k), were designed as a way to help workers plan and save for their retirement, something has gone haywire. People are withdrawing the money early for all kinds of reasons—from buying cars to taking vacations.

Meanwhile, funds going into individual retirement plans declined significantly a few years ago when it was determined that the annual contributions were no longer tax-deductible for those protected by qualified pension plans. And, for payroll-deduction savers, those old Series EE savings bonds have had the interest-rate floor lowered from 7.5 percent to 4 percent in recent years.

But all of the threats to Social Security, corporate pension plans, individual retirement plans and savings incentive plans are nothing more than minor annoyances compared with with might happen if Alicia Munnell gets her way. As President Clinton's nominee for assistant secretary of the Treasury for economic policy, Munnell thinks she knows the way to balance the budget.

According to a paper she once wrote, "Current Taxation of Qualified Pension Plans: Has the Time Come?" Munnell would levy a onetime, 15 percent tax on all existing U.S. private pension plans. The Munnell plan would include everything from your corporate pension plan to your individual retirement plan and your company-sponsored savings incentive plan.

The article also recommended taxing annual increases in the plans as ordinary income. Such a plan, of course, would not only destroy the advantages of compounding interest, it probably also would kill most of the voluntary retirement incentive plans altogether—and at a time when it is more important than ever for Americans to take charge of their own retirement and increase personal savings.

Although no one is taking Munnell's suggestion very seriously so far, it is yet another indication that when a lot of money is accumulated in any particular place for any particular reason, it attracts a lot of attention. Even the big spenders in Congress would probably agree that the $3 trillion in U.S. pension assets is a lot of money.

Don't think it can't happen. Most of us also know that the money that is supposed to be in the Social Security pool is not really there. In its place are government IOUs.

The point is: If we don't establish better retirement guidelines and stick with them, more and more of us could be in for a reward just as surprising as the one the blind man gave his dog.

[From the Washington Times, May 19, 1993]

DON'T BANK ON ALICIA MUNNELL

From the man who promised tax cuts and delivered all manner of tax increases comes now Alicia Munnell. Chances are you have never heard of Ms. Munnell, but if she gets her way with economic policy as one of Mr. Clinton's top Treasury Department appointees, the country will know her all too well.

Ms. Munnell is the former director of research at the Federal Reserve Bank of Boston and is also a prominent member of the elite "Americans are undertaxed" school of economic thought. Last year she penned a startling paper for the New England Economic Review entitled, "Current Taxation of Qualified Pension Plans: Has the Time Come?" The short answer to her question was yes. The long answer was that the government shouldn't stop there.

Why? Among other things, the federal government needs the money. A one-time 15 percent tax on the existing $3 trillion in pension assets, says Ms. Munnell, would generate a "large pile" of revenues for the feds of $450 billion. Throw in an annual 15 percent tax on the yearly contributions and earnings of those pensions, and the government could rake in another $55 billion a year or so.

The best part of the scheme is that cutting the feds in for a share of the take isn't really stealing from workers. Not the way Ms. Munnell sees it. She repeatedly refers to pension savings, tax-free to workers until they withdraw the funds in retirement, as "tax expenditures," meaning that it costs the Treasury money when it allows the toiling masses to hold onto their earnings. The premise of this concept is that all income belongs to the government except that portion which it generously offers to workers. Thus, at one point, Ms. Munnell refers to those who don't want the feds jacking up taxes on their pensions as "advocates of government support for qualified plans." Get it? Low taxes are government handouts.

Eliminating these "handouts" also accords with her notions of social engineering. The current system "does not appear to be achieving major social goals," she writes, particularly because it allows those darn rich people to hold onto their money. Better let the government have it back.

There are any number of problems with this proposal beyond the eensy-weensy constitutional ones Ms. Munnell herself cites. Pensions represent an agreement—dare one say "contract"—with the government in which workers give up the use of part of their money now in exchange for using it in retirement later. The "trust deficit" that columnist David Broder said Mr. Clinton is suffering is likely to grow even larger if he breaks that contract by confiscating part of those pensions through a tax. The money workers expected on retirement wouldn't be there.

Her plan would only hurt this country's savings rate, which is low enough as it is. People like Ms. Munnell always think that tax rates have no effect on the Hillary Rodham Clintons of the world, that they will work and save and invest just as before. But Mrs. Clinton shuffled her law firm bonuses to avoid higher taxes, and if Ms. Munnell jacks up taxes on savings, Mrs. Clinton and others will find something else to do with their money. They will stop saving before they have to give it to people like Ms. Munnell. If you tax everything that moves, things tend to stop moving. That includes things like economies.

Just as worrisome is the fact that the scheme gives a rather sinister new meaning to the president's Family Economic Income standards. FEI treats the likes of employer-provided fringe benefits as income for income classification purposes. Adding benefits to worker incomes now allows Mr. Clinton to claim he is only imposing net tax increases on those making more than $30,000, which is not a little deceptive since most people don't understand FEI or realize that it pushes those making less than $30,000 well over that figure.

But worse than classifying people by FEI would be taxing them on it. Ms. Munnell cites, approvingly, a 50-year-old Supreme Court opinion that the tax code "is broad enough to include in taxable income any economic or financial benefit conferred on the employee as compensation, whatever the form or mode by which it is effected."

Ms. Munnell goes on to link pensions with other tax-exempt or tax-deferred activities she considers tax expenditures (read: government benefits that are implicit candidates for expropriation in whole or in part through higher taxes): exclusion from taxation of pension contributions and plan earnings, tax-deductible home mortgage interest, tax-exempt employer contributions for medical insurance premiums and medical care and much more. She expressly challenges the tax-deferred status of the popular individual retirement accounts (IRAs) and 401(k) plans.

There are more than a few ironies in all this. Treasury Secretary Lloyd Bentsen has long argued for expanded IRAs, which makes Ms. Munnell a rather strange choice, assuming the White House didn't make the choice for him. In addition, pension experts already are concerned that increasing federal regulation of pensions encourages companies to get out of the retirement plan business, leaving employees little to live on in retirement. If personnel is policy, Ms. Munnell's appointment is one more sign that the administration doesn't understand what is at risk here.

[From New York Magazine, Mar. 29, 1993]

ALICIA IN WONDERLAND: THE NOMINEE WHO'D TAX YOUR IRA

(By Christopher Byron)

Alicia Munnell is not a name most people have ever heard of. But if Republican members of the Senate Finance Committee have anything to say about it, that's likely to change in the coming days. Munnell is President Bill Clinton's nominee for the powerful post of assistant secretary of the Treasury for economic policy—and minority members of the Finance Committee are just waiting to start grilling her in confirmation hearings about her philosophy of economics.

Munnell has been functioning in her post unconfirmed and largely unnoticed as assistant-secretary designee since late January. There have been one or two articles about her—most notably by Paul Craig Roberts in the Washington Times a month or so ago. But last week Munnell finally cleared her FBI background check—no illegal aliens or unpaid Social Security taxes in this nominee's closet—and confirmation hearings for her are not likely by the end of the month.

Munnell is certainly professionally qualified to become Treasury Secretary Lloyd Bentsen's top aide for economic policy. A Harvard-trained economist who has worked at the Boston Federal Reserve Bank as chief of research since 1984, she has written a number of scholarly articles on such things as Social Security and other pension matters.

But it is one of those articles that now has committee Republicans salivating to get at her. In the March/April 1992 issue of The New England Economic Review, a publication of the Boston Fed, Munnell published a little-noticed but potentially explosive dissertation entitled "Current Taxation of Qualified Pension Plans: Has the Time Come?"

Were it not for the president's rapid about-face on tax policy—promising tax cuts in the campaign, then delivering an enormous tax increase within weeks of taking office—no one would be much interested in the tax philosophy of one of his Treasury subordinates. Yet having created what columnist David Broder has called a "trust deficit" for his presidency, Clinton now has to live with the prospect that his critics will see in the Munnell nomination all their darkest fears coming true—that Clinton's campaign promises were just lies and that he really planned to raise taxes all along.

The Munnell article gives them plenty to gnaw on. Behind its rather dull-sounding title is a controversial proposition indeed: that the U.S. government, faced as it is with overwhelming budget deficits, should deal with the red ink by, among other things, levying a onetime, 15 percent tax on all existing private pension-plan assets in the United States.

The targets? Everything from corporate- and union-retirement plans to the IRAs, Keoghs, and SEPs of millions upon millions of ordinary Americans. Thereafter, according to Munnell's article, the IRS should tax all annual increases in what's left in those plans as ordinary income, whether or not the money is—or even can be—withdrawn by the beneficiaries. (At retirement, the amount that remains could, presumably, be withdrawn tax-free. However, years—and even decades—of compounding on money that had annually been taxed away from the fund would be lost.)

So far as is known, there are only the personal views of Munnell, not those of the administration she has joined. For all the talk about Clinton being a president who relishes the challenge of immersing himself in even the most obscure and technical of policy details, there is reason to doubt whether he ever actually knew that Munnell held such beliefs at all.

Thus, a top official at the Federal Reserve Board in Washington speculates that Munnell's real backer for the job may actually have been not Clinton at all but his labor secretary, Robert Reich. In any event, a Treasury Department spokesman last week would say only that Munnell was introduced to Treasury Secretary Bentsen by someone in the administration. Bentsen was apparently impressed and agreed to bring her aboard as his assistant secretary for economic policy.

Too bad, for her ideas about taxing pension assets seem about as extreme as you can get. Pension assets constitute a $3-trillion mountain of capital that underpins everything from the stock and bond markets to the demand for bank CDs. These investments aren't taxed for a simple and—one would assume—altogether obvious reason: The government wants to encourage *more* such investment, not less. These pension assets are, in a word, the financial bedrock of the U.S. economy.

Unfortunately, that's the point Munnell seems to have missed. By her calculations, a onetime levy of 15 percent on this treasure—the retirement savings of the entire country—would yield $450 billion, or what she described with considerable understatement as "a large pile" of cash for the Treasury. The article goes on to note that annual levies thereafter would yield the government somewhere around $50 billion per year.

This money, in turn, could then be used to cut the deficit. Unfortunately, it couldn't be used to help pay for anyone's retirement—which was the whole point of saving it in the first place.

Munnell declined to be quoted for this story, stating that Treasury Department officials had asked her not to speak with the press until after her confirmation. Yet there's no doubt whatsoever that she continues to support the view set forth in her article. Said a Treasury spokesman in her behalf, "Economists differ on the issue of taxing savings, but there is solid agreement that Dr. Munnell has presented her views on the subject forcefully and brilliantly. We're fortunate enough to have someone of her intellect and ability at Treasury."

In fact, for more than a decade there has been broad, bi-partisan agreement among economic policymakers in Washington that the nation needs to increase its savings rate, not lower it. Not even Munnell's old boss at the Boston Fed, Richard Syron, supports her ideas of taxing pension assets. "It seems to me a rather dramatic step to take," says Syron, president and chief executive of the bank. "I can't conceive of anyone coming forward and actually proposing that, can you?"

Munnell's new boss, Bentsen, has been one of Washington's most outspoken advocates of deferring taxes on private pensions. During his years as chairman of the Senate Finance Committee, he repeatedly championed the expansion of tax deductibility of IRAs as a way to boost the country's laggard savings rate.

Munnell's rationale for taxing pension assets is based on a controversial concept known as tax-expenditure analysis. The concept basically holds that since all income is theoretically taxable by the IRS, any income that for one reason or another isn't taxed represents a "tax expenditure" and thus a cost to the government.

In her paper, Munnell lists a number of these so-called tax expenditures and what they theoretically cost the Treasury in fiscal 1992. Among them: the deductibility of interest for home mortgages ($40.5 billion); deductibility of state and local taxes ($20.4 billion); deductibility of interest on municipal-bond income ($14 billion).

Of course, such calculations amount to irrelevant academic exercises, since eliminating the tax-deductibility status of any of those categories would set off such convulsive consequences that the effort would be totally self-defeating. Removing the deductibility of home mortgages would almost certainly collapse the residential housing market; removing the deductibility of state and local taxes would cause a mass exodus of populations from high-tax states like New York.

It's the same thing with taxing pension assets. Munnell claims that economic studies show that taxing savings won't discourage people from saving. But studies like that are why people have trouble taking economists seriously. After all, if a previously untaxed asset is subjected to a 15 percent levy as well as taxation on all gains in the future, basic common sense says that people will do the obvious—simply stop putting money into pension plans at all.

That, in turn, would spell disaster for the whole U.S. financial system, which is critically dependent on the ability of institutions like banks and mutual funds to attract billions of dollars yearly from pension investors across the country.

"This entire idea is utterly illogical," says Republican Senator Pete Domenici of New Mexico. "The proposals Ms. Munnell espouses would wreak havoc in pension plans everywhere, to say nothing of the stock and bond markets. These pools of pension money provide the capital for American business. Now we're going to start taxing them? This is ludicrous. I think Ms. Munnell ought to be questioned very closely about this."

And that's exactly what Republican Senator Robert Packwood of Oregon, ranking minority member of the Finance Committee, intends to do. "I won't decide whether or not to support Alicia Munnell's nomination till I have an opportunity to hear from her in person," says Packwood. "But I have serious concerns about her interest in taxing pension funds. This is just a midnight raid on the wallets of average Americans."

Munnell is clearly to the far left wing of her own party on this matter, and apparent biases in her research have come under attack at least once before in the press. Last month, Forbes magazine published a withering assault by Peter Brimelow and Leslie Spencer on what plainly looks to have been a fatally flawed—and ideologically motivated—study she directed last year for the Boston Fed.

Munnell's study, which was released less than a month before the presidential election, alleged racial bias in mortgage lending by banks. Yet as the Forbes story noted, when Munnell's study is corrected for apples-and-oranges errors in analysis, no racial bias in mortgage lending by banks can be detected at all. Add it all up, and it appears that public interest in this until recently obscure civil servant is only beginning.

[From the San Francisco Chronicle, Mar. 13, 1993]

CLINTON NOMINEE'S PLAN TO TAX PENSION FUNDS UNDER FIRE

(By Jonathan Marshall)

A top Clinton nominee's proposal that the federal government levy a $450 billion tax on retirement pension funds is causing widespread controversy and raising questions about the direction of the administration's economic plans.

The author of the proposal, Alicia Munnell, has been nominated as assistant secretary of the Treasury for economic policy, one of the most powerful economic posts in Washington. Although no date has been set for her confirmation hearing, she has already attracted opposition from newspaper editorialists, columnists and pension lobbyists, setting the stage for a lively battle over her appointment.

Munnell, the outgoing director of research at the Federal Reserve Bank of Boston, is under attack for an article she wrote last year in the New England Economic Review called "Current Taxation of Qualified Pension Plans: Has the Time Come?"

END OF TAX EXEMPTION

Munnell argued that "in view of other pressing demands on the federal budget," the tax exemption on contributions to pension plans should be lifted—and that all existing pension assets should be subject to a substantial tax as well.

"The one-time assessment," she wrote, "would produce a large pile of revenues for the Treasury—15 percent of $3 trillion is $450 billion—and the implications are intriguing in terms of their impact on federal government finances."

Critics see nothing at all intriguing about it.

"Munnell's nomination could well set in place the abhorrent momentum that will destroy our nation's excellent pension system," charged W. Thomas Kelly, president of the Savers & Investors League, in a letter to Senate Finance Committee Chairman Patrick Moynihan. The league represents citizens interested in expanding individual retirement accounts and other savings vehicles.

"CALLOUS AND HYPOCRITICAL"

In recent newspaper column, Paul Craig Roberts, a Reagan administration Treasury official now with the Center for Strategic and International Studies in Washington, called her trial balloon "a callous and hypocritical proposal from Democrats who claim to be so concerned about declining family living standards and low saving rates."

Munnell's proposal does not carry the endorsement of her former employer or of the Clinton administration. But some of her new colleagues may be sympathetic. Officials from Labor Secretary Robert Reich to Transportation Secretary Federico Pena have called for steering pension funds into "infrastructure" projects and other investments deemed socially desirable.

NOT THE NEEDY

"There are opportunities where pension funds can be accessed for the public good," Pena said in his confirmation hearing.

All contributions to qualified retirement pensions and the earnings they generate are currently tax exempt until benefits are withdrawn, when they become subject to full taxation. Munnell, who declined to comment pending her confirmation, wrote last year that pensions do not deserve such favorable treatment because they serve "a steadily declining and decidedly non-poor proportion of the population, and they do not appear to have increased national saving."

The estimated loss to the Treasury from not taxing contributions was $51 billion in fiscal 1992, she said. Yet only 52 percent of American workers, generally the better paid ones, are covered by pensions. Taxing their pensions would have little or no effect on their overall willingness to save, she maintained, concluding: "Thus, eliminating or reducing the tax concessions merits serious consideration."

DETERRENT EFFECT

Other economists who have studied the issue sharply criticize her approach.

"Given the shortage of savings in this country, sending the message that we will tax private pension savings is crazy," said Barry Bosworth, an economist at the Brookings institution.

Bosworth said new research indicates that pension assets represent the only net source of savings in the entire household sector—all other individual savings are balanced out by borrowing. For people who spend every dime they make, pensions are a useful form of forced savings, supplementing what would otherwise be a meager retirement income from Social Security. Without pension, he said, national savings would diminish toward the vanishing point.

EXAMPLE OF JAPAN

Laurence Kotlikoff, an economist at Boston University, noted that Japan saves four times as much of its national income as the United States, providing a huge pool of investment funds for its growing industries.

"This is a critical problem," he said. "If the president wants our nation to invest more, he must focus on the saving behavior of the American public."

Changing the rules of the game by taking a big chunk out of pension assets will not advance that goal, he maintained. "People will no longer trust the government if you tell them to go save a lot, then all of a sudden you zap them. It's bad public policy."

Kotlikoff also said he doubts that Congress could keep its hands off the money. "It's a recipe for Congress to be less fiscally stringent now and make us worse off over time. That's the main reason it's dangerous."

Bosworth also challenged Munnell's claim that tax preferences for pensions are inequitable. Noting that the biggest beneficiaries of pensions are union members and public employees, he said, "These are not rich people."

[From the Washington Times, Feb. 16, 1993]

CLINTON AFTER YOUR PENSION

(By Paul Craig Roberts)

President Clinton is planning to grab $450 billion of our accumulated private pension fund assets, thereby seriously reducing our retirement living standards. In addition, he is planning to make us pay income tax on both the annual contributions to our pensions and the earnings of the pension investments.

To carry off his scheme, he has nominated a vociferous advocate of pension taxation, Alicia Munnell, as assistant treasury secretary for economic policy. Miss Munnell believes the United States does not invest enough in public works projects and that part of our pensions should be confiscated to pay for more federal boondoggle.

According to Miss Munnell, "If these funds were used either to reduce the federal government deficit or to invest in infrastructure or education, they would increase the resources available for future generations."

Of course, if our pensions are used for government programs, they cannot support us in retirement. Mr. Clinton talked about "putting people first," but what he is doing is putting government first.

Miss Munnell argues that pension contributions have an undeserved "special tax treatment" because we are not taxed on the money until it is paid to us as retirement income. But that is the way it should be. One reason governments do not tax people on unrealized or future income is that without the income in hand there is no money with which to pay the tax.

Few people have the slack in their budgets to pay the tax on their retirement income in advance. The only other way to pay the tax would be to take it out of the pension contributions, which would dramatically reduce the retirement nest egg.

Since our pension contributions and the earnings they accumulate are not available to us as current income, it makes perfect sense that they not be taxed. Miss Munnell's argument that it is a tax break not to currently tax future income would apply so to unrealized capital gains in our homes and other assets and to any inheritance that might be coming our way.

Indeed, if Miss Munnell's logic were consistently applied, everyone would be taxed at birth on their expected life earnings. Otherwise, we will be benefiting from what she calls "an interest-free loan from the Treasury."

The proposal to subject future retirement income to current taxation is a callous and hypocritical proposal from Democrats who claim to be so concerned about declining family living standards and low saving rates. Americans cannot pay new taxes on their retirement funds, medical benefits, and energy use without experiencing precipitous drops in living standards.

Miss Munnell is not content with forcing up to pay current taxes on our future retirement income. She also wants the government to confiscate 15 percent of all pension fund accumulations. This is to make up, she says, for failing to tax the pension funds in the past.

The implications of this reasoning are extraordinary. Every time the government comes up with a new tax, it can demand a share of our wealth on the grounds that the item wasn't taxed in the past. If we apply Miss Munnell's argument, for example, to the new tax that Hillary plans for our medical benefits, it means the government is entitled to 15 percent of our savings accounts and home equity to make up for the previous "tax break" that resulted from not taxing medical benefits.

Ditto for the new tax on energy use that the Clinton team has in the works.

Miss Munnell comes to the Treasury from the Federal Reserve Bank of Boston, where she directed propagandistic "studies" that have destroyed the research reputation of that bank's staff. Her most infamous study was exposed by Forbes magazine. The study claimed to prove racial bias in mortgage lending because a higher percentage of minority applicants were rejected than whites. The study managed to produce this politically correct conclusion by failing to control for creditworthiness and default rates.

As Forbes noted, the study actually revealed that the mortgage market worked perfectly, allocating loans to individuals irrespective of race based on their creditworthiness. The proof lies in equal default rates among mortgage borrowers irrespective of race. Discrimination would require that black borrowers have lower default rates—which would indicate higher standards applied to black borrowers than to white.

When confronted by Forbes with the fact that her study provided no evidence for her conclusion, she admitted that she had no evidence of discrimination but justified herself on the basis of her belief that discrimination occurs. In other words, in the Boston Fed's research beliefs, not facts, drive the conclusions.

Munnell-watchers believe that the discrimination study had an ulterior motive. Miss Munnell fervently believes that the United States suffers from insufficient public investment. With entitlements growth eating up ever more of the budget and driving it deeper into the red, and taxes generally high, the only sources of funds are the assets of the private banking and pension systems.

If banks can be portrayed as discriminatory in their lending, political pressures can be put on them to make amends by making more of their assets available for government purposes. For example, there are schemes to have banks purchase a new kind of bond that would be issued by public authorities to finance inner city reconstruction and education projects.

Miss Munnell's goals suggest that the Clinton administration may harness economic policy to serve virulent left-wing ideology. For people like Miss Munnell, the private sector doesn't count. She believes that it is appropriate to subvert the purposes of private pensions and commercial banking and to place their assets at the disposal of government.

It is possible that Mr. Clinton doesn't know any more about the views of the woman he has nominated as assistant treasury secretary than he did about Zoe Baird's, Kimba Woods and Ron Brown's illegal alien problems. Once he learns of her extremism, perhaps he will quickly withdraw her nomination.

But don't count on it. Upon taking office, Mr. Clinton's message changed dramatically. His concerns about our living standards have given way to his plans for us to sacrifice. Alicia Munnell intends for this sacrifice to continue through our retirements to the last day of our lives. If she succeeds, Clinton will become a name that will be cursed forever.

[From the Florida Times-Union, Feb. 15, 1993]

FILL YOUR MATTRESS, QUICKLY

The people who spend all their waking hours seeking ways to take money from one group of people and give it to other people have stumbled upon a potential gold mine: the accumulated savings of older people.

Time magazine writes of an "enormous endowment" that the baby boom generation is to receive from the previous generation in due course.

That $5.3 trillion equals, in Time parlance, "one of the largest transfers of wealth in American history."

Well, all right. One can make that argument. But only if the concept of family is totally abandoned first.

The family is the basic cell of a society. A perfectly workable argument can be made that the disintegration of the traditional family is a direct effect of government policy.

That huge fortune that the older generation has scrimped and saved belongs to their families.

What is being proposed has nothing to do with intercepting it en route from one individual to another unrelated individual, which apparently we are to assume is undeserving.

When the spenders look at it, they are licking their lips over the prospect of taking it from some families and giving it to others, who are deemed deserving because they don't have it.

That truly is a "transfer of wealth," as opposed to parents leaving their savings to their children.

The potential heirs of this wealth don't have any assurances. First, many may get little or none of the accumulated wealth of their fathers and mothers because people are living longer and longer. Also, the oldsters may have to spend most of what they saved on medical bills and other rising costs.

If the heirs ever do get any, some inevitably will redistribute what is left after inheritance taxes by unwise investments and the like.

Families that have managed, despite the government's best efforts, to have savings should be allowed to keep the bulk of those savings in the family. There is no inherent right for others to have it just because one member of the family dies (unless it is another newly discovered inherent right that has not yet come to our attention).

That this misdirected concept is not confined to the pages of Time magazine is confirmed by a commentary in The Los Angeles Times by the former deputy assistant to President George Bush, now the senior fellow at the John Locke Foundation in Raleigh, N.C., James P. Pinkerton.

Pinkerton says Bill Clinton's administration is primed to tap into pension fund assets for pork-barrel spending programs that will "enrich Clinton's Wall Street contributors, hire his unionized supporters and satisfy the big-spending industrial policy-makers."

That gold mine is $3.4 trillion, which generates $150 billion a year in benefits more than 75 million Americans count on for retirement checks.

The Washington Post reports that a new Clinton appointee has pension experts convinced the administration is going after new taxes on pension funds, as much as $50 billion worth.

Alicia Munnell, named by Bill Clinton to be assistant treasury secretary for economic policy, has written a paper advocating such a tax, conceding that it would reduce pension benefits by about 15 percent, the Post said.

What a few people are advocating is putting at risk, or actually taking away, as much as possible of what some have spent a lifetime earning and saving—and at a time when the low savings rate is being deplored and middle income people are increasingly anxious about whether they will even be able to retire.

In tax policy, American government is beginning to resemble Robin Hood and his merry band, who—for all the romantic myth—were primarily thieves.

[From Forbes, Jan. 4, 1993]

THE HIDDEN CLUE

(By Peter Brimelow and Leslie Spencer)

"Definitive—changes the landscape."—Office of the Comptroller of the Currency.

"Comports with common sense, no more studies needed."—Richard F. Syron, president, Federal Reserve Bank of Boston.

These ecstatic press notices greeted the Boston Fed's recent study claiming to prove racial bias in mortgage lending—the social problem of the season, with coverage in the *Wall Street Journal* (five stories in eight weeks), regulatory rumbles from the Federal Reserve, legislative leers from Congress. The pressure is on mortgage lenders to change credit standards for minorities.

But the study's analysis makes an elementary error about a crucial question: minority default rates. Queried by Forbes, Alicia H. Munnell, Boston Fed senior vice president and research director, conceded that the study's handling of default rates was "definitely not an adequate look at all."

Minority mortgage applicants do tend to be rejected more than whites. A Federal Reserve Board survey of 6.6 million home mortgage applications in 1991 showed that 37.6% of black applicants and 26.6% of Hispanics were denied home loans, compared with only 17.3% of whites. This finding held across all income levels.

But was the difference the result of racism? Or of an objective, color-blind application of sound credit standards? The data on default suggest the latter is true. Mortgage lenders consider a range of criteria going far beyond income, such as net worth, age, education, probability of unemployment and credit history. Minorities frequently fare worse by such measures. Perhaps that's because society gives them fewer opportunities. But mortgage lenders would still be objective, not prejudiced in rejecting them.

The Boston Fed study did correct for standard credit criteria, based on a sample of Boston-area mortgage applications. It found that these criteria did explain about two-thirds of the difference between white and black/Hispanic rejection rates. But even after this correction, minorities seem to be rejected at a rate of 17%, as opposed to only 11% for whites. This difference, the Boston Fed claimed, must be caused by racism.

Oh, yeah? But what about those default rates?

"We were aware that people say, 'Oh, this may be rational discrimination, because minorities default more,'" the Boston Fed's Munnell told Forbes. But her study sample was too recent to check default rates directly. Instead, the Boston Fed compared default rates across census tracts. "And what we found was, there was no relationship between the racial composition of the tract and the default rate. So it wasn't true that tracts with large minority populations had higher default rates."

Think about this carefully. The Boston Fed authors apparently assumed that equal default rates meant all minority applications are an equal credit risk compared with whites. But they're wrong. These census tract mortgages had already passed through the loan approval process—which had presumably rejected a higher proportion of minority applicants on the way. So the fact that white and minority default rates finished up equal meant mortgage lenders knew what they were doing.

The market, in short, worked. The mortgage lenders somehow weeded out the extra credit risks among minorities, down to the point where white and minority defaults were at an equal, apparently acceptable, rate.

"[That] is a sophisticated point," says Munnell, questioned by Forbes. She agrees that discrimination against blacks should show up in lower, not equal, default rates—discrimination would mean that good black applicants are being unfairly rejected. "You need that as a confirming piece of evidence. And we don't have it."

Forbes. Did you ever ask the question that if defaults appear to be more or less the same among blacks and whites, that points to mortgage lenders making rational decisions?

Munnell. No.

Munnell does not want to repudiate her study. She tells Forbes, on reflection, that the census data are not good enough and could be "massaged" further: "I do believe that discrimination occurs."

Forbes: You have no evidence?

Munnell: I do not have evidence. . . . No one has evidence.

But if there is racial discrimination in lending, it means that mortgage lenders forgo profitable business because they are prejudiced. That's unlikely on the face of it and becomes more unlikely when one notices that Asian-American applicants are actually turned down less often (15% in the Fed survey) than whites.

Moreover, logically, it could be precisely those institutions marketing most vigorously to minorities that generate the most marginal applications—and therefore the highest rejection rates.

The Boston Fed study itself noted that denied minority applications on average had "poorer objective qualifications," suggesting "a systematic bias in mortgage lending is very difficult to document. . . ."

But in today's climate, any statistical disparity is viewed as discrimination—and an excuse for more social engineering.

[From the Arizona Republic, Mar. 29, 1993]

CLINTON'S NEXT STEP?

(By Ray Archer)

It doesn't yet hold the media appeal of the "nannygate" frenzy involving Zoë Baird, Kimba Woods and others. But the brewing controversy over President Clinton's nominee to a powerful Treasury Department post is likely to boil over across the country once retired and working Americans learn about her plans to tax away their pensions.

Alicia Munnell, former research director at Boston's Federal Reserve Bank, is on the job but awaiting Senate confirmation as assistant treasury secretary for economic policy. The job may be little known outside banking and investment circles, but that is likely to change once confirmation hearings begin, because her economic views are wildly extreme.

The Virginia-based Savers & Investors League characterizes Ms. Munnell's taxing recommendations as "so far off base that she's in a different world." Forbes magazine calls her proposal for taxing pension assets "about as extreme as you can get."

What Ms. Munnell wants to do is to begin taxing as current income the pension contributions of employers, workers and the self-employed. The idea is to tap into this huge pot of national savings to fund more "infrastructure" projects, i.e., Washington boondoggles that, despite ceaseless deficits and $4 trillion of debt, have yet to be "properly" funded.

Corporate and union retirement plans, IRAs, Keoghs—all are included on Ms. Munnell's wish-list of new taxes. Even though taxes are fully paid when the funds are disbursed, she argues that pension contributions are undeserving of the "special tax treatment" they now receive. In her opinion, they shortchange the government, which only allows working Americans to keep for themselves some portion of what they earn, and future generations as well.

Nor does she stop there. Since retirees and future pensioners have gotten away with the government's money all this time, Ms. Munnell also proposes a one-time 15 percent tax on all currently held pension funds. This would give Washington a $450 billion windfall.

Never mind that her proposed expropriation of savings and investments would devastate financial markets, severely curtail private-sector economic growth and rob millions of Americans of comfortable retirement. The important consideration, she contends, is that too many hard-working Americans are not contributing enough to government.

Whether Mr. Clinton agrees with Ms. Munnell's views is unclear, but a Treasury Department spokesman told Forbes that the administration "was fortunate to have someone of her intellect and ability . . . ." Other evidence, including "Financing the Future" (a recent congressional report calling for more pension fund "investment" in government programs), suggests that Ms. Munnell's proposals are not without support in Washington, if not at the White House.

Perhaps Mr. Clinton was unaware of Ms. Munnell's radical economic philosophy when he selected her for the policy-setting Treasury Department post. If so, he ought to withdraw her nomination now that her agenda has been flushed into the open, thus assuring millions of U.S. workers and pensioners that their retirement nest eggs are safe from Washington poachers.

[From the Journal of Commerce, Mar. 29, 1993]

BIG BROTHER AND PENSION FUNDS

(By Llewellyn Rockwell, Jr.)

Another government "insurance" program is in financial trouble.

In the sad tradition of deposit guarantees for savings and loan institutions, the Federal Pension Benefit Guaranty Corp. is running out of money, having made promises it cannot keep. The result could be a multibillion-dollar taxpayer bailout of a fund that covers 48% of American workers.

President Clinton has a task force working on the matter in hopes of forestalling trouble. But early indications (for example, the political appointees he's chosen) suggest that the "solution"-taxing pensions-will be worse than the problem.

Before the New Deal, Americans assumed responsibility for their own financial well-being. People saved so as to care for themselves in old age, and to leave bequests for their children and grandchildren. But with Social Security and the inheritance tax, people began to look to government to carry them through retirement.

The creation of pension funds was part of this change. When they first appeared in the late 19th century, they took care of workers injured on the job. Labor unions promoted them as a way of attracting new members. Yet even by the end of the 1920s, only 10% of workers expected to receive salaries after retirement. Since pensions were paid out of present wages, most people wanted to allocate their own money during their working years.

But the government-caused Great Depression led to the collapse of the railroad pension fund. Instead of forcing pensions to be paid out of company assets, the government bailed the fund out, thereby establishing a too-big-to-fail doctrine in private pensions.

An additional boost to pensions came from World War II's wage controls, which prevented corporations from attracting new workers with higher salaries. So companies added tax-free fringe benefits. Workers in effect agreed to forgo present wages for post-war remuneration. Further union privileges and wage controls during the Korean War boosted pension participation.

Then in 1974, at the urging of Ralph Nader, Congress passed the Employee Retirement Income Security Act, which regulated pension programs and forced corporations to provide bigger and more comprehensive pensions than they otherwise would have done.

The law also created the Pension Benefit Guaranty Corp. Although this government corporation is supposed to be self-financed, it gives out more than it takes in, and has required periodic legislative help (1980, 1987, 1991) to prevent it from collapsing into a pyramid scheme of today's workers paying for today's retirees.

When private companies provide benefits, they have an incentive to match them to both revenues and financial risk. But politics propels government insurance programs to promise more than they can deliver--witness the savings and loan fiasco—and to pretend less uncertainty and risk than really exists. That's why government "insurance" and financial difficulties are inextricably tied.

That brings us to Mr. Clinton's political pension appointees. The Treasury Department's assistance secretary for economic affairs is Alicia Munnell, formerly vice president of the Boston Federal Reserve. In her 1982 book "Economics of Private Pensions," she argues the government should tax the accumulated value of private pensions as personal income. Under her plan, not only will workers pay heavy taxes on money they get today, they will also be taxes on money they won't get for up to 40 years.

The new head of the Pension Benefit Guaranty Corp., Martin Slate, is a career IRS employee and an expert in pension plans. This appointment suggests that Mr. Clinton wants to tax pensions as well.

Unfortunately , taxation is not all that Ms. Munnell has in mind, as her book makes clear. She wants to replace both private and public pensions with a government insurance program that would bring all retirement funds, including social security, under one umbrella. This "integration" would, in effect, nationalize the $2.3 trillion in private pension funds.

Some workers are always happy to exchange freedom for the promise of state security, and corporate America will be pleased to throw off the uninvited burden of pension provision. Yet that does not make this a good idea.

Aside from questions of liberty and property, integration will only put off and therefore worsen the day of reckoning, when all such government promises will be fulfilled through the Federal Reserve's printing press. Holders of dollars will eventually pay through lower purchasing power.

And depending on how the government used the fund, it could disrupt the private stock and bond markets. By investing in one place or another, the fund could make or break any private company or even industry, and by buying a significant stock ownership, it could assume management control.

If that's where current trends are leading, what's a more a sensible alternative? It lies in making Americans more responsible for their own financial well-being.

First, government pension insurance should be ended, to be replaced by private provision that has families to take responsibility for themselves. Second, mandates and restrictions on private pension provision should be repealed. Third all taxes on savings and inheritance should be ended to increase the private pool of wealth available.

Philosophically, this would mean repudiating the idea that government—whether through Social Security or forced private pensions—can or should care for us from cradle to grave. But if we are to be a free society that is a change that we need.

Unfortunately, as in so many other areas, the Clinton administration here is taking exactly the wrong direction.

[From the Philadelphia Inquirer, May 3, 1993]

A CALL TO TAX PENSION BENEFITS

(By Craig Stock)

Income taxes are not levied each year on the money an employer contributes toward a person's pension plan. Neither are taxes levied each year on the individual's share of income earned by the pension fund.

Instead, federal income taxes are deferred on pension benefits until money is paid out during retirement, when most individuals are in lower tax brackets. In effect, this deferral amounts to an interest-free loan from the U.S. Treasury to the individuals covered by pensions.

The net effect of this interest-free loan is not trivial. The Treasury estimates the lost tax revenue at $64.5 billion in this fiscal year.

It is time to begin taxing pension benefits as they are earned by employees, just the way salary is taxed, says Alicia H. Munnell, senior vice president and head of research at the Federal Reserve Bank of Boston.

There are only two justifications for the favored tax treatment of pensions, and neither is supported by the facts, Munnell argues in April's New England Economic Review.

The first justification, she says, would be if pension plans provided rank-and-file employees with retirement benefits they otherwise could not amass on their own. Second would be if the tax deferral raised the total savings of the pension recipients by enough to not only offset lost tax revenue but also to boost the nation's pool of savings, capital that can be invested to aid the economy.

WORKER COVERAGE DOWN

However, less than half of all privately employed workers are covered by a pension plan. The proportion of workers covered by pensions is declining, with coverage highest among higher-income workers.

Among persons 65 or older, the wealthiest 20 percent get 19 percent of their total retirement income from employers' pensions, while the poorest 20 percent get just 2.5 percent of their retirement income from pensions.

So higher-income individuals get a disproportionate benefit from the way pensions are taxes, Munnell says, but the tax revenue lost results in higher income tax and Social Security payroll taxes for all taxpayers.

The uneven benefits from the existing system might be tolerable, Munnell says, if tax deferral were sufficient incentive to cause a big increase in total savings.

SAVINGS REDUCED

This doesn't happen, Munnell says, because people typically reduce the amount they save for old age in anticipation of getting pension benefits. So some of the savings kept in pension fund is offset by a reduction in other savings. Munnell said the increase in savings that is due to the favorable tax treatment of pensions is largely offset by higher federal budget deficits that results from lost tax revenue.

Munnell proposes a new system under which pension benefits would not be taxed as they are received by individuals from their pension plans. Rather, pension funds would pay a tax of 15 percent on the annual amount contributed to the funds and on the income the funds earned.

For pension money that has already accumulated, and on which taxes have not been paid, Munnell proposes a one-time tax of 15 percent of fund assets. In turn, the funds would reduce by 15 percent the amount they would pay pensioners, who no longer would be taxed on their pension checks.

SURCHARGES AND REBATES

Retirees whos incomes are high enough to put them in the 28 percent marginal tax bracket could be assessed an additional surcharge of 13 percent of the pension income. Those whose incomes are so low that they owe no tax could get a rebate of the tax paid by their pension funds.

The one-time 15 percent tax of existing pension assets would produce at least $450 billion in revenue. Most of that sum would have been paid in the future as taxes on pension income. Getting it upfront, Munnell said, could reduce the federal debt enough to cut the Treasury's interest payments by $35 billion a year.

The 15 percent annul tax on pension-fund contributions and earnings would vary each year according to how much income is produced by the stocks, bonds and other holdings of pension funds. Munnell estimates that in 1990, the tax would have brought in about $55 billion.

Of course, such a change would be a tough sell politically. Opponents would scream about the government's grabbing at their pensions. And change wouldn't do much good economically if the government just piddles away the extra tax dollars, as is too often the case.

However, the revenue gain could be used to make future generations better off if it were used solely to reduce the federal deficit or to invest in education or public works that boosts the productivity of the economy.

Mr. LOTT. At this time, Mr. President, I should like to yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I thank the Chair.

Mr. President, I rise to support and echo the comments made by the distinguished Senator from Mississippi. The process of advice and consent, I believe, reaches beyond the mere qualifications, background, and capacity of the individual, and there should be no apologies given for the raising and airing of debate espoused by individuals who will hold high public trust. Therefore, I have grave concern about the nomination of Alicia Munnell as Secretary of the Treasury for Economic Policy.

I hear with more and more frequency a reinforcement, as espoused by Ms. Munnell, centered around a Government economy instead of belief in the longstanding results and benefits to this Nation as accrued from the private economy. I added very recently the effect of her proposal to tax pensions of individuals and families to the President's proposal of nearly $300 billion in new taxes. When we would add her proposed pension tax, one time and thereafter, over the course of this administration, we would produce a figure of almost $900 billion. It is incredible to contemplate that sum of money being moved during such a short period of time from the private economy to the public and Government-driven economy.

I think it is important, when discussing this policy, that we reflect a moment on what it means to constantly be threatening to change the rules, particularly as they relate to longstanding plans of families. A family retirement is based on years of service and career work and dedication and commitment to prepare for an individual or family's later years. To suggest an arbitrary modification of what that family or individual would have expected in benefits, it is hard to contemplate how a person who would be suggested for Assistant Secretary of the Treasury for Economic Policy would be so disdainful of the impact on a family or individual who has spent an entire life preparing for their senior years. For the Government to just step in and arbitrarily say: We are going to confiscate 15 percent of what you set aside over your life's career; we are going to change the process by which you accumulated those moneys to prepare for later years; we are going to begin to tax it every year again another 15 percent, no wonder, no wonder the citizens of our country begin to lose confidence in their public servants when we step in in middle of the plan and drastically modify it.

At a time when we are thinking of rebuilding America and preparing for a world after the cold war, to disrupt the pension market, those vast sums that are used by the private sector to capitalize new businesses, project development, commercial real estate, and to put all those markets at risk by raising the specter of such a drastic tax does not bode well and does not demonstrate an understanding of the kind of confidence we have to build for those who are willing to save and for those who look at those vast savings as a source of capital for the construction and development of our country.

My concluding remark deals with the increasing reference to class warfare.

Mr. President, I ask the Senator from Mississippi for another minute.

Mr. LOTT. Mr. President, I yield the distinguished Senator from Georgia another minute.

Mr. COVERDELL. Mr. President, this nominee has suggested that pension benefits are an instrument of the wealthy. First of all, I take exception to continued efforts to divide our people by class. I think it not healthy nor useful to the welfare of the United States. But on top of that, it is patently misinformed to make such a suggestion. Fifty percent of the American people who are in pensions as participants make under $25,000 a year—65 million Americans.

These are not wealthy people. These are hard-working, prudent Americans who have prepared for their future, and this is something that the U.S. Government ought to reinforce, not tear down.

Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I see the chairman has arrived. But while he is getting prepared, I will go ahead and yield 5 minutes to the distinguished Senator from Florida, if that would be all right with the chairman.

Mr. MOYNIHAN. I wish the Senator would.

Mr. LOTT. I do so, Mr. President.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Thank you, Mr. President. I thank the chairman.

By now, everyone knows Bill Clinton's campaign pledge of tax breaks for the middle class has been the reality of tax hikes. Candidate Clinton believed that American families are overtaxed, but President Clinton thinks the Government is underfed. Americans want him to cut spending first, but he is not listening.

What was his reaction when the Ways and Means Committee in the House passed the largest tax increase in U.S. history last week? He was "pleased." According to the President, as reported by the Washington Post, this $246 billion tax hike will "bring in more revenues and permit us to spend more."

He should know better. Bill Clinton's post-World War II generation has watched Government grow and grow and grow and fail and fail and fail. There is no relationship between more spending, more taxing, and a better way of life. If anyone should understand that, it is Bill Clinton. But he continues to believe that more spending and more taxing will lift America's economy. It has not happened yet, and it never will.

Yet the President's deficit reduction package is heavy on new taxes and fails to make serious spending cuts, and he continues to nominate people for high administration positions who think about higher taxes first and spending cuts not at all.

That is not what candidate Clinton promised and not what the American people hoped for. His nomination for Assistant Secretary of the Treasury for Economic Policy is another in a line of nominees who think that prosperity comes from a better Government. His nominee, Alicia Munnell, from the Federal Reserve Bank of Boston, has a long history of wanting to tax pensions and raise estate taxes. In a recent article of hers in the New England Economic Review, she said we ought to have a 15 percent annual tax on company contributions of private pensions. She said: "The United States has the ability to tax pensions on a current basis and the time has come to do it."

Her specific proposal is to impose a 15-percent tax on annual contributions and pension earnings and then allow plan sponsors to pay out only 85 percent of the promised benefits. She has also talked about confiscating 15 percent of the assets of all private pension funds to make up for the past when no tax was in place. She says, and I quote again: "The one-time assessment will produce a large pile of revenues for the Treasury—15 percent of $3 trillion is $450 billion—and the implications are intriguing in terms of the impact on Federal Government finances."

This sounds very much like the recommendations of another of the President's chosen advisers, the Chair of the Council of Economic Advisers, Laura Tyson. She is on record as saying: "We could raise an additional $400 billion to $500 billion in Government revenue and miraculously cure our deficit problem." Another quote: "There is no relationship between the level of taxes a nation pays and its economic performance."

The President is rightly judged on the promises he makes, but also on the people he chooses to determine his policies. On both of these counts, Clinton is showing himself to be a major league taxer and spender.

President Clinton, just do what you promised and do not tax and spend the United States into poverty.

Mr. LOTT. Mr. President, I would like to ask the Senator, on his time, if he would yield.

Why would the Senator rise to raise any objections here today? This is the President's choice. So she wrote about this in the New England Economic Review. Why would the Senator from Florida be so concerned that he would rise and express the concern about her today?

Mr. MACK. I appreciate the question. The reason I rise today is because I sense a developing pattern here. The President is out around the country telling the American people that he wants to cut spending and he "understands their concerns." "We are not going to increase taxes until in fact there has been spending reduction." But yet we see his nominees are people who are constantly talking about raising taxes first. None of them talks about a cut in spending. Every one of them looks for a new area to raise "a pile of revenues." In the case of Dr. Munnell, that "pile" would be $450 billion as a result of a 15-percent tax on pensions.

What we really see here is a group of people who are primarily interested in more taxes, more spending, and more government. That means the American people will have less freedom as a result. That is why I am here today talking about this.

Mr. LOTT. I thank the Senator.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

A FORUM FOR NOBEL LAUREATES

Mr. MOYNIHAN. Mr. President, may I first express my appreciation for the courtesy of the Senator from Mississippi, the Senator from Florida, and others, who are very indulgent in regard to my not having been here on the previously understood time.

I was the host, if that is the term, for a meeting in the committee room of the Committee on Finance. We provided a room for a group of Nobel laureates, specifically Archbishop Tutu, of South Africa; Betty Williams, of Northern Ireland; and Kara Newell, of the American Friends Services Committee; led by the Honorable Edward Broadbent, our colleague from the House of Commons in Ottawa, one of the founders of the new Democratic Party. This distinguished group came to the Congress to report on their recent attempted visit to Burma, where they asked to see Aung San Suukyi, who is also a recipient of the Nobel Peace Prize. For 4 years, Aung San Suukyi has been under house arrest by an abominable regime in Burma at this time, the military government which, having lost national elections to a democratic coalition, canceled the elections and arrested or exiled leaders of those governments.

Archbishop Tutu and Ms. Williams will be meeting with the President, and it seemed appropriate to provide them a forum in the Senate to report on their activities.

This, of course, was completely bipartisan. Senator PELL, Senator SIMON, Senator BIDEN, myself, and others will introduce legislation later this week.

For the moment, Mr. President, as chairman of the Committee on Finance, I am asked to respond to objections to the nomination of Alicia Munnell, to be Assistant Secretary of the Treasury for Economic Policy.

Dr. Munnell, as we surely know, comes to us from the Federal Reserve Bank of Boston, where she is senior vice president and director of research, a position of eminence in the world of finance and in the world of economic analysis. She did not come to us from a staff position in the Senate or a faculty position, however eminent, or a business position, howsoever well rewarded. She comes to us, sir, as a leading economic authority from the Federal Reserve Bank of Boston, one of the eminent elements of our Federal Reserve system.

She is a scholar of prodigious achievement. I do not know that I should burden the Senate with the particulars. We might find ourselves forced to compare our own achievements with hers.

Let me just list some of the professional activities involved. She is a member of the U.S. Army Corps of Engineers workshop to consider issues of Federal infrastructure investment, economic growth, and productivity. Two years ago it fell to me on this floor to manage the Intermodal Surface Transportation Efficiency Act of 1991, the first legislation on surface transportation to follow the era of the interstate highway program that began, depending on which date you choose, in 1944 or 1956.

I brought it to the floor with some insistence, as did my colleague Senator SYMMS that we begin to pay attention to productivity. We had asked the Chairman of the Council of Economic Advisers about productivity growth rates in transportation in recent years. Dr. Boskin wrote to us that in the judgment of the Council, productivity in transportation had been rising at the rate of 0.2 percent in the last 15 years. That, Mr. President, is a Medieval rate. It takes 350 years to double. The Army Corps of Engineers is very much involved with such matters. And it is a matter almost of routine that Alicia Munnell would be asked to join the Engineers in looking into a profound and complex problem.

She is a member of the advisory committee to study the old-age security arrangements of the World Bank, another organization that the Senate created. We created the Federal Reserve Board. We created what we call the World Bank.

She is a member of the economics visiting committee of the Massachusetts Institute of Technology where you cannot turn a corner without bumping into a Nobel laureate in economics.

The visiting committee looks into the department from time to time and sees how it is doing. That is what you ask of Alicia Munnell. How are the Nobel laureates doing? She is a member of the Committee on Health and Human Rights of the Institute of Medicine of the National Academy of Sciences. I might point out that the National Academy of Sciences too, is an organization created by this body at the behest of Abraham Lincoln in the Civil War.

She is a member of the Institute of Medicine of the National Academy of Sciences. I should think that Dr. Munnell is one of the few non-medical members of that institute.

She is a member of the International Institute of Public Finance and a cofounder of the National Academy of Social Insurance. I have to tell you that my most particular association with Dr. Munnell is in the area of Social Security, where she is an internationally recognized authority. She is a member of the National Academy of Public Administration, the Boston Economic Club, and the Pension Research Council of the Wharton School of Finance and Commerce. The International Monetary Fund asked her to go to Armenia not long ago to be an assistant consultant on economic issues.

Mr. President, there are not many days that it falls to the U.S. Senate to confirm a person of such professional eminence. It is said that she has written an article on pensions; alas, Mr. President, too true. And in what incendiary Journal do you suppose the subversive remarks appeared, what lurking, leftist, undermining, confiscating subverting enterprise was this? Sir, it was the New England Economic Review, a Journal of the Federal Reserve Bank of Boston, scarcely the setting for such alarming views as we are told were presented. She appears on the cover with an article by Eric Rosengren and Katerina Simons, entitled "The Advantages of 'Transferable Puts' for Loans at Failed Banks." Richard Kopcke has also contributed to the Journal, "Profits and Stock Prices: The Importance of Being Earnest." And Katerina Simons, obviously a prolific young writer, contributes an article entitled "Mutual-to-Stock Conversions by New England Savings Banks: Where Has All the Money Gone."

Dr. Munnell writes an article entitled "Current Taxation of Qualified Pension Plans: Has the Time Come?"

She asks the question. As an economist, as a scholar, as the vice president of the Federal Reserve Bank of New England, she asks the question. She makes the argument for, the argument against, and asks whether a change in the Internal Revenue Code ought to be made. Is she indeed the author of this inquiry? Yes. And of hundreds more articles. Well, I will not say hundreds, but of many. This is a scholar of international reputation.

Working from the suggestion by a British actuary, she explored this particular question in finance and in pension arrangements, of which she is a particular authority. She did it on her own, published it on her own, and it stands on its own.

If she is accused of being a scholar, then she is guilty. If it is said she has entertained unorthodox ideas, I fear that is true. If it is further surmised that she may be very intelligent and have something to offer in the field of economic policy to this administration, that clearly, sir, is the judgment of the President of the United States. It is also the judgment of the Secretary of the Treasury, who is so proud to have her in prospect. And, sir, a small detail, not, I hope, without some relevance to this Chamber: She is the unanimous choice of the Committee on Finance. She came before us; she was questioned about these matters, and she answered in a thoughtful, not remote, way.

I have no more to say. I do not think I ought to say more. It is astounding that I am asked to say anything in defense of her qualifications.

The one thing I have heard in the course of this debate, my very good friend from Mississippi has discovered an excerpt of Alicia Munnell's in which she allows that she is not an expert in economic forecasting.

Mr. President, may I offer the simple judgment that anyone who thinks he or she is such an expert should not be allowed near the U.S. Treasury.

I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). Who yields time?

Mr. ROTH addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, hardly a day goes by without the Clinton administration floating some new idea designed to increase the tax burden on the American people. Apparently unsatisfied by the largest tax increase in U.S. history, administration officials are constantly looking for something more. The American people are starting to get the idea that there is nothing new about the tax and spend addiction of the Clinton Presidency.

We are today considering the nomination of a new Treasury official who is an unsurpassed advocate for new taxes.

Her name is Alicia Munnell, the former director of research at the Federal Reserve Bank of Boston. Ms. Munnell has distinguished herself over the years as a tireless advocate of taxes—such an advocate that even the Clinton administration has not yet considered publicly the influence she will have, both on policy as well as on the President's popularity.

In short, Ms. Munnell is of the opinion that Americans are undertaxed, not overtaxed, and Government is not big enough, its burdens too light.

Her solution? Ms. Munnell believes Government should begin taxing the retirement of hard-working, thrifty Americans. Last year, in an article of the New England Economic Review, Ms. Munnell advocated the taxing of pension plans.

Amidst a savings shortfall and growing anxiety about the ability of many to retire in decency, Munnell's position is simply mind-boggling. According to her, "the United States has the ability to tax pension on a current basis and the time has come to do it."

To ease the transition to this tax policy, Ms. Munnell has suggested the option of a wealth tax on pensions, noting that a "one-time assessment would produce a large pile of one-time revenues for the Treasury—15 percent of $3 trillion is $450 billion, and the implications are intriguing in terms of their impact on Federal Government finances."

However, intriguing Ms. Munnell may find this implications, the word that comes to most Americans is horrifying. Ms. Munnell is talking about taxing the pension plans of men and women who are responsibly preparing for their futures; she is talking about Americans' family security, about their peace of mind, and preparation for tomorrow. Ms. Munnell is talking about taxing what amounts to one of the last refuges of self-reliance.

But as disastrous as this policy would be on a personal level, the principle of even higher taxation of savings and investment is equally dangerous as a matter of public policy. Our Nation's future—our ability to compete in the emerging global economic community—comes down to capital formation, the incentives Americans have to work, save, and invest.

Mr. President, America cannot afford the policies Ms. Munnell espouses. Consequently, her nomination must be carefully considered. Likewise, this nomination must be considered in view of the Treasury's refusal to supply many Members of the Senate and House with the Clinton tax program evaluated in terms of adjusted gross income. The Treasury has failed to provide this information to the Congress and to the public, even though adjusted gross income is a standard measure used by Treasury routinely in tax data.

Though the administration argues that added components used in the measurement of family economic income do not determine tax liability, it is clearly a measurement the administration is using to determine where the tax burden falls. Additionally, AGI versus FEI could be critical if nominees such as Ms. Munnell have the opportunity to put their ideas into action. FEI could be viewed as a leading indicator of future tax increases in the Clinton administration. Maximal taxation of every conceivable form of income seems to be the direction of tax policy under this administration.

Mr. President, I ask unanimous consent that the editorial which appeared in this morning's Washington Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DON'T BANK ON ALICIA MUNNELL

From the man who promised tax cuts and delivered all manner of tax increases comes now Alicia Munnell. Chances are you have never heard of Ms. Munnell, but if she gets her way with economic policy as one of Mr. Clinton's top Treasury Department appointees, the country will know her all too well.

Ms. Munnell is the former director of research at the Federal Reserve Bank of Boston and is also a prominent member of the elite "Americans are undertaxed" school of economic thought. Last year she penned a startling paper for the New England Economic Review entitled, "Current Taxation of Qualified Pension Plans: Has the Time Come?" The short answer to her question was yes. The long answer was that the government shouldn't stop there.

Why? Among other things, the federal government needs the money. A one-time 15 percent tax on the existing $3 trillion in pension assets, says Ms. Munnell, would generate a "large pile" of revenues for the fed of $450 billion. Throw in an annual 15 percent tax on the yearly contributions and earnings of those pensions, and the government could rake in another $55 billion a year or so.

The best part of the scheme is that cutting the feds in for a share of the take isn't really stealing from workers. Not the way Ms. Munnell sees it. She repeatedly refers to pension savings, tax-free to workers until they withdraw the funds in retirement, as "tax expenditures," meaning that it costs the Treasury money when it allows the toiling masses to hold onto their earnings. The premise of this concept is that all income belongs to the government except that portion which it generously offers to workers. Thus, at one point, Ms. Munnell refers to those who don't want the feds jacking up taxes on their pensions as "advocates of government support for qualified plans." Get it? Low taxes are government handouts.

Eliminating these "handouts" also accords with her notions of social engineering. The current system "does not appear to be achieving major social goals," she writes, particularly because it allows those darn rich people to hold onto their money. Better let the government have it back.

There are any number of problems with this proposal beyond the eensy-weensy constitutional one Ms. Munnell herself cites. Pensions represent an agreement—dare one say "contract"—with the government in which workers give the use of part of their money now in exchange for using it in retirement later. The "trust deficit" that columnist David Broder said Mr. Clinton is suffering is likely to grow even larger if he breaks that contract by confiscating part of those pensions through a tax. The money workers expected on retirement wouldn't be there.

Her plan would only hurt this country's savings rate, which is low enough as it is. People like Ms. Munnell always think that tax rates have no effect on the Hillary Rodham Clintons of the world, that they will work and save and invest just as before. But Mrs. Clinton shuffled her law firm bonuses to avoid higher taxes, and if Ms. Munnell jacks up taxes on savings, Mrs. Clinton and others will find something else to do with their money. They will stop saving before they have to give it to people like Ms. Munnell. If you tax everything that moves, things tend to stop moving. That includes things like economies.

Just as worrisome is the fact that the scheme gives a rather sinister new meaning to the president's Family Economic Income standards. FEI treats the likes of employer-provided fringe benefits as income for income classification purposes. Adding benefits to worker incomes now allows Mr. Clinton to claim he is only imposing net tax increases on those making more than $30,000, which is not a little deceptive since most people don't understand FEI or realize that it pushes those making less than $30,000 well over that figure.

But worse than classifying people by FEI would be taxing them on it. Ms. Munnell cites, approvingly, a 50-year-old Supreme Court opinion that the tax code "is broad enough to include in taxable income any economic or financial benefit conferred on the employee as compensation, whatever the form or mode by which it is effected."

Ms. Munnell goes on to link pensions with other tax-exempt or tax-deferred activities she considers tax expenditures (read: government benefits that are implicit candidates for expropriation in whole or in part through higher taxes): exclusion from taxation of pension contributions and plan earnings, tax-deductible home mortgage interest, tax-exempt employer contributions for medical insurance premiums and medical care and much more. She expressly challenges the tax-deferred status of the popular individual retirement accounts (IRAs) and 401(k) plans.

There are more than a few ironies in all this. Treasury Secretary Lloyd Bentsen has long argued for expanded IRAs, which makes Ms. Munnell a rather strange choice, assuming the White House didn't make the choice for him. In addition, pension experts already are concerned that increasing federal regulation of pensions encourages companies to get out of the retirement plan business, leaving employees little to live on in retirement. If personnel is policy, Ms. Munnell's appointment is one more sign that the administration doesn't understand what is at risk here.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I believe I have only 30 seconds remaining. My understanding is the chairman is prepared to yield back his time and proceed to a vote. In case he returns to the floor, we would be ready to proceed.

Let me just use my last few seconds saying again I think this is a dangerous, risky appointment. I think Ms. Munnell has in effect been indicted by her own words and writings, by things she suggested or even advocated.

But she is the President's choice. She does have some interesting background and experience. She does not have ethical or legal problems. So I will not further object to her appointment at this time. But I just wanted the American people and my colleagues here in the Senate to be on notice there are some problems with her background with her writings and statements.

The PRESIDING OFFICER. The time has expired.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Massachusetts.

NOMINATION OF ALICIA MUNNELL

Mr. KENNEDY. Mr. President, I rise in strong support of the nomination of Dr. Alicia Munnell for the position of Assistant Secretary of the Treasury for Economic Policy. Dr. Munnell is a highly distinguished economist who will serve with great ability.

I am proud to note that Dr. Munnell's education and professional career have been in Massachusetts. She received her B.A. from Wellesley College, her M.A. from Boston University, and her Ph.D in economics from Harvard University. Since 1973, she has served on the staff of the Federal Reserve Bank of Boston, rising to the position of senior vice president and director of research.

Her work at the Boston Fed has covered many important issues, including pensions and the future of the retirement system, the importance of public capital investment in economic growth, and the economic performance and policies of Massachusetts.

She has given generously of her time to many vital public policy efforts at home and overseas, including the World Bank project on social security, the U.S. Army Corps of Engineers workshop on Federal infrastructure, the International Monetary Fund's assistance program for Armenia, and the Ford Foundation's project on social welfare and the American future.

Dr. Munnell's professional accomplishments and publications are extremely impressive. She is also the co-founder and president of the National Academy of Social Insurance, a director of the Pension Rights Center, and a member of the Institute of Medicine of the National Academy of Sciences, the National Academy of Public Administration, and the Advisory Council on Social Security.

The central theme of Dr. Munnell's entire professional career has been using her knowledge, skills, and talents in public service. She has worked brilliantly on many of the most complex social and economic problems we face, in a continuing effort to improve life for all Americans. President Clinton, the Treasury Department, and the American people are fortunate to have her service. She is one of the ablest economists of her generation, and I urge the Senate to approve her nomination.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have printed in the RECORD the excerpts from Dr. Munnell's testimony before the Committee on Finance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCE COMMITTEE, May 6, 1993

Dr. MUNNELL. I wrote an article that was published in the Federal Reserve Bank of Boston Research Review. It was an article that I had originally wrote in response to a request by the American Law Institute, the American Bar Association for a conference that they were having on pensions. I was given the title of, "Has the Time Come to Tax Pensions on a Current Basis," and that is the topic I explored within that article.

In that article I looked at the arguments for deferral and I looked at the arguments for taxation and came out at that time for taxing on a current basis. Unfortunately, in that article I also included as I went back and read the article last night, I said, "to crystalize the issue," I found more crystal than I had ever anticipated.

A transition proposal that was suggested by actually a British Actuary that would involve a one-time levy on pension fund assets. I did not support that particular levy in the article. I do not support that particular levy now.

In terms of whether pensions should be taxed currently or deferred, that is a topic that economists have debated for a long period of time. It is really whether you want to have an income tax or a consumption tax. It is a legitimate source of inquiry.

> It does not fall within my purview at Treasury. It is not a priority for the tax people within Treasury of Secretary Bentsen for sure, for the Clinton Administration, nor for me. So I would be very surprised it would figure into my work at all during my tenure.

Mr. DURENBERGER. Mr. President, I think Secretary Bentsen has put together a superb team of advisers and administrators; probably the best team supporting any Cabinet secretary. Yesterday and today we are in a position to consider the nominations of key members of that team—people who will be advising him, dealing with Members of this body, and administering the Nation's tax laws.

I would hasten to add that the best intentions and the best qualifications don't necessarily lead to the best policies—and I have very serious problems with the thrust of the economic policies being put out by this administration. But we should encourage the President, and the Secretary, to elicit the help of the best possible people, and join our battles on the merits of the policies that are sent up.

Because one of the President's nominees—the one before us now—has attracted particular attention, I want to speak briefly to her qualifications and my high regard for her.

Alicia Munnell and I got to know one another about a decade ago during my work with Americans for Generational Equity. I called on her for advice on the economic status of the elderly, on intergenerational income transfers, and on income security policy more generally. During that time we disagreed on some issues—we may, in fact, have disagreed more than we agreed.

But I always found her to be honest, open, and straightforward in her dealings with me and with anyone else she dealt with.

I disagree with Alicia Munnell's academic writings on the taxation of pension funds. And I am agnostic on her findings with respect to racial discrimination by banks, which have attracted some vigorous methodological criticism.

But I don't think we have to worry that she will subvert the administration's decision processes to push her personal policy positions.

Alicia Munnell is an academic and public servant of integrity and ability, and should the Senate confirm her—and I am confident it will—we'd be acting in the Nation's best interest.

Mr. MOYNIHAN. Mr. President, I see my distinguished friend from Mississippi has concluded his remarks. I, therefore, yield back all the remainder of my time and urge the confirmation of the nomination.

The PRESIDING OFFICER. With the yielding back of the time, the question occurs on the confirmation of the nomination of Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury.

The nomination was confirmed.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I do thank the Chair.

Mr. President, I believe there is another nomination forthcoming.

DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of nomination of Michael Levy, of Texas, which the clerk will report.

The assistant legislative clerk read the nomination of Michael B. Levy, of Texas, to be a Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Under this order there will be 10 minutes of debate equally divided between the Senator from New York and the Senator from Oregon.

Who yields time?

Mr. MOYNIHAN. Mr. President, there being no other Senator on the floor at this time, I am moved to make brief remarks, but it may be that none other is necessary.

The first thing to be said, and I speak now as chairman of the Committee on Finance, is that the nomination of Mr. Levy, who is nominated to be a Deputy Under Secretary of the Treasury, having been referred to the Committee on Finance, was sent to the floor by a unanimous vote.

The Committee on Finance, Republicans and Democrats, asked to recommend to the Senate that it approve this nomination of a hugely gifted, able, and I am happy to state still relatively young academic and public servant.

Dr. Levy was from 1978 to 1985 an associate professor of political science at Texas A&M University. Dr. Levy was from 1985 to 1987 an economist with the Joint Economic Committee, a bipartisan body in which we place great trust and properly so. He, thereafter, became a member of the staff of then Senator Bentsen. He was Senator Bentsen's administrative assistant from 1987 to 1993.

The President asks of us that we send to the Treasury Department Secretary Bentsen's former administrative assistant to help him in the administration of the Treasury Department.

We know and admire Dr. Levy from our work with him as a staff member of the Joint Economic Committee. We know and admire him from his work as administrative assistant to Senator Bentsen.

It is the elemental practice of this Chamber to enable a President to form his Cabinet and sub-Cabinet according to his desires and needs as he judges them to be.

And here we are, with this fine economist, experienced public servant, member of our family, the Senate family, being held up.

By whom? For what?

Mr. President, I do not wish to show any impatience, but I have been talking now for some time. No one has come to the floor even to explain the necessity for this discussion.

I see the distinguished Republican leader is here. Perhaps he has some remarks to make.

In any event, Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, at my request, the Senate has waited until today to confirm Michael Levy to become Deputy Under Secretary of the Treasury for Congressional Affairs.

Let me just outline the reasons for the delay because, sometimes, delays I think are justified. It really has not been much of a delay, 2, or 3, or 4 days.

The reason for the delay was to provide me time to obtain certain information on the hiring practices of the U.S. Customs Service in particular, and the Clinton Administration in general. Several press accounts have been written about my actions, most have been completely false—did not have any of the information right, which is not unusual—and I intend to discuss this matter and set the record straight.

Last January, during a reorganization of my offices, an employee of mine applied for, and was told she would receive, as a Ramspeck employee, a GS-14 position being advertised at the U.S. Customs Service's Office of Public Affairs. Knowing of concerns expressed by the chairman of the subcommittee of jurisdiction about so-called burrowing-in by political employees of the previous administration, my staff contacted Senator PRYOR's staff to ensure no political issues were at stake. My staff was assured by those with oversight over hiring practices of the executive branch that this was indeed a proper use of the Ramspeck statute.

In February, when a call was made to determine the status of the position, my office was informed that no action was being taken on the matter due to a letter which was sent to the Customs Service by the chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government—Senator DECONCINI. Then, the applicant was informed the position would not be filled, but rather abolished.

At that time a member of my staff spoke with Mr. Levy about the position. Mr. Levy told him the position was originally created for the sole purpose of taking care of the member of my staff who had applied for it and that it might look bad if someone found out about it. Finally, Mr. Levy stated even if such a position were to be created, it would be a much lower GS level.

Mr. President, that is absolutely untrue. The opening was advertised when the previous employee—A GS-14—left the Government. The job existed prior to the application of my employee.

Following that incident, on March 10, I sent a letter to Secretary Bentsen requesting a copy of the DeConcini letter, and to inform him that I expected the provisions of all laws—including Ramspeck—to be followed. I did indicate and continue to support the fact that the administration can determine whether to fill, create, or abolish positions, as long as the appropriate laws are followed.

Then, on March 18, the staff member who had applied for the GS-14 position applied for a GS-13 position in the same Customs Office of Public Affairs with the same job description. However, she was soon advised that position—a newly created position—would not be filled either.

Mr. President, at no point did I send a letter or otherwise communicate with the Customs Service in support of hiring this employee; never did one thing. Rather, the only information I had was that the employee had originally applied for the post as a Ramspeck employee, that the staff of the subcommittee said it was a proper action, and that the applicant had been advised she would be hired.

What actually occurred was that Customs advertised the GS-14 position, my staff member applied, and Customs decided not to fill the post. Then the Customs Service advertised for a GS-13 position, my employee applied and Customs decided not to fill the post.

All this time, my letter to Secretary Bentsen of March 11, went unanswered—I might say that this occurred through absolutely no fault of my good friend, the Secretary of the Treasury, Secretary Bentsen—he was unaware the letter existed and apologized later because the letter had not been responded to.

When the nominations of George Weise to be Commissioner of Customs and Michael Levy to be Deputy Under Secretary for Treasury were placed on the calendar, I informed the majority leader I could not clear the nominees until I received a response to my letter. That response was hand delivered to me by Secretary Bentsen. I then requested additional information and cleared Mr. Weise for confirmation.

That confirmation has been taken care of. In fact, I supported his nomination and wrote a letter to the President in support of his nomination several weeks or months ago.

Mr. President, whoever drafted the letters for Secretary Bentsen alleges the decision not to hire my employee was made following a decision that she failed to satisfy the qualification requirements for the position. Yet, I can find no reason for such a decision in the qualification standards made available to me by the Department.

To the contrary, Mr. President, I do possess a copy of a memorandum written by the Acting Director of Congressional Relations at the U.S. Customs Service following a meeting with Mr. Levy. That memorandum suggests partisan politics was the reason the position was not filled—a position which is supposed to be nonpolitical. The memorandum also suggests Mr. Levy was aware of the nature of the decision and approved.

I asked Mr. Levy to respond to the memorandum and he assured me the memorandum was inaccurate.

Unfortunately, I remain without the truth. I can find no reason for a decision that the applicant was not qualified, yet I am told nothing political occurred in this supposedly nonpolitical matter. As I indicated earlier, I even cleared this matter with the Democratic subcommittee chairman so there would be no suggestion of political activities.

On another matter, Mr. President, let me also say I am concerned about reports that employees at the Treasury are using what amounts to strong-arm tactics to enlist support for the President's proposed tax increases.

I have been told by members of the Affordable Energy Alliance—a group with over 1,250 members organized to oppose the Btu tax—that employees of Treasury have called to ask whether they are members. When asked why Treasury wants to know, they were told "We want to know who our enemies are."

I hope the Department of the Treasury is not engaged in the creation of a new enemies list. I would also hope that, if Mr. Levy has anything to do with this matter, he will take this opportunity to take a little breath and reevaluate the approach.

Finally, Mr. President, let me say that I have agreed to allow the confirmation of Mr. Levy as a favor to my friend, Secretary Bentsen. Mr. Levy was the administrative assistant to the Secretary for several years when the Secretary was our colleague here in the Senate.

As I stated, I have concerns with this nominee and soon to be Deputy Under Secretary. I urge him to proceed with caution, acting under both the letter and spirit of law.

I would just point out one other factor that I think sometimes is lost on people who may not totally understand. We are the minority.

If we were in the majority, I could have a hearing on this matter and put people under oath and find out what the facts are. But we, obviously, are not going to have a hearing, because Republicans are in the minority and they are not going to be setting the agenda. So we do not really have any real way to find the truth in this matter.

I would just say that we wanted to make the case, wanted to state it for the record. There is not much this Senator can do about it, except state that most of the press reports have been totally inaccurate. I hope those who have written the press accounts would now take a look at the facts and indicate that we did have a legitimate reason to make further inquiries in this case.

I think I could very legitimately hold this nomination for some time in an effort to find out the facts, but I am convinced Mr. Levy is not going to give me the facts. And, on that basis, for that reason, I see nothing to be gained by holding the nomination except I do want to accommodate my good friend, our former colleague, the Secretary of the Treasury, Secretary Bentsen.

Mr. MOYNIHAN. Mr. President, if I could speak?

Just a slight historical diversion. The Senator surely knows of the distinguished career of Roscoe Conkling, who was a leader of the Republican Party of New York State in the years following the Civil War.

In 1880, with the election of James Abram Garfield to the Presidency, Mr. Conkling, as was his presumed right, recommended a person to be collector of the Port of New York in the Customs Service. Most of the revenue of the Federal Government then came from those tariffs.

Mr. Garfield, who was a premature proponent of civil service reform, refused and nominated someone else. Senator Conkling, indignant at this affront to the Senate, resigned from the Senate in full confidence that the New York State Legislature would promptly reappoint him.

Unfortunately, Mr. Garfield was shot by a disappointed officeseeker, and because of such, his nomination suffered a setback. Whereupon Conkling was heard to observe that, when Dr. Johnson declared patriotism to be the last refuge of a scoundrel, he underestimated the potential of reform.

Here we are, a century later, dealing with the same matter.

I am sure we all accept the Republican leader's statement in the good faith in which it was offered. I certainly do. I have no questions in the matter whatever.

Mr. President, seeing no one else seeking recognition, I yield the remainder of my time.

Mr. DOLE. I yield back any time I have.

The PRESIDING OFFICER. All time has been yielded. The question occurs on the confirmation of the nomination of Michael Levy to be Deputy Under Secretary of the Treasury.

The nomination was confirmed.

Mr. MOYNIHAN. Mr. President, I ask the President be immediately informed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider will lie upon the table and the President will be immediately notified of the Senate's action.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Julia Ross, who is an intern in our office, be allowed to be on the floor while I preside from 3 p.m. to 4 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for about 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GORTON pertaining to the introduction of S. 989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, let me address a parliamentary question to the Chair. I know we are waiting to take up the Achtenberg nomination, and there are discussions underway about that with respect to time agreements. So I will not proceed with the subject at this moment, although I am prepared to and want us to start as soon as we can on this matter.

But my question would be this: Pending that, I assume it is in order for me to ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Such a request to the Senate would be appropriate.

Mr. RIEGLE. I make such a request. I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, let me say again, I will suspend or return to the Achtenberg matter just as soon as there is some understanding between the leadership and the two parties.

DISTURBING TRADE STATISTICS

Mr. RIEGLE. Mr. President, what I want to raise now, however, are the very disturbing trade statistics that are now out today for the month of March. Our trade deficit figure jumped up over $10 billion for 1 month. That means that our deficit in trade, the amount that other countries ship into the United States less a much smaller amount that we sold overseas, left a deficit in the favor of foreign countries of over $10 billion just for the month of March. That means literally hundreds of thousands of American jobs are, in effect, being taken overseas by this terribly adverse trade balance.

If you look within that $10 billion monthly figure, the nation of Japan had a trade surplus with us in their favor, and a deficit for us, a monthly deficit that reached a 5-year high of $5.26 billion. So that meant, in the month of March, Japan, in the trade account, took out of the United States over $5 billion.

When you think about taking $5 billion out of our economy in the space of just over 4 weeks, or namely a 1-month period of time, that is a huge economic impact for our country. Of course, that is happening month after month after month after month. Then the Japanese tell us that they cannot really do anything about this. They have a million excuses as to why this huge trade imbalance persists and cannot be solved. But a lot of it, of course, is trade barriers that they have in Japan to keep our products out and a whole series of interlocking business relationships that enable them to operate in this country in a very forceful way that gives them access to our market, which they in turn prevent us from having in Japan. It is a terribly damaging pattern.

One of the reasons that the unemployment rate is so high in this country is because of this persistent trade deficit we have with Japan. Since 1980, Japan, in the trade account, has taken over $500 billion out of the United States. Over $500 billion has left the United States and gone to Japan in the trade account, and that is a figure in excess of 0.5 trillion. It is by far the worst trade problem that we have.

And I want to say that I appreciate the fact that the new Clinton administration has confronted this issue in a much more direct, head-on way than we ever saw with the last administration.

But these numbers are very damaging to the country of the United States of America. Something has to be done on an urgent basis by the Japanese, in conjunction with the leaders of our Government, to bring these deficits down.

The other day, the Japanese announced they are going to have a job stimulus program this year, and they are going to spend $114 billion on their jobs stimulus program.

Why are they doing that? Because the unemployment rate in Japan is all the way up to 2.25 percent. The unemployment rate in America is over three times that. It is up to 7 percent.

President Clinton asked for a jobs stimulus program here of $16.3 billion, a tiny fraction of what the Japanese will be spending, and Republicans, with a filibuster, prevented that from happening. So we have no jobs stimulus program going on here. Whereas, Japan is going to spend $114 billion this year and half of it they are going to pay for with the trade surplus that they have with the United States. So American citizens are paying for the jobs stimulus program in Japan, paying for at least half of it, and we cannot get the money for a jobs stimulus program here in our own country.

It is an astonishing juxtaposition of facts here in terms of the damage that is being done to the American economy and why we are having such a weak job performance out there and why people with qualifications all across the spectrum cannot find jobs in today's job market.

So there is a major problem in the trade account. Japan persists in its tactics of trade cheating, well refined, and well developed over many years. It has to come to an end.

We cannot afford to have another $10 billion drained out in a 1-month period in the trade account, and half of that, over $5 billion, going to a single country, Japan, who maintains all these barriers to American products that we otherwise should be selling in Japan.

I might just finally say, we are able to sell American goods all around the world and we could sell them in Japan if there were not a whole series of barriers to entry of our products in Japan. They like one-way trade. We have to put an end to that. We have to insist on two-way trading relationships. We have to eliminate this trade deficit with Japan while we still have a job base left here in the United States.

ORDER OF PROCEDURE

Mr. RIEGLE. Mr. President, I am ready, as soon as we can get a response here, to proceed with the Achtenberg nomination. The committee has acted. We are ready to go. I hope that before too much more time passes we can have some understanding so we can get this nominee confirmed and on the job.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Karen Olick, Liz Tankersley, and Peter Teague of my staff, and Lisette Lopez, a fellow in my office, be granted privileges of the Senate floor during all debate and votes on and in relation to the Achtenberg nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES

Mr. DOLE. Mr. President, as in legislative session, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER (Mr. DORGAN). The question is on agreeing to the resolution.

The resolution (S. Res. 109) was agreed to, as follows:

S. RES. 109

Resolved, That the following shall constitute the minority party's membership on the following committee for the remainder of the 103d Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. McConnell, Mr. Smith, and Mr. Craig.

SALUTE TO SENATOR STEVENS ON THE OCCASION OF HIS LEAVING THE ETHICS COMMITTEE

Mr. DOLE. Mr. President, Senator STEVENS is doing a very unusual thing today. He is voluntarily stepping down as a Republican member of a Senate committee, the Select Committee on Ethics.

Since he was sworn in on December 24, 1968, Senator STEVENS has been one of the most hard working Members of the Senate. He is now in his fifth term and the workload he has accumulated is impressive indeed.

He is a member of the Senate Appropriations Committee, as well as being on the Subcommittee on Defense, the Subcommittee on the Interior, the Subcommittee on Labor, Health and Human Services, and Education, the Subcommittee on Military Construction and the Subcommittee on Commerce, Justice, State, and the Judiciary.

He is the ranking member of the Committee on Rules and Administration.

He is on the Senate Commerce, Science and Transportation Committee as well as the Subcommittee on Aviation, the Subcommittee on Communications, the Subcommittee on Merchant Marine, and the Subcommittee on National Ocean Policy Study.

He is on the Senate Governmental Affairs Committee, and the Subcommittee on Federal Services, Post Office, and Civil Service, the Subcommittee on General Services, Federalism, and the District of Columbia, and the Subcommittee on Oversight of Government Management.

He also serves on the Permanent Subcommittee on Investigations.

In addition to these assignments, Senator STEVENS serves on the Senate Select Committee on Intelligence. Moreover, he serves on the Joint Committee on the Organization of Congress, the Senate Ethics Reform Commission, the Bipartisan Task Force on Senate Coverage, the Joint Committee on the Library, and the Joint Committee on Printing, and is cochairman of the Western Senate Coalition.

He is on the Senate Arms Control Observer Group, and the Senate Rural Health Caucus.

We can only guess when he gets to see his lovely wife, Catherine, and his six children.

So we salute Senator STEVENS for his yeoman service to the Senate as he steps down from the Ethics Committee today.

I know the committee will miss the considerable judgment and experience that TED STEVENS has brought to its deliberations.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive Calendar No. 96, the nomination of Roberta Achtenberg to be an Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. The nomination will be stated.

The bill Clerk read the nomination of Roberta Achtenberg, of California, to be Assistant Secretary of Housing and Urban Development.

The Senate proceeded to consider the nomination.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. Mr. President, I rise now as chairman of the Senate Banking, Housing, and Urban Affairs Committee to present to the Senate the nomination, reported favorably from our committee, of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

The Assistant Secretary for Fair Housing and Equal Opportunity plays a critical role in eliminating discrimination in our Nation's housing markets.

On May 5, just a short time ago, the Banking Committee overwhelmingly reported the nomination of Roberta Achtenberg to this position of Assistant Secretary by a vote of 14 to 4. That is, obviously, a very strong bipartisan vote within our committee.

I believe she brings a wealth of professional experience as a civil rights attorney and local elected official which will significantly enhance the ability of HUD to combat housing discrimination and promote equal opportunity for all citizens, and I strongly support her nomination.

Among the responsibilities of the Assistant Secretary are to advise the Secretary of Housing and Urban Development on policies and issues affecting fair housing and equal opportunity in housing and community development and on matters relating to civil rights.

Specifically, this office administers fair housing laws and regulations prohibiting discrimination in public and private housing on the basis of race, color, religion, sex, national origin, handicap, or familial status; equal opportunity laws and regulations prohibiting discrimination in HUD-assisted housing and community development programs, again, on the basis of race, handicap, sex, age, or national origin; and, finally, equal employment opportunity laws and regulations prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

Let me tell you a little about this nominee. I have seen a lot of nominees over the 17 years I have served in the Senate.

She graduated Phi Beta Kappa from the University of California at Berkeley in 1972. She received her law degree from the University of Utah School of Law in 1975 where she was elected to the Order of the Coif, which is a distinction. She was named the 1989 Management Volunteer of the Year by the United Way of the San Francisco Bay Area, and in March 1993 she was named Woman of the Year for the Third Senate District by the California State Senate.

Let me take just a bit more time to review some of her many accomplishments and her professional background.

She was elected in a citywide election to the San Francisco board of supervisors in November 1990. She serves as a member of the Economic Vitality and Social Policy Committee and has served as chair of the board's Housing and Land Use and City Services committees.

Some of her recent legislative accomplishments include the establishment of occupancy standards for San Francisco residential units to help prevent discrimination against families with children; enhancing protection for tenants against wrongful eviction; supporting construction of affordable housing for low-income families; guaranteeing small business participation in bidding for city contracts; encouraging enhanced compliance monitoring efforts by the city's Human Rights Commission, and helping speed the transition from welfare to permanent employment through augmentation of city-sponsored job training programs.

As a legislator, she also led the successful effort to enhance funding for community-based organizations providing domestic violence shelters through the Community Development Block Grant Program administered by HUD. She authored two ordinances which improve safety and access for persons with disabilities. She helped lead the legislative drive to put in place a children's budget for San Francisco, a fund that expends $10 million annually to benefit children, youth, and their families.

She authored legislation amending San Francisco's landmark affordable child care fund which requires developers to build child care facilities or contribute to a child care fund for low-income parents. These amendments gave monthly child care subsidies to recent graduates of job training programs to help them get off the cycle of welfare and poverty and into the economic system.

Prior to her election to the board of supervisors, she worked for more than 15 years as a civil rights attorney, law professor, and law school dean. She was a teaching fellow at the Stanford Law School and directed the lawyer skills training programs at the New College of California School of Law where she later became the dean.

She has litigated in State and Federal courts on issues ranging from family law to law reform involving interpretation of the due process and equal protection clauses of the Federal and California constitutions. She has served as the executive director of the National Center for Lesbian Rights and as the directing attorney of the Lesbian Rights Project of Equal Rights Advocates, Inc.

She is also a member of the State Bar of California and is admitted to practice before the Federal District Court in the northern and central districts of California as well as the U.S. Court of Appeals for the Ninth Circuit. She is also a member of the Bar Association of San Francisco, California Women Lawyers, San Francisco Women Lawyers Alliance, and the Bay Area Lawyers for Individual Freedom. She serves on the board of directors of United Way of the Bay Area which distributes more than $40 million annually to community-based nonprofits that provide health and human services to the 70 million residents of the San Francisco Bay Area. She is a member of numerous organizations including the Jefferson Elementary School PTA and Congregation Sha'ar Zahav.

As I mentioned, the committee found her, by a vote of 14 to 4, to be extremely well qualified. Among the many highly respected groups that have endorsed her nomination are the National Fair Housing Alliance, the National Center for Youth Law, the National Association of Human Rights Workers, the San Francisco Bar Association, the Asian Law Caucus, the Leaders of the California State Assembly and State Government, and numerous business and community leaders from the bay area and fair housing and human rights organizations across the Nation just to name a few.

During the course of the debate on this nomination, I suspect that many issues will be raised. However, regarding the one issue that counts, and that is her qualification to serve in this job, let me make it absolutely clear that this nominee is superbly qualified to serve in the position as Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development, and I urge my colleagues to support her nomination.

Earlier this week, Secretary Cisneros wrote that—

> Miss Roberta Achtenberg is highly capable of serving the Nation in this important position. She has my unqualified support for this job. I'm hopeful that her nomination can move forward expeditiously.

That says it about as well as anything.

I will reserve for now any additional comments until others have spoken.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. BOXER].

Mrs. BOXER. I thank the Chair very much.

I am extremely pleased to have the opportunity to add my voice on behalf of Roberta Achtenberg, someone I have known for many, many years, someone who has served her community brilliantly.

When you run for public office, that is the ultimate test, and she was elected to the board of supervisors in San Francisco. She has received many awards from people across the political spectrum.

She is highly qualified for this position and I think it is important for President Clinton that his choice be respected, because he knows Roberta Achtenberg. And I will tell you this, Mr. President. I cannot think of anyone more highly qualified for this post.

During my 16-year tenure in public office, I have met a lot of elected officials. And I have met a lot of community leaders. Some of them lead and some of them follow, and some are content just to go along to get along. But Roberta Achtenberg has courage, foresight, she listens to people, and she leads.

Her background is impressive, as Chairman DON RIEGLE has explained here today. Her commitment is unquestioned. As a civil rights attorney, as a county supervisor elected by the people of San Francisco, and as a legal scholar, Roberta will bring a sense of mission and expertise to the Department of Housing and Urban Development.

After studying her record and reading the nomination hearing records—because Roberta Achtenberg got a resounding vote in the Banking Committee—I am confident that Senators will agree that she will be an outstanding Assistant Secretary for Fair Housing and Equal Opportunity.

I think that we need to consider the commitment we are asking this nominee to make. It is a commitment to fair housing and a commitment to equal opportunity. And to Roberta Achtenberg, these are much more than lofty ideals. We can say those words easily, but this is a woman who has given her life for these things. She tirelessly fought for equal rights, both as an attorney and as an elected county supervisor. These are ideals that she has dedicated her life to.

Whether she was litigating family law cases, representing the poor or the disabled, chairing the Housing Committee of the San Francisco Board of Supervisors, or drafting legislation to prevent housing discrimination, she has listened to diverse communities; she has always built coalitions between them. And she pursues policies that are designed to help all people, Mr. President.

Roberta Achtenberg is a healing person. She brings people together. She gets things done.

Recently, Supervisor Achtenberg drafted a bill to end housing discrimination directed against families with children. Mr. President, we know this is a problem in our country. It certainly was a problem in San Francisco. She knew it because as an attorney, she had represented the families and the poor, disabled, and minorities. She knew what it meant to be discriminated against, to be told that you were not wanted, that you were not the right type of tenant.

But she also knew that under California law, it was difficult to pass local antidiscrimination bills. So she went to work. She crafted legislation very carefully that was consistent with State law. She forged a coalition between the owners, the realtors, the tenants, and children's advocates. And we know, because we are in politics, how tough it is to bring all of those disparate groups together. Roberta Achtenberg did it, and with her skills, that bill was passed.

That bill, Mr. President, gives families with children a voice, and protection that they deserve. So Roberta Achtenberg already has been a champion for families with children.

I tell you about this legislative triumph of Roberta's because I believe it sheds light on her abilities, her abilities to bring people together, to solve problems, to build coalitions, to listen to all sides, and then to get the work done. I tell you about this legislative triumph because it is indicative of the leadership that I know she will bring to HUD.

So, my colleagues, as we confirm Roberta Achtenberg, which I trust and hope and believe that we will, we will be taking a real step forward because we will be saying that discrimination is unacceptable, and we will be saying that the promise of equal opportunity is alive and well in the Senate Chamber, Mr. President, and it is alive and well in this, the greatest Nation in the world.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in opposition to the nomination. Over the past few years, I cannot recall having voted against a nomination except for maybe one other occasion. I make it a general rule to give the President the benefit of the doubt on his nominations, but I do have a higher responsibility. There is a responsibility under the Constitution of the Senate to advise and consent. I have a responsibility to look at the record of nominees. I have a responsibility to look at the positions they advocate; their ethical conflicts, if they have any, and whether or not they have any legal problems.

But I have looked at this nominee. I feel very strongly that she is not the right person for this position at the Department of Housing and Urban Development.

It has already been stated that the President knows the nominee personally, and that is his choice. I understand. Earlier today, I spoke about my concerns about one of his nominees. But because there was not ethical or legal that I felt was serious enough to derail the nomination, I went along with it. This one I feel is a major problem. I will set out the reasons why.

But I also want to remind my colleagues in the Senate that our disposition this year has been to cooperate with the President, to cooperate with the administration, to move the nominations through the Senate in a reasonable and expeditious manner, after we have asked the questions and after we have satisfied ourselves that there was no major problem.

We, in fact, confirmed all of his Cabinet nominees but one in record time, even though I had major problems with a number of the Cabinet nominees. I raised some objections as we went forward. Other Senators did.

But we said: OK, Mr. President, we think this nominee or that nominee is a problem for our country and will be a problem for you. But if this is what you want, we will try to cooperate.

But there is a limit to how far I will go. And with this nominee, the limit has been reached. Roberta Achtenberg should not be confirmed as Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity.

I am holding up here, Mr. President, today's copy of USA Today. The headline is "Scouts Can Keep 'Duty to God' in Oath."

It is pretty incredible, actually, that an appeals court would be making such a decision on an issue of that nature—but that they would even have to rule. It is so obvious on its face that Scouts—young boys, young girls, Americans—should be able to take an oath of duty to God in a voluntary organization. But here it is: Major appeals court decision, front page, USA Today.

The appeals court decision in Chicago affirmed the right of the Boy Scouts of America to keep "duty to God" in its oath. The court found that civil rights laws do not apply because the Boy Scouts is a "private, voluntary organization, not a place of public accommodation."

The majority opinion went on to say "single-parent families, gang activity, the availability of drugs and other factors have increased the need for support structures like the Scouts."

I could not agree more with this ruling and the court statements. They are so obvious on their face.

I also believe that the vast majority of Americans strongly agree and even applaud such a commonsense ruling. But the nominee before us certainly has disagreed with that right of the Boy Scouts. She has disagreed with that.

But before I go further, I would like first to put the Senate's responsibility here in proper context. The Senate faces the nomination of Roberta Achtenberg to be confirmed to this very important Assistant Secretary position at HUD. As is the case with any nominee, the Senate is responsible to look at the qualifications, temperament, and character of the individual.

The record is clear. This nominee is neither qualified nor temperamentally fit for this position. I am going to explain why.

Her record is one of intolerance, discrimination, and vendetta against those who do not share her values or beliefs. Against those which hold convictions of conscience different from her own, she has used her public and private position to punish, extort, and wage economic war.

She has publicly sanctioned the activities of those who terrorize, disrupt, and intimidate those whose religious beliefs are different from her own. And according to the nominee's own words, she does not possess the experience to qualify her for the position to which she is nominated. That is her record. No amount of rhetoric here on the floor can cover up what she has said and done.

I want to reemphasize that the issue before us today is not one of sexual preference or orientation, it is whether the nominee is qualified and temperamentally fit for the position to which he or she may be nominated.

Let me talk about the qualification and experience issue first, because I think that is very important. I think there is a pattern developing here with the nominees. More and more of these second-tier nominees are not really qualified for the positions they are being given. More of them, it seems, at this level are representative of activist/extremist positions.

So the pattern seems to be developing here. So let us examine what the nominee says of her experience in fair housing law. She stated—and I did not say it; these were her own words—"I am not a fair housing expert by a long shot." She said herself that, "I am not a fair housing expert by a long shot. I've done public interest law, and in my capacity as county supervisor I've dealt with fair housing issues." That was in the Washington Times on February 6, 1993.

So what is the judgment of others who are experts in the field? John Relman, director of the Washington Lawyers Committee for Civil Rights Fair Housing Projects, states: "She doesn't have a lot of experience in fair housing, but her instincts are good."

Well, I am not sure whether her lack of experience or her instincts concern me most in this case.

"In a letter last month to HUD Secretary Henry Cisneros, about 40 civil rights groups urged him to appoint someone with extensive background in fair housing litigation, experience she admittedly lacks." Another quote from the Washington Times on February 6, 1993.

So even groups that would be directly involved with the decisions by a person in this very important position in the Department of Housing and Urban Development, 40 civil rights groups, urge that we have a person with an extensive background. She says herself that she does not have that; she has limited experience in this particular area. Does she have the experience or qualifications for the position? The nominee answers for us. No.

The question of temperament. I think we should examine a nominee's temperament not just for a judicial position, but for other positions of key importance in the various departments of the Federal Government, the sub-Cabinet Secretary level.

Is she tolerant of the views of others? Can she administer her duties fairly and without bias? Or will she be a militant extremist promoting a narrow special interest agenda? What does her record say? This is not something that we are making up. We are talking about a long record that has been written about and talked about for years. This is not an unknown nominee.

In regard to the Boy Scouts—the Boy Scouts, which is not exactly a sinister organization; it is the kind of organization we need more of in America—these are her words: "Do we want children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing, male children?"

Why not? It is a voluntary organization. I think there should be lots of organizations that have God-fearing people in them, with all kinds of opportunities to learn and study issues. What is the problem here? I cannot believe she would ask such a question. And this person is going to be in charge of fair housing and equal opportunity in the Department of Housing and Urban Development? These words are extremely disturbing to a lot of Americans. Even more disturbing are the actions taken by the nominee to force her values upon the Boy Scouts. Her words and deeds demonstrate an extreme intolerance of those who have differing values and belief systems, an intolerance which led to a campaign of punishment and extortion against the Boy Scouts, which I emphasize again is a private, voluntary organization.

Let me tell my colleagues here on the floor, believe me, your constituents are aware of this nomination. I was home this weekend and spent basically 3½ days there, and when you go to places like Ashland, MS, people come up on the street and say: What is this? You are all going to put this person that attacked the Boy Scouts in a high level position in the administration? What is going on in Washington?

As an elected San Francisco supervisor and board member of the United Way of the bay area, she led the effort to kick the Boy Scouts out of the public schools and to have the United Way and other corporate sponsors withhold funding from the Scouts. She conditioned continuing funding on the reversal of the Boy Scouts' policy of excluding homosexuals.

As a supervisor, she introduced a resolution "urging the Boy Scouts to abolish its policy of barring lesbians, gays, and bisexuals from working with the youth group" and called on the city's congressional delegation and State legislators to amend the Scouts' congressional charter.

What more could she do to the Boy Scouts, as if this is some sort of subversive organization? Was that not enough? No. What the nominee did next disturbs me more than anything else. Roberta Achtenberg used her public position to threaten and extort any corporation that would have the audacity to support the Boy Scouts. As a supervisor, she introduced a resolution urging the city of San Francisco to sever its ties with the Bank of America because the Bank of America resumed its funding to the "dreaded" Boy Scouts.

A letter to the editor of the San Francisco Chronicle dated December 8, 1992, had the following to say about her:

> The tantamount to extortion threats, led by supervisor Roberta Achtenberg, to transfer funds from the Bank of America because of its support of the Boy Scouts of America only confirms the twisted mind of those who can find no way other than by tearing down what is good and wholesome in others.

This is the person you want to have at the Department of Housing and Urban Development as the Assistant Secretary for Fair Housing and Equal Opportunity? The letter to the San Francisco Chronicle calls it a "twisted mind" that would try to tear down the Boy Scouts. Beware, Eagle Scouts, you are in danger.

I ask my colleagues to think about this, because this is a very important position. Will her pattern of extortion and intimidation continue, this time in a Federal Government high-level position? Will she use the power of her office to force cities and counties to enact special rights and affirmative action plans for homosexuals or have their Federal housing funds cut off? Gees, this is a great position for that threat and extortion. Will she force religiously motivated private landlords to rent to unmarried cohabitating couples, whether such couples are homosexual or heterosexual?

Yes. I would be willing to lay you odds of a sort that is exactly what she will do.

Her record, her pattern answers for us. The answer is, that the nominee would use the power of her office to discriminate and punish those which disagree with her.

Will she respect and tolerate the traditional values and convictions of others? The answer, in her words is an emphatic no. She states in a 1985 speech:

> We are building our own tradition of family, for which we demand recognition and respect. We are entitled to love and protect our partners, to keep the children we have, to have the children we want, to teach and counsel the children of others.

I might want to know what they are going to teach and counsel the children of others. Those are her words in the Advocate, May 1988, the 24th of that month.

Does she support the actions of groups which harass, disrupt, terrorize, and intimidate those which hold religious convictions different than her own? Again in her words, when asked about the group Act Up. "I love 'em. There is a very significant place both historically and in general political analysis for the nonviolent dramatic demonstrations. That's always been a part of the Gay and Lesbian Liberation Movement and they're the most recent manifestation of that tradition. They are very, very needed."

Act Up is the group which has disrupted religious services, harassed, intimidated, and terrorized priests and parishioners alike. They violate a period which the religious hold as holy and sacred.

Roberta Achtenberg, the nominee, endorses and supports the actions of Act Up. In her own words I would like to ask this administration if they support Act Up's harassment and terrorism of Catholics and other religious groups simply because they hold beliefs different than the radical and militant homosexual community that they represent? Do they share Roberta Achtenberg's enthusiasm for Act Up?

It strikes me as ironic that we in this body and we in this Government have done everything within our means to stop this type of terrorism and intimidation in the churches across our land.

Whether the intimidation was based upon race, or upon political or religious views, this Government did all it could to protect the sanctity of religious practice. Yet here we have a nominee who loves Act Up's methods and who supports their activities.

Moreover, Roberta Achtenberg has participated in events and parades where those with religious views were ridiculed and parodied. At a San Francisco parade where she was an honored guest and participant, there were graphic depictions of God sodomizing Uncle Sam while a Boy Scout looks on.

And there are numerous other examples which I will not cite.

Would these offensive depictions be tolerated if they were against a minority group or even homosexuals? No—they would rightfully be condemned. The bigotry would not be tolerated. If another nominee came before this body with such a history of insensitivity and intolerance, the nominee would be rejected.

I ask my colleagues to apply a common standard to all nominees. I ask them to reject the double standards and hypocrisy of allowing some groups to actively discriminate, hate, and intimidate while holding others to a different standard. For the legitimacy and credibility of this body, I ask this body to apply a common standard and reject the nomination of Roberta

Achtenberg to be Assistant Secretary of HUD for the Office of Fair Housing and Equal Opportunity.

The nominee is neither qualified nor temperamentally fit to assume the post for which she is nominated. The record bears this out.

I urge my colleagues to reject the nominee because she does not represent the tradition of tolerance upon which this Nation was founded and upon which the health of our communities depends.

Mr. President, I also ask unanimous consent to print in the RECORD a number of editorials and articles in newspapers all across this country so that my colleagues can review this material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROBERTA ACHTENBERG ON GAY BOY SCOUTS ECONOMIC TERRORISM: THE PAST IS PROLOGUE

Roberta Achtenberg was nominated by President Clinton to serve as assistant secretary for fair housing and equal opportunity in the Department of Housing and Urban Development. Achtenberg's hometown San Francisco Examiner has encouraged Congress to focus solely on her political agenda in determining whether or not she should be entrusted with this position.

"We've disagreed with Achtenberg on numerous issues, including her attempt to punish the Bank of America for its charitable donations to the Boy Scouts, but *we think she should be judged on her politics*, not her personal life." (Emphasis added.) (Editorial, The San Francisco Examiner, 5/9/93.)

During her nomination hearing before the Senate Banking, Housing and Urban Affairs Committee, Achtenberg denied having tried to expel the Boy Scouts from public buildings.

"Senator Faircloth. *Did you not support expelling the Boy Scouts from public buildings?*

"Ms. Achtenberg. *No Senator, I did not.* And with regard to the United Way funding issue, let me explain." (Emphasis added.) (Achtenberg Nomination Hearing, U.S. Senate, Committee on Banking, Housing and Urban Affairs, 4/29/93.)

Achtenberg then made no effort to expound on the many ways she tried to inflict economic pain on San Francisco's Boy Scouts and the Bank of America, which refused to abandon the Scouts. Instead, she focused on the "unanimous" efforts undertaken by the San Francisco United Way of the Bay Area board to curb funding for the Boy Scouts.

"I sit on the Board of Directors of the United Way of the Bay Area, which is a nine county-wide charity.

"Our charity has a governing rules of conduct, namely that anyone who receives our money, in order to provide health and human services to the public, has to agree to provide those services on a nondiscriminatory basis."

"We engaged with the Boy Scout Councils over a year long process to determine whether or not they were willing to adhere to our governing principles.

"*After a year of investigation and negotiation, it was determined by our Board of Directors, by a unanimous vote of our Board of Directors, I might add, that those Boy Scout Councils did make a distinction between boys who were eligible for their services. Namely, that they would not provide services to boys who self-identified as gay or bisexual.*

"And it was *on that basis* that *the Board of Directors of the United Way, by unanimous vote, agreed to withdraw funding for the Boy Scout Councils unless and until they agreed to serve all boys with the funds that we provided them.*" (Emphasis added.) (Achtenberg Nomination Hearing, U.S. Senate, Committee on Banking, Housing and Urban Affairs, 4/29/93.)

Actually, Achtenberg's vendetta against the Boy Scouts began in 1988 when San Francisco's United Way of the Bay Area proposed an affirmative action policy. Not only did this policy prescribe the hiring of homosexual scout leaders, it called for "gay sensitivity" training sessions.

"*Boy Scouts*, YMCA's and scores of charities would be required to *hire gay leaders* and *staff members* under an *affirmative action policy* proposed by the San Francisco Bay Area's largest United Way.

"If the proposal is adopted, groups that defy the policy would lose their United Way funding."

"The *proposal*—which has caused some dismay among the United Way's 287 agencies—also *calls for 'gay sensitivity' training sessions* for the agencies, which provide a multitude of social and health services." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Achtenberg reportedly worked on this affirmative action policy.

"The proposed *affirmative action policy* was written after 2 years of surveys and committee hearings on how to include gay people in United Way programs. The proposal sailed through a 'policy review committee' Tuesday without a dissenting voice and will be presented to the United Way Bay Area board of directors in September or October.

"*Those who worked on the proposal* said it has strong support from the United Way 'hierarchy' and is expected to be approved by the board.

"'People believe it's about time the United Way agencies reflect the diversity of the Bay Area community,' said lesbian activist *Roberta Achtenberg*, a former United Way board member and co-chair of the organization's task force on gay issues." (Emphasis added.) (Houston Chronicle, 8/19/88.)

When the Boy Scouts' Quentin Alexander protested the implications this decree would have on the organization's national policy, * * *

"'Homosexuality is not an acceptable lifestyle for leaders, who must be role models,' said Alexander, noting that gays are not allowed to be scout leaders or staff members."

"In an interview this week, Alexander of the Boy Scouts' Mt. Diablo Council pointed out that its anti-gay stance is the 'national policy' of the Boy Scouts." (Houston Chronicle, 8/19/88.)

* * * Achtenberg said "tough."

"'*That's just tough*,' responded Achtenberg." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Achtenberg articulated her willingness to rely on economic terrorism to get her way.

"'Basically, we would shake our fingers at them and say you've got to be more diverse,' she said. 'But we would make make [sic] it clear that is the policy. *It's like holding the money in the left hand and wagging the finger with the right.*'" (Emphasis added.) (Houston Chronicle, 8/19/88.)

Nearly 2 years later, the United Way of the Bay Area announced its intention to reconsider a grant application made by the Mount Diablo Council Boy Scouts. The United Way was ready to accept the Boy Scouts plan to establish a gay inclusive program called "Learning for Life."

"The United Way of the Bay Area, saying it is satisfied with the Boy Scouts of America's plans for a separate national program that will include gays, announced yesterday that it will resume financing the organization.

"Scouts spokesman Blake Lewis said the organization will offer a 'subsidiary' program—called Learning for Life—that will be based in the public schools and provide activities similar to those of the Boys Scouts.

"'We recognize that we need to reach a different population with different requirements,' said Lewis. 'In no way does the establishment of this program send the message that we are altering our traditional values in scouting.'"

"The Bay Area United Way, which provided about $848,000 to six local scouting councils in the 1991 fiscal year, has challenged the Scouts' policy of barring gays. Several weeks ago, the Mount Diablo Council Boy Scouts lost a $9,000 United Way grant because they refuse to admit gays as members or troop leaders.

"The Mount Diablo chapter will be able to reapply for the $9,000 grant, United Way officials said." (The San Francisco Chronicle, 8/13/91.)

Although United Way's leadership applauded the Boy Scouts effort to compromise, * * *

"'*We're definitely applauding this move*,' said *John Stafford, vice president of community affairs* for the *United Way of the Bay Area*. "This is a sign that the Boy Scouts are not absolutely steadfast in hewing to their old line. But we are under no illusions that this meets United Way requirements.'" (Emphasis added.) (Chicago Tribune, 8/15/91.)

* * * Achtenberg was not satisfied.

"'Movement in Learning for Life, in the Boy Scouts of America and in scouting leadership will be when they no longer discriminate against lesbians and gays. That would be enough,' said Achtenberg, who is gay.

"'Do we want children learning the values of an organization that provided the Learning for Life program but has another part that provides character-building exclusively for straight, God-fearing male children?" (The San Francisco Chronicle, 8/13/91.)

Achtenberg lectured the Boy Scouts on "the essence of scouting."

"'The fact that they have created a second program that's school-based that have the Scout emblems attached to it and is open to girls or agnostics or atheists is nothing,' said Roberta Achtenberg, a San Francisco supervisor and United Way board member. 'This is clearly a second-class program. *It doesn't capture the essence of scouting.*'" (Emphasis added.) (Chicago Tribune, 8/15/91.)

Tom Ammiano, a member of San Francisco's school board, announced his intention to ban the Boy Scouts from public schools.

"Angered by what he called 'separate but equal' programs, San Francisco School Board member Tom Ammiano said he will call for a ban on Boy Scouts in district schools at today's school board meeting." (The San Francisco Chronicle, 8/13/91.)

In 1992, the United Way of the Bay Area's board, on which Achtenberg served, *voted unanimously* to withhold money from local Boy Scouts until they repudiated their national leadership.

"The board of United Way of the Bay Area voted unanimously Thursday to cut off funding for Boy Scout groups in five counties unless local troops repudiate a national Scouts policy excluding gays." (The Sacramento Bee, 2/21/92.)

The ransom was approximately $1.2 million a year.

"At stake is about $1.2 million per year, which makes United Way the Scout councils' largest single donor." (The Sacramento Bee, 2/21/92.)

The United Way of the Bay Area based its decision on a report conducted by a task force it had instructed to study the issue of gays in scouting. The task force's chairman equated Boy Scout leadership to a laboratory which should be open to homosexuals.

"'*Boy Scout programs provide a laboratory for leadership,*' said Dave Wharton, a gay lawyer who cochaired a task force study of the issue. '*The door should be open to everyone.*'" (Emphasis added.) (The Sacramento Bee, 2/21/92.)

Achtenberg proclaimed the task force's report a "small masterpiece."

"San Francisco Supervisor *Roberta Achtenberg*, a lesbian who, like Wharton, sits on the United Way board, *praised the task force report* as '*a small masterpiece.*'" (Emphasis added.) (The Sacramento Bee, 2/21/92.)

As a member of San Francisco's Board of Supervisors, Achtenberg used her power in an attempt to punish Bank of America for its decision to grant the Boy Scouts $18,000. The bank had previously caved into pressure from homosexual groups who claimed the Boy Scouts discriminated against homosexuals.

"'*I have asked the treasurer to look into the extent and nature of the city's dealings with Bank America,*' Achtenberg said, 'to see how cumbersome or complex or costly it would be to consider using the services of another bank.'

"Achtenberg serves on the Board of Directors for the United Way of the Bay Area, the first major organization to cut donations to the Boy Scouts because of its anti-gay policy. She said that she was involved with discussions with Bank of America over its latest action.

"'The Boy Scouts have not changed their policy—contrary to alleged assertions from Bank of America that they have,' she said. '*We want to reacquaint the bank with the facts, and hopefully they will reverse themselves again.*'" (Emphasis added.) (The San Francisco Chronicle, 8/25/92.)

"The bank's claim there is no discrimination is 'without merit,' Achtenberg said. 'I am concerned that in the face of evidence showing continued institutionalized homophobia, the Bank of America continues to fund the Boy Scouts, and I feel the city and country is compelled to take action to show our strong disapproval.'" (The San Francisco Chronicle, 9/22/92.)

Achtenberg wanted to penalize the Bank of America $6 million for making a charitable decision contrary to her wishes.

PUNISHING THE BANK

"Also yesterday, Supervisor *Roberta Achtenberg introduced a resolution calling for the city to transfer $6 million out of the Bank of America.*"

"The money would be removed from several revolving and lockbox accounts." (Emphasis added.) (The San Francisco Chronicle, 9/22/92.)

Achtenberg felt her $6 million fine would return sensibility to Bank of America's officials.

"She had no specific reason for choosing $6 million, other than it seemed to be an amount that would get Bank of America's attention and make a statement, she said.

"'The transfer of $6 million to $7 million from the Bank of America will send a clear message that policies that foster and encourage discrimination will not be tolerated in our city,' Achtenberg said." (The San Francisco Examiner, 9/22/92.)

Achtenberg's resolution passed the board of supervisors' finance committee 3-0.

"The resolution, passed by a unanimous 3-0 vote by the Finance Committee Wednesday, will return to the full board Dec. 14." (The San Francisco Examiner, 12/3/92.)

Achtenberg's resolution then passed on December 22, 1992.

"San Francisco's supervisors voted yesterday to urge the city to pull $6 million from the Bank of America to protest the bank's decision to allow corporate donations to the Boy Scouts." (The San Francisco Chronicle, 12/22/92.)

San Francisco's Mayor Frank Jordan vetoed Achtenberg's measure which would have cost local taxpayers $30,000 and ignored the bank's history of charitable giving.

"But Mayor Frank Jordan vetoed the *resolution*, which *would have cost the city $30,000 in bank penalties*, calling it 'misdirected.' BofA, he said, 'has shown itself to be an outstanding corporate citizen that has a record of major gift-giving, including to gay and lesbian-interest groups.'" (Emphasis added.) (The Los Angeles Times, 12/30/92.)

Achtenberg vowed revenge.

"Supervisor *Roberta Achtenberg*, who sponsored the measure, said that she *will seek to override the veto.*" (Emphasis added.) (The Associated Press, 12/24/92.)

Despite Achtenberg's desires, San Francisco's Board of Supervisors failed to override the mayor's veto of her resolution.

"In a close vote that outraged many members of San Francisco's gay community, the city's Board of Supervisors yesterday failed to override a mayoral veto of legislation to pull city money from the Bank of America because of its support of the Boy Scouts.

"The attempted override, which failed by one vote, would have set aside Mayor Frank Jordan's rejection of a measure withdrawing $6 million from the bank. Supervisor Roberta Achtenberg sponsored the measure, which was approved by the board last month, after the Bank of America reversed an earlier decision and said it would continue to give money to the Scouts." (The San Francisco Chronicle, 1/5/93.)

Achtenberg was defiant to the end.

"'It was important for this city to say that we don't want to do all of our business with entities that yield to right-wing pressure,' Achtenberg said after the vote." (The San Francisco Examiner, 1/5/93.)

Interestingly, The San Francisco Examiner's City Hall reporter Jane Ganahl and KCBS Newsradio's City Hall bureau chief Barbara Taylor, suggested that Achtenberg merely used this entire issue to score political points with the gay and lesbian community, while trying to embarrass San Francisco's mayor.

"There was a lot of needless snorting and foot-stomping about Mayor Jordan's decision to keep $6 million in city money in the Bank of America despite the money in the bank's contributions to the Boy Scouts, which won't allow gay members.

"Here's the story:

"By the time the Board of Supervisors resolved to withdraw the money, a vote the mayor vetoed on Christmas Eve, BofA had already quietly withdrawn its bid for the account.

"City Treasurer Mary Callanan says she put the account up for competitive bids in September after Supervisor Roberta Achtenberg came to her looking for fiscally responsible ways to send a message to BofA and the Boy Scouts."

"Says one City Hall Insider: '*Roberta knew it was going to happen (the bidding) so she thought why not go ahead and do it and force the mayor to choose between the gay and lesbian community and the business community.*

"'I really think she thought she could strike a deal with BofA. In fact, *she had a meeting with them and asked them to give up something that wouldn't hurt her or them but would look like she fixed it. But instead it became a divisive issue that did nothing for the lesbian and gay community.*'" (Emphasis added.) (column, The San Francisco Examiner, 1/7/93.)

Although Achtenberg claims to have been representing her constituents, Rev. Lou Sheldon with the Traditional Families Coalition pointed out that, if confirmed, she would represent the entire country.

"San Francisco is not America. *She'll now be serving all Americans*, and *there's a big difference between San Francisco and Macon, Ga., or Bowie, Md.*" (Emphasis added.) (The Baltimore Sun, 5/9/93.)

Mr. Sheldon stopped short of making an excellent point. It should also be noted that there's a big difference between San Francisco and Norfolk, Va.; Nashville, Tenn.; Tucson, Ariz.; Harrisburg, Pa.; Kalamazoo, Mich.; * * *

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. I thank you very much Mr. President.

Mr. President, I rise to join and associate myself with the comments of the chairman of the distinguished Banking Committee and my colleague, Senator BARBARA BOXER from California, all of us strongly supportive of Roberta Achtenberg's nomination for Assistant Secretary of Fair Housing for the Department of Housing and Urban Development.

Mr. President, as you know, I was mayor of San Francisco for 9 years. It is the city of my birth. I have lived there all my life. I have had the opportunity to know, observe, and watch Roberta Achtenberg as a supervisor and as a citizen, and I believe she is in fact qualified to serve in this position and that she will do well, with distinction and merit and provide the kind of services of which the people of this Nation will be proud.

Roberta Achtenberg has been a civil rights attorney, a teacher of law, a San Francisco County supervisor. She has been named by our President to become this Assistant Secretary. Through her dedicated service she has fought hard to make life better for families, for women seeking child care, for tenants wrongly evicted, for abused women in need of shelter. Today, we can confirm this nomination and say to those Americans who are victims of housing discrimination—and yes it does go on—we care, we know your concerns and we mean business.

Most of all, we want in this position an advocate and an expert who will speak out to ensure that our housing laws are fairly enforced. I believe Roberta Achtenberg is well suited for this assignment.

She fought hard on the boards of supervisors to pass legislation that would establish occupancy standards for San

Francisco residential units to prevent discrimination against families with children, as well as to protect tenants against wrongful eviction.

She authored legislation to construct affordable housing for low-income families and to guarantee small businesses participation in the bidding for city contracts.

She worked to see the community development block grant funding from HUD was used to support domestic violence shelters.

And she authored two ordinances to improve safety and access for persons with disabilities.

She led the legislative drive to put in place a children's budget for San Francisco, a fund that today spends $10 million annually to benefit children, youth, and their families.

As an attorney, she has appeared in both State and Federal courts to argue cases ranging from family law to interpretations of the equal protection clauses of the U.S. Constitution. She is a member of the State bar in California. She is admitted to practice before the Federal district court in the northern and central districts of our State, and the U.S. Court of Appeals for the Ninth Circuit.

Her involvement in community affairs is extensive. She is a member of a number of organizations: The Bar Association of San Francisco, the California Women Lawyers Alliance, the Bay Area Women Lawyers Alliance, and Bay Area Lawyers for Individual Freedom.

She currently serves on the board of directors of the United Way of the Bay Area and Jefferson Elementary School Parents Teachers Association.

Mr. President, listening to the history that surrounded the Boy Scout issue in San Francisco, one would come to believe that Roberta Achtenberg alone on the United Way board changed the policy. And that is not the case. The United Way board of directors is 60 people. They range from chairmen of some of San Francisco's largest corporations: Chevron, PG&E, Shaklee, heads of educational institutions, and civic leaders. The 60-member board unanimously decided to discontinue support to five Boy Scout councils in the San Francisco area, because of its discriminatory membership policies.

The United Way has a policy of not funding organizations that discriminate on the basis of race, national origin, gender, age, disability, religion or sexual orientation. So protections against discrimination based on sexual orientation were part of the United Way's policy in 1986. Roberta Achtenberg did not become a member of that board until 1988. So what that board was doing was simply carrying out its own policy.

I want also to point out, Mr. President, that Roberta Achtenberg's nomination has received widespread support. It has been endorsed by the National Fair Housing Alliance and by housing organizations that range from Orange County, CA, to Oklahoma City, OK; from Buffalo, NY, to Detroit. Let me give you a few of them:

The Fair Housing Center of Metropolitan Detroit; the Fair Housing Congress of Southern California; the Fair Housing Contact Service of Akron, OH; the Fair Housing Council of Fox Valley, Appleton, WI; the Fair Housing Council of Louisville, KY; the Fair Housing Council of Orange County, CA; the Fair Housing Council of Oregon; the Fair Housing Council of Riverside, CA; Fair Housing Council of San Francisco; Fair Housing Council of Toledo, OH; the Housing Discrimination Project, Inc.; Housing Opportunities Made Equal for Buffalo; Housing Opportunities Made Equal for Greater Cincinnati; Housing Opportunities Made Equal for Richmond, VA; Housing Opportunities Made Equal for Northern Delaware.

Her support crosses this Nation. She is supported by African-American church leaders, including the Reverend Cecil Williams of Glide Memorial United Methodist Church, one of San Francisco's largest, with a membership of over 3,000 one of the most active churches in the area of housing; Father Jim Goode of St. Paul of the Shipwreck Catholic Church in San Francisco; the Chinese Community Housing Corp.; the National Center for Youth Law; and the San Francisco La Raza Lawyers Association. The list goes on and on.

Why? Because the answer is really simple. Roberta Achtenberg is a strong and positive person. She is not an extremist, as some would have us believe. She is a sound, stable person. To have a conversation with her, to know her personally is to know that.

She is an advocate for fair housing standards. That is what we want in this position. She is someone who will speak out to ensure that renters are not discriminated against because of another's prejudice or bigotry. So she has courage and we would want that also.

Mr. President, I submit to you that Roberta Achtenberg is the finest nominee we could hope to confirm for this position.

Her record is strong and consistent.

She has earned the respect of her peers and—more importantly—the people she will serve, who, after all, are the faceless, nameless residents who look for housing; the young mothers, who cannot afford child care; the disabled American, unable to rent quality housing; young parents turned away from housing because of their ethnic heritage.

This is an important appointment to a community that has often felt excluded from the decisionmaking process.

As U.S. Senators, it is our responsibility to confirm those who are qualified candidates for a President's administration. When we review the record, the quality and the credentials come across as being very positive, I believe, for Roberta Achtenberg.

This nomination was sent to us after careful review by the Senate Banking Committee. It enjoys bipartisan support.

It is my hope that the Senate will confirm this nomination quickly and reach the same bipartisan accord that is so richly deserved.

Roberta Achtenberg, I believe, has performed well in the past in local government and will perform well again and in the tradition of excellence. And, as she does, the doors of opportunity will open once again. Let us swing those doors open today, once and for all.

Thank you.

Mr. RIEGLE. Will the Senator yield?

Mrs. FEINSTEIN. Yes, I will.

Mr. RIEGLE. I just want to make a reference, and I will be very brief because I know the Senator from North Carolina is waiting to speak.

The Senator from California made a reference to the endorsement of a major national organization called the National Fair Housing Alliance.

I will ask unanimous consent to put into the RECORD shortly the list of people who participate in that national organization. But allow me to just assert that it is the premier organization in the country that deals with the question of housing opportunities and fair housing.

They have written a letter to me, dated April 7 of this year, in support of this nomination.

If I may, I want to just read three or four lines from it. I will not read it all, but I think it is relevant to the observation made by the Senator from California. They express here their "unqualified support of Ms. Achtenberg based on our review of her career in civil rights enforcement and her commitment to equal opportunity."

But listen to this:

> Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewed her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise.

They go on to say:

> President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity.

They then go on to say that they have also "discussed with Secretary of Housing and Urban Development Henry Cisneros the qualifications we believe are essential."

And they say:

> In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and

> country; intelligent, revealed in the speed of her acquisition of knowledge of the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

And they conclude—I am omitting a paragraph or two, which will be included in the presentation of the letter in the RECORD—they conclude by saying:

> We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg.

I only take the time to say this in response to the Senator from Mississippi, because a question was raised as to qualifications.

I can say, in addition to the work done by the committee of jurisdiction here, which I am here representing, and the strong majority bipartisan vote within that committee, this organization, the National Fair Housing Alliance, I would say is probably the single most qualified outside body to assess the qualifications of this candidate. They have done so. They have given her a ringing endorsement, and I think properly so, based on her professional qualifications and readiness.

I hope that that would adequately respond to the questions raised in that area, because clearly this is an exceedingly well-qualified nomination.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FAIR HOUSING ALLIANCE,
Washington, DC, April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: At the quarterly meeting of the National Fair Housing Alliance on March 27, 1993, the Board of Directors voted unanimously and enthusiastically to support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. This unqualified support of Ms. Achtenberg is based upon our review of her career in civil rights enforcement and her commitment to equal opportunity.

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewed her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise to the job because HUD has failed to effectively enforce the Fair Housing Amendments Act of 1988. As a result, there has been no decrease in segregation; and redlining and disinvestment by lending institutions and insurance companies has continued unabated in minority and integrated neighborhoods in the United States. President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity to adress these problems.

The National Fair Housing Alliance was founded in 1988 and represents private nonprofit fair housing agencies throughout the country. It is the only national organization whose concern is solely the elimination in the United States.

NFHA's constituent members, the private fair housing agencies, have compiled an impressive record of success in fair housing enforcement because they have combined vigorous representation of the victims of discrimination with equally vigorous advocacy for institutional change. Today these private fair housing organizations play an essential role in the education about and enforcement of the fair housing laws, effectively utilizing the system established by Congress and various states and localities, and complementing the work of the government enforcement agencies.

The members of the Alliance are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

In January, NFHA discussed with Secretary Henry Cisneros the qualifications we believe are essential in the Assistant Secretary for Fair Housing and Equal Opportunity. Secretary Cisneros expressed his complete confidence in Ms. Achtenberg's abilities to fill this position. Once we met with Ms. Achtenberg we agreed fully with the Secretary. In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and country; intelligent, revealed in the speed of her acquisition of knowledge and the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

The full enforcement of fair housing and fair lending laws is of crucial importance in this country. Discrimination affects not only individuals and families, but neighborhoods and communities. Lack of access to credit, racial steering practices, denial of homeowners insurance, concentration of subsidized housing in low income communities, and restrictive zoning laws have contributed significantly to the physical, economic, and social deterioration of our neighborhoods. We believe Ms. Achtenberg has an accurate perception of the complex nature of systemic discriminatory practices and will use the authority of the Office of Fair Housing and Equal Opportunity to promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." We firmly believe that under Ms. Achtenberg's direction there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. If you have any questions or if we can provide additional information in support of Ms. Achtenberg's nomination, please feel free to contact us.

Sincerely,

WILLIAM R. TISDALE,
President.

Mrs. FEINSTEIN. Mr. President, before I yield the floor, I ask unanimous consent that a "Dear Colleague" letter sent by Senators RIEGLE, BOXER, LIEBERMAN, and myself be printed in the RECORD, with an attachment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 18, 1993.

DEAR COLLEAGUE: We are writing to ask your support of Roberta Achtenberg, President Clinton's nominee for the position of Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. On May 5, 1993, the Committee on Banking, Housing, and Urban Affairs favorably reported her nomination by a vote of 14 to 4.

The Assistant Secretary of Fair Housing and Equal Opportunity is responsible for policies and programs affecting fair housing and equal opportunity in housing and matters relating to civil rights. The Assistant Secretary plays a critical role in eliminating discrimination in our nation's housing markets.

We believe Ms. Achtenberg brings with her a wealth of experience as a civil rights attorney, law school dean, and local elected official that will significantly enhance the ability of HUD to address problems of housing discrimination and lack of equal opportunity for all citizens. As an elected member of the San Francisco Board of Supervisors, Ms. Achtenberg has also been a strong advocate for the rights of families and children.

Among the many letters of support the Banking Committee has received from organizations and individuals that are familiar with Ms. Achtenberg's work and abilities, were letters from the National Fair Housing Alliance, the National Organization of Women, the National Center for Youth Law, and numerous fair housing groups from across the nation. Attached is a list of these organizations and individuals that endorse her nomination.

We strongly support Ms. Achtenberg's nomination as Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development and we ask you to join us when her nomination comes before the full Senate.

Sincerely,

Barbara Boxer, Donald W. Riegle, Jr., Dianne Feinstein, Joseph I. Leiberman, Carol Moseley-Braun, Paul S. Sarbanes, Patty Murray, Paul Wellstone.

ROBERTA ACHTENBERG

Art Agnos, Former Mayor of San Francisco.

Asian Law Caucus, San Francisco, California.

Austin (Texas) Tenants' Council.

Bar Association of San Francisco.

Baltimore Neighborhoods, Inc.

Dr. Paul Brest, Professor of Law and Dean, Stanford Law School.

The Honorable Willie Lewis Brown, Speaker of the Assembly, California Legislature.

California A.D.A.P.T.

California State Association of Counties.

Central Labor Council of Contra Costa County, AFL–CIO, California.

Chinese Community Housing Corporation, San Francisco, California.

Chinese for Affirmative Action of San Francisco, California.

Coleman Advocates for Children and Youth, San Francisco, California.

Community Investment Corporation, Chicago, Illinois.

Council for Concerned Citizens of Great Falls, Montana.

The Honorable Gray Davis, Controller, State of California.

East Palo Alto Community Law Project, California.

Eden Council for Hope and Community, California.

Equal Rights Advocates, San Francisco, California.

Equal Opportunity Department, City of Grand Rapids, Michigan.

Fair Housing Center of Metropolitan Detroit.

Fair Housing Congress of Southern California.

Fair Housing Contact Service of Akron, Ohio.

Fair Housing Council of Fox Valley, Appleton, Wisconsin.

Fair Housing Council of Louisville, Kentucky.

Fair Housing Council of Orange County, California.

Fair Housing Council of Oregon.

Fair Housing Council of Riverside, California.

Fair Housing Council of San Francisco, California.

Fair Housing Council of Toledo, Ohio.

Ms. Sarah Flanagan, Esq., San Francisco, California.

Mr. Al From, Democratic Leadership Council.

Dr. Peter Gabel, President, New College of California.

Mr. Jim Gonzalez, FHP Health Care, Emeryville, California.

Father Jim Goode, Church of St. Paul of the Shipwreck, San Francisco, California.

F. Kinsey Haffner, San Francisco, California.

Health Department of the County of Santa Clara, California.

Mr. Robert Herr, Esq., Pillsburg, Madison, and Sutro, San Francisco, California.

Mr. David Hopman, Esq., San Francisco, California.

Housing Discrimination Project, Inc.

Housing Opportunities Made Equal for Buffalo, New York.

Housing Opportunities Made Equal of Greater Cincinnati, Inc.

Housing Opportunities Made Equal for Richmond, Virginia.

Housing Opportunities of Northern Delaware, Inc.

Instituto Laboral De La Raza, San Francisco, California.

International Association of Human Rights Agencies.

Japanese American Citizens League.

Mr. Michael A. Kahn, Esq., Folger and Levin, San Francisco, California.

Mr. Leopold Korins, Chairman and CEO, The Pacific Stock Exchange, Inc., San Francisco, California.

La Raza Centro Legal, Inc., San Francisco, California.

Mr. B.N. Lastra, San Francisco, California.

Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association.

Local 2 Hotel Employees and Restaurant Employees Union, San Francisco, California.

Marin Housing Center, San Rafael, California.

Ms. Shauna Marshall, San Francisco, California.

The Honorable Leo McCarthy, Lieutenant Governor, State of California.

Metro Denver Fair Housing Center.

Metropolitan Fair Housing Council of Greater Oklahoma City.

Midpeninsula Citizens for Fair Housing, Palo Alto, California.

Mission Community Legal Defense, Inc., San Francisco, California.

Mr. Bob Mulholland, Political Director, California Democratic Party.

National Association of Human Rights Workers.

Nationtal Center for Youth Law.

National Fair Housing Alliance.

Northwest Indiana Open Housing Center.

Pacific Gas and Electric Company, Oakland, California.

Religious Action Center of Reform Judaism.

Ms. Shelley Elvira Salieri, San Francisco, California.

San Francisco City and County Human Rights Commission.

San Francisco Black Fire Fighters.

San Francisco Labor Council.

San Francisco La Raza Lawyers Association.

San Francisco Medical Society.

San Francisco Physically Disabled Quorum.

The Honorable Kurt Schmoke, Mayor, City of Baltimore.

Seattle Human Rights Department.

Mr. James Seff, Esq., San Francisco, California.

Mr. Walter Shorenstein, The Shorenstein Company, San Francisco, California.

South Suburban Housing Center, Homewood, Illinois.

The Honorable Jackie Speier, Majority Whip, California Legislature.

Ms. Roselyne C. Swig, San Francisco, California.

Suburban Philadelphia Fair Housing Council.

Texas Commission on Human Rights.

United States House of Representatives, California Delegation, Democratic Members.

United Way of the Bay Area, San Francisco, California.

The Honorable Doris M. Ward, Assessor, City and County of San Francisco, California.

Westside Fair Housing Council, Los Angeles, California.

Rev. Cecil Williams, Glide Memorial United Methodist Church, San Francisco, California.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if the distinguished Senator from California would clear up a couple of things in my mind.

She mentioned the resolution before the board of supervisors. Who offered the resolution?

Mrs. FEINSTEIN. The resolution before the board of supervisors, I would hypothesize, but I will check it out, that Supervisor Achtenberg did.

Mr. HELMS. That is correct.

Now the second question, if the Senator would indulge me: Did the mayor veto that resolution that was passed by the board of supervisors?

Mrs. FEINSTEIN. He may well have. I believe he did.

Mr. HELMS. He did; of course he did. Was that veto upheld by the board of supervisors?

Mrs. FEINSTEIN. That is correct.

Mr. HELMS. I thank the Senator.

Now the truth of the matter is, Mr. President, that the board of supervisors, who yielded in the first place—they felt the heat and they saw the light, which is what happens a lot of times in the political arena.

Let me say at the outset that we have had great difficulty answering the telephone calls coming to my office. As a matter of fact, in all three of my offices—two in North Carolina and one here, of course—we have had literally hundreds of calls, with fewer than 2 percent coming from supporters of the nominee.

At least one-third of the calls, for the first 2 or 3 days last week when they really began to roll in came from San Francisco. They said, in effect, time and time again, "Tell old Jesse to hang in there."

Well, it is not a matter of Jesse hanging in there. It is the American people hanging in there with their resentment of what is about to take place.

And any Senator who assumes that this is not a national issue should be advised that it is. Not because it is just a nomination, but because we are crossing the threshold into the first time in the history of America that a homosexual, a lesbian, has been nominated by a President of the United States for a top job in the U.S. Government. That is what the issue is.

If any Senator thinks, Mr. President, that the American people do not understand that issue, maybe one of his or her constituents will explain it.

Mr. President, about 8 months ago the Senate unanimously passed on a voice vote an amendment that one of the Senators offered—modesty prevents my identifying the Senator—that was intended to remove from the Combined Federal Campaign (the Federal Government's charity drive among Federal employees) those charities that had demanded things of the Boy Scouts of America that should never have been demanded.

And what were those demands? Senator LOTT stated it well. First, San Francisco Supervisor Achtenberg and other leaders in the San Francisco homosexual movement demanded that the Boy Scouts do two things in San Francisco: One, allow homosexuals to be Scoutmasters; and two, remove all this crazy business, as TRENT LOTT put it, about faith in God and country.

Do you know what the Boy Scouts said? A great guy named Buford Hill—who was the Boy Scouts regional director in San Francisco when Miss Achtenberg was leading the charge against them—told the homosexuals and the local United Way, "The Boy Scouts' values are not for sale no matter what the price is."

Hurrah for him.

Then Blake Lewis, the Scout's national spokesman at their headquarters in Texas, put it this way: "The Boy Scouts' policy has always been the same. We support traditional family values. We don't believe homosexuals provide a role model consistent with those family values. The Scout Oath and the Scout Law are not up for sale."

Mr. President, that is the issue here this afternoon. I do not know how the vote is going to come out when we vote, if we vote. But I do know that any Senator who assumes that this is just a ship passing in the night had better prepare a good explanation for when he goes home and confronts his constituents.

Sometime, maybe this week or the first part of next week, the Senate is going to vote whether to confirm the President's nominee to be the Assistant Secretary of the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity.

My colleagues from California, Senator RIEGLE and others, talk a lot about fair housing. But of course, everybody believes in fairness. So, fairness is not the issue.

However, if fairness was the issue, then the Boy Scouts, and others whom this nominee has used her power of public office to discriminate against, are entitled to some fairness.

You cannot gloss over what the issue is. You cannot pass it by. It is there on the record and I am going to voice it.

The issue is that President Clinton has nominated for a powerful Government post a woman who led the efforts—I repeat, led the efforts—to intimidate San Francisco's Boy Scouts into discarding the principles for which the Boy Scouts of America have stood for the better part of a century.

The nominee is, of course, Roberta Achtenberg, who has, in my judgment, abused her responsibilities as a member of the San Francisco Board of Supervisors—which is San Francisco's equivalent to a city council.

Let me say again, the American people are watching this issue. They know what is going on. TRENT LOTT had it exactly right.

Mr. President, I was in North Carolina Saturday, and Sunday, and Monday, attending the graduation ceremonies of our oldest grandchild who received his diploma from Wake Forest University. I do not know how many people I talked with but this issue was the first thing they mentioned.

"Are you going to let that woman through?" I replied, "No, not with my vote. The Senate may decide otherwise. There are plenty of times when I am not on the winning side. But I am going to do the best I can."

It is like my father told me many years ago. He said, "Son, the Lord does not require you to win. But He expects you to try." And I am trying. And I may not be on the winning side and the liberal news media, predictably, will say, "Ha, ha, ha, Helms got beat again." But that does not bother me.

Mr. President, it is well known that I oppose this nomination. But my opposition is not merely because the nominee is a lesbian. It is because she has been a militant activist, demanding that society accept as normal—as normal—a lifestyle that most of the world's religions consider immoral and which the average American voter instinctively finds repulsive.

She has stated—I think boasted is the better word—that she considers the values of the Boy Scouts of America to be a threat to America's children. And, as TRENT LOTT said—I cannot believe she said it. But she said it—the Boy Scouts of America are a threat to America's children.

What is the Latin expression, reductio ad absurdum—yes, it is absurd. But she said it. It is a matter of public record. And as far as I know, she has not retreated 1 inch. She objects to the Boy Scouts because the Scouts pledge their allegiance to God. Oh, what a terrible crime. And because the Boy Scouts refuse to allow homosexuals to come in and take over. And God knows what else she finds objectionable about the Scouts' commitment to traditional values.

I believe Senator LOTT read the San Francisco Chronicle's quote from Miss Achtenberg, but it deserves to be quoted again—she asked this question: "Do we want children learning the values of an organization that * * * provides character-building exclusively for straight, God-fearing, male children?" That is the question that this nominee posed to the citizens of San Francisco.

Seriously. And JESSE HELMS is expected to vote for her? No. Bill Clinton, it will not happen. It will not happen. I will never vote for anybody who tears down the values of the Boy Scouts of America.

So, the specifics of this episode with the Boy Scouts deserve noting. As a local United Way board member, this nominee, Roberta Achtenberg, voted to deny the Boy Scouts any United Way assistance or contributions. In addition, as a city supervisor she introduced resolutions—and I am repeating all this for the purpose of emphasis—which called on the city of San Francisco to penalize an innocent third party in this matter, namely, the Bank of America. And what did the Bank of America do, that displeased this nominee so much? The Bank of America had the audacity to resume its private corporate funding and contributions to the Boy Scouts of America in San Francisco.

What a terrible sin. But that is what fueled the ire of this woman, who is now the nominee on which we must pass judgment.

Ms. Achtenberg introduced another resolution calling on the city's congressional delegation to unilaterally amend the Scouts' congressional charter. Boy, this woman meant business. She was really after the Boy Scouts. She wanted to grind them under her feet unless they agreed to allow homosexuals to be Scoutmasters. And unless they banished the word "God" from their pledge, she was determined to bring them down.

And Bill Clinton sends this nomination up here and expects the Senate to confirm her. The Senate may in fact do that, but they will not do it with the vote of JESSE HELMS.

Finally, Mr. President, Miss Achtenberg—behind the scenes—urged the San Francisco School Board to kick the Scouts out of the public schools. They could not have any meetings there. Oh, boy, that sinister Boy Scout organization; it is such an evil, evil organization we must sweep everything clean according to this nominee, who the President has now nominated to a high-level post at the Department of Housing and Urban Development.

However, as Senator LOTT said, her all-out campaign against the Boy Scouts is just one example—just one example—of the kind of tactics she uses when she meets opposition to her lifestyle. Call it gay-bashing, if you want to. I do not call it that. I call it standing up for America's traditional family values.

It never mattered whether she was attacking the Scouts or whether she was energetically defending San Francisco's sex clubs—and she did that; it is a matter of record—or whether she was criticizing the mayor of San Francisco for having the temerity to veto her draconian resolution—the one about which I asked the Senator from California a minute ago. Her commitment to complete victory for her lifestyle was, and is, always unyielding and uncompromising.

Mr. President, this pattern throughout her career, this pattern of intolerant—dare I say self-righteous behavior; I do not know whether the word fits or not. But she is pushy, demeaning, demanding; she is a mean person, mean-spirited.

You should hear what the people from San Francisco say about her, who have called by the hundreds telling us to hang in there. And if anybody from San Francisco is looking or listening on C-SPAN, we are hanging in there. I do not know what the ultimate outcome will be, but we are doing the best we can. Maybe they ought to talk to their two Senators from California.

Mr. President, the single-minded narrowness of her career choices, limited almost exclusively to homosexual and lesbian activist positions, justifiably raises questions not only about her temperament, but whether she will come to HUD with a militant social agenda that she intends to push, with the help of the powers of her office. If this nominee is confirmed by this Senate, she is going to have a lot of power to decide who gets money from Uncle

Sugar and who does not. It may not bother any other Senator in this body, but it bothers me.

Mr. President, her singularly limited career also calls into question her qualifications for the job for which she has been nominated. For example, she has acknowledged publicly that she cannot be characterized as a fair housing lawyer despite what we have heard on this floor this afternoon. She herself essentially says, don't call me a fair housing lawyer, much less an expert. She told the Washington Times, "I'm not a fair housing expert by a long shot"—and that may be the understatement of the year.

Then she goes on to say: "I've done public-interest law, and in my capacity as a county supervisor, I've dealt with housing issues, but I'm not a fair housing lawyer."

But that did not prevent her from going to Bill Clinton after the election—after people who share her lifestyle, according to credible reports, had laid a million dollars in the campaign hands of the then-candidate and, the now-President of the United States. And she stipulated, Mr. President, she stipulated that she wanted this job—this specific job.

It is open to question, I suppose, whether she will bring an activist social agenda of her own into HUD. But it is disturbing, is it not that she personally lobbied for this specific position?

One of the newspapers had a quote back in February, I think it was, saying that Achtenberg "freely admits she lobbied Mr. Clinton for the post," meaning this one—not some other post, this particular one. And she said, "I told him of my interest in working for HUD because of my experience in working as a civil rights lawyer. I have to say that I'm thrilled and delighted." You bet she was, Mr. President, you bet she was thrilled. "It's perfectly consistent," she said, "with my interests as a legislator and as a civil rights lawyer."

Mr. President, I think she is telling us in advance what she is going to do once she is confirmed. She is prepared to use this position, entrusted to her by the President of the United States in the name of the American people, I might add, as a reminder to the President who made this mistake, in my judgment. This nominee is going to promote her civil rights agenda, an agenda which has targeted a private organization—the Boy Scouts of America, among others—for intimidation. This is not just something pulled out of the air. It is in the public record.

Mr. President, this country of ours is in for a lot of trouble down the road, and maybe not very far down the road, if this woman is confirmed and if her tenure at HUD is consistent with her past activities as a homosexual and lesbian rights lawyer and San Francisco supervisor. Even a brief overview of her past should give us fair warning. Let us look at a little bit of her career.

Before being elected to the San Francisco Board of Supervisors—where she launched her campaign to force the Scouts to accept homosexuals, Ms. Achtenberg was a founder and the director of the National Center for Lesbian Rights. I did not hear the distinguished chairman of the committee mention that, and I do not blame him for not mentioning it.

Prior to that job, she was the directing attorney for the Lesbian Rights Project. And before that job she served as a staff attorney for the Bay Area Lawyers for Individual Freedom, which is another homosexual rights group.

Her one scholarly achievement, if you want to call it that, was serving as the editor of a voluminous legal textbook bearing the title, "Sexual Orientation and the Law," a rather comprehensive treatise on artificial insemination, homosexual child custody, adoption and foster parenthood issues, as well as ways to expand the definition of family to include homosexual couples in order to obtain health care and employment benefits for homosexuals and their so-called "domestic partners."

And let me put in parenthetically, she and her female partner—I do not think they are married—but her lesbian partner, whatever she calls her, is a judge in San Francisco, and she was artificially inseminated and gave birth to a little boy.

Mr. President, about a year ago, the two took the little boy for a ride in the so-called Gay Pride parade down through San Francisco. On the back of an open automobile sat Judge Morgan and Miss Achtenberg with their child in between them. At various points, they hugged each other and at one point, they embraced and kissed each other fervently—sending a message to the people watching the parade and to the people watching by way of television.

And the President wants this lady? We are crossing the threshold. I am not sure the Senate will be proud of what it has done after the fact.

Mr. President, I should also note that the Pacific Southwest region of the U.S. Forest Service is in the process of adopting almost the entire homosexual rights agenda set out by Achtenberg in her book. As I believe I have said, that agenda includes everything from redefining the family—see, she has a family, she is married, or committed to another woman, and they have a little boy—as I say, from redefining the family to include homosexual couples, to extending Government employee health insurance and housing benefits to the so-called domestic partners of homosexuals and lesbians.

It is noteworthy that the U.S. Forest Service's taxpayer funded report—detailing how to implement Miss Achtenberg's agenda—specifically acknowledges the task force's indebtedness to Miss Achtenberg for her help in putting the Forest Service report together.

I think this is significant because in her position at HUD she will be charged with implementing and issuing regulations concerning the Fair Housing Act as well as parts of the Americans with Disabilities Act. The Disabilities Act, as has been pointed out in the past on this floor, illogically defines as "disabled" anybody who "might be perceived as HIV positive." Obviously, it is possible that Miss Achtenberg, as Assistant Secretary for Fair Housing and Equal Opportunity—which is HUD's civil rights office—can be expected to use that phrase to extend the special benefits of that law to the entire homosexual community. And nobody knows how much that will cost the American taxpayers.

So based on her history of militant activism in the cause of her movement, I for one cannot and will not vote to confirm this nominee to such a powerful position—where she can impose her agenda on the rest of the country and the American people.

(Mr. CONRAD assumed the chair.)

Mr. HELMS. Now, then, let me conclude with a few things that may be of interest. Some of them will be repetitious maybe, but we had these charts made for the purpose of emphasis.

Mr. President, as you can see from these charts, she abused her office as a San Francisco city supervisor to launch an attack on the Boy Scouts. She successfully denied the Boy Scouts of America the use of public schools. She demanded that the local United Way stop its financial assistance to the Boy Scouts, and she ordered the city of San Francisco to stop doing business with the Bank of America because the bank continued to support the Boy Scouts.

You recall I said that I could not believe what this lady said about the Scouts, nor can anybody else. Of course, she said it mockingly. Bear that in mind as you read along with me the words of this nominee: "Do we want children learning the values of an organization that provides character building exclusively for straight, God-fearing male children?" The San Francisco Chronicle carried that quote on August 13, 1991.

When the Boy Scouts' leadership protested that the policy demanded by the local United Way chapter violated longstanding national Scout policy, Achtenberg said, "That's just tough," and she boasted the advantages of economic terrorism. She said, "It's like holding money in the left hand and wagging the finger with the right." That was in the Houston Chronicle down in Texas on August 19, 1988.

So you see the pattern started a long time ago, and that is the reason I am showing these few items in conclusion.

Third, she said, "They (the Boy Scouts) are not entitled to enjoy the benefits of funding that is collected from us all. And they are not entitled to special treatment when it comes to access to public money, public schools, public buildings, and the like." That was on CNN.

Now, you know something, it was OK for the people who shared her lifestyle to use the public schools. She voted to approve that. But not those evil Boy Scouts, those dangerous Boy Scouts. We must not let them use the schools.

One more quote.

"The action"—meaning the San Francisco Board of Supervisors' approval of Achtenberg's resolution urging San Francisco to pull $6 million from the Bank of America—because the Bank of America kept on sending a little money to the Boy Scouts—"will send a message to the youth of this city that this board will stand up for what is right."

The problem with that statement is it proved not to be so. Hooray for the mayor of San Francisco. He vetoed her little resolution, and the sycophants on the council who helped her pass it also could not overturn the Mayor's veto.

Mr. President, we used to have a fine gentleman down in North Carolina named Hubert Sewell, whose father was chief justice of our State. All of us called Mr. Sewell "Chubb" because he was a little bit chubby. He is said to have made three fortunes, and he gave two and a half of them away building churches in the sandhills of North Carolina. Chubb would always finish his religious sermon, speeches, or whatever—and when he got through, he said, "Call your next case." So I say in the words of the immortal "Chubb" Sewell, Mr. President, "Call your next case."

I yield the floor.

Mr. RIEGLE and Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, before the Senator leaves, may I just pose a question to him. There was a story in the Washington Times on May 6, and it attributes a quote to you and I just want to know whether it is an accurate quote or not. Here is how the paragraph directly from the paper reads.

Mr. HELMS. I anticipated that you would bring that up. Go right ahead.

Mr. RIEGLE. I just want to know if it is accurate or not.

Mr. HELMS. Let me give you the circumstance——

Mr. RIEGLE. If I may, let me just read this——

Mr. HELMS. Fine.

Mr. RIEGLE. So that people will know what we are talking about.

Mr. HELMS said he would try to block the nomination when the full Senate brings it up, which could be as early as today, "Because she's a damn lesbian. I am not going to put a lesbian in a position like that. If you want to call me bigot, fine."

My question to you, is that an accurate quote?

Mr. HELMS. That is largely correct. I'm not sure about the "damn," but everything else I know is accurate. And I am surprised that the distinguished chairman welcomes this nominee without a word of wonderment about her career or about her lifestyle or anything. As a matter of fact, I was there. I thought you had the Queen of England before you.

As far as the word "damn" is concerned, I don't recall saying it.

Mr. RIEGLE. In any event——

Mr. HELMS. Just a minute. You asked me. Allow me to answer the question.

Mr. RIEGLE. Well, you have answered my question.

Mr. HELMS. No, I had not. The reporter stopped me when there were maybe 200 people waiting to get on the trolley downstairs in the Capitol. It was difficult to hear. I do not recall having said that. And if your research assistant did his job, he would give you the second comment which appeared the next day when I said "it does not sound like me, but I may have said it." But what I said about not wanting her to be confirmed to this position, you bet.

Mr. RIEGLE. Let me just ask you this. You have given me multiple answers. The first answer I heard you give is that you in fact say you did say this, maybe except with the use of the word "damned." Is that correct?

If you said that, I just want to know. It is here in quotes. If this is what you said, I want to know in fact you said it. If it is not, then let us correct the record. I want to be clear on it because I want to say something about it in a second, but I do not want to misquote you if you were misquoted. If you were misquoted let us correct the record now. If you are not——

Mr. HELMS. Did the Senator understand what I just said?

Mr. RIEGLE. I understand the first part.

Mr. HELMS. There were multiple answers as you call them.

Mr. RIEGLE. What I am asking you is this.

Mr. HELMS. What did I say that confused you?

Mr. RIEGLE. If I may have the floor, I am asking the question that if the quote attributed to you in the Washington Times is accurate, whether in fact you said this. I will repeat it to you again to see if it sounds like what you said.

You said that you were going to block the nomination "because she is a damned lesbian and I am not going to put a lesbian into a position like that. If you want to call me a bigot, fine."

End of quote.

Did you say that?

Mr. HELMS. All except——

Mr. WALLOP. Mr. President, point of order. I think it is the appropriate rule of the Senate that the questions are addressed through the Chair and not "you."

The PRESIDING OFFICER. The Senator is correct.

Mr. RIEGLE. Again, I pose the question through the Chair to the Senator from North Carolina as to whether or not that is an accurate quote. Did you say this? I would like just a simple yes or no.

Mr. HELMS. Mr. President, I will go ahead and answer it again and again and again. I do not know what the Senator is trying to prove. It is accurate, as I recall it, except for the use of the word "damn." I very well may have said that, Senator. Make what you will of that.

Mr. RIEGLE. Mr. President, the reason I did that, because I do not want the Senator to be misquoted if he was. He has made that clear. He was quoted accurately.

I think the quote says a great deal. What it says is that everything we have heard here is not about the Boy Scouts. It is about what we just heard right here off this quote in this Senator's opinion. Not about the Boy Scouts. The Boy Scouts is a diversion really in terms of this statement which came much earlier than the statements of today. And, frankly, I find it a very disturbing statement.

I find it is a very disturbing statement because I think any statement of this kind that in effect—I mean I am not inserting the word bigotry here. That comes out of the quote. I am concerned here that we evaluate people based on their qualifications.

I raised this issue in the committee. The Senator from North Carolina did come to the committee. I always welcome Members of the Senate to come and sit in the committee meetings. He was welcome that day to do so, and was there, as I recall, for most of the period of time that the witness was before the committee.

I said at one point in that proceeding—I want to just repeat it verbatim because I want this in the RECORD at this point. I was commenting about the fact of her exceptional professional qualifications for this job, which have been attested to by the National Fair Housing Alliance and some others around the country in the best position to make that evaluation.

I am on this strict solid professional qualification. I finished making that comment. I will not read all of that right now. But I will put that in the RECORD by saying that I supported her nomination. Then I made this comment. I want to repeat it today. I said to her, so it is in that tense:

> In a sense you are crossing one of those invisible lines that we have in our society in

> terms of this issue that is there raised by some with respect to sexual orientation. I think it has no part in the suitability of you to serve in this job. And I think that the days in which we screen people out for whatever reason—we have done it for a long time on the basis of gender, you know. I am very fortunate on this committee, as we all are, to now have three new members of this committee who are women Senators. I served in the Senate when we did not have any women Senators. I think we are a better Senate when we really represent the whole country, and where everybody has a fair chance and an equal chance to participate.
>
> And that is just one illustration. Senator Carol Moseley-Braun, who is also a member of this committee, has been the first person in effect to cross the color line, which should not exist in our society but does, to come here as an African-American woman in the United States Senate, and I am just proud of the fact that I feel privileged to be here at a time when that happened.
>
> And this country is for everybody. It is not just for some. And the duties and responsibility of citizenship, including service, fall to everybody not just to some.
>
> And I realize though there may be people who will, for reasons of their own orientation or perspective or philosophy or whatever drum they may be beating, will want to take issue with you for reasons that are, I think, totally extraneous to your capacity to serve your country. And the fact that you are willing to serve off this background of experience that you bring, to me is an affirmation of what we are looking for in this country in terms of people who want to serve and who will serve and who have the capacity to serve.
>
> So I think it is important that we separate what is important from what is not in terms of you here as a nominee, and the fact that you may be the first person to come and sit in a nomination seat in this situation such as you do. You won't be the last. You will be the first. And someone had to be the first, and I am glad it is you.

I will just continue by saying the Senator from North Carolina and I have served in the Congress now for a long period of years. This is my 27th year of service. I do not from memory know precisely what the length of the service of the Senator from North Carolina is.

I have seen many nominations come through here from seven different Presidents. And I have seen them with every manner of qualification. I have seen a lot of them with very little, in effect almost no relevant qualification. We saw a lot of those, I might say, over the last 12 years. Many of them ended up serving, regrettably, and some still serve, regrettably.

This nominee is highly qualified by any fair standard of judgment. This candidate is highly qualified for this job. The question here simply is she to be disqualified, disqualified on this one issue that is being raised?

You can study the documents of this country in terms of the Bill of Rights, the Constitution, all of our founding documents, and we do not make differentiations on the basis that I think is being suggested here today as to who can serve and who cannot serve, and who is a full citizen and who is not a full citizen. If you are a citizen of this country, you have an obligation to serve. And if you are qualified and you step forward, you ought to be judged only on the basis of your qualification, not skin color, not ethnic background, not sexual orientation, or some other notion that a given Member of this body or some other place may have their own personal feeling about.

I do not like the quote in the Washington Times. I think it is distasteful. I think it reflects poorly on the U.S. Senate. It ought to be said.

I was hoping the Senator from North Carolina would have said, no, I did not say that. But he did say it. He has acknowledged saying it.

That is not the standard we ought to use around here. It is a better country than that. The standards that ought to apply to people in this country ought to be equal standards, and they ought to be fair standards, and they ought to be based on qualification.

And if somebody comes forward after years of hard work and professional accomplishment and is nominated by the President of the United States, and comes before a Senate committee and responds appropriately to the questions, and is highly regarded within the profession in which she serves, and comes out of the committee with a vote 14 to 4, on a very strong bipartisan basis, that says something. It says the kind of thinking that I quoted out of the Washington Times was not what was in operation, at least in terms of the vote that was finally cast in that committee, with the members of our committee.

There do have to be some standards. There have to be some standards of decency.

Mr. WALLOP. Mr. President, the Senator treads very close to the rule, and I make a point of order.

Mr. RIEGLE. Mr. President, I do not yield.

Mr. WALLOP. I am raising a point of order. The Senator is treading very close to the rule which prohibits personal attacks.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. RIEGLE. I thank the Chair. I know where that line is, Senator.

So I just say to my colleagues that we have seen, I think, other occasions where people get targeted with tactics and insinuations and so forth to try to discredit them and somehow make them unworthy both in terms of how——

Mr. HELMS. Mr. President, I raise a point of order. The Senator is out of order, and I hope the Chair will rule. If the Senator wants to do that, I will go back to the Keating case.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. HELMS. I resent what the Senator has said.

The PRESIDING OFFICER. The Senators will confine their remarks to the issue before the body.

The Senator from Michigan has the floor.

Mr. RIEGLE. Mr. President, I think there has to be one standard that we apply here, and it has to apply to all people in our society: The standard of their qualification to serve and whether they are prepared to serve, based on the work they have done, their presentation of their bona fide and professional background before the committees with which they come for assessment. That has been done here.

This is a solid, competent, highly qualified candidate. She has as much right to serve in this Government, based on qualification, as any other citizen in this country. It is just as simple as that. It is not about the Boy Scouts or anything else. It is about her qualifications and her readiness to serve. She meets that test.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in support of the nomination of Roberta Achtenberg for the position of Assistant Secretary of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development. I was pleased to be able to vote for her at the Banking Committee, and I am proud that I will have an opportunity to cast a vote in favor of confirming her on the floor.

I might add, Mr. President, I stand here on the floor this afternoon with real pride for my chairman, the chairman of the Banking Committee, for his spirited defense of what I think is best in America, for his spirited defense of, the fundamental values that undergird this democratic system.

Mr. President, when I voted on this nomination in the committee, I was proud to do so. I listened closely to the testimony of Ms. Achtenberg. I would like to quote something that she said in the committee testimony.

She said:

> My parents came to this country believing if they worked hard enough, they would succeed. They sent their children to college, even though they never even went to high school. My parents endured discrimination so that their children might be free. The privileges I now enjoy by virtue of their hard work imposes upon me an obligation—not just to take care of myself and not just to provide for my loved ones and my child, but to contribute my skills and my energy to the well-being of the community.
>
> I have been a public interest lawyer, a teacher of public interest lawyers, a civil rights advocate, a defender of the children of lesbian mothers and gay fathers, and an elected official. Should I be granted the opportunity to become an Assistant Secretary, I will do my best, with a deep sense of responsibility, to serve the Nation that gave my parents and my family such boundless opportunity. It would be a remarkable privilege.

Mr. President, Ms. Achtenberg and President Clinton know that we are a multicultural, pluralistic society. And they know that the American dream of opportunity is for all of us and not just some of us. We are African-Americans, Polish-Americans, Hispanic-Americans, Irish-Americans, Asian-Americans, Greek-Americans, and we are female as well as male; we are gay and lesbian as well as straight.

One reason for Bill Clinton's victory is that he recognizes that we are all Americans and he, therefore, campaigned to bring us together, rather than to drive us apart.

Mr. President, I am frightened this afternoon, because I sat on this floor and listened to the debate. I am frightened to hear the politics of fear and divisiveness and of hatred rear its ugly head on this Senate floor. I am frightened at what I thought was done with by this last election when the American people voted for change. They voted for an America that brought us together and made us a whole Nation, not one of separate parts in which one group is pitted against another. I hear it again this day on this floor with regard to this nomination.

Mr. President, it is really very frightening. There is a concept in mathematics called vector addition. What that concept essentially means is that you subtract forces working against each other; you add forces that are working together. I think that has real relevance to our body politic and the state of our Nation, because it means that if we come together, we can be a stronger Nation. If we tap the talents and resources and abilities of all of the American people and give people a chance to contribute, we will have an America that is as strong as it has ever been and strong enough to go into the 21st century and compete in this increasingly interdependent and international arena.

The President's campaign was a campaign designed to ask America to renew its commitment to its values and its ideals. That campaign, and the nomination by President Clinton of Roberta Achtenberg to be an Assistant Secretary of HUD, were based on the premise that we are stronger as a Nation and as a people if we can work together and utilize the talents of every one of our people, if we can put aside racism and sexism, and all of the "isms" that separate us one from the other.

In short, can we live up to the values we state so eloquently both in our Constitution and in our religious beliefs? It would seem self-evident, Mr. President, that the elimination of racism and sexism and these divisive "isms" that we have heard this afternoon benefits the entire community, not just those who are the victims of those evils. Unfortunately, not everyone does see what should be so self-evident, and that is what makes this nomination even more important.

Roberta Achtenberg knows, as I know, that we are hurting every American if we do not foster the talents and abilities of all of us, if we do not tap the potential of those in disadvantaged neighborhoods and allow them the opportunity to make a contribution which we all know they want to make to our society and our country.

Roberta Achtenberg knows why it is so important to have a Government that looks like America. She knows that our diversity is our strength and that we need all of the talents of all of our people to succeed in this increasingly interdependent world.

Roberta Achtenberg has the qualifications to make a superb Assistant Secretary for Fair Housing and Equal Opportunity. She has the talent, the ability, the character, the good judgment, the commitment—in short, she has everything that the job requires.

Roberta Achtenberg is the right person to fill the position of Assistant Secretary for Fair Housing and Equal Opportunity. That job title is not just a phrase to her; it is a reflection of her basic beliefs, and it is one of the foundation stones of her life and her career. Roberta Achtenberg has spent her life trying to open up opportunities to all Americans. She well deserves the opportunity to help more Americans from this new post at the Department of Housing and Urban Development.

The credentials are not just part of the analysis of qualifications; it is also important to look at what is the job that is being applied for.

Given the conversation on this floor this afternoon, you would think she was trying to become the president and chief executive officer of the Boy Scouts or something. The fact of the matter is Roberta Achtenberg's nomination is to become the Assistant Secretary for Fair Housing and Equal Opportunity.

Mr. President, let me share with you what that job is. It has kind of gotten lost in all this debate about lifestyle and orientation.

The Assistant Secretary administers programs in five major areas under the civil rights laws and Executive orders. So you are talking about an administrator, someone who administers something that has already been set as a matter of policy and has already been set as a matter of law.

As the chief enforcer of title VIII of the Civil Rights Act of 1968—otherwise known as the Fair Housing Act Amendments of 1988—the Assistant Secretary is responsible for handling discrimination complaints and implementing initiatives designed to detect and eliminate unfair practices.

The Assistant Secretary is responsible for overseeing the implementation of statutes that bar discrimination for any activities—such as the community development block grant projects—receiving Federal financial assistance.

The Assistant Secretary implements provisions designed to further job and other economic opportunities for low-income people which are created with Federal housing and community development funds.

The Assistant Secretary is also the Director of the Department's Equal Employment Opportunity Program and must ensure that fair employment practices are adhered to within HUD.

The Assistant Secretary is responsible for implementing initiatives geared toward institutionalizing equal housing opportunity procedures in the activities of real estate brokers, builders, rental property managers, appraisers, and others in the housing and real estate industry.

This is the official description of the job that Roberta Achtenberg has been nominated for.

Mr. President, it becomes very clear that the only reason for this beef is lifestyle and orientation. It has nothing to do with whether or not this woman is eligible, competent, and qualified for the job that I just described.

In that vein, I come back to the point that it really demeans our Nation to reduce this debate to a debate about lifestyle that has absolutely nothing to do with the point but instead reinforces prejudice and, quite frankly, it frightens me to have a Member of this body—and I do not know if I am treading on a line or not—take credit for being quoted as a bigot. That to me, Mr. President, demeans this body and demeans what our country is about.

"Our Nation is better than that," to quote DON RIEGLE, and I am proud to quote DON RIEGLE because I think he hit the nail on the head when he got up to make his statement earlier.

To conclude, Mr. President, Roberta Achtenberg is extraordinarily well qualified for this position. I will not again go into all of her teachings, all of her work, and all her community service except to say that it is very clear that she has the commitment, the talent, the skill, the record, and the experience to do the job she is nominated for.

I would hope that Members of this Senate would not allow themselves to be diverted by tactics that have to do with issues not pertaining to this nomination but really on another debate altogether. This is not a debate about lifestyle. This is a debate about whether or not this person has the competence and the character to fulfill this position, this job description.

I submit to you, Mr. President, that not only does Ms. Achtenberg have the competence and the character to fill this job description, she has it to the extent that she will do an extraordinarily good job for the Department of

Housing and Urban Development. She will help us implement the kind of change bringing our Nation together, tapping all of our talents, giving people a chance to serve that I believe our Nation wants to have at this point and deserves to have.

I must say to you, Mr. President, as a new Member to this body I have not seen the kind of demagoguery since I have been here as I have seen on this nomination. It makes me very sad to see, but I feel confident that the Members of this body will be level-headed enough, will be fair-minded enough, and will be open enough to understand that we do the right thing by confirming this superb nominee.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I do not quarrel with the statement that in this country lifestyle, however unconventional, is not a bar to office. It is not a bar to office. But intolerance and the pattern of the abuse of power should be.

One does not expect a nominee or an assistant secretary to agree with differing points of view. But neither should the public be intimidated from holding differing views nor especially should the public be coerced into embracing other views.

There is, I agree, room enough for a broad range of views in America, but there can be no room to understand an officeholder who abuses the public trust to enforce views that are neither constitutionally guaranteed nor provided for in law. A nation that is a nation of laws is entitled to believe that its laws not only control it but also protect it.

As the Senator from Michigan has just stated, this country is for everybody, not just for some, and the record of the nominee indicates that her view is that the country is just for some.

So I rise to express reservations and anxiety about the administration's nomination for Secretary for Fair Housing. There is every indication that Roberta Achtenberg would severely abuse the power of that important office to promote her personal values. She is entitled to those values, but where they are not provided for in law, nor guaranteed or instructed by the Constitution, there is room for other views as well. Tolerance and understanding have not been a part of her record.

Mr. President, this is not a question about gays or gay bashing. This is a question directly about performance in office that says that "If you do not agree with me, I will find means of denying you funding; I will coerce banks into withdrawing deposits; I will do all kinds of things until specific acceptance of my view is attained."

This is a country that is entitled to have faith in its laws, and this is a country which increasingly is frightened of its government. The Government has pockets that are interminably deep and can take city housing councils, housing authorities, State governments, individuals, developers—anybody—through the ritual of court after court, appeal after appeal with bottomless pockets that they cannot afford.

So coercive acts in the past of the nominee are a very legitimate concern, and they are not acts of concern about lifestyle. They are acts of concern about enforcing acceptance of things that are not and have not been provided for in law.

If we are to remain a country of laws, then tolerance of the law as it exists is a very major portion of the competence to hold office.

There is evidence from her elected past that Ms. Achtenberg would use the office of Assistant Secretary for Fair Housing to impose her views upon individuals and organizations who do not agree with her viewpoints that are not related to fair housing as currently defined by law. In addition to the fact that she has little if any real experience in fair housing, there is every indication that she will use coercion and intimidation to enforce protections which are not found in our Constitution, nor have they been enacted by Congress, nor even established by judicial interpretations of the laws of Congress or the Constitution.

Mr. President, I believe that any U.S. President is entitled to choose relatively free those whom he wishes for Cabinet and sub-Cabinet posts and that a person's sexual orientation should not preclude that person from serving in Government. But I also believe that the public places an important trust in public service. Ms. Achtenberg would punish voters who do not subscribe to her personal social values. This act would betray the public's trust of that office. The public should not have to fear its Government. Employees in the Federal Government should come to Washington to serve the public not control the public.

If confirmed, I fear that Ms. Achtenberg would punish individuals or organizations who do not immediately establish special protections for homosexuals or for others. Her record speaks loudly to that end. As a San Francisco city supervisor, board member of the United Way of the bay area, she successfully prevented the Boy Scouts, as has been stated, from meeting in public schools and public facilities during school hours. This is not a court provided sanction.

This was a coercion to influence the United Way to withhold funding from the Boy Scouts. Again, the Boy Scouts, through court after court, have been judged to be within their rights to set standards for membership within that organization.

She compelled the city of San Francisco to reduce deposits in the Bank of America because it made a modest contribution to the Boy Scouts of America.

Now, this is a vendetta, and it is a pattern of behavior which causes this Senator great reservations and anxiety about such a nomination, because the power she would have in the U.S. Government is significantly greater than the power she had as a city of San Francisco supervisor. The power to withhold money or to enforce the expenditure of money is not a power to be taken lightly, and ought not to be taken outside of the law simply because the Government of the United States has endless financial resources and time to ultimately control the small governments, the local governments, the State governments, and the individuals of this great country.

In November 1991, Ms. Achtenberg told CNN that the Boy Scouts "are not entitled to enjoy the benefits of funding that is collected from us all. And they are not entitled to special treatment when it comes to accessing public money, public schools, public buildings, and the like."

Now, the Senator from Michigan and others have stated that this is not a question about somebody being nominated to head the Boy Scouts. And, true enough, that is the case. But it is about somebody being nominated who has used the power of office and has displayed to arrogance of that power to take on a perfectly normal function of America's social life.

She told the Associated Press in August of 1991:

> Do we want our children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing male children?

This is a challenge, Mr. President, not to the Boy Scouts, but to Americans whose money and taxes and resources go into fair housing.

A person who would challenge the Boy Scouts' right to exist on the basis that they are God-fearing, straight Americans will challenge other elements of this country in the same kind of way. That, Mr. President, is the word. It is Ms. Achtenberg's arrogance that says: "My view is the view. Notwithstanding the law, notwithstanding the authority of my office, I will bully, I will intemperately push, I will do whatever is necessary to see to it that the view which I hold, which Congress has not enacted, which the Constitution does not provide, is the view which prevails."

Mr. President, it becomes a serious concern when the President of the United States nominates staff persons who will likely use coercion or threats or personal vendettas to circumvent the Constitution and Congress for personal reasons.

I have no doubt but she will be confirmed. But the fact of it is that Americans have legitimate cause for concern with this nomination.

And it is not a concern of lifestyle. It is not a concern of sexual preference. It is a concern specifically directed to those who would abuse the power of office to assert their view and their view alone.

Mr. President, before I conclude, I believe that the record will show, if it is not scrubbed, that rule XIX(2) was abused this afternoon. Rule XIX(2) says:

> No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. President, I heard a Senator accused of bigotry this afternoon. My guess is that that is in violation of rule XIX(2). It is a pity. It is not what this debate is about.

This debate is about seriously held concerns to which people are entitled. The Senate is the arena in which differing views ought to be able to be spoken without personal assignation and characterization of those views.

I regret it, and I hope maybe, perhaps, for the record, that it will be scrubbed. Television, at least, will have shown it without being scrubbed.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much. Mr. President, once in awhile you feel privileged to be in this body, to be able to stand up and tell the truth about someone you know and challenge those who would paint a picture that is a false, utterly false, picture.

I do not think the Senator from Wyoming knows Roberta Achtenberg, Mr. President. He calls her arrogant. He says she abused her power. This is not an arrogant woman. This is not a woman who has abused her power.

As a matter of fact, Mr. President, just this year, Roberta Achtenberg was named Woman of the Year for the Ninth District in California by the California State Senate. This is a woman who has earned the respect of everyone who has worked with her.

I am going to place some letters in the RECORD, and I ask unanimous consent that I may do so at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR ROBERTA ACHTENBERG

NAME AND ORGANIZATION

Members, California Congressional Delegation.

Leopold Korins, Chairman and Chief Executive Officer, the Pacific Stock Exchange Inc., San Francisco.

Al From, President, Democratic Leadership Council, Washington, D.C.

Walter H. Shorenstein, Chairman of the Board, The Shorenstein Company, San Francisco.

Paul Brest, Dean, Stanford Law School, Stanford, California.

Kurt L. Schmoke, Mayor, City of Baltimore, Baltimore, Maryland.

Leo McCarthy, Lieutenant Governor, State of California.

Gray Davis, Controller, State of California.

William R. Tisdale, President, National Fair Housing Alliance, Washington, D.C.

K. Jacqueline Speier, State Assemblywoman, Assembly, California Legislature, San Francisco & San Mateo Counties, Assembly Majority Whip.

Bob Mulholland, Political Director, California Democratic Party.

Willie L. Brown, Jr., Speaker of the Assembly, California Legislature.

Frank Thompson, Chairman, Texas Commission on Human Rights.

Peter Gabel, President, New College of California, San Francisco.

Father Jim Goode, OFM, Ph.D. Church of St. Paul of the Shipwreck, San Francisco.

Shauna I. Marshall, Executive Director, East Palo Alto Community Law Project, San Francisco.

Robert L. Demmons, Past President, San Francisco Black Firefighters.

Ervin Keith, Executive Director, Metropolitan Fair Housing Council of Greater Oklahoma City.

Lynn M. Clark, Executive Director, Fair Housing Contact Service, Akron, Ohio.

Rev. Cecil Williams, Minister & CEO, Glide Memorial United Methodist Church, Board of Trustees of the Glide Foundation, San Francisco.

Roselyne Swig, Roselyn Swig Art Source, San Francisco.

Doris M. Ward, Assessor, City and County of San Francisco.

Edwin M. Lee, Director, San Francisco Human Rights Commission.

David T. Quezada, Executive Director, Fair Housing Council of Orange County, Santa Ana, California.

Clifford C. Schrapp, Fair Housing Center of Metropolitan Detroit, Detroit, Michigan.

Gordon Chin, Executive Director, Chinese Community Housing Corporation, San Francisco.

Paul M. Igasaki, Executive Director, Asian Law Caucus, San Francisco.

Toni Austad, Director, Council for Concerned Citizens, Great Falls, Montana.

Scott W. Gehl, Executive Director, Housing Opportunities Made Equal, Buffalo, New York.

Henry Der, Executive Director, Chinese for Affirmative Action, San Francisco.

James B. Morales, Staff Attorney, National Center for Youth Law, San Francisco.

Mario Salgado, Executive Director, La Raza Centro Legal Inc., San Francisco.

Katherine Stark, Executive Director, Austin Tenants' Council, Austin, Texas.

Cynthia Ingebretson, Program Enforcement Coordinator, Fair Housing Council of Oregon, Portland, Oregon.

Mark Stivers, Fair Housing Counselor, Eden Council for Hope & Opportunity, Hayward, California.

Jose E. Medina, Executive Director, Instituto Laboral De La Raza, San Francisco.

Enrique Ramirez, President, San Francisco, La Raza Lawyers Association.

David J. Soffa, MD, President, San Francisco Medical Society.

James M. Seff, Partner, Pillsbury Madison & Sutro, San Francisco.

Michael A. Kahn, Senior Litigation Partner, Folger & Levin, San Francisco.

Barry N. Lastra, Board of Directors, The United Way of the Bay Area, San Francisco.

John Pritscher, Partner, Pillsbury Investment Corporation, Chicago.

Randolf J. Rice, Partner, Pillsbury Madison & Sutro, San Francisco.

Kathleen Groat, Executive Director, Fair Housing Council of the Fox Valley, Appleton, Wisconsin.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1993.

Senator DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: We, the undersigned Members of the California Democratic Delegation, are writing to strongly urge your favorable consideration of the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a Member of the San Francisco Board of Supervisors since 1990, and as the former Chair of that body's Housing and Land Use Committee, Ms. Achtenberg has clearly established herself as a leader in the area of housing policy. She has consistently and effectively fought for expanded housing opportunities for the city's residents, and has worked aggressively in the battle against housing discrimination in San Francisco and in the state of California.

In addition, she would bring to the Assistant Secretary's office a solid fifteen years as a civil rights attorney, law professor, and law school dean. Her success in advocacy, in academia, and in the legislative arena clearly make her an outstanding candidate. We applaud the President's decision to draw upon the skills of such a dedicated and principled public servant for this important post.

We urge you to report her nomination favorably to the full Senate, and thank you for your consideration.

Sincerely yours,

Nancy Pelosi; Norman Y. Mineta; Barbara Boxer; Ronald V. Dellums; Tom Lantos; Howard L. Berman; George Miller; Gary A. Condit; Lynn C. Woolsey; Bob Filner; Dan Hamburg; Robert T. Matsui; Maxine Waters; Don Edwards; Vic Fazio; George E. Brown, Jr.; Julian C. Dixon; Richard Lehman; Anna G. Eshoo; Lynn Schenk; Pete Stark; Matthew G. Martinez; Cal Dooley; Walter Tucker III.

THE PACIFIC STOCK EXCHANGE
INCORPORATED,
March 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing this letter to endorse San Francisco Supervisor Roberta Achtenberg for the position of Undersecretary in the Department of Housing and Urban Development. She is more than qualified for this post, and I heartily recommend her for this assignment.

On paper, Roberta does not seem to be the kind of person likely to engender respect and admiration from the chairman of a major financial institution. The constituents she represents and the issues she's addressed are not those usually found at the top of a traditional, conservative businessman's agenda. To be honest, I was skeptical about meeting her when she came to the Exchange in 1990 seeking support for her campaign. My uncertainties were unfounded.

Roberta Achtenberg is among the most intelligent, capable individuals I have met. She is highly regarded for her willingness to reach out to San Francisco's business community—she has met on regular occasions with 24 local corporate CEOs—and has made many significant efforts to maintain and enhance our city's economic vitality. During the transition between her election and her induction to the Board of Supervisors, for example, Roberta helped craft a critical compromise to controversial legislation passed by the previous Board dealing with workplace safety. She is diligent, hard working, and open to new ideas, all contributing to an attitude and an approach to government the business community finds enlightened.

Roberta has become a personal friend, one whom I indeed admire and respect. I hope that you will give her the opportunity to serve in this capacity and to make the important contributions this country sorely needs.

Sincerely,

LEOPOLD KORINS.

DLC,
March 24, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON: I am writing to highly recommend Roberta Achtenberg, who is seeking the Assistant Secretary of Fair Housing and Equal Opportunity position at HUD. Roberta and I worked together on the drafting committee of the 1992 Democratic Party Platform where she distinguished herself as an innovative policy maker. Roberta was also national co-chair of the Clinton/Gore campaign and went on record as an early supporter of the President.

Currently, Roberta is a member of the City of San Francisco's Board of Supervisors and chairs the Housing and Land Use Committee. Roberta brings over 15 years of experience to the position and her expertise spans such issues as affordable housing for low income families to increasing small business participation in city contract bidding. Clearly, her track record of outstanding community and public service, as well as her creative policy programs, will be an asset to the President's team at HUD.

I hope you will give Roberta your most serious consideration. I will be happy to answer any questions you may have concerning her candidacy and can be reached at 202/546-0007. Thanks in advance for your consideration.

With best regards,

AL FROM,
President.

WALTER H. SHORENSTEIN,
San Francisco, CA, March 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON, I am writing on behalf of Roberta Achtenberg to endorse her nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have personally known and worked with Roberta favorably over the years on a multitude of issues faced by the city of San Francisco. Given her academic, legal and public policy expertise as well as her ability to build bridges between diverse communities, I believe Roberta will serve as an excellent Assistant Secretary for the Department of Housing and Urban Development.

I highly recommend Roberta Achtenberg for this position and appreciate your serious consideration. I look forward to seeing you soon so that I may thank you in person. I will call you next time I am in Washington.

Sincerely,

WALTER H. SHORENSTEIN.

STANFORD LAW SCHOOL,
March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I write enthusiastically to support Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have known Ms. Achtenberg since 1975, when she was my research assistant at Stanford Law School, and have stayed in close contact with her since then. In her work as dean of New College Law School she played a major role in the growth of an internally contentious and externally controversial school into a stable institution of good repute. Her work as an attorney and director of the Lesbian Rights Project and National Center for Lesbian Rights was highly regarded. Not being a resident of San Francisco, I am not a close follower of the City's politics; it is my clear impression, however, that she has been enormously successful in her role as a supervisor.

More important than any particular achievements are Ms. Achtenberg's qualities as a lawyer, administrator, and person. She has an absolutely first-rate mind, and is highly articulate both orally and in writing. She is well organized. She is a strong leader, who listens well to others' opinions and inspires the loyalty of those she works with, and, I believe, the trust and respect of her opponents on particular issues. She is a person of great integrity and conviction, and at the same time pragmatic, warm, and outgoing.

I am confident that Roberta Achtenberg will be a great asset to the nation in her role as Assistant Secretary.

Sincerely,

PAUL BREST.

CITY OF BALTIMORE,
OFFICE OF THE MAYOR,
March 29, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: This is in support of the nomination of Roberta Achtenberg for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As you know, Ms. Achtenberg has served with distinction as a member of the Board of Supervisors in San Francisco. I am aware of the fact that numerous letters of recommendation were sent to the Clinton transition office urging the appointment of Ms. Achtenberg to a senior policy position within the new administration. Her outstanding career in public service warrants the strong support that she has received from around the country. I had the pleasure of serving with her as a member of the platform drafting committee for the Democratic Party. I was very impressed with her knowledge and sensitivity to the concerns of urban America. She will be an extremely effective advocate for fair housing and equal opportunity policies in this very important agency of the federal government. I strongly urge you to support this nomination.

If I can provide additional information in support of Ms. Achtenberg, please do not hesitate to contact me.

Sincerely

KURT,
Mayor.

LFO MCCARTHY, STATE OF CALIFORNIA,
March 17, 1993.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Supervisor Roberta Achtenberg of San Francisco has been nominated by the President for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I respectfully urge your favorable support in the confirmation hearing you will soon conduct.

Roberta Achtenberg is one of the brightest and most sensible people in public life I have met during my twenty eight years in local and state government.

She has an approach to working with a wide range of personalities on policy matters that draws concensus from sharp differences.

In facing the range of seemingly intractable housing and other urban problems San Francisco and other cities encounter, she is a success story.

I respect her and urge her confirmation.

Warm regards,

LEO MCCARTHY.

GRAY DAVIS,
CONTROLLER, STATE OF CALIFORNIA,
March 11, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing to lend my enthusiastic support for the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Affairs.

Supervisor Achtenberg has long personified the politics of "putting people first." Throughout her career Ms. Achtenberg has sought a level playing field for people who were disenfranchised, disadvantaged or overmatched by powerful interests.

She is motivated by the principle that each person, whatever their standing in life, is entitled to fairness, respect and dignity. As a practical problem-solver, Ms. Achtenberg has fashioned solutions that fit people, rather than forcing people to accommodate government-imposed programs.

Her political career, while short in years, has been long on impact in the lives she has touched in public life. As a member of the San Francisco Board of Supervisors Ms. Achtenberg has developed a reputation for uncompromising integrity, innovation and compassion.

Once you get to know her in Washington I am certain you will learn what we in California already know—that Roberta Achtenberg is precisely the kind of person we need in public life.

I strongly and respectfully urge her confirmation as Assistant Secretary of Fair Housing and Equal Opportunity at HUD.

Sincerely,

GRAY DAVIS.

NATIONAL FAIR HOUSING ALLIANCE,
Washington, DC, April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: At the quarterly meeting of the National Fair Housing Alliance on March 27, 1993, the Board of Directors voted unanimously and enthusiastically to support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. This unqualified support of Ms. Achtenberg is based upon our review of her career in civil rights enforcement and her commitment to equal opportunity.

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewing her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise. It is of the utmost importance that the person who fills this position bring these qualities to the job because HUD has failed to effectively enforce the Fair Housing Amendments Act of 1988. As a result, there has been no decrease in segregation; and redlining and disinvestment by lending institutions and insurance companies has continued unabated in minority and integrated neighborhoods in the United States. President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity to address these problems.

The National Fair Housing Alliance was founded in 1988 and represents private nonprofit fair housing agencies throughout the country. It is the only national organization whose concern is solely the elimination of housing discrimination in the United States.

NFHA's constituent members, the private fair housing agencies, have compiled an impressive record of success in fair housing enforcement because they have combined vigorous representation of the victims of discrimination with equally vigorous advocacy for institutional change. Today these private fair housing organizations play an essential role in the education about and enforcement of the fair housing laws, effectively utilizing the system established by Congress and various states and localities, and complementing the work of the government enforcement agencies.

The members of the Alliance are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

In January, NFHA discussed with Secretary Henry Cisneros the qualifications we believe are essential in the Assistant Secretary for Fair Housing and Equal Opportunity. Secretary Cisneros expressed his complete confidence in Ms. Achtenberg's abilities to fill this position. Once we met with Ms. Achtenberg we agreed fully with the Secretary. In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and country; intelligent, revealed in the speed of her acquisition of knowledge and the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

The full enforcement of fair housing and fair lending laws is of crucial importance in this country. Discrimination affects not only individuals and families, but neighborhoods and communities. Lack of access to credit, racial steering practices, denial of homeowners insurance, concentration of subsidized housing in low income communities, and restrictive zoning laws have contributed significantly to the physical, economic, and social deterioration of our neighborhoods. We believe Ms. Achtenberg has an accurate perception of the complex nature of systemic discriminatory practices and will use the authority of the Office of Fair Housing and Equal Opportunity to promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." We firmly believe that under Ms. Achtenberg's direction that there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. If you have any questions or if we can provide additional information in support of Ms. Achtenberg's nomination, please feel free to contact us.

Sincerely,

WILLIAM R. TISDALE,
President.

K. JACQUELINE SPEIER,
CALIFORNIA LEGISLATURE,
March 8, 1993.

Hon. ALFONSE D'AMATO,
Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR D'AMATO: It is my pleasure to endorse the nomination of San Francisco Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Supervisor Achtenberg is well known in the Bay Area for her achievements as a civil rights attorney, as well as her contributions as a dean at the New College of California School of Law and a teaching fellow at the Stanford Law School.

As a San Francisco Supervisor, Roberta Achtenberg's legislative efforts included enhancing protection for tenants against wrongful eviction, supporting construction of affordable housing for low income families and helping speed the transition from welfare to permanent employment through city sponsored job training programs. I am particularly impressed with her policy making that guarantees small business, women and minorities participation in bidding for city contracts and enhanced compliance monitoring efforts by the City Human Rights Commission.

Supervisor Achtenberg serves on the board of directors of the United Way of the Bay Area and numerous other volunteer organizations, including the Jefferson Elementary School PTA and California Women Lawyers. She is a Phi Beta Kappa graduate of the University of California at Berkeley and received her law degree from the University of Utah School of Law, where she was elected to the Order of the Coif.

Roberta Achtenberg is clearly an outstanding candidate for this post, and I strongly encourage you to support her nomination.

All the best,

JACKIE SPEIER,
State Assemblywoman.

CALIFORNIA DEMOCRATIC PARTY,
Sacramento, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing in support of San Francisco County Supervisor Roberta Achtenberg to be Assistant Secretary of Fair Housing and Equal Opportunity. Supervisor Achtenberg is one of California's finest leaders.

Her educational background along with both her private and public sector experiences make her an excellent choice, by President Clinton, for this position.

The Department of Housing and Urban Development and the American people will both be well served by her in this position.

San Francisco and California's loss will be America's gain.

Sincerely,

BOB MULHOLLAND,
Political Director,
California Democratic Party.

ASSEMBLY, CALIFORNIA LEGISLATURE,
Sacramento, CA, March 18, 1993.

Hon. DONALD W. RIEGLE, Jr.
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to offer my enthusiastic support of Roberta Achtenberg for the position of HUD Assistant Secretary for Fair Housing and Equal Opportunity.

Ms. Achtenberg has a wealth of experience in the area of tenants rights, job training, and affordable housing, in addition to numerous other areas of public policy that would be essential to the person who fills this position.

Currently, Ms. Achtenberg is a Supervisor to the City and County of San Francisco. In this capacity she has proven herself to be innovative, dedicated and extremely diligent. She provides the Board of Supervisors with a voice for those who are underrepresented and who often cannot speak for themselves. I have only the highest regard for Ms. Achtenberg and her courageous efforts.

I am confident that Ms. Achtenberg will be an asset to the Clinton Administration. I also believe she possesses the necessary professional experience to serve as Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

WILLIE L. BROWN, Jr.,
Speaker of the Assembly.

NEW COLLEGE OF CALIFORNIA,
San Francisco, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing in support of President Clinton's nomination of Roberta Achtenberg to serve as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have known Supervisor Achtenberg well since she served as Professor of Law and, subsequently, Dean of the Law School here at New College of California in the late 1970's and early 1980's. In addition to having taught and served as an administrator at New College, Supervisor Achtenberg has overseen the work of New College students who performed their required apprenticeship hours in her office when she was a full-time civil rights attorney after she retired as Dean. I have also worked with Supervisor Achtenberg in developing resolutions and legislation to be introduced before the San Francisco Board of Supervisors and am generally familiar with her professional work both as an attorney and as a Supervisor. Approximately a year ago, I asked her to become a Trustee of the College, which I am pleased she agreed to do.

Supervisor Achtenberg was an outstanding professor of law, demonstrating both mastery of the legal material that she taught and innovation in developing a Skills Training Program for law students that became a model for others across the country. She has a brilliant legal mind and is able to convey difficult ideas with clarity and with feeling. Perhaps even more important for a prospective Assistant Secretary, Supervisor Achtenberg was an excellent Dean, certainly the best we have ever had at New College. Our law school program has always contained an extremely diverse group of faculty, staff, and students with strong and often conflicting convictions. Supervisor Achtenberg was able to build consensus while respecting diversity, to administer projects that often involved significant technical complexity and to provide leadership that was respected throughout our institution.

With regard to her personal qualities, Supervisor Achtenberg is a woman of high moral character who is dedicated to the creation of a more just and humane society and who treats all those with whom she comes in contact with an evenness and a respect that is unusual among public figures. She is kind, caring, and genuinely thoughtful in her relations with those who work for her and in her way of dealing with issues of public importance. Supervisor Achtenberg is highly respected throughout San Francisco even among those who disagree with her on particular issues. She combines depth of insight, administrative competence, and a sustained capacity for caring in a way that we should all hope for in our public officials.

Supervisor Achtenberg merits the confidence that President Clinton has placed in her, and I hope your Committee will confirm her much-deserved appointment as Assistant Secretary.

Respectfully,

PETER GABEL,
President.

CHURCH OF ST. PAUL OF THE SHIPWRECK,
San Francisco, CA, March 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE, Greetings and best wishes.

I am writing to support the nomination of Roberta Achtenberg, as Assistant Secretary of Fair Housing and Equal Opportunity.

Supervisor Achtenberg, is an outstanding member of the Board of Supervisors here in San Francisco. She serves as Chair of the Housing and Land Use Committee and is a member of the Economic Vitality and Social Policy Committee.

Before Supervisor Achtenberg was elected to the Board of Supervisors she worked for more than 15 years as a civil rights attorney, law professor and law school dean.

Her commitment to the people of this city and to the poor has been outstanding and she stands as a role model for those who wish to give of the best of their service to the poor and those who have no one to speak for them.

I am certain that she will be an important addition to the Fair Housing and Equal Opportunity office in Washington, DC.

I am honored and proud to add my name to the list of those who are supporting the nomination of Roberta Achtenberg.

Sincerely,

FATHER JIM GOODE, OFM, PH.D.

SAN FRANCISCO, CA,
April 13, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to give my enthusiastic support for the nomination of Roberta Achtenberg as HUD's Assistant Secretary of Fair Housing and Equal Opportunity. I have known Ms. Achtenberg for approximately 10 years and can say, without hesitation, that she is a person of great integrity and that she will do an outstanding job in this post.

I worked as a civil rights attorney at Equal Rights Advocates during much of the period that Roberta Achtenberg served as Executive Director of the Lesbian Rights Project and the National Center for Lesbian Rights. My work focused primarily on the problems facing low income women and women of color in the workplace. During my tenure at Equal Rights Advocates, I could always count on Ms. Achtenberg's support and understanding of the issues facing my clientele. Additionally, Ms. Achtenberg lent her insight and counsel to my work.

As a member of the San Francisco Board of supervisors, Roberta Achtenberg distinguished herself as a person who was consistently accessible and took the time to investigate and understand issues facing the many communities which make up San Francisco.

I am presently the Executive Director of East Palo Alto Community Law Project. East Palo Alto is a community of 25,000 residents most of whom are low income, people of color. East Palo Alto is precisely the type of community that will benefit from a hard working and effective Assistant Secretary. I know Roberta Achtenberg will be that person.

If you have any questions or need additional information, please don't hesitate to give me a call. My number is (415) 853-1600.

Yours truly,

SHAUNA I. MARSHALL.

SAN FRANCISCO BLACK FIREFIGHTERS,
San Francisco, CA, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. RIEGLE: I am writing to express my strong support of Ms. Roberta Achtenberg in her nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

My experience with Ms. Achtenberg rests with her experiences with Equal Rights Advocates [ERA]. ERA worked with the San Francisco Black Firefighters Association [BFA] in its struggle to integrate the San Francisco Fire Department to include more minorities and women. Historically the San Francisco Fire Department had been very homogeneous, made up of mainly white males. The first African American entered the Department in 1955. In 1972, the Department had four (4) African Americans. Women were not allowed to even take the examination for the entry-level position of firefighter until 1976. The first women, to be employed as firefighters, entered the Department in 1987. A coalition was formed by the BFA, ERA, various organizations and community groups to work towards integration of the San Francisco Fire Department. The City of San Francisco attempted to break the coalition for political reasons. The reason the coalition remained steadfast and strong were due to the work of Roberta Achtenberg and others.

Though she led the group working with women's and lesbian's rights, Ms. Achtenberg did not limit her struggle to these groups, including African American, Hispanic and Asian. Today, through the effort of her and others, we are closer to having a fire department which mirrors the city it serves.

Because of her past and current efforts, as well as, a demonstrated commitment to all groups, I strongly recommend that Roberta Achtenberg be approved in her appointment as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Sincerely,

ROBERT L. DEMMONS,
Past President.

METROPOLITAN FAIR HOUSING COUNCIL,
Oklahoma City, OK, April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking and Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Metropolitan Fair Housing Council of Greater Oklahoma City's Board of Directors and staff unanimously and prayerfully support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. The Metropolitan Fair Housing Council [MFHC] of Greater Oklahoma City is a non-profit organization originated in 1979 to ensure equal housing opportunities for all persons in the metropolitan area. Our tragic experiences with fair housing officials over the past years make it of the utmost importance that the person who fills this position represents a life of personal commitment to civil rights and equal opportunity as the nominee has demonstrated.

It is the persistent pattern of racial segregation from a host of official actions of federal, state, and local governments and for the way low income citizens are held in disdain by these government officials that offer a compelling need for such a positive change.

We urgently request the expeditious Senate approval of the nomination of the extremely qualified nominee Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

ERVIN KEITH,
Executive Director.

HOUSING DISCRIMINATION PROJECT, INC.,
Holyoke, MA, April 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re: Support of the nomination of Roberta Achtenberg

DEAR SENATOR RIEGLE: I am writing on behalf of the Housing Discrimination Project to enthusiastically support the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

As an Attorney and the Director of a fair housing organization for the past three years, I know how important it is for the new Assistant Secretary to be an individual who will effectively manage HUD's fair housing enforcement responsibilities and provide leadership in promoting policies and administering programs to end housing discrimination. Our non-profit organization's sole purpose is to promote fair housing through testing, enforcement, education and outreach activities. We have experienced serious problems with HUD's investigation of housing discrimination complaints we have filed over the last three years.

I personally know Ms. Achtenberg from my contact with her when I lived in San Francisco and worked at the New College of California School of Law. She has an outstanding reputation in San Francisco as a skilled lawyer who has worked on civil rights issues for fifteen years and as the director of a nonprofit organization committed to equal rights.

Ms. Achtenberg will be an excellent Assistant Secretary of Fair Housing and Equal Opportunity. I hope she will be quickly confirmed so that her work can begin.

Yours Truly.

PEGGY MAISEL,
Executive Director.

CALIFORNIA A.D.A.P.T.,
Berkeley, CA, April 2, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR HONORABLE RIEGLE, Jr.: I am in full support of San Francisco Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. As a disability rights advocate in the San Francisco Bay region, I have had the opportunity to work with Supervisor Achtenberg to improve accessibility for persons with disabilities through legislation she authored over street ramp parking violation rules. She is exemplary in her ability to understand and address vital issues of all her constituents. She displays a keen willingness to tackle controversial issues by means of networking with various groups to bring change to fruition.

As Supervisor, she serves as the lead contact person on the Americans with Disabilities Act. She has a record of understanding the premise and application of these regulations as would be valuable as Assistant Secretary of Fair Housing and Equal Opportunity.

Roberta Achtenberg's political activism and record of inclusion and civil rights demonstrate her leadership talents. She has been active in improving access to affordable housing for low-income families, increasing minority business participation opportunities, and the creation of job transition and training programs. Additionally, she has assured accountability from the San Francisco Human Rights Commission. What I have noted here are just some of her more obvious accomplishments.

Because of Ms. Achtenberg's familial experience with a brother who was disabled, she has been sensitive to disability issues. She has authored legislation to keep pedestrian sidewalk crossing ramps free from barriers and blocked by parked cars. Having personally been struck in a crosswalk in July 1992 while crossing the street in my motorized wheelchair with my service dog, I value her efforts to improve street crossing access for all pedestrians.

Roberta Achtenberg operates from a place of respect and dignity for all human beings, and I believe your committee should expedite her acceptance and appointment to the post of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. She is a well-respected and dynamic individual who carries a resounding voice for common sense government. As such, please accept this letter as my highest recommendation on behalf of myself and others in the disability civil rights community from the Bay Area.

Sincerely,

CONNIE J. ARNOLD,
Organizer, California A.D.A.P.T.

FAIR HOUSING CONTACT SERVICE
Akron, OH, April 20, 1993.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: The Fair Housing Contact Service is supportive of the nomination of Roberta Achtenberg as the Assistant Secretary of Fair Housing and Equal Opportunity. The research that we have done on her education and experience leads us to believe that she would be very supportive of our mission. We need an Assistant Secretary that would be active and engaged in policy making and program issues. Ms. Achteberg has the skills necessary to learn and understand the intricacies of the industry and of the discrimination that occurs therein. The effects of discrimination in housing are far-reaching. Full enforcement of the fair housing laws is crucial.

We believe that Roberta Achtenberg will bring to the position the leadership and enthusiasm that is needed to undertake the duties to combat the discrimination that affects all American citizens, whether it be directed against them or their neighborhoods.

We urge the Senate to expeditiously approve the nomination of Ms. Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity. If you have any questions, please contact me at 216–376–6191.

Sincerely,

LYNN M. CLARK,
Executive Director.

GLIDE,
San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to express my full support of Roberta Achtenberg, nominated as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a civil rights attorney, law school professor and dean, and as a member of the San Francisco Board of Supervisors, Ms. Achtenberg has consistently demonstrated a strong commitment to effectively reach those who are homeless and poor, including the thousands who come to Glide Church for help every day. She has worked tirelessly to make sure that resources and facilities are properly funneled to where the human needs were greatest.

Ms. Achtenberg has also demonstrated a steadfast commitment toward minority groups. Her record in working with people of different races and cultures is unparalleled.

Further, Ms. Achtenberg has not only been an effective advocate in the halls of government, but has worked in the trenches as well. Her combination of empathy, understanding and knowing how to get things done is rare to find among people who may be seen as wanting to engage in acts of good will. Her good will translates into good action, including the pursuit of justice and equity for all people.

Those of us who work with the homeless and poor in San Francisco and elsewhere strongly support her confirmation as Assistant Secretary.

Sincerely,

REV. CECIL WILLIAMS,
Minister and CEO.

MARCH 19, 1993.

Hon. DONALD W. RIEGLE, Jr.
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON: I am writing to encourage you to confirm the nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Supervisor Achtenberg is chair of the Mayor's Task Force on Family Policy and has chaired the Housing and Land Use Committee of the San Francisco Board of Supervisors. I have worked with her very closely on many issues and know her to be an outstanding public servant who possesses unfailing integrity and determination. She builds confidence in those with whom she works and has the much sought after facility of bringing people together on difficult issues and moving through roadblocks towards solutions. Supervisor Achtenberg's personal character, skills, and specific experience more than qualify her, in my view, for this important position and I know she would be an outstanding addition to the new Administration.

I hope that you and your colleagues on the Banking Committee will confirm without hesitation Supervisor Roberta Achtenberg's nomination as HUD Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

ROSELYNE SWIG.

CITY AND COUNTY OF SAN FRANCISCO,
March 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. RIEGLE, I urge your support for the nomination of Roberta Achtenberg to the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Roberta was elected to the Board of Supervisors of the City and County of San Francisco in November, 1990, the same date I was elected president of that body. As a freshman supervisor she served admirably as vice chair of the Board's City Services Committee. She has since served as Chair of the Housing and Land Use Committee and is currently a member of the Economic Vitality and Social Policy Committee. She represents San Francisco as a director of the Bay Area Air Quality Management District, and is Chair of the Finance Committee of the San Francisco County Transportation Authority.

Ms. Achtenberg's collegiate background is equally impressive. She was graduated Phi

Beta Kappa from the University of California at Berkeley and earned her law degree from the University of Utah School of Law, where she was elected to the Order of the Coif.

Roberta was an early endorser of then Governor Bill Clinton and served as a national co-chair of the Clinton for President Campaign. Mr. Clinton appointed her to the drafting committee of the 1992 Democratic Party Platform where she delivered an address in support of the platform at the Democratic National Convention in New York.

I am certain that Roberta would do an outstanding job as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. I would very much appreciate your support of her appointment.

Sincerely,

DORIS M. WARD,
Assessor.

CITY AND COUNTY OF SAN FRANCISCO,
March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to you in your capacity as the Chairman of the Senate's Committee on Banking, Housing and Urban Affairs to contribute my utmost support and personal recommendation of Roberta Achtenberg as the Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development (HUD). I have known Ms. Achtenberg for over ten years in our mutual capacities as civil right lawyers in the San Francisco Bay area and as community activists on behalf of the poor, disadvantaged and victims of discrimination.

I am now serving my third year as Executive Director of the Human Rights Commission for the City and County of San Francisco. Our City department is the official anti-discrimination agency for our local government, we enforce local civil rights ordinances covering housing, public accommodations, employment and neighborhood disputes. Prior to this, I served as the Affirmative Action Director for the Mayor of San Francisco and then eleven years as managing attorney for the Asian Law Caucus, Inc., a civil rights community law office serving the indigent Asian communities. My legal and advocacy experience has focused on private and public housing for the poor.

In my professional career, I have come to know many Bay Area persons who have dedicated their talent, commitment and personal time to improve the living standards of our poor. Roberta Achtenberg stands out as a leader whose dedication and smart, problem-solving approaches have earned her the admiration of many different communities. From her earlier years as an attorney to her present occupation as one of the most respected County Supervisors for San Francisco, Roberta has accomplished many legal, organizing and policy victories that have directly enhanced the lives of many people. Her tireless work on improving protection for tenants against wrongful evictions, her continued leadership and support in the construction of more affordable housing for economically struggling families, her leadership in legislative efforts to speed the transition from dependent welfare to permanent employment through innovative job training programs and her support for fostering minority and women business and employment opportunities are but to name a few of the vast ideas and projects credited to her leadership.

One of the most outstanding attributes of Roberta's work is her commitment and ability to bring together the diverse communities of the Bay Area to resolve common problems. It is no exaggeration to express how important this attribute is to us who live and work in one of the most socially and economically diverse populations of our country. As a representative of the Asian communities, and now as Director of the Human Rights Commission which overseas all of our different communities, I can assure you and the Senate that Ms. Achtenberg embodies the dedication, commitment and tested professional experience to make all of us proud in her appointment to this very important position of our government.

I would like to note for your attention the recent action taken by the Board of Directors for the International Association of Official Human Rights Agencies (see attached letter of March 11, 1993). Their endorsement of Ms. Achtenberg's appointment is yet another clear indication of the diverse support she has earned. The diversity in our communities and of those embodied in all of the membership of IAOHRA must signal the level of confidence we have in recommending Roberta Achtenberg to you.

Through your fine work as Senators of this great nation, I know you struggle with the challenges to increase hope and cooperation with our federal government. I recommend to you a person who will contribute distinctively and honorably in carrying out the mission of HUD. I gladly place before you one of "our best", deserving of the challenge and eager to meet the responsibilities as Assistant Secretary to the Department of Housing and Urban Development.

Most Sincerely,

EDWIN M. LEE,
Director,
San Francisco Human Rights Commission.

FAIR HOUSING COUNCIL OF
ORANGE COUNTY,
April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Subject: Support nomination of Roberta Achtenberg as HUD Asst. Secretary, Fair Housing and Equal Opportunity

DEAR HONORABLE SENATOR RIEGLE: I seek your support of the nomination of Roberta Achtenberg as Assistant Secretary of the U.S. Department of Housing and Urban Development, Fair Housing and Equal Opportunity Development Division.

Ms. Achtenberg is eminently qualified to help lead this Nation toward the elimination verifiable housing and lending discrimination. Her track record of experience and education credentials instill a sense of renewed hope for those that directly further fair housing within our communities. We can truly make a historical difference in furthering open housing opportunities through this Nominee. Please give your support to Ms. Achtenberg, and thereby for the potential realization of American ideals of equality, which the people have so long professed and sought.

On the other hand, the fact that she is a person who so obviously can get this job done, means that those not yet having internal controls to reduce or eliminate discrimination will inherently fear and oppose her politically. I respectfully ask that you join potential opponents, and instead support this exceptional Nominee. Thank you for your support.

Sincerely yours,

DAVID T. QUEZADA,
Executive Director.

FAIR HOUSING CENTER OF
METROPOLITAN DETROIT,
Detroit, MI, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re: Appointment of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity

DEAR SENATOR RIEGLE: I believe that you are in receipt of a letter, dated 4/7/93, from the National Fair Housing Alliance, extending that organization's support for the appointment of Roberta Achtenberg as the Assistant Secretary for Fair Housing and Equal Opportunity for the Department of Housing and Urban Development (HUD). The Fair Housing Center of Metropolitan Detroit is a member of NFHA and concurred in that recommendation.

Over the past three years the Fair Housing Center of Metropolitan Detroit, on behalf of itself and five other private, non-profit fair housing groups in Michigan, have received HUD Fair Housing Initiative/Private Enforcement Initiative (FHIP/PEI) contracts to assist in the investigation (through testing) of complaints of unlawful housing discrimination. We have been notified that we have been selected for a fourth round of funding under that same program. As we noted in our funding proposal, the FHIP/PEI program is working, and the Michigan FHCs have been one of the reasons it has been working.

It is our understanding that Ms. Achtenberg has indicated her support for the continuation and expansion of the FHIP/PEI program. It is also our understanding that Ms. Achtenberg is sensitive to the need for improved enforcement of our nation's fair housing laws. We trust, in your examination of Ms. Achtenberg's qualifications, you will confirm her commitment to these fair housing issues and will be able to quickly confirm her for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

CLIFFORD C. SCHRUPP.

CHINESE COMMUNITY HOUSING CORP.,
February 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to urge your confirmation of Roberta Achtenberg for the position of HUD Assistant Secretary for Fair Housing and Equal Opportunity. As someone involved in the fields of affordable housing and civil rights for over two decades, I have met very few individuals who exemplify these two areas with the breadth of experience and abilities which Roberta possesses.

Ms. Achtenberg has chaired the Housing and Land Use Committee of the San Francisco Board of Supervisors. She has been a leading advocate for the rights for tenants and the construction of affordable housing in our City. She is very familiar with the broad range of local, State, and federal programs serving the needs of families and children.

As chair of the Mayor's Task Force on Family Policy, Ms. Achtenberg was a leading advocate for sensitive and fair family leave policies and programs. Leadership in such areas is a reflection of her unique experiences which can contribute to a heightened awareness of Fair Housing in this country.

I believe that we as Americans must begin to understand fair housing in a broader context than merely the enforcement of "equal opportunity." We must promote a public understanding of how fair housing access for all Americans is impacted by issues such as family leave policy, child care, exclusionary zoning, domestic violence, and community disinvestment.

Roberta Achtenberg is someone who can provide such a perspective, and I believe she will make an excellent Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

GORDON CHIN,
Executive Director.

ASIAN LAW CAUCUS,
March 4, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am pleased to add my support and that of the Asian Law Caucus for the nomination of Roberta Achtenberg, San Francisco Supervisor, as Assistant Secretary of Fair Housing and Urban Development. We will sorely miss her presence and commitment to the rights of all San Franciscans on our Board of Supervisors, but we strongly believe that her talents and commitment to justice will serve her well in this critical new assignment.

The Asian Law Caucus is a civil rights and legal advocacy organization based in San Francisco. For twenty-one years we have represented the interests of low income and immigrant Asian Pacific Americans at the local, state and national level. We have a long history of fighting for the rights of Asian public housing tenants and low income and elderly Asian renters in general. In addition, we have addressed civil rights issues of all sorts affecting our community.

Often, we have carried our issues to Washington, D.C., where our community and its needs is often ignored. Supervisor Achtenberg, coming from a city in which the Asian population comprises a third of the population, is well familiar with our needs and issues. We are confident that her presence in the Assistant Secretary position at HUD will benefit not only us, but the increasingly diverse urban communities across the United States.

As a former civil rights advocate in Washington, D.C., I can attest to how rare it is to find federal officials that can relate to or understand the complex needs faced by particularly the low income segment of the Asian and Pacific community. More often than not, Asian interests are not even addressed on civil rights matters. We need people like Supervisor Achtenberg that can sensitize a government that is only beginning to recognize our community.

Supervisor Achtenberg hired qualified and diverse staff while representing us at San Francisco City Hall. More than any other Supervisor, we could count on her to fight for our needs. She will serve the nation and HUD with distinction.

We urge the committee and the Senate to act swiftly to confirm Supervisor Achtenberg's nomination. Please feel free to contact us for further information or input.

Thank you.

Sincerely,

PAUL M. IGASAKI,
Executive Director.

COUNCIL FOR CONCERNED CITIZENS,
Great Falls, MT, April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: We at the Council for Concerned Citizens wholeheartedly support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

We have based our decision to support her nomination on three factors. First, we have reviewed a vast amount of material outlining her eminent qualifications for the job. Secondly, we know that President Clinton has nominated Ms. Achtenberg for this position, and we have confidence in his reasoning for selecting her for the appointment. Finally, we are affiliated with the National Fair Housing Alliance and trust their judgment in the decision to support Ms. Achtenberg's nomination.

Private group enforcement of fair housing laws is vital to fair housing choice in rural states such as Montana. The Council for Concerned Citizens is such a group, and is the only private fair housing group in the United States that focuses on housing, lending, and insurance discrimination against Native Americans.

Our work has been greatly advanced by federal funding which is necessary and critical to implementing fair housing goals in large rural western states. Funding is one of the areas where Ms. Achtenberg has distinguished herself. Her work on appropriations increased Fair Housing Initiative Program (FHIP) monies from $10.6 million to $16.9 million for this year.

An increase in dollars aids existing groups such as NFHA and CCC in their efforts to develop private fair housing groups in locations where none currently exist. This increased funding will also go a long way toward capacity development of existing groups such as CCC, enabling us to investigate mortgage, lending, and insurance discrimination in Montana.

For Ms. Achtenberg's efforts to increase FHIP funding, we are very grateful and optimistic about the future of fair housing, not only in Big Sky Country, but throughout the nation as well. Therefore, we strongly urge the Senate to quickly approve Ms. Achtenberg's appointment. If you have any questions or would like us to comment further on this nomination, please feel free to contact us.

Respectfully,

TONI AUSTAD,
Director.

HOUSING OPPORTUNITIES
MADE EQUAL, INC.,
Buffalo, NY, April 14, 1993.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate office Building, Washington, DC.

DEAR SENATOR D'AMATO: As you know, Housing Opportunities Made Equal is an organization with nearly 600 members which, since 1963, has led the struggle for fair and equal access to housing in Western New York. Today HOME operates under contract with 36 municipalities to provide a comprehensive program of fair housing services.

Although this agency has won enforcement funding for four consecutive years under the Fair Housing Initiatives Program, we are sorry to report that we have not always been in agreement with the policies of our friends at HUD. You may have seen the June 1992 report on implementation of the Fair Housing Amendments Act issued by the New York State Advisory Committee to the U.S. Commission on Civil Rights which contained a number of criticisms by this agency directed at HUD practices which, at times, seemed designed to discourage victims of housing discrimination from pursuing those rights granted by Congress and President Reagan in 1988.

Thus we are pleased to write in support of the nomination of Roberta Achtenberg as HUD's assistant secretary for fair housing and equal opportunity. Although we have not yet had an opportunity to meet Ms. Achtenberg, we have had occasion to communicate with her office and were frankly impressed by the timely response. Ms. Achtenberg's resume is an impressive one which tells of a long history of commitment to civil rights. Our colleagues at the national Fair Housing Alliance have met with Ms. Achtenberg and come away positively impressed—and we place great faith in their judgment.

Thirty years after New York State adopted it first fair housing statute, housing discrimination remains a serious problem. In 1992 HOME recorded a 19 percent increase in reported incidents of bias and, in honesty, the first quarter of 1993 shows further growth. Even as HOME enters its fourth decade, it is apparent that the evil of discrimination is not yet beaten.

The Fair Housing Amendments Act of 1988 and the Fair Housing Initiatives Program combined to create a framework with which to effectively combat housing discrimination. We are hopeful that under the leadership of Secretary Cisneros and Assistant Secretary Achtenberg the federal government will at long last demonstrate the will to keep its 25 year-old promise of fair housing.

Thanking you for your consideration of these comments, I remain

Sincerely,

SCOTT W. GEHL,
Executive Director.

CHINESE FOR
AFFIRMATIVE ACTION,
April 13, 1993.

U.S. Senator DONALD W. RIEGLE, Jr.,
Chairman, U.S. Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re: Assistant Secretary Nominee Roberta Achtenberg.

DEAR CHAIRMAN RIEGLE: I write to urge the U.S. Senate Committee on Banking, Housing and Urban Affairs to approve the nomination of San Francisco Supervisor Roberta Achtenberg to be the Assistant Secretary of Fair Housing and Equal Opportunity.

For the past twenty years, I have had the opportunity to work closely with numerous public officials, civil rights lawyers, and community leaders to solve a broad range of social and legal problems afflicting racially discriminated communities. Roberta stands out as a shining example of a gifted, compassionate public official and civil rights advocate who has developed strategies that have empowered the disadvantaged and coalesced persons of diverse backgrounds toward a common good. In addition to her effective opposition against all forms of discrimination, she has demonstrated strong leadership in promoting public policies that treat economically disadvantaged youths and families more humanely.

As a city supervisor, Roberta has had to mediate many numerous instances of conflicting interests and priorities. In every instance, her ability to identify practical solutions and persuade governmental agencies to be more responsive to the needs of common citizens has made her an exceedingly effective public official. Her public service work has always had focus and clear direction. There is no doubt in my mind that Roberta will be an outstanding leader to defend our nation's fair housing laws. Her professional training, personal commitment to equality for all, and successful track record of developing creative and innovative public policies all contribute to her being a superb nominee to be the next Assistant Secretary for Fair Housing.

I hope that you and U.S. Senate move with deliberate speed to approve the nomination of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity. Thank you.

Sincerely yours,

HENRY DER,
Executive Director.

NATIONAL CENTER FOR YOUTH LAW,
San Francisco, CA, March 8, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing in support of Supervisor Roberta Achtenberg's appointment to the position of Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development (HUD). I have known Supervisor Achtenberg for over ten years. She has demonstrated her qualifications for the HUD position in her work as a public official and civil rights attorney.

Since 1982, I have specialized in fair housing law for families with children. I have litigated cases, conducted trainings for other lawyers, and testified before Congressional Committees in support of the Fair Housing Amendments Act of 1988. E.q. Hearings before the Subcomm. on the Constitution of the Comm. on the Judiciary, U.S. Senate, One Hundredth Congress, First Session on S. 558, pp. 166–210. I have closely monitored HUD's enforcement of the 1988 Act, its certification of state laws, and its coordination of fair housing activities among the various HUD programs. Supervisor Achtenberg faces a daunting task in improving HUD's performance on these issues, but she has many valuable skills to bring to this task.

Supervisor Achtenberg combines a lawyer's substantive expertise on civil rights law with an elected official's ability to work with diverse groups. For many years, she was a practicing lawyer who focused on overcoming discrimination against gay men and lesbians. This experience, although it did not directly deal with fair housing matters, prepares her well for the Assistant Secretary position. To understand the harm, arbitrariness, and remedies associated with discrimination against one group is to understand many of the problems facing other victims of discrimination. Civil rights law has evolved over time and builds on fundamental principles that are used for all protected classes. Supervisor Achtenberg understands these principles and will be able to apply her legal expertise to the enforcement of the Fair Housing Act.

San Francisco has been described by some as "hyperpluralistic". Residents have a keen interest in the political process; community, neighborhood, and other interest groups abound in the city. In many respects, the political milieu of the city replicates the highly-charged arena of Washington politics. Supervisor Achtenberg has succeeded in this environment.

She has been a rational and pragmatic voice for social and economic justice. She has worked well with divergent groups and forged meaningful compromises that solve urban problems. As a Latino community activist, I have worked with Supervisor Achtenberg on several issues, including fair housing and civil rights matters. She has also been an advocate for families, small businesses, and the reform of city government. Her experience as a local official indicates that she will work effectively and pragmatically in implementing fair housing law.

As a resident of San Francisco, I regret the departure of Supervisor Achtenberg from city government. As a fair housing lawyer representing low income families, I look forward to Supervisor Achtenberg's leadership at HUD in improving the federal government's enforcement of the Fair Housing Act.

Sincerely,

JAMES B. MORALES,
Staff Attorney.

LA RAZA CENTRO LEGAL, INC.,
San Francisco, CA, March 8, 1993.

Hon. DONALD W. RIEGEL, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN: I fully support Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity. I have known Supervisor Achtenberg for five years and hold her in high regard.

As Supervisor, Ms. Achtenberg has been an advocate for San Francisco's low-income families and minorities. She has worked for protection of tenants against wrongful eviction and has supported construction of affordable housing for low-income families. Ms. Achtenberg has also worked for better monitoring efforts by the City of Human Rights Commission.

She has been an advocate for issues that effect San Francisco's diverse and growing Latino Community. As Executive Director of a non-profit community law agency that serves Latinos throughout the Bay Area, I will miss her presence on the Board of Supervisors and United Way of the Bay Area. She has been instrumental in addressing the needs of the Latino community as a public official and private citizen.

I believe Ms. Achtenberg's commitment to civil rights makes her an outstanding nominee for the position of Assistant Secretary of Fair Housing and Equal Opportunity. For low-income housing advocates, it is very heartening to know she will be in Washington continuing her work as an advocate for low-income housing.

I hope that the Banking Committee will confirm Supervisor Achtenberg as a new Assistant Secretary of Fair Housing and Equal Opportunity. If I can be of any further assistance please call me at 415/575–3500.

Sincerely,

MARIO SALGADO,
Executive Director.

AUSTIN TENANTS' COUNCIL,
Austin, TX, April 13, 1993.

TO WHOM IT MAY CONCERN: The Austin Tenants' Council wishes to add our voice to the chorus of individuals and organizations supporting the nomination of Ms. Roberta Achtenberg for Assistant Secretary for Fair Housing and Equal Opportunity.

Her background is ideal for furthering the cause of full and fair housing for all. Ms. Achtenberg's commitment to civil rights enforcement and equal opportunity ensure her adherence to the mandate set forth under the Fair Housing Act.

With 20 years of service to our community, the Austin Tenants' Council has gained expertise as a catalyst in the struggle to uphold the rights and privileges of all persons to a safe and decent place to live. Ms. Achtenberg presents a background which is germane to the essence of this struggle and as such we feel she will do an outstanding job.

Respectfully submitted,

KATHERINE STARK,
Executive Director.

FAIR HOUSING COUNCIL OF OREGON,
Portland, OR, April 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: The Fair Housing Council of Oregon supports the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

Her accomplishments are substantial and substantive. She is an advocate for fairness and equality for all persons. Her career in public service and policy making as well as civil rights enhances her candidacy. We believe this position needs someone who will remain a voice for those who are underrepresented. We feel that a true advocate for fairness must have clarity of vision and a desire to facilitate change.

The Fair Housing Council of Oregon is a private non-profit corporation with a mission of promoting access to housing of choice for all persons. We receive and screen complaints of housing discrimination from the entire state of Oregon and whenever possible test allegations of fair housing violations. We have front line experience of the reality of housing discrimination and feel that a strong commitment to enforcement at the federal level is essential.

We feel that with Ms. Achtenberg's legal background and experience the U.S. Dept. of Housing of Urban Development and the people of the United States will have a true champion of fairness. We urge you to approve the nomination of Ms. Achtenberg for Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

CYNTHIA INGEBRETSON,
Program Enforcement Coordinator.

BALTIMORE NEIGHBORHOODS, INC.,
Baltimore, MD April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Baltimore Neighborhoods, Inc. (BNI), is a private fair housing organization which has been on the forefront of the battle against housing discrimination in the Baltimore metropolitan area since our founding in 1959. We strongly support the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Achtenberg promises to bring to that office an awareness of the critical importance of housing for all American citizens and a commitment to ensuring that the availability of housing is not affected by discriminatory beliefs and practices. We are persuaded that Ms. Achtenberg will be an aggressive, strong, compassionate and committed leader in a Department which has suffered during the last many years from leadership which has lacked those qualities.

Baltimore is among those American cities which have been characterized as hyper-segregated by recent studies. Throughout the 34 years BNI has been in the fair housing business, this characterization, unfortunately, has been an apt one, despite our determined efforts to enforce the fair housing laws. Much of the impetus for change comes from the level of commitment and enforcement set at the national level. The commitment of President Clinton and Secretary Cisneros to fair housing manifests itself in the nomination of this dedicated, capable woman to lead the nation's fair housing program. We are confident that your hearing on this nomination will confirm our high opinion of Ms. Achtenberg.

We urge your committee and the full Senate to act quickly in approving this important nomination.

Sincerely yours,

ROBERT L. PIERSON,
President.

EDEN COUNCIL FOR HOPE & OPPORTUNITY,
Hayward, CA, April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: We are writing you to urge your support for the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. She is a person who will bring substantial leadership skills and an untiring commitment to a position within the Department that greatly needs it.

Fair housing agencies such as ours depend to a great extent on H.U.D. to make the federal government's goal of equal opportunity in housing a reality. We regularly refer clients who are victims of discrimination to H.U.D. in order to get a thorough investigation of the complaint and full enforcement of the laws. Until now, though, many of these cases have encountered road blocks in Washington, D.C. It has happened to a number of our clients that their cases left the regional office with a recommendation of reasonable cause, only to be dismissed in Washington. In some cases there have been glaring errors and omissions in the final determinations. In other cases, there was simply poor judgement and a lack of commitment.

A commitment to fair housing begins at the top. The Assistant Secretary for Fair Housing and Equal Opportunity needs to be someone who will not hamstring enforcement of the laws, but rather will strive to broaden the scope of the law and ensure that justice is served in each individual case. We believe that Roberta Achtenberg is such a person. Her record of public and community service clearly demonstrates a dedication to the guarantee of civil rights. And while Ms. Achtenberg may not have a wealth of direct experience with housing discrimination litigation, she has proven herself to be a very intelligent, perceptive and sensitive person who is able to develop a full understanding of the issues in a short amount of time.

Therefore, we urge you to support the nomination of Ms. Achtenberg and to push your colleagues to do likewise. A speedy confirmation is important to all those who believe in equal opportunity in housing.

Sincerely,

MARK STIVERS,
Fair Housing Counselor.

INSTITUTO LABORAL DE LA RAZA,
San Francisco, CA, March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: Please accept my letter in support of Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Roberta has been an effective policy maker on the San Francisco Board of Supervisors. She has been particularly sensitive to the needs of our City's most vulnerable population—female single heads of household; youth and senior citizens. Roberta has consistently put forth innovative solutions to complex city problems such as her recent legislative efforts to help speed the transition from welfare to permanent employment through augmentation of city-sponsored job training programs.

Even prior to her election to the Board of Supervisors, Roberta had made a reputation for herself as an effective advocate for tenants' rights and for affordable housing. She has given generously of her time by serving on the board of directors of the United Way of the Bay Area and is a member of the Jefferson Elementary School PTA where her son is a student.

Roberta's first hand knowledge of fair housing issues coupled with her commitment to equal opportunity will enable her to make a most positive contribution in discharging her duties as Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

JOSE E. MEDINA,
Executive Director.

SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION,
San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

HONORABLE CHAIRMAN: San Francisco La Raza Lawyers Association welcomes the opportunity to express its support for Supervisor Roberta Achtenberg to the position of Assistant Secretary of the United States Housing and Urban Development Department.

San Francisco La Raza Lawyers Association is a professional association representing more than five hundred members and supporters in the San Francisco Bay Area. Our primary responsibilities are to enhance opportunities for Latino attorneys in their respective areas of practice, provide educational forums to community members, and to facilitate the appointment of Latino attorneys to vacancies in the judicial branch. Currently, we are organizing the 1993 Hispanic National Bar Association Convention which will take place in San Francisco from September 23rd to the 26th. We would be honored to have you and other members of your committee present at this historic event.

It is this associations' position that Supervisor Roberta Achtenberg has been a concerned and dedicated public servant throughout her tenure as supervisor. In her official capacity, she has shown sensitivity to the plight of the Latino community in San Francisco and has worked consistently in support of programs and measures which have advanced the interests of our community. She's held this same commitment long before she was elected to the Board of Supervisors when she was working as Dean of New College of California School of Law. In her capacity as Dean, she made sure that minority law school applicants were fairly considered, admitted to, and retained in the law school. It is our belief and expectation that she, as Assistant Secretary to H.U.D., will continue to exercise good judgment and discretion with respect to her duties and in the developments of new methods for dealing with the myriad of problems facing this agency.

Thank you for allowing us the opportunity to express our support for Supervisor Achtenberg. We are available to provide any additional assistance and information regarding the candidate and/or our association. Please feel free to contact us.

Sincerely yours,

ENRIQUE RAMIREZ,
President.

SAN FRANCISCO/PHYSICALLY DISABLED QUORUM,
San Francisco, CA, April 2, 1993.

Hon. MEMBERS,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS: We are writing to support the appointment of Roberta Achtenberg to the position of Assistant Secretary for Fair Housing and Equal Opportunity in The Department of Housing and Urban Development.

We are a local, independent organization of people with physical disabilities whose mission is to advocate for greater accessibility. We do not receive funding from anyone outside our membership.

People with disabilities have more problems with housing and are more in need of strong enforcement of fair housing laws than any other group. Many people who have become disabled have had to give up jobs only because they could not find a home which they could leave or enter independently. A home with a doorway too narrow for a person with a disability, a kitchen or bathroom unusable by a person with a disability, is just as much discrimination as a sign saying "No Women Allowed" or "No African-Americans Allowed".

Supervisor Achtenberg has been a leader in civil rights and fair housing in San Francisco. She led the fight to get stricter penalties for motorists blocking curb ramps, a difficult fight in this city with one of the worst parking problems in the country, and with some officials regarding this blockage as a driver's right. She is the rare official who is genuinely sensitive to disability issues, and not merely taking a proper political stance. Her brother was a quadriplegic who was killed in a street accident that would not have occurred if there had been better enforcement of disability rights.

We look forward to her developing policies for equal and fair housing.

Sincerely,

STANLEY PAUER,
Co-Chair.

ELLEN LIEBER,
Co-Chair.

LOCAL 2 HOTEL EMPLOYEES &
RESTAURANT EMPLOYEES UNION,
San Francisco, CA, March 31, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: On behalf of the 10,000 members of Local 2, I write seeking your support for the confirmation of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

We in Local 2 have worked closely with Supervisor Achtenberg in San Francisco over a variety of different issues not only affecting our membership but the community at large.

Specifically, Supervisor Achtenberg was a key supporter of a piece of local legislation which our union succeeded in having adopted by the city which requires the Planning Commission to consider housing mitigation measures prior to the approval of any new hotel developments in San Francisco. Without her support we would not have been able to achieve this legislation which addresses the severe housing shortage in our city.

In addition Supervisor Achtenberg has built her career on championing civil rights and equal opportunity for woman and minorities in our community.

I strongly urge your support of her nomination as Assistant Secretary. Her dedication, commitment and hard work, which we have experienced first hand, will serve our nation well.

Sincerely,

SHERRI CHIESA,
President.

CENTRAL LABOR COUNCIL OF
CONTRA COSTA COUNTY, AFL-CIO,
Martinez, CA, March 29, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I would like to strongly recommend Roberta Achtenberg's appointment as Assistant Secretary for Fair Housing and Equal Opportunity.

Roberta Achtenberg has had a brilliant career, and is recognized as a leader in the San Francisco Bay Area. I have been privileged to serve with her as a member of the Board of Directors of the United Way of the Bay Area.

Your committee's concurrence of her nomination would be in the best interests of this nation's goals.

Sincerely,

STEVEN A. ROBERTI,
Executive Secretary.

HOUSING OPPORTUNITIES MADE EQUAL,
Richmond, VA, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Board of Directors of Housing Opportunities Made Equal (HOME) voted unanimously at its most recent meeting to support the nomination of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Achtenberg's background in civil rights, policy development and administration, and law, as well as her personal commitment to equal housing, make her extremely well qualified to fill this position.

I have had the opportunity to discuss a variety of topics with Ms. Achtenberg, and have been impressed with her immediate grasp of the complex issues surrounding equal housing and housing affordability, and her understanding of the role that can and should be played by the U.S. Department of Housing and Urban Development in ensuring equal access to housing throughout the United States. While firmly committed to equal rights, she also understands the importance of taking into consideration the concerns of the housing industry to ensure that the programs under her jurisdiction are administered in the most productive way possible.

HOME is a HUD-certified comprehensive housing counseling agency, which served 4,627 families in 1992, and which has provided fair housing services for the city of Richmond for almost twenty years. We assist victims of housing discrimination, provide all forms of housing counseling, and also administer various programs of financial assistance such as downpayment assistance for first time homebuyers. As a result, we are thoroughly familiar with the interrelationship of different housing programs, discrimination, and the barriers facing women, families, minorities, and those with limited incomes in their search for housing. We are convinced that Ms. Achtenberg will provide the leadership necessary to ensure that fair housing is a positive component of all of HUD's programs, and that she will work diligently to guarantee all residents of the United States the equal access to housing envisioned in the law.

Ms. Achtenberg has our full support. I hope you and the other members of the Committee on Banking, Housing and Urban Affairs will act quickly to confirm her nomination.

Sincerely,

CONSTANCE K. CHAMBERLIN,
Executive Director.

SAN FRANCISCO
LABOR COUNCIL AFL-CIO,
San Francisco, CA, March 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The purpose of this communication is to strongly recommend Roberta Achtenberg for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

The aforementioned recommendation is based on my personal experience in working with Roberta over a period of years, both in her capacity as an elected official, and her involvement in community support activities. Roberta becomes involved because of the necessity for all citizens to have a voice within the community, and her deep dedication and commitment.

Roberta is always well informed and is qualified to deal with sensitive and complicated issues. Her broad cross section of experience will be a tremendous asset as she puts her time, talents and energy to work to help solve some of the more difficult and demanding problems that have developed into one of America's most serious and festering wounds.

I am supremely confident Roberta Achtenberg will fulfill all of the responsibilities inherent in the aforementioned position, thereby serving as a model for all who follow.

Please feel free to contact me if further information is required.

Thank you.

Sincerely,

WALTER L. JOHNSON,
Secretary-Treasurer.

THE BAR ASSOCIATION
OF SAN FRANCISCO,
March 9, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: We understand that President Clinton's nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in HUD is currently under consideration by your Committee.

On behalf of the Bar Association of San Francisco, I enclose for your information a copy of the materials submitted by BASF in support of our nomination of Supervisor Achtenberg for the ABA's prestigious Margaret Brent Award. The nomination statement aptly expresses the enormously high regard in which Supervisor Achtenberg is held in the Association and in the legal community as a whole.

Thank you for the opportunity to call this to your attention.

Very truly yours,

DRUCILLA STENDER RAMEY,
Executive Director and General Counsel.

THE UNITED WAY,
San Francisco, CA, March 23, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: Building a better community has always been Roberta Achtenberg's personal and professional goal. Over the years, I have come to learn that her great skill, knowledge and ability has been one of the key elements in the development of the Bay Area.

Serving others without expectation of return has been one of the hallmarks of a gifted leader. Clearly, Roberta has worked hard her entire career to improve the quality of life of our entire Bay Area community.

In an era when some of our best and brightest are not attracted to public service, it is truly an honor and pleasure to recommend a leader of national stature for the position of Assistant Secretary for Fair Housing and Equal Opportunity, without reservation.

Sincerely,

THOMAS A. RUPPANNER,
President.

RELIGIOUS ACTION CENTER,
OF REFORM JUDAISM,
March 25, 1993.

Hon. JIM SASSER,
Chair, Committee on Banking, Housing, and Urban Affairs, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SASSER: As you may know, I represent the 1.5 million members of the Reform Jewish community throughout the United States. I am writing on behalf of a distinguished and respected member of one of our synagogues: Roberta Achtenberg.

She has been nominated by the Administration to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity. Her background in public policy, including fair housing policy, is exemplary. I have the privilege to sit on the boards of several national civil rights organizations, and can attest to the high regard in which Roberta is held by a number of communities—including my own.

Roberta is deeply respected by the Jewish community in San Francisco and is greatly admired as an advocate for civil rights and for Jewish concerns. Her selection has attracted much interest and support from the national Jewish community. Her confirmation will be considered by the Jewish community as a major contribution by the Clinton Administration.

Sincerely,

DAVID SAPERSTEIN.

SAN FRANCISCO MEDICAL SOCIETY,
San Francisco, CA, March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS RIEGLE, SARBANES, AND D'AMATO: On behalf of the San Francisco Medical Society, it is my pleasure to support Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

While we will miss her presence in San Francisco, we believe that she will be a welcome and productive addition to the federal government. During her tenure as Supervisor, we had numerous occasions to meet and confer with Supervisor Achtenberg on matters affecting health care in San Francisco. We found her to be well informed on the issues and balanced in her approach. It was a pleasure to interact with her and always felt that we got a fair hearing, even when she disagreed with the positions we advocated. We found her to be a strong advocate and a skillful builder of consensus on difficult issues.

We urge you to confirm Ms. Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity. Please contact our Executive Director Susan Waters if we can provide additional information in support of her nomination.

Sincerely,

DAVID J. SOFFA, M.D.,
President.

SAN FRANCISCO, CA,
April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS: I write with a strong recommendation of support for Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a partner in San Francisco's largest law firm, Pillsbury Madison & Sutro, and as the immediate past president of the Bar Association of San Francisco, I have had occasion to observe Supervisor Achtenberg on several occasions, and with a sometimes critical eye. Her background clearly qualifies her for the job to which President Clinton has nominated her. She has, for her whole professional life, been a distinguished champion of the downtrodden and the underclass. She earned her distinction by creative policies and vigorous action, and has been a champion of small businesses, affordable housing for poor people, protection for tenants subject to wrongful eviction by rapacious landlords (but, and this is important, she is rational in her support and does not blindly support people simply because of their status), and other civil rights issues.

Roberta Achtenberg is a lesbian, and, as such, would add an interesting and overdue element of diversity to the administration. But that is not why I support her. Rather, I believe she is immensely qualified for the job, fully professional, competent, reasonable, smart and tough. In short, she is the ideal candidate for this position at this time.

I would be pleased to supplement this letter with additional information if requested.

Sincerely,

JAMES M. SEFF.

FOLGER & LEVIN,
San Francisco, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am the senior litigation partner of a fifty lawyer downtown San Francisco law firm which typically represents large financial, commercial and industrial businesses in complex litigation. I have practiced law for twenty years since clerking for the Ninth Circuit Court of Appeals, am a member of the America Law Institute, the Northern District of California Civil Justice Reform Act Panel and of many other judicial and community public service organizations and task forces. I am writing you to urge you to confirm President Clinton's nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

In my business I have the blessing and burden of working with numerous lawyers and public officials. In my experience I have rarely encountered as conscientious, committed and dedicated an individual as Roberta Achtenberg. Roberta is hard working, serious and thoughtful. She applies her ample intelligence in a constructive, creative and productive manner. If you want to get a job done right, you call on Roberta.

Roberta is neither an ideologue nor a token. Her successes in life from her Phi Beta Kappa key at the University of California to her Order of the Coif at the University of Utah to her seat in the highest council of power in San Francisco have been hard won and deserved. Roberta is neither shrill nor uncompromising, she measures her success in terms of results, such as legislative achievements, not in terms of headlines or rhetoric.

The Housing and Urban Development Department and the United States government will be well served by Roberta Achtenberg's addition to this administration. If I can contribute anything further to your important deliberations, please do not hesitate to call upon me.

Very truly yours,

MICHAEL A. KAHN.

SAN FRANCISCO, CA,
March 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I understand Roberta Achtenberg has been nominated as Assistant Secretary, Fair Housing and Equal Opportunity in President Clinton's Administration. I've known and worked with Roberta on a number of community endeavors over the past several years. She is intelligent, sensitive to the needs of others, and is truly professional.

Without reservation, I support her nomination and know that once approved she will do an extraordinary job.

Sincerely,

BARRY LASTRA.

COMMUNITY INVESTMENT CORPORATION,
Chicago, IL, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re Achtenberg Nomination for HUD Assistant Secretary.

DEAR SENATOR RIEGLE: It is my pleasure to write in support of Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Times are changing as private-sector bank dollars are becoming more readily available to join with public programs to promote affordable housing rehabilitation and neighborhood job creation. Ms. Achtenberg's experience and her practical approach to promoting neighborhood jobs and fair housing will serve HUD's goals well.

Community Investment Corporation (CIC) is an affordable-housing loan consortia of 43 banks and thrifts. CIC needs experienced and pro-active partners in Washington to streamline programs and make them work. Ms. Achtenberg would be such a partner to the nation's affordable housing and banking community.

I would be more than happy to help in any way to support Ms. Achtenberg's nomination. As additional background to CIC, I am enclosing a fact sheet describing our affordable housing efforts.

Sincerely,

JOHN PRITSCHER,
President.

SAN JOSE, CA,
April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re Supervisor Roberta Achtenberg.

DEAR MR. RIEGLE: I am writing to urge you to support the confirmation of San Francisco Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity.

I am a partner in the law firm of Pillsbury Madison & Sutro. My work as an attorney has brought me in direct contact with a number of public officials. None of them were more open, more receptive or more responsive than was Supervisor Achtenberg. Her work in San Francisco on the Human Rights Commission, as Chair of the Housing and Land Use Committee and as a member of the Economic Vitality and Social Policy Committee, demonstrate the perception, experience and broad perspective she will bring with her to the Department of Fair Housing and Equal Opportunity.

Finally, Ms. Achtenberg's service as executive director of the National Center for Lesbian Rights and her status as a leader of the San Francisco gay and lesbian community demonstrates her willingness to take strong stands in favor of civil rights for all individuals. Ms. Achtenberg's courage and leadership in the area of civil rights will further broaden the perspective she brings with her to the Department of Fair Housing and Equal Opportunity. I encourage you to confirm her nomination.

Very truly yours,

RANDOLF J. RICE.

FAIR HOUSING COUNCIL
OF THE FOX VALLEY,
Appleton, WI, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Fair Housing Council of the Fox Valley strongly endorses Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. As one of the few civil rights organizations in Northeastern Wisconsin, the Council is aware of the need to have the federal government show its concern for civil rights with strong advocates in HUD positions.

Ms. Achtenberg is the premier candidate for Assistant Secretary as she exemplifies the advocacy professionalism that is essential in this position. Her academic and professional career displays her intellectual range of knowledge. She has the political acumen necessary to promote the fair housing agenda and has the political contacts to make it all possible. Also, she has the experience in drafting and enacting policy changes.

As one of the front line organizations in the struggle for civil rights, this Council asks that you provide the leadership necessary for fair housing by confirming Ms. Achtenberg's nomination. Thank you.

Sincerely,

KATHLEEN GROAT,
Executive Director.

Mrs. BOXER. Mr. President, I would like to say this. I worked awfully hard to get to the U.S. Senate, as each of us has done. It is a great honor to be here.

I remember, when I was a child, my parents saying to me, "You know, in the United States Senate, they really have courage and they debate issues, and they really raise the level of the debate."

And I remember my parents saying, "In the House, it is really more of a feisty fight. But in the Senate, it is serious debate, and it is high-level debate."

I am happy to say that on most occasions that is really so.

But I have to say, listening to the Senator from North Carolina—and I do wish that he was here on the floor, because I sat through every word, every word, that he uttered about someone he does not know, Mr. President—I do not think that his statements are up to the level of this U.S. Senate.

He said of Roberta Achtenberg, and I quote, "She is pushy, demeaning, and demanding, and she is mean person."

Mr. President, Roberta Achtenberg is not a mean person and she is not pushy and she is not demeaning.

She is a good person. It does not mean I agree with her on every single thing, nor would you. No two people do. But one thing I know, she is not pushy and she is not demeaning and she is not demanding and she is not mean. And I find it really strange that people who have been in politics for a long time would call someone they do not know names. Because we get it all the time, do we not, Mr. President, from people who do not know us who think they know us? And I am sure that the Senator from North Carolina himself might be surprised at how many people think he is mean. He may be surprised at that. So, to call someone else mean lowers this debate. I support every single Member of this body's opportunity, chance, and right to speak out against a nominee, but let us not demean the debate.

I would like to read from a few letters that were written in behalf of Roberta Achtenberg from people who know her, because I think that is important. A lot of people in the U.S. Senate are saying things about Roberta Achtenberg who do not know her. Maybe because they want to make political points? I do not know why they would do this. Is it because they do not approve of her private life? Well, that is their right. But say it. If that is the reason you object, say it. Do not say she is mean or abused her power. Tell the truth. We owe that to the people of this country.

So I want to read just quotes from these letters that I have put in the RECORD.

The first one, from Leopold Korins, who is the chairman and CEO of the Pacific Stock Exchange:

> Roberta Achtenberg is among the most intelligent, capable individuals I have met. She is highly regarded for her willingness to reach out to San Francisco's business community—she has met on regular occasions with 24 local corporate CEOs—and has made many significant efforts to maintain and enhance our city's economic vitality. During the transition between her election and her induction to the Board of Supervisors, for example, Roberta helped craft a critical compromise to controversial legislation passed by the previous Board, dealing with workplace safety. She is diligent, hard working, and open to new ideas, all contributing to an attitude and approach to government the business community finds enlightened.

Now, I ask you, is this a mean person here? Is this a person who abuses power? This is a person praised by the corporate community.

Stanford Law School, Paul Brest, professor and dean. And I quote, about Roberta Achtenberg, who has been described here as mean and not qualified and someone who abuses power and is pushy. Listen to the words:

> More important than any particular achievements are Ms. Achtenberg's qualities as a lawyer, administrator, and person. She has an absolutely first-rate mind, and is highly articulate, orally and in writing. She is well organized. She is a strong leader who listens well to others' opinions and inspires the loyalty of those she works with and, I believe, the trust and respect of her opponents on particular issues. She is a person of great integrity and conviction, and at the same time pragmatic, warm, and outgoing.

I say to my colleagues, is this a mean person? Is this a demeaning person? Is this a pushy person? Not according to this professor and the CEO of the Pacific Stock Exchange.

We have a letter from the city of Baltimore, from the mayor, Kurt Schmoke.

> Her outstanding career in public service warrants the strong support that she has received from around the country.

From the Lieutenant Governor of the State of California, the largest State in the Union, Leo McCarthy:

> Roberta Achtenberg is one of the brightest and most sensible people in public life I have met during my twenty-eight years in local and state government.

He goes on:

> In facing the range of seemingly intractable housing and other urban problems San Francisco and other cities encounter, she is a success story.

There have been implications that Roberta Achtenberg somehow does not love God. Roberta Achtenberg is an active member of a synagogue. She is absolutely praised by rabbis and priests. Here is one from Father Jim Goode, Church of St. Paul of the Shipwreck:

> DEAR CHAIRMAN RIEGLE: I am writing to support the nomination of Roberta Achtenberg * * *
>
> Before Supervisor Achtenberg was elected to the Board of Supervisors she worked for more than 15 years as a civil rights attorney, law professor and law school dean.
>
> Her commitment to the people of this city and to the poor has been outstanding and she stands as a role model for those who wish to give of the best of their service to the poor and those who have no one to speak for them.
>
> I am certain she will be an important addition to the Fair Housing and Equal Opportunity office in Washington, D.C.
>
> I am honored and proud to add my name to the list of those who are supporting the nomination of Roberta Achtenberg.
>
> Father JIM GOODE.

Mr. President, the Bar Association of San Francisco, signed by Drucilla Stender Ramey, executive director and general counsel:

> On behalf of the Bar Association of San Francisco, I enclose for your information a copy of the materials (we sent) * * * in support of our nomination of Supervisor Achtenberg.

She had received, Mr. President, the ABA's prestigious Margaret Brent Award.

> The nomination statement aptly expresses the enormously high regard in which Supervisor Achtenberg is held in the Association and in the legal community as a whole.

Mr. President, does this sounds like someone who is mean? Who is not qualified? Who does not work well? Who would abuse her office?

A letter from the United Way:

> In an era when some of our best and brightest are not attracted to public service, it is truly an honor and pleasure to recommend a leader of national stature for the position of

> Assistant Secretary for Fair Housing and Equal Opportunity, without reservation.

The Religious Action Center of Reform Judaism:

> Roberta is deeply respected by the Jewish community in San Francisco and is greatly admired as an advocate for civil rights and for Jewish concerns.

The San Francisco Medical Society, signed by Dr. David Soffa:

> On behalf of the San Francisco Medical Society, it is my pleasure to support Roberta Achtenberg's nomination * * *.
>
> While we will miss her presence in San Francisco, we believe that she will be a welcome and productive addition to the federal government.

James Seff, attorney-at-law, a partner in San Francisco's largest law firm, Pillbury Madison & Sutro, says:

> I have had occasion to observe Supervisor Achtenberg on several occasions, and with a sometimes critical eye. Her backgound clearly qualifies her for the job to which President Clinton has nominated her. She has, for her whole professional life, been a distinguished champion of the downtrodden and the underclass. She earned her distinction by creative policies and vigorous action * * *.

And this is an interesting letter from Folger & Levin, Michael Kahn, who is a senior litigation partner of this 50-lawyer downtown San Francisco law firm:

> Roberta is neither an ideologue nor a token. Her successes in life from her Phi Beta Kappa key at the University of California to her Order of the Coif at the University of Utah to her seat in the highest council of power in San Francisco have been hard won and deserved.

Listen to this, Mr. President, from someone who knows Roberta Achtenberg, not from someone who is making political points on this nomination—from someone who knows her:

> Roberta is neither shrill nor uncompromising; she measures her success in terms of results, such as legislative achievements, not in terms of headlines or rhetoric.

Mr. President, I have all these letters of support. I have just read from but a few to make the point that character assassination will not hold, whether it is in the press or whether it is in this beautiful, beautiful hall. People who do not know a woman and people who admittedly do not like her private life, will try to destroy her reputation, destroy her qualifications, destroy her experience, call her names. That has no place in this beautiful hall, in this great institution.

If you are against the nominee, then you better come up with the truth because what we have heard today from the Senator from North Carolina saddens me deeply and, yes, I will add my voice to the Senator from Illinois, it frightens me as well. But somehow in this country when we get frightened, we reach inside us for the best in us, and we expand our Nation and we include people in our Nation's life.

And then, after we heard those voices, we heard the voice of the Senator from Michigan who, with courage, stood tall in this Chamber and talked about how we are enriched as a Nation, not demeaned, but enriched when we reach out to those, yes, who maybe are different than we are.

Friendly? My own opinion is that Roberta Achtenberg will shine in this office. She is not being recommended for the Supreme Court. She is not being recommended for a Cabinet-level position. She is not, as she stated to the committee, going to recommend or make laws. We make the laws, so all the fear about Roberta Achtenberg somehow changing the laws around here all by herself, Mr. President, just does not add up. This is an Assistant Secretary for Fair Housing. That is what she will be doing.

I want to put to rest these charges about the Boy Scouts. I like the Boy Scouts. And I have to tell you that does not make them perfect either. Here are the facts about the Boy Scouts in the San Francisco Bay area.

United Way has a policy in the San Francisco Bay area—it is in writing—that if there is any discrimination on the part of an organization, United Way may not give them a grant. In the San Francisco Bay area, as they define "discrimination," it includes, in addition to race, color, creed, and gender, sexual orientation.

It was brought to the United Way's attention that the Boy Scouts in the Bay area had a discriminatory policy based on sexual orientation. The United Way appointed a task force. Roberta Achtenberg was not on that task force. I want to repeat that. The United Way in the San Francisco Bay area appointed a task force to look into the issue of whether or not it was true that the Boy Scouts discriminated on the basis of sexual orientation. The task force reported to the board of directors.

I ask unanimous consent to print in the RECORD a letter that I just received that is from an Elbert C. Hill, who was a member of the United Way Boy Scout Task Force.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CA,
May 19, 1993.

Hon. Senator GEORGE J. MITCHELL,
Washington, DC.

DEAR SENATOR MITCHELL: As a former member of the United Way Boy Scout Task Force, I am perplexed that Roberta Achtenberg is taking the blame for the United Way's decision to de-fund the Boy Scout organizations in the Bay Area. Roberta, as one member of a fifty-nine member board of directors, acted on the recommendations of the Task Force and the United Way Executive Board.

The Task Force was established in November 1991, as the result of negotiations with the local Boy Scout Councils and members of the UW Executive Committee; the twenty-four members represented corporate/community/non-profit organizations, including the Boy Scouts and adult scouter volunteers. Professionals from the Boy Scout organization, independent gay/lesbian activist organizations, and public office holders (including Roberta) were not represented, but did present information and testimony. As the result of four months of negotiations, the Task Force recommended continuation of funding for a five year period if the Boy Scouts would agree to work at finding a common position with the United Way. The BSA rejected this recommendation, leaving the Executive Committee little choice but de-funding.

The statements attributed in news reports to Senator Helms are factually incorrect.

It is important that Congress know that Ms. Achtenberg did not act unilaterally, regardless of her personal feelings on the subject. The Task Force agreed to its recommendations with a twenty-one vote affirmation. The Executive Committee voted to de-fund with a unanimous affirmation. The decision clearly followed a due process with fairness to all parties.

Sincerely,

ELBERT C. HILL,
Member,
United Way Boy Scout Task Force.

Mrs. BOXER. Mr. President, in this letter, it is clearly explained that Roberta Achtenberg was not on this task force, had nothing to do with the recommendations of the task force. I will read this to you in part, if I may:

> As a former member of the United Way Boy Scout task force, I am perplexed that Roberta Achtenberg is taking the blame for the United Way's decision to defund the Boy Scout organizations in the Bay area. Roberta, as one member of a 59-member Board of Directors, acted on the recommendations of the task force. * * *

Which she was not on. This letter will explain that very clearly.

I want to point out, Mr. President, that this decision that was made by the United Way was made unanimously. There can be colleagues who do not agree with the charter of the United Way in San Francisco, and I respect them if they have a disagreement with that charter, but the charter was in place before Roberta Achtenberg came on the board of directors of the United Way.

So let us talk about what her action was.

She was one of 59 of the board of directors who got this recommendation from the task force to stop funding the Boy Scouts until they changed their discriminatory policy, vis-a-vis sexual orientation. Present at the meeting where the vote was taken were 34 members of the board of directors.

Mr. President, the vote was 34 to nothing in favor of defunding the Boy Scouts. Let me tell you who cast that vote: The president of United Way, Thomas Ruppanner; George Keller, retired from the Chevron Corp.; the chairman-elect, David Chamberlain, chairman and CEO of Shaklee Corp.; James Cunha, partner, Arthur Andersen & Co., one of the Nation's largest accounting firms; Eleanor Williams, community program specialist in San Mateo; Joanna Ambrosio, treasurer of Oral-B Labs in Redwood City; Federico

Chaves, executive vice president of the United Way; and the list goes on.

I will name some others: Walter Johnson, the San Francisco Labor Council; Bruce Seaton, Belvedere; Stanley Skinner, president of Pacific Gas & Electric Co., Mr. President, voted, as did Roberta Achtenberg; Al Starosciak, manager, Chevron Shipping Co. voted with her; Terrence Murphy, real estate broker, TRI Realtors, voted with her.

The reason I wanted to read some of these names into the RECORD, Mr. President, is that I do not hear the Senator from North Carolina attacking Chevron Corp. I do not hear the Senator from Mississippi attacking Shaklee Corp. or Pacific Gas & Electric, or Toyota, New United Motors, who also voted, or Arthur Andersen, or Kaiser Permanente Medical Center, or Jones United Methodist Church.

Mr. President, this issue is a red herring because when you know the facts, you understand that the board of directors of the United Way were acting on behalf of their very own charter. The statements that were made by these CEO's were very clear that they had no choice and they hoped that in the bay area, the Boy Scouts would take a look at their charter and change it so there would be no discrimination.

So I want to bring us back to why it is so important—so important—to move this confirmation forward. We have to keep our eye on qualifications, on experience, on the kind of support that a nominee brings with her or him to the process. We have to keep our eyes on the fact that President Clinton has nominated Roberta Achtenberg and believes that she can do a good job.

I believe Mr. President, when we do these things, and when we act responsibly as Senators—and, Mr. President, I think we must look at these nominees carefully, and I encourage people to look at Roberta Achtenberg carefully and look at her academic record—highest honors, phi beta kappa at the University; highest honors in law school; Woman of the Year, California State Senate; Manager of the Year in 1989 for United Way, a woman who has letters from people of every political persuasion, letters which we have placed in the RECORD—I think when we do this, we will be very proud of our votes.

We will be saying to all of America that we do not expect to agree with every single thing a person does in his or her life. My goodness, of course not. But that when it comes to serving one's country and giving one's time and energy, that what is important is qualifications, experience, breadth of support, record. If we get diverted from that, God help us because the next thing we know, we will be demagoging something else, and someone else, and this country will turn against itself.

What makes us great is that we are expansive. When we started out, only white men with property could vote in this country. And in 1790 that was changed. If you were a white man and you did not have property, you could vote. And that was good. Then the franchise was extended to African-American men, then in 1920 to women, and then later the franchise was extended to young people, 18-year-olds. We said if they could go to war and die, they should be able to vote.

This country is great because we are expansive. We do not turn on each other. Just look at the world. Look what is happening in a far-away place that we never heard of called Bosnia. It is on the news every night. People there turn on each other because of religious differences. They kill each other; they rape the women; they kill the children, because they choose to concentrate on the differences, not the common ground.

We are all God's children. We are. And let us not judge each other based on our differences. Let us all put aside differences that do not matter. And in this nomination let us stand behind the chairman of the Banking Committee and the 14 members who stood tall and said: Roberta Achtenberg, you are one of the best witnesses to ever come before this committee. You answered every question. You have the skill. You have the qualifications, and you have our support.

Let us not be diverted from that. Let us be proud when we vote for Roberta Achtenberg. I know I will be.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from California yields the floor.

The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, before entering a quorum call, it is now 6:25. There are other Members who wish to be heard this evening. I do not know of any, as I stand here now, but I will say that if anybody wants to participate in this debate, the floor is open for that purpose. And if no Senators should indicate a desire to do so, I hope perhaps within a short time we could indicate and then lay this subject over for this evening, because I have been told there will not be a vote today, and then take it up again presumably tomorrow morning.

But I say, again, if there is any Senator who wishes to participate in this debate, the floor is open. This would be an appropriate time.

Also, I wish to thank the Senator from California for her comments, her kind personal comments, for her leadership in what she has said that I have been able to hear. I had to step away to meet with a group of communications workers, who are in from Michigan, to chat with them about some of the issues of concern in their lives. So I did not hear all of her statement, but I appreciate very much the fact she has addressed some of the issues raised earlier in the day and has set the record straight in that regard.

I thank her for her leadership.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Michigan [Mr. RIEGLE] suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that if cloture is filed on the nomination of Roberta Achtenberg on Thursday, May 20, that the vote on the motion to invoke cloture occur on Friday, May 21, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the mandatory live quorum be waived with respect to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. ARMY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the following nominations reported today by the Committee on Armed Services, and that the Senate proceed to their immediate consideration:

Lt. Gen. Wayne A. Downing, to be general, U.S. Army;

Maj. Gen. James T. Scott, to be lieutenant general, U.S. Army; and

Gen. Carl W. Stiner, to be general, U.S. Army.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nominations were considered and confirmed en bloc as follows:

IN THE ARMY

To be general

Lt. Gen. Wayne A. Downing, 323-32-7002, U.S. Army.

To be lieutenant general

Maj. Gen. James T. Scott, USA, to be lieutenant general.

To be general

Gen. Carl W. Stiner, USA, to be placed on the retired list in the grade of general.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will return to legislative session.

MORNING BUSINESS

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 103–3, announces the appointment of the following individuals as members of the Commission on Leave:

The Senator from Idaho, Mr. CRAIG;

Leland B. Cross, Jr., of Indiana; and

Scottie Theresa Neese, of Oklahoma.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Republican leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the appointment of the following individuals to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

John Cahill, of Nevada, for a 2-year term; and

Ronald Costigan, of Maine, for a 3-year term.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly spring meeting during the 1st session of the 103d Congress, to be held in Berlin, Germany, May 20–24, 1993:

The Senator from Mississippi [Mr. COCHRAN];

The Senator from South Dakota [Mr. PRESSLER];

The Senator from Pennsylvania [Mr. SPECTER];

The Senator from Alaska [Mr. MURKOWSKI]; and

The Senator from Utah [Mr. BENNETT].

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company;

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service;

H.R. 1934. An act to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; and

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Commerce, Science, and Transportation.

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

H.R. 1934. An act to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–833. A communication from the President of the United States, transmitting, pursuant to law, a report on Soviet treaty compliance with respect to the Strategic Arms Reduction Treaty; to the Committee on Foreign Relations.

EC–834. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation to amend the Social Security Act to reallocate a portion of the social security tax from the Federal Old-Age and Survivors Insurance Trust Fund to the Federal Disability Insurance Trust Fund; to the Committee on Finance.

EC–835. A communication from the Chief of Programs and Legislation Division (Office of Legislative Liaison) Department of the Air Force, transmitting, pursuant to law, a report relative to Cruise Missile development contracts; to the Committee on Armed Services.

EC–836. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certain materials from the Commission; to the Committee on Armed Services.

EC–837. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of the Electric and Hybrid Research, Development, and Demonstration Act of 1976 for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC–838. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the private counsel debt collection project for fiscal year 1992.

EC–839. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to unvouchered expenditures by the Executive Office of the President for fiscal year 1991; to the Committee on Governmental Affairs.

EC–840. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations for the U.S. Merit Systems Protection Board; to the Committee on Governmental Affairs.

EC–841. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Civil Service Retirement and Disability Fund for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. DECONCINI, from the Committee on Intelligence:

Special report entitled "Intelligence and Security Implications of the Treaty on Open Skies" (Rept. No. 103–44).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 775. A bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. No. 103–45).

By Mr. THURMOND, from the Committee on Armed Services, without amendment and with a preamble:

S. Con. Res. 14. A concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on the Energy and Natural Resources:

Daniel P. Beard, of Washington, to be Commissioner of Reclamation.

James John Hoecker, of Virginia, to be a Member of the Federal Energy Regulatory Commission.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission. (Reappointment)

Donald Farley Santa, of Connecticut, to be a Member of the Federal Energy Regulatory Commission.

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Jerry W. Bowen, of Arkansas, to be Director of the National Cemetery System, Department of Veterans Affairs.

Mary Lou Keener, of Georgia, to be General Counsel, Department of Veterans Affairs.

Edward P. Scott, of New Jersey, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

D. Mark Catlett, of Virginia, to be an Assistant Secretary of Veterans Affairs (Finance and Information Resources Management).

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Thomas S. Williamson, Jr., of California, to be Solicitor for the Department of Labor.

Norma V. Cantu, of Texas, to be Assistant Secretary for Civil Rights, Department of Education.

Kay Casstevens, of Texas, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Thomas P. Glynn, of Massachusetts, to be Deputy Secretary of Labor.

Geri D. Palast, of California, to be an Assistant Secretary of Labor.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy (Environmental Restoration and Management).

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Gary E. Luck, 509-34-8751, U.S. Army.

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. David E. Frost, U.S. Navy, 477-40-8820.

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Wayne A. Downing, 323-32-7002, U.S. Army.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 5, February 16, March 25, March 29, April 5, April 19, April 21, and April 29, 1993, at the end of the Senate proceedings.)

**In the Army Reserve there are 47 promotions to the grade of colonel and below (list begins with Henry C. Chapman). (Reference No. 25).

**In the Army Reserve there are 670 promotions to the grade of colonel (list begins with Ronald W. Adams). (Reference No. 38).

*In the Air Force there are 38 appointments to the grade of brigadier general (list begins with Maxwell C. Bailey). (Reference No. 48-2).

*In the Air Force there are 17 appointments to the grade of major general (list begins with George T. Babbitt, Jr.). (Reference No. 57).

*In the Army Reserve there are 24 appointments to the grade of major general and below (list begins with Stephen C. Bisset). (Reference No. 59).

*In the Navy there are five promotions to the grade of rear admiral (lower half) (list begins with James Howard Black). (Reference No. 64).

**In the Air Force there are 2,430 promotions to the grade of major (list begins with John T. Abbott, Jr.). (Reference No. 90).

*In the Marine Corps there are 14 promotions to the grade of brigadier general (list begins with Thomas A. Braaten). (Reference No. 114).

*In the Navy there are four promotions to the grade of rear admiral (list begins with Philip James Coady, Jr.). (Reference No. 115).

*Rear Admiral (lower half) Edward Stillman McGinley II, USN to be rear admiral. (Reference No. 129).

**In the Air Force there are 20 promotions to the grade of colonel and below (list begins with Carl P. Dennis). (Reference No. 129).

**In the Air Force there are three promotions to the grade of lieutenant colonel (list begins with Michael S. Houser). (Reference No. 130).

**In the Army Reserve there are nine appointments to the grade of colonel and below (list begins with Frank S. Pettyjohn). (Reference No. 131).

**In the Army Reserve there are 47 promotions to the grade of colonel and below (list begins with Richard W. Averitt). (Reference No. 132).

**In the Army Reserve there are 26 promotions to the grade of colonel and below (list begins with James J. Dougherty). (Reference No. 133).

**In the Army Reserve there are 25 promotions to the grade of colonel (list begins with Lonnie B. Byrd). (Reference No. 134).

**In the Army Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with James M. Brown). (Reference No. 135).

**In the Army there are 50 promotions to the grade of lieutenant colonel (list begins with John M. Babcock). (Reference No. 136).

**In the Army Reserve there are 1,466 promotions to the grade of lieutenant colonel (list begins with Michael L. Abels). (Reference No. 137).

**In the Navy and Naval Reserve there are 627 appointments to the grade of captain and below (list begins with John Gordon Asch). (Reference No. 138).

*Lt. Gen. Joseph S. Laposata, USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 144).

*Maj. Gen. Marvin L. Covault, USA to be lieutenant general. (Reference No. 145).

*Maj. Gen. Richard F. Keller, USA to be lieutenant general. (Reference No. 146).

**In the Air Force there are five promotions to the grade of lieutenant colonel and below (list begins with Roosevelt Green). (Reference No. 148).

**In the Air Force there are nine appointments to the grade of second lieutenant (list begins with Lori L. Brown). (Reference No. 149).

**In the Army there are six promotions to the grade of colonel and below (list begins with Gary D. Davis). (Reference No. 150).

**In the Air Force there are 1,044 promotions to the grade of colonel and below (list begins with Alan M. Akers). (Reference No. 152).

*Maj. Gen. John S. Fairfield, USAF to be lieutenant general. (Reference No. 163).

*Maj. Gen. Dale W. Thompson, Jr., USAF to be lieutenant general. (Reference No. 165).

*In the Army Reserve there are eight appointments to the grade of major general and below (list begins with Walter E. Katuzny, Jr.) (Reference No. 167).

**In the Air Force Reserve there are 16 appointments to the grade of lieutenant colonel (list begins with Ronald W. Hanrote). (Reference No. 173).

**In the Army there are five promotions to the grade of lieutenant colonel and below (list begins with Steven G. Brooks). (Reference No. 174).

**In the Army there are five promotions to the grade of lieutenant colonel (list begins with Patrick M. Holder). (Reference No. 175).

**In the Army there are six promotions to the grade of major (list begins with Raymond L. Capps). (Reference No. 176).

*Maj. Gen. John E. Miller, USA to be lieutenant general. (Reference No. 212).

*Col. Paul G. Gebhardt, ARNG to be brigadier general. (Reference No. 215).

*Rear Admiral (lower half) John Michael McConnell, USN to be rear admiral. (Reference No. 216).

*Real Admiral (lower half) Roger Wayne Triftshauser, USNR to be rear admiral. (Reference No. 217).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Dana L. Alexander). (Reference No. 220).

**In the Army there are 14 promotions to the grade of colonel (list begins with Buris C. Dale). (Reference No. 221).

**In the Army there is one promotion to the grade of lieutenant colonel (Ronald E. McConnell). (Reference No. 222).

**In the Army Reserve there are 41 promotions to the grade of colonel and below (list begins with Elzey J. Arledge, Jr.). (Reference No. 223).

**In the Navy there are four promotions to the grade of captain (list begins with Brian Murray Calhoun). (Reference No. 224).

**In the Navy there are three promotions to the grade of commander (list begins with Robert Andrew Olshaker). (Reference No. 225).

**In the Navy there are eight promotions to the grade of commander (list begins with Martin Robert Allard). (Reference No. 226).

**In the Navy there are 17 promotions to the grade of lieutenant commander (list begins with Charles Lee Aley III). (Reference No. 227).

**In the Navy there are three promotions to the grade of lieutenant commander (list begins with Richard D. Baertlein). (Reference No. 228).

**In the Air Force there are 528 appointments to the grade of captain (list begins with James S. Adamski). (Reference No. 229).

**In the Air Force there are 2,066 appointments to the grade of captain (list begins with Mila D. Abalateo). (Reference No. 230).

**In the Navy there are 47 appointments to the grade of lieutenant and below (list begins with Matthew A. Allison). (Reference No. 244).

**In the Navy and Naval Reserve there are 37 appointments to the grade of commander and below (list begins with Karl E. Eimers). (Reference No. 245).

**In the Navy and Naval Reserve there are 48 appointments to the grade of commander and below (list begins with Roger D. Allenbaugh). (Reference No. 246).

**In the Navy there are 48 appointments to the grade of lieutenant and below (list begins with Charles J. Baker). (Reference No. 247).

**In the Marine Corps there are 182 appointments to the grade of major and below (list begins with Erik M. Wolf). (Reference No. 248).

*Vice Ad. William A. Dougherty, Jr., USN to be placed on the retired list in the grade of vice admiral. (Reference No. 257).

*Lt. Gen. Matthew T. Cooper, USMC to be placed on the retired list in the grade of lieutenant general. (Reference No. 259).

*Lt. Gen. Trevor A. Hammond, USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 296).

*Maj. Gen. John M. Nowak, USAF to be lieutenant general. (Reference No. 297).

**In the Army there are two promotions to the grade of colonel and below (list begins with John P. Scovill). (Reference No. 301).

**In the Army there are 1,791 appointments to the grade of second lieutenant (list begins with Erik J. Aasterud). (Reference No. 302).

*Lt. Gen. Thomas R. Ferguson, Jr., USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 320).

*Maj. Gen. James A. Fain, Jr., to be lieutenant general. (Reference No. 321).

*Gen. Robert W. RisCassi, USA to be placed on the retired list in the grade of general. (Reference No. 322).

*Gen. Carl W. Stiner, USA to be placed on the retired list in the grade of general. (Reference No. 323).

*Lt. Gen. James H. Johnson, Jr., USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 326).

*Maj. Gen. James T. Scott, USA to be lieutenant general. (Reference No. 328).

*Maj. Gen. Henry H. Shelton, USA to be lieutenant general. (Reference No. 329).

Total: 11,545.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (for himself and Mr. KRUEGER):

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 984. A bill to prevent abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE):

S. 985. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT:

S. 986. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 987. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GORTON, and Mr. CHAFEE):

S. 988. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. STEVENS, and Mr. PRESSLER):

S. 989. A bill to amend the Airport Noise and Capacity Act of 1990 to provide emergency relief to the United States airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. HEFLIN, and Mr. DODD):

S. 990. A bill to promote fair trade for the United States shipbuilding and repair industry; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. FORD, and Mr. SHELBY):

S. 991. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 992. A bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes; to the Committee on Armed Services.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. INOUYE, Mr. LIEBERMAN, Mr. MACK, Mr. MATHEWS, Mr. MITCHELL, Mrs. MURRAY, Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. WARNER):

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 109. A resolution to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. KRUEGER):

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

EL CAMINO REAL PARA LOS TEXAS STUDY ACT OF 1993

● Mr. JOHNSTON. Mr. President, I am pleased to introduce legislation today to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System.

One of the most historic routes in this country, El Camino Real Para Los Texas is more accurately described as a series or network of routes composed of Indian trails, natural crossings, and exploration trails that composed the communications system of northern Mexico during the Spanish colonial era. Later these routes were the basis for the conquest and colonization of the Republic of Texas and for commerce during the Civil War.

There is no precise date for the beginning of this fascinating route, although archeological data and ancient maps clearly indicate that parts of it were used by the pre-European Indian Confederacy which inhabited the area. Nationally important Caddoan mounds such as those located southwest of Alto, TX have been preserved and findings have established that the inhabitants constructed dwellings there with stone age tools.

In the 17th century, early Spanish explorers traveled along parts of the route during expeditions of the inland areas of what is now the southwestern United States. Aggressive French explorations into the territory these early Spaniards had traversed, such as that led by Rene Robert Cavalier, Sieur de La Salle, in 1685 into Lavaca Bay, and the short-lived, ill-fated French outpost established by Garcitias Creek, Fort St. Louis, prompted Spanish authorities to return to this area for the purpose of stemming the French and establishing permanent settlements, or fortifications, of their own.

In 1690, the first official Spanish settlement, the mission of San Francisco de los Tejas, was established in east Texas and a series of defensive communities or outposts soon followed, stretching from the Presidio del Rio Grande to Los Adaes, located approximately 20 miles west of what was then the western most French fort, Fort St. Jean Baptiste de Natchitoches, in Louisiana, and some 300 miles from the capital.

From a role in exploration, the focus of these routes shifted to maintaining the international balance of power among the major European powers, France, Spain, and Britain, and later Mexico and the United States, a role which continued until Texas obtained independence from Mexico in the mid-1800's. During this time, the area was also a zone of defense against Indian threats to the Spanish empire from the north, particularly the Apaches and the Comanches, and a second, related role emerged: Conversion of these tribes to halt alliances with the French and for saving their souls. Thus, a number of Catholic missions were established by Franciscan friars along these routes, including the Alamo, Mission San Jose, and others in the San Antonio area. The U.S. International Committee on Monuments and Sites [ICOMOS] considers these missions so significant that nominations have been prepared for these structures to accord them recognition on the World Heritage List.

In addition, this network also served as a major commercial trading route, much of which was unlicensed or illicit, between the French and Spanish and later, between the Americans and Mexico. It was from such trade contacts that knowledge of the east Texas frontier improved, drawing American settlers to the Texas territory and the network served as a main immigration point into what is now the southwestern United States.

What had begun as a route designed for defensive purposes evolved into one of commercial cooperation, but later emerged as a conduit for resistance to Mexican domination as American settlements were established in east Texas along the routes. Many border clashes took place along these roads during the struggle for independence.

After independence, communications largely shifted to north-south routes in Texas as railroads developed and market systems expanded. However, during the Civil War portions of the older route, particularly the Camino Arriba, regained importance as a corridor for shipping cotton from east Texas and supplies and troops from San Antonio, Bastrop, Crockette, and Nacogdoches to Louisiana.

The changing history and roles of these routes are fascinating. My particular interest stems from the fact that many of the early struggles between the Spanish and the French as these European powers attempted to stretch their spheres of influence over the greatest possible area took place along portions of these routes in what is now Louisiana from the early 17th century to the end of the French and Indian War in 1763. Important outposts were established just 20 miles from each other in what is now Natchitoches Parish, with the Spanish establishing the Presidio Nuestra de Pilar de los Adaes as their eastern most defensive structure in 1721 in reaction to an attack on a small Spanish settlement, San Miguel de los Adaes, led by the French commandant of Fort St. Jean Baptiste de Natchitoches, a trading post and fort founded in 1714 to protect fur trade routes by France in what is now Natchitoches, LA. This fort served as the westernmost outpost` of the French empire until France transferred its Louisiana territory to Spain in 1763 as part of the Treaty of Paris. During this era, Los Adaes and Fort St. Jean Baptiste became places of tacit cooperation and interchange among the Spanish and French empires and native Americans in the area, rather than confrontation, and Los Adaes was the hub of illicit trade among the three groups.

In the 18th century, segments of the Camino Real Para Los Texas, in what is now Louisiana, again became the focal point of the struggle for territory between rival international powers. By then, Louisiana had been purchased by the United States, and the United States inherited the unsettled French-Spanish dispute over what constituted the western boundary between Spanish and French holdings, a dispute which was not settled until 1819 when the Sabine River was agreed to as the westernmost boundary in the Treaty of Washington.

Shortly thereafter, the American Government under the leadership of then Col. Zachary Taylor and Maj. Gen. Edward Gaines selected and established Fort Jesup in what is now Sabine Parish as a military stronghold to protect its western borders in 1822. More than 20 years later, Zachary Taylor returned to Fort Jesup as a brigadier general to take command of the Army of Observation, stationed at Fort Jesup, as tensions mounted with Mexico. Traveling to Fort Jesup along portions of the historic San Antonio Historic Trace from Grand Ecore, Gen. Taylor began preparations for the invasion of Mexico and the liberation of Texas. It was from Fort Jesup that American troops were dispensed on July 1, 1845.

There are many more fascinating chapters in the history of the various portions and routes of El Camino Real Para Los Texas. Today, many segments of the trail have evolved into segments of modern State and Federal Highway Systems and play important roles in transportation.

El Camino Real Para Los Texas was one of several corridors highlighted last year at a conference on historic transportation corridors sponsored jointly by the Department of the Interior, Northwestern State University, and US/ICOMOS in Natchitoches, LA. That conference began important work in developing criteria for the nomination of transportation corridors to the World Heritage list. I hope that one day the Camino Real Para Los Texas from Los Adaes to Mexico will be accorded that status.

The study authorized by this legislation will be an important step in documenting the full importance of this historic network, and I hope this bill will be enacted in this Congress to get it underway.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 983

Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “El Camino Real Para Los Texas Study Act of 1993”.

SEC. 2. FINDINGS.

The Congress finds—

(1) El Camino Real Para Los Texas was the Spanish road established to connect a series of missions and posts extending from Monclova, Mexico to the mission and later Presidio Nuestra de Pilar de los Adaes which served as the Spanish capital of the province of Texas from 1722 to 1772;

(2) El Camino Real, over time, comprised an approximately 1,000-mile corridor of

changing routes from Saltillo through Monclova and Guerrero, Mexico; San Antonio and Nacogdoches, Texas and then easterly to the vicinity of Los Adaes in present day Louisiana; and constituted the only major overland route from the Rio Grande to the Red River Valley during the Spanish Colonial Period;

(3) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico were played out along the evolving travel routes across this immense area; and, as well, the future of several American Indian nations were tied to these larger forces and events;

(4) El Camino Real and the subsequent San Antonio Road witnessed a competition that helped determine the United States' southern and western boundaries;

(5) the San Antonio Road, like El Camino Real, was a series of routes established over the same corridor but was not necessarily the same as El Camino Real; and that from the 1830's, waves of American immigrants, many using the Natchez Trace, traveled west to Texas via the San Antonio Road, as did Native Americans attempting to relocate away from the pressures of European settlement.

SEC. 3. STUDY OF TRAIL.

Section 5(c) of the National Trail System Act (16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

(36)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

(B) The study shall—

(i) examine the changing roads within the historic corridor;

(ii) examine the major connecting branch routes;

(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled "A Texas Legacy: The Old San Antonio Road and the Caminos Reales", dated January, 1991; and

(v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

(E) The study shall consider alternative name designations for the trail.

(F) The study shall be completed no later than 2 years after the date funds are made available for the study.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. SIMON:

S. 984. A bill to prevent abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

PRIVACY FOR CONSUMERS AND WORKERS ACT

● Mr. SIMON. Mr. President, today I am introducing the Privacy for Consumers and Workers Act.

As technology advances, the Government has attempted to enact policy that protects the delicate balance between the demands for technological change and the need to protect an individual's right to privacy. As a Nation, we have supported laws that protect us from our neighbors and our Government spying on us and invading our privacy, everywhere but in the workplace. The United States stands alone with South Africa in failing to protect a workers' rights in this regard.

As I have said before, it is indeed a sad irony that while the Federal Bureau of Investigation is required by law to obtain a court order to wiretap a conversation, even in cases of national security, employers are permitted to spy at will on their employees and the public.

According to a 1987 U.S. Office of Technology Assessment report, a conservative estimate of 6 million employees were electronically monitored at that time. This figure, however, does not include professional, technical, and managerial workers, which would add approximately an additional 1 to 2 million electronically monitored employees. Moreover, as the workplace becomes more and more computerized and service oriented, the number of those electronically monitored is likely to increase. In fact, the National Institute for Occupational Safety and Health reports that as many as 26 million workers are monitored by computer surveillance in the United States.

In addition, current monitoring practices operate as a form of de facto discrimination. Women are disproportionately employed in the types of jobs that are subjected to electronic monitoring, such as clerical workers, telephone operators, and customer service representatives.

I would like to share with you and my colleagues some examples of why this legislation is needed.

CASE STUDIES

In 1987, female nurses at Holy Cross Hospital in Silver Spring, MD, discovered that a hidden video camera was broadcasting their locker room to an open in-house cable TV channel. A nurse discovered the broadcast when she turned on a television in the doctor's lounge next to the women's locker room during a dinner break. She saw the dressing area of the locker room being broadcast.

The camera was swiftly removed after the nurse and others complained. Hospital administrators told the nurses that the transmission they viewed was a fluke transmission caused by atmospheric conditions. Administrators further explained that the activities recorded by the camera were only supposed to be viewed on a private monitor by a male security guard.

In a similar case last September, female nurses at Southside Regional Hospital in Richmond, VA, discovered a hidden video camera in their locker room. The nurses are considering possible legal action.

On February 11, 1993, Boston Hotel Workers Local 26 filed a lawsuit against Sheraton Boston Hotel for secretly videotaping the male employee's changing room. The union was sent a copy of a videotape, which shows at least two men in various stages of undress. The secret videotaping has since been stopped. One of the men who was caught changing into his uniform was Mr. Franklin Etienne, a room service steward. Mr. Etienne emigrated to the United States from Haiti in 1986. When he saw the videotape he said,

> It was embarrassing. You think you are alone. Things like this used to happen in my country. My dream was to come to this country and be free to express myself. This is not the America I was thinking of.

Northern Telecom secretly bugged its employees for a 13-year period. The bugging was finally uncovered when an employee blew the whistle in 1990 by informing the Communication Workers of America [CWA]. Northern Telecom was bugging the phone calls made in the company's cafeteria, bugging the service center, and bugging employee's meetings held in the company's conference room. CWA brought a class action suit against Northern Telecom. Northern Telecom settled with CWA on February 27, 1992, and agreed to compensate workers and others who were subjected to the bugging.

Alana Shoars, former electronic mail [e-mail] administrator for the Epson Computer Co. in California, lost her job because she refused to spy on her fellow employees. Ms. Shoars was responsible for installing an e-mail system and training 700 employees on its use. Ms. Shoars had been informed by the company that the messages sent on the e-mail system would be totally private, therefore she relayed that information to the 700 employees. Later Ms. Shoars discovered that the e-mail messages were being received, stored, copied, and read by her supervisor. When she complained, she was fired. Ms. Shoars took Epson to court and filed a class action suit on behalf of the 700 employees whose e-mail had been read. The court dismissed both cases on the grounds that the State privacy statutes made no mention of either e-mail or the workplace, therefore lawmakers never intended the law to protect an employee's e-mail.

A telephone operator in New Jersey recently called 9to5, National Association of Working Women's complaint hotline to tell her story and ask what protections she had against secret electronic monitoring. The employee had been out on sick leave after surgery. While on a break, a co-worker phoned her at home to inquire how she was doing. The employer was secretly monitoring the phone call and made the determination that if she was well enough to talk on the phone, she was well enough to come into work, and subsequently docked the pay of the woman on sick leave.

My colleagues on the Employment and Productivity Subcommittee may remember Renee Maurel, a reservationist with Northwest Airlines, testifying on this issue last Congress. Ms. Maurel has worked for Northwest Airlines for almost 30 years, and has been monitored at work every single day. She described how she was treated like a machine, something subhuman, by the increased use of electronic monitoring. She told the committee about the stress, anxiety, and the feeling that her privacy had been invaded. No thought or action was her own when she was on the job. Because of the focus of management on collecting statistics on key strokes, length of bathroom breaks, length of phone calls, and so on, the importance of selling airline tickets and the needs of the customer were secondary. When she thought she couldn't take it any more, the company was bought by Wings Holdings, Incorporated. At the hearing, Ms. Maurel testified that the new company reversed the abusive electronic monitoring practices, and employees were notified the day they were to be monitored. The company changed their focus from the strict monitoring of statistical data like how many bathroom breaks employees take and how long the breaks were, to more important considerations like employee productivity. It appeared as if things were improving.

The stress that these employees experience should not be overlooked. According to a report by the American Civil Liberties Union, workplace stress cost this country an estimated $50 billion dollars per year in health costs and lost productivity. This is a cost we cannot afford.

Mr. President, these stories are not unique. I agree with Mr. Etienne, this is not the America I think of.

In many ways, electronic monitoring acts as an electronic whip that drives the fast pace of today's workplace in the growing service industry. Electronically monitored employees, whether in telephone conversations with the public or in producing work with computers, must carry out repetitive duties that require rigorous attention to detail, executed under the stress of constant supervision and the demand for a faster output. Unrestrained surveillance of workers has turned many modern offices into electronic sweatshops.

Just over the horizon are more technology breakthroughs and refinements that we can't even envision today. Unless we begin now to define privacy—and in particular workplace privacy—as a value worth protecting, these new technologies will be upon us before we are ready for them. Weighing these issues will allow us to be the masters of the technology, instead of its slaves.

Mr. President, the legislation I am introducing today is basically a right-to-know bill. As you know, I have introduced similar bills since the 101st Congress, and today's legislation is the result of trying to find that delicate balance between the demand for technological change and the need to protect an individual's right to privacy.

My legislation does not say that electronic monitoring should never be used. What it does say is that electronic monitoring should not be abused. Employees should not be forced to give up their freedom, dignity, or sacrifice their health when they go to work.

In addition, consumers should not be forced to give up freedoms when calling a company or a Federal agency. Many consumers are not aware that the calls they think are private, are in fact secretly listened to by an intruder. Consumers are deprived of the right to make fundamental choices about what sensitive information they are willing to divulge.

Mr. President, the Privacy for Consumers and Workers Act is a step in the right direction toward ensuring the privacy rights of employees and consumers. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill and its section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy for Consumers and Workers Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONTINUOUS ELECTRONIC MONITORING.—The term "continuous electronic monitoring" includes activities in which electronic monitoring of employees occurs on a continuous basis and is not periodic or random in nature, and such term shall include the periodic inspection of continuous video monitoring from an off-site location, which is used to deter crime and to provide evidence to law enforcement personnel, as well as electronic identifiers or accessors such as electronic card or badge access systems.

(2) ELECTRONIC MONITORING.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term "electronic monitoring" means the collection, storage, analysis, or reporting of information concerning an individual's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person, including the following methods: Transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature which are transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

(B) TELEPHONE CALL ACCOUNTING.—The term "telephone call accounting" means the practice of recording the telephone numbers called by a specific telephone or group of telephones, including—

(i) the telephone number from which a call is being made,

(ii) the telephone number which is being called,

(iii) the time when the telephone call was connected,

(iv) the time when the telephone call was completed, and

(v) identification of the operator, if any, who assisted in placing the telephone call,

for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations.

(C) EXCLUSION.—The term "electronic monitoring" does not include—

(i) the interception of wire, electronic, or oral communications as described in chapter 119 of title 18, United States Code; and

(ii) the electronic transfer of—

(I) payroll data,

(II) insurance and other benefit data,

(III) employee job application data, or

(IV) other personnel-related data that an employer may collect,

for administrative purposes only.

(3) EMPLOYEE.—The term "employee" means any current, former, or leased employee of an employer.

(4) EMPLOYER.—The term "employer" means any person who—

(A) is engaged in commerce, and

(B) who employs employees,

and includes any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, the Federal Government, any State (or political subdivision thereof), and any agent of the employer.

(5) PERSONAL DATA.—The term "personal data" means any information concerning an employee which, because of name, identifying number, mark, or description, can be readily associated with a particular individual, and such term includes information contained in printouts, forms, or written analyses or evaluations.

(6) PROSPECTIVE EMPLOYEE.—The term "prospective employee" means an individual who has applied for a position of employment with an employer.

(7) TELEPHONE SERVICE OBSERVATION.—The term "telephone service observation" means the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

(8) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 3. GENERAL REQUIREMENTS.

(a) ENGAGING IN ELECTRONIC MONITORING.—An employer may engage in electronic monitoring of the employer's employees only so long as the employer complies with the provisions of this Act and other applicable law, including section 15.

(b) Review and Use.—An employer may review data obtained by the electronic monitoring of the employer's employees only if the employer meets the requirements of section 6, and may use such data only if the employer meets the requirements of section 8.

SEC. 4. NOTICE REQUIREMENTS.

(a) Secretary's Notice.—

(1) In general.—The Secretary shall prepare, have printed, and distribute to employers a notice that will inform employees—

(A) that an employer engages in or may engage in electronic monitoring of employees and specifies the circumstances (including the electronic monitoring and exception described in section 5) under which an employee is or is not entitled to additional notice under this section; and

(B) of the rights and protections provided to employees by this Act.

(2) Posting of notice.—Each employer who engages in electronic monitoring shall post and maintain the notice required in paragraph (1) in conspicuous places on its premises where notices to employees are customarily posted.

(b) Employer's Specific Notice.—Each employer shall provide to each employee who will be electronically monitored, and the exclusive bargaining representative, if any, prior written notice describing the following regarding the electronic monitoring of such employees:

(1) The forms of electronic monitoring to be used.

(2) The personal data to be collected.

(3) The hours and days per calendar week that electronic monitoring will occur.

(4) The use to be made of personal data collected.

(5) Interpretation of printouts of statistics or other records of information collected through electronic monitoring if the interpretation or records may affect one or more of the employer's employees.

(6) Existing production standards and work performance expectations.

(7) Methods for determining production standards and work performance expectations based on electronic monitoring statistics if the methods affect the employees.

(8) A description of the electronic monitoring.

(9) A description of the exception that is authorized under section 5(c)(1) to be undertaken without notice.

(c) Employer's Notice to Prospective Employees.—

(1) In general.—Each employer shall notify a prospective employee at the first personal interview of existing forms of electronic monitoring conducted by the employer which may affect the prospective employee if such employee is hired by the employer.

(2) Specific notice.—Each employer, upon request by a prospective employee or when the employer offers employment to a prospective employee, shall provide the prospective employee with the written notice described in subsection (b).

(d) Customer Notice.—Employers who engage in telephone service observation shall inform customers who may be subject to such telephone service observation of this practice in any recorded message or automated attendant used in connection with customer telephone calls. If the employer does not use such a recorded message or automated attendant, the employer shall place in each of its customer bills a statement that the employer is engaging in such observation.

(e) Public Notice.—If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer shall notify such individuals of such electronic monitoring. Such notice may take the form that is reasonably calculated to reach members of the public who may be affected.

(f) Government Notice.—If a Federal agency engages in telephone service observation, the agency shall provide the public, upon the public's telephone contact of the Federal agency, a reasonable opportunity to not be a part of or included in any such observation.

(g) Rule of Construction.—Notice provided under this Act shall not be construed as constituting consent under chapter 119 of title 18, United States Code.

SEC. 5. PERIODIC OR RANDOM ELECTRONIC MONITORING.

(a) General Rule.—An employer may engage in electronic monitoring of any of the employer's employees on a periodic or random basis as authorized in subsection (b).

(b) Authority.—

(1) New employees.—An employer may engage in periodic or random electronic monitoring of an employer's employee if the cumulative total period of such employee's employment with the employer is not more than 60 working days.

(2) Work groups.—An employer may engage in electronic monitoring of a work group of employees on a periodic or random basis for not more than 2 hours in any calendar week. Except as otherwise provided in this subsection, the notice required under section 4(b) to each of the employees within such work group for such electronic monitoring shall be provided to each of the employees within the work group at least 24 hours but not more than 72 hours prior to engaging in such electronic monitoring. For purposes of this subsection, the term "work group" means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other.

(3) Other employees.—An employer may not engage in periodic or random electronic monitoring of an employee with a cumulative employment period of at least 5 years with the employer.

(c) Exception to Notice Requirement.—

(1) Special electronic monitoring.—Subject to paragraph (2), an employer, other than the Federal Government or State or political subdivision thereof, who has a reasonable suspicion that an employer's employee is engaged in or is about to engage in conduct which—

(A) violates criminal or civil law, or constitutes willful gross misconduct; and

(B) has a significant adverse effect involving economic loss or injury to the employer or the employer's employees,

the employer may engage, on the employer's worksite, in electronic monitoring of such employee or of an area in which the actions described in subparagraphs (A) and (B) occur without providing the notice required by section 4(b), 5(a) or 5(b), and without regard to sections 9, 10(a), and 11(2).

(2) Statement.—Before engaging in the electronic monitoring described in paragraph (1), an employer shall execute a statement setting forth—

(A) with particularity the conduct that is being electronically monitored and the basis for the electronic monitoring;

(B) an identification of the specific economic loss or injury to the business of the employer or the employer's employees resulting from such conduct or the injury to the interests of such employer or employer's employees; and

(C) that the employer is in compliance with section 5(c)(1).

The employer shall sign the statement and retain it for 3 years from the date the electronic monitoring began or until judgment is rendered in an action brought under section 12(c) by an employee affected by such electronic monitoring, whichever is later.

SEC. 6. REVIEW OF CONTINUOUS ELECTRONIC MONITORING.

(a) Review During Electronic Monitoring.—No employer may review data obtained by continuous electronic monitoring of the employer's employees on a periodic or random basis, unless the electronic data was obtained from the use of an electronic identifier or accessor, such as an electronic card or badge access system, telephone call accounting system, or the data is continuously monitored by an employer or appears simultaneously on multiple television screens or sequentially on a single screen.

(b) Review After Electronic Monitoring.—An employer may review data obtained by continuous electronic monitoring of the employer's employees after the electronic monitoring was completed only if review was limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SEC. 7. EMPLOYEE REVIEW OF RECORDS.

(a) In General.—Except as provided in subsection (b), each employer shall provide the employer's employee (or the employee's authorized agent) and the exclusive bargaining representative, if any, with a reasonable opportunity to review and, upon request, a copy of all personal data obtained or maintained by electronic monitoring of the employee.

(b) Exception.—

(1) In general.—Except as provided in paragraph (2), an employer is not required to provide the employer's employee (or the employee's authorized agent) or the exclusive bargaining representative, if any, a reasonable opportunity to review data that are obtained by electronic monitoring described in section 5(c)(1).

(2) Review permitted.—If—

(A) the investigation by an employer with respect to electronic monitoring described in section 5(c)(1) that was conducted on the employer's employee has been completed, or

(B) disciplinary action has been initiated by an employer against the employer's employee who was the subject of such electronic monitoring,

whichever occurs first, such employer shall promptly provide such employee (or the employee's authorized agent) and exclusive bargaining representative, if any, with a reasonable opportunity to review and upon request, obtain a copy of, the personal data, and any interpretation of such data obtained from such electronic monitoring.

SEC. 8. USE OF DATA COLLECTED BY ELECTRONIC MONITORING.

(a) Employer Actions.—An employer shall not take any action against an employee on the basis of personal data obtained by electronic monitoring of such employee unless the employer has complied with all the requirements of this Act.

(b) Data Shall Not Be Used as Sole Basis for Evaluation or Production Quotas.—An employer shall not use quantitative data on an employee that is obtained by electronic monitoring and that records the amount of work performed by such employee within a specific time as the sole basis for—

(1) individual employee performance evaluation; or

(2) setting production quotas or work performance expectations,

unless an employee is not working at a facility of an employer and transmits the employee's work to the employer electronically, and such data is the only basis available to such employer for such purposes.

SEC. 9. ACCESS TO DATA.

(a) In general.—When an employer has an immediate business need for specific data and if the employer's employee who maintains such data is not available, the employer may access such data if—

(1) the data is alphanumeric data and does not include data obtained by the aural or visual monitoring of the employer's employees or the interception of the employer's employee communications;

(2) the data will not be used for the purpose of discipline or performance evaluation; and

(3) the employer notifies the employee who maintains such data that the employer has accessed such data and provides such notice within a reasonable time after the access has occurred.

(b) Definition.—As used in subsection (a), the term "alphanumeric data" means data consisting entirely of letters, numbers, and other symbols. Such term does not include visual images, audio impressions or data that can be used to create visual or auditory information.

SEC. 10. PRIVACY PROTECTIONS.

(a) Work Related.—No employer may intentionally collect personal data about an employee through electronic monitoring if the data are not confined to the employee's work, unless the employee is a customer of the employer at the time of the electronic monitoring.

(b) Private Areas.—No employer may engage in electronic monitoring in—

(1) bathrooms;

(2) locker rooms; or

(3) dressing rooms.

(c) First Amendment Rights.—

(1) In general.—An employer shall not intentionally engage in electronic monitoring of an employee when the employee is exercising First Amendment rights, and an employer shall not intentionally use or disseminate personal data obtained by electronic monitoring of an employee when the employee is exercising First Amendment Rights.

(2) Exception.—Electronic monitoring by an employer whose purpose and principal effect is to collect data about the work of an employee of the employer is not prohibited by paragraph (1) because it collects some incidental data concerning the exercise of an employee's First Amendment rights.

(d) Disclosure.—An employer shall not disclose personal data obtained by electronic monitoring to any person or other employer or business entity except to (or with the prior written consent of) the individual employee to whom the data pertain, unless the disclosure would be—

(1) to officers and employees of the employer who have a legitimate need for the information in the performance of their duties;

(2) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grand jury subpoena, or an administrative subpoena authorized by a Federal or State statute;

(3) to the public if the data contain evidence of illegal conduct by a public official or have a direct and substantial effect on public health or safety; or

(4) to the exclusive bargaining representative, if any.

(e) Issuance of Court Order.—A court order for disclosure under subsection (b) or (c) shall issue only if the law enforcement agency demonstrates that there is reason to believe the contents of the data are relevant to a legitimate law enforcement inquiry. In the case of a State governmental authority, such a court order shall not issue if prohibited by the laws of such State. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the data requested are unusually voluminous in nature or compliance with such order would cause an undue burden on the employer.

(f) Exception.—Electronic monitoring, including security cameras, whose purpose and principal effect is to collect data permitted by this Act is not prohibited by subsection (a) because it collects some data that is not confined to such employee's work or because it collects some data concerning the exercise of an employee's First Amendment rights.

SEC. 11. PROHIBITIONS.

No employer may—

(1) violate any requirement of this Act,

(2) engage in video monitoring with a video camera that is not visible to the subject of the electronic monitoring, except in the case of electronic monitoring described in section 5(c)(1), 13(a), 13(b), or 13(c)(2),

(3) interfere with, or deny the exercise or the attempted exercise by, an employee of any right provided by section 10(c), or

(4) discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation or terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(A) instituted any proceeding relating to a violation of this Act,

(B) has testified or is about to testify in any such proceedings, or

(C) disclosed information that the employee reasonably believes evidences a violation of this Act.

SEC. 12. ENFORCEMENT PROVISIONS.

(a) Civil Penalties.—

(1) In general.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000 for each such violation.

(2) Considerations.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Assessment and collection.—Any civil penalty under this subsection shall be assessed by the Secretary and shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) Actions by the Secretary.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act, including such legal and equitable or declaratory relief incident thereto as may be appropriate, including employment, reinstatement, promotion, the payment of lost wages and benefits, and reasonable attorney fees and other litigation costs reasonably incurred.

(c) Private Civil Actions.—

(1) In general.—An employer who violates this Act shall be liable to the employee or prospective employee affected, or any other person aggrieved, by such violation. Such employer shall be liable for such legal and equitable or declaratory relief as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) Jurisdiction.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any person for or on behalf of an employee, prospective employee or other aggrieved person.

(3) Limitation.—No such action may be commenced more than 3 years after the date—

(A) the employee, prospective employee, or other aggrieved person knew of, or

(B) the employee, prospective employee, or other aggrieved person could reasonably be expected to know of,

the alleged violation.

(4) Costs.—The court shall allow the prevailing party (other than the Federal Government) reasonable costs, including attorney's fees and expert witness fees.

(d) Waiver of Rights Prohibited.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

SEC. 13. APPLICATION.

(a) Law Enforcement.—This Act shall not apply to electronic monitoring administered by law enforcement agencies as may otherwise be lawfully permitted under criminal investigations.

(b) Workmen's Compensation.—This Act shall not apply to electronic monitoring conducted by employers in connection with the investigation of a workers compensation claim unless there is reasonable suspicion of fraud or the claim involves at least $25,000.

(c) Required Electronic Monitoring.—This Act (other than sections 4(a), 4(b)(1), 4(b)(2), 4(b)(4), 7, 8, 9, and 10) shall not apply to electronic monitoring—

(1) conducted by an employer pursuant to Federal law (including regulations) governing public safety or security for public transportation;

(2) conducted by or for—

(A) the intelligence community, as defined in Executive Order 12333 (or successor order); or

(B) intelligence community contractors with respect to contracts that bear upon national security information, as defined by Executive Order 12356 (or successor order);

(3) conducted by an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.), section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–1(a)), or sections 202(a)(11) and 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11) and 80b–3(a)), conducted by an employer or a person associated with an employer registered or exempt from such registration under section 4d, 4e, 4k, or 4m of the Commodity Exchange Act (7 U.S.C. 6d, 6e, 6k, or 6m), conducted by a self-regulatory organization or its affiliated clearinghouse designated, registered, or exempt from registration under section 6 or 17 of such Act (7

U.S.C. 8, 21), or conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of such Act (7 U.S.C. 8, 21), as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment;

(4) conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment; or

(5) conducted only to the extent necessary to ensure an employee provides the notices required by the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

(d) THIRD PARTY.—

(1) MONITORING FOR ANOTHER PERSON.—A person who engages in electronic monitoring may not perform electronic monitoring for another person unless the requirements of this Act are complied with.

(2) USE OF DATA.—A person who contracts with or otherwise obtains the services of a third party to electronically monitor the employees of such person may not use the data obtained from such monitoring unless the requirements of this Act are complied with.

SEC. 14. REGULATIONS.

The Secretary shall, within 6 months after the date of the enactment of this Act, issue regulations to carry out this Act.

SEC. 15. PREEMPTION.

This Act shall not be construed to restrict, limit, or eliminate a requirement of the Federal Government, or a State or political subdivision of a State or of a collective bargaining agreement relating to privacy or electronic monitoring that is more stringent than any requirement of this Act.

SEC. 16. COVERAGE OF EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND SENATE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "employee" means any current, prospective, or former employee of an employing authority or any leased employee;

(2) the term "employing authority"—

(A) has the meaning given it in the Fair Employment Practices Resolution, except that with respect to a position on the minority staff of a committee, such term means the ranking minority member of such committee; and

(B) includes Senate employees as defined in section 301(c)(1) of the Civil Rights Act of 1991; and

(3) the term "Fair Employment Practices Resolution" means—

(A) House Resolution 558 of the One Hundredth Congress, as adopted October 4, 1988, and incorporated into Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress; or

(B) any other provision that continues in effect the provisions of such resolution.

(b) APPLICATION.—With the exception of section 12, this Act (including the substantive requirements of implementing regulations issued under section 14) shall apply to employees and to employing authorities.

(c) ADMINISTRATION.—

(1) HOUSE OF REPRESENTATIVES.—The remedies and procedures of the Fair Employment Practices Resolution shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(A). The Office of Fair Employment Practices may, in addition to those remedies available under the Fair Employment Practices Resolution, assess such an employing authority a civil penalty of not more than $10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(2) SENATE.—The remedies and procedures utilized by the Office of Senate Fair Employment Practices shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(B). The Office of Senate Fair Employment Practices may, in addition to those remedies otherwise available, assess such an employing authority a civil penalty of not more than $10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

(e) NOTICE.—Each employing authority shall post and keep posted in conspicuous places on its premises a notice that shall be—

(1) with respect to the employing authorities described in subsection (a)(2)(A), prepared by the Office of Fair Employment Practices; and

(1) with respect to the employing authorities described in subsection (a)(2)(B), prepared by the Office of Senate Fair Employment Practices;

setting forth such information as each such Office considers to be appropriate to carry out this section. Such notice, at a minimum, shall provide the same information as that required under section 4(a).

(f) RULEMAKING.—Subsection (c) is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, with full recognition of the right of the House of Representatives and the Senate to change its rules in the same manner, and to the same extent, as in any other rule of the House of Representatives and the Senate.

(g) ENFORCEMENT.—Notwithstanding any other provision of this Act, no officer or employee of the executive branch of the Federal Government shall have authority to administer, interpret, or enforce this section.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect on 6 months after the date of the enactment of this Act, except that an employer who is engaged in electronic monitoring on the expiration of such 6 months shall have 60 calendar days after such expiration to provide each affected employee with the notice required by this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Designates this Act as the Privacy for Consumers and Workers Act.

SECTION 2—DEFINITIONS

Defines certain terms for purposes of the Act. Such terms include:

Continuous Electronic Monitoring—includes activities in which electronic monitoring of employees occurs on a continuous basis and is not periodic or random in nature, and such term includes the periodic inspection of continuous video monitoring from an off-site location, which is used to deter crime and to provide evidence to law enforcement personnel, as well as electronic identifiers or accessors such as electronic card or badge access systems.

Electronic Monitoring—the collection, storage, analysis, or reporting of information concerning an individual's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person. For this Act, telephone call accounting means the practice of recording the telephone numbers called by a specific telephone or group of telephones for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations. Electronic monitoring does not include the interception of wire, electronic, or oral communication as detailed in the Omnibus Crime Act or the electronic transfer of data concerning payrolls, insurance and other related benefits, employee job applications, or other personnel-related data for administrative purposes only.

Employee—any current, former, or leased employee of an employer.

Employer—any person who is engaged in commerce and who employs employees, including any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, Federal or State government and any agent of the employer.

Personal Data—any information concerning an employee which can be readily associated with a particular individual.

Prospective Employee—an individual who has applied for a position of employment with an employer.

Telephone Service Observation—the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

Secretary—the Secretary of Labor.

SECTION 3—GENERAL REQUIREMENTS

An employer may engage in electronic monitoring of the employer's employees only so long as the employer complies with the provisions of this Act and other applicable law; including Section 15 (Preemption) of this Act. An employer may review data obtained by electronic monitoring only if the employer meets the requirements of sections 6 (the Review of Continuous Electronic Monitoring) and 8 (Use of Data Collected by Electronic Monitoring) of this Act.

SECTION 4—NOTICE REQUIREMENTS

The Secretary

The Secretary of Labor will prepare and distribute to employers a notice that will inform employees that an employer engages in or may engage in electronic monitoring, of the circumstances under which an employee is or is not entitled to additional notice, including the monitoring and exception described in section 5 (Periodic or Random Electronic Monitoring), and of the rights provided to employees by this Act.

Employers

Each employer who engages in electronic monitoring is to post the Secretary's notice in conspicuous locations on its premises.

Employers who engage in electronic monitoring are to provide each employee who will be electronically monitored, and the exclusive bargaining representative, if any, with prior written notice describing the forms of electronic monitoring to be used, the personal data to be collected, the hours and days per calendar week that the electronic monitoring will occur, the use to be made of the personal data collected, the interpretation of the information collected if the interpretation or records may affect one or more of the employer's employees, existing production standards and work performance expectations, methods for determining production standards and work performance expectations based on electronic monitoring if the methods affect the employee, a description of the electronic monitoring, and a description of the exception authorized in section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion of conduct that violates criminal or civil law, or constitutes willful gross misconduct and has a significant adverse effect involving economic loss or injury to the employer). Employers must provide this notice to prospective employees upon request or when an offer of employment is made. Employers must notify prospective employees of existing forms of electronic monitoring that may affect them if hired at the first personal interview.

Employers who engage in telephone service observation are to inform customers who may be subject to telephone service observation of this practice in any recorded message or automated attendant used in connection with customer telephone calls. If the employer does not use a recorded message or automated attendant, the employer shall place in each of its customer bills a statement that the employer is engaging in such observation.

If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer must notify those individuals in a manner that is reasonably calculated to reach those affected.

If a Federal agency engages in telephone service observation, the agency shall provide the public, upon the public's telephone contact of the Federal agency, a reasonable opportunity to not be a part of or included in any such observation.

Notice under this Act shall not be considered to constitute consent under the Omnibus Crime Act.

SECTION 5—PERIODIC OR RANDOM ELECTRONIC MONITORING

Employer's employees who have been employed less than 60 working days may be electronically monitored periodically or randomly by their employers without notice or limitation. Employers may also engage in periodic or random electronic monitoring of a work group of employees for up to two hours in any calendar week. Each employee must be notified of the time the electronic monitoring will occur at least 24 hours before the electronic monitoring begins, but not more than 72 hours in advance. A work group means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other. Employers may not engage in periodic or random electronic monitoring of an employee who has been employed for a cumulative employment period of at least 5 years.

An employer, other than the federal government or state or political subdivision thereof, may engage in electronic monitoring without notice required by section 4(b) (Employer's Specific Notice), 5(a) (Periodic or Random Electronic Monitoring General Rule), 5(b) (Periodic or Random Electronic Monitoring Authority), and without regard to section 9 (Access to Data), 10(a) (Privacy Protections Work Related), and 11(2) (Prohibitions regarding video monitoring) when the employer has a reasonable suspicion that an employer's employee is engaged in or is about to engage in conduct that violates criminal or civil law, or constitutes willful gross misconduct; and has a significant adverse effect involving economic loss or injury to the employer or the employer's employees. Before doing so, the employer shall execute a statement containing the conduct that is being electronically monitored and the basis for the electronic monitoring, an identification of the specific economic loss or injury to the business of the employer or the employer's employees, and that the employer is in compliance with section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion). This statement shall be signed and retained for three years from the date the electronic monitoring began or until judgment is rendered in an action brought under section 12(c) (Private Civil Action) by an employee affected by such electronic monitoring, whichever is later.

SECTION 6—REVIEW OF CONTINUOUS ELECTRONIC MONITORING

An employer may not review data obtained by continuous electronic monitoring on a periodic or random basis, unless the electronic data was obtained from the use of an electronic identifier, or accessor, such as an electronic card or badge access system, telephone call accounting system, or the data is continuously monitored by an employer or appears simultaneously on multiple television screens or sequentially on a single screen.

In addition, an employer may review such data if the review is limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SECTION 7—EMPLOYEE REVIEW OF RECORDS

Employer's employees (or their authorized agents) and the exclusive bargaining representative, if any, are entitled to a reasonable opportunity to review and upon request, a copy of, all personal data, and any interpretation of such data obtained by electronic monitoring of the employee, unless the electronic monitoring was conducted pursuant to a suspicion of illegal conduct by the employee. An employer's employee (or their authorized agent) and the exclusive bargaining representative, if any, may review such data only after an investigation as described in section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion) has been completed or disciplinary action has been initiated against the employee.

SECTION 8—USE OF DATA COLLECTED BY ELECTRONIC MONITORING

An employer may take any action against an employee on the basis of personal data obtained through electronic monitoring, if the employer has complied with all the requirements of this Act.

An employer shall not use quantitative data obtained by electronic monitoring as the sole basis for individual employee performance evaluations or setting production quotas unless the employee is not working at a facility of the employer and this data is the only basis available to the employer.

SECTION 9—ACCESS TO DATA

When an employer has an immediate business need of specific data, in the absence of the employer's employee who maintains the data, the employer may access the data if it is restricted to alphanumeric data and does not include aural or visual monitoring of the employer's employees or the interception of the employer's employee communications; and the data obtained was not intended to be used for discipline or performance evaluation. The employer shall notify the employee of the monitoring within a reasonable amount of time after the monitoring has taken place.

The term alphanumeric means data consisting entirely of letters, numbers, and other symbols. It does not include visual images, audio impressions, or data that can be used to create auditory or visual information.

SECTION 10—PRIVACY PROTECTIONS

No employer may intentionally collect data about an employee through electronic monitoring if the data are not confined to the employee's work, unless the employee is a customer of the employer at the time of the electronic monitoring.

No employer may engage in electronic monitoring in bathrooms, locker rooms, or dressing rooms.

An employer shall not intentionally engage in electronic monitoring of an employee when the employee is exercising First Amendment Rights. In addition, an employer shall not intentionally use or disseminate personal data of employees gathered by electronic monitoring who are exercising First Amendment Rights. However, electronic monitoring whose principle effect and purpose is to collect data about an employee's work and that incidentally collects data concerning the exercise of an employee's First Amendment rights is not prohibited.

Employers are permitted to disclose personal data obtained by electronic monitoring to any person or other employer or business entity with the written consent of the employee. In addition, employers are permitted to disclose personal data without prior consent from the employee to officers and employees of the employer who have a legitimate job related need for the information; to law enforcement agencies pursuant to a warrant issued under the Federal Rules of Criminal Procedure, and equivalent State warrant, a grand jury subpoena, an administrative subpoena authorized by a Federal or State statue; to the public when the data contains evidence of illegal conduct by a public official or affects public safety; or to the exclusive bargaining representative, if any. In addition a court order for disclosure under subsection (b) or (c) of this section shall issue only if the law enforcement agency shows that there is reason to believe that contents of the data are relevant to a legitimate law enforcement inquiry and in the case of a state governmental authority such a court order shall not issue if prohibited by the law of such state. A court issuing an order pursuant to this section on a motion made promptly by the service provider may quash or modify such order, if the data requested are unusually voluminous in nature or compliance with such order would cause an undue burden on the employer.

Electronic monitoring, including security cameras, whose purpose and principal effect is to collect work data or data on non-employees is not prohibited because it collects some non-work related data.

SECTION 11—PROHIBITIONS

Employers may not violate any requirements of this Act.

Employers may not use video cameras that are not visible to those being electronically monitored unless there is suspicion of illegal employee conduct or such electronic monitoring is legally required.

Employers may not interfere with any employee's exercise of rights under this Act or discriminate in any manner against an employee for initiating or testifying in a proceeding under this Act of disclosing information the employee reasonably believes evidences a violation of this Act.

SECTION 12—ENFORCEMENT PROVISIONS

An employer who violates any provision of the Act may be assessed a civil penalty of not more than $10,000 for each violation. The Secretary shall take into account the previous record of the employer and the gravity of the violation. Civil penalties shall be assessed and collected in the same manner as under Section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1953).

The Secretary may bring an action under this section to restrain violation of this Act. United States District Courts shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions requiring compliance with the Act, including appropriate legal and equitable or declaratory relief.

Employees, prospective employees, or any person aggrieved by a violation of this Act may bring private civil actions against employers in Federal or State court within 3 years of the time when they knew or could reasonably be expected to know the violation occurred. The employer shall be liable for such legal and equitable or declaratory relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits. The prevailing party in such cases shall be entitled to reasonable costs, including attorneys fees and expert witness fees.

Rights under this Act may be waived only as part of a written settlement of an action or complaint under this Act.

SECTION 13—APPLICATION

The Act does not apply to electronic monitoring administered by law enforcement agencies as may otherwise by lawfully permitted under criminal investigations.

The Act does not apply to electronic monitoring conducted by employers in connection with the investigation of workers compensation claims involving at least $25,000.

Except for Section 4(a) (Secretary's notice), 4(b)(1) (Employer's Specific Notice regarding the forms of electronic monitoring to be used), 4(b)(2) (Employer's Specific Notice regarding the personal data to be collected), 4(b)(4) (Employer's Specific Notice regarding the use of the personal data collected, 7 (Employee Review of Records), 8 (Use of Data Collected by Electronic Monitoring), 9 (Access to Data), and 10 (Privacy Protections), this Act shall not apply to electronic monitoring;

Conducted by an employer pursuant to Federal law governing public safety or security for public transportation,

Conducted by or for the intelligence community as defined in Executive Order 12333 or intelligence community contractors with respect to contracts that bear upon national security as defined by Executive order 12356,

Conducted by an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934, section 8(a) of the Investment Company Act of 1940, or sections 202(a)(11) and 203(a) of the Investment Advisors Act of 1940, or the Commodity Exchange Act,

Conducted by an employer or a person associated with an employer registered or exempt from such registration under sections 4d, 4e, 4k, or 4m of the Commodity Exchange Act,

Conducted by a self-regulatory organization or its affiliated clearing house designated, registered, or exempt from registration under section 6 or 17 of the Commodity Exchange Act,

Conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of the Commodity Exchange Act, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgement, or

Conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment, or

Conducted only to the extent necessary to ensure an employee provides the required notices under the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated as Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, and the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

Persons who engage in monitoring for another person must comply with the notice requirements the Act, and employers who contract with third parties for monitoring may not use the data obtained unless the requirements of this Act are complied with.

SECTION 14—REGULATIONS

The Secretary shall issue regulations to carry out this Act within 6 months after the date it is enacted.

SECTION 15—PREEMPTION

The Act shall not restrict, limit, or eliminate a requirement of the Federal Government, or a state or political subdivision of a State, or of a collective bargaining agreement relating to privacy or electronic monitoring, which is more stringent than any requirement of this Act.

SECTION 16—COVERAGE OF HOUSE AND SENATE EMPLOYEES

House and Senate employees are covered under this Act.

SECTION 17—EFFECTIVE DATE

The Act shall take effect 6 months after it is enacted, except that an employer who is engaged in electronic monitoring at the expiration of 6 months shall have an additional 60 days to provide its employees with the required notices of electronic monitoring.●

By Mr. INOUYE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE):

S. 985. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

MINOR CROP PESTICIDES ACT OF 1993

Mr. INOUYE. Mr. President, I rise to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use of pesticides. This measure seeks to remedy a pest control problem, but unlike most pesticide issues, this problem does not relate to health and environmental safety; it is clearly an economic issue.

As you know, U.S. growers produce a wide variety of fruits, vegetables, and specialty crops which are critical to a healthy diet. The continued production of many of these minor crops will be jeopardized if steps are not taken to stop the loss of the many safe pesticides that are not being registered or reregistered for purely economic reasons.

Ironically, the high cost of pesticide registration is also having an adverse effect on integrated pest management programs. Producers are being penalized for using smaller amounts of pesticides by having those pesticides discontinued by manufacturers since reduced use makes registration or reregistration economically infeasible.

Major crops such as corn, wheat, soybeans, and cotton are normally not considered minor crops. Yet, these crops may also be impacted by the high cost of registration when certain pesticides are needed to manage pests only on a regional or local basis.

In my State of Hawaii, the latest agricultural statistics list over 35 crops that are produced commercially. These figures do not include the many niche market crops that are of limited acreage and not presented in published agricultural statistics. Included also on the list of 35 reported crops are sugar and pineapple. While these are grown on relatively large acreages, the amount of pesticides used often cannot justify the cost of registration or reregistration. Thus, all crops grown in Hawaii fall into the category of minor crops. The problem is further exacerbated by the year-round growing season, which does not offer a break in the pest cycle.

My concern for minor crop protection is not new. I have long supported the inter-regional research project referred to as IR-4 and was an original sponsor of the measure in the 1990 farm bill to establish this project on a more permanent basis. This latter provision required the Secretary of Agriculture to establish an IR-4 Program to assist in the collection of residue and efficacy data in support of the registration or reregistration of minor use chemicals. The bill I introduce today builds on this concept and provides the resources needed to ensure a continuation of a safe and abundant food supply for American consumers.

I note that my bill offers support for chemical as well as nonchemical pest control methods. I have long supported integrated pest management approaches which include judicious use of chemicals in concert with management practices and biological controls. Not only are such measures kinder to the environment but effectively address the increasingly prevalent pesticide resistance of insects and other organisms.

This bill has undergone numerous changes to make it clearer that public health and safety are paramount. The EPA Administrator would be able to deny the use of any of the incentives provided by the bill should health and safety be compromised.

I urge my colleagues to support this bill.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Minor Crop Pesticides Act of 1993".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

SEC. 2. MINOR USE OF PESTICIDES.

(a) DEFINITION.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following new subsection:

"(hh) MINOR USE.—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health in any case in which—

"(1) the Administrator, in consultation with the Secretary of Agriculture, determines on the basis of information provided by an applicant, that the use does not provide sufficient economic incentive to support the initial registration or continued registration of a pesticide for the use; and

"(2) the Administrator has not determined on the basis of data available to the Administrator, that the use presents a risk of an unreasonable adverse effect on the environment.".

(b) EXCLUSIVE DATA USE.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii)(I) With respect to data submitted after the date of enactment of this clause by an applicant or registrant to—

"(aa) support an amendment adding a new use to a registration in existence at the time the data is submitted;

"(bb) support or maintain in effect a registration referred to in item (aa);

"(cc) support a new application for a registration; or

"(dd) support a reregistration,

if the data relates solely to a minor use of a pesticide, the Administrator shall not, without the written permission of the person that initially submitted the data, consider the data to support an application for a minor use by another person during the 10-year period following the date of submission of the data.

"(II) If the minor use registration that is supported by data submitted pursuant to this subsection is voluntarily canceled or if the data are subsequently used to support a use that is not a minor use, the data shall—

"(aa) cease to be subject to the exclusive use provisions of this clause; and

"(bb) be considered by the Administrator in accordance with clause (i) or (ii).".

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following new clause:

"(vi)(I) On the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support the minor use until the date that is 2 years after the final deadline for submission of data for the other uses of the pesticide if—

"(aa) the registrant provides data to support other uses of the pesticide;

"(bb) the registrant, in submitting a request for the extension, provides a schedule, including interim dates to measure progress, to ensure that the data production will be completed before the expiration of the extension period;

"(cc) the Administrator determines that the extension would not significantly delay the schedule of the Administrator for issuing a reregistration eligibility determination required under section 4; and

"(dd) the Administrator makes a written determination that, on the basis of data available to the Administrator, the extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(II)(aa) If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant meets the schedule for the production of the data.

"(bb) If the Administrator determines that the registrant has not met the schedule for the production of the data, the Administrator may proceed in accordance with clause (iv) concerning the continued registration of the minor use.

"(cc) The Administrator shall provide public notice of any action taken under this subclause.

"(III) If, during the extension period under this subparagraph, the registrant furnishes the Administrator data that are sufficient for the Administrator to make a determination of an unreasonable adverse effect involving the minor use of the pesticide, the Administrator shall provide written notice to the registrant to revoke the extension for submission of data. The registrant shall be required to submit the data not later than 30 days after receipt of the notice.

"(IV) Nothing in this clause is intended to preclude the Administrator from proceeding in accordance with section 6.".

(2) REREGISTRATION.—Subsections (d)(4)(B), (e)(2)(B), and (f)(2)(B) of section 4 (7 U.S.C. 136a-1) are each amended—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following new clauses:

"(ii) Notwithstanding clause (i), on the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support the minor use for a period of 2 years after the expiration of the period prescribed for submission of data for the other uses of the pesticide if—

"(I) the registrant provides the data to support other uses;

"(II) in submitting a request for the extension, the registrant provides a schedule, including interim dates to measure progress, to ensure that the data production will be completed before the expiration of the extension period;

"(III) the Administrator determines that the extension would not significantly delay the schedule of the Administrator for issuing a reregistration eligibility determination required under this section; and

"(IV) the Administrator makes a written determination that, on the basis of data available to the Administrator, the extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(iii) If the Administrator determines that the registrant has not met the schedule for the production of the data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the minor use, and shall inform the public of the action to proceed.

"(iv) If, during the extension period for a minor use under this subparagraph, the registrant furnishes the Administrator data that are sufficient for the Administrator to make a determination of an unreasonable adverse effect involving the minor use of the pesticide, the Administrator shall provide written notice to the registrant that the Administrator has revoked the extension for submission of data. The registrant shall be required to submit the data not later than 30 days after receipt of the notice.

"(v) Nothing in this subparagraph is intended to preclude the Administrator from proceeding in accordance with section 6.".

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "ADDITIONAL DATA.—" after "(B)";

(3) in subparagraph (C), by inserting "SIMPLIFIED PROCEDURES.—" after "(C)"; and

(4) by adding at the end the following new subparagraph:

"(E) MINOR USE WAIVER.—With respect to a registration of a pesticide for a minor use, the Administrator may waive a data requirement that would otherwise apply if the Administrator determines that the waiver of the data requirement will not prevent the Administrator from determining—

"(i) any incremental risk presented by the minor use of the pesticide; and

"(ii) that the risk, if any, would not constitute an unreasonable adverse effect on the environment.".

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "IDENTICAL OR SUBSTANTIALLY SIMILAR.—" after "(B)"; and

(3) by adding at the end the following new subparagraph:

"(C) MINOR USE REGISTRATION.—(i) Not later than 180 days after the date of submission of the application, the Administrator shall complete a review and evaluation of all data submitted with an application, to the greatest extent practicable, and act on any application—

"(I) that proposes the initial registration of an active ingredient of a pesticide if the active ingredient is proposed to be registered solely for—

"(aa) a minor use;

"(bb) a use that is not a minor use and at least 3 minor uses; or

"(cc) a significant minor use; or

"(II) for an amendment to the registration that proposes a new minor use for a pesticide that has been registered for other uses.

"(ii) As used in this subparagraph, the term 'significant minor use' means a minor use that the Administrator determines would—

"(I) serve as a replacement for any use that has been canceled in the 5-year period preceding the receipt of the application; or

"(II) obviate the need for the reissuance of an emergency exemption under section 18 for the minor use.

"(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If—

"(i) a registrant makes a good faith request for a minor use waiver regarding data required by the Administrator pursuant to paragraph (2)(B); and

"(ii) the Administrator denies in whole or in part the request for the waiver referred to in clause (i),

the Administrator shall extend the period of time specified for submitting the data for a period equal to the initial period. The Administrator may not extend the time period if the Administrator determines that the registrant did not make a good faith request for the waiver. The Administrator shall provide written notice of any determination by the Administrator that a request for the waiver was not submitted in good faith. The Administrator shall provide a copy of the written determination to the registrant. The determination shall be subject to judicial review under the procedures prescribed by section 16(b).".

(f) CONDITIONAL REGISTRATION FOR MINOR USES.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "CONDITIONAL AMENDMENT.—" after "(B)";

(3) in subparagraph (C), by inserting "CONDITIONAL REGISTRATION.—" after "(C)"; and

(4) by adding at the end the following new subparagraph:

"(D) ADDITIONAL MINOR USES.—(i) The Administrator shall conditionally amend the registration of a pesticide to permit additional minor uses of the pesticide without regard to whether data concerning the pesticide are insufficient to support a registration amendment that is unconditional, if the Administrator determines that—

"(I) the applicant has submitted satisfactory data pertaining to the proposed additional minor use; and

"(II) amending the registration in the manner proposed by the applicant would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(ii) Notwithstanding clause (i), no registration of a pesticide may be amended to permit an additional minor use of the pesticide if—

"(I) the Administrator has issued a notice stating that the pesticide, or any ingredient of the pesticide, meets or exceeds risk criteria associated in whole or in part with human dietary exposure as described in regulations issued under this Act; and

"(II) during the pendency of any risk-benefit evaluation initiated by the notice, at least 1 of the conditions described to in clause (iii) are met.

"(iii) The conditions described in this clause are as follows:

"(I) The additional minor use of the pesticide referred to in clause (ii) involves a major food or feed crop.

"(II) The additional minor use of the pesticide referred to in clause (ii) involves a minor food or feed crop and the Administrator determines, with the concurrence of the Secretary of Agriculture, that an effective alternative pesticide that does not meet or exceed the risk criteria is available.

"(iv) An applicant seeking an amendment to a registration under this subparagraph shall submit the data that would be required to be submitted to obtain a registration for a similar pesticide under paragraph (5). If the applicant is unable to submit an item of data (other than an item of data pertaining to the proposed additional minor use) because the item of data has not been generated, the Administrator shall amend the registration on the condition that the item of data will be submitted not later than the date the item of data is required to be submitted with respect to similar pesticides registered under this Act. The Administrator shall provide written notice of each determination under this clause to the registrant. The determination shall be subject to judicial review under the procedures prescribed by section 16(b).".

(g) EXPEDITED CONDITIONAL REGISTRATION TO REPLACE PREVIOUSLY CANCELED REGISTRATIONS OR DELETED USES ON A ONE-TIME BASIS.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)), as amended by subsection (f), is further amended by adding at the end the following new subparagraph:

"(E) CONDITIONAL MINOR USE REGISTRATION.—(i) The Administrator may conditionally register or amend the registration of a pesticide for a minor use if the registrant establishes to the satisfaction of the Administrator that—

"(I) the active ingredient has been listed by the Administrator for reregistration, as required by section 4;

"(II) the minor use proposed for registration is a registered use of a product that, after December 24, 1988, has been canceled, proposed for cancellation, or deleted as a use under section 4 or 6; and

"(III) the use directly requires only data concerning residue chemistry for reregistration.

"(ii) The Administrator may not grant a conditional registration or amendment referred to in clause (i) unless the Administrator makes a determination that—

"(I) approval by the Administrator of the registration or amendment in the manner proposed by the applicant would not significantly increase the risk of an unreasonable adverse effect on the environment; and

"(II) there is a tolerance for the use at the time of the determination.

"(iii) In making the application, the applicant shall either—

"(I) make assurances that the applicant will submit the data required for reregistration of the pesticide or use by the final deadline, established by the Administrator, for the submission of all data to support registration of the active ingredient of the pesticide on the date of the approval of the application by the Administrator; or

"(II) agree to cease distribution and sale of the pesticide by the date specified in subclause (I).

"(iv) If the registrant provides assurances for the submission of data pursuant to clause (iii), the Administrator may extend the expiration date for the conditional registration to the date that is 6 months after the scheduled date for submission of the data (determined in accordance with the schedule established by the Administrator) to allow time for the Administrator to review the application.

"(v) Distribution and sale by the registrant of pesticides registered for the use that is the subject of the conditional registration referred to in clause (iv) shall cease on the date of termination of the extension referred to in clause (iv).

"(vi) The Administrator shall provide expedited review of each application under this section in accordance with paragraph (3).

"(vii) The Administrator may take action at any time prior to the date established under clause (iv) to order the deletion of a use approved under this subsection, if—

"(I) no registrant is fulfilling commitments for other uses; or

"(II) the Administrator determines that the delay may result in a risk of an unreasonable adverse effect on the environment.

"(viii) If the registrant does not voluntarily comply with an order requesting the deletion of use, the Administrator may cancel each registration of the registrant that includes the use by order without a hearing. Each application for a conditional registration or amendment under this subparagraph shall be submitted to the Administrator not later than 1 year after the date of enactment of this subparagraph.".

(h) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) IN GENERAL.—Subsections (d)(6) and (f)(3) of section 4 (7 U.S.C. 136a-1) are each amended by adding at the end the following new sentences: "If the registrant does not support a specific minor use of the pesticide, but supports, and provides data in a timely fashion to support, other food uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this paragraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this paragraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences in this paragraph, the Administrator may cancel or suspend the minor use pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment.".

(B) REQUEST FOR DELAY.—Section 4(e)(3)(A) (7 U.S.C. 136a–1(e)(3)(A)) is amended by adding at the end the following new sentences: "If the registrant does not support a specific minor use of the pesticide, but supports and provides data in a timely fashion to support other uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this subparagraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this subparagraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences of this subparagraph, the Administrator may cancel or suspend the minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment.".

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c)(1), is further amended by adding at the end the following new clause:

"(vii) If the registrant does not support a specific minor use of the pesticide, but supports and provides data in a timely fashion to support other uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this subparagraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this paragraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences of this subparagraph, the Administrator may cancel or suspend such minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use would violate the criteria described in section 6.".

(i) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is amended by adding at the end the following new paragraph:

"(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—

"(A) Except as provided in subparagraph (B), if a registrant files an application with the Administrator for the registration of a pesticide for a minor use not later than 2 years after another registrant voluntarily cancels the registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall, for the purposes of using the data from the registrant that canceled a registration, process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place.

"(B) If the Administrator determines, on the basis of evidence available to the Administrator, that the minor use referred to in subparagraph (A) poses a risk of an unreasonable adverse effect on the environment, the Administrator may not apply subparagraph (A) with respect to an application for a registration.".

(j) MINOR USE PROGRAMS OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF AGRICULTURE.—

(1) REDESIGNATION.—The Act is amended by redesignating sections 30 and 31 as sections 32 and 33, respectively.

(2) MINOR USE PROGRAMS.—The Act is amended by inserting after section 29 the following new sections:

"SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.

"(a) IN GENERAL.—The Administrator shall establish a minor use program within the Office of Pesticide Programs (referred to in this section as the 'Office') to ensure the coordination of minor use issues.

"(b) DUTIES OF THE DIRECTOR.—The Director of the Office shall be responsible for coordinating the development of minor use programs and policies, consulting with growers regarding minor use issues and registrations, and tracking and expediting minor use registrations and amendments that are submitted to the Administrator.

"SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

"(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall ensure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

"(1) carrying out the Inter-Region Project Number 4 (IR-4) as described in section 2(e) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes" (7 U.S.C. 450i(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

"(2) supporting integrated pest management research;

"(3) consulting with growers to develop data for minor uses; and

"(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

"(b) MATCHING FUND PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a minor use grant program to provide financial assistance to any person or entity that submits an application that is approved by the Secretary.

"(2) GRANTS.—The Secretary may award a grant pursuant to this subsection to ensure the continued availability of a minor use crop protection chemical. The grant shall be awarded to provide assistance for the development of data to support the registration or reregistration of a pesticide for a minor use.

"(3) PRIORITY FOR GRANT AWARDS.—In awarding grants under this subsection, the Secretary shall give priority to applicants that do not directly receive funds from the sale of products that are specified in the registration for a minor use.

"(4) CONDITIONS FOR GRANTS.—A grant under this subsection may be awarded only on the following conditions:

"(A) The grant recipient shall match, on a dollar for dollar basis, from non-Federal sources, the amount of the grant award.

"(B) Both the grant recipient and the Department of Agriculture shall share a property interest in the data generated pursuant to the grant.

"(5) USE OF DATA.—The data referred to in paragraph (4)(B) may be used by another person or entity that applies for a registration if the person or entity receives written permission from the Secretary and the grant recipient.

"(6) FEES.—The Secretary may assess a fee for the use of the data referred to in paragraph (5).

"(7) REVOLVING FUND.—The Secretary shall establish a revolving fund. The revolving fund shall consist of—

"(A) the amounts appropriated for deposit to the fund pursuant to the authorization under paragraph (8); and

"(B) the amounts received as fees under paragraph (6).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture for deposit in the revolving fund referred in paragraph (7) an amount not to exceed $10,000,000 for fiscal year 1994, and each fiscal year thereafter.".

(k) CONFORMING AMENDMENTS TO FIFRA TABLE OF CONTENTS.—The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 2 the following new item:

"(hh) Minor use.";

(2) by adding at the end of the items relating to section 6(f) the following new item:

"(4) Utilization of data for voluntarily canceled chemicals.";

(3) in the item relating to section 30, by striking "30" and inserting "32";

(4) in the item relating to section 31, by striking "31" and inserting "33"; and

(5) by inserting after the item relating to section 29 the following new items:

"Sec. 30. Environmental Protection Agency minor use program.
"(a) In general.
"(b) Duties of the director.
"Sec. 31. Department of Agriculture minor use program.
"(a) In general.
"(b) Matching fund program.
  "(1) Establishment.
  "(2) Grants.
  "(3) Priority for grant awards.
  "(4) Conditions for grants.
  "(5) Use of data.
  "(6) Fees.
  "(7) Revolving fund.
  "(8) Authorization of appropriations.".

Mr. LUGAR. Mr. President, I am pleased to join Senator INOUYE today in introducing the Minor Crop Pesticides Act.

Americans have been favored with an abundance and a wide variety of food, and, as a consequence, the productivity of American agriculture is generally taken for granted. Part of the success of the American food production system stems from the natural fertility of the soils and from the ingenuity of the American farmer. But even the most fertile soil must be protected from erosion and in time must be replenished with nutrients. Mechanized farming depends upon abundant and economical sources of energy. Farming efficiency has increased with size and specialization. But concentrated and continuous production of a single crop increases the potential for outbreaks of insects, weeds, disease organisms, and other pests. To support crop production and marketing activities, a strong agribusiness is necessary to provide equipment, seeds, fertilizer, pesticides, fuel, markets, and transportation.

Production of crops and forest products is but one example of the interdependency among the several sectors of the American economy. Actions that affect one small segment often may have an impact on the whole of American society. Thus, while pesticides constitute only a small fraction of the total agricultural and forest products enterprise, disruption of the supply of these agents without suitable replacements would severely impact on the total supply of agricultural and forest products, and even more so on the stability of the outputs.

Stability of production is a quality that is often overlooked. The security and welfare of all nations is heavily dependent upon the assurance of a steady, reliable source of food. Threats of pests and diseases constitute one of the most destabilizing influences on crop production worldwide. Pest control practices, including pesticides, are very important for the assurance of year-to-year stability of production.

Vegetables, fruits, nuts, herbs, ornamental, and turfgrass are often referred to as minor crops because the acreage and volume of production are much below that of corn, soybean, wheat, or any of the other major field crops. Minor crops, like major crops, must be protected from insects, weeds, and diseases. Pesticides developed for use on minor crops are referred to as minor use pesticides.

Historically, there has always been a problem with the availability of pesticides for minor uses. The chemical industry has traditionally sought the major markets for their products justified on the basis of economic returns. The significant time and expense required to develop the data needed to support registration of a new pesticide or to defend existing uses have left fewer resources for registration of minor uses.

This situation was intensified with enactment of the 1988 amendment to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], which required that all pesticides, and their uses, registered before November 1984, be reregistered. Experts estimate that about 25 percent of existing uses on crops will not be supported by manufacturers of pesticides.

Estimates indicate a decline of approximately 30 percent in yields with an attendant increase in food costs of approximately 50 percent without the use of pesticides. Growers who are denied appropriate pest control will not be competitive in domestic or foreign markets. Under these circumstances, consumers, too, would suffer. The average American family spends on 10 percent of their disposable income on food. For these families, a substantial increase in the costs of fruits and vegetables would not be popular, but could be absorbed without great hardship. However, some 30 million of the U.S. population spend at least 60 percent of their disposable income on food. For those of limited means, a substantial increase in the price of fruits and vegetables would impose a further serious economic burden. As fruits and vegetables become less affordable, this segment of the population would consume less at a time when health experts recommend an increased consumption of fresh fruits and vegetables.

Finally, the loss of minor use pesticides could have serious adverse environmental impacts. Ironically, pesticide usage may actually increase as more products disappear from the marketplace due to the need to apply less effective materials more frequently and at higher dosages to control pests. As the number of products dwindles, the likelihood for pest resistance to the remaining pesticides used on these commodities also increases. Studies clearly indicate that resistance is best managed through a program that uses a variety of pest control methods and incorporates a number of chemicals that differ in way they act on pests.

The bill we are introducing today is designed to help circumvent such consequences without impacting food safety or adversely affecting the environment. This bill simply offers several incentives to manufacturers to maintain and develop new safe and effective pest control agents for minor uses.

Mr. President, I urge my colleagues to lend their support of this important legislation.

Mr. GORTON. Mr. President, during the last few years there has been a great deal of discussion and publicity about reducing the use of agricultural chemicals. This movement is rooted in the misconception that all agricultural chemicals are detrimental to our health and have harmful effects on the environment. The unfounded allegations leveled at apple growers and their use of alar in 1989 illustrates this movement. Alar, a chemical important to apple production, was unnecessarily lost to producers. In this case, as in so many others, emotion rather than science determined policy and farmers lost an important production tool.

Since the enactment of a series of amendments to the Federal Insecticide, Fungicide, and Rodenticide Act in 1988, farmers have been losing safe, vital chemicals for another reason: economics. The 1988 FIFRA amendments required the Environmental Protection Agency to initiate a process to update the registration of pesticides that had been registered before November 1, 1984. For a chemical to remain on the market, a manufacturer had to resubmit new data, often supplemented by additional testing, by 1997.

This requirement sounded reasonable until one considered the costs of performing the tests needed to collect the required data. Developing and registering pesticides for crop protection is expensive. A comprehensive study that includes such information as the safety of the product, its potential effect on consumers and workers health, as well as its impact on the environment, can cost millions of dollars. The cost of residue data alone for a crop can run into the hundreds of thousands of dollars.

When the cost of developing this new data is measured against the potential profits from the sale of a product, some manufacturers have decided voluntarily to cancel a pesticide registration rather than seek renewal. In each such case the farmer lost another vital production tool.

While all of agriculture is impacted by the FIFRA '88 amendments, those producers who are hardest hit are minor crop farmers whose markets for pesticides are limited. Minor crops are fruits, vegetables, and other crops which are produced on less than 300,000 acres each year. Though these crops account for approximately 2 percent of all the acreage planted each year in this country, their collective value surpasses $35 billion; 5 billion dollars' worth of minor crops are exported each year.

As important to our Nation's economy as minor crops are, they are an equally significant part of our diets. The food pyramid guide released by the Department of Agriculture encourages Americans to eat from the five major food groups. Two of these major food groups are fruits and vegetables—minor crops. As such they are an essential and vital part of a healthy, balanced diet.

Many of the chemicals being lost have environmental benefits. Often overlooked is the fact that minor crop pesticides are critical components of many integrated pest management [IPM] systems. These programs control agricultural pests in an environmentally prudent manner. For example, phosphamidon, an insecticide used on apples, was used for the control of aphids. In addition, though, it provided the collateral benefit of controlling apple rust mite because it was not toxic to the apple rust mite's primary predator, predaceous mites. No suitable alternative to phosphamidon exists for controlling aphids and mites, and, therefore, several chemicals must be used simultaneously to render the same effect.

Finally, other important societal benefits are derived from the use of pest control products. Agencies at the Federal, State, and local level depend on the continued availability of pesticides to protect the public from over 50 human diseases, diseases which are transmitted by insects and other disease carrying organisms. The effective control of these pests helps to alleviate human suffering. Direct economic benefits are derived, such as a reduction in medical costs and absences from work.

To ensure the continued availability of crop protection chemicals for minor use crops, the Minor Crop Farmer Alliance was organized in 1991. The alliance's efforts led to the development of the Minor Crop Protection Act of 1992, which I have the pleasure of reintroducing today on behalf of Senators INOUYE and LUGAR. I strongly support this legislation.

This proposal is designed to provide a number of options to the Environmental Protection Agency for registering existing pesticides and promoting new minor use registrations. These mechanisms would not be permitted if the EPA determined that the pesticide in question posed an unreasonable adverse risk to human health or the environment, or where the missing data were considered essential for making such a determination.

This legislation establishes a reasonable process for reregistering minor use pesticides that safeguard the environment and peoples' health, but does not remove essential and safe pesticides from the market. It is an important first step, but more can be done. For example, increased funding for IR-4 would greatly complement this legislation.

Mr. President, like many occupations, farming looks easy until you try it. Far more goes into agricultural production than simply planting and harvesting.

There are many intangibles with which a farmer must deal, weather being foremost. To the extent possible, and while continuing to guarantee the safety of the consumer and the health of the environment, government should make farming easier. This bill does that and ensures that the environment, the consumer and the farmer benefit. I commend Senators LUGAR and INOUYE and the Minor Crop Farmer Alliance for developing this legislation and encourage my colleagues to grant it their support.

By Mr. LOTT:

S. 986. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes; to the Committee on Energy and Natural Resources.

CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1993

Mr. LOTT. Mr. President, I rise today to offer legislation which will ensure the preservation of a special and historical site in my home State of Mississippi which was the scene of one of the greatest campaigns during the War Between the States. Corinth, Mississippi was the location of the Battle of Corinth which was the largest battle to take place in my State and the Siege of Corinth was, in terms of aggregate numbers of troops involved, one of the largest in the history of the Western Hemisphere.

Possession of Corinth was the key to victory during the war because of the railroads. Corinth was the Confederacy's only east-west link; the Memphis & Charleston Railroad crossed the critical Mobile & Ohio Railway. These were the two longest railroads in the South. This junction was referred to as the vertebrae of the Confederacy and eventually acquired the nickname "crossroads of the Confederacy." It is interesting to note that the famous Battle of Shiloh was fought solely for the possession of Corinth. A national military park is located at Shiloh in commemoration of this battle.

The strategical value of Corinth was tremendous. With Corinth in Union hands, the roads to Vicksburg and Atlanta were open for Federal armies. The Confederacy certainly realized the importance of Corinth.

Possession of Corinth was critical enough for the Confederacy to sacrifice New Orleans, the South's largest city and the coastal region from Mobile to Charleston. The Confederacy abandoned these cities in order to send the needed troops to protect the small village in northeast Mississippi, known as Corinth.

Of all the major Civil War crusades, the Battle of Corinth and the Corinth Siege are indisputably the least known and definitely the least recognized. The Battle of Corinth is deserving of long-overdue national recognition. The site at Corinth has already received national historic landmark designation. However, I am convinced that we must go one step further to ensure these notable sites' place in American history; therefore my reason for introducing relevant legislation.

Both of these sites at Corinth are ideal and appropriate for including in this proposed interpretive center. If we act expeditiously we may easily preserve many battle and siege sites which are still vacant tracts of land. Corinth's urban setting is advantageous for the purpose of cost minimization in development and maintenance. Furthermore, the proximity of the Shiloh National Military Park offers the possibility of a combined administration.

Corinth and the Corinth Siege were the only sites in my State of Mississippi included on former Secretary of the Interior Manuel LuJuan's list of priority Civil War Battlefields and 2 of only 25 nationwide. My proposal is also consistent with the Secretary of the Interior's American Battlefield Protection Program established in July 1990.

We must safeguard our national heritage and protect this significant battlefield upon which our ancestors lost life and limb in pursuit of their most fundamental ideals. I believe Corinth is a natural location for an interpretive center. The closeness of the Shiloh National Military Park, which is just 20 miles from Corinth, would be especially beneficial. The connection between the two battles, not to mention the convenience of location, convince me that construction of a center at Corinth is needed for proper interpretation of this important chapter in American history.

Mr. President, I ask my colleagues to support this important legislation and ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corinth, Mississippi, Battlefield Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the 14 sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War, and

(2) the Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(b) PURPOSE.—It is the purpose of this Act to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

SEC. 3. ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, or exchange, such lands and interests in lands in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(b) PUBLICLY OWNED LANDS.—Lands and interests in lands owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

SEC. 4. INTERPRETIVE CENTER AND MARKING.

(a) GENERAL AUTHORITY.—

(1) CONSTRUCTION OF CENTER.—The Secretary shall construct, operate, and maintain on the property acquired under section 3 a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) DESCRIPTION.—The center shall contain approximately 5,300 square feet, and include interpretive exhibits, an auditorium, a parking area, and other features appropriate to public appreciation and understanding of the site.

(b) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if such sites are determined by the Secretary to be protected by State or local governmental agencies.

(c) ADMINISTRATION.—The lands and interests in lands acquired, and the facilities constructed and maintained pursuant to this Act shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws and regulations applicable to the park, the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) CONSTRUCTION.—Of the amounts made available to carry out this Act, not more than $6,000,000 may be used to carry out section 4(a).

By Mr. DASCHLE:

S. 987. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936.

TAX TREATMENT OF REA LOAN PREPAYMENT

• Mr. DASCHLE. Mr. President, today I am introducing legislation that clarifies the tax treatment of prepayment of Rural Electrification Administration [REA] loans authorized last year in the Rural Electrification Administration Improvement Act of 1992.

Congress has always recognized that rural electric cooperatives are the cornerstone upon which community and economic development services are built and extended. As a result, Congress has consistently supported the partnership between the rural electric systems and REA, which provides loans to rural electric cooperatives so that they may continue bringing power, light, and jobs to rural America.

In 1992, Congress reauthorized the ability of rural electric distribution systems to prepay their outstanding debt with the Rural Electrification Administration [REA] at a discount based on the Government's current cost of money. In 1986, Congress had granted limited opportunity to buy back REA loans, but that provision expired in 1987. Pursuant to Internal Revenue Code section 61(a)(62), the interest rate reduction constitutes cancellation of indebtedness income and, as such, must be included in gross income. Thus, this entire buy-back scheme results in no loss to the Federal Treasury.

Unfortunately, the Internal Revenue Service's position regarding the tax treatment of this discount severely limits the benefit gained under the 1992 act.

Under I.R.C. section 501(c)(12), a rural electric cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting loses and expenses. Thus, the bulk of the cooperative's revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. If nonmember income, such as investment income or property rentals, exceeds 15 percent of gross income, the cooperative loses its tax exempt status for the year. Under the IRS's interpretation of this formula, the income from a discount on an REA loan buyback is considered nonmember income, potentially causing many cooperatives to fail the test for tax exemption should they participate in the buyback program.

In 1988, Congress responded to this concern by approving legislation allowing electric cooperatives to exclude the REA loan buyback discount from the so-called "85–15" test. The Internal Revenue Service, however, has recently concluded that this provision was in effect only until January 1, 1990, and therefore does not apply to prepayment of REA loans pursuant to the most recent congressional authorization.

The legislation I am introducing today would merely reinstate the 1988 tax legislation and, thereby, clarify that prepayments accomplished under the 1992 act should be treated identically to those buybacks accomplished in 1986 and 1987. Congress did not intend to inadvertently damage the tax status of cooperatives when it passed the 1992 act. In fact, the intent of the rural electric prepayment legislation is precisely to allow cooperatives that are financially strong enough to prepay their REA loans and turn to private capital markets for long-term financing needs.

A similar measure was passed in the 102d Congress as part of H.R. 11, the Revenue Act of 1992. However, that legislation subsequently was vetoed by then-President Bush.

The intent of Congress was clear when prepayment of REA loans was authorized, both in 1986 and in 1992. Congress took the additional step in 1988 and clarified that income received from the prepayment of an REA loan would not be included in the "85–15" test. We should not allow the REA loan prepayment benefit granted to rural electric cooperatives to be eroded simply because the 1988 tax clarification has not been extended.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCHARGE OF INDEBTEDNESS INCOME FROM PREPAYMENT OF REA LOANS.

Subparagraph (C) of section 501(c)(12) of the Internal Revenue Code of 1986 is amended—

(1) by striking "or" at the end of clause (i),

(2) by striking ", 306B," in clause (ii),

(3) by striking the period at the end of clause (ii) and inserting ", or", and

(4) by adding at the end the following new clause:

"(iii) from the prepayment of a loan under section 306B of the Rural Electrification Act of 1936 (as in effect on January 1, 1993)."•

By Mr. DASCHLE (for himself, Mr. GORTON, and Mr. CHAFEE):

S. 988. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Finance.

ENERGY EFFICIENCY AND CONSERVATION ACT OF 1993

• Mr. DASCHLE. Mr. President, since the 1960's, energy conservation and efficiency have become top national priorities for the United States. Across the country, energy conservation is a critical means of obtaining new energy resources and slowing down the depletion of the available energy supply.

Many utility companies, in an effort to promote this policy, have established energy conservation programs, which invest in products and services to enable their customers to reduce energy use. Examples of these conservation expenditures include: energy efficiency audits, education, and marketing programs to promote conservation and efficient use of energy; insulation and weatherization materials; and subsidies and rebates for the installation of efficient lighting and appliances, and other efficiency-related products.

Until recently, the tax law was clear that utilities could deduct the full cost of energy conservation expenditures as an ordinary and necessary cost of doing business. In fact, a 1991 technical advisory memorandum specifically addressed the tax treatment of these expenditures and concluded that the utilities were allowed to expense and recover the cost of energy expenditures in the year incurred.

Recently, however, certain Internal Revenue Service auditors, in a stretched interpretation of case law involving entirely different matters, are directing utilities to spread out their deductions for conservation expenditures over a period of years. This new interpretation directly contradicts the longstanding industry practice of taking these deductions in the year incurred.

If the IRS's current practice remains unchanged, the effect will be to dramatically increase the aftertax cost to utilities of their conservation programs, resulting in a substantial reduction in the resources allocated to these programs. It is estimated that utilities will reduce expenditures for conservation programs up to 10 percent. The net effect of the IRS's policy will be to discourage conservation at a time when environmental, energy, and cost considerations all argue for maximizing conservation.

I am introducing today legislation that would clarify that electric and gas utilities may deduct the full cost of conservation expenditures in the year in which they are incurred. I want to emphasize that this legislation does nothing more than reaffirm longstanding policy and does not change current industry practice. It reaffirms the intent of Congress since the 1960's when these programs were first established to promote energy efficiency and conservation.

I am pleased that my distinguished colleagues Senators GORTON and CHAFEE are joining me in introducing this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Efficiency and Conservation Act of 1993".

SEC. 2. ENERGY CONSERVATION EXPENDITURES BY ELECTRIC AND GAS UTILITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 196 the following new section:

"SEC. 197. ENERGY CONSERVATION EXPENDITURES BY ELECTRIC AND GAS UTILITIES.

"(a) GENERAL RULE.—In the case of an electric or gas utility, there shall be allowed as a deduction for the taxable year an amount equal to the energy conservation expenditures paid or incurred by the taxpayer during such taxable year.

"(b) ENERGY CONSERVATION EXPENDITURES.—For purposes of this section, the term 'energy conservation expenditures' means expenditures for—

"(1) subsidies provided directly or indirectly to customers for the purchase, installation, or modification of—

"(A) any device or service primarily designed to reduce consumption of electricity, natural gas, or steam or to improve the management of energy demand, or

"(B) any specially defined energy property (as defined in section 136(c)(2)(A)),

"(2) energy use consulting and audits of commercial, residential, and industrial properties, or

"(3) administrative, promotional, and other costs associated with expenditures described in paragraph (1) or (2).

Such term shall not include any expenditure taken into account in determining the basis of any tangible property which is owned by the taxpayer and which is of a character subject to the allowance for depreciation.

"(c) ELECTRIC OR GAS UTILITY.—For purposes of this section, the term 'electric or gas utility' means any corporation engaged in the furnishing or sale of electric energy, natural gas, or steam if the rates for such furnishing or sale have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public utility or public service commission or other similar body of any State or political subdivision thereof or of the District of Columbia."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 263(a) of such Code is amended by striking "; or" at the end of subparagraph (F) and inserting a comma, by striking the period at the end of subparagraph (G) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(H) expenditures for which a deduction is allowed under section 197."

(2) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 197. Energy conservation expenditures by electric and gas utilities."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 1980.●

● Mr. GORTON. Mr. President, I am pleased to join today with my distinguished colleague from South Dakota, Senator DASCHLE, to introduce an important piece of tax legislation. Our bill will preserve a valuable tax incentive for energy conservation and allow power utilities throughout the country to continue to provide conservation assistance to businesses and residential customers.

The legislation prevents the Internal Revenue Service from changing its rules to require that the costs of conservation programs be capitalized and deducted. Currently, utilities are able to write off the program's entire cost for the year in which the expenditures are paid or incurred.

For the utility, the costs of these programs primarily consist of: The wages it pays its employees for the energy-saving consultations with its customers; the costs of installing more efficient lighting, windows, and appliances; and the costs of weatherizing older homes. Many utilities throughout the country provide a service which analyzes its customers' usage of power. The utility then can make cost-effective suggestions to the business or residential user which will reduce demand for the energy provided by the utility. Utilities often provide grants and offer low-cost loans to its customers to implement these changes.

Without our legislation, a change in the IRS rules will increase the after-tax cost of these conservation programs. If they cost the utilities more, then there will obviously be fewer instances where a utility will undertake valuable and needed conservation measures.

A change in the IRS rules to require the depreciation of these costs will effectively set up a situation wherein tax policy is completely at odds with sound environmental policy. On the one hand are the energy utilities, who are undertaking programs which promote energy conservation—a worthwhile environmental goal. On the other hand is the IRS, punishing the utility for providing these vital measures.

Mr. President, in this debate I come down squarely on the side of energy conservation.

Energy conservation by utilities is beneficial in many ways. First, conservation helps the environment by reducing overall power usage and cutting down the pollution created during power generation. Second, in the long run, the energy conservation measures reduce the number of new powerplants necessary to meet the needs of the energy users. And third, this legislation reinforces the trend of utility regulators toward rate setting for utilities which encourages them to assist their customers in reducing power needs.

These are all activities which the Federal Government must encourage—not punish. We must stand strong beside our commitment to energy conservation. The legislation introduced today is a small step in that direction.

Mr. President, I first learned about this problem in the last Congress from Puget Sound Power & Light Co., a utility in Washington State, and joined in crafting a bill similar to the one introduced today. Unfortunately, the Finance Committee took no action on the measure before Congress adjourned.

This Congress, I hope the Finance Committee will seriously consider this legislation. I urge my colleagues in the Senate to join us in cosponsoring this important environmentally sound and energy-saving legislation.●

By Mr. GORTON (for himself, Mr. STEVENS, and Mr. PRESSLER):

S. 989. A bill to amend the Airport Noise and Capacity Act of 1990 to provide emergency relief to the United States airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft; to the Committee on Commerce, Science, and Transportation.

AVIATION INDUSTRY REVITALIZATION ACT

● Mr. GORTON. Mr. President, Several months ago, the Boeing Co. sent tremors across Washington State when it announced major cutbacks in the production of all four of its commercial jet airplane programs—737, 747, 757, and 767. The inevitable related job losses were later revealed and 28,000 people, 19,000 in Washington alone, learned that they would be laid off. Thousands more knew that their companies, too, would be impacted by Puget Sound's largest employer's announcement. My heart goes out to the families in Everett, in Renton, and all those who work at Boeing plants, as well as all the other people who will lose their jobs because of the impact on Boeing.

Boeing's announcement was directly attributable to the prolonged financial problems of many of the world's airlines. In our country, 3 years of record losses have taken a huge toll on all of our airlines. This has resulted in huge layoffs of airline personnel and the postponement of capital projects, including the acquisition of aircraft. Airline orders have been converted to options, and options have been stretched out over the remainder of the decade.

The bill that I am introducing today, with Senators PRESSLER and STEVENS the Aviation Industry Revitalization Act or the AIR Act will reverse this recent trend in the airline industry and will give these companies a strong incentive to accelerate the purchase of new, quieter, more fuel efficient, stage 3 aircraft. This legislation will provide federal loan guarantees for the purchase of new stage 3 aircraft. Not only will this greatly improve the airlines' ability to access capital, but it will decrease the cost of capital at virtually no risk to the Federal Government.

The bill will provide a Federal guarantee to lenders which make loans to airlines or airline leasing companies for up to 85 percent of the price of an aircraft. Under this plan, there is little financial risk to the Federal Government. In the unlikely event that the airline defaults on the loan, the aircraft will provide sufficient collateral and can readily be resold on the open market. The measure also envisions very little cost to the Government because after an initial appropriation to cover administrative costs is made, which will be paid back after 2 years, the participating airlines will pay fees sufficient to cover the annual costs of the program. These fees will vary depending upon the level of risk associated with the financial health of each airline.

Both passenger air carriers and cargo companies are eligible to participate in this program providing they agree to certain conditions regarding the modification or removal of aging aircraft or stage 2 aircraft from service. Based upon the number of stage 2 and aircraft more than 15 years old that the passenger carriers now have in their fleet, nearly 800 new aircraft could be purchased under this program. More will be purchased by cargo carriers.

This legislation gives the airlines the financial incentive to meet the 100 percent stage 3 requirements by the end of the century. It also tightens the Airport Noise and Capacity Act of 1990 by prohibiting any airline participating in interstate commerce which takes advantage of the program from receiving any waiver of the stage 3 noise rules after December 31, 1999.

The Aviation Industry Revitalization Act gives our U.S. carriers the boost they need right now to purchase new aircraft. It recognizes that American carriers need similar assistance to that which is currently available to foreign carriers which utilize federal loan guarantees under the Export-Import Bank.

I sought the advice and suggestions of many members of the aviation industry in writing this legislation. I believe it is an excellent proposal which will help greatly both the airlines and the aerospace manufacturers.

I am introducing the AIR Act at this time, not because of any expectation that the Congress will consider this exact bill, but because the National Commission to Ensure a Competitive Airline Industry begins its meetings on Monday. As a member of the commission, I plan personally to take the bill to the commission and present it, not as a final product, but as a talking paper. This bill may not be perfect, and it is far from a complete solution to the industry's troubles, but I believe it has great potential. I hope the commission will deem the concept of loan guarantees worthy for inclusion in its final report. I hope that Congress will then embrace the commission's recommendations, that a new bipartisan bill will be introduced, and that the new legislation will be enacted by the Congress.

When I speak to the commission, I will stress the following points:

The industry's severe financial troubles puts in doubt its ability to meet the requirements to have an all stage 3 fleet by December 31, 1999.

Congress needs to give U.S. carriers similar financial assistance as we give some foreign carriers which participate in the Export Import Bank's loan guarantee program for the purchase of aircraft. We can do so at minimal cost and risk to the Federal Government under this program.

While impossible to quantify precisely, this legislation will lessen the enormous employment loss expected at U.S. aircraft and engine manufacturing companies.

This legislation will greatly decrease noise in communities located near airports. It will also result in the use of less fuel which is not only good financially for the airlines, but also an environmental goal which we want to promote in all modes of transportation.

I believe the AIR Act has great potential and I plan to vigorously seek support for Federal loan guarantees both at the commission and in the Congress.●

By Mr. BREAUX (for himself, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. HEFLIN, and Mr. DODD):

S. 990. A bill to promote fair trade for the U.S. shipbuilding and repair industry; to the Committee on Finance.

SHIPBUILDING TRADE REFORM ACT OF 1993

Mr. BREAUX. Mr. President, the bill I am introducing today on behalf of my distinguished colleagues, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. DODD, and Mr. HEFLIN is intended to address the serious problem that foreign shipbuilding subsidies present for American shipbuilders. It is my hope that introduction of this bill will mark the beginning of the revitalization of our shipbuilding base in this country. And what better day could there be to initiate a revitalization of our maritime industry than today—National Maritime Day.

The U.S. shipbuilding industry is under a siege of unfair trading practices worldwide—a siege which threatens the very fiber of U.S. military and economic security. As chairman of the Merchant Marine Subcommittee, I have committed myself to working with the new administration and my colleagues in the House in pursuit of this effort to revitalize our maritime industry which lies at the very heart of our industrial and military base.

This bill is intended to address the precipitous decline in the U.S. shipbuilding and repair industry caused directly by the policies of foreign governments that provide massive subsidies to their shipbuilding and repair industries. These policies are designed by foreign governments to carve out a specific portion of the world shipbuilding market in order to secure an industrial base for their nation and guarantee jobs for their citizens. Essentially, these countries are using subsidies to purchase jobs from the United States. It is a blatant and egregious violation of the fundamental principles of free and fair trade.

Unfortunately, the United States has no specific policy to effectively address this violation. In 1981, the Reagan administration unilaterally terminated all direct assistance to the U.S. shipbuilding industry and in doing so essentially wrote off the U.S. shipbuilding industry. No U.S. policy has ever been adopted to replace that assistance or to specifically counter the anticompetitive policies of foreign governments that subsidize their shipbuilding industries. For 3 years the U.S. Trade Representative [USTR] diligently attempted to negotiate a resolution of the problem, but the negotiations were ultimately unsuccessful.

As a result, the last 10 or 12 years have been a veritable free-for-all for foreign governments to capture virtually the entire U.S. share of the commercial shipbuilding market. It has only been the substantial investment by the Department of Defense [DOD] during the 1980's which has kept at least a portion of the U.S. shipbuilding industry alive. But, the toll has been staggering. Since 1981, we have lost 40 shipyards and over 120,000 shipyard jobs to foreign nations which subsidize their shipbuilding industries. Also, because Navy construction programs have dwindled, the U.S. shipbuilding industry is left without access to a single significant market in which to compete. We are now facing the very real possibility of losing our entire U.S. shipbuilding and repair base forever.

While we wrestle with the many issues associated with how we can stimulate the U.S. economy, the U.S. shipbuilding industry merely seeks the opportunity to invest and compete in a free and fair commercial shipbuilding market on its own. Not surprisingly, without access to a market in which to compete, private capital investment in shipbuilding technology and equipment has been stifled. In the business world, the only real incentive to private capital investment is the opportunity for profit, and that door has been effectively closed tight by foreign shipbuilding subsidies. The legislation I am introducing today will enable us to open that door for the U.S. shipbuilding industry, to provide a basis for investment in technological competitiveness, and to provide the opportunity to recapture our share of the international commercial shipbuilding market.

This bill represents a slightly modified version of the compromise legislation which I introduced at the end of the last Congress. Like that bill, this legislation would set the stage for resumption and successful conclusion of multilateral trade negotiations concerning the elimination of shipbuilding subsidies worldwide.

I believe the legislation is a fair approach to addressing the problem that, while still penalizing vesselowners, only penalizes a vesselowner that is either a citizen of a country that subsidizes shipbuilding or that owns a vessel that is registered in an offending country.

I think this approach hits the right target and provides the most effective means to bring those nations to the table and into agreement. And, if an agreement fails, we will not end up shooting ourselves in the foot by imposing penalties on every vessel that was ever built with a subsidy regardless of who owns and operates them today.

While the legislation correctly preserves the authority of USTR to pursue multilateral negotiations, it also creates new authority for the Secretary of Commerce: to investigate and identify which nations are providing subsidies; to monitor the compliance of nations with any agreements that are reached; and to impose penalties in the event that foreign governments continue to subsidize shipbuilding and fail to enter into an agreement within a reasonable timeframe.

Like any responsible trade legislation, the intent of the penalty provisions in this bill is to provide a credible enough threat to bring other nations to the table and into an agreement, while preserving a necessary degree of flexibility and discretion for our negotiators so they can achieve the desired result.

In this regard, the bill sets two standards for the imposition of penalties in the event a foreign government fails to enter into an agreement for the elimination of shipbuilding subsidies. For vessels already in existence, or for which their construction contracts were in existence prior to enactment, the bill would require a finding by the Secretary of Commerce that the foreign subsidies create conditions unfavorable to the ability of any U.S. shipbuilder to engage in the construction of vessels for international commerce. In other words, we must first make a clear finding that the foreign subsidies have actually contributed to the inability of U.S. shipyards to compete in the commercial vessel construction market before we can impose any penalties on an existing ship.

In contrast, vessels constructed after enactment are not subject to an injury test. The important distinction is that by enacting this legislation we are putting all nations on notice that, if they choose to continue to subsidize shipbuilding, we will move swiftly to impose penalties on vessels flying its flag or owned by its citizens.

The legislation also provides discretion to the Secretary of Commerce as to which penalty will be imposed in any given case. For existing vessels, if the Secretary makes the injury finding as described above, the Secretary can choose either to limit sailings of affected vessels to U.S. ports, or he can impose a monetary penalty of up to $1 million but not less than $500,000 per voyage. For new vessels, the Secretary has additional penalties to choose from. These penalties include both the limitation of sailings, and the imposition of monetary fines as for existing vessels, however, the Secretary may additionally either direct the Customs Service to refuse clearance of those vessels into the United States or direct the U.S. Coast Guard to deny entry of those vessels into any U.S. port. In any case, the Secretary must chose at least one of the penalties cited in the bill.

The bill contains provisions which provide protection for U.S. ports. In developing this legislation last year, several port authorities in the United States expressed concern that the legislation might result in the diversion of cargo destined for United States ports to ports in Canada or even Mexico. There the cargo would be off-loaded and transshipped by truck or rail to their final U.S. destinations. The concern—and I think it is a legitimate one—is that this cargo diversion would be pursued by foreign ship operators as a means of avoiding the penalties imposed by the bill. In this circumstance, of course, U.S. ports could be unfairly disadvantaged. The legislation addresses this potential problem by giving the Secretary of Commerce authority to direct the U.S. Customs Service to deny entry to the United States of any of such diverted cargo.

Finally, the bill contains extensive provisions ensuring a fair and open administrative procedure in identifying which countries are providing subsidies, in conducting negotiations with foreign governments, and in applying penalties against foreign ships. Furthermore, the bill sets firm, yet realistic, timeframes for all secretarial actions and negotiations in order to avoid the delays and postponements frequently encountered under trade law. Additionally, the bill provides protection through specific procedures for judicial review of determinations made under this legislation.

I am anxious to hold hearings and to receive testimony on this legislation—from the administration and from all affected segments of the maritime community. Additionally, I would like to commend my colleagues in the Senate who are original cosponsors of this important legislation for their leadership and recognition of the need to take action on this critical issue. I look forward to working with them and our colleagues in the House to see this legislation through to enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SCTION. 1. SHORT TITLE.

This Act may be cited as the "Shipbuilding Trade Reform Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in 1981, the United States Government terminated funding for the construction-differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States;

(2) since 1981, the international market for ship construction has been distorted by a wide array of subsidies and other anticompetitive practices by foreign countries, including but not limited to the member countries of Working Party 6 of the Organization for Economic Cooperation and Development;

(3) such subsidies and anticompetitive practices include, but are not limited to, direct grants, preferential financing, equity infusions, research and development assistance, restructuring aid, special tax concessions, debt forgiveness, and other forms of direct and indirect assistance;

(4) foreign countries that directly or indirectly provide subsidies or other forms of anticompetitive assistance for the construction or repair of vessels are engaging in unjustifiable, unreasonable, and discriminatory trade practices which—

(A) burden and restrict United States commerce;

(B) materially injure the United States ship construction and repair industry; and

(C) create general or special conditions unfavorable to the ability of United States shipbuilders to engage in the construction of vessels for international commerce;

(5) foreign shipbuilding subsidies have caused, and threaten to cause, material injury to the United States shipbuilding and ship repair industry, as evidenced by—

(A) the closure of more than 40 major shipyards and the loss of over 120,000 jobs in shipyards and their supplier base since 1981;

(B) the potential loss of another 180,000 jobs by 1998 if foreign subsidies are not eliminated;

(C) the decline in the United States share of the international commercial vessel construction market from 7.9 percent in 1979 to less than 1 percent in 1991;

(E) the substantial reduction in shipyard profitability and the industry's difficulty in raising capital;

(F) the dramatic decline in the capacity utilization of United States shipyards and the lost opportunities for technological advancement; and

(G) the significant price underselling by foreign shipyards;

(6) existing United States trade laws and trade agreements provide limited redress to domestic producers of ships for the trade-distorting subsidies and dumping practices of foreign shipbuilders;

(7) a strong, effective multilateral agreement among shipbuilding nations to eliminate trade-distorting practices in the ship construction industry is the best means of providing for fair international competition; however, absent such an agreement, greater redress under United States law against unfair and unreasonable foreign trade practices in commercial ship construction is necessary;

(8) a viable United States ship construction and repair industry is necessary to achieve the national defense and economic security interests of the United States; and

(9) United States shipyards, which have become almost exclusive defense contractors, are positioning themselves to make those investments in commercial facilities, ship designs, manufacturing process, and structural reorganization that are necessary for their conversion to compete in the international commercial ship construction and repair market and thereby ensure a viable United States industry which can respond to the Nation's future national security requirements; however, this conversion to the commercial market cannot be achieved unless the massive subsidies provided by foreign governments for the construction and repair of commercial ships are eliminated.

(b) PURPOSE.—It is the purpose of this Act to ensure fair trade in the commercial shipbuilding and repair industry by providing for additional trade remedies against unfair foreign competition.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "conditions unfavorable to the ability of any United States shipbuilder to engage in the construction or repair of vessels for international commerce" includes, but is not limited to, any conditions available to, and favorable for, foreign shipbuilders which are not reciprocally available to and favorable for United States shipbuilding and which—

(A) provide any disincentive to investment in facilities, equipment, and technology for the construction or repair of vessels in the United States;

(B) contribute to any reduction in the competitiveness of any United States shipbuilder to engage in the construction or repair of vessels for international commerce; or

(C) otherwise contribute to any distortion of the international market for the construction or repair of vessels.

(2) The term "construction" includes reconstruction.

(3) The "interested party" means—

(A) a person that engages in the construction or repair of vessels in the United States;

(B) a certified union or recognized union or group of workers which is representative of workers in an industry that engages in the construction or repair of vessels in the United States;

(C) a trade or business association whose members include firms, partnerships, or other entities, which engage in the construction or repair of vessels in the United States; and

(D) an association, a majority of whose members is composed of interested parties described in subparagraphs (A), (B), and (C) that, respectively, engage in vessel construction, represent workers in an industry that engages in vessel construction, and have members that engage in vessel construction.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "subsidizing country list" and "list" mean the list established under section 4(a).

(6) The term "subsidy" includes, but is not limited to, any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the vessel construction and repair industry, or to a related entity that favors the operation of vessel construction and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the vessel construction and repair industry, or to a related entity that favors the operation of vessel construction and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to vessel construction and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the vessel construction and repair industry, directly or indirectly, such as tax credits, deductions, exemptions, and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in vessel construction or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in vessel construction or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to vessel construction and repair at national yards, including any public assistance favoring vessel owners with an indirect effect on vessel construction or repair activities, and any assistance provided to suppliers of significant inputs to vessel construction, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(7) The term "vessel" means any self-propelled, seagoing vessel—

(A) of not less than 100 gross tons, as measured under the International Convention on Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930 (19 U.S.C. 1441).

SEC. 4. LISTING OF SUBSIDIZING COUNTRIES.

(a) ESTABLISHMENT OF LIST.—The Secretary shall establish and maintain a subsidizing country list that shall contain the name of each foreign country that is placed on the list under subsection (b), subsection (d), or subsection (e) of this section, under section 5(a), or under section 6(c). The Secretary shall revise the list on the basis of the requirements of this Act and shall, on at least a biannual basis, publish in the Federal Register the most current list.

(b) STATUTORY LISTING.—

(1) IN GENERAL.—Unless the Secretary determines, based on clear and convincing evidence, that a foreign country that was a party to negotiating a multilateral agreement for the elimination of shipbuilding subsidies in Working Party 6 of the Organization for Economic Cooperation and Development on October 16, 1991, does not provide, directly or indirectly, any subsidy for the construction or repair of vessels, the Secretary shall, on the date of enactment of this Act—

(A) place the foreign country on the subsidizing country list;

(B) notify the foreign country of its inclusion on the list; and

(C) publish notice of the listing in the Federal Register.

(2) DURATION OF LISTING.—Each foreign country listed under subsection (a) as a result of this subsection shall remain on the subsidizing country list until such time as the foreign country signs a trade agreement with the United States that provides for the immediate elimination of subsidies for the construction and repair of vessels (including the elimination of continuing benefits from prior subsidy programs).

(c) INVESTIGATIONS.—

(1) INITIATION OF INVESTIGATIONS.—The Secretary shall initiate an investigation into the practices of any foreign country (other than a country listed under subsection (b)) within 20 days after receipt of a petition for such an investigation from an interested party or whenever the Secretary has reasonable cause to believe that such country provides, directly or indirectly, any subsidy for the construction or repair of vessels.

(2) ADMINISTRATIVE PROCEDURE FOR INVESTIGATIONS; PRELIMINARY DETERMINATIONS.—

(A) NOTICE.—Within 7 days after initiating an investigation under paragraph (1), the Secretary shall publish in the Federal Register a notice of such investigation, together with a request for public comments.

(B) PUBLIC COMMENTS.—The Secretary shall—

(i) receive public comments during the 30-day period that begins on the date on which notice is published under subparagraph (A); and

(ii) subject to section 7(a), make such comments available to the general public upon request.

(C) PRELIMINARY DETERMINATION.—Within 30 days after the close of the public comment period referred to in subparagraph (B), the Secretary, on the basis of the information contained in the record, shall make a preliminary determination regarding whether the foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels.

(D) NOTICE OF PRELIMINARY DETERMINATION.—Within 7 days after the date on which a preliminary determination is made under subparagraph (C), the Secretary shall publish in the Federal Register a notice of the preliminary determination, together with—

(i) an explanation of the determination, including the nature and extent of any subsidy identified as the basis for the preliminary determination; and

(ii) a request for public comment regarding the preliminary determination.

(E) PUBLIC COMMENTS ON PRELIMINARY DETERMINATION.—The Secretary shall—

(i) receive public comments on such preliminary determination, during the 30-day period that begins on the date on which notice is published under subparagraph (D); and

(ii) subject to section 7(a), make such comments available to the general public upon request.

(d) EMERGENCY LISTING.—If at any time the Secretary determines that information provided by any interested party presents a prima facie case that a foreign country is providing any subsidy for the construction or repair of vessels, the Secretary shall, within 7 days after receiving such evidence, place that country on the subsidizing country list. Within 7 days after making an emergency listing under this subsection, the Secretary shall—

(1) notify the affected foreign country thereof;

(2) publish in the Federal Register a notice of the determination and the emergency listing, together with a request for public comment and a schedule for an investigation into the alleged subsidy; and

(3) initiate an investigation into the alleged subsidy. An investigation initiated under paragraph (3) shall be concluded by the Secretary within 60 days after the date of initiation. Upon completion of the investigation, the Secretary shall make a final determination under subsection (e).

(e) FINAL DETERMINATION.—

(1) IN GENERAL.—Within—

(A) 30 days after the close of the public comment period referred to in subsection (c)(2)(E)(i), in case of an investigation initiated under subsection (c)(1); or

(B) 30 days after the completion of an investigation regarding an emergency listing under subsection (d);

the Secretary shall make a final determination regarding whether a foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels. Any determination made by the Secretary under this subsection shall be based solely upon information contained in the record, including that information which is otherwise treated as proprietary under section 7(a).

(2) NOTIFICATION AND PUBLICATION OF LISTING.—If the Secretary determines under paragraph (1) that a foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels, the Secretary shall, within 7 days after the date of the determination—

(A) place the foreign country on the subsidizing country list;

(B) notify the foreign country of its inclusion on the list; and

(C) publish in the Federal Register a notice of the determination and listing, together with a full explanation of the determination, including the nature and extent of any subsidy identified as the basis for the determination.

(f) RECONSIDERATION AND REMOVAL OF LISTINGS.—

(1) RECONSIDERATION.—A final determination under subsection (e) that results in the placement of a foreign country on the subsidizing country list may be reconsidered by the Secretary if—

(A) after receiving an application for reconsideration from such foreign country, the application alleges material error in the determination or alleges changed circumstances concerning the elimination by the foreign country of its subsidy practices and the Secretary considers the allegations sufficient to warrant a reconsideration; or

(B) the Secretary receives information concerning the signing of an agreement between the United States Government and such foreign country that provides for the immediate elimination by such country of construction and repair subsidies for vessels.

(2) RESTRICTION ON RECONSIDERATION.—A foreign country may not make more than one application for reconsideration under this subsection in any calendar year.

(3) BURDEN OF PERSUASION.—In any reconsideration under paragraph (1)(A), the burden of persuasion is on the applicant, regarding whether material error exists or whether there are changed circumstances sufficient to warrant a determination that the foreign country should be removed from the list.

(4) REMOVAL FROM LIST.—The Secretary may remove a foreign country from the list only if the Secretary determines—

(A) based solely on the information contained in the record, including that information which is otherwise treated as proprietary under section 7(a), that the foreign country does not provide any subsidy, directly or indirectly, for the construction or repair of vessels (including any continuing benefit from any prior subsidy program); or

(B) that there is a signed agreement between the United States Government and the foreign country that provides for the immediate elimination of subsidies for the construction and repair of vessels.

(5) ADMINISTRATIVE PROCEDURES FOR RECONSIDERATION.—

(A) NOTICE AND COMMENT.—After receiving an application for reconsideration under paragraph (1) from a foreign country, the Secretary shall—

(i) within 7 days publish in the Federal Register the text of the application, together with a request for public comments; and

(ii) receive comments from the public for a period of 60 days after the date of publication and, subject to section 7(a), make such comments available to the general public upon request.

(B) REVIEW AND DETERMINATION.—Within 90 days after receiving an application for reconsideration under paragraph (1), the Secretary shall—

(i) review the comments received under subparagraph (A) and issue a final affirmative or negative determination regarding the removal of the foreign country from the list; and

(ii) publish notice in the Federal Register of the determination, together with a full explanation thereof.

(g) JUDICIAL REVIEW.—

(1) REVIEW OF DETERMINATION.—Within 30 days after the date of publication in the Federal Register of a final determination of the Secretary made under subsection (e) or (f)(5)(B), any interested party may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

(2) PROCEDURES AND FEES.—The procedures and fees set forth in chapter 169 of title 28, United States Code, apply to an action under this subsection.

(3) STANDARD OF REVIEW.—The court shall hold unlawful any determination, finding, or conclusion found to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

(4) RECORD OF REVIEW.—The record for review shall consist of a copy of all information presented to or obtained by the Secretary during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings, as well as a copy of the determination, all transcripts or records of conferences and hearings, and all notices published in the Federal Register.

(5) STANDING.—Any person who was a party to the administrative proceedings described in this section shall have the right to appear and be heard as a party in interest before the United States Court of International Trade under this subsection. The party filing the action shall notify all such persons of the filing of an action under this section, in the form and manner, and within the time, prescribed by the rules of the court.

(6) CONFORMING AMENDMENT.—Section 1581 of title 28, United States Code, is amended by adding the following subsection:

"(k) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 4(g) of the Shipbuilding Trade Reform Act of 1993.".

SEC. 5. PENALTIES.

(a) PENALTY FOR FALSE INFORMATION AND RENEWAL OF SUBSIDIES.—

(1) IN GENERAL.—The Secretary shall place a foreign country on the subsidizing country list for a period of not less than 5 years if the Secretary—

(A) determines that a foreign country provided the Secretary with false or misleading information during any investigation or reconsideration under section 4; or

(B) after making a final determination under section 4(e) or 4(f) that the foreign country is not providing a subsidy, determines that the foreign country provides, directly or indirectly, any new construction or repair subsidy (including the reinstatement of any benefit under any prior subsidy program).

A listing required by this subsection shall be made within 30 days after the date of the determination under subparagraph (A) or (B).

(2) TIME LIMITS FOR DETERMINATIONS.—The Secretary shall complete action on a determination under subparagraph (A) or (B) of paragraph (1) within 30 days after the date on which the Secretary receives information indicating a likelihood that the foreign country concerned acted in the manner described in that subparagraph.

(b) PENALTIES FOR FAILURE TO ELIMINATE SUBSIDIES.—

(1) BASIS FOR IMPOSITION OF PENALTIES.—The Secretary shall take action under paragraphs (2), (3), and (4) with respect to a foreign country if—

(A) the Secretary determines that the foreign country has been notified of its inclusion on the subsidizing country list and has failed, within 180 days after that notification, to eliminate subsidies for the construction and repair of vessels, or to enter into an agreement that requires the immediate elimination of such subsidies; or

(B) the Secretary places the foreign country on the subsidizing country list in accordance with section 6(c).

(2) PENALTIES FOR NEW AFFECTED VESSELS.—The Secretary shall take one or more of the following actions with respect to any new affected vessel of such foreign country:

(A) Limit the sailings of the vessel to or from the United States, or the amount of cargo carried, by the vessel to not less than 50 percent of the number of sailings, or the amount of cargo carried, by the vessel during the immediately preceding full calendar year.

(B) Impose on the vessel a fee of not less than $500,000 and not more than $1,000,000 per voyage.

(C) Direct the appropriate customs officer at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to the vessel.

(D) Direct the Secretary of the department in which the Coast Guard is operating to deny entry for purposes of oceanborne trade of the vessel to any port or place in the United States or the navigable waters of the United States.

(3) PENALTIES FOR EXISTING AFFECTED VESSELS.—The Secretary shall take either or both of the actions described in subparagraphs (A) and (B) of paragraph (2) with respect to an existing affected vessel of such foreign country, if the Secretary finds the existence of conditions unfavorable to the ability of any United States shipbuilder to engage in the construction or repair of vessels for international commerce which arise out of, or result from, a subsidy provided by such country.

(4) CARGO DIVERSION.—The Secretary shall direct the appropriate customs officer to deny entry of cargo into the United States that has been transported on an affected vessel of such foreign country, if that cargo has been transported to a port or place in the United States through a foreign port or place in a country contiguous to the United States.

(5) DURATION OF PENALTIES.—Any penalty imposed on a foreign country under the subsection shall remain in effect until such country is removed from the subsidizing country list in accordance with section 4(f).

(6) DEFINITIONS.—As used in this subsection—

(A) The term "affected vessel" means a vessel—

(i) that is documented under the laws of the foreign country concerned; or

(ii) the controlling interest in which is held by a citizen or national of, or a legal entity existing under the laws of, such foreign country, regardless of whether the vessel is documented under the laws of that country.

(B) The term "existing affected vessel" means an affected vessel that is not a new affected vessel.

(C) The term "new affected vessel" means an affected vessel that was constructed after the date of enactment of this Act, unless such construction was completed within 30 months after such date of enactment under a contract entered into before such date of enactment.

SEC. 6. TRADE AGREEMENTS.

(a) IN GENERAL.—Any negotiation, to which the United States is a party, for the elimination for the construction or repair of vessels by foreign countries shall be conducted by the United States Government in full consideration with the affected industries in the United States.

(b) MONITORING.—The Secretary shall monitor the compliance of each foreign country with any agreement, to which the United States and such country are parties, requiring the elimination of subsidies for the construction or repair of vessels. The Secretary shall publish annually in the Federal Register the findings made by the Secretary under this subsection, together with a request for public comments.

(c) PENALTY FOR NONCOMPLIANCE.—If, based on the findings made and the public comments received under subsection (b), the Secretary determines (within 90 days after the date of publication of the findings under subsection (b)) that a foreign country is not in compliance with the agreement being monitored, the Secretary shall, within 7 days after making such determination, place such foreign country on the subsidizing country list.

SEC. 7. GENERAL ADMINISTRATION PROVISIONS.

(A) PROPRIETARY INFORMATION.—The procedures set forth in section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) shall govern the rights of access to information obtained by the Secretary during the course of any investigation conducted under section 4.

(b) INFORMATION USED IN MAKING DETERMINATIONS.—The Secretary shall, before making any final determination under section 4, 5, or 6, verify all information that will be relied upon in making that determination. If the Secretary is unable to verify any information submitted, the Secretary shall use the best information available as the basis for action. Whenever a party refuses or is unable to produce the information requested in a timely manner and in the form provided, the Secretary shall use the best information otherwise available. All information presented to or obtained by the Secretary shall be part of the record of the proceeding.

(c) PUBLIC AVAILABILITY OF DETERMINATIONS.—The Secretary shall make available for public inspection the text of all determinations made under section 4, 5, or 6.

Ms. MIKULSKI. Mr. President, I, along with Senator BREAUX and Senator LOTT and 12 other Members of the Senate, am pleased to introduce the shipbuilding Trade Reform Act of 1993. This legislation will accomplish what 4 years of trade negotiations have failed to achieve—the elimination of foreign government subsidy practices in the construction and repair of commercial ships.

This bill helps the Department of Commerce identify and list countries that subsidize ship construction and repair. These listed countries that subsidize will have 180 days either to sign a trade agreement with the United States to end their subsidies and make a fair and level playing field for U.S. shipbuilders—or they will face sanctions.

The American shipyard worker is the only worker in America not protected by current trade laws to counter foreign subsidy and dumping practices. Cars, airplanes, trucks, steel, and other manufactured goods are covered. Only ships are not covered. Because of this loophole, American shipyards and their employees have no means—other than this legislation—to fight the subsidies that have rendered them noncompetitive in the commercial market.

American shipyard labor rates rank seventh in the world. The shipyards in Japan, Germany, France, Italy, Norway, Denmark, and the Netherlands all pay their workers more than the American shipyard can pay. Why? The shipyards in these foreign countries can afford to pay their workers more and still be competitive for one reason—and one reason only—because their governments subsidize their operations.

American companies can compete with foreign shipyards—but they cannot compete with foreign governments.

Two years ago, Senator LOTT and I introduced a similar bill that was cosponsored by 28 Members of this body. I introduced that legislation to send a very clear signal to foreign governments that if they were not prepared to willingly negotiate an end to their shipyard subsidy practices, then the American Congress was prepared to act.

Unfortunately, the Europeans and Asians did not heed that warning. In April of last year, they walked away from the negotiations. Those negotiations were started 4 years ago.

While foreign governments have given 4 years of lip service to an international shipbuilding and repair trade agreement, they continue to use massive subsidies to steal jobs away from American workers. During the negotiations, the governments of Japan, Korea, and Germany have budgeted, proposed, or disbursed $4.5 billion in subsidies to their shipyards and shipyard clients.

No one can question that American shipyards have been injured. No one can question why American shipyards cannot compete against such odds. And, so, no one can reasonably question that something stronger than mere talk is now needed.

It is time to say that enough is enough. It is time to stand up for American jobs. This Nation cannot afford to lose its capability to build and repair ships. This legislation will give our trade negotiators what they need to bring home a fair and good trade agreement. A fair and good trade agreement is essential if American shipyards are to have a commercial market where they can compete.

I urge my colleagues to join me, and the other Senators sponsoring this bill today, in recognizing the threat that foreign shipbuilding subsidies pose to this vital industry—and her workers—and to move quickly to enact the Shipbuilding Trade Reform Act of 1993.

Mr. LOTT. Mr. President, I rise today to join with Senator BREAUX to introduce the Shipbuilding Trade Reform Act of 1993. The purpose of this legislation is to end the pervasive subsidy practices of foreign governments in the commercial shipbuilding and repair market.

This issue is very important to me and to my constituents. My hometown is Pascagoula, MI—home of the finest private shipyards in the United States. I grew up within earshot of the shipyards that built the ships that made the United States the great economic and military power it is today. My father was one of the shipyard workers. He was a pipefitter in that yard where all those great ships were built.

But, more importantly, this is an issue of vital importance to the Nation. The United States simply cannot afford to allow this industry to die because of unfair foreign competition through subsidies. An adequate shipbuilding base is absolutely essential to our national security and our future. In addition, these are exactly the types of jobs the United States needs to preserve and create, good-paying, high-skilled jobs that contribute to the economic prosperity of the Nation. Other nations are anxious to get these jobs. That should tell us something.

In the next few years, I understand there are going to be multibillions of dollars of shipbuilding contracts available for commercial ships around the world. United States shipyards need to be able to compete in that market but, because of unfair government subsidies, it is going to be very hard for our private yards to meet that competition.

An adequate shipbuilding base is necessary if we are going to have that commercial competition, but also if we are going to have the ships we need for our own national security.

We found during Desert Storm that we had to rely on foreign ships to carry some of the material and supplies we needed to get to our troops. So this is important to our Nation in terms of jobs and in terms of commercial contracts, but also in terms of our own national defense.

The need for this legislation is clear. Four years of international trade negotiations under the auspices of the Organization for Economic Cooperation and Development have failed to produce an agreement disciplining foreign subsidy practices. These foreign subsidy practices have inflicted serious injury on unsubsidized American shipyards. During the 1980's, these unfair trade practices led to the closure of over 40 American shipyards and the export of 120,000 American jobs. We must impress on foreign governments that it is in their best interest to compete fairly in the international market.

This legislation will provide our negotiators with the leverage they need. The bill is designed to break the gridlock in the negotiations by providing the Secretary of Commerce with the authority to select from a menu of sanctions which shall be imposed against those governments which continue to subsidize their industry to the detriment of American shipyards. The bill requires the Secretary to Commerce to investigate and identify those countries which continue to subsidize ship construction and repair after the date of enactment. Once offending countries have been identified, there will be a 180-day grace period before any sanction is imposed on the offending country. This grace period is provided so that subsidizing countries can reexamine their unfair trade practices, and sign an international agreement with the United States to eliminate them. If these governments refuse to negotiate an agreement during this time period, the Secretary of Commerce will be required to impose one of several sanctions. These sanctions include: a financial penalty of up to $1 million per vessel per voyage to the United States; a reduction in U.S. port calls by affected vessels, or; closure of U.S. ports to those vessels. An affected vessel is a ship which is owned or controlled by a citizen of the subsidizing country. For those countries which agree to enter a trade agreement with the United States, of course, no sanction will be levied against the ships of their citizens.

These are strong actions, but they do provide a menu of things that can be considered. We have been trying, as I have pointed out, for years to get serious negotiations. They have not worked. We are going to have to have the threat or the actual imposition of some sanctions to get results.

American shipyards can convert from being producers of the world's finest naval ships to producers of both naval and commercial vessels. The shipyard labor rate in the United States is well below that of our European competitors and on par with Japan. Increased demand for commercial ships is expected to rise dramatically in the later part of this decade and into the next. The increased demand for new ships is expected to exceed $356 billion by the year 2000. If American yards are allowed to participate in this market, we can stop the export of thousands of skilled shipyard jobs, reduce the Nation's trade and budget deficits, and lay the groundwork for sustained long-term economic growth in the shipyard and supply industry. Also, when the Nation once again needs to build up its naval fleet, the United States will have a shipyard industrial base to meet our future national security requirements.

This conversion to the commercial market, however, will not occur if privately-owned American shipyards are forced to compete against subsidies of foreign governments. To fully appreciate the magnitude of foreign subsidies, I want to point out some recent ship contracts.

In 1989, the Italian Government offered a 58-percent subsidy to Carnival Cruise Lines for the construction of three cruise ships to serve the United States passenger market—provided the ships were built in Italy's Government-owned Fincantieri shipyard and flagged Italian. The announced price for these ships was $800 million—which means that the Italian Government was willing to provide a subsidy of $464 million.

Just this month, a shipyard in my State lost a contract to the same Government-owned shipyard of Italy for the sale of an oceanographic research ship to the Government of Taiwan. Although there was only a $500,000 difference between the American shipyard's bid and that of Fincantieri, the contract went to the Italian Government yard because it was willing to assure the risk of only receiving 60 percent the payment for the ship upon its delivery to Taiwan. In other words, the Italian Government has assumed a $20 million risk for its shipyard, if Taiwan fails to make the final payment. The American yard could not afford such terms and conditions, and thus, lost a commercial export opportunity.

In 1990, the French Government provided a 40-percent subsidy equalling $175.7 million on a $440 million two-ship contract for Kloster Cruise Lines. These ships are being built in the French Chantiers d' Atlantique shipyard.

In the case of Germany, in October 1991, the Government agreed to provide a 25.3-percent subsidy for the construction of three container ships for the Chinese Government-owned China Ocean Shipping Line [COSCO]. These ships are under construction in Germany's Bremer Vulkan and Mathias-Thesan yards at a stated contract price of $360 million.

In response to the German subsidy to COSCO, the Japanese Government announced last year that it would also provide a 25-percent subsidy—or $94.4 million—on a $375 million contract with COSCO for three container ships.

In August 1989, the Government of South Korea announced a $747 million bailout package from 1990 through 1995 for its Daewoo shipyard. This bailout provides for interest-free loans, debt moratoriums, tax exemptions, and other special benefits to keep the yard afloat while it continues to sell ships at below their cost of production.

I stress these examples because all but the most recent subsidy packages were granted while the U.S. trade negotiators were at the negotiating table with these countries. It is clear that they have no intentions of willingly abandoning their subsidies.

Privately owned U.S. shipyards can not compete against such overwhelming advantages provided to their foreign competitors. Unless the Senate acts quickly to pass this legislation, shipyard after shipyard in the United States will close its gates while foreign governments give our trade negotiators lip service to their willingness to change their ways. We cannot afford to export any more manufacturing jobs, and I strongly believe that the Nation cannot afford to lose its ability to build and repair ships for its commerce and security.

I urge my colleagues to join me and the other sponsors of this bill in quickly passing the Shipbuilding Trade Reform Act of 1993.

Mr. MITCHELL. Mr. President, today, I join Senator BREAUX in introducing the Shipbuilding Trade Reform Act of 1993. This legislation is an important step to curb foreign government subsidies to their commercial shipbuilding and repair industries and bring fair competition to the international shipbuilding market.

Most of the world's shipbuilding nations subsidize their shipyards, including Japan, South Korea, Germany, Netherlands, Italy, and France to name a few. But the United States does not. In 1981, the U.S. Government terminated the construction differential subsidy program, ending direct subsidization of commercial ship construction in this country. As the other shipbuilding countries continued their wide array of subsidies, foreign shipyards reduced prices on their vessels to below cost levels. The domestic commercial shipbuilding industry collapsed, and thousands of U.S. shipbuilding jobs were lost.

Unable to compete fairly in the international shipbuilding market, domestic shipyards now depend on building military ships for the U.S. Government. With the end of the cold war and the downturn in demand for military vessels, the domestic industry is losing its principal customer. If these unfair trade practices are not stopped so U.S. shipyards can reenter commercial shipbuilding, this Nation risks losing its capability to build ships.

The United States has attempted unsuccessfully to eliminate government subsidies to foreign shipyards. In June 1989, the U.S. shipbuilding industry filed a section 301 petition to fight these unfair trade practices. In response to that petition, the Office of the U.S. Trade Representative entered into multilateral negotiations with the Organization for Economic Cooperation and Development [OECD]. After 3 years of negotiations, these talks collapsed last spring when the 13 countries involved, including Japan, European nations, and Korea refused to eliminate subsidies to their shipbuilding and ship repair industries.

The Shipbuilding Trade Reform Act is designed to provide our trade negotiators with the leverage to conclude a fair multilateral agreement. At this time, the domestic industry has no recourse under the U.S. countervailing duty or dumping trade laws because ships are not included within the definition of merchandise under these laws. This legislation establishes a procedure to redress these unfair trade practices.

The legislation requires the Department of Commerce to investigate and identify those countries which subsidize their shipbuilding and ship repair industries. If the subsidizing country fails to sign a trade agreement with the United States, new vessels owned or controlled by citizens of the subsidizing government will face sanctions. Those sanctions include a financial penalty of up to $1 million for each voyage to the United States, a reduction in the number of times a vessel may enter U.S. ports, or closure of U.S. ports to a vessel.

The ability of U.S. shipyards to convert to commercial shipbuilding depends upon a free and fair international market for commercial ships. As the world markets expand, the demand for commercial ships is increasing. But no U.S. shipyard can compete in a market disrupted by government intervention.

In a fair market, however, U.S. shipyards can compete. In its 109-year history, a Maine shipyard, Bath Iron Works, has built over 200 merchant vessels and over 200 naval vessels. But the shipyard delivered its last commercial vessel in 1984 when foreign government subsidies to their shipbuilding industries were escalating. Restoring free and fair trade to commercial shipbuilding will give our domestic shipyards an opportunity to build merchant vessels again.

I urge my colleagues to support the enactment of the Shipbuilding Trade Reform Act of 1993. Free and fair trade in the international commercial shipbuilding market is important to the survival of U.S. shipyards and thousands of shipbuilding jobs.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. FORD, and Mr. SHELBY):

S. 991. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committee on Energy and Natural Resources.

LOWER MISSISSIPPI DELTA INITIATIVES ACT OF 1993

Mr. JOHNSTON. Mr. President, in 1988, I was privileged to join the distinguished senior Senator from Arkansas [Mr. BUMPERS] in introducing legislation which he authored, S. 2246, which created the Lower Mississippi Delta Development Commission. The legislation, signed into law as part of Public Law 100–460, in October 1988, established this Commission to assess the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi Delta. On the basis of the assessment, the Commission was directed to develop a 10-year plan for the region, which stretches roughly from southern Illinois south, along southeastern Missouri, western Kentucky, eastern Arkansas, western Tennessee, and through Mississippi and Louisiana to the Gulf of Mexico. The plan was required to contain specific recommendations to address the problems and take advantage of the opportunities of the area.

The legislation was developed in part as a response to a report issued by the Congressional Research Service [CRS] in February 1988 entitled "The Economic Health of the Lower Mississippi River Valley." In that report, CRS found that despite many efforts to alleviate poverty in this seven State region, the area has a larger percentage of families, households and individuals living in poverty than any other region of the Nation. Only 3 of the counties in the area were not well below the national average according to major, measurable indicators of poverty: Per capita income, unemployment, and the number of poor counties.

Statistical tables issued by the Commission further substantiated these findings. In 1980, the poverty rate for this area was 20.9 percent, compared to the U.S. average rate of 12.4 percent and the average rate of the Appalachian Regional Commission's target counties of 17 percent. For families the poverty rate for the Lower Mississippi Delta was 16.4 percent, compared to the U.S. average of 9.5 percent and the ARC's target counties' average of 13.7 percent.

Per capita personal income for the delta region has consistently lagged behind that of the Nation. In 1980, the delta region has a per capita personal income—1982 dollars—of $9,152, compared to the national average of $11,452. In 1988, the delta region's per capita personal income was $10,192; the Nation's average was $13,577.

Unemployment rates have been persistently high in too many areas of the delta, averaging 8 percent in the delta region in 1988 compared to the national average of 5.5 percent in that same year. In my own State, the average unemployment rate in the delta parishes was almost triple the national average—13.57 percent. Only 6 of the 14 parishes examined by the Commission had rates below 10 percent; every single parish had an unemployment rate above the national average. A similar story is told of other delta region counties in the Commission's analysis.

Paradoxically, the delta region is blessed with a wealth of natural and physical resources: Fertile soil and a long growing season; an abundance of mineral and timber resources; available and accessible water; significant archeological and historical sites and structures; rich cultural traditions; an abundance of wildlife; and many outstanding recreational areas. These blessings provide a solid basis for believing the economic future of this area can be strong if we can tap our resources wisely and use them productively.

To do so, we must provide skills and tools to the over 8.3 million Americans living in this area, many of whom lack the basics and thus have been and will continue to be left out. Since 1900, Louisiana and Mississippi have consistently ranked at the top of the list in percent of illiteracy prevalent in their respective populations. Arkansas has persistently been in the top 10. High school drop out rates are far above the national average, above 25 percent for the delta region in 1980 compared to 20.6 percent for the Nation. Just over half of those between the ages of 25 and 64 graduated from high school, compared to the national county high school graduation rate of 65 percent. In almost one-fourth of the parishes analyzed in Louisiana fewer than half of the residents between the ages of 25 and 64 graduated from high school.

The Lower Mississippi Development Commission spent almost a year and a half studying and analyzing the economic needs, problems, and opportunities of the area. Public hearings were held in every State of the delta area from southern Illinois to Louisiana. Testimony was received from literally hundreds of citizens from the region who attended the hearings. Volumes of statistical data were compiled and analyzed, and over 30 research contracts were awarded for special studies on specific subjects of interest to the Commission and the people in the area.

On the basis of this impressive record, the Commission made over 400 specific recommendations to help meet the 68 stated goals for the area, developed to help all the people in the region become, in the words of the Commission Chairman, "full partners in America's exciting future, full participants in the changing global economy." These recommendations were set forth in the Commission's final report, "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential," issued in May 1990.

Some of these recommendations require actions by State and local governments, some can only by implemented by the private sector. Other recommendations call for specific Federal actions. The strength of this package lies in the recognition that no one sector alone can solve the many problems facing this area. The difficulty is in seeking a coordinated strategy for implementing action by many different actors with different authorities and interests.

Some of the Federal recommendations have been implemented. Many have not. The legislation I am proposing today sets forth statutory language necessary to implement those recommendations which fall under the jurisdiction of the Committee on Energy and Natural Resources and which have not yet moved forward.

Specifically, title I contains a number of initiatives which will be implemented by the Department of the Interior. Section 102 authorizes and directs the Secretary of the Interior to undertake new programs in the fields of natural resources, the environment, science, and other technical areas to further education and training opportunities for children, college students, and adults in the region, consistent with the Commission's overall recommendations for basic skills and job opportunities in the delta. This section also directs the Secretary of the Interior to develop new partnerships with minority colleges and universities, including historically black colleges and universities, which have played and continue to play an important role in educating youth in the delta, particularly at risk minority students.

Sections 103 and 104 propose new studies and programs to preserve the rich historical, cultural, and natural heritage of the delta. Another directive requires the Secretary of the Interior to undertake a comprehensive survey to document and identify regional folklife and to develop a plan to help preserve these traditions and help the States of the delta region develop a regional marketing approach for crafts and folklife programs. These resources can and should provide the basis for growth of cultural tourism to this areas, creating new jobs and opportunities as the Commission recommended.

Title II contains a number of initiatives the Department of Energy will administer. Section 204 proposes a number of important energy related education initiatives, particularly for minority colleges and universities, including historically black colleges and universities, in the fields of mathematics, science and engineering. This section also contains important precollege enrichment activities in energy-related scientific, mathematical, engineering and technical disciplines for students in the Lower Mississippi Delta region. All these are consistent with the Commission's recommendations for helping develop human capital, and enabling the youth from the area obtain the skills necessary to participate and compete in the global economy.

Section 202 will establish a Delta Energy Technology and Business Development Center, to provide technical assistance to emerging small businesses throughout the region in key energy technology sectors. Other important energy development initiatives related to conservation and biomass are contained in sections 203, 205, and 206. These provisions will help the people of the delta diversify their heavily agricultural and extractive economy by developing new job opportunities and facilitating business participation in trade opportunities overseas. All these initiatives draw heavily on recommendations the Commission proposed for strengthening the delta's private sector, and are consistent with the recognition that private enterprise must and will play a strong role in the economy of the area if they are given the tools and technical assistance necessary to enter fully into the global economy and the market opportunities that offers.

The legislation I am introducing is not a comprehensive plan, nor does it offer a quick or easy fix. It does recommend some specific, coordinated actions which will take important steps in bringing tools to those who are locked out, and will help us make sure that all the people of the delta join the vanguard as our Nation enters the next century.

The chairman of the Commission put it well in his letter submitting the Delta Initiatives to the President in May 1980. He stated:

> If we do not implement a single recommendation made in this report, a lot of Americans who live in the Delta are going to do fine in the 1990's: Those who are well-educated, on the cutting edge of change, and able to take advantage of the emerging global economy. But millions of people will be left behind, and the region as a whole, including its successful residents, will not achieve its potential.

I submit that we cannot and should not turn away from those who are being left behind, many of whom are children under the age of 19. People in the delta can and want to contribute, but they need to be given a chance. Our country cannot afford to leave untapped the human and natural assets of the delta region as we confront the global challenges that lie ahead.

This is a jobs bill, a bill to help people help themselves. Enacting this legislation will be another step towards making the delta region self-sufficient. To not take action today could mean ever-increasing Federal expenditures in the region, rather than creating a productive region contributing to the national well-being.

I look forward to working with my colleagues and the administration in refining these proposals and seeking approval of them. I also sincerely hope this package will only be the first of several, and that further packages falling under the jurisdiction of other departments, agencies and committees will be proposed, developed and passed during this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

These being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Lower Mississippi Delta Initiatives Act of 1993".

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TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

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TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY

Sec. 201. Definitions.
Sec. 202. Delta Energy Technology and Business Development Center.
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Sec. 204. Energy Related Education Initiatives.
Sec. 205. Integrated Biomass Energy Systems.
Sec. 206. Weatherization Assistance Program for the Lower Mississippi Delta Region.

SEC. 2. FINDINGS.—(a) The Congress finds that—

(1) in 1988 Congress enacted Public Law 100–460, which established the Lower Mississippi Delta Development Commission to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region which includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Lower Mississippi Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and enhancing educational and other opportunities in the areas of math and science and technology for Delta residents;

(4) the Delta Initiatives Report recommended the implementation of pre-college enrichment programs in math and science as well as other initiatives to enhance the educational technical capabilities of the Delta Region's workforce;

(5) the Delta Initiatives Report recommended that States and local school systems seek ways of expanding the pool of qualified educators in math and sciences;

(6) the Delta Initiatives Report recommended that institutions of higher education in the Lower Mississippi Delta Region should work with local school districts to promote math and science education;

(7) the Delta Initiatives Report recommended that all Federal grant making agencies target more research and development monies in selected areas to institutions of higher education, including Historically Black Colleges and Universities, in the Lower Mississippi Delta Region;

(8) the Delta Initiatives Report recommended that institutions of higher education establish a regional consortium to provide technical assistance and training to increase international trade between businesses in the Delta Region and other countries;

(9) the Commission included recommendations for designation of the Great River Road as a scenic byway, and for the designation of other hiking and motorized trails throughout the Lower Mississippi Delta Region;

(10) the Delta Initiatives Report recommended that the Federal Government identify sites of historic and prehistoric importance throughout the Lower Mississippi Delta Region;

(11) the Delta Initiatives Report recommended the further study of potential new units of the National Park System within the Lower Mississippi Delta Region;

(12) the Delta Initiatives Report recommended that the Federal Government should create economic incentives to encourage the location of value-added facilities for processing agricultural products within the Lower Mississippi Delta Region; and

(13) the Delta Initiatives Report recommended that Congress provide practical incentives to encourage the construction of alternative fuel production facilities in the region.

SEC. 3. DEFINITIONS.—As used in this Act, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100–460;

(2) "Delta Initiatives Report" means the Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream * * * Fulfilling the Potential" and dated May 14, 1990;

(3) "Delta Region" means the Lower Mississippi Delta Region including 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act;

(4) "disadvantaged" has the same meaning as that term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6));

(5) "Historically Black College or University" means a college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(6) "minority college or university" means a historically black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or any other institution of higher education where enrollment includes a substantial percentage of students who are disadvantaged.

TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

SEC. 101. DEFINITIONS.—As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

SEC. 102. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATION INITIATIVES.—(a) MINORITY COLLEGES OR UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities carried out by the Department. The Secretary shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe current education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(B) describe current research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) identify ways for the Department to assist minority colleges or universities in providing education and training in the fields of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(E) make specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(F) address the need for, and potential role of, the Department in providing minority colleges or universities with:

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(G) address the need for and potential role of the Department in providing financial and technical assistance for the development of infrastructure, including buildings and laboratory facilities, at minority colleges and universities;

(H) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges and universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, and in order to enter into memoranda of understanding and other appropriate forms of agreement with the Department as referred to in subparagraph (E).

(2) The Secretary shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges and universities directed at jointly planning and developing programs to foster greater involvement of minority colleges and universities in research, education, training, and recruitment activities of the Department.

(b) SCHOLARSHIP PROGRAM.—The Secretary shall establish a scholarship program for students pursuing degrees in natural resource and environmental related fields, including but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, geology, petroleum engineering, the environment, the sciences, and ecology, at colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) academic potential in the particular area of study.

(C) PRE-COLLEGE ENRICHMENT.—The Secretary shall undertake activities to encourage pre-college enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer enrichment programs for elementary, middle, and secondary school students in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for middle and secondary students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects; and

(4) the establishment of enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(d) VOLUNTEER PROGRAM.—The Secretary shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(e) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary shall establish and carry out a program to encourage women and minority students in the Delta Region to study and pursue careers in the sciences.

(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by other federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this section.

(2) There is hereby authorized to be appropriated for the purposes of carrying out the memoranda of understanding and other appropriate forms of agreement referred to in paragraph (a)(2) of section 102 and for related facilities and equipment, such sums as may be necessary.

SEC. 103. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.—(a) IN GENERAL.—The Secretary is directed to prepare and transmit to the Congress a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, and structures located within the Delta Region.

(b) TRANSPORTATION ROUTES.—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the nationally significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102–103 of the Delta Initiatives Report) and other sections of the River Road between Baton Rouge and New Orleans, Louisiana and an analysis of designating that portion of El Camino Real which extends along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the region in the early twentieth century, including an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The Secretary shall also develop a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction of related interpretive and visitor information facilities at selected sites along such routes.

(6)(A) In furtherance of the purposes of this subsection, the Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen such public roads to allow for adequate access to the nationally significant sites identified by the study, to allow for proper utilization of the vehicular tour route, trails, byways, or other public roads within the Lower Mississippi Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(B) For the purposes of this paragraph, the term "Secretary" shall mean the Secretary of the Interior acting through the Secretary of Transportation.

(c) LISTING.—On the basis of the study, the Secretary shall prepare a list of the most appropriate sites, including an analysis of the suitability and feasibility of their inclusion in the National Park System, or for designation as a National Historic Landmark, or such other designation, as the Secretary deems appropriate.

(d) COMPLETION DATE.—The study shall be completed not later than three years after the date funds are made available for the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 104. DELTA HERITAGE TRAILS AND CULTURAL CENTERS.—(a) FINDINGS.—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen-month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report entitled "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" in September, 1992, which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural, and scientific heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the May 1990 Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, scientific and literary heritage of the Delta area, including recommendations for the establishment of a Native American Cultural Center and a Delta African American Cultural museum with additional satellite museums linked throughout the Delta; and

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the region's literary, artistic, and musical heritage.

(b) GENERAL.—(1) The Secretary is directed to prepare and transmit to the Congress, in consultation with the States of the Delta Region, a study outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Native American Heritage Route and a Delta African American Heritage Trail in the Delta Region as identified on pages 148 and 149 of the Delta Initiative Report.

(2) The Secretary, in consultation with the Chairman of the National endowment for the

Arts, is further directed to prepare and transmit to the Congress a report outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Native American Heritage Cultural Center, a Delta African American Heritage and Cultural Center with a network of satellite or cooperative units, and an appropriate arrangement to serve as a clearinghouse for providing incremental financial and technical assistance to small, emerging, rural or minority institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(c) Native American Route and Center.—(1) The study referred to in subsection (b) of this section shall include recommendations for establishing a network of archeological parks and museums in the Delta Region, including a master plan and ten year development strategy for such network.

(2) Such study shall include specific proposals for the development of a Native American Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such study shall be conducted in consultation with tribal leaders.

(4) Such study shall also include specific proposals for educational and training assistance for Native Americans to carry out the recommendations provided in the study.

(d) Delta Region African American Heritage Trail and Cultural Center.—(1) The study referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the rich African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such study shall make specific recommendations for representing all forms of expressive culture including the musical, folklife, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such study shall also include specific recommendations for providing assistance to strengthen existing institutions as well as the inclusion of sites of historical and cultural importance on the campuses of Historically Black Colleges and Universities in the Delta.

(4) Such study shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical, incremental financial assistance.

(5) Such study shall be conducted in consultation with institutions of higher education in the Delta Region with expertise in African American studies, Southern studies, anthropology, history and other relevant fields.

(6) Such study shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(7) Such study shall also include specific recommendations, together with specific funding levels necessary to implement such recommendations, for training museum professionals at small, emerging, minority, and rural museums, for upgrading exhibitions, and for any other steps necessary to assure the integrity of collections in these facilities.

(e) Comprehensive Folklife Survey.—(1) In general.—The Secretary, in consultation with the Chairman of the National Endowment of the Arts and the States of the Delta Region, shall undertake a comprehensive regional survey to document and identify regional folklife within the Delta Region.

(2) Such survey shall include an assessment of existing marketing programs for folklife and crafts in the region as well as recommendations for developing an improved, regional approach to marketing crafts and folklife programs, including the development of a common logo for signs and materials as recommended in the Delta Initiatives Report.

(f) Completion Date.—The study, report, and survey authorized in subsections (b), (d), and (e) shall be completed not later than three years after the date funds are made available for such study, report, and survey.

(g) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Sec. 105. Historic and Prehistoric Structures Survey.—(a) The Secretary shall provide technical and incremental financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures located on their campuses, including recommendations as to the inclusion of appropriate structures on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by the Secretary. The Secretary shall further make specific proposals and recommendations, together with estimates of necessary funding levels, for a Comprehensive Plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such structures.

(b) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY

Sec. 201. Definitions.—As used in this title, the term—

(1) "Center" means the Delta Energy Technology and Business Development Center;

(2) "Department" means the United States Department of Energy, unless otherwise specifically stated;

(3) "departmental laboratory" means a facility operated by or on behalf of the Department of Energy that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(d)(2) or other laboratory or facility the Secretary designates;

(4) "partnership" means an arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application activities, or technical assistance for the mutual benefit of the partners in cooperation with one or more participants of which one or more is a non-Federal partner from among the following: an educational institution, private sector entity, or State or local governmental entity;

(5) "persons in the Delta Region" means an entity primarily located in the Delta Region, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including:

(1) a for-profit business;

(2) a private foundation;

(3) a non-profit organization such as a university;

(4) a trade or professional society;

(5) a tribal government; or

(6) a unit of State or local government; and

(6) "Secretary" means the Secretary of Energy, unless otherwise specifically stated.

Sec. 202. Delta Energy Technology and Business Development Center.—(a) Establishment.—The Secretary shall establish at Louisiana State University in partnership with Southern University in Baton Rouge, Louisiana, and other institutions of higher education in the Delta Region, the Delta Energy Technology and Business Development Center.

(b) Purpose.—The purpose of the Center shall be to:

(1) retain and create energy manufacturing and related energy service jobs in the Delta Region;

(2) encourage the export of energy resources and technologies, including services related thereto, from the Delta Region;

(3) develop markets for energy resources and technologies from the Delta Region to be used in meeting the energy resource and technology needs of foreign countries;

(4) ensure the successful, long-term market penetration of energy resources and technologies from the Delta Region into foreign countries;

(5) better ensure that United States participation in energy-related projects in foreign countries includes the participation of persons in the Delta Region as well as the utilization of energy resources and technologies that have been developed, demonstrated, and manufactured in the Delta Region; and

(6) assist persons in the Delta Region to obtain opportunities to transfer energy technologies to, or undertake projects in, foreign countries.

(c) General.—The Center shall—

(1) identify and establish flexible manufacturing networks in consultation with the States of the Delta Region to promote the development of energy resources and technologies that have the potential to expand technology development, manufacturing, and exports in the Delta Region;

(2) provide technical, business, training, marketing, and other assistance to persons in the Delta Region;

(3) develop a comprehensive database and information dissemination system, that will provide information on the specific energy resources and technologies of the Delta Region, as well as opportunities for Delta Region firms in the domestic and international markets;

(4) establish a network of business and technology incubators to promote the design, manufacture, and sale of energy resources and technologies; and

(5) enter into contracts and cooperative agreements with persons in the Delta Region to carry out these objectives.

(d) Assistance From the Secretary.—The Secretary is authorized to provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

(e) Grants.—The Secretary is authorized to make grants to the Center to support the creation of flexible manufacturing networks as identified in subsection (c) and to develop the comprehensive database described in paragraph (c)(3) in order to electronically link the Center with other institutions of higher education in the Delta Region, and to support the training, marketing, and other related activities of the Center.

(f) General Provisions.—

(1) Acceptance of grants and transfers.—The Center may accept—

(A) grants and donations from private individuals, groups, organizations, corporations, foundations, State and local governments, and other entities; and

(B) transfers of funds from other Federal agencies.

(2) Contracts and cooperative agreements.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with the Federal government or persons in the Delta Region to carry out the Center's responsibilities.

(g) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the establishment, operation, construction, and maintenance of the Center.

Sec. 203. Institutional Conservation Program for the Lower Mississippi Delta Region.—(a) In general.—Title III of the Energy Policy and Conservation Act (P.L. 94-163 as amended) is amended—

(1) by adding a new section 400K as follows:

"INSTITUTIONAL CONSERVATION PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION

"Sec. 400K. (a) Purpose.—The purpose of this section is to encourage energy conservation measures in the schools and hospitals in the Lower Mississippi Delta Region.

"(b) Grants for Establishment of Program.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to schools or hospitals, or to consortiums consisting of a school or hospital and one or more of the following: State or local government; local education agency; State hospital facilities agency; or State schools facility agency; for purposes of conducting innovative energy conservation projects and providing supplemental Federal financing for energy conservation projects at schools and hospitals in the Lower Mississippi Delta Region.

"(c) Applications.—(1) Applications of schools or hospitals for grants for energy conservation projects under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with the Planning and Development Districts in the Lower Mississippi Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require.

"(d) Selection of Proposals.—(1) Not later than one year after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall select at least seven, but not more than 21, proposals from States to receive grants under subsection (b).

"(2) The Secretary may select more than 21 proposals under this subsection, if the Secretary determines that the total amount of available funds is not likely to be otherwise utilized.

"(3) No one State shall receive less than one, or more than four, grants under subsection (b).

"(4) Such grants shall be in addition to such grants as would otherwise be provided under Part G of this Act.

"(5) No one grant proposal under this section shall receive a consideration greater than $2,000,000.

"(e) Selection Criteria.—The Secretary shall select recipients of grants under this section on the basis of the following criteria:

"(1) the location of the grant recipient in the States of the Lower Mississippi Delta Region;

"(2) the demonstrated or potential resources available to the grant recipient for carrying out the purposes of this section; and

"(3) the demonstrated or potential ability of the grant recipient to improve energy efficiency in the designated school or hospital.

"(f) Definition.—For purposes of this section, the term "Lower Mississippi Delta Region" means that region consisting of the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act.

"(g) Authorization of Appropriations.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $20,000,000 for each of fiscal years 1994, 1995, and 1996.".

Sec. 204. Energy Related Education Initiatives.—(a) Minority College and University Report.—Within one year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

(1) describe current education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

(2) describe current research, development or demonstration programs involving the Department or the departmental laboratories and minority colleges and universities;

(3) describe funding levels for the programs referred to in paragraphs (1) and (2);

(4) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of math, science, and engineering;

(5) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(6) address the need for and potential role of the Department or the departmental laboratories in providing minority colleges and universities;

(A) increased research opportunities for faculty and students;

(B) assistance in faculty development and recruitment and curriculum enhancement and development; and

(C) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

(7) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

(8) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

(b) Partnerships.—The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

(c) Scholarship Programs.—(1) Minority colleges or universities.—The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) academic potential in the particular area of study.

(2) Delta region.— The Secretary shall establish a scholarship program for students pursuing degrees in energy-related scientific, mathematical, engineering, and technical disciplines at colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) potential in the particular area of study.

(d) Pre-College Enrichment.—The Secretary shall undertake activities to encourage pre-college enrichment programs in energy-related scientific, mathematical, engineering, and technical disciplines for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer enrichment programs for elementary, middle, and secondary school students in energy-related scientific, mathematical, engineering, and technical disciplines;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college enrichment programs in energy related scientific, mathematical, engineering, and technical disciplines for middle and secondary students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials in energy-related scientific, mathematical, engineering, and technical disciplines for middle and secondary students; and

(4) the establishment of enrichment programs in subjects relating to energy-related

scientific, mathematical, engineering, and technical disciplines for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department of Energy.

(e) Volunteer Program.—The Secretary shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education enrichment programs relating to energy-related scientific, mathematical, engineering, and technical disciplines, in cooperation with State departments of education and local school districts in the Delta Region.

(f) Women and Minorities in the Sciences.—The Secretary shall establish and carry out a program to encourage women and minority students in the Delta Region to study and pursue careers in the sciences, mathematics, engineering and technical disciplines.

(g) Coordination with other Federal Agencies.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by other Federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of the Interior, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(h) Authorization of Appropriations.—(1) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) There is hereby authorized to be appropriated for the purposes of carrying out the partnerships referred to in paragraph (b) and for related facilities and equipment, such sums as may be necessary.

Sec. 205. Integrated Biomass Energy Systems.—(a) Program Direction.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a research and demonstration program to determine the economic viability of integrated biomass energy systems within the Delta Region.

(b) Program Plan.—Not later than six months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a program plan to guide the activities under this section.

(c) Solicitation of Proposals.—Not later than one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting activities consistent with the program plan. Such activities shall include at least three demonstrations of integrated biomass energy systems that:

(1) shall involve the production of dedicated energy crops of not less than 25,000 acres per demonstration;

(2) shall include one demonstration of predominantly herbaceous energy crops and one demonstration of predominantly short-rotation woody crops;

(3) shall demonstrate cost-effective methods for growing, harvesting, storing, transporting, and preparing energy crops for conversion to electricity or transportation fuel; and

(4) shall result in the conversion of such crops to electricity or transportation fuel by a non-Federal energy producer or the Tennessee Valley Authority.

(d) Authorization of Appropriations.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $10,000,000 for each of fiscal years 1994, 1995, and 1996.

Sec. 206. Weatherization Assistance Program for the Lower Mississippi Delta Region.—Title IV of the Energy Conservation and Production Act (P.L. 94-385 as amended) is further amended by adding a new section 423 as follows:

"WEATHERIZATION ASSISTANCE PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION

"Sec. 423. (a). Purpose.—The purpose of this section is to encourage the weatherization of low-income dwelling units in the Lower Mississippi Delta Region.

"(b) Grants for Establishment of Program.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to (1) States, and (2) in accordance with the provisions of subsection (413)(d), to Indian tribal organizations to serve Native Americans in the Lower Mississippi Delta Region. Such grants shall be made for the purposes of providing financial assistance for weatherization of low-income dwelling units.

"(c) Applications.—(1) Applications of States or Indian tribal organizations for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with Community Action Agencies and Planning and Development Districts in the Lower Mississippi Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require.

"(d) Selection of Proposals.—(1) The Secretary shall select proposals from States to receive grants under subsection (b).

"(2) Such grants shall be in addition to such grants as would otherwise be provided under section 414 of this Act.

"(3) No one grant proposal under this section shall receive a consideration greater than $2,000,000.

"(e) Selection Criteria.—The Secretary shall select recipients of grants under this section in accordance with the requirements of sections 414(b) and 415 of this Act, and on the basis of the following criteria:

"(1) the location of the grant recipient in the States of the Lower Mississippi Delta Region;

"(2) the demonstrated or potential resources available to the grant recipient for carrying out the purposes of this section; and

"(3) the demonstrated or potential ability of the grant recipient to improve energy efficiency in low-income dwelling units.

"(f) Definition.—For purposes of this section, the term "Lower Mississippi Delta Region" means that region consisting of the 219 counties and parishes within the State of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act.

"(g) Authorization of Appropriations.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $20,000,000 for each of fiscal years 1994, 1995, and 1996.".

Mr. BUMPERS. Mr. President, I am pleased to join Senator Johnston as an original cosponsor of the Lower Mississippi Delta Initiatives Act of 1993. I believe that the bill represents a significant step in the economic development of the least advantaged region in the entire United States, the Lower Mississippi Valley.

Located along one of the great rivers of the world, and including some of its finest farmland, this region has long surpassed every region of the country in terms of measurable poverty-numbers of poor counties, low per capita income, and unemployment. In short, Mr. President, there is more economic misery in the Mississippi Delta than any other region of the country.

The Lower Mississippi Delta Initiatives Act of 1993 will not, by itself, put an end to these conditions. However, this legislation will help the residents of the Delta region begin the long climb from poverty. The bill contains a number of provisions which emanate from recommendations made by the Lower Mississippi Delta Development Commission, which was chaired by President Clinton when he was the Governor of Arkansas.

I am particularly pleased that the Lower Mississippi Delta Initiatives Act of 1993 would substantially increase educational opportunities in the region. Education may be the most important factor that could help the residents in the area improve their lives as well as the lives of their children and grandchildren. Moreover, the bill would expand the Department of Energy's activities to promote energy efficiency in the Delta. People living in poverty can hardly afford to pay large energy bills because they live in dwellings that lack any semblance on insulation. DOE's weatherization program can play an important role in sharply reducing gas and electric costs in the area.

Mr. President, I look forward to working with Senator Johnston, the distinguished chairman of the Energy and Natural Resources Committee, in getting this legislation enacted into law.

By Mr. BINGAMAN:

S. 992. A bill to amend title, United States, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes; to the Committee on Armed Services.

MILITARY TOBACCO SALES ACT

• Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation aimed at ending the Department of Defense practice of underpricing cigarette sales in military commissaries, post exchanges, and ships' stores. This legislation is similar to measures I have sponsored with my good friend and distinguished colleague, Senator Boren, in three previous Congresses. During the several years we have worked on this issue, we have often felt the loneliness of the long-distance runner. But we are running a new race today, and for the first time in years, our goal is within reach.

The bill I am introducing today is very familiar to a number of my colleagues. This legislation states that tobacco products sold in military commissaries, post exchanges, and ships' stores are to be sold at prices competitive with the local marketplace. Overseas, tobacco products are to be sold at prices equal to the U.S. average price.

When this measure was last discussed on the Senate floor in 1991, it was in the form of an amendment, which Senator BOREN and I offered, to the fiscal years 1992 and 1993 Defense Authorization Act. Our amendment was tabled by a vote of 55–43. Since that time, however, two important changes have occurred.

First, the American people elected a President determined to achieve positive changes in our health care system. President Clinton, ably assisted by the First Lady, is committed to national health care reform, health promotion, and disease prevention. The President knows the tremendous costs cigarettes and chewing tobacco impose on our health care system and work force, and he understands the need to eliminate incentives to begin, and continue, smoking.

Second, our Nation, like our President, has become more aware of the hazards of tobacco use. We have become more sensitive to the slick tactics employed by the tobacco industry to entice minorities, women, and young people into the addictive habits of smoking and chewing tobacco. In the past, these tactics were largely focused on advertising; more recently, the tobacco industry has turned toward pricing.

These tactics are well known. They involve cleverly named and marketed products, such as Dakota, a cigarette intended to appeal to young women in the Western States; Uptown, a cigarette intended for young black men in northeastern cities; and perhaps most reprehensible, the widespread use of the cartoon figure Old Joe to market Camel cigarettes. A few weeks ago, the industry recently unveiled its latest tactic: lower prices on particular name brands. Whatever the strategy or tactic, the goal is the same: to attract and retain smokers in a declining market.

The military is one market in which the tobacco industry has met with longstanding success. Undoubtedly, many factors have contributed to this success and to the prevalence of smoking in the military. But a very important factor is the price differential that military personnel see when they purchase cigarettes in commissaries and exchanges. In the United States, cigarettes are approximately 35 percent cheaper in commissaries and up to 20 percent cheaper in exchanges than they are in civilian stores. Overseas, tobacco products have been found to be 40 to 60 percent cheaper than the average U.S. price. During Operation Desert Storm, for example, a carton of cigarettes cost $8.50 overseas, compared to an average U.S. price of $14.65.

It is time to equalize these prices. The costs of failing to take this step are high, and they will grow higher if, as many anticipate, national health care reform includes an increase in the Federal tax on cigarettes. If the price disparity grows between cigarettes sold off-base versus on-base, we could be inadvertently encouraging a black market for cigarette sales similar to the market that exists today in Canada. Canadian officials have acknowledged that the price difference between Canadian and United States cigarettes, several dollars per pack, has led to a tremendous growth in the illegal trafficking of cigarettes. Not only does this black market encourage smoking, but it deprives their nation of a significant amount of tax revenue.

Aside from the issues related to comprehensive health care reform, there are other compelling reasons to change current policy. The costs of the status quo, in terms of lost lives, lost productivity, and burden to the health care system, are tremendous. Tobacco use costs approximately $72 billion annually, based on 1990 data, in direct costs to the health care system and lost productivity. Last year, tobacco use killed more than 434,000 people. This year, at least one in six deaths in the country will be caused by tobacco.

More specific to the Department of Defense and my proposal to equalize the price of the tobacco products is the cost of smoking within the military. According to Department estimates, smoking in the military costs taxpayers at least $210 million annually in direct health care costs. In truth, this figure represents a significant underestimate because it does not include three key costs: First, the costs associated with morbidity; second, the indirect health care costs of family members; and third, the long-range costs incurred by CHAMPUS, the Veterans' Administration, and the Medicare Program due to tobacco use.

Mr. President, I believe the Department of Defense realizes these costs and understands the burden tobacco use places on our troops and their families. In 1986, then Deputy Secretary of Defense William H. Taft signed Directive 1010.10, which stated a goal of the Department was to "encourage military personnel, retirees, their families, and civilian employees to live healthy lives and * * * to create an environment that enhances the development of healthful lifestyles and high unit performance."

This legislation simply encourages the Department to enforce its directive. It does not ban the sale of tobacco products. Commissaries, exchanges, and ships' stores are free to continue selling cigarettes, if that is their wish. The bill does not rob veterans of a benefit guaranteed to them. Veterans can still buy cigarettes; they will just pay a price closer to the price paid by every other U.S. taxpayer. And as former U.S. Surgeon General C. Everett Koop has said, how can a lifetime of poor health and premature death be regarded as a benefit anyway?

This bill does not set a precedent for the removal of any product from commissary shelves, despite rumors to the contrary. I say this was confidence because in 1982—at the direction of the Secretary of Defense—the price of most alcoholic beverages sold in commissaries was increased to the prevailing local price minus 10 percent. Over the past 11 years, no product has been removed from commissary shelves because of the Secretary's action on alcohol pricing, and none will be removed as a result of this legislation.

Finally, Mr. President, this bill will not adversely impact the military commissary system, and it will not create a bookkeeping nightmare as some of my colleagues have argued in the past. Several years ago, most Navy commissaries stopped selling tobacco products, and they continue to survive. For the commissaries that do sell tobacco products, no separate accounting will be required because this measure does not require the Department to use the revenue generated for any particular program. The bill encourages the Department to invest the increased revenues in programs promoting health and fitness, but it does not make this a requirement.

Some of my colleagues will argue that legislation is unnecessary because of the great success of the Department's 7-year antismoking education campaign. To my colleagues, I must say that my bill is entirely consistent with the Department's anti-smoking campaign. I applaud the Department for its efforts, and I was one of the first to acknowledge the success of ongoing education efforts. Between 1986 and 1991, for example, commissary tobacco sales fell and the smoking rate in the military dropped a little more than 5 percent. That is good. The Department is to be congratulated. But a 5.3-percent reduction—from 46.2 to 40.9—was still more than 11 percent higher than the national average. It was—and continues to be—far too high.

Despite the Department's best efforts to discourage smoking through education, I am convinced that the military smoking rate will not be lowered significantly until the tobacco pricing policy is changed. And until that policy changes, tobacco products will remain among the top selling items at commissaries and post exchanges. In 1989, for example, tobacco sales ranked fourth, surpassed only by sales of electronic, snack food, and uniforms. In 1990, tobacco sales at military exchanges and commissaries exceeded $700 million.

Mr. President, I must say: this is ludicrous. It is simply ludicrous for the Department of Defense, on one hand, to launch an aggressive antismoking education campaign and, on the other hand, to encourage smoking through a pricing policy that is the lowest in the county. Yet, this inconsistent and costly policy continues today.

As the administration finalizes its health care reform proposal and the Congress begins debating its merits, I urge the President and my colleagues to keep in mind the health and fiscal benefits of discouraging tobacco use. Cigarettes are our Nation's most powerful public health enemy. They are the No. 1 health enemy of the military. It simply does not make sense for the Federal Government—and the American taxpayers—to continue to subsidize their use. Instead of supporting the tobacco industry, we should be focusing our efforts on promoting positive, life-long lifestyle changes. That is the message this legislation sends to the Department of Defense.

I ask that the full text of this legislation be placed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALE OF TOBACCO PRODUCTS IN COMMISSARIES, EXCHANGES, AND SHIPS' STORES.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

§2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds

"(a) Tobacco products may be sold in commissary stores, military exchanges, or ships' stores subject to the requirements prescribed in subsections (b) and (c).

"(b)(1) In the case of a commissary store, military exchange, or ship's store located in the United States, the price charged for any tobacco product shall be the prevailing price charged by private commercial businesses for the retail sale of such tobacco product in the retail market area in which the commissary store, military exchange, or ship's store is located.

"(2) In the case of a commissary store, military exchange, or ship's store located outside the United States, the price charged for any tobacco product shall be the average amount charged by private commercial businesses for the retail sale of such product in the United States.

"(3)(A) In determining the prevailing price charged or the average price charged by a commercial business, applicable Federal, State and local taxes shall be included.

"(B) The prevailing price or the average price may be determined under an appropriate sampling procedure.

"(c)(1) The Secretary of a military department may use the profits from the sale of tobacco products by commissary stores, military exchanges, or ships' stores under the Secretary's jurisdiction to promote the health and fitness of members of the armed forces and their dependents.

"(2) Amounts made available under paragraph (1) shall remain available for obligation without fiscal year limitation.

"(d) The Secretary of Defense shall prescribe regulations to carry out this section.

"(f) In this section:

"(1) The term 'profits' means the amount which represents the difference between the price charged by commissary stores for the sale of tobacco products and the cost incurred by such commissary stores for the purchase and sale of such products (including appropriate amounts for overhead).

"(2) The term 'tobacco product' includes cigarettes, cigars, tobacco processed for cigarette or pipe smoking, and tobacco processed for oral use.

"(3) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new section:

"2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1993.●

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. INOUYE, Mr. LIEBERMAN, Mr. MACK, Mr. MATHEWS, Mr. MITCHELL, Mrs. MURRAY, Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. WARNER):

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, I am today introducing a joint resolution to designate October 1993 as National Breast Cancer Awareness Month. I am very pleased that 25 of our colleagues have joined as original cosponsors of this important resolution.

This is the fourth year I have introduced this joint resolution, which has received the strong support of the Senate. And I believe it has helped to highlight the alarming statistics on breast cancer mortality, as well as the causes for hope.

The numbers are all too familiar: Breast cancer will strike an estimated 182,000 women and kill about 46,000 women in 1993. It is the second leading cause of cancer death among women, and is likely to increase further as the population ages, since a woman's risk of developing breast cancer increases as she ages.

Breast cancer is a disease that also strikes men. About 1,000 men will develop breast cancer in 1993; and 300 men will die from the disease. Male breast cancer, while largely a hidden disease, is very real and very tragic for those men and their families.

Mr. President, there has been much discussion about the accuracy of various statistics describing a woman's lifetime risk of developing breast cancer. But I believe it is not so important whether a woman's chances of developing breast cancer are 1 in 9, or 1 in 10, or less. What is important is that breast cancer is on the rise, that we do not know its cause, and that we don't know how to prevent it. And because of this, we are all at risk. Because we all have a spouse, mother, sister, daughter, or friend who is at risk, and we all know that when breast cancer touches someone we love, it isn't the statistics that matter.

Mr. President, in the past year, I think we have made some significant advances in the fight against breast cancer. Congress is close to giving its final approval to the NIH reauthorization bill (S. 1), which authorizes a $325 million increase in spending on breast cancer research. And last year, Congress appropriated more than $500 million for breast cancer research for fiscal year 1993.

Another reason for optimism is the increasing activism of the many breast cancer survivors and health providers who are calling greater attention to the disease. They are teaching us that we can significantly reduce breast cancer mortality through early detection, including self-examination, clinical examination by a qualified health care provider, and screening mammography. In fact, 50 years ago, the 5-year survival rate for localized breast cancer was only 78 percent; now it is over 90 percent. And the American Cancer Society estimates that the use of a combination of early detection procedures can boost the 5-year survival rate for localized breast cancer to nearly 100 percent.

In this connection, I am pleased to note that a coalition of health groups, including the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., the National Alliance of Breast Cancer Organizations, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group, together with the National Cancer Institute and the Centers for Disease Control and Prevention, are designating Tuesday, October 19, 1993, as National Mammography Day. This day will be devoted to encouraging women to receive or sign up for a mammogram, and to otherwise increase awareness about the importance of early detection. I applaud their initiative and hope that a successful National Breast Cancer Awareness Month will enhance their efforts on that important day.

Mr. President, despite the proven success of early detection and intervention, there remain many barriers to early care. Many women do not know how to self-examine, and some are afraid to do so. Some women do not seek a screening mammogram because they are afraid, either of the procedure itself, or of the diagnosis it might reveal. Still others do not seek a screening mammogram because of lack of access or cost, or because they simply don't know its vital importance.

National Breast Cancer Awareness Month will help educate women about early detection, address concerns about self-examination and mammography, and teach both women and their families how to live with and after breast cancer. But most importantly, it will help communicate the simple but crucial message that, while breast cancer can kill, it can also be conquered.

For the last 3 years, I have had the privilege of introducing similar joint resolutions which have become law. I hope that this year all of my colleagues will recognize and support the efforts of health advocates across the Nation to reduce breast cancer mortality by joining with us to designate October 1993 as National Breast Cancer Awareness Month. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 95

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993 is designated as "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

* * *

ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 27

At the request of Mr. SARBANES, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 176

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 412

At the request of Mr. EXON, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 421

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 618

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 618, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 678

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 678, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plans.

S. 868

At the request of Mrs. MURRAY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 868, a bill to amend the Internal Revenue Code of 1986 to increase the tax on handguns and assault weapons, to increase the license application fee for gun dealers, and to use the proceeds from those increases to pay for medical care for gunshot victims.

S. 916

At the request of Mr. CRAIG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 916, a bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

S. 931

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 931, a bill to amend the Harmonized Tariff Schedule of the United States to clarify the treatment of certain sports clothing.

S. 947

At the request of Mr. PRESSLER, the names of the Senator from Indiana [Mr. LUGAR], the Senator from New Hampshire [Mr. SMITH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 947, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from Delaware [Mr. ROTH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. SIMON], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 73, supra.

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nations' arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE RESOLUTION 109—RELATING TO MINORITY MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 109

Resolved, That the following shall constitute the minority party's membership on the following committee for the remainder of the 103d Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. McConnell, Mr. Smith, and Mr. Craig.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Lower Mississippi Delta Initiative of 1993.

The hearing will take place on Thursday, May 27, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

For further information, please contact Leslie Black Cordes or Lisa Vehmas of the committee's majority staff, or Gary Ellsworth of the committee's minority staff, at (202) 224-4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, May 19, 1993, at 10 a.m. to conduct a hearing on S. 924, the Homeownership and Equity Protection Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 19, 1993, at 10 a.m. on S. 419 on competitiveness of the aerospace industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 19, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on May 19, 1993, at 9:30 a.m. to hear testimony from nominees to positions in the Office of the U.S. Trade Representative, the Department of Health and Human Services, and the Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 19, 1993, to hold a hearing on the nomination of Philip B. Heyman, to be Deputy Attorney General for the United States, Webster L. Hubbell, to be Associate Attorney General for the United States and Drew S. Days III, to be Solicitor General for the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. The Committee on Veteran's Affairs would like to request unanimous consent to hold a markup on Department of Veterans Affairs' nominations and other pending business, followed immediately by a hearing on the roles of the Department of Veterans Affairs in geriatrics and long-term care. The markup and the hearing will be held in room 418 of the Russell Senate Office Building at 9 a.m. on Wednesday, May 19, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1993 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 19, 1993, at 2 p.m. to hold a hearing on the fiscal year 1994 foreign assistance authorization: "The Role and Experience of PVO's and NGO's."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING THE BLACK BEAR CONSERVATION COMMITTEE FOR RECEIVING THE CHEVRON CONSERVATION AWARD

• Mr. JOHNSTON. Mr. President, I rise today to praise an organization in Louisiana, the Black Bear Conservation Committee, or BBCC, that has done outstanding service in initiating and coordinating efforts to manage and restore the Louisiana black bear to suitable habitats in its historic range of Louisiana, Mississippi, and east Texas. The BBCC has been selected to receive the 1993 Chevron Conservation Award, and this is only the most recent of many such accolades, including the 1993 Group Achievement Award given by the Wildlife Society. I believe the BBCC provides a model for effective and realistic wildlife protection and restoration, and is precisely the kind of wildlife management initiative that Congress should be encouraging and supporting.

The Louisiana black bear is an imposing but shy animal that can grow to reach 6 feet from nose to tail and weigh over 400 pounds. The bottomland hardwood forests that are the bear's favored habitat once covered 24 million acres of the Lower Mississippi Valley, but have been reduced to only 5 million acres today. This habitat destruction, along with illegal hunting and other human disturbances, has reduced the number of Louisiana black bear to an estimated 350. In 1992, the bear was listed as threatened by the U.S. Fish and Wildlife Service.

Two years earlier, in 1990, the Black Bear Conservation Committee was formed to head off the conflicts that typically develop between developers and conservationists in the wake of such U.S. Fish and Wildlife listings. The bitter dispute over the fate of the spotted owl is the most recent example of such a controversy, and that case illustrates the strong emotional appeals that can divide communities which feel they must make an either/or decision between the environment and the local economy.

The timber and agricultural interests, conservation organizations, State and Federal agencies and academic experts who came together to form the BBCC were surprised at the common goals they shared, and they have been successful in building a foundation of working relationships upon which to develop their efforts at habitat restoration. By preempting the controversy and focusing on cooperation and compromise rather than confrontation, the Black Bear Conservation Committee has provided a blueprint for future wildlife and habitat restoration efforts. I commend them for their accomplishments, and congratulate them for their richly deserved recognition.•

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

HISTORY RECORDS ALABAMIAN'S VOTE

• Mr. HEFLIN. Mr. President, as with all Members of Congress, literally hundreds of requests pass through my office on a weekly basis. But recently, one was of particular interest. Charles Mauldin of Birmingham wrote that his mother, Mrs. Ardies Mauldin of Selma, was the first person registered to vote under the provisions of the 1965 Voting Rights Act. Charles was in the process of researching his family history and needed assistance with information regarding his mother's historical role in the civil rights movement.

As history records, Martin Luther King, Jr., traveled to Selma in 1965 to assist blacks seeking the right to vote. King led a march from Selma to Montgomery and demanded that blacks be given the right to vote without unjust restriction.

Largely as a result of the activities in Selma, Congress passed the Voting Rights Act of 1965. This banned the use of a poll tax as a requirement to vote and prevented changes in voting laws without approval of the Department of Justice. Also, this act provided Federal officials to supervise voter registration wherever the right to vote had been unjustly denied.

News articles report that Mrs. Mauldin, encouraged by her children, filled out the paperwork to register in a couple of minutes and was unaware that she was the first person to sign up to vote under the act until questioned by reporters.

In December of 1968, Supreme Court Justice Thurgood Marshall and other black Presidential appointees presented President Lyndon B. Johnson with a desk set fitted with a gold replica of Mrs. Mauldin's voter registration certificate. The honor was in recognition of President Johnson's work toward the passage of the Voting Rights Act. This item is now on display at the Lyndon Baines Johnson Library in Austin, TX.

Mrs. Mauldin, now 81 years old, had expressed an interest to her son Charles in getting information about these items. Charles contacted my office and we were able to have photos and a detailed description of the LBJ desk set forwarded to his mother. The voting certificate is now the property of the U.S. Civil Service Commission, but Mrs. Mauldin will receive a copy of the document.

Ardies Mauldin, mother of seven children and a former nurse, captured a place in history by registering to vote 28 years ago. I commend her for her individual courage and for the active role she took as a citizen.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 14, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated May 11, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 14, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 11, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF MAY 14, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level +/- resolution
On-Budget:			
Budget Authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,151.1	−310.1
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	———

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF MAY 14, 1993—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level +/- resolution
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note:—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 14, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level[1]	1,247,892	1,241,794	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
102–6	3,322	3,322
102–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under section 9 of the concurrent resolution on the budget.

Note:—Amounts in parentheses are negative. Detail may not add due to rounding.●

A WALK FOR A GREAT CAUSE

● Mr. D'AMATO. Mr. President, I rise today to honor a great American. Ron James exemplifies all things patriotic. He will walk for a great cause, to protect and defend the American flag. Ron intends to walk from New York City to the State capital in Albany, starting on Memorial Day, Sunday, May 30, 1993. He will do this as a symbolic gesture for the protection of the American flag. He will walk on the side of the road beginning in New York City up Route 9 carrying an American flag in support of the passage of a law in the New York State Assembly protecting our flag from desecration.

Ron James, a Marine veteran and resident of the Bronx, has the support of the American Legion. Many members of the New York State American Legion will accompany him on his walk. He will also be joined by many disabled veterans who will walk along with him over sections of the route.

Ron and his entourage will arrive in Albany at noon on June 14, 1993, Flag Day, in a tribute to those who have given their lives for this Nation. This tribute will include soldiers, law enforcement personnel, firefighters, and other heroes who have given their lives to keep America a free and safe place to live.

I congratulate Ron James and everyone who is involved in this truly historic event. The advancement of patriotism and respect for the flag of this great Nation are truly noble causes. I commend Ron James for his selfless dedication to the United States and its citizens.●

A HEALTH CARE REFORM PROPOSAL BY RANDOLPH M. FERLIC, M.D.

● Mr. DASCHLE. Mr. President, I would like to bring to your attention today a thoughtful proposal for health care reform authored by Dr. Randolph Ferlic, from Omaha, NE.

Dr. Ferlic is a well-known practicing thoracic and cardiovascular surgeon whose achievements reflect his love of medicine and his genuine concern for our health care system. While I cannot do justice to his many successes, I can tell you a few highlights.

Dr. Ferlic is president of the Surgical Services of the Great Plains, as well as professor of surgery at the University of Nebraska Medical Center, and a State commissioner for Nebraska postsecondary education. Dr. Ferlic is also an entrepreneur and businessman—he currently serves as a director and general partner of the Apache Corp., a major oil and gas company listed on the New York Stock Exchange, as well as the Key Petroleum Production Co. In the late 1960's, Dr. Ferlic served honorably in the U.S. Navy as a thoracic and general surgeon.

Aside from his numerous achievements in medicine and in business, Dr. Ferlic has taken the time to take a serious look at our health care system and consider some workable solutions. I believe all Senators interested in health care reform would benefit from the insights contained in Dr. Ferlic's proposal entitled, "A Responsible Health Care Plan," and I commend it to my colleagues' attention. Mr. President, I ask that his proposal be printed in the RECORD.

The proposal follows:

A RESPONSIBLE HEALTH CARE PLAN

(By Randolph M. Ferlic)

The single greatest advance for the provision of cost effective medical care would be a pop-up indicator for the near end of life—similar to the turkey indicators found at Thanksgiving. Almost all people desire humanitarian, efficacious, efficient, economical, and available care. There is a paradox growing in America about what is expressed as desirable and what is in reality needed. In essence, we desire a maternal, loving, empathic, intellectual, effective and generalist approach to our illnesses. However, we want the specialist and expert of our particular malady to reside next door. The best technology and facilities will be proximate to our time of need. Finally, no personal expenditures will be involved in our care. Everything will be available twenty-four hours of every day. All research would yield significant results that would rid the world of all debilitating problems, especially those that interfere with any person's preferential life style. The paradox is further amplified by the axiom that all advances known to mankind have been accomplished by focused activity—a specialization in the systems or mechanisms involved, and the application of solutions refined by these specialists. Judgments as to the efficacy of these machinations belong to the generalists. Now, that I have created the heat for this subject, I propose to shed light. No statement made should be interpreted personally or be construed as an insult or unappreciative utterance. However, polarization is sometimes necessary for an intellectual compass.

A major difficulty that conflicts with a suitable health plan is agreed upon definitions. What is basic coverage? Political motives often cloud the directions of definition and expenditures. Intense lobbies evolve and shape treatment and research directions without regard for demographics of our populations. How much should be spent upon "care?" Currently fourteen per cent of our gross domestic product goes for so-called "care." An equivalent of 40% of net corporation profits go to health "care."

There are those that believe magic instantaneous solutions exist in such systems that reside in Canada, Germany, Britain, Veteran's Administration, but any analysis would find similar costs with implicit rationing techniques that cannot compete with the technological edge available in our current U.S. system. For example, the Canadian System applied in a state such as California would reveal the inherent cost inefficiency and access, delivery, and quality problems immediately. We must develop an entirely new system built upon our strengths and destroy our weaknesses. The wastes within the current system would more than pay for basic "care" and guarantee access. Stop needless duplication of facilities and technologies, rid the system of advertising, employ horizontal management techniques, operate the system seven days a week, force construction competition, employ uniform fees, recognize transportation realities, utilizing drug and treatment protocols with elasticity for innovation and experimentations and ban political-economic credentialing are but a few of the areas that would generate massive savings immediately.

Current efforts to reduce specialization are incongruent with all known pursuits of truth and efficiency. Creativity emanates from random events within activity in a body of knowledge. Discovery comes from honed focus on the basic factors and mechanisms involved in the event. Too much faith in the current state of knowledge has lead to an unconscious comfort with our present health care system.

Health care delivery needs a drastic structural reformation and restoration. The reformation must include a reality that balances economic, societal, and health needs. The restoration requires a return to professional behavior and charity. Finally, research must be enhanced with a concentration on creative solutions generated by molecular biology.

Reformation must begin with a revolution in primary care as we know it today. Primary care must be refined into a new specialty. The new primary care specialist will function as a chief operating officer. They will supervise the triage of patients and their problems to specialists. Their education will not only include general knowledge of medicine but will focus on the statistical and economic consequences of diagnosis and therapy. They will be the arbitrators between patients and the specialists in the application of medical, surgical and psychiatric therapies.

All initial evaluation of clinical problems will be performed by nurse practitioners and/or physician assistants who will refer patients to appropriate specialists. Supervision of groups of the nurse practitioners and/or physician assistants (P.A.s) will be by primary care physicians. Nurses, P.A.s and their supervising physicians would not be able to order diagnostic tests. They, along with pharmacists, would be able to order drugs that relieve mild distress, promote general well-being, vaccinations, and preventative health measures. Under this scenario there would be a marked reduction in the number of primary care physicians. Cost saving and efficiency would be achieved by utilization of lower priced personnel in initial medical encounters. The downstream saving would come from more uniform and intelligent application of diagnostic testing by specialists refined in the various genetic, developmental, traumatic, pathologic, psychiatric, infectious, and oncological challenges presented by patients. Monitoring of the therapeutic modalities employed by the specialists would be governed by primary care specialists who would measure outcomes and compare them to the resources utilized. They would provide us with practice patterns and help establish hierarchies of diagnostic paths and therapies. Fees would be uniform throughout the system and capped for individual encounters but not in a way that hinders productivity and intensity of effort. Malpractice and maloccurrence problems would be handled with a worker's compensation type insurance.

Capital expenditures would always have to inure to the benefit of patients and not to institution's bureaucracies. The current duplication of facilities and technologies is a national disgrace and robs our citizenry of current care at a lower cost and steals funds necessary for future research. Facilities must be open to all qualified specialists and not governed by the political-economic antitrust measures employed by some physicians and institutions.

The Oregon Plan must lead the debate and refinement of priorities with limited resources available for health care. General health measures must be separated from acute and chronic care measures to ensure a strict accounting of resources employed in each setting. This means that general health would include clean water, adequate shelter, good nutrition, safety practices, educational support, public health measures, and vaccinations. Acute and chronic care measures are those that occur after injury, pathologic, infectious, developmental, and/or genetic processes.

Finally, administrative control should remain a partnership between health care workers and local political systems functioning within general national guidelines to assure the merits that govern our democratic processes are preserved in the delivery of health care. The administration on health care is simply too important to be left solely in the hands of physicians, nurses, health care workers, hospitals and insurance companies.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 84, designating a week for the National Observance of the 50th Anniversary of World War II, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times and passed, the preamble agreed to and the motion to reconsider laid upon the table; that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 84) was deemed read three times and passed, as follows:

S.J. RES. 84

Whereas the brave men and women of the United States made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million United States veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the anniversary of the beginning of the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1, 1993, through June 7, 1993, is designated as a "Week for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m., Thursday, May 20; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized with the time limits specified: Senators GRAMM of Texas, REID, and GORTON for up to 10 minutes; Senator KEMPTHORNE for up to 30 minutes, and Senator CAMPBELL for up to 5 minutes; and that, at 11:15 a.m., the Senate return to executive session to resume consideration of the nomination of Roberta Achtenberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:55 p.m., recessed until Thursday, May 20, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1993:

DEPARTMENT OF STATE

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

DEPARTMENT OF DEFENSE

DEBORAH ROCHE LEE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE STEPHEN M. DUNCAN, RESIGNED.

EMMETT PAIGE, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DUANE PERRY ANDREWS, RESIGNED.

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE I. LEWIS LIBBY, JR., RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 19, 1993:

DEPARTMENT OF THE TREASURY

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

MICHAEL B. LEVY, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CARL W. STINER, 412-54-9881, UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WAYNE A. DOWNING, 323-32-7002, UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES T. SCOTT, 463-68-2186, UNITED STATES ARMY.

HOUSE OF REPRESENTATIVES—*Wednesday, May 19, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are heartened, O God, that among the difficulties of life there are also the great joys, that among the ashes of conflict there can be the new growth of understanding and cooperation. We know that in life there are the high moments of success and the times of disappointment and defeat. In all these seasons of our being, we are grateful, O loving God, that Your Word is ever with us to give us direction and forgiveness and hope. For these and all Your gifts, O God, we offer our gratitude and thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] please lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1378. An act to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition workforce positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

NO TEETH IN GENDER EQUITY REPORT

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday the NCAA task force on gender equity issued its preliminary report. It has been 21 years since the passage of title IX of the education amendments, which prohibited sex discrimination in education, including sports, and this is the first time that the NCAA has addressed the issue.

The report may have been a first step, but it was only a tentative one. It was clearly the path of least resistance.

The report endorsed gender equity, which of course, is the law of the land. However, the report contained no enforcement mechanisms to bring this about.

I find it strange that the NCAA would place a school on probation for driving an athlete to class, or providing a small loan, but would have no penalty for a school that violates title IX, a Federal law which mandates the equal treatment of men and women in sports.

The NCAA has hundreds of pages of specific rules governing matters such as recruiting, but when it comes to antigender discrimination, all the task force could agree upon is a fuzzy, broad, and unenforceable definition.

Too many college coaches and athletic directors still don't get it. Equal opportunities for women in sports is a right, and even more importantly, it is the law.

By avoiding the tough decisions, the NCAA has left the job to the courts and Congress. I have introduced a bill, H.R. 921—that's 21 years after title IX—to require schools to report data on their compliance with title IX. It now appears more than ever that Congress must act to ensure gender equity.

WHY THE PRESIDENT WAS HERE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the Nation is restless, and the Democrat caucus is feeling the heat. That is why President Clinton was up here today. To try to convince his own party that we need to pass the largest tax increase in history.

But, Mr. Speaker, we do not need tax and spend again. We do not need an energy tax that will spur inflation, slow our economy, and kill jobs.

We do not need a Social Security tax that will hurt senior citizens.

We do not need these other taxes which will just go to more Federal spending.

What we really need is a vote to give responsible Republicans and Democrats the opportunity to strike these onerous and painful taxes.

Give us a vote to strike these taxes, Mr. Speaker. Let us work together to lift the President's planned tax burden off the shoulders of the American people.

AT&T JOBS TO MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 10 years ago, AT&T built a high-technology electronics plant in New River Valley, WV. They paid $8 an hour.

In 1991, AT&T shut down the West Virginia plant and moved to Mexico.

Think about it. Even though the West Virginia workers were the top workers in the world in their field, AT&T said that alone could not match the economic advantage of relocating their plant to Mexico.

The economic advantage, Mr. Speaker? They pay $1 an hour in Mexico.

Think about it. The jobs go to Mexico. The people in West Virginia with their new so-called high-technology replacement jobs they are waiting for, move to Mexico and the taxpayers will pay welfare, food stamps, and unemployment benefits to workers in West Virginia who are now standing in a soupline.

Beam me up. The Constitution says Congress shall regulate commerce with foreign nations, not ship the damn jobs overseas.

HOCUS POCUS

(Mr. Thomas of Wyoming asked and was given permission to address the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, President Clinton says his falling popularity is a result of a lack of focus at the White House. But that is not the half of it. His problem is not a lack of focus at the White House, but an abundance of focus by the American people. People are giving the President's program a long, hard look, and they do not like what they see.

They see that the President's proposal for billions in new investment is just old style Government spending. They see that candidate Clinton's promise to raise taxes on the rich has been transformed into a record-breaking $300 billion increase focused on every American who breathes.

And in the President's proposal to dedicate all these new taxes to a deficit reduction trust fund, they see a desperate White House resorting to a shell game.

The verdict of the people seems to be that they do not like the bad ideas on taxes, the largest tax increase in this Nation. That is not the result of a lack of focus. Actually, the President has 20–20 vision into the pockets of the American people.

What the opinion polls mean is that people want good ideas, substance rather than soft-shoe policy, rather than PR.

IN SUPPORT OF CLINTON ADMINISTRATION'S PROGRAM FOR REVITALIZATION OF AMERICA

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I stand on the floor today having looked over the last 25 years, as many of our American cities have deteriorated. In the midst of that deterioration, there does not seem to be much hope for any feeling that there would come the moment when we would be able to see them revived.

I am pleased this morning with the introduction of the Clinton administration's program for the revitalization of urban communities in America. These communities, if conglomerated, would represent for us a Third World community within our very borders.

I think that by getting the banking community and private industry involved in the process of making sure that loans are available, that credit can come into those communities, that investment is available, we make a statement not only to this Nation, but we make a statement to nations abroad that America can indeed be strong.

I believe by building our urban communities through the investment program that has been introduced by the Clinton administration we can indeed make a difference in the lives of other people. If we do not make the investments now, then we spend the money later on building more prisons, on building more social service programs. This is one way to work our way out of that.

Mr. Speaker, let us work together to make sure that this program works±.

□ 1210

PAYING THEIR FAIR SHARE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute.)

Ms. PRYCE of Ohio. Mr. Speaker, candidate Bill Clinton pledged to working Americans that he would not raise their taxes. Candidate Clinton promised that he would only raise taxes upon the rich, whom he argued, must be forced to pay their fair share.

Well, the President's definition of rich is a little rich for me to swallow. President Clinton came to the Hill today to explain that retirees who make just $26,000 should appear on "Lifestyles of the Rich and Famous." They could costar with all Americans who drive cars or use electricity. A special guest appearance could be made by family farmers and workers in industry who will be thrown out of work by the President's Btu tax. Robin Leach will not know what to do.

Mr. Speaker, the President is not taxing the rich. President Clinton is asking middle-class, working Americans to assume a larger burden in order to pay their fair share. Well, middle-class Americans are already paying their fair share.

It is time to eliminate excessive Government spending and protect the interests of working Americans, not the interests of big government. We do not need a tax hike on working Americans. We need spending reductions and we need them now.

MEAN-SPIRITED ACCUSATIONS

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute.)

Mr. BLACKWELL. Mr. Speaker, it amazes me how these people who ran this country for the last 12 years now take to this mike every day to belittle our President. The fact is that they created the problem where people are not working. They created the problem where little babies are not getting their shots. They created the problem where our people are not getting educated. They created the problem of Vietnam veterans sleeping in the streets. They created the problem where senior citizens are suffering.

Now, today, Mr. Speaker, they blame this on the President because he could not solve these problems in 100 days.

Well, we want to tell them that the people voted for change, they will get change, and we say to the President that they have a mean spirit, that it is not going to work, and I say to them, "If you're going to win, take your fight to the American people, and I guarantee you we will get change."

RECONCILIATION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, over the course of the next 2 weeks, the American public will hear a lot about something called reconciliation. It forces congressional committees to comply with the fiscal policy passed in a budget resolution.

Unfortunately, in this case, it is also the same painful process which all American taxpayers will go through next April, when they have to reconcile their income statements with their tax statements.

Because, Mr. Speaker, within the 1993 budget resolution, there lies a buffet of hidden taxes. There is a Btu or energy tax, a tax on Social Security benefits, and, of course, your standard income tax hike—or, in other words, there will be a grand total of $300 billion in new taxes over the next 5 years.

Mr. Speaker, the American people should not have to reconcile themselves to paying the largest tax bill in our Nation's history. And it is the Democratic leadership who will be forced to apologize for not having allowed separate votes on each and every one of these newfangled, poorly disguised, taxes.

A PRESIDENT WITH THE COURAGE TO MAKE THE TOUGH CHOICES

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, for 12 years we have had Presidents who have shunned tough choices. They have said: "Don't worry, everything's fine. Let's cut taxes for the rich and increase defense spending. No problem—this will reduce the deficit and spur the economy."

The result of doing it their way? A national debt that ballooned from $1 trillion in 1980 to over $4 trillion today, and millions of Americans standing in unemployment lines. Nice going.

Well, we have got a different President in the White House today, a President with the courage to make tough choices to get the deficit under control and our economy back on track, a President who has proposed a budget plan to repair the damage done by 12 years of trickledown economics, neglect, and indifference.

Because of this new President's work, the House will vote next week on the largest deficit reduction plan in history. What is more, it is a plan based on real numbers that demands that the wealthy pay their fair share, and that makes tough choices about spending and entitlement cuts. For specifics, try cutting agricultural entitlements by $3 billion, cutting Federal salaries to save over $10 billion, cutting highway demonstration projects and special-purpose HUD grants, cutting $56 billion from Medicare and Medicaid, eliminating unnecessary commissions, and streamlining educational programs. And, if that is not enough of a measure of political courage, how about going after Social Security to the tune of $32 billion. In all, over $250 billion in spending cuts.

President Clinton did not create the problem. He is cleaning up a mess that was left for him—a $4 trillion mess that will not be straightened out without some very heavy lifting. I am glad we finally have a President who is willing to lift his share of the weight. It is our turn—and our responsibility—to do ours.

COALITION FOR REAL REFORM

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, this morning I had breakfast with a gentleman named Ross Perot.

Along with a number of my freshmen Republican colleagues, we discussed the issues of the day and the need for real reform in this Chamber.

Like many of us on both sides of the aisle, he agrees that now is not the time for more tax-and-spend government that only raises taxes, raises prices, and puts people out of work.

Like many of us on both sides of the aisle, he endorsed a real line-item veto to allow a President to strip the pork out of spending bills.

And like many of us from States with strong open meeting laws, he wholeheartedly endorsed putting an end to closed-door committee meetings where votes are taken to raise taxes while the press and the public wait outside.

Mr. Speaker, I believe that on these issues, Mr. Perot is voicing the overwhelming opinion of the American people—more spending cuts, no more tax and spend, let the sun shine in.

I encourage friends on both sides of the aisle to continue giving voice to these concerns. America is counting on us.

TOUGH DECISIONS HAVE TO BE MADE

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I did not have breakfast with Ross Perot this morning. I kind of wish that I had had breakfast with Ross Perot this morning because it would have been easier than how I spent my morning.

Our President, who was elected President of the United States in November, Mr. Speaker, came to see the Democrat caucus this morning, and he came to talk about what we have in front of us, and what we have in front of us is reconciliation, a long word, a difficult subject, but what it means is we have to raise revenues, we have to have spending cuts, and we have to invest in the future of America. We talked about this, and everyone did not agree about everything. There are those in our caucus who are disappointed that we did not have a stimulus bill because it ended in the Senate, and there are those in our caucus who say maybe there are too many tax increases, and we should have more spending cuts, and we went back, and we went forth.

But the whole point, Mr. Speaker, is that our President, Mr. Clinton, has been elected President. He is willing to come over and talk about these hard decisions that have to be made.

But this country has to go forward, and it is so easy to criticize.

I have been on the Committee on Ways and Means for 10 years. Ronald Reagan, he hated taxes, but he signed 11 tax bills. Bill Clinton is saying, "Let's do investment, let's do spending cuts, let's do revenue increases, and let's rebuild America."

CALLING FOR UPDATE ON INVESTIGATION OF CONSPIRACY TO ASSASSINATE FORMER PRESIDENT BUSH

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, I rise to express my concern regarding reports of an Iraqi-sponsored plot to assassinate former President Bush during his recent celebratory visit to Kuwait. The Kuwaiti Government has arrested 17 individuals—11 of them Iraqi—and charged them with conspiracy to assassinate our former President.

Little has been revealed by the Clinton administration regarding this alleged plot since the story broke in the media just over a week ago. In my view the Clinton administration should release the results of its investigation to Congress at the earliest possible time. We should not stand idly by in the face of a possible state-sponsored plot to kill a former U.S. President.

If the ongoing United States investigation proves that Iraq and, specifically, its leader Saddam Hussein, sanctioned an assassination of President Bush, I call on the Clinton administration to seek prompt and definitive retribution. A conspiracy to assassinate a former U.S. President is a grave issue, regardless of whether that plan reaches fruition.

MR. RODGERS' NEIGHBORHOOD—A LAND OF MAKE-BELIEVE

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, throughout the consideration of the National Competitiveness Act, a number of my Republican colleagues have been falsely claiming that the private sector does not want this bill. They continue to cite the same individual, a Mr. T.J. Rodgers, CEO of Cypress Semiconductor, over and over again as an expert industrialist. Well, Mr. Speaker, let me tell you about what has been going on in Mr. Rodgers' neighborhood.

A few years ago, Mr. Rodgers thought he could build a microprocessor that would rival Intel. Mr. Rodgers, soon found out that the semiconductor industry is no land of make-believe. After his Ross Technology subsidiary lost $3 million before taxes in the first quarter of this year, the ever-resourceful Mr. Rodgers decided that the T.J. in his name stood for "Turning Japanese" and sold this subsidiary to rival Fujitsu for $23 million. Mr. Rodgers was quoted in Business Week as saying, "My patriotism does not exclude free-market transactions."

Well, Mr. Speaker, my commitment to capitalism does not include selling out. Anyone in this body who thinks Mr. Rodgers has anything constructive to offer on American competitiveness should go join him in the land of make-believe.

THE TAX BILL IS COMING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Clinton administration's big spenders are telling Americans they can't run and can't hide from their massive tax bill. Taxpayers are about to get hit with the single largest tax increase ever—families, seniors, workers will all pay more for just about everything. The big spenders label this sacrifice and tell us it is good for America. But read the fine print. This new tax-and-spend program is going to increase the Nation's debt by almost $1 trillion in the next 5 years.

Every man, woman, and child is already $17,000 in debt—today. How many children have piggy banks with $17,000 in them? And if any do would that money not be better spent on a college education than paying off more years of wasteful spending and abuse by Uncle Sam? As the big spending liberals in this House force almost $300 billion in new taxes down our throats, it is time once again to remind ourselves that, "It's the spending, stupid." Americans won't run and won't hide—they will make themselves heard—and they are already saying: "Cut spending first."

DEFICIT REDUCTION TRUST FUND

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, the American people are willing to share the burden of reducing the deficit to ensure a robust economic future for our children and our children's children. However, if this Congress decides to raise taxes to lower the deficit, we would be breaking faith with the people if we did not absolutely guarantee that all new revenue will go directly to deficit reduction. President Clinton supports the deficit reduction trust fund, I support it, and I urge this body to support it.

The deficit reduction trust fund which has been proposed is an airtight enforcement mechanism to guarantee that the deficit will shrink by $500 billion over the next 5 years. Some Members may argue that this will infringe on Congress' ability to make spending decisions in the future, but after 12 years of irresponsibility and skyrocketing deficits, Congress has lost that privilege. We need real deficit reduction, and we need to lock it in now.

Mr. Speaker, I urge my colleagues to join me in laying the groundwork for fiscal responsibility in Congress. The deficit reduction trust fund is an important first step.

THIS PATRIOT PAYS ENOUGH

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, "This Patriot Pays Enough—No More Taxes." This slogan has been popping up on bumper stickers and buttons all over my district. This is not the sentiment of the Washington Beltway special interest groups that cozy up to President Clinton. This is the view of the average American taxpayer, the most special of special interest, the people that foot the bill. This sticker represents a grassroots movement started by my friends, Pat and John Cooksey, and I would dare to predict it will catch on like wildfire across the country.

The tax bill the Democrats have been drafting only contains more taxes and more spending, which will only lead to a bigger Government. This tax bill will impose the largest tax increase in history on the American people.

Well, Mr. Speaker, the patriots in my district have something to say: No more taxes. Leave our wallets alone.

CORRECTING 12 YEARS OF MISMANAGEMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, a number of my colleagues this morning have said they had breakfast with Ross Perot. I wonder if Ross Perot told them what the Wall Street Journal has said his plan is about. Let me quote from the Wall Street Journal. It says that he himself—that is, Ross Perot—has proposed tax increases even larger than what President Clinton has suggested so far, and that he would raise less from the wealthy and more from the lower and middle classes. That is what Ross Perot's program is about, so I wonder if he came clean with the House Republicans this morning.

Mr. Speaker, the current deficit was not created overnight. It took two Republican administrations 12 years to come up with the tax breaks and fiscal policies to create such a huge deficit. Yet there are some people who feel that President Clinton should be able to erase the results of those 12 years overnight.

He cannot do that. No one can do that. At the current rate, set by the last two administrations, the deficit would increase to $682 billion in the next decade. But President Clinton's plan sets the target at less than one-third of that amount. The President has given us a plan to reverse that trend.

We cannot afford to continue on the pathway of the past 12 years. The President's plan is fair and tough. It deserves our support.

Mr. Speaker, I ask my colleagues to give his plan a chance. We cannot afford not to do that.

THE GREAT WHALES VICTIMIZED BY JAPAN AND NORWAY

(Mr. RAVENEL asked and was given permission to address the House for 1 minute.)

Mr. RAVENEL. Mr. Speaker, of all God's creatures, the greatest in size and gentleness that have ever lived are the great whales. For years now, the people of this world have labored to stop their wanton slaughter; all peoples, that is, except, principally, the Japanese, those notorious destroyers of our precious environment. Just last week, the International Whaling Commission reaffirmed their worldwide whaling ban.

However, yesterday, Norway announced that they will kill 296 whales in defiance of the ban. Who ever would have thought that Norway, whose concern for the environment has always been great, would join Japan in the killing of these harmless wonderful creatures. Norway's actions could lead to an unraveling of the International Whaling Commission, which would imperil all the whales of the world.

Shame on you Norway. Shame on you Norway.

INTRODUCTION OF A BILL TO PREVENT PRISONERS FROM RECEIVING SOCIAL SECURITY

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce a bill that would close a loophole in the Social Security Act that allows certain prisoners to receive Social Security benefits.

My legislation would expand the current prohibition on sending Social Security benefits to convicted felons to include those who have been judged not guilty by reason of insanity and are currently being treated in a mental hospital.

In 1986, the inspector general of the Department of Health and Human Services estimated that approximately $1 million in Social Security benefits a year were being illegally distributed to prisoners. I believe this is a perversion of the Social Security system—these funds should go to the law-abiding beneficiaries of Social Security.

The inspiration for this bill was a recent case in New Jersey where a young man brutally attacked his parents and was judged not guilty by reason of insanity. This man was sent to the local mental hospital for incarceration. Unfortunately, he escaped earlier this year and used several thousand dollars that were issued to him by the Social Security Administration to pay for life outside of the State hospital. Luckily, this man was later apprehended. However, under current law this individual could still receive Social Security benefits.

Mr. Speaker, Social Security benefits should not go to prisoners. When the public hears of stories like the one above, a loss of confidence in the whole Social Security system results. I urge my colleagues to correct this loophole in the law and pass this legislation.

STOP THE PAY HIKE FOR $100,000 STAFF

(Mr. TORKILDSEN asked and was given permission to address the House for 1 minute.)

Mr. TORKILDSEN. Mr. Speaker, 2 days ago, the House Finance Office—on your direction—began notifying Members that the maximum salary for House staff had been increased from $104,878 to $108,234.

That is right. At a time when President Clinton is asking the American people to pay more taxes, and Government civilian and military employees are being told they have a pay freeze, congressional staff who receive six-figure salaries will be eligible for a pay increase.

According to the Bureau of Labor Statistics, the average salary for someone working in the private sector is $24,000 per year. Yet by your action, you are saying that five times that amount is not enough for certain congressional employees.

Mr. Speaker, what is demanded of every other employee in Government should be fair for congressional employees as well, especially those making over $100,000 per year. Please rescind this increase immediately, and let the American people know you are not adding yet another double standard to the list.

□ 1230

CUT, MR. PRESIDENT, CUT

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, the President has been going around the country blaming former Republican Presidents for the national debt. He should realize that these deficits were rolled up by a Democrat-controlled Congress. The buck may stop at the White House, but it is spent in the Congress.

Mr. Speaker, we must move on. The lesson of the so-called budget deal of 1990 is that raising taxes does not reduce the deficit. In fact, the opposite is true. If you truly want to stop piling up debt, you have to stop piling up spending. Cut, Mr. President, cut.

TAXES AND TRUST

(Mr. HUFFINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFINGTON. Mr. Speaker, while campaigning for the White House last year, Governor Clinton solemnly pledged that he would reduce the tax burden faced by working-class Americans.

Now, President Clinton seeks to impose the largest tax increase in American history upon millions of working-class Americans. Despite his protests to the contrary, the President's taxes hit the middle class the hardest. Elderly citizens with an annual income of only $26,000 will face increased taxes. Working-class families will have to pay more to heat their homes, to drive their kids to school, and to cook their meals. Aside from costing the average middle-class family nearly $500 per year, the Btu tax is also expected to result in the loss of over 600,000 jobs because American firms will be at a competitive disadvantage, incurring higher energy costs than their foreign rivals.

Is this what President Clinton means by taxing the rich or asking the wealthy to pay their fair share? By violating his campaign promise for middle class tax relief and instead increasing taxes upon working class Americans, President Clinton will never reduce the Federal deficit, but more importantly, he is increasing his already large trust deficit with the American people.

WELFARE REFORM

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, one of the most vigorous—and most bipartisan—rounds of applause during President Clinton's State of the Union Address came when he restated his campaign promise to "end welfare as we know it." During his campaign, President Clinton repeatedly said that welfare benefits should be time-limited, and that, after 2 years of job training and education, welfare recipients who can work should be required to do so. "We have to end welfare as a way of life," he told us, "and make it a path to independence and dignity."

The President's rhetoric taps into a feeling held by most of us that long-term welfare dependency is a serious and growing social problem. About half of all new recipients are off the rolls within 2 years. This is true—but only because of the high turnover among short-term recipients. At any one time, about 82 percent of all recipients are in the midst of spells that will last 5 years or more. And about 65 percent are caught up in spells of 8 years or more.

The best effort we have to date that addresses welfare reform is 1988's Family Support Act, which sought to move welfare recipients into jobs—first, by making the receipt of benefits contingent on participation in education and employment programs; second, by providing transitional health benefits and child care to those returning to work. Although mandatory education, job training and work programs are at the heart of the act, the obligations it places on receipents are actually quite modest. Strong consideration should be given to strengthening minimal requirements within the Family Support Act.

I look forward to making welfare reform a priority of mine during this Congress, and look forward to learning more about President Clinton's welfare reform package as it unfolds.

SPENDING CUTS INSTEAD OF TAX INCREASES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, this House next week will have a chance to substitute spending cuts for the energy tax increase. We will have a chance to substitute spending cuts for the tax increase on Social Security recipients. We will have a chance to substitute spending cuts for the tax increase on restaurants that is going to lead to layoffs for restaurants and hotel workers.

I would hope that Democrats who want to stop those tax increases will be willing on a bipartisan basis to work together with the House Republicans so that together, in a bipartisan fashion, we could shape a rule which would allow us to amend the tax bill to have spending cuts instead of tax increases, to protect the American people from the energy tax, to protect the American people from the increased tax on senior citizens, and to protect the American people from taxes on restaurants that are going to lead to increased unemployment.

I would hope that the Democrats who want to cut out those tax increases would work with us on a bipartisan effort to have a rule to make those amendments in order.

PAYROLL IRREGULARITIES AT THE WHITE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, recently the General Accounting Office was asked to investigate to determine whether or not there had been any problems in the areas of the ethics and conflict of interest as a result of alleged irregularities in the White House payroll. In particular, there was a question of whether or not payroll may have been backdated by as much as 3 months.

However, employees of the Defense Electronic Supply Center, which is a Pentagon agency assigned to process the White House payroll, were ordered by unidentified White House officials not to talk to representatives of the General Accounting Office. In other words, this whole situation is being covered up.

So far the White House has refused to comment on this reported effort to interfere with the probe of the GAO.

Mr. Speaker, I would hope that the President will order his people today to begin complying with the GAO and give us a chance to understand what has been happening at the White House with regard to payroll irregularities.

NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore (Mr. VALENTINE). Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 820.

☐ 1236

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Thursday, May 13, 1993, title III was open for amendment at any point.

Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—MISCELLANEOUS

SEC. 401. DEPARTMENT OF COMMERCE TECHNOLOGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Department of Commerce Technology Advisory Board (in this section referred to as the "Advisory Board") to assist the Technology Administration in the performance of its functions.

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments are exceptionally qualified to provide advice to the Under Secretary on the plans, programs, and policy of the Technology Administration. The Under Secretary shall make an effort to ensure the appointment of socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act, and including women) to the Advisory Board. The Under Secretary shall designate 1 member to chair the Advisory Board. Membership of the Advisory Board shall include representatives of—

(1) United States small businesses;

(2) other United States manufacturers;

(3) research universities and independent research institutes;

(4) State and local government agencies involved in technology extension;

(5) national laboratories;

(6) industrial, worker, and professional organizations;

(7) financial organizations; and

(8) computing and communications equipment and services providers.

(c) DUTIES.—The duties of the Advisory Board shall include advising the Secretary, the Under Secretary, and the Director regarding—

(1) the development of policies and options for implementation that the Advisory Board considers essential to technology creation, development, and adoption, including policies that would benefit small businesses;

(2) the development and rapid application of critical and other advanced technologies, including advanced manufacturing technologies;

(3) the development of computer and communications support services for advanced manufacturing; and

(4) the planning, execution, and evaluation of programs under the authority of the Technology Administration.

(d) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act.

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(e) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(f) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(g) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.

(h) SECRETARIAL DISCRETION.—Notwithstanding any other provision of this section, the Secretary shall have the discretion to decide whether to establish the Advisory Board or create a more cost-effective way to achieve the goal of closer cooperation with industry. If the Secretary exercises such discretion and establishes an alternative mechanism, the Under Secretary shall make an effort to ensure the participation of socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act, and including women) in the alternative mechanism.

SEC. 402. INTERNATIONAL STANDARDIZATION.

(a) FINDINGS.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources and more active participation in the voluntary standards process in the United States can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of products manufactured by United States manufacturers to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) STANDARD PILOT PROGRAM.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting "(1)" before "Pursuant to the";

(2) by striking "matching funds" and inserting in lieu thereof "financial contributions deemed appropriate by the Secretary"; and

(3) by adding at the end the following new paragraph:

"(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program to include other countries that request assistance with standards-related activities from official representatives of the United States Government. The Institute may enter into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)) or with United States-based professional societies who participate in the development of standards. Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries and shall seek, as the Director deems appropriate, to promote the adoption of international standards supported by United States industry, and shall seek to assist private sector professional societies which participate in the development of standards in expediting the development of domestic standards which enable the introduction of technologies, products, or technology-based services which are being delayed due to the lack of available standards. The Institute and such contractors shall, in carrying out the preceding sentence, cooperate with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system.".

(c) REPORT ON STANDARDS.—(1) Section 508(a) of the American Technology Preeminence Act of 1991 (15 U.S.C. 3701 note) is amended—

(A) by inserting "standards development and international" after "a thorough review of international";

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(C) by inserting before paragraph (2), as so redesignated by subparagraph (B) of this paragraph, the following new paragraph:

"(1) Current and potential future roles of the Federal Government in the development and promulgation of domestic and global product and process standards.".

(2) The Secretary, in consultation with the Institute and the Department of Commerce Technology Advisory Board established under section 401 of this Act and with, as appropriate, the active participation of the private sector, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, through the development and promulgation of domestic and global product and quality standards, and through the implementation of conformity assessment and accreditation procedures based upon such standards, including a discussion of the extent to which each of the policy options provided in the March 1992 Office of Technology Assessment report, entitled "Global Standards", contributes to meeting the goals of—

(A) increasing the international adoption of standards beneficial to United States industries; and

(B) improving the coordination of United States representation to international standards setting bodies.

(3) The report shall also describe emerging product and market areas which can be assisted by shortening the time required for the development of standards and make recommendations on contributions the Department of Commerce can make to improving the timeliness of standards development.

SEC. 403. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act, is amended to read as follows:

"(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.".

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act, is amended by adding at the end the following new subparagraph:

"(D) Educational institutions.".

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 404. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), as redesignated by section 206(b)(5) of this Act, is amended—

(1) in subsection (d)(1), by inserting "(including both real and personal property)" after "or other resources" both places it appears; and

(2) in subsection (d)(2)(A), by inserting "including Federal test and evaluation facilities," after "by a Federal agency,".

SEC. 405. COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended to read as follows:

"(e) COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.—(1) The Secretary, through the Under Secretary, shall—

"(A) provide for the conduct of research and analyses to advance knowledge of the ways in which the economic competitiveness of United States companies can be enhanced through Federal programs established under the National Competitiveness Act of 1993 or the amendments made by that Act; and

"(B) as appropriate, provide for evaluations of Federal technology programs established or expanded under the National Competitiveness Act of 1993 or the amendments made by that Act in order to judge their effectiveness and make recommendations to improve their contribution to United States competitiveness.

"(2) All executive departments and agencies shall assist the Secretary in carrying out this section as appropriate.

"(3) Nothing in this section shall authorize the release of information to, or the use of information by, the Secretary or Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

"(4) The head of any Federal agency may detail such personnel and may provide such services, with or without reimbursement, as the Secretary may request to assist in carrying out the activities required under this section.".

SEC. 406. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Critical Technologies Institute (in this section referred to as the "Institute") established under section 822 of the National Defense Authorization Act for Fiscal Year 1991 shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to Congress a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Institute's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Institute may have regarding future Federal support for research and development in advanced lithography.

SEC. 407. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

(a) AMENDMENT.—Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by title II of this Act, is further amended by adding at the end the following new section:

"SEC. 305. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to establish and operate American workforce quality partnership programs in accordance with the provisions of this section. The Secretary shall award grants on a competitive basis to pay the Federal share for American workforce quality partnership programs to establish workforce training consortia between industry and institutions of higher education.

"(b) GRANT PERIOD.—Grants awarded under this section may be for a period of 5 years.

"(c) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate an American workforce quality partnership program.

"(d) CONTENTS OF PROGRAM.—An American workforce quality partnership program shall establish partnerships among—

"(1) one or more United States manufacturers;

"(2) an organization or organizations representing the nonmanagerial employees of the manufacturers described in paragraph (1); and

"(3) a local community technical college or other appropriate institutions of higher education, a vocational training institution, a Regional Center for the Transfer of Manufacturing Technology, a Manufacturing Outreach Center, or any similar entity or consortium of such institutions,

to train the employees of the industrial partners through both workplace-based and classroom-based programs of training.

"(e) FEDERAL SHARE.—The Federal share of the cost of an American workforce quality partnership program may not exceed 50 percent of the total cost of the program. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued. The total contribution of the proposed partnership should reflect a substantial contribution on the part of the industrial partners and appropriate contributions of the education partners, local or State governments, and other appropriate entities.

"(f) APPLICATIONS.—

"(1) ELIGIBILITY.—Any consortium described in subsection (d) may apply for a grant under this section at such time and in such manner as the Secretary shall prescribe.

"(2) PLAN.—Each application submitted under this subsection shall contain a plan for the development and implementation of an American workforce quality partnership program under this section. Such plan shall—

"(A) show a demonstrated commitment, on the part of the industrial partners, to adopt total quality management strategies or other plausible strategies to renew its competitive edge;

"(B) demonstrate the need for Federal resources because of the long-term nature and risk of such an investment, the inability to finance such ventures because of the high cost of capitalization, intense competition from foreign industries, or such other appropriate reasons as may limit the industrial partners' ability to launch programs where worker training and development is a substantial component;

"(C) demonstrate long-term benefit for all partners and the local economy, through an enhanced competitive position of the industrial partners, substantial benefits for regional employment, and the ability of the education and labor participants to further their capabilities to educate and train other nonpartnership-affiliated individuals wishing to obtain or upgrade technical, technological, industrial management and leadership, or other industrial skills;

"(D) make full, appropriate, and innovative use of industrial and higher education resources and other local resources such as facilities, equipment, personnel exchanges, experts, or consultants;

"(E) provide for the establishment of an advisory board in accordance with subsection (h);

"(F) include an explanation of the industrial partners' plans to adopt new competitive strategies and how the training partnership aids that effort; and

"(G) include assurances that the eligible entity will maintain its aggregate expenditures from all sources for employee training, other than those provided under this section, at or above the average level of such expenditures in the 2 fiscal years preceding submission of an application for assistance under this section.

"(3) APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve applications based on their potential to create an effective American workforce quality partnership program in accordance with this section.

"(B) CRITERIA.—In reviewing grant applications, the Secretary shall give significant consideration to the following criteria:

"(i) Saliency of argument for requiring a Federal investment.

"(ii) Commitment of partnership to continue operation after the termination of Federal funding.

"(iii) The likelihood that the training will improve the long-term competitiveness of the industrial partners and contribute significantly to economic growth.

"(iv) The likelihood that the partnership will benefit the education mission of the education partners in ways outside of the scope of the partnership, such as developing the capability to train other nonpartnership-affiliated individuals in similar skills.

"(C) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to industries which are threatened by intense foreign competition important to the long-term national economic or military security of the United States and industries which are critical in enabling other United States industries to maintain a healthy competitive position. In addition, the Secretary shall give priority to applicants in areas of high poverty and unemployment.

"(g) USE OF FUNDS.—

"(1) APPROVED USES.—Federal funds may be used for—

"(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management and technology management strategies, or other competitiveness strategies, contained in the applicant's plan submitted under subsection (f)(2)(F);

"(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

"(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

"(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

"(2) LIMITATIONS.—Federal funds may not be used for nontraining related costs of adopting *new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.*

"(h) ADVISORY BOARD.—

"(1) Each partnership shall establish an advisory board which shall include representation from each of the following categories:

"(A) Multiple organizational levels of the industrial partners, that shall include managerial employees.

"(B) The education partners.

"(C) Organizations representing nonmanagerial employees.

"(2) The advisory board shall—

"(A) advise the partnership on the general direction and policy of the partnership including training, instruction, and other related issues;

"(B) report to the Secretary after the second and fourth year of the program, on the progress and status of the partnership, including its strengths, weaknesses, and new directions, the number of individuals served, types of services provided, and an outline of how the program can be integrated into the existing training infrastructure in place in other Federal agencies and departments; and

"(C) assist in the revision of the plans (submitted with the application under subsection (f)(2)(F)) and include revised plans as necessary in the reports required under subparagraph (B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 408. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application thereof to other persons or circumstances, shall not be affected thereby.

SEC. 409. SUNSET.

(a) REPORT TO CONGRESS.—Before April 1, 1995, the Secretary shall submit to the Congress a report that evaluates the success of the programs established by this Act, and the amendments made by this Act, in achieving the purposes of this Act.

(b) LIMITATION ON APPROPRIATIONS.—Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1995 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 410. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, or under any amendment made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, or by any amendment made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 411. NATIONAL QUALITY PROGRAM.

(a) ESTABLISHMENT.—There is established, under the supervision of the Director, a National Quality Program (in this section referred to as the "Program"). The purpose of the Program shall be to enhance the Malcolm Baldrige National Quality Award, to disseminate information, and to promote and take part in educational and research activities regarding ways in which United States companies and organizations can improve their quality management practices and productivity.

(b) ACTIVITIES.—As part of the Program, the Director is authorized—

(1) to develop industry-led workshops, seminars, and other mechanisms to disseminate broadly to United States companies and organizations the best practices available in total quality management, including the practices and quality improvement strategies successfully employed by those firms that have won the Malcolm Baldrige National Quality Award, as well as best practices in lean production methods, market-driven product improvement, and customer-supplier relations;

(2) to work with industry leaders and others to develop both measures of quality and recommendations concerning what skills employees should have in order to participate effectively in company quality programs; and

(3) to explore, with private industry, other Federal agencies, and State and local government, innovative ways in which 2-year colleges and other educational institutions can teach quality assurance techniques and related background skills to industrial workers in both manufacturing and services.

The CHAIRMAN pro tempore. Are there any amendments to title IV?

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are resuming debate on the question of the competitiveness bill and will presently be dealing with title IV, where it is my understanding that we have a couple of amendments. Those particular Members that had those amendments have not yet arrived on the floor. I would hope that they are going to be here in a couple of minutes.

Mr. Chairman, I do want to raise one point about an amendment that was adopted earlier that dealt with the manufacturing industry that was offered by the gentleman from Ohio. It is my understanding that while the majority has talked fairly consistently about the fact that the National Association of Manufacturers is in support of this piece of legislation, the National Association of Manufacturers has become very concerned about that amendment, and at one point even talked about withdrawing their support of this bill as a result of the adoption of the amendment, which turns out to be, in their analysis, very, very bad economic policy.

It turns out that it is going to literally undermine the ability of hundreds, and perhaps thousands, of businesses in this country to participate in the program that is involved here, and may dramatically undermine the whole realm of competitiveness of the bill.

This was, of course, an amendment that was accepted readily on the floor. It had very, very little discussion even. As a matter of fact, I think I am the only person that rose in opposition to it.

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But it does turn out that as the manufacturing industry has focused on this particular amendment, that it is going to do a great deal of damage, not only to the bill but, if adopted, could do a great deal of damage economically to the country.

That is my concern about this legislation. We have included a number of items in the bill that have had detrimental impact on the economy as a whole.

We included some social policy items and some economic policy items that could very dramatically undermine our ability to compete in the future.

This whole bill was supposed to be about competitiveness. Yet we turned down amendments aimed at helping the middle class and small business to be more competitive. And we have adopted amendments that will undermine the ability of the manufacturing community to deal effectively with foreign competition.

So there are a number of concerns; several more concerns will be raised in amendments in the course of today. Hopefully, we can finish up this bill today. And as we are moving toward finishing the bill, one of the things we need to focus on is the economic impact of it.

A number of the amendments that will come up today will focus on that, how much are we willing to spend, how much money is going to be put into some of these programs that will be deficit money. And that is the real issue here, how much money are we willing to add to the deficit. How much money are we willing to add to the national debt in order to do some of these things that are regarded as good in the bill.

Since we are dealing with a piece of legislation aimed at competitiveness, those become very real issues, because our debt does drive down our ability to compete.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Are there other amendments to title IV?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 119, after line 10, insert the following new subsection:

(c) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase only American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

Page 119, line 11, strike "(c)" and insert in lieu thereof "(d)".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I am glad to see that we are talking about a competitiveness act that may lead to some jobs in manufacturing, although I still have my doubts. I do not think we have incentivized the workplace enough to keep jobs in America. But I appreciate the fact that this bill does attempt to address some of those issues.

I have had it included in the Buy American opportunity already. It deals with the extension of grants underneath this bill, and it says where any time there is a grant made under the act, when available, and cost effective, that American-made equipment and products should be the focus of the bill, and there should be a notice to all the people getting these grants that Congress wants to see American purchases, when possible—at least remind them.

I would just like to say that the new job dictionary, the dictionary of new job titles, a classification by the Department of Labor, came out. These are some of the new high-technology jobs that America now offers for its workers: bosom presser, sanitary napkin machine operator, brassiere cup molder cutter, panty hose crotch closer, nut roaster, jelly roller, hardness inspector, gizzard skin remover, corn cob pipe assemblers.

We are just really doing everything we can to create these new high-technology jobs.

The amendment is not fancy. It is consistent, though, and I appreciate the support that I have.

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, we believe that the gentleman's amendment improves the bill and are happy to accept it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, we do not have any objection to the amendment that I know of. I have not seen a copy of the amendment, though, and would, if the gentleman would give me a moment to look at the amendment.

Mr. TRAFICANT. Mr. Chairman, there was a purpose to that.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, we have no objection.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support of the minority as well as the majority on the issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER:

Page 120, after line 25, insert the following new section:

SEC. 412. FASTENER QUALITY ACT AMENDMENTS.

(a) REFERENCES.—Whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

(b) TECHNICAL AMENDMENTS.—

(1) DEFINITIONS.—Section 3 (15 U.S.C. 5402) is amended—

(A) in paragraph (8), by striking "Standard" and inserting in lieu thereof "Standards"; and

(B) in paragraph (14), by striking "which defines or describes" and all that follows through "of any fastener".

(2) INSPECTION AND TESTING.—Section 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by striking "section 6; unless" and inserting in lieu thereof "section 6, unless".

(3) IMPORTERS AND PRIVATE LABEL DISTRIBUTORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is amended by inserting "to the same" before "extent".

(c) CLARIFYING AMENDMENTS.—

(1) CHEMICAL TESTS.—(A) Section 5(a)(1)(B) (15 U.S.C. 5404(a)(1)(B)) is amended by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)".

(B) Section 5(a)(2)(A)(i) (15 U.S.C. 5404(a)(2)(A)(i)) is amended by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)".

(C) Section 5(c)(4) (15 U.S.C. 5404(c)(4)) is amended by inserting "except as provided in subsection (d)," before "state".

(D) Section 5 (15 U.S.C. 5404) is amended by inserting at the end the following new subsection:

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

Amend the table of contents accordingly.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, today, with this amendment, we have the opportunity to strike at the heart of overburdening Government relations and allowing industry to compete.

The Fastener Advisory Committee has just forwarded their study on the probable economic consequences of implementing final regulations without amending the Fastener Quality Act.

The advisory committee has reported that without their recommended changes, Congress could be placing an additional cost of almost $1 billion on the industrial fastener manufacturing industry.

The report states that:

> If enacted without the recommendation changes, could have a devastating economic influence upon all facets of our industry, but especially to small businesses that manufacture, distribute specific fasteners that are covered by the Act.

Further, the report explains, "Congress believed the act would cover only 1 percent, or $60 million, of fasteners sold in commerce." Not the 55 percent of the market, as estimated by the fastener industry coalition, that would be affected.

I believe it is important to make clear that the intent of Congress was truly that 1 percent of those fasteners used in critical applications would be covered.

That 1 percent of the marketplace, should not be damaging to the small business manufacturers trying to complete in the other 99 percent of the market.

My amendment, that is before us now, would allow for, first, allowance for chemistry certification from raw material vendors to be used.

The fastener manufacturer cannot change the chemistry of the raw material. Therefore, all testing of chemistry for finished fastener lots would be redundant, as long as lot traceability to the mill heat of the raw material has been maintained.

It is my understanding that NIST [the National Institute of Standards and Technology], has agreed to work out regulation language that will allow current inventories to be utilized as the NIST accreditation process takes place.

Failing to adopt this particular provision would have an estimated cost to the industry of between $100 million to $286 million.

Further, my amendment redefines the definition of the sale of fasteners with minor nonconformances.

Historically, the industry has allowed for the sale of minor nonconformances. This provision just allows fastener industry to maintain the industry standard.

This provision is intended to ensure that the Fastener Quality Act will not be interpreted to override the provisions of industry and Government standards. These standards provide procedures and safeguards for the sale or other accepted means of disposing of fasteners found to deviate from one or more of the physical specifications set out in such standards.

Failing to adopt this amendment, according to the Fastener Advisory Committee, will have an estimated cost to industry as high as $285 million.

I want to thank the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, for his willingness to find a compromise on the issues represented by this amendment.

The third recommendation of the Fastener Advisory Committee, and the one that has the largest negative impact on small business and distributers, deals with the issue of mixing like fasteners.

NIST has acknowledged the cost to be $375 million for all distributors to comply, with an estimated ongoing yearly cost to each distributor of $65,000.

Unfortunately, this was not something that we were able to get worked out in our negotiations, and we could not agree that this mixing of fasteners, or what is called commingling, should take place.

I personally have heard from the Fastener Industry Coalition, which represents over 2,500 U.S. fastener distributors and manufacturers and importers with over 60,000 employees in support of this particular commingling provision.

We have heard from the National Fastener Distributors Association. We have heard from the Industrial Fastener Institute. We have heard from the Specialty Tools and Fasteners Distribution Association, and so on and so forth.

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I have a whole list of these people that I will put into the RECORD. However, the point is that while I regard that as something that needs to be looked at in the future, that is not a part of this amendment. It was not something that we could work out.

I think it is important to recognize that what Chairman DINGELL and I have been able to work out will be an important step forward that will save perhaps as much as one-half billion dollars a year to U.S. industry, and will enhance the competitiveness, therefore, of U.S. industry.

Therefore, if we want to help business, if we want to help provide jobs, if we want to help American competitiveness, we can do so by supporting this amendment. I feel strongly that the issue is one of improving law that has been passed in a way that the industry feels would be helpful.

Mr. Chairman, I ask unanimous consent to include for the RECORD at this point further clarifying, minor, nonconformance language submitted by the National Institute of Standards and Technology.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Disposition Fasteners in Accordance With Accepted Industry and Government Standards

The Interpretive Problem Now Posed by the Act. Section 5 of the Fastener Quality Act, "Testing and Certification of Fasteners," forbids the sale of fasteners from lots which fail to conform "to the standards and specifications to which the manufacturer represents [they have] been manufactured." This language, coupled with the restrictive wording of the definition of "standards and specifications" in section 3(14) of the Act, could result in the Act's being interpreted to forbid any sale whatsoever of fasteners bearing head-markings associated with a standard which have any known non-conforming characteristics—even with complete disclosure to the buyer and in full compliance with the provisions for disposal of non-conforming items contained in the applicable standard. The National Institute of Standards and Technology believes that such an interpretation is probably required by the current wording of the applicable provisions. For this reason, I propose an amendment to make it clear that the Fastener Quality Act is not intended to nullify the carefully-drawn provisions of accepted industry and government standards governing the proper disposition of non-conforming items. The Fastener Quality Act was designed to stop the fraudulent sale into commerce of counterfeit or substandard fasteners—not the proper disposal of non-conforming fasteners according to the procedural provisions of recognized standards.

This problem was brought to light by a recent report of the Cost Effectiveness Task Group of the Fastener Advisory Committee entitled: "Economic Consequences of Implementing Final Regulations Without Amending the Act Consistent With The Recommended Statutory Changes." The Report, adopted by the full Committee at its March 3–4 meeting, recommended that the Fastener Quality Act be amended "to allow the sale of fasteners having minor nonconformances which will not affect the fit form and function of the fastener in its intended application."

The Advisory Committee Report noted that mechanical fasteners have always been manufactured and sold on the basis of "fit, form and function," with the technical specifications set out in the standard being the guide, but the user/installer being the ultimate judge of whether a particular nonconformance makes a fastener unfit for the intended use. For example, following is an extract from ASME Standard B18.182.2M through B18.18.4M which was quoted in the Advisory Committee Report:

2.9 Disposition of Nonconforming Materials or Parts Records of disposition shall be maintained in accordance with 2.4.

2.9.1 Manufacturer's Options. The manufacturer has the choice of the following options in the disposition of those materials or parts which have been found to contain discrepancies within his plant.

(a) They may be scrapped.

(b) They may be 100% sorted and all nonconforming parts removed.

(c) They may be reworked or reprocessed to correct the nonconforming characteristic(s).

(d) The customer may be informed of the rejectable items and his advice requested on their disposition. If the customer considers that the degree to which the characteristic(s) deviate from specified requirements will have no significant effect on the performance of the parts in their service application, the customer may authorize release of the parts or materials for completion of production or for shipment as applicable.

2.9.2. Customer's Options. The customer shall establish agreement with the manufacturer or one of the following options for the disposition of those materials or parts which have been rejected after receipt from the manufacturer.

(a) They may be scrapped.

(b) They may be 100% sorted and all nonconforming parts removed.

(c) They may be reworked or reprocessed to correct the nonconforming characteristic(s).

(d) If the customer considers that the degree to which the characteristic(s) deviate from specified requirements will have no significant effect on the performance of the parts in their service application, the customer may authorize release of the parts or materials for use and advise the manufacturer.

(e) They all may be returned.

The Advisory Committee report noted that numerous commercial and military documents provide for a cost effective disposition for nonconforming products when a minor nonconformance does not adversely affect the health and safety, performance, interchangeability, reliability, maintainability or effective use or operation of the product.

In my view, the sale of fasteners to fully informed customers under the above conditions accords with the procedural portion of the applicable standard, the Fastener Quality Act was not intended to prohibit such proper, orderly, and fully-informed consensual dispositions as being sales of fasteners from lots "which fail to conform to the standards and specifications to which the manufacturer represents [they have] been manufactured."

The Amendment to Resolve This Problem. The amendment I offer today would resolve this problem by revising the Act's definition or "standards and specifications" to remove its restrictive references to specific physical fastener characteristics or limits which are described by standards. This will remove the implication that the concept of "standards and specifications" includes only the physical characteristics or limits required by fastener standards, and will thus ensure that the concept is interpreted as including the provisions of a standards document that establish procedures for the sale or other disposition of fasteners that deviate from one or more of such physical characteristics or limits.

I wish to make clear that this amendment will not permit the sale of any fastener in United States commerce that "fails to conform to the standards and specifications to which the manufacturer represents it has been manufactured." Rather, the amendment makes clear that the disposition of a technically non-conforming fastener, including by sale, may in certain circumstances be a procedure which conforms to the applicable standard. The sale of nonconforming fasteners will remain strictly prohibited by the Act.

Mr. VALENTINE. Mr. Chairman, this represents an agreement by the Committee on Energy and Commerce and the Committee on Science, Space, and Technology, and we are happy to adopt the gentleman's amendment. We have no problem with it. We support it.

Mr. DINGELL. Mr. Chairman, I am pleased to withdraw my initial objections to the amendment offered by my friend from Pennsylvania and to urge my colleagues to support the amendment. The technical and conforming changes made by this amendment are consistent with the original Fastener Quality Act.

Mr. WALKER was an original cosponsor of the Fastener Quality Act. He was a supporter of the legislation that was reported to the House by the Energy and Commerce Committee and the Science Committee. The amendment he is now offering conforms to the intent of the law we passed in 1990.

I have agreed to withdraw my opposition to the gentleman's amendment because he has taken out provisions that would undermine the law's requirements for commingling and traceability. The provisions of current law are clear. Manufacturers and distributors cannot sell fasteners unless they conspicuously mark the lot number on each container. The reason for this essential requirement was recommended after an extensive and thorough investigation by our Subcommittee on Oversight and Investigations that documented case after case of substandard and counterfeit fasteners. The reasons to require traceability are simple and compelling: to provide for accountability, to reward those who strive for quality and who play by the rules, and to protect the health and safety of the public and employees. In fact, Mr. WALKER noted the need for traceability when he spoke in favor of the bill during the 101st Congress.

Because the gentleman has deleted the offending portion, I will offer my support for the technical and conforming amendments offered by Mr. WALKER and urge my colleagues to do likewise. Let me repeat: I support the Walker amendment.

In closing, I remind my colleagues that the regulations to implement this law are now more than 2 years past due. It is high time that this law is implemented. And I caution those in industry, including those who want to eliminate traceability in the name of money, that any further delays in implementing this law will be duly noted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV of the bill?

The Clerk will designate title V.

The text of title V, as modified, is as follows:

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy, in addition to any other amounts authorized for such purposes, for the Office of the Under Secretary—

(1) $5,425,000 for fiscal year 1994; and

(2) $10,000,000 for fiscal year 1995, of which $2,000,000 are authorized for competitiveness assessments and evaluations under section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $240,988,000 for fiscal year 1994 and $300,000,000 for fiscal year 1995.

(2) Of the amounts authorized under paragraph (1)—

(A) $1,000,000 for fiscal year 1994 and $1,000,000 for fiscal year 1995 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 for fiscal year 1994 and $10,000,000 for fiscal year 1995 are authorized only for the technical competence fund; and

(C) $2,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefor are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) EXTRAMURAL INDUSTRIAL TECHNOLOGY SERVICES.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary, to carry out the extramural industrial technology services activities of the Institute—

(1) for Regional Centers for the Transfer of Manufacturing Technology, for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980, and for the National Quality Program established under section 410 of this Act—

(A) for fiscal year 1994, $30,035,000; and

(B) for fiscal year 1995, $150,000,000, of which $50,000,000 are authorized for Regional Centers for the Transfer of Manufacturing Technology, and of which $97,000,000 are authorized for the National Technology Outreach Program;

(2) for the State Technology Extension Program, $3,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995; and

(3) for the Advanced Technology Program—

(A) $197,489,000 for fiscal year 1994, of which $20,000,000 are authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980; and

(B) $450,000,000 for fiscal year 1995, of which $100,000,000 are authorized for carrying out section 322 of this Act, and of which $50,000,000 are authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980.

(d) FACILITIES CONSTRUCTION.—There are authorized to be appropriated to the Secretary, to carry out construction and modernization of Institute facilities, $61,686,000 for fiscal year 1994 and $106,000,000 for fiscal year 1995.

(e) LIMITATION.—Notwithstanding any other provision of this title, the total amount which may be appropriated to the Secretary pursuant to this title for fiscal year 1995 shall not exceed $950,000,000.

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

In addition to the amounts authorized under sections 501 and 502, there are authorized to be appropriated to the Secretary—

(1) for the Civilian Technology Loan Program established under subtitle C of title III of this Act, $1,000,000 for fiscal year 1994 and $20,000,000 for the fiscal year 1995;

(2) for the Civilian Technologies Development Program established under subtitle D of title III of this Act, $1,000,000 for fiscal year 1994 and $50,000,000 for the fiscal year 1995;

(3) for carrying out the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980, $2,000,000 for fiscal year 1994 and $10,000,000 for fiscal year 1995; and

(4) for carrying out the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980, $50,000,000 for fiscal year 1995.

Of the amounts made available under paragraph (1) for a fiscal year, not more than $2,000,000 or 10 percent, whichever is greater, *shall be available for administrative expenses. Of the amounts made available under paragraph (2) for a fiscal year, not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. The Secretary shall ensure that audits are performed by independent auditors on the programs for which funds are appropriated pursuant to this section or section 502(c). The summary results of such audits shall be submitted to the Congress by the end of each of the fiscal years 1994 and 1995, and not more than $2,000,000, or 2 percent of the aggregate amount made available under such section and subsection, whichever is greater, shall be used in each such fiscal year for performing the audits.*

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director—

(1) for carrying out section 212 of this Act, $20,000,000 for fiscal year 1995; and

(2) for carrying out section 213 of this Act, $30,000,000 for fiscal year 1995.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Except as otherwise provided in this title, appropriations made under the authority provided in this title shall remain available for obligation until expended.

The CHAIRMAN. Are there amendments to title V of the bill?

AMENDMENT OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VALENTINE:

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$242,988,000".

Page 123, line 11, through page 124, line 19, strike subsection (c).

Page 124, line 20, redesignate subsection (d) as subsection (c).

Page 124, line 24, through page 125, line 2, strike subsection (e).

Page 125, line 5, insert "(a) FISCAL YEAR 1994.—" before "In addition to".

Page 125, line 7, insert "for fiscal year 1994" after "the Secretary".

Page 125, after line 7, insert the following new paragraphs:

(1) for Regional Centers for the Transfer of Manufacturing Technology, for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980, and for the National Quality Program established under section 410 of this Act, $30,035,000;

(2) for the State Technology Extension Program, $3,000,000;

(3) for the Advanced Technology Program $193,489,000, of which $20,000,000 are authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980;

Page 125, lines 8, 12, and 16, redesignate paragraphs (1), (2), and (3) as paragraphs (4), (5), and (6), respectively.

Page 125, lines 10 and 11, strike "for fiscal year 1994 and $20,000 for the fiscal year 1995".

Page 125, lines 14 and 15 strike "for fiscal year 1994 and $50,000,000 for the fiscal year 1995;" and insert in lieu thereof "; and".

Page 125, lines 18 through 24, strike "for fiscal year 1994" and all that follows through "fiscal year 1995".

Page 125, after line 24, insert the following new subsection:

(b) FISCAL YEAR 1995.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for fiscal year 1995, to carry out the other activities of the Technology Administration, including the extramural industrial technology services activities of the Institute and the Advanced Technology Program, $534,000,000, of which—

(1) not more than $150,000,000 shall be for the Regional Centers for the Transfer of Manufacturing Technology and the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980;

(2) not more than $3,000,000 shall be for the National Quality Program established under section 410 of this Act;

(3) not more than $3,000,000 shall be for the State Technology Extension Program;

(4) not more than $50,000,000 shall be for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980;

(5) not more than $20,000,000 shall be for the Civilian Technology Loan Program established under subtitle C of title III of this Act;

(6) not more than $50,000,000 shall be for the Civilian Technologies Development Program established under subtitle D of title III of this Act;

(7) not more than $10,000,000 shall be for carrying out the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980; and

(8) not more than $50,000,000 shall be for carrying out the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980.

Page 126, lines 1, and 2, strike "Of the amounts made available under paragraph (1) for a fiscal year" and insert in lieu thereof "(c) ADMINISTRATIVE EXPENSES; AUDITS.—Of the amounts made available under subsection (a)(4)".

Page 126, lines 4 and 5, strike "paragraph (2) for a fiscal year" and insert in lieu thereof "subsection (b)(5)".

Page 126, lines 9 and 10, strike "or section 502(c)".

Mr. VALENTINE. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. VALENTINE. Mr. Chairman, I rise to offer an amendment to make the authorization priorities of H.R. 820 clear and to remove the ambiguity as to the authorization limits which are being set by this bill.

H.R. 820 as reported from the Committee on Science, Space, and Technology contains authorizations for the Technology Administration of the Department of Commerce totaling approximately $1.2 billion and a cap of $950 million on authorizations for fiscal year 1995. We were attempting in committee to reconcile two conflicting goals. We wanted to exercise fiscal discipline by holding the total authorization for the Department of Commerce in this bill to the administration's planning total for fiscal year 1995. We also wanted to give the administration flexibility as it develops its fiscal year 1995 budget. In committee we realized that the cap on spending was an unsatisfactory solution to this problem, but it was the best solution available at the time.

My amendment, I believe, achieves what we could not achieve in committee.

First, under my amendment all numbers in the bill now add up. Funds for the Department of Commerce for fiscal year 1995 total the $950 million which the Clinton administration states is its planning number for these programs for fiscal year 1995. The amendment permits the administration's technology investment program to go forward, but it just as clearly states that these programs will not be given unlimited resources.

Second, the priorities under my amendment are clear. Specific portions of the $950 million are allocated to the Technology Administration, to the internal programs of NIST, to NIST construction activities, and to the external programs of NIST. This makes it clear that the committee expects growth in the external programs not to be at the expense of internal programs.

Finally, my amendment does not force the administration into making premature decisions as to which of the external programs it chooses to support within the $536 million authorized for these programs in fiscal year 1995. Such decisions would be premature since the fiscal year 1995 budget process is just beginning and since the bill requires study of several of the programs before a final decision is made on whether or not to support them.

Certain authorizations in the committee's reported version are changed into program ceilings for fiscal year 1995 which emphasizes the tradeoffs that must be made within overall budget limits if the administration does choose to request funding in fiscal year 1995 for some or all of the new initiatives contained in the bill.

Therefore, I urge my colleagues to support my amendment which I believe achieves the proper balance between investment and fiscal restraint that we will need as we take on the competitive challenges now facing our Nation.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment goes part of the way but not all of the way, and in a moment I will offer a substitute that, hopefully, will be accepted so we can correct the amendment and get it in the kind of shape that I think that everyone in the House should be able to support it.

The problem with the amendment that we have before us is that it still exceeds that which the administration has requested for the programs. This particular amendment proposes spending $1 billion in 1995. That is actually $88 million more than President Clinton has requested in his own planning ceilings, and if we stick to those ceilings as a part of it, the amount of money would be more like $912 million. What I will offer in a couple of minutes is a substitute aimed at enacting what President Clinton wants to do.

It seems to me that if we want to support President Clinton's technology policy, then we ought not be playing at the edges with that technology policy. We ought to develop that on the floor which is the President's technology policy, and therefore, this amendment ought to be reflective of both the amounts of money that are anticipated to be spent for 1994 and the planning ceilings for 1995.

I think that this amendment is one that includes some things that President Clinton has not asked for, therefore raises the cost of the program, and in so doing, I think does go beyond that which President Clinton really wants to do.

☐ 1300

Let us understand, President Clinton is, right now, out campaigning around the country, telling people that he is trying to save money, that he has adopted spending cuts. The fact is that one of the criticisms of him is that in addition to spending cuts he also proposed spending increases.

What happens in this particular amendment is that we not only take his spending increases and adopt them, we adopt about $88 million more than what the President wants to spend. Ultimately, it seems to me, this amendment ought to get back to the numbers that the President originally proposed, and that is what my substitute, which I will offer in a couple of minutes, will do.

AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VALENTINE

Mr. WALKER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. VALENTINE:

Page 121, line 8, insert ", including the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980" after "Under Secretary".

Page 121, line 10, strike "$10,000,000 for fiscal year 1995, of which $2,000,000 are authorized for" and insert in lieu thereof "$4,437,000 for fiscal year 1995, including".

Page 123, line 17, insert "for the State Technology Extension Program," after "Manufacturing Technology,".

Page 123, line 22, strike "$30,035,000" and insert in lieu thereof "$33,035,000".

Page 123, line 23, through page 124, line 2, strike "$150,000,000" and all that follows through "Outreach Program;" and insert in lieu thereof "$52,603,000; and".

Page 124, lines 3 through 5, strike paragraph (2).

Page 124, line 6, strike "(3)" and insert in lieu thereof "(2)".

Page 124, line 6, insert ", including the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980" after "Technology Program".

Page 124, lines 7 through 19, amend subparagraphs (A) and (B) to read as follows:

(A) $199,489,000 for fiscal year 1994; and

(B) $450,000,000 for fiscal year 1995.

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$105,337,000".

Page 124, line 24, through page 126, line 7, strike "(e) LIMITATON.—" and all that follows through "administrative expenses." and insert in lieu thereof the following:

SEC. 503. LIMITATION.

No funds are authorized to be appropriated for fiscal year 1994 or 1995 for the Civilian Technology Loan Program established under subtitle C of title III of this Act, the Civilian Technologies Development Program established under subtitle D of title III of this Act, the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980, or for activities carried out under sections 212, 213, or 322 of this Act.

Page 126, lines 16 through 24, strike section 504.

Page 127, line 1, redesignate section 505 as section 5094.

Amend the table of contents accordingly.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. VALENTINE. Mr. Chairman, reserving the right to object, I do not intend to object, but we would like to have a copy of the gentleman's amendment.

Mr. WALKER. If the gentleman will yield, I thought he had a copy. I am not attempting to hide anything here. I will explain the amendment if the unanimous-consent request is agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the amendment offered as a substitute for the amendment.

The CHAIRMAN (during the reading). Does the gentleman from North Carolina [Mr. VALENTINE] continue to reserve his right to object to the reading of the amendment?

Mr. VALENTINE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. WALKER. Mr. Chairman, this is an amendment offered as a substitute, and let me explain in fairly brief detail what it is. This amendment saves $88 million by adopting President Clinton's own planning ceiling for 1995. By sticking to his ceiling we end up, it seems to me, assuring that we do not spend more money than what the President wants to spend in these areas.

The amendment does not authorize funding for six grant and loan programs in the bill that President Clinton has not requested, and Secretary of Commerce Ron Brown says that he does not want. So what we are doing in this amendment is we are taking the absolute administration position. We are saying we have programs here that the Secretary of Commerce says he does not want. We have six grant and loan programs in the bill that President Clinton has not requested. Let us cut those out, bring down the cost by $88 million within the amendment, and we end up with, instead of $1 billion of cost, we end up with $912.4 million in cost.

This is something which is really the Clinton budget amendment. All I have done here is taken precisely that which is reflected in the Clinton budget, and I am offering that on the floor. The President has been concerned, and some of the leadership in Congress has been concerned that we have a lot of gridlock going on in the Congress. Here is a case where a Republican is attempting to give the President precisely what the President has asked for. This should not be a cause for gridlock. This is an attempt to give the President exactly those numbers that he has requested in his budget document. I would ask support of Members to make H.R. 820 a more responsible bill by putting the President's own spending numbers into the legislation.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

The funding authorized in H.R. 820 reflects the President's budget request for fiscal year 1994 and conforms to the fiscal year 1995 spending ceiling in the concurrent budget resolution that the House has already passed.

The amendment would prevent the Clinton administration from seeking and the Congress appropriating funds to carry out the President's technology investment initiative. The administration opposes the amendment.

The final budget and spending priorities for fiscal year 1995 will, of course, be set by the Congress next year in the budget and the appropriations process of fiscal year 1995. I fully recognize that funding for these programs will have to compete with other urgent priorities at that time.

Reducing further the authorization for these programs now would prejudice those priorities and preclude the Congress from even considering them. And I urge my colleagues to give President Clinton and the Congress options for making our businesses more competitive.

Mr. WALKER. Mr. Chairman, will the gentleman yield for just a moment to clarify a statement that he made?

Mr. VALENTINE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding. He indicates that the amendment that is before us, that he offered on behalf of the gentleman from Minnesota [Mr. MINGE], conforms with the budget documents as passed by the House for 1995. In 1995, function 370 under which these programs fall actually goes down. There is less money in account 370 in 1995 than there is this year.

I am wondering if the gentleman can tell me how this increase in spending conforms with the reduction in spending in budget account 370?

Mr. VALENTINE. If the gentleman from Pennsylvania will look at appendix page 66, the total Federal funds for the National Institute of Standards and Technology, the gentleman will find the answer to the question, which confirms the statement that I made.

Mr. WALKER. If the gentleman will yield further, the problem is I have looked at the document, and what I see is that despite whatever money might flow for NIST, the fact is that the amount of money in the overall account is being reduced in fiscal year 1995. We are adding money here.

The question is where this add-on spending indeed conforms with the budget resolution?

Mr. VALENTINE. I would suggest to the gentleman that the Appropriations Committee will have something to say about that, and I refer the gentleman again to appendix page 66. And I reiterate what I said in my statement.

Mr. WALKER. Will the gentleman yield further?

Mr. VALENTINE. I do not yield further.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bill we are looking at and the dollar figures that are in there are ones that have been reviewed by the White House, and I am pleased to report that a letter dated May 19, 1993, from President Clinton has been delivered to the Speaker of the House in which President Clinton fully supports H.R. 820 and the funding levels in that bill. I think that is probably the most recent and best evidence that we have in this Chamber, and I include that letter for the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 19, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The goal of H.R. 820, the National Competitiveness Act of 1993, is to ensure that the United States is the foremost advanced manufacturing nation in the world. This is a goal and a commitment I share. H.R. 820's vision of a new public-private partnership to build our nation's technology base, create jobs, and improve America's competitiveness is also my vision. I am proud to be your partner in making this vision a reality.

At the heart of my economic plan is the fundamental premise that the private sector is the engine of economic growth and that through innovative partnerships with private industry the federal government can jumpstart that powerful engine and get it running smoothly again. Increased cooperation between industry and government, particularly in the area of civilian technology development, is essential to that effort.

To compete effectively in a global economy our nation must invest in our technology base and in programs that forge strong links between the private sector and the government to strengthen that technology base. H.R. 820 will create those links, help us to build our technology base, and create jobs and opportunities for all Americans. It will thus implement key elements of my economic plan and my campaign to invest in America's future.

H.R. 820 is a wise investment in our nation's future. I urge the House to pass this legislation without further amendments.

Sincerely,

BILL CLINTON.

My larger concern is that we are dealing with a question about investment which transcends some of the investments which are perhaps more debatable, and from some of our perspectives more transparent. The investment that we are talking about in this bill is one that is designed to make American industry competitive in a world economy. We are talking about a computer information age in which Japan and Western European countries are anxious to develop their supercomputer manufacturing capabilities. They are anxious to get into telecommunications in a way that dwarfs their presence in that field today, and it is incumbent upon American industry to retain its leadership in these areas.

It is very easy for us to say this is just additional spending, and I have agonized over this bill quite a bit from that perspective. But I have concluded that at this point in our Nation's economic development that a modest investment in technology, research, development and application in this area is vital to America. We cannot afford to see the tens of thousands of jobs lost in our economy that have been lost in manufacturing of televisions and high-fidelity equipment and other consumer electronic goods.

□ 1310

This has happened over a period of over 20 years, and it is a trend with which all of us are familiar. It is virtually impossible for the normal or the average consumer to find American products or products manufactured in the United States on the shelves of supermarkets and video discount stores. We cannot afford to let the communications and the computer industry slip away from us in the same fashion.

We all know, I am sure, that in the rest of the world, the industrialized world, nations do have a development strategy. We, too, have had a development strategy in this country, and we have chosen, perhaps sometimes by indirection, to emphasize the manufacture and the development and the research with respect to certain segments of our economy, and we have done magnificently in the production of defense equipment. It is time for us to recognize that we need to redirect, refocus our Nation's efforts into the nondefense sector.

I am happy to say that this bill is an attempt to do that. It is not a bill which simply lays money out. It requires matching funds from industry, and I think that hasty or last-minute attempts to make dramatic reductions here and there in the bill with the cry that someplace in an 800-page document there is an ambiguity, that the other side of the aisle would like to exploit for this purpose, is ill-advised.

Since we have a letter from the White House today, I think it is clear that this body should go on record as supporting the funding levels as currently exist in the bill.

We have the appropriations process which is yet to come. There will be ample opportunity at that time to make yet further reductions if this body feels that it is in order as a part of reconciling the deficit that we face with the economy that this country has.

But at this time I urge the body to go forward with the legislation, to reject the amendment unless the gentleman from Pennsylvania or someone else in support of that amendment can produce something from the White House that is equally as current and persuasive as the letter that we have been furnished.

Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very disappointed that we cannot get a dialog going on some of these issues that the majority side will not continue to yield to work out some of these problems, because it is very clear to me that there are some real problems with the funny-money numbers that are being thrown around here.

I do not have the President's budget in front of me from which the gentleman from North Carolina quoted. What I have is a copy of the budget bill that was passed by the House that the gentleman from North Carolina claims that his amendment conforms to. I have got right here a copy of a conference report, and the conference report shows that in fiscal year 1994 we are supposed to spend $16.9 billion; in 1995, it is also $16.9 billion. That figure is $100 million lower than the spending for this year, and yet under the amendment offered by the gentleman from North Carolina, we would have spending in this particular program go up by about $400 million. It is about $370 million of increase in this one account despite the fact that the overall spending is being held down or actually dropped.

Now, that is a little confusing, and then the gentleman from Minnesota comes along and says, "Oh, well, do not worry about it. We have got a letter from the President."

Is this the same President who has been campaigning around the country telling us how he is cutting spending? The gentleman from Minnesota said he has wrestled with this bill, and he has come to the conclusion that this is an investment we have to make. Well, that is fine. All of these investments just add up to more spending, and all this gentleman was attempting to do with his amendment was say, "Let us at least stick to the numbers that the President himself has sent to us." That is all my amendment does.

My amendment says precisely those things that came up in the President's budget we ought to stick to whether or not they conform with the House budget.

I mean, I think it is pretty clear we do not conform with the House budget, so the question is whether or not we are going to stick with the President's numbers. My amendment says let us stick precisely with the President's numbers; let us not fudge around at the edges and put on a whole bunch of additional spending programs that even the President has not requested and that Secretary Brown says he does not want.

There is something awfully odd about the majority who suggest that we want to do what the President wants to do, but then because the President has not requested exactly what we want him to request, we are going to add in some additional spending to give the President more options in the future despite the fact that the Secretary of Commerce says he really does not want it, but do not worry about that, because we now have newer letters from the Secretary of Commerce and now have a letter from the President saying the President wants this program, and he does not want it modified and so on and so forth.

I mean, it is a little hard to know who to believe and when to believe them in the process. But all we are attempting to do, in my amendment, is take the number that the President said that he wants for 1995 and write that into the bill.

When the majority party opposes this amendment, they are opposing the President's own budget number. They are saying, "We ought to spend more than the President wants to spend."

The President is already increasing spending by many times where we are, and the gentleman from Texas will soon offer a freeze amendment to allow us to stay within the spending limits that are presently in law, and we may want to take a look at that.

But this amendment of mine is very modest. It says, "Give the President his due, but let us not go any further." And it seems to me that at the very least we ought to take the big-spending budget of the President and at least not add to that, at least stay within the limits that the President has defined.

Mr. Chairman, I thank the gentleman very much for yielding so we could clarify this, because the gentleman from North Carolina would have us believe that this conforms with the budget bill. I have the budget bill in front of me, and there is no conformance at all.

Mr. GRAMS. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as a substitute for the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The question was taken; and on a division (demanded by Mr. WALKER), there were ayes 8, noes 5.

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 164]

ANSWERED "PRESENT"—394

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bunning
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lancaster
Lantos
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

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The CHAIRMAN. Three hundred ninety-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from North Carolina [Mr. VALENTINE] for a recorded vote.

A recorded vote was ordered.

The Chair reminds Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 222, not voting 28, as follows:

[Roll No. 165]

AYES—187

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Parker
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—28

Bilbray
Brewster
Brooks
Bryant
Burton
Buyer
Carr
Chapman
Conyers
Faleomavaega (AS)
Ford (TN)
Hefner
Henry
LaRocco
Leach
Manton
McCrery
Packard
Pastor
Porter
Romero-Barceló (PR)
Rowland
Sangmeister
Shaw
Slattery
Underwood (GU)
Washington
Whitten

☐ 1352

The Clerk announced the following pair:

On this vote:

Mr. Porter for, with Mr. Sangmeister against.

Mr. PARKER and Mr. LEHMAN changed their vote from "no" to "aye."

Mr. BARCIA changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Chairman, during rollcall vote No. 165 on H.R. 820 I was unavoidably detained. Had I been present I would have voted "no".

AMENDMENT OFFERED BY MR. ARMEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VALENTINE

Mr. ARMEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY as a substitute for the amendment offered by Mr. VALENTINE:

Page 121, lines 8 through 14, strike "Under Secretary" and all that follows through "of this Act" and insert in lieu thereof "Under Secretary, $4,450,000 for each of the fiscal years 1994 and 1995".

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$192,940,000".

Page 121, line 22, strike "$300,000,000" and insert in lieu thereof "$192,940,000".

Page 123, line 21, through page 124, line 2, strike "of this Act" and all that follows through "Outreach Program" and insert in lieu thereof "of this Act, $16,907,000 for each of the fiscal years 1994 and 1995".

Page 124, line 4, strike "$3,000,000" both places it appears and insert in lieu thereof "$1,280,000".

Page 124, lines 6 through 19, strike "Technology Program" and all that follows through "Act of 1980" and insert in lieu thereof "Technology Program, $67,880,000 for each of the fiscal years 1994 and 1995".

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$105,000,000".

Page 124, line 24, through page 126, line 7, strike "(e) LIMITATION.—" and all that follows through "administrative expenses." and insert in lieu thereof the following:

SEC. 503. LIMITATION.

No funds are authorized to be appropriated for fiscal year 1994 or 1995 for the Civilian Technology Loan Program established under subtitle C of title III of this Act, the Civilian Technologies Development Program established under subtitle D of title III of this Act, the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980, the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980, competitiveness assessments and evaluations under section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980, or for activities carried out under sections 212, 213, or 322 of this Act.".

Page 126, lines 16 through 24, strike section 504.

Page 127, line 1, redesignate section 505 as section 504.

Amend the table of contents accordingly.

Mr. ARMEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Chairman, my amendment is straightforward. It simply freezes spending for these programs at the current level. Under the Democrat bill, the spending would skyrocket from $388 million this year to $541 million in fiscal year 1994 and $1 billion in fiscal year 1995. My amendment would prevent this profligacy and save the taxpayers $800 million.

Mr. Chairman, it was just a few short weeks ago that the Democrats in this House passed a 5-year budget plan which included the largest tax increase in American history. We were told then, by the Democrat majority, that this hefty contribution on the part of hard working taxpayers was necessary to reduce the Federal budget deficit. And here they propose increasing spending on corporate giveaway programs by 158 percent.

And what does H.R. 820 do? Under this bill, the Federal Government is going to build an enormous network of technology centers so bureaucrats can show business men and women what machines to buy and how to run their businesses. And the same people who gripe about so-called junk bonds are putting Uncle Sam in the venture capital business. If you thought the S&L crisis was bad, wait until bureaucrats start making multimillion-dollar commercial loans. And finally, the Government is going to spend hundreds of millions each year picking winners and losers in the name of promoting technology.

Here is what we are saying to the taxpayers today, the Government that brought you Amtrak, the post office, the USDA, and $600 toilet seats at the Pentagon is going to teach real entrepreneurs how to beat international competition.

The reason this bill is on the floor, of course, is that the majority believes that committees here in Congress and the bureaucrats at the Commerce Department know how to run the economy. As George Will noted in a column 2 weeks ago, the liberals in Washington, DC, believe they know far more about competing in the marketplace than the undiscerning men and women who have risked their life savings to start a real business in the real world.

Well, let us take a look at what the Democrat majority has already done for business this year. It has heaped another mandate on workers and business in the form of mandated leave legislation. It has passed a budget resolution which promises business higher energy and corporate income taxes. The majority has promised the business community and the country another 5 years of huge budget deficits, which will deprive the private sector access to capital.

But we have only just begun. On the way is striker replacement and the rest of the big labor and trial lawyer agenda which will undermine America's competitiveness. The finest illustration of the economic illiteracy of the majority is this: The Democrat Party opposes indexing the capital gains tax—which lowers the cost of capital—yet supports indexing the minimum wage—which increases the cost of labor.

But the Democrats are here to help business today, they say. The party that beleaguers business with higher taxes and regulations at every opportunity now wants to help. The majority wants to promote economic growth and jobs through investment, sounding, ironically, like supply-side conservative Republicans. But as my friend Jude Wanniski says, the majority is operating on the dark side of the supply-side model—investing in government bureaucracies instead of the private sector.

So as Russia, Sweden, Mexico, France, Poland, and on and on—move away from state planning to emulate the American model of free enterprise, the majority—while paying lipservice to the market—seeks to move more and more resources from the productive private sector to the wasteful public sector.

Mr. Chairman, if my Democrat friends are genuinely interested in creating real jobs in the private sector they should consider this: Over the last 4 years, the tax and regulatory burden on small business has increased 34 percent. These small businesses create 75 percent of the new jobs in the economy. If you want to help the entrepreneur, lower his cost of capital, stop tying his hands with unnecessary red and green tape, do not raise his energy costs and corporate taxes, reform America's legal liability laws, amend antiquated antitrust laws. In short, get the government off the backs of small business.

But do not burden all businesses with massive new taxes and regulations and then give away a billion dollars to the politically well-connected. That will not make America more competitive. I would close with a quote from Adam Smith who warned us of politicians who were conceited enough to try to direct an economy. He wrote:

> The statesman who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself a most unnecessary attention, but assume an authority which could safely be trusted to no council and senate whatever, and which would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it.

Support the Armey freeze amendment, heed the advice of Adam Smith, save the taxpayers over $800 million, and limit the damage that will be done by this pernicious public policy.

□ 1400

I will leave you, Mr. Chairman, with one final thought: At the time you consider voting on this amendment and on final passage of this bill, could I please ask you to remember ARMEY's axiom No. 1, the markets are rational; the Government is dumb.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief. We oppose the amendment. The amendment proposes funding cuts. We suggest to Members simply to make cuts. It ignores the justification and benefits of programs which are authorized in the bill. It disregards the President's budget priorities and offsetting spending cuts which are made elsewhere. The amendment would deny the President the opportunity to carry out his mandate for progressive change in this country.

The bill will implement key elements of the President's economic plan and his campaign to invest in America's future. The amendment defeats the President's opportunity to carry out his program and to assist industry in becoming more competitive.

Mr. Chairman, we strenuously oppose the gentleman's amendment. I say again, we believe it to be cuts for the sake of cuts, without any regard to the merits of the programs which would be slashed.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, maybe it is time that we begin to cut some programs just for the sake of cutting them in order to get the budget in shape. But in this particular case the gentleman from Texas [Mr. ARMEY] offers us another alternative, and that is to simply freeze at the level that we are now spending.

The gentleman simply says go ahead and do the programs that you want to do, but let us do it within the budget that we presently have in place.

We cannot afford to spend millions of dollars more than what we are now projecting. The gentleman from Texas [Mr. ARMEY] would do more to help American competitiveness with his amendment than any program in this bill will do, because he will save the taxpayers $800 million.

Mr. Chairman, this is an $800 million amendment that essentially freezes spending in place. It does not do any damage, does not cut anything, but just freezes spending.

It seems to me that that is something that we might want to consider. I realize that the President had some ideas for spending, but we just rejected the President's program. Democrats overwhelmingly voted to turn down the President's program. That was the last vote. The Democratic Party decided that the President did not have the right program, and they wanted to exceed his spending. Now we are going to come back with the idea that maybe what we ought to look at is something that really will help business, and that is to freeze spending and save $800 million.

Are there people who believe that this is probably a pretty good idea? Yes, the National Taxpayers Union and the Citizens Against Government Waste both are going to rate this vote as a key vote. The National Taxpayers Union said they are opposed to spending increases included in the bill and support efforts to cut the spending levels.

That is what this does. It will be supported by the National Taxpayers Union. The same thing is true with the Citizens Against Government Waste, who are against the increased spending levels in the bill. They want this spending frozen.

So the gentleman from Texas [Mr. ARMEY] is in fact doing something that both the National Taxpayers Union and the Citizens Against Government Waste endorsed, and that is freezing the amount of money in the bill.

Mr. Chairman, I would urge support for this amendment.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to thank the gentleman from North Carolina [Mr. VALENTINE] for his fairness and willingness to try to work out the areas in disagreement. One area in disagreement that we could not work out was that of funding.

Mr. Chairman, for the last year and a half, I have asked witness after witness, what is the lowest funding level that these programs can be operated—and still be effective?

The hearing record is silent. Some witnesses advocated funding levels for various programs—but not one indicated if this was a floor or a ceiling.

From the time this competitiveness bill was introduced in May 1992 the funding level has dropped from $2.2 billion to the current level of $1.5 billion.

I think it can be cut even further without harming the effectiveness of the programs. However, until we examine all options it is better to be fiscally sound and error on spending fewer tax dollars rather than wasting a single tax dollar.

Therefore, I support the gentleman's amendment to cut the fiscal year 1994 and 1995 funding to the fiscal year 1993 level of $389 million for each year. This would result in a saving of over 50 percent.

I urge my colleagues to support this fiscally responsible amendment.

Mr. Chairman, the House is considering the National Competitiveness Act of 1993, H.R. 820.

The legislation is directed toward enhancing manufacturing technology "that will contribute significantly to U.S. competitiveness, employment, and sustainable economic growth."

I support this goal. However, I do not believe the Department of Commerce can accomplish this goal. Only industry can improve its own competitiveness, not the Federal bureaucracy.

In fact, the citizens in the 16th Congressional District of Florida are asking for less Government bureaucracy and less Government spending.

I think that in these times of increasing deficit and decreasing funds, we need to determine funding priorities.

Is this legislation of a high enough priority to increase the national deficit by $1.5 billion?

Are the funding levels in H.R. 820, as low as possible or is there a built-in cushion that taxpayers are being asked to fund?

Will this legislation create new jobs in the private sector or will the jobs be in the Federal bureaucracy?

In answering these questions I have reached the conclusion that this legislation before us can be improved and it should be.

I think the American taxpayers demand that we cut out every extra dollar, that we strip all excess bureaucracy from programs, and that we make sure that the legislation will improve private sector competitiveness throughout the United States.

Until the legislation meets these standards, I cannot support it.

As I have said in the past, U.S. competitiveness is not a partisan issue. We should work together to develop legislation that will be supported by all sides.

I want to thank Chairman BROWN, Subcommittee Chairman VALENTINE for their willingness to work on the areas in disagreement.

I also want to thank Mr. WALKER for his interest and devotion to competitiveness solutions that could provide meaningful solutions.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I think the No. 1 objective of all of the voters across America is control of our budget deficit. How in the world can we vote greatly increased funding here and keep faith with those voters who sent us here to control deficit spending, to get the debt under control?

We have enough money in this program from last year. It is going well. There is a role for the Federal Government to play, but that role is not to take more money out of the private sector, where we will lose jobs and lose wealth because of it.

The role of the Federal Government needs to play is a role where it creates a better tax environment so that there is more incentive for entrepreneurs to work. This is the wrong kind of a bill and the wrong incentive. Government should not be taking our money and trying to spend it for us. The average voter does not believe that the Government has the wisdom to do this.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against the amendment. I think it is important to point out that the issue is not the deficit, but what the deficit does to our economic future.

I would disagree with my colleague who spoke previously. I think the voters are not concerned so much about the deficit number as what the deficit means for our future and the future of the economy. We need to get the deficit under control because of what it does to our current budget, as well as what it does to our economic future.

This bill attempts to do this task. The attempt by this amendment to freeze our spending priorities with those set under the prior administration completely ignores the lesson of the prior election. I think the voters are looking to us to take action with respect to our economy, to restore vigor to American manufacturing, and to make sure that we have good jobs available for our citizens.

I think the amendment would freeze those priorities in amber, but the American people instead have asked us to reexamine our priorities.

Mr. Chairman, I think the speakers on the other side of the aisle are entirely correct with regard to much of the broad substance of their message. We need to attack the deficit. We need to do it by looking critically at programs. We especially need to look at existing programs that simply do not measure up.

We have heard testimony in committee and heard argument on the floor that this bill is exactly the sort of program we need to assure people that our economy will improve, that we will build for one future, and we will turn over to our children the kind of country and economy that they must have to compete in the 21st century.

Mr. Chairman, we should not freeze our priorities. We need to reorder those priorities and give the new administration flexibility to carry forward their economic initiatives. Then, I hope we will see similar vigor in cutting spending on a number of other appropriations packages that will be coming through.

Mr. Chairman, let me just remind Members that the budget resolution we passed calls for freezing all discretionary spending for the next 5 years. That is not a freeze over a baseline, that is freeze in absolute dollars.

With the budget resolution, we have done in the big picture what this amendment asks us to do in only one program. But this amendment is an attempt to micromanage this specific program, to tie the hands of the new administration with policies that I believe the voters have rejected. I urge my colleagues to vote against the amendment.

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Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Armey amendment to freeze the spending levels in this bill at the fiscal 1993 levels, which would be a small step, again, in trying to control our fiscal deficit and put some money back into the pockets of the American taxpayers.

We always hear the good arguments about spending more money. Again, in this case, we hear the arguments of Washington feeling that it can best direct business and wants more money in order to do that.

As we know, however, this Nation is facing a record deficit in 1993. Yet here we are, today, ready to authorize an increase for fiscal 1995 spending that is nearly 158 percent of the spending levels for this year.

That is an increase in spending and programs that we do not even know will improve the competitiveness of our private sector and, again, Washington believing that it can best direct success better than the private sector.

In some instances, this bill authorizes money for programs that this administration does not even want.

Therefore, I urge my colleagues to support the amendment in the name of the American taxpayer and to try and keep Government from assuming more control over American business.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY] as a substitute for the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The question was taken; and on a division (demanded by Mr. ARMEY) there were—ayes 56, noes 29.

RECORDED VOTE

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the Valentine amendment, without intervening business or debate.

The vote was taken by electronic device, and there—ayes 199, noes 217, not voting 21, as follows:

[Roll No. 166]

AYES—199

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOES—217

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn

NOT VOTING—21

Bentley
Brewster
Brooks
Bryant
Carr
Chapman
Frank (MA)
Glickman
Hefner
Henry
LaRocco
Leach
Manton
McCurdy
Packard
Sabo
Sangmeister
Washington
Whitten
Yates
Young (AK)

□ 1434

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Sangmeister against.

Mr. ANDREWS of Texas changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

Page 121, line 9, strike "$5,425,000" and insert in lieu thereof "$4,882,500".

Page 121, line 10, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 121, line 11, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$216,889,200".

Page 121, line 22, strike "$300,000,000" and insert in lieu thereof "$270,000,000".

Page 122, line 1, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 2, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 4, strike "$9,000,000" and insert in lieu thereof "$8,100,000".

Page 122, line 5, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 122, line 7, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 122, line 8, strike "$3,000,000" and insert in lieu thereof "$2,700,000".

Page 123, line 22, strike "$30,035,000" and insert in lieu thereof "$27,031,500".

Page 123, line 23, strike "$150,000,000" and insert in lieu thereof "$135,000,000".

Page 123, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 1, strike "$97,000,000" and insert in lieu thereof "$87,300,000".

Page 124, line 4, strike "$3,000,000" and insert in lieu thereof "$2,700,000".

Page 124, line 7, strike "$197,489,0000" and insert in lieu thereof "$177,740,100".

Page 124, line 8, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 124, line 13, strike "$450,000,000" and insert in lieu thereof "$405,000,000".

Page 124, line 14, strike "$100,000,000" and insert in lieu thereof "$90,000,000".

Page 124, line 16, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 22, strike "$61,686,000" and insert in lieu thereof "$55,517,400".

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$95,400,000".

Page 125, line 2, strike "$950,000,000" and insert in lieu thereof "$855,000,000".

Page 125, line 10, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 10, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 125, line 14, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 15, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 125, line 18, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 125, line 19, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 125, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 126, line 2, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 5, strike "$5,000,000" and insert in lieu thereof "$4,500,000".

Page 126, line 12, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 22, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 126, line 24, strike "$30,000,000" and insert in lieu thereof "$27,000,000".

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. VALENTINE. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DUNCAN. Mr. Chairman, I will be very brief since I have already spoken on the bill once before.

My amendment is a very simple one. It is a 10-percent across-the-board cut and it would save the American taxpayers $154.3 million over 2 years.

The last amendment we acted on just a moment ago was a freeze which would have knocked off over $800 million from the bill. This is a much lower cut. In fact, I want to emphasize that my amendment would allow for a 29.6 percent increase over current spending in fiscal year 1994.

If my 10-percent cut amendment is adopted, there will still be huge increases in this bill. This bill totals over the next 2 years, over the 2-year life of the bill a 158-percent increase as it presently stands. My amendment simply cuts 10 percent off of the bill as a whole, and that leaves a very large increase in spending in this bill.

□ 1440

But it would save $154 million. Over 2 years, this amendment allows for a 148-percent increase in spending for these programs.

This amendment is not a cut but, rather, a very, very small reduction in the authorization levels contained in this bill.

My amendment has been endorsed by the National Taxpayers' Union; in addition to that, the Citizens Against Government Waste have sent a letter endorsing the amendment and opposing the bill at its present level.

This amendment gives Members an opportunity to do more than just pay lip service to doing something about the deficit and the national debt. This gives them a chance to do something realistic.

We have been passing bill after bill that has contained huge increases. We have got to do something to bring Federal spending under control, or we are really going to hurt the poor and working people of this country.

This is a simple, straightforward amendment which would allow for a very modest decrease in overall spending on this bill of 10 percent.

I urge its adoption.

The CHAIRMAN pro tempore (Mr. TORRES). Does the gentleman from North Carolina [Mr. VALENTINE] insist on his point of order?

Mr. VALENTINE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore. The gentleman withdraws his point of order.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my colleagues, let me say that this is at least the third bite at the apple. It is a question of philosophy. It is a question of whether or not the House wants to provide opportunities for the development of technology for America's so-called middle class.

The amendment would deny the President the opportunity to carry out his mandate, the same thing I said about the preceding amendment.

The bill will implement the elements of the President's economic plan and will help him to fulfill campaign commitments.

I again urge my colleagues to support the committee and oppose this amendment.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment represents a very modest cut in the program.

We just talked about an $800 million cut. This is about a $150 million cut.

It seems to me that this is a very, very modest amendment in an attempt to get our budget under control.

I would urge support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 213, not voting 16, as follows:

[Roll No. 167]

AYES—208

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—213

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers

Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Blackwell
Brewster
Carr
Chapman
Glickman
Hefner
Henry
Leach
Manton
McCurdy
Murphy
Neal (NC)
Norton (DC)
Packard
Sabo
Whitten

□ 1501

Mr. OBEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. TORRES). The gentleman may state his parliamentary inquiry.

Mr. WALKER. Mr. Chairman, the delegates have made a difference in the vote here. Does that result in an automatic revote of the issue?

The CHAIRMAN pro tempore. Four delegates voted no. It was not a decisive vote. Those votes would not have changed the result of the vote.

Mr. WALKER. Wait a minute.

The CHAIRMAN pro tempore. The Chair would advise that if the delegates had not voted, the vote would have been 208 to 209. The result would be the same. The amendment would be rejected. The amendment is rejected.

Mr. STEARNS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. STEARNS. Under the rule that was passed, Mr. Chairman, it has to be closer before we revote, is that it? Because some of these people might have voted a little differently if the vote was just one or two, so I do not think we can speculate. That is why I think we should have another vote.

The CHAIRMAN pro tempore. The Chair can only base his ruling on the votes cast, and the Delegates' vote was not decisive.

Mr. STEARNS. Decisive is what, a difference of how much?

The CHAIRMAN pro tempore. But for the votes of the Delegates, the outcome would have been different.

Mr. STEARNS. So if we take the difference of the four, it is a separation of the two votes.

The CHAIRMAN pro tempore. Vote 208 to 209.

Mr. STEARNS. One vote, a separation of one vote is not worth another vote? It seems to me that is significant.

The CHAIRMAN pro tempore. The result would not have been different.

Mr. STEARNS. Well, it might have been different if everyone saw there was just one vote, and if their vote was the key vote——

The CHAIRMAN pro tempore. The Chair cannot speculate on that possibility.

Mr. STEARNS. Will the Chair allow me a further indulgence?

The CHAIRMAN pro tempore. The Chair will recognize the gentleman.

Mr. STEARNS. Mr. Speaker, if there is a difference of one vote on the House floor, we have seen many times it go up and down because Members feel a stronger compunction or a stronger conscience on an issue.

The CHAIRMAN pro tempore. The Chair again cannot speculate on that possibility.

Mr. STEARNS. Well, would the Chairman consider a revote on this matter, since there was just a difference of one vote?

The CHAIRMAN pro tempore. The vote cannot be reconsidered in the Committee of the Whole.

Mr. STEARNS. I thank the Chairman for his indulgence.

The CHAIRMAN pro tempore. Are there any other amendments to title V?

Mr. WALKER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WALKER. Has the Chair just ruled that we can get a separate vote on this matter in the whole House?

The CHAIRMAN pro tempore. The amendment was not adopted. The amendment will not be reported to the House. It was not adopted.

Mr. STEARNS. Mr. Chairman, may I propound a further parliamentary inquiry?

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. STEARNS. Mr. Chairman, can we move to rise to the full House and vote on this? Is it appropriate for me to move that we rise?

The CHAIRMAN pro tempore. The motion to rise is in order, but it does not provoke another vote in the House.

Mr. STEARNS. Well, I mean, with the consideration that we vote in the full House on this particular issue, because I think as it stands now there is only one vote that separates us.

The CHAIRMAN pro tempore. The Chair would state that would not be resolved in the House.

Mr. GINGRICH. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GINGRICH. Mr. Chairman, if the gentleman from Tennessee were to offer exactly the same amendment, but with 9 percent instead of 10, that would be in order at this point, would it not, so that Members knowing how close it is would have an opportunity on a slightly smaller number actually to reconsider, is that not true?

The CHAIRMAN pro tempore. The Chair would rule that a different amendment could be offered.

Mr. GINGRICH. And those Members who now know how close it was would have an opportunity to look at voting on this much closer and a slightly smaller amendment?

The CHAIRMAN pro tempore. The Chair would state to the minority whip that that is not a parliamentary inquiry.

Mr. GINGRICH. I would simply ask the Chair to keep that section of the bill open for one additional moment.

The CHAIRMAN pro tempore. Are there any other amendments to title V?

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is this an amendment to title V?

Mr. STEARNS. This is an amendment to move it from the 9 percent. It is the same amendment, minus $100,000.

Mr. VALENTINE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: Page 121, line 9, strike "$5,425,000" and insert in lieu thereof "$4,782,500".

Page 121, line 10, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 121, line 11, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$216,889,200".

Page 121, line 22, strike "$300,000,000" and insert in lieu thereof "$270,000,000".

Page 122, line 1, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 2, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 4, strike "$9,000,000" and insert in lieu thereof "$8,100,000".

Page 122, line 5, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 122, line 7, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 122, line 8, strike "$3,000,000" and insert in lieu thereof "$2,700,000".

Page 123, line 22, strike "$30,035,000" and insert in lieu thereof "$27,031,500".

Page 123, line 23, strike "$150,000,000" and insert in lieu thereof "$135,000,000".

Page 123, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 1, strike "$97,000,000" and insert in lieu thereof "$87,300,000".

Page 124, line 4, strike "$3,000,000" both places it appears and insert in lieu thereof "$2,700,000".

Page 124, line 7, strike "$197,489,000" and insert in lieu thereof "$177,740,100".

Page 124, line 8, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 124, line 13, strike "$450,000,000" and insert in lieu thereof "$405,000,000".

Page 124, line 14, strike "$100,000,000" and insert in lieu thereof "$90,000,000".

Page 124, line 16, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 22, strike "$61,686,000" and insert in lieu thereof "$55,517,400".

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$95,400,000".

Page 125, line 2, strike "$950,000,000" and insert in lieu thereof "$855,000,000".

Page 125, line 10, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 10, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 125, line 14, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 15, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 125, line 18, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 125, line 19, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 125, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 126, line 2, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 5, strike "$5,000,000" and insert in lieu thereof "$4,500,000".

Page 126, line 12, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 22, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 126, line 24, strike "$30,000,000" and insert in lieu thereof "$27,000,000".

Mr. STEARNS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from North Carolina insist on his point of order?

Mr. VALENTINE. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

The gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Chairman, we saw on this particular vote a very, very close vote. Once you take the nonvoting delegates out, we are within one vote of passing.

My amendment is essentially the same identical amendment, but we have put a lower percentage in it. In fact, it is not so much a percentage, but a somewhat larger cut than the previous amendment.

So the folks that voted for the Duncan amendment certainly could vote for the Stearns amendment, and I ask on that side of the aisle that they consider this amendment more favorably than the Duncan amendment, because it cuts more money, $100,000 to be exact.

So I do not need the full 5 minutes, Mr. Chairman, other than to ask the House to respectfully consider this amendment and have another vote on this.

I would like to ask the gentleman from Tennessee [Mr. DUNCAN], on whose original amendment we voted, for his comments, too, and I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Florida for yielding to me.

I appreciate the support of many Members on the other side of the aisle on my amendment. As I said earlier, my amendment was a simple, straightforward 10-percent cut that would still have left a 148-percent increase in spending on this bill under the 2-year life of this bill.

My amendment as it stood would have allowed a 30-percent increase the first year and an over-100-percent increase the second year, so it still would have left a tremendous increase in spending. It was a very modest amendment, a very straightforward amendment, a 10-percent cut that would have saved the taxpayers of this country $154,300,000.

□ 1510

Mr. Chairman, the gentleman from Florida [Mr. STEARNS] has altered my amendment by knocking $100,000 off the first portion of my amendment, which would still result in a savings of $154,200,000. So, essentially, it is the same amendment as I offered a minute ago with a slight reduction in the cut that was offered. It would be approximately a 9.9-percent cut.

Mr. Chairman, I think if the Members of this body want to do something besides pay lipservice to cutting the deficit and cutting the national debt, this is a tremendous opportunity that should be supported by both sides of the aisle, and I urge support for the amendment offered by the gentleman from Florida [Mr. STEARNS].

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Florida [Mr. MICA], my distinguished colleague.

Mr. MICA. Mr. Chairman, and also my colleague, the gentleman from Florida [Mr. STEARNS], I just have one question.

If this amendment passes, would it be the first time in the history of the 103d Congress that on the floor of the House of Representatives we actually voted to cut a program or reduce a program in spending?

Mr. Chairman, I was not clear on that matter.

Mr. STEARNS. Mr. Chairman, I say to my colleague from Florida that I do not think it is the first time, in all honesty, but I would say it would set a very good precedent.

Mr. MICA. If we voted on this individually though, it will be the first cut?

Mr. STEARNS. I think the gentleman is correct. In the 103d Congress it would be.

Mr. MICA. Mr. Chairman, I thank the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. STEARNS].

Mr. Chairman and my colleagues, we are debating here, I think, not only the amendment sent forward by the gentleman, which is the fourth bite at the apple, but I suggest to my colleagues that we are now talking about open rules.

Mr. Chairman, I want to say to my colleagues and especially to the leadership on the Committee on Rules: "For all of the things that I thought in my heart about you because you didn't allow open rules, forgive me. I was wrong."

Mr. Chairman, this is the fifth day that we have been here struggling with this modest attempt to open up some special avenues to middle-class, business America. This is the fifth day on a bill that will cost the taxpayers of the United States over a 2-year period less than it costs to blast off one rocket into space. And to accommodate the gentlemen we have an open rule which is, as I suggested, Mr. Chairman, not an open rule, but a rule in perpetuity. They can come back now and seek to reduce the spending by $100 and ask for a vote. I suggest that it somehow seems to me to belittle the process.

Mr. Chairman, we never heard all of these arguments in subcommittee. We never heard all of these statements by these gentlemen over the year and a half that we conducted the hearings on this legislation. We never heard all of these claims and arguments when we marked up this legislation in the committee.

So do we give them another bite? Do we stay here on into the evening on the fifth day, as I said? Do we suffer them to offer amendments reducing by $100, and if that fails, $50? Where does it end, Mr. Chairman?

I implore the membership to support this committee and vote against this bad amendment.

Mr. STEARNS. Mr. Chairman, will the gentleman yield for a question?

Mr. VALENTINE. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, we would not do this for $100. We would not do it for $50. All we are saying is that this was only separated by one vote, and we are saying the procedure—we could not get another vote.

Mr. VALENTINE. Mr. Chairman, is the gentleman asking a question or making another speech?

Mr. STEARNS. I am just saying that we are just trying to get another vote, something clear, and the gentleman can see from the minority standpoint that there is a possibility we might win this.

So, I respect what the gentleman is saying——

Mr. VALENTINE. If we have another vote, then it is two votes.

Mr. STEARNS. Well, I think we have got an opportunity here to make a point, and we are not just doing this for $100, but something that we think is important.

Mr. VALENTINE. Mr. Chairman, is the gentleman asking me a question or is he making a statement? I am trying to answer.

Mr. STEARNS. Mr. Chairman, I am just answering the gentleman's statement. That is what I am doing, and I thank the gentleman for the time.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find it very interesting that the gentleman from North Carolina [Mr. VALENTINE] tells us it is just a little bit of money; $100,000 is more than a little bit of money. It represents three or four families' incomes in this country, all of their earnings for all of a year. That is a lot of money; $100,000 in most communities is big money. Only on the floor of Congress is $100,000 not real money.

And so I would say to the gentleman that is a fairly appropriate statement to be made with regard to this bill because the gentleman also indicated that he heard none of these arguments in the committee. Has the gentleman not read his own report? The dissenting views in his own report make most of these arguments. Most of these arguments were made by members of the committee. Most of these amendments were offered in committee. There were amendments to cut; there were amendments to do all of these kinds of things. There is no doubt that the issues raised on this floor were, in fact, issues raised in the committee, too.

So, the gentleman is doing a little bit of revisionism of history to suggest that these issues were not raised in the committee. They were. There is no doubt.

Now the reason why we are here is because the majority party on the opening day of the Congress decided to do something fairly unique, and that was to give people who do not represent real States of the Union the opportunity to vote, and the gentleman has just had an amendment, or had a process that benefited from the fact that four people voted who do not represent States, and so now the minority is saying, "Having had that situation arise, we think it's important to refocus and decide whether or not the House wants to continue in that pattern, and so this vote will not only be all about whether or not you want to cut 10 percent across the board, but also whether or not it is a good practice to have this thing decided essentially by one vote when all of the people representing the States are counted in the last vote."

So, Mr. Chairman, this is an entirely appropriate amendment, and I congratulate the gentleman from Florida [Mr. STEARNS] and hope that the House will vote to cut 10 percent across the board.

Mr. MINGE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. STEARNS].

Mr. Chairman, I share the passion that the other side of the aisle has for balancing the budget, reducing the deficit, and all of these worthy goals. The question is: We have to decide what are the priorities and expenditures that we are making as a National Government, and that means weighing one program against another.

It is very difficult to sit here with an open rule and decide that this program is less deserving than the next, and the authorization process is not the point at which that weighing actually takes place. It is in the appropriations process, and I would suggest that that is the time, if my colleagues want to, so to speak, nickel and dime on percentages the amount that goes into competitiveness legislation and technology development in this country. Then they can make that point.

I think it is also interesting to note that the legislation, that is before us today, is not some type of new tax and spend concept. This is a concept, this is a bill, that has broad support in industry.

I had the privilege this afternoon of speaking with representatives of the American Electronic Association, and they described to me the benefit that this legislation provides to small- and medium-sized businesses who are trying to upgrade their technology to improve their manufacturing processes and compete in the world economy, and they indicate that this legislation has their full support. Similarly, Mr. Chairman, I am informed that the National Association of Manufacturers has endorsed this legislation, and it has their full support.

□ 1520

Now, I think if we are looking to industry for guidance as to what types of programs are going to be good for our economy, that we have an indication here. Rather than to be debating the nickel and dime efforts of the sorts that we now face, we should get on to the major issue.

I would ask the gentleman from Pennsylvania [Mr. WALKER], or the Members from the other States that have been speaking in support of this amendment, if this amendment passes, does that mean they will support the bill? Or is this a dilatory tactic? I have yet to see any consistent strong support for this type of legislation to make American industry strong in a global economy come from the other side of the aisle. Instead I expect that with any of the amendments that have been proposed, it would still be an unacceptable bill.

Mr. Chairman, I think that is a tragedy of the proceedings that we have had today and the previous days on H.R. 820.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Minnesota [Mr. MINGE] mentioned previously that the place to start trying to cut these expenditures is in the appropriations process and not to worry about the authorization process.

The fact of the matter is, with all due respect, that much of the things authorized around this place end up being appropriated and it costs the taxpayers money.

Now, I have been informed that this piece of legislation is $200 million over last year and it is going to be $1 billion next year, and this amendment would save $150 million.

Now, most people in this country are very concerned about the deficit and the national debt. We are facing a $4.35 trillion national debt and the interest on that debt is one of the largest items in the budget, and we are facing a $350 billion to $400 billion deficit this year.

So when you have an authorization bill like this one that is increasing spending over the next 2, 3, or 4 years by $700 million, that causes a lot of consternation among American citizens and taxpayers.

Mr. Chairman, I understand that the gentleman said that the National Association of Manufacturers is for this bill. We understand that they are having second thoughts about some of the provisions in it.

The National Taxpayers Union, which rates all the votes in the Congress, is adamantly opposed to this and it will be rated against those Members who vote in favor of it.

So let me just say to my colleagues, if you are really concerned about the people of this country, if you are really concerned about the debt, if you are really concerned about the deficit, then I think that you ought to start, even on authorization bills, voting for amendments that will cut spending, and not continue to raise the spending levels ever upward.

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I will be happy to yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, my comment with respect to the authorization versus the appropriations process, I would like to make sure is not misconstrued. I would like to emphasize to the gentleman from Indiana [Mr. BURTON] that I am not saying that we should act irresponsibly in the authorization process. But instead, we have to rank competing pieces of legislation and competing demands on the Federal treasury, and it is very difficult while we are examining one bill to rank its relevance compared to something else.

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, this is a $700 million increase in spending authorization. It is too much. The American people do not want more spending. They do not want more taxes. We are talking about raising taxes and fees by $402 billion, and we are not even talking about spending cuts.

Mr. Chairman, this is a $700 million spending increase authorization, and it should be cut. Before we even talk about taxes and President Clinton's spending proposals around this place, we ought to cut spending. Not increase taxes; cut spending. Here is a good place to start.

Mr. BROWN of California. Mr. Chairman, I rise to strike the requisite number of words.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I wish to engage in a brief dialogue with the sponsor of the amendment. Is it true that this bill saves the American taxpayers $100,000?

Mr. STEARNS. Mr. Chairman, if the gentleman from California [Mr. BROWN] will yield, no, that is not true. It saves $150 million.

Mr. ACKERMAN. Mr. Chairman, the cut before the last, this amendment over the last amendment.

Mr. STEARNS. Over the Duncan amendment. This is identical to the Duncan amendment, with that change.

Mr. ACKERMAN. Mr. Chairman, it saves the American taxpayers $100,000.

Mr. STEARNS. Mr. Chairman, $100,000 more is saved. It is still over $150 million in savings on this amendment.

Mr. ACKERMAN. Mr. Chairman, is the gentleman from Florida [Mr. STEARNS] aware that if we divided this sum by 240 million Americans, not all of whom are taxpayers, we are saving them one-half of one penny each, .005 cents, over the previous bill that was also defeated.

Mr. STEARNS. Mr. Chairman, if the gentleman will yield further, we are saving $154 million on this amendment.

Mr. ACKERMAN. As compared to the amendment that was previously defeated, the gentleman is saving the American taxpayer one-half of one penny per person in this country.

Mr. STEARNS. Mr. Chairman, the gentleman must understand the whole focus of this revote is because we lost by one. We think with the delegates voting that we should have an opportunity to have another vote, because some Members missed the vote on our side. They do not realize that we could have won this. So the Chair was very kind to consider this amendment, and we appreciate it.

The real question is, do we want to save $154 million here in the House today. The National Taxpayers Union and the Peter Grace Commission have all endorsed this amendment, and they are going to use it as part of their rating system. So they think it is important.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for clarifying it. I was under the misconception the gentleman was trying to save the taxpayers $100,000. What the gentleman is trying to do is get a different count on the vote.

Mr. STEARNS. Mr. Chairman, if the gentleman will yield further, I think we are trying to win the vote for $154 million for the taxpayers. Yes, that is what we are trying to do.

Mr. ACKERMAN. The gentleman is trying to get a recount.

Mr. STEARNS. We are trying to save $154 million by winning this vote.

Mr. ACKERMAN. Mr. Chairman, I think the answer that the gentleman gave before is pretty obvious.

The CHAIRMAN pro tempore (Mr. TORRES). The gentleman from California [Mr. BROWN] has 2 minutes remaining.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for three additional minutes.)

Mr. BROWN of California. Mr. Chairman, I am very reluctant to rise and speak on this because a part of our problem is we are speaking too much on amendments that are going to delay this to a time when the Members are going to be very unhappy, and I am contributing to it by speaking on it.

Mr. Chairman, I do wish to make some points that have already been made. I sought an open rule on this bill, and I now regret it. I do so because I think the principle of having an open rule is being deliberately flouted here and it is not going to be possible for me to continue to request open rules because I will not get them.

In addition to that, I think the gentleman on this side, in connection with this amendment, it verges on the dilatory. In other words, the gentleman is posing an amendment solely for the purpose of getting a second vote on an amendment that was just defeated. Of course, the gentleman feels very justified in doing this because of the situation with regard to the delegate votes. In other words, the gentleman has brought up another issue here, his objection to the rule that allows delegates to vote.

Mr. Chairman, we have had in addition amendments here that have brought up every other kind of extraneous specter to this bill. We have had suggestions that this bill verges on state planning, for example. That while those state planning countries, such as Russia and Poland, are moving back to free enterprise, we are moving back in the direction of state planning.

□ 1530

We have had suggestions here that this is picking winners and losers, arguments that we have gone over many times before. These are code words. These are words intended to imply that there is something un-American about this bill. And there are Members here who feel that it is un-American, despite the fact that the legislation here comes from recommendations made by every council in critical technologies, on competitiveness, appointed by the previous administration. And we are merely expanding upon programs which were laid by the Republican administration before.

I would venture to predict that if Bush had been reelected, he would have been recommending a bill very similar to this. But because it is a Democratic bill, it is the representation of a philosophy expressed by the Democratic President, when he was running, there are those of my colleagues on that side who will object to it under any circumstances.

I venture to predict that every one of those of my colleagues who have offered amendments, if those amendments had succeeded, they would still have voted against the bill. And I am beginning to resent their use of these tactics on this floor.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, let me ask the gentleman a question.

Is it not true that basically when your party loses a vote in the Committee of the Whole, we vote again in the full House? That has happened many times. Is that not true?

Mr. BROWN of California. Mr. Chairman, our party on this side uses the rules of the House, and they are enforced uniformly. If we want to have a second vote in the House, we ask for it under the rules. The gentleman can do the same thing, or he can put it in his motion to recommit. The rules do not prohibit him from doing that.

I say to the gentleman, you are engaging in dilatory tactics.

I would point out that when President Reagan was elected, he came in with a program which called for doubling the expenditures of the Defense Department. This was considered to be a matter of national defense, and we went along with that doubling, also with the tax reduction, which created a $3 trillion deficit in addition to what we already had.

We have today another type of security threat. It is an economic security threat.

This President proposes to meet that security threat by a very modest program, supported by industry, supported by every branch of the high technology industry in this country, which is aimed at making us economically competitive again.

You are nit-picking it to death. You are giving it the death of a thousand cuts.

I could think of more colorful adjectives, but I will not. But I think this is a prostitution of the rules of this House and the processes that we set up to protect the minority.

I urge you to think about that very carefully.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from California.

We appreciate the open rule. We do not think that this is abusing it in any way, and I have great respect for my colleague.

This is talking about a vote, again, in the Committee of the Whole, which we could not get in the full House. And I asked the chairman if we could get it. He said we could not. The gentleman knows, his party, again and again, when they lose in the Committee of the Whole, they go to the full House and they have this vote again. So we are just asking for a chance, when there is only a separation of one vote, is it possible that we could get our Republican colleagues, who missed it, to come down and maybe we could, for the American taxpayers, save $154 million.

That is the issue. There is nothing else. Shall we save $154 million. It is not a question of the gentleman believing in industrial policy. The Republican Party, I believe, does not believe in solving the problem through a Government industrial process which decides winners. We can save money here.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman, first of all, apparently misunderstands the rules.

The rules did not allow him and would not allow me, as a member of the majority party, if I were unhappy with the vote in the Committee of the Whole, to ask that the Committee rise and then have another vote. The rules do not permit that for either party.

We could, however, when we complete the work in the Committee of the Whole, offer a motion to recommit. The Republicans have control of that, which they chose not to do that.

That is a problem that the gentleman should not raise because the rules apply to both of us equally in that regard.

His other point, that this is really highly significant because it proposes to save $154 million, his amendment does not save anything.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I just say to my colleagues, the National Taxpayers and the Citizens Against Government Waste do not agree. They think it saves the taxpayers money. So instead of us discussing it, I think we should just move to a vote.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, this is with regard to the gentleman's point about saving this amount of money. The reason that I said that this verges on the dilatory, first of all, it does not save any money. But if the gentleman is unhappy at any time with an amendment, for example, that loses and cuts 10 percent and he wants to come back with 9 percent and then 8 percent and then 7 percent, which is what this verges on doing, he is just being dilatory.

I hope that he will not get himself into that position.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, the issue to this Member is threefold: first, to cut spending; second, to eliminate the Delegate vote by bringing it to the whole House, which is unfair, they should not be voting in the first place on a bill like this; third, what is the priority? It is not nit picking to cut $700 million to save the taxpayers.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all of my time. I think on my side there will not be any more talks on this particular amendment.

I would just say to the gentleman from California, chairman of the committee, a couple of observations.

First, I believe with the exception of this amendment, virtually every amendment has been a serious amendment that many, I think many of which have been raised in the committee. They were brought to the floor by serious Members.

I think almost half the amendments, in fact, have been brought by Democrats. And I believe nine have been accepted by the committee, if I remember correctly.

Second, I believe it has taken this long to deal with the bill because the leadership of the House pulled this bill in several days, when otherwise it might have been concluded. That was a function of the scheduling of the leadership, not of the committee or our side.

Third, I agree with the gentleman. This particular procedure is not something I would normally recommend. And I do not.

Certainly, on our side, we were grateful to the gentleman's leadership in being the first chairman to ask for an open rule. We thought it was the right thing to do for the House. We do not intend to abuse it, and I would not want the gentleman to leave the floor today without knowing that we appreciate the way he approached this bill and that we hope it is part of the future.

I would say to the gentleman, I do believe psychologically, when the Delegates get to cast votes that do not count and a Member walks on the floor of the House and we see a 4 or 5 extra vote margin instead of seeing a vote that is 197 to 196, we see a vote that is 202 to 196, there is a propensity for Members to not realize that their single vote could change the outcome.

And I think the only point we were trying to make by coming back with this essentially same amendment was to say to the Members of the House and the country that there is something inherently wrong with Delegates, who by law cannot have their vote count, and that was the, remember, the one binding decision of the judge was, he said, since they do not count, they can go ahead and let them vote.

But the fact is, psychologically, on a vote, they give the side they are on an appearance of being five votes stronger than it actually is.

So when we got down to the last minute and a half of this vote, I came back to the floor, because I suddenly realized by deducting four or five votes it was a much closer vote than I thought it was. And as the whip, I keep a pretty good count.

So I would beg the Chairman's understanding, but for those of us who do not have the five votes that are not real but that are real on the board, even though they are not real in counting, that we are trying to make the point to the House that there is something fundamentally wrong about looking up here at the board and seeing votes that do not count be counted so that when a Member is making a decision it looks like the margin is wider than, in fact, it actually is.

When we get down to a one-vote margin, which might have changed had Members been a little more careful because they might have been the difference. And I would say that $150 million in authorization here and $150 million there is, in fact, a nontrivial decision for the House and is one which, in the past, we might well have wrestled over, depending on what the issue is.

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I do appreciate the gentleman's statesmanship in asking for an open rule, and I would say, with the exception of this single amendment, I would hope that the gentleman would agree that that was a serious effort to offer serious amendments.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I have a high respect for the gentleman from Georgia, as I do for the other colleagues there on the other side. I go out of my way to be accommodating to the Members in every case that I can. However, we all have limits. I am beginning to reach a limit here. I want the Members to understand that.

I try not to let this interfere with the cool, dispassionate way in which I usually deal with things, but it is getting to that point. If it were not for the honor of being the vehicle by which the gentleman is contesting the rules allowing Delegates to vote, I would wish it was on somebody else's bill rather than ours, but the gentleman has that right under the rules and I am not going to object to the procedures that he is using.

I am trying to point out, however, that there is a larger purpose involved here, and we verge on threatening the comity and the purpose of achieving legislative results when we go too far.

Mr. GINGRICH. Mr. Chairman, I would say to my dear friend that he does bear this with honor. I think we will finish this bill this afternoon. We appreciate his approach. Maybe at some point we could let Delegates vote at the end, instead of changing the appearance of the vote.

The CHAIRMAN pro tempore (Mr. TORRES). The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and on a division (demanded by Mr. STEARNS) there were—ayes 42, noes 48.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 9, as follows:

[Roll No. 168]

AYES—203

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Oxley
Pallone
Parker
Paxon
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—225

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Blackwell
Brewster
Hefner
Henry
Leach
Manton
McCurdy
Packard
Synar

☐ 1603

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Synar against.

Mr. SPRATT, Ms. KAPTUR, and Mr. ORTON changed their vote from "aye" to "no."

Messrs. MCMILLAN, HOAGLAND, and LAUGHLIN changed their vote from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

Page 127, after line 21, insert the following new section:

SEC. 507. COORDINATION WITH BUDGET PROCESS.

Amounts authorized under this Act may be appropriated only to the extent consistent with the levels established in a congressionally adopted concurrent resolution on the budget for the appropriate fiscal year.

Redesignate table of contents accordingly.

Mr. VALENTINE. Mr. Chairman, I ask unanimous consent that all debate on H.R. 820 and all amendments thereto conclude by 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. WALKER. Mr. Chairman, reserving the right to object, and I shall not object, do I understand that we are going to permit two Members, who were skipped by in title III, to go back, by unanimous consent, and pick up those amendments as well, as a part of the time limitation? Is that correct? That would be titles III and IV.

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, the amendments offered by the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. DORNAN], those amendments which we have copies of and which were amendments to title III?

Mr. WALKER. Title III and title IV.

Mr. VALENTINE. If the gentleman will yield further, those two, yes. If the gentleman will agree to my unanimous-consent request, then we will agree that those amendments may be offered by those gentlemen.

Mr. WALKER. Mr. Chairman, I thank the gentleman and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, would the gentleman also agree to support this amendment, and we could save another 15 minutes maybe?

Mr. VALENTINE. Mr. Chairman, if the gentleman will yield, I would like very much to accommodate the gentleman, but that is not included in the agreement.

Mr. SMITH of Michigan. Mr. Chairman, I rise today to offer an amendment to the National Competitiveness Act of 1993 to require appropriated funding for programs in this bill to be in compliance with the conference report of the concurrent resolution of the budget, as adopted by this Chamber.

As a member of both the Budget Committee and the Science, Space and Technology Committee, I find it disturbing that funding levels approved in the budget resolution are not binding throughout the budget process. Simply titled, "Coordination with Budget Process," my amendment would require amounts appropriated for programs under H.R. 820 to be consistent with amounts established under the budget resolution.

This amendment does not require reductions to H.R. 820; it requires appropriators to live within the function 370 allocation provided under the budget resolution.

H.R. 820 programs are funded under function 370, the Commerce and Housing Credit category. Discretionary budget authority for all commerce and housing credit programs is $3.3 billion under the budget resolution for fiscal year 1994. This is a reduction of $100 million from the fiscal year 1993 discretionary total of $3.4 billion for this function.

At the same time function 370 is reduced, H.R. 820 increases spending from $388 million in fiscal year 1993 to $540 million in fiscal year 1994. It also provides for funding of over $1 billion in fiscal year 1995.

The percentage of function 370 resources used for H.R. 820 programs would increase from 11 to 30 percent in just 2 years.

While the President has requested and the committee has provided increases for programs under H.R. 820, let's agree not to exceed budget resolution funding levels.

Mr. Speaker, while I do not agree with the budget resolution, and I believe the amounts authorized under H.R. 820 are in excess of what we can afford, I ask that this Chamber agree to limit appropriations for programs under H.R. 820 to the extent provided for under the budget resolution.

Mr. Speaker, when Congress passed the budget resolution, it claimed to be for deficit reduction.

This is a vote on whether Congress is willing to live within the budget resolution by making it part of this law.

Let's agree we will spend no more than the funding levels provided under the budget resolution.

Mr. Speaker, I ask that this House pass the coordination with budget process amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I have just finished serving my sentence on the Committee on the Budget for 6 years, and it was my experience on that committee that we rarely, if ever, in the budget resolution provided specific amounts for specific line items. The budget resolution was confined to functions, as the gentleman has acknowledged, and I am concerned that his amendment suggests otherwise and suggests that the budget resolution is somehow going to have to specify how much money will be for this program.

Would the gentleman answer that?

Mr. SMITH of Michigan. Yes, sir. The budget resolution appropriates money for the 370 function area. Eleven percent of the 370 function area goes within the parameters of the Committee on Science, Space and Technology in this particular amendment. All this amendment says is that we will live within the bounds of that 370 function. It does not specify, and the Committee on the Budget does not specify, how much goes to each separate committee. I think that is a change we need to consider in the budget process, because the propensity to overspend now, as we all know, is significant.

The fact is that all we are saying to the appropriators is that they live within the boundaries of what was passed by this Congress in the budget resolution.

Mr. DURBIN. If the gentleman will yield further, I do not quarrel with the gentleman's suggestion. It is worthy of debate and merit. I just wonder if this is the right place to be raising the issue. I think the gentleman is calling for a change in the budget resolution so there would be more specificity in allocation.

□ 1610

As it stands now, the Appropriations Committee that I serve on—and every other appropriations committee—is bound by the budget resolution in terms of how much we can spend in each function. That is already in the law.

Mr. SMITH of Michigan. Reclaiming my time, on both sides of the aisle, there is a yellow sheet of paper. The amendment is very simple. It simply states that the amounts authorized under this act may not exceed what is authorized in the budget resolution.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Illinois is raising a very legitimate question. I think it deserves to be answered.

I do think what the gentleman from Michigan [Mr. SMITH] is proposing to do probably does fit here. It appears, our interpretation of this is that what the gentleman would do is give an additional point of order on the appropriation bill that exceeded the 370 account. As it is right now, if the gentleman's amendment were not adopted, a point of order might not exist should the subcommittee go over the 370 account based upon spending in this bill.

What the gentleman is doing is establishing a secondary point of order that would exist based upon this legislation on any appropriated amount that would go over the budget resolution, and as far as we know, that is entirely within the bounds—it does not require a change in the budget resolution.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Michigan was allowed to proceed for 1½ additional minutes.)

Mr. SMITH of Michigan. Again let me remind my colleagues that we are facing the situation where the recommendations of the President have been less for the 370 function area. So, for 1994, the actual budget as approved through the budget resolution process is $100 million less in 1994 than it was in 1993. This particular budget actually increases its share of the total 370 function authorization by $150 million. So, we are faced with a situation where this competitiveness bill is using a larger share of the 370 function budget, and this simply puts it into absolute law that what this body wants to do is hold the line at least within the parameters of the budget resolution.

When we passed that resolution, we all agreed we wanted some spending cuts. This simply would put it in law that we are going to at least, at the very least, live within the guidance of that budget resolution.

Mr. BROWDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. SMITH].

Mr. Chairman, the amendment would have the Budget Committee, on which I serve, set spending levels for specific programs, something it does not do now. I understand his desire to control spending and agree with the principle that Congress should stay within budget. But his amendment is misdirected.

The Budget Committee budgets by function. At best the committee makes only assumptions about where reductions may be made or new spending allocated. The amendment unnecessarily broadens the jurisdiction of the Budget Committee, and does so at the expense of the authorizing and appropriating committees.

Mr. Chairman, I support stronger budget enforcement and will gladly work with the gentleman on effective spending restraints. But this House should agree that good order dictates that the issue of committee jurisdictions should be taken up in measures on the organization of Congress and not in an amendment to a bill dealing with our Nation's industrial development. For that reason, if no other, I oppose the amendment and ask my colleagues to do so, as well.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I was hoping to engage the gentleman from Alabama [Mr. BROWDER], if I may.

Mr. Chairman, my understanding is that the budget resolution sets out broad categories, function 370 for example, which we are discussing, as well as function 250, which is involved in this bill as well, but that the individual programs are left up to the expertise of the authorizing committees. What this amendment would do would be to require the Budget Committee, it appears, to develop substantive expertise with respect to all these programs rather than letting the committees retain that expertise and make those individual program breakdowns.

Mr. BROWDER. Mr. Chairman, will the gentleman yield?.

Mr. COPPERSMITH. I yield to the gentleman from Alabama.

Mr. BROWDER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is absolutely right. There are a lot of us who think that we have that expertise, but I do not think we have that possibility under the current constraints. I believe what this would require us on the Budget Committee to do, since we have already passed the budget resolution, it would require us to come back and restate that.

Mr. COPPERSMITH. Reclaiming my time, that point is exactly what I was wondering about, how this amendment might work for fiscal 1994. The Budget Committee and the House have both concluded consideration of the budget resolution without dealing with the individual programs.

Mr. BROWDER. If the gentleman would yield further, the gentleman is right. The budget resolution does not specify how much funding these programs under this bill would get. It sets funding levels for broad budget functions, but does not deal with this particular set of activities. I do not know how we would come back, after having just passed the budget resolution, and redo this.

Mr. COPPERSMITH. Reclaiming my time for one final question: It appears, under current law and procedures, a point of order lies should the appropriation for any of these programs exceed the ceilings set in the budget resolution.

I heard the gentleman on the other side of the aisle say that all this would do would be to give an extra point of order. But a point of order already lies. What the amendment essentially would do in that case would be duplicative.

Mr. BROWDER. Mr. Chairman, I leave the gentleman from Arizona to answer his own question.

Mr. COPPERSMITH. A point of order already exists; I am not exactly sure what this amendment would do. A point of order already exists, and I fail to see how the legislation would help.

The point I would like to make is that this bill does fit within the ceilings set in function codes set by the Budget Committee. This bill attempts to reorder priorities within those functions set by the budget resolution. This bill takes the expertise of the authorizing committees to set priorities for the various programs. We should not expect the Budget Committee, particularly with the speed that it must deal with the budget each spring, to develop the expertise to go program by program setting individual program funding levels.

I think the amendment is offered in a good attempt toward a laudable goal, but the better idea is for us to keep within the broad budget caps and then have the individual programs fit within that overall cap. I think that is the intent of this bill, and I think the amendment truly does not serve that purpose.

Mr. BROWDER. If the gentleman would yield for one final comment: This bill is already consistent with the budget resolution, and this amendment is inconsistent with the budget process and would selectively alter that budget process.

Mr. COPPERSMITH. I thank the gentleman and yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there has been an awful lot of overinterpretation of the amendment. The amendment does none of the things the gentleman just talked about, requiring the Budget Committee to go into specificity. There is nothing in the amendment that even presupposes that.

All the amendment does is fixes another point of order that could be raised on the floor in budget item 370 if it were exceeded. As it is right now, the Budget Act is routinely waived on the floor. So, the point of order to which the gentleman just referred are usually routinely waived on appropriation bills. So that is something which is not usually operative.

What this does is sets up another point of order that could be used should function 370 be exceeded. That is all it does. It does not say to the Budget Committee, "You have to get into specifics." it simply sets up one more point of order that could be waived with regard to function 370.

Why is that important in the bill? I simply have to disagree strongly with what the gentleman from Alabama [Mr. BROWDER] said, that this is inconsistent with the present Budget Act. If you take a look at what is being done in the Budget Act, what you find is that the Budget Act is dropping significantly in function 370. At the same time, this bill is taking a share of function 370 devoted to those programs from 11 percent to 30 percent in just 2 years.

Now, if in fact you are doing that, I do not see how the appropriators can possibly do their job.

I mean, you have given the appropriators almost an impossible task by suggesting to them that in the commerce and housing account they can in fact accommodate a massive increase in this one program in 2 years and at the same time fulfill all the needs we have in commerce and housing over the next couple of years.

□ 1620

That is inconsistent with the budget resolution. The budgeteers decided that this is an account that should actually drop. This is a place where we are bringing down the spending, yet this bill proposes an increase from 11 to 30 percent. That is entirely inconsistent.

So what occurs to us is that appropriators caught in this bind may well have to exceed the budget numbers in function 370.

All the gentleman from Michigan is suggesting is should that happen, the House should have an additional point of order available to it. That is the only effect of this amendment is to ensure that there is one more point of order that lies against spending that may exceed the caps agreed to in the budget function.

I would suggest it is an entirely reasonable amendment and should be supported.

Mr. HOKE. Mr. Chairman, I move to strike the requisite number of words. I rise in favor of the amendment.

Mr. Chairman, I think it is important to recognize that all this particular amendment serves to do is to require that the bill, H.R. 820, will stay within the amount that was set up within function 370. Function 370 has been allocated $3.3 billion for fiscal year 1994. It is a reduction of $100 million from fiscal year 1993 which had a total discretionary amount in function 370 of $3.4 billion.

The purpose of the amendment of the gentleman from Michigan is to require that we do not go over the total amount that has been allocated in function 370.

The whole point of this is does the budget resolution have meaning or not? If it has meaning, then we ought to stay within function 370. We ought to stay at the $3.4 billion. We will hassle it out in the Appropriations Committee with respect to whether it goes to the Housing Credit Programs, the Commerce Programs, the Science, Space, and Technology H.R. 820 bill, but are we going to stay within that budget resolution or not? We voted for it. We passed it in this House. That is really what it boils down to.

If we are not going to do that, if we are going to waive the budget resolution when we come to appropriating the funds in this, then it really points up the sham of the whole budget resolution process.

I would suggest that if we are not willing to pass this simple amendment that would create a point of order later, then we really do not take seriously the budget process at all, and that is why I rise in support of the amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with great reluctance, I rise to oppose the amendment. I recognize, as others have, that the effort of the gentleman is again to provide fiscal restraint, but let me try to give you a perspective on this.

This amendment on this bill, unless it is applied to every bill, will in effect be a nonentity. This has to be done in such a way it applies to all authorizing legislation.

Second, I honestly do not think that this amendment can function. You already can raise a point of order on an appropriations bill if it exceeds the budget process, if it exceeds the budget resolution, or if it exceeds the allocation process within the authorizing committee.

In order to have an effective point of order against an authorization bill, it would require, as several of the previous members of the Budget Committee have indicated, that the Budget Committee put into their resolution a level of specificity below the present system of functions, like function 370. They would have to specify within section 370 the details that would coincide with the legislation, and that in effect means the Budget Committee not only would be constraining the Appropriations Committee process, which it does now, but it would be constraining the authorizing process and would in effect become an authorizing committee.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman from Ohio. Perhaps he can clarify what he intends to do with this amendment.

Mr. HOKE. What I think I hear the Honorable Chairman of the Committee on Science, Space, and Technology, saying is that this amendment might not do any good, but it does not do any harm. If we consider that it might bring us a little closer to fiscal responsibility by directing that we do not appropriate in function 370 to a greater extent than was authorized in the budget resolution, then it very well might do some good, and I hope we can move in that direction.

I am concerned, as I am sure the chairman is, that we have been somewhat fiscally irresponsible as we proceeded to increase spending and increase our deficit and debt in this country.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for his comments.

I note the presence of one of the distinguished subcommittee chairmen on appropriations. I would like to pose a question to the gentleman from Iowa [Mr. SMITH], if he does not mind. I think he probably minds.

The question that I would pose to any member of the Appropriations Committee is, Can you appropriate today in your appropriations bill an amount which exceeds the amount contained in the budget resolution?

Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. If it exceeds the 602 allocation that we report to the House, then it is subject to a point of order on the floor.

Mr. BROWN of California. If it exceeds the 602 allocation?

Mr. SMITH of Iowa. That is right.

Mr. BROWN of California. If the gentleman's answer that you cannot exceed the amount in the budget resolution?

Mr. SMITH of Iowa. No. From the big pot in the budget resolution, we get an allocation under 602. Then we cannot only exceed the budget resolution, we also cannot exceed that our 602.

Mr. BROWN of California. So you have two checks within the committee.

Mr. SMITH of Iowa. That is right.

Mr. BROWN of California. The Appropriations Committee cannot appropriate more than is in the budget, nor can you appropriate more than is in your 602 allocation?

Mr. SMITH of Iowa. That is right.

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's comments.

Mr. DELAY. Mr. Chairman, will the gentleman yield? I am also on the Appropriations Committee.

Mr. BROWN of California. Yes, I am happy to yield to the gentleman from Texas.

Mr. DELAY. Chairman SMITH is absolutely right, but as the chairman knows, and this House knows, we waive the budget resolution and points of order against what the chairman brings up all the time in this House, so that we can spend over what the budget allows.

Mr. BROWN of California. Yes. This gentleman is also aware of that, but let me point out that there is nothing in this language that would preclude this from being waived just as well.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. Yes, I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. The one concern we have here is that when we start talking about violating the 602(b) allocation, the chairman of the subcommittee is absolutely right.

The problem is that 602(b)'s can be entirely different from the 602(a)'s, which merely reflect what the budget resolution says. The Appropriations Committee on its own can reallocate.

The gentleman's amendment would go to that question. In other words, if there were a change over the budget allocation——

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, I yield further to the gentleman from Pennsylvania so that he may continue.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

The point I am making is that it would enforce the budget resolution from some dramatic changes over the budget resolution that might take place within the Appropriations Committee. That would be the real function of this point of order versus the 602(b) point of order.

Mr. BROWN of California. Mr. Chairman, I am sure the gentleman from Pennsylvania can conceive of a useful purpose for this amendment, as the author undoubtedly conceives it. Of course, their argument is, well, it is not harmful, so why do we not pass it.

Let me say that normally I can buy an argument like that, but this amendment really leaves me confused, because I do not think I would understand the relative position of our committee as an authorizing committee or the Appropriations Committee or the Budget Committee. I do not want to add to the confusion around this establishment. There is too much already.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 17, as follows:

[Roll No. 169]

AYES—192

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—228

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Becerra
Bentley
Brewster
English (OK)
Faleomavaega (AS)
Gingrich
Hefner
Henry
Houghton
Leach
Manton
Packard
Rush
Sisisky
Synar
Waxman
Wilson

□ 1650

The Clerk announced the following pair:

On this vote:

Mr. Packard for; with Mrs. Synar against.

Ms. MCKINNEY and Mr. KREIDLER changed their vote from "aye" to "no."

Messrs. BAESLER, JOHNSON of South Dakota, and HOAGLAND changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Chairman, during rollcall vote No. 169 on H.R. 820 I was unavoidably detained. Had I been present I would have voted "No."

AMENDMENTS OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer 2 amendments.

The Clerk read as follows:

Amendments offered by Mr. DELAY:

Page 109, line 14, through page 117, line 10, strike section 407.

Page 117, lines 11 and 18, redesignate sections 408 and 409 as sections 407 and 408, respectively.

Page 118, line 4, redesignate section 401 as section 409.

Page 119, line 18, redesignate section 411 as section 410.

Page 3, strike the item in the table of contents relating to section 407.

Pages 3 and 4, in the table of contents, strike "408" and insert in lieu thereof "407"; strike "409" and insert in lieu thereof "408"; strike "410" and insert in lieu thereof "409"; and strike "411" and insert in lieu thereof "410".

Page 125, line 15, insert "and" after "fiscal year 1995;".

Page 125, lines 19 and 20, strike "; and" and insert in lieu thereof a period.

Page 125, lines 21 through 24, strike paragraph (4).

Mr. DELAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc and that we reopen title IV so I may offer my amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. Without objection, title IV will be reopened for the offering of these amendments.

There was no objection.

Mr. DELAY. Mr. Chairman, H.R. 820 authorizes $50 million in fiscal year 1995 to fund a new grant program at the Department of Commerce for American work force quality partnerships—these would be partnerships between industry and higher education institutions to train and educate employees. My amendment would strike this program.

Before I begin, let me remind my colleagues that I am a businessman. It is no revelation to me that in a fast-paced, high-technology marketplace, employee training and education are critical to the success of any business. Not only does employee training and education improve the efficiency of the work force, and therefore, increase profits, it boosts employee moral.

That having been said, let me further remind my colleagues that noble intentions, while necessary, are seldom sufficient on their own to make a good law or to fashion programs that spend taxpayer dollars effectively. Private sector employers clearly recognize worker training as critical to their ability to compete. The private sector spends between $30 to $44 billion each year on worker training and education programs. A survey by the National Association of Manufacturers showed that virtually every business surveyed was doing something to improve the quality of its work force.

The program we are debating today would not make worker training more prevalent; it would simply provide a subsidy to a few of the businesses already engaged in it—a subsidy, I might add, that comes on top of the tax incentives we already provide.

Nevertheless, to the extent that some believe there may be a certain role for Government to play in worker retraining, there are several avenues other than creating yet another tax dollar spending program.

The General Accounting Office reports that there are already 125 Federal job training programs spread out through 14 Federal departments and agencies. These programs spent $16.3 billion on various forms of worker reeducation in 1991. These figures do not include State and local government programs. The GAO reports:

> This myriad of programs creates the potential for overlapping services and confusion on the part of local service providers and individuals seeking assistance. Although multiple programs are an acknowledged problem, many barriers exist to effective program coordination or the integration of program services, such as varying target group definitions, differing administrative rules, and competition between programs.

Surely, we don't need to create yet another new training program—through the Department of Commerce this time—that would be duplicative of existing training programs under the: Job Training Partnership Act, the Trade Adjustment Assistance Act, the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the Even Start Program, and the Job Opportunity and Basic Skills Program.

More assistance is provided through the Department of Labor through the National Advisory Commission on Work-Based Learning and the Commission on Achieving Necessary Skills, not to mention subsidies through the tax system in the form of credits for employer training of workers.

Even in this time of budgetary crisis, the authors of this proposal would rather buy a brand new program, rather than going back into the closet and fixing one of the 125 programs we bought in the past.

Secretary of Commerce Ron Brown, testified in front of the Science Committee that while he agreed that the Department of Commerce has a substantial stake in the quality of the work force, he would like to study the situation further. He asked the committee to reserve judgment on this program pending further administration review.

Acting general counsel at the Department of Commerce, Carol Darr, followed up the Secretary's comments by rejecting outright the proposed training program. In a letter to the Science Committee she writes and I quote:

> Although the Administration supports the goals of section [407], we do not believe that establishing a new grant program for American workforce partnerships in FY 94 is appropriate, given fiscal constraints and the need to prioritize investments.

While the committee didn't fund the program in 1994, the fiscal situation for 1995 is no different; it should not be funded in 1995 either.

One of the biggest flaws of this program is the power it gives to Federal bureaucrats to determine which businesses have developed the best workforce quality partnership programs. My experience with bureaucracy is that they are not up to this task and shouldn't be in the business of picking winners and losers, and that's exactly what this grant program allows them to do.

Further, there is no question in my mind that this grant program will end up as so many Federal programs that dole out Federal dollars—opportunities for those who know the ropes to harness the pork. I fail to see how such a program will enhance the competitiveness of our Nation's businesses.

Mr. Chairman, this new Federal grant program adds needlessly to our burgeoning deficit and will not enhance the competitiveness of our Nation's businesses. Moreover, we already have 125 programs in place with a budget of $16.3 billion to which we can turn to accomplish any goal that we think too important to ignore. We don't need another program. If there's retraining to do it's on those Members of Congress who just can't say no to spending money when they like an idea.

I urge my colleagues to heed the recommendation of Secretary Brown and remove this program from the bill, voting "yes" on this amendment.

□ 1700

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with respect to the battle of the letters, and concerning what Secretary Brown and what some general counsel or somebody else who purports to speak for the administration might say about the legislation, let me say to the gentleman on the other side, and to especially my good friend, the gentleman from Texas [Mr. DELAY], that I hold in my hand a letter dated today from the President of the United States wherein he states that H.R. 820, that is the bill we are talking about, the bill which the gentleman seeks to amend, he says;

> It is a wise investment in our Nation's future. I urge the House to pass the legislation without further amendments.

We have copies of these letters. We will be happy to make them available to the gentleman. They supersede anything that the gentleman might have read from in debate.

Mr. Chairman, this is yet another amendment which pretends that there is no problem or crisis, which pretends that America needs to do nothing else with respect to worker training. The amendment would strike provisions of the bill which establish a cost-sharing worker training program.

The Competitiveness Policy Council, in a recent report to the President and to the Congress entitled "A Competitiveness Strategy for America," stated, and I quote;

> Investment in American workers is central to restoring the Nation's competitive position.

The report, Mr. Chairman, goes on to say that—

> 20 percent of our adults are functionally illiterate, compared with only 1 percent in Japan. Four in ten business executives say that they cannot modernize their businesses, their equipment, because their workers do not have the appropriate skills. Only one in five firms believes that high school graduates can write adequately, while more than two-thirds consider their reading and arithmetic skills substandard.

The ability of some Japanese firms to introduce flexible manufacturing systems twice as fast as American firms may stem from their having four times as many workers trained on numerically controlled machines. All of our foreign competitors spend four to five times as much as the United States on worker training.

The rapid rise of Pacific rim exports is contributing to increased joblessness and lower wages in the United States. The bottom line is simple. If we want a higher standard of living, we will have to earn it by improving the education and training of our work force.

Mr. Chairman, this is what we have attempted to do, and this is what others would attempt to tear down. I respect my colleague, the gentleman from Texas [Mr. DELAY]. We came here at the same time. He is filled with many good ideas, but this is not one of them. The Department of Commerce is uniquely qualified among Federal agencies to discharge the responsibilities which are placed upon them by this legislation.

I urge my colleagues to not at this late date eviscerate our handiwork, and to vote against the gentleman's amendment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Speaker, I rise in support of this amendment, and I plead with the Members on both sides of the aisle to understand exactly what we are doing. I happen to sit on the Committee on Education and Labor, and I agree with everything the gentleman from North Carolina [Mr. VALENTINE] just spoke about in terms of the importance of educating and training the American workers. We are in a high-technology lifelong society where we are going to need to train and retrain every American employee many times simply to keep their jobs, to say nothing of getting a new job.

The reality is, Mr. Chairman, that is the role of all of our programs presently existing primarily in the Department of Labor for training and retraining, some of them in the Department of Education when they deal with basic education, adult education, or higher education.

The fact is, according to the General Accounting Office, between these two departments we have over 125 different programs today involved in training and retraining the American worker. The fact is that we in the Committee on Education and Labor are looking at roughly, on an annual basis, something like $16 billion a year spent on training programs. We do not need, and as a matter of fact, it is a harm, to create a new program not in conjunction, not in consortium, not in connection with those already existing in the Department of Labor, but to create a program over in the Department of Commerce. That does not make any sense.

We are looking at, under the Clinton budget over the next 4 years, something like a $28 billion increase in function 500, which is education and training. Those are the programs, that is the area. If we have got problems, if we are not targeting the right people, then come to us.

Secretary of Labor Reich intends later this year to submit to the Congress a comprehensive one-stop shopping program for every American worker for assessment and training. Let us fix any problems we have there. Let us not make the Department of Commerce the education and training place. Let us not make the Department of Agriculture the next education and training department. Let us not make the Department of Defense the third education and training department.

At least the Pentagon, in all of their defense conversion dollars, contracted with the Department of Labor so that this would be done in conjunction with all of our other programs in terms of qualifying, in terms of consistency, in terms of deliverance. This does none of that. This program out of the blue says:

> We think that is an interesting area to be involved in, and so we in the Department of Commerce want to be involved as well.

I plead with the Members, whether they are Republican or Democrat, this amendment begs for consistency and efficiency in the implementation of our manpower, our employment policy programs in this country. I plead with the Members, support the amendment of the gentleman from Texas [Mr. DELAY]. It makes sense. It is the right thing to do. We solve these problems elsewhere in programs today.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's statement. His eloquence is so much to the point. I just want to point out to the gentleman that I hold in my hand the letter from the President that does not say anything about being against my amendment, but it does say they support the bill without further amendments. So Members who are going to be voting on this amendment may be voting for a plan that the gentleman has described as unnecessary, and then let the Senate take care of it, because that is where they will take it out, or let the conference take it out over there, and be stuck with a vote that does not properly reflect their ideal or the Members' ideal of efficiency and good common sense.

I appreciate the gentleman's statement.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, would like to begin my remarks by saluting the gentleman from Texas [Mr. DELAY] for his efforts, his conscientious efforts to be concerned about the budget deficit, and have joined him in some of his efforts. People on this side, in a bipartisan manner, have also joined with the other side in efforts to be responsible in the funding levels of this bill. I just voted for a cut in the funding level of this bill at both the 10 percent level and the 9.9 percent level.

I am very concerned about the budget deficit. However, I think this program is both unique, it is needed, and it is important. The American Society for Training and Development has said that the American work force quality partnership's initiative is the only major Federal effort to support training for currently employed workers. I think we should in this country be concerned not just about dislocated workers and unemployed workers and workers that lost their jobs 5 years ago and 10 years ago or 2 months ago, but working in pro-active ways to work on new industrial techniques, on management techniques, on total quality management techniques, especially targeted to our small and medium-size businesses, which will help prevent the loss of that job, and which will, second, help us compete with other countries that are developing new areas to develop productivity, and third, to reach out with our small and medium size businesses that are having such difficulties getting access to this information because they do not have the budgets like a Motorola does to deploy total quality management techniques to develop this kind of a training program.

□ 1710

So I think this is a needed program. I think this is in the interest of the workers and of the management in this country.

Also I want to mention a couple of important statistics that further argue for the importance of defeating this amendment. Of the workers who will be employed in the year 2010, 70 percent are in their job today. We will be developing new quality improvement techniques, we will be developing new manufacturing processes, and we want to keep these people working in the defense sector, in the high-technology sector, and these people are going to have to upgrade their skills. In manufacturing alone more than 15 million jobs will require different skills than they require today, currently. We should keep up on the evolving techniques here.

Finally, more than 90 percent of manufacturers in the United States are small or medium-size and face significant financial and logistical obstacles to training. This helps them with those training techniques.

My last point would be that Motorola, using total quality management, has saved over the last 5 years $2 billion.

When we can forge matching grant programs such as this one that help solve problems and help get this information from bigger businesses to smaller businesses, to save money and to save jobs, I think that is a prudent investment in our work force and our own management in our small and medium-sized businesses.

Mr. KLEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all know that America is falling behind in the area of industrial competitiveness, and as we continued to lose manufacturing jobs to other parts of the world throughout the 1980's, the prior administration stood by and did nothing.

This party has now come forward with H.R. 820, which will give American industry the tools and incentives to regain its competitive edge, to develop new technologies and new products through research and development, and to build state-of-the-art plants and facilities, and create new high-paying jobs of the future.

Having failed to respond to the challenge in the past 12 years, my friends on the other side of the aisle now criticize this bill in their seemingly endless series of frivolous amendments. They say we should leave hands off. Well that party left hands off the savings and loan industry in the 1980's, and it cost the American taxpayer $200 billion.

They say we should follow their trickle-down economic theories by lowering the taxes for the wealthiest Americans. Well we did that in the 1980's, and business giants like Michael Milken and the CEO's of our largest companies made fortunes, but none of it trickled down. The average American is worse off and millions lost their jobs.

They say we should not give financial assistance to small or medium-sized businesses because it is a poor risk and the banks will not make these loans. But the banks would not loan money to help Chrysler, so the American Government did. And it not only turned out to be a great investment for the American taxpayer, but it put Chrysler back on the road to competitiveness and financial health, and it created good, high-paying jobs.

H.R. 820 will do the same for many other American companies and create jobs for American workers. But it is not enough to create jobs. We have to have workers who are trained and continue to be trained so that we have the best and the most skilled work force in the world. And to strike the training provisions of the bill, as this amendment does, is to gut the bill.

This is simply part of a pattern of frustrating and impeding this much-needed legislation. Having imposed failed policies and caused the worst recession since the 1930's, we are now faced with obstructive tactics to impede efforts to help this Nation's economy.

I say let us get back to work again. Let us make American industry competitive again. Let us give our workers the tools, and let us make "Made in the USA" once again a standard for quality throughout the world.

I urge the rejection of this amendment and the quick passage of H.R. 820.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

Mr. Chairman, I had not intended to speak on this amendment until I heard the last speech, and it always strikes me as passing strange that the blame-America-first crowd always comes out, and so on, with the idea that the United States is the one that is failing here. The fact is that this country does pretty well in competing in the world. It is the world's largest exporting nation, and so on. We can improve, but that kind of rhetoric we just heard, suggesting that America is somehow in the doldrums, and we have no ability to fight, just strikes me as kind of outrageous.

But let us understand that the gentleman just referred to the amendment of the gentleman from Texas as another frivolous amendment. Well this frivolous amendment was adopted in the committee. It was adopted 10 to 9, until the majority hauled out their proxy votes to defeat it. But when we had the members there debating the bill, it in fact won, so it is not a frivolous amendment. It goes to the point.

Why does it go to the point? Because the Department of Commerce, when they really were speaking for themselves, before they got under political pressure and were really reviewing the subject matter, said flatly that they did not want this amendment. I quote again from the acting general counsel at the Department of Commerce who says, speaking for the Commerce Department:

> We do not believe that establishing a new grant program for American work force partnerships in FY '94 is appropriate, given fiscal constraints and the need to prioritize investments.

The Commerce Department said very clearly this is not a frivolous amendment. This goes to the heart of it, and the administration is in such disarray, and there are so many letters floating around the Hill that no one knows what any of them mean. The Clinton administration cannot get their act together even to tell us what their opinion is on some of these various amendments and some of the various bills. But we do know that when the Department itself reviewed it and came up here with their technical letter, the technical letter suggested that this is not a good idea.

Of course, we used this letter in committee, and they were very embarrassed in committee when on a real vote of the members actually sitting in the room this amendment won, largely based upon this language. But the gentleman's amendment is not frivolous. It is an extremely important amendment in that it is, I think, one that goes to the heart of the issue. And I would hope that the Members would approve the amendment.

Mr. FINGERHUT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise just to make one point in response to the point of the gentleman from Texas [Mr. DELAY], about the duplication of training programs, and also to respond to the eloquent statement by the gentleman from Wisconsin [Mr. GUNDERSON].

I am extraordinarily sensitive to the point the gentleman raises, and I think he is as committed to true quality training programs for our work force as is any Member in this body, certainly as is any Member on either side of the aisle, and I hope that the gentleman from Wisconsin [Mr. GUNDERSON], if he is still here, or the gentleman from Texas [Mr. DELAY], will be very active in sorting through all of these duplicative programs that exist, because I believe that it is a well-taken point. And certainly the Committee on Education and Labor ought to take that up, and encourage them to do it.

I support this program though and oppose the amendment because this is a unique program of the kind that I hope we will explore. As I visit businesses in my district, and particularly manufacturing businesses, what they have said to me is, of all of the training programs that are out there, they would like a training program that involves them directly, and that they are personally, the businesses are personally involved in designing the training program for their own workers.

So this program, first of all, I think, is located in the right department of our Government, in the Department of Commerce, which is where this critical issue of training current workers ought to be lodged. And second, it is a program that involves the Government through its support, but directly to business, and the community college system of our country, which I think is where the most effective job training is going on.

☐ 1720

So to me this responds very specifically to the request from the manufacturing businesses that I have talked to for a target program that addresses their needs specifically.

I urge the defeat of the amendment, but I encourage the gentleman and his colleague, the gentleman from Wisconsin [Mr. GUNDERSON], to go after the duplication and the wasteful programs that exist in the other areas of the Government.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's statement, and it is so well taken.

The gentleman from Ohio is new to this body, and I just have to explain to him something that I know he is aware of. This comes up all the time. We have all of these duplicative programs. We could go in and take this $16 billion and rework it, but if we keep adding new ones on and just keep adding new ones on, each one of them gains its own constituency, and it makes it even more difficult to go in and actually do something more efficiently and really reach down to those companies that both of us want to reach.

Mr. FINGERHUT. I appreciate the gentleman's statement.

Were this not the No. 1 concern, frankly, of manufacturing businesses throughout the country, their training of their workers, I would agree that we should wait until after we have cast away duplicative programs.

Just yesterday there was an initiative announced by the Northeast-Midwest Coalition, a bipartisan initiative, the gentleman from Connecticut [Mr. FRANKS], of your side, and the gentleman from Massachusetts [Mr. MEEHAN], on our side, cochairing the initiative on manufacturing, the chairman of the National Association of Manufacturers was there, and in his remarks he identified that this was the No. 1 issue.

I appreciate the gentleman's comments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 15, as follows:

[Roll No. 170]

AYES—188

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Veláquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Bentley
Brewster
de la Garza
English (OK)
Gingrich
Hefner
Henry
Leach
Manton
Nadler
Packard
Pelosi
Rangel
Swift
Synar

☐ 1742

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Synar against.

Mrs. LLOYD changed her vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I ask unanimous consent to go back to subtitle C of title IV, section 336, and I offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. DORNAN: Page 62, line 11, insert "Nothing in this section shall be considered to extend eligibility to individuals on the basis of sexual orientation." after "including women).".

Mr. DORNAN. Mr. Chairman, there is nothing controversial about this in my opinion. I understand the majority side will accept it.

It is merely to make sure that we do not get court decisions impacting upon anything involved in this bill that will be similar to decisions we are starting to get, bizarre decisions on section 8(a) and other sections for assistance under the Small Business Administration.

So I would ask all Members to please vote "yes" on a voice vote. I have no intention of asking for a recorded vote.

Mr. Chairman, I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment is unnecessary. It has absolutely no bearing on the issues of competitiveness we are considering today. This amendment diverts this body from our efforts to improve competitiveness, to assist small business and the middle class. It is specifically this type of amendment which give open rules a bad name.

Mr. Chairman, let me review where we are. The committee included in this bill a standard, boiler-plate provision, contained in many, many bills passed by the House and long enacted into Federal law which, simply requires the Secretary to the extent possible to set aside 10 percent of the loan guarantees under this bill to businesses owned by socially and economically disadvantaged individuals and women, as defined by the Small Business Act.

Congress has adopted this policy, time and time again, as a modest effort to remediate the decades of well-documented discrimination against racial and ethnic minorities that have prevented them from full participation in the U.S. economic mainstream.

Mr. Chairman, present law is very clear that these types of set-asides are aimed at individuals who have been disadvantaged because of race, ethnic origin, gender, and physical handicap—not sexual preference.

Mr. Chairman, there are no court cases construing the Small Business Act to include homosexuals as a socially and economically disadvantaged minority. The Small Business Administration is aware of no instances in which homosexuals have attempted to claim such status under their act. The SBA regulations are clear that discrimination is based on race, ethnic origin, gender, or physical handicap—not on sexual preference.

Mr. Chairman, at best; this amendment is a solution in search of a problem.

If the gentleman from California truly feels we are facing a problem, the appropriate place to address this issue is in the Small Business Act, where changes in the law would control numerous statutes which refer to this definition.

However, the aims of this bill are too important to be diverted by irrelevant issues. So that we can continue our efforts to improve the economy of this country and to improve the competitiveness of American business, we will accept the amendment on this side despite its irrelevance and lack of necessity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

□ 1750

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 127, after line 4, insert the following new title:

TITLE VI.—SENSE OF THE CONGRESS.

SEC. 601. SENSE OF THE CONGRESS.—It is the sense of the Congress that the programs authorized by this Act are not sufficient to address the root cause of the competitiveness problems facing United States commerce and manufacturing. Further, it is the sense of the Congress that there exist fundamental competitiveness disadvantages imposed by Government on United States industry, and that the Congress should consider such additional provisions as are necessary to promote the competitiveness of American businesses.

Amend the table of contents accordingly.

Mr. WALKER. Mr. Chairman, this is an amendment that was accepted by the committee when we met in the committee, and then, because of fears of certain kinds of germaneness problems, it was taken out of the bill on the way to the floor. It has since been redrafted in a way to ensure that it meets the germaneness test, and it does not in any way interfere with the jurisdiction of any other committee.

All this amendment says is that this bill does not solve all the competitiveness problems, and other problems involving regulation, litigation, and taxation are also at the heart of America's competitiveness problems wherever they exist. All this language would do is suggest that we need to act in some other areas in order to ensure American competitiveness in the future, and I would ask the adoption of the amendment.

As I say, Mr. Chairman, it was something that the committee felt was reasonable to do. We have since redrafted it to get around any sensibilities that may be in the House, and I would be hopeful that the committee could accept the amendment and that we can get the final passage of the bill.

Mr. VALENTINE. Mr. Chairman, as we approach 6 o'clock, I want to say that I rise in opposition to this amendment.

I readily acknowledge, as we have frequently in the past said, that many other factors affect U.S. competitiveness. We have said this to the gentleman over, and over, and over again, but he knows the reason that we cannot address these other problems is because we do not have jurisdiction.

This bill does, admittedly, not address these issues, but it does address some of the issues and some of the problems.

Mr. Chairman, we think this amendment is unnecessary and would do damage and violence to the bill.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. VALENTINE. I yield to the distinguished chairman of the committee, the gentleman from California [Mr. BROWN], who, I might say, Mr. Chairman and my colleagues, is the one largely responsible for the fact that we have been here for the past 5 days. This is in a real sense the George Brown bill, and I am happy to yield to my teacher, mentor, and chairman.

Mr. BROWN of California. Mr. Chairman, I thank the distinguished gentleman from North Carolina [Mr. VALENTINE]—I think.

What I think he means is that this rule will be designated as the George Brown rule. Whether the bill is is another question.

I reluctantly rise to oppose the amendment offered by the gentleman from Pennsylvania [Mr. WALKER]. As he knows, Mr. Chairman, I agree with the thrust of his assertion contained in this amendment, that the problems of competitiveness are large and complex. They extend to many things, the jurisdictions of many committees. They even extend to the possibility that the Government tries to do too much for business and is counterproductive.

Unfortunately, Mr. Chairman, there are flaws in this bill, and I think it will be misconstrued.

Now the gentleman from Pennsylvania [Mr. WALKER] has not been at all reluctant to express his overall opposition to this bill. I do not think I am mischaracterizing this. He intends to vote against it. He finds that it is overly intrusive, that it moves us in the direction of State control of industries, that it has many other flaws which make it totally unacceptable. Despite that, Mr. Chairman, he has had a number of his own amendments accepted on the bill, and he is still going to vote against it.

Now I adopted the philosophy, and I think the gentleman from North Carolina [Mr. VALENTINE] expressed it a moment ago, that we cannot solve all of the problems in each of our little activities here in the Congress. I revert back to a line that I learned in Sunday school which is: "Try to brighten the corner where you are," and our effort in our little committee is to brighten the corner of our country where we can do some good; in this case, improve industrial competitiveness.

The gentleman from Pennsylvania [Mr. WALKER] does not feel that we are going to do any good. He wants to point out that this bill is not doing any good. He wants to lay on the other committees of the Congress a guilt trip because they are not doing any good. All of these committees are being controlled by the Democrats, of course, so he wants to use this vehicle, which he is going to oppose, even though it includes his handiwork, and he wants to use it to condemn the other committees in the Congress.

Now I do not mind doing that once in a while. I occasionally point out that they are not doing their work as well as I would like to have them do it. I hope they will forgive me when I say this because they have just as much right to condemn me and members of the committee that I chair for not doing everything we could do. We make mistakes.

I suggest to my colleagues that it is not in the interests of comity, of productivity, of efficiency, for the Members of Congress individually to load on bills that they have a voice in language which merely exacerbates the problems that we have with other committees. That is the basic objection to this amendment. This is the reason the Committee on Rules chose to take it out of the bill as it was originally presented, and I might say that I encouraged the committee to adopt it in the interests of comity with the gentleman from Pennsylvania [Mr. WALKER].

I respect the gentleman from Pennsylvania [Mr. WALKER]. I want to cooperate with him as fully as possible. Yet, Mr. Chairman, I feel a little betrayed when he uses the opportunities that he has to in effect do everything he can to delay, destroy, damage, or otherwise adversely impact the legislation that we are acting on because it does not meet his particular standards of ideological purity.

Now that is not a criticism. We all should have standards of ideological purity and seek to achieve them. But it can be taken to extremes.

Mr. Chairman, I think this amendment takes the process to extremes, and I reluctantly oppose my good friend, the gentleman from Pennsylvania [Mr. WALKER].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. COLLINS of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS of Georgia: At the end of the bill, add the following new title:

TITLE VI

SEC. . None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

POINT OF ORDER

Mr. VALENTINE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VALENTINE. Mr. Chairman, we do not have a copy of the amendment offered by the gentleman from Georgia [Mr. COLLINS], and I would like to reserve my point of order and ask the gentleman to explain his amendment, if I could do that.

The CHAIRMAN. That is permissible. We have only 3 minutes remaining.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS] for 1½ minutes to explain his amendment. The gentleman from North Carolina [Mr. VALENTINE] will then be allowed a minute and a half to oppose or agree to the amendment.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, this is a very simple amendment. It just simply states that, if we are going to expend this kind of money or these tax dollars, that we ought to expend them on people who are citizens of the United States of America.

Mr. Chairman, I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. VALENTINE] seek recognition for 1½ minutes to debate the amendment offered by the gentleman from Georgia [Mr. COLLINS]?

Mr. VALENTINE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE] for 1½ minutes.

Mr. VALENTINE. Mr. Chairman, this is an amendment which, if I understand it, gets us over into immigration policy of the United States. Had we had an opportunity to become familiar with this proposed change in our legislation before 1 minute before the end of the debate, we might have been able to reach some accommodation. But in view of the circumstances, Mr. Chairman, we oppose the amendment.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. VALENTINE] has expired.

PARLIAMENTARY INQUIRY

Mr. COLLINS of Georgia. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLINS of Georgia. Mr. Chairman, may I ask the gentleman from North Carolina [Mr. VALENTINE] a question?

The CHAIRMAN. The gentleman from Georgia [Mr. COLLINS] has 30 seconds remaining to ask his question and get a response.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, does the gentleman not understand the intent of the bill with the amendment?

Mr. VALENTINE. Mr. Chairman, if the gentleman would yield, no. Frankly, I see that I read here, but I do not understand its implication or impact on the legislation, and we oppose it.

□ 1800

Mr. COLLINS of Georgia. Mr. Chairman, my question was, Does the gentleman not understand the intent of the amendment?

Mr. VALENTINE. Mr. Chairman, we understand the amendment. We oppose it.

Mr. COLLINS of Georgia. Mr. Chairman, I understand that the gentleman opposes it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COLLINS of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 156, not voting 18, as follows:

[Roll No. 171]

AYES—263

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brooks
Browder
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeFazio
DeLay
Derrick
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—156

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barlow

Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Danner
de Lugo (VI)
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gephardt
Gonzalez
Grandy
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Mann
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Murtha
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Ros-Lehtinen
Rostenkowski
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Wheat
Woolsey
Wyden
Wynn
Yates

NOT VOTING—18

Bentley
Brewster
de la Garza
English (OK)
Gibbons
Hefner
Henry
Leach
McCurdy
Nadler
Packard
Reynolds
Sabo
Schiff
Synar
Waxman
Whitten
Wise

☐ 1829

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Synar against.

Messrs. OBEY, MCDERMOTT, HILLIARD, and PAYNE of New Jersey, and Ms. BROWN of Florida changed their vote from "aye" to "no."

Messrs. CRAMER, BROWDER, LANCASTER, SPRATT, and GORDON, Ms. KAPTUR, Messrs. DURBIN, POMEROY, BROWN of Ohio, INSLEE, JOHNSON of Georgia, ROWLAND, KLEIN, BISHOP, and SPENCE, Mrs. LLOYD, Messrs. ACKERMAN, HOLDEN, RAHALL, LAROCCO, ROEMER, KREIDLER, BORSKI, and PAYNE of Virginia, Ms. BYRNE, Mr. BARCIA, Mrs. SCHROEDER, Ms. LONG, Ms. MARGOLIES-MEZVINSKY, Mr. BARRETT of Wisconsin, Mr. SANGMEISTER, Ms. LAMBERT, Messrs. BROOKS, DERRICK, and STRICKLAND, Mrs. MALONEY, Mr. GEJDENSON, and Mr. HOYER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SKAGGS. Mr. Chairman, I want to give my wholehearted endorsement to the National Competitiveness Act of 1993.

This legislation will make an important contribution to the effort to nurture the businesses that are going to provide good-paying jobs in the next century. And it is an exciting reversal of form and economic policy.

It reverses years of neglect of American business by American Government. The Clinton administration has made a conscious decision to work with the business community—to try to overcome the traditional wariness that has existed between the Federal Government and corporate sector.

Bill Clinton and AL GORE and the supporters of H.R. 820 are taking an approach that is stark in its simplicity: We can't compete in a global market if Government and business don't cooperate.

What's the idea behind H.R. 820. To expand and revive our economic base by helping budding high-technology businesses, by improving our science and research infrastructure, by developing the attitude and the means to support lifetime learning, and by promoting a fiscal climate that encourages investment and reduces its cost.

We have to use our scientific and technical expertise—where we're second to none—to reinforce and enhance America's position as a source of technology for the rest of the world. Bill Clinton wants to apply the mighty resources of the Government's technological machine in that effort.

Where are the potential obstacles to making this novel idea work. The most serious, again, is the innate skepticism about anything that smacks of industrial policy. We have to overcome 12 years of having people in charge of the Government who didn't really think Government could, or should, do anything along these lines. But it's foolish, I think, to shun a modest collaboration between Government and business out of a desire to keep an ideology intact.

The details of H.R. 820 have been discussed in great detail over the past few days, so I will not add to the volume of that discourse.

I do, however, want to mention briefly one aspect of these new programs that I'm extremely concerned about. How do we pay for them?

As a former member of the Science, Space, and Technology Committee, and a current member of the appropriations subcommittee that's going to have to find the financing, I want to reiterate my support for this measure. But the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary has been given the task of paying in fiscal year 1994 for $488 million in outlays and $987 million in budget authority for these, and other investments proposed by the administration. If we are to finance these programs at the level they deserve, we will have to cut spending on other existing programs.

I stand ready to work to reorder priorities so we can move forward in this critical area.

Mr. HOYER. Mr. Chairman, today I rise in strong support of H.R. 820, the National Competitiveness Act of 1993. For too long, we have let the free market exercise its will, and will some of our country's best jobs and industries to overseas competitors. Now is the time for Congress and the executive branch to band together, and join in a partnership with our country's manufacturers and universities to provide good jobs for the future.

The actions we take today are not without precedence. The Japanese have been doing this for years. In fact, the Japanese manufacturing miracle is no miracle at all. Japanese manufacturing is the powerful international player it is today, in part, because of the tremendous investment the Japanese Government has made in manufacturing outreach. Government entities in Japan invest about $500 million each year in their manufacturing sector, compared to about $79 million by the United States.

Japanese universities, government agencies, and industry all work together to create jobs and opportunity for their citizens. We should expect the same from our country whose economy is twice the size of the Japanese economy. This bill is one more example of a concrete step we can take now to help provide good quality jobs for the future.

H.R. 820 will help identify those technologies which are most important for the future of our economy. This bill will require Government to cooperate with the private sector by: Helping remove impediments to technological development; improving manufacturing infrastructure; easing access to capital; improving training and education of workers; and promoting international standards favorable to American goods.

Between 1972 and 1987, my home State of Maryland lost approximately 40,000 manufacturing jobs which have had a significant impact on our economy. After all, manufacturing jobs provide the high pay which helps create the wealth necessary to drive consumption in our country.

Today we can act for a stronger American economy and for better paying jobs in the future. Support H.R. 820.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended, as modified.

The committee amendment in the nature of a substitute, as amended, as modified, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, pursuant to House Resolution 164, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. KOLBE. Mr. Speaker, I demand a separate vote on the so-called Collins of Georgia amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill, add the following new title:

TITLE VI

SEC. . None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KOLBE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 288, nays, 127, not voting 17, as follows:

[Roll No. 172]

YEAS—288

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer
Stupak
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Unsoeld
Valentine
Velázquez
Washington
Waters
Watt
Waxman
Wheat
Wyden
Wynn
Yates

NAYS—127

Abercrombie
Andrews (ME)
Bacchus (FL)
Barlow
Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Furse
Gonzalez
Grandy
Green
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hoagland
Hochbrueckner
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kopetski
LaFalce
Levin
Lewis (GA)
Lowey
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Murtha
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ros-Lehtinen
Rostenkowski
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds

NOT VOTING—17

Bentley
Brewster
de la Garza
English (OK)
Gibbons
Hefner
Henry
Hinchey
Hunter
Johnson (SD)
Leach
Nadler
Packard
Sabo
Schiff
Synar
Whitten

☐ 1849

The Clerk announced the following pair:

On this vote:

Mr. Packard for; with Mr. Synar against.

Messrs. GENE GREEN of Texas, McHALE, KENNEDY, COLEMAN, and DEUTSCH changed their vote from "yea" to "nay."

Mr. FRANK of Massachusetts changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the committee amendment in the nature of a substitute, as amended, as modified.

The committee amendment in the nature of a substitute, as amended, as modified, was agreed to.

☐ 1850

The SPEAKER pro tempore (Mr. McNULTY). the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALKER. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit the bill, H.R. 820, to the Committee on Science, Space, and Technology.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 167, answered "present" 7, not voting 15, as follows:

[Roll No. 173]

YEAS—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—167

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
Martinez
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Oxley
Pastor
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—7

Becerra
Brown (FL)
Roybal-Allard
Slaughter
Unsoeld
Velázquez
Waters

NOT VOTING—15

Applegate
Bentley
Brewster
de la Garza
English (OK)
Gekas
Gibbons
Hefner
Henry
Johnson (SD)
Leach
Nadler
Packard
Smith (NJ)
Synar

□ 1908

The Clerk announced the following pair:

On this vote:

Mr. Synar for; with Mr. Packard against.

Mr. SHAYS changed his vote from "nay" to "yea."

Ms. ROYBAL-ALLARD and Ms. VELÁZQUEZ changed their vote from "aye" to "present."

Mr. PASTOR and Mr. GUTIERREZ changed their vote from "present" to "nay."

Messrs. ORTIZ, TEJEDA, and MCKINNEY changed their vote from "present" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, on rollcall 173, due to an apparent malfunction, my "nay" vote against H.R. 820, the National Competitiveness Act, was not properly recorded. I would request that this statement appear in the RECORD immediately following the rollcall vote to properly note my vote against this legislation.

REMOVAL OF NAME OF MEMBER AS SPONSOR OF H.R. 1914

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Minnesota [Mr. GRAMS] be removed as a sponsor of my bill, H.R. 1914.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 820, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

WEEK FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 80) designating June 1, 1993, through June 7, 1993, as the "Week for the National Observance of the Fiftieth Anniversary of World War II," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. MYERS of Indiana. Reserving the right to object, Mr. Speaker, and I certainly shall not object, I thank the Chair for bringing this legislation to the floor. It comes today with 225 cosponsors.

This is the third year that the Congress has recognized the first week of June in commemoration of the celebration of the end of World War II.

Now, of course, this particular week involves, first, June 4, 1942, when the Battle of Midway occurred, which was a turning point in the war in the Pacific Ocean, and also embraces June 6, 1944, which so many of us will remember as the D-Day Invasion of Europe.

□ 1910

Mr. Speaker, this idea first started in Indianapolis by the World War II National Commemorative Association chaired by Albert Watson, who was really the idea man behind this. It is a good idea. Throughout the country people will be celebrating now through 1995, the 50th anniversary.

There are 9 million living Americans who served in the Armed Forces during this period of time in World War II, and many, many people, some of whom are still in Congress here, not only served in uniform, but also contributed to the success and the completion of World War II.

So, it is most appropriate, I think, that our Nation does recognize and commemorate this first week of June as a time to reflect, and to remember and to thank the veterans, many who have sacrificed, that we might live in freedom today.

Mr. GILMAN. Mr. Speaker as a World War II veteran, I am honored to rise in strong support of House Joint Resolution 80, to designate June 1 through June 7, 1993, as a week for the National Observance of the Fiftieth Anniversary of World War II. I commend our distinguished colleague from Indiana [Mr. Myers] for introducing this important measure. It is crucial that, as a nation, we honor the courageous men and women who served during World War II.

Mr. Speaker, while there are those of us who have experienced the horrors of World War II firsthand, there are many Americans who are uninformed of the tremendous upheavals, the tragedies, the abominable atrocities, and the political factors that led to World War II. And, thee are those who would like to forget.

However, as the wave of democracy sweeps through the once oppressed countries, we must not forget. We must remember the combat, the destruction, the horrors of the Holocaust, and the devastating inhumanity of ruthless totalitarianism. Only by recalling the horrors of the past, we can ensure that future generations will never allow such monstrosities to happen again. I believe that our Nation must remain dedicated to supporting freedom, liberty, and democracy, for it is these ideals upon which our great Nation was founded.

The lessons of World War II are invaluable, and we must learn from them. By educating younger generations and by promoting equality and human rights we will ensure that this form of devastation does not occur again. Racism has an odd way of disguising its wicked purpose, however, an enlightened nation can combat its evil roots.

Mr. Speaker, it is my honor to support this measure. Many proud, dedicated soldiers fought, and sacrificed during World War II. In support of our freedoms and our democracy, I feel privileged to support this measure which designates, the week of June 1 through June 7, 1993, as the week of the National Observance of the Fiftieth Anniversary of World War II. This tribute is a fitting manner in which our Nation may honor our true heroes—the courageous fighters and survivors of World War II, while remembering the painful lessons of the past.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McNulty). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 80

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 1, 1993, through June 7, 1993, is designated as a "Week for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. Sawyer:

Page 2, line 3, strike "June 1" and insert "May 30".

Page 2, line 4, strike "Week" and insert "Time".

Page 2, line 7, strike "the time" and insert "that period".

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Ohio [Mr. Sawyer].

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Sawyer: Amend the title so as to read: "Joint resolution designating May 30, 1993, through June 7, 1993, as a 'Time for the National Observance of the Fiftieth Anniversary of World War II'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMUNICATION FROM THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Director, Non-Legislative and Financial Services:

Office of the Director, Non-Legislative and Financial Services,
Washington, DC, May 17, 1993.

Hon. Thomas S. Foley,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that the Office of the Postmaster has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
Leonard P. Wishart III,
Director.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mr. PICKETT. Mr. Speaker, I ask unanimous consent to change the 5-minute special order on May 20, 1993, for the gentleman from Florida [Mr. Bacchus] to a 60-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ORDER OF BUSINESS ON MAY 20, 1993

Mr. PICKETT. Mr. Speaker, I ask unanimous consent to transpose the name of the gentleman from Michigan [Mr. Bonior] in the Special Order Calendar with the gentleman from New Jersey [Mr. Menendez] on May 20, 1993, and I do this with the concurrence of my colleague, the gentleman from Michigan [Mr. Bonior].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NEGOTIATIONS IN OTTAWA COULD DOOM NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I take the well tonight to talk about an issue that has concerned me greatly over the past couple of days. I have very proudly been a strong proponent of the establishment of a North American Free-Trade Agreement. I happen to believe that, as the U.S. Trade Representative Mickey Kantor has said, there will be a net gain of 400,000 new jobs in the United States if we can diminish the barrier and create an opportunity for us to export more U.S. manufactured goods and services to Mexico. It is clear, from having looked at the changes which have taken place throughout the world, the establishment of EC 92, the reduction of trade barriers in the Pacific Rim and other parts of the world, that the wave is clearly toward the lowering of barriers. It is very beneficial to the U.S. consumer. Mr. Speaker, I happen to believe that I, as a Member of Congress, do not have the right to say to the American consumers that they cannot buy the best quality product at the lowest possible price without my imposing a penalty on them.

Well, the thing that I am disturbed about, Mr. Speaker, is the fact that developments which have just begun to take place in negotiations of the so-called side agreements in Ottawa, Canada, are jeopardizing the support that I provided throughout the entire debate of NAFTA and that I know a number of the rest of us who are in favor of the reduction of trade barriers have supported.

Why? Well, these so-called side agreements are moving dramatically in the direction of protectionist barriers rather than improving the trade picture and reducing barriers and creating more opportunities for consumers and workers alike.

Now what we have seen here is we have seen specific proposals which have been very, very disturbing to me, and I would like to outline a couple of them as they have been reported so far.

The Clinton administration proposes to create largely independent labor and environmental commissions with the authority to investigate the enforcement of all national and State environmental and labor laws. Well, clearly this is not a part of the goal that we have of reducing trade barriers. This is encroachment in an area which extends far beyond the scope of NAFTA. Trade sanctions, which will involve revoking NAFTA benefits, could be imposed by two of the three nations when one country is judged to be not enforcing a particular domestic labor or environmental law.

☐ 1920

Again, two nations could gang up against another country because they have determined that local laws are not being established, again, going far beyond the scope of simply dealing with trade aspects.

Clearly in an outright surrender to the special interests, the administration's proposal does not require a link between the law which is not enforced and trade or the economy. The enforcement of any labor or environmental law will be fair game in this process. Even if there is no trade nor economic gain from not enforcing a particular law, the NAFTA-related dispute panels and NAFTA trade sanctions could be used to compel enforcement.

Again, what we are witnessing is a move not in the direction of free trade, but in the opposite direction, barriers which are going to jeopardize free trade.

Tragically, we have seen the Clinton administration, which has paid tremendous lip service. The President's speech at American University and the words that have come from my friend, also from Los Angeles, Mr. Kantor, the U.S. Trade Representative, have been very good. But when we look at this proposal, it is very distressing for those of us who have been fighting on behalf of freedom and free trade for the past several years.

We are moving, I believe, in a positive direction by trying to implement NAFTA. It is going to allow us to compete. It is going to allow us to create jobs in the United States of America. But, Madam Speaker, if we move toward these side agreements which are being discussed at this moment in Ottawa, Canada, it will clearly jeopardize the support of those of us in the Congress who have been traditional proponents of free trade, and I believe create the potential to doom the implementation of this very important North American Free-Trade Agreement.

Madam Speaker, I say to those who are at the negotiating table, do not jeopardize the support which so many of us desperately want to provide in behalf of what I believe is clearly the most important economic policy that the United States of America and this hemisphere will face in years.

BRINGING THE SUNSHINE TO THE DELIBERATION OF CONGRESS

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Madam Speaker, I rise to voice my disappointment and dismay over a recent action by a committee of this House. Last week in its deliberations on the tax bill the Committee on Ways and means voted to close its doors to the press and to the people. This action on that important bill was described as customary, business as usual, and I regret that it is, for it was also just plain wrong.

Madam Speaker, I have the very highest regard for my colleagues on the Committee on Ways and Means and especially for the committee's chairman. I understand their point of view, but I do not share it. This is the people's House, and the people's House should not be closed to the scrutiny of the people or the press.

I am from Florida. In Florida we conduct government in the sunshine. In fact, in Florida we invented government in the sunshine, and in Florida we know that governing in the sunshine works, and we should govern in the sunshine in Washington, too.

Madam Speaker, this is why my colleague, the gentleman from New Jersey [Mr. ZIMMER], and I have introduced H.R. 143, an open meetings bill to bring sunshine to the deliberations of our Congress.

This bill would mandate that all congressional meetings and hearings be open to the public and the press except for the following reasons: National security; if disclosure of matters to be considered would place an undue burden on the privacy rights of the private citizens; or if disclosure of matters to be considered would jeopardize an ongoing criminal investigation or confidential source of any criminal investigation.

A majority of the full committee of jurisdiction would have to vote to close the meeting or hearing rather than just a majority of those present, as is now the case, and it would have to be a recorded vote.

Madam Speaker, the public's right to know what we do here is fundamental. It overrides all those reasons that are customarily given for closing a meeting.

This is not a partisan issue. The gentleman from New Jersey [Mr. ZIMMER] is a Republican and I am a Democrat. There are Members on both sides of the aisle who share our point of view. Republicans and Democrats alike over the years have voted to close the doors of committees of this Congress.

Madam Speaker, I would submit that the people are weary of partisanship, and I urge my colleagues on both sides of the aisle to join me in supporting government in the sunshine. It is argued by those who support closing the doors that to do so is more efficient, that it makes the trains run on time. They would suggest that those of us who are privileged to represent the people do not have the guts to look a lobbyist in the eye and say no. Well, I do, and I would submit that my colleagues do, too.

It may be more efficient to close the doors, though I doubt it, but it is certainly not more democratic. I say open the doors and let the sun shine in.

FEDERAL REGULATION RUN AMOK

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I rise to run a lap for the regulatory relay team. Led by the gentleman from Texas [Mr. DELAY], the regulatory relay team has been coming to the floor of the House each week to discuss a different Federal regulation which is harmful to business and the economy.

Federal regulation of businesses costs hundreds of billions of dollars every year. When a business spends money to comply with Federal mandates, it is diverting money which could be spent on new plants or equipment and creating jobs or paying salaries.

Not all Federal regulation is bad. In fact, many Federal regulations are needed to protect the health and safety of workers or society at large. However, sometimes Federal agencies are overzealous and inflexible in their implementation of regulations. Many times they do not take into account the cost of regulations to businesses or look for ways to minimize the cost of compliance with regulations.

I want to give my colleagues an example of a well-intentioned regulation run amok. The Department of Labor has promulgated a regulation, called Hazardous Occupation Order 12, or H.O. 12, which prohibits anyone under 18 from operating machines used to manufacture paper. Included in the regulation is the operation of paper balers in grocery stores. Now this is a regulation which is necessary. After all, paper balers can be dangerous machines if operated improperly.

The regulation seeks to protect teenagers from baler accidents. However, it goes so far as to prohibit 16- or 17-year-olds from simply tossing a piece of paper, such as a piece of cardboard or even a candy wrapper, into a baling machine which is not even operating. The Department of Labor claims that this is "assisting in the operation" of the baler. This is similar to saying that when someone places a box inside a car when the engine is turned off, he is assisting in driving the car. Of course, this is ridiculous. Faced with this regulatory dilemma over paper balers, many grocers have stopped hiring 16- and 17-year-old employees.

Grocery industry representatives requested that the Labor Department review the regulation to see if it is justified and consider possible alternatives to the rule. The Department has refused to do this.

Enforcement of the regulation has been extremely aggressive. Grocers report that the Department acts as investigator, prosecutor, judge, and jury and is using the regulation to intimidate businesses by imposing hefty fines. Some report that the regulators are failing to take into consideration company policies against teenagers using balers and is basing fines on unsubstantiated statements by former employees. In addition, instead of working to prevent future injuries, the Department is going back in time looking for violations which may have occurred up to 2 years in the past.

A grocer in my own district in central Illinois tells me that the Labor Department used this regulation to question former employees about past use of balers and fined him $8,000 for a few alleged violations. To grocers, it seems that the Labor Department is more interested in collecting fines and harassing businesses than in protecting the health and welfare of teenage workers.

As I mentioned earlier, this inflexible regulation has caused grocers to avoid hiring teenagers. The President is currently seeking $320 million from Congress to create summer jobs, but this onerous regulation is killing jobs for teenagers. The administration could help create jobs for teenagers simply by improving this unreasonable regulation and enforcing it in a fair and rational manner. And the H.O. 12 regulation can be altered in a way which will not threaten the health or welfare of anyone.

This regulation is a good example of the regulatory overkill our Federal bureaucrats frequently use. It is about time the Federal Government got off the backs of businesses and let them do what they do best—create jobs.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 1992.

Hon. LYNN MARTIN,
Secretary, Department of Labor,
Washington, DC.

DEAR LYNN: To follow up on our recent meeting, I want to reiterate that the Department's vigorous enforcement of regulations prohibiting 16 and 17 year olds from placing paper into balers continues to concern me greatly.

I am enclosing a small sampling of documents that illustrate what I am talking about: the excessive, over zealous pursuit of "violations" in retail grocery stores. The experiences of Piggly Wiggly of Memphis and Sewell-Allen Big Star highlight my feeling that your investigators go back too far, rely too heavily on statements of ex-employees, and amass too many citations as to be punitive rather than to encourage corrective action by a store owner.

The experience of Mr. Scott Means seems to be typical for those owners choosing to exercise their right to appeal. The Department by law is investigator, prosecutor, judge and jury, but when the Department also encourages that a fine be paid or yet another citation will be issued is simply intimidation.

I would like you to read this material personally. I am sure you will be as annoyed as I am that the others show a pattern of an employee's statement being taken at face value, of not taking into consideration company policy against teenagers "operating" balers, basing fines on the unsubstantiated statement of former employees, and not-so-subtle intimidation. These are not isolated cases. It looks like a bureaucracy out of control.

Lynn, stepping back from the specifics of any one situation, I think there is an important larger picture. Here is a zealous, big-brother bureaucracy unreasonably hunting and punishing employers—many of them small businesses—to the point of discouraging them from hiring teenagers. I understand that more and more companies do not hire anyone under 18 as a mater of policy because of the regulatory nightmare DOL has created. Please see the enclosed letter from First National Supermarkets and the policy statement of Fleming Companies.

Here we are as a society with a major problem of teenage unemployment—willing to pay for very intensive and expensive job creating programs for inner city youths—yet, at the same time, systematically discouraging employers from hiring these youths. It's incredible, really. What is of particular concern to me is that this is happening during the watch of this administration! I believe it is symptomatic of why the level of support for our party is not as high as it ought to be from within the job-creating sector of our society. I think we are playing into the hands of those who want a bigger, more costly and heavy handed government.

Let me be so bold as to suggest four steps. One, the Department should reduce the zeal of what is now its overly aggressive, revenue-generating enforcement actions regarding the "operation" of balers by teenagers. Two, it should stop looking for violations that may have occurred before November 20, 1991, when the recent clarifying regulations pertaining to Hazardous Operations Order Number 12 were issued. Three, an open and impartial examination of the Hazardous Occupations Order Number 12 should take place. Four, you should work to rescind the 1990 budget agreement provisions that the Department generate revenues through its enforcement powers in order to help reduce the deficit. In regard to item four, I am prepared to be the House sponsor.

I believe this is a very serious matter that is much larger than the baler issue, and I look forward to working with you on a solution.

Sincerely,

DON SUNDQUIST, M.C.

FOOD MARKETING INSTITUTE,
Washington, DC, October 9, 1992.

Hon. LYNN MARTIN,
Secretary, Department of Labor,
Washington, DC.

DEAR SECRETARY MARTIN: The Food Marketing Institute (FMI) urges you to direct the Department of Labor (DOL) staff to undertake an expedited review of Hazardous Occupation Order 12 (H.O. 12) relating to the operation of paper balers in grocery stores. We further request that DOL discontinue its on-going harassment of our nation's food retailers through its unreasonable interpretation and enforcement of H.O. 12.

FMI is a nonprofit association conducting programs in research, education, industry relations and public affairs on behalf of its 1,500 members—food retailers and wholesalers and their customers in the United States and around the world. FMI's domestic member companies operate approximately 19,000 retail food stores with a combined annual sales volume of $190 billion—more than half of all grocery stores sales in the United States. FMI's retail membership is composed of large multi-store chains, small regional firms and independent supermarkets.

As you know, DOL's unfair methods of enforcing H.O. 12 have been the subject of much well-deserved criticism from individual companies, FMI, the National Grocers Association, other industry groups and congressional leaders (see for example, the attached letter from Representative Don Sundquist). As a direct result of these enforcement methods, many grocers across the country have stopped hiring 16 and 17-year-olds. This significant reduction in teenage employment opportunities flies in the face of your avowed goal of "assisting youth in making the connection between school and the world of employment."

We reiterate our opposition to this relentless, unfair "guilty until proven innocent" enforcement approach. However, the underlying problem is with the department's irrational conclusion that by tossing a piece of paper (cardboard, candy wrapper, etc.) into a non-operating baling machine, a 16 or 17-year-old employee is "assisting in the operation" of that machine in violation of H.O. 12. There is no sound basis for this position. It is equivalent to stating that by placing something in a car a person is assisting in driving the car.

Most disturbingly, despite FMI's (and others) repeated entreaties DOL has failed to articulate its rationale for this position. No evidence has been presented, even gathered, by DOL that this activity of placing paper in a baler is hazardous; that this interpretation reduces injuries; or that other safety requirements might not be equally effective in preventing injuries.

In April of 1989 FMI raised these issues in a letter to the Administrator of the Employment Standards Administration for consideration by DOL's Child Labor Advisory Council (copy attached). Among other things, we said:

"We urge the Subcommittee to analyze thoroughly the baling process to pinpoint what, if any, hazards exist in the operation of balers, and to provide its insight on whether the operation of baling machines is "particularly hazardous" within the meaning of the law. As part of this review the Subcommittee should establish a complete and thorough record on the number and kind of injuries that have occurred involving balers. Accident rates involving scrap paper destined for remanufacture, covered by the rule, should be compared to those for balers used for waste disposal. The information should also reflect the number of injuries sustained by adults and, to the maximum extent possible, the injury rate should be placed in the context of the number of sixteen and seventeen year olds actually exposed to baling operations.

"During this review we urge that the Subcommittee also examine possible alternatives which would allow use of baling machines by 16 and 17 year olds who load and/or operate balers may be appropriate; the mechanical safety features and requirements on balers should be reviewed to see if safeguards can be enhanced to prevent the kinds of accidents that have been documented; and, each step in the baling operation should be isolated so that 16 and 17 year olds might be able to avoid hazardous operations, and perform only those functions in the operation of balers that are safe."

No such reyiew was ever undertaken, no data developed, and no attempt was made to understand how modern balers work. No response was ever even provided to our letter.

In October of 1990, DOL proposed to revise H.O. 12 to "clarify" that the order covered all baling machines, no matter where located or for what purpose the paper was being baled. The notice of proposed rulemaking included no discussion of the dangers of baling machines nor a factual predicate for the proposed change in the rule (which is what it was—not a clarification).

FMI submitted a statement in response to the notice of proposed rulemaking and the request for comment (copy attached). Once again, we asked the Department to analyze the baler to see if this regulation was justified and to review possible alternatives to the proposed rule—e.g. training requirements, or new mechanical safety features.

Incredibly, DOL responded in this fashion:

"These commenters stated that the Department had not done an investigation of the actual operation of paper balers in retail establishments, the safety mechanisms and training methods in use, and the number and kind of injuries. However, because these clarifying revisions merely ensure that the regulation conforms to its intent, prohibiting the operation of paper products machines, regardless of the ultimate disposition of the product, an investigation is unnecessary."

In other words, DOL felt no obligation to justify its conclusion because the proposed revision was aimed "merely" at ensuring the regulation conformed to the intent of the regulation. To put it more simply "we know we are right so we don't have to explain why we are right."

DOL's only other effort to justify its position was that "all the H.O.'s traditionally have been construed broadly, to include any assistance in the operation of prohibited machinery, so as to reduce the likelihood that a young person may engage in a dangerous activity."

FMI and its members fully understand that the intent of the hazardous occupation orders is to protect children from injury. We also understand that the department traditionally interprets these orders broadly to protect children.

But in this case, with this order, DOL's position is wrong. It is unjustified. It is arbitrary and capricious, with no data, or analysis or even argument provided to justify it. And it is causing huge problems for the grocery industry. Problems that have repeatedly been brought to the Department's attention and that have been ignored.

Frankly, we are perplexed by DOL's total unwillingness to address the issues we have raised. Why is this order beyond review? Is the department simply unable to reconsider a regulation because it is labeled as promoting child safety?

We urge that a formal review of H.O. 12 be undertaken immediately. Such a review is long overdue. Interested parties should have the opportunity to provide all relevant data and information. Only then will DOL be able to meet its obligation to regulate in a fair and reasonable manner. We are confident that this review will show that there is no sound basis for DOL's current position.

We are all concerned about the safety of children and teenagers in the workplace. But that's only the beginning of the analysis. We should also all be concerned about teenage unemployment, harassment of employers and bureaucratic inertia. By working together we can ensure worker safety without the negative consequences of the current rule. That should be our common goal.

Thank you for your consideration.

Sincerely,

GEORGE GREEN,
Vice President,
Assistant General Counsel.

[Labor Information Service, June 1992, Vol. 62]

CHILD LABOR LAW—PAPER BAILERS ENFORCEMENT PRIORITY

(By William J. Rodgers, Collier, Shannon, Rill & Scott and George R. Green, Food Marketing Institute)

INTRODUCTION

Many readers know from first-hand experience that the Department of Labor (DOL) continues to place enforcement of the child labor laws at the top of its priority list. Secretary of Labor Lynn Martin has carried forward the "Operation Child Watch" program begun two years ago by then Secretary Elizabeth Dole.

Just last week the United States Department of Labor announced the results of an April/March two-week "blitz" by Wage and Hour investigators on smaller towns targeting businesses such as food retailers and restaurants. They investigated 4,700 businesses, found 5,000 minors working in violation of Federal laws, and assessed $3.2 million in civil penalties. Many grocers who believed themselves to be in full compliance with the law have found themselves among those cited. Therefore, it is important for all FMI members to review their child labor compliance programs generally and especially to make sure all stores employees are aware of the prohibitions concerning paper baling machines.

GENERAL LEGAL REQUIREMENTS

The Fair Labor Standards Act (FLSA) applies to retail enterprises with gross sales of $500,000 or more, so supermarket operators are covered. In addition to governing the federal minimum wage (currently $4.25 per hour, your State may have a higher minimum wage) and overtime (premium pay equal to one and a half times the regular rate of pay for all hours worked in excess of 40 hours in a workweek), the FLSA establishes restrictions on the use of child labor.

The May 1990 and December 1988 issues of this bulletin review the many aspects of the child labor laws with which food distributors must be familiar.

Most states also have child labor laws and they should be reviewed as well, as the state law applies if it as stricter than the federal law.

In a nutshell, under the FLSA: 14 and 15 year olds can work in non-hazardous occupations for not more than 40 hours in a week, or 8 hours in a day, when school is not in session and not more than 3 hours in a day or 18 hours in any week when school is in session; 14 and 15 year olds can work only between the hours of 7:00 a.m. and 7:00 p.m., except from June 1 through Labor Day they can work to 9:00 p.m.

In addition to the above, no employer shall use any "oppressive child labor" in commerce or the production of goods for commerce or "in any enterprise engaged in commerce."

"Oppressive child labor" includes employment of any person under 16 years of age except for certain specific jobs in retail stores as enumerated in the may 1990 issue of this bulletin. Also included is the employment of any person under age 18 in any occupation found by the Secretary of labor to be particularly hazardous.

There are several specific Hazardous Occupation Orders issued by the Secretary that affect grocers. Among them:

Order 10—provides that any work in meat processing, including the operation of an automatic slicing machine, like those found in store deli departments, is a hazardous operation and off limits to those under 18. This includes the cleaning of meat slicers as well.

Order 11—provides that working with, cleaning or repairing power driven bakery machines is a hazardous operation. Example: dough mixers, dough sheeters, molding machines, bread slicing and wrapping machines, cake cutting band saws and more.

Order 12—provides that working with, cleaning or repairing any paper products machines is a hazardous operation. Example: sheeting machines, guillotine paper cutters or shears, arm type staplers—scrap-paper balers—and all power driven machines used to prepare paper for disposal.

PAPER BALERS

The operation of a paper-baler and assisting in the operation of a baler is considered by DOL to be a hazardous occupation covered by Order 12.

Last November 20, the Wage and Hour Division of DOL issued a final rule clarifying that the operation of paper balers by minors under 18 years of age is prohibited in all circumstances. DOL also reiterated its position that the placing of material into the baler is a violation of hazardous Occupation Order (HO 12). The Labor Department is aggressively enforcing this prohibition and we urge all members to review their policies and especially to communicate to all employees that minors may not place any material into paper balers. DOL will issue citations to retailers for violations based solely upon statements from minor employees or former employees that they have on a single occasion placed a piece of cardboard in a baler, even when the baler has signage prohibiting use by anyone under the age of 18. FMI has objected strongly to this interpretation and enforcement policy, but until DOL can be convinced to take a more reasonable position, it is essential that this prohibition be communicated strongly to store employees. Consideration should be given to the use of key locks or other safeguards to limit access and to control the operation of these machines±.

PENALTIES

What happens if DOL determines you are employing someone under 18 years of age in a hazardous operation? First, there are civil penalties of up to $10,000 for each employee and $1,000 for each separate violation. If it is held to be a "willful" violation, you are subject to a $10,000 fine and criminal liability of up to six months in jail. (You can go to jail only if you have been convicted of a prior offense. We are unaware of any criminal penalties having been imposed on retailers.) And "willful" doesn't mean that you knew that you were violating the law; it is "willful" if you were aware that the law possibly applied.

An employer who presents falsified records can be punished by a fine of $10,000 and six months in jail. Criminal prosecutions, while rare since they are based on "willful and flagrant" violations, can be triggered by submission of falsified records.

In determining the amount of civil penalty to be assessed, the Administrator looks at the seriousness of the violation, the size of the business, the number of employees involved, previous history of violations, the employer's explanation and whether the employer has made good faith efforts to comply with the law.

ENFORCEMENT

Inspections are made both on the Wage and Hour Administrator's own initiative or to investigate complaints. The name of the person making the complaint will not be revealed. Upon arrival on your premises, the Wage-Hour Division inspector will ask for "the person in authority" to whom they will show their credentials and explain that they are there to make an investigation in connection with the Wage-Hour Law. The Wage-Hour Division can subpoena the employer's records if necessary.

After the inspection, if the Wage and Hour Administration determines that there is a violation, it serves a formal notice of violation and the penalty, if any, to be imposed on the employer.

Generally, there will be an opportunity to discuss the results of the investigation with the compliance officer before a formal notice of violation is served. It is appropriate to request such an opportunity and it is appropriate for counsel to be present at this conference. At this point the investigator's conclusions should be checked for accuracy. Find out when the alleged activity occurred. Is the alleged violation based on physical records or on uncorroborated statements from employees or former employees? If it is a former employee, under what circumstances did the individual leave the company?

If differences still remain after discussion between the investigator and employer, you can request a conference with a supervisor at the regional office. As mentioned, in determining the level of fine, DOL will look at the employer's good faith efforts to comply with the law. It is certainly relevant to argue, if it is accurate, that the employee violated well-established company policy; that this policy is well-publicized; that signs are posted; that employees are disciplined when they violated the policy; that training is provided; that access to the baler is limited, etc. These mitigating factors could result in reduced penalties.

If you are hit with a formal notice of violation, you have 15 days to take exception to the determination and request an administrative hearing. This request should be sent to your local Wage and Hour office or the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor and must: be dated; be typewritten or legibly written; specify the issue(s) stated in the notice of determination, giving rise to such request; state the specific reason(s) why the person requesting the hearing believes such determination is in error; be signed by the employer or his representative; and include the address for receipt of further communications from the Administrator.

While you can do it yourself, if you decide to seek a hearing, it is probably wise to seek counsel familiar with the Wage-Hour Law. The administrative hearing is conducted by a DOL Administrative Law Judge whose decision will be limited to a determination of whether the employer has committed a violation of the act, and the appropriateness of the penalty.

The decision of the Administrative Law Judge constitutes the final order of the Administrator, unless an appeal is filed with the Secretary of Labor within 30 days of the date of the decision. The final order of the Secretary is appealable to the federal courts.

AGE CERTIFICATES

While you can't prevent the Wage and Hour Administration from conducting an inspection, you can immunize yourself from liability by obtaining a "certificate of age" for an employee 18 or older (so that he or she can preform hazardous duties) and for employees 16 years or older (so that they can perform non-hazardous duties).

The federal regulations regarding child labor suggest that a certificate of age should be obtained for each person who might be under age, or who gives his age as a year or two older than the minimum age. Certificates of age may be obtained by contacting the appropriate agency in your State, probably the Department of Labor or the Industrial Commissioner.

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SAVE AMERICA'S MARITIME INDUSTRIES

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Virginia [Mr. PICKETT] is recognized for 5 minutes.

Mr. PICKETT. Madam Speaker, a few days ago, I met with the Hampton Roads Maritime Association in my district and expressed optimism that the Clinton administration, with Secretary of Transportation Pena in the lead, would find a way to begin the revitalization of the U.S.-flag merchant fleet. Much to my dismay, I now find that I was wrong.

In what has to be one of the most disappointing actions taken thus far by the young administration, Secretary of Transportation Pena confirmed that the Department of Transportation will not seek an extension of the Operating Differential Subsidy [ODS] Program for our Nation's dwindling supply of privately owned, deep draft commercial ships.

The Clinton administration's decision represents bad transportation policy, bad economic policy, and even worse national security policy.

Ever since the end of World War II, when there were more than 5,000 privately owned, deep draft vessels in the U.S. commercial fleet, our nation's merchant marine has been in a precipitous decline.

Today, the Federal Maritime Administration reports that there are only 467 U.S.-flag commercial ships. There has been a corresponding decline in the number of skilled merchant seamen capable of manning these ships. And more than 100,000 shipbuilding and ship repair jobs have been lost since 1981.

Not coincidentally, Madam Speaker, 1981 was also the year in which the Reagan administration eliminated construction subsidies for American shipbuilding.

Now, 12 years later, the Clinton administration stands ready to scuttle the only other subsidy program designed to promote a strong U.S. merchant marine.

Faced with this prospect the Nation's only U.S. flag carriers have told Congress and the administration repeatedly that without legislation extending ODS subsidies, they will reflag their vessels under a foreign flag.

Even a Desert Storm size military operation will require our nation to charter foreign flag vessels to transport essential weapons, supplies, and troops.

What other risks and consequences may we expect from the abandonment of our merchant marine industries?

First, we will be ceding control of ocean-going trade and commerce to our competitor nations without a whimper, without any benefit from trade negotiations, and without any meaningful assessment of where this ruinous policy will lead us.

Second, while our military sealift will become increasingly dependent upon foreign-flagged ships, so also will the shipment of American made products shipped in international commerce. The consequent pricing and competitiveness of these American products may well suffer.

And third, there will be a shocking deficiency in our industrial base and a missed opportunity for trade, jobs, and world leadership in the maritime industries.

Madam Speaker, no one likes Government subsidies, particularly in today's fiscal and budget environment. But throughout American history, our Government has recognized the need for different subsidies to preserve, promote, and advance socially and economically beneficial programs that are essential to the domestic and economic objectives and standards of our Nation. Few would dispute, for example, that the billions of dollars paid to American farmers have helped to ensure that the American people receive a stable and reliable supply of food. We subsidize mass transit systems to provide more efficient and economical transportation for our people. Government underwrites the cost of some research for national security purposes and to protect against technological surprise. And now there is even discussion about subsidizing America's aerospace industry.

If we can afford these things, and we largely do, then surely we can continue to expend the modest amounts required to insure that our Nation has a merchant fleet that is worthy of our history as a maritime nation and that is deserving of our future as the world's economic leader. A healthy and competitive maritime industry for our Nation is not a luxury; it is an absolute necessity.

Madam Speaker, I urge my colleagues not to give up on America's maritime industries. We have recognized, supported, and profited from this industry in the past. We can and must do so in the future.

FORMATION OF THE MANUFACTURING TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House. The gentleman from New Jersey [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of New Jersey. Madam Speaker, since March 1991, my home State of New Jersey has seen more than 9 percent of its manufacturing jobs disappear. And although New Jersey's loss has been dramatic—in fact it's four times the national average—across the country we are steadily losing one of our Nation's great economic assets.

Over the past 2 years, 378,000 manufacturing jobs have been lost throughout the Nation. Last month alone, 65,000 jobs were wiped out. At the rate we are going, by the 21st century "Made in the USA" could be nothing more than a memory of a more prosperous era.

The loss of any job is a hardship. But the loss of our industrial base is a severe jolt to our Nation's economic stability. People employed in manufacturing are among our best paid workers, with wages averaging 15 percent higher than other workers. They have excellent benefit packages, with 98 percent of these workers having company-paid health coverage.

As we stand by and watch one factory after another close down, we see families' dreams of a better life fade away. The leading source of advances in technology and research are being shut down. And we are seeing our best hope for narrowing the trade deficit eroding away.

To use health care analogy, manufacturing is on the critical list. The time has come to take manufacturing off life supports and develop a national action plan that will make manufacturing healthy again.

To that end, yesterday my colleague and friend, a member of the other party, MARTY MEEHAN of Massachusetts, and I announced the formation of the first ever Congressional Task Force on Manufacturing. The goal of this bipartisan task force will be to develop specific recommendations that will enable the United States to build a stronger, more diverse manufacturing base that can tap into new markets both here at home and around the globe.

The Northeast-Midwest region has long been the center of our Nation's manufacturing. But over the past three decades, the South and the West have been experiencing a surge in manufacturing, while the Northeast-Midwest States have been suffering a hemorrhaging loss. Even though manufacturing still represents 18 percent of the total employment in the Northeast-Midwest region, the loss of jobs has been staggering—more than 2 million manufacturing jobs were lost in the last decade.

Before this task force can begin to develop a recovery plan, it must first find out what went wrong—why we as a nation turned our back on manufacturing while encouraging the development of service industries. Through briefings and hearings in Washington and in industrialized centers throughout the Northeast and Midwest, the manufacturing task force will be dissecting the manufacturing sector, looking at all the factors that have contributed to its decline.

The task force will be focusing on some key areas of concern.

The first is education. Due to the failure of America's education system, manufacturers now report that they reject five out of every six job applicants. The sad fact is they lack the basic education skills needed to do the job. Every year, manufacturers spend $30 billion just to train workers. The task force will be exploring ways to raise educational standards and improve training of workers to ensure a high performance, first-class work force.

Second, we must consider changes in national tax and regulatory policies that will stimulate business expansion and factory modernization. Tax increases and mounds of new bureaucratic regulations have made manufacturing a risky business venture. Manufacturers have seen their profit margin cut by one-third since the 1960's. Our major competitors in the world marketplace, Japan and Germany, enjoy the advantage of lower effective corporate tax rates and less oppressive regulatory climates.

Ask a manufacturer the biggest obstacle to progress, and chances are he'll tell you excessive Government regulation. National environmental laws alone are costing businesses more than $75 billion a year. The total cost of complying with regulations, by some estimates, now exceeds the aggregate after-tax profits of manufacturing.

No one can argue with the intent of the myriad of new environmental laws and regulations enacted over the past three decades. But there must be a more effective and efficient way of protecting the environment and the health and safety of workers without draining manufacturers of the capital they could otherwise be investing in plant modernization, the development of new products, and creating new jobs.

Third, manufacturing will never rebound unless it's prepared to face the challenges of a constantly changing marketplace. That requires a long-term investment in research and development of new technologies. Since the mid-1980's manufacturers, particularly small ones, have been so preoccupied with just staying afloat, they have been unable to plan ahead. While other industrialized nations, such as Germany and Japan, have been investing heavily in research and development, here in the United Sates we are lagging way behind. The United States, once the world leader in innovation and technological advances, is allowing its competitive edge to slip away.

In forming this manufacturing task force we are recognizing that our Nation cannot be as strong without a vibrant and diverse manufacturing base.

Although the challenges facing our economy are great, the next 20 years hold the opportunity of being manufacturing's golden age. The end of the cold war has opened up a new world of opportunities for U.S. manufacturers to explore. We need to seize the moment. Opportunities like these may not come along again in our lifetime or even in our children's lifetime. The task force will be analyzing ways to strengthen our global competitiveness through greater market access, stronger trade laws, and a national campaign to increase exports of manufactured goods.

I've visited dozens of manufacturing facilities in my home State of New Jersey that are expanding and researching exciting new technologies. Nationally, manufacturing exports are on the rise and actually have doubled over the last decade. Manufacturing is down, but it's certainly not out.

Madam Speaker, we, as a nation, must begin to look at manufacturing in a whole new light. It's no longer smoke stacks clogging the air or chemicals spilling into our streams. Manufacturing today is robotics and computers manned by highly skilled workers. It's also a tremendous source of new jobs. Every new manufacturing job creates four new jobs elsewhere in the economy. We need a solid manufacturing base to have a strong and prosperous nation. Without it, the quality of life as we know it may never be the same.

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DEATH OF DISTRICT OF COLUMBIA COUNCIL CHAIRMAN JOHN A. WILSON

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, I have just learned that D.C. City Council Chairman John Wilson passed away suddenly this afternoon. Chairman Wilson has been a tireless fighter for the District of Columbia and in recent days has spent hours right in this Capitol, working with the D.C. Appropriations Subcommittee chairman, JULIAN DIXON, on the D.C. budget.

I would ask that all Members of this body pray for the Wilson family in this hour of great sadness.

A CLEAR MESSAGE: CUT SPENDING, DON'T RAISE TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Madam Speaker, at an appearance in Birmingham, AL, on May 11, Energy Secretary Hazel O'Leary characterized President Clinton's $70 billion energy tax as a "piss-ant tax." Secretary O'Leary apparently used this vulgar term to indicate that this tax is insignificant, nominal, or unimportant. But it was not insignificant to the aluminum industry which has activated a huge and apparently successful effort to have itself exempted from this tax. And it is not significant to the steel industry or the plastics industry which successfully lobbied the Clinton administration for exemption from this tax.

I am delighted to hear that the administration and the Democrat leadership has realized how devastating this tax would be on the aluminum, steel, and plastics industries—all of which are energy intensive industries. But America's private citizens can't afford and don't have an army of lobbyists to protect them from what Secretary O'Leary believes is an insignificant tax. And the people I represent certainly don't think this tax is insignificant. The State of Alabama has a general fund budget of $827 million. That is what we operate our entire State Government on, excepting education, $827 million. This tax, if it had been enacted in Alabama would raise $550 million, enough money to operate our State general fund and State Government for a period of 7 months out of the year. If this tax which Secretary O'Leary calls insignificant passes in Alabama, Alabama drivers will pay almost $250 million a year in additional gasoline taxes. If this tax passes Alabama homeowners and households will pay $76 million in additional electricity costs, certainly not insignificant.

This tax will take $500 a year out of the pockets of every family in Alabama. That may not seem like much to Secretary O'Leary, but for a struggling family it's enough to buy a month's worth of groceries or to pay a month's rent. For a struggling family, $500 is enough to pay for necessary visits to the doctor; it's even enough to buy shoes and clothes needed for the children to start the school year. In short, this tax is significant—it's costly. And it hurts most those very people that Bill Clinton promised tax relief not so long ago—the now, judging from this tax proposal, forgotten middle class.

This tax is very damaging to businesses who are trying to compete with foreign companies. Its effect is anything but nominal. It will cripple companies who are fighting to protect their markets at home in tough competition against foreign companies who do not have to pay this tax in their production facilities.

This tax is certainly not inconsequential to our Nation's manufacturers and the 18 million people employed by them. They rely on energy to keep their assembly lines going and to transport their goods to the marketplace. The National Association of Manufacturers estimates that more than 600,000 jobs will be lost if it is implemented. Try to tell those American families that this tax is insignificant. This tax is also significant to American farmers who will pay an unfair burden due to their heavy reliance on fuel to work their fields and to travel the longer distances required of those who live in our rural communities.

Secretary O'Leary's insensitivity regarding this tax is only exceeded by the arrogance of the Democrat majority members of the Ways and Means Committee who met in secret to act on this and all the other tax increases. These Democrat members essentially locked out not only members of the press but the American people. They apparently had to huddle behind closed doors because they knew that the Clinton tax plan couldn't bear the light of day, or the scrutiny of the American people.

Madam Speaker, whenever people from my district in Alabama come to Washington, I take great pride in telling them that the Capitol is their building; Washington is their city; and they can visit the gallery or committee meetings at any time.

Well, I guess I was wrong. First it was Hillary Rodham Clinton's secret health care group—meeting in closed sessions—that felt it should be above the law. Now, it is the Democrat members of the powerful Ways and Means Committee. All of this because the Democrat majority can't bear to raise taxes in public.

Ordinary Americans and small businesses have a right to feel outraged by the arrogance of the Democrat members of the Ways and Means Committee for shutting them out.

Since they cannot hire lobbyists, ordinary, rank-and-file Americans and small businesses apparently are not being heard by the Clinton administration and the Democrat members of the Ways and Means Committee.

Madam Speaker, let me tell you: these ordinary, grassroots Americans contact me every day, and their message is clear—cut spending; don't raise taxes. My constituents in Alabama understand the effect of the energy tax far more clearly than Secretary O'Leary, and they do not consider the effects of a $70 billion tax costing $500 a family to be insignificant or nominal. The Ways and Means Committee as well as the Democrat leadership of this House would be well advised to listen to the peoples' good advice: cut spending first.

Madam Speaker, for the RECORD I include information on Alabama State funds:

STATE GENERAL FUND SUMMARY

[Fiscal Years 1988–89 through 1993–94]

	Fiscal year (actual)				Fiscal year (estimated)	
	1988–89	1989–90	1990–91	1991–92	1992–93	1993–94
Balance to begin year	32,666,489	18,694,446	30,957,400	609,782	23,365,616	
Receipts	[1] 713,463,977	[2] 750,230,918	797,383,173	808,334,687	788,000,000	818,046,525
Add agency transfers:						
ABC board						2,506,113
Public Service Commission						1,300,000
Total available	746,130,466	768,925,364	828,340,573	808,944,469	811,365,616	821,852,639
Less:						
Expenditures and encumbrances	727,436,020	737,967,964	827,730,791	[3] 785,578,853	[4] 807,668,781	821,852,639
Anticipated proration reduction					3,696,835	
Balance at end of year	18,694,446	30,957,400	609,782	23,365,616	0	0

[1] Revenue and fee increase measures passed in 1988 special sessions of $85,167,790.

[2] Hazardous waste fee increase. One-fourth year collection for FY90 $6,984,547 and full year for FY91 and thereafter.

[3] Reflects proration at 5.5%.

[4] Reflects proration at 3.2%.

ALABAMA SPECIAL EDUCATIONAL TRUST FUND SUMMARY

[Fiscal years 1988–89 through 1993–94]

	Fiscal year (actual)				Fiscal year (estimated)	
	1988–89	1989–90	1990–91	1991–92	1992–93	1993–94
Balance to begin year	143,833,170	34,254,022	34,082,483	415,885	2,523,903	32,137,027
Receipts	2,379,795,463	2,467,657,540	2,498,708,590	2,628,893,510	2,725,178,640	2,850,107,479
Add:						
Proration prevention transfer	0	21,000,000	33,314,779	0	0	0
Less:						
Trade school and junior college authority bonds	1,762,903	1,743,750	1,743,000	0	0	0
Revenue Departments—administrative costs	4,551,036	5,080,802	5,740,137	5,740,137	5,878,640	6,557,479
Net receipts	2,373,481,524	2,481,832,988	2,524,540,232	2,623,153,373	2,719,300,000	2,843,550,000
Total available	2,517,314,694	2,516,087,010	2,558,622,715	2,623,569,258	2,721,823,903	2,875,687,027
Less:						
Expenditures and encumbrances	2,483,672	2,482,004,527	[1] 2,558,206,830	2,621,045,355	2,700,052,066	2,875,687,027
Reversion from State board of education—local boards					(10,365,190)	
Balance at end of year	34,254,022	34,082,483	415,885	2,523,903	32,137,027	0

[1] Includes amounts for 8% teachers' and 7.5% employees' pay raises.

□ 1950

ANNOUNCEMENT OF AVAILABILITY OF WAYS AND MEANS COMMITTEE SECTIONS OF RECONCILIATION BILL

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Madam Speaker, I rise to alert my colleagues that text of the Ways and Means Committee sections of the reconciliation bill are now available for their examination. I have introduced the two Ways and Means titles as H.R. 2141 for the sole purpose of making the text available for discussion. Of course, this bill will not be considered, but will be included in the reconciliation legislation that we will vote on next week. Report language is also available.

This means that Members will have more than a week to analyze and understand our package before it comes to a vote.

CONSIDERATION OF ROBERT CARTER RANDOLPH IV FOR U.S. ATTORNEY POSITION IN WASHINGTON STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Madam Speaker, I said on election night, November 3, 1992, that I would be willing to extend my own personal 6 months of so-called honeymoon period to the President to see what he could put together, and how he would maintain his promises and his constant emphasis upon the word change. And I expected my 6 months to run from election night itself, because in our great system, and with our great freedom of speech, and our news fascination with winners, and not with those who finish second, and that generally extends even to our great international Olympics, I knew that the President would command media focus all during the interim period of November, December, and up through January. Certainly leading up to the January 20 Inauguration they commanded all of the attention with bus rides, Monticello, and grandiose ringing of bells, and staged by Hollywood producers an exit from the Lincoln Memorial, and that was fine. It was all very euphoric, if you were a Democrat, and particularly if you were a liberal Democrat and you knew exactly that that is what this so-called new Democrat—not—really was.

So the countdown from November to December, January, February, March, April, May, and for me was up on April 30, and then here it is 2 weeks after that. I think it is time for me to fulfill the second half of that promise, that if the President fell far short of what he was talking about during the campaign that I would start to come to the well of this House again, whether there are four or five Members on the floor, which there are tonight, because we still know that the audience is now way over a million taxpaying citizens watching through the collectively funded services of all of our cable companies across America. They have all support voluntarily for C–SPAN I televising this Chamber and C–SPAN II.

Today I received a memo from one of my staffers about yet another Clinton appointment that I think flies in the face of decency, fairness, and brings back the revenge of the late 1960's and early 1970's where draft-dodging cowards are being put in high offices. In this case we are talking about a U.S. attorney's job in the State of Washington. That is supposed to be the main Federal man going after law breakers.

Listen to this story. Congressmen, we, my office, received a call today from a concerned citizen. He spent two tours in Vietnam as a marine officer, has two Silver Stars, two Purple Hearts, one of them earned during the Tet offensive. He called to bring attention to Robert Carter Randolph IV, one of his classmates from VMI, Virginia Military Institute, an excellent school giving this country a great percentage of its officer corps for more than two centuries. Robert Carter Randolph IV is being proposed as U.S. attorney in Washington State, and he thought you might be interested in this story.

Robert Carter Randolph IV was a platoon leader with the Marine Corps ROTC program at VMI. He received a full scholarship for his final 3 years from the U.S. Marine Corps. He was selected class president on June 10, 1967. He was commissioned as an officer in the Marine Corps. By the way, President Johnson then used to talk about polls showing 80 percent support for the war against communism, Communist expansionism in Indo-China. On finishing Virginia Military Institute, he was awarded a Rhodes scholarship. Part of that was because he was an outstanding military student and was going into the Marine Corps.

While all of his classmates went off to Vietnam, many to die for their country and the cause of freedom from communism, Randolph left for Oxford, having been given a 2-year deferral of service from the Marine Corps. Nothing wrong with that. Some Oxford students, four of them from West Point, Annapolis, and the Air Force Academy did their 2 years and went to Vietnam and excelled brilliantly, and many of them received Purple Hearts and higher decorations for valor.

In 1969 Randolph returns from England and then he declares himself a conscientious objector, now that he has his masters from Oxford, and he tells the Marine Corps that he cannot serve. The Marines tell him that he must enter the Platoon Leaders Corps until his case is resolved. He is sent to Quantico, VA. There Randolph begins to organize enlisted recruits to protest against the war in Vietnam. I believe that is insidious. Randolph, in a Marine Corps officer's uniform, goes on national television to condemn the United States. You know, "ho, ho, Ho Chi Minh," aid and comfort to the Communist enemies slaughtering people and slitting the throats of village chieftans.

He then is discharged from the Marines. That is a given. Three months later he enters Harvard Law School where he very conscientiously applied at the same time that he had declared himself an objector, and on graduation from Harvard he accepts a position with a British firm in Singapore.

The President of Singapore, President Lee, told me that our young men died in Vietnam and saved his country from the Communist struggle, that he was a domino. He said this in front of 10 Congressmen, liberals and conservatives alike. He said that with me and with Brig. Gen. Ben Blaz, then Congressman Blaz from Guam, and I stayed behind with him, and General Blaz said, "I never met a better public servant in my life. Thank you, President Lee, for telling me what I always knew in my heart, that our children did not go and die in vain in Vietnam, but were saving Singapore, Malaysia, and Indonesia." And here Randolph finds himself drawing big dollars in Singapore as a Rhodes scholar and a VMI graduate.

Then he worked for a law firm in Seattle. In 1992, he was a big fund raiser for Clinton-Gore. Now he is being considered, or I should say moving through the process for U.S. Federal attorney in Washington State.

He could not serve his country in 1969, but he wants to now on the Federal payroll. Some scrutiny needs to be brought to this nomination, and 1 minute would be great, Congressman, "Clinton's idea of moral leadership."

Madam Speaker, I say thank you to this citizen for fighting communism and helping with the cold war, which our President did not do.

ANNIVERSARY OF INDEPENDENCE OF THE REPUBLIC OF CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida, Ms. ROS-LEHTINEN, is recognized for 60 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, tomorrow, May 20th, marks a special anniversary for all freedom loving people of the world for it is the anniversary of the independence of the Republic of Cuba. It is Cuba's Fourth of July.

Yet instead of a true celebration, there is nothing but sorrow this 20th of May for the Cuban people. For this date marks just another year of brutal repression, another year of tyrannical rule, another year of total lack of liberties, another year of suppression of democracy.

Just yesterday, the Miami Herald published this interesting one line article:

"Cuba—two Cuban dissidents, Paula Valiente and Juan Guarino, on Monday were given a 1-year suspended sentence for calling an alternative May Day rally in Havana, official sources said."

The mere announcement that you are calling for a rally is enough to get you arrested, tried, and convicted.

The freedom that we take so lightly here in the United States is a cause of criminal sanctions in Cuba.

How much further proof is needed that Cuba is a horrid police state?

There are dozens of reports from international human rights groups which have carefully documented the continued abuses of the Castro regime. There are dozens of studies which have proven that the repression of dissidents is increasing in Cuba.

I have here just three such reports:

First, the country reports on human rights practices for 1992, as prepared by the Department of State, second, the report by Amnesty International, and third, the Human Rights Watch World Report for 1992, written by Americas Watch.

All carefully analyze the totalitarian state of Cuba, dominated, as the State Department points out, by Fidel Castro, who is President, Chief of State, head of government, First Secretary of the Communist Party, and Commander-in-chief of the Armed Forces.

In every category, Castro's abysmal record stands out.

In the category of respect for human rights, the following are included in the State Department report: political and extrajudicial killing, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention or exile, denial of fair public trial, and arbitrary interference with privacy, family, home, or correspondence.

In all of these areas, Fidel Castro's cruelty to the Cuban people seems to know no bounds.

In the next section of the State Department report labeled "Respect for Civil Liberties," the list of abuses is equally repugnant.

For there is no: Freedom of speech and press, no freedom of peaceful assembly and association—Remember what happened just on Monday? A conviction for trying to have a rally that was not sanctioned by the Castro regime—no freedom of religion and no freedom of movement within the county, foreign travel, immigration, or reparation.

In the other sections of the report, the tragic story of Cuban people is repeated: No respect for political rights, no right of citizens to change their government, and no right for international and non-governmental investigation of human rights violations.

Workers rights are also ignored: There are no independent unions, no collective bargaining exists, there is no prohibition on forced labor, and any child 11 years old and above is expected to work 8 hours a day in the summer in farm labor.

As every credible report points out, there are no basic civil and political rights and peaceful dissenters are routinely imprisoned for trumped up charges of incitement and rebellion. By law merely insulting Castro means a 3-year prison sentence.

But there are signs of hope in Cuba. The days of Castro's repression will soon be over and a new dawn of freedom, democracy, and respect for human rights will flourish once again.

I am honored that distinguished Members of Congress have joined me in this special order to highlight Castro's abuses and to call for a new beginning of democracy in my native homeland.

□ 2000

Joining us tonight will be the gentleman from New Jersey [Mr. SMITH], my dear colleague, the gentleman from Florida [Mr. DIAZ-BALART], of Miami, the gentleman from Florida [Mr. GOSS], the gentleman from Florida [Mr. DEUTSCH], a neighbor, of Miami, as well as, of course, the gentleman from California [Mr. DORNAN], who will join us to finish this special order.

I am now pleased to call upon and yield to the gentleman from New Jersey [Mr. SMITH], who will speak to us about the human-rights abuses in Cuba.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentlewoman for yielding to me. I want to thank her for taking out this special order, and I especially want to thank her for her leadership on behalf of human rights in general and human rights in Central America and Cuba in particular.

As ranking member of the Western Hemisphere Subcommittee of the Committee on Foreign Affairs, I have been able to watch the gentlewoman from Florida [Ms. ROS-LEHTINEN]. She has done an outstanding job in advocating freedom and democratization for Cubans who have unfortunately suffered the tyranny of Castro since 1959.

Madam Speaker, just let me say that Cuban Independence Day celebrates the freedom of the Cuban people from the colonial rule of Spain on May 20, 1902. It is symbolized in the person of Jose Julian Marti. Marti organized and unified the Cuban independence movement and was killed on the battlefield fighting for independence 7 years before independence was realized. The United States assisted Cuba in its fight for independence in the Spanish-American War.

Cubans continue to fight for freedom from oppression which today takes the form of Castro and his Communist regime, in power since January 1, 1959. The human rights situation in Cuba is abysmal, prompting many to continue seeking ways to escape the repression and indignity of the Castro regime and to continue their struggle to free Cuba from dictatorial rule.

There are many restrictions, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out a moment ago, on individual liberty and on freedom of expression, movement, and assembly. Actions are taken against human rights activists, free trade union leaders, and people seeking peaceful democratic change in Cuba. The arrest of free trade union leader Rafael Gutierrez and the physical attacks on human rights leaders such as Gustavo Arcos and Rodolfo Gonzalez and Jesus Yanes Pelletier are examples of the violence on the persons who opposed the Castro regime.

I remember, Madam Speaker, several years ago when I first had the privilege of meeting Amando Vallidares, and when I sat down and read this book, read it in two nights, could not put it down. It was a shocking expose of the kind of brutality that Castro visits upon his opponents, upon people who espouse democratic change and human rights in Cuba.

I am very happy to report that Amando Vallidares has served, as I think most of us, if not all of us, certainly all of us in this Chamber, know, with great distinction as our Ambassador to the United Nations Convention on Human Rights, and when I served as the congressional delegate to the United Nations, I had the distinct privilege of working with him in Geneva and seeing him firsthand working with other ambassadors to bring fact-finding missions to Cuba to investigate these many abuses.

The U.N. Human Rights Commission until then had been pretty much of a paper tiger issuing reports, doing very little of substance. Amando Vallidares changed all of that, and a very substantive report and series of reports resulted from that.

Regrettably, many of those people who came forward to speak out to the U.N. factfinders were harassed and beaten and incarcerated by the thugs in Cuba, but, nevertheless, with the continued pressure for reform, the information got out, and the pressure for reform was at least heightened.

Madam Speaker, Amnesty International has issued many reports on the beatings and arrests of several leaders of human rights organizations and democratic organizations. For example, the president of the Cuban Commission for Human Rights and National Reconciliation was arrested in December 1992 and beaten until nearly unconscious. His house was ransacked, and much of the contents destroyed. His family was subject to harassment by pro-government crowds. He was released later in the month but a trial is still pending. He is charged with disrespect toward the Castro regime.

A member of the Cuban Committee for Human Rights, Rodolfo Gonzalez, was arrested in December 1992, as well, following a search of his home in Havana. He is being detained and charged with enemy propaganda. Amnesty International reports that he is being detained at the headquarters of the Department of State Security.

In a recent report Amnesty International also lists at least 10 short-term, 22 long-term, and 38 probable prisoners of conscience, along with several hundred who are currently in prison for trying to leave Cuba without permission. Those who manage to avoid the long-term prison sentences are subject to other forms of harassment which include frequent questioning by the police, fines, threats against them and their families, loss of employment, and physical attacks.

Madam Speaker, as was pointed out, there is continued harassment in the area of religious freedom. Catholics and Protestants are victims. They experience discrimination in education and employment, lack of access to the media, and the imposition of atheistic teachings in the schools upon their children.

Free speech is curtailed, very much curtailed, by the state-owned media, and all other press and broadcasting is illegal.

Let me just finally say, Madam Speaker, that a recent appeal by 40 human rights and prodemocracy organizations in Cuba to Members of this Congress says, "We, the people of Cuba, remain enslaved under Castro's dictatorship, persecuted each day for our beliefs, denied our most fundamental and natural rights. This week, May 20, Cuba will pass one more Independence Day as a captive people under Castro's tyranny. On that day, who knows how many more of our brothers and sisters will be beaten and arrested or how many will die trying to flee the island on rafts in search of liberty. We have not given up hope, and our hope rests in international solidarity with our desire for freedom."

Madam Speaker, with the leadership of the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from Florida [Mr. DIAZ-BALART] and the gentleman from Florida [Mr. GOSS] and others, I just want to say that we are in solidarity with the suffering people of Cuba. We will remain so until that island nation is free.

Even family members of prisoners are victims of abuse. Xiomara Gonzalez Figueroa, a wife of a prisoner of conscience, Fernando Velazquez Medina, was reportedly dismissed from her job at a magazine where she had worked for 23 years. They terminated her job because they said that she was no longer suitable to work for a publication of a political organization.

PRISON CONDITIONS

Amnesty International also reports that conditions in Cuban prisons continue to deteriorate. The amount and quality of food is extremely poor. Prisoners suffer from a variety of diseases because of poor food, poor sanitary conditions, and lack of medical attention. Reports say that many prisoners are sleeping on the floors with no mattresses. Many political prisoners have been transferred to prisons far from their families, limiting visitations. Amnesty International: Cuba, Silencing the Voices of Dissent, December 1992.

ELECTION LAWS

Americas Watch cites restrictive election laws where only candidates who are acceptable to the government can be elected. The law also forbids campaigning. The only information about candidates which is given to voters is biographical data, which is state distributed.

FREEDOM OF SPEECH

Free speech is curtailed by the state-owned media, all other press and broadcasting is illegal. There are also laws which prohibit enemy propaganda, clandestine printing, defamation of public institutions. And 3-year prison terms for insulting Castro. Americas Watch report on Cuba "Perfecting" the System of Control, Human Rights Violations in Castro's 34th Year, February 25, 1993.

RELIGIOUS REPRESSION

Catholics and Protestants are also victims. They experience discrimination in education and employment, lack of access to the media and the imposition of atheistic teaching in the schools. Maj. Orestes Lorenzo, the pilot who bravely rescued his family so dramatically last year, said that the forced atheistic indoctrination of the children was one of the main reasons he wanted to remove them from Cuba.

The Catholic bishops have pointed out that there are plainclothes security agents with guns and blunt instruments in the churches during religious services. The bishops have said that "Far from contributing to good order, this behavior generates anxiety and aggressiveness that threatens to explode in any situation of this kind." The bishops have condemned the violence that people experience for expressing themselves within the church.

ECONOMIC CONDITIONS

The worsening economic conditions, brought on not only by the collapse of the Soviet Union, but also by Castro's economic policies has led to a crisis which is officially termed "A Special Period in Times of Peace." This special period includes food rationing, which has led to increased activity in black market trading, and scheduled power outages. A report from the Stanley Foundation Courier says "When an outage occurs, Cubans will just point to the dark light bulb and say 'special period.' No other explanation is needed." Spring 1993 Courier.

CUBANS FLEEING CUBA

The desperation of the Cuban people to flee the repression of the Castro regime was focused on in a recent Associated Press article. A 28-year-old woman, Raiza Teresa Santana and her 10-year-old son, Frank survived an 11-day raft trip from Cuba hoping to join relatives in Florida. Two other companions were lost when they left the raft and floated out of reach. When the mother and son were found the mother was in a coma, suffering from respiratory failure, kidney failure, and a swollen brain. They, like 2,500 Cubans last year, and 771 already this year, risk the winds and currents of the Gulf Stream to escape Cuba. AP News report 5/18/93.

CONCLUSION

A recent appeal by 40 human rights and pro-democracy organizations in Cuba to Members of Congress says "(W)e the people of Cuba remain enslaved under Castro's dictatorship, persecuted each day for our beliefs, denied our most fundamental and natural rights. . . . This week, May 20th, Cuba will pass one more Independence Day as a captive people under Castro's tyranny. On that day, who knows how many more of our brothers and sisters will be beaten and arrested, or how many will die trying to flee the island on rafts in search of liberty. But we have not given up hope, and our hope rests in international solidarity with our desire for freedom."

As the people of Cuba once again commemorate Cuban Independence Day, these human rights abuses remind us that Cubans have not yet attained the freedom that they fought for earlier this century.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman so much. We are so gifted and privileged to have him as the ranking member of the Western Hemisphere Subcommittee. As all of us can see, he has been a longtime outspoken opponent of human rights abuses in Cuba, and we thank him for his strong leadership.

Tonight we are joined by some freshman Members of the House, but the two of them I had the privilege of serving with in the house and in the senate in the State legislature, and before we get to the fine orator, who is the gentleman from Florida [Mr. DIAZ-BALART], I would like to introduce a person who also brings some fine oratory skills to our Chamber with a great deal of passion and intellect that he brings to issues especially when it comes to the subject of a free and democratic Cuba, and that is our dear Congressman, the gentleman from Florida [Mr. DEUTSCH].

☐ 2010

Mr. DEUTSCH. I thank the gentlewoman for yielding to me.

I will tell you that as the Member of Congress who literally has the district closest to Cuba, where Cuba is literally 90 miles from the shore and many of those that make their way from the shores of Cuba on rafts that are as small as toy things that we throw into pools, it is a special honor to be with you today.

Also, as someone who was recently in the Cuban base of Guantanamo Bay, the last bastion of freedom on that island, and had the opportunity while I was there to meet some true heroes, several people who had literally walked through minefields or who had swam in shark-infested waters to make their way to Guantanamo Bay and to freedom, to talk to people who have traveled that road is an experience that I wish all Americans could have because it would give us a sense of what really truly we take for granted, unfortunately, too often in this country, because the numbers that are used add up to less than 50 percent of those that cross the minefields or try to swim out of the waters of Castro's terror die in that process.

To think of what it takes for a person to literally be willing to risk their lives in such conditions is clearly beyond our imagination.

Tomorrow, Cuban's around the world will remember the 91st anniversary of Cuba's independence from Spain. Sadly, this event acts as a reminder that these same people are no longer enjoying the freedoms for which they struggled and perished. It is ironic that my colleagues and I rise today to celebrate Cuban independence 1 day prior to its actual commemoration.

It is today that we mark the 98th anniversary of Jose Marti's death, Cuba's best loved patriot and the symbol of Cuba's struggle for independence from Spain. Under his leadership, the Cuban independence movement was conceived. On April 11, 1895, Marti led Cuban troops in an invasion of the island. And, it was during these early days of the invasion that he died on the battlefield.

The death of Jose Marti has today become the most appropriate symbol for the people of Cuba. The same hopes and dreams that he embodied for the Cuba people have died under the Castro regime. The system that exists under the Castro regime is one of systematic repression, humanitarian abuse, and poverty. This was not the vision for which the Cuban people struggled, committing their lives and souls.

This year, as in years past, the United Nations has condemned the human rights situation in Cuba under Castro. The Castro government continues to bar the entry of U.N. human rights investigators and refuses to ratify the main U.N. human rights accord. The silencing of dissidents through incarceration and physical violence is a common practice of which the world is well aware.

But perhaps the best testament to the unbearable situation on the island is the willingness of thousands of Cubans to risk their lives in order to live in freedom in the United States. As I mentioned many Cubans have made the journey to the United States on rafts barely suitable as pool toys. They take to these rafts, known as balsas, risking death from dehydration, starvation, and exposure. We know of thousands of Cuban refugees who have made it to United States shores this way and can only guess at how many have perished on their journey.

I notice it has been reported in the papers, unfortunately, a mother who is dying in Miami right now, is dying because she drank saltwater during her trip on the raft because she had given her bottle of fresh water to her 10-year-old son, who was also traveling toward the shores of freedom.

There are other Cuban immigrants, as well, who have traded their privileged lives for lives of freedom that their wealth could not buy in Cuba. These individuals have left behind careers as doctors, engineers, professors, and journalists in order to live freely as manual laborers and street sweepers. Not only have all of these brave individuals taken risks to make the trip to the United States, their very intentions placed them and their families at risk of persecution should these intentions have been discovered.

It appears that years of Castro's attempts to stifle free thought have not been able to squelch the Cuban people's commitment to democracy and freedom. The tactic of consistent humanitarian abuse has not been sufficient to break the will and the spirit of the Cuban people. And it is in honor of Cuban Independence Day that I take this opportunity to celebrate the unwavering spirit of the Cuban people.

Today, I stand with my colleagues in solidarity with the people of Cuba. As we celebrate their will and strength, we recall the legacy of Jose Marti and his commitment to the principle of personal liberty. And, as Americans we remember our own struggle for sovereignty and the belief that this was, and is, our fundamental right. I sincerely hope that soon the Cuban people will share my feelings of freedom and have the ability to live without fear.

And I will tell you that when I ran for Congress, there was no greater desire, and hope, and expectation that in my term in the United States Congress I expect to be part of the Congress that sees the day when the Cuban people are free.

Ms. ROS-LEHTINEN. Amen.

I thank the gentleman for his very eloquent statement on the dismal conditions in Cuba.

Next I would like to present to you Congressman LINCOLN DIAZ-BALART.

While in the State legislature, LINCOLN and I served together, and LINCOLN was rated highly in all of the polls for being effective, intelligent, forceful, and, as we will find out tonight, a great debater and a person who uses words wisely and very effectively.

Mr. DIAZ-BALART. I thank the gentlewoman for yielding to me.

I commend the gentlewoman for having thought of and moved forward with this important commemoration of the 91st anniversary of the birth of the Cuban Republic.

All of us, all of us pray and work with the hope that tonight is not only the eve of the 91st anniversary of the Cuban Republic but that we are really on the eve of the birth of a new Cuba, and we feel it.

We know it is coming, we know that it requires, however, consistent work, prayer, much dedication, with passion and commitment. And I know that the gentlewoman is passionately committed to this cause, as are all of the colleagues who have spoken and who will speak this evening. The people of Cuba are very grateful for that, in addition to the people of the United States, because the people of the United States have shown throughout their history great solidarity for the Cuban people.

And today, after 34 years of the most brutal dictatorship in the history of this hemisphere, it is the people of the United States, through the Congress of the United States, who maintain the only sanction in the world, the only sanction in the world existing against the brutality and the inhumanity which has been described and Congressman SMITH and Congressman DEUTSCH have described and which the gentlewoman, Congresswoman ROS-LEHTINEN, know very well, because we spent our weekend, the gentlewoman and I, in Miami, taking time from our families and our constituents last weekend, when we heard about Raiza Teresa Santana, the Cuban mother, 28 years old, about whom Congressman DEUTSCH, spoke, who left on a makeshift raft with her 10-year-old son and gave all of her drinking water and her food to her son. She then lost consciousness. Her son later sighted one of those large cruise ships and was rescued. By that time, the mother was unconscious, had slipped, in fact, into a coma. We worked diligently, and we express our gratitude through this means to the Immigration and Naturalization Service for having heeded our call and permitted Raiza Santana to be brought to the United States for treatment. Yet we have heard today that she passed away.

Madam Speaker, I dedicate my words this evening to that 28-year-old mother who demonstrated many things, but among the many things that she demonstrated was that Cuba is alive and that after 34 years of the most brutal dictatorship in the history of this hemisphere, the Cuban people are alive and the best interests and the best feelings of those people, the best traditions of those people are alive and are being manifested in glorious ways day in and day out despite the indifference of the world and the media that all too often simply ignores or certainly makes no effort to find the constant examples of heroism.

☐ 2020

How many people who are listening to us on C-SPAN this evening have heard about Raisa Santana and her 10-year-old son, Frank, who tonight is fine with family members in Hialeah, my district?

How many people in the United States have heard that story, one of the most glorious, heroic stories that I certainly have ever heard about?

I think it is indicative of the indifference of the world at large that everyone in the world has not been informed of that example of heroism, and yet we see a massive campaign by the dictatorship. Here this week in the Congress there is a group of people who call themselves religious leaders from Cuba. They are lobbying Congress this week. They get exit visas. They are let in by the State Department and they come to lobby against our policy. They come to lobby against the only sanction that exists in the entire world against the brutality of the Castro regime, and they are here.

That delegation is composed, among the reverends in that delegation is a Rev. Luis Suarez, a member of parliament from Castro's Cuba, who has sworn allegiance to the socialist and atheist constitution and who ends his sermon with—you all know how Castro ends his speeches, "Patria o Muerte, Venceremos."

"Fatherland, or death. We shall triumph."

He ends with "Patria o Muerte, Amen."

That is a pastor here. I have a letter from the Inter-religious Foundation for Community Organization, and the Pastors for Peace, talking about how these people are in Congress lobbying this week.

Last week there was a so-called dissident who was lobbying Congress and the administration, gets an exit visa, gets a visa from our Government to come here and lobby against our policy, against the only sanction in the world against the barbarian, against the torture of the Castro regime.

We asked if Raisa Santana could have gotten an exit visa, or if Rafael Gutierrez Santos, who was mentioned by Congressman SMITH, could have gotten an exit visa. Well, he is in prison. He is head of the Independent Labor Movement.

Or Maria Celina Rodriguez, who is head of Liberty and Faith, a Christian organization, who has been in prison. Her son, 5 years old, the youngest political prisoner in the world, spent time in Villa Marista, the Interior Ministry Building, when she was sent for psychiatric treatment. I wonder if Maria Celina or her son could get an exit visa to come and lobby Congress.

Or Oswaldo Paya Sardinas, coordinator of the Christian Liberation Movement, in prison. I wonder if he would have gotten an exit visa, or even permission from the Government to come and lobby our Congress against our policy.

No, they do not get permission, but the Government is desperate because they know that history has passed them by and that the rope is at the neck of the dictator and that it is only a matter of time, because of the heroism that people are demonstrating on a day-in and day-out basis, despite the indifference and the ignorance of an all too different world, except for the people of the United States; except for the people of the United States who in another demonstration of generosity and solidarity toward an oppressed people, as I have stated before, but I think it cannot be repeated too often, have supported and continue to support the only sanction in the world against the horror of that regime.

I think it is time, however, that others join us. It is time for our allies to join us. It is time for the Russian Government to join us. They are seeking another $2 billion in our assistance.

And by the way, we all support President Yeltsin. I think he is the best friend we have there in Russia and I think it is great for freedom and democracy that he is in power; but he must maintain a strong position and he should not be providing oil anymore to the Castro dictatorship. That is simply an intolerable reality.

We certainly cannot be providing more aid to Russia if Russia continues to provide assistance and especially oil, which is the lifeblood of the Castro regime to Havana.

As the debate comes on Russian aid, the gentlewoman from Florida [Ms. ROS-LEHTINEN] and I have spoken about this often.

Madam Speaker, as the debate approaches and intensifies on aid to Russia, this will be heard more, because it is simply unacceptable and it has to stop. The lifeblood to the dictatorship has got to stop.

Our prayers and our intense efforts are dedicated to accelerating the arrival of the day that the Cuban nightmare of today will be but a memory of the dreadful past.

This last weekend a classroom full of small children in France, that had been kidnapped by a crazed madman, was freed by the French police. The French Security Minister addressed the nation on television and he declared, "Fellow countrymen, the nightmare is over. The madman is dead."

As we commemorate this, the 91st anniversary of Cuban independence in 1902, we hope and we pray and we intensely work so that soon those words of the French Security Minister will be applicable to the Cuban people as well.

Ms. ROS-LEHTINEN. I thank the gentleman from Florida [Mr. DIAZ-BALART] so much. He is such a wonderful addition to the U.S. Congress. His eloquence is breathtaking and his passion is so strong that I hope it is contagious to all the other Members in our body. Congressman DIAZ-BALART and I have a warm positive working relationship and it has been such a joy for me, and the members of my staff, to have worked closely with the gentleman, and the members of his staff, on the important task of liberating our native homeland.

I say thank you to Congressman DIAZ-BALART.

Madam Speaker, I would now like to yield to my mentor on foreign affairs before he became a big shot on the Rules Committee. That is Congressman PORTER GOSS whose guidance and leadership I miss so much, but I know he is representing our views very well in that committee. Congressman GOSS has a great deal of experience on the issues of foreign affairs, especially as it relates to seeking democracy in Cuba. I thank Congressman GOSS, as always, for joining us every time that the discussion lends itself to establishing freedom and democracy in Cuba.

Madam Speaker, I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Speaker, I thank the gentlewoman for yielding to me. I want very much to thank her especially for the opportunity to speak on this subject.

I would also like to say, this is an observation of Independence Day in Cuba. I think it is very appropriate that Florida's voice has always been loud, and in the forefront, when the subject of Cuban independence has been raised, but this is not a Florida issue. This is truly a national issue and it deserves the attention of every American.

I want to say congratulations and thank you not only to my colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN] but my other colleagues as well, the gentleman from Florida [Mr. LINCOLN DIAZ-BALART] who has spoken so eloquently, and the gentleman from Florida [Mr. PETER DEUTSCH] who has spoken so factually about what is going on; the gentleman from New Jersey [Mr. CHRIS SMITH] who has talked about the human rights aspects, and the gentleman from California [Mr. DORNAN] who is unique in his own way in bringing his experience and passion to his statement that we have heard before and I am sure we will hear at this most appropriate time of independence.

It is critical that we keep this on the national radar scope. I think that is what this effort is about.

Tomorrow I know will be a day of celebration, the 91st anniversary of the ascension to power of the first elected President of the New Republic of Cuba.

For most Americans, when we talk about Independence Day it is a time of celebration for the rewards that we gained from our own struggle for freedom, for the right to speak our minds, the right to make our own decisions, the opportunity to build a safe and secure life for ourselves and our families and our children, regardless of whatever political or religious beliefs we may hold.

Regrettably, as we are on the eve of Cuban Independence Day, the Cuban people do not enjoy the rights and privileges that we associate with independence in this country; things, frankly, that we take for granted.

For 34 years now under the tyranny of Fidel Castro and communism and his cronies, the realization of these freedoms have been denied. They have been denied to the Cuban people. They have been quashed by organized civilian goon squads, plainclothes police, and the Brigadas Accion Rapidas, that the gentleman from Florida [Mr. LINCOLN DIAZ-BALART] will tell us more about when we get in a colloquy about how the reaction in Fidel's Cuba took place to persecute the surviving family members of indeed the lady that we tragically learned died today, giving her life to save her son and escaping from Fidel's Cuba.

These brigades go out and seek and crush any political dissent or any attempts to improve human rights in that country. These are things that we will not tolerate for even an instant in this country, and yet just a few miles off our shores they are going on, and somehow our media are not picking up on it.

Very simply put, I think Fidel Castro has it exactly backwards. Instead of governing for the people, he enforces his will at the expense of the Cuban people.

☐ 2030

Instead of independence, Madam Speaker, Castro has given the Cuban people a lose/lose choice of socialism or death. True independence is, sadly, still a dream that most Cubans do not have. Cuba lives, I think, for a tomorrow that has yet to come. Lives there continue to be dominated by a repressive dictator and a political and economic system that, almost everywhere else on the globe where it has been tried, has failed. It has gone the way of the dinosaur. It has crashed into a black tar pit of oblivion, never to be seen again. It is called socialism, and it does not work.

Castro and Cuba are isolated, not because of policies of the United States Government, not because of things that we have done here, but because Castro's Cuba has chosen to identify itself with the criminals of the world, the Libyas, the Iraqs, the people who are in business for themselves, not for their people. The economic philosophy in Castro's Cuba truly has bankrupted the country and truly has jeopardized the future of the Cuban people.

One thing is very clear, Madam Speaker, and it may give us hope: Time is not on Fidel's side. As the tide of democracy and capitalism continues to sweep over the Western Hemisphere, we see Castro is alone; he is barely keeping his head above water. The glare of international attention is shining on the human rights abuses and political repression. Other people know about it, and they care. Cuba's economy is in free fall. In fact, many believe Castro would be gone now except for the fear he has been able to introduce into society. Maybe there is some naivete there in the younger generation. Maybe there is some residue of some ideological faith of those who do not understand. But it is mostly fear that prevents Cubans from imagining anything other than life under Castro.

But just because this is today's Cuba does not mean it has to be that way tomorrow. In fact, under the leadership of many who have spoken here tonight, and again I congratulate particularly my colleagues who understand this so well, personally and passionately, being from Cuba, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from Florida [Mr. DIAZ-BALART]. Under their leadership we see the spirit of the Cuban people and their struggle for freedom, and we want to support and encourage that, and I think perhaps the embodiment of that spirit is well shown in the tragic death of the mother who died today in her effort to escape with her son. I am delighted to hear that her son lives, and I hope, when we do get into a colloquy, that we can have a little talk on what the brigades have done.

The United States, as their neighbors to the north, obviously, have got to do what we can to help the Cuban people achieve their dream, but we must not forget, and I know the Cuban people do not forget, the change in Cuba will ultimately depend on the Cuban people themselves. Throughout Cuba we know there are educated, motivated, patriotic individuals who see how the Castro revolution has failed, has betrayed the country, and devastated its people.

So, today it is our sincere hope that the combined efforts of the people of Cuba will soon, and I say very soon, enjoy peaceful transition to the free democratic future that their grandparents envisioned 91 years ago. I say, "Happy anniversary. Viva Cuba Libra."

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from Florida [Mr. GOSS] so much. We pray that day will soon come, and I say to the gentleman, "You're always a reliable ally, always ready to denounce the human rights abuses in Cuba even at this late hour of the night, and now all of the viewers of C-SPAN know why we miss you so much on the Foreign Affairs Committee. Thank you so much, Congressman GOSS."

Now I would like to hear the words of the gentleman from California [Mr. DORNAN], a U.S. veteran, a patriot, a man who knows what freedom is all about, a man who knows that repression must be condemned, and the gentleman from California will speak to us, I hope, tonight about a very important issue, and that is of the plantados, the Cuban political prisoners who will not bend, who will not cooperate with their captors, and for that they live, if that can be the word, under very special rules that are even more repressive than the normal prisons in Cuba.

Mr. DORNAN. Madam Speaker, I thank my colleague, the gentlewoman from Florida [Ms. LEHTINEN], and all of my other colleagues from Florida, and the gentleman from New Jersey [Mr. SMITH]. Each of us brings to this Congress the full measure of all of our background and experience, and each of us can contribute in a unique way, coming from all of our 50 States and territories.

Madam Speaker, the Representatives from Florida are 90 miles away from a Communist tyranny, and they bring a special vision, a special message, to this House that I, frankly, find exhilarating. I say to the gentlewoman from Florida, "ILEANA, when you were a young girl coming to this country, fleeing political oppression, about first-grade age I would imagine, I was a 28-year-old Air Force pilot qualified to fight for freedom. It was the last months of my combat readiness in 1961, when the Bay of Pigs invasion failed." And I know the gentleman from Florida [Mr. DIAZ-BALART] was in knee pants, possibly standing on a stool raiding in his kitchen. He is here, also newly arrived at age 4 in the United States.

But I remember that period vividly, and when I was asked in the well earlier if I would participate, I realized that once again—it has been 4 or 5 years—I could pull out of my wallet something that I have carried for over three decades that refreshes my memory about those who first died in great numbers facing the terror that Castro had brought to Cuba. It is the words of the beach commander of the Bay of Pigs, the noble, but failed, effort, and it begins at 5 a.m. in the morning. To young people in that million-plus audience that watches us on C-SPAN, I would like them to understand how tragic it was that a young President, only 43 years of age, 3 years younger than President Clinton, who had had combat experience in the South Pacific in his early twenties, that he had signed off on a plan to liberate Cuba from Castro's evil. The plan was signed off on by a five-star-general who had driven Hitler to suicide only 6 years before, President Eisenhower. He signed off on the plan, and the plan was key—if it had air power, and at the last minute, because of bad advice, the young combat naval officer John F. Kennedy pulled the air power, and it caused hundreds to die and others to live in captivity until they were released for hard cash, tractors, and medicine through the good offices of Robert F. Kennedy, Attorney General.

Here is the way Pepe—it was his code name on the beach—and let me read the close, and some of the sentences are obliterated from being crushed around in my wallet for decades. The end says:

"Through all the chaos and despair of defeat Pepe retained the calm that was his hallmark. Even his anger was quiet. He was not a pounder or a shouter. Those who heard him * * *" and it trails off there, but I remember that there was not a dry eye on the deck of the U.S.S. *Boxer* off the coast of Cuba where North American Fury jet aircraft had had their stars removed. They were painted in a stealthy way. It is all bizarre now that I think back as covert air cover for these men in our uniforms, with our weapons, young Cubans, some not so young in their forties and fifties. During the campaign I met with the Venceremos Brigade, 2506. These men were absolutely as full of passion now as they were when they were younger men willing to die on the beaches there for freedom. But they still speak well of Pepe, the commander.

Here is just his last sentence to teach young Americans how fully committed we were and then how we jerked the key component of air power and left these men to die.

Pepe says: "Do you realize how desperate the situation is?"

This was being pumped over the public address system of the U.S.S. *Boxer* and other U.S. naval support ships who were unable to help.

> We are unable to implement the plan to establish the beachhead. Do you realize how desperate the situation is? Do you back us or quit? All I want is low jet air cover. The enemy has this support. I need it badly or cannot survive.

An hour and 13 minutes later, 6:13 a.m.: "Blue Beach under attack by a B-26, a Communist Castro B-26 invader. Where is the promised air cover, Pepe?"

Six forty-two: "A C-54 drops supplies on Blue Beach. All went into the sea. Send more, Pepe."

Seven twelve: "Enemy on trucks coming from Red Beach, and I am sorry." The next line is obliterated.

Seven fifty: "We are fighting in the west flank of Blue Beach against tanks, Pepe. Situation critical, left flank, west Blue Beach. Need urgently air support, Pepe."

Eight forty: "Blue Beach is under air attack, Pepe.

"Nine fourteen, men dying all during these hours. Blue Beach under attack by two T-33 jets and artillery. Where the hell is jet cover, Pepe?"

□ 2040

9:25 a.m.: "2,000 militia attacking Blue Beach from east and west. Need close air support immediately, Pepe."

9:55: "Can you throw something into this vital point in the battle? Anything? Just let the jet pilots loose, Pepe."

At this moment Navy pilots are pounding on the side of their Fury jets, tears streaming down their face. These guys are dying. We promised we would help them. They are unable to fly, because our commander in chief said no.

And that was the end. Let the jet pilots loose, and they wanted to help.

I will combine that with the last words out of Radio Free Hungary 5 years earlier, and Russian fighters talking among themselves as they killed 17 people on the crew of a C-130 over what used to be called Yugoslavia.

Now, I cannot add to the beautiful, articulated cries for decency and freedom and human rights that all of my colleagues from Florida and that Chris, one of our leaders in human rights, has said, but let me see if I can put in perspective for a lot of Americans who see Castro with Diane Sawyer, who I know in her heart had to be of some conservative philosophy. She worked for Richard Nixon.

But Diane Sawyer, as is her job, treats Castro with the respect that a mass killer does not deserve.

You mentioned the prontotos. These are people that if we find respect for

SAM JOHNSON of Texas here because he spent 7 years in a Communist, hellish situation, four of those years in solitary confinement, what do we make of Armando Viaderes, who spent 23 years, most of it in solitary confinement? Some of it stark naked in a totally blackened cell where you get a horrible pain of disorientation, where you do not know whether you are up or down, and you are begging for a little sliver, a crack of light, under a door, or through a solid rock wall to orientate yourself. Living in a cell where your own waste matter is not evacuated from the cell for weeks and weeks on end.

What struck me most about this evil, rotten human being, Fidel Castro, watching with Barbara Walters, showing off and exercising his Jesuit education, this avowed atheist pretending to be such a charming man, is the following story. And I had this confirmed from Armando Viaderes himself.

Castro would let years and years go by, never forgetting one of the prontotos that he had left to rot or still being tortured in some dungeon somewhere on that beautiful little island, and he would say to one of his Communist thugs, one of his bootlicking associates, and I will use Viaderes' name, "Armando, Armando Viaderes, what is he doing?"

"Listen, he is still in prison."

Now, considering again our Vietnam experience of 9 years, our longest prisoner, 1 week short of 9 years, this is in year 10, 15, 20.

"Where is he?"

"Oh, he is in solitary confinement."

"Good. Good. Keep him there."

And then another 4 or 5 years would go by, the entire length of World War II and the Korean war put together, and he would suddenly remember this person again.

This reminds you of some sort of sadist who would set fire to cats, or pull the wings off of little flying creatures. This is a man torturing human beings, knowing that the families are going to bed every night praying for their loved ones, wondering as they are trying to enjoy a meal or live a normal life out or raise children or enjoy grandchildren, that their loved one, maybe the patriarch in a family who moved from young father to grandfather in Castro's dungeons, how could anybody live a normal life wondering what the fate is of this person, that he thinks of every 4 or 5 years and says, "Good, let him suffer. Leave him there until I next think of him."

That is the experience of these heroes, some of them associates of his, who said to him during the euphoric period of throwing over the Batista corrupt regime, "Fidel, this is not what we had in mind, to sell out to Soviet communism."

"What did you say?"

I remember Jova Montos said, "Just let me go." This man was not only a teacher, but a C-47 pilot bringing supplies up to the Sierra Meistermass.

He said, "Fidel, I am gone. Do what you want, but I am going."

He would not let him leave. He would not let him leave. He threw him in jail for most of his life. His number one associate, his intellectual companion. It would be like Thomas Jefferson to George Washington. I feel embarrassed putting the names of great heroes of liberty in the same sentence, not with Jova Montos, but with this thug Castro.

I cannot believe that there are people in college, and a handful must be in this House, I hope not. Maybe they realize after they have been elected to represent people in the name of freedom and dignity and human rights they would give up these twisted views of their college days.

But there are people out there in America who developed an affection for this mass killer Castro in their youth, and they have not given up on him. Even though they have witnessed the collapse of the Soviet evil empire. All of the evil secrets of the gulags have been spilled forth to equal the horror of Hitler's concentration camps. We know what they have done, from despoiling the environment, to keeping people locked up, including maybe American air crews, until they died old men in captivity, lost to their nation and their relatives, those horrible words "Fate unknown." And they sill are pulling for this guy and coming up and lobbying around the country and giving acceptance to these Communist stooges that he sends up here.

What is this group called, the Cuban Ecumenical Council. How is that for twisting a word that has religious roots? A Cuban Communist-sanctioned government body that does not represent the views of the Cuban people.

I am reading from an ad in our in-house published organ here, the Roll Call, in which there is a quarter-page ad here that lists all these groups that Lincoln told me are groups inside Cuba. A lot of these founders and organizers are in prison. There are at least 3, 10, 15, about 45 or 50 groups here, all of them inside Cuba, lending their name to this ad, tiny little ad to American Congressmen saying that this week, tomorrow, Cuba will pass yet one more independence day, independence from European colonialism, still a captive people, still under Castro's tyranny.

On that day, tomorrow, how many more of our brothers and sisters will be beaten, arrested, these action brigades that sound like the action commandos that followed Hitler's troops into the Ukraine, and the people welcomed them, applauding, because they were getting away from Stalin's tyranny, and then they find themselves being beaten and tortured, and their churches and synagogues burned. So he uses the same name. Action brigades all right. As Lincoln was just telling me, beating on houses, breaking windows, graffiti, beating older people. A grandmother's little 10-year-old that is now an orphan from his mother, so they terrorize the grandmother.

Well, how many more are going to die fleeing that island on rafts in search of liberty.

I think of my Vietnamese friends, that my daughter went to work in their camp for a year in 1980, and their little signs, "Death on the high seas or liberty."

Then the signs from the camps in Indochina apply also to the great Cuban people fleeing for freedom. It was one of the little hand-carved things my daughter Robin brought back, "Some of us are here; the rest are with God."

Literally, this line we use so freely, "Only God knows." I will say it slowly, Only God knows, our Creator, how many Cuban men, women, children, and babies have been ripped apart by sharks or died of dehydration even at the moment of salvation like this 28-year-old mother, how many died fleeing this mass killer's tyranny.

We have not given up hope, and our hope rests in international solidarity with our desire for freedom.

They want solidarity with us. And the closing line is please remain united with us in our struggle for a free and democratic Cuba.

From the time I was 28 to my 60th birthday a few weeks ago, I watched this man live through and terrorize through eight, eight United States Presidents, who have seen this guy around. And it will be a sorry day for this American and this Congressman if somehow or other we do not listen to the Americans of Cuban descent who treasure their dual citizenship in Florida, and like my doctor friend Tirso del Junco, chairman of the Republican Party in California, we must listen. Our State Department and the young people in the White House must listen to the Cuban-Americans and all lovers of freedom in this country as to what to do about Castro, and not come up with innovative ideas to be the first administration that lets him off the hook.

☐ 2050

So I stand by the sanctions, and the day you want to release the sanctions is the day I follow your lead and LINC and all the other great Members that the great State of Florida sends to this House.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from California [Mr. DORNAN] for a very eloquent description of the abuses going on in Cuba and for all of our hope for a free and democratic Cuba one day.

We have just a few minutes left tonight, and I would like to see if the gentleman from New Jersey [Mr. Smith] could join us, the gentleman from Florida [Mr. Deutsch], the gentleman from Florida [Mr. Goss], and the gentleman from Florida [Mr. Diaz-Balart], and we can make some final remarks on this, another sad but yet at the same time hopeful anniversary that one day soon Cuba will once again be free.

Madam Speaker, I yield to the gentleman from Florida [Mr. Deutsch].

Mr. DEUTSCH. Madam Speaker, I have a followup on what the gentleman from California [Mr. Dornan] said, because for those of us who have met freedom fighters, and I would put the gentlewoman from Florida [Ms. Ros-Lehtinen] and the gentleman from Florida [Mr. Diaz-Balart] and the gentleman from New Jersey [Mr. Menendez] in that category, because when you hear the personal stories, as I have, from living in south Florida and from knowing so many people whose lives, when you meet them, you have no sense of what they have gone through on a very personal level. Homes and families that have been separated for scores of years.

I look at people my own age, my own friends who might never have seen their grandparents ever because they were lucky enough to leave Cuba. And literally, you never knew them, when they passed away. It is an opportunity that we have as American people and as this Congress. The gentleman from Florida [Mr. Diaz-Balart] has introduced legislation that I am proud to be an original cosponsor of, which would extend the Torricelli bill to our neighbors and our allies through the other governments in the Western Alliance.

That is the method that will be part of the efforts that I think all of us are hoping for and expecting, when the Cuban people will be free again and next year and, hopefully, very shortly next year, even before the celebration of independence, we will have that meeting.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman so much. You certainly see that human tragedy exposed every day as the Congressman of the Florida Keys. You see the desperate Cubans washing ashore, sometimes those rafts, unfortunately, have no one onboard. So you live that tragedy every day.

Madam Speaker, I yield to the gentleman from Florida [Mr. Goss].

Mr. GOSS. Madam Speaker, I wanted to thank the gentlewoman for yielding to me.

I want to pose two questions, because I am not sure we have underscored the point well enough. I was commenting with the gentleman from Florida [Mr. Diaz-Balart] about this.

The action brigades, what they do. Perhaps you could describe what they did to this woman's family in Cuba, and then I wanted to ask you whether Fidel Castro knew about this.

Mr. DIAZ-BALART. Madam Speaker, if the gentlewoman will continue to yield, their action brigades were a creation, they are a creation of Castro. They are an enforcer institution.

Whenever someone obtains publicity in the outside world or is heard of in terms of opposition, the action brigades immediately go into action.

They are dressed like civilians. In other words, they are not identifiable as military people. And they simply go to your home. And the word "harass" is certainly not strong enough.

They brutalize you. They brutalize your family. They destroy your home. They insult you, break your windows, your doors, spit on you, chant insults for hours after hours, disconnect the electricity. It is a form of physical and psychological torture, which Castro has sought to perfect and to utilize as part of the machinery of repression.

Mr. GOSS. Does he know about this?

Mr. DIAZ-BALART. He created them. He knows about them and obtains pleasure from their action.

This is something that is very important for people to know. Castro, as the gentleman from California [Mr. Dornan] pointed out, personally obtains pleasure from the effects of his oppression and his repression. And just as charming as he can be one moment, with Diane Sawyer, who made a fool of herself in that interview, I had respect for her before, just as he can be quite charming in one moment in that interview, in the next instant, he could be listening to the details of, like the gentleman from California [Mr. Dornan] said, of continued solitary confinement of an opponent or of the brutality on a grandmother because her grandson or daughter has received publicity that he does not like out of the world.

I would like to, if I may, because I think it is an obligation for those who are in prison and who overcome somehow the fear inherent in the totalitarian system, for example, Gustavo Arcos, perhaps among the most respected of the dissidents or the opposition leaders in Cuba, in a recent interview he said,

> You can tell them, and I think it is our obligation to speak out and say what he wants the world to be told, you can tell them that we say here not one drop of economic or political oxygen should be given to Fidel Castro's regime.

Just a few sentences before, Gustavo Arcos in Cuba, speaking to a journalist who visited him said,

> Castro has no pity or compassion for the people such that he might find an honorable way out, so that all the hatred built up in this country might not slip its bonds and explode in violence and bloodshed. He reminds me of Louis XV of France at the end of his life, when the foreign wars had been lost and with the great differences between the mass of the people and those who governed them, who said: "After me the deluge." One can see no pity, no commiseration with the people.

This is Arcos speaking. He is in prison.

We owe it to the Arcoses and to that grandmother, who was harassed and brutalized. We owe it to them to let their message be heard and to maintain our solidarity with them.

Ms. ROS-LEHTINEN. The gentleman from New Jersey [Mr. Smith], one of the House's human rights activists.

Mr. SMITH of New Jersey. Madam Speaker, I think it is important that Castro know that the opposition to any economic changes, as a matter of fact, we are in favor of additional pressures and sanctions, that this is bipartisan, there is a sense that both Democrats, Republicans are fighting this with a unified voice. And we stand opposed to this kind of tyranny in Cuba.

We stand with the oppressed, against the oppressor. And no one will be fooled, except the most gullible of gullibles, by this group that is coming up, the so-called clergymen, to try to get people to go the other way with regard to sanctions and with regard to the Torricelli bill.

I think the message that goes out from this Chamber tonight, we are united, we stand in solidarity with those suffering in prison as well as with their loved ones and that we hope and we pray, and I mean pray hard, that the day for the liberation of Cuba is not far in the future.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from New Jersey so much. I thank all of my colleagues for presenting the points of view that are so important for us to discuss every day in the Halls of Congress.

We touched upon important subjects: the rafters, the Cuban political prisoners, the rapid response brigades.

I thank my colleagues, each and every one.

DEFICIT SPENDING AND TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. McInnis] is recognized for 60 minutes.

Mr. McINNIS. Madam Speaker, this evening I wanted to take an opportunity to talk about deficit spending and taxes. I know that a lot of my colleagues, in the last several weeks and months, as the budget and the economic package has come to the forefront, we have heard a lot of different language or lingo, as one might put it.

Let me start this evening by saying that I am approaching my comments on a bipartisan manner to the extent that I can do that. Let me say that some of the lingo that we have heard, such as the lingo of gridlock around here, if you object to a tax, if you question a tax, if you question anything, then all of a sudden the other side, the special interests, start to say, "You are guilty of gridlock."

Let us ignore that for my comments this evening. Let us ignore the comments of shared sacrifice, the comments of investment, and the comments of contributions and let us call things what they are.

□ 2100

Let us call a tax increase a tax increase, and let us call spending spending.

Let me say at the beginning of our remarks that George Washington, our first President, was the first President and the last President not to blame a previous administration for problems. I think that the most significant problem that faces our country today, without question, is the Federal deficit.

The Federal deficit is a problem that accumulates at a rate of about $44 million an hour, so as you watch TV tonight, if you have an opportunity, just think that from hour to hour that your Government is spending $44 million an hour more than it brings in. There is not a family in this country in proportion that could outspend that amount of money over their income as compared to the Federal Government.

Fifteen percent of the budget—15 percent of the money that this Government will spend this year—will have to go just to pay interest on that $44 million an hour accrual in regards to the deficit.

When you ask about the deficit, you need to look historically at what has brought that deficit onto us. Is it a lack of revenue? In fact, it is not a lack of revenue. Government receipts have doubled in a decade, yet the national debt continues to rise. There is no way that anyone—there is no way that anyone can raise more money than Congress can spend, no matter what kind of taxes you charge.

Let me repeat that. There is no way anyone can raise more money than Congress can spend, no matter what tax rates or what amount of tax you charge to the people.

The question is, then, what can we do? What is the solution? First we have to redefine the problem. Again, as I say, the problem is not tax revenues or lack of revenues, the problem is simply spending. Let us talk about spending for a few minutes. Since 1947, Federal spending has gone up $1.50 or more for every $1 of additional revenue.

We are never going to reduce the deficit by raising taxes. Raising taxes is like spinning a dog faster so that the hopes of him catching his tail increase by the velocity of the speed. It does not happen. You need to cut spending.

Yesterday I noticed on the TV, on the national TV, that a comment was made in response to a heckler, "The free lunch is over." It has not been a free lunch for the working stiff. What about the working individual out there? How many people in this country are saying that they are tired of taking money from people that work and giving money to people who do not?

What is probably the most frustrating thing that we see when we come into the fine Halls of the U.S. Congress is the tendency of political establishments to pay lip service to management reform while doing little to curb inefficiency and waste.

Let me give the Members an excellent example that has just occurred in the last couple of days. I sit on the Committee on Small Business, and I have had an opportunity to review the Small Business Administration budget. I know that many of my colleagues here on the House floor have had some of their constituents call up and say, "Gee, we are trying to get a small business loan. The money is tied up. There is not money there. Help us out."

I entered into this budget hearing or the markup of the Small Business Administration bill with a very open mind. One of the first items that I see in that budget is $17 million in the Small Business Administration budget to plant trees, $17 million to plant trees.

I asked the Administrator of the Small Business Administration—who, by the way, has only been on the job for a week—I asked the Administrator if "for every $1 million in your budget, what are you able to leverage in additional loans to small businesses throughout this country, for every $1 million?"

The response to that, "$20 million under program 78." So, in other words, for every $1 million we could find of excess money in the Small Business Administration budget, we can raise $20 million more, leverage $20 million more for small businesses in this country.

I simply applied that equation to the $17 million in tree planting, and lo and behold, you come up with a figure somewhere around $340 million of additional leverage for small business in this country that is being sacrificed under the guise of efficiency for the planting of trees.

Mr. DOOLITTLE. Madam Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from California.

Mr. DOOLITTLE. Madam Speaker, I would ask the gentleman, is it his opinion that were the Government to have to live under the same standards as private business in a recession, whereby they are laying off people, reducing overhead, doing everything they can—and yet here we have the Government with a projected annual deficit this year of $320 billion, and a cumulative national debt of $4 trillion—is the gentleman saying by citing these statistics that were the Government to have to live by the same standards as private business, that perhaps they would not be spending this money on trees?

Mr. McINNIS. Madam Speaker, to my respected colleague I would reply, absolutely. What I am saying is that the Government does not live by the standards that we expect of our constituents or expect of our own citizens of this country. In fact, the citizens of this country, if they overran their checking account like this Federal Government overruns its budget or the trust funds and so on and so forth, our citizens are required that they face civil penalties or criminal penalties.

The gentleman is absolutely on point, and I think the only way to introduce discipline in this process is not to continue to feed the process more money, but that we demand that the process cut its spending, that we do not spend $17 million to plant trees.

Mr. DOOLITTLE. If the gentleman will continue to yield, I commend the gentleman, because he makes a very, very valid point. It is fascinating to me to really think of what this Government is doing. It does not seem to matter what the state of the economy is. Private business can cut back all it is forced to do so by economic conditions, and we keep employing more people, legislating more costly regulations which raise the cost of doing business, and put even more people out of work. That is just fine as far as the Government is concerned, because that is what it is supposed to be doing.

When the gentleman cites the example of planting trees, we could talk about the outrages that have occurred under the Endangered Species Act or under the Forest Lands Management Practices Act, or any number of Federal acts that are absolutely becoming a millstone around the necks of businesses in this economy, and it is not businesses that are ultimately being hurt, it is men and women who work for a living and who depend upon having a vibrant economy in order to get ahead in this life.

Mr. McINNIS. Madam Speaker, I thank the gentleman. His point is very valid.

Let me go on and visit just for a few moments about taxes in this country. Really, what is a tax? I think the easiest way to say this is: It is money that comes out of your pocket, out of the constituents' pockets that you represent, and that money is not kept in your local economy, at least for a Federal tax, that money is transferred to Washington, DC, to be put into the hands of the bureaucracy to refilter that money, or the trickle theory, to retrickle that money back through the system.

I have to ask, does the tax make more sense than letting that person keep that money and recirculating that money within his own community?

Mr. DOOLITTLE. If the gentleman will yield further, I have seen studies that suggest that when we take that dollar out of the taxpayer's pocket and run it through the Washington bureaucracy and back out through the

State bureaucracy and trickle it down to the intended recipients, those studies show that we lose about two-thirds of the purchasing power of that tax dollar, so it is ludicrous that we keep raising taxes to fund more and more programs for the further impoverishment of Americans.

The solution would clearly seem to be: Don't take the money in the first place, because you will vastly increase the purchasing power of that dollar if you don't squander it on the Federal bureaucracy, which has to have employees to work in that bureaucracy, and counterpart employees in some State or local bureaucracy to administer this.

Mr. McINNIS. To my respected colleague, I would say he is absolutely correct. Last week I was in Craig, CO, a small town in northwestern Colorado, a very small town of no significance politically, if you looked from a broad perspective as to political power in this country, but a lot of hard-working people, a lot of very hard-working people.

These are people that are willing to pay taxes for a strong defense, that are willing to pay taxes for a social program that, really, where they are getting a bang for the buck, and where the dollar that they pay in taxes really goes to the needy people and not to the people who have just chosen not to work. Those people are willing to stand up on the front line and pay those taxes, but they are not willing to pay taxes on a system of which they have no accountability.

The only accountability that comes up shows that dollar is not getting a bang for the buck, that there is an extreme amount of waste that goes on there. That is where the concern is.

The American people, in my opinion, are saying, and the people of Colorado are saying, "Hey, before we have any more taxes, cut spending first. Prove to us, prove to us, the people of Colorado, prove to us, the people of America, that the Government in fact can run its budget in an efficient manner just like we are expected to balance our budget as a family on a monthly basis."

In 1948 the average family in this country paid 2.3 percent of its annual earnings in Federal taxes. Can you guess today what that percentage is? From 2.3 percent in 1948 to over 30 percent of its income in Federal taxes today. Total taxes today consume more than 40 percent of our constituents' family income.

□ 2110

And we talk about families in this country and the need to enhance families.

Let me go further. The average family will work, the average American working stiff in our country, who sometimes I think is being forgotten, will work the first 123 days of the year, the first 123 days, 8 hours a day devoted totally to pay Federal, State, and local taxes.

The average American worker spends the first 2 hours and 41 minutes, and I say the first 2 hours and 41 minutes because the Government always gets its money first, spends the first 2 hours and 41 minutes of his or her 8-hour workday working just to meet their tax obligation, Federal taxes taking the biggest mouthful, accounting for an hour and 43 minutes. So for the first hour and 43 minutes, to my respected colleague who has just commented, the first hour and 43 minutes of every working person in this country is devoted to send money to Washington, DC, to this fine Chamber, and the Senate Chamber, and the administration down the street to redistribute back into society.

They expect to get a bang for their dollar.

Let me say that the typical American family pays more in Federal taxes, pays more in Federal taxes than it spends on food, clothing, transportation, insurance premiums, and recreation combined.

Mr. DOOLITTLE. If the gentleman will yield, I might just observe that you are talking about the direct taxes that these good people in this country pay. We are not really even in this discussion considering the enormous cost to individuals of overregulation in this country, which I believe is extremely significant, I would say even more so than the deficit, which I think is an enormous problem in this country. I think overregulation is even more detrimental to the welfare of individuals who are seeking to better themselves in the workplace.

We are slowing down the growth of the economy. It has been going on since 1970, even during the relatively good years under President Ronald Reagan when every income group improved in this country, and even then the rate of economic growth was still about half what it had been between the years following World War II and 1970 when regulation really began to kick in at all levels of government. And we are just slowly being asphyxiated. We do not even truly realize what is going on.

But I am reminded of an article that was in Fortune magazine last year that said people in the so-called baby boom generation today, when they retire, they will on the average have only half the wealth accumulated that their parents had. And why is that? Because of the slow growing economy. It is just invisible. We do not really stop to think of the cumulative impact.

But you take regulation, you take the massive taxes that we have got, and you take the President of the United States who says he is going to give us all of these new taxes, and all of this new regulation, and what is the purpose of that, as revealed in the Washington Post last Friday, right on the front page, so we can spend more.

Now that is the last thing that the Government needs to do, is spend more. They need to spend less so that we as individuals can spend more.

Mr. McINNIS. I thank the gentleman for his comments. I think they are very prudent and on point.

Let me say that the people in America are soon to experience the largest tax increase in the history of the world, not just in the history of this country, but in the history of the world. In fact, it will be twice the size, it is the next largest tax increase in history. And all I am asking is that the American people take a moment to sit down and ask are we getting a bang for our dollar.

For example, if you went to the local car dealership and bought a car, the first question you would ask, first, is the car what I wanted. Second, is the car necessary, and third, did I get a good buy. Did I get a good buy down at the dealership? Those exact same questions I am urging for all Americans to ask when they consider what this huge tax increase is and the kind of impact it is going to have on them.

I understand that CNN did a poll about 6 weeks ago, and in that poll they said that four out of every five Americans believe that somebody else is going to pay these taxes. Ladies and gentlemen, citizens of America, it is you who is going to be paying those taxes, and it is you who has the absolute right to demand accountability from the U.S. Congress. It is you who has the absolute right to say cut spending first.

Let me just conclude by saying that the answer is clearly not raising taxes. The answer is to cut spending.

Not long ago I had a rancher come up and he summed it all up very well for me in one sentence. He said, "Before you put more water in the bucket, plug the hole."

GUAM EXCESS LANDS ACT

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes.

Mr. UNDERWOOD. Madam Speaker, today I am introducing legislation to provide a method of returning excess lands no longer needed for military purposes on Guam. By the end of World War II, the Department of Defense had seized and controlled nearly one-half of the land on the island. Today, approximately one-third of Guam is owned by the military, one-third by the government of Guam, and the remaining one-third is owned by private citizens.

The district I represent is nearly 10,000 miles from Washington, DC. Covering an area of approximately 225 square miles, Guam is about 30 miles long and 4 to 9 miles wide.

Though limited in size, Guam is of vital importance to America because of the island's strategic location in the Asian-Pacific region. As you may know Madam Speaker, Guam was occupied by the imperial forces of Japan during World War II, but was recaptured by American forces in 1944. However, the people of Guam suffered 2½ years of terror under enemy occupation, including deplorable living conditions in concentration camps. Following the recapture of Guam, the indigenous people of Guam—the Chamorros—started to return to their original homes and farms, only to find that the U.S. military had confiscated their lands for national security reasons.

The people of Guam were originally told that the land was needed to build bases to defeat the Japanese. The people were all too happy to be of assistance. In the years after the conclusion of the war, the land remained in military hands. The land was taken through misrepresentation and deception from hundreds of families. And no family on Guam remained unaffected. This is not a commonly known story of how the military became a major landowner, a land baron on Guam.

Here, for example, are how some people lost or were underpaid for their lands after the war:

FRANCISCO ANDERSON

Mr. Anderson, a first class petty officer in the United States Navy, and a small group of other Chamorros, organized a resistance party which fought the Japanese and gathered information about Japanese activities on Guam. In July, 1944, the Japanese executed this group, and Frank Anderson was one of the few survivors. Although seriously wounded, he managed to find a boat and row to a United States warship about a mile off Guam's coast. There he gave his information to Navy Intelligence officers. When the Navy condemned his land, Mr. Anderson was dissatisfied with the amount of compensation offered, but he was too patriotic to deny the Navy the right to take the land. He received $1,065 for his land—1,500 square meters—in Sumay; this sum represented payment for his two houses, also. He set value at $10,000 on one of the houses.

JUAN CRUZ

After the war, Juan Cruz was notified by the Land Claims Commission office that the military was condemning his property and that he had 20 days to file a complaint regarding the condemnation; otherwise, the property would be taken without compensation. Juan Cruz listed his complaints, and appraised his property's worth at $72,000. He was offered $940 by the Land Claims Commission. When he refused this, a representative of the Land Claims Commission told him that the $940 was only for rental of his property by the military. He was given rental papers to sign. Mr. Cruz signed them; he could not read English, so he had only the representative's word to go on. He later found out that he had signed transfer papers, not rental papers. When he discovered this, Mr. Cruz submitted an application to acquire another piece of land from the Naval government. There was no response to his request. Mr. Cruz received $940 for his land.

JESUS CRISOSTOMO GARRIDO

Maria C. Guerrero was 89 years old when Joaquin Perez, a military representative, told her that her land had been condemned. She could neither read, speak, nor understand English. Mrs. Guerrero's son, Jesus Crisostomo Garrido, advised her not to sell when Perez first visited her, so Perez visited again when Jesus was not there. This time, he persuaded Tan Maria to sign transfer papers. She received $1,485 for 12 hectares.

MARTINA SABLAN LIMTIACO

After the war, Jose Cruz and Mr. Balser, Navy representatives, told Mrs. Martina Sablan Limtiaco that her property had been condemned by the Navy for defense purposes. They told her that she couldn't refuse to sell because the Navy was already using the property and would take her land without compensation unless she signed transfer papers. Mrs. Limitaco signed the papers and received $420 for her property in Piti—584 square meters. This land was beach property and is now being used for USO.

JOSE TORRE PANGELINAN

In June 1944, a group of Japanese soldiers came to the Pangelinan farm in Dededo and arrested Juan Pangelinan, the owner of the property. They accused him of being an American spy because he had been in the U.S. Navy, and because he was hiding George Tweed, an American sailor, on his property. The Japanese interrogated Mr. Pangelinan, but he did not give them any information. He was then taken to Sinajana and beheaded. Mr. Pangelinan's family was forced to stay in hiding until the American forces arrived. After the war, they found that they could not return to their property because the U.S. military had restricted the area. The military promised that the property would be returned to them. Shortly after this, however, three military representatives visited Maria Pangelinan—Juan's widow—and told her that her property had been condemned and she would have to sell it to the military. Maria signed transfer papers and received $4,100 for 150 hectares of good farmland. In or around 1946, a Navy chief petty officer asked Maria Pangelinan for the Spanish grant document for the Pangelinan property. He promised her he would return the document; however, Maria never saw it again.

FRANCISCO U. VILLAGOMEZ

After the war, Seabees occupied Mr. Villagomez's property in Barrigada without his consent. They cleared the land with a bulldozer. In 1946, Jose Bitanga, a military representative, told Mr. Villagomez that his land was being condemned. Bitanga explained that the owner had no choice but to sell since the Seabees were already on the land. Also, if Mr. Villagomez did not sign perpetual easement papers, his property would be taken for nothing. Mr. Villagomez signed the papers; he received $139.90 for 7 hectares.

For decades after the war, the United States was pressured to reassess its needs for land holdings on Guam. Over these years, there was a consensus among the local citizens that some military property was unused, underutilized, and unnecessarily in Federal lands.

In the early 1970's, at the request of the late Congressman Antonio Borja Won Pat, a study of the military land use on Guam was initiated by the U.S. Department of Defense. That military land use study revealed excess properties which no longer served the operational needs of the armed services on the island. In 1986, the Secretary of Defense signed off on the transfer of approximately 3,500 acres of land back to Guam. Succeeding Secretaries of Defense have endorsed this policy. I have been advised by high levels at the Defense Department that the current DOD officials do not object to this transfer of excess lands.

While we applaud the DOD's decision on this matter, we disagree with their terminology, because on an island of only 215 square miles, there is no such thing as excess lands. In fact the only thing that is excessive is the manner in which the lands were originally taken.

The legislation I am introducing today will bring a closure to this issue and will begin the process of addressing historical injustices in land takings experienced by the indigenous people of Guam.

First came the Spaniards in the 1500's who made Guam a colony of Spain for approximately 300 years. As a result of the Spanish-American War, Guam became a possession of the United States in 1898. Then came the Japanese occupation of Guam for about 2½ years during World War II. Finally, the people of Guam experienced the postwar land condemnations and land takings by the United States.

The significance of land ownership for the people of Guam and for the government of Guam cannot be underestimated. The lack of real estate hinders economic growth and development on this tiny island territory.

For individuals and families, having adequate land properties translate into access to affordable housing. Because there tend to be large families on Guam, adequate housing is a significant and potentially explosive problem.

The return of excess lands to the government of Guam will help stimulate the local economy. As required in the legislation, the local government will decide, by developing a local land use plan, how best to utilize the properties returned by the Federal Government. We know that there are significant needs for affordable housing, parks and recreation, public utilities projects, public safety projects, and for the expansion of health care facilities on the island. The return of excess lands will produce jobs in construction and in service industries. Likewise, the return of excess lands will assist the local economy which was affected by the damages of last year's typhoons as well as by Japan's economic downturn.

As major Southeast Asian economies continue to generate a solid outbound tourist industry, Guam's geographic location will continue to benefit. Guam is close to the Asian and Pacific markets which have the most rapid growth, and potential future growth, in the world today.

The military presence on Guam has been, and continues to be, an important aspect of Guam's economic development. We recognize that the defense activities on the island create a multiplier effect on the community—from housing military families to providing them with recreational outlets.

While the legislation before us today addresses the return of identified excess lands no longer needed by the U.S. military on Guam, there remains outstanding a number of unresolved land disputes between individual landowners and the Government. As I speak today, there are increasing numbers of families on Guam who claim that the U.S. Government unlawfully condemned and seized private lands following World War II. These individuals are demanding that their ancestral lands be returned immediately. We cannot afford to ignore their pleas for redress, regardless of their legal status.

In order to adequately address these disputes and address the issue of land planning in Guam, I am convening a Federal/territorial land conference on Guam later this year. Representatives from the Federal Government, the government of Guam, the local legislature, and individual landowners will have a common venue to air their concerns and to identify possible solutions to the problem of land takings on Guam. My office will be the facilitator in these proceedings.

In addition, I will work closely with the leadership of the Natural Resources Committee and the Armed Services Committee, as well as with the representatives of the Department of Defense and with Secretary Babbitt of the Interior Department to move this important legislation on a fast track.

Many people in my district lost their lands after World War II. The U.S. Government has an obligation to rectify these land takings by returning to Guam those properties no longer determined to be necessary for military purposes. We paid dearly for our loyalty to America during World War II. We made our contribution to America and as we can see by some of the experiences I have outlined, some of the greatest contributors suffered the greatest wrongs subsequent to World War II.

Returning Federal excess lands on Guam to the people of Guam is not just a good thing to do, it is the right thing to do, the just thing to do. The economic vitality of this star in the Pacific depends on it.

I strongly urge my colleagues to vote for this legislation when being considered by the appropriate committees and on the floor of the U.S. Congress. The people of Guam and I thank you for your support.

□ 2130

IMPORTANT ISSUES FACING THE AMERICAN FAMILY

The SPEAKER pro tempore. (Mrs. MALONEY). Under a previous order of the House, the gentleman from California, [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Madam Speaker, I would observe in these special orders, and I would say to those who have agreed to participate, that now is the time to come forth, that it is 9:30 eastern time.

I also make the point for these who are viewing this over C-SPAN, we are in an empty Chamber, but the fact of the matter is we are here to discuss some very important issues facing the American family. Although our numbers are not large, I think the ideas we have to discuss are very significant. It is an opportunity to have a frank exchange of views on issues that we consider to be absolutely vital to our Republic.

Dr. James Dobson observed in his "Focus on the Family" newsletter, the March 1993 issue:

> What is occurring in our country today is the moral equivalent to war. We are, as Gary Bauer and I wrote in our book, 'Children at Risk,' engaged in a civil war of ideas that will be won or lost in the next few years.

Madam Speaker, the American family is under attack from all sides. During he course of this special order I anticipate that a variety of subjects will be touched on, dealing with perhaps abortion, the promotion of special rights for homosexuals, including their admission into the military, the issue of women in combat, which has now just been greatly advanced by action of the Clinton administration, and we will continue to talk about, as has already been referenced by the gentleman from Colorado, the impact of the economy, the state of the economy upon family.

I would like to introduce and yield to the gentleman from New Jersey, [Mr. SMITH] at this point.

Mr. SMITH of New Jersey. I thank the gentleman for yielding. I very much appreciate the gentleman taking this time today to address these very, very important issues which face our country.

Madam Speaker, the supreme irony of the Clinton-Gore administration is that while purporting to embrace the disenfranchised and forgotten, especially children, the Clintonites have begun to systematically wage war against unborn children.

Mr. Clinton promised Americans he would have his economic plan on the table the day he was inaugurated; it was not. The transition team apparently focused on other things.

In a revelation of priorities, the abortion President began pushing his antichild agenda just 2 days after his inauguration. Despite his repeated claim that he wanted to make abortions rare, Mr. Clinton's new pro-abortion policies, many of which were promulgated on January 22, will inevitably yield to more dead babies and more wounded mothers.

Presidential orders promoting abortions for teenagers and military personnel, speeding up the importation of the new baby poison from France called RU-46, promoting abortion as birth control in developing countries by repeal of the Mexico City policy, and using baby brains and body parts for transplantation undermine the carefully orchestrated illusion of Mr. Clinton and Mr. GORE as child advocates.

You do not protect children, Madam Speaker, by killing some of them.

Mr. Clinton's deeds thus far smack of Orwellian double-speak. The rhetoric of choice, to be sure, is slick, but it cannot mask the violence and the cruelty of abortion.

Madam Speaker, the so-called Freedom of Choice Act marked up in the Committee on the Judiciary earlier today, which has been embraced by Mr. Clinton, is the most radical, extreme antichild legislation ever proposed in the U.S. Congress. The co-called Freedom of Choice Act dehumanizes unborn baby girls and boys; it reduces children to the status of objects, of throwaways; it turns them into chattel and recklessly abandons them to the abortionists in our land.

Even modest restrictions that Mr. Clinton claims to support will be nullified by this antichild legislation. For example, on February 19 of this year, in Ohio, the President said, and I quote:

> Very few Americans believe that all abortions all the time are all right. Almost all Americans believe that abortion should be illegal when the children can live without the mother's assistance, when the children could live outside the mother's womb.

The President is correct in his assessment of public opinion regarding late-term abortions and in his description of the unborn as "children." Despite this fine-sounding rhetroic, the President's support for the so-called Freedom of Choice Act would nullify the very protections he claims to support. With a straight face he says one thing and he does another.

Madam Speaker, the sponsors of the Freedom of Choice Act have made it clear that it is totally within the discretion of the abortionist to determine viability; that is to say, that time when the baby can live outside the mother's womb.

Post-viability abortions are also permitted if the abortionsit determines tht the procedure will enhance the woman's so-called health. Again, the committee report makes very clear that health includes all factors, "physical, emotional, psychological, familial, and the woman's age relative to the well-being of the patient." Under that sweeping definition of "health," even a mild headache, or mild distress, frankly anything at all, would justify the abortion.

Clearly, it is a sham, and for anyone to claim that they support restrictions on late-term abortions if they support the so-called Freedom of Choice Act.

The number of children killed in second- and third-trimester abortions is staggering. Estimates exceed 188,000 babies butchered each year after the 12th week of gestation.

Then of course there is the 1.4 million to 1.5 million unlucky kids who are killed during the first trimester.

Since 1973, more than 30 million children have been exterminated.

I recall seeing a billboard not so long ago that said in a very poignant way, "This toy won't have anyone to play with anymore." We have the toy but not the baby. Multiply that, Madam Speaker, by 30 million times. That is a lot of empty classrooms, a lot of kids who will nvever visit Toys-R-Us or go to Bob's Big Boy. Madam Speaker, on the issue of parental notice, Mr. Clinton again says one thing and does another.

In an October 25, 1992, interview with the Catholic News Service, Presidential nominee Bill Clinton expressed the opinion that, "States should absolutely have the freedom to have parental notice."

□ 2140

Despite this rhetoric, Mr. Clinton endorsed a version of the Freedom of Choice Act which would allow any responsible adult to circumvent the right of a parent or legal guardian to guide their daughter in this wrenching decision; that is to say the abortionist himself or herself, a clinic counselor, or a neighbor, qualifies as a responsible adult, this person could prevent the parent from ever knowing that the child was about to undergo abortion. That is what their version of parental involvement is.

The Freedom of Choice Act would also invalidate laws in the 49 States which limit the practice of abortions to licensed physicians.

The radical legislation would also nullify the 24-hour waiting periods and women's right-to-know laws, which are currently on the books in many, many States.

Why I ask, Madam Speaker, do the abortionists object to women being fully informed and fully briefed prior to that irreversible decision?

Members should be aware that as we move through this process, there is likely to be a number of phony amendments to be offered to this bill in an effort to finesse these ramifications of the bill, and to provide political cover, but nobody will be fooled by yet another effort to disguise the true effect of this legislation.

Madam Speaker, I am also saddened to say that the abortion President proposed in his budget for the fiscal year 1994 Health and Human Services Budget the repeal of the federal Hyde amendment. The Hyde amendment, as we all know, stops most abortions under the Medicaid program. Prior to its enactment in 1977, the Government paid for nearly 300,000 abortions annually through the Medicaid program.

Incredibly, the abortion President also proposes to include abortion on demand as a mandated provision in his National Health Care Plan. If he succeeds in this wrong-headed antichild policy, every American taxpayer will be forced to subsidize millions of abortions at any stage of pregnancy for any reason.

In fact, abortion will be treated as just another method of birth control, the unborn child as a disease like a tumor to be killed.

Of course, we all know if the Government subsidizes something and begins promoting it, we get more of it, and once again the President's stated desire to make abortions rare is contradicted by a course of action and a series of actions that will cause abortions to occur more frequently.

Madam Speaker, a review of the President's record shows that he has abandoned his previously-stated beliefs and capitulated to the most extreme elements of the pro-abortion lobby.

In his September 26, 1986, letter to an Arkansas constituent, then-Governor Clinton wrote:

> I am opposed to abortion and to government funding of abortions. We should not spend state funds on abortions because so many people believe abortion is wrong.

As recently as July 16, 1991, Mr. Clinton told the Arkansas Gazette, "I have also supported parental notification and restrictions on public funding for abortions."

Vice President AL GORE also had a pretty consistent record of supporting limitations on abortion funding when he was a Member of the House and the Senate.

"During my 11 years," he wrote to a constituent on May 26, 1987, "I have consistently opposed Federal funding of abortions. In my opinion," Vice President GORE wrote, "it is wrong to spend Federal funds for what is arguably the taking of human life. Let me assure you that I share your belief that innocent human life must be protected and I am committed to furthering this goal."

Sadly, Mr. GORE now supports Mr. Clinton's efforts to mandate nationwide funding of abortion on demand.

Mr. DOOLITTLE. Madam Speaker, if I may reclaim my time, if the gentleman will permit, I would just like to show the gentleman this chart on which the moving target keeps changing in its details. This is roughly accurate still, the impact of the Clinton so-called economic plan.

After we have over $300 billion in new taxes over 5 years and $140 billion in net spending increases, we are going to end up at the end of 5 years with a $228½ billion annual deficit. We will have added in this time over $1 trillion in new cumulative debt.

Is the gentleman telling us that with the crisis of the deficit which the President likes to talk about and posture on, is the gentleman telling us that we are about ready now to receive his proposal to repeal the Hyde language, which I think goes back into the late 1970's and has been our Federal policy for years so that we can have taxpayer paid-for abortions?

Mr. SMITH of New Jersey. Absolutely, that is exactly what we are talking about. The policy has been in effect since 1977. I think it is amazing that with all the crises we are facing from Bosnia on the foreign policy front to the domestic problems of the budget as the gentleman is speaking to now, we are talking about sidetracking that agenda for a very extreme narrow agenda, even national health reform. Some like it, some do not. We do not know exactly what is going to be in it, but to inject abortion into the center of that and force each and every one of us who conscientiously oppose the taking of human life just demonstrates to all of us that that is his real priority, and I say that with sadness.

Mr. DOOLITTLE. So I am to understand then that we are going to pass a Btu tax, an energy tax on all Americans, a $70 billion tax that will cost the average household about $475 a year, we are going to hit senior citizens with a tax now taking up to 85 percent of their benefits for those individuals who make more than $25,000 or couples more than $32,000 a year, we are going to raise the corporate and personal income tax rates, and for what, so we can spend more on taxpayer paid-for abortions?

Mr. SMITH of New Jersey. That is exactly it.

Mr. DOOLITTLE. Well, Madam Speaker, I thank the gentleman.

Mr. SMITH of New Jersey. Madam Speaker, I would just conclude because I know there are others waiting to speak.

But just let me add, one of the things that we very often in this Chamber and really in America at large do not do is focus on at least what some of the methods do to the unborn child, whether it be literal dismemberment by way of a D&C abortion, that a child is killed with a high-powered suction device that literally rips the unsuspecting baby to pieces, or the injection of high-concentrated salt solutions that poison the child. The baby breathes in the amniotic fluid, often does that to develop the organs of respiration, in this case takes in this salt saline solution which poisons the baby in between a 2 to 3-hour period, and then the mother delivers a very dead, obviously badly burned baby.

But there is a new breakthrough, an absolutely horrific breakthrough on the abortion front that was recently announced by a doctor by the name of Martin Haskell, an Ohio abortionist, who recently at a National Abortion Federal symposium delivered a paper on what he is calling the D&X method of dilation and extraction. This method, and I will put some of the details into the RECORD, but it is for later-term abortions, this is Dr. Haskell. This is what Mr. Clinton is asking us to subsidize in national health insurance, repeal of the Hyde amendment and to give further credence and legality to under the so-called Freedom of Choice Act.

Dr. Haskell, an abortionist in good standing, describes how a surgical assistant uses an ultrasound probe to identify what is called in his words the "fetal lower extremities." That is to say, Madam Speaker, the baby's legs.

"The surgeon then applies firm traction to the instrument, and pulls the extremity out of the woman."

He then goes on to say, "The surgeon uses his fingers," and this is him talking, the abortionist, and we are being told we should pay for it, "the surgeon uses his fingers to deliver the opposite lower extremity," the other leg, then the torso, the shoulders and the upper extremities."

"The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through."

"At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and hooks the shoulders of the fetus with the index and ring fingers. Next he slides the tip of the middle finger along the spine toward the skull while applying tension to the shoulders and lower extremities."

This abortionist then goes on to say, "The surgeon takes a pair of blunt curved scissors in his right hand, advances the tip curved down, along the spine."

Reassessing the proper placement, he makes a hole in the base of the skull and then aspirates, or vacuums out the brain tissue.

This is the kind of thing, dilation and extraction, that the Members of this body, you know, as HENRY HYDE says so eloquently very often, the procedure that dares not say its name, we are being asked to subsidize it, pay for it, deny parents their ability to know that their daughters are engaged or perhaps contemplating an abortion, and now we are being asked to subsidize and to give legality to that kind of child abuse where the child has his or her brain destroyed in such a way and the rest of their bodies.

□ 2150

Madam Speaker, I would hope, I would hope, that even the most so-called pro-choice Member in this body and in America would take a second look at exactly what is involved in abortion, that there are positive, nonviolent alternatives to abortion, loving and compassionate alternatives that we need to be promoting, not the killing and the demise of these helpless, unborn baby girls and baby boys.

Mr. DOOLITTLE. Madam Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Speaker, I just wanted to shed some light on another fact. The worst fear of an abortionist, which is to me not even a medical specialty, it is just killing—an abortionist's worst fear is—and they call it a botched abortion. The child comes out alive. I mean it is alive to begin with, but it comes out still alive like little Rosa whose arm was ripped off, and that guy is going to prison in New York, and what is so obvious and never said enough about on the floor in this once-august Chamber is that, if he had killed little Rosa, who is now about what? About 2 years old, CHRIS? If he had killed her, that is it, just another day on the job, another abortion out of a dozen a day. But because she is alive and has been on even the Phil Donahue show minus her little arm, and I do not know what point Phil was making in his anti-Christian confusion, but it was something along the lines: "Well, I guess we need better abortions, and better hospitals and a safer procedure," and he was completely forgetting how stupid that is, that here is a live child.

Now this removal of the brain by the doctor while the child is still in the birth canal precludes ever again them having the nightmare of the child fighting for its life, maintaining its life, and coming out where the doctor, like the one, Kenneth Edelman was his name, the one up in Massachusetts, and he is now one of the main mouthpieces for NARAL, and Planned Parenthood and everybody, says to the nurses, "Look, what are we going to do about it," and I forget in this case because there is one in my own Orange County where the doctor said, "I can't kill this little son-of-a-bitch." The nurses all cried on the stand, and he got away with a hung jury, 11 to 1, and then 9 to 3, and then the State said, "We have no more interest," but obviously the jury believed that he said, "I can't kill this little baby, this S.O.B."

I think with Dr. Kim up in Massachusetts, he was found guilty of manslaughter, stripped of his M.D. status, just went to another State, and I forget whether he left the baby in a closet. Was that the routine?

Mr. SMITH of New Jersey. They found the baby in a morgue, a little black child, and they could not determine how that child got there, and they backtracked and found out that this was the result of one of his abortions.

Mr. DORNAN. Ah, but it had survived, fought for its life, taken down on some gurney in some bag or something, and put in the morgue where it starved to death or just passed away from exposure.

So, I just wanted to point out—was the gentleman reading from the medical paper submitted at their seminar?

Mr. SMITH of New Jersey. That was right from the doctor's words, and they are even more gruesome to behold if one wants to read the entire report. He speaks as one in the Nazi era would have spoken about cruel experimentation on Jewish people and other unfortunate people who were caught as guinea pigs. Here we are talking about this child in a way where legs are pulled out with impunity, and then, as the gentleman has pointed out and as I pointed out as well, the brain is aspirated as the brain content or the skull contents. The brain is sucked out.

If I could just make one additional point, the Philadelphia Inquirer, a Pulitzer Prize-winning newspaper in Philadelphia, some years ago did an expose on the abortion industry, and the headline of their particular article was: "The Dreaded Complication," and the dreaded complication was those many hundreds of children who each year were surviving these later terms abortions, and the abortion industry felt it had a marketing problem on its hands, not caring one whit about those children who were being flushed down the toilet, but they had a marketing P.R. problem on their hands, and what they finally did was come up with more lethal means of killing these babies of which D&E is foolproof. No child survives when his or her brain——

Mr. DORNAN. Well, let us discuss this again when the health bill comes up and we are being asked to pay for the D&X, the taking out of the brains while the baby is still inside the mother so they do not run the risk of a public relations problem.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman. Although I have addressed here the absurd budgetary consequences of this, let it be said clearly that this is ethically wrong, abortion. It is morally wrong. And it is not legally wrong only because by an unprecedented raw grab of judicial power by the Supreme Court of the United States 20 years ago they gave to the abortion advocates what no legislative body in this country, including the U.S. Congress, was willing to give them, and now, 20 years later, they think they have softened up the legislators enough where they can ram through this Freedom of Choice Act which is an abomination, and I thank the gentlemen for commenting in such stark terms upon what the realities really are here.

Madam Speaker, I would like to yield now to my friend, the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Madam Speaker, I thank the gentleman from California [Mr. DOOLITTLE]. I certainly appreciate his putting together this family address, and I would like to speak in the area of jobs. There is no more important item for the family than employment.

Madam Speaker, in my district we have areas with as high as 30-percent unemployment. I know my colleagues in California have parts where there is extremely high unemployment. The strength of the economy undergirds every other section of the family: education, health care, housing. They all depend upon that family having a strong job and a job that can take care of those valuable needs.

And most people who supported President Clinton a year ago thought that was the concentration that this administration would have, that it would concentrate on building jobs, not increasing taxes, not talking about homosexuals in the military, not talking about the other litany of things that the President has strayed into, but working toward creating jobs. That has not been the case.

Madam Speaker, I serve on the Committee on Appropriations on the Commerce Subcommittee, and we recently had given to us a report from the National Policy Council on the economy. It was a bipartisan group that was put together 2 years ago by Congress, asked to study how we can strengthen the economy and our competitiveness in this country. It was bipartisan in the sense that the Speaker made appointments, the President of the Senate made appointments, the President of the United States made appointments. They had to be appointments made up of labor, management, general public, and governmental leaders. Those four areas were represented. There were some 200 subcouncils picked from all branches of business, and industry and public life.

Madam Speaker, These councils came together, and met for periods of time, and then came to us with its final report just a few weeks ago. They have made substantial recommendations on what to do to strengthen the economy in this country, to make ourselves more efficient, more competitive. There is no question that this is a thorough, national presentation of what needs to be done. This has been given to the President of the United States.

Madam Speaker, what it pointed out to us in the committee is—these very specific recommendations—that the Clinton administration is heading this way, and the council, the bipartisan council made up of many elements of our country, recommends that we go this way. The President is just contrary to what all of the national leaders have been talking about, and I will give my colleagues some specifics.

First of all, Madam Speaker, they pointed out in the area of labor that we need to learn to stop national labor strife as much as possible, to learn to work together better, to use the team approach for high-efficiency employment. Now that is being done in plants all over this country where the workers come together, work with management in a team approach. They become more efficient, they learn a multitude of jobs, and they work on a productive unit inside the plant, and they are rewarded on that basis. They are working toward creating a working environment that is efficient and competitive, not working toward labor strife, and yet the first bill the President has endorsed, striker replacement, the sponsor of that bill said it was designed, and I am quoting, "to create more labor strife." That is what he thinks would be good.

Madam Speaker, that is entirely contrary to what the Council on Competitiveness was talking about and entirely contrary to what is in the best interest of this country.

The second area they talked about was in the area of regulations. They point out that the rapidity of growth in regulations in this country is bringing about hundreds and billions of dollars of needless cost to small business and to our economy and that ultimately it is going to greatly stifle our competitiveness and the ability of our families and our economy to succeed. That recommendation was made by the council. The President, on the other hand, has, through his administration, endorsed numerous new regulations coming in the area of OSHA, numerous new regulations coming in the area of the environment, on top of regulations that are just now being promulgated.

Madam Speaker, I appreciate the fact that the gentleman from California [Mr. DOOLITTLE] and several other Members of Congress joined in a piece of legislation that we have introduced that would state that no regulations promulgated by the bureaucracy, often years after the original legislation has been passed, could take effect until both Houses of Congress have an opportunity to approve, review, and then they must approve that legislation and it be signed by the President before it can take effect.

□ 2200

We have got to get on top of these regulations. As this report shows, it is putting hundreds of billions of dollars of extra costs into the area. Here again, the report recommends we go this way, and the President is going just the opposite way.

Then finally it talks about tort reform.

Mr. DOOLITTLE. If the gentleman will yield, I think this is so critical and it is not often focused upon in this way. That regulation the gentleman is talking about is hurting families. It is denying people the right to advance in their jobs and in what they can save. It is making it so that families can barely keep pace with inflation because it is directly resulting in a slowdown of economic growth.

This has been going on for years and years. I think the gentleman's bill is long overdue, because finally it is going to place back in the hands of the people's elected representatives the ability to get some real handle on this.

I think if the whole membership of the House and the Senate had to decide whether the Valley Longhorn's elderberry beetle should go on the endangered species list, costing thousands of jobs and millions of dollars to the economy, I think we might have a more reasonable approach to this type of thing.

Mr. TAYLOR of North Carolina. The gentleman points out quite correctly that our small businesses are made up of families, that our working men and women are usually made up of families. It is not some obscure makeup of the economy we are talking about, it is family members, individual members, that must suffer when the economy fails.

The third area we are talking about, and the council pointed out, was the area of tort reform. They pointed out that we need substantial reform in this area.

The recommendations were very specific. Here again they made recommendations in this direction, and we see the administration going another way.

Now, it is true that the President is an attorney, his wife is an attorney, the Vice President is an attorney, and 14 out of 16 members of the Cabinet are attorneys. But we must, as the report pointed out, have tort reform in this area.

Twenty-two percent of our health care costs are tied to medical malpractice. This is an area that was not touched upon by the President or by Mrs. Clinton.

The President, when he spoke here, criticized the drug companies. He criticized health care givers, doctors, and others, but he never once mentioned the need for malpractice reform in his State of the Union Message to people in this area.

Product liability was another area they pointed out that we are causing ourselves to reverse much of our progress in many areas out of the fear of product liability and the great cost of product liability.

Even in the area of drugs where the President made his criticism earlier on the floor, out of the $250 million that it takes to develop a new drug, almost $100 million of that, 40 percent, is tied to tort actions.

So if we are to make real progress in this country in many areas, we must reassess our litigious nature and have tort reform in many, many areas.

So I am saying to you that these are three areas, and there are other parts of the report that I will not go into tonight, where they made specific recommendations and directions that the economy needs to go in to be competitive, to produce more jobs, and to strengthen the economy itself, that the President's recommendations almost exclusively have been going in the opposite direction. That is why I think in order to strengthen the economy, for this Nation and our families, the President must remove himself from the wrong direction he is taking and go back to the basic ideas of strengthening the economy.

Madam Speaker, I appreciate the gentleman yielding.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman.

Madam Speaker, I would like to recognize the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Madam Speaker, I wish to thank the gentleman for yielding. I appreciate his efforts in organizing this special order on the family.

I also want to thank the gentleman from New Jersey [Mr. SMITH] for the great leadership he has provided the pro-life and pro-family cause in the Congress of the United States.

Madam Speaker, I think this is very sadly an appropriate day for this special order to occur, a day in which the Judiciary Committee of the U.S. Congress has marked up and recommended out the so-called Freedom of Choice Act, a bill that we will soon be debating and voting upon here on the floor of the House.

Madam Speaker, the administration has now lifted the Federal restrictions on abortion and is now eyeing the Hyde amendment as its next victim. In spite of the number of abortions already being performed, the President would like to make abortion available on demand at the expense of the American taxpayer. This is ironic, and it is ironic for a number of reasons.

The Alan Guttmacher Institute records that in 1972, a year before the tragic Roe versus Wade decision and before Washington began to pay for abortions, there were only 12.9 percent of pregnancies ending in abortion. By 1976 that percentage had doubled to 23.1 percent.

The Hyde amendment, when it was enacted, leveled the number of pregnancies ending with abortions at roughly 25 percent. And yet what level can we expect to reach if the Hyde amendment, the commonsense Hyde amendment, supported by millions of Americans and the vast majority of Americans, if that amendment is repealed?

A 1992 survey conducted by the Reader's Digest revealed some very interesting facts with regard to public funding of abortions.

Among those earning less than $15,000 a year, opposition to publicly funded abortions ran at 63 percent to 32 percent for that funding, while those making over $60,000 favored it by 57 to 41 percent.

I think the lesson from that is that the vast majority of mainstream America, middle income, low income Americans, they do not support abortion on demand, and in fact they strongly oppose Federal funding for abortion.

Madam Speaker, even with restrictions on Federal funding of abortion, there are 4,400 abortions that are performed every day in the United States of America. That adds up to 1.6 million abortions every year.

Since Roe versus Wade in 1973, more than 26 million abortions have occurred in the United States. Tragically, the United States leads and surpasses all Western nations in the number of abortions performed per 1,000 women of childbearing age.

It is hard to imagine the number of abortions that would occur should the administration prevail in including abortions in their upcoming health care reform plan. It is unconscionable, as the gentleman from New Jersey [Mr. SMITH] pointed out, it is absolutely unconscionable to ask good people, taxpaying Americans who happen to regard abortion as the deliberate taking of a human life, to pay for a procedure that to them is morally offensive and morally wrong.

The distinguished Governor of Pennsylvania, Robert D. Casey, testified before the Judiciary Subcommittee on Civil and Constitutional Rights against the so-called Freedom of Choice Act.

Our friend's name, which is so recognizable to most of us, was named in the Planned Parenthood lawsuit challenging Pennsylvania's moderate regulations on abortion, which included things like parental consent with judicial bypass. Incidentally, President Clinton, who was then Governor of the State of Arkansas when I was serving in the State legislature, supported parental notification, and in fact signed parental notification laws into law in the State of Arkansas.

Well, that is part of what was in the Pennsylvania case. Also prohibition of third trimester abortions, 25 weeks to birth. No State funding of abortions was in the Pennsylvania law.

Informed consent, the requirement that a doctor provide a woman considering abortion information on the dangers of abortion, alternatives to abortion, and it included a 24-hour waiting period for a woman to consider that information provided to her by her physician. All of those very commonsense restrictions that are supported by the vast majority of Americans would suddenly be stricken if the Freedom of Choice Act becomes law.

That is what the Governor of Pennsylvania testified. None of these very reasonable limitations would even survive. They would fall like dominoes should the Freedom of Choice Act pass.

President Clinton said when he was a candidate campaigning he thought abortions ought to be safe, legal, and they ought to be rare. Unfortunately, he is fulfilling two-thirds of that promise. But the part about it being rare he is not fulfilling. In fact, Federal funding of abortion will not make it more rare. Including it in a health care plan is not going to make it more rare. Applying and making abortions available at military installations is not going to make abortion more rate. In fact, it is going to have just the opposite impact.

□ 2210

Let me add, while I have the floor, that the attack on my family, and I so appreciate this order dealing with the family, the attack upon my family is very broad-based. And it is not just in the area of abortion, as critically important as that is. But the attack on the family goes to our very tax laws and our Tax Code.

In recent years, the Federal Government has waged a veritable war on the American family. Policies have been formulated and legislation has been enacted that run in direct opposition to the best interests of the family.

This turn of events is especially tragic in light of the fact that the family is the very basic unit upon which our Nation was built and through which our greatest achievements have been realized.

During the past four decades there has been a steady erosion, an erosion of the personal tax exemption for families with children.

The income tax burden on a median income family of four has risen 150 percent, the tax burden upon the median income family has risen 150 percent since the mid-1950's. If the personal exemption had kept pace with inflation and per capita income since 1948, it would now be over $8,000 instead of the current level, only $2,300.

It is this type of tax inequity that indicates the Federal Government's bias against children and hostility toward the traditional American family. So I want to urge my colleagues this evening and in this Chamber to support the Family and Economic Recovery Act of 1993.

My distinguished colleague, the gentleman from Virginia [FRANK WOLF], has authored a bold new bill to afford middle income American families the opportunity to better provide for their own family and invest in their own future.

Under the Family and Economic Recovery Act, families would be allowed a $600 per child tax credit to offset the high costs of raising a child.

In addition, an adoption tax credit would be implemented to promote the choice of adoption and to encourage this option for young women who are unable to care for their child.

Then on another front, the administration is currently fighting to reclassify multipurpose passenger vehicles, more commonly referred to as minivans or, in many families, as mom's taxi.

They want to reclassify these as cargo vehicles. This unsound trade policy can only tighten the financial vise squeezing the American family. So while the Federal Government, as the gentleman pointed out, raises taxes, increases its own revenues, starts new spending programs, middle-class families have to tighten their belts even more.

An average increase of $3,700 will be added to the price of imported minivans, and Detroit will not be far behind in raising their prices as well.

By virtually eliminating competition in the minivan market, we are ensuring dramatically higher prices upon middle-income families. In addition, thousands of working men and women are going to be jobless at American dealerships. And then the Federal Tax Code and public policy reward, amazingly enough, reward cohabitation over marriage and penalize the marriage relationship, as we provide a greater benefit for those who might live together as opposed to those who get married and file a joint return. So our whole Tax Code has a bias and a tilt against the family.

Mr. DOOLITTLE. Supposing this proposed law took effect, related to the imported vans, and it throws people out of work. What do you suppose would be the response of the Federal Government to that result?

Mr. HUTCHINSON. I suppose we would, among other things, we would probably have another supplemental appropriation to expand unemployment benefits.

Mr. DOOLITTLE. It would seem reasonable, since we have had four of those now. Probably it would be done also under the emergency exception to the disastrous 1990 budget summit agreement and, therefore, we would simply pile on more and more debt without having to meet the pay-as-you-go requirements. Would that not be a reasonable supposition?

Mr. HUTCHINSON. I think that is not only reasonable, I think it is that which we could expect. So the deficit gets worse, the debt continues to grow, and the American family continues to be penalized.

Mr. DOOLITTLE. And we may get a new Federal program along with it, something to do with retraining of displaced workers, import companies deal in vans and then perhaps a new cadre of bureaucrats to oversee that program and new taxes to fund it.

Mr. HUTCHINSON. Exactly.

Let me make one additional point. The Federal Tax Code cheers the policies that really created latchkey kids and shuns parents who choose to work at home. No one would argue that a woman does not have the right to go out and work in the American work force. In fact, they make great contributions and every opportunity should be afforded them. But there are mothers who make that choice to stay at home, and our current Tax Code penalizes the mother who makes that choice by providing tax credits for the mother who puts their child in a daycare center but penalizes the mother who stays at home and takes care of her own children.

So in short, the Federal Tax Code and our public policy in general is hostile toward the family and says, in effect, that children were more valuable to America four decades ago than they are now. I disagree with that.

The family is a resource more precious than oil, more precious than gold. It has survived, despite the fact that it is paying more today in Federal taxes than it spends on food, more in Federal taxes than it spends on clothing, more in Federal taxes than it spends on transportation, on insurance, on recreation, in fact, all of those combined.

And so it is imperative that we enact measures that support the family. In the war that is being waged against the family, we must maintain and defend the position that preservation and protection of the family are central components to our national defense.

I look around this great parliamentary building, and I see above the exits in the balcony profiles of great lawmakers of the past, everything from Moses to Thomas Jefferson.

I think of all of those great lawmakers. There is at least one thing that they all had in common. That was a recognition of the centrality of the family to the future of any society. That is what we are talking about tonight.

We are talking about the future of our society and the future of our Nation, those things that many would say, would relegate to the least important and that are deserving of the least amount of time are, in fact, the most critical to the future of our Nation.

Therefore, I applaud the gentleman from California [Mr. DOOLITTLE] for arranging this special order this evening and an opportunity for us to address some of those issues that affect the American family in this 20th century, as we approach a new century.

Mr. DOOLITTLE. Madam Speaker, I thank my friend from Arkansas.

I yield to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Madam Speaker, I thank the gentleman very much.

I am a little bit miffed over the emphasis that this country places on the integrity of maintaining the American family and yet, at the same time, there is a very insidious tax that will begin to rip thread by thread small businesses, large businesses and, yes, impact on eventually the small family, the American family.

I was raised in a small business. My dad had a grocery store right after World War II. The store was located in Rockford, IL.

At that time Dad extended on credit people coming in from the captive nations after World War II and people, incidentally, coming from Arkansas and other areas of the South because of tremendous crop failures.

And Pop had a policy of extending credit to people who simply could not make it. And after a period of time, they got on their feet.

And there were times when Pop would take old Blue Star potato chip boxes, which were an inch thick, and I would see him go to the homes where these people lived, many of them lived in tents in the middle of the wintertime in Rockford, IL, and he would put those potato chip boxes on the walls and insulate their homes because of a well-founded fear that these people would starve to death and would die from the elements.

Now comes the Btu tax. Madam Speaker, exactly what would this do?

Well, if a small business, let us say my brother's restaurant business, is impacted by this tax, which it will, what is going to happen?

First of all, his heating bill is going to go up dramatically.

□ 2220

He is going to have to charge higher prices for the food that he sells at the restaurant because all of his various suppliers, including the pasta supplier, the meat supplier, the vegetable supplier, all of these people deliver groceries at night to his restaurant, and all his wholesalers in turn have deliveries made to them in vehicles, and then the farmer who is actually producing these vegetables has to pay more for the production, not only because of the cost of fuel but because of the cost of the petroleum-based chemicals that he uses as fertilizer and also to control pests.

This is a ball that gathers up all kinds of mud as it goes down a slippery slope, and by the time all these costs get passed on to my brother Frankie at his restaurant, he has to do one thing. He has to charge higher prices. Therefore, the Btu tax not only costs people more but it fuels inflation, which is the greatest robber baron of the American family. Of course, the people that travel to his restaurant travel by automobile, and they have to pay more.

If we listen to the testimony of Tim Wirth, a former member of the other body who is a special counsel to the President, he stated in the meeting before the Committee on Foreign Affairs that one of the purposes of the gasoline Btu tax would be to conserve energy, and energy is being conserved because gasoline costs so much that people cannot afford to drive.

I live in Ogle County, which is part of the 16th Congressional District, and practiced law in a little bitty town there for 22 years. Madam Speaker, there are people that drive 25 and 30 miles each way for a job that pays $5 to $6 an hour, and they are proud of that. Many times it is the best job that they can get under the circumstances.

To hit those people with higher costs for gasoline——

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, I would ask the gentleman, is he saying to us that the people who are going to get hurt the most by the Btu tax are the hard-working middle-income families who happen to live in rural areas where they use a lot of fuel?

Mr. MANZULLO. The gentleman is correct.

Mr. HUTCHINSON. Have we ever had a tax, I would ask the gentleman, quite like this energy tax?

Mr. MANZULLO. There has never been one, but the gentleman will recall back in the 1970's when gasoline skyrocketed, I know of people who quit their jobs because they could not afford to drive. It was cheaper for them to go on welfare. They simply could not afford to put gasoline in their automobiles.

Mr. HUTCHINSON. If the gentleman will continue to yield, I have seen today estimates by the proponents of this energy tax that it is only going to be a few dollars a month is all it is going to impact the average American.

Mr. MANZULLO. That does not add up to $70 billion over 5 years. The economics are faulty.

Mr. HUTCHINSON. I have seen everything from 8 cents to 20 cents a gallon on gasoline, plus what it costs for utility bills, plus all of the other costs, the petrochemicals involved. It is hard for me to believe there is any way that that tax could be held to only a few dollars each month.

Mr. MANZULLO. It certainly could not be. There is something else that happens. I shared my experience in the rural areas, but again, in the county where we live now, we have an incredible proportion of senior citizens. One estimate is that out of 45,000 people there are 6,000 senior citizens that live alone. Many of those senior citizens heat with oil, which is the highest costing energy there is.

For Mr. Wirth to state that the Btu tax would conserve energy means that many of these seniors will not have enough money in order to pay their fuel bills so they can stay warm.

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield for one more question?

Mr. MANZULLO. I yield to the gentleman.

Mr. HUTCHINSON. If this tax, as it seems, will ripple through the economy at every level from time of production right through processing right on through transportation and delivery to the retailer, if it ripples through at every level, hits utility bills, hits the home heating and propane, natural gas, the gasoline in the automobiles, if it hits at all those levels, doesn't that kind of tax have to be inflationary?

Mr. MANZULLO. Absolutely.

Mr. HUTCHINSON. And if it is inflationary, doesn't that hit the retired people, the older homeowner on a fixed income, harder than anybody else?

Mr. MANZULLO. Inflation does that.

Mr. HUTCHINSON. This is an antifamily kind of tax, isn't it?

Mr. MANZULLO. It is an anti everybody kind of tax, because not only does it impact the family unit as we know it, but the costs of production in factories—in one of our other counties, Winnebago County, it has close to 1,000 factories. Half of the exports from Illinois come from Winnebago County.

I talked to industrialists who talked about electrical bills being raised by hundreds of thousands of dollars, hundreds of thousands of dollars in additional energy costs to keep open their factories. What is that going to do? That is going to drive up the cost of production, and if the cost of production becomes so high, they may end up, and they probably will end up, selling less manufactured goods. That means that people will become unemployed.

The Btu tax, Madam Speaker, should be known as Bill's Taxes Unlimited.

Mr. DOOLITTLE. Madam Speaker, will the gentleman yield on this point?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. DOOLITTLE. I learned in the Committee on Agriculture, on which I sit, an interesting piece of information. This tax is going to raise $70 billion, this Btu tax, over the next 5 years.

What I do not think people realize, however, is that under the Clinton plan they are going to turn right around and give $40 billion of the tax in earned income tax credits, and billions of dollars of new food stamp handouts that we are going to be giving. So what it is really going to mean is that the good old middle class, once again, is going to be hit for really the $70 billion, the poor people are going to get $40 billion back, so we can see once again the brunt of this, here we are with a $70 billion tax that is only a net revenue increase of $30 billion, because they are giving away $40 billion back to a certain group that they want to benefit. That is how we get this $40 billion in spending increases right here.

What an inefficient tax that is going to burden everybody in this fashion. It is a disaster. The idea should be killed. They ought to cut $30 billion in spending. That would accomplish the same result, and no one would have to pay this ridiculous Btu tax.

Mr. MANZULLO. The gentleman is correct. The big problem with the Btu tax is that it is not practical, for people like us that sit down and think about these taxes. It is people who are theorists, people who have jobs, well-paying jobs, that don't even estimate the impact.

In fact in the hearing yesterday I said,

> Counselor, as a representative of the Clinton administration, I appreciate the fact and commend you that we have environmental impact statements whenever something is done to nature. That is good. That is good for the environment. But the Clinton administration fails consistently to come up with an impact statement on how taxes will actually affect the people, regardless of income brackets.

The ones that are most hurt are the millions of families, the millions of families in this country that are barely hanging on financially, that have no savings. In fact, Madam Speaker, this country's savings rate is at an all time low, seven times less than the country of Japan. Why is that? Because the American family simply has no more money to give by way of taxes.

I would urge the President, out of compassion for saving small businesses, out of compassion for keeping seniors from spending what little money they have on more energy, out of compassion for allowing industries not to increase their cost of production, which could result in a net loss of work, I would urge the administration to deep six, to scuttle, to ditch, to burn once and for all any notion that the deficit of this country would be narrowed in any manner whatsoever by the passing of a Btu tax.

□ 2130

I thank the gentleman for arranging this forum.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman for his remarks.

Madam Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Speaker, I thank the gentleman. We are obviously going to have an extension of this family order of yours and my good colleague from California with a focus on what is happening to the American family by Government excess taxation, and taxation without hesitation is the motto of the current administration. And also the moral impact on our families from unlimited abortion on demand for any reason or no reason, and then making all taxpayers pay for it.

The SPEAKER pro tempore (Mrs. MALONEY). The time of the gentleman from California [Mr. DOOLITTLE] has expired.

SUPPORT FOR THE AMERICAN HEALTH SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 60 minutes.

Ms. WOOLSEY. Madam Speaker. I am here today to show my strong support for the American Health Security Act, H.R. 1200. As a new Member of Congress, I consider this bill the most important, far-reaching legislation I have had the opportunity to cosponsor.

I campaigned in favor of the single-payer health care system, and believe that my endorsement for the concept was a factor in my election. One main sentiment came across during my campaign and since then at town halls and meetings with constituents, physicians, and hospital administrators. That is that the American people are ready for total reform.

They don't want a Band-Aid. They want a health care system that encompasses all five principles for real health care reform. Those principles are: Universal coverage, regardless of employment, income, or health status; comprehensive benefits, including the full range of reproductive services; consumer choice of providers; affordability; and public accountability.

Of the many health care reform proposals that are being talked about, only one accomplishes all of these goals. That plan is the American Health Security Act.

The Congressional Budget Office agrees that the single payer is the most effective way to provide universal access and contain health care costs and that it is the most fiscally conservative plan under consideration.

How can my colleagues and the public assess health care reform plans to be certain that they are fair and equitable? There are 12 questions to ask about each plan. These questions, prepared by my distinguished colleague who himself is a physician, JIM McDERMOTT, are useful because they explain the most important features of any plan in simple terms—a feat that is difficult on such a complex issue. To assist my colleagues, Madam Speaker, I will review the questions and point out how the single-payer system addresses the question more completely than any other plan.

First, does the plan provide insurance coverage to every American?

As you know, today, nearly 40 million Americans are living without health insurance coverage. That total has been increasing by about 100,000 each month, and another 40 million people are dangerously under-insured. Any health care reform must extend adequate coverage to these Americans.

The American Health Security Act guarantees coverage to every citizen. Under this plan, everyone could be given a card—looking like a simple credit card—entitling the bearer to full quality medical care.

Second, is the coverage portable, stable, and continuous?

One major problem for people who do have insurance is the fear that they will lose it if they move to another job or if they have a pre-existing condition which wouldn't be covered under their new employer's plan.

Because the American Health Security Act is in no way tied to employment, the coverage is completely portable and stable.

Third, is the standard benefit package comprehensive enough to prevent the need for a large secondary insurance market?

In this country, it is essential to have a quality health care system available to everyone. If the standard benefit package provided to all citizens guarantees only minimal benefits, many people will look for better programs. If we have a system where people buy out of the national program, or buy supplemental private insurance, we will have a two-tiered, or possibly three-tiered program, and continued uncontrollable costs.

The single-payer plan offers a comprehensive, generous package of benefits, so people will stay in the system preserving the ability to control costs while providing the necessary services.

Fourth, does it allow individuals or families to choose their own physician or other health care providers?

Many Americans cite the ability to select their own doctor as the single most important aspect of any health care plan, even over cost and convenience. One of the fundamental elements of getting well and staying well is the relationship between the healer and the patient. If the patient has no choice of provider, an essential component of the health process is removed.

The single-payer approach solves this problem by allowing all patients to see the medical professional of their choice. All healers will be accessible since there will be one uniform system of payment.

Fifth, does it guarantee coverage regardless of physical condition or the presence of a preexisting condition?

Increasingly, insurance in this country is available only when you do not need it. For example, if you have cancer, insurance companies will cover every illness but cancer. If you are HIV positive, they will either refuse to cover you or cover you for the first $500 and that's it.

The American Health Security Act corrects this current problem by covering all preexisting illnesses.

Sixth, does the plan provide for effective and measurable cost-containment?

Today, the American health care system has no cost controls. That is why the United States pays 14 percent of the gross domestic product in health care costs today, and why costs continue to spiral out of control.

The single-payer system includes verifiable cost-containing measures basing payments on geographics, demographics, and similar factors.

Seventh, does cost containment apply to the entire health care delivery system without loopholes or exemptions for the secondary insurance market or self-insured entities?

It is impossible to control costs and put an end to wasteful spending when large numbers of people are outside the system. To be effective, cost-containment measures must be applied to the entire health care delivery system.

The American Health Security Act eliminates this problem by covering everyone, and providing a comprehensive benefit package, thus eliminating the need for any secondary market.

Eighth, is there one simplified administrative system that applies to all Americans?

A primary function of any health care reform plan must enable us to identify and reduce waste. Overlapping layers of private and Federal health care bureaucracies needlessly waste billions of health care dollars every year.

According to the General Accounting Office, Americans incur nearly $60 billion a year in unnecessary health care costs because of the numbers and variety of forms and paperwork required by over 1,500 private insurance companies.

The single-payer system streamlines the paperwork and will have one standard form to file which will save billions of dollars.

Ninth, does the health care delivery system enhance access to health care in rural areas and inner cities?

Over a third of all Americans who live in rural areas or inner cities have been severely underserved by the current health care system. A health care plan must address this demographic spread, and health insurance collectives cannot do so.

H.R. 1200 would correct this inadequacy in two ways. First, it doubles the funding to community health centers which serve primarily inner-city and rural areas. More importantly, however, the single-payer system equalizes the profit of medical practitioners. Currently, there is a huge dearth of medical personnel in these two areas because people there have a harder time affording physicians. It is much more profitable for doctors to practice in the suburbs since payment rates are far higher there.

Under the single-payer system, medical service providers are compensated equally. They will no longer have to worry about surviving economically in rural or inner-city regions.

Tenth, does the plan enhance the quality of health care and eliminate interference by insurance companies who second guess medical decisions?

The current system positions insurance companies between the patient and the health care provider through precertification requirements for hospital admissions, length of hospital stays, and for certain medical procedures. This practice, which was intended to reduce health care costs by eliminating unnecessary medical procedures by doctors had hospitals, has been ineffective.

We need a system that allows doctors to make their own medical decisions concerning their patients and encourages them to become better practitioners.

The American Health Security Act eliminates interference and profit-driven medical decisions by eliminating the need for insurance companies. There will no longer be a third party making medical decisions.

Eleventh, does the plan provide for continuity of care?

When consumers are constantly being forced to switch plans because of expense or coverage options, care becomes sporadic. Having consistent, thorough, high quality care is essential for long-term prevention and patient recovery.

The single-payer system provides complete continuity of care by allowing everyone to choose his or her provider. You may switch as often or as little as you care to.

Twelfth, finally, does the system significantly reduce administrative costs of the health care budget?

About one-fourth of all health care dollars in America are thrown away by administrative expenses. To find the savings necessary to finance comprehensive health care coverage for all Americans, this incredible waste must be reduced. Nearly 25 percent of the U.S. health care costs relate directly to administration.

The single-payer system cuts administrative costs. Canada's single-payer system uses less than 3 percent of all health care dollars to administer it's program.

Madam Speaker, as a newly elected Member of Congress who focused on health care reform as a campaign issue, I know that the people I represent in Marin and Sonoma Counties, in California except me to have the courage to fight for the best possible health care system. Their hopes are high, and they expect effective solutions. We must move ahead with a proven solution. Our Nation, our families, and our businesses, cannot wait for additional years of experimentation and tiny fixes. The time is right for change. The American Health Security Act is the answer.

I yield back the remainder of my time.

□ 2240

A PRESIDENT'S EFFECTIVE YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 60 minutes.

Mr. MANZULLO. Madam Speaker, I thank you.

I would yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Speaker, I wanted to say that I was up in New Hampshire over the weekend. I wanted to tell my colleagues something that I used. It was not on the spur of the moment but hours before this luncheon, I sat down and was thinking about economics, and I was writing down in order all of the things that I thought would go up or down in the next 800 or so days of this administration.

The reason I am not using the 1,461 days of a 4-year Presidency is that 119 days are already gone. Whoever gets elected President in November 1996 will dominate the news, as Clinton did after November 3, and the losing President, as was President Bush's fate, moves to the back page, and that interregnum period, we call it, of November, December, and January belongs to the President-elect, not the President.

So if this current President is defeated, those days in November-December of 1996 and January of 1997 are not going to be his days.

So if you take the days from today to November 1996, let us look at another period, the entire election period from late 1995 through 1996, I would ask anybody out there in the country, did President-want-to-be Clinton dominate the news as much as incumbent President George Bush? Of course he did, whether it was negative domination on Jennifer Flowers, or dodging the draft, or the suppression of other stories or Bobbie Ann Williams, or Miss Arkansas, Sally Purdue, all of those stories that the news media either deliberately through conspiracy or unconscious conspiracy suppressed, whether it was negative news or his dazzling bus trip, his 54-minute speech at the convention, the Gunga Dan Rather or Péter Perfect or Tom Terrific opening up every news shows actually giving out false and bad information that the recession was deepening, that it was the worst economic situation since the Depression of Hoover's time, I mean, whatever it was, the race was on, and the news was dominated by all of the challengers early on, my fellow Californian in his white turtleneck holding up the 800 phone number card, Jerry Brown, whoever it was, HARKIN yelling he was going to kick George Bush right in the you-know-what, all of that agony going on for President Bush in 1992, which means that a President's best years are the first 3 years.

So I took a real hard count and came up with not 1,461 days but 866 days from tomorrow. That is what Mr. Clinton has to make his mark on the economy and on our Nation's history.

Let us face it, my colleagues, he came within a whisker of destroying his Presidency by sending American air crews into Bosnia to choose sides and start killing either Bosnian Serbs, Bosnian Croatians, or Bosnian Moslems.

□ 2050

He was getting ready to choose sides. How that thing unraveled, one of the news magazines called it, a squishy way, we will not know. But here is what I did at a Rotary luncheon up in New Hampshire 2 days ago, Monday.

I took these following letters, wrote them down in a column.

Mr. MANZULLO. If the gentleman would yield, before the gentleman gets into those letters, I wonder if the gentleman would yield to the gentleman from South Carolina [Mr. INGLIS] for a few remarks so that he could catch up.

Mr. DORNAN. Yes.

Mr. MANZULLO. That was my fault.

Mr. DORNAN. We got off the beaten path with the fine remarks of our colleague from the other side of the aisle.

Mr. MANZULLO. Yes.

Mr. DORNAN. I will tell you what I will do, I will do this real fast. Let me get this out of the way, and you just think in your minds that these people answered from the audience audibly when I had not really expected it, to the question: What do you think about the following, will they go up or down? Now, I have 10 ups, 5 downs, and 1 big up at the end.

Here is what we know is going to go up: Taxes, that is a given; spending, that is a given; regulations, givens; deficit—he says it is coming down—it is going up. The debt, both personal and the big Government debt, where Ed Rollins said on TV and Carville did not gainsay him, that a trillion dollars will be added in the next 3 or 4 years. Capital flight, Europe does not come here politically as the most stable regime in the world; capital flight is going to go up and out. Unemployment, up. Bankruptcies, up.

Look at some downs: Productivity will go down, taxes will see to that; investment, down, crushed by taxes; savings, down. Taxes go up, savings go down. That is a given.

Job creation, down. Economic growth, down; revenues, down. When taxes go up, revenues go down. Then comes crime, which always grows out of political instability, people without jobs, people angry, festering inner-city problems. Crime is going up under the Clinton administration. That is a given. There is not much inspiration coming out of that bloody pulpit.

I yield back.

Mr. MANZULLO. I yield to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS. I thank the gentleman for yielding.

I want to return to something that was said earlier by my colleague from California, the other colleague, [Mr. DOOLITTLE], about how surprising it was that the things that would not have ever been considered in this body are suddenly now considered, including, I think, specifically you are talking about the Freedom of Choice Act, and that sort of thing. It is very important to note, I think, that ideas have consequences. That is really what we are about here tonight, as we are having the opportunity to talk here among Members of Congress about some ideas and have others listen in on that and understand that truly ideas do have tremendous consequences.

Some of the consequences that I am concerned about in this current administration have to do with some of those ideas. The other day, Monday, I guess it was, I was in my district, and a stockbroker gave me a report from Prudential Securities. You would not think of Prudential Securities as an outfit that worry too much about the moral condition of the current administration. But they are worried.

It comes as a big surprise to me that Wall Street would worry about the moral condition of the Clinton administration. But apparently they are worried.

I will explain that in a second.

This is a very well-written piece by Mark Melcher of Prudential Securities. Mr. Melcher lists some of the very interesting and, as he calls them, nontraditional views of members of the Clinton administration. One of them, probably one of the most interesting since we are dealing here with the family and with the impact of taxes and the economy on the family, has to do with the chairman of the President's Council of Economic Advisers, Laura D'Andrea Tyson. Ms. Tyson has proposed as "elementary economic principle," the fact that, "There is no relationship between the level of taxes a nation pays and its economic performance."

She also argues, the article goes on, "Free market frenzy in the United States during the past decade," demonstrates why we should have "collective ownership of firms by groups of workers."

Then we have Donna Shalala, Secretary of the Department of Health and Human Services, who is described by Newsweek as "the high priestess of political correctness." She once described in a speech how Thanksgiving would be for a typical 4-year-old kindergarten student in 2004, "If only the United States would make it a top priority in our communities and in our Congress to make this child think of herself as being part of the world—not just her town or the United States." Now, Mark Melcher assumes that she would say or write a description of what the Secretary would say about Thanksgiving: The teacher would tell the little girl a story about how "people from Europe came to the United States, where the Indians lived. She will say, 'It was just the same as if someone had come into your yard and taken all your toys and told you that they weren't yours anymore.'"

Then Shalala said:

> The little girl will feel sad, but she will be glad to have a day off to play at home and get together with her neighbors. Her favorate story about holidays at school will be a Chinese New Year, when Chang's mother brings a dragon puppet to school.

Of course, Mark Melcher again the adviser, the investment adviser for Prudential Securities, writes that this truly is part of an ongoing cultural war in this country. That is what this is all about.

He writes:

> Many Americans are proud of Thanksgiving and believe that schools might remind students that we honor that day because Congress specifically asked George Washington to establish a "day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts, the many and signal favors of Almighty God." Furthermore, many people believe that schools might consider following Washington's advice that on Thanksgiving day, citizens should "offer our prayer and supplications to the great Lord and Ruler of nations, and beseech Him to pardon our national and other transgressions."

This is not someone on the street corner preaching; this is George Washington. This is what he saw as the future of this country.

But the conclusion of what I point out here about this piece from Predential Securities, Mark Melcher, is something that I think really is where the cultural war boils down to: He says:

> Regardless of one's views of religion and patriotism, there is widespread sociological agreement that any society's ability to establish justice and ensure tranquility depends to a great extent on a commonality of beliefs among its citizens. And no matter how badly some people wish to deny it, most historians agree that America's Judaeo-Christian heritage and the widespread belief among its citizens that the United States is "the best country in the world" are the principal glues that have held this unique "melting pot" social together since its founding.

That is where we are. Right now there is a cultural war in this country to determine whose set of values rule in this country. Unfortunately, we have a number of people at the White House who apparently have rather nontraditional views and views that really do shake the confidence of the American family and truly remake what we think of as the family. Unfortunately, my options, there are people there that believe that the basic unit of society is not the family, it is the social worker and his or her client.

I do not think that is what the American people think. I do no think that is what mainstream America thinks. I think mainstream America thinks that the family is the basic unit of society, not a social worker and his or her client.

So that is what we are about here. I appreciate the work of the gentleman from California [Mr. DOOLITTLE] in putting together this special order on the family. The family is the basic unit of society, and in order for it to survive we have got to lean against this cultural war that is being waged in the White House itself, and to reestablish the principle that the family is the basic unit of society that needs to be strengthened.

☐ 2300

Mr. DOOLITTLE. I do not control the time.

I would like to ask the gentleman from Illinois if he will yield?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman from South Carolina. I would like to get a copy of what the gentleman is quoting from, the account of Donna Shalala's view of Thanksgiving is truly amazing. It illustrates perfectly the war on culture that the gentleman has discussed.

Our President campaigned that he was reinventing government, that he was going to do something for the middle class.

What we are seeing of the Clinton administration is a radicalism perhaps never even dreamed of when Michael Dukakis was campaigning for the Presidency. I mean, it is unbelievable the sorts of dangerous ideas hat are actually being advocated right out of the White House.

I just would like to touch on another one that I did not hear the gentleman mention. That is the nomination of Roberta Achtenberg to be the Deputy Secretary of Housing and Urban Development to oversee the fair employment laws and so forth.

Achtenberg is a radical lesbian activist who directed the National Center for Lesbian Rights.

She lives with Mary Morgan, or did live, I do not know if she still does, but she did, the presiding judge of the San Francisco Municipal Court. Neither women reportedly reveal which of the two is the birth mother of their child.

I can see where we are going to have to have another special order to get into what really is happening to the disaster that is facing the family, the nonsense that we hear promoted by the left about family diversity is actually destroying our institution of the two biological parent family. It is under tremendous stress.

Ms. Achtenberg, by the way, I should point out claims as one of her accomplishments expelling the Boy Scouts of America from public facilities in the Bay Area. That cost the Boy Scouts about $848,000.

I just think it is important to know, our President who again claims by his rhetoric and associations with the town halls to be one of us is actually appointing people to office who are making war on the Boy Scouts of America, on traditional family values, and it is just something that everybody in this country ought to be aware of. It is truly bizarre to read the sorts of things that are coming out of this administration. It is almost unbelievable, except indeed these things are true.

Mr. DORNAN. May I ask the gentleman from California [Mr. DOOLITTLE], was the gentleman aware that Achtenberg brought Mary Morgan with her to the Senate confirmation hearing, introduced her as her partner, lover, or some such thing. It was fascinating, this last parade, or circus, with about 300,000 people out here on the Mall, the signs were a new title indicating a new high level for the word bi or bisexual.

Now, can we look forward on the second go-around of appointees when some of these people resign to go back to San Francisco or other places of someone coming in as a prominent bi and having two people with them and saying, "This is Mary over here and this is Freddie over here. These are the two people I live with in a very satisfying, loving menage à trois."

I mean, the gentleman is right. There is a deterioration of values going on here at warp speed.

I looked at some of her background on, for example, this committee that she formed under the Agriculture Department that she was appointed to on coming up with these new definitions of what is a family. It can include a group of golfing buddies, for Pete's sake. All it requires is the fuzzy qualification of strong emotional bonds.

What I thought was offensive, absolutely offensive, was she has had intense activity in this Boy Scout battle as a director of United Way right up until December of last year, just a few months ago, 5 or 6 months ago, and when she was asked the direct question by one of the minority members in her confirmation hearing, she looked steely eyed at the entire panel and said, "I don't remember the case," the case being the whole controversy over defunding the Boy Scouts and then demanding that the Boy Scouts succumb to having homosexual Scoutmasters or Scout leaders.

I thought, well, is someone going to challenge her on that?

If she had a scrapbook of press clippings on her entire life, a third to two-thirds would be totally consumed by press stories and clippings on Roberta Achtenberg's battle with the Boy Scouts of America, and to say in one simple statement, just flagrantly untrue on its face, "I don't remember the case," and to have our colleagues, Republican colleagues and Democratic colleagues of principle dismiss that and have her only now held up by the hold of one courageous Senator from North Carolina is stunning to me. I do not know where the courage is of even our Members on the other side on this advice-and-consent process to the White House, but her case history, the gentleman is correct, is worthy of 1 solid hour all on its own.

Americans are still in a state of shock at the rapidity with which this administration is dumping this self-description of new kind of Democrat and presenting us not only with the old style of tax and spend and regulating Democrat only, but presenting us with new ground that would not have even been thought of in this Chamber or the other body just years ago, not to talk about our forefathers.

I would recommend that the remaining Members on the floor avail themselves of what I stumbled on, because inspiring is not the right word, the opening of the stunning and inspiring Holocaust Museum. In one of the brochures it said there was an exhibit of a Heinrich Himmler speech before 100 S.S. Nazi generals. That must have been a fine demonic gathering, where he first used the word specifically Aus Rottung, the rooting up or the extermination or the final extermination of slaughtering all Europe's Jewry.

I went over to see it and I said, "Well, come over early and see the Constitution and the Declaration of Independence at 9:30, come up out of the vaults, protected, from I guess even nuclear blasts. It takes a long time to come up from these metal walls and then rotate forward into their frames for public display.

The curator came down and asked me if I would like to go upstairs and see some very special documents. One of them, and the gentleman made me think of this, was Lincoln's first inaugural address. He opened up a manila folder that came out of a long drawer and showed it to me.

Again I was reminded of something that I took note of on the 200th anniversary in George Bush's first year, April 30, 1989, up in Wall Street, New York, in front of where the wooden Federal Building had been. It has been replaced with a big concrete edifice, a pillared edifice. I looked at this document and there again were George Washington's words. He used a word that we do not use very much around here, indissoluble. He said there is an indissoluble link between virtue and happiness. He is making reference to the economy. That word, economy, and other aspects of American life, he said in the economy and other things, I am going to bring it on the floor tomorrow, there was an indissoluble link between virtue and happiness.

How many people talk about virtue? Where was the discussion of virtue in this battle between Achtenberg and the Boy Scouts of America?

This Nation will never again know true happiness until we stop this assault upon the nuclear American family and its values and trying to say that the next step, and I say as shocking as this might sound now, if you look at the rapid speed we have deteriorated in just 4 years, the next step would be in the second term, thinking of Patrick Henry at this point, God forbid it, to say, well, we have to reanalyze pedolphilia. This is an orientation. People cannot help it if they like 15- and 16-year-olds, if they are attracted toward innocence and newness, so we have got to like Numblu and North American Man-Boy Love Association who marches in every so-called un-gay parade I have ever seen.

How are we going to differentiate? Where do we draw the line in the country and what mischief will a Roberta Achtenberg utilize in this important HUD agency that Jack Kemp took so many pains to make a real outreach to people to determine the course of their own lives.

So I recommend that you go over there and watch that Declaration of Independence come up which closes with a firm reliance upon divine providence.

"We mutually pledge our lives, our fortune, and our sacred honor."

Where is the sacred honor in this Chamber and the sacred honor of the U.S. Senate to not challenge some of the bizarre appointments that are coming up before us in this peculiar period in American history?

Mr. DOOLITTLE. Madam Speaker, if the gentleman will yield, I think the gentleman from California makes a very key point. I think the answer lies, how does this country get back on track? It gets back on track by strengthening its families, and there is a way to do that and the way begins—well, before I get into that, just let me call to the attention of the body a very key magazine article that appeared in the April 1993, issue of Atlantic Monthly, "Dan Quayle Was Right." It is a great article. I commend it to every American interested in seeing what confronts us relative to the family. I would just like to quote briefly from this.

□ 2310

Mr. DORNAN. Before the gentleman does so, Madam Speaker, I ask him, "Did you catch Mario Cuomo on Larry King's show last week—Governor Cuomo?" He said Dan Quayle was right. He quoted the article.

"I saw that; of course he was right," he said.

He did not pull it off very well, and he got sidetracked talking about a fictitious character, Murphy Brown. He said, "But Dan Quayle was right. Family values are key, important, and we've got to address this problem."

Mr. DOOLITTLE. Madam Speaker, let me just quote from this, and this is just kind of—well, it is a lifted-out quote just above the headline of the article.

"The social science evidence is in. Though it may benefit the adults involved, the dissolution of intact, two-parent families is harmful to large numbers of children. Moreover," the author argues, "family diversity in the form of increasing numbers of single-parent and step-parent families does not strengthen the social fabric, but rather dramatically weakens and undermines society."

And that is exactly what we are talking about. The idea that two lesbians are going to raise a child is outrageous, and Americans need to stand up and confront these issues directly, and I hope in this special order we have been able to, at least, scratch the surface and give us an opportunity in subsequent discussions to come back and revisit this issue because this is so fundamental.

We have had preached for some many years that, oh, divorce, it is good sometimes for the people, and children bounce back quickly. Well, here we have an article by an expert in the field who basically has analyzed the data, and, as my colleagues know, the basic social science research now is showing what devastating impacts these situations have on single-parent families, divorces, children born out of wedlock, what devastating impacts these situations are having on the children themselves.

We heard earlier the very poignant testimony of the gentleman from New Jersey explaining what we are doing to our children. We refuse to call them children. We call them fetuses, or we call them some other term to try and deny the inhumanity that is going on here, over 27 million lives taken in abortions since the infamous Roe versus Wade decision when an act of Congress is now pending that seeks to legitimize through a statute, and it just—we have Dr. Death running around the country just rearrested once again for helping kill elderly people.

Mr. DORNAN. Kevorkian.

Mr. DOOLITTLE. The gentleman from California [Mr. DORNAN] mentioned Nazi Germany. These things are right out of Nazi Germany, and they are here in this country, and they are being actively promoted, and they are having a new banner placed upon them that makes them seem good, and noble, and just, when in reality it is the worst form of evil, and we must bring to the attention of the Nation what we are doing to our children, both born and unborn.

As my colleagues know, I do not think time permits to get into the other charts tonight. I would like to show——

Mr. DORNAN. Madam Speaker, if the gentleman would yield, I have an idea here because I think it is going to end up to be an important series of special orders. I ask the gentleman, "Why don't you just headline the charts? Go through each one quickly, and we will elaborate on these in depth in future nights."

Mr. DOOLITTLE. All right; I will do that because I think these charts are very interesting. They come out of, in large part—by the way, I want to give credit to the Heritage Foundation which has supplied us with many of these charts. They are based on information coming out of this very important publication by William Bennett entitled "The Index of Leading Cultural Indicators," developed as a counterpart to the Index of Leading Economic Indicators.

Let me just cite for my colleagues some interesting statistics out of here, and I will show my colleagues the charts.

Since 1960 the population has increased 41 percent. Gross domestic product has nearly tripled, and social spending by all levels of Government measured in inflation-adjusted constant dollars, 1990 dollars—social spending has increased from $143.73 billion to $787 billion, more than a five-fold increase. So, population went up 41 percent. We had over a 500 percent increase in Government spending. I wonder how we got the $4 trillion cumulative national debt that we have today. It is because of all that spending.

Inflation-adjusted spending on welfare—quoting again—inflation-adjusted welfare has increased 630 percent, and inflation-adjusted spending on education has increased 225 percent.

Now let us go to education for a minute.

Mr. DORNAN. Madam Speaker, while the gentleman is doing that, may I point out that one of the traps that the media tried to put my former classmate and fine Vice President, Dan Quayle, into was to try and twist his observation about the importance of a nuclear family into conveying to all single mothers across the country that there was something wrong with them. In all of the 1960's and 1970's my wife and I drew very close to single mothers by war, by force, the wives of all the missing-in-action Americans, POW Americans, who raised families like Jeremiah Denton, the great former U.S. Senator—seven children raised by his wife alone for 7 years. What about every police officer who dies in the line of duty, his wife raising children alone? That is not what we are talking about. There are almost 50,000 automobile fatalities every year. Let us say half are breadwinners, mothers or fathers. That leaves a father along with children, a mother, young mother, gone; a young father gone, with children.

Bill Clinton's own natural father died coming home late at night, working as a salesman, leaving Virgnia alone with her new little son, Bill Jefferson Blythe.

Madam Speaker, we are not saying that these women are not courageous frontier women. Men are killed by natural elements, lost out in the snow, dying from the elements, killed in Indian native American battles.

What we are talking about is what I saw during the height of the Quayle debate in May, and that was two intelligent-looking, trained women, psychologists, appeared on the "Today Show" with Katie Couric and said the following statement: "Evidence is coming in that families with only a mother seem to be producing stronger children who are higher achievers, and more emotionally stable." What? That means fathers are worthless. We are rewriting world history here, civilization. Who needs a father then if the children come out as higher achievers, and more emotionally stable, and more independent, more self-reliant—self-reliance and higher achievers; that is it.

I looked at this. I was frozen in my bedroom looking at this TV. I said to my wife, "Look at this. What are we doing to our children?"

And here they were, two female psychologists, both of African-American descent, which is an ethnic group in this country hit severely hard by single-mother families, because of a tragedy of welfarism causing some fathers to pretend to leave, and then, once gone from the house, staying away.

No, I admire, as does every person in this Chamber, a mother or a dad trying to work and to raise children alone, and what is surprising to me is that so many of them do do it when it is not by choice, do do it well, and of course some families are better rid of a drunk, or a gambler, or of an abusive or sexually molesting father. Of course it is better to have that animal out of the house.

But that is not what Mr. Quayle meant when he said it was not good for television shows to act like what those psychologists were saying: "You don't need a father. It's an optional call."

Mr. DOOLITTLE. Well, the gentleman from California [Mr. DORNAN] is absolutely right, and let me say that what we need to do is to strengthen the family ethic and to try and keep more families together so that the added burden is not thrust upon one parent to try and raise the children because I mean those are heroic efforts. It is hard enough with two parents raising children.

Mr. MANZULLO. Madam Speaker, if the gentleman would yield, I would suggest the gentleman from California flip through those charts very rapidly, and then perhaps we can wind this up.

Mr. DOOLITTLE. Let me just go through them quickly, Madam Speaker.

This shows—I told my colleagues the things about the 30-year period from 1960 to 1990, how the population increased 41 percent, and spending by all levels of Government increased fivefold, spending in education increased 225 percent.

Look at what this chart shows. We had an 80-point drop in SAT scores, so we increased funding by 225 percent, and the SAT scores over this period have dropped 80 points.

☐ 2320

Mr. DORNAN. That looks like taxes up, revenues down.

Mr. DOOLITTLE. This one to me speaks volumes about where we are as a society. It is unbelievable to realize that during the same 30-year period, violent crime has gone up 560 percent. The FBI tells us, and I find this unbelievable, but I do believe it because it is their figures and they are based on their analysis, that during the life of an individual, 8 out of 10 Americans will be the victim of a violent crime. That is truly shocking, but we all know it, do we not? Look at what is happening in our communities.

This next one is fascinating. We just heard how during the 30-year period that spending at all levels of Government has gone up fivefold and welfare spending has 630 percent.

This next chart tells us about the miserable failure of liberalism in this country. This chart shows, starting back here you can see in the 50's, here is the poverty rate. The poverty rate is falling, falling, falling, falling, and falling.

Look when it levels off and goes back up. This happens when LBJ comes into power and launches the war on poverty. Look at the dramatic increases in spending. The more spending goes up, look what is happening to this line. The line is level, it goes down, it goes up a little bit. Then here we are in 1990 where it starts heading up.

Of course, these are the last years we have figures for, so I cannot tell you more recently. But the fact of the matter is we have spent in this 30-year period, I believe, $3.5 trillion that put us deeply in debt. To alleviate poverty we have created a dependent culture that just saps up more and more of out taxpayer dollars. This is resulting in broken homes and more violent crime of enormous proportions. This is why we have got to have further time to really talk about this on another occasion.

Next is births to unmarried women. Look at this line right here. In 1960 it was about 5 percent of unmarried women who gave birth. Look over here in 1990. We are almost at 28 percent, a fivefold increase.

What is happening to these children? These children are emotionally deprived for the most part. You saw that statistic on the 560-percent increase in violent crime. The fastest growing component of those violent crimes is juvenile crimes. That is what we are creating by the social policies that are entirely misplaced.

Here is the chart that illustrates the increase in welfare spending. Madam Speaker, it is never enough. All these trillions of dollars, and we still have people in power in the Federal Government, from the President on down, who tell us, "Oh, we have got to spend more."

That is what President Clinton was quoted as saying on the front page of the Washington Post last Friday. "We have got to raise some more revenues and get this economy going," which is totally inconsistent.

Why? So that we can "spend more." This is completely unbelievable.

Then he has given us a plan, and let us go back to this chart for a minute, a plan which is going to add $1 trillion to the national debt, cumulatively, and which is going to end us up after the largest tax increase in history at the end of the Clinton 5-year plan with an annual budget deficit of $228.5 billion. Some plan.

The family, we see Federal taxes. Look at this increase in the average family with median income. A family of four in 1948 paid about 2 percent of its total income to the U.S. Government in taxes. The same family in 1986 paid 24 percent of its income to the U.S. Government in taxes. And that figure went up where by 1990 it looks like over 25 percent.

Now, from 2 to 25 percent is a twelvefold increase, a 1,200-percent increase in taxes to the Federal Government. That is truly dramatic.

This last chart, which I think is very illustrative, and maybe we can end on this note, represents the Federal budget deficit, the annual deficit going clear back to the 1940's. These are inflation adjusted now.

Of course, look at what we have during the World War II years. We have annual budget deficits, one of them here looks like about 1943 we have an annual budget deficit inflation adjusted, of about $580 billion.

This is truly staggering. But look at what happens here. Of course, during the war years this goes on. Then we get right to here, which appears to be about 1947, you can see what it is, it is about $180 billion, a dramatic reduction.

Just by way of comparison, our budget deficit this year is $320 billion for the fiscal year ending September 30.

We are not in World War II. Under the Clinton plan in 5 years we are going to go from $320 to $228.5 billion.

Look at what happened here. You go in 5 years from an enormous budget deficit, here at over $500 billion, and, my word, you are up to here where you have nearly $100 billion in surplus.

Now, can you see the change there? It is a $600 billion change. We went from deep deficit to surplus.

We are not in World War II right now. Why can we not act more quickly? Why can we not eliminate these tax increases, cut the spending, bring the economy back up by reducing the deficit, reducing the regulation, reducing the burdens on the family, strengthening our families, provide incentives for people to help themselves in the inner cities and in the suburbs, and pull these families back together, transmit family values, make us stronger and better and make us grow faster economically?

That is the American dream. And that, Madam Speaker, is what I submit we need to examine in general detail to see just exactly how we can do it so that we can better serve the citizens of this republic whom we are elected to represent.

Mr. MANZULLO. Madam Speaker, I thank the gentlemen from California. We most of all want to thank the people who have the opportunity to listen in depth and examine the charts as to the impact of taxes on the American family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BENTLEY (at the request of Mr. MICHEL) for today from 4 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes, today, in lieu of 5 minutes previously ordered.

Mr. FRANKS of New Jersey, for 5 minutes, today.

Mr. MCINNIS, for 25 minutes, today.

Mr. DOOLITTLE, for 60 minutes, today.

Mr. GOSS, for 5 minutes each day, on May 24 and 25.

Mr. DREIER, for 60 minutes each day, on May 24 and 25.

Mr. WALKER, for 5 minutes each day, on May 24 and 25.

Mr. BACHUS of Alabama, for 5 minutes each day, today and May 20.

Mr. DORNAN, for 5 minutes, today.

Mr. DORNAN, for 60 minutes each day, on May 20 and 26, June 8, 9, 10, 15, 16, 17, 22, 23, and 24.

Mr. KIM, for 5 minutes each day, on June 10, 17, and 24.

Mr. THOMAS of Wyoming, for 5 minutes, on May 20.

Mr. ARCHER, for 60 minutes each day, on May 24, 25, and 26.

(The following Members (at the request of Mr. PICKETT) to revise and extend their remarks and include extraneous material:)

Mr. PICKETT, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Ms. WOOLSEY, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

(The following Member (at the request of Mr. DOOLITTLE) to revise and extend his remarks and include extraneous material:)

Mr. MANZULLO, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. FIELDS.
Mr. COX.
Mr. DUNCAN.
Mr. SOLOMON in three instances.
Mr. GALLEGLY.
Mr. SMITH of Oregon.
Mr. WOLF in two instances.
Mr. BEREUTER.
Mr. BLILEY.
Mr. ROHRABACHER.
Mr. BAKER of Louisiana in two instances.
Mr. SAM JOHNSON of Texas.
Mr. CRAPO.
Mr. SUNDQUIST in two instances.
Mr. GILMAN in two instances.
Mr. GINGRICH.
Mr. TALENT.
Mr. PORTER.
Mr. GILLMOR.
Mrs. FOWLER.

(The following Members (at the request of Mr. PICKETT) and to include extraneous matter:)

Mr. TRAFICANT in seven instances.
Mr. WYDEN.
Mr. SCHUMER in two instances.
Mr. LIPINSKI.
Mr. WILLIAMS.
Mr. ACKERMAN.
Mr. KLECZKA.
Mr. DE LA GARZA.
Mr. HAMILTON in two instances.
Mr. DURBIN.
Mr. HALL of Ohio.
Mr. MENENDEZ.
Mr. KLEIN in seven instances.
Mr. JACOBS.
Mr. COSTELLO in two instances.
Mrs. SCHROEDER.
Mr. COPPERSMITH.
Mr. DELLUMS in two instances.
Mr. LEHMAN.
Mr. PASTOR.
Mr. ROWLAND.
Mr. FOGLIETTA.
Mr. HOLDEN.
Mr. SLATTERY.
Mr. CRAMER.
Mr. FORD of Michigan.
Mr. STUDDS.
Mr. BARCIA.
Mr. BROWN of California.
Mr. RAHALL.
Mr. MORAN.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Thursday, May 20, 1993, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable ROBERT J. PORTMAN, Second District Ohio.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1242. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture.

1243. A letter from the Principal Deputy for Production and Logistics, Assistant Secretary of Defense, transmitting the 1993 National Defense Stockpile [NDS] Requirements Report, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

1244. A letter from the Chairman, Defense Science Board, transmitting the report of the Defense Science Board Task Force on fiscal year 1994–99 Future Years Defense Plan; to the Committee on Armed Services.

1245. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting Presidential Determination No. 93–19 regarding the Export-Import Bank of the United States and the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1246. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend certain provisions of the Safe Drinking Water Act, as amended, for 2 years; to the Committee on Energy and Commerce.

1247. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years; to the Committee on Energy and Commerce.

1248. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

1249. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice that the President has authorized the transfer of funds in fiscal year 1993 foreign military financing to the peacekeeping operations account to provide assistance for enforcement or sanctions against Serbia and Montenegro (Presidential Determination 93–20), pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

1250. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1251. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1994 and 1995, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

1252. A letter from the Secretary of Health and Human Services, transmitting a report on the cost effectiveness of extending Medicare coverage for therapeutic shoes to beneficiaries with severe diabetic foot disease, pursuant to 42 U.S.C. 1395x note; jointly, to the Committees on Energy and Commerce and Ways and Means.

1253. A letter from the Secretary of Health and Human Services, transmitting a report on the effects of the use of clinical practice guidelines developed and determine the effects of the use of the guidelines on the quality, appropriateness, effectiveness, and cost of medical care; jointly, to the Committees on Energy and Commerce and Ways and Means.

1254. A letter from the Secretary of Health and Human Services, transmitting a study of the effectiveness of influenza vaccine in averting hospital admissions caused by pneumonia; jointly to the Committees on Energy and Commerce and Ways and Means.

1255. A letter from the Chairman, Physician Payment Review Commission, transmitting a report on "Fee Update and Medicare Volume Performance Standards for 1994"; jointly, to the Committees on Ways and Means and Energy and Commerce.

1256. A letter from the Secretary of Health and Human Services, transmitting the 1994 Medicare physician fee schedule update and fiscal year 1994 Medicare volume performance standing [MVPS] recommendations; jointly, to the Committees on Ways and Means and Energy and Commerce.

1257. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Water Pollution Control Act, as amended, for 2 years; jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 996. A bill to amend title 38, United States Code, to establish a veterans education certification and outreach program; with an amendment (Rept. 103–98). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 1159. A bill to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes; with amendments (Rept. 103–99). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARLOW:

H.R. 2149. A bill to modify the project for replacement of Locks and Dams 52 and 53, Lower Ohio River, Illinois and Kentucky, to provide a local resident hiring preference; to the Committee on Public Works and Transportation.

By Mr. TAUZIN (for himself, Mr. Studds, Mr. Coble, and Mr. Fields of Texas):

H.R. 2150. A bill to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Lipinski, Mr. Fields of Texas, Mr. Bateman, Mr. Young of Alaska, Mr. Hughes, Mr. Hutto, Mr. Tauzin, Mr. Ortiz, Mr. Manton, Mr. Pickett, Mrs. Unsoeld, Mr. Reed, Mr. Lancaster, Mr. Andrews of Maine, Ms. Furse, Ms. Schenk, Mr. Gene Green, Mr. Hastings, Mr. Barlow, Mr. Thompson, Mr. Ackerman, Mr. King, and Mrs. Bentley):

H.R. 2151. A bill to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Lipinski, Mr. Fields of Texas, Mr. Bateman, Mr. Young of Alaska, Mr. Hughes, Mr. Hutto, Mr. Tauzin, Mr. Ortiz, Mr. Manton, Mr. Pickett, Mr. Hochbrueckner, Mr. Pallone, Mrs. Unsoeld, Mr. Lancaster, Mr. Andrews of Maine, Mr. Gene Green, Mr. Hastings, Mr. Hamburg, Mr. Stupak, Mr. Thompson, Mr. Ackerman, and Mr. King):

H.R. 2152. A bill to amend the Merchant Marine Act, 1936, to encourage merchant marine investment, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. BROWN of California (for himself, Mr. Beilenson, Mr. Hinchey, Mr. Waxman, Mr. Dellums, Ms. Schenk, Mr. Edwards of California, Mr. Berman, Mr. Stark, and Ms. Eshoo):

H.R. 2153. A bill to designate the Giant Sequoia National Forest Preserve in the State of California, and for other purposes; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. BROWN of Ohio (for himself, Mr. Inslee, Ms. Shepherd, Mr. Stupak, Mrs. Clayton, Mr. Pomeroy, Mr. Holden, and Mr. Browder):

H.R. 2154. A bill to amend the Federal Election Campaign Act of 1971 to provide for separate limitations on contributions to qualifying and nonqualifying House of Representatives candidates; to the Committee on House Administration.

By Mr. LANTOS (for himself and Mr. Berman):

H.R. 2155. A bill to improve the negotiation and implementation of arms control treaties; to the Committee on Foreign Affairs.

By Mr. BUNNING (by request):

H.R. 2156. A bill to amend the Harmonized Tariff Schedule of the United States to restore the rate of duty applicable to manmade fiber felt fabric for technical uses that was in effect under the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mr. COX:

H.R. 2157. A bill to amend title II of the Social Security Act to eliminate work disincentives for individuals who are blind; to the Committee on Ways and Means.

By Ms. DeLAURO (for herself and Ms. Snowe):

H.R. 2158. A bill to amend the Public Health Service Act to provide for women an increase in the availability of preventive health services from certain grantees under such act; to the Committee on Energy and Commerce.

By Mr. DURBIN:

H.R. 2159. A bill to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON:

H.R. 2160. A bill to amend the National Trails System Act to provide for a study of El Camino Real Para Los Texas [the Royal Road for the Texas], and for other purposes; to the Committee on National Resources.

By Mr. FRANKS of New Jersey:

H.R. 2161. A bill to amend title II of the Social Security Act to expand current restrictions on payment of benefits to prisoners by clarifying the types of offenses with respect to which such restrictions are applied, by including under such restrictions payments to individuals confined for substantial periods to public institutions pursuant to court order based on a verdict that the individual is not guilty of a criminal offense by reason of insanity or a similar finding, and by eliminating the rehabilitation exemption; to the Committee on Ways and Means.

By Mr. GRANDY (for himself and Mr. Castle):

H.R. 2162. A bill to suspend until January 1, 1997, the duty on diquat dibromide; to the Committee on Ways and Means.

H.R. 2163. A bill to reduce the column 1-general rate of duty on piperonyl butoxide [PBO]; to the Committee on Ways and Means.

H.R. 2164. A bill to suspend until January 1, 1997, the duty on lambdacyhalothrin; to the Committee on Ways and Means.

H.R. 2165. A bill to suspend until January 1, 1997, the duty on Tefluthrin; to the Committee on Ways and Means.

H.R. 2166. A bill to extend until January 1, 1995, the existing suspension of duty on fluazifop-p-butyl; to the Committee on Ways and Means.

H.R. 2167. A bill to suspend until January 1, 1997, the duty on Fomesafen; to the Committee on Ways and Means.

H.R. 2168. A bill to reduce the column 1-general rate of duty on piperonyl butoxide [PBO]; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 2169. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods derived from plant varieties developed by methods of genetic modification be labeled to identify their derivation; to the Committee on Energy and Commerce.

By Mr. LEHMAN (by request):

H.R. 2170. A bill to amend the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954 to enhance the safety and security of nuclear power facilities, and for other purposes; jointly, to the Committees on Energy and Commerce, Natural Resources, and the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 2171. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for financial institution purchase under small issuer exception; to the Committee on Ways and Means.

By Mr. McMILLAN (for himself, Mr. Kasich, Mr. Hobson, Mr. Kolbe, Mr. Shays, and Mr. Smith of Michigan):

H.R. 2172. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to establish categorical spending targets and sequestration against those targets to balance the Federal budget by fiscal year 2000, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MENENDEZ (for himself and Mr. Franks of New Jersey):

H.R. 2173. A bill relating to the procedures and criteria for the issuance of permits authorizing the ocean dumping of dredged material; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mrs. MEYERS of Kansas (for herself, Mr. Horn, Mr. Ravenel, Mrs. Roukema, Mr. Dornan, Mr. Oxley, Mr. Petri, Mr. Lipinski, Mr. Bilbray, Mrs. Johnson of Connecticut, Mr. Solomon, Mr. Faleomavaega, Mr. Ramstad, Ms. Molinari, Mr. Ackerman, Mr. Parker, Mr. Pickett, Mr. Bryant, Mr. Gordon, and Ms. Roybal-Allard):

H.R. 2174. A bill to amend chapter 110 of title 18, United States Code, to create remedies for children and other victims of pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. FRANK of Massachusetts, and Mr. BOUCHER):

H.R. 2175. A bill to amend the Truth in Lending Act to prohibit issuers of credit cards from limiting the ability of governmental agencies to charge fees for honoring credit cards; to the Committee on Banking, Finance and Urban Affairs.

By Ms. NORTON (by request):

H.R. 2176. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; jointly, to the Committees on the District of Columbia and Natural Resources.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 2177. A bill to amend the Federal Aviation Act of 1958 relating to advance notice of changes of rates, fares, and charges for air transportation; to the Committee on Public Works and Transportation.

By Mr. RAHALL (for himself, Mr. MINETA, Mr. SHUSTER, Mr. PETRI, Mr. DINGELL, Mr. MOORHEAD, Mr. SWIFT, and Mr. OXLEY):

H.R. 2178. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. RAVENEL:

H.R. 2179. A bill to extend until January 1, 1996, the previously existing suspension of duty on anthraquinone; to the Committee on Ways and Means.

H.R. 2180. A bill to extend until January 1, 1996, the previously existing suspension of duty on Paramine Acid; to the Committee on Ways and Means.

H.R. 2181. A bill to extend until January 1, 1996, the previously existing suspension of duty on Trimethyl Base; to the Committee on Ways and Means.

H.R. 2182. A bill to extend until January 1, 1996, the previously existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

H.R. 2183. A bill to extend until January 1, 1996, the previously existing suspension of duty on naphthalic acid anhydride; to the Committee on Ways and Means.

H.R. 2184. A bill to suspend until January 1, 1995, the duty on chromotropic acid; to the Committee on Ways and Means.

H.R. 2185. A bill to suspend until January 1, 1996, the duty on Resolin Red F3BS Components I and II; to the Committee on Ways and Means.

H.R. 2186. A bill to suspend until January 1, 1996, the duty on dimethl succinyl succinate; to the Committee on Ways and Means.

By Mr. SARPALIUS:

H.R. 2187. A bill to amend the Helium Act to cancel the accrued and unpaid interest on all notes issued for the purchase of helium and the net capital and retained earnings debt and interest related to the helium production fund, and for other purposes; to the Committee on Natural Resources.

By Mrs. SCHROEDER:

H.R. 2188. A bill to allow certain individuals seeking part-time employment to be eligible to receive unemployment compensation, to require the Secretary of Labor to establish and carry out an annual survey relating to temporary workers, and to protect part-time and temporary workers relating to pension and group health plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SLATTERY:

H.R. 2189. A bill to provide for a delay in the effective date of certain regulations applicable to municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas:

H.R. 2190. A bill to amend the Federal Election Campaign Act of 1971 to provide that multicandidate political committee contributions to a candidate in a Senate or House of Representatives election may constitute only one-third of the total of contributions accepted by the candidate; to the Committee on House Administration.

By Mr. TRAFICANT (for himself, Mr. APPLEGATE, Mr. FRANK of Massachusetts, Mr. MCCLOSKEY, Mr. STRICKLAND, Mr. FILNER, and Mr. BLACKWELL):

H.R. 2191. A bill to authorize the Secretary of Housing and Urban Development to carry out a demonstration program to make grants to community development corporations for reducing interest rates on loans for economic development activities in five federally designated enterprise zones; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TRAFICANT:

H.R. 2192. A bill to amend the FREEDOM Support Act to establish a program to provide loans for joint ventures between United States small businesses and small businesses or entrepreneurs in the independent states of the former Soviet Union; jointly, to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. VALENTINE (for himself and Mr. LEWIS of Florida):

H.R. 2193. A bill to authorize appropriations to the National Aeronautics and Space Administration for fiscal years 1994 and 1995 for aeronautical research and technology, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CAMP (for himself, Mr. COBLE, Mr. BREWSTER, Ms. SNOWE, Mr. MCNULTY, Mr. LAROCCO, Mr. GINGRICH, Mr. SOLOMON, Mr. FROST, Mr. PARKER, and Mr. WALSH):

H.J. Res. 198. Joint resolution designating the week of November 15 through 22, 1993, as the "National Sportsmen's Instruction Week"; to the Committee on Post Office and Civil Service.

By Mr. TORRES (for himself, Mr. BERMAN, Mr. BROWN of California, Mr. LANTOS, Mr. LEACH, and Mr. MILLER of California):

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress that the President should develop a strategy to bring the United States back into active and full membership in the United Nations Educational, Scientific, and Cultural Organization; to the Committee on Foreign Affairs.

By Mr. CANADY:

H. Res. 174. Resolution impeaching Robert F. Collins, judge of the U.S. District Court for the Eastern District of Louisiana, for bribery and high crimes and misdemeanors; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. POMBO, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BARTLETT, Mr. BLUTE, Mr. BONILLA, Mr. BUYER, Mr. CALVERT, Mr. CANADY, Mr. CASTLE, Mr. COLLINS of Georgia, Mr. CRAPO, Mr. DIAZ-BALART, Mr. DICKEY, Mr. EVERETT, Ms. FOWLER, Mr. FRANKS of New Jersey, Mr. GOODLATTE, Mr. GRAMS, Mr. GREENWOOD, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. HUTCHINSON, Mr. INGLIS, Mr. ISTOOK, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAZIO, Mr. LEVY, Mr. LINDER, Mr. MANZULLO, Mr. MCINNIS, Mr. MCKEON, Mr. MICA, Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. QUINN, Mr. ROYCE, Mr. SMITH of Michigan, Mr. TALENT, Mr. TORKILDSEN, Mr. PORTMAN, and Mr. MCHUGH):

H. Res. 175. Resolution amending the Rules of the House of Representatives to require open committee meetings and to allow the broadcasting and still photography of any committee meetings or hearings that are open to the public; to the Committee on Rules.

By Mr. SENSENBRENNER:

H. Res. 176. Resolution impeaching Robert F. Collins, a judge of the U.S. District Court for the Eastern District of Louisiana, of high crimes and misdemeanors; to the Committee on the Judiciary.

H. Res. 177. Resolution impeaching Robert P. Aguilar, a judge of the U.S. District Court for the Northern District of California, of high crimes and misdemeanors; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

143. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to federally mandated programs; to the Committee on Government Operations.

144. Also, memorial of the House of Representatives of the State of Hawaii, relative to Rights of Hawaii's; to the Committee on Natural Resources.

145. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Hawaiian Home Lands Program; to the Committee on Natural Resources.

146. Also, memorial of the House of Representatives of the State of Hawaii, relative to Federal trust obligations to native Hawaiians; to the Committee on Natural Resources.

147. Also, memorial of the House of Representatives of the State of Hawaii, relative to violence against women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWDER:

H.R. 2194. A bill for the relief of Merrill Lannen; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 2195. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Ariel*; to the Committee on Merchant Marine and Fisheries.

By Mr. DUNCAN:

H.R. 2196. A bill for the relief of John W. Ruth, Sr.; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 2197. A bill for the relief of Gorsha Michaelovich Sur; to the Committee on the Judiciary.

By Mr. DUNCAN:

H. Res. 178. Resolution referring the bill (H.R. 2196) for the relief of John W. Ruth, Sr., to the Chief Judge of the U.S. Court of Federal Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. CANTWELL.

H.R. 11: Ms. ROYBAL-ALLARD.

H.R. 18: Mr. KNOLLENBERG, Mr. LANCASTER, Ms. SLAUGHTER, Mr. KANJORSKI, Mr. LAZIO, Mr. MCHUGH, Mr. FINGERHUT, Mr. GILCHREST, Mr. BISHOP, Mr. BONIOR, Ms. MARGOLIES-MEZVINSKY, and Mr. ENGEL.

H.R. 21: Mr. PICKETT, Ms. SHEPHERD, and Mr. CLINGER.

H.R. 27: Mr. WYNN.

H.R. 59: Mr. SHUSTER.

H.R. 65: Mr. HOLDEN, Mr. GALLEGLY, Mr. FALEOMAVAEGA, Mr. SENSENBRENNER, Mr. KOPETSKI, Mr. KASICH, and Mr. LEWIS of California.

H.R. 115: Mr. FOGLIETTA, Mr. LAFALCE, Mr. CONYERS, and Ms. VELÁZQUEZ.

H.R. 123: Mr. COBLE, Mr. ARMEY, and Mr. BUNNING.

H.R. 124: Mr. DIAZ-BALART, Mr. BUNNING, and Mr. SPENCE.

H.R. 163: Mr. COBLE.

H.R. 212: Mr. MICA, Mr. KIM, and Mr. ANDREWS of New Jersey.

H.R. 214: Mr. PETRI, Mr. CRANE, Ms. SLAUGHTER, Mr. LAFALCE, Mr. HYDE, and Mr. CASTLE.

H.R. 242: Mr. OBERSTAR.

H.R. 280: Mr. DURBIN.

H.R. 299: Mr. TOWNS.

H.R. 303: Mr. FALEOMAVAEGA, Mr. SENSENBRENNER, Mr. KOPETSKI, and Ms. LOWEY.

H.R. 322: Mr. STARK, Mr. REED, and Mr. GILCHREST.

H.R. 325: Mr. TANNER, Mr. FROST, Mr. OLVER, Mr. PRICE of North Carolina, Mr. HANCOCK, and Ms. ESHOO.

H.R. 349: Mr. DEUTSCH and Mr. DARDEN.

H.R. 393: Mr. MENENDEZ.

H.R. 429: Mr. GREENWOOD and Mr. MCKEON.

H.R. 466: Mr. BEILENSON, Mr. PETERSON of Minnesota, Mr. BARRETT of Wisconsin, Mr. SOLOMON, Mr. NEAL of North Carolina, Mr. PETRI, Mr. FRANK of Massachusetts, Mrs. VUCANOVICH, and Mr. STUDDS.

H.R. 468: Ms. THURMAN, Mr. DELLUMS, Mr. RAHALL, Mr. BORSKI, and Mr. BONIOR.

H.R. 501: Mr. KLINK and Mr. ROWLAND.

H.R. 521: Mr. HEFNER, Mr. STARK, Mr. MACHTLEY, Ms. WOOLSEY, Mr. HILLIARD, Mr. JEFFERSON, Mr. SCHIFF, Mr. WYNN, Mr. RAHALL, Mr. KREIDLER, Mr. ABERCROMBIE, Mr. CARDIN, and Mr. PETERSON of Florida.

H.R. 522: Mr. VENTO and Ms. ROYBAL-ALLARD.

H.R. 561: Mr. SCHAEFER, Mr. KYL, Mr. PACKARD, Mr. THOMAS of California, Mr. GALLEGLY, Mr. PAXON, Mr. SHUSTER, Mr. RIDGE, and Mr. TALENT.

H.R. 591: Mr. HOUGHTON, Mr. VENTO, Mr. PRICE of North Carolina, Mr. SABO, and Mr. PAYNE of Virginia.

H.R. 643: Mr. KLECZKA, Mr. GILCHREST, and Ms. DELAURO.

H.R. 647: Mr. CRAMER.

H.R. 649: Mr. JOHNSTON of Florida, Mr. FOGLIETTA, and Mr. ENGEL.

H.R. 688: Mr. LINDER.

H.R. 710: Mr. WAXMAN, Mr. ANDREWS of New Jersey, and Ms. ROYBAL-ALLARD.

H.R. 715: Mr. BONILLA.

H.R. 723: Mr. JOHNSTON of Florida.

H.R. 726: Ms. MEEK.

H.R. 799: Mr. SCHIFF.

H.R. 806: Mr. FRANKS of New Jersey.

H.R. 827: Mr. WELDON, Mr. DICKEY, Mr. MARKEY, Mr. GINGRICH, Mr. NUSSLE, Mr. RIDGE, Mr. FOGLIETTA, Mr. MCHALE, Mr. STRICKLAND, Mr. KING, Mr. MURTHA, Mr. BORSKI, Ms. PRYCE of Ohio, Mr. GOODLING, Mr. HAYES of Louisiana, Mr. KREIDLER, Mr. DICKS, Mr. BISHOP, Mr. BATEMAN, Mrs. BENTLEY, Mr. KYL, Mr. ANDREWS of Maine, and Mr. COLLINS of Georgia.

H.R. 840: Mr. THOMPSON.

H.R. 847: Mr. BATEMAN.

H.R. 962: Mr. BOEHNER, Mr. SANGMEISTER, Mr. YOUNG of Alaska, Mr. GALLEGLY, Mr. APPLEGATE, Mr. SCHIFF, Ms. BYRNE, Mr. MYERS of Indiana, Mr. HUNTER, Mr. GOODLATTE, Mr. FIELDS of Louisiana, Mr. FAZIO, Mr. SCHAEFER, MR. MARTINEZ, Mr. SUNDQUIST, Mr. HEFLEY, Mr. BATEMAN, Mr. ROWLAND, Mr. HORN, and Mr. SHARP.

H.R. 963: Ms. FURSE.

H.R. 967: Ms. THURMAN and Mr. TRAFICANT.

H.R. 977: Mr. PENNY and Mr. GOODLING.

H.R. 1009: Mr. KLUG.

H.R. 1017: Mr. SHAYS.

H.R. 1026: Ms. LOWEY and Mr. PALLONE.

H.R. 1036: Mr. KING, Mr. EVANS, Ms. DELAURO, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, and Mr. NADLER.

H.R. 1080: Mr. BOEHNER and Mr. KLUG.

H.R. 1086: Mr. FISH.

H.R. 1088: Mr. ZELIFF, Mr. DELAY, and Mr. BOEHNER.

H.R. 1146: Mr. KLUG, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. BARRETT of Wisconsin, Mr. FILNER, Mr. KREIDLER, Ms. FURSE, Mr. MORAN, and Mr. CLYBURN.

H.R. 1151: Mr. HILLIARD, Mr. FISH, Mr. MAZZOLI, Mr. VENTO, Mr. ENGLISH of Oklahoma, and Mr. GEJDENSON.

H.R. 1172: Mr. GEJDENSON, Mr. STRICKLAND, Mr. HILLIARD, and Ms. BROWN of Florida.

H.R. 1173: Mr. DELLUMS.

H.R. 1174: Mrs. MORELLA.

H.R. 1181: Ms. ENGLISH of Arizona and Mr. BROWN of California.

H.R. 1200: Mr. DE LUGO.

H.R. 1214: Mr. FROST.

H.R. 1231: Mr. FISH, Mr. EVANS, Mr. OWENS, Ms. VELÁZQUEZ, and Mr. FILNER.

H.R. 1270: Ms. MOLINARI.

H.R. 1278: Mr. BEREUTER, Mr. BLACKWELL, Mr. MOLLOHAN, and Mr. FISH.

H.R. 1295: Mr. JACOBS and Mr. DARDEN.

H.R. 1309: Mr. LEWIS of Florida.

H.R. 1312: Mr. GUNDERSON and Mr. MCMILLAN.

H.R. 1431: Mr. BILBRAY, Mr. SAXTON, Ms. MALONEY, Mrs. VUCANOVICH, Mr. LEVY, Mr. SUNDQUIST, and Mr. BAKER of Louisiana.

H.R. 1442: Mr. GEJDENSON.

H.R. 1455: Mr. FISH, Mr. STARK, Mrs. SCHROEDER, and Mr. LANTOS.

H.R. 1464: Mr. WATT, Ms. FURSE, Mr. PAYNE of New Jersey, Mr. FOGLIETTA, Mr. TOWNS, Mr. VENTO, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. KAPTUR.

H.R. 1470: Mr. EMERSON.

H.R. 1504: Mr. QUILLEN, Mr. HOUGHTON, Mr. WALSH, Mr. LAFALCE, Mr. BUNNING, Mr. SOLOMON, Mr. MACHTLEY, Mr. ENGEL, and Mr. HOCHBRUECKNER.

H.R. 1517: Mr. MILLER of California.

H.R. 1526: Mr. WYNN.

H.R. 1538: Mr. BLACKWELL, Mr. BONIOR, Mrs. CLAYTON, Mr. DIXON, Mr. FILNER, Mr. HASTINGS, Mr. KENNEDY, Mr. MATSUI, Ms. MEEK, Mr. MFUME, Mr. MILLER of California, Mr. PAYNE of New Jersey, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SCOTT, Mr. STARK, Mr. MINETA, and Mr. GEJDENSON.

H.R. 1539: Mr. JEFFERSON, and Mr. SKEEN.

H.R. 1559: Mr. ZIMMER, Mr. LIPINSKI, Mrs. KENNELLY, Mr. DE LUGO, Mr. LEVY, Mr. HUGHES, Mr. PETERSON of Minnesota, Mr. FILNER, Mr. FROST, Mr. FISH, Mr. ENGEL, Mr. PARKER, and Ms. FURSE.

H.R. 1563: Mr. LAZIO, Mr. PETERSON of Minnesota, and Ms. FURSE.

H.R. 1566: Mr. FROST.

H.R. 1580: Mr. MCDERMOTT.

H.R. 1600: Mr. ZIMMER, Mr. WYNN, Mr. HINCHEY, Ms. ROYBAL-ALLARD, and Mr. LIPINSKI.

H.R. 1608: Mr. BARCIA, Mr. BEVILL, Mr. BERMAN, Mr. CARDIN, Mr. CLINGER, Mr. ENGLISH of Oklahoma, Mr. GALLEGLY, Mr. HAMBURG, Mr. KLEIN, Ms. MALONEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MURPHY, Mr. TRAFICANT, Mrs. UNSOELD, and Mr. WHITTEN.

H.R. 1638: Mr. FILNER, Mr. LIPINSKI, and Ms. EDDIE BERNICE JOHNSON.

H.R. 1670: Mr. KYL.

H.R. 1687: Mr. EVANS and Mrs. UNSOELD.

H.R. 1697: Mr. GIBBONS, Mr. SARPALIUS, Mrs. LLOYD, Mr. TANNER, Mr. LEWIS of Georgia, Mr. MCCLOSKEY, and Mr. VALENTINE.

H.R. 1709: Mr. BURTON of Indiana, Mr. HOCHBRUECKNER, Mr. PARKER, Mr. SENSENBRENNER, Mr. SPENCE, and Ms. VELÁZQUEZ.

H.R. 1738: Ms. THURMAN.

H.R. 1744: Mr. FOGLIETTA, Mr. SCOTT, Mr. COLEMAN, and Ms. MCKINNEY.

H.R. 1747: Mr. BAKER of Louisiana, Mr. CLINGER, and Mr. WALSH.

H.R. 1761: Mr. CLINGER.

H.R. 1762: Mr. CLINGER.

H.R. 1763: Mr. CLINGER.

H.R. 1764: Mr. CLINGER.

H.R. 1766: Mr. BEREUTER.

H.R. 1768: Mr. CLINGER.

H.R. 1769: Mr. CLINGER and Mr. SPRATT.

H.R. 1772: Mr. CLINGER.

H.R. 1773: Mr. CLINGER.

H.R. 1774: Mr. BEREUTER and Mr. KYL.

H.R. 1778: Mr. BATEMAN.

H.R. 1783: Mr. FIELDS of Texas.

H.R. 1793: Mr. CONYERS, Mr. BLACKWELL, Mr. DEFAZIO, Mr. INSLEE, Mr. OLVER, Mr. VENTO, Mr. LAFALCE, and Mr. PAYNE of New Jersey.

H.R. 1794: Mr. ORTON.

H.R. 1800: Mr. BLACKWELL, Ms. PELOSI, Mr. TOWNS, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, and Mrs. COLLINS of Illinois.

H.R. 1840: Mr. GREENWOOD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. LEWIS of Florida, Mr. KING, Mr. BEILENSON, Mr. EWING, Mr. YATES, Mr. FRANKS of New Jersey, Mr. PARKER, and Mr. GOSS.

H.R. 1865: Mr. FALEOMAVAEGA.

H.R. 1883: Mr. SENSENBRENNER, Mr. ROTH, Mr. LEHMAN, Mr. LEACH, Mr. KLINK, Mr. DEUTSCH, Mr. SHAW, and Mr. KILDEE.

H.R. 1890: Mr. EDWARDS of California, Mr. WELDON, Mr. HOCHBRUECKNER, Ms. LONG, Mr. HALL of Ohio, Mr. WHEAT, Mrs. COLLINS of Illinois, Mrs. MORELLA, Mr. LAROCCO, Mr. CLYBURN, Mr. STUPAK, and Mr. LANCASTER.

H.R. 1900: Mr. MINETA, Mr. SPRATT, Mr. SANGMEISTER, Mr. BONIOR, Mr. TRAFICANT, Mr. MATSUI, Mr. RAVENEL, Mr. STUPAK, Mr. SPENCE, Mr. PARKER, Mr. SLATTERY, Mr. DERRICK, Mr. BOEHLERT, and Mr. VOLKMER.

H.R. 1944: Mr. PASTOR, Mr. LIPINSKI, Mr. TEJEDA, Mr. BEREUTER, and Mr. FROST.

H.R. 1950: Mr. HUTCHINSON, Mr. BARTLETT, Mr. HYDE, Mr. KING, Mr. PAXON, Mr. TAYLOR of North Carolina, Mr. DORNAN, Mr. LIGHTFOOT, and Mr. CRAPO.

H.R. 1957: Mr. PENNY, Mr. GALLEGLY, Mr. LIPINSKI, Mr. SANTORUM, Mr. KLUG, Mr. WELDON, Mr. HOAGLAND, Mr. PETE GEREN, Mr. ZIMMER, Mr. DOOLITTLE, and Mr. WALSH.

H.R. 1966: Mr. SYNAR, Mr. FRANK of Massachusetts, and Mr. LIPINSKI.

H.R. 1967: Mr. BREWSTER, Mr. WALSH, Mr. RAVENEL, and Mr. GILLMOR.

H.R. 1969: Mr. SYNAR and Mr. FRANK of Massachusetts.

H.R. 1970: Mr. BREWSTER, Mr. WALSH, Mr. RAVENEL, and Mr. GILLMOR.

H.R. 1986: Mr. TOWNS, Ms. MALONEY, Mr. WALSH, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1987: Mr. EVANS and Mrs. LLOYD.

H.R. 1996: Mr. WALSH.

H.R. 1999: Mr. RAVENEL, Mr. INSLEE, Mr. CLYBURN, Mr. COOPER, Mr. BATEMAN, and Mr. BARLOW.

H.R. 2010: Mr. BARCIA, Mr. BONIOR, Mr. CARDIN, Mr. CONYERS, Mr. DELLUMS, Mr. DINGELL, Mr. DIXON, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. GEPHARDT, Mr. GIBBONS, Mr. KANJORSKI, Ms. KAPTUR, Mr. KLECZKA, Mr. LEHMAN, Mr. LEVIN, Mr. MCCLOSKEY, Mr. MARKEY, Mr. MEEHAN, Mr. MOAKLEY, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SCHUMER, Mr. SMITH of Iowa, Mr. TORRICELLI, Mr. TUCKER, Mr. WYDEN, Mr. YATES, Mr. FINGERHUT, Mr. FROST, Mr. DEFAZIO, Mr. KOPETSKI, Miss COLLINS of Michigan, and Mr. DURBIN.

H.R. 2025: Mr. HERGER.

H.R. 2113: Mr. KIM, Mr. EWING, Mr. HOBSON, and Mr. PETERSON of Minnesota.

H.R. 2127: Mr. MCHUGH, Ms. BYRNE, Mr. GREENWOOD, Mr. STRICKLAND, and Ms. THURMAN.

H.J. Res. 20: Mr. ROSTENKOWSKI, Mr. SWIFT, Mr. ROSE, Mr. JACOBS, Mr. START, Mr. COLEMAN, Mr. SANDERS, Mr. POSHARD, Mr. POMEROY, Mrs. UNSOELD, and Mr. WYDEN.

H.J. Res. 44: Mr. HUTTO.

H.J. Res. 59: Mr. HEFLEY.

H.J. Res. 67: Mr. DE LUGO.

H.J. Res. 75: Mrs. VUCANOVICH, Ms. THURMAN, Mr. PETE GEREN, and Mr. FIELDS of Louisiana.

H.J. Res. 78: Mr. BARLOW Mr. BILIRAKIS, Mr. BROWDER, Mr. CLEMENT, Mr. CLINGER, Mr. DINGELL, Mr. HANSEN, Ms. KAPTUR, Mr. LAROCCO, Mr. LEACH, Mr. MARKEY, Mr. MFUME, Mr. NEAL of North Carolina, Mr. OBERSTAR, Mr. REED, Mr. SCHENK, Mr. UNDERWOOD, and Ms. VELÁZQUEZ.

H.J. Res. 80: Mr. CASTLE, Mr. COBLE, Mr. COX, Mrs. COLLINS of Illinois, Mr. DIAZ-BALART, Mr. EVERETT, Mr. FAZIO, Mr. FORD of Michigan, Mr. KINGSTON, Mr. LEWIS of Florida, Mr. MARTINEZ, Mr. MCDADE, Mr. OXLEY, Mr. RICHARDSON, Mr. ROGERS, Mr. ROWLAND, Mr. ROYCE, Mr. SAXTON, Mr. SKEEN, Mr. SMITH of New Jersey, Ms. SNOWE, Mr SOLOMON, Mr. VOLKMER, Mr. BAKER of California, Mr. CONYERS, Mr. CRANE, Mr. DEFAZIO, Mr. GREENWOOD, Mr. HEFNER, Mr. HILLIARD, Mrs. KENNELLY, Mr. LEVIN, Mr. LIVINGSTON, Ms. LOWEY, Mr. OWENS, Mr. REGULA, Mr. SCHIFF, Mr. DREIER, Mr. DELAY, Mr. LAZIO, Mr. HOYER, Mr. FRANKS of New Jersey, Ms. FOWLER, Ms. DUNN, Mr. SHUSTER, Mr. SMITH of Texas, Mr. EWING, Mr. FIELDS of Texas, Mr. GILLMOR, Mr. GOODLING, Mr. GRANDY, Mr. HERGER, Mr. MCCANDLESS, Mr. POMBO, Mr. SUNDQUIST, Mr. DUNCAN, Mr. GEKAS, Mr. GUNDERSON, Mr. SHAW, Mr. PAXON, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. KASICH, Ms. MOLINARI, Mr. YOUNG of Florida, Mr. RAHALL, Mr. THOMAS of Wyoming, Mr. LEVY, Mr. STEARNS, and Mr. DORNAN.

H.J. Res. 84: Mr. HAYES.

H.J. Res. 86: Mr. MAZZOLI and Mr. MYERS of Indiana.

H.J. Res. 139: Mrs. ROUKEMA.

H.J. Res. 142: Mr. FALEOMAVAEGA.

H.J. Res. 162: Mr. DOOLITTLE, Mrs. ROUKEMA, Mr. SLATTERY, Mr. COBLE, Mr. TRAFICANT, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. JEFFERSON, Mr. HUTTO, Mr. OLVER, Mr. STUMP, Mr. PARKER, Mr. MURTHA, Mr. PICKETT, Mr. HALL of Texas, Mr. GINGRICH, Mr. BLILEY, Mr. BONIOR, Mr. GENE GREEN, Mr. FAWELL, Mr. BAESLER, Mr. LIVINGSTON, Mr. KILDEE, Mr. MCCLOSKEY, Mrs. MINK, Mr. LIGHTFOOT, Mrs. MORELLA, Mr. THOMPSON, Mr. TOWNS, Mr. APPLEGATE, Mr. RICHARDSON, Mr. LEACH, Mr. MONTGOMERY, Mr. ANDREWS of New Jersey, Mr. BATEMAN, Mr. REED, Mr. HEFNER, Mrs. MEYERS of Kansas, Mr. BREWSTER, Mr. INHOFE, Mr. DEUTSCH, Mr. HUGHES, Mr. GREENWOOD, Mrs. UNSOELD, Mr. BARCIA, Mr. YOUNG of Florida, Mr. QUINN, Mr. COLEMAN, Mr. HOBSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, Mr. MANTON, and Mr. FISH.

H.J. Res. 165: Mr. SISISKY, Mr. EMERSON, Mr. TRAFICANT, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. MYERS of Indiana, and Mr. MCDADE.

H.J. Res. 166: Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. ANDREWS of New Jersey, Mr. MARTINEZ, and Mr. FISH.

H.J. Res. 188: Mr. LEWIS of Florida, Mr. ROSE, Mr. LAFALCE, Mr. SAWYER, Mr. WAXMAN, Mr. HUGHES, Mr. TAYLOR of Mississippi, Mr. PRICE of North Carolina, Mr. BEVILL, Mr. VENTO, Mr. TEJEDA, Mr. BILIRAKIS, Mr. COSTELLO, Mr. BACHUS of Alabama, Ms. MCKINNEY, Mrs. MEEK, Mr. FALEOMAVAEGA, and Mr. ENGEL.

H.J. Res. 193: Mr. PARKER, Mr. CARDIN, Mr. SLATTERY, Mr. PAYNE of New Jersey, Mr. ANDREWS of Maine, Mr. MANN, Mr. OBERSTAR, Mr. CARR, and Mr. HILLIARD.

H.J. Res. 194: Mr. DE LUGO, Mr. NEAL of Massachusetts, Mr. BROWDER, Mr. COYNE, Mr. CLYBURN, Mr. GINGRICH, Mr. HEFNER, Mr. WOLF, Mr. LIPINSKI, Ms. BROWN of Florida, Mr. TOWNS, Mr. VALENTINE, and Ms. PELOSI.

H. Con. Res. 26: Mr. MOAKLEY.

H. Con. Res. 52: Mr. BROWN of Ohio, Mr. DARDEN, Ms. MALONEY, Mr. KINGSTON, Mr. JOHNSON of Georgia, Ms. MOLINARI, Mr. BECERRA, Mr. MURTHA, Mr. OLVER, Mr. SYNAR, Mr. GREENWOOD, and Mr. SKAGGS.

H. Con. Res. 70: Mr. WILLIAMS.

H. Con. Res. 95: Mr. SANGMEISTER, Ms. MEEK, Mr. HAMBURG, Ms. PELOSI, Mr. COLEMAN, Mr. DELLUMS, Ms. ESHOO, Mr. POSHARD, Mr. WALSH, and Mr. FROST.

H. Con. Res. 99: Mr. WILLIAMS, Mr. HALL of Ohio, Mr. LIPINSKI, Ms. MALONEY, Mr. REED, Mr. EVANS, Mr. SPENCE, and Mr. BILBRAY.

H. Con. Res. 100: Mr. HYDE, Mr. KOPETSKI, Mr. RICHARDSON, and Mrs. ROUKEMA.

H. Con. Res. 102: Mr. OBERSTAR and Mr. SPENCE.

H. Res. 22: Mr. SHAYS, Mr. LIVINGSTON, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. JACOBS, Mr. BALLENGER, Mr. POSHARD, and Mr. FRANK of Massachusetts.

H. Res. 38: Mr. GEJDENSON.

H. Res. 99: Mr. PAXON.

H. Res. 100: Mr. PAXON.

H. Res. 127: Mr. SANGMEISTER.

H. Res. 135: Ms. LONG.

H. Res. 165: Mr. HYDE, Mr. ENGEL, Mrs. KENNELLY, Mr. BATEMAN, and Mr. ZIMMER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1914: Mr. GRAMS.

EXTENSIONS OF REMARKS

TRIBUTE TO KATHY LOGAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of a heroine in my district. I rise in tribute to Kathy Logan.

Mr. Speaker, Mrs. Logan is a well-respected busdriver for the Joseph Badger Local School District in Ohio. On March 11, 1993, while finishing her first bus run of the afternoon, Mrs. Logan waved to her friend, Mr. Bill Wood. As usual, Mr. Wood returned her greeting. His wave, however, was different, this time, she thought. This time, he appeared desperate.

Mrs. Logan pulled her bus into his driveway and found him trapped under a piece of heavy equipment. Realizing that she would be unable to free him herself, she used the bus phone to dial the local emergency ambulance as well as her son and husband.

While waiting for help to arrive, Mrs. Logan fired up a skid steer and attempted to lift the equipment with the pronged vehicle. To her chagrin, the hydraulic fluid in the machine was cold and her efforts to free her friend were unsuccessful. Her husband and son eventually arrived, but by then the fluid warmed and, as a child watched from the bus, the equipment was lifted off Mr. Wood.

Mr. Speaker, it is acts of courage like these that reassure all of us that there is still a caring heart beating in society. I commend Mrs. Logan on her selfless act of heroism.

TOWN OF GREENVILLE, NY, HONORS RETIRING HIGHWAY SUPERINTENDENT GEORGE H. ALLEN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, I'd like to say a few words about a really special person, a man I'm proud to call a friend.

George H. Allen is retiring after 18 years of outstanding service to the town of Greenville, the last 16 years as superintendent of highways.

What I consider special about George Allen is the fact that his contribution to his community has gone far beyond his role as highway superintendent.

His outstanding record as superintendent would be enough, but George Allen has done more.

He's a life-long resident of Greene County and attended Greenville Central School. He's a member of the Greenville Congregational Church and longtime member of the Greenville Republican Club. George Allen, if I may say so, is one of the reasons the Republican Party is so respected in Greenville.

Last but not least is his service with the Freehold Volunteer Fire Co. I've spent more than 20 years in the volunteer fire company of my own hometown, and I can appreciate the sacrifices of every single volunteer firefighter in the district.

On top of everything else Mr. Allen has been a solid family man. His retirement will give him more time to spend with his son, his two daughters, and his two grandchildren. And we can expect him to do a little more hunting and fishing.

Mr. Speaker, this Saturday a retirement party will be held, but I would like this House to pay its own special tribute to an outstanding public servant. And so I ask all Members to join me in honoring George H. Allen, and in wishing him many enjoyable years of retirement after a job well done.

RURAL ECONOMIC DEVELOPMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 19, 1993, into the CONGRESSIONAL RECORD:

RURAL ECONOMIC DEVELOPMENT

There is much concern today, both in Washington and around the country, about the economic health of rural communities in the United States. During the past decade, rural areas were hit hard by many of the problems that hurt the national economy as well as by some that were unique—high interest rates and debt burdens, factory closings and competition from low-cost foreign manufacturing, a strong dollar that hurt U.S. exports, the recent credit crunch and bank closings, budget stresses that eroded government investment in infrastructure and education, and low prices of farm products and farm land.

I travel around rural Indiana probably as much as any other government official and I have a great appreciation of the strengths of rural life. Small towns in southern Indiana can be excellent places to make a home, to earn a living, to raise children, to enjoy the countryside, to build close personal and family ties, and to escape urban pressures. But I am also well aware of the problems that need to be addressed—economic development, job creation, schools, poverty, roads, water and sewer systems, health care, among others. The 1980s were difficult for rural communities. They had more unemployment than urban areas, lower incomes, and higher poverty rates. In only three counties of southern Indiana do workers earn more than the state average. I talk to too many people wanting better paying jobs and see too many vacant shops and plants not to be concerned.

I recently held a Joint Economic Committee field hearing on the state of the economy and the prospects for economic development in rural communities of southern Indiana. The testimony of the witnesses raised some concerns but also gave reasons to be optimistic about the future.

Rural Outlook: The U.S. Department of Agriculture (USDA) thinks certain trends will dampen rural development and job creation in the 1990s. One is the long-term decline in traditional rural industries, which means fewer jobs in agriculture, forestry, fishing, and mining. More rural counties today depend on manufacturing than farming as their major source of income. Of the fifteen rural counties in the 9th District, only one is classified by USDA as farming (Union), compared to eight classified as manufacturing (Bartholomew, Dubois, Fayette, Jackson, Perry, Ripley, Switzerland, Washington). But rural manufacturing is being hurt by foreign competition. Many of these jobs are lower-wage and lower-skill and we have been losing them in recent years to foreign factories. Rural wages and incomes will keep falling behind unless rural factories adopt new technologies and become more competitive. Rural areas will also have to find some way to attract service jobs, since much job growth in the 1990s will be in high-tech service industries. USDA says that the outlook is brightest for rural areas adjacent to large, growing metropolitan areas and those with natural amenities attractive for recreation, tourism, or retirement.

Federal Efforts: The federal government can do several things to help rural economic development. It can improve the general climate for development by increasing investments in training and infrastructure—not just improving roads, sewers, and bridges but also investing in new communications technologies that will help link rural communities to urban centers. It should expand "manufacturing extension" efforts, which, like the successful agricultural extension program, would help bring the latest manufacturing techniques to smaller firms. The federal government should also reduce the budget deficit, since that will lower interest rates and thus encourage greater investment. And it should ensure that world trade is fair and that markets remain open to our products. The federal government could also expand its traditional rural development programs. President Clinton and his new Secretary of Agriculture, Mike Espy, have both expressed their interest in giving higher priority to rural economic development and are expected to put together and initiative this year.

Although such steps can help, I have come to the view that legislation at the federal level generally has a limited impact on rural development. Federal assistance is not the key to rural economic growth. The federal government can improve the overall climate for economic growth and can be a partner in many ways, but far more important are an entrepreneurial spirit and the role of state and local leaders. People in a particular community have the best sense of what will work for them. Rural development efforts must be based upon an area's economic, so-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cial, cultural, organizational, and political realities. What works well in one area might not in another.

State Efforts: The State of Indiana is making serious efforts to support rural economic development. Governor Bayh has developed a number of initiatives that will strengthen rural communities, including better education and job training opportunities, state incentives for new business and support for local development organizations, programs to improve local infrastructure, and better access to health care in rural areas. Indiana's commitment to rural development is evidenced by its being one of the few states to have a Rural Development Council and Rural Economic Development Review Board, which bring together government officials at all levels with private organizations to coordinate economic development efforts.

Local Leadership: In the end, the initiative for change and the commitment to carry it out must come from local communities. I am increasingly impressed by how one community can succeed while one next to it, with similar resources, struggles. The success of a community will only be as great as the energy and skills of its members. The key is often old-fashioned initiative and entrepreneurship. And often the best strategy for a community is to build upon its economic activities in recent years—a farming community, for example, not trying to attract a major new industry but looking into the opportunities offered by value-added agricultural products.

We are fortunate to have a major rural development undertaking going on in southern Indiana, the Southern Indiana Rural Development Project. Some thirty local business and community leaders have volunteered to develop a strategy to promote long-term economic growth and development. They will first assess the region and make comparisons to similar areas in order to identify the best job opportunities, and then will recommend appropriate policies and strategies. The project will take time, but it is an encouraging development and will involve many Hoosiers from our area.

Conclusion: There is no simple solution to rural economic development. It takes the involvement of many people on a variety of levels—federal, state, and local; public and private—and a lot of hard work. There is no universal "right" way to organize a sound rural development program. While there are common lessons that apply, each area must find its own appropriate way.

A TRIBUTE TO CARMELA "MILLIE" GATTO

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of the Eighth District of New Jersey, Ms. Millie Gatto. This hard-working and dedicated woman has served the community of Passaic with distinction for more than 35 years.

Millie was a member of the Passaic City Democratic Club from 1958 through 1986. During that time, Millie served as treasurer, vice president, and president of this organization. While fulfilling her term as treasurer, she also served as treasurer of the Passaic County Democratic Women's Division, of which she later became second vice president.

Today, Millie continues her exemplary work for the people of Passaic. She is currently the municipal leader of the city of Passaic, as well as the vice chairperson of the Passaic County Democratic Committee. Millie is also presently the Passaic County Democratic Commission secretary. Millie has been a virtue to the Democratic Party of New Jersey, but her service to our community extends far beyond her party loyalties.

Born and raised in Passaic, NJ, Millie has taken pride in the preservation of the history of Passaic as a former member of the Aquackanonk Landing and Historical Development Commission and a former member of the Passaic Historical Commission. Millie has also reached out to help those less fortunate in all of Passaic County as a former member of the senior advisory council on aging, a former member of the Passaic Human Relations Commission and a former commissioner of Camp Hope. Millie is currently a member of the Passaic Heart Foundation, fervently trying to raise funds to cure all heart-related diseases.

Mr. Speaker, I am honored to have such a wonderful woman dedicating so much time to the betterment of our community. I would like to thank Ms. Millie Gatto for representing the Democratic Party of Passaic, as well as for her selfless contributions to those in need in our community. I hope my colleagues will join me in congratulating Millie for her accomplishments and wishing her the best for the future.

TRIBUTE TO BELLEVILLE SHOE MANUFACTURING COMPANY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in honor of Small Business Week. Small businesses across our Nation deserve to be recognized and honored for their contributions to the economy. Small companies create 2 of every 3 new jobs, produce 40 percent of the gross national product and invent more than half of all our country's technological innovations.

I would like to call my colleagues' attention to a company in my congressional district in Illinois, Belleville Shoe Manufacturing Co. Belleville Shoe was recently named Prime Contractor of the Year for 1993. They were also the recipient of the Defense Quality Excellence Award in 1991.

Belleville Shoe is a family-owned Illinois manufacturing company that was founded in 1904. The company's principal product is U.S. specification combat boots and in fact is this country's oldest continual manufacturer of military footwear. During the gulf war, the company shipped newly designed desert footwear to U.S. forces faster than any other manufacturer. In the post-cold war era, safety footwear is Belleville Shoe's newest product line.

I would like to congratulate Eric Weidmann and all employees of Belleville Shoe on their hard work and dedication. I hope my colleagues will join me in recognizing their accomplishments and the achievements of small businesses nationwide.

RELIGIOUS FREEDOM RESTORATION ACT

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COPPERSMITH. Mr. Speaker, I rise today to speak in favor of passage of the Religious Freedom Restoration Act.

This law will protect America's most fundamental liberty, the first of our freedoms articulated in the Bill of Rights: the free exercise of religion.

In Employment Division versus Smith, the U.S. Supreme Court abandoned 30 years of precedent that required the Government to demonstrate a compelling interest before it could restrict the free exercise of religion. The Religious Freedom Restoration Act restores the compelling state interest test to free exercise jurisprudence.

The Court's startling rereading of the free exercise clause in Employment Division versus Smith disregarded the importance in our society of religion and our primary need for freedom to practice one's faith. The first amendment to the Constitution provides that every citizen can believe and practice his or her beliefs without fear of casual or unnecessary governmental interference. The new doctrine, recently announced by a divided Court, makes the exercise of religious belief subject to reasonable regulation. Rights so personal and fundamental should not be subject to the whim of the majority—which is exactly the reason why the Framers protected these rights in the Constitution.

The Framers recognized that religious freedom means more than the freedom to believe. It also means the freedom to act upon one's faith as well. This act ensures that neutral laws of general applicability cannot become direct or indirect vehicles to suppress the expression of religious belief.

This act restores the longstanding comprehensive and robust reading to the free exercise clause, which we need now more than ever to protect citizens from the power of the modern state. Many Federal, State, and local laws and regulations that can affect religion, such as zoning, historical landmarking, prisons, mandatory autopsies, discrimination, and minority rights, which can become pervasive. Such laws can burden not only small minorities but also many so-called mainline denominations. With this act, laws that burden religious freedom must meet a higher standard, the strict scrutiny test.

With this legislation, the Congress will take an important step to restore our first freedom, the free exercise of religion. After Smith, not only was our first freedom no longer first, it was scarcely a true and full freedom. This act brings renewed life to the promise of religious freedom of the first amendment.

TRIBUTE TO WILBUR AND MARY WIRE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in tribute to Mr. and Mrs. Wilbur E. Wire who recently celebrated their 50th wedding anniversary.

Mr. Speaker, last Christmas Eve marked the couple's golden anniversary. It was celebrated by their three children, Jimmy Wire, John and Carole Wire, and Barbara Stacy. The couple's four grandchildren, Keith Wire, Brooke Wire, Gary L. Stacy, and James H. Stacy also joined in the festivities.

Mr. Speaker, I am proud of how Wilbur and Mary Wire perservered through 50 years of ups and downs, including World War II. I believe it is faithful couples like the Wires that provide a paradigm for their future generations. I would like to take this special opportunity to congratulate them on their anniversary.

MIKE LACROSS HAS MADE A DIFFERENCE IN HUDSON FALLS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, as you know, I like to single out people who should get a lot more recognition than they do. In fact, they don't really seek recognition. They simply do their job and do it well without a great deal of fanfare. And they add something to the communities in which they live.

Such an individual is Mike LaCross of Hudson Falls, NY.

Mike lived for 10 years in New Mexico but returned to his hometown. He's spent the last decade authoring children's fiction, much of which is set in our area. One of his biggest contributions is his role in founding the Feeder Canal Alliance in 1987, a group dedicated to preserving the canal as a park.

Several years ago Mike came to Washington to interview me for the Moreau Sun, for whom he worked as a reporter. I was impressed with the way he conducted himself and with his grasp of the issues. The resulting story was fair and thorough. It was rather typical of his work for the Sun. It was Mike who broke the story of the Washington County Board of Supervisors revising its weighted voting system in 1992.

Those of us who have looked forward to his articles in the Sun were sorry to hear that health problems will force Mike to leave the Sun and return to New Mexico. We all hope his health improves enough to allow Mike to return home once again.

Mr. Speaker, I ask you and all Members to join me in wishing Mike LaCross good health, a speedy recovery, and best wishes in whatever he dedicates himself to in the future.

JOHN BRADEMAS, NEW CHAIRMAN OF NATIONAL ENDOWMENT FOR DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HAMILTON. Mr. Speaker, I rise today to draw the attention of my colleagues to the appointment of a fellow Hoosier, and a distinguished former colleague, John Brademas, to the chairmanship of the National Endowment for Democracy [NED].

The Endowment is a very important institution for U.S. foreign policy in the post-cold war era, and John Brademas is an excellent choice to be its chairman.

John Brademas, most recently the president emeritus of New York University, served as president of the university from 1981 to 1992. Before going to New York, Brademas was a member of the House for 22 years, from 1959 to 1981, as the representative of Indiana's Third Congressional District. For the last 4 years of his House career, Brademas was House majority whip. Many of us in Congress remember John Brademas for his strong leadership on education issues, services to older persons and the handicapped, and support for the arts and humanities.

Brademas takes on new challenges at the Endowment, a private nonprofit organization created by Congress in 1983 under the leadership of another of our former colleagues, Dante Fascell. NED has established itself around the world in the field of democracy building. It has projects operating not only in the former Soviet Union, Eastern and Central Europe, but it also is helping to build the foundations of democratic institutions in Africa, Asia, and the Middle East.

The spread of democracy is a key component of American foreign policy, and the Endowment is playing a pivotal role in that effort. With the leadership of John Brademas, who brings with him a wealth of experience in politics and education, the Endowment's efforts are sure to be even more successful.

A TRIBUTE TO THOMAS ELECTRONICS, INC.

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the 1993 recipient of the Small Business Administration's Subcontractor of the Year Award, Thomas Electronics, Inc., and its chief executive officer, Harold A. Ketchum. Headquartered in Wayne, NJ, Thomas Electronics has been working for the district, State, and the entire country for over 40 years.

Thomas Electronics has truly led the way as a pioneer of cathode ray tube [CRT] design and manufacture. The military, commercial, and industrial communities have all used CRT's and related assemblies from Thomas Electronics. An example of their recent innovation is the incorporation of backlighting for liquid crystal displays into their product line.

CRT's developed by Thomas Electronics are vital in maintaining the safe and speedy flow of travel at the world's busiest airports. The cockpit displays they light up enable modern aircraft to take off and land only minutes apart.

America's manned space program has also benefited from innovation by Thomas Electronics. CRT's furnished by Thomas Electronics have been used as part of the Gemini and Skylab projects, as well as in the space shuttle orbiter.

Each year, the Small Business Administration honors a select few small businesses who supply the Federal Government with goods and services. Subcontractors are nominated by larger prime contractors.

To win this award, Thomas Electronics was rated on many different facets of its organization. These criteria include: management, financial stamina and controls, labor relations, customer interface, technical capabilities, resource utilization, cost performance, delivery performance, quality performance, and an overall evaluation of special achievements and exceptional results.

Since becoming the director of Thomas Electronics in 1960, Harold Ketchum has sought excellence in all facets of the company. In 1967 he purchased the company and has guided its operation.

Congratulations to Thomas Electronics and Harold Ketchum for being named the Small Business Administration's Subcontractor of the Year. I hope that this company's success continues for years to come.

SALUTE TO JOHN MARINO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SCHUMER. Mr. Speaker, a friend to all New Yorkers, John Marino, is resigning his post as chairman of the New York State Democratic Committee. John's departure will leave a void in the State's political landscape that will be hard to fill. He's been an effective leader over the past 4 years in helping to cultivate and shape New York State's Democratic Party into a formidable force and advocate for change.

Under John's guidance last November, the State's voters gave President Clinton one of his largest winning margins.

As an advisor, John helped steer Mario Cuomo's campaign to the statehouse in Albany and hoist the Governor into the national political spotlight.

John may have risen to top of the State's Democratic Party, but his roots are humble and firmly planted in the State and city in which he was born: New York. After graduating from Fordham University in 1970, John earned an M.S. from Iona College 3 years later and then an M.B.A. from New York University in 1981.

Service has always been a big part of John's life. For 5 years, from 1970 to 1975, he taught social studies and reading to students in the New York City public schools before moving into the political world working for Gov. Hugh Carey and the Governor Cuomo.

Perhaps most importantly of all, John has handled his job with a unique blend of dedication and humor. At times he yelled at us, at times he joked with us, but we always knew he was doing what was best for the Democrats of New York.

After doing so much for the people of his home State, John is moving on to the private sector. We wish John, his wife Donna, and young daughter Sara all the best, because the best is what John gave to the people of his home State. Democrats from Suffolk County to Erie County, from Clinton County to Richmond County will miss you.

TRIBUTE TO CHARLIE WILLIAMS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DURBIN. Mr. Speaker, I would like to take a moment to recognize the distinguished career of Mr. Charlie Williams who is retiring after 38 years as a dedicated member of the Machinists Union.

Charlie, Grand Lodge representative and Midwest States political director of the Machinists Union, was born in Arbyrd, MO, on May 24, 1931. He and his wife Joan have 10 children and 10 grandchildren.

After serving 4 years in the U.S. Navy as an aircraft mechanic in the Korean war, Charlie joined the Machinists Union. He went on to become very active in union organizing and served in many distinguished positions such as officer of the Legislative and MNPL Committee, sentinel, and assistant head steward.

Charlie also became active in politics working for "Draft Kennedy" in 1980 and serving as Illinois State labor chairman of the Democratic Party. In 1988, Charlie worked to get 63 union representatives to the Democratic National Convention—three times more union delegates than ever before.

Charlie has dedicated his life to the union organization, serving on numerous committees, attending many union conventions, and working hard to improve the union. Charlie is a good friend and a man of tremendous integrity. I admire the commitment he has demonstrated through his years of union service.

TRIBUTE TO THREE VOLUNTEER FIREFIGHTERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to bring to the attention of my colleagues the exemplary service of three volunteer firefighters in my congressional district. Jeff Kaiser, Alan Render, and Dale Barschak are volunteer firefighters for the Signal Hill Fire Department in my hometown of Belleville, IL.

These brave individuals will be awarded the Medal of Valor in a presentation at the Signal Hill Fire Department on Sunday, May 23, 1993. They are being honored in recognition of their daring rescue of three residents from a burning home.

As a member of the congressional fire services caucus, I recognize the importance of fire departments nationwide. Formed in 1987, the caucus addresses issues relating to fire, life safety and emergency response. The Congress and fire service are united behind a single agenda of concentration on the fundamental goal of a fire-safe America.

I ask my colleagues to join me as I applaud these fine individuals who have proudly and valiantly provided emergency services to the Belleville community.

RECOGNITION OF SUSAN DANYELLE KNIGHT, NATIONAL WINNER OF 1993 VOICE OF DEMOCRACY PROGRAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BAKER. Mr. Speaker, it is my privilege to recognize and congratulate a constituent, Ms. Susan Danyelle Knight for placing 10th out of over 136,000 high school students in the Voice of Democracy Broadcast Scriptwriting Program sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. Ms Knight is a senior at Scotlandville Magnet School in Baton Rouge. She was required to write and record a 3 to 5 minute script on this year's theme: "My Voice in America's Future." She was awarded the Joseph O. Hansen Memorial Scholarship for her extraordinary work. It is my great pleasure to submit her award winning speech, as follows:

MY VOICE IN AMERICA'S FUTURE

So many voices have sounded their echo throughout the pages of our nation's history. Men and women of vision—unafraid to speak the truth, have molded a great sculpture from the clay of our resources, a sculpture of unity within diversity, of courage despite hardship, of freedom above all else. Now we exist ever changing in form, a nation unlike all others, created from the loving breath of God and our forefathers and fostered by generations of freedom-living people.

I have grown as an individual among the benefits of our democratic America. A youth in a land of opportunities, I have enjoyed an education which will allow me to experience the height of my aspirations. I will draw out the best our nation has to offer with determination and perseverance but will not hoard this country's wealth with a selfish spirit of personal gain. For we Americans have been called to a higher aim, and I will not deny this calling. In a country of abundance, so many lack physically, mentally, economically, and spiritually, the stability which I have always known. As in the earliest days of America's development, there are evils yet to fight. Poverty inflicts its pain into the hearts of our people. Crime is born from the midst of America's forgotten souls. Starvation is no unknown peril, but real in the lives of too many. And ignorance fuels the cycle of degradation, hopelessness, and death.

My voice is only a whisper in the clamor of our big cities. My voice is only one sound but will not be muffled by complacency. My voice will project its cry in memory of those now silent voices of the past who unafraid sparked boldly the fire of democracy.

I wish to transcend the differences of race, sex, and political preference to reach the heart of America's problems. During my lifetime I will speak of change and act on change. I will dedicate myself to helping the common men who built this nation out of wilderness and for generations have kept America vibrant and strong. I want to speak out for a greater emphasis on education, which can free the hopeless from their bonds of poverty. I will teach the children of America that life, liberty, and the pursuit of happiness are not goals out of their reach, but all within grasp of their yearning hands. I want to be the social worker that builds playgrounds out of inner city alley-ways, the politician that speaks truth from our government podiums, and the parent that raises her children to love and care for the liberty of America.

I will also wish to use my voice to inspire a closer kinship between the U.S. and the other countries of the world. We must learn from the nations around us and grow from interaction and friendly communication with their governments. As we have always been a beacon of light for the "tempest tossed" America must remain a land of golden opportunities nurturing freedom for all people and willing to see the common good done for all mankind.

My voice is young and full of hope for the future. Listen America to the song of youth which rises today within your bosom. This generation has a chance to help your people, to strengthen your structure, to proclaim your name throughout the world. I will be a voice in the chorus calling for an end to discrimination, suffering, poverty, and ignorance—all that keep us from fulfilling our noble calling. We will elevate the souls of all mankind both here and abroad with the sounds of peace and freedom:

These things shall be—a loftier race
Than e'er the world hath known shall rise
With flame of freedom in their souls,
And light of knowledge in their eyes.

The poet John Addington Symonds wrote these words that speak of the hope that I see ahead for America. My voice in America's future will be the one that proclaims the glory of this great nation, that speaks too clearly to be muffled, that sings in harmony with the common man for true freedom everlasting.

ERNIE RANSHAW HONORED

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Mr. Ernie Ranshaw, the guiding force behind the Alcoholism Programs of Mahoning County, Inc. [APMC] of my district.

Mr. Speaker, Ernie will retire this year after 19 years of service to APMC. In his first year guiding the fledging program, his modest operating budget for two facilities was $69,000. When he retires this year from his position as executive director, Ernie will leave APMC operating out of five facilities and running six different programs. The APMC's operating budget now stands at $1.3 million, a staggering 1,800 percent increase even after inflation is factored.

Ernie spearheaded the incredible expansion of a program desperately needed by the Mahoning Valley community. As a sour economy ravaged my district, hopelessness set in a dramatic increase in alcohol-related problems began to tear families apart. Under the direction of Ernie, APMC not only treated 5,000 clients, but employed 80 individuals in full time positions, hired over 300 clients and/or former clients and served for and worked with 40 different board members.

Mr. Speaker, I hope that what I have just related to my colleagues will serve as an inspiration for all of us. This type of selfless dedication to those who need help the most is as rare as it is imperative. I would like to thank Ernie for his relentless efforts, and wish him a joyous and relaxing retirement.

CAMBRIDGE, NY, DEDICATES FIELD TO OUTSTANDING SON, BRIG. GEN. FRANK SHERMAN HENRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, patriotism is very strong in the 22d District of New York, and this Memorial Day will see a variety of observances and ceremonies.

One of them will be the parade of Captain Maxson Post 634, American Legion, in Cambridge. Making this year's ceremonies even more special is the scheduled dedication of the youth athletic field to the memory of its donor, the late Brig. Gen. Frank Sherman Henry, one of the area's most distinguished sons. I'd like to say a few words about him today.

The life of Frank Sherman Henry gives a typical example of greatness being nurtured in one of the America's small towns. He was born in Cambridge in 1909, the worthy heir of great American families. His mother was descended from Gov. William Bradford of the *Mayflower*. Young Frank may have inherited his military spirit from his paternal grandfather, James Alexander Henry, who served as an enlisted man in the 123d New York Volunteer Infantry in the Civil War.

Sherm, as he was called, was too light to be more than a sub on the outstanding Cambridge football teams of the 1920's. He played well when called upon, but football was not his first sport. His first loyalty was to riding horses, a passion he inherited from his father. That passion included an ambition to become a cavalry officer, an ambition realized when he was appointed to the U.S. Military Academy at West Point in 1929.

He graduated in 1933, and when duties with the 3d Cavalry Regiment in Fort Myer, VA permitted, he participated in numerous equestrian events. It was obvious that Henry had a special talent.

Plans to compete in the 1940 Olympics were canceled by the coming of World War II. Henry graduated from the Command and General Staff School, and taught there for a period before assignment to the Joint Chiefs of Staff War Plans Committee. In 1945, he served in the headquarters of Gen. Douglas MacArthur.

The war over, Henry made the U.S. Equestrian Team, and in the 1948 Olympic games in England, finally earned the recognition denied him by the war 8 years earlier.

He won one gold and two silver medals. His record of three equestrian medals has been equaled only once.

After the Olympics, Henry had many staff, command, and diplomatic assignments before retiring as chief of staff, III Corps at Fort Hood, TX in 1963. His decorations included the Legion of Merit with Oak Leaf cluster and the Korean Order of Service Merit, 3d Class.

His retirement years were spent as a judge for the American Horse Show Association and work with disadvantaged children. In 1989, Gen. Henry died, and his body was laid to rest in Woodlands Cemetery, on a hill overlooking East Main Street in Cambridge.

When General Henry was a boy in Cambridge, recreation consisted of B–B gun fights in an old barn. That's one of the reasons he wanted to give future generations of Cambridge youths a more appropriate facility. His generosity, his own athletic exploits and his service to his country are good reasons to dedicate the athletic field to him as a lasting memorial.

And so, Mr. Speaker, I ask Members of this House to join me in tribute to Brig. Gen. Frank Sherman Henry, patriot, equestrian, and outstanding son of Cambridge, NY.

THE FUTURE OF HEALTH CARE: HOFFMANN-LA ROCHE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to recognize a leader in the U.S. health care industry. Hoffmann-La Roche, headquartered in Nutley, NJ, is setting the standard for the future of the industry.

I wish to recognize the contribution of Hoffmann-La Roche because the health care industry is of special importance to New Jersey. This is true for two reasons: First, health products manufacturing is New Jersey's No. 1 manufacturing industry; second, New Jersey is the Nation's No. 1 health products manufacturing State, as 6 of the 14 pharmaceutical companies in the Fortune 500 are headquartered there.

Mr. Speaker, Hoffmann-La Roche embodies the dedicated and innovative spirit associated with these New Jersey success stories. As one of the world's leading research-intensive health care companies, Roche has discovered, developed, and introduced numerous important prescription pharmaceuticals. Roche also has distinguished itself as a leading provider of diagnostic products and clinical testing services, home infusion therapy services, vitamins and fine chemicals for human animal nutrition, as well as animal feed additive and veterinary products. Recognized for excellence in both biotechnology and traditional chemistry, Roche is also pioneering the commercial development of polymerase chain reaction [PCR] technology, a revolutionary advance in diagnostics that promises to enhance the early detection of AIDS, cancer, and a host of genetic diseases.

Unfortunately, I must note that this revolutionary technology is having to be utilized to fight a battle long thought to have been won in this country. I am referring to TB. I know that every member in this chamber is aware of the return of this scourge. What every member may not be aware of is the efforts of Mr. Irwin Lerner, chairman of the board of Hoffmann-La Roche, to combat this dreaded disease.

Working with the New York Public Health Research Institute [PHRI], Mr. Lerner recently announced the establishment in New York of the PHRI TB Center. This unique facility is dedicated to containing the spread of tuberculosis, particularly the multidrug resistant strains that are making the recent resurgence on the disease so disturbing. Roche is uniquely qualified to help and did not hesitate to do so. Roche is a leading funder of this project and is also pursuing the principal goal of applying the PCR technology to the development of rapid and accurate tests to detect TB. I ask that Mr. Lerner's entire statement at the press conference announcing the new TB center be inserted in the RECORD at the end of my statement. Please note that Mr. Lerner was president and CEO of Hoffmann-La Roche in December of last year and now serves as the company's chairman of the board.

Mr. Speaker, I hope that those looking toward the future of health care in the United States will recognize the service and dedication demonstrated by both Mr. Lerner and Hoffmann-La Roche's new president and CEO, Mr. Patrick J. Zenner. We must invest in extensive research and development in order to succeed. Hoffmann-La Roche deserves praise for its investment of $1 billion a year in continuing to search for cures as well as improved methods of prevention, diagnosis, and treatment.

Hoffmann-La Roche has also addressed its corporate responsibility to the well-being of the community it serves. Their initiatives include the "Roche Indigent Patient Programs", which provides products free to physicians treating people who lack medical insurance or other financial means; their "Corporate Initiatives for a Drug Free Workplace," motivating corporate leaders to implement practical drug abuse policies and programs; and their "Parenting Premier," a new community health initiative which provides education and support for parents with premature infants, Hoffman-La Roche deserves our recognition for their commitment to their slogan, "Working Today for a Healthier Tomorrow."

REUNIFICATION OF JERUSALEM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SCHUMER. Mr. Speaker, I rise today on the occasion of the 26th anniversary of the reunification of Jerusalem. In this time when enemies of Israel have tried to persuade the American public that Israel is an occupier of Arab land, I would like to take this opportunity to set the record straight.

Jerusalem was the ancient capital of Israel, and Jews have always lived there. Indeed, it was more than 3,000 years ago that King David made Jerusalem the capital of Israel. The Western Wall in Jerusalem, standing more than 2,000 years, has been the object of Jewish veneration and the focus of Jewish prayer throughout history. Only in 1948, when the once thriving Jewish majority of the old city of Jerusalem was driven out of the city by Jordanian forces during the 1948 Arab-Israeli war, did Jerusalem become a divided city.

Once Jordan had control of Jerusalem, it denied access to the Western Wall and other holy sites to Israeli citizens of all faiths as well as Jews from anywhere in the world. It was only 1967, when responding to the attack of four of its Arab neighbors, that Israel reunified the city of Jerusalem and opened its historic capital to people of all countries and all faiths.

Today I congratulate the residents of Jerusalem and the people of Israel and have introduced a resolution that declares that Jerusalem must remain an undivided city—in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 26 years.

A TRIBUTE TO JAMES M. SMITH

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the exalted ruler of the Clifton Elks for 1992–93, James M. Smith. His leadership has bettered both his organization and his community.

As we are all aware, the Elks are very dedicated to service in their community. Many groups benefit from their tenant of service. These groups include crippled children, veterans, and community youth and seniors.

This past year, Mr. Smith has brought his Elks chapter to previously unattained levels. As exalted ruler, he has sought to involve the Clifton Elks in a broader spectrum of community outreach. Under his guidance, the Clifton Elks have reached record levels of chapter membership. He has truly established the Clifton Elks as a vanguard chapter in this national organization.

My colleagues, I am proud to be able to present this tribute honoring such a dedicated individual. This past year, Mr. Smith has truly been a leader among his peers and an outstanding source of admiration within his community. Please join me as I pay tribute to the exalted ruler of the Elks, Clifton Lodge, 1992–93, Mr. James M. Smith.

GENE CHEATHAM SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SUNDQUIST. Mr. Speaker, I want to share with my colleagues a genuine American success story. In 1978, a constituent of mine, Gene Cheatham of Columbia, TN, took out a loan against his home to start a computer systems integrator company. In its first year, the company, Advanced Integrated Technology, had sales of $10,000. Last year, the company had sales of more than $15 million, and Gene Cheatham's company was listed in the Greater Nashville 100, the first minority-owned business to do so.

Gene Cheatham's achievement is an example of the sort of entrepreneurial spirit we ought to be encouraging, and I am pleased to bring his accomplishment to the attention of my colleagues.

I ask that the accompanying article from the Daily Herald in Columbia, TN be reprinted in the CONGRESSIONAL RECORD.

AIT PRESIDENT NAMED EXECUTIVE OF YEAR

(By Don Hinkle)

The president and trifounder of Columbia's spectacularly successful Advanced Integrated Technology, has been named Middle Tennessee's "Business Executive of the Year" by The Nashville Business Journal.

Gene Cheatham, who convinced a banker in 1978 to extend a personal equity loan of $25,000 against his house to help start AIT, was presented the award at a special banquet earlier this week at the Stouffer Nashville Hotel.

"I was as surprised as anyone at winning the award," said Cheatham, who has built AIT's annual sales from $10,000 the first year to more than $15 million in 1992.

AIT, whose headquarters is just off Nashville Highway north of State Highway 246, is a computer systems integrator, a company that adapts hardware and software to meet the specific needs of industry.

Since AIT was founded, the company has opened offices in seven other states and has seen employment grow to more than 100. It was the first minority-owned business to be included in the Greater Nashville 100, a list of the region's most successful businesses.

"I think the award reflects the quality of people who work at AIT and the quality of service they provide," Cheatham said Thursday afternoon. "We've been fortunate to have won some type of an award almost every year. But I figured someone else would win this one."

Cheatham has steadily built the company through his uncanny knack of working through government red tape to secure contracts with federal agencies like the Departments of Defense and Housing and Urban Development.

But lately, Cheatham has made headway in the private sector, securing a licensing agreement in December with Florida-based Encore Computer Corp., that could generate $50 million in sales and service for AIT over the next two years.

That accomplishment underscored AIT's growth potential, drawing it acclaim in the business sector—both on the state and national levels.

Last year AIT was one of only four companies in Tennessee to be named a "Blue Chip Enterprise," a national award sponsored by Connecticut Mutual Life Insurance Co., the U.S. Chamber of Commerce and Nation's Business magazine.

On Jan. 14, AIT was featured on First Business, a 30-minute business show telecast nationally on the USA cable network.

Cheatham serves on the board of directors for Nations Bank, Tennessee and Vanderbilt Children's Hospital. He also serves on the Nashville Area Chamber of Commerce's board of governors and is on the advisory board for the Jack C. Massey Graduate School of Business at Belmont College.

GOD OUT OF SCHOOL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DUNCAN. Mr. Speaker, two of the finest people I know are Gene and Virginia Rickett. They have been longtime friends of mine and my family. They are both very patriotic citizens and are extremely active in the community. Our country would be well served if we had more people like the Ricketts.

Unfortunately, Colonel Rickett has just discovered that he has a tumor in his esophagus and must have an operation to have it removed. I know everyone who knows this fine man is certainly hoping for a successful and speedy recovery.

Colonel Rickett recently wrote a poem entitled, "God Out of School." This poem certainly makes an important point about the removal of prayer and bible reading from our schools, and I would like very much to call this to the attention of my colleagues and other readers of the RECORD.

GOD OUT OF SCHOOL

(By Gene Rickett)

The Supreme Court made a decision today
  To put God out of the schools in the U.S.A.
And now the problem that we have to face,
  Is what will become of the human race.

Are we better today than we were long ago
  Or have we just reached an all-time low?
And "We the People" could be a lot worse
  When we face the Maker of this great universe.

And these justices, who claim they stand tall,
  Who took an oath, under God, to serve us all,
And did they really have so little to rule,
  Than to pick on God, to put Him out of school?

Can we send our children to an atheist school,
  Where they can't even mention the golden rule?
Where God isn't welcome, He was expelled!
  By this decision that was straight out of Hell.

Is it freedom of religion, or freedom of speech,
  When the government tells us what we cannot teach?
Is it justice, or just tribulation
  And doesn't it warrant some new legislation?

TRIBUTE TO TIFFANY ANNA BAKER

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mrs. FOWLER. Mr. Speaker, as much as we may hear the term "hero," once in a while an act of true heroism will remind us how rare a commodity heroism is. It is far more impressive when the source of such an act is a mere 11 years of age. With this in mind, I rise today in tribute to my constituent, Tiffany Anne Baker of Jacksonville, FL, the girl-hero from Loretto Elementary School, who recently received the American Automobile Association [AAA] School Safety Patrol Lifesaving Medal Citation.

On February 18, 1993, Tiffany Baker was on duty next to Loretto Elementary, holding back students waiting to cross heavily traveled Loretto Road. One of the students, a first-grader playing with his brother, was accidentally pushed down the steep slope between the sidewalk and the roadway. He tumbled into the path of an approaching car. Tiffany, alert to the danger, immediately jumped down into the road and extended her flag in front of the car. The driver slammed on the brakes and came to a stop touching the flag next to the fallen first-grader, who was not hurt.

The School Safety Patrol Program is an excellent idea which provides badly needed service to the community. It helps in ensuring the safety of younger children, while teaching responsibility to the older children.

Mr. Speaker, perhaps the most remarkable thing about this is that Tiffany, while participating in a program designed to teach her responsibility, has taught all of us a great deal about courage and heroism. Accordingly, I ask my colleagues to join me in saluting Tiffany Anne Baker and all of the other recipients of the AAA School Safety Patrol Lifesaving Medal Citation.

ECONOMIC DEVELOPMENT LOAN ASSISTANCE DEMONSTRATION PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I reintroduced legislation providing an incentive for businesses and nonprofit organizations to invest in economically depressed communities that have been designated as "federal enterprise zones." Specifically, my legislation authorizes the Secretary of Housing and Urban Development [HUD] to make grants to bank Community Development Corporations [CDC's] that have targeted certain Federal enterprise zones for revitalization. CDC's are then authorized to use such grant moneys to buy down interest rates on loans to businesses and nonprofit organizations that engage in economic redevelopment activities in the CDC's targeted zone. The reduced interest rate on the loan cannot exceed 60 percent the market rate of interest on the loan.

I realize that money for new programs is scarce. Therefore, my legislation specifies that the program be established in only five Federal enterprise zone, when such zones are created. The Secretary of HUD is required to choose the zones for participation in the demonstration program. The legislation requires that the zones chosen are in both rural and urban communities.

The legislation also requires a review of the entire program in a report to Congress to determine whether the program should be reauthorized and expanded to other enterprise zone areas. Under the legislation, the program is authorized from fiscal year 1994 to fiscal year 1996 at a level of approximately $33 million each year.

Under the bill, economic development activities are defined as the construction and rehabilitation of housing, downtown and neighborhood commercial revitalization, industrial development and redevelopment, small and minority business assistance, neighborhood marketing, training and technical assistance, research and planning for nonprofit development groups, and other activities that create permanent private sector jobs.

I have introduced this legislation in the past two Congresses. In fact, I offered a similar proposal to the Cranston-Gonzalez National Affordable Housing Act—Public Law 101–625—when it was considered on the floor of the House of Representatives. My amendment passed at the time, but was stricken in conference.

I believe that it is very important to get banks involved in the revitalization of depressed communities. It is essential that the private sector help tackle the problem of revitalizing depressed communities. The Federal Government cannot do it alone. This program is especially significant and has great merit because it merges two community development tools, CDC's and enterprise zones, into one. On their own, these tools have had limited success.

As you know, in the past, Congress passed legislation authorizing the establishment of 100 Federal enterprise zones. The Secretary of HUD was supposed to designate those zones before January of 1991. However, Jack Kemp, who as the Secretary of HUD at the time, refused to name zones since Congress had passed no legislation providing incentives for investment in those zones. Last year's omnibus tax bill included limited incentives for private investment in 50 enterprise zones, but it was vetoed by President Bush. Congress extended the Secretary of HUD's authority to designate Federal zones during the 2-year period beginning November 1, 1992 as part of last year's HUD authorization bill. Yet, we still have the same problem—no incentives. My legislation provides an incentive for investment when zones are designated and it does not involve tax incentives or tax breaks that cause so much controversy. It provides grants to reduce interest rates on loans and it utilizes private sector institutions that have targeted communities for redevelopment, CDC's, to do so.

It is time to take advantage of these community development tools. We all know that State enterprise zones have been extremely successful. Federal enterprise zones will also be successful if Congress can approve some incentives. The Clinton administration is a proponent of utilizing both community development banks and enterprise zones as redevelopment tools. The administration supports a 50-enterprise-zone proposal to increase investment, business formation and employment in depressed communities. Moreover, the administration is working on a proposal that would set up a network of community development banks that would be responsible for impelling economic revitalization of depressed communities.

I urge my colleagues to support this very important legislation. It is time to put people back to work in our Nation's once thriving communities.

MUNICIPAL SOLID WASTE LANDFILL RELIEF ACT OF 1993

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SLATTERY. Mr. Speaker, I rise today to introduce legislation which will allow additional time for municipal solid waste landfills to comply with the EPA's rules and regulations currently scheduled to take effect on October 9, 1993.

Having heard from a number of county commissioners in my district about the difficulties they are experiencing in meeting the EPA's October 9 deadline, I began to study this issue further. I quickly learned that the problems were not limited to my district, nor to the State of Kansas, but that many counties in States across the country are largely unprepared for dealing with their solid waste after the October deadline.

I am convinced that counties need more time to thoughtfully conclude long-term plans for managing their solid waste disposal. For a variety of reasons, many counties do not yet have solid waste management plans in place, and I am concerned that maintaining the October deadline will result in hasty decisions creating new long-term economic and environmental costs. This outcome would clearly be contrary to the original goals of the 1984 amendments to the Resource Conservation and Recovery Act passed by this body.

Mr. Speaker, Sylvia Lowrance, Director of the EPA's Office of Solid Waste, announced that the EPA is attempting to delay the October 9 deadline administratively through a proposed rule change. I commend Ms. Lowrance and the EPA for this decision, and believe that this would prove the best remedy if it is possible.

Under the EPA's proposal, the October deadline for the subtitle D requirements for landfills would be delayed 6 months until April 1994. Additionally, States would be able to apply for a further extension if they can demonstrate a good faith effort to comply with the new regulations.

I introduce this bill as part of a two-pronged approach in order to increase the chances of providing counties the needed relief from the impending deadline. This bill would essentially accomplish legislatively what the EPA has proposed to do administratively. I believe it is important to have this bill ready should the EPA's efforts fail.

I am concerned that a blanket extension without conditions will be used by counties to simply continue disposal in substandard landfills in order to avoid higher costs. My proposed legislation is sensitive to this argument, while also taking into consideration the unique problems faced by rural counties. The bill grants all counties 6 months reprieve from the October deadline. Beyond that, counties with landfills receiving on average 100 tons of waste per day, or less, could apply for an additional 1 year extension. To be granted the additional delay, the States and counties would have to demonstrate a good faith effort in complying with the new EPA landfill standards.

I believe this is a responsible approach, as well as one which is sensitive to the many divergent interests effected by this issue.

NATIONAL WRITE YOUR CONGRESSMAN, INC., HONORED

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, I was pleased during the last election to see that so many Americans took the opportunity to become involved in our Government. This involvement is reflected in the high volume of letters from my constituents regarding issues and events that affect their lives. I encourage and welcome this type of participation.

Today, I would like to recognize an organization that helps the people of this country send their thoughts and opinions to their Representatives in Washington, DC. National Write Your Congressman, Inc., founded in 1958 and headquartered in Dallas, TX, is a unique organization. It is different because it is not a lobbying organization and does not show partiality toward candidates running for office. National Write Your Congressman, Inc., researches legislation, presents both sides of national issues, and allows its members to develop their own opinions.

Once a month, this organization sends its members an opinion ballot outlining both sides of a controversial issue. They also conduct frequent national polls among their members and advise Representatives of these results. Finally, National Write Your Congressman keeps it members abreast of their Representatives' voting records on national issues.

David N. Adamson, the founder and chairman of the board, spent 23 years in chamber of commerce work prior to 1961. I am proud to see this organization's leader is a businessman with Christian roots who actively encourages busy Americans to voice their opinions on national issues.

I commend National Write Your Congressman on its efforts to keep the American people in touch with their Representatives in Washington.

A TRIBUTE TO THE HEROES OF EDISON/FAREIRA HIGH SCHOOL

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the heroes of Thomas Alva Edison/John C. Fareira High School. Fifty-four young men from this school gave their lives in service to America during the Vietnam war. No other high school in the country made such a great sacrifice.

Despite this profound loss, succeeding generations of students have taken great pride in knowing former members of the student body gave their lives to support the ideals of democracy and help sustain the American dream. I join with their families and all past and present students of Edison/Fareira High School in honoring the following students for their patriotism and sacrifice: James J. Allen, Jr., Charles J. Antonelly, William B. Blackmon, Jr., Laurel L. Blevins, Zacharia Brookins, Hector Bryant, Samuel Burton, Glenn Carter, Richard A. Carter, William Chapman, Louis A. Cobarrubia, Milton G. Clayborne, Deighton A. Danielles, Wayne T. Dillman, Harold Doman, Charles J. Glenn, Roscoe Glover, Jr., Irvin Hopkins, Rocco Isaac, Randolph Jefferson, Joe Thomas Johnson, Jr., Joseph Johnson, Dennis Kuzer, Kenneth Lassiter, Joseph Lodise, Gerald Maguire, Richard McNichols, Adolfo Martinez, Joseph Mieczowski, John Miller, William Miller, Leroy Peagler, Kenneth Pettus, Alfred Purvis, Lawrence J. Rieckert, Jr., Samuel Rodriguez, Angelo C. Santiago, Harry B. Seedes, George F. Seiger, Nelly J. Singletary, James T. Swift, Jr., Aaron L. Thomas, Henry Thomas, John J. Thomas, Robert Torres, Gerald J. Whalen, Nathaniel Washington, Joseph A. Weber, Roosevelt Whitaker, General White, Michael M. White, Duane G. Williams, Bernard R. Woehlcke, Francis Zerggen.

A TRIBUTE TO LT. JOHN NIEHAUS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DELLUMS. Mr. Speaker, I rise to recognize Lt. John Niehaus, U.S. Navy, who is completing his tour of duty as liaison officer at the Department of the Navy's Office of Legislative Affairs. It is a privilege for me to recognize just a few of his most outstanding accomplishments.

John hails from Grand Rapids, MI, and received his bachelor of science degree from the University of Michigan. After his commissioning, he was designated a naval flight officer. As an E–2C *Hawkeye* mission commander assigned to Carrier Airborne Early Warning Squadron 122, he controlled carrier-based aircraft and detected and evaluated potential threats. John gained additional operational experience as a strike warfare watch team captain and as a liaison officer with the Israeli Air Force, while assigned to Carrier Air Wing Six, on USS *Forrestal* (CV–59). He was handpicked to attend the Navy's elite Fighter Weapons School, "Top Gun," where he polished his combat skills.

During his tenure in the U.S. House of Representatives, John was instrumental in planning and flawlessly executing numerous congressional delegations which observed naval operations around the world and increased the Congress' knowledge of critical Navy programs. John has been a vital link in maintaining the flow of information between the Navy and Congress. He has promptly resolved thousands of sensitive congressional inquiries. His impressive technical knowledge and honesty are to be commended.

It is my hope that you and my colleagues will join me in saluting Lt. John Niehaus and wishing him "Fair Winds and Following Seas."

OUTSTANDING PRINCIPAL HONORED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SUNDQUIST. Mr. Speaker, I ask that my colleagues join me in extending the congratulations and good wishes of the House to an outstanding educator from my district, Penny Eilert of Bartlett, TN.

Penny is principal of Bartlett elementary School. She recently won Honorable Mention for the National PTA's Phoebe Apperson Hearst Award, for which she will be honored at the 1993 PTA National Convention in Cincinnati. In addition, she was Tennessee's Outstanding Elementary School Principal in 1992.

In her 5 years at Bartlett Elementary, she has won the respect and admiration of students, parents and community leaders. I have visited the school and seen first hand the difference a committed educator can have. I think it important, especially when one hears so much about what is wrong with our schools, that we take time to recognize and encourage the many who are doing well.

Penny Eilert is a wonderful principal, a dedicated educator, an example of caring and commitment to young people. We are very proud of her, and I am pleased to bring her accomplishment to the attention of the House.

ANGELA TAYLOR WINS ESSAY CONTEST

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. CRAPO. Mr. Speaker, I wish to submit for the RECORD, the winning essay from Idaho for the 1992–93 VFW Voice of Democracy Scholarship Program. The essay was written by Angela Taylor of Kimberly, ID.

MY VOICE IN AMERICA'S FUTURE

I hear a faint voice then see a tattered, bedraggled woman on the side of the road. A raspy whisper emerges from grubby garbage stashed in the corner of a park. Not far away a shrill cry of a barefooted, scrawny child sets my emotions afire. And finally I am excited by the subtle movement of a child in my friend's womb and it gives my voice sound. There is the destruction of land, water, families, and America's moral structure. The homeless population creeps among us like silent soldiers reminding us of the humanitarian sins we've committed. Garbage and hazardous waste seep into our streams, parks, oceans and suburbs rather than into recycling bins. Children are abandoned by working parents and left to swing from rusty chains. The nation is plagued by monumental problems. The only way to guarantee our survival is to advocate, address, and activate the issues and the energy in each spirit and become a voice in America's future. Thousands upon thousands of men and women have willingly picked up their courage and their guns to fight for this country abroad. Now each one of us must be just as willing to fight for a better quality of life here, within our own borders. We are not restrained by military code or enlistment policies; instead, it is our unwillingness to make commitment which restricts our actions.

Few people realize that this is the same Earth where their great grandchildren will live. Few understand that their voice can and will make a difference if they only shout or whisper to the decision makers.

As for me, I am lucky. I have conducted research about the Earth's present condition and I am committed to doing my part. Our Environmental Club adopted a highway and I have established a recycling operation at home. I am lucky. My parents make sure I eat three meals a day an am warm when I go to bed at night. I am lucky. I live in a state where one can still breathe fresh air. I am lucky because I know that others do not enjoy the same quality of life as I do and therefore, I must help improve the lives of those who are less fortunate. I will be a doctor who soothes sore throats with cough syrup and heals battered hearts with reassuring words about an ideal future that we can all obtain if only we find our voice in America's future. My voice will echo the sobs of pain from children who die in gang fights and it will bark fiercely at an administration for not neutralizing such groups. My voice will mature and my knowledge expand during twelve years of education while I listen to professors lecture about various issues. Then it will burst into joyous cries as I share with all willing to listen the truth about life and the value of every single person's opinion. My voice will be one hundred times stronger if I convince others to seek change and better conditions. Our time on Earth is short but one must realize that he or she can and must make a difference. It is our obligation as citizens to give sound to our voice in America by voting, teaching, learning, and even protesting. What we cannot do is compromise our values and succumb to the mediocre stereo-types that foreign countries often try to impose. I will not waiver under such a yoke, instead I will push and tug on any size burden because I owe it to myself, my country, and the future. My voice is strong already and with more knowledge it will blossom into a beautiful song that will lead others to an understanding of justice. I am not afraid to scream at the top of my lungs for change, but are you afraid to follow? I encourage each and every person living in this phenomenal country to listen for the voice of the future, whether it be the voice of a President or a grandchild, because we all have the power to improve and make decisions which guarantee our voice is heard in America's future. My voice—your voice—our voice is America's future.

TRIBUTE TO THE UNITED PRESBYTERIAN CHURCH IN POTTSVILLE, PA

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HOLDEN. Mr. Speaker, June 30, 1993, marks the 25th anniversary of the formation of the United Presbyterian Church located in historic Pottsville, PA.

United Presbyterian Church was formed by the merger of the First Presbyterian Church and Second Presbyterian Church on June 30, 1968. The First Presbyterian Church was founded in 1832. The Rev. Joseph McCool was its first pastor and the Rev. Elmer Davis was its pastor at the time of the merger. The Second Presbyterian Church was founded in 1857. The Rev. Fisher Colt was its first pastor and Rev. Henry Riesdorph was the pastor at the time of the merger.

Since the merger the following pastors have served at United Presbyterian Church: First, Rev. Elmer Davis, June 1968 through December 1986, second, Rev. James Bell, January 1987 through January 1988, third, Rev. Richard Wright, April 1988 through November 1990, fourth, Rev. Dr. Matthew Whong, January 1991 through April 1993, and fifth, Rev. Henry Clark, May 1993 through present.

The members of the United Presbyterian Church will celebrate their 25th anniversary in a growing tradition of faith and community. Many in Pottsville have been touched by the good works of United Presbyterian Church. Many more have been touched by its spirit of neighborly love and caring. United Presbyterian Church is a shining example whose spiritual strength has made it a cornerstone of the Pottsville community.

Mr. Speaker, I am honored to pay tribute and congratulate United Presbyterian Church on its 25th anniversary, and extend my warmest wishes for its continued growth and success.

BEST WISHES TO PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA ON TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to congratulate President Lee Teng-hui of the Republic of China on Taiwan on the occasion of his third anniversary in office. Since his swearing in on May 20, 1990, President Lee has maintained his country as a model of democracy and free market ideals. Last December, Taiwan held its first islandwide free elections for its Parliament and it currently is in the first phase of a $303 billion 6-year national development plan. This endeavor has created many new jobs and spurred on economic growth.

Mr. Speaker, I invite my colleagues to join me in expressing heartfelt congratulations to President Lee Teng-hui for his past successes and future goals.

REPEAL THE EARNINGS TEST FOR BLIND AMERICANS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COX. Mr. Speaker, today I rise to introduce the Social Security Disability Benefits for the Blind Act, which will bring into the work force many blind Social Security disability beneficiaries who are presently prevented from working because of economic disincentives built into the Social Security System.

Current law punishes blind individuals who are gainfully employed by withholding their Social Security disability benefits. Worse, if a blind beneficiary earns more than a meager $880 per month—that's $10,560 per year—he or she loses all Social Security benefits and, after a period of time, Medicare coverage as well. With disincentives such as these, it's no wonder that nearly three out of every four blind persons are not employed—despite the fact that many are able bodied and willing to work.

The Social Security Disability Benefits for the Blind Act will eliminate this counterproductive tax on disability benefits for blind Social Security disability beneficiaries. In so doing, this legislation will boost the economy by increasing economic productivity and producing new tax revenues for the U.S. Treasury and the Social Security and Medicare trust funds. Most importantly, though, this legislation will afford many visually impaired Americans the opportunity to seek employment—and to fulfill their aspirations.

The Social Security Disability Benefits for the Blind Act has been endorsed by the Affiliated Leadership League of and for the Blind, the American Council of the Blind, the American Foundation for the Blind, the Association for Education and Rehabilitation of the Blind and Visually Impaired, the Blinded Veterans Association, the California Council of the Blind, the National Federation of the Blind, the National Industries for the Blind, and the National Committee to Preserve Social Security and Medicare.

I invite my colleagues to cosponsor this important bill, so that we may finally bring to an end this unconscionable policy of discouraging work.

NATIONAL MARITIME DAY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. FIELDS of Texas. Mr. Speaker, I would like to bring to the attention of the Members of the House of Representatives the fact that today is National Maritime Day, the day set aside each year to pay tribute to the American merchant marine. Throughout the Nation interested Government officials and representatives of the maritime industry will gather to recognize those American merchant mariners who have given their lives in the service of their country.

There can be no greater recognition of the heroism of our Nation's merchant mariners than to guarantee that their service, and more importantly their lives, represent an important contribution to our Nation.

During World War II, 733 American merchant ships were sunk, with 6,507 American seamen killed in action and 4,780 missing and presumed dead. More than 600 merchant seamen were taken prisoners of war. American merchant ships, manned by American citizens, were involved in every major invasion in World War II and provided the very lifeline for our military forces, supplying the troops with virtually everything needed for the successful war effort.

Our Nation's great military hero, Gen. Douglas MacArthur, said, "I hold no branch in higher esteem than the merchant marine services."

The valiant efforts of our merchant seamen continued after World War II, providing the necessary support for the Korean war and the war in Vietnam. This service continues to this day. American merchant mariners manned both active and reserve vessels to supply our military services in the recent war effort in the Persian Gulf known as Operation Desert Shield and Operation Desert Storm.

Today, however, our merchant marine is in danger of being defeated, not by hostile forces, but by indifferences and lack of support from our own Government.

According to U.S. Government figures, in 1960, there were more than 100,000 people employed in the domestic and foreign deep sea trades. In 1992, only 22,000 individuals were active seafarers. In 1960 there were over 950 active U.S.-flag merchant ships in these trades. Last year, there were 400. Since ship construction subsidies were ended in 1981, the United States has lost one-third of its shipyards, 50,000 American jobs in shipyards, and 100,000 jobs in shipyards supplier companies. By 1995, another 20,000 layoffs are expected. All of this decline was brought about not as a result of any enemy action but by adverse economic conditions and unfair foreign competition.

As Americans gather today to honor our merchant mariners, our Government must answer a basic threshold question—do we want and need an American merchant marine?

If the answer to this question is in the affirmative, which I fervently believe it should be, then the Government must commit itself to the revitalization of all segments of the industry by establishing a comprehensive maritime policy. Last year, former Department of Transportation Secretary, Andrew Card, initiated, for the first time in years, a serious executive branch review of maritime policy. This year, the new Secretary of Transportation, Fedrico Peña, has initiated a similar review. He has conducted a series of meetings with all affected parties in the maritime industry and has indicated his intent to submit to Congress a maritime revitalization program. This legislative package will be critical to the future of this industry.

Decisions have to be made and backed by congressional and executive branch action. We must treat the maritime industry as one entity and we must develop policies and programs that promote the American merchant marine through a combination of direct funding; elimination of barriers to investment; vigorous enforcement of the cargo preference laws; recognition by the military of the importance of the merchant marine; sound energy and trade policies; and promotion of a strong shipbuilding base.

Since Federal funding obviously will be limited, we must create a program that will encourage private investment in the U.S.-flag merchant marine. Private investment creates jobs. The Congress must finally recognize this and take the necessary steps to craft legislation to eliminate barriers to private investment so that this industry can grow on its own.

American ingenuity and American technology have led the way in the design and operations of ships and intermodal transportation systems. However, this industry is now being stifled by outdated Federal regulations and unfair trade practices supported by foreign governments. If it were given the opportunity to compete fairly in the world shipping market, the American merchant marine would outperform any other shipping industry.

As we honor our fallen heroes of the merchant marine, we should also honor our living seamen by giving them the opportunity to continue to serve in their chosen profession. We can do this by assuring that there will be American merchant vessels plying the world's oceans. But they must be given the opportunity to procure cargo both in the United States and throughout the world. As U.S. shipping companies have access to cargo, whether it is through Government foreign aid programs or through private commercial transactions, more American ships will be built and that means more American jobs on those ships.

All segments of the Federal Government must come together with a common goal of supporting the maritime industry. The affected parties from the private sector must sit down and work out their different views on legislative solutions. Only then will the U.S. maritime industry be rejuvenated and restored to its former glory.

IN MEMORY OF CHARLES "GENE" PAPENHAUSEN

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to memorialize one of my district's greatest civil leaders, Charles "Gene" Papenhausen of Wishon, who passed away on April 15, 1993, at age 68.

Gene was a contract sales manager for Sears for 21 years, and whose public service to his community will never be forgotten.

He served on the Clovis Planning Commission for nearly 5 years and won his first term on the Clovis City Council in 1972. Gene was reelected in 1976 and 1980.

His dedication to the betterment of his community began even before Gene was formally appointed to the planning commission and elected to the city council. On many nights Gene could be found sitting in the council chambers, a concerned citizen watching and listening to the debate before him.

Gene gained an invaluable lesson from that experience and he was no newcomer when he took the oath of office.

Gene was elected mayor by his fellow council members in 1978 and 1980. He retired from the city council in 1984.

He was also a trustee with the Clovis Cemetery District, president of Fresno County Junior Achievement, a member of the National Rifle Association, and a past member of the Fresno-Madera Area Agency on Aging, the Clovis Lions Club, the Clovis Elks Club, and the Fresno Breakfast Lions Club.

Gene will not be forgotten and he will always live in the hearts of those people who are blessed by having the privilege of knowing him.

TRIBUTE TO THE MAHONING VALLEY'S LAW ENFORCEMENT HEROES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, last week communities across the country paid tribute to the more than 13,000 law enforcement officers who have died in the line of duty in our Nation's history. On Friday, May 14, 1993, I was honored to participate in the Mahoning Valley Peace Officers memorial ceremony in Warren, OH. This moving ceremony was sponsored by the Fraternal Order of Police, Warren Lodge No. 34, the Warren Police Department, and the Mahoning Valley Chiefs of Police.

Mr. Speaker, from 1981 to 1985 I had the honor of serving as Sheriff of Mahoning Valley, OH. As a former law enforcement officer I know all too well the dangers and risks facing American's police officers. I also know the heartache and pain of losing an officer in the line of duty. When I was sheriff one of my deputies, Sonny Litch, was brutally gunned down while transporting a prisoner. As I stated last week, I am gratified that Sonny's name is on the "Wall of Remembrance" of the National Law Enforcement Officers Memorial here in Washington, DC. Sonny's sacrifice and devotion to duty will be permanently remembered by his family, friends, colleagues, and a grateful nation.

Today, Mr. Speaker, I'd like to pay tribute to all the brave law enforcement heroes from the Mahoning Valley who have died in the line of duty. They are a special group of dedicated public servants who made the ultimate sacrifice to uphold the law and protect their communities. From the Campbell, OH, Police Department: Officer Albert Masi, who was killed on February 12, 1973; and Officer John Constintino who was killed on May 11, 1920. From the Mahoning County, OH, Sheriff's Department: Deputy Sonny Litch, who was killed on October 1, 1981. From the Niles, OH, Police Department: Officer John Utlak, who was killed on December 8, 1982. From the Poland Township, OH, Police Department: Officer Richard Becker, who was killed on November 6, 1983. From the Struthers, OH, Police Department: Officer Raymond Darwich, who was killed on November 16, 1952; Officer John Harkins, who was killed on January 1, 1952, and Officer Joe Ruby, who was killed on November 11, 1923. From the Warren, OH, Police Department: Officer Irving Baker, who was killed on January 6, 1933; and Chief Frank Flowers, who was killed on April 3, 1919. From the Youngstown, OH, Police Department: Officer Millard Williams, who was killed on April 14, 1992; Officer Paul Durkin, who was killed on September 29, 1987; Officer Ralph DeSalle, who was killed on June 13, 1984; Officer Cihon, who was killed on December 23, 1963; Officer Tim Learnard, who was killed in 1927; Officer Henry Clemens, who was killed in 1926, Officer Ben Yeaden, who was killed in 1925; Officer John Williams, who was killed in 1924; Officer Alexander Warren, who killed on May 3, 1921; Officer Samuel Banks, who killed on October 6, 1919; Officer Alfred Evans, who was killed on November 5, 1911, and Officer John Freed, who was killed on May 15, 1891.

The sacrifice, devotion to duty, dedication, and courage of these real life heroes will always be remembered and cherished by those in the Mahoning Valley. Mr. Speaker, I urge my colleagues and all Americans to not take for granted the tremendous job our law enforcement officers do each and every day, and the important role they play in protecting our Nation. While it is important and fitting that we honor those law enforcement officers who have fallen and those who serve with a week of special events; it is even more important for all Americans to respect and support our law enforcement officers every day of the year.

A TRIBUTE TO COL. CONWAY B. JONES, JR.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DELLUMS. Mr. Speaker, I rise to recognize Col. Conway B. Jones, Jr., who is retiring from the U.S. Air Force after 30 years of exemplary service, including 22 years as an Air Force reservist.

In Vietnam, Mr. Jones performed over 6,600 flying hours in 87 combat missions. His many awards and decorations serve as testament to his dedication, commitment, contributions, and sacrifice. I have known Colonel Jones for the entirety of my 23 years in Congress. He epitomizes the citizen-soldier. I can speak personally to his unswerving integrity and high moral principles.

It is my hope that you and my colleagues will join me in saluting Col. Conway Jones on the occasion of his retirement and wishing him continued high flight.

CONGRATULATIONS TO PRESIDENT LEE TENG-HUI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. ROHRABACHER. Mr. Speaker, on the occasion of the President of the Republic of China's third anniversary in office on May 20, 1993, I wish to extend my best wishes to President Lee Teng-hui.

I met with President Lee just last month and he shared with me his vision of Taiwan playing a major role in supporting democracy in the world. His leadership has bestowed on Taiwan new freedom and prosperity on the Taiwanese people. Since May 20, 1990, he has led his country through constitutional reform, embarked upon a most ambitious national development plan, widened people to people contacts with mainland China, and improved relations with most countries in the world. Taiwan is now a model of democratic reform not only for Asia, but for the entire world.

On behalf of my colleagues, I would like to take this opportunity to wish President Lee much luck in his efforts to bring about a better tomorrow for his countrymen and his neighbors in the Far East.

COMMENDATION FOR OUTSTANDING ACHIEVEMENT BY THE ZWOLLE HAWKS

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BAKER. Mr. Speaker, I rise today to congratulate the Zwolle High School Hawks of Zwolle, LA, on their outstanding achievement in high school basketball. The Hawks have won six consecutive State championships and have made record-setting scoring accomplishments. The Hawks are the first Louisiana high school basketball team to score more than 5,000 points in one season, the first team in history to score 100 or more points in eight consecutive State playoff games, and the first Louisiana team to average 90 points or more per game for a season for five consecutive seasons.

In addition, a Zwolle student has received Louisiana State Champions Class B most valuable player status five out of the past six seasons. Tony Cutright received this honor for three of his high school years, Lamar Laroux received it for the 1991–92 season, and Phil Carhee was this year's recipient with his record for 19 assists in the State tournament.

The Zwolle community is extremely proud of the Zwolle High School Boys' basketball team's performance over the years, and as the Representative of Zwolle, I am honored to share in the Hawks' outstanding achievements.

A TRIBUTE TO REV. LOUIS BIHR

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Rev. Louis Bihr. It is an honor to have such a hard-working and dedicated man serving the people of Paterson, NJ. On May 23, 1993, Rev. Louis Bihr will be recognized by St. Gerard R.C. Church for his accomplishments on his 25th anniversary of ordination in the Diocese of Paterson.

Reverend Bihr has guided and advised our entire community for more than 25 years. Since the children of our district are going to be our future leaders, I think it is important to highlight the work Reverend Bihr has done for the youth of our community. He is a former member of the board of directors of the YMCA and passport awarded for staying in school. Reverend Bihr has also served on many associations including the Mayor's Youth Month Council and the Mayor's Alliance Against Drugs. With all of the pressures our children face today, it is important to keep our kids in school, keep them away from drugs, and keep them doing things that are meaningful and productive. I want to commend Reverend Bihr for leading the children of our community in the right direction to a better future.

Reverend Bihr has also dedicated much of his time to those less fortunate members of our community. He has helped with Paterson's Habitat for Humanity and he is the vice president of Eva's Kitchen and Sheltering programs. If there is an emergency in the district, Reverend Bihr can often be counted on to lend his assistance. He is the chaplain for the fire department and for the Office of Emergency Management for the city of Paterson. The entire community can depend on Reverend Bihr in times of trouble, when he is needed most.

Mr. Speaker, I would like to thank Reverend Bihr for all of the time and energy he has spent working for the people of my district. He has been a special inspiration to us all, giving us hope and encouragement for the past 25 years. I want to extend my congratulations to Reverend Bihr for all of his exemplary achievements.

THE PART-TIME AND TEMPORARY WORKERS PROTECTION ACT INTRODUCED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mrs. SCHROEDER. Mr. Speaker, I am pleased to reintroduce the Part-Time and Temporary Workers Protection Act.

If you look at employment trends you will be startled at what is happening. The work force is migrating from full-time employment to part-time and temporary employment. This trend is as historic as the gold rush of 1849. But instead of "Go West young man, go West" we are hearing "Go temp young lady, go temp." And rather than finding opportunity, workers find low-paying jobs with few benefits.

Time reports that "America has entered the age of the contingent or temporary worker, of the consultant and subcontractor, of the just-in-time work force—fluid, flexible, disposable. This is the future."

Temporary employment grew 10 times faster than overall employment between 1982 and 1990.

In 1982 contingent workers—part-time, temporary, contract, and leased employees—were about a quarter of the labor force. By 2000, they will be half of it.

Two-thirds of contingent workers are women and most contingent workers earn significantly less per hour than full-time workers.

What is driving the movement to contingent employment? Cost. Employers don't want to pay health insurance, pension benefits, unemployment insurance, and vacation and sick leave. But the reality is we are just shifting costs.

We all pay higher health cost when uninsured workers receive expensive emergency room treatment rather than preventative medicine. We all pay when employees have no retirement and must live on public assistance. We all pay when families are unable to put money in the bank, which would be reinvested back into the economy. We all pay when fewer dollars are spent on goods and services that provide jobs and stimulate the economy.

And we pay a human cost by severing an important connection between employees and their jobs. Employers that make a commitment to employees by investing in their future, their education, and their health, get a similar commitment in return.

What kind of loyalty and performance can we expect from an employee who is considered disposable? Thousands of tellers at Bank of America recently lost their full-time jobs and were offered part-time work without health or other benefits. You can bank on the fact that these tellers are not happy. And you can be equally certain it will affect their work.

The Part-Time and Temporary Workers Protection Act addresses some of these problems. It provides partial health and pension benefits to contingent employees.

All employees working 500 hours or more per year would receive a prorated share of health benefits under the employer-sponsored group health plan based on the amount of time they work. An employee's participation in the health plan is optional.

In addition, employees working 500 hours or more per year could participate in an employer-provided pension plan.

I urge my colleagues to join with me in supporting 25 percent of our labor force.

OPPOSITION TO THE PRESIDENT'S CAMPAIGN FINANCE REFORM PLAN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BLILEY. Mr. Speaker, I rise in opposition to President Clinton's campaign finance reform plan for several reasons, the most important being that tax payer moneys should not be used to subsidize politicians. At a time when Congress' approval rating is at an all time low, and our President is asking American families to sacrifice their hard earned money to address the Government's mounting deficit, I do not think it appropriate to establish what amounts to an entitlement program for politicians.

President Clinton is trying to assure the public that the money he will use to finance his reform package will come from an elimination of the tax deduction for lobbying expenses, and an increase in the checkoff amount on tax returns to 5 percent. Unfortunately, this will not work. First, only 17 percent of the population actually use this checkoff. And, second, and more importantly, the President has failed to acknowledge that the revenue expected from eliminating lobbying tax deduction has already been accounted for in the tax proposal that just passed the Ways and Means Committee. As Representative ROSTENKOWSKI'S spokesman said, "that money is gone. It is contained in the reconciliation bill."

The President wants to use this money to pay for communications vouchers, and I applaud him for his acknowledgment that free broadcast time is the best way to level the campaign playing field, cut down on campaign costs, and improve the quality of elections. I have been advocating this idea for years and have introduced legislation in the past three Congress' to do just this. But rather than ask my constituents to help finance my campaign, I believe that broadcast time of this nature should qualify as public service.

CHURCH GROUPS ARE HAWKISH WHEN RESTRAINT IS CALLED FOR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BEREUTER. Mr. Speaker, I urge my colleagues to consider the excellent advice given in the following editorial of the Omaha World-Herald edition of May 19, 1993.

[From the Omaha World-Herald, May 19, 1993]

CHURCH GROUPS ARE HAWKISH WHEN RESTRAINT IS CALLED FOR

Just as the United States seems to be pulling back from taking military action in the bloody Balkan conflict, American church groups are beginning to call for this country to intervene.

Intervention in Bosnia is receiving the support of some of the same church groups that condemned the U.S. government and its allies for using force to liberate Kuwait. Both the National Council of Churches and the nation's Roman Catholic bishops have called for U.S. troops to move in.

"We can no longer stand by as human rights are violated in a wholesale manner," the National Council of Churches said. The Catholic bishops said there is "just cause to use force to defend largely helpless people in Bosnia against aggression and barbarism." These same organizations were among those in opposition when U.S. leaders pursued a policy of nuclear deterrence against the Soviet Union and attempted to prevent a communist takeover of South Vietnam.

The picture painted by the council and the bishops is full of hypocrisy. Why didn't the Muslims of Kuwait deserve similar consideration when Saddam Hussein was carrying out his version of ethnic cleansing?

It is unclear that military intervention by U.S.- or U.N.-led forces would be successful. Experts ranging from the Joint Chiefs of Staff to Lord Owen to Arthur Schlesinger Jr. have said that using force to bring a successful outcome in the Balkans is, at best, unlikely to be successful. It's one thing to order an air strike against a Scud missile silo in the desert. It's quite another to drop bombs on a Serbian mortar emplacement near a school and a hospital in a densely populated suburb.

And if air strikes didn't work, what next? The establishment of military enclaves, guarded by peacekeeping forces, to keep civilians away from the fighting? Armored operations in forests and mountains? Building-to-building infantry assaults in Serbian-held towns? Naval bombardments?

The peace plan that was worked out with such difficulty by U.N. negotiator Cyrus Vance and Lord David Owen of the European Community was dead on arriving in Bosnia, where the Serb population rejected it in a referendum Sunday. Secretary of State Warren Christopher plans to begin "a new round of conversations with our allies," he told reporters Monday.

The United States had threatened military action if the Serbs failed to sign the peace agreement, but Christopher's conversations were all the action in sight. The Clinton administration is also skipping a foreign ministers' meeting Friday on U.N. peacekeeping. Clinton has no plans to send observers to monitor the borders between Bosnia and Serbia. And no plans have been announced to ask the U.N. Security Council for further action to protect the remaining Bosnian Muslim enclaves.

The apparent reticence by U.S. officials to leap to the rescue of Bosnia from itself is a healthy sign of restraint. Far better for the Europeans and Russians to pursue a solution before U.S. forces become involved.

ST. JOSEPH'S PARISH IN FORT EDWARD, NY, RESTORES MEMORIAL TO WORLD WAR II SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, there are two bedrocks of tradition in American life, and they are the military and our churches.

Our greatest patriots have often been our most religious citizens. Our families have spent countless Sundays in prayer for the well-being of our brave men and women in uniform, and have been comforted in their sorrow for the loss of loved ones.

This connection between patriotism and piety in America makes me especially happy for the good people of St. Joseph's Parish in Fort Edward, NY, in the heart of the 22d District.

In 1947 they erected a monument in honor of the 325 parishioners who served in World War II, including the 14 individuals who gave their lives for their country.

The years have taken a toll on the memorial. But this past winter the memorial, including the bronze plaque commemorating the 14 war dead, was restored to its original beauty. On April 7, 1993, the memorial was placed where it can be seen by passersby.

At this time I'd like to commend the Rev. Michael J. Polewzak, pastor of St. Joseph's and parishioner Nicholas Ruotolo, a World War II veteran who is coordinating rededication of the memorial. And of course, praise should go to to the entire parish for their patriotism and their support for this project.

Mr. Speaker, we are reminded so often that every day, everywhere in America, people are still promoting and protecting the values and virtues that have made America the greatest and freest nation on Earth. I ask every member to join me in saluting the people of St. Joseph's Church in Fort Edward, NY, as they honor those parishioners who served in the Armed Forces of the United States of America during World War II.

NINETY-SEVEN YEARS YOUNG

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. JACOBS. Mr. Speaker, the following is a letter written by Ernest G. Claassen, a Kansas farmer who was born before the beginning of this 20th century which is a few years away from concluding. Mr. Claassen is 97 years old, 97 years wise and, as can be seen by the eloquence of his prose, 97 years young.

R.R. 1, BOX 107,
WHITEWATER, KS,
March 1993.

DEAR SENATOR. No vote of mine will ever affect you in any way. But almost every vote you cast in Congress will reach me, will affect me in one way or another. What I wish to discuss is strictly a matter of principle, has nothing to do with politics.

As you may be aware, a hearing was recently held before a Ways & Means sub-committee on the Peace Tax Fund Bill, lead cosponsor Rep. Andrew Jacobs, Jr. This bill was presented to the Senate by Senator Mark Hatfield.

Many people are concerned that the money they pay in taxes should be used for truly constructive purposes.

As of now immense sums are being spent to create deadly instruments of destruction. If war does not follow, all this money, in all nations has been wasted. If war does come, all this money, in all nations, will be used to destroy life and property. There must be a better way.

The U.S. Peace Tax Fund Bill is a move in that direction. A notable example of constructive action is the disaster relief extensively practiced by those seeking a better way, such as the Quakers and Mennonites.

Pacifists are not passive. As an example:

There is utter confusion and devastation following a powerful windstorm. As one relief worker expressed it, "I would never have believed that 80 men and boys could work a day on one farm and do little more than gather and pile wreckage, pull apart fragments of walls and pull nails. The buildings that were designed to shelter man, his animals and machines are now reduced to senseless litter scattered far and wide over the crop land and must be painstakingly gathered up from the fields.

Flood relief is even more frustrating. In 1951 there was an extreme flood in Central Kansas. One hundred and thirty men from a local religious group came to offer their help. The water level in some of the houses had exceeded five feet. The muddy slime covering everything below that level cannot merely be hosed off; it has to be scrubbed off thoroughly, walls and floors. Much of the furniture is so damaged that it has to be discarded. A double mattress is hard to handle at any time. After a flood such a mattress is saturated and covered with slippery slime. Getting it outside is a dirty and difficult task and took no less than six men.

Work such as I have described is carried out on temporary and long term projects, in and outside the country. Mennonites and Amish cooperate through an agency called Mennonite Central Committee. This small religious body keeps 1,000 well-trained volunteers working in 50 countries doing chiefly hunger relief, but also meeting other basic needs.

As an example in 1991 the Committee shipped to 22 countries 43,200,000 pounds of material resources. Of this, 98.5% were foodstuffs. Yet even the 1.5% was no small amount as you will see from this example: 362 sewing kits, 28,802 blankets, 14,454 layettes, 3,046 sheets, 6,237 towels, 8,201 health kits, 26,123 school kits, 61,362 pounds medical supplies, 35,000 yards fabric, 108,126 pounds soap, and 186,083 pounds clothing.

This is what we are doing now, and is an example of what we have in mind when we ask that our income tax money be used positively and constructively. It is not a question of willingness to pay the tax, but of what the money will accomplish.

Men can prepare for war, and present a mailed fist to the world. We would rather work for peace and present a helping hand!

Respectfully,

ERNEST G. CLAASSEN.

JAYNE HONEA LOWRY HONORED

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a resident of the Fifth Congressional District of the State of Alabama who has made significant contributions to the arts.

Mrs. Jayne Honea Lowry has been a Huntsville, AL, resident for more than 30 years. She was married to the late Samuel Hickman Lowry, a Huntsville native, for 38 years. Two grown daughters and nine grandchildren exist from this union.

Mrs. Lowry's name is synonymous with community service, particularly in promoting, sustaining, and advancing the arts. She has been active for the entire 30-year period in the cultural, civic, educational, historical preservation, and the basics—in fact the entire spectrum—but the arts have been the recipient of her most outstanding contributions. She brings success, primarily financial, to all her endeavors; in fact, she has chaired most of the fundraising projects within the city of Huntsville. She is a recognized and respected leader, and in 1983 was awarded the Virginia Hammill Simms Memorial Award for the greatest contribution to the cultural life of the city through volunteer work.

As a member of the Huntsville Symphony Orchestra Guild for 22 years, her efforts have been constant and intense, thereby helping raise one-third of the entire budget of the Huntsville Symphony Orchestra. She was one of the founding members of the Crescen-Dough Auction, now in its 20th year, and served as chairman of the Symphony Ball, now in its 29th year. These are the two major fundraising projects of the guild. For many years, she was high ticketseller of season concert subscriptions, and was the recipient of the Hall of Fame Award in 1985 for this feat. She hosted the Silver Tea, a fundraiser for the Huntsville Youth Orchestra, in her home for 2 years.

As a member of the Women's Guild of the Huntsville Museum of Art for 25 years, Mrs. Lowry has served on nearly every committee, and in most instances in leadership roles, known to the guild. Her efforts helped significantly in enabling the museum to become accredited in December 1980 by the American Association of Museums, the second in Alabama, and 1 of 500 accredited museums out of 2,500. She has served as vice president of the guild, museum membership chairman of the 1981 Decorators Showhouse, on the guild board for 9 years, and in many other capacities.

Mrs. Lowry was the originator and charter member of the Huntsville Pilgrimage Association and served as president and organizer of the Pilgrimage of Homes in 1985. The seventh successful Pilgramage of Homes was completed in April 1992, which attracted visitors from 17 States. Other entities that have been the recipient of Mrs. Lowry's efforts have been: Friends of the Symphony, Community Ballet Association, Historic Preservation District Association, the Huntsville Literary Association, the Opera Association of Huntsville, and many others.

As owner of Huntsville Heritage Tours, she has continued to bring people and the arts together not only at the local and State levels but on an international level by conducting group tours to Europe and the Far East.

A very strong cultural environment has been created and nurtured in the Huntsville-Madison County area which is used in the attraction of new industry to this area, particularly the symphony and museum. Mrs. Jayne Honea Lowry must be credited for extraordinary efforts in making this a reality. In a very significant way, directly or indirectly, she has helped generate approximately $5 million to the arts. This lovely lady has impacted the high quality of life that exists in the city of Huntsville. That intangible effect and influence will be felt for many years and generations to come.

Mr. Speaker, for these and many other reasons, she received the 1993 Governors Arts Award sponsored by the Alabama State Council on the Arts in Montgomery, AL, on May 11, 1993. It is an honor for me to take this opportunity to make a matter of public record my admiration and gratitude to Mrs. Jayne Honea Lowry.

TOURISM WORKS FOR VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WOLF. Mr. Speaker, it is a pleasure for me to recognize the Commonwealth of Virginia and the importance of tourism to Virginia and our national economy.

Last week, Virginia celebrated Heritage Tourism Week, an outstanding program to highlight the many historical points of interest in Virginia and share with visitors information about the Commonwealth. Last week, the Virginia Department of Economic Development and Division of Tourism announced that tourism spending in Virginia reached a record $8.6 billion in 1992. Direct employment in Virginia travel-related industries increased 2.1 percent during 1992, and almost half a million Virginians are employed in the tourism-related field. Their paychecks collectively totaled over $2 billion last year.

Tourism is important not only to Virginia but our Nation as a whole. The largest U.S. export is international travel services, and the travel and tourism industry is the Nation's second largest employer. In 1991, domestic and international travel expenditures in the United States were over $344 billion, and the tourism industry has continued to grow rapidly despite the economic downturn in other industries.

On Monday May 17, I hosted a tourism conference in my congressional district, a district which is the home to many historical landmarks and beautiful attractions such as the Shenandoah National Park, Skyline Drive, the Manassas and New Market Civil War battlefields, historic Winchester, Front Royal, and Manassas, the famous Endless, Luray, Shenandoah, and Skyline Caverns, the Appalachian Trail, Sully Plantation, and charming Leesburg, Warrenton, Berryville, and little Washington. We are all continuing to work to promote our beautiful region, which will not only introduce more visitors to the part of Virginia we are pleased to call home, but also stimulate economic growth.

Tourism works for Virginia as well as America, and it is important that we continue to support this growing industry and look for new ways to increase tourism nationwide.

LET'S PRESERVE OUR MERCHANT MARINE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. STUDDS. Mr. Speaker, today I am joined by several of our colleagues in introducing two bills designed to revitalize the U.S. merchant marine, H.R. 2151, the Maritime Security and Competitiveness Act of 1993, and H.R. 2152, the Merchant Marine Investment Act of 1993.

U.S.-flag vessel owners are proven leaders and innovators in improving the efficiency of our international intermodal transportation system. Yet, despite its technological skills and innovations, our American fleet dwindles and is teetering on the brink of extinction.

This historic industry needs our help to survive and it is in our Nation's best economic interests to respond. If we do not, and the American merchant marine slips away, the foreign commerce of this country would be subject to the total control of foreign-flag carriers. Our shippers and consumers would be inescapably dependent on foreign shipowners who could set the price for importing products to, and exporting products from, the United States.

The first of the two bills that I have introduced, the Maritime Security and Competitiveness Act, is designed to decrease needless Government regulation of U.S.-flag carriers and encourage them to invest in new, efficient, and economical ships.

In recognition of the enormous Federal deficit and the scaled-back spending all programs must live with, this legislation proposes a significant cut in the Government subsidies currently granted to U.S.-flag operators under the operating-differential subsidy [ODS] program.

A subsidy program is necessary because if it goes away, so will the U.S.-flag fleet which could simply register its ships in a foreign country. United States operators cannot go head-to-head with foreign-flag vessels that pay their seamen Third World wage rates. To help U.S.-flag owners pay for federally required U.S. crews, the Maritime Security and Competitiveness Act provides a payment of $2.3 million for each vessel in fiscal year 1996 and $2.1 million for each vessel in the subsequent years of a 10-year contract. This is significantly less than the $3–$4.5 million that vessel owners receive under the current subsidy program and will provide an incentive for them to replace their old vessels with more efficient ships.

The bill also offers carriers greater operating flexibility by eliminating the antiquated trade-route system used in the operating-differential subsidy system. Under the bill, U.S.-flag carriers would be allowed to move their vessels to any trade without the prior permission of the Secretary of Transportation.

The second bill I have introduced today is the Merchant Marine Investment Act of 1993. The purpose of this legislation is to make U.S. tax policies that affect the maritime community comparable to those commonly adopted by foreign governments. The bill also gives incentives to owners of U.S.-flag vessels operating in our domestic commerce to build new passenger vessels and environmentally safer double-hulled tankers.

Specifically, this bill would:

Permit depreciation of U.S.-flag vessels over 3 years (rather than 10 years);

Make moneys in tax-deferred Capital Construction Funds [CCF] available to construct vessels for the coastwise trades, other than inland waterway tugs and barges;

Tax investment income from CCF in the year earned;

Allow CCF withdrawals to be used to acquire vessels by lease;

Remove CCF deposits from the computation of the alternative minimum tax;

Retain the current requirement that CCF withdrawals must be used for work in U.S. shipyards only; and

Make no changes in the current CCF and depreciation policies for fishing vessels.

A large part of the competitiveness problems faced by U.S. carriers are due to the financial and tax incentives that foreign governments grant to their flag operators to promote their merchant marine.

For example, foreign-flag competitors can depreciate their vessels over a 3-year—or sometimes shorter—period. If the U.S. Government fails to match this tax benefit, U.S.-flag vessel owners can simply reflag to foreign registries and avail themselves of shorter depreciation schedules. Those concerned about how much U.S. tax revenue would be lost by giving U.S.-flag vessel owners a 3-year depreciation schedule for new vessels, should instead ponder the amount of tax revenue forfeited if these same owners go foreign and are exempt from U.S. taxation.

Vessel owners are in business and must be able to compete with operating costs, capital costs, and tax costs equal to those of their foreign competition. In 1986, in an ill-fated attempt to raise revenue and remove an incentive to place a U.S.-owned vessel under a foreign flag, Congress eliminated the subpart F tax exemption for U.S.-owned foreign-flag vessels. It has not worked; and has simply caused many companies to change their corporate structure to be totally foreign owned. The same thing will happen if Congress fails to provide tax incentives to stay under the U.S. flag.

In 1990, Congress passed legislation to require double hulls on tankers entering the United States. In 1992, we enacted a new law that allows gambling on U.S.-flag vessels. In theory, these statutes should have spurred American shipbuilding. However, it requires a tremendous amount of capital to buy a vessel built in a U.S. shipyard. A double-hulled tanker may cost $80 million with the owner able to finance only 75 percent of that amount. The other $20 million must come in the form of equity investment.

The changes we propose to the CCF will expand its coverage to allow vessels engaged in our coastal trades to make deposits and qualified withdrawals to build vessels in U.S. shipyards. The CCF Program works much like an Individual Retirement Account [IRA], allowing a vessel owner to make contributions that are tax deferred if the money is subsequently used to build a U.S.-flag vessel in a U.S. shipyard. Extension of this program will help stimulate our economy and create jobs in our shipyards.

One problem that U.S.-flag vessels owners face in making an investment decision concerning the use of the CCF Program is the Alternative Minimum Tax [AMT]. CCF contributions cannot reduce a vessel owner's tax liability below the AMT amount. Therefore, it is often not worthwhile to make a contribution to a CCF. This legislation removes CCF contributions from the list of preference items used to compute AMT. However, one must remember that CCF is only a tax-deferral program. The depreciable basis of a vessel is reduced by the amount of CCF used to buy that vessel. Therefore, this money will be recaptured later.

To pay for these tax incentives, this legislation provides that the income on deposits in CCF accounts would be taxable at the highest tax rate applicable. We are awaiting an official estimate by the Joint Committee on Taxation and I am hopeful that this will more than offset any revenue losses.

Mr. Speaker, these are two elements of my maritime reform proposal. In the coming weeks, I will submit legislation to stimulate the development and expansion of our U.S. shipbuilding industry by helping shipbuilders convert from the construction of U.S. Navy vessels to building commercial ships for the international market.

If Congress fails to enact these or other incentives for U.S.-flag vessel owners and American shipyards, we can say good night to the U.S.-flag fleet and so long to our shipbuilding industrial base.

TRIBUTE TO VALENT W. GRANCHIE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a man who has given much of his life to public service and has gone out of his way to help citizens. I want to recognize and congratulate Valent William Granchie, retiring after 29 years with the Struthers Police Department, 10 of those years as chief of police.

Mr. Speaker, Valent Granchie was born in Youngstown, OH, in my 17th Congressional District. He attended Woodrow Wilson High School, graduating in 1950. After graduation he served in the U.S. Air Force, receiving an honorable discharge with the rank of staff sergeant.

In 1955, Valent and his wife, Louise, who is also of Youngstown, moved to Struthers where he took a job in the carpenters shop of the Briar Hill Works of Youngstown Sheet & Tube Co. until April of 1964.

On April 29, 1964, Valent was sworn in as a patrolman for the Struthers Police by former Mayor Joseph Opsitnik. As a Patrolman, Valent was named Law Enforcement Officer of the Month in April of 1972 for his quick and efficient apprehension of four heavily armed members of a motorcycle gang after they attempted to murder a Struthers man. He was promoted to the rank of captain in April of 1977 and was named chief of police on July 29, 1983.

As chief of police, Valent Granchie made the officers of the Struthers Police Department his No. 1 priority and instituted mandatory in-service training for all personnel. Chief Granchie was instrumental in the creation of the Struthers Police Department Canine Unit which was the first such unit in the area. Chief Granchie also restructured the Struthers Police Reserves bringing the organization to full strength of fully trained and certified police officers who donated their time to the city of Struthers saving taxpayers thousands of dollars.

Mr. Speaker, I know I join with Valent's wife, Louise, and his son, Thomas, also a Struthers police officer, and his daughter, Barbara, in proudly congratulating him on his retirement. I know that this will allow him to spend more time with his grandchildren, Christopher, Melinda, and Bryan. I wish him well in the future and may God bless him.

IN RECOGNITION OF SISTER MAJELLA BERG, RSHM, MARYMOUNT UNIVERSITY PRESIDENT FOR 33 YEARS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues in the House of Representatives one of the Nation's exemplary leaders in higher education: Sister M. Majella Berg, RSHM, president of Marymount University in Arlington, VA.

Since 1960, she has dedicated her life to the advancement of value-centered education for thousands of students from throughout the United States and around the world. Effective this September 1, Sister Majella, the Nation's longest-tenured university president, will step down after 33 years as president of Marymount University to become its chancellor.

During her tenure, she has transformed a small college for women into a major coeducational university with an enrollment of 3,800 students. Although Marymount has changed dramatically through the decades, there has been one theme that Sister Majella has consistently promoted: A campus environment that is conducive to spiritual and emotional as well as intellectual growth. While the school works to prepare students to be intelligent, successful adults, it also endeavors to help them remember to be compassionate human beings, regardless of religious persuasion.

Sister Majella believes that her institution has a unique mission in Virginia's educational system. "Marymount serves to provide a choice," she says, "and to bring a dimension that's not possible in many other universities. We endeavor to provide a value-centered environment to give students some stability in a rapidly changing world."

She has been the driving force behind the development of Marymount's academic programs in arts and sciences, business, education, human services, and nursing. Through a unique curriculum that combines a liberal education with career development, Marymount students are prepared to contribute to society as well-rounded professionals.

Through Sister Majella's efforts, Marymount's influence has expanded to encompass the entire State. Courses are taught onsite in northern Virginia hospitals and corporations, and the university recently opened an academic center in Loudoun County to meet the educational needs of that area's growing population. In the 1980's, Sister Majella spearheaded the effort of Marymount's School of Nursing to extend its program to the Shenandoah Valley through a cooperative venture with Shenandoah University.

In addition, Sister Majella has promoted lifelong learning in the Commonwealth of Virginia with the university's continuing education programs, including courses taught at local retirement homes to senior citizens. She has also played a vital role in the civic life of the community as the founder of Project Discovery in 1968 in Arlington County providing summer enrichment programs for able but underachieving youth. Over 500 students have regained an interest in education by participating in the program.

Sister Majella is well known for her significant contributions to education and to the community. Her indefatigable efforts on behalf of higher education have earned her the respect of her peers, who have elected Sister Majella to such positions as president of the Consortium for Continuing Higher Education in Northern Virginia and president of the Virginia Foundation of Independent Colleges.

In addition, Sister Majella received the 1990 Washingtonian of the Year award, was an inductee in 1991 into the Virginia Hall of Fame, and in 1992 was a Notable Women of Arlington inductee. She serves on the boards of HOPE, International Hospice, the advisory board of the Junior League of Northern Virginia, Arlington County Chairman's Council, and a director of the Ballston Partnership.

Mr. Speaker, on behalf of the citizens of Virginia's 10th Congressional District, we thank Sister Majella Berg for her distinguished leadership in higher education and the support and guidance she has given to countless students. We wish her continued success in her role as chancellor of Marymount University.

CONGRATULATIONS TO OUR FRIENDS ON TAIWAN

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SMITH of Oregon. Mr. Speaker, best wishes and congratulations to President Lee Teng-Hui and Vice President Li Yuan-Zu of the Republic of China on Taiwan on their third anniversary in office on May 20, 1993.

In the last few years, Taiwan has continued to prosper, it being our sixth largest trading partner and the world's 13th largest economic entity. Its per capita income of $10,000 U.S. dollars is certainly one of the highest in Asia.

Alongside its economic success, Taiwan has embarked upon a course of democratization, including political pluralism, press liberalization, island-wide elections, and full constitutional reform.

Congratulations to our friends on Taiwan.

TRIBUTE TO THE BAY CITY BULLDOGS AND THE MINSK ZURBS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BARCIA. Mr. Speaker, I would like to take this opportunity to commend the union of old adversaries on a new playing field. For many years the United States and the former Soviet Union were adversaries in many different athletic arenas. Now they will meet playing a new game, American football.

On May 21, the Minsk Zurbs of Byelorus will face the Bay City Bulldogs who are members of the Commonwealth of Independent States Football League as part of a 10-day good will tour. The playing field will be in Bay City, MI. This location was chosen by the organizers for the spirit and the enthusiasm of the team and the area.

I am extremely proud of this honor not only because it is a part of the Fifth District of Michigan, but also because it is the city where I was born and raised. Bay City, MI, is definitely a city where great spirit can be found. I cannot think of a more suitable place to celebrate a new relationship with citizens of the former Soviet Union.

The importance of this game does not lie within the win-loss column, but in the relationships that are forged. The better understanding our two cultures have of each other will allow us to move forward in our new role of ally.

I welcome the Minsk Zurbs and look forward to many rematches.

THE FAIR ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. MORAN. Mr. Speaker, on March 10, Representative GOODLING and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments ameliorate their most crushing financial burden: Unfunded Federal mandates.

We feel this legislation is necessary to safeguard against a tendency within our institution and among Federal agencies to resort to more and more Federal requirements without providing the funds to implement them.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, our bill will require that legislation cannot be considered by the full House or Senate without an analysis by the Congressional Budget Office of the costs of compliance to State and local governments and the private sector.

News of this legislation is spreading among those it will help most: Our cities' mayors. Mayors from every State and territory have been writing in support of the FAIR Act and urge swift congressional action.

Support for mandate relief is building on numerous fronts. The New York Times recently ran a series of articles focusing on how our Nation's regulatory policies have strayed from their original purpose.

Mayors from 114 cities in 49 States wrote President Clinton urging the White House to focus on how policymaking has gone awry. And finally, the National League of Cities has made unfunded Federal mandates one of its top five political priorities in Washington.

In the next several weeks representative GOODLING and I will be inserting into the CONGRESSIONAL RECORD the names of hundreds of mayors from both parties and each State who have agreed to be citizen cosponsors of our FAIR initiative.

The time has come to make the Federal Government accountable for the actions it takes on behalf of our cities and States.

Today I am beginning this process by inserting in the RECORD the names of 20 citizen cosponsors who are urging us to take meaningful Federal mandate reform action.

CITIZEN COSPONSORS OF THE FAIR ACT, MAY 4, 1993

Name, title, city and State:

1. Bill Duke, mayor, Decatur, AL.
2. Tom Fink, mayor, Anchorage, AK.
3. George Miller, mayor, Tucson, AZ.
4. Phil Sansone, mayor, Newport Beach, CA.
5. Charles A. Witt, council president, Norwich, CT.
6. Daniel S. Frawley, mayor, Wilmington, DE.
7. Frank Portusach, mayor, Agana Heights, Guam.
8. Richard A. Brauer, mayor, Belleville, IL.
9. James P. Perron, mayor, Elkhart, IN.
10. Jon Crews, mayor, Cedar Falls, IA.
11. Aaron Brousssard, mayor, Kenner, LA.
12. Charles Harlow, mayor, Portland, ME.
13. Michael A. Guido, mayor, Dearborn, MI.
14. Pat D'Arco, mayor, Rio Rancho, NM.
15. James D. Griffin, mayor, Buffalo, NY.
16. Norman L. Grey, mayor, Enid, OK.
17. William J. Allthaus, mayor, York, PA.
18. Gary L. Drewes, mayor, Pierre, SD.
19. Barbara K. Crews, mayor, Galveston, TX.
20. Patrick Zielke, mayor, La Crosse, WI.

DECLARATION OF 1993 AS SENIOR CENTER YEAR

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay a tribute to a very special institution within many of our communities, senior centers. Senior citizens play important roles in our society. They are our parents, our grandparents, our friends, our teachers, our mentors, and ourselves. Every American benefits from the contributions of the generation that has preceded them. Local senior centers act to focus these bountiful contributions made by seniors within the community. Let us respect gray hairs, especially our own and recognize 1993 as senior center year. 1993 commemorates the 50th anniversary of senior centers in our great country.

As our population ages, we as a country are experiencing some dramatic changes. Every segment of our society will be influenced by the needs, resources, and expertise of America's seniors. As this occurs, senior centers will continue their vital role in the ongoing relationship between the general American public and its seniors.

Senior centers benefit the community in many different ways. They bring seniors together so that they may gain easier access to community services when needed. They install a sense of dignity, self-worth, and independence by facilitating seniors decisions and actions. They tap seniors experiences, skills, and knowledge so that the entire population may progress. Most of all, they enable seniors to help themselves and each other as an active and unified community.

May has been declared "Older Americans Month." Communities across America have been encouraged to give seniors the recognition they so richly deserve and honor the centers which act to bring them together. Mr. Speaker, it is my wish that my colleagues will join me as I declare 1993 as senior center year. By taking this action, I hope to strengthen the bonds between all the ages and acknowledge the need for increasing support of senior centers to create a bright vision for the future.

HONORING MANAGEMENT WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GALLEGLY. Mr. Speaker, it is a privilege to rise today to once again recognize the talented and dedicated professionals who help our American businesses meet the challenges of global competition, America's managers, as we observe Management Week in America.

Management Week is sponsored every year by the National Management Association, an organization dedicated to making our managers even more productive through professional development. The group understands that there is no substitute for attaining the highest level of professionalism in each of the many fields of management.

Management Week in America has grown in recognition and activities each year since it was first commemorated in 1978. Every year, leaders of our Nation proclaim the first week in June as a time to recognize the profession of management and to appreciate the contribution and dedication that millions of managers offer in support of our free enterprise system.

I would also like to call to my colleagues' attention the fine work performed by the Rockwell Valley Chapter of the NMA. The chapter is a nonprofit organization of some 1,100 members from Rockwell International's various facilities in the San Fernando Valley and Ventura County, located in Canoga Park, Chatsworth, Westlake Village, Thousand Oaks, and Newbury Park. Many of my constituents are managers at these facilities, and I especially would like to salute them for their hard work and dedication.

Mr. Speaker, professional managers make critical contributions to Government, business, and industry, and I urge my colleagues to join me in saluting Management Week in America—a time to honor managers, salute them for their accomplishments and to encourage everyone in leadership positions to further improve their management skills.

TRIBUTE TO BARBARA LENTZ

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Mrs. Barbara Lentz, of Port Clinton, OH, who has just completed 23 years of loyal service to the Ottawa County Board of Elections.

Barbara has served the board of elections under four secretary of state administrations and four directors. From an assistant clerk to office manager, she has observed many changes in her 23 years. She has seen the number of precincts grow from 50 to 78 and today the office oversees 23,000-plus registered voters. She has also been present as hand-counting of ballots gave way to electronic scanning equipment.

It takes a special person to handle the constant array of questions which arise in a board of elections office, and Barbara has handled her work with good humor and quiet efficiency. I join with many other friends and colleagues in wishing Barbara and her husband Clyde all the very best as they begin this exciting new period in their lives. Thank you, Barbara, for a job well done.

TRUTH IN SAVINGS LAW INTRODUCED

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. MORAN. Mr. Speaker, today, I am introducing legislation that will amend the truth in saving law to make Government agencies more accessible to the public.

In recent years State and local governments, along with the Federal Government, have made a conscientious effort to improve the quality and efficiency of their customer services.

Public expectations now focus on convenience, quickness, and completeness when receiving public services.

Given the option, many people would prefer to register their car, pay their real estate and property taxes, or register for college courses over the telephone with a credit card.

It's quick, convenient and spares people the time and expense of visiting the motor vehicle, tax office or the college campus, and spend their time waiting in long lines.

Payment of taxes with credit cards has the added benefit of enabling taxpayers to avoid the stigma and added expense of late tax payments, since the cardholder can avoid the late penalty fee and stretch their payments out over several months.

This legislation is necessary because the major credit card companies insist that public agencies be treated the same as department stores and restaurants who are prohibited by the credit card companies from passing the cost of credit card transactions directly onto the customer.

Merchants must swallow this cost or spread it out to every cash paying customer through higher prices. Few merchants complain because they can raise their prices and encourage their customers to buy more on credit than they could pay with cash.

Public agencies are different.

The Government should not raise everyone's taxes to pay for credit card user fees.

Moreover, State and local law may prohibit or restrict public agencies from absorbing or spreading this cost.

If the Internal Revenue Service were to allow the public to pay taxes with a credit card, it could not absorb the 2-percent service charge per credit card transaction.

Under Mastercard and Visa's policy, the IRS would have to absorb the $200 million in service charges the two companies would collect on 10 billion dollars' worth of credit card tax payments. State and local government agencies face a similar obstacle.

The legislation I am introducing will remove this obstacle and provide the public a convenient option for conducting their business with public agencies at a minimum of expense.

I urge my colleagues to support this legislation.

IN RECOGNITION OF FOSTER AND ADOPTIVE PARENT DAY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BARCIA. Mr. Speaker, as many of our colleagues know, violence and abuse in families is one of the most serious problems facing our Nation today. The increasing pressures of today's society leads to family turmoil, too often making children the helpless victims of their parents' frustration and despair. Child maltreatment occurs at all levels of society, and is not limited to any racial, ethnic, or socioeconomic group. Abuse comes in many forms—physical, emotional, and even educational neglect. Statistics show the number of reported cases of child abuse and neglect has doubled in the past decade, with reports of child abuse increasing dramatically from 670,000 in 1976 to 2.2 million in 1987.

Although Congress has passed legislation to prevent and treat child abuse, I feel that among the true heroes for these abused children have been the foster and adoptive parents who generously share their lives with children who are in need. As trends in our society are growing toward more violence and abuse, foster parents are playing a key role in providing a caring, loving, and healthy environment for innocent children who are suffering. A society that cares about children must care about the environment in which they are raised. Parents must both accept their responsibility and exercise their authority to instill in children the values, attitudes, and habits they will need to become competent adults. This is so important to the future of our country.

Foster and adoptive parents who provide the cornerstone for abused and neglected children's intellectual, moral, and social development are truly individuals to be respected and admired. I certainly have the highest regard for these individuals who are "Our Unsung Heroes". It is through their unrelentless giving that these children in need are provided with a chance to become leaders of our society. In recognition and appreciation of foster and adoptive parents, I would like to dedicate this day as Foster and Adoptive Parent Day.

TRIBUTE TO ROBERT J. VASQUEZ

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of a man who dedicated his life to the working people of my district. Mr. Speaker, I rise in tribute to Robert J. Vasquez.

Mr. Speaker, Robert passed away this year at the age of 45 after battling a 12-year illness. His service to community and country began when he moved to Germany and served in the Army and the Reserves from 1964 to 1970. He returned to the United States and, for the next 14 years, gained experience as a mobile equipment mechanic for U.S. Steel Corp.'s Ohio works. He was also a personnel manager for Hunt Steel Co. and was in labor management at LTV Steel. He became deeply involved in labor relations and served as a grievance man and, eventually, president of United Steelworkers [USW] of America Local No. 1330.

But, Mr. Speaker, Mr. Vasquez's contributions to the working man went well beyond his professional life. He was the founder and trustee of Sam Camens Center National Steelworkers Oldtimers Foundation, a labor board member of United Way campaigns, active in the Alcoholic Clinic of Youngstown and involved in the Greater Youngstown AFL–CIO Council.

Mr. Speaker, I would like to take this opportunity to extend my deepest sympathy to his wife, Rosemarie, and to his family and friends. Robert was a personal friend of mine, and I join the people of the Mahoning Valley in grieving the loss of this fine individual.

TRIBUTE TO NJROTC UNIT HIGH SCHOOL DISTRICT 214

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. PORTER. Mr. Speaker, I rise today to recognize NJROTC United High School District 214. This battalion has been designated the outstanding Naval JROTC in the Nation and will be recognized at a banquet on June 4, 1993. It serves students from six high schools in the northwest suburbs of Chicago: Buffalo Grove High School, Elk Grove High School, John Hersey High School, Prospect High School, Rolling Meadows High School, and Wheeling High School where the NJROTC is based. The battalion has been in existence for 24 years and currently has a strength of 150 cadets. It enjoys strong parental support, and each year, 30 to 40 of its cadets receive appointment to U.S. service academies or acceptance into college ROTC programs. I am indeed proud to represent the 10th Congressional District of Illinois, as its residents have the commitment and dedication to service to provide the environment for this NJROTC to exist and excel.

In addition, I would like to recognize the retirement of the naval science instructor of NJROTC Unit High School District 214, Lt. Comdr. John A. Helley, Sr., U.S. Navy. Ret., who came to the school to fill in for 1 year and has stayed 9. Under his leadership, the cadets have earned millions of dollars worth of college scholarships, worked with local veterans organizations, spent time at the local U.S. Department of Veterans Affairs' Medical Centers, contributed efforts for community affairs and assisted whenever the communities needed volunteers for emergencies. Because of his personal commitment to and concern for the cadets, the NJROTC as a whole and his Nation, I wish to commend and thank Lt. Comdr. Helley for his efforts in the past and wish him success in his future endeavors.

ILLINOIS SMALL BUSINESS PERSON OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding businesswoman from the Third Congressional District of Illinois. Caroline Sanchez Crozier of Summit, IL was recently named Small Business Person of the Year for the State of Illinois by the Small Business Administration.

Ms. Crozier began her professional career in 1979 as a financial analyst and auditor for such corporations as McDonalds, Continental Bank, Kraft and Deloitte, and Touche. In 1988, she founded the Computer Service and Consulting, Inc. of which she is currently president and CEO.

I salute Ms. Crozier and other small business owners throughout the country, for they embody the entrepreneurial spirit of America. Their companies make up the backbone of American industry and enterprise, and we must continue to support such healthy commercial and industrial activity in our Nation's communities.

I am sure my colleagues will join me in expressing congratulations to Ms. Crozier for her well-deserved honor.

SUPPORT FOR THE PRODUCTION JOINT VENTURES ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WYDEN. Mr. Speaker, I want to congratulate the chairman of the Judiciary Committee, Mr. BROOKS, and the ranking minority member, Mr. FISH, for hammering out this important piece of legislation, H.R. 1313, the Production Joint Ventures Act, and for working so diligently over the last few years to realize these necessary, pro-economy reforms in our antitrust laws. I believe adding this kind of flexibility to our regulation of business activity will be a boon to small entrepreneurs, especially, allowing them to gain important marketplace advantages against larger competitors by pooling their resources in both manufacturing and technology development.

These are the keys to the competitive kingdom in our current global economy. We need to give our small manufacturers the tools not only to survive, but to prevail. Allowing cooperative ventures through this regulatory reform is not only sensible in the face of what our overseas rivals are up to. It's absolutely a requirement.

The Small Business Subcommittee on Regulation, Business Opportunities and Technology, which I chair, has held several hearings on the emergence of manufacturing networks in Europe and Asia, and the role such cooperation plays in increasing industrial competitiveness. I think this bill is a giant step in the right direction, allowing our small businesses to freely enter into network opportunities of this type. It gives a certain, sure and relatively bureaucracy-free solution to those partners without jeopardizing the regulators' ability to fight price-fixing and other abusive practices clearly targeted by law.

Mr. Speaker, this Nation suffers from not one, but two deficit problems. One is budgetary, and well-known. The other is a deficit in technology development, technology transfer and technology application—the process of inventing appropriate, more efficient manufacturing techniques, and making sure those innovations flow down to the end-user.

I believe this bill moves our country into the forefront of globally competitive manufacturing by allowing businesses to share technology, manufacturing shopfloors, and even workers. It's a deficit-cutter, Mr. Chairman, because it strikes hard against the barriers we face in making our manufacturers the most efficient and competitive in the world.

Finally, the inclusion of a notification procedure detrebling disclosed activities will be especially helpful to small businesses which can't afford a lot of high-priced legal advice. This legislation also addresses the need for pooling resources to more reasonably acquire the prohibitively expensive new plants and machines which are now unattainable for many small and capital-intensive companies.

If we could make one major improvement in this bill it would be to allow at least the smaller ventures joint marketing and distribution activity. The basis of this request is well-documented in testimony before my subcommittee in 1988 and 1989. I do not believe that such an extension would be anticompetitive. And I would hope that a provision of this sort would be given scrutiny by my distinguished colleagues on the Judiciary Committee at a later date.

ERNEST W. DEMPSEY HONORED

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TALENT. Mr. Speaker, I rise today to honor Mr. Ernest W. Dempsey from Missouri's Second Congressional District. Mr. Dempsey was recently awarded the 1993 Business Person of the Year by the St. Charles Chamber of Commerce. This award recognizes small business owners and operators for their personal achievements and contributions to the community.

Mr. Dempsey is the owner of Pio's, Inc.; Column, Inc.; and the Opera House St. Charles, MO. In 1966, he began as an assistant at Pio's with various jobs, and by 1979 was fully integrated into the business. Mr. Dempsey eventually purchased and expanded the business.

Through business contacts and the Optimist Club, Mr. Dempsey became involved in city business and civic projects. He has served as past president of the Optimist Club, board of director of the Boys Club and United Services for the Handicapped, president of the board of public works, chairman of the March of Dimes and has facilitated acquisition of land which allowed St. Joseph's Hospital to expand its crisis center.

I commend Mr. Dempsey on his achievements, and am grateful for his service. I wish him luck in his future endeavors. Mr. Speaker, it is an honor to represent such a distinguished person.

TRIBUTE TO M.SGT. CHARLES DANIEL GERY, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of M.Sgt. Charles Daniel Gery, Jr., a respected member of the Armed Forces who resides in my district.

Mr. Speaker, Charles retired this year after 26 distinguished years with the U.S. Army, Army Reserves, and the Ohio National Guard. He began his career in 1958 and 4 years in Germany and 13 months in Korea. He eventually joined the Army Reserves in 1975 and the National Guard as a recruiter in 1981. He became the noncommissioned officer in charge [NCOIC] of the Youngstown/Cleveland area the following year and remained the NCOIC until his retirement this year.

Mr. Speaker, it is my pleasure to commend him on his 26 years of service to his country. I also commend him for his intention to continue to serve the people of this great Nation after retirement. I wish him, his wife, Mitzi, and son, Charles III, a very pleasant and rewarding retirement.

HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1993

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997.

Joining me as original cosponsors are the distinguished chair of the Committee on Public Works and Transportation, NORM MINETA, the ranking Republican member, BUD SHUSTER, and the ranking Republican member of the Subcommittee on Surface Transportation, TOM PETRI. Also joining in the introduction of this measure are the esteemed chairman of the Committee on Energy and Commerce, JOHN DINGELL, that committee's ranking Republican member, CARLOS MOORHEAD, the chairman of the Subcommittee on Transportation and Hazardous Materials, AL SWIFT, and that panel's ranking Republican Member, MICHAEL OXLEY.

By way of background, the Hazardous Materials Transportation Act affords the public protection against the risks connected with the transportation of hazardous materials by regulating these materials in commerce.

In 1990, the Congress made the first major amendments to the Hazardous Materials Transportation Act with enactment of the Hazardous Materials Transportation Uniform Safety Act of 1990 [HMTUSA]. HMTUSA improved protection for the public and emergency responders against the risks presented by the transportation of hazardous materials and was a joint product of the Committee on Public Works and Transportation and the Committee on Energy and Commerce after a great deal of work and public comment.

One controversial issue not resolved by the HMTUSA involved whether or not a centralized computer tracking system for all hazardous materials in transportation should be required. Under such a system, shippers would enter information about each hazardous material shipment into a central computerized data center at both the commencement and completion of a shipment.

The HMTUSA called on the National Academy of Sciences [NAS] to study the feasibility and necessity of a central reporting system and telecommunications data center. The HMTUSA also required the Department of Transportation [DOT] to open a rulemaking on improving the current system of placarding vehicles transporting hazardous materials and on methods for establishing and operating a central reporting system. DOT was also required to review the NAS study on the centralized computer tracking system and report to Congress on the review and the results of the rulemaking.

The NAS study, released in late April 1993, did not recommend the establishment of a central reporting system and telecommunications data center. It did, however, recommend that DOT test prototype automated information systems and proposed that a system for rail shipments would be a practical starting point. The NAS also advanced the recommendation that the existing system used to provide information about hazardous cargoes should be improved, to include more effective enforcement and greater support for improved training of emergency responders and inspectors.

As a result of the NAS study, DOT is not expected to proceed with regulations requiring a centralized computer tracking system for all hazardous materials in transportation. However, I expect debate over pilot projects, their number, and whether they should be limited to examining rail shipments alone or also include motor-carrier transportation, and the means to finance the projects.

In the near future, the Subcommittee on Surface Transportation will hold hearings on this bill, the status of hazardous materials transportation safety, and the implementation of HMTUSA. I look forward to working with all interested parties in this matter.

CONGRATULATIONS TO THE REPUBLIC OF CHINA

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. ROWLAND. Mr. Speaker, I wish to convey my best wishes and congratulations to President Lee Teng-hui of the Republic of China. The Chinese people of Taiwan will be celebrating President Lee's third anniversary in office on May 20, 1993. May President Lee and his people flourish and prosper in 1993 and beyond. I look forward to continual warm relations between our countries.

A TRIBUTE TO REV. JOHN W. BARDSLEY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize the outstanding achievements of Rev. John W. Bardsley, who will be celebrating the 40th anniversary of his ordination on June 26.

Mrs. Bardsley is hosting a surprise affair for her husband, Dr. John Bardsley, to celebrate the anniversary of the 40th year since his ordination as a Methodist minister. During the past four decades, Reverend Bardsley has blessed a myriad of people with his kindness and wisdom. The Reverend has always been easily accessible to each and every one of his congregants for warmth, support, and advice.

Dr. John Bardsley ministered to a plethora of people in Valley Stream, Smithtown, and Huntington, NY. He is currently the spiritual leader of the Jonesville United Methodist Church in Jonesville, VA. He reached out to these people, and touched their lives in a very special way.

Mr. Speaker, the reverend is an extraordinary man, who has dedicated his life to religion and to his community. He is highly active in community service and has inaugurated many organizations and projects over the years. He is a remarkable man with high morals and values, and truly lives by what he preaches in his church.

Dr. Bardsley is a dynamic speaker, who mesmerizes his congregation during his weekly sermons. He teaches his congregants about the importance of religion, and the values they should learn and practice in their daily lives. Each sermon given by Dr. Bardsley is well thought out, and provides his congregants with praiseworthy insight.

Mr. Speaker, Reverend Bardsley has put forth a great deal of time and energy in remaining absolutely devoted to both his wife and his church. Mrs. Bardsley has been ill with Parkinson's disease, as well as TMT for approximately 35 years. She is an amazing woman who is still vibrant and full of life. Mrs. Bardsley has been an incredible inspiration to her husband during his years in the ministry.

Together, Dr. and Mrs. Bardsley established the Parkinson Center in Smithtown. The medical center has already helped many people battle this disease, and has provided individuals who came to the center with care and support. They have embraced others who share the illness of Mrs. Bardsley, and have filled their lives with hope and happiness. I would like to applaud the exceptional and selfless efforts of the reverend and his wife.

Mr. Speaker, Rev. John W. Bardsley should be commended for his loyalty and dedication to his religion and invaluable service to his community.

INTRODUCTION OF FOOD LABELING LEGISLATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation to require that genetically modified foods be labeled to identify their derivation. This bill is identical to the legislation I introduced last year—and more urgent.

The Food and Drug Administration [FDA] announced in May 1992, that it will allow the sale of new foods designed with the help of advanced genetic engineering methods, such as gene splicing and cell fusion. As a result, it is expected that exotic, transgenic foods such as potatoes with wax moth genes and tomatoes with flounder genes will be available for purchase in the near future.

Well the future may be closer than we thought. As soon as this summer, the Calgene Flavr Savr tomato may be on supermarket shelves. This high-tech tomato contains a synthetic gene fragment that blocks a natural gene that makes the fruit soften rapidly once ripe. Another gene was also added—one that gives the tomato cell resistance to the antibiotic kanamycin. Originally used as a marker to implant the original gene segment, this gene is expressed in every cell of the plant.

Some scientists are concerned that there may a significant health hazard of consuming this genetic material that is resistent to common antibiotics. Fresh fruits and vegetables altered in this fashion may not be dangerous, but we don't really know this for sure. Consumers are not guinea pigs—they deserve to know if there is any scientific debate.

The FDA policy published last year denies consumers the right to know what is in their tomato by failing to require that these unique foods be labeled to identify their derivation. In response to this oversight, the FDA received over 2,500 letters demanding that the agency rethink this omission.

An addition to safety reasons, it would be helpful and reassuring to know what has been added to the genetically modified groceries in the supermarket of the future. If the tomato hits the market under the current regulations, consumers will have no way of knowing which whole and processed foods are genetically engineered. Vegetarians and members of religions with dietary restrictions will be unable to discern if fruits and vegetables contain genetic material from insects, fish, fowl, and other animals.

My bill would correct the flawed FDA policy by mandating the new, modified foods be labeled as such. By supplying the buying public up front with this information—as required by my bill—consumers can more easily make their own decisions about the benefits or risks of genetically engineered foods.

The measure is consistent with the Federal Food, Drug, and Cosmetic Act, which requires a producer to inform consumers of food properties by an appropriate label. Although such labels generally have never before contained information on a food's production method, genetic engineering is an exception. Cell fusion, gene splicing, and other new methods enable scientists for the first time to completely alter food and even food properties with great precision. This ability directly affects food nutrition, texture, shelf life, taste, and a host of other traits.

Accordingly, we cannot divorce the production method from the finished product, as with foods long used that occur in nature or are modified by traditional breeding techniques. For the new foods, my bill simply clarifies the labels must state the derivation method—that is, the label must inform consumers whether food is genetically engineered. In this way the bill empowers consumers to decide for themselves whether it is safe to buy a genetically altered food. I urge my colleagues to cosponsor this legislation before another policy is introduced—in our grocery stores.

KEITH PIPER RETIRES FROM THE BIG RED

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to Denison University football head coach Keith Piper, who is retiring after guiding the Big Red for 39 seasons.

Denison is unique among colleges for Keith's use of the single wing formation, an offensive set that had all but disappeared from collegiate and professional football in the early 1950's. Keith tapped me to be tailback when he instituted the formation in the 1962 season. Keith was everything that makes up a great coach. He was a leader, an adviser, and source of inspiration. And he was more. He was a friend.

Keith started with Denison as an assistant football coach in 1951 and in 1954 he was named the Big Red's head grid coach. Since then, he has scored 200 victories—a record achieved by only 23 other coaches in the history of college football. Even more impressive, only 13 other coaches won more games at the same institution. In his head coaching career at Denison, Keith posted an overall record of 200 wins, 142 losses, and 19 ties, for a .580 winning percentage.

Through the years, Keith has racked up numerous honors. In 1985, the Columbus Touchdown Club selected Piper as its Ohio College Coach of the Year. The coaches in the North Coast Athletic Conference voted him as NCAC Coach of the Year in both 1985 and 1986. In 1986, the Ohio House and Senate each passed proclamations hailing his achievements. The Senate again recognized him on the occasion of his 200th victory.

However, the greatest signs of his achievements are his legions of friends and supporters, among which I count myself. I have cherished his friendship long after I graduated from Denison and I wish him happiness and good health in retirement.

THE DANGERS OF BOSNIA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GINGRICH. Mr. Speaker, I commend the following articles to my colleagues as a reminder to us of the potential danger of getting deeply involved in Bosnia.

[From the Wall Street Journal, May 4, 1993]

THE NEW MASTERS OF THE UNIVERSE

(By Karen Elliott House)

With the ship of state adrift at home, President Clinton is preparing to set sail on a chimerical crusade toward that distant graveyard of good intentions—the Balkans.

Flapping about the young president as he plots this course are a flock of squawking "dawks"—deeply committed doves on every recent foreign intervention from Grenada to the Persian Gulf who suddenly have assumed the plumage and cry of Balkan hawks. But one Mr. Clinton has set sail onto a lonely sea, these same dawks are all too likely to emerge as his albatrosses. Ultimately, these birds will re-emerge as vultures, picking over the remains of a halfhearted American adventure abroad.

The chorus calling for military intervention in the Balkans gets odder the more you think about it. Here we have a president who ducked the draft in Vietnam, ostensibly believing it was immoral to use American power to combat aggression halfway around the world. The political advisers who people his administration mostly opposed the 1991 Gulf War on grounds ranging from the alleged absence of a U.S. national interest to the risk of becoming bogged down in ancient, internecine Arab conflicts. Mr. Clinton, moreover, was elected pledging to devote full attention to America's domestic agenda.

NO DOMESTIC RECORD

Indeed, it is worth recalling candidate Clinton's waffle on the Gulf War. "I guess I would have voted with the majority [for war] if it was a close vote," he said. Even after Congress authorized war, Mr. Clinton voiced faith in sanctions: "I agree with the arguments of the people in the minority of the resolution that we should give sanctions more time and maybe even explore a full-scale embargo * * * before we go to war."

So, here is the president, with hardly a domestic achievement to date, being hustled toward intervening in a centuries old ethnic conflict abroad by a circle of dawk advisers and their media megaphones for reasons totally at odds with their pacifist principles. In short, Mr. Clinton is getting the wrong advice from the wrong people in the wrong place at the wrong time.

Think back to the chorus of alarms raised when George Bush moved to confront a case of overt aggression in the Persian Gulf. The doves then argued there was no clear American interest, despite the fact that U.S. oil supplies were directly at stake. The war wasn't winnable, they argued, despite the fact that American weaponry and military tactics proved precisely suited to that war's terrain. Sanctions could force Saddam out of Kuwait, they argued, though sanctions had no effect. America would not be able to mobilize United Nations, congressional or international support, though Mr. Bush mobilized each. Thousands of body bags would be shipped home, they worried, though it was a victorious American army that soon marched home to popular parades.

That same chorus of critics now claim that "limited" American military intervention in Bosnia can affect the political outcome of an ethnic conflict without front lines or even borders, with no clear American political or economic interests at stakes, and with no international or U.S. public consensus for intervening. Our European allies have closer ties to Yugoslavia. But they are openly fearful of military action because Europe has experienced countless Balkan crises and a world war whose origins lay in these ethnic hatreds and political rivalries.

What then motivates the hawks?

Naivete is the most charitable answer. Americans of all political persuasions understandably abhor the cruelty of Serbian ethnic cleansing in Bosnia. All Americans have been affected by the TV footage of death camps and tortures, rape victims and orphans. But this adds up to humanitarianism of the best sort (sympathy with victims) making foreign policy of the worst sort (ill-defined military missions against villains).

Part of the problem with this motivation is that it logically leads America to intervene in myriad other human nightmares, from the jungles of Cambodia to the deserts of southern Sudan. Yet prioritizing victims often leads to the conclusion that Western lives are more precious than blacker and browner ones.

Another problem with humanitarian-inspired military intervention is that violence often begets more violence—including on our TV screens. At the sight of flattened Serbian villages, the first American reaction will be to blame our Air Force for imprecise bombing; the second to blame ourselves for escalating violence. The first photos of American aid workers held hostage by Serbian irregulars are likely to weaken American resolve. "Doing the right thing" in such situations involves violence. And few humanitarian interventionists have the stomach for it.

A second explanation for what may motivate the dawks lies in the common rooms of Oxford where Mr. Clinton and his fellow

Rhodes scholars congregated. In that era, in such privileged places, there developed the attitude that bright minds can experiment with good ideas without taking responsibility for the consequences. Foreign policy becomes a brain game, where policy makers can prove their intellectual superiority while lesser mortals must prove their courage.

These masters of the universe reserve the right to walk away if things don't work out as intended. It's precisely this mentality that led the "best and brightest" of a generation ago to push two presidents into the violence of the Vietnam War and then to turn on the very violence they had set in motion, leaving 500,000 military men trapped in a war.

It's this strain, above all, that is worrisome in Mr. Clinton's Washington—all these bright intellects experimenting with grand policy initiatives to "save" our health care system, "save" American industry and "save" Bosnia when so very few of them have ever cured a patient, met a payroll or worn a military uniform.

Before engaging his Air Force and his administration in Bosnia, Mr. Clinton would be well advised to sit down with former Secretary of State Dean Rusk, virtually the only Vietnam-era hawk who never reneged and recanted his advice to presidents, to ask him where were the "best and brightest" when the going got toughest. The president also ought to demand a roll-call vote in Congress to support all military means (not just limited force) available to achieve his Balkan objectives, whatever they are. If advisers have a habit of cutting and running, the ones they trample en route to the exits are certain to be the fleeing lawmakers.

A third and much less charitable explanation for dawk motivation is that, consciously or unwittingly, they are setting about discrediting the use of American military force for another decade or more.

It's this view that leads prominent dawks to say that the Gulf War was a historical anachronism and military aberration precisely because it worked. And it's this view that leads them to support intervention in the Balkans as a kind of experiment in "new world" moralism—whether it works or not. After all, their reasoning runs, it will make us "feel better" for having "done something."

Moreover, they can also win by losing. If "limited" military intervention fails to achieve their ill-defined objectives, as almost surely it will, they can find satisfaction in having demonstrated how useless military power is and justify further dismemberment of the American military. This is a cynical thought, but one that must have crossed many a Pentagon mind. If it isn't the motivation for present policy making, it's very likely to be the result of the advice President Clinton is getting.

There is in fact an entirely credible set of arguments for exerting American military power in Bosnia and beyond. But they rest on far more than guilt and schoolboy experimentation. Indeed, they assume that America is and must remain the world's primary political and military power and that this nation has both the obligation and the opportunity to shape the future of those parts of the world currently in chaos as a consequence of our remarkable victory over communism.

NO SANTA CLAUS

Surely America didn't defend Europe from communism for nearly 50 years to abandon it to chaos. The logical corollary is that America must continue to pay a price for peace and stability—to play world leader. This is not America as Santa Claus passing out food to the starving, but America in its historic role of political and military leadership to preserve its interest in global peace and prosperity. In short, the only credible argument for intervention in this new crisis is that oldest one.

But this role of America as world leader is not one the Clinton administration buys. What the rest of us are going to be sold is a supposedly painless experiment in supposedly limited military action for nebulous goals against an enemy that has largely achieved its aims already. Down this road lies another Lebanon—the one military intervention of the 1980s that ended in failure.

[From the Wall Street Journal, May 6, 1993]

MILITARY REALITY IN YUGOSLAVIA

(By Mark Helprin)

The fourth Balkan war of this century is now to be internationalized, as were its three predecessors. Driving the intervention are not the thrice-bitten and understandably shy Europeans but the United States, fresh from half a victory in the Persian Gulf and led by a young president with a pathological faith in the power of his own touch.

The president's confidence notwithstanding, his policy fails to account for the motivations of the warring parties, mistakes general outcomes for strategic aims, ignores military reality, slights history, and blithely disregards the danger of a world war.

Should the Bosnian Serb Parliament reject the peace plan, the administration's intent is to arm the Bosnian Muslims and deploy American airpower against dispersed artillery. Should the Parliament accept the plan, the administration intends to send tens of thousands of soldiers to enforce a cease-fire. But acceptance is no guarantee of peace.

WHAT THE SERBS WANT

Like the Vance-Owen Plan, the administration's conception is conditioned upon the wrong answer to the oft-asked question, "What do the Serbs want?" the Serbs say they want to protect themselves, a response that seems grotesquely inadequate as an explanation for their relentless prosecution of a war largely against innocent civilians. So inadequate, in fact, that it encourages the conventional wisdom, which is that the peoples of the Balkans are entrapped in a mystical hatred that renders them incapable of living with one another.

Stopping at the conventional wisdom, the Vance-Owen Plan and Washington would halt the fighting and divide Bosnia into a checkerboard of ethnic enclaves. This, however, would ensure eventual resumption of the war, because what the Serbs really want is to consolidate their own areas into a territory that would embrace most of their compatriots while remaining contiguous with Serbia. If one lays a map of those sections of Bosnia that have come under Serbian control over an ethnographic chart showing where the Serbs live in Bosnia, one will see roughly an 85% correspondence. The remaining 15% are why the Serbs have kept on fighting.

When Yugoslavia broke up, the Serbs' memories of the Second World War made them rush to the premature rescue of Serbs left outside the fold. Though one cannot dismiss their motivations, it is a great deal more than ironic that they have been meting out to others the treatment that they so fear. Nonetheless, whatever the Serbs' moral standing, the Vance checkerboard and as many American divisions as are required to impose it will succeed only in postponing a new round of fighting. Like the first United Nations partition in Palestine, it is an ephemeral construction that will give way to the realities of power.

Complementing the failure to divine why the Serbs have been in the field is the failure to enunciate a military purpose. The cessation of hostilities between the warring parties may be achieved as a result of—but cannot itself be—the American strategic aim. This is the same mistake the U.S. made in Lebanon, and, to some extent, in Vietnam. Civilian leaders without military experience are forever mistaking their soldiers for police. A modern army that does not move is bound to fail, for it is a machine that has been constructed for maneuver and nothing else. Keeping it still is the best way to kill it.

As far as maneuver is concerned, there is no doubt that NATO or even the U.S. alone could conquer the heart of Serbia in the kind of operation for which their armies are formed and trained—landing tranquilly at Rijeka and staging in northern Italy, and then driving from Zagreb in a blitzkrieg on well-developed arteries of transportation through virtually indefensible plains finally to Belgrade. The heart of Yugoslav defense, however, is in the mountains. Tito never intended to hold the plain against the Soviets. The idea was to adjourn to the uplands, where the fighting is today, and where successive mountain ranges, rivers running through steep gorges, precipitous defiles, thick forests, and an arcane system of logistics-stuffed caves and redoubts would rob opposing forces of their greatest strengths. The country is impossible for armor and it greatly reduces the effectiveness of airpower.

It is in these mountains that current U.S. proposals will unfold. Terrain is not the only obstacle. Of the 24 million people in what was once Yugoslavia, four million live in 20,000 villages of less than 500 people. This means that the territory in question is about 10 times more fragmented than the U.S. Coupled with lesser communications and the more difficult terrain, it is a nightmare. Not only could the largest of the proposed forces not control something like this, they could not conquer it and they could not even keep track of it.

The 60,000 troops nominated to keep the peace would be able to garrison the area successfully, assuming that they encountered no resistance. This assumption is untenable given that it is likely that peacekeeping forces would have to suppress scattered internecine violence beyond the control of Belgrade, Zagreb or Sarajevo. If such actions were perceived as aggression, woe to them.

A new factor could come into play, the affection of the Serbs for advancing against impossible odds, or what has been politely called their "national tradition of heroic outlawry against the Turks." In this century alone the Serbs have been willing to commit national suicide no less than twice, and they have somehow lived to tell the tale. The Iraqis blustered about such a thing; the Serbs have it on their resume. In World War II Yugoslavia suffered up to 1.75 million dead in a population of 15 million.

The much discussed option of demonstrative air strikes will not discourage but rather will galvanize the Serbs. Bombing is usually deemed by those who accomplish it as a way to break enemy morale, and, by the enemy, to build it. Bombing Belgrade has been rejected in a flash of temporary sanity. Instead, American planes will be used to silence artillery. A homely but salient military truth is that the purpose of using tactical airpower against artillery is to clear the way for armor and infantry. With nothing to follow air strikes, the artillery positions will immediately be re-established. This, as T.E. Lawrence said, is like cutting soup with a knife, and this is the most definitive mission yet mentioned for American forces.

Time and again, European diplomacy has foundered in the Balkans, but it is not merely caution that dictates European policy. The British and French cannot say so publicly, but they know that the Serbian conquest is drawing to a close, and they do not want to arm the Bosnian Muslims for fear that it would prolong the war indefinitely should the Muslims attempt to regain what they have lost. On the one hand, given what is happening to these people, this may seem to be Realpolitik at its cruelest, but on the other the imperative of this exercise has never been territorial justice for Bosnian Muslims at the expense of their lives.

The determination to contain rather than internationalize the war is the result of a most important consideration about which one hears very little. Europe is at the height of its postwar instability, and it is hardly unimaginable that its fragmented and confused system of states and alliances could be drawn into yet another world war. Not because the Balkans have been the reason for this before, but because of specific conditions, from the rapid growth of facism to economic crisis to a necklace of small wars burning around the former Soviet Union.

A RUSSIAN REVANCHE

If, for example, the Serbs will not quit the field, and the U.S. slips into war with Serbia, life will become extraordinarily difficult for Boris Yeltsin (if it is not already). Hopeful statements about the Russian economy may or may not be justified, but, even if they are, social decline will continue on if its own momentum for a very long time. And the Russian military has a well-established habit of closing the barn door after the horse has left. A Russian revanche cannot be responsibly discounted. Were it to occur, two or three Russian airborne divisions and several regiments of aircraft could easily arrive overnight in Belgrade. It is false comfort to point to the diminished former Soviet order of battle, for NATO's order of the battle has been diminished in roughly equal measure, and Russia, the historical patron of the Serbs, is still a nuclear superpower.

Though it is not possible to deal with the murder of children and other innocents as a matter of politico-military analysis rather than as a moral question, the first requirement of morality is that the war be contained. The second is that American lives not be sacrificed for the sake of grand gesture that may either reap the benefits of a conflict ending of its own accord, or, far worse, reignite it.

DIRECT LOANS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WILLIAMS. Mr. Speaker, the issue of phasing out the current guaranteed student loan program and replacing it with a direct loan program has been debated with great vigor for the last 2 years. Last week the Education and Labor Committee, pursuant to the instructions contained in the fiscal year 1994 budget resolution, favorably reported legislation providing for the phase in of a new direct loan program as recommended by the President. In his opening statement at the markup on reconciliation, Congressman BILL FORD, the chairman of the Education and Labor Committee, provided a clear and direct explanation of many of the issues surrounding direct loans. I would like to include his statement in the RECORD for the benefit of my colleagues. In addition, I would like to include letters, which the chairman has received from the major higher education associations in support of direct loans.

STATEMENT OF CHAIRMAN WILLIAM D. FORD

Good Morning.

Today, the Committee on Education and Labor meets to consider its reconciliation recommendations for fiscal years 1994 through 1998. The conference report on the fiscal year 1994 budge resolution calls upon the Committee to report legislation to reduce direct spending for programs within its jurisdiction by $5.817 billion over the five-year period.

To fulfill our obligation under reconciliation, the Committee must meet its savings target in its submission. If we do not do our job, our job will be done for us. The Budget Act specifically provides that the House Rules Committee may make in order amendments needed to meet the reconciliation targets of Committees that fail to comply with their directives.

According to preliminary estimates from the Congressional Budget Office, the package of proposed recommendations before the Members achieves the savings directed in our instructions. It does so by embracing three proposals submitted by the President.

The proposed recommendations include a new direct loan program, State-shared responsibility for default rates, and ERISA amendments to clarify third-party liability in health plans.

The largest and most important of the recommendations is the creation of the direct loan program. Direct lending is based on the current direct student loan pilot program, and by eliminating subsidies to private lenders and making loans directly to students, we will save taxpayers billions of dollars, reduce interest rates and fees for students, and simplify the financial aid system.

The new direct loan program will provide all students with a range of flexible repayment options, including income contingent repayment. Under the program, students who choose to take low-paying community service jobs, whether as part of the President's national service program or not, will be able to repay their loans as a small percentage of their income so that they will not be overburdened by debt.

The direct loan proposal in the Committee's recommendations builds upon existing law and experience. Absent a change in current law, the Department of Education is required to establish a direct loan pilot program beginning in the 1994–95 school year.

I know many Committee members have been strongly lobbied on this issue by those who want to preserve the status quo. I am familiar with at least some of the arguments that opponents have raised.

First, they charge that schools are not prepared to originate student loans. The fact is, three out of four students have all of their loan paperwork handled by the institutions of higher learning. They never see the inside of a bank.

Second, opponents like to argue that the Department of Education is incapable of administering this program. That is a point familiar to those of us who watched the Reagan administration attempt to destroy government agencies to support their argument that government was the problem. One of Ronald Reagan's campaign pledges was to abolish the Department of Education. The Bush administration continued to starve the Department of adequate resources to execute its responsibilities and to us it as a dumping ground for political patronage.

Despite this dubious record, the Department, as demoralized as it was, successfully administered a direct loan program—the Perkins loan program, with a portfolio of nearly $19 billion.

More importantly, we have a new President, a new Secretary, and a revitalized Department of Education, all committed to the success of the direct loan program as well as the other education initiatives this country so sorely needs.

Then there is the cold turkey argument—that the advent of direct loans will mean the immediate end of guaranteed student loans. This is not true either. According to the Congressional Budget Office, even after the direct loan program is fully phased in, in 1998, an outstanding portfolio in excess of $90 billion will yield profits to lenders well past the year 2010.

The costs of continuing the existing program simply cannot be justified particularly when, according to CBO, student loans are more profitable to banks and lending institutions than anything else in their portfolios, except credit cards.

I want to say to my colleagues, these arguments are a diversion. This issue is not about banks, guaranty agencies, and secondary markets. It is about students and families and the best deal we can give them to help pay for their educations.

The change we will consider, and I hope approve, will reduce interest rates for students by a half-percent when fully phased-in. It will reduce the fee charged students for loans from as much as 8 percent to 3.65 percent.

Everyone in this town is talking about the need to cut spending and reduce the deficit. Under this proposal, we will do that, and we will reduce the cost of getting an education for millions of young Americans. Increasing opportunity and making college affordable is the purpose of the student loan program. It is one of the reasons why many of us were attracted to this Committee. We are not necessarily here to help the banking industry continue a profitable line of business.

I urge my colleagues to support these changes.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, May 11, 1993.

Hon. WILLIAM D. FORD,
House of Representatives, Committee on Education and Labor, Washington, DC.

DEAR MR. CHAIRMAN: The higher education associations listed below believe that the Student Loan Reform Act of 1993 deserves your support. It appears to us that this legislation would result in a student loan program that is simpler and more comprehensible for students and institutions than the current Family Federal Education Loan Program.

Student loans have become a more prominent feature in the financing of higher education than even was expected. Loans have begun to replace grants as the vehicle for providing access to postsecondary education—even for the most financially disadvantaged students. We regard this as deplorable public policy, and do not intend to abandon our attempt to restore grant funding to the position it was meant to occupy. In the meantime, a compelling obligation exists to ensure that student loans carry the most favorable terms and conditions for borrowers.

The Student Loan Reform Act represents a prudent approach to replacing the Federal Family Education Loan Program with one that will yield much greater benefits to our students. We are pleased that it would: provide continuous federal capital availability to students on an entitlement basis; not impose unrealistic or unmanageable administrative or financial burdens on our institutions; simplify the delivery and repayment system for borrowers; provide alternative origination procedures for institutions that do not elect to originate loans; provide servicing and collection for all student loans, regardless of who originates them; and reduce interest rates to students when full implementation occurs in 1997.

While we support the bill, we believe it can and should be improved in several important areas. First, the bill would let the Secretary charge borrowers an administrative fee of between 5 and 6.5 percent. If the need for such a fee can be demonstrated, we believe it should be capped at 5 percent, the origination fee students currently face.

Second, we have reservations about waiving the General Education Provisions Act requirements that govern rulemaking in the first year of the program. We believe that the smoothest, most trouble-free implementation will occur if all participants have a full opportunity to take part in the development of regulations that will govern the program.

An additional area of concern is that the bill is far too vague with respect to critical provisions, such as terms and conditions of income-contingent repayment. We believe that borrowers who select income-contingent repayment should not incur negative amortization, should not pay back more than the principal and interest owed, and should not have payments stretched out over too lengthy a period of time, such as the 40 years envisioned under this bill.

In this regard, we have been examining the Income-Dependent Education Assistance Act of 1993 sponsored by Representative Petri, and believe it provides a promising avenue for further exploration. Although we are not prepared to endorse IDEA at this point, we would urge further analysis of its costs and effects, with a view toward using it as the basis for the income-contingent repayment provisions if it proves beneficial to students.

The associations listed below believe this legislation will improve the student loan program significantly, and we urge you to support it.

Sincerely,

Robert H. Atwell,
President.

On behalf of:

American Council on Education.

American Association of Community Colleges.

American Association of State Colleges and Universities.

Association of Community College Trustees.

Association of Catholic Colleges and Universities.

Association of Governing Boards.

Association of Jesuit Colleges and Universities.

Council of Independent Colleges.

Hispanic Association of Colleges and Universities.

National Association of College and University Business Officers.

National Association of State Universities and Land-Grant Colleges.

National Association of Independent Colleges and Universities.

National Association of Independent Colleges and Universities,
Washington, DC, May 11, 1993.

Hon. William D. Ford,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Dear Bill: I am writing on behalf of the National Association of Independent Colleges and Universities (NAICU) with regard to the Student Loan Reform Act of 1993. This bill brings about the most significant changes in the federal student financial aid programs since the passage of the Higher Education Act twenty-eight years ago. The changes you make are of vital importance to the one million students who attend independent institutions with loan assistance. We believe the bill is a solid one that deserves your support.

We realize that keeping the present loan delivery system is not possible. The mandated $4.3 billion savings over five years from educational entitlement spending realistically can only come from an overhaul of the federal student loan program. Toward this end, the NAICU Board of Directors adopted a set of priorities to use in evaluating loan program proposals. We have used these criteria to analyze the administration's bill; and we will also apply it to any other loan reform proposal that may come forward.

We are pleased that the proposed legislation meets many of our highest priorities.

The loan program will continue to operate as an entitlement. Students will have continuous access to capital during the transition from the current program to direct lending. This is assured by a provision for contingency arrangements, including a revised role for Sallie Mae to serve as a loan originator and lender of last resort.

Income-contingent repayment options would be available for all borrowers. Borrowers in repayment could move from one kind of repayment to another if their income changed.

Institutions that have the administrative capacity to originate loans, but choose not to do so, would have their loans originated by an outside agency under contract with the Department of Education. Likewise, institutions that do not have the administrative capacity to originate loans, as measured by the department, would use outside contractors. The costs for these options would be paid by the department.

Institutions that originate loans would be reimbursed for the "marginal" costs of direct lending, although the specific fee structure must still be negotiated. The bill would provide higher reimbursement for small institutions that would have higher administrative costs per loan.

Institutions would have no responsibility for servicing or collecting the loans. This function would be performed by entities operating under contract to the department, at no cost to the institutions.

However, there are a number of student concerns with the president's bill, and we request that the committee consider changes in the following areas:

Student origination fees should be reduced or eliminated.

Savings from direct lending should go toward reducing the interest paid by borrowers.

There is no limit to the number of years a student can remain in repayment. The details of income-contingent repayments and the potential role of the Internal Revenue Service should be clarified.

Excessive administrative authority on a number of provisions is left to the Department of Education. We believe these issues are of sufficient importance on a policy basis that more should be in statute: criteria for determining institutional participation and reimbursement of institutions for costs; the selection criteria for contractors and alternative originators; and the evaluation process.

We believe the Student Loan Reform Act of 1993 is fundamentally sound and can be made to work. We also believe it can be improved with amendments. We look forward to working with you as you continue to develop plans for a restructured loan program.

Sincerely,

Richard F. Rosser,
President.

American Association of State Colleges and Universities.

Dear Representative: We write to strongly encourage your support of the Student Loan Reform Act of 1993, to replace the Federal Family Educational Loan Program, formerly known as the guaranteed student loan program. The House Education and Labor Committee will mark-up this legislation on May 12.

The National Association of State Universities and Land Grant Colleges (NASULGC) and the American Association of State Colleges and Universities (AASCU) represent 500 state universities that enroll over 5.6 million students. NASULGC and AASCU have a longstanding commitment to making the student loan program more "user friendly" for students. We believe the President's proposed direct lending program satisfies the essential criteria for a simplied, efficient direct loan program with tremendous savings to students, higher education institutions and the federal government. The President's proposal includes the following elements that are necessary to make a direct lending program a success:

It will make federal loan capital available to all students, rather than entitlements to lenders and guaranty agencies.

It will assure availability of loans to all students during the transition period to full direct lending.

It will better serve students and parents by making the loan application and repayment process easier to understand.

It will generate considerable savings which can be used to provide additional funding for other underfunded federal student aid programs, and towards deficit reduction.

It will provide institutions of higher education with the option of originating loans. No institution will be required to originate loans. Those initiating loans will receive a small administrative fee established by the Secretary of Education.

It will provide borrowers with various repayment options including income contingent repayment, and borrowers are allowed to change their choice of repayment option.

The Congressional Budget Resolution that passed several weeks ago requires the House and Senate education committees to achieve

$4.2 billion in savings. We are adamant about maintaining and strengthening the Pell Grant and campus-based programs, and cutting the current guaranteed loan programs is unlikely to achieve that level of savings in a satisfactory manner. Therefore, a thoughtful phase-in of a full direct lending program, as proposed by the President, will help make major improvements in student loans, will help reduce the deficit, and perhaps, will make more funding available for the Pell Grant program.

We are aware that advocates for the current lending system have been conducting an extensive lobbying campaign against direct lending. Opposition to direct lending comes predominantly from 7,800 commercial lenders, 46 guaranty agencies and 35 secondary marketers that make billions annually on the backs of students and taxpayers. These advocates for the status quo have a significant financial stake in the current system. We believe that the advocates for the status quo have not been completely forthright in their presentations in the media and in other forums, and have been misleading about the impact of the legislation and the ability of institutions of higher education to administer the direct loan program. The core issue of this highly polished and well-financed campaign is about the loss of $2 billion annually to lending agencies. It is about retaining the second-most-profitable market in the student loan industry. It is about profits derived largely from federal subsidies. Given the stakes, it appears as if the banking industry has decided that no expense is too great to defeat this important legislation.

We recognize the importance of supporting a simplified, efficient, consolidated low-cost, nonprofit direct loan program for the students of this nation. It is crucial that you support a direct lending program that makes student loans work for students.

Again, we urge you to vote in favor of the Student Loan Reform Act of 1993 at the Education and Labor Committee mark-up scheduled for May 12. We believe that direct lending is in the best interest of the 14 million students in the nation's colleges and universities, the institutions of higher education, the federal government and the American taxpayers.

There is no question about our support for this bill. Understandably, in legislation this complex, there inevitably are items that require perfecting. For example, the 6.5 percent origination fee exacts too much from students and should be reduced below 5 percent of eliminated.

AASCU and NASULGC look forward to working with the Committee as the Student Loan Reform Act of 1993 makes its way through Congress.

Cordially,

C. PETER MAGRATH,
President, National Association of State Universities and Land-Grant Colleges.
JAMES B. APPLEBERRY,
President, American Association of State Colleges and Universities.

HARBOR ENVIRONMENTAL DREDGING AND MANAGEMENT ACT OF 1993 INTRODUCED

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. MENENDEZ. Mr. Speaker, today I rise to introduce the Harbor Environmental Dredging and Management Act of 1993. This legislation will streamline the ocean disposal permitting process by imposing reasonable time limits, establishing uniform standards, and requiring that efforts be made to develop cost-effective alternatives to ocean dumping.

This legislation will help untangle a process that has become a bureaucratic mess for our Nation's maritime industry and has placed an unnecessary strain on our fragile economy. There are currently hundreds of permits pending before the Army Corps of Engineers without any end in sight. In my district alone, there are over 30 permits awaiting action—one dating back to 1986.

More than 3 years ago, the Port Authority of New York and New Jersey filed an application for routine maintenance dredging of the berths at Port Newark/Elizabeth. This application has been turned into a national test case, subjected to intense scrutiny by dueling Government agencies and unending tests. The EPA standards for the disposal of dioxin-contaminated sediments changed several times though out the process. Each time a decision was expected, the standards changed, and a new battery of tests were required. When one Government agency approved of issuing the permit, another agency decided to enter the process and raise new objections.

As a result of the 3-year delay, the port has become a hazard and cannot accommodate fully loaded vessels. Recently, the port's second largest customer moved it's east coast deepwater port to Canada, and several other users have pulled out of lease negotiations. Ships that continue to use the port have been forced to reduce their loads. The port generates $20 billion annually and provides 180,000 jobs. Each day the dredging permit is unnecessarily and unreasonably delayed, we are putting the livelihood and security of these people and their families at risk.

By preventing maintenance dredging of the berths, we are also unnecessarily harming the environment. Each day the contaminated silt is left in the bay, this poison is spread throughout the area and dragged out to sea by ships. In fact, 1993 tests results have shown that dioxin concentrations in the areas to be dredged are significantly less than when originally sampled in 1990. Dredging the berths, removing the contaminated soil, and placing it in an open ocean disposal site where it can be capped and monitored is the most environmentally sound action at this time. How can allowing a harmful chemical to move freely be the best course of action for the environment? Each day ships containing toxic materials are in danger of rupturing their hulls, causing a major environmental disaster.

This legislation establishes a time limit on the entire process of 165 days. This is ample time, considering many dredging applications have a turnaround of approximately 90 days. We are simply assuring that this process can not go on forever. Nor does the bill take any authority away from the EPA or any agency, rather it requires them to confer at the beginning of the process. In addition, the bill would establish a national standard for the disposal of dioxin and require that alternatives to ocean dumping, such as containment islands, be developed.

The Environmental Dredging and Management Act of 1993 does not pit jobs against the environment. We don't have to choose one at the expense of the other. This legislation will protect our jobs now and protect our environment for the future.

SUPPORT FOR H.R. 2034

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DE LA GARZA. Mr. Speaker, this is to express my support for H.R. 2034, the Veterans' Health Programs Amendments of 1993. I want to commend the Veterans' Affairs Committee for preparing this legislation which is before us today as this evidences our continued commitment here in Congress to making certain that the needs of America's veterans are met.

Among the provisions of the legislation is language requiring the VA to review its methodology for prioritizing major construction projects to give additional weight, as necessary given the needs of VA's aging veteran populations, to projects intended to expand extended care and ambulatory care programs. It is my hope that such study could include looking at the possibility of expanding the VA health care facility in south Texas.

The establishment of such a facility is something I, and my fellow south Texas Congressman SOLOMON ORTIZ, have been working on for a number of years now. Improving access to health care for veterans who currently must travel distances of approximately 200 miles to reach the closest VA hospital is indeed a priority concern. The situation at present is intolerable and one which has gone on far too long. It is something which no ailing veteran should have to do nor one which family members who are on fixed incomes and who want to visit a loved one should have to experience.

Our veterans have been staunch defenders of our freedoms, and our very existence as a nation. That is why I feel this occasion presents an excellent opportunity to bring the need for such a facility to the attention of my colleagues.

The legislation on the floor is an excellent vehicle to address this concern. It affords us the opportunity to demonstrate just how we will go about providing quality medical service.

The key words when talking about quality medical care are accessibility and affordability.

As Americans I feel we must never forget the sacrifices made for our country, and for the sake of democracy, by the men and women who served in our Armed Forces. Almost 2 million veterans currently live in Texas. The numbers will only continue to grow in coming years. What this evidence is that the needs that exist are urgent.

To me I feel we have made a promise to some of our Nation's veterans that we are not keeping. The legislation before us today will help us to keep those promises, I am happy to say, and again it is my hope that a way can be found through this measure to look at the needs that exist in south Texas and to address them.

THE SINGERS FROM JOHN GLENN HIGH SCHOOL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to recognize and congratulate a group of singers, both students and alumni, from John Glenn High School, located in Westland, MI. This dedicated and hardworking group will be performing in New York City at the world-renowned Carnegie Hall on May 30, 1993. The concert will feature the best high school and university ensembles in the Nation.

Last fall, Judith Premin, the choral director of John Glenn High School, was notified that the members and graduates of the school's Choral Music Department were selected to participate in the event. Since the announcement, the group of 45 singers have been practicing two nights a week after school on their own time. Along with support of family and friends, the students have raised over $43,000 to finance the trip. In addition to selling candy bars, washing cars, collecting returnable cans and bottles, and selling raffle tickets, the group received donations from private business people and organizations.

The John Glenn students will be joined by 135 other singers from across the country to perform Mozart's Requiem in D Minor and Mendelssohn's Psalm 42 in German. The 13th Congressional District will also be represented by Dr. Jerry Blackstone of the University of Michigan, who will be making his Carnegie Hall conducting debut.

This is a great honor and opportunity for the group and for Dr. Blackstone, and I wish them the best of luck on this special day.

SAVING THE GIANT SEQUOIAS FROM DESTRUCTION BY MANAGEMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BROWN of California. Mr. Speaker, I am today introducing legislation to assure that the wondrous giant sequoias, found only in a small area of the southern Sierra Nevada of California, are maintained forever for all of humanity. This bill puts the giant sequoia ecosystem off limits to timber cutting for commercial purposes by the Forest Service.

People may be familiar with these magnificent tress from visits to either Sequoia National Park or Kings Canyon National Park. However, most groves of giant sequoias are not found in these two parks, but rather are located in the Sequoia National Forest. These giants of the plant world, the most majestic of all living things, can live for 4,000 years.

The giant sequoias are to be maintained under this legislation in a national forest preserve, which is defined in this act as forested public land dedicated in perpetuity for scientific study, recreational activity, and environmental protection. This bill creates the first national forest preserve, in which the U.S. Forest Service will guard the sequoias, rather than destroy them, either through misguided actions to manage the forest, or through sacrificing them to the chainsaw.

Some of these trees, without any help or hindrance from humans, have lived for over 4,000 years. They can attain a height of 275 feet. Among the trees, they are second only in height to their relatives, the coastal redwoods of California. But the giant sequoias are larger than the redwoods. The giant sequoias can reach a diameter of 38 feet, and a circumference of 120 feet. The weight of one of these giants can reach 12,000,000 pounds. They are the world's largest trees and among the greatest living things on earth.

Despite their size and age, these trees when felled suffer severe breakage because of their great weight and the brittle nature of their wood. This fact and the size of their logs mitigate against felling these trees to saw them into lumber in our sawmills. Cutting the younger trees, those only a few hundred years old, dooms this spectacular tree species to eventual extinction.

The greatest contribution to our world that the 442,000 acres of national forest land specified in this bill can make is to serve as an ecological preserve for the giant sequoia. They must become part of the natural legacy for all human beings to enjoy.

The Forest Service has had a propensity for "managing" these lands, logging some of these great trees, and logging around these trees, under the theory that chainsaw activity is somehow improvement. Not only has the Forest Service contributed to a serious degradation of the sequoia ecosystem by felling trees in and around the groves, but the timber program on these forests has required a massive taxpayer-supported subsidy.

A CASE WHERE SAVING TREES ALSO SAVES TAX DOLLARS

The Sierra National Forest was created in February 1893 and initially embraced 4,100,000 acres. The Sequoia National Forest was partially created from the Sierra in 1908. Today these two forests cover some 2,450,000 acres. There have been 100 years, a century, for the Forest Service to demonstrate that it can manage these forests on a sustained-yield basis and that they can break even. Gifford Pinchot, when he assumed management of these lands in 1905, pledged that they would have the best kind of stewardship and that they would pay their own way.

Today the Sequoia National Forest is laced with roads. It currently has over 1,600 miles servicing its 1,140,000 acres. The Sierra National Forest has almost 2,500 miles of roads woven throughout its 1,310,000 acres. These 4,100 miles are the roads on the active roster of roads. After a century of cutting, these well-roaded forests should be in a managed, sustainable condition. However, in the last decade alone these two forests have logged over 190,000 acres of the 934,000 acres they have declared "suitable for timber production." This is 20 percent of their timber base. Twenty percent in 10 years? Is this what the Forest Service means by sustainable? Sustained destruction, yes, Sustainable forestry, no.

Moreover, the financial record demonstrates that these two forests need massive infusions of tax dollars to run their subsidized timber program.

Over the past decade, 1983–1992, the Forest Service logging of the Sequoia and Sierra National Forests has been costly to the taxpayers. We have subsidized these timber sales. In this past decade logging an estimated 193,000 acres on these two forests has cost the taxpayers $84,000,000. On average, that is more than $8 million per year.

Logging on these forests also has significant impacts on the other important natural resources that tax dollars must be used to repair, including eroded slopes, silt-laden streams, polluted water, and displaced and killed wildlife.

The Sequoia National Forest, created in 1908, has needed the larger subsidy. It has had 85 years to demonstrate profitable, environmentally effective land management. What has been the result of logging over the 10 years, 1983–1992? The Forest Service allowed the cutting of 762,137,000 board feet [MBF], over three-fourths of a billion board feet, from 80,000 acres. This surely is an amount sufficient to demonstrate the financial viability of logging these lands, especially after all of these years. What are the results? Here is a balance sheet: Timber receipts, $41,847,000.

From this amount the Forest Service earmarked $4,864,000 as timber grants to loggers to build logging roads; $21,562,000 to reforest logged lands—Knutson-Vandenberg Act; $6,341,000 to make salvage timber sales;[1] $10,642,000 to make 25 percent payments to counties; $43,228,000 total earmarked; −$1,381,000 deficit before counting appropriations.

The net financial outcome is that the Sequoia Forest ate up 103 percent of its timber receipts in logging, road building, reforestation, salvage sales, and county payments. These four obligations consumed $1,381,000 more than the forest took in from timber cutting. This is before counting an even greater cost in appropriated funds dedicated solely to abetting this logging-at-a-loss. Overall the Sequoia Forest lost at least $45,000,000—$60.00 per thousand board feet—on a subsidized 80,000 acre timber cutting program for the decade.

The Sierra Forest, while it fares somewhat better financially, still fails to generate enough receipts to cover appropriations needed solely to promote logging. The Forest Service allowed cutting of 1.296 billion board feet from some 93,000 acres. This also is an amount sufficient to test the financial viability of logging these lands. What are the results? Were timber receipts, $117,591,000.

From this amount, the Forest Service earmarked $13,488,000 as timber grants to loggers to build logging roads; $31,987,000 to reforest logged lands—K.V.; $9,260,000 to make salvage timber sales;[2] $29,398,000 to make 25 percent payments to counties;

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[1] In 1988 only $395,000 was consumed in the salvage fund but in 1992 $4,005,000 of timber receipts went into this endeavor. A tenfold increase in 5 years. Counts salvage fund only since 1988.

[2] In 1988 only $400,000 was consumed in the salvage fund, $23,000 in 1989 but in 1992 $4,034,000 of timber receipts went into this endeavor, a 10-fold increase in 5 years. Counts salvage fund only since 1988.

$84,133,000 total earmarked; $33,458,000 left before counting appropriations.

While the Sierra Forest had $33,458,000 left after earmarking to treat as an offset to needed appropriated funds, the equivalent of $25.83/mbf cut, this amount still fell at least –$39,000,000—$30.00 per mbf—short of covering the appropriated costs needed to run its timber program.

On both forests, with a need for $84,000,000 more than receipts to conduct a timber program that cut over almost 200,000 acres, logging clearly is a subsidized industry. While in some situations a subsidized industry may be justified, it has no justification when 1 cent of that subsidy is used to destroy a priceless heritage such as the unique giant sequoias.

CREATIVE ACCOUNTING

The Forest Service will no doubt dispute the accounting I have just given. In response to rising protests about below-cost timber sales beginning in the 1970's and continuing well into the 1980's, the Forest Service responded not by changing its bankrupt policies that are helping to bankrupt the Nation, but rather by changing its accounting system. Essentially it began to keep two sets of books.

The Forest Service began using the Timber Sale Program Information Reporting System—TSPIRS, known as "Tee-Spurs"—in the last years of the Reagan administration. If ever there were a creative accounting system, it is this one. This accounting system presents an inaccurate picture of the financial results of the Forest Service's timber sale program. If ordinary citizens tried to use the same system in their dealings with the IRS, it would land them in jail. The system is even out of the norm with regard to accounting methods used by any other governmental agency, especially in depreciation and asset use to cover its losses. Instead of providing a balance sheet of real receipts and expenditures, TSPIRS resorts to trying to justify its losses by presenting illusory benefits to the economy and to employees in its economic account and employment, income, and program level account.

Many of us have waited with great anticipation for the Forest Service to issue its own plan to eliminate below-cost timber sales. Well, the report finally was issued recently. The report is truly amazing in that it finds that there are very few National Forests losing money. Creative accounting strikes again. For example, the Forest Service states that the only National Forest losing money in California is adjacent to the district I represent, the San Bernardino National Forest. That the San Bernardino has been losing money on its timber sales is no surprise to me. I am at least grateful that the Forest Service has finally recognized what we in southern California have know for years: namely that the recreational and scenic values of the forest far outweigh the value of cut timber and wasted landscapes.

CONSERVATION, NOT DESTRUCTION

The bill I am introducing is designed to assure that conservation and environmental consciousness become the centerpiece of national forest policy—not logging and losing money.

This bill places 442,425 acres in the Giant Sequoia National Forest Preserve. This is only 18 percent of the 2,450,587 acres in these two forests. It will, however, remove almost 50 percent of the lands now being subsidized from further chainsaw management. The Sequoia has 458,000 acres rated as "suitable for timber production," while the Sierra counts 476,000 acres as suitable for logging. This Forest Service classification obviously does not encompass the idea that suitability needs to meet any financial or ecological standards. I hope that this bill will change this short-sighted approach.

THE GIANT SEQUOIA PRESERVATION ACT

Let me then summarize the provisions of this legislation.

First, the bill assures that the entire ecosystem of the giant sequoias will be protected in National Parks, Wilderness Areas, and this National Forest Preserve. Commercial timber cutting on these 442,000 acres administered by the Forest Service must stop. There can be no mining or geothermal development within the preserve. Cattle grazing is allowed to continue for 10 years. As well, the Forest Service must turn its attention to restoration of the damaged parts of the ecosystem within the preserve. The ecosystem of the giant sequoias will be protected forever.

Second, the act defines what is meant by a National Forest Preserve. This new designation provides a concrete application of the Clinton administration's declared intent to end below-cost timber sales and to protect critical forest habitats. As I stated above, a National Forest Preserve is "forested land or land in close association with forests within existing National Forests or on other United States public land dedicated in perpetuity for scientific study, recreational activity, and/or environmental protection." This new type of unit within the National Forest System will give the Forest Service a new charge, something else to do besides the promotion of commercial logging. As well, this act requires the Secretary of Agriculture to report to Congress and the President to make recommendations on the establishment of other National Forest Preserves.

Third, the bill calls for scientific study in the preserve, a provision especially important to me as chairman of the House Science Committee. A scientific advisory board consisting of forest specialists, wildlife specialists, soil and water specialists, and a lay person is established to advise the Secretary of Agriculture on management and preservation of the lands within the preserve. A very limited amount of timber cutting is allowed for scientific purposes. The preserve will provide a living laboratory for use by scientists from the Forest Service and other organizations. Through these efforts, we must come to understand why it is that the giant sequoias are found only in this small area.

Fourth, this bill promotes the recreational use of the preserve. It allows roads for vehicle use, including that of four-wheel drive vehicles, snowmobiles, and dirt bikes. Trails are set aside for hiking, horseback riding, mountain bike use. The bill calls for special trails for enjoyment by the disabled. Camping is promoted, and hunting and fishing are allowed.

Fifth, the act allows for limited timber cutting for fire protection and allows for other activities designed to protect life and property.

Sixth, my legislation provides for payments to local communities and other political subdivisions. These payments are designed to replace money—in the amount of 25 percent of timber receipts—paid by the Forest Service for use on public schools and roads. The Federal Government would instead pay an amount equivalent to what taxes would be if the parcels were privately held timberlands. The amounts would be less than these political units have received for timber sales in many cases in recent years. However, there are several advantages to this new approach for the communities. Under this proposal, payments would be both permanent and reliable. Under present conditions, payments vary from year to year and would eventually decrease as viable timberlands are harvested.

Finally, the bill provides for assistance to local communities that are adversely affected by the establishment of the preserve. I know that eventually some people will lose jobs in the timber-cutting and milling industry because of this act. I would, however, like to point out that not all the timberlands of the two national forests are removed from consideration for timber harvesting. There still will be timber to cut. Nevertheless, the loss of jobs and the real human problems this may mean are important to me. That is why funds are authorized for job training, counseling, and placement. A task force is established to help the communities and the individuals affected work these problems through. I am confident that the creation of this preserve will ultimately produce many more new jobs in this area of California, one that has seen job growth in recent years. There will be new jobs available to take advantage of the recreational opportunities opened up by the establishment of the preserve, and there will be jobs in restoration of the ecosystem, of areas of previous timber cuts. I am convinced that these new opportunities will make up for any loss of employment in the area.

Ultimately, however, the central purpose of this legislation must be remembered. The preservation of the ecosystem of these tremendous trees is a goal that must be pursued. We must at all times be mindful of the legacy we will leave our children. It is for this reason that today I ask support from you, my colleagues in the House of Representatives. Please help me in this attempt to protect and preserve the giant sequoias, so that these marvelous trees will be forever a gift from our generation to theirs, for their enjoyment and for their utter amazement.

THE U.S. CAPITOL POLICE NEEDS A FAIR LABOR RELATIONS PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, last month I introduced legislation, House Concurrent Resolution 84, to establish an ad hoc joint congressional committee to formulate a labor relations policy for the U.S. Capitol Police Department. During the 8 years that I have been a

Member of Congress I have grown to admire and appreciate the U.S. Capitol Police Department. They are one of the premier law enforcement agencies in the country and they deserve the full support of the Congress.

During the past 20 years the U.S. Capitol Police force has undergone a dramatic transformation from a largely patronage operation to a highly sophisticated and professional law enforcement agency. A shining example of the professionalism of the U.S. Capitol Police is U.S. Capitol Police Sergeant Larry G. Lockhart. Sergeant Lockhart is currently the commanding officer of the U.S. Capitol Police's identification section, crime scene search and fingerprint units. Sergeant Lockhart is considered one of the country's leading experts on latent fingerprint identification, handwriting identification, show impression identification, tool mark identification, ballistics, and crime evidence collection and preservation. As a fingerprint technician for the U.S. Capitol Police in 1975 he established the first fingerprint file for the department. Sergeant Lockhart established and teaches at the U.S. Capitol Police Department's Crime Scene Search School, which is certified by the U.S. attorney for the District of Columbia. Most impressive is the fact that this state-of-the-art school is attended by a number of local law enforcement agencies including the U.S. Park Police, the D.C. Metropolitan Police Department, the Metro Transit Police Department, the Prince George's County [MD] Police Department, the Takoma Park [MD] Police Department and the Vienna City [VA] Police Department. Sergeant Lockhart frequently appears as an expert witness at both Federal and State criminal trials.

Mr. Speaker, Sergeant Lockhart is typical of the dedicated and talented men and women who serve on the U.S. Capitol Police force. The U.S. Capitol Police Department is a high profile law enforcement agency that does its job in a highly professional manner.

The only component that the U.S. Capitol Police Department lacks is a formal labor relations policy. Unlike every other major law enforcement agency in the country, the U.S. Capitol Police Department does not have a formal, clearly defined labor relations policy—one specifically tailored to meet the unique needs and demands of a professional law enforcement agency. I believe that the fine men and women who serve on the U.S. Capital force deserve the opportunity to present to the Congress their concerns and their proposals for a rationale an fair labor relations policy.

That's exactly what my legislation would do, Mr. Speaker, House Concurrent Resolution 84, would establish an Ad Hoc Committee on Labor Relations for the Capitol Police composed of: First, three Senators appointed by the President pro tempore of the Senate, second, two Senators appointed by the minority leader of the Senate, third, three Members of the House of Representatives appointed by the Speaker of the House, and fourth, two Members of the House of Representatives appointed by the House minority leader. The ad hoc committee's goal would be to formulate a labor relations program for the Capitol Police that is: Based on progressive principles and practices of labor relations in the public and private sectors; sensitive to the needs of the Congress; and designed to promote the efficient and effective operation of the Capitol Police.

Under my bill, the ad hoc committee would have 180 days after approval of the bill by the House and Senate to submit a proposed labor relations program to both legislative bodies. The report of the ad hoc committee would be submitted in the form of recommended amendments to the rules of the House and Senate. The recommended amendments shall take effect within 30 days of their submission unless they are rejected or amended by the House or Senate. The ad hoc committee will be disbanded 30 days following the submission of its report.

The current grievance procedure in place for the Capitol Police requires that officers file grievances at each step of the command structure. Unfortunately, many officers with a grievance give up out of sheer frustration with the process. In addition, in areas such as pay, overtime compensation, and basic benefits, the Capitol Police trails other law enforcement agencies at both the Federal and local level.

Mr. Speaker, the bottom line is, the system needs to be improved. My legislation would provide for the establishment of a program that is fair, reasonable, and in line with the labor policies at most major law enforcement agencies. I urge all of my colleagues to support this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 20, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

9:30 a.m.
Environment and Public Works
To hold hearings on S. 978, to establish programs to promote environmental technology.
SD-406

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings to examine violence in television programming.
SD-226

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD-192

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for Market and Inspection Services, the Animal and Plant Health Inspection Service, Food Safety, and Agricultural Marketing Service, all of the Department of Agriculture.
SD-138

Armed Services
Military Readiness and Defense Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994–1996 future years defense program, focusing on logistics programs.
SR-222

MAY 25

9:00 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on personnel compensation and benefits programs.
SH-216

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD-366

Environment and Public Works
Business meeting, to consider the nominations of David Gardiner, of Virginia, to be Assistant Administrator for Policy, Planning and Evaluation, and Steven A. Herman, of New York, to be Assistant Administrator for Enforcement, both of the Environmental Protection Agency, George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks, and Rodney E. Slater, of Arkansas, to be Federal Highway Administrator, Department of Transportation.
SD-406

Special on Aging
To hold hearings to examine the security of retirement plans, focusing on investments, planning and fraud.
SD-628

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Bureau of Land Management, Department of the Interior.
SD-116

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on S. 656, to provide for indoor air pollution abatement, including indoor radon abatement, and S. 657, to authorize funds for indoor radon abatement programs.
SD-406

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education, and the Administration for Native Americans.
SR-485

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, S.C., to permit a land exchange, S. 472, to improve the administration and management of public lands, national forests, units of the National Park System, and related areas, S. 548, to provide for the appointment of the Director of the National Park Service, S. 742, to establish the Friends of Kaloko-Honokohau, S. 752, to modify the boundary of Hot Springs National Park, S.J. Res. 78, to designate a segment of beach on Hog Island in Alabama as Arkasas Beach in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942, S. 851, to establish the Carl Garner Federal Lands Cleanup Day, and S. 971, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD-366

3:30 p.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Indian Affairs to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.
SR-332

Indian Affairs
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.
SR-332

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization and chemical defense programs.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 738, to promote the implementation of programs to improve the traffic safety performance of high risk drivers.
SR-253

2:30 p.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.
SH-219

MAY 27

9:30 a.m.
Energy and Natural Resources
To hold hearings on the proposed Lower Mississippi Delta Initiative of 1993.
SD-366

Indian Affairs
To hold hearings on the proposed "Native American Grave Protection and Repatriation Act."
SR-485

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

Environment and Public Works
To hold hearings to examine environmental issues associated with closing military bases.
SD-406

Foreign Relations
To hold hearings on the nominations of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala, and William Thornton Pryce, of Pennsylvania, to be Ambassador to the Republic of Honduras.
SD-419

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

2:00 p.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Indian Health Service and Environmental Protection Agency.
SR-485

2:30 p.m.
Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on the Advanced Research Projects Agency (ARPA) program and science and technology programs.
SD-562

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.
SH-219

MAY 28

10:00 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.
SD-226

JUNE 9

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.
SH-216

2:00 p.m.
Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the Strategic Defense Initiative program.
SR-222

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216

JUNE 11

2:00 p.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.
SR-485

JUNE 16

9:30 a.m.
Indian Affairs
To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."
SR-485

JUNE 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD-192

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 22

9:30 a.m.
Indian Affairs
To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.
SR-485

JUNE 24

9:30 a.m.
Indian Affairs
To hold hearings on the proposed "American Indian Religious Freedom Act."
SR-485

POSTPONEMENTS

MAY 20

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Small Business Administration and the International Trade Commission.
S-146, Capitol